

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## The Education (Guernsey) Law, 1970

---

(Registered on the Records of the Island of Guernsey  
on the 5th day of May, 1970.)

---



---

1970

**II**  
**1970**

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 5th day of May, 1970, before Sir William Arnold, Kt., C.B.E., Bailiff; present :—Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Albert Victor Dorey, Esquire, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Edward Martel, Jean Le Pelley and Walter Francis Robin, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order dated the 24th day of March, 1970, of the Counsellors of State in Council on behalf of Her Majesty, being authorised thereto by Letters Patent dated the 27th day of February, 1970, ratifying a *Projet de Loi* entitled "The Education (Guernsey) Law, 1970", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

# At the Court of Saint James

The 24th day of March 1970

PRESENT,

Her Majesty Queen Elizabeth The Queen  
Mother

Her Royal Highness The Princess Margaret,  
Countess of Snowdon

LORD PRESIDENT

LORD CHALFONT

CHANCELLOR OF THE DUCHY OF LANCASTER

MRS HART

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 27th day of February 1970, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester and His Royal Highness Prince William of Gloucester, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND WHEREAS Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness The Prince Philip, Duke of Edinburgh, His Royal Highness The

Prince Charles, Prince of Wales, Her Royal Highness The Princess Margaret, Countess of Snowdon, and His Royal Highness Prince William of Gloucester while absent from the United Kingdom:

AND WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 19th day of March 1970, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 18th day of December 1968, the States of Deliberation at a meeting held on the 17th day of December 1969, approved a Bill or “Projet de Loi” entitled “The Education (Guernsey) Law, 1970” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Education (Guernsey) Law, 1970” and to order that the same shall have force of law in the Island of Guernsey.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de

Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said *Projet de Loi*."

NOW, THEREFORE, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorized thereto by the said Letters Patent, have taken the said Report into consideration, and do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf approve of and ratify the said *Projet de Loi*, and order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND do hereby further direct that this Order, and the said *Projet de Loi* (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. E. Leigh.*

Projet de Loi referred to in the foregoing  
Order in Council

## PROJET DE LOI

ENTITLED

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

#### ARRANGEMENT OF SECTIONS

Section

#### PART I

##### INTERPRETATION

1. Interpretation.

#### PART II

##### CONSTITUTION OF THE STATES EDUCATION COUNCIL

2. Constitution of the States Education Council.

#### PART III

##### THE STATUTORY SYSTEM OF EDUCATION

3. Stages and purposes of statutory system of education.
4. Duty of the Council to secure provision of primary and secondary schools.
5. States' schools, voluntary schools, nursery schools, and special schools.
6. Constitution of Primary Schools Committees and Secondary Schools Committees.
7. Maintenance of voluntary schools.
8. Secular instruction in States' schools and in voluntary schools.

## Section

9. Appointment and dismissal of teachers in States' schools and in voluntary schools.
10. General provisions as to religious education in States' schools and in voluntary schools.
11. Special provisions as to religious education in States' schools.
12. Special provisions as to religious education in voluntary schools.
13. Saving as to position of teachers.
14. Education of pupils requiring special educational treatment.
15. Duty of the Council to ascertain what children require special educational treatment.
16. Compulsory school age.
17. Duty of parents to secure the education of their children.
18. School attendance orders.
19. Additional provisions as to compulsory attendance at special schools.
20. Duty of parents to secure regular attendance of registered pupils.
21. Enforcement of school attendance.
22. School attendance of vagrant children.
23. General duties of the Council with respect to further education.

## PART IV

## INDEPENDENT SCHOOLS

24. Registration of independent schools.
25. Complaints.
26. Determination of complaints by the Royal Court.
27. Enforcement.
28. Removal of disqualifications.

Section

## PART V

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

29. Medical examination and classification of children unsuitable for education.
30. Review of classification.
31. Supplementary provisions as to classification.
32. Power to compel attendance at training centres.
33. Provisions as to regular attendance for training.

## PART VI

### MISCELLANEOUS

34. Pupils to be educated in accordance with wishes of their parents.
35. Inspection of schools.
36. Registration of pupils at schools.
37. Medical inspection and medical and dental treatment of pupils.
38. Power to ensure cleanliness.
39. Supplementary provisions as to medical examinations and inspections.
40. Provision of board and lodging otherwise than at boarding schools.
41. Provision of clothing.
42. Recovery of cost of boarding accommodation and of clothing.
43. Provision of facilities for recreation and social and physical training.
44. Provision of transport and other facilities.



