



LAWS OF KENYA

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## **KENYA NATIONAL EXAMINATIONS COUNCIL ACT**

CHAPTER 225A

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**CHAPTER 225A**

**KENYA NATIONAL EXAMINATIONS COUNCIL ACT**

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**CHAPTER 225A**

**KENYA NATIONAL EXAMINATIONS COUNCIL ACT**

[Date of assent: 28th July, 1980.]

[Date of commencement: 1st August, 1980.]

**An Act of Parliament to make provision for the establishment, constitution, control and administration of the Kenya National Examinations Council and for connected purposes**

[Act No. 7 of 1980, Act No. 12 of 1985, L.N. 117/1980.]

**PART I – PRELIMINARY**

**1. Short title**

This Act may be cited as the Kenya National Examinations Council Act.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“**candidate**” means a person enrolled by the Council for the purpose of sitting for one of the Council’s examinations;

“**certificate**” means a document issued by the Council showing results obtained by a particular candidate in an examination;

“**chairman**” means the chairman of the Council appointed under section 5(1)(a);

“**Council**” means the Kenya National Examinations Council established by section 3;

“**diploma**” means a document issued by the Council showing results obtained by a particular candidate in an examination;

“**examinations material**” means question papers and any other materials which are to be used by a candidate in a public examination and identifiable as such;

“**the Minister**” means the Minister for the time being responsible for higher education.

**PART II – ESTABLISHMENT OF THE COUNCIL**

**3. Establishment and incorporation of the Council**

(1) There is hereby established an examinations council, to be known as the Kenya National Examinations Council, which shall be governed and administered in accordance with this Act.

(2) The Council shall be a body corporate with perpetual succession and a common seal and shall be capable in its corporate name of—

- (a) suing and being sued;

- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money;
- (d) entering into contracts;
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

#### **4. Seal and execution of documents**

(1) The common seal of the Council shall be kept in such custody as the Council directs and shall not be used except in pursuance of a resolution of the Council and shall be authenticated by the signature of the chairman or any member of the Council authorised to act in that behalf, and the seal shall be officially and judicially noted.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hand of the chairman or any member or officer of the Council authorized to act in that behalf.

### PART III – CONSTITUTION OF THE COUNCIL

#### **5. Constitution of the Council**

(1) The council shall consist of—

- (a) a chairman appointed by the President;
- (b) the Permanent Secretary of the Ministry for the time being responsible for higher education;
- (c) the Permanent Secretary of the Ministry for the time being responsible for basic education;
- (d) the Director of Education in the Ministry for the time being responsible for higher education;
- (e) the Director of Education in the Ministry for the time being responsible for basic education;
- (f) the Chief Inspector of Schools in the Ministry for the time being responsible for higher education;
- (g) the Chief Inspector of Schools in the Ministry for the time being responsible for Basic Education;
- (h) ten members appointed by the Minister as follows—
  - (i) two members from the Senate of the University of Nairobi established under section 13 of the University of Nairobi Act (Cap. 210);
  - (ii) one member from among the head teachers of secondary schools;
  - (iii) one member from the national polytechnics;
  - (iv) one member from secondary teachers' colleges;
  - (v) one member from the Harambee Institutes of Technology;
  - (vi) one member from primary teachers' colleges;

- (vii) the secretary to the Kenya Accountants and Secretaries National Examinations Board;
- (viii) the Director of Industrial Training;
- (ix) the Director of Personnel Management;
- (i) the Director of the Kenya Institute of Education;
- (j) not more than four members co-opted to the council by resolution.

(2) The chairman shall hold office for a period not exceeding three years but shall be eligible for reappointment.

(3) The members appointed under paragraphs (h) and (j) of subsection (1) shall, unless the Minister otherwise directs, retire from the membership of the Council at the expiration of two years after appointment.

(4) Where any member of the Council appointed under subsection (1) (h) (vii), (viii) or (ix) is unable to attend any meeting of the Council, the Council shall appoint a substitute member to act in his place at that meeting.

