

DRAFT EDUCATION (JERSEY) LAW 199

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by the Education Committee**



STATES OF JERSEY

STATES GREFFE

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REPORT

1. Background

- 1.1 In November 1992, the States approved the preparation of a new Education Law to replace the Loi (1912) sur l'Instruction Primaire, as amended, and related Laws.
- 1.2 In giving this approval, the States recognised the inadequacy of the existing legislation, which had been enacted to serve a community which has since changed radically. The Education Service of the Island has been transformed from a relatively basic system of elementary schools and no further education to highly developed arrangements of nursery, primary, secondary, special and further education facilities with responsibilities ranging from early childhood education to post-graduate studies. The Island's economy demands a highly-educated, well-trained workforce which, in turn, requires an effective and responsive system of education, supported by an appropriate legislative framework.

2. Consultation

- 2.1 The development of the draft Law has been accomplished through extensive consultation and careful consideration by successive Education Committees. That process commenced with the submission of a report produced by Mr. John Rodhouse, a former Director of Education, which was presented to the Education Committee in December 1989 to form the basis of a consultation paper published in February 1990. The paper was circulated widely and discussed with the various teachers' associations, school advisory committees and other bodies. Public consultation included three public meetings which were convened by the Committee during Autumn 1990.
- 2.2 The Education Committee considered the responses to the report and views expressed in the public meetings prior to submitting the brief for the Education (Jersey) Law 199 to the States. In April 1997, a draft of the Law was widely circulated.

Again, the Education Committee considered all responses before giving final instructions to the Law Draftsman.

3. Principles

- 3.1 At the heart of the draft Law is the duty of the States to promote the spiritual, moral, intellectual, cultural, social and physical development of the people of the Island, and in particular of the children of the Island. However, fundamental to its philosophy is the concept of partnership. The Committee believes that the process of education will be truly successful only if all parties play their full and proper parts. To this purpose, the draft Law sets out the rights, duties and responsibilities of the various partners, both those who provide the service and those who use it. As we approach the millennium, the draft Law establishes the means of supporting the change and development that is vital to ensure an education service which is capable of meeting present and future needs.

4. Provision of the Law

4.1 Part I - Preliminary

Part I of the draft Law sets out, at Article 1, a series of definitions and general provisions as to interpretations reflecting existing Committee policy and practice which are not necessarily encompassed by existing legislation. For example, the definitions provided in respect of children with 'special educational needs', while reflecting the arrangements made by the Committee, extend far beyond those supported by the 1912 Loi, as amended.

4.2 Part II - General

Part II confirms the overarching duty of the States to promote education, and that of the Education Committee to ensure that there is an appropriate number of places to provide education suitable to the needs of children of compulsory school age and young persons aged 16-19. An early expression of partnership is to be found in the duty placed upon the Committee to consult

with interested persons and bodies on any proposal to open, close or change the nature of a school.

4.3 Part III - Children below compulsory school age

Part III enables the Committee to establish nursery schools and nursery classes and also to raise fees for nursery education. The States has supported the Committee in the development of high quality provision in nursery classes in primary schools, recognising that early childhood experiences promote the development of the whole child in terms of its social, emotional and intellectual capabilities. Nursery provision is seen as part of the educational continuum and must be securely embedded in primary education. A cardinal principle of the Committee's policy is that there must be active partnership between the maintained, private and voluntary sectors in the provision of early years services and, to that end, the Committee may provide assistance to persons who operate private nurseries.

4.4 Part IV - Children of compulsory school age

Part IV contains provisions relating to children of compulsory school age. In this part, the concept of duties and rights is given full expression, commencing with the duty placed upon the Committee to ensure the availability of appropriate full-time education for all children of compulsory school age. The Committee's duty is balanced by that imposed upon the parent to ensure that a child of compulsory school age receives appropriate full-time education either by regular attendance at school or by some other means which have been approved by the Committee. Where the Court can be satisfied that a child is not receiving a suitable education, there may be resort to a new order, to be known as an 'Education Supervision Order', which allows for the appointment of a supervisor whose role is to assist and support the child and his parents to enable the child to be properly educated. This principle of support finds further expression in the power given to the Committee to make arrangements for the provision of transport and, in certain circumstances, to provide clothing.

The rights of parents extend to expressing a preference concerning choice of school, which must be upheld unless it prejudices the provision of efficient education or the use of resources.

While the child is at school, he will follow the Jersey Curriculum, which is determined by the Committee following consultation with the Jersey Curriculum Council. This curriculum sets out the child's entitlement at the various stages of his compulsory education. A right is given to parents to receive at least one written report of his child's education during the previous year, reflecting his progress and the results of any assessments made in accordance with the Jersey Curriculum.

Religious Education comprises an important element of the curriculum offered to children. The syllabus is set by the Committee after consultation with the Religious Education Advisory Committee, whose membership includes representatives of the principal religious traditions of the Island, the Committee and teachers. Each week provision is made for pupils to attend an act of worship which is broadly Christian in nature. A parent has the right to withdraw his child from religious education or acts of worship. This arrangement recognises the distinctive nature of religious education and worship which is based on a system of beliefs. Similarly, a teacher shall not be disadvantaged because of his religious beliefs, and may not be compelled to teach religious education unless expressly employed to do so.

Part IV also contains provision for the examination and exclusion of a child on grounds of cleanliness or health. This is intended both to protect the interest of the child involved and also those with whom he may be taught.

This Part of the Law concludes with a forceful statement of the principle that no fees shall be charged (in the non-fee paying sector) for the provision of education forming part of the Jersey Curriculum or religious education included in the approved

syllabus during school hours. As the consultative draft included provision for raising charges for musical tuition, this statement of principle represents a clear example of the manner in which the Committee has responded to the views expressed by the parents and others with whom it has consulted.

4.5. Part V - Special education needs

Part V of the draft Law establishes for the first time in Jersey a legislative framework for meeting the education needs of children with special educational needs. This framework will support the further development of provision in this area and clearly established the duty of the Committee to identify a child's special needs and make appropriate provision for him. It also confirms the rights of parents, not only to information, but also to involvement in the assessment of their child's needs and the provision which is made for him.

4.6. Part VI - Behaviour and discipline

Part VI is concerned with the issue of behaviour and discipline in schools and confirms the role of the Committee in providing guidance to schools. However, this part recognises the key role undertaken by the headteacher of each school in setting acceptable standards of behaviour and taking the necessary steps to ensure acceptable behaviour and to communicate these measures to parents.

4.7. Part VII - Non-provided schools

Part VII, in introducing provisions for the registration of non-provided schools, gives recognition to the important role which such schools play in the educational landscape of the Island. It also ensures that such schools are aware of and meet the minimum standards which are necessary if children are to experience an appropriate education. Once again, the concept of partnership is evident in that the Committee is given an Order-making power to provide assistance to non-provided schools.

4.8. Part VIII - Persons over compulsory school age

Part VIII extends the duties of the Education Committee to beyond the provision of education for children of compulsory school age. The tertiary phase of education, largely concerned with students aged 16-19, has assumed great significance in recent years. The great majority (around 85 per cent in 1997) continue in full time education beyond the secondary phase following GCE 'A' level programmes, General National Vocational Qualifications or National Vocational Qualifications. Such experiences are precursors to continuing higher or vocational training which is likely to be an essential pre-requisite for those who seek success in the twenty-first century.

This Part of the Law, in defining the duty of the Committee to ensure appropriate provision for the tertiary phase and to facilitate higher, vocational and continuing education, recognises the need for an appropriate structure to underpin the concept of lifelong learning. To encourage access, the means by which financial assistance and vocational guidance are made available is also identified.

4.9. Part IX - Administrative provisions

Part IX titled 'Administrative Provisions' includes a statement of the Committee's duty to make available information and guidance concerning the manner in which its duties and powers will be exercised. It also makes provision for the employment of a Director of Education and such teachers and other staff required for the purposes of giving effect to the Law.

This Part also makes provision for the establishment of governing bodies in provided schools. At present, the only school to have a governing body which is supported by legislation is Victoria College. The Loi (1860) au Sujet du Collège Victoria was enacted to provide for the regulation and administration of the College, which had recently been erected by the States and the Administrators of the Impôt. Under this legislation, a Comité du Collège was established, composed of

six members of the States and six 'Administrators of the Impôt' The membership of the Comité du Collège Victoria was changed in 1920 to become the members of the Comité d'Instruction Publique and additional co-opted members who attended in a consultative capacity. In 1994, the legislation was amended to create a Board of Governors, whose membership was largely independent of the Education Committee.

The Education Committee has given enthusiastic support to the introduction of Governing Bodies whose membership is largely independent of the Committee and which enjoy significant delegated responsibilities. These have been established for Highlands College, Jersey College for Girls, Hautlieu, the four 11-16 schools and Les Chênes Residential School. At present, research is being undertaken to consider the implications of introducing governing bodies for primary schools. The constitutional arrangements and functions of governing bodies are set out in the Fourth Schedule of the draft Law.

The governing bodies established as 'bodies corporate' through these provisions provide an effective expression of the concept of partnership between teachers, parents, the wider community and the Education Committee, supported by principles of democratic accountability. The purpose behind the development of a new Education Law for Jersey is to create a comprehensive, coherent and effect legislative framework which properly supports the Education Committee's prime task which is, on behalf of the States, to provide high quality learning opportunities for the people of Jersey. The Committee considers that to introduce a new Education Law which does not include full provision for Victoria College would be remiss as it would deny an opportunity to embody in legislation the concept of a unified Education Service fulfilling a common purpose to serve the needs of the Island's people. For these reasons the Committee seeks the repeal of the Loi (1860) au Sujet du Collège Victoria, as amended.

Following the lodging of the draft Law on 17th February 1998, the Committee received representations from the Board of Governors of Victoria College, which resulted in significant

revisions to the model of governance for those schools which are to have governing bodies. The revised provision is fully supported by the Victoria College Board of Governors and others who are affected by them.

The Committee recognises the distinctive nature of Victoria College, and proposes the retention of Articles 1 and 2 (as amended) of the Loi au Sujet du Collège Victoria which provide for the naming of the College and the role of the reigning Monarch as Visitor to the College. However, the membership of the Governing Body is defined in the Fourth Schedule of the draft Law, thus becoming consistent with other such bodies in the Island.

The concept of appropriate representation which is embodied in the provision for governing bodies extends to two statutory bodies which advise the Education Committee on the curriculum. These are Curriculum Council and the Religious Education Advisory Council whose functions, membership and constitution are set out in the fifth and sixth schedules to the Law.

4.10. Part X - Miscellaneous and supplemental

Part X of the draft Law predominately makes provision for a range of technical matters, including the Committee's duty to make facilities available in schools for medical and dental inspection, its access to information from the Registrar of Birth and Deaths, various miscellaneous powers and transitional arrangements.

Particular reference has been made earlier in this report to the retention of the Reigning Monarch as Visitor to Victoria College, which celebrates the signal honour bestowed upon the College in terms of its relationship to the Crown.

This final Part also includes reference to the duty of the Committee to ensure the quality of education and the educational standards achieved within schools and colleges. This provision underscores the commitment shared by all of the

partners involved in education to provide high quality learning opportunities for the people of Jersey. It is this aim that the new Law seeks to support.

Explanatory Note

This draft Law replaces existing Laws and makes new provision in relation to education.

Part I contains interpretive provisions.

Article 1 contains definitions and general provisions as to interpretation.

Article 2 defines “compulsory school age”.

Article 3 gives effect to the *First Schedule*, which lists schools which are to be provided schools and modifies the application of the Law in relation to certain provided schools, being Victoria College, Victoria College Preparatory School, Jersey College for Girls and Jersey College for Girls Preparatory School. *Paragraph (4)* confers a power to amend the Schedule by Regulations.

Article 4 introduces definitions of “special educational needs”, “learning difficulty”, “special educational provision” and “special school”.

Article 5 gives effect to the *Second Schedule*, in which courses of higher education are described, and empowers the Education Committee (“the Committee”) to amend the Schedule by Order.

Part II contains provisions imposing general duties on the States and on the Committee.

Article 6 imposes a duty on the States to promote the education of the people of the Island of all ages, but in particular of the children of the Island.

Article 7 establishes how and by whom a decision to open, close or change the character of a school is made. The Committee is required to review annually the availability of and need for school places. If the Committee is of the opinion that a new school must be opened, or a school closed or its character altered, it must give notice of the proposal to interested persons and bodies, who then have at least two months in which to make representations about it. The Committee must then

report to the States with its recommendations, and the States decide what, if any, changes to make.

Part III makes provision for children below compulsory school age.

Power is given to the Committee to -

- (a) establish and maintain nursery schools and nursery classes in primary schools (*Article 8*); and
- (b) give assistance (financial or otherwise) to any person running a nursery for children below compulsory school age which is registered under the Children (Jersey) Law 1969 (*Article 10*).

The States are given power to make Regulations to charge a fee for attendance at a nursery school or class established and maintained by the Committee (*Article 9*).

