

Rwanda

Presidential Order establishing the National Examination and School Inspection Authority

Presidential Order 121 of 2020

Legislation as at 15 October 2020

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Presidential Order 121 of 2020

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Assented to on 15 October 2020

Commenced on 15 October 2020

[This is the version of this document from 15 October 2020.]

We, KAGAME Paul,

President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 121, 122, 139, 165 and 176;

Pursuant to Organic Law n° 001/2020. OL of 08/06/2020 establishing general provisions governing public institutions, especially in Article 4;

On proposal by the Minister of Public Service and Labour;

After consideration and approval by the Cabinet, in its meeting of 14/08/2020;

HAVE ORDERED AND ORDER:

Chapter One General provisions

Article One – Purpose of this Order

This Order establishes National Examination and School Inspection Authority in basic education and lower level of Technical and Vocational Education and Training (TVET) from level one (1) to five (5). It also determines its mission, responsibilities, powers, organisation and functioning.

Article 2 – Establishment

National Examination and School Inspection Authority, abbreviated as "NESA" is established.

Article 3 – Head office

The head Office of NESA is located in the City of Kigali. It may be relocated elsewhere on the Rwandan territory.

In order to fulfil its responsibilities, NESA may have branches within the country upon approval by it supervising Authority.

Article 4 – Category

NESA is a non-commercial public institution.

Chapter II

Mission, responsibilities and powers

Article 5 – Mission

The primary of NESA is to ensure quality of education in basic education and Technical and Vocational Education and Training (TVET) from level one (1) to five (5) and to regulate the comprehensive assessments of students and national examinations.

Article 6 – Responsibilities

NESA has the following main responsibilities:

- 1° to set standards for accreditation of private basic education schools and TVET schools from level one (1) to five (5);
- 2° to monitor the implementation of norms and standards in public, Government subsidised and private basic education and TVET schools from level one (1) to five (5);
- 3° to ensure the quality of education in public, Government subsidised and private basic education and TVET schools from level one (1) to five (5);
- 4° to prepare, conduct and mark national examinations;
- 5° to publish national examinations results;
- 6° to orient students of primary and ordinary level schools who passed the national examinations.

Article 7 – Powers

NESA has the powers to:

- 1° award certificate to students who passed national examinations for basic education and level five (5) of TVET;
- 2° grant accreditation to a private basic education school or a TVET school of level one (1) to five (5);
- 3° authorise a workplace to offer TVET trainings and certificate not more than level five (5);
- 4° suspend or close a school offering basic education or a TVET school of level one (1) to five (5) when considered necessary;
- 5° equate and provide equivalence of certificates and degrees awarded by foreign schools offering basic education and TVET levels from level one (1) to five (5).

Chapter III

Organisation and functioning

Article 8 – Supervising authority of NESA

NESA is supervised the Ministry in charge of education.

Article 9 – Management organs

Management organs are as follows:

- 1° the Board of Directors;
- 2° the Executive Organ.

Section One – Board of Directors

Article 10 – Composition of the Board of Directors and their term of office

The Board of Directors of NESA is composed of seven (7) members.

Members of the Board of Directors serve a term of office of five (5) years renewable once.

Article 11 – Additional responsibilities of the Board of Directors

Subject to the provisions of organic law establishing general provisions governing public institutions, the Board of Directors of NESA has the following additional responsibilities:

- 1° to conclude a performance contract with the supervising authority of NESA and make follow up on its execution;
- 2° to approve the draft budget proposal of NESA and make a follow-up on the budget execution;
- 3° to approve activity report, use of property and financial report for the previous year;
- 4° to approve the draft organisational structure of NESA;
- 5° to submit a quarterly and annual report to the supervising authority of NESA.

Article 12 – Powers of the Board of Directors

The Board of Directors of NESA is the supreme management and decision-making organ. It is invested with extensive powers to make decisions regarding administration, human resources and the property of NESA in accordance with laws.

Article 13 – Reasons for loss of membership in the Board of Directors and modalities for replacement

A member of the Board of Directors of NESA loses membership when:

- 1° his or her term of office expires;
- 2° he or she resigns in writing;
- 3° he or she is no longer able to perform his or her duties due to illness or disability;
- 4° he or she is sentenced to a term of imprisonment equal to or exceeding six (6) months in a final judgement;
- 5° he or she is absent in meetings for three (3) consecutive times without valid reasons;
- 6° he or she manifests any behaviour likely to compromise his or her dignity, that of his or her work or his or her position;
- 7° he or she jeopardises the interests of NESA;

- 8° he or she is convicted of the crime of genocide or genocide ideology;
- 9° he or she no longer fulfils the requirements considered at the time of his or her appointment;
- 10° he or she dies.

In case a member of the Board of Directors of NESA leaves his or her duties before the expiration of his or her term of office, the competent authority appoints his or her substitute to complete his or her predecessor's term of office.

Article 14 – Duties of the Chairperson of the Board of Directors

The Chairperson of the Board of Directors of NESA has the following duties:

- 1° to chair the Board of Directors and coordinate its activities;
- 2° to convene and preside over meetings of the Board of Directors;
- 3° to submit to the supervising authority of NESA the minutes of meetings of the Board of Directors;
- 4° to submit the reports of NESA to relevant organs as approved by the Board of Directors;
- 5° to make a follow up on the implementation of the resolutions of the Board of Directors;
- 6° to perform any other duty as may be assigned by the Board of Directors falling within its responsibilities.

Article 15 – Duties of the Deputy Chairperson of the Board of Directors

The Deputy Chairperson of the Board of Directors of NESA has the following duties:

- 1° to assist the Chairperson and replace him or her in case of absence;
- 2° to perform any other duty as may be assigned by the Board of Directors falling within its responsibilities.

