SEYCHELLES QUALIFICATIONS AUTHORITY ACT, 2005

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SEYCHELLES QUALIFICATIONS AUTHORITY ACT, 2005

(Act 12 of 2005)

I assent

J. A. Michel
President

30th November, 2005

AN ACT to provide for the establishment of a Seychelles Qualifications Authority and for connected matters.

ENACTED by the President and the National Assembly.

Part 1 - Preliminary

1. This Act may be cited as the Seychelles Qualifications Authority Act, 2005 and shall come into operation on such date as the Minister may, by notice in the Official Gazette, appoint.

Short title and commencement

Interpretation

2. In this Act –

"accreditation" means the certification for a specified period of time of a person or an institution as having the capacity to fulfil a particular function specified by the Seychelles Qualifications Authority;

"Authority" means the Seychelles Qualifications Authority established by section 3;

"Board" means the Board of the Authority constituted under section 6;

"competence" means the knowledge, skills, attitudes and personal attributes combined with the underlying understanding to perform all or some of the functions of an occupation or a profession;

"Executive Director" means the Executive Director of the Authority appointed under section 17;

"learner" means a person who is acquiring or has acquired knowledge, skills or competencies;

"qualification" means the formal recognition of a learner's achievement of the required number and range of credits or other requirements at a specified level of the qualifications framework;

"qualifications framework" means a framework for the development, recognition and award of qualifications based on standards of knowledge, skill and competence to be acquired by learners;

"programme of education and training" means a process by which learners acquire knowledge, skill

and competence and includes courses of study or instruction, apprenticeships, training and employment;

"member" means a member of the Board;

"Minister" means the Minister responsible for Education;

"quality assurance" means a process by which an institution confirms the suitability of conditions in place for learners to achieve the required standards;

"validation" means the assessment of a programme of education or training with regard to its suitability for the attainment of knowledge, skill or competence by learners.

PART 2 - SEYCHELLES QUALIFICATIONS AUTHORITY

Establishment of the Seychelles Qualifications Authority

3. There is established a body corporate to be known as the Seychelles Qualifications Authority.

Functions of the Authority

4. (1) The functions of the Authority shall be —

(a) to formulate and implement a national qualifications framework;

(b) to keep and maintain a register of recognised qualifications;

(c) to promote the quality and standards of education and training through a system of accreditation, validation and quality assurance;

(d) to review the policies and criteria on which the framework of qualifications is based;

(e) to establish criteria for, and monitor the process of, recognition of competencies outside formal education and training;

(f) to evaluate and establish equivalence of foreign qualifications;

(g) to facilitate learners' access to and progression within the national education and training system;

(h) to maintain a database on all providers of education and training;

(i) to promote international recognition of local qualifications;

(j) to ensure the protection of the interests of learners; and

(k) to advise the Minister on matters relating to the functions of the Authority at the Minister's request or otherwise.

(2) The Authority shall, in the performance of its functions—

(a) inform itself of the needs of commerce, industry, the professions and the public service pertaining to education, training, skills and qualifications and promote practices in education and training which would meet those needs;

(b) inform itself of practices outside the Republic in similar or related matters;

(c) consult such persons or bodies of persons as the Authority considers appropriate in making decisions; and

(d) give effect to the policies relating to education and training which are notified in writing to the Authority by the Minister.

Powers of the Authority

5. (1) The Authority may, in the performance of its functions,—

(a) liaise or enter into agreements with any person within or outside Seychelles;

(b) call for and obtain information from any person where such information is necessary to perform its functions;

(c) determine policies and procedures for the evaluation and recognition of competencies gained outside formal education;

(d) charge such fees as may be prescribed by regulations in respect of any service provided by the Authority.

(2) Where any person is required to furnish any information to the Authority under subsection (1) (b), it shall be the duty of such person to comply with the request.

(3) A person who contravenes subsection (2) commits an offence and shall on conviction be liable to a fine of R20,000.

PART 3 - THE BOARD OF THE AUTHORITY

Constitution of the Board

6. (1) The affairs of the Authority shall be administered by a Board consisting of not less than 6 and not more than 13 members as the Minister shall appoint.

(2) In appointing members to the Board, the Minister shall give due consideration to Ministries, institutions and organisations whose operations have implications for, or may be affected by, a national qualifications framework.

(3) The Minister shall appoint a chairperson and a vice chairperson from among the members of the Board.

