

No. 3 OF 1944.

A LAW TO AMEND THE ELEMENTARY EDUCATION LAWS,
1933 TO (No. 2) 1937.C. C. WOOLLEY,
Governor.

[5th January, 1944.]

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows:—

1. This Law may be cited as the Elementary Education
(Amendment) Law, 1944, and shall be read as one with the
Elementary Education Laws, 1933 to (No. 2) 1937, (here-
inafter referred to as "the principal Law"), and the
principal Law and this Law may together be cited as the
Elementary Education Laws, 1933 to 1944.

Short title.

18 of 1933

1 of 1935

4 of 1936

14 of 1937

27 of 1937

Amendment
of section 2
of the
principal
Law.

2. Section 2 of the principal Law is hereby amended as follows:—

(1) by the addition in its proper alphabetical order of the following definition:

“group” means any two or more adjacent areas, whether villages or towns or parts of villages or of towns, which the Governor may prescribe under section 6 (2) of this Law to be united for all or any of the purposes of this Law.”;

(2) by the deletion of the definitions of the words “town” and “village” and the substitution therefor of the following definitions, respectively:—

“town” means the towns of Nicosia, Limassol, Larnaca (including Scala), Famagusta (including Varosha), Ktima (including Paphos) and Kyrenia and includes any village or group which the Governor may prescribe under section 6 (1) of this Law to be a town for all or any of the purposes of this Law;

“village” includes all villages, village areas and groups other than a village or group which the Governor may prescribe under section 6 (1) of this Law to be a town for all or any of the purposes of this Law.”

Amendment
of section
5 (2) of the
principal
Law.

3. Sub-section (2) of section 5 of the principal Law is hereby amended as follows:—

(1) by the deletion from paragraph (a) thereof of the words “(not being less than four or more than fourteen)” (line 1) and of the words “(not being less than four or more than twelve)” (line 4);

(2) by the deletion of paragraph (f) thereof and the substitution therefor of the following:—

“(f) the examination and registration of teachers”;

(3) by the deletion from paragraph (p) thereof of the words “medical inspection and nutrition” and the substitution therefor of the words “medical examination and treatment and the nutrition”.

Repeal of
section 6
of the
principal
Law and
substitution
of new
section.

4. Section 6 of the principal Law is hereby repealed and the following section substituted therefor:—

“Prescrip-
tion of
towns.

6.—(1) The Governor may by order published in the *Gazette* prescribe any village or group to be a town for all or any of the purposes of this Law and from and after the publication of such order any such village or group shall be a town for such purposes of this Law as may be set out in such order.

Prescription
of groups.

(2)—(a) The Governor may by order published in the *Gazette* prescribe any two or more adjacent areas, whether villages or towns or parts of villages or of towns, to be united into a group for all or any of the purposes of this Law.

(b)—(i) Where a group so prescribed consists of a village or part thereof and a town, the Town Committee of that town shall be the Town Committee of the group.

(ii) Where a group so prescribed consists of a village or part thereof and a part of a town, the Governor shall direct that either the Town Committee of that town or the Village Commission of that village shall be the Town Committee or Village Commission, as the case may be, of the group."

5. Paragraph (f) of section 7 of the principal Law is hereby amended by the insertion therein immediately after the word "teachers" (line 3) of the words "of writing materials and".

Amendment
of section 7
of the
principal
Law.

6. Section 18 of the principal Law is hereby amended by the insertion therein of the following sub-section:—

"Effect of
vacancy in
Committee.

(4) No act or proceeding of a Town Committee shall be invalid by reason only of any vacancy in such Committee."

Amendment
of section 18
of the princi-
pal Law.

7. Sub-section (1) of section 21 of the principal Law is hereby amended by the deletion therefrom of the words "fifteenth day of July" (line 1) and the substitution therefor of the words "thirty-first day of August".

Amendment
of section
21 (1) of the
principal
Law.

8. Section 24 of the principal Law is hereby amended by the deletion in sub-section (1) thereof of paragraph (d) and the substitution therefor of the following paragraphs:—

Amendment
of section 24
of the
principal
Law.

