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## GENERAL NOTICE

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### NOTICE 966 OF 2012

#### 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 ASSESSMENT FOR THE NATIONAL SENIOR CERTIFICATE

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 assessment for the National Senior Certificate*, promulgated in *Regulation Gazette No. 31337* of 29 August 2008. In view of this, I invite stakeholder bodies and members of the public to comment on the relevant regulation change 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**. 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  
Private Bag X895  
PRETORIA, 0001  
Or  
Fax: 012 328-2898  
E-mail: [poliah.r@dbe.gov.za](mailto:poliah.r@dbe.gov.za)

5. The name, address, telephone number and fax number of the person or organization responsible for submitting comments must be provided.

  
MRS AM MOTSHEKGA, MP  
MINISTER OF BASIC EDUCATION  
DATE: 20 October 2012

## DEPARTMENT OF BASIC EDUCATION

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

## DRAFT AMENDMENT REGULATIONS PERTAINING TO THE CONDUCT, ADMINISTRATION AND MANAGEMENT OF ASSESSMENT FOR THE NATIONAL SENIOR CERTIFICATE

## 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 *Notice, No. R872 in Regulation Gazette No. 31337 of 29 August 2008* as amended by *Government Notices No. 1327 and 1328 in Government Gazette, No.31680 of 12 December 2008*; and *Government Notices 1041 and 1042 in Government Gazette No.32678 of 3 November 2009*.

## Amendment of Regulation 1 of the Regulations

2. Regulation 1 is hereby amended by-

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

**"act of dishonesty" means knowingly making a false statement in respect of the authenticity of a particular component of the mark for any part of the internal assessment in a subject, or the internal assessment mark for the subject as a whole, and/or 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."**

(b) the substitution for the definition of an "assessment body" of the following definition-

**"assessment body" means [the body accredited by Umalusi, the Council for Quality Assurance in General and Further Education and Training, in accordance with the criteria determined by the South African Qualifications Authority and approved by the Minister in terms of section 16(6) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001). The assessment bodies are the nine provincial departments of education and independent assessment bodies approved by Umalusi] an assessment body as defined in the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001."**

(c) the substitution for the definition of an "assessment irregularity" of the following definition-

**"assessment irregularity" means any [event] 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 and assessment process;”;

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

“‘candidate’ means a learner who has enrolled in his or her Grade 12-year of the National Senior Certificate programme and who has registered for the National Senior Certificate final examinations;”;

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

“‘certification’ means the issuing of the National Senior Certificate by Umalusi when the minimum promotion requirements have been met;”;

(f) the substitution for the definition of the “Department of Education” of the following definition-

“‘Department of Basic Education’ means the national department Responsible for basic education”;

(g) the insertion, after the definition of a “District Assessment Irregularities Committee (DAIC)”, of the following definitions-

“‘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;”;

(h) the substitution for the definition of an “examination centre” of the following definition-

“‘examination centre’ means a centre [**contemplated in Chapter 5 of these Regulations**] registered by an assessment body;”;

(i) the substitution for the definition of an “examination irregularity” of the following definition-

“‘examination irregularity’ means any [**event**] 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;”;

(j) the substitution for the definition of an “examination process” of the following definition-

“‘examination process’ means, but is not limited to, the complete process relating to [**the examination cycle that includes, amongst others,**] the registration of candidates, the setting of the examination question papers, moderation, the security, the marking and processing of results, and the certification thereof [**, to ensure integrity of such examination;**];”;

(k) the insertion, after the definition of an “examination sitting”, of the following definition-

“‘full-time candidate’ means a learner who has enrolled for tuition in a full-time capacity at a public or independent school or any other registered institution and who presents the required number of subjects as stipulated in the policy document, *National Senior Certificate: A Qualification at Level 4 on the National Qualifications Framework (NQF)*;”;

(l) the substitution for the definition of a “grade” of the following definition-

“‘grade’ means [**that part of an educational programme that a**

**learner may complete in one year, or any other education programme that the Member of the Executive Council (MEC) may deem to be equivalent thereto] a grade as defined in the South African Schools Act, 1996 (Act No. 84 of 1996);”;**

(m) the substitution for the definition of the “Head of an assessment body” of the following definition-

“‘Head of [an assessment body] Department’ means the Head of a Provincial Department of Education or the Head of an independent assessment body”;

(n) the insertion, after the definition of the “Head of the assessment body”, of the following definition-

“‘Head of the institution’ means the Head of an educational institution”;

(o) the substitution for the definition of “immediate family” of the following definition-

“‘immediate family’ means father, mother, brother, sister, grandparents, husband, wife, legal partner, **[and]** children, guardians and foster parents;”;

(p) the insertion, after the definition of an “imposter”, of the following definition-

“‘independent school’ means a school registered in terms of *section 46 of the South African Schools Act, 1996 (Act No. 84 of 1996);*”;

(q) the substitution for the definition of “internal assessment” of the following definition-

“‘internal assessment’ means an assessment, **[defined]** contemplated in section 1 of the General and Further Education and Training Quality Assurance Act, 2001 (Act No.58 of 2001);”;

(r) the insertion, after the definition of a “learner”, of the following definition-  
“‘learner who experiences barriers to learning’ means any learner who has difficulties in accessing the curriculum due to factors that serve as barriers.”;

(s) the insertion, after the definition of “marking centre manager”, of the following definition-

“‘MEC’ means a Member of the Executive Council, contemplated in section 1 of the South African Schools Act, 1996 (Act. No. 84 of 1996);”;

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

“‘National Examinations Irregularities Committee (NEIC)’ means the body established by the Minister of Basic Education, to coordinate the handling of irregularities identified during **[internal assessments and examinations]** the examination process;”;

(u) the substitution for the definition of a “moderator” of the following definition-

“‘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);”;

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

“‘National Senior Certificate’ means a qualification at Level 4 on the

National Qualifications Framework (NQF) which is awarded to Grade 12 candidates who comply with the national policy requirements set out in the policy document, National Senior Certificate: A Qualification at Level 4 on the National Qualifications Framework (NQF);”;

(w) the insertion, after the definition of the “National Senior Certificate”, of the following definition-

“National Senior Certificate examination’ means the final examination at the end of the Grade 12-year conducted by a department of education or an assessment body accredited by the Umalusi Council;”;

(x) the insertion, after the definition of the “National Senior Certificate examination”, of the following definition-

“parent’ means a parent as defined in the South African Schools Act, 1996 (Act No. 84 of 1996);”;

(y) the insertion, after the definition of a “parent”, of the following definition-

“part-time candidate’ means a Grade 12 learner who has enrolled at an institution for part-time studies and may enroll for any number of subjects in one examination sitting;”;

(z) the insertion, after the definition of a “part-time candidate”, of the following definition-

“Processes and procedures for the assessment of learner achievement’ means the conduct, administration and management of internal assessment[and the final National Senior Certificate examination as stipulated in the policy document, National policy pertaining to the programme and promotion requirements of the National Curriculum Statement Grades 10 – 12, the policy document, An addendum to the policy document, the National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF), regarding the National Protocol for Assessment (Grades R – 12), the Subject Statements of all approved subjects, and the policy document, National policy on the conduct, administration and management of the National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF);”;

(aa) the insertion, after the definition of “Processes and procedures for the assessment of learner achievement”, of the following definition-

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

(bb) the insertion, after the definition of a “preparatory examination”, of the following definition-

“registered institution’ means a public or an independent school or an independent institution that provides-

(a) the National Senior Certificate programme on a full-time basis for all three years, namely Grades 10-12; or

(b) tuition in all or selected subjects offered in the Grade 12 year of the National Senior Certificate programme with the aim of assisting candidates to either upgrade their already obtained qualification, or to fulfill all outstanding requirements or to improve either the obtained qualification or selected subjects; or

(c) assessment, including oral, practical and School-Based Assessment as required for the National Senior Certificate qualification and/or examination;”;

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

“‘repeat candidate’ means a candidate who has failed the Grade 12-year of the National Senior Certificate examination and/or the supplementary examination [and] or who wants to [satisfy the outstanding requirements for the National Senior Certificate] improve his or her National Senior Certificate examination results, and who wants to repeat the Grade 12-year or a subject, as a full-time learner or part-time candidate respectively;”

(dd) the insertion, after the definition of “SACE”, of the following definition-  
“‘school’ as defined in the South African Schools Act, 1996 (Act No. 84 of 1996)”;

(ee) the insertion, after the definition of the “School Assessment Irregularities Committee”, of the following definition-

“‘school-based assessment’ means assessment as defined in the policy document, National Protocol for Assessment Grades R – 12, (Government Gazette No. 34600 of 12 September 2011)”;

(ff) the substitution for the definition of a “supplementary examination”, of the following definition-

“‘supplementary examination’ means an examination [contemplated in Regulation 18] granted under special conditions to a full-time, repeat and part-time candidates in the year following the National Senior Certificate examination”;

#### **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 assessing and examining the National Curriculum Statement Grades R-12.”

#### **Amendment of the heading of Chapter 2) of the Regulations**

4. The heading of Chapter 2 of the Regulations is hereby substituted for the following heading-

“Conduct of school-based assessment, [and] practical and oral assessment tasks.”

#### **Amendment of Regulation 3 of the Regulations**

5. Regulation 3 is hereby amended by -

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

“(3) In the case of Life Orientation, the final promotion mark will be based on internal assessment, which must be externally moderated, as well as a Common Assessment Task which is externally set and moderated. Monitoring and moderation mechanisms will be determined by the **[Department of Basic Education, the]** assessment body and Umalusi.”

(b) the substitution for sub-regulation (6) of the following sub-regulation-

“(6) A Practical Assessment Task mark is a compulsory component of the final promotion mark for all candidates registered for the following National Senior Certificate subjects.



- (a) Agriculture: Agricultural Management Practices and Agricultural Technology;  
 (b)~~[(a)]~~ Arts: Dance Studies, Design, Dramatic Arts, Music and Visual Arts;  
 (c)~~[(b)]~~ Languages: Oral mark;  
 (d)~~[(c)]~~ Technology: Civil Technology, Electrical Technology, Mechanical Technology and Engineering Graphics and Design;  
 (e)~~[(d)]~~ Life Orientation;  
 (f)~~[(e)]~~ Computer Sciences: Computer Applications Technology and Information Technology; and  
 (g)~~[(f)]~~ Services: Consumer Studies, Hospitality Studies And Tourism.”.

