

CARIBBEAN EXAMINATIONS COUNCIL ACT

CHAPTER 39:07

Act
13 of 1987

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 39:07

CARIBBEAN EXAMINATIONS COUNCIL ACT

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CHAPTER 39:07

CARIBBEAN EXAMINATIONS COUNCIL ACT

13 of 1987. **An Act to provide for the implementation of the Agreement between the Governments of certain Caribbean territories establishing the Caribbean Examinations Council, to incorporate the said Council and to provide for the protection of the integrity of examinations held by the Council.**

Commencement. [5TH JUNE 1987]

Short title. **1.** This Act may be cited as the Caribbean Examinations Council Act.

PRELIMINARY

Interpretation. **2.** In this Act—
“Agreement” means the Agreement establishing the Caribbean Examinations Council, the text of which is set out in the Schedule and to which the Government of Trinidad and Tobago is a party;
“Article” means an Article of the Agreement;
“Council” means the Caribbean Examinations Council established under the Agreement;
“Minister” means the Minister to whom responsibility for the subject of education is assigned;
“Registrar” means the Registrar of the Council.

Certain provisions of the Agreement to have the force of law. **3.** The provisions of Article VIII shall have the force of law in Trinidad and Tobago.

PART I

ESTABLISHMENT OF THE COUNCIL

Incorporation of Council. **4.** The Council is hereby established a body corporate.

5. (1) Where any amendment of the Agreement is accepted by the Government or any agreement is concluded under paragraph 5 of Article V to which the Government of Trinidad and Tobago is a party, the Minister may by Order, subject to negative resolution of Parliament, amend the Schedule for the purpose of including therein such amendment or the provisions of any such agreement.

Amendments to the Agreement.

(2) Any Order made under this section may contain such consequential, supplemental or ancillary provisions as appear to the Minister to be necessary or expedient for the purpose of giving effect to the said amendment or agreement, and, without prejudice to the generality of the foregoing, may contain provisions amending references in this Act to specific provisions of the Agreement.

(3) Where the Schedule is amended pursuant to this section, any reference in this Act, or in any other written law or in any instrument having effect under any such written law to the Agreement shall, unless the context otherwise requires, be construed as a reference to the Agreement as so amended.

6. All goods imported by the Council for its official use shall be exempt from Customs duties.

Exemption from Customs duties.

7. Any deed executed in favour of, and any deed of mortgage executed by, the Council shall be exempt from registration fees specified in the Registrar General Act.

Exemption from registration fees.

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8. (1) All payments required to be made by the Government to the Council in respect of the obligations of Trinidad and Tobago under the Agreement are charged on and are payable out of the Consolidated Fund.

Financial provisions.

(2) All sums received by the Government from the Council under the Agreement shall be paid into the Consolidated Fund.

9. The Minister may make Regulations for giving effect to the provisions of this Part.

Regulations.

PART II

EXAMINATIONS HELD BY THE COUNCIL

Unlawfully obtaining certain papers.

10. A person who, prior to an examination held by the Council, unlawfully procures possession of any paper prepared by the Council containing instructions to candidates or questions to be answered in that examination is guilty of an offence.

Restriction on use of certain papers.

11. (1) A person who, after procuring possession of a paper containing questions to be answered in, or instructions to candidates in connection with, an examination to be held by the Council—

- (a) permits that paper to be seen by any other person;
- (b) gives or permits that paper to be given to any other person;
- (c) discloses the contents of that paper to any other person;
- (d) permits that paper or its contents to be used by any other person; or
- (e) makes any other use of such paper or its contents,

is guilty of an offence.

(2) This section does not apply in respect of a paper given by an invigilator to a candidate at the time of an examination to which that paper relates.

Restriction on use of certain information.

12. A person who, after procuring possession of information respecting the contents of a paper referred to in section 10 or 11 but without obtaining possession of that paper—

- (a) gives that information to any other person;
- (b) permits that information to be given to any other person; or
- (c) makes any other use of that information,

is guilty of an offence.

Removal of certain papers from examination room.

13. A person who, without the consent of the Council, removes any examination paper or paper containing instructions to candidates from a room in which an examination is held by the Council is guilty of an offence.

14. A person who obtains possession of any examination paper or paper containing instructions to candidates in connection with an examination to be held by the Council shall upon obtaining possession thereof return that paper to the Registrar or the nearest Police Station or make a reasonable effort to effect its return.

