

# **CHAPTER 25:18**

## **ZIMBABWE SCHOOL EXAMINATIONS COUNCIL ACT**

Act 17/1994, 22/2001 (s. 4), 3/2016 (Part CVIII).

[Date of commencement: 1st July, 1995.]

### ARRANGEMENT OF SECTIONS

#### PART I

##### *Preliminary*

- [1.](#) Short title.
- [2.](#) Interpretation.

#### PART II

##### *Establishment of Zimbabwe School Examinations Council*

- [3.](#) Establishment of Zimbabwe School Examinations Council.
- [4.](#) Functions of Council.
- [5.](#) Examinations Board.
- [6.](#) Composition of Board.
- [7.](#) Disqualification for membership of Board.
- [8.](#) Terms and conditions of office of members.
- [9.](#) Vacation of office by members and filling of vacancies.
- [10.](#) Vice-chairman of Board.
- [11.](#) Meetings and procedure of Board.
- [12.](#) Examinations Committee.
- [13.](#) Finance Committee.
- [14.](#) Other committees of Board.
- [15.](#) Minutes of proceedings of Board and committees.
- [16.](#) Remuneration and allowances of members of Board and committees.
- [17.](#) Validity of decisions and acts of Board and committees.
- [18.](#) Execution of contracts and instruments by Council.
- [19.](#) Appointment of Director.
- [20.](#) Reports of Board.

#### PART III

##### *Financial Provisions Relating to Council*

- [21.](#) Funds of Council.
- [22.](#) Investment of moneys not immediately required by Council.
- [23.](#) Council to make certain charges to revenue account.
- [24.](#) Establishment and operation of reserve fund.
- [25.](#) Meeting of deficiencies.
- [26.](#) Financial year of Council.
- [27.](#) Accounts of Council.
- [28.](#) Appointment of auditors and audit or accounts of Council.
- [29.](#) Powers of auditors.

#### PART IV

##### *General*

- [30.](#) Exemption from liability of Council and members.
- [31.](#) Indemnity of members and officers of Council.
- [32.](#) Investigation into affairs of Council.
- [33.](#) Minister may give directions on matters of policy.
- [34.](#) Cancellation of examinations and annulment of results.
- [35.](#) Offences and penalties.
- [36.](#) Regulations.
- [Schedule](#) Powers of Council.

**AN ACT to establish the Zimbabwe School Examinations Council and to provide for its functions and to provide for matters connected with or incidental to the foregoing.**

PART I  
*Preliminary*

**1. Short title**

This Act may be cited as the Zimbabwe School Examinations Council Act [*Chapter 25:18*].

**2. Interpretation**

In this Act -

"appointed member" means a member other than the Director;

"Board" means the Examinations Board referred to in [section 5](#);

"Council" means the Zimbabwe School Examinations Council established by [section 3](#);

"Director" means the Director of the Council appointed in terms of [section 19](#);

"examination" means any examination which the Minister, in terms of section 4 (1) (a), has directed the Council to organize and conduct;

"examination material" means -

- (a) an examination paper; or
- (b) notes for the preparation of an examination paper; or
- (c) instructions for the setting up of equipment or the preparation of instruments for an examination; or
- (d) any other document or material which is intended to form part of an examination paper or to enable an examination paper to be prepared;

but does not include examination papers from previous examinations or any other material which is legitimately published in order to assist candidates in any examination;

"Examinations Committee" means the Examinations Committee referred to in [section 12 \(1\)](#);

"member" means any member of the Board, including the chairman and the Director;

"Minister" means the Minister of Education or any other Minister to whom the President may, from time to time, assign the administration of this Act;

"public university" means a university referred to in [sections 6 \(1\) \(b\) \(i\)](#) and [\(ii\)](#).

PART II

*Establishment of Zimbabwe School Examinations Council*

**3. Establishment of Zimbabwe School Examinations Council**

There is hereby established a Council to be known as the Zimbabwe School Examinations Council which shall be a body corporate and, in its corporate name, shall be capable of suing and being sued and, subject to this Act, of performing all acts that bodies corporate may by law perform.

**4. Functions of Council**

(1) Subject to this Act, the functions of the Council shall be -

- (a) to organize and conduct such examinations in subjects that form part of a course of primary or secondary education as the Minister may in writing direct;
- (b) to consider and approve subjects suitable for examinations;
- (c) to appoint panels or boards of examiners;
- (d) to approve and register examination centres;
- (e) to review rules and regulations relating to examinations;

- (f) to confer or approve the conferment of certificates, diplomas and other awards to persons who have passed examinations;
- (g) to enter into arrangements, whether reciprocal or otherwise, with persons or organizations inside or outside Zimbabwe for the recognition of certificates, diplomas and other awards granted in respect of examinations organized or conducted by the Council;
- (h) to do all things necessary to maintain the integrity of the system of examinations in respect of primary and secondary education in Zimbabwe;
- (i) to do any other thing that the Council may be required to do by or under this Act or any other enactment.

(2) Subject to this Act, the Council shall have power to do or cause to be done, either by itself or through its agents, all or any of the things specified in [the Schedule](#), either absolutely or conditionally and either solely or jointly with others.

## 5. Examinations Board

The operations of the Council shall, subject to this Act, be controlled by a Board to be known as the Examinations Board, constituted in terms of this Part.

