

Statutory Instrument No. 148 of 1975

EDUCATION ACT
(Cap. 58:01)

**ESTABLISHMENT OF MADIBA SCHOOL BOARD OF GOVERNORS
ORDER, 1975**

(Published on the 28th November, 1975)

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IN EXERCISE of the powers conferred by section 10 of the Education Act, the Minister of Education, being of the opinion that the establishment of a Board of Governors would be in the interests of the aided school named hereunder, hereby makes the following Order -

PART I. *Preliminary*

- Citation **1.** This Order may be cited as the Establishment of Madiba School Board of Governors Order, 1975.
- Inter-pretation **2.** In this Order, unless the context otherwise requires, –
“Board” means the Madiba School Board of Governors established under paragraph 3;
“School” and “Madiba School” means the Madiba Secondary School, together with any of its associated Brigades and related educational activities;
“student” means any person receiving instruction at Madiba School.

PART II. *Madiba School Board of Governors*

- Establishment of Madiba School Board of Governors **3.** A Board of Governors, to be known as the Madiba School Board of Governors, is hereby established, in which shall be vested the management and control of the following –
(a) Madiba Secondary School;
(b) Madiba Builders' Brigade;
(c) Madiba Carpenters' Brigade;
(d) Madiba Electrical Brigade; and
(e) Madiba Mechanical Brigade.
- Membership of Board **4.** The Board shall consist of the following members –
(a) one member to represent the Ministry of Education, to be appointed by the Minister;
(b) one member, to be appointed by the Minister for the time being responsible for finance;
(c) one member who shall be representative of the Central District Council, and appointed by it;
(d) one member of Parliament, to be appointed by the Minister;
(e) the District Commissioner of the Central District or his representative; and
(f) the Assistant Education Officer, Mahalapye.
- Chairman and Vice-Chairman **5.** (1) The Chairman of the Board shall be appointed by the Minister from among the members of the Board.
(2) There shall be a Vice-Chairman of the Board who shall be a member of the Board, elected by the Board.
- Secretary to Board **6.** (1) The Principal of the School shall be Secretary to the Board but shall not be a member of the Board.
(2) The Secretary to the Board shall be responsible, in accordance with such instructions as may be given to him by the Board, for arranging the business for, and keeping the minutes of the meetings of the Board, and shall carry out such other functions as the Board may from time to time direct.
- Appointment to Board **7.** (1) The first persons to be appointed as members of the Board in accordance with sub-paragraphs (a), (b), (c), (d), (e) and (f) of paragraph 4 shall be appointed within one month of the publication of this Order, shall hold office until 31st March, 1976, and shall be eligible for re-appointment.
(2) Subsequent appointments in accordance with the said provisions shall be for a period of one year from 1st April and shall be made not later than 31st March in each year, and the persons appointed shall be eligible for re-appointment.

8. There shall be a Deputy Principal and an Assistant Principal for the School as follows –

Deputy
Principal and
Assistant
Principal for
School

- (a) the Deputy Principal, who shall assist the Principal in all matters relating to the School, and act as Principal of the School during the absence of the latter;
- (b) the Assistant Principal, who shall assist the Principal in matters relating to Brigades and other extension programmes of the School.

9. (1) The Principal, the Deputy Principal and the Assistant Principal shall attend all the meetings of the Board and its committees unless expressly excluded therefrom by the Chairman of the Board or committee, as the case may be, but they shall not be entitled to vote at meetings of the Board.

Attendance
of Principal,
Deputy
Principal and
Assistant
Principal at
meetings of
Board

(2) In the absence of the Secretary from the whole or part of a meeting of the Board or committee, the Board or committee, as the case may be, shall appoint one of its members to carry out the duties of the Secretary for the meeting or for such part thereof as the Secretary is absent.

10. The Board shall give the following instructions to the Principal of the School –

Functions of
Principal

- (a) when estimates of expenditure for the School have been approved by the Board under paragraph 12 (1) the Principal shall, subject to the provisions of paragraph 12 (9), have power to incur the expenditure so approved for the various purposes indicated in the estimates, and shall present to the Executive Committee a quarterly statement of account of such expenditure as at the end of March, June, September and December in each year:

Provided that the Principal may not spend more on each Head or Subhead than is indicated in the estimates without first obtaining, through the Executive Committee, the approval of the Board in supplementary estimates;

