

## **CHAPTER 127**

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## CHAPTER 127

### THE EDUCATION ACT.

*Commencement:* 17 July, 1970.

**An Act to amend and consolidate the law relating to the development and regulation of education, the registration and licensing of teachers in public and private schools and for other connected matters.**

*Interpretation.*

#### **1. Interpretation.**

In this Act, unless the context otherwise requires—

- (a) “functions” includes powers and duties;
- (b) “grants” includes annual recurrent grants of money from the Government;
- (c) “headmaster” includes a headmistress, principal or head teacher of a school;
- (d) “inspector of schools” means a person appointed as an inspector of schools under section 2 and includes the chief education officer and the chief inspector of schools;
- (e) “Minister” means the Minister to whom functions under this Act are assigned;
- (f) “private school” means any school which is not maintained out of public funds or does not receive an annual recurrent grant from the Government;
- (g) “public school” means a school maintained by the Government, a district administration or an urban authority out of public funds;
- (h) “public service” has the same meaning as in the Constitution;
- (i) “pupil” means a person receiving instruction in any subject at a school and enrolled as a pupil on the register maintained in that school;
- (j) “register” means the register of teachers established by section 11;
- (k) “school” means an institution in which not less than ten pupils receive regular instruction or an institution which provides instruction by correspondence, but does not include—
  - (i) any institution in which persons meet solely for the purpose of receiving religious instruction;

- (ii) any institution for the purpose of giving adult education; or
- (iii) any institution in which persons meet solely for the purpose of receiving instruction in any subject or subjects which the Minister has declared by statutory order to be outside the scope of this Act;
- (l) “school owner” means owner and manager, as one and the same person, of a private school;
- (m) “teacher” means a person who regularly instructs persons in a school other than a person who gives only religious instruction.

*Control and management of schools.*

**2. Appointment of chief education officer, chief inspector of schools, education officers and inspectors of schools.**

(1) Subject to any written law relating to the appointment of persons to the public service, there shall be appointed a chief education officer, a chief inspector of schools and such other education officers and inspectors of schools as are necessary for the purposes of this Act.

(2) All education officers and inspectors of schools appointed under this section shall be under the direction of the chief education officer.

(3) The chief education officer may, by notice published in the Gazette, appoint any public officer to be an inspector of schools.

**3. Powers of an inspector of schools.**

(1) An inspector of schools may at any time, with or without notice, enter any school or any place at which it is reasonably suspected that a school is being conducted and—

- (a) inspect and report to the chief inspector of schools with respect to the school or any aspect of it, including any building, workshop, dormitory, hostel and kitchen used in connection with the school, and any other building or property on the site of the school;
- (b) inspect or audit the accounts of the school and may temporarily remove any books or records for the purpose of inspection or audit.

(2) Every headmaster shall, on being so requested by an inspector of

schools, place at the disposal of the inspector of schools all the records, accounts, notebooks and any other material belonging to the school for inspection or audit by the inspector of schools.

(3) Every person who wilfully obstructs an inspector of schools from lawfully entering or, having entered, from making an inspection of a school or its accounts commits an offence and is liable on conviction to a fine not exceeding two thousand shillings.

#### **4. District education committee.**

Every education committee appointed under section 22 of the Local Governments Act shall be responsible for the administration of all the educational services transferred to a district administration or urban authority under any law for the time being in force.

#### **5. Area education committee.**

(1) The Minister may appoint an education committee for any area of Uganda to be responsible for the administration of any educational services in that area which are not transferred to any district administration or urban authority under any law for the time being in force.

(2) The area education committee shall consist of a chairperson and not more than nine members.

#### **6. Establishment of advisory committees or councils.**

(1) The Minister may, by notice published in the Gazette, establish such other advisory committees or councils for education as he or she may think fit.

(2) The Minister may by regulations prescribe the membership, functions and procedure of any advisory committee or council established under subsection (1).

