

# PROJET DE LOI

ENTITLED

## **The Education (Guernsey) Law, 1970 \***

[CONSOLIDATED TEXT]

### NOTE

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Ordres en Conseil Vol. XXII, p. 318; as amended by the Supplementary Family Allowances (Guernsey) Law, 1976 (Ordres en Conseil Vol. XXVI, p. 107); the Education (Amendment) (Guernsey) Law, 1981 (Ordres en Conseil Vol. XXVII, p. 347); the Education (Amendment) (Guernsey) Law, 1983 (Ordres en Conseil Vol. XXVIII, p. 181); the Education (Amendment) (Guernsey) Law, 1987 (Ordres en Conseil Vol. XXX, p. 179); the Education (Amendment) (Guernsey) Law, 1988 (Ordres en Conseil Vol. XXXI, p. 168); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Education (Amendment) (Guernsey) Law, 1990 (Ordres en Conseil Vol. XXXII, p. 144); the Education (Guernsey) (Amendment) Law, 2009 (No. XVII of 2009); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). The Law is applied, with modifications, to the Island of Alderney by the Alderney (Application of Legislation) (Education) Ordinance, 1970 (Recueil d'Ordonnances Tome XVI, p. 495). See also the Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); the Appointments to the States Established Staff (Guernsey) Law, 1985 (Ordres en Conseil Vol. XXIX, p. 130); the Education (Amendment) (Guernsey) Law, 1990 (*supra*); the Appointments Board (Repeal) (Guernsey) Law, 2000 (No. XIII of 2000); the Appointments to the States Established Staff (Guernsey) (Repeal) Law, 2004 (No. XI of 2004, Ordres en Conseil Vol. XLIV(1), p. 208); the Children (Guernsey and Alderney) Law, 2008 (No. XIV of 2009); the Education (Compulsory School Age) (Guernsey) (No.2) Ordinance, 2008 (No. XXVIII of 2008).

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## **The Education (Guernsey) Law, 1970**

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## **The Education (Guernsey) Law, 1970**

**THE STATES**, in pursuance of their Resolution of the eighteenth day of December, nineteen hundred and sixty-eight, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

### PART I INTERPRETATION

#### **Interpretation.**

**1.** (1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"authorised medical practitioner"** and **"authorised dentist"** mean respectively a person authorised to practise in the Island as a medical practitioner or dentist according to the law for the time being in force,

**["the [Committee for Health & Social Care]"** means the States [Committee for Health & Social Care],]

**"Chief Officer of Police"** means the Chief Officer of the salaried police force of the Island,

**"child"** means a person who is not over compulsory school age,

**"clothing"** includes boots and other footwear,

**"committee of management"**, in relation to any school, means the committee of management constituted under section six of this Law with

powers and duties under that section in relation to that school,

**["company"]** means a body corporate, of whatever description, incorporated with or without limited liability in any part of the world,]

**["the Committee"]** means the States [Committee for Education, Sport & Culture] constituted under section two of this Law,

**["enactment"]** means any Law, Ordinance or subordinate legislation,]

**"foundation managers"** means, in relation to any voluntary school, managers appointed for the purpose of securing, so far as is practicable, that the character of the school as a voluntary school is preserved and developed, and, in particular, that the school is conducted in accordance with the provisions of any trust instrument relating thereto,

**"further education"** has the meaning assigned to it by section twenty-three of this Law,

**"Her Majesty's Procureur"** includes Her Majesty's Comptroller,

**"independent school"** means any school at which full-time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided for pupils under or over that age), not being a school maintained by the States or a school in respect of which grants are made by the States to the proprietor of the school,

**"the Island"** means the Island of Guernsey,

**"junior pupil"** means a person who has not attained the age of twelve years,

**"medical inspection"** means inspection by or under the directions of the Medical Officer of Health or by an authorised dentist employed, or engaged, whether regularly or for the purposes of any particular case, by the States,

**"Medical Officer of Health"** means the States Medical Officer of Health and includes the Deputy States Medical Officer of Health and any other authorised medical practitioner employed, or engaged, whether regularly or for the purposes of any particular case, by the States,

**"medical treatment"** includes treatment by an authorised dentist,

**"parent"** means a person who has parental responsibility in respect of the child or young person in question,]

**"prescribed"** means prescribed by regulations made by [the Committee],

**"primary education"** has the meaning assigned to it by section four of this Law,

**"primary school"** means a school for providing primary education,

**"proprietor"**, in relation to any school, means the person or body of persons responsible for the management of the school, and for the purposes of the provisions of this Law relating to applications for the registration of independent schools, includes any person or body of persons proposing to be so responsible,

**"provisionally registered school"** means an independent school registered in the register of independent schools, whereof the registration is provisional only,

**"pupil"**, where used without qualification, means a person of any age for whom education is required to be provided under this Law,

**"register of independent schools"** means the register required to be kept by [the Committee] under section twenty-four of this Law,

**"registered pupil"** means, in relation to any school, a pupil

registered as such in the register kept in accordance with the requirements of this Law,

**"registered school"** means an independent school registered in the register of independent schools, whereof the registration is final,

**"school"** means an institution for providing primary or secondary education or both primary and secondary education, being a school maintained by the States, an independent school, or a school in respect of which grants are made by the States to the proprietor of the school; and the expression **"school"** where used without qualification includes any such school or all such schools as the context may require,

**"secondary education"** has the meaning assigned to it by section four of this Law,

**"secondary school"** means a school for providing secondary education,

**"senior pupil"** means a person who has attained the age of twelve years but has not attained the age of nineteen years,

[**"special educational needs"** and **"special educational provision"** have the meanings given to them by section 1 of the Education (Amendment) (Guernsey) Law, 1987,]

[**"subordinate legislation"** means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,]

**"young person"** means a person over compulsory school age who has not attained the age of eighteen years.

(2) Except where the context otherwise requires, any reference in this Law to any other enactment shall be construed as including a reference to that enactment as amended, repealed, replaced, extended or applied by or under any

other enactment including this Law.

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## NOTES

*In section 1,*

*the words in the first pair of square brackets in subsection (1) were inserted by the Education (Amendment) (Guernsey) Law, 1988, section 1(a), with effect from 14th March, 1989;*

*the words "Committee for Health & Social Care" in square brackets in subsection (1), wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;<sup>1</sup>*

*the definitions of the expressions "company", "enactment" and "subordinate legislation" in subsection (1) were inserted by the Education (Guernsey) (Amendment) Law, 2009, respectively section 2(a), section 2(b) and section 2(c), with effect from 1st September, 2009;*

*the words in, first, the first and, second, the second pairs of square brackets in the definition of the expression "the Committee" in subsection (1) and, third, the words "the Committee" in square brackets wherever else occurring were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 3, section 2, Schedule 1, paragraph 3 and section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;<sup>2</sup>*

*the definition of the expression "parent" in subsection (1) was substituted by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 16(a), with effect from 4th January, 2010;*

*the definition of the expressions "special educational needs" and "special educational provision" in subsection (1) were inserted by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 1, with effect from 1st December, 1992.*

*The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>3</sup>*

*The functions, rights and liabilities of the Education Department and its Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Education, Sport & Culture and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 3, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>4</sup>*

*This Law is applied to the Island of Alderney by the Alderney (Application*



*of Legislation) (Education) Ordinance, 1970, section 1, with effect from 28th October, 1970, subject to the exceptions, adaptations and modifications in the Schedule to the 1970 Ordinance.*

*In its application to the Island of Alderney, section 1 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Education) Ordinance, 1970, section 1, Schedule, with effect from 28th October, 1970.*

*In accordance with the provisions of the Education (Amendment) (Guernsey) Law, 1990, section 4, with effect from 1st October, 1990, that Law shall be construed as one with this Law.*

*In accordance with the provisions of the Education (Amendment) (Guernsey) Law, 1990, section 6, with effect from 1st October, 1990, this Law, when cited together with the amending enactments,<sup>5</sup> may be cited as the Education (Guernsey) Laws, 1970 to 1990.*

*In accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, section 123, Schedule, paragraph 18 (shown, incorrectly, in the printed version of the 2008 Law as paragraph 17), with effect from 4th January, 2010, this Law is one of those specific enactments that the States may repeal, amend, extend, adapt, modify or disapply, and make transitional and savings provisions in relation to, by Ordinance made under the said section 123.*

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## PART II

### CONSTITUTION OF THE STATES [COMMITTEE FOR EDUCATION, SPORT & CULTURE]

#### **Constitution of the States [Committee for Education, Sport & Culture].**

2. (1) There shall be a committee which shall be styled the States [Committee for Education, Sport & Culture] (hereafter in this Law referred to as "[the Committee]") with authority to exercise the powers and perform the duties conferred and imposed upon it by or under this Law.

[(2) The constitution of [the Committee] shall be such as shall, from time to time, be prescribed by the States by Resolution.]

(3) ...

(4) ...

(5) ...

(6) ...

(7) ...

(8) ...

(9) ...

(10) ...

