

Zimbabwe

## Education Act

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# Zimbabwe

## Education Act

### Chapter 25:04

Commenced on 8 June 1987

*[Up to date as at 31 December 2016]*

*[Note: This version of the Act was revised and consolidated by the Law Development Commission of Zimbabwe]*

**ACT to provide for the declaration of the fundamental rights to, and objectives of, education in Zimbabwe; to provide for the establishment, maintenance and regulation of Government schools and other Government educational facilities; to provide for the establishment and administration of non-Government schools, and for the registration and control thereof; to provide for the registration and control of correspondence colleges and independent colleges and for the establishment of an advisory council for such colleges; to make financial provision for schools; to provide for the transfer of teachers to the Public Service; and to provide for matters connected with or incidental to the foregoing.**

*[long title amended by Act 2 of 2006]*

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Education Act *[Chapter 25:04]*.

#### 2. Interpretation

In this Act—

“**adult education**” means any educational training which the Minister considers suitable for persons beyond the age of sixteen years to develop them into useful adult members of society;

“**association**” means an organised body of teachers established in terms of section sixty-eight;

*[definition inserted by Act 2 of 2006]*

“**Board**” means the National Education Advisory Board established in terms of section twenty-eight;

“**child of school-going age**” means a child of an age within such limits as may be prescribed;

“**fixed date**” *[definition repealed by Act 2 of 2006]*

“**Government school**” means a school administered and controlled by the Ministry;

“**hostel**”, in relation to a school, means any building used for the boarding accommodation of pupils or students attending such school;

“**Minister**” means the Minister of Education or any other Minister to whom the President may, from time to time, assign the administration of this Act, and “**Ministry**” shall be construed accordingly;

“**non-Government school**” means any school which is not a Government school, whether or not it receives aid from the State;

“**nursery school**” *[definition repealed by Act 2 of 2006]*

“**parent**”, in relation to a pupil or child, includes a guardian or any other person who has the duty to maintain the pupil or child;

“**pre-school**” means an institution which provides for early childhood education and care and the physical,

mental and social development of children who are below school going age;

*[definition inserted by Act 2 of 2006]*

“**registered**”, in relation to a school, means registered or provisionally registered in terms of section fifteen;

“**responsible authority**”, in relation to or a school, means the person, body or organization responsible for the establishment and management of the school;

“**school**” means a pre-school, primary school or secondary school;

*[definition inserted by Act 2 of 2006]*

“**school development committee**” means a school development committee established in terms of section thirty-six;

“**school education**” *[definition repealed by Act 2 of 2006]*

“**school year**” means the period of twelve months ending on the 31st December of each year;

“**Secretary**” means the Secretary of the Ministry for which the Minister is responsible;

“**School Parents Assembly**” means a School Parents Assembly established in terms of section thirty-six;

*[definition inserted by Act 2 of 2006]*

“**teacher**” includes a head of a school;

“**term**” means any one of the periods into which the teaching school year is divided.

### 3. Application

- (1) This Act shall apply to all Government and non-Government schools, and Correspondence and Independent Colleges.

*[subsection substituted by Act 2 of 2006]*

- (2) The Minister may, at the written request of the responsible authority of any school, and subject to such conditions as he may specify by statutory instrument, exempt such school from all or any provisions of this Act that would otherwise apply to such school, and may, by like notice, vary or revoke such exemption.

## Part II – Fundamental rights and objectives of education in Zimbabwe

### 4. Children’s fundamental right to education in Zimbabwe

- (1) Notwithstanding anything to the contrary contained in any other enactment, but subject to this Act, every child in Zimbabwe shall have the right to school education.
- (2) Subject to subsection (5), no child in Zimbabwe shall—
- (a) be refused admission to any school; or
  - (b) be discriminated against by the imposition of onerous terms and conditions in regard to his admission to any school;

on the grounds of his race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed or gender.

*[subsection as substituted by section 15 of Act 19 of 1998]*

- (3) For the purposes of subsection (2), a term or condition shall be deemed to be onerous if it requires the child upon whom it is imposed or the child’s parent—
- (a) to do anything; or

(b) to possess some quality, attribute, asset or property;

which is not required to be done or possessed by children or parents, as the case may be, of a different race, tribe, place of origin, national or ethnic origin, political opinion, colour, creed or gender.

*[subsection inserted by section 15 of Act 19 of 1998]*

(4) Any person who contravenes subsection (2) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

*[subsection inserted by section 15 of Act 19 of 1998 and by section 4 of Act 22 of 2001]*

(5) It shall be a defence in any criminal proceedings for an offence under subsection (2) for the accused person to show that, though he committed the act alleged against him-

(a) he committed the act on the grounds of the creed of the child against whom the act was committed, but he did so because the school concerned is controlled by a *bona fide* religious organization and members of that religious organization or adherents of a particular religious belief are accorded preference in admission to that school; or

(b) he committed the act on the grounds of the gender of the child against whom the act was committed, but—

(i) the act was reasonably justified in view of physiological differences between children of different gender; or

(ii) the act was reasonably necessary in the interests of defence, public safety or public morality; or

(iii) the act was reasonably justified because the school concerned was reserved for the admission of children of one gender and the child against whom the act was committed is of the other gender.

*[subsection inserted by section 15 of Act 19 of 1998]*

## 5. Compulsory education

It is the objective in Zimbabwe that primary education for every child of school-going age shall be compulsory and to this end it shall be the duty of the parents of any such child to ensure that such child attends primary school.

## 6. Minimum fees for education

It is the objective that tuition in schools in Zimbabwe be provided for the lowest possible fees consistent with the maintenance of high standards of education, and the Minister shall encourage the attainment of this objective by every appropriate means, including the making of grants and other subsidies to schools.

## 7. General function of Minister

Subject to this Act, the Minister shall promote and enhance the education of the people of Zimbabwe and the progressive development of institutions devoted to that purpose and the Minister shall secure the provision of a varied, comprehensive and constantly developing educational service throughout Zimbabwe.

## 8. General duty of local authorities

For the purpose of ensuring a fair and equitable provision of primary and secondary education throughout Zimbabwe every local authority shall endeavour to establish and maintain such primary and secondary schools as may be necessary for all children in the area under its jurisdiction.

[section amended by Act 2 of 2006]

## **Part III – Classification of schools and right of access to school education**

### **9. Classification of schools**

- (1) Schools in Zimbabwe shall be classified—
  - (a) as either Government schools or non-Government schools; and
  - (b) in such other categories as the Minister may determine, taking into account the social and economic standards of the communities in which the schools concerned are situated.
- (2) The Minister may at any time—
  - (a) amend or vary any category into which schools are classified in terms of paragraph (b) of subsection (1); or
  - (b) reclassify any school that has been classified in terms of subsection (1).