#### Amendment of Regulation 4 of the Regulations

6. Regulation 4 is hereby amended by-

- (a) the substitution for sub-regulation (1)(a) of the following sub-regulation-  
 “(1)(a) comprise assessment ~~tasks~~ task marks that constitute the learners’ School-Based Assessment and Practical Assessment mark;”;
- (b) the substitution for sub-regulation (1)(b) of the following sub-regulation-  
 “(1)(b) include a mark awarded for each assessment task marks and a consolidated mark;”;
- (c) the substitution for sub-regulation (4) of the following sub-regulation-  
 “(4) The absence of a School-Based Assessment and/or a Practical Assessment Task mark in any subject, without a valid reason, will result in the candidate, registered for that particular subject, receiving an incomplete result. **[The candidate will be given three months to submit outstanding work or present himself or herself for School-Based Assessment and/or a Practical Assessment Task. Should the candidate fail to fulfil the outstanding School-Based Assessment and/or Practical Assessment Task requirements, such,].** Such a candidate will not be resulted and he or she must repeat the subject, and if necessary the year and redo the School-Based Assessment and/or Practical Assessment Task component for that subject.”.
- (d) the substitution for sub-regulation (5)(a) of the following sub-regulation-  
 “(5)(a) In the event of a learner not complying with the requirements of School-Based Assessment and/or Practical Assessment Task, but where a valid reason is provided:  
 (a) He or she may be granted another opportunity to be assessed in the assigned tasks, based on a decision by the Head of the assessment body or his or her nominee.”.
- (e) the substitution for sub-regulation (5)(b) of the following sub-regulation-  
 “(5)(b) The learner must, within three calendar months from the date on which the opportunity is granted, submit outstanding work or present himself or herself for School-Based Assessment and/or Practical Assessment Task. Should the candidate fail to fulfil the outstanding School-Based and/or Practical Assessment Task Assessment requirements, he or she, registered for that particular subject will receive an incomplete result **[and can therefore not sit for the ensuing end-of-year National Senior Certificate examination].**”.
- (f) the insertion, after sub-regulation (5) of the following sub-regulation-

“(5A) A learner who is not able to offer the Physical Education Task (PET) as a fifth component in Life Orientation may be exempted by the Head of the assessment body or his or her representative, provided a valid medical reason is submitted. If the learner’s request for exemption is successful, his or her marks for Life Orientation will be recalculated in terms of four tasks.”.

(g) the substitution for sub-regulation (6)(b) of the following sub-regulation-

“(6)(b) humanitarian reasons, which includes the death of an immediate family member, supported by a copy of the death certificate.”;

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

“(8) Where the subject teacher fails to give learners the minimum tasks for School-Based Assessment and/or Practical Assessment Task in the subject for which he or she is responsible, marks will be adjusted accordingly as stipulated in the policy document, *An addendum to the policy document, the National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF), regarding the National Protocol for Assessment (Grades R – 12)*. The matter must be resolved by the **[Department of Basic Education and]** the assessment body in consultation with Umalusi.”.

#### **Amendment of Regulation 6 of the Regulations**

7. Regulation 6 is hereby amended by-

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

“(1) Public and independent schools, [and] assessment bodies and registered institutions must ensure that candidates that enrol at these institutions [have complied] comply with the internal assessment requirements as stipulated in the policy document, *An addendum to the policy document, the National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF), regarding the National Protocol for Assessment (Grades R – 12)*.”.

#### **Amendment of Regulation 7 of the Regulations**

8. Regulation 7 is hereby amended by -

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

“(1)(a) He or she must register for tuition at a public or a independent school, or registered institution offering a National Senior Certificate course of study.”.

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

“(2)(g) The candidate must sit for the final examination at the centre of registration or, where this is not possible, obtain special permission from the Head of the assessment body or his or her representative to sit for the examination at another centre.”.

(c) insertion of sub-regulation (2A) following sub-regulation (2)-

“(2A) A part-time candidate is a learner who has enrolled at an institution [that does not offer tuition on a full-time basis] for part-time studies.

(a) A part-time candidate may enroll for any number of subjects in one examination sitting.

(b) A part-time candidate must-

(i) Complete the programme requirements for Grades

10, 11 and 12 separately;

(ii) Comply with the School-Based Assessment, oral

and Practical Assessment Task requirements for Grades 10, 11 and 12 where applicable; and

(iii) Comply with the external assessment requirements of Grade 12 as contemplated in the Subject Statements and the Subject Assessment Guidelines of the various subjects.”.

(d) the substitution for sub-regulation (5) of the following sub-regulation-

“(5) The School-Based Assessment, Practical Assessment Task (PAT), Practical Assessment and Oral marks obtained by a candidate in his or her last National Senior Certificate examinations will be valid for a period of five (5) years, after the completion of the first National Senior Certificate examination written by the candidate in that subject. **[Post]** From 2014 the maximum period will change from five (5) years to three (3) years.”.

### **Amendment of Regulation 8 of the Regulations**

9. Regulation 8 is hereby amended by -

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

“(4) Approval for changing a subject in Grade 12 must be obtained from the Head of the assessment body, or his or her representative, provided the following are furnished:”;

(b) the substitution for sub-regulation (5) of the following sub-regulation-

“(5) The closing date for changing a subject or subjects in Grade 10 and 11 must be determined by the Head of the assessment body, or his or her representative based on the impact of the change on the internal assessment programme.”.

(c) the substitution for sub-regulation (6)(b) of the following sub-regulation-

“(6)(b) **[registers]** enrolls with a registered institution of an accredited assessment body with the aim of ensuring that all the School-Based Assessment, Practical Assessment Task (PAT), Practical Assessment and Oral requirements for all subjects that will be offered for the improved qualification are met.”.

(d) the substitution for sub-regulation (7)(a) of the following sub-regulation-

“(7)(a) sat for the National Senior Certificate examination **[in the previous year]** previously.”;

### **Amendment of Regulation 12 of the Regulations**

10. Regulation 12 is hereby amended by-

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

“(1) The Principal of a school may recommend the cancellation of The registration of a candidate in Grade 12 to the Head of the **[assessment body] Department**, if the candidate is irregular in attendance or has committed a serious misdemeanour as contemplated in Annexure M, paragraph 1(3)(j).”.

(b) the insertion of subparagraph (1A) following subparagraph (1)-

“(1A) The school attended must take responsibility for the handing over of the learners documents to the new school.”.

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

“(2) Such a candidate must be given an opportunity to appeal to the MEC before a final decision is taken.”.

(d) the insertion of subparagraph (3) following subparagraph (2)-  
“The MEC must take the appropriate action and his or her decision is final.”.

#### **Amendment of Regulation 13 of the Regulations**

11. Regulation 13 is hereby amended by the substitution for sub-regulation (1)(f) of the following sub-regulation-

“(1)(f) the [re-] issuing of a replacement of a statement of results and certificates.”.

#### **Amendment of Regulation 14 of the Regulations**

12. Regulation 14 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation-

“(1) the policy document, *An addendum to the policy document, the National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF), regarding the National Protocol for Assessment (Grades R – 12 and the Subject Statements of all approved subjects listed in the National Curriculum Statement Grades 10-12.*”.

#### **Amendment of Regulation 16 of the Regulations**

13. Regulation 16 is hereby amended by the substitution for sub-regulation (1)(a)(ii) of the following sub-regulation-

“(1)(a)(ii) such a deaf and dyslectic candidate complies with the Promotion requirements as contemplated in *paragraph 11(1)* of the policy document, *National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF).*”.

#### **Amendment of Regulation 17 of the Regulations**

14. Regulation 17 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation-

“(2) Candidates who absent themselves without a valid reason from the end-of-year external examination [will] must not be permitted to register for the supplementary examination.”.

#### **Amendment of Regulation 18 of the Regulations**

15. Regulation 18 is hereby amended by the substitution for sub-regulation (1)(b) of the following sub-regulation-

“(1)(b) Register for Life Orientation, [which is] comprising an internally assessed component and a common task of assessment, as one of the two subjects to be registered for the supplementary examination in *subregulation (a)*. The re-assessment of Life Orientation must be completed within the period in which the supplementary examination is conducted.”.

#### **Amendment of Regulation 19 of the Regulations**

16. Regulation 19 is hereby amended by-

(a) the insertion of sub-regulation (3A) following sub-regulation (3)-  
“(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 candidates and the invigilator, should be available for the conducting of the examination.

(b) A vault or safe should be available for the safekeeping of the examination question papers and examination material.”.

(b) the insertion of sub-regulation (3B) following sub-regulation (3A) -  
“(3B) Invigilation must be conducted in accordance with regulation 30.”.

(c) the substitution for sub-regulation (4)(a) of the following sub-regulation-  
“(4)(a) packaging, delivery and postage;”;

(d) the insertion of sub-regulation (4A) following sub-regulation (4)-  
“(4A) It will be the responsibility of the relevant assessment body to supply the examination question papers and all material needed.”.

(e) the insertion of sub-regulation (4B) following sub-regulation (4A) -  
“(4B) The relevant assessment body will be responsible for the confirmation of the delivery of all examination materials. Costs regarding this correspondence will be borne by the candidate.”.

#### **Amendment of Regulation 21 of the Regulations**

17. Regulation 21 is hereby amended by the deletion of sub-regulation (2)-  
“[(2) All relevant processes related to the preparation of the external examination must be concluded at least six months prior to the commencement of the external examination.]”.

#### **Amendment of Regulation 23**

18. Regulation 23 is hereby amended by the substitution for sub-regulation (5) of the following sub-regulation-

“(5) 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 National Senior Certificate examination during the period of appointment, [and] Such an examiner or moderator must be relieved from the responsibility of setting or moderating examination question papers for that particular [year] period.”.

#### **Amendment of Regulation 24 of the Regulations**

19. Regulation 24 is hereby amended by-

(a) the substitution for the heading of sub-regulation (1) for the following heading-  
“The [Department of Basic Education and the] assessment body must ensure that-“

(b) the substitution for sub-regulation (1)(e) of the following sub-regulation-  
“(1)(e) an examiner or internal moderator complies with all instructions and deadlines issued by the [Department of Basic Education, the] assessment body and Umalusi.”.

(c) the substitution for sub-regulation (3) of the following sub-regulation-  
“(3) An internal moderator or examiner, appointed to a national

panel, may not serve on the examination panel of any independent assessment body.”.

(d) the substitution for sub-regulation (4) of the following sub-regulation-  
“(4) The **[Department of Basic Education and the independent]** assessment body[ies] must ensure that all examination question papers are approved by the internal and external moderators.”.

(e) the substitution for sub-regulation (5)(a) of the following sub-regulation-  
“(5)(a) In the event of a disagreement between the examiner and the moderator, the following procedure must be followed:

(a) If the disagreement is between the internal moderator and the examiner, the **[Department of Basic Education or]** independent assessment body must –

(i) attempt to mediate between the examiner and the internal moderator; and

(ii) if consensus cannot be reached, the **[Department of Basic Education or independent]** assessment body[ies] must make the final determination.”.

(f) the substitution for sub-regulation (6) of the following sub-regulation-  
“(6) The **[Department of Basic Education and the independent]** assessment body must comply with the requirements of Umalusi with regard to the external moderation of examination question papers.”.

(g) the substitution for sub-regulation (7) of the following sub-regulation-  
“(7) The **[Department of Basic Education and the independent]** assessment body must provide examiners and internal moderators with guidelines for the setting of examination question papers, which must include the following-

(a) duration of the examination question paper;

(b) maximum marks;

(c) number of examination question papers; and

(d) format of the examination question paper.”.

#### **Amendment of Regulation 25 of the Regulations**

20. Regulation 25 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation-

“(1) The **[Department of Basic Education and the independent]** assessment body must ensure that clear structures and procedures are in place, regarding the typing, editing, translation and printing of examination question papers.”.

