

ACT 719
WEST AFRICAN EXAMINATIONS COUNCIL ACT, 2006

ARRANGEMENT OF SECTIONS

Application of Convention in Ghana

1. Convention to have the force of law.
2. Government to take measures to give effect to Convention.

Examination Offences and Penalties

3. Illegal possession, knowledge or use of examination papers.
4. Leakage of examination papers and other related examination malpractices.
5. Impersonation.
6. Copying at examination.
7. Possession of offensive material.
8. Assault on invigilator, supervisor, inspector or another candidate.
9. Aiding and abetment of offence.
10. Application of Acts 29 and 30.
11. Result of investigations or trials.
12. Imposition of penalty on schools for examination irregularities.
13. Damage or destruction to examination material or facilities.
14. Regulations.

Interpretation

15. Interpretation.
16. Repeal and savings.

SCHEDULE

ACT 719
WEST AFRICAN EXAMINATIONS COUNCIL ACT, 2006(1)

AN ACT to apply the revised Convention of the West African Examinations Council to this country and to provide for related matters.

Application of Convention in Ghana

1. Convention to have the force of law

The provisions of the Convention as set out in the Schedule to this Act shall have the force of law in this country.

2. Government to take measures to give effect to Convention

The Government of Ghana or the Council shall take measures to give effect to the provisions of the Convention.

Examination Offences and Penalties

3. Illegal possession, knowledge or use of examination papers

(1) A person who before, or during an examination conducted by the Council,

- (a) is in possession of an examination paper,
- (b) is found to have had fore-knowledge of the contents of an examination paper, or
- (c) makes use of an examination paper or the contents of it in any manner whatsoever,

without lawful authority, the proof of which shall be on that person, commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or imprisonment for a term of not more than two years or to both.

(2) Where a candidate before or during an examination is found to have acted or is found acting in breach of subsection (1),

- (a) the Council shall disqualify the candidate from taking the examination and the entire results of the candidate in the examination shall be cancelled, and
- (b) the Council may prohibit the candidate from taking an examination conducted by or on behalf of the Council for a period of not less than two years immediately after the breach.

(3) The penalties contained in subsection (2) shall not be a bar to the imposition of penalties in subsection (1) by a Court or Tribunal.

4. Leakage of examination papers and other related examination malpractices

Without limiting the scope of section 3, a person who

- (a) before or during an examination gives an examination paper to another person without lawful authority, the proof of which shall be on that person,
- (b) discloses the contents of an examination paper to another person, without lawful authority, the proof of which shall be on that person,
- (c) makes a change in the original script of a candidate without lawful authority the proof of which shall be on that person,
- (d) fraudulently replaces the original script of a candidate,
- (e) fraudulently alters the results of a candidate,
- (f) fraudulently alters the examination number, photograph or other identification of a

candidate, or

- (g) acts in a manner with intent to falsify the records of the Council with regard to an examination or examination results in relation to a candidate,

commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to imprisonment for a term of not more than two years or to both.

5. Impersonation

A person who for the purpose of an examination conducted by or on behalf of the Council

- (a) makes a false representation to be some other person or knowingly allows false representation, or
- (b) falsely uses a certificate, testimonial, signature, photograph or a document of some other person to represent another person,

commits an offence and is liable on summary conviction to a fine of not less than fifty penalty units and not more than one hundred penalty units or to imprisonment for a term of not less than three months and not more than one year or to both and shall in addition to this penalty, be prohibited from taking an examination conducted by or on behalf of the Council for a period of three years.

6. Copying at examination

A candidate who, during an examination

- (a) copies from the script of another candidate or communicates with another candidate,
- (b) is in possession of a textbook, electronic device or material in the examination room without lawful authority, proof of which shall be on the candidate,
- (c) copies from notes, electronic device or a textbook without lawful authority, proof of which shall be on the candidate, or
- (d) receives external assistance without lawful authority, proof of which shall be on the candidate,

commits an offence and is liable on summary conviction to a fine of not less than fifty penalty units and not more than one hundred penalty units or to imprisonment for a term not exceeding one year or to both and the person shall in addition be disqualified from taking the examination and if the person has already taken a paper at the examination, the paper shall be cancelled by the Council.