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## NOTES

*The words in square brackets in the heading to Part II were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 3, with effect from 1st May, 2016.<sup>6</sup>*

*In section 2,*

*the words "Committee for Education, Sport & Culture" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 3, with effect from 1st May, 2016;<sup>7</sup>*

*the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*subsection (2) was substituted, and subsection (3), subsection (4), subsection (5), subsection (6), subsection (7), subsection (8), subsection (9) and subsection (10) were repealed, by the Education (Amendment) (Guernsey) Law, 1990, section 1, with effect from 1st October, 1990, subject to the savings in section 2 of the 1970 Law.*

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## PART III

### THE STATUTORY SYSTEM OF EDUCATION

#### **Stages and purposes of statutory system of education.**

3. A statutory system of public education shall be organised in three progressive stages to be known as primary education, secondary education and further education; and it shall be the duty of [the Committee], so far as its powers extend, to contribute towards the spiritual, moral, mental, and physical development of the community by securing that efficient education throughout those stages shall

be available to meet the needs of the population.

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**NOTE**

*In section 3, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Duty of [the Committee] to secure provision of primary and secondary schools.**

**4.** (1) It shall be the duty of [the Committee] to secure that there shall be available sufficient schools –

- (a) for providing primary education, that is to say, full-time education suitable to the requirements of junior pupils who have not attained the age of ten years and six months, and full-time education suitable to the requirements of junior pupils who have attained that age and whom it is expedient to educate together with junior pupils who have not attained that age, and
- (b) for providing secondary education, that is to say, full-time education suitable to the requirements of senior pupils and full-time education suitable to the requirements of junior pupils who have attained the age of ten years and six months and whom it is expedient to educate together with senior pupils,

and the schools available shall not be deemed to be sufficient unless they are sufficient in number, character and equipment to afford for all pupils opportunities for education offering such variety of instruction and training as may be desirable in view of their different ages, abilities and aptitudes and of the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their respective needs.

(2) In fulfilling its duties under this section, [the Committee] shall, in particular, have regard –

- (a) to the need for securing that primary and secondary education are provided in separate schools,
- (b) to the need for securing that provision is made for pupils who have not attained the age of five years by the provision of nursery schools or, where [the Committee] considers the provision of such schools to be inexpedient, by the provision of nursery classes in other schools,
- [(c) to the need for securing that special educational provision is made for pupils who have special educational needs, and]
- (d) to the expediency of securing the provision of boarding accommodation, either in boarding schools or otherwise, for pupils for whom education as boarders is considered by their parents and by [the Committee] to be desirable:

Provided that paragraph (a) of this subsection shall not have effect with respect to special schools.

(3) [The Committee] may make arrangements with respect to a primary school maintained by the States under which any junior pupils who have attained the age of ten years and six months and who are registered pupils at the school may be required to be withdrawn therefrom for the purpose of receiving secondary education.

(4) Nothing in this section contained shall be construed as requiring the admission of children as registered pupils at any school otherwise than at the beginning of a school term, except as regards admission at a school during the currency of a school term of a child who was prevented from entering the school at the beginning of the term –

- (a) by his being ill or by other circumstances beyond his parent's control, or
- (b) by his parent having been then resident at a place whence the school was not accessible with reasonable facility.

(5) Notwithstanding anything contained in this Law, and, in particular, in the last foregoing section, the States may by Resolution –

- (a) authorise [the Committee] to establish a new States' school, or
- (b) authorise any persons, other than [the Committee], who propose, or who represent any other persons who propose, to establish a new school which the States have agreed should be maintained as a voluntary school, to establish such school as a voluntary school,

for providing full-time education suitable to the requirements of pupils whose ages are between an age specified in the Resolution which is below the age of ten years and six months and an age which is above the age of twelve years; and where the States have by Resolution under this subsection authorised the establishment of any such school, the States shall at the same time direct that for the purposes of this Law the school shall be deemed to be a primary school or shall be deemed to be a secondary school as may be specified in the Resolution.

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## NOTES

*In section 4,*

*the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*paragraph (c) of subsection (2) was substituted by the Education (Amendment) (Guernsey) Law, 1987, section 2(1), with effect from 1st December, 1992.*

*In its application to the Island of Alderney, section 4 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Education) Ordinance, 1970, section 1, Schedule, with effect from 28th October, 1970.*

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**States' schools, voluntary schools, nursery schools, and special schools.**

5. (1) Primary and secondary schools maintained by the States, not being nursery schools or special schools, shall, if established by the States or any parish or jointly by the States and any parish, be known as States' schools and, if established otherwise than as aforesaid, be known as voluntary schools.

(2) Primary schools which are used mainly for the purpose of providing education for children who have attained the age of three years but have not attained the age of five years shall be known as nursery schools.

[(3) Schools which are specially organised to make special educational provision for pupils with special educational needs and which are for the time being approved by [the Committee] as special schools shall be known as special schools.]

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**NOTES**

*In section 5,*

*subsection (3) was substituted by the Education (Amendment) (Guernsey) Law, 1987, section 10(1), with effect from 1st December, 1992, subject to the transitional provisions in section 19 of, and paragraph 1 of the Second Schedule to, the 1987 Law;*

*the words in square brackets within subsection (3) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

*In its application to the Island of Alderney, section 5 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Education) Ordinance, 1970, section 1, Schedule, with effect from 28th October, 1970.*

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**Constitution of Primary Schools Committees and Secondary Schools Committees.**

6. (1) There shall be, for every primary school and every secondary

school, a committee of management with authority to exercise such powers and to perform such duties as the States shall from time to time by Ordinance confer and impose on it.

(2) The committees of management of primary schools shall be styled, and are hereafter in this Law called, "**Primary Schools Committees**".

(3) The committees of management of secondary schools shall be styled, and are hereafter in this Law called, "**Secondary Schools Committees**".

(4) Subject to the provisions of this section, the States shall by Ordinance make provision as to the composition of Primary Schools Committees and Secondary Schools Committees and the mode of appointment or election, as the case may be, the term of office and conditions of retirement of the members of each such committee.

(5) An Ordinance under the last preceding subsection may provide for periodical or other meetings of Primary Schools Committees and Secondary Schools Committees and as to the procedure at such meetings, but, subject to the provisions of such Ordinance, the procedure of each such committee shall be such as may be determined by the committee.

(6) An Ordinance under subsection (4) of this section shall, as respects any Primary School Committee of a voluntary primary school and any Secondary School Committee of a voluntary secondary school, provide that of the members of the committee, who shall not be less than six in number, two-thirds shall be foundation managers.

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## NOTES

*The following Ordinances have been made under section 6:*

<i>Education (Schools Committees) (Guernsey) Ordinance, 1970;</i>				
<i>Education (Schools Committees) (Amendment) (Guernsey)</i>				
<i>Ordinance, 1974;</i>				
<i>Education (Schools Committees) (Amendment) (Guernsey)</i>				
<i>Ordinance, 1976;</i>				
<i>Education (Schools Committees) (Amendment) (Guernsey)</i>				
<i>Ordinance, 1977;</i>				

*Education (Schools Committees) (Amendment) (Guernsey) Ordinance, 2004.*

*In its application to the Island of Alderney, section 6 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Education) Ordinance, 1970, section 1, Schedule, with effect from 28th October, 1970.*

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**Maintenance of voluntary schools.**

7. (1) The committee of management of any voluntary school shall not be responsible for any of the expenses of maintaining the school, which shall be borne by the States:

Provided that the committee shall be responsible for any expenses incurred in connection with the upkeep, repair and decoration of the school buildings.

(2) Where [the Committee] is satisfied that the managers of a voluntary school are unable or unwilling to carry on the school, [the Committee] may conduct the school during such period, not exceeding two years, as [the Committee] may deem necessary or expedient as if the school were a States' school, and shall be entitled to the use of the school premises free of charge for that purpose.

(3) While any school is being conducted by [the Committee] as a States' school under the last foregoing subsection, [the Committee] shall keep the school premises in good repair, and for all purposes relating to the condition of the school premises, the occupation and use thereof, and the making of alterations thereto, any interest in the school premises which is held for the purposes of the school shall be deemed to be vested in the States:

Provided that the managers of the school shall be entitled to the use of the school premises or any part thereof when not required for the purposes of the school to the like extent as if they had continued to carry on the school.

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**NOTE**

*In section 7, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with*



*effect from 1st May, 2016.*

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**Secular instruction in States' schools and in voluntary schools.**

8. (1) In every States' school and, subject to the provisions hereinafter contained as to religious education, in every voluntary school, the secular instruction to be given to the pupils shall be under the control of [the Committee].

(2) The power to control the secular instruction provided in any States' school or voluntary school shall include power to determine the times at which the school session shall begin and end on any day, to determine the times at which the school terms shall begin and end, to determine the school holidays, and to require that pupils in attendance at the school shall attend any class not conducted on the school premises for the purpose of receiving instruction or training included in the secular curriculum of the school.

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**NOTE**

*In section 8, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Appointment and dismissal of teachers in States' schools and in voluntary schools.**

9. (1) In every States' school and, subject to the provisions hereinafter contained as to religious education, in every voluntary school, the appointment of teachers shall be under the control of [the Committee], and no teacher shall be dismissed except by [the Committee]:

Provided that the powers contained in this subsection shall be subject to the provision that any representative of a committee of management of a school to which this section applies who may, from time to time, be elected under the provisions of an Ordinance made under section six of this Law to sit at meetings of [the Committee] for the purpose of appointing a head teacher or a deputy head teacher to the school for which such committee is responsible shall, but only for the purpose of such appointment, be deemed to be a member of [the Committee] and

have a right of vote under subsection (8) of section two of this Law as if he were a member of [the Committee].]

