S.I. 43 of 2005

EDUCATION ACT

(Act 13 of 2004)

Education (Private Educational Institutions) Regulations, 2005

In exercise of the powers conferred by section 87 of the Education Act, the Minister of Education and Youth hereby makes the following Regulations —

Citation

1. These Regulations may be cited as the Education (Private Educational Institutions) Regulations, 2005.

Interpretation

2. In these Regulations —

"Ministry" means the ministry of the minister responsible for education;

"Principal" means the person in charge of the day to day running of the educational institution;

"private educational institution" means a privately owned and managed institution that provides one or more of the educational services relating to —

(a) formal early childhood education;
(b) primary education;
(c) secondary education;
(d) post-secondary education and training;
(e) technical and vocational education and training;
(f) tertiary education and training;
(g) special education and training.

Operation of a Private Educational Institution

3. No person shall conduct a private educational institution otherwise than under and in accordance with a certificate of registration issued under these Regulations.

Procedures for application

4. (1) Every application for a certificate of registration or re-registration shall be made on a form provided by the Ministry and shall contain such particulars as may be required.

(2) An application under subregulation (1) shall be accompanied by —

(a) a copy of the curriculum vitae of the Principal;

(b) a copy of the Business Tax certificate, where applicable;

(c) a cheque for the prescribed registration fee specified in the Schedule;

(d) a copy of the last health inspection report or certificate in respect of the premises of the educational institution;

(e) a copy of the last fire safety inspection report or certificate in respect of the premises of the educational institution;

(f) Proof of ownership of the premises or a copy of a valid lease agreement where the applicant is not the owner of the premises.

Principal of institution to apply

5. An application for registration or re-registration shall be made by the Principal whether as owner or as the authorised representative of any other person or body of persons owning the educational institution.

Responsibility of Principal of institution

6. The Principal whose name shall always be specified in the certificate shall be personally responsible to ensure that the

obligations attached to the certificate are observed at all times whether the certificate has been granted in his name or in any other person's name.

Change of Principal of institution

7. Where the Principal specified in the certificate ceases to function as such for any reason whatsoever during the period of validity of the certificate the owner shall give notice in writing to the Minister of that fact and submit the particulars of the person who has assumed office as Principal thereafter and the certificate shall be amended by the substituting the name of that person for that of the outgoing Principal.

Lapse of certificate

8. Where no notice in compliance with regulation 7 is given within one month from the date on which Principal has ceased to hold office, the certificate of that institution shall be deemed to have been cancelled on the day following the lapse of the period of one month.

Conditions for approval

9. The information provided, in an application under regulation 4, or for a review under regulation 12 must show that the minimum standards for private educational institutions set by the Ministry are being complied with and approval for registration, re-registration or the continued validity of a certificate will depend on the private educational institution fulfilling such minimum standards.

Communicatic of decision

10. The decision, to approve or refuse an application for a certificate for registration or re-registration, or for the deferment, revocation or continued validity of a certificate upon a review under regulation 12 shall be communicated to the applicant within one month from the date on which the application is received or the review is made, together with the reasons in the case of a refusal or revocation and a reference to the applicant's right to appeal under section 34 of the Education Act.

Payment of registration fees

11. (1) The registration fee stipulated in the Schedule shall be payable by the educational institution every 12 months by banker's cheque within 15 days of receipt of an approval for registration, re-registration or the continued validity of certificate pursuant to a review.

(2) The Ministry may revoke the certificate of registration or re-registration of an educational institution if payment of the registration fee is not made as per subregulation (1) upon giving the educational institution 15 days notice.

Validity and review of registration certificate

12. (1) A certificate of registration or re-registration shall be valid for 5 years and reviewable every twelve months.

(2) The Principal shall be responsible to submit to the Ministry at 12 monthly intervals, a completed form provided by the Ministry and such particulars as may be required for a review of the educational institution to determine the continued validity of the certificate of registration or re-registration.

(3) Upon receipt of a form for review the Ministry shall carry out an annual assessment of the educational institution and where approval for the continued validity of the certificate is deferred the Ministry shall provide guidance to the management of the institution and specify any improvement to the institution which needs to be made within such specified time to enable the Ministry to reconsider the application.

Renewal of registration certificate

13. An educational institution wishing to continue to operate as such shall three months prior to the expiry of the certificate of registration or re-registration apply for a new certificate of registration under regulation 4.

Contents of certificate

14. A certificate of registration or re-registration shall include the following:

(a) the business name and registration number of the institution;

(b) the business address of the institution;

(c) the name and address of the proprietor of the institution;

(d) the name and address of the Head of the institution;

(e) the validity period of registration.

(f) the level of educational services approved to be provided.

Display of certificate

15. A certificate of registration or re-registration shall be displayed in a conspicuous location in the educational institution.

List of Private Educational Institutions

16. The Ministry shall publish in the Gazette and a national newspaper the list of registered private educational institutions by March of each year.

Application for registration and re-registration

17.(1) An application for registration shall be made by an educational institution which, is applying for the first time to be so registered, or is already registered but wants to —

(a) provide for an additional class or facility;

(b) provide for any type or stage of education or training not already registered for;

(c) transfer the institution to a new site.

(2) An application for re-registration shall be made by an educational institution which is re-opening after its certificate of registration was revoked.

SCHEDULE

Regulation 11

Annual Registration Fees

1. The Schedule of fees shall be reviewable and shall be as follows :

Level of Educatinn and Training Provided	Annual Fee (inclusive of processing fee)
Early childhood	Rs550.00
Primary	Rs1000.00
Secondary	Rs2000.00
Post-Secondary Education and Training (includes Advanced Level)	Rs3000.00 – Rs5000.00
Technical and Vocation Education and Training	Rs2000.00 – Rs5000.00
Tertiary Education and Training	Rs10,000.00
Special Education and Training	In accordance with prescribed fees for defined levels/or type of education and training provided

MADE this 19th day of September., 2005.

DANNY FAURE
MINISTER OF EDUCATION AND YOUTH