#### **7. Education development plan.**

(1) Every education committee shall prepare, in consultation with the education officer of the district or area for which it is established, an education development plan for promoting educational services for which it

is responsible.

(2) A development plan to which subsection (1) applies shall cover such period and shall be submitted for the Minister's approval in such a manner and on such times as the Minister may from time to time direct.

(3) The Minister may approve with or without modifications any education development plan submitted to him or her under this section.

(4) The Minister shall cause to be prepared an education development plan in respect of such educational services as continue to be administered by the Government, which shall cover such period as the Minister may in such plan specify.

(5) Every education development plan prepared under subsection (1) or approved under subsection (3) by the Minister shall constitute the education development plan during such period and in respect of such educational services to which it refers.

## **8. Board of governors.**

(1) There shall be constituted by the Minister, by notice published in the Gazette, a board of governors for any public school or group of schools declared by him or her by statutory order to be a school or group of schools governed by the board of governors, and the Minister may appoint to the board of governors such number of members as he or she thinks necessary.

(2) A board of governors established under subsection (1) shall, by the name of the school or group of schools for which it is established, be a body corporate having perpetual succession and a common seal, and may, in its corporate name, sue and be sued, and may purchase, sell, lease or otherwise acquire or dispose of, hold and manage movable and immovable property, and may enter into such contracts as may be necessary or expedient.

(3) The Minister may by regulations make provision for any board of governors established under this section in respect of all or any of the following matters—

- (a) the authentication of the seal, the signification of decisions and the execution of documents of the board of governors;
- (b) the term of office of the members;

- (c) the remuneration or allowances to be paid to the members;
- (d) the appointment of committees of the board of governors and the delegation of powers to such committees or to officers of the school or group of schools;
- (e) the procedure to be followed at the meetings of the board of governors;
- (f) the powers of the board of governors in relation to the staff of the school or group of schools;
- (g) the duties of the headmaster to the board of governors;
- (h) the funds of the school, including estimates, the keeping of accounts and the audit of such accounts.

#### **9. Default by board of governors.**

(1) Where, in the opinion of the Minister, a board of governors has behaved irresponsibly or has failed to exercise properly the functions conferred upon it under this Act or any regulations made under this Act, the Minister may in writing—

- (a) suspend the board of governors from the exercise and performance of its functions, and appoint an administrator to exercise and perform the functions of the board of governors for such period not exceeding one year as the Minister may specify;
- (b) dismiss all or any of the members of the board of governors, and appoint in their place new members.

(2) The Minister may, by statutory order, provide for the manner in which an administrator appointed under subsection (1) shall exercise and perform the functions of the board of governors suspended by the Minister under subsection (1).

#### *Registration and licensing of teachers.*

#### **10. Persons who may teach.**

No person shall teach in any public or private school of any description unless he or she is registered as a teacher or licensed to teach under this Act.

#### **11. Register of teachers.**

(1) The chief education officer shall maintain or cause to be maintained, in such form as he or she may think fit, a register of teachers

entitled to be registered under section 12.

(2) Every teacher whose name is entered in the register shall be entitled to be given a certificate of registration free of charge or on payment of such fee as may be prescribed on the issue of a duplicate thereof.

(3) The chief education officer may, in appropriate cases, endorse on a certificate of registration issued under this section a condition that the holder of the certificate of registration shall only teach a particular subject or only teach in a particular class.

(4) The register and all copies and extracts of the register certified under the hand of the chief education officer to be correct shall be received in evidence in all courts.

## **12. Persons entitled to register.**

(1) Any person who successfully completes as a teacher a course of training approved by the Ministry responsible for education shall be entitled, on application made in that behalf to the chief education officer, to be registered as a teacher.

(2) An application for registration as a teacher shall be made to the chief education officer in such form as the chief education officer may from time to time approve.

## **13. Refusal to register a person as a teacher.**

(1) If the chief education officer refuses an application for registration as a teacher, he or she shall serve a written notice of the refusal on the applicant stating in the notice the reasons why he or she has refused to register him or her and shall inform him or her of his or her right of appeal to the Education Service Commission or where the teacher concerned is not employed in the public service, to the appeals tribunal.

