

CYPRUS

ELEMENTARY EDUCATION

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CHAPTER 166.

ELEMENTARY EDUCATION.

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A LAW TO MAKE BETTER PROVISIONS AND TO CONSOLIDATE
THE LAW IN REGARD TO ELEMENTARY EDUCATION
AND TO PURPOSES CONNECTED THEREWITH.

[29th May, 1933.]

PART I.

PRELIMINARY.

1. This Law may be cited as the Elementary Education Law.

1949
Cap. 203
22 of 50.
17 of 52.
28 of 53.
12 of 54.
19 of 55.
43 of 55.
25 of 56.

Short title.

2. In this Law—

Interpreta-
tion.

“ Assistant Director ” means the Assistant Director of Education ;

“ child,” except in so far as may be otherwise prescribed by Regulations, means any person between the ages of four and fourteen ;

“ Commissioner ” means the Commissioner of the district in which the town or village, where a school is in operation, is situate ;

“ Director ” means the Director of Education and includes any officer of the Education Department authorised by him in writing for all or any of the purposes of this Law ; 2 of 25/56.

“ dwelling house ” means any house, room, structure, yard or place situated within any compulsory school attendance area and owned, occupied or used by any parent ;

“ group ” means any two or more adjacent areas, whether villages or towns or parts of villages or of towns, which the Governor may prescribe under section 6 (2) of this Law to be united for all or any of the purposes of this Law ; 2 of 3/44.

“ married ” or “ married woman ” includes in respect of a female teacher who professes the Moslem faith, a female teacher who has been betrothed (*nikah*) in accordance with the rites of the Moslem faith ;

“ Greek-Orthodox ” means—

- (a) where used in respect of persons, any person who belongs to the Greek-Orthodox Church, and
- (b) where used in respect of schools, any school prescribed for the community belonging to the Greek-Orthodox Church, and
- (c) where used in respect of educational bodies established under this Law, any educational body performing duties and exercising powers in relation to any Greek-Orthodox school ;

“ parent ” means the father or other person having control or care of, or in his employment, any child ;

“ Regulations ” means the Regulations made by the Governor under the provisions of this Law ;

“ school ” means any elementary school prescribed by the Governor to be in operation under this Law in any town or village ;

" school year " means a period of twelve months commencing on the 1st day of September in any year ;

" service " means service in a school in the Colony ;

2 of 3/44.

" town " means the towns of Nicosia, Limassol Larnaca (including Scala), Famagusta (including Varosha), Ktima (including Paphos) and Kyrenia and includes any village or group which the Governor may prescribe under section 6 (1) of this Law to be a town for all or any of the purposes of this Law ;

2 of 3/44.

" village " includes all villages, village areas and groups other than a village or group which the Governor may prescribe under section 6 (1) of this Law to be a town for all or any of the purposes of this Law ;

" Village Commission " means—

(a) in respect of a village which is not a Municipal Corporation, the mukhtar and azas of the religious community for which the school has been prescribed, with the mukhtar as Chairman :

Provided that where in any village or group of villages there is more than one mukhtar of the religious community for which the school has been prescribed, all the mukhtars and azas of such religious community shall be the Village Commission, with the mukhtar of the village or quarter possessing the greatest number of inhabitants of such religious community as Chairman ;

(b) in respect of a village which, not being a town, is a Municipal Corporation, the members of the Municipal Council thereof belonging to the religious community for which the school has been prescribed, with the Mayor or Deputy Mayor or, if neither of them belongs to such religious community, the oldest of such members, as the case may be, as Chairman :

Provided that where the number of such members does not exceed four, the mukhtar and azas of the religious community for which the school has been prescribed, shall be the Village Commission, with the mukhtar as Chairman.

PART II.

CENTRAL AUTHORITY AND DIRECTOR.

3. The Governor shall be the central authority for all matters relating to elementary education in the Colony and, subject to the provisions of this Law, he is hereby charged with the control and supervision and the performance of all duties and the exercise of all powers connected therewith.

Central authority.

4. (1) The Governor may from time to time delegate to—

Power of delegation to Governor.

- (a) the Director,
- (b) the Boards of Education,
- (c) the Town Committees,
- (d) the Village Commissions,
- (e) the Committees of Management,

the performance of all or any of the duties and the exercise of all or any of the powers vested in the Governor under this Law.

(2) The Governor may at any time revoke any such delegation.

5. (1) The Governor may from time to time make Regulations to be published in the Gazette for all or any of the purposes of this Law.

Power to Governor to make Regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such Regulations may relate to all or any of the following matters, except where specific provision therefor is made in this Law, that is to say—

- (a) the ages between which children shall be entitled to attend school or to receive elementary instruction therein free of charge, and the ages between which children shall attend school in a compulsory school attendance area ;
- (b) the attendance of children at school, their expulsion, removal or superannuation therefrom and the transfer of children from one school to another ;
- (c) the auditing of school accounts ;
- (d) the books to be used in schools and in school libraries ;
- (e) the conduct of business at meetings of Boards of Education, Town Committees, Village Commissions and Committees of Management ;
- (f) the examination and registration of teachers ;

3 of 3/44.

3 of 3/44.

- (g) the curriculum, syllabus and courses of instruction to be followed in schools ;
- (h) the development, erection, extension, improvement, provision, renting or repairing of any school buildings, gardens, playgrounds, premises and yards in any town or village and, in any village, of teachers' dwellings ;
- (i) the duties and powers of school attendance officers, inspectors, assistant inspectors and sub-inspectors of schools ;
- (j) the duties and powers of teachers ;
- (k) the discipline to be enforced upon children ;
- (l) the establishment, management and maintenance of school libraries ;
- (m) the furniture and equipment of schools ;
- (n) the grading of schools ;
- (o) the grants and loans to be made from the Education Funds established under this Law or otherwise ;
- (p) the health, cleanliness, medical examination and treatment and the nutrition of children attending school ;
- (q) the holidays and vacations to be kept in schools and by teachers, and the manner of celebrating any holiday ;
- (r) the inspection, examination, management, supervision and hours of opening and closing of schools ;
- (s) the nature of information which shall be furnished to teachers or school attendance officers by any person from whom such information may be demanded ;
- (t) the mode of administering and accounting for any school property by Town Committees, Village Commissions and Committees of Management ;
- (u) the mode of payment of teachers' salaries and the times at which they are to be paid ;
- (v) the qualifications, educational and otherwise, to be possessed by teachers.

3 of 3/44.

(3) The Regulations may provide for the imposition on offenders against the same of penalties not exceeding five pounds for each offence, and in case of a continuing offence a further penalty not exceeding two pounds for each day during which the offence continues.

6. (1) The Governor may by Order published in the Gazette prescribe any village or group to be a town for all or any of the purposes of this Law and from and after the publication of such Order any such village or group shall be a town for such purposes of this Law as may be set out in such Order.

Prescription of towns.
4 of 3/44.

(2) The Governor may by Order published in the Gazette prescribe any two or more adjacent areas, whether villages or towns or parts of villages or of towns, to be united into a group for all or any of the purposes of this Law.

Where a group so prescribed consists of a village or part thereof and a town, the Town Committee of that town shall be the Town Committee of the group.

Where a group so prescribed consists of a village or part thereof and a part of a town, the Governor shall direct that either the Town Committee of that town or the Village Commission of that village shall be the Town Committee or Village Commission, as the case may be, of the group.

7. The Director shall have power from time to time to issue, and when issued amend, alter or revoke, directions—

Specific power to Director.

(a) prescribing the form of account books, records and registers to be kept by Town Committees, Village Commissions, Committees of Management and teachers ;

(b) prescribing the form of returns to be made by Town Committees, Village Commissions, Committees of Management and teachers and the times at which such returns are to be made ;

(c) prescribing the form of estimate to be used by Town Committees, Village Commissions and Committees of Management ;

(d) authorizing any Town Committee, Village Commission or Committee of Management to utilize any item in the estimates not required for the purposes for which it was provided or any saving thereon for any other purpose specified therein or for the purpose of covering any excess of expenditure in respect of any other item appearing therein ;

(e) regulating the sanitation in school buildings or premises ;

(f) regulating the supply or sale to children by Town Committees, Village Commissions, Committees

5 of 3/44.

of Management and teachers of writing materials and of books prescribed by Regulations to be used in schools.

PART III.

EDUCATIONAL BODIES.

Boards of Education.

Establishment of Board of Education.

8. There shall be established Boards of Education composed as hereinafter provided.

Composition of Board for Greek-Orthodox schools.
2 of 27/37.

9. (1) The Board of Education for Greek-Orthodox schools shall be composed as follows—

- (a) the Director, as Chairman ;
- (b) the Assistant Director, as Vice-Chairman ; and
- (c) six other duly qualified members of the Greek-Orthodox community, having knowledge of and an interest in elementary education, appointed by the Governor, one from each district.

Composition of Board for Moslem schools.

(2) The Board of Education for Moslem schools shall be composed as follows—

- (a) the Director, as Chairman ;
- (b) the Assistant Director, as Vice-Chairman ;
- (c) the Delegates of Evcaf ; and
- (d) six other duly qualified members of the Moslem community, having knowledge of and an interest in elementary education, appointed by the Governor, one from each district.

Board for other schools.

(3) The Director shall perform the duties and exercise the powers of a Board of Education for the schools of any other religious community in the Colony :

2 of 17/52.

Provided that, in lieu of the Director, the Governor may appoint for any such school a board consisting of not more than six persons with the Director as Chairman to perform the duties and exercise the powers of a Board of Education for the school in respect of which such Board is appointed.

Tenure of office.

(4) Every member of a Board of Education, other than an *ex-officio* member, shall hold office for a period of two years from the date of his appointment :

Provided that the Governor may, if he deems it expedient, terminate at any time the appointment of any such member.

10. The Chairman shall call all meetings of Boards of Education or sub-committees thereof. Calling of meetings of Boards.