## Section

45. Power to provide primary and secondary education otherwise than at school.
46. Adaptation of enactments relating to the employment of children or young persons.
47. Power of the Council to prohibit or restrict employment of children.
48. No fees to be charged in schools maintained by the States.
49. Power of the Council to give financial assistance in respect of children attending schools and students attending institutions of further education.
50. Youth employment service.
51. Educational research.
52. Educational conferences.
53. Appointment of Director of Education.
54. Annual report by the Council to the States.
55. Communications between the Colleges and the States.
56. Provisions as to evidence.
57. Provisions as to regulations, orders and directions under this Law.
58. Service of documents.
59. Savings.
60. Repeals.
61. Citation and commencement.

## SCHEDULE: REPEALS

# PROJET DE LOI

ENTITLED

## **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

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;

“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;

"the Council" means the States Education Council constituted under section two of this Law;

"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”, in relation to any child or young person, includes a guardian and every person who has the actual custody of the child or young person;

“prescribed” means prescribed by regulations made by the Council;

“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 Council 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;

"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.

## PART II

### CONSTITUTION OF THE STATES EDUCATION COUNCIL

Constitution  
of the States  
Education  
Council.

2. (1) There shall be a committee which shall be styled the States Education Council (hereafter in this Law referred to as "the Council") with

authority to exercise the powers and perform the duties conferred and imposed upon it by or under this Law.

(2) The Council shall consist of—

- (a) a President elected by the States who shall be a member of the States; and
- (b) eight other members (hereafter in this section referred to as "ordinary members") elected by the States, of whom not less than five shall be members of the States.

(3) The President of the Council shall hold office for a period of three years computed from the thirtieth day of April in the year of his election.

(4) Subject to the provisions of the next succeeding subsection, the ordinary members shall hold office for a period of four years.

(5) Of the ordinary members first elected, two of them shall retire on the thirtieth day of April in each year of the period of four years next succeeding the year of their election and the order of their retirement shall be determined by the Council.

(6) The Council shall elect annually a Vice-President of the Council from among the ordinary members and the person so elected shall, if he continues so long to be an ordinary member, hold office as Vice-President of the Council for a period of one year computed from the thirtieth day of April in the year of his election by the Council.

(7) A meeting of the Council shall, in the absence of the President or Vice-President, be presided over by one of the ordinary members appointed for that meeting by the ordinary members present thereat.

(8) Each member of the Council, other than the member presiding at a meeting thereof, shall have one vote and the person so presiding shall, in the case of an equality of votes, have a casting vote.

(9) A decision of a majority of the members of the Council present at a meeting shall be a decision of the Council.

(10) The quorum for a meeting of the Council shall be five members and, subject to the foregoing provisions of this section, the Council shall regulate its own procedure.

### 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 Council, 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.

Duty of the Council to secure provision of primary and secondary schools.

4. (1) It shall be the duty of the Council 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 Council 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 Council 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 provision is made for pupils who suffer from any disability of mind or body by providing, either in special schools or otherwise, special educational treatment, that is to say, education by special methods appropriate for persons suffering from that disability; 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 Council to be desirable:

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

(3) The Council 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 Council to establish a new States' school; or
- (b) authorise any persons, other than the Council, 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.

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.

States' schools, voluntary schools, nursery schools, and special 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 especially organised for the purpose of providing special educational treatment for pupils requiring such treatment shall be known as special schools.

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.

Constitution of Primary Schools Committees and Secondary Schools Committees.

(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.

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 Council is satisfied that the managers of a voluntary school are unable or unwilling to carry on the school, the Council may conduct the school during such period, not exceeding two years, as the Council 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 Council as a States' school under the last foregoing subsection, the Council 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.

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 Council.

Secular  
instruction  
in States'  
schools and  
in "

(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 holi-

days, 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.

Appoint-  
ment 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 Council, and no teacher shall be dismissed except by the Council.

(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.

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 Council 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 Council 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 Council 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 Council 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.

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 Council 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 Council 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 Council 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.

12. (1) The religious instruction given to the pupils in attendance at a voluntary school shall be under the control of the committee of 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:

Special provisions as to religious education in voluntary schools.