### **10. Children's entitlement to enrolment at schools**

Every child of school-going age shall be entitled to be enrolled at the primary or secondary school, as the case may be, nearest to the place where he is ordinarily resident, unless such primary or secondary school is fully enrolled.

[section amended by Act 2 of 2006]

### **11. Enrolment at alternative schools**

- (1) Where the primary or secondary school at which a child of school-going age has sought enrolment in terms of section ten is unable to enrol the child because the school is fully enrolled, the head of that school shall forthwith issue to the child a certificate in writing certifying that fact.
- (2) Where a child who has been issued with a certificate in terms of subsection (1) applies for enrolment at the next nearest school and produces such certificate, it shall be *prima facie* evidence of the facts stated therein.

## **Part IV – Government schools**

### **12. Establishment, maintenance and closure of Government schools and hostels**

- (1) The Minister may establish and maintain such schools, hostels, and other buildings as he may consider necessary or desirable for educational purposes including the accommodation of teachers.
- (2) The Minister may, if he considers it appropriate for the purpose of discharging his functions in terms of subsection (1), close or change the site of any Government school or Government hostel.

### **13. Prescribing of fees at Government schools**

- (1) The Minister shall, in consultation with the Minister responsible for finance, from time to time prescribe the fees which shall be payable for—
  - (a) instruction at Government schools; and
  - (b) accommodation at Government hostels, and may prescribe different fees for accommodation at different Government hostels.
- (2) Without derogation from section twenty-one of the Interpretation Act [Chapter 1:01], in the performance of his functions in terms of subsection (1), the Minister may prescribe additional fees for instruction in

special subjects or special educational courses.

- (3) Except as may be prescribed by the Minister, no rebate, refund or remission, whether in whole or in part, of fees payable in terms of this section shall be granted:

Provided that the Secretary may authorize—

- (a) a rebate or refund, as the case may be, of the whole or part of such fees where the pupil in respect of whom the fees are payable does not attend the Government school for the whole period to which the fees relate; or
- (b) a refund of any overpayment of any such fees.
- (4) The head of a Government school may, subject to the directions of the Secretary, refuse to admit to that school any pupil in respect of whom any fees payable in terms of this section or section fourteen have not been paid.
- (5) A direction by the Secretary in terms of subsection (4) that a pupil be admitted to a Government school despite the fact that any fees payable in terms of this section or section fourteen have not been paid, shall not affect the parent's liability to pay such fees.

#### **14. Establishment of general purpose funds**

- (1) The head of a Government school shall establish for that school a general purpose fund in aid of such extracurricular activities and facilities, having as their objects the cultural, physical and intellectual welfare of the pupils in attendance, as may be prescribed.
- (2) The control and administration of general purpose funds shall be subject to such conditions as may be prescribed.
- (3) The Secretary may, from time to time, fix the fees which shall be payable into the general purpose fund established for a Government school in respect of pupils attending that school.
- (4) In the exercise of the powers conferred upon him by subsection (3), the Secretary may fix different fees for different Government schools or different categories of pupils attending such schools.
- (5) Notwithstanding anything to the contrary contained in the Audit and Exchequer Act [*Chapter 22:03*]—
- (a) fees paid in accordance with this section for the benefit of a general purpose fund established for a Government school shall; and
- (b) any moneys donated to the general purpose fund established for a Government school, or received by the head of a Government school for the purposes specified in subsection (1), shall; and
- (c) contributions made by pupils of a Government school towards the cost of purchasing materials for practical subjects may; and
- (d) moneys received on account of the sale of articles made at a Government school from materials provided at the expense of the State;
- shall be paid into the general purpose fund established for that Government school.

### **Part V – Non-Government schools**

#### **15. Registration of non-Government schools**

- (1) No person shall establish and maintain a school other than a Government school, unless it is registered.
- (2) Any responsible authority wishing to establish and maintain a school referred to in subsection (1) shall make an application to the Secretary in the prescribed form for the registration of such school, accompanied by such documents as may be prescribed.
- (3) Upon receipt of an application in terms of subsection (2), the Secretary shall make such inquiries as he



considers necessary in order to determine the application.

- (4) If in respect of an application referred to in subsection (2) the Secretary is satisfied that—
- (a) the school premises, including any hostel or other buildings to be used in connection with the instruction or accommodation of the pupils attending the school, are suitable or adequate for the purpose, having regard to the number, ages and sex of the pupils; and
  - (b) efficient and suitable instruction will be provided at the school, having regard to the number, ages and sex of the pupils attending the school; and
  - (c) the qualifications and experience of the proposed teachers are adequate to ensure satisfactory instruction of the pupils attending the school; and
  - (d) adequate financial provision has been made for the proper maintenance of the school; and
  - (e) the proposed equipment to be used by the school will allow satisfactory tuition in the subjects to be given at the school;

he shall grant the application and register the school.

- (5) If in respect of an application referred to in subsection (2) the Secretary is not satisfied as to any matter referred to in paragraph (a), (b), (c), (d) or (e) of subsection (4), he may—
- (a) reject the application; or
  - (b) grant the application and register the school provisionally on condition that the responsible authority, within such reasonable period as he may fix, complies to his satisfaction with such requirements regarding any matter referred to in paragraph (a), (b), (c), (d) or (e) of subsection (4) as he may specify;

and shall notify the responsible authority accordingly.

- (6) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six.

*[subsection amended by section 4 of Act 22 of 2001]*

## 16. Recommendations by Secretary in the national interest

Where the Secretary is of the opinion that adequate educational facilities already exist in the area in which an applicant proposes to establish a school, the Secretary shall advise the applicant in writing to that effect, and may recommend that the school be established in some other suitable area.

## 17. Cancellation of provisional registration or registration

- (1) If the responsible authority of a school which has been provisionally registered in terms of paragraph (b) of subsection (5) of section fifteen fails within the period fixed by the Secretary, or within any extension of such period granted by him, to comply to his satisfaction with the requirements specified by him in terms of that paragraph, the Secretary shall cancel the provisional registration of the school and notify the responsible authority accordingly.
- (2) If at any time the Secretary is not satisfied in relation to any registered school as to any matter referred to in paragraph (a), (b), (c), (d) or (e) of subsection (4) of section fifteen, he shall notify the responsible authority of that school in writing that he proposes to cancel the registration of the school, unless within a reasonable period fixed by him, or within any extension of such period as may be granted by him the responsible authority complies to the satisfaction of the Secretary with such requirements as to any matter referred to in paragraph (a), (b), (c), (d) or (e) of that subsection as he may specify.
- (4) If the responsible authority of a registered school who has been notified in terms of subsection (2) of the proposal of the Secretary to cancel the registration of the school fails within the period fixed by the Secretary, or within any extension of such period granted by him, to comply to his satisfaction with the

requirements of any matter specified by him, the Secretary shall cancel the registration of the school and notify the responsible authority accordingly.