(2) No woman shall be disqualified for employment as a teacher in any States' school or voluntary school, or be dismissed from such employment, by reason only of marriage.

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#### NOTES

*In section 9,*

*the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*the proviso to subsection (1) was inserted, and the punctuation at the end thereof was substituted, by the Education (Amendment) (Guernsey) Law, 1983, section 1, with effect from 14th July, 1983.*

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#### **General provisions as to religious education in States' schools and in voluntary schools.**

**10.** (1) Subject to the provisions of this section, the school day in every States' school and in every voluntary school shall begin with collective worship on the part of all pupils in attendance at the school, and the arrangements made therefor shall provide for a single act of worship attended by all such pupils unless, in the opinion of [the Committee] or, in the case of a voluntary school, of the committee of management thereof, the school premises are such as to make it impracticable to assemble them for that purpose.

(2) Subject to the provisions of this section, religious instruction shall be given in every States' school and in every voluntary school.

(3) It shall not be required, as a condition of any pupil attending any States' school or any voluntary school, that he shall attend or abstain from attending any Sunday school or any place of religious worship.

(4) If the parent of any pupil in attendance at any States' school or any voluntary school requests that he be wholly or partly excused from

attendance at religious worship in the school, or from attendance at religious instruction in the school, or from attendance at both religious worship and religious instruction in the school, then, until the request is withdrawn, the pupil shall be excused from such attendance accordingly.

(5) Where any pupil has been wholly or partly excused from attendance at religious worship or instruction in any school in accordance with the provisions of this section, and [the Committee] is satisfied –

- (a) that the parent of the pupil desires him to receive religious instruction of a kind which is not provided in the school during the periods during which he is excused from such attendance,
- (b) that the pupil cannot with reasonable convenience be sent to another States' or voluntary school where religious instruction of the kind desired by the parent is provided, and
- (c) that arrangements have been made for him to receive religious instruction during school hours elsewhere,

the pupil may be withdrawn from the school during such periods as are reasonably necessary for the purpose of enabling him to receive religious instruction in accordance with the arrangements:

Provided that the pupil shall not be so withdrawn unless [the Committee] is satisfied that the arrangements are such as will not interfere with the attendance of the pupil at school on any day except at the beginning or end of the school session on that day.

(6) No directions shall be given by [the Committee] as to the secular instruction to be given to pupils in attendance at a voluntary school so as to interfere with the provision of reasonable facilities for religious instruction in the school during school hours; and no such direction shall be given so as to prevent a pupil from receiving religious instruction in accordance with the provisions of this

section during the hours normally set apart for that purpose, unless arrangements are made whereby the pupil shall receive such instruction in the school at some other time.

---

**NOTE**

*In section 10, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Special provisions as to religious education in States' schools.**

**11.** Subject as hereinafter provided, the collective worship required by subsection (1) of the last preceding section shall not, in any States' school, be distinctive of any particular religious denomination, and the religious instruction given to any pupils in attendance at a States' school in conformity with the requirements of subsection (2) of the said section shall be given in accordance with a syllabus approved by [the Committee] and shall not include any catechism or formulary which is distinctive of any particular religious denomination:

Provided that, where a States' secondary school is so situated that arrangements cannot conveniently be made for the withdrawal of pupils from the school in accordance with the provisions of this Law to receive religious instruction elsewhere, then, if [the Committee] is satisfied –

- (a) that the parents of pupils in attendance at the school desire them to receive religious instruction in the school in accordance with the tenets of a particular religious denomination, and
- (b) that satisfactory arrangements have been made for the provision of such instruction to those pupils in the school and for securing that the cost of providing such instruction to those pupils in the school will not fall upon the States,

[the Committee] shall, unless it is satisfied that owing to any special circumstances

it would be unreasonable so to do, provide facilities for the carrying out of those arrangements.

---

**NOTE**

*In section 11, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

---

**Special provisions as to religious education in voluntary schools.**

**12.** (1) The religious instruction given to the pupils in attendance at a voluntary school shall be under the control of the committee or management of the school and shall be in accordance with any provisions of the trust instrument relating to the school or, where provision for that purpose is not made by such an instrument, in accordance with the practice observed in the school before the coming into force of this Law:

Provided that where the parents of pupils in attendance at the school desire them to receive religious instruction in accordance with any syllabus approved by [the Committee] and cannot with reasonable convenience cause those pupils to attend any school at which that syllabus is in use, then, unless [the Committee] is satisfied that owing to any special circumstances it would be unreasonable so to do, arrangements shall be made for religious instruction in accordance with that syllabus to be given to those pupils in the school during the times set apart for the giving of religious instruction therein, and such arrangements shall be made by the committee of management of the school so, however, that if [the Committee] is satisfied that the committee is unwilling to make such arrangements, the arrangements shall be made by [the Committee].

(2) If a teacher appointed to give in a voluntary school religious instruction, other than instruction in accordance with a syllabus approved as aforesaid, fails to give such instruction efficiently and suitably, the committee of management of the school may require [the Committee] to dismiss him on that ground.

**NOTE**

*In section 12, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Saving as to position of teachers.**

**13.** Subject as hereinafter provided, no person shall be disqualified by reason of his religious opinion, or of his attending or omitting to attend religious worship, from being a teacher in a States' school or in any voluntary school, or from being otherwise employed for the purposes of such a school; and no teacher in any such school shall be required to give religious instruction or receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he does or does not give any religious instruction or by reason of his religious opinions or of his attending or omitting to attend religious worship:

Provided that, save in so far as they require that a teacher shall not receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he gives religious instruction or by reason of his religious opinions or of his attending religious worship, the provisions of this section shall not apply with respect to a teacher in a voluntary school.

**Education of pupils requiring special educational treatment.**

**14.** ...

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**NOTE**

*Section 14 was repealed by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 2, with effect from 1st December, 1992.*

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**Duty of the Council to ascertain what children require special educational treatment.**

**15.** ...

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**NOTE**

*Section 15 was repealed by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 2, with effect from 1st December, 1992.<sup>8</sup>*

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**Compulsory school age.**

**16.** (1) Subject to the provisions of this section, in this Law the expression "**compulsory school age**" means any age between five years and fifteen years, and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of five years and has not attained the age of fifteen years and a person shall be deemed to be over compulsory school age as soon as he has attained the age of fifteen years.

(2) The States may by Ordinance make provision directing that the provisions of subsection (1) of this section shall, subject to such exceptions as may be specified in the Ordinance, have effect as if for the references therein to the age of fifteen years there were substituted references to the age of sixteen years.

[(3) Any person who –

- (a) attains an age which is the upper limit of the compulsory school age at any time from the beginning of a school year up to and including the last Friday in June in that school year, shall be deemed not to have attained that age until the end of that last Friday in June, or
- (b) is to attain an age which is the upper limit of the compulsory school age at any time after the last Friday in June in a school year but before the beginning of the school year next following, shall be deemed to have attained that age at the end of that last Friday in June.

(4) In subsection (3) "**school year**" means the period beginning on 1<sup>st</sup> September in any year and ending at the end of the 31<sup>st</sup> August next

following.]

(5) Any reference in any other enactment to the compulsory school age shall be construed in accordance with the provisions of this section:

Provided that in construing any such reference in any enactment relating to family allowances[, supplementary family allowances] or social insurance the provisions of [paragraph (b)] of subsection (3) of this section shall be disregarded.

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#### NOTES

*In section 16,*

*subsection (3) and subsection (4), and the words, letter and parentheses in the second pair of square brackets in the proviso to subsection (5), were substituted by the Education (Guernsey) (Amendment) Law, 2009, respectively section 3(a) and section 3(b), with effect from 1st September, 2009;*

*the words in square brackets in the proviso to subsection (5) were inserted by the Supplementary Family Allowances (Guernsey) Law, 1976, section 20(2), with effect from 22nd November, 1976.*

*In accordance with the provisions of the Education (Compulsory School Age) (Guernsey) (No.2) Ordinance, 2008, section 1, subsection (1) of this section shall have effect as if for each reference to "fifteen years" there were substituted "sixteen years", with effect from 1st September, 2008, subject to the exception in section 2 of the 2008 Ordinance, whereby the substitutions shall not have effect in relation to a person who attained the age of 15 at any time from 1st September 2007 to 31st August 2008 inclusive except for such a person who stayed on at school at any time on or after 1st September, 2008.*

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#### **Duty of parents to secure the education of their children.**

**17.** 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 [and to any special educational needs he may have], either by regular attendance at school or otherwise:

Provided that the parent of a child shall not be under any duty to cause him to receive full-time education during any period during which, having regard to the provisions of subsection (4) of section four of this Law, it is not practicable for the parent to arrange for him to become a registered pupil at a school.



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**NOTE**

*In section 17, the words in square brackets were inserted by the Education (Amendment) (Guernsey) Law, 1987, section 15, with effect from 1st December, 1992.*

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**School attendance orders.**

**18.** (1) If it appears to [the Committee] that the parent of any child of compulsory school age is failing to perform the duty imposed on him by the last foregoing section, it shall be the duty of [the Committee] to serve upon the parent a notice requiring him, within such time as may be specified in the notice not being less than fourteen days from the service thereof, to satisfy [the Committee] that the child is receiving efficient full-time education suitable to his age, ability and aptitude [and to any special educational needs he may have] either by regular attendance at school or otherwise.