11. The Boards of Education—

- (a) shall deliberate upon such matters relating to or connected with elementary education in the Colony as may be referred to them from time to time by the Governor and report thereon through the Director to the Governor ; Duties and powers of Boards.
- (b) may consider any other matter relating to or connected with elementary education in the Colony and make recommendations thereon through the Director to the Governor ; and
- (c) shall perform all duties and exercise all powers which are vested in them by this Law or any Regulations or which may be delegated to them by the Governor under this Law.

12. There shall be at least two meetings of every Board of Education in the course of each year. Number of meetings.

13. No business shall be transacted at any meeting unless four members at least are present, except in the case of the Board of Education for Maronite Schools where three members shall form a quorum ; Quorum at meetings of Boards.

Provided always that every Board of Education may appoint so many of its members as it may deem sufficient to form a sub-committee to transact such business as the Board may determine that may require to be dealt with in the intervals between the meetings of the Board. The Director shall be Chairman of each sub-committee.

2(a) of 12/54.

If, on the second summons from the Chairman, four members, or in the case of the Board of Education for Maronite Schools, three members, are not present at the time and place appointed for the meeting, the Board may proceed with business if two members are present.

14. (1) Any member of a Board of Education, other than an *ex-officio* member, may resign his membership upon giving notice in writing to the Colonial Secretary. Resignation of membership.
2(b) of 12/54.

(2) Any member, other than an *ex-officio* member, who has not on the 31st day of December in each year, attended one-half of the meetings of the Board during the preceding twelve months or during his tenure of office in such months shall thereupon cease to be a member of the Board unless Cessation of membership.

good cause is shown for such absence to the satisfaction of the Administrative Secretary.

Filling of
vacancies.

(3) Any vacancy on a Board of Education shall be filled by the Governor by appointing a duly qualified person to fill the vacancy.

Members
may be re-
appointed.

15. Any member of a Board of Education, other than an *ex-officio* member, whose period of office has expired, shall be eligible for re-appointment thereafter.

Town Committees, Village Commissions and Committees of Management.

Town
Committees.

16. (1) For Greek-Orthodox schools and for Moslem schools in any town there shall be a Town Committee respectively composed of such number of persons, having knowledge of, and interest in, education, and not exceeding nine, as the Governor may appoint.

2 of 28/53.

(2) The Governor shall appoint a Chairman and a Vice-Chairman from among the members of a Town Committee :

Provided that if the Chairman or Vice-Chairman of a Town Committee is not present at any meeting the members present shall choose one of their number to be Chairman for that meeting.

(3) Every member of a Town Committee shall hold office for a period of two years from the date of his appointment and may be eligible for re-appointment thereafter :

Provided that the Governor may, if he deems it expedient, terminate at any time the appointment of any such member.

Duties and
powers of
Town
Committees

17. Every Town Committee—

(a) shall have the general management and supervision of the schools of the town subject to any Regulations in that behalf or any directions issued by the Director under this Law ; and

(b) shall perform all duties and exercise all powers which are vested in it by this Law or any Regulations or which may be delegated to it by the Governor under this Law.

Meetings of
Town
Committees.

18. (1) The Chairman or Vice-Chairman of every Town Committee shall summon meetings of the members thereof as often as may be necessary, and he shall summon a meeting, if requested so to do by a notice in writing signed

by two of the members, within three days of the receipt of the notice, such meeting to be held within fourteen days of the receipt of the notice.

(2) If the Chairman or Vice-Chairman shall fail to summon a meeting as lastly hereinbefore mentioned, any two members may summon the Chairman, Vice-Chairman and members to a meeting by a notice in writing signed by them.

(3) No business shall be transacted at any meeting unless more than one-half of the members are present. 3 of 28/53.

If, on the second successive summons, the required number of members is not present at the time and place appointed for the meeting, the Town Committee may proceed with business if two members only are present.

(4) No act or proceeding of a Town Committee shall be invalid by reason only of any vacancy in such Committee. 6 of 3/44.

19. Any member of a Town Committee may resign his membership upon giving notice thereof in writing to the Governor through the Director with copy to the Chairman of such Committee. Resignation of membership.
3 of 17/52.

20. Any vacancy in a Town Committee shall be filled by the Governor by appointing a duly qualified person to fill the vacancy. Filling of vacancies.

21. (1) Within twenty-one days of the 15th day of July in every year the accounts of every Town Committee down to that date shall be closed and, after having been examined and verified by the Committee, shall be signed by at least three members thereof and shall be submitted for audit in accordance with Regulations in that behalf. Accounts to be closed and submitted for audit.

(2) If any Town Committee makes default in submitting its accounts for audit within the period in the preceding subsection prescribed, the members of such Committee shall be guilty of an offence and on conviction shall be jointly and severally liable to a penalty not exceeding one pound for every day during which such default continues.

22. In every village in which a Greek-Orthodox or Moslem school is in operation under the provisions of this Law, the Village Commission concerned—

(a) shall have the general management and supervision of the school of the village subject to any Regulations in that behalf or any directions issued by the Director under this Law ; Village schools. Duties and powers of Greek-Orthodox and Moslem Village Commissions.

4 of 17/52.

- (b) shall bring to the notice of the Director all matters relating to or connected with elementary education in the village and any complaints of the inhabitants regarding the school; and
- (c) shall perform all duties and exercise all powers which are vested in it by this Law or any Regulations or which may be delegated to it by the Governor under this Law.

Schools
other than
Greek-
Orthodox or
Moslem;
Committees
of Manage-
ment.

23. (1) For schools other than Greek-Orthodox or Moslem, the Governor shall from time to time as he may deem expedient appoint suitable persons to be the Committee of Management for such schools or any such school and may, if he deems it expedient, terminate at any time the appointment of any such person or persons.

(2) Every Committee of Management—

- (a) shall have the general management and supervision of the schools or school for which it is appointed, subject to Regulations in that behalf or any directions issued by the Director under this Law ; and
- (b) shall perform all duties and exercise all powers which are vested in it by this Law or any Regulations or which may be delegated to it by the Governor under this Law.

Estimates.
3 of 12/54.

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

(a) of the amount required—

(i) for furniture, equipment, cleaning, lighting, warming, caretaking and general school maintenance in the town or village ;

(ii) for rent of any school buildings, premises, play grounds, yards and gardens and, in the case of villages where necessary, of teachers' dwellings ;

(iii) for erection, repairs, extension, improvement or development of any school buildings, premises, play grounds, yards and gardens, and, in the case of villages, of teachers' dwellings ;

(iv) where necessary, for the medical examination and treatment and the nutrition of pupils attending schools in the town or village, in

accordance with any Regulations that may be made in that behalf ;

(v) for the provision of books and writing materials for pupils attending schools in the town or village ;

(vi) for any other purpose connected with schools in the town or village ;

(vii) for the payment of the interest and sinking fund on any loan incurred on behalf of the town or village for the purpose of erecting new school buildings or teachers' dwellings, for the carrying out of major repairs and alterations to existing buildings, dwellings, premises, yards and gardens, and for the acquisition of sites for buildings, dwellings, yards, play grounds, gardens and school equipment in the town or village ;

in the school year next following ;

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

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

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

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

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

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

Provided that—

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

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

Failure to perform duties.

25. In the event of a Town Committee or Village Commission or Committee of Management neglecting or refusing or being unable or unwilling for any reason to perform all or any of the duties which are vested in it by this Law or any Regulations or which may be delegated to it by the Governor under this Law, the Board of Education may, save as in section 90 (9) of this Law provided, perform all or any of such duties in accordance with the provisions of this Law or of any Regulations or as nearly as circumstances shall admit, and anything done by the Board of Education in pursuance of this section shall be deemed to be as duly and effectively done as if done by the Town Committee or Village Commission or Committee of Management in default.

PART IV.

PRESCRIPTION OF SCHOOLS, APPOINTMENT AND QUALIFICATIONS OF TEACHERS AND CLOSING OF SCHOOLS.

Prescription of schools and appointment of teachers.
9 of 3/44.

26. (1) The Governor on or before the 15th day of August in each year shall prescribe for each religious community the towns, villages and groups in which schools shall be in operation during the school year next ensuing, the nature and grade of each school and the names of the teachers to be appointed to each school :

Provided that with regard to schools other than Greek-Orthodox or Moslem the prescription by the Governor of schools which shall be in operation during the school year next ensuing shall be a sufficient compliance with this section without any further particulars.

(2) No school attended by children between the ages of four and fourteen shall be opened, maintained, conducted or be in operation in any town or village unless—

(a) such school has been prescribed by the Governor under the provisions of this section or of section 27 of this Law ; or

(b) the written authority of the Governor therefor has been previously obtained.

(3) Any person acting in contravention of subsection (2) hereof, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds, and in case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues :

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

27. If for any reason it is not possible to prescribe a school or appoint definitely a teacher for any school for the school year next ensuing by the 15th day of August, the prescription or appointment shall be made as soon thereafter as possible in the manner provided in section 26 of this Law. Late-prescription of schools or appointment of teachers.
10 of 3/44.

28. The Director may fill any vacancy whenever it occurs or make such arrangements in connection therewith as the exigencies of the service may require. Vacancies.
6 of 17/52.

29. Teachers may be transferred by the Director from one school to another at any time during the school year according to the exigencies of the service. Transfers.

30. (1) The Director may interdict from his duties any teacher whose conduct may appear to him prejudicial to the interests of the school in which he is teaching or of the religious community interested in such school, and may provide a substitute for the performance of his duties : Inter-dictions.

Provided that such interdiction shall immediately be laid before the Governor.

(2) A teacher who has been interdicted shall, pending consideration of his case by the Governor, receive one-half of his salary. If the Governor decides not to take any action against such teacher as in section 31 of this Law provided, such teacher shall be entitled to the full amount of salary which he would have received if he had not been interdicted :

11 of 3/44.

Provided that a teacher who is interdicted on account of his conviction on a criminal charge or who, while under interdiction is convicted of a criminal charge shall receive no salary from the date of his conviction pending consideration of his case by the Governor.

Dismissal,
etc.

12 of 3/44.

