

**NOTICE NO 6
GAZETTE NO 247**

MPUMALANGA DEPARTMENT OF EDUCATION

NOTICE OF REGULATIONS REGARDING EXAMINATION MATTERS

I, David Dabede Mabuza, Member of the Executive Council for Education, hereby give notice in terms of section 105 of the School Education Act (Mpumalanga), 1995 (Act No. 8 of 1995), that I have determined regulations regarding the conducting of examinations under the control of the Mpumalanga Education Department.

D. D. MABUZA

Member of the Executive Council for Education

SCHOOL EDUCATION ACT, 1995

REGULATIONS REGARDING EXAMINATION MATTERS

The Member of the Executive Council responsible for Education has, in terms of section 105 of the School Education Act (Mpumalanga), 1995 (Act No. 8 of 1995), made the regulations in the Schedule.

SCHEDULE

1. Definitions

1. In these regulations any word or expression to which an meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise

- (i) "**candidate**" shall mean a person whose entry for an examination has been accepted by the Head of the Department of Education;
- (ii) "**chief invigilator**" shall mean a person who has been appointed by the Head of the Department and who, in addition to duties meant in these regulations, is to exercise overall supervision and control of the examinations conducted at the centre for which he or she has been appointed, and who is to perform other activities or duties determined by the Head of the Department;
- (iii) "**examination**" shall mean an external examination under the control of the Mpumalanga Education Department;
- (iv) "**examination centre**" shall mean a centre referred to in regulation

2 (1);

- (v) "**examination fees**" shall mean the fees referred to in regulation 7;
- (vi) "**examination officer**" shall mean any person employed by the Mpumalanga Education Department who renders professional, supervisory, supportive and/or administrative services with regard to an examination as contained in these regulations;
- (vii) "**full-time candidate**" shall mean a person who attends a school instituted or registered in terms of the Act, on a full-time basis;
- (viii) "**Head of the Department**" shall mean the most senior official in the department as defined in the Act;
- (ix) "**invigilator**" shall mean a person who has been appointed by the school principal or by the Head of the Department to supervise and exercise control in the room where an examination is conducted, or a school principal in the event that he or she exercises such a function himself or herself;
- (x) "**private candidate**" shall mean a person who is not attending a full-time school and who has registered for an examination; and
- (xi) "**the Act**" shall mean the School Education Act (Mpumalanga), 1995 (Act No. 8 of 1995).

Examination centres

2. (1) A school or a centre designated from time to time by the Head of the Department shall be an examination centre.

(2) A school principal or an official specifically designated shall, in addition to any specific functions assigned to him or her in these regulations, be responsible for the control and handling of the examination papers and examination material.

Rules for conducting examinations

3. (1) The Head of the Department shall provide examination papers in separately sealed envelopes for each subject in which an examination is conducted at an examination centre to the school principal or chief invigilator of that examination centre.

(2) The school principal or chief invigilator or his or her assistant shall hand over the envelope with the examination papers in respect of the subject in which the examination is to be conducted, on the date indicated in the examination time-table referred to in regulation 5 as the date on which the examination in that subject is to be conducted to

the invigilator.

(3) (a) Subject to paragraphs (b) and (c), the invigilator shall-

- (i) open the envelope referred to in subregulation (2) in the presence of the candidates for the examination concerned;
- (ii) hand over the examination papers contained in the envelope to the candidates; and
- (iii) ensure that the candidates write the examination.

(b) If the invigilator suspects that the envelope referred to in subregulation (2) has already been opened or tampered with, he or she shall-

- (i) notify the school principal or Chief Invigilator immediately and accordingly;
- (ii) open the envelope in the presence of the candidates sitting for the examination concerned without revealing his or her suspicion to the candidates;
- (iii) hand the examination papers contained in the envelope to the candidates;
- (iv) ensure that the candidates write the examination; and
- (v) hand the envelope to the school principal or chief invigilator.

(c) The school principal or chief invigilator shall after the conclusion of the examination send the envelope which was handed to him or her in terms of paragraph (b) (v) together with his or her report thereon to the Department.

(4) Before any candidate is permitted to enter an examination centre the invigilator shall ensure that any diagram, map, drawing, note or any other material relating to the subject in which the examination is conducted is removed from the walls and doors and from the examination room, and ensure that no text-book or unused paper is on or in a desk in the examination room used by the candidates and must also ensure that the blackboard is cleaned.

