

LAWS OF TRINIDAD AND TOBAGO

EDUCATION ACT

CHAPTER 39:01

Act 1 of 1966

Amended by 123/1966; 136/1966; 43/1968; 6 of 1970; 269/1971; 214/1973; 86/1976; 87/1976; 204/1976; 205/1976; 211/1976; 113/1977; 200/1977; 201/1977; 120/1978; 45 of 1979; 52/1979

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Index of Subsidiary Legislation

Education (Teaching Service) Regulations (G.N. 85/1967)

Education (Assisted Secondary School Teachers Maternity Leave) Regulations (G.N. 153/1970)

Note on Subsidiary Legislation

1. The Remuneration (Teaching Service) Order (G.N. 202/1977) has been omitted because this Order which covers the period 1977-1980 expires at the end of 1980 and will be replaced by a new Order extending over a further period.

2. For other Regulations relating to Education, see sections 125 to 145 of the Public Service Commission Regulations 1966 (G.N. 132/1976) published as subsidiary legislation to the Constitution of the Republic of Trinidad and Tobago Act (Chapter 1:01).

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1 of 1966. An Act to make better provision for the promotion of education in Trinidad and Tobago.

Commencement. 98/1966. [27TH AUGUST 1966]

Short title.

1. This Act may be cited as the Education Act.

PRELIMINARY

Interpretation.

2. In this Act ---

"Advisory Committee" means the National Advisory Committee established by the Minister pursuant to section 8;

"allowance" means compensation payable-

(a) in respect of a grade or in respect of some offices in a grade, by reason of duties of a special nature

(b) for duties that a member of the Teaching Service is required to perform in addition to the duties of his grade where those duties relate to an office in the same grade or a higher grade;

"appropriate recognised association" means an association recognised by the Minister of Finance under section 73 as the bargaining body for any class or classes of members of the Teaching Service;

"Board of Management" or "Board" means the governing body of an assisted school established under section 15 for the purpose of exercising such powers and performing such duties with regard to the control and management of an assisted school as are conferred or imposed on it by this Act or the Regulations;

"classification" means the assignment of an office to a grade.

"Committee of Management" or "Committee" means the governing body of a Government school constituted under section 23 for the purpose of exercising and performing such powers and duties with respect to a Government school as are conferred or imposed on it by this Act or the Regulations;

"composite school" means a public school established for any locality for the provision of primary education and secondary education;

"comprehensive school" means a school intended for providing all the secondary education facilities needed by the children of a given area at all levels, but not organised in clearly defined types of education;

"dispute" means any matter respecting members of the Teaching Service upon which agreement has not been reached between the Personnel Department and the appropriate recognised association and which is deemed to be a dispute under section 66 or 67;

"former Education Ordinance" means the Education Ordinance repealed by this Act; (Ch. 14 No. 1. (1950 Ed.))

"Government School", "assisted school", "public school" and "private school" have the meanings given thereto in section 11;

"grade" includes a range given in the Classification of Offices set out in the First Schedule;

"intermediate school" means a school recognised under the former Education Ordinance as providing primary or post primary education for pupils up to the age of eighteen years;

"local advisory committee" means a committee appointed for a local education district;

"local education district" means a district established by the Minister under section 10 for the purposes of this Act;

"Manager" means the person appointed by the governing body as such for the purpose of exercising such powers and performing such duties as are conferred or imposed on him by this Act or the Regulations;

"Minister" means the Minister responsible for Education;

"office" means an office in the Teaching Service assigned to a grade;

"parent" includes a guardian;

"pay" means the rate of pay assigned to an office in a grade by a Remuneration Order referred to in section 56(2);

"personnel Department" or "the Department" means the Personnel Department established under the Civil Service Act;

"primary school" means a school for the provision of primary education within the meaning of section 6;

"proprietor" means the person or authority who provided the private school, whether the legal estate or interest is vested in that or in some other person or authority;

"Teaching Service Commission" means the Teaching Service Commission established by section 124 of the Constitution;

"remuneration" means pay and allowances;

"school" means an institution approved by the Minister for the education of children;

"school attendance officer" means a person appointed for the purposes of Part III, and includes a Supervisor;

"secondary school" means a school for the provision of secondary education within the meaning of section 6;

"secondary general school" means a school catering for a group or groups of children selected for any particular type or types of secondary education; "

"Special Tribunal" means the Special Tribunal established by section 21(1) of the Civil Service Act;

"Supervisor" means a Supervisor of Schools appointed for the purposes of this Act;

"teacher" means a Person registered as such under the former Education Ordinance or under this Act and the Regulations;

"Teachers' Register" means the register required to be kept under section 47 for the registration of persons who were registered as teachers under the former Education Ordinance, and of such other persons qualified for registration as teachers under this Act and the Regulations;

"Teaching Service" means the unified Teaching Service established under section 53.

GENERAL

General purposes of Act.

3. The powers conferred on the Minister by this Act shall be exercised so as to ensure-

(a) the promotion of the education of the people of Trinidad and Tobago, and the establishment of institutions devoted to that purpose by means of which he shall thereby contribute towards the development of the human resources, physical, mental, moral and spiritual of the community;

(b) the establishment of a system of education designed to provide adequately for the planning and development of an educational service related to the changing needs of the community;

(c) the effective execution of the education policy of the Government.

General responsibility of the Minister

4. (1) The Minister is responsible for securing the the purposes set out in section 3 and for the due administration of this Act and in the exercise of the powers conferred on him by this Act, the Minister may do all things necessary or convenient for the purpose of carrying out his responsibilities under this Act.

(2) In addition to the several duties imposed on the Minister by this Act, the Minister shall be responsible for-

(a) devising a system of education calculated as far as possible to ensure that educational and vocational abilities, aptitudes and interests of the children find adequate expression and opportunity for development;

(b) conducting schools and establishing, managing, maintaining and assisting schools in accordance with regulations to be made by him from time to time;

(c) conducting education for adults and youths, and undertaking or participating in the discharge of the responsibilities of the Government with respect to University Education;

(d) assisting needy pupils so as to enable them to participate in the facilities offered by the education system.

Powers of the Minister

5. For the purpose of the performance of his responsibilities under this Act the Minister may-

(a) require the attendance of children of compulsory school age at schools established and conducted under this Act;

(b) regulate the operation of private schools;

(c) make provision for the professional training of teachers for the entire system of public education, and lay down standards which are applicable to the recruitment of teachers, their training and conditions of service;

(d) constitute committees or other bodies to advise him from time to time on educational and related matters;

(e) prescribe curricula, textbooks and practices in all public schools so as to ensure conformity with national standards of education;

(f) establish and disestablish schools including schools for technical education and inaugurate classes and discontinue those classes;

(g) do all such other things as may be found expedient from time to time for the carrying out of his responsibilities for education and training.

System of public education

6. (1) The system of public education shall be organised in three stages, that is to say-

(a) primary education which shall consist of full-time education suitable to the requirements of junior pupils;

(b) secondary education, which shall consist of full-time education suitable to the requirements of senior pupils who are under the age of twenty years;

(c) further education, which shall consist of-

(i) full-time education beyond secondary education or in addition thereto;

(ii) part-time education;

(iii) leisure-time occupation in organised cultural training and recreative activities available in pursuance of any provision made under this Act, for further education for pupils who have attained the age of fifteen years.

(2) In addition to the three stages of public education mentioned in subsection (1), there may be provided special schools suitable to the requirements of pupils who are deaf, mute, blind, retarded or otherwise handicapped.

Prohibition of discrimination

7. No person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parent.

Power to establish a National Advisory Committee

8. (1) The Minister may establish a National Advisory Committee for the purpose of advising him as to the performance of any of his responsibilities under this Act.

(2) The Advisory Committee shall comprise of such number of members as the Minister may determine, appointed from among persons representing-

a) the teaching profession and expert educational opinion;

(b) parents of children attending public schools and parent-teacher associations;

(c) religious denominations;

(d) organisations concerned with-

(i) community development;

(ii) librarianship; and

(iii) such areas of national affairs as the Minister considers appropriate.

(3) Appointment as a member of the Advisory Committee shall be published in the Gazette and shall be for such period as is specified in the instrument of appointment.

(4) The Advisory Committee may advise the Minister on any matter relating to the promotion of education.

Powers of Advisory Committee

9. (1) In a case where the Advisory Committee think it desirable or expedient to do so, the Committee may, with the approval of the Minister before advising and reporting to the Minister on any matter concerning the promotion of education, appoint one or more of their number to hold, or may if they think it advisable themselves hold, such public inquiry into the matter as they may think fit; and when one or more members of the Advisory Committee are appointed to hold the inquiry they shall make a report

to the Committee.

(2) In a case where the Minister thinks it expedient or proper to do so, he may require the Advisory Committee to hold an inquiry respecting any matter affecting the promotion of education, and where he has so required the Committee, the Committee may appoint one or more of their number to hold, or may if they think it advisable themselves hold, such inquiry as is required; and when one or more members of the Advisory Committee are appointed to hold the inquiry they shall make a report to the Committee.

Power to establish local advisory committees

10. (1) For the purpose of conveniently exercising the functions, powers and duties conferred or imposed on him by this Act the Minister may establish local education districts.

(2) The Minister may appoint local advisory committees in respect of any local education district consisting of such number of members appointed from among persons representing such of the interests set out in section 8(2) as the Minister considers appropriate.

(3) Appointment as a member of a local advisory committee shall be for such period as is specified in the instrument of appointment.

(4) A local advisory committee shall advise the Minister on such matters as are referred to it by the Minister, and such a committee may advise the Minister on such other matters relating to education within the local education district as it considers fit and proper.

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PART I

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Classification.

11. (1) For the purposes of this Act the school system shall be organised in two categories to be known as public schools and private schools.

(2) Subject to this section a public school is a school maintained at public expense to which the general public has access without any condition, other than those required or authorised by this Act and the Regulations.

(3) In subsection (2), the expression "a school maintained at public expense" means that the school is so maintained at the expense of the public generally and not at the expense of a particular section of the public, whether the expense is met wholly or partly out of public funds or otherwise, and whether such school is provided by some person or authority other than the Government or not; and such a school shall be treated as a public school notwithstanding that entry to such school is normally confined to persons residing in a particular locality.

(4) A Government school is a public school wholly owned by the Government.

(5) An assisted school is a public school, the Board of Management of which has received or is in receipt of public funds for building or extension or re-building or for the equipment and facilities provided for the school.

(6) A private school is a school provided and maintained by some person or authority other than the Government.

Public Schools

12. (1) The Public School system shall be comprised of such Public schools as may from time to time be found necessary for the efficient carrying out of the responsibilities of the Minister, and may include—

- (a) infant or nursery schools or departments of schools providing education suitable for children under the age of five years;
- (b) primary schools or primary departments of schools providing education suitable for children of age 5-12 years;
- (c) intermediate schools established under the former Education Ordinance;
- (d) junior secondary schools or junior secondary departments of schools providing education suitable for children of age 12-14 years;
- (e) secondary general or comprehensive schools or both providing education suitable for children of age between 12 and 20 years;
- (f) vocational or technical schools or vocational or technical departments of schools providing education suitable for the needs of craftsmen and technicians;
- (g) teachers' colleges or institutions for the professional training of teachers for service in the schools of the country;
- (h) special schools for the education and training of children who are handicapped in such a way as to require special educational facilities for their best development;
- (i) any other schools or departments of schools for the education of adults and youths along suitable courses.

