

EDUCATION ACT

1961 (ACT 87)

Section 1-Public System of Education

(1) The public system of education shall be organised in two progressive stages to be known as primary and middle education and secondary education.

(2) It shall be the duty of the local education authority for every area as far as its functions extend to contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient education throughout the primary and middle stages shall be available to meet the needs of the population of its area.

Section 2-Compulsory Education

(1) Every child who has attained the school-going age as determined by the Minister shall attend a course of instruction as laid down by the Minister in a school recognised for the purpose by the Minister.

(2) Any parent who fails to comply with the provisions of the preceding subsection commits an offence and shall be liable on summary conviction to a fine not exceeding ten pounds and in the case of a continuing offence to a fine not exceeding two pounds in respect of each and every day during which the offence continues.

Section 3-Establishment of Service Committee

(1) There shall be established a terms of service committee which shall advise the Minister on the remuneration and terms and conditions of service of teachers, other than public officers, who are employed in public institutions and of all persons, who are employed in the service of public education other than public officers.

(2) The Service Committee shall be appointed by the Minister and shall consist of the following members:—

(a) a chairman to be appointed by the Minister;

(b) three members representing Educational Units;

(c) three members, nominated by the organization recognised by the Minister as representing the interests of teachers,

(d) three members to represent the interests of local authorities, appointed by the Minister after consultation with the Minister responsible for local government; and

(e) two other members, one to represent the Minister responsible for Education and the other to represent the Minister or department responsible for establishment matters.

Section 4-Meetings of Service Committee

(1) The Service Committee shall meet at such times and places as the chairman shall, by not less than ten days notice in writing to the other members, appoint.

(2) The chairman shall preside at meetings of the Committee and in his absence the members present shall appoint one of their number to preside.

(3) Every question before the Service Committee at any meeting shall be decided by a majority of the votes of the members present.

(4) The chairman or, in his absence, the member presiding shall have a vote, and in the case of an equality of votes, may exercise a second or casting vote.

(5) Six members shall form a quorum at any meeting of the Service Committee.

Section 5-Advisory Committees

The Minister may from time to time set up committees to advise him on the educational system or specific aspects thereof.

Section 6-Local Education Authorities

(1) A local authority shall be the local education authority for the area or part of the area over which it exercises authority.

(2) The standing orders of a local authority in relation to its meetings shall apply to the meetings of the local education authority.

Section 7-Functions of Local Education Authority

(1) Subject to the provisions of this Act, a local education authority shall, in the prescribed manner—

(a) build, equip and maintain all public primary and middle schools, in its area;

(b) establish all such public primary, middle and special schools as are, in the opinion of the Minister, after consultation with the Minister responsible for local government, required in its area;

(c) advise the Minister on all matters relating to primary and middle school education in its area and such other matters as may be referred to it by the Minister;

(d) perform in its area all the prescribed functions of a local education authority.

(2) A local education authority may perform any educational function approved by the Minister, and shall perform any educational function conferred by any other enactment on the local authority of its area.

Section 8-Establishment of Education Committees

(1) Every local education authority shall establish an education committee and may authorise the education committee to perform on its behalf any function imposed or conferred upon it with respect to education by the provisions of this or any other enactment.

(2) Before performing any function relating to education, a local education authority shall require a report of its education committee on the exercise of the function for approval.

Section 9-Constitution of an Education Committee

(1) The education committee of the local education authority shall consist of nine members not less than two of whom shall be members of the local education authority.

(2) The chairman of the education committee shall be a person who is a member of the local education authority and shall be elected by the local education authority.

(3) Members of the education committee who are not members of the local education authority shall be known as private members and shall be suitable persons with experience and interest in education nominated by the Educational Units and appointed by the local education authority.

(4) Subject to the provisions of this Act the local education authority appointing an education committee may make, vary and revoke standing orders relating to the meetings of the education committee so appointed.

Section 10-Attendance of Chief Education Officer at meetings

(1) The Chief Education Officer shall have the right to attend all meetings of a local education authority and of its education committee but shall not be entitled to vote upon any matter for decision by the authority or committee.

(2) The local education authority shall send to the Chief Education Officer not less than fourteen days' notice of any meetings of the authority.

