

PROVINCIAL NOTICE

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF EDUCATION

No. 40
3 October 1998

EDUCATION LAWS AMENDMENT (CONDUCT OF MATRICULATION EXAMINATIONS)
ACT, No. 4
OF 1995 (E.C.): REGULATIONS

Under the powers vested in me by Section 3 of the Education Laws Amendment (Conduct of Matriculation examinations) Act, 1995 (Act No. 4 of 1995), I, Shepherd Malusi Mayatula, Member of the Executive Council responsible for Education in the Province of the Eastern Cape, and in consultation with the Member of the Executive Council responsible for finance, make the regulations contained in the Schedule.

S. M. MAYATULA
Member of the Executive Council responsible for Education:
Province of
the Eastern Cape

SCHEDULE

DEFINITIONS

1. In these regulations, unless the context otherwise indicates any expression or word to which a meaning has been assigned in the Education Laws Amendment Act, 1995 shall bear that meaning, and-

"Department" means the Department of Education in the Province of the Eastern Cape;

"deputy permanent secretary" means the deputy permanent secretary in the Department;

"district office" means a departmental office concerned with the administration, organisation, management and development of education;

"examination board" means the board established by regulation 2 (1);

"examination centre" means any premises identified by the regional director at which learners write matriculation examinations;

"grade" means that part of an educational programme which a learner may complete in one school year, or any other education programme which the

responsible Member may deem equivalent thereto;

"responsible Member" means the Member of the Executive Council responsible for Education;

"Permanent Secretary" means the Permanent Secretary for Education;

"regional director" means a departmental official charged by the responsible Member with responsibility for the administration, organisation and management of matriculation examinations in a region;

"Regions" means the six regions of the Province of the Eastern Cape, determined by the responsible Member as appears in Annexure A;

"school" means a public school or an independent school which enrolls learners in one or more grades between grade zero and grade twelve;

"South African Certification Council" means the council established in terms of section 2 of the South African Certification Council Act, 1986 (Act No. 85 of 1986);

"the Act" means the Education Laws Amendment (Conduct of Matriculation Examinations) Act, 1995 (Act No. 4 of 1995).

ESTABLISHMENT, CONSTITUTION, DUTIES, POWERS AND FUNCTIONS OF
THE
EXAMINATIONS BOARD AND COMMITTEES OF THE BOARD
CONSTITUTION PERIOD OF OFFICE AND MEETINGS

2. (1) An examinations board for the Departmental is hereby established.

(2) The examinations board shall consist of-

- (a) the Permanent Secretary;
- (b) the deputy permanent secretary: Education Provisioning and Management who shall act as chairperson of the board;
- (c) Directors of-
 - (i) General and Further Education;
 - (ii) Curriculum Development and Management;
 - (iii) Human Resource Utilisation;
 - (iv) Procurement and Auxiliary Services; and
 - (v) Quality Assurance and Assessment Procedures.
- (d) one representative from each of the recognised teachers' organisations.

- (e) one representative of the independent schools association;
- (f) one representative from each of the following stakeholders:
 - (i) technical colleges;
 - (ii) teacher training colleges;
 - (iii) technikons; and
 - (iv) universities.

(3) Experts can be co-opted to the board if and when the need arises.

(4) A member of the examinations board shall hold office for a period of three years as from a date fixed in advance by the Permanent Secretary unless he or she submits his or her resignation, in writing, to the Permanent Secretary or vacates his or her office for any other reason before the expiry of such period.

(5) A casual vacancy on the examinations board caused by the death of, or the vacation of office by a member, shall with due regard to the provisions of subregulation 2(2), be filled for the unexpired portion of the period of office of such member.

- (a) the deputy permanent secretary: Education Provisioning and Management in the Department;
- (b) the directors in regulation 2(2)(c);
- (c) the secretariat from the directorate: Education Provisioning and Management in the Department; and
- (d) one representative from each teachers' organisation.