"(d) for the medical examination and treatment and the nutrition of pupils attending schools in the town or village, in accordance with any regulations that may be made in that behalf; and

(e) for the provision of books and writing materials for pupils attending schools in the town or village; and

(f) for any other purpose connected with schools in the town or village."

Amendment
of section 26
of the
principal
Law.

9. Section 26 of the principal Law is hereby amended by the deletion of sub-sections (1) and (2) thereof and the substitution therefor of the following sub-sections:—

“(1) The Governor on or before the fifteenth day of August in each year shall prescribe for each religious community the towns, villages and groups in which schools shall be in operation during the school year next ensuing, the nature and grade of each school and the names of the teachers to be appointed to each school:

Provided that with regard to schools other than Orthodox-Christian or Moslem the prescription by the Governor of schools which shall be in operation during the school year next ensuing shall be a sufficient compliance with this section without any further particulars.

(2) No school attended by children between the ages of four and fourteen shall be opened, maintained, conducted or be in operation in any town or village unless—

(a) such school has been prescribed by the Governor under the provisions of this section or of section 27 of this Law; or

(b) the written authority of the Governor therefor has been previously obtained.”

Amendment
of section 27
of the
principal
Law.

10. Section 27 of the principal Law is hereby amended by the deletion therefrom of the word “June” (line 3) and the substitution therefor of the word “August”.

Amendment
of section
30 (2) of the
principal
Law.

11. The proviso to sub-section (2) of section 30 of the principal Law is hereby amended by the insertion therein immediately after the word “charge” (line 2) of the words “or who, while under interdiction, is convicted of a criminal charge”.

Amendment
of section 31
of the
principal
Law.

12. Section 31 of the principal Law is hereby amended as follows:—

(1) by the deletion therefrom of the words “reduction in class” (line 5);

(2) by the deletion from the proviso thereof of the word “reduction” (line 3) and the substitution therefor of the words “withholding of salary”.

Repeal
of section 32
of the
principal
Law and
substitution
of new
section.

13. Section 32 of the principal Law is hereby repealed and the following section substituted therefor:—

“Permanent Staff Register. **32.**—(1) The Director shall keep a register of teachers, (in this Law referred to as ‘the Permanent Staff Register’) wherein he shall

enter or cause to be entered in separate sections the names of—

- (a) Orthodox-Christian teachers,
- (b) Moslem teachers, and
- (c) teachers other than Orthodox-Christian or Moslem.

Removal of names of teachers from Register.

(2) The Director shall remove or cause to be removed from the Permanent Staff Register the name of any teacher who—

- (a) has died,
- (b) has retired,
- (c) has ceased to possess the qualifications required by this Law or by regulations in that behalf, or
- (d) for any reason has ceased to be employed under this Law.”

14. Section 33 of the principal Law is hereby repealed and the following section substituted therefor:—

“Continuance of salary.

33.—(1) Subject to the provisions of subsection (2) hereof any teacher on the Permanent Staff Register unemployed in any year, except owing to suspension or dismissal or to refusal to accept a proposed post, or to absence on study leave or to the abolition of his post, shall continue to receive his salary as if he were employed.

Repeal of section 33 of the principal Law and substitution of new section.

Temporary employment in a secondary school, etc.

(2) Any teacher may be permitted by the Director, subject to such conditions as the latter may think fit to impose, to act as a teacher in a secondary school or other recognized school for a definite period or to perform temporarily any duty in connection with education or in the service of the Government or of His Majesty's Forces; such teacher shall not receive any salary under this Law while so acting or performing such duty but if the conditions, if any, are duly fulfilled his service while so acting or performing such duty shall count as service under this Law and shall be taken into account in the computation of any pension, gratuity, benevolent grant or additional grant.”

15. Section 34 of the principal Law is hereby repealed and the following section substituted therefor:—

“Duty allowances.

34. The Governor may grant to teachers who act in such senior posts as may be prescribed such duty allowance as may be prescribed.”

Repeal of section 34 of the principal Law and substitution of new section.

Repeal of section 35 of the principal Law and substitution of new section.