(2) If, after such a notice has been served upon a parent by [the Committee], the parent fails to satisfy [the Committee] in accordance with the requirements of the notice that the child to whom the notice relates is receiving efficient full-time education suitable to his age, ability, and aptitude [and to any special educational needs he may have], then, if in the opinion of [the Committee] it is expedient that he should attend school, [the Committee] shall serve upon the parent an order in the prescribed form (hereinafter referred to as a "**school attendance order**") requiring him to cause the child to become a registered pupil at a school named in the order:

[...].

(3) If at any time while a school attendance order is in force with respect to any child the parent of the child makes application to [the Committee] [...] requesting that the order be revoked on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability, and aptitude [and to any special educational needs he may have] otherwise than at school, [the Committee] shall [...] revoke the order in compliance with the request unless it is of opinion [...] that no satisfactory arrangements have been made for the

education of the child otherwise than at school [...].

(4) If any person upon whom a school attendance order is served fails to comply with the requirements of the order, he shall be guilty of an offence against this section unless he proves that he is causing the child to receive efficient full-time education suitable to his age, ability, and aptitude [and to any special educational needs he may have] otherwise than at school.

(5) If in proceedings against any person for a failure to comply with a school attendance order that person is acquitted, the Magistrate's Court may direct that the school attendance order shall cease to be in force, but without prejudice to the duty of [the Committee] to take further action under this section if at any time [the Committee] is of the opinion that having regard to any change of circumstances it is expedient to do so.

(6) Save as provided by the last foregoing subsection, a school attendance order made with respect to any child shall, subject to any amendment thereof which may be made by [the Committee], continue in force so long as he is of compulsory school age unless revoked by [the Committee].

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## NOTES

*In section 18,*

*the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*the words in square brackets in subsection (1), in the third pair of square brackets in subsection (2), in the third pair of square brackets in subsection (3) and in the square brackets in subsection (4) were inserted by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 3(a), with effect from 1st December, 1992;*

*the words omitted in the sixth pair of square brackets in subsection (2) and in the second, fifth, sixth and seventh pairs of square brackets in subsection (3) were repealed by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 3(b), with effect from 1st December, 1992.*

*The following Regulations have been made under section 18:*

*School Attendance Order (Guernsey) Regulations, 1970.*

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**Additional provisions as to compulsory attendance at special schools.**

**19.** ...

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**NOTE**

*Section 19 was repealed by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 4, with effect from 1st December, 1992.*

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**Duty of parents to secure regular attendance of registered pupils.**

**20.** (1) If any child of compulsory school age who is a registered pupil at a school fails to attend regularly thereat, the parent of the child shall be guilty of an offence against this section.

(2) In any proceedings for an offence against this section in respect of a child who is not a boarder at the school at which he is a registered pupil, the child shall not be deemed to have failed to attend regularly at the school by reason of his absence therefrom with leave or –

- (a) at any time when he was prevented from attending by reason of sickness or any unavoidable cause,
- (b) on any day exclusively set apart for religious observance by the religious body to which his parent belongs,
- (c) if the parent proves that the school at which the child is a registered pupil is not within walking distance of the child's home, and that no suitable arrangements have been made by [the Committee] either for his transport to and from the school or for boarding accommodation for him at or near the school or for enabling him to become a registered pupil at a school nearer to his home.

(3) In any proceedings for an offence against this section in respect of a child who is a boarder at the school at which he is a registered pupil, the child shall be deemed to have failed to attend regularly at the school if he is absent therefrom without leave during any part of the school term at a time when he was not prevented from being present by reason of sickness or any unavoidable cause.

(4) In this section the expression "**leave**", in relation to any school, means leave granted by any person authorised in that behalf by [the Committee], and the expression "**walking distance**" means, in relation to a child who has not attained the age of eight years one mile, and in the case of any other child two and one half miles, measured by the nearest available route.

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**NOTE**

*In section 20, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Enforcement of school attendance.**

**21.** (1) Subject to the provisions of this section, any person guilty of an offence against section eighteen or section twenty of this Law shall be liable, on summary conviction, in the case of a first offence against that section to a fine not exceeding [level 1 on the uniform scale], and in the case of a second or subsequent offence against that section to a fine not exceeding [level 2 on the uniform scale] or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

(2) ...

(3) ...

(4) ...

(5) ...

(6) ...

(7) ...

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## NOTES

*In section 21,*

*the words and figures in the first and second pairs of square brackets in subsection (1) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, respectively section 2(2) and section 2(4), with effect from 1st July, 1989;*

*subsection (2), subsection (3), subsection (4), subsection (5), subsection (6) and subsection (7) were repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 16(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>9</sup>*

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### **School attendance of vagrant children.**

22. ...

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## NOTE

*Section 22 was repealed by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 16(b), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.<sup>10</sup>*

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### **General duties of [the Committee] with respect to further education.**

23. [The Committee] may make such arrangements as it considers necessary or desirable with a view to securing the provision of adequate facilities for further education, that is to say –

- (a) full-time and part-time education for persons over compulsory school age, including[, without limitation, vocational, social, physical, recreational and industrial training], and

- (b) leisure-time occupation, in such organized cultural training and recreative activities as are suited to their requirements, for any persons over compulsory school age who are able and willing to profit by the facilities provided for that purpose.

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## NOTES

*In section 23,*

*the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*the words in square brackets in paragraph (a) were substituted by the Education (Guernsey) (Amendment) Law, 2009, section 4, with effect from 1st September, 2009.*

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## PART IV INDEPENDENT SCHOOLS

### **Registration of independent schools.**

**24.** (1) [The Committee] shall keep a register of all independent schools, and, subject as hereinafter provided, shall register therein any independent school of which the proprietor makes application for the purpose in the prescribed manner and furnishes the prescribed particulars:

Provided that –

- (a) no independent school shall be registered if, by virtue of an order made under the provisions hereinafter contained, the proprietor is disqualified from being the proprietor of an independent school or the school premises are disqualified from being used as a school, or if the school premises are used or proposed to be used for any purpose for which they are disqualified by virtue of any such order, and

- (b) the registration of any school shall be provisional only until [the Committee], after the school has been inspected on its behalf under the provisions of Part VI of this Law, gives notice to the proprietor that the registration is final.

(2) If after the expiration of six months from the date of the commencement of this Part of this Law any person –

- (a) conducts an independent school, whether established before or after the commencement of this Law, which is not a registered school or a provisionally registered school, or
- (b) being the proprietor of an independent school does any act calculated to lead to the belief that the school is a registered school while it is a provisionally registered school,

he shall be liable, on summary conviction, to a fine not exceeding [level 1 on the uniform scale] or in the case of a second or subsequent conviction to a fine not exceeding [level 2 on the uniform scale] or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

(3) [The Committee] may from time to time make regulations –

- (a) prescribing the particulars to be furnished to [the Committee] by the proprietors of such schools, and
- (b) providing for the notification to [the Committee] of any changes in the particulars so furnished and as to the circumstances in which [the Committee] may order the name of any school to be deleted from the register in the event of [the Committee] being unable to obtain sufficient particulars thereof.

(4) [The Committee] shall cause a copy of every order made under this Part of this Law to be entered in the register.

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**NOTES**

*In section 24,*

*the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*the words and figures in the first and second pairs of square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, respectively section 2(2) and section 2(4), with effect from 1st July, 1989.*

*The following Regulations have been made under section 24:*

*Independent Schools Registration (Guernsey) Regulations, 1971.*

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**Complaints.**

**25.** (1) If at any time [the Committee] is satisfied that any registered or provisionally registered school is objectionable upon all or any of the following grounds –

- (a) that the school premises or any parts thereof are unsuitable for a school,
- (b) that the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages and sex of the pupils attending the school,
- (c) that efficient and suitable instruction is not being provided at the school having regard to the ages and sex of the pupils attending thereat,
- (d) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of an independent school or to be a teacher



in any school, as the case may be,

[the Committee] shall serve upon the proprietor of the school a notice of complaint stating the grounds of complaint together with full particulars of the matters complained of, and, unless any of such matters are stated in the notice to be in the opinion of [the Committee] irremediable, the notice shall specify the measures necessary in the opinion of [the Committee] to remedy the matters complained of, and shall specify the time, not being less than six months after the service of the notice, within which such measures are thereby required to be taken.

(2) If it is alleged by any notice of complaint served under this section that any person employed as a teacher at the school is not a proper person to be a teacher in any school, that person shall be named in the notice and the particulars contained in the notice shall specify the grounds of the allegation, and a copy of the notice shall be served upon him.

---

**NOTE**

*In section 25, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Determination of complaints by the Royal Court.**

**26.** (1) Any person upon whom a notice of complaint or a copy or such a notice is served under the last foregoing section may appeal therefrom by referring the complaint to the Royal Court.

(2) An appeal to the Royal Court under the foregoing subsection shall be instituted by the service of a summons on [the President] of [the Committee], within one month after the service of the notice of complaint to which the appeal relates, setting out the grounds of appeal and the material facts on which the appellant relies; and where the appeal is against a notice of complaint alleging that a teacher is not a proper person to be employed as a teacher in any school, the appellant shall at the same time serve a copy of the summons on the proprietor of the school or on the teacher, as the case may be.

