

SIGNED this 20th day of March, 1984.

SIAKA STEVENS,
President,

LS

No. 4



Sierra Leone

1984

The West African Examinations Council Act, 1984

Short title.

Being an Act to ratify and give effect in Sierra Leone to a Convention establishing the West African Examinations Council.

[22nd March, 1984] Date of Commencement.

WHEREAS the West African Examinations Council was continued in existence in Sierra Leone by the West African Examinations Council Act, 1972 (Act No. 21 of 1972) subject to the provisions of that Act:

AND WHEREAS a Convention establishing the West African Examinations Council (in this Act referred to as "the Convention" was signed in Monrovia, Liberia on the 23rd day of March, 1982 by which the West African Examinations Council is intended to be governed;

AND WHEREAS the Republic of Sierra Leone is a signatory to the Convention;

AND WHEREAS under article 14 of the Convention the Republic of Sierra Leone is required to incorporate into its laws the provisions of the Convention;

AND WHEREAS under article 27 of the Convention it is required that the West African Examinations Council Act, 1972 should be repealed;

AND WHEREAS by virtue of article 18 of the Convention it is necessary that the Convention be ratified by the Republic of Sierra Leone;

AND WHEREAS under sections 21 and 98 of the Constitution of Sierra Leone, 1978 (Act No. 12 of 1978) the Convention is required to be ratified by Parliament:

NOW THEREFORE BE IT ENACTED by the President and the Members of Parliament in this present Parliament assembled, as follows—

Interpretation.

1. In this Act—

"Constitution" means the Constitution of Sierra Leone 1978 (Act No. 12 of 1978);

"Convention" means the Convention establishing the West African Examinations Council signed in Monrovia, Liberia on the 23rd day of March, 1982; and

"Council" means the West African Examinations Council.

Ratification of Convention.

2. The Convention establishing the West African Examinations Council signed in Monrovia, Liberia on the 23rd day of March, 1982 set out in the Schedule to this Act is hereby ratified.

Convention to have force of law in Sierra Leone.

3. (1) The provisions of the Convention shall have the force of law in Sierra Leone notwithstanding anything to the contrary.

(2) Without prejudice to the general effect of subsection (1) of this section, and notwithstanding anything to the contrary, all rights and obligations purported to be conferred or imposed by the provisions of the Convention are hereby declared to be valid in law.

Minister to take measures to give effect to Convention.

4. Notwithstanding any law to the contrary, the Minister responsible for Education or any other person authorised by the Minister may do on behalf of the Government of Sierra Leone any act which may require to be done for the purpose of giving full effect to the provisions of the Convention.

5. (1) The President may, by public notice, upon request in writing made by the West African Examinations Council, make such further provision as may be necessary for giving full effect in Sierra Leone to the provisions of the Convention.

President to make public notice for giving further effect to Convention.

(2) A public notice made under subsection (1) of this section shall have effect notwithstanding any law to the contrary other than the Constitution and may, where necessary, modify or amend the provisions of any such enactment.

6. The accounts of the Council shall be audited in accordance with the provisions of the Convention.

Audit of accounts of Council.

7. (1) The President may by Order published in the *Gazette* declare any office under the Council to be a pensionable office for the purpose of the Pensions Act. (Cap. 173).

Pensionable office.

(2) The provisions of the Pensions Act shall apply or continue to apply to employees of the Council confirmed in office in the same manner and to the same extent as the said provisions would apply to such employees if they were serving in a civil capacity in a pensionable office in Sierra Leone under the Government of Sierra Leone.

8. (1) Where a candidate for an examination conducted under the auspices of the Council—

Penalties for illegally using examination papers.

