

GOVERNMENT NOTICE No. 18

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PRIMARY
EDUCATION) BY-LAWS, 2019

ARRANGEMENT OF BY-LAWS

BY-LAW

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IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Lilongwe City Council make the following By-laws—

PART I—PRELIMINARY

- Citation 1. These By-laws may be cited as the Local Government (Lilongwe City Council) (Primary Education) By-laws, 2019.
- Interpretation 2. In these By-laws, unless the context otherwise requires—
- “Council” means Lilongwe City Council;
- “child” means any person below the age of 18 years;
- “inspector” means an inspector appointed in accordance with the Education Act;
- Cap 30:01 “learner” means any person enrolled at a primary school;
- “parent”, in relation to a learner, includes a guardian, whether by customary law or otherwise, and every person who has the actual custody of the learner;
- “public school” means a school owned, maintained or managed by the Council; and
- “school” means any primary school.
- Application 3. These By-laws shall apply within the area of jurisdiction of the Lilongwe City Council.

PART II—GENERAL PROVISIONS

- Admission, tuition and requirements for school 4.—(1) Every public school shall be free of tuition fee to all learners.
- (2) A public school shall not admit a child under the age of 6.
- (3) A school shall have uniform for easy identification of its learners.
- (4) A classroom at any school shall not accommodate learners in excess of the threshold set by the Ministry responsible for Education.
- G.N. 20/2019 (5) Subject to the Local Government (Lilongwe City Council) (Sanitary Arrangements) By-laws, every school shall provide adequate sanitary facilities for both learners and teachers.
- (6) Every school shall have a School Improvement Plan (SIP) where its mission and development plan shall be articulated.
- (7) A parent shall ensure that his child is attending school without any hindrance and failure on his part to send the child to school is an offence.
- Textbooks 5.—(1) A school shall have a stores section where all text books for the school shall be kept.
- (2) A learner or a teacher shall access the text books when required at reasonable times.
- (3) All text books shall be stamped with the school stamp.
- (4) A person who loses a school text book shall be required to replace it.

- 6.—(1) A person shall not operate a private primary school unless the school—
- (a) is registered with the Council;
 - (b) has been issued with a business premises licence by the Council under the Local Government (Lilongwe City Council) (Business Premises Licencing) By-laws; and
 - (c) has been issued with an Education Management Information System (EMIS) number by the Council.
- (2) An application for registration shall be in the form specified in the *First Schedule*.
- (3) An application for registration shall be accompanied by an appropriate fee set out in *Second Schedule*.
- (4) A registration certificate issued under this by-law shall be in the form prescribed in the *Third Schedule*.
- (5) The Council shall not register a school whose proprietor is not a citizen of Malawi, unless he has a valid Business Residence Permit issued under the Immigration Act.
- 7.—(1) A school shall allow an inspector to inspect the premises at any reasonable time.
- (2) In addition to the powers conferred on the inspector under the Education Act, an inspector shall ensure that learners are getting the highest attainable standard of education from the teachers without any hindrance.
 - (3) The inspector shall, upon inspecting a school, complete the appropriate form in the *Fourth Schedule*.
- 8.—(1) A school shall continuously assess its learners and administer examinations at the end of each school term.
- (2) A school shall administer mock examinations to its learners who are in their final class before they sit for final primary examinations, as per their school examination system.
 - (3) A school shall ensure that learners who are in the final class sit for final examinations as per their school examination system.
 - (4) A parent shall be responsible for payment of his child's final examination fees and other incidental costs as required by the applicable examining board.
- 9.—(1) A parent shall be required to pay a contribution towards school fund for the effective running and development of a public school, as determined by the School Management Committee, from time to time.
- (2) A public school shall have at least one bank account into which revenue collected for school fund, School Improvement Grant or any other revenue generated at school level shall be deposited and no funds shall be utilized at source.

