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13 November 2003

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Legislative Council
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8 Jackson Road
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Dear Ms Wong,

Education (Amendment) Bill 2002

Thank you for your letter of 17 April 2003. We would like to make the following clarification to the issues raised in your letter:

1. General observations

- (i) According to the Education Reorganization (Miscellaneous Amendments) Ordinance 2003, the functions of the Director of Education and the Education Department have been transferred to the Permanent Secretary for Education and Manpower and the Education and Manpower Bureau respectively. CSA will be moved to replace the term "Director" with "Permanent Secretary" in the Bill.
- (ii) The types of offences, the persons liable, the defences available and the penalties imposed in section 87, regulations 101 and 102 as amended by the Bill are at **Annex A & Annex B**.
- (iii) Section 165 of the Companies Ordinance renders illegal any provision in the articles of a company (or in a contract with it) which exempts an officer or the auditor of the company from certain legal liabilities (relating to negligence, default, breach of duty or breach of trust) or indemnifies such person against

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such liabilities. An example of such provision is one which stipulates that the company cannot sue its directors for negligence in performance of duties. Section 165(c) provides for an exception to the above prohibition. The objective of section 165 is to protect shareholders.

There is no similar restriction under the Bill in relation to waiving claims against a manager in respect of the above-mentioned legal liabilities. The constitution of an IMC can therefore prohibit an IMC from suing the managers for breach of duty, etc. Proposed section 40BG offers protection to managers for acts done in good faith. They cannot be sued if they have acted without fraud or malice. If a manager acts in bad faith (e.g. stealing money belonging to the IMC), he probably commits one criminal offence or another. The prospect of being prosecuted and sentenced should be able to discourage managers from stepping across the line. It is not our policy to have the prohibition provided for in section 165 of the Companies Ordinance. The excepted indemnity mentioned in your letter is therefore not considered necessary.

2. Clause 2 (section 3) Interpretation

- (i) The proposed new definition of “manager” stipulates that a manager must be one who is registered. The amendment is therefore a replacement of the defined term. There is no policy implication. There is no such thing as an unregistered manager.
- (ii) With effect from 1999, schools allocated through the School Allocation Exercise are required in the agreement with the SSB to incorporate the school management committee as a company under the Companies Ordinance (Cap. 32). At present, there are 24 school management companies established for managing aided and DSS schools. It is our policy intent to require all aided schools (and allow DSS school to opt) to set up their incorporated management committee (IMC) under the Education Ordinance, hence, we need a mechanism for identification of these schools by providing a new definition for “school management companies” in the Education Ordinance.

3. Clause 3 (section 8) Permanent Secretary to maintain registers

The register of IMC will be uploaded on EMB homepage for public inspection in order to ensure transparency and accountability of IMC.

4. Clause 7 (section 18A) Approval of Permanent Secretary required for post secondary education

- (i) To be in line with s. 101E of the Criminal Procedure Ordinance (Cap. 221), we will move CSA to the new s.18A(4), s.87(10) and s.101(9) so that a manager can only be charged with the relevant offence if the contravention in question has been committed by the IMC with the consent or connivance of the manager.

5. Clause 12 (section 30) Grounds for refusal to register manager

- (i) We should repeal section 30(1)(f) because whether the applicant has established that he has a special interest in the school is no longer a relevant factor when considering an application for registration of a manager.
- (ii) Sections 30(1) and (1A)(a) apply to an applicant for registration of manager of an IMC school or non-IMC school.

The grounds set out in sections 30(1)(c) and (d) do not involve judgement and are suitable for inclusion in the proposed section 30(1A) if they were new elements. However, the paragraphs have been in section 30(1) for over 30 years. It would be better if they are kept in place so as to avoid researches on historical references when those references are looked up. There is no downside for keeping those long-standing provisions where they are. The practical effect of section 30 as a whole will not be affected.

- (iii) It is our policy intent that a person aggrieved by the decision of the Permanent Secretary under s. 30(1A)(b)(ii) should have the right to appeal against the decision under section 60, hence, it is more appropriate to let the Permanent Secretary have the discretion to register an applicant as a manager under s.30(1A) instead of under s.30(2).

There may also be cases where the Permanent Secretary can satisfy himself that the applicants are fit for duty in the absence of medical certificates. For example, an applicant can produce other supporting evidences, such as the recommendations of other IMC managers or persons of standing, to prove that he is fit to perform the functions of a manager.

The applicant/manager will be required to submit the medical certificate if he/she has attained the age of 70 years or we have received complaints that the applicant/manager is physically or mentally unfit to perform the duties of a manager.

6. Clause 13 (section 31) Grounds for cancellation of registration of manager

- (i) To avoid duplication, CSA will be moved to delete the word “previously” in s. 30(1A)(a) and delete paras. (h) and (i) in s.31(1).

As regards paragraphs (j) in s.31(1), the paragraph is needed to put beyond doubt the Permanent Secretary’s power to request medical certificate after registration. Otherwise people may argue that the power to request certificate only applies when the Permanent Secretary is considering whether to register an applicant.

- (ii) Absent without leave is a wrongdoing which we propose to discourage by making it a ground of cancellation of registration. To allow maximum flexibility for IMCs, we should not be more specific about the leave-granting authority. It may be provided for in the constitution or the terms of appointment. Leave can be granted by IMC, SSB (in the case of SSB manager), Chairman of IMC, etc. There should be no doubt about whether or not a manager’s absence is an absence without leave in the particular circumstances of the case.

7. Clause 17

a. new section 40AD Functions of sponsoring body and IMC

- (i) Unless specified by the sponsoring body (SSB), those funds and assets provided by the SSBs for the operation of school should be owned by the SSB, e.g. funds and furniture and equipment, scholarship, school premises (applicable in some cases only) and other properties located in the school premises, e.g. chapel.

All recurrent and non-recurrent grants and subsidies provided by the Government, premises allocated by the Government and furniture and equipment purchased by government grants belong to the Government.

Other than those funds and assets owned by the SSB and the Government, the other school funds and assets, such like revenue from sale of exercises books/uniforms and operation of tuck shop, will belong to the IMC. Therefore, there should be no overlapping between the funds and assets owned by the IMC or received from the Government as referred to in s.40AE(2)(d).

- (ii) There is no requirement for the SSB to conduct any consultation in the drafting of the IMC constitution, it is advisable for the SSB to consult the relevant parties during the drafting process. However, in the case of a new school, there is no PTA, alumni and teachers to consult when the constitution is drafted.

b. new section 40AH General requirement of composition

- (i) There is no difference between the expressions “not less than one” in subsection 2(c), (d) and (f) and “one or more” in subsection (2)(e). The syntactic context of subsection (2)(e) entails using “one or more”.
- (ii) As long as the “60% rule” mentioned in s.40AH(3) is observed, there is no limit for the number of managers. The maximum number of managers of the IMC should be stated in the constitution. The “60% rule” applies in relation to the total number of managers that the IMC may have under the constitution, not the actual number of managers. Say the constitution provides that there should be 12 manager, among them 7 should be SSB managers, there can be 7 SSB managers even if the other categories of managers have not been duly registered. This is also applicable to new IMC schools, which will only have SSB managers at the outset, and it is bound to take sometime before other categories of managers are registered. CSA will be moved to delete s.40AH(5).

c. new section 40AJ Functions of chairperson

For IMC schools, SSBs will have the discretion to retain the post of supervisor according to their own needs. In such case, the SSB should set out the duties, appointment and vacation of office of the supervisor in the IMC constitution. However, “supervisor” is no longer a statutory post for IMC schools. The IMC is not required to inform EMB that the supervisor ceases to hold office.

d. new section 40AM Nomination of parent manager

- (i) Recognition of PTA can be effected by a document (such as a letter signifying recognition from IMC to the PTA concerned). Procedural requirements can be laid down in the constitution. Recognition is necessary to cater for situation where there is more than one parent-teacher association in the same school. IMC should be formed before recognizing the PTA. CSA will be introduced to S.40AP to specify that the first parent manager and the first alumni manager of the school must be registered within three months from the establishment of the IMC.
- (ii) Under the proposed mechanism, there should be first an election conducted by the PTA to elect the parent manager. The PTA will then nominate the elected person to IMC for registration as a parent manager.
- (iii) As agreed in the Bills Committee meeting on 10 October 2003, CSA will be moved to s. 40AM to allow parents of all current pupils of a school to have the right to vote and be elected in the election of parent managers. Such elections are to be organized by the PTAs. Also, amendment will be made to s.40AV to allow parents of all current pupils of a school to have voting right when a parent manager is to be removed.