Section 11-Restrictions on Expenditure

(1) A local education authority shall not, without the prior approval of the Minister, maintain or assist in maintaining or incur any expenditure whatsoever on any institution other than a public primary, middle or special school.

(2) No expenditure on education shall be incurred by a local education authority otherwise than to meet its commitments under the provisions of section 7 of this Act, until it has met all such commitments.

Section 12-Returns

All local education authorities shall from time to time provide the Chief Education Officer with any information, returns, accounts and estimates as he may require.

Section 13-Default by Local Education Authorities

(1) If the Minister is satisfied that a local education authority has made default in the performance of any function imposed or conferred upon it by the provisions of this Act or any other enactment for the time being in force, he may by executive instrument, declare the local education authority to be in default and may, by the same or any other executive instrument—

(a) direct the local education authority to perform such of its functions in such manner and within such time as may be specified in the instrument for the purpose of removing the default; or

(b) transfer, after consultation with the Minister responsible for local government, to such person and for such period as he thinks fit, all or any of the functions of the local education authority in default.

(2) If a local education authority fails to comply with the terms of an instrument made in accordance with the provisions of paragraph (a) of subsection (1) of this section, the Minister may, after consultation with the Minister responsible for local government, order a transfer in accordance with the provisions of paragraph (b) of that subsection.

(3) Where a local authority is dissolved or suspended from the exercise of all its functions in accordance with the provisions of any enactment the local education authority shall, for the avoidance of doubts, continue to perform its functions as an education authority unless in the instrument of suspension or dissolution the functions of education are specifically included.

(4) The provisions of sections 8 and 9 of this Act shall not apply to a local education authority established under the provisions of subsection (3) of this section.

(5) Where any function of a local education authority has been transferred from that authority to another person in accordance with the provisions of paragraph (b) of subsection (1) of this section—

(a) the local education authority in default shall cease to perform that function for such period as the Minister thinks fit; and

(b) the expenses incurred by such other person in discharging such functions shall be paid by the local education authority in default.

(6) For the avoidance of doubts a person to whom the functions of a local education authority have been transferred shall be deemed for all purposes to be the local education authority and accordingly that person may sue and be sued in the name of the local education authority.

Section 14-Control of Public Higher Institutions

Public higher institutions, not being Government institutions, shall be controlled by a board of governors, committee of management or any other body performing similar functions of a board of governors established under the provisions of section 15 of this Act.

Section 15-Establishment of Boards of Governors

(1) Subject to the provisions of subsection (4) of this section, the Minister shall for every assisted institution by notice in the Gazette, establish a board of governors to act in accordance with a constitution and rules approved by him.

(2) A board of governors so established for an assisted institution shall be a body corporate with perpetual succession and a common seal and shall have power to hold and manage land for the purposes for which it is established, but shall have no power to dispose of land so held without the written authority of the President in that behalf first had and obtained.

(3) The constitution and rules approved by the Minister shall in no respect be altered, amended, varied, added to or revoked, save with the written approval of the Minister first had and obtained.

(4) A board of governors or a similar body recognised by the Minister in accordance with the provisions of any enactment in force at the commencement of this Act shall be deemed to have been established in accordance with the provisions of this section.

Section 16-Dissolution of Board of Governors

(1) The Minister may at any time for good cause, by notice in the Gazette, dissolve a board of governors established under the provisions of this Act and, as from the date of the notice or from any other date, specified therein, the board of governors shall be deemed to be disestablished and dissolved.

(2) Any property, estate or interest in land held by or vested in a board of governors and all the functions exercisable by a board of governors at the time of the publication of the notice of dissolution in respect of such board of governors shall forthwith, without further authority than this subsection, vest in the Minister and remain so vested until the establishment of a new board of governors in accordance with the provisions of section 15 of this Act.

(3) On the establishment of a new board of governors the land and the functions shall be vested in the new board of governors by a written declaration by the Minister to that effect.

