

Notice No. 2496 OF 1998
Gazette No. 543

**REGULATIONS RELATING TO THE SENIOR CERTIFICATE EXAMINATION IN
TERMS OF THE EXAMINATIONS AND ASSESSMENT ACT, 1997**

The Member of the Executive Council for Education has, under the power granted in the Examinations and Assessment Act, 1997 (Act No. 7 of 1997), made the regulations contained in the Schedule hereto.

SCHEDULE OF REGULATIONS

Definitions

1. (1) Subject to subregulation (2) and unless the context indicates otherwise, a word which is defined in the Examinations and Assessment Act, 1997 (Act No. 7 of 1997) has the same meaning in these regulations.

(2) In these regulations, unless the context indicates otherwise, the following definitions apply-

"candidate" means any person registered with the Department to write the examination;

"centre" means an education institution registered with the Department for the purpose of conducting the examination;

"Director" means the Director: Examinations and Certification in the Department;

"examination" means the Grade 12 Senior Certificate Examination of the Department, and includes the Grade 12 Senior Certificate Supplementary Examination of the Department, and includes any events, activities, processes and procedures necessary for the administration of such Examinations;

"examination material" means examination material authorised by the Department for the purposes of the examination, and excludes material which the Department has officially released to the public;

"irregularity" means any event, act or omission, and any alleged event, act or omission, which may undermine or threaten to undermine the security or integrity of the examination, or the fair or efficient administration of the examination;

"official" means any person employed in a temporary or permanent capacity by the Department or by a centre to perform any duty related to any aspect of the administration of the examination;

"restricted area" means any area, including a vehicle, in which examination material is prepared, packaged, stored, or from which examination material is distributed, or in which examination answer books are marked, or in which examination-related information is kept in any form, or any other area to which the Head of Department deems it necessary to restrict access in order to protect the security or integrity of the examination;

"Rules" means the Examination Rules issued by the Head of Department in terms of section 5 of the Examinations and Assessment Act, 1997 (Act No. 7 of 1997); and

"this Act" means the Examinations and Assessment Act, 1997 (Act No. 7 of 1997).

Registration for examination

2. Every public school must ensure that every learner enrolled in Grade 12 at that school is registered with the Department for the examination, unless that school has obtained a written exemption from the Head of Department.

Powers and duties of Head of Department

3. (1) The Head of Department must cause the examination to be conducted.
- (2) The Head of Department may take any reasonable action, including the declaration of an irregularity, which in his or her opinion is necessary to guarantee the security or integrity of the examination, or the fair or efficient administration of the examination.
- (3) The Head of Department may designate restricted areas, with or without limitations regarding the period of time during which they are so designated.
- (4) The Head of Department may block the release of the marks in one or more subjects of a candidate involved in an irregularity.
- (5) The Head of Department may appoint officials and withdraw such appointments.

- (6) The Head of Department may authorise an official to perform specified functions with regard to the examination, including functions related to the handling of examination material, and may withdraw such authorisation.
- (7) The Head of Department may issue directives to any official
- (8) An official who receives a directive contemplated in subregulation (7) must comply with that directive.
- (9) The Head of Department may, subject to such conditions as he or she may determine
 - (a) delegate to any official any power conferred upon the Head of Department under these regulations, except a power related to an appeal as contemplated in regulation 8; and
 - (b) assign to any official any duty of the Head of Department in terms of these regulations.
- (10) Any delegation or assignment under subregulation (9) does not prevent the Head of Department from exercising such power or performing such duty.

