

**STATUTORY INSTRUMENTS SUPPLEMENT**  
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**S T A T U T O R Y   I N S T R U M E N T S**

**2009 No. 9.**

**THE BUSINESS, TECHNICAL, VOCATIONAL EDUCATION AND  
TRAINING (ESTABLISHMENT OF THE UGANDA BUSINESS AND  
TECHNICAL EXAMINATIONS BOARD (UBTEB)) REGULATIONS, 2009**

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# STATUTORY INSTRUMENTS

2009 No. 9.

## **The Business, Technical, Vocational Education and Training (Establishment of the Uganda Business and Technical Examinations Board (UBTEB)) Regulations, 2009**

IN EXERCISE of the powers conferred upon the Minister responsible for education by sections 26 and 29 of the Business, Technical, Vocational Education and Training Act, 2008, Act No.12 of 2008, these Regulations are made this 27th day of February, 2009.

### **1. Title.**

These Regulations may be cited as the Business, Technical, Vocational Education and Training (Establishment of the Uganda Business and Technical Examinations Board Regulations, 2009.

### **2. Interpretation.**

In these Regulations, unless the context otherwise requires—

“Board” means the Uganda Business and Technical Examinations Board established by paragraph 3;

“candidate” means a person enrolled by the Board for the purpose of sitting for any of the Board’s examinations;

“certificate” means a document awarded by the Board which is duly signed by the authorised officers showing the results obtained by a particular candidate in a particular vocational level business and technical examination sat by him or her;

“committee” means a committee of the Board;

“constituencies” means bodies or group of stakeholders related to the functioning of allied health training institutions;

“Currency point” means UGShs. 20,000;

“diploma” means a document awarded by the Board which is duly signed by the authorised officers showing the results obtained by a particular candidate in a particular technical level business and technical examination sat by him or her;

“examination material” means question papers and any other material which are to be used for the purposes of a public examination and are identified as such;

“Minister” means the Minister responsible for education;

“Regulations” means rules or directive made and maintained by an authority;

“retirement” means appointment not renewed.

### **3. Establishment of the Board**

There is established a Board to be known as the Uganda Business and Technical Examinations Board (UBTEB).

### **4. Object of the Board**

The object of the Board is to streamline, regulate and coordinate examinations and awards in the business and technical profession in Uganda.

### **5. Composition of the Board**

(1) The Board shall consist of fifteen members drawn from the constituencies and professionals representing disciplines as follows—

- |   |   |   |
|---|---|---|
| (a) representative of public Universities;                  | - | 1 |
| (b) representative of private universities;                 | - | 1 |
| (c) representative of principals of training institutions;  | - | 1 |
| (d) representative of employers;                            | - | 1 |
| (e) representative of the public service commission         | - | 1 |
| (f) Ministry of agriculture, animal industry and fisheries; | - | 1 |
| (g) Ministry of education and sports;                       | - | 1 |
| (h) Ministry of water and environment;                      | - | 1 |
| (i) Ministry of lands, housing and urban development;       | - | 1 |

(j) Uganda National Examinations Board (UNEB);	-	1
(k) National Curriculum Development Centre;	-	1
(l) Ministry of tourism, trade and industry;	-	1
(m) Ministry of information and communications technology;	-	1
(n) Ministry of energy;	-	1
(o) Directorate of industrial training.	-	1

(2) Members of the Board shall be appointed by the Minister in consultation with the ministry or body represented by the respective office bearer.

(3) The chairperson of the Board shall be appointed by the Minister from among the members of the Board.

(4) The Board shall have powers to co-opt any reasonable number of persons to enable it effectively and efficiently discharge its mandate.

## **6. Tenure of office of the Board**

(1) Members of the Board shall hold office for three years and are eligible for re-appointment for one more time.

(2) Of the first members appointed seven members shall hold office for two years and are eligible for re-appointment for one more term for a full term.

## **7. Termination of membership of the Board**

(1) The Minister may at any time remove a person from membership of the Board if he or she is satisfied that the member—

- (a) is incapacitated by physical or mental illness;
- (b) is guilty of gross misconduct or misbehaviour;
- (c) has been absent without approval of the Board for more than three consecutive meetings of the Board; or
- (d) has been convicted of an offence involving fraud, dishonesty or moral turpitude.

(2) A member of the Board may resign his or her office by writing to the Minister through the Chairperson of the Board.