Part IV contains provisions relating to children of compulsory school age.

Article 11 imposes a duty on the Committee to ensure the availability of appropriate education for every child of compulsory school age.

Article 12 imposes a duty on a parent of a child of compulsory school age to ensure that he receives appropriate full-time education. Failure to discharge the duty is an offence liable to a fine not exceeding level 2 on the standard scale.

Article 13 requires any parent wishing to educate his child other than at school to obtain the Committee's approval. The Committee is given power to arrange for the assessment and examination of a child educated other than at school.

Article 14 enables the Royal Court to make an education supervision order placing a child of compulsory school age under the supervision of an officer of the Committee if the child is not receiving a suitable education. If a child fails to attend school regularly there is a rebuttable presumption that he is not receiving a suitable education. Further

provisions as to the effect of an education supervision order appear in the *Third Schedule*.

Article 15 gives the parent of a child of compulsory school age the right to express a preference as to the school at which the child is educated. The parent's preference will be complied with provided that it does not prejudice the provision of efficient education or the efficient use of resources.

Article 16 requires the Committee, after consultation with the Jersey Curriculum Council, to establish and specify the contents of a Jersey Curriculum for children of compulsory school age in both provided and non-provided schools.

Article 17 gives a parent of a pupil of compulsory school age in a provided school the right to receive at least one school report in each school year.

Articles 18 to 21 relate to religious education in provided schools.

Article 18 provides that religious education shall be given in provided schools in accordance with a syllabus approved by the Committee after consultation with the Religious Education Advisory Council.

Article 19 provides that a pupil of compulsory school age in a provided school must attend at least one act of worship, to be broadly Christian in nature, every week during school term.

Article 20 gives the parent of a pupil in a provided school the right to withdraw his child from religious education, acts of worship, or both.

Article 21 imposes a duty on the Committee, subject to specified criteria, to provide facilities for denominational religious instruction of pupils in a provided school where requested by a sufficient number of parents.

Article 22 confers rights on persons employed in provided schools in respect of their religious beliefs. No person is to be disqualified from employment in a school because of his religious beliefs. No teacher is to be disadvantaged in his employment because of his religious beliefs or

compelled to give religious instruction unless he was expressly employed to do so.

Article 23 confers a discretion on the Committee to arrange transport to and from school for any pupil or other assistance for the purpose of facilitating his attendance at school. The Committee is given power to make an Order specifying the circumstances in which a fee will be charged for assistance or transport and the amount of the fee.

Article 24 gives the Committee power, in a case of need, to provide clothing for a child for the furtherance of his education. Provided that it will not cause financial hardship, the child's parents may be required to reimburse the Committee for all or part of the cost.

Article 25 enables the headteacher of a provided school to exclude a pupil on cleanliness or health grounds, and to request the registered medical practitioner appointed by the Committee for the purpose to arrange for the pupil's examination. The parent may attend the examination, but the examination need not be delayed if the parent cannot or will not attend at the time and place it is arranged for. The pupil may be excluded until he is free from any foul condition, infestation or infectious disease.

Article 26 makes it an offence, liable to a fine not exceeding level 2 on the standard scale, to employ a child of compulsory school age during school hours. There is a saving for any employment which takes place as part of a work experience scheme.

Article 27 prohibits the charging of a fee for the education of a child of compulsory school age in a provided school during school hours in accordance with the Jersey Curriculum or the religious education syllabus.

Part V makes provision in relation to the special educational needs of all children below the upper limit of compulsory school age, and any children above that limit but below the age of 19 who are in full or part time education (*Article 28*).

Article 29 imposes a duty on the Committee to ensure that children with special educational needs are identified, their needs assessed, and

special educational provision appropriate to those needs made available. Where possible, special educational provision shall be made available in a mainstream school, rather than a special school.

Article 30 gives the Committee power to arrange for an assessment of special educational needs and provisions.

Article 31 gives any parent the right to request an assessment of his child's special educational needs and the special educational provision needed by him (if any), and rights in relation to the making of the assessment.

Article 32 gives the Committee power to make an Order for the purpose of giving effect to the duties imposed and rights conferred in relation to special educational needs.

Part VI makes provision in relation to behaviour and discipline in provided schools.

Article 33 is the purposes statement.

Article 34 enables the Committee to issue to provided schools a statement of principles and guidance about good behaviour and discipline.

Article 35 requires the headteacher of a provided school to set an acceptable standard of behaviour in the school, to introduce measures to further good behaviour and discipline in the school, and to make those measures known within the school and to the parents of pupils.

Article 36 provides that a pupil may only be suspended or expelled from a provided school by the headteacher. The agreement of the Director of Education must be obtained to any suspension for a period of more than five days or an aggregate period of more than fifteen days in any school term. If the headteacher of a provided school wishes to expel a pupil, he must first obtain the agreement of the Director of Education and then the agreement of the governing body, if the school has one.

Part VII makes provision for the regulation of non-provided schools.

Article 37 contains interpretive provisions.

Article 38 provides for the maintenance of a register of non-provided schools.

Article 39 makes it an offence for any person to open a non-provided school unless it is registered, and for the proprietor of a non-provided school to do anything calculated to lead to the belief that the school is registered, when it is not. Each offence is liable to a fine not exceeding level 3 on the standard scale or to imprisonment for up to 3 months, or both. Nurseries registered under the Children (Jersey) Law 1969 and language schools are not required to register under this Law.

Article 40 describes the circumstances in which a non-provided school shall be entered in the register maintained pursuant to *Article 38*. Broadly, the criteria for registration are that the standards in the non-provided school are at least equal to the standards in a provided school. Conditions may be imposed on registration and varied at any time.

Article 41 requires the proprietor of a registered school to notify the Committee of any change in the particulars recorded in the register within 14 days of such change.

Article 42 imposes a duty on the proprietor of a registered school to provide the Committee with such information as the Committee requires.

Article 43 makes it clear that the proprietor of a registered school may ask for it to be removed from the register and describes the circumstances in which and the procedure to be followed when a non-provided school is to be struck off the register. The procedure includes a requirement that, before a school is struck off, the proprietor is served with a notice of complaint by the Committee specifying remedial steps to be taken, and the time within which such steps must be taken, if the school is not to be struck off.

Article 44 confers a right of appeal to the Royal Court against a decision to refuse to register a school, against the imposition or variation of conditions and against a notice of complaint served under *Article 43*.

Article 45 gives the Committee an Order making power as to the giving of assistance to non-provided schools.

Part VIII imposes duties and confers rights and powers in relation to the education of persons over compulsory school age.

Article 46 imposes a duty on the Committee to ensure the availability of education suitable to the reasonable needs of the generality of persons over compulsory school age and under 19 years.

Article 47 imposes a duty on the Committee to assist people undertaking a first course of higher or vocational education.

Article 48 imposes a duty on the Committee to review the need for vocational education annually.

Article 49 imposes a duty on the Committee to promote continuing education and enables it to make facilities available for use in the provision of continuing education.

Article 50 states the Committee's powers in relation to the duties imposed on it. The Committee may provide education itself and give assistance to persons providing education, persons undertaking a course of education and employers of persons undertaking a course of vocational education. *Paragraph (2)* empowers the Committee to provide education and give assistance in cases where it does not owe any duty. *Paragraph (3)* enables the Committee to charge a fee for the provision of education and facilities in specified circumstances.

Article 51 gives the Committee power to make provision for giving financial assistance, by grants or loans, to persons attending courses of education.

Article 52 empowers the Committee to give or provide assistance in the giving of vocational guidance to people of all ages.

Article 53 imposes a general duty on the Committee to use resources efficiently and avoid undue expenditure when carrying out its duties and exercising its powers under this Part.

Part IX contains administrative provisions.

Article 54 imposes a duty on the Committee to make available information and guidance concerning the manner in which its duties will be discharged and powers exercised under this Law.

Article 55 provides for the appointment of a Director of Education by the Establishment Committee.

Article 56 gives the Committee power to employ teachers and other staff. A teacher or other staff member employed within a particular provided school is accountable to the headteacher and governing body, if any, of that school as well as to the Committee.

Article 57 gives effect to the *Fourth Schedule*, which establishes or continues in existence governing bodies for certain provided schools, provides for the constitution and proceedings of a governing body, its functions and the duties of the headteacher in relation to it. The Committee is given power to make an Order amending the Fourth Schedule. Before making an Order establishing or disestablishing a governing body for a provided school, the Committee must consult with interested persons and bodies.

Article 58 enables the Committee by Order to delegate any of its functions in relation to a school to the governing body of that school. Before making an Order, the Committee must consult with interested persons and bodies.

Articles 59 and 60 respectively give effect to the *Fifth and Sixth Schedules* which contain provisions for the constitution and establishment of the Jersey Curriculum Council and the Religious Education Advisory Council.

Article 61 requires every headteacher of a provided school to provide such information to the Committee as it requires.

Part X contains miscellaneous and supplemental provisions.

Article 62 requires the Committee to make facilities available in provided schools for medical and dental inspections and to encourage

children to make use of such inspections and treatment, and enables the Committee to make facilities available for such treatment.

Article 63 enables the States to compulsorily purchase land for the purposes of the Law.

Article 64 imposes a duty on the Committee to arrange regular school evaluations.

Article 65 imposes a duty on the Superintendent Registrar of births and deaths to supply the Committee with information required in the discharge of its functions.

Article 66 empowers the Committee to -

- (a) enter into agreements with education authorities outside the Island;
- (b) accept and hold on trust gifts for educational purposes;
- (c) carry out research into the Island's educational facilities; and
- (d) organise and participate in educational conferences.

Article 67 enables a court, in proceedings under the Law, to make a determination as to the age of a person.

Article 68 enables any Regulations or Orders under the Law to make different provisions for different cases, and include transitional, consequential, incidental and supplementary provisions.

Article 69 gives effect to the *Seventh, Eighth and Ninth Schedules*.

Article 70 is the short title and commencement provision.

The *First Schedule* makes provision relating to provided schools. *Part I* lists the schools which are provided schools. *Part II* makes modifications to the application of the Law in relation to certain schools. The modifications relate to Jersey College for Girls, Jersey

College for Girls Preparatory School, Victoria College and Victoria College Preparatory School, and are the disapplication of the right for a parent to express a preference as to the school in which his child is educated and of the prohibition on charging a fee for education in a provided school.

The *Second Schedule* describes courses of higher education for the purposes of the Law.

The *Third Schedule* makes provision as to the effect of an education supervision order made under *Article 13*.

The *Fourth Schedule* specifies the provided schools for which a governing body is to be continued or established. The existing governing bodies for all secondary schools, other than Victoria College, and for Les Chênes Residential School will continue as if established under this draft Law. The governing body for Jersey College for Girls will also be responsible for Jersey College for Girls Preparatory School. Upon the repeal of existing provisions relating to Victoria College the present Committee of Governors will cease to exist and, accordingly, provision is made for the constitution of a single governing body for Victoria College and Victoria College Preparatory School under this draft Law. *Part II* of the Schedule makes provision as to the composition of a governing body and the holding of meetings. *Part III* of the Schedule states, in broad terms, the functions of a governing body. *Part IV* states the duties of a headteacher of a school in relation to its governing body. *Part V* of the Schedule contains modifications of the foregoing Parts in their application to specified schools and their governing bodies. A modification is included for the governing body of Victoria College and its preparatory school and the governing body of Jersey College for Girls and its preparatory school respectively to set fees for tuition in those schools, subject to the approval of the Committee. Modifications are included for the governing body of Highlands College, to provide for the appointment of governors representative of the interests of industry and commerce, for governors to hold office for two years rather than three years and for the governing body to determine the manner in which fees for tuition in the College are set, subject to the approval of the Committee. A modification is included for Les Chênes Residential School to provide for the

appointment of one governor representative of parents' interests instead of the election of two parent governors.

The *Fifth Schedule* makes provision as to the establishment, functions, constitution and funding of the Jersey Curriculum Council.

The *Sixth Schedule* makes provision as to the establishment, functions, constitution and funding of the Religious Education Advisory Council.

The *Seventh Schedule* makes transitional arrangements for the bringing into force of the Law.

The *Eighth Schedule* makes amendments in other enactments consequential upon the draft Law.

The *Ninth Schedule* repeals the enactments to be replaced by this Law.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993 the standard scale is: level 1, £50; level 2, £500; level 3, £2,000; level 4, £5,000.

