

Uganda

Uganda National Examinations Board Act Chapter 137

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Uganda National Examinations Board Act Chapter 137

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An Act to establish the Uganda National Examinations Board, its functions, management and other matters connected therewith.

Interpretation

1. Interpretation

In this Act, unless the context otherwise requires—

- (a) "**board**" means the Uganda National Examinations Board established under [section 2](#);
- (b) "**candidate**" means a person enrolled by the board for the purposes of sitting for any of the board's examinations;
- (c) "**certificate**" means a document awarded by the board which is duly signed by the authorised officers showing the results obtained by a particular candidate in examinations sat by him or her;
- (d) "**chairperson**" means the chairperson of the board;
- (e) "**committee**" means a committee of the board;
- (f) "**diploma**" means a document awarded by the board, to persons in higher institutions, which is duly signed by the authorised officers showing the results obtained by a particular candidate in examinations sat by him or her;
- (g) "**examination material**" means question papers and any other materials which are to be used by a candidate in a public examination and identified as such;
- (h) "*ex officio* member" means a person who according to this Act is expected to attend meetings only by virtue of the office he or she holds in the public service.

Establishment and functions of the board

2. Establishment of the board

- (1) There is established a board to be known as the Uganda National Examinations Board.
- (2) The board shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name, and may purchase, hold, manage and dispose of any property, and enter into such contracts or other transactions, as may be necessary or expedient for the discharge of its functions under this Act.

3. Seal and documents of the board

- (1) The seal of the board shall be authenticated by the signatures of the chairperson and the secretary and shall be in the custody of the secretary.
- (2) Every document purporting to be an instrument made or issued by the board and to be sealed with the seal of the board authenticated in the manner provided by this section shall be received and deemed to be such an instrument without further proof unless the contrary is shown.

4. Functions of the board

- (1) The functions of the board shall be—
 - (a) to conduct primary, secondary, technical and such other examinations within Uganda as it may consider desirable in the public interest;
 - (b) to publish past examination papers;
 - (c) to award certificates or diplomas to successful candidates in such examinations;
 - (d) to invite any body or bodies outside Uganda, as it may think fit, and to conduct jointly academic, technical and other examinations;
 - (e) to award acceptable certificates or diplomas to successful candidates jointly with the invited bodies;
 - (f) to invite other bodies, as it may think fit, to conduct examinations and award acceptable certificates or diplomas;
 - (g) to advise any body or bodies so invited under paragraphs (d) and (f) upon the adoption of examinations necessary for the requirements of Uganda and to assist any such body or bodies to conduct such examinations;
 - (h) to make arrangements for the conduct of research and development of examination systems; and
 - (i) to make rules regulating the conduct of examinations and for all purposes incidental thereto.
- (2) The board shall, in consultation with the Minister, release the examination results to the public within a reasonable period.
- (3) The board may, with the prior approval of the Minister, delay, cancel or withhold the examination results for a reasonable cause.

5. Powers

The board shall have power to do all such things and to act in all ways necessary for, or incidental to, the purposes for which it is established and without prejudice to the generality of the foregoing may, in particular—

- (a) acquire, hold, charge, alienate and dispose of property both moveable and immovable;
- (b) lease or take on lease land together with any improvements on the land;
- (c) carry out any improvement upon any land held by it;
- (d) derive capital or income from property held by it;
- (e) raise or borrow money in such manner and upon such security as it may from time to time determine;
- (f) invest any monies not immediately required in any investment or project approved by the Minister;

- (g) enter into agreements with any person or body;
- (h) delegate any of its powers and functions, other than the approval of estimates or any powers required by this Act to be exercised by resolution of the board, to any member, officer or committee of the board as it may deem necessary.