*[note: numbering as in original]*

## **18. Appeals in relation to registration of schools**

(1) A responsible authority who is aggrieved by a decision of the Secretary—

- (a) to reject an application for the registration of a school; or
- (h) to register a school provisionally; or

*[note: numbering as in original]*

- (c) to cancel the provisional registration or the registration of a school;

he may appeal against such decision to the Minister and the Minister may give such decision in the matter as he considers the Secretary ought to have given or he may dismiss the appeal.

- (2) A responsible authority who is aggrieved by the decision of the Minister in terms of subsection (1) may appeal to the High Court, which may give such decision in the matter as it considers ought to have been given or may dismiss the appeal.
- (3) The lodging of an appeal shall suspend the decision appealed against.

## **19. Certificate of registration or provisional registration**

- (1) On registering or provisionally registering a school, the Secretary shall issue to the responsible authority a certificate of registration or provisional registration, as the case may be, in the prescribed form.
- (2) The responsible authority shall cause a certificate issued by the Secretary in terms of subsection (1) to be displayed in a conspicuous place in the office of the head of the school.
- (3) Not later than three months before the date of expiry of a provisional certificate of registration, the responsible authority of the school concerned shall deliver the certificate of provisional registration to the Secretary who shall either endorse it with any extension of the provisional registration granted by him, or cancel it if no extension has been granted.

## **20. Premises on which schools may be operated**

No non-Government school shall be operated on any premises other than the premises specified in the certificate of registration or provisional registration of the school, as the case may be.

## **21. Fees and levies payable at non-Government schools**

(1) In this section—

“consumer price index” has the meaning given to it by section 17A of the National Incomes and Pricing Commission Act *[Chapter 14:32]*;

“Commission” means the National Incomes and Pricing Commission established in terms of the National Incomes and Pricing Commission Act *[Chapter 14:32]*;

(2) Subject to this section, no responsible authority shall—

- (a) charge any fee or levy; or
- (b) increase any fee or levy;

in respect of any pupil attending a non-Government school, unless it makes prior application therefor to the Commission in writing, through the Secretary; setting out the full details of the fee or levy or increase

thereof, the basis upon which it is calculated, and proof that its proposal has been approved in accordance with sub section (3)(b), and the Commission has approved the fee or levy or increase thereof, as the case may be:

- (3) The Commission shall not approve any increase of fees or levies sought in respect of the next term of the non-Government school concerned unless—
  - (a) the increase of such fees and levies are justified by reference to some basis other than the application of the consumer price index; and
  - (b) the proposal to increase fees or levies has been approved by a majority of the parents at a meeting of the School Parents Assembly attended by not less than twenty *per centum* of the parents.
- (4) The Commission shall, without delay, consider any application made in terms of subsection (2) and, if it is satisfied that the proposed increase is fair and reasonable, having regard to—
  - (a) the costs of operating and maintaining the school; and
  - (b) any programme for improving the facilities provided at the school; and
  - (c) any representations made by or on behalf of parents or pupils relating to the proposed increase, and
  - (d) any other relevant economic factors justifying the proposed increase; it may—
    - (i) approve the increase; or
    - (ii) amend the figure representing the increase and fix a new figure which shall not be below the level of fees or levies that may be fixed in terms of subsection (2); or
    - (iii) reject the application for the increase.
- (5) If at any time the Commission is satisfied that—
  - (a) its approval of any fee or levy or increase thereof was on the basis of false or incorrect information supplied by the responsible authority of the non-Government school concerned; or
  - (b) amounts received by a responsible authority by way of any fee or levy or increase thereof approved in terms of this section have not been applied—
    - (i) to any purpose which was specified by the responsible authority in the application in terms of subsection (2) as the purpose to which the fee or levy or increase therein, as the case may be, would be applied, or
    - (ii) in the interests of pupils attending the non-Government school concerned;

or
  - (c) the school has charged unauthorised fees or levies or both;

the Commission may, by written notice to the responsible authority concerned, do any one or more of the following, as may appear to it to be appropriate—

  - (A) revoke its approval of the fee or levy or increase therein;
  - (B) fix the amount of any fee and additionally, or alternatively, any levy that may be charged by the responsible authority concerned;
  - (C) fix the purpose to which any fee or levy or increase thereof may be applied by the responsible authority concerned;
  - (D) because the excess amount to be refunded to parents or credited to the following term;

and the responsible authority concerned shall comply with any such notice.
- (6) Any person who contravenes this section or fails to comply with any notice in terms of subsection (5) shall be guilty of an offence and liable to a fine equivalent to the excess amount charged or imprisonment for a

period not exceeding six months or to both such fine and such imprisonment.

*[section substituted by Act 2 of 2008]*

## **22. Appeals in relation to fees**

- (1) Any responsible authority who is aggrieved by a decision of the Secretary in terms of section twenty-one may appeal against such decision to the Minister.
- (2) The Minister, after due consideration of the appeal; may—
  - (a) grant the appeal; or
  - (b) refuse the appeal; or
  - (c) fix the amount of any fee or levy with reference to subsection (2) of section twenty-one that may be charged by the responsible authority concerned.
- (3) A responsible authority who is aggrieved by the decision of the Minister in terms of subsection (2) may appeal to the Administrative Court, which may confirm, vary or set aside the decision appealed against or give such other order as it considers just.

*[section substituted by Act 2 of 2006]*

## **23. Keeping of records and provision of information**

The head of every non-Government school shall keep and maintain such accounts and other records, and provide such information, as the Secretary may, from time to time, in writing require.

## **Part VI – Other Government educational facilities**

### **24. Other Government educational institutions**

The Minister may—

- (a) establish and maintain such other educational institutions, including correspondence schools or classes for the teaching of any subject which forms part of school education, as he may deem necessary or desirable for the discharge of his functions in terms of this Act; and
- (b) if he considers it appropriate for the purpose of the discharge of his functions referred to in paragraph (a), close or change the site of any institution established in terms of that paragraph; and
- (c) make regulations for the efficient administration of any institution established in terms of paragraph (a), including the provision of correspondence courses by the Ministry.

### **25. Adult education**

The Minister may provide facilities for—

- (a) the teaching of; or
- (b) the training of persons for the purposes of teaching adult education.

### **26. Prescribing of fees for other Government educational facilities**

- (1) The Minister may, in consultation with the Minister responsible for finance, from time to time fix the fees which shall be payable for any instruction, including correspondence courses, provided in terms of this Part.
- (2) In the exercise of the powers conferred upon him by subsection (1) the Minister may fix different fees for different categories of persons.

