[Chap3001]CHAPTER 30:01

EDUCATION

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An Act to Provide for the Education of Persons Within Malawi and for Purposes Ancillary Thereto

[14TH MARCH 1962]

[Ch3001s1]1. Short title

This Act may be cited as the Education Act.

[Ch3001s2]2. Interpretation

In this Act, unless the context otherwise requires—

"Advisory Council" means a Council appointed under Part II;

"assisted school" means a school which is maintained in whole or in part by grants-in-aid;

''Board of Governors" means a Board of Governors established under Part V;

"Government school" means a school wholly maintained by the Ministry out of public funds;

"grant-in-aid" means a grant of money from public funds or the funds of any public authority or local government authority in aid of any school or educational activity;

"Local Education Authority" means a Local Education Authority established under Part IV;

"Local Education Board" means a Local Education Board established under Part IV;

"maintain" in relation to a school means to pay the current outgoings and expenses of the school in respect of staff salaries, wages, tuition and boarding costs, rent, repairs, electricity and water supply and similar expenses;

"manager" in relation to a school means a person other than the head teacher who on behalf or instead of the proprietor attends to the maintenance of a school or the employment and supervision of staff;

"Ministry" means the Ministry of Education;

"Ministry officer" means an officer of the Ministry to whom the Minister has allocated the performance of duties of inspection, supervision and guidance of educational work under this Act;

"parent" in relation to any pupil or child includes a guardian whether by customary law or otherwise and every person who has the actual custody of the pupil or child;

"primary education" means the first eight years of formal education;

"primary school" means a school at which primary education is provided;

"proprietor" in relation to a school means the person in whom is vested the ownership, custody or control of the place at which the school is carried on, and of the buildings, equipment and other things provided for the pupils attending the school; and, where such ownership, custody or control is vested in more than one person, includes both or all of them, and any person registered as the person authorized to act as manager on his or their behalf, but shall not include a landlord or other owner who has no right to immediate possession;

"pupil" includes a person of any age for whom education is provided or is required to be provided under this Act and any person enrolled on any register of enrolment of persons in attendance at a school maintained in the school;

"Register of Schools" means the Register of Schools maintained under Part VI;

"school" means an institution at which not less than ten pupils receive regular secular instruction whether by personal tuition or by correspondence, and any assembly of not less than ten pupils for the purpose of receiving any such regular secular instruction, and any institution or place from which regular secular instruction emanates, or is imparted by means of correspondence, and includes any part of a school and any playing fields, recreational facilities, workshops, dormitories, kitchens, sanatoria, hostels, staff quarters and ancillary buildings used in connexion with a school, but does not include—

(a) any institution, assembly or place maintained or approved by a Ministry or Department other than the Ministry for the purpose of providing specialized instruction; or

(b) any institution, assembly or place in which the instruction is, in the opinion of the Minister, wholly or mainly of a religious character:

Provided that any class, division or section of any such last-mentioned institution, assembly or place in which instruction is, in the opinion of the Minister, wholly or mainly devoted to secular subjects, shall be deemed to be a school;

"Teacher" means a person authorized or licensed to teach in accordance with this Act;

10 of 1977"Teachers' Board of Appeal" means the Board of Appeal established under any rules made under this Act.

PART I

GENERAL PRINCIPLES

[Ch3001s3]3. General principles

(1) It shall be the duty of the Minister to promote education in Malawi, the education of the inhabitants of Malawi, the progressive development of schools and the effective execution by the local authorities of the education policy of the Government consistently with the powers of direction and control vested in him by this Act.

(2) In the exercise and performance of all powers and duties conferred and imposed on him by this Act the Minister 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 public expenditure, pupils are to be educated in accordance with the wishes of their parents.

PART II

ADVISORY COUNCIL

[Ch3001s4]4. General and special Advisory Councils

(1) There shall be a general Advisory Council and such number of special Advisory Councils as the Minister may from time to time determine to advise the Minister on matters affecting education generally or a special aspect of education.

(2) It shall be the duty of the general Advisory Council to advise the Minister upon such matters connected with general educational theory and practice as they think fit and upon any questions referred to them by him.

(3) A special Advisory Council may be appointed to advise the Minister on some special aspect of education. It shall be the duty of a special Advisory Council to advise the Minister upon such matters as it may think fit connected with the special aspect of education for which it was appointed to advise and upon any questions referred to them by the Minister.

[Ch3001s5]5. Constitution of Councils and their procedure

(1) The general Advisory Council and any special Advisory Council shall, subject to this section, consist of such and so many members as the Minister may from time to time decide, who shall hold office for a period of three years and may be re-appointed. The Minister may revoke the appointment of any member of an Advisory Council at any time.

(2) The Chairman of every Advisory Council shall be the Minister or his nominee and the secretary of each Advisory Council shall be a Ministry officer.

(3) The members of Advisory Councils shall be persons with educational interests or persons who have had experience of education or some special aspect of education.

(4) Every Advisory Council shall meet at least once in each year, and at such other time as the Minister may decide:

Provided that a majority of the members may at any time request the secretary of such Council to convene a meeting whereupon the Chairman may instruct the secretary to convene a meeting of such Council to take place within six weeks from the date of the request.

(5) Subject to subsection (4), the Minister may by rules made under this Act provide for periodical or other meetings of an Advisory Council and for the procedure thereof; subject to such rules the meetings and procedure of each Advisory Council shall be such as may be determined by them.

[Ch3001s6]6. Attendance at meetings

An advisory Council may at the discretion of the Chairman invite any person or persons to attend any meeting of the Council or any of its committees and such person or persons may take part in the proceedings of that meeting but shall not be entitled to vote.

[Ch3001s7]7. Reports

The Chairman of each Advisory Council shall report to the Council at each meeting the action taken by the Minister in any matter on which the Council has advised the Minister.

[Ch3001s8]8. Orders to be published

The order appointing an Advisory Council and every appointment, revocation of appointment and resignation of a member of an Advisory Council shall be notified in the Gazette.

PART III

CENTRAL ADMINISTRATION

[Ch3001s9]9. Expenditure by Minister

The Minister may from time to time from public funds available for such purpose—

(a) establish or maintain or make grants or advances on loan in aid of schools and services related to education;

(b) establish or maintain or make grants or advances on loan in aid of boarding accommodation, physical training and recreation at schools;

(c) maintain or make grants or advances on loan in aid of anybody or persons, institutions or organizations which promote the education of the inhabitants of Malawi, or a substantial section thereof and make grants or advances on loan in aid of any person who provides technical instruction by way of an apprenticeship scheme or otherwise;

(d) provide for the reimbursement of the expenses of any Council Board or other body appointed or established under this Act;

(e) provide by way of bursaries, scholarships or otherwise for the expense or part of the expense of education, maintenance and transport of pupils who are undergoing or proceeding to undergo any course of instruction at any place inside or outside Malawi subject to and in accordance with rules made under this Act;

(f) provide for the expenses of, or connected with, examinations held under the control or supervision of the Minister;

(g) provide for the expenses of carrying out any of the provisions of this Act.

PART IV

PRIMARY EDUCATION

[Ch3001s10]10. Local Education Authorities

The Minister, after consultation with the Minister responsible for Local Government, may establish Local Education Authorities by order published in the Gazette declaring that a local authority shall be the Local Education Authority for the area over which it exercises jurisdiction as such local authority.

[Ch3001s11]11. Education committees to be appointed

Every Local Education Authority shall appoint an education committee to which it shall refer all matters relating to the performance of its duties and exercise of its powers under this Act. Every Local Education Authority shall consider a report from its education committee before exercising any of its powers under this Act.

[Ch3001s12]12. Duties of Local Education Authorities

The duties of a Local Education Authority shall be to—

(a) assist in carrying out the Government education policy in the area of such Authority;

(b) estimate the immediate and prospective needs of its area in respect of primary schools and primary education and the financial and other resources available for the establishment, maintenance, staffing and other requirements of such schools;

(c) prepare and submit to the Minister a plan (in this Act referred to as a "development plan"), within such time and in such form as the Minister may direct, showing the action which the Local Education Authority proposes should be taken for furthering primary education in its area and to prepare and submit to the Minister further development plans from time to time whenever required by the Minister, and to carry into effect development schemes for its area published by the Minister;

(d) provide such funds as are available to it for the establishment and maintenance of primary schools, educational services related to primary education, boarding accommodation, physical training and recreation at primary schools and other expenses of primary education in its area in accordance with the development scheme for its area published by the Minister, but until a development scheme for the area has been published by the Minister the objects on which funds may be expended shall be such as may be approved by the Minister;

(e) exercise control, in accordance with this Act and rules made thereunder, over primary schools in its area, to allocate funds provided for such schools and to control expenditure in accordance with estimates approved under any written law applicable to the Authority and in particular to ensure that money provided by or through such Local Education Authority for a particular purpose at any school is so used or is refunded;

(f) prepare and submit to the Minister annual estimates of revenue and expenditure in respect of matters relating to primary education in its area in such form as the Minister may by rule prescribe, compile financial records and keep such financial books and other documents, and

make such returns in respect of financial and other matters relating to primary education as the Minister, with the concurrence of the Minister responsible for Local Government, may prescribe;

(g) comply with all orders and directions made or given to it by the Minister in accordance with powers conferred on him by this Act.

[Ch3001s13]13. Development plans and schemes

(1) A development plan shall cover such period as the Minister may in any case direct and may provide for all matters in respect of which the Local Education Authority has duties and powers.

(2) (a) A Local Education Authority shall, before submitting its development plan to the Minister, consult the proprietors or persons representing the proprietors of all schools other than schools maintained by the Government or the Local Education Authority which would, in the opinion of the Authority, be affected by the execution of the plan and shall, after submitting the plan to the Minister, forthwith furnish to the proprietors of every school such particulars relating to the plan as are sufficient to show the manner in which the school would be affected by the execution thereof.

(b) Where a development plan has been submitted to the Minister under this section the Minister shall, if he is of the opinion that no particulars or insufficient particulars of the plan have been furnished to any person who, in his opinion, would be affected by the execution of the plan, give such directions as he considers expedient for securing that sufficient particulars are so furnished.

(3) After considering any objections to a development plan made to him within the period of two months after the date on which he is satisfied that all necessary particulars have been furnished in accordance with the last preceding subsection, and after making in the plan such modifications, if any, as, after consultation with the Local Education Authority, he considers necessary or expedient, the Minister shall prepare a development scheme.

(4) A development scheme may omit any part of a development plan submitted for approval and may include provisions not included in such development plan which the Minister considers necessary for the proper fulfilment of Government education policy:

Provided that no variation between a development scheme and a development plan shall require the Local Education Authority to undertake the cost of any work unless such cost is covered by savings arising from omissions from the plan.

(5) Every development scheme shall be published by sending a copy of the scheme to the Local Education Authority or Local Education Board concerned and to the proprietor of every primary school in its area.

[Ch3001s14]14. Effect of development scheme

A development scheme shall have no operative effect in regard to the establishment of new schools or the closing of existing schools which shall be governed by Part VI.

[Ch3001s15]15. Powers of Local Education Authorities

For the purpose of fulfilling its duties under this Act every Local Education Authority shall have power to—

(a) receive subventions and grants-in-aid of primary education from public or private funds;

(b) receive tuition, boarding and other educational fees collected at any assisted or maintained primary school in its area;

(c) provide funds for the establishment and maintenance of primary schools, educational services related to primary education, boarding accommodation, physical training and recreation at primary schools in its area;

(d) provide funds for scholarships and bursaries for the education, maintenance and transport of pupils attending courses of instruction approved by the Minister whether within its area or outside;

(e) advise the Minister on the siting and establishment of new primary schools, additions to or closing of existing primary schools, either in connexion with the preparation of a development plan or otherwise, on the equipment or lack of equipment in any primary school in its area and on the physical, mental and moral welfare of the pupils in such schools;

(f) require the proprietor of any primary school in its area to provide such information regarding the staff, pupils, classes and equipment of such school, the fees payable and received for tuition, boarding and otherwise, the funds available for maintenance and expansion of such schools and all such other information as it may require for the purpose of the preparation of development plans or for making any return required by the Minister;

(g) require the proprietor of any assisted primary school in its area to pay over to it in accordance with rules made by the Minister any fees for tuition, boarding or other educational purpose collected by the proprietor from pupils attending such school;

(h) allocate, in accordance with rules made by the Minister, funds provided by the Minister for primary schools in its area and any fees paid to it under the last preceding paragraph;

(i) establish and maintain primary schools in its area, educational services related to primary education and boarding accommodation, physical training and recreation connected therewith;

(j) inspect the buildings, furniture and equipment of and records, books and accounts kept at all primary schools in its area, report to the Minister the result of such inspections and take steps to remedy any faults found;

(k) withhold any grant-in-aid to any assisted primary school on the directions of the Minister;

(l) remit fees payable at maintained and assisted primary schools in its area in accordance with rules made by the Minister;

(m) attend to the performance of all its other duties under this Act and of any rules made thereunder.

[Ch3001s16]16. Constitution of education committees of Local Education Authorities

(1) The education committee of a Local Education Authority shall consist of such number of members as may be appointed by the Local Education Authority after consultation with the Minister.

(2) In appointing the members of any such education committee the Local Education Authority shall ensure that—

(a) the chairman of such committee shall be the Chairman of such Local Education Authority;

(b) not more than six other members are appointed from the members of the Local Education Authority;

(c) not more than five other members are appointed from persons nominated by the Minister to represent educational interests in the area;

(d) a majority of the committee are persons who are members of the Local Education Authority.

(3) The Local Education Authority may by simple majority resolution remove from membership any member of such committee appointed from its own members and shall, on the recommendation of the Minister, remove from membership any member appointed from persons nominated by the Minister.

(4) Vacancies in an education committee may be filled from time to time by appointing members in such manner that where the person who has ceased to be a member of the committee was a member of the Local Education Authority the person appointed to fill his place shall be a member of the Local Education Authority and where such persons had been appointed on the nomination of the Minister the person appointed to take his place shall be nominated as provided in subsection (2).

(5) The Minister shall appoint a Ministry officer to be the executive officer of each such education committee.

(6) The executive officer shall be entitled to attend all meetings of the education committee and to speak but not to vote thereat.

[Ch3001s17]17. Delegation of duties and powers to education committees

(1) Every Local Education Authority shall delegate the performance of its duties under section 12 (a), (b), (c), (e) and (g) and the exercise of its powers under section 15 (b), (e), (f), (g), (h), (j), (k), and (l) to its education committee.

(2) The education committee of a Local Education Authority shall prepare for the approval of the Local Education Authority—

(a) draft annual estimates of revenue and expenditure in respect of matters relating to primary education in the area of an Authority;

(b) draft development plans.

[Ch3001s18]18. Duties of executive officer

The executive officer of an education committee of a Local Education Authority shall undertake the preliminary preparation for the committee of its work including the preparation of estimates, development plans, reports and other documents and shall carry out inspections on

behalf of the committee and shall take such other executive action as the Local Education Authority or its education committee may lawfully direct and may assist and advise Boards of Governors and proprietors, interpret Government educational policy to the Local Education Authority and its education committee and carry out any other function which the Minister may direct.

[Ch3001s19]19. Cancellation of Local Education Authorities

If the Minister, after consultation with the Minister responsible for Local Government, is satisfied that a Local Education Authority is not properly discharging its duties, he may by order published in the Gazette cancel its establishment.

[Ch3001s20]20. Local Education Boards

(1) If the Minister considers that a Local Education Board would be likely to promote the development of primary education in any area for which no Local Education Authority is established, he may, by order published in the Gazette, establish a Local Education Board for the area specified in such order. Such area shall ordinarily consist of one Local Government Area but may comprise more than one such area or parts of one or more such areas.

(2) A Local Education Board shall consist of—

(a) a Chairman appointed by the Minister;

(b) members appointed by the Minister after consultation with the local authority or authorities constituted in the area for which the Board is established or in any part or parts thereof;

(c) members appointed by the Minister who shall be persons representing educational interests in the area.

(3) The order establishing a Local Education Board shall declare the number of members and may make provision as to the term of office and conditions of retirement of members and for periodical or other meetings of the Board and the procedure thereof but subject to such provisions the meetings and procedure of each board shall be such as may be determined by them.

