

MAURITIUS EXAMINATIONS SYNDICATE ACT

Act 4 of 1984 – 30 March 1984

ARRANGEMENT OF SECTIONS

SECTION

- | | |
|-------------------------------|--|
| 1. Short title | 10. Conditions of service of employees |
| 2. Interpretation | 11. Establishment of General Fund |
| 3. Establishment of Syndicate | 12. Powers of Minister |
| 4. Objects of Syndicate | 12A. Exemption |
| 5. Establishment of Board | 13. Donations |
| 6. Powers of Board | 14. Regulations |
| 7. Membership of Board | 15. — |
| 8. Director | |
| 9. Appointment of employees | |

MAURITIUS EXAMINATIONS SYNDICATE ACT

1. Short title

This Act may be cited as the Mauritius Examinations Syndicate Act.

2. Interpretation

In this Act—

“Board” means the Board of the Syndicate referred to in section 5;

“Chairperson” means the Chairperson of the Board;

“Director” means the Director of the Syndicate appointed as such under section 8;

“employee” means any employee of the Syndicate and includes the Director;

“General Fund” means the General Fund set up under section 11;

“member” means a member of the Board and includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of education is assigned;

“Syndicate” means the Mauritius Examinations Syndicate established under section 3.

3. Establishment of Syndicate

(1) There is established for the purposes of this Act a Mauritius Examinations Syndicate.

(2) The Syndicate shall be a body corporate.

4. Objects of Syndicate

The objects of the Syndicate shall be to—

- (a) organise and conduct such examinations as may be directed by the Minister;
- (b) engage in relevant research and other related activities tending to promote the development of a sound system of examinations;
- (c) award certificates; and
- (d) co-operate with other examination bodies.

5. Establishment of Board

(1) There is established for the purposes of this Act a Board which shall be the executive body of the Syndicate.

(2) The Board—

- (a) shall have control over the conduct of the affairs of the Syndicate;
- (b) may take such measures as it thinks fit to achieve the objects of the Syndicate.

6. Powers of Board

(1) The Board shall exercise all the powers of the Syndicate and may, with the consent of the Minister, borrow such sums of money as it may require for the purposes of this Act.

(2) The Board may, in the exercise of its functions under this Act, set up such committees as it thinks fit.

7. Membership of Board

(1) The Board shall consist of—

- (a) a Chairperson, to be appointed by the Prime Minister;
- (b) the Director;
- (c) a representative of the Prime Minister's Office;
- (d) a representative of the Ministry; and
- (e) such other members, not exceeding 5 in number, as may be appointed by the Prime Minister to represent educational interests.

(2) Every *ex officio* member of the Board shall remain a member for as long as he holds the office by virtue of which he became a member and every other member of the Board shall hold office for 3 years but shall be eligible for reappointment.

(3) The members specified in subsection (1) (a) and (e) shall be paid by the Syndicate such fees and allowances as the Board may, with the approval of the Minister, determine.

(4) Five members shall constitute a quorum.

(5) Subject to subsection (4), the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

8. Director

(1) The Director shall be appointed by the Prime Minister and shall hold office on such terms and conditions and at such remuneration as the Prime Minister thinks fit.

(2) The Director shall be the principal academic and administrative officer of the Syndicate and shall be responsible to the Board for maintaining and promoting the good order and efficiency of the Syndicate.

9. Appointment of employees

(1) The Board may, with the approval of the Minister, appoint, on such terms and conditions as it thinks fit, such employees as it considers necessary for the proper discharge of its functions under this Act.

(2) Every employee shall be under the administrative control of the Director.

10. Conditions of service of employees

The Board may, with the approval of the Minister, make provision to govern the conditions of service of employees and, in particular, to deal with—

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, employees;
- (b) appeals by employees against dismissal or any other disciplinary measures; and
- (c) the establishment and maintenance of provident or pension fund schemes and the contributions payable to, and the benefits recoverable from, those schemes.

11. Establishment of General Fund

(1) The Syndicate shall set up a General Fund—

- (a) into which all monies received from any source by the Syndicate shall be paid; and
- (b) out of which all payments made by the Syndicate shall be paid.

(2) The money deposited in the General Fund under subsection (1) shall be used and applied for the working of the Syndicate in such manner and for such purposes as, in the opinion of the Board, will best promote the interests of the Syndicate.

12. Powers of Minister

(1) The Minister may, in relation to the exercise by the Board of the powers of the Syndicate under this Act, give such directions of a general character to the Board, not inconsistent with this Act, as he considers to be necessary in the public interest, and the Board shall comply with those directions.

(2) The Syndicate shall provide facilities to the Minister for obtaining information with respect to its activities and shall furnish him with such documents as he may require.

12A. Exemption

Notwithstanding any other enactment, the Syndicate may—

- (a) frank letters or postal packets;
- (b) make remittances by money orders; or
- (c) despatch telegrams, free of charge.

[S. 12A inserted by Act 7 of 1995.]

13. Donations

Article 910 of the Code Civil Mauricien shall not apply to the Syndicate.

14. Regulations

(1) The Board may, with the approval of the Minister, make such regulations as it thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide—

- (a) for the levying of charges and the taking of fees; and
- (b) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

15. —