(3) Upon a complaint being referred to it under subsection (1) of this section, the Royal Court shall have power –

- (a) to order that the complaint be annulled,
- (b) to order that the school in respect of which the notice of complaint was served be struck off the register,
- (c) to order that the school be so struck off unless the requirements of the notice, subject to such modifications, if any, as may be specified in the order, are complied with to the satisfaction of [the Committee] before the expiration of such time as may be specified in the order,
- (d) if satisfied that the premises alleged by the notice of complaint to be unsuitable for use as a school or any part of such premises are in fact unsuitable for such use, by order to disqualify the premises or part from being so used, or, if satisfied that the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages and sex of the pupils attending the school, by order to disqualify the premises from being used as a school for pupils exceeding such number or of such age or sex as may be specified in the order,
- (e) if satisfied that any person alleged by the notice of complaint to be a person who is not proper to be the proprietor of an independent school or to be a teacher in any school is in fact such a person, by order to disqualify that person from being the proprietor of any independent school or from being a teacher in any school, as the case may be.

(4) Where a notice of complaint has been served under the last

foregoing section on the proprietor of any school and the complaint is not referred by him to the Royal Court within the time limited in that behalf under subsection (2) of this section, [the Committee] shall have power to make any order which the Royal Court would have had power to make if the complaint had been so referred:

Provided that, if it was alleged by the notice of complaint that any person employed as a teacher at the school is not a proper person to be a teacher in any school and that person has, within the time limited in that behalf as aforesaid, referred the complaint to the Royal Court, [the Committee] shall not have power to make an order requiring his dismissal or disqualifying him from being a teacher in any school.

(5) Where by virtue of an order made by the Royal Court or by [the Committee] any person is disqualified either from being the proprietor of an independent school or from being a teacher in any school, then, unless the order otherwise directs, that person shall, by virtue of the order, be disqualified from being the proprietor of an independent school and from being a teacher in any school.

---

**NOTE**

*In section 26, the words "the President" and "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 2, Schedule 1, paragraph 3 and section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.<sup>11</sup>*

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**Enforcement.**

27. (1) Where an order is made by the Royal Court or by [the Committee] directing that any school be struck off the register, [the Committee] shall, as from the date on which the direction takes effect, strike the school off the register.

(2) If any person uses any premises for purposes for which they are disqualified by virtue of any order made under this Part of this Law, that person shall be liable, on summary conviction, to a fine not exceeding [level 1 on the uniform scale] or in the case of a second or subsequent conviction, whether in

respect of the same or other premises, to a fine not exceeding [level 2 on the uniform scale] or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

(3) If any person acts as the proprietor of an independent school, or accepts or endeavours to obtain employment as a teacher in any school, while he is disqualified from so acting or from being so employed by virtue of any such order as aforesaid, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

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#### NOTES

*In section 27,*

*the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*the words and figures in the first and second pairs of square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, respectively section 2(2) and section 2(4), with effect from 1st July, 1989.*

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#### **Removal of disqualifications.**

28. (1) If, on the application of any person, [the Committee] is satisfied that any disqualification imposed by an order made under this Part of this Law is, by reason of any change of circumstances, no longer necessary, [the Committee] may by order remove the disqualification.

(2) Any person who is aggrieved by the refusal of [the Committee] to remove a disqualification so imposed may appeal therefrom to the Royal Court; and such appeal shall be instituted by the service of a summons on [the President] of [the Committee], within one month after the communication of the refusal to the appellant, setting out the grounds of appeal and the material facts on which the appellant relies.

---

**NOTE**

*In section 28, the words "the Committee" and "the President" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 3 and section 2, Schedule 1, paragraph 3, with effect from 1st May, 2016.<sup>12</sup>*

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**PART V**

**TRAINING IN LIEU OF EDUCATION OF CHILDREN UNSUITABLE FOR  
EDUCATION**

**Medical examination and classification of children unsuitable for education.**

**29.** ...

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**NOTE**

*Part V, and section 29 thereof, were repealed by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 6, with effect from 1st December, 1992.*

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**Review of classification.**

**30.** ...

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**NOTE**

*Section 30 was repealed by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 6, with effect from 1st December, 1992.*

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**Supplementary provisions as to classification.**

**31.** ...

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**NOTE**

*Section 31 was repealed by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 6, with effect from 1st December, 1992.*

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**Power to compel attendance at training centres.**

32. ...

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**NOTE**

*Section 32 was repealed by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 6, with effect from 1st December, 1992.*

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**Provisions as to regular attendance for training.**

33. ...

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**NOTE**

*Section 33 was repealed by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 6, with effect from 1st December, 1992.*

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PART VI  
MISCELLANEOUS

**Pupils to be educated in accordance with wishes of their parents.**

34. In the exercise and performance of all powers and duties conferred and imposed on it by this Law [the Committee] shall have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable expenditure by the States, pupils are to be educated in accordance with the wishes of their parents.

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**NOTE**

*In section 34, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Inspection of schools.**

35. (1) It shall be the duty of [the Committee] to cause inspections to be made of every school, other than Elizabeth College, by any person authorised by

[the Committee] in that behalf, being an inspector appointed by Her Majesty for the purpose of inspecting educational establishments under any enactment relating to education for the time being in force in England, at such intervals as appear to [the Committee] to be appropriate, and to cause a special inspection of any such school to be made by such inspector authorised as aforesaid whenever [the Committee] considers such an inspection to be desirable; and persons ordinarily employed for the purpose of inspecting secular instruction who are not appointed as aforesaid may be authorised by [the Committee] to assist such inspectors and to act as additional inspectors:

Provided that [the Committee] shall not be required by virtue of this subsection to cause inspections to be made of any school during any period during which it is satisfied that suitable arrangements are in force for the inspection of that school otherwise than in accordance with this subsection.

(2) [The Committee] may cause an inspection to be made of any States' school or voluntary school and such inspection shall be made by a member or officer of [the Committee] authorised in that behalf by [the Committee].

(3) If any person obstructs any person authorised to make an inspection in pursuance of the provisions of this section in the execution of his duty, he shall be liable, on summary conviction, to a fine not exceeding [level 1 on the uniform scale], or, in the case of a second or subsequent conviction, to a fine not exceeding [level 2 on the uniform scale] or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

(4) Subject as hereinafter provided, the religious instruction given in any States' school or voluntary school shall not be subject to inspection except by such inspector as aforesaid appointed by Her Majesty or by such person as aforesaid ordinarily employed for the purpose of inspecting secular instruction and authorised by [the Committee] to act as an additional inspector:

Provided that the religious instruction given in a voluntary school otherwise than in accordance with a syllabus approved by [the Committee] shall not be subject to such inspection as aforesaid, but may be inspected under arrangements made for that purpose by the committee of management of the school, so, however, that such

inspections shall not be made on more than two days in any year and not less than fourteen days' notice of the dates fixed therefor shall be given to [the Committee].

(5) No pupil who has been excused from attendance at religious worship or instruction in a voluntary school in accordance with the provisions of this Law shall be required to attend the school on a day fixed for an inspection by arrangements made under the proviso to the last foregoing subsection.

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## NOTES

*In section 35,*

*the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*the words and figures in the first and second pairs of square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, respectively section 2(2) and section 2(4), with effect from 1st July, 1989.*

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### **Registration of pupils at schools.**

**36.** (1) The committee of management of every States' school and every voluntary school and the proprietor of every other school shall cause to be kept in accordance with regulations made by [the Committee] a register containing the prescribed particulars with respect to all persons who are pupils at the school, and such regulations may make provision for enabling registers to be inspected, for enabling extracts therefrom to be taken for the purposes of this Law by persons duly authorised in that behalf under the regulations, and for requiring the persons by whom any such register is required to be kept to make to [the Committee] such periodical or other returns as to the contents thereof as may be prescribed.

(2) Regulations made under this section shall prescribe the grounds on which names are to be deleted from a register kept thereunder, and the name of a person entered in such a register as a registered pupil shall be deleted therefrom when occasion arises on some one or other of the prescribed grounds and shall not be deleted therefrom on any other ground.



(3) Any proprietor as aforesaid who contravenes or fails to comply with the foregoing provisions of this section or any requirements imposed on him by regulations made under this section shall be liable, on summary conviction, to a fine not exceeding [level 1 on the uniform scale].

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## NOTES

*In section 36,*

*the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*the words and figure in square brackets in subsection (3) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

*The following Regulations have been made under section 36:*

*Pupils' Registration (Guernsey) Regulations, 1970.*

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## **Medical inspection and medical and dental treatment of pupils.**

**37.** (1) It shall be the duty of [the Committee for Health & Social Care] to provide for the medical inspection, at appropriate intervals, of pupils in attendance at any school.

(2) For the purpose or securing proper medical inspection of the pupils in attendance at any school, the Medical Officer of Health may require the parent of any pupil in attendance at such school to submit the pupil for medical inspection in accordance with arrangements made by [the Committee for Health & Social Care]; and any person who fails without reasonable excuse to comply with any such requirement shall be liable, on summary conviction, to a fine not exceeding [level 1 on the uniform scale].

(3) It shall be the duty of [the Committee for Health & Social Care], so far as may be reasonably practicable, to secure the provision of medical treatment for pupils in attendance at any school; and [the Committee for Health & Social Care] may require the parent to pay to [the Committee for Health & Social Care] in respect of such medical treatment such sums, if any, as in the opinion of

[the Committee for Health & Social Care] he is able without financial hardship to pay:

Provided that if the parent of any pupil gives to [the Committee for Health & Social Care] notice that he objects to the pupil availing himself of any medical treatment provided under this subsection, the pupil shall not be encouraged or assisted so to do.

