

P.N.D.C.L. 255
WEST AFRICAN EXAMINATIONS COUNCIL ACT, 1991

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SCHEDULE

Convention Establishing the West African Examinations Council

P.N.D.C.L. 255

WEST AFRICAN EXAMINATIONS COUNCIL ACT, 1991¹

1. The Act was issued as the West African Examinations Council Law, 1991 made on 2nd May, 1991 and notified in the *Gazette* on 7th June, 1991.

The Preamble reads,

"WHEREAS the West African Examinations Council was continued in existence in Ghana by the West African Examinations Council Act, 1970 (Act 332):

AND WHEREAS a Convention establishing the West African Examinations Council (in this Act referred to as the 'Convention') by which the West African Examinations Council is to be governed was signed in Monrovia, Liberia on the 23rd day of March, 1982:

AND WHEREAS the Republic of Ghana is a signatory to the Convention:

WHEREAS by virtue of article 18 of the Convention it is necessary that the Convention be ratified by Member Countries:

AND WHEREAS Ghana ratified the Convention on the 28th day of December, 1982:

WHEREAS under article 14 of the Convention each Member Country is required to enact laws in accordance with its legislative processes incorporating into its laws the provisions of the Convention:

AND WHEREAS it is necessary to give effect to the Convention by law in order that the provisions thereof shall have the force of law in Ghana:"

*Application of Convention***1. Convention to have the force of law**

The provisions of the Convention as set out in the Schedule to this Act shall have the force of law in Ghana.

2. Giving effect to Convention

The President or a person authorised by the President may take the measures that are required to be taken for the purpose of giving effect to the provisions of the Convention.

*Examinations, Offences and Penalties***3. Illegal possession, knowledge or use of examination papers**

(1) A person who, before or during an examination conducted by the Council, without lawful authority, the proof of which lies on that person

- (a) has in possession an examination paper,
- (b) is found to have had fore-knowledge of the contents of an examination paper, or
- (c) makes use of an examination paper or the contents of an examination paper,

commits an offence and is liable on summary conviction to a fine of not less than twenty-five penalty units and not exceeding five hundred penalty units or to a term of imprisonment of not more than two years or to both the fine and the imprisonment.

(2) Where a candidate before or during an examination is found to have acted or is found acting in breach of a provision of subsection (1),

- (a) the candidate shall be disqualified from taking the examination and the entire results of the candidate in the examination shall be cancelled; and
- (b) the Council may prohibit the candidate from taking an examination conducted by or on behalf of the Council for a period of not less than two years immediately following the breach.

(3) The penalties contained in this section are in addition to the penalties that may be imposed by the High Court or a Regional Tribunal.

4. Leakage of examination papers

Without prejudice to section 3, a person who

- (a) before or during an examination without lawful authority, the proof of which lies on that person, gives an examination paper to any other person,
- (b) without lawful authority, the proof of which lies on that person, discloses the contents of an examination paper to any other person,
- (c) fraudulently alters the results sheet of a candidate,
- (d) fraudulently replaces the original script of a candidate,
- (e) without lawful authority, the proof of which lies on that person, makes a change in the original script of a candidate,

- (f) fraudulently alters the examination number, photograph or any other identification of a candidate, or
- (g) acts in any manner with intent to falsify the records of the Council with regard to an examination or the examination results in relation to a candidate,

commits an offence and is liable on summary conviction to a fine of not less than twenty-five penalty units and not exceeding five hundred penalty units or to a term of imprisonment of not more than two years or to both the fine and the imprisonment.

5. Impersonation

A person, who for the purpose of an examination conducted by or on behalf of the Council

- (a) poses to be some other person or knowingly allows an impersonation, or
- (b) falsely uses a certificate, testimonial, signature, photograph or any other document of any other person to impersonate that other person,

commits an offence and is liable on summary conviction to a fine of not less than twenty-five penalty units and not exceeding five hundred penalty units or to a term of imprisonment of not more than two years or to both the fine and the imprisonment, and shall, in addition to the penalty imposed under this section, be prohibited for a period of three years from taking an examination conducted by or on behalf of the Council.

