

BASUTOLAND.

No. 76 OF 1947.

(Promulgated 9th January, 1948.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Basutoland Education Proclamation,
1947.

Whereas it is expedient to make provision for the better administration and control of education in Basutoland:

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

PART I.—AFRICAN EDUCATION.

1. The provisions of this Part shall apply Application of Part I. only to the education of Africans.

2. In this Part of this Proclamation, unless Interpretation. the context otherwise requires—

“ Aided School ” means a school which, under the provisions of this Proclamation, is for the time being in receipt of a grant from public funds, but shall not include a school of which the total expenditure, both capital and recurrent, is met out of public funds;

“ Basutoland African National Teachers' Association ” means the Association of Basutoland African Teachers, irrespective of religious denomination, recognised as such by the Director;

“ Church of England Mission ” means the Church of the Province of South Africa;

“ Controlled School ” means a school maintained wholly from public revenue;

“ Director ” means the Director of Education;

“ District Council ” means a District Council approved by the High Commissioner;

“ Education Officer ” means an officer of the Colonial Education Service or of the Education Department of Basutoland appointed to perform such duties of inspection, supervision and guidance of educational work as may from time to time be allotted to him by the Director;

“ Educational Secretary ” means the person appointed by a Missionary Society to organise, co-ordinate and inspect the educational work of the Society in accordance with this Proclamation and rules made thereunder;

“ Elementary School ” means a school which provides at least five but not more than six years of instruction, proceeding not beyond Standard IV, in accordance with a syllabus approved by the Director;

“ Intermediate School ” means a school which provides at least two but not more than three years of post-elementary instruction in accordance with a syllabus approved by the Director;

“ Manager ”, in the case of a school which is conducted by the proprietor in person, means the proprietor, and in the case of every other school means the person for the time being appointed by the proprietor to be the responsible local representative of the proprietor in conducting a school or group of schools belonging to the proprietor;

“ Paris Evangelical Missionary Society ” means the Church of Basutoland which is associated with the Paris Evangelical Missionary Society;

“ Private School ” means a school opened with the approval of the Director and in accordance with such provisions of this Proclamation and rules made hereunder as are applicable to Private Schools, but which does not claim any grant from public funds and in respect of which application for registration is not submitted;

“ Proprietor ”, in relation to a school, means any person, society or corporation by whom or by which a school is established;

“ Registered School ” means a school included by the Director in a territorial register of schools after consultation with the appropriate District Advisory Committee;

“ School ” means any institution or assembly at which not less than ten African pupils receive secular instruction, but shall not include—

(a) any institution or assembly in which the instruction is wholly of a religious character;

(b) any institution owned and maintained by a religious body for the purpose of training persons for the ordained ministry or for admission to a religious order;

“ Secondary School ” means a school which provides at least two years of post-intermediate instruction in accordance with a syllabus approved by the Director;

“ Training College for Teachers ” means a school which provides training for teachers in accordance with a syllabus approved by the Director;

“ Vocational School ” means a school at which pupils devote not less than half of the regular hours of instruction throughout a course of not less than two years to receiving instruction in some trade, handicraft, agricultural work or domestic science, in accordance with a syllabus approved by the Director.

3. The Director may make to any school or any mission or educational society or corporation a grant-in-aid for educational purposes from public revenue, subject to the fulfilment of the conditions of this Proclamation, and to the furnishing by the mission or educational society or corporation of such receipts and returns as may be required by the Director: Provided always that if such conditions for grant payments, as laid down, are not fulfilled the Director may withdraw the whole or part of the grant until such conditions are fulfilled.

4. The proprietor of every school which is not conducted by the proprietor in person shall, in the case of a school established before the commencement of this Proclamation, immediately after the commencement of this Proclamation, and, in the case of a school established after the commencement of this Proclamation, before the school is opened, appoint some person connected with the school and preferably resident in the Territory to be the manager of the school for the purposes of this Proclamation. Every such appointment shall be subject to the approval of the Director: Provided that the provisions of this section shall not apply to Secondary Schools, Training Colleges for Teachers, or Vocational Schools.

5. Each Missionary Society undertaking educational work shall appoint an Educational Secretary, to be approved by the Director.

Central
Advisory
Board.