(2) Having due regard to the educational requirements of the pupils residing in any locality and after such consultation as he considers desirable and in the case of an assisted school, with the approval of the Board of Management, the Minister may designate, redesignate, classify and reclassify public schools to fulfil the purposes of education deemed most expedient from time to time.

Duty to provide public schools

13. The Minister shall cause to be provided such number of public schools as is in his opinion necessary to secure a sufficient number of school places for children of compulsory school age.

Establishment of Existing and Future Public Schools

14. (1) Assisted schools existing at the commencement of this Act shall be deemed to have been established by this Act and shall continue as public schools under this Act and the Regulations.

(2) Subject to this Act, private schools established before or after the commencement of this Act may become public schools only in accordance with this Act and the Regulations.

Boards of Assisted Schools

15. (1) Where, in accordance with section 14(1), at the commencement of this Act any school is deemed to have been established as an assisted school, there shall be established, for the purpose of exercising the control of the school, a Board of Management consisting of persons appointed by the authority which established the school, save that the Minister may require the school to be controlled jointly with any other assisted school operated by the same authority.

(2) Every assisted school established after the commencement of this Act shall be controlled by a Board.

(3) The Board shall consist of not less than three members, except that there may be more than three members of any such Board if that Board controls more than one school or there are special reasons which render it desirable to have more than three members on that Board.

Policy Directives

16. Subject to this Act, a Board shall act in accordance with any special or general directives of the Minister concerning the exercise and performance of its powers and duties conferred or imposed on it by this Act and the Regulations.

General Powers and Duties of Board of Assisted Schools

17. (1) Subject to this Act and of any regulations made thereunder, a Board with regard to assisted schools under its management ----

(a) shall have the control and management of all matters relating to the establishment and maintenance of new schools, the making of applications for recognition of new schools, the maintenance of existing schools, the re-building or extension of schools and such other matters relating to the organisation of such schools as may from time to time be referred to them;

(b) shall receive, disburse and account for the expenditure of such grants-in-aid as may from time to time be allocated to them from public funds;

(c) shall be responsible to the Minister for the efficient maintenance of schools under its authority, for the provision of all requisite furniture and for keeping school buildings in a good state of repair and sanitation;

(d) shall furnish such returns as the Minister may from time to time require;

(e) may, from time to time as may be necessary, appoint or suspend or dismiss a Manager for a school or schools, and may delegate to such manager such of the powers and duties of the Board as it may think fit;

(f) may, pursuant to a resolution in that behalf, establish and maintain at a bank, in accordance with sub-sections (2) and (3), accounts, as respects money paid to the Board in accordance with section 20, for the purposes of the school or schools under its control in such manner and in such amount as may from time to time be determined by the Comptroller of Accounts;

(g) shall generally have and exercise all the powers duties and functions conferred on Boards of assisted schools by this Act or by any Regulations made thereunder.

(2) Any such account that is established by the Board of any assisted school may be held jointly in the names of, and be operated by, the secretary and one other person to be appointed in

that behalf by the Board, or may, with the express approval in writing of the Comptroller of Accounts but not otherwise, be in the sole name of, and be operated by, the secretary or other approved officer of the Board.

(3) Money in any such account shall be available only for the payment of salaries, wages, emergency expenditure and such other expenditure as the Board and the Comptroller of Accounts may jointly approve. A statement of all payments made from the account shall be submitted to the Board for approval at its first ordinary meeting thereafter. The payment of money out of the account for any purpose not hereby authorised shall be deemed to be a misappropriation of the funds of the Board.

Accounts and Audit

18. (1) The Board of an assisted school shall provide for full and true accounts, respecting receipt and expenditure of public funds, to be kept in the manner prescribed by Regulations made under this Act, or (if the manner of keeping the accounts is not so prescribed) in a manner approved by the Minister.

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(2) For the purpose of the audit of such accounts, the Board of an assisted school is a statutory authority within the meaning of Part V of the Exchequer and Audit Act.

Annual reports as to Assisted Schools

19. (1) The Board of every assisted school shall cause to be forwarded to the Minister before the last day of March in each year, a report for the previous year containing a statement of accounts in the form approved by the Minister respecting receipt and expenditure of any public funds paid to it in accordance with section 20 for the year ending with the thirty-first day of December preceding, and such other information as the Board may consider appropriate.

(2) For the purpose of verification of the accounts referred to in subsection (1), the Minister may require such additional information, in such form as he may in any particular case direct, as he considers necessary.

(3) Where a Board controls the management of more than one assisted school, a separate report for the purposes of this section shall be forwarded in respect of each assisted school under its control.

Grants to Governing Bodies of Assisted Schools

20. The Minister may, out of money appropriated for that purpose by Parliament, pay to the Board of each assisted school grants for such purposes as may from time to time be prescribed.

Duties of Managers of Assisted Schools

21. Every manager shall be responsible for the efficient performance of—

(a) such duties as may be delegated to him by a Board of Management;

(b) such duties as are delegated to him by the Minister including—

(i) the checking of attendance register at least once a month;

(ii) the furnishing of such reports as may be prescribed or required at any time by the Minister;

(iii) the protection of school premises and furniture against improper use.

Prohibition on Imposition of Charges or Other Requirements on Pupils

22. (1) Except with the written permission of the Minister, a Principal or Board of Management may not impose a charge of any kind whatsoever on pupils in a public school—

- (a) in return for any service provided by the school or by the Principal, Board or any teacher;
- (b) as a contribution in respect of any activities normally undertaken as part of the curriculum of the school.

(2) A Principal or Board of Management may, not require any pupil in a public school to procure his books, stationery, uniform or other appliances required for participation in the courses or other activity of the school from any particular person or supplier.

(3) In subsection (1) "charge" includes a requirement for payment in money or money's worth.

COMMITTEES OF MANAGEMENT—GOVERNMENT SCHOOLS

Power to Constitute committee for Government Schools

23. (1) The Minister may, whenever he considers it expedient, by Order constitute Committees of Management for any Government school, consisting of such number of public officers as he considers appropriate.

(2) Subject to this Act, a Committee established under this section shall exercise such powers, functions and duties as are conferred on it by the Minister.

Management of Government Schools where no Committee

24. In the absence of the establishment of a Committee under section 23, Government schools shall be controlled by a Supervisor of Schools designated as manager of the school subject to the directions of the Minister, and the Supervisor shall exercise such powers, functions and duties as the Minister may confer.

Annual Reports as to Government Schools

25. The Principal of every Government school shall prepare and forward through the Supervisor to the Minister before 1st March in each year, a report for the Previous year containing a statement of accounts in the form approved, and containing such information as is required by the Minister.

GENERAL AS TO PUBLIC SCHOOLS

Supervisor Responsible for Certain Functions

26. A Supervisor shall, as respects all public schools be responsible for the exercise and performance of such powers duties and functions as are prescribed, and in particular for ---

- (a) the supervision and inspection of the programme of education required by the curriculum;
- (b) ensuring that school premises, property and stock are protected against improper use;
- (c) the submission of reports on matters relating to the discipline of teachers;
- (d) the conduct and supervision of courses of induction and training for untrained teachers in service as well as courses for other teachers;

(e) the observance of the provisions of this Act and the Regulations pertaining to the conduct of schools;

(f) arranging for the approval of such special leave to teachers as may be granted them in accordance with the Regulations;

(g) arranging for the approval of school holidays that may be granted in accordance with the Regulations;

(h) considering and assessing the confidential reports of teachers;

(i) furnishing such returns as may be prescribed or required at any time by the Minister;

(j) dealing with all other matters of organisation, management and administration as may be referred to him by the Minister;

(k) co-operating with appropriate authorities in the exercise of authorised schemes;

(l) supervising the due performance of the functions of Managers.

Responsibilities of Principals

27. Subject to this Act and the Regulations, Principals of schools shall be responsible for the day to day management of their school including—

(a) the supervision of the physical safety of pupils;

(b) the suitable application of the syllabus in conformity with the needs of the pupils of the school, and the administration of the school's programme;

(c) allocation and supervision of the duties and responsibilities of members of their staff;

(d) the discipline of the school;

(e) teaching;

(f) the proper use of school equipment and stock;

(g) the keeping of proper records;

(h) the making of financial reports through the Manager and the Supervisor to the Minister containing a statement of accounts in the form approved as well as such information as is required by the Minister;

(i) the furnishing of such returns as may be prescribed or required at any time by the Minister or their respective Boards or Committees of Management;

(j) ensuring the observance of the provisions of the Act and any Regulations made thereunder in their respective schools;

(k) co-operation with parents and with approved authorities in the execution of authorised schemes.

Composite Schools

28. (1) Notwithstanding anything in this Act, the Minister may, after having due regard to the educational requirements of pupils resident in any locality and after such consultation as he considers desirable, establish, in a Government school, a composite school for any locality for the provision of primary education and secondary education.

(2) Notwithstanding anything in this Act, the Minister may, having the like regard and with the approval of the Board of Management concerned, wherever he considers it expedient, direct that an assisted school shall be administered as a composite school for any locality for the provision of primary and secondary education.

(3) The extent to which primary education and secondary education are to be provided in any composite school established under subsection (2) shall be determined by the Minister.

(4) Every composite school established under this section shall be known by such designation as the Minister may approve as appropriate having regard to the range of instruction provided for in the particular school.

Conscience Clause

29. (1) No child shall be required as a condition of admission into, or of continuing in, a public school—

(a) to attend or to abstain from attending any Sunday School or any place of religious worship;

(b) to attend any religious observance or any instruction in religious subjects in the school or elsewhere from which observance or instruction he may be withdrawn by his parent; or

(c) to attend the school on any day specially set apart for religious observance by the religious body to which the parent belongs.

(2) Religious instruction shall form part of the curriculum of every public school, and the facilities for religious observance in the school shall be provided in such manner as is prescribed, save, however, that any pupil may be withdrawn by his parent from the instruction or observance without forfeiting any of the other benefits of the school.

(3) The time during which religious instruction may be given or during which any religious observance may be practised shall be inserted in a time-table to be approved by the Minister and the time-table shall be kept permanently and conspicuously affixed in every schoolroom.

PRIVATE SCHOOLS

Private Schools to be Registered

30. Subject to this Act, no person shall keep or continue to keep a private school unless the school and the proprietor are registered in the Register of Schools required to be kept under this Act.

Private Schools Register

31. (1) The Minister shall cause to be kept in such manner as may be prescribed, a Register of Private Schools, to be known as the Private Schools Register in this Part referred to as "the Register".

(2) There shall be entered on the Register every private school established before or after the commencement of this Act in respect of which an application for the purpose is made in the prescribed form and as regards which the Minister is satisfied that the requirements of this Act and the Regulations are satisfied.

Publication of Register

32. (1) A copy of the Register certified correct by the Minister shall be published in the Gazette before the expiration of six months from the commencement of this Act and the Minister shall from time to time as occasion requires certify and publish in the Gazette any additions or amendments thereto.

(2) A copy of the Register or any amendments thereto shall be conclusive proof of the schools that are private schools for the purposes of this Act.

Cancellation of Registration

33. (1) If in the opinion of the Minister a private school which is on the Register has ceased to be conducted in accordance with the requirements of this Act and the Regulations, he may, where no action has been taken to rectify the deficiencies within such time as the Minister may allow, cancel the registration of the school upon giving three months notice thereof to the proprietor.

(2) A proprietor upon receipt of the notice of cancellation of the registration of his school under this section may, at any time before the date on which the cancellation takes effect, appeal in the prescribed manner to a court of summary jurisdiction against cancellation.