6. Copying at examination

A candidate who, during an examination

- (a) is found copying from the script of another candidate, or
- (b) without lawful authority, proof of which lies on that person, has in possession in the examination room a textbook or a unauthorised written material, or
- (c) is found without lawful authority the proof of which lies on that person copying from any notes or textbook,

commits an offence and liable on summary conviction to a fine of not less than twenty-five penalty units and not exceeding five hundred penalty units or to a term of imprisonment of not exceeding two years or to both the fine and the imprisonment and shall in addition be disqualified from taking the examination and if any papers have already been taken, at the examination, those papers shall be cancelled by the Council.

7. Assault on invigilators, supervisors, inspectors

A person who, before, during or after an examination conducted by or on behalf of the Council assaults any invigilator, supervisor, inspector or any officer authorised by the Council to perform a function at or connected with the examination commits an offence and is liable on summary conviction to a fine of not less than twenty-five penalty units and not exceeding five hundred penalty units or to a term of imprisonment of not more than two years or to both the fine and the imprisonment.

8. Aiding and abetment of offence

A person who aids, abets, induces, incites or in any other manner facilitates the commission of an offence under this Act commits an offence and liable on summary conviction to the penalty prescribed under that section in relation to the offence.

9. Application of Acts 29 and 30

(1) Except as otherwise provided, the application of the provision of this Act shall be without prejudice to the application of the Criminal Offences Act, 1960 (Act 29) and the Criminal and Other Offences (Procedure) Act, 1960 (Act 30) to an offence relating to fraud, forgery or an offence committed under this Act.

(2) The provisions of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30) relating to trial and penalties for offences committed by young persons shall apply to offences committed under this Act.

10. Result of investigations or trials

Where in any investigation or trial a candidate is found to have had access to an examination paper or to have had foreknowledge of the contents of an examination paper or cheated in any way during an examination, a report shall be made to the Council which shall take the appropriate action, including the cancellation of the examination results and a certificate issued in respect thereof to the candidate.

11. Penalty to schools for examination irregularities

Where more than one-third of the candidates at a school before, during or after an examination are found to have acted contrary to any of the provisions of this Act, the Council, may forthwith prohibit that school from organising, supervising or acting as agent of the Council in conducting an examination of the Council for the period determined by the Council and this shall be in addition to the penalties that may be imposed in accordance with Rules and Regulations of the Council.

12. Regulations

Except as otherwise provided in the Convention, the Minister responsible for Education may, by legislative instrument,

- (a) declare and identify other parties to the Convention to whom the provisions of the Convention shall apply, and
- (b) make the necessary Regulations to give full effect to the provisions of this Act.

13. Interpretation

In this Act, unless the context otherwise requires,

“**candidate**” means any person registered to take any examination conducted by or on behalf of the Council;

“**Convention**” means the Convention establishing the West African Examinations Council signed in Monrovia, Liberia, on the 23rd day of March, 1982;

“Council” means the West African Examinations Council;

“examination” means an examination conducted under this Act by or on behalf of the Council;

“examination paper” includes any question paper, examination instructions or the draft or copy of any examination paper or instructions in respect of an examination which has not been taken;

“function” includes powers and duties.

14. Repeals and savings

*Spent.*²

SCHEDULE

[Section 1]

Convention Establishing the West African Examinations Council

The Governments of the Gambia, Ghana, Liberia, Nigeria and Sierra Leone (hereinafter referred to as the “Member Countries”);

Conscious of the need to establish an international examining body which shall promote mutual understanding and co-operation and assist the harmonisation of procedures and standards of prescribed examination in Member Countries;

Noting that the Governments of the Gambia, Ghana, Nigeria and Sierra Leone had by legislation established such a body on 31st December, 1951 to which Liberia was admitted on 1st April, 1974; and

Recognising the important contribution made thus far by this body;

Have decided that the West African Examinations Council shall be governed by this Convention.