Private
Primary
school

G.N. 91/2018

Cap. 15:03

Inspection

Examination

School fund

	(3) A public school shall maintain books of accounts to ensure transparency and accountability in the utilisation of its financial resources.
Cap. 37:01	(4) Funds raised under this by-law shall be treated as public funds and shall be audited in accordance with provisions of the Public Audit Act.
	(5) A public school shall be allowed to have petty cash from the money deposited in its bank account in accordance with paragraph (2) whose limit shall be determined by the Council from time to time.
	(6) A public school may hire out its premises or furniture when not in use by learners at a fee to be determined by the School Management Committee: Provided that all funds collected shall be deposited into the bank account and accounted for as required under paragraph 3.
	(7) Any major project to be undertaken by a public school shall require the prior approval of the Council.
Service charter	10. A school shall have a service charter.
Curriculum implementation	11. A teacher shall prepare, use and update teaching records.
School Rules	12.—(1) A school shall, in consultation with all stakeholders, develop and adopt rules and regulations. (2) Rules and regulations shall be displayed on a notice board or on any other conspicuous place at the school.
Disciplinary committee	13. A public school shall have a disciplinary committee which shall consist of— (a) deputy head teacher as chairperson; (b) two members of the Parents-Teacher’s Association; (c) heads of the school’s teaching departments ; (d) member of the School Management Committee; and (e) in case of a matter involving a learner, head boy or head girl, as the case may be.
Roles of Disciplinary committee	14.—(1) The roles of the Disciplinary Committee shall be to— (a) hear and determine misconduct cases relating to learners; and (b) refer cases of misconduct relating to teachers to the Council. (2) A learner shall not be punished without being heard.
Procurement committee	15. Every public school shall have a procurement committee comprising— (a) deputy head teacher; (b) School Management Committee Chairperson; and (c) Parent Teacher’s Association Chairperson.

16. There shall be a School Management Committee at each school which shall comprise—
- (a) District Education Manager or his representative;
 - (b) Head teacher/Deputy Head teacher of the School;
 - (c) member of Parent Teacher's Association; and
 - (d) two co-opted members (*ex-officio*) (non-voting)
17. In addition to the roles provided under the Education Act, the School Management Committee shall—
- (a) implement development activities at the school;
 - (b) check attendance and punctuality of both teachers and learners;
- and
- (c) assist in admission of new entrants.
18. Tenure of office for a School Management Committee shall be two years.
- 19.—(1) A school shall have a Parent Teacher's Association which shall consist of—
- (a) chairperson and vice chairperson from the community;
 - (b) head teacher as secretary;
 - (c) two (2) teachers; and
 - (d) three (3) parents.
- (2) Members of the Parents Teacher's Association referred to in paragraphs (a) and (d) shall be elected every year.
- 20.—The roles of the Parent Teacher's Association shall be to—
- (a) initiate development activities;
 - (b) conduct Parent Teacher's Association meetings; and
 - (c) hold the School Management Committee accountable.
- 21.—(1) There shall be a Mother group for each public school which shall comprise—
- (a) ten (10) women from the community;
 - (b) female representative of the Parent Teacher's Association;
 - (c) female representative of the School Management Committee;
 - (d) female teacher; and
 - (e) female block leader.
- (2) Members of the Mother Group referred to in paragraph (a) shall be elected every two years.
22. The roles of the Mother Group shall be to—
- (a) interact with children who drop out of school, especially girls,

