

**THE EDUCATION AND TRAINING
(MISCELLANEOUS PROVISIONS) ACT 2005**

ACT NO. 18 OF 2005

I assent

SIR ANEROOD JUGNAUTH

4th May 2005

President of the Republic

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Education Act amended
3. Mauritius Qualifications Authority Act 2001 amended
4. Tertiary Education Commission Act amended
5. Transitional provisions
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An Act

To amend the Education Act, the Mauritius Qualifications Authority Act and the Tertiary Education Commission Act in order to make better provisions for the recognition and equivalence of qualifications in the primary, secondary and tertiary sectors, for regulating the establishment and operation of private post secondary educational institutions, and for matters related thereto

ENACTED by the Parliament of Mauritius, as follows —

1. Short title

This Act may be cited as the Education and Training (Miscellaneous Provisions) Act 2005

2. Education Act amended

The Education Act is amended —

- (a) in section (2), by adding the following new definition in its appropriate alphabetical order —

“post-secondary education” has the same meaning as in the Tertiary Education Commission Act;

- (b) in section 3(2), by adding the following new paragraphs, the full stop at the end of paragraph (e) being deleted and replaced by a semi-colon —

(f) the promotion and maintenance of high quality standards in primary and secondary schools through an appropriate quality assurance mechanism;

(g) the recognition and equivalence of qualifications obtained in or outside Mauritius in the primary and secondary education sector;

(h) the formulation and publication of policies and criteria for the registration of primary and secondary schools.

- (c) by inserting immediately after section 37A, the following new section —

37B. Application for recognition and equivalence certificate

An application for recognition and equivalence of a qualification obtained at the primary or secondary level shall be made in such form and manner as may be prescribed.

- (d) in section 38(1)(c), by adding after the words “school premises” the following words —

“and the approval of the establishment of private institutions or branches, centres or campuses of overseas institutions offering post-secondary education in Mauritius”

3. Mauritius Qualifications Authority Act 2001 amended

The Mauritius Qualifications Authority Act 2001 is amended —

- (a) in section 2, by deleting the definition of “training institution” and replacing it by the following definition —

“training institution” —

(a) means a training provider at the technical and vocational level responsible for developing and dispensing knowledge, understanding and skills through any mode; but

(b) does not include a post-secondary educational institution.

- (b) in section 5 —
 - (i) by inserting in paragraph (a) after the words “publish policies and criteria” the following words —
 - “, in respect of the technical and vocational training sector,”
 - (ii) by deleting paragraph (c) and replacing it by the following paragraph —
 - (c) to register qualifications, other than those obtained in the primary, secondary and post-secondary educational sectors;
 - (iii) by deleting paragraph (f) and replacing it by the following paragraph —
 - (f) to recognise and evaluate qualifications, other than those obtained in the primary, secondary and post-secondary educational sectors, for the purpose of establishing their equivalence.
 - (iv) by inserting immediately after paragraph (f), the following new paragraph —
 - (fa) to recognise non-award courses dispensed by training institutions;
- (c) in section 7(2) —
 - (i) in paragraph (c), by deleting the words “Permanent Secretary” and replacing them by the words “Supervising Officer”;
 - (ii) in paragraph (d), by adding immediately after the word “education”, the words “or his representative”;
 - (iii) in paragraph (e), by adding immediately after the word “Commission”, the words “or his representative”;
 - (iv) in paragraph (f), by adding immediately after the word “ Board”, the words “or his representative”.
- (d) in section 15(1)(c), by adding immediately after the word “approval”, the words “or accreditation”.

4. Tertiary Education Commission Act amended

The Tertiary Education Commission Act is amended —

- (a) in section 2, by inserting in the appropriate alphabetical order, the following new definitions —
 - “accreditation”, in relation to an institution or an educational programme, means confirmation that the institution or the programme satisfies the minimum criteria or standards for it to operate or be offered for a specified duration;
 - “equivalence”, in relation to an academic or professional qualification, means the establishment of 2 or more educational programmes or qualifications as being equal or comparable in value;
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“post-secondary education” —

- (a) means an educational programme which is offered in a university or higher education institution with the lowest level of access being a certificate which corresponds to the first level of a first degree programme; and
- (b) includes tertiary education;

“recognition”, in relation to an academic or professional qualification, means recognition that the qualification is of an acceptable quality at the specified level and may give access to further studies or employment or profession;

(b) in section 4 —

(i) in subsection (1) —

- (A) by deleting the words “(1)”;
- (B) in paragraph (c), by deleting the words “higher education” and replacing them by the words “post-secondary education”;
- (C) in paragraph (d), by deleting the word “and”,
- (D) by inserting immediately after paragraph (e), the following new paragraphs, the full stop at the end of paragraph (e) being deleted and replaced by a semi-colon —
 - (f) register and accredit private universities and other institution offering post-secondary education in Mauritius;
 - (g) promote and maintain high quality standards in post-secondary education through appropriate quality assurance and accreditation mechanisms; and
 - (h) determine the recognition and equivalence of academic or professional qualification in the post-secondary education obtained in or outside Mauritius.