(3) On any such appeal the appellant and the Minister, as respondent, may appear personally or may be represented by some other person or by counsel or solicitor.

(4) The court shall hear and determine the appeal and make such order as it thinks just having regard to the merits of the case and the public welfare.

(5) Where an appeal is dismissed, cancellation of the registration of the school shall take effect from the date of the making of the order or upon the expiration of the notice referred to in subsection (1), whichever is the later date.

Returns as to Private Schools

34. (1) Whenever there is any change in the ownership of the school or its location, or any modification in respect of any of the prescribed particulars, the proprietor shall forthwith furnish the Minister with a supplemental return containing the correct particulars.

(2) If a private school remains closed for a longer period than thirty consecutive days (except for regular holidays, not exceeding twelve weeks, in any one year) the proprietor shall furnish the Minister with a supplemental return giving the reasons for the closing of the school and the period the school is likely to remain closed, and if subsequently the proprietor desires to re-open the school, a new return containing the particulars referred to in subsection (1) shall be furnished to the Minister before the school is re-opened. The registration of a private school that remains closed for longer than a period of one year shall be deemed to have been cancelled.

(3) In the month of September in each year every proprietor of a private school shall furnish the Minister with a return in respect of the previous school year containing the following particulars—

- (a) the number of meetings during which the school was opened;
- (b) the number of pupils on roll at the end of the school year;
- (c) the average attendance for the school year;
- (d) the percentage of attendance of the total possible attendances for the pupils on roll.

Disqualification as a Teacher

35. No person shall be employed in a private school as a teacher or act as a teacher therein, unless his name is registered on the Teachers' Register.

Offences in respect of Returns, and Employment of Teachers

36. (1) A proprietor of a private school who—

- (a) fails to furnish the returns required by this Act or the Regulations, and in the manner so required;
- (b) furnishes a return which he knows or ought reasonably to have known to be false or misleading in a material particular; or
- (c) knowingly employs as a teacher any person who is disqualified under section 35 to act as such, or permits such person to act as a teacher,

is liable on summary conviction to a fine of one hundred and fifty dollars and in the case of a second or subsequent offence is liable to a fine of three hundred dollars and for any continuing offence under paragraph (c) to a further fine of thirty dollars for each day on which the offence continues after conviction therefor.

(2) Notwithstanding section 33, where a proprietor is convicted of an offence under subsection (1), the registration of the school is liable to be cancelled from the expiration of the time for appealing against conviction therefor if no appeal against such conviction has been made or as from the dismissal of the appeal, as the case may be.

(3) A person who is disqualified under section 35 and with knowledge of the disqualification acts as a teacher in a private school is liable, on summary conviction, to a fine of one hundred and fifty dollars.

Minister or his representative may visit private schools and make enquiries

37. (1) The Minister, or any public officer deputed by him in writing to act as his representative, may enter any premises wherein a private school is being conducted, at any reasonable time during school hours, for the purpose of making enquiries and discharging such duties as may be imposed on him by this Act or by the Regulations.

(2) A person who—

- (a) obstructs or resists the Minister or any such officer in the performance of his duties; or
- (b) wilfully makes any false representation to the Minister or any such officer; or
- (c) wilfully refuses to furnish the Minister or any such officer with any information which such person may be required to furnish by this Act or the Regulations,

is liable, on summary conviction, to a fine of one hundred and fifty dollars.

SCHOOLS FOR FURTHER EDUCATION

Saving of Technical Institutes already established

38. Every school established as a technical institute or an institute for technical education existing at the commencement of this Act shall be deemed to have been established as a technical institute under this Act.

SPECIAL SCHOOLS

Special Schools and Classes

39. (1) The Minister may —

(a) cause to be established any special school;

(b) cause to be established or authorise the establishment of, any special school, class, clinic or service, either as a separate unit or in connection with any public institution approved for the purpose by him;

(c) make provision for special educational facilities to be provided by instruction by correspondence.

(2) The Minister may after consultation with the controlling authority disestablish any special school, class, clinic or service whether established under subsection (1) or not, if he is dissatisfied with the manner in which the school, class, clinic or service is being conducted, or if he considers that sufficient provision is made by another similarly established special school, class, clinic or service, or by any other school or class in or reasonably near to the same locality; except that in the last mentioned case he shall, if the controlling authority of the school, class, clinic or service so requires, give three months' notice of his intention to disestablish the same.

Other Special Classes or Services providing Special Education

40. In addition to the establishment of special schools, classes, clinics and services as provided for under section 39 the Minister may recognise for purposes of financial assistance such other classes or services providing special education or facilities supplementing special education as may from time to time be prescribed.

TEACHERS' COLLEGES

Establishment of Teachers' Colleges

41. For the purpose of ensuring the better education and training of teachers, the Minister may cause to be established teachers' colleges and classes at such places as he may from time to time determine, and having due regard to the maintenance of the standard of that education and training, after such consultation as he considers desirable and, in the case of an assisted teachers' college, with the Board of Management, may disestablish any such teachers' college or class, or discontinue recognition of any college or class established before the commencement of this Act.

Power to enter into agreements with UWI

42. The Minister may, on behalf of the Government enter into agreements with the University of the West Indies-

- (a) for the use of such facilities provided by the University for continuation or extension courses for teachers;
- (b) for associating and co-ordinating the facilities and programme of any teachers' college with those of the University;
- (c) for establishing standards for certification and recognition of qualifications of teachers;
- (d) for the promotion of Community Development, Education, Adult Education and Nursing Education.

GENERAL

Interpretation

43. In this Part, "suspend" means the temporary removal of a pupil from a particular school.

Suspension and Expulsion of Pupils

44. (1) The principal of any public school may suspend from attendance any pupil who for gross misconduct may be considered injurious or dangerous to other pupils or whose attendance at school is likely for any serious cause to have detrimental effect upon the other pupils, so, however, that no such suspension shall be for a period exceeding one week.

(2) Where any pupil is suspended from attendance under subsection (1) the principal of the school shall immediately notify the parent of the pupil and the Minister of the suspension and the reasons thereof and the Minister may, after receipt of the notification—

- (a) order the extension of the term of suspension in order to enable proper inquiries to be made;
- (b) after due investigation, order the reinstatement of the pupil on a date to be fixed by him;
- (c) order the removal of the pupil to another school including a special school;
- (d) order the expulsion of the pupil.

(3) Any order made by the Minister under subsection (2) shall be final.

Suspension or Expulsion in Private Schools

45. Where a child of compulsory school age is suspended or expelled from a private school, the principal of that school shall immediately notify the Minister.

Suspension on Account of Disease etc.

46. The principal of any public school may suspend from attendance any pupil who may be likely to communicate any contagious disease and in every such case the principal shall forthwith report to the parents of the pupil and to the Supervisor of the school the action taken by him and the reasons thereof.

PART II
APPOINTMENT AND EMPLOYMENT OF TEACHERS
Registration of Teachers

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Teachers to be Registered

47. (1) Subject to this Act, no person is eligible to be appointed to be, or to continue to be, a teacher, unless his name is registered in the Register of Teachers hereinafter required to be kept.

(2) Subsection (1) shall be construed as requiring persons who are appointed temporarily, or in any probationary capacity, to positions as teachers to be registered; and any person whose registration has been cancelled on the grounds set out in section 51 shall not be appointed temporarily to a position as a teacher unless his name has been reinstated on the register.

Teachers' Register

48. (1) The Minister shall keep, in such manner as may be prescribed, a register of teachers, which shall be known as the Teachers' Register.

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(2) All teachers who have been registered under the former Education Ordinance at the commencement of this Act, shall be deemed to be registered under this Act.

(3) The names of the following persons shall be entered by the Minister in the Teachers' Register—

(a) every person whose name is not for the time being on the Teachers' Register but who is the holder of a teacher's certificate recognised in accordance with Regulations made under this Act and who applies to be registered;

(b) every person to whom is issued on or after the commencement of this Act any such teacher's certificate;

(c) every person who applies in the prescribed manner to be registered and who satisfies the Minister that he has the prescribed qualifications and is in other respects a fit and suitable person to be appointed as a teacher;

(d) every person who at the commencement of this Act is employed as a teacher in a public or private school.

(4) A person who is refused registration for any reason may, within forty-two days of the date of the refusal, appeal in the manner prescribed in the case of the cancellation or registration by section 51, the provisions of which shall apply so far as they are applicable and with the necessary modifications.

Publication of Register

49. A copy of the Teachers' Register, corrected to a date specified in that copy, shall be published in the *Gazette* within twelve months after the date of the commencement of this Act; and thereafter there shall be published in the *Gazette* from time to time a supplementary list of names added to the Teachers' Register subsequently to the date of the last publication of any names.

Removal of Name from Teachers' Register on Death

50. On the death of a teacher registered as such on the Teachers' Register, the Minister shall cause his name to be removed from the Teachers' Register, and no notice of removal thereof shall be required to be published.

Removal of Name from Teachers' Register for Gross misbehaviour

51. (1) If a teacher in a public school has been found by the Teaching Service Commission to be guilty of gross misbehaviour, or gross inefficiency or other conduct unfitting him for employment as a teacher, the Minister may, upon so notifying such person in writing, cancel the registration of that person and remove his name from the Teachers' Register.

(2) In the case of a teacher in a private school the Minister may cause an inquiry to be held at which the teacher shall have the right to be represented by some other person or by counsel or solicitor, and if the teacher is found guilty of any such conduct as is mentioned in subsection (1), the Minister may cancel the registration of that person and remove his name from the Teachers' Register, and shall notify the person in writing of the cancellation.

(3) A teacher in a private school receiving notice of the cancellation of his registration as aforesaid, may, at any time before the date on which the cancellation takes effect, appeal in the prescribed manner against the cancellation.

(4) The appeal shall be heard and determined by a Judge in Chambers.

(5) On any such appeal the appellant and the Minister, as respondent, may appear personally, or may be represented by some other person or by counsel or solicitor.

(6) The Judge in Chambers shall make such order as he thinks proper, having regard to the merits of the case and the public welfare.

Ch. 4:01

(7) An appeal shall lie to the Court of Appeal, within such time as may be fixed by Rules of Court made by the Rules Commission under section 76 of the Supreme Court of Judicature Act from any determination by a Judge in Chambers upon appeal under subsection (3), and the determination of the Court of Appeal shall be final.

(8) If an appeal to a Judge in Chambers or to the Court of Appeal, as the case may be, is not made, or, if made, is dismissed by the Judge in Chambers or by the Court of Appeal, respectively, the cancellation of the certificate and registration shall take effect as from the date specified by the Minister in his notice of cancellation.

(9) A certificate under the hand of the Minister shall be sufficient evidence in any Court of the cancellation of registration of a teacher.

Notification of Removal of Name from Register

52. Where the name of any person has been removed from the Teachers' Register for gross misbehaviour, or for gross inefficiency or other conduct unfitting him for employment as a teacher, a notice of the removal shall be published in the *Gazette*.

THE TEACHING SERVICE

Teaching Service established Classification, First Schedule [6 of 1970]

53. (1) For the purposes of the school system established by section 12, there is hereby established a unified Teaching Service, which shall comprise—

25 Of 1968

(a) all teachers appointed before the commencement of the Trinidad and Tobago Constitution (Amendment) Act 1968 (that is, 13th August 1968);

(b) all teachers deemed under section 54(1) to be appointed members of the Teaching Service;

(c) all teachers appointed by the Teaching Service Commission after the commencement of the Act referred to in paragraph (a);

(d) persons who are holders of any administrative office set out in Division I of the First Schedule, [First Schedule]

(2) The President may by Order add to, vary or amend the Classification of Offices in the Teaching Service set out in the First Schedule. [First schedule].