Establishment
of School
Management
Committee

Roles of
School
Management
Committee
Cap. 30:01

Tenure of
School
Management
Committee

Parent
Teacher's
Association

Roles of
Parent
Teacher's
Association

Establishment
of Mother
Group

Roles of the
Mother
Group

- and lobby with the children, parents and the community for the readmission of the children into school;
- (b) undertake income generating activities to help needy learners, especially girls;
- (c) ensure that the learning environment, sanitation, physical and other facilities at the school are conducive to learners and, with respect to girls, ensuring that appropriate facilities for menstrual hygiene are available; and
- (d) provide incentive packages to girls who do well in class.
- Health and nutrition 23.—(1) A school shall be encouraged to have a home-grown school garden in collaboration with stakeholders in the community.
- (2) A school shall be encouraged to have a woodlot and orchard.
- (3) Parents and members of the surrounding community shall be duly informed and, where appropriate, be involved where simple drugs or vaccines are administered to learners on school premises.
- Partnerships 24.—(1) Subject to the approval of the Council, a public school may enter into a partnership with a private company or any other institution desirous of providing support to the school in fulfilment of its corporate social responsibility.
- (2) A donor who intends to make a donation to a public school shall seek approval of the Council before making the donation to the school.
- Primary Education Advisor 25. A public school shall be attached to a Primary Education Advisor who shall be appointed by the Council.
- Roles of Primary Education Advisor 26. The roles of the Primary Education Advisor shall be—
- (a) to supervise and advise head teachers and teachers;
- (b) to initiate, plan, organize and conduct continuous professional development for teachers;
- (c) to determine and manage budgetary requirements for the Teacher Development Centre;
- (d) to monitor and support schools in financial management; and
- (e) any other duties as assigned from time to time.

PART III—OFFENCES AND PENALTIES

- Offences and penalties 27.—(1) A person who contravenes a provision of these By-laws or fails to comply with the terms of any notice served upon him by the Council or fails to comply with any condition imposed by the Council commits an offence and shall be liable to the following penalties—
- (a) a fine of K2,000.00, payable to the Council, upon being notified of the contravention for the first time by an official of the Council;
- (b) Where the contravention continues, to a further penalty of

K200.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment;

Private
Primary
school

(c) Notwithstanding the penalties provided under paragraph (a) and (b), in case of a private school, the Council may suspend, on such conditions as the Council may consider appropriate, or revoke the school's Registration Certificate or Business Premises Licence in accordance with provisions of by-law 14 paragraphs (5), (6) and (7) of the Local Government (Lilongwe City Council) (Business Premises) By-laws, 2018; and

(d) The Council shall recover from the proprietor of the private school the cost of enforcing its decision or rectifying the damage caused by the contravention, and such cost shall, where the Council uses its own resources, conform to prevailing market rates.

(2) No part of the fees paid for a Registration Certificate shall be refunded on the suspension or revocation of the certificate.

FIRST SCHEDULE

(by-law 6(2))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PRIMARY EDUCATION) BY-LAWS

APPLICATION FOR REGISTRATION OF A PRIVATE PRIMARY SCHOOL

TO: The Chief Executive,
Lilongwe City Council,
P.O Box 30396,
LILONGWE 3.

I/we apply for permission to establish a Private Primary School and make application for registration under By-law 6 of the Local Government (Lilongwe City Council) (Primary Schools) By-laws, 2018.

1. (a) name of applicant /proprietor
(in block letters)
- (b) postal address.....
- Nationality.....
- (c) telephone numberemail address
2. (a) name of primary school (if any)
- (b) plot numberroad
- (c) postal address
- (d) telephone number
- (e) business premises licence no(attach copy of licence)
3. (a) age of applicant /proprietor

- (b) other occupation of applicant/proprietor
-
- (c) full name of applicant /proprietor's spouse.....
-
- (d) occupation of spouse.....
- (e) names and ages of applicant's /proprietor's children (if any).....
-
-
-
- (b) is Applicant's /proprietor's residence different or the same as premises of the Primary School?
- (c) other occupants of the premises of the primary school.....
-
-
-
- 4. (a) details of any special qualification held by applicant /proprietor.....
-
-
-
- (b) brief details of applicant's /proprietor's experience in the field of primary school management (including number of children, place and year)
-
-
-
-
- 5. (a) number of children for which proposed primary school is to cater:
-
- 6. Normal hours of business.....
- Is Saturday included?.....
- Is Sunday included?.....
- 7. Size of classrooms to be used by children (each room to be numbered and measured separately)
-
-
-