PART ONE

ARTICLE 1

Establishment and Constitution of the Council

1. There is hereby established the institution of the West African Examinations Council, (hereinafter referred to as the “Council”).

2. The section reads,

“(1) The West African Examinations Council Act, 1970 (Act 332) and the West African Examinations Council Act, 1970 (Amendment) Decree, 1976 (S.M.C.D. 36) are hereby repealed.

(2) Notwithstanding the repeal effected by subsection (1), any rule, order or statutory instrument made under the repealed enactments and in force immediately before the commencement of this Act and not inconsistent with this Act, shall until revoked or otherwise modified under this Act, continue in force as if made under this Act.”

ARTICLE I—*continued*

2. Subject to the provisions of this Article, the Council shall be composed of the following members:

- (a) a Chairman;
- (b) two persons appointed by the Government of the Gambia;
- (c) four persons appointed by the Government of Ghana;
- (d) two persons appointed by the Government of Liberia;
- (e) five persons appointed by the Government of Nigeria;
- (f) three persons appointed by the Government of Sierra Leone;
- (g) three persons representing the universities in Ghana to be appointed in a manner prescribed by the Ghana National Committee;
- (h) two persons representing the universities in Liberia to be appointed in a manner prescribed by the Liberia National Committee;
- (i) twelve persons representing the universities in Nigeria to be appointed in a manner prescribed by the Nigeria National Committee;
- (j) two persons representing university institutions in Sierra Leone to be appointed in a manner prescribed by the Sierra Leone National Committee;
- (k) two persons elected by the Gambia National Committee;
- (l) seven persons elected by the Ghana National Committee;
- (m) two persons elected by the Liberia National Committee;
- (n) ten persons elected by the Nigeria National Committee;
- (o) three persons elected by the Sierra Leone National Committee; and
- (p) the Registrar (ex officio, non-voting) who shall also be Secretary to the Council.

3. The Chairman of the Council shall be elected by the Council from among persons nominated by the National Committees in accordance with a rotational principle to be spelt out in the Standing Orders.

4. The Chairman shall preside over meetings of the Council and all international committees of the Council at which he is present. He shall take precedence over all the members of the Council. In an emergency he shall, in consultation with the Registrar, act in the best interest of the Council and such action shall be subject to ratification by the Council.

5. The Council shall appoint from its members a Vice-Chairman who shall act as Chairman during a period of absence or during a period of temporary incapacity from illness or other cause of the Chairman and at other times as the Council may determine to exercise such powers as the Council may delegate to him.

6. Where at any time before the next meeting of the Council the chairmanship of Council becomes vacant in circumstances other than those stated in paragraph 5 of this Article, the Vice-Chairman shall act as Chairman until the next meeting of Council when the Council shall elect a new Chairman.

ARTICLE 2

Tenure of Office

1. The Chairman of the Council shall hold office for a period not exceeding three years from the date of his election.
2. A member appointed under paragraph 2 (b) to (f) of Article 1 of this Convention shall retain his membership of the Council at the pleasure of the Government by whom he has been appointed, and the termination of such membership shall take effect as soon as notice of such termination is received by the Registrar of the Council.
3. A member appointed or elected under paragraph 2 (g) to (o) of Article 1 of this Convention shall retain his membership of the Council for a period not exceeding three years from the date of his appointment or election.
4. Any member of Council other than the Chairman shall, on the termination of his membership, be eligible for reappointment. Provided that where a member of the Council is appointed or elected to the Council or a Committee thereof by virtue of some office or his representation of a particular interest, he shall cease to be a member of the Council upon his ceasing to hold the said office or to represent the said interest.
5. (a) Any member of the Council appointed as the person for the time being holding a particular office shall be entitled to nominate from amongst his immediate subordinates in office, by written notice to the Council, an alternate member to attend any particular meeting or meetings of the Council in his place, and every such alternate member shall have all the powers and authority of the member whom he has replaced until such member notifies the Council that he proposes to resume his attendance at meetings of the Council or until the term of office of such member shall have terminated, whichever is earlier.
(b) If a member of the Council appointed otherwise than in accordance with the preceding subparagraph is incapacitated by illness or other cause from performing the duty of his office, a temporary member may be appointed in the same manner as, and in accordance with the same procedure as applied to the incapacitated member, to fill that office until the member's incapacity shall have ended or until the term of office of the member shall have terminated, which ever is earlier, and every such temporary member shall have during his tenure of office all the powers and authority of the incapacitated member.