31. The Governor may in the case of misconduct, neglect of duty, inefficiency or of conduct which appear to the Governor to be prejudicial to the interests of education, religion, good government or social order in the Colony, order the dismissal, withholding of salary or suspension of any teacher from employment as a teacher for such period as may seem just and may revoke any such order :

Provided that in every such case where the teacher has not been convicted on a criminal charge the grounds of intended dismissal, withholding of salary or suspension are stated in writing and communicated to the teacher in order that he may have full opportunity of exculpating himself, and that the matter is investigated by the Governor with the aid of the Director.

Permanent
Staff
Register.

32. (1) The Director shall keep a register of teachers, (in this Law referred to as ' the Permanent Staff Register ') wherein he shall enter or cause to be entered in separate sections the names of—

13 of 3/44.

- (a) Greek-Orthodox teachers,
- (b) Moslem teachers, and
- (c) teachers other than Greek-Orthodox or Moslem.

(2) The Director shall remove or cause to be removed from the Permanent Staff Register the name of any teacher who—

- (a) has died,
- (b) has retired,
- (c) has ceased to possess the qualifications required by this Law or by Regulations in that behalf, or
- (d) for any reason has ceased to be employed under this Law.

Continuance
of salary
14 of 3/44.

33. (1) Subject to the provisions of subsection (2) hereof any teacher on the Permanent Staff Register un-

employed in any year, except owing to suspension or dismissal or to refusal to accept a proposed post, or to absence on study leave or to the abolition of his post, shall continue to receive his salary as if he were employed.

(2) Any teacher may be permitted by the Director, subject to such conditions as the latter may think fit to impose, to act as a teacher in a secondary school or other recognized school for a definite period or to perform temporarily any duty in connection with education or in the service of the Government or of Her Majesty's Forces ; such teacher, whilst so acting or performing such duty, shall continue to receive salary under this Law, such salary to be reimbursed to Government by the institution employing him, together with such additions as may, from time to time, be fixed by the Governor.

7 of 17/52.

34. The Governor may grant to teachers who act in such senior posts as may be prescribed such duty allowance as may be prescribed.

Duty allowances.
15 of 3/44.

35. The Governor may prescribe additional qualifications of teachers in respect of which there may be paid such special allowance as may be prescribed, subject to such conditions as he may think fit to impose.

Special allowances.
16 of 3/44.

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

No business or other work, etc., by teachers except with permission.
4 of 12/54.

37. (1) A teacher may be granted sick leave by the Director of such duration and on such terms as may be prescribed.

Leave.
17 of 3/44.
8 of 17/52.

(2) The Director may grant casual leave to any teacher for special reasons :

Provided that no salary shall be payable for any period by which such casual leave exceeds an aggregate of fourteen days in any one school year.

(3) The Governor may on the recommendation of the Director grant to a teacher study leave for such period and for such educational purposes and subject to such terms and conditions (including the salary, if any, payable during such leave) as the Governor may in each case determine :

Provided that such leave shall not count as service under this Law and shall not be taken into account in the computation of any pension, gratuity, benevolent grant or additional grant unless such teacher—

- (a) satisfies the Director that such leave has been utilized for the educational purpose and in accordance with the terms and conditions under which it was granted ; and
- (b) for a period of not less than one year after the expiration of such leave either serves in any school to which he may be appointed under section 26 (1) or section 27 of this Law or with the permission of the Director acts or performs a duty under section 33 (2) of this Law :

Provided also that the name of such teacher may be removed from the Permanent Staff Register if the Director is satisfied that such leave has not been utilized for the educational purpose and in accordance with the terms and conditions under which it was granted.

- (4) For the purposes of this section—

“ salary ” shall include any special allowance payable to a teacher.

Temporary
teachers.
18 of 3/44.

38. (1) The Director shall keep a register of candidates who are willing to serve as temporary teachers.

(2) The register so kept as aforesaid shall be called the Temporary Staff Register and there shall be separate sections therein for—

- (a) Greek-Orthodox ;
- (b) Moslem ; and
- (c) other candidates.

(3) In the event of no teacher on the Permanent Staff Register being available, the Director shall, except in so far as may be otherwise provided in any Regulations, select a candidate whose name is on the Temporary Staff Register to fill temporarily any vacancy.

(4) The Director may at any time require any candidate whose name is on the Temporary Staff Register to undergo before him an examination in such subjects of elementary education as he may prescribe, and if such candidate fails in such an examination his name may be removed from the Temporary Staff Register.

39. The Governor may at any time by notice in the Gazette require that teachers whose names appear on the Permanent Staff Register shall qualify and pass within such time as may be specified in such notice an examination in any subject of elementary education, and the name of any such teacher who fails to pass such examination may be removed from the Permanent Staff Register.

Teachers may be required to qualify in certain subjects.
19 of 3/44.

40. No married woman shall be registered on the Permanent Staff Register except by leave of the Governor on the special recommendation of the Director, and the name of any such married woman may in like manner be removed at any time from the Permanent Staff Register.

Married women.

41. (1) No person shall be registered on the Permanent Staff Register—

Qualifications of teachers.
Religion.

- (a) as a Greek-Orthodox teacher who is not a member of the Greek-Orthodox Church, or
- (b) as a Moslem teacher who does not profess the Moslem faith.

(2) No person shall hereafter be registered as a teacher on the Permanent Staff Register unless—

- (a) he has completed twenty years of age, and
- (b) he is a British subject, and
- (c) he fulfils the requirements prescribed by Regulations in that behalf.

9 of 17/52.

(3) No person shall be registered as a teacher on the Permanent Staff Register in the section thereof relating to teachers of religious communities other than Greek-Orthodox and Moslem, unless, in addition to the requirements prescribed in subsection (2) hereof, his appointment as a teacher has been approved by the Governor.

5 of 12/54.

42. Teachers whose names are already on the Permanent Staff Register under the Elementary Education Laws, 1929 to 1932, and who in the case of males have not attained the age of sixty years and in the case of females have not attained the age of fifty-five years, shall be entitled to be registered on the Permanent Staff Register under this Law in the sections therein relating to

Teachers on old Permanent Staff Register.
20 of 3/44.

- (a) Greek-Orthodox ;
- (b) Moslem ; and
- (c) other teachers,

as the case may be.

Power to
Governor to
order the
closing of
schools in
certain
cases.

43. (1) The Governor shall have power at any time by Order to direct the closing of any school whenever it is shown to his satisfaction—

- (a) that teaching of a seditious, disloyal, immoral or otherwise harmful character is being or has recently been imparted in the school ; or
- (b) that the school premises have been used for purposes subversive to good government or social order in the Colony ; or
- (c) that the behaviour of the religious community for which the school has been prescribed or any section thereof has been such as to render it impossible for the teacher to carry out his duties ; or
- (d) that the school is being conducted in a place the sanitary condition of which is detrimental or injurious to the health of the children attending such school or is being kept in contravention of any directions of the Director in that respect.

2 of 4/36.

(2) Upon such an Order being made the school to which such Order refers shall be closed and shall remain closed until such Order has been revoked or cancelled by the Governor.

(3) Any person acting in contravention of any Order made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds, and in case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues.

Power to
close school
on outbreak
of disease.
3 of 4/36.

44. (1) The Director of Medical Services may at any time by notification in writing direct the closing of any school when in his opinion the outbreak of an infectious or contagious disease renders such closing advisable, and thereupon such school shall be closed and shall remain closed until the Director of Medical Services revokes the notification.

6 of 12/54.

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

(3) Any person acting in contravention of this section shall be guilty of an offence and shall be liable to a fine of fifty pounds, and in case of a continuing offence to a further fine of five pounds for each day during which the offence continues.

PART V.

RETIREMENT OF TEACHERS AND PENSIONS.

45. For the purposes of this Part of this Law—

Definitions.

“gratuity” means any gratuity granted under this Part of this Law ;

21 of 3/44.

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

7 of 12/54.

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

46. Subject to the provisions of this Part of this Law every teacher whose name appears on the Permanent Staff Register, who has served for ten years or upwards, may be granted on his retirement a pension at the rate of one six-hundreth of his salary for each complete month of service :

Pension and rates.

21 of 3/44.

2 of 13/47.

Provided that a pension granted to a teacher under this Part of this Law shall not exceed two-thirds of the highest salary drawn by him at any time in the course of his service.

47. (1) For the purposes of section 46 of this Law, the pension of a teacher who retired between the 1st day of May, 1950, and the 31st day of May, 1951, both days inclusive, shall, subject to subsection (2) of this section, be re-computed on the salary which such teacher would have enjoyed, under the scheme for consolidation of salaries 1951 set out in the Colonial Secretary's Circular No. 1022 dated the 12th day of May, 1951 (hereinafter referred to as “the Scheme”), if the Scheme had been in operation on the day immediately preceding the date of his retirement and, for the purposes of such re-computation, such teacher shall be deemed to have been in receipt of such salary on such day:

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

8 of 12/54.

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

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

Gratuity
where length
of service
does not
qualify for
pension.

21 of 3/44.

3 of 1/49.

48. (1) Every teacher, otherwise qualified for a pension, who has not completed the minimum period of service qualifying for a pension, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under section 46 of this Law.

(2) Nothing in this section contained shall apply to any female teacher who is required or is permitted to retire on becoming married or at any time thereafter.

Period of
service
qualifying
for pension
or gratuity.
9 of 12/54.

49. Service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which the name of the teacher was entered in the Permanent Staff Register, or in a Permanent Staff Register kept under the provisions of any Law relating to elementary education in force for the time being, and the date of his leaving the service, without deduction of any period during which he has been absent on leave other than study leave, except in the circumstances set out in the first proviso to subsection (3) of section 37 of this Law, or leave without salary unless such leave shall have been granted in the interests of elementary education and with the approval of the Governor :

Provided that—

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

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

50. Service in respect of which pension or gratuity may be granted must be unbroken except in cases where the service has been interrupted by any temporary suspension of employment as teacher not arising from misconduct, voluntary resignation or refusal to accept a post to which a teacher has been duly appointed under this Law :

Service to be
unbroken.
21 of 3/44.

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

10 of 12/54.

- (i) any pension previously granted to him from the funds of Cyprus, and
- (ii) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this proviso,

but additional to any gratuity so granted which is not required to be refunded as aforesaid.

Pension or
gratuity,
when
granted.
2 of 13/47.