8. (a) arrangement for regular examination of children.....
 (b) name of medical practitioner
 (c) address.....
 (d) telephone numbers

9. Details of Staff to be employed in running the Primary School:

NAME	ADDRESS	AGE	QUALIFICATION	EXPERIENCE

10. Where the applicant/proprietor or any of the proposed members of staff has previously been convicted of any criminal offence or contravention of these By-laws, give details:

.....

11. Any additional information in support of the application.....

.....

12. Declaration

I declare that the information I have given above is true to the best of my knowledge and I am aware that failure to disclose relevant information or provision of false information shall result in refusal of the licence or, if issued, immediate revocation of the licence upon discovery of the misinformation or misrepresentation.

Dated this.....day of.....20....

Signed
Applicant/Proprietor

(by-law 6(3))

SECOND SCHEDULE
LILONGWE CITY COUNCIL
LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PRIMARY
EDUCATION) BY-LAWS

PRIVATE PRIMARY SCHOOL REGISTRATION FEES

- | | |
|--|-------------|
| 1. Registration Fee | K 25,000.00 |
| 2. Replacement of registration certificate | K 10,000.00 |

by-law 6(4))

THIRD SCHEDULE
LILONGWE CITY COUNCIL
LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PRIMARY
EDUCATION) BY-LAWS

PRIVATE PRIMARY SCHOOL REGISTRATION CERTIFICATE

I HEREBY CERTIFY thathas thisday of20..... been duly registered pursuant to and in accordance with Local Government (Lilongwe City Council) (Primary Education) By-laws and has been entered under the number.....in the Index of Registration.

GIVEN under my hand at LILONGWE thisday ofTwo Thousand.....

Chief Executive Officer

(by-law 7(3))

FOURTH SCHEDULE
LILONGWE CITY COUNCIL
LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (PRIMARY
EDUCATION) BY-LAWS

FORM I—RECORD OF INSPECTION

NB: Refer to the relevant standards and their requirements when completing this record.

School name:	Teacher's name:
Number on roll:	Class:
Lesson subject	Date:...../...../.....time from..... to.....
Lesson topic:	Number in class: (m).....(f)..... Total..... Age range: Youngest Oldest.....
Success criteria:	Observer's name:.....

NES 1: Learning in lessons +/-	
NES 2: Students' outcomes in the curriculum +/-	
NES 3: Attainment across the school +/-	
NES 4: Students' participation in education +/-	
NES 5: Students' behaviour and involvement in school life +/-	
NES 6: Students' safety and protection +/-	
NES 7: A curriculum which is appropriate and relevant +/-	
NES 8: High expectations +/-	

NES 9: Teachers with good professional, subject and curriculum knowledge +/-	
NES 10: Well-planned lessons +/-	
NES 11: Teaching for effective learning +/-	
NES 12: Accurate and constructive use of assessment +/-	
NES 13: Teaching which meets the needs of all students +/-	
NES 14: Effective management of behaviour +/-	
NES 15: School vision, goals and values +/-	
NES 16: School Self Evaluation and Improvement +/-	

NES 17: School Governance +/-	
NES 18: School Leadership +/-	
NES 19: Partnership with Parents and Community +/-	
NES 20: Staff supervision and development +/-	
NES 21: Staff development and management +/-	
NES 22: Care and welfare of students +/-	
NES 23: Access, equity and inclusion +/-	
NES 24: Management of buildings and facilities +/-	

NES 25: Management of material resources +/-	
NES 26: Financial Management	

1=Below minimum; 2=Meets minimum; 3=Exceeds minimum; 4=Effective practice

Record here any other relevant observations e.g. comments on resources, display, quality of accommodation

Main strengths of the lesson to feed back to the teacher

Main areas where improvements should be made (no more than 3)

FORM—II

MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY PRIVATE
SCHOOLS INSPECTION FORM

A.—GENERAL INFORMATION

NAME OF SCHOOL:

MoEST REGISTRATION NUMBER:.....