#### **Amendment of Regulation 26 of the Regulations**

21. Regulation 26 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation-

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

#### **Amendment of Regulation 27 of the Regulations**

22. Regulation 27 is hereby amended by-

(a) the substitution for sub-regulation (1) of the following sub-regulation-  
“(1) 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. See Annexure G;

**[(c)] clearance in terms of the local health and fire services bylaws;**

**[(d)] (c)** provision of proper lighting;

**[(e)] (d)** availability of water and toilet facilities;

**[(f)] (e)** suitably qualified teaching staff or members of the community who can be trained as invigilators;

**[(g)] (f)** availability of a strong room or safe for the safekeeping of assessment material;

**[(h)] (g)** the capacity to assess learners experiencing barriers to learning;

**[(i)] (h)** capacity to complete the School-Based Assessment requirements, Practical Assessment Tasks and Oral. In the case of repeaters enrolled at registered institutions, the normal approval process must be followed; and

**[(j)] (i)** report on previous irregularities at the centre with specific reference to the nature and outcome of the irregularities.”.

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

“(3) The following institutions must apply to the relevant assessment body for registration as examination centres under their own names-

(a) independent schools; **[and]**

(b) independent learning institutions; **and**

(c) registered institutions for repeaters who do not have to comply with School-Based Assessment requirements, Practical Assessment Tasks and Oral requirements.”.

(c) the substitution for sub-regulation (7) of the following sub-regulation-

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

#### **Amendment of Regulation 29 of the Regulations**

23. Regulation 29 is hereby amended by the substitution for sub-regulation (2)(b) of the following sub-regulation-

“(2)(b) The Head of **[the assessment body]** Department or his or her representative shall inform the owner or management, in writing, of the course to be followed.”.

#### **Amendment of Regulation 30 of the Regulations**

24. Regulation 30 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation-

“(1) Assessment bodies must ensure that all chief invigilators and invigilators appointed in writing receive the appropriate training (Annexure I).”.

#### **Amendment of Regulation 31 of the Regulations**

25. Regulation 31 is hereby amended by the substitution for sub-regulation (6) of the following sub-regulation-

“(6) 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 [fulfilling the requirements] will be marked. This condition will apply provided that the instructions are clear.”.

#### **Amendment of Regulation 32 of the Regulations**

26. Regulation 32 is hereby amended by the substitution thereof with the following regulation-

“32. The Department of Basic Education, the assessment body and Umalusimust have a clear programme relating to the monitoring of the National Senior Certificate examinations. This programme must cover all stages of the examination[, **commencing with the preparatory phase and concluding with the release of the results**].”.

#### **Amendment of Regulation 33 of the Regulations**

27. Regulation 33 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation-

“(2) The monitoring teams of [**the Department of Basic Education and**] the assessment bodies [**should**] must visit the marking centres to observe the marking process.”.

#### **Amendment of Regulation 34 of the Regulations**

28. Regulation 34 is hereby amended by the substitution for sub-regulation (6) of the following sub-regulation-

“(6) Final promotion schedules for Grades 10 and 11 must be approved and signed by the Head of Department [**the relevant assessment body**] or his or her representative.”.

#### **Amendment of Regulation 35 of the Regulations**

29. Regulation 35 is hereby amended by-

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

“(2) Markers at provincial assessment bodies are appointed in terms of the PAM (Annexure K), and any other additional criteria as determined and approved by [**HEDCOM**] the Head of [**the assessment body**] Department or his or her representative.”.

(b) the substitution for sub-regulation (5) of the following sub-regulation-

“(5) 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 National 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 relative.”.

#### **Amendment of Regulation 37 of the Regulations**

30. Regulation 37 is hereby amended by-

(a) the insertion of sub-regulation (5)(a)(ii) following sub-regulation 5)(a)(i)-

“(5)(a)(ii) All [**unregistered**] manually generated mark sheets or examination answer scripts are to be recorded in a specific register.”.

(b) the addition of sub-regulation (5)(c)(v) following sub-regulation 5)(c)(iv)-

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



### Amendment of Regulation 40 of the Regulations

31. Regulation 40 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation-

“(1) The marks obtained by candidates, as reflected on the mark sheets or on the examination answer scripts, should be captured by specially trained staff.”.

### Amendment of Regulation 41 of the Regulations

32. Regulation 41 is hereby amended by-

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

“(1) Mark adjustments are done by Umalusi, in conjunction with the [Department of Basic Education and] assessment bodies.”.

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

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

### Amendment of Regulation 42 of the Regulations

33. Regulation 42 is hereby amended by the substitution thereof by the following regulation-

**“42. Release of the results and confidentiality**

(1) The release date of the results by the Department of Basic Education must be decided upon by the Council of Education Ministers (CEM) on the recommendation of HEDCOM, and this must be done on an annual basis.

(2) The date contemplated in *subregulation (1)* is subject to approval of the National Senior Certificate results 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 must comply with the embargoes stipulated by the Department of Basic Education to ensure that candidates only receive their results at stipulated times.

(5) The examination results data 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 form 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 given will remain valid for a period of six (6) weeks from the date of publication where after it must be destroyed by the concerned party.

(c) The Department of Basic Education must monitor compliance with Regulation 42(6).”.

#### **Amendment of Regulation 43 of the Regulations**

34. Regulation 43 is hereby amended by the substitution thereof with the following regulation-

**“43. Re-marking and re-checking of examination answer scripts**

(1) The following are applicable to the re-marking and re-checking of examination answer scripts-

(a) A candidate may apply for the re-marking or re-checking of his or her examination answer scripts, within twenty-one (21) calendar days of the official release of the results.

(b) This applies to both the end-of-year and supplementary examinations.

(c) A candidate may obtain an application for re-marking, re-checking or viewing of an examination answer script from any examination centre.

**[(2) Following consultation with the Heads of Departments, the Director-General may, by way of a notice in the *Government Gazette*, determine the following fees for provincial assessment bodies:**

**(a) the re-marking of examination answer scripts;**

**(b) supplementary examinations;**

**(c) the re-checking of examination answer scripts;**

**(d) viewing of examination answer scripts; and**

**(e) a statement of results.]**

**[3](2)** The fees [contemplated in *subregulation [(2)] 13(1)* must be refunded to the candidate if the re-marking results in an improvement of the rating code.

**[4](3)** The prescribed fee must be communicated to the candidate with the statement of results.”.

#### **Amendment of Regulation 44 of the Regulations**

35. Regulation 44 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation-

**“2 [Viewing of an examination answer script will only be allowed] When a learner is not satisfied with his or her result obtained in a subject, such a learner will, subject to the following conditions, be allowed to view the relevant examination answer script, with the aim of satisfying him- or herself with the marking conducted-**

(a) The candidate or his or her parents may apply to view an examination answer script if, after the re-checking and re-marking process, the candidate is still not satisfied with the result.

(b) An application to view the examination answer script must be made within seven (7) days of the release of the re-marked results and must provide clear reasons for the request.

(c) The examination answer script will be viewed in the presence of

an examination official appointed by the Head of the assessment body or his or her representative and may not be removed from the viewing room.

(d) No other document, except the examination answer script of the candidate, will be allowed into the room where the viewing takes place.

(e) No writing on the examination answer script during the viewing process will be allowed.

(f) After the **[re-marking or]** viewing of an examination answer script, a candidate may apply to the Head of Department for a final re-mark. If the candidate is not satisfied with the outcome, he or she may appeal to the MEC, or to Umalusi in the case of an independent assessment body. The decision of the MEC or Umalusi is final.

(g) If the marker tampered with the marks during the remark process the examination answer script must be recalled.

(h) If results are published incorrectly, the result must be recalled."

### **Amendment of Regulation 45 of the Regulations**

36. Regulation 45 is hereby amended by-

(a) the substitution for sub-regulation (2) of the following sub-regulation-  
 "(2) The Head of **[the provincial assessment body]** Department must establish a Provincial Examination Irregularities Committee to investigate irregularities and make recommendations to the MEC and the Head of Department."

(b) the addition of sub-regulation (8) following sub-regulation (7)-  
"(8) If an official is investigated, a union representative may attend such investigation as an observer."

### **Amendment of Regulation 48 of the Regulations**

37. Regulation 48 is hereby amended by-

(a) the substitution for sub-regulation (1) of the following sub-regulation-  
 "(1) The assessment body must take every reasonable step to ensure the security and confidentiality of-

- (a) the examination question papers;
- (b) examination answer books;
- (c) examination answer scripts;
- (d) mark sheets; **[ and]**
- (e) other assessment documents; and
- (f) the IT system or data base."

(b) the substitution for sub-regulation (2)(e) of the following sub-regulation-  
 "(2)(e) examination question papers **[leaving]** handed over by the **[Department of Basic Education and]** assessment bodies;"

(c) the substitution for sub-regulation (3) of the following sub-regulation-  
 "(3) The **[national]** security and confidentiality agreement vetting process relating to examination matters must be signed by all officials involved in managing and administering the examination."

### **Amendment of Regulation 50 of the Regulations**

38. Regulation 50 is hereby amended by-

- (a) the deletion of sub-regulation (5)-  
"[(5) Certified examination data must be transferred to the

**National Learner Records Database (NLRD) at the South African Qualifications Authority (SAQA).]”.**

**Amendment of Regulation 51 of the Regulations**

39. Regulation 51 is hereby amended by-
- (a) the substitution for sub-regulation (2) of the following sub-regulation-
- “(2) The assessment body must manage [transfer] the certified certification records and transfer them to the historical certification records of the Department of Basic Education.”.

**Amendment of Regulation 54 of the Regulations**

40. Regulation 54 is hereby amended by the substitution for sub-regulation (3) of the following sub-regulation-
- “(3) These records should be used for queries, the combination of results, and [for the verification of certification data] preparing data for verification for Umalusi with respect to the issuing of replacement certificates.”.

**Amendment of Regulation 55 of the Regulations**

41. Regulation 55 is hereby amended by-
- (a) the substitution for sub-regulation (1) of the following sub-regulation-
- “(1) The Department of Basic Education [and] or the accredited independent assessment body must establish the minimum requirements for a computer programme to be used in the examination process.”.
- (b) the substitution for sub-regulation (3) of the following sub-regulation-
- “(3) The Department of Basic Education or the accredited independent assessment body must develop user requirement specifications.”.

**Amendment of Regulation 56 of the Regulations**

42. Regulation 56 is hereby amended by-
- (a) the substitution for sub-regulation (1) of the following sub-regulation-
- “(1) Documents and reports printed by the computer system, relating to the examination, are the responsibility of the assessment bodies.”.
- (b) the substitution of sub-regulation (2) for the following sub-regulation-
- “(2) The Head of the assessment body or his or her representatives must check the signatures and the [descriptions] information on these documents.”.
- (c) the substitution of sub-regulation (3) for the following sub-regulation-
- “(3) Documentation [on the resulting process] of the computer system is [essential for use by] the property of the relevant assessment bodies and should be available to them.”.
- (d) the substitution of sub-regulation (4) for the following sub-regulation-
- “(4) [This] Documentation information is used for reference purposes [in order] and to maintain and further develop the system.”.