POWERS AND DUTIES OF THE GENERAL COMMITTEE

5. (1) The powers and duties of the general committee of the examinations board shall be to-

- (a) discuss matters in respect of the functions of the board and advise the Permanent Secretary;
- (b) draw up departmental policy guidelines and rules in respect of internal and external examination requirements pertaining to the setting of uniform standards, completion and dispatching of internal and external returns;

(c) interact with the National Education Department, the National Accreditation Board and other examining bodies; and

(d) co-ordinate, evaluate, compile and distribute examination reports.

(2) All examination entries, duly completed on the prescribed forms, must be submitted by the principal of the school concerned to the local district office.

(3) The district office shall forward the entries to the office of the regional director for delivery to the examinations section of the Department of Education.

(4) All correspondence relating to examinations shall take place between the schools' examination centres concerned and the district or regional office, as the case may be.

(5) Principals of schools shall be entirely responsible for the correctness of examination entries and the timeous completion and submission thereof. No further entries or documents shall be accepted after the closing date.

(6) All documents for the enrolment of matriculation examination candidates for the final examination shall be forwarded in good time to the regional director for distribution to district offices, from where these will be distributed to examination centres.

(7) (a) Examination entry forms for grade 12 full-time candidates shall comprise-

- (i) an entry form;
- (ii) summary of subjects;
- (iii) an alphabetical list for the examination centre concerned.

(b) Examination entry forms for grade 12 private candidates shall comprise-

- (i) an entry form;
- (ii) summary of subjects; and
- (iii) an alphabetical list of all the candidates at the school or examination centre concerned.

(8) (a) Unless otherwise determined by the Permanent Secretary the

closing date for examination entries shall be the last day of the first school term for full-time as well as private candidates.

(b) The last date for changes to subject grades by candidates shall be the second Friday in August in each year.

(9) (a) All entry forms shall be grounded and batched separately in respect of full-time and private candidates as prescribed in the relevant manual.

(b) Each batch of entry forms shall be separately parcelled and labelled and submitted prior to the closing date by the school to the district or regional office, as the case may be.

(c) The alphabetical list as well as the summary of subject entry forms shall be completed in duplicate by the school. The original shall be attached to the batch and a copy thereof shall be retained by the examination centre concerned.

(d) Immediately after the closing date for examination entries, district officials shall arrange all documents pertaining to examinations as prescribed thereupon, dispatch said documents to the regional office concerned and forward them to the examination section of the Department of Education.

PRIVATE CANDIDATES

6. (1) A person may enter as a private candidate for matriculation examinations under the following circumstances:

(a) where a person has already written a full matriculation examination and has been re-admitted to a school;

(b) where a person has already written a full matriculation examination and does not attend school any more;

(c) where a person wrote an equivalent examination of another department or examination body if proof thereof is submitted; or

(d) where a person is an exchange student; and

(e) where a person is resident in the Province and is in possession of a grade 10 certificate obtained at least one year prior to the date of entry and is not attending school.

(2) The candidates mentioned in subregulation (1) (e) shall be subject to the following conditions:

- (a) a candidate is given five years within which to complete the required subjects for the matriculation course of study;
- (b) if a candidate does not complete his or her course of study within the stipulated period, all his or her subjects passed will then be completely disregarded; and
- (c) if such candidate still wishes to repeat the course, he or she shall have to start afresh and shall write even those subject he or she passed in the previous examinations.

(3) A private candidate who does not write an examination as a whole at one sitting shall, at the first attempt, write not fewer than two subjects and shall, at such attempt, be required to pass both such subjects: Provided that this requirement shall not apply to a private candidate who has been granted at least two credits.

(4) At subsequent attempts, a private candidate may be permitted to write one or more instructional offerings at a time.

(5) Subject to the provisions of subregulations (3) and (4), a private candidate shall not be required to write any subject for which a credit had been granted.

APPOINTMENT AND FUNCTIONS OF EXAMINERS, MODERATORS, SENIOR MARKERS, MARKERS AND INVIGILATORS.