DATE OF ESTABLISHMENT:.....

PROPRIETOR:

HEADTEACHER:

POSTAL ADDRESS:

.....

EMAIL/PHONE:

PHYSICAL ADDRESS:

TYPE OF SCHOOL: Primary:

CATEGORY OF SCHOOL: (a) Single Sex: M / F Co-Education:

(b) Day/ Boarding:

TYPE OF CURRICULUM:

(a) national: old: new:

(b) international:.....

LAND OWNERSHIP:

Leasehold:

specify.....

Customary:.....

Rented:

SCHOOL FEES:

Tuition:..... Boarding:.....

Other:.....

TEACHERS' SALARY RANGE/MONTH:

DATE OF INSPECTION: PREVIOUS DATE OF INSPECTION:

RESPONDENT(S):

Name:..... Title:.....

Name:..... Title:.....

NAMES OF INSPECTORS:

.....
.....
.....
.....
.....

SCHOOL MANAGEMENT

Availability of:

Yes / No / Evidence

- (1) Board of Directors
- (2) PTA
- (3) Head-teacher
- (4) Deputy Head-teacher
- (5) Sub Committees e.g. Discipline
- (6) Boarding Master and/or Mistress
- (7) Matron
- (8) Student Prefect System

B.—CONDUCTIVENESS TO LEARNING

Description Comment

Permanent infrastructure (burnt bricks & mortar) purposefully built

- (1) Environment i.e. far away from disturbances like road (10 m), bars, rest-houses, market place (100 m) etc
- (2) Adequacy of space for other activities like sports
- (3) Demarcation of campus i.e. no encroachment and no footpaths in the learning area etc
- (4) Safety and health hazards i.e. condition of structures like walls, electric cables etc
- (5) Availability of safe water

C.—AVAILABILITY OF SCHOOL RECORDS

Yes/No

- Schemes of Work
- Attendance Registers
- Log Book
- Circulation File
- Master Time Table

Yes /No

- Admission Registers
- Sick Register
- Scholastic Records
- Discipline File
- Calendar of Events

D.—GENERAL ENVIRONMENT

Qty, Size, Adequacy, Ventilation, Lighting, Neatness, Displays Comment

Learning Area

Head's Office

Staffroom

Classrooms

Desk & chair set /classroom

Library

Science Lab.

Agriculture Plot

Computer Lab.

Home Economics

Techn. Workshops

Staff Toilets (M)

Qty, Size, Adequacy, Ventilation, Lighting, Neatness, Displays Comment

Staff Toilets (F)

Boys' Toilets

Girls' Toilets

General Purpose

Hall

Playing Fields

Boarding Area

Kitchen

Dining Hall

Menu

Food Storage

Boys' Hostels

Hostel Toilets

Hostel Bathrooms

Girls' Hostels

Hostel Toilets

Hostel Bathrooms

Incinerator

Sick Bay/Room

Fire fighting equip

E.—AVAILABILITY OF LABORATORY EQUIPMENT AND OTHER RESOURCES

Laboratory

Basic Facilities and Other

Resources

Quantity & Status

Science Working Benches

Running Water

Fume Board

Laboratory Stools

Ventilation & Lighting

Chemical Storeroom

Preparation Room

Laboratory

Basic Facilities and Other

Resources

Quantity & Status

Computer Sets

Working Desks & Chairs
 Ventilation & Lighting
 Home Economics Cookery Lab
 Working Units
 Cooking Area
 Storage Area
 Safe Water
 Needlework Lab
 Sewing Machines
 Laundry Area
 Ventilation & Lighting
 Safe Water
 Technical Working Benches
 Bench Vices
 Hand Cutting Tools
 Machine Cutting Tools
 Measuring Tools
 Safe Water
 Storeroom
 Ventilation & Lighting
 First Aid Kit