7. Possession of offensive material

(1) A candidate who, before, during or after an examination is found in possession of offensive material with intent to assault an invigilator, supervisor, inspector, an authorised officer of the Council or another candidate commits an offence and is liable on summary conviction to a fine of not less than seventy-five penalty units and not more than one hundred and fifty penalty units or to imprisonment for a term of not less than four months and not more than fifteen months or to both.

(2) The Council shall in addition cancel the entire results of the candidate and prohibit the candidate from taking an examination conducted by or on behalf of the Council for a period of not less than two years immediately after the commission of the offence.

8. Assault on invigilator, supervisor, inspector or another candidate

(1) A person who before, during or after an examination conducted on behalf of the Council assaults an invigilator, supervisor, inspector, an officer authorised by the Council or another candidate, commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred penalty units or to imprisonment for a term of not more than eighteen months or to both.

(2) The Council shall cancel the entire results of the candidate and prohibit the candidate from taking an examination conducted by or on behalf of the Council for a period of not less than two years immediately after the commission of the offence.

9. Aiding and abetment of offence

A person who aids, abets, induces, incites or does an act in a manner that facilitates the commission of an offence under this Act, commits an offence and is liable on summary conviction to the penalty prescribed under the respective section in relation to the offence.

10. Application of Acts 29 and 30

(1) Except as otherwise provided, the application of the provisions of this Act shall not prevent the application of the Criminal Code, 1960 (Act 29) and the Criminal Procedure Code, 1960 (Act 30) to an offence related to fraud, forgery or an offence committed under this Act.

(2) The provisions of the Juvenile Justice Act, 2003 (Act 653) related to trial and penalties for offences committed by young persons shall apply to offences committed under this Act.

11. Result of investigations or trials

Where in an investigation or trial, a candidate is found to have had access to an examination paper or to have had fore-knowledge of the contents of an examination paper or cheated in an examination, a report shall be made to the Council which shall take action, including the cancellation of an examination result, and the cancellation of a certificate issued to the candidate.

12. Imposition of penalty on schools for examination irregularities

Where more than one-third of the candidates at a school either before, during or after an examination are found to have acted contrary to the provisions of this Act, the Council may prohibit that school from organising, supervising or acting as an agent of the Council in the conduct of an examination of the Council for a period determined by the Council and this shall be in addition to a penalty imposed in accordance with the rules and regulations of the Council.

13. Damage or destruction to examination material or facilities

A person who wilfully causes or takes part in causing damage or destruction to examination material or facilities or any evidence that could have led to a conviction under this Act, commits an offence and is liable on summary conviction to a fine of not more than two hundred penalty units or to a term of imprisonment of not more than eighteen months or both.

14. Regulations

Subject to the Convention, the Minister responsible for Education may by legislative instrument make Regulations to give full effect to the provisions of this Act.

15. Interpretation

In this Act, unless the context otherwise requires:

“**authorised officer**” means a person empowered by the Council to perform a function;

“**candidate**” means a person registered to take an examination conducted by or on behalf of the Council;

“**Convention**” means the revised Convention establishing the West African Examinations Council signed in Accra on 12th June, 2003;

“**Council**” means the West African Examinations Council;

“**Court**” means court of competent jurisdiction;

“**electronic device**” includes a programmable calculator and mobile phone;

“**examination**” means an examination conducted under this Act by or on behalf of the Council;

“**examination paper**” includes a question paper, examination instructions or the draft or copy of an examination paper or instructions in respect of an examination which has not been taken;

“**notes**” means unauthorised material to gain unfair advantage;

“**offensive material**” means anything capable of causing injury, or the temporary or permanent incapacitation of a person.

16. Repeals and savings

(1) The West African Examinations Council Law, 1991 (P.N.D.C.L. 255) is hereby repealed.

(2) Despite the repeal, a rule, order or statutory instrument made under the repealed enactment and in force immediately before the commencement of this Act and not inconsistent with this Act, shall continue in force as if made under this Act until revoked or otherwise modified under this Act.