- (3) The Minister may grant such rebates, refunds or remissions, whether in whole or in part, of the fees payable in terms of this section as he may consider necessary.

## **Part VII – Nursery schools**

### **27. Regulation of nursery schools**

The Minister may, in terms of section sixty-nine, make regulations—

- (a) requiring nursery schools to be registered;
- (b) providing, in relation to nursery schools, for the fixing of curricula and the standards of tuition, premises and matters relating thereto;
- (c) prohibiting the teaching in nursery schools of any subject commonly taught in a school;
- (d) providing for—
  - (i) the cancellation of the registration of nursery schools;
  - (ii) the alteration of the conditions subject to which nursery schools have been registered;
- (e) providing for the inspection at all reasonable times of nursery schools for the purpose of ascertaining whether this Act is being complied with.

## **Part VIII – National Education Advisory Board and provincial education advisory boards**

### **28. Establishment and functions of Board**

There shall be a Board, to be known as the National Education Advisory Board, which shall advise and make recommendations to the Minister on matters appertaining to education to which this Act applies.

### **29. Membership of Board**

Subject to this section and to sections thirty and thirty-one, the Board shall consist of a chairman and not fewer than four and not more than fourteen other members appointed by the Minister for their ability and experience in administration or education or their professional qualifications or their suitability otherwise for appointment:

Provided that the Minister shall ensure that local authorities, church organizations and the different sectors of the economy are represented on the Board.

### **30. Disqualifications for membership of Board**

- (1) A person shall not be appointed as a member of the Board, and no person shall be qualified to hold office as a member, if—
  - (a) he has been adjudged or otherwise declared insolvent or bankrupt in terms of a law in force in any country, and has not been rehabilitated or discharged; or
  - (b) he has made an assignment to or arrangement or composition with his creditors in terms of a law in force in any country, and the assignment, arrangement or composition has not been rescinded or set aside; or
  - (c) within the period of five years immediately preceding the date of his proposed appointment, he has been sentenced in any country to a term of imprisonment imposed without the option of a fine, in respect of conduct which constituted an offence or would have constituted an offence if it had been committed in Zimbabwe, as the case may be, and has not received a free pardon.
- (2) A member of Parliament shall not be appointed as a member of the Board, nor shall he be qualified to hold

office as a member.

### 31. Terms and conditions of office of members of Board

- (1) Subject to this section, members of the Board shall hold office for such period, not exceeding three years, as the Minister may fix on their appointment.
- (2) On the expiry of the period for which a member of the Board has been appointed, he shall continue to hold office until he has been reappointed or his successor has been appointed:

Provided that a member shall not continue to hold office in terms of this subsection for more than six months.

- (3) Members of the Board shall hold office on such conditions as the Minister may fix: Provided that—
  - (i) in fixing the remuneration and allowances payable to members, the Minister shall obtain the approval of the Minister responsible for finance;
  - (ii) members who are in the full-time employment of the State, a statutory body or a local authority shall not be entitled to remuneration or allowances in respect of their service on the Board.

### 32. Vacation of office by members and filling of vacancies

- (1) A member of the Board shall vacate his office and his office shall become vacant—
  - (a) after giving the Minister such period of notice of intention to resign as may be fixed in his conditions of service or, if no such period has been fixed, after the expiry of one month from the date he gives such notice, or after the expiry of such other period as he and the Minister may agree; or
  - (b) on the date he begins to serve a sentence of imprisonment the term of which is not less, than six months, whether or not any portion has been suspended, imposed without the option of a fine in any country; or
  - (c) if he becomes disqualified in terms of section thirty to hold office as a member; or
  - (d) if he is required in terms of subsection (2) or (3) to vacate his office.
- (2) The Minister, after consulting the Board, may require any member of the Board to vacate his office if the member—
  - (a) has been guilty of conduct which renders him unsuitable to continue to hold office as a member; or
  - (b) has failed to comply with any conditions of his office fixed in terms of section thirty-one; or
  - (c) is mentally or physically incapable of efficiently exercising his functions as a member.
- (3) The Minister, on the recommendation of the Board, may require any member of the Board to vacate his office if the Minister is satisfied that the member has been absent without the permission of the chairman of the Board from three consecutive meetings of the Board, of which he has been given not less than seven days' notice, and that there was no just cause for the member's absence.
- (4) On the death of, or the vacation of office by, a member of the Board, the Minister may, subject to section thirty, appoint a person to fill the vacancy:

Provided that, if as a result of the vacancy the membership of the Board has fallen below five members, the Minister shall appoint a member to fill the vacancy.

### 33. Meetings and procedure of Board

- (1) Subject to this section and to any directions given to it by the Minister, the Board shall meet for the dispatch of its business and adjourn, close and otherwise regulate its meetings and procedures as it thinks

fit.

- (2) The chairman of the Board shall preside at all meetings of the Board:

Provided that, if the chairman is absent from any meeting, the members present may elect one of their number to preside at that meeting as chairman.

- (3) A majority of members of the Board shall form a quorum at any meeting of the Board.
- (4) All acts, matters or things authorized or required to be done by the Board may be decided by a majority vote at a meeting of the Board at which a quorum is present.
- (5) At all meetings of the Board each member present shall have one vote on each question before the Board:
- Provided that, in the event of an equality of votes, the chairman or person presiding shall have a casting vote in addition to a deliberative vote.

### 34. Provincial education advisory boards

- (1) The Minister may establish for any area a provincial education advisory board consisting of a chairman and not fewer than four and not more than seven other members appointed for their ability and experience in administration or education or their professional qualifications or their suitability otherwise for appointment:

Provided that the Minister shall ensure that so far as possible local authorities, church organizations and the different sectors of the economy within the area are represented on every provincial education advisory board.

- (2) A provincial education advisory board shall advise the Board on all matters which arise within its area and which relate to primary and secondary education.
- (3) Sections thirty to thirty-three shall apply, *mutatis mutandis*, to a provincial education advisory board and its members as they apply to the Board and members of the Board.

*[section amended by Act 2 of 2006]*

## Part IX – Financial provisions

### 35. Grants to schools, colleges, etc.

- (1) Subject to this section, the Minister—
- (a) shall, in respect of each school year, make a grant to or in respect of every eligible registered school; and
- [paragraph amended by Act 2 of 2006]*
- (b) may make a grant—
- (i) to or in respect of any registered correspondence college or independent college referred to in Part X;
- (ii) to any group of students which the Minister is satisfied is properly organized by the responsible authority of any school and which meets in suitable premises to study by correspondence with or without the assistance of a teacher;
- (iii) in respect of any work in furtherance of education.
- (2) A grant referred to in subsection (1) shall be of such amount as the Minister, after consultation with the Minister responsible for finance, may fix in respect of each school, college, group or person or any class thereof:

Provided that any differentiation in the grants paid to or in respect of different registered schools in terms

of paragraph (a) of subsection (1) shall be directed towards redressing, where practicable, inequalities in the financial resources of the responsible authorities of the schools concerned.