ARTICLE 3

Incorporation and Seal of the Council

1. The Council shall continue to be a body corporate having perpetual succession and a Common Seal and may sue and be sued in its corporate name.
2. The Council shall have power to regulate the use of the Common Seal by its members and by the officers of the Council.
3. The Registrar shall have custody of the Common Seal unless otherwise directed by Council.

ARTICLE 4

Duties of the Council

The duties of the Council shall be:

- (a) to review and consider annually the examinations to be held in the Member Countries in the public interest;

- (b) to conduct in consultation with Member Countries, such examinations as the Council may think appropriate under this Convention and to award certificates and diplomas on the results of such examinations;
- (c) with the consent of the Member Countries and Associate Member Countries, to consider the advisability of inviting and if thought fit to invite any other examining body to conduct examinations in the Member Countries and Associate Member Countries; and
 - (i) to award certificates and diplomas on the results of such examinations;
 - (ii) to advise any body so invited on such adaptations of their examinations as the Council may think necessary for the purpose of this Convention; and
 - (iii) to assist anybody so invited in the conducting of such examinations in the territories of the Member Countries; so however that no examination of equal status conducted pursuant to this Convention shall be conducted within the territories of the Member Countries by any such body;
- (d) if invited by the Government of any Member Country to conduct any other examinations considered by that Government to be in the public interest to conduct such examinations after due consultation;
- (e) to receive from the committees of the Council established under Articles 5 and 7 of this Convention reports and recommendations on any matters relevant for the purposes of this Convention and to consider such reports and recommendations; and
- (f) subject to the provisions of this Convention, to appoint and determine the salaries and terms of appointment of the Registrar, and of such other employees as the Council may deem fit to employ.

ARTICLE 5

Powers of the Council

1. The Council may:

- (a) enter into contracts and do all things necessary for or incidental to the implementation of this Convention;
- (b) acquire and hold movable or immovable property and sell, mortgage, lease or otherwise deal with such property;
- (c) borrow at interest, or on the security of any corporate land or funds of the Council, such moneys necessary or expedient for the implementation of the provisions of this Convention;
- (d) from time to time invest the funds of the Council in such manner and to such an extent as the Council may determine;
- (e) receive in such terms as it may decide gifts whether in cash or in kind.

2. The Council shall appoint from its members an Administrative and Finance Committee to which it may delegate power to act in between meetings of the Council on any matter within the Council's competence.

3. (a) The Council may appoint from its members such other Committees as it shall think fit, and shall specify the duties and powers of any Committee so appointed under the provisions of this paragraph.

(b) The Council may, from time to time, appoint other Committees with such composition as may be deemed desirable for the purpose, to consider and report on matters the Council may assign to them. Any Committee so appointed shall be presided over by such person as the Council may decide.

ARTICLE 5—*continued*

4. The Council may at any time invite any person or body to assist in the deliberations of the Council but no such person or body shall be entitled to vote on any question for decision by the Council.