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 Council and cannot with reasonable convenience cause those pupils to attend any school at which that syllabus is in use, then, unless the Council 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 Council is satisfied that the committee is unwilling to make such arrangements, the arrangements shall be made by the Council.

(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 Council to dismiss him on that ground.

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. (1) The States may from time to time by Ordinance make provision for defining the several categories of pupils requiring special educational treatment and making provision as to the special methods appropriate for the education of pupils of each category.

(2) The arrangements made by the Council for the special educational treatment of pupils of any such category shall, so far as is practicable, provide for the education of pupils in whose case the dis-

ability is serious in special schools appropriate for that category, but where that is impracticable, or where the disability is not serious, the arrangements may provide for the giving of such education in any school maintained by the States or in any school not so maintained if, in the opinion of the Council, it is suitable for the purpose.

(3) The States may from time to time by Ordinance make provision as to the requirements to be complied with in relation to special schools and, notwithstanding that the provisions of this Law requiring the Council to have regard to the need for securing that primary and secondary education are provided in separate schools do not apply with respect to special schools, such Ordinance may impose requirements as to the organisation of any special school as a primary school or as a secondary school.

(4) An Ordinance made under this section with respect to special schools shall be such as to secure that, so far as practicable, every pupil in attendance at any such school will attend religious worship and religious instruction or will be withdrawn from attendance at such worship or instruction in accordance with the wishes of his parent.

15. (1) It shall be the duty of the Council to ascertain what children require special educational treatment: and for the purpose of fulfilling that duty any person authorised in that behalf by the Council may by notice in writing served upon the parent of any child who has attained the age of two years require him to submit the child for examination by the Medical Officer of Health for advice as to whether the child is suffering from any disability of mind or body and as to the nature and extent of any such disability; and if a parent upon whom such a notice is served fails without reasonable

Duty of the Council to ascertain what children

... al treatment.

excuse to comply with the requirements thereof. he shall be liable, on summary conviction, to a fine not exceeding ten pounds.

(2) If the parent of any child who has attained the age of two years requests the Council to cause the child to be so medically examined as aforesaid, the Council shall comply with the request unless in its opinion the request is unreasonable.

(3) Before any child is so medically examined as aforesaid the Council shall cause notice to be given to the parent of the time and place at which the examination will be held, and the parent shall be entitled to be present at the examination if he so desires.

(4) If, after considering the advice given with respect to any child by the Medical Officer of Health in consequence of any such medical examination as aforesaid and any reports or information which the Council is able to obtain from teachers or other persons with respect to the ability and aptitude of the child, the Council decides that the child requires special educational treatment, it shall give to the parent notice of their decision and shall provide such treatment for the child.

(5) The advice given with respect to any child by the Medical Officer of Health in consequence of any such medical examination as aforesaid shall be communicated to the parent of the child and to the Council and the Medical Officer of Health shall, if required by the parent or by the Council so to do, issue to the Council and to the parent a certificate in the prescribed form showing whether the child is suffering from any such disability as aforesaid and, if so, the nature and extent thereof:

Provided that the Council shall not require the

issue of such a certificate in respect of any child unless the certificate is, in its opinion, necessary for the purpose of securing the attendance of the child at a special school in accordance with the provisions of this Law relating to compulsory attendance at primary and secondary schools.

(6) Any certificate issued under the last foregoing subsection may be cancelled by the Medical Officer of Health; and upon the cancellation of such a certificate the Council shall cease to provide special educational treatment for the child with respect to whom the certificate was issued and shall notify the parent accordingly.

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. Compulsory school age.

(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, on a date when he is a registered pupil at a school or, not being such a pupil, when he has been a registered pupil at a school within the preceding period of twelve months, attains an age which, apart from this subsection, would in his case be the upper limit for the time being of the compulsory school age—

- (a) shall be deemed not to have attained that age until the end of the appropriate spring term at his school if he attains that age on any date from the beginning of September to the end of January;
  - (b) shall be deemed not to have attained that age until the end of the appropriate summer term if he attains that age on any date on or after the beginning of February but before the end of that summer term;
  - (c) shall be deemed to have attained that age at the end of the appropriate summer term if he attains that age on any date between the end of that summer term and the beginning of September next following the end of that summer term, whether another term has then begun or not.
- (4) In the last foregoing subsection—
- (a) the expression “the appropriate spring term”, in relation to a person, means the last term at his school which ends before the month of May next following the date on which he attains the age in question;
  - (b) the expression “the appropriate summer term”, in relation to a person, means the last term at his school which ends before the month of September next following that date;

and any reference to a person's school is a reference to the last school at which he is a registered pupil for a term ending before the said month of May or month of September, as the case may be, or for part of such term.