There is no inconsistency between “有關家長教師會的成員” and “the members of the parent-teacher association”. The expression “有關” and the second “the” in the English version both serve to make it clear that it is not any PTA that the provision is referring to.

e. new section 40AN Nomination of alumni manager

- (i) The position is similar to that of parent managers mentioned in our response in paragraph 7(d)(i) above. For an existing school with an alumni association, the SSB cannot propose the alumni manager. An alumni manager must be nominated by the recognized alumni association or the IMC.
- (ii) Subsection (5) enables an IMC to nominate an alumnae for registration as alumni manager where, in relation to a school –
 - (a) no alumni association has been formed or recognized; or
 - (b) the recognized alumni association has failed to nominate any person for registration as alumni manager.

f. new section 40AO Nomination of independent manager

We expect committed community members and relevant professionals such as social workers, lawyers, accountants, engineers etc. will become independent managers.

g. new section 40AP Exemption from composition requirements

The exemption in subsection (1) applies to both operating and planned schools.

h. new section 40AQ Provisions applicable to alternate managers

- (i) We note that under the proposed regime, the constitution of an IMC can provide for different electoral procedures for parent managers and alternate parent managers. CSA will be moved to make clear our policy intent that alternate parent managers should be elected in the same manner as parent managers. A similar CSA will be moved in relation to teacher managers and alternate teacher managers.
- (ii) Section 40AQ(1) provides that an alternate manager is regarded as a manager subject to several exceptions. An alternate manager's liability for acts other than those mentioned in section 40AQ(6) is same as that of other managers.

i. new section 40AS Filling of vacancies to maintain full composition

- (i) What constitute good grounds depends on the circumstances of the case. The Permanent Secretary will exercise discretion reasonably to accommodate difficulties in finding a replacement. When a vacancy appears, the IMC will need some time, at least about one to two weeks to co-ordinate members' views in nominating a candidate to fill the vacancy. Flexibility should be provided to extend the one-month period under subsection (3) because of unforeseen circumstances. Sometimes, the potential candidate may decline or fail to take up the post because of health or personal problems, the IMC will need more time to identify other possible candidates. If the vacant post falls in the categories of elected managers, the relevant bodies, like teachers or PTAs may need time to arrange for by-election in order to elect another representative to fill the vacancy.
- (ii) If the vacancy cannot be filled, the IMC may apply for exemption of that

category of manager. New section 41(1)(b) also provides that in relation to a school the composition of the management committee or incorporated management committee (as may be appropriate) is such that –

- (i) the school is not likely to be managed satisfactorily; or
- (ii) the education of the pupils of the school is not likely to be promoted in a proper manner;

the Permanent Secretary may appoint one or more persons to be managers of the school for such period as he thinks fit.

- (iii) We do not rule out the possibility that some IMCs may wish to amend their IMC constitution when having difficulties to find the number of managers as stipulated in the constitution. Subject to evidence of such difficulties provided by IMC, the Administration may extend the one-month period under subsection (3).
- (iv) The term of office of different categories of managers should be provided in the constitution. It is up to the IMC to decide whether the tenure of the replacement manager should be the same as the manager who quitted.

j. new section 40AV Vacation of office of teacher manager, etc.

There is no inconsistency in policy. Although some managers coming from distinct constituencies are accountable to the IMC, it is only fair that the constituencies can procure their removal from office if they fail to discharge their duties satisfactorily. The manager concerned can appeal to the Appeals Board if their registration is being cancelled at the request of the relevant constituency.

k. new section 40AX Delegation of functions

If a manager fails to perform a delegated function, the IMC will be held responsible for the failure. If the manager duly performs the function but fails to report, the IMC will also be held responsible. If a manager acts outside the scope of delegation, the liability will be determined under the law of agency.

l. new section 40BJ Establishment of IMC in respect of operating school

Since subsections (4) and (5) apply to operating DSS school and operating non-aided school in receipt of Government subsidies, it may not be appropriate

to add “aided” before school in the heading.

m. new section 40BO Transitional provisions for establishment of IMC

A notice amending Schedule 1 has legislative effect. It is subsidiary legislation.

n. new section 40BP Dissolution of school management company

We have agreed with the Registrar of Companies that when approval is given for a school with a school management company to set up an IMC under the Education Ordinance, EMB will at the same time notify the Registrar of Companies in a memo with the company number and the name of the school management company that is to be struck off from their registry. A copy of certificate of the IMC will also be enclosed for their record. It is not necessary for the school management company to notify the Registrar of Companies of its dissolution.

o. new section 40BQ Transitional provisions for dissolution of school management company

A notice amending Schedule 2 has legislative effect. It is subsidiary legislation.

p. new section 40BU Sponsoring body to establish IMC in respect of planned school

The definition of “planned school” in section 40AB has clearly defined the scope of section 40BU. There is no need to amend the heading.

8. Clause 22 (section 57A) Principal selection committee

It is important that the principal selection committee has the collective skill to do its job. The committee may include, other than SSB and IMC members, persons skilled in the selection of professional employees, someone who has previous experience in the selection of successful school principals, representative of the parents of students at the school, persons nominated by EMB or educators not directly involved in the operation of the SSB or its schools.

9. Clause 32(section 87) Offences and penalties

- (i) The managers are members of the IMC which is responsible for the management of the school. The IMC is vested with the power to do anything that appears to it to be necessary or expedient for the proper management, administration or operation of the school. It is therefore reasonable and proportionate to require all the managers to act together, in their capacity as members of the IMC, to manage the school properly and to ensure that the school complies with the requirements of the Education Ordinance. Hence, the managers and not the IMC will be held liable for any offence under the Ordinance. Since an IMC is not a natural person and penalties such as imprisonment and community service order do not apply, a sentence against an IMC will have to be in the form of a fine. Financial penalty will however prejudice the interest of the students.
- (ii) Please see our responses to clause 7 above.
- (iii) Setting a limit on the liability of an IMC will not be consistent with established legal policy. There is no such limit for companies incorporated under the Companies Ordinance.

Personal liability of a manager has been provided for where appropriate. The policy is to minimise the risk of incurring personal liability so as to encourage people to act as managers.

- (iv) There is no need to amend subsection (3)(g) as the offence has been provided for in subsection (7)(a). On close examination, the reference to paragraph (g) in subsection (7)(b) is superfluous and should be deleted. CSA will be moved.

10. Clause 33 Schedules 1 and 2 added

a. Schedule 1

- (i) CSA will be moved to rectify the clerical errors of the expression “incorporated committee”.
- (ii) Since the liabilities under the pre-incorporation contract are transferred to the IMC, there is no need to provide expressly for exemption of liability of managers.

- (iii) Section 2 of Schedule 1 provides for a particular type of pre-incorporation contract to which the IMC will become a party upon incorporation. For other contracts entered into for the benefit of the school prior to the transition date, the contractual rights and liabilities have to be assigned with mutual consent. Another way is to discharge the original contract by consent and enter into a new contract.
- (iv) The IMC will become the employer under the employment contract and a party to the proceedings.

b. Schedule 2

Administrative arrangement will be made for registering the certificate of incorporation (CI) of an IMC if interest in land is involved in the transition. We will further discuss this with the Land Registrar.

11. Clause 56 and Schedule 2 Substitution of “responsible person” for “supervisor” (Regulations 3, 20, 21, 23, 52, 57, 79, 82, 89 and 92 of the Education Regulations)

The existing provisions in the Education Ordinance provided that the supervisor of a school has to be responsible for some duties, which are mainly operational matters, e.g. to submit to the Permanent Secretary plans of school premises, syllabuses, time-table and school holidays list. However, these duties are currently carried out by the principals in practice. The Bill has transferred such duties to the principals as they fall within the principals’ professional expertise and responsibilities.

12. Clause 38 (Regulation 66) Prohibition of collections without permission of Permanent Secretary

Under section 35(2), a supervisor must be a manager. There is no need for an express reference.

13. Clause 44 (Regulation 76) Majority vote in certain cases

- (i) The policy intention is that the appointment and dismissal of a member of the teaching staff should be supported by not less than 50% of the managers. The decision-making process can be laid down in the constitution of the IMC concerned.

- (ii) Contravention of some regulations including regulation 76 is not an offence under regulation 101. The Permanent Secretary has been empowered under section 82 of the Education Ordinance that he may, if it appears to him that any provision of the Ordinance is being or has been contravened in respect of a school, by notice in writing give such directions as he thinks necessary in order that such provision of the Ordinance will be complied with in respect of the school. If the supervisor or a manager of the school fails to comply with the notice served on him, he shall be guilty of an offence and shall be liable on conviction to a fine of \$250,000 and to imprisonment for 2 years under section 87(1)(i).

14. Clause 45 (Regulation 81) Permanent Secretary may disapprove

The policy is to ensure that both the supervisor and principal take action notwithstanding that the notice is given to the supervisor only. The reference to "the supervisor and principal" is technically correct. However, a CSA will be moved to avoid misinterpretation.

Yours sincerely



(M Y CHENG)

for Secretary for Education and Manpower

c.c. Mr. Gilbert Mo
Deputy Law Draftsman
(Bilingual Drafting and Administration)

Education (Amendment) Bill 2002
Offences and Penalties under Section 87 of Education Ordinance

Section	Content	Person liable	Penalties	Defences
87(1)(a) *	Any person who is an owner or a managers of or a teacher in a school which is not registered or provisionally registered;	Owner or teacher	A fine of \$250,000 and imprisonment for 2 years	
87(1)(aa)*	<i>Any person who manages or takes any part in the management of a school which is not registered or provisionally registered;</i>	<i>Any person</i>	<i>A fine of \$250,000 and imprisonment for 2 years</i>	
87(1)(b)	Any person who is an owner or a manager of a school which is operated in contravention of section 19(1); Section 19(1) Premises in which school may be operated No school shall be operated in any premises other than the premises specified in the certificate of registration or provisional registration of the school.	Owner or manager	A fine of \$250,000 and imprisonment for 2 years	
87(1)(c)	Any person who contravenes section 27; Section 27 Managers of schools to be registered No person shall act as a manager of a school unless he is registered as a manager of the school under section 29(1).	Any person	A fine of \$250,000 and imprisonment for 2 years	
87(1)(d)	Any person who obstructs (i) the Permanent Secretary or an inspector while the Permanent Secretary or inspector is carrying out, or attempting to carry out an inspection of school; (ii) any manager appointed under section 41(1) in the performance of his functions as a manager;	Any person	A fine of \$250,000 and imprisonment for 2 years	

*New or amended parts are highlighted in bold and italics.