ARTICLE 6

Procedure of Council

1. (a) The Council shall ordinarily meet for the despatch of business at such times and places as it may from time to time decide and at least one meeting shall be held in every year;

(b) The Chairman may, and shall on the request in writing of at least six members of the Council drawn from not less than three Member Countries and not more than three of whom come from any one Member Country, call a special meeting of Council at such time and place as he may appoint;

(c) No meeting shall be convened at less than fourteen days' notice;

(d) At every meeting of the Council the Chairman, if present, shall preside, and in his absence the Vice-Chairman shall preside, and in the absence of both the Chairman and the Vice-Chairman, the Council shall elect one of its members present to preside;

(e) Every matter that comes before the Council shall be decided by a majority of the votes of the members present;

(f) Twenty members including at least two from each of the Member Countries shall form a quorum at any meeting;

(g) The person presiding at any meeting shall have a vote and in the case of any equal division of votes on a matter, a second or casting vote shall be taken.

2. The minutes of the proceeding of every meeting of the Council shall be entered in a book to be kept for that purpose and minutes of proceedings shall after approval at the next meeting be signed by the Chairman.

3. The Council may from time to time make Standing Orders not inconsistent with the provisions of the Convention with regard to notice to convene meetings of the Council and to regulate the proceedings of such meetings.

PART TWO

ARTICLE 7

Establishment and Constitution of National Committee

1. (a) A National Committee shall be established by the Council in each of the Member Countries and in any other country in West Africa that may accede to this Convention in accordance with Article 18 paragraph 2 of this Convention;

(b) Each National Committee established under this Article shall be composed of such persons or holders of such offices as the Council may determine;

(c) Each National Committee shall elect one of its members to be the Chairman thereof;

(d) Each member of a National Committee shall hold office for a period of four years from the date of his appointment and shall be eligible for re-election;

(e) The National Committee shall be the highest Committee of the Council in each Member Country.

ARTICLE 8

Duties of National Committees

1. It shall be the duty of every National Committee:
 - (a) to advise the Council on any matter that may be referred to it by the Council;
 - (b) to elect such number of members to the Council as the Council may determine;
 - (c) to carry out such functions as the Council may from time to time assign to it.
2. A National Committee may at any time make a report or recommendations to the Council on any matter relevant to the provisions of this Convention.
3. A National Committee may from time to time appoint such Committees with such composition as it shall think fit to carry out such duties that may be assigned to it.

PART THREE

ARTICLE 9

Associate Membership

1. (a) The Council shall have power to admit as an Associate Member any West African Country other than the Member Countries which wishes to be associated with the work of the Council;
- (b) The power to admit an Associate Member shall be exercised by a resolution of the Council passed by a simple majority of the members present and voting at an annual meeting of the Council but only after application for admission has been received from the country concerned and in such manner as the Council may decide.

ARTICLE 10

Powers and Privileges of Associate Member Countries

1. Every Associate Member Country shall have the right to appoint as many members as the Council may by resolutions passed at a general meeting determine to attend any of the following meetings:
 - (a) annual general meetings of the Council; and
 - (b) meetings of any of the following bodies:
 - (i) all International Committees except the International Appointments Committee;
 - (ii) all working parties engaged on revision of any examination syllabus;
 - (iii) unless the Registrar directs otherwise, all National Committees, except the National Appointments Committee.
2. An Associate Member Country shall be served with copies of the minutes and all other relevant documents of any meeting which it is entitled to attend under paragraph 1 of this Article; but the members of an Associate Member Country shall not be entitled to vote at such a meeting or count towards a quorum.
3. Every Associate Member country shall bear the full cost of sending its delegates to meetings of the Council or any of its Committees.
4. The privileges of an Associate Member Country shall include:
 - (a) the use at cost of the test development research and data processing facilities of the Council in such manner as the Registrar shall direct; and
 - (b) any other facilities as the Council may decide.

