

THE CARIBBEAN EXAMINATIONS COUNCIL ACT

Act
2 of 1993.

[22nd February, 1993.]

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

2. In this Act—

"the Agreement" means the Agreement establishing the Caribbean Examinations Council of which the text of the Articles is set out in the Schedule, and includes any Protocol thereto; Interpretation.
Schedule.

"the Council" means the Caribbean Examinations Council established by the Agreement.

"Minister" means the Minister responsible for education.

3. The provisions of paragraph 1 of Article VIII of the Agreement shall have the force of law in Jamaica. Certain provisions of Agreement given force of law in Jamaica.

4.—(1) The Minister may, by order, make such provisions as may be necessary for carrying into effect any of the provisions of the Agreement. Power of the Minister to make order.

(2) Without prejudice to the generality of subsection (1) the Minister may, by such order as aforesaid, implement any provision made by Protocol pursuant to paragraph 2 of Article VIII.

Amendment
of Schedule
and matters
consequential
on amend-
ment.

5.—(1) Where any amendment to the Agreement is accepted by the Government, the Minister may, by order, amend the Schedule by including therein the amendment so accepted.

(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 due effect to the amendment accepted as aforesaid and, without prejudice to the generality of the foregoing, may contain provisions amending references in this Act to specific provisions of the Agreement.

(3) Every order made under this section shall be subject to negative resolution.

(4) Where the Schedule is amended pursuant to this section, any reference in this Act or any other instrument to the Agreement shall, unless the context otherwise requires, be construed as a reference to the Agreement as so amended.

Examination
fraud.

6.—(1) Any person who, in relation to an examination conducted by or on behalf of the Council, commits an examination fraud shall be guilty of an offence against this Act and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding two thousand dollars or in default of payment thereof, to imprisonment for a term not exceeding six months.

(2) For the purposes of this section, a person commits an examination fraud if he, whether by himself or in concert with others and whether as a candidate at an examination or otherwise, does anything in relation to an examination with the intention of falsifying the result of the examination.

(3) Any person who conspires with any other person to commit an examination fraud shall also be guilty of that offence.

7.—(1) Without prejudice to any other form of proof, evidence of examination fraud may include—

Evidence
of examina-
tion fraud.

- (a) as regards a candidate at an examination—
 - (i) failure on his part to report to the Registrar prior to the examination any unauthorized access by him to the examination papers;
 - (ii) unauthorized access to text books or other relevant papers, records or apparatus during the examination;
- (b) as regards any person (whether or not a candidate at an examination)—
 - (i) unauthorized disclosure of examination questions or papers prior to an examination;
 - (ii) the act of providing a candidate during an examination with unauthorized assistance of a type relevant to the candidate's performance in the examination;
 - (iii) representing himself at the examination to be some other person;
 - (iv) the offer by him of any promise of reward or any threat to an examiner to induce the examiner to make other than a fair and impartial assessment of an answer to an examination question;
 - (v) the act of forging, with intent to defraud or deceive, documents relating to access to an examination or to examination results, or the act of uttering any such document knowing it to be forged.

(2) For the purposes of subsection (1)—

- (a) an act is unauthorized as respects any examination if it is not authorized by the Registrar;
- (b) "Registrar" includes Pro-Registrar and any person duly authorized by the Registrar or Pro-Registrar to perform duties on their behalf.

Extra-territorial jurisdiction.

8.—(1) Anything which would constitute an offence under this Act if done in Jamaica shall also constitute an offence—

- (a) if done by a citizen of Jamaica anywhere; or
- (b) if done partly within and partly outside of Jamaica.

(2) Any agreement or other arrangement by a person who is in Jamaica for any person to do anything outside of Jamaica which would, if done in Jamaica, constitute an offence under this Act shall for the purposes of this Act and the law relating to conspiracy have the same consequence as would follow if what was arranged to be done were arranged to be done in Jamaica.

(3) For the purposes of subsection (1), an offence committed by any person outside or partly outside of Jamaica may be determined by a Resident Magistrate having jurisdiction in Jamaica in any parish where that person happens to be for the time being.

SCHEDULE

(Section 2)

AGREEMENT ESTABLISHING THE CARIBBEAN EXAMINATIONS COUNCIL

THE PARTICIPATING GOVERNMENTS:

RECOGNISING the decision of the Second Conference of Heads of Government of the 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 Government of which are participating Governments:

- | | |
|------------------------|-------------------------------|
| (a) Antigua | Guyana |
| Bahamas | Jamaica |
| Barbados | Montserrat |
| Belize | St. Kitts-Nevis-Anguilla |
| British Virgin Islands | St. Lucia |
| Cayman Islands | St. Vincent |
| Dominica | Trinidad and Tobago |
| Grenada | 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 under Article II;

“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 III and X.

ARTICLE II

ESTABLISHMENT AND CONSTITUTION

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

[The inclusion of this page is authorized by L.N. 42/1995]