

THE MAURITIUS QUALIFICATIONS AUTHORITY ACT 2001
As Amended

Act No. 42 of 2001

I assent

28th December 2001

CASSAM UTEEM
President of the Republic

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An Act

To establish a Mauritius Qualifications Authority, and to provide for matters connected therewith

ENACTED by the Parliament of Mauritius, as follows -

1. Short title

This Act may be cited as the Mauritius Qualifications Authority Act 2001.

2. Interpretation

In this Act -

"Authority: means the Mauritius Qualifications Authority established under Section 3;

"Board" means the Board referred to in section 7;

"Chairperson" means the Chairperson of the Board;

"committee" means a committee established by the Board under section 9;

"Director" means the Director of the Authority appointed under section 10;

"employer" means a person, other than a training institution, that –

(a) is liable to pay a training levy under section 18 of the Human Resource Development Act; and

(b) provides training solely to his or its employees;

"member" means a member of the Board and includes the Chairperson;

"Minister" means the Minister to whom responsibility for the subject of education is assigned;

"National Credit Value and Transfer System" means the National Credit Value and Transfer System developed and issued under section 18 of the Higher Education Act;

"National Qualifications Framework" means the Mauritian Qualifications Framework;

"qualification" means the formal recognition by the Authority of the achievement of the required number and range of credits, and includes any requirement at specific levels of the National Qualifications Framework that may be determined by the relevant bodies registered for such purpose by the Authority;

"registered" means registered in terms of the National Qualifications Framework;

"standard" means a registered statement of desired education and training outcomes and its associated assessment criteria;

"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;
- “TVET” means Technical and Vocational Education and Training.

3. Establishment of the Authority

- (1) There is established for the purposes of this Act the Mauritius Qualifications Authority.
- (2) The Authority shall be a body corporate.

4. Objects of the Authority

The objects of the Authority shall be -

- (a) to develop, implement and maintain a National Qualifications Framework;
- (b) to ensure compliance with provisions for registration and accreditation in this Act;
- (c) to ensure that standards and registered qualifications are internationally comparable.

5. Functions of the Authority

The functions of the Authority shall be -

- (a) to formulate and publish policies and criteria, in respect of the technical and vocational training sector, for-
 - (i) the registration of bodies responsible for establishing national standards and qualifications;
 - (ii) the accreditation of bodies responsible for monitoring and auditing such standards and qualifications; and
 - (iii) the registration and accreditation of training institutions;
- (b) to generate and register national standards for any occupation;
- (c) to register qualifications, other than those obtained in the primary, secondary and post-secondary educational sectors;
- (d) to register and accredit training institutions in Mauritius;
- (e) to recognise and validate competencies for purposes of certification obtained outside the formal education and training systems;
- (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;

- (fa) to approve non-award courses dispensed by training institutions and employers;
- (g) to keep a database of learning accounts of Mauritians;
- (h) to publish an annual list of registered unit standards, qualifications and training institutions;
- (ha) to approve and recognise micro-credentials in TVET;
- (hb) to monitor the implementation of the National Credit Value and Transfer System in TVET under the National Qualifications Framework to facilitate mobility and lifelong learning;
- (i) to advise the Minister on matters pertaining to the National Qualifications Framework;
- (j) to perform any other function which the Minister may assign and which is relevant to the National Qualifications Framework.

6. Powers of the Authority

The Authority may do such things as appear requisite and advantageous in furtherance of its objects and may, in particular -

- (a) acquire and dispose of assets;
- (b) employ its funds to defray expenses in connection with the performance of its functions;
- (c) charge or waive fees in respect of -
 - (i) any registration or accreditation under this Act; and
 - (ii) any services provided by the Authority,
- (d) receive grant-in-aids and donations.