(2) Any applicant who is aggrieved by the decision of the chief education officer made under this section may appeal to the Education Service Commission or, where the teacher concerned is not employed in the public service, to the appeals tribunal within forty-five days beginning with the day of the service of the notice upon him or her.



**14. Removal of a teacher's name from the register.**

(1) The chief education officer shall, on the advice of the Education Service Commission, or may, on his or her own motion, where the teacher concerned is not employed in the public service, remove from the register of teachers the name of any teacher who—

- (a) has died;
- (b) applies for the removal of his or her name from the register;
- (c) is convicted of a criminal offence involving moral turpitude for which a fine of not less than five hundred shillings or a term of imprisonment of not less than three months has been imposed;
- (d) has been found guilty of misconduct which, in the opinion of the Education Service Commission or chief education officer, renders the teacher an unsuitable person for employment as a teacher;
- (e) has not been engaged in academic studies relating to teaching or in the administration of education services for a continuous period of five years; or
- (f) has contravened or failed to comply with any condition of his or her registration.

(2) For the purposes of subsection (1)(d), “misconduct” includes professional misconduct and conduct prejudicial to the physical, mental or moral welfare of any pupil in any school.

(3) The Education Service Commission shall not recommend the removal of the name of any teacher from the register, nor shall the chief education officer remove the name of any teacher from the register on his or her own motion under subsection (1)(d) or (f), unless the Education Service Commission or the chief education officer has given to that teacher an opportunity of answering any charge of misconduct which has been made against him or her.

(4) When the chief education officer removes the name of any teacher from the register in accordance with this section, he or she shall immediately serve or cause to be served upon the teacher and upon the board of governors or committee of management of the school in which the teacher is teaching a written notice of the removal.

(5) As soon as a teacher has been served with the notice referred to in subsection (4), that teacher shall return to the chief education officer his

or her certificate of registration.

(6) Any teacher whose name has been removed from the register who fails to return his or her certificate of registration to the chief education officer within twenty-one days from the day of the receipt of the notice commits an offence and is liable on conviction to a fine not exceeding five hundred shillings.

(7) Every teacher, other than a teacher employed in the public service, whose name is removed from the register pursuant to this section, may, if he or she is dissatisfied with the action taken by the chief education officer, appeal, within forty-five days beginning with the day on which the decision was communicated to him or her, to the appeals tribunal.

#### **15. Restoration of a teacher's name to the register.**

(1) Any teacher whose name has been removed from the register may, after two years from the date of the removal of his or her name, apply to the Education Service Commission or, as the case may be, to the chief education officer, in such manner as may be prescribed, for his or her name to be restored to the register.

(2) When an application is made for the restoration of a name to the register, the Education Service Commission or, as the case may be, the chief education officer, may—

- (a) grant the application;
- (b) grant the application subject to conditions;
- (c) advise the applicant to apply again on such future date as it or he or she may specify; or
- (d) refuse the application.

#### **16. Issue of statement of eligibility.**

(1) The chief education officer may, on payment of such fee as may be prescribed, issue to any person a statement of eligibility in the form specified in Part A of the Schedule to this Act, which shall entitle its holder to have his or her name entered on the roll of licensed teachers and to be issued with a licence to teach notwithstanding that the person has not successfully completed a course of training as a teacher or has not attended such a course.

(2) The statement of eligibility shall be valid for a period not exceeding two years from the date of issue but may be renewed on payment of such fee as may be prescribed for further periods not exceeding two years at a time.

(3) An application for the issue or renewal of a statement of eligibility under this section shall be made to the chief education officer in such form as the chief education officer may from time to time approve.

(4) The chief education officer shall enter every name of a person to whom a statement of eligibility is issued on the roll of licensed teachers and shall issue to that person a licence to teach in the form specified in Part B of the Schedule to this Act.