Return of papers to Registrar or Police.

15. A person employed—

- (a) in the setting, examining, scoring, moderating, revising, vetting, printing, collecting, storing, distributing or keeping the custody of any examination paper;
- (b) in the making of a draft examination paper or of a paper containing instructions to candidates; or
- (c) as a supervisor or an examiner, invigilator, attendant or otherwise,

Disclosures by personnel of Council.

in connection with an examination held or to be held by the Council who, prior to or during that examination, knowingly or recklessly discloses to any person the contents of such examination paper, draft examination paper, or paper containing instructions to candidates is guilty of an offence.

16. A person who, after acquiring prior knowledge of any question set in connection with an examination held by the Council, presents himself as a candidate at that examination is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for a term of six months.

Entering examination after acquiring prior knowledge of questions.

17. A person who, for the purposes of an examination held by the Council, falsely represents himself to be another person is guilty of an offence.

Impersonation.

18. A person who forges, alters, offers, utters or disposes of, knowing the same to be forged or altered, any document purporting to show that a person has obtained a result in an examination held by the Council is guilty of an offence.

Forgery of document.

General penalty. **19.** A person guilty of an offence under this Part for which no other penalty is provided is liable on summary conviction to a fine of five thousand dollars and to imprisonment for a term of one year.

Regulations. **20.** The Council may make Regulations generally for carrying into effect the provisions of this Part.

(Section 2).

SCHEDULE

AGREEMENT ESTABLISHING THE CARIBBEAN EXAMINATIONS COUNCIL

THE PARTICIPATING GOVERNMENTS

RECOGNISING the decision of the Second Conference of Heads of Government of Commonwealth Caribbean Countries held in Jamaica in January 1964, that the setting up of a Caribbean Examinations Council was a fit and proper subject for regional co-operation;

CONSCIOUS of the need for the institution of a new system of examinations for the Area under the aegis of the conference;

HAVE AGREED AS FOLLOWS:

ARTICLE I

INTERPRETATION

In this Agreement, unless the context otherwise requires—

“Area” means the following Territories the Governments of which are Participating Governments:

- (a) Antigua, Bahamas, Barbados, Belize, British Virgin Islands, Cayman Islands, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Trinidad and Tobago, Turks and Caicos Islands; and
- (b) any other Territory in the Caribbean;

“Article” means an Article of this Agreement;

“Council” means the Caribbean Examinations Council established by Article II;

“National Committee” means a Committee established under Article IX;

“Participating Governments” means the Governments which are from time to time parties to this Agreement;

“School Examinations Committee” means the School Examinations Committee appointed by the Council in accordance with Articles IV and X.

ARTICLE II

ESTABLISHMENT AND CONSTITUTION

1. The Council is hereby established and shall consist of the following members:

- (a) The Vice-Chancellor of the University of the West Indies;
- (b) The Vice-Chancellor of the University of Guyana;
- (c) (i) Three representatives of the University of the West Indies appointed by the Vice-Chancellor of the University of the West Indies regard being given to the geographical dispersion of the campuses;
- (ii) One representative of the University of Guyana appointed by the Vice-Chancellor of the University of Guyana;
- (d) (i) Two representatives appointed by each of the Participating Governments of Barbados, Guyana, Jamaica and Trinidad and Tobago and one representative appointed by each of the other participating Governments;
- (ii) One representative of the teaching profession appointed by each National Committee from among its members.

2. (a) A member of the Council appointed under paragraph 1(c) and (d) of this Article shall subject to paragraph 3 of this Article hold office for a period of three years.

(b) Any such member may at any time resign his office by notice in writing addressed to the appointing authority and his resignation shall take effect upon the receipt of such notice by the Chairman from the appointing authority.

(c) The appointing authority may make another appointment for the unexpired term of office of the person who resigned.

3. A member of the Council referred to in paragraph 2 of this Article may be removed from office by the appointing authority and another person may be appointed for the unexpired term.

4. If any member of the Council is for the time being unable to act, the appointing authority may appoint a person to act in his place during such inability.

5. (a) The Council shall elect a Chairman from among its members, the Chairman for the first term being a Vice-Chancellor.

(b) The Chairman shall hold office for three years and shall be eligible for re-election. If, however, he resigns his office before the expiration of his term the Chairman elected in his place shall hold office for the unexpired term.

(c) The Council shall elect one of its members to be Deputy Chairman who shall hold office for such time not being more than his unexpired term as the Council may determine.