ARTICLE 11

Termination of Statutes of Associate Membership

1. Any right or privilege conferred upon an Associate Member Country by virtue of its association with the Council under this Convention shall cease:

- (a) upon six months written notice being served on the Council by the Associate Member Country that it no longer wishes to be associated with the Council; or
- (b) upon six months written notice being served on the Associate Member Country by the Council that its association with the Council has been terminated so however that the Council shall not serve notice unless it is satisfied that the Associate Member Country is no longer ready or able to discharge the obligations of an Associate Member under this Convention or that its continued association with the Council shall not be in the best interest of Council.

2. During the period of six months referred to in the preceding paragraph such an Associate Member Country shall nevertheless observe the provisions of this Convention and shall remain liable for the discharge of its obligations thereunder.

PART FOUR

ARTICLE 12

Finance

1. Each Member Country shall make an annual contribution to the funds of the Council at a rate to be determined by the Council. The funds of the Council shall also include:

- (a) all moneys raised for the general purpose of the Council;
- (b) all moneys accruing to the Council either by way of grants in aid, endowment, donation or otherwise;
- (c) all charges, dues or fees received by the Council;
- (d) all interest on moneys invested by the Council.

2. All sums of money received on account of the Council may be paid into such banks as may be approved by the Council for the credit of the Council's general current or deposit account.

3. The funds of the Council shall be applied by the Council to the accomplishment of the aims and purposes of the Council as set out in this Convention.

4. The Council shall maintain accounts, including accounts for the lodgement and transfer of convertible currency in each Member Country to facilitate the efficient discharge of the duties of the Headquarters in the Member Countries.

5. All accounts maintained in the Member Countries by the Headquarters shall be controlled by the Registrar.

6. The Council shall keep proper records of accounts and shall cause to be prepared not later than six months from the end of the preceding financial year a statement of accounts relating to the preceding financial year.

7. The accounts of the Council shall be audited by the External Auditors and as soon as the accounts of the Council have been audited, the Council shall cause the Statement of Accounts together with the external auditors report thereon to be published in such manner as it thinks fit.

ARTICLE 13

External Auditors

1. For the purpose of the preceding Article, the Council shall have power to appoint annually its External Auditors.
2. The Council shall have the power to make regulations governing the terms and conditions of service of the External Auditors.

PART FIVE

ARTICLE 14

Incorporation into Local Laws

1. The Member Countries and Associate Member Countries of the Council undertake, so soon after the coming into force of this Convention and admission as Associate Member Countries, to enact laws, in accordance with their legislative processes incorporating into their respective laws the provisions of this Convention.
2. Such laws incorporated in accordance with the preceding paragraph of this Article shall, without prejudice to existing laws such as those dealing with forgery, fraud and kindred offences, include offences against malpractices in examinations and relating to awards of certificates and diplomas for examinations conducted by the Council under this Convention.
3. Such laws with amendments whenever made shall be deposited with the Registrar of the Council who shall normally circulate same to the Member Countries and Associate Member Countries.

PART SIX

ARTICLE 15

The Secretariat

1. The Secretariat shall be composed of the Registrar, who shall be Chief Executive of the Council and the Head of the Secretariat, and such other staff as the Council may appoint to assist the Registrar.
2. The Headquarters of the Council shall be situated in Accra, Ghana.
3. The Council shall have offices in each of the Member Countries.
4. The Secretariat shall maintain such records as may be necessary for efficient discharge of the functions of the Council and shall prepare, collect and circulate the documents and information that may be required for the work of the Council.
5. The Registrar shall prepare and submit to the Council the financial statements for each year and the budget estimates.
6. The Registrar shall keep Member Countries and Associate Member Countries of the Council informed with respect to the activities of the Council.
7. In the performance of their duties, the Registrar and his other staff of the Council shall not be subject to any Authority other than the Council.
8. The Registrar shall perform such other duties as may be assigned to him by this Convention and the Council.

ARTICLE 16

Status, Privileges and Immunities

1. The Council shall enjoy legal personality as an international organisation within the territorial limits of the Member Countries and Associate Member Countries.