## 6. Composition of Board

(1) Subject to this section and [section 7](#), the Board shall consist of -

- (a) a chairman appointed by the Minister, who shall be a vice-chancellor of a university referred to in [paragraph \(b\)](#); and
- (b) one representative from each of the following universities -
  - (i) the University of Zimbabwe referred to in [section 3](#) of the University of Zimbabwe Act [*Chapter 25:16*]; and
  - (ii) the National University of Science and Technology established by [section 3](#) of the National University of Science and Technology Act [*Chapter 25:13*]; and
  - (iii) every other university established by or in terms of any Act;
 chosen by the Minister from the names of one or more persons submitted by the vice-chancellor of each of those universities; and
- (c) one person chosen by the Minister from a list of not fewer than two names submitted to the Minister by the Zimbabwe National Chamber of Commerce represented by its governing body;
- (d) one person chosen by the Minister from a list of not fewer than two names submitted to the Minister by the Law Society of Zimbabwe represented by its governing body;
- (e) one person chosen by the Minister from a list of not fewer than two names submitted to the Minister by the Confederation of Zimbabwe Industries represented by its governing body; and
- (f) the Director; and
- (g) not more than eight other members appointed by the Minister.

(2) Subject to [subsection \(3\)](#) if any vice-chancellor or organization referred to in [subsection \(1\) \(b\), \(c\), \(d\)](#) or [\(e\)](#) fails to submit a list of nominations when so required for the purpose of that subsection, the Minister shall appoint as a member such person as he thinks fit and any person so appointed shall be deemed to have been chosen in accordance with [paragraph \(b\), \(c\), \(d\)](#) or [\(e\)](#), as the case may be, of [subsection \(1\)](#).

(3) The Minister shall consult the President before appointing or choosing any person in terms of [subsection \(1\)](#) or [\(2\)](#) and shall act in accordance with any directions the President may give him.

(4) Members shall be appointed in terms of [subsection \(1\) \(g\)](#) for their ability and experience in administration or education or their professional qualifications or their suitability otherwise for appointment, and shall be appointed so far as possible to represent different ministries of the Government.

## 7. Disqualification for membership of Board

(1) A person shall not be appointed as a member, and no person shall be qualified to hold office as a member, if -

- (a) he has been adjudged or otherwise declared insolvent or bankrupt in terms of a law in force in any

country, and has not been rehabilitated or discharged; or

- (b) he has made an assignment to or arrangement or composition with his creditors in terms of a law in force in any country, and the assignment, arrangement or composition has not been rescinded or set aside; or
- (c) within the period of five years immediately preceding the date of his proposed appointment, he has been sentenced in any country to a term of imprisonment imposed without the option of a fine, and has not received a free pardon.

(2) A member of Parliament shall not be appointed as a member, nor shall he be qualified to hold office as a member.

## **8. Terms and conditions of office of members**

(1) An appointed member shall hold office for such period, not exceeding three years, as the Minister may fix on his appointment.

(2) On the expiry of the period for which an appointed member has been appointed, he shall continue to hold office until he has been re-appointed or his successor has been appointed:

Provided that a member shall not continue to hold office in terms of this subsection for a period exceeding six months.

(3) Appointed members shall hold office on such conditions as the Minister, with the approval of the Minister responsible for finance, may fix.

(4) An appointed member who retires shall be eligible for re-appointment.

## **9. Vacation of office by members and filling of vacancies**

(1) A member shall vacate his office and his office shall become vacant -

- (a) in the case of an appointed member, after giving the Minister such period of notice of intention to resign as may be fixed in his conditions of appointment or, if no such period has been fixed, after the expiry of one month after the date he gives such notice, or after the expiry of such other period of notice as he and the Minister may agree; or
- (b) on the date he begins to serve a sentence of imprisonment the term of which is not less than six months, whether or not any portion has been suspended, imposed without the option of a fine in any country; or
- (c) if he becomes disqualified in terms of [section 7 \(1\) \(a\), \(b\) or \(c\)](#) to hold office as a member; or
- (d) if he is required in terms of [subsection \(2\)](#) to vacate his office.

(2) The Minister, after consulting the Board, may require any member to vacate his office if the member -

- (a) has been guilty of conduct which renders him unsuitable to continue to hold office as a member; or
- (b) has failed to comply with any conditions of his office fixed in terms of [section 8](#); or
- (c) is mentally or physically incapable of efficiently exercising his functions as a member.

(3) The Minister, on the recommendation of the Board, may require an appointed member to vacate his office if the Minister is satisfied that the member has been absent without the permission of the chairman of the Board from three consecutive meetings of the Board, of which he has been given not less than seven days' notice and that there was no just cause for the member's absence.

(4) On the death of, or the vacation of office by, an appointed member, the Minister shall, subject to [section 6](#), appoint a person to fill the vacancy.

## **10. Vice-chairman of Board**

The Minister shall designate one of the members referred to in [sections 6 \(1\) \(b\) to \(g\)](#) as vice-chairman of the Board, and the vice-chairman shall perform the chairman's functions whenever the chairman is unable for any reason to exercise them.

## **11. Meetings and procedure of Board**

(1) The Board shall hold its first meeting on such date and at such place as the Minister may fix and

thereafter the Board shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedures as it thinks fit:

Provided that the Board shall meet at least three times a year.

(2) The chairman of the Board may himself at any time and shall, at the request in writing of not fewer than five members, convene a special meeting of the Board, which meeting shall be convened for a date not sooner than seven days or later than thirty days after receipt of such request.

(3) Subject to [subsection \(4\)](#), the chairman of the Board or, in his absence, the vice-chairman, shall preside at meetings of the Board.

(4) If at a meeting of the Board the chairman and the vice-chairman are both absent, the members present may elect one of their number to preside at that meeting as chairman.

(5) A majority of members shall form a quorum at any meeting of the Board.