[Ch3001s21]21. Executive officers of Boards

The Minister shall appoint a Ministry officer to be executive officer for each Local Education Board who shall be entitled to attend all meetings of the Board and to speak but not to vote thereat.

[Ch3001s22]22. Duties of Local Education Board

The duties of a Local Education Board shall be to—

(a) assist in carrying out the Government education policy so far as such policy relates to primary education in the area of such Board;

(b) estimate the immediate and prospective needs of its area in respect of primary schools and primary education and the financial and other resources available for the establishment, maintenance, staffing and other requirements of such schools;

(c) if so directed by the Minister to prepare and submit to the Minister a development plan, in such form and within such time as the Minister may direct, showing the action which the

Board proposes should be taken for furthering primary education in its area and to prepare and submit to the Minister further development plans from time to time wherever required by the Minister, and to carry into effect development schemes for its area published by the Minister;

(d) prepare and submit to the Minister annual estimates of revenue and expenditure in respect of matters relating to primary education in its area in such form as the Minister may direct, compile financial records and keep such financial books and other documents and make such returns in respect of financial and other matters relating to primary education as the Minister may require;

(e) exercise control in accordance with this Act and any rules made thereunder over primary schools in its area, to allocate funds provided for such schools and to control expenditure in accordance with approved estimates and in particular to ensure that money provided by or through such Local Education Board for a particular purpose at any school is so used or is refunded;

(f) submit its accounts to audit in accordance with the directions of the Minister;

(g) manage schools;

(h) comply with all orders and directions made or given to it by the Minister in accordance with powers conferred on him by this Act.

[Ch3001s23]23. Development plans and schemes

Sections 13 and 14 regarding development plans prepared by a Local Education Authority and development schemes shall apply to development plans prepared by a Local Education Board as though such plan had been made by an Authority and the Minister may make a development scheme for a Board area in a manner similar to that in which he may make such a scheme for an Authority area.

[Ch3001s24]24. Powers of Local Education Board

The powers of a Local Education Board shall be to—

(a) receive subventions and grants-in-aid of primary education from public or private funds;

(b) receive tuition, boarding and other educational fees collected at any assisted or maintained primary school in its area;

(c) advise the Minister on the siting and establishment of new primary schools, additions to or closing of existing primary schools, either in connexion with the preparation of a development plan or otherwise, on the equipment or lack of equipment in any primary school in its area and on the physical, mental and moral welfare of the pupils in such schools;

(d) require the proprietor or manager of any primary school in its area to provide such information regarding the staff, pupils, classes and equipment of such school, the fees payable and paid for tuition, boarding and otherwise, the funds available for maintenance and expansion of such schools and all such other information as it may require for the purpose of the preparation of development plans or for making any return required by the Minister;

(e) require the proprietor or manager of any assisted primary school in its area to pay over to it in accordance with rules made by the Minister any fees for tuition, boarding or other educational purpose collected by such school;

(f) allocate, in accordance with rules made by the Minister, funds provided by the Minister for primary schools in its area and any fees paid to it under the last preceding paragraph;

(g) inspect the buildings, furniture and equipment of and records, books and accounts kept at all primary schools in its area, report to the Minister the result of such inspections and take such steps to remedy any faults found as may be approved by the Minister after receipt of the report;

(h) withhold any grant to any assisted primary school on the directions of the Minister;

(i) remit fees payable at maintained and assisted primary schools in its area in accordance with rules made by the Minister;

(j) attend to the performance of all its other duties under this Act and rules made thereunder.

[Ch3001s25]25. Powers of executive officer

The executive officer of a Local Education Board shall have the same powers in the Board's area as the executive officer of the education committee of a Local Education Authority has in the Authority's area.

PART V

MANAGEMENT OF GOVERNMENT AND OTHER SCHOOLS

[Ch3001s26]26. Management of Government Schools

(1) The management of Government schools shall be under the control of the Minister.

[Ch3001s26A]26A. Establishing Board of Governors of Government schools

(2) In any case in which he considers such a course desirable for the improvement of education, the Minister may, by order published in the Gazette, establish a Board of Governors for any Government school or group of Government schools.

(3) A Board of Governors so established shall have such powers and duties as are set out in the order by which it is established, and shall, subject to the next succeeding section, be composed of such and so many persons as the Minister may determine.

[Ch3001s27]27. Contents of order, Government schools

(1) An order establishing a Board of Governors under section 26 shall provide for—

(a) the exercise by the Board of the duty of management of the school or group of schools specified in the order subject to such limitations or restrictions as may be so specified;

(b) the number of members of the Board;

(c) the representation on the Board of the Ministry, the parents of pupils, the community or communities served by the school or group of schools and such bodies or organizations as, in the opinion of the Minister, have a claim to be represented thereon;

(d) the method by which continuity of membership of the Board will be provided;

(e) the revocation of the appointment of, the retirement and resignation of members of the Board and the appointment of new members thereof and of temporary members in case of absence or inability to act of any members thereof;

(f) such other matters as the Minister may consider necessary in respect of the constitution, functions or procedure of the Board.

(2) (a) A Board of Governors established under subsection (1) shall be a body corporate, if the order by which it is established so provides, by the name of the Board specified in such order with perpetual succession and may sue and be sued under its name and shall have power to make contracts and to own land.

(b) With the concurrence of the Minister of Finance any such order or any subsequent order may vest in such body corporate any property used for the purposes of any school affected by the order.

(c) An order made under this section may, subject to paragraph (b), be added to, varied or revoked by the Minister at any time.

(d) Where any property is so vested in a Board of Governors the order vesting the property shall provide for the responsibilities, duties and powers of the Board in respect of the use of such property at times when it is not required to be used for purposes of education.

[Ch3001s28]28. Responsibilities of proprietor of school

(1) The responsibility for management of all schools other than Government schools shall rest on the proprietor.

(2) In cases where the proprietor of a school consists of more than one person, all such persons shall be jointly and severally responsible for the management of the school and each shall be responsible for the acts and omissions of the others relating to such management.

(3) A proprietor may, with the written consent of the Minister, and subject to the provisions of Part VI relating to registration, appoint a suitable and qualified person as manager to perform his duties during the temporary absence of the proprietor from Malawi or in other circumstances approved by the Minister.

(4) The appointment of a manager shall in no way relieve or excuse a proprietor from his responsibilities and liabilities under this Act.

(5) Any proprietor who would have been liable under this Act to any penalty for anything done or omitted, if such a thing had been done or omitted by him personally shall be liable to the same penalty if such thing has been done or omitted by his co-proprietor, manager, servant or agent.

[Ch3001s29]29. Board of Governors of assisted schools

(1) Where, in the opinion of the Minister, it is desirable that a Board of Governors should be set up to manage an assisted school or group of assisted schools, he shall cause proposals for that purpose to be placed before the proprietor of that school or group of schools.

(2) Where, in the opinion of the proprietor of any assisted school or group of assisted schools, it is desirable that a Board of Governors be set up to manage the school or group of schools, the proprietor shall submit proposals for that purpose to the Minister.

(3) The Minister may, by order published in the Gazette, establish a Board of Governors for the school or group of schools to which such proposals relate in accordance with any agreement which may be reached between him and the proprietor.

[Ch3001s30]30. Contents of order, assisted schools

(1) An order establishing a Board of Governors under the last preceding section shall provide for—

(a) the name of the Board;

(b) the exercise by the Board of the duty of management of the school or group of schools specified in the order, subject to such limitations or restrictions as may be specified;

(c) the membership of the Board including representation on the Board of the Ministry, the proprietor or former proprietor, the parents of the pupils, or the community or communities served by the school or group of schools, and such bodies or organizations as may be agreed upon by the Minister and the proprietor or former proprietor, all in such numbers and proportions as may be so agreed;

(d) the method by which the continuity of the membership of the Board may be provided;

(e) the revocation of the appointment of, the retirement and resignation of members of the Board and the appointment of new members thereof and of temporary members thereof in case of absence or inability to act of any members thereof;

(f) the respective responsibilities, duties and powers of the Board and of the other persons (if any) in whom any land or other property is vested in trust for or for the benefit of any school affected by the order and in respect of the use of the buildings and grounds of any such school at times when they are not required to be used for purposes of education;

(g) such other matters as the Minister may, in agreement with the proprietor, consider necessary in respect of the constitution, functions or procedure of the Board.

(2) A Board of Governors established under subsection (1) shall be a body corporate by the name of the Board unless the order by which it is established otherwise provides. Such body corporate shall have perpetual succession and may sue and be sued by its name and shall have power to make contracts and to own land.

(3) (a) All or any property of the proprietor or former proprietor may be vested by an order made under the last preceding section in the Board of Governors thereby established or in trustees for the school or group of schools thereby affected.

(b) In any case in which property is or remains vested in trustees for a school or group of schools, the order establishing a Board of Governors thereof may provide that the Board shall have the sole responsibility for management of the school or group of schools and in such case the trustees shall, notwithstanding any other provision of this Act, be under no liability as proprietors for any act or omission in relation to the management of the school or group of

schools by the Board of Governors thereof, who shall be solely responsible for their own acts and omissions.

(4) An order made under the last preceding section may be varied or added to by the Minister at any time with the agreement of the proprietor or former proprietor of the school or group of schools thereby affected:

Provided that if all such proprietors or former proprietors have died or ceased to exist, such variation or addition may be made without any such agreement.

[Ch3001s31]31. Stamping and registration

An order made under section 26 or 29 by which any property is vested shall not be liable to stamp duty and any officer concerned with the registration of title, or documents relating to the title of the land affected by such order shall, at the request of the Minister, register the same or a copy thereof without payment of any fee:

Provided that the order or copy shall not be presented for registration except in accordance with the other regulations and forms ordinarily governing registration in such registry.

[Ch3001s32]32. School Committees

(1) Where, in the opinion of the Minister, it is desirable that a school committee be set up in respect of any Government or assisted school, the Minister may, by an order under his hand and published in the Gazette, establish a school committee for that school.

(2) Where, in the opinion of the proprietor of any assisted school or group or such schools, it is desirable that a school committee be set up in respect of that school or group of schools, he shall submit proposals for that purpose to the Minister, and, in the case of a primary school, the Local Education Authority or Local Education Board, if any, for the area in which the school is situate.

(3) The Minister may, after consultation with any Local Education Authority or Local Education Board to whom such proposals have been submitted, adopt any proposals submitted to him under subsection (2) with or without modification and, where he adopts any such proposals with or without modification, shall proceed by order published in the Gazette to establish for the school or group of schools to which such proposals relate, a school committee which may, subject to the next succeeding section, be composed of such and so many persons as the Minister may determine.

(4) Any provisions of this Act which require that proposals shall be made to, or consultation held with, a Local Education Authority or a Local Education Board, or that a Local Education Authority or a Local Education Board shall be represented on any school committee, shall have effect only where the school concerned is a primary school.

[Ch3001s33]33. Contents of order, school committee

An order establishing a school committee under the last preceding section shall provide for—

(a) the number of members of the committee;

(b) the membership representing the proprietor, the Ministry, the Local Education Authority, the Local Education Board, the parents of pupils or the communities served by the school or group of schools;

(c) the method of ensuring continuity of membership of the committee;

(d) the revocation of the appointment of, the retirement and resignation of members of the committee and the appointment of new members thereof and of temporary members thereof in case of absence or inability to act of any member thereof;

(e) such other matters as the Minister may consider necessary in respect of the constitution, functions or procedure of the committee.

[Ch3001s34]34. Functions of school committee

(1) The functions of a school committee shall be to assist the proprietor in such aspects of management as are set out in the next succeeding subsection and to advise the Minister and the Local Education Authority or Local Education Board on the subjects mentioned in such subsection but the appointment of a school committee in respect of a school or group of schools shall not affect the responsibility of the proprietor for management, or confer on the committee any administrative powers.

(2) Subject to subsection (1) a school committee may—

(a) observe the attendance and punctuality of teachers and pupils and advise the proprietor on the times at which the school session shall begin and end on any day;

(b) advise the proprietor on the appointment, supervision and dismissal of any non-teaching staff;

(c) advise the proprietor on the appointment to and resignation or dismissal from the school staff of teachers;

(d) satisfy themselves as to the maintenance of the school fabric and the provision of furniture and equipment to the scale approved by the competent authority;

(e) satisfy themselves as to the implementation of reports by inspecting officers so far as such reports relate to matters mentioned elsewhere in this subsection;

(f) advise the proprietor on the provision of religious instruction to an agreed syllabus, which, in the case of schools established by religious body, shall be in accordance with the tradition of the foundation;

(g) satisfy themselves as to the proper payment of salaries to teachers;

(h) consider and advise the proprietor whether the conduct of the school is generally in accordance with the wishes of the parents;

(i) advise the proprietor on the admission or refusal of admission of pupils.

[Ch3001s35]35. Obstruction of school committee

If the Minister is satisfied that in any case the proprietor of a school is obstructing the work of the school committee or is persistently refusing to follow the reasonable advice of the school committee he may suspend payment of any money due to be paid from public funds to that school.

PART VI

ESTABLISHMENT AND CONTROL OF SCHOOLS

[Ch3001s36]36. Registration and classification of schools

(1) The Minister shall cause to be established and maintained a Register of Schools, in which shall be entered the particulars required or permitted by this Act or any rules made thereunder.

(2) For the purposes of such Register a system of classification shall be adopted which shall distinguish primary schools from other schools and which may further distinguish, with appropriate nomenclature—

(a) different types of schools according to the nature or form or highest form of education to be provided therein;

(b) different classes, standards or forms within schools according to the stage, nature or method of education to be provided therein.

(3) Registration shall be so effected as to show the number and category of classes, standards and forms and the type of education which each school may provide and may restrict the highest form or type of education which may be provided therein.

(4) The system of classification and nomenclature may be amended from time to time. The Minister shall, by circular, inform the proprietors of all schools registered on the date when this Act comes into force of the classification and nomenclature adopted and of any intended changes therein in sufficient time to enable applications for registration or variation of registration to be made in accordance therewith and shall cause all necessary information relating thereto to be furnished to any persons desirous of establishing a new school.

(5) The Minister may register any school according to such classification or combination of classifications as he may think fit and may in his discretion vary any such registration from time to time. Before varying the registration of any school in such manner the Minister shall notify the proprietor of the school concerned of the proposed variation and shall consider any objection made within one month of such notification.

(6) In the case of an application for the establishment of a new primary school the Minister shall consult the Local Education Authority or Local Education Board, if any, for the area in which it is proposed to establish the school and in any other case may, at his discretion, before registering a school, consult such Local Education Authorities or other educational bodies as he may think fit regarding the establishment of the school.

[Ch3001s37]37. Duty of proprietor to conform to registered particulars

(1) The education provided in any school shall be in accordance with the particulars from time to time registered in respect of such school.

(2) Any proprietor of a school, who refers to such school in any correspondence, advertisement or literature of any sort or description in such manner as to suggest that the school is of a type or classification other than that in which it is, for the time being, registered under this Part, shall be guilty of an offence.

(3) The proprietor of any school who does any act calculated to lead to the belief that the school is a registered school while it is not registered under this Act shall be guilty of an offence.

[Ch3001s38]38. Procedure for establishing a school

(1) Any person desirous of establishing a school shall first make application for the registration thereof in accordance with rules made under this Act.

1 of 1945(2) Any registration of a school effected under Part V of the Education Ordinance, 1945 (now repealed) and in force immediately before the date of the commencement of this Act, shall become null and void upon the expiration of six months from such date.

(3) An application for registration of a school shall state according to the nomenclature adopted by the Minister the classification of the school sought to be established; the classes, standards or forms to be provided therein; and the name and address of the proprietor of the school.

(4) The Minister may, in his absolute discretion, refuse any application for registration of a school, other than a school to which subsection (2) applies:

Provided that in the case of a school to which subsection (2) applies, the Minister shall, upon application in accordance with subsection (3) and subject only to the next succeeding subsection, register such school. Such registration may be in such classification as the Minister considers proper in relation to such school, but shall not differ from the classification sought in the application without prior reference to the applicant.

