
GOVERNMENT NOTICE

DEPARTMENT OF BASIC EDUCATION

No. R. 420

25 May 2015

DEPARTMENT OF BASIC EDUCATION

THE SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)

CALL FOR WRITTEN SUBMISSIONS FROM STAKEHOLDER BODIES AND MEMBERS OF THE PUBLIC ON THE DRAFT AMENDMENT REGULATIONS PERTAINING TO THE CONDUCT, ADMINISTRATION AND MANAGEMENT OF THE SENIOR CERTIFICATE EXAMINATION

1. I, Angelina Matsie Motshekga, Minister of Basic Education, hereby, in terms of section 61(d) of the *South African Schools Act, 1996 (Act No. 84 of 1996)* and after consultation with the Council of Education Ministers give my intention to amend the *Regulations Pertaining to the Conduct, Administration and Management of the Senior Certificate Examination*, promulgated as Government Notice No. 1044 in Government Gazette No. 28156 of 21 October 2005. In view of this, I invite stakeholder bodies and members of the public to comment on the relevant regulation changes as set out in the **Schedule**.

SUBMISSIONS

2. It would greatly assist the Department of Basic Education if all submissions could be prepared under the headings of the various Regulations listed in the **Schedule** available on the above-mentioned website. If you do not wish to comment under a particular Regulation, please indicate "No comment".


CLOSING DATE

3. The closing date for the receipt of comments is set as **21 days** after publication of this Notice.

ADDRESS FOR SUBMISSIONS

4. Please send your submission to-

Dr R Poliah, Chief Director, Department of Basic Education, Private Bag X895, PRETORIA, 0001 Or Fax: 012 328 2898 Or E-mail: poliah.r@dbe.gov.za


MRS AM MOTSHEKGA, MP
MINISTER OF BASIC EDUCATION
DATE: 03.03.2015

DEPARTMENT OF BASIC EDUCATION

THE SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)

REGULATIONS PERTAINING TO THE CONDUCT, ADMINISTRATION AND MANAGEMENT OF THE SENIOR CERTIFICATE EXAMINATION

GENERAL EXPLANATORY NOTE

[.....] Words in bold in square brackets indicate omissions from the existing regulations.

_____ Words underlined with a solid line indicate insertions into the existing regulations.

SCHEDULE

DEFINITIONS

1. In these regulations "the Regulations" means the regulations published as *Regulations for the Conduct, Administration and Management of Assessment for the Senior Certificate Examination*, published as *Government Notice No. 1044* in *Government Gazette No. 28156* of 21 October 2005 and amended as:

Government Notices No. 827 and 830 in *Government Gazette, Vol.507, No.30267* dated 7 September 2007.

Government Notices No. 1151 and 1152 in *Government Gazette No. 31535* dated 31 October 2008.

Amendment of Regulation 1 of the Regulations

2. Regulation 1 is hereby amended by-

(a) the insertion of the following definitions before the definition of an "assessment body"-

"act of dishonesty" means candidates engaging in dishonest acts during the examination process which include acts that are identified before the commencement of the examination, as well as acts that are identified while the examination question paper is being written or after the examination is written. This also includes knowingly making a false statement in respect of the authenticity of a particular component of the internal assessment in a subject, or the internal assessment for the subject as a whole;"

"act of misconduct" - means misbehaving, creating a disturbance or wilfully disobeying legitimate instructions, which may have an adverse effect on the examination process or the outcome of the examination;"

(b) the substitution for the definition of "administrative errors or omissions" of the following definition-

"administrative errors or omissions"- means [an examination error] irregularities that are of a technical nature, where the candidate or an examination official unintentionally fails to follow the prescribed administrative procedure, [thereby resulting in something being left out, not done or neglected

and the candidate may be advantaged or disadvantaged by this error or omission]. The learner may be disadvantaged by this error or omission and there must be clear evidence that the candidate did not act in a manner to gain an unfair advantage;”;

(c) the deletion of the definition of “behavioural offences”-

[“behavioural offences” - means misbehaving, creating a disturbance or wilfully disobeying legitimate instructions, which may have an adverse effect on the examination process or the outcome of the examinations;”];”

(d) the substitution for the definition of a “candidate” of the following definition-

“candidate” - means a learner who [is registered to sit] who has Enrolled for the Senior Certificate programme and who has registered for the Senior Certificate final examinations;”;

(e) the insertion, after the definition of a “candidate”, of the following definition-

“certification” - means the formal recognition of a qualification or part qualification awarded to a successful learner;”;

(f) the substitution for the definition of a “chief examiner or examiner” of the following definition-

“chief examiner or examiner” – means a person who [sets a question paper and the accompanying memorandum for the examination] manages the process of setting the examination question paper and takes responsibility for the quality and standard of the examination question paper;”;

(g) the substitution for the definition of a “chief invigilator” of the following definition-

“chief Invigilator” - means the principal or [head of an institution that serves at an assessment centre] another person specifically appointed in that capacity [to take responsibility] for the administration of the [examinations of the] Senior Certificate and other related assessment matters at the assessment centre;”;

(h) the substitution for the definition of a “chief marker” of the following definition-

“chief marker” - means a person who is responsible and accountable for the marking of an [external] examination question paper written under the [jurisdiction] auspices of an assessment body accredited by Umalusi;”;

(i) the insertion, after the definition of a “dangerous weapon”, of the following definition-

“Department of Basic Education” - means the national department responsible for basic education;”;

(j) the substitution for the definition of a “deputy chief marker” of the following definition-

“deputy chief marker” - means a person who assists the chief marker [in all his or her duties] with the final marking of an external examination question paper;”;

(k) the deletion of the definition of an “educator portfolio”-

["educator portfolio" - means the full and final record of all the tasks that must be presented by the learner in his or her portfolio for a particular subject, for the assessment in the Senior Certificate. The educator portfolio will also include the marking guideline and the assessment rubrics;"];

(l) the insertion, after the definition of a "deputy chief marker", of the following definitions-

"District Assessment Irregularities Committee (DAIC)" - means the District Assessment Irregularities Committee, established by the Provincial Head of Department, to coordinate the handling of examination assessment irregularities at a district level;;

"Education Department" - means a department as defined in the South African Schools Act, 1996 (Act No. 84 of 1996);;

"embargo" - means a ban on the release of information for a given period, or that the information must be kept secret;;

(m) the substitution for the definition of an "examination" of the following definition-

"examination" - means [a component of the assessment process and refers to the culmination of the summative assessment process when learners in Grade 12 are subjected to a final sitting at the end of the academic year] the external Senior Certificate examination;;

(n) the deletion of the definition of an "Examination Board"-
["**Examination Board**" is an advisory body comprising education stakeholders in the field of assessment, in the General and Further Education and Training Bands"];

(o) the substitution for the definition of an "examination centre" of the following definition-

"examination centre" - means a centre registered by an accredited assessment body to conduct [assessment and] examinations;;

(p) the insertion, after the definition of an "examination centre", of the following definitions-

"examination irregularity" - means any error, act or omission, or any alleged event, act or omission, which may undermine or threaten to undermine the integrity, credibility, security or the fairness of the examination process;;

"external moderator" - means a moderator appointed by Umalus to take responsibility for responsible for the accuracy, quality and standard of the question paper, as well as the final moderation of the examination script;;

(q) the deletion of the following definitions-

["**FET**" - means further education and training"];

["**Full-time candidate**" - means a candidate who has enrolled for full-time tuition and registered for a minimum of 6 subjects for the Senior Certificate at a public or independent school or any other registered institution for that particular examination sitting"];

(r) the insertion, after the definition of an "external moderator", of the following definitions-

"Head of Department" - means the Head of Department contemplated in

section 1 of the *South African Schools Act (No. 84 of 1996)* or the head of any other assessment body registered with Umalusi;”;

“Head of an assessment body” - means the Director-General of the Department of Basic Education, the Head of a Provincial Education Department or the Head of an independent assessment body;”;

“Hard copy” - means a paper copy of a question paper, marking guideline or any other assessment material;”;

(s) the deletion of the following definitions-

[“Head of institution” - means an educator appointed or acting as a principal of a school or the head or acting head of any other registered learning institution;]”;

[“Hearing” takes place after all the appropriate evidence has been assembled and the main purpose of a hearing is to allow the individual implicated by the alleged assessment irregularity to provide a response to the allegations made. The hearing should culminate in a decision”]”;

[“HEDCOM” - means the Heads of Education Department Committee”]”;

[“Internal assessment”- means the assessment contemplated in section 1 of the *General and Further Education and Training Quality Assurance Act (No. 58 of 2001)*;”;

(t) the substitution for the definition of an “investigation” of the following definition-

“Investigation” – means [encompasses all activities relating to the collection of evidence in respect of the reported irregularity. This may include interviews or submission of written reports from various examination officials, candidates or any other person that may assist in providing information on the reported irregularity. All investigations must be conducted under the auspices of the Provincial Examination Irregularities Committee (PEIC) including the committee for independent assessment bodies and reported to the Head of Department] the investigation contemplated in Regulation 62.

(u) the insertion, after the definition of an “investigation”, of the following definition-

“imposter” - means any person who writes or attempts to write the examination illegally on behalf of a candidate;”;

(v) the insertion, after the definition of an “invigilator”, of the following definition-

“Language of learning and teaching” – means in this context the language preferred by the candidate in which the final examination question papers must be printed;”;

(w) the deletion of the following definitions-

[“Learner” - means a learner contemplated in section 1 of *South African Schools Act (No. 84 of 1996)*];”;

[“Learner portfolio” - means the collection of the learner’s evidence that is used to compile his or her internal assessment mark;]”;

(x) the insertion, after the definition of “Language of learning and teaching”, of the following definition-

“learner who experiences barriers to learning” – means any learner who has difficulties in accessing the curriculum due to factors that prevent learners from learning and/or progressing in their learning;”;

(y) the insertion, after the definition of a “marker,” of the following definition-
“marking centre manager” - means an official appointed to be responsible for the management and administration of a marking centre;”;

(z) the deletion of the following definition
[“matriculation endorsement” - means the endorsement contemplated in section 16(7) of the *General and Further Education and Training Quality Assurance Act (No. 58 of 2001)*;];”;

(aa) the substitution for the definition of “matriculation endorsement” of the following definition-

“MEC” – [to advise the Provincial Education Departments on all matters relating to assessment and examinations in the GET and FET bands] means a Member of the Executive Council, contemplated in section 1 of the *South African Schools Act, 1996 (Act No. 84 of 1996)*;”;

(bb) the insertion, after the definition of “moderation,” of the following definitions-

“moderator” - means a person, as defined in section 1 of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No.58 of 2001)*;”;

“National Examination Board (NEB)” - means the advisory body, established by the Minister of Basic Education, to advise the Minister on all matters relating to examinations and assessment;”;

(cc) the substitution for the definition of the “National Examinations Irregularities Committee (NEIC)” of the following definition-

“National Examinations Irregularities Committee (NEIC)” - means the body established by the [Department of Education] Minister of Basic Education, to coordinate the handling of irregularities [by the assessment bodies] identified during the external examinations;”;

(dd) the deletion of the following definition-

[“Part-time candidate”- means a learner who does not attend or receive full-time tuition;];”;

(ee) the insertion, after the definition of the “National Examinations Irregularities Committee (NEIC)”, of the following definition-

“Personnel Administration Measures (PAM)” – [is the policy document that outlines] means measures that govern the remuneration and other service conditions of educators employed in terms of the *Employment of Educators Act, 1998 (Act No. 76 of 1998)*;”;

(ff) the insertion, after the definition of the “Personnel Administration Measures (PAM)”, of the following definition-

“Provincial Education Department” - means an education department, contemplated in Section 1 of the *Employment of Educators Act, 1998 (Act No. 76 of 1998)*;”;

(gg) the substitution for the definition of a “Provincial Examinations Board” of the following definition-

“Provincial Examinations Board” - means the advisory body, established by the MEC in the province, to advise the MEC on all matters relating to examinations and assessment;”;

(hh) the substitution for the definition of a “Provincial Examinations Irregularities Committee (PEIC)” of the following definition-

“Provincial Examinations Irregularities Committee (PEIC)” - means the **[the Provincial Examinations Irregularities Committee, established by the provincial assessment body to investigate, conduct hearings regarding internal and external assessment irregularities and make recommendations to the Head of Department of the assessment]** body contemplated in Regulation 45;”;

(ii) the insertion, after the definition of a “Provincial Examinations Irregularities Committee (PEIC)”, of the following definitions-

“Provider” - means a body as contemplated in section 1 of the *General and Further Education and Training Quality Assurance Act (No. 58 of 2001)*;”;

“Registration Centre” - refers to the place as identified by the assessment body where the candidate is registered to sit for the Senior Certificate examination;”;

(jj) the substitution for the definition of a “Senior Certificate” of the following definition-

“Senior Certificate” - means **[the certificate that is awarded as a final exit qualification at the end of Grade 12 to candidates who have complied with the requirements contemplated in Report 550; is this reference sufficient should we not include that this is a national policy]** a qualification at Level 4 on the National Qualifications Framework (NQF) which is awarded to a candidate who complies with the certification requirements set out in the policy document, *A Résumé of subjects for the Senior Certificate, Report 550, as amended*;”;

(kk) the substitution for the definition of a “service contract” of the following definition-

“service contract” - means **[a binding and legal]** an agreement between a Provincial Education Department [as an assessment body and an independent school or learning institution or a college for distance learning registered as an assessment centre, in respect of the administration and management of an examination or other assessment activities] and an independent institution/examination centre that desires to write examinations administered by a provincial assessment body;”;

(ll) the deletion of the following definition-

[“Subject grade” means the level or degree of complexity at which a particular subject is offered for the Senior Certificate. This currently refers to Higher, Standard or in special circumstances, Lower Grade;];”;

(mm) the substitution for the definition of “Umalusi” of the following definition-

“Umalusi” - means the **[for Quality Assurance in General and Further Education and Training, established in terms of the *General and Further Education and Training Quality Assurance Act (No. 58 of 2001)*]**, contemplated in section 1 of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*;”.

