

MAURITIUS QUALIFICATIONS AUTHORITY ACT

Regulations made by the Board of the Mauritius Qualifications Authority, with the approval of the Minister, under section 18 of the Mauritius Qualifications Authority Act

1. These regulations may be cited as the Mauritius Qualifications Authority (Registration) Regulations 2009.

2. In these regulations –

“Act” means the Mauritius Qualifications Authority Act;

“certificate of registration” means a certificate issued under regulation 4(5);

“Registrar” means the Registrar of the Authority appointed under section 14 of the Act.

3. (1) The Registrar shall keep and maintain –

(a) a register of training institutions in which shall be recorded the name and address of every registered training institution;

(b) a register of managers in which shall be recorded the name and address of every registered manager and the name of the registered training institution where he is the manager;

(c) a register of programme officers in which shall be recorded the name, address and qualifications of every registered programme officer, and the name of the registered training institution where he is the programme officer; and

(d) a register of trainers in which shall be recorded the name and qualifications of every trainer, and the name of the registered training institution where he is the trainer.

(2) There shall be recorded in such registers such other particulars as the Authority thinks necessary.

4. (1) An application for the registration or renewal of registration of a training institution shall be made to the Authority on such form as may be approved by the Authority and shall be accompanied by the appropriate non-refundable application fee specified in the Schedule and such other documents as the Authority may require.

(2) On receipt of an application under paragraph (1), the Authority may make such inquiry and consult such persons or authorities as it thinks necessary to ascertain whether the training institution is a fit and proper training institution to be registered.

(3) The Authority may, not later than 2 months of the completion of all formalities in respect of an application, grant or refuse the application and shall communicate its decision to the applicant within 7 days of its decision.

(4) (a) The Authority may refuse to register or to renew the registration of a training institution where –

- (i) the premises of the proposed training institution are structurally unsuitable to contain a training institution;
- (ii) the premises of the proposed training institution are insufficiently protected against the hazard of fire;
- (iii) the premises of the proposed training institution are likely to be insanitary, or for reasons of health, unsuitable to contain a training institution;
- (iv) the training institution does not conform to the Act or any regulations made under it;
- (v) the proposed trainers are not registered trainers;
- (vi) the premises of the proposed training institution or equipment to be used will not allow efficient and effective training in the disciplines to be taught in the training institution;
- (vii) the manager is not a fit and proper person to act as such; or
- (ix) in the application for registration, a statement has been made or information has been furnished which knowingly or recklessly is false in any material particular.

(b) The Authority shall refuse to register a training institution where it appears to it that the opening of the training institution would be detrimental to the interests of Mauritius and of the public.

(5) Where the Authority grants an application, it shall issue a certificate of registration to the applicant on payment of the appropriate fee specified in the Schedule.

- (6) A certificate of registration issued under paragraph (5) –
- (a) shall be valid for a period of 3 years;
 - (b) may be renewed on payment of the appropriate renewal fee specified in the Schedule.

(7) The Authority may, on the issue or renewal of a certificate of registration, impose such terms and conditions as it may determine.

(8) (a) The Authority may cancel the registration of a training institution where –

- (i) it has contravened any provisions of the Act or any regulations made under the Act;
- (ii) it would have been entitled to refuse registration under paragraph (4);
- (iii) it has breached any terms or conditions attached to its certificate of registration;
- (iv) it has ceased to exist;
- (v) it is not being properly administered;
- (vi) a direction under regulation 11 has not been complied with.

(b) Before cancelling the registration, the Authority shall, by notice in writing, require the owner or the manager of the training institution, within 15 days from service of the notice, to show cause why the registration should not be cancelled.

(9) Where the Authority –

- (a) refuses to register a training institution;
- (b) refuses to renew the registration certificate of a training institution; or
- (c) cancels the certificate of registration of a training institution,

the owner or manager of that training institution may appeal to the Minister within 21 days of the decision of the Authority.

5. (1) Subject to paragraph (3), there shall be appointed at the head of every training institution a manager who shall be responsible for that training institution.

(2) There shall be appointed within every training institution a programme officer who shall be responsible for academic, technical and vocational matters.

(3) A manager may, subject to the required appropriate academic qualifications being held by him, also be appointed to act as programme officer.

6. The manager shall –

- (a) keep such registers and documents as the Authority may specify;
- (b) submit for inspection any relevant document required by the Authority.

7. The manager shall ensure quality and relevance of training at his training institution through a regular management system.

8. (1) No person shall act as manager or programme officer of a training institution unless he is registered as such.

(2) Any person who intends to act as manager or programme officer of a training institution shall apply for registration to the Authority on such form as may be approved by the Authority and on payment of the appropriate non-refundable fee specified in the Schedule.

(3) On receipt of an application under paragraph (2), the Authority may make such inquiry and consult such persons or authorities as it thinks necessary to ascertain whether the person is a fit and proper person to be registered as manager or programme officer.

(4) The Authority may, not later than 2 months of the completion of all formalities with respect to an application, grant or refuse the application and communicate its decision to the applicant within 7 days of its decision.

(5) Where the Authority grants the application, it shall issue a certificate of registration to the applicant on payment of the appropriate fee specified in the Schedule and on such terms and conditions as it may determine.

(6) The Authority may refuse to register an applicant where he–

- (a) is not resident in Mauritius;
- (b) is not of good character;

- (c) has knowingly made in the application for registration, or in the course of any enquiry, any statement, or furnished any information, which is false;
- (d) is medically unfit;
- (e) is otherwise unsuitable to be so registered.