6. The Chairman and members of the Council shall be paid such remuneration and allowances as may from time to time be determined by the Council.

ARTICLE III

DUTIES

The Council shall—

- (a) conduct such examinations as it may think appropriate and award certificates and diplomas on the results of examinations so conducted;
- (b) review and consider annually its examinations held in any territory of the Area and remit to each Participating Government—
 - (i) an analysis of data on the performance of candidates classified by subject and territory;
 - (ii) a digest of submission from National Committees along with such other information as may be considered necessary;
 - (iii) an annual report of the Council's activities;
- (c) consider, having regard to standards, the advisability of inviting and, if thought fit, invite any other examining Body to conduct examinations in the Area and award certificates and diplomas on the results of such examinations, advise any Body so invited on such adaptation of the Examinations as the Council may think necessary and generally assist any Body so invited in the conduct of such examinations in the Area;
- (d) appoint a School Examinations Committee in accordance with Article X;
- (e) appoint from among its members an Administrative and Finance Committee which shall include a representative from each of the Participating Governments of Barbados, Guyana, Jamaica and Trinidad and Tobago and four representatives from the other Participating Governments;

- (f) receive from any National Committee or other committee established under this Agreement reports and recommendations on any matters relevant to the purposes of the Council and consider such reports and recommendations;
- (g) on the invitation of any Government in the Caribbean conduct any examinations which the Council considers feasible.

ARTICLE IV GENERAL POWERS

The Council shall have power to—

- (a) appoint a Registrar, Pro-Registrar and such other persons as may be necessary for the performance of its duties;
- (b) delegate to the Registrar—
 - (i) any of the duties specified in paragraphs (a), (c) and (g) of Article IV as relate to the holding of examinations; and
 - (ii) the making of appointments of other persons mentioned in paragraph (a) of this Article;
- (c) fix the salaries and determine the terms and conditions of service including the provision of superannuation benefits of the Registrar and persons referred to in paragraph (a) of this Article;
- (d) delegate to the School Examinations Committee such powers as may be necessary;
- (e) delegate to the Administrative and Finance Committee such powers as may be necessary;
- (f) appoint such other Committees as the Council may consider necessary for the performance of its duties;
- (g) regulate the conduct of any examinations conducted under the provisions of paragraphs (a), (c) and (g) of Article IV and prescribe the qualification requirements of candidates and the fees payable by them;
- (h) co-opt any person to assist in the work of the Council, so, however, that no such person shall be or be deemed to be a member of the Council;
- (i) borrow such sums as it may consider necessary or expedient;
- (j) invest the funds of the Council in such manner and to such extent as it may consider necessary or expedient giving priority to investment in financial institutions in the Area controlled by the people of the Area or by Participating Governments or in securities issued or guaranteed by such Governments;

- (k) authorise in writing any of its members to discharge any of its functions;
- (l) make rules generally for the purposes of this Agreement.

ARTICLE V

LOCATION OF FACILITIES

1. The Council shall establish Administrative and Operation Centres in Barbados and Jamaica, and may establish such Centres in Guyana, Trinidad and Tobago and elsewhere in the Area.

2. For the purposes of administration and operations, the Area shall be divided into two geographical zones—the western zone and the eastern zone. The western zone shall comprise the Territories of Bahamas, Belize, Cayman Islands, Jamaica and Turks and Caicos Islands. The eastern zone shall comprise the Territories of Antigua, Barbados, British Virgin Islands, Dominica, Grenada, Guyana, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Trinidad and Tobago.

Such of the Council's operations as relate to the western zone shall be directed from the Administrative and Operational Centre in Jamaica. Such of the Council's operations as relate to the eastern zone shall be directed from the Administrative and Operational Centre in Barbados.

3. The Administrative and Operational Centre located in Barbados shall be the Administrative Headquarters from which the general business of the Council shall be directed.

4. The Registrar shall be based in the Administrative and Operational Centre in Barbados and the Pro-Registrar shall be based in the Administrative and Operational Centre in Jamaica.

5. The Council may conclude with Participating Governments agreements relating to the legal capacity, privileges and immunities to be recognised and granted to it in respect of its Administrative and Operational Centres.

ARTICLE VI

PROCEDURAL ARRANGEMENTS

1. The Council shall ordinarily meet for the despatch of business at such time and places as the Council may from time to time appoint but at least one meeting shall be held in each year.