Article 16 – Convening and holding of meeting of the Board of Directors and modalities for decision-making

The meeting of the Board of Directors of NESA is held once a quarter and whenever necessary, upon invitation by its Chairperson or Deputy Chairperson in case of absence of its Chairperson, at their own initiative or upon request in writing by at least one third (1/3) of its members.

The invitation is submitted in writing to the members of the Board of Directors at least fifteen (15) days before the meeting is held.

However, an extraordinary meeting is convened in writing not less than three (3) days before the meeting is held.

Items to be considered by the Board of Directors in the first quarter of the year include the approval of the financial and activity reports of the previous year.

In every quarter, the Board of Directors of NESA examines also the financial and activity reports relating to the previous quarter and submits them to the supervising authority of NESA.

The quorum for a meeting of the Board of Directors of NESA is two thirds (2/3) of its members.

However, when a meeting is convened for the second time, it takes place regardless of the number of members present.

The Director General of NESA attends meetings of the Board of Directors.

Modalities for decision-making by the Board of Directors are determined by internal rules and regulations of NESA.

Article 17 – Invitation of a resource person to the meeting of the Board of Directors

The Board of Directors of NESA may invite in its meeting any person from whom it may seek advice on a certain item on the agenda.

The invited person is not allowed either to vote or to follow debates on other items on the agenda.

Article 18 – Approval of resolutions and minutes of the meeting of the Board of Directors

A document of resolutions of the meeting of the Board of Directors of NESA is signed by its members immediately after the end of the meeting, and a copy thereof is sent to the supervising authority of NESA within five (5) days.

The head of the supervising authority of NESA gives his or her views on the resolutions of the meeting of the Board of Directors within fifteen (15) days from receipt thereof. If this period expires before giving his or her views, those resolutions are considered definitively approved.

The minutes of the meeting of the Board of Directors of NESA are signed by the Chairperson and its rapporteur and approved during the next meeting. A copy of minutes of the meeting is sent to the supervising authority of NESA within fifteen (15) days from the date of approval.

Article 19 – Rapporteur of the meeting of Board of Directors

The Director General of NESA serves as the rapporteur of the meeting of the Board of Directors but he or she has no right to vote in decision making.

The Director General of NESA does not participate in the meetings that make decisions on issues that concern him or her. In that case, members of the Board of Directors at the meeting elect among themselves a rapporteur.

Article 20 – Personal interest in issues on the agenda

A member of the Board of Directors of NESA who has a direct or indirect interest in the issue to be considered informs immediately the Board of Directors about where that interest lies.

A member of the Board of Directors who disclosed his or her interest in the issue to be considered cannot attend the meeting deliberating on that issue.

When it happens that many or all members of the Board of Directors have a direct or indirect interest in the issues to be considered in such a way that it is impossible to take decision on the issues, the issues are submitted to the supervising authority of NESA to decide thereon within thirty (30) days.

Section 2 – Executive Organ**Article 21 – Composition of Executive Organ**

The Executive Organ of NESA is comprised of Director General. It may also have a Deputy Directors General when considered necessary.

Article 22 – Additional responsibilities of the Executive Organ

Subject to the provisions of Organic Law establishing general provisions governing public institutions, the Executive Organ of NESA has the following additional responsibilities:

- 1° to monitor and coordinate daily activities of NESA;

- 2° to perform any other duty as may be assigned by the Board of Directors falling within the responsibilities of NESA.

Article 23 – Powers and duties of the Director General

The Director General of NESA has the power of decision making in the administrative and financial management of NESA in accordance with relevant laws. He or she coordinates and directs the activities of NESA.

Specifically, the Director General has the following duties:

- 1° to make a follow-up on the daily activities of NESA, human resources management and the use of the budget;
- 2° to serve as the legal representative of NESA and publicise its activities;
- 3° to serve as the spokesperson of NESA;
- 4° to implement the resolutions of the Board of Directors of NESA;
- 5° to ensure the management of equipment and property of NESA and submit related report to the Board of Directors;
- 6° to prepare the action plan and activity report;
- 7° to prepare the draft internal rules and regulations of NESA;
- 8° to prepare the draft action plan and draft budget proposal of NESA;
- 9° to ensure the execution of the budget and management of the property of NESA;
- 10° to attend the meetings of the Board of Directors and act as rapporteur;
- 11° to perform any other duty as may be assigned by the Board of Directors falling within his or her responsibilities.

Chapter IV Property and finance

Article 24 – Property and its sources

The property of NESA is comprised of movable and immovable assets.

The property of NESA comes from the following sources:

- 1° State budget allocations;
- 2° State and development partners' subsidies;
- 3° income from services rendered;
- 4° interests from its property;
- 5° loans granted to NESA as approved by the Minister in charge of finance;
- 6° donations and bequests.

Article 25 – Budget

NESA prepares its annual budget to be adopted by the relevant authority.

Article 26 – Use, management and audit of the property of NESA

The use, management and audit of the property of NESA are carried out in accordance with relevant laws.

The internal audit service of NESA submits its report to the Board of Directors of NESA and gives a copy to the Director General of NESA.

The Office of the Auditor General of State Finances carries out audit of the management and use of the finance and property of NESA.

Article 27 – Annual financial report

Within three (3) months following the closure of the financial year, the Director General of NESA submits the annual financial statements to the supervising authority of NESA after their approval by the Board of Directors in accordance with laws governing management of State finance and property.

Chapter V Final provisions

Article 28 – Authorities responsible for the implementation of this Order

The Prime Minister, the Minister of Public Service and Labour, the Minister of Infrastructure and the Minister of Finance and Economic Planning are entrusted with the implementation of this Order.

Article 29 – Repealing provisions

All prior provisions contrary to this order are repealed.

Article 30 – Commencement

This order comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.