

1931.

Kenya

No. 17144.

SUBJECT

C0533/410

Education Ordinance 1931

Previous

16199/30.

Subsequent

23046/34

Plans to
Library

1. The original of 52 _____ 10 March 2
The authenticated and printed copies of Education
Ordinance, No. 2 of 1931, together with legal copy
by Attorney General and report of Select Committee
will forward copies for Advisory Committee

Mr. Mayhew

I have not yet been through
all this in detail. I propose
to do that in due course;
meanwhile, I think you wd.
see & say whether you have
any criticisms or points
to raise.

(I take it that you will not wish
to circulate the Ordⁿ, as
such, to the Advisory Com^{tee}.
Our supply of plain copies
is limited to 12 - but others
will come later.)
R. C. Bellinson
14.4.31

X
Yes. Section 42
read with the
revised Section
19(5) meets
our criticism
of the original
Section 42 -
& Section 44 all
right now

(1) The changes required in the Bill by the S. of S. telegram
of 6-10-30 have been carried out. An
assurance has been given as required regarding
appointment of women to the various Committees
& Com^{tees} provided in the Bill. But no assurance
has been given regarding the representation of
aided schools managing bodies on the schools
Area Committee so as to ensure expert educational
opinion. The point has been ignored in the Governor's
reply. The Advisory Committee attach
considerable importance to it - rightly & it is

* and I suggest that the committee might not be asked for.

2. As regards other changes in Select Committee - it is important to note that under 26 & 27 - as they finally stand - the Governor in Council will not be required to provide a bill to support the provisions of the ~~Bill~~ Compulsory Education Bill. It is a common view that he should be able to require the Government to support the Bill.

The Chief Justice's Commission is to be set up to inquire into the present position of the law in relation to the various subjects mentioned in the Bill. It is suggested that the Commission should be empowered to make recommendations to the Governor in Council.

It is suggested that the Bill should be introduced in the next session. It is suggested that the Bill should be introduced in the next session. It is suggested that the Bill should be introduced in the next session.

on page 4 of the Bill...

1891
1892

and some doubt my father would be well... A separate committee... would be a better... in my... of such budget provision! Thanks

subject will come up for further consideration when the Council replies on the general subject of compulsion (Ath. Comm. memo) are reviewed.

(6) The provision ^{made} for regulation to secure liberty of conscience which has been inserted into 45 ^{is} seems to be unduly restrictive. Obviously the Governor in Council ought to have such power. In actual fact he would have it - apart from the special provision - under subsection c of 45 which gives him power to prescribe the conditions of grants in aid. It was under ^{the latter} provision which was made in the 1924 Ordinance that the subject, to the best of my memory, has already been dealt with under Regulations. But I have been unable so far to recover my copy of the ^{History} Code in order to verify this. Although I do not think any harm is done by making specific statutory provision for such regulations, it will prevent any possibility of the Bill being submitted to the Legislative Council, which is ^{my} ~~proposed~~ ^{desire} not to be desired.

John V. ...

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

(7) It is suggested for communication to the Advisory Committee ought to be sent a copy of the Secretary of State's telegram of 16/1/29 - with a copy of the Governor's despatch - below - a certificate from the office that the required changes have indeed been made - and an enclosure - if copy is prepared to give it - that an explicit reply regarding the representation of school schools on the Education Committee will be called for. (See previous)

Do these all get copies of the Bill... will be sent... for all (see... that better be... included in the... of circulation

John V. ...
17-5

I agree generally with
the majority's minority.
As regards the CPC's
particular on p 24 -
see revised page in copy
with X-16, 99, 100 (copy
with this file has become
mutilated) - but is
probably right enough
in para 1 - in the spirit
of principle. But as
regards the majority's
minority it is not worth
making separately in
but since the legal Council
is here a copy of original
see a this provision
only gives rise a
double copy in the
consequence of the
question but can
not be done about
case of the CPC's
all though I seem
to see that he is really
working on very many
of points. However,
I do not like to quote
it just altogether.
I ought to advise of
legal advice what
I think. I suggest this

in reply to No 1 the Ordinance of
the 1st sanctioned; but that
(1) we did ask for the
assurance ref. to it of
the majority's minority -
(2) we did ask for Gov's
comments on CPC's note
with [special] ref. to the
last paragraph in order that,
if we, I, of expecting an
amendment of the Ord.
in that respect may be
conceded.

all Pakistan
18. 11. 31

I have considered the amendment
made in the approved Bill
by approval to carry out the
instructions contained in the
Secretary of State's telegram
of the 6th Oct. 1930 - and the
this amendment seems to be
unobjectionable.
As regards the Chief Justice
Commissioner with
Part 1. I hope to pay
under his declaration
under the Ord.

WED

Shall be laid upon & may
be disallowed by the
Legislative Council. A
Legislative Council to say
as it sits, cannot be
functioning officers about
anything within its competence
P. 2 I should think
the subject want until
I receive - keeps Adam
The other of course
24. 4. 31

Hammill

27. 6. 31

I have been in touch
with the committee
and have been very busy
I would be glad to see
you again and
20. 6. 31

I think it is the Committee's
responsibility to see that the
legislation is properly administered
I have been in touch with
the committee and have been
very busy
I would be glad to see
you again and
20. 6. 31

1000
1762
2 To. Coe Prof - 1. Newud. Com - 2 MAY 1931 5

Ed. McC. Sp. Conf. 27th March
In 36 copies of Education. Individual 431 for
Legislative Council
1931
20/6/31

Mr. Mansel

Please will be circ'd. & the
(is? - If so please this may
be put by (Please "at once"
if this is so.)

G. P. Mansel
3/6/31

Mr. Mansel
3/6

Have you seen 7 of my Minutes of 17-4 above
I might have done better to let it in my
affair of 4. 7 of the - in relation to the
document then mentioned being circulated with
the Minutes would you please to Mr. Mansel
with the copy of 7 of the documents
I mentioned a copy of 7 of the file might be
added. But I do not think the office "anticipate"
which I repeat will be coming.

Mr. Mansel
B.S.

Mr. Mansel
You will receive the
copy of Mansel
12/6/31

ACEC 14/31.

To be circulated to the
meeting on 28/11 for
info.

M. C. [unclear]
M. [unclear] [unclear]

Poplin

Poplin

Apparently the
ACEC's monthly report
(see para 3 of document IV)
has not been circulated.

Copy is held in X. [unclear]
but I will verify. I think
it can be obtained with
X. [unclear] so that
if anyone wants, you can
see what the point is.

all

Poplin

My best regards
I will see you with a view
of the report in the course of some time
also wish to come along yourself.

