

## No. 12 OF 1954.

A LAW TO AMEND THE ELEMENTARY EDUCATION LAW.

CAP. 203.  
22 of 1950  
17 of 1952  
28 of 1953.

J. FLETCHER-COOKE,]

[18th February, 1954.]

*Officer Administering the Government.*

**B**E it enacted by His Excellency the Officer Administering the Government and Commander-in-Chief of the Colony of Cyprus as follows :—

**1.** This Law may be cited as the Elementary Education (Amendment) Law, 1954, and shall be read as one with the Elementary Education Law (hereinafter referred to as "the principal Law").

Short title.  
CAP. 203.  
22 of 1950  
17 of 1952  
28 of 1953.

Amendment  
of section 13  
of the  
principal  
Law.

2. Section 13 of the principal Law is hereby amended by the insertion—

- (a) after the words “ are present ” (line 2) of the comma and words “ , except in the case of the Board of Education for Maronite Schools where three members shall form a quorum ” ;
- (b) after the words “ four members ” (line 9) of the commas and words “ , or in the case of the Board of Education for Maronite Schools, three members, ”.

Repeal of  
section 24  
of the  
principal  
Law and  
substitution  
of new  
section.

3. Section 24 of the principal Law (as set out in section 5 of Law 17 of 1952) is hereby repealed and the following section substituted therefor :—

“ Estimates.

24.—(1) Every Town Committee or Village Commission or Committee of Management shall, not later than the first day of June in each year, make a detailed estimate—

(a) of the amount required—

- (i) for furniture, equipment, cleaning, lighting, warming, caretaking and general school maintenance in the town or village ;
- (ii) for rent of any school buildings, premises, play grounds, yards and gardens and, in the case of villages where necessary, of teachers' dwellings ;
- (iii) for erection, repairs, extension, improvement or development of any school buildings, premises, play grounds, yards and gardens, and, in the case of villages, of teachers' dwellings ;
- (iv) where necessary, for the medical examination and treatment and the nutrition of pupils attending schools in the town or village, in accordance with any Regulations that may be made in that behalf ;
- (v) for the provision of books and writing materials for pupils attending schools in the town or village ;
- (vi) for any other purpose connected with schools in the town or village ;
- (vii) for the payment of the interest and sinking fund on any loan incurred on behalf of the town or village for the purpose of erecting new school buildings or teachers' dwellings, for the carrying out of major repairs and alterations to existing buildings, dwellings, premises,

yards and gardens, and for the acquisition of sites for buildings, dwellings, yards, play grounds, gardens and school equipment in the town or village;

in the school year next following;

- (b) of such amount as the Town Committee or Village Commission or Committee of Management may think proper to set aside as a reserve fund to meet contingencies, or for the cost of major repairs occurring periodically, or for the cost, in whole or in part, of erection, extension, improvement or development of school buildings, premises, playgrounds, yards, gardens and school equipment in the town or village:

Provided that, save with the consent of the Governor, such estimate shall not exceed the approved estimate in the immediately preceding year in respect of the school to which the new estimate relates.

(2) The estimate shall be forwarded to the Director who shall submit the same to the Board of Education concerned with the school to which the estimate relates for their consideration.

(3) The Board of Education concerned shall consider the estimate and make such alterations therein or additions thereto as they may deem fit and shall then, subject to any alteration or addition, approve the estimate, whereupon the amount therein appearing shall, after deducting any grant payable under the provisions of section 86 of this Law, be assessed, provided, collected and paid—

(a) for schools in any village, in the manner set out in section 90 of this Law; and

(b) for schools in any town, in the manner set out in section 95 of this Law:

Provided that—

(a) before the approval of any estimate, the Director shall consult the Commissioner and obtain his views on any proposed alteration or addition which would have the effect of exceeding the total amount of the estimate forwarded to the Director under the provisions of sub-section (2) of this section and on the financial capacity of the town or village concerned to bear such increased financial burden;

(b) save with the consent of the Governor, no addition shall be made by a Board of Education which shall cause the estimate to exceed the approved estimate in the immediately preceding year in respect of the school to which the new estimate relates.”.