- (3) A grant referred to in subsection (1) shall be disbursed—
  - (a) to such school development committee as may be approved by the Minister; or
  - (b) to such other person and in such manner and subject to such conditions; as the Minister may determine in each individual case.
- (4) A grant made to or in respect of a registered school in terms of paragraph (a) of subsection (1) shall be made within four months of the commencement of the school year to which it relates.

*[proviso repealed by Act 2 of 2006]*

- (5) Where a grant has been paid to or in respect of any school or college in terms of this section and the registration of the school or college is cancelled or the school or college closes down before the expiry of the period in respect of which the grant was made, the Minister may recover from the responsible authority or person who operated and maintained the school or college such part of the total amount of the grant as represents to such total amount the same proportion as the unexpired part of the period in respect of which the grant was made bears to the whole of that period.
- (6) Where any person to whom or institution to which a grant has been paid in terms of this section fails to comply with any condition fixed by the Minister in terms of subsection (3), the Minister may recover the amount of the grant from that person or institution.

### **36. School Parents Assembly and School Development Committee**

- (1) Parents or guardians with children at any school shall constitute a School Parents Assembly.
- (2) The responsible authority of any registered school shall cause the School Parents Assembly to establish a School Development Committee.
- (3) The composition, functions, duties, procedure and powers of the School Development Committee shall be as contained in the constitution of the School Parents Assembly:

Provided that where the School Parents Assembly has not made a constitution satisfactory to the Minister, the composition, functions, duties, procedure and powers of the School Development Committee, shall be as prescribed.

*[section substituted by Act 2 of 2006]*

### **37. Expenses of administration, etc.**

- (1) All moneys necessary for the purposes of this Act shall, subject to the fourteen, be paid out of moneys appropriated for the purpose by Parliament.
- (2) Nothing contained in subsection (1) shall preclude the Minister, in consultation with the Minister responsible for finance, from receiving, administering and spending on education, moneys from charitable bequests or from any other source whatsoever intended by the donors to be utilized for that purposes.

### **38. Fees and levies to be paid into School Services Fund**

- (1) Subject to section fourteen all fees and levies paid for educational facilities provided by the Government or for accommodation in connection therewith shall be paid into the School Services Fund established in terms of section thirty of the Audit and Exchequer Act *[Chapter 22:03]*.
- (2) The responsible authority of every non-Government school shall establish a School Services Fund into which all monies paid as fees or levies shall be deposited.
- (3) The purposes of a School Services Fund for a non-Government school shall be specified in a constitution



establishing the Fund for the school, and shall include—

- (a) payment of remuneration for the teaching and non-teaching staff employed by the school;
  - (b) maintenance and development of school facilities;
  - (c) purchase of equipment, books and any teaching material;
  - (d) payment of goods and services supplied in respect of the school.
- (4) All matters relating to the administration of a School Services Fund established for a non-Government school shall be specified in the constitution referred to in subsection (3).
- (5) Any School Services Fund established in terms of this section shall be subject to audit by the Secretary.

*[section substituted by Act 2 of 2006]*

## Part X – Correspondence and independent colleges

### 39. Interpretation and application of this Part

- (1) In this Part—
- “**Register**” means the Register referred to in section forty-one;
- “**Registrar**” means the Registrar of Correspondence and Independent Colleges referred to in section forty;
- “**correspondence college**” means any person, other than a Government educational institution, who operates or maintains any educational course or provides tuition by correspondence for reward;
- “**independent college**” means any educational institution, other than a Government educational institution, which maintains, manages or conducts any educational course or provides face-to-face tuition for reward for students who have completed primary education or have attained the age of sixteen years, whichever is the earlier, but does not include a school.
- (2) This Part shall not apply to any correspondence college or independent college which the Minister has by statutory instrument declared to be exempted from this Part.

### 40. Registrar of Correspondence and Independent Colleges

There shall be a Registrar of Correspondence and Independent Colleges whose office shall be a public office and shall form part of the Public Service.

### 41. Functions of Registrar

- (1) The Registrar shall establish and maintain a register of correspondence colleges and independent colleges.
- (2) It shall be the duty of the Registrar to—
- (a) enter in the Register the names and addresses of all registered correspondence colleges and independent colleges, the scope of their registration and such other particulars as may, from time to time, be prescribed; and
  - (b) make in the Register any necessary alteration in the name, address, scope of registration or prescribed particulars of any registered correspondence college or independent college; and
  - (c) remove from the Register the name of any correspondence college or independent college whose registration has been cancelled in terms of section fifty;
- and generally in connection with the Register to comply with this Act and with any specific or general directions given by the Minister or the Secretary.

## 42. Prohibition of unregistered correspondence colleges and independent colleges and certain advertisements

- (1) No person shall—
  - (a) establish, operate or maintain a correspondence college or independent college for reward within Zimbabwe, unless such correspondence college or independent college is registered in terms of this Act; or
  - (b) publish or cause to be published in any publication circulating mainly within Zimbabwe any advertisement in relation to a correspondence college or independent college which is not registered in terms of this Act; or
  - (c) broadcast or exhibit or cause to be broadcast or exhibited to the public view in any place within Zimbabwe, or send or cause to be sent through the post to any address within Zimbabwe, any advertisement relating to a correspondence college or independent college which is not registered in terms of this Act.
- (2) For the purposes of subsection (1) a person shall be deemed to operate or maintain a correspondence college within Zimbabwe if he supplies a correspondence course or provides tuition by correspondence to a person who is resident in Zimbabwe.
- (3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six.

*[subsection amended by section 4 of Act 22 of 2001]*

## 43. Registration of correspondence colleges and independent colleges

- (1) Any person who wishes to establish, operate or maintain any correspondence college or independent college, for reward within Zimbabwe, shall make a written application to the Secretary for the registration of such correspondence college or independent college, as the case may be, under this Act.
- (2) An application in terms of subsection (1) shall—
  - (a) be made in the prescribed form; and
  - (b) be accompanied by the prescribed fee:Provided that the Minister may, in any deserving case, waive the payment of such fee.
- (3) If in relation to an application in terms of subsection (1), the Secretary is satisfied that—
  - (a) the application is *bona fide*; and
  - (b) there is a need for the correspondence college or independent college concerned; and
  - (c) the financial resources of the applicant are sufficient for the proper conduct of the affairs of the correspondence college or independent college in accordance with the provisions of this Act;he shall grant the application and register the correspondence college or independent college, specifying the scope of its registration, and issue to it a certificate of registration in the prescribed form.
- (4) The Secretary shall not register any correspondence college or independent college—
  - (a) if he has reasonable grounds for believing that the application for its registration does not meet the requirements of subsection (3); or
  - (b) whose previous registration was cancelled—
    - (i) in terms of paragraph (a) of subsection (1) of section fifty, unless the annual registration fee owed by such college has been fully paid; or
    - (ii) in terms of paragraph (c) of subsection (1) of section fifty, unless the grounds for

cancellation of the previous registration no longer exist, and the Minister has authorized the registration of such college.