(5) (a) The invigilator shall ensure that the candidates take their seats in the examination room at such a distance from each other that there is approximately one metre passage between desks. The invigilator must be in a position to have a clear view of every candidate at all times during the examination session.

(b) When an examination is conducted in different subjects at the same time in the

same examination room, the invigilator shall, if possible, ensure that a candidate who writes an examination in one subject is not seated in front of, behind or near a candidate who writes an examination in the same subject.

(6) The date and time determined in the examination time-table for an examination shall be strictly adhered to by invigilators and candidates, and deviations from the examination time-table shall not be permitted without the permission of the Head of the Department.

(7) (a) A candidate shall be seated in the examination room 15 minutes before the commencement of the examination, and shall thereafter comply with the requirements of paragraph (d).

(b) An invigilator shall be present in the examination room from the time that he or she has commenced the session for the candidates until the time that the examination has been completed in all respects.

(c) A candidate shall be permitted to enter the examination room after the commencement of an examination only in circumstances that are exceptional in the opinion of the invigilator and only with the permission of the invigilator: Provided that no candidates shall be permitted to enter the examination room after 30 minutes have elapsed since the time fixed for the commencement of the examination.

(d) Subject to the provisions of paragraph (h), a candidate shall not leave the examination room until an hour has elapsed since the time fixed for commencement of the examination, nor during the last 15 minutes of the time fixed for the duration of the examination.

(e) A candidate shall present the admission document supplied by the Department to him or her for a particular examination, as well as his or her official identity document, driver's licence, passport or other proof of his or her identity regarded as sufficient by the invigilator, to the invigilator on his or her admission to the examination room concerned.

(f) During the conducting of an examination only the candidates sitting for the examination, the invigilator and the school principal or chief invigilator or a person authorised by the school principal or the Head of the Department shall be present in the examination room concerned.

(g) A person who is not involved with the examination in an official capacity shall leave the examination room before the sealed envelopes containing the examination papers are opened, and shall not re-enter the examination room during the conducting of the examination.

(h) In cases where in the opinion of the invigilator there is an emergency situation, a candidate may, with the permission of such invigilator, temporarily leave the

examination room: Provided that such candidate is accompanied by another invigilator.

(i) No smoking shall be permitted in a room where an examination is being conducted.

(8) (a) After the blank examination answer books have been distributed to candidates, and before the writing of the examination commences, the invigilator shall read the following words to candidates:

"The examination shall be conducted in the following subjects, grades and standards, e.g. English First Language Higher Grade, First paper: Geography Standard Grade, Second paper.

Candidates who have not entered for these subjects and candidates on whose admission documents the subjects I have announce do not appear shall now leave the examination room. Candidates shall read the instructions on the cover of the examination answer books and on the examination papers, if applicable, carefully and comply therewith."

(b) No answers to the examination questions shall be given to candidates during the examination session.

(c) As soon as a candidate has handed in his or her examination answer book he or she shall, subject to the provisions of subregulation 7 (d), leave the examination room.

(d) A candidate shall not or attempt to assist another candidate, obtain or attempt to obtain assistance from anyone, communicate or attempt to communicate with anyone in an examination room.

(e) No candidate shall be represented by another person in the examination for which he or she has entered.

(f) A candidate shall not cause a disturbance or conduct himself or herself in an improper or unseemly manner in the examination room.

(g) Candidates shall comply with all instructions or directives issued by the invigilator.

(h) Unless the school principal or chief invigilator determines otherwise in respect of an examination, no candidate shall have in his or her possession while he or she is in the examination room a book, memorandum, note, map, photograph or any other document or paper including unused paper pertaining to the examination subject with the exception of his or her admission document and such other documents that are supplied to her or him.

(i) All aids and examination answer books that have been distributed to a candidate shall be handed in before he or she leaves the examination room.

(9) (a) During an examination the invigilator shall ensure that each candidate complies with the examination instructions.

(b) The invigilator shall move about continually in the examination room without disturbing the candidates during the conducting of an examination.

(c) The invigilator shall not, by his or her conduct, create the opportunity for a candidate to contravene or ignore any examination instruction.

