

PROVINCIAL NOTICE

OFFICE OF THE PREMIER  
PROVINCE OF THE EASTERN CAPE

No. 34  
7 November 1995

NO. 4 OF 1995 (E.C.): EDUCATION LAWS AMENDMENT (CONDUCT OF  
MATRICULATION  
EXAMINATIONS) ACT, 1995 (EASTERN CAPE).

It is hereby notified that the Premier has assented to the  
following Act  
which is hereby published for general information: -

ACT

(Signed and assented to by the Premier on 30 October  
1995)

WHEREAS various laws dealing with education matters have, in  
terms of  
section 235 of the Constitution of the Republic of South Africa,  
1993 (Act No.  
200 of 1993), been assigned by the President of the Republic of  
South Africa for  
administration by the relevant authority in the Province of the  
Eastern Cape;

WHEREAS the Executive Council of the Province has assigned the  
administration of such laws to the Member of the Executive Council  
of the  
Province of the Eastern Cape responsible for education and culture;

WHEREAS the laws so assigned contain different provisions  
regarding the  
bodies responsible for the conduct of school matriculation  
examinations and the  
conduct of examinations generally;

AND WHEREAS it is in the best interests of education in the  
Province to  
establish a uniform system of conducting examinations.

BE IT THEREFORE ENACTED by the Provincial Legislature of the  
Province of  
the Eastern Cape, as follows: -

Functions of Permanent Secretary in respect of conduct of  
matriculation  
examinations

1. The Permanent Secretary of the Department of Education and  
Culture in  
the Province of the Eastern Cape shall, in respect of subjects  
approved for the  
provision of matriculation education in schools in the Province of  
the Eastern

Cape (hereinafter referred to as the Province), cause matriculation examinations to be conducted in accordance with the norms and standards prescribed under section 9(1) of the South African Certification Council Act, 1986 (Act No. 85 of 1986), or in accordance with any other applicable law.

Establishment of examination board and committees of board

2. (1) The member of the Executive Council responsible for education and culture in the Province of the Eastern Cape (hereinafter referred to as the responsible Member) shall establish an examination board for the Department of Education and Culture and may also establish committees of such board.

(2) The constitution, duties, powers and functions of the examination board and committees of such board shall be as prescribed.

Regulations

3. (1) The responsible Member shall make regulations which are not inconsistent with any law, as to-

(a) (i) the conducting of examinations referred to in section 1, the enrolment of candidates for those examinations, the conduct and discipline of candidates prior to, during and after those examinations, and the issue of certificates to pupils who have passed examinations;

(ii) the appointment, conduct, discipline, powers, duties and functions of examiners, moderators, invigilators and other persons whose services are necessary in connection with the conducting of those examinations; and

(iii) the admission of pupils of a private school to examinations conducted by the Department.

(b) the right of admission to school and hostel buildings for purposes of examinations; and

(c) any matter which may be prescribed under this Act and any other matter which he or she may deem necessary or expedient to prescribe in order to achieve the objects of this Act, including the handling of, and inquiries into, and the consequences of, any irregularities in the conduct of examinations.

(2) Different regulations may be made under subsection (1) in respect of different categories of schools.

(3) A regulation made under subsection (1) may, for a contravention thereof or a failure to comply therewith, prescribe a penalty not exceeding a fine of R4 000 or imprisonment for a period not exceeding 2 years.

(4) (a) The member of the Executive Council referred to in subsection (1) may, with the concurrence of the member of the Executive Council responsible for finance, prescribe fees, if any, in respect of examinations and certificates, and may grant exemption from the payment of such fees.

(b) Subject to the prescribed conditions, fees which were, in terms of paragraph (a), paid in respect of examinations by any person who, for any reason mentioned in those conditions, was unable to write the examinations may, either as a whole or in part, be carried forward to the next examinations or be refunded to him or her.

#### Application of Act and repeal of laws

4. (1) The provisions of this Act shall apply to the conduct of matriculation examinations, generally, in schools in the Province of the Eastern Cape.

(2) Any law (including any regulation, directive or rule made under that law), applicable in the Province of the Eastern Cape and which is still applicable in the Province in terms of section 229 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), shall, to the extent that it is inconsistent with the provisions of this Act and any regulation made under section 3, be deemed to have been repealed and to be of no force or effect in respect of the 1996 matriculation examinations or any supplementary examinations arising therefrom.

#### Short title and commencement

5. This Act shall be called the Education Laws Amendment (Conduct of Matriculation Examinations) Act, 1995 (Eastern Cape).