51. (1) No pension or gratuity shall be granted to any teacher except on his retirement from the service in any one of the following cases—

11 of 12/57.

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

(b) on medical evidence to the satisfaction of the Governor in Council that he is incapable by reason of some infirmity of mind or body of discharging his duties as teacher and that such infirmity is likely to be permanent ;

(c) on compulsory retirement for the purpose of facilitating improvement in the organization of elementary schools by which greater efficiency or economy may be effected ;

2(a) of 19/55.

(d) on the abolition of his post ;
(e) in the case of termination of employment in the public interest as in subsection (2) hereof provided.

2(b) of 19/55.

(2) Where a teacher's service is terminated on the ground that, having regard to the conditions of the service, the usefulness of the teacher thereto and all the other circumstances of the case, such termination is desirable in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Law, the Governor in Council may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which the teacher would be eligible if he retired from the service in the circumstances described in paragraph (b) of subsection (1) of this section.

Gratuity
to female
teachers
in certain
cases.
4 of 1/49.

52. (1) Notwithstanding anything in this Law contained, a gratuity computed as in subsection (2) hereof provided may be granted to any female teacher who is required or is permitted to retire on becoming married or at any time thereafter in circumstances in which a pension cannot be granted to her under the provisions of section 51 of this Law.

(2) The gratuity in subsection (1) hereof mentioned shall be computed—

(a) in the case of a female teacher who has served for

ten years or more, at the rate of one month's salary of the salary of such teacher at the time of retirement, for every completed year of service ;

- (b) in the case of a female teacher who has served for less than ten years, at the rate of the one-half of one month's salary of the salary of such teacher at the time of retirement, for every completed year of service.

53. (1) Every teacher on the Permanent Staff Register who attains the age of fifty-five years shall retire and cease to be a teacher on the Permanent Staff Register and the name of such teacher shall be removed from the Permanent Staff Register :

Age of
retirement.
2 of 13/47.

Provided that—

- (a) if any teacher attains the age of fifty-five years after the commencement but before the end of the school year in which the teacher is employed, such teacher may, with the permission of the Director, continue to be employed as, and receive the salary of, a teacher and the name of such teacher shall remain on the Permanent Staff Register until the end of such school year as if such teacher had not attained such age, and the service of such teacher during any period of such continued employment shall be treated as service under this Law and shall be taken into account in the computation of any pension or gratuity ;
- (b) it shall be lawful for the Governor to require or permit any teacher to retire at any time after attaining the the age of fifty years ; 5 of 1/49.
- (c) the Governor may allow any teacher to remain in the service for such time, after attaining the age of fifty-five years, as to the Governor may seem fit ;
- (d) the Governor may, at any time, require or permit any female teacher on the Permanent Staff Register who becomes married to retire and cease to be a teacher on such register, and thereupon the name of such teacher shall be removed from the Permanent Staff Register. 5 of 1/49.

(2) The Director may for the purposes of this Part of this Law at any time require any teacher on the Permanent

Staff Register to produce to him proof of age in such form as may be prescribed by the Governor, and the name of any teacher who shall fail to produce such proof to the satisfaction of the Director may, with the sanction of the Governor, be removed from the Permanent Staff Register.

Retirement
on reorgani-
zation of
elementary
schools.

21 of 3/44.

54. If a teacher is compulsorily retired from the service for the purpose of facilitating improvement in the organization of elementary schools by which greater efficiency or economy may be effected his pension may be increased by the addition of a certain number of sixtieths to his salary, that is to say—

- (a) in the case of a teacher who has served
twenty years seven
- (b) in the case of a teacher who has served
less than twenty years, but not less
than fifteen years five
- (c) in the case of a teacher who has served
less than fifteen years, but not less
than ten years three :

2 of 13/47.

Provided that no addition shall be made under this section so as to entitle a teacher to a higher pension than the maximum two-thirds, or to a higher pension than that to which such teacher would have been entitled by length of service on reaching the age of fifty-five years.

Teachers
retiring on
account of
injuries.

21 of 3/44.

55. Where a teacher has been permanently injured—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) by some injury specifically attributable to the nature of his duty and his retirement is thereby necessitated or materially accelerated,

he may if he is qualified for a pension under section 46 of this Law be granted, in addition to the pension granted to him under that section, an additional pension at the rate of the proportion of his actual salary at the date of his injury appropriate to his case as shown in the following table, that is to say—

When his capacity to contribute to his own support is—			
slightly impaired	...	...	five sixtieths.
impaired ... ..	...	...	ten sixtieths.
materially impaired	...	...	fifteen sixtieths.
totally destroyed	...	...	twenty sixtieths :

Provided that the amount of the additional pension shall

be reduced to such an extent as the Governor in Council shall think reasonable in the following cases :—

- (a) where the injured teacher has continued to serve for not less than one year after the injury in respect of which he retires ;
- (b) where the injured teacher is at the date of injury within ten years of the age at which he may be required to retire ; or
- (c) where the injury is not the sole cause of retirement, but the retirement is caused partly by age or infirmity not due to the injury :

Provided also that the total amount of the additional pension shall not exceed the maximum five-sixths or the pension to which such teacher would have been entitled by length of service on reaching the age of fifty-five years. 2 of 13/47.

56. (1) Where a teacher dies as a result of injuries received—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) on account of circumstances specifically attributable to the nature of his duty,

Pensions to dependants when a teacher is killed on duty.

21 of 3/44.

it shall be lawful for the Governor in Council to grant, in addition to the grant, if any, made to his dependants under section 62 of this Law—

- (i) if the deceased teacher leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten sixtieths of his annual salary at the date of the injury or fifteen pounds a year, whichever is the greater ;
- (ii) if the deceased teacher leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child, until such child attains the age of twenty-one years, of an amount not exceeding one-eighth of the pension prescribed under the preceding paragraph ;
- (iii) if the deceased teacher leaves a child or children, but does not leave a widow, or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of twenty-one years, of double the amount prescribed by the preceding paragraph ;
- (iv) if the deceased teacher leaves a child or children

12 of 12/54.

12 of 12/54.

12 of 12/54.

and a widow to whom a pension is granted under paragraph (i) of this subsection, and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of twenty-one years, of double the amount prescribed in paragraph (ii) of this subsection ;

- (v) if the deceased teacher does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow :

Provided that—

- (a) pension shall not be payable under this section at any time in respect of more than six children ; and
- (b) in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently re-marries such pension shall cease as from the date of re-marriage ; and if it appears to the Governor in Council at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor in Council may determine ;
- (c) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

(2) For the purposes of this section the word “ child ” shall include—

- (a) a posthumous child ;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased teacher for support, and
- (c) an adopted child, adopted in a manner recognized by law, before the date of the injury, and dependent as aforesaid.

Reduced
pension and
gratuity.
21 of 3/44.

57. (1) Any teacher to whom a pension is granted under this Part of this Law, at his option exerciseable as herein-

after provided, may be paid, in lieu of such pension, a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and a half times the amount of the reduction so made in the pension. 3 of 19/55.*

(2) The option referred to in subsection (1) of this section shall be exercisable and, if it has been exercised on or before the 31st day of August, 1951, may be revoked, not later than the day immediately preceding the date of the teacher's retirement: 13 of 12/54.

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

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

58. No pension or gratuity granted under this Part of this Law shall be assignable or transferable or liable to be attached, sequestrated or levied upon, for or in respect of any debt or claim whatsoever, other than a debt due to the Government of Cyprus. Pension and gratuity not assignable.
21 of 3/44.

59. If any teacher to whom a pension has been granted under this Part of this Law is sentenced to imprisonment by any competent Court for any crime or offence, then, in every such case, it shall be lawful for the Governor in Council to direct that such pension shall forthwith cease: Pension to cease on conviction.
21 of 3/44.

Provided that the pension shall be restored with retrospective effect in the case of a person who after conviction at any time receives a free pardon:

Provided also that where a pension ceases for the reason aforesaid it shall be lawful for the Governor in Council to cause all or any part of the moneys to which the pensioner would have been entitled to be applied to the benefit of any wife, child or children of the pensioner, or, after the expiration of his sentence, also to the benefit of the pensioner himself in the same manner and subject to the same qualifications and restrictions as in the case of bankruptcy in section 60 of this Law provided.

60. If any teacher to whom a pension has been granted under this Part of this Law is adjudicated a bankrupt or is Pension to cease on bankruptcy.
21 of 3/44.

* Came into operation on the 1st January, 1957.

declared insolvent by judgment of the Court, then such pension or allowance shall forthwith cease :

Provided always that in any case where a pension ceases by reason of the bankruptcy or insolvency of the pensioner, it shall be lawful for the Governor in Council from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as the Governor in Council shall think fit, to cause all or any part of the moneys to which such pensioner would have been entitled by way of pension, had he not become a bankrupt or insolvent, to be paid to, or applied for the maintenance and personal support or benefit of all or any, to the exclusion of the other or others, of the following persons, namely, such pensioner and any wife, child or children of his, in such proportions and manner as the Governor in Council thinks proper, and such moneys shall be paid or applied accordingly.

Pensions and
gratuities
not of right.
21 of 3/44.

61. (1) No teacher shall have an absolute right to compensation for past services or to pension or gratuity nor shall anything in this Law contained limit the right of the Governor to dismiss any teacher without compensation.

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

Gratuity
where a
teacher dies
in the service
or after
retirement.
4 of 19/55.

62. (1) (a) Where a teacher on the Permanent Staff Register who is not on probation or agreement, dies while serving as a teacher, it shall be lawful for the Governor in Council to grant to his dependants a gratuity of an amount not exceeding either his annual pensionable emoluments, or his commuted pension gratuity, if any, whichever is the greater, to be distributed to them according to the merits of each case in such proportion as the Director, having regard to all circumstances, may deem fit.

(b) For the purposes of this subsection—

(i) "annual pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the teacher if he had retired at the date of his death in the circumstances described in paragraph (b) of subsection (1) of section 51 of this Law ;

(ii) "commuted pension gratuity" means the

gratuity, if any, which might have been granted to the teacher under subsection (1) of section 57 of this Law, if he had retired at the date of his death in the circumstances described in paragraph (b) of subsection (1) of section 51 of this Law, and had elected to receive a gratuity and reduced pension ;

- (iii) "dependants" shall have the same meanings as in subsection (4) of section 68 of this Law.