16. Section 35 of the principal Law is hereby repealed and the following section substituted therefor:—

“Special allowances.

35. The Governor may prescribe additional qualifications of teachers in respect of which there may be paid such special allowance as may be prescribed, subject to such conditions as he may think fit to impose.”

Repeal of section 36 of the principal Law and substitution of new section.

17. Section 36 of the principal Law is hereby repealed and the following section substituted therefor:—

“Sick leave.

36.—(1)—(a) A teacher may be granted sick leave by the Director; provided that in all cases the nature and duration of the illness shall be certified by a Government Medical Officer or otherwise to the satisfaction of the Director.

(b) If the illness or its continuation is not caused by his own fault the teacher may receive full salary for a period of forty-two days and half salary for a further period of forty-two days in any one school year; if the illness continues after the lapse of the second period of forty-two days, the case shall be submitted to the Governor, who may grant to such teacher such salary as he may think fit.

Casual leave.

(2) The Director may grant casual leave to any teacher for special reasons:

Provided that no salary shall be payable for any period by which such casual leave exceeds an aggregate of 14 days in any one school year.

Study leave.

(3) The Governor may on the recommendation of the Director grant to a teacher study leave for such period and for such educational purposes and subject to such terms and conditions (including the salary, if any, payable during such leave) as the Governor may in each case determine:

Provided that such leave shall not count as service under this Law and shall not be taken into account in the computation of any pension, gratuity, benevolent grant or additional grant unless such teacher—

(a) satisfies the Director that such leave has been utilised for the educational purpose and in accordance with the terms and conditions under which it was granted; and

(b) for a period of not less than one year after the expiration of such leave either serves in any school to which he may be appointed under section 26 (1) or section 27 of this Law or with the permission of the Director acts or performs a duty under the proviso to section 33 of this Law:

Provided also that the name of such teacher may be removed from the permanent Staff Register if the Director is satisfied that such leave has not been utilised for the educational purpose and in accordance with the terms and conditions under which it was granted.

(4) For the purposes of this section—
‘salary’ shall include any special allowance payable to a teacher.”

18. The marginal note and sub-section (1) of section 37 of the principal Law are hereby repealed and the following marginal note and sub-section substituted therefor:—

“Temporary teachers.

37.—(1) The Director shall keep a register of candidates who are willing to serve as temporary teachers.”

Repeal of marginal note and section 37 (1) and substitution of new marginal note and sub-section.

19. Section 38 of the principal Law is hereby amended as follows:—

(1) by the deletion therefrom of the words “of any class” (line 2);

(2) by the deletion therefrom of the word “technical” (line 5).

Amendment of section 38 of the principal Law.

20. Section 41 of the principal Law is hereby amended by the deletion therefrom of the words “, and shall be entitled to be classified therein in accordance with the classification already made under any of the Laws hereby repealed or any regulations made thereunder” (lines 8, 9, 10 and 11).

Amendment of section 41 of the principal Law.

21. The principal Law is hereby amended by the insertion therein immediately after section 42A of the following Part and sections:—

“PART IVA.

RETIREMENT OF TEACHERS AND PENSIONS.

Definitions.

42B. For the purposes of this Part of this Law—

‘gratuity’ means any gratuity granted under this Part of this Law;

‘salary’ does not include any allowance except that, in the case of a teacher who has

Insertion of new Part and sections in the principal Law.

held a post in respect of which any duty allowance is payable under this Law for an aggregate period of not less than five years, the Governor in Council may direct that such allowance shall be also included in the term salary.

Pension and rates.

42C. Subject to the provisions of this Part of this Law every teacher whose name appears in the Permanent Staff Register, who has served for ten years or upwards, may be granted on his retirement a pension at the rate of one seven hundred and twentieth of his salary for each complete month of service :

Provided that a pension granted to a teacher under this Part of this Law shall not exceed two-thirds of the highest salary drawn by him at any time in the course of his service.

Gratuity where length of service does not qualify for pension.

42D. Every teacher, otherwise qualified for a pension, who has not completed the minimum period of service qualifying for a pension, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under section 42C of this Law.

