

LAWS OF BRUNEI

**CHAPTER 211
COMPULSORY EDUCATION**

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COMPULSORY EDUCATION

ARRANGEMENT OF SECTIONS

Section

1. Citation.
 2. Interpretation.
 3. Compulsory education.
 4. Exemption.
 5. Establishment and constitution of Board.
 6. Period of office.
 7. Meetings of Board.
 8. Powers and duties of Board.
 9. Penalties.
 10. No person to be charged for offence except on complaint of Permanent Secretary.
 11. Compounding of offences.
 12. Protection from personal liability.
 13. Operation of Act not to affect Chapter 210.
 14. Regulations.
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COMPULSORY EDUCATION ACT

An Act to provide for compulsory education and for matters connected therewith or incidental thereto

Commencement: 24th November 2007

Citation.

1. This Act may be cited as the Compulsory Education Act.

Interpretation.

2. In this Act, unless the context otherwise requires —

“Board” means the Compulsory Education Board established by section 5;

“child of compulsory school age” means a child above the age of 6 years who has not yet attained the age of 15 years and who satisfies such conditions for receiving primary and lower secondary education as the Permanent Secretary may determine;

“Government school” means any institution for the provision of full-time primary or lower secondary education, being —

(a) a school established and maintained exclusively by the Government; or

(b) such other school as may be prescribed;

“Minister” means the Minister of Education;

“parent”, in relation to a child to whom section 3(1) applies, has the same meaning as in section 2 of the Education Act (Chapter 210);

“Permanent Secretary” means the Permanent Secretary of the Ministry of Education or any other officer appointed under section 4 of the Education Act (Chapter 210).

Compulsory education.

3. (1) A child of compulsory school age who is —

- (a) born on or after 1st January, 2002;
- (b) a citizen of Brunei Darussalam; and
- (c) residing in Brunei Darussalam,

shall attend regularly as a pupil at a Government school.

(2) Where a child of compulsory school age fails to attend regularly as a pupil at a Government school as required by subsection (1), each parent of that child is guilty of an offence.

(3) This section does not apply to —

- (a) a child of compulsory school age for whom a parent presents within a reasonable time a reason to the satisfaction of the Permanent Secretary for the absence of that child from a Government school;
- (b) a child of compulsory school age who is exempted under section 4; and
- (c) a child who is attending regularly as a pupil at a private educational institution registered under section 65(1) of the Education Act (Chapter 210).

Exemption.

4. (1) The Minister may, by order published in the *Gazette* and subject to such conditions as he may impose, exempt any child or class of child of compulsory school age from all or any of the provisions of section 3.

(2) An exemption granted under this section may be revoked at any time.

Establishment and constitution of Board.

5. (1) There is hereby established a body known as the Compulsory Education Board.

(2) The Board shall consist of such number of members as the Minister may, in his discretion, appoint.

(3) The Minister shall appoint one of the members of the Board to be the chairman.

Period of office.

6. (1) Subject to subsections (2) and (3), a member of the Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.

(2) A member of the Board may resign his office at any time by giving notice in writing to the Minister.

(3) If the Minister is satisfied that any member of the Board —

(a) has been guilty of neglect of duty or misconduct;

(b) has become bankrupt or made an arrangement with his creditors;

(c) has become incapacitated by physical or mental illness; or

(d) is otherwise unable or unfit to discharge the functions of a member,

the Minister may revoke his appointment.

(4) The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any member.

Meetings of Board.

7. (1) At any meeting of the Board, one-half of the number of appointed members shall form a *quorum*.

(2) The chairman shall preside at all meetings of the Board at which he is present and, in his absence, the members present shall elect one of their number to act as chairman of that meeting.

(3) The Board may delegate to any person all or any of its powers or duties under this Act.

(4) All questions arising at any meeting of the Board shall be decided by a majority of votes of the members present and, in the case of an equality of votes, the chairman or, in his absence, the member acting as chairman, shall have a casting vote.

(5) Subject to the provisions of this Act, the Board may regulate its own procedure.

Powers and duties of Board.

8. (1) The duties of the Board shall be —

(a) to investigate whether any provisions of this Act has been or is being contravened;

(b) to make recommendations to the Permanent Secretary on the enforcement of any provision of this Act; and

(c) generally to do all such acts and things as are necessary to be carried out under the provisions of this Act.

(2) For the purpose of performing its duties under this Act, the Board may —

(a) hear and examine witnesses on oath;

(b) summon any person to attend any hearing of the Board to give evidence or produce any document or other article in his possession;

(c) generally require any person to furnish any information or produce any document or other article in his possession;

(d) require any person to attend any counselling or mediation session as the Board may specify; and

(e) do anything incidental to any of its powers.

(3) The Minister may give such directions, not inconsistent with the provisions of this Act, as to the exercise of the powers and the performance of the duties of the Board and the Board shall give effect to any such directions.

Penalties.

9. (1) Any person guilty of an offence under section 3(2) is liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding one year or both.

(2) Any person who —

(a) refuses to attend any hearing of the Board;

(b) refuses to furnish any information or produce any document to the Board;

(c) furnishes any information or produces any document which is false in a material particular and which he knows to be false or does not believe to be true; or

(d) obstructs or impedes the Permanent Secretary, the Board or any person acting under the direction of the Board,

is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding one year or both.

No person to be charged for offence except on complaint of Permanent Secretary.

10. No person shall be charged for any offence against this Act except on the complaint of the Permanent Secretary.

Compounding of offences.

11. The Permanent Secretary may compound any offence against this Act which is prescribed as a compoundable offence by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding \$2,000.

Protection from personal liability.

12. No suit or other legal proceedings shall lie personally against —

(a) any member of the Board; or

(b) any other person ordered under the direction of the Board,

for anything done or omitted to be done by him in good faith in the execution or purported execution of this Act.

Operation of Act not to affect Chapter 210.

13. Except as otherwise expressly provided in this Act, nothing in this Act shall affect the operation of the Education Act (Chapter 210).

Regulations.

14. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations which are necessary or expedient for giving effect to and carrying out the provisions of this Act, including the prescription of fees and any other thing required to be or which may be prescribed under this Act, and for the due administration thereof.

(2) Such regulations may include such incidental, consequential and supplementary provisions as the Minister considers necessary or expedient.