(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 or social insurance the provisions of paragraph (c) of subsection (3) of this section shall be disregarded.

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, either by regular attendance at school or otherwise:

Duty of parents to secure the education of their children.

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.

18. (1) If it appears to the Council 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 Council 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 Council that the child is receiving efficient full-time education suitable to his age, ability and aptitude either by regular attendance at school or otherwise.

School attendance orders.

(2) If, after such a notice has been served upon a parent by the Council, the parent fails to satisfy the Council 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, then, if in the opinion of the Council it is expedient that he should attend school, the Council 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:

Provided that—

- (a) no such order shall be served by the Council upon the parent until the expiration of the period of seven days beginning with the day next following that on which the Council has served upon him a written notice of its intention to serve the order stating that if, before the expiration of that period, he selects a school at which he desires the child to become a registered pupil, that school will, unless the Council otherwise directs, be named in the order: and
- (b) if, before the expiration of that period, the parent selects such a school as aforesaid, that school shall, unless the Council otherwise directs, be so named.

(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 Council requesting that another school be substituted for that named in the order, or 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 otherwise than at school, the Council shall amend or revoke the order in compliance with the request unless it is of opinion that the proposed change of school is unreasonable or inexpedient in the interests of the child, or that no satisfactory arrangements have been made for the education of the child otherwise than at school, as the case may be.

- (4) If any person upon whom a school attend-

ance 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 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 Council to take further action under this section if at any time the Council 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 Council, continue in force so long as he is of compulsory school age unless revoked by the Council.

19. (1) A child who has under arrangements made by the Council become a registered pupil at a special school shall not be withdrawn from the school without the consent of the Council.

Additional provisions as to compulsory attendance at special schools.

(2) Notwithstanding the provisions of the last foregoing section, the Council shall not require a pupil to be a registered pupil at a special school unless either the parent consents to his attending such a school or there is in force a certificate issued by the Medical Officer of Health showing that the child is suffering from some disability of mind or body of such a nature and extent that, in the opinion of the Medical Officer of Health, it is expedient that the child should attend a special school.



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 Council 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.

(+) In this section the expression "leave", in relation to any school, means leave granted by any person authorised in that behalf by the Council, 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.

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 ten pounds, and in the case of a second or subsequent offence against that section to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment. Enforcement  
of school  
attendance.

(2) Where a prosecution is brought before the Magistrate's Court for an offence against the last foregoing section and the Magistrate's Court is satisfied that the child in respect of whom the offence is alleged to have been committed has failed to attend regularly at the school at which he is a registered pupil, then, whether or not the parent is convicted, the Magistrate's Court may direct that the child be brought before it and, where the child is brought before it pursuant to such a direction, may, if it is satisfied that it is necessary so to do for the purpose of securing the regular attendance of the child at school, make any order which it has the power to make under section three of the Children and Young Persons (Guernsey) Law, 1967(a), in the case of children and young persons in need of care, protection or control who are brought before it under that section.

---

(a) Ordres en Conseil No. 1 of 1967.

(3) The power of the Magistrate's Court to direct that a child be brought before it conferred by the last foregoing subsection shall be exercisable also by the Magistrate's Court upon the conviction of any person for failing to comply with the requirements of a school attendance order, and, where a child is brought before the Magistrate's Court pursuant to such a direction given by virtue of this subsection, the Magistrate's Court shall have the like power as is conferred on it by the last foregoing subsection.

(4) Without prejudice to the institution of proceedings for an offence against the last foregoing section or the exercise of the power conferred on the Magistrate's Court by subsection (2) of this section to give a direction for the bringing of a child before it, where a child of compulsory school age who is a registered pupil at a school fails to attend regularly thereat, the Council may, with the assent of Her Majesty's Procureur, if satisfied that it is necessary so to do for the purpose of securing the regular attendance of the child at school, bring the child before the Magistrate's Court, and, where a child is brought before the Magistrate's Court by virtue of this subsection, the Magistrate's Court shall have the like power as is conferred on it by the said subsection (2).