6. (1) There shall be a Central Advisory Board for African Education which shall be composed of the following members:—

A. *Ex Officio Members* :

- (i) The Director.
- (ii) The Educational Secretaries of the Church of England Mission, the Paris Evangelical Missionary Society and the Roman Catholic Mission.

B. *Other Members* :

- (iii) An African representative nominated by the Paramount Chief and approved by the Resident Commissioner.
- (iv) One representative from each of the following Missions: The Church of England Mission, the Paris Evangelical Missionary Society, and the Roman Catholic Mission. Such representatives shall be nominated by the appropriate Mission authorities and approved by the Resident Commissioner.
- (v) One African representative from each District Advisory Committee, when established, nominated by the District Advisory Committee and approved by the Resident Commissioner.
- (vi) One African representative of the Basutoland African National Teachers' Association, nominated by the Association and approved by the Resident Commissioner.
- (vii) One European woman nominated by the Director.
- (viii) One African woman nominated by the Director.
- (ix) An Education Officer, nominated by the Director, who shall act as Secretary of the Board.

(2) The Director, or in his absence his Deputy, shall be the Chairman of the Board.

(3) Every nominated member of the Board shall be appointed for one year at a time only, provided that any nominee shall be eligible for reappointment any number of times.

(4) The Chairman shall invite the Director of Medical Services and the Director of Agricultural and Livestock Services to attend meetings of the Board for discussion on medical and agricultural subjects. He may invite such other visitors to attend meetings as may from time to time be considered desirable.

(5) There shall be at least one meeting of the Board during each year. Meetings shall be held at such times and places as the Chairman may from time to time direct. At least one month's notice of any meeting of the Board shall be sent to every member of the Board. Extraordinary meetings shall be held at the request of a majority of members of the Standing Committee appointed under section *eight*.

(6) Votes on motions submitted to the Board shall be taken and shall be recorded in the minutes of the proceedings of the relevant meeting.

(7) If upon any motion there is an equality of votes, the Chairman, who shall not have an original vote, shall be entitled to exercise a casting vote.

(8) A quorum shall consist of half the members of the Board.

7. The function of the Central Advisory Board shall be to advise the Resident Commissioner on all matters relating to African Education. Function of the Central Advisory Board.

8. The Central Advisory Board shall appoint from amongst its members a Standing Committee to give advice, when the Central Advisory Board is not in session, on such matters as may be referred to it by the Director. The Standing Committee shall consist of the following members:— Standing Committee.

The Director, who shall be Chairman.
The Educational Secretaries of the Church of England Mission, the Paris Evangelical Missionary Society and the Roman Catholic Mission.

The member representing the Paramount Chief on the Central Advisory Board.

The member representing the Basutoland African National Teachers' Association on the Central Advisory Board.

One other African member of the Central Advisory Board elected by the Central Advisory Board.

District
Advisory
Commit-
tees.

9. (1) District Advisory Committees shall be established for such districts or other areas as the Resident Commissioner may decide. Each District Advisory Committee shall be constituted as follows:—

A. *Ex Officio Official Members:*

- (i) The District Commissioner, who shall be Chairman.
- (ii) The Education Officer of the district or area, who shall be Secretary.

B. *Other Members.*

- (iii) A member of the Medical Department appointed by the Director of Medical Services.
- (iv) A member of the Agricultural Department, appointed by the Director of Agricultural and Livestock Services.
- (v) Two representatives, of whom at least one shall be an African, from each of the following Missions: The Church of England Mission, the Paris Evangelical Missionary Society and the Roman Catholic Mission, such representatives to be nominated by the appropriate mission authorities and approved by the Resident Commissioner.
- (vi) One African resident in the district or area, nominated by the Paramount Chief.
- (vii) The District Chief of the district or area, or his representative; if there is no District Chief, one of the Ward Chiefs, or his representative, as elected by the Ward Chiefs themselves.
- (viii) Three Africans resident in the district or area, of whom at least one should, if possible, be a woman, nominated by the District Council, but not necessarily members of it, and approved by the Resident Commissioner.
- (ix) One representative of the Basuto-land African National Teachers' Association, nominated by the local branch of the Association and approved by the Resident Commissioner.

(2) The Chairman may invite such visitors as may from time to time be considered desirable.

(3) Every nominated member of a District Advisory Committee shall be appointed for one year at a time only; provided that any nominee shall be eligible for reappointment any number of times.