(6) All acts, matters or things authorized or required to be done by the Board may be decided by a majority vote at a meeting of the Board at which a quorum is present.

(7) At all meetings of the Board each member present shall have one vote on each question before the Board:

Provided that -

- (i) in the event of an equality of votes, the chairman shall have a casting vote in addition to a deliberative vote;
- (ii) no member shall take part in the consideration or decision of, or vote on, any question before the Board which relates to his re-appointment or vacation of office as a member.

(8) Any proposal circulated among all members and agreed to in writing by a majority of them shall be of the same effect as a resolution passed at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that any such proposal be placed before the Board, this subsection shall not apply to the proposal.

(9) Except as otherwise provided in this Part, the procedure for the convening and conduct of meetings of the Board shall be as fixed from time to time by the Board.

## **12. Examinations Committee**

(1) There shall be a committee of the Board to be known as the Examinations Committee, which shall consist of -

- (a) the vice-chairman of the Council, who shall be chairman of the Examinations Committee; and
- (b) such other members as the Board may appoint.

(2) The functions of the Examinations Committee shall be -

- (a) to prepare rules and regulations for the conduct of examinations;
- (b) to determine syllabuses for examinations;
- (c) to determine timetables for the holding of examinations;
- (d) to approve persons for appointment by the Council as examiners and moderators;
- (e) to evaluate procedures for the conduct of examinations;
- (f) generally, to supervise arrangements made by the staff of the Council for the organization and conduct of examinations;
- (g) to submit to the Board the names of examination candidates to whom certificates and other awards should be made;
- (h) to carry out such other functions as the Board may from time to time assign to it.

(3) [Sections 14 \(2\), \(3\), \(5\) and \(6\)](#) shall apply, *mutatis mutandis*, to the Examinations Committee.

## **13. Finance Committee**

(1) There shall be a committee of the Board, to be known as the Finance Committee, which shall consist of -

- (a) the vice-chairman of the Council, who shall be chairman of the Finance Committee; and

(b) such other members as the Board may appoint.

(2) The functions of the Finance Committee shall be -

(a) to regulate the collection of the Council's revenues and the expenditure of its funds; and

(b) to supervise the Council's financial affairs; and

(c) to prepare the statement of accounts referred to in [section 27 \(2\)](#);

in accordance with any directions given to the committee by the Board.

(3) [Sections 14 \(2\), \(3\), \(5\)](#) and [\(6\)](#) shall apply, *mutatis mutandis*, to the Finance Committee.

#### **14. Other committees of Board**

(1) For the better exercise of its functions, the Board may establish one or more committees in which, with the consent of the Minister, it may vest such of its functions as it thinks fit:

Provided that functions vested in the Examinations Committee and the Finance Committee shall not be vested in a committee established in terms of this subsection.

(2) The Board may appoint persons who are not members of the Board to be members of any committee established in terms of [subsection \(1\)](#) and, with the approval of the Minister, may fix the terms and conditions of office of such persons:

Provided that at least one member of the Board shall be appointed as a member of each committee.

(3) The vesting of any function in a committee in terms of this section -

(a) may be made absolutely or subject to conditions and may be amended or withdrawn at any time;

(b) shall not prevent the Board from itself exercising that function.

(4) The chairman of the Board may at any time and place convene a meeting of a committee.

(5) The procedure of each committee shall be as fixed by the Board.

(6) Subject to this section, [sections 11 \(4\)](#) to [\(8\)](#) shall apply, *mutatis mutandis*, to committees and members thereof as they apply to the Board and its members.

#### **15. Minutes of proceedings of Board and committees**

(1) The Council shall cause minutes of all proceedings of and decisions taken at all meetings of the Board and of its committees to be entered in books kept for the purpose.

(2) Any minutes referred to in [subsection \(1\)](#) which purport to be signed by the chairman of the meeting to which the minutes relate or by the chairman of the next following meeting of the Board or of the committee concerned, as the case may be, shall be accepted for all purposes as *prima facie* evidence of the proceedings of and decisions taken at the meeting concerned.

#### **16. Remuneration and allowances of members of Board and committees**

A member of the Board or of a committee shall be paid -

(a) such remuneration, if any, as the Minister, with the approval of the Minister responsible for finance, may fix for members of the Board or members of committees, as the case may be, generally; and

(b) such allowances, if any, as the Minister, with the approval of the Minister responsible for finance, may fix to meet any reasonable expenses incurred by the member in connection with the business of the Council or the committee, as the case may be.

#### **17 Validity of decisions and acts of Board and committees**

No decision or act of the Board or any committee thereof, and no act done under the authority of the Board or any committee thereof, shall be invalid solely because, at the time the decision was taken or the act was done or authorized -

(a) there was a vacancy in the membership of the Board or committee, as the case may be; or

(b) a disqualified person acted as a member of the Board or committee, as the case may be;

if the duly appointed members who were present when the decision was taken or the act was done or authorized by the Board or the committee constituted a quorum in terms of [section 11 \(5\)](#).

## **18. Execution of contracts and instruments by Council**

An agreement, contract or instrument may be entered into or executed on behalf of the Council by any person generally or specially authorized by the Board for that purpose.

## **19. Appointment of Director**

(1) Subject to this Act, the Board shall appoint, on such terms and conditions as the Board may fix, a person approved by the Minister to be the Director of the Council.

(2) Members shall not be eligible to be considered for appointment as Director.

(3) Without the authority of the Minister, no person shall be appointed as Director if he is not ordinarily resident in Zimbabwe.

(4) The appointment of the Director shall be terminated if he would be required in terms of [section 9 \(1\) \(b\)](#) or [\(c\)](#) to vacate his office had that section applied to him.