#### 44. Annual registration and guarantee fund fee

- (1) Every registered correspondence college or independent college shall in each year, not later than the date prescribed by the Secretary, pay to the Secretary such annual registration fee as may be prescribed.
- (2) In addition to the registration fee referred to in subsection (1)—
  - (a) every registered correspondence college shall pay to the Secretary for the benefit of the Correspondence Colleges Guarantee Fund;
  - (b) every registered independent college shall pay to the Secretary for the benefit of the Independent Colleges Guarantee Fund;such annual guarantee fund as may be prescribed.

#### 45. Correspondence Colleges Guarantee Fund

- (1) The fund established in terms of section thirty-seven of the Correspondence Colleges Act [*Chapter 81 of 1974*] shall on and after the fixed date continue in existence and shall be known as the Correspondence Colleges Guarantee Fund.
- (2) The moneys of the fund referred to in subsection (1) shall consist of—
  - (a) the moneys which had accrued to and had formed part of the fund before the fixed date;
  - (b) the fees which have been paid for the benefit of the fund in terms of subsection (2) of section forty-four;
  - (c) any other moneys that may accrue to the fund by way of grants, donations or otherwise.
- (3) The fund referred to in subsection (1) shall vest in the Minister and shall, subject to his general or specific direction, be applied—
  - (a) to defray any expenses that may be incurred by the Secretary in ensuring that acceptable standards of education are maintained in all registered correspondence colleges; and
  - (b) to refund, wholly or partly, to students any fees paid by them in the event of insolvency of any correspondence college to which such fees have been paid, or in the event of failure by such college for whatever reason to meet its obligations to its students.

#### 46. Independent Colleges Guarantee Fund

- (1) There is hereby established a fund to be known as the Independent Colleges Guarantee Fund.
- (2) The moneys of the fund referred to in subsection (1) shall consist of—
  - (a) the fees which have been paid for the benefit of the fund in terms of subsection (2) of section forty-four;
  - (b) any other moneys that may accrue to the fund by way of grants, donations or otherwise.
- (3) The fund referred to in subsection (1) shall vest in the Minister and shall, subject to his general or specific direction, be applied—
  - (a) to defray any expenses that may be incurred by the Secretary in ensuring that acceptable standards of education are maintained in all registered independent colleges; and
  - (b) to refund, wholly or partly, to students any fees paid by them in the event of insolvency of any registered independent college to which such fees have been paid, or in the event of failure by such

college for whatever reason to meet its obligations to its students.

#### **47. Accounts and audit of funds**

- (1) The Minister shall cause proper books of account to be kept in respect of the funds referred to in sections forty-five and forty-six in which shall be recorded all the financial transactions relating to the funds concerned.
- (2) The accounts of the funds referred to in subsection (1) shall be audited by the Comptroller and Auditor-General who shall have all the powers conferred upon him by the Audit and Exchequer Act [Chapter 22:03] as though the assets of the funds were public moneys.

#### **48. Variation of scope of registration otherwise than at request of correspondence college or independent college**

- (1) If at any time the Secretary has reason to believe that a registered correspondence college or independent college is no longer able to provide tuition in respect of a qualification, course or subject for which it is registered, he may serve notice upon that college—
  - (a) to engage suitably qualified staff within such reasonable period as he may specify; or
  - (b) to take such other measures as will ensure the provision of adequate tuition; or
  - (c) to show cause why the scope of its registration should not be varied.
- (2) If a registered correspondence college or independent college has received notice in terms of subsection (1) and fails—
  - (a) to engage suitably qualified staff within the specified period; or
  - (b) to take such other measures as will ensure the provision of adequate tuition; or
  - (c) to satisfy the Secretary why the scope of its registration should not be varied;

the Secretary may, subject to section fifty vary the scope of the registration of such correspondence college or independent college so that it complies with the range of qualifications, courses or subjects for which that college is able to provide suitably qualified staff or adequate tuition.

#### **49. Variation of scope of registration at request of correspondence college or independent college**

The Secretary may, on the application of a registered correspondence college or independent college from time to time, vary the scope of the registration of that college according to the qualifications of the authors or tutors whose services are retained by the college.

#### **50. Cancellation of registration**

- (1) The Secretary shall cancel the registration of a registered correspondence college or independent college—
  - (a) if such college fails to pay the annual registration fee within three months after the date referred to in subsection (1) of section forty-four, or within such further period as the Secretary may in any particular case allow; or
  - (b) if he has reason to believe that such college has ceased to operate as a correspondence college or independent college within Zimbabwe; or
  - (c) if he is directed by the Minister to cancel the registration of such college on the grounds of dishonesty or fraud; or

- (d) if he has reason to believe that the college no longer provides satisfactory educational services.
- (2) Before exercising the power conferred upon him by subsection (1), the Secretary shall give to the correspondence college or independent college concerned at least one month's notice in writing of his intention to cancel the registration of such college, and invite from the college within a period specified by the Secretary representations in writing as to why such registration should not be cancelled.
- (3) The Secretary shall give due consideration to any representations made in terms of subsection (2).
- (4) If the Secretary cancels the registration of a correspondence college or independent college in terms of subsection (1)—
  - (a) he shall forthwith notify such college in writing accordingly; and
  - (b) he shall in writing request such college to return to him within such period, not being less than seven days, as he may specify, the certificate of registration issued to the college in terms of section forty-three.
- (5) Any person in charge of a correspondence college or independent college who fails to comply with a request made in terms of paragraph (b) of subsection (4) shall be guilty of an offence and liable to a fine not exceeding level three.

*[subsection amended by section 4 of Act 22 of 2001]*

## **51. Appeals against decision of secretary**

- (1) If—
  - (a) a college is aggrieved by a decision of the Secretary—
    - (i) not to register it as a correspondence college or independent college; or
    - (ii) as to the scope of its registration as a correspondence college or independent college; or
  - (b) a registered correspondence college or independent college is aggrieved by—
    - (i) any decision of the Secretary to vary its scope of registration; or
    - (ii) any decision of the Secretary to cancel its registration;

that college may appeal against such decision to the Minister, who may give such decision in the matter as he considers the Secretary ought to have given or he may dismiss appeal.