ARTICLE 16—*continued*

2. The Council shall have in each Member Country and Associate Member Country of the Council:

- (a) the legal capacity required for the performance of its functions under this Convention; and
- (b) the power to acquire or dispose of movable or immovable property.

3. The Council, in exercise of its legal personality under this Article, shall be represented by the Registrar, or any of his staff as he may appoint in writing.

4. The Chairman, members of Council, Registrar and members of his staff shall severally or collectively be accorded diplomatic privileges or status in accordance with the rules, regulations and policies governing diplomatic immunities within the territories of the Member Countries and Associate Member Countries.

PART SEVEN

ARTICLE 17

Settlement of Dispute

Any dispute among Member Countries and Associate Member Countries concerning the interpretation or application of this Convention which cannot be resolved by the Council shall be referred to the Commission of Mediation, Conciliation and Arbitration of the Organisation of African Unity for determination.

PART EIGHT

Final Provisions

ARTICLE 18

Entry into Force

1. This Convention shall enter into force upon the deposit of instruments of ratification by the Member Countries with the Government of Ghana who shall formally inform the Member Countries of such deposit.

2. Any Country in West Africa may accede to this Convention on such terms and conditions as the Council may determine. The Instrument of Accession shall be deposited with the Government of Ghana which shall notify all Member Countries and Associate Member Countries. This Convention shall come into force in relation to an acceding country on such date as its Instrument of accession is deposited.

ARTICLE 19

Amendments

1. A Member Country may submit proposals for the amendment of this Convention.

2. Any such proposals shall be submitted to the Registrar who shall communicate same to other Member Countries not later than thirty days of the receipt of such proposals. No such proposals shall be considered by the Council unless each Member Country has been given one month's notice thereof.

3. Approval of an amendment to this Convention shall be determined in conformity with the procedure laid down in Article 6 paragraph 1 (e) and shall there upon enter into force.

ARTICLE 20

Withdrawal

1. Any Member Country wishing to withdraw from the Council shall give to the Registrar one year's written notice of its intention to withdraw, and at the end of that if such notice is not withdrawn, cease to be a Member of the Council.

2. During the period of one year referred to in the preceding paragraph of this Article, the Member Country shall nevertheless observe the provisions of the Convention and shall remain liable for the discharge of its obligation under the Convention.

ARTICLE 21

Depositary of the Convention

1. This present Convention and all instruments of ratifications shall be deposited with the Government of Ghana, who shall transmit certified true copies of this Convention and all instruments of ratification to all the Member Countries and Associate Member Countries and shall register this Convention with the Organisation of African Unity, the United Nations Organisation, and such other organisations as the Council may determine.

PART NINE

Miscellaneous

ARTICLE 22

Acquisition of Land

1. Where there is any hindrance to the acquisition of any land in a Member Country required for carrying into effect any of the provisions of this Convention, the Government of the Member Country may upon the application of the Council and after such enquiry as it may think fit, declare that the land is required for the service of the Council and upon such declaration such land shall, for the purposes of the appropriate law relating to the acquisition of land in the Member Country be deemed to be land required in the public interest; and the Government of the Member Country may direct that proceedings be taken under the provisions of the said law of the Member Country for acquiring the land and for determining the compensation to be paid to the party or parties having any interest in the land.

2. When any land has been acquired under the provisions of the said law of the Member Country consequent upon a direction given under paragraph (1) of this Article the Government of the Member Country may vest such land in the Council by means of a certificate under the hand and seal of the person to be authorised by the Government of the Member Country to the effect that the land has been transferred to the Council.

3. The compensation, if any, for such acquisition shall in the first instance be paid by the Government of the Member Country but the Council may be required to refund to such Government any compensation so paid and all expenses incidental to the acquisition incurred by such Government.

ARTICLE 23

Pensionable Office

The provisions of the Pensions Law of a Member Country shall, without prejudice to other provisions of this Convention, apply or continue to apply to employees of the Council confirmed in office in the same manner and to the same extent as the said provisions would apply to such employees if they were serving in a civil capacity in a pensionable office in the Member Country under the Government of that Member Country.