(a) is found before or during the examination to have had foreknowledge of current questions or the contents of current question papers (whether or not such foreknowledge is in respect of one or more current questions or current question papers);
or

(b) in any manner unauthorised makes use of current questions or current question papers,

such candidate shall not take or be allowed to take or continue the examination; and in addition, he shall be prohibited from taking any examination held or conducted by or on behalf of the Council for a period of two years immediately following the contravention and if the candidate has already taken any papers at the examination, his results shall be cancelled.

(2) The penalties contained in this section may be imposed together with any penalty that may be imposed by a Court.

9. (1) Any person engaged in setting, moderating, revising, vetting, printing or in the collection, storage, distribution or custody of current question papers or instructions, or in making drafts or copies or engaged as a supervisor, invigilator, attendant or other-

Leaking of examination papers.

wise howsoever who, before or during an examination knowingly or recklessly and without being lawfully authorised to do so, discloses the contents of any current question paper or instructions, or of any draft or copy thereof to any person (whether a candidate for that examination or not) shall be guilty of an offence and liable on summary conviction, to a fine not exceeding one thousand leones or to imprisonment for a term not exceeding two years or to both.

(2) Any person (whether a candidate at an examination or not) who knowingly makes use of the contents of any current question paper or instructions or of any draft or copy thereof in any manner howsoever, and without being lawfully authorised to do so shall be guilty of an offence and liable on summary conviction, to a fine not exceeding one thousand leones or to imprisonment for a term not exceeding two years or to both.

Impersonation etc., at examinations.

10. (1) Any person who, for the purpose of an examination conducted by the Council, falsely represents himself to be some other person or knowingly allows himself to be so falsely represented or utters any document which has been issued by the Council or by any other lawful authority to another person possessed of any qualification recognised for any purpose or to be entitled to any right or privilege, or falsely represents himself to be the person named in the document or knowingly allows another person to so falsely represent himself as the person named in the document shall be guilty of an offence and liable on summary conviction, to a fine not exceeding two thousand leones or to imprisonment for a term not exceeding three years or to both.

(2) Where an offence is committed by a child or young person under this Act, the provisions of any law relating to children and young persons shall apply; and in addition, where the child has already taken the examination, his results shall be cancelled.

(3) For the purposes of this section—

“child” means a person under the age of fourteen years, and

“young person” means a person who has attained the age of fourteen years but is under the age of seventeen years.

Post examination investigation.

11. In any case where a candidate is found to have had access to or has used current questions or question papers or cheated in any other way during an examination, a report shall be made to the Final Award Committee which shall take such action in accordance with its rules and regulations (including the cancellation of examination results in respect of any certificate which has been issued by the council to that candidate).

12. Where more than one third of the candidates at a school either before, during or after an examination are found guilty of an offence under this Act, the school shall forthwith cease to organise, supervise or act as agents for the Council in conducting any examinations of the Council for such period as the Final Award Committee shall determine.

Penalty to school for examination irregularities

13. (1) The West African Examinations Council Act, 1972 (Act No. 21 of 1972) and the West African Examinations Council (Amendment) Act, 1977 (Act No. 15 of 1977) are hereby repealed with effect from such date as the President may, by public notice appoint.

Repeals.

(2) Notwithstanding the repeal of the Acts referred to in subsection (1) of this section, any order or other instrument made or continued in force under any such Act and in force immediately before the commencement of the said repeal, not being inconsistent with this Act, shall, until revoked, amended or otherwise modified under this Act, continue in force as if made under this Act.

SCHEDULE

CONVENTION ESTABLISHING THE WEST AFRICAN
EXAMINATIONS COUNCIL

The Governments of the Gambia, Ghana, Liberia, Nigeria and Sierra Leone (hereinafter referred to as the "Member Countries")

Conscious of the need to establish an international examining body which shall promote mutual understanding and co-operation and assist in the harmonisation of procedures and standards of prescribed examinations in Member Countries,

Noting that the Governments of the Gambia, Ghana, Nigeria and Sierra Leone had by legislation established such a body on 31st December, 1951 to which Liberia was admitted on 1st April 1974, and

Recognising the important contribution made thus far by this body;

Have decided that the West African Examinations Council shall be governed by this Convention.