(5) The chief education officer may, in appropriate cases, endorse on a licence to teach issued under this section a condition that the teacher only teaches a particular subject or teaches in a particular class or classes.

(6) A licence to teach issued under this section shall authorise the holder to teach in any school as long as the name of the holder of the licence remains on the roll of licensed teachers.

#### **17. Refusal to renew a licence.**

(1) If the chief education officer refuses to renew a statement of eligibility and a licence to teach of any person licensed to teach, he or she shall serve a written notice of the refusal on that person stating in the notice the reasons why he or she has refused to renew his or her statement of eligibility and a licence to teach and shall inform that person of his or her right of appeal to an appeals tribunal.

(2) Any applicant who is aggrieved by the decision of the chief education officer made under this section may appeal to the appeals tribunal within forty-five days beginning with the day of the service of the notice upon him or her.

#### **18. Roll of licensed teachers.**

(1) The chief education officer shall establish or cause to be established and maintained, in such a form as he or she may think fit, a roll of all persons licensed to teach under this Act.

(2) The roll and all copies and extracts of the roll certified under the hand of the chief education officer to be correct shall be received in evidence in all courts.

## **19. Cancellation of licence.**

(1) The chief education officer may cancel any licence to teach of any person who—

- (a) has died;
- (b) applies for the cancellation of his or her licence;
- (c) is convicted of a criminal offence involving moral turpitude for which a fine of not less than five thousand shillings or imprisonment for not less than three months has been imposed;
- (d) is found guilty of such misconduct as, in the opinion of the chief education officer, renders the teacher an unsuitable person for employment as a teacher; or
- (e) has contravened or failed to comply with any condition of his or her licence to teach.

(2) For the purposes of subsection (1)(d), “misconduct” includes professional misconduct and conduct prejudicial to the physical, mental or moral welfare of any pupil in any school.

(3) The chief education officer shall not cancel a licence to teach of any teacher pursuant to subsection (1)(d) or (e) unless he or she has given to that teacher an opportunity of answering any charge of misconduct which has been made against him or her.

(4) Upon the cancellation of a licence to teach, the teacher’s name shall be removed immediately from the roll of licensed teachers.

## **20. Restoration of licence.**

(1) Any person who has had his or her licence to teach cancelled may, after two years from the date of the cancellation of his or her licence to teach, apply to the chief education officer in such manner as may be prescribed, for his or her licence to teach to be restored.

(2) When an application is made under subsection (1), the chief education officer may—

- (a) grant the application;
- (b) grant the application subject to conditions;
- (c) advise the applicant to apply again on such future date as he or she may specify;
- (d) refuse the application.

**21. Notice of cancellation to be served on the teacher, etc.**

(1) When the chief education officer cancels the licence to teach of any teacher, he or she shall immediately cause to be served upon that teacher and upon the owner of the school in which the teacher is teaching a notice of the cancellation.

(2) As soon as a teacher has been served with the notice referred to in subsection (1), he or she shall return to the chief education officer his or her licence to teach.

(3) Any teacher whose licence to teach has been cancelled who fails to return his or her licence to teach to the chief education officer within twenty-one days beginning with the day of the receipt of the notice commits an offence and is liable on conviction to a fine not exceeding five hundred shillings.

(4) Any teacher who is aggrieved by the decision of the chief education officer made under this Act cancelling his or her licence to teach, may appeal to an appeals tribunal within forty-five days beginning with the day of the service of the notice upon him or her.

**22. Offences respecting teaching after cancellation of registration or licence.**

Any person who—

- (a) continues to teach in a public or private school after he or she has been notified of the cancellation of his or her registration or licence to teach;
- (b) permits any person to teach or continues to employ any teacher in his or her school after he or she has been notified of the cancellation of the registration or licence to teach;
- (c) contravenes in any way the conditions of his or her registration or licence to teach;
- (d) knowingly employs any person as a teacher in contravention of

any provision of this Act,  
commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months.