Amendment of Regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation-

“(2) These Regulations apply to both public and [private] independent assessment bodies.”.

Deletion of Regulations 3-13 of the Regulations

4. Regulations 3-13, are deleted

Amendment of Regulation 14 of the Regulations

5. Regulation 14 is hereby amended by-

- (a) the substitution for sub-regulation (1) of the following sub-regulation-
- “(1) The Assessment Body must develop a management plan in respect of the entire examination cycle, which must include the following-
- (a) objectives or targets to be achieved pertaining to the examination process;
 - (b) steps and processes that will result in the achievement of the said targets;
 - (c) persons who are responsible and accountable;
 - (d) time frame;
 - (e) a monitoring process;
 - (f) a process for moderation and verification of internal assessment; and
 - (g) a process for identification of, reporting of and dealing with irregularities.”.

(b) the insertion, after sub-regulation (1) of the following sub-regulation-

“(1A) A management plan must be developed in conjunction with key persons involved in the examination process.”.

(c) the substitution for sub-regulation (2) of the following sub-regulation-

“(2) The examination cycle commences with the appointment of examiners and internal moderators to set and moderate the question papers for the scheduled examination and concludes with [the release of the examination results] certification.”.

(d) the substitution for sub-regulation (3) of the following sub-regulation-

“(3) Planning and preparations for the conduct of external examinations must commence at least **[24]** 18 months prior to the scheduled examination date. All processes must be concluded at least six months prior to the commencement of the external examination.”.

(e) the substitution for sub-regulation (4) of the following sub-regulation-

“(4) The Department of Basic Education, the assessment body and Umalusi will monitor the entire examination cycle to ensure system readiness to deliver a credible examination.”.

Insertion of Regulation 14A of the Regulations

6. The insertion, after Regulation 14 of the following Regulation-
“14A The Department of Basic Education must develop an examination timetable for the Senior Certificate examination to be conducted in the subjects listed in the as Annexure D in the policy document, *A Résumé of subjects for the Senior Certificate, Report 550*. An independent assessment body must develop an examination timetable for the Senior Certificate examination that it conducts.”.

Amendment of Regulation 15 of the Regulations

7. Regulation 15 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation-

“(2) [Examination officials must disclose any information regarding the participation of their children or relatives in the examination.] A person who is appointed as an examiner or internal moderator must declare whether his or her son, daughter, brother or sister is sitting for the Senior Certificate examination during the period of appointment. Such an examiner or moderator must be relieved from the responsibility of setting or moderating examination question papers for that particular period.”.

Amendment of Regulation 16 of the Regulations

8. Regulation 16 is hereby amended by-

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

“(1) The assessment body must appoint -

(a) An examiner for each paper; or

(b) An additional examiner to assist the examiner

contemplated in paragraph (a); or

(c) A panel of examiners, if the candidates must write

more than one paper for a subject and the examiners must work together in setting all the papers for the subject;

[(d) Examiners for setting different grades of the same subject who must work together;]

(e) A Chief Examiner for a panel of examiners, who serves as a convener to ensure the quality and standard of the paper; and

(f) An internal moderator who takes final responsibility

in ensuring the standard and quality of the paper, before it is submitted to the external moderator.”.

- (b) the insertion, after sub-regulation (1) of the following sub-regulation-

“(1A) The appointment of educators or other subject experts as examiners must be done in terms of Annexure A.”.

- (c) the deletion of sub-paragraphs (2) to (7)-

- (d) the substitution for sub-regulation (9) of the following sub-regulation-

“(9) The Director-General [or the Head of the Department or his or her nominee] will make the final decision with regard to the appointment of internal moderators and examiners.”.

(e) the insertion, after sub-regulation (9) of the following sub-regulation-
“(10A) The Director-General of Basic Education or the Head of the independent assessment body must ensure that examiners or moderators do not participate in any activity that may compromise the confidentiality of the examination.”.

Amendment of Regulation 17 of the Regulations

9. Regulation 17 is hereby amended by-

(a) the substitution for sub-regulation (1) of the following sub-regulation-
 “(1) Examiners must perform the following functions-
 (a) Setting of question papers that are of the appropriate standard, quality and in the language of instruction as specified by the assessment body;
 (b) Drafting of:
 (i) additional question papers; and
 [(ii) **supplementary examination papers.**]
 (c) Drafting of memoranda of the question papers contemplated in (a) and (b)”.

(b) the substitution for sub-regulation (2) of the following sub-regulation-
 “(2) The internal moderator must perform the following functions:
 (a) Ensures that the question paper is of the appropriate standard and quality;
 (b) Ascertain that a question paper-
 (i) conforms to the [**core syllabus**] of the Curriculum and Assessment Policy Statement, adequately;
 (ii) provides for differentiation; and
 (iii) includes questions addressing the different cognitive levels;
 (c) Attend the memorandum discussions
 (d) Approve and sign off the finally agreed upon memorandum by the external moderator;
 (e) Moderates the marked scripts;
 (f) Liases with external moderators;
 (g) Gives advice, support and guidance to examiners;
 (h) Recommends the necessary changes to the question papers to the assessment body;
 (hA) approve and sign off the examination question papers prior to printing; and
 (j) Submit a report to the external moderator.”.

(c) the addition, after sub-regulation (2) of the following sub-regulations-
“(3) an examiner or internal moderator complies with all instructions and deadlines issued by the assessment body and Umalusi.”.
“(4) An internal moderator may be appointed by the assessment body specifically to perform the function of the moderation of examination answer scripts during the marking process. In such an event, the functions of the internal moderator may include the following-
(a) moderation of marked examination answer scripts to ensure compliance with the marking guidelines;
(b) an analysis of candidates' responses to identify areas of weakness and areas of good performance; and

(c) the compilation of a composite report on the marking of examination answer scripts."

Amendment of Regulation 18 of the Regulations

10. Regulation 18 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation-

"(2) Assessment bodies must give examiners and internal moderators guidelines in respect of setting question papers, which must include the following:

- (a) Number of question papers;
- (b) The duration of the question paper;
- (c) Maximum marks;
- (d) Format of the question paper;
- (dA) Number of marks for a particular subject-sections of the examination question paper; and
- (e) Any other requirement that it may deem necessary."

Insertion of Regulation 18A of the Regulations

11. The insertion, after Regulation 18 of the following Regulation-

"18A Language related to the examination question paper

(1) Examination question papers must be set in the language of learning and teaching.

(2) Unless otherwise directed in the examination question paper, a candidate must answer all questions in the language of learning and teaching.

(3) If the examination question paper is set in two languages, the candidate must answer the examination question paper in one language only, unless otherwise instructed."

Amendment of Regulation 19 of the Regulations

12. Regulation 19 is hereby amended by-

(a) the substitution for sub-regulation (1) of the following sub-regulation-
 "(1) **[A senior examination official must supervise the typing of all examination-related material in a secure area.]** The assessment body must ensure that clear structures and procedures are in place, regarding the typing, editing, translation and printing of examination question papers."

(b) the insertion, after sub-regulation (1) of the following sub-regulation-
 "(1A) Examination question papers must be submitted to the external moderator timeously, so as to allow for-

- (a) thorough moderation;
- (b) changes;
- (c) adaptations; and
- (d) the final duplication of the examination question papers."

(c) the addition, after sub-regulation (6) of the following sub-regulations-
 "(7) Examination question papers must be ready for external moderation at least six months prior to the commencement of the external examination."

"(8) The processing of examination question papers for the public examination must be done in terms of Annexure C."

“(9) Independent assessment bodies must comply with the Umalusi requirements.”.

Insertion of Regulation 19A of the Regulations

13. The insertion, after Regulation 19 of the following Regulation-
- “19A Storage and distribution of examination question papers
- (1) The assessment body must ensure strict security with regard to the storage and distribution of examination question papers at all times.
- (2) Each assessment body must select the distribution mechanism best suited to the examination centres under its jurisdiction.
- (3) Irrespective of the mechanism adopted, the following principles must be adhered to at all times-
- (a) The distribution chain should be as short as possible.
- (b) The number of persons involved in the distribution process should be restricted to a minimum.
- (c) The transfer of the examination question papers from one responsible official to another should be carefully checked and signed upon receipt.
- (d) Any discrepancies that are detected during the transfer Process should be reported immediately to the Head of the assessment body.
- (e) All persons involved in the distribution process should sign a Contract of Confidentiality.
- (4) The storage and distribution of question papers for the public examination must be done in terms of Annexure C.
- (5) Independent assessment bodies must comply with the Umalusi requirements.”.

Amendment of Regulation 20 of the Regulations

14. Regulation 20 is hereby amended by-
- (a) the deletion of sub-regulations 1-14-
- (b) The addition of the following sub-regulations-
- “(14A) Institutions offering the Senior Certificate for out of school and Adult learners must be accredited by Umalusi and registered by the Provincial Departments of Education as independent schools. These institutions must also be registered as examination centres with independent and public assessment bodies.”.
- “(14B) Independent schools are required to register as examination Centres with a public assessment body or an accredited private assessment body to examine the curriculum enacted at the sites of learning.”.
- “(14C) Accredited assessment bodies must register independent schools as examination centres and ensure that the requirements of the qualification being assessed are fulfilled.”.
- “(14D) In order for an independent school to be registered as an Examination centre by either an accredited independent assessment body or the state, such a school, besides being registered as a school, must also be accredited by Umalusi.”.
- “(14E) Independent schools that have complied with registration by the relevant Provincial Education Department and accreditation by Umalusi, must apply to the relevant assessment body for registration as examination centres under their own names.”.

“(14F) Examination centres must be registered by the assessment body in accordance with the following criteria-

- (a) a suitable venue to accommodate candidates, i.e. sufficient space and appropriate furniture to be used by candidates;
- (b) security of the venue.;
- (c) provision of proper lighting;
- (d) availability of water and toilet facilities;
- [(e) suitably qualified teaching staff or members of the community who can be trained as invigilators;]
- (f) availability of a strong room or safe for the safekeeping Of assessment material; and
- (g) the capacity to assess learners experiencing barriers to learning; and
- (h) report on previous irregularities at the centre with specific reference to th nature and outcome of the irregularities.”.

“(14G) All examination centres must be evaluated by an official from the assessment body, to verify that all the necessary facilities required for conducting the examination are available at the centre.”.

“(14H) Independent assessment bodies must apply to the relevant Assessment body for registration as examination centres under their own names”.

“(14I) Independent assessment bodies contemplated in *sub-regulation (3)* must comply with these regulations and must be subjected to the monitoring and moderation procedures of the assessment body.

“(14J) If the centre, institution or venue is approved as an examination centre, a centre number should be issued to that effect.”.

“(14K) Centres must apply and register as examination centres on an Annual basis in October of the year prior to the examination. A contract should be signed annually.”.

