

# BECHUANALAND PROTECTORATE.

No. 26 of 1938.

(Promulgated 15th July, 1938.)

## PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Entitled the Bechuanaland Protectorate Native Schools Proclamation, 1938.

Whereas it is expedient to regulate the establishment and to provide for the control of mission, private and other schools in the Bechuanaland Protectorate;

Now therefore under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:—

1. In this Proclamation, unless the context otherwise requires—

“ Director of Education ” means the officer for the time being holding that post, or in his absence the officer appointed by the Resident Commissioner to carry out his duties;

“ Native ” means any aboriginal native belonging to any tribe of Africa, and includes any person of mixed race living as a member of any native community, tribe, kraal or location in the Bechuanaland Protectorate;

“ Native school ” means a school devoted entirely or partly to the education of natives;

“ School Committee ” means a committee of persons appointed by rules under section *six* of this Proclamation;

“ Tribe ” means the Native Chief and those members of his tribe who under native custom are entitled to advise him.

2. From and after the commencement of this Proclamation no person or group of persons shall open a native school without having first received the permission of the Director of Education, who, after consultation with the tribe concerned and with the school committee (if any), may give his consent thereon being satisfied as to the qualifications of the teachers whom it is proposed to employ, the nature of the subjects to be taught, and the provision to be made for the general conduct and discipline of such school:

Permission of Director of Education required before native school opened.

Provided that if the Director of Education shall withhold his assent to the opening of any such school an appeal shall lie to the Resident Commissioner, whose decision shall be final.

3. Every native school shall be subject to inspection by the Director of Education or by an Inspector of Schools or other authorised officer, who shall have the right of entering such school at any time during school hours, of examining into the state of the school buildings and equipment, of ascertaining the progress of the pupils, and of enquiring generally into the standing and qualification of the teachers, the nature of the instruction given, and such other matters as may be relevant to the conduct and discipline of the school, and may call for such returns as he may require in order to obtain information on the aforesaid subjects.

Inspection of native schools.

Power to close schools or to apply conditions.

4. The Director of Education may, after full enquiry, if not satisfied as to the manner in which any native school is conducted, direct the closing of such school, or may permit of its being carried on under such terms and conditions as he may direct:

Provided that an appeal against any action taken by the Director of Education under this section shall lie to the Resident Commissioner, whose decision shall be final.

Proclamation not to apply to religious institutions.

5. This Proclamation shall not apply to any native school established for teaching in religion only, save that the fact that any such school has been opened shall be reported to the Director of Education; and any such school shall be subject to inspection as herein provided for the purpose of ascertaining whether the teaching is wholly confined to religious subjects.

Power to make rules.

6. The Resident Commissioner may, by notice in the *Gazette*, make, amend and repeal rules regulating—

- (a) the standard of qualification, appointment and discharge of teachers for native schools;
- (b) the nature of subjects to be taught in native schools;
- (c) the accommodation and equipment available for native schools;
- (d) the school-going ages of natives;
- (e) the school hours of native schools;
- (f) the sanitation and general health of native schools;
- (g) the extra-mural activities of native schools;
- (h) the appointment, constitution, powers and duties of school committees for native schools;
- (i) the general conduct and discipline of native schools.

and generally for carrying out the purposes of this Proclamation.

Penalties.

7. Any person contravening any provision of this Proclamation or of any rule made thereunder, or impeding or obstructing the Director of Education or an Inspector of Schools or other authorised officer in carrying out the powers conferred and duties imposed by this Proclamation, or disobeying any lawful order, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty-five pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Short title and commencement.

8. This Proclamation may be cited as the Bechuanaland Protectorate Native Schools Proclamation, 1938, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Seventh day of July One thousand Nine hundred and Thirty-eight.

WALTER C. HUGGARD,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.