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L.N. 324 of 2012

PUBLIC ADMINISTRATION ACT (CAP. 497) National Agency for Examinations (Establishment) Order, 2012

IN exercise of the powers conferred by article 36(1) of the Public Administration Act, the Prime Minister has made the following Order:-

Citation.

1. The title of this Order is the National Agency for Examinations (Establishment) Order, 2012.

Interpretation.

2. In this Order, unless the context otherwise requires -

"Agency" means the National Agency for Examinations;

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"Act" means the Public Administration Act;

"Chief Executive Officer" means the Registrar of Examinations

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in terms of article 125 of the Education Act;

"Minister" means the Minister responsible for education;

"provider" shall have the meaning assigned to it in article 63 of

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the Education Act;

"Permanent Secretary" means the Permanent Secretary responsible for education.

Establishment of the Agency, functions and responsibilities.

3. (1) There shall be an Agency, to be known as the National Agency for Examinations, which shall carry out functions related to the provision of examinations in Malta.

(2) The Agency shall assume the functions previously vested in the Department of Examinations and shall have the functions vested in the Registrar of Examinations as provided in article 125 of

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the Education Act. It shall have such Registrar of Examinations as its Chief Executive Officer.

(3) In the execution of its functions, the Agency shall have the following responsibilities:

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(a) in accordance with article 125 of the Education Act, the provision and administration of examinations that are within its responsibility and that are delegated to it in by means of agreements reached with local or foreign providers or foreign examination bodies;

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(b) where applicable, the issuing of results and awards to examination candidates;

(c) the adoption of agreements with local and overseas providers and with foreign examination bodies, which agreements are to establish and regulate the examination services required by them from the Agency;

(d) the establishment and maintenance of contacts and working relations with local and foreign strategic partners and stakeholders, including providers, and examination and assessment bodies, for the furtherance of the Agency's aims;

(e) the establishment of such committees as may be required in the execution of its functions;

(f) the establishment and implementation of quality control and quality assurance policies in relation to its functions and responsibilities;

(g) the establishment, ongoing development and monitoring of policies in relation to its functions and responsibilities;

(h) the undertaking of research as may be required for the furtherance of the Agency's aims; and

(i) the general regulation of its own procedures, provided it does not violate the provisions of the Education Act, of the Act and of this Order. Cap. 327.

Deployment of public officers and responsibilities.

4. (1) Public officers deployed with the Agency shall be deemed to be detailed with the Agency in accordance with article 43 of the Act.

(2) The Agency shall, as from the coming into force of this Order, assume responsibility for all assets, liabilities and obligations previously entered into by the Department of Examinations or by other bodies who act on its behalf.

Minister responsible for Agency.

5. (1) The Minister responsible for the Agency shall be the Minister responsible for Education.

(2) The Permanent Secretary in the Ministry responsible for education shall supervise the Agency in terms of article 39 of the Act:

Provided that the Permanent Secretary in the Ministry responsible for education may be assisted in such supervision by

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another Permanent Secretary in accordance with the proviso to article 13(5)of the Act:

Provided further that if a Minister, other than the Prime Minister, assumes responsibility for the Agency, its supervision shall fall under the Permanent Secretary of that Ministry.

Financial arrangements. Cap. 174.

6. The Agency shall be governed by the provisions of the Financial Administration and Audit Act unless otherwise stated in the Agency Agreement between the Permanent Secretary and the Agency, in which case the provisions of the Agency Agreement shall prevail.

Other special arrangements applying to the Agency.

7. The operations of the Agency shall follow an Agency Agreement which is to be agreed between the Permanent Secretary and the Agency.

Advisory Board.

8. (1) The Minister responsible for the Agency may establish an advisory board to assist the Chief Executive Officer in the discharge of his duties.

(2) An advisory board established under this article shall consist of not less than two and not more than four members appointed by the Minister responsible for the Agency.

(3) The remuneration paid to members of the Agency's Advisory Board shall be in accordance with any directives and guidelines which may be issued by the Agency from time to time.

Amendment of the Public Administration Act. Cap. 497.

9. The Public Administration Act shall be amended as follows:

(a) In Part I of the Second Schedule thereof, the words

"Examinations Department	Director (Examinations)	Registrar of Examinations	To administer local and overseas examinations"

shall be deleted; and

(b) in the Fourth Schedule thereof, immediately after the Agency "Public Administration - Human Resource Development Unit" there shall be added the following:

"National Agency for Examinations.	To administer local and overseas examinations and to replace the existing Department of Examinations".

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — *Published by the Department of Information (doi.gov.mt) — Valletta*
Mitbugħ fl-Istamperija tal-Gvern fuq karta riċiklata — *Printed at the Government Printing Press on recycled paper*

Prezz/*Price*
€0.27