EDUCATION (JERSEY) LAW

ARRANGEMENT OF ARTICLES

PART I

PRELIMINARY

- 1 Interpretation
- 2 Compulsory school age
- 3 Provided schools
- 4 Special educational needs etc.
- 5 Higher education

PART II

GENERAL

- 6 Duty of States to promote education
- 7 Duty of Committee to review the provision of school places

PART III

CHILDREN BELOW COMPULSORY SCHOOL AGE

- 8 Powers of Committee with respect to nursery schools and classes
- 9 Power of States to charge for a place in a nursery school or class
- 10 Power of Committee to give assistance

PART IV

CHILDREN OF COMPULSORY SCHOOL AGE

- 11 Duty of Committee with respect to child of compulsory school age
- 12 Duty of parent of child of compulsory school age
- 13 Education otherwise than at school
- 14 Education supervision orders
- 15 Parental right to choose school
- 16 Jersey Curriculum
- 17 Parental right to receive school report
- 18 Religious education in provided schools
- 19 Acts of worship in provided schools
- 20 Right of parent to withdraw pupil from religious education and acts of worship
- 21 Provision of premises for denominational religious instruction
- 22 Saving for teachers etc.
- 23 Provision of transport
- 24 Provision of clothing etc.
- 25 Cleanliness
- 26 Restriction of employment of children of compulsory school age
- 27 Fees

PART V

SPECIAL EDUCATIONAL NEEDS

- 28 Interpretation of Part V
- 29 Duty of Committee in relation to child with special educational needs
- 30 Power of Committee to require assessment
- 31 Parental rights in relation to special educational needs
- 32 Power to make Orders relating to children with special educational needs

PART VI

BEHAVIOUR AND DISCIPLINE

- 33 Purposes
- 34 Role of Committee
- 35 Duty of headteacher
- 36 Suspension and expulsion of pupils

PART VII

NON-PROVIDED SCHOOLS

- 37 Interpretation of Part VII
- 38 Register of non-provided schools
- 39 Requirement for registration

- 40 Application for registration
- 41 Notification of change in particulars
- 42 Reports and returns relating to registered schools
- 43 Removal and striking off from register
- 44 Appeals
- 45 Assistance for non-provided schools

PART VIII

PERSONS OVER COMPULSORY SCHOOL AGE

- 46 Duty of Committee to young persons
- 47 Duty of Committee with respect to higher and vocational education
- 48 Duty of Committee to review vocational education
- 49 Duty and power of Committee with respect to continuing education
- 50 Powers of Committee
- 51 Grants and loans
- 52 Vocational guidance
- 53 General duty of Committee under this Part

PART IX

ADMINISTRATIVE PROVISIONS

- 54 Duty of Committee to make available guidance etc.

- 55 Appointment of Director of Education
- 56 Teachers, etc.
- 57 Establishment of governing bodies
- 58 Power of Committee to delegate functions to governing body
- 59 Establishment etc. of Jersey Curriculum Council
- 60 Establishment etc. of Religious Education Advisory Council
- 61 Reports and returns

PART X

MISCELLANEOUS AND SUPPLEMENTAL

- 62 Medical and dental inspection
- 63 Power to compulsorily acquire land
- 64 Duty of Committee with respect to evaluation of schools
- 65 Supply of information by Registrar of births and deaths
- 66 Miscellaneous powers of the Committee
- 67 Determination of age
- 68 Regulations and Orders
- 69 Transitional arrangements, consequential amendments and repeals
- 70 Short title and commencement

FIRST SCHEDULE - Provided Schools

SECOND SCHEDULE - Courses of higher education

THIRD SCHEDULE - Effect of education supervision orders

FOURTH SCHEDULE - Governing bodies

FIFTH SCHEDULE - Jersey Curriculum Council

SIXTH SCHEDULE - Religious Education Advisory Council

SEVENTH SCHEDULE - Transitional arrangements

EIGHTH SCHEDULE - Amendment of enactments

NINTH SCHEDULE - Enactments repealed

EDUCATION (JERSEY) LAW 199

A LAW to consolidate and reform the law relating to education, and for related purposes, sanctioned by Order of Her Majesty in Council of the

(Registered on the day of 199)

STATES OF JERSEY

The day of 199

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

PART I

PRELIMINARY

ARTICLE 1

Interpretation

(1) In this Law, unless the context otherwise requires -

“child” means a person who has not attained the age of nineteen years;

“the Committee” means the Education Committee;

“compulsory school age” and related terms shall be construed in accordance with Article 2;

Education (Jersey) Law 199

“continuing education” means any education which contributes to the personal, intellectual, cultural and physical development of persons over compulsory school age who have completed their full-time education;

“the Court” means the Royal Court;

“education supervision order” means an order made under paragraph (1) of Article 14;

“headteacher” means headteacher or principal and includes a deputy or, in relation to a particular purpose or function, a person authorized by the headteacher or principal for that purpose or function;

“higher education” shall be construed in accordance with Article 5;

“Jersey Curriculum” means the curriculum established under Article 16;

“Jersey Curriculum Council” means the Council established under Article 59;

“medical officer” means the registered medical practitioner appointed by the Committee for the purposes of this Law;

“non-provided school” means a school which is not a provided school;

“nursery class” means a class in a primary school in which full or part-time education for children below compulsory school age is provided;

“nursery school” means an institution, other than a primary school, in which full or part-time education for children below compulsory school age is provided;

Education (Jersey) Law 199

“parent”, in relation to any child, includes a guardian and every person who has the actual custody of the child;

“prescribed” means prescribed by Order made by the Committee;

“primary school” means a school in which there is mainly provided full-time education suitable to the requirements of children of compulsory school age who have not attained the age of twelve years;

“proprietor” means, in relation to any school, the person or body of persons responsible or proposing to be responsible for the management of the school;

“provided school” shall be construed in accordance with Article 3;

“pupil” means a child registered as a pupil in a school;

“registered medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners (Registration) (Jersey) Law 1960;¹

“Religious Education Advisory Council” means the Council established under Article 60;

“school” means any institution providing full or part time-education;

“school day” means, in relation to a child, any day on which the school at which he is a pupil is open for instruction;

“school term” means, in relation to a child, a term for the school at which he is, or is to be, a pupil;

¹ Tome VIII, page 829, and Volume 1992-1993, page 267.

Education (Jersey) Law 199

“school year” means the period beginning on first day of September in a year and ending on the thirty-first day of August in the following year or such other period as may be prescribed;

“secondary school” means a school in which there is mainly provided full-time education suitable to the requirements of children who have attained the age of twelve years;

“special educational needs”, “special educational provision” and “special school” shall be construed in accordance with Article 4;

“supervision order” means an order made under subparagraph (d) of paragraph (1) of Article 28 of the Children (Jersey) Law 1969;²

“supervisor” means a person under whose supervision a child is placed by an education supervision order;

“vocational education” means education and training intended to fit a person for a particular description of employment;

“vocational guidance” means advice and assistance given for the purpose of assisting persons to determine -

- (a) what employments are suitable for them and available to them, having regard to their capabilities; and
- (b) what education is required by them and available to them in order to fit them for those employments;

“young person” means a child who is over compulsory school age.

(2) Unless the context requires otherwise, a reference in this Law to a course of education, examination or qualification by name

² Volume 1968-1969, page 278.

Education (Jersey) Law 199

shall be construed as a reference to the course of education, examination or qualification of that name for the time being available in the United Kingdom.

(3) A reference in this Law to a Part, Article or Schedule by number only and without further identification is a reference to the Part, Article or Schedule of that number in this Law.

(4) A reference in an Article or other division of this Law to a paragraph, sub-paragraph or clause by number or letter only and without further identification is a reference to the paragraph, sub-paragraph or clause of that number or letter in the Article or other division of this Law in which the reference occurs.

(5) Unless the context requires otherwise, a reference in this Law to an enactment is a reference to that enactment as amended from time to time.

ARTICLE 2**Compulsory school age**

(1) For the purposes of this Law, a child is of compulsory school age throughout the period beginning on the first day of the school term in which his fifth birthday falls and ending on the thirtieth day of June in the school year in which he attains the age of sixteen years, and the terms "below compulsory school age", "upper limit of compulsory school age" and "over compulsory school age" shall be construed accordingly.

(2) For the purposes of this Article, the following periods in any school year are school terms -

- (a) the period beginning on the first day of September and ending on the thirty-first day of December;
- (b) the period beginning on the first day of January and ending on the thirtieth day of April; and

Education (Jersey) Law 199

(c) the period beginning on the first day of May and ending on the thirty-first day of August.

(3) The States may by Regulations amend paragraphs (1) and (2) for the purpose of altering the period of compulsory school age.

ARTICLE 3

Provided schools

(1) For the purposes of this Law, the schools listed in Part I of the First Schedule are provided schools.

(2) This Law applies in relation to any provided school specified in Part II of the First Schedule with such modifications as are specified in that Part in relation to that school.

(3) Without prejudice to paragraph (1), the States shall continue to have possession of and be responsible for the maintenance of the parish schools of the Island.

(4) The States may by Regulations amend the First Schedule.

ARTICLE 4

Special educational needs etc.

(1) For the purposes of this Law, a child has “special educational needs” if he has a learning difficulty which calls for special educational provision to be made for him.

(2) For the purposes of this Law, subject to paragraph (3), a child has a “learning difficulty” if -

(a) he has a significantly greater difficulty in learning than the majority of children of his age;

Education (Jersey) Law 199

- (b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in provided schools; or
- (c) he is below compulsory school age and is, or would be if special educational provision were not made for him, likely to fall within sub-paragraph (a) or (b) when he is of compulsory school age.

(3) A child is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.

- (4) In this Law -

“special educational provision” means -

- (a) in relation to a child who has attained the age of two years, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of his age in provided schools (other than special schools); and
- (b) in relation to a child under that age, educational provision of any kind; and

“special school” means a school which is specially organized to make special educational provision for pupils with special educational needs.

ARTICLE 5

Higher Education

- (1) Higher education means education provided by means of a course of any description mentioned in the Second Schedule.

Education (Jersey) Law 199

(2) The Committee may by Order amend the Second Schedule.

PART II

GENERAL

ARTICLE 6

Duty of States to promote education

The States shall promote the spiritual, moral, intellectual, cultural, social and physical development of the people of the Island and, in particular, of the children of the Island.

ARTICLE 7

Duty of Committee to review the provision of school places

(1) This Article applies in relation to schools providing education suitable to the needs of children of compulsory school age and young persons, and any reference in it to a school shall be construed accordingly.

(2) The Committee shall, from year to year -

- (a) review the numbers of school places available, both in provided and non-provided schools; and
- (b) assess the current and future requirements for provision of school places by reference to the ages and numbers of the children of the Island.

(3) Where it appears to the Committee that -

- (a) a new provided school should be established;

Education (Jersey) Law 199

- (b) the character of a provided school should be altered; or
- (c) a provided school should be closed,

it shall consult upon the proposal in accordance with paragraphs (4) and (5).

(4) The Committee shall give notice of any proposal and the reasons for it to -

- (a) the governing body continued or established by Part I of the Fourth Schedule (if any) of any school affected by it;
- (b) teachers and other staff employed in any school affected by it, and any body representative of their interests;
- (c) the parents of a pupil at any school affected by it; and
- (d) where the proposal affects a secondary school, the parents of any pupil at a primary school from which pupils ordinarily transfer to that secondary school.

(5) The Committee shall allow any body or person given notice of a proposal not less than two months in which to make representations to the Committee about the proposal.

(6) The Committee shall, not later than three months after the day on which the period allowed in accordance with paragraph (5) expires, report to the States upon the proposal.

(7) The Committee's report to the States shall -

- (a) state the proposal and the reasons for it;
- (b) indicate any revision of the proposal having regard to representations made under paragraph (5);

Education (Jersey) Law 199

- (c) summarize any representation made under paragraph (5) which has not resulted in a revision of the proposal and the reason why no revision has been made; and
 - (d) the Committee's recommendation in respect of the proposal.
- (8) For the purposes of sub-paragraph (b) of paragraph (3), the character of a school is altered if -
- (a) education begins or ceases to be provided in it for pupils above or below a particular age;
 - (b) education begins or ceases to be provided in it for girls as well as boys or vice versa;
 - (c) arrangements for the admission of pupils by reference to ability or aptitude are made or altered; or
 - (d) the school premises are significantly enlarged or altered, or the school transferred to a new site.

PART III

CHILDREN BELOW COMPULSORY SCHOOL AGE

ARTICLE 8

Powers of Committee with respect to nursery schools and classes

The Committee may establish nursery schools, and nursery classes in provided primary schools, and maintain any nursery school and nursery class established by it.

ARTICLE 9

Power of States to charge for a place in a nursery school or class

The States may by Regulations make provision for a fee to be charged for the attendance of a child below compulsory school age in a

Education (Jersey) Law 199

nursery school or nursery class established and maintained by the Committee.

ARTICLE 10

Power of Committee to give assistance

(1) The Committee may give financial or other assistance to any person receiving children below compulsory school age at premises registered under Article 68 of the Children (Jersey) Law 1969³ for the purpose of promoting the provision of education for such children on those premises.

(2) Financial or other assistance may be given in such manner and subject to such conditions as the Committee thinks fit, having regard to the purpose expressed in paragraph (1).