(4) Any sums payable by virtue of this section may be recovered by the States as a civil debt.

(5) [The Committee for Health & Social Care] may give directions to the committee of management of any voluntary school requiring the committee to provide such reasonable facilities as may be specified in. the directions for the purpose of enabling [the Committee for Health & Social Care] to carry out its functions under this section, so, however, that the committee of management of a voluntary school shall not be required by any such directions to incur expenditure.

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#### NOTES

*In section 37,*

*the words "T/the Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;<sup>13</sup>*

*the words and figure in the second pair of square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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#### **Power to ensure cleanliness.**

**38.** (1) [The Committee] may, by direction in writing issued with respect to all States' schools and voluntary schools or with respect to any of such schools named in the directions, authorise the Medical Officer of Health to cause examinations of the persons and clothing of pupils in attendance at such schools to be made whenever in his opinion such examinations are necessary in the interests of cleanliness.

(2) Any such examination as aforesaid shall be made by a person authorised by [the Committee] to make such examination, and if the person or clothing of any pupil is found upon such an examination to be infested with vermin or in a foul condition, any person so authorised by [the Committee] may serve upon the parent of the pupil a notice requiring him to cause the person and clothing of the pupil to be cleansed.

(3) A notice served under the last foregoing subsection shall inform the person upon whom it is served that unless within the period limited by the notice, not being less than twenty-four hours after the service thereof, the person and clothing of the pupil to whom the notice relates are cleansed to the satisfaction of such person as may be specified in the notice the cleansing thereof will be carried out under arrangements made by [the Committee] and if, upon a report being made to him by that person at the expiration of that period, the Medical Officer of Health is not satisfied that the person and clothing of the pupil have been properly cleansed, the Medical Officer of Health may issue an order directing that the person and clothing of the pupil be cleansed under such arrangements.

(4) It shall be the duty of [the Committee] to make arrangements for securing that any person or clothing required under this section to be cleansed may be cleansed, whether at the request of a parent or in pursuance of an order issued under this section, at suitable premises by suitable persons and with suitable appliances.

(5) Where an order has been issued by the Medical Officer of Health under this section directing that the person and clothing of a pupil be cleansed under arrangements made by [the Committee] the order shall be sufficient authority for any person, being a person authorised by [the Committee] in pursuance of subsection (2) of this section to examine the person or clothing of any pupil, to cause the person and clothing of the pupil named in the order to be cleansed in accordance with arrangements made under the last foregoing subsection, and for that purpose to convey him to, and detain him at, any premises provided in accordance with such arrangements.

(6) If, after the cleansing of the person or clothing of any pupil has been carried out under this section, his person or clothing is again found to be

infested with vermin or in a foul condition at any time while he is in attendance at a States' school or voluntary school, and it is proved that the condition of his person or clothing is due to neglect on the part of his parent, his parent shall be liable, on summary conviction, to a fine not exceeding [level 1 on the uniform scale].

(7) Where the Medical Officer of Health suspects that the person or clothing of any pupil in attendance at a States' school or voluntary school is infested with vermin or in a foul condition, but action for the examination or cleansing thereof cannot immediately be taken, he may, if he considers it necessary so to do either in the interest of the pupil or of other pupils in attendance at the school, direct that the pupil be excluded from the school until such action has been taken; and such a direction shall be a defence to any proceedings under this Law in respect of the failure of the pupil to attend school on any day on which he is excluded in pursuance of the direction, unless it is proved that the issue of the direction was necessitated by the wilful default of the pupil or parent.

(8) No girl shall be examined or cleansed under the powers conferred by this section except by an authorised medical practitioner or by a woman authorised for that purpose by [the Committee].

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## NOTES

*In section 38,*

*the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*the words and figure in square brackets in subsection (6) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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## **Supplementary provisions as to medical examinations and inspections.**

**39.** Where, in the opinion of [the Committee for Health & Social Care], any medical examination or medical inspection or classes of medical examinations or medical inspections should be conducted by or with the assistance of a medical practitioner, other than the Medical Officer of Health, having special qualifications or experience, [the Committee for Health & Social Care] may direct that such

examination or inspection or classes of examinations or inspections shall be conducted by or with the assistance of such medical practitioner approved by [the Committee for Health & Social Care]; and in relation to any case to which a direction under this section that a medical examination or medical inspection shall be conducted by such medical practitioner approved by [the Committee for Health & Social Care] applies, the foregoing provisions of this Law relating to medical examinations and medical inspections shall have effect as if any reference therein to the Medical Officer of Health included a reference to such medical practitioner.

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**NOTE**

*In section 39, the words "the Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.<sup>14</sup>*

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**Provision of board and lodging otherwise than at boarding schools.**

**40.** (1) Where [the Committee] is satisfied with respect to any pupil that education suitable to his age, ability and aptitude [and to any special educational needs he may have] can best be provided at any particular school, but that such education cannot be so provided unless boarding accommodation is provided for him otherwise than at the school, or where [the Committee] is satisfied with respect to a pupil [having special educational needs] that provision for him of board and lodging is necessary for enabling him to receive the required special educational [provision], [the Committee] may provide such board and lodging for him under such arrangements as it thinks fit.

(2) In making any arrangements under this section for any pupil, [the Committee] shall, so far as practicable, give effect to the wishes of the parent of the pupil with respect to the religious denomination of the person with whom he will reside.

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**NOTES**

*In section 40,*

*the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of*

*Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*the words in the second, fourth and fifth pairs of square brackets in subsection (1) were, respectively, inserted, substituted and substituted by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, respectively paragraph 7(a), paragraph 7(b) and paragraph 7(c), with effect from 1st December, 1992.*

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#### **Provision of clothing.**

**41.** Where it appears to [the Committee] that a registered pupil at any school is unable by reason of the inadequacy of his clothing to take full advantage of the education provided at the school, [the Committee] may provide him with such clothing as, in the opinion of [the Committee], is necessary for the purpose of ensuring that he is sufficiently clad while he remains a pupil at the school.

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#### **NOTE**

*In section 41, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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#### **Recovery of cost of boarding accommodation and of clothing.**

**42.** [ ] Where [the Committee] has, under the powers conferred by the foregoing provisions of this Law, provided a pupil with board and lodging otherwise than at a boarding school or with clothing, [the Committee] may require the parent to pay to [the Committee] in respect thereof such sums, if any, as in the opinion of [the Committee] he is able without financial hardship to pay.

(2) The sums recoverable under this section shall not exceed the cost to [the Committee] of providing the board and lodging, or the cost of the clothing provided, as the case may be.

(3) Any sums payable by virtue of this section may be recovered as a civil debt.

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#### **NOTES**

*In section 42, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

*In the square brackets in this section, the figure and parentheses shown, incorrectly, as omitted in the printed version of this section should read "(1)".*

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**Provision of facilities for recreation and social and physical training.**

**43.** It shall be the duty of [the Committee] to secure that the facilities for primary, secondary and further education provided by [the Committee] include adequate facilities for recreation and social and physical training; and in making arrangements for the provision of such facilities [the Committee] shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of such facilities.

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**NOTE**

*In section 43, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**[Provision of transport.]**

**44.** (1) [The Committee] may make such arrangements for the provision of transport as it considers necessary for the purpose of facilitating the attendance of pupils at schools and any transport provided in pursuance of such arrangements shall –

- (a) as regards any registered pupil at a school which is within walking distance of the pupil's home using that transport, be provided either free of charge or at such charge not exceeding the maximum charge as [the Committee] may from time to time in its absolute discretion prescribe, and
- (b) as regards any registered pupil, other than a pupil falling within the provisions of the last preceding

paragraph using that transport, be provided free of charge.

(2) Where a charge is made under the provisions of paragraph (a) of the last preceding subsection [the Committee] may in its absolute discretion make different charges as respects the transport of different pupils.

(3) In subsection (1) of this section the expression "**walking distance**" has the same meaning as in subsection (4) of section twenty of this Law.

(4) [The Committee] may pay the whole or any part, as [the Committee] thinks fit, of the reasonable travelling expenses of any pupil in attendance at any school for whose transport no arrangements are made under subsection (1) of this section.]

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#### NOTES

*Section 44 was substituted by the Education (Amendment) (Guernsey) Law, 1981, section 1, with effect from 1st October, 1982.*

*In section 44, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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#### **Power to provide primary and secondary education otherwise than at school.**

**45.** (1) If [the Committee] is satisfied that by reason of any extraordinary circumstances a child or young person is unable to attend a suitable school for the purpose of receiving primary or secondary education, [the Committee] may make special arrangements for him to receive education otherwise than at school, being primary or secondary education, as the case may require, or, if [the Committee] is satisfied that it is impracticable for him to receive full-time education, education similar in other respects but less than full-time.

(2) Where special arrangements are made by [the Committee] under this section for a child or young person to receive primary or secondary education otherwise than at school, [the Committee] may provide for the medical inspection or medical treatment of that pupil as if he were in attendance at a school.



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**NOTE**

*In section 45, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Adaptation of enactments relating to the employment of children or young persons.**

**46.** For the purposes of any enactment relating to the prohibition or regulation of the employment of children or young persons, any person who is not for the purposes of this Law over compulsory school age shall be deemed to be a child within the meaning of that enactment.

