

LEGAL NOTICE NO.....

**THE KENYA NATIONAL EXAMINATIONS COUNCIL
(MANAGEMENT OF EXAMINATION) RULES 2013**

ARRANGEMENT OF RULES

PART I – PRELIMINARY

- 1 – Citation
- 2 – Interpretation

PART II – REGISTRATION

- 3 – Distribution Centre
- 4 – Approval of a Distribution Centre
- 5 – Opening of new Distribution Centres
- 6 – Examination Centres
- 7 – Minimum Candidature per Centre
- 8 – Entry Requirements
- 9 – Registration of Candidates by the Council
- 10 – Verification of a Candidate Registration Data
- 11 – Responsibility of a Candidate
- 12 – Responsibility of a Head of Institution
- 13 – Feedback Mechanism
- 14 – Equation

PART III – EXAMINATION PROCESS

- 15 – Examination Fees
- 16 – Transfer of Candidates

- 17 – Withdrawal from Examination
- 18 – Award of Certificates and Diplomas
- 19 – Issuing of Examination Results Slips and Certificates
- 20 – Examination Arrangements for Persons with Disabilities
- 21 – Examination Timetable
- 22 – Materials and Equipment for Examinations
- 23 – Language of Examination
- 24 – Candidates with Medical Conditions

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 (MANAGEMENT OF EXAMINATION) RULES, 2013

PART I – PRELIMINARY

Citation	1. These Rules may be cited as the Kenya National Examinations Council (Management of Examination) Rules, 2013.
Interpretation	2. In these Rules unless the context otherwise requires:- “Act” means the Kenya National Examinations Council Act, 2012; “Attendance Sheet” means an authentic record for all candidates that have sat a particular Council examination; “Candidate” has the meaning assigned to it under the Act; “Certificate” has the meaning assigned to it under the Act; “Council” means the Kenya National Examinations Council established under section 3 of the Act; “County Director of Education” has the meaning assigned to it under the Basic Education Act 2013; “Diploma” has the meaning assigned to it under the Act; “Distribution Centre” means a secure and safe storage facility outside the Council premises approved by the Council for the storage of examination materials; “Examination Centre” means an institution or premises approved and registered by the Council for purposes of administering Council examinations; “Examination Period” means and includes that time when the Council is in the process of printing, packing, distributing, administering, marking and processing any examinations administered by the Council; “Examination Room” means that space, compound, premises, area within which a Council examination is being administered and is accessible by candidates;

	<p>“Examination” has the meaning assigned to it under the Act;</p> <p>“Head-teacher” has the meaning assigned to it under the TSC Act;</p> <p>“Institutional Candidate” means a candidate registered for an examination by the Council through an institution of learning;</p> <p>“Post School Examination” includes but is not limited to Business, Technical and Teacher Education Examinations administered by the Council;</p> <p>“Pre-registration” means advance compiling of data for candidates who intend to sit for the KCPE and KCSE examinations;</p> <p>“Principal” has the meaning assigned to it under the TSC Act;</p> <p>“Private Candidate” means a candidate who is registered to sit an examination at a private centre;</p> <p>“Private Centre” means an institution or premises which is approved and registered by the Council as a private examination centre for purposes of examination administration;</p> <p>“Registration period” means the period prescribed by the Council for the registration of candidates;</p> <p>“Result Slip” means a document issued by the Council showing the provisional examination results obtained by a candidate in an examination;</p> <p>“Rubric” means the rules or instructions on the cover page of an examination question paper and or the answer scripts;</p> <p>“Year of Examination” means the calendar year in which a Council examination is administered;</p>
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PART II – REGISTRATION