(5) Without prejudice to the institution of proceedings for an offence against section eighteen of this Law or the exercise of the power conferred on the Magistrate's Court by subsection (3) of this section, where the parent of a child has failed to comply with the requirements of a school attendance order, the Council may, with the assent of Her Majesty's Procureur, bring the child before the Magistrate's Court and the Magistrate's Court, unless it appears to it that the child is receiving efficient full-time

education suitable to his age, ability and aptitude otherwise than at school, may make any order which it has power to make under section three of the Children and Young Persons (Guernsey) Law, 1967, in the case of children and young persons in need of care, protection or control who are brought before it under that section; and if it does not make such an order it may direct that the school attendance order shall cease to be in force.

(6) For the purposes of the Children and Young Persons (Guernsey) Law, 1967, any child with respect to whom a direction has been given under this section that he be brought before the Magistrate's Court and a child brought before the Magistrate's Court by virtue of subsection (4) or subsection (5) of this section shall be deemed to be a child about to be brought, or brought, before the Magistrate's Court under section three of that Law and any order made by the Magistrate's Court under this section shall be deemed to be an order made under that section, and all provisions of that Law shall have effect accordingly.

(7) The Chief Officer of Police shall, as soon as may be, take such steps as may be necessary to bring a child before the Magistrate's Court pursuant to a direction given under this section that the child be brought before the Magistrate's Court or, in any case where Her Majesty's Procureur has assented to the Council bringing the child before the Magistrate's Court by virtue of subsection (4) or subsection (5) of this section, at the instance of Her Majesty's Procureur.

22. (1) Where it appears to the Council that a child of compulsory school age is a child whom a person habitually wandering from place to place

School attendance of vagrant children.

takes with him, the Council may, with the assent of Her Majesty's Procureur, bring him before the Magistrate's Court, and the Magistrate's Court, unless it appears to it that he is receiving full-time education suitable to his age, ability and aptitude, may make any order which it has power to make under section three of the Children and Young Persons (Guernsey) Law, 1967, in the case of persons who are brought before it under that section.

(2) Subsection (6) and subsection (7) of the last foregoing section shall have effect as if the references therein to subsection (4) of that section included a reference to subsection (1) of this section.

General  
duties of the  
Council with  
respect to  
further  
education.

23. The Council 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 vocational 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.

## PART IV

### INDEPENDENT SCHOOLS

Registration  
of  
independent  
schools.

24. (1) The Council 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 Council, 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 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.

(3) The Council may from time to time make regulations—

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

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

#### Complaints

25. (1) If at any time the Council 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 Council 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 Council irremediable, the notice shall specify the measures necessary in the opinion of the Council 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.

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

Determina-  
tion of  
complaints  
by 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 Council, 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 Council 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 Council 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 Council 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 Council 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.

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

(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 twenty pounds or in the case of a second or subsequent conviction, whether in respect of the same or other premises, 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.

(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.

**Removal of  
disqualifi-  
cations.**

28. (1) If, on the application of any person, the Council 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 Council may by order remove the disqualification.

(2) Any person who is aggrieved by the refusal of the Council 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 Council, 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.

## PART V

TRAINING IN LIEU OF EDUCATION OF  
CHILDREN UNSUITABLE FOR EDUCATION

29. (1) It shall be the duty of the Council to ascertain what children are suffering from a disability of mind of such a nature or to such an extent as to make them unsuitable for education at school; and for the purpose of fulfilling that duty any person authorised in that behalf by the Council may by notice in writing served upon the parent of any child who has attained the age of two years require him to submit the child for examination by the Medical Officer of Health.

Medical examination and classification of children unsuitable for education.

(2) If a parent upon whom such a notice is served fails without reasonable excuse to comply with the requirements of the notice, he shall be liable, on summary conviction, to a fine not exceeding ten pounds.

(3) Before any child is medically examined as aforesaid, the Council shall cause notice to be given to the parent of the time and place at which the examination will be held, and the parent shall be entitled to be present at the examination if he so desires.

(4) If, after considering the advice given with respect to any child by the Medical Officer of Health in consequence of a medical examination under this section, and any reports or information which the Council is able to obtain from teachers or other persons with respect to the ability and aptitude of the child, the Council decides that the child is suffering from such a disability of mind as aforesaid, the Council shall cause the decision to be recorded and give to the parent notice of their decision

Review of  
classification.