(2) Where any such teacher to whom a pension, gratuity or other allowance has been granted under this Law dies after retirement from the service, and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of any service are less than the amount of the annual pensionable emoluments enjoyed by him at the date of his retirement, it shall be lawful for the Governor in Council to grant to his dependants a gratuity equal to the deficiency.

(3) This section shall be deemed to have come into operation on the 20th day of January, 1955.

63. (1) This Part of this Law as enacted in the Elementary Education (Amendment) Law, 1944 as amended by the Elementary Education (Amendment) Law, 1949 shall be deemed to have commenced on the 1st day of September, 1942, and shall apply to—

Commence-
ment and
application
of this Part.

(a) every teacher whose name was, on the date aforesaid, on the Permanent Staff Register ;
and

(b) subject to the provisions of subsection (2) every teacher whose name was entered, after the date aforesaid, on the Permanent Staff Register :

Provided that this Part of this Law shall not apply to any teacher who made an election under and in accordance with the provisions of paragraph (a) of the Proviso to section 49A of the Elementary Education Law as enacted in section 23 of the Elementary Education (Amendment) Law, 1944.

(2) This Part of this Law as enacted in the Elementary Education (Amendment) Law, 1944, as amended by the Elementary Education (Amendment) Law, 1947 shall be deemed to have commenced on the 1st day of January, 1945, and shall apply to—

(a) every teacher whose name was on the Permanent Staff Register on that date and who has not

made an election under section 49A of the Elementary Education Law as enacted in section 23 of the Elementary Education (Amendment) Law, 1944 ;

- (b) every teacher whose name was on the Permanent Staff Register on that date and continued to be on that Register on the 3rd day of July, 1947 and who has made an election under section 49A of the Elementary Education Law as enacted in section 23 of the Elementary Education (Amendment) Law, 1944 ;
- (c) any teacher whose name was entered on the Permanent Staff Register between the 1st day of January, 1945 and the 3rd day of July, 1947 ;
- (d) any teacher whose name is entered in the Permanent Staff Register after the 3rd day of July, 1947 :

15 of 12/54.* Provided that this Part of this Law as amended by the Elementary Education (Amendment) Law, 1947 shall not apply to any teacher who has made an election under and in accordance with the provisions of subsection (2) of section 3 of the Elementary Education (Amendment) Law, 1947, unless he is permitted by the Governor to revoke such election at any time before he attains the age of fifty-five years, and all matters relating to the pension or gratuity and the age of retirement of any such teacher shall be regulated and determined as if the Elementary Education Laws, 1933 to 1944 had not been amended by the Elementary Education (Amendment) Law 1947:

Provided that nothing in the foregoing Proviso contained shall apply to the amendment of section 42J of the Elementary Education Law as set out in paragraph (E) of section 2 of the Elementary Education (Amendment) Law 1947 whereby the words " five-sixths " were substituted for the words " two-thirds " which occurred in that section before such amendment.

PART VI.

RETIREMENT ETC., OF TEACHERS WHO HAVE MADE AN ELECTION UNDER SECTION 49A OF THE ELEMENTARY EDUCATION LAW, 1933.

Repeal and
saving.
23 of 3/44.

64. This Part of this Law shall be deemed to have ceased on the 1st day of September, 1942:

* Came into operation on the 31st March, 1949.

Provided that the provisions of this section shall not apply, subject to the provisions of section 63, to any teacher who made an election under, and in accordance with, the provisions of paragraph (a) of the proviso to section 49A of the Elementary Education Law, as enacted in section 23 of the Elementary Education (Amendment) Law, 1944.

65. For the purposes of this Part of this Law—

Definitions.
23 of 3/44.

“gratuity” means any gratuity granted under this Part of this Law ;

“salary” has the same meaning as in section 45 of this Law. 11 of 1/49.

66. (1) Every male teacher on the Permanent Staff Register who attains the age of sixty years and every female teacher on the Permanent Staff Register who attains the age of fifty-five years after the coming into operation of this Law shall retire and cease to be a teacher on the Permanent Staff Register, and the name of such teacher shall be removed from the Permanent Staff Register:

Age of
retirement.

22 of 3/44.
6 of 1/49.

Provided that if—

- (a) any male teacher attains the age of sixty years, or
- (b) any female teacher attains the age of fifty-five years, after the commencement but before the end of the school year in which the teacher is employed, such teacher may, with the permission of the Director, continue to be employed as, and receive the salary of, a teacher and the name of such teacher shall remain on the Permanent Staff Register until the end of such school year as if such teacher had not attained such age, and the service of such teacher during any period of such continued employment shall be treated as service under this Law and shall be taken into account in the computation of any gratuity, benevolent grant or additional grant :

Provided further that the Governor may, at any time require or permit any female teacher on the Permanent Staff Register who becomes married to retire and cease to be a teacher on such register and thereupon the name of such teacher shall be removed from the Permanent Staff Register. 6 of 1/49.

(2) The Director may at any time require any teacher on the Permanent Staff Register to produce to him proof

of age in such form as may be prescribed by the Governor, and the name of any teacher who shall fail to produce such proof to the satisfaction of the Director may, with the sanction of the Governor, be removed from the Permanent Staff Register.

7 of 1/49.

(3) Every female teacher on the Permanent Staff Register shall, on becoming married, forthwith notify the fact to the Director.

Gratuities on retirement.

67. (1) Every male teacher so retired who has served for not less than fifteen years and every female teacher so retired who has served for not less than ten years shall on the certificate of the Director that such teacher has discharged the duties of his office with fidelity and zeal receive a gratuity of one month's salary at the rate of the salary such teacher is then receiving for every year of service.

8 of 1/49.

(2) Every male teacher on the Permanent Staff Register who has served for not less than fifteen years and every female teacher on the Permanent Staff Register who has served for not less than ten years or has become married may be allowed to retire at his own desire and on the certificate of the Director that such teacher has discharged the duties of his office with fidelity and zeal shall, subject always to the provisions of section 68 (2) of this Law, receive a gratuity of one month's salary at the rate of the salary such teacher is then receiving for every year of service.

8 of 1/49.

(3) No male teacher who has served for less than fifteen years nor a female teacher who has served for less than ten years shall be entitled to a gratuity:

Provided that a male teacher on the Permanent Staff Register who has served for less than fifteen years and a female teacher on the Permanent Staff Register who has served for less than ten years and who is being retired on medical evidence to the satisfaction of the Governor that such teacher is incapable by reason of some infirmity of mind or body of discharging the duties of his or her office, and that such infirmity is likely to be permanent may, with the approval of the Governor, receive a gratuity of one month's salary at the rate of the salary such teacher is then receiving for every year of service after the date applicable to such teacher as in subsection (5) hereof prescribed.

(4) If a teacher on the Permanent Staff Register though not suffering from any particular illness or infirmity of mind or body likely to be permanent becomes unfit in the

opinion of the Governor on the advice of the Director for the discharge of the duties of his office although not of the prescribed age for retirement, the Governor may order the name of such teacher to be removed from the Permanent Staff Register, and if such unfitness is not attributable to misconduct or gross negligence and on the certificate of the Director that such teacher has discharged the duties of his office with fidelity and zeal, the Governor may authorise the payment of a gratuity to such teacher of one month's salary at the rate of the salary such teacher is then receiving for every year of service.

(5) The period of fifteen years of service in the case of male teachers and of ten years of service in the case of female teachers in this section prescribed shall in computing the gratuities of teachers who were serving as teachers in Greek-Orthodox schools on the 1st day of September, 1923, or as teachers in schools other than Greek-Orthodox on the 1st day of October, 1920, be deemed to have commenced—

- (a) for Greek-Orthodox teachers on the 1st day of September, 1923, and
- (b) for teachers other than Greek-Orthodox on the 1st day of October, 1920.

68. (1) Teachers on the Permanent Staff Register who although not of the prescribed age for retirement at the coming into operation of this Law cannot by reason of age complete, before attaining the prescribed age for retirement, the prescribed length of service to entitle them to a gratuity may be recommended by the Director to the Governor to receive a benevolent grant according to the merits of each case.

Benevolent grants when prescribed age cannot be completed.

(2) Any female teacher on the Permanent Staff Register who, before completing ten years service to entitle her to a gratuity as in section 67 (2) of this Law provided, is required or permitted by the Governor to retire on becoming married or at any time thereafter, may on the recommendation of the Director receive a benevolent grant according to the merits of her case.

9 of 1/49.

(3) Teachers whose names are removed from the Permanent Staff Register in consequence of the abolition of their post may be recommended by the Director to the Governor to receive a benevolent grant according to the merits of each case.

(4) When a teacher dies while in the service, the Governor

4 of 27/37.

17 of 12/54.

may, on the recommendation of the Director, make to his dependants a benevolent grant of an amount not exceeding one year's salary according to the merits of each case to be distributed to them in such proportion as the Director, having regard to all circumstances, may deem fit.

For the purposes of this subsection,

the term "dependants" means such of the members of the family of a teacher as were wholly or in part dependent upon the earnings of the teacher at the time of his death.

Additional
grant.

69. In addition to any gratuities or benevolent grants to teachers under this Part of this Law, any teacher who has served in any elementary school in the Colony previously to the period in section 67 (5) of this Law specified may, on retirement be recommended by the Director to the Governor to receive an additional grant according to and in respect of the period of years of such previous service :

Provided that such additional grant shall in no case exceed one-half of one month's salary at the rate of the salary such teacher is receiving on retirement for every year of such previous service.

Service for
less than one
year.

70. The Governor may declare that any period of continuous service by any teacher or class of teachers, being not less than nine months, may for the purposes of this Part of this Law be deemed to be a year of service, and any such period so declared shall accordingly be taken into account in the computation of any gratuity, benevolent grant or additional grant.

Period of
leave with-
out pay to
be treated
as service.
19 of 12/54.

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

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

PART VII.