Section 17-Establishment of Private Institution

- (1) No person shall establish a private institution without the prior approval of the Minister.
- (2) Any person who establishes a private institution without the prior approval of the Minister shall be guilty of an offence, and shall, on conviction thereof, be liable to a fine not exceeding five hundred pounds, or to a term of imprisonment not exceeding one year, or to both such fine and such imprisonment.
- (3) Any person who proposes to establish and conduct a private institution shall, not later than three months before such establishment, make an application to the Minister under this section for his approval of the proposal.
- (4) The application shall be in the prescribed form and shall contain the prescribed particulars.
- (5) The Minister may grant, or, for reasons which to him appear sufficient, decline to grant the application.
- (6) Any person whose application for the approval of a proposal to establish and conduct a private institution has been granted by the Minister may, in the prescribed manner, and subject to the subsequent provisions of this Act, establish and conduct a private institution.[As substituted by the Education (Amendment) Act, 1965Act 266 s.1]

Section 18>Returns, Etc. to be Furnished

- (1) The proprietor of every private institution shall, within one month after the date of the establishment thereof or, in the case of a private institution which is in existence at the date of the commencement of this Act, within one month after the date of commencement thereof, furnish the Chief Education Officer or the Chief Technical Education Officer as the case may be with such information and returns as he may require.
- (2) Whenever a change in the ownership or location of a private institution occurs or there is a modification in respect of any of the particulars required to be supplied in accordance with the provisions of subsection (1) of this section, other than particulars of the number, names and ages of the pupils attending such institution, the proprietor shall furnish the Chief Education Officer or the Chief Technical Education Officer, as the case may be, with a supplementary return containing the new particulars.
- (3) If a private institution remains closed, other than in respect of regular holidays, for a period longer than one month, the proprietor thereof shall furnish the Chief Education Officer or the Chief Technical Education Officer, as the case may be, with written reasons for the closing of the institution and inform him in writing of the period during which it is likely to remain closed.
- (4) If the proprietor desires thereafter to reopen the institution, he shall furnish a return in accordance with the provisions of subsection (1) of this section.

Section 19-Closing of Private Institutions

(1) If the Minister is satisfied that a private institution is dangerous or potentially dangerous to the physical or moral welfare of the pupils attending it or that its continued existence is against the public interest he shall, by notice in writing, require the proprietor thereof to close the institution within a specified time and may by the same or any other notice appoint a board of governors who shall have complete control and superintendence of the institution.

(2) Whenever the Minister appoints a board of governors under the provisions of the immediately preceding subsection the institution concerned shall be deemed to be a public institution, subject to the payment of compensation to be assessed by the Minister whose decision thereon shall be final.

Section 20-Power to unite two or more institutions

(1) Whenever it shall appear to the Minister that the union of any two or more institutions will conduce to greater economy or efficiency, he may, subject to such conditions as he thinks fit, direct the union of the institutions concerned.

(2) If an institution, in respect of which the Minister has given a direction in accordance with the provisions of this section, is not brought into the union in accordance with such direction, it shall cease to be a public institution from the date of the Minister's direction and no grant shall be paid to it from that date or in the case of a private institution it shall be lawful for the Minister to appoint a board of governors for that institution for the purpose of the desired union.

Section 21-Payment of Fees

(1) No fee, other than the payment for the provision of essential books or stationery or of materials required by pupils for use in practical work, shall be charged in respect of tuition at a public primary, middle or special school.

(2) No fee, other than the prescribed fees, shall be charged in respect of the education or residence of any pupil or student at a public secondary school or at a public training college.

(3) The Minister may at any time appoint a committee consisting of the Chief Education Officer or the Chief Technical Education Officer and two other persons who may investigate the amount, and the payment, of fees in a private institution and make recommendations to the Minister.

(4) Any person who contravenes the provisions of this section commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Section 22-Provisions Relating to Race, Language and Religion

(1) No person shall be refused admission as a pupil to, or refused attendance as a pupil at, any school on account of the religious persuasion, nationality, race or language of himself or of either of his parents.

(2) No test or enquiries shall be made of, or concerning the religious beliefs of pupils or students prior to their admittance to any school or college.

(3) No person attending or desirous of attending a school as a pupil shall, if his parent objects, be required to attend or to abstain from attending, whether in the institution or elsewhere, any Sunday school, or any form of religious worship or observance, or any instruction in religious subjects.

