

**Board of Education**

5. (1) There shall be a Board of Education consisting of five persons.

Constitution of  
Board of  
Education.

(2) The Director shall *ex officio* be a member of the Board of Education.

(3) One of the members of the Board shall be appointed by the Governor from among persons who are elected members of the Legislative Council in respect of the Camp Constituency and another of the members of the Board shall be appointed by the Governor from among persons who are elected members of the Legislative Council in respect of the Stanley Constituency and one of the members appointed under this subsection shall be appointed to be the Chairman of the Board.

(4) One of the members of the Board shall be appointed by the Governor from among persons who —

- (a) are parents of a child under the age of twelve years who is a pupil at a school in the Falkland Islands; and
- (b) are not employed as a teacher or otherwise as a public officer in the department of which the Director is head;
- (c) are not an elected member of the Legislative Council.

(5) One of the members of the Board shall be appointed by the Governor from among persons who —

- (a) are parents of a child over the age of eleven years who is a pupil at a school in the Falkland Islands;
- (b) are not employed as a teacher; and
- (c) are not an elected member of the Legislative Council.

6. (1) A person who is appointed a member of the Board under subsection (3) of section 5 above shall cease to be a member —

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membership of  
Board.

- (a) upon the expiration of two years from the date of his appointment; or
- (b) upon the date on which the Legislative Council first sits following its dissolution next occurring after his appointment; or
- (c) upon resigning his appointment as such member by writing delivered to the Governor; or
- (d) upon his ceasing to be an elected member of the Legislative Council,

whichever first occurs.

(2) A person who is appointed a member of the Board under subsection (4) or (5) of section 5 above shall cease to be a member —

parents

- (a) at such time as he by reason of no longer being a parent of a child —
  - (i) of the requisite age; or
  - (ii) who attends as a pupil at a school in the Falkland Islands,

would no longer be qualified to be appointed as a member under one or other or both of those subsections; or

- (b) if he is sentenced by a court in the Falkland Islands to imprisonment for a term of twelve months or longer;
- (c) upon his election as a member of the Legislative Council; or
- (d) upon the expiration of three years from the date of his appointment; or
- (e) upon becoming employed as a teacher or otherwise as a public officer in the department of which the Director is head; or
- (f) upon resigning his appointment as such member by writing delivered to the Governor,

whichever first occurs.

(5) A person who has ceased to be by effluxion of time to be a member of the Board may, if he is eligible to be appointed as a member under subsection (3), (4) or (5) of section 5 above, be re-appointed as such a member.

7. (1) The Governor shall appoint a public officer to be the Secretary of the Board.

Secretary of Board.

(2) The Secretary shall attend meetings of the Board, take minutes thereof and maintain the Board's records.

(3) The Secretary may speak at meetings of the Board, if invited so to do by the Chairman but may not vote on any matter coming before the Board.

8. (1) Unless otherwise decided by the Board, the Board shall meet in private. \* — Free Access to Informal 2000.

Attendance of other persons at meetings of Board.

(2) Any person may attend a meeting of the Board or some part thereof by invitation of the Board, and may take part in the discussion of any matter in which he is invited to take part but only a member of the Board may vote in relation to any matter before the Board.

#### *Functions of the Director and of the Board*

9. (1) The Director is responsible to the Governor —

Functions of Director.

(a) for the promotion of the education of the people of the Falkland Islands and the progressive development of institutions devoted to that purpose;

(b) for the inspection and supervision of all schools and educational institutions in the Falkland Islands and for ensuring so far as possible —

(i) that such schools and educational institutions are efficiently conducted and managed;

(ii) that adequate educational standards are achieved in the tuition of pupils attending at such schools and in the tuition of persons attending at such educational institutions;

(c) for the management and administration of the Camp Education system and for ensuring that children receiving tuition through such system receive tuition comparable so nearly as is reasonably possible with that which such children would receive at a Government School in Stanley;

(d) for the supervision of itinerant teachers;

(e) for devising such curricula and syllabuses as may be necessary or convenient for the purposes of any of the foregoing paragraphs;

(f) for the supervision of the national library service in the Falkland Islands (including the Stanley Town Library); and

(g) for the administration of overseas scholarships and training awards provided by the Government to persons ordinarily resident in the Falkland Islands.

(2) The Director shall not later than the 14th March in each year prepare and lay before the Board a report as to the exercise of his functions during the preceding calendar year, the state of education in the Falkland Islands and such proposals or policies as the Director wishes to make or adopt relevant to such functions or as to the improvement of the state of education in the Falkland Islands (hereinafter called "the annual report").

(3) The annual report shall, whenever reasonably practicable, be considered by the Board at the same meeting as it considers the draft estimates of the Education Department for the financial year commencing on the 30th June following the calendar year to which the annual report relates.

(4) The Director shall, as soon as is reasonably practicable after the annual report has been considered by the Board, forward a copy of the annual report together with the Board's comments and observations thereon to the Governor who shall cause the same to be considered by the Executive Council.