7.(1) The Permanent Secretary shall, on the advise of the examinations board, appoint examiners and moderators for the purpose of setting examination papers, the marking of scripts and the allocation of marks to candidates.

(2) Persons interested in being appointed as examiners and moderators shall apply for such appointments and notices calling for applications shall be advertised in the Department's Bulletin and in Department Circular Minutes every second year or when necessary.

(3) The final day for submission of all such applications shall be the

last Thursday of July of the year in which advertisements have been placed.

(4) The processing of applications and the selection of examiners and moderators shall be as prescribed by the examination board.

(5) Requirements for appointment as examiners and moderators shall be determined by the examinations board and approved by the Permanent Secretary and shall be included in the advertisement referred to in subregulation (2).

(6) The conditions and terms of appointment of the examiners and moderators shall be determined by the Permanent Secretary.

(7) Appointments of examiners and moderators shall automatically terminate after two years unless the Permanent Secretary may approve a specific request for extension which shall not exceed one year.

(8) The Permanent Secretary may, acting on the advice of the executive committee of the examinations board, terminate the appointment of any examiner or moderator-

(a) where an examiner or moderator cannot meet his or her obligations as prescribed; or

(b) if the examiner or moderator leaves the service of the Department of Education for whatever reason; or

(c) where there is reasonable suspicion of dishonesty regarding the disclosure of any information to unauthorised persons without the approval of the executive committee of the examinations board or the Permanent Secretary; or

(d) where the examiner or moderator is suspended for, charged with, or is guilty of misconduct as defined in section 12 (1) of the Educators' Employment Act, 1994 (Proclamation No. 138 of 1994); or

(e) where the examiner or moderator is found to have wilfully supplied incorrect or inadequate information in his or her application for appointment; and

(f) on the recommendation of the board for good cause shown.

(9) No person shall be appointed as examiner or moderator unless he or she has-

- (a) a recognised professional teaching qualification;
- (b) a recognised degree in the subject applied for as an examiner or moderator;
- (c) a minimum of ten years teaching experience in the relevant subject at senior secondary school level in grade 11 and/or 12;
- (d) appropriate experience of at least three years as a marking examiner in the subject at senior secondary school level in grade 11 and/or 12; and
- (e) not been disqualified as a marking examiner in any public examination.

(10) The functions of examiners and moderators will be as prescribed by the examination board and approved by the Permanent Secretary.

(11) The examiner shall

- (a) take full responsibility and be accountable for the general control and completion of the marking of scripts for the subject for which he or she is appointed;
- (b) make sure that marking is completed and executed efficiently within the determined number of days which shall not exceed fourteen days, excluding Saturdays, Sundays and Public Holidays;
- (c) keep a record of attendance and a performance evaluation of each marker under his or her control for submission to the examination section of the Department for further reference..

(12) The remuneration of examiners, moderators, invigilators, markers and other support personnel shall be made according to national tariffs applicable at any given time.

(13) (a) Examiners appointed for specific papers of a subject shall also be deemed to have been appointed as senior markers for such papers.

(b) The Permanent Secretary shall appoint a convertor to arrange that the different examiners appointed to set different papers in the same subject collaborate with each other so as to ensure differentiation between such papers.

(14) The selection of senior markers shall be done by a selection panel appointed by the executive committee of the examinations board.

(15) The selection panel shall, in selecting senior markers do so in consultation with the examiner(s) of each subject.

(16) The appointment of a senior marker shall be done by the Permanent Secretary on the advice of the executive committee of the examinations board.

(17) All application forms for appointment as senior markers must be submitted to the district offices not later than 30 April of each year.

(18) The district manager of each district shall compile a list of names of senior markers for each subject and satisfy himself that the applicants meet the prescribed requirements.

(19) The district manager shall submit such lists of names to the regional director not later than 31 May of each year.

(20) The regional director shall submit a list of names from all the districts in his or her division to the office of the deputy permanent secretary in charge of examinations not later than 30 June each year.