- (b) the Principal shall have full powers to do all that is necessary to carry out his functions as a duly authorized Executive Officer of the Board, and in particular he may –
 - (i) engage or dismiss employees other than those referred to in paragraph 12 (12); and
 - (ii) subject to the provisions of this Order, purchase goods and hire services, pay members of the staff of the School, and other employees, and sign or terminate contracts;
- (c) a contract entered into by the Principal in accordance with the last preceding sub-paragraph shall be binding on the Board;
- (d) the Principal may, in consultation with the Executive Committee, initiate negotiations for the recruitment of teaching and administrative staff and invite applications for employment;
- (e) the Principal shall be answerable to the Board for the implementation of policy, for the day-to-day administration of the School and for the performance of his functions referred to in this section; he shall also be answerable to the Executive Committee as provided under paragraph 18;
- (f) with the approval of the Board, the Principal may delegate his functions to any member of the staff of his School and may apply to the Board for the appointment of paid staff to carry out such delegated functions, which functions shall be performed subject to the same conditions as apply to their performance by the Principal;

(g) subject to any provision contained in the Act or any regulations made thereunder, the Principal -

(i) may admit students or trainees to his School and may expel students or trainees therefrom in accordance with regulations made under the Act; and

(ii) shall be responsible for discipline at his School and shall decide on the forms of punishment to be imposed for misbehaviour, provided that all disciplinary action shall be in accordance with regulations made under the Act.

Proceedings
of Board

11. (1) All acts, matters or things authorized or required to be done by the Board may be decided by a majority vote at a meeting of the Board at which a quorum is present.

(2) Four members shall form a quorum at a meeting of the Board.

(3) At all meetings of the Board each member present shall have one vote on a question before the Board and, in the event of an equality of votes, the Chairman shall have, in addition to a deliberative vote, a casting vote.

(4) At any meeting of the Board from which the Chairman is absent, the Vice-Chairman shall act as Chairman.

(5) In the absence of both the Chairman and the Vice-Chairman, the Board shall elect a Chairman for the meeting.

(6) Subject to the provisions of this Order the Board shall make its own rules for the conduct of its meetings.

Powers and
duties of
Board

12. (1) The Board shall examine estimates of income and expenditure for the School under its management, which estimates and accounts shall be submitted to it by the Executive Committee and, as it seems fit, grant or withhold approval of such estimates and accounts or require the submission of fresh estimates of accounts.

(2) The Board shall examine estimates and accounts of its own direct income and expenditure submitted to it by the Executive Committee, and, as it sees fit, grant or withhold approval of such estimates and accounts or require the submission of fresh estimates or accounts.

(3) The Board shall determine the educational and general policies of the School, subject to the approval of the Minister.

(4) The Board may question the Executive Committee concerning the facilities provided at the institutions in respect of transport, dormitories, dining rooms, diet, equipment and buildings or building standards, and the general welfare of the students and trainees.

(5) Subject to the provisions of the Teaching Service Regulations, 1966, the Board shall determine the salaries and allowances of all staff in the institutions and all persons directly employed by it and shall approve or disapprove the general terms of contracts with all employees and the working conditions of all staff in the School, including volunteers.

(6) The Board shall consider any reports or recommendations submitted to it by the Executive Committee on matters of policy and on staff appointments, and shall consider any recommendations, suggestions or requests made to it by the Parent-Teachers' Association or shall make such decisions thereon as it sees fit.

(7) The Board shall have power to appoint auditors, architects and legal representatives, to engage such services of other professional persons as may be necessary, and to employ such staff as it may need to carry out its functions.

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(8) Subject to the provisions of the Act and regulations made thereunder, the Board shall recommend to the Minister for approval the number of classes and forms that the School shall have and the type and the highest form of education that the School shall provide.

(9) The purchase of any stores, the securing of any services, or the making of any other contracts for the School, the cost of which is in excess of R500, shall be referred to the Board, which shall cause tenders to be invited:

Provided that the Board may delegate any of its functions under this subsection to the Principal of the School.

(10) Subject to the approval of the Minister, and after consideration of any recommendations made by the Executive Committee, the Board shall have the sole right to appoint the Principal, the Deputy Principal and the Assistant Principal to the School.

(11) Subject to the approval of the Minister, the Board may terminate the appointment of the Principal, the Deputy Principal or the Assistant Principal, in accordance with the provisions of the Act.

(12) After consideration of any recommendations made by the Executive Committee, and subject to the Act, the Board shall have the sole right to appoint and terminate appointments of teaching staff and instructors at the School, provided that the Executive Committee, at the request of the Principal, may make temporary staff appointments, which, however, shall require ratification by the Board at its next meeting.