Poplin

To Poplin on 28/11

28/11

all

M. C. [unclear]

The one was unable to read this item
on the Agenda. The [unclear] have
circulated previously for info. It should
be [unclear] to be circulated [unclear]
the Agenda for the meeting on Oct 28/11
should be let anybody [unclear] any [unclear]
[unclear] specifically [unclear] to [unclear] [unclear]

Poplin

Poplin

Poplin

28/11

Poplin

Poplin

28/11

Poplin

2. The [unclear] Conf. 122 20th August 1951.
Under recommendation of Advisory Committee re
appointment of representatives of managing bodies of
Grant aided schools to school Area Committees has
been adopted. It is advised that provisions of Part VI do
not conflict with powers conferred on Local Native
Councils by earlier Authority Ordinance.

Having had the legal advice you
will see that it is not possible
to provide of the [unclear] [unclear]
but it is necessary for the [unclear] of the

statement was made, of the substance of
para 2, but is really all the case
with the interests in the purely legal course
seen merely to compare the views, so far as the case is concerned
would be to do.

Reginald
15/x

Mr. Pugh

If you agree?

Reginald
15/x

That I had a meeting with the
the Committee - during the latter part
of the year - regarding the matter
of the proposed - possibly that
you had done with a legal part of the
subject with the Committee. But then in
in some notes at the meeting of it is
the substance of what I had seen the file
should read 17. Visiter a week before
the meeting in Nov 1931.

Reginald

16-11-31
16 November

Reginald
16 Nov

Mr. Pugh

papers brought forward.
R. 297. 4/1/31

see notes with
the case of Visiter in column (16.11.31)
to allow as at 7/11

Reginald

5/11/31

Mr. Visiter

papers brought forward. Ref
Mr. Pugh's minutes of 7/11/31
R. 297. 1/12/31

See done and returned

Hammer Visiter
19.11.31

LD

Rules issued under the
Education Ordinance, 1931.
See Supplement No 12
Kampar Gazette 22/1/1932

6. Government Notice No 633.
The Admission to European or Indian Govt. Schools
16.11.32.

Putty
J.S. Pong's line
2/12/32
at once

GOVERNMENT NOTICE NO. 633.

THE EDUCATION ORDINANCE, 1931.

RULES.

IN EXERCISE of the powers conferred upon him by section 45 of the Education Ordinance, 1931, His Excellency the Governor in Council has been pleased to make the following Rules:—

1. These Rules may be cited as "the Admission to European or Indian Government Schools Rules, 1932."

2. Application for admission to a European or Indian Government School shall be made to the Principal of the school to which admission is desired.

3. The application shall be made by the parent of the child.

4. The application shall give the following particulars:—

- (a) Full name of the child.
- (b) Date and place of birth of the child.
- (c) Full name of both parents.
- (d) Nationality of both parents.
- (e) Address of the parents.
- (f) Last school attended by the child, if any, with date of leaving.
- (g) Class in last school, if any.
- (h) Religious denomination.

5. If the information supplied on application is satisfactory to the Principal, he may, if so generally authorized by the School Committee, forthwith admit the child to school, subject to subsequent consideration and decision by the School Committee or by the Director if there is no School Committee.

6. If the Principal is of opinion that the admission of any particular child is not within the scope of the general authorization given to him by the School Committee, he shall inform the parent that the application for admission will be submitted to the School Committee, without whose authority he is unable to admit the child.

7. (i) It shall be the duty of the School Committee to decide all applications for admission made in terms of rule 5 at the ordinary meeting next following such admission.

(ii) In the event of the refusal of the Principal to admit a child as provided in rule 6 the Principal or the Secretary

KENYA.

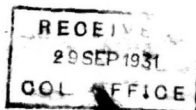
No. 122

CONFIDENTIAL.



3c
5 10
GOVERNMENT HOUSE,
NAIROBI,
KENYA

28- August, 1931.



Sir,

I have the honour to refer to Lord Passfield's Confidential despatch of the 28th May last, regarding "the Education Ordinance, 1931".

2. The recommendation of your Advisory Committee referred to in the second paragraph of Lord Passfield's despatch in regard to the appointment of representatives of the managing bodies of grant-aided schools to School Area Committees, has been adopted in the case of Committees already constituted, and any further Committees which it may prove necessary to establish will be subject to similar representation. It is not, however, possible to ensure that all Missions in particular areas are represented on all School Area Committees. Care is taken that Protestant and Roman Catholics are represented wherever they are doing substantial work, and aided missions are generally represented.

3. With reference to the final paragraph of Lord Passfield's despatch, the Attorney General advises that the provisions of Part VI of the Ordinance are in no way in conflict with the powers conferred

THE RIGHT HONOURABLE J.H. THOMAS, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1

conferred on Local Native Councils in regard to education by section 24 of the Native Authority Ordinance, but that each Ordinance is merely enabling.

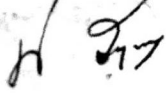
The Education Ordinance empowers the Governor, with the consent of Legislative Council to provide for the compulsory education of natives in stated areas: the Native Authority Ordinance enables a Local Native Council to pass a resolution to the same effect in respect of natives within its jurisdiction, and if such resolution is approved by the Governor in Council it has the force of law so far as such natives are concerned.

Mr. Maxwell's Minority Report resulted from a misapprehension in regard to the relative provisions of the two Ordinances and was, I understand, withdrawn by Mr. Maxwell when the position was explained to him.

I have the honour to be,

Sir,

Your most obedient, humble servant,



Brigadier-General

GOVERNOR.

C.O.

Keays

RECEIVED
28 MAY 1931

12

Mr. Jay 19/3
Mr. Eastwood 19.0
Mr. ~~W. J. ...~~ SO.S.
Mr. ~~W. J. ...~~ 21 F.S.
Mr. C. ...
Mr. J. ...
Mr. G. ...
Pres. U.S. of ...
Pres. U.S. of ...
Secretary of State

Handwritten: 205
~~205~~

Downing Street,
28 May, 1931.

DRAFT.

KENYA

(No. 1)

CONFIDENTIAL

Gov. Byrom

Handwritten: Copy to Keays
15th 18/5/31

I have the honor to acknowledge receipt

of your confidential despatch No. 8078 of the 10th March and to inform you that His Majesty will not be advised to exercise his power of disallowance in respect of Ordinance No. 11 of 1931 of the Legislature of Kenya entitled "an Ordinance to amend the Provision for Education throughout the Colony and Protectorate."

2. I observe that in your despatch you make no reference to the suggestion contained in the opening para. of my confidential telegram No. 213 of the 6th Oct. 1930, namely that managers of grant-aided schools should be represented on the School Area Committee or Advisory Committee on

No. 2 on 18/5/31

Education

Education in the Colonies attaches
considerable importance to the presence of
expert educational opinion on these
Committees and I should therefore be
glad to receive an assurance that representatives
of the managing bodies of grant-aided schools
will be appointed to them.

3. I should also be glad to receive your
observations on the point raised in the
second para. of the Minority report of the
Chief Native Commissioner dated the 2nd January
last in order that, if necessary, the question
of effecting a amendment of the Ordinance
in that respect may be considered.