(3) The Classification of Offices in the Teaching Service set out in the First Schedule, shall be the basis hereafter for any Classification Order made under this section. [First schedule].

(4) The classification title prescribed shall be observed in all records and communications of the appropriate Commission, the Auditor General and the Treasury and in all departmental estimates and parliamentary returns and appropriations.

Members of the teaching service - appointments. [6 of 1970]

54. (1) Subject to this section, upon the commencement of this Act the following persons shall be deemed to be appointed members of the Teaching Service—

(a) all teachers within the meaning of the School Teachers' Pensions Act; [Ch 39:02]

(b) teachers within the meaning of the former Education Ordinance and who are employed in full-time service as such a teacher in any Government or assisted school;

(c) teachers in Government or assisted schools whose names are required to be registered by section 48(3)(d).

(2) Subsection (1) shall be read and construed as excluding any teacher who, by virtue of the terms of his employment with the authority who controlled the assisted school, was employed for a specified period or upon such terms and conditions as are inconsistent with the terms and conditions applicable to a person who holds office in the Teaching Service under this Act and the Regulations.

Terms and conditions of certain persons. [6 of 1970]

55. Notwithstanding anything to the contrary in this Part, but subject to sections 124 to 127 of the Constitution—

(a) the terms and conditions applicable to civil servants under the Civil Service Act and any Regulations made thereunder shall apply to persons referred to in section 53(l)(d); [Ch 23:01].

(b) section 24 of the Civil Service Act shall apply as if the holders of the several posts referred to in section 53(l)(d) held public office in the public service that by section 3(1) of the Civil Service Act is deemed to be an office in the Civil Service.

Remuneration Orders

56. (1) The President may by Order—

(a) determine the pay in respect of an office in a grade;

(b) establish the allowances that may be paid in addition to pay;

(c) give effect to any agreement entered into between the Chief Personnel Officer on behalf of the Minister of Finance and the appropriate recognised association; and

(d) give effect to an award made by the Special Tribunal.

(2) Any order made in respect of the matters specified in subsection (1)(a) and (b) shall be referred to as a Remuneration Order.

Increments

57. Except where the contrary is otherwise provided in a Remuneration Order, increases of pay that may be granted in respect of an office in a grade in accordance with the Remuneration Order shall be annual, so however, that no increase of pay shall be made in respect of an office in a grade in which the member of the Teaching Service performing the duties of such office has not completed a period of twelve months continuous duty in such office.

Tenure of Office

58. A member of the Teaching Service shall hold office subject to this Act and any other written law, and unless some other period of employment is specified, for an indeterminate period.

Term Appointments

59. A person who is appointed to an office in the Teaching Service for a specified period shall cease to be a member of the Service at the expiration of that period.

Resignation

60. A member of the Teaching Service who intends to resign his office shall give such period of notice as may be prescribed by Regulations.

Private Undertakings by Members of the Teaching Service

61. (1) A member of the Teaching Service may not engage in any business or trade or pursue any other activities for gain or reward without the permission in writing of the Public Service Commission to do so.

(2) A member of the Teaching Service shall, during the school hours prescribed by Regulations made under this Act, devote his full time to teaching in the public school to which he is assigned and no member of the Teaching Service may teach or be required by any Principal or Board of Management to teach in a private school.

TERMINATION

Modes of Leaving Service

62. The modes by which a member of the Teaching Service may leave the Teaching Service are as follows:

- (a) on dismissal or removal in consequence of disciplinary proceedings;
- (b) on compulsory retirement;
- (c) on voluntary retirement;
- (d) on retirement for medical reasons;
- (e) on resignation;
- (f) on the expiry or other termination of an appointment for a specified period;

(g) on the abolition of office;

(h) in the case of a member of the Teaching Service on probation, on the termination of appointment;

(i) in the case of a member of the Teaching Service holding a non-pensionable office with no service in a pensionable office, on the termination of appointment.

Duties of Personnel Department. [45 of 1979]

63. (1) The Personnel Department shall in relation to the Teaching Service have the following duties—

(a) to maintain the classification of the Teaching Service and to keep under review the remuneration payable to members of that Service;

(b) to administer the general Regulations respecting the Teaching Service;

(c) to provide for and establish procedures for consultation and negotiation between the Department and an appropriate recognised association or associations in respect of—

(i) the classification of offices;

(ii) any grievances;

(iii) remuneration;

(iv) the terms and conditions of employment.

(2) The Minister of Finance may from time to time make recommendations with regard to remuneration to be paid to members of the Teaching Service.

Consideration of recommendations on pay rates

(3) The Minister of Finance shall, before making recommendations on remuneration under subsection (2)—

(a) consider the requirements of the Teaching Service;

(b) take into account the rates of pay and other terms and conditions of employment prevailing in Trinidad and Tobago for similar work outside the Teaching Service, and the relationship of the duties of the various grades within the Teaching Service; and

(c) be guided by the considerations set out in section 20(2)(a) to (f) of the Industrial Relations Act. [Ch. 88:01]

Consultation with Organisations

(4) Prior to formulating any recommendations under subsection (2), the Minister of Finance may require the Personnel Department to consult with representatives of the appropriate recognised association with respect to the matters specified in subsection (1).

Department in Negotiations Subject to Direction of Minister of Finance. Ch. 23:01

64. Notwithstanding section 13(1) of the Civil Service Act, in the exercise of its duties and functions under sections 63, 65, 66, 67 and section 68(1) thereof the Personnel Department shall be subject to the direction of the Minister of Finance.

Consultation with Association of Members of the Teaching Service

65. The Personnel Department shall, from time to time, consult with representatives of the appropriate recognised association with respect to the matters specified in section 63, at the request of such representatives or whenever in the opinion of the Minister of Finance such consultation is necessary or desirable.

Where no agreement reached on proposals of Association.

66. Where the Personnel Department consults and negotiates with representatives of the appropriate recognised association with respect to matters specified in section 62 at the request of such representatives, and the Personnel Department and the appropriate recognised association are, within twenty-one days of the commencement of such consultation and negotiation, or within such further period as may be agreed upon, unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance and on such report being made a dispute shall be deemed to exist as to such matter.

Department to submit proposals to association for approval

67. Where the Personnel Department before making proposals with respect to matters specified in section 63 does not consult with representatives of the appropriate recognised association, the Personnel Department shall submit the proposals to the appropriate recognised association for consideration and agreement, save that where the Personnel Department and the appropriate recognised association are, within twenty-one days of the submission of the proposals as mentioned above, or within such further period as may be agreed upon, unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance, and on such report being made a dispute shall be deemed to exist as to such matter.

Agreement reached with Department

68. (1) Where the Personnel Department and the appropriate recognised association reach agreement on any of the matters specified in section 63 after consultation and negotiation in accordance with section 66 or 67, the agreement shall be recorded in writing and shall be signed by the Chief Personnel Officer on behalf of the Minister of Finance and by a person designated by the appropriate recognised association on behalf of the association.

(2) Any agreement recorded and signed in accordance with subsection (1) shall be binding upon the Government and the members of the Teaching Service to whom the agreement relates.

Disputes to be referred to Special Tribunal

69. (1) Where a dispute is deemed to exist under section 66 or 67, the Minister shall refer the dispute for settlement to the Special Tribunal within twenty-one days from the date on which the dispute was reported to him.

(2) Where the Minister fails to refer the dispute to the Special Tribunal within the time specified in subsection (1) the appropriate recognised association that is a party to the dispute shall do so within twenty-one days from the date of the expiration of the time specified in subsection (1).

(3) For the purposes of this Act the parties to a dispute shall be the Chief Personnel Officer and the appropriate recognised association.

Power of Special Tribunal [45 of 1979]

70. (1) The Special Tribunal shall hear and determine any dispute referred to it under section 69 and shall make an award on the dispute.

(2) An award made by the Special Tribunal shall be final.

Ch. 88:01

(3) In addition to taking into account any submissions, arguments and evidence presented or tendered by or on behalf of the appropriate recognised association and the Chief Personnel Officer, the Special Tribunal in its judgment shall be guided by considerations set out in section 20(2)(a) to (f) of the Industrial Relations Act.

Awards to be binding on parties for fixed period

71. (1) An award made by the Special Tribunal under section 70 shall be binding on the parties to the dispute and on all members of the Teaching Service to whom the award relates and shall continue to be binding for a period to be specified in the award, being a period of not less than five years from the date upon which the award takes effect.

(2) The Special Tribunal may with the agreement of the parties to an award review such award at any time after the expiry of the third year.

ASSOCIATIONS OF MEMBERS OF THE TEACHING SERVICE

Definitions

72. In this Part and in section 2—

"class" means the division into which an office is assigned by Regulations made by the President under section 85 and includes any category or categories of offices assigned to a division;

"existing association" means the Trinidad and Tobago Teachers' Union, and any other trade union or organisation recognised immediately before the commencement of this Act as the bargaining body for any class or classes of teachers who by virtue of this Part become members of the Teaching Service.

Representation of members of Teaching Service

73. (1) Every existing association may continue to represent any class or classes of members of the Teaching Service and, subject to this Act, shall be recognised by the Minister of Finance as the appropriate association for the purpose of consultation and negotiation in respect of any of the matters specified in section 63 and any other matters concerning such members of the Teaching Service.

(2) Members of the Teaching Service may form associations, and such associations shall, subject to this Act and the Regulations, be recognised by the Minister of Finance as appropriate associations for consultation and negotiation in respect of any of the matters specified in section 63 and any other matters concerning such members of the Teaching Service.

(3) For the purposes of recognition by the Minister, an association formed pursuant to subsection (2) or, an existing association, may be representative of any class or classes of members of the Teaching Service, but may not be representative of any class or classes of members of the Teaching Service already represented by an appropriate recognised association; and an association formed pursuant to subsection (2) or an existing association may

not admit to its membership a member of the Teaching Service who is a member of an appropriate recognised association.

(4) The Minister of Finance shall withdraw recognition from an appropriate recognised association that contravenes any of the requirements of subsection (3).

(5) An association formed pursuant to subsection (2) may not be registered as a trade union.

Regulations governing recognition

74. The President may make Regulations setting out the conditions to be satisfied and the procedure to be adopted for the recognition by the Minister of Finance of existing associations and of associations formed pursuant to section 73(2).

Associations to make rules.

75. (1) Every association formed pursuant to section 73(2) and every existing association shall make rules providing for the good government of the association and for carrying out the objects of the association and with respect to such rules the following shall have effect:

Second Schedule

(a) the rules shall contain provisions in respect of the several matters mentioned in the Second Schedule:

(b) a copy of the rules and of every amendment thereof shall be delivered by the association to every member of the Teaching Service who is a member of that association on demand on payment of the prescribed sum.

(2) The Rules of the association shall be filed with the Registrar General.

(3) Amendments to the Rules of an association shall be filed with the Registrar General and shall have effect from the date of such filing unless some later date is specified from which they shall have effect.

CHAPTER 39:01 **(continued from part II)**

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PART III **COMPULSORY EDUCATION** *Compulsory School Age and Offences*

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Compulsory education age

76. (1) In this Act, the expression "a compulsory school age" means any age between six and twelve years and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of six years and has not attained the age of twelve years, and a person shall be deemed to be over compulsory school age as soon as he has attained the age of twelve years.

