

ORDINANCE 8 OF 2005

AN ORDINANCE TO PROVIDE FOR THE RIGHT TO EDUCATION

P. T. C. Pearson CBE
ADMINISTRATOR

15th March 2005.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

- 1.** This Ordinance may be cited as the Right to Education Ordinance 2005.

Short title.
- 2.** In this Ordinance, the “right to education” means the right as provided for in section 3 below.

Interpretation.
- 3.—**(1) No one shall be denied the right to education.

The right to education.

(2) In the exercise of any functions which he assumes in relation to education, the Administrator shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

(3) The right provided by subsection (2) applies only in so far as it is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.
- 4.—**(1) The following provisions of the Human Rights Ordinance 2004 shall apply, so far as relevant, to the right to education as if such right were a Convention right as defined by section 2 of that Ordinance—

Application of parts of the Human Rights Ordinance. Ordinance 9/2004.

 - (a) section 4 (interpretation of Convention rights);
 - (b) section 5 (interpretation of legislation);
 - (c) section 6 (declaration of incompatibility);
 - (d) section 7 (right of Attorney General and Legal Adviser to intervene);
 - (e) section 8 (acts of public authorities);

- (f) section 9 (proceedings);
- (g) section 10 (judicial remedies);
- (h) section 11 (judicial acts);
- (i) section 12 (power to take remedial action);
- (j) section 13 (safeguard for existing human rights);
- (k) schedule 2.

Ordinance 9/2004.

(2) Any rules of court made under any provision of the Human Rights Ordinance 2004 shall apply, so far as relevant, to the right to education as if such right were a Convention right as defined by section 2 of that Ordinance.

Ordinance
10/2004.

(3) For the purposes of section 5 of the Courts (Judicial Review) Ordinance 2004, the right to education shall be taken to be a Convention right.

Commencement
and application to
the Crown.

5.—(1) This Ordinance shall come into force on a date to be appointed by the Administrator and published in the Gazette.

(2) Paragraph (b) of subsection (1) of section 9 of the Human Rights Ordinance shall apply, as provided for by section 4 above, to proceedings brought by or at the instigation of a public authority whenever the act in question took place; but otherwise that subsection does not apply to an act taking place before the coming into force of this Ordinance.

(3) This Ordinance binds the Crown, which for the purposes of this section, means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas.

15th March 2005
(128/389)

P. D. Draycott
Chief Officer.