(5) The Minister shall not register any school unless he is satisfied that the proprietor thereof—

(a) is resident in Malawi; and

(b) is a fit and proper person to be responsible for a school of the classification and type in respect of which the application is made.

(6) No person shall erect any building intended for use as a school or enrol pupils before he has received the approval of the Minister for the registration of the school under this section.

[Ch3001s39]39. Variation of establishment

(1) The proprietor of a school shall ensure that no variation in the establishment of the school takes place without the prior approval of the Minister, which may be given only variation of the registration of particulars of such school.

(2) In this Part, the expression "variation in the establishment of a school" shall include—

(a) the provision of any nature, type or form of education different from the nature, type or form of education particulars of which have been registered in respect of such school in the Register of Schools;

(b) the provision of any class, standard or form additional to those of which particulars have been entered in the Register of Schools, whether or not such class, standard or form is parallel to any registered class, standard or form in the school;

(c) the alteration of any qualification for admission to the school;

(d) the transfer of the school to a new site;

(e) any change in or transfer or proprietorship or ownership of the school including the admission of a partner or new partner, the death or retirement of any proprietor or partner and the appointment or change of any manager.

(3) Application for variation in the establishment of a school shall be made in the manner prescribed by rules made under this Act The Minister may in his discretion refuse any such application.

[Ch3001s40]40. Publication of names of schools

The Minister shall, at convenient intervals, cause to be published in the Gazette the names of the schools for the time being registered under this Part and of any schools the registration of which has been cancelled.

[Ch3001s41]41. Complaints

(1) If at any time the Minister is satisfied that any registered school is objectionable upon all or any of the grounds of complaint set out in the next succeeding subsection the Minister 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 Minister irremediable, the notice shall specify the measures necessary in the opinion of the Minister 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. The notice shall also state whether in the opinion of the Minister the school should be closed or payment of grant-in-aid be witheld or postponed if the measures necessary to remedy the complaint are not taken.

(2) The following grounds may be grounds of complaint—

(a) that the school is redundant having regard to the development scheme for the area in which the school is situated;

(b) that the school premises or any part thereof are unsuitable for a school;

(c) 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;

(d) that efficient and suitable instruction is not being provided at the school having regard to the ages and sex of the pupils attending thereat;

(e) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of a school or to be a teacher in any school, as the case may be;

(f) that the curriculum approved by the Minister is persistently and materially departed from at the school;

(g) that there is not adequate supervision and control of staff;

(h) that there has been an infringement of section 39 (1).

(3) 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.

(4) Every notice of complaint served on a proprietor under this section shall limit the time, not being less than one month after the service of the notice or copy, within which the complaint may be referred to the Appeals Tribunal appointed under section 42.

(5) Any proprietor upon whom a notice of complaint is served under this section may, within the time limited by the notice, refer the notice to the Appeals Tribunal in such manner as may be provided by rules made under this Act.

(6) Any teacher named in a notice of complaint may refer the complaint to the Teachers' Board of Appeal in accordance with rules made under this Act.

[Ch3001s42]42. Reference to Appeals Tribunal

(1) The Appeals Tribunal shall consist of three persons appointed by the Minister.

(2) When any notice of complaint is referred to the Appeals Tribunal under the last preceding section the Appeals Tribunal shall, after affording to all parties concerned an opportunity of being heard, and after considering such evidence as may be tendered by them or on their behalf, 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 closed;

(c) to order that the school be closed 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 Minister before the expiration of such time as may be specified in the order;

(d) if the complaint relates to a teacher, to direct that the consideration of the complaint so far as it relates to the school, be postponed until any reference by the teacher named in the complaint, to the Teachers' Board of Appeal under section 41 has been disposed of.

[Ch3001s43]43. Power to close schools

(1) The Minister may order any school to be closed in any case where he is satisfied that—

(a) a notice of complaint regarding the school, which has been duly served under section 41, has not been duly referred to the Appeals Tribunal and that the matters complained of have not been remedied within the time limited by the notice of complaint, or that the notice stated that a matter complained of was irremediable;

(b) the school is being conducted in a manner detrimental to the physical, mental or moral welfare of the pupils attending thereat;

(c) that any instruction at the school is being imparted to any pupil which is prejudicial to peace, good order or good government;

(d) any publication which is for the time being declared to be unsuitable for use in schools or any copy or extract thereof, has been used or referred to in, or in the course of, any instruction given in the school;

(e) the school is not registered under this Act:

Provided that the Minister shall not order the school to be closed on the ground set out in paragraph (a) if, in the notice of complaint, it was stated that in the Minister's opinion the appropriate action would be the withholding or postponement of payment of grant-in-aid. In such a case the Minister may withhold or postpone payment of any grant to the school.

(2) In case any school ordered to be closed under this section has remained closed for a period of less than six months it may be reopened by the proprietor at the discretion of the Minister.

(3) In case any school—

(a) whose establishment has been registered under section 38 is not, within six months from the date of registration, carrying out the instruction of pupils in accordance with the registered particulars;

(b) has remained closed, whether as a consequence of an order under this section or otherwise, for a consecutive period of six months or more,

the registration thereof shall be cancelled and the school shall not be opened or reopened, as the case may be, until application has been made for registration as though it were a new school and registration has been effected afresh in accordance with this Act.

(4) The proprietor of any school ordered to be closed under this section may appeal from such order to the Appeals Tribunal in accordance with rules made under this Act:

Provided that there shall be no such right of appeal where the closure order is consequent upon a notice of complaint duly served under section 41.

[Ch3001s44]44. Power to re-open school and payment of compensation

(1) In any case where—

(a) a school has been ordered to be closed under section 42 or 43 and, if any appeal is permissible, the time for an appeal under section 43 has expired without any appeal having been made in accordance with section 43 (4), or

(b) a school has remained closed for a consecutive period of six months,

and it appears to the Minister to be in the interests of education that the school should be re-opened, the Minister may, by notice in writing, inform the proprietor of the school of his intention to take possession of the school and thereafter the Minister may take possession thereof and make arrangements for the re-opening and management of the school as provided in this and the next succeeding section.

(2) A notice under subsection (1)—

(a) shall require the proprietor of the school to hand over to a Ministry officer designated in such notice, the school and all moveable and immoveable property usually used, at the date of the order closing the school, in connexion with the school on a date specified in such notice being less than one month from the date of service of the notice;

(b) may offer a sum by way of compensation or may propose a means by which the amount of compensation may be settled and shall require the proprietor to make a claim for compensation within such time not being less than three months as is stated in the notice if he does not accept the Minister’s offer or proposal.

(3) As soon as convenient after service of a notice under the immediately preceding subsections the Minister shall publish in the Gazette a declaration that the school is required for a public purpose.

(4) If, within the time stated in the notice under subsection (1), the proprietor does not accept the offer or proposal made in the notice—

(a) but does claim compensation, the payment of compensation shall be governed by the succeeding provisions of this section;

(b) and does not claim compensation, the amount, if any, offered by way of compensation in the notice shall be the amount payable by way of compensation and may be paid to such person and in such manner as is provided in the Lands Acquisition Act. Cap. 58:04

(5) Subject to the prior provisions of this section, the Lands Acquisition Act shall apply to the acquisition of the school and payment of compensation in respect thereof with following variations—

(a) a notice and declaration under this section shall be deemed to be a notice and declaration under section 5 of the Lands Acquisition Act;

(b) section 9 of the Lands Acquisition Act shall be subject to this section and in assessing compensation the Court shall not award any sum under section 13 (d) or section 14 of that Act;

(c) compensation shall not be payable in respect of any property or part of any property to the extent that such property or part thereof was purchased or constructed out of public funds. In such cases subsection (8) shall apply.

(6) (a) In any case where the property handed over to or taken by the Minister under this and the next succeeding section consists of or includes moveable property used in connexion with the school the compensation payable in respect of such moveable property shall be limited to so much of the moveable property as was not purchased out of public funds and subject as aforesaid shall be a sum equal to the price which the proprietor thereof could immediately before the service of notice under subsection (1) have reasonably been expected to obtain upon a sale of such moveable property on the basis of a willing seller and a willing purchaser regard being had to the condition of the property at the time when possession is obtained by the Minister.

(b) If any dispute arises as to the amount of compensation payable under paragraph (a) such dispute shall, if the value of the property is alleged by the former owner to be K400 or less, be determined by a Resident Magistrate and in any other case by the High Court, and may, if the High Court considers it convenient, be heard and determined at the same time as proceedings in relation to the acquisition of land forming part of the school.

(7) If the school in relation to which steps are taken under this section is situate on customary land, the compensation payable for land and buildings shall be limited to the value of any buildings on such land not purchased or constructed out of public funds.

(8) In any case where compensation is payable in respect of any property which was purchased or constructed partly out of funds provided by the proprietor and partly out of public funds the amount of compensation payable shall be a proportion of the value of the property equal to the proportion of the total cost provided by the proprietor. In all proceedings under this section the onus of proving the total cost of the property and the amount contributed by the proprietor shall be on the person claiming compensation and the phrase "public funds” shall

throughout this section be deemed to include the value of any labour and materials voluntarily contributed by the people in the District in which the school is situate.

(9) Where any dispute arises as to the persons entitled to the compensation the fact that any person is registered as proprietor in the Register of Schools shall not be conclusive evidence of title to the land the title to which shall be decided under the Acquisition of Land for Public Purposes Act. If a dispute arises as to ownership of any movable property before compensation is paid the dispute shall be decided by the Court and the Minister may pay into Court the sum awarded as compensation and such payment into Court shall be a complete discharge to the Minister from his obligations to pay compensation. If no dispute as to ownership of movable property has arisen, before the compensation agreed or awarded therefor has been paid to the person registered as proprietor in the Register of Schools, the receipt of such registered proprietor shall be a complete discharge to the Minister from his obligations to pay compensation but shall not hinder any subsequent proceedings by any person claiming to a better right thereto against the person to whom such payment has been made. Cap. 58:04

[Ch3001s45]45. Power to take possession

(1) For the purpose of re-opening a school under section 44, the Minister may, if the school or any part thereof is not handed over in accordance with the notice under that section—

(a) take possession of the school and the site thereof including any land usually used for educational and recreational purposes in connexion with the school before the school was closed;

(b) take possession of any movable property which is then in the school or was in the school at the date of the order closing the school, and was usually used in connexion with the school;

(c) subject to the Waterworks Act take water for the purpose of the school from any source of supply whether natural or artificial; Cap. 72:01

(d) do, or authorize the doing, in relation to such school, school site, land, movable property or source of water supply, anything which a person being the absolute owner thereof would be entitled to do by virtue of such ownership;

(e) make any arrangements, including the payment of managers or a managing body with such powers as he may think fit to vest in him or them, in the relation to the management of the school;

(f) give such directions as appear to him to be necessary or expedient in respect of any of the foregoing matters and which he is authorized to give under this Act or any rules made thereunder;

(g) request any person who was, at the date of the order closing the school, using or in occupation or possession of such school, school site, land, movable property or source of water supply, to furnish in relation thereto such information as may be in his possession to such persons or authority as may be specified in the request.

(2) Any police officer may, on written request by the Minister for assistance, give assistance to the Minister in carrying out this section and may for that purpose use such force as appears to him reasonably necessary.

(3) Where the Minister takes possession of any movable property under the powers conferred by subsection (1), he may use or deal with, or authorize the use of or dealing with the property in such manner as he thinks fit, and may hold or sell or otherwise dispose of the same as if the Government were the absolute owner thereof:

Provided that any such property which is proved to the satisfaction of the Minister to belong to any member of the former staff of the school shall be returned to the owner if claimed within two months from the date when possession was taken.

(4) Where the source of any water supply is the property of any statutory undertaker, water shall not be taken from such source except with the consent of such statutory undertaker.

(5) Any person who—

(a) hinders or obstructs the Minister or any Ministry officer acting in the course of his duty, or any person exercising powers, or performing duties conferred or imposed, by or under this section; or

(b) fails to comply with any request made to him under subsection (1) (g),

shall be liable to a fine of £200 and to imprisonment for twelve months.

[Ch3001s46]46. Failure to close school

Any proprietor who fails to close in accordance with this Act a school ordered to be closed under section 42 or 43 shall be liable to a fine of £200 and in default of payment to imprisonment for twelve months and to a further fine of £20 for each day on which the offence continues after conviction therefor and, in default of payment of such further fine, to imprisonment for such period as is prescribed by the Penal Code. Cap. 7:01

[Ch3001s47]47. Unsuitable publications

The Minister may by notice published in the Gazette declare any publication or periodical publication to be unsuitable for use in schools, and such a declaration made in respect of a periodical publication shall include past and future issues thereof unless otherwise specified; for the purposes of this subsection, the expressions "publication" and "periodical publication" have the meanings assigned to them respectively by section 45 of the Penal Code, and such a declaration as aforesaid shall be deemed to extend to all copies and translations, in whatsoever language, of such publication or periodical publication. Cap. 7:01

[Ch3001s48]48. Power to enter and inspect schools

(1) The Minister and any Ministry officer (including the executive officer of any Local Education Authority or Local Education Board) may from time to time, with or without notice, enter and inspect any school or any place at which it is reasonably suspected that a school is being conducted and may inspect and take copies of and extracts from any records or accounts kept or maintained in relation to any such school or suspected school.

(2) Any person who in any way hinders or obstructs the Minister or a Ministry officer lawfully entering and making an inspection at any school under subsection (1) shall be liable to a fine of £200 and to imprisonment for twelve months.

(3) The proprietor, head teacher and staff of a school shall during such inspection furnish any information which the person inspecting may require with regard to the care and tuition of pupils, the names, qualifications and conditions of service of staff, the curriculum followed, the state of the records, the condition of the buildings and generally with regard to the management of the school.

[Ch3001s49]49. General duties of proprietor

(1) The proprietor of every school shall conduct the same in accordance with this Act and with any rules made thereunder and shall obey the lawful directions and requirements of the Minister given and made under such provisions and without prejudice to the generality of the foregoing shall—

(a) keep a record in such form as may be prescribed of teachers employed thereat, showing their qualifications;

(b) ensure that the school is properly conducted and follows a curriculum approved by the Minister;

(c) ensure that the head teacher keeps a register of enrolment of pupils and register of their daily attendance in such form as may be prescribed;

(d) furnish to the Minister and persons or bodies designated by him such statistical information and other returns as he or they may require;

(e) ensure that funds provided by Government or any Local Education Authority for any purpose at the school are expended for the purpose specified or are refunded.

(2) The proprietor of every assisted school shall ensure that the salaries and conditions of service of teachers employed by him shall be in accordance with any rules made by the Minister under this Act.

(3) The proprietor of any school who fails to comply with any of the requirements of this section shall be liable to a fine of £100 and to imprisonment for six months and in the case of a continuing offence the proprietor shall be liable to a further fine of £2 for each day on which the offence continues after conviction therefor.

[Ch3001s50]50. Conducting school without consent of Minister

Any person who without the prior consent in writing of the Minister owns or conducts a school or acts as manager of a school shall be guilty of an offence:

1 of 1945Provided that in the case of a person who is the proprietor or manager of a school registered under the Education Ordinance, 1945 (now repealed) and who, on the day when this Act comes into force, applies for such written consent within a period of two months from such day it shall not be an offence to own or conduct such school during any period prior to the refusal in writing of such consent.

[Ch3001s51]51. Refund of grant in certain cases

(1) The proprietor of a school shall be liable to refund the whole of any grant-in-aid made to such school if it should be found that the grant made was greater in amount than it should have been owing to any misrepresentation or false return made by the proprietor.

(2) In the event of it being found that any grant-in-aid made was greater in amount than it should have been owing to a bona fide mistake on the part of the proprietor, the excess amount only shall be refunded and may, at the discretion of the Minister, be deducted from the grant next payable to such proprietor or manager.

(3) In any case where any grant-in-aid is made to a school for a specific purpose and that purpose is not carried out the grant shall be refunded.

PART VII

TEACHERS

[Ch3001s52]52. Registration of teachers and authority to teach

(1) The Minister shall cause to be established and maintained, in such form as he may think fit, a Register of Teachers and a Roll of Licensed Teachers.