6. Composition of the board

- (1) The board shall consist of—
 - (a) a chairperson who shall be appointed by the President;
 - (b) representatives of the Government, namely—
 - (i) the chief education officer;
 - (ii) the chief inspector of schools;
 - (iii) vice chancellors of the universities in the country;
 - (c) ten heads of other teaching institutions to be appointed as follows—
 - (i) four head teachers of secondary schools to be elected by the Head Teachers Association, who shall include a head of an Advanced Level school, an Ordinary Level school, a girls school and a school with a technical or vocational bias;
 - (ii) one head of a technical school or institute to be appointed by the Minister;
 - (iii) four heads of primary schools, to be appointed by the Minister;
 - (iv) one head of a primary teachers college to be elected by the Principals Association;
 - (d) heads of postsecondary institutions to be appointed by the Minister, namely—
 - (i) a director of a teachers college;
 - (ii) a principal of a technical college;
 - (iii) a principal of a college of commerce;
 - (iv) a head of an agricultural institution;
 - (e) five other members to be—
 - (i) the director of the National Curriculum Development Centre;
 - (ii) one member to be nominated by the Public Service Commission, from its secretariat;
 - (iii) one member to be nominated by the Education Service Commission, from its secretariat;
 - (iv) two representatives of the universities in the country to be appointed by the Minister;
 - (f) three other members from the public to be appointed by the Minister.
- (2) No person shall be appointed to the board if—
 - (a) he or she is of unsound mind;
 - (b) he or she has been previously convicted of an offence involving moral turpitude;
 - (c) he or she is an undischarged bankrupt.
- (3) Non-*ex-officio* members of the board shall hold office for a term of three years and shall be eligible for reappointment.

- (4) Any non-*ex-officio* member of the board who fails to attend more than three consecutive meetings of the board without excuse shall have his or her membership terminated by the appointing authority on the advice of the board, and the appointing authority shall then appoint another person.
- (5) Any non-*ex-officio* member of the board may resign his or her office by writing under his or her hand addressed to the chairperson.
- (6) Any non-*ex-officio* member other than the chairperson may be removed from office by the Minister for inability to perform the functions of his or her office or for any other sufficient cause.
- (7) If a member of the board dies, resigns, is removed from office or for any other reason ceases to hold office before the expiration of the term for which he or she was appointed, nominated or elected, the authority concerned shall appoint, nominate or elect another person in his or her stead to hold office until the expiration of the term of office of the member in whose place he or she was appointed, nominated or elected.

7. Meetings of the board

- (1) The board shall meet for the discharge of its functions under this Act at least once in six months at such place and time as the chairperson of the board may determine or upon the request in writing of at least twelve members of the board; or where he or she sees reason to do so, the chairperson may convene a meeting.
- (2) The chairperson shall preside at all meetings of the board, and in his or her absence such other member of the board as the members present shall appoint shall preside.
- (3) Nine members of the board, of whom at least three should be *ex officio* members, shall form a quorum.
- (4) Questions proposed at a meeting of the board shall be determined by a simple majority of the members present and voting, and in the case of equality the person presiding at the meeting shall have a second or casting vote.
- (5) All proceedings of the board shall be strictly confidential.
- (6) Subject to subsections (1) to (5) and the approval of the Minister, the board may regulate its own procedure.

8. Committees of the board

The board shall have the following committees—

- (a) the finance and general purposes committee;
- (b) the secondary school examinations committee;
- (c) the technical education examinations committee;
- (d) the business education examinations committee;
- (e) the primary school examinations committee;
- (f) the examinations research committee; and
- (g) such other committees as the board may from time to time consider necessary.

9. Functions of the board's committees

- (1) The finance and general purpose committee shall—
 - (a) act as the coordinator of the board in the management of its affairs;

- (b) consider and recommend to the board—
 - (i) the conditions of service of officers and other employees of the board, including examiners, setters and moderators;
 - (ii) the fees to be charged from candidates taking examinations of the board;
 - (iii) all other matters involving estimates of income and expenditure accounts of the board.
- (2) The secondary school, primary school, technical education and business education examinations committees shall, in their respective fields—
 - (a) ensure the security of examination papers;
 - (b) consider and recommend on the nature of examinations to be set;
 - (c) recommend arrangements for the conduct of examinations provided by the board;
 - (d) recommend setters, moderators, invigilators, supervisors and examiners;
 - (e) ensure the maintenance of standards appropriate to the subjects taken and to the candidates taking the examinations;
 - (f) prepare reports on past examinations for consideration by the board.
- (3) The examinations research committee shall—
 - (a) consider and advise the board on research proposals submitted by the staff of the board engaged in research;
 - (b) advise the various examinations committees on the findings of the research carried out by the staff of the board;
 - (c) review examination results statistics with a view to improving examination techniques;
 - (d) consider such other matters as may be referred to it by the board.