**Amendment of Regulation 57 of the Regulations**

43. Regulation 57 is hereby amended by the substitution thereof by the following regulation-

**“57. The establishment of examination boards**

The following examination boards [are] may be established on a date as determined by the Minister of Basic Education-

- (1) a National Examination Board to advise the Minister on all matters relating to national examination and assessment; and
- (2) a Provincial Examination Board to advise the Member of the Executive Council (MEC) on all matters relating to provincial examinations and assessment [**(Annexure O)**].”.

**Amendment of Regulation 58 of the Regulations**

44. Regulation 58 of the Regulations is hereby amended by the substitution thereof with the following Regulation-

- “58. Repeal of [Report 550 (2001/08)] the interim Regulations**  
**[(1) The policy document, *Résumé of instructional programmes in schools, Report 550 (09/05)*, containing the programme and promotion requirements for the Senior Certificate, is repealed, subject to Regulation 59.**
- (2) Learners entering Grade 12 in 2008 must write the National Senior Certificate examination.]

(1) On 31 December 2013 the Regulations pertaining to the Conduct, Administration and Management of the National Senior Certificate underpinned by the National Curriculum Statement Grades 10-12 will be repealed and replaced by new regulations for the conduct, administration and management of the post 2013 National Senior Certificate examination underpinned by the National Curriculum Statement Grades R-12.”.

**Amendment of Regulation 59 of the Regulations**

45. Regulation 59 of the Regulations is hereby amended by the substitution thereof with the following Regulation-

- “59. Transitional arrangements**  
**[(1) The following candidates will be given an opportunity to complete outstanding requirements for the Senior Certificate until May/June 2011:**
- (a) unsuccessful candidates in the Senior Certificate examination of 2007;
  - (b) part-time candidates who are already enrolled for the Senior Certificate,
  - (c) candidates who have passed Grade 11 in previous years; and
  - (d) other special cases where the Heads of provincial and independent assessment bodies may use their discretionary powers to allow such candidates admission to the May/June Senior Certificate examination.
- (2) All Senior Certificate subjects, successfully completed prior to 2007 and provided they are in compliance with the policy document, *Résumé of instructional programmes in schools, Report 550 (2001/08)*, will be recognised for the issuing of the Senior Certificate until May/June 2011.

**(3) No new enrolments of learners will be accepted in Grades 10 for any subjects listed in the policy document, a *Résumé of instructional programmes in schools, Report 550 (2001/08)* from 1 January 2006.]**

**[(4)](1)** National education policy pertaining to part-time candidates as stipulated in the policy document, *National policy on the conduct, administration and management of the National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF)*, will continue to exist until such a date as determined by the Minister of Basic Education.

**[(5)](2)** The Minister may also determine the date, contemplated in *subregulation [4] 1* after:

- (a) an alternative qualification for part-time candidates has been developed and implemented; and
- (b) public and independent distance/correspondence education institutions have been identified and have become operational to assist part-time candidates to obtain the qualification presented by the Minister in the *Government Gazette*.

**[(6)](3)** The policy pertaining to part-time candidates contemplated in *subregulation [5] 2* will continue for a further period of three (3) years after the date referred to in *subregulation [4] 1*. In order to accommodate the candidates already enrolled as part-time candidates on the date determined by the Minister.

**[(7)](4)** Part-time candidates must comply with the National Senior Certificate requirements as stipulated in the policy document, *National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF)*.

**[(8) Candidates who have registered as part-time candidates for the National Senior Certificate during the period 2006-2008 must show proof that they have complied with the National Senior Certificate requirements as stipulated in the policy document, *National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF)* before they will be allowed by an assessment body to register and sit for the final National Senior Certificate examination.]**

**[(9)](5)** Learners who register as part-time candidates for the first time in Grade 10 ~~[in] post~~ 2009, must register with an accredited assessment body to ensure that such learners comply with the National Senior Certificate requirements as stipulated in the policy document, *National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF)*.

**[(10)](6)** Once a learner as contemplated in *subregulation [9] 6* has registered with an assessment body, such assessment body must provide guidelines regarding the National Senior Certificate with respect to the three year duration of the qualification and the compliance with the internal assessment and external examination requirements.

**(7) Regulations 8, 9, 10 and 16 and Annexures B and C will be incrementally repealed and incorporated in the *Regulations pertaining to the National Curriculum Statement Grades R – 12* as follows-**

- (a) 2012: Grade 10;**
- (b) 2013: Grade 11; and**

(c) 2014: Grade 12.

(8) The status quo of Regulations 8, 9, 10 and 16 and Annexures B and C will be maintained for Grade 11 in 2012 and Grade 12 in 2013. It will therefore still be applicable to the 2012 and 2013 National Senior Certificate examinations.

(9) The status quo as stipulated in the following policy documents will be maintained until the implementation of the National Curriculum Statement Grades R – 12 in Grade 12 in January 2014:

(a) National Curriculum Statement Grades 10-12 promulgated in Government Gazettes, No. 25545 of 6 October 2003, No. 27594 of 17 May 2005, No. 27819 of 20 July 2005 and No. 28300 of 7 December 2005.

(b) National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF), promulgated in Government Gazette No.27819 of 20 July 2005;

(c) The policy document, An addendum to the policy document, the National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF), regarding learners with special needs, promulgated in Government Gazette, No.29466 of 11 December 2006; and

(d) An addendum to the policy document, the National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF), regarding the National Protocol for Assessment (Grades R – 12), promulgated in Government Gazette No. 29467 of 11 December 2006.

(10) In January 2014 the National Curriculum Statement Grades R – 12 comprising the following policy documents will replace the documents contemplated in subregulation (11)-

(a) Curriculum and Assessment Policy Statements for all approved subjects listed in this document;

(b) National policy pertaining to the programme and promotion requirements of the National Curriculum Statement Grades R – 12; and

(c) National Protocol for Assessment Grades R – 12.

(11) The Minister may, if deemed necessary, amend the transitional arrangements as contemplated in Regulation 58.”.

#### **Amendment of Annexure A of the Regulations**

46. Annexure A of the Regulations is amended by:

(a) The heading of Annexure A of the Regulations is hereby substituted for the following heading-

“Administrative issues relating to the School-Based Assessment (SBA) [and], Practical Assessment Task (PAT) and oral marks”

(b) the substitution for subparagraph (2) of paragraph 1 of the following subparagraph-

“(2) A Practical Assessment Task/oral mark is a compulsory component of the final promotion mark for all candidates registered for the following National Senior Certificate subjects.

(aA) Agriculture: Agricultural Management Practices and Agricultural Technology;

(a) Arts: Dance Studies, Design, Dramatic Arts, Music and Visual Arts;

(b) Languages: Oral mark;  
 (c) Technology: Civil Technology, Electrical Technology, Mechanical Technology and Engineering Graphics and Design;  
 (d) Life Orientation;  
 (e) Computer Sciences: Computer Applications Technology and Information Technology; and  
 (f) Services: Consumer Studies, Hospitality Studies and Tourism.”.

(c) the substitution for subparagraph (3) of paragraph 1 of the following subparagraph-

“(3) Learners who have not submitted a learner portfolio of evidence as part of the School Based Assessment component, and/or Practical Assessment Task/oral mark based on valid reasons, must be given three months from publication of the results to submit School-Based Assessment tasks and/or a Practical Assessment Task for evaluation. In such an event, the code “999” is indicated on the mark sheet.”.

(d) the addition of a new subparagraph (6) of paragraph 1 following subparagraph (5)-

“(6) If a learner fails to present a component or components of the School-Based Assessment, **without a valid reason**, the learner must be awarded a zero mark (“0”) for such component or components (refer to Table 2).”.

(e) the substitution for paragraph 2 of the following paragraph-

## “2. INCOMPLETE RESULTS

A learner’s results are regarded as incomplete if he or she did not offer any component of the School-Based Assessment and/or a Practical Assessment Task (PAT), a Practical Assessment or an Oral mark and no valid reason was provided. This implies that the learner did not submit all assessment tasks specified for School-Based Assessment, Practical Assessment Task (PAT), Practical Assessment or Oral requirements in the policy document, *An addendum to the policy document, the National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF), regarding the National Protocol for Assessment (Grades R – 12)* and Subject Assessment Guidelines. In such an event, the code “444” is indicated on the mark sheet. Therefore the candidate cannot receive a result in the subject, since he or she has not satisfied the requirements of the National Senior Certificate and will not qualify for a National Senior Certificate. In such an event, the code “444” is indicated on the mark sheet. Such a candidate must repeat the subject in the subsequent examination, but not the supplementary examination. If a candidate fails to do this, he or she will not qualify for a National Senior Certificate, until outstanding requirements have been met.”.

(f) the substitution for subparagraph (3) of paragraph 3 of the following subparagraph-

“(3) Candidates who have not met the School-Based Assessment and Practical Assessment Task component requirements that repeat the National Senior Certificate qualification or a subject, may be allowed to improve their marks obtained in the School-Based Assessment and Practical Assessment Task components, subject to satisfactory arrangements being made with the relevant accredited assessment body.”.

(g) the substitution for subparagraph (2) of paragraph 4 of the following subparagraph



“(2) Learners whose School-Based Assessment marks and/or Practical Assessment Task/oral marks are outstanding, absent or have not been finalised at the time of the statistical moderation, are removed from the moderation process. The examination results for these learners are initially left out of the moderation process, and the moderated marks are calculated at a later stage, using information from the rest of the group.”.

#### **Amendment of Annexure B of the Regulations**

47. Annexure B of the Regulations is amended by the substitution for paragraph 4 of the following paragraph-

“4. An assessment body approved by the Minister of Basic Education and accredited by Umalusi, should undertake the development of the additional subject requested, as well as the conduct of the examination thereof.”.

#### **Amendment of Annexure F**

48. Annexure F of the Regulations is amended by-

(a) the substitution for subparagraph (4) of paragraph 1 for the following subparagraph-

“(4) **[All typists must complete a Contract of Confidentiality]** The typing of examination question papers must be executed in terms of the security measures as contemplated in paragraph 4.”.

(b) the substitution for subparagraph (4) of paragraph 2 for the following subparagraph-

“(4) **[All members of the editing team must complete a Contract of Confidentiality.]** The editing of examination question papers must be executed in terms of the security measures as contemplated in paragraph 4.”.