(4) Each District Advisory Committee shall meet at least once a year at a time and place appointed by the Chairman. At least one month's notice of each meeting of the District Advisory Committee shall be given to every member of the Committee.

(5) Votes on motions submitted to the District Advisory Committee shall be taken and shall be recorded in the minutes of the proceedings of the relevant meeting.

(6) If upon any motion there is an equality of votes, the Chairman shall be entitled to exercise a casting vote in addition to his original vote.

(7) A quorum shall consist of half the members of the Committee.

(8) Each District Advisory Committee shall appoint one African member to represent it on the Central Advisory Board.

(9) The minutes of meetings of District Advisory Committees shall be sent to Mission Educational Secretaries and shall be tabled at meetings of the Central Advisory Board.

10. The functions of a District Advisory Committee shall be to advise the Director on the carrying out in the district or area, as the case may be, for which it is appointed, of the educational policy of the Territory as laid down by the Director after consultation with the Central Advisory Board. It shall also consider applications for registration of schools in such district or area, as provided in the rules made under this Proclamation.

Functions of the District Advisory Committee.

11. For individual schools or groups of schools there may be set up such committees as the Director may approve.

Local School Committees.

12. (1) No person shall open any school after the date of commencement of this Proclamation, or continue in existence any existing school six months after the said date, unless such school has been registered in accordance with the provisions of this Proclamation and the rules made thereunder, or has been approved as a Private School. Any manager contravening the provisions of this sub-section

Opening and Maintenance of Schools.

shall be deemed unfit to be a manager and the Director may withdraw all grants paid to Aided Schools under his management. Any such manager shall have the right of appeal to the Resident Commissioner against the Director's decision.

(2) All schools which have been approved by the Director prior to the commencement of this Proclamation shall be deemed to have been registered, or approved as Private schools, as the case may be under this Proclamation.

Religious
Instruction
at Aided
and
Controlled
Schools.

13. (1) Every Aided and Controlled School shall be open to African children without distinction of religion, and no child shall be compelled to receive instruction to which the parents or guardians of such child have objected.

(2) Every Controlled School shall give Missionaries facilities for providing religious instruction of their own denomination during the period set aside for that purpose.

Inspection
of Schools.

14. At least twice a year every manager shall, to the satisfaction of the Director, inspect, or cause to be inspected by a representative approved by the Director, or by any person authorised thereto by the Director, all schools in charge of such manager; provided that in each year the first inspection shall be held during the first half of such year and the second inspection shall be held during the second half of such year, and provided further that an interval of not less than three months shall elapse between any two inspections whether held in the same year or not.

Power to
inspect
Schools.

15. The person in charge of any school shall permit such persons as may be authorised by the Director, or any person duly authorised by him, to enter and inspect the school at any reasonable time, and shall produce for the inspection of such persons any books or registers kept in connection with the school, and shall furnish any information such persons may demand with regard to the care and tuition of the pupils, the names and qualifications of the staff, and, in the case of an Aided School, the school accounts, and generally with regard to the management of the school.

Teachers to
possess
Certificates.

16. Every teacher in charge of a school shall be in possession of such a certificate as may be prescribed by the rules made under this Proclamation.

17. (1) Any school which is opened contrary to the provisions of section *twelve* or which is conducted in a manner detrimental to the interests of peace and good government or to the physical, mental or moral welfare of the pupils, may be closed on the order of the Director. An appeal in writing shall lie within sixty days of the making of an order of closure to the Resident Commissioner, whose decision, after consultation with the Paramount Chief, shall be final.

Power to
close
Schools.

(2) Any registered school in respect of which an offence under this Proclamation has been committed, or which is not being conducted in accordance with rules made under this Proclamation, or which does not possess a full-time teacher whilst in session, or which is conducted in a manner detrimental to the interests of peace and good government or the welfare of the pupils, may be closed on the order of the Director. An appeal in writing shall lie within sixty days of the making of an order of closure to the Resident Commissioner, whose decision, after consultation with the Paramount Chief, shall be final.

(3) No person shall re-open a school after the same has been closed in accordance with the provisions of this section without the written consent of the Director.

(4) The manager of any school in respect of which an order to close shall have been made under this section who fails to close the school within the time specified in the order, or who reopens the school without the written consent of the Director, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds; provided that no proceedings shall be taken against any person for such contravention without the consent in writing of the Resident Commissioner.