**Power of [the Committee] to prohibit or restrict employment of children.**

**47.** (1) If it appears to [the Committee] that any child who is a registered pupil at any school is being employed in such manner as to be prejudicial to restrict his health or otherwise to render him unfit to obtain the full benefit of the education provided for him, [the Committee] may, by notice in writing served upon the employer, prohibit him from employing the child, or impose such restrictions upon his employment of the child as appear to [the Committee] to be expedient in the interests of the child.

(2) [The Committee] may, by notice in writing served upon the parent or employer of any child who is a registered pupil at any school, require the parent or employer to provide [the Committee] within such period as may be specified in the notice, with such information as appears to [the Committee] to be necessary for the purpose of enabling it to ascertain whether the child is being employed in such manner as to render him unfit to obtain the full benefit of the education provided for him.

(3) Any person who employs a child in contravention of any prohibition or restriction imposed under subsection (1) of this section, or who fails to comply with the requirements of a notice served under subsection (2) of this section, shall be guilty of an offence against this section and liable, on summary conviction, in the case of a first offence to a fine not exceeding [level 1 on the

uniform scale], and in the case of a second or subsequent offence to a fine not exceeding [level 2 on the uniform scale] or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) If the Bailiff is satisfied by information on oath given by an officer of police that there is reasonable cause to believe that any prohibition or restriction imposed under subsection (1) of this section is being contravened with respect to any child, he may grant a warrant authorising any officer of police to enter, at any reasonable time within forty-eight hours of the grant of the warrant, any place in or in connection with which the child in question is, or is believed to be, employed and to make enquiries therein with respect to that child.

(5) Any person who obstructs an officer of police in the due exercise of the powers conferred by such warrant, or who answers falsely any enquiry authorised by such warrant to be made, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [level 1 on the uniform scale].

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## NOTES

*In section 47,*

*the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*the words and figures in the first pair of square brackets in subsection (3), and in the square brackets in subsection (5), were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;*

*the words and figure in the second pair of square brackets in subsection (3) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(4), with effect from 1st July, 1989.*

*In its application to the Island of Alderney, section 47 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Education) Ordinance, 1970, section 1, Schedule, with effect from 28th October, 1970.*

*In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or*

*exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the reference herein to the Bailiff included a reference to the Deputy Bailiff.*

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**No fees to be charged in schools maintained by the States.**

**48.** No fees shall be charged in respect of admission to any school maintained by the States or in respect of the education provided in any such school:

Provided that [the Committee] may charge fees in respect of admission to, and the education provided at, the Grammar School for Boys and the Grammar School for Girls subject to such conditions and in such amounts as [the Committee] may from time to time determine.

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**NOTE**

*In section 48, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**[Power of [the Committee] to give financial assistance in respect of children attending schools and students attending institutions of further education.**

**49.** (1) [The Committee] may, in accordance with such conditions as [the Committee] may from time to time determine and subject to such conditions as the States may from time to time by Resolution prescribe, for the purpose of enabling pupils to take advantage of any educational facilities available to them –

- (a) defray such expenses of children attending any school maintained by the States as may be necessary to enable them to take part in any school activities, or
- (b) pay the whole or any part of the fees and expenses payable in respect of pupils attending schools at which fees are payable.

(2) [The Committee] may for the purpose of enabling persons to

take advantage of any educational facilities available to them and subject to subsection (4) –

- (a) make loans, grants or allowances, pursuant to any arrangements made under paragraph (b) or otherwise, in respect of persons pursuing –
  - (i) a course of education at a university, university college, or other similar institution,
  - (ii) a course of training as a teacher,
  - (iii) a course at any other place of further education, or
  - (iv) a distance learning course in a subject of further education,
- (b) make and establish such arrangements as it thinks fit for the making of loans, grants or allowances to the persons specified in paragraph (a) including, without limitation –
  - (i) establishing, incorporating, dealing with, dissolving and winding up companies through which loans, grants or allowances made under paragraph (a) may be made or administered,
  - (ii) entering into arrangements of any kind with any third party in relation to any such arrangements, and
  - (iii) taking such steps as [the Committee] considers necessary or expedient to allow a company through which the loans, grants or allowances are made or administered to effectively carry

on such business including, without limitation, such steps as are necessary or expedient to enable such a company to manage or administer any loans or the portfolio of its business.

(3) Such provision as [the Committee] considers necessary or expedient may be prescribed in relation to the making of loans, grants or allowances under subsection (2) including –

- (a) the matters in respect of which a loan, grant or allowance is available,
- (b) the amount of loan, grant or allowance available and the conditions subject to which they are made,
- (c) the courses in respect of which a loan, grant or allowance is available, and
- (d) the persons eligible for such loans, grants or allowances.

(4) [The Committee] must exercise its powers under subsection (2) –

- (a) in accordance with such conditions as [the Committee] may from time to time determine,
- (b) in accordance with such provisions as may be prescribed under subsection (3), and
- (c) subject to such conditions as the States may from time to time by Resolution prescribe.

(5) The States may by Ordinance make such provision as they consider appropriate for appeals to be brought against decisions of [the Committee]

under subsection (2) in relation to the making of loans, grants or allowances including provision as to –

- (a) the decisions that may be appealed,
- (b) the persons who may bring such appeals,
- (c) the person to whom such an appeal is to be made,
- (d) the grounds of appeal, and
- (e) the procedure to be adopted for such appeals.]

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**NOTES**

*Section 49 was substituted by the Education (Guernsey) (Amendment) Law, 2009, section 5, with effect from 1st September, 2009.*

*In section 49, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Youth employment service.**

**50.** It shall be the duty of [the Committee] to provide such facilities and services as it considers expedient for the purpose or assisting persons under the age of eighteen years and persons over that age who are for the time being attending school to select, fit themselves for, obtain and retain employment suitable to their age and capacity, of assisting employers to obtain suitable employees from among such persons, and generally for the purpose of promoting employment for such persons in accordance with the requirements of the community.

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**NOTE**

*In section 50, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Educational research.**

**51.** [ The Committee] may make such provision for conducting or assisting the conduct of research as appears to [the Committee] to be desirable for the purpose of improving the educational facilities provided by the States.

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**NOTES**

*In section 51, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Educational conferences.**

**52.** [ The Committee] may organise, or participate in the organisation of, conferences for the discussion of questions relating to education and may expend such sums as may be reasonable in paying or contributing towards any expenditure incurred in connection with conferences for the discussion of such questions, including the expenses of any person authorised by [the Committee] to attend any such conference.

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**NOTES**

*In section 52, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Appointment of Director of Education.**

**53.** (1) Subject to the provisions of subsection (2) of this section, there shall be appointed from time to time by the [Policy & Resources Committee] a person to be the chief education officer of the States who shall be styled, and is hereafter in this Law called, "**the Director of Education**" and who shall carry out such duties as shall be assigned to him from time to time by [the Committee].

(2) The chief education officer of the States in office immediately before the coming into force of this Part of this Law shall be deemed, on the coming into force of this Part of this Law, to have been appointed by the [Policy & Resources Committee] to be the chief education officer of the States in pursuance of

the last foregoing subsection.

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## NOTES

*In section 53, the words in the second pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

*In accordance with the provisions of the Appointments to the States Established Staff (Guernsey) Law, 1985, as first amended and subsequently repealed by, respectively, the Appointments Board (Repeal) (Guernsey) Law, 2000 and the Appointments to the States Established Staff (Guernsey) (Repeal) Law, 2004, the functions of the States Appointment Board in respect of all appointments to the Established Staff of the States (other than to the post of Senior Deputy Greffier) were transferred to the States Civil Service Board, the reference to which was substituted by a reference to, first, the States Policy Council by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004 and, second, the Policy & Resources Committee by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.*

*The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>15</sup>*

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### **Annual report by [the Committee] to the States.**

**54.** [The Committee] shall make to the States an annual report on the educational service in the Island.

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## NOTE

*In section 54, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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### **Communications between the Colleges and the States.**

**55.** All communications between Elizabeth College and the States and between the Ladies' College and the States shall be made through [the Committee].



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**NOTE**

*In section 55, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Provisions as to evidence.**

**56.** (1) Where in any proceedings under this Law it is alleged that any person whose age is material to the proceedings is under, of, or over, any age, and the court is satisfied that all reasonable diligence has been used to obtain evidence as to the age of that person, then, unless the contrary is proved, the court may presume that person to be under, of, or over, the age alleged.

(2) In any legal proceedings any document purporting to be –

- (a) a document issued by [the Committee], and to be signed by [the President] or [Vice-President] of [the Committee] or by the Director of Education or by any other officer of [the Committee] authorised to sign it,
- (b) an extract from the minutes of the proceedings of the committee of management of any States' school or voluntary school, and to be signed by the chairman of the committee,
- (c) a certificate giving particulars of the attendance of a child or young person at a school, and to be signed by the head teacher of the school, or
- (d) a certificate issued by the Medical Officer of Health, and to be signed by him,

shall be received in evidence and shall, unless the contrary is proved, be deemed to be the document which it purports to be, and to have been signed by the person by whom it purports to have been signed, without proof of his identity, signature, or official capacity and any such extract or certificate as is mentioned in paragraph (b),

paragraph (c) or paragraph (d) of this subsection shall be evidence of the matters therein stated.

