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DECREE No. 2010/0247/PM OF 26 FEB 2010

to lay down conditions for the exercise of some powers transferred by the  
State to councils relating to Basic Education

**THE PRIME MINISTER, HEAD OF GOVERNMENT,**

- Mindful of the Constitution;
- Mindful of Law No. 098/4 of 14 April 1998 on the orientation of Education in Cameroon;
- Mindful of Law No. 2004/017 of 22 July 2004 on the orientation of decentralization;
- Mindful of Law No. 2004/018 of 22 July 2004 to lay down rules applicable to councils;
- Mindful of Law No. 2009/011 of 10 July 2009 to lay down the financial regime of the Regional and Local Authorities;
- Mindful of Law No. 2009/018 of 15 December 2009 to lay down the Finance Law of the Republic of Cameroon for the 2010 financial year;
- Mindful of Decree No. 92/089 of 04 May 1992 to define the duties of the Prime Minister, as amended and supplemented by Decree No.95/145-bis of 4 August 1995;
- Mindful of Decree No. 2004/320 of 8 December 2004 to organize the Government, as amended and supplemented by Decree No.2007/268 of 7 September 2007;
- Mindful of Decree No. 2005/140 of 25 April 2005 to organize the Ministry of Basic Education;
- Mindful of Decree No. 2008/013 of 17 January 2008 to lay down the organization and functioning of the National Decentralization

Council;

Mindful of Decree No. 2008/014 of 17 January 2008 to lay down the organization and functioning of the Inter-Ministerial Committee for Local Services;

Mindful of Decree No. 2009/222 of 30 June 2009 to appoint a Prime Minister, Head of Government,

**HEREBY DECREES AS FOLLOWS:**

**CHAPTER I**

**GENERAL PROVISIONS:**

1. - This decree lays down the conditions for the exercise by councils, as from the 2010 financial year, of the powers transferred by the State relating to Basic Education:

- building, equipping, managing and maintaining council nursery and primary schools and pre-school establishments.
- acquiring materials and school supplies;
- recruiting and taking charge of support personnel of these schools and establishments.

2. - Councils shall exercise the powers referred to in 1 above, without prejudice to the following State responsibilities and prerogatives:

- The definition and implementation of the national policy relating to preschool and Primary education;
- The definition of global objectives and guidelines, as well as national education and training programmes;
- The determination of conditions for the creation, opening, functioning and control of public and private establishments;
- The definition and control of building and equipment standards of public and private education;
- The drawing up and updating of the school map.

3. – (1) The powers transferred by the State relating to the building, equipment and maintenance of nursery and primary schools, and preschool establishments shall be exercised by the councils within the strict respect of the laws and regulations in force.

(2) The execution of the related expenses shall respect the provisions of the Public Contracts Code.

## **CHAPTER II**

### **ON THE BUILDING, EQUIPMENT, MANAGEMENT AND MAINTENANCE OF COUNCIL NURSERY AND PRIMARY SCHOOLS AND PRE-SCHOOL ESTABLISHMENTS**

4. – The building, equipping, management and maintenance of council nursery and primary schools and pre-school establishments shall concern the following activities:

- Building of school infrastructure particularly, classrooms, administrative blocks, lodgings, playgrounds and latrines, as well as wells and boreholes attached thereto;
- Accomplishing of school gardens and canteens;
- Equipping of school infrastructure with the necessary furniture and materials;
- Maintenance of all school equipment;
- Taking all necessary measures to ensure hygiene and sanitation within and around these schools and establishments.

## **CHAPTER III**

### **ON THE PURCHASE OF SCHOOL MATERIALS AND SUPPLIES;**

5. - The Council shall take part in the purchase of School materials and

supplies by:

- providing school supplies required for the running of council nursery and primary schools and pre-school establishments;
- supplying school materials to these schools and establishments.

6. - The Minister in-charge of Basic Education shall determine by an order latest 30 April of each year and within the purview of the following school year, the nature and fix the composition of the school materials and supplies to be granted to nursery and primary schools and preschool establishments by councils in the form of minimum packet.

#### **CHAPTER IV**

#### **ON THE RECRUITMENT AND TAKING CHARGE OF SUPPORT PERSONNEL**

7. - The support personnel shall comprise all the personnel charged with the execution of routine tasks that are not within the realm of education.

8. – The council shall, as and when the need arises, recruit support personnel and put them at the disposal of the Nursery and Primary schools and preschools of its area of jurisdiction.

9. - The Council shall be responsible for the salaries of the support personnel.

#### **CHAPTER V**

#### **ON THE TRANSFER OF RESOURCES**

10. – The transfer by the State of powers relating to the building, equipping and maintenance of nursery and primary schools and preschool establishments shall be accompanied by the concomitant transfer of

resources necessary for their normal exercise by the councils.

**11.** - The Finance law of the State shall, each year, provide for the resources necessary for the exercise of the powers transferred to councils relating to the building, equipping and maintenance of Nursery and Primary Schools and preschool establishments.

**12.** – Besides the resources transferred by the State, the council may benefit from the support of partners for the exercise of the powers transferred relating to the building, equipping and maintenance of nursery and primary schools and preschool establishments.

**13.** – (1) The financial resources transferred by the State shall exclusively be reserved for the exercise of the corresponding powers.

(2) These resources shall be recorded in the council budget.

(3) Their management shall respect the budgetary and accounting principles in force.

## **CHAPTER VI**

### **MISCELLANEOUS AND FINAL PROVISIONS**

**14.** – The terms and technical conditions for the exercise of the powers transferred by the State relating to the building, equipping and maintenance of nursery and primary schools and preschool establishments, as well as the use of the corresponding resources shall be laid down in the duty specifications prepared by the Minister in charge of Basic Education.

**15.** - The State shall, each year, ensure the monitoring, control and evaluation of the exercise of the powers transferred to councils relating to the building, equipping and maintenance of nursery and primary schools and preschool establishments.

16. – (1) The council and the competent deconcentrated services of the State shall prepare a six-monthly report on the state of implementation of the powers transferred relating to the building, equipping and maintenance of nursery and primary schools and preschool establishments.

(2) This report shall be addressed to the Minister in charge of Decentralization and the Minister in charge of Basic Education.

17. –The Minister in-charge of Decentralization and the Minister in-charge of Basic Education shall, each in its own sphere, be charged with the implementation of this Decree which shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French./ - /-

Yaounde, 26 February

2010

**YANG Philemon**  
**PRIME MINISTER,**  
**HEAD OF GOVERNMENT**