(2) Notwithstanding subsection (1), the Minister, if he is satisfied that it has become necessary or expedient to raise or lower the upper limit of the compulsory school age, may by Order, subject to affirmative resolution of Parliament, within sixty days of the making of the Order, direct that the foregoing provisions of this section shall have effect as if for references therein to the age of twelve years there were substituted a reference to any age prescribed in the Order.

(3) Except with the permission of the Principal and under the supervision of a teacher deputed by him for the purpose, no child on the register of any public or private school may be admitted, whether on payment or otherwise, to any cinema show or other similar form of entertainment during the hours of 8 a.m. to 3.30 p.m. on any day on which attendance at school is by this Act and the Regulations required.

Ch. 11:19

(4) No pupil enrolled on the register of any school, whether public or private, may be admitted or allowed to remain on the licensed premises of any person who carries on pool betting business under a betting office licence within the meaning of section 26 of the Gambling and Betting Act.

Ch. 84:10

(5) No pupil enrolled on the register of any school, whether public or private, may be admitted to or allowed to remain on the licensed premises of any person who carries on any business in connection with the sale, storage or conveyance of intoxicating liquor within the meaning of section 2 of the Liquor Licensing Act and if any person contravenes this subsection, he is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for six months.

(6) A person who employs a child of compulsory school age during the hours and on any day referred to in subsection (3), is liable on summary conviction to a fine of three hundred dollars and in the case of a continuing offence to a further fine of thirty dollars for each day on which the offence continues after conviction thereof.

(7) If a corporation contravenes subsection (6), in addition to the corporation, every director and officer of the corporation who authorises, permits or acquiesces in the contravention is liable on summary conviction to the same penalty as the corporation.

(8) A person who contravenes subsections (3) and (4) is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

COMPULSORY SCHOOL ATTENDANCE AND INSPECTION

Duty of parents to secure the education of their children

77. Subject to section 78, it shall be the duty of the parent of every child of compulsory school age to cause him to receive efficient full-time education suitable to his age, ability and aptitude, by regular attendance at a school.

When attendance is excused

78. A child is excused from attendance at school—

- (a) if, in the opinion of the Minister, he is receiving excused satisfactory instruction at home or elsewhere;
- (b) if he is unable to attend school by reason of sickness or other unavoidable cause;
- (c) if he is excluded from attendance at school under any written law;
- (d) if he is absent temporarily as authorised under the Regulations.

Appointment of School Attendance Officers

79. School attendance officers shall be appointed for local education districts established by the Minister under section 10.

Jurisdiction and responsibility of school attendance officers

80. A school attendance officer has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in any district.

Powers of school attendance officer

81. (1) A school attendance officer may—

- (a) enter without warrant any place where children may be employed or congregated;
- (b) at the request of the parent apprehend and deliver to the school from which he is absent or to his parent, without warrant, any child found illegally absent from school.

(2) A school attendance officer shall report monthly to the Supervisor concerned on the prescribed form.

(3) A school attendance officer shall perform his duties under the direction of the Supervisor or Supervisors concerned, and shall, subject to the supervision of the Supervisor carry out all instructions and directions.

Inquiry by officer and notice

(4) A school attendance officer shall inquire into every case of failure to attend school within his knowledge or when requested to do so by the Supervisor or Principal of a school, and shall give written warning of the consequences of the failure to the parent of a child who is not attending school as required, and shall also give written notice to the parent to cause the child to attend school forthwith.

Reports and information

82. (1) Every Principal of a public or private school shall—

(a) report in accordance with the Regulations to the proper school attendance officer, and in the case of a primary school also to the Supervisor concerned, the names, ages and residences of all pupils of compulsory school age who have not attended school as required;

(b) furnish the school attendance officer with such other information as the officer requires for the enforcement of compulsory school attendance;

(c) report to the school attendance officer every case of suspension or expulsion.

Where no school attendance

(2) Where a child of compulsory school age has not attended school as required and there is no school attendance officer appointed for the local education district in which the child resides, the Supervisor concerned shall notify the parent of the child of the requirements of section 77.

Liability of parent

83. (1) A parent of a child of compulsory school age, who neglects or refuses to cause the child to attend school is, unless the child is legally excused from attendance, liable on summary conviction to a fine of seventy-five dollars.

Bond for Attendance

(2) The magistrate may, instead of imposing a fine, require a person convicted of an offence under subsection (1) to give a bond in the sum of three hundred dollars with one or more sureties to be approved by the magistrate, conditioned that the person shall, after the expiration of five days, cause the child to attend school as required.

Proceedings to be taken by attendance officers

84. (1) Prosecutions under section 83 may be instituted by the school attendance officer concerned.

(2) In prosecutions under section 83, a certificate as to the attendance or non-attendance at school of any child signed or purporting to be signed by the Principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the Principal.

Proof of age

(3) Where a person is charged under section 76(7) or under section 83 in respect of a child who is alleged to be of compulsory school age and the child appears to the magistrate to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved.

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(continued from part III)

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Regulations

85. (1) Every public school shall conform to the standards and comply with such requirements as are prescribed.

(2) Subject to this Act, the Minister may make such Regulations as are necessary or expedient for the due control and administration of assisted schools.

(3) Regulations made under this section may—

(a) as respects assisted schools;

- (i) prescribe the course of study;
(ii) provide for the management thereof;

(b) as respects private schools, prescribe the conditions and the manner in which such schools may become public schools.

(4) The Minister may make Regulations providing for the general control, management, organisation and conduct of intermediate schools and intermediate departments attached to secondary schools including the admission of pupils, their attendance and their courses of study.

(5) The control and management of private schools shall be conducted by the persons responsible therefor in accordance with Regulations in that behalf made by the Minister.

(6) The Minister may make Regulations for the control and management of private schools and in particular in respect of the following matters—

(a) the size of class rooms and their equipment, the number of children that may occupy each class room and the necessary toilet facilities to be provided;

(b) the safety, preservation of health and the prevention of the spread of disease among the pupils;

(c) the registers and other records to be kept by proprietors of private schools and the particulars to be supplied to the Minister by them;

(d) the suitability of premises;

(e) the suitability of the curriculum and courses and methods of instruction;

(f) generally, for more effectively carrying out the provisions of this Act respecting private schools.

(7) The Minister may make Regulations for all or any of the following purposes:

(a) defining the branches of further education, and the subjects to be taught in classes in further education, and the course and number of hours of instruction therein, and providing for examinations therein;

(b) providing for the mode in which applications for sums payable in respect of classes, scholarships, subsidies and grants in aid under this Act relating to further education shall be made;

(c) providing for the establishment of bursaries in any subjects of instruction under this Act relating to further education, and prescribing the amounts and tenure thereof, and the conditions subject to which they may be awarded and held;

(d) such other matters as he deems necessary in order to give full effect to the intention of this Act relating to further education.

(8) The Minister may also make Regulations for all or any of the following purposes—

(a) defining the categories of children requiring special education, providing for the mode of determining which children come within any category and for the examination of children who come within that category; and prescribing the general type of special education appropriate to children who come within any category;

(b) prescribing the conditions for the recognition for purposes of financial assistance under section 40 of special classes or services providing special education or services or facilities supplementing special education;

(c) providing for the expenditure of such money as may from time to time be appropriated by Parliament for the purpose of special education and for the establishment, maintenance and management of special schools, classes, clinics and services established under section 39;

(d) providing for the grading and staffing of special schools, classes, clinics and services providing special education;

(e) providing for the general control, organisation, management and inspection of special schools, classes, clinics and services providing special education and defining the courses of instruction therein;

- (f) providing for the training of such teachers for the purposes of special education;
- (g) providing for the furnishing of such reports and returns in respect of special schools, classes, clinics and services providing special education as the Minister may from time to time require;
- (h) providing for such other matters as may be deemed necessary in order to give full effect to the intention of this Act relating to special education.

(9) The Minister may make Regulations for all or any of the following purposes—

- (a) providing for the control, organisation, management and conduct of teachers' colleges;
- (b) prescribing the divisions into which students of teachers' colleges are to be classified, and the conditions for the selection of students for those divisions, and for their admission to or continuation in and removal from teachers' colleges in those divisions;
- (c) prescribing the courses and curricula for students of the various divisions in teachers' colleges;
- (d) providing for the certification of teachers completing courses of training.

(10) For the purpose of administering any Regulations made under subsection (9)(b), the Minister shall have power to remove and to exercise disciplinary control over persons admitted to teachers' colleges in any division.

(11) Subject to this Act, the President may make Regulations for all or any of the following purposes—

- (a) prescribing the staff of teachers (including part-time teachers) to be employed in secondary schools and technical institutes;
- (b) prescribing conditions of payment of remuneration, increments and fees that may be paid to members of the Teaching Service;
- (c) prescribing conditions subject to which leave of absence may be granted to teachers; and authorising, subject to such conditions as may be prescribed, the payment of remuneration, in whole or in part, during such leave;
- (d) prescribing rates of allowances that may be paid towards the cost of, or incidental to the removal of members of the Teaching Service on transfer from one school to another;
- (e) authorising the making of advances in assistance of teachers' college students during their period of training, and prescribing the conditions as to payment and other conditions subject to which such advances may be made.

(12) Any Regulations made under this section may, in so far as they prescribe any rates of salaries or allowances, be made to come into force before or after the date of the making thereof or on that date.

General regulation-making power

86. The Minister may make regulations generally for the purpose of carrying this Act into effect

and in particular for prescribing making power anything that is by this Act required to be prescribed.

OFFENCES AND PENALTIES

Penalty for obstructing execution of Act

87. A person who wilfully obstructs any person acting in the execution of this Act, or of any Regulation, Order or warrant made execution of or issued thereunder is, in any case for which no other provision is made by this Act, liable to a fine of seventy-five dollars and for each subsequent offence to a further fine of one hundred and fifty dollars.

Offences and penalties

88. (1) A person who contravenes any of the provisions of this Act is guilty of an offence, and any person guilty of an offence against this Act, except where the provisions by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine of seven hundred and fifty dollars, and in the case of a continuing offence to a further fine of seventy-five dollars for each day during which the offence continues after conviction therefor.

(2) Regulations made under this Act may contain provisions for imposing on any person contravening the Regulations, a fine, recoverable on summary conviction of seven hundred and fifty dollars in respect of each offence and, in the case of a continuing offence, a further fine of seventy-five dollars for each day during which the offence continues after conviction therefor.

Continuing offences and penalties

89. Where provision is made by or under this Act for the imposition of a daily penalty in respect of a continuing offence, the Court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the Court and, where a Court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

Section 53. [205/1976 211/1976 113/1977 200/1977 201/1977 120/1978 52/1979]

FIRST SCHEDULE

CLASSIFICATION OF OFFICERS IN THE TEACHING SERVICE

Where not otherwise specified the classifications of posts in this Schedule have effect as from 1st January 1974

(by virtue of G.N. 204/1976).