PRIVATE SCHOOLS.

Private
schools.

20 of 12/54.

72. (1) For the purpose of this section "private school" means any school attended by children between the ages of

four and fourteen which is not prescribed by the Governor under section 26 of this Law, and includes any part of a secondary school which is registered under the provisions of the Secondary Education Law, or any Law amending or replacing the same, or of any other school, wherein children between the ages of four and fourteen are taught. Cap. 169.

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

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

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

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

(6) Any person—

- (a) who opens, maintains, conducts or operates any private school in contravention of subsection (2) or (4) of this section ;
- (b) who fails to comply with any direction given by the Director under subsection (4) of this section ;
- (c) who is employed as a teacher in a private school in contravention of subsection (5) of this section,

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

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

(7) Subject to the provisions of this section, nothing

contained in this Law shall apply to a private school or to any teacher employed in any private school :

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

PART VIII.

SCHOOL BUILDINGS AND PREMISES.

School premises to be provided and maintained.

73. It shall be the duty of every Town Committee or Village Commission or Committee of Management in any town or village where a school is in operation to provide and maintain proper and sufficient school buildings, premises, playgrounds, yards or gardens in good order, condition and equipment, and, in any village, teachers' dwellings.

Loans from education funds.

74. (1) The Director may, subject to any Regulations in that behalf make a loan from the education funds established under this Law for any school purpose or educational purpose approved by the Governor.

(2) The Director may, subject to the approval of the Governor borrow money on behalf of any Town Committee or Village Commission or Committee of Management from the Loan Commissioners or from any bank, corporation or private person for any school purpose or educational purpose approved by the Governor. Such loans shall be made in the name of the Director.

(3) The interest and sinking fund on any such loan shall be raised, collected and paid in the manner hereinafter provided.

Order for compulsory provision of school premises.
21 of 12/54.

75. Whenever it shall appear to the Governor on the report of the Director that it is desirable to permit, require or compel any Town Committee or Village Commission or Committee of Management to provide, erect, repair, extend, improve or develop any school buildings, premises, playgrounds, yards, gardens or teachers' dwellings, the Governor may make an order to be published in the Gazette accordingly.

Estimates and plans.

76. Upon the publication of such Order the Town Committee or Village Commission or Committee of Management concerned shall cause estimates and plans to be

prepared to the satisfaction of the Director and the Commissioner, for which purpose an architect or engineer may be employed if necessary and his remuneration included in the estimates.

77. In case a new site is required the Director and the Commissioner shall, with the assistance of the Town Committee or Village Commission or Committee of Management concerned, proceed to select a suitable site for the establishment of school buildings, premises, playgrounds, yards, gardens or teachers' dwellings, as the case may be, and upon the report of the Director of Medical Services or any Medical Officer deputed by him that the site is suitable from a sanitary point of view and if the owner of such site consents in writing to the acquisition of such site, the site shall at the instance of the Director be registered in the books of the District Lands Office as an elementary school site, and all right and title of the owner in and to the land, trees or buildings thereon shall thereupon cease and determine and the immovable property tax thereon shall from the day of registration be written off.

Selection of new site of school and acquisition thereof when owner consents.

78. When any site has been so selected and the owner thereof does not consent to its acquisition, upon the certificate of the Commissioner that the site has been so selected and upon the report of the Director of Medical Services or any Medical Officer deputed by him that the site is suitable from a sanitary point of view, the Commissioner shall notify his sanction to the acquisition of the site by notice in the Gazette, and the site shall at the instance of the Director be registered in the books of the Districts Lands Office as an elementary school site, and all right and title of the owner or any other persons in and to the land, trees or buildings thereon shall thereupon cease and determine and the immovable property tax thereon shall from the day of registration be written off:

Acquisition of new site of school when owner does not consent and registration of title.

Provided that—

5 of 27/37.

- (a) no building used for religious observances or in connection therewith;
- (b) no land adjacent to any building used for religious observances and used in connection with such building;
- (c) no building land or tree belonging to any church, mosque or school of a religious community other than the religious community for the schools of

which it is desired to acquire such building, land or tree,
shall be compulsorily acquired under this Law.

Compensation.

79. In respect of any land, trees or buildings taken under this Law, compensation shall be paid to the owner thereof either—

(a) at the rate to be agreed upon between him and the Director and the Commissioner, or

(b) in case the compensation cannot be agreed upon, at a rate to be assessed as hereinafter prescribed.

Reference to District Court.
4 of 1st Sch.
43/55.

80. If within one month from the date of the notification of such sanction as aforesaid the persons interested do not agree with the Director and the Commissioner as to the compensation for the site so acquired (1) such compensation shall be determined in accordance with the provisions of any Law, in force for the time being, providing for the acquisition of land for public purposes.

Construction.

81. When the estimates have been approved and the site, if any, has been acquired, the Town Committee or Village Commission or Committee of Management concerned shall proceed to carry out the works to the satisfaction of the Director and the Commissioner, and the cost of so doing shall be raised, collected and paid in the manner hereinafter provided:

Provided that the Town Committee or Village Commission or Committee of Management concerned before proceeding to carry out the works aforesaid shall, if so required by the Director, call for public tenders in respect thereof and shall not, without the consent in writing of the Director, accept any such tender or enter into any contract or agreement relating to such works.

Form of estimates, etc.

82. The Director shall have power to prescribe the form in which the estimates for works ordered under this Law shall be submitted and the accounts of the expenditure thereupon shall be kept. He shall also have power to prescribe for the due auditing of such accounts.

Power to accept gifts for educational purposes.

83. A Town Committee, Village Commission or Committee of Management shall be able and shall be deemed always to have been able to be constituted trustees for any endowment or charity for purposes connected with elementary education, whether the endowment or charity was established before or after the date of the coming into operation

of this Law, and shall have power to accept any property given to them as an endowment or upon trust for any purposes connected with elementary education:

Provided that no such property shall be so accepted without the prior consent in writing of the Director.

84. (1) All property already acquired by or for any school under the provisions of any Law heretofore in force or that shall hereafter be acquired under the provisions of this Law or otherwise shall, if movable vest in, and if immovable vest in and be registered in, the names of the following persons to be held in trust for the school concerned—

Vesting of property.

(a) for Greek-Orthodox and Moslem schools in towns, the Chairman of the Town Committee and in villages, the Chairman of the Village Commission;

24 of 3/44.

4 of 22/50.

(b) for schools of other religious communities, as the Governor may direct.

(2) All such immovable property of every category shall be registered in the books of the District Lands Office in accordance with the preceding subsection unless the same has been acquired by gift or dedication in which case the property shall be held and registered in accordance with the terms of the deed of gift or dedication, if any.

(3) No disposition of such immovable property shall hereafter be made without the authority of the Governor.

(4) No such property whether movable or immovable shall be liable to be attached, seized, taken or sold in execution of any judgment.

(5) No tax, rate or due whatsoever shall be leviable in respect of such property.

PART IX.

FINANCIAL.

85. The amount required for the payment of the salaries, pensions, duty allowances, special allowances, gratuities, benevolent grants, additional grants and bonuses to teachers shall, save as in sections 24 and 88 (5) of this Law provided, be defrayed out of the general revenue of the Colony.

Provision for payment of teachers' salaries.

25 of 3/44.

86. There shall be defrayed in every year, out of the general revenue of the Colony, such amount as may be

Government grants for certain purposes.

12 of 17/52.

Schedule.

required for the payment of the grants set out in the Schedule to this Law, such grants to be calculated and paid in the manner and at the time set out in such Schedule and to be utilized for the purposes therein contained.

Education
tax.

13 of 17/52.

87. (1) There shall be levied, assessed, collected and paid in every school year an additional tax (to be called "the Education tax") on all immovable property which is subject to immovable property tax at the rate of four per thousand in towns and of one and a half per thousand in villages on the capital value of such property.

(2) The Education tax shall be payable at the same time as the immovable property tax is payable and shall be paid, collected and recovered in the same manner as Government taxes are paid, collected and recovered.

Education
funds.

88. (1) To enable the Director to make loans for any of the purposes approved by the Governor as in section 74 of this Law prescribed, the following funds shall be established—

(a) for Greek-Orthodox schools a fund to be called the Education (A) Fund;

(b) For Moslem schools a fund to be called the Education (B) Fund;

(c) for schools of other religious communities a fund to be called the Education (C) Fund.

(2) The Education (A) Fund shall consist of—

(a) all the assets and revenue of the Education (No. 1) Fund formed under the provisions of the Elementary Education Laws, 1929 to 1932, which said assets and revenue shall, on the coming into operation of this Law, be credited to and form part of the Education (A) Fund;

(b) any sum which may from time to time be paid into the Education (A) Fund.

(3) The Education (B) Fund shall consist of—

(a) all the assets and revenue of the Education (No. 2) Fund formed under the provisions of the Elementary Education Laws, 1929 to 1932, which said assets and revenue shall, on the coming into operation of this Law, be credited to and form part of the Education (B) Fund;

(b) any sum which may from time to time be paid into the Education (B) Fund.

(4) The Education (C) Fund shall consist of—

(a) all the assets and revenue of the Education (No. 3)

Fund formed under the provisions of the Elementary Education Laws, 1929 to 1932, which said assets and revenue shall, on the coming into operation of this Law, be credited to and form part of the Education (C) Fund;

(b) any sum which may from time to time be paid into the Education (C) Fund.

(5) Notwithstanding anything in this section contained there may—

(a) be paid out of the Education (A), (B) or (C) Funds, *14 of 17/52.* as the case may be, any amount credited to, or paid into, any such Fund for the purposes for which such amount is raised.

(b) be paid on the recommendation of the Board of Education or the Director out of the Education (A) Fund or the Education (B) Fund such grants in special cases for any school purpose or educational purpose as may be approved by the Governor;

(c) be advanced out of the Education (A) Fund or the Education (B) Funds such sums of money as may be temporarily required for any of the purposes in section 24 of this Law prescribed: *5 of 4/36.*

Provided that all sums of money so advanced shall be repaid to the education fund concerned;

(d) be paid out of the Education (C) Fund such grants or expenses as may from time to time be approved by the Governor for the salaries of teachers of, or for any other educational purpose relating to, religious communities other than Greek-Orthodox or Moslem.