(4) Any person who contravenes the provisions of this section commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

Section 23-Restriction on Use of Premises

The premises of a public institution shall not be used for any purpose which, in the opinion of the Minister, interferes with the purposes for which the institution was established.

Section 25-Visits and Inspection

(1) The Chief Education Officer or the Chief Technical Education Officer may at all reasonable times, with or without notice, visit and inspect any institution.

(2) Any person who prevents or hinders the Chief Education Officer or the Chief Technical Education Officer from visiting or inspecting an institution in accordance with the provisions of subsection (1) of this section commits an offence and shall be liable on summary conviction—

(a) in the case of a first offence to a fine not exceeding ten pounds; or

(b) in the case of a second or subsequent offence to a fine not exceeding fifty pounds.

Section 26-Public Funds

A sum of money shall be provided annually by the Government and shall be administered by the Minister for the purposes of public education in accordance with the provisions of this Act and regulations made thereunder.

Section 27-Payments of Grants

Grants-in-aid made in respect of public education, other than grants made by a local education authority to schools which the authority manages, shall—

(a) if made to a public institution, be made to a duly constituted and responsible board of governors or, if no such board exists, to trustees constituted under a trust instrument;

(b) in all other cases, be made to trustees constituted under a trust instrument.

Section 28-Salaries and Terms of Service

Subject to the provisions of this Act, the salaries, terms and conditions of service and discipline of all teachers, other than public officers, employed in public institutions shall be prescribed by regulations.

Section 30-Meetings of the teachers' council

(1) The Teachers' Council shall meet at such times and places as the Chief Education Officer in consultation with the chairman shall, by ten days' notice in writing to the members, appoint.

(2) The chairman shall preside at meetings of the Council and in his absence the members present shall appoint one of their number to preside.

(3) Every question before the Council shall be decided by a majority of the votes of members present.

(4) The chairman or, in his absence, the member presiding shall have a vote, and in the case of an equality of votes, may exercise a second or casting vote.

(5) Four members of the Council shall form a quorum at any meeting of the Council.

Section 31-Regulations

(1) The Minister may, and in so far as such regulations give powers to, or impose duties upon, local authorities, after consultation with the Minister responsible for local government, make, by legislative instrument, Regulations dealing with all matters relating to education; and in particular, but without derogating from the generality of the foregoing provision, with respect to any of the following subjects, that is to say:—

(a) the establishment, recognition, maintenance and discontinuance of institutions, their administration, control, supervision and management and the procedure in the event of an institution ceasing to be a public institution;

(b) the organization, staffing and inspection of institutions and the curriculum and instruction to be given therein:

(c) the manner in which public education shall be financed, the payment of grants-in-aid by Government in respect of public education and the conditions under which the grants shall be made;

(d) the fees chargeable in public institutions, the collection, use and disposal of such fees;

(e) the admission, registration, transfer, attendance, examination and promotion of pupils and students in public institutions, the selection of pupils and students for public middle, secondary and technical education and teacher training and the allocation of boarding places at public

boarding and part-boarding institutions recognised as such;

(f) the withdrawal and removal of pupils and students in public institutions and their discipline;

(g) the registers, records accounts, and similar documents to be kept in institutions; and the returns and information to be rendered by persons and bodies responsible for institutions;

(h) the examination, certification, training, instruction, registration, qualifications and bonds of teachers in consultation with the National Teacher Training Council;

(i) the appointment, employment, discipline, allocation, posting, classification, salaries, allowances, terms and conditions of service of teachers in public institutions, and of other persons engaged in the service of public education; the appointment, salaries, allowances, terms and conditions of service of teachers in private institutions: provided that no regulations made under this paragraph shall relate to public officers;[Amended by the insertion of the Education (Amendment) Act, 1965 s.2]

(j) the duties, responsibilities and functions of heads of public institutions, of boards of governors and trustees of secondary schools, training colleges, other establishments for higher education and of managers of primary and middle schools;

(k) the duties, responsibilities, powers and functions of local education authorities, their control and direction by the Minister;

(l) the physical welfare and medical inspection of pupils and students in institutions;

(m) the inspection, maintenance and closure of premises used for purposes of education;

(n) the standards for such premises and the procedure governing the execution of capital works for the purposes of education, including the grant of a power to pull down buildings erected without prior approval when the regulations provide for such prior approval;

(o) the returns to be furnished by the proprietors of educational establishments;

(p) matters which under the provisions of this Act may be or are required to be prescribed.