*Special provisions relating to private schools.*

**23. Requirements for establishing a private school.**

(1) Any person desirous of establishing a private school shall first apply to the chief education officer to be approved as a suitable person to establish a private school, that is to say, that he or she is of good repute and has the necessary funds to manage the type of school he or she proposes to start; and shall in that application seek the advice and approval of the Ministry responsible for education in respect of the following matters—

- (a) whether the proposed school forms or will form part of the education development plan prepared or approved by the Ministry responsible for education for a given area; and
- (b) whether the proposed school meets or will meet the educational needs of that area.

(2) An application for establishing a private school by the prospective school owner shall be supported by at least three persons of good standing in the area the applicant comes from.

(3) If the application is approved, the prospective school owner shall be required to fulfill the following before permission to operate his or her school is given—

- (a) have the building plans for the proposed new school or for extension or alterations to some existing building, as the case may be, approved by the Ministry responsible for education;
- (b) have the completed buildings inspected and approved by the appropriate authority;
- (c) make adequate provision for staff housing where necessary;
- (d) undertake to engage a headmaster who, in the opinion of the chief education officer, is suitable for the type of school he or she intends to establish;
- (e) satisfy the chief education officer that the teachers to be engaged in the school are eligible to teach in the type of school he or she intends to establish and the facilities for it are adequate for the class or school it purports to be;
- (f) ensure that the physical health and moral welfare of the pupils are

- or will be adequately provided for; and
- (g) undertake that the school will not refuse admission to any pupil on any discriminatory grounds.

(4) For the purposes of this section, buildings in semipermanent materials shall be acceptable as suitable if they are approved by the appropriate local authority.

#### **24. Permission to operate a new school.**

Permission to operate a new school shall be given, in the first instance, in the form of a licence to operate a provisionally classified school for one school year.

#### **25. Classification of schools.**

(1) After one school year, an application for the classification of the provisionally licensed school shall be made in writing to the chief education officer and shall contain the following particulars—

- (a) the name of the school owner;
- (b) the type and range of education proposed to be provided in the school;
- (c) the classes, standards or forms to be provided in the school;
- (d) the staff list and their qualifications.

(2) The chief education officer shall adopt a system of classification which shall distinguish primary schools from other schools and which may further distinguish with appropriate nomenclatures—

- (a) different types of schools according to the education to be provided in the schools; and
- (b) different classes, standards or forms within the school according to the stage, nature or method of education to be provided in the school.

(3) The system of classification and nomenclature under subsection (2) and the classification and nomenclature adopted in respect of any school already registered under section 26 may be amended from time to time by the chief education officer, who shall cause such amendment, if any—

- (a) to be entered in the appropriate register of schools kept under section 26; and
- (b) to be notified to the school owner concerned.

## **26. Registration of private schools.**

If, after one school year, the chief education officer is satisfied—

- (a) that the school provisionally licensed is properly run and organised, then he or she shall issue a certificate of registration and classification;
- (b) that all or any of the conditions set up under this Act have not been fulfilled, he or she may—
  - (i) extend the provisional licence for a further period not exceeding one school year; or
  - (ii) order the school to be closed.

## **27. Register of private schools.**

The chief education officer shall maintain a register of private schools classified by him or her pursuant to section 25 in which he or she shall enter the particulars of every private school classified by him or her.

## **28. Cancellation of registration.**

(1) The chief education officer may, in his or her discretion at any time, cancel the classification and registration of any private school already registered by him or her and order the school to be closed if he or she is satisfied that—

- (a) the school no longer fulfills the requirements of section 23(3);
- (b) the school is being conducted or managed in contravention of this Act;
- (c) the school has ceased to function as a school; or
- (d) the school owner has failed without reasonable excuse to comply with the requirements of the notice served upon him or her under section 37.

(2) Before closing a private school pursuant to subsection (1), the chief education officer shall make or cause to be made all necessary inquiries and shall give the school owner an opportunity of being heard.