Period of service qualifying for pension or gratuity.

42E. Service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which the name of the teacher was entered in the Permanent Staff Register, or in a Permanent Staff Register kept under the provisions of any law relating to elementary education in force for the time being, and the date of his leaving the service, without deduction of any period during which he has been absent on leave other than study leave, except in the circumstances set out in the first proviso to sub-section (3) of section 36 of this Law :

Provided that, in the case of any teacher who before the establishment of any Permanent Staff Register served in any elementary school operating under the provisions of any law relating to elementary education in force for the time being, service qualifying for pension or gratuity, as the case may be, shall include all periods during which he was employed in any such school :

Provided further that, where a teacher possessing the qualifications required for registration in any Permanent Staff Register was appointed to serve as a teacher on any Temporary Staff Register and such service was immediately followed by his registration in any Permanent Staff Register, such service shall also be service qualifying for pension or gratuity, as the case may be.

Service to be unbroken.

42F. Service in respect of which pension or gratuity may be granted must be unbroken except in cases where the service has been interrupted by any temporary suspension of employment as teacher not arising from misconduct, voluntary resignation or refusal to accept a post to which a teacher has been duly appointed under this Law.

Pension when granted.

42G. No pension or gratuity shall be granted to any teacher except on his retirement from service in any one of the following cases—

- (a) in the case of a male teacher, on or after attaining the age of sixty years ;
- (b) in the case of a female teacher, on or after attaining the age of fifty-five years ;
- (c) on medical evidence to the satisfaction of the Governor in Council that he is incapable by reason of some infirmity of mind or body of discharging his duties as teacher and that such infirmity is likely to be permanent ;
- (d) on compulsory retirement for the purpose of facilitating improvement in the organization of elementary schools by which greater efficiency or economy may be effected ;
- (e) on the abolition of his post.

Age of retirement.

42H.—(1) Every male teacher on the Permanent Staff Register who attains the age of sixty years and every female teacher on the Permanent Staff Register who attains the age of fifty-five years shall retire and cease to be a teacher on the Permanent Staff Register and the name of such teacher shall be removed from the Permanent Staff Register :

Provided that if—

- (a) any male teacher attains the age of sixty years, or
- (b) any female teacher attains the age of fifty-five years,

after the commencement but before the end of the school year in which the teacher is employed, such teacher may, with the permission of the Director, continue to be employed as, and receive the salary of, a teacher and the name of such teacher shall remain on the Permanent Staff Register until the end of such school year as if such teacher had not attained such age, and the service of such teacher during any period of such continued employment shall be treated as service under this Law and shall be taken into account in the computation of any pension or gratuity.

Proof of age.

(2) The Director may for the purposes of this Part of this Law at any time require any teacher on the Permanent Staff Register to produce to him proof of age in such form as may be prescribed by the Governor, and the name of any teacher who shall fail to produce such proof to the satisfaction of the Director may, with the sanction of the Governor, be removed from the Permanent Staff Register.

Retirement on reorganization of elementary schools.

421. If a teacher is compulsorily retired from the service for the purpose of facilitating improvement in the organization of elementary schools by which greater efficiency or economy may be effected his pension may be increased by the addition of a certain number of sixtieths to his salary, that is to say:—

- (a) in the case of a teacher who has served twenty years 7
- (b) in the case of a teacher who has served less than twenty years, but not less than fifteen years 5
- (c) in the case of a teacher who has served less than fifteen years, but not less than ten years 3

Provided that no addition shall be made under this section so as to entitle a teacher to a higher pension than the maximum two-thirds, or to a higher pension than that to which such teacher would have been entitled by length of service

on reaching the age of sixty years in the case of a male teacher or fifty-five years in the case of a female teacher.

Teachers retiring on account of injuries.