(c) the substitution for paragraph 3 of the following paragraph-

“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 Department of Education 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 Department of Education 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 Department of Basic Education and the assessment body must ensure the following-

- [(a) A building with proper security, which could be used for typing, printing, packaging and storage.]**
- [(b) All examination activities may then be carried out in this safe building, allowing access only to specific persons.]**
- (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 checked 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.
- [(g)](k) [All members of the printing team must complete a Contract of Confidentiality.]** The printing of examination question papers must be executed in terms of the security measures as contemplated in paragraph 4.
- [(2)](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 Department of Education and authorised by the Head of the assessment body or his or her representative.
- packaging staff:**
- (b) Packing teams must be established comprising:
- (i) an official in charge of the packing and
- (ii) a team leader; and
- (iii) a verifier.
- (c) The following preparation for packing and packaging needed to be done-

- (i) sufficient stationery must be provided;  
(ii) The correct statistics must be obtained.  
Packing schedules may be used as a verification mechanism;  
(iii) all centres/schools 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 school;  
(gg) district;  
(hh) number of candidates;  
(ii) number of examination question  
papers; and  
(jj) language version of the  
examination question papers.
- (d) The following packing and packaging procedure  
must be followed-  
previous packing material;  
that the packing is done according to the time table;  
subject must be packed at a time;  
be given to each packing team;  
calculate the number of examination question papers per subject, district and school;  
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  
(x) counted, scanned out and packed into  
security  
bags/boxes per district and per  
(xi) school; and  
(xii) 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;

(bb) the administering of security clearance to the armed security officials;

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

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

(ee) the sealing/locking of trucks to secure the consignment of examination question papers; and

(ff) striving for a daytime delivery of the examination question papers.

(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.

to the District/Circuit Office and from District/Circuit Office to school

(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 -

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

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

(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.”

(d) the insertion of paragraph 4 following paragraph 3 of Annexure F-

**“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.”

**Amendment of Annexure H of the Regulations**

49. Annexure H of the Regulations is amended by-the substitution of subparagraph (2) of paragraph 10 for the following subparagraph-

“(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.”.

#### Amendment of Annexure I

50. Annexure I of the Regulations is amended by-

(a) the insertion of subparagraphs (6) and (7) of paragraph 1 following subparagraph (5)-

“(6) If a principal has a child or children or close relative in Grade 12 he or she cannot be appointed as the chief invigilator. The District Director must be informed in writing and the next most senior official at the institution may be appointed as chief invigilator.”.

“(7) All examination centres writing the public National Senior Certificate examination are bound by these regulations.”.

(b) the substitution of subparagraph (1) of paragraph 2 for the following subparagraph-

“(1) At [full-time] examination centres, suitably qualified teachers from the teaching staff may be appointed as invigilators by the chief invigilator. At private centres, invigilators are to be appointed in accordance with the instructions of the Head of the assessment body.”.

(c) the substitution of paragraph 4 for the following paragraph-

#### “4. INVIGILATION

(1) Duties of the Principal of the school or chief invigilator-

(a) The Principal of the school or chief invigilator is fully responsible and therefore accountable for the examination conducted at his or her examination centre. He or she must be present at the examination centre for the entire duration of every examination session.

(b) [His or her] The Principal of the school or chief invigilator’s specific examination-related duties may include the following-

(i) Distribute the individual examination timetables in Good time to all the candidates registered at his/her examination centre.

(ii) [The chief invigilator should] Select and appoint invigilators.

(iii) Arrange for an additional examination room in cases where centres have candidates for which an amanuensis has been approved as a concession.

(iv) [The chief invigilator should] Draw up Invigilation and relief invigilation timetables and submit these to the assessment body for approval.

(v) [The chief invigilator should] Ensure the preparation and readiness of the examination rooms, which include the following:

(aa) candidates may not sit two to a desk or table;

(bb) candidates must be seated at least one metre apart;

(cc) all subject matter, such as drawings, must be removed from the walls;

(dd) chalk-boards must be cleared of any writing, formulae or drawings;

(ee) examination rooms must be sufficiently ventilated and illuminated; and

(ff) where the examination venue is sufficiently big enough to accommodate all the candidates, candidates should be allocated permanent seats for the duration of the examination;

(vi) **[The chief invigilator and]** With the assistance of the invigilators, [must] ensure that no material and/or equipment that are not required for the writing of the examination are present in the examination room, including cell phones.

(vii) **[The chief invigilator should]** Read the Instructions relating to the examination to candidates, and inform them that they could forfeit their results should they contravene any of the instructions.

(viii) **[The chief invigilator should]** Point out before the commencement of the examination session, that 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.

(ix) **[The chief invigilator should]** Ensure that Candidates have ten minutes reading time per examination question paper, during which time [which] no writing may take place, before the official commencement of the examination. This is over and above the reading of any other instructions that may be necessary.

(x) Ascertain with the assistance of an invigilator Before opening the examination question papers in the examination room, **[the chief invigilator and an invigilator should ascertain]** that the examination question paper is the correct examination question paper, in terms of the time and date specified on the examination timetable.

(xi) **[The chief invigilator should]** Open the examination question paper envelopes in front of the candidates and remain in the examination room until the examination question papers have been issued to candidates.

(xii) **[The chief invigilator should]** Visit the examination room frequently during each session, and ensure that a high standard of invigilation is maintained.

(xiii) **[The chief invigilator should]** Draw up a seating plan, indicating the examination room with the desk arrangements and the examination numbers of candidates. Such seating plan must be submitted for each examination question paper written. If the chief invigilator prefers to combine groups in one hall or room, the arrangement will have to be reflected on the plan.

(xiv) **[The chief invigilator should]** Ensure that there are no unauthorised persons in and around the examination room.

(xv) **[The chief invigilator should]** Ensure that all candidates are advised timeously of requisites such as rulers and drawing instruments to be used in the writing of specific subjects.

(xvi) **[The chief invigilator should]** Ensure that the invigilators complete the absent and present columns on the mark sheets correctly.

(xvii) **[The chief invigilator should]** Assist with relief invigilation in centres.

(xviii) 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.

(xix) **[The chief invigilator should]** Ensure that examination answer scripts are properly batched and packed according to the candidates' examination numbers, once the session has ended. The mark sheet

pertaining to a specific batch of examination answer scripts must be included with that batch.

(xx) Seal examination answer scripts **[should be sealed]** in a special envelope provided for such purpose, in order to prevent them being tampered with.

(xxi) 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 **[is the responsibility of the chief invigilator]**.

(xxii) **[Chief invigilators should]** Ensure that all equipment, including computers, printers, typewriters and drawing boards, to be used by candidates, are serviced timeously and are in perfect working condition, and that they are available at the examination venue on the day of the examination.

(xxiii) **[The chief invigilator should]** Collect, check and sign all invigilation claim forms, if applicable.

(xxiv) **[The chief invigilator should]** Submit written reports on all suspected cases of irregularities to the assessment body without delay."

(2) Specific duties of invigilators

(a) Admission of candidates to, and their exit from the examination room.

(i) Ensuring that every candidate produces his or her admission letter, as well as proof of identity.

(ii) Ensure that candidates are seated at least thirty minutes before the commencement of the examination session.

(iii) **[The invigilator should]** Ensure that the candidates have ten minutes reading time per examination question paper.

(iv) Ensure that only in exceptional circumstances may a candidate be admitted to the examination room after the commencement of an examination, but not after an hour has passed.

(v) Ensure that a candidate **[may] does** not leave the examination room during the course of the first hour of the examination session.

(vi) Ensure that only candidates who have registered for the examination, the invigilators concerned, and the chief invigilator or an authorised representative of the assessment body, **[may be] are only allowed people to be present** during an examination.

(vii) Ensure that only in a case of **[In]** an emergency a candidate may leave the examination room temporarily but only under supervision.

(viii) **[The invigilator should]** Move around the examination room constantly, but without disturbing the candidates.

(ix) Refer to the chief invigilator without delay, any candidate contravening the rules and regulations of the examination **[should be referred to the chief invigilator without delay]**.

(x) **[The invigilator must]** Check whether a candidate's examination number, which appears on his or her timetable, is written at the top of each examination answer book, and at the top of each loose sheet of paper used by that candidate during the examination.

(b) Instructions to candidates-

The invigilator must read the instructions to candidates during an information session before the actual start of the examination and, if necessary, again at the start of each examination session.

(c) The following is a guideline of instructions **[that may be read]** should be brought the attention of candidates-



- (i) NO cell phones are allowed inside the examination room.
- (ii) NO food or drinks are allowed inside the examination room (except where necessary for diabetic candidates).
- (iii) NO smoking shall be permitted in a room where an examination is being conducted.
- (iv) No explanation of examination questions may be asked for or given. Only questions relating to the number of questions to be answered, and whether some questions are compulsory, would be answered.
- (v) As soon as the candidates have handed in their examination answer scripts, they must leave the examination room. They will not be allowed to leave the examination room within the first hour of the session. In an emergency, a candidate will be allowed to leave the examination room under supervision.
- (vi) Candidates must not assist other candidates or try to assist a candidate in getting help or communicating with anybody. Any questions should be directed to the invigilator.
- (vii) Candidates may not create a disturbance in the examination room or behave in an improper or unseemly manner.
- (viii) Candidates may not disregard the instructions of the invigilator.
- (ix) Candidates may not have a book, memorandum, notes, maps, photos or other documents or papers (including unused paper), or any other material, which may be of help to them in the examination, other than that which was provided to them by the invigilator, and their letters of admission or permits in their possession, while they are in the examination room.
- (x) Only calculators, as approved and prescribed, may be used by a candidate in the examination, except in subjects where these are indicated on the examination question paper as being prohibited.
- (xi) If candidates do not obey these instructions, they render themselves liable to suspension from current and future examinations, and the assessment body may, in such an event, refuse to give them credit for other examination question papers written.
- (xii) All aids and answer books, as well as answer sheets issued to candidates, must be handed in before they leave the examination room.
- (xiii) Any errata on a specific examination question paper must be read to the candidates concerned.
- (xiv) Candidates are allowed ten minutes reading time of the examination question paper before the official commencement of the examination, during which time no writing of any kind may take place.

(d) Where only one invigilator is present, he or she may leave the examination room only in exceptional circumstances and then only if relieved, with the approval of the chief invigilator, by a member of the teaching staff.

- (e) An invigilator shall not-
- (i) allow candidates access to any textbook, diagram, summary or any other material that will assist them in answering a question;
- (ii) answer any question posed by a candidate which may result in the explanation of an examination question;
- (iii) provide a candidate with loose paper for 'rough work' or make any change in an examination paper without the prior instruction or permission of the Department or act in a way that will disturb or distract a candidate;
- (iv) read over the candidate's shoulder or stand

behind the candidate in such a way that a candidate may be disturbed or distracted;

(v) give a copy of the examination question paper to any person other than a candidate, before the end of the examination;

(vi) allow more than the stipulated time for each examination question paper, except in cases where candidates have been granted extra time as indicated on their individual timetables;

(viii) read to candidates any examination question paper or part of an examination question paper or draw attention to any error which he or she may observe in any of the examination papers or mark allocation, unless he or she has been instructed to do so in the errata sheet or by an examination official of the Department;

(ix) by his or her conduct, create any opportunity which facilitates the contravention of any examination instruction by a candidate;

(x) assist a candidate in any way in answering an examination question paper, or allow another person to assist any candidate in any way whatsoever; or

(xi) communicate with the media, teachers' organisations or any other unofficial personnel concerning the administration of the examination or about any problems with examination question papers, etc. These issues should be raised with the Examinations Directorate at the Head Office.

(f) The chief invigilator must also refer candidates to the last two pages of the examination timetable, where the Rules and Regulations for Examinations are printed.”.

(d) the substitution for paragraph 7 of Annexure I of the following paragraph-

#### “7. INVIGILATION SESSION

(1) Invigilators must ensure that candidates write their correct identity numbers/examination numbers on their examination answer scripts.