*copy kept
archive/120*

(Signed) PASSFIELD

Education in the Colonies attaches considerable importance to the presence of expert educational opinion on these Committees and I should therefore be glad to receive an assurance that representatives of the managing bodies of grant-aided schools will be appointed to them.

3. I should also be glad to receive your observations on the point raised in the second para. of the Minority report of the Chief Native Commissioner dated the 2nd January last in order that, if necessary, the question of effecting a revision of the ordinance in that respect should be considered.

*copy kept
at HQ/12*

(Signed) PARRFIELD

3c
10
KENYA.

No. 32



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

10 March, 1931.

CONFIDENTIAL.

RECEIVED
7 APR 1931
COL OFFICE

My Lord,

With reference to correspondence terminating
Your Lordship's Confidential telegram No. 215 of
the 6th October, 1930, I have the honour to transmit
two unillustrated and twelve printed copies of an
Ordinance entitled "The Education Ordinance, 1931",
which has passed its third reading in the Legislative
Council on the 6th January, 1931, and to which
Mr. Mwangi assented in His Majesty's name on the 15th
February, 1931.

A copy of the Legal Report by the Attorney
General is also enclosed.

Thirty five copies of the Ordinance and the
Legal Report will be transmitted under separate cover
to the information of Your Lordship's Advisory Committee.

Your Lordship will observe that the Ordinance
in its final form is in conformity with the requirements
of Your Lordship's telegram to which I have referred
above.

With reference to the final paragraph of Your
Lordship's telegram the principle that women should be
represented on various Councils and Committees
established under the Ordinance is accepted, and such

Yours faithfully,
ALBERT HONOURABLE LORD PASFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1.

No. 9 - 11/4/31

26 MAY 1931

Received
General
11/4/31

KENYA.

NO. 32



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

10 March, 1931.

CONFIDENTIAL.

RECEIVED
7 APR 1931
COL. OFFICE

My Lord,

With reference to correspondence touching:

1. Your Lordship's Confidential telegram No. 15 of the 24th October, 1930, I have the honour to transmit two autographed and twelve printed copies of an Ordinance entitled "The Education Ordinance, 1931".

2. The Bill passed by the Legislative Council on the 6th January, 1931, and the

3. Report presented to the Council's Committee on the 12th February, 1931.

A copy of the Bill, as amended by the Attorney General is also enclosed.

4. Sixty-five copies of the Ordinance and the Report will be transmitted under separate cover for the information of Your Lordship's various Committees.

5. Your Lordship will observe that the Ordinance in its final form is in conformity with the requirements of Your Lordship's telegram to which I have referred above.

6. With reference to the final paragraph of Your Lordship's telegram the principle that women should be represented on various Councils and Committees established under the Ordinance is accepted, and will

20 MAY 1931
Handwritten notes and signatures on the left margin.

3c
1/13

2.

appointments will be made wherever circumstances permit. Your Lordship will however appreciate that in certain instances, as for example the Advisory Council on Arab Education, it may be difficult to obtain the services of women with sufficient knowledge and experience.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant,

H. J. ...
GOVERNMENT.



Colony and Protectorate of Kenya.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.

HENRY MONCK-MASON MOORE, C.M.G.,
Acting Governor.

Assented to in His Majesty's
name this 11th day of February,
1931.

H. M. M. MOORE

Acting Governor.

**AN ORDINANCE TO MAKE PROVISION FOR
EDUCATION THROUGHOUT THE COLONY
AND PROTECTORATE.**

No. II of 1931.

An Ordinance to make provision for Education throughout the Colony and Protectorate.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Education Ordinance, 1931."

PART I.

DEFINITIONS.

2. In this Ordinance, unless the context otherwise requires:—

" Director " means the Director of Education;

" Department " means the Department of Education of the Colony;

" School " means an institution in which not less than ten pupils receive regular instruction and shall include any assembly of not less than ten pupils for the purpose of receiving regular instruction but shall not include—

(a) any institution or assembly in which the instruction is wholly or, in the opinion of the Director, mainly of a religious character, or

(b) any institution owned and maintained by a religious society for the purpose of training persons—

(i) for the ordained ministry, or

(ii) for admission to a religious order under the direction of or associated with such religious society;

" Public school " means any school maintained from public funds or aided by grants-in-aid from public funds;

" Government school " means a public school maintained from public funds;

Interpretation.

No. II of 1931.

An Ordinance to make provision for Education throughout the Colony and Protectorate.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:

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PART I.

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- (b) any institution owned and maintained by a religious society for the purpose of training persons—
 - (i) for the ordained ministry, or
 - (ii) for admission to a religious order under the direction of or associated with such religious society;

"Public school" means any school maintained from public funds or aided by grants-in-aid from public funds;

"Government school" means a public school maintained from public funds;

"Private school" means a school which receives no assistance from public funds;

"Inspector" means any person duly authorised by the Director to be an inspector of schools;

"Education officer" means any officer of the Department or any person named as such carrying the written authority of the Director to visit or inspect schools or to assist in the carrying on of the provisions of the Ordinance;

"School Medical officer" means any officer of the Medical Department or any other registered medical practitioner duly appointed by the Director of Medical and Sanitary Services to act as school medical officer;

"Medical inspection" means the physical examination of children by attendance at school, and the consideration of all matters affecting the health of such children by a school medical officer and shall include physical examination by a school nurse;

"School nurse" means any person appointed by the Director of Medical and Sanitary Services to be a school nurse;

"School Committee" means a committee appointed under Part IV;

"Parent" means the father of a child and if there be no father or if the father be absent from the Colony or dead the mother of such child and, if the child has been placed by order of a magistrates court in the custody of some person the individual so appointed and if the father and mother are both dead or absent from the Colony the person having actual custody of such child;

"Wages" means the person or persons directly responsible for the maintenance of a school other than a Government school, and if such person or persons are not resident in the Colony means the person acting on his behalf or their behalf;

"Child" means any person under the age of twenty-one years.

PART II.

DEPARTMENT OF EDUCATION.

3. The functions of the Department shall be the performance of all work necessary or incidental to the control of

education by the Governor and the exercise of any powers or the carrying out of any duties that may be specially conferred on it by this Ordinance or by rules made thereunder.

4. The Governor may from time to time from funds voted for the purpose by the Legislative Council—

- (a) establish or maintain or make grants in aid of schools;
- (b) establish or maintain boarding houses accessory to schools established or maintained under this Ordinance, and make grants or advances in aid of the establishment, maintenance or repair of boarding houses accessory to schools maintained or aided under this Ordinance; provided that in the case of schools aided from public funds the consent of the manager shall first have been obtained;
- (c) make grants in aid of governesses and tutors;
- (d) make grants in aid of such of the following institutions as are constituted and administered in manner approved by him—
 - (i) public libraries and public museums;
 - (ii) orphanages, provided that grants in aid of such institutions may include grants in aid of the maintenance of the inmates thereof;
 - (iii) creches;
 - (iv) institutions or organisations which in his opinion promote the education or health of the children of the Colony;
 - (v) institutions or organisations for the education of adults;
- (e) provide for the conduct of all such examinations as are held under the supervision or control of the Department;
- (f) provide in whole or in part for transporting children to or from any public school;
- (g) provide for the compulsory medical inspection of children at school and for the exclusion on medical grounds of children from school;
- (h) make such other provision for the carrying on of public education as may be consistent with the provisions of this Ordinance.