Amendment of the principal Law by the insertion of new section 35A.

4. The principal Law is hereby amended by the insertion therein, immediately after section 35, of the following new section :—

“No business or other work, etc., by teachers except with permission.

35A. No teacher shall engage, either directly or indirectly, in any business or shall receive any remuneration, other than his salary, in connection with any service rendered, or work done, by him save with the prior permission in writing of the Director.”.

Amendment of section 40 of the principal Law.

5. The proviso to sub-section (3) of section 40 of the principal Law is hereby repealed (the colon at the end of sub-section (3) being substituted by a full stop).

Amendment of section 43 of the principal Law.

6. Section 43 of the principal Law is hereby amended by the insertion therein, immediately after sub-section (1), of the following sub-section (sub-section (2) being renumbered as sub-section (3)) :—

“(2) The Director may close any school conducted in a place which has become structurally or otherwise dangerous.”.

Amendment of section 44 of the principal Law.

7. Section 44 of the principal Law is hereby amended by the substitution for the definition of “ salary ” therein of the following definition :—

“ ‘ salary ’ shall be exclusive of allowances except that, where a teacher has during the course of his service held for an aggregate period of not less than five years posts in respect of which a duty allowance is payable, the Governor may direct that, for the purpose of computing pension, gratuity or benevolent grant, the salary shall be enhanced by a sum equal to the average of the allowances payable, at the time of such computation, in respect of the posts held during the last five years of the aggregate period :

Provided that nothing in this definition shall affect prejudicially any teacher who has retired between the 1st day of September, 1942, and the 13th day of January, 1949, and whose salary has been enhanced by the inclusion of any duty allowance for the purposes of the computation of his pension.”.

8. The principal Law is hereby amended by the insertion therein, immediately after section 45, of the following new section :—

“Computation of pension of teachers retired between the 1st May, 1950 and 31st May, 1951.

45A.—(1) For the purposes of section 45 of this Law, the pension of a teacher who retired between the 1st day of May, 1950, and the 31st day of May, 1951, both days inclusive, shall, subject to sub-section (2) of this section, be re-computed on the salary which such teacher would have enjoyed, under the scheme for consolidation of salaries 1951 set out in the Colonial Secretary's Circular No. 1022 dated the 12th day of May, 1951 (hereinafter referred to as “the Scheme”), if the Scheme had been in operation on the day immediately preceding the date of his retirement and, for the purposes of such re-computation, such teacher shall be deemed to have been in receipt of such salary on such day :

Provided that the re-computed pension of a teacher who retired between the 1st day of May, 1950, and the 31st day of May, 1951, shall only be payable as from the 1st day of June, 1951.

(2) This section shall not apply to any teacher who, having retired between the 1st day of May, 1950, and the 31st day of May, 1951, both days inclusive, has failed to exercise the option mentioned in paragraph 7 (iii) of the Scheme.”

9. Section 47 of the principal Law is hereby repealed and the following section substituted therefor :—

“Period of service qualifying for pension or gratuity.

47. Service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which the name of the teacher was entered in the Permanent Staff Register, or in a Permanent Staff Register kept under the provisions of any Law relating to elementary education in force for the time being, and the date of his leaving the service, without deduction of any period during which he has been absent on leave other than study leave, except in the circumstances set out in the first proviso to sub-section (3) of section 36 of this Law, or leave without salary unless such leave shall have been granted in the interests of elementary education and with the approval of the Governor :

Provided that—

(a) in the case of any teacher who before the establishment of any Permanent Staff

Amendment of the principal Law by the insertion of new section 45A.

Repeal of section 47 of the principal Law and substitution of new section.

Register served in any elementary school operating under the provisions of any Law relating to elementary education in force for the time being, service qualifying for pension or gratuity, as the case may be, shall include all periods during which he was employed in any such school, irrespective of whether such periods were continuous or not ;

- (b) where a teacher possessing the qualifications required for registration in any Permanent Staff Register was appointed to serve as a teacher on any Temporary Staff Register and such service was immediately followed by his registration in any Permanent Staff Register, such service, including any leave without salary which may have been granted during such service in the interests of elementary education and with the approval of the Governor, shall also be service qualifying for pension or gratuity, as the case may be ;
- (c) where a teacher shall have served with Her Majesty's Forces in time of war, with the approval of the Governor, such service shall count as service qualifying for pension or gratuity, as the case may be, provided that the period between his release from Her Majesty's Forces and his re-employment as a teacher does not exceed three months or such longer period as the Governor may in any special case determine.”.

