

LEGAL NOTICE NO.....

**THE KENYA NATIONAL EXAMINATIONS COUNCIL
(HANDLING OF EXAMINATION IRREGULARITIES) RULES, 2013**

ARRANGEMENT OF RULES

RULES

PART I – PRELIMINARY

- 1 – Citation
- 2 – Interpretation
- 3 – Examination Irregularity and Misconduct
- 4 – Reports
- 5 – Search and Confiscation of unauthorized materials
- 6 – Investigations
- 7 – Withholding of Results
- 8 – Penalties
- 9 – Examination Centre
- 10 – Notification of Withheld or Cancelled Results
- 11 – Barring of Examinations
- 12 – Council Management
- 13 – Decision of the Examinations Management Committee
- 14 – Review of Cancelled Examination Results
- 15 – Hearing of the Application for Review
- 16 – Cancelled Results

LEGAL NOTICE No.....

THE KENYA NATIONAL EXAMINATIONS COUNCIL ACT, 2012
(No. 29 of 2012)

IN EXERCISE of the powers conferred by section 48 of the Kenya National Examinations Council Act, 2012 the Council makes the following Rules-

**THE KENYA NATIONAL EXAMINATIONS COUNCIL
(HANDLING OF EXAMINATION IRREGULAITIES) RULES, 2013**

Citation	1. These Rules may be cited as the Kenya National Examinations Council (Examination Management Committee) Rules, 2013.
Interpretation <i>No. 4 of 2012</i>	2. In these Rules unless the context otherwise requires- “Act” means the Kenya National Examinations Council Act, 2012; “Candidate” has the meaning assigned to it under the Act; “Council” means the Kenya National Examinations Council established under section 3 of the Act; “Examination Centre” means an institution or premises approved and registered by the Council for purposes of administration of a Council examination; “Examination Irregularities/Examination malpractices” means any action which contravenes the set rules and regulations for the conduct of examinations; “Examination Room” means a classroom or a hall within an examination centre that has been designated for candidates to sit a Council examination and includes any other area that a candidate has access to during the examination; “Examination” has the meaning assigned to it under the Act; “Post School Examination” includes but is not limited to Business, Technical and Teacher Education Examinations administered by the Council; “Stimulus Materials” means any unauthorised material including but not limited to visual aids, diagrams and diagram, charts, apparatus that contain any content of any subject that may be found in an examination room or centre; “Unauthorized material” means any information or materials that

	<p>candidate is found within an examination room or centre which a candidate is not allowed to have access to during the examination period;</p> <p>“widespread examination irregularities” means a case where all the candidates in an examination centre proven to have been involved in examination irregularities;</p> <p>“Year of Examination” means the calendar year in which a particular Council examination is administered.</p>
Examination Irregularity and Misconduct	<p>3. The Council shall take appropriate action under the law regarding any candidate or any examination centre that is involved in examination irregularity or malpractice.</p>
Reports	<p>4. (1) All authorized agents, supervisor, invigilator or Council officer monitoring conduct of an examination in an examination centre shall make a written report on any examination irregularity:-</p> <ul style="list-style-type: none"> (a) in an examination room; or (b) at examination centre; or (c) any other place which comes to his or her attention. <p>(2) Any person who observes an examination irregularity may report to the Council.</p> <p>(3) The Council may, before making a decision on any report received, subject the report to investigations.</p> <p>(4) An examiner who notices an irregularity during the marking of an examination shall compile a report to the Council.</p>
Search and Confiscation of Unauthorized Materials	<p>5. (1) An officer of the Council, a security officer or any Council agent may conduct a search on a candidate, examination center, or premises used for examination related purposes, if they have reason to believe that an examination irregularity may be taking place or has taken place;</p> <p>(2) A head of institution, supervisor, invigilator, security officer or a Council officer shall confiscate any unauthorized material found in the possession of candidate or any other person or within any examination center or premise.</p> <p>(3) A supervisor, invigilator, security officer Council officer or any Council agent who confiscates unauthorized material under sub-rule (2) shall keep any such unauthorized materials as confiscated as</p>