(d) Notwithstanding anything to the contrary contained in these regulations, the invigilator and reader shall not move about in the examination room during the conducting of typing, "snelskrif" and shorthand examinations.

(e) An invigilator shall not leave the examination room during an examination unless he or she is relieved by another invigilator.

(f) No subject teacher shall act as invigilator for an examination session in his or her subject.

(10) (a) An additional examination answer book or other stationery supplied by the Department shall, on request by a candidate, be issued to him or her by the invigilator, after the invigilator has ascertained that such additional material is necessary and in the case of the issuing of an additional examination answer book the invigilator shall make a note on the invigilator's report against the examination number of a candidate to whom more than one answer book has been issued in order to ensure that the candidate hands in all the examination answer books issued to him or her at the end of the examination.

(b) The Head of the Department may issue instructions to school principals or chief invigilators and invigilators with regard to the control of examination papers and answer scripts, conducting and supervising examinations and action to be taken in the event of irregularities.

(11) An invigilator shall not-

(a) effect an amendment to an examination paper without the prior consent of the Head of the Department;

(b) give a copy of an examination paper to someone other than a candidate for the examination concerned before the examination has been concluded.

(12) (a) As soon as an invigilator has ascertained that a candidate has contravened any instructions referred to in regulation 3, he or she shall-

(i) confiscate the candidate's examination answer book and any other unauthorised material which the candidate may have in his or her

possession;

- (ii) take away the examination answer book or books from the candidate which he or she used up to that point, and the invigilator shall endorse the outside front cover with the words "answer book confiscated at . . . " (time);
- (iii) supply the candidate with another examination answer book and endorse the outside of the front cover thereof with the words "new answer book issued at . . . (time)";
- (iv) inform the candidate-
 - (aa) that the fact that he or she may continue with the examination is not a condonation of the candidate's contravention;
 - (bb) that he or she will report the incident to the Department; and
 - (cc) to make a written declaration on the matter at the conclusion of the examination to the invigilator: Provided that if the candidate refuses to make such a declaration, the invigilator shall make a note to that effect on the form entitled "Special report concerning examination papers".

(b) The invigilator may confiscate the examination answer book of, and remove from the examination room, a candidate who after a warning by the invigilator to him or her continues to cause a disturbance or persists in contravening any other provision of regulation 3.

(c) The invigilator shall hand the examination answer books and the declaration referred to in paragraphs (a) and (b), together with his or her comprehensive report on the matter concerned, to the school principal or chief invigilator.

(d) The school principal or chief invigilator concerned shall send the documents referred to in paragraph (c) together with his comments, if any, to the Head of the Department.

(e) An invigilator may, with the consent of the school principal or chief invigilator, in circumstances which in the opinion of the invigilator constitutes an emergency, or if circumstances arise for which no provision has been made in these regulations, depart from the provisions of regulation 3: Provided that if the school principal or chief invigilator or his or her assignee is not available, the invigilator may act as he or she reasonably deems fit.

(f) If an invigilator has acted in accordance with the provisions of paragraph (e) he or she shall submit a report on the emergency to the school principal or chief invigilator, and the school principal or chief invigilator shall send a copy of such report to the Head

of the Department.

(13) (a) The invigilator shall ensure that a candidate's examination number, which appears on his or her admission documents, appears at the top of each examination answer book and at the top of each loose sheet of paper used by the candidate during the examination.

(b) Where a candidate has used more than one examination answer book the second and all subsequent books shall be placed inside the first book by the invigilator.

(c) After an examination has been concluded, the invigilator shall collect all examination answer books, arrange them per subject and per grade in numerical order according to the examination numbers of candidates and compare them with the examination numbers appearing on the relevant document provided for the examination which could be the "invigilator's certificate and consignment note" or a mark sheet. Absent candidates must be indicated accordingly on the mark sheet.

(d) The invigilator shall hand the examination answer books, together with all other relevant documents, to the school principal or chief invigilator who shall send these documents to the Department.

(14) No person shall have access to the examination answer books or have them in his or her possession with the exception of the examiner concerned and where applicable, the moderator and the Head of the Department.

(15) The invigilator shall collect all the aids that were handed out and return them, together with all unused examination material, to the school principal or chief invigilator.