(2) The Minister shall appoint a Ministry officer to be Registrar of Teachers, who shall have control of the Register of Teachers and of the Roll of Licensed Teachers.

(3) Every teacher whose name is on the Register of Teachers shall be issued with an authority to teach.

(4) The Registrar of Teachers shall from time to time publish in the Gazette the names of persons to whom an authority to teach has been issued.

[Ch3001s53]53. Qualifications and requirements for registration

(1) Any person—

(a) who has completed successfully a course of training as a teacher which is approved or recognized by the Minister; and

(b) who satisfies the Minister that he is of good character and has satisfactorily completed a probationary period of employment as a teacher approved by the Minister; and

(c) whose name has not at any time been removed from the Register of Teachers, shall be entitled, on application made in that behalf to the Registrar of Teachers, to be registered as a teacher.

1 of 1945(2) Notwithstanding subsection (1), the Registrar of Teachers shall register as a teacher any person who on the day on which this Act comes into force was registered as a teacher under the Education Ordinance. 1945 (now repealed).

(3) Applications for registration as a teacher shall be made in such form as the Minister may from time to time prescribe and shall furnish an address to which notices to the teacher may be sent.

(4) Every registered teacher shall notify the Registrar of Teachers of any change in his registered address, and of the name of his employer and any change of employer.

[Ch3001s54]54. Licence to teach

(1) The Registrar of Teachers may issue a licence to any person to teach for such period as he thinks fit, notwithstanding that such person has not completed or has not completed

successfully a course of training as a teacher or has not attended such a course, and may, in his discretion, renew any such licence for a further period from time to time.

(2) The Registrar of Teachers shall cause to be entered in the Roll of Licensed Teachers such particulars as the Minister may, by rule, prescribe of all persons to whom a licence to teach is issued.

(3) The Registrar of Teachers may make a licence, issued under this section, subject to conditions that the teacher may teach only a particular subject or subjects or may teach only a particular class or classes in a school and any such condition shall be stated on the licence of the teacher.

(4) The Registrar of Teachers may withdraw the licence of any licensed teacher at any time, and may refuse to renew the licence of any licensed teacher without assigning any reason.

(5) The Registrar of Teachers shall from time to time cause to be published in the Gazette the names of persons to whom licences to teach have been issued.

[Ch3001s55]55. No teaching without authority or licence

No person shall teach in any school unless he holds an authority to teach or a licence to teach issued and signed by the Registrar of Teachers or by such other officer as may be authorized by the Registrar of Teachers on his behalf. Any person holding a licence to teach shall not teach otherwise than in accordance with the conditions stated on the licence.

[Ch3001s56]56. Removal of name from Register

(1) The Registrar of Teachers may order the removal from the Register of Teachers of the name of any teacher who—

(a) dies;

(b) applies for removal of his name from the Register;

(c) has been convicted of a criminal offence;

(d) has been guilty of such misconduct as renders him unsuitable for employment as a teacher; or

(e) for a continuous period of five years has not been engaged in teaching or in the administration of educational services.

(2) For the purposes of this section, misconduct shall include professional misconduct, conduct prejudicial to law and order and conduct prejudicial to the physical, mental or moral welfare of any pupil in any school.

(3) Any teacher who is guilty of serious misconduct or who fails to perform his duties in a proper manner may be interdicted by the Registrar, and shall not during the period of interdiction receive any salary.

(4) Where the Registrar interdicts a teacher he shall within seven days of the date of interdiction forward a written report to the Minister and also give a copy of such report to the teacher. The teacher may submit to the Minister his comments upon the report.

(5) Any teacher whose name has been removed from the Register or who has been interdicted by the Registrar may appeal to the Teachers' Board of Appeal within thirty days from the date when notice of the Order or of the interdiction, as the case may be, was sent to him at his

registered address or was otherwise given to him. An appeal shall be made in such manner as may be prescribed by the Rules made under this Act. On the hearing of the appeal the Teachers' Board of Appeal may advise the Minister to—

(a) dismiss the appeal;

(b) allow the appeal; or

(c) make an Order that the appellant's authority to teach be suspended for a specified period not exceeding twelve months, but that his name be not removed from the Register if specified conditions are fulfilled.

(6) The Minister may accept or reject, in whole or in part, any advice tendered by the Teachers' Board of Appeal.

(7) Any person whose name has been removed from the Register of Teachers may apply to the Registrar of Teachers in such manner as may be prescribed by Rules made under this Act for his name to be restored to the Register of Teachers, in which case the Registrar of Teachers may—

(a) refer the application to the Teachers' Board of Appeal for advice;

(b) refuse the application;

(c) grant the application;

(d) grant the application subject to conditions; or

(e) license the applicant as a teacher for such period or subject to such conditions as he shall think fit.

(8) The Teachers' Board of Appeal shall advise the Minister on all appeals by teachers against dismissal or other punishment involving loss of pay, other than the withholding of an increment, and the decision of the Minister shall be final.

(9) None of the provisions of this section shall apply to any teacher who is an officer in the public service.

(10) Where a teacher is an officer in the public service, the Public Service Commission Regulations shall apply to that teacher.

[Ch3001s57]57. Offences relating to national examinations

7 of 2004(1) Any person having in his possession or under his control any national examination paper or any part thereof, or any information relating to any national examination or any national examination paper, who communicates such paper or information to any person, other than a person to whom he is by duty bound or authorized to communicate it, or who uses such paper or information for the benefit of any person or in any manner prejudicial to, or likely to be prejudicial to, the proper and fair conduct of any national examination shall, in addition to any other penalty to which he may be liable under this Act, be guilty of an offence and liable to a fine of K300,000 and to imprisonment for ten years.

(2) For the purposes of this section "national examination" means any examination which the Minister, by notice published in the Gazette, specially or generally designates as a national examination.

[Ch3001s58]58. Offences relating to teachers

Any person who—

(a) not being the holder of an authority to teach or a licence to teach issued under this Part, teaches or assists in teaching in any school;

(b) employs or engages as a teacher any person who is not the holder of an authority to teach or a licence to teach issued under this Act;

(c) being a person licensed to teach under this Act, teaches or assists in teaching otherwise than in accordance with the conditions stated on his licence;

(d) employs or engages such person as is referred to in the immediately preceding paragraph to teach or to assist in teaching otherwise than in accordance with the conditions stated on his licence,

shall be liable to a fine of £100 and to imprisonment for six months, and if the offence is continued, to a further fine of £5 and to imprisonment for two weeks in respect of each day on which it is so continued after conviction.

[Ch3001s59]59. Evidence of entries in registers and of other records

(1) Entries in the Register of Teachers and the Roll of Licensed Teachers and the contents of authorities to teach and licences to teach may be proved by copies thereof or extracts therefrom upon which is endorsed a certificate, purporting to be signed by the Registrar of Teachers, stating that the copy is a true copy.

(2) A certificate purporting to be signed by the Registrar of Teachers stating that a person is or is not registered in the Register of Teachers or Roll of Licensed Teachers shall be prima facie evidence, in all legal proceedings, of the facts stated in such certificate.

(3) Every certificate purporting to be signed by the Registrar of Teachers under this section shall be admissible as evidence, in all legal proceedings, without proof of the handwriting or official position of the person signing the certificate.

PART VIII
CURRICULUM AND INSTRUCTION IN SCHOOLS

[Ch3001s60]60. Syllabus

The Minister shall exercise supervision and control over the instruction given in all schools to which this Act applies and may control the course of instruction in any school or category of schools by prescribing, by rule, the syllabus which shall be followed in the school or category of schools.

[Ch3001s61]61. Religious instruction

(1) Religious instruction shall be given in every Government and assisted school of any category but need not be included in a correspondence course.

(2) The syllabus for religious instruction in the case of Government schools shall be prescribed by the Minister and in the case of any other school shall be submitted by the proprietor for the information of the Minister.

(3) If the parent of any pupil in attendance at any Government or assisted school requests that he be wholly or partly excused from attendance at religious worship 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.

(4) A minister of religion shall have right of access at such reasonable times as may be agreed to any school for the purpose of giving religious instruction to pupils whose parents have not made a request under subsection (3).

(5) Where the parent of a pupil attending a school desires him to attend religious worship or religious instruction of a kind which is not provided in the school, the proprietor of the school shall make such arrangements as may be practicable for the pupil to receive religious instruction and attend religious worship of the kind desired by the parent.

(6) The Minister may, by order published in the Gazette, direct that this section shall not apply to any school or classification or type of school or pupils of a particular religious persuasion in any school or classification or type of school.

(7) No assisted school shall be permitted to give religious instruction to or enforce divine worship on any pupil contrary to the wishes of the parent of that pupil.

(8) In case the proprietor of a school shall provide or fail to provide religious instruction contrary to this section the Minister may withhold or postpone payment of grant-in-aid to such school.

PART IX
PUPILS

[Ch3001s62]62. Duty to obey headmaster

(1) Every pupil, on entry to any school of any category, shall undertake to obey all rules and orders which are given by the headmaster of such school and which conform with the general directions of the Minister.

(2) The Board of Governors of any school or, if there be no Board of Governors, the Minister, may direct any headmaster to cancel or vary any standing order or rule made by the headmaster.

[Ch3001s63]63. Medical inspection

Every pupil in attendance at any school shall submit to such medical inspection as may be prescribed.

PART X
FEES

[Ch3001s64]64. Minister may prescribe certain fees

(1) The Minister may from, time to time make rules prescribing the fees which shall be charged in any school other than a school which is not in receipt of any grant-in-aid from public or local authority funds.

(2) Before prescribing the fees to be charged in any primary school the Minister shall consult the Local Education Authority or Local Education Board for the Area in which the school is situated.

(3) Such rules may prescribe fees for—

(a) the instruction, including the instruction in special subjects, of pupils;

(b) special courses of instruction provided for pupils;

(c) the accommodation, including boarding, of pupils at school;

(d) books and materials supplied to pupils attending schools.

(4) In any rules made under this section the Minister may—

(a) fix different fees for different categories of persons, pupils and schools;

(b) prescribe the circumstances in which fees may be refunded or remitted, whether in whole or in part;

(c) prescribe the time or date when any fees shall be payable and the person to whom it shall be paid.

(5) Such rules may prescribe payment of fees to the proprietor of a school or to a body constituted or established under this Act or to a person delegated to receive fees on behalf of such proprietor or on behalf of such body.

PART XI

SUPPLEMENTARY AND RULES

[Ch3001s65]65. Power of Minister to make rules

10 of 1977The Minister may from time to time make rules prescribing—

(a) the conditions for payment of grants-in-aid and advances on loan;

(b) the requirements for school buildings, premises and equipment;

(c) the conditions under which funds raised by local authorities or other bodies for educational purposes may be expended for such purposes;

(d) the conditions for the grant and withdrawal of bursaries and scholarships;

(e) the establishment and control of the scales of salary to be paid to teachers in assisted schools and the other conditions of service of such teachers;

(f) the compulsory attendance at schools in any area and the manner in which compulsory attendance is to be ensured;

(g) the conditions for admission to any school or schools and the conditions for expulsion or exclusion from Government and assisted schools;

(h) the inspection, examination or supervision of schools;

(i) safeguards for the health of pupils and staff in any school and the manner in which school medical inspection shall be carried out;

(j) the regulation of procedure in any Advisory Council, school committee and Board appointed or established under this Act;

(k) the subjects of instruction to be given in any school and courses in such subjects and any syllabus to be followed in connexion therewith;

(l) the conditions of any examination held by or under the supervision of the Ministry and the fees payable for any such examination;

(m) the manner in which records, statistics and accounts shall be kept and the returns or reports required by the Minister shall be made to the Ministry;

(n) the manner and form in which applications for the establishment and registration of schools shall be submitted and the information which shall be furnished in relation thereto and the manner and form in which such registration shall be effected;

(o) the manner in which schools shall be classified and the nomenclature thereof and of the classes or standards or forms into which schools may be divided;

(p) the conditions of the use of the buildings of Government and assisted schools out of school hours;

(q) the qualifications required for registration in the Register of Teachers, the manner and form in which applications for registration as a teacher shall be made, the particulars to be entered in the Register of Teachers and the Roll of Licensed Teachers, the forms of authority to teach and licence to teach, the procedure to be followed on appeals to the Teachers' Board of Appeal and on applications by any person to have his name restored to the Register of Teachers;

(r) the number and qualifications of staff required in any school;

(s) the manner in which the supervision of assisted schools shall be carried out;

(t) the conditions for the administration of corporal punishment;

(u) the procedure to be followed on any reference or appeal to the Appeals Tribunal or the Teachers' Board of Appeal to be made under this Act or on application by a teacher for his name to be restored to the Register of Teachers and the fees to be paid in relation thereto;

(v) any other matter required to be prescribed by rules to be made under this Act.

[Ch3001s66]66. Delegation

The Minister may depute any person by name or the person for the time being holding any designated office to exercise on his behalf any power or perform on his behalf any duty which he is by this Act authorized to exercise of perform, subject to such conditions, exceptions and qualifications as the Minister may specify, and thereupon, or from the date specified by the Minister, the person deputed shall have and may exercise such power and may perform such duty subject to any conditions, exceptions and qualifications as aforesaid:

Provided that nothing in this section shall empower the Minister to depute to any person any power—

(a) to make rules;

(b) to make an order that any school be closed;

(c) to issue a notice of his intention to take possession of any school.

[Ch3001s67]67. Saving

No act or proceeding of any Board of Governors, Local Education Authority, Local Education Board, school committee or other body constituted or established under this Act shall be questioned on account of the appointment of any member having been defective.

[Ch3001s68]68. General penalty for offences

Any person guilty of an offence against the Act or any rule made thereunder for which no special penalty is provided by this Act or by any rule made thereunder shall be liable to a fine of £100 and to imprisonment for six months.

[Ch3001s69]69. Service of notices and other documents

Any notice, request, demand or other document authorized or required by this Act to be given, sent or made to or served on any person may be given, sent, made or served by delivery thereof to that person or by sending a copy through the post in a cover addressed to him—

(a) in the case of a proprietor, at the address registered in the Register of Schools as being his address;

(b) in the case of a teacher, at the address registered in the Register of Teachers or in the Roll of Licensed Teachers, as the case may be, as being his address;

(c) in any other case, at his last known place of abode, and shall, if sent through the post, be deemed to have been received not later than the fifth day after the day when posted.

[Ch3001s70]70. Representation in legal proceedings

Any legal proceedings under this Act may be brought in the name of the Minister and it shall be lawful for the Minister to appoint any Ministry officer to conduct such proceedings notwithstanding that he is not a legal practitioner.

[Ch3001s71]71. Savings

1 of 1945(1) All rules or orders made or given under the Education Ordinance, 1945 (now repealed) and in force at the time of the coming into force of this Act shall be deemed to have been made and given under this Act and shall continue in force until other provision is made by virtue of this Act.

(2) All appointments made or given under the Education Ordinance, 1945 (now repealed) and subsisting at the time of the coming into force of this Act shall be deemed to have been made under this Act.

SUBSIDIARY LEGISLATION

SPECIAL ADVISORY COUNCIL

NATIONAL ADVISORY COUNCIL FOR TECHNICAL EDUCATION AND TRAINING ORDER

under s. 4

G.N. 205/1971

1. Citation

This Order may be cited as the Education (Special Advisory Council) (National Advisory Council for Technical Education and Training) Order.

2. Appointment of a special Advisory Council

There is hereby appointed a special Advisory Council (hereinafter referred to as the Council) to be known as the National Advisory Council for Technical Education and Training.

3. Functions of the Advisory Council

The Council shall advise the Minister on all matters relating to technical education and training.

4. Membership of the Council

(1) The Council shall consist of the Minister, or his nominee, who shall be Chairman by virtue of section 5 (2) of the Act, and the following twenty-two other members appointed by the Minister—

(a) three members representing the Office of the President and Cabinet;

(b) one member representing the Ministry of Education;

(c) one member representing the Ministry of Agriculture and Natural Resources;

(d) one member representing the Ministry of Finance;

(e) one member representing the Ministry of Labour;

(f) one member representing the Ministry of Works and supplies;

(g) one member representing the Ministry of Transport and Communications;

(h) two members representing the University of Malawi, one of whom shall be a member of the staff of the Polytechnic;

(i) one member representing the Board of Governors of the Polytechnic;

(j) one member representing technical schools conducted in Malawi by missionary organizations; and

(k) nine members representing the statutory bodies and commercial and industrial interests in Malawi.