Powers and duties of Director

- 4. (1) Subject to these regulations, and in addition to any penalty which may be imposed in terms of regulation 7, the Director may, in respect of any contravention of or failure to comply with the Rules, or any contravention of or failure to comply with regulation 6
 - (a) after a fair hearing
 - (i) bar a candidate from writing the examination for a period not exceeding five years; and
 - (ii) declare any examination marks of a candidate null and void, partially or in their totality; and
 - (b) after providing a candidate with a reasonable opportunity to offer an explanation for his or her contravention or failure to comply
 - (i) prevent a candidate from entering an examination sitting; and

- (ii) cause a candidate to be removed from an examination sitting.
- (2) A penalty imposed in terms of subregulation (1) must be proportionate to the relevant contravention or failure to comply.
- (3) A penalty imposed in terms of subregulation (1) takes immediate effect unless the Director orders otherwise.
- (4) The Director may, subject to such conditions as he or she may determine
 - (a) delegate to any official any power conferred upon the Director under these regulations; and
 - (b) assign to any official any duty of the Director in terms of these regulations.
- (5) Any delegation or assignment under subregulation (4) does not prevent the Director from exercising such power or performing such duty.

Investigations

- 5. (1) The Head of Department may appoint any appropriate person to conduct an investigation into any irregularity.
- (2) Any person who conducts an investigation in terms of subregulation (1) may
 - (a) enter the grounds of any centre;
 - (b) if he or she has reason to believe that any person is able to give evidence on any matter related to the investigation, order that person to appear at a stated time and place to answer questions;
 - (c) question, under oath or otherwise, any person referred to in paragraph (b);
 - (d) if he or she has reason to believe that any person is able to produce any article, document, book, video or audio-recording or anything relevant to the hearing, order that person to deliver to him or her that article, document, book, video or audio-recording or thing;

- (e) examine and make copies of any article, document, book, video or audio recording or thing referred to in paragraph (d); and attach any article, document, book, video or audio-recording or thing referred to in paragraph (d) H, in his or her opinion, it may provide evidence which assists in the investigation of an irregularity.

Offences

6. (1) No person may

- (a) impersonate a candidate; or

- (b) enter into an arrangement which has as its aim the impersonation of a candidate.

(2) No person may, through any act or omission, undermine or threaten to undermine

- (a) the security or integrity of the examination; or

- (b) the fair or efficient administration of the examination.

(3) No person may

- (a) contravene or fail to comply with a Rule, when such contravention or failure to comply undermines or threatens to undermine the security or integrity of the examination, or the fair or efficient administration of the examination;

- (b) contravene or fail to comply with a directive issued in terms of these regulations, when such contravention or failure to comply undermines or threatens to undermine the security or integrity of the examination, or the fair or efficient administration of the examination;

- (c) be in possession of falsified examination marks;

- (d) release falsified examination marks; or

- (e) distribute falsified statements of examination marks or falsified examination certificates.

(4) Unless he or she is duly authorised in terms of these regulations, no person may

- (a) be in possession of examination material, or copies of examination material made by any means;
 - (b) be in possession of draft examination material, or copies of draft examination material made by any means;
 - (c) disclose examination material, or copies of examination material made by any means;
 - (d) disclose draft examination material, or copies of draft examination material made by any means;
 - (e) permit any person to have access to examination material, or copies of examination material made by any means;
 - (f) permit any person to have access to draft examination material, or copies of draft examination material made by any means;
 - (g) distribute examination material, or copies of examination material made by any means; or
 - (h) distribute draft examination material, or copies of draft examination material made by any means.
- (5) No person may
- (a) obstruct or interfere with any person conducting an investigation contemplated in regulation 5;
 - (b) fail to comply with any order contemplated in regulation 5; or
 - (c) refuse, without just cause, to answer any question contemplated in regulation 5.

Fine and imprisonment

7. A person who contravenes or fails to comply with regulation 6 is liable on conviction to a penalty of a fine or imprisonment not exceeding two years.

Appeals

8. (1) Any person who is aggrieved by a decision of the Director made in terms of regulation 4(1) may, within 30 days of being notified of that decision, appeal in writing against that decision to the Head of Department, setting out the grounds for the appeal.

(2) The Head of Department must, within 60 days of receiving an appeal contemplated in subregulation (1), confirm, vary or set aside the relevant decision.

(3) The decision of the Head of Department regarding an appeal contemplated subregulation (1) is final.

Repeal of regulations

9. Any regulation in force at the commencement of these regulations that is inconsistent with these regulations is hereby repealed.

Short title

10. These regulations shall be called the Senior Certificate Examination Regulations, 1998.