(5) It shall be the duty of the Director to conform and comply with all lawful instructions given to him by the Governor or by the Chief Executive.

10. (1) The Board shall assist the Director in the performance and fulfilment of his functions under section 9 above by —

Functions of the Board.

- (a) advising the Director in matters of educational policy;
- (b) advising the Director as to the ways and means it considers the Director's functions under section 9(1) might best be performed;
- (c) advising the Director on any matter referred to it by the Director for its advice.

(2) The Director shall refer to the Board for its advice any matter which the Governor has required him to refer to the Board for advice, and may refer to the Board for its advice any matter relating to the discharge of his functions under section 9 above upon which he wishes to obtain the Board's advice.

(3) Any member of the Board may request the Board to consider and advise the Director upon any matter which that member considers relevant to the discharge of the Director's functions under section 9 above.

*Supplementary provisions relating to the Board*

11. (1) The quorum at meetings of the Board shall be the Director and two other members of the Board, and no business may be transacted at any meeting of the Board save to adjourn that meeting unless a quorum is present thereat.

Quorum voting and procedure at meetings of the Board.

(2) Matters coming before the Board for decision shall, subject to subsection (3) below, be decided by the votes of the members present other than the Director.

(3) In the event that there is an equality of votes on any matter the Chairman shall have and shall exercise a casting vote and that matter shall then be taken to have been decided in accordance with the manner in which the Chairman has cast his vote.

(4) The provisions of the Schedule shall apply in relation to the meetings of the Board and subject thereto and to the provisions of this Ordinance the Board may determine its own procedure.

— See p 432

12. (1) The Board may with the consent of the Governor establish such committees subordinate to the Board as it shall consider necessary and shall establish a Library Committee and a Scholarships and Awards Committee.

Establishment of committees.

(2) Every committee established by the Board shall consist of the Director, who shall be chairman thereof, not more than two other members of the Board and at least two other persons who shall be appointed by the Board after consultation with the Governor.

(3) The provisions of this Ordinance, save section 11 (1) and (2) above, subsection (1) and (2) of this section, and section 15 below, which apply to the Board shall apply with all necessary modifications and adaptations to any Committee established under this section.

13. Members of the Board and of any committee of the Board shall be entitled to be paid and receive all travelling and other expenses reasonably incidental to their attendance at meetings of the Board or any committee of which they are a member, and shall not by virtue thereof be deemed to hold an office of profit under the Crown.

Expenses.

*General provisions*

14. (1) It shall be the duty of the Director, the Board and every committee of the Board so far as his or its powers under this Ordinance or otherwise extend and so far as moneys are lawfully available to him or it and other resources permit, to contribute to the spiritual, moral, mental and physical development of the people of the Falkland Islands by ensuring that efficient education is available to every person in the Falkland Islands in accordance with his needs, irrespective of gender and, subject to the subsequent provisions of this section without regard to his race, nationality or place of origin.

General duty to people of Falkland Islands.

(2) Nothing in subsection (1) shall —

- (a) require any education to be available to any person not ordinarily resident in the Falkland Islands who is above the upper age limit of compulsory education;
- (b) require education to be provided in any language of instruction other than English;
- (c) require education to be provided in accordance with the beliefs, tenets or practices of any cult, religion or national group; or

(d) require scholarships and awards to be available without discriminating between persons who belong to the Falkland Islands or who are ordinarily resident in the Falkland Islands and persons who do not belong to the Falkland Islands or who are not ordinarily resident in the Falkland Islands.

15. (1) The Director shall not be bound to act in accordance with any advice the Board may have given to him in relation to any matter but, subject to subsections (2) and (3) below, if he proposes to act contrary to any advice given to him by the Board he shall report to the Governor in writing that he proposes to do so and his reasons for so doing.

Director normally to act in accordance with boards advice.

(2) Subsection (1) shall not apply where, in the opinion of the Director, it is necessary for him to act urgently but, in such a case, if he acts contrary to the advice of the Board, he shall report to the Governor that he has done so and his reasons for so doing.

(3) Nothing in the preceding provisions of this Part shall be construed as derogating in any way from the Director's functions under the Finance and Audit Ordinance 1988 as an accounting officer or excuse the Director for acting contrary to that Ordinance or financial instructions or stores instructions issued thereunder.

(4) Where the Director, under subsection (1) or (2) above acts contrary to the advice of the Board, he shall also record that fact in the annual report under section 9(2) above.

16. (1) All teachers at Government schools shall be appointed by or on behalf of the Governor in accordance with the Constitution and no teacher shall be dismissed except by or on behalf of the Governor in accordance with the Constitution.

Appointment of teachers etc.

(2) Subject to the Constitution, any teacher to whom subsection (1) above relates may at the discretion of the Director be transferred to a post of teacher at another Government school provided that he shall not without his consent be reduced in rank, salary or grading by virtue of a transfer under the provisions of this subsection.

(3) Subsection (2) above has effect in addition and not in substitution for anything else enabling a teacher to be transferred from one post to another.