PROFESSIONAL AND ADMINISTRATIVE OFFICERS

DIVISION I

Post not in Schools

Old Title of Post

New Title of Post

RANGE 29

School Welfare Officer

School Welfare Officer

RANGE 31 (A)

Cricket Coach

Cricket Coach

Dance and Physical Training Instructor

Dance and Physical Training Instructor

Educational Broadcasting Officer I
Netball Coach
Physical Education Officer

*Cultural Officer I
Research Assistant II
*School Publications Assistant
Warden

* * Placement Officer

Cultural Officer II
Educational Broadcasting Officer II
Education Extension Officer I
Education Testing Officer I

School Publications Officer I
##Guidance Officer

*With effect from 1.9.72
**With effect from 1.1.74
#With effect from 21.1.76
##With effect form 1.10.78

Educational Liaison Officer
*Schools Supervisor I

Education Extension Officer II
Education Research Officer
Education Testing Officer II
Supervisor of School Broadcasting

Educational Broadcasting Officer I
Netball Coach
Physical Education Officer

RANGE 35

Cultural Officer I
Research Assistant II
School Publications Assistant
Warden

RANGE 36

Placement Officer

RANGE 46

Cultural Officer II
Educational Broadcasting Officer II
Education Extension Officer I
Education Testing Officer I

#School Librarian (new post)

School Publications Officer I
Guidance Officer I

RANGE 46(F)

Educational Liaison Officer
Schools Supervisor I

RANGE 53(E)

Education Extension Officer II
Education Research Officer
Education Testing Officer II
Supervisor of School Broadcasting

** Guidance Officer II (new post)

RANGE 59(D)

#Schools Supervisor II

Schools Supervisor II

RANGE 60

Director of Culture

Director of Culture

* *Guidance Supervisor

Guidance Supervisor

RANGE 62

Schools Supervisor III

Schools Supervisor III

Supervisor of Educational Testing

Supervisor of Educational Testing

Supervisor of School Publications

Supervisor of School Publications

Director of Educational Planning

Director of Educational Planning

Director of Educational Services

Director of Educational Services

Director of Schools Supervision

Director of Schools Supervision

RANGE 68

Chief Education Officer

Chief Education Officer

*With effect from 1.1.74

**With effect from 1.10.78

#With effect from 1.1.71

DIVISION II

Teaching Post in Schools or Institutions

Old Title of Post

New Title of Post

RANGE 5

Assistant Teacher (Trainee)

Assistant Teacher (Trainee)

RANGE 11

Assistant Teacher I

Assistant Teacher I

RANGE 15

Assistant Teacher II

Assistant Teacher II

RANGE 20

Assistant Teacher III

Assistant Teacher III

RANGE 24

Teacher I [for two (2) years]

Teacher I [for two (2) years]

RANGE 28

Teacher I [1974-1975 Graduates of Mausica
Teachers' College—Officers with less than

Teacher I [1974-1975 Graduates of Mausica
Teachers' College—Officers with less than

two (2) years teaching service]

Special Teacher I

Teacher I [Officers with two (2) or more years teaching service]

Technical/Vocational Teacher I

Guidance Instructor of Mentally Handicapped

* With effect from 1.1.76

Special Teacher II

Vice-Principal I

Technical/Vocational Teacher II

Special Teacher III

Principal I

Technical/Vocational Teacher III

Teacher II

Technical/Vocational Teacher IV

Electrical Engineer I

Land Surveyor I

two (2) years teaching service]

RANGE 30

Special Teacher I

Teacher I [Officers with two (2) or more years teaching service]

RANGE 31

Technical/Vocational Teacher I

* Games Master/Mistress (new post)

RANGE 31 (A)

Guidance Instructor of Mentally Handicapped

RANGE 35

Special Teacher II

RANGE 35(F)

Vice-Principal I

RANGE 36

Technical/Vocational Teacher II

RANGE 40

Special Teacher III

RANGE 41(F)

Principal I

RANGE 42

Technical/Vocational Teacher III

RANGE 46

Teacher II

Technical/Vocational Teacher IV

* Language Teacher (new post)

RANGE 53

Electrical Engineer I

Land Surveyor I

Mechanical Engineer I

Mechanical Engineer I

#Engineer I (new post)

RANGE 53(C)

Principal, Vocational Centre

Principal, Vocational Centre

*With effect from 1.9.74

With effect from 1.1.76

RANGE 53(E)

Dean of Women Students

Dean of Women Students

Head of Department (Teachers' College)

Head of Department (Teachers' College)

Vice-Principal II

Vice-Principal II

RANGE 56(G)

Head of Department (Technical Institute)

Head of Department (Technical Institute)

Vice-Principal III (Teachers' College)

Vice-Principal III (Teachers' College)

RANGE 59(D)

Land Surveyor II

Land Surveyor II

Principal II

Principal II

RANGE 61

Head of Department (Land Surveying)

Head of Department (Land Surveying)

Vice-Principal (J.S.D. Technical Institute)

Vice-Principal J. S. D. Technical Institute)

RANGE 62

Principal (Mausica Teachers' College)

Principal (Mausica Teachers' College)

Principal II San Fernando Technical Institute)

Principal II (San Fernando Technical Institute)

RANGE 63

Principal (J.S.D. Technical Institute).

Principal (J. S. D. Technical Institute)

SECOND SCHEDULE

MATTERS TO BE PROVIDED FOR IN THE RULES OF AN ASSOCIATION
FORMED PURSUANT TO SECTION 73(2) OF THE ACT AND OF AN EXISTING ASSOCIATION

1. The name of the Association and the place of meeting for its business.

2. The whole of the objects for which the Association is to be established, the purposes for which its funds shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of the Association.
3. The manner of making, altering, amending and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, of a trustee, treasurer and other officers.
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
6. The inspection of the books and names of members of the Association by every person having an interest in its funds.
7. The manner of dissolution.
8. The protection of voting rights of members of the Association and the general conduct of elections.
9. The powers, duties and functions of the Executive Committee of the Association.
10. Disputes between members of the Association and the Executive Committee thereof.
11. A prohibition against admission to membership with respect to a member of the Teaching Service who is a member of an appropriate recognised association.

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EDUCATION (TEACHING SERVICE) REGULATIONS

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EDUCATION (TEACHING SERVICE) REGULATIONS
85/1967. [85/1968 116/1969 175/1976].

made under section 85(11)

Citation.

1. These Regulations may be cited as the Education (Teaching Service) Regulations.

PART I

PRELIMINARY

Interpretation.

2. In these Regulations-

"acting appointment" means the temporary appointment of an officer whether on promotion to a higher office or otherwise whether that office is vacant or not;

"appointment" means the appointing of a person in an office in the Teaching Service;

"Commission" means the Teaching Service Commission;

"office" means any office that is by the Act deemed to be an office in the Teaching Service;

"prescribed form" means such form as may from time to time be prescribed by the Minister;

"secondment" means any temporary movement to another office in the Teaching Service of an officer holding a permanent appointment or the temporary movement of an officer holding an office in the Teaching Service to a position outside the Teaching Service;

"teacher" except where described as a part-time teacher means a teacher in full-time employment in a public school;

"temporary appointment" means the appointment of a teacher to a temporary office or the appointment of a person temporarily to a permanent office.

Copy to be deposited

3. A copy of these Regulations shall be deposited in each school for the information of all teachers.

PART II

ORGANISATION AND STRUCTURE OF THE TEACHING SERVICE

Grading of teachers.

4. The Teaching Service shall comprise the following categories of teachers, within which grades may be established-

- (a) Principal;
- (b) Vice-Principal;
- (c) Head of Department;
- (d) Teacher-holder of a university degree, or a teacher's certificate or other equivalent qualification;
- (e) Special teacher;

- (f) Assistant teacher;
- (g) Part-time teacher;
- (h) Pupil teacher.

Requirement for posts in the Teaching Service Schedule.

5. The minimum requirements for entry into, and for appointment to grades and posts in, the Teaching Service are subject to such modifications as may from time to time be considered necessary and expedient by the Minister.

PART III

RECRUITMENT

Appointments

Maximum age of recruitment.

6. (1) The maximum age of recruitment of teachers shall be forty-five years.

(2) Notwithstanding subregulation (1), persons over the age of forty-five years may for special reasons be recruited on contract.

Vacancies to be filled normally by citizens.

7. (1) Subject to subregulation (2), vacancies in the Teaching Service shall be filled by recruitment of citizens of Trinidad and Tobago resident in Trinidad and Tobago or by recruitment of citizens of Trinidad and Tobago resident outside Trinidad and Tobago.

(2) A vacancy in the Teaching Service may be filled by the recruitment of a person who is not a citizen of Trinidad and Tobago, if the Commission is unable to find a citizen of Trinidad and Tobago who is suitable to fill the vacancy except that, the vacancy shall not be filled by a person who is not a citizen of Trinidad and Tobago, whether recruited from inside or outside of Trinidad and Tobago, unless he is the holder of a permit to work in Trinidad and Tobago, or has been unconditionally admitted into Trinidad and Tobago before the coming into force of the Act.

(3) The carrying into effect of this Regulation does not affect the rights of the holders of public offices in the public service that by the Act are made public officers in the Teaching Service, to be considered for promotion or transfer within the Teaching Service.

Date of Appointment

8. (1) The date of first appointment to the Teaching Service shall be the day on which the teacher assumes duty. (2) If a teacher is selected for appointment from outside Trinidad and Tobago, the date of appointment shall be the date of embarkation for this country.

Medical examination.

9. A candidate for appointment shall undergo a medical examination by a Government Medical Officer or in the case of a person resident outside of Trinidad and Tobago, by a medical practitioner approved by the Minister and shall not be appointed unless he has been passed as medically fit.

Re-employment of pensioners

10. (1) A pensioner shall not be re-employed in the Teaching Service on contract unless it is established to the satisfaction of the Teaching Service Commission-

(a) that the pensioner is in possession of essential experience or technical qualifications which make him particularly useful to the Teaching Service; and

(b) that it is not possible to fill the particular post by the promotion of a suitable officer or by a new appointment.

(2) Where the re-employment of a pensioner is contemplated, before making any recommendation in that behalf to the Teaching Service Commission, the Board of Management in the case of an Assisted School, or the Permanent Secretary in the Ministry of Education, in the case of a Government school, shall report the matter to the Personnel Department which shall consult the appropriate association. In the event of a disagreement between the Personnel Department and the appropriate association a dispute shall be deemed to exist and the provisions of section 69 of the Act shall apply.

(3) A pensioner re-employed in accordance with subregulation (1) shall be employed only on contract.

(4) In subregulations (1) and (2) the expression "re-employment of a pensioner" means-

(a) the appointment of a person who has retired from the Teaching Service and is in receipt of superannuation benefits of whatever nature; or

(b) the continuation of employment of a teacher beyond the age of compulsory retirement.

PROBATIONARY APPOINTMENTS AND SECONDMENTS

First appointment.

11. On first appointment to the Teaching Service, a teacher appointment shall be required to serve on probation for a period of two years except as herein otherwise specifically provided.

Probation on promotion

12. A teacher who is promoted shall be required to serve on probation for one year in the office to which he is promoted.

Secondments

13. (1) A teacher on secondment shall draw the full pay of the post to which he is seconded and is eligible for increments, if any, normally payable in such a post.

(2) The pay of a teacher on secondment shall be paid by the receiving Ministry or Department, Government, Administration or Organisation.

(3) During the period of secondment, the teacher shall be deemed to remain on the establishment of the Teaching Service, and is eligible for promotion in absentia.

(4) The service of a teacher while on secondment counts for superannuation purposes.

(5) A teacher who has been on secondment is eligible for the leave applicable to the office to which he is seconded and while on such leave he shall be paid the pay of that office.

PART IV

PAYMENT, PENSIONS AND GRATUITIES

Pensions and gratuities.

14. The award of pensions and gratuities shall be governed by the provisions of the Pensions Laws in force for the time being.

Priority to be given to computation of pensions and gratuities.