“(14L) The assessment body must ensure strict security with regard to the storage of examination question papers at all times.”.

“(14M) All examination centres, public and private must sing an annual Contract with the state or the independent assessment body.”.

Insertion of Regulation 20A-20D of the Regulations

15. The insertion, after Regulation 20 of the following Regulations-

“20A independent schools to be registered as an examination centres
(1) In order for an independent assessment body to be registered as an examination centre by either an accredited independent assessment body or the state, such a school, besides being registered as a school, must also be accredited by Umalusi.

(2) Independent schools that have complied with registration by the relevant Provincial Education Department and accreditation by Umalusi, must apply to the relevant assessment body for registration as examination centres under their own names.

(3) The registration of independent schools as examination centres

is also determined by the fulfillment of the requirements of the assessment body which is either the public or a private assessment body accredited by Umalusi.

(4) Examination centres that have complied with all the requirements will be registered by the assessment body in accordance with the criteria as stipulated in Regulation 20.”.

“20B An agreement between a provincial assessment body and an independent school

(1) Independent schools contemplated in Regulation 19(3) must enter into a contractual agreement with the provincial assessment body concerned.

(2) A pro forma contract between a provincial education department and an independent assessment body is attached hereto as Annexure D.”.

“20C Deregistration of an examination centre

(1) In the event of the physical relocation of the examination centre from the premises approved by the assessment body to other premises, the centre will be deregistered.

(2) The following procedure should be followed when a centre relocates to new premises-

(a) The onus is on the owner or management to inform the Head of the assessment body timeously of the intention to relocate.

(b) The Head of the assessment body or his or her representative shall inform the owner or management, in writing, of the course to be followed.

(c) If the application for the registration of the centre at the new premises is unsuccessful, the Head of the assessment body or his or her representative shall give notice to the owner or management of his or her intention to deregister the centre.

(d) The owner or management must respond to the notice within 14 days from the date of issue, and furnish reasons as to why the centre should not be deregistered.

(e) The Head of the assessment body must consider such representation and make a final decision as to whether or not to close the centre down.

(f) This decision must be conveyed, in writing, to the owner or management.

(3) An examination centre may also be deregistered if there is evidence that the integrity of the examination is being undermined at the centre.

(a) Examination centres will be deregistered if-

(i) examination question papers in the care of the centre are compromised;

(ii) examination question papers are repeatedly opened prior to the examination time or date;

(iii) the centre allows examination imposters; or

(iv) if there is any other serious irregularity that warrants deregistration.

(b) The following procedure should be followed when it is found that irregular practices have occurred at an examination centre-

(i) Officials of the assessment body should investigate the reported irregularities.

(ii) If clear evidence of an irregularity emerges from such investigation, disciplinary action should be instituted and steps taken to deregister the centre.

(iii) The owner or management must be informed, in

writing, of the intention of the Head of the assessment body to close down the centre due to the irregularities.

(iv) The owner or management must respond to the notice within 14 days from the date of issue, and furnish reasons as to why the centre should not be closed down.

(v) The Head of the assessment body must consider such representation before making a final decision as to whether or not to close the centre down.

(vi) This decision must be communicated, in writing, to the owner or management.

(4) Maladministration

(a) Examination centres may be deregistered if maladministration results in any advantage or disadvantage to candidates, or affects the integrity of the examination, or impacts negatively on the ability of the centre to render an examination service.

(b) The following procedure should be followed when maladministration occurs at an examination centre-

(i) The owner or management of such examination centre must be informed within a specified period of three (3) months in writing, of the situation and given an opportunity to rectify the matter.

(ii) If maladministration at the centre continues, the centre may be placed on probation for a period not exceeding one academic year.

(iii) If the owner or management again demonstrates an inability to administer the examination process adequately during the probation period, the centre may be deregistered at the end of the academic year.

(iv) If maladministration takes place during the conducting of an examination, the centre may be placed under the administration of the assessment body, until further notice.”.

20D Entrance Requirements

The following learners may enroll for the Senior Certificate -

(1) Adult learners who are 21 years and older who have-

(a) a General Education and Training Certificate (GETC) for Adult Basic Education and Training (ABET); or

(b) a Grade 9 school report, stating that they have passed Grade 9; or

(c) a recognised equivalent qualification obtained at NQF Level 1 which requires two official languages.

(2) Adult learners who are 21 years and older with an incomplete Senior Certificate qualification in the year of the Senior Certificate examination;

(3) out of school youth 18-21 years old who could not complete their school education and could not be accommodated longer in the school system due to special circumstances as verified by the Head of Department; and

(4) adult learners who are 21 years and older with an incomplete Senior Certificate and whose School-Based Assessment component has expired.”.

Amendment of Regulation 21 of the Regulations

16. Regulation 21 is hereby amended by the substitution thereof of the following regulation-

“21. Registration of Candidates

(1) Public and **[private providers]** independent assessment bodies may register **[full-time or part-time]** candidates for the Senior Certificate examinations.

(2) **[Only learners in Grade 12 may register. Learners in other grades may not register for one or more subjects on the Grade 12 level.]**

(3) The closing date for registration must be done annually on or before 30 September prior to the year of [assessment] examination.

(4) Each assessment body must determine the format of the registration form and the procedure for registration **[including the supplementary examination]**.

[(5) A full-time candidate, who changes his or her registration status to part-time after the registration date, may only do so with the approval of the Head of Department].

[(4A) A candidate must have complied with the promotion requirements for the Senior Certificate as contemplated in the policy document, *A Résumé of subjects for the Senior Certificate, Report 550*.

[(6) A candidate may sit for a supplementary examination, subject to the conditions stipulated in regulation 45.]

[(7) A candidate, who is unsuccessful in the supplementary examination, may register for the November examination, after the closing date for examination registration, provided this is done within 15 working days of the release of the results of the supplementary examination.]

(8) In the case of a learner relocating to another province, after he or she has registered for the examination, the assessment bodies concerned may agree on the transfer of candidates from one assessment body to the other, taking into account the time available before such an examination.

(9) A **[part-time]** candidate may register for one or more subjects in a particular examination.

[(10) If a candidate has enrolled for full time tuition and registered for a minimum of 6 subjects, such a candidate must be registered as a full-time candidate.]

[(11) Non-registered candidates will not be internally assessed or allowed to sit for the final examination.]

[(12) However, if the non-registration of candidates is due to an Error or omission by a Departmental official, the learner must be allowed to undertake the final examination.]

[(13) A full-time candidate may not register as a part-time candidate at another assessment body or another centre, for the same examination sitting, except in exceptional cases, where approval must be granted by the Head of Department or his or her nominee.]

[(14) Full-time Candidates [in Grade 12], may register for an additional subject in the Senior Certificate, and must comply with the following conditions:

(a) Obtain permission from the Head of [Department] the assessment body or his or her nominee;

[(b) Must have offered and passed the additional subject/s at Grade 10 and grade 11 level and must provide written proof to confirm same;]

[(c) Must satisfy the requirements for internal assessment for that specific subject;]

[(d) If the additional subject is not presented at the centre of registration, the candidate must obtain the approval of the head of the centre of registration and the other institution or assessment body to offer the subject.]

[(e) The institution offering the additional subject must forward the internal assessment mark to the centre of registration;]

[(f) A candidate registered for an additional subject must sit for the final examination at the centre of registration. Where this cannot be done special permission must be obtained from the head of examinations.]

(15) Candidates that are suspended from an examination due to an irregularity should not be allowed to register for the Senior Certificate examination with any of the assessment bodies, until such time that the suspension has lapsed.”.

Insertion of Regulation 21A of the Regulations

17. The insertion, after Regulation 21 of the following Regulation-

“21A Concessions

(1) The following concessions in respect of languages may be applied to candidates who experience barriers related to deafness, aphasia and dyslexia- Deaf, aphasic or dyslectic candidates may offer only one official language at First Additional Level, if –

(a) another subject from Group D, as listed in the policy document, *A Résumé of subjects for the Senior Certificate, Report 550*, is offered in the place of the official language that is not being offered; and

(b) such candidate complies with the promotion requirements as contemplated in *paragraph 8* of the policy document, *A Résumé of subjects for the Senior Certificate, Report 550*.

(2) All applications for concessions must be directed to the Head of the assessment body.

(3) All applications referred to in *sub-regulation (2)* must be accompanied by an evaluation conducted by the unit in the Provincial Education Department responsible for learners who experience barriers to learning, or by external, professionally registered experts in the relevant fields.”.

Amendment of Regulation 22 of the Regulations

18. Regulation 22 is hereby amended by the substitution thereof of the following regulation-

“22. External Examinations written [outside] beyond the borders of the

Republic of South Africa

(1) A candidate registered for the Senior Certificate examination may apply in writing to the Head of Department, for permission to write the external examination outside the country.

(2) The following are the categories of candidates who qualify in terms of sub-regulation (1):

- (a) Children or wards of diplomats or personnel in a South African Diplomatic Mission;
- (b) Candidates whose parents or guardians have been transferred by their employers to other countries;
- (c) A candidate who has been transferred to another country by his or her employer; and
- (d) A candidate who represents the country in a recognised and registered sports or cultural event.

(2A) Assessment bodies will only consider applications if –

- (a) a candidate has registered for the Senior Certificate examination; and
- (b) a motivation, in writing, requesting permission to be examined at an approved venue outside South Africa, is provided.

(3) [Only South African Diplomatic Missions or centres approved by the relevant assessment bodies may be examination centres.] Examination centres outside the borders of the Republic of South Africa will be established at South African diplomatic missions, or at alternative centres approved by the relevant assessment body.

(3A) The following criteria will be used to select a centre outside the borders of the Republic of South Africa-

- (a) A suitable room with sufficient light and ventilation and suitable furniture, e.g. a chair and table for the candidate and the invigilator.
- (b) A vault or safe should be available for the safekeeping of the examination question papers and examination material.

(3B) Invigilation must be conducted in accordance with Regulation 27.

(4) The candidate **[must bear all additional costs]** will be responsible for all expenses [of the assessment] including-

- (a) packaging, delivery and postage;
- (b) the fee of the invigilator;
- (c) renting of the venue if applicable; and
- (d) any other incidental costs.

(4A) It will be the responsibility of the relevant assessment body to make all the necessary arrangements and ensure that these arrangements comply with the relevant regulations and policy.

(4B) Costs regarding these arrangements will be borne by the candidate.

(5) Only candidates already registered for the Senior Certificate examination may be considered for this concession.

(6) All examinations written outside the country must conform to the South African time i.e. they must be written at the same time as the paper in South Africa.”

Deletion of Regulations 23-26 of the Regulations

19. Regulations 23-26, are deleted

Amendment of Regulation 27 of the Regulations

20. Regulation 27 is hereby amended by-

(a) the substitution of the heading of the following heading-

“Appointment and duties of Chief Invigilators/Invigilators”

(b) the deletion of sub-regulation (1)-

“[(1) The Assessment body reserves the right to appoint any competent school or office-based educator as a Chief Invigilator, should the principal or head of institution be found not to be capable of upholding the integrity of the external examinations.]”

(c) the insertion, after sub-regulation (9) of the following sub-regulations-

“(9A) All persons involved with the conduct, administration and management of the Senior Certificate examination must sign the declaration of confidentiality form.”

“(9B) All examination candidates must show proof of identity.”

“(9C) Invigilators must ensure that every candidate produces his or her letter of admission, as well as proof of his or her identity upon admission to the examination room.”

“(9D) A candidate who fails to produce the required documentation will-

(a) be allowed to sit for the examination, but will be required to present such documentation to the invigilator after the examination as contemplated in Regulation 30.

(b) failing this, the normal procedure pertaining to irregularities must be followed.”

“(9E) All candidates registered for the Senior Certificate examination Must sign an attendance register for each subject written.”

“(9F) A candidate who does not present him or herself on time for an examination should be dealt with.”