Irregularities and disciplinary action

4. (1) Should the Head of the Department after investigation as he may deem necessary, be satisfied that at any time prior to the date and time on which candidates wrote a particular examination-

(a) one or more copies of an examination paper were missing or lost; or

(b) such examination paper was distributed to or circulated amongst any candidates or other unauthorised persons, or the contents of such examination paper work in any other manner whatsoever made known or otherwise became known to any number of candidates or other unauthorised persons, and it is not reasonably possible to identify those persons or all of the candidates to whom the contents of such examination paper became known either directly or indirectly as a result of such an irregularity, the Head of the Department may-

(i) direct that the examination scripts in respect of that examination paper not be marked; or

- (ii) refuse to recognise the results obtained by the candidates concerned in the examination, and direct that the candidates concerned write the examination in the relevant subject afresh without hearing any candidate for such an examination or any other person in respect of the matter.

(2) If at any stage prior to the date and time on which candidates are to write a particular examination it becomes known to the Head of the Department that any irregularity of the nature referred to in subregulation 4 (1) has occurred in respect of the examination, he or she may postpone such examination to a date to be determined by him or her without hearing any candidate or any other person whomsoever in respect of the matter or without affording anyone an opportunity to state his or her case or to make representations.

(3) Failure to act in terms of subregulation 4 (2) shall not preclude the Head of the Department from acting in terms of subregulation 4 (1) of these regulations.

(4) If the Head of the Department is, after due inquiry, reasonably satisfied that a candidate for any examination has actively participated in the commission of an irregularity referred to in subregulation 4 (1), the Head of the Department may-

- (a) refuse such candidate admission to an examination for such a period as he or she may determine; or
- (b) refuse to recognise the results obtained by such candidate in the subject in question or the examination as a whole; or
- (c) reject such candidate's examination script in respect of the examination paper concerned.

(5) Should the Head of the Department be of the opinion that a candidate has committed any irregularity contemplated in regulation 3 during or after the writing of an examination, the Head of the Department shall confront the candidate concerned with the alleged irregularity and afford him or her the opportunity to state his or her case, either in writing or verbally in the presence of a witness, "hereafter the head of the Department may take one or more of the following steps:

- (a) Prohibit the candidate from entering the examination room or from continuing with the examination;
- (b) refuse to recognise the results obtained by the candidate in a subject or in the examination as a whole;
- (c) refuse to recognise the results obtained by the candidate in a subject or in the examination as a whole;

- (d) reject the examination script in respect of the examination paper in question;
- (e) withhold the candidate's results pending further investigation into the alleged irregularity;
- (f) order withdrawal of any success in a subject which the candidate has been credited with in the examination concerned; or
- (g) require the candidate to repeat the examination in the subject concerned on a date and at the time and place determined by him or her.

Dates and times for conducting of examinations and examination time-tables

5. (1) Examinations shall be conducted as determined by the Department each year in accordance with an examination time-table on the dates and at times approved by the Head of the Department.

(2) An examination time-table shall be made known to candidates by the school principal/chief invigilator.

(3) If any candidate has not received a personal or examination time-table it is his or her duty to inform the principal/chief invigilator of his or her school in the case of a full-time learner, or the principal of the school serving as the examination centre concerned or the chief invigilator in cases of a part-time candidate without delay, so that a personal examination time-table may be issued to him or her.

(4) Neither the Head of Department nor any officer employed by the Department is responsible for any prejudice suffered by a candidate as a result of such candidate's failure to fulfil the duty imposed on him or her under subregulation (3).

(5) A candidate is to write the examination in respect of which his or her entry has been accepted at the centre determined by his or her entry as ratified by the Head of the Department.

Language medium for answering examination papers

6. (1) An examination paper in which the knowledge and content of, or proficiency in a specific language is tested, shall be answered in that specific language.

(2) An examination paper other than that referred to in subregulation (1) shall be answered in the medium of instruction.

Examination fees

7. (1) The Member of the Executive Council shall, in consultation with the Financial Head, from time to time determine the fees which a candidate has to pay in respect of an examination.

(2) Examination fees shall, subject to the provisions of regulation 7 (1) (b), be payable on application for entry for an examination: Provided that such examination fees may be included in the tuition or course fees of a pupil of a school.

(3) If an error concerning an entry for an examination has been made in good faith, the Head of the Department or the chief invigilator of the examination centre where the candidate entered for the examination may authorise the refund of examination fees paid by the candidate concerned.