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**NOTE**

*In section 56, the words, first, "the Committee" and, second, "the President" and "Vice-President" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 3 and section 2, Schedule 1, paragraph 3, with effect from 1st May, 2016.<sup>16</sup>*

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**Provisions as to regulations, orders and directions under this Law.**

57. (1) Any regulations made by [the Committee] under the provisions of this Law shall be laid before a meeting of the States as soon as may be after the making thereof and if, at that meeting or at the next subsequent meeting, the States resolve that the regulations be annulled, the regulations shall cease to have effect without prejudice to anything done thereunder or to the making by [the Committee] of new regulations.

[ (2) Any regulations or orders made, or directions given, under this Law –

- (a) may be amended or revoked by subsequent regulations, orders or directions, as the case may be, made or given, hereunder, and
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to be necessary or expedient.

(3) Any power conferred by this Law to make regulations or orders, or give directions, may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or

classes of cases,

- (b) so as to make, as respects the cases in relation to which it is exercised –
  - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
  - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
  - (iii) any such provision either unconditionally or subject to any conditions specified in the regulations, order or direction, as the case may be.]

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## NOTES

*In section 57,*

*the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;*

*subsection (2) was substituted, and subsection (3) was inserted, by the Education (Guernsey) (Amendment) Law, 2009, section 6, with effect from 1st September, 2009.*

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## **[General provisions as to Ordinances under this Law.]**

**57A.** (1) An Ordinance under this Law –

- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
- (b) may contain such consequential, incidental,

supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to this Law and any other enactment).

(2) Any power conferred by this Law to make an Ordinance may be exercised –

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case,

(b) so as to make, as respects the cases in relation to which it is exercised –

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different classes of cases, or different provisions for the same case or class of case for different purposes, and

(iii) any such provision either unconditionally or subject to any prescribed conditions.]

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**NOTE**

*Section 57A was inserted, by the Education (Guernsey) (Amendment) Law, 2009, section 7, with effect from 1st September, 2009.*

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**Service of documents.**

**58.** Any order, notice or other document required or authorised by this Law to be served upon any person may be served by delivering it to that person, or

by leaving it at his usual or last known place of residence, or by sending it by post addressed to him at that place.

**Savings.**

**59.** (1) No power or duty conferred or imposed by this Law on [the Committee] or on parents shall be construed as relating to any person who is detained in pursuance of an order made by any court, but [the Committee] shall have power to make arrangements for a person so detained to receive the benefit of educational facilities provided by [the Committee].

(2) No power or duty conferred or imposed by this Law, other than by Part V thereof, on [the Committee] or on parents shall be construed as relating to any child who is for the time being the subject of a decision recorded under section twenty-nine of this Law.

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**NOTE**

*In section 59, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.*

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**Repeals.**

**60.** The Laws described in the first column of the Schedule to this Law are hereby repealed to the extent specified in the second column of that Schedule.

**Citation and commencement.**

**61.** (1) This Law may be cited as the Education (Guernsey) Law, 1970.

(2) This Law shall come into force on such day as shall be appointed by Ordinance of the States and different days may be so appointed as respects the coming into force of different Parts or provisions of this Law:

Provided that any powers conferred by this Law on the States to make any Ordinance may be exercised at any time after the registration of this Law and before

the day appointed or to be appointed as aforesaid, subject to the restriction that any such Ordinance shall not come into force until this Law comes into force.

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**NOTES**

*The Law was brought into force on 28th October, 1970 by the Education (Guernsey) Law, 1970 (Commencement) Ordinance, 1970, section 1.*

*The Law was registered on the Records of the Island of Guernsey on 5th May, 1970.*

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SCHEDULE  
REPEALS

Section sixty

Law	Extent of repeal
The Law entitled "Loi relative à la Taxation Paroissiale" registered on the twenty-seventh day of October, nineteen hundred and twenty-three <sup>a</sup> .	Paragraph (x) of Article I.
The Education Law (Guernsey), 1935 <sup>b</sup> .	The whole Law.
The Education (Amendment) Law (Guernsey), 1938 <sup>c</sup> .	The whole Law.
The Public Health (Vermin) (Guernsey) Law, 1948 <sup>d</sup> .	Section six.  In section ten, the words "or the Education Council", wherever they occur, and the words "or by the Education Council".  In section fifteen the definition of the expression "School Medical Officer".  Section sixteen.
The Education Law (Guernsey), 1935, Amendment Law, 1949 <sup>e</sup> .	The whole Law.

- <sup>a</sup> Ordres en Conseil Vol. VII, p. 146.  
<sup>b</sup> Ordres en Conseil Vol. X, p. 73.  
<sup>c</sup> Ordres en Conseil Vol. XI, p. 240.  
<sup>d</sup> Ordres en Conseil Vol. XIII, p. 367.  
<sup>e</sup> Ordres en Conseil Vol. XIV, p. 174.

The Family Allowances (Guernsey) Law, 1950 <sup>f</sup> .	In paragraph (a) of subsection (1) of section two, the words from and including the words "and being below that age limit" to the end of that paragraph.
The Education (Guernsey) (Amendment) Law, 1955 <sup>g</sup> .	The whole Law.
The Indirect Taxes, Duties and Impôts (Increase of Rates) (Guernsey) Law, 1958 <sup>h</sup> .	Section three.
The Education (Amendment) (Guernsey) Law, 1962 <sup>i</sup> .	The whole Law.
The Ladies' College (Guernsey) Law, 1962 <sup>j</sup> .	Section sixteen and section seventeen.
The Education (Amendment) (Guernsey) Law, 1963 <sup>k</sup> .	The whole law.
The States Civil Service Board (Implementation) Law, 1964 <sup>l</sup> .	In the Schedule, the reference in the first column thereof to the Education Law (Guernsey), 1935, and paragraph (i) in the second column thereof.

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- f** Ordres en Conseil Vol. XIV, p. 332.  
**g** Ordres en Conseil Vol. XVI, p. 199.  
**h** Ordres en Conseil Vol. XVII, p. 506.  
**i** Ordres en Conseil Vol. XIX, p. 14.  
**j** Ordres en Conseil Vol. XIX, p. 58.  
**k** Ordres en Conseil Vol. XIX, p. 155.  
**l** Ordres en Conseil Vol. XIX, p. 213.



The Education (Amendment) (Guernsey) Law, 1965 <sup>m</sup> .	The whole Law.
The States Committees (Amendment) Law, 1966 <sup>n</sup> .	Section two.

## NOTES

*The Indirect Taxes, Duties and Impôts (Increase of Rates) (Guernsey) Law, 1958 has since been repealed by the Indirect Taxes, Duties and Impôts (Increase of Rates) (Guernsey) Law, 1970, section 6, with effect from 12th June, 1970. The Indirect Taxes, Duties and Impôts (Increase of Rates) (Guernsey) Law, 1970 has since been repealed by, first, the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2003, section 7, Second Schedule, with effect from 1st October, 2004 (section 1); second, the Indirect Taxes, Duties and Impôts (Miscellaneous Amendments and Repeals) (Guernsey) Law, 1974, section 2, Second Schedule, with effect from 10th April, 1974 (section 2); and, third, the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 20, Schedule, with effect from 1st January, 2008 (sections 3 to 8 and the Schedule).*

<sup>1</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

<sup>2</sup> The words "Committee for Education, Sport & Culture" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.

<sup>3</sup> The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Law were previously

<sup>m</sup> Ordres en Conseil Vol. XX, p. 123.

<sup>n</sup> Ordres en Conseil Vol. XX, p. 135.

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transferred to and vested in them, respectively, from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>4</sup> The functions, rights and liabilities of the Education Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Education Council and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 13, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>5</sup> The Education (Amendment) (Guernsey) Law, 1981, section 3, the Education (Amendment) (Guernsey) Law, 1983, section 3, the Education (Amendment) (Guernsey) Law, 1987, section 23, and the Education (Amendment) (Guernsey) Law, 1988, section 4.

<sup>6</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.

<sup>7</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.

<sup>8</sup> The functions of "the Council", to which reference was made in the repealed marginal note, were transferred to, first, the Education Department by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13; and, second, the Committee for Education, Sport & Culture by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 3, with effect from 1st May, 201.

<sup>9</sup> Prior to their repeal, these subsections were applied, with modifications, to the Island of Alderney by the Alderney (Application of Legislation) (Education) Ordinance, 1970, section 1, Schedule, with effect from 28th October, 1970.

<sup>10</sup> Prior to its repeal, section 22 was amended by the Education (Amendment) (Guernsey) Law, 1987, section 19, Third Schedule, paragraph 5, with effect from 1st December, 1992; and applied with modifications to the Island of Alderney by the Alderney (Application of Legislation) (Education) Ordinance, 1970, section 1, Schedule, with effect from 28th October, 1970.

<sup>11</sup> The words "the President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.

<sup>12</sup> The words "the President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.

<sup>13</sup> These words were previously substituted by the Education (Amendment) (Guernsey) Law, 1988, section 1(b), with effect from 14th March, 1989; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

<sup>14</sup> These words were previously substituted by the Education (Amendment)

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(Guernsey) Law, 1988, section 1(b), with effect from 14th March, 1989; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

<sup>15</sup> The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Civil Service Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 12(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>16</sup> The words "the President" and "Vice-President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.