

**School Boards (Incorporation) Act  
(CHAPTER 284A)**

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## **SCHOOL BOARDS (INCORPORATION) ACT**

**(CHAPTER 284A)**

**(Original Enactment: Act 4 of 1990)**

**REVISED EDITION 2013**

**(31st August 2013)**

An Act to make provisions for the incorporation of governing boards for the purpose of conducting Government schools and aided schools and for matters connected therewith.

[1st January 1990]

### **PART I**

#### **PRELIMINARY**

#### **Short title**

- 1.** This Act may be cited as the School Boards (Incorporation) Act.

#### **Interpretation**

2. In this Act, unless the context otherwise requires —

“aided school” means a school which —

- (a) is established by any person other than the Government; and
- (b) is conducted by a committee of management which is in receipt of a grant-in-aid from the Government for the defraying of the expenses incurred for conducting the school;

“Director-General” means the Director-General of Education;

“governing board” means a governing board constituted by an order made by the Minister under section 3(1) for the purpose of conducting a school named in the order;

“governor” means a member of a governing board.

[8/97]

## PART II

### ESTABLISHMENT OF GOVERNING BOARDS FOR SCHOOLS

#### **Establishment of governing boards for schools**

3.—(1) The Minister may, from time to time, by order published in the *Gazette*, establish a governing board by such name as the Minister may designate for the purpose of conducting a school named in the order and promulgate a constitution for that governing board.

(2) A governing board established pursuant to an order made under subsection (1) shall be a body corporate by the name specified in the order capable of performing such acts as bodies corporate may by law perform and of suing and being sued and having perpetual succession and a common seal with power to exercise and perform such functions and duties as are conferred or imposed on it by or under this Act and the order made under subsection (1).

(3) A governing board shall consist of such number of governors as may be prescribed in an order made under subsection (1).

(4) Without prejudice to the generality of subsection (1), an order made under that subsection shall make provisions —

- (a) to provide that the appointments of governors are to be made with the approval of the Minister;
- (b) as to the tenure of office and the qualifications of governors;

- (c) as to the suspension or removal from office of governors;
- (d) as to the circumstances in which persons are disqualified for holding office as governors;
- (e) for filling vacancies in the governing board;
- (f) as to the election or appointment of a chairman or vice-chairman (if any) of the governing board;
- (g) to provide that the principal of the school named in the order shall be appointed by the governing board with the approval of the Director-General;
- (h) conferring upon the governing board full discretion to act with respect to the following matters:
  - (i) the recruitment, promotion and dismissal of and the exercise of disciplinary control over teachers and other staff of the school;
  - (ii) determining the policy or conditions for the admission of pupils to the school and the dismissal of pupils; and
  - (iii) determining the fees payable by the pupils of the school;
- (i) to allow the governing board to retain the fees collected from the pupils of the school for the purpose of defraying expenses incurred for conducting the school;
- (j) as to the establishment, constitution, meetings and proceedings of committees;
- (k) for the delegation of functions of the governing board in such circumstances as may be specified in the order to committees established by the governing board or to any governor; and
- (l) as to the procedure (including any quorum) when business is transacted by the governing board.

(5) Subject to the provisions of an order made under subsection (1), a governing board may regulate its own procedure.

(6) The proceedings of a governing board shall not be invalidated by —

- (a) any vacancy among the governors; or
- (b) any defect in the appointment of any governor.

(7) The provision mentioned in subsection (4)(j) may provide for a committee to include persons who are not governors.

### **Variation of constitutions of governing boards**

4. The constitution of a governing board contained in an order made under section 3(1) may be varied or revoked by the Minister, but before varying or revoking the constitution and making a new constitution for any governing board, the Minister shall consult the governing board concerned.

### **Powers of governing boards of schools**

5.—(1) A governing board shall have power to conduct the school named in the order made under section 3(1) incorporating that governing board.

(2) Subject to the provisions of this Act and any order made under section 3(1), the governing board of the school shall have power to do anything which appears to it to be necessary or expedient for the purpose of or in connection with the conduct of the school, including in particular power —

- (a) to assume the conduct of the school as from the date of incorporation specified in the order relating to the school and for that purpose to receive any property, rights and to assume any liability and obligation for which the governing board agrees to accept responsibility;
- (b) to acquire and dispose of land and other property;
- (c) to enter into contracts, including in particular contracts for the employment of teachers and other staff;
- (d) to borrow moneys for the purposes of meeting the expenses of conducting the school or any liability and obligation of the governing board;
- (e) to grant any mortgage, charge or other security in respect of any land;
- (f) to invest any sums not immediately required for the purposes of meeting the expenses of conducting the school or any liability of the governing board; and
- (g) to accept gifts of money, land or other property and apply it, or hold or administer it on trust, for any such purposes.

(3) Without prejudice to subsection (2), but subject to the provisions of an order made under section 3(1) for the conduct of the school, the governing board shall also have power to provide education at the school.