(13) The Board shall be responsible for raising funds for the development and maintenance of the School.

(14) The Board shall have the power to ratify or reject rules for proceedings of the Executive Committee.

(15) The Board shall meet each year on 1st June and 31st October, or the next succeeding working day, at a place to be determined by the Chairman, who shall cause at least two weeks' written notice of the time and place of the meeting to be given to each member. The Board may, at its discretion, meet at any time.

13. (1) The appointment of any person appointed as a member or Chairman of the Board in accordance with sub-paragraph (a), (b), (c), (d), (e) or (f) of paragraph 4 or paragraph 5 (1) may, at any time and for any reason, be revoked by the person or body by whom or by which such member or Chairman was appointed; such person or body shall, however, at the same time appoint a new member or Chairman in the place of the member or Chairman whose appointment is revoked.

Revocation of appointment or removal of member

(2) Any revocation and new appointment made in terms of sub-paragraph (1) shall forthwith be notified to the Chairman of the Board and shall take effect on such notification.

(3) If any member of the Board appointed as such in accordance with sub-paragraph (a), (b), (c), (d), (e) or (f) of paragraph 4 fails, without the permission of the Chairman, to attend three consecutive meetings of the Board of which he has been notified, his appointment shall be deemed to be terminated and the Chairman shall thereupon notify the person or body by whom or by which such member was appointed; and he or it shall thereupon appoint a new member whose appointment shall take effect when notified to the Chairman.

Vacation of office or incapacity of appointed member

14. If an appointed member of the Board vacates his office or is unable to execute his functions as a member of the Board or of a committee thereof, whether by reason of illness, absence or other cause temporarily or otherwise, the appointing authority may appoint a temporary member of the Board to act in such member's place for such period, being no greater than the remainder of such member's term, as the appointing authority may specify.

PART III. *Funds of Board*

Funds of Board

15. (1) All funds of the Board shall be held by the Board and, in accordance with the approved estimates for the Board, they shall be released quarterly, or as required, to the Board and to the School.

(2) The Principal shall, on behalf of the Board and subject to its direction, control the day-to-day expenditure relative to the administration of the School.

(3) The Principal shall cause to be kept proper accounts and other records in relation to the School, including records of fixed and movable assets.

(4) During the financial year provision may be re-allocated by the Executive Committee at its discretion from one Head of the estimates referred to in paragraph 12 (1) to another:

Provided that the sum involved is not more than R500 or 20 per centum of the original allocation, whichever is the lesser.

(5) All re-allocation of funds shall be notified to the Board and, in relation to funds provided by the Government, to the Chief Education Officer, and shall be reflected in the annual accounts of the Board and of the School.

(6) The Principal shall, for the purposes of the day-to-day administration of the School, maintain a current account at a bank. Cheques drawn upon that bank account shall be signed by any two of the following persons –

- (i) the Principal;
- (ii) the Bursar;
- (iii) another person authorized by the Board.

(7) No such bank account may be overdrawn without the written authority of the Executive Committee.

(8) As soon as possible after the end of each financial year the Executive Committee shall cause the accounts for the year, of the Board and of the School, to be balanced and an abstract of receipts and payments and a Statement of Assets and Liabilities to be prepared and submitted to the Board.

(9) By 31st July in each year the Executive Committee shall cause the estimates for the following financial year of income and expenditure for the School under the Board's management and of the Board's own direct income and expenditure to be prepared and submitted to the Board.

(10) The Principal shall prepare internal Fiscal Instructions which shall be submitted to the Executive Committee for its approval and which shall provide for –

- (a) the collection, receipt, custody, issue, expenditure, due accounting for, care, and management, of all funds;
- (b) internal financial and accounting procedures, relating in particular to internal control;
- (c) books of accounts to be kept;

- (d) commitment control;
- (e) the purchase, safe custody, issue, sale or disposal, and the proper accounting for and stock-taking, of such stores and property; and
- (f) the preparation of estimates of revenue and expenditure.

(11) Within four months of the end of the financial year, statements of accounts of the Board and of the School shall be audited by Auditors appointed by the Board and approved by the Minister. The Auditors shall report whether or not –

- (a) they have received all the information and explanations which, to the best of their knowledge and belief, were necessary for the performance of their duties as auditors;
- (b) the accounts and related records of the School have been properly kept;
- (c) the provisions of this Order relative to the accounts have been complied with; and
- (d) the statements referred to in sub-paragraph (8) present a true and fair view of the financial transactions and financial position of the Board and of the School.