Amendment of Regulation 28 of the Regulations

21. Regulation 28 is hereby amended by-

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

“(3)(d) read all instructions to candidates before the start of the examination, in the language of [instruction] learning and teaching;”;

(b) the insertion, after sub-regulation (3)(d) of the following sub-regulation-

“(dA) Point out before the commencement of the examination session, that the candidate must read all the instructions carefully, so as to ascertain whether they should answer all the questions or only a certain number of questions;”;

(c) the substitution for sub-regulation (3)(e) of the following sub-regulation-

- (e) inform the candidates that if **[one]** he or she is found guilty of contravening any of the rules, his or her results may be declared null and void;”
- (d) the insertion, after sub-regulation (3)(f) of the following sub-regulation-
“(3)(fA) ascertain with the assistance of an invigilator before opening the examination question papers in the examination room, that the examination question paper is the correct one, in terms of the time and date specified on the examination timetable. In the case of languages, whether the correct language level examination question paper has been issued;”;
- (e) the addition, after sub-regulation (3)(i) of the following sub-regulations-
“(3)(j) ensure that no one, except the candidate himself or herself, is allowed to make any alterations to the examination number on the answer book. The candidate must initial next to the changes;”;
“(3)(k) seal examination answer scripts in a special envelope provided for such purpose, in order to prevent them being tampered with;”;
“(3)(l) take responsibility for the collection of the examination answer scripts and the delivery of the examination answer scripts to the regional, district or circuit office, as arranged by the regional, district or circuit office.”;

Amendment of Regulation 29 of the Regulations

22. Regulation 29 is hereby amended by-

- (a) the substitution for sub-regulation (1)(a) of the following sub-regulation-
“(a) admit **[part time]** candidates into the examination room only if the candidate produces proof of identity and an admission letter;”;
- (b) the deletion of sub-regulation (1)(b)-
“**[(1)(b) admit a full-time candidate at a school, on producing an admission letter only;]**”;
- (c) the insertion, after sub-regulation (3)(d) of the following sub-regulations-
“(dA) general examination instructions must be provided to candidates, in writing, at the commencement of the examination, and each candidate must sign to confirm receipt and acceptance of these instructions;”;
“(dB) candidates must also be provided with clear written instructions regarding specific examination question papers, where necessary;”;
“(dC) all examination question papers that are not in English must have an instruction page in English, as well as in the language of the examination question paper;”;
- (d) the addition, after sub-regulation (3)(p) of the following sub-regulations-
“(3)(q) In the event that a candidate is required to answer only a selected number of questions from those appearing in an examination question paper, and the said candidate answers more than the required number of questions, only the first required number of questions will be marked. This condition will apply provided that the instructions are clear.”;
“(3)(r) Independent assessment bodies must have similar procedures in place.”;
- (e) the substitution for sub-regulation (7)(b) of the following sub-regulation-
“(7)(b) Invigilators must give their entire attention to supervision. Under no circumstances may an invigilator read, knit, write, mark, use a cell phone or listen to Walkmans, iPods, etc.;”;
- (f) the insertion, after sub-regulation (7) of the following sub-regulation-

“(8) All invigilators invigilating sessions longer than two hours should be relieved for a maximum of 20 minutes.”.

Amendment of Regulation 30 of the Regulations

23. Regulation 30 is hereby amended by the substitution thereof of the following Regulation-

“30. Entry into an Examination Room

(1) Only a candidate registered for the specific question paper, the Invigilator, Chief Invigilator or an authorised representative of the assessment body, officials of the Department of Basic Education or Umalusi may be present during an examination.

(1A) Heads of institutions and chief invigilators of centres or private examination centres or other venues must ensure that candidates produce a valid identity document, i.e. South African identity document, valid passport (South African or foreign) or a driver’s licence.

(1B) In the event where a candidate has not yet received his or her official identity document from the Department of Home Affairs by 1 October, the following procedure must be followed-

(a) The candidate must submit to the chief invigilator an identity-size colour photograph of him or herself.

(b) The chief Invigilator must ascertain that the person is the same person who has registered for the examination.

(c) The chief invigilator must attach the proof of application for an identity document.

(2) An examiner appointed by the assessment body to conduct an oral examination, a reader or a scribe may be present in the examination room but only for the period necessary for him or her to perform his or her duties.

(3) Candidates who have not registered for a specific subject are not allowed to write the examination. However, if a candidate insists on writing, the candidate should be allowed to write in the interests of good order, but the candidate must be told at the end of the examination session that the results will not be released. The following procedure must then be followed-

(a) An irregularity must be declared, according to the procedures.

(b) The national policy is not to release the results of these candidates until the irregularity is resolved.

(4) The attendance register must be signed by every candidate present for a specific examination session and ticked (✓) in the column with * above it.

(5) Chief invigilators must take cognisance of their candidates who have been granted a special concession for the examinations-

(a) The concessions granted are clearly indicated at the bottom of the examination timetable of a particular candidate,

(b) Invigilators may not deviate from these instructions on the admission letter. This must not be used as a guide for a candidate with a similar problem who was not granted a concession or who did not apply for a concession.

(c) Where concessions have been granted, excluding

additional time, (e.g. language concessions for the deaf, aural impairment, Braille papers, visual impairment, spelling and writing problems, alternative questions, attention deficit problems), an examination form of the province must be completed and attached to the candidate's answer book together with a copy of the candidate's admission letter.

(6) The official sign language interpreter must-

(a) Obtain the examination question paper when the box is opened and must read through the documents to prepare him or herself to sign for the examination question paper.

(b) Transcription must take place immediately after the examination question paper has been completed.

(c) The candidate must be available after the examination to clarify any part of the written record.

(d) The scribe should not be related to the candidate.

(e) The original script must be attached to the transcription and both must be submitted.

(f) Transcribing must not take place in the examination room. A separate, suitable room should be provided.

(g) The scribe and a candidate must each receive a copy of the examination question paper and the errata sheet where applicable."

Amendment of Regulation 32 of the Regulations

24. Regulation 32 is hereby amended by-

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

"(1) [It is the responsibility of the Department of Education to Develop and implement a monitoring policy.] The assessment body and Umalusi must have a clear programme relating to the monitoring of the Senior Certificate examinations. This programme must cover all stages of the examination process."

(b) the substitution for sub-regulation (2) of the following sub-regulation-

"(2) The Director-General must ensure compliance with the national monitoring policy, which provinces may adapt with the approval of the Head of [Department] of the assessment body."

(c) the substitution for sub-regulation (8) of the following sub-regulation-

"(8) The monitoring team must visit a sample of the examination centres while the examination is in progress and report on, amongst others, the following-

(a) general management of the examination;

(b) invigilation;

(c) condition of examination rooms;

(d) seating of candidates;

(dA) the handing out of examination question papers;

(e) administration of reading time;

(eA) the collection of examination question papers;

(f) return of examination answer scripts. and

(g) security."

Amendment of Regulation 33 of the Regulations

25. Regulation 33 is hereby amended by the substitution thereof of the following Regulation-

"33. Marking Centres

(1) Provincial assessment bodies must submit a comprehensive marking plan to the Inter Provincial Examinations Committee, which must then be monitored by the Department of Education.

(2) An assessment body must develop guidelines for the establishment and management of marking centres.

(3) The Department of Education must ensure a common national standard of the marking processes for national papers.

(4) A marking centre must comply with the following-

- (a) adequate marking space;
- (b) catering facilities;
- (c) Overnight accommodation, if required;
- (d) security;
- (e) mechanisms for the prevention of entry of unauthorised persons;
- (f) control centre, **[and]**
- (g) information Communication Technology facilities, ICT facilities; if required; and
- (h) the availability of water, electricity and other basic facilities

(5) Centre managers must be appointed from amongst senior officials in the unit responsible for examinations and assessment.

(6) If the number of markers exceeds six hundred (600), a decentralised approach to marking may be adopted.

(7) Marking may be decentralised in terms of geographic regions or in terms of groups of subjects.

(8) If a subject is marked at more than one venue, special measures must be taken to ensure a common standard of marking.

(9) The control centre forms the heart of operations at the marking centre. The control of mark sheets and examination answer scripts at the control centre may be divided into three phases, namely-

(a) Phase one:

(i) This phase entails an audit of all mark sheets and their respective examination answer scripts at the marking centre.

(ii) All manually generated mark sheets or examination answer scripts are to be recorded in a specific register.

(b) Phase two:

Chief markers sign a control list when examination answer scripts are issued to them and again when the examination answer scripts are returned.

(c) Phase three:

(i) Mark sheets should be kept in a safe place and sent to

the chief marker.

(ii) During this phase, copies should be made of the completed mark sheets, which have been returned by the chief markers.

(iii) The original mark sheet should be sent for data capturing. At this stage, control lists are checked to establish whether the chief markers have returned all the examination answer scripts.

(iv) Mark sheets could be scanned for security purposes.

(v) Capture from the examination answer script if mark sheets are not used.”.

Amendment of Regulation 34 of the Regulations

26. Regulation 34 is hereby amended by-

(a) the insertion, after sub-regulation (7) of the following sub-regulations-

“(2A) The information provided by the applicant for the position of marker must be verified in writing by his or her employer and the relevant assessment body. In the case of provincial assessment bodies, the verification must be done by the district manager.”.

(2B) Any person appointed as a marker must declare with the Head of the assessment body or his or her representative whether he or she has an immediate relative sitting for a Senior Certificate examination in the year of appointment. After having made such declaration, the marker may be allowed to mark, but he or she may not mark the examination answer script of an immediate family member.”.

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

“(4) The process of appointing markers must commence at least six months prior to the commencement of the specific marking session and be completed 60 days prior to writing.”.

Amendment of Regulation 38 of the Regulations

27. Regulation 38 is hereby amended by the substitution thereof of the following Regulation-

“38. Minimum Requirements for a Computer System

[(1) [An assessment body must formulate the minimum requirements for a computer program used in the assessment process, which must be approved by HEDCOM or the Examination Board in the case of a private assessment body.] The Department of Basic Education or the accredited independent assessment body must establish the minimum requirements for a computer programme to be used in the examination process.

[(2) An assessment body must monitor and manage the computer system that conforms to the minimum requirements for a computer program.]

(3) The Department of Basic Education or the accredited independent assessment body must develop user requirement specifications which must be in line with the Umalusi specifications in order to facilitate certification.”.

Insertion of Regulation 38A of the Regulations

28. The insertion, after Regulation 38 of the following Regulation-

“38A. Documents and document control pertaining to the examination system

(1) Documents and reports printed by the computer system, relating to the

examination, are the responsibility of the assessment bodies.

(2) The Head of the assessment body or his or her representatives must check the signatures and the information on these documents.

(3) Documentation of the computer system is the property of the relevant assessment bodies and should be available to them.

(4) Documentation information is used for reference purposes and to maintain and further develop the system.”.

Amendment of Regulation 39 of the Regulations

29. Regulation 29 is hereby amended by-

(a) the substitution of the heading of the following heading-
“39. Processing and Capturing of Marks”

(b) the insertion, after sub-regulation (1) of the following sub-regulation-
“(1A) The assessment bodies must establish, or must have access to a fully-fledged and compatible Information Technology component.”.

Amendment of Regulation 40 of the Regulations

30. Regulation 40 is hereby amended by the insertion, after sub-regulation (7) of the following sub-regulations-

“(3) Recommendations regarding the standardisation of marks, together with clear motivations, will be presented by the assessment bodies to Umalusi for consideration.”.

(4) The standardisation of marks is the responsibility of Umalusi and its decision is final in all cases.”.

Amendment of Regulation 41 of the Regulations

31. Regulation 41 is hereby amended by the substitution thereof of the following”
Regulation-

“41. Release of Results

(1) With regard to the release of results, the release date must be decided upon by the Council of Education Ministers on the recommendation of HEDCOM, on an annual basis.

(2) The results can only be released subject to approval by Umalusi.

(3) The Department of Basic Education must ensure that all Provincial Departments of Education have secure methods, and measures and procedures in place to protect and secure examination records.

(4) All concerned parties involved with the release of results of those learners that wrote the public Senior Certificate examination, must comply with the embargoes stipulated by the Department of Basic Education.

(5) The examination results data of the public Senior Certificate examination will remain the property of the Department of Basic Education and is given solely for the purpose of informing candidates of their achieved examination results.

(6) Researchers, individuals and non-governmental organisations may receive information regarding examination results, subject to the approval of the Director-General: Basic Education.

(a) Each recipient of examination result data must comply with the following-

(i) keeping of confidentiality of all information (written, electronic format and oral) regarding the content thereof;

(ii) not disclosing, without the Department of Basic

Education's written consent, any information in whole or in part to any person; and
 (iii) using examination information solely for the purpose
stated in the agreement.

(b) All electronic examination result data provided to a third party
must be destroyed after a six week period.

(c) The Department of Basic Education must monitor compliance
with sub-regulation (6).