(5) Subject to the control of the Board, the management of the operations, undertakings and property of the Council shall be vested in the Director.

(6) With the approval of the Minister, the Board may assign to the Director such of the Council's functions as the Board thinks fit.

(7) Any assignment of functions in terms of [subsection \(6\)](#) -

- (a) may be made either generally or specially and subject to such restrictions, reservations and exceptions as the Board may determine;
- (b) may be revoked by the Board at any time;
- (c) shall not preclude the exercise of the functions by the Board itself.

## **20. Reports of Board**

(1) In addition to any annual report which the Board is required to submit in terms of the Public Finance Management Act [*Chapter 22:19*] (No. 11 of 2009), the Board -

- (a) shall submit to the Minister such other reports as he may require in regard to the operations, undertakings and property of the Council; and
- (b) may submit to the Minister such other reports as the Board may consider advisable.  
[[Sub-s. \(1\)](#) amended by Part CVIII of No. 3 of 2016.]

(2) The Minister may lay before Parliament a report submitted to him by the Board in terms of [subsection \(1\)](#).

## **PART III**

### *Financial Provisions Relating to Council*

## **21. Funds of Council**

The funds of the Council shall consist of -

- (a) such moneys as may be payable to the Council from moneys appropriated for the purpose by Parliament; and
- (b) such moneys as may, with the approval of the Minister responsible for finance, be obtained by the Council as loans or by way of other financial assistance; and
- (c) examination fees and other payments paid by candidates and other persons in connection with examinations; and
- (d) such other moneys as may vest in or accrue to the Council, whether in the course of its operations or otherwise.

## **22. Investment of moneys not immediately required by Council**

Moneys not immediately required by the Council may be invested in such manner as the Minister, acting on the advice of the Minister responsible for finance, may approve.

## **23. Council to make certain charges to revenue account**

(1) The Board shall charge to the Council's revenue account all charges which, in the normal conduct of business, are regarded as proper to be charged to revenue account and, in so doing shall make in each financial year proper provision for -

- (a) the depreciation or diminution in value of its assets; and
- (b) the payment of interest on and all other charges and expenses incurred in connection with loans; and
- (c) the redemption of loans at due times to the extent that such redemption exceeds provision for depreciation.

(2) In charging to its revenue account all charges which in the normal conduct of business are regarded as proper to be charged to revenue account as provided in [subsection \(1\)](#), the Board may, in each financial year, make provision for -

- (a) meeting, in whole or in part, increases in the cost of replacing assets to an extent approved by the Minister after consultation with the Minister responsible for finance; and
- (b) making payments to an insurance fund established by the Board to meet, in whole or in part, such liabilities of the Council as the Minister may approve; and
- (c) making payments to a pension fund to meet, in whole or in part, superannuation liabilities to the Council.

## **24. Establishment and operation of reserve fund**

(1) The Council may establish a reserve fund to which, subject to this Part, may be appropriated from a surplus of income over expenditure at the end of its financial year such sums as the Board may approve.

(2) Subject to this Part, moneys in the reserve fund established in terms of [subsection \(1\)](#) may be used for such purposes as the Board may consider expedient for the proper exercise by the Council of its functions.

(3) The Board shall comply with any directions which the Minister may give in relation to the management of the reserve fund established in terms of [subsection \(1\)](#).

## **25. Meeting of deficiencies**

(1) If in any financial year income of the Council together with any surplus income brought forward from a previous financial year, is insufficient to enable the Council to meet the charges and to make the provisions required by [section 23](#), the deficiency shall, unless the Minister otherwise directs, be met from the reserve fund established in terms of [section 24](#).

(2) If the moneys in the reserve fund are insufficient for the purpose of meeting the deficiency referred to in [subsection \(1\)](#), the Minister may, out of moneys appropriated for the purpose by Parliament, meet the whole or any portion of the amount of the deficiency outstanding after the application of the moneys in the reserve fund to that purpose either at the end of the financial year or at such time thereafter as the Minister considers expedient.

(3) Any payment made in terms of [subsection \(2\)](#) shall be regarded as a loan made by the State to the Council and shall be repayable by the Council on such terms and conditions as the Minister, with the concurrence of the Minister responsible for finance, may fix.

## **26. Financial year of Council**

The financial year of the Council shall be the period of twelve months ending on the 30th June each year or on such other date as may be prescribed.

## **27. Accounts of Council**

(1) The Board shall ensure that proper accounts and other records relating to such accounts are kept in respect of all the operations, undertakings, funds and property of the Council, including such particular accounts and records as the Minister may direct.

(2) The Board shall prepare and submit to the Minister a statement of accounts in respect of each financial year or such other period as the Minister may direct.

## **28. Appointment of auditors and audit of accounts of Council**

(1) The Council shall appoint as its auditors one or more persons approved by the Minister who are registered as public auditors in terms of the Public Accountants and Auditors Act [*Chapter 27:12*].

(2) The accounts of the Council kept in terms of [section 27 \(1\)](#) shall be examined by the Council's auditors.

(3) The Council's auditors shall make a report to the Board and to the Minister on the statement of accounts prepared in terms of [section 27 \(2\)](#) and in such report shall state whether or not in their opinion the statement of accounts gives a true and fair view of the financial affairs of the Council.

(4) In addition to the report referred to in [subsection \(3\)](#), the Minister may require the Board to obtain from the Council's auditors such other reports, statements or explanations in connection with the activities, undertakings and property of the Council as the Minister considers expedient.