(4) At least six months before the commencement of the amendment of any examination fees the Member of the Executive Council shall make such examination fees known to principals or chief invigilators of the schools or examination centres in a manner which he deems fit.

Entry for examination

8. (1) A candidate enters for an examination by-

(a) applying therefor on the prescribed form that has been supplied by the Head of the Department;

(b) submitting the completed application form referred to in paragraph (a) together with the necessary examination fees except if such fees have been included in his or her tuition or course fees, to the Chief invigilator of the examination centre where the candidates must sit for the examination on or before the determined date or dates: Provided that if a date mentioned herein falls on a Saturday, Sunday or public holiday, such application form and examination fees, if any, shall be handed to the chief invigilator of the examination centre on or before the last working day preceding that Saturday, Sunday or public holiday, as the case may be.

(c) (i) A candidate contemplated in subregulation (1) who is a full-time or part-time learner should enter for an examination under the names and surname that appear on his or her identity document.

(ii) Proof of the candidate's identity should be submitted by him or her when the diploma or certificate is issued should he or she shall pass the examination.

(iii) A part-time candidate may submit such proof of his or her identity as may be required by the Head of the Department, when he or she has

passed the examination and qualifies for a diploma or certificate.

(2) A candidate shall not enter simultaneously for the examination in more than one grade or level of the same subject, unless approval therefor has been granted by the Head of the Department, and if a school principal or chief invigilator has accepted the entry of a candidate contrary herewith and that candidate has passed the examination in more than one grade or level in the same subject, the Head of the Department may cancel the candidate's examination entry retrospectively, notwithstanding the fact he or she was admitted to such examination and that he or she passed it, and the Head of Department may refuse to recognise such examination and to issue a certificate.

(3) A school principal or chief invigilator shall not accept a candidate's examination entry before any penalty imposed in terms of regulation 3 in respect of such a candidate has expired and if a school principal or chief invigilator accepts such an entry, the Head of the Department shall reject such entry and any examination fees paid in respect thereof shall be refunded to the candidate.

(4) The amendment of an examination entry shall not be permitted after the dates as indicated in paragraph (b) of subregulation (1), except with the approval of the Head of the Department or a person assigned by him for this purpose.

(5) The Head of the Department shall issue an admission document on which the name of the candidate concerned, his or her examination number, the subjects in which an examination on is to be written by him or her, the examination centre where such examination is to be conducted and the dates and times for such examination shall be stated explicitly.

(6) In addition to any other requirements laid down in these regulations, a candidate who has entered for the supplementary examination in respect of the senior certificate which is conducted in February and March shall also comply with the requirements that such candidate must have written an examination in a preceding November examination in a subject and grade in respect of which the supplementary examination is conducted.

(7) A candidate who was prevented by illness from writing an examination in the preceding November examination and who submits, to the school principal or chief invigilator within 30 days of the date on which he or she should have written the examination a medical certificate issued by a registered medical practitioner, may enter and write the examination in the subject or subjects in which he or she was unable to write the examination on the specified dates, shall be mentioned on the medical certificate and which are conducted in the supplementary examination for the Senior Certificate during the following February/March.

(8) A candidate who passed the examination in a subject or subjects in a previous November examination for the Senior Certificate and who desires to improve his or her marks in a supplementary examination referred to in subregulation (6) shall only be

admitted to a supplementary examination on submission of a certificate from a specific university, technikon or other tertiary institution in which it shall be confirmed that a specific percentage in that subject or subjects is necessary for admission to the course or courses concerned and offered at that tertiary institution.

Writing of examination by handicapped candidates

9. (1) The Head of the Department may, at the request of a candidate or candidates who are physically disabled or handicapped and if he or she is of the opinion that such disability or handicap may prejudice that candidate in the writing of his or her examination-

- (a) grant to such candidate additional time for the writing of his or her examination not exceeding 15 minutes per hour per examination paper;
- (b) approve that assistance be given to such candidate or that an aid may be used by him or her during the writing of his or her examination if-
 - (i) the candidate submits his or her request to the Head of the Department at least 30 days before the commencement of the examination concerned;
 - (ii) the school principal or chief invigilator of the examination centre where the examination concerned is written is able to meet the particular needs of the candidate; and
 - (iii) the Head of the Department has ascertained that the candidate will not, as a result of the granting of the said request, receive an unfair advantage over other candidates.

