

Notice No.3339 OF 2003

Gazette No. 436

DEPARTMENT OF EDUCATION

EXAMINATION AND ASSESSMENT ACT, 1997 (ACT NO. 7 OF 1997)

SENIOR CERTIFICATE EXAMINATION AMENDMENT REGULATIONS, 2003

The Member of the Executive Council responsible for education has made the amendment regulations in the Schedule under section 17A of the Examinations and Assessment Act, 1997 (Act No. 7 of 1997).

SCHEDULE

Definitions

1. In these Regulations, "the Regulations" means the Senior Certificate Examination Regulations published in the Provincial Gazette under Government Notice No. 2696 of 23 October 1998.

GENERAL EXPLANATORY NOTE:

[] Expressions in bold type in square brackets indicate omissions from existing regulations.

_____ Expressions underlined with a solid line indicate insertions in existing regulations.

Amendment of regulation 1 of Regulations

2. Regulation 1 is hereby amended-

(a) by the deletion of the definition of " Director".

Amendment of regulation 3 of Regulations

3. Regulation 3 is hereby amended-

(a) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) The Head of Department may designate restricted areas [**, with or without limitations regarding**] and determine the period of time during which they are so designated."

(b) by the substitution for sub-regulation (4) of the following sub-regulation:

(4) The Head of Department may block the release of the marks **[in one or more subjects]** of a candidate In any subject in which the candidate was involved in an irregularity.

(c) by the deletion of sub-regulations 9 and 10.

(d) by the insertion after sub-regulation 8 of the following sub-regulations:

"(8A) Subject to these Regulations, and in addition to any penalty which may be imposed in terms of Regulation 7, the Head of Department 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.

(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.

(8B) A penalty imposed in terms of sub-regulation (8A) must be proportionate to the relevant contravention or failure to comply.

(8C) A penalty imposed in terms of sub-regulation (8A) takes immediate effect unless the Head of Department orders otherwise."

Regulation 4 of Regulations

4. Regulation 4 is hereby repealed

Amendment of regulation 5 of Regulations

5. Regulation 5 is hereby amended-

(a) by the substitution for the heading of the following: Investigations and hearings

(b) by the addition after sub-regulation (2) of the following sub-regulations:

"(3) After completing the investigation, the person appointed in terms of sub-regulation (1) must compile a report on the findings of the investigation.

(4) If there is evidence that any irregularity was committed, the Head of Department may appoint any appropriate person to conduct a hearing into the irregularity.

(5) Any person summoned to appear at a hearing contemplated in sub-regulation (4) above, has a right to representation including legal representation,".

Amendment of regulation 8 of Regulation

6. Regulation 8 is hereby amended-

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Any person who is aggrieved by a decision of the **[Director]** Head of Department may, within 30 days of being notified of that decision, appeal in writing against that decision to the Head of Department Member of the Executive Council, setting out the grounds of the appeal.".

(b) by the substitution for sub-regulation (2) of the following sub-regulation:"(2) The [Head of Department] Member of the Executive Council must [60] days of receiving an appeal contemplated in sub-regulation (1), confirm, vary or set aside the relevant decision.".

(c) by the substitution in sub-regulation 8 (3) for the words "Head of Department" of the words " Member of the Executive Council.

Repeal of Senior Certificate Examination Regulations, 1998

7. Regulations published in the General Notice No. 2496 Of 1998 of 28 September 1998 are hereby repealed.

Short Title

8. These regulations are called the Senior Certificate Examination Amendment Regulation, 2003.