Amendment of Regulation 42 of the Regulations

32. Regulation 42 is hereby amended by the substitution thereof of the following Regulation-

"42. Fees

(1) The Director-General, after consultation with the Heads of Departments, may determine fees for -

(a) Re-marking of answer scripts, which must be refunded to the candidate if the re-marking results in an improvement of the symbol;

[(b) Supplementary examinations;]

(c) Re-checking;

(d) Viewing; and

(e) Statement of results.

[(2) Learners may be exempt from paying examination-related fees, if the candidate can prove that he or she has been exempt from the payment of school fees in terms of the poverty-ranking formula.]

(3) The Minister, in consultation with the Council of Education Ministers, will handle appeals relating to the examination fees."

Amendment of Regulation 44 of the Regulations

33. Regulation 44 is hereby amended by-

(a) the substitution for sub-regulation (2) of the following sub-regulation-

"(2) The candidate or his or her parents, guardian or their representative, may make an application to view a script, if after the re-checking and re-marking process, the candidate is still not satisfied with the result."

(b) the substitution for sub-regulation (3) of the following sub-regulation-

"(3) This application must be made within **[30] seven days** of release of the results of the re-check and re-mark and the application must contain the reasons for the request.

(c) the substitution for sub-regulation (4) of the following sub-regulation-

(4) If the application is successful, the candidate or his or her parent, guardian or their representative, may only view the script in the presence of an examination official and may not remove the script from the viewing room."

(d) the deletion of sub-regulation (8)-

[(8) The candidate or his or her parent may request a copy of the script at a prescribed fee.]"

Amendment of Regulation 45 of the Regulations

34. Regulation 45 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation-

"(2) If the candidate is not satisfied with the outcome, the matter may

be referred to the Member of the Executive Committee (MEC) for Education in the Provincial Legislature or Umalusi in the case of private assessment bodies. The decision of the MEC or Umalusi is final.”

Deletion of Regulations 46 of the Regulations

35. Regulation 46 is deleted

Amendment of Regulation 47 of the Regulations

36. Regulation 47 is hereby amended by the substitution thereof of the following Regulation-

“47. **[Accessibility of]** Access to examination information

(1) The Minister of Education is the custodian of the provincial examination data. The Director-General or Head of Provincial Education Department approves access to examination data by the members of the public **[provided that the Department of Education is satisfied of its usage]**.

(2) Assessment bodies must ensure that all examination material is properly filed to allow for easy retrieval for at least six months.

(3) The assessment body must keep all examination answer scripts for at least six (6) months from the date of release of examination results.

(4) **[The] A public** assessment body may shred the answer scripts after six (6) months unless litigation is still pending, for instance answer scripts of candidates involved in irregularities.”

Amendment of Regulation 48 of the Regulations

37. Regulation 48 is hereby amended by the substitution thereof of the following Regulation-

“48. Access to certification **[Records]** information

(1) The assessment body must submit approved **[learner]** candidate records for certification to Umalusi subject to the directives issued by Umalusi.

(2) The provincial assessment body must manage the certified certification records and **[immediately]** transfer the certification records to the historical certification records of the Department of Basic Education. Under exceptional circumstances, this should not exceed a period of three months.

(3) The Department of Education must ensure that there are back-up copies of the historical certification records of **[provincial]** public assessment bodies.

(4) The assessment body must ensure stringent security measures during the following processes:

- (a) queries;
- (b) combination of results; and
- (c) verification of results.

(5) The assessment body must have secure methods, measures and procedures in place, to ensure safe keeping of records and custodianship of the examination **[scripts]** records **[subject to directives issued by Umalusi.]**”.

Insertion of Regulation 48A-48C of the Regulations

38. the insertion, after Regulation 48 of the following Regulations-

“48A Accessibility of examination and certification information
Assessment bodies must ensure that examination answer scripts are filed per subject, per examination question paper, and in centre order, for the purposes of re-checking, re-marking, viewing or resolving of queries.”

“48B Copies of historical certification records and data retention

(1) Copies of historical certification records of candidates who wrote the public Senior Certificate examination are a national asset and are the responsibility of the Department of Basic Education.

(2) Subject to the National Archives of South Africa Act, 1996 (Act No.43 of 1996), the original documents of the assessment and certification process will form part of the provincial filing system.”

“48C Access to historical records

(1) Access to historical records is an integral part of the functioning of any examination section.

(2) The assessment bodies should have a computer infrastructure that can access the centralised historical database.

(3) These records should be used for queries, the combination of results, and preparing data for verification for Umalusi with respect to the issuing of replacement certificates.”

Amendment of Regulation 49 of the Regulations

39. Regulation 49 is hereby amended by the substitution thereof of the following Regulation-

“49. Categorisation of Examination [/Assessment] Irregularities

Examination [/Assessment] Irregularities must be categorised as

follows-

- (1) administrative errors or omissions
- (2) behavioural offences
- (3) acts of dishonesty.”

Deletion of Regulations 50 of the Regulations

40. Regulation 50 is deleted

Amendment of Regulation 51 of the Regulations

41. Regulation 51 is hereby amended by-

(a) the substitution for sub-regulation (4) of the following sub-regulation-

“(4) editing, proofreading, translation and final approval of question papers; [and]”

(b) the addition, after sub-regulation (5) of the following sub-regulations-

“(6) the setting, moderation, translation or editing of external examination question papers;

(7) the typing, printing, packaging, distribution, collection or delivery of external examination question papers or examination answer scripts;

(8) checking of examination answer scripts by assessment bodies, and the distribution of examination answer scripts to marking centres;

(9) invigilation and monitoring;

(10) marking;

(11) data capturing and processing; and

(12) the release of examination results.”

Amendment of Regulation 52 of the Regulations

42. Regulation 52 is hereby amended by-

- (a) the substitution for sub-regulation (1)(a) of the following sub-regulation-
“(1)(a) **[learners] candidates** misbehaving or wilfully disobeying regulations or instructions issued during an examination;”;
- (b) the substitution for sub-regulation (1)(b) of the following sub-regulation-
“**[learners] candidates** engaged in dishonest acts during the examination process;”;
- (c) the substitution for sub-regulation (3) of the following sub-regulation-
“(3) **[Learners] Candidates** engaged in dishonest acts during the examination process include those that are identified before the commencement of the examination and those that are identified while the question paper is being written.”.
- (d) the insertion, after sub-regulation (5) of the following sub-regulation-
“(5A) Acts that are identified while examination answer scripts are handed in or marked, include the following-
 - (a) the examination answer script handed in is different to the one issued by the invigilator;
 - (b) different sets of handwriting are identified in an examination answer script;
 - (c) two examination answer scripts are submitted for one candidate;
 - (d) crib notes that are discovered;
 - (e) there are no crib notes, but there is clear evidence of copying;
 - (f) evidence of possible assistance by an invigilator;
 - (g) indications that the candidate has been allowed to write the examination as an “open book” examination, although this was not included in the instruction to the invigilator;
 - (h) answers that are identical or too similar to the memorandum;
 - (i) an answer script, or any part thereof, being removed from the examination room and submitted later; and
 - (j) an examination conducted outside the examination room or examination centre, without prior authorisation.”.

Amendment of Regulation 53 of the Regulations

43. Regulation 53 is hereby amended by the substitution thereof of the following Regulation-

“53. Irregularities that may occur during the Marking Process
Irregularities in the marking process relate to irregularities identified by markers on scripts and any other actions committed by examination officials and markers which are in contravention of National Education Policy and Regulations pertaining to the Conduct, Administration and Management of the Senior Certificate Examination.”.

Amendment of Regulation 54 of the Regulations

44. Regulation 54 is hereby amended by-

- (a) the insertion, after sub-regulation (5) of the following sub-regulation-
“(5A) The removal of examination answer scripts from the marking centre.”.
- (b) the addition, after sub-regulation (8) of the following sub-regulation-
“(9) Any attempt of assisting a candidate that may result in an unfair

advantage.”

Amendment of Regulation 55 of the Regulations

45. Regulation 55 is hereby amended by the substitution for sub-regulation (8) of the following sub-regulation-

“(8) answers identical to the [marking guideline] memorandum.”

Amendment of Regulation 56 of the Regulations

46. Regulation 56 is hereby amended by the addition, after sub-regulation (2)(g) of the following sub-regulation-

“(2)(h) any act by a candidates or official, which may give the candidate concerned, an unfair advantage.”

Deletion of Regulations 57 of the Regulations

47. Regulation 57 is deleted.

Amendment of Regulation 58 of the Regulations

48. Regulation 58 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation-

“(2) Examination irregularities identified as having occurred before the question paper is written may include the leakage of the examination question papers [set at provincial or national level].

(a) The first step in such a case is to determine the extent of the leakage, which must be determined by the Provincial Examinations Irregularities Committee (PEIC) or by a team delegated by the PEIC.

[(b) In the case of a provincial question paper, if the leakage is widespread, the relevant provincial department of education must arrange for the question paper to be rewritten on an appropriate date that is suitable to all affected candidates. If the irregularity is confined to a single or few assessment centres, then it may be recommended to the Head of Department that the action taken be limited to those affected examination centres. The decision in this regard must be made by the Head of Department and the MEC.]

(c) In the event of the leakage of a national question paper, the Director-General of the Department of Basic Education and the Minister of Basic Education should decide on the most appropriate course of action.

(d) The Provincial Examinations Irregularities Committee (PEIC) must institute a full investigation to ascertain the source of the leakage. The South African Police Services (SAPS) and other investigation experts may be included in the investigation process. All evidence collected must be clearly documented for presentation to the Provincial Examinations Irregularities Committee (PEIC).

(e) Any other assessment irregularity identified prior to the writing of the examination question paper, which may impact on the integrity of the examination must be dealt with prior to the examination question paper being written.”

Amendment of Regulation 59 of the Regulations

49. Regulation 59 is hereby amended by –

(a) the insertion, after sub-regulation (2)(b) of the following sub-regulation-

“(2)(bA) If the Chief Invigilator, after considering the facts, finds that such an irregularity has indeed occurred, he or she must submit the matter to the Provincial Examinations Irregularities Committee or private assessment body irregularities committee as the case may be for further investigation and a decision;”;

(b) the insertion, after sub-regulation (2)(c) of the following sub-regulation-
“(2)(cA) The examination answer script must be removed from the candidate’s possession and a note made of the date and exact time of its confiscation. Should the candidate refuse to leave, the Chief Invigilator may call upon the South African Police Services to assist;”;

(c) the substitution for sub-regulation (2)(d) of the following sub-regulation-
“(2)(d) If the candidate agrees to co-operate, the Chief Invigilator must allow him or her to continue with the written examination, in which case a new answer book with the date and exact time of issue noted thereon, must be provided to the candidate;”;

(d) the substitution for sub-regulation (3)(c) of the following sub-regulation-
“(3)(c) The invigilator must take possession of any unauthorised or incriminating material such as notes or any other object used directly or indirectly or in the possession of the candidate that may have been used to commit the irregularity. By bringing the unauthorised material into the examination room, the candidate should take responsibility for the resulting implications;”;

(e) the substitution for sub-regulation (3)(d) of the following sub-regulation-
“(3)(d) Such material must be attached to the confiscated examination answer script, which then becomes the property of the relevant Provincial Education Department and neither the candidate nor his or her parents or guardians have the right to demand its return;”;

(f) the substitution for sub-regulation (3)(k) of the following sub-regulation-
“(3)(k) Where the candidate refuses to comply with sub-regulation [58(3)](j), another invigilator attached to the examination centre must provide a written statement confirming the refusal of the candidate to provide a written declaration;”;

(g) the substitution for sub-regulation (3)(l) of the following sub-regulation-
“(3)(l) The examination answer script, any incriminating material and all applicable statements must then be sent for marking in the normal way and subsequently forwarded to the Provincial Examinations Irregularities Committee or private assessment body irregularities committee as the case may be.”.

Amendment of Regulation 60 of the Regulations

50. Regulation 60 is hereby amended by –

(a) the substitution for sub-regulation (1) of the following sub-regulation-
“(1) In the case of examination irregularities relating to the process of marking as outlined in regulations [53] 59, [54] 60 and [55] 61, that are committed by examination officials, [these must be dealt with in terms of the *Employment of Educators’ Act* or the *Public Service Act* and other relevant legislation] the Head of Department or his or her representative may immediately suspend an examination official who contravenes any of these regulations, and the matter must then be dealt with in terms of the *Employment of Educators Act, 1998 (Act No. 76 of 1998)* or in terms of the *Public Service Act*, or in terms of any other relevant legislation.”.

