

THE EDUCATION ORDINANCE

1952



E/57-379 01887

FEDERATION OF MALAYA.

No. 63 of 1952.

THE EDUCATION ORDINANCE, 1952.

ARRANGEMENT OF SECTIONS.

Section.

- 1 ... Short title and commencement.
- 2 ... Interpretation.

PART I.

CENTRAL ADMINISTRATION AND GENERAL PURPOSE.

- 3 ... Appointment of Member in charge of education.
- 4 ... Transfer of property.
- 5 ... Seal.
- 6 ... Department of Education.
- 7 ... Powers and duties of the officers in the Department.
- 8 ... Education of pupils in accordance with the wishes of their parents.
- 9 ... Educational policy.
- 10 ... Annual report.

PART II.

CENTRAL ADVISORY COUNCIL AND ADVISORY COMMITTEES.

- 11 ... Central Advisory Council.
- 12 ... State and Settlement advisory committees.
- 13 ... Functions of State and Settlement advisory committees.
- 14 ... State and Settlement local advisory committees.
- 15 ... Special advisory committees.
- 16 ... Terms of office and procedure of committees.

PART III.

STATUTORY EDUCATION SYSTEM.

- 17 ... Stages of statutory system of education.
- 18 ... Types of schools and financial assistance.
- 19 ... Grant of certificates to conforming and special agreement schools.
- 20 ... Restriction on establishment of new Government schools.
- 21 ... National schools.
- 22 ... Constitution of managers for special agreement schools.
- 23 ... Conduct of schools.
- 24 ... Secular instruction.
- 25 ... Appointment and dismissal of teachers.
- 26 ... Appointment of additional managers for unsatisfactory non-Government schools.



Aided Employer Schools.

Section.

- 27 ... Aided employer schools.
 28 ... Aided employer school premises.
 29 ... Appeal from order or direction of Member.
 30 ... Failure to provide school premises or transport.
 31 ... Entry into places of employment.

Special Schools.

- 32 ... Education of children requiring special educational treatment.
 33 ... Education otherwise than at school.

Language of Instruction.

- 34 ... Language of instruction.

School Premises.

- 35 ... Requirements as to school premises.

Development Plans.

- 36 ... Development plans.

Restrictions on Discontinuance.

- 37 ... Restrictions on discontinuance of non-Government schools.

PART IV.

REGISTRATION.

Appointment of Officers.

- 38 ... Appointment of officers.

Registration of Schools.

- 39 ... Power of High Commissioner in Council to exempt schools.
 40 ... All schools to be registered.
 41 ... Register of schools.
 42 ... Application for registration of schools.
 43 ... Appointment of supervisor.
 44 ... Refusal of registration of a school.
 45 ... Registration of schools.
 46 ... Certificate and list of managers and teachers of school to be exhibited.

Registration of Managers and Teachers.

- 47 ... Managers and teachers to be registered.
 48 ... Form of applications for registration of managers and teachers.
 49 ... Refusal of registration as a manager or teacher.
 50 ... Registration of managers and teachers.
 51 ... Temporary registration of teachers.

Changes in Registered Managers and Staff.

Section.

- 52 ... Change in management or staff to be reported by the supervisor.
- 53 ... Supervisor of registered school.
- 54 ... Offence for manager to act with an unregistered manager or to employ an unregistered teacher.
- 55 ... Power of Registrar to strike managers and teachers off the register.
- 56 ... Inspection of registered schools.
- 57 ... Powers of Registrar, etc., in respect of registered schools.

Unregistered Premises.

- 58 ... Search of unregistered premises.

Non-compliance with Ordinance or Regulations.

- 59 ... Procedure if ordinance or regulations not complied with.

Unlawful Schools.

- 60 ... Registrar may declare certain schools unlawful
- 61 ... Cancellation of registration.
- 62 ... Power of Registrar to remove insignia, etc.
- 63 ... Power of Registrar to strike school off the register
- 64 ... Defunct schools.
- 65 ... Teachers struck off the register to surrender certificates of registration.

Appeal.

- 66 ... Appeal.
- 67 ... Duty of owner and occupier of premises in respect of unregistered schools and schools struck off the register.

Penalties.

- 68 ... Penalties.
- 69 ... Power of High Commissioner to amend forms.