SCHEDULE

ARTICLE 1

Establishment and Constitution of the Council

1. There is hereby established the institution of The West African Examinations Council, referred to in this Convention as “the Council”.

2. Subject to the provisions of this Article, the main governing body, referred to in this Convention as “Council”, shall be composed of the following members:

(a) 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) one person representing universities in The Gambia to be appointed in a manner prescribed by The Gambia National Committee;
- (h) one person representing Universities in Ghana to be appointed in a manner prescribed by the Ghana National Committee;
- (i) one person representing Universities in Liberia to be appointed in a manner prescribed by the Liberia National Committee;
- (j) four persons representing universities in Nigeria to be appointed in a manner prescribed by the Nigeria National Committee;
- (k) one person representing universities in Sierra Leone to be appointed in a manner prescribed by the Sierra Leone National Committee;
- (l) one person elected by The Gambia National Committee;
- (m) two persons elected by the Ghana National Committee;
- (n) one person elected by the Liberia National Committee;
- (o) three persons elected by the Nigeria National Committee;
- (p) one person elected by the Sierra Leone National Committee; and
- (q) the Registrar (*ex officio*, non-voting) who shall also be Secretary to the Council.

3. The Chairman of Council shall be elected by 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 nomination for Chairman of Council shall be approved by the Government of the National Committee making the nomination acting through the Ministry of Education.

5. The Chairman of Council shall preside over meetings of Council and all international committees of 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 Council.

6. There shall be a Vice-Chairman of Council who shall be elected annually from among the representatives of the Member Country where the meeting of Council is being held.

7. The Vice-Chairman 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 such other times as the Chairman may determine, and shall exercise such powers as Council may delegate to him.

8. Where at any time before the next meeting of Council the Chairmanship of Council becomes vacant in circumstances other than those stated in paragraph 7 of this Article, the Vice-Chairman shall act as Chairman until the next meeting of Council when Council shall elect a new Chairman.

9. Twelve members, including at least one from each Member Country, shall constitute a quorum of Council.

ARTICLE 2

Tenure of Office

1. The Chairman of 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 1 of this Convention shall retain his membership of 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 to the Council.

3. A person elected Vice-Chairman shall hold office for a period of one year from the date of election.

4. A member appointed or elected under paragraph 2 (g) to (p) of Article 1 of this Convention shall retain his membership of Council for a period not exceeding three years from the date of his appointment or election.

5. 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 Council is appointed or elected to Council or a committee of Council by virtue of an office or his representation to particular interest, he shall cease to be a member of Council upon his ceasing to hold the office or to represent the interest.

6. Any member of Council appointed by virtue of an office held by him is entitled to nominate from among his immediate subordinates in office, by written notice to the Council an alternate member to attend any particular meeting of Council in his place, and the 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 Council or until the term of office of the member expires, whichever is earlier.

7. If a member of Council other than a member to whom paragraph 6 of this Article applies is incapacitated by illness or other cause from performing the duty of his office, a temporary member may be appointed in the same manner and in accordance with the same procedure applied to the incapacitated member to fill that office until the member's incapacity ceases or until the term of office of the member expires, whichever is earlier and the temporary member shall have during his tenure of office all the powers and authority of the incapacitated member.

ARTICLE 3

Incorporation and Seal of the Council

1. The Council shall continue to be a body corporate with perpetual succession and a Common Seal and may sue and be sued in its corporate name.

2. 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.

ARTICLE 4

Duties of the Council

The duties of the Council are:

- (a) to review and consider annually, in consultation with the Member Countries, the examinations to be held in the Member Countries in the public interest;
- (b) to conduct, in consultation with the Member Countries, such examinations as determined by the Member Countries in the public interest and as appropriate under this Convention and to award certificates and diplomas on the results of such examinations;
- (c) with the consent of the Member Countries and Associate Member Countries, to consider the advisability of inviting and if thought fit to invite any other examining body to conduct examinations in the Member Countries and Associate Member Countries, and
 - (i) to award certificates and diplomas on the results of the examinations;
 - (ii) to advise any body invited on such adaptations of their examinations as the Council may think necessary for the purpose of this Convention;
- (d) if invited by the Government of any Member Country to conduct any other examination considered by that Government to be in the public interest and conduct the examination after due consultation;
- (e) to receive from the committees of Council established under Articles 5 and 7 of this Convention reports and recommendations on any matters relevant for the purposes of this Convention and to consider the reports and recommendations;
- (f) subject to the provisions of this Convention, to appoint and determine the salary and other terms and conditions of service of the Registrar.