(5) If, in the opinion of the Council's auditors -

- (a) they have not obtained any information or explanation they require; or
- (b) the accounts or records relating thereto have not been properly kept; or
- (c) the Council has not complied with this Part;

the auditors shall include in the report made in terms of [subsection \(3\)](#) or [\(4\)](#), as the case may be, statements to that effect.

## **29. Powers of auditors**

(1) The Council's auditors shall be entitled at all times to require to be produced to them all books of accounts and other records relating thereto kept by the Board or its agents and to require from any member or person employed by the Council or by the Council's agents such information and explanation as in their opinion are necessary for the purposes of their audit.

(2) Any member or employee or agent of the Council who fails without just cause to comply with a requirement of an auditor in terms of [subsection \(1\)](#) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of No. 22 of 2001.]

## PART IV

### *General*

## **30. Exemption from liability of Council and members**

No liability shall attach to the Council or the Board or to any member for any loss or damage sustained by any person as a result of the *bona fide* exercise or performance by the Council, the Board, a committee of the Board, the Director or any employee or agent of the Council of any function of the Council, the Director or the Board, as the case may be, in terms of this Act or any other law:

Provided that this section shall not be construed so as to prevent any person from recovering, by action in a court of competent jurisdiction, compensation for any loss or damage which was caused by negligence or breach of contract.

## **31. Indemnity of members and officers of Council**

The Council shall indemnify every member of the Board or of a committee of the Board and the Director and every auditor, employee or agent of the Council against any costs incurred by him in -

- (a) defending any proceedings, whether civil or criminal, which arise out of his duties as member, Director, auditor, employee or agent of the Council, as the case may be, and in which judgment is given in his favour or he is acquitted, as the case may be; and

- (b) making any application to court on behalf of the Council.

### **32. Investigation into affairs of Council**

(1) The Minister may at any time cause an investigation to be made into the affairs of the Council by one or more persons appointed by him in writing.

(2) Any person appointed in terms of [subsection \(1\)](#) shall have the same powers as are conferred upon a commissioner by the Commissions of Inquiry Act [*Chapter 10:07*], other than the power to order a person to be detained in custody, and [sections 9 to 13](#) and [15 to 19](#) of that Act shall apply, *mutatis mutandis*, in relation to an investigation made in terms of [subsection \(1\)](#) and to any person summoned to give or giving evidence at that investigation.

### **33. Minister may give directions on matters of policy**

(1) Subject to [subsection \(2\)](#), the Minister may give to the Board such directions of a general character as to the policy to be observed by it in the exercise of its functions as appear to the Minister to be requisite in the national interest.

(2) Where the Minister considers that it might be desirable to give any direction in terms of [subsection \(1\)](#), he shall inform the Board, in writing, of his proposal and the Board shall, within thirty days or such further period as the Minister may allow, submit to the Minister, in writing, its views on the proposal and the possible implications on the examination system in Zimbabwe on the finances and other resources of the Board.

(3) The Board shall, with all due expedition, comply with any direction given to it in terms of [subsection \(1\)](#).

(4) When any direction has been given in terms of [subsection \(1\)](#), the Board shall ensure that the direction and any views it has expressed thereon in terms of [subsection \(2\)](#) are set out in its annual report.

### **34. Cancellation of examinations and annulment of results**

(1) Subject to regulations made in terms of [section 36](#), the Board may cancel or postpone any examination or annul the results of any examination, either throughout Zimbabwe or in respect of any examination centre or area within Zimbabwe, if the Board is satisfied that -

- (a) an unauthorized person has obtained access to any examination material; or
- (b) the contents of any examination material have been revealed to an unauthorized person; or
- (c) there has been an impersonation of a candidate sitting the examination or any other form of fraud or dishonest conduct in regard to the examination; or
- (d) any rule or regulation governing the examination has been contravened;

and that it is necessary to cancel or postpone the examination or annul the results, as the case may be, in order to preserve the integrity of the examination system in Zimbabwe.

(2) If the Board is satisfied that any candidate for an examination -

- (a) obtained unauthorized access to any examination material prior to the examination; or
- (b) was impersonated by any other person at the sitting of the examination; or
- (c) engaged in any form of fraud or dishonest conduct in regard to the examination; or
- (d) contravened any rule or regulation governing the examination;

the Board may prohibit him from sitting the examination or may annul his results or withdraw any certificate, diploma or award given to him in respect of the examination, as may be appropriate.

(3) It shall not be necessary for the Board to consult or invite representations from any person before cancelling or postponing an examination or annulling the results of an examination in terms of [subsection \(1\)](#).

### **35. Offences and penalties**

Any person who -

- (a) without lawful cause gains access to any examination materials;
- (b) reveals the contents of any examination material to an unauthorized person; or

- (c) maliciously damages or destroys examination material; or
- (d) sits or offers or attempts to present himself at an examination with the intention of impersonating another person; or
- (e) presents a forged certificate or diploma to a prospective employer or to an institution of learning with intent to gain employment or admission; or
- (f) without the authority of the Council prints or sells any certificate or award of the Council;

shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of No. 22 of 2001.]

### **36. Regulations**

(1) The Minister, after consultation with the Board, may make regulations prescribing all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations made in terms of [subsection \(1\)](#) may provide for -

- (a) examination fees and other charges payable by or for examination candidates;
- (b) conditions for the award of certificates and diplomas and other awards;
- (c) the disqualification of examination candidates;
- (d) the approval and registration of examination centres;
- (e) the cancellation, for good cause, of examinations or the results of examinations;
- (f) any matter relating to the conduct or organization of examinations.