(5) Any person who—

- (a) is convicted of an offence for which the maximum penalty provided by law is a term of imprisonment of not less than six months or a fine of not less than two thousand shillings; or
- (b) is by any cause incapacitated so as to be unable to take a proper part in the affairs of the Council; or
- (c) is adjudicated bankrupt,

shall not be eligible for appointment as a member of the Council and, if the person is already a member of the Council, upon the happening of that event he shall be deemed to have resigned from the Council.

(6) Any member of the Council shall be eligible for reappointment for any number of terms of office.

(7) Subject to this Act, the Council shall have power to regulate its own procedure.

## **6. Secretary to the Council**

There shall be a secretary to the Council who shall be appointed by the Minister and shall be the chief executive of the Council as well as the secretary to the Finance and General Purposes Committee of the Council.

## **PART IV – POWERS, PROCEDURE AND DUTIES OF THE COUNCIL**

### **7. Powers of the Council**

The Council shall have power to do all things and to act in all ways necessary for, or incidental to, the purposes for which it is established, and without prejudice to the generality of the foregoing, may in particular, in furtherance of its purposes—

- (a) acquire, hold, charge, alienate and dispose of property both movable and immovable;

- (b) lease or take on lease land together with any improvements thereon;
- (c) construct any improvements upon land held by it;
- (d) derive capital or income from property held by it;
- (e) raise or borrow money in such manner and upon such security as it may from time to time determine;
- (f) invest any moneys not immediately required in securities in Kenya as a trustee would invest trust funds or place them on deposit at any bank carrying on business in Kenya as it may from time to time determine;
- (g) appoint such staff as may from time to time be necessary on such terms and conditions as it may think fit;
- (h) enter into agreements with any person or body;
- (i) delegate to any member, officer or committee of the Council any of its powers or functions other than those required by this Act to be exercised by resolution of the Council.

## **8. Committees**

(1) The Council shall by resolution appoint a Finance and General Purposes Committee comprising of—

- (a) the chairman;
- (b) the Permanent Secretary of the Ministry for the time being responsible for Higher Education;
- (c) the four members appointed under section 5(1)(d), (e), (f) and (g); and
- (d) three of the members from those appointed under section 5(1)(h)(i), (ii) and (iii).

(2) The Council shall delegate to the Finance and General Purposes Committee such of its functions under this Act as are necessary for the management of its day-to-day affairs.

(3) The Finance and General Purposes Committee shall meet at least twice in every year.

(4) The Council may by resolution appoint such other committees as it may think fit.

(5) The Council shall prescribe the powers, duties and procedure of all committees appointed by it under this section and the terms of office of persons appointed to those committees.

(6) The Council may, in appointing any committee under this section, appoint any person thereto notwithstanding that he is not a member of the Council.

## **9. Procedure of the Council**

- (1) The Council shall meet at least twice in every year.



(2) Twelve members of the Council, including two of the members from those appointed under paragraphs (b), (d) and (f), and five of the members from those appointed under paragraphs (h) and (j), of section 5(1) shall form a quorum.

(3) All questions at a meeting of the Council shall be determined by a majority of the votes of the members present.

(4) The chairman shall have, in the case of equality of votes, a casting vote in addition to a deliberative vote.

(5) The chairman may, and upon application in writing by five members shall, convene a special meeting of the Council at any time.

(6) The Council shall cause minutes of all proceedings of meetings of the Council, and of all meetings of the Finance and General Purposes Committee and of any other committee appointed under section 8(4), to be entered in books kept for that purpose.

(7) Any minutes kept under subsection (6) if approved by and signed by the chairman of the next succeeding meeting of the Council or committee, as the case may be, shall be evidence of those proceedings and, until the contrary is proved, the meeting to which the minutes relate shall be deemed to have been duly held and convened and all proceedings thereat to have been duly transacted, and all appointments of members of committees shall be deemed to be valid.

[L.N. 117/1980, Sch.]

## **10. Functions of the Council**

The Council shall have, for the furtherance of its objects and purposes, the following powers and duties—

- (a) to conduct such academic, technical and other examinations within Kenya as it may consider desirable in the public interest;
- (b) to award certificates or diplomas to successful candidates in such examinations;
- (c) to invite any body or bodies outside Kenya, as it may think fit, to conduct academic, technical and other examinations within Kenya or to conduct these examinations jointly with the Council and to award certificates or diplomas to successful candidates in these examinations;
- (d) to advise any body or bodies invited under paragraph (c) upon the adaptation of examinations necessary for the requirements of Kenya and to assist any such bodies to conduct such examinations;
- (e) to make rules regulating the conduct of examinations and for all purposes incidental thereto.