(ii) by deleting subsection (2);

(C) by inserting immediately after section 4, the following new section —

4A Functions of the Commission

(1) In furtherance of its objects, the Commission shall —

- (a) make the necessary provision for promoting and enhancing quality assurance of post-secondary education;
 - (b) make recommendations to the Minister for the establishment of private institutions, or branches, centres or campuses of overseas institutions, offering post-secondary education in
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Mauritius;

- (c) generally monitor and oversee post-secondary education in Mauritius;
 - (d) formulate and publish policies and criteria for the registration and accreditation of private institutions offering post-secondary education in Mauritius;
 - (e) register all recognised qualifications obtained in the post-secondary educational sector;
 - (f) publish an annual list of registered and accredited post-secondary education institutions;
 - (g) undertake periodic academic audit of institutions offering post-secondary education in Mauritius; and
 - (h) do such things as are incidental or conducive to the attainment of its objects under this section.
- (2) In the performance of its functions, the Commission shall have regard to –
- (a) the educational, cultural, social and economic needs of Mauritius;
 - (b) the promotion of the most effective use of available resources; and
 - (c) the need to encourage students to take advantage of the post-secondary institutions in Mauritius.
 - (d) in section 5 –
 - (i) in subsection (1)(b), by deleting the figure “6” and replacing it by the figure “8”;
 - (ii) in subsection (3), by deleting the word “4” and replacing it by the word “Six”;
 - (e) by inserting immediately after section 8, the following new section –

8A Application for recognition or equivalence of certificates

An application for recognition or equivalence of an academic or professional certificate in the post-secondary educational sector shall be made in such form and manner as may be prescribed.

- (f) by inserting immediately after section 12, the following new sections —

12A Registration, accreditation and approval

(1) No person shall operate a post-secondary educational institution unless it has been approved by the Minister and has been registered and accredited by the Commission under this Act.

(2) Every owner or manager of a private post-secondary educational institution shall apply to the Commission in such form and manner as may be prescribed —

- (a) for the registration of his post-secondary educational institution and every academic staff or trainer in such institution; and
- (b) for the accreditation of every programme leading to an award offered by his institution.

(3) Any registration or accreditation of every programme under this section may be subject to such terms and conditions as the Commission may determine.

(4) Every person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 5 years.

12B Use of word University

No private institution offering post-secondary education shall use in relation to its name the word “university” or any name which is identical or similar to the name of a university, except with the approval of the Commission.

12C Suspension or revocation of registration, accreditation

(1) Subject to subsections (2) and (3), the Commission may, at any time, suspend or revoke the registration or accreditation of a post-secondary educational institution where, in the opinion of the Commission, the institution has contravened any provisions of this Act or any regulations made under this Act, or any conditions imposed by the Commission.

(2) Where the Commission decides to suspend or revoke the registration, accreditation or approval of a post-secondary educational institution under subsection (1), it shall give written notice of its decision to the owner or manager of the post-secondary educational institution, stating —

- (a) the reasons for which it proposes to do so; and
- (b) the time, being not less than 14 days, within which the owner or manager may make written representations to object to the proposal,

(3) The Commission shall, after considering any representations made under subsection (3), communicate its decision and the reasons thereof in writing to the owner or manager of the post-secondary educational institution not later than 3 months from the date a notice is served under subsection (2)

- (g) by inserting immediately after section 13, the following new section —

13A Approval of post-secondary educational institution

Where the Commission has made recommendations to the Minister under section 4A (1) (b), the Minister may approve the establishment of a private institution, or branch, centre or campus of an overseas institution, offering post-secondary education in Mauritius.

5. Transition provisions

(1) Any application for the equivalence of certificates made under section 9 of the National Accreditation and Equivalence Council Act which, immediately before the commencement of this Act, is under consideration at the National Accreditation and Equivalence Council shall, at the commencement of this Act —

- (a) in respect of an application for the recognition and equivalence of an academic or professional qualification in the post-secondary education, be considered by the Tertiary Education Commission;
- (b) in respect of any other application, be considered by the Mauritius Qualifications Authority.

(2) Notwithstanding section 12A of the Tertiary Education Commission Act, every owner or manager of a private post-secondary educational institution who, immediately before the coming into operation of this Act, was operating the institution shall —

- (a) where the institution was registered with the Mauritius Qualifications Authority, apply, not less than 3 months before the expiry of its certificate of registration or within 6 months of the coming into operation of this Act, whichever is later; or
- (b) where the institution was not registered with the Mauritius Qualifications Authority, apply, within 6 months of the coming into operation of this Act,

to the Commission for registration or accreditation, as the case may be.

6. Repeal and savings

(1) The National Accreditation and Equivalence Council Act is repealed.

(2) Notwithstanding the repeal of the National Accreditation and Equivalence Council Act, any approval of the equivalence of an academic or professional qualification obtained under the repealed Act shall, at the commencement of this Act, remain valid with the same effect as if it has been made under the Mauritius Qualifications Authority Act 2001 or the Tertiary Education Commission Act, as the case may be.

7. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

Passed by the National Assembly on the nineteenth day of April two thousand and five.

Ram Ranjit Dowlutta
Clerk of the National Assembly