### **Schedule POWERS OF COUNCIL**

#### *(Section 4 (2))*

1. To acquire premises necessary or convenient for the exercise of its functions and for that purpose to buy, take on lease or in exchange, hire or otherwise acquire immovable property and interests therein and rights thereover and concessions, grants, powers and privileges in respect thereof.
2. To buy, take in exchange, hire or otherwise acquire immovable property necessary or convenient for the exercise of its functions.
3. To maintain, alter or improve property acquired by it.
4. To mortgage any assets or part of any assets and to sell, exchange, lease, dispose of, turn to account or otherwise deal with any assets or part of any assets which are not required for the exercise of its functions for such consideration as the Board may determine.
5. To draw, make, accept, endorse, discount, execute and issue for the purposes of its functions promissory notes, bills of exchange, bills of lading, securities and other negotiable or transferable instruments.
6. To insure against losses, damages, risks and liabilities which it may incur.
7. To make contracts and enter into suretyships or give guarantee in connection with the exercise of its functions and to modify or rescind such suretyships or guarantees.
8. To enter into, renew, cancel or abandon arrangements with any government or authority, local or otherwise, that may seem conducive to the exercise of its functions any of them and to obtain from such government or authority rights, privileges and concessions.
9. To establish and administer such funds and reserves not specifically provided for in this Act as the Board may consider appropriate or necessary for the proper exercise of the functions of the Council.
10. To employ, upon such terms and conditions as the Board considers fit, such persons as may be necessary for conducting the affairs of the Council, and to suspend or discharge any such persons.
11. To pay such remuneration and allowances and grant such leave of absence and, with the approval of the Minister, to make such gifts, bonuses and the like to its employees as the Board considers fit.
12. To provide pecuniary benefits for its employees on their retirement, resignation, discharge or other termination of service or in the event of their sickness or injury and for their dependants, and for that purpose to effect policies of insurance, establish pension or provident funds or make such other provision as may be necessary

to secure for its employees and their dependants any or all of the pecuniary benefits to which the provisions of this paragraph relate.

13. To purchase, take on lease or in exchange or otherwise acquire land or dwelling-houses for use or occupation by its employees.
14. To construct dwellings, outbuildings or improvements for use or occupation by its employees on land purchased, taken on lease or in exchange or otherwise acquired by it.
15. To sell or lease dwelling-houses and land and rights therein for residential purposes to its employees.
16. To make loans or guarantee loans made to its employees or their spouses for the acquisition of dwelling houses or land or rights therein for residential purposes, the construction of dwelling-houses and the improvement of dwelling-houses or land which are the property of its employees or their spouses.
17. To provide security in respect of loans such as are described in paragraph 16 by the deposit of securities, in which the Council may invest such moneys as the Board may consider necessary for the purpose.
18. To make loans to any employee of the Council for the purpose of purchasing vehicles, tools or other equipment to be used by him in carrying out his duties.
19. To do anything for the purpose of improving the skill, knowledge or usefulness of its employees, and in that connection to provide or assist other persons in providing facilities for training, education and research.
20. To provide such services as the Board, with the approval of the Minister, considers may properly be provided by the Council and to charge for such services such fees as the Board, with the approval of the Minister, may from time to time determine.
21. To provide financial assistance to any institution or person whose activities or part of whose activities are such as to be, in the opinion of the Board, of benefit to the Council.
22. To grant such scholarships or bursaries as the Board considers to be in the interests of education as a whole or any part thereof, on such terms and conditions as the Board may fix in any particular case.
23. To engage in, establish, operate or manage schemes for -
  - (a) the training of persons engaged in the setting or marking of examinations;
  - (b) research into the examining systems of other countries.
24. To do anything which by this Act is required or permitted to be done by the Council.
25. Generally to do anything that is calculated to facilitate or is incidental or conducive to the exercise of the functions of the Council in terms of this Act or any other enactment.

## **CHAPTER 25:18 ZIMBABWE SCHOOL EXAMINATIONS COUNCIL ACT**

### INDEX TO SUBSIDIARY LEGISLATION

#### **REGULATION**

#### [S.I. 133 of 2018](#)

Zimbabwe Schools Examinations Council (National Qualifications Framework)  
Regulations

### **S.I. 133 of 2018: Zimbabwe Schools Examinations Council (National Qualifications Framework) Regulations**

#### ARRANGEMENT OF REGULATIONS

- [1.](#) Title.
- [2.](#) Interpretation.
- [3.](#) Zimbabwe National Qualifications Framework.
- [4.](#) Objects of Zimbabwe National Qualifications Framework.
- [5.](#) Implementing Bodies.
- [6.](#) Structure of framework.
- [7.](#) Procedure for assessing qualifications.
- [8.](#) Conditions for registration of qualifications on framework.

**IT is hereby notified that the Minister has, in terms of section 36 of the Zimbabwe Schools Examinations Council Act [Chapter 25:18], made the following regulations-**

## **1. Title**

These regulations may be cited as the Zimbabwe Schools Examinations Council (National Qualifications Framework) Regulations, 2018.

## **2. Interpretation**

In these regulations-

**"Committee"** means the National Coordinating Committee established in section 5 (3);

**"framework"** means the Zimbabwe National Qualifications Framework;

**"learner"** means a pupil or student attending or enrolled at an educational institution;

**"level descriptor"** means any one of several elements of a profile that places a qualification on the qualification framework within a hierarchy of knowledge, skills, competences and attitudes;

**"Minimum Bodies of Knowledge"** means the minimum set of standards, concepts, skills, attitudes and values that contribute to the required competencies;

**"profile"** means a description of a qualification in terms of any of the following as maybe applicable to the qualification-

- (a) a description of the field to which the qualification in question relate; or
- (b) the formal description assigned to the qualification in question; or
- (c) the level of entry qualifications or competence into the qualification in question; or
- (d) a set of standards relating to the qualification in question; or
- (e) the minimum and maximum duration of the programme;

**"SADC"** means Southern African Development Community;

**"Zimbabwe National Qualifications Framework"** means a framework established in terms of section 3 of the Manpower Planning and Development (National Qualifications Framework) Regulations, 2018.