Section	Content	Person liable	Penalties	Defences
	<p>Section 41(1)* Appointment of managers by Permanent Secretary</p> <p>(1) If it appears to the Permanent Secretary-</p> <p>(a) that a school is not being managed satisfactorily or that the education of the pupils is not being promoted in a proper manner;</p> <p>(b) that the composition of the management committee of a school is such that the school is not likely to be managed satisfactorily, or is such that the education of the pupils is not likely to be promoted in a proper manner; or</p> <p>(b) that in relation to a school the composition of the management committee (as may be appropriate) is such that –</p> <p>(i) the school is not likely to be managed satisfactorily; or</p> <p>(ii) the education of the pupils of the school is not likely to be promoted in a proper manner;</p> <p>(c) that for any reason a school has no manager; or</p> <p>(d) that any provision of this Ordinance is being or has been contravened in respect of a school.</p> <p>he may appoint one or more persons to be managers of the school for such period as he thinks fit.</p>			
87(1)(h)	<p>Any person who refuses to produce any book or document or other article or to furnish any information upon being so required under section 81 or 81A(1A), or furnishes information which is false in a material particular and which he knows or reasonably ought to know is false in such particular;</p> <p>Section 81 Powers of inspectors</p> <p>The Permanent Secretary and any inspector of schools may.</p>	Any person	A fine of \$250,000 and imprisonment for 2 years	

Section	Content	Person liable	Penalties	Defences
	<p>for the purposes of section 80-</p> <ul style="list-style-type: none"> (a) at all reasonable times enter the premises of any school; (b) enter any premises in which he has reason to suspect that an offence against this Ordinance has been or is being committed; (c) require any manager or teacher of a school to produce any book, document or other article relating to the management of the school, or to the teaching in or any other activity of the school, or to furnish any information relating to such management, teaching or activity; (d) remove for further examination any book, document or other article which he has reason to suspect is evidence of the commission of an offence against this Ordinance, or for the cancellation of the registration of any school, manager or teacher, or for the cancellation of the provisional registration of any school, or for the cancellation of any permit to teach; and (e) do such other things as are necessary for the inspection of a school. <p>Section 81A(1A) Inspection of premises in the case of unregistered schools</p> <p>The Permanent Secretary and any inspector of schools may, for the purposes of this section-</p> <ul style="list-style-type: none"> (a) require any person apparently in charge of the premises to produce any book, document or other article relating to the management of any business being carried on the premises or to furnish any information relating to such management or business; and (b) remove for further examination any book, document or other article which he has reason to suspect is evidence of the commission of an offence against this Ordinance. 			

Section	Content	Person liable	Penalties	Defences
87(1)(ha)	<p>Any person who obstructs the Permanent Secretary or an inspector while the Permanent Secretary or inspector is carrying out, or attempting to carry out, an inspection of premises under section 81A(1) or in accordance with a warrant issued under section 81A(3);</p> <p>Section 81A Inspection of premises in the case of unregistered schools</p> <p>(1) The Permanent Secretary and any inspector of schools may enter and inspect any premises which the Permanent Secretary has reason to suspect are being used for the purposes of a school which is not registered or provisionally registered.</p> <p>(3) A magistrate may issue a warrant authorizing the Permanent Secretary or any inspector of schools, with such assistance from members of the Fire Services Department as may be necessary, to enter and inspect any premises referred to in subsection (1) if he is satisfied by information on oath that there are reasonable grounds for suspecting that those premises are being used for the purposes of a school which is not registered or provisionally registered.</p>	Any person	A fine of \$250,000 and imprisonment for 2 years	
87(1)(i)*	<p>Any person being a supervisor or any other manager of a school, fails to comply with any notice served on him under section 82;</p> <p>Section 82* Power of Permanent Secretary to direct remedial measures</p> <p>(1) The Permanent Secretary may, if it appears to him that—</p> <p>(a) a school is not being managed satisfactorily;</p> <p>(b) the education of the pupils of a school is not being promoted in a proper manner; or</p>	Supervisor or manager	A fine of \$250,000 and imprisonment for 2 years	

Section	Content	Person liable	Penalties	Defences
	<p>(c) any provision of this Ordinance is being or has been contravened in respect of a school, by notice in writing give such directions as he thinks necessary in order that the school will be operated satisfactorily, or that the education of the pupils of the school will be promoted in a proper manner, or that such provision of this Ordinance will be complied with in respect of the school.</p> <p>(2) Any notice under subsection (1)-</p> <p>(a) may be served on the supervisor and every other management authority and every manager of the school concerned; and</p> <p>(b) may specify a period of time within which the directions shall be complied with.</p>			
87(1)(j)	<p>Any person who contravenes section 83(6);</p> <p>Section 83(6) Powers of Permanent Secretary to close school or give directions in case of danger or misconduct</p> <p>No person shall enter or remain in-</p> <p>(a) any premises or any part of any premises in which the operation of a school has been suspended under section (1),(A) or (2);</p> <p>(aa) any premises of any part of any premises which have been closed under subsection (3) or (4);</p> <p>(b) any place the use of which for the purposes of a school has been prohibited by the Permanent Secretary under subsection (1) or (2),</p> <p>unless-</p> <p>(i) he is a public officer acting in the course of his duty; or</p> <p>(ii) the Permanent Secretary has given him permission in writing to do so.</p>	Any person	A fine of \$250,000 and imprisonment for 2 years	
87(1)(k)	Any person who. in or in connection with any application	Any person	A fine of \$250,000	

Section	Content	Person liable	Penalties	Defences
	under this Ordinance, makes any statement or furnishes any information, whether such statement or information be verbal or written, which is false in any material particular and which he knows or reasonably ought to know is false in such particular,		and imprisonment for 2 years	
87(2)(a)	<p>Any person who is a member of any management committee which contravenes section 38(1) or section 40;</p> <p>Section 38(1)* Approval of subsequent supervisors If in the case of any school which is registered or provisionally registered-</p> <p>(a) the Permanent Secretary refuses under section 35 to approve a person who has been recommended to be the supervisor;</p> <p>(b) the supervisor ceases under section 36 to hold office;</p> <p>(c) there is for any other reason no supervisor;</p> <p>(d) the supervisor ceases to perform the duties of the supervisor; or</p> <p>(e) the supervisor is no longer acceptable as such to the majority of the management committee,</p> <p>the management committee shall within one month recommend for the approval of the Permanent Secretary another registered manager of the school to be the supervisor.</p> <p>Section 40* Duties of management committee in absence of supervisor Without prejudice to section 38(1), if at any time there is no supervisor of a school, the duties of the supervisor under this Ordinance shall be performed by the management committee until a supervisor is approved by the Permanent Secretary, and in such case any notice which is to be served or which may be served under this Ordinance on the supervisor may be served on any registered manager of the school.</p>	Member of management committee	A fine at level 6 and imprisonment for 2 years	<p>Section 87(4) If a registered manager of a school is charged with an offence by reason of being a member of a management committee which has contravened a provision of this Ordinance specified in subsection (2)(a) or in subsection (3)(g), it shall be a defence to the charge if he proves that-</p> <p>(a) the other members of the management committee contravened such provision without his knowledge or consent; or</p> <p>(b) he took all reasonable steps to prevent the other members of the management committee from contravening such provision.</p>

Section	Content	Person liable	Penalties	Defences
87(2)(b)	<p>Any person who is not being the supervisor of a school or a member of the management committee of a school acting under section 40, performs any function of the supervisor of the school;</p> <p>Section 40* Duties of management committee in absence of supervisor Without prejudice to section 38(1), if at any time there is no supervisor of a school, the duties of the supervisor under this Ordinance shall be performed by the management committee until a supervisor is approved by the Permanent Secretary, and in such case any notice which is to be served or which may be served under this Ordinance on the supervisor may be served on any registered manager of the school.</p>	Any person	A fine at level 6 and imprisonment for 2 years	
87(2)(c)	<p>Any person who is not being the principal of a school or empowered under section 58AA(1) to perform the functions of the principal of the school, performs any function of the principal of the school;</p> <p>Section 58AA(1) Performance of functions of principal by candidate A teacher who is not a principal of a school and who has been recommended under section 53(1) or 57(1) for approval to be the principal of the school may, as long as he is a registered teacher or permitted teacher, perform the functions of the principal until the recommendation-</p> <p>(a) is approved under section 53(2) or 57(2), as the case may be; or (b) is refused under section 54.</p>	Any person	A fine at level 6 and imprisonment for 2 years	
87(2)(d)	<p>Any person who contravenes section 72(1) or (2)</p> <p>Section 72 Restrictions on entry into school premises (1) If the registration or provisional registration of a school</p>	Any person	A fine at level 6 and imprisonment for 2 years	

