

CHAPTER 39:10

NATIONAL EQUIVALENCY BOARD ACT

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**An Act to establish the National Equivalency Board.**

14 of 1984

[27TH AUGUST, 1984]

1. This Act may be cited as the National Equivalency Board Act. Short title.

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Interpretation.

**2.** In this Act—

“Board” means the National Equivalency Board established by section 3;

“chairman” means the chairman of the Board;

“educational institution” means school, college, university or other place of learning;

“employers” includes government departments and any person engaged in the hiring, employing or superintending the labour or service of any employee;

“qualification” means degree, diploma or certificate granted by any educational institution.

Establishment of the Board.

**3.** There is hereby established a board to be known as the National Equivalency Board.

Constitution of the Board.  
Schedule.

**4.** (1) The Board shall consist of seventeen members who shall be appointed to the Board by the Minister from representatives supplied by the organisations specified in the Schedule.

(2) Each organisation specified in the Schedule shall supply to the Minister the names of not less than two representatives.

(3) The Minister may by order amend the Schedule.

Functions of the Board.

**5.** The functions of the Board are—

(a) to establish for purposes of employment or admission to any educational institution criteria for the evaluation of any qualification;

(b) to establish criteria for determining whether a qualification is equivalent to some other qualification;

(c) to give to employers, members of the public and any educational institution information as to whether a qualification is equivalent to some other qualification;

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(d) to give any educational institution information in respect of any deficiency in the nature of academic courses offered locally or overseas;

(e) to give such information as would ensure an appreciation of the academic value of any qualification in circulation locally;

(f) to notify the Minister of all evaluations, decisions and findings made by the Board; and

(g) to publish decisions and findings of the Board.

**6.** (1) The Board may require employers or any educational institution to provide information necessary for the proper discharge of the functions of the Board.

Provision of information.

(2) In the case of a failure by employers or any educational institution to comply with subsection (1), the chairman shall report the failure to the Minister, and the Minister may take such measures as are necessary or expedient to secure compliance with the subsection.

**7.** Notwithstanding the provisions of any Act to the contrary, decisions, evaluations and findings of the Board shall be binding.

Decision of the Board.

**8.** Where the Board makes any decision, evaluation or finding in the discharge of its functions under this Act, the Board shall decide on measures for the implementation of the decision evaluation or finding.

Implementation of decisions.

**9.** (1) The Minister shall, after consultation with the members of the Board, appoint one of the members of the Board to be the chairman.

Appointment of chairman and deputy chairman.

(2) The Board shall appoint one of the members of the Board to be the deputy chairman.

**10.** (1) The chairman shall be responsible for giving guidance to the Board for the purpose of the discharge of its functions and for the management, organisation and discipline of the Board.

Duties of chairman.

(2) If the chairman is absent or is unable to act or if the office is vacant the deputy chairman shall discharge the functions of chairman.

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Organisation  
may withdraw  
representative.

**11.** Any organisation specified in the Schedule may at any time withdraw its representative or representatives from the Board by communicating in writing to the Minister such withdrawal.

Duties of the  
Public Service  
Ministry.

**12.** The Public Service Ministry shall—

(a) provide a Secretary to the Board who shall be paid such remuneration as the Minister thinks fit;

(b) provide such other services as are required by the Board for the proper discharge of its functions; and

(c) pay to members of the Board such remuneration or allowances as the Minister thinks fit.

Experts.

**13.** The Board may, at any time, retain the services of experts and other professional persons (including consultants) having specialized knowledge relevant to the Board's functions and responsibilities, and may pay such persons such remuneration in respect thereof as the Board, with the approval of the Minister, may determine.

Appeals.

**14.** (1) An appeal may be made to the Minister in respect of any evaluation, decision or finding of the Board, and any such appeal shall be made in writing within fourteen days after the day on which such evaluation, decision or finding was made.

(2) Where an appeal is made under subsection (1) in respect of any evaluation, decision or finding, the Minister shall have power to confirm, vary or cancel the evaluation, decision or finding.

Policy  
directions.

**15.** The Minister may give the Board directions of a general or specific character as to the policy to be followed by the Board in the discharge of its functions, and the Board shall give effect to such directions.

Preservation of  
secrecy.

**16.** (1) Except for the purpose of the discharge of his functions or when lawfully required to do so by any court or under the provisions of any law, a member of the Board or the Secretary of the Board shall not disclose any information which he has acquired in the discharge of his functions.

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(2) Where a person referred to in subsection (1) contravenes the provisions of that subsection the Board shall report such contravention to the Minister who may take such steps as are necessary or expedient to deal with the contravention.

**17.** (1) Where the interest of a member of the Board is likely to be directly or indirectly affected by a decision of the Board, the member shall disclose the nature of the interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

Disclosure of interest.

(2) Where there is a disclosure under subsection (1), the Secretary of the Board shall record in the minutes of the Board a full account of the disclosure; and the member of the Board making the disclosure shall, unless the Board otherwise directs, not be present or take part in the deliberations or vote at any meeting during the time when the Board is deciding the matter in which the member has disclosed an interest.

(3) For the purpose of this section, where the interest of parents, spouse or children of a member of the Board is likely to be directly or indirectly affected by a decision of the Board, the interest shall be deemed to be the interest of the member.

**18.** (1) The Minister may by regulations prescribe the procedure of the Board, including the intervals at which the meetings of the Board shall be held and the quorum for its meetings.

Meetings and procedure of the Board.

(2) Subject to the provisions of this Act and regulations made by the Minister, the Board may regulate its own proceedings and may make rules for that purpose.

**19.** The names of all members of the Board as first constituted and every change in membership of the Board shall be published in the *Gazette*.

Names of members to be published in the Gazette.

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Protection of  
members.

**20.** No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance of the execution or intended execution of his duties under this Act.

Annual  
reports.

**21.** The Board shall within two months after the end of each year of the existence of the Board prepare and submit to the Minister a report dealing with the activities of the Board during the year and containing information that relates to the operation, policies and effectiveness of the Board.

Regulations.

**22.** The Minister, may, after consultation with the Board, make regulations for the purpose of carrying into effect the purposes of this Act.

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### SCHEDULE

#### ORGANISATIONS

- (a) Public Service Ministry.
  - (b) Ministry of Education, Social Development and Culture.
  - (c) University of Guyana.
  - (d) University of Guyana Extra-Mural Department.
  - (e) Ministry of Economic Planning.
  - (f) Ministry of Manpower and Co-operatives.
  - (g) Public Service Commission.
  - (h) Teaching Service Commission.
  - (i) Guyana State Corporation.
  - (j) Guyana Mining Enterprise.
  - (k) Guyana Trades Union Congress.
  - (l) Guyana Sugar Corporation.
  - (m) Ministry of National Development.
  - (n) The Consultative Association of Guyanese Industry Ltd.
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