## **8. Filling vacancies on the Board**

(1) Where a vacancy occurs among members of the Board whether by resignation, removal, death or otherwise, the vacancy shall be filled in the same manner in which the predecessor was appointed to the vacant office.

(2) A person appointed to fill a vacant office shall only hold office for the unexpired term of office of his or her predecessor and shall, at the expiry of that term be eligible for election or re-appointment as the case may be subject to these Regulations.

## **9. Functions of the Board**

(1) The functions of the Board shall be to—

- (a) conduct business and technical examinations for specialised training institutions in Uganda;
- (b) accredit theory and practical examination centers used for the conduct of the examinations;
- (c) make rules regulating the conduct of the examinations;
- (d) establish and oversee practical and theoretical questions' banks;
- (e) publish past examination papers;
- (f) establish and maintain a database of examination results in safe custody;
- (g) collaborate with other bodies relevant to its functions;
- (h) provide feedback to training institutions on examinations; and
- (i) award diplomas to successful candidates in such examinations.

(2) The Board shall present the examination results to the Minister for official release to the public.

(3) The Board may, with the prior approval of the Minister, delay,

nullify, or withhold the examination results for a reasonable cause.

#### **10. Powers of the Board**

The Board may for the purpose of its functions, do all such things and act in all ways necessary for, or incidental to, the object for which it is established, and without prejudice to the general effect of the foregoing, may in particular—

- (a) acquire, hold, charge, alienate and dispose of property both moveable and immovable;
- (b) carry out any improvement upon land or other property held by it;
- (c) derive capital or income from property held by it;
- (d) invest any money not immediately required in any investment or project approved by the Minister;
- (e) enter into agreements with any person or body;
- (f) raise or borrow money in such manner and upon such security as it may from time to time determine;
- (g) delegate any of its powers and functions, other than the approval of estimates or any powers required under these Regulations to be exercised by resolution of the Board, to any member, officer or committee of the Board as it may deem necessary.

#### **11. Meetings of the Board**

(1) The Board shall meet at least once in a year and whenever necessary for discharge of its functions.

(2) The chairperson shall preside over all meetings of the Board and in absence of the chairperson members present shall elect one of their members to preside.

(3) The quorum of the meeting shall be at least two thirds of the members excluding the chairperson.

(4) A vacancy in the Board shall not affect the proceedings of the

Board in which quorum is realized or any decision made in that proceeding.

(5) Subject to the provisions of this regulation 10, the Board shall regulate its own proceedings.

## **12. Secretariat of the Board**

(1) The Board shall be housed at an appropriate location determined by the Ministry responsible for education.

(2) The Board shall have a secretariat consisting of—

(a) Executive Secretary;

(b) Deputy Secretary;

(c) Principal Examination Officer (4);

(d) Senior Examination Officer (4);

(e) Examination Officer (4);

(f) Principal Administrative Officer;

(g) Senior Administrative Officer (2);

(h) Principal Accountant;

(i) Records Officer;

(j) Secretary;

(k) Clerks (4);

(l) Stenographer Secretary;

(m) Office Attendant;

(n) Receptionist;

(o) Driver; and

(p) such other persons as the Board may, on the recommendation of the Executive Secretary, appoint.

(4) The Executive Secretary, the Deputy Secretary, relevant business and technical fields and shall be persons who possess—

(a) at least a masters degree in a relevant business and technical



- field;
- (b) experience in managing the National Examinations;
- (c) experience in setting, moderating and marking of the written and practical examinations;
- (d) experience of at least ten years in managing an educational institution.

(5) The Executive Secretary may recommend to the Board for appointment such other staff as may be necessary for the proper and efficient discharge of its functions.

### **13. Functions of the Executive Secretary**

The Executive Secretary shall—

- (a) be the Chief Executive of the Board and shall in the performance of his or her duties be responsible to the Board;
- (b) be the Secretary to the Board, responsible for recording all the proceedings of the meetings of the Board and its committees and shall keep custody of all records and documents of the Board;
- (c) be head of the Board's Secretariat, responsible for the management of funds, property and overall administration and organization of its business;
- (d) develop and recommend the rules and regulations on the conduct of the examinations;
- (e) make arrangements for preparation and conduct the business and technical examinations;
- (f) prepare the examination results in a timely manner and present the results to the Board;
- (g) keep sequential record of examinations and its processes;
- (h) keep database of examinations and results;
- (i) prepare timely feedback on examinations to institutions;

- (j) prepare for Board members local and international meetings;
- (k) ensure that local and international research is carried out;
- (l) keep the sealed certificates, diplomas, pass slips and academic transcripts before dispatch to the owners in safe custody;
- (m) update the tutors on the current examination policies and technique;
- (n) exercise the powers of the Board when the Board is not sitting subject to the final approval of the Board;
- (o) carry out all such other things as are necessary to achieve the objectives of the Board.