- 2. The Governor may from time to time from funds voted for the purpose by the Legislative Council provide bursaries—
 - (a) to assist in transporting children to any public school which in the opinion of the Director provides education suitable to the age or standard of attainment or in boarding them at or near any such school;
 - (b) to assist in the education or maintenance or transport of children or students who are undergoing or proceeding to undergo courses of instruction at institutions approved by the Governor outside the Colony.

and may withdraw any such bursaries, provided always that the grant or withdrawal of any bursary shall be in accordance with and subject to conditions prescribed by rule.

PART III

ADVISORY COUNCILS

- 4. The Governor may appoint one or more Advisory Councils to advise the Director as regards matters affecting education in the Colony.
- 5. The provisions of an Advisory Council shall be to advise the Director upon the following matters in connection with the education of the Colonists in whose interests the Council is appointed—
 - (a) the organization of schools;
 - (b) the curricula to be adopted in different types of schools;
 - (c) the time to be changed in Government schools;
 - (d) the time to be changed in boarding houses attached to Government schools;
 - (e) any other proposed legislation affecting education;
 - (f) any matter affecting education submitted by two members of the Council;
 - (g) any other matters referred to the Council by the Director.

6. An Advisory Council shall consist of such and so many members as the Governor may from time to time decide and shall hold office for a period of three years provided that—
 (a) the chairman of an Advisory Council shall be the Director or his nominee;

- (b) at least one member of each Advisory Council shall be an elected member of the Legislative Council;
- (c) the Governor may at any time revoke the appointment of any member.

9. The Secretary to an Advisory Council shall be an officer of the Department appointed by the Director.

Secretary to Advisory Council.

10. An Advisory Council shall at its first meeting decide the number required to constitute a quorum.

Quorum of Advisory Council.

11. (1) An Advisory Council shall meet not less than once in each year and at such other time as the Director may decide; provided that on receipt of a written requisition signed by three members, the Director shall within six weeks of the receipt of such requisition summon a meeting of the Council.

Meetings of Advisory Council.

(2) It shall be the duty of the chairman to report to the Council the action taken on any matter on which the Council has advised the Director.

PART IV

SCHOOL COMMITTEES.

12. The provisions of this Part shall not apply to schools for the education of Arab or African children.

Provisions of this part not to apply to Arabs or Africans.

13. If, in the opinion of the Director the establishment of a school committee is in the interests of any Government school or group of schools, or if the Director receives a requisition in writing from not less than fifty per cent of the parents of the children in attendance at such school or group of schools, he shall take steps to constitute a school committee for such Government school or group of schools as provided in the next following section.

Appointment of school committees for Government schools.

14. A school committee shall consist of not less than three or more than nine members as the Director shall in each case decide, such members to be appointed by the Governor:

Constitution of school committees.

Provided that in the case of a Government school established to meet the educational requirements of the Colony as a whole, and not of a particular locality, the constitution of the committee for such school shall be as the Governor may direct.

Additional members

15. The Governor may appoint as an additional member of any school committee any person who is, in his opinion, a benefactor of such school or of one of the schools in respect of which the committee is constituted.

Terms of office of members

16. (1) One-third of the members of a school committee as well as may be, other than the additional member or members appointed in pursuance of the preceding section, shall retire in rotation after holding office for one year, but shall be eligible for re-appointment.

(2) A member of a school committee resigns as to the term for which he was appointed, the Director may appoint a member to take his place.

(3) A member of a school committee whose term of office expires before the expiration of the term of the committee without an appointment satisfactory to the committee he shall be deemed to have resigned.

(4) The Governor may, as the circumstances of the district may require, appoint a member of a school committee to resign and to that appointment he shall be deemed to have resigned.

Functions and powers of committees

17. The functions and powers of a school committee in their capacity of management shall be as follows:

- (a) to raise a fund;
- (b) to appoint a secretary who may, with the approval of the Director, be an official of the Department;
- (c) to do anything required by a person to whom notice has been given by the Director;
- (d) to do anything which the members who shall retire in each year under section 16 of this Ordinance.

Meeting of committee

18. A school committee shall meet not less than once a month, the committee provided that the chairman may convene a special meeting if he considers such meeting to be necessary and shall convene such a meeting on the written request of not less than half the members.

Functions of committee

19. The functions of a school committee shall be:

- (a) to advise regarding the school buildings and premises,

- (b) to recommend reduction or remission of fees for books, stationery or equipment or tuition or board or medical attendance in the case of children whose parents are in the opinion of the committee unable to pay such fees in whole or in part;
 - (c) to report on buildings houses (not maintained by Government) for children in attendance at school when called upon to do so by the Director;
 - (d) to account for expenditure of repairs or maintenance of the school buildings or premises when such are not maintained by Government;
 - (e) to consider and decide all applications for admission or readmission of pupils to the school in respect of which the Committee is appointed, subject to the right of appeal to the Director whose decision shall be final;
 - (f) to assist generally in the administration of the school so far as required by rule or so far as called upon to do so by the Director;
 - (g) to advise generally on matters affecting the interests of the school.
- Provided that the Committee shall have no control or authority over any teacher or servant appointed by the Government.

PART V.

SCHOOL AREA COMMITTEES FOR ARAB AND AFRICAN EDUCATION.

20. The Governor may constitute school area committees in respect of such areas or districts as he may think fit or may combine two or more such areas or districts for the constitution of such committees.

School area committees in certain areas.

21. A school area committee shall consist of a chairman who shall be the Provincial Commissioner or a deputy nominated by him, and the following members—

Constitution of school area committee.

- (a) to whom in which there is one local native council—
 - (i) three members nominated by the local native council and appointed by the Provincial Commissioner;

(4) such other members as the Governor may from time to time appoint and being less than three but more than six in number;

in which case the members shall be appointed by the Governor.

members appointed by the Governor shall be appointed by the Governor.

and other members as the Governor may from time to time appoint and being less than three but more than six in number;

in which case the members shall be appointed by the Governor.

one member appointed by each and approved by the Provincial Commission.

(4) such other members as the Governor may from time to time appoint and being less than three but more than six in number;

in which case the members shall be appointed by the Governor.

Functions of school area committee

22. The functions of a school area committee shall be as follows:

(a) to advise the Director as regards the provision of schools within its area;

(b) to make recommendations to the Director as regards the opening, management or closing of public schools by him and otherwise as the case;

(c) to make recommendations to the Director as to the nature and amount of subsidies to be granted from the Government for the carrying out of any educational project for the benefit of children;

(d) subject to the provisions of any Ordinance relating to the use of land to make recommendations to the Director as to the sites for the establishment of schools for boys and girls children;

(4) to advise the Director generally upon any educational matters referred to the committee by him or by the Provincial Commission.