42J. Where a teacher has been permanently injured—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) by some injury specifically attributable to the nature of his duty and his retirement is thereby necessitated or materially accelerated,

he may if he is qualified for a pension under section 42C of this Law be granted, in addition to the pension granted to him under that section, an additional pension at the rate of the proportion of his actual salary at the date of his injury appropriate to his case as shown in the following table, that is to say—

When his capacity to contribute to his own support is—

slightly impaired	..	five sixtieths.
impaired	..	ten sixtieths.
materially impaired	..	fifteen sixtieths.
totally destroyed	..	twenty sixtieths :

Provided that the amount of the additional pension shall be reduced to such an extent as the Governor in Council shall think reasonable in the following cases :—

- (a) where the injured teacher has continued to serve for not less than one year after the injury in respect of which he retires ;
- (b) where the injured teacher is at the date of injury within ten years of the age at which he may be required to retire ; or
- (c) where the injury is not the sole cause of retirement, but the retirement is caused partly by age or infirmity not due to the injury :

Provided also that the total amount of the additional pension shall not exceed the maximum two-thirds or the pension to which such teacher would have been entitled by length of service on reaching the age of sixty years in the case of a male teacher or fifty-five years in the case of a female teacher.

Pensions to dependants when a teacher is killed on duty.

42K.—(1) Where a teacher dies as a result of injuries received—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) on account of circumstances specifically attributable to the nature of his duty,

it shall be lawful for the Governor in Council to grant, in addition to the grant, if any, made to his dependants under section 42Q of this Law—

- (i) if the deceased teacher leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten sixtieths of his annual salary at the date of the injury or fifteen pounds a year, whichever is the greater ;
- (ii) if the deceased teacher leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension prescribed under the preceding paragraph ;
- (iii) if the deceased teacher leaves a child or children, but does not leave a widow, or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of eighteen years, of double the amount prescribed by the preceding paragraph ;
- (iv) if the deceased teacher leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this sub-section, and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of eighteen years, of double the amount prescribed in paragraph (ii) of this sub-section ;
- (v) if the deceased teacher does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means

of support, of an amount not exceeding the pension which might have been granted to his widow :

Provided that—

- (a) pension shall not be payable under this paragraph at any time in respect of more than six children ; and
- (b) in the case of a pension granted under paragraph (v) of this sub-section, if the mother is a widow at the time of the grant of the pension and subsequently re-marries such pension shall cease as from the date of re-marriage ; and if it appears to the Governor in Council at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor in Council may determine ;
- (c) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

Definition of child.

(2) For the purposes of this section the word 'child' shall include—

- (a) a posthumous child ;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased teacher for support, and
- (c) an adopted child, adopted in a manner recognized by law, before the date of the injury, and dependent as aforesaid.

Reduced pension and gratuity.

42L.—(1) Any teacher to whom a pension is granted under this Part of this Law, at his option exercisable as hereinafter provided, may be paid, in lieu of such pension, a pension at the rate of three-fourths of such pension together with a gratuity equal to ten times the amount of the reduction so made in the pension.

Time for option.

(2) The option referred to in sub-section (1) of this section shall be exercisable not later than ten years and one month after the date

on which the name of the teacher has been entered in the Permanent Staff Register :

Provided always that—

- (a) in the case of a teacher who has served not less than ten years and one month prior to the 1st day of January, 1944, the option shall be exercisable not later than a date to be specified by the Governor by notification to be published in the *Gazette*;
- (b) the date of the exercise of the option shall be deemed to be the date of the receipt of his written notification addressed to the Director ; and
- (c) if a teacher has exercised the option his decision shall be irrevocable so far as concerns any pension ultimately to be granted to him under this Law :

Provided that a teacher who is retiring under paragraph (d) of section 42G of this Law and who has exercised the option may, at any time between the date of the notification of his retirement addressed to him by the Director and the date on which he is due to retire, revoke such option.

Pension and gratuity not assignable.

42M. No pension or gratuity granted under this Part of this Law shall be assignable or transferable or liable to be attached, sequestered or levied upon, for or in respect of any debt or claim whatsoever, other than a debt due to the Government of Cyprus.

Pension to cease on conviction.

