

董事部及家教协会条例 1963 年教育 机构（管理章 程）条例

LN171

EDUCATION ACT, 1961

In exercise of the powers conferred by section **28** of the Education Act, 1961, the Minister of Education hereby makes the following Rules:

Citation

1. These may be cited as the **Educational Institution (Instruments of Management or Government) Rules, 1963**

Intepretation

2. (1) In these Rules, unless the context otherwise requires -
"Chairman" means the Chairman of the managers or governors of an educational institution and includes an intended Chairman to be appointed under the provisions of section **47** of the Act, or any manager, governor or person or the one being responsible for the management of an educational institution;
"instrument" means the instrument of management in the case of a primary school and the instrument of government in the case of any other educational institution.
(2) Nothing in these Rules shall apply to an educational institution exempted by section **127** of the Act from the provisions of section **27** and "educational institution" in these Rules shall accordingly not include an institution so exempted.

Normal manner of making instrument

3. (1) Where an instrument is required for any educational institutions the Chairman shall submit a draft instrument to the Registrar.
(2) The draft instrument shall be in a form approved by the Minister, and shall be prepared in consultation with the Registrar, who if the instrument is for an assisted educational institution, shall give any necessary advice as to the provisions required to be included in it or necessary to secure its approval.
(3) The Registrar shall satisfy himself that any draft instrument submitted to him is in proper form, and that the requirements of section 27 of the Act will be complied with if effect is given to the draft.
(4) If the Registrar is so satisfied, he shall return the draft instrument to the Chairman with a certificate endorsed on it to the effect that the requirements of this Rule have been complied with.

- (5) On the draft instrument being so returned to the Chairman or from any later date specified therein, it shall have effect as the instrument of the educational institution and any previous instrument shall be thereby cancelled.

Normal manner of amending instrument

4. (1) An instrument may be amended by means of a new instrument canceling the old instrument and reproducing it with the required amendments or by means of a supplementary instrument.
- (2) Rule 3 shall apply to any such new or supplementary instrument, but in the case of a supplementary instrument shall apply with the modification that under paragraph (5) of the Rule the old instrument and the supplementary instrument shall be read as one and together have effect as the instrument of the educational institution.

Making of general amendments by order of Minister

5. The Minister may by order published in the *Italics* amend the instruments of all educational institutions or of any class of educational institutions, where the amendment is necessitated by any written law; but an amendment so made shall have the same effect only as if made in accordance with Rule 4, and the instrument may be further amended or cancelled accordingly.

Making or amendment of instruments in cases of default

6. (1) Where an educational institution has no instrument or the instrument of an educational institution needs amending to comply with the requirements of section **27** of the Act or with those of some other written law, and the Chairman does not within the period specified in paragraph (3) submit a draft to the Registrar in accordance with Rule 3 or 4, as the case may be, then the Registrar may serve notice on the Chairman that it is intended to proceed under this Rule to prepare and give effect to an instrument for the institution or to amend its instrument, as the case requires.
- (2) If on the expiry of fourteen days from the service of such a notice the Chairman does not submit the required draft in accordance with Rule 3 or 4, the Registrar may prepare such a draft and endorse thereon a certificate that it is to have effect under this Rule; and on delivery thereof to the Chairman it shall have the like effect as if the draft had been prepared and submitted by the Chairman and returned to him duly certified in compliance with paragraphs (1) to (4) of Rule 3.
- (3) The period referred to in paragraph (1) is -
- (a) in the case of an instrument for an educational institution not having one, the period of six months from the coming into force of these Rules or the period of three months from the making under section **46** of the Act of an application for the institution to be registered, whichever period last expires, or such longer period as the Minister may permit; and
- (b) in the case of an amendment to the instrument of an educational institution, the period of one month from the date when the amendment becomes necessary in order that the instrument may comply with the requirements of section **27** of the Act or those of some other written law.

Revocation. L.N.34/58

7. The Assisted Schools (Instruments of Management or Government) Rules, 1958 are hereby revoked.

Made this 20th day of June, 1963.

[K.P.Sulit 0204/14:AG.FM.250/54 SF.192/C]

HAJI ABDUL HAMID KHAN.
Minister of Education.