

**A BILL**

**entitled**

**EDUCATION (PRIMARY SCHOOLS)  
TEMPORARY ACT 2023**

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SCHEDULE

Primary Schools Transitioning to Parish Primary Schools

WHEREAS it is expedient to provide for the implementation, in phases, of public education reforms in relation to aided and maintained schools that provide primary school education; and to make consequential amendments;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

## **EDUCATION (PRIMARY SCHOOLS) TEMPORARY ACT 2023**

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### *Part I*

#### *Preliminary Provisions*

##### **Citation**

1 This Act may be cited as the Education (Primary Schools) Temporary Act 2023.

##### **Status of this Act in relation to principal Act**

2 (1) This Act—

(a) shall be read as one with the principal Act; and

(b) operates notwithstanding anything to the contrary in the principal Act.

(2) On the date of publication of an Order under section 8 of this Act, the principal Act and not this Act, operates in respect of the primary school specified in the Order.

##### **Interpretation**

3 (1) In this Act—

“aided school” has the meaning given in section 2(1) of the principal Act;

“maintained school” has the meaning given in section 2(1) of the principal Act;

“primary school” means an aided or maintained school that provides primary school education;

“primary school education” means education suitable to the requirements of a child who has attained the age of five years but who has not attained the age of fourteen years;

“principal Act” means the Education Act 1996;

“reform” has the meaning given in subsection (2).

(2) For the purposes of this Act, “reform” means all matters that relate to the reform of primary school education for children from the age of five years (primary year 1) up to the age of fourteen years (primary year 8).

(3) For the purposes of this Act, the level of schooling in relation to a pupil attending a school listed in the Schedule is the period beginning with his becoming of compulsory school age and ending at the same time as the school year in which the majority of the pupils in his class attain the age of thirteen years.

### *Part II*

#### *Reform of Primary Schools*

##### **Minister to implement reforms**

4 The Minister shall implement the reforms.

## **EDUCATION (PRIMARY SCHOOLS) TEMPORARY ACT 2023**

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### **Implementation of reforms by Order**

5 (1) Where the Minister has made a determination to implement the reforms in respect of a particular primary school, the Minister shall by Order amend the Schedule by adding the name of that school to that Schedule.

(2) Orders made under subsection (1) are subject to the negative resolution procedure.

### **Parents may select primary or middle school education**

6 (1) Notwithstanding section 5, the parent of a child who is attending a primary school listed in the Schedule may either—

- (a) admit their child into year 7 of that primary school, or enrol their child in year 1 of a middle school pursuant to section 55 of the principal Act;
- (b) admit their child into year 8 of that primary school, or enrol their child in year 2 of a middle school pursuant to section 55 of the principal Act.

(2) For the purposes of section 55 of the principal Act, a child who has been admitted into year 7 of a primary school listed in the Schedule, or year 8 as the case may be, shall be deemed not to have completed primary school education.

### **Minister may make Rules**

7 (1) In addition to the matters for which the Minister may make Rules under the principal Act, the Minister may also make Rules under this Act in respect of the primary schools listed in the Schedule, provided such Rules are made with the aim of giving effect to the reforms and that the Minister takes account of and is guided by the provisions of the principal Act.

(2) Rules made under subsection (1) are subject to the negative resolution procedure.

### **Completion of reforms**

8 (1) Where reforms have been implemented in respect of a primary school and the Minister has determined that the reforms have been sufficiently completed, he shall by Order amend the Schedule by deleting the name of that school from that Schedule.

(2) Orders made under subsection (1) are subject to the negative resolution procedure.

### *Part III*

#### *Supplementary Provisions and Consequential Amendments*

### **Application of subsequent amending Acts**

9 Any statutory provision that amends the Education Act 1996 does not apply to this Act, unless the statutory provision specifically provides that the amendment applies to this Act.

## **EDUCATION (PRIMARY SCHOOLS) TEMPORARY ACT 2023**

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### **Consequential amendments**

10 (1) The Education Act 1996 is amended by inserting the following after section 1—

#### **“Application of Act in relation to public education reforms**

1A On the date of publication of an Order under section 8 of the Education (Primary Schools) Temporary Act 2023, this Act and Rules made thereunder operate in respect of the primary school specified in that Order and shall accordingly be read and applied with the necessary modifications.”.

(2) Section 6 of the Education Act 1996 is amended—

- (a) by numbering the provision as subsection (1);
- (b) by inserting subsection (2) as follows—

“(2) Where educational and school recreational facilities have been made available pursuant to subsection (1), the Minister may from time to time, by Order subject to the negative resolution procedure, close schools as he considers appropriate where the need of such facilities no longer exists.”.

### **Commencement**

11 This Act comes into operation on such day as the Minister appoints by notice published in the Gazette.

**EDUCATION (PRIMARY SCHOOLS) TEMPORARY ACT 2023**

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**SCHEDULE**

(section 5)

**PRIMARY SCHOOLS TRANSITIONING TO PARISH PRIMARY SCHOOLS**

Francis Patton Primary School

Purvis Primary School

## **EDUCATION (PRIMARY SCHOOLS) TEMPORARY BILL 2023**

### **EXPLANATORY MEMORANDUM**

This Bill seeks to provide for the implementation, in phases, of public education reforms in relation to aided and maintained schools that provide primary school education; and to make consequential amendments

Clause 1 is self-explanatory.

Clause 2 provides for this Act to apply notwithstanding anything to the contrary in the Education Act 1996 (“the principal Act”); and for the principal Act to operate in respect of primary schools where reforms have been completed under this Act.

Clause 3 defines terms used in this Act, including “reform”.

Clause 4 provides for the Minister to implement the reforms.

Clause 5 provides for the Minister to amend the Schedule to this Act by Order subject to the negative resolution procedure, when he has made a determination to implement the reforms in respect of a particular primary school.

Clause 6 provides that, notwithstanding reforms are being implemented in respect of a particular primary school, parents may either enrol their child in year 1 of the relevant middle school or admit their child into year 7 of that primary school; or year 2 of the relevant middle school or year 8 of that primary school, as the case may be.

Clause 7 provides for the Minister to make Rules in respect of primary schools where reforms are being implemented, provided the Minister takes account of and is guided by the provisions of the principal Act.

Clause 8 provides for the name of a primary school to be deleted from the Schedule, by Order subject to the negative resolution procedure, where the Minister has determined that the reforms have been sufficiently completed in respect of that particular school.

Clause 9 provides that amendments to the principal Act do not to apply to this Act unless the amending Act specifically provides for such amendments to apply.

Clause 10 makes amendments to the principal Act (a) to provide for the principal Act and Rules made thereunder to be read and applied, with the necessary modifications, in respect of schools where reforms have been completed under this Act; and (b) to amend section 6 to provide for the Minister to close educational and school recreational facilities by Order subject to the negative resolution procedure.

Clause 11 provides for this Act to come into operation on such day as the Minister appoints by notice published in the Gazette.