(7) (a) The Authority may cancel the registration of the manager or programme officer, as the case may be, where –

- (i) it would have been entitled to refuse registration under paragraph (6);
- (ii) he has contravened any provisions of the Act or any regulations made under the Act;
- (iii) he has breached any condition attached to his certificate of registration;
- (iv) he has ceased to act as manager or programme officer or does not perform his duties satisfactorily;
- (v) he is found guilty of professional misconduct.

(b) Before cancelling the registration, the Authority shall, by notice in writing, require the manager or programme officer, within 15 days from service of the notice, to show cause why the registration should not be cancelled.

(8) Where the Authority –

- (a) refuses to register the manager or programme officer;
- (b) refuses to renew the registration certificate of the manager or programme officer; or
- (c) cancels the certificate of registration of the manager or programme officer,

the manager or programme officer may appeal to the Minister within 21 days of the decision of the Authority.

(9) Where the certificate of registration of a training institution has been cancelled, the Registrar shall deregister the manager and programme officer of the training institution.

9. (1) No person shall be employed as a trainer in a training institution unless he is registered as such.

(2) Any person who intends to act as trainer of a training institution shall apply for registration to the Authority on such form as may be approved by the Authority and on payment of the appropriate non-refundable fee specified in the Schedule.

(3) On receipt of an application under paragraph (2), the Authority may make such inquiry and consult such persons or authorities as it thinks necessary to ascertain whether the trainer is a fit and proper person to be registered as trainer.

(4) The Authority may, not later than 2 months of the completion of all formalities with respect to an application, grant or refuse the application and communicate its decision to the applicant within 7 days of its decision.

(5) The Authority may refuse to register a person as trainer or renew his certificate of registration where it appears to it that such person –

- (a) is not resident in Mauritius;
- (b) is not of good character;
- (c) has knowingly made in the application for registration, or in the course of any enquiry, any statement, or furnished any information, which is false;
- (d) is medically unfit;
- (e) is otherwise unsuitable to be so registered.

(6) Where the Authority grants the application, it shall issue a certificate of registration to the applicant on such terms and conditions as it may determine.

(7) A certificate of registration issued under paragraph (6) –

- (a) shall be valid for a period of 3 years;
- (b) may be renewed where the trainer has not contravened any provisions made under the Act or regulations made under the Act, or conditions attached to the certificate of registration.

(8) (a) The Authority may cancel the registration of a trainer where –

- (i) he has contravened any provisions of the Act or any regulations made under the Act;

- (ii) he has breached any conditions attached to his certificate of registration;
- (iii) it would have been entitled to refuse registration under paragraph (5);
- (iv) he is found guilty of professional misconduct.

(b) Before cancelling the registration, the Authority shall, by notice in writing, require the trainer, within 15 days from service of the notice, to show cause why the registration should not be cancelled.

(9) Where the Authority –

- (a) refuses to register a person as trainer; or
- (b) refuses to renew the registration certificate of the trainer; or
- (c) cancels the certificate of registration of a trainer,

the person or the trainer, as the case may be, may appeal to the Minister within 21 days of the decision of the Authority.

10. The Authority or any of its officers authorised by it in writing, may, with or without notice, visit any training institution, and inspect any register or documents referred to in regulation 6.

11. Where it appears to the Authority that the Act or these regulations have not been complied with in any training institution, it may, without prejudice to any other powers vested in it, by notice in writing addressed to the owner or manager, direct him to take, within a time to be stated in the notice, such measures as are specified therein, in order that the Act or these regulations may be complied with.

12. The Authority may for –

- (a) a non-award course;
- (b) accreditation of programme; or
- (c) recognition or equivalence of qualification,

charge the appropriate fees specified in the Schedule.

13. Any person who –

- (a) contravenes any provision of these regulations;

- (b) employs or permits an unregistered person to work as manager, programme officer or trainer in a training institution;
- (c) knowingly or recklessly makes any statement, or furnishes any information, which is false in any material particular –
 - (i) in an application for registration of any nature under these regulations;
 - (ii) as to the character or qualifications of any person in so far as such character or qualifications may affect any decision of the Authority;
 - (iii) in an advertisement concerning any training institution;
- (d) obstructs, resists or impedes the Authority or any of its officers authorised by it under regulation 10 when carrying out an inspection of a training institution;
- (e) being a manager or a programme officer, refuses to produce any book or document, or to furnish any information which he is required to produce under these regulations;
- (f) is the owner or acts as a manager or programme officer or trainer of a training institution which is functioning after its registration has been cancelled under these regulations,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding 12 months.

14. The Mauritius Qualifications Authority (Registration) Regulations 2003 are revoked.

15. Any registration made under the Mauritius Qualifications Authority (Registration) Regulations 2003, shall at the commencement of these regulations, be deemed to have been made under these regulations.

Made by the Board on 28 August 2009 and approved by the Minister on 21 August 2009.

SCHEDULE
[Regulations 4, 8, 9 and 12]
FEES

1.	Application for registration of training institution	7,500
2.	Registration for training institution	7,500
3.	Application for renewal of registration of training institution	3,000
4.	Renewal for registration of training institution	7,500
5.	Application for registration as manager or programme officer	1,500
6.	Registration as manager or programme officer	1,500
7.	Application for renewal of registration as manager or programme officer	1,500
8.	Renewal for registration as manager or programme officer	1,500
9.	Application for registration as trainer: per field of competence	1,500
10.	Application for registration as trainer: upgrade of level (NQF 1 – NQF 10)	1,500
11.	Application for approval of Non-Award course	600
12.	Application for accreditation of programme	3,000
13.	Accreditation of programme	3,000
14.	Application for re-accreditation of programme	3,000
15.	Re-accreditation of programme	3,000
16.	Appeal for accreditation of programme	4,000
17.	Application for authorisation of significant change	600
18.	Application for recognition/equivalence of qualification	1,300
19.	Appeal for recognition/equivalence of Qualification	2,000