PART IV

CHILDREN OF COMPULSORY SCHOOL AGE

ARTICLE 11

Duty of Committee with respect to child of compulsory school age

The Committee shall ensure that there is available to every child of compulsory school age full-time education appropriate to his age, ability and aptitude.

ARTICLE 12

Duty of parent of child of compulsory school age

(1) A parent of a child of compulsory school age shall ensure that he receives full-time education appropriate to his age, ability and aptitude, and any special educational needs he may have, either by

³ Volume 1968-1969, page 307, and Volume 1970-1972, page 513.

Education (Jersey) Law 199

regular attendance at a school at which he is a pupil or otherwise, in accordance with Article 13.

(2) For the purposes of this Article, a child shall not be deemed to have failed to attend regularly at the school at which he is a pupil by reason of his absence -

- (a) with leave granted by the headteacher of the school;
- (b) at any time when he is prevented from attending by reason of sickness or any unavoidable cause; or
- (c) on any day set aside for religious observance by the religious body to which his parent belongs.

(3) A parent who fails to comply with paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.

ARTICLE 13

Education otherwise than at school

(1) A child of compulsory school age shall not receive full-time education otherwise than by regular attendance at school unless the arrangements made for his education have been approved by the Committee.

(2) The Committee shall approve arrangements made for the education of a child otherwise than at school if it is satisfied that the instruction to be received by the child is at least equal to the instruction that a child of the same age would receive in a provided school.

(3) Any approval may be given subject to such conditions as the Committee thinks fit and shall be withdrawn at any time when the Committee ceases to be satisfied as to the arrangements made for the child's education.

Education (Jersey) Law 199

(4) The Committee may cause a child educated otherwise than at school to be examined and his educational progress assessed from time to time.

ARTICLE 14

Education supervision orders

(1) Subject to paragraph (4), where the Court is satisfied that a child of compulsory school age is not receiving the education required by paragraph (1) of Article 12, it may make an order placing him under the supervision of an officer of the Committee.

(2) Where a child is a pupil at a school which he is not attending regularly then, unless it is proved that he is receiving the education required by paragraph (1) of Article 12, it shall be assumed that he is not.

(3) An application for an education supervision order shall be made by the Committee.

(4) No education supervision order may be made with respect to a child who is the subject of a supervision order.

(5) The Third Schedule makes further provision with respect to education supervision orders.

ARTICLE 15

Parental right to choose school

(1) The parent of a child aged below or of compulsory school age shall have the right to express a preference as to the provided school at which he wishes education to be provided for his child in the exercise of the Committee's functions.

(2) Subject to paragraph (3), the Committee shall comply with any preference expressed pursuant to paragraph (1).

Education (Jersey) Law 199

(3) The Committee shall not be required to comply with a preference if to do so would prejudice the provision of efficient education or the efficient use of resources.

ARTICLE 16

Jersey Curriculum

(1) The Committee shall, after consultation with the Jersey Curriculum Council -

- (a) establish a basic curriculum for the education of children of compulsory school age, to be known as the Jersey Curriculum; and
- (b) revise that Curriculum whenever they consider it necessary or expedient to do so.

(2) The Jersey Curriculum -

- (a) shall specify -
 - (i) different stages in the education of a child of compulsory school age, by reference to the age of the child or by reference to the age of the majority of pupils in the class in which, in relation to a particular subject, he is regularly taught, and
 - (ii) subjects which a child must be taught at any particular stage in his education;

and

- (b) may specify -

Education (Jersey) Law 199

- (i) a range or ranges of subjects that a child may elect, at any particular stage of his education, to be taught, and
 - (ii) cases in which all or any of its requirements are to be disappplied or modified.
- (3) The Jersey Curriculum may also specify, in relation to any subject -
- (a) the matters, skills and processes which must be taught to children of different abilities and maturities at any particular stage of their education;
 - (b) the minimum number of hours in the school year for which the subject must be taught at any particular stage in a child's education;
 - (c) the knowledge, skills and understanding which children of different abilities and maturities are expected to have attained by the end of any particular stage in their education; and
 - (d) the arrangements for assessing children for the purpose of ascertaining the level of knowledge, skills and understanding they have attained by the end of any particular stage in their education.
- (4) In discharging its duty under this Article, the Committee shall have regard to the need for the Jersey Curriculum to be balanced and broadly based, and to prepare children for the opportunities, responsibilities and experiences of adult life.
- (5) The Committee shall cause the Jersey Curriculum to be made available in schools in which children of compulsory school age are educated and to parents of children of compulsory school age.

Education (Jersey) Law 199

ARTICLE 17

Parental right to receive school report

(1) The parent of a pupil of compulsory school age in a provided school shall have the right to receive one written report in every school year in respect of his child's education.

(2) The matters to which a report relates shall include the child's progress in all subjects and activities undertaken by him at the school, and the report shall include the results of any assessments made in accordance with the requirements of the Jersey Curriculum.

(3) It shall be the duty of the headteacher of every provided school to ensure that the reports required under this Article in respect of the pupils in his school are made.

ARTICLE 18

Religious education in provided schools

Subject to Article 20, a pupil of compulsory school age in a provided school shall receive religious education in accordance with a syllabus approved by the Committee after consultation with the Religious Education Advisory Council.

ARTICLE 19

Acts of worship in provided schools

(1) Subject to Article 20, a pupil of compulsory school age in a provided school shall attend an act of worship on at least one school day in each week during the school term.

(2) The act of worship shall be broadly Christian in nature, but not distinctive of any particular religious denomination.

Education (Jersey) Law 199

ARTICLE 20

Right of parent to withdraw pupil from religious education and acts of worship

(1) A parent of a pupil in a provided school may, on giving notice to the headteacher of the school, withdraw the pupil, either wholly or in part, from religious education or from acts of worship, or both.

(2) Where a headteacher receives notice under paragraph (1), he shall provide supervision of the pupil during the periods when the pupil would otherwise receive religious education or attend an act of worship.

ARTICLE 21

Provision of premises for denominational religious instruction

Where the Committee is satisfied that -

- (a) a sufficient number of parents of pupils in a provided school want them to receive religious instruction in accordance with the tenets of a particular religious denomination; and
- (b) satisfactory arrangements have been made for the provision of such instruction to those pupils; and
- (c) the cost of providing such instruction will not fall upon public resources; and
- (d) the provision of such instruction will not operate to the detriment of other pupils in the school,

the Committee shall make premises available for the carrying out of those arrangements.

Education (Jersey) Law 199

ARTICLE 22

Saving for teachers etc.

(1) No person shall, by reason of his religious beliefs or his attending or omitting to attend religious worship, be disqualified from employment as a teacher in a provided school, or from being otherwise engaged for the purposes of such a school.

(2) No teacher in a provided school shall be in any way disadvantaged in his employment by reason of his religious beliefs or his attending or omitting to attend religious worship.

(3) No teacher in a provided school shall be required to give religious education, unless he was employed for the purpose of giving such education, or be in any way disadvantaged in his employment by reason of the fact that he does or does not give religious education.

ARTICLE 23

Provision of transport

(1) The Committee may make such arrangements for the provision of transport or otherwise as it considers appropriate for the purpose of facilitating the attendance at school of a pupil.

(2) The Committee may prescribe by Order, for the purposes of the arrangements referred to in paragraph (1) -

- (a) the circumstances in which a fee will be charged for the provision of transport or other assistance; and
- (b) the amount of any fee so charged.

Education (Jersey) Law 199

ARTICLE 24

Provision of clothing etc.

(1) Where it appears to the Committee that a child is unable, by reason of the inadequacy or unsuitability of his clothing or footwear, to take full advantage of the education provided at school, the Committee may, as it thinks fit, give him or provide him with the use of such article or articles of clothing or footwear as the Committee considers necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil.

(2) The Committee may require the parent of any child to whom clothing or footwear is given or provided for use to pay such sum, not exceeding the cost to the Committee in respect of it, as the Committee considers the parent able to pay without financial hardship.

ARTICLE 25

Cleanliness

(1) The headteacher of a provided school who suspects that a pupil of compulsory school age is infested with vermin or in a foul condition or suffering from an infectious disease may -

- (a) direct that the pupil be excluded from school until the pupil's parent provides confirmation from a registered medical practitioner that the pupil is free from any such condition; or
- (b) request, in writing, the medical officer to cause the person and clothing of the pupil to be examined in the interests of cleanliness or to prevent the spread of infectious disease.

(2) Upon the receipt of a request made pursuant to subparagraph (b) of paragraph (1), the medical officer shall arrange for the pupil to be examined and notify the parent of the pupil of the arrangement.

Education (Jersey) Law 199

(3) The parent of a pupil who is to be examined shall be entitled to attend the examination, but the examination shall not be delayed by reason that the parent is unable or unwilling to attend at the time and place for which the examination has been arranged.

(4) When a pupil has been examined, the medical officer shall report to the headteacher upon the condition and clothing of the pupil and, if the pupil has been found to be infested or in a foul condition or suffering from an infectious disease, the headteacher may direct that the pupil be excluded from school until such time as the condition has been remedied.

(5) A direction by the headteacher under sub-paragraph (a) of paragraph (1) or under paragraph (4) shall be a defence to any proceedings under this Law or any other enactment in respect of the failure of the child to attend school on any day on which he is excluded in pursuance of the direction, unless it is proved that the issue or continuance of the direction was necessitated by the wilful default of the child or his parent.

(6) No pupil shall be examined under the powers conferred by this Article except by a registered medical practitioner or by a person authorized for that purpose by the medical officer.

ARTICLE 26

Restriction of employment of children of compulsory school age

(1) Subject to paragraph (2), it shall be an offence for any person to employ a child of compulsory school age during the hours that the school at which he is a pupil is open for instruction.

(2) Paragraph (1) and any other enactment regulating the hours during which or the number of hours for which a child of compulsory school age may be employed on a school day shall not apply where the employment of the child is in pursuance of arrangements

Education (Jersey) Law 199

made or approved by the headteacher of the school at which he is a pupil for the purpose of providing that pupil with work experience.

(3) A person guilty of an offence under paragraph (1) shall be liable to a fine not exceeding level 2 on the standard scale.

(4) For the purposes of this Article, a child who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour.

ARTICLE 27

Fees

No fees shall be charged for the provision of education forming part of the Jersey Curriculum or religious education forming part of the syllabus approved pursuant to Article 18 for a child of compulsory school age in a provided school during school hours.

PART V

SPECIAL EDUCATIONAL NEEDS

ARTICLE 28

Interpretation of Part V

In this Part, "child" does not include any young person who is not in full or part time education.

ARTICLE 29

Duty of Committee in relation to child with special educational needs

(1) The Committee shall ensure that the identity of every child who has special educational needs is determined, and the special educational provision required by him assessed from time to time.

Education (Jersey) Law 199

(2) The Committee shall ensure that there is available to every child who has special educational needs the special educational provision required by him.

(3) The Committee shall ensure that, if the conditions described in paragraph (4) are satisfied, a child who has special educational needs shall be educated in a school which is not a special school, unless it is incompatible with the wish of his parent or, in the case of a child who has attained the age of sixteen years, his own wish.

(4) The conditions are that educating the child in a school which is not a special school is compatible with -

- (a) his receiving the special educational provision which his learning difficulty calls for;
- (b) the provision of efficient education for the children with whom he will be educated; and
- (c) the efficient use of resources.

ARTICLE 30

Power of Committee to require assessment

The Committee may cause any child who is believed or known by it to have special educational needs to be assessed as to his special educational needs and the special educational provision required by him.

ARTICLE 31

Parental rights in relation to special educational needs

(1) A parent of a child shall have the right to request an assessment of whether or not his child has special educational needs and, if the child has special educational needs, the special educational provision required by him.

Education (Jersey) Law 199

(2) The parent of a child in relation to whom it is proposed to make an assessment of special educational needs and special educational provision shall have the right -

- (a) except where the assessment is to be made at the request of the parent, to be notified of the proposal to make an assessment;
- (b) to be informed about the procedure relating to the assessment;
- (c) to be informed about his rights under this Part in relation to the assessment;
- (d) to make representations about and produce evidence for the purposes of the assessment;
- (e) to be present at any examination of the child carried out for the purposes of the assessment;
- (f) to be notified, in writing, of the results of the assessment;
- (g) to appeal against any part of the results of the assessment.

(3) An appeal under sub-paragraph (g) of paragraph (2) shall be made to the Committee no later than 15 days after the parent is notified of the results of the assessment, and shall be determined by the Committee.

(4) The Committee may by Act delegate the power to receive and determine any appeal under sub-paragraph (g) of paragraph (2) to the Director of Education or to a panel of persons appointed by the Committee for the purpose subject to such conditions, exceptions or qualifications as it may specify in the Act.