Distribution Centre	<p>3. (1) The Council shall approve distribution centres for the purpose of storing examination materials.</p> <p>(2) Council examination materials shall only be stored in Council approved distribution centres.</p> <p>(3) Distribution Centres shall be approved at least one year before they are used.</p>
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<p>Approval of a Distribution Centre</p>	<p>4. (1) The Council shall use the following criteria when considering to approve a distribution centre:-</p> <ul style="list-style-type: none"> (a) a permanent structure; (b) has burglar proof doors and windows; (c) has secure storage facilities; (d) has sufficient security officers; (e) has concrete ceiling; (f) has capacity to store examination materials for examination centres to be served; (g) be located in a conducive environment; and (h) any other criteria that the Council may determine from time and time. <p>(2) Where the Council is satisfied that the criteria set out in sub-rule (1) is met, the Council shall approve the distribution center;</p> <p>(3) Notwithstanding sub-rule (2), the Council may approve a distribution center that does not meet the set criteria provided that the Council issues conditions for use of such a distribution center.</p>
<p>Opening of new Distribution Centres</p>	<p>5. (1) The County Director of Education shall recommend the opening of a new distribution centre for approval by the Council where the distance between a distribution centre and an examination centre is in excess of 50 kilometres.</p> <p>(2) Notwithstanding sub-rule (1), the Council may approve a new distribution center in areas of high candidature or areas that have been identified by the Council to be in need of a distribution center even when the distances are less than 50 kilometers.</p>
<p>Examination Centres</p>	<p>6. (1) The Council shall determine the minimum facilities required for registration of an examination center.</p> <p>(2) The Council shall establish the criteria for inspection of an examination center.</p> <p>(3) The Council may review the minimum facilities required for an examination center and the criteria for inspection of an examination centre from time to time.</p> <p>(4) A Council examination shall only be administered at an examination centre approved and registered by the Council.</p>

- (5) The Council may delegate the role of approval of examination centers to the County Directors of Education.
- (6) An institution registered by the Ministry of Education wishing to offer a Council examination for the first time shall apply to the Council for registration as an examination centre one year before the year of examination.
- (7) The application shall be sent to the Council through the respective County Director of Education.
- (8) An application under sub-rules (3) and (4) shall be accompanied by a valid registration certificate and an inspection report issued by the Ministry responsible for Education through the County Director of Education.
- (9) The Council may cause a centre to be inspected before it is registered and approved as an examination centre.
- (10) Where the Council has received all relevant documents, supporting evidence and is satisfied that the application meets the minimum requirements for an examination centre, the Council shall approve, register and issue the centre with an examination centre code.
- (11) An examination centre shall be required to have the required facilities, equipment and materials for administration of the relevant examination and be located in an environment conducive for administration of examinations.
- (12) The Council shall reserve the right to deregister or cancel an approved examination centre.
- (13) The Council may suspend or deregister an approved examination centre:-
 - (a) where the Council is satisfied that the centre does not comply with the Council's examination regulations; or
 - (b) where the continuation of the institution as an examination centre would endanger the security of examinations.
- (14) The Council may merge examination centres for purposes of ease of administration of examinations and for security reasons.
- (15) A foreign examination shall be administered by or on behalf of a foreign examination body.
- (16) The foreign examination shall be conducted at an examination centre

	approved by the relevant foreign examination body and by the Council.
Minimum No. of Candidates	<p>7. (1) An examination centre shall register a minimum of:-</p> <p>(a) 15 candidates for school examination; and</p> <p>(b) 10 candidates for post school examinations.</p> <p>(2) Any examination centre which registers less than the number of candidates stipulated in sub-rule (1) and wishes to remain an examination centre shall pay the cost of registering the minimum number of candidates required.</p> <p>(3) The Council may review the minimum number of candidates for every examination centre from time to time.</p>
Entry Requirements	<p>8. (1) (a) The Council shall specify the entry requirements for every examination offered by the Council;</p> <p>(b) The Council may carry out pre-registration for KCPE and KCSE examinations.</p> <p>(c) The time to carry out pre-registration shall be determined by the Council.</p> <p>(d) The Council may use the pre-registration data to confirm registration details of a candidate(s);</p> <p>(e) A person that did not register during pre-registration, may be registered by the Council under such conditions to be determined by the Council.</p> <p>(f) Where a person does not register at the time of pre-registration, the person may be required to pay a fine for registration.</p> <p>(g) A fine under sub rule (1) (e) shall be determined by the Council from time to time.</p> <p>(h) Any person who uses undue influence and or threats to register a candidate in an institution where the candidate has not being studying shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding six months or a fine not exceeding one hundred thousand shillings or both.</p> <p>(2) A candidate intending to sit for examinations shall fulfill all the entry requirements set by the Council for the relevant examination.</p> <p>(3) A candidate who meets the entry requirements specified in sub rule (1) shall be regarded as a bonafide candidate after:-</p>