30. (1) Where a decision has been recorded under the last foregoing section in the case of any child—

- (a) the parent of the child may, at any time, but not earlier than twelve months after the recording of the decision nor more often than once in any subsequent period of twelve months, by notice in writing request the Council to review the decision; and
- (b) the Council may at any time review the decision.

(2) Where, in the case of any child in respect of whom such decision has been recorded, any such notice is given to the Council or the Council intends to review the decision, the Council shall cause to be served on the parent of the child the notice authorised by subsection (1) of the last foregoing section and subsection (2) and subsection (3) of that section shall apply accordingly; and if the Council decides, after considering the advice given by the Medical Officer of Health and any reports or information available to it with respect to the child that the child is no longer unsuitable to receive education at school, it shall cancel the original decision.

(3) Where a decision recorded under the last foregoing section is reviewed under this section, the Council shall serve on the parent of the child a notice stating whether it has decided that the child is still unsuitable to receive education at school.

Supple-  
mentary  
provisions as  
to classifi-  
cation.

31. (1) If, after considering the advice given with respect to a child by the Medical Officer of Health in consequence of a medical examination carried out under section fifteen of this Law, the Council decides not that the child requires special educational treatment, but that he is suffering from such a disability as is referred to in subsection (1) of section

twenty-nine of this Law, the provisions of the said section twenty-nine shall apply as if the examination had been carried out and the decision made under that section.

(2) If, after considering the advice given with respect to a child by the Medical Officer of Health in consequence of a medical examination carried out under section twenty-nine of this Law, or under the said section twenty-nine as applied by the last foregoing section, and any such reports or information as are referred to in subsection (4) of the said section twenty-nine or subsection (2) of the last foregoing section, as the case may be, the Council decides that the child is not suffering from such a disability as aforesaid, but that he requires special educational treatment, subsection (4) and subsection (6) of the said section fifteen shall apply as if the examination had been carried out and the decision made under that section.

32. (1) Where it appears to the Council to be appropriate that a child of compulsory school age who is the subject of a decision recorded under section twenty-nine of this Law should receive training at a centre provided or made available under arrangements made by the Council for the training of children who are suffering from such disability as is referred to in subsection (1) of section twenty-nine of this Law (hereafter in this Law referred to as "a training centre"), the Council may give notice in writing to the parent of the child requiring him to cause the child to attend, either by the day or, if the notice so directs, as a resident, at such centre at such times or for such periods as may be so specified.

Power to  
compel  
attendance  
at training  
centres.

(2) Before giving a notice under this section, the Council shall satisfy itself that the child is not receiving adequate training comparable with the training which he would receive at the centre.

(3) If any person fails to comply with a notice given to him under subsection (1) of this section, he shall, unless the child is receiving adequate training comparable with the training which he would receive at the centre, be guilty of an offence and shall be liable, on summary conviction, in the case of a first offence to a fine not exceeding ten pounds and in the case of a second or subsequent offence to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

Provisions  
as to regular  
attendance  
for training.

33. (1) For the purposes of any proceedings under the last foregoing section, the parent of a child of compulsory school age shall be deemed to have failed to cause the child to attend at a training centre on any occasion on which the child has failed without leave to attend at the centre, but the child shall not be deemed to have so failed—

- (a) at any time when 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 the parent belongs; or
- (c) if it is not reasonably practicable for the child to make his own way, or to be taken by or on behalf of his parent, to and from the centre, and no suitable arrangements have been made by the Council either for his transport to and from the centre or for residential accommodation for him at or near the centre.

(2) For the purposes of any such proceedings as aforesaid in respect of a child who is residing at a training centre, the parent shall be deemed to have failed to cause the child to attend the centre

if the child is absent without leave during any part of the period during which the training is given unless prevented from being present by reason of sickness or any unavoidable cause.

(3) In this section the expression "leave" in relation to a training centre, means leave granted by any person authorised in that behalf by the Council.

## PART VI

### MISCELLANEOUS

34. In the exercise and performance of all powers and duties conferred and imposed on it by this Law the Council 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.