(21) No person shall be appointed as senior marker in any specific subject unless he or she-

- (a) has three years teacher training in the subject; or
- (b) has an acknowledged teacher's qualification with at least a second year tertiary qualification in the specific subject; or
- (c) has an equivalent recognised qualification in the specific subjects;
- (d) has five years actual teaching experience in the specific subject at grade 11 and/or 12;
- (e) has at least two years marking experience in the specific subjects in the Senior Certificate Examination;
- (f) is currently teaching the subject concerned at grade 11 and/or 12;

(g) is in the employment of the Department of Education or in any other educational institution registered as such by the department:

Provided that a person who does not meet these requirements may be so appointed with the special permission of the Permanent Secretary.

(22) Application for an appointment as a marker shall be completed on an application form.

(23) Senior markers shall only be appointed for the length and duration of the marking session.

(24) The appointment shall automatically terminate at the end or completion of the marking session of the grade 12 examination scripts each year.

(25) Senior markers may not leave the marking venue until the marking and completion of all administrative duties have been satisfactorily executed on any particular day.

(26) The appointment of any senior marker may be terminated if-

(a) the performance of such senior marker is below the expected and approved standard; or

(b) he or she is unable to exercise strict control and discipline in his or her marking sessions; or

(c) he or she leaks information regarding the marks, or performance of candidates to any unauthorised person or institution.

(27) Where the appointment of a senior marker has been terminated as contemplated in subregulation (26) or where a senior marker has withdrawn, the Permanent Secretary shall appoint a substitute from a list of available unsuccessful applicants.

(28) The district manager will distribute application forms to all schools with grade 12 classes and encourage teachers to apply.

(29) Teachers wishing to apply for appointment as markers must submit their application forms to their principals who, in turn, should endorse and forward them to the district manager.

(30) The district manager shall scrutinize the application before

submitting such to the regional director not later than 30 June of each year.

(31) The regional director shall select and recommend the applicants for appointment as markers in consultation with examiners and senior markers.

(32) When appointments are made for markers, consideration should be taken of the need to expose as many teachers as possible to the experience of marking at grade 12 level.

(33) Preference should be given to educators to enable them to gain experience which may improve their teaching.

(34) A person shall be appointed as a marker if he or she has-

(a) a recognised professional teaching qualification in the subject concerned, obtained at the conclusion of the second year of study at the tertiary level;

(b) three years' actual teaching experience at the Senior Certificate level and at least two years actual teaching experience in the subject at the senior certificate or equivalent level; and

(c) a current teaching post in a school or other educational institution registered as such with the Department of Education of the Province.

(35) All persons involved in the marking of examination scripts or in administrative functions pertaining to the marking of examination scripts shall, before the end of the official school year, apply for leave before assuming duties at marking centres.

(36) A person in charge of each marking centre shall request that all persons involved in the marking and administration of scripts produce evidence that leave has been approved.

(37) A person who has no permission from the head of his or her school or institution and has not submitted proof of approved leave shall not be registered by the head of the marking centre.

(38) A person who has not been registered and given a registration identity shall not be allowed entrance into the marking centre.

(39) Notwithstanding the provisions of subregulation (38), officials of the Department of Education designated by the Permanent Secretary shall be allowed into the marking sessions.

(40) External moderators shall be appointed by the South African Certification Council to ensure that acceptable standards are maintained in the examinations by seeing to it that-

- (a) the draft question papers fall within the scope of the various syllabi;
- (b) the questions are distributed reasonably over the subject matter;
- (c) the standard of the draft question papers is reasonable and caters for the different ability groups;
- (d) marks are allocated judiciously;
- (e) the memoranda are complete;
- (f) the wording used and language used in the question is clear, correct and not ambiguous;
- (g) the measuring of the words used in questions set in the various languages employed in the examination is the same in each case; and
- (h) the draft examination papers have been forwarded to the deputy permanent secretary in charge of examinations on or before 30 November of the preceding year.