42N. If any teacher to whom a pension has been granted under this Part of this Law is sentenced to imprisonment by any competent Court for any crime or offence, then, in every such case, it shall be lawful for the Governor in Council to direct that such pension shall forthwith cease :

Provided that the pension shall be restored with retrospective effect in the case of a person who after conviction at any time receives a free pardon :

Provided also that where a pension ceases for the reason aforesaid it shall be lawful for the Governor in Council to cause all or any part of the moneys to which the pensioner would have been entitled to be applied to the benefit of any wife, child or children of the pensioner,

or, after the expiration of his sentence, also to the benefit of the pensioner himself in the same manner and subject to the same qualifications and restrictions as in the case of bankruptcy in section 420 of this Law provided.

Pension to
cease on
bankruptcy.

420. If any teacher to whom a pension has been granted under this Part of this Law is adjudicated a bankrupt or is declared insolvent by judgment of the Court, then such pension or allowance shall forthwith cease :

Provided always that in any case where a pension ceases by reason of the bankruptcy or insolvency of the pensioner, it shall be lawful for the Governor in Council from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as the Governor in Council shall think fit, to cause all or any part of the moneys to which such pensioner would have been entitled by way of pension, had he not become a bankrupt or insolvent, to be paid to, or applied for the maintenance and personal support or benefit of all or any, to the exclusion of the other or others, of the following persons, namely, such pensioner and any wife, child or children of his, in such proportions and manner as the Governor in Council thinks proper, and such moneys shall be paid or applied accordingly.

Pensions and
gratuities
not of right.

42P.—(1) No teacher shall have an absolute right to compensation for past services or to pension or gratuity nor shall anything in this Law contained limit the right of the Governor to dismiss any teacher without compensation.

Reduction,
etc., of
pensions,
etc., in
certain cases.

(2) Where it is established to the satisfaction of the Governor in Council that a teacher has been guilty of negligence, irregularity or misconduct, the pension or gratuity may be reduced or altogether withheld.

Gratuity to
dependants.

42Q.—(1) Where a teacher on the Permanent Staff Register who has served for not less than five years dies while serving as a teacher, it shall be lawful for the Governor in Council to grant to his dependants a gratuity of an amount not exceeding one year's salary.

Definition of 'dependants'.

(2) For the purposes of sub-section (1) of this section the term 'dependants' shall have the same meaning as in section 45 (4) of this Law.

Date of commencement of Part IVA.

42R. This Part of this Law shall be deemed to have commenced on the 1st day of September, 1942, and subject to the provisions of section 49A of this Law shall apply to—

- (a) every teacher whose name was, on the date aforesaid, on the Permanent Staff Register; and
- (b) every teacher whose name was or may be entered, after the date aforesaid, on the Permanent Staff Register."

Amendment of section 43 (1) of the principal Law.

22. Sub-section (1) of section 43 of the principal Law is hereby amended by the deletion therefrom of the words "or employed as a teacher under this Law" (line 6).

Insertion of new sections 49A and 49B. in the principal Law.

23. The principal Law is hereby amended by the insertion therein immediately after section 49 of the following sections:—

" Repeal and saving.

49A. This Part of this Law shall be deemed to have ceased on the 1st day of September, 1942:

Provided that the provisions of this section shall not apply:—

- (a) to any teacher whose name was on the date aforesaid or on the 1st day of January, 1944, on the Permanent Staff Register who shall elect in writing to be delivered to the Director on or before a date to be specified by the Governor by notification to be published in the *Gazette* to come under the provisions of this Part of this Law and not under the provisions of Part IVA of this Law;
- (b) to any female teacher who retires and ceases to be a teacher on the Permanent Staff Register on becoming married.

Payment of pension on refund of gratuity, etc.

49B. Any teacher—

- (a) whose name was on the Permanent Staff Register on the first day of September, 1942; and
- (b) who retired before the 1st day of January, 1944; and

- (c) who received any gratuity, benevolent grant or additional grant payable to him under this Part of this Law; and
- (d) who has not elected in writing as in paragraph (a) of section 49A of this Law provided,

may within six months of the 1st day of January, 1944, refund to the Director any amount which he has received as gratuity, benevolent grant or additional grant under this Part of this Law and shall on such refund be entitled to receive any pension or gratuity which may be payable to him under Part IVA of this Law.