Section	Content	Person liable	Penalties	Defences
	<p>has been cancelled under section 22, no person who has at any time been a manager, teacher or pupil of the school shall enter or remain in any premises-</p> <p>(a) in which the school was operated; and</p> <p>(b) which are being used for the purposes of a school, without the permission in writing of the Permanent Secretary.</p> <p>(2) No person shall, without the permission in writing of the Permanent Secretary, enter or remain in any school-</p> <p>(a) if at any time-</p> <p>(i) (Repealed 42 of 1993 s. 24)</p> <p>(ii) he has been refused registration as a manager or a teacher, or having been so registered has had his registration cancelled;</p> <p>(iii) a permit to teach has been refused in respect of such person;</p> <p>(iv) he has been a permitted teacher in respect of whom a permit to teach has been cancelled; or</p> <p>(v) he has been refused approval as the supervisor or principal of a school, or having been so approved has had such approval withdrawn;</p>			
87(3)(a)	Any person who is an owner or manager of a school which is operated in any name other than its registered name;	Owner or manager of a school	A fine at level 5 and imprisonment for 2 years	
87(3)(b)	<p>Any person who contravenes section 18(2) or (3);</p> <p>Section 18* Certificate of registration or provisional registration</p> <p>(2) Except as provided in subsection (3), section 20 and section 71, the supervisor management authority of a school shall cause the certificate or a copy issued by the Permanent Secretary to be exhibited at all times in a conspicuous place in each of the premises specified in</p>	<p>IMC school – please see s.87(7)(a)</p> <p>School without IMC - supervisor</p>	A fine at level 5 and imprisonment for 2 years	

Section	Content	Person liable	Penalties	Defences
	<p>the certificate.</p> <p>(3) If the Permanent Secretary extends the period of provisional registration of a school under section 15(2), the supervisor management authority shall within one month after the date when heit is notified of the extension deliver the certificate of provisional registration and every copy of the certificate to the Permanent Secretary, who shall amend the certificate and the copies thereof accordingly and return them to the supervisor management authority.</p>			
87(3)(c)	<p>Any person who contravenes section 19(2);</p> <p>Section 19(2) Premises in which school may be operated No teacher in any school shall teach in any premises other than the premises specified in the certificate of registration or provisional registration of the school.</p>	Any person	A fine at level 5 and imprisonment for 2 years	
87(3)(d)*	<p>Any person who contravenes section 39(2) or (3); or 40AJ(1)(b);</p> <p>Section 39 Duties of supervisor (2) The supervisor of a school shall within 1 month after the happening of such event give notice in writing to the Permanent Secretary if—</p> <ul style="list-style-type: none"> (a) any person ceases to be a manager of the school; (b) the supervisor ceases to perform the duties of the supervisor; (c) the principal ceases to perform the duties of the principal; (d) any teacher commences to teach or is employed to teach at the school; (e) any teacher ceases to teach or ceases to be employed to teach at the school: 	Supervisor	A fine at level 5 and imprisonment for 2 years	

Section	Content	Person liable	Penalties	Defences
	<p>to teach at the school;</p> <p>(f) the supervisor becomes aware of a change in any particulars furnished under this Ordinance with respect to any landlord or tenant of the premises in which the school is operated.</p> <p>(3) A notice under subsection (2) shall specify—</p> <p>(a) the full name and address of the person to whom the notice relates and, if he is a registered or permitted teacher, his registration number or permitted teacher reference number; and</p> <p>(b) the date of the event referred to in the notice.</p> <p><i>Section 40AJ(1)(b)* Functions of chairperson</i></p> <p><i>(1) The Chairperson of an incorporated management committee of a school shall –</i></p> <p><i>(b) within one month from the happening of any of the following events, give notice of the event to the Permanent Secretary-</i></p> <p><i>(i) any person ceases to be a manager of the school;</i></p> <p><i>(ii) the principal of the school ceases to hold office as such;</i></p> <p><i>(iii) any teacher of the school is employed to teach or commences teaching at the school;</i></p> <p><i>(iv) any teacher of the school ceases to hold office as such; or</i></p> <p><i>(v) there is a change in any particulars furnished under this Ordinance in respect of the tenancy of the school premises;</i></p>	<i>Chairperson of IMC</i>	<i>A fine at level 5 and imprisonment for 2 years</i>	
87(3)(e)	<p>Any person who contravenes section 42(1) or (2);</p> <p>Section 42 Teachers to be registered or permitted</p>	Any person	A fine at level 5 and imprisonment for 2 years	

Section	Content	Person liable	Penalties	Defences
	teachers (1) No person shall teach in a school unless he is – (a) a registered teacher; or (b) a permitted teacher. (2) No permitted teacher shall teach in a school otherwise than in accordance with the conditions or limitations specified in the permit to teach issued in respect of such teacher.			
87(3)(f)	Any person who employs or permits any person to teach in a school in contravention of section 42(1) or (2); Section 42 Teachers to be registered or permitted teachers (1) No person shall teach in a school unless he is- (a) a registered teacher; or (b) a permitted teacher. (2) No permitted teacher shall teach in a school otherwise than in accordance with the conditions or limitations specified in the permit to teach issued in respect of such teacher.	Any person	A fine at level 5 and imprisonment for 2 years	
87(3)(g)	Any person who is a member of a management committee which contravenes section 53(1) or section 57(1); Section 53* Approval of first principal of school (1) Within 1 month after the registration or provisional registration of a school, the management committee <i>or incorporated management committee (as may be appropriate)</i> shall recommend for the approval of the Permanent Secretary a teacher of the school to be the principal. Section 57(1)* Approval of subsequent principals	Member of management committee	A fine at level 5 and imprisonment for 2 years	<u>Section 87(4)*</u> If a registered manager of a school is charged with an offence by reason of being a member of a management committee which has contravened a provision of this Ordinance specified in subsection (2)(a) or in subsection (3)(g), it shall be a defence to the charge if he proves that-

Section	Content	Person liable	Penalties	Defences
	<p>If in the case of any school—</p> <p>(a) the Permanent Secretary refuses under section 54 to approve a teacher who has been recommended to be the principal;</p> <p>(b) the principal ceased under section 55 to hold office;</p> <p>(c) the principal ceases to perform the duties of the principal; or</p> <p>(d) the principal is no longer acceptable as such to the majority of the management committee <i>managers of the school</i>.</p> <p>the management committee <i>or incorporated management committee (as may be appropriate)</i> shall within 1 month recommend for the approval of the Permanent Secretary another teacher of the school to be the principal.</p>			<p>(a) the other members of the management committee contravened such provision without his knowledge or consent; or</p> <p>(b) he took all reasonable steps to prevent the other members of the management committee from contravening such provision.</p>
87(3)(l)	<p>Any person who contravenes section 71;</p> <p>Section 71 Return of invalid certificates and permits</p> <p>Notwithstanding any other provision in this Ordinance, if-</p> <p>(a) a school ceases to be registered or provisionally registered;</p> <p>(b) (Repealed 42 of 1993 s. 23)</p> <p>(c) a person ceases to be registered as a manager or a teacher; or</p> <p>(d) a person ceases to be a permitted teacher,</p> <p>every person who has in his possession any certificate or copy of a certificate relating to such registration, provisional registration or, in the case referred to in paragraph (d), the permit to teach or a copy of the permit to teach issued in respect of the permitted teacher, shall within one month after being required to do so by the Permanent Secretary deliver such document to the Permanent Secretary.</p>	Any person	A fine at level 5 and imprisonment for 2 years	
87(3)(m)	Any person who contravenes section 86;	Any person	A fine at level 5 and	

Section	Content	Person liable	Penalties	Defences
	Section 86 Prohibition of issue of degrees or documents resembling degrees No person or school shall- (a) award a degree to a person; or (b) issue any document which could reasonably be taken as signifying the award of a degree to a person		imprisonment for 2 years	
87(3)(n)	Any person who is an owner or a manager of a school which contravenes section 86, Section 86 Prohibition of issue of degrees or documents resembling degrees No person or school shall- (b) award a degree to a person; or (b) issue any document which could reasonably be taken as signifying the award of a degree to a person	Owner or manager of a school	A fine at level 5 and imprisonment for 2 years	
87(3A)*	Any person who – (a) is a member of a management committee which contravenes or incorporated management committee which fails to comply with a notice under section 74(2A); or (b) contravenes section 74(2B), Section 74* Power of Permanent Secretary to order attendance at primary school or secondary school (2A) The Permanent Secretary may at any time, by notice in writing served upon the management committee <i>or incorporated management committee (as may be appropriate)</i> of a primary school or secondary school named in an attendance order, require the committee to admit to that school as a pupil the child to whom the attendance order relates.	Member of management committee <i>or incorporated management committee</i>	A fine at level 3 and imprisonment for 3 months	