	<p>evidence of misconduct.</p> <p>(4) Any unauthorized material confiscated under sub-rule (2) may be used as evidence of an examination irregularity.</p> <p>(5) A person caught with unauthorized examination materials may be forwarded to the police for investigations and prosecution in accordance to the Act and any other written law.</p> <p>(6) Where confiscated materials are handed to the police for purpose of investigation and or prosecution, the Council shall keep a record of all confiscated material for purpose of accountability.</p>
Investigations	<p>6. (1) The Council shall conduct investigations into the reports on the alleged examination irregularity.</p> <p>(2) The Council may use a candidate or candidate's school records to conduct investigations and make a decision.</p> <p>(3) A report of findings shall be prepared on any investigations carried out.</p>
Withholding of Results	<p>7. The Council may withhold examination results for any candidate or examination center suspected of having been involved in an examination irregularity or malpractice pending completion of investigations or disciplinary action or other proceedings.</p>
Penalties	<p>8. Where the Council is satisfied that a candidate has been involved in an examination irregularity or malpractice the Council may:-</p> <p>(a) expel the candidate from the examination or the examination room or center;</p> <p>(b) cancel any of the candidate's examination papers already taken;</p> <p>(c) cancel any of the candidate's results;</p> <p>(d) deny the candidate entry into any subsequent examinations;</p> <p>(e) report the matter to the police with a view of having the candidate investigated and charged in a court of law for the offence;</p> <p>(f) take any other action that the Council may deem proper under the Act or any other written law.</p>
Examination Centre	<p>9. (1) Where the Council is satisfied that:-</p> <p>(a) there has been widespread examination irregularities at an examination center; or</p> <p>(b) the circumstances in which an examination is conducted at an</p>

	<p>examination center are unsatisfactory, the Council may cancel the entire examination conducted at the examination center or any one or more papers or the results thereof in relation to all the candidates at the examination center.</p> <p>(2) The Council may, where the entire results are cancelled under sub-rule (1), deregister an examination center in which examination results may have been cancelled.</p>
Notification of Withheld or Cancelled Results	<p>10. (1) A candidate or an examination centre whose, results are withheld or cancelled shall be informed in writing of the Council’s decision through the respective County Director of Education or through any other means as the Council may determine from time to time as soon as the results have been announced.</p> <p>(2) A candidate whose results are cancelled shall receive a result of “Y” in the subject cancelled and an overall result of “Y”.</p> <p>(3) A candidate who receives a result of “Y” shall not be awarded a certificate.</p> <p>(4) Notwithstanding sub-rule (2), a candidate in the Kenya Certificate of Primary Education examination shall receive a result of “0” (zero) in the subject cancelled.</p> <p>(5) Where a Kenya Certificate of Primary Education examination candidate is proved to have cheated in three or more subjects the candidate shall have an overall result of “0” (zero).</p> <p>(6) A Kenya Certificate of Primary Education examination candidate with an overall result of zero (0) shall not be awarded a certificate in that examination.</p> <p>(7) The Council may in any subsequent registration recognize a Kenya Certificate of Primary Education candidate with a result of “0” (zero) in any one or two subjects for purposes of registration.</p>
Barring of Candidates	<p>11. A candidate whose examination results are cancelled may be prohibited from taking any Council’s examination for three consecutive years.</p>
Council Management	<p>12. (1) The Council shall, upon receiving report of irregularity in any examination, cause a report to be compiled and presented to the management of the Council.</p> <p>(2) The management of the Council shall present the report on</p>

	irregularity to the Examinations Management Committee.
Decision of the Examinations Management Committee	<p>13. (1) Where the Examinations Management Committee is satisfied that the report presented there in presents satisfactory evidence of an examination irregularity, the results for the affected candidate or candidates shall be cancelled.</p> <p>(2) The Candidate or candidates whose results have been cancelled shall be informed in writing indicating the examination irregularity.</p>
Review of Cancelled Examination Results	<p>14. (1) A candidate whose examination results have been cancelled may apply to the Council within thirty days after release of the results for a review of the Council's decision.</p> <p>(2) An application for a review of cancelled results decision shall be made in writing and shall indicate clearly the grounds for requesting the review.</p> <p>(3) The Council shall upon receiving an application, consider the application and respond in writing to the applicant within thirty days.</p> <p>(4) The Council shall indicate the reasons for declining the application for review of cancelled results.</p>
Hearing of the Application for Review	<p>15. (1) Where the Council considers that the grounds raised by the applicant warrant a review, the Council shall:-</p> <p>(a) communicate the decision in writing to the applicant; and</p> <p>(b) may require the applicant to appear for a hearing of the application within ninety days of the council's communication.</p> <p>(2) Where the Council is satisfied that the candidate has not been involved in any examination irregularity, the Council may decide that the examination results be released to the candidate.</p>
Cancelled Results	<p>16. Any examination results cancelled by the Council under these Rules shall not be made available for re-assessment.</p>

Dated....., 2013

Paul M. Wasanga
Council Secretary/Chief Executive Officer
KENYA NATIONAL EXAMINATIONS COUNCIL