F.—PRIMARY SCHOOL SECTION: TEACHING AND LEARNING

1. LEARNER ENROLMENT

Standard Stream

	<i>Day Scholars</i> <i>Boys Girls</i>	<i>Boarders</i> <i>Boys Girls</i>	<i>Total</i> <i>Girls Boys</i>
1			
2			
3			
4			
5			
6			
7			
8			
TOTAL			
TOTAL NUMBER OF LEARNERS IN THE SCHOOL			

2. SUBJECTS OFFERED

Infant Level (1&2) Junior Level (3&4)

Senior Level (5-8)

Standard 1 Standard 2

Availability of Syllabus Recommended periods/wk Actual periods/week Availability of Syllabus Recommended periods/wk Actual periods/week Availability of Syllabus Recommended periods/wk Actual periods/week Availability of Syllabus Recommended periods/wk Actual periods/week

Introduction to School

Life & Learning (Term 1) 25 0 ---

Chichewa 7 9 7 5

English 5 5 6 8

Numeracy & Mathematics 7 10 10 8

Expressive Arts 4 5 5 5

Life Skills 0 5 5 5

Social & Environmental

Sciences --

4

5

Agriculture (from Std 4) --

2

5

Science & Technology --

-

6

Bible Knowledge/

Religious Education 2 2 2 2

TOTAL 25 36 39 49

NO. OF TERMS (3): LENGTH OF TERM (13 wks):.....

NO. OF PERIODS/DAY Infant (5-7):..... Junior (8)..... Senior (10).....

LENGTH OF PERIODS (30&35 min):

LENGTH OF SCHOOL DAY: FROM:.....TO:.....

EXTRA-CURRICULAR ACTIVITIES OFFERED:10.....

3. NATIONAL EXAMINATION RESULTS

PRIMARY SCHOOL LEAVING CERTIFICATE OF EDUCATION

Year

No. Entered

No of

Candidates

No. of Passes Pass % Total Pass %

Boys Girls Boys Girls Boys Girls Boys Girls

2008

2007

2006

4. APPROVED TEXT BOOKS

Quantity Ratio

(2:1) Comment Infant Junior Senior Total

Introduction to School Life

Chichewa

English

Numeracy & Mathematics

Expressive Arts

Life Skills

Social & Environmental Sciences

Agriculture

Science & Technology

Bible Knowledge

Religious Education

5. REFERENCE BOOKS

Qty Comment

.....
.....
.....

6. TEACHING PERSONNEL

Name of Teacher

Status

Period of Service Qualifications

Subjects Teaching Class

Teaching

Full Time Part Time Academic Year School/

College Professional Year College

H. GENERAL IMPRESSION

.....
.....
.....
.....

I. RECOMMENDATIONS:

.....
.....
.....

**FORM III
PRIVATE SCHOOLS INSPECTION RESULTS.**

1. Preliminary Information.

NAME OF SCHOOL:.....
MoEST REGISTRATION NUMBER:.....
DATE OF ESTABLISHMENT:.....
PROPRIETOR:
HEADTEACHER:.....
POSTAL ADDRESS:.....
EMAIL/PHONE:
PHYSICAL ADDRESS:.....
TYPE OF SCHOOL: Primary:.....
DATE OF INSPECTION:
NAMES & SIGNATURES OF INSPECTORS:.....
.....

2. MANAGEMENT AND GENERAL INFORMATION

A school shall pass this section if BOTH squares and 47 circles below are ticked. Schools that do not meet the requirements of this section shall be disqualified and subsequently closed.

- (a) free from external disturbances
- (b) registration of school with MoEST
- (c) availability of safe water
- (d) cleanliness of the environment