(3) The chief education officer shall notify the school owner in writing of any action taken by him or her in the exercise of his or her powers under subsection (1); any action taken under this section by the chief education officer shall have effect on the day specified in the notice or if no



day is so specified, after fourteen days beginning with the day of the communication of the action to the school owner.

(4) Notwithstanding this section, the chief education officer may, in the interests of the health and security of the pupils, order the immediate closure of any school for such period as he or she may deem expedient, and the school owner shall forthwith comply with the order and shall not reopen the school without the express permission in writing of the chief education officer.

## **29. Change of ownership of school.**

(1) No school owner shall change the ownership of his or her school without the prior approval in writing of the chief education officer.

(2) If the ownership of a school is changed without the prior approval of the chief education officer, the chief education officer may order the school to be closed and shall immediately cancel its registration.

(3) Every school owner who changes the ownership of a school without the prior approval in writing of the chief education officer commits an offence and is liable on conviction to a fine not exceeding two thousand shillings.

## **30. Extensions to existing schools.**

If the chief education officer is satisfied that any proposed extension to an existing registered school cannot properly be administered as part of the existing registered school, he or she may require the school owner to apply for the classification of the proposed extension as a new school.

## **31. Appeals.**

Every school owner who is aggrieved by a decision of the chief education officer—

- (a) refusing to classify his or her school;
  - (b) requiring an extension to an existing registered school to be classified as a new school; or
  - (c) closing his or her school or cancelling the classification or registration and ordering the closure of his or her school,
- may, within thirty days beginning with the day on which the decision of the

chief education officer was communicated to him or her, appeal to an appeals tribunal.

### **32. Offences relating to private schools.**

Any person who—

- (a) establishes or maintains any school which is not classified and registered in accordance with this Act;
- (b) conducts or permits to be conducted any school which has been ordered to be closed;
- (c) conducts or permits to be conducted any school the classification and registration of which are cancelled; or
- (d) administers or permits to be administered any extension as part of an existing registered school in contravention of section 30,

commits an offence and is liable on first conviction to a fine not exceeding six thousand shillings and on a second or subsequent conviction to a term of imprisonment not exceeding six months.

### **33. Reopening of school closed by chief education officer.**

(1) Any school which has been closed by the order of the chief education officer made under section 28 or 29, and which has remained closed for not less than six months, may be permitted by the chief education officer to be reopened and to be entered again in the register of private schools with such classification as the chief education officer thinks fit, without any application being made in that behalf by the school owner.

(2) Any school reopened pursuant to subsection (1) shall, unless the chief education officer otherwise directs, be deemed to be an establishment of a new school and, accordingly, the provisions of this Act which relate to the establishment of a new school shall apply.

### **34. Appointment of statutory manager.**

(1) Notwithstanding any other provision of this Act, where a private school is ordered by the chief education officer to be closed, the Minister may, in the national interest after giving the school owner an opportunity of being heard, direct the school to be reopened under the management and control of a fit person, in this Act referred to as the “statutory manager”.

(2) A statutory manager shall be appointed by the Minister for such

period and upon such terms and conditions as the Minister thinks fit.

(3) A statutory manager shall, during his or her term of appointment, keep the chief education officer informed on all matters relating to the school under his or her management and control.

(4) All expenses connected with the appointment of and the management of a school by the statutory manager shall be a charge on the revenues of the school to which the statutory manager is appointed.

### **35. Reopening of school closed by owner.**

(1) If any school which has been classified and registered under section 26 as a private school remains closed at the instance of the school owner for a period exceeding thirty days (other than during normal school holidays), the school owner shall immediately notify the Minister in writing of—

- (a) the reasons for the closing of the school; and
- (b) the period during which the school is likely to remain closed.

(2) If the Minister is satisfied that the reasons given by the school owner or the period during which the school is likely to remain closed are contrary to the national interest, he or she may, in his or her absolute discretion, after giving the school owner an opportunity of being heard, direct that the school be reopened under the management and control of a statutory manager appointed by the Minister, and thereupon section 34 shall apply to the school.