## **PART V – MISCELLANEOUS PROVISIONS**

### *Financial Provisions*

## **11. Finance**

(1) The funds of the Council shall be composed of—

- (a) such moneys as may be granted from time to time by Parliament;
- (b) such donations, grants, bequests and loans as may from time to time be accepted by the Council;

- (c) such fees or other charges paid to the Council by candidates for examinations;
- (d) such other moneys as the Council may from time to time lawfully obtain or receive.

(2) The funds of the Council shall be applied to the purposes for which the Council is established under this Act.

(3) The funds of the Council shall be paid into a bank or banks in Kenya and the banking account or accounts shall be operated in such manner as the Council may determine.

## **12. Estimates of expenditure and revenue**

(1) Upon the coming into operation of this Act, the Council shall cause to be prepared estimates of the expenditure and revenue of the Council, and the estimates shall be approved by the Council before the beginning of each financial year.

(2) Copies of every estimate prepared in accordance with subsection (1) shall be furnished to the Minister for approval.

## **13. Financial statements and reports**

(1) The Council shall cause to be prepared in respect of every financial year—

- (a) a statement of income and expenditure during the financial year;
- (b) a statement of the assets and liabilities of the Council on the last day of the financial year;
- (c) a report upon the progress and work of the Council during the preceding year,

and shall cause such statements and report to be sent to the Minister and to such other persons or bodies as the Council may from time to time determine.

(2) The Council shall cause proper books of account to be kept to record its financial transactions in every year.

(3) The statements referred to in paragraphs (a) and (b) of subsection (1) and books of account kept under subsection (2) shall be audited by the Auditor-General (Corporations) within six months after the termination of the period in respect of which they were prepared; and copies of the report of audit by the Auditor-General (Corporations) shall be furnished to the Minister together with the statements to which they relate.

(4) The Minister shall lay both the Council's report and auditor's report before the National Assembly as soon as practicable.

[Act No. 12 of 1985, Sch.]

## *Regulations*

## **14. Regulations**

In the performance of its duties and discharge of its powers, the Council may, with the approval of the Minister, make regulations generally for the government,

control, administration and management of the Council and for the conduct of its business, including, without limiting the generality of the foregoing, regulations prescribing—

- (a) the terms and conditions of service, pension and other retirement benefits and the like, of staff, other than temporary staff;
- (b) measures for the discipline of staff;
- (c) the financial procedures of the Council;
- (d) examination fees and other charges payable to the Council.

#### *Legal Provisions*

### **15. Offences**

Any person who—

- (a) gains access to examinations material and knowingly reveals the contents, whether orally or in writing, to an unauthorised party, whether a candidate or not; or
- (b) wilfully and maliciously damages examinations material; or
- (c) is not registered to take a particular council's examination but, with intent to impersonate, presents or attempts to present himself to take the part of an enrolled candidate; or
- (d) presents a forged certificate or diploma to a prospective employer or to an institution of learning with intent to gain employment or admission,

shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both such imprisonment and fine.

#### *Application of Community Laws and Savings*

### **16. Application of Community Laws**

(1) This Act shall have effect notwithstanding any Act of the Community.

(2) The East African Examinations Council Act (E.A. Cap. 39) shall, notwithstanding anything contained in the Treaty for East African Co-operation Act (Cap. 4), cease to have the force of law in Kenya from the commencement of this Act.

### **17. Contracts, etc., on behalf of the Council before commencement of this Act**

Any contract made and any act or thing done or purported to be made or done or any act or thing omitted to be done in Kenya on behalf of or in the name of the Kenya National Examinations Council prior to the incorporation of the Council under this Act by any person acting in good faith and with due or apparent authority in that behalf shall be deemed to be a contract, act or thing made or done or an act or thing omitted to be done, as the case may be, by the Council under this Act.



