

THE EDUCATION (AMENDMENT) BILL

(No. VI of 2023)

The main object of this Bill is to amend the Education Act to provide for –

- (a) the setting up of a National Examinations Board for the organisation and conduct of examinations in designated subjects at secondary education level; and
- (b) the conferment, upon the University of Mauritius, of the power to award certificates in the secondary education sub-sector, on the recommendations of the National Examinations Board.

L. D. DOOKUN LUCHOOMUN, G.C.S.K.

*Vice Prime Minister, Minister of Education, Tertiary
Education, Science and Technology*

21 April 2023

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 2 of principal Act amended
 4. New section 5D inserted in principal Act
 5. Second Schedule and Third Schedule added to principal Act
 6. Consequential amendment
 7. Commencement
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A BILL

To amend the Education Act to provide for the setting up of the National Examinations Board for the secondary education sub-sector

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Education (Amendment) Act 2023.

2. Interpretation

In this Act –

“principal Act” means the Education Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended by inserting, in the appropriate alphabetical order, the following new definition –

“supervising officer” means the supervising officer of the Ministry;

4. New section 5D inserted in principal Act

The principal Act is amended by inserting, after section 5C, the following new section –

5D. National Examinations Board for the secondary education sub-sector

(1) There shall be, for the purposes of this Act, a National Examinations Board for the secondary education sub-sector.

(2) The functions of the Board shall be to –

- (a) organise and conduct examinations in respect of such subjects for the secondary education sub-sector as the Ministry may determine;
- (b) develop rules and regulations for such national examinations and assessments;

- (c) develop assessment frameworks and assessment syllabuses in the subjects listed in the Second Schedule;
- (d) set and moderate examination papers;
- (e) organise the marking and moderation of examinations scripts;
- (f) prepare examiners' reports on the candidates' level of performance in the subjects examined;
- (g) conduct research on assessments for the secondary level;
- (h) partner with relevant institutions, local and international, as may be necessary for the conduct of examinations; and
- (i) establish linkages with international bodies to undertake, inter alia, benchmarking of national qualifications.

(3) The Board shall consist of –

- (a) a Chairperson, to be appointed by the Prime Minister;
- (b) the supervising officer of the Ministry or his representative;
- (c) a representative of the Prime Minister's Office;
- (d) a representative of the Ministry;
- (e) a representative of the Ministry responsible for the subject of finance;
- (f) the Vice-Chancellor, University of Mauritius or his representative;
- (g) the Director, Mauritius Examinations Syndicate or his representative;
- (h) the Director, Private Secondary Education Authority or his representative;

- (i) the Director, Mauritius Institute of Education or his representative;
 - (j) 3 members having wide experience in the field of education and in examination-related issues.
- (4) The members specified in subsection (3)(a) and (j) shall –
 - (a) be appointed by the Minister;
 - (b) hold office for a period of 3 years; and
 - (c) be eligible for reappointment.
- (5) There shall be a Secretary to the Board who shall be a public officer.
- (6) The Board may retain the services of –
 - (a) such public officers, on such terms and conditions, as the Secretary to Cabinet and Head of the Civil Service may approve; and
 - (b) such employees of such relevant institutions,as it may require in the discharge of its functions.
- (7) The Board shall meet as often as it is necessary at the request of the Chairperson, and at least once every month.
- (8) In the absence of the Chairperson, the Board shall be chaired by the supervising officer or his representative.
- (9) At any meeting of the Board, 6 members shall constitute a quorum.
- (10) (a) The Board may, in the discharge of its functions, set up such committees as it deems necessary.
 - (b) Subject to any direction given by the Board, any committee set up shall regulate its meetings and proceedings in such manner as it may determine.

(11) The members of the Board and its Committees shall be paid such fees and allowances as the Minister may determine.

(12) (a) Every member and officer of the Board and Committees shall, before assuming the duties of his office, take an oath of secrecy in the form set out in the Third Schedule.

(b) No member or officer shall, during or after his tenure of office, use or disclose any matter which came to his knowledge in the discharge of his functions, except –

- (i) for the purposes of this Act; or
- (ii) where he is so required by a court of law or under any enactment.

(c) Any person who contravenes paragraph (b) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 2 years.

5. Second Schedule and Third Schedule added to principal Act

The principal Act is amended by adding the Second and Third Schedules set out in the Schedule to this Act, the existing Schedule being numbered as the First Schedule.

6. Consequential amendment

The University of Mauritius Act is amended –

(a) in section 2, by inserting, in the appropriate alphabetical order, the following new definition –

“National Examinations Board” means the Board set up under section 5D of the Education Act;

(b) in section 4, by adding the following new paragraph, the full stop at the end of paragraph (c) being deleted and replaced by the words “; and” and the word “and” at the end of paragraph (b) being deleted –

(d) be the awarding body for the secondary education sub-sector in respect of the subjects listed in the Second Schedule to the Education Act.

(c) in section 21, by adding the following new paragraph, the full stop at the end of paragraph (f) being deleted and replaced by a semicolon –

(g) the award of certificates at Secondary Education level in the subjects listed in the Second Schedule to the Education Act.

7. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

SCHEDULE

[Section 5]

SECOND SCHEDULE

[Section 5D(2)(c)]

SUBJECT

Kreol Morisien

THIRD SCHEDULE
[Section 5D(12)]

PART I – OATH BY MEMBER OF THE BOARD

I, (name), do swear/solemnly affirm/declare* that I shall well and truly serve the Republic of Mauritius as of the National Examinations Board set up under the Education Act and I shall faithfully and impartially perform the duties of my office and that I shall not, during or after my tenure of office as of the National Examinations Board, disclose, on any account and, at any time, except for the purposes of that Act, any information received by me in the performance of my duties or in the exercise of my powers under that Act.

Sworn/solemnly affirmed/declared* by the abovenamed before me at this day of 20.....

Before me

.....
District Magistrate

* *Delete as appropriate*

PART II – DECLARATION BY OFFICER

I, (name), being appointed/designated* as an officer, do declare that I shall not, during or after my tenure of office under the Education Act, disclose, on any account and, at any time, except for the purposes of that Act, any information received by me in the performance of my duties or in the exercise of my powers under that Act.

.....
Signature of declarant

.....
Made before me

.....
Signature of Magistrate

.....
Date

* *Delete as appropriate*