Transferring of examination entries

10. (1) The Head of the Department may in a case which in his or her opinion is exceptional, approve that a candidate writes an examination in a particular subject or subjects at another examination centre than the centre where he or she entered for that examination if-

- (a) the candidate applies in writing for the transfer of his or her entry to another centre, and the school principal or chief invigilator concerned co-signs the application and forwards it to the Department;
- (b) the application referred to in paragraph (a) reaches the Department 14 days before the commencement of the examinations; and
- (c) the application referred to in paragraph (a) is accompanied by a written declaration in which the candidate sets out the reasons for his or her

application and, in the case where the application is made because the candidate has been transferred by his or her employer, by a declaration by his or her employer in which the transfer is confirmed.

Announcement of examination results

11. The Head of the Department shall release the examination results on a date that he or she deems fit.

Re-marking of examination answer books and checking of marks

12. (1) A candidate who has not satisfied the pass requirements in an examination which the Head of the Department determines in respect of the subject concerned and is of the opinion that he or she achieved a higher mark in an examination, may apply to the Head of the Department to have his or her examination answer book remarked or to have the marks awarded to him or her checked.

(2) The Member of the Executive Council shall, in consultation with the Financial Head, from time to time determine the fees which a candidate shall pay in respect of the remarking of his or her examination answer books.

(3) An application referred to in sub-regulation (1) shall reach the Head of Department within 30 days after the examination results in respect of the subject concerned have been made known in accordance with the provisions of regulation 10 and shall be accompanied by the remarking fees referred to in sub-regulation (2).

Issue of diplomas, certificates and statements of results in subjects

13. (1) A diploma or certificate shall be issued free of charge without any marks or signs of erasure or alteration, to a candidate who passed an examination conducted in terms of these regulations.

(2) The Head of the Department may on payment of the fees as determined by Member of the Executive Council in consultation with the Financial Head, from time to time-

(a) withdraw and cancel a certificate or diploma which has been produced to him or her by the person to whom it was issued and, which in the opinion of the Head of the Department has been damaged, by drawing two parallel lines across it with the word "cancelled" between them, and to replace it with a diploma or certificate in the form determined by him or her and on which the same particulars are inserted as these which appeared on the original diploma or certificate;

(b) replace a diploma or certificate in respect of which the person to whom it was issued claims that it-

(i) has been damaged;

(ii) has been destroyed; or

(iii) has been lost-

irrespective of whether such diploma or certificate can be produced or not, in the form determined by him or her, and on which the same particulars which appeared on the original diploma or certificate appear: Provided that the Head of the Department shall withdraw and cancel a damaged diploma or certificate produced to him or her by drawing two parallel lines across it with the words "cancelled" between them;

(c) replace a lost or damaged statement of results in subjects on application of a candidate to whom it was issued.

(3) Anyone who falsifies a diploma, a certificate or a statement of results in subjects shall be guilty of an offense and on conviction be liable to a fine or to imprisonment for a period not exceeding three months, or both.

Exemption or recognition of subjects

14. (1) Exemption from the writing of an examination in a subject may be granted to a candidate by the Head of the Department on application of a school on the ground of a subject passed in a formal course referred to in the Act, if the candidate intends following another formal course, in respect of-

(a) the subject for which the candidate did not obtain a diploma or certificate; or

(b) not more than 50% of the subjects on the level required for a diploma or certificate on account of the subjects of a diploma or certificate already obtained by the candidate: Provided that the contents of the syllabus of the subject for which exemption from the writing of an examination is required, in the opinion of the Head of the Department, sufficiently correspond with the contents of the syllabus of the subject which the candidate has passed.

(2) The head of the Department may, on application, recognise a subject which a candidate has passed at another examining body than that referred to in section 1 of the South African Certification Council Act, 1986 (Act No. 85 of 1986), for purposes of awarding a diploma or a certificate: Provided that the contents of the syllabus of the subject for which recognition is required in the opinion of the Head of the Department sufficiently correspond with the contents of the syllabus of the subject which the candidate has passed: Provided further that the candidate shall write and pass the

examination in at least 50% of the subjects required on the N3 level for the diploma or certificate he or she wishes to obtain.