PART I

ESTABLISHMENT AND CONSTITUTION OF THE COUNCIL

ARTICLE I

1. There is hereby established the institution of the West African Examinations Council, (hereinafter referred to as "the Council").
2. Subject to the provisions of this Article, the Council shall be composed of the following members:—
 - (a) Chairman
 - (b) Two persons appointed by the Government of the Gambia
 - (c) Four persons appointed by the Government of Ghana;
 - (d) Two persons appointed by the Government of Liberia;
 - (e) Five persons appointed by the Government of Nigeria;
 - (f) Three persons appointed by the Government of Sierra Leone;
 - (g) Three persons representing the universities in Ghana to be appointed in a manner prescribed by the Ghana National Committee;
 - (h) Two persons representing the universities in Liberia to be appointed in a manner prescribed by the Liberia National Committee;
 - (i) Twelve persons representing the universities in Nigeria to be appointed in a manner prescribed by the Nigeria National Committee;

- (j) Two persons representing the university institutions in Sierra Leone to be appointed in a manner prescribed by the Sierra Leone National Committee;
 - (k) Two persons elected by the Gambia National Committee;
 - (l) Seven persons elected by the Ghana National Committee;
 - (m) Two persons elected by the Liberia National Committee;
 - (n) Ten persons elected by the Nigeria National Committee;
 - (o) Three persons elected by the Sierra Leone National Committee;
 - (p) The Registrar (ex-officio, non-voting) who shall also be Secretary to the Council.
3. The Chairman of the Council shall be elected by the Council from among persons nominated by the National Committees, in accordance with a rotational principle to be spelt out in the Standing Orders.
 4. The Chairman shall preside over meetings of the Council and all international committees of the Council at which he is present. He shall take precedence over all the members of Council. In an emergency he shall, in consultation with the Registrar, act in the best interest of the Council and such action shall be subject to ratification by the Council.
 5. The Council shall appoint from its members a Vice-Chairman who shall act as Chairman during a period of absence or during a period of temporary incapacity from illness or other cause of the Chairman and at other times as the Council may determine to exercise such powers as the Council may delegate to him.
 6. Where at any time before the next meeting of the Council the chairmanship of Council becomes vacant in circumstances other than those stated in paragraph 5 of this Article, the Vice-Chairman shall act as Chairman until the next meeting of Council when the Council shall elect a new Chairman.

TENURE OF OFFICE

ARTICLE 2

1. The Chairman of the Council shall hold office for a period not exceeding three years from the date of his election.
2. A member appointed under paragraph 2 (b) to (f) of Article I of this Convention shall retain his membership of the Council at the pleasure of the Government by whom he has been appointed, and the termination

- (j) Two persons representing the university institutions in Sierra Leone to be appointed in a manner prescribed by the Sierra Leone National Committee;
 - (k) Two persons elected by the Gambia National Committee;
 - (l) Seven persons elected by the Ghana National Committee;
 - (m) Two persons elected by the Liberia National Committee;
 - (n) Ten persons elected by the Nigeria National Committee;
 - (o) Three persons elected by the Sierra Leone National Committee;
 - (p) The Registrar (ex-officio, non-voting) who shall also be Secretary to the Council.
3. The Chairman of the Council shall be elected by the Council from among persons nominated by the National Committees, in accordance with a rotational principle to be spelt out in the Standing Orders.
 4. The Chairman shall preside over meetings of the Council and all international committees of the Council at which he is present. He shall take precedence over all the members of Council. In an emergency he shall, in consultation with the Registrar, act in the best interest of the Council and such action shall be subject to ratification by the Council.
 5. The Council shall appoint from its members a Vice-Chairman who shall act as Chairman during a period of absence or during a period of temporary incapacity from illness or other cause of the Chairman and at other times as the Council may determine to exercise such powers as the Council may delegate to him.
 6. Where at any time before the next meeting of the Council the chairmanship of Council becomes vacant in circumstances other than those stated in paragraph 5 of this Article, the Vice-Chairman shall act as Chairman until the next meeting of Council when the Council shall elect a new Chairman.