(2) Members of the Council shall not, by virtue only of their appointments to the Council, be deemed to be officers in the public service.

(3) There shall be a Secretary to the Council, who shall be an officer of the Ministry of Education, appointed by the Minister.

5. Vacation of membership

The office of any member, other than a member appointed ex officio, shall be vacated—

(a) upon his death;

(b) if he is adjudged a bankrupt;

(c) if he is convicted of an offence involving fraud or dishonesty;

(d) if he is convicted of an offence and is sentenced therefor to imprisonment for a term of six months or more without the option of a fine;

(e) if he is absent from three consecutive meetings of the Council without the permission of the Council;

(f) if he becomes mentally or physically incapable of performing his duties as a member of the Council;

(g) upon the expiration of one month's notice in writing of his intention to resign such office given by him to the Minister; or

(h) if his appointment is revoked by the Minister under section 5 of the Act.

NATIONAL ADVISORY COUNCIL FOR TECHNICAL EDUCATION AND TRAINING (PROCEDURE AND ALLOWANCES) RULES

under s. 5

G.N. 206/1971

137/1983

1. Citation

These Rules may be cited as the Education (National Advisory Council for Technical Education and Training) (Procedure and Allowances) Rules.

2. Procedure at meetings of the National Advisory Council for Technical Education and Training

The procedure at meetings of the National Advisory Council for Technical Education and Training (hereinafter called the Council) established by the Education (Special Advisory Council) (National Advisory Council for Technical Education and Training) Order, 1971, shall be governed by the following rules—

(a) The Council shall meet at such places as the Chairman may determine and such meetings shall be convened by notice given to the members by the Chairman.

(b) The Chairman and a majority of the other members shall form a quorum at any meeting of the Council.

(c) The Chairman shall preside at every meeting of the Council.

(d) At any meeting of the Council, any matter requiring the decision of the Council shall be decided by the majority of the votes of members present at such meeting and in the event of an equality of votes the Chairman shall have a casting vote in addition to his deliberative one.

(e) Minutes of each meeting shall be kept by the Secretary and shall be confirmed at the next succeeding meeting by the Chairman.

(f) The Council may by resolution establish such committee or committees as it deems fit and shall appoint thereto such of its members as it shall decide. The Council shall determine the powers, duties and procedure of all committees appointed by it. The meetings of such committees shall, subject to the directions of the Chairman of the Council, be at such times and places as the member appointed by the Council to preside at meetings of the committee shall determine.

3. General procedure

Save as otherwise provided in the Act, or in these Rules, the Council shall conduct its proceedings in such manner as may be directed by the Minister, or, in the absence of such direction, in such manner as the Council deems meet.

4. Allowances of members of the Council

A member of the Council shall be paid such allowances as the Minister may, with the approval of the Minister of Finance, specify by notice published in the Gazette. G.N. 137/1983

DECLARATION OF LOCAL EDUCATION AUTHORITIES
under s. 10

The following District Councils have been declared by order to be the Local Education Authorities for the areas over which they respectively exercise jurisdiction as Local Government Authorities—

Blantyre City Council	G.N. 309/1966
Blantyre District Council	75/1962
Chikwawa District Council	121/1962
Dedza District Council	140/1962

Dowa District Council	141/1962
Karonga District Council	82/1962
Kasungu District Council	147/1962
Kasupe District Council	77/1962
Lilongwe Municipal Council	7/1973
Mangochi District Council	78/1962
Mchinji District Council	142/1962
M'mbelwa District Council	80/1962
Mulanje District Council	74/1962
Mwanza District Council	252/1971
Ncheu District Council	139/1962
Nkhata Bay District Council	79/1962
Nkhotakota District Council	81 /1962
Nsanje District Council	72/1962
Rumphi District Council	70/1962
Thyolo District Council	73/1962
Zomba District Council	76/1962

NOTE
Orders under s. 20 establishing Local Education Boards (primary education) are not published here.
See Local Government Supplement
Orders under s. 26 establishing Boards of Governors for Government schools are not published here.
See Local Government Supplement
Orders under s. 29 establishing Boards of Governors for assisted schools are not published here.
See Local Government Supplement

PRIMARY SCHOOLS COMMITTEE ORDER
under ss. 32 and 33
G.N. 133/1963
75/1972

1. Citation

This Order may be cited as the Primary Schools Committee Order.

2. Establishment of Committees

There shall be established for each school named in the Schedule to this Order a Primary Schools Committee (in this Order referred to as "the Committee").

3. Constitution of Committee

The Committee for each school shall consist of nine members, who shall be appointed as follows—

(a) one member nominated by the proprietor;

(b) one member nominated by the Education Committee of the Local Education Authority of the area in which the school is situated;

(c) one member who shall be the District Education Officer or such person as that officer may nominate in his absence from any meeting;

(d) four members, each of whom shall be the parent of a pupil attending the school, elected at a meeting to be held in the first month of each school year, at which all parents of pupils attending the school shall be entitled to attend and vote;

(e) two members, who shall be co-opted by the Committee from among persons residing in the area served by the school.

4. Office bearers of Committee

The Committee shall appoint annually from among their own number, a chairman, a secretary and a treasurer:

Provided that the offices of secretary and treasurer may be combined if the Committee so decides.

5. Tenure of office of members

(1) The members of the committee nominated by the proprietor or the Local Education Committee shall hold office for a period of two years, subject to the right of the person or body by whom they were nominated to revoke the appointment at any time and appoint some other person.

(2) The four members who are parents of pupils attending the school shall hold office for one year.

(3) Co-opted members shall hold office for a period of two years

(4) Any member, not being a co-opted member, may, with the consent of the chairman, nominate another person to represent him at a meeting which he is unable to attend.

6. Procedure of Committee

(1) At any meeting of the Committee the chairman and four other members, of whom at least two shall be parents of pupils attending the school, shall form a quorum.

(2) The meetings of the Committee shall be held in private:

Provided that, with the approval of the chairman, other persons may be invited to attend a meeting of the Committee for the purpose of advising the Committee on any subject on which the Committee desires the advice of those persons.

7. Staff for School

(1) Neither the headmaster nor any member of the staff of the school shall be a member of the Committee.

(2) The headmaster of the school shall submit to the Committee such matters relating to the conduct of the school as he may think fit or as the committee may desire and shall attend all meetings of the Committee except when the Committee otherwise determines.

8. Meetings of the Committee

Meetings of the Committee shall be held at least three times in each year and at such other times as the chairman may determine:

Provided that any three members of the Committee may at any time request the chairman to convene a meeting, which shall take place within two weeks of the date of the request.

9. Agenda of Committee

The agenda for each meeting shall be sent out to the members at least one week before the meeting is to take place. Any member who desires a matter to be placed on the agenda for a meeting shall submit that matter to the secretary at least two weeks before the date of the meeting.

10. Minutes of Committee

The secretary shall keep proper minutes of the meetings of the Committee in a bound notebook, and at each meeting the minutes of the previous meeting shall be read to the Committee. The secretary shall be responsible for the safe custody of the minute book, but shall at any reasonable time permit any member of the Committee to have access to such book for the purpose, if so desired, of making copies or extracts of any entries of the minutes.

11. Functions of Committee

It shall be the duty of the Committee to assist the proprietor in the management of the school and to advise the Minister and the Local Education Authority on the following matters, so, however, that the appointment of a Committee shall not affect the responsibility of the proprietor for management or confer on the Committee any administrative powers—

(a) observe the attendance and punctuality of teachers and pupils and advise the proprietor on the times at which the school session shall begin and end on any day;

(b) advise the proprietor on the appointment, supervision and dismissal of any non-teaching staff;

(c) advise the proprietor on the appointment to and resignation or dismissal from the school staff of teachers;

(d) satisfy themselves as to the maintenance of the school fabric and furniture and equipment to the scale approved by the competent authority;

(e) satisfy themselves as to the implementation of reports by inspecting officers so far as such reports relate to matters mentioned elsewhere in this subsection;

(f) advise the proprietor on the provision of religious instruction to an agreed syllabus, which, in the case of schools established by a religious body, shall be in accordance with the tradition of the foundation;

(g) satisfy themselves as to the proper payment of salaries to teachers;

(h) consider and advise the proprietor whether the conduct of the school is generally in accordance with the wishes of the parents;

(i) advise the proprietor on the admission or refusal of admission of pupils.

SCHEDULE

The list of schools in the Schedule is not published here. See Local Government Laws Supplement

NATIONAL EXAMINATIONS NOTICE
under s. 57 (2)
G.N. 197/1968
10/1976

The Minister has directed that the following examinations shall be designated as national examinations—

Malawi Government Primary School Leaving Certificate Examination
Malawi Government Junior Certificate Examination
Malawi Government Teachers' Certificate Examination
Malawi Government Standard Five Examination

EDUCATION (SECONDARY AND PRIMARY SCHOOLS) (FEES) RULES
under s. 64
G.N. 16/1968
119/1987
93/1991
103/1992

1. Citation

These Rules may be cited as the Education (Secondary and Primary Schools) (Fees) Rules.

2. School fees

The fees specified in the Schedule shall be the fees chargeable in respect of each pupil—

(a) attending any school other than a school which is not in receipt of grant-in-aid from public funds or funds of a Local Government Authority; or

(b) enrolled at a Distance Education Centre or receiving tuition or tuition materials from the Malawi College of Distance Education.

SCHEDULE reg. 2, G.N. 93/1991, 103/1992
SCHOOL FEES

		Per each school year, per pupil K t
1.	Secondary Schools—	
	(a) in the case of those providing full-time instruction—	
	(i) in respect of tuition	30 00
	(ii) in respect of board	150 00
	(b) in the case of Distance Education Centres or the Malawi College of Distance Education, at the level of either Junior Certificate or Malawi Certificate of Education, per each subject taken	7 50

2. Primary Schools— G.N. 103/1992

(a) for standard 1 no tuition fees payable

(b) for standard 2 no tuition fees payable

(c) for standards 3 to 5 K2.00 tuition fee payable

(d) for standards 6 to 8 K4.00 tuition fee payable

EDUCATION RULES

ARRANGEMENT OF RULES

RULE

PART I

GENERAL

1. Citation

Functions and Duties of the Advisory Committee and Education Committees

2. Functions and duties of Advisory Committee

3. Functions of Education Committees

Records and Inspection

4. Records to be kept

5. Inspection

PART II

AFRICAN EDUCATION

Teachers—Qualifications for Registration—Movements of Staff

6. Application

Grants to Assisted African Schools

7. Grants conditional on Minister's discretion

8. Conditions

9. Payment of grants

10. Capital grants

Conditions of Service of Teachers

11. European teachers' qualifications

PART III

SCHOOL BUILDINGS

12. Application of Part III

13. Breadth of classrooms

14. Floor space
15. Height
16. Rooms for occasional gathering
17. Lighting and ventilation
18. Lighting and ventilation openings
19. Height of windows
20. Main Lighting
21. Ventilation openings
22. Floors
23. Drinking water
24. Closet accommodation
25. Playground
26. Boarding accommodation
27. Dormitories
28. Separation of sexes
29. Storage of food in dormitories prohibited
30. Accommodation for feeding
31. Lighting and ventilation in boarding establishments
32. Washing, bathing, water supply
33. Kitchen accommodation
34. Floors of boarding establishments
35. Beds and bedboards

PART IV
GENERAL
36. Payment of grants

G.N. 82/1953
20/1954
92/1954
100/1958
145/1958
219/1964(N)
57/1967
166/1967

EDUCATION RULES

deemed to be made under s. 65

[made under s. 27 of the Education Ordinance, 1945, No. 1 of 1945 (now repealed)]

PART I
GENERAL

1. Citation

These Rules may be cited as the Education Rules.

Functions and Duties of the Advisory Committee and Education Committees

2. Functions and duties of Advisory Committee

(1) The functions of the Advisory Committee are to advise the Minister on matters pertaining to African education.

(2) The Chairman of the Advisory Committee shall send copies of the minutes of the proceedings of all meetings of the Committee to the Minister.

3. Function of Education Committees

(1) The function of Education Committees shall be to advise the Minister on matters pertaining to education in the Districts or areas in respect of which they are established.

(2) The Chairman of an Education Committee shall cause a proper record of its proceedings to be kept and a copy thereof to be transmitted to the Minister.

Records and Inspection

4. Records to be kept

(1) The following records shall be kept at each Government school or assisted school—

School registers, a log-book, stock-books, the syllabus for the time being in force, schemes of work and timetables.

(2) Entries in the attendance register shall be made within the first lesson period of the session only, after which the register shall be closed.

(3) Every pupil on being admitted to a school shall have his name entered in an attendance register with such particulars as may be prescribed by the Minister.

5. Inspection

Schools shall be open at any reasonable time to the inspection of the persons named hereunder who may examine the records kept in accordance with these Rules—

Any education officer or member of the Ministry of Education authorized by the Minister to inspect schools;

Any member of the Advisory Committee:

Provided that after any inspection an entry shall be made in the school log-book recording the date of inspection and such remarks as the person inspecting desires to make.

PART II

AFRICAN EDUCATION

Teachers—Qualifications for Registration—Movements of Staff

6. Application

This Part shall apply to Government schools and assisted schools maintained for the education of African pupils.

Grants to Assisted African Schools

7. Grants conditional on Minister’s discretion

The Minister may, in his discretion, recommend the making of grants to any assisted African schools, if the Minister is satisfied that the conditions contained in rule 8 have been and

are being fulfilled, and on condition that rule 11 has been and is being complied with by the managers of such schools.

8. Conditions

The conditions referred to in rule 7 shall be as follows—

Registration and class-range

(a) that the school has been registered in accordance with the Act and that the class range provided has been approved by the Minister;

Salaries

(b) that the salaries of the certificated teachers are on a scale approved by the Minister, and are and have regularly been paid;

Buildings

(c) that the school buildings are maintained in a satisfactory state of repair and in good sanitary condition, and conform to the requirements of Part V;

Equipment

(d) that sufficient and suitable furniture, apparatus and equipment for efficient instruction of the pupils is provided;

Curriculum

(e) that the requisite provision exists for organized games, physical training, handicrafts, homecraft and school gardening;

Gardens

(f) that all school gardens are maintained to a satisfactory standard;

Instruction

(g) that the school provides sufficient instruction in accordance with the syllabus and the allocation of time for each subject as may be laid down by the Minister;

Minimum school year

(h) that a minimum school year of three terms of not less than sixty school days each has been completed;

Minimum school day

(i) that the minimum length of the school day has been three and a half hours' instruction in Standards I and II, four hours' instruction in Standards III to V and five hours' instruction in Standards VI to VIII;

Enrolment and attendance

(j) that no pupil is enrolled after the first two weeks of the first term of a schoolyear have elapsed;

Unregistered pupils

(k) that no pupil is allowed to attend school who is not on the school register;

Readmitted pupils

(l) that no pupil has been readmitted who has not attended school for at least fifty days of the previous term, unless the manager of the school is satisfied that such absences were due to sickness or other good cause;

Transferred pupils

(m) that a pupil on transfer from another school is not admitted without submitting a satisfactory statement regarding attendance, progress and age, signed by the pupil's previous head teacher;

Age-limits

(n) that any age-limits specified by the Minister have been strictly observed;

Staffing

(o) that the qualifications of the staff and the ratio of teachers to pupils are as the Minister may from time to time direct;

Income, how to be used

(p) that the grant received by the school is used exclusively for the purpose of education in the school;

Records

(q) that the records of admission and attendance are accurately kept;

Returns

(r) that all returns called for by the Minister are submitted;

Rates of fees

(s) that neither tuition not boarding fees exceed such rates as may be approved by the Minister;

Conditions of service of teachers

(t) that the conditions of service of teachers have not been infringed;

Part III to be complied with

(u) that Part III is complied with;

Diet

(v) in the case of a boarding school, that a sufficient, properly balanced diet is provided, to the satisfaction of the Secretary for Health;

Applicant not to be refused admission, if accomodation available

(w) that no applicant for admission as a pupil, unless such applicant is debarred by some other provision of these Rules, is refused such admission if accommodation for him is available;

Expulsion or suspension

(x) that no pupil is suspended or expelled except for bad behaviour or unsatisfactory progress;

Conscientious exemption from religious instruction

(y) that no pupil, in respect of whom the parent or guardian has notified the head teacher that he does not wish such pupil to be present in any class when religious instruction is being given, shall be required to be present at such a class:

Provided that the Minister may in his discretion approve in writing the waiving in any particular case of all or any of the above conditions.