Specific irregularities and disciplinary measures

15. (1) Any person who, in connection with an examination-

(a) gives or agrees to give or offers any gift or consideration to any other person, or accepts or obtains or agrees to accept or attempts to obtain from any person for himself or herself or for any other person, any gift or consideration, as an inducement or reward for the commission of any act calculated to obtain for or confer upon any person any unfair advantage:

(b) commits any act calculated to obtain for or confer upon any person any unfair advantage, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period of exceeding three months.

Unauthorised possession of examination papers

16. (1) No person other than a departmental official authorised by the Department shall have in his or her possession, an examination paper on a date and time prior to that approved in terms of an examination, and no person shall buy, sell, reproduce or in any manner copy or allow to be copied or distribute such examination paper.

(2) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months or both.

Suspension or expulsion from school

17. (1) If a candidate is suspended or expelled from a school the Head of the Department may, upon a written application from the candidate or his or her legal guardian, allow such a candidate to write the examination at any other examination centre which the Head of the Department may designate, after the case has been heard.

Examination answer books and material required for the writing of examinations-

18. (1) The head of the Department shall supply a candidate who writes an examination with an examination answer book and any other material which is essential for the writing of the examination, free of charge.

(2) Unless the Head of the Department decides otherwise in a particular case, an examination shall be written in an examination answer book and a candidate shall use only the material supplied to him or her in terms of subregulation (1) for the writing of an

examination.

(3) All examination answer books and material used for or at the conducting of an examination shall be the property of the Department and such examination answer books shall be retained by the Head of the Department for a period of six months after the date on which the result of the examination concerned, was announced.

(4) (a) An examination answer book containing the answers of a candidate that has been handed in for marking by an examiner or moderator, shall not be made available to anyone else and no person shall be allowed to peruse it without the permission of the Head of the Department.

(b) A blank examination answer book shall only be made available in the examination room to a candidate who entered for an examination.

(c) An examination answer book, whether blank or containing answers of a candidate, shall not be removed from the examination room by a candidate.

Discretionary powers

19. (1) Subject to the provisions of these regulations, the Head of Department may exercise his or her discretion in respect of examination matters in circumstances which are in his or her opinion justified.

Examiners and moderators

20. (1) The Head of the Department may-

(a) appoint an examiner, subject to the conditions as he or she may deem fit to-

(i) set draft examination papers in the different subjects in which an examination is conducted;

(ii) mark examination answer books or conduct practical examinations;

(iii) award marks to candidates for the subjects in which they wrote examinations; and

(b) appoint a moderator, subject to the conditions as he or she may deem fit, to-

(i) moderate draft examination papers;

(ii) moderate examination answer books in respect of an examination and evaluate the marks that have been awarded to a candidate by the

examiner; and

(iii) undertake the remarking of examination answer books;

(c) appoint an assistant examiner, subject to the conditions as he or she may deem fit, to mark examination answer books or conduct practical examinations;

(d) enter into general or specific agreements with an examiner or a moderator for the efficient administration of the examinations;

(e) terminate the services of an examiner or a moderator at any time; and

(f) amend or substitute the conditions of appointment referred to in paragraphs (a), (b) and (c), with the exception of remuneration, at any time.

(2) In addition to subregulation (1), the following conditions shall apply to examiners and moderators and anyone who assist them in the execution of their duties:

(a) The contents of a draft question paper, the memorandum on it and the marks obtained by a candidate shall not be disclosed to unauthorised persons;

(b) an examiner or a moderator shall not hold the copyright in a draft question paper or a question paper or memorandum drawn up on behalf of the Department;

(c) the Head of the Department shall not be obliged to have the examination scripts in a particular subject marked by the examiner who drew up the question paper or to have such examination scripts moderated by the moderator who moderated the question paper;

(d) the Head of the Department may, at his or her discretion, amend and use a question paper or a memorandum without consulting the examiner or moderator concerned;

(e) question papers shall be set in accordance with the syllabi and conditions that have been approved by the Department for the course concerned;

(f) the moderator shall assess, and comment on the draft question paper and the memorandum objectively and ensure that no language or any other mistakes occur in the draft question paper, that it conforms with the syllabus and the course requirements, and that the required standard has been maintained. Should that not be the case, he or she may, at his or

her discretion, submit for the proposal for amendment or improvement to the examiner: Provided that, should the moderator and the examiner not be able to reach agreement, the Head of the Department will make the final decision on such points of disagreement;