23. (1) A school area committee shall hold office for a period of three years.

(2) A school area committee shall meet not less than once in every four months.

(3) If a member of a school area committee resigns or the authority appointing such member shall terminate a resignation who shall hold office for the period for which the member when he resigns would have continued to be a member if he had not resigned or died.

24. The Governor may call upon a member of a school area committee to resign and he shall discharge his duties if he so resigns.

25. A school area committee shall decide what number of members shall constitute a quorum at the meetings of such committee provided that it is to consist of not less than one-third of the members.

26. Any member of a school area committee other than the chairman may resign therefrom by notification in writing to the chairman.

Period of office of school area committee

Quorum of school area committee

Resignation of members of school area committee

PART VI

Compulsory Education

27. (1) The provisions of this Part shall apply only to such parts of sections of the community and to children of such age and age as the Governor with the advice and consent of the Legislature may by proclamation prescribe.

Sections 27 to 30

(2) Such proclamation may apply the provisions of this Part to the whole of the Colony or to such area or areas as may be defined in such proclamation.

28. (1) It shall be the duty of the parents of every child to whom this Part has been applied who has reached the age at which education is compulsory to ensure that such child and has not completed the age at which education ceases to be compulsory to cause such child to attend a school on every day on which such school is open unless such child is in the opinion of the Director possessing sufficient education at some other way; or

Duty of parents to ensure that children attend school

(b) is prevented from ill-health or any other cause whether temporary or permanent which the Director may deem a sufficient excuse for non-attendance; or

(c) the parent is in the opinion of the Director unable to pay the fees prescribed for tuition under this Ordinance and has applied for but has not received exemption from the payment of such fees.

(2) If any such child as aforesaid lives more than three miles by the nearest road from a school (or more than two miles from a school if he has not completed his sixth year) the following provisions (subject to the exemptions otherwise in this section provided) shall apply :-

(a) if in the opinion of the Director the parent of such child is himself in such a financial position as to enable him to make the necessary provision for the child's attendance at school, whether in respect of fees, transport, or boarding or fees and transport and boarding it shall be the duty of such parent to do so at whatever distance he may reside from the school.

(b) if in the opinion of the Director the parent is in such a financial position as to enable him to defray a portion of the fees, transport or boarding of his child in order to enable him to attend school and in case such fees have been remitted in whole or in part, and there have been provided by the Government or by any other person or body to the approval of the Director reasonable facilities or assistance for such transport or boarding the parent shall not be excused from causing the child to attend school regularly by reason that the whole cost of transport or boarding is not defrayed by the Government;

(c) if in the opinion of the Director the parent is not in a financial position to pay the fees prescribed under this Ordinance or to defray the cost of such transport or boarding or any portion thereof he shall be excused from sending his child to school unless the fees are wholly remitted and facilities for transport or boarding or both free of cost to the parent have been provided by the Government or from some other approved source.

(3) The Governor may with the advice and consent of the Legislative Council prescribe the limits of age between which attendance at school is compulsory, either for children of any race or section of the community or for children of either sex.

(4) It shall be the duty of the parent of every such child who has reached the age at which education ceases to be compulsory for such child, and who remains on the school roll or sends such child to school regularly.

(5) The Governor may with the advice and consent of the Legislative Council by proclamation vary the duties prescribed in this section.

28. Every principal of a school at which a child whose attendance at school is required under the preceding section is enrolled shall report to the Director or other education officer appointed by him, any case of irregular attendance on the part of such child, in such manner as may be by rule prescribed.

Duty of principal to report irregular attendance.

29. (1) When a proclamation has been issued under this part it shall be the duty of every parent of a child who, but for the fact that he has not yet attained the age at which attendance becomes compulsory for him, would have been subject to such proclamation, not less than six months before such child attains such age to ascertain or forward in writing to the Director or to an education officer approved by the Director the following particulars in respect of such child:

Parent's duty to notify proclamation of children.

- (a) full name and sex;
- (b) date of birth;
- (c) addresses of residences from previous school;

(2) Where if the school to which it is proposed to send such child is discontinued by the parent of such child such child shall be sent to such school as shall be selected by the Director or other officer in charge of the programme of free or assisted education.

(3) It shall be the duty of the parent of every child who writes six months after the date on which a proclamation is issued under this Part, and when the age at which attendance becomes compulsory for him, a return in writing to the Director or to an education officer approved by the Director the particulars prescribed in sub-section (1) of this section.

(3) Every parent of a child to whom this Part has been applied entering the Colony shall within three months of arrival in the Colony forward in writing to the Director the information required in the preceding sub-section.

(4) Any person who fails to give any information required under this section shall on conviction be liable to a penalty not exceeding fifty shillings for a first offence and to a penalty not exceeding five pounds for a second or subsequent offence.

Procedure in case of non-attendance.

30. (1) If the Director or the education officer charged by him with the duty of seeing that all children who are required to receive education do receive education, is of opinion that any such child is not receiving education he shall apply to a magistrate having jurisdiction in the area in which the parent of such child resides, for an order calling upon the parent to cause such child to attend school and shall at the same time inform such parent that such application is being made to the magistrate.

(2) The magistrate upon receipt of such application shall after affording the parent an opportunity of stating either in writing or in person any reason why an order should not be made, make an order to the parent to cause his child to attend school regularly or to give his child efficient instruction in some other way to the satisfaction of the Director, unless he is of opinion that the matter should be reconsidered by the Director. In that event he shall request the Director to reconsider the matter and if the Director renews the application he shall give his decision. If the magistrate decide against the issue of such an order no such application with respect to the same child shall be made before the lapse of four months from the date of the magistrate's decision.

(3) If a parent to whom the magistrate has issued an order in accordance with the preceding sub-section fails to carry out such order the Director or an education officer acting with the authority of the Director shall cause such parent to be summoned before a magistrate and on conviction such parent shall be liable to a penalty not exceeding fifty shillings for a first offence and for a second or any subsequent offence a penalty not exceeding ten pounds.

Provided that a complaint under this sub-section with respect to the same child shall not be repeated at any less interval than two months.

31. If a parent who is summoned before a magistrate as provided in the preceding section claims that he is providing efficient instruction the magistrate may call for a report on such instruction to be submitted to him by the Inspector.

Power to call for report on efficiency of child not attending school.

32. In any proceedings before a magistrate for an order or penalty in regard to the school attendance of children under this Ordinance the following provisions shall apply—

Provision of legal proceedings.

(a) It shall lie on the parent to prove that the child is not of the age in respect of which attendance at school is compulsory;

(b) The magistrate may require by summons the parent of a child to produce the child before him and any parent failing to comply with such a summons without reasonable excuse to the satisfaction of the magistrate shall be liable on default conviction to a penalty not exceeding five pounds;

(c) In any proceedings relating to a child at which the child is present the magistrate shall sit either in a different room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings of the court are held, and no person other than the officers of the court, officers of the Department and the parent to-~~the~~ case shall be present and other persons directly concerned in the case shall be kept by order of the magistrate to attend.

