

MAURITIUS QUALIFICATIONS AUTHORITY ACT

Mauritius Qualifications Authority (Training Institutions) Regulations 2009

As Amended by

**Mauritius Qualifications Authority (Training Institutions) (Amendment)
Regulations 2019**

**Mauritius Qualifications Authority (Training Institutions) (Amendment)
Regulations 2021**

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Mauritius Qualifications Authority (Training Institutions) Regulations 2009

- 1.** These regulations may be cited as the Mauritius Qualifications Authority (Training Institutions) Regulations 2009.

- 2.** In these regulations –

“accreditation” means a process of quality assurance through which a status is granted to a training programme where it meets predetermined standards;

“Act” means the Mauritius Qualifications Authority Act;

“certificate of attendance” means a certificate issued by a training institution testifying completion of training in a non-award course;

“Certificate of registration” means a certificate issued under regulation 4(5);

“Institution” means a training institution;

“non-award course” means a training which leads to a certificate of attendance;

“Registrar” means the Registrar of the Authority appointed under section 14 of the Act;

“statement of accreditation of training programme” means a statement issued under regulations 8;

“statement of approval of non-award course” means a statement issued under regulation 9;

“training programme” means an award course which leads to a formal qualification issued by a recognised awarding body.

- 3.** (1) The Registrar shall keep and maintain –
 - (a) a register of institutions in which shall be recorded the name and address of every registered institution;

- (b) a register of managers in which shall be recorded the name and address of every manager and the name of the registered institution where he is the manager;
- (c) a register of programme officers in which shall be recorded the name, address and qualifications of every programme officer, and the name of the registered institution where he is the programme officer;
- (d) a register of trainers in which shall be recorded the name and qualifications of every trainer, and the name of the registered institution where he is the trainer;
- (e) a register of accredited training programmes and the name and address of the training institution dispensing such programmes; and
- (f) a register of approved non-award courses and the name and address of the training institution dispensing those courses.

(2) There shall be recorded in the registers referred to in paragraph (1) such other particulars as the Authority may determine.

4. (1) An application for the registration or renewal of registration of a training institution shall be made to the Authority, electronically through the National Electronic Licensing System referred to in Section 27A of the Economic Development Board Act 2017, or in such other manner as the Director may determine and shall be –

- (a) accompanied by –
 - (i) the particulars of the manager and programme officer appointed by the institution; and
 - (ii) any other document as may be required; and
- (b) subject to the payment of the appropriate non-refundable application fee as specified in the third column of the Schedule.

(2) On receipt of an application made under paragraph (1), the Authority may make such inquiry and consult such persons or authorities as it may determine to ascertain whether the institution is a fit and proper institution to be registered.

(3) The Authority may, not later than 2 months of the completion of all formalities in respect of an application, grant or refuse the application and shall communicate its decision to the applicant within 7 days of its decision.

(4) The Authority may refuse to register or to renew the registration of an institution where –

(a) the premises of the institution –

- (i) are structurally unsuitable to contain an institution;
- (ii) are insufficiently protected against the hazard of fire;
- (iii) are likely to be insanitary, or for reasons of health, unsuitable to contain an institution;
- (iv) including the equipment to be used will not allow efficient and effective training in the disciplines to be taught in the institution;

(b) the institution is not in conformity with the Act;

(c) the trainer is not a fit and proper person to act as such;

(d) the manager is not a fit and proper person to act as such;

(da) the programme officer is not a fit and proper person to act as such;

(e) in the application for registration, a statement is made or information is furnished which knowingly or recklessly is false in any material particular; or

(f) in its opinion the opening of the institution would be detrimental to the interests of Mauritius and of the public.

(5) Where the Authority grants an application made under paragraph (1), it shall issue a certificate of registration to the applicant on payment of the appropriate fee specified in the Schedule.

(6) A certificate of registration or renewal issued under paragraph (5) shall be valid for a period of 3 years;

(7) The Authority may, on the issue or renewal of a certificate of registration, impose such terms and conditions as it may determine.

(8) (a) The Authority may, subject to paragraph (b), cancel the registration of an institution where –

- (i) it has contravened the Act;
- (ii) the authority would have been entitled to refuse registration under paragraph (4);
- (iii) it has breached any term or condition attached to its certificate of registration;
- (iv) it ceases to exist;
- (v) it is not being properly administered; or
- (v) the owner or manager of the institution has not complied with a direction under regulation 11.

(b) Before cancelling the registration of an institution, the Authority shall, by notice in writing, require the owner or the manager of the institution, within 15 days from service of the notice, to show cause why the registration shall not be cancelled.