(41) The remark or comments and directives of the external moderators shall be attended to immediately on receipt by the examiners and internal moderators.

(42) Examinations shall be conducted at such places as the Permanent Secretary may approve.

(43) (a) The Permanent Secretary shall appoint invigilators to exercise supervision at examination centres and he or she may appoint a chief invigilator in respect of each examination centre to fulfil, in addition to supervision, such other duties as the Permanent Secretary may assign to him regarding the local control over examinations: Provided that if only one invigilator is appointed at

a particular centre, such invigilator shall fulfil the duties of a chief invigilator.

(b) The Permanent Secretary shall issue instructions (in these regulations referred to as "examination instructions") to chief invigilators and invigilators in connection with the control of examination papers and examination scripts, supervision and examinations and actions to be taken the case of irregularities.

RIGHT OF ADMISSION TO PREMISES FOR EXAMINATION PURPOSES

8.(1) Examination shall be conducted at all senior secondary schools and at such other places as may be approved as examination centres by the Permanent Secretary.

(2) All full-time as well as private candidates shall enter for an examination by completing the prescribed form at the examination centre or school where they intended writing the examination.

(3) Any full-time or private candidate who desires to enter for an examination shall qualify for entry for such examination only if his or her name appears in the official printout of names of candidates for the particular examination and subject.

(4) The Permanent Secretary shall issue to each candidate who qualifies for entry in terms of this regulation and whose entry has been accepted by the Permanent Secretary an admission form indicating the candidate's examination number and the subjects and grades on which such candidates has been entered for the examination.

(5) All full-time or part-time candidates shall produce original copies of their examination numbers as well as of their identity documents whenever requested to do so by the invigilator or the chief invigilator.

(6) The Permanent Secretary may cancel the entry of any full-time candidate, if such candidate, after his or her entry has been accepted

(a) is suspended as a learner from any school as a result of misconduct; or

(b) for whatever reason ceases to be a full-time learner of the school contemplated in subregulation (2).

(7) An invigilator at an examination centre may refuse any candidate admission to the examination room if such candidate cannot produce the admission form referred to in subregulation (6) as proof of the validity of his or her entry as well as proof as such candidate's identity, where deemed necessary.

EXAMINATION RULES AND EXAMINATION INSTRUCTIONS

9. (1) Any candidate shall strictly adhere to examination rules which the Permanent Secretary may issue in terms of subregulation (2) as well as to any examination instruction which the Permanent Secretary may make known to him or her through the chief invigilator or invigilator.

(2) The Permanent Secretary may issue rules (in these regulations referred to as "examination rules") to a candidate in connection with the writing of an examination and such rules may refer to-

- (a) matters referred to in these regulations;
- (b) the execution of instructions of the invigilator;
- (c) times to report for an examination;
- (d) objects which may be taken into the examination room;
- (e) the identification of a candidate and proof of entry for the examination; and
- (f) any other examination matter which he or she may deem necessary.

ABSENCE OWING TO ILLNESS

10. (1) A candidate who, owing to illness, is prevented from writing an examination or any paper of such examination shall inform the chief invigilator or have him informed, in writing, of such illness before the start of the examination.

(2) The Permanent Secretary may refund to a candidate referred to in subregulation (1) the examination entry fee, if any, paid by him or her or such part thereof as the Permanent Secretary with the concurrence of the Treasury may determine: Provided that such candidate shall through the chief invigilator concerned submit an application for refund of the examination fees referred to not later than thirty days after the date on

which the results of the examination were made known: Provided further that such application shall be substantiated by a certificate issued by a registered medical practitioner or dentist before the date on which the last paper of the examination concerned was written.

OPENING OF SEALED ENVELOPES CONTAINING EXAMINATION PAPERS AND PROHIBITION OF UNAUTHORISED PERSONS IN EXAMINATION ROOM

11. (1) No persons except the chief invigilator, or invigilator referred to in these regulations, shall open the sealed envelope containing the examination papers and the chief invigilator or the invigilator referred to shall open it only on the date and time determined for the examination papers concerned in the presence of candidates in the examination room.

