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SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
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THE EDUCATION ACT, 1981

(Act No. 9 of 1981)

THE EXAMINATIONS REGULATIONS, 1984

(Under Section 21)

In exercise of the powers conferred by section 21 of the Education Act, 1981, the Minister for Education hereby makes the following Regulations—

Citation and commencement.

1. These Regulations may be cited as the Examination Regulations, 1984 and shall come into force on the 26th October, 1984.

Examinations Council.

2. (1) There shall be an examination Council (hereinafter referred to as "the Council") which shall be responsible for all examinations except those of post-secondary education and shall consist of—

- (a) the Director of Education;
- (b) the Chief Inspector of Teacher Education and Curriculum Development;
- (c) the Chief Inspector of Secondary Schools;
- (d) the Chief Inspector of Primary Schools;
- (e) the Inspector for Examinations;
- (f) the Principal of a Teacher Training College;
- (g) the Chairperson or secretary of each Subject Panel;
- (h) the Director of the national Curriculum; Centre;
- (i) a representative of the University of Swaziland;
- (j) a representative of the Headmasters Association;
- (k) a representative of the Swaziland National Association of Teachers;
- (l) a representative of a Correspondence College.

(2) The Minister shall appoint a Chairman and Deputy Chairman from among the members of the Council whose term of office shall be three years and who shall be eligible for reappointment.

(3) Members of the Council appointed under paragraphs (i), (j) and (k) shall hold office for a period of three years and shall be eligible for re-appointment.

Objects and functions of the Council.

3. The Council shall advise the Principal Secretary in respect of the following matters—

- (a) the contents of syllabi to be used in schools;
- (b) the requirements for the maintenance of examination standards;
- (c) the measures which are necessary to ensure the proper conduct of examinations;

- (d) the books, teaching aids and other materials prescribed for various courses-syllabi and examination;
- (e) any other matter which may be referred to the Council.

Meetings of the Council.

4. (1) The Council shall meet at least three times every year.
- (2) The Chairman of the Council shall convene and preside at all meetings of the Council.
- (3) In the absence of the Chairman but subject to the quorum, the Deputy Chairman shall preside at meetings of the Council.
- (4) Nine members of the Council shall constitute a quorum.
- (5) All decisions of the Council shall be taken by a majority of the votes of the members present and where there is an equality of votes, the Chairman or in his absence, the Deputy Chairman, shall have a casting vote in addition to his deliberative vote.
- (6) The Council may regulate its own proceedings.

Setting of examinations.

5. (1) The Council shall appoint examiners, assistant examiners and moderators for a period of three years for the setting of examination papers and the marking of examination scripts. Subject to satisfactory performance examiners and assistant examiners and moderators may be re-appointed for another term. The contract of examiners and moderators shall be renewable at the end of each year.
- (2) An examiner shall prepare a detailed memorandum in which shall be prescribed how the marks for each answer shall be allocated and in which a complete answer to every question is furnished.
- (3) A moderator shall ensure that an examiner sets an examination paper and prepares the memorandum referred to under sub-paragraph (2).
- (4) The examiner and the moderator shall be jointly responsible for ensuring the correctness of the examination paper and the memorandum and also for the confidential handling thereof.
- (5) The examination paper and the memorandum shall be submitted to the Council by the moderator before a date to be determined by Council.
- (6) The Council shall determine the date and time for an examination and the examination entry fees to be paid in respect thereof.
- (7) The examiner shall complete the making of examination scripts before a date to be determined by the Council and shall submit the scripts to the Department of Examinations of such date as the Council may determine.
- (8) The examiners, moderators and assistant examiners shall be paid such remuneration, fees or allowances as the Council may determine.
- (9) The appointment of an examiner, assistant examiner or moderator may be terminated at any time—
 - (a) by the Council if the examiner, assistant examiner or moderator fails or neglects to perform his functions or fails to comply with any condition of his appointment;
 - (b) by the examiner, assistant examiner or moderator by giving three month's notice in writing to the Council of intention to resign.

Invigilators.

6. The Council shall —

- (a) appoint invigilators to supervise the conduct of examinations;
- (b) issue instructions to the invigilators regarding the supervision of the conduct of examinations, action to be taken where irregularities occur the custody of examination scripts and the invigilators shall comply therewith.

Entry forms.

7. All entries by candidates for examinations shall be made on such entry forms as the Council may determine.

Examination rules.

8. (1) A candidate who on account of illness or from any other cause is prevented from writing an examination or any paper thereof, shall inform the chief invigilator in writing of such illness or cause before the start of the examination.

(2) The chief invigilator shall report the matter in writing to the Council within one week which shall take such action thereon as it thinks fit.

(3) The Council may refund to a candidate referred to under sub-paragraph (1) half of the subject fees paid by him if —

- (a) the candidate submits to the chief invigilator written proof by a registered medical practitioner in the case of illness or such other proof as the Council may determine in any other case before the date of the writing of the last paper of an examination; and
- (b) the candidate submits through the chief invigilator a written application for a refund of the examination subject fees to the Council within thirty days of the publication of the results of an examination.

(4) A candidate may be disqualified from writing an examination —

- (a) if he takes into the examination room or has in his possession therein any book, memorandum, note or any other matter other than the examination instructions and time-table, the answer books or papers or any other books or papers supplied by the invigilator for purposes of the examination;
- (b) if he assists or attempts to assist another candidate, obtains or attempts to obtain assistance from another candidate, communicates in any manner with another candidate during the examination;
- (c) if he contravenes any rule which the Council may make from time to time.

(5) A candidate who is disqualified under sub-paragraph (4) may be dealt with in such manner as the Council may determine.

Funds of the Council.

9. (1) The funds of the Council shall consist of such moneys as may be paid to the Council.

(2) The funds of the Council shall be public funds and shall be audited by the Auditor-General or any other auditor appointed by the Council. The funds shall be used by the Department of Examinations in accordance with rules laid down by Council for purposes of the Department.

A.F. HLATSHWAKO
Acting Principal Secretary

MBABANE,
8th October, 1984.