(2) Regulations made under the provisions of subsection (1) of this section may provide that any person convicted of the contravention of, or failure to comply with, the provisions of any regulation shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and in the case of a continuing contravention of, or failure to comply with, any regulation shall be liable, in addition, to a fine not exceeding five pounds for each day during which the contravention or failure to comply continues.

Section 32-Interpretation

In this Act, unless the context otherwise requires—

"assisted institution" means a public secondary school or training college or other establishment for higher education, which is controlled by a board of governors, committee of management or other body performing similar functions under a constitution and rules approved by the Minister and which is approved by the Minister for the receipt of grants-in-aid from public funds;

"board of governors" includes a committee of management or any other body performing similar functions of a board of governors;

"Chief Education Officer" means the person for the time being lawfully discharging the functions of the Chief Education Officer or any person duly authorised by him;

"Chief Technical Education Officer" means the person for the time being lawfully discharging the functions of the Chief Technical Education Officer or any person duly authorised by him;

"Educational Unit" means a corporation, a body or religious society which has the management of one or more public institutions and is recognised as such by the Minister;

"Government institution" means an educational establishment which is managed by the Chief Education Officer or the Chief Technical Education Officer;

"grant-in-aid" means money paid from Central or Local Government funds in respect of any institution, other than a Government institution, or in respect of the administration of an Educational Unit;

"institution" means a school, training college or any other educational establishment;

"local authority" includes a city council and the Tema Corporation;

"local government", in relation to funds, means the funds of local authorities;

"manager" , in relation to an institution, means any person who is responsible for the management of the institution;

"Minister" means the Minister responsible for Education;

"parent" includes guardian;

"middle school" means a school so designated by the Minister;

"primary school" means a school so designated by the Minister;

"private" , in relation to an institution, means maintained neither wholly nor in part from Central

or Local Government funds;

"proprietor" , in relation to a private institution, means the person or body of persons responsible for the management of the institution, or in charge thereof, or in the absence of both such persons the teacher who has been a member of the staff of such institution for the longest period;

"public" , in relation to an institution, means maintained wholly or in part from Central or Local Government funds;

"public higher institution" means a Government or assisted institution other than a primary or middle school;

"recognised institution" means an educational establishment which is so recognised by the Minister;

"school" means an educational establishment intended for the education of not less than ten pupils, assembled for the purpose of receiving regular instruction, other than any Sunday school, industrial school, training college or other establishment intended solely for the education of adults;

"secondary school" means a school, or a department of an institution, which provides courses leading to the attainment of a standard at least equivalent to that of the School Certificate examination of the West African Examinations Council;

"special school" means a school providing a course of instruction, approved by the Minister, for children who are blind, deaf and dumb or in any other manner physically handicapped or mentally affected;

"training college" means an establishment for the training of teachers, other than the University of Ghana and the Kwame Nkrumah University or any other department thereof.

Section 33-Exemptions

Nothing in this Act contained shall apply to the University of Ghana, the Kwame Nkrumah University or to any institution established under the provisions of any other enactment.

Section 34-Repeals

The following enactments as subsequently amended are hereby repealed—

the Achimota School Ordinance (Cap. 114);

the Education (Southern Ghana and Ashanti) Ordinance(Cap. 121);

the Education (Northern and Upper Regions) Ordinance(Cap. 122):

Provided that any office specified in the Second Schedule to the Achimota School Ordinance (Cap. 114) at the commencement of this Act shall continue to be pensionable office within the meaning of the Pensions Ordinance (Cap. 30) and accordingly the provisions of the Pensions Ordinance shall continue to apply in the same way and manner as they did apply under the Achimota School Ordinance to any person holding such office and confirmed therein at the commencement of this Act notwithstanding the repeal of the Achimota School Ordinance.c