7. The Board

- (1) The Authority shall be administered and controlled by a Board.
- (2) The Board shall consist of -
 - (a) a Chairperson to be appointed by the Minister;
 - (b) a Vice-Chairperson to be appointed by the Minister in consultation with Business Mauritius;
 - (c) the Supervising Officer of the Ministry responsible for the subject of training;
 - (d) the Permanent Secretary of the Ministry responsible for the subject of

education or his representative

- (e) the Commissioner of the Higher Education Commission or his representative;
 - (ea) the Executive Director of the Quality Assurance Authority or his representative;
 - (f) the Director of the Mauritius Institute of Training and Development or his representative;
 - (g) one representative of registered private training institutions to be appointed by the Minister;
 - (h) one independent person to be appointed by the Minister.
- (3) Every member of the Board, other than an ex-officio member, shall hold office for a period of 2 years and shall be eligible for re-appointment.
- (4) Every member shall be paid from the General Fund such remuneration and allowances as the Minister may determine.

8. Meetings of the Board

- (1) Subject to this section, the Board shall regulate its meetings and proceedings in such a manner as it thinks fit.
- (2) The Board shall meet monthly at such time and place as the Chairperson may determine.
- (3) Five members shall constitute a quorum.

9. Committees

- (1) The Board may establish such committees as it thinks necessary and co-opt persons who are not members of the Board to the committees.
- (2) The Board may -
 - (a) delegate any of its powers to a committee but shall not be divested of any power so delegated and may at any time withdraw the delegation;
 - (b) amend or set aside the decision of a committee.

10. Director

- (1) There shall be a Director who shall be the Chief Executive Officer.
- (2) The Director shall be appointed by the Board, with the approval of the Minister, on such terms and conditions as it thinks fit.
- (3) The Director shall be responsible for the execution of the policy and the control

and management of the day to day business of the Authority, and for the granting of registration and accreditation under this Act.

(4) The Director -

- (a) shall attend every meeting of the Board;
- (b) shall take part in the deliberations of the Board but shall not be entitled to vote on any matter before the Board.

11. Appointment of officers

- (1) The Board may employ, on such terms and conditions as it thinks fit, such officers as may be necessary for the proper discharge of the functions of the Authority.
- (2) Every officer shall be under the administrative control of the Director.

12. Conditions of service of officers

The Board may, with the approval of the Minister, make provision to govern the conditions of service of officers and, in particular to deal with -

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by officers;
- (b) appeals by officers against dismissals or any other disciplinary measures;
- (c) the establishment and maintenance of provident or pension fund schemes, the contribution payable to, and the benefits recoverable from, those schemes.

13. Protection of members and officers

No liability, civil or criminal, shall attach to any member or officer or to the Authority in respect of loss arising from the exercise in good faith by the member, officer or Authority of his or its functions under this Act.

14. Registrar

- (1) The Board shall appoint an officer to be the Registrar of the Authority
- (2) The Registrar shall keep and maintain registers in which shall be entered -
 - (a) the name and address of every registered and accredited training institution;
 - (b) the title of every registered unit standard and qualification;
 - (c) the name of individuals together with the qualifications achieved by the individuals;
 - (d) such other particulars as are necessary.

15. Registration, accreditation and approval

- (1) Every owner or manager of a training institution shall apply in the prescribed manner to the Authority -
 - (a) for registration and accreditation of his training institution;
 - (b) Section 15(1)(b) repealed;
 - (c) for approval or accreditation of every training programme run in his training institution.
- (2) Subject to section 22, no owner or manager of a training institution shall operate a training institution unless it has been registered and accredited under this Act.
- (3) Every person who contravenes subsection (2) shall commit an offence and shall, on conviction, be liable to pay a fine of Rs 25,000 and to imprisonment for a term not exceeding one year.

16. Funds of the Authority

- (1) The Authority shall set up a General Fund -
 - (a) into which all money received from any source by the Authority shall be paid; and
 - (b) out of which all payments required to be made by the Authority shall be effected.
- (2) There shall be paid into the General Fund -
 - (a) all money appropriated by the Assembly for the realisation of the objects of the Authority;
 - (b) dues or fees levied by the Board;
 - (c) donations;
 - (d) contributions or royalties received by the Authority; and
 - (e) interest on investments.