TENURE OF OFFICE

ARTICLE 2

1. The Chairman of the Council shall hold office for a period not exceeding three years from the date of his election.
2. A member appointed under paragraph 2 (b) to (f) of Article I of this Convention shall retain his membership of the Council at the pleasure of the Government by whom he has been appointed, and the termination

of such membership shall take effect as soon as notice of such termination is received by the Registrar of the Council.

3. A member appointed or elected under paragraphs 2 (g) to (o) of Article I of this Convention shall retain his membership of the Council for a period not exceeding three years from the date of his appointment or election.
4. Any member of Council other than the Chairman shall, on the termination of his membership, be eligible for re-appointment:

Provided that where a member of the Council is appointed or elected to the Council or a Committee thereof by virtue of some office or his representation of a particular interest, he shall cease to be a member of the Council upon his ceasing to hold the said office or to represent the said interest.

5. (a) Any member of the Council appointed as the person for the time being holding a particular office shall be entitled to nominate from amongst his immediate subordinates in office, by written notice to the Council an alternate member to attend any particular meeting or meetings of the Council in his place, and every such alternate member shall have all the powers and authority of the member whom he has replaced until such member notifies the Council that he proposes to resume his attendance at meetings of the Council or until the term of office of such member shall have terminated, whichever is earlier.

- (b) If a member of the Council appointed otherwise than in accordance with the preceding sub-paragraph is incapacitated by illness or other cause from performing the duty of his office, a temporary member may be appointed in the same procedure as applied to the incapacitated member, to fill that office until the term of office of the member shall have terminated, whichever is earlier, and every such temporary member shall have during his tenure of office all the powers and authority of the incapacitated member.

INCORPORATION AND SEAL OF THE COUNCIL

ARTICLE 3

1. The Council shall continue to be a body corporate having perpetual succession and a Common Seal and may sue and be sued in its corporate name.
2. The Council shall have power to regulate the use of the Common Seal by its members and by the officers of the Council.
3. The Registrar shall have custody of the Common Seal unless otherwise directed by Council.

West African Examinations Council

1984

POWERS OF THE COUNCIL

ARTICLE 5

1. The Council may:
 - (a) enter into contracts and do all things necessary for or incidental to the implementation of this Convention;
 - (b) acquire and hold movable or immovable property and sell, mortgage, lease or otherwise deal with such property;
 - (c) borrow at interest, or on the security of any corporate land or funds of the Council, such moneys necessary or expedient for the implementation of the provisions of this Convention;
 - (d) from time to time invest the funds of the Council in such manner and to such an extent as the Council may determine;
 - (e) receive on such terms as it may decide gifts whether in cash or in kind.
2. The Council shall appoint from its members an Administrative and Finance Committee to which it may delegate power to act in between meetings of the Council on any matter within the Council's competence.
3.
 - (a) The Council may appoint from its members such other committees as it shall think fit, and shall specify the duties and powers of any Committee so appointed under the provisions of this paragraph.
 - (b) The Council may, from time to time, appoint other Committees with such a composition as may be deemed desirable for the purpose, to consider and report on matters the Council may assign to them. Any Committee so appointed shall be presided over by such person as the Council may decide.
4. The Council may at any time invite any person or body to assist in the deliberations of the Council but no such person or body shall be entitled to vote on any question for decision by the Council.

PROCEDURE OF COUNCIL

ARTICLE 6

1.
 - (a) The Council shall ordinarily meet for the despatch of business at such times and places as it may from time to time decide; at least one meeting shall be held in every year.
 - (b) The Chairman may, and shall on the request in writing of at least six members of the Council drawn from not less than three Member Countries and not more than three of whom come from any one Member Country, call a special meeting of Council at such time and place as he may appoint.