(2) Chalk-boards must be cleared of all writing and drawings. All drawings and maps must be removed from the walls.

(3) Each session must commence and be terminated according to the time specified on the examination timetable.

(3A) One or more invigilators shall be present in the examination room at all times while the examination is being written.

(4) An invigilator may not knit, read, mark or do any work that will hamper him or her in the execution of his or her duties as an invigilator. Cellular phones may not be used by invigilators under any circumstances.

(4A) During the entire session, invigilators must maintain constant supervision over the candidates, so as to preclude the possibility of candidates availing themselves of unauthorised assistance.

(4B) Invigilators must give their entire attention to supervision. Under no circumstances may an invigilator read, knit, write, mark or listen to Walkmans, iPods, etc.

(5) An invigilator may not sit down, but must move about the examination room without disturbing the candidates.

(6) An invigilator may not assist a candidate with the answering of any examination question or explain any "unclear" part of the examination question paper to a candidate.

(7) An invigilator may not invigilate a subject which he or she teaches in any grade, except where the subject demands it, e.g. Information Technology, Computer Application Technology and Engineering Graphics and Design.

- (8) Invigilators may not cause any disturbance.
- (9) Invigilators may not leave the examination room or leave the candidates unattended.
- (10) An invigilator may not invigilate from outside the examination room by looking through a window.
- (11) Invigilators may not allow candidates to copy, or assist them, or allow candidates to be assisted by anyone during the examination.
- (12) Copies of examination question papers may not be given to anybody outside the examination room, nor may they be taken out of the examination room before the session has ended and the candidates have left the room.
- (13) Invigilators must adhere to the special examination requirements of certain subjects.”.

- (e) the insertion of paragraph 8A of Annexure I following paragraph (8)-  
“8A MONITORING INVIGILATORS

(a) The monitoring invigilators are appointed at independent schools for the duration of the examination by the Head of Examination in the Provincial Department of Education. The Provincial Department of Education, may where necessary, appoint a monitoring invigilator at a public school.

(b) The Monitoring Invigilator should be remunerated for the duration of his deployment at an independent school even if such a person is not in the employ of the Provincial Education Department.

(c) The duties of the Monitoring invigilator are, to:-

(i) monitor the invigilation at independent schools or any learning institution that has registered as an examination centre with the Provincial Department of Education;

(ii) examination answer scripts to and from the regional/ district and or circuit offices; and

(iii) perform any other duty as may be assigned by Head of Examination.”.

- (f) the substitution for the introduction of subparagraph (1) of paragraph 9 of the following introduction-

“9(1) Invigilators **[should]** must-“

- (g) the insertion of paragraph 11 of Annexure I following paragraph 10-  
“11 CONTRAVENTION OF ANY REGULATION OR RULE BY AN OFFICIAL

(a) All persons involved in the Exit Examinations must sign the declaration of confidentiality form.

(b) Should any Head of institution, chief invigilator, invigilator or other official contravene any of the above prohibitions, or contravene any regulation or rule, an irregularity shall be declared and a charge laid against the official concerned in terms of section 17 of the *Employment of Educators Act, 1998 (Act No. 76 of 1998)*, or sections 18 and 20 of the *Public Service, 1994 (Act No. 103 of 1994)*, or any other legislation that is applicable.

(c) A departmental inquiry may be instituted and simultaneously, the suspect party may be suspended from any duty until an outcome has been achieved by the inquiry. The Head of institution shall be held accountable for any breach of these prohibitions / regulations / rules.”.

- (h) the insertion of paragraph 12 of Annexure I following paragraph 11-

“12. CANDIDATES WITH SPECIAL CONCESSIONS

(1) The following concessions in respect of languages may be applied to candidates who experience barriers related to deafness, aphasia and dyslexia:

(a) Deaf, aphasic or dyslectic candidates may offer only one official language at First Additional Level if

(b) Candidates suffering from a Mathematical disorder such as dyscalculia may be exempted from offering Mathematical Literacy or Mathematics as a subject if:

(2) All applications for concessions must be directed to the Head of the Assessment body when the learner enters Grade 10 or immediately after the learner has been diagnosed with the learning disorder.

(3) All applications referred to above must be accompanied by an evaluation conducted by structures responsible for learners with special educational needs, as well as by external, professionally registered experts in the relevant fields.

(4) 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, which may differ from what has been requested by the school. For example, the concession approved will appear on the timetable as follows: “Writing problem: Additional Time: 5 minutes per hour.”

(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.

(5) 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 the subject teacher or 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.

(6) With the exception of learners with barriers to learning and development, the only concession that is likely to be granted to a candidate in a mainstream school is that of additional time (extra minutes for every hour of the examination), or the use of a typewriter or computer.

(7) Chief invigilators who may need clarification concerning special concessions or training on the conducting of special concessions for candidates, should contact the coordinator of their District/Region Examinations Concessions Committee (DECC). Should it become necessary for a candidate to be assessed in an alternative way owing to an injury sustained before or during the examination, an application in this regard, accompanied by a medical report, should be submitted to the District Examination Concession Committee coordinator.”.

- (i) the insertion of paragraph 13 of Annexure I following paragraph 12-

“13. IDENTIFICATION OF CANDIDATES

(1) Full-time candidates writing in schools may be identified from their individual examination timetables by the invigilators provided that the invigilators know the candidates. Since the National Senior Certificate Examinations are monitored by external bodies such as Umalusi, candidates must be able to produce identification when writing.

(2) National Senior Certificate Supplementary Examination candidates generally write at cluster centres or other venues, or are invigilated by persons who do not necessarily know them. To gain admission to an examination centre, National Senior Certificate Supplementary candidates MUST produce their letter of admission, as well as proof of their identity and their individual examination timetable. It is incumbent upon the chief invigilator to check the photograph and date of birth in the identity document and to compare it with each candidate’s physical appearance.

(3) The current Grade 11 learners must be informed that they need to apply for their South African identity document from their local office of the Department of Home Affairs before the end of their Grade 11 year, to ensure that they have an ID number for inclusion on their examination registration form.

(4) Dealing with candidates who cannot be identified

(a) 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.

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

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

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

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

(5) Dealing with candidates during the examination

(a) The temporary examination identity

document form remains at the centre/school in the examination file. (If not available, centres/schools must create such a file.)

(b) The temporary examination identity document form must be handed to candidates prior to the commencement of each examination.

(c) The temporary examination identity document form must be placed/displayed on the left-hand corner of the candidate's desk.

(d) The temporary examination identity document must be collected by the chief invigilator 45 minutes before the end of each examination session.

(6) Dealing with candidates after the Examination

(a) Only in cases where the candidate writes the examination **without** a valid identity document, i.e. South African identity document, valid passport (South African or foreign), any other document with a photo affixed to it, e.g. driver's licence or the duly completed temporary examination identity document, an irregularity must be declared.

(b) The examination answer script must be marked in such a manner (ID number, date of birth) that it can be identified or traced back to the particular candidate.

(7) 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."

(j) the insertion of paragraph 14 of Annexure I following paragraph 13-

"14. ATTENDANCE REGISTER

(1) Accompanying the examination question papers and examination answer books that are collected from the distribution points, is a computer-generated attendance register for each examination centre. Each sheet will indicate the names and examination numbers of the candidates entered for the particular examination in numerical sequence. On each sheet there is a column to indicate present/absent and a column for the candidate's signature. The candidate signs the attendance register personally- just printing the first letters of the names and surname does not constitute signing or initialing the form.

(2) Once the examination has settled and all the examination material issued to the candidates, the invigilator must ensure that no candidate signs the attendance register and vacate the examination venue as this will cause an irregularity. The invigilator may take the register on a clipboard from candidate to candidate to sign as they are seated in the room or hall. Under no circumstances may the register be passed from candidate to candidate while the examination is in progress.

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

(b) Absentees must be indicated with the letter "A" alongside the name and examination number of the candidate in the column with \* above it.

(c) The attendance register must be returned with the candidates' answer books to the distribution point – each attendance register with the names candidates must be placed on top of the batch of answer books of these particular candidates listed on the attendance register, with the wrapper placed around the answer books and register of that particular batch. The list of absentees completed by the Chief Invigilator must correspond with the attendance register.

(d) Invigilators must ensure that candidates sign in the correct space in the attendance register and that absentees are correctly indicated. In cases where a candidate insists on writing a different examination question paper other than the one registered for (e.g. Home Language instead of First Additional Language), the candidate must not sign the attendance register where his or her name appears as he or she is not writing the particular subject. The following must be written next to the name of the candidate in the attendance register, "IRR". A candidate is then required to sign an attendance register for irregularities form indicating the subject he or she is actually writing.

(3) The attendance register contains the names of the candidates, and will therefore not be available to markers at the marking centres. At the marking centre, the official mark sheet will be used that only reflects the candidates' examination numbers. It is therefore imperative that the correct transferring of "✓" or "A" is done at the office when the examination scripts are received."

(k) the insertion of paragraph 15 of Annexure I following paragraph 14-

"15. ABSENCE OF CANDIDATES

(1) If it is the policy of chief invigilators to paste a label on the desks of candidates indicating their names and examination number, etc., the candidate's contact telephone number should be written on the label to enable the school/centre to contact the learner in a case of an emergency. Alternatively, an updated list of each candidate's contact telephone numbers should be kept available in the examination room.

(2) Should a candidate not present him or herself on time for an examination, the missing candidate must be phoned to ascertain the reason for his or her absence.

(3) Should a candidate miss an examination without a valid reason, he or she will not be allowed to write a supplementary examination the following year, and the candidate will not receive a result.

(4) Candidates may only miss an examination, supported by documentary evidence, for the following reasons-

(a) illness (A valid medical doctor's certificate required);

(b) family bereavement (Letter required);

(c) attending an initiation school (Letter required); and

(d) representing the country or province in a sporting or cultural event (Official letter required);

(5) The doctor's certificate or letter must be handed in to the chief invigilator within seven (7) days. Any supporting documents handed in must contain the candidate's examination number, candidate's surname and names must correspond with the registration details. The candidate must ensure that he/she registers for the supplementary examinations.

(6) The following procedures must be followed-  
(a) The word 'Absent' must be written in the attendance register alongside the candidate's name.  
(b) Particulars of the candidate must be filled in on the absentee form.  
(c) The medical certificate or the letter from the family or organisation AND a letter from the Head of the institution, validating the candidate's absence must be attached. A copy of the medical certificate must be kept and attached to the supplementary examination entry form.  
(d) Documents must then be sent to the District/Regional Office where an official will forward them to the Provincial Head Office."

#### **Amendment of Annexure K**

51. Annexure K of the Regulations is amended by the insertion of paragraph 2 following paragraph 1-

##### "2. PAYMENT OF MARKERS

(1) Marking related payment is determined by the formula stipulated in the (Personnel Administration Measures (PAM).  
(2) Marking tariffs will be reviewed annually and will be in accordance with the annual general agreements for salaries in the ELRC.  
(3) Marking tariffs will not separately be negotiated.  
(4) Tariffs in the PAM will be determined per subject as stipulated in terms of the norm time of that subject.  
(5) Marking tariffs as contemplated in subparagraphs (1), (2) and (3) are not applicable to independent assessment bodies."