(9) Where the Authority –

- (a) refuses to register an institution;
- (b) refuses to renew the registration certificate of an institution; or
- (c) cancels the certificate of registration of an institution,

the owner or manager of that institution may appeal to the Minister within 21 days of the decision of the Authority.

5. (1) There shall be appointed at the head of every institution a manager who shall be responsible for that institution.

(2) Subject to paragraph (3), there shall be appointed within every institution a programme officer who shall be responsible for academic, technical and vocational matters.

(3) A manager may, subject to the required appropriate academic qualifications being held by him, also be appointed to act as programme officer.

6. Every manager shall –

- (a) keep such registers and documents as the Authority may specify;
- (b) submit for inspection such relevant document as the Authority may require.

7. Every manager shall ensure the quality and relevance of training at his institution through a regular management system.

8. (1) An application for the accreditation of a training programme or re-accreditation of a training programme shall be made by a training institution through such electronic platform as the Authority may approve, or in such other manner as the Director may determine, and shall be accompanied by –

- (a) the particulars of any trainer appointed to deliver the training programme;
- (b) the appropriate non-refundable application fee as specified in the third column of the Schedule; and
- (c) such other document as the Authority may require.

(2) On receipt of an application made under paragraph (1), the Authority may make such inquiry and consult such persons or authorities as it may determine to ascertain whether the applicant is fit and proper to dispense the training programme.

(3) The Authority may, not later than 2 months of the completion of all formalities in respect of an application of accreditation of a training programme made by a training institution, grant or refuse the application and shall communicate its decision to the applicant within 7 days of its decision.

(4) The Authority may refuse to accredit the training programme where –

- (a) the training institution –
 - (i) does not meet the guidelines issued by the Authority;

- (ii) has no suitable premises and equipment to dispense efficient and effective training;
 - (iii) in the application for accreditation of a training programme made a statement or furnished information which knowingly or recklessly is false in any material particular;
 - (iv) is under legal administration;
 - (v) is subject to enquiry by the Police or other investigatory authorities;
 - (vi) is not in conformity with the Act or any regulation made thereunder;
 - (vii) is in breach of any term or condition attached to its certificate of registration;
 - (viii) is no longer in operation and has ceased to exist;
 - (ix) is not being properly administered; or
 - (x) has no trainer who is fit and proper to act as such;
 - (b) the awarding body issuing the qualification, or the qualification, is not recognised in the country of origin.
 - (c) in the opinion of the Authority, the accreditation of the training programme would be detrimental to the interests of Mauritius and the public.
- (5) Where the Authority grants an application made under paragraph (1), it shall issue a statement of accreditation of training programme to the applicant and may impose such terms and conditions as it may determine.
- (6) The accreditation of training programme shall be valid for such period as the Authority may determine.
- (7) (a) The Authority may withdraw the accreditation of a training programme for a training institution where –
- (i) it has contravened the Act or any regulations made thereunder;
 - (ii) the Authority would have been entitled to refuse accreditation under paragraph (4);

- (iii) it has breached any term or condition attached to its statement of accreditation of training programme;
- (iv) it is not being properly administered; or
- (v) it has not complied with a direction under regulation 11.

(b) Before withdrawing the accreditation of training programme, the Authority shall, by notice in writing, require the training institution, within 15 days from service of the notice, to show cause why the accreditation shall not be withdrawn.

(8) Where the Authority –

- (a) refuses to accredit a training programme; or
 - (b) withdraws the accreditation of a training programme,
- the training institution may appeal to the Minister within 21 days of the decision of the Authority.

9 (1) An application for approval of a non-award course shall be made through such electronic platform as the Authority may approve, or in such other manner as the Director may determine, and shall be accompanied by –

- (a) the particulars of any trainer appointed to deliver the non-award course;
- (b) the appropriate non-refundable application fee as specified in the third column of the Schedule; and
- (c) such other document as the Authority may require.

(2) On receipt of an application made under paragraph (1), the Authority may make such inquiry and consult such persons or authorities as it may determine to ascertain whether the applicant is fit and proper to dispense the non-award course.

(3) The Authority may, not later than 2 weeks of the completion of all formalities in respect of an application of approval of a non-award course made by a training institution, grant or refuse the application and shall communicate its decision to the applicant within 7 days of its decision.