(c) No meeting shall be convened at less than fourteen days' notice.

(d) At every meeting of the Council the Chairman, if present, shall preside, and in his absence the Vice-Chairman shall preside, and in the absence of both the Chairman and the Vice-Chairman, the Council shall elect one of its members present to preside.

(e) Every matter that comes before the Council shall be decided by majority of the votes of the members present.

(f) Twenty members including at least two from each of the Member Countries shall form a quorum at any meeting.

(g) The person presiding at any meeting shall have a vote and in the case of any equal division of votes on a matter, a second or casting vote shall be taken.

2. The minutes of the proceedings of every meeting of the Council shall be entered in a book to be kept for that purpose and minutes of proceedings shall after approval at the next meeting be signed by the Chairman.

3. The Council may from time to time make Standing Orders not inconsistent with the provisions of this Convention with regard to notice to convene meetings of the Council and to regulate the proceedings of such meetings.

PART II

ESTABLISHMENT AND CONSTITUTION OF NATIONAL COMMITTEES

ARTICLE 7

1. (a) A National Committee shall be established by the Council in each of the Member Countries and in any other country in West Africa that may accede to this Convention in accordance with Article 18 paragraph 2 of this Convention.

(b) Each National Committee established under this Article shall be composed of such persons or holders of such offices as the Council may determine.

(c) Each National Committee shall elect one of its members to be the Chairman thereof.

(d) Each member of a National Committee shall hold office for a period of four years from the date of his appointment and shall be eligible for re-election.

(e) The National Committee shall be the highest Committee of the Council in each member country.

REPEAL OF EXISTING ENACTMENTS

ARTICLE 27

On the coming into force of this Convention Member Countries shall take appropriate legislative measures to repeal any of the following enactments as is applicable in the Member Country:

- (a) The West African Examinations Council Act, 1970 (Ghana)
- (b) The West African Examinations Council Act, 1972 (The Gambia)
- (c) The West African Examinations Council Act, 1972 (Sierra Leone)
- (d) The West African Examinations Council Decree, 1973 (Nigeria)

PART X

TRANSITIONAL PROVISION

ARTICLE 28

SUCCESSION TO PROPERTY, RIGHTS, LIABILITIES AND OBLIGATIONS

Without prejudice to paragraph (1) of Article 1 of this Convention, any property, right, privilege, liability or obligation which immediately before the coming into force of this Convention was vested in, exercisable or enforceable by or against the former West African Examinations Council established under enactments referred to in Article 27 and in existence immediately before the coming into force of this Convention shall on the date on which this Convention comes into force and without further assurance than the provisions thereof, be vested in or become exercisable or enforceable by or against the West African Examinations Council now established by this Convention which shall for the purpose of this Article be deemed to be successor to the said former West African Examinations Council.

IN FAITH WHEREOF WE THE REPRESENTATIVES OF STATES AND GOVERNMENTS OF THE GAMBIA, GHANA, LIBERIA, NIGERIA AND SIERRA LEONE IN WEST AFRICA HAVE SIGNED THIS CONVENTION.

DONE AT MONROVIA LIBERIA, ON THIS 23rd Day of March, One Thousand Nine Hundred and Eighty-Two in a single copy in the English Language.

For the Republic of The Gambia (Sgd.)

For the Republic of Ghana (Sgd.)

For the Republic of Liberia (Sgd.)

For the Federal Republic of Nigeria (Sgd.)

For the Republic of Sierra Leone (Sgd.)

Passed in Parliament this *14th* day of *March* in the year of our Lord one thousand nine hundred and eighty-four.

R. C. O. GILPIN-JACKSON
Acting Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

R. C. O. GILPIN-JACKSON
Acting Clerk of Parliament.