(d) No fees shall be payable for any process applied for or issued under this Part.

PART VII

TEACHERS' SALARIES

33. (1) It shall be the duty of the manager of any process school in the Colony—

Registration of process schools.

(a) to register such school in the office of the Department;

(b) to keep a register of teachers employed thereon, showing the qualifications of such teachers;

(c) to see that the school is properly conducted and provided with a constitution approved by the Inspector.

(d) to see that the principal teacher keeps a register of enrolment and a register of daily attendance of pupils in the form prescribed by the Director and furnishes to the Department at such times and for such periods as the Director may require correct returns in the form prescribed by rule of the entries in any register kept as aforesaid.

(2) Any such manager as aforesaid who shall fail to comply with any of the requirements of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds.

Inspection of private schools.

34. (1) The Director or any person specially authorised by him may from time to time visit any private school and if it appears to the Director on the report of such person or from his own inspection that such school is conducted in a manner which is in the opinion of the Director calculated to be detrimental to the physical, mental or moral welfare of the pupils attending thereat he may order the premises on which such school is held to be closed for school purposes, or he may give notice to the manager ordering such alteration in the structure of the premises or the conduct of the school as he may think necessary to be made within a time fixed by such order and if the same be not made to his satisfaction within the time prescribed, he may order the premises to be closed, provided that the manager may appeal within seven days to the Governor in Council against such order to close a school. Pending the decision of the Governor in Council the school may remain open.

(2) Any person who—

- (a) shall obstruct or hinder the Director, or any other person in the lawful exercise of the powers conferred by this section; or
- (b) shall continue to conduct the school without having carried out within the time prescribed as aforesaid the requirements as aforesaid; or
- (c) shall without permission of the Director use for the purposes of a school any premises ordered to be closed under the powers of this section,

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

(3) The Director or any accredited representative may at any reasonable time without notice visit and inspect any private school in the Colony and such of its records as are required by the Department, provided that in the case of madrasah schools the inspection shall be carried out by a woman duly authorised.

PART VIII

TEACHERS.

35. No person except in special circumstances to be recognised as such by the Director shall be appointed as a teacher in any public school who does not hold a certificate or licence to teach issued or recognised by the Director, and every licence to teach and every certificate issued under the provisions of this section shall be signed by the Director.

Teacher required to have certificate.

36. In the case of teachers who may be employed in a Government school at the time of the passing of this Ordinance but who do not hold a certificate to teach, ten years' approved experience of teaching shall be regarded as equivalent to the possession of a certificate. All teachers appointed to teach in Government schools after the date of this Ordinance with less than ten years' approved experience shall be required to obtain a certificate before their appointments are confirmed.

Exemption in case of existing teachers.

37. The appointments of teachers in a public school other than a Government school shall be with the sanction of such school, but every such appointment shall be subject to the approval of the Director. The manager of a public school may be required to dismiss any teacher upon the order of the Director approved by the Governor and refusal to comply with such order shall entitle the Director to refuse or withhold the grant payable to such school.

Dismissal in public schools to be approved by the Director.

38. (1) The manager or principal of any institution in which provision is made for the training of teachers may with the approval of the Director enter into an agreement in the form to be by rule prescribed whereby the person undergoing a course of training as a teacher is required to serve as a teacher on the completion of the course of training for a period not longer than the period of training.

Dismissal in training to be subject to agreement to teach.

(2) No stamp duty shall be payable on any agreement made under this section.

PART IX
Fees.

Fees in Government schools.

39. (1) Such fees as may be prescribed by rule shall be payable in any Government school provided that the Governor in Council may, at any time and for such period as he shall think fit, by order determine that no fees for tuition or for books or for medical attendance be payable in any one or more of such schools to any class or classes of such schools as a student of any individual pupil or group of pupils.

(2) All fees for tuition, or books or board, or medical attendance shall as the Director may decide be payable by the month or term as aforesaid to principals of schools, or to such other persons as the Director may decide, and any person not so paying shall within fourteen days after the commencement of the month or term as the case may be, be notified in writing by the person to whom the payment is required to be made, that such fees are due.

(3) If such fees are not paid within one month after such notice is duly given the Director may institute legal proceedings in the appropriate court for the recovery of the same.

40. The Director may award as whole or in part the fees due in respect of tuition or books or board or medical attendance if he is satisfied that the parent of the child in respect of whom such attendance is recommended is unable to pay such fees as whole or in part.

41. All fees whether paid or recovered as in the last preceding section shall be accounted for and paid into the public account of the Colony.

PART X
Miscellaneous.

Fees in Government schools.

Fees in Government schools.

Fees in Government schools.

42. Where any proceedings under this Ordinance are brought in the name of the Director it shall be lawful for the Director to appoint any person to conduct the proceedings in court or in behalf.

43. The Director may by order published in the Gazette designate the area to be served by any Government school, no child being admitted to the area so prescribed shall be admitted to the school serving such area without the written

permission of the Director, and any child living outside the area so prescribed who has been admitted to such school may be excluded from such school, but such exclusion shall not be deemed to be a sufficient excuse for non-attendance at school within the meaning of Part VI of this Ordinance.

43. Every child in attendance at a public school shall be liable to medical inspection provided that if the parent of any child objects to medical inspection he may signify his objection in writing to the Director through the school committee if one exists who shall either excuse such child from medical inspection or submit the matter to the Governor whose decision shall be final. Medical inspection.

44. (1) Every child attending a public school and undergoing a course of training for any trade or vocation or a preliminary general course of instruction leading to such course of training shall be bound by a form of apprenticeship to be prescribed by rule to complete such course of training unless released therefrom with the authority of the Director. Apprenticeship for learning trade.

(2) No stamp duty shall be payable on any agreement made under this section.

PART XI.

RULES AND REGULATIONS.

45. The Governor in Council may from time to time make rules— Power of Governor in Council to make rules.

- (a) prescribing the conditions of admission to Government schools;
- (b) prescribing the conditions of expulsion or exclusion from school on grounds of age, discipline or health, and the administration of corporal punishment;
- (c) prescribing the manner in which compulsory attendance at school is to be ensured;
- (d) prescribing the conditions for the payment of grants in aid of boarding houses conducted in connection with Government schools;
- (e) prescribing the conditions of payments of grants in aid of schools, or boarding houses;

PART IX

Fees.

Fees in Government schools

39. (1) Such fees as may be provided by rule shall be payable in any Government school provided that the Governor in Council may, at any time and for such period as he shall think fit, by order determine that no fees for tuition or for books or for medical attendance be payable in any one or more of such schools or in any class or classes of such schools or in respect of any individual pupil or group of pupils.