ARTICLE 24—*continued*

Power to Regulate Certain Matters

The Council may prescribe the fees chargeable to entrants to, and regulate the conduct of, any examinations conducted under the provisions of subsection (b) of Article 4 of this Convention, including but without prejudice to, the generality of the foregoing:

- (a) the persons or categories of persons who may enter for such examinations; and
- (b) the conduct of entrants during such examinations.

ARTICLE 25

Discipline

1. Every employee of the Council who is in receipt of an annual salary not less than a fixed sum as the Council may from time to time determine or if his appointment contains provisions for increase in salary who may receive a maximum annual salary thereunder exceeding a fixed sum as the Council may from time to time determine shall be subject to the authority of the Council.

Provided:

- (a) that the Council may before the dismissal of any employee under the provisions of this section institute any enquiry it shall deem fit; and
- (b) further than any employee to whom the provisions of this section relate and who shall have been dismissed by any of the Committees of the Council to which power of dismissal shall have been delegated in accordance with paragraph 2 and paragraph 3 (a) of Article 5 of this Convention shall have the right to appeal to the Council.

2. Every employee of the Council who is in receipt of an annual salary of less than a fixed sum as the Council may from time to time determine or if his appointment contains provisions for increase in salary who is on terms of maximum annual salary thereunder not exceeding a fixed sum as the Council may from time to time determine is paid otherwise than in terms of an annual salary shall be subject to the authority of the Registrar to the Council and for the purpose of discipline, including dismissal, acting on the Terms and Conditions of Service of employees, to such directions as the Registrar to the Council may either generally or specifically issue. Provided that no pensionable member of the staff shall be dismissed without the approval of the Council.

ARTICLE 26

Interpretation

In this Convention, unless the context otherwise requires,

“**Council**” means the West African Examinations Council;

“**National Committee**” means a committee established under Article 7 of this Convention;

“**West Africa**” means the Gambia, Ghana, Liberia, Nigeria and Sierra Leone; and any other country by which this Convention may be adopted collectively.

ARTICLE 27

Repeal of Existing Enactments

On the coming into force of this Convention, Member Countries shall take appropriate legislative measures to repeal any of the following enactments as is applicable in the Member Country:

- (a) The West African Examinations Council Act, 1970 (Ghana);
- (b) the West African Examinations Council Act, 1972 (the Gambia);
- (c) the West African Examinations Council Act, 1972 (Sierra Leone); and
- (d) the West African Examinations Council Decree, 1973 (Nigeria).

PART TEN

ARTICLE 28

*Transitional Provisions**Succession to Property, Rights, Liabilities and Obligations*

Without prejudice to paragraph (1) of Article 1 of this Convention, any property, right, privilege, liability or obligation which immediately before the coming into force of this Convention was vested in, exercisable or enforceable by or against the former West African Examinations Council established under the enactments referred to in Article 27 and in existence immediately before the coming into force of this Convention shall on the date on which this Convention comes into force and without further assurance than the provisions thereof, be vested in or become exercisable or enforceable by or against the West African Examinations Council now established by this Convention which shall for the purpose of this Article be deemed to be successor to the said former West African Examinations Council.

IN FAITH WHEREOF WE THE REPRESENTATIVES OF STATES AND GOVERNMENTS OF THE GAMBIA, GHANA, LIBERIA, NIGERIA AND SIERRA LEONE IN WEST AFRICA HAVE SIGNED THIS CONVENTION.

DONE AT MONROVIA, LIBERIA ON THIS 23RD DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND EIGHTY TWO in a single copy in the English Language.

For the Republic of the Gambia	(Sgd)
For the Republic of Ghana	(Sgd)
For the Republic of Liberia	(Sgd)
For the Federal Republic of Nigeria	(Sgd)
For the Republic of Sierra Leone	(Sgd)