(2) No person, except the invigilator, the candidates for the examination concerned or any person authorised thereto by the Permanent Secretary shall be permitted in the examination room during the time fixed for the examination.

CONDUCT AND DISCIPLINE OF CANDIDATES AND IRREGULARITIES BY CANDIDATES

12. (1) When an invigilator has reasonable grounds to suspect that a candidate or group of candidates-

(a) (i) takes into the examination room or has in his or her possession whilst he or she is in the examination room, any paper other than such as may be supplied to him or her by the invigilator as provided by the examiner as recorded in the examination instructions concerned, for the purposes of the examination or his or her admission form and identification document; or

(ii) in any irregular manner helps or attempts to help another candidate, obtains or attempts to obtain help or communicates or attempts to communicate with any person other than the invigilator; or

(iii) disregards the examination rules or examination instructions (except those regarding a matter referred to in paragraphs (i) and (ii) and, after being warned by the

instructions invigilator, continues to disregard the rules or referred to; or

(iv) creates a disturbance in an examination room or behaves in an improper or unbecoming manner and refuses, after being warned by the invigilator to refrain from causing the disturbance or to stop his or her improper or unbecoming behaviour; or

(v) disregards the instructions of the invigilator and, after being warned by the invigilator, continues to disregard said instructions; or that-

(b) (i) the contents of a question paper for which a candidate or a group of candidates has entered have become known to him, her or them prior to the date and time on which the examination is conducted;

(ii) another person impersonated the candidate concerned at the examination; or

(iii) some irregularity has occurred in connection with the writing of such examination or the handling of a script after such examination has been conducted, the invigilator shall, immediately bring such irregularity to the notice of the chief invigilator and the chief invigilator may, after he or she has confronted the candidate concerned with the alleged irregularity, afford him or her the opportunity to present his or her side of the case in writing or verbally, in the presence of the invigilator.

(2) The chief invigilator shall, immediately after the examination submit a complete report together with the candidate's written statement (or in the case of a verbal statement the chief invigilator's written version thereof) and any other evidence regarding the matter to the Permanent Secretary, on Form B on the Annexure hereto.

(3) The Permanent Secretary may cause an investigation to be held and shall for that purpose appoint an investigation panel comprising-

and (i) an official from the directorate: Quality Assurance
presiding Assessment Procedures, who shall also be the
officer;

(ii) an official from the regional office or the district
office concerned; and

(iii) any other official nominated by the Permanent
Secretary.

(4) (a) (i) The presiding officer may for the purpose of a
hearing by the investigating panel, summon any person who in his
or her opinion may be able to give material information
concerning the subject of the hearing, or who he or she suspects
or believes has in his or her possession or custody or
under his or her control any book, document or object which has
any bearing on the subject of the hearing, to appear
before the investigation panel at the time and place specified
in the summons, to be interrogated or to produce such book,
document or object.

(ii) A subpoena to a person to appear before the presiding
officer or to produce a book, document or object,
shall be signed by the presiding officer and be served on such
person by delivering or tendering it to him or her or by
sending it by registered post to him or her.

(iii) The panel may retain a book, document or object so
produced, for the duration of the hearing.

(b) During a hearing the panel may call upon and administer an
oath or accept an affirmation from any person at the hearing who was
or might have been summoned in terms of subregulation (4) (a),
and interrogate him or her and order him or her to produce any
book, document or object in his or her possession or custody or
under his or her control which the panel suspects or believes to have
a bearing on the subject of the hearing.