Section	Content	Person liable	Penalties	Defences
	(2B) No person shall, without the permission in writing of the Permanent Secretary, expel from a primary school or secondary school named in an attendance order the child to whom the attendance order relates and who has been admitted to that school as a pupil in accordance with that order.			
87(3B)	<p>Any person who-</p> <p>(a) refuses to furnish his proof of identity, residential address or contact telephone number upon being so required under section 81B; or</p> <p>(b) furnishes a false residential address or contact telephone number upon being required under section 81B to furnish his residential address and contact telephone number,</p> <p>Section 81B Power to request personal particulars Where the Permanent Secretary or any inspector of schools enters any premises under section 81(b) or 81A(1) or (3), he may, for the purposes for which he enters the premises, require any person found in the premises whom he reasonably believes to be guilty of an offence under this Ordinance to-</p> <p>(a) furnish to him for his inspection the person's proof of identity; and</p> <p>(b) furnish to him the person's residential address and contact telephone number.</p>	Any person	A fine at level 3	
87(6)*	<p><i>If an incorporated management committee-</i></p> <p><i>(a) fails to comply with any notice served on it under section 82; or</i></p> <p><i>(b) does any act which, if done by any person other than an incorporated management committee, would constitute an offence under subsection (1)(d),(h) or (k),</i></p> <p>Section 82* Power of Permanent Secretary to direct</p>	IMC school - every manager	A fine of \$250,000 and imprisonment for 2 years	<p>Section 87(10)* <i>If a person is charged under subsection (6),(7), (8) or (9), it shall be a defence to the charge if he proves that-</i></p> <p><i>(a) the relevant failure, contravention or act was</i></p>

Section	Content	Person liable	Penalties	Defences
	<p>remedial measures</p> <p>(1) The Permanent Secretary may, if it appears to him that-</p> <p>(a) a school is not being managed satisfactorily;</p> <p>(b) the education of the pupils of a school is not being promoted in a proper manner; or</p> <p>(c) any provision of this Ordinance is being or has been contravened in respect of a school,</p> <p>by notice in writing give such directions as he thinks necessary in order that the school will be operated satisfactorily, or that the education of the pupils of the school will be promoted in a proper manner, or that such provision of this Ordinance will be complied with in respect of the school.</p> <p>(2) Any notice under subsection (1)-</p> <p>(a) may be served on the supervisor and every other management authority and every manager of the school concerned; and</p> <p>(b) may specify a period of time within which the directions shall be complied with.</p>			<p><i>committed or done without his knowledge or consent; or</i></p> <p><i>(b) he took all reasonable steps to prevent the failure, contravention or act.</i></p>
87(7)*	<p><i>If an incorporated management committee-</i></p> <p><i>(a) contravenes section 18(2) or (3), 53(1) or 57(1); or</i></p> <p><i>(b) does any act which, if done by any person other than an incorporated management committee, would constitute an offence under section (3)(a),(f),(g),(l) or (n),</i></p> <p>Section 18* Certificate of registration or provisional registration</p> <p>(2) Except as provided in subsection (3), section 20 and section 71, the supervisor management authority of a school shall cause the certificate or a copy issued by the Permanent Secretary to be exhibited at all times in a conspicuous place in each of the premises specified in the certificate.</p>	<i>IMC school - every manager</i>	<i>A fine at level 5 and imprisonment for 2 years</i>	<i>Section 87(10)</i>

Section	Content	Person liable	Penalties	Defences
	<p>(3) If the Permanent Secretary extends the period of provisional registration of a school under section 15(2), the supervisor-management authority shall within one month after the date when he-it is notified of the extension deliver the certificate of provisional registration and every copy of the certificate to the Permanent Secretary, who shall amend the certificate and the copies thereof accordingly and return them to the supervisor-management authority.</p> <p>Section 53(1)* Approval of first principal of school Within 1 month after the registration or provisional registration of a school, the management committee <i>or incorporated management committee (as may be appropriate)</i> shall recommend for the approval of the Permanent Secretary a teacher of the school to be the principal.</p> <p>Section 57(1)* Approval of subsequent principals If in the case of any school—</p> <p>(a) the Permanent Secretary refuses under section 54 to approve a teacher who has been recommended to be the principal;</p> <p>(b) the principal ceased under section 55 to hold office;</p> <p>(c) the principal ceases to perform the duties of the principal; or</p> <p>(d) the principal is no longer acceptable as such to the majority of the management-committee-managers of the school.</p> <p>the management committee <i>or incorporated management committee (as may be appropriate)</i> shall within 1 month recommend for the approval of the Permanent Secretary</p>			

Section	Content	Person liable	Penalties	Defences
	another teacher of the school to be the principal.			
87(8)*	<i>If an incorporated management committee contravenes subsection (2)(a),</i>	<i>IMC school - every manager</i>	<i>A fine at level 6 and imprisonment for 2 years</i>	<i>Section 87(10)</i>
87(9)*	<i>If an incorporated management committee does any act which, if done by any person other an incorporated management committee, would constitute an offence under subsection (3A)(a) or (b),</i>	<i>IMC school - every manager</i>	<i>A fine at level 3 and imprisonment for 3 months</i>	<i>Section 87(10)</i>

Education (Amendment) Bill 2002
Offences and Penalties under Regulations 101 & 102 of Education Regulations

Regulation	Provisions	Person liable	Penalties	Defences
101(1)	<p>Any person who contravenes regulation 18, 19(1) or (2), 31, 34(2), 35(2), 66(1), 85, 88, 89(1) or 92(9) shall be guilty of an offence.</p> <p>R.18 Pupils using roof playgrounds to be under supervision No pupil shall be allowed on any roof playground, verandah or balcony unless under the direct supervision of a teacher.</p> <p>R.19 Numbers of pupils allowed on a roof playground (1) There shall not be more than 60 pupils upon any roof playground under the charge of one teacher at any one time. (2) The total number of pupils allowed on any roof playground, verandah or balcony at any one time shall not be greater than one for every 2m² of superficial area.</p>	Any person	Unless otherwise specified, all provisions under regulation 101 are subject to penalties under regulation 102(1), i.e. a fine at level 5 and imprisonment for one year.	

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.31 Storage of poisons and dangerous substance No poisonous or dangerous substance shall be kept without the permission of the Permanent Secretary in any place in school premises except in a science laboratory or a store room that has been approved in writing for such purpose by the Permanent Secretary.</p> <p>R.34 Fire officers may inspect school premises (2) No person shall obstruct an officer of the Fire Services Department in the exercise of his powers under paragraph (1).</p> <p>R.35 Fire officers may inspect buildings in neighbourhood of schools if fire risk suspected (2) No person shall obstruct an officer of the Fire Services Department in the exercise of his powers under paragraph (1).</p> <p>R.66 Prohibition of collections without permission of Permanent Secretary (1) No person shall in any school premises - (a) appeal to any pupils of a school for subscriptions; or (b) make any collection among any pupils of a school, without the permission in writing of the Permanent Secretary.</p> <p>R.85 Restriction on locking of entrances to and exits from schools Except with the permission of the Permanent Secretary, no entrance to or exit from any school premises shall be locked at any time when any pupil who does not reside in the school premises is in the school premises.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.88 Size of classes In any school providing -</p> <p>(aa) nursery education, not more than 20 pupils;</p> <p>(a) kindergarten education, not more than 30 pupils;</p> <p>(b) full-day kindergarten education, not more than 20 pupils;</p> <p>(c) primary, secondary or post-secondary education or any other educational course, not more than 45 pupils,</p> <p>shall be taught at one time by one teacher, except in special cases with the permission of the Permanent Secretary.</p> <p>R.89 Hours of instruction (1) No instruction shall be given by any school after 9.30 p.m. except with the permission of the Permanent Secretary.</p> <p>R.92 Syllabus and time-table subject to approval of Permanent Secretary (9) No person shall use a syllabus of instruction or any other document in contravention of a direction given under paragraph (8).</p>			
101(2)*	Any registered manager of a school who contravenes regulation 61, 63 or 66(2) shall be guilty of an offence.	Any manager of a school	A fine at level 5 and imprisonment for one year.	

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.61* Fees other than inclusive fee prohibited</p> <p>(1) Subject to regulation 99A and to paragraph (2), no supervisor management authority, manager or teacher shall charge or accept payment of any money or any school fees whatsoever other than the inclusive fees as printed on the certificate issued under regulation 60A(1)(ii):</p> <p>Provided that additional charges, moneys or fees (including entrance examination fees and pupil registration and withdrawal fees) may be charged if previously approved by the Permanent Secretary in writing and if such approval is kept exhibited together with the certificate kept exhibited under regulation 67.</p> <p>(2) A supervisor or manager A management authority may in any particular case grant a remission of the whole or any part of the inclusive fees printed on the certificate issued under regulation 60A(1)(ii), provided that such remission is permitted under a scheme of fee remission approved by the Permanent Secretary.</p> <p>(3) <i>The Permanent Secretary may grant an approval under this regulation on his own motion or upon an application.</i></p> <p>R.63* Formal receipts</p> <p>The payment of every sum of money by or on behalf of a pupil to a supervisor management authority, manager or teacher shall be forthwith acknowledged in writing by such supervisor management authority, manager or teacher on a proper form of receipt.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.66* Prohibition of collections without permission of Permanent Secretary</p> <p>(2) No <i>incorporated management committee</i> manager or teacher of a school shall in any way whatsoever -</p> <p>(a) appeal to any pupils of a school for subscriptions or permit any appeal to be made to or among any pupils of a school for subscriptions; or</p> <p>(b) make any collection among any pupils of a school or permit any collection to be made by or among any pupils of a school, without the permission in writing of the Permanent Secretary.</p>			
101(3)*	<p>If regulation 10, 22, 37(3), 62, 65, 84(1) or (2) or 93 is contravened in respect of any school, the registered managers of the school shall each be guilty of an offence.</p> <p>R.10 Structural alterations</p> <p>Except with the consent in writing of the Permanent Secretary there shall not</p>	Any school - each manager	A fine at level 5 and imprisonment for one year.	<p>R.101(9)</p> <p><i>It shall be a defence to the charge if he proves that –</i></p> <p><i>(a) the regulation was contravened without his knowledge or consent;</i></p> <p><i>or</i></p> <p><i>(b) he took all reasonable steps to prevent the contravention of the regulation.</i></p>