- (2) Any college, registered correspondence college or independent college which is aggrieved by the decision of the Minister in terms of subsection (1) may appeal against such decision to the High Court, which may give such decision in the matter as it considers ought to have been given or may dismiss the appeal.
- (3) The lodging of an appeal shall suspend the decision appealed against.

## **52. Registered correspondence college or independent college to have principal office in zimbabwe**

- (1) A registered correspondence college or independent college shall have a principal office within Zimbabwe and shall appoint a principal officer for Zimbabwe and shall notify the Secretary in writing of the situation of that office and the name and address of the Principal officer.
- (2) If a registered correspondence college or independent college changes its principal office or appoints a new principal officer it shall, not later than twenty-one days thereafter, give notice in writing thereof to the Registrar.

## **53. Formation of advisory council**

Subject to the approval of the Minister, registered correspondence colleges and independent colleges may form an advisory council whose functions shall be regulated in terms of section sixty-nine.

#### **54. Tuition by independent colleges**

Independent colleges may offer tuition only to students who have completed the prescribed period of primary education, or who have attained the age of sixteen years, whichever is the earlier.

### **Part XI – Conditions of service of teachers**

#### **55. \*\*\***

*[section 55 repealed by Act 2 of 2006]*

#### **56. \*\*\***

*[section 56 repealed by Act 2 of 2006]*

#### **57. \*\*\***

*[section 57 repealed by Act 2 of 2006]*

#### **58. \*\*\***

*[section 58 repealed by Act 2 of 2006]*

#### **59. Minimum qualifications of teachers**

- (1) The Minister shall make regulations prescribing the minimum qualifications of all teachers to be employed in Government and non-Government schools:

Provided that, where a qualified teacher cannot be found after the school concerned has employed its best endeavours to find one, a relief or temporary teacher may be employed until such time as a qualified teacher can be found.

- (2) Every responsible authority of a Government and non-Government school shall, not later than thirty days after employing any teacher, notify the Secretary of the appointment and submit to the Secretary particulars of the teacher's qualifications.
- (3) The Secretary shall, within a reasonable time after receiving the particulars referred to in subsection (2), make such inquiries as are necessary to ensure that—
- (a) the teacher's qualifications comply with the minimum qualifications that have been prescribed for that teacher's post under subsection (1); and
  - (b) that the responsible authority has complied with the proviso to subsection (i) where a relief or temporary teacher has been employed.
- (4) If the Secretary finds that any teacher referred to in subsection (2) is not qualified under this section to hold the post in question he or she shall write to the responsible authority accordingly and the responsible authority shall, if it has employed the teacher concerned, terminate the employment of that teacher.

*[section substituted by Act 2 of 2006]*

#### **60. Discipline of teachers who are not members of Public Service**

- (1) The Minister shall make regulations governing the conduct and behaviour of all teachers who are not members of the Public Service:

Provided that such regulations shall as nearly as possible be similar in their substantive provisions to the regulations governing the conduct and behaviour of teachers who are members of the Public Service.

- (2) Regulations made in terms of subsection (1) may provide for a disciplinary code for teachers, procedures for examining complaints concerning breaches of such code and for the imposition of penalties and the taking of other disciplinary action in respect of such breaches.
- (3) The penalties and other disciplinary actions that may be provided for in terms of regulations made in terms of subsection (1) may include monetary penalties and suspension or disqualification from teaching in schools.
- (4) Regulations made in terms of subsection (1) shall, in the event of any conflict or inconsistency with—
  - (a) regulations made in terms of the Labour Act [*Chapter 28:01*]; or
  - (b) any contract of employment between the teacher and the school; or
  - (c) any rules or code of conduct in force in the school concerned; prevail over such regulations, contract, rules or code of conduct.

*[section substituted by Act 2 of 2006]*

## **61. Any teacher may apply to join Public Service**

Nothing in this Part contained shall be construed as precluding any teacher, whether referred to in this Part or not, from applying to join the Public Service.

## **Part XII – General**

### **62. Languages to be taught in schools**

- (1) Subject to this section, all the three main languages of Zimbabwe, namely Shona, Ndebele and English, shall be taught on an equal-time basis in all schools up to form two level.
- (2) In areas where indigenous languages other than those mentioned in subsection (1) are spoken, the Minister may authorise the teaching of such languages in schools in addition to those specified in subsection (1).
- (3) The Minister may authorise the teaching of foreign languages in schools.
- (4) Prior to Form one, anyone of the languages referred to in subsection (1) and (2) may be used as the medium of instruction, depending upon which language is more commonly spoken and better understood by the pupils.
- (5) Sign language shall be the priority medium of instruction for the deaf and hard of hearing.

*[section substituted by Act 2 of 2006]*

### **63. Curricula and examinations**

The Secretary shall determine the curricula and the examination system for all schools and, in so doing, shall not determine different curricula and different examination systems for different schools on the ground that they are Government schools or non-Government schools.

### **64. Health in schools**

- (1) The Minister may, after consultation with the Minister responsible for health, make regulations in terms of section sixty-nine for the purpose of safeguarding the health of pupils or students attending, any educational institution operated by, or registered with, the Ministry.
- (2) Regulations referred to in subsection (1) may provide for—

- (a) the appointment of Government medical officers or other medical practitioners as school medical officers at Government schools and non-Government schools;
- (b) the entry and inspection at all reasonable times by a Government medical officer or other medical practitioner authorized by the Minister of any school, residence or hostel or other building or premises whatsoever at any school or any lodging-house catering wholly or mainly for students or pupils attending any school;
- (c) the closing of schools, residences, hostels or other buildings, premises or lodging-houses referred to in paragraph (b) on the grounds of health;
- (d) the exclusion from any school of a student or pupil—
  - (i) who is suffering or has recently suffered from a communicable disease or has been in contact with a person suffering from such a disease; or
  - (ii) who is found to be verminous; or
  - (iii) in the case of a pupil, whose parent fails or refuses to produce satisfactory proof that the pupil has—
    - (A) been successfully vaccinated; or
    - (B) been found to be insusceptible to vaccination; or
    - (C) previously suffered from smallpox; or
    - (D) been exempted from vaccination in terms of any enactment.
- (e) the appointment of Government dental officers or other dental practitioners as school dental officers at Government schools and non-Government schools;
- (f) the medical and dental examination or inspection of pupils attending any Government school or non-Government school;
- (g) the examination by a psychiatrist or an educational psychologist of a student or pupil attending any school;
- (h) the requirement of a student or a parent or other person with whom a student or pupil resides—
  - (i) to furnish certificates relating to whether the student or pupil is or has been suffering from a communicable disease or has been in contact with a person suffering from such a disease; or
  - (ii) to make a report to the head relating to matters referred to in subparagraph (1);
- (i) the medical or dental treatment of a student or pupil accommodated at any hostel, the supply of medicine or dental or surgical appliances and the performance of X-ray and laboratory examinations in connection with such a student or pupil and the fees payable therefor;
- (j) the minimum standards which shall be observed in residences, school hostels and lodging-houses catering wholly or mainly for students or pupils attending a school in regard to diet and hygienic conditions.