2. The Chairman may call a special meeting of the Council at such time and place as he may appoint, and shall on the written request of six members of the Council call a meeting to be held within twenty-one days after the receipt of the request for the meeting.

3. Any such special meeting shall be convened at not less than fourteen days' notice.

4. At every meeting of the Council the Chairman, if present, shall preside, in his absence the Deputy Chairman shall preside and in the absence of both the Chairman and the Deputy Chairman, the members of the Council present shall elect one of their number to preside.

5. Decisions of the Council and of the School Examinations Committee and of the Administrative and Finance Committee shall be taken on the majority vote of all the members present.

6. A quorum of the Council or of the School Examinations Committee or of the Administrative and Finance Committee shall be constituted by one-half of the respective total membership.

7. The member of the Council presiding at a meeting of the Council shall, in addition to an original vote, have a casting vote in any case where the voting is equal.

ARTICLE VII

FINANCIAL ARRANGEMENTS

1. The funds of the Council shall include—

- (a) all charges, dues and fees received by the Council;
- (b) such moneys as are provided for the Council by the Participating Governments;
- (c) all interest on moneys invested by the Council;
- (d) all moneys accruing to the Council by way of endowment, donation or otherwise.

2. The funds of the Council shall be applied towards the accomplishment of its purposes.

3. The expenditure of the Council shall be apportioned among the Participating Governments on such basis as may be agreed upon by them.

4. All sums of money received on account of the Council shall be paid into such bank or banks as may be approved by the Council.

5. (a) The Council shall cause to be kept proper accounts of its financial and other business transactions and shall cause to be prepared not later than three months after the end of each financial year—

- (i) a statement showing in detail the items of income and expenditure of the Council and the total of such income and expenditure for the immediately preceding financial year;
- (ii) a statement of the assets and liabilities of the Council as they stood at the end of the immediately preceding financial year;

(b) Such statements shall be audited by an Auditor appointed by the Council and as soon as may be thereafter a copy of each such statement as audited shall be transmitted to each Participating Government.

ARTICLE VIII

LEGAL CAPACITY

1. The Council shall possess full juridical personality and in particular full capacity to—

- (a) contract;
- (b) acquire and dispose of immovable and movable property;
- (c) institute legal proceedings.

2. The legal capacity, privileges and immunities to be recognised and granted by Participating Governments in connection with the Council shall be laid down in a Protocol to this Agreement.

ARTICLE IX

NATIONAL COMMITTEES

1. A National Committee shall be established by each Participating Government for and in its Territory.

2. A National Committee shall comprise representatives of a Ministry or Department of Education, the Teaching Profession, the Universities in the Area and the general community.

3. The Chairman of a National Committee shall be appointed by the Participating Government from among the members of that National Committee.

4. A member of a National Committee shall hold office for such number of years as may be specified in his letter of appointment and shall be eligible for reappointment.

5. It shall be the duty of every National Committee—
 - (a) to exercise such powers as the Council may from time to time delegate to it; and
 - (b) to advise the Council on any matter on which advice may be sought including the content of the syllabuses, the appointment of examiners and any other matter connected with examinations conducted by the Council.
6. A National Committee may make a report or recommendations to the Council on any matter relevant to the provisions of this Agreement.
7. A National Committee may appoint from among its members such subcommittee as it thinks fit and shall specify the duties of such subcommittee.
8. A National Committee shall have the power to co-opt any person to assist it in its work, so, however, that no such person shall be or be deemed to be a member of the Committee.

ARTICLE X

SCHOOL EXAMINATIONS COMMITTEE

1. The School Examinations Committee shall consist of—
 - (a) the Chairman of the Council or his Deputy who shall be the Chairman;
 - (b) four members who shall be representatives of the Universities of the Area;
 - (c) one technical or administrative officer selected by each Participating Government from its Ministry or Department of Education;
 - (d) one member of the teaching profession nominated by each National Committee.
2. The duties of the School Examinations Committee shall include—
 - (a) preparation for the approval of Council of regulations relating to the conduct of examinations;
 - (b) development of syllabuses through subcommittees or subject-panels;
 - (c) consideration of criticism from schools;
 - (d) consideration of points raised by examiners in their reports on examinations and by other means;
 - (e) appointment of members of various subcommittees and subject-panels;

- (f) the making of recommendations relating to the appointment of examiners;
- (g) advising the Council on all matters relating to examinations;
- (h) performing such duties as may be delegated to it by the Council.

