

M O N T S E R R A T  
**EDUCATION (AMENDMENT) ACT**

No. 10 of 2019

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Education (Amendment) Act, 2019

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**I ASSENT**

(Sgd.) Andrew Pearce

**Governor**

DATE: 24.9.19

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AN ACT TO AMEND THE EDUCATION ACT (CAP. 16.01).

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows:—

**1. Short title**

This Act may be cited as the Education (Amendment) Act, 2019.

**2. Interpretation**

In this Act, "**principal Act**" means the Education Act (Cap. 16.01).

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### 3. Section 51 amended

Section 51 of the principal Act is amended by deleting subsections (1), (2), (3), (4), (5) and (6) and substituting the following subsections—

“(1) The Governor acting on the advice of Cabinet may establish a—

(a) Secondary School Disciplinary Committee for a secondary school; and

(b) Primary School Disciplinary Committee for a primary school.

(2) A School Disciplinary Committee under subsection (1) shall hear and consider matters relating to the maintenance and enforcement of discipline within a school.

(3) A Secondary School Disciplinary Committee consists of—

(a) the following *ex officio* members or the nominee of the member—

(i) the Principal of the secondary school concerned, as a non-voting member;

(ii) the Director of Education;

(iii) the Chief Medical Officer; and

(iv) the Director of Social Services; and

(b) the following persons, appointed by the Governor acting on the advice of Cabinet—

(i) an attorney-at-law;

(ii) a representative of the Montserrat Christian Council; and

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- (iii) a representative of the Parent Teachers Association.
- (4) The representative of the Montserrat Christian Council is the Chairperson of a Secondary School Disciplinary Committee and if the Chairperson is absent from a meeting, the members present at that meeting shall elect, from among themselves, a Chairperson for that meeting.
- (5) A Primary School Disciplinary Committee consists of—
  - (a) the following *ex officio* members or the nominee of the member—
    - (i) the Head teacher of the school, as a non-voting member;
    - (ii) the Director of Education;
    - (iii) the senior public health nurse assigned to the area in which the primary school is located;
    - (iv) the Social Worker within the Social Services Department, nominated by the Director of Social Services;
  - (b) the following persons appointed by the Governor acting on the advice of Cabinet—
    - (i) a representative of the Montserrat Christian Council, and
    - (ii) a representative of the Parent Teachers Association.
- (5A) The representative of the Parent Teachers Association is the Chairperson of a Primary School Disciplinary Committee and if the

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Chairperson is absent from a meeting, the members present at that meeting shall elect, from among themselves, a Chairperson for that meeting.

- (6) A decision of a School Disciplinary Committee shall be by a majority of votes of the members present and, in addition to an original vote, the Chairperson or any other person presiding at the meeting shall have a casting vote in any case in which the votes are equal.”.

#### 4. Section 147 amended

Section 147 of the principal Act is amended—

- (a) in paragraph (a), by deleting the words “three years” and substituting the words “five years”;
- (b) in paragraph (b), by inserting, immediately after the words “English Language”, the words “and Mathematics”; and
- (c) by inserting, immediately after paragraph (b), the following paragraph—

“(ba) has passed the Caribbean Examination Council Advanced Proficiency examination or any other equivalent examination as may be prescribed by the Governor acting on the advice of Cabinet;”.

#### 5. Section 171 amended

Section 171(2) of the principal Act is amended by inserting, immediately after paragraph (n), the following paragraph—

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“(na) concerning the code of conduct to be observed by teachers;”.

## 6. Fourth Schedule amended

The Fourth Schedule to the principal Act is amended in paragraph 1(a) by deleting the words “appointed under section 123” and substituting the words “established under section 120”.

(Sgd.) Shirley Osborne  
**SPEAKER**

Passed by the Legislative Assembly this 29<sup>th</sup> day of July, 2019.

(Sgd.) Judith Baker  
**CLERK OF THE LEGISLATIVE ASSEMBLY**