(6) The Director shall, subject to the provisions of this Law, administer the education funds by this Law established and shall keep a separate account in such form as may from time to time be prescribed by the Governor of all moneys paid into and out of the said education funds respectively.

(7) Notwithstanding anything in this section contained, *6 of 27/37.* it shall be lawful for the Director to utilize any moneys standing to the credit of any of the education funds established under subsection (1) for making loans for the purposes of any school belonging to a religious denomination other than that in respect of which such education fund was established:

Provided that—

- (a) no such loan shall be made without the approval of the Governor first obtained;
- (b) every such loan shall be subject to such terms and conditions as the Governor may determine; and
- (c) the capital of any such loan and the interest accrued thereon shall, when recovered, be paid into the education fund out of which the loan was made.

Amount
required for
provision,
erection,
etc.,
of school
buildings,
premises,
etc., and
recovery
thereof.

26 of 3/44.
22 of 12/54.

89. (1) When the Governor under section 75 of this Law shall have permitted, required, or ordered any Town Committee or Village Commission or Committee of Management to provide, erect, repair, extend, improve or develop any school buildings, premises, playgrounds, yards, gardens or teachers' dwellings in any town or village, and the expense has been estimated as provided in section 76 of this Law or otherwise to the satisfaction of the Governor, the Governor may by notice in the Gazette order the sum required, or if the sum required has been raised by a loan, the annual interest and sinking fund for that loan, to be recovered—

15 of 17/52.

- (a) for schools situated in any village in the manner in section 90 of this Law provided;
- (b) for schools situated in any town in the manner in section 95 of this Law provided.

(2) The interest and sinking fund on any loans made under the provisions of this Law or of any Law relating to Elementary Education previously in force shall likewise be provided in the manner in section 90 or 95 of this Law provided, as the case may be, or in such other manner as the Governor may in any special case direct.

Assess-
ments for
schools
situate in
villages.

16 of 17/52.

90. (1) For the purposes of this section—

“Committee” means the Committee of Management for a school situated in a village ;

“inhabitant” includes every person belonging to the same religious community as the Village Commission or the Committee who, on the 15th day of October in the year of assessment—

- (a) was ordinarily resident in the village ; and
- (b) is not less than eighteen years of age ; and
- (c) has means such as to justify an assessment on him of a sum not less than fifty mils, and no others ;

“ religious corporation ” means any religious establishment or religious institution belonging to any denomination and any throne, church, chapel, monastery, mosque, tekye, shrine or synagogue and includes the Delegates of Evcaf ;

“ village ” means the village in respect of which the assessment is to be made.

(2) No person shall be deemed to be an inhabitant of more than one village or group in respect of any one school year ; and where any person has been assessed in more than one village in respect of any one school year, he may appeal to the Commissioner as hereinafter provided, and the Commissioner shall thereupon determine of which village he shall be deemed to be an inhabitant :

Provided that where the villages or groups in which such person is assessed are situated in different districts, the Commissioners of the districts concerned shall refer the appeal to the Director, whose decision shall be final.

(3) Every teacher employed under the provisions of this Law shall be deemed to be an inhabitant of the village in which he is employed as a teacher on the 15th day of October in the year of assessment :

Provided that no assessment made upon any such teacher shall exceed one per centum of his salary (including any duty allowance and any special allowance).

(4) The Director shall, not later than the 15th day of October in each year, cause to be forwarded to the Chairman of each Village Commission or Committee a notice calling upon the Commission or the Committee to assess—

- (a) the amounts required under sections 24 (3) and 89 of this Law ;
- (b) any amount which may have been written off as irrecoverable from past assessments ; and
- (c) in the case of a Village Commission, a fee for the Chairman of the Village Commission calculated at the rate of five per centum on the amounts required under sections 24 (3) and 89 of this Law but not exceeding a total fee of five pounds in any one school year :

Provided that, where two or more villages are grouped together, the fee shall be divided among the mukhtars of the group in proportion to the amount assessed upon the inhabitants of each village in the group.

23 of 12/54.

(5) Within thirty days of the receipt of the notice the Village Commission or the Committee shall assess the said amounts on every religious corporation of the same religion or denomination as the Village Commission or the Committee owning or possessing any immovable property situated in the village, according to the value of such property, and on the inhabitants of the village, according to the means of each person.

(6) Where two or more villages are grouped together for the purposes of this section of this Law, the Director shall determine the amount which shall be assessed upon each village of the group.

(7) A list of the amounts assessed as in this section provided shall be made in writing and certified by the signatures of all or a majority of the members of the Village Commission or the Committee.

(8) A copy of the list shall be posted or caused to be posted by the Chairman of the Village Commission or the Committee in a conspicuous place in each village or group concerned and shall remain so posted for ten days, and two copies shall be sent by the Chairman aforesaid within seven days from the completion of the list to the Commissioner, accompanied by a certificate signed by the Chairman that a copy has been so posted :

Provided that whenever any amount is assessed on any immovable property owned or possessed by a religious corporation a special notice of the amount so assessed shall be immediately sent by the Chairman aforesaid to the head of such corporation.

(9) If the copies of such lists are not sent to the Commissioner within the time aforesaid or if the Village Commission or the Committee fails or neglects to make the assessment aforesaid, the Commissioner shall make the assessment and shall send a list thereof to the Chairman of the Village Commission or the Committee to be posted in the village or group in the manner aforesaid.

(10) Any person who may feel himself aggrieved by any assessment made upon him under the provisions of this section may appeal to the Commissioner within ten days of the posting of the list in the village or group. Such appeal shall be in writing and shall state the grounds on which the assessment is objected to :

Provided that the head of a religious corporation may

appeal to the Commissioner within twenty days from the date of the receipt of the notice :

Provided further that when the assessment is made by the Commissioner under subsection (9), the appeal shall be made within the aforementioned periods to the Board of Education of the religious Community affected by the assessment.

(11) The Commissioner or the Board of Education, as the case may be, shall as soon as possible proceed to inquire into the justice of the assessment in respect of which any appeals may have been made.

(12) The Commissioner or the Board of Education, as the case may be, after such inquiry, shall make such alterations and amendments including the rectification of any omissions in the assessment list as he or the Board of Education shall think just, and shall then approve it, and shall cause a copy of the list so approved to be handed to the Chairman of the Village Commission or the Committee to be posted in the village or group in the manner set out in subsection (8) and such copy shall remain so posted for two months.

(13) If it shall appear to the Board of Education that any substantial injustice or irregularity has been committed in the assessment, and such injustice or irregularity has been brought to the knowledge of the Board by the aggrieved persons by a notice in writing within two months from the date of the posting of the copy of the list as in subsection (12) hereof provided, the Governor may, on the recommendation of the Board of Education, order the redress of the injustice or irregularity in such manner as he may think fit and his decision shall be final.

(14) On the approval of the list by the Commissioner or the Board of Education or following an order of the Governor under subsection (13), as the case may be, the sum assessed on each person shall be payable by every such person and his heirs in such instalments and at such time or times as the Governor may from time to time direct, and shall be recoverable in the same manner as Government taxes may be recovered, and the amount so paid or recovered shall be credited to the Education (A), (B) or (C) Funds, as the case may be, for the purpose for which it is raised.

(15) If any person has paid any sums assessed upon him under this section in more than one village or group in respect of any one school year, and for good reason shown

to the satisfaction of the Commissioner did not appeal as in subsection (10) hereof provided, he may within the school year to which such assessment relates appeal to the Commissioner, who shall give his decision upon the matter as in subsection (5) hereof provided and shall order the refund to him of any sums paid by him in respect of any village or group of which he is not deemed to be an inhabitant.

No action
to lie
against the
Government.
3 of 1/35.

91. No action or other legal proceeding shall lie in any Court against the Government of the Colony in respect of any sum assessed and recovered under the provisions of section 90 of this Law or the corresponding section of any former Law relating to elementary education.

Actions for
illegal
assessment
and refund
of sum
illegally
assessed.
3 of 1/35.

92. (1) Any action or other legal proceeding by any person for the refund of any sum assessed and recovered under the provisions of section 90 of this Law or the corresponding section of any former Law relating to elementary education on the ground that such sum has been illegally assessed upon and recovered from such person which but for the enactment of this Law would have lain against the Government of the Colony may be brought against the Village Commission or Committee of Management of the village, as the case may be, for the educational requirements of which the assessment was made.

17(a) of
17/52.

(2) Any sum adjudged by any Court to be refunded to any person in any action or other legal proceeding brought against the Village Commission or Committee of Management as in subsection (1) hereof provided, together with any costs ordered by the Court to be paid to such person and any costs properly incurred in defending any such action or legal proceeding shall be paid out of the Education (A), (B) or (C) Funds, as the case may be.

17(b) of
17/52.

Payments
out of
Education
(A), (B) or
(C) Funds
for illegal
assessments
to be
recoverable
from village
concerned.
18 of 17/52.

93. Where a payment out of the Education (A), (B) or (C) Funds is made as in section 91 of this Law provided, the Director shall notify the Chairman of the Village Commission or the Committee of Management of the village for the educational requirements of which the assessment was made, and the Commission or Committee shall thereupon assess the amount so paid out of the aforementioned Education Funds, in the same manner as in the case of amounts which had been written off as irrecoverable from past assessments and such amount when recovered shall be repaid to the Education (A), (B) or (C) Funds, as the case may be.

94. No claim for the refund of any amount on the ground that such amount has been illegally assessed upon and recovered from any person shall be entertained in any Court unless proceedings are commenced therefor within three months from the date of payment of the amount assessed.

Limitation
of actions.
3 of 1/35.

95. (1) The total amount required in any one year under sections 24 (3) and 89 of this Law in respect of all schools in any town shall be provided by an increase of the Education tax, payable in towns (as imposed by section 87 of this Law) by such further percentage in each town as shall be sufficient to provide for the amount so required in respect of all schools in such town for that particular year.

Increase of
Education
tax for
schools
situate in
towns.
19 of 17/52.