(b) the substitution for sub-regulation (2)(b) of the following sub-regulation-
“(2)(b) Examination answer scripts in which alleged examination

irregularities are identified must be marked as usual. The word "IRREGULARITY" must be written in red ink on the front cover, along the margin. These scripts must then be handed together with the other examination answer scripts and completed mark sheets to the Senior Marker or Deputy Chief Marker or Chief Marker for attention. The marks of the suspected candidate must be entered on the mark sheet, with an indicator stating "irregular";

- (c) the insertion, after sub-regulation (2)(b) of the following sub-regulations-
"(2)(bA) Where an examination answer script is found amongst those

from another examination centre, or where a candidate has been writing the examination at an examination centre other than the examination centre where originally registered, the first examination centre must then contact the examination centre at which the examination should have been conducted, and arrange, via the regional office or area project office, for the transfer of the candidate's examination answer script.

- (2)(bC) Where an examination answer script is lost, the matter must be referred

to Umalusi to decide upon the most appropriate course of action, as this constitutes an irregularity."

- (d) the substitution for sub-regulation (2)(d) of the following sub-regulation-
 (2)(d) Where the Senior Marker disagrees with the findings of the

marker, the examination answer script should be handed to the Deputy Chief Marker or Chief Marker for a second opinion. If the Deputy Chief Marker or the Chief Marker concurs with the Senior Marker, the examination answer script must be returned to the marker for normal processing;";

Amendment of Regulation 61 of the Regulations

51. Regulation 61 is hereby amended by the substitution thereof of the following Regulation-

"61. Procedures in respect of Irregularities that occur during the Capturing, Processing, Standardisation, Release of Results and Certification Processes

(1) The Head of Department or his or her representative may immediately suspend an examination official from examination-related activities, or suspend an examination official who contravenes any of these requirements, and the matter must then be dealt with in terms of the *Employment of Educators Act, 1998 (Act No. 76 of 1998)* or in terms of the *Public Service Act*, or in terms of any other relevant legislation.

(2A) All irregularities relating to the above processes must be reported immediately to the PEIC and to the Head of Examinations.

(2) Confidentiality and security of information must be enforced. Any breach of these must be considered an examination irregularity.".

Amendment of Regulation 62 of the Regulations

52. Regulation 62 is hereby amended by the substitution for sub-regulation (2)(b) of the following sub-regulation-

"(2)(b) The PEIC may call upon any official in the service of the relevant provincial department of education or any candidate [or learner] to appear before the Committee or the two person team delegated to carry out the function, and it may also question any candidate accused of an alleged irregularity;";

Amendment of Regulation 63 of the Regulations

53. Regulation 63 is hereby amended by the insertion, after sub-regulation (2)(f) of the following sub-regulation-

“(2)(fA) If the Head of a province is not satisfied with the NEIC report, and the dispute cannot be resolved, the MEC of that province must make a final decision.”;

Amendment of Regulation 64 of the Regulations

54. Regulation 64 is hereby amended by –

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

“(1) The relevant Irregularities Committee may impose the sanctions contemplated in these regulations.”.

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

“(4) The list of the irregularities, the sanctions that may be taken and the sanctions to be imposed by the Head of Department [of Education] are listed in Annexure H.”.

Amendment of Regulation 65 of the Regulations

55. Regulation 65 is hereby amended by the deletion of sub-regulation (2)-

“**[(2) A candidate may appeal to the MEC against the decision of the Head of Department within twenty-one working days of the date of the written judgment or sanction, if the candidate was not present at the hearing.]”.**

Amendment of Regulation 66 of the Regulations

56. Regulation 66 is hereby amended by the substitution thereof of the following Regulation-

“Reporting of assessment irregularities is categorised into two components. The first component relates to reporting of the irregularity from the site of identification to the relevant officials within the assessment body (internal reporting) and the second component relates to reporting of the irregularity by the **[Head of Department or]** Head of Examinations to the external role players (external reporting).”.

Amendment of Regulation 68 of the Regulations

57. Regulation 68 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation-

“(2) The Director-General, the Head of independent assessment body and Umalusi will provide the format of the report. Reporting the irregularity can differ depending on the nature of the irregularity.”.

Amendment of Regulation 70 of the Regulations

58. Regulation 70 is hereby amended by-

(a) the substitution for sub-regulation (2)(e) of the following sub-regulation-

“(2)(e) One representative from each of the recognised teacher unions recognised by the Education Labour Relations Council (ELRC).”.

(b) the substitution for sub-regulation (3) of the following sub-regulation-

“(3) All members of the committee, together with the chairperson will be appointed by the Director-General. The Minister will appoint the additional members with observer status, based on nominations from the respective organisations/institutions.”.

Amendment of Regulation 71 of the Regulations

59. Regulation 71 is hereby amended by-
- (a) the deletion of sub-regulations (1) and (2)-
 - (b) the substitution for sub-regulation (3) of the following sub-regulation-
“(3) Responsibilities of the NEIC

The National Examinations Irregularities Committee will have jurisdiction over any alleged examination irregularity relating to, or occurring during the various stages of the assessment process. These include-

- (a) registration of candidates;
- [(b) compilation of School-Based Assessment and the Practical Assessment Task/Language Oral Assessment marks;]**
- [(c) monitoring and moderation of School-Based Assessment and the Practical Assessment Task/Language Oral Assessment;]**
- (d) setting and moderation of examination question papers;
- (e) writing of the examination;
- (f) marking of examination answer scripts;
- (g) capturing of marks;
- (h) standardisation of results;
- (i) the release of examination results; and
- (j) the certification process.”.

- (c) the addition, after sub-regulation (3) of the following sub-regulation-
“(4) All decisions taken by the Provincial Examinations Irregularities Committees (PEICs), relating to irregularities in the above stages of the assessment process, will be subject to final ratification by the NEIC.”.

Amendment of Regulation 72 of the Regulations

60. Regulation 72 is hereby amended by-
- (a) the substitution of the heading of the following heading-
“72. [Duties] Functions of the National Examinations Irregularities Committee”
 - (b) the insertion, after sub-regulation (2)(c) of the following sub-regulation-
“(2)(cA) decisions taken without any appeals must be finalised within 14 days;
(2)(cB) special cases, court cases and appeals may delay the timeframe;
(2)(cC) if an investigation has not been completed yet, provinces may not use this as an excuse for not completing their own processes. Provincial Education Departments must therefore complete their own processes and impose sanctions where needed;”;
 - (c) the substitution for sub-regulation (2)(e) of the following sub-regulation-
(e) “evaluate the reports on irregularities received from the PEICs and from the Examinations Irregularities Committee of independent assessment bodies, so as to ensure that the irregularities are dealt with appropriately;”;
 - (d) the substitution for sub-regulation (2)(f) of the following sub-regulation-
“review the recommendations of the PEICs and from the Examinations Irregularities Committee of independent assessment bodies, relating to the sanctions to be imposed so that there is consistency in the severity of sanctions;”;

Amendment of Regulation 74 of the Regulations

61. Regulation 74 is hereby amended by the substitution thereof of the following Regulation-

"74. **[Private] Independent Examinations Irregularities Committee**

(1) The **[private] independent** assessment bodies must establish and Examinations Irregularities Committee.

(2) The composition and function of the Examinations Irregularities Committee established by the **[private] independent** assessment bodies may be similar to that of the PEIC.

(3) The Examinations Irregularities Committee contemplated in *sub-regulation (4) and (5)*, must report all irregularities to the NEIC."

Amendment of Regulation 75 of the Regulations

62. Regulation 75 is hereby amended by the substitution for sub-regulation (2)(e) of the following sub-regulation-

"(d) one representative from each of the recognised teacher unions, recognised by the Education Labour Relations Council."

Amendment of Regulation 76 of the Regulations

63. Regulation 76 is hereby amended by-

(a) the deletion of sub-regulation (1)-

"**[(1) compilation, monitoring and moderation of internal assessment;]**";

(b) the insertion, before sub-regulation (2) of the following sub-regulation-

"**(1A) the printing and distribution of examination question papers;**";

Amendment of Regulation 77 of the Regulations

64. Regulation 77 is hereby amended by-

(a) the substitution of the heading of the following heading-

"77. **[Duties] Functions of the Provincial Examinations Irregularities Committee"**

(b) the deletion of sub-regulation (1)(a)

"**[1(a) misconduct by educators in the compilation, monitoring or moderation of internal assessment;]**";

Deletion of Regulations 78 of the Regulations

65. Regulation 78 is deleted.

Insertion of Regulation 78A of the Regulations

66. The insertion, after Regulation 77 of the following Regulation-

"78A **The District Assessment Irregularities Committee**

(1) **The District Assessment Irregularities Committee (DAIC) must be established by the Head of Department, based on recommendations from the District/Regional Manager and the Head of Examinations in the province.**

(2) **The DAIC will become involved in the handling of examination related**

irregularities, only on instruction of the PEIC or the Head of Examination in the province. The primary focus of the DAIC are the internal assessment irregularities.

(3) The DAIC is an appendage of the Provincial Examination Irregularities Committee PEIC) and will operate under the jurisdiction of the PEIC and report to the PEIC on a regular basis. The PEIC will consolidate the inputs from all the DAICs and present a provincial report to the National Examinations Irregularities Committee.

(4) The DAIC will comprise the following members-

(a) The District /Regional manager or his representative will serve as the chairperson of the DAIC.

(b) The District/Regional coordinator/official responsible for the co-ordination of examinations at the district/regional level.

(c) Circuit Managers (maximum of 10) in cases where the number of circuits is greater than 10, the PED must decide on how all circuits will be represented within the designated number.

(d) One member of the PEIC. This official will serve as a link between PEIC and DAIC.

(e) Subject area specialists from the district/region co-opted on a needs basis, based on the nature of the irregularity being handled.

(f) The representative from each of the recognised teacher unions will be nominated as observers i.e. National Professional Teachers' Association of South Africa (NAPTOSA), South African Democratic Teachers' Union (SADTU), and the Suid-Afrikaanse Onderwysersunie (SAOU).

(5) The duration of the term of office of the DAIC will be three years.

(6) The DAIC must ensure that assessment irregularities are handled in a consistent manner across the region/district:

(7) The DAIC will recommend to the PEIC the sanctions to be imposed for each of the irregularities identified and investigated.”

Insertion of Regulation 79A of the Regulations

67. The insertion, after Regulation 79 of the following Regulation-

“79A. Amendment of Policy and Transitional Arrangements

The *Regulations for the conduct, administration and management of assessment for the Senior Certificate* has been amended and will be replaced by the *Regulations pertaining for the Conduct, Administration and Management of the Senior Certificate Examination*, and will be effective from January 2015.”

Amendment of Regulation 80 of the Regulations

68. Regulation 80 is hereby amended by the substitution thereof of the following Regulation-

“80. Short Title and Commencement

[These regulations are called the *Regulations for the Conduct, Administration and Management of Assessment for the Senior Certificate, 2005* and come into effect on the date of publication.] This Policy may be cited as the *Regulations pertaining for the Conduct, Administration and*

Management of the Senior Certificate Examination, and will commence on the day of its promulgation in the Government Gazette and becomes effective from January 2015.”.

Deletion of Annexure A of the Regulations

69. Annexure A is deleted.

Addition of Annexures A1-H of the Regulations

70. The addition, after Regulation 80 of the following Annexures-

“Annexure A1- Appointment of Examiners and Internal Moderators: An Excerpt from the personnel Administration Matters

Appointment of Examiners and Internal Moderators: An Excerpt from the Personnel Administration Measures

In addition to the general criteria referred to in Regulation 23, the following minimum criteria should apply with regard to the selection and appointment of examiners (for the setting and moderation of examination question papers and accompanying memoranda) and internal moderators-

(1) Advertisements for the posts of examiners and internal moderators for the public Senior Certificate examination, should be included in a departmental circular, as well as published in the national or local press.

(2) For the examination, set by the Department of Basic Education, a selection panel shall be appointed by the Department of Basic Education. Teacher unions that are members of the Education Labour Relations Council shall be allowed observer status on such a panel.

(3) The following minimum criteria will apply in respect of the selection and appointment of candidates-

The appointee must-

(a) have at least a recognised three-year post matric qualification, Which must include the subject concerned at second or third-year level;

(b) have extensive experience as a teacher in the particular subject or in a related area, and at least two (2) years teaching experience during the last five (5) years, at the appropriate level; and

(c) he or she must have experience as a marker.”.