9. Payment of grants

Grants shall become due and be paid on the authority of the Minister half-yearly in advance and shall be accounted for as required by him.

10. Capital grants

(1) Capital grants may be made at the discretion of the Minister in respect of new buildings and permanent equipment for the completion, extension, or permanent improvement of existing buildings at assisted schools.

(2) Where any assisted school, which has received a capital grant for the provision of permanent equipment, ceases to receive assistance by means of a recurrent grant, the permanent equipment provided by means of such capital grant, or such portion thereof as the Minister may specify, shall be delivered to an officer nominated for that purpose by the Minister.

(3) Where at any assisted school, buildings have been erected, extended or improved, wholly or partly, out of monies provided as a capital grant and where the assisted school ceases to receive assistance by means of monies provided as a recurrent grant, the person to whom the capital grant was made shall pay into the Consolidated Fund an amount bearing the same proportion to the value of such buildings at the date when the assisted school ceased to receive such assistance as the capital grant bore to the total cost of the erection, extension or improvement of such buildings:

Provided that the Minister may, with the approval of the Minister of Finance, waive payment of the whole or any portion of such amount.

Conditions of Service of Teachers

11. European teachers' qualifications

It shall be a condition of any grant made in respect of the emoluments of a European teacher in an assisted African school that he shall possess the following qualifications—

(a) in Teacher Training Centres, the Teacher's diploma of a recognized University or a Ministry of Education Teacher's Certificate or its equivalent;

(b) in other cases, the degree of a recognized University or Teacher's Diploma of a recognized University or both, or a Ministry of Education Teacher's Certificate, or its equivalent.

PART III

SCHOOL BUILDINGS

12. Application of Part III

(1) This Part shall apply to all school buildings (which term shall include any structure used by any school in connexion therewith) erected after the 24th October, 1939.

(2) In this Part unless the context otherwise requires "boarding establishment" means a school in which pupils are received as boarders and "dormitory" means a sleeping room provided in a school for the use of boarders.

13. Breadth of classrooms

No classroom shall have a breadth of less than twelve feet.

14. Floor space

In any classroom the minimum floor space per pupil calculated on the average enrolment shall be fifteen square feet per pupil.

15. Height

No classroom shall have a mean height of less than nine feet, and where ceilings follow the line of rafters the minimum height at wall plate level shall be not less than eight feet, six inches.

16. Rooms for occasional gathering

In any room provided at any school for the occasional gathering together of pupils the amount of floor space per pupil shall be not less than five square feet.

17. Lighting and ventilation

Every person who shall erect, cause to be erected, or maintain a school shall cause each classroom to be efficiently lighted and cross-ventilated by openings into the external air or onto an open verandah and to be of sufficient dimensions so as to provide suitable accommodation for the pupils educated therein.

18. Lighting and ventilation openings

Lighting and ventilation openings provided for any classroom shall be equal to not less than one fifth of the floor area and all windows shall be made to open.

19. Height of windows

All windows or openings shall, where reasonably possible, be extended to within twelve inches of the ceiling.

20. Main lighting

Where possible the main lighting of any room shall be so placed that the light falls on the left of the pupils.

21. Ventilation openings

Where windows, glazed or otherwise, are provided, ventilation openings so constructed as to be kept permanently open shall be provided to the ratio of one square foot to every fifty square feet of floor area. Such ventilation openings shall always be provided on opposite walls opening directly to the external air.

22. Floors

Floors of classrooms shall be so made that they can easily be cleansed. Where impervious floors are not provided floors shall be constructed of a material approved by the Secretary for Health or a medical officer of health and maintained to his satisfaction.

23. Drinking water

Every school shall be provided with a sufficient supply of wholesome drinking water at all times during school hours. In the case of a boarding establishment, a sufficient supply of wholesome drinking water shall be available at all times. Where a piped supply is not available the water shall be provided in a clean receptacle and shall be accessible without danger of contamination of the supply.

24. Closet accommodation

(1) All closet accommodation shall be of a type approved by the Secretary for Health or a medical officer of health and, if not of the water-closet type, shall be provided in a building or

buildings completely separated from the main school building, and separate accommodation shall be provided for the different sexes.

The number of closets provided shall be in the following ratios—

(a) for boarding establishments, for pupils of each sex—

Under 18 pupils	2	Under 150 pupils	8
" 30 "	3	" 150 "	8
" 50 "	4	" 200 "	10
" 70 "	5	" 300 "	14
" 100 "	6	" 400 "	18

(b) for schools other than boarding establishments—

for girls, one closet to every ten pupils, with a minimum of two closets;

for boys, one closet to every twenty-five pupils with a minimum of two closets;

urinal stalls shall be provided for boys over eight years of age in the proportion of one stall to every ten boys with a minimum of three stalls;

there shall be separate lavatory accommodation for members of the teaching staff of each sex.

All closets shall be maintained at all times in a clean and sanitary condition.

(2) In the case of boarding establishments—

(a) ten per centum of the closets provided shall be at a distance not greater than sixty feet from the sleeping quarters and shall be specially reserved for night use; and where less than ten closets are provided, at least one shall be reserved for night use;

(b) when any closet of the pit latrine type is within three feet of the surrounding ground level, the pit shall be closed for use and completely filled up with earth.

25. Playgrounds

There shall be provided in connexion with every school and, if possible, adjacent to it sufficient open space for use as a playground.

26. Boarding accommodation

In any school where pupils are retained as boarders there shall be provided suitable and sufficient accommodation for the boarders in addition to the classrooms provided for their use.

27. Dormitories

Dormitories shall be provided for boarders and the minimum of floor space per boarder shall be fifty square feet, except that where double bunks are used the minimum floor space per boarder shall be thirty square feet.

28. Separation of sexes

Separate dormitories shall be provided for each sex.

29. Storage of food in dormitories prohibited

The storage of foodstuffs in rooms used for sleeping purposes is prohibited.

30. Accommodation for feeding

Where boarders are accommodated, there shall be provided separate accommodation for feeding, allowing a minimum of eight square feet for each pupil to be accommodated. Dining rooms shall only communicate with sleeping quarters by a well-ventilated passage.

31. Lighting and ventilation in boarding establishments

(1) Every dormitory and living room in a boarding establishment shall be effectively lighted and ventilated.

(2) (a) Lighting shall be provided by windows or other openings equal to one-eighth of the floor area and where windows are provided they shall all be capable of being fully opened.

(b) Ventilation shall be provided by permanent ventilation opening placed in opposite walls and so made that they cannot be closed. Ventilation openings provided to any room shall be in the proportion of one square foot to every fifty square feet of floor area.

32. Washing, bathing, water supply

In every boarding establishment provision to the satisfaction of the Secretary for Health or a medical officer of health shall be made for washing and bathing and there shall be available a sufficient water supply for all purposes.

33. Kitchen accommodation

Kitchen accommodation shall be provided in every boarding establishment of a capacity and structure to the satisfaction of the Secretary for Health or a medical officer of health.

34. Floors of boarding establishments

Floors of all buildings at every boarding establishment shall either by impervious or constructed of a material approved of by the Secretary for Health. If floors are of hard rammed earth, they shall be suitably maintained.

35. Beds and bedboards

All beds and bedboards shall be so constructed as to permit of easy and regular cleansing.

PART IV

GENERAL

36. Payment of grants

The payment of grants in accordance with these Rules shall be conditional on the provision of the necessary funds by Parliament.

UNIFIED AFRICAN TEACHING SERVICE RULES

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UNIFIED AFRICAN TEACHING SERVICE RULES

deemed to be made under s. 65

[made under s. 27 of the Education Ordinance, 1945, No. 1 of 1945 (now repealed)]

PART I
PRELIMINARY

1. Citation

These Rules may be cited as the Unified African Teaching Service Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

"approved post" means an educational post approved by the Minister and a non-educational post so approved in respect of service prior to the coming into operation of these Rules.

"Board" means the Unified African Teaching Service Board established under Part II;

"Board of Appeal" means the Teachers Board of Appeal established under rule 14;

"dismissal" means the immediate termination, without notice, of an appointment of a teacher;

"employer" means, in respect of any school, a person or body approved by the Minister to act as employer for the purposes of these Rules;

"interdiction" means removal from duty whilst an alleged offence or misconduct is being investigated;

"pensionable service" means good and unbroken service in an approved post in either the Public Service or the Service, and includes any such proved and unbroken service rendered prior to the coming into operation of these Rules.

"salary", for the purpose of computing pension, does not include any allowance or emolument whatever unless specifically approved by the Minister as pensionable;

"Service" means the Unified African Teaching Service established under these Rules;

"teacher" means—

(a) a teacher holding a government certificate issued under the Act, or its equivalent; or

(b) a graduate with a professional teaching qualification approved by the Minister;

(c) a teacher holding a professional teaching qualification issued outside Malawi and acceptable to the Minister;

"unbroken service" means continuous service in an approved post interrupted by not more than one break in service of not more than six months; service interrrupted by leave without pay for a purpose approved by the Minister shall be deemed to be unbroken service.

PART II

THE BOARD

3. Establishment and functions of the Board

There is hereby established a Board, to be known as the Unified African Teaching Service Board, whose functions shall be to advise the Minister upon—

(a) terms and conditions of service and employment of African teachers;

(b) professional teaching qualifications;

(c) the maintenance of professional standards, conduct and discipline amongst teachers;

(d) the procedure of the Board; and

(e) the furtherance of the aims and objects of the Service.

4. Membership and procedure of the Board

(1) The Board shall consist of a chairman appointed by the Minister and eleven other members, of whom—

one shall be nominated by the Catholic Bishops;

one shall be nominated by the Christian Council of Malawi;

one shall be nominated by the Advisory Committee on African Education;

three shall be nominated by the Malawi National Teachers Association;

three shall be Africans, one from each Region, appointed by the Minister;

one shall be a woman appointed by the Minister; and

one shall be the Secretary of the Board and shall be appointed by the Minister.

(2) All appointments to the Board shall be notified in the Gazette.

(3) Five members shall constitute a quorum of the Board.

(4) The Board shall keep minutes and shall submit them to the Minister when so required.

(5) The Board may co-opt members to fill temporary vacancies caused by the absence of any member.

(6) The Board may appoint committees to examine such matters as the Board may refer to them and to report to the Board the results of such examination.

(7) Members of the Board other than the chairman shall hold office for three years but shall be eligible for reappointment.

(8) Notwithstanding subrule (7), the appointment of the chairman or of any member may be revoked by the Minister at any time.

PART III

THE SERVICE

5. Membership of Service

Membership of the Service shall consist of all African teachers:

Provided that teachers who exercise the option to retain the conditions of service of the public service of Malawi shall not, whilst such option remains in force, be members of the Service.

6. First appointment of teacher

The first appointment of a teacher shall be at the grade and salary scale appropriate to the certificate held by such teacher as set out in Schedule I.

7. Subsequent appointments of teacher

(1) The employment of a teacher otherwise than on first appointment shall be at such grade and salary scale as the Minister may approve.

(2) All increments earned in approved employment shall be taken into account in assessing the salary of a teacher.

8. Alteration of grade

The Minister may at any time for good cause alter the grade of a teacher and, where the grade of a teacher is altered by the Minister, the employer of such teacher shall appoint him to the appropriate salary scale as set out in Schedule I.

9. Letters of appointment

Every appointment to an approved post and every change of appointment shall be made by letter of appointment in the form set out in Schedule II.

10. Increments

(1) Subject to subrule (2), the salary of an employed teacher shall be increased after the completion of each year of approved service by an increment as set out in Schedule I;

Provided that the maximum salary specified for the grade in Schedule I shall not be exceeded and provided further that where there is an efficiency bar no increment shall be paid without the prior approval of the Minister.

(2) All increments shall be payable on the 1st day of July in any year. The first increment payable to a teacher employed in the Service shall, subject to these Rules, be paid on the 1st day of July in the year following the year of his appointment.

(3) An employer may, by giving three months' written notice to the teacher and to the Minister, withhold the payment of an increment when such becomes due, but no more than one increment may be so withheld in any period of two years.

(4) Any teacher whose increment is withheld under subrule (3) may appeal to the Minister, whose decision shall be final.

11. Leave

(1) An employed teacher shall be entitled to a maximum of 40 days' leave with pay in every year of employment, which leave shall not be accumulated and shall be taken during school holidays.

(2) In addition to the leave specified in subrule (1), an employed teacher may be granted, at the discretion of his employer—

(a) additional leave with pay for such period as the employer may think fit to be taken during the school holidays;

(b) leave with pay on urgent and compassionate grounds for a maximum period of 5 days in any one year of employment, such leave to be entered in the school log book and to be granted at the discretion of the headmaster with the approval of the employer:

Provided that the employer may extend such leave to a maximum period of 30 days at his discretion.

(c) sick leave with pay for a maximum period of 180 consecutive days at any time where a certificate from a registered medical practitioner is produced; and

(d) in addition to and consecutive to sick leave granted under paragraph (c), a further period of sick leave with half pay for a maximum period of 180 days where a further certificate from a registered medical practitioner is produced:

Provided that leave under this paragraph shall not be taken until all leave due to the teacher under subrule (1) has been taken.

(3) The headmaster shall not grant himself leave without the permission of his employer:

Provided that in case of urgent need and for good cause the headmaster may, after addressing an application in writing to his employer and making an entry in the school log book, proceed on compassionate leave for a period not exceeding 5 days.

(4) Married women teachers with child shall, approximately one month before the due date of their confinement, proceed on maternity leave for a period of three months on half pay.

(5) An employer shall not grant and a teacher may not be granted leave without pay exceeding 10 days in any one year without the written permission of the Minister.

12. Employment of teachers subject to approval of Minister

All employment of teachers shall be subject to the approval of the Minister.

PART IV

TERMINATION OF APPOINTMENTS AND DISCIPLINE

13. Termination of appointment

(1) The appointment of any teacher may be terminated so as to end on the last day of a school term by either—

(a) the teacher or the employer giving three months' notice in writing to the other party and to the Registrar of Teachers to that effect; or

(b) the employer giving the teacher or the teacher giving the employer one month's salary in lieu of notice, and at the same time informing the Registrar of Teachers of such action.

(2) Any teacher who is guilty of serious misconduct or who fails to perform his duties in a proper manner may be interdicted by his employer, and shall not, during the period of interdiction, receive any salary.

(3) Where any employer interdicts a teacher he shall, within seven days of the date of interdiction, forward a written report to the Registrar of Teachers and also give a copy of such report to the teacher. The teacher may submit to the Registrar of Teachers his comments upon the report.

(4) Where any teacher has been interdicted the Registrar of Teachers shall make such investigation into the matter as he thinks fit and may order either—

(a) dismissal of the teacher, in which case the appointment shall be terminated as from the date of interdiction; or

(b) suspension of the teacher, or some lesser punishment, in which case the appointment shall not be terminated and the employer shall not act under subrule (1) until the period of suspension has expired or such lesser punishment has been imposed; or

(c) reinstatement of the teacher without penalty, in which case any salary withheld during the period of interdiction shall be restored to such teacher.

14. Board of Appeal

(1) There is hereby established a Teachers Board of Appeal consisting of three or more persons (who shall be neither employers nor teachers) appointed by the Minister.

(2) The Board of Appeal shall advise the Minister on all appeals by teachers against dismissal or other punishment involving loss of pay other than the withholding of an increment and the decision of the Minister shall be final.

15. Right of appeal

(1) A teacher may give notice of appeal in writing to the Board of Appeal within seven days of the notification to him of dismissal or any other punishment involving loss of pay otherwise than by the withholding of an increment.