## **65. Delegation of functions by Secretary**

- (1) Subject to such conditions as he may fix, the Secretary may, in relation to any particular case or class of cases, and with the written approval of the Minister, confer or impose upon any person employed in the Ministry any of his functions in terms of this Act other than his functions in terms of Part V.
- (2) Nothing in subsection (1) shall prevent the Secretary from withdrawing at any time any function conferred or imposed upon another person in terms of that subsection, or from exercising such function himself.

## **66. Powers of officials to enter premises of registered schools, colleges and other**



## educational institutions

- (1) The Secretary, or any person employed in the Ministry who is authorized thereto by the Secretary, may, at all reasonable times, enter the premises of any non-Government school, college or other educational institution, as the case may be, for the purpose of—
  - (a) examining buildings, grounds and equipment in order to ascertain whether this Act is being complied with or whether the registration of such school, college or other educational institution should be cancelled; or
  - (b) enquiring into the progress of persons attending such school, college or other educational institution, the standard of teaching the instruction provided, the qualifications of all persons engaged in teaching therein and the conduct and discipline of pupils or students attending such school, college or other educational institution; or
  - (c) inspecting any accounts or records required to be kept at or in respect of such school, college or other educational institution; or
  - (d) inquiring into the application of any fee, levy, grant or other moneys paid to or received by the school, college or other educational institution, whether in terms of this Act or otherwise.
- (2) Any person who hinders or obstructs any person referred to in subsection (1) in the exercise of his functions, or who fails or refuses to supply any information reasonably required by such person for the purposes of any examination, inquiry or inspection in terms of that subsection shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

*[subsection amended by section 4 of Act 22 of 2001]*

## 67. Continuing offences

- (1) *[subsection amended by section 4 of Act 22 of 2001]*
- (2) A conviction for an offence in terms of this Act shall not, in the case of a continuing offence, be a bar to further prosecutions for that offence.

## 68. Recognition of associations of teachers

- (1) The Minister may recognise such association or associations of teachers as he or she considers to be representative of teachers as a whole or of any significant group of teachers.
- (2) Any association of teachers recognised by the Minister in terms of subsection (1) may advise and make representations to the Secretary and be consulted by the Minister on any matters pertaining to education in Zimbabwe to which this Act applies.

*[section substituted by Act 2 of 2006]*

## 69. Regulations

- (1) The Minister may make regulations providing for all matters which by this Act are required or permitted to be prescribed or which in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Regulations made in terms of subsection (1) may provide for—
  - (a) in relation to the registration of correspondence colleges or independent colleges—
    - (i) the fixing of curricula and standards of tuition, premises and matters relating thereto, as well as the fees chargeable by such colleges; or
    - (ii) the cancellation of the registration of such colleges; or

- (iii) the alteration or variation of the conditions subject to which such colleges are registered; or
  - (iv) the inspection at all reasonable times of such colleges for the purpose of ascertaining whether this Act is being complied with;
- (b) functions of, and the procedure to be followed by, the advisory council formed in terms of section fifty-three;
  - (c) discipline in schools and the exercise of disciplinary powers over pupils attending schools, including the administration of corporal punishment and the suspension and expulsion of such pupils in respect of their attendance and conduct in schools, and in public places when not accompanied by their parents or by adult persons into whose custody they have been entrusted by their parents;
  - (d) the circumstances in which pupils accommodated at school hostels shall cease to be so accommodated;
  - (e) the forms of enrolment registers and other school registers, time-tables and books of account to be kept and maintained at schools and other educational institutions, and the manner in which information contained therein shall be furnished to the Secretary;
  - (f) the conditions governing the maintenance and use of school premises and the control thereof;
  - (g) the regulation of religious instruction in schools;
  - (h) the adequacy, suitability and use of school equipment and school laboratories;
  - (i) the duties of responsible authorities;
  - (j) school holidays;
  - (k) the precautions to be taken against fire or other peril likely to endanger the lives or health of teachers, public or students;
  - (l) the temporary exclusion from any school or college of any teacher, pupil or student, and any other measures necessary or desirable to preserve the well-being of teachers, pupils or students;
  - (m) the size of school classes and the hours of instruction provided by schools;
  - (n) the structure, hygiene and sanitation of school premises;
  - (n1) the wearing of uniforms;
- [paragraph inserted by Act 2 of 2006]*
- (o) such other matters as, in the opinion of the Minister, are likely to promote the good order and better administration and regulation of schools and hostels used in connection therewith.
- (3) Regulations made in terms of subsection (1) may provide penalties for any contravention thereof:
- Provided that no such penalty shall exceed a fine of level five or imprisonment for a period of six months or both such fine and such imprisonment.

*[subsection amended by section 4 of Act 22 of 2001]*

## 70. Savings

Notwithstanding the repeal of the Education Act, 1979 ([No. 8 of 1979](#)), and the Correspondence Colleges Act [[Chapter 81 of 1974](#)], hereinafter referred to as the repealed Acts—

- (a) any Government school, Government teachers college or other Governmental educational institution established under a repealed Act and subsisting immediately before the fixed date shall be deemed to have been established under this Act;

- (b) any private school, private teachers college, correspondence college or independent college registered under a repealed Act immediately before the fixed date shall be deemed to have been registered under this Act as a non-Government school, non-Government teachers college, correspondence college or independent college, as the case may be;
- (c) any general purpose fund or teachers amenities fund established for a Government school or teachers college under a repealed Act shall continue to exist under this Act;
- (d) any regulations made in terms of a repealed Act, which were in force immediately before the fixed date and which could be made under this Act, shall be deemed to have been made under this Act and shall remain in force until amended or repealed in terms of this Act;
- (e) *[paragraph repealed by Act 2 of 2006]*
- (f) subject to the Pensions Review Act *[Chapter 16:03]* any pension benefits that accrued to a teacher as defined in the African Education Act *[Chapter 233 of 1974]* in respect of service in the Unified African Teaching Service which terminated before the fixed date, or to the widow or dependants of such teacher, shall continue in force and the benefits shall be paid in accordance with the law applicable thereto immediately before that date, and such law shall apply to the determination of any pension benefits which may become payable to the widow or dependants of such teacher:

Provided that the Minister may make regulations providing for the amendment of such pension benefits.