ARTICLE 5

Powers of the Council

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 and immovable property and sell, mortgage, lease or otherwise deal with the property;
- (c) borrow at interest, or on the security of any corporate land or funds of the Council, the moneys necessary or expedient for the implementation of the provisions of this Convention;
- (d) invest the funds of the Council in such manner and to such an extent as Council may determine;
- (e) receive on such terms as it may decide gifts whether in cash or in kind.

2. Council shall appoint from its members an Administrative and Finance Committee to which it may delegate power to act in between meetings of Council on any matter within Council's competence.

3. Council may appoint from its members such other committees as it considers necessary and shall specify the duties and powers of any committee appointed under this paragraph.

4. Council may appoint other committees with such composition as it considers appropriate for the purpose, to consider and report on matters Council may assign to them. Any committee so appointed shall be presided over by such person as Council may decide.

5. Council may at any time invite any person or body to assist in the deliberations of Council but no such person or body shall be entitled to vote on any question for decision by Council.

ARTICLE 6

Procedure of Council

1. Council shall ordinarily meet for the dispatch of business at such times and places as it may determine but shall meet at least once in every year provided that an annual meeting shall not exceed a period of four days.
2. The Chairman:
 - (a) may call a special meeting at such time and place as he may determine if he considers it expedient to do so;
 - (b) shall call a special meeting at such time and place as he may determine if at least nine members of Council from not less than three Member Countries make a written request for the meeting, but not more than three of the members shall come from one Member Country.
3. No meeting shall be convened unless a notice of at least fourteen days has been given.
4. At every meeting of 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, Council shall elect one of its members present to preside.
5. Every matter that comes before Council for determination shall be decided by a majority of the votes of the members present, except that Council shall wherever possible determine matters before it by consensus.
6. Twelve members including at least one from each of the Member Countries shall form a quorum at any meeting.
7. Every member of Council, except the Registrar and associate members, shall have a right to vote at any meeting of Council, and the Chairman, or Vice-Chairman presiding over the meeting, shall have a casting vote.
8. The minutes of the proceedings of every meeting of 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.
9. Council may make Standing Orders not inconsistent with the provisions of this Convention with regard to notice to convene meetings of Council and to regulate the proceedings of its meetings.

ARTICLE 7

Establishment and Constitution of National Committees

1. A National Committee shall be established by 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.
2. Each National Committee established under this Article shall be composed of such persons or holders of such offices as Council may determine.
3. Each National Committee shall be chaired by the Chief Government Nominee of the respective country to Council.
4. A 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-appointment.

5. The National Committee shall be the highest Committee of Council in each Member Country.

ARTICLE 8

Duties of National Committees

1. It is the duty of every National Committee:
 - (a) to advise Council on any matter that may be referred to it by Council;
 - (b) to elect such number of members to Council as Council may determine; and
 - (c) to carry out such functions as Council may assign to it.
2. A National Committee may at any time make a report or recommendation to Council on any matter relevant to the provisions of this Convention.
3. A National Committee may appoint such committees with such composition as it considers fit to carry out such duties that it may assign to them.

ARTICLE 9

Associate Membership

1. Council may admit as an Associate Member any West African country other than the Member Countries which wishes to be associated with the work of the Council.
2. The power to admit an Associate Member shall be exercised by a resolution of Council passed by a simple majority of members present and voting at an annual meeting of Council after application for admission has been received from the country concerned and in such manner as Council may decide.