17. Powers of the Minister

The Minister may, in relation to the exercise by the Board of the powers of the Authority under this Act and after consultation with the Board, give such directives of a general character to the Board, not inconsistent with this Act, as he considers necessary in the public interest, and the Board shall comply with those directions.

18. Regulations

- (1) The Board may, with the approval of the Minister, make such regulations as it thinks fit for the purposes of this Act.

- (2) Any regulations made under subsection (1) may provide -
- (a) for the taking of fees and levying of charges;
 - (b) for the procedure for registration, accreditation and approval under this Act;
 - (c) for deregistration and withdrawal of accreditation, or approval, of an institution registered and accredited under this Act;
 - (ca) for non-award courses dispensed by training institutions and employers, the approval and withdrawal of approval of such courses and any other matter relating thereto;
 - (cb) for matters relating to, including procedure for, approval and recognition of micro-credentials in TVET;
 - (cc) for matters relating to, including procedure for, recognition and equivalence of qualifications in TVET;
 - (cd) for the implementation of the National Credit Value and Transfer System in TVET under the National Qualifications Framework;
- (d) that any person who contravenes the regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding Rs 25,000 and to imprisonment for a term not exceeding one year.

19. Donations and exemptions

- (1) Article 910 of the Code Napoleon shall not apply to the Authority.
- (2) Notwithstanding any other enactment, the Authority shall be exempt from the payment of any charge, duty, fee, rate or tax.

20. Legal proceedings and execution of documents

- (1) The Authority shall act, sue and be sued, implead or be impleaded under its corporate name and service of any judicial process shall be effected by or on the Director.
- (2) Every deed, act or document relating to the Authority shall be signed by the Chairman and the Director on behalf of the Board.

21. Consequential amendments

- (1) The Industrial and Vocational Training Act 1988 is amended -
 - (a) in section 2, by deleting the following -
“Registrar” means the Registrar of Technical and Vocational Training Institutions appointed as such under section 10;

“training institution” -

- (b) means a technical and vocational training institution; and
 - (c) includes a training workshop.
- (b) in section 4 (c), by deleting the words “control”;
 - (c) in section 4 (d), by deleting the words ‘assist in and regulate’ and replacing them by the words “and assist in”;
 - (d) by deleting sections 10 and 11.
- (2) The Industrial and Vocational Training Regulations 1990 are revoked.
 - (3) The National Accreditation and Equivalence Council Act is amended -
 - (a) in section 4(a), by deleting the words “through an accreditation mechanism,” “and training” and “available”;
 - (b) in section 5(1), by deleting paragraph (a).
 - (4) Subject to subsections (5) and (6), the Schedule to the Statutory Bodies (Accounts and Audit) Act is amended in Part II by adding the following item -

Mauritius Qualifications Authority
 - (5) For the purpose of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June next following shall be deemed to be the first financial year of the Board.
 - (6) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Board.
 - (7) The auditor to be appointed under section 5 (1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

22. Savings

Every training institution, trainer and training programme registered and accredited, or approved under the Industrial and Vocational Training Act 1988 shall, upon the coming into operation of this Act, be deemed to be registered and accredited, or approved, as the case may be, under this Act.

23. Transitional provision

Notwithstanding section 21 -

- (a) the Industrial and Vocational Training Board shall continue to register,

accredit and approve training institutions, trainers and training programmes;

- (b) the National Accreditation and Equivalence Council shall continue to accredit tertiary educational institutions, for a period of 3 months following the coming into operation of this Act, and such registration, accreditation or approval shall be deemed thereafter to have been made under this Act.

24. 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 eleventh day of December two thousand and one.

ANDRÉ POMPON
Clerk of the National Assembly