Amendment  
of section  
48 of the  
principal  
Law.

**10.** Section 48 of the principal Law is hereby amended by the insertion therein of the following proviso (the full stop at the end thereof being substituted by a colon) :—

“Provided that a teacher who has retired on account of ill-health, abolition of office, or reorganization designed to effect greater efficiency or economy, and has subsequently been re-employed, may, if the Governor-in-Council thinks fit, be granted the pension or gratuity for which he would have been eligible if any break in his service as a teacher immediately prior to such re-employment had not occurred, such pension to be in lieu of—

- (i) any pension previously granted to him from the funds of Cyprus, and

(ii) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this proviso, but additional to any gratuity so granted which is not required to be refunded as aforesaid."

**11.** Paragraph (a) of sub-section (1) of section 49 of the principal Law is hereby repealed and the following paragraph substituted therefor :—

Amendment of section 49 of the principal Law.

"(a) on or after attaining the age of fifty-five years, or in any case in which the Governor, under the provisions of this Law, may require or permit a teacher to retire on or after attaining the age of fifty years, on being required or permitted so to retire ;".

**12.** Sub-section (1) of section 54 of the principal Law is hereby amended by the substitution for the words " eighteen years ", wherever they occur therein in relation to children, of the words " twenty-one years ".

Amendment of section 54 of the principal Law.

**13.** Sub-section (2) of section 55 of the principal Law is hereby repealed and the following sub-sections substituted therefor :—

Amendment of section 55 of the principal Law.

"(2) The option referred to in sub-section (1) of this section shall be exercisable and, if it has been exercised on or before the 31st day of August, 1951, may be revoked, not later than the day immediately preceding the date of the teacher's retirement :

Provided that, if the teacher does not exercise the option prior to the day immediately preceding the date of his retirement, the Governor may, if it appears to him in all the circumstances equitable so to do, allow him to exercise the option at any time between that date and the actual date of award of pension.

(3) Subject to the provision of sub-section (2) of this section, if a teacher has exercised the option his decision shall be irrevocable.

**14.** Sub-section (1) of section 60 of the principal Law is hereby amended as follows :—

Amendment of section 60 of the principal Law.

(a) by the substitution for the word " five " (line 2) of the word " two " ;

(b) by the insertion at the end thereof, immediately after the word " salary " (line 5), of the following words :—

" according to the merits of each case to be distributed to them in such proportion as the Director, having regard to all circumstances, may deem fit "

Amendment  
of section  
61 of the  
principal  
Law.

**15.**—(1) The first proviso to sub-section (2) of section 61 of the principal Law is hereby amended by the insertion therein after the words “Elementary Education (Amendment) Law, 1947” (line 5), of the commas and words “, unless he is permitted by the Governor to revoke such election at any time before he attains the age of fifty-five years,”.

(2) This section shall be deemed to have come into operation on the 31st day of March, 1949.

Repeal of  
section 61A  
of the  
principal  
Law.

**16.** Section 61A of the principal Law (as set out in section 10 of Law 17 of 1952) is hereby repealed.

Amendment  
of section  
66 of the  
principal  
Law.

**17.** Sub-section (4) of section 66 of the principal Law is hereby amended by the substitution for the words “a benevolent grant of an amount not exceeding one year’s salary according to the merits of each case” (lines 3 and 4), of the words “a benevolent grant of an amount not exceeding one year’s salary according to the merits of each case to be distributed to them in such proportion as the Director, having regard to all circumstances, may deem fit”.

Repeal of  
section 68  
of the  
principal  
Law.

**18.** Section 68 of the principal Law is hereby repealed.

Repeal  
of section  
70 of the  
principal  
Law and  
substitution  
of new  
section.