10. Composition and meetings of committees

- (1) The finance and general purposes committee shall consist of—
 - (a) the chairperson of the board who shall be the chairperson of the committee;
 - (b) the chief education officer of the Ministry responsible for education;
 - (c) the chief inspector of schools of the Ministry responsible for education;
 - (d) two representatives of the universities who are members of the board;
 - (e) the vice chancellors of the universities in the country;
 - (f) one head of a secondary school to be elected by the board from members of the board;
 - (g) one other head of a postsecondary institution to be elected by the board from members of the board;
 - (h) one chairperson of an examinations committee elected by the board from members of the board; and
 - (i) one head of a primary school to be elected by the board from members of the board.
- (2) The finance and general purposes committee may call upon any number of persons to act as advisers or help it in any other way in the discharge of its functions, and five members of the committee shall form a quorum.

- (3) The secondary school examinations committee shall consist of—
- (a) the chief education officer who shall be the chairperson;
 - (b) the chief inspector of schools;
 - (c) four heads of secondary schools who are members of the board;
 - (d) the director of the National Curriculum Development Centre;
 - (e) two representatives of the universities who are members of the board;
 - (f) a director of a teachers college;
 - (g) a principal of a college of commerce;
 - (h) a principal of a technical college.
- (4) The technical education examinations committee shall consist of—
- (a) the principal of a technical college, who shall be the chairperson;
 - (b) the chief education officer;
 - (c) the chief inspector of schools;
 - (d) the director of the National Curriculum Development Centre;
 - (e) the member nominated to the board by the Public Service Commission;
 - (f) one representative of the universities who is a member of the board elected by the board;
 - (g) the head of a technical school or institute who is a member of the board;
 - (h) the head of a secondary school with a technical or vocational bias who is a member of the board;
 - (i) the head of a postsecondary agricultural institution who is a member of the board;
 - (j) a director of a teachers college;
 - (k) one head of a primary school who is a member of the board elected by the board.
- (5) The business education examinations committee shall consist of—
- (a) the principal of a college of commerce, who shall be the chairperson;
 - (b) the chief education officer;
 - (c) the chief inspector of schools;
 - (d) one representative of the universities who is a member of the board;
 - (e) one head of a girls secondary school who is a member of the board;
 - (f) one other head of a secondary school who is a member of the board, elected by the board;
 - (g) the member of the board from the public;
 - (h) the director of the National Curriculum Development Centre;
 - (i) the director of the National Teachers' College;
 - (j) the member of the board nominated by the Education Service Commission.
- (6) The primary education examinations committee shall consist of—
- (a) the chief inspector of schools who shall be the chairperson;

- (b) the chief education officer;
 - (c) the director of the National Curriculum Development Centre;
 - (d) one head of a primary teachers college who is a member of the board;
 - (e) three heads of primary schools who are members of the board;
 - (f) two heads of secondary schools who are members of the board elected by the board;
 - (g) one member of the board representing the universities elected by the board;
 - (h) the member of the board from the public.
- (7) The examinations research committee shall consist of—
- (a) a chairperson appointed by the board;
 - (b) one representative of the universities who is a member of the board elected by the board;
 - (c) the director of the National Curriculum Development Centre;
 - (d) the head of a postsecondary agricultural institution who is a member of the board;
 - (e) one head of a secondary school who is a member of the board, elected by the board.

11. Remuneration of board members

The chairperson, members of the board and any other person attending any meeting of the board or a committee of the board may be paid such remuneration or allowances as the Minister, in consultation with the Minister responsible for finance, may determine.

Staff

12. Secretary

- (1) There shall be a secretary to the board who shall be appointed by the board, with the approval of the Minister, on such terms and conditions as it may think fit.
- (2) The secretary shall record all proceedings of the board and its committees.
- (3) The secretary shall be the chief executive of the board and shall in the performance of his or her duties be responsible to the board.
- (4) The secretary shall be head of the board's secretariat and, subject to this Act and to the general control of the board on matters of policy, he or she shall be responsible for the management of the funds, property and business of the board and the administration and organisation of its affairs.