Education (Jersey) Law 199

ARTICLE 32

Power to make Orders relating to children with special educational needs

The Committee may by Order make provision facilitating the discharge of any duties and the exercise of any rights under this Part, including, but not by way of limitation, provision for -

- (a) the procedures applicable to the determination of the special educational needs of a child and the assessment of the special educational provision required by him;
- (b) the persons who are to determine the special educational needs of a child, and assess the special educational provision required by him;
- (c) the persons to be consulted prior to the making of an assessment or determination;
- (d) the circumstances in which a statement of special educational needs is required to be maintained in respect of a child;
- (e) the preparation, content, distribution and retention of a statement of special educational needs;
- (f) special educational provision otherwise than in a provided school, or otherwise than in the Island;
- (g) enabling a child with special educational needs to be exempted from all or any part of the Jersey Curriculum;
- (h) monitoring of and preparation of a report on a child with special educational needs by the school at which he is a pupil;

Education (Jersey) Law 199

- (j) the frequency of and procedure in relation to further assessments in respect of a child;
- (k) the procedure applicable to any appeal under this Part; and
- (l) funding and the payment of costs where special educational provision is made outside the Island.

PART VI

BEHAVIOUR AND DISCIPLINE

ARTICLE 33

Purposes

The purposes of this Part are -

- (a) the promotion of self-discipline and proper regard for authority, the encouragement of good behaviour and respect for others and the property of others and the attainment of acceptable standards of behaviour among pupils; and
- (b) the regulation of the conduct of pupils.

ARTICLE 34

Role of Committee

The Committee may issue to any provided school -

- (a) a statement of general principles relating to the purposes of this Part;
- (b) guidance in respect of any particular matter relating to the provisions of this Part.

Education (Jersey) Law 199

ARTICLE 35

Duty of headteacher

- (1) Every headteacher of a provided school shall determine -
 - (a) what is to be regarded as an acceptable standard of behaviour in the school; and
 - (b) measures including, as required, rules and provisions for enforcement, for the furtherance in the school of the purposes of this Part.
- (2) Every headteacher of a provided school shall, in determining any measures -
 - (a) ensure that they are consistent with any statement of general principles issued under paragraph (a) of Article 34; and
 - (b) have regard to any guidance in respect of a particular matter issued under paragraph (b) of Article 34.
- (3) Every headteacher of a provided school shall make any measures generally known within the school and amongst the parents of its pupils.

ARTICLE 36

Suspension and expulsion of pupils

- (1) The power to suspend or expel a pupil from a provided school shall only be exercisable by the headteacher.
- (2) The headteacher of a provided school may not suspend a pupil for a period of more than five days or an aggregate period of more than fifteen days in any school term without the agreement in writing of the Director of Education.

Education (Jersey) Law 199

(3) The headteacher of a provided school may not expel a pupil without having obtained, firstly, the agreement in writing of the Director of Education and, secondly, if the Director of Education so agrees, the agreement in writing of the governing body of the school, if any.

PART VII

NON-PROVIDED SCHOOLS

ARTICLE 37

Interpretation of Part VII

In this Part “register” means the register maintained pursuant to paragraph (1) of Article 38, and “registered” and “registered school” shall be construed accordingly.

ARTICLE 38

Register of non-provided schools

(1) The Committee shall cause to be maintained a register in which there shall be entered non-provided schools in respect of which an application has been granted under Article 40.

(2) The following particulars shall be recorded in the register in respect of each such school -

- (a) the name and address of the proprietor;
- (b) the name of the headteacher;
- (c) the address of the school;
- (d) the age range of pupils the school is to accept; and

Education (Jersey) Law 199

(e) such other information as the Committee may from time to time require.

(3) The register shall be open to public inspection at all reasonable times.

ARTICLE 39

Requirement for registration

(1) Subject to paragraph (2), any person who opens for instruction a non-provided school which is not registered shall be guilty of an offence.

(2) Paragraph (1) shall not apply to -

(a) any premises registered under Article 68 of the Children (Jersey) Law 1969;⁴ or

(b) any institution providing instruction in languages only for persons over compulsory school age or for persons who are not ordinarily resident in the Island.

(3) Any person who, being the proprietor of a non-provided school, does any act calculated to lead to the belief that the school is a registered school, when it is not, shall be guilty of an offence.

(4) A person guilty of an offence under paragraph (1) or (3) shall be liable to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding three months, or both.

ARTICLE 40

Application for registration

(1) The proprietor of a non-provided school may apply to the Committee for the school to be registered.

⁴ Volume 1968-1969, page 307, and Volume 1970-1972, page 513.

Education (Jersey) Law 199

(2) An application for registration shall contain such information and be accompanied by such documents as the Committee require and such fee as may be prescribed.

(3) The Committee shall grant an application for registration if it is satisfied that -

- (a) the school premises are suitable for use as such;
- (b) the facilities provided at the school, both for general and educational purposes, are adequate and suitable, having regard to the number, ages and gender of pupils it is proposed to accept;
- (c) efficient and suitable instruction will be provided at the school, having regard to the ages and gender of the pupils the school is to accept and, where the pupils are to be of compulsory school age, the requirements of the Jersey Curriculum will be fulfilled;
- (d) the proprietor of the school is a proper person to be the proprietor of a non-provided school;
- (e) any teacher proposed to be employed in the school is a proper person to be a teacher in any school; and
- (f) a suitable code as to the matters described in subparagraphs (a) and (b) of paragraph (1) of Article 35 will be applied in the school.

(4) The Committee may grant an application for registration either unconditionally or subject to such conditions as it thinks fit.

(5) The Committee may from time to time impose or vary conditions of registration.

Education (Jersey) Law 199

(6) In determining whether or not to grant an application for registration or to impose or vary conditions of registration, the Committee shall have regard to the need to ensure that the standards of premises, facilities, instruction and staff in the school are at least equal to the standards for the time being required in provided schools and that the code referred to in sub-paragraph (f) of paragraph (3) is consistent with any statement issued under paragraph (a) of Article 34 and has been determined with regard to any guidance issued under paragraph (b) of that Article.

ARTICLE 41

Notification of change in particulars

The proprietor of a registered school shall notify the Committee, in writing, of any change in the particulars recorded in the register in respect of the school within the period of fourteen days commencing on the day the change occurs.

ARTICLE 42

Reports and returns relating to registered schools

The proprietor of a registered school shall make such reports and returns, and give to the Committee such information relating to the school as the Committee may require for the purposes of the exercise of its functions under this Law.

ARTICLE 43

Removal and striking off from register

(1) The Committee shall remove a school from the register upon the application of the proprietor.

(2) Where it appears to the Committee -

Education (Jersey) Law 199

- (a) that, having regard to the need described in paragraph (6) of Article 40, a registered school is no longer satisfactory in respect of any of the matters described in paragraph (3) of that Article; or
- (b) that there has been a failure to comply with any condition imposed pursuant to paragraph (4) or (5) of Article 40; or
- (c) that the proprietor of a registered school has failed to comply with Article 41 or 42,

it shall cause a notice of complaint to be served upon the proprietor.

(3) A notice of complaint shall specify -

- (a) the nature of the complaint described in paragraph (2) and the matters on which it is founded;
- (b) the steps which, in the opinion of the Committee, are necessary to remedy the matters complained of; and
- (c) the period within which the steps must be taken.

(4) Where the Committee is satisfied that the matters complained of are so exceptional that the striking off of the school from the register should take effect notwithstanding that an appeal is made against the notice of complaint, the notice shall contain a statement to that effect.

(5) Except as provided in paragraph (6) of this Article and paragraph (3) of Article 44, if the requirements specified in a notice of complaint are not complied with, the school shall be struck off from the register on the expiry of the period specified pursuant to sub-paragraph (c) of paragraph (3).

(6) The Committee may, if it thinks fit, vary the steps, and extend the period of time specified in a notice of complaint.

Education (Jersey) Law 199

ARTICLE 44

Appeals

(1) The proprietor of a school shall have a right to appeal to the Court against -

- (a) the refusal of an application made under Article 40 to register the school;
- (b) the imposition or variation of conditions of registration; or
- (c) a notice of complaint served under paragraph (2) of Article 43.

(2) Any appeal under paragraph (1) must be made within 28 days of the day on which notice of the refusal, the grant subject to conditions, the imposition or variation of conditions or the complaint is served on the proprietor.

(3) Where an appeal under paragraph (1) is made in respect of a notice of complaint under Article 43, other than a notice containing the statement described in paragraph (4) of that Article, the striking off shall not take effect before the appeal is withdrawn or heard.

ARTICLE 45

Assistance for non-provided schools

The Committee may by Order make provision with respect to the advance of financial or other assistance to non-provided schools and, in particular, but without prejudice to the generality of the foregoing -

- (a) the nature and extent of any assistance to be given;

Education (Jersey) Law 199

- (b) the circumstances in which and the conditions subject to which assistance may be given; and
- (c) any procedure relating to the giving of assistance.

PART VIII

PERSONS OVER COMPULSORY SCHOOL AGE

ARTICLE 46

Duty of Committee to young persons

The Committee shall ensure that there is available education appropriate to the reasonable needs of the generality of young persons, having regard to their different abilities and aptitudes.

ARTICLE 47

Duty of Committee with respect to higher and vocational education

The Committee shall facilitate attendance, in the Island or elsewhere, by any person who has not previously undertaken a course of higher or vocational education, on such a course of higher or vocational education as is appropriate to his abilities and aptitudes.

ARTICLE 48

Duty of Committee to review vocational education

- (1) The Committee shall review, from year to year -
 - (a) the demand for vocational education; and
 - (b) after consultation with employers, current and future requirements for vocational education.

Education (Jersey) Law 199

(2) The Committee may discharge the duty to consult with employers by requesting such body of persons as appear to it to have experience relevant to the exercise to carry out the consultation and report back to it.

ARTICLE 49

Duty and power of Committee with respect to continuing education

(1) The Committee shall promote the provision of continuing education.

(2) The Committee may make any facilities within its control available for the purposes of continuing education at any reasonable times when they are not otherwise in use.

ARTICLE 50

Powers of Committee

(1) In the discharge of its duties under Articles 46 to 49, the Committee may -

- (a) provide education; and
- (b) give financial or other assistance to persons providing education.

(2) The Committee may secure the provision of any description of education referred to in this Part for persons to whom the duty imposed on the Committee in respect of that education does not extend.

(3) The Committee may charge a fee for -

- (a) the provision of education for persons over compulsory school age; and

Education (Jersey) Law 199

- (b) making facilities available for the purposes of continuing education.

ARTICLE 51

Grants and loans

The Committee may by Order make provision with respect to the advance of financial assistance to persons over compulsory school age attending courses of education, and, in particular, but without prejudice to the generality of the foregoing -

- (a) the advance of financial assistance by way of mandatory or discretionary grant or loan;
- (b) the amount of grant or loan available to an applicant;
- (c) the courses in respect of which assistance is available;
- (d) the grounds for entitlement to assistance, including the age, educational qualifications and financial status of the applicant, and the financial status of his parent;
- (e) in the case of a grant, the conditions subject to which it is given, including the amount of any contribution that the applicant or the applicant's parent is required to make; and
- (f) in the case of a loan, the conditions subject to which it is given, the rate of interest applicable to the loan (if any), the time and manner in which repayments are to be made and the circumstances (if any) in which the borrower's liability for the loan may be deferred or cancelled.

Education (Jersey) Law 199

ARTICLE 52

Vocational guidance

(1) The Committee may provide, participate in the provision of, or give financial or other assistance to persons providing, vocational guidance.

(2) Provision may be made or assistance given under paragraph (1) on such terms and in such manner as the Committee thinks fit.

ARTICLE 53

General duty of Committee under this Part

The Committee shall discharge its duties and exercise its powers under this Part so as to make the most efficient use of the resources available to it and, in particular, to avoid provision which might give rise to disproportionate expenditure.

PART IX

ADMINISTRATIVE PROVISIONS

ARTICLE 54

Duty of Committee to make available guidance etc.

- (1) The Committee shall cause to be made available -
 - (a) information concerning the manner in which the Committee's duties under this Law are to be discharged; and
 - (b) guidance concerning the manner in which the Committee's functions under this Law are to be exercised.

Education (Jersey) Law 199

(2) The information and guidance described in paragraph (1) shall be made available to schools to which and to parents of children to whom it relates.

ARTICLE 55

Appointment of Director of Education

There shall be appointed by the Establishment Committee a person to be known as the Director of Education, who shall carry out such duties as are assigned to him by the Education Committee.

ARTICLE 56

Teachers, etc.

(1) The Committee may employ such teachers and other staff as may be required for the purpose of giving effect to this Law.

(2) A teacher or other member of staff employed by the Committee to work within a particular provided school shall be accountable to the headteacher and governing body, if any, of the school as well as to the Committee.

ARTICLE 57

Establishment of governing bodies

(1) Part I of the Fourth Schedule shall have effect to establish or continue governing bodies for such provided schools or descriptions of provided schools as are specified in it.

(2) Part II of the Fourth Schedule shall have effect for the purpose of the constitution and procedures of any governing body established or continued by Part I of that Schedule.