“Annexure B- Examination Panels

1. It is advantageous to appoint two to four examiners to set an examination question paper, in order to maintain the appropriate standard for a subject. This allows for the perspectives of two to four experts in the particular subject to be utilised in the setting of the examination question paper.

2. Advantages of the panel system:

(a) it allows for capacity-building, by including one or two persons who lack prior experience in the setting of examination question papers.

(b) If a panel of examiners is used, it is important that a chief examiner be appointed.

(c) The chief examiner takes final responsibility for the quality and standard of the examination question paper.

3. Duly binding contracts must be signed between the examiner and the Department of Basic Education or the assessment body.”

“Annexure C- Processing of Examination Question Papers

1. Typing of examination question papers

(1) A team of selected staff members, not exceeding four to five typists, supervised by a chief typist, may carry out the typing of examination question papers.

(2) They may do their work on personal computers, not linked to an external network, and all the work should be done in a restricted area.

(3) This task should be supervised by a senior staff member. The hard disks should be cleared and transferred to other relevant media, such as compact discs (CDs), which must then be locked away daily.

(4) The typing of examination question papers must be executed in terms of the security measures as contemplated in *paragraph 4*.

2. Editing of examination question papers

(1) Language editing may be carried out by specially appointed language editors.

(2) Alternatively, this function may be carried out by a select group of subject specialists, who must complete the Contract of Confidentiality document.

(3) The final editing should be the task of the chief examiner, and he or she, together with the internal moderator, should sign it off, certifying that he or she has checked the examination question paper in every respect and that the examination question paper is ready for printing.

(4) The editing of examination question papers must be executed in terms of the security measures as contemplated in *paragraph 4*.

3. Printing of examination question papers

(1) Collection of master copies of examination question papers for printing

(a) For security reasons, two senior officials from each Provincial Education Department collect the master copies of the examination question papers from the Department of Basic Education.

(b) On arrival in the province, the senior manager acknowledges the receipt of the master copies of the examination question papers by sending a fax to the Department of Basic Education, and in return receives a password to open the CD.

(c) The question papers received from the Department of Basic Education are under the direct custody of the Senior Manager.

(d) The daily operation of examination question papers at provincial level is managed by an official nominated by the Senior Manager.

(e) The senior officials from each Provincial Education Department collecting the master copies of the examination question papers from the Department of Basic Education must sign for these copies once they are satisfied that they have received the correct copies for printing.

(f) The management of the collection and safekeeping of the master copies of the examination question papers must be executed in terms of the security measures as contemplated in *paragraph 4*.

(2) Printing process of examination question papers

The assessment body must ensure the following-

(a) In terms of printing, the assessment bodies must move to establish in-house printing facilities.

(b) Where in-house printing is done, the person involved in the printing may also be involved in the packaging.

(c) The printing process must be carried out under the close supervision of a senior official.

(d) This official must be entrusted with the task of approving the quality and standard of the first batch of printed examination question papers.

(e) The master copies of the examination question papers issued to the senior official responsible for printing must be verified by him or her and must be signed for on a print register.

(f) The senior official responsible for printing first proof reads the final printed copy and then grants approval for the bulk printing to commence.

(g) The printing venue must be cleared of all materials and all machines must be flushed before starting a new print.

(h) Operators must check regularly 200 printed copies at intervals to ensure that the quality is not compromised.

(i) For security reasons, all pre-packed examination question papers must be sealed in transparent plastic bags according to the needs of the various provinces.

(j) In cases where it is possible to print two examination question papers simultaneously, it must be ensured that the examination question papers are not printed in the same room.

(k) The printing of examination question papers must be executed in terms of the security measures as contemplated in *paragraph 4*.

(l) Where assessment bodies choose to use external agencies for the purpose of printing, the agency concerned should be fully investigated to ensure that, *inter alia*, strict security measures are in place, and that the quality of the printing is of an acceptable standard. A detailed contract, a service level agreement and a Contract of Confidentiality must be signed between the assessment body and the external provider of printing services.

(3) Packing and packaging of the examination question papers

(a) Packing and packaging are carried out by officials in the employment of the Provincial Education Department and authorised by the Head of the assessment body or his or her representative.

(b) Packing teams must be established comprising:

(i) an official in charge of the packing and packaging staff;

(ii) a team leader; and

(iii) a verifier.

done-

(c) The following preparation for packing and packaging needed to be

(i) sufficient stationery must be provided;
 (ii) The correct statistics must be obtained. Packing schedules may
be used as a verification mechanism;
 (iii) all examination centres must be captured; and
 (iv) labels must be created using the following information-
 (aa) subject;
 (bb) examination question paper;
 (cc) time allocation;
 (dd) date of examination;
 (ee) centre number;
 (ff) name of examination centre;
 (gg) district;
 (hh) number of candidates;
 (jj) number of examination question papers; and
 (kk) language version of the examination question papers.

(d) The following packing and packaging procedure must be followed-
 (i) the packing venue must be cleared of previous packing material;
 (ii) the official in charge must ascertain that the packing is done
according to the time table;
 (iii) one examination question paper/subject must be packed at a
time;
 (iv) the packing schedule and labels must be given to each packing
team;
 (v) the packing team leaders must calculate the number of
examination question papers per subject, district and examination centre;
 (vi) the official in charge retrieves the examination question papers
from the strong room and issues them to the packing teams;
 (vii) each packing team must ensure that the examination question
papers are properly sealed;
 (viii) each packing team must ensure that the correct labels are
affixed to the examination question papers;
 (ix) examination question papers must be counted, scanned out and
 (x) packed into security bags/boxes per district and per school; and
 (x) the packed papers must be stored correctly in terms of a
delivery plan.

(e) The following quality checks should be performed-
 (i) The official in charge/packing team leader/verifier must ensure
that quality checks are done randomly;
 (ii) a control register must be maintained for each subject packed;
and
 (iii) quality checks must be done by other senior departmental
officials.

(f) The packing and packaging processes must be executed in terms of the
security measures as contemplated in *paragraph 4*.

(4) The distribution of printed examination question papers

(a) The distribution of printed examination question papers should be

conducted as follows-

(i) a management plan for complete distribution procedure, including communication information with all truck drivers, all District/Circuit officials and Head Office officials should be drawn up;

(ii) the following security measures for distribution should be adhered to-

(aa) the signing of the Service Level Agreement documents

with private companies;

security officials;

(bb) the administering of security clearance to the armed

delivery;

(cc) the installing of tracking devices into delivery trucks;

(dd) ensuring that there is police escort/security guards during

of examination question papers; and

(ee) the sealing/locking of trucks to secure the consignment

question papers.

(ff) striving for a daytime delivery of the examination

(b) Provinces should have procedures in place when examination question papers are in transit.

(c) The following breakdown procedures should be followed-

(i) a breakdown should first be reported to the Head Office;

(ii) trucks must not be opened by a unauthorised person; and

(iii) a departmental official delegated in writing for this purpose

should visit the breakdown to ascertain the extend of the breakdown and to put appropriate measures in place.

(5) The distribution process from Provincial Head Office to the District/Circuit Office and from District/Circuit Office to school

(a) For deliveries from the Provincial Head Office, the District/Circuit Office must -

the truck;

(i) ascertain whether the locks/seals are still intact before opening

staggered;

(ii) ensure that the deliveries from the Provincial Head Office are

(iii) secure locking/sealing of trucks with secret codes; and

(iv) monitor the tracking system from the Provincial Head Office.

(b) For deliveries from the District/Circuit Office to schools, District/Circuit Office must -

(i) the District/Circuit must deliver examination question papers on a daily basis according to a delivery plan and the final examination timetable; and

(ii) ensure that the correct examination material is delivered to the correct examination centre.

4. Security Measures

(1) The adaptation, translation, typing, editing and printing of examination question papers must be conducted in a secure venue which must include the following minimum security measures-

(a) secured building;

(b) controlled access;

(c) closed circuit camera surveillance and recording;

- (d) alarm systems;
- (e) guarded security at all entrances;
- (f) smoke detectors; and
- (g) fire extinguishers.

(2) Officials involved in the adaptation, translation, typing, editing and printing of examination question papers, as well as any other person entering or exiting restricted examination administrative areas must comply with the following requirements-

- (a) security clearance;
- (b) signing of an agreement to maintain secrecy; and
- (c) declare if a close relative has registered for the examination.

(3) The packing and packaging venue must also comply with the following additional security measures-

- (a) the entry door to the packing venue must have a dual locking system;
- (b) a register must be kept at the entrance of each door and signed regularly upon entry and exit;
- (c) keys must be kept in a safe and a register must be in place for the issuing and returning of the keys;
- (d) windows of the packing venue must be sealed and burglar proofed; and
- (e) if possible the packing venue should be located on the same floor where the printing is done.

Annexure D- Pro forma service contract entered into by, and between, the provincial assessment body and an independent school in respect of registration as an examination centre for the Senior certificate examination for year

This is only valid for the year of examination (inclusive of the supplementary
(Name of school)

1. The conclusion of this contract confirms that the independent centre has met the following minimum preliminary requirements for registration as an examination centre-

- (1) sufficient space and appropriate furniture for the seating of candidates;
- (2) adequate general security;
- (3) a lock-up facility for the storage of examination material;
- (4) clearance – in terms of the applicable municipal by-laws – from the local fire and health services;
- (5) provision of proper lighting;
- (6) access to sufficient water and acceptable and adequate toilet facilities;
- (7) teaching staff, suitably qualified and in sufficient numbers, to be trained and utilised as invigilators; and

(8) clear evidence of the ability to meet any and all costs relating to electricity, water, taxes and/or rental for the premises for the duration of the examination.

2. The Head of Department retains the right to re-evaluate the independent centre at any time in respect of any or all of the above-mentioned criteria.

3. The Department of Basic Education retains the right to monitor the conducting of the Senior Certificate examination and related assessment processes at the independent centre at any time, without prior warning. This includes the appointment of a monitoring invigilator at the assessment centre for the duration of the Senior Certificate examination.

4. The independent centre, in concluding this service contract, commits itself to abide unquestionably by all regulations in respect of the conducting, administration and management of the Senior Certificate examination and related assessment processes, as well as procedures contained in the applicable national and provincial regulations.

5. Where, in the opinion of the Head of Department, and as a result of a preliminary investigation, developments at the independent centre may adversely affect the interests of candidates or the integrity of the examination or related assessment processes, the Department of Basic Education reserves and retains the right to take control of the conducting, administration and management of the examination centre with immediate effect.

6. Failure to abide by any of the regulations or other reasonable requests in respect of the conducting, administration and management of the Senior Certificate examination and related examination processes, as well as procedures contained in the national or provincial regulations, may result in the deregistration of the independent centre as an examination centre by the Department of Basic Education.

7. All examination centres are required to operate on premises that were approved for this purpose by the Head of Department. Where relocation does occur, the new premises must again be inspected by the relevant provincial education department for evaluation as an examination centre.

8. No examination centre may consider relocation within or less than sixty (60) days before the commencement of the final Senior Certificate examination.

9. Where relocation of an independent centre is unavoidable, due to external factors (e.g. a natural disaster), the following procedure must be strictly adhered to:

(1) The Head of Department must immediately be informed in writing, of the enforced relocation.

(2) Learners and their parents or guardians must be informed.

(3) The independent centre is obliged to ensure the presence of proper notices at the old centre, clearly indicating, *inter alia*, the location of the new venue, the name of a contact person and a telephone number for the contact person.

(4) The relevant provincial education department will ensure the publication of such information in the printed/electronic media.

10. Procedure to follow when a centre relocates to new premises

(1) Should any centre relocate to new premises, their registration as an examination centre lapses immediately and they will be forced to seek registration at the new premises from the Department of Basic Education.

(2) In exceptional circumstances, and provided that the centre has an unblemished record as far as irregularities and administration are concerned, the Head of Department may allow the centre to continue to operate for the current final exit examination year only, during which time the centre must apply for, and be granted examination centre status in respect of the new premises. Should such permission be refused, or for any other reason not be granted, the registration of the centre shall lapse forthwith.

(3) Should this process run over the year-end, no new candidates may be registered until a decision has been taken on the registration of the centre.

(4) The onus is on the Head of the institution (centre manager/principal) to inform the Head of Department timeously of the intention to relocate.