#### **14. Committees of the Board**

The Board shall have the following committees—

- (a) Finance and Administration Committee;
- (b) Appointments and Disciplinary Committee;
- (c) Business Education Examination Committee;
- (d) Biological Sciences Examinations Committee;
- (e) Physical Sciences Examinations Committee;
- (f) Examinations Research Committee;
- (g) Examinations Security Committee; and
- (h) such other committees as the Board may from time to time consider necessary to appoint.

#### **15. Functions of the committees of the Board**

(1) The Finance and Administration Committee shall consider and recommend to the Board—

- (a) the conditions of service of officers and other employees of the Board, including setters, examiners, and moderators;

- (b) the fees to be charged from candidates taking examinations of the Board;
- (c) to consider and recommend ways and methods of raising funds for the Board; and
- (d) all other matters involving estimates of income and expenditure accounts of the Board.

(2) An Examination Committee shall—

- (a) ensure the security of examination papers and scripts;
- (b) consider and approve the nature of examinations to be set;
- (c) approve arrangements for the conduct of examinations provided by the Board;
- (d) approve setters, moderators, invigilators, supervisors, chief examiners, and examiners;
- (e) ensure the maintenance of standards appropriate to the subjects taken and to the candidates taking examinations;
- (f) consider and recommend reports on past examinations for consideration by the Board.

(3) The Examination Research Committee shall—

- (a) consider and approve research proposals submitted by the Secretariat;
- (b) consider and approve research reports for dissemination;
- (c) advise the various examination committees on the findings of the research carried out by the Secretariat;
- (d) review examination results statistics with a view to improving examination techniques; and
- (e) consider such other matters as may be referred to it by the Board.

## **16. Composition and meetings of committees**

- (1) The Finance and Administration Committee shall consist of—
- (a) Chairperson of the Board, who shall be the Chairperson of the Committee;
  - (b) a representative of the Ministry responsible for education, who is a member of the Board;
  - (c) a representative of the employer, who is a member of the Board;
  - (d) the Director of the Directorate of industrial training who is a member of the Board;
  - (e) two representatives of the universities, who are members of the Board;
  - (f) a representative of the principals of the training institutions, who is a member of the Board;
  - (g) a Chairperson of any of the Examinations Committees on a rotational basis.

(2) The Finance and Administration Committee may call upon any number of persons to act as advisors or help it in any way in the discharge of its functions.

(3) The Business Education Examinations Committee shall consist of—

- (a) a principal of a college of commerce, who shall be the chairperson;
- (b) a representative of the Ministry responsible for education, who is a member of the Board;
- (c) the Director, Directorate of industrial training, who is a member of the Board;
- (d) the Director, National Curriculum Development Centre;
- (e) a representative of the Public Service Commission, who is a member of the Board;

- (f) a representative of the universities, who is a member of the Board;
- (g) a representative of principals of training institutions, who is a member of the Board;
- (h) a member of the Board representing the Ministry of tourism, trade and industry.

(4) The Biological Sciences Examinations Committee shall consist of—

- (a) a Principal of a College or Institute offering courses in the Biological Sciences;
- (b) a representative of the Ministry responsible for education, who is a member of the Board;
- (c) the Director of the Directorate of industrial training, who is a member of the Board;
- (d) the Director, National Curriculum Development Centre, who is a member of the Board;
- (e) the member of the Board from Public Service Commission;
- (f) a representative of the universities, who is a member of the Board;
- (g) a representative of Principals of training institutions. who is a member of the Board;
- (h) two members of the Board representing the relevant Ministries.