(c) If a person who has been summoned in terms of subregulation
(4) (a)

(ii) without sufficient cause, fails to attend at the time and place specified in the subpoena, or to remain in attendance until excused by the presiding officer from further attendance, or if a person called upon in terms of subregulation (4) (b) refuses to be sworn in or affirmed as a witness, or without sufficient cause fails to answer fully and satisfactorily to the best of his or her knowledge all questions lawfully put to him or her, or to produce any book, document or object in his or her control which he or she has been required to produce, he or she shall subject to the provisions of paragraph (5), be guilty of an offence and liable upon conviction to a fine not exceeding R2 000.

(d) At a hearing an officer or person accused of irregular conduct has the right to be personally present, to be assisted or represented by another person, to give evidence and, either personally or through a representative-

- (i) to be heard;
- (ii) to call witnesses;
- (iii) to cross-examine any person called as a witness in respect of the charge; and
- (iv) to have access to documents produced in evidence.

(e) After the conclusion of the hearing the presiding officer shall make a finding on a charge, mentioning in the case of a finding of guilty any aggravating and mitigating circumstances he or she may find, and make a recommendation regarding action in terms of subregulation (6).

(5) At the conclusion of the hearing the presiding officer shall notify the Permanent Secretary of the investigating panel's findings and the reasons therefor.

(6) The Permanent Secretary may upon receipt of the finding by the investigating panel based upon said findings and recommendations-

- (a) in the case of a candidate or group of candidates-

- (i) prohibit the candidate or group of candidates from entering the examination room or from further writing examinations;
- (ii) refuse to recognise the results obtained by the candidate or group of candidates in the examination;
- (iii) refuse any person referred to admission to an examination for such period as he or she may determine;
- (iv) instruct that any success in a subject or an examination as a whole with which such candidate has been credited be cancelled; or
- (v) reject the examination script in respect of the subject concerned.

(7) The Permanent Secretary may require a candidate or group of candidates referred to in subregulation (1) to rewrite the examination as a whole or in part on such date, time and place as he or she may determine.

(8) The Permanent Secretary may, within three months after cancellation of any success in terms of subregulation (1), by notice in writing, require a person to whom a diploma or certificate has been issued on the grounds of such success to return such diploma or certificate to him or her for cancellation within three weeks of receipt of such notice for cancellation.

CONDUCT AND DISCIPLINE OF EMPLOYEES OF THE DEPARTMENT

13. (1) When the Permanent Secretary has reasonable grounds to suspect that an officer or employee of the Department may be guilty of improper or unlawful conduct on his or her part, that is to say, he or she has-

- (i) unlawfully obtained question papers;
- (ii) tampered with or altered answer scripts;
- (iii) has sold or offered question papers for sale; or
- (iv) unlawfully copied or duplicated question papers,

the Permanent Secretary may cause an investigation to be held whereupon the provisions of regulation 12 (3), (4) and (5) shall mutatis mutandis apply.

- (2) The Permanent Secretary may on receipt of the finding-
- (i) caution or reprimand the officer;
 - (ii) impose upon him or her a fine;
 - (iii) transfer him or her to another post or direct that he or she be employed additional to the fixed establishment;
 - (iv) reduce his or her salary or grade or both his or her salary and grade to the extent recommended;
 - (v) discharge him or her or direct him or her to resign from the public service from a date to be determined by the Permanent Secretary; or
 - (vi) postpone his or her decision under subparagraphs (i) to (v) for a period not exceeding 12 calendar months.

(3) Any person who fails to comply with a notice referred to in regulation 12 (8) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds or, in default of payment, to imprisonment for a period not exceeding six months.

- (4) Any person who, in connection with an examination-
- (a) corruptly gives or agrees to give or offers any gift or consideration to any other person or corruptly accepts or obtains or agrees to accept or attempt to obtain from any other person for himself or gives any gift or consideration as an inducement or reward for the commission of any act calculated to obtain for or confer upon any candidate any unfair advantage; or
 - (b) commits any act calculated to obtain for or confer upon any candidate any unfair advantage,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand pounds or, in default of payment, to imprisonment for a period not exceeding twelve months.

