

**Tertiary Education Commission (Prohibition of Misleading Advertisement)
Regulations 2014**

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THE TERTIARY EDUCATION COMMISSION ACT

Regulations made by the Minister, on the recommendation of the Tertiary Education Commission, under section 14 of the Tertiary Education Commission Act

1. These regulations may be cited as the **Tertiary Education Commission (Prohibition of Misleading Advertisement) Regulations 2014**.
2. In these regulations —

“advertisement” —
 - (a) means a notice, circular, pamphlet, brochure, prospectus, programme or any other document; and
 - (b) includes any announcement, notification or intimation, destined to the public or any section thereof or to any person, whether orally or in writing, made —
 - (i) in a newspaper, magazine, journal or other periodical published or circulated in Mauritius or in any other country;
 - (ii) by means of any broadcasting, communication or medium, including but not limited to any sound, radio, television, the Internet or any other media, and which is destined for circulation or reception in Mauritius or in any other country;
 - (iii) to be displayed on any hoarding, boarding, roof, wall, paling; fence, frame, signboard, plate, cloth, bar, pillar, post, wire-casting or other erection, structure or

contrivance in Mauritius or in any other country;

- (iv) to be conveyed by any other means, form or manner whatsoever and whether of the same kind or not, and published or circulated in Mauritius or in any other country;

“institution” means —

- (a) a tertiary education institution; or
- (b) a post-secondary educational institution or a centre, or a branch campus, of an overseas tertiary or post-secondary educational institution.

3. (1) No person shall knowingly issue or publish, or cause to be issued or published, any advertisement in relation to an institution which is false or misleading in a material particular.

(2) An advertisement shall be deemed to be false or misleading in a material particular where it —

- (a) gives a false description of the site, the campus building, the staff, students and residential accommodation of an institution;
- (b) contains false or misleading information concerning any course offered or qualifications awarded by an institution;
- (c) invites students to enroll in an institution for courses that are not accredited;
- (d) contains false information on any partnership agreement between an institution and a foreign institution;
- (e) contains false and misleading information on the recognition of qualifications awarded by an institution;

- (f) contains false and misleading information on the registration status of an institution or the accreditation status of programmes offered by it;
- (g) makes use of the logo or the name of the Commission without its authorisation;
- (h) contains information which is not in accordance with the requirements of the Commission.

4. (1) Where the Commission is of the opinion that a person is in breach of regulation 3(1), it shall direct that person to do all or any of the following at his own cost and expense —

- (a) withdraw the advertisement;
- (b) modify the advertisement in such manner as the Commission may determine;
- (c) issue or publish, or cause to be issued or published, a notice to correct the false or misleading information provided in the advertisement, to the satisfaction of the Commission; and
- (d) take such other measure as it considers necessary to correct the advertisement.

(2) Where a person fails to comply with a direction under paragraph (1), the Commission may take such steps as it considers necessary to give effect to the direction and recover all costs and expenses or any part thereof from that person.

5. Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding one year.

6. These regulations shall come into operation on the 6 day of February 2014.

Made by the Minister, on the recommendation of the Tertiary Education Commission, on 30 of January 2014.