PART V.

RELIGIOUS INSTRUCTION.

- 70 ... Religious instruction.

PART VI.

COMPULSORY ATTENDANCE.

- 71 ... Compulsory school age.
- 72 ... Duty of parents to secure the education of their children.
- 73 ... School attendance orders.
- 74 ... Duty of parents to secure regular attendance of pupils.
- 75 ... Enforcement of school attendance.

PART VII.

INSPECTION OF EDUCATIONAL ESTABLISHMENTS.

- 76 ... Inspection of educational establishments.

PART VIII.
PROVISION OF SERVICES.

- Section.
- 77 ... Medical inspection and treatment of pupils.
78 ... Provision of meals.
79 ... Provision of board and lodging.
80 ... Provision of clothing at Government or conforming schools.
81 ... Recovery of cost of boarding accommodation and of clothing.
82 ... Provision of transport facilities.

PART IX.
TRAINING OF TEACHERS.

- 83 ... Function of Member.
84 ... Board of Studies.
- Teachers of Religion.*
- 85 ... Training facilities for teachers of religion.
86 ... Teachers of religion required to hold a certificate of competency.

PART X.
SCHOLARSHIPS AND RESEARCH.

- Scholarships.*
- 87 ... Scholarships and assistance to be given to deserving pupils.
- Research.*
- 88 ... Educational Research.

PART XI.
MISCELLANEOUS.

- 89 ... Delegation of powers to local authorities.
90 ... Cancellation of certificates.
- Service of Notices.*
- 91 ... Service of notices.
- Power of High Commissioner in Council to make Regulations.*
- 92 ... Regulations.
93 ... Offences.
94 ... Repeal.

SCHEDULES.

- First Schedule Conforming Schools (Financial Assistance) Conditions.
Second Schedule Financial Assistance Rules.
Third Schedule Financial Assistance (Capital Grants) Rules.
Fourth Schedule Registration Forms.
Fifth Schedule Repeal.

FEDERATION OF MALAYA.

No. 63 of 1952.

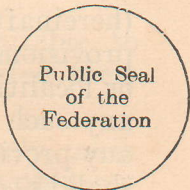
THE EDUCATION ORDINANCE, 1952.

Their Highnesses the Rulers of the
Malay States assent hereto

I assent



Rulers'
Seal



Public Seal
of the
Federation

Witnesses to the affixing of the Rulers' Seal :

ABU BAKAR BIN ABDULLAH
(IN MALAY)
Sultan of Pahang.

G. W. R. TEMPLER,
High Commissioner.

RAJA YUSSUF *Sultan of Perak.*

30th December, 1952.

23rd December, 1952.

An Ordinance to make better provision for education and to revise and consolidate the law relating thereto.

[]

IT IS HEREBY ENACTED by the High Commissioner of the Federation of Malaya and Their Highnesses the Rulers of the Malay States with the advice and consent of the Legislative Council as follows :

1. This Ordinance may be cited as the Education Ordinance, 1952, and shall come into force on such date (hereinafter called "the appointed date") as the High Commissioner may by notification in the *Gazette* appoint :

Provided that the High Commissioner may by notification in the *Gazette* prescribe different dates (hereinafter called "prescribed dates") for different provisions of this Ordinance and for different areas or localities of the Federation and for the purposes of any such provision, area or locality any reference in any provision of this Ordinance to the appointed date shall be construed as a reference to the prescribed date.

2. (1) In this Ordinance, unless the context otherwise requires—

"adult education" includes leisure time occupation for persons over eighteen years of age in such organised cultural and vocational training and recreative activities as are suited to the requirements of such persons;

"Chief Education Officer" means the head of the State or Settlement department of education;

"child" means a person who is not over compulsory school age;

"conforming school" means a school which is not a Government school but which the Director certifies to be maintaining standards of accommodation and teaching not below those in a Government school of the same or similar type, and which charges no fees other than those approved by the Director;

Short title
and com-
mencement.

Interpreta-
tion.