MISCONDUCT OF LEARNERS DURING THE WRITING OF EXAMINATIONS

14. (1) If a learner who is a candidate in terms of the Act, is suspended or expelled from a school on account of misconduct after the examination has begun, the Permanent Secretary may take one or more of the following steps:

(a) refuse to recognise the results obtained by the candidate in the examination;

(b) prohibit the candidate from further writing the examination; or

(c) instruct that any success in any subject or examination with which the candidate was credited at such examination be cancelled.

(2) Subregulation (1) shall also apply to a candidate referred to in regulation 12 (6) whose entry has not been cancelled before the beginning of the examination.

IRREGULAR POSSESSION OF EXAMINATION PAPERS

15. (1) Unless specifically otherwise provided in these regulations, no person shall, prior to the date and time determined by the Permanent Secretary for the question paper concerned to be written, have in his or her possession, buy, sell, reproduce or in whatever way copy or have copies made of the question paper referred to.

(2) Any person who contravenes the provisions of subregulations (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rands or, in default of payment, to imprisonment for a period not exceeding twelve months. EXAMINATION SCRIPTS

16. (1) An examination script shall be the property of the department and shall be put at the disposal of a candidate only during the period determined for the writing of the examination concerned.

(2) Examination scripts shall be kept by the department for a period of at least ninety days after the result of the examination concerned were made available. RE-MARKING OF EXAMINATION SCRIPTS

17. (1) Any candidate who fails a written examination or does not achieve the required standard or is of the opinion that he should have achieved the required standard or is of the opinion that he should have a higher symbol in a subject, may apply to the Permanent Secretary to-

(a) have his or her examination scripts re-marked; or

(b) have his or her marks for a separate subject or subjects as well as his total marks verified.

(2) A decision by the Permanent Secretary after consideration of an application referred to in subregulation (1) in respect of the question whether a candidate failed or achieved a required standard or symbol shall be final and the Permanent Secretary shall not consider any further applications in this regard.

(3) An application referred to in subregulation (1) shall reach the Permanent Secretary within thirty days after the examination results are made and shall be accompanied by the examination fee for re-marking as determined by him or her.

ANNEXURE A

The following magisterial districts are included in the six regions indicated below-

1. NORTH EASTERN REGION

Bizana
Flagstaff
Kwa Bhaca
Maluti
Maxesibeni
Mount Ayliff
Mount Fletcher
Mount Frere
Lusikisiki
Siphangeni
Tabankulu
Umzimkulu

2. EASTERN REGION

Elliot
Elliotdale
Engcobo
Libode
Mqanduli
Ngqeleni
Port St Johns
Qumbu
Tsolo
Umtata
Xhora

5. NORTHERN REGION

Albert
Aliwal North
Barkly East
Cacadu
Cala
Cofimvaba

3. SOUTH EASTERN REGION

Butterworth
Centani
Gatyana
Gcuwa
Idutywa
Ngamakwe
Tsomo
Willowvale

4. CENTRAL REGION

Alice
East London
Keiskammahoek
King William's Town
Komga
Middledrift
Mpofu
Peddie
Seymour
Stockenstrroom
Stutterheim
Victoria East

6. WESTERN REGION

Aberdeen
Adelaide
Albany
Alexandria
Bathurst
Bedford

Cathcart
Cradock
Glen Grey
Herschel
Hewu
Hofmeyr
Indwe
Lady Frere
Lady Grey
Middelburg
Molteno
Ntabethemba
Sterkspruit
Sterkstroom
Steynsburg
Queenstown
Tarka
Venterstad
Whittlesea
Wodehouse
Xalanga

Fort Beaufort
Graaff-Reinet
Hankey
Humansdorp
Jansenville
Joubertina
Kirkwood
Pearston
Port Elizabeth
Somerset East
Steytlerville
Uitenhage
Willowmore

PLEASE NOTE!

ABOVMENTIONED MAP CANNOT BE REPRODUCED,
PLEASE CONTACT SABINET-ONLINE FOR A PHOTOCOPY.