(5) The Physical Sciences Examinations Committee shall consist of—

- (a) a Principal of a College or Institute offering courses in the Physical Sciences;
- (b) a representative of the Ministry responsible for education, who is a member of the Board;

- (c) the Director of the Directorate of industrial training, who is a member of the Board;
  - (d) the Director, National Curriculum Development Centre, who is a member of the Board;
  - (e) a representative of the Education Service Commission;
  - (f) one representative of the universities who is a member of the Board;
  - (g) one representative of Principals of training institutions who is a member of the Board;
  - (h) two members of the Board representing the relevant Ministries.
- (7) The Examination Research Committee shall consist of—
- (a) a Chairperson appointed by the Board;
  - (b) a representative of the universities who is a member of the Board;
  - (c) the Director of National Curriculum Development Center, who is a member of the Board;
  - (d) the Director of the Directorate of industrial training, who is a member of the Board;
  - (e) a representative of the Principals, who is a member of the Board;
  - (f) two other members elected by the Board from among themselves.
- (8) The quorum for any meeting of the committee shall be five members.
- (9) The Chairperson, members of the Board, and any other person attending any meeting of the Board or committee thereof shall be paid such remuneration or allowances as the Minister, in consultation with the Minister responsible for Finance, may determine.

## **17. Financing the Board**

(1) The funds of the Board shall consist of—

- (a) grant from the Government;
- (b) money that may become payable to the Board in the discharge of its functions;
- (c) money that may be raised by the Board.

(2) All funds received by the Board shall be deposited to the credit of the Board in a bank approved by the Board.

(3) The Board shall keep books of accounts and proper records.

(4) The accounts of the Board shall be subjected to annual audit by the Auditor General.

(5) The Board shall give a report on its work and progress for the previous year to the Appointing Authority at the beginning of each financial year.

(6) The Board shall submit to the Minister in reasonable time, for approval, estimates of the income and expenditure of the Board of the next financial year.

## **18. Award of certificates and diplomas**

(1) The Board shall award Certificates and Diplomas to successful candidates.

(2) The Certificates and Diplomas awarded shall be in a form approved by the Board and shall bear the signatures of the Chairperson and Executive Secretary of the Board.

(3) The Board shall forward the list of successful candidates to relevant professional councils for registration, where necessary.

## **19. Settlement of disputes**

(1) A candidate who is aggrieved by the decision of the Board on examination conduct or results may appeal to the Board for reconsideration;

(2) An appeal made by any candidate shall be by petition stating the facts and grounds of appeal.

(3) The Board may confirm, modify or reverse its decision.

(4) The decision of the Board is final.

## **20. Alteration or cancellation of examinations**

(1) The Board may determine that it is necessary to change the date, time, or conditions of the administration of the examination or cancel the administration of the examination to protect the safety of the candidates or the integrity of the Board.

(2) Alterations or cancellation may also be made if the examination is hindered by any cause that could not be reasonably prevented by the Board, including natural disasters such as fire, flood, earthquake, storm, outbreak of disease, or by acts of military insecurity, political or government authority.

(3) If any such event occurs, candidates shall be notified as soon as possible.

## **21. Penalties for examination offences**

(1) Any person who—

(a) knowingly or negligently reveals the contents of any examinations material to unauthorized person, whether a candidate or not;

(b) with intent to fail or pass a candidate, alters the work, data, or information or scores of a candidate;

(c) willfully and maliciously damages examination material;

(d) with intent to impersonate, presents or attempts to present himself in the place of an enrolled candidate;

(e) with intent to gain employment or admission, presents a forged certificate or diploma purported to have been issued by the Board;

(f) sells, buys, borrows, lends or steals certificates or diplomas issued by the Board with intent to impersonate;



(g) withholds any information which is prejudicial or likely to be prejudicial to the proper functioning of the Board;

commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or to a term of imprisonment not exceeding two years or both such fine and imprisonment.

(2) The Board may suspend/withdraw an examination centre that fails to maintain the requirements, regulations and ethical standards of an accredited examination centre.

## **22. Miscellaneous provisions**

With the approval of the Minister, the Board may make regulations for the conduct of the Business and Technical Examinations Board including—

- (a) regulating assessment of courses and students;
- (b) code of conduct and ethical standards for staff;
- (c) fees to be paid by the candidates;
- (d) prescribing the procedure for registration of candidates;
- (e) prescribing procedure for appointment of setters, moderators and examiners;
- (f) the books of accounts to be kept;
- (g) the payment of terminal benefits for staff;
- (h) any other which the Board may deem necessary for the proper running of the examinations.

## **23. Savings and transitions**

(1) Any certificates or diplomas issued by the training institutions or any other recognized body prior to the commencement of the BTVET Act and these Regulations shall be deemed to have been made, done or issued under the provisions under the Act and Regulations and shall be valid and binding on the Board.

(2) Staff in the Business and Technical department of UNEB who qualify shall be considered for absorption into the UBTEB.