3. The School Examinations Committee shall have power to co-opt any person to assist it in its work, so, however, that no such person shall be deemed to be a member of the Committee.

ARTICLE XI

ADMINISTRATIVE AND FINANCE COMMITTEE

1. The Administrative and Finance Committee may appoint a subcommittee in each Territory of the Area and may delegate to any such subcommittee such powers as it thinks fit regarding administrative and financial matters affecting that Territory.

2. Decisions of a subcommittee appointed under paragraph 1 of this Article shall be taken by a majority of votes of the members present and voting and, in so far as the procedures of the meetings of any such subcommittee is not prescribed by the Council, the subcommittee may regulate its own procedure.

ARTICLE XII

SUPERANNUATION BENEFITS

The Council shall enter into arrangements with Participating Governments to secure the preservation of the superannuation benefits of persons seconded to the service of the Council from the service of any Participating Government.

ARTICLE XIII

ACCESSION

1. The Government of any Caribbean Territory may accede to this Agreement on such terms and conditions as may be agreed between the Participating Governments and the acceding Government.

2. Any such terms and conditions shall be embodied in a supplementary Agreement.

**ARTICLE XIV
WITHDRAWAL**

Any Participating Government may withdraw from this Agreement by giving twenty-four months notice in writing to the Chairman of the Council who shall within 30 days of the receipt of such notice notify the other Participating Governments.

**ARTICLE XV
AMENDMENT**

An Amendment to the provisions of this Agreement shall be submitted to the Chairman of the Council who shall within 30 days of the receipt thereof transmit the proposed amendment to each Participating Government. Such amendment shall have effect upon the acceptance thereof by all the Participating Governments within six months of the date of the Chairman transmitting the proposed amendment.

**ARTICLE XVI
ENTRY INTO FORCE**

1. This Agreement shall be lodged with the Secretary-General of the Commonwealth Caribbean Regional Secretariat for signature and shall be subject to ratification.

2. The Agreement shall come into force upon the deposit, not later than 30th April, 1972, of instruments of ratification with the Secretary-General by any two of the Participating Governments of Barbados, Guyana, Jamaica and Trinidad and Tobago and by any four of the other Participating Governments.

**ARTICLE XVII
INAUGURAL MEETING**

As soon as the Agreement comes into force the Secretary-General, Commonwealth Caribbean Regional Secretariat, shall take the necessary steps to secure the nomination of the members of the Council referred to in Article II and to convene the Inaugural Meeting of the Council.

IN WITNESS WHEREOF the representatives of the Participating Governments being duly authorised in that behalf have executed this Agreement.

DONE at Georgetown, Guyana, on the 10th day of April, 1972, in a single copy, certified copies of which shall be transmitted to all Participating Governments.

Signed by JASPER SCOTLAND for the Government of Antigua on
21st April, 1972 at St. Lucia.

Signed by

for the Government of the Bahamas on

Signed by ERROL W. BARROW for the Government of Barbados
on 21st April, 1972 at St. Lucia.

Signed by A. A. HUNTER for the Government of Belize on
21st April, 1972 at St. Lucia.

Signed by O. CILLS for the Government of the British Virgin Islands
on 17th April, 1972 at St. Lucia.

Signed by B. O. EBANKS for the Government of the Cayman Islands
on 21st April, 1972 at St. Lucia.

Signed by RONALD O. P. AMOUR for the Government of Dominica
on 21st April, 1972 at St. Lucia.

Signed by GEORGE HOSTEN for the Government of Grenada
on 21st April, 1972 at St. Lucia.

Signed by D. HOYTE for the Government of Guyana on 21st April, 1972
at St. Lucia.

Signed by

for the Government of Jamaica on at

Signed by E. A. DYER for the Government of Montserrat on
17th April, 1972 at St. Lucia.

Signed by ROBERT L. BRADSHAW for the Government of
St. Kitts-Nevis-Anguilla on 21st April, 1972 at St. Lucia.

Signed by JOHN COMPTON for the Government of St. Lucia on
21st April, 1972 at St. Lucia.

Signed by E. THEO JOSHUA for the Government of St. Vincent on
21st April, 1972 at St. Lucia.

Signed by CARLTON GOMES for the Government of Trinidad and
Tobago on 18th May, 1972 at Port-of-Spain.

Signed by ALBERT F. WILLIAMS for the Government of Turks and
Caicos Islands on 17th April, 1972 at St. Lucia.