

**BILL No. 21 OF 1989**

*Saturday, 2nd December, 1989*

PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown.  
Guyana.

1989—12—01

The following Bill which will be introduced in the National Assembly is published for general information.

*F. A. Narain*  
Clerk of the National Assembly.



**GUYANA**

BILL NO. 21 of 1989

CARIBBEAN EXAMINATIONS COUNCIL (EXAMINATIONS)

BILL 1989

ARRANGEMENT OF SECTIONS

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A BILL

Intituled

AN ACT to provide for the protection of the integrity of examinations held by the Caribbean Examinations Council.

A.D. 1989            Enacted by the Parliament of Guyana.

Short title        1.        This Act may be cited as the Caribbean Examinations Council (Examinations) Act 1989.

Interpre-        2.        In this Act  
tation  
                  "Council" means the Caribbean Examinations Council referred to in section 2(1) of the Caribbean Examinations Council Act 1989;  
  
                  "examination paper" means a paper containing confidential information for candidates or questions to be answered in an examination being held or to be held by the Council, and includes a draft of such a paper;  
  
                  "Registrar" means the Registrar of the Council and includes any public officer authorised by the Minister to discharge the functions of the Registrar under this Act.

3. No person shall, without the authorisation of the Registrar, procure possession or custody of an examination paper. A person who unlawfully procures possession or custody of an examination paper is guilty of an offence. **Unlawfully procuring examination paper.**
4. (1) A person having in his possession or custody an examination paper shall not, without the authorisation of the Registrar
- (a) permit that paper to be seen by any other persons;
  - (b) subject to section 7, give or permit that paper to be given to any other person;
  - (c) disclose the contents of that paper to any other person; or
  - (d) make any other use of that paper or its contents.
- (2) A person contravening the provisions of this section is guilty of an offence.
5. (1) A person having in his possession information respecting the contents of an examination paper shall not, without the authorisation of the Registrar
- (a) give that information to any other person;
  - (b) permit that information to be given to any other person; or
  - (c) make any other use of that information.
- (2) Any person contravening the provisions of this section is guilty of an offence. **Restriction on use of certain information**

Removal of examination paper

6. A person who, without the authorisation of the Registrar, removes any examination paper from a room in which an examination is being held by the Council is guilty of an offence.

Surrender of examination paper.

7. A person who comes into possession of an examination paper shall, unless otherwise authorised by the Registrar, surrender that paper to the Registrar or the nearest police station. Any person who fails, without reasonable excuse, to surrender that examination paper is guilty of an offence.

Disclosure by employees of Council

8. (1) A person employed in the setting, examining, scoring, moderating, vetting, printing, collecting, storing, distributing, or keeping of the custody of any examination paper who, without the authorisation of the Registrar, discloses to any other person the contents thereof is guilty of an offence.
- (2) A person employed as a supervisor or an examiner, invigilator, attendant or otherwise in connection with an examination being held or to be held by the Council who, without the authorisation of the Registrar, discloses to any other persons the contents of an examination paper is guilty of an offence.
- (3) For the purposes of this section, "a person employed" includes a person engaged under a contract for services, a person who renders gratuitous service or a person who renders any service indirectly to the Council.

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| <p>9. A person who, after acquiring knowledge of the contents of an examination paper, presents himself as a candidate at an examination to answer that paper without having disclosed to the Registrar the fact of his acquisition of such knowledge is guilty of an offence.</p> | <p><b>Restriction on entering examination</b></p> |
| <p>10. A person who, for the purpose of an examination held, being held or to be held by the Council, knowingly represents himself to be another person is guilty of an offence.</p>   | <p>Impersonation</p>                              |
| <p>11. A person who, forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any document purporting to show that a person has obtained a result in an examination held by the Council, is guilty of an offence.</p>               | <p>Forgery of documents</p>                       |
| <p>12. A person guilty of an offence under this Act is liable on summary conviction to a fine of two thousand dollars and to imprisonment for a term of twelve months.</p>   | <p>Penalty</p>                                    |
| <p>13. The Minister may make regulations generally for carrying into effect the provisions of this Act.</p>  | <p>Regulations</p>                                |

EXPLANATORY MEMORANDUM

This Bill seeks to make provision for the protection of the integrity of examinations held by the Caribbean Examinations Council.

Clause 3 seeks to make it an offence for a person, prior to an examination held or to be held by the Council, to unlawfully procure possession of any paper containing confidential information for candidates or questions to be answered in that examination.

Clauses 4 and 5 seek to impose certain restrictions on a person to make use without the Registrar's authorisation of an examination paper to be answered in an examination being held or to be held by the Council or any information in his possession respecting the contents of that paper.

Clause 6 seeks to make it an offence to remove an examination paper from an examination room without the authorisation of the Registrar.

Clause 7 seeks to make it an offence for a person who comes into possession of an examination paper to retain that paper without the Registrar's authorisation and not to surrender it to the Registrar or the nearest police station.

Clause 8 seeks to make it an offence for a person employed by the Council in setting or printing an examination paper or in acting as an examiner in connection with an examination to unlawfully disclose the contents of the examination paper to another person.

Clause 9 seeks to make it an offence for a candidate with knowledge of the contents of an examination paper to enter an examination to answer that paper.

Clause 10 seeks to make it an offence for a person to falsely represent himself to be another person at an examination and Clause 11 makes it an offence to forge any document to show that a person has obtained a result in an examination.

Clause 13 seeks to empower the Minister to make regulations for carrying into effect the provisions of the legislation set out in the Bill.



MINISTER OF EDUCATION