(12) The Board shall within thirty days of receiving the audited statements and the Auditors' report send a copy thereof to the Minister.

(13) The Financial Year of the Board and of the School shall extend from 1st January to 31st December.

PART IV. *Executive Committee*

16. (1) There shall be established a committee of the Board to be known as the Executive Committee to which shall be delegated by the Board such of the Board's functions as are assigned to the Executive Committee under this Order. Executive Committee

(2) The Board may establish such other committees of the Board as it deems fit.

17. (1) The Executive Committee shall consist of the following members of the Board – Membership of Executive Committee

- (a) the Chairman, who shall be Chairman of the Executive Committee;
- (b) the District Commissioner of the Central District or his representative, as a member of the Board; and
- (c) one of the members, to be appointed by the Minister to represent the Ministry of Education.

(2) The Secretary of the Board shall be the Secretary of the Executive Committee.

18. (1) The Executive Committee may discuss and consider any and all matters of policy and staffing relating to the School and may make such recommendations to the Board as it sees fit. Powers and duties of Executive Committee

(2) The Executive Committee may make its own rules for its proceedings, including rules in relation to the frequency of its meetings, voting and quorum threat:

Provided that all such rules shall be ratified by the Board.

(3) The Executive Committee shall be responsible for supervising the funds of the Board in accordance with paragraph 15.

(4) The Executive Committee shall be responsible for ensuring that the records required under section 21 of the Act are duly kept and for ensuring

that the balance sheet and receipts and payments accounts required by the said section are duly prepared and audited in each year.

(5) The Executive Committee shall require the Principal of the School –

(a) to prepare estimates of income and expenditure for the School before 1st July in each year in respect of the following financial year;

(b) to prepare any supplementary estimates which may be needed before 1st December in the year for which supplementary income or expenditure is expected or required; and

(c) to post such estimates as soon as they are prepared to the members of the Executive Committee.

(6) The Executive Committee may invite any person who it believes can provide it with information or advice of use to it in its deliberations to attend its meetings, and it may require the Principal and staff under the Board's control to attend and to answer questions put to them.

(7) The Executive Committee shall meet on 15th January, 15th May and 15th September in each year, or on the next succeeding working day to any of the said dates. The Executive Committee may at its discretion meet at any time.

(8) The Executive Committee may direct the Principal of the School to report –

(a) to it at any of its meetings; and

(b) to any meeting of parents convened by it,

on the finances and on the administration and development of the School and on the implementation of policies decided by the Board.

(9) The Executive Committee shall supervise the Principal of the School in his implementation of policies decided by the Board and may require the Principal to report thereon and to answer questions thereon put by members of the Board.

(10) The Executive Committee may take such action as it deems necessary in cases of emergency, subject to ratification by the Board at its next or emergency meeting.

PART V. *General*

Appointment
of Site
Engineer

19. When building or maintenance operations are necessary at the School and the Board has approved estimates of expenditure for the work, the Board may appoint a competent person, to be known as the Site Engineer, to take charge of such operations, who shall be immediately responsible to the Principal in the execution of his duties.

Functions of
Site Engineer

20. The Board shall give the following directions to any Site Engineer appointed by it under paragraph 19 –

(a) when estimates of expenditure on building operations at the School have been approved by the Board under paragraph 12 (1), the Site Engineer appointed to take charge of such operations shall have power to incur the expenditure which the Board has approved for the various purposes connected with such operations indicated in the estimates:

Provided that the Site Engineer may not spend more on each Head or Subhead than is indicated in the estimates without first obtaining the approval of the Board in supplementary estimates;

(b) a Site Engineer may –

(i) recommend to the Principal the engagement or dismissal of workers; and

- (ii) subject to the provisions of this Order, purchase goods, hire services, pay workers, and sign contracts, after consultation with the Principal;
- (c) a contract entered into by the Site Engineer in accordance with the preceding paragraph shall be binding on the Board;
- (d) the Site Engineer shall keep or cause to be kept books of account showing all expenditure incurred on the building operations of which he has charge, and shall submit such books of account to the Principal for the purpose of inspection or audit as part of the accounts of the School, whenever called upon so to do;
- (e) the Site Engineer shall report to the Board at each meeting, of which he is notified by the Board, on the progress of the building or maintenance operations of which he has charge.

MADE this 19th day of November, 1975.

C.A.R. MOTSEPE,
*Acting Permanent Secretary,
Ministry of Education.*

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