**19.** Section 70 of the principal Law is hereby repealed and the following substituted therefor:—

“Period of  
leave without  
pay to be  
treated as  
service.”

70. Any period of absence on leave without salary of a teacher shall be treated as service and taken into account in the computation of any gratuity, benevolent grant or additional grant:

Provided that no such period shall be treated as service if the leave without salary was not granted in the interests of elementary education and with the Governor’s approval.”

Amendment  
of the  
principal  
Law by the  
insertion of  
new Part  
and section.

**20.** The principal Law is hereby amended by the insertion therein, immediately after section 70, of the following new Part and section:—

#### “PART VIA.—PRIVATE SCHOOLS.

Private  
schools.

70A.—(1) For the purposes of this section—  
‘private school’ means any school attended by children between the ages of four and fourteen which is not prescribed by the Governor under section 26 of this Law, and includes any part of a secondary school which is registered under the provisions of the Secondary Education Law, or any Law amending or replacing the same, or of any other school, wherein children between the ages of four and fourteen are taught.



(2) No private school shall be opened, maintained, conducted or be in operation in any town or village unless the written authority of the Director has been previously obtained.

(3) Any authority granted by the Director under sub-section (2) of this section may at any time be withdrawn if the Director is not satisfied that the maintenance, conduct or operation of the school is satisfactory or the premises adequate.

(4) Any person opening, maintaining, conducting or operating any private school shall furnish the Director when required with such information concerning the school as the Director may direct.

(5) Any teacher employed in any private school shall possess such qualifications as the Director may require, and shall be registered in such manner as the Director may determine and may at any time be removed from the register if his conduct or work is not considered by the Director to be satisfactory.

(6) Any person—

(a) who opens, maintains, conducts or operates any private school in contravention of sub-section (2) or (4) of this section ;

(b) who fails to comply with any direction given by the Director under sub-section (4) of this section ;

(c) who is employed as a teacher in a private school in contravention of sub-section (5) of this section,

shall be liable, on conviction, to a fine not exceeding fifty pounds and, in case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues :

Provided that no prosecution for an offence under this section shall be instituted except by or with the consent of the Attorney-General.

(7) Subject to the provisions of this section, nothing contained in this Law shall apply to a private school or to any teacher employed in any private school :

Provided that the Governor in Council may, by order published in the *Gazette*, direct that such provisions of this Law as may be specified in such order shall apply to a private school or to teachers employed in a private school.”

Amendment  
of section  
73 of the  
principal  
Law.

**21.** Section 73 of the principal Law is hereby amended by the insertion therein, after the words “ desirable to ” (line 2), of the words “ permit, require or ”.

Amendment  
of section  
89 of the  
principal  
Law.

**22.** Sub-section (1) of section 89 of the principal Law (as amended by section 15 of Law 17 of 1952) is hereby further amended by the insertion therein after the word “ have ” (line 2), of the words “ permitted, required, or ”.

Amendment  
of section  
90 of the  
principal  
Law.

**23.** Sub-section (5) of section 90 of the principal Law (as set out in section 16 of Law 17 of 1952) is hereby amended by the insertion therein, after the words “ religious corporation ” (line 3), of the words “ of the same religion or denomination as the Village Commission or the Committee ”.

Amendment  
of section  
103 of the  
principal  
Law.

**24.** Sub-section (2) of section 103 of the principal Law is hereby amended by the insertion therein of the following proviso (the full stop at the end thereof being substituted by a colon):—

“ Provided that the parent of a child belonging to a religious community other than the community for which the school is prescribed who sends his child to the school shall be liable to assessment as if he were a member of the religious community concerned.”.

Amendment  
of section  
107 of the  
principal  
Law.

**25.** Section 107 of the principal Law is hereby amended by the insertion therein, immediately after sub-section (2), of the following sub-section (sub-section (3) being re-numbered as sub-section (4)) :—

“ (3) The Board of Education and the Village Commission for Maronite Schools shall take cognizance of matters connected with Maronite elementary education and of no others.”.

18th February, 1954.

A. F. BATES,  
*Acting Colonial Secretary.*