15. (1) The computation and authorisation of pensions and gratuities of persons whose retirement from the Teaching Service is known to be impending shall be treated as urgent matters of high priority.

(2) The Permanent Secretary shall ensure that particulars of service and salary of all teachers whose retirement is known to be imminent are furnished accurately to the Comptroller of Accounts, Ministry of Finance, not less than three calendar months before the date on which the teachers concerned are due to retire, in order to enable the computation and checking of pensions, retiring allowances and gratuities to be completed by the Comptroller of Accounts and the Auditor General and submitted for authorisation before the date on which the teacher's retirement from the Service is due to take effect.

(3) The Comptroller of Accounts shall keep separate records with respect to each teacher in the Teaching Service, showing the various offices held by each teacher and the emoluments drawn by him while in the Teaching Service.

CERTIFICATES OF SERVICE AND TESTIMONIALS

Testimonials, references, etc.

16. (1) No teacher shall give a personal testimonial to another teacher.

(2) Teachers shall not give recommendations and testimonials to candidates for posts in the Teaching Service, but may, however, act as referees for candidates for posts in the Service.

PART V

REMUNERATION, ADVANCES AND INCREMENTS

Remuneration

Computation of pay on first appointment.

17. (1) On first appointment, a teacher's pay shall be computed from the date of his assumption of duty. A teacher selected for first appointment from outside Trinidad and Tobago may be allowed to receive half pay from the date of his embarkation for Trinidad and Tobago and full pay from the date of his assumption of duty, which shall be the date of arrival in Trinidad and Tobago.

(2) On promotion, a teacher shall normally receive the pay attached to the post to which he is promoted from the date of his promotion.

Commencing pay.

18. (1) Subject to subregulation (2), upon first appointment, the commencing pay shall be the minimum of the scale applicable to the office (whether the appointment is temporary, acting or permanent).

(2) Where the Commission is of the opinion that the qualifications or experience of a teacher warrants a higher pay than the minimum of the scale applicable to the office to which he is first appointed, the Commission may authorise payment at such point in such scale as it may consider appropriate to the particular case.

Pay on secondment.

19. The pay payable to a teacher on secondment shall conform with the rates and conditions for payment of pay applicable to the office to which the officer is seconded. A teacher who has completed a period of secondment shall normally revert to the point in the pay scale he would have reached if he had not been seconded.

Date of pay.

20. (1) Pay shall be paid on the day before the last full business day of the month. When, however, the last business day falls on a Saturday or a Monday, payment of pay shall be made on the preceding Thursday or Friday respectively.

(2) The Minister of Finance may vary the date of pay specified in subregulation (1) to an earlier date, whenever it appears to him expedient to do so.

Acting appointments in higher grades.

21. (1) Subject to the conditions set out in subregulation (2), a teacher appointed to act in a grade higher than his substantive grade shall receive pay as follows:

If at the time he is appointed to act his substantive pay is-

(a) less than the minimum pay of the higher grade, he shall receive the minimum of the higher grade;

(b) equal to or greater than the minimum pay of the higher grade, he shall continue to receive the pay of his substantive grade.

(2) The conditions referred to above are-

(a) there shall be a qualifying period of twenty-eight consecutive days of acting in a higher grade before an officer becomes eligible for an acting allowance;

(b) the qualifying period may be part of a continuous period of acting or may precede any period of continuous acting which the teacher may subsequently be called upon to perform;

(c) no teacher who has completed a qualifying period shall be required to undergo a second qualifying period while in the same grade.

ADVANCES

Advances

22. (1) An advance not exceeding one month's pay may, subject to the approval of the Minister of Finance, be made to a teacher proceeding on vacation of not less than fourteen days, to be spent either out of Trinidad and Tobago or in Trinidad and Tobago away from his ordinary place of residence. Provision shall be made for the advance to be paid to the teacher either in Trinidad and Tobago before he proceeds on vacation or at his request while he is abroad.

(2) Interest is payable on any advance of pay made under this Regulation, and at such rate as the Minister of Finance may from time to time determine.

(3) Advances made under this Regulation shall be repaid by twelve monthly instalments, the first instalment falling due at the end of the month following that in which the teacher resumes duties.

(4) An advance not exceeding one month's pay may be made to a teacher through a Trinidad and Tobago Overseas Mission in cases of emergency, each case being dealt with on its merit. An advance granted under this Regulation is repayable in twelve monthly instalments or in such longer period as the Minister of Finance may determine.

(5) A teacher may be granted an advance from public funds to enable him or a member of his family to go abroad for medical attention which cannot adequately be provided in Trinidad and Tobago. Such an advance may be made on the following conditions:

(a) a medical certificate from a panel of not less than two Government Medical Officers, stating what advantages are to be derived from medical treatment abroad, must be submitted;

(b) except in special circumstances, the amount of advances will be limited to thirty per cent of the teacher's annual pay and restricted to the expenditure actually necessary in connection with the proposed journey and the cost of the treatment;

(c) the teacher must furnish adequate security to the satisfaction of the Minister of Finance, and the sum advanced will be subject to interest at such rate as the Minister of Finance may from time to time determine;

(d) the advance will be repayable within one year by monthly instalments. In the case where the advance is made to a teacher on his own behalf the instalments shall commence at the end of the month following that in which the teacher resumes duty. Where the advance is made to the teacher on behalf of a member of his family, the instalments shall commence at such time as the Minister of Finance might think fit, taking into consideration all the circumstances of the particular case.

Minister may authorise special advances.

23. (1) The Minister of Finance may authorise an advance for other purposes not specified in these Regulations.

(2) Security to the satisfaction of the Permanent Secretary in the Ministry of Finance must be furnished when an advance exceeds one month's pay.

(3) Applications for advances should be made to the Permanent Secretary, Ministry of Finance, and shall be forwarded by the Permanent Secretary in the Ministry of Education through the Comptroller of Accounts.

(4) Advances, if approved, shall be recovered by deductions from the teacher's pay in not less than twelve monthly instalments as shall be fixed by the Permanent Secretary, Ministry of Finance. In determining the number of monthly instalments, the indebtedness of the teacher shall be taken into account.

Deductions from advances.

24. On no account shall money be deducted from a teacher's salary without prior notice in writing of not less than one month.

INCREMENTS

Payment of increments.

25. When a teacher holds an office carrying a pay scale, increments shall be paid to the teacher, subject to a report on the completion of each year of satisfactory service, until he has reached the maximum of the scale. A teacher shall be paid his increment whether he holds a permanent or temporary appointment or is on secondment, subject to the provisions of these Regulations. The increments paid shall be in the amounts prescribed for the particular office from time to time.

Incremental date.

26. (1) A teacher's incremental date shall be the anniversary date of his first appointment or promotion to his grade. In cases where an officer's appointment or promotion is effective from the date of his assumption of duties, his incremental date shall be the anniversary date of his assumption of duty.

(2) A teacher who is transferred from one office to another office carrying the same pay scale will retain his previous incremental date. The Permanent Secretary shall sign incremental certificates on the prescribed form, effective from the dates when the teacher's increments become due, and shall attach the certificates to the paysheets for the months in which the increments accrue.

Increments on appointment or promotion on probation.

27. (1) A teacher appointed or promoted to an office on probation shall not be granted an increment until he has been confirmed in his appointment. Upon confirmation, however, his incremental date shall be the anniversary of the date of appointment provided that his probationary period has not been extended.

(2) A teacher who is appointed on probation for a period longer than one year is eligible for an increment after one year's service provided that the Permanent Secretary or Head of the Department signs the necessary increment certificate. He shall not receive any other increment until he has been confirmed in his appointment. Upon confirmation, his incremental date shall be the anniversary of the date of appointment provided that his probationary period has not been extended.

(3) Where a teacher's probationary period has been extended and he has been confirmed in his appointment, his new incremental date shall be the date after which his probationary period expired.

Increments where lower scale overlaps higher scale

28. In cases of promotion where the lower scale of pay overlaps the higher scale, or where the lower scale of pay touches the higher scale, a promoted teacher shall receive an immediate increment in the new scale.

Increments in acting appointments.

29. (1) A teacher who is appointed to act shall not be paid increments in the higher office but shall continue to draw increments in his substantive office, subject, however to the following:

(a) where he was not earning increments in his substantive office, and the post in which he is acting is a pay scale, the teacher shall receive an increment in the higher scale on the anniversary date of his acting appointment;

(b) where he has reached the maximum pay of his substantive office which maximum pay is equal to or greater than the minimum, but less than the maximum of the higher office, he shall receive an increment in the higher scale as in paragraph (a).

(2) The grant of increments under subregulation (1)(a) and (b) shall be subject-

(a) to the teacher acting continuously for a period of twelve months in the higher office;

(b) to the issue of an increment certificate certifying satisfactory service on the prescribed form by the Permanent Secretary.

(3) The period of continuous acting shall not be considered to have been broken if during such period the teacher is on sick leave or occasional leave.

Acting for period in excess of twelve months.

30. In cases where a teacher has been acting in a higher grade for more than twelve months and is in receipt of the minimum pay higher office (or in addition to the minimum pay, has earned one or more increments) he shall continue to draw the minimum pay of the higher grade (together with any increments he may have earned for entry in the office) after a break in the acting appointment for any reason other than study leave, provided that-

(a) the break was caused by his proceeding on annual or sick leave;

(b) the teacher resumed duty in the higher office in which he was acting before the break.

PART VI

ALLOWANCES, LEAVE, ETC.

Separation Allowance

Definition of "separated"

31. (1) A teacher shall be considered to be "separated" if as a result of an appointment, posting or transfer he is compelled to take up residence in another district without being able to take his family with him, with the result that he is required to maintain two establishments because-

(a) suitable accommodation cannot be immediately found in the new district;

(b) it would not be reasonable to expect the teacher to remove from his present residence; or

(c) he could not reasonably be expected to travel daily from his present residence to the new district.

(2) A teacher so separated may be paid a temporary separation allowance related to the additional expenditure incurred by him in maintaining two establishments.

Definition of "family"

32. In these Regulations "family" shall be taken to mean a teacher's wife and children, his mother, father, brothers, sisters, who are living with and are dependent on him

Conditions of payment of separation allowances.

33. The payment of the allowance shall be subject to the following Conditions--

- (a) it shall not exceed the maximum amount set out in the Table in this Regulation;
- (b) it shall normally be paid for a period not exceeding three (3) months in the case of a permanent appointment, posting or transfer. Where, however, the appointment, posting or transfer is known to be, or turns out to have been temporary, that is for a period not exceeding six months, payment shall be made for the whole of the period;
- (c) extension of the period of payment shall be made only on the authority of the Permanent Secretary, Ministry of Finance;
- (d) no allowance shall be paid where the period of separation is less than one month;
- (e) the teacher claiming the allowance shall be required to produce a certified statement, supported by payment receipts where possible showing the additional expenditure involved by having to maintain two establishments. The allowance granted shall be a sum equivalent to the additional expenditure incurred, but not exceeding the maximum payable in the Table in this Regulation;
- (f) all teachers whether on permanent or on temporary appointment shall be eligible to receive a temporary separation allowance;
- (g) a teacher claiming the allowance must certify that he is in fact separated in accordance with the definition set out at regulation 31;
- (h) a teacher shall not receive both the temporary separation and subsistence allowance in respect of the same period.

TABLE

Officers whose remuneration does not exceed \$per annum.
Officers whose remuneration does not exceed \$per annum.

Claims for temporary separation allowance.