Regulation	Provisions	Person liable	Penalties	Defences
	<p>be made -</p> <ul style="list-style-type: none"> (a) any structural alterations to the school premises; (b) any alteration to the latrine accommodation or the sanitary arrangements of any school or in the ventilation or lighting of a classroom; (c) any subdivision of a classroom. <p>R.22 Consent for installation</p> <p>No machinery or machine tools shall be installed or used in a school workshop except in accordance with the written consent of the Permanent Secretary.</p> <p>R.37* Notice requiring safety equipment against fire</p> <p>(3) <i>A management committee or incorporated management committee on which a notice under paragraph (1) is served shall comply with the notice.</i></p> <p>R.62* Method of payment</p> <ul style="list-style-type: none"> (1) Unless otherwise permitted in writing by the Permanent Secretary, the inclusive fees for an educational course shall be calculated on an equal monthly basis and collected on or after the first school day of each month of the period during which the educational course is conducted. (2) Notwithstanding paragraph (1), a supervisormanagement authority may require a pupil to register for an educational course by paying the first monthly instalment not earlier than one month before the commencement of the educational course. 			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.65 Approval for change in fee No change in the inclusive fee shall be made without the written approval of the Permanent Secretary.</p> <p>R.84 School name to be displayed (1) At or near the entrance to the premises of every school there shall be prominently displayed a board or other form of notice bearing in conspicuous lettering the registered name of the school. (2) No name except the registered name of a school shall be - (a) displayed on the school premises; or (b) used by the school, as being the name of the school.</p> <p>R.93 Training for teachers (1) Subject to paragraph (2), except with the written permission of the Chief Executive no courses of training for teachers shall be provided by any school. (2) This regulation does not apply to any school which, with the written approval of the Permanent Secretary, provides courses of training for registered or permitted teachers employed at that or any other school.</p>			
101(3A)*	<p><i>If the management committee of a school contravenes regulation 99A(1) or (3), each manager of the school shall be guilty of an offence.</i></p> <p>R.99A* Business or trading operations (1) No supervisor manager or <i>manager management committee or</i></p>	School without IMC - each manager	A fine at level 5 and imprisonment for one year.	R.101(9)

Regulation	Provisions	Person liable	Penalties	Defences
	<p><i>incorporated</i> management committee of a school in receipt of public funds shall, without the prior permission in writing of the Permanent Secretary -</p> <p>(a) operate or permit to operate on school premises any business or trading undertaking; or</p> <p>(b) enter into any business or trading arrangement, directly or indirectly, with any person for the supply of food, drinks, books, stationery, uniforms or any other thing that is required by such school to be possessed or used by pupils of the school.</p> <p>(3) No supervisor, manager or <i>manager, management committee or incorporated</i> management committee of a school in receipt of public funds shall apply the profits for any purpose not directly benefiting the pupils of the school without the prior permission in writing of the Permanent Secretary.</p>			
<i>101(3B)*</i>	<i>If the incorporated management committee of a school contravenes regulation 53(1), 61, 63, 64, 66(2), 77 or 99A(1), (2) or (3), each manager of the school shall be guilty of an offence.</i>	IMC school - each manager	A fine at level 5 and imprisonment for one year.	R.101(9)

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.53* Infectious diseases</p> <p>(1) If a medical officer of schools certifies that any teacher, pupil, or employee should be excluded from school by reason of suffering or having recently suffered from any infectious disease or by reason of having been in contact with or living in the same house as a person suffering from an infectious disease, the supervisor management authority shall, if so required in writing by the medical officer in charge of the school health services, cause such teacher, pupil, or employee to be excluded from school for such period as shall seem necessary.</p> <p>R. 61* Fees other than inclusive fee prohibited</p> <p>(1) Subject to regulation 99A and to paragraph (2), no supervisor management authority, manager or teacher shall charge or accept payment of any money or any school fees whatsoever other than the inclusive fees as printed on the certificate issued under regulation 60A(1)(ii):</p> <p>Provided that additional charges, moneys or fees (including entrance examination fees and pupil registration and withdrawal fees) may be charged if previously approved by the Permanent Secretary in writing and if such approval is kept exhibited together with the certificate kept exhibited under regulation 67.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>(2) A supervisor or manager <i>A management authority</i> may in any particular case grant a remission of the whole or any part of the inclusive fees printed on the certificate issued under regulation 60A(1)(ii), provided that such remission is permitted under a scheme of fee remission approved by the Permanent Secretary.</p> <p>(3) <i>The Permanent Secretary may grant an approval under this regulation on his own motion or upon an application.</i></p> <p>R.63* Formal receipts The payment of every sum of money by or on behalf of a pupil to a supervisor <i>management authority</i>, manager or teacher shall be forthwith acknowledged in writing by such supervisor <i>management authority</i>, manager or teacher on a proper form of receipt.</p> <p>R.64* Accounts The supervisor <i>management authority</i> of every school shall -</p> <p>(a) keep proper accounts;</p> <p>(b) make the accounts and any vouchers relating to the accounts available at all reasonable times for inspection by the Permanent Secretary or any inspector of schools; and</p> <p>(c) retain the accounts and vouchers for a period of not less than 7 years.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.66* Prohibition of collections without permission of Permanent Secretary</p> <p>(2) No <i>incorporated management committee</i> manager or teacher of a school shall in any way whatsoever -</p> <p>(a) appeal to any pupils of a school for subscriptions or permit any appeal to be made to or among any pupils of a school for subscriptions; or</p> <p>(b) make any collection among any pupils of a school or permit any collection to be made by or among any pupils of a school, without the permission in writing of the Permanent Secretary.</p> <p>R.77* Appointment of teachers</p> <p>The supervisor <i>management authority</i> shall be responsible for issuing to all teachers letters of appointment which shall set out -</p> <p>(a) conditions of service;</p> <p>(b) salary scale; and</p> <p>(c) conditions of termination of appointment.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.99A* Business or trading operations</p> <p>(1) No supervisor, manageror manager, management committee or incorporated management committee of a school in receipt of public funds shall, without the prior permission in writing of the Permanent Secretary -</p> <p>(a) operate or permit to operate on school premises any business or trading undertaking; or</p> <p>(b) enter into any business or trading arrangement, directly or indirectly, with any person for the supply of food, drinks, books, stationery, uniforms or any other thing that is required by such school to be possessed or used by pupils of the school.</p> <p>(2) Where permission has been granted for the purposes of paragraph (1), the supervisormanagement authority of the school shall -</p> <p>(a) within 4 months after the end of the financial year of the school, or such extended period as may be permitted by the Permanent Secretary, furnish to the Permanent Secretary an annual audited statement of accounts of every such business or trading undertaking, or business or trading arrangement; and</p> <p>(b) furnish together with such statement of accounts a statement indicating how the profits have been applied or are intended to be applied.</p> <p>(3) No supervisor, manageror manager, management committee or incorporated management committee of a school in receipt of public funds shall apply the profits for any purpose not directly benefiting the pupils of the school without the prior permission in writing of the Permanent Secretary.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
101(4)*	<p>Any supervisor of a school who contravenes regulation 21(1) or (2) without IMC who contravenes regulation 21(1), 53(1), 61, 63, 64, 77, 79, 81, 82, 83(1) or (3), 92(2) or (12) or 99A(2) shall be guilty of an offence.</p> <p>R.21* Safety precautions</p> <p>(1) The supervisor responsible person shall ensure that all necessary safety precautions are adopted in school workshops and science laboratories and shall modify or extend those precautions as the Permanent Secretary may require.</p> <p>R.53* Infectious diseases</p> <p>(1) If a medical officer of schools certifies that any teacher, pupil, or employee should be excluded from school by reason of suffering or having recently suffered from any infectious disease or by reason of having been in contact with or living in the same house as a person suffering from an infectious disease, the supervisor management authority shall, if so required in writing by the medical officer in charge of the school health services, cause such teacher, pupil, or employee to be excluded from school for such period as shall seem necessary.</p>	School without IMC - supervisor	A fine at level 5 and imprisonment for one year.	