- (4) The Authority may refuse to approve the non-award course where –
- (a) the training institution –
- (i) does not meet the guidelines for approval of non-award courses issued by the Authority;
 - (ii) has no suitable premises and equipment to dispense efficient and effective training;
 - (iii) is targeting a population to whom the training will not be relevant;
 - (iv) in the application for approval of a non-award course made a statement or furnished information which is knowingly or recklessly false in any material particular;
 - (v) is under legal administration;
 - (vi) is subject to enquiry by the Police or other investigatory authorities;
 - (vii) is not in conformity with the Act or regulations made thereunder;
 - (viii) is in breach of any term or condition attached to its certificate of registration;
 - (ix) is no longer in operation and has ceased to exist;
 - (x) is not being properly administered; or
 - (xi) has no trainer who is fit and proper to act as such;
- (b) in the opinion of the Authority, the approval of the non-award course would be detrimental to the interests of Mauritius and the public.
- (5) Where the Authority grants an application made under paragraph (1), it shall issue a statement of approval of non-award course to the applicant and may impose such terms and conditions as it may determine.
- (6) The approval of non-award course shall be valid for such period as the Authority may determine.

- (7) The Authority may withdraw the approval of the non-award course of a training institution where –
- (a) the Authority would have been entitled to refuse approval under paragraph (4); or
 - (b) it has breached any term or condition attached to its statement of approval of non-award course.
- (8) The training institution shall issue a certificate of attendance to all trainees having attended the non-award course.
- (9) (a) Where the course fee of a non-award course to be dispensed by a training institution has been approved by HRDC and the training institution has, prior to 15 October 2021, started to dispense the course, the training institution may, after 15 October 2021, continue to dispense the course without the course to be approved by the Authority.
- (b) Where the course fee for a non-award course to be dispensed by a training institution has been approved by HRDC and the training institution has, on 15 October 2021, not started the course, the course shall not be dispensed unless the course is approved by the Authority.
- (c) In this paragraph –
- “HRDC” means the Human Resource Development Council established under the Human Resource Development Act.

10. The Authority or any of its officers authorised by it in writing may without notice, visit any institution, and inspect any register or document referred to in regulation 6.

10A. Every training institution shall submit to the Authority an evaluation of training for all training programmes and all non-award courses dispensed.

11. Where it appears to the Authority that the Act has not been complied with in any institution, it may, without prejudice to any other power vested in it, by notice in writing addressed to the owner or manager, direct him to take, within a time to be stated in the notice, such measures as are specified in it, so that the Act is complied with.

12. The Authority may for –

- (a) Regulation 12(a) revoked
- (b) the application for authorisation of change; or
- (c) the recognition or equivalence of a qualification,

charge the appropriate fee specified in the third column of the Schedule.

13. Any person who –

- (a) contravenes these regulations;
- (b) Regulation 13(b) revoked;
- (c) knowingly or recklessly makes any statement, or furnishes any information, which is false in any material particular –
 - (i) in an application under these regulations;
 - (ii) as to the character or qualifications of any person in so far as such character or qualifications may affect any decision of the Authority;
 - (iii) in an advertisement concerning any institution;
- (d) obstructs, resists or impedes the Authority or any of its officers authorised by it under regulation 10 when carrying out an inspection of an institution;
- (e) being a manager or a programme officer, refuses to produce any book or document, or to furnish any information which he is required to produce under these regulations;
- (f) falsely represents an entity as a registered training institution;
- (g) falsely represents an entity which provides training for training programmes or non-award courses;
- (h) issues certificates for training programmes which are not accredited by the Authority;
- (i) issues certificates of attendance for non-award course which is not approved by the Authority;

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding 12 months.

14. The Mauritius Qualifications Authority (Registration) Regulations 2003 are revoked.

15. Any registration made under the Mauritius Qualifications Authority (Registration) Regulations 2003, shall at the commencement of these regulations, be deemed to have been made under these regulations.

Made by the Board on 28 August 2009 and approved by the Minister on 21 August 2009.

SCHEDULE

[Regulations 4, 8, 9 and 12]

FEES

		(Rs)
1.	Application for registration of institution	10,000
2.	Registration for institution	15,000
3.	Application for renewal of registration of institution	5,000
4.	Renewal for registration of institution	15,000
5.	Application for accreditation of programme	5,000
6.	Accreditation of programme	7,000
7.	Application for re-accreditation of programme	5,000
8.	Re-accreditation of programme	7,000
9.	Appeal for accreditation of programme	5,000
10.	Application for authorisation of change	1,000
11.	Application for recognition/equivalence of qualification	1,500
12.	Appeal for recognition/equivalence of qualification	5,000
13.	Application for approval of non-award course	3,000