(2) The increase of the Education tax as in subsection (1) provided shall be payable at the same time as the Education tax is payable and shall be paid, collected and recovered in the same manner as Government taxes are paid, collected and recovered and, when recovered, shall be credited to the Education (A), (B) or (C) Funds, as the case may be, for the purpose for which it is raised.

96. The Education tax and every increase thereof as in this Law provided shall, for the purposes of paragraph (b) (i) of subsection (1) of section 7 of the Rent (Control) Law, be deemed to be and be treated in the same manner and to the same effect as an increase of the immovable property tax as therein provided.

Effect of
increases of
immovable
property
tax on the
Rent
(Control)
Law.
20 of 17/52.
Cap. 86.

PART X.

COMPULSORY EDUCATION.

97. (1) The Governor may, upon the recommendation of the Board of Education or the Director, from time to time, by Order to be published in the Gazette declare any area defined therein to be a compulsory school attendance area for the purposes of this Part of this Law.

Power to
Governor to
declare any
area to be a
compulsory
school
attendance
area.

(2) Upon the publication of such Order the area therein defined shall be a compulsory school attendance area for the purposes of this Part of this Law or of any Regulations in that behalf.

98. The Governor may appoint fit and proper persons to be school attendance officers within compulsory school attendance areas and may fix their salary or remuneration.

School
attendance
officers.

Duty of
parent to
send child to
school.

99. Where any child resides within a compulsory school attendance area it shall be the duty of his parent to send him regularly to a school or to provide him with instruction as efficient, in the opinion of the Director, as that obtainable at a school within such area.

Offences by
parent and
penalties.

100. If the parent of any child referred to in the preceding section of this Law shall habitually and without reasonable excuse neglect to comply with the provisions of this Part of this Law or of the Regulations, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two pounds for a first offence, and not exceeding five pounds for a second or any subsequent offence.

Reasonable
excuse.

101. It shall be a reasonable excuse for a parent failing to comply with the provisions of this Part of this Law or of the Regulations if—

- (a) there is not within two miles, measured according to the nearest road or way from the residence of the parent, any school open which the child can attend ; or
- (b) the child is prevented from attending the school or receiving instruction by sickness or any unavoidable cause ; or
- (c) the parent shall prove to the satisfaction of the Court that he has made all reasonable efforts to comply with the provisions of this Part of this Law or the Regulations ; or
- (d) there is no other excuse which in the opinion of the Court is a reasonable excuse.

Right of
school
attendance
officer
to enter.

102. (1) It shall be lawful for any school attendance officer to enter any dwelling house between the hours of six o'clock in the morning and six o'clock in the evening of any day except Sundays and public holidays for the purpose of making such inquiries and discharging such duties as may be imposed upon him by this Part of this Law or by the Regulations.

(2) Every person who—

- (a) obstructs or resists any school attendance officer in the performance of his duties ; or
- (b) wilfully makes any false representation to any school attendance officer with respect to the age of any child ; or

- (c) wilfully refuses to furnish to teachers or school attendance officers any information which such person may be required to furnish by Regulations,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two pounds.

PART XI.

ELEMENTARY EDUCATION TO BE FREE OF CHARGE.

103. (1) Subject to the provisions of this Law or any Regulations, all children belonging to the religious community for which a school has been prescribed and inhabiting the town or village in which the school is in operation shall be entitled to attend such school and receive elementary instruction therein free of charge.

Children entitled to attend school free of charge.

(2) Children belonging to a religious community other than that for which a school has been prescribed may be permitted by the Director at his discretion to attend such school and receive elementary instruction therein free of charge:

28 of 3/44.

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

24 of 12/54.

104. (1) No fee or charge of any kind shall be imposed on or taken from any child or the parent of such child in respect of elementary instruction or in connection therewith by any Town Committee or Village Commission or teacher.

Fees, charges, etc.

(2) Any Committee of Management may, with the approval of the Director previously obtained, impose and take fees in schools under their management and supervision.

(3) Every Town Committee, Village Commission or Committee of Management of any religious community shall provide free of charge for every child belonging to the same religious community and attending a school of which the said Committee or Commission has the general management or supervision under this Law all books prescribed by Regulations to be used in schools and all other books and

29 of 3/44.

writing materials which in the opinion of the Director are required for the efficient instruction of pupils at such schools.

21 of 17/52.

Provided that any Town Committee, Village Commission or Committee of Management may charge for books and writing materials supplied to pupils whose parents, in the opinion of the Committee or Commission, are in a position to pay for the same.

PART XII.

MISCELLANEOUS.

Power to Governor to perform duties of Boards.

105. In the event of any Board of Education neglecting or refusing or being unable or unwilling for any reason to perform all or any of the duties vested in them by this Law or any Regulations, the Governor may perform all or any of such duties in accordance with the provisions of this Law or any Regulations or as nearly as circumstances shall admit, and anything done by the Governor in pursuance of the powers conferred on him by this section shall be deemed to be as duly done as if done by the Board of Education concerned :

Provided that the Governor may delegate all or any of the powers conferred upon him under this section to the Administrative Secretary or the Director, and may at any time revoke any such delegation.

Casting vote to Chairman.

106. At any meeting of any Board of Education or Town Committee or Village Commission or Committee of Management under this Law, when the votes are equal the Chairman shall have a casting vote in addition to his own vote.

Limitation of scope of Boards, etc.

107. (1) The Board of Education, the Town Committees and the Village Commissions for Greek-Orthodox schools shall take cognizance of matters connected with Greek-Orthodox elementary education and of no others.

(2) The Board of Education, the Town Committees and the Village Commissions for Moslem schools shall take cognizance of matters connected with Moslem elementary education and of no others.

25 of 12/54.

(3) The Board of Education and the Village Commission for Maronite Schools shall take cognizance of matters

connected with Maronite elementary education and of no others.

(4) The Director in the performance of the duties and the exercise of the powers of a Board of Education for the schools of any religious community in the Colony other than Green-Orthodox or Moslem or the Committee of Management for such schools shall take cognizance of matters connected with the elementary education of such religious communities and of no others.

108. No teacher employed under this Law shall be deemed to be a public officer in the service of the Colony. Teachers not public officers.

109. Any person acting in contravention of any Regulations relating to or affecting such person shall be guilty of an offence and shall be liable on summary conviction to the penalties therein prescribed. Offences and penalties.

110. Notwithstanding anything in any other Law contained it shall be lawful for the Director or the Commissioner to compound, if so authorized by the Governor either generally or specifically, all or any offences committed against this Law or any Regulations, in the manner provided by the Compounding of Offences Law. Power to Director or Commissioner to compound offences
Cap. 152.

111. Any person who considers himself aggrieved by the manner in which the Director has exercised any power conferred upon him by this Law or any Regulations or delegated to him by the Governor may appeal in writing to the Governor who shall finally determine the matter and give such directions therein as he may think fit. Appeals to Governor.

112. No action or other civil proceeding shall lie in any Court against the Governor in respect of— Bar of actions.

(a) any action taken by him under section 31 or 43 of this Law ; or

(b) any decision given by him in exercise of the powers vested in him under section 111 of this Law.

113. (1) All Boards of Education, Town Committees and Committees of Management in office by virtue of the provisions of any of the Laws repealed by this Law* shall Savings
Boards of Education,
Town Committees and Committees of Management.

* The following Laws were repealed by the Elementary Law, 1933:—

The Elementary Education Law, 1929;
The Elementary Education Law, 1931;
The Compulsory Education Law, 1931;
The Elementary Education (Amendment) Law, 1932;
The Elementary Education (Amendment No. 2) Law, 1932

continue in office until replaced by Boards of Education, Town Committees and Committees of Management appointed under this Law, and shall during the period aforesaid perform their duties as if this Law had not been passed.

Regulations.

(2) All Regulations made by virtue of any of the Laws hereby repealed* shall be valid and effective and shall continue in force until replaced by Regulations made under this Law.

22 of 17/52.

SCHEDULE.

(Section 86.)

GOVERNMENT GRANTS.

1. In this Schedule—

“dwelling” means a residence provided by the Village Commission or Committee of Management for the teacher in the village or group ;

“suburb” means the village of Ayios Dhometios, Engomi, Eylenja, Kaimakli Beuyuk, Kaimakli Kuchuk (Omorphita), Orta Keuy (Minzeli), Palouriotissa, Strovolos and Trakhonas.

2. The grants shall be—

- (a) the School Maintenance Grant ;
- (b) the Teachers' Residences Grant ; and
- (c) the School Premises Grant.

3. (1) The School Maintenance Grant shall be—

- (a) in the towns and the suburbs, two pounds for every pupil in every school year ;
- (b) in villages (other than suburbs), one thousand two hundred and fifty mils for every pupil in every school year,

and shall be payable to Town Committees, Village Commissions and Committees of Management, as the case may be, through the Director, not later than the 31st December in every school year, to be calculated on the basis of the average attendance of pupils for the immediately preceding year in the school of which such Town Committee, Village Commission or Committee of Management has the general management and supervision and to be utilized for the purposes set out in section 24 (1) of the Law.

3 of 25/56.

(2) Notwithstanding anything in this paragraph contained, where, during any school year, a school has not functioned for the full number of normal working days, the Governor may, in his discretion, direct that, in determining the average attendance of pupils under this paragraph, the period for which the school has not so functioned shall be regarded as a period during which pupils could have attended the school.

* See footnote on previous page.

4. The Teachers' Residences Grant shall be ten pounds for every teacher's dwelling situated in a village (other than a suburb) and shall be payable to the Village Commissions and Committees of Management, through the Director, not later than the 31st December in every school year, in respect of every dwelling owned, rented or provided by the Village Commission or Committee of Management for use as a teacher's dwelling whether or not it is actually occupied at any time during the school year :

Provided that, where any building serves as a residence for more than one teacher, it shall be for the Director to determine whether such building may be treated as constituting more than one dwelling.

5. The School Premises Grant shall be six thousand and five hundred pounds in every school year and shall be paid to the Director for allocation to such Town Committees, Village Commissions and Committees of Management, towards their cost of providing adequate school premises, as in the opinion of the Director are in need of assistance.