(3) Every school owner who fails to furnish the information required by subsection (1) to the Minister commits an offence and is liable on conviction to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

### **36. Management of private schools.**

(1) Every school owner shall manage his or her school in such a way that the interests of the pupils shall be supreme.

(2) A school owner may charge such school fees as the Minister may from time to time prescribe.

(3) The Ministry responsible for education may from time to time issue instructions to school owners on aspects of management of schools with a view to safeguarding the interests of the pupils, and every school owner shall comply with the instructions.

(4) Every school owner shall establish for his or her school a board of governors or a management committee, as the case may be, in accordance with the regulations made under this Act by the Minister.

(5) Every school owner shall prepare annual estimates of his or her school and shall, on request made by an inspector of schools, make them available for inspection by the inspector of schools or an officer of the Ministry responsible for education.

(6) Every school owner shall have the accounts of his or her school audited annually by a professional accountant, and the audited accounts shall be made available for inspection on request being made by an inspector of schools or an officer of the Ministry responsible for education.

**37. Notice of unsatisfactory management of school to be served on school owner.**

(1) If, after inspecting a private school, an inspector of schools is of the opinion that the school is being conducted or managed in an unsatisfactory manner, he or she may, by notice in writing addressed to the school owner, require the school owner to take reasonable measures as may be specified in the notice to conduct or manage his or her school in a satisfactory manner.

(2) A notice given under this section may specify the date before which any measures specified in it shall be commenced or completed.

*Miscellaneous provisions.*

**38. Delegation of functions.**

(1) Subject to subsection (2), the chief education officer may delegate to any public officer all or any functions conferred or imposed on him or her by this Act, subject to such conditions, exceptions or qualifications as he or she may specify.

(2) The chief education officer shall not delegate any of the following functions—

- (a) to refuse to register a teacher;
- (b) to refuse to license a person as a teacher;
- (c) to cancel the licence to teach of a teacher;
- (d) to refuse to classify a school;
- (e) to close or cancel the classification of a school; and
- (f) to order the closure and removal of a school from the register of private schools.

### **39. Establishment and appointment of appeals tribunal.**

(1) For the purpose of hearing any appeal arising under this Act, the Minister shall establish an appeals tribunal and shall direct what appeals may be entertained by the tribunal.

(2) An appeals tribunal shall consist of a chairperson and not less than two other members appointed by the Minister one of whom shall be a registered teacher of not less than five years' practical teaching experience.

(3) The chairperson of an appeals tribunal shall be a chief magistrate or a person who, in the opinion of the Minister, has had adequate judicial or magisterial experience or has practised law for not less than five years.

### **40. Procedure of appeals tribunal.**

(1) Any decision of an appeals tribunal shall be a decision of the majority of the members present at the meeting.

(2) The decision of an appeals tribunal shall be a recommendation to the Minister for his final ruling.

(3) An appeals tribunal shall regulate its own procedure.

### **41. Appeals.**

(1) Any person entitled to appeal to an appeals tribunal shall send a notice of his or her appeal in writing to the chief education officer setting out the grounds of his or her appeal.

(2) On receipt of the notice of appeal, the chief education officer shall

inform the Minister who shall immediately refer the appeal to an appeals tribunal, and the chief education officer shall thereupon forward the notice of appeal to the appeals tribunal.

#### **42. Hearing of appeals.**

(1) The appellant and the chief education officer shall be entitled to be heard before an appeals tribunal.

(2) An appeals tribunal may, in its discretion, hear fresh evidence.

(3) The appellant may appear in person or be represented by an advocate; the chief education officer may appear in person or may be represented by an education officer, or, in any case where the appellant is represented by an advocate, he or she may also likewise be legally represented.