35. (1) It shall be the duty of the Council to cause inspections to be made of every school, other than Elizabeth College, by any person authorised by the Council 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 Council to be appropriate, and to cause a special inspection of any such school to be made by such inspector authorised as aforesaid whenever the Council 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 Council to assist such inspectors and to act as additional inspectors:

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

Inspection of schools.



Provided that the Council 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 Council 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 Council authorised in that behalf by the Council.

(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 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.

(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 Council 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 Council 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 Council.

(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.

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 Council 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 Council such periodical or other returns as to the contents thereof as may be prescribed.

Registration  
of pupils at  
schools.

(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 ten pounds.

Medical  
inspection  
and medical  
and dental  
treatment of  
pupils.

37. (1) It shall be the duty of the Council to provide for the medical inspection, at appropriate intervals, of pupils in attendance at any school.

(2) For the purpose of 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 Council; 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 ten pounds.

(3) It shall be the duty of the Council, so far as may be reasonably practicable, to secure the provision of medical treatment for pupils in attendance at any school; and the Council may require the parent to pay to the Council in respect of such medical treatment such sums, if any, as in the opinion of the Council he is able without financial hardship to pay:

Provided that if the parent of any pupil gives to the Council 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 Council 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 Council 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.

38. (1) The Council 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. Power to ensure cleanliness.

(2) Any such examination as aforesaid shall be made by a person authorised by the Council 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 Council 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 Council 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 Council to make arrangements for securing that any person or cloth-

ing 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 Council, the order shall be sufficient authority for any person, being a person authorised by the Council 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 five pounds.

(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 Council.

39. Where, in the opinion of the Council, 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 Council 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 Council; 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 Council 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.

Supplementary provisions as to medical examinations and inspections.

40. (1) Where the Council is satisfied with respect to any pupil that education suitable to his age, ability and aptitude can best be provided at any particular school, but that such education cannot be so provided unless boarding accommodation is provided

Provision of board and lodging otherwise than at boarding schools.

for him otherwise than at the school, or where the Council is satisfied with respect to a pupil requiring special educational treatment that provision for him of board and lodging is necessary for enabling him to receive the required special educational treatment, the Council 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 Council 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.

Provision of  
clothing.

41. Where it appears to the Council 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 Council may provide him with such clothing as, in the opinion of the Council, is necessary for the purpose of ensuring that he is sufficiently clad while he remains a pupil at the school.

Recovery of  
cost of  
boarding  
accommodation  
and  
of clothing.

42. Where the Council 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 Council may require the parent to pay to the Council in respect thereof such sums, if any, as in the opinion of the Council he is able without financial hardship to pay.

(2) The sums recoverable under this section shall not exceed the cost to the Council 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.

43. It shall be the duty of the Council to secure that the facilities for primary, secondary and further education provided by the Council include adequate facilities for recreation and social and physical training; and in making arrangements for the provision of such facilities the Council 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.

Provision of facilities for recreation and social and physical training.

44. (1) The Council may make such arrangements for the provision of transport and otherwise 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 be provided free of charge.

Provision of transport and other facilities.

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

45. (1) If the Council 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 Council 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 Council is satisfied that it is impracticable for him to receive full-time education, education similar in other respects but less than full-time.

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

(2) Where special arrangements are made by the Council under this section for a child or young person to receive primary or secondary education otherwise than at school, the Council may provide



for the medical inspection or medical treatment of that pupil as if he were in attendance at a school.

Adaptation  
of enact-  
ments relat-  
ing to  
the employ-  
ment 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  
Council to  
prohibit or  
restrict  
employment  
of children.

47. (1) If it appears to the Council that any child who is a registered pupil at any school is being employed in such manner as to be prejudicial to his health or otherwise to render him unfit to obtain the full benefit of the education provided for him, the Council 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 Council to be expedient in the interests of the child.

(2) The Council 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 Council within such period as may be specified in the notice, with such information as appears to the Council 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 sum-

mary conviction, in the case of a first offence to a fine not exceeding ten pounds, and in the case of a second or subsequent offence to a fine not exceeding fifty pounds 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 twenty pounds.

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:

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

Provided that the Council 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 Council may from time to time determine.

Power of the Council to give financial assistance in respect of children attending schools and students attending institutions of further education.

49. The Council may, in accordance with such conditions as the Council 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 without hardship to themselves or their parents 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;
- (b) pay the whole or any part of the fees and expenses payable in respect of pupils attending schools at which fees are payable;
- (c) grant allowances in respect of persons, pursuing a course of education at a university, university college or other like institution or at any place of further education and in respect of persons pursuing a course of training as teachers or pursuing correspondence courses in subjects of further education.

