

COMMONWEALTH OF DOMINICA**ACT NO. 10 OF 2008***I assent*

N. J. O. LIVERPOOL
President

27th November, 2008

**AN ACT TO AMEND THE EDUCATION ACT 1997
(NO. 11 OF 1997)**

(Gazetted 4th December, 2008.)

BE IT ENACTED by the Parliament of the Commonwealth of
Dominica as follows:

1. This Act may be cited as the –

Short title.

EDUCATION (AMENDMENT) ACT, 2008 .

Interpretation.
Act No. 11 of 1997.

2. In this Act the Education Act is referred to as “the Act”.

Amendment of section 21
of the Act.

3. Section 21 of the Act is amended by deleting the words “or any other educational programme provided by a private or public school”.

Amendment of section 27
of the Act.

4. Section 27 of the Act is amended by deleting the word “Every” and substituting the words “Subject to this Act, every”.

Insertion of new section
50A

5. The Act is amended by inserting the following new section 50A immediately after section 50-

“Principal or
authorised
person may search
student for weapons
of offence, etc.

50A. (1) The principal or an authorised person who has reasonable grounds for suspecting that a student at the school has with him or in his possessions -

- (a) a weapon of offence;
- (b) a controlled drug to which section 4 of the Drugs (Prevention of Misuse) Act applies; or
- (c) any other article or substance which a student is prohibited by law from possessing,

Chap. 40:07.

may search the student or his possessions for such weapon, drug, article or substance.

(2) A search under this section may be carried out only where the principal or authorised person and the student are –

- (a) on the premises of the school; or
- (b) elsewhere and the principal or authorised person has lawful control or charge of the student.

(3) A person who carries out a search of a student under this section shall—

- (a) not require a student to remove any clothing other than outer clothing;
- (b) be of the same sex as the student;
- (c) carry out the search only in the presence of a teacher who is also of the same sex as the student.

(4) A person shall not search the possessions of a student except in his presence and in the presence of the principal or an authorised person.

(5) If, in the course of a search under this section, the person carrying out the search finds —

- (a) anything which he has reasonable grounds for suspecting falls within subsection (1) (a), (b) or (c); or
- (b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence, he may seize and retain it.

(6) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.

(7) A person who seizes anything under subsection (5) shall deliver it to a police officer as soon as reasonably practicable.

(8) In this section –

“authorised person” means a teacher at a school or security officer employed at a school;

“outer clothing” means –

(a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear;
or

(b) a hat or shoes;

“possessions”, in relation to a student of a school, includes any thing over which he has or appears to have control;

“weapon of offence” means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use.”.

Amendment of section
139 of the Act.

6. Section 139 of the Act is amended in subsection (1) in–

- (a) paragraph (b) by deleting the word “ten” and substituting the word “eleven”;
- (b) paragraph (c) by deleting the word “eleven” and substituting the word “twelve” and deleting the word “twelve” and substituting the word “fourteen”
- (c) paragraph (d) by deleting the word “thirteen” and substituting the word “fifteen”.

7. Section 160 of the Act is amended by renumbering paragraphs (w) and (x) as paragraphs (x) and (y) respectively and inserting the following new paragraph -

Amendment of section
160 of the Act.

“(w) respecting action which may be taken by a principal in relation to students who are reasonably suspected of being involved with a controlled drug to which section 4 of the Drugs (Prevention of Misuse) Act applies;”.

Passed in the House of Assembly this 14th day of October , 2008

ALEX F. PHILLIP (MRS.)
Clerk of the House of Assembly

DOMINICA

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