(2) The Board of Appeal may call for such evidence as it may require and may act on such evidence or statements of character and shall not be bound to receive and consider only evidence admissible in a court of law.

(3) The Board of Appeal shall meet as and when required by the chairman for the consideration of appeals.

16. Acts of serious misconduct

A teacher who—

(a) conducts himself so as to impair the efficiency of the school;

(b) renders himself inefficient by use of drugs or intoxicants;

(c) behaves immorally;

(d) absents himself from duty without just cause;

(e) refuses or neglects to carry out the duties and lawful instructions to the best of his ability;

(f) uses his position as a teacher to further the ends of any political party or organization;

(g) in his position as a teacher encourages or condones disobedience to, or disrespect of, lawfully constituted authority and the laws in force in Malawi; or

(h) does anything by word or deed which is likely to bring the Service into disrepute, shall be deemed guilty of serious misconduct.

17. Employment of teacher to be whole time

The salary of a teacher shall be paid in respect of his whole time services and he shall not engage in any other trade, occupation, employment or competing activity during the period of his appointment:

Provided that where an employer is satisfied that such trade, occupation, employment or activity would not be detrimental to the proper performance by the teacher of his duties, he may, with the approval of the Minister, give written permission to the teacher so to engage

PART V

MISCELLANEOUS CONDITIONS OF SERVICE

18. Travelling expenses

(1) An employer shall pay a teacher employed by him his expenses in travelling upon—

(a) a single journey from his place of dwelling to his place of employment on taking up an appointment;

(b) a single journey from his place of employment to his home area on termination of his appointment otherwise than under rule 13 (4) (a).

(2) Travelling expenses shall be those transport expenses incurred by the teacher in transporting himself, his wife, his dependent children under the apparent age of sixteen years,

and their usual personal effects by the shortest and cheapest route and the cheapest method of transport, which are reasonable in the circumstances.

(3) The employer shall only pay travelling expenses to a teacher upon receipt of proof that such expenses have been incurred.

19. Travelling on duty

(1) An employer shall pay travelling and subsistence allowances at the rates set out in Schedule III when the teacher is travelling on a duty connected with his employment which is approved by the Minister

(2) An allowance payable under this rule shall be in respect of travelling by the teacher only.

20. Quarters

Where quarters are provided by the employer and are occupied by a teacher, the teacher shall pay to the employer rent for such quarters at the rates set out in Schedule IV. Quarters shall be maintained in a habitable condition by the employer.

21. Record of service

An employer shall maintain in respect of each teacher a record of service in duplicate in the form required by the Minister. The top copy of such record shall be kept by the employer and shall be signed by the teacher as being correct in every year of service. The duplicate copy of the record shall be kept by the teacher, but the employer shall make the appropriate entries therein.

22. With termination record of service to be sent to Minister

Upon the termination of an appointment the employer shall send by registered post the top copy of the record of service signed by the teacher to the Minister or to such other person as the Minister may require.

23. With retirement record of service to be sent to Minister

When a teacher retires from or otherwise leaves the Service both copies of the record of service shall be sent to the Minister by registered post.

24. Compulsory retirement

The Minister may require a teacher to retire—

(a) at any time after the teacher has reached the age of 55 or after he has completed 25 years' pensionable service, whichever is the earlier;

(b) on grounds of infirmity of body or mind which is likely to be permanent and is so certified by a registered medical practitioner; or

(c) because the abolition of the post of such teacher or the reorganization of the Service makes such retirement desirable in the interests of the Service.

25. Medical examination

The Minister may at any time require a teacher to undergo a medical examination by one or more registered medical practitioners.

26. Notification by employers to the Minister

Every employer shall notify the Minister in writing—

(a) of any teacher who has been appointed by him by letter of appointment to any post;

(b) of any teacher whose grade or salary is altered otherwise than by normal increment;

(c) of any teacher whose appointment is terminated;

(d) of any teacher who has been granted leave under rule 11 (2) (c) or (d); and

(e) of any teacher who has been granted leave without pay.

PART VI

PENSIONS AND GRATUITIES

27. Service to be unbroken

(1) Except as otherwise provided in these Rules, only unbroken service shall be taken into account as pensionable service:

Provided that

(a) any interruption in service prior to the coming into operation of these Rules shall be disregarded for the purpose of this subrule; and

(b) any interruption in service caused by temporary suspension of employment not arising from misconduct or voluntary resignation shall be disregarded for the purpose of this subrule.

(2) No period during which a teacher shall have been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave shall have been granted on grounds of public policy.

(3) Service while under the age of twenty years shall not be taken into account as pensionable service.

28. Pensions and gratuities

(1) Pensionable status shall attach to teachers in the Service, except as hereinafter stated.

(2) Nothing in these Rules shall give, or be construed to give, any teacher an absolute right to compensation for past service or to any pension or gratuity under these Rules.

(3) Where it is established to the satisfaction of the Minister that a teacher has been guilty of negligence, irregularity or misconduct the pension or gratuity may be reduced or altogether withheld.

29. Qualification for pension

Every teacher to whom these Rules apply shall, except as hereinafter stated, qualify for pension after ten years, qualifying service and may retire, without sacrificing his claim to a pension, at the age of 55 or after 30 years' qualifying service, whichever sooner occurs.

30. Gratuity and reduced pension

(1) A teacher to whom a pension is granted under these Rules may, at his option which he may exercise, and, if he has already exercised his option, may revoke not later than the day immediately preceding the date of his retirement, be paid a reduced pension at the rate of three-fourths of the basic annual pension for which he is eligible together with a gratuity equal to twelve-and-a-half times the amount of the reduction so made in the basic pension.

(2) Subject to subrule (1), if a teacher has exercised his option his decision shall be irrevocable so far as it may concern any pension to be paid to him under these Rules.

31. Basic pension

(1) Subject to these rules, a teacher who has completed pensionable service for ten years or more may be granted a pension at the rate of—

(a) one seven hundred and twentieth of his annual salary at the date of retirement for each completed month of pensionable service up to and including the 31st day of December, 1945, to which amount shall be added an additional twenty per centum:

Provided that if the teacher has exercised the option provided for in rule 30 in relation to any part of the amount payable under this provision, such additional twenty per centum shall not be payable in respect of that part, and

(b) one six hundredth of his annual salary at the date of retirement for each completed month of pensionable service after the 31st day of December, 1945.

(2) Where for the purpose of subrule (1) a teacher's pension is computed in two parts and in each part there occurs a period of service not amounting to a complete month, if the two such periods amount in the aggregate to not less than thirty days, one month's service shall be added to the part in which the greater period of service occurs, and where the periods of service are equal, to the part to which the one six-hundredth rate applies.

(3) A pension granted to a teacher under this rule shall not exceed two-thirds of the teacher's highest salary drawn by him at any time during the course of his service.

32. Gratuities

(1) A teacher the maximum of whose salary does not exceed £101 shall not be granted a pension in accordance with these Rules, but shall qualify for a gratuity after ten years' qualifying service as defined in rule 29, and, upon reaching the age of 55, or after completing 30 years' unbroken service, whichever sooner occurs, at any time after the date on which these Rules come into force, shall be paid a gratuity upon retirement at the rate of one month's salary for each completed year of service, so that, however, a teacher whose services come within the number of years shown in the first column hereafter shall be limited to a gratuity not exceeding the sum shown opposite such number of years in the second column hereafter as follows—

Length of service	Maximum gratuity
Not over 20 years	12 months' salary.
Not over 30 years	15 months' salary.
Over 30 years	18 months' salary.

(2) Any gratuity granted under this rule may, at the discretion of the Minister, be paid in a lump sum or in weekly, monthly or annual instalments. Should any balance be still in hand at the time of the teacher's death such balance shall be granted to the dependants of the teacher.

33. Special pensions or gratuities

(1) A teacher who, being qualified for pension but not being eligible to retire in terms of rule 29, is retired under rule 24, other than on the grounds of ill-health occasioned by his own default, may be granted a pension calculated in accordance with rule 31.

(2) A pensionable teacher who has completed less than ten years' qualifying service and is retired under rule 24, other than on the grounds of ill-health occasioned by his own default, may be granted a gratuity calculated at the rate of one-twelfth of the retiring monthly salary in respect of each completed month of pensionable service.

(3) When a teacher is removed from his office on the ground of his inability to discharge efficiently the duties thereof, or on grounds of ill-health occasioned by his own default and a pension or gratuity cannot otherwise be granted to him under these Rules, the Minister may, having regard to all the circumstances of the case, if he considers it justifiable, grant such pension or gratuity as he may consider just and proper but in no case exceeding the pension or gratuity for which the teacher would be eligible were he retired under rule 24.

(4) Where a teacher has been permanently injured in the actual discharge of his duty, without his own default and by some injury specifically attributable to this duty, and his retirement is thereby necessitated or materially accelerated, the Minister, may grant such increased pension or gratuity or compassionate allowance if no pension or gratuity is payable under these Rules, as he may think fit:

Provided that where a teacher elects to receive compensation under the Workmen's Compensation Act he shall receive compensation under that Act and not under this subrule. Cap. 55:03

(5) Where a teacher who has completed five years or more service in the Service dies, whilst still a teacher, the Minister, may grant a gratuity calculated in accordance with rule 32. The amount of such gratuity shall not be less than one year's salary.

(6) If a teacher dies at any time from injury contracted in the circumstances described in subrule (4), a gratuity may be granted and the amount of such gratuity shall not be less than one year's salary:

Provided that if compensation has been awarded in respect of the death of a teacher under the Workmen's Compensation Act, no gratuity shall be payable under this subrule.

(7) Where any gratuity is payable under subrule (5) or (6) it shall be distributed in accordance with any will made by the teacher which is valid under any law for the time being in force, or, if no such will has been made, it shall be distributed to the teacher's dependants in accordance with customary law.

(8) The decision of the Minister as to the distribution under subrule (7) of any gratuity granted under subrule (5) or (6) shall be final.

34. Pension ceasing on conviction

If the teacher to whom a pension has been granted under these Rules is convicted before any competent court and sentenced to a term of imprisonment without the option of a fine, then in every such case the Minister may direct that the pension shall cease forthwith:

Provided that—

(a) the pension shall be restored with retrospective effect in the case of a person who, after conviction as above described, has been acquitted on appeal or at any time received a free pardon; and

(b) where a pension ceases as aforesaid the Minister may cause all or any part of the monies to which the pensioner would have been entitled by way of pension to be paid to or applied for the benefit of any wife, child or children of the pensioner, and, after the expiration of his sentence, also for the benefit of the pensioner himself. In determining whether arrears of such pension or allowance are payable to such a person and in computing the amount thereof, account shall be taken of all monies paid or applied under paragraph (a).

35. Suspension of pension

If a teacher to whom a pension has been granted under these Rules is reappointed to the Service, the payment of his pension may, with his consent, if the Minister thinks fit, be suspended during the period of his re-employment.

36. Form of application

Every application for pension or gratuity shall be submitted to the Minister in such form as he may from time to time require.

PART VII

GENERAL

37. Amendments

Any amendment to these Rules duly made in accordance with the Act shall be binding on all persons subject to these Rules.

SCHEDULE I r. 6

SALARY SCALES FOR ASSISTED TEACHERS

Qualifications	Salary Scale
(a) University Degree with post-graduate diploma or certificate	£800 × 50–£1,000 (E.B.) £1,200 × 75–£1,650 (E.B.)
(b) Grade I Teacher's Certificate	£480 × 40–£600 × 50–£850 (E.B.) £950 × 50–£1,150 (E.B.) £1,220 × 50–£1,420
(c) Grade II Teacher's Certificate	£204 × 12–£300 : £300 × 16–£396:£414 × 18–£468
(d) Grade III Teacher's Certificate	£150 × 8–£190 : £204 × 12–£288
(e) Grade IV Teacher's Certificate	£118 × 8–£182
(f) Grade V Teacher's Certificate	£69 × 3–£81 : £86 × 8–£126

SCHEDULE II r. 9

FORM OF AGREEMENT BETWEEN TEACHER AND EMPLOYER

In consequence of a contract between ..... of ..... the Employer and ..... the Teacher whose name is on the Register of Teachers in accordance with the Education Act and who is the holder of Authority to Teach No. ..... the Teacher is appointed as

and from the ..... Day of ..... 19..... at a salary of £..... per annum in the salary scale of a Grade ..... Teacher having been allowed ..... increments for previous service.

The appointment and employment is subject to the Rules of the Unified Teaching Service.

Signed ..... Employer

Signed ..... Teacher

Date .....

Copies to: Teacher

Secretary for Education

SCHEDULE III r. 19

TRAVELLING AND SUBSISTENCE ALLOWANCES

Teachers travelling on duty may claim subsistence allowances and reimbursement of travelling expenses, on proof of expenditure, at the following rates—

Grade of Teacher	Subsistence Allowance per night		Travel facilities by public transport
	s.	d.	
Graduate	12	6	1st class all transport
T.I	7	6	1st class bus
			2nd class rail: lake
T.II			
T.III	4		
	3	0	
	0		1st class bus
			2nd class rail
			3rd class Lake steamer
T.IV			
T.V	2		
	1	0	
	0		2nd class bus
			3rd class train and Lake steamer

If a teacher travels by private car or motor cycle or other private means of transport, he shall not be paid a sum exceeding the cost by the appropriate public transport.

SCHEDULE IV r. 20

RATES OF RENT FOR QUARTERS

Section A. Grading of Quarters: Definitions.

Quarters provided for teachers shall be graded as follows—

Grade A. Having all of the following—

(i) a permanent roof (metal, tiles, asbestos, shingle, etc.);

(ii) walls of burnt brick cement blocks a similar durable material;

(iii) a concrete floor throughout.

Grade B. Having not less than two of the above.

Grade C. Having not less than one of the above.

Grade D. Having none of the above.

"Living room"=a room with not less than 100 sq. ft. floor space and windows that open—excluding "special rooms" such as kitchen etc.

"piped water supply"=a supply of water from a tap or taps installed as part of the house whether inside or out—excluding shared stand pipes.

Section B. Rent payments for quarters.

Rent payments for quarters provided by the employer and occupied by the teacher shall be paid by the teacher to the employer at the rates given in the following table, the percentages given referring to a percentage of the teacher's basic salary.

Group	Size of house and amenities	Grading of house according to Section A			
		A	B	C	D
1	Three or more living rooms with internal ablutions and sanitation	9 3/8%	4 11/16%	4%	Nil

N.B. This group normally applies to teachers of graduate and T.I grading. Where a teacher of lesser qualifications is occupying such a house (in default of a house suited to his grading being available), an appeal may be made to the Minister. This proviso will not apply where a teacher (of less than T.I grading) voluntarily resides in a house of this group.

2	Three or more living rooms and piped water supply	5%	4%	3%	Nil
3	Less than three living rooms and with piped water supply	4%	3%	2%	Nil
4	More than three living rooms but without piped water supply		4%	3%	2% Nil
5	With three living rooms and without piped water supply	3%	2%	2%	Nil
6	Less than three living rooms and without piped water supply		2%	2%	1% Nil

Where furniture is provided an additional rent of one-third of the above percentage is to be charged.