#### **Amendment of Annexure M**

52. Annexure M of the Regulations is amended by-

(a) the insertion of subparagraph (1)(c)(iii)(ccA) of paragraph 1 following subparagraph (1)(c)(iii)(cc)-

"(1)(c)(iii)(ccA) Decisions taken without any appeals must be finalised within 14 days;";

(b) the insertion of subparagraph (1)(c)(iii)(ccB) of paragraph 1 following subparagraph 1(c)(dd)-

"(1)(c)(iii)(ccA) Special cases, court cases and appeals may delay the timeframe;";

(c) the insertion of subparagraph (1)(c)(iii)(ccC) of paragraph 1 following subparagraph 1(c)(iii)(ccB)-

"(1)(c)(iii)(ccC) If an investigation has not been completed yet, provinces may not use this as an excuse for not completing their own processes. Provinces must therefore complete their own processes and impose sanctions where needed;";



(d) the insertion of subparagraph (2A) of paragraph 1 following subparagraph (2)-

"(2A) The District/Regional Assessment Irregularities Committee (DAIC)

(a) 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.

(b) The DAIC will take responsibility for the handling of irregularities relating to internal assessment conducted at school level. This will be done by ensuring a consistent approach in the handling of irregularities across all schools in the district/region.

(c) 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.

(d) 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.

(e) The DAIC will comprise the following members:

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

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

(iii) 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.

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

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

(vi) 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).

(f) The duration of the term of office of the RAIC will be three years.

(g) The DAIC will have jurisdiction in any alleged irregularity that occurs at the schools within the control of the Region/District which are identified during internal assessment conducted at school. These irregularities relate to the following processes-

(i) registration of learners;

(ii) compilation of internal assessment marks;

(iii) monitoring and moderation of internal

assessment;

(iv) capturing and processing of data in respect of

internal assessment;

question papers:

(v) setting and moderation of internal assessment

(vi) quarterly Assessment School reports; and

(vii) any other irregularity related to internal assessment, which cannot be resolved by the SAIC.

(h) All decisions taken by the DAIC, relating to irregularities in the above stages of the assessment process will be subject to final ratification by the PEIC.

(i) The DAIC must -

(i) support the schools in the establishment of the School Assessment Irregularities Committee and review the recommendations of the SAIC;

(ii) build capacity of the SAICs in terms of identification, investigation, imposition of sanctions and reporting of irregularities;

(iii) ensure that the sanctions, as formulated by the PEIC, with regard to internal assessment are implemented consistently across all schools;

(iv) coordinate and support the School Assessment Irregularities Committee in the handling of assessment irregularities in their respective schools;

(v) receive reports from the SAICs on a regular basis, on all irregularities committed by educators and learners during the internal assessment process;

(vi) intervene in the case of internal assessment irregularities that cannot be resolved by the SAIC;

(vii) investigate any other internal assessment irregularity as and when requested by the regional or district director or his/her nominee;

(viii) ensure that assessment irregularities are handled in a consistent manner across the region/district;

(ix) identify schools that have recurring irregularities or high frequency of irregularities and offer support in solving the problems; and

(x) investigate or assist in the handling of examination irregularities as requested by the PEIC or the Head of Examinations.

(i) Irregularities involving learners during Internal assessment may include the following-

(i) a candidate who refuses to abide by any or all of the minimum requirements in respect of the compilation of a mark for internal assessment in a subject, with no valid reason. The DAIC must approve the validity of the reason presented; and

(ii) A candidate who presents work that is not his or her original work.

(iii) This may take various forms and may include the following:

(aa) copying verbatim from another source. In this case, if the teacher is suspicious and has evidence of sections or the complete assignment or project being lifted verbatim from another source, this must be declared an irregularity;

(bb) an assignment/project that is not his or her own effort. This may have been completed by another learner, his or her parent, or purchased;

(cc) reproduction of an assignment or

project from another learner and there is evidence of such copying;

(dd) work that has been previously presented and for which credits were received, which could either be his or her own effort or that of another individual;

(ee) the whole or part of a portfolio that is not his or her own, but that of another learner from the same school/learning institution or another school/learning institution; and

(ff) a candidate who resorts to any dishonest act to mislead the educator in terms of the authenticity/ originality of the portfolio presented.

(gg) A candidate who, in respect of a component of a mark for internal assessment that is completed under controlled conditions does the following-

(aaa) creates a disturbance or intimidates others, or behaves in an improper or unseemly manner despite a warning;

(bbb) is drunk or behaves in a disorderly manner;

(ccc) disregards the arrangements or reasonable instructions of the educator despite a warning; or

(ddd) continues to disregard assessment regulations despite a warning.

(iv) A candidate making a false statement in respect of the authenticity of a particular component of the a mark for internal assessment.

(v) An educator who misrepresents or fraudulently compiles CASS marks to candidates without any authentic source how the marks were generated.

(vi) The assessment irregularities involving teachers during internal assessment may include the following-

(aa) the teacher willfully and intentionally, without a valid reason, fails to satisfy the requirements or excludes one or more assessment tasks from the compilation of the final assessment marks;

(bb) the teacher/practitioner alters, in other words, either decreases or increases the marks of candidates without the approval of the internal moderator or head of the institution;

(cc) the teacher willfully provides assistance to a learner that advantages a learner unfairly in comparison to other learners; and

(dd) the teacher who collaborates with a candidate who presents the whole or part of the portfolio that is not her or his own work.

(k) The DAIC must report on a quarterly basis to the PEIC on all irregularities detected and handled by the SAIC. In cases where an irregularity requires an investigation, the initial reporting must be followed by a detailed report on conclusion of the investigation.

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

(e) the substitution for subparagraph (5)(b)(i) of paragraph 5 of the following subparagraph-

“(5)(b)(i) All examination irregularities suspected by markers, must

be reported immediately to the senior marker, the deputy chief marker or the chief marker, who then refers it to the centre manager. The matter is then referred to the Head of [Examinations] the assessment body and the PEIC."

(f) the insertion of subparagraph (8)(b)(ivA) of paragraph 5 following subparagraph (8)(b)(ivA)-

"(8)(b)(ivA) 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."

(g) the substitution of subparagraph (10)(d) of paragraph 5 for the following subparagraph-

"(10)(d) After all possible steps locate the examination answer script have been exhausted and an investigation conducted, 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. 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 *Employment of Educators' Act, 1998 (Act No. 76 of 1998)*, or other appropriate measures."

(h) the substitution of subparagraph (10)(p) of paragraph 5 for the following subparagraph-

"(10)(p) 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. This must be regarded as a criminal case and be referred to the SAPS. 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. The results obtained for the subject should be declared null and void. In the case of a leaked examination question paper, the Director-General: Basic Education must in conjunction with the relevant Head of Examination decide what action should be taken to ensure the credibility of the examination."

(i) the substitution for subparagraph (13) of paragraph 5 of the following subparagraph-

"(13) All alleged irregularities must be reported immediately to the next level of responsibility in the assessment process, which, in turn, must report it to the Chairperson of the PEIC and the Head of [Examinations] the assessment body,**or the independent assessment body**]. This reporting may be done verbally, but must be followed with a written report within 12 hours."

#### **Amendment of Annexure N**

53. Annexure N of the Regulations is amended by the substitution for it of the following Annexure-

"1. Browse information on files: Must enable the user to browse through information available on all data files, e.g. look through the names of candidates registered at a specific centre, in order to find a specific candidate's [ID number] information.

2. Entries: Candidates' entries are registered per examination by means of

**[electronic/magnetic media] approved off-line systems**, or directly within the on-line environment. Full candidate validation takes place in accordance with the rules and regulations, as set out by the Department of Basic Education.

3. Mark sheets: The generation of mark sheets, as well as the capturing and controlling of mark sheets. The mark sheets are furthermore printed with bar codes for controlling the flow of mark sheets at strategic points.

4. Examination results: All results are processed by the computer [programme] system, in accordance with the rules and regulations, as set out by the Department of Basic Education and Umalusi.

5. Standardisation of marks: A process used to adjust the marks, using qualitative and quantitative data and reports as set out per Umalusi directives.

6. Subject information: All subject and examination question paper information is carried forward from the previous examination and, where required, changes are made. Subject information has a direct influence on the validation of candidates' entries, candidates' promotion, as well as on conversion, examination packing **[procedures] material**, timetables, admission letters [of admission], etc.

7. Irregularities: Candidates found guilty of irregularities are suspended individually or per examination centre. This sub-system controls the correspondence with regard to, and investigations into these irregularities.

8. Region, **[area, circuit]** or Examination centres: All examination centres are registered and allocated to a **[circuit, area and] region and district**, as well as according to their respective provinces.

9. Candidates' documentation history: The **[names of] Candidates**, who enter on a continuous basis (repeaters) and apply for certification, are processed along with their historical information for possible combination certification.

10. Document issuing and issues: **[Control and] Enquiries** with regard to all system documents issued or controlled by the Department of Basic Education via the computer system.

11. Preliminary number of candidate entries: **[It is an optional system that can] Documentation** should be available to be used by management to gauge the number of candidate entries per school, with a view to planning, budgeting and stationery requirements.

**[12. Recovery of funds: Control of funds received from examination centres for examination fees paid.]**

**[13] (12) Re-marking and re-checking:** When a candidate applies for re-marking or re-checking, his **[certificate is] marks** are suspended and re-marking or re-checking takes place.

**[14] 13. Supplementary examinations: [Automatic registration of] Candidates [that] who** qualify for supplementary examinations or informed by letter that their certificates are withheld.

**[15. Stationery and examination aids: Checking of codes and descriptions used by candidates during examinations.]**

**[16. Examination question paper stock maintenance: Used to monitor the reproduction of examination papers and to pinpoint shortages.]**

**[17] 14.** Packaging of stationery/examination question papers: Reports are generated to assist with the packaging and distribution of examination question papers, as well as with examination stationery supplied by the Department.

**[18] 15.** Statistics: All statistics pertaining to pass and failing rates, entry irregularities, etc., can be extracted per province, per region, or at a national level, and made available for the purpose of media releases, or for use by subject advisors, planners and management.

**[19] 16.** Timetable: Dates, times and the duration of each examination question paper are maintained for candidate admission letters, payment of examiners, etc.

**[20] 17.** System parameters and system index maintenance [**indexes**]-Standard/generic [**names**] information used, etc., are maintained by the systems administrator.

**[21. Word processor: Editing of letters pertaining to irregularities, examination results, candidate entries, etc.]**

**[22] 18.** Examination marking claims: Control and payment of examiners for bulk marking sessions by means of a cheque or direct payment is managed by the Provincial Departments of Education.