Definitions.

49C. For the purposes of this Part of this Law—

‘gratuity’ means any gratuity granted under this Part of this Law;

‘salary’ does not include any allowance except that, in the case of a teacher who has held a post in respect of which any duty allowance is payable under this Law for an aggregate period of not less than five years, the Governor in Council may direct that such allowance shall be also included in the term salary.”.

24. Sub-section (1) of section 63 of the principal Law is hereby amended by the deletion therefrom of paragraph (a) and the substitution therefor of the following paragraph:—

“(a) for Orthodox-Christian schools in towns, the Chairman of the Town Committee and in villages the Chairman of the Village Commission;”.

Amendment of section 63 (1) of the principal Law.

25. Section 64 of the principal Law is hereby amended by the insertion therein immediately after the word “salaries,” (line 1) of the words “pensions, duty allowances, special allowances,”.

Amendment of section 64 of the principal Law.

26. Paragraph (a) of sub-section (1) of section 71 of the principal Law is hereby amended by the insertion therein immediately after the word “from” (line 1) of the words “churches, monasteries or thrones and”.

Amendment of section 71 (1) (a) of the principal Law.

27. Section 72 of the principal Law is hereby repealed and the following section substituted therefor:—

“Assessments for Orthodox-Christian Schools.

72.—(1) The Director shall by the fifteenth day of October in each year cause to be delivered to the Chairman of each Town Committee or

Repeal of section 72 of the principal Law and substitution of new section.

Village Commission for Orthodox-Christian schools a notice calling upon the Committee or Commission to assess—

- (a) the amounts required under sections 24 and 71 of this Law ; and
- (b) any amount which may have been written off as irrecoverable from past assessments ; and
- (c) in the case of a Village Commission, a fee for the Chairman of the Village Commission calculated at the rate of five per centum on the amounts required under sections 24 and 71 of this Law but not exceeding a total fee of five pounds in any one year.

(2) Within thirty-days of the receipt of the notice the Town Committee or Village Commission shall assess the said amounts on any church, monastery or throne owning or possessing any immovable property situated in the town or village, according to the value of such property, and on the Orthodox-Christian inhabitants of the town or village, according to the means of each person.

(3) For the purposes of sub-section (2) hereof—

“inhabitant” includes every person who on the fifteenth day of October in the year of assessment—

- (a) was an inhabitant of the town or village ; and
- (b) is not less than eighteen years of age ; and
- (c) has means such as to justify an assessment on him of a sum not less than two shillings in a town or three piastres in a village,

and no others.

(4) Where two or more villages are grouped together for the purposes of this section of this Law, the Director shall determine the amount which shall be assessed upon each village of the group.

(5) No person shall be deemed to be an inhabitant of more than one town, village or group in respect of any one school year. Where any person has been included in the assessment list of more than one town, or village in respect of any one school year, he may appeal to the Commissioner as hereinafter provided, and the Commissioner shall thereupon determine of which town or village he shall be deemed to be an inhabitant :

Provided that where the towns, villages or groups in which such person is assessed are situated in different districts, the Commissioners of the districts concerned shall refer the appeal to the Director, whose decision shall be final.

(6) Every Orthodox-Christian teacher employed under the provisions of this Law shall be deemed to be an inhabitant of the town or village in which he is employed as a teacher on the fifteenth day of October in any given year :

Provided that no assessment made upon any such teacher shall exceed one per centum of his salary (including any duty allowance and any special allowance).

(7) A list of the amounts assessed as in this section provided shall be made in writing and certified by the signatures of the majority of the members of the Town Committee or Village Commission.

(8) A copy of the list shall be posted or caused to be posted by the Chairman of the Town Committee or Village Commission in a conspicuous place in each town, village or group concerned and shall remain so posted for ten days, and two copies shall be sent by the Chairman aforesaid within seven days from the completion of the list to the Commissioner accompanied by a certificate signed by the Chairman that a copy has been so posted :

Provided that whenever any amount is assessed on property attached to a monastery or throne a special notice of the amount so assessed shall be immediately sent by the Chairman aforesaid to the head of the monastery or the Metropolitan of the throne, as the case may be.