13. Staff of the board

- (1) The board may, from time to time and on such terms and conditions as it thinks fit—
 - (a) appoint senior staff of professional, technical and administrative cadre;
 - (b) appoint such other officers and employees as may be necessary for the proper and efficient discharge of its functions;
 - (c) grant pensions, gratuities or retiring allowances to the staff and employees of the board and require them to contribute to any pension, provident fund or superannuation scheme.
- (2) No matter or thing done by an officer or employee of the board shall, if it is done *bona fide* for the purposes of executing any provision of this Act, subject the officer, employee or any other person acting under his or her direction to any civil liability.

Financial provisions

14. Funds of the board

- (1) The funds of the board shall consist of—
 - (a) any grant or capital from the Government;
 - (b) any loan, donation, grant or bequest from the Government or any other person or body;
 - (c) any monies that may become payable to the board in the discharge of its functions.
- (2) All monies received by the board shall be deposited to the credit of the board in a bank approved by the board.
- (3) All monies received by the board shall be applied to the purposes for which the board is established and any other lawful purpose authorised under this Act.

15. Estimates

- (1) The board shall, within such period from the end of each financial year as the board shall determine, make and submit to the Minister for his or her approval, estimates of the income and expenditure of the board for the next ensuing year.
- (2) No expenditure shall be made out of the funds of the board unless the expenditure has been approved by the Minister under the estimates for the year in which such expenditure is to be made or in any other estimates supplementary to those estimates.

16. Accounts and audit

- (1) The board shall keep books of account and proper records in relation thereto.
- (2) For the purposes of this section, proper books of account shall be deemed not to have been kept with respect to the business of the board if there are no such books as are necessary to give a true and fair view of the state of affairs of the board and to explain its transactions.
- (3) The accounts shall, in respect of every financial year, be subject to audit by the Auditor General or an auditor appointed by him or her.
- (4) The Auditor General shall deliver to the Minister his or her report and a copy of the audited accounts of the board not later than six months from the end of the financial year to which they relate.
- (5) The Minister shall lay before Parliament the Auditor General's report and a copy of the audited accounts delivered under subsection (4).
- (6) The board shall determine which twelve consecutive months shall constitute the financial year.

17. Assets and liabilities

- (1) The board shall, at the beginning of each financial year, declare the assets and liabilities of the board at the time.
- (2) The board shall give a report on its work and progress for the previous year to the Minister at the beginning of each financial year.

Miscellaneous provisions

18. Award of certificates

- (1) The board shall award certificates or diplomas to successful candidates.
- (2) The certificates or diplomas to be awarded shall be in a form approved by the board and shall bear the signatures of the chairperson and the secretary.

19. Offences and penalties

Any person who—

- (a) knowingly or negligently reveals the contents of any examination material to an unauthorised person, whether a candidate or not;
- (b) with intent to fail or pass a candidate, alters the work, data, information or scores of a candidate;
- (c) willfully and maliciously damages examination material;
- (d) with intent to impersonate, presents or attempts to present himself or herself in the place of an enrolled candidate;
- (e) with intent to gain employment or admission, presents a forged certificate or diploma purported to have been issued by the board;
- (f) sells, buys, borrows, lends or steals certificates or diplomas issued by the board with intent to impersonate;
- (g) withholds any information which is prejudicial or is likely to be prejudicial to the proper functioning of the board,

commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

20. Byelaws of the board

The board may, by statutory instrument, with the prior approval of the Minister, make byelaws regulating the conduct of business of the board and, without prejudice to the generality of the foregoing, may regulate the following—

- (a) the books of account to be kept by the board;
- (b) the appointment, remuneration, discipline and dismissal of employees of the board;
- (c) the payment of pensions, gratuities and other like payments on retirement or termination of service, whether by contributory or noncontributory arrangements, to the employees of the board;
- (d) the qualifications of candidates;
- (e) the fees to be paid by candidates.

21. Regulations

The Minister may, after consultation with the board, make regulations generally for better carrying out the provisions and principles of this Act.