	<p>(a) candidate has completed and submitted the prescribed entry registration details;</p> <p>(b) candidate has paid the prescribed examination fees;</p> <p>(4) Institutional candidates shall be registered by the Head of the Institution.</p> <p>(5) A private candidate shall be registered through the County Director of Education.</p> <p>(6) The Head of an Institution shall submit the registration data authenticated by every candidate together with other relevant registration documents not later than two weeks after the end of the registration period.</p> <p>(7) The examination registration documents shall be submitted to the Council through the relevant County Director of Education.</p> <p>(8) The Head of an Institution shall adhere to the deadlines prescribed by the Council for the relevant examinations.</p> <p>(9) The County Director of Education shall be required to maintain a check list of all the institutions submitting candidates for the relevant examinations.</p>
<p>Registration of Candidates by the Council</p>	<p>9. (1) A candidate who meets the entry requirements specified in Rule 8 shall be registered by the Council.</p> <p>(2) Registration shall be based on an approved curriculum from the accredited authority.</p> <p>(3) A new curriculum shall be examined at least one year from the date the curriculum is received and approval by the Council.</p>
<p>Verification of candidate registration data</p>	<p>10. (1) The Council shall record the details regarding a candidate as given by the head of institution and the candidate in the process of registering for the examinations.</p> <p>(2) The head of an institution, and the candidate's shall ensure that all records appearing on a candidate's registration data are accurate;</p> <p>(3) Where the candidate is below the age of eighteen years, the responsibility of verification of registration data shall be extended to the parent or guardian of the candidate;</p>
<p>Responsibility of a Candidate</p>	<p>11. (1) A candidate shall ensure that entries including names, centre details, gender and subject or course combination are correct before signing the registration document.</p> <p>(2) A candidate shall ensure that the candidate's name matches the name that</p>

	<p>appears on the candidate’s birth certificate and other certificates used to qualify for the examination during the registration for the relevant examination.</p> <p>(3) Where a candidate intends to use a name other than the name used in the documents under sub-rule (2) to register for the examination, the candidate shall submit the Kenya Gazette Notice indicating change of name.</p> <p>(4) The candidate shall submit the Kenyan Gazette Notice before registering for the examination.</p> <p>(5) A candidate shall present oneself at the right time and institution for registration as shall be specified by the Council;</p> <p>(6) An institutional candidate who fails to attend at least seventy five percent of the prescribed curriculum may be deregistered upon proof of such failure;</p> <p>(7) A candidate shall take all examination papers registered for at the examination center the candidate registered or as directed by the Council.</p> <p>(8) A candidate shall collect their result slips, certificate and or diploma after release within the time prescribed by the Council.</p>
<p>Responsibility of a Head of Institution</p>	<p>12. (1) The Head of an Institution shall have the responsibility of ensuring that the entry of any candidate including names, centre details, gender and subject or course combinations are correct before signing the registration document.</p> <p>(2) The candidate and the Head of institution shall jointly and severally verify the data under sub-rule (10) in the prescribed form.</p> <p>(3) A Head of Institution, who fails to register qualified candidates within the stipulated time, shall have committed an offence and shall be liable upon conviction to imprisonment for a jail term not exceeding 6 months or a fine not exceeding one hundred thousand shillings or both.</p> <p>(4) Where a candidate is less than 18 years old, responsibility for verification shall be extended to the parent or guardian.</p>

Feedback Mechanism	<p>13. (1) The Council shall provide for a feedback mechanism where a candidate, institution or any other interested stakeholder may confirm the accuracy of the registration data.</p> <p>(2) The Council shall provide a mechanism for a head of institution to print and authenticate a candidates registration details.</p>
Equation	<p>14. (1) A person with a certificate from accredited foreign body may seek equation under the relevant Rules before registering for the relevant examination.</p> <p>(2) A person may be registered as a candidate after presenting a letter of equation issued by the Council for the relevant examination.</p>

PART III – EXAMINATION PROCESS

Examination Fees	<p>15. (1) The Council shall determine and communicate examination fees payable for each examination offered by the Council.</p> <p>(2) An institutional candidate shall receive communication through the candidate’s respective Head of Institutions.</p> <p>(3) A private candidate shall receive communication through the media or the offices of the County Director of Education.</p> <p>(4) A candidate is only deemed to have been registered after payment of the prescribed examination fees and after meeting the entry requirements.</p> <p>(5) A candidate registered for a foreign examination administered by the Council on behalf of a foreign body shall pay the required examination fees to the foreign body and to the Council.</p>
Transfer of Candidates	<p>16. (1) A candidate registered under a particular institution or examination centre shall be required to take the examination at that centre or as directed by the Council.</p> <p>(2) A candidate may transfer from one centre to another with the authority of the Council for reasons accepted as adequate and upon the payment of such fees as may be determined by the Council.</p> <p>(3) The Council may from time to time review the transfer fees.</p> <p>(4) A request for a transfer under this Rule shall be consented to by both the releasing head of institution and the receiving head of institution through their respective County Directors of Education.</p> <p>(5) An application for a transfer shall be received by the Council for</p>