(3) Part III of the Fourth Schedule shall have effect to impose duties and functions and confer powers on governing bodies established

Education (Jersey) Law 199

or continued by Part I of that Schedule.

(4) Part IV of the Fourth Schedule shall have effect to impose duties on a headteacher in relation to a governing body established or continued by Part I of that Schedule.

(5) Part V of the Fourth Schedule shall have effect to modify Parts II to IV of that Schedule in their application to such schools and their governing bodies as are specified in that Part.

(6) Subject to paragraph (7), the Committee may by Order amend the Fourth Schedule.

(7) Before making an Order amending Part I of the Fourth Schedule, the Committee shall consult upon the proposed Order with -

- (a) any governing body affected by the Order;
- (b) the teachers and other staff employed in any school affected by the Order and any body representative of their interests;
- (c) the parents of a pupil at any school affected by the Order; and
- (d) where the Order affects a secondary school, the parents of any pupil at a primary school from which pupils ordinarily transfer to that secondary school.

(8) The Committee shall allow any body or person consulted pursuant to paragraph (7) not less than two months in which to make representations.

Education (Jersey) Law 199

ARTICLE 58

Power of Committee to delegate functions to governing body

(1) The Committee may by Order delegate to a governing body of a school, either wholly or partly, and subject to such conditions, exceptions or qualifications as the Committee think fit, any of the functions of the Committee in relation to that school, excluding any power to pass an enactment.

(2) Before making an Order under paragraph (1), the Committee shall consult upon the proposed Order with -

- (a) any governing body affected by the Order;
- (b) the teachers and other staff employed in any school affected by the Order and any body representative of their interests;
- (c) the parents of pupils at any school affected by the Order; and
- (d) where the Order affects a secondary school, the parents of pupils at a primary school from which pupils ordinarily transfer to that secondary school.

(3) The Committee shall allow any body or person consulted pursuant to paragraph (2) not less than two months in which to make representations.

(4) The delegation of any functions by the Committee under this Article does not prevent the exercise of those functions by the Committee itself.

Education (Jersey) Law 199

ARTICLE 59

Establishment etc. of Jersey Curriculum Council

The Fifth Schedule shall have effect for the purpose of the establishment, membership, constitution, duties, functions, powers and funding of a Jersey Curriculum Council.

ARTICLE 60

Establishment etc. of Religious Education Advisory Council

The Sixth Schedule shall have effect for the purpose of the establishment, membership, constitution, duties, functions, powers and funding of a Religious Education Advisory Council.

ARTICLE 61

Reports and returns

Every headteacher of a provided school shall make to the Committee such reports and returns and give to the Committee such information relating to the school as the Committee may require for the purposes of the exercise of its functions under this Law.

PART X

MISCELLANEOUS AND SUPPLEMENTAL

ARTICLE 62

Medical and dental inspection

(1) The Committee shall make facilities available in provided schools for the medical and dental inspection of children and may make facilities available for the medical and dental treatment of children.

Education (Jersey) Law 199

(2) Subject to paragraph (3), the Committee shall make arrangements for encouraging and assisting children to take advantage of any medical and dental inspection and treatment provided.

(3) The Committee shall not make such arrangements in relation to a child whose parent has given notice to it, or, where the child is a pupil in a provided school, to the headteacher of that school, that he objects to the child availing himself of such inspection or treatment.

ARTICLE 63

Power to compulsorily acquire land

(1) The States may acquire land by compulsory purchase on behalf of the public for the purposes of this Law, in accordance with the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961.

(2) The power to acquire land by compulsory purchase conferred by paragraph (1) shall include the power to -

- (a) acquire any interest in land or a servitude or other right in, on or over land by the creation of a new interest, servitude or right; and
- (b) extinguish or modify any interest in land or a servitude or other right in, on or over land.

(3) For the purposes of this Article, "land" means any corporeal hereditament, including a building and land covered with water and also includes any interest in land or water and servitudes or rights in, on or over land or water.

Education (Jersey) Law 199

ARTICLE 64

Duty of Committee with respect to evaluation of schools

(1) The Committee shall cause every school in the Island to be evaluated, so often as the Committee considers appropriate, as to the quality of education provided by it and the educational standards achieved in it.

(2) An evaluation pursuant to paragraph (1) shall be made by a person authorized for the purpose by the Committee, being a person who appears to the Committee to be suitably qualified for the purpose.

(3) A person authorized by the Committee to carry out an evaluation of a school shall have, at all reasonable times -

- (a) a right of entry to the premises of the school concerned; and
- (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for the purposes of the evaluation.

ARTICLE 65

Supply of information by Registrar of births and deaths

(1) The Superintendent Registrar or his Deputy, or a Registrar or his Deputy, shall supply to the Committee, free of charge, such particulars of the entries in any register of births and any register of deaths in his custody as the Committee may from time to time require in the discharge of its duties and functions under this Law.

(2) In this Article, the expressions "Superintendent Registrar", "Registrar" and "Deputy" mean such a person appointed in pursuance of the "Loi (1842) sur l'Etat Civil",⁵ and the expression "any

⁵ Tomes I-III, page 85, Volume 1975-1978, page 207, Volume 1992-1993, page 431, Volume 1996-1997, page 155, and R & O's 8269 and 8950.

Education (Jersey) Law 199

register of births and any register of deaths” means any such registers maintained pursuant to that Law.

ARTICLE 66

Miscellaneous powers of the Committee

The Committee may -

- (a) enter into an agreement with an education authority outside the Island for the purpose of the performance of its duties under this Law;
- (b) accept, hold and administer any property upon trust for purposes connected with education;
- (c) make such provision for conducting or assisting the conduct of research as appears to the Committee to be desirable for the purpose of improving the educational facilities provided for the Island; and
- (d) organize, or participate in the organization of, conferences for the discussion of questions relating to education and expend such sums as may be reasonable in paying for or contributing towards any expenditure incurred in connection with conferences for the discussion of such questions, including the expenses of any person authorized by them to attend any such conference.

ARTICLE 67

Determination of age

Where the age of any person at any time is material for the purpose of any provision of this Law relating to proceedings in any court, his age at the material time shall be deemed to be or to have been that which appears to the court, after hearing any available evidence, to be or to have been his age at that time.

Education (Jersey) Law 199

ARTICLE 68

Regulations and Orders

- (1) Any Regulations or Order made under this Law may -
 - (a) make different provision for different cases; and
 - (b) contain such transitional, consequential, incidental and supplementary provisions as appear to the States or the Committee, as the case may be, to be necessary or expedient for the purposes of the Regulations or Order.
- (2) The Committee may by Order prescribe anything which may be prescribed under this Law.
- (3) The Subordinate Legislation (Jersey) Law 1960⁶ shall apply to Orders made under this Law.

ARTICLE 69

Transitional arrangements, consequential amendments and repeals

- (1) The Seventh Schedule makes transitional arrangements relating to the coming into force of this Law.
- (2) The enactments specified in the Eighth Schedule shall be amended in accordance with that Schedule.
- (3) The enactments specified in column 1 of the Ninth Schedule are repealed to the extent specified in column 2 of that Schedule.

⁶ Tome VIII, page 849.

Education (Jersey) Law 199

ARTICLE 70

Short title and commencement

This Law may be cited as the Education (Jersey) Law 199 and shall come into force on such day as the States may by Act appoint, and different days may be appointed for different purposes or different provisions of this Law.

Education (Jersey) Law 199

FIRST SCHEDULE

(Article 3)

PROVIDED SCHOOLS

PART I

(Article 3(1))

Provided Schools

Bel Royal Primary School
d'Hautrée House School
First Tower Primary School
Grainville Secondary School
Grands Vaux Primary School
Grouville Primary School
Haute Vallée Secondary School
Hautlieu School
Highlands College
Janvrin Primary School
Jersey College for Girls
Jersey College for Girls Preparatory School
La Moye Primary School
La Pouquelaye Primary School
Le Rocquier Secondary School
Le Squez Primary School
Les Chênes Residential School
Les Landes Primary School
Les Quennevais Secondary School
Mont à l'Abbé School
Mont Nicolle Primary School
Plat Douet Primary School
Rouge Bouillon Primary School
Springfield Primary School
St. Clement Primary School
St. James' School

Education (Jersey) Law 199

St. John Primary School
St. Lawrence Primary School
St. Luke Primary School
St. Mark Primary School
St. Martin Primary School
St. Mary Primary School
St. Peter Primary School
St. Saviour Primary School
Trinity Primary School
Victoria College
Victoria College Preparatory School

PART II

(Article 3(2))

Modifications of the Law in relation to specified provided schools

1. In this Part of this Schedule -

“fee paying provided schools” means Victoria College, Victoria College Preparatory School, Jersey College for Girls and Jersey College for Girls Preparatory School.

2. In the application of this Law in relation to the fee paying provided schools, Articles 15 and 27 shall not have effect.

*Education (Jersey) Law 199**SECOND SCHEDULE***(Article 5(1))****Courses of higher education**

1. The descriptions of courses referred to in Article 5 are the following -

- (a) a course for the further training of teachers or youth and community workers;
- (b) a post-graduate course (including a higher degree course);
- (c) a first degree course;
- (d) a course for the Diploma of Higher Education;
- (e) a course for the Higher National Diploma or Higher National Certificate or the Diploma in Management Studies;
- (f) a course for the Certificate in Education;
- (g) a course in preparation for a professional examination at a higher level;
- (h) a course providing education at a higher level, whether or not in preparation for an examination.

2. For the purposes of sub-paragraph (g) of paragraph 1, a professional examination is at a higher level if its standard is higher than the standard of examinations at advanced level for the General Certificate of Education or the examination for the National Certificate or the National Diploma.

3. For the purposes of sub-paragraph (h) of paragraph 1, a course is to be regarded as providing education at a higher level if the standard is higher than the standard of courses providing education in preparation for any of the examinations mentioned in paragraph 2.

*Education (Jersey) Law 199***THIRD SCHEDULE****(Article 14(5))****Effect of education supervision orders**

1.-(1) Where an education supervision order is in force with respect to a child, it shall be the duty of the supervisor -

- (a) to advise, assist and befriend and give directions to the child and his parents in such a way as will, in the opinion of the supervisor, secure that the child is properly educated; and
- (b) where any such directions given to the child or a parent of his have not been complied with, to consider what further steps to take in the exercise of the supervisor's powers under this Law.

(2) Before giving any directions under sub-paragraph (1), the supervisor shall, so far as is reasonably practical, ascertain the wishes and feelings of the child and his parents, including, in particular, their wishes as to the place at which the child should be educated.

(3) When settling the terms of any such directions, the supervisor shall give due consideration -

- (a) having regard to the child's age and understanding, to such wishes and feelings of his as the supervisor has been able to ascertain; and
- (b) to such wishes and feelings of the child's parents as he has been able to ascertain.

(4) Directions may be given under this paragraph at any time while the education supervision order remains in force.

2. Where an education supervision order is in force with respect to a child, the duties of the child's parents under Article 12 shall

Education (Jersey) Law 199

be superseded by their duty to comply with any directions in force under the education supervision order.

3.-(1) This paragraph applies where an education supervision order and a supervision order are in force at the same time with respect to the same child.

(2) Any failure to comply with a direction given by the supervisor under the education supervision order shall be disregarded if it would not have been reasonably practicable to comply with it without failing to comply with a direction given under the supervision order.

4.-(1) An education supervision order shall have effect for a period of one year, beginning with the date on which it is made.

(2) An education supervision order shall not expire if, before it would otherwise have expired, the Court has, on the application of the Committee, extended the period during which it is in force by a further period of up to three years.

(3) The application referred to in sub-paragraph (2) may not be made earlier than three months before the date on which the order would otherwise expire.

(4) The period during which an education supervision order is in force may be extended under sub-paragraph (2) on more than one occasion.

(5) Notwithstanding the foregoing provisions of this paragraph, an education supervision order shall cease to have effect when -

- (a) the child attains the upper limit of compulsory school age;
or
- (b) an order is made under the Children (Jersey) Law 1969⁷ committing the child to the care of a fit person.

⁷ Volume 1968-1969, page 247, Volume 1970-1972, page 511, Volume 1973-1974, page 371, Volume 1979-1981, page 25, Volume 1986-1987, pages 20 and 173, Volume 1994-1995, pages 58 and 118, and Volume 1996-1997, pages 15 and 616.

Education (Jersey) Law 199

5. The parent of a child with respect to whom an education supervision order is in force shall -

- (a) if asked by the supervisor, inform him of the child's address (if known to the parent); and
- (b) if the child is living with him, allow the supervisor reasonable contact with the child.

6.-(1) The Court may discharge an education supervision order on the application of the child to whom it relates, his parent or the Committee.

(2) Before discharging an education supervision order, the Court may direct the Committee to investigate the circumstances of the child.

7.-(1) The parent of a child in relation to whom an education supervision order is in force shall be guilty of an offence if he or the child persistently fails to comply with a direction given under the order.