## **3. Zimbabwe National Qualifications Framework**

The Zimbabwe National Qualifications Framework established by section 3 of the Manpower Planning and Development (National Qualifications Framework) Regulations, 2018, shall be a national quality assurance system for the development, recognition and award of qualifications based on standards of knowledge, skills and values acquired in different ways and methods by learners.

## **4. Objects of Zimbabwe National Qualifications Framework**

The objects of the Zimbabwe National Qualifications Framework shall be to-

- (a) integrate education and training into a unified structure of qualifications recognised locally and internationally; and
- (b) provide a mechanism to relate basic, tertiary and higher education qualifications to the Zimbabwe National Qualifications Framework; and
- (c) establish pathways for vertical progression of education and training qualifications;
- (d) establish pathways for horizontal comparability of qualifications;
- (e) develop standardised qualifications for increased coherence between education output and the needs of the labour market; and
- (f) provide for the interface of the Zimbabwe National Qualifications Framework with-

- (i) the SADC Qualifications Framework, and
  - (ii) similar frameworks in other countries outside the SADC region,
- with a view to facilitating the mobility of skills between Zimbabwe and other countries, on a reciprocal basis.

## 5. Implementing Bodies

- (1) The following Implementing Bodies shall be responsible for the implementation of the framework-
- (a) Zimbabwe School Examinations Council; and
  - (b) Directorate of Quality Assurance and Standards in the Ministry responsible for Higher and Tertiary Education; and
  - (c) Zimbabwe Council for Higher Education.
- (2) The Implementing Bodies referred to in [subsection \(1\)](#) shall-
- (a) determine the Minimum Bodies of Knowledge applicable to academic and professional qualifications; and
  - (b) establish mechanisms for putting in place the Minimum Bodies of Knowledge to enable a harmonised Credit Accumulation and Transfer System; and
  - (c) establish mechanisms for recognition of prior learning; and
  - (d) determine the eligibility and levels of foreign qualifications *vis-à-vis* the national qualifications framework level descriptors; and
  - (e) establish mechanisms to ensure coherence between education output and the needs of the labour market; and
  - (f) liaise with key stakeholders; and
  - (g) accredit independent examination boards; and
  - (h) establish and maintain a national qualification database of accredited qualifications consisting of-
    - (i) a brief description of the vision, mission and mandate of every qualification awarding body domiciled or operating in Zimbabwe, and
    - (ii) profiles of all academic and professional qualifications, and
    - (iii) the level descriptors of the profiles.
- (3) There is hereby established a committee to be known as the National Coordinating Committee which shall be responsible for coordinating the functions of the Implementing Bodies.
- (4) The National Coordinating Committee referred to in [subsection \(3\)](#) shall comprise of the following-
- (a) one representative from National Manpower Advisory Council who shall be the chairperson of the Committee; and
  - (b) two representatives from the Attorney-General's Office; and
  - (c) two representatives from Zimbabwe Council for Higher Education; and
  - (d) two representatives from Zimbabwe School Examinations Council; and
  - (e) two representatives from the Directorate of Quality Assurance and Standards in the Ministry responsible for Higher and Tertiary Education.
- (5) For the better exercise of its functions, the Committee-
- (a) may co-opt members with the relevant expertise in any matter before its agenda;
  - (b) shall have a secretariat seconded on an *ad-hoc* basis from the Ministry responsible for Higher and Tertiary Education.
- (6) Members of the Committee shall be appointed on such terms and conditions as the Minister responsible for Higher and Tertiary Education may fix.
- (7) The Committee may establish subcommittees to exercise some of its functions.
- (8) The provisions relating to the meetings and procedures of the Committee and other related matters are set out in the First Schedule.

## 6. Structure of framework

(1) The framework established in section 3 shall have 10 levels of qualifications from basic, tertiary and higher education, providing the relevant level descriptors for each respective Zimbabwe National Qualifications Framework level.

(2) The structure of the framework shall be as set out in the Second Schedule.

## 7. Procedure for assessing qualifications

(1) The Implementing Body, upon receipt of a written application for qualification assessment by any person for recognition of a qualification in Zimbabwe, and on payment of the fee prescribed in its regulations, shall establish whether the-

- (a) institution issuing the qualification in question is legally recognised in the country of origin; and
- (b) qualification in question is an authentic qualification; and
- (c) qualification in question is a complete qualification; and
- (d) qualification in question has been subjected to quality assurance processes by the relevant qualification authorities in its country of origin; and
- (e) content, duration and key competencies of the qualification in question meet the standards prescribed in the framework.

(2) Subject to [subsection \(1\)](#), the Implementing Body shall issue a confirmation in writing indicating the level at which the qualification in question has been placed.

## 8. Conditions for registration of qualifications on framework

For a qualification to be registered on the framework, the following conditions must be met-

- (a) the training institution must be registered by the relevant implementing body;
- (b) the qualification awarding body must be accredited by the relevant implementing body;
- (c) the content must be in line with the established minimum body of knowledge; and
- (d) the duration, key competencies, objectives and outcomes must be consistent with the standards of the level descriptors for the intended level.