ARTICLE 10

Powers and Privileges of Associate Member Countries

1. Every Associate Member Country has the right to appoint as many members as Council may, by resolutions passed at an annual meeting determine, to attend any of the following meetings:
 - (a) Annual general meeting of Council, and
 - (b) Meetings of any of the following
 - (i) all international committees except the International Appointments Committee;
 - (ii) all working parties engaged on revision of any examination syllabus; and
 - (iii) all National Committees, except the National Appointments Committee, unless the Registrar directs otherwise.
2. An Associate Member Country shall be served with copies of the minutes and all other relevant documents of any meeting which it is entitled to attend under paragraph 1 of this Article, but the delegates of an Associate Member Country shall not be entitled to vote at such meeting nor count towards a quorum.
3. An Associate Member Country shall bear the full cost of sending its delegates to meetings of Council and any of its Committees.
4. The privileges of an Associate Member Country include,

- (a) the use at cost of the test development, research and data processing facilities of the Council in such manner as the Registrar shall direct; and
- (b) any other facilities as the Council may determine.

ARTICLE 11

Termination of Status of Associate Membership

1. Any right or privilege conferred on an Associate Member Country by virtue of its association with the Council under this Convention shall cease:

- (a) upon six months written notice served on Council by the Associate Member Country that it no longer wishes to be associated with the Council; or
- (b) upon six months written notice served on the Associate Member Country by Council that its association with the Council has been terminated,

except that Council shall not serve notice unless it is satisfied that the Associate Member Country is no longer ready or able to discharge the obligations of an associate Member under this Convention or that its continued association with the Council is not in the best interest of the Council.

2. During the period of six months referred to in paragraph 1 of this article, the Associate Member Country shall observe the provisions of this Convention and shall remain liable for the discharge of its obligations hereunder.

ARTICLE 12

Finance

1. Each Member Country shall make an annual contribution to the funds of the Council based on a ratio to be determined by Council.

2. The funds of the Council shall include

- (a) all moneys raised for the general purpose of the Council;
- (b) all moneys accruing to the Council either by way of grants in aid, endowment, donation or otherwise;
- (c) all charges, dues and fees received by the Council; and
- (d) all interest on moneys invested by the Council.

3. Any sum of money received on account of the Council shall be paid into such banks as may be approved by Council for the credit of the Council's general current or deposit account.

4. The funds of the Council shall be applied by the Council for the accomplishment of the aims and purposes of the Council as set out in this Convention.

5. The Council shall maintain accounts, including accounts for the lodgement and transfer of convertible currency in each Member Country to facilitate the efficient discharge of the duties of the Headquarters in the Member Countries.

6. The accounts maintained in the Member Countries by the Headquarters shall be under the control of the Registrar.

7. The Council shall keep proper records of accounts and shall cause to be prepared not later than six

months from the end of the preceding financial year a Statement of Accounts relating to the preceding financial year.

8. The accounts of the Council shall be audited by the External Auditors and as soon as the accounts of the Council have been audited, the Council shall cause the Statement of Accounts together with the External Auditors report thereon to be published in such manner as it thinks fit.

ARTICLE 13

External Auditors

1. For the purpose of Article 12, the Council shall appoint annually its External Auditors.
2. Council may make regulations governing the terms and conditions of service of the External Auditors.

ARTICLE 14

Incorporation into Local Laws

1. The Member Countries and Associate Member Countries of the Council undertake, so soon after the coming into force of this Convention and admission as Associate Member Countries, to enact laws, in accordance with their legislative processes, incorporating into their respective laws the provisions of this Convention.
2. Such laws incorporated in accordance with paragraph 1 of this Article shall, without prejudice to existing laws such as those dealing with forgery, fraud and similar offences, include offences relating to malpractices in examinations and the award of certificates and diplomas, for examinations conducted by the Council under this Convention.
3. The laws with amendments whenever made shall be deposited with the Registrar to the Council who shall normally circulate same to the Member Countries and Associate Member Countries.