Youth employment service.

50. It shall be the duty of the Council to provide such facilities and services as it considers expedient for the purpose of 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.

Educational research.

51. The Council may make such provision for conducting or assisting the conduct of research as

appears to the Council to be desirable for the purpose of improving the educational facilities provided by the States.

52. The Council 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 Council to attend any such conference.

Educational  
conferences

53. (1) Subject to the provisions of subsection (2) of this section, there shall be appointed from time to time by the States Appointments Board 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 Council.

Appoint-  
ment of  
Director of  
Education.

(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 States Appointments Board to be the chief education officer of the States in pursuance of the last foregoing subsection.

54. The Council shall make to the States an annual report on the educational service in the Island.

Annual  
report by the  
Council to  
the States.

55. All communications between Elizabeth College and the States and between the Ladies' College and the States shall be made through the Council.

Communi-  
cations  
between the  
Colleges and  
the States.

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 Council, and to be signed by the President or Vice-President of the Council or by the Director of Education or by any other officer of the Council 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.

57. (1) Any regulations made by the Council 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 Council of new regulations.

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

(2) Any order made or directions given by the Council under the provisions of this Law may be varied or revoked by a further order or further directions made or given by the Council, as the case may be.

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.

Service of  
documents.

59. (1) No power or duty conferred or imposed by this Law on the Council 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 Council shall have power to make arrangements for a person so detained to receive the benefit of educational facilities provided by the Council.

Savings.

(2) No power or duty conferred or imposed by this Law, other than by Part V thereof, on the Council 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.

60. The Laws described in the first column of the Schedule to this Law are hereby repealed to the

Repeals.

extent specified in the second column of that Schedule.

Citation and  
commence-  
ment.

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.

## SCHEDULE

## Section sixty

## Repeals

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(b).	Paragraph (x) of Article I.
The Education Law (Guernsey), 1935(c).	The whole Law.
The Education (Amendment) Law (Guernsey), 1938(d).	The whole Law.
The Public Health (Vermin) (Guernsey) Law, 1948(e).	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(f).	The whole Law.
The Family Allowances (Guernsey) Law, 1950(g).	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.

(b) Ordres en Conseil Vol. VII, p. 146.

(c) Ordres en Conseil Vol. X, p. 73.

(d) Ordres en Conseil Vol. XI, p. 240.

(e) Ordres en Conseil Vol. XIII, p. 367.

(f) Ordres en Conseil Vol. XIV, p. 174.

(g) Ordres en Conseil Vol. XIV, p. 332.



Law	Extent of repeal
The Education (Guernsey) (Amendment) Law, 1955( <i>h</i> ).	The whole Law.
The Indirect Taxes, Duties and Impôts (Increase of Rates) (Guernsey) Law, 1958( <i>i</i> ).	Section three.
The Education (Amendment) (Guernsey) Law, 1962( <i>j</i> ).	The whole Law.
The Ladies' College (Guernsey) Law, 1962( <i>k</i> ).	Section sixteen and section seventeen.
The Education (Amendment) (Guernsey) Law, 1963( <i>l</i> ).	The whole law.
The States Civil Service Board (Implementation) Law, 1964 ( <i>m</i> ).	In the Schedule, the reference in the first column thereof to the Education Law (Guernsey), 1935, and paragraph ( <i>i</i> ) in the second column thereof.
The Education (Amendment) (Guernsey) Law, 1965( <i>n</i> ).	The whole Law.
The States Committees (Amendment) Law, 1966( <i>o</i> ).	Section two.

R. H. VIDELO,

Her Majesty's Greffier.

- (*h*) Ordres en Conseil Vol. XVI, p. 199.
- (*i*) Ordres en Conseil Vol. XVII, p. 506.
- (*j*) Ordres en Conseil Vol. XIX, p. 14.
- (*k*) Ordres en Conseil Vol. XIX, p. 58.
- (*l*) Ordres en Conseil Vol. XIX, p. 155.
- (*m*) Ordres en Conseil Vol. XIX, p. 213.
- (*n*) Ordres en Conseil Vol. XX, p. 123.
- (*o*) Ordres en Conseil Vol. XX, p. 135.