“correspondence school” means an institution or business in which instruction or teaching is given by means of correspondence delivered by hand or through the Postal Services;

“Director” means the Director appointed under section 6 and includes the Deputy Director;

“further education” includes adult education and the elements of education for any child or youth not able to obtain a place in a school during the period when he is of compulsory school age;

“*Gazette*” means the Federation of Malaya Government *Gazette* or the appropriate State or Settlement *Gazette*;

“Governments” where used without qualification, means the Federal and the State and Settlement Governments;

“Government school” means a school wholly maintained and managed by the Federal Government or a State or Settlement Government;

“higher education” means education suitable to the requirements of those who have completed their primary and secondary education;

“manager” means any person who actively takes part in the administration of the revenues or property or in the management of a school, and in the case of a correspondence school, includes the authors, editors, business managers and examiners employed in preparing or issuing lessons or in correcting returned answers;

“medical” includes dental;

“national school” has the meaning assigned to it in section 21;

“non-Government school” means a school other than a Government school;

“official languages of the Federation” mean the languages mentioned in clauses 35 and 63 of the Federation of Malaya Agreement, 1948;

“parent” includes a guardian and any person who has the legal or actual control of a child;

“prescribed officer” means such officer as the Director may prescribe;

“primary education” means education suitable to the requirements of a child of compulsory school age as defined in section 71;

“private school” means a non-Government school which receives no financial aid from the Member or a State or Settlement Government under section 18;

“pupil” where used without qualification, means a person of any age for whom education is provided under this Ordinance;

“register” means a register kept under the provisions of section 41 and shall be deemed to include any register kept in accordance with any Ordinance or Enactment repealed by this Ordinance; and “registered” means entered upon such register;

“Registrar” and “Assistant Registrar” means a Registrar of Schools and an Assistant Registrar of Schools respectively appointed under sub-section (1) of section 38;

“school” subject to the provisions of sub-section (5) of section 60 means a place where ten or more persons are being or are habitually taught, whether in one or more classes, or, in the case of a correspondence school, the place or places where instruction is prepared or where the answers are examined or corrected but does not include any place where the teaching is of a purely religious character or for a purely religious purpose:

Provided that where teaching is carried on in a place or part of a place under more than one separate management and under different names, such place shall be deemed to be, for the purposes of this Ordinance, a separate school in respect of each separate management and each such school and the managers and teachers thereof shall be separately registered under this Ordinance;

“secondary education” means education suitable to the requirements of a youth;

“special agreement school” means a school which is not a Government school and not a conforming school but which complies with the standards prescribed by the Director for special agreement schools;

“supervisor” means the manager appointed or deemed to be the supervisor of the school under section 43 or 53;

“teacher” means a person who teaches pupils in a school or who prepares or issues lessons or corrects returned answers in a correspondence school and includes a manager or supervisor of a school who teaches in such school;

“unlawful school” means a school which being required to be registered under Part IV of this Ordinance or under any previous written law relating to the registration of schools or under any similar law in force in the Colony has not been registered or has been duly struck off the register;

“vernacular school” means a school which is not a national school and in which the principal medium of instruction is a vernacular language;

“youth” means a person over compulsory school age as defined in section 71 who has not attained the age of eighteen years.

(2) Where reference is made in this Ordinance to the “appropriate authority” such reference shall, save where the context otherwise requires, be construed to mean the Federal Government or the State and Settlement Governments acting in accordance with the provisions of the Federation of Malaya Agreement, 1948.

(3) Where under this Ordinance any right or duty is expressed to be conferred or imposed on the “Member and the State or Settlement Governments” or on the “Member or the State or Settlement Governments”, such right or duty shall be deemed to be conferred or imposed severally on the Member and the Governments, or, the Member or the Governments as the case may be in accordance with the division of executive authority between the Federal Government and the State and Settlement Governments respectively provided in the Federation of Malaya Agreement, 1948 :

Provided that any agreement made between the Member acting in accordance with the instructions of the High Commissioner and a State or Settlement Government as to the incidence of such right or duty shall be deemed conclusively to determine, for the purposes of this Ordinance, the incidence of such right or duty as between the Member and the State and Settlement Governments respectively.

(4) Where under this Ordinance any power or duty is conferred or imposed upon the Federal Government or a State or Settlement Government such power or duty may, unless the context otherwise requires, be exercised or performed by the High Commissioner, or by the Mentri Besar or the Resident Commissioner respectively of the State or Settlement in which the power is to be exercised or the duty performed.