ARTICLE 15

The Secretariat

1. The Secretariat shall be composed of the Registrar, who shall be Chief Executive of the Council and Head of the Secretariat, and such other staff as Council may appoint to assist the Registrar.
2. The Registrar shall be appointed for a period of one year and the appointment may be renewed for a further period not exceeding two years.
3. The Registrar shall be a person of proven competence and integrity with considerable knowledge of the conduct of examination.
4. Council, in appointing the Registrar and other staff of the Council, shall have due regard to maintaining an equitable geographical distribution of positions among nationals of the Member Countries, subject to ensuring the highest standard of efficiency and competence.
5. The Headquarters of the Council shall be situated in Accra, Ghana.
6. The Council shall have offices in each of the Member Countries.
7. The Secretariat shall maintain such records as may be necessary for efficient discharge of the functions of the Council and shall prepare, collate, circulate the documents and information that may be required for the work of the Council.

8. The Registrar shall prepare and submit to Council the financial statements for each year and the budget estimates.

9. The Registrar shall keep Member Countries and Associate Member Countries of the Council informed with respect to the activities of the Council.

10. In the performance of their duties, the Registrar and the other staff of the Council shall not be subject to any authority other than Council.

11. The Registrar shall perform the duties assigned to him under this Convention and such other duties as may be assigned to him by Council.

ARTICLE 16

Status, Privileges and Immunities

1. The Council shall enjoy legal personality as an international organisation within the territorial limits of the Member Countries and Associate Member Countries.

2. The Council shall have in each Member Country and Associate Member Country:

- (a) the legal capacity required for the performance of its functions under this Convention; and
- (b) the power to acquire and dispose of movable and immovable property.

3. The Council, in exercise of its legal personality under this Article, shall be represented by the Registrar or any of the staff of the Council as he may appoint in writing.

4. The Chairman, Members of Council, Registrar and members of his staff shall severally or collectively be accorded diplomatic privileges or status in accordance with the rules, regulations and policies governing diplomatic immunities within the territories of the Member Countries and Associate Member Countries.

5. Where in any Member Country an issue arises that relates to the performance or execution of duties by staff of the Council in the Member Country giving rise to serious concern of the Government, the Member Country is enjoined to refrain from taking direct disciplinary, administrative or other action and shall make a report to the Registrar who shall, in consultation with the Chairman and the Member Country concerned, take immediate and necessary action.

ARTICLE 17

Settlement of Dispute

Any dispute among Member Countries and Associate Member Countries concerning the interpretation or application of this Convention which cannot be resolved by Council shall be referred to the Commission of Mediation, Conciliation and Arbitration of the African Union for determination.

ARTICLE 18

Entry into Force

1. This revised Convention shall enter into force upon the deposit of instruments of ratification by the Member Countries with the Government of Ghana who shall formally inform the Member Countries of the deposit.

2. Any country in West Africa may accede to this Convention on such terms and conditions as

Council may determine. The Instrument of Accession shall be deposited with the Government of Ghana which shall notify all the Member Countries and Associate Member Countries. This Convention shall come into force in relation to an Acceding Country on such date as its Instrument of Accession is deposited.

ARTICLE 19

Amendments

1. A Member Country may submit proposals for the amendment of this Convention.
2. Any such proposal shall be submitted to the Registrar who shall communicate same to other Member Countries not later than thirty days of the receipt of the proposal. The proposal shall not be considered by Council unless each Member Country has been given one month's notice thereof.
3. Approval of an amendment to this Convention shall be determined in conformity with the procedure laid down in Article 6 paragraph 5 and shall thereupon enter into force.

ARTICLE 20

Withdrawal

1. Any Member Country wishing to withdraw from the Council shall give to the Registrar one year's written notice of its intention to withdraw, and at the end of that, if the notice is not withdrawn, cease to be a Member of the Council.
2. During the period of one year referred to in paragraph 1 of this Article, the Member Country shall nevertheless observe the provisions of the Convention and shall remain liable for the discharge of its obligations under the Convention.

ARTICLE 21

Depositary of the Convention

This present Convention and all instruments of ratification shall be deposited with the Government of Ghana, who shall transmit certified true copies of this Convention and instruments of ratification to the Member Countries and Associate Member Countries and shall register this Convention with the African Union, the United Nations Organisation, and such other organisations as Council may determine.