34. All claims for a temporary separation allowance must be submitted monthly on the prescribed form. No claims shall be entertained which are not made within six months after the period to which the claims relate. Claims must be submitted through the Permanent Secretary to the Permanent Secretary in the Ministry of Finance.

Hardship.

35. Notwithstanding regulation 33, where in the opinion of the Minister the appointment, posting or transfer of a teacher causes the teacher undue hardship, the Minister may approve of the payment of the allowances for such further period during the continuance of the appointment, posting or transfer as he may think fit.

Duration of allowance.

36. The rate of allowance having been approved, it shall be payable through the whole period for which the allowance has been approved.

SPECIAL TRAVEL ALLOWANCES

Allowances for temporary teachers.

37. A temporary teacher (that is, an officer who does not hold a substantive appointment in the Teaching Service) who is not a travelling officer who lives more than eight (8) miles from his station of duty shall be paid an allowance at the rate of eight dollars (\$8.00) per month for travelling, provided that the officer travels between his home and station each working day of the month.

Teachers travelling abroad.

38. A teacher who is required to travel abroad on official business is entitled to receive-

- (a) transport approved by the Minister of Finance to and from the place of business;
- (b) appropriate hotel accommodation and meals;
- (c) transport within the country (including reasonable taxi hire);
- (d) official telephone and telegram charges, and such other expenses which may be incurred in connection with the transaction of the official business; and
- (e) a subsistence allowance at approved rates to cover out-of-pocket expenses.

Power of Ministry of Finance

39. The Permanent Secretary in the Ministry of Finance shall issue appropriate instructions which will determine by what class an officer shall travel.

Clothing allowance

40. (1) Teachers who are required to travel to cold or temperate climate countries on official business shall be paid such warm clothing allowance as the Minister of Finance may from time to time determine. An officer who has received such an allowance is not eligible for a further allowance within a period of two

(2) years from the date of receipt of the first allowance. (2) Teachers who are required to travel outside Trinidad and Tobago on official business, shall, unless otherwise permitted, travel by the national airline.

Subsistence.

41. A teacher who is required to proceed outside Trinidad and Tobago on official business shall be paid a subsistence allowance for the period beginning with the day he leaves Trinidad and Tobago and ending with the day he returns inclusive, in accordance with rates approved by the Minister of Finance. In determining the currency in which the allowance mentioned above shall be paid, the Ministry of Finance shall draw up a schedule of hard and soft currency areas and the officer shall receive payment as follows:

in hard currency areas-U.S. currency;
in soft currency areas-Trinidad and Tobago currency or sterling.

Travelling expenses

42. Claims in respect of expenses incurred when travelling on official business shall be submitted on the appropriate form prepared by the Permanent Secretary in the Ministry of Finance.

LEAVE, PASSAGE GRANTS, ETC.

Definitions. [175/1976].

43. In this part-

"school vacation" means any period prescribed as a vacation for public schools under the Act;

"leave" means occasional leave, special leave, sick leave or maternity leave.

Teacher may be recalled to duty during vacation. [175/1976].

44. A teacher may during a school vacation be required to perform such duties of his office as the exigencies of the Teaching Service may require. Where a teacher is required to perform duties during the school vacation, he may be granted compensatory leave in compensation for the time during which he performed such duties.

Occasional leave from duty

45. (1) A teacher is entitled to fourteen days occasional leave per year on full pay for the purpose of attending to urgent private affairs but not more than seven days may be taken on any one occasion.

(2) The Supervisor may grant occasional leave for not more than two days. Such leave shall be entered in the Leave Book kept for that purpose.

(3) Application for more than two days' occasional leave shall be made in writing to the Minister through the Principal and the Supervisor who may attach their comments to the applications.

Special leave.

46. (1) A teacher selected to participate in a sporting, educational or cultural event approved by Government may for this purpose, subject to the exigencies of the service, be granted special leave with full pay.

(2) A teacher selected to represent Trinidad and Tobago in a sporting, educational or cultural event shall, subject to the exigencies of the service, be granted special leave with full pay to enable him to complete his engagement.

(3) Leave granted under this Regulation shall not affect a teacher's entitlement to any other leave.

Sick leave [85/1968]

47. (1) Subject to subregulations (2) and (3), sick leave may be granted by the Minister to a teacher for a period not exceeding fourteen days annually and an application for sick leave shall be supported by a medical certificate signed by a registered medical practitioner.

(2) Where the period of absence from duty on account of illness does not exceed two days, a teacher shall not normally be required to tender a medical certificate.

(3) Where a teacher habitually avails himself of the concession provided for in subregulation (2), the Permanent Secretary may require that teacher to submit to a medical examination by a government medical officer.

(4) The Minister may grant extended sick leave after the expiration of sick leave granted under subregulation (1) on full or half pay, as he may think fit, to teachers for such period as the Minister may approve if-

(a) the application for sick leave is supported by the certificate of a Government Medical Officer or a Medical Board; or

(b) where the applicant is outside Trinidad and Tobago, the application is supported by the certificate of a medical practitioner approved by an accredited diplomatic consular officer acting on behalf of the Government of Trinidad and Tobago.

(5) Notwithstanding anything contained in this Regulation, a teacher who in the opinion of a Government Medical Officer is suffering from or exposed to a communicable disease shall not be permitted to resume duty until the medical officer certifies to the Minister that the teacher is free from the disease and is not likely to communicate the disease to any person with whom he may come into contact. Any period in excess of twenty-eight days during which a teacher is absent from duty for the reasons set out in this subregulation shall be treated as special sick leave.

Ch.29:50

(6) In this Regulation-

"Government Medical Officer" means a medical practitioner registered under the Medical Board Act and employed on a full or part-time basis by the Government;

"Medical Board" means a Board of medical practitioners registered under the Medical Board Act and appointed by the Minister to examine and report upon the physical or mental condition of teachers.

Maternity leave

48. Three months' maternity leave, the first month on full-pay and the succeeding two months on half-pay commencing approximately one month before the expected date of confinement shall be granted and must be taken by married female teachers who become pregnant.

Application for occasional or sick leave

49. Applications for occasional leave for a period greater than two days or for sick leave shall be made on the prescribed form and shall be forwarded to the Minister through the Manager and the Supervisor who may make such comments thereon as they may consider necessary.

Leave without pay in exceptional circumstances. [85/1968].

50. (1) in exceptional circumstances leave without pay for a period not exceeding one year may be granted to teachers by the Minister who may revoke the leave on discovery that it is being used for some purpose other than that for which it was granted.

(2) Leave granted under this Regulation does not constitute a break in service nor in any way prejudice pension entitlement.

Permission to leave the country

51. Any teacher who desires to leave the country during such leave as he may be granted or during a school vacation shall obtain the prior approval of the Minister.

Passage grants.

52. (1) A teacher who is required to undertake a course of study or attachment abroad shall be granted the cost of passage of his dependants if the Minister of Finance so determines on the merits of each case.

(2) Whenever possible, a teacher to whom the cost of passage abroad has been granted under subregulation (1) shall be required to travel by "National Carrier".

Notice of resignation. * [116/169].

(Came into force on 1st January 1969.)*

53. (1) Subject to subregulation (2), a teacher may resign his office in the Teaching Service by giving to the Minister two months notice in writing terminating at the end of a second term.

(2) Where a teacher has completed at least two consecutive terms of service in the Teaching Service, he shall be deemed to have complied with subregulation (1), if he gives to the Minister two months notice in writing terminating at the end of the school vacation.

PART VII

QUARTERS

Quarters for teachers.

54. Quarters may be made available for rent to teachers in Government schools who reside in districts where there is difficulty in obtaining housing accommodation.

Rent

55. (1) Teachers occupying Government quarters shall be required to pay rent at the rate of 10 per cent of salary.

(2) The rental of electrical appliances and equipment installed in quarters shall be at the rate of 10 per cent a year of their value and in the case of other heavy furniture at the rate of 5 per cent a year of their value.

Competent authority for allocating quarters.

56. The Permanent Secretary in the Ministry of Education and Culture shall be responsible for the allocation of quarters to allocating teachers in Government schools.

Provision for teachers on transfer.

57. (1) In the case of teachers transferred in an acting capacity for a period not exceeding nine months from districts where they reside (either in their house or in rented houses) to districts where quarters are provided, the rent for use of the official quarters in the new district may be waived for the duration of the acting appointment provided that the teacher continues to pay rent for his former residence, or, where it is his own house, it is not rented whilst he is in occupation of Government quarters free of rent.

(2) In the case of a teacher who resides in Government quarters and is temporarily transferred to a new district where Government quarters are also provided, the teacher shall occupy the new quarters with his family and pay the appropriate rental. If with Government's permission the teacher's family continue to reside in the former quarters, he shall be required to pay the rent for both quarters, unless he can put forward strong and sufficient reasons for not removing his family and provided the quarters are not required for some other officer temporarily.

(3) A teacher who by reason of a transfer suffers hardship in respect of housing accommodation in that he is forced to maintain two separate establishments may be accorded rent free use of Government quarters if such quarters are available in the district to which he is transferred.

Care of Quarters. [153/1970].

58. Teachers who occupy Government quarters whether in a permanent or acting capacity, shall be required to maintain at their own expense such quarters as well as the grounds and pathways leading thereto in a proper manner. Before vacating the quarters, teachers shall ensure that they are clean and fit for occupation.

Damage, etc. to Quarters.

59. (1) During the period of his occupation of Government quarters, a teacher shall be responsible for-

- (a) any damage done to such quarters;
- (b) any neglect of the grounds or the pathways leading to such quarters;
- (c) any breakage or loss of furniture and fixtures,

and shall make good any such damage, neglect or breakage to the satisfaction of the Permanent Secretary, Ministry of Works.

(2) Where a teacher fails or refuses to make good any such damage, neglect or breakage to the satisfaction of the Permanent Secretary, Ministry of Works, an account of the charges for making good such damage, neglect or breakage shall be rendered to such teacher by the Permanent Secretary, Ministry of Works through the Permanent Secretary in the Ministry of Education, and the amount of such account shall be paid by such teacher to the Comptroller of Accounts, or failing such payment, shall on the order of the Minister, be deducted from the pay falling due to such teacher.

Telephones in Government Quarters.

60. A teacher occupying Government quarters where an official telephone is installed shall keep a record of all official long distance calls put through his telephone and certify and submit this record to the Ministry of Education at the end of each month, and shall be required to pay for all calls which are not on this list. If he does not send in his monthly record, he shall be charged with all calls

Payment of dues to Staff Association by salary deduction.

61. A teacher may authorize the Accounting Officer of the Ministry of Education and Culture to make monthly deductions from his salary of dues payable to the appropriate recognized association to which he belongs.

**EDUCATION (ASSISTED SECONDARY SCHOOL
TEACHERS MATERNITY LEAVE) REGULATIONS
153/1970.**

made under section 84(11)

Citation.

1. These Regulations may be cited as the Education (Assisted Secondary School Teachers Maternity Leave) Regulations.

Definition.

2. In these Regulations "maternity leave" means leave not exceeding three months, the first month on full pay and the succeeding two months on half-pay commencing approximately one month before the expected date of confinement.

Maternity leave during period 27th August 1966 and 14th August 1967

3. It is hereby declared that any married female teacher in an Assisted Secondary School who was granted leave during the period 27th August 1966 to 14th August 1967 for the purposes of confinement was eligible to be granted maternity leave and any leave so granted to any such teacher during that period shall be deemed to be maternity leave.