(9) If the copies of such lists are not sent to the Commissioner within the time aforesaid or if the Town Committee or Village Commission fails or neglects to make the assessment aforesaid, the Commissioner shall make the assessment and shall send a list thereof to the Chairman of the Town Committee or Village Commission to be posted in the town, village or group in the manner aforesaid.

(10) Any person who may feel himself aggrieved by any assessment made upon him under the provisions of this section may appeal to the Commissioner within ten days of the posting of the list in the town, village or group. Such appeal shall be in writing and shall state the grounds on which the assessment is objected to :

Provided always that the head of a monastery or the Metropolitan of a throne may appeal to the Commissioner within twenty days from the date of the receipt of the notice.

(11) The Commissioner shall as soon as possible proceed to enquire into the justice of the assessment and into the appeals that may have been made.

(12) The Commissioner, after such enquiry, shall make such alterations and amendments including the rectification of any omissions in the assessment list as he shall think just, and shall then approve it, and shall cause a copy of the list so approved to be handed to the Chairman of the Town Committee or the Chairman of the Village Commission to be posted in the town, village or group in the manner aforesaid, and such copy shall remain so posted for two months.

(13) If it shall appear to the Board of Education that any substantial injustice or irregularity has been committed in the assessment, and such injustice or irregularity has been brought to the knowledge of the Board by the aggrieved persons by a notice in writing within two months from the date of the posting of the copy of the list as in sub-section (12) hereof provided, the Governor may, on the recommendation of the Board of Education, order the redress of the injustice or irregularity in such manner as he may think fit.

(14) On the approval of the list by the Commissioner, the sum assessed on each person shall be payable by every such person and his heirs in such instalments and at such time or times as the Governor may from time to time direct, and shall be recoverable in the same manner as Government taxes may be recovered, and the amount so paid or recovered shall be credited to the Education (A) Fund for the purpose for which it is raised.

(15) If any person has paid any sums assessed upon him under this section in more than one town, village or group in respect of any one school year, and for good reason shewn to the satisfaction of the Commissioner did not appeal as in sub-section (10) hereof provided, he may within the school year to which such assessments relate appeal to the Commissioner, who shall give his decision upon the matter as in sub-section (5) hereof provided and shall order the refund to him of any sums paid by him in respect of any town, village or group of which he is not deemed to be an inhabitant."

Amend-
ment of
section 81 of
the principal
Law.

28. Section 81 of the principal Law is hereby amended by the insertion therein of the following sub-section the first part thereof being numbered as sub-section (1):—

"Children
of other
religious
communities.

(2) Children belonging to a religious community other than that for which a school has been prescribed may be permitted by the Director at his discretion to attend such school and receive elementary instruction therein free of charge."

29. Section 82 of the principal Law is hereby amended by the addition immediately after sub-section (2) thereof of the following sub-section:—

Amendment
of section 82
of the
principal
Law.

“(3) Every Town Committee, Village Commission or Committee of Management of any religious community shall provide free of charge for every child belonging to the same religious community and attending a school of which the said Committee or Commission has the general management or supervision under this Law all books prescribed by regulations to be used in schools and all other books and writing materials which in the opinion of the Director are required for the efficient instruction of pupils at such schools.”

30. Section 92 of the principal Law is hereby amended by the deletion therefrom of sub-section (2), the subsequent sub-sections being re-numbered accordingly.

Amendment
of section 92
of the princi-
pal Law.

31. Whenever in the principal Law or in any other Law or public instrument in force in the Colony or in any book or document whatsoever in use in any Department relating to any matter connected with education the words “Orthodox-Christian” occur, the words “Greek-Orthodox” shall be read in place and stead thereof.

“Greek-
Orthodox”
to be read
for
“Orthodox-
Christian”.

32. This Law shall be deemed to have come into operation on the 1st day of January, 1944.

Date of com-
mencement.

5th January, 1944.

H. M. FOOT,
Colonial Secretary.