### **First Schedule** **MEETINGS AND PROCEDURES OF COMMITTEE** *(Section 5 (8))*

#### 1. Chairperson and vice-chairperson of Committee

The vice-chairperson of the Board shall perform the functions of the chairperson whenever the chairperson is unable to perform them or the office of the chairperson is vacant.

#### 2. Meetings and procedure of Committee

(1) The Committee shall hold its first meeting on such date and at such place as the Implementing Bodies may fix, being not more than three months after the fixed date, and thereafter the Committee shall meet for the dispatch of business as often as is necessary or expedient and, subject to this paragraph, may adjourn, close and otherwise regulate its meetings and procedure as it thinks fit

(2) The chairperson of the Committee-

- (a) may at any time convene a special meeting of the Committee; and
- (b) shall convene a special meeting of the Committee on the written request of not fewer than two members, not later than fourteen days after his or her receipt of such request.

(3) Written notice of any special meeting shall be sent to each member not later than seven days before the meeting and shall specify the business for which the meeting has been convened:

Provided that if, in the opinion of the chairperson, the urgency of the business for which the meeting is to be convened so requires, notice of not less than forty-eight hours may be given.

(4) No business shall be discussed at a special meeting other than-

- (a) such business as may be determined by the chairperson of the Committee, where he or she has convened the meeting in terms of subparagraph (2) (a); or
- (b) the business specified in the request for the meeting, where he or she has convened the meeting in terms of subparagraph (2) (b).

(5) The chairperson or, in his or her absence, the vice-chairperson shall preside at all meetings of the Committee:

Provided that, if the chairperson and the vice-chairperson are both absent from a meeting of the Committee, the members present may elect one of their number to preside at that meeting as chairperson.

(6) Five members shall form a quorum at any meeting of the Committee.

(7) All acts, matters or things authorised or required to be done by the Committee may be decided by a majority vote at a meeting of the Committee at which a quorum is present.

(8) Subject to these regulations at all meetings of the Committee each member present shall have one vote on each question before the Committee and, in the event of an equality of votes, the chairperson shall have a casting vote in addition to a deliberative vote.

(9) Any proposal circulated among all members and agreed to in writing by a majority of all members shall have the same effect as a resolution passed at a duly constituted meeting of the Committee and shall be incorporated in the minutes of the next succeeding meeting of the Committee:

Provided that, if a member requires that such proposal be placed before a meeting of the Committee, this subparagraph shall not apply to such proposal.

### 3. Minutes of proceedings of Committee

(1) The Committee shall cause minutes of all proceedings of and decisions taken at every meeting of the Committee or of a committee of the Committee to be entered in books kept for the purpose.

(2) Any minutes which purport to be signed by the chairperson of the meeting to which the minutes relate shall be accepted for all purposes as *prima facie* evidence of the proceedings of and decisions taken at the meeting concerned.

**Second Schedule**  
**ZIMBABWE NATIONAL QUALIFICATIONS FRAMEWORK**  
(Section 6)

ZNQF LEVEL	LEVEL DESCRIPTORS
10	<ul style="list-style-type: none"><li>. Cutting edge research and creation of new knowledge in the development of the study</li><li>. Advance new techniques, ideas or approaches</li><li>. Autonomous in research conducted</li></ul>
9	<ul style="list-style-type: none"><li>. Mastery of knowledge in the field of study</li><li>. Analysis of complex issues and research proposing solutions based on critical thinking</li><li>. Participate in resource management and supervision of others</li><li>. In-depth expert knowledge in the field of study</li><li>. Specialised skills and principles based on systematic scrutiny of information</li><li>. Function within wide-ranging independence</li></ul>
8	<ul style="list-style-type: none"><li>. Methodical comprehension of strategic facets area of specialty</li><li>. Implement precisely analysis and enquiry procedures within the area of specialty</li><li>. Work out setbacks using thoughts and methods in their area of specialty</li><li>. Work within wide-ranging self-sufficiency</li></ul>
7	<ul style="list-style-type: none"><li>. Comprehensive knowledge in the area of specialty</li><li>. Apply recognised tenets, calling for a wide range of information to work out challenges in diverse settings</li><li>. Work within wide-ranging self-sufficiency</li></ul>
6	<ul style="list-style-type: none"><li>. Specialised knowledge in the area of specialty</li><li>. Relate various and specific methods in the area of specialty entailing elementary investigation</li><li>. Work within wide-range of structures and a specific self-sufficiency</li></ul>

5	<ul style="list-style-type: none"> <li>. Comprehensive knowledge in the area of specialty</li> <li>. Relate wide-ranging procedures, to work out real problems, in non-routine situations</li> <li>. Work under broad supervision</li> </ul>
4	<ul style="list-style-type: none"> <li>. Operational knowledge in the area of specialty</li> <li>. Relate diverse of techniques in the area of specialty, to get to the bottom recognisable problems in moderately usual settings</li> <li>. Work under general supervision</li> </ul>
3	<ul style="list-style-type: none"> <li>. In-depth knowledge in specific subject areas</li> <li>. Relate series of techniques in the field of study, to resolve challenges in broad circumstances</li> <li>. Function under general supervision</li> </ul>
2	<ul style="list-style-type: none"> <li>. Broad-based knowledge</li> <li>. Relate basic procedures and techniques</li> <li>. Work in a controlled atmosphere, under direct supervision</li> </ul>
1	<ul style="list-style-type: none"> <li>. Rudimentary knowledge</li> <li>. Relate elementary techniques to mastery and mathematical ability including desirable values</li> <li>. Work under intermittent guidance, consistent scrutiny and limited autonomy</li> </ul>