

No. 12 OF 1954.

A LAW TO AMEND THE ELEMENTARY EDUCATION LAW.

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

J. FLETCHER-COOKE,]

[18th February, 1954.

Officer Administering the Government.

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

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

Short title.
CAP. 203.
22 of 1950
17 of 1952
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Amendment
of section 13
of the
principal
Law.

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

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

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

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 Section 24 of the principal Law (as set out in section 5 of Law 17 of 1952) is hereby repealed and the following section substituted therefor :—

“ Estimates.

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

(a) of the amount required—

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

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

in the school year next following;

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

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

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

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

- (a) for schools in any village, in the manner set out in section 90 of this Law; and
 (b) for schools in any town, in the manner set out in section 95 of this Law:

Provided that—

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

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

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

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

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

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

Amendment of section 40 of the principal Law.

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

Amendment of section 43 of the principal Law.

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

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

Amendment of section 44 of the principal Law.

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

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

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

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

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

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

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

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

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

“Period of service qualifying for pension or gratuity.

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

Provided that—

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

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

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