(4) The Executive Director of the Authority shall be an ex officio member of the Board.

Tenure of office

7. A member of the Board shall hold office for a period of 3 years and shall be eligible for reappointment.

Resignation

8. A member may resign his office by letter addressed to the Minister.

Vacation of office

9. A member shall be deemed to have vacated office—

(a) if the member has been absent without leave of the Board from three consecutive meetings of the Board;

(b) if the member becomes in any manner disqualified for membership.

Filling of vacancies

10. If a member resigns or vacates office before the expiry of his or her term of office, the Minister may appoint a person to fill the vacancy for the rest of the term for which that member had been appointed.

Remuneration of members

11. There shall be paid to the chairperson, vice chairperson and members of the Board such remuneration or allowances as the Minister may determine.

Meetings of the Board

12.(1) The Board shall meet for the dispatch of its business at such times and places as the chairperson may determine provided that at least three meetings shall be held in a year.

(2) Where 6 members request the chairperson, by notice in writing signed by them, to convene a meeting of the Board for any purpose specified in the notice, the chairperson shall, within seven days from the receipt of the notice, convene a meeting for that purpose.

Quorum

13.(1) Four members shall constitute a quorum for a meeting.

(2) The chairperson shall preside at a meeting of the Board and in his or her absence the vice chairperson shall preside.

Committees of the Board

14. The Board may establish committees —

(a) to advise the Board on such matters as may be specified;

(b) to discharge functions delegated to them.

Validity of acts

15. Subject to section 13(1), the Board may act notwithstanding any vacancy in its membership.

Procedures of meetings

16. Subject to the provisions of this Act, the Board may regulate its proceedings.

PART 4 - ADMINISTRATION OF THE AUTHORITY

Executive Director

17. The Minister shall, in consultation with the Board, appoint a person with sufficient knowledge and experience to be the Executive Director on such terms and conditions as may be determined by the Minister.

Responsibilities of Executive Director

18. The Executive Director shall —

(a) be appointed on a full time basis and shall not hold any other office or position without the approval of the Board;

(b) be responsible for the management of the affairs of the Authority in accordance with the decisions of the Authority;

(c) be accountable to the Board for the discharge of the functions delegated by the Board;

(d) be the chief accounting officer of the Authority;

(e) be responsible for the implementing of the national qualifications framework.

Staff of the Authority

19.(1) The Board may appoint such officers and servants as it deems necessary for the efficient discharge of its functions on such terms and conditions as it may determine.

(2) Where a person is transferred to the Authority from the public service, the terms and conditions applicable to that person shall not be less favourable than those enjoyed by the person immediately before the transfer.

Reports by the Authority

20.(1) The Authority shall furnish the Minister with such information on its activities as the Minister may from time to time require.

(2) The Authority shall, as soon as practicable within three months after the end of each financial year, submit to the Minister an annual report on its activities and the Minister shall cause the report to be tabled in the National Assembly.

Directions issued by the Minister

21. The Minister may, after consulting the Authority, issue directions not inconsistent with the provisions of this Act to the Authority as to the exercise of its powers or performance of its duties and the Authority shall give effect to any such direction.

PART 5 - FINANCIAL PROVISIONS

Funds of the Authority

22.(1) The funds of the Authority shall consist of —

(a) monies voted by the National Assembly for the use of the Authority;

(b) monies accruing to the Authority from its operations;

(c) monies received by the Authority by way of loans, donations, gifts or grants.

(2) The funds of the Authority shall be applied in defraying the working and establishment expenses of the Authority, payment of remuneration of the members and repayment of any debts.

Accounts and audit

23.(1) The financial year of the Authority shall be the year ending on 31st December.

(2) The accounts of the Authority shall be audited by the Auditor General in accordance with article 158 of the Constitution.

Application of certain Penal Code provisions

24. All members and officers of the Authority shall be deemed to be employed in the public service for the purpose of sections 91 to 96 of the Penal Code and those sections shall apply to them.

Protection of acts done in good faith

25. No liability, civil or criminal, shall attach to the Authority or a member, officer or employee of the Authority in respect of an act done or omission made in good faith in the performance of the functions of the Authority or of such member, officer or employee as the case may be.

Regulations

26. The Minister may, in consultation with the Board, make regulations for the purpose of carrying into effect principles and provisions of this Act.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 22nd November, 2005.

Sheila Banks
Clerk to the National Assembly