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**CHAPTER 225A**

**KENYA NATIONAL EXAMINATIONS COUNCIL ACT**

**SUBSIDIARY LEGISLATION**

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**KENYA NATIONAL EXAMINATIONS COUNCIL (KENYA CERTIFICATE OF  
PRIMARY EDUCATION) RULES, 1997**

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  2. Interpretation.
  3. School candidates.
  4. Private candidates.
  5. Objectives of the examination.
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  7. Registration of candidates.
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  10. Transfer of candidates.
  11. Timetable for the examination.
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  15. Disqualification.
-

[Subsidiary]

**KENYA NATIONAL EXAMINATIONS COUNCIL (KENYA CERTIFICATE OF  
PRIMARY EDUCATION) RULES, 1997**

[L.N. 21/1997.]

**1. Citation**

These Rules may be cited as the Kenya National Examinations Council (Kenya Certificate of Primary Education) Rules, 1997, and shall be deemed to have come into operation on the 1st July, 1984.

**2. Interpretation**

In these Rules unless the context otherwise requires—

“**Council**” means the Kenya National Examinations Council.

**3. School candidates**

The Kenya Certificate of Primary Education examination is designed primarily as a school examination; candidates shall be accepted as school candidates only if they are attending school and are presented by a school which has been recognized by the Ministry of Education as eligible to enter school candidates and in no case will a pupil attending a recognized school be accepted for the examination as a private candidate.

**4. Private candidates**

(1) Private candidates may register for the examination if they are citizens or *bona fide* residents of Kenya and possess the following qualifications—

- (a) a leaving certificate from a recognized primary school indicating that the candidate completed standard seven and would have been admitted to standard eight had he continued in school;
- (b) proof that the candidate already holds a Certificate of Primary Education or an equivalent qualification; and
- (c) proof that the candidate has completed a full primary school course in a recognized adult education or equivalent programme and has attained the level of competence required for Kenya Certificate of Primary Education candidates.

(2) There shall be no age limit for candidates taking the Kenya Certificate of Primary Education examination.

(3) The examination shall be conducted once every year in the month of November.

**5. Objectives of the examination**

The main objectives of the examination are—

- (a) to rank candidates according to attainment of skills and abilities as specified in various primary school syllabuses; and
- (b) to improve the learning process in primary schools by providing the schools with constant feedback on a candidate's performance.

**6. Subject for the examination**

(1) Candidates sitting for the examination shall be examined in the following subjects—

- (a) English Language;
- (b) Kiswahili;



- (c) Mathematics;
  - (d) Science;
  - (e) Agriculture;
  - (f) Home Science;
  - (g) Business Education;
  - (h) Art and Craft;
  - (i) Music;
  - (j) Geography, History and Civics;
  - (k) Religious Education.
- (2) The examination will consist of seven question papers as shown below—
- (a) English Language and Composition;
  - (b) Kiswahili Language and Composition;
  - (c) Science and Agriculture;
  - (d) Geography, History, Civics and Religious Education;
  - (e) Mathematics;
  - (f) Home Science and Business Education;
  - (g) Art and Craft and Music.

### 7. Registration of candidates

(1) Registration of school candidates shall be organized by Provincial, District, Municipal and City Education officers and the candidates shall be registered for the examination by the school heads in such registration form as the Council may prescribe.

(2) Private candidates shall register for the examination at the office of the District Adult Education Officer in the Ministry of Culture and Social Services in such registration form as the Council may prescribe.

(3) The registration forms for both the school and private candidates must reach the Kenya National Examinations Council by the 31st March of the year of the examination.

(4) Examination fees for Kenya Certificate of Primary Education shall be as determined by the Council from time to time.

### 8. Late registration

(1) The Council may under special circumstances receive entries from school candidates and private candidates after the 31st March of the year of the examination but not later than the 31st May of that year.

(2) All late entries received under paragraph (1) shall be accompanied by a late registration fee which shall be determined by the Council from time to time.

### 9. Examination centres

(1) No candidate shall sit for the examination unless such candidate is entered under the school or private candidates' centres approved by the Council and schools wishing to enter candidates for the first time shall apply to the Kenya National Examinations Council through the District, Municipal, and City Education officers by the 31st October of the year preceding that of the examination.