18. (1) Any manager of a school in which any of the provisions of sections *fourteen*, *fifteen* and *sixteen* of this Proclamation have been contravened shall be deemed unfit to be a manager of a school and may be removed by the Director from the approved list of managers.

Contra-
ven-
tion of
Sections 14,
15 and 16.

(2) In the case of any Aided School at which a contravention of section *fourteen*, *fifteen* or *sixteen* of this Proclamation has occurred, the Director may withdraw in whole

or part any grant-in-aid to such school until such time as the provisions of the said sections have again been complied with.

Compulsory
Attendance
at School.

19. When the High Commissioner is satisfied that the necessary staff and suitable accommodation are available in any area to provide education for all African children living in that area, he may make rules to order the compulsory attendance of African children at any school in the area, to fix the ages and limits of academic attainment during which such attendance shall be compulsory, to determine the appropriate grant-in-aid, and generally for the purpose of giving effect to any such order.

Rules to be
made by
the
Resident
Commissioner.

20. The Resident Commissioner, after consulting the Central Advisory Board and the Paramount Chief, may make rules for all or any of the following purposes:—

(a) To prescribe the functions and duties of the Central Advisory Board and the District Advisory Committees, and the conduct of their proceedings.

(b) To prescribe the conditions upon which grants may be made and the amount of such grants.

(c) To ensure that the buildings in which schools are conducted are suitable for their purpose.

(d) To prescribe the secular instruction to be given to schools.

(e) To prescribe the manner in which applications for sites for Private and Registered Schools shall be made and decided upon.

(f) To prescribe the manner in which applications for the opening of Private Schools or for the registration of all other schools shall be made, the particulars which shall be given, the reasons for which such applications may be refused, and the manner in which approval of Private Schools and registration of all other schools shall be given or made.

(g) To ensure the inspection and examination of schools by fit and proper persons.

(h) To prescribe the records, including account books, to be kept at Aided Schools and the manner in which returns are to be furnished by managers.

(i) To prescribe the manner in which school medical inspection shall be carried out.

(j) To lay down the standard of accommodation to be provided at all boarding schools.

(k) To prescribe the qualifications, the salaries and other conditions of service of teachers at Aided and Controlled Schools.

(l) To prescribe matters relating to appeals.

(m) To prescribe the relations between managers and teachers.

PART II.—EUROPEAN EDUCATION.

21. The provisions of this Part shall apply only to the education of Europeans. Application of Part II.
22. There shall be a Central Advisory Committee for European Education. Central Advisory Committee.
23. For each individual European School there shall be set up such a School Committee as the Director may approve. European School Committees.
24. The Central Advisory Committee for European Education shall consist of the Director, who shall be Chairman, and one representative of each European school in the Territory nominated by the respective European School Committees and approved by the Resident Commissioner. Of these representatives not less than three, of whom two shall be women, shall be persons not employed by the Basutoland Government. Membership of Central Advisory Committee.
25. It shall be the duty of the Central Advisory Committee on European Education to advise the Resident Commissioner on all matters pertaining to the education of European children. Functions of Central Advisory Committee.
26. The Central Advisory Committee on European Education shall meet at such times and such places as may be appointed by the Director. Meetings of Central Advisory Committee.
27. The Resident Commissioner, after consulting the Central Advisory Committee for European Education, may make rules for all or any of the following purposes:— Rules for European Schools.
- (a) To prescribe the functions and duties of the Central Advisory Committee for European Education and of European School Committees.

(b) To prescribe the conditions upon which grants may be made and the amount of such grants.

(c) To ensure that the buildings in which schools are conducted are suitable for their purpose.

(d) To prescribe the secular instruction to be given in schools.

(e) To ensure the inspection and examination of schools by fit and proper persons.

(f) To prescribe the records, including account books, to be kept by schools and the manner in which returns are to be furnished.

(g) To prescribe the manner in which school medical inspections shall be carried out.

(h) To lay down the standard of accommodation to be provided at all boarding schools.

(i) To prescribe the qualifications, the salaries and other conditions of service of teachers.

PART III.—GENERAL.

Short Title. 28. This Proclamation may be cited as the Basutoland Education Proclamation, 1947.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Thirty-first day of December, One thousand Nine hundred and Forty-seven.

E. BARING,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.