(5) The Head of Department shall inform the chief invigilator, in writing, of the course to be followed.

(6) If the application for the registration of the centre is unsuccessful, the Head of Department shall inform the head of the institution (centre manager/principal) that the registration of the centre has elapsed.

(7) The Head of the institution shall have the right to respond to the decision and furnish reasons as to why the centre should not be deregistered.

(8) The Head of Department shall consider such representation before making a final decision. This decision must be conveyed, in writing, to the Head of the institution. This decision is final.

DEPARTMENT OF BASIC EDUCATION:

<u>INITIALS & SURNAME</u>	<u>CAPACITY</u>	<u>DATE</u>
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WITNESS I

WITNESS II

OWNER(S) OF INDEPENDENT SCHOOL:

<u>INITIALS & SURNAME</u>	<u>CAPACITY</u>	<u>DATE</u>
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WITNESS I

WITNESS II

MANAGEMENT OF INDEPENDENT SCHOOL (IF DIFFERENT FROM OWNER(S)):

<u>INITIALS & SURNAME</u>	<u>CAPACITY</u>	<u>DATE</u>
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WITNESS I

WITNESS II

Annexure E- Return of Examination Answer Scripts

1. Examination answer scripts should either be fetched from the examination centre by an assessment body official, or delivered to the assessment body by the chief invigilator or a representative.

2. A register should be kept at all points where examination answer scripts are being transferred. Officials involved in the transfer of examination answer scripts should sign this register, which should be kept at the regional or district office until the end of the examination and then transferred to the provincial head office.

3. Under no circumstances should examination answer scripts be kept overnight at an examination centre.

4. Examination answer scripts should also be sealed in a special envelope provided for this purpose, in order to prevent them from being tampered with.

5. When examination answer scripts are received at the assessment body where they should be checked against the relevant mark sheet, before being transferred to the marking centre. A record should be kept of all examination answer scripts transferred to the marking centre, and the marking centre manager must sign for the receipt of these examination answer scripts.

6. A bar code tracking system, using hand-held scanners, is recommended.

Annexure F- Appointment of Markers

1. An excerpt from the Personnel Administration Measures

"4.3 In respect of setting of an examination question paper where no suitable candidate can be recruited with the set minimum qualifications or experience, the Director-General (Basic Education) may approve the appointment of a suitable candidate with other appropriate post school qualifications or with less than the required experience, after consultation in this regard with the relevant teacher unions. The final decision with regard to

the appointment of examiners and internal moderators rests with the Director-General.”
(Personnel Administration Measures (PAM), pp. 104 & 105).” (Refer to a paragraph).

Markers are appointed in terms of the Personnel Administration Measures (PAM). The criteria for the appointment of markers are as follows:

“4.4 The criteria to qualify for appointment as markers (including senior markers, deputy chief markers and chief markers) should, in addition to those referred to in paragraph 4.1 of the PAM document, include the following:

(1) a recognised three-year post school qualification, which must include the subject concerned at second or third year level or other appropriate post matric qualifications;

(2) appropriate teaching experience, including teaching experience at the appropriate level, in the subject concerned;

(3) language competency; and

(4) in addition to the above criteria, preference should be given to serving teachers who are presently teaching the subject concerned.

(5) The provision in paragraph 4.2 of the PAM document for the relaxation of requirements in respect of qualifications and experience also applies in respect of these appointments.

(6) The selection of markers for a specific examination question paper should be carried out by a panel comprising:

(a) the chief examiner;

(b) relevant departmental officials; and

(c) teacher unions (as observers).” (Personnel

Administration Measures (PAM), p.105).”.

Annexure G- Marking Procedures

1. Marking will commence at the termination of the examination.

2. The marking procedure, in terms of the different subjects, should be left to the chief marker, in consultation with the assessment body.

3. Chief examiners must submit detailed plans with regard to the marking procedure and with special emphasis on:

(a) the flow of examination answer scripts through the marking teams;

(b) the mechanisms for controlling the flow of examination answer scripts;

(c) the moderation by senior markers;

(d) the checking of totals;

(e) the final mark is rounded down if the first decimal is less than 5 and rounded up if the decimal is 5 and above e.g. a final mark of 70,3 will be rounded down to 70 and a final mark of 70.6 is rounded up to 71.

(f) the completion of mark sheets; and

(g) the dispatching of completed examination answer scripts.”.

Annexure H- Sanctions

No.	Irregularity	Action to be taken or applicable sanctions
(a)	<u>Failure to produce identification documents</u>	<ul style="list-style-type: none"> • <u>The candidate must be allowed to write the examination, but must produce the identification document within 24 hours or, alternatively, provide an affidavit.</u> • <u>Should the candidate fail to produce the identification document or the affidavit within 24 hours, he or she will not be allowed to continue with the next examination session.</u>
(b)	<u>Incorrect examination number or no examination number</u>	<ul style="list-style-type: none"> • <u>The assessment body must use all available means to establish the correct examination number and this number must then be verified with the school or the candidate concerned.</u>
(c)	<u>Late arrival at the examination centre</u>	<p><u>A candidate must not be admitted to the examination room should he or she arrive after the first hour of the commencement of the examination.</u></p> <p><u>A candidate must not be admitted to the examination room should he or she arrive after the first hour of the commencement of the examination.</u></p> <ul style="list-style-type: none"> • <u>A candidate who arrives within the first hour of the commencement of the examination must be allowed into the examination room, but will not be allowed any additional writing time.</u>
(d)	<u>Examination answer script missing or lost by the assessment body.</u>	<ul style="list-style-type: none"> • <u>After all possible steps to locate the examination answer script have been exhausted and an investigation conducted, a report in this regard must be submitted to the Department of Basic Education which will apply to Umalusi on behalf the candidate. Based on the report, Umalusi will officially declare the examination answer scripts missing and request the assessment body to determine a calculated mark in accordance with Umalusi guidelines. The final calculated marks must be submitted to Umalusi for approval.</u> • <u>An examination answer script lost due to the negligence of an official, constitutes an act of misconduct and will be dealt with in terms of the <i>Employment of Educators' Act, 1998 (Act No. 76 of 1998)</i>, or other appropriate measures.</u>
(e)	<u>Writing on an incorrect grade</u>	<ul style="list-style-type: none"> • <u>If the action was unintentional or the result of misinterpretation, the candidate's mark must be converted as indicated in the Umalusi guidelines</u> • <u>If the action was intentional or deliberate, the results of the candidate must be declared null and void.</u>
(f)	<u>Candidates found in possession of unauthorised material during the examination</u>	<ul style="list-style-type: none"> • <u>The candidate's results for that examination question paper is declared null and void</u> • <u>The candidate may be barred, depending on the circumstances and severity of the case, from a minimum of one and a maximum of three subsequent examinations.</u>
(g)	<u>Candidates found in possession of an unauthorised electronic device during the examination</u>	<ul style="list-style-type: none"> • <u>The candidate's result for that examination question paper is declared null and void.</u> • <u>The candidate may be barred from a minimum of one and a maximum of three subsequent examinations.</u>

No.	Irregularity	Action to be taken or applicable sanctions
(h)	<u>Candidate caught copying or obtaining help from a fellow-candidate</u>	<ul style="list-style-type: none"> • <u>The results of the candidate caught copying may be declared null and void for that examination question paper.</u> • <u>The candidate may be barred from a minimum of one and a maximum of three subsequent examinations.</u> • <u>If there is evidence of collusion, the candidate offering the assistance must also be sanctioned as indicated above.</u>
(i)	<u>Candidate assisting another candidate during the examination session.</u>	<ul style="list-style-type: none"> • <u>The candidate's results for that examination question paper is declared null and void</u> • <u>The candidate may be barred, depending on the circumstances and severity of the case, from a minimum of one and a maximum of three subsequent examinations.</u>
(j)	<u>Presentation of fraudulent identification or an imposter</u>	<ul style="list-style-type: none"> • <u>The candidate's result for that examination question paper must be declared null and void.</u> • <u>The candidate may be barred from a minimum of one and a maximum of three subsequent examinations.</u> • <u>In addition, this matter must be reported to the SAPS.</u>
(k)	<u>Assistance to a candidate, provided by an invigilator, a teacher or principal, or any other official</u>	<ul style="list-style-type: none"> • <u>In the event of the candidate being found guilty, the results for that examination question paper may be declared null and void.</u> • <u>The candidate may be barred from a minimum of one and a maximum of three subsequent examinations.</u> • <u>In the case of the invigilator, teacher or principal, it must be regarded as an act of misconduct. The official must be suspended immediately from all examination-related work, and be dealt with in terms of the relevant legislation.</u> • <u>This must also be reported to SAPS.</u> • <u>If an invigilator at a private examination centre is negligent in the execution of his or her functions, such invigilator must not be appointed as an invigilator again.</u>
(l)	<u>Handwriting of a different person on the examination answer script</u>	<ul style="list-style-type: none"> • <u>The candidate's results for that examination question paper is declared null and void</u> • <u>The candidate may be barred, depending on the circumstances and severity of the case, from a minimum of one and a maximum of three subsequent examinations.</u>
(m)	<u>Two examination answer scripts with the same examination number</u>	<ul style="list-style-type: none"> • <u>If the act was unintentional, the examination numbers must be corrected and the results of the candidates concerned must be released.</u> • <u>If the action was intentional or deliberate, the results of the guilty candidates must be declared null and void for that examination question paper.</u> • <u>The candidate may be barred from a minimum of one and a maximum of three subsequent examinations.</u>
(n)	<u>Crib notes discovered in examination answer scripts at the marking centre</u>	<ul style="list-style-type: none"> • <u>The candidate's results for that examination question paper is declared null and void</u> • <u>The candidate may be barred, depending on the circumstances and severity of the case, from a minimum of one and a maximum of three subsequent examinations.</u>
(o)	<u>An examination answer script removed from the examination room and submitted at a later stage</u>	<ul style="list-style-type: none"> • <u>The examination answer script must be marked as normal, pending the outcome of the investigation.</u> • <u>In the event where the candidate is found guilty, the results for the examination question paper concerned must be declared null and void.</u> • <u>The candidate may be barred from a minimum of one and a maximum of three subsequent examinations.</u>
(p)	<u>Submission of work that is not candidate's own work.</u>	<ul style="list-style-type: none"> • <u>The person who submits work that is not his or her own, may have his or her results for that examination question paper declared null and void.</u> • <u>The candidate may be barred from a minimum of one and a maximum of three subsequent examinations.</u> • <u>If there is evidence of collusion, the candidate offering the assistance must also be sanctioned as indicated above.</u>

No.	Irregularity	Action to be taken or applicable sanctions
(q)	<u>Leaked/stolen examination question paper</u>	<ul style="list-style-type: none"> • <u>A leaked examination question paper is a paper to which a learner had access, e.g. a copy of the examination question paper, a part of it or a transcript which resembles the examination question paper.</u> • <u>This must be regarded as a criminal case and be referred to the SAPS.</u> • <u>In the event where it can be proven that specific candidates have stolen an examination question paper prior to it being written, the guilty candidates must be barred from writing the examination for a period of three (3) to five (5) years, from the date of the offence.</u> • <u>The results obtained for the subject should be declared null and void.</u> • <u>In the case of a leaked examination question paper, the Director-General: Basic Education must in conjunction with Umalusi and the relevant Head of the assessment body decide what action should be taken to ensure the credibility of the examination.</u>
(r)	<u>Bribery or attempted bribery</u>	<ul style="list-style-type: none"> • <u>This must be regarded as a criminal case and be referred to the SAPS.</u> • <u>In the event where the candidate is found guilty, the candidate must be barred from writing the examination for a period of three (3) to five (5) years, from the date of the offence.</u> • <u>In the event where a teacher or a departmental official is involved, this must be regarded as an act of misconduct and must be dealt with in terms of the relevant legislation.</u>
(s)	<u>Creating a disturbance, intimidation and drunkenness, disregarding the arrangements and/or the reasonable instructions of the invigilator</u>	<ul style="list-style-type: none"> • <u>The candidate must be warned and, if he or she persists with the behaviour or action, the candidate must be removed from the examination centre.</u> • <u>The candidate then forfeits the opportunity to write or to continue writing that specific examination question paper.</u> • <u>Where the candidate has commenced with the examination, the marks attained will be declared null and void.</u> • <u>The candidate retains the marks awarded for the other components in the subject, and the results are released as such.</u> • <u>Criminal charges may be instituted."</u>