ARTICLE 22

Miscellaneous Acquisition of Land

1. Where there is any hindrance to the acquisition of any land in a Member Country required for carrying into effect any of the provisions of this Convention, the Government of the Member Country may upon the application of the Council and after such enquiry as it may think fit, declare that the land is required for the service of the Council and upon such declaration such land shall, for the purposes of the appropriate law relating to the acquisition of land in the Member Country be deemed to be land required in the public interest, and the Government of the Member Country may direct that proceedings be taken under the provisions of the said law of the Member Country for acquiring the land and for determining the compensation to be paid to the party who has interest in the land.
2. When any land has been acquired under the provisions of the said law of the Member Country consequent upon a direction given under paragraph 1 of this Article, the Government of the Member

Country may vest the land in the Council by means of a certificate under the hand and seal of the person to be authorised by the Government of the Member Country to the effect that the land has been transferred to the Council.

3. The compensation, if any for such acquisition, shall in the first instance be paid by the Government of the Member Country but the Council may be required to refund to the Government any compensation so paid and all expenses incidental to the acquisition incurred by the Government.

ARTICLE 23

Pensionable Office

1. A pensionable employee of the Council confirmed in office shall on reaching the age of sixty years retire from the service of the Council and shall be paid pension and gratuity in accordance with his conditions of service.

2. The Council shall operate and administer its own Pension Scheme, funded by the Council.

ARTICLE 24

Power to Regulate Certain Matters

Council shall determine the fees chargeable to entrants to, and regulate the conduct of, any examination conducted under Article 4 (b) of this Convention, including but without prejudice to, the generality of the foregoing:

- (a) the persons or categories of persons who may enter for such examination; and
- (b) the conduct of entrants during such examinations.

ARTICLE 25

Discipline

1. Every employee of the Council who is in receipt of an annual salary of not less than such a fixed sum as Council may from time to time determine or whose appointment contains provisions for increase in salary hereunder exceeding such a fixed sum as Council may from time to time determine shall be subject to the authority of Council provided that;

- (a) no pensionable international member of staff shall be dismissed without the approval of Council; and
- (b) approval for dismissal of pensionable national staff shall be sought from the National Administrative and Finance Committee of the respective country and ratified by the National Committee for and on behalf of Council.

2. Every employee of the Council who is in receipt of an annual salary of less than such a fixed sum as Council may determine or if his appointment contains provisions for increase in salary, who is on terms of maximum annual salary not exceeding such a fixed sum as Council may determine or is paid otherwise than in terms of an annual salary, shall be subject to the authority of the Registrar and for the purpose of discipline, including dismissal, to such directions as the Registrar may either generally or specifically issue, acting on the terms and conditions of service of employees.

3. No pensionable member of staff shall be dismissed without the approval of Council.

ARTICLE 26

Interpretation

In this Convention, unless the context otherwise requires:

“**Council**” means the main Governing Body established under Article 1 of this Convention;

“**National Committee**” means a committee established under Article 7 of this Convention;

“**the Council**” means the West African Examinations Council;

“**West African**” means The Gambia, Ghana, Liberia, Nigeria and Sierra Leone; and any other country by which this Convention may be adopted collectively;

“**words in the singular**” include the plural and words in the plural include the singular; male includes the female and vice versa.

ARTICLE 27

Amendment of Existing Enactments

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

- (a) the West African Examinations Council Act, 1972 (The Gambia),
- (b) the West African Examinations Council Law, 1991 (Ghana),
- (c) West African Examinations Council Decree, 1973 (Nigeria),
- (d) the West African Examinations Council Act, 1972 (Sierra Leone).

ARTICLE 28

Transitional and Saving Provisions

1. Upon the entry into force of this revised Convention, the Convention of the West African Examinations Council of 1982 shall cease to have effect.

2. Notwithstanding paragraph 1 of this Article, all decisions made, resolutions passed and agreements entered into by the Council under the Convention of 1982 and in force upon the entry into force of this revised Convention shall remain valid and in force until otherwise dealt with in accordance with the provisions of this revised Convention.

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.

Endnotes

1 (Popup - Footnote)

1. This Act was assented to on 31st August, 2006.