(2) All fees for tuition or books or board, or medical attendance shall be to the Director and shall be payable by the parent or guardian in advance to principals of schools, or to such other person as the Director may decide, and any person not so paying shall within fourteen days after the commencement of the session or term in which he is included in writing inform the Director of the reasons why the payment is required to be made, and such fees are due.

(3) If such fees are not paid within one month after such notice is given the Director may institute legal proceedings in the civil courts against the person in default in the manner aforesaid.

(4) The Director may remit in whole or in part the fees due in respect of tuition or books or board or medical attendance if he is satisfied that the parent of the child in respect of whom such remission is recommended is unable to pay such fees in whole or in part.

Fees in Government schools

40. The fees payable for tuition or board or medical attendance shall be determined by and paid into the public account of the Colony.

PART X

Proceedings.

Proceedings in Council

41. Where any proceedings under this Ordinance are required in the name of the Director it shall be lawful for the Director to appoint any person to conduct the proceedings in such manner as he thinks fit.

Proceedings in Council

42. The provisions of this Ordinance shall apply to any child living outside the area as prescribed shall be admitted to the school meeting such area, without the written

permission of the Director, and any child living outside the area so prescribed who has been admitted to such school may be excluded from such school, but such exclusion shall not be deemed to be a sufficient excuse for non-attendance at school within the meaning of Part VI of this Ordinance.

43. Every child in attendance at a public school shall be liable to medical inspection provided that if the parent of any child objects to medical inspection he may signify his objection in writing to the Director through the school committee if one exists who shall either excuse such child from medical inspection or submit the matter to the Governor whose decision shall be final.

Medical inspection

44. (1) Every child attending a public school and undergoing a course of training for any trade or vocation or a preliminary general course of instruction leading to such course of training shall be bound by a form of apprenticeship to be prescribed by rule to complete such course of training unless released therefrom with the authority of the Director.

Apprenticeship for learning trade

(2) No stamp duty shall be payable on any agreement made under this section.

PART XI

RULES AND REGULATIONS.

45. The Governor in Council may from time to time make rules—

Power of Governor in Council to make rules.

- (a) prescribing the conditions of admission to Government schools;
- (b) prescribing the conditions of expulsion or exclusion from school on grounds of age, discipline or health, and the administration of corporal punishment;
- (c) prescribing the manner in which compulsory attendance at school is to be ensured;
- (d) prescribing the conditions for the payment of grants in aid of boarding houses conducted in connection with Government schools;
- (e) prescribing the conditions of payments of grants in aid of schools, or boarding houses;

- (3) prescribing the conditions of the grant of bursaries to enable children to attend school, either by means of transport or boarding or both;
- (4) prescribing the conditions under which funds raised by local public committees or other local bodies are to be expended for educational purposes;
- (5) prescribing the salaries and the manner of payment of such salaries under the Ordinance and the manner thereof;
- (6) prescribing the manner in which the medical inspection and treatment of school children shall be carried out;
- (7) prescribing conditions by securing absence of children and the support for the religious beliefs of pupils attending public schools;
- (8) prescribing the conditions of payment of grants in aid of public libraries;
- (9) prescribing the conditions of the issue of students' certificates of fitness and the withdrawal of such certificates as required;
- (10) prescribing the conditions under which children may be employed for the purpose of teaching or acting as monitors or assistants in the schools or in any other institution or in the local of an approved institution;
- (11) prescribing the terms of office appointed under the Ordinance;
- (12) prescribing the manner in which any of the duties of the Commission may be performed;
- (13) prescribing the conditions of appointment to the office of any public school and the manner in which salaries of such schools;
- (14) prescribing conditions of any committees held by the Department and the fees payable for any committees held by or under the supervision of the Department;

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- (15) prescribing the manner in which records, statistics, and accounts shall be kept and returns and reports shall be made to the Department;
- (16) prescribing the procedure to be adopted at meetings of bodies constituted under this Ordinance;
- (17) prescribing the conditions of the use of Government school buildings out of school hours.

47. The Education Ordinance, 1924, is hereby repealed. Repeal.
No. 17 of 1924.

Passed in the Legislative Council the eighth day of January, in the year of our Lord one thousand nine hundred and thirty-one.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

G. R. SANDFORD,

Clerk of the Legislative Council.

27

LEGAL REPORT
THE EDUCATION BILL, 1931.

This Bill is in the form in which in No. 1, 1930, it was submitted to the Secretary of State for approval with the following amendments -

- (a) The amendments directed in the Secretary of State's confidential telegram No. 215 of 5th October, 1930, have been made in the Bill as passed; and
- (b) certain other amendments were made, which are shown in the report of the Select Committee on the Bill, a copy of which is attached hereto, of these latter amendments the only ones to which I think specific attention need be drawn are the amendments to Clauses 4, 6, 26 and 27 which make it clear that the authority of Legislative Council is necessary for the voting of supplies for grants in aid and bursaries, and, because of the financial implications inevitably involved therein, for the approval of compulsory education in any area, the deletion of Clause 45 which is unnecessary in view of the provisions regarding cadet units in the Territorial Force Ordinance (Chapter 42); and the addition to the rule making Clause 46 of a conscience clause.

In my opinion, His Excellency the Governor may properly assent to this Bill in the name and on behalf of His Majesty.

Nairobi,
24th January, 1931.


ATTORNEY GENERAL.

REPORT
OF

A SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL
APPOINTED TO CONSIDER THE REPORT OF THE PRO-
VIDOR OF A BILL TO MAKE PROVISION FOR
INSPECTION THROUGHOUT THE COLONY AND
PROTECTORATE.

Your Excellency,

We, the members of the Select Committee on the
above Bill, have the honour to report that we recommend that
the Bill be amended in the following respects -

1. That Clause 1 be amended by substituting the
figure '19.1' for the figure '19.0' therein.

2. That Clause 2 be amended -

(a) by deleting the words "established and" in the
definition of "Public School";

(b) by substituting the words "daily authorized" by
the Director" for the word "appointed" in the
definition of "Inspector";

(c) by deleting the definition of "School medical
officer" and substituting therefor the following:-

"School medical officer" means any officer
in the Medical Department or any other
registered medical practitioner only appointed
by the Director of Medical and Sanitary Services
to act as school medical officer."

(d) by deleting all the words after the word "nursing"
in the eighth line of the definition of "School
nursing"; and

(e) by deleting the words "other than the father and
mother" in the seventh line of the definition
of "Parent".

3. That Clause 3 be amended by inserting after the word
"time" at the end of line 14 of the Clause the words "from
such vote for the purpose of the Legislative Council".

4. That Clause 5 be amended by inserting before the word "provide" in line 17 of the Clause the words "from funds voted for the purpose by the Legislative Council".

5. That Clause 7 (E) be amended by inserting the words "affecting education" between the word "matter" and the word "submitted"; by the substitution of the word "two members" for the words "a member"; by the insertion of a full stop after the word "Council", and by the deletion of the words "and assessed by the Chairman".