#### **43. Regulations.**

The Minister may, by statutory instrument, make regulations for all or any of the following matters—

- (a) prescribing and defining various categories of schools;
- (b) defining the functions of any class of schools established under this Act;
- (c) prescribing the conditions governing the award of grants;
- (d) providing for the management and control of private schools of any description or category, including the composition, procedure and functions of boards of governors and management committees, the establishment of such boards and committees and appointments to them;
- (e) prescribing courses of instruction and examinations to be taken after the courses;
- (f) prescribing examinations for teachers and the conditions governing any examination held under the authority of the chief education officer;
- (g) prescribing the fees payable at any school;
- (h) prescribing the conditions under which, the manner in which, and the fee for which, a duplicate certificate of registration may be issued, or prescribing the conditions for the issue of and the fee to be paid for a statement of eligibility and a licence to teach;
- (i) governing the suspension, exclusion or expulsion of pupils from

- attendance at schools;
- (j) prescribing the circumstances and conditions governing the employment of schoolchildren on any work, whether for purposes of gain or not;
- (k) prescribing accounts to be kept by a statutory manager and reports to be made by him or her to the chief education officer or any other person;
- (l) prescribing anything to be prescribed under this Act;
- (m) generally for better carrying out the provisions of this Act.

#### **44. Service of documents.**

Where, in this Act, it is required that any notice or document should be served on any person, the service may be effected by serving the notice or document on the person to be served or by posting it to him or her by prepaid registered post at his or her usual or last known address.

#### **45. Application.**

(1) This Act shall not apply to Makerere University or any college, school or institution declared by the Minister, by statutory order, to be exempt from the application of this Act.

(2) The Minister may, by statutory order, declare any subject to be outside the scope of this Act.

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*Schedule.*

s. 16.

**Forms.**

Republic of Uganda

Part A.

Statement of Eligibility.

*The Education Act.*

Ministry of Education  
P.O. Box 7063  
Kampala

Whereas \_\_\_\_\_  
has applied for the issue of a statement of eligibility pursuant to section 16  
of the Education Act, to enable him/her to be entered on the roll of licensed  
teachers and to be issued with a licence to teach:

And whereas having considered his/her qualifications/educational  
standards/experience, I am satisfied that the applicant is a fit person to be  
issued with a statement of eligibility:

Now therefore this is to certify that I, \_\_\_\_\_  
\_\_\_\_\_,  
issue a statement of eligibility to \_\_\_\_\_  
\_\_\_\_\_ pursuant to section 16  
of the Act, and I have accordingly entered his/her name on the roll of  
licensed teachers.

Fee payable: shs. \_\_\_\_\_

\_\_\_\_\_  
Chief Education Officer

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

*\*Strike out words not applicable.*

\_\_\_\_\_



## Republic of Uganda

Part B.  
Licence to Teach.  
*The Education Act.*

Ministry of Education  
P.O. Box 7063  
Kampala

The person named below, the holder of a statement of eligibility no. \_\_\_\_\_ whose name is on the roll of licensed teachers, is licensed to teach subject to the conditions herein stated notwithstanding that he/she has not successfully completed a course of training as a teacher.

Full name \_\_\_\_\_  
Subjects \_\_\_\_\_  
Type of school \_\_\_\_\_  
Class/classes \_\_\_\_\_  
Name of school \_\_\_\_\_  
Licence no. \_\_\_\_\_ Date of expiry \_\_\_\_\_  
Fee payable: shs. \_\_\_\_\_

\_\_\_\_\_  
Chief Education Officer

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

## Renewals.

This licence is renewed until	Signature of Chief Education Officer
Date _____, 20 ____	_____
Date _____, 20 ____	_____
Date _____, 20 ____	_____
Date _____, 20 ____	_____

The chief education officer reserves the right to cancel this licence to teach without giving prior notice to the holder if the holder contravenes any provision of the Act or any regulations made under this Act or any condition stated in this licence.

\_\_\_\_\_

**History:** Act 10/1970; Act 32/1970, s. 36; S.I. 123/1970.

### **Cross References**

Constitution of 1995.

Local Governments Act, Cap. 243.

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