**[23. Hand claims: Indirect payment of examiners' claims and expenses incurred by means of a cheque or direct payment.]**

**[24. SANMED functions: Updating of sectors and magisterial codes per examination centre for statistical purposes, for use by the Department of Basic Education.]**

**[25. Invigilators' claims: Payment of invigilators' claims and expenses incurred by means of a cheque or direct payment.]**

**[26. Examination question papers (setting of papers): Checking the setting of examination question papers and the correspondence between the department, examiners and moderators.]**

**[27. Examination officials: Appointment and checking of all examination officials' personal information.]**

**[28. Job control and general functions: Control of batch processes, bulk printing, task scheduling, etc.]".**

#### **Amendment of Annexure N**

54. Annexure O of the Regulations is deleted.

**“[ANNEXURE O  
EXAMINATION BOARDS**

**1. NATIONAL EXAMINATION BOARD**

**(1) Objective of the National Examination Board (NEB)**

The National Examination Board (NEB) will advise the Minister of Basic Education on all matters relating to public examinations and assessment, based on the consolidated inputs from the nine provincial examination boards. The NEB does not replace the Provincial Examinations Board (PEB) but will work in collaboration with the PEBs.

**(2) Functions of the National Examination Board**

In order to ensure the credibility and integrity of the Public examination system, the NEB will perform the following functions:

(a) Advise the Minister on policy and related matters on national examinations and assessment.

(b) Address all matters of public concern relating to examinations conducted for schools, FET Colleges and Adult Education.

(c) Advise the Minister on mechanisms that need to be adopted to improve public confidence in the examination system.

(d) Advise the Minister on matters that have international implications on the examination system.

(e) Deal with all examinations and assessment matters referred to it by the Minister.

(f) Consolidate the inputs from the Provincial and Independent Examination Boards, so as to regularly brief the Minister on the issues that relate to examinations across the country.

**(3) Composition of the Committee**

**(a) The Board will comprise the following persons:**

(i) Chairperson of the National Examination Board appointed by the Minister.

(ii) One representative from each of the Provincial Examination Boards (9), which will be the chairperson of the PEB.

(iii) One (1) representative from each of the independent assessment bodies.

(iv) Two (2) representatives from the Department of Basic Education appointed by the Minister.

(v) One (1) representative from the Higher Education South Africa (HESA).

(vi) One (1) representative from the South African Qualifications Authority (SAQA).

(vii) One (1) representative from Umalusi.

(viii) One (1) representative from each of the recognised teacher unions.

(ix) One (1) representative from the South African College Principal's Organisation (SACPO).

(x) One (1) representative from the ABET Advisory Board.

(b) The Chief Directorate National Examination, Assessment and Educational Measurement will serve as the secretariat to the NEB.

(c) The Minister may appoint additional members, as and when the need arises.

(d) All members of the board together with the chairperson will be appointed by the Minister, based on nominations received from the respective organisations/institutions. The call for nominations will be published in a Government Gazette.

**(4) Term of office**

The term of office for membership shall be three years or of

such a term as shall be determined by the Minister. In the event of a serving member being replaced for whatever reason, the newly appointed member shall serve on the Board for the remaining period that the previous member would have served on the Board. Members of the Examinations Board, will be bound by an obligation of confidentiality and a member may be reappointed when his or her term of office expires.

(5) Chairperson

The Minister will appoint the chairperson of the National Examination Board. The chairperson may be appointed from the list of ordinary members appointed to the Board, or may be appointed by the Minister from outside the current list of nominations. If the Minister appoints the chairperson from the list of members, the organisation or institution from which the chairperson has been appointed, will be entitled to nominate another representative, in lieu, of the appointed chairperson.

(6) Termination of membership

(a) If members are unable to attend a meeting, a written apology must be sent to the secretary of the meeting prior to the scheduled meeting.

(b) In the event of a member being absent from two consecutive meetings of the NEB without an apology or an acceptable reason, his or her membership must forthwith be terminated and the member must be advised accordingly.

(c) The Minister may terminate the membership of a member of the NEB if he or she acts wilfully in contradiction to the spirit and objectives of the NEB.

(d) All resignations must be submitted in writing to the Minister.

7. Vacancies on the Board.

If a vacancy arises on the NEB the Minister will fill such vacancy on the basis of nominations received for the specific category, in which the vacancy exists.

8. Meetings

(a) The National Examinations Board must meet as the need arises, but must hold a minimum of two ordinary meetings annually.

(b) There shall be one (1) meeting preceding the end of the year examination to determine the state of readiness to conduct such an examination. There shall also be another meeting after the end of the year examination to discuss the examination results.

(c) The Chairperson of the Board has the power to call meetings of either the full board or selected members of the Board, as he or she deems necessary.

9. Quorum for a meeting

(a) A minimum of 51% of the membership constitutes the quorum.

(b) The quorum is also applicable with respect to ad hoc committees and working groups.

(c) If a quorum of the NEB is not present, the chairperson may re-convene the meeting within 14 days.

10. Procedure for a meeting

(a) Conventional procedures for a meeting must apply to meetings of the National Examinations Board, its *ad hoc* committees and working groups.

(b) The Secretary of the NEB must give notice 14 days prior to the meeting and keep a record of the names of members attending the meeting.

(c) Ordinary meeting agenda items must be requested by the secretary in writing 30 days before a meeting and received within ten days thereafter, except for urgent matters which may be included on the agenda at a meeting, provided that no member registers an objection.

(d) For special meetings, notice of seven days is required



specifying the agenda for the Examinations Board meeting, which must be the sole agenda item for the meeting.

(e) No decision of the NEB may be changed or recalled except by a two-thirds majority of members present.

(f) In instances where members cannot attend a meeting comments and views on issues to be deliberated must be made known in advance and in writing to the secretary. Written apologies for absence must reach the secretary at least one week before a meeting is scheduled to enable him or her to decide on a possible postponement of the meeting.

(g) The secretary must circulate copies of minutes and other documentation as may be applicable to each member within one month after every Board meeting.

(h) The secretary must furnish all minutes, correspondence or other documents relating to the activities or functioning of the NEB to the archives of the Chief Directorate; National Examinations, Assessment and Measurement, for safe record keeping.

(11) Allowances and remuneration for members of the NEB  
The Department of Basic Education may reimburse NEB members who are not employed by government for legitimate subsistence and travel expenses in accordance with government tariff guidelines.

## 2. THE PROVINCIAL EXAMINATION BOARD

### (1) Composition of the Provincial Examination Board

- (a) The PEB will comprise the following persons:
- (i) Chairperson of the Provincial Examination Board appointed by the MEC for Education in the province.
  - (ii) One (1) representative from the association of school principals in the province.
  - (iii) One (1) representative from the FET College Principals.
  - (iv) One (1) representative from the ABET sector in the province.
  - (v) One (1) representative from each of the recognised teacher unions.
  - (vi) One representative from each of the recognised School Governing Body associations in the province.
  - (vii) One (1) representative from each of the higher education institutions in the province.
  - (viii) One (1) representative from Umalusi.
  - (ix) One (1) representative from the independent schools.
  - (x) One (1) representative from the distance education colleges.
  - (xi) Two (2) representatives from the Provincial Education Department.
- (b) The Directorate responsible for examination and assessment in the province will serve as the secretariat to the PEB.
- (c) All members of the PEB, together with the chairperson will be appointed by the MEC, based on nominations received from the respective organisations/institutions. The call for nominations will be published in a Government Gazette.
- (d) The MEC for Education may appoint additional members to the Board as he or she deems fit.

### (2) Functions of the Provincial Examination Board

In order to ensure that the credibility and integrity of the Public examination system is

enhanced within the province, the PEB will perform the following functions-

- (a) Advise the MEC on policy and related matters on examinations and assessment, as it relates to the province.
- (b) Address all matters of public concern relating to examinations conducted for schools, FET Colleges and Adult Education.
- (c) Advise the MEC on mechanisms that need to be adopted to improve public confidence in the provincial examination system.
- (d) Deal with all examinations and assessment matters referred to it by the MEC.
- (e) Report to the NEB on matters that are of provincial concern relating to the integrity and credibility of the public examinations.

(3) Term of office

The term of office for membership shall be three years or of such a term as shall be determined by the MEC for Education. In the event of a serving member being replaced for whatever reason, the newly appointed member shall serve on the Board for the remaining period that the previous member would have served on the board. Members of the PEB, will be bound by an obligation of confidentiality and a member may be reappointed when his or her term of office expires.

(4) Chairperson

The MEC will appoint the chairperson of the Provincial Examination Board. The chairperson may be appointed from the list of ordinary members appointed to the Board, or may be appointed by the MEC from outside the current list of nominations. If the MEC appoints the chairperson from the list of members, the organisation or institution from which the chairperson is appointed, will be entitled to nominate another representative, in lieu, of the appointed chairperson.

(5) Termination of membership

- (a) If members are unable to attend a meeting, a written apology must be sent to the secretary of the meeting prior to the scheduled meeting.
- (b) In the event of a member being absent from two consecutive meetings of the PEB without an apology or an acceptable reason, his or her membership must forthwith be terminated and the member must be advised accordingly.
- (c) The MEC may terminate the membership of a member of the PEB if he or she acts wilfully in contradiction to the spirit and objectives of the PEB.
- (d) All resignations must be submitted in writing to the MEC.

(6) Vacancies on the Board.

If a vacancy arises on the PEB the MEC will fill such a vacancy on the basis of nominations received for the specific category, in which the vacancy exists.

(7) Meetings

- (a) The PEB Board should meet as the need arises, but must hold a minimum of two ordinary meetings annually.
- (b) There shall be one (1) meeting preceding the end of the year examination to determine the state of readiness to conduct such an examination. There shall also be another meeting after the end of the year examination to discuss the examination results.
- (c) The Chairperson of the Board has the power to call meetings of either the full Board or selected members of the Board, as he or she deems necessary.

(8) Quorum for a meeting

- (a) A minimum of 51% of the membership constitutes the quorum.
- (b) The quorum is also applicable with respect to ad hoc

committees and working groups.

(c) If a quorum of the PEB is not present, the chairperson may re-convene the meeting within 14 days.

(9) Procedure for a meeting

(a) Conventional procedures for a meeting must apply to meetings of the PEB, its *ad hoc* committees and working groups.

(b) The Secretary of the PEB must give notice 14 days prior to the meeting and keep a record of the names of members attending the meeting.

(c) Ordinary meeting agenda items must be requested by the Secretary in writing 30 days before a meeting and received within ten days thereafter, except for urgent matters which may be included on the agenda at the meeting, provided that no member registers an objection.

(d) For special meetings, notice of seven days is required, specifying the agenda for the PEB meeting, which must be the sole agenda item for the meeting.

(e) No decision of the PEB may be changed or recalled except by a two-thirds majority of members present.

(f) In instances where members cannot attend a meeting, comments and views on issues to be deliberated must be made known in advance and in writing to the secretary. Written apologies for absence must reach the secretary at least one week before a meeting is scheduled to enable him or her to decide on a possible postponement of the meeting.

(g) The secretary must circulate copies of minutes and other documentation as may be applicable to each member within one month after every Board meeting.

(h) The secretary must furnish all minutes, correspondence or other documents relating to the activities or functioning of the PEB to the archives of the Directorate responsible for examinations and assessment for record keeping.

(10) Allowances and remuneration for members and working

Groups.

The PED may reimburse PEB members who are not employed by government for legitimate subsistence and travel expenses in accordance with government tariff guidelines.]”

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