(2) Application forms shall be available from the District Education Officer, Municipal Education Officer and City Education Officer.

(3) A complete list of all schools approved to present candidates for the examination shall be compiled by the Council in January of the year of the examination and any school not on the list shall not be permitted to enter candidates for the examination.

[Subsidiary]

**10. Transfer of candidates**

(1) The transfer of a candidate from one centre to another may, on application, be allowed under special circumstances on payment of a transfer fee which shall be determined by the Council from time to time.

(2) An application under paragraph (1) shall be accompanied by a written consent of the District, Municipal or City Education Officer and shall be lodged with the Council by the 31st May of the year of the examination.

**11. Timetable for the examination**

The printed timetable for the examination shall be sent to schools and private candidates through the District, Municipal or City Education officers by the 30th September of the year of the examination.

**12. Disabled candidates**

(1) The Council shall prepare braille and papers in enlarged print for visually handicapped candidates:

Provided that information on visually handicapped candidates, giving the candidates' index numbers and names, and degree of handicap, that is, whether totally or partially blind, shall be supplied to the Council through District, Municipal or City Education officers at the time of registration of the candidates.

(2) The duration of an examination paper allowed for normal candidates may, on request, be varied at the discretion of the Council for spastic candidates where this is supported by evidence from a competent medical authority.

(3) A request under paragraph (2) shall be made at the time of registration by the head of the institution through the District, Municipal or City Education officers, who shall give such evidence and information as may be required by the Council.

**13. Results**

(1) All examination results attained by a candidate shall be indicated by letter grades from A to E as follows—

A	}	—Very Good
A-		
B+	}	—Good
B		
B-		
C+	}	—Average
C		
C-		
D+	}	—Poor
D		
D-		
E	}	—Very Poor

[Subsidiary]

(2) The Council shall reserve the right to correct the information given in any result list before certificates are issued.

(3) The decisions of the Council and its examiners concerning results shall be final.

#### 14. Certificates

(1) Certificates awarded to candidates shall indicate the name of the candidate, the candidate's index number, the name of the school or centre, all the subjects, year of the examination, certificate serial number and the grades attained by the candidate in all the papers attempted.

(2) The following shall be the grading system for the Kenya Certificate of Primary Education examination—

A	Over 80
A–	75–79
B+	70–74
B	65–69
B–	60–64
C+	55–59
C	45–54
C–	40–44
D+	35–39
D	30–34
D–	25–29
E	Below 25.

#### 15. Disqualification

(1) If the Council is satisfied that a candidate has been involved in any irregularity, misconduct or dishonesty whatever in connection with the examination or any of the papers, the Council may, at its sole discretion, expel the candidate from the examination and deny him further admission thereto or cancel any one or more of the candidate's papers of the results thereof and deny him entry as a candidate in subsequent examinations.

(2) If the Council is satisfied that any irregularity, misconduct or dishonesty whatever in connection with the examination has been widespread at any centre or that the circumstances in which the examination is held at any centre are unsatisfactory, the Council may, at its sole discretion, cancel the entire examination at the centre, or any one or more papers or the results thereof, in relation to all the candidates at the centre.

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**KENYA NATIONAL EXAMINATIONS COUNCIL (KENYA CERTIFICATE OF  
SECONDARY EDUCATION EXAMINATION) RULES, 2009**

ARRANGEMENT OF RULES

*Rule*

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SCHEDULES

FIRST SCHEDULE

SECOND SCHEDULE

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[Subsidiary]

**KENYA NATIONAL EXAMINATIONS COUNCIL (KENYA CERTIFICATE OF  
SECONDARY EDUCATION EXAMINATION) RULES, 2009**

[L.N. 176/2009, L.N. 14/2010.]

**1. Citation**

These Rules may be cited as the Kenya National Examinations Council (Kenya Certificate of Secondary Education Examinations) Rules, 2009.