6. That Clause 8 be amended by inserting the following as paragraph "(b)" -

"(b) at least one member of each advisory Council shall be an elected member of the Legislative Council."

by substituting the word "appointment" for the word "nomination" in paragraph (b), and by renumbering paragraph (b) as (c).

7. That Clause 11 be amended by inserting the figure "(1)" after the figure "11", by deleting the word "special" in the penultimate line of the Clause, and by adding the following as sub-clause (c) -

"(2) It shall be the duty of the Chairman to report to the Council the action taken on any matter on which the Council has advised the Director."

8. That Clause 12 be amended by inserting after the word "schools" in the third line of the Clause the words "as if the Director receives a requisition in writing from not less than 10% of the parents of the children in attendance at each school or group of schools".

9. That Clause 13 be amended by deleting the words "three, six or" in the first line of the Clause and substituting therefor the words "not less than three or more than", and by substituting the word "nominated" for the word "appointed" in the third line of the Clause.

10. That Clause 14 be amended by inserting ^{after} the word "committee" in the first line of the Clause the words "as near as may be".

11. That Clause 15 be amended by deleting the figure "(1)" after

the figures "17"; by inserting after the word "committee" in the first line of the Clause the words "or thereafter whenever necessary"; by inserting as paragraph (b) the following -

"(b) appoint a secretary who may, with the approval of the Director, be an officer of the Department;"

by renumbering paragraphs (b) and (c) as (c) and (d) respectively; by adding as paragraph (e) the following -

"(e) decide by ballot the members who shall retire in each year unless section 16 of this Ordinance;"

and by deleting sub-clause (2).

12. That Clause 19 be amended by substituting the word "appeal" for the word "approval" in the ultimate line of sub-clause (5), and by adding as sub-clause (6) the following -

"(7) to advise generally on matters affecting the interests of the school;"

13. That Clause 21 be deleted and the following substituted therefor -

"21. School area committee shall consist of a chairman who shall be the Provincial Commissioner or a deputy nominated by him, and the following members -

(i) in areas in which there is one local native council -

(a) three members nominated by the local native council and appointed by the Provincial Commissioner;

(b) such other members as the Governor may from time to time appoint not being less than three nor more than six in number;

(ii) in areas in which there are two or three local native councils -

(a) two members nominated by each local native council and appointed by the Provincial Commissioner;

- (b) such other members as the Governor may from time to time appoint not exceeding twice the number of members nominated by local native councils and not being less than the number of members nominated by the local native councils;
- (iii) in areas in which there are four or more local native councils -

(a) one member nominated by each and appointed by the Provincial Commissioner;

(b) such other members as the Governor may from time to time appoint not exceeding twice the number of members nominated by local native councils and not being less than the number of members nominated by local native councils.

Provided that in case a school area committee is constituted in an area in which there is no local native council the school area committee shall be constituted in such manner as the Governor may from time to time decide."

14. That Clause 22 be amended by deleting the full stop at the end of paragraph (b) and by adding after the word "and" the words "or by the Provincial Commissioner".
15. That Clause 22 be amended by substituting the word "four" for the word "three" in sub-clause (2); by inserting the word "a" between the word "a" and the word "school" in the first line of sub-clause (1); by substituting the word "Governor" for the word "Director" in the first line of sub-clause (4) and by deleting the words "and shall not be eligible for re-appointment" at the end of the same sub-clause.
16. That Clause 26 be amended by deleting the words "with the advice of the Executive Council" and substituting therefor the words "with the advice and consent of the Legislative Council".
17. That Clause 27 be amended by deleting the words "In case of irregular attendance such child may be excluded from school" at the end of sub-clause (1); by deleting the words

"of the Executive Council" in sub-clauses (4) and (5) and substituting therefor in each case the words "and consent of the Legislative Council", and by transposing sub-clauses (3) and (4) and renumbering them as (4) and (5) respectively.

18. That sub-clause (1) of Clause 29 be deleted and the following substituted therefor -

"29.(1) When a proclamation has been issued under this Part it shall be the duty of every parent of a child who, but for the fact that he has not yet attained the age at which education becomes compulsory for him, would have been subject to such proclamation, not less than six months before such child attains such age as aforesaid to forward in writing to the Director or to an education officer approved by the Director the following particulars in regard to such child:-

- (i) full name and sex;
- (ii) date of birth;
- (iii) distance of residence from nearest school;
- (iv) name of the school to which it is proposed to send such child, or alternatively if the parent of such child does not intend to send it to school he shall inform the Director in what other way he proposes to give it efficient instruction."

by inserting as sub-clause (2) the following -

"(2) It shall be the duty of the parent of every child who, within six months after the date on which a proclamation is issued under this Part, will attain the age at which education becomes compulsory for him, to forward in writing to the Director or to an education officer approved by the Director the particulars prescribed in sub-section (1) of this section."

by substituting the words "three months" for the words "one month" in the second line of sub-clause (2); by substituting the words "not exceeding" for the word "of" in two places in the third line of sub-clause (2), and by renumbering sub-

clauses (2) and (3) as (3) and (4) respectively.

19. That sub-clause (2) of Clause 30 be amended by substituting the word "four" for the word "three" in the penultimate line of the sub-clause; and that the proviso to sub-clause (3) be amended by substituting the words "two months" for the words "four weeks" in the last line of the proviso.

20. That Clause 37 be amended by the deletion of the first sentence and the substitution thereof of the following -

"The appointment of teachers in a public school other than a Government school shall lie with the manager of such school, but every such appointment shall be subject to the approval of the Director";

and by the substitution of the word "public" for the word "aided" in the marginal note to the Clause.

21. That sub-clause 39 (c) be amended by the deletion of the comma appearing after the word "proceedings" in the third line of the sub-clause.

22. That Clause 40 be amended by the deletion of the comma appearing after the word "section" in the second line of the Clause.

23. That Clause 43 be amended by substituting the word "public" for the word "Government" in the first line of the Clause.

24. That Clause 45 be deleted and the following clauses re-numbered accordingly.

25. That Clause 46 be amended in the following respects -

(a) by substituting the word "in" for the word "by" in paragraph (c);

(b) by inserting the following ^{as} paragraph (j) -

"(j) prescribing conditions for securing liberty of conscience and due respect for the religious beliefs of pupils attending public schools;"

(c) by renumbering paragraphs "(j)" to "(h)" as "(k)" to "(o)";

and

(d) by substituting the words "be apprenticed"
for the words "by apprentice" in line 3 of
paragraph (1).

We have the honour to be,
Your Excellency's most obedient servants,

SD. A. S. A. MACGREGOR.

SD. G. V. MAXWELL.

SD. JOHN L. GILKS.

SD. H. S. SCOTT.

SD. O. F. WATKINS.

SD. H. R. MONTGOMERY.

SD. H. E. SCHWARTZ.

SD. T. J. O'SHEA.

SD. F. A. BENISTER.

SD. FRANCIS SCOTT.

SD. A. H. MALIK.

SD. GEORGE BURNS.

Nairobi,
31st December, 1930.