SCHOOL AND TEACHERS REGISTRATION RULES

ARRANGEMENT OF RULES

RULE

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2. Interpretation

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PART III
REMOVAL FROM REGISTER, APPEALS BY TEACHERS AND RESTORATION

27. Removal
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SCHOOL AND TEACHERS REGISTRATION RULES
under s. 65
G.N. 38/1962
219/1964(N)
PRELIMINARY
1. Citation
These Rules may be cited as the School and Teachers Registration Rules.
2. Interpretation
(1) In these Rules unless the context otherwise requires—
"class" means a group of pupils taught together for a period of one academic year or such other period as the Minister may approve;
"prescribed classification" means the classification prescribed in these Rules;
"probation" means the carrying out of a course of practical work as a teacher approved by the Minister;
"recommended period of probation" means the period of probation recommended by the Minister in any individual case or such period as may be prescribed for any class or classes of persons;
"Registrar" means in Parts II and III the Registrar of Teachers.
(2) Wherever in these Rules any application, order, act or thing is directed to be lodged with, made to or carried out through a District Education Officer and there is no District Education Officer in the District in which performance is directed the application or other act or thing shall be lodged with, made to or carried out through the Regional Education Officer for the Region in which such District is situated.
PART I
SCHOOLS
3. Classifications
(1) For purposes of classification the following nomenclature or the abbreviation therefor shown in brackets shall be used—
(a) for schools—
primary (P) to denote a primary school;
secondary (S) to denote a school providing education subsequent to primary education by a course leading to an approved secondary leaving certificate at ordinary or higher level;
commercial (Com) to denote a school providing an approved course in commercial subjects;

correspondence (Cor) to denote a school providing courses by correspondence;

night (N) to denote a school operating outside normal school hours offering approved courses;

special (Sp) to denote a school providing education designed to meet particular needs, such as the education of the physically handicapped;

teacher training college (TT) to denote a college providing an approved course of training for teachers;

technical (Tec) to denote a school providing approved courses in technical subjects;

vocational (V) to denote a school providing courses in trade, handicraft, domestic science, homecraft or any other vocational subject.

(b) for classes—

in primary schools classes shall be described as standards 1, 2, 3, 4, 5, 6, 7 and 8 of which standard 1 shall be the lowest and standard 8 shall be the highest;

in secondary schools classes shall be described as forms I, II, III, IV, V and VI of which form I shall be the lowest and form VI shall be the highest;

in other schools classes shall be described as class I, class II and so forth upwards (using roman numerals).

(2) For purposes of registration, the abbreviations used to describe primary and secondary schools may be used followed by the number of the highest standard or form sought.

4. Application for registration of schools

Application for registration by proprietors of primary and secondary schools shall be made in Form RS. 1 in the Schedule. Applications for registration by all other types of school shall be made in Form RS. 2 in the Schedule. Every such application shall be signed by all the proprietors of the school.

5. Form of application

(1) Application for registration of a school shall give information with regard to the education proposed to be provided in such school according to the prescribed classification and nomenclature and shall give the additional information specified in Form RS. 1 or RS. 2 as may be appropriate.

(2) Where a school has or is intended to have parallel streams in any class the number of parallel streams in each class shall be specified in the application.

6. Classification

Every application for registration shall specify the classification sought.

7. Existing schools

Every application for registration of a school existing before the coming into force of the Act shall be lodged in duplicate, within 3 months from the coming into force of the Act, with the District Education Officer for the District in which the school is situate.

8. Certificate of Registration

On registration of any school a Certificate of Registration will be issued to the proprietors which shall be kept by them at the school and shall be available for inspection.

9. Contents of application

Except in the case of applications for registration of a primary or secondary school, an application for registration of a school shall specify the course or courses intended to be followed in the school.

10. Correspondence schools

Every application for registration of a correspondence school shall be accompanied by two copies of every course provided or intended to be provided by such school.

11. Staff

Every application for registration of a school shall be accompanied by adequate information regarding the staff employed or to be employed thereat.

12. Variation

An application for variation under section 39 of the Act shall be made in duplicate on Form RS. 3 in the Schedule and shall be lodged with the District Education Officer and shall be accompanied by the Registration certificate of the school and provide all the information specified in the form.

PART II

TEACHERS

13. Qualifications

The qualification for registration as a teacher shall consist of—

(a) the award of a Government Teaching Certificate after the successful completion of a course at an approved Teacher Training College or other approved course in Malawi; or

(b) the status of graduate of a University recognized by the Minister for such purpose and the holding of an approved teaching qualification issued outside Malawi; or

(c) the holding of an approved teaching qualification issued outside Malawi; and

(d) the completion to the satisfaction of the Minister of a recommended period of probation:

Provided that the Minister may, in the case of an application by a teacher with qualification (b) or (c) and with two or more years approved teaching experience, dispense with the probation period.

14. Teachers holding authority to teach

A person who, prior to the coming into force of the Act was the holder of an Authority to Teach shall be deemed to have been registered as a teacher under the Act and need not apply.

15. Persons completing course at Teacher Training College

On completing a course at an approved Teacher Training College or other approved course in Malawi any person desiring to be registered as a teacher shall apply on Form RTA. 1 in the Schedule through the Principal of the Teacher Training College at which he studied or the person having the conduct of the approved course.

16. Other qualified person

Any other person holding the qualifications specified in rule 13 (a), (b) or (c) shall apply for registration as a teacher on Form RTA. 1 in the Schedule.

17. Probationary period

(1) On any application for registration as a teacher the Registrar may require the applicant to undergo an approved period of probation or a further such period and may issue to the applicant a licence to teach for such period or for such lesser or greater period as may be specified in the conditions of such licence.

(2) Any person who has completed an approved period of probation shall apply on Form RTA. 2 in the Schedule for registration as a teacher.

18. Change of address

Any information regarding change of address or change of employer required to be given by a registered teacher may be given by writing to the Registrar a letter containing the information.

19. Licensed teachers

(1) If at any school any person was employed as a teacher after the coming into force of the Act who—

(a) was not on the coming into force of the Act the holder of an authority to teach or a licence to teach; or

(b) was not the holder of any of the qualifications specified in rule 13 (a), (b) or (c); or

(c) has not applied at the date of the application next mentioned, for enrolment as a teacher the proprietor of the school shall apply on Form RTL. 1 in the Schedule for the enrolment on the Roll of Licensed Teachers of all persons so employed by him.

(2) Every such application shall be signed by the proprietor making the same and by every person on whose behalf the application is made and shall contain the information specified in the Form and shall be made within three months from the date of coming into force of the Act.

20. Persons desiring licence to teach

In case the proprietor of any school wishes to employ as a teacher any person who does not hold any of the qualifications specified in rule 13 and who is not the holder of a licence to teach, the proprietor shall, prior to employing such person, apply on Form RTL. 1 in the Schedule for enrolment of such person as licensed teacher. Such application shall be made on behalf and be signed by the person seeking enrolment and shall be made through the District Education Officer for the area in which the school is situate. If such person has previously held a licence to teach the number of the former licence shall be stated.

21. When application to be made

Every application for registration in the Register of Teachers or for enrolment in the Roll of Licensed Teachers shall be made to the Registrar through the District Education Officer for the District in which is situate the school, at which the applicant is employed, or of which the applicant is proprietor, as the case may be.

22. Terminations of employment

When any licensed teacher ceases to be employed at any school, the proprietor of such school shall inform the Registrar of such fact by letter, sent through the District Education Officer, giving the name and licence number of the licensed teacher and the date of termination of the employment.

23. New employment of licensed teacher

Any proprietor of a school who employs a licensed teacher not previously in his employment shall, within one month from the date of first employment, inform the Registrar of such fact by letter through the District Education Officer giving the name and licence number of the licensed teacher and the date when employment started.

24. Renewal of licence to teach

The employer of a licensed teacher who wishes to continue to employ such teacher after the expiry of the current licence shall apply to the Registrar for the renewal of the licence by letter through the District Education Officer giving the teacher's full name and licence number. Such application shall be made not less than one month before the expiry of the current licence.

25. Contents of Register

(1) The Register of Teachers shall contain the following particulars—

(a) the full names of the teacher;

(b) the registration number allocated to the teacher;

(c) the date of registration.

(2) Separate records shall be kept of the address, employer, service record, qualifications and other personal particulars of a registered teacher.

26. Contents of Roll

The Roll of Licensed Teachers shall contain the following particulars—

(a) the full names of the teacher;

(b) the enrolment number allocated to the teacher;

(c) the date of enrolment;

(d) the date of expiry of the licence issued to the teacher;

(e) the limitations of subject or class and other conditions of such licence;

(f) particulars of any renewal or variation or withdrawal of such licence.

PART III

REMOVAL FROM REGISTER, APPEALS BY TEACHERS AND RESTORATION

27. Removal

(1) The Registrar shall not remove the name of any teacher from the Register of Teachers or suspend the authority to teach of any teacher except—

(a) on evidence of death which appears to him sufficient;

(b) on receipt of written application from the teacher for such removal;

(c) on the expiration of thirty days from the date of sending notice to the teacher of his intention to take action on any of the grounds specified in section 56 (1) (c), (d) or (e) of the Act.

(2) In case the Registrar shall intend to take action on the ground contained in section 56 (1) (d) of the Act he shall, in the notice, inform the teacher of the charges of misconduct which have been made against him and shall inform the teacher that he has an opportunity to answer such charges in writing within thirty days from the date of the notice.

(3) After the expiration of the thirty days period mentioned in subrule (1) the Registrar shall by notice in writing inform the teacher of the action taken and if he has removed the name of the teacher from the Register of Teachers or has suspended his authority to teach the Registrar shall, in such notice, require the teacher to return his authority to teach.

28. Appeals

(1) An appeal under section 56 of the Act shall be made in writing addressed to the Teachers' Board of Appeal and shall be delivered to the Registrar within fourteen days from the receipt by the teacher of notice under rule 27 that his authority to teach has been suspended or that his name has been removed from the Register of Teachers.

(2) Every such appeal shall specify shortly the grounds of appeal on which the teacher relies and shall furnish an address to which all communications relating to the appeal may be sent. If no such address is furnished any such communication shall be sent to the last address notified by the teacher under section 53 (3) of the Act.

(3) On receipt of the appeal the Registrar shall inform the Teachers' Board of Appeal of the appeal and the Teachers' Board of Appeal shall fix a date for the hearing of the appeal and shall communicate to the appellant the date so fixed, and the place where the appeal will be heard, and inform him of his right under subrule (4).

(4) The appellant may appear in person on the hearing of the appeal and may call any person to give evidence who is willing to attend.

(5) Save as in these Rules otherwise provided, appeals shall be conducted in accordance with the Unified African Teaching Service Rules. Above p. 56

29. Restoration

(1) No application for restoration under section 56 (7) of the Act shall be made until after the expiration of twelve months from the date of the removal of the teacher's name from the Register of Teachers.

(2) Every such application shall be made in writing and state the grounds on which it is suggested that the teacher's name be restored to the Register.

(3) On receipt of such application the Registrar may require the applicant to produce evidence to prove any fact which the Registrar considers relevant to the application.

SCHEDULE r. 4

FORMS

FORM RS. 1

MALAWI—MINISTRY OF EDUCATION

APPLICATION FOR REGISTRATION OF A PRIMARY OR SECONDARY SCHOOL (RULES 4 AND 5 (1) OF THE SCHOOL AND TEACHERS REGISTRATION RULES) (Cap. 30:01)

(To be completed in duplicate)
A.

1. Name of School .....
2. If a school has previously been registered on this site, state Registration Number .....
3. Name and Address of Proprietor(s)
(1) .....
(2) .....

4. Location of School (One copy of a sketch map should be attached to the top copy) (a) District .....
(b) Town or Village .....

5. Distance from nearest School of similar classification giving name of school and Proprietor .....
.....
6. Classification Sought (Primary or Secondary) .....
7. Number of Streams and highest class sought for each stream .....
.....
.....
8. Boys, Girls or Mixed School .....
9. Details of Proposed Staffing (Number of teachers and grade or qualifications)
.....
.....

.....
Date Signature of

Proprietor(s) .....

.....

B.

Registration is recommended.
not recommended.

.....
.....
.....
.....
.....

.....
Date .....
Signature of District Education Officer
.....
Date .....
Signature of Regional Education Officer

FORM RS. 2
MALAWI—MINISTRY OF EDUCATION
APPLICATION FOR REGISTRATION OF A SCHOOL
(OTHER THAN A PRIMARY OR SECONDARY SCHOOL)
(RULES 4 AND 5 (1) OF THE SCHOOL AND TEACHERS REGISTRATION RULES)
(Cap. 30:01)

(This form should be completed in duplicate and should be used for schools in the following classifications, viz. Commercial, Correspondence, Night, Special Teacher Training, Technical and Vocational)

A.

1. Name of School .....

2. If a school has previously been registered on this site, state Registration Number .....

3. Name and Address of Proprietor(s)

(1) .....
(2) .....

4. Location of School (One copy of a sketch map should be attached to the top copy) (a) District .....
(b) Town or Village .....

5. Detail of buildings with plan .....

6. Distance from Nearest School of similar classification (where known) giving name of school and proprietor .....
.....

7. Classification sought for school (according to nomenclature given in School and Teachers Registration Rules) .....

8. Number of Streams and highest class sought in each stream .....
.....

9. Courses of Study to be followed (giving details of subjects, Rules 9 and 10 of School and Teachers Registration Rules)
.....
.....
.....
.....
.....

10. Male, Female or Mixed School/College .....

11. Maximum number of pupils/students .....

12. Details of proposed staffing (number of teachers and qualifications)
.....
.....

.....
Date Signature of

Proprietor(s) .....

.....

B.

Registration is recommended.
not recommended.
.....
.....

.....
Date .....
Signature of District Education Officer
.....

Date .....
Signature of Regional Education Officer

FORM RS. 3
MALAWI—MINISTRY OF EDUCATION
APPLICATION FOR VARIATION IN THE REGISTRATION OF A SCHOOL
(RULE 12 OF THE SCHOOL AND TEACHERS REGISTRATION RULES)
(Cap. 30:01)
(To be completed in duplicate and accompanied by the Registration Certificate)
A.

1. Name of School .....
2. Registration Number .....
3. Variation Requested (if the variation in any way affects the layout of the buildings, a new sketch map should accompany this application)
.....
.....
.....
.....
.....
.....

.....
Date .....
Signature of Proprietor(s)
.....
(Where more than one Proprietor both must sign)

B.

Variation of existing registration recommended.
not recommended.
.....
.....
.....
.....

.....
Date .....
Signature of District Education Officer
.....
Date .....
Signature of Regional Education Officer

FORM RTA. 1
MALAWI—MINISTRY OF EDUCATION
APPLICATION FOR REGISTRATION AS A TEACHER
(To be completed in duplicate)

SECTION A (To be completed by the Teacher)

1. Surname .....
   Other names .....
2. Male/Female .....
3. Date of Birth .....
4. Village .....
5. Chief .....
6. District .....
7. Country of Origin .....
8. Single/Married .....

9. Academic Qualifications:
   Year
....
....

10. Particulars of Teaching Certificates Held:

Grade	Name of College	Year
.....	.....	.....
.....	.....	.....
.....	.....	.....

11. Details of Specialized Subjects and, in the case of Graduates, teaching subjects offered:
.....

.....
.....
.....

12. Have you previously been Registered or Licensed as a Teacher in Malawi? If so give particulars

.....
.....
.....

.....
Date .....
Signature of Applicant

FORM RTA. 2 (End of Probation)
MALAWI—MINISTRY OF EDUCATION
APPLICATION FOR REGISTRATION AS A TEACHER
(SCHOOL AND TEACHERS REGISTRATION RULES)
(Cap. 30:01)

NAME (Block Capitals) .....
NUMBER on the Roll of Licensed Teachers .....
SECTION A. (To be completed by Teacher)

I have served a period of probation of ..... years and ..... months in the following posts and request that I be registered as a Teacher and be issued with an Authority to Teach:—

Date From	Until	School Employer	District
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

.....
Date .....
Signature of Teacher

SECTION B. (To be completed by Employer)

I recommend / do not recommend that the name of the above teacher be entered on the Register of Teachers and an Authority to Teach be issued.

.....
.....
.....

Date .....

Signature of Employer

.....

Name of Employer

SECTION C. (To be completed by District Education Officer/Regional Education Officer and forwarded to Registrar)

The above named teacher has successfully completed his period of probation and it is recommended that his/her name be entered on the Register of Teachers and an Authority to Teach be issued.

.....

Date .....

Signature of District Education Officer /
Regional Education Officer

FORM RTL. 1

MALAWI—MINISTRY OF EDUCATION

APPLICATION FOR ADMITTANCE TO THE ROLL OF LICENSED TEACHERS (NON-QUALIFIED TEACHERS)

Name of Employer (or Prospective Employer) .....
.....

Address .....
.....

NAME OF TEACHER (Block Capitals)	Academic Quals.	Signature of Teacher
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

....
....
....

.....
Date .....
Signature of Employer or
Prospective Employer