**2. Interpretation**

In these Rules unless the context otherwise requires—

“**Council**” means the (Kenya National Examinations Council established the Kenya National Examinations) Council Act;

“**examination centre**” means the school or other centre recognised by the Council as a place at which candidates may sit for the examination;

“**EACE examination**” means the East African Certificate of Education examination;

“**headteacher**” means the headteacher of a secondary school;

“**Kenya Mission**” means Kenya’s Embassy or High Commission in a country outside Kenya;

“**KCPE examination**” means the Kenya Certificate of Primary Education examination;

“**KCSE examination**” means the Kenya Certificate of Secondary Education examination;

“**secondary school**” means a school recognised by the Council as eligible to present candidates for the examinations;

“**year of the examinations**” means the year in which the candidate intends to sit for the examination.

**3. Conditions for eligibility**

(1) The examination shall be open to all *bona-fide* residents of Kenya who meet the examination entry requirements as stipulated by the Council.

(2) The examination shall be administered to eligible candidates within Kenya by the District Education Officers on behalf of the Council and in conformity with the Council’s Regulations for the conduct of public examinations.

(3) A Kenyan citizen resident in a country outside Kenya may sit for the KCSE examination in countries, where—

- (a) the Kenya Mission in that country makes a formal application to the Council six months before the year of the examination and undertakes to make the necessary local arrangements for conducting the examination;
- (b) an examining body in that country which has formal collaboration with the Council undertakes to supervise the examination under Council regulations;
- (c) the candidate meets—
  - (i) the entry requirements;
  - (ii) the expenses for local administration of the examination in the country of residence; and

[Subsidiary]

- (iii) the freight and correspondence expenses incurred by the Council for the purpose of the examination.

(4) The Council shall reject applications made pursuant to sub-rule (3) which do not fulfill the requirements set out therein.

#### 4. School Candidates

(1) A school candidate shall be a person who has studied continuously during the three years immediately preceding registration in a secondary school which is an examination centre and who continues in school after registration until he is presented by the headteacher for the examination.

(2) A school candidate shall enter for at least seven subjects as prescribed under Regulation 7.

#### 5. Private candidates

(1) A person wishing to take the examination as a private candidate shall register for the examination same at the District Education Office in March of the year of the examination.

(2) A private candidate shall be considered for registration where he—

- (a) is a holder of a KCSE, or an EACE school certificate with a minimum of Division IV or equivalent certification; or
- (b) produces evidence of having spent at least three years after sitting the KCPE examination, and takes and passes the KCSE qualifying test administered by the Council, unless otherwise exempted by the Council;
- (c) produces a school-leaving certificate from the last school attended;
- (d) produces a letter of confirmation from the headteacher of the school where he intends to sit for the practical examination papers set out in the First Schedule:

Provided that arrangements for sitting the subjects specified in this subparagraph shall be responsibility of the candidate.

#### 6. Repeaters

(1) A candidate may re-sit any number of subjects irrespective of the year when he first sat for the examination, as long as such subjects are offered in the current curriculum and examination, and that they are subjects taken in an earlier examination attempt.

(2) A candidate who is not graded for any reason in the first attempt at the examination, including a candidate whose results are cancelled due to examination irregularities, shall repeat the examination in all subjects previously taken:

Provided that such a candidate shall not be allowed to re-sit the examination until after the expiry of two years from the date of cancellation of the results.

(3) A supplementary certificate shall be issued to a candidate who resits less than seven subjects, indicating the subjects taken and the subject grades obtained.

(4) The grades obtained in a repeated examination shall not be used to re-compute the mean grade obtained at the initial examination.

(5) The Council shall not issue a combined single certificate to a repeating candidate.

#### 7. Examinations subjects

The subjects to be taken in the examination and the entry requirements shall be as set out in the First Schedule.

[Subsidiary]

## **8. Grading of results**

The Council shall award results to candidates in the manner set out in the Second Schedule.

## **9. Certificates**

(1) A certificate awarded to a candidate shall show the name of the candidate, the candidate's index number, the name of the school in the case of a school candidate, and all the subjects taken by the candidate in the examination with the respective codes and the grades obtained in all the subjects taken.

(2) All certificates shall be issued to the headteachers and to private candidates through the Provincial Directors of Education or the District Education Officers.