- (g) a file containing the syllabus, draft question paper and a memorandum shall be kept intact, and correspondence between the examiner and the moderator shall be kept in a relevant file;
- (h) a file containing a draft question paper and a memorandum shall be posted by registered mail after the envelope containing such file has been securely sealed;
- (i) when marking and moderating examination answer books, examiners and moderators shall exercise the greatest care and maintain the highest degree of impartiality to ensure the objective allocation of marks to a candidate;
- (j) if the number of examination scripts for a particular subject exceed the number prescribed by the Department, per examination, the examiner shall, with a view to expediting the marking and with the approval of the Head of the Department, make use of assistant examiners;
- (k) an examiner shall be responsible for the work of his or her assistant examiners and shall himself or herself mark the number of scripts prescribed by the Department per examination in a particular subject and shall check a percentage prescribed by the Department of those script marked by the assistant examiners;
- (l) a moderator shall write a report on the form "Moderator's Report", on standard of marking in the subject for which he or she is responsible, and in it he or she shall make specific proposals and support his or her reasons for finding it necessary to depart from the examiner's allocation of marks; and
- (m) after any examination, an examiner shall, on the form "Examiner's Report", report on each question paper for which he or she is responsible, provide the statistical data required by the Department and make general remarks and suggestions, to be communicated to the relevant educational institutions for improving the presentation of the subject.

Provincial Examinations Board

21. (1) The Head of Education shall appoint a Provincial Examinations Board which should consist of representatives from the following sectors:

- (a) The provincial education department;
- (b) principals from the school sector;
- (c) the parent community;
- (d) the organised teaching profession;
- (e) tertiary institutions in the province;
- (f) the national accreditation body; and
- (g) such other persons that the Head of the Department may wish to be represented.

(2) The Head of the Department shall appoint a person with the rank of Chief Director as chairperson of the Provincial Examinations Board.

(3) The members present at any meeting of the Provincial Examinations Board shall constitute a quorum provided that-

- (a) such a quorum may never be less than five persons; and
- (b) notice of a meeting must be given by registered mail at least seven days prior to the meeting or shorter if done telephonically or in person to all members.

(4) The Provincial Examinations Board may elect from its members an executive committee or any other committee to conduct aspects of its duties provided that such committee must report to the Provincial Examinations Board.

(5) The Chairperson may allow a person or persons, who are not members of the Provincial Examinations Board to attend meetings and address such meetings and to take part in deliberations provided that such a person may not vote on any matter being considered by the Board.

(6) A member of the Provincial Examinations Board will hold office for a period of three years after which he or she may be reappointed provided that the interested group represented by such a person has not withdrawn its nomination in respect of such person in which event such a person will immediately cease to be a member of the Board.

(7) The interest group referred to in subregulation (1) which nominated members for appointment to the Provincial Examinations Board, may also nominate seconded members to the Board.

(8) The Member of the Executive Council may, in consultation with the Financial Head, pay such money to members of the Provincial Examinations Board as may be applicable to reimburse such member for his or her travelling expenses and daily allowances. No such money will however, be paid to a member who is employed by the Mpumalanga Education Department.

(9) The Provincial Examinations Board may advise the Head of the Department in respect of the following matters

- (a) Norms and standards for the examinations conducted in the Mpumalanga Province;
- (b) policy aspects affecting evaluation; and
- (c) any other related matters, which the Head of the Department may refer to the Provincial Examinations Board.

(10) Notwithstanding the establishment of the Provincial Examinations Board, the running and management of the examination system will remain the responsibility of the Mpumalanga Education Department under the Head of the Department.

Repeal of regulations

22. (1) The regulations listed in column one of Annexure A are hereby repealed to the extent set out in column two of Annexure A.

(2) All other regulations which are inconsistent with the Act and these regulations are hereby repealed.

Short title

23. These regulations shall be called the Examination Regulations, 1997.

ANNEXURE A

REPEAL OF REGULATIONS

Title, number and year of regulation	Extent of repeal
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Education and Training Act, 1979 (Act No. 90 of 1979). The whole.

Regulation No. 803 of 16 April 1981

The whole.

Regulation No. 332 of 30 April 1982

The whole.

Regulation No. 3091 of 6 November 1992

The whole.