	consideration and approval not later than five months before the commencement of the examination.
Withdrawal from Examination	17. Where a candidate wishes to withdraw from an examination, the candidate shall send a notice of withdrawal to the Council through the County Director of Education.
Award of Certificates and Diplomas	18. A candidate who is registered for an examination and meets the entry requirements and conditions for the award of a certificate or diploma as stipulated in the curriculum and examination regulations for the relevant examination or course shall be awarded the appropriate certificate or diploma.
Issuing of Examination Results Slips and Certificates	19. (1) Examination results shall be issued to candidate after the Processing of candidates marks. (2) The final results shall be in numerical or alphabetical grades. (3) Provisional result slips shall be issued to individual candidates after the release of the respective examinations results. (4) A certificate or diploma shall be issued to a candidate within a year from the date of release of examination results. (5) The Council may correct the information given in the results slip before a certificate is issued should such a correction be found necessary. (6) A certificate or diploma awarded to a candidate shall have:- (a) The examination sat by the candidate (b) the name of the candidate; (c) the gender of the candidate; (d) the index number of the candidate; (e) the name of institution, for an institutional candidate (f) all subjects sat by the candidate in the examination and the level of attainment in every subject; (g) the aggregate level of attainment; (h) a photograph where applicable; (i) year/series of the examination; (j) any other feature that may be determined by the Council from time to time. (7) The details of a certificate shall not be amended unless the amendment is to correct an error;

<p>Examination Arrangements for Persons with Disabilities</p>	<p>20. (1) The Council may prepare a modified examinations paper for a candidate with special needs.</p> <p>(2) The modification shall be based on an appropriate curriculum adopted by the Kenya Institute of Curriculum Development or other accredited curriculum accredited agency.</p> <p>(3) Prospective candidates and head of relevant institution shall provide such information in prescribed forms at registration.</p> <p>(4) The Country Director of Education shall submit to the Council, at the time of registration for examination the:-</p> <p>(a) name;</p> <p>(b) index number;</p> <p>(c) examination subject;</p> <p>(d) nature of impairment; and</p> <p>(e) degree of impairment of the candidate with special needs.</p> <p>(5) The duration of examination allowed for a candidate may be varied by the Council depending on the candidate's degree of impairment.</p> <p>(6) The degree of impairment shall be supported by evidence from a qualified professional assessor.</p>
<p>Examination Timetable</p>	<p>21. (1) The Council shall provide a provisional examination timetable to relevant institutions and stakeholders in advance for feedback.</p> <p>(2) The Council shall provide the final examination timetable to all the heads of institutions and candidates.</p> <p>(3) The time allowed for answering questions in every examination paper shall be indicated on the timetable and shall also appear on the rubric of the question paper.</p> <p>(4) Where the time indicated in the timetable differs from that printed on the examination question paper, the time on the question paper shall prevail.</p>
<p>Materials and Equipment for Examinations</p>	<p>22. (1) Any institution presenting a candidate for examination shall be required by the Council to provide the facilities, materials and equipment required for examination.</p> <p>(2) All scripts, projects and other materials submitted to the Council for any examination, whether written or practical, shall be the property of the</p>

	<p>Council.</p> <p>(3) The Council shall not accept responsibility for the loss of or damage to any script, project or coursework materials before such is received by the Council for marking.</p> <p>(4) Only the Council's Mathematical Tables shall be allowed in the examination room or be used in answering questions unless the instructions on the rubric states otherwise.</p> <p>(5) A silent, cordless and non-programmable calculator may be used in answering questions unless specifically forbidden in the rubric of the paper.</p>
Language of Examination	<p>23. All answers to an examination questions shall be written in the English language except for language subjects other than English, or as otherwise specified in the rubric of the question paper.</p>
Candidates with Medical Conditions	<p>24. (1) A candidate who has been diagnosed by a trained medical professional and has been put on quarantine shall take the examination at a separate examination room provided that the Council receives information from the head of institution through the County Director of Education.</p> <p>(2) The Council shall endeavour to quarantine candidates in separate rooms for different medical conditions.</p>

Dated,2013

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