(3) The Council may at any time withdraw a certificate for amendment or for any other reason where it considers it necessary.

## **10. Certifying Statements written**

(1) The Council may forward a certifying statement of a candidate's results upon written request, to an institution of higher learning, an employer or other public organisation.

(2) The request under subrule (1) shall indicate the candidate's full name, the name of the school attended (if any), the year of the examination and the candidate's index number.

(3) There shall be payable in respect of a statement of examination results under subrule (1) a search fee in an amount to be determined by the Council and communicated from time to time.

(4) A certifying statement shall be issued only on production of a letter from an individual or institution requesting for the same.

## **11. Notification of Results**

(1) All results shall be issued through the Ministry as soon as the award and the processing of results are completed.

(2) There shall be printed for each examination centre a list of all candidates for the centre, showing the results of each candidate in every subject taken and a mean grade and aggregate points for the whole examination for each candidate.

(3) The Council may correct the information given under subrule (2) before certificates are issued, and the decisions of the Council and its examiners concerning the results shall be final.

## **12. Examination Centres**

(1) The examination shall only be held in secondary schools registered as required by the Act and approved by the Council as examination centres.

(2) A registered secondary school wishing to enter candidates for the first time for the examination shall apply to the Council for registration as an examination centre through the District Education Officer and the Director of Quality Assurance and Standards at least six months before the year of the examination.

(3) An application under subrule (2) shall be accompanied by a certified copy of the certificate of registration of the school issued by the Ministry of Education.



[Subsidiary]

(4) The Council may withdraw approval for an examination centre where it is satisfied that the centre does not comply with these rules or if the continuation of the institution as such centre would endanger the security of examinations, and combine examination centres for ease of administration of examinations and for security reasons.

### **13. Entry and other requirements**

(1) Intending candidates who fulfil the entry requirements specified in rule 3 shall apply for registration by completing and submitting the prescribed entry forms, and paying the prescribed examination fees.

(2) School candidates shall be entered for registration for the examination by their headteachers.

(3) The headteacher shall ensure that candidates' entries conform to the entry requirements stipulated by the Council and that they are correct in terms of the spellings of the candidates' names and the subjects for which they are registered.

(4) A headteacher entering candidates for the examination may be required to produce the school records of their candidates, including admission registers, class record cards, letters of transfer, mark-sheets and report forms.

(5) No headteacher shall enter any person for the examination where that person does not meet the qualifications of a school candidate.

(6) All school candidates shall be required to continue attending school until they are presented by the headteacher for the examination.

(7) Entries for candidates shall be submitted to the Council by the 31st of March of the year of the examination.

(8) Notwithstanding subrule (7), entries from candidates received after 31st March but before the 31st May of the year of the examination may be considered for acceptance on payment of late registration fees to the Council.

(9) The Council shall prescribe the late registration fee referred to in subrule (7) and may from time to time review the amount of such fees.

(10) In order for registration to be considered complete, schools and candidates shall present all the required documentation, including evidence of payment of the required fees.

(11) District Education Officers and headteachers shall deliver registration documents by hand to the Council offices, and any registration materials sent by post shall be returned to the sender and candidates shall not be registered for the examination.

(12) A candidate shall ensure that his entry forms are in order and that his names are correctly recorded thereon.

(13) No alterations shall be made to registration documents after they are received by the Council except with the permission of the Council, and no alterations thereto shall be made after the results of the examination are released by the Council.

### **14. Transfer by candidates**

(1) Candidates registered under a particular school or examination centre shall be required to take the examination at that centre.

(2) Notwithstanding subrule (1), a candidate may transfer from one centre to another with the authority of the Council for reasons accepted as adequate and on payment of such fee as may be determined by the Council.

**[Subsidiary]**

(3) Requests for a transfer under subrule (2) shall be made by the headteacher on behalf of the candidate, and the fee under this section shall be subject to review from time to time.

**15. Examination fees**

(1) The examination fees shall be determined by the Council and communicated to school candidates through their respective headteachers and to private candidates through the press or the offices of the Provincial Directors of Education or District Education Officers.

(2) The Council may from time to time review the examination fees.

**16. Withdrawal from examination**

(1) A