(2) It shall be a defence for any person charged with an offence under sub-paragraph (1) to prove that -

- (a) he took all reasonable steps to ensure that the direction was complied with;
- (b) the direction was unreasonable; or
- (c) he had complied with -
 - (i) a requirement included in a supervision order, or
 - (ii) directions given under such a requirement,

and that it was not reasonably practical to comply both with the direction in relation to which he is charged with

Education (Jersey) Law 199

an offence and with the requirement or directions given under the supervision order.

(3) A person guilty of an offence under this paragraph shall be liable to a fine not exceeding level 2 on the standard scale.

Education (Jersey) Law 199

FOURTH SCHEDULE

(Article 57)

GOVERNING BODIES

PART I

(Article 57(1))

Continuation or establishment of governing bodies

1. The governing bodies in existence immediately before this paragraph comes into force for the schools described below shall continue in existence as if they had been established under this Law, that is to say for -

- (a) each secondary school which is a provided school, excluding Victoria College; and
- (b) Les Chênes Residential School.

2. The governing body for Jersey College for Girls continued by paragraph 1 shall also be the governing body for Jersey College for Girls Preparatory School.

3. There shall be established under this Law one governing body for both Victoria College and Victoria College Preparatory School.

PART II

(Article 57(2))

Constitution and proceedings of governing body

4. A governing body shall be a body corporate.

5.-(1) A governing body of a school shall consist of -

Education (Jersey) Law 199

- (a) for each school for which it is the governing body, two persons, each of whom is the parent of a pupil in that school, elected by the parents of the pupils in that school and each referred to in this Schedule as a "parent governor";
- (b) one Committee member or other person, for the time being nominated by the Committee, and referred to in this Schedule as "the nominated governor";
- (c) for each school for which it is the governing body, one member of the staff of the school elected by the staff, and referred to in this Schedule as a "staff governor"; and
- (d) three or more persons co-opted by the persons holding office pursuant to clauses (a) to (c), and each referred to in this Schedule as an "invited governor".

(2) A parent governor, a staff governor and an invited governor shall hold office as a governor for three years save that, when the governing body is established, of the first persons elected or co-opted to it as governors -

- (a) half of the parent governors shall be elected to hold office for a period of one year and the other half shall be elected to hold office for a period of three years;
- (b) a staff governor shall hold office for a period of two years; and
- (c) the invited governors shall be respectively co-opted for a period of one, two and three years.

(3) Subject to sub-paragraph (4), the members of the governing body shall each year select from among their number a chairman and vice-chairman.

- (4) A staff governor shall not be eligible to be chairman or

Education (Jersey) Law 199

vice-chairman.

(5) A person who vacates the office of governor, chairman or vice-chairman shall be eligible for re-election, nomination or co-option, as the case may be.

(6) It shall be the duty of a headteacher to conduct any election within his school of a parent governor or a staff governor, in accordance with guidance issued by the Committee.

6.-(1) No person may be, without the approval of the Committee, a member of more than one governing body.

(2) A staff governor shall be disqualified for continuing to hold such office upon his ceasing to be a member of the staff of the school by which he was elected.

(3) A governor may resign by tendering his resignation, in writing, to the chairman.

(4) A governor may be removed from office by the other members of the governing body if, without the prior agreement of the chairman, he fails to attend two consecutive meetings of the governing body.

(5) Subject to sub-paragraph (6), a governor may, for good and urgent cause, be suspended or removed from office by the other members of the governing body or by the Committee.

(6) The members of a governing body may not suspend or remove the nominated governor.

(7) Where the Committee removes from office all of the members of a governing body, other than the nominated governor, it shall -

- (a) make such arrangements as may be necessary for the formation of a new governing body; and

Education (Jersey) Law 199

(b) report the removal to the States.

7.-(1) A governing body shall meet at least once in every term of the school.

(2) Every meeting of a governing body may be attended by -

(a) the Director of Education or a person nominated by him for the purpose; and

(b) subject to sub-paragraph (3), each headteacher of a school for which it is the governing body.

(3) A headteacher may be required by the governing body to withdraw when the governing body is discussing any matter concerning the terms and conditions of his employment, including his remuneration, or any disciplinary matter which concerns him.

(4) Subject to sub-paragraph (5), each member of a governing body shall have a vote on any decision, and the decision shall be determined by a simple majority.

(5) A staff governor may be required by the other members of the governing body to withdraw when the governing body is discussing any matter concerning the appointment and the terms and conditions of employment, including the remuneration, of or any disciplinary matter concerning, all or any of the members of the staff, including the headteacher, of the school of which he is a member of staff and shall not have a vote on any decision concerning such a matter.

(6) Except as expressly provided in this Schedule, a governing body may establish its own procedures.

8. The members of a governing body shall not be entitled to any remuneration, but the reasonable expenses of the governing body and its members shall be defrayed out of the budget for the school.

Education (Jersey) Law 199

PART III

(Article 57(3))

Functions of governing body

9.-(1) It shall be the duty of the governing body of a school to ensure that the requirements of this Law and any other enactment, and the procedures established by and policies of the Committee are complied with and given effect within the school.

(2) It shall be the duty of a governing body to perform any function delegated to it under Article 58.

10.-(1) The governing body of a school shall, in accordance with the appointments procedures and policies of the Committee, assist the Committee in the appointment of members of the staff of the school pursuant to Article 56.

(2) The governing body of a school shall, in accordance with the grievances procedures and policies of the Committee, hear and seek to resolve any grievance of a member of the staff of the school.

(3) The governing body shall, in accordance with the disciplinary procedures and policies of the Committee, consider the case of any member of the staff of the school whose conduct or performance is unsatisfactory or falls below the standard required of him, and may issue a formal reprimand to the member of the staff or recommend to the Committee his suspension or dismissal.

11. The governing body of a school shall for each year, in accordance with the procedures established by and policies of the Committee, plan the expenditure for the school.

12. The governing body of a school shall keep under review the extent to which the school is achieving the aims and objectives expressed in any statement prepared by the headteacher for it.

13.-(1) The governing body of a school shall, within the first

Education (Jersey) Law 199

term of that school in each year, prepare a report containing the following information -

- (a) the names and terms of office of the governors, and the capacity in which they hold office;
- (b) the dates of meetings held by the governing body within the preceding year and a summary of decisions taken by the governing body;
- (c) a summary of the budget for the school for the preceding year;
- (d) the names and job titles of the members of the staff of the school;
- (e) a summary of the public examination results of pupils in the school within the preceding year;
- (f) a summary of the school attendance record of the pupils in the school within the preceding year;
- (g) a summary of the discipline and behaviour record of the pupils in the school within the preceding year; and
- (h) details of how to make representations to the governing body.

(2) The report described in sub-paragraph (1) shall be submitted to the Committee and made available to parents of pupils in the school and the members of the staff of the school.

PART IV**(Article 57(4))****Duty of headteacher in relation to the governing body**

14. The headteacher of a school shall attend a meeting of the

Education (Jersey) Law 199

governing body when required by the governing body to do so.

15. The headteacher of a school shall co-operate with and provide the governing body with such information as it may require for the discharge of its duties under Part III of this Schedule including the performance of any function delegated to the governing body under Article 58.

16. The headteacher of a school shall consult with the governing body on and secure its agreement to any statement that he is required to prepare of the aims and objectives of the school.

17.-(1) In the discharge of his duty under Article 35, the headteacher shall consult with the governing body on and secure its agreement to the standards and measures determined by him pursuant to that Article.

(2) The headteacher shall report to the governing body the exclusion of any pupil pursuant to Article 25 or the suspension of any pupil pursuant to Article 36.

18. The headteacher shall provide, within the school, such secretarial services, accommodation and facilities as the governing body may reasonably require for its meetings.

PART V

(Article 57(5))

Modifications applicable to specified schools and their governing bodies

19.-(1) Parts II to IV of this Schedule shall apply in relation to Jersey College for Girls and Jersey College for Girls Preparatory School and their governing body with the modification set out in subparagraph (2).

(2) After paragraph 13 there shall be inserted the following paragraph -

Education (Jersey) Law 199

“13A. Each year, subject to the approval of the Committee, the governing body for Jersey College for Girls and Jersey College for Girls Preparatory School shall set fees for the provision of education in each of those schools.”.

20.-(1) Parts II to IV of this Schedule shall apply in relation to Victoria College and Victoria College Preparatory School with the modifications set out in sub-paragraphs (2) and (3).

(2) In paragraph 7, after clause (b) of sub-paragraph (2) there shall be inserted the word “and” and the following clause -

“(c) the Attorney General and Solicitor General, or a person nominated by either of them for the purpose.”.

(3) After paragraph 13 there shall be inserted the following paragraph -

“13A. Each year, subject to the approval of the Committee, the governing body for Victoria College and Victoria College Preparatory School shall set fees for the provision of education in each of those schools.”.

21.-(1) Parts II to IV of this Schedule shall apply in relation to Highlands College and its governing body with the modifications set out in the following sub-paragraphs.

(2) In paragraph 5 -

(a) in sub-paragraph (1) -

(i) for clause (a) there shall be substituted the following clause -

“(a) seven persons representative of the interests of industry and commerce, one of whom may be

Education (Jersey) Law 199

an employee of the States of Jersey or any administration thereof and may be involved in the provision of health and social services, each referred to in this Schedule as an 'industry and commerce governor', nominated by the present industry and commerce governors and approved by the governing body;"

- (ii) in clause (d), for the words "three or more persons" there shall be substituted the words "such other persons as may be";
- (b) for sub-paragraph (2) there shall be substituted the following sub-paragraph -

“(2) An industry and commerce governor, a staff governor and an invited governor shall hold office as a governor for two years.”;
- (c) for sub-paragraph (3) there shall be substituted the following sub-paragraph -

“(3) The members of the governing body shall elect, from among the industry and commerce governors, a chairman and vice-chairman who shall each hold office for two years or such lesser period as is required by virtue of sub-paragraph (5B).”;
- (d) sub-paragraph (4) shall be deleted;
- (e) at the beginning of sub-paragraph (5) there shall be inserted the words "Subject to sub-paragraphs (5A), (5C) and (5E).”;
- (f) after sub-paragraph (5) there shall be inserted the following sub-paragraphs -

“(5A) A person holding office as chairman or vice-

Education (Jersey) Law 199

chairman may be re-elected as such once only.

(5B) No person may hold office as chairman, and no person may hold office as vice-chairman, for a period or aggregate period exceeding three years.

(5C) Subject to sub-paragraphs (5D) and (5E), an industry and commerce governor may not be re-elected as such on more than two successive occasions.

(5D) Sub-paragraph (5C) shall not apply where, at the time of re-election, the governor holds office as chairman or vice-chairman.

(5E) Upon vacating the office of chairman or vice-chairman, an industry and commerce governor may be re-elected as such a governor once only.”;

(g) in sub-paragraph (6), the words “a parent governor or” shall be deleted.

(3) In sub-paragraph (1) of paragraph 13 -

(a) in clause (d), before the word “members” there shall be inserted the words “full-time”; and

(b) clause (g) shall be omitted.

(4) After paragraph 13 there shall be inserted the following paragraph -

“13A. Each year, subject to the approval of the Committee, the governing body of Highlands College shall determine the manner in which fees for the provision of education in the said College shall be set.”.

Education (Jersey) Law 199

22.-(1) Parts II to IV of this Schedule shall apply in relation to Les Chênes Residential School with the modifications set out in sub-paragraph (2).

(2) In paragraph 5 -

(a) for clause (a) of sub-paragraph (1) there shall be substituted the following clause -

“(a) one person representative of the interests of parents of pupils in that school, appointed by the Committee from time to time and referred to in this Schedule as the ‘parent governor’;”;

(b) in sub-paragraph (2), the words “A parent governor,” and clause (a) shall be deleted; and

(c) in sub-paragraph (6), the words “a parent governor or” shall be deleted.

Education (Jersey) Law 199

FIFTH SCHEDULE

(Article 59)

Jersey Curriculum Council

1. There is hereby established a council, to be known as the Jersey Curriculum Council.

2. The functions of the Jersey Curriculum Council shall be to -

- (a) conduct consultation on the aims, objectives, content, delivery and assessment of the Jersey Curriculum;
- (b) keep the Jersey Curriculum under review;
- (c) offer independent advice to and undertake research and development on behalf of the Committee in respect of the Jersey Curriculum;
- (d) provide advice on the Jersey Curriculum to teachers, school governors, parents and other persons concerned with the provision of education; and
- (e) disseminate information about the Jersey Curriculum.

3. The Jersey Curriculum Council shall fulfil the same functions in relation to -

- (a) such elements of a curriculum suitable to the needs of children of compulsory school age as do not form part of the Jersey Curriculum; and
- (b) a curriculum suitable to the needs of young persons,

as it is required to fulfil in relation to the Jersey curriculum.

4. The Jersey Curriculum Council shall consist of -

Education (Jersey) Law 199

- (a) a chairman;
- (b) a vice-chairman; and
- (c) 13 other members.