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.61* Fees other than inclusive fee prohibited</p> <p>(1) Subject to regulation 99A and to paragraph (2), no supervisor management authority, manager or teacher shall charge or accept payment of any money or any school fees whatsoever other than the inclusive fees as printed on the certificate issued under regulation 60A(1)(ii):</p> <p>Provided that additional charges, moneys or fees (including entrance examination fees and pupil registration and withdrawal fees) may be charged if previously approved by the Permanent Secretary in writing and if such approval is kept exhibited together with the certificate kept exhibited under regulation 67.</p> <p>(2) A supervisor or manager A management authority may in any particular case grant a remission of the whole or any part of the inclusive fees printed on the certificate issued under regulation 60A(1)(ii), provided that such remission is permitted under a scheme of fee remission approved by the Permanent Secretary.</p> <p>(3) <i>The Permanent Secretary may grant an approval under this regulation on his own motion or upon an application.</i></p> <p>R.63* Formal receipts</p> <p>The payment of every sum of money by or on behalf of a pupil to a supervisor management authority, manager or teacher shall be forthwith</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>acknowledged in writing by such supervisor<i>management authority</i>, manager or teacher on a proper form of receipt.</p> <p>R.64* Accounts The supervisor<i>management authority</i> of every school shall -</p> <ul style="list-style-type: none"> (a) keep proper accounts; (b) make the accounts and any vouchers relating to the accounts available at all reasonable times for inspection by the Permanent Secretary or any inspector of schools; and (c) retain the accounts and vouchers for a period of not less than 7 years. <p>R.77* Appointment of teachers The supervisor<i>management authority</i> shall be responsible for issuing to all teachers letters of appointment which shall set out -</p> <ul style="list-style-type: none"> (a) conditions of service; (b) salary scale; and (c) conditions of termination of appointment. <p>R.79* Notice of school holidays The supervisor<i>responsible person</i> shall send to the Permanent Secretary before 15 August in each year notice of all holidays it is intended to give in the coming school year, including any special holidays given in honour of any particular event, and of all dates on which the usual work of the school will be suspended.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.81* Permanent Secretary may disapprove The Permanent Secretary may by notice in writing to the supervisor responsible person <i>forbid</i> the granting of a holiday on any specified day and the supervisor and principal shall thereupon ensure that the usual work of the school is continued on that day.</p> <p>R. 82* Permanent Secretary may require grant of holiday The Permanent Secretary may by notice in writing to the supervisor responsible person of any school require that a holiday shall be given on any day specified in such notice and the supervisor responsible person shall ensure that such holiday is given accordingly.</p> <p>R.83* List of holidays to be posted (1) The supervisor of a school without IMC shall inform the principal of – (a) all holidays of which the supervisor has given the Permanent Secretary notice as required under regulation 79; (b) any notice received from the Permanent Secretary under regulation 81 forbidding the granting of a holiday on any specified day; and (c) any notice received from the Permanent Secretary requiring that a holiday shall be given on any specified day. (3) Every list required to be posted under paragraph (2) shall be signed by the principal and, where the school is a school without IMC, countersigned by the supervisor.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.92* Syllabus and time-table subject to approval of Permanent Secretary</p> <p>(2) The supervisor responsible person of every school shall submit to the Permanent Secretary whenever so required by the Permanent Secretary the syllabus of instruction of each class or any other document he may specify for his approval.</p> <p>(12) The supervisor responsible person shall inform the Permanent Secretary of any change in the hours of school work.</p> <p>R.99A*Business or trading operations</p> <p>(2) Where permission has been granted for the purposes of paragraph (1), the supervisor management authority of the school shall –</p> <p>(a) within 4 months after the end of the financial year of the school, or such extended period as may be permitted by the Permanent Secretary, furnish to the Permanent Secretary an annual audited statement of accounts of every such business or trading undertaking, or business or trading arrangement; and</p> <p>(b) furnish together with such statement of accounts a statement indicating how the profits have been applied or are intended to be applied.</p>			
101(5)*	Any principal of a school who contravenes regulation 21(2) without IMC who contravenes regulation 21(1) or (2) , 32, 38, 39(1), 52(1), 53(2) or 83(2) or (3) shall be guilty of an offence.	School without IMC - principal	A fine at level 5 and imprisonment for one year.	

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.21* Safety precautions</p> <p>(1) The supervisor responsible person shall ensure that all necessary safety precautions are adopted in school workshops and science laboratories and shall modify or extend those precautions as the Permanent Secretary may require.</p> <p>(2) The supervisor and principal shall ensure that no instruction is given in the use of tools or the operation of machines or in science experiments except by a responsible teacher.</p> <p>R.32 Appointment of teacher in charge of laboratory or store room</p> <p>The principal of every school shall appoint a teacher to be in charge of every science laboratory and store room which has been approved by the Permanent Secretary under regulation 31.</p> <p>R.38 Fire drills, exits</p> <p>(1) The principal of every school shall draw up a practical scheme for the evacuation of the school premises in case of fire, shall ensure that fire drill including the use of all exits from the school premises is carried out by the teachers and pupils at least once in every 6 months, and shall keep a written record of all such drills in a school log book. The written record shall record the time taken to evacuate the school premises during each fire drill.</p> <p>(2) The principal of every school shall ensure that exits from all classrooms and the school premises are free from obstruction at all times.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.39 Fire service installation and equipment</p> <p>(1) The principal of every school shall ensure that all fire service installation or equipment in the school premises is kept in good condition at all times.</p> <p>R.52 Medical examination of pupils</p> <p>(1) The principal of a school shall at the request of a medical officer of schools or a school nurse permit the medical officer or nurse to examine the person and clothing of any pupil upon the school premises.</p> <p>R.53 Infectious diseases</p> <p>(2) The principal shall immediately report to a medical officer of schools any suspected or known case of infectious disease amongst teachers, pupils or employees of a school, or when he suspects or knows that any such person has been in contact with a case of infectious disease.</p> <p>R.83* List of holidays to be posted</p> <p>(2) The principal of a school shall cause to be posted at all times in a conspicuous place in the school premises a list specifying every holiday which is to be given in the current school year in accordance with this Part.</p> <p>(3) Every list required to be posted under paragraph (2) shall be signed by the principal and, <i>where the school is a school without IMC</i>, countersigned by the supervisor.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
101(5A)*	<p><i>Any principal of an IMC school who contravenes regulation 21(1) or (2), 32, 38, 39(1), 52(1), 53(2), 79, 81, 82, 83(2) or (3) or 92(2) or (12) shall be guilty of an offence.</i></p> <p>R.21* Safety precautions</p> <p>(1) The supervisor responsible person shall ensure that all necessary safety precautions are adopted in school workshops and science laboratories and shall modify or extend those precautions as the Permanent Secretary may require.</p> <p>(2) The supervisor and principal shall ensure that no instruction is given in the use of tools or the operation of machines or in science experiments except by a responsible teacher.</p> <p>R.32 Appointment of teacher in charge of laboratory or store room</p> <p>The principal of every school shall appoint a teacher to be in charge of every science laboratory and store room which has been approved by the Permanent Secretary under regulation 31.</p>	IMC school - principal	A fine at level 5 and imprisonment for one year.	

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.38 Fire drills, exits</p> <p>(1) The principal of every school shall draw up a practical scheme for the evacuation of the school premises in case of fire, shall ensure that fire drill including the use of all exits from the school premises is carried out by the teachers and pupils at least once in every 6 months, and shall keep a written record of all such drills in a school log book. The written record shall record the time taken to evacuate the school premises during each fire drill.</p> <p>(2) The principal of every school shall ensure that exits from all classrooms and the school premises are free from obstruction at all times.</p> <p>R.39 Fire service installation and equipment</p> <p>(1) The principal of every school shall ensure that all fire service installation or equipment in the school premises is kept in good condition at all times.</p> <p>R.52 Medical examination of pupils</p> <p>(1) The principal of a school shall at the request of a medical officer of schools or a school nurse permit the medical officer or nurse to examine the person and clothing of any pupil upon the school premises.</p> <p>R.53 Infectious diseases</p> <p>(2) The principal shall immediately report to a medical officer of schools any suspected or known case of infectious disease amongst teachers, pupils or employees of a school or when he suspects or knows that any</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>such person has been in contact with a case of infectious disease.</p> <p>R.79* Notice of school holidays The supervisor <i>responsible person</i> shall send to the Permanent Secretary before 15 August in each year notice of all holidays it is intended to give in the coming school year, including any special holidays given in honour of any particular event, and of all dates on which the usual work of the school will be suspended.</p> <p>R.81* Permanent Secretary may disapprove The Permanent Secretary may by notice in writing to the supervisor <i>responsible person forbid</i> the granting of a holiday on any specified day and the supervisor and principal shall thereupon ensure that the usual work of the school is continued on that day.</p> <p>R.82* Permanent Secretary may require grant of holiday The Permanent Secretary may by notice in writing to the supervisor <i>responsible person</i> of any school require that a holiday shall be given on any day specified in such notice and the supervisor <i>responsible person</i> shall ensure that such holiday is given accordingly.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.83* List of holidays to be posted</p> <p>(2) The principal of a school shall cause to be posted at all times in a conspicuous place in the school premises a list specifying every holiday which is to be given in the current school year in accordance with this Part.</p> <p>(3) Every list required to be posted under paragraph (2) shall be signed by the principal and, <i>where the school is a school without IMC</i>, countersigned by the supervisor.</p> <p>R.92* Syllabus and time-table subject to approval of Permanent Secretary</p> <p>(2) The supervisor <i>responsible person</i> of every school shall submit to the Permanent Secretary whenever so required by the Permanent Secretary the syllabus of instruction of each class or any other document he may specify for his approval.</p> <p>(12) The supervisor <i>responsible person</i> shall inform the Permanent Secretary of any change in the hours of school work.</p>			
101(5B)*	<p><i>If regulation 92(9) is contravened in respect of any school, the principal of the school shall be guilty of an offence.</i></p> <p>R.92 Syllabus and time-table subject to approval of Permanent Secretary</p> <p>(9) No person shall use a syllabus of instruction or any other document in contravention of a direction given under paragraph (8).</p>	Any school - principal	A fine at level 5 and imprisonment for one year.	