5.-(1) The Director of Education shall be the chairman.

(2) The Committee shall appoint a person from amongst its number to be the vice-chairman.

(3) The 13 other members shall be appointed by the Committee.

6.-(1) With the exception of the chairman and any member of the Jersey Curriculum Council who is an officer of the Committee, a member of the Jersey Curriculum Council shall vacate his office at the expiry of three years from the date of his appointment, but shall be eligible for re-appointment.

(2) Any member of the Jersey Curriculum Council shall cease to hold office -

- (a) if he tenders his resignation in writing to the Committee;
- (b) if he appoints a special attorney without whom he may not transact in matters real or personal;
- (c) if a curator is appointed for him; or
- (d) if, without reasonable excuse, he absents himself from three consecutive meetings of the Jersey Curriculum Council.

(3) A person appointed to fill any casual vacancy in the office of a member of the Jersey Curriculum Council shall hold office until the

Education (Jersey) Law 199

date on which the person in whose place he is appointed would have ceased to hold office.

7. Each member shall have a vote on any decision, and the decision shall be determined by a simple majority.

8. The Jersey Curriculum Council may co-opt such specialist advisers as it considers necessary for such periods of time as it considers appropriate.

9. The members of the Jersey Curriculum Council shall not be entitled to any remuneration, but the Committee shall -

- (a) defray such expenses of the Jersey Curriculum Council and its members as the Committee may determine; and
- (b) provide such secretarial services, accommodation and facilities as the Jersey Curriculum Council may reasonably require for its meetings.

Education (Jersey) Law 199

SIXTH SCHEDULE

(Article 60)

Religious Education Advisory Council

1. There is hereby established a council, to be known as the Religious Education Advisory Council.

2. The functions of the Religious Education Advisory Council shall be to -

- (a) advise the Committee on all matters concerned with religious education and acts of worship in provided schools;
- (b) prepare a syllabus for religious education of pupils of compulsory school age in provided schools for approval of the Committee; and
- (c) keep the syllabus approved by the Committee under review.

3. The Religious Education Advisory Council shall consist of -

- (a) 6 representatives of the principal religious traditions in the Island;
- (b) 6 teachers;
- (c) 6 representatives of the Committee, who may or may not be members of the Committee.

4.-(1) Except as provided in sub-paragraph (3), the Committee shall appoint all the members of the Religious Education Advisory Council.

Education (Jersey) Law 199

(2) Before appointing any member as a representative of a principal religious tradition in the Island, the Committee shall consult with representatives of that religious tradition.

(3) The Committee shall invite a body which appears to it to be representative of the interests of teachers to nominate one teacher to be a member of the Religious Education Advisory Council.

5.-(1) A member of the Religious Education Advisory Council shall vacate his office at the expiry of three years from the date of his appointment, but shall be eligible for re-appointment.

(2) A member of the Religious Education Advisory Council shall cease to hold office -

- (a) if he tenders his resignation in writing to the Committee;
- (b) if he appoints a special attorney without whom he may not transact in matters real or personal;
- (c) if a curator is appointed for him; or
- (d) if, without reasonable excuse, he absents himself from three consecutive meetings of the Religious Education Advisory Council.

(3) A person appointed to fill any casual vacancy in the office of a member of the Religious Education Advisory Council shall hold office until the date on which the person in whose place he is appointed would have ceased to hold office.

6.-(1) Each year, the members of the Religious Education Advisory Council shall elect a chairman and vice-chairman from among their number.

(2) In the absence of the chairman, the vice-chairman shall preside at meetings of the Religious Education Advisory Council, and in the absence of both the chairman and the vice-chairman, the members

Education (Jersey) Law 199

present at a meeting shall elect a person from among their number to preside at the meeting.

7.-(1) Except as provided in sub-paragraphs (2) and (3), each member shall have a vote on any decision, and the decision shall be determined by a simple majority.

(2) Where any vote is to be taken in respect of the syllabus referred to in clause (b) of paragraph 2 -

- (a) each of the three groups of members described in paragraph 3 shall have one vote; and
- (b) the vote of a group shall be determined by a simple majority of its members.

(3) A syllabus prepared by the Religious Education Advisory Council may only be submitted to the Committee if each of the three groups of members votes in favour of doing so.

8. The members of the Religious Education Advisory Council shall not be entitled to any remuneration, but the Committee shall -

- (a) defray such expenses of the Religious Education Advisory Council and its members as the Committee may determine; and
- (b) provide such secretarial services, accommodation and facilities as the Religious Education Advisory Council may reasonably require for its meetings.

*Education (Jersey) Law 199***SEVENTH SCHEDULE****(Article 69(1))****TRANSITIONAL ARRANGEMENTS****Education otherwise than at school**

1. Where, immediately before Article 13 comes into force, a child is educated at home and, in accordance with Article 20 of the Loi (1912) sur l'instruction primaire,⁸ the Committee is satisfied as to the standard of education received by him, such arrangements shall be deemed to have been approved by the Committee under paragraph (2) of Article 13.

Director of Education

2. The person who, immediately before Article 55 comes into force, is the person appointed as Director of Education pursuant to Article 9 of the Loi (1920) sur l'instruction publique⁹ shall be deemed to have been appointed under Article 55.

Jersey Curriculum Council

3. The persons who, immediately before Article 59 and the Fifth Schedule come into force, together comprise the Jersey Curriculum Council shall be deemed to have been appointed under that Schedule.

Religious Education Advisory Council

4. The persons who, immediately before Article 60 and the Sixth Schedule come into force, together comprise the Religious Education Advisory Council shall be deemed to have been appointed under that Schedule.

⁸ Tomes IV-VI, page 303, Volume 1970-1972, page 377, and Volume 1992-1993, page 79.

⁹ Tomes IV-VI, page 536.

*Education (Jersey) Law 199***Employment of members of the staff of Victoria College**

5. Every contract of employment, whether written or otherwise, between a member of the staff of Victoria College and the Comité constituted by virtue of Article 3 of the Loi (1860) au sujet du Collège Victoria,¹⁰ in force immediately before Article 69 and the Ninth Schedule come into force, shall have effect as if it had been entered into by the Committee instead of the Comité and as if any reference in it to the Comité were a reference to the Committee.

¹⁰ Tomes I-III, page 228, and Volume 1994-1995, page 215.

Education (Jersey) Law 199

EIGHTH SCHEDULE

(Article 69(2))

AMENDMENT OF ENACTMENTS

Loi (1860) au sujet du Collège Victoria

1. For Article 2 of the Loi (1860) au sujet du Collège Victoria¹¹ there shall be substituted the following Article -

“ARTICLE 2

(1) Sa Majesté sera le Visiteur du Collège.

(2) Sa Majesté exercera cette fonction par le Lieutenant Gouverneur.

(3) La fonction du Visiteur ne sera susceptible d’être exercée que dans aucune matière qui entraîne l’expulsion d’un élève du Collège.

(4) Sur le renvoi d’une matière au Lieutenant Gouverneur il pourra nommer une ou plusieurs personnes d’y considérer et, en rendant sa décision, il pourra tenir compte de leur conclusions.”.

Adoption (Jersey) Law 1961

2. In Article 1 of the Adoption (Jersey) Law 1961,¹² for paragraph (2) there shall be substituted the following paragraph -

“(2) For the purposes of this Law, the upper limit of the compulsory school age shall be construed in accordance with Article 2 of the Education (Jersey) Law 199 .”.

¹¹ Tomes I-III, page 227.

¹² Volume 1961-1962, page 363, Volume 1994-1995, pages 118 and 353, and R & O 8859.

Education (Jersey) Law 199

Health Insurance (Jersey) Law 1967

3. In Article 1 of the Health Insurance (Jersey) Law 1967,¹³ in sub-paragraph (a) of paragraph (2), for the words "Article 20 of the 'Loi (1912) sur l'instruction primaire' " there shall be substituted the words "Article 2 of the Education (Jersey) Law 199 ".

Children (Jersey) Law 1969

4. In Article 1 of the Children (Jersey) Law 1969,¹⁴ in paragraph (1), for the definition of "the upper limit of the compulsory school age" there shall be substituted the following definition -

" 'the upper limit of the compulsory school age' shall be construed in accordance with Article 2 of the Education (Jersey) Law 199 ;".

Social Security (Jersey) Law 1974

5. In Article 1 of the Social Security (Jersey) Law 1974,¹⁵ for sub-paragraph (c) of paragraph (2) there shall be substituted the following sub-paragraph -

"(c) 'school leaving age' means the upper limit of compulsory school age by virtue of Article 2 of the Education (Jersey) Law 199 .".

Protection of Employment Opportunities (Jersey) Law 1988

6. In paragraph (1) of Article 1 of the Protection of Employment Opportunities (Jersey) Law 1988,¹⁶ for the definition "school leaving age" there shall be substituted the following definition -

¹³ Volume 1996-1997, page 535, Volume 1968-1969, page 663, Volume 1973-1974, page 366, and Volume 1996-1997, page 21.

¹⁴ Volume 1968-1969, page 247, Volume 1970-1972, page 511, Volume 1979-1981, page 25, and Volume 1994-1995, pages 58 and 118.

¹⁵ Volume 1973-1974, page 319, Volume 1990-1991, page 467, and R & O 9112.

¹⁶ Volume 1988-1989, page 121.

Education (Jersey) Law 199

“ ‘school leaving age’ means the upper limit of compulsory school age by virtue of Article 2 of the Education (Jersey) Law 199 ;”.

Criminal Justice (Young Offenders) (Jersey) Law 1994

7. In Article 16 of the Criminal Justice (Young Offenders) (Jersey) Law 1994¹⁷ -

(1) in paragraph (1) -

(a) for the words beginning “the maximum age” and ending “(in this Article referred to as the ‘school leaving age’)” there shall be substituted the words “school leaving age”; and

(b) before the words “over school leaving age” there shall be inserted the words “of or”; and

(2) after paragraph (4) there shall be added the following paragraph -

“(5) In this Article ‘school leaving age’ means the upper limit of compulsory school age by virtue of Article 2 of the Education (Jersey) Law 199 .”.

Nursing and Residential Homes (Jersey) Law 1994

8. In Article 3 of the Nursing and Residential Homes (Jersey) Law 1994,¹⁸ in sub-paragraph (b) of paragraph (2), for the words “any school (within the meaning of the ‘Loi (1912) sur l’Instruction Primaire’ or the ‘Loi (1920) sur l’Instruction Publique’)” there shall be substituted the words “any provided school, within the meaning of the Education (Jersey) Law 199 ,”.

¹⁷ Volume 1994-1995, page 50.

¹⁸ Volume 1994-1995, page 90.

*Education (Jersey) Law 199**NINTH SCHEDULE*

(Article 69(3))

ENACTMENTS REPEALED

<i>column 1</i>	<i>column 2</i>
Short title	Extent of repeal
Loi (1860) au sujet du Collège Victoria ¹⁹	Articles 3 to 14
Loi (1881) (Amendement) sur le Collège Victoria ²⁰	The whole Law
Loi (1912) sur l'Instruction Primaire ²¹	The whole Law
Loi (1920) sur l'Instruction Publique ²²	The whole Law
Loi (1946) (Amendement) sur l'Instruction Publique ²³	The whole Law
Loi (1962) (Amendement) sur l'Instruction Publique ²⁴	The whole Law
Loi (1965) pour modifier les Lois sur l'Instruction Primaire et l'Instruction Publique ²⁵	The whole Law

¹⁹ Tomes I-III, page 228.²⁰ Tomes I-III, page 448.²¹ Tomes IV-VI, page 292.²² Tomes IV-VI, page 533.²³ Tome VII, page 336.²⁴ Volume 1961-1962, page 453.²⁵ Volume 1963-1965, page 477.

Education (Jersey) Law 199

Loi (1966) (Amendement No. 2) au sujet du Collège Victoria ²⁶	The whole Law
Loi (1970) (Amendement) sur l'Instruction Publique ²⁷	The whole Law
Loi (1972) (Amendement No. 2) sur l'Instruction Primaire ²⁸	The whole Law
Loi (1979) (Amendement No. 3) sur l'Instruction Primaire ²⁹	The whole Law
Correspondence Colleges and Institutes (Licensing) (Jersey) Law 1990 ³⁰	The whole Law
Loi (1992) (Amendement No. 4) sur l'Instruction Primaire ³¹	The whole Law
Loi (1994) (Amendement No. 3) sur le Collège Victoria ³²	The whole Law
Loi (1995) (Amendement No. 5) sur l'Instruction Primaire ³³	The whole Law

²⁶ Volume 1966-1967, page 391.

²⁷ Volume 1970-1972, page 153.

²⁸ Volume 1970-1972, page 377.

²⁹ Volume 1979-1981, page 181.

³⁰ Volume 1990-1991, page 261.

³¹ Volume 1992-1993, page 79.

³² Volume 1994-1995, page 215.

³³ Volume 1994-1995, page 603.