Regulation	Provisions	Person liable	Penalties	Defences
101(6)*	<p>If regulation 16, 19(3), 31, 34(2), 46A, 47, 48(1), 67, 80, 85, 87(2), 88, 89, 89A, 90, 92(4) or (9) or 95(2) is contravened in respect of any school, the supervisor and principal of the school shall each be guilty of an offence. or 95(2) is contravened –</p> <p><i>(a) in respect of a school without IMC, the supervisor of the school shall be guilty of an offence;</i></p> <p><i>(b) in respect of any school, the principal of the school shall be guilty of an offence.</i></p> <p>R.16 Approval for roof playgrounds</p> <p>No roof, verandah or balcony shall be used for physical education or recreational purposes without the written approval of the Permanent Secretary.</p> <p>R.19 Numbers of pupils allowed on a roof playground</p> <p>(3) A certificate by an inspector of schools that he has examined the authorized person's certificate stating the maximum number of pupils allowed upon any approved roof playground, verandah or balcony shall be exhibited in a conspicuous place on the school premises.</p> <p>R.31 Storage of poisons and dangerous substance</p> <p>No poisonous or dangerous substance shall be kept without the permission of the Permanent Secretary in any place in school premises except in a science laboratory or a store room that has been approved in writing for such purpose by the Permanent Secretary.</p>	<p>School without IMC - supervisor</p> <p>Any school - principal</p>	A fine at level 5 and imprisonment for one year.	

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.34 Fire officers may inspect school premises</p> <p>(2) No person shall obstruct an officer of the Fire Services Department in the exercise of his powers under paragraph (1).</p> <p>R.46A Meals at full-day kindergarten schools</p> <p>(1) At every school providing full-day kindergarten education there shall be provided for each pupil undergoing that education at least one meal a day.</p> <p>(2) All meals and refreshments provided for pupils at a full-day kindergarten school shall be properly prepared in accordance with dietary scales approved by the Permanent Secretary.</p> <p>(3) The menu of the meals to be provided shall be prepared in advance and be available at all times for inspection by the Permanent Secretary or any inspector of schools.</p> <p>R.47 Refreshment places</p> <p>Every shop, canteen, dining-room, kitchen or other place on the school premises where food or drink is prepared, provided or consumed shall be maintained in a clean and hygienic condition.</p> <p>R.48 Cleaning and colour washing</p> <p>(1) All school premises shall be maintained in a clean and sanitary condition.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.67 Duty to exhibit certificate The certificate issued in respect of a school under regulation 60A(1)(ii) shall be kept conspicuously exhibited at a prominent position in the school.</p>			
	<p>R.80 Restriction on holidays No holidays shall be given and the usual work of a school shall not be suspended except on a date mentioned in the notice given under regulation 79 or with the permission of the Permanent Secretary.</p> <p>R.85 Restriction on locking of entrances to and exits from schools Except with the permission of the Permanent Secretary, no entrance to or exit from any school premises shall be locked at any time when any pupil who does not reside in the school premises is in the school premises.</p> <p>R.87 Maximum number of pupils (2) In every classroom there shall be kept exhibited in a prominent place a notice specifying the maximum number of pupils permitted in that room, and no more than such maximum number shall be permitted in that room.</p>		A fine of \$250,000 and imprisonment for 1 year	

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.88 Size of classes In any school providing - (aa) nursery education, not more than 20 pupils; (a) kindergarten education, not more than 30 pupils; (b) full-day kindergarten education, not more than 20 pupils; (c) primary, secondary or post-secondary education or any other educational course, not more than 45 pupils, shall be taught at one time by one teacher, except in special cases with the permission of the Permanent Secretary.</p>			
	<p>R.89* Hours of instruction (1) No instruction shall be given by any school after 9.30 p.m. except with the permission of the Permanent Secretary. (2) No instruction shall be given by any school during such hours as may be specified by the Permanent Secretary in respect of that school by notice in writing to the supervisor<i>responsible person</i>.</p> <p>R.89A Period of attendance at nursery schools No pupil undergoing nursery education shall attend at a school for that purpose for any period other than a period beginning and ending either before or after 1 p.m. on any day that he attends the school.</p> <p>R.90 Attendance registers A separate attendance register in a form approved by the Permanent Secretary shall be kept for each class.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.92 Syllabus and time-table subject to approval of Permanent Secretary</p> <p>(4) Unless with the express permission of the Permanent Secretary in writing, military training by schools is prohibited.</p> <p>R.95 Non-resident pupils</p> <p>(2) No pupil to whom a direction under paragraph (1) applies shall be on the school premises at any time during any period specified by the Permanent Secretary in such direction.</p>			
101(6A)*	Any supervisor or manager who, or any person who is a member of a management committee which, contravenes regulation 99A(1) or (3) shall be guilty of an offence.	Any supervisor or manager	A fine at level 5 and imprisonment for one year.	

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.99A* Business or trading operations</p> <p>(1) No supervisor, manager or manager, <i>management committee or incorporated</i> management committee of a school in receipt of public funds shall, without the prior permission in writing of the Permanent Secretary -</p> <p>(a) operate or permit to operate on school premises any business or trading undertaking; or</p> <p>(b) enter into any business or trading arrangement, directly or indirectly, with any person for the supply of food, drinks, books, stationery, uniforms or any other thing that is required by such school to be possessed or used by pupils of the school.</p> <p>(3) No supervisor, manager or manager, <i>management committee or incorporated</i> management committee of a school in receipt of public funds shall apply the profits for any purpose not directly benefiting the pupils of the school without the prior permission in writing of the Permanent Secretary.</p>			
101(7)	Any teacher who contravenes regulation 33, 58, 61, 63 or 66(2) shall be guilty of an offence.	Teacher	A fine at level 5 and imprisonment for one year.	

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.33 Duties of teacher in charge of laboratory or store room</p> <p>A teacher who is appointed under regulation 32 to be in charge of a science laboratory or a store room shall –</p> <p>(a) cause every poisonous substance and dangerous substance in such laboratory or store room-</p> <p>(i) to be kept in a proper container clearly marked with the name of the substance, and with the word "Dangerous" or the words "危險" or any word or words of similar meanings; and</p> <p>(ii) to be stored in a locked room or cupboard, except when the substance is being used for the purpose of a lawful experiment in practical science which is carried out under the control of a teacher; and</p> <p>(b) keep the key to such locked room or cupboard in his control.</p> <p>R.58 Corporal punishment of pupils prohibited</p> <p>No teacher shall administer corporal punishment to a pupil.</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.61* Fees other than inclusive fee prohibited</p> <p>(1) Subject to regulation 99A and to paragraph (2), no supervisor management authority, manager or teacher shall charge or accept payment of any money or any school fees whatsoever other than the inclusive fees as printed on the certificate issued under regulation 60A(1)(ii):</p> <p>Provided that additional charges, moneys or fees (including entrance examination fees and pupil registration and withdrawal fees) may be charged if previously approved by the Permanent Secretary in writing and if such approval is kept exhibited together with the certificate kept exhibited under regulation 67.</p> <p>(2) A supervisor or manager A management authority may in any particular case grant a remission of the whole or any part of the inclusive fees printed on the certificate issued under regulation 60A(1)(ii), provided that such remission is permitted under a scheme of fee remission approved by the Permanent Secretary.</p> <p>(3) <i>The Permanent Secretary may grant an approval under this regulation on his own motion or upon an application.</i></p> <p>R.63* Formal receipts</p> <p>The payment of every sum of money by or on behalf of a pupil to a supervisor management authority, manager or teacher shall be forthwith</p>			

Regulation	Provisions	Person liable	Penalties	Defences
	<p>acknowledged in writing by such supervisor<i>management authority</i>, manager or teacher on a proper form of receipt.</p> <p>R.66* Prohibition of collections without permission of Permanent Secretary</p> <p>(2) No <i>incorporated management committee</i> manager or teacher of a school shall in any way whatsoever -</p> <p>(a) appeal to any pupils of a school for subscriptions or permit any appeal to be made to or among any pupils of a school for subscriptions; or</p> <p>(b) make any collection among any pupils of a school or permit any collection to be made by or among any pupils of a school, without the permission in writing of the Permanent Secretary.</p>			
101(8)	<p>Any pupil of a school who contravenes regulation 95(2) or 97 shall be guilty of an offence.</p> <p>R.95 Non-resident pupils</p> <p>(2) No pupil to whom a direction under paragraph (1) applies shall be on the school premises at any time during any period specified by the Permanent Secretary in such direction.</p>	Pupil	A fine at level 5 and imprisonment for one year.	

Regulation	Provisions	Person liable	Penalties	Defences
	<p>R.97 Expelled or suspended pupil not to enter school premises without permission</p> <p>(1) No pupil who has been expelled from a school under regulation 96(1) shall enter or remain in the school premises without the permission of the Permanent Secretary.</p> <p>(2) No pupil who has been suspended from a school under regulation 96(1) shall enter or remain in the school premises-</p> <p>(a) during the period of his suspension; or</p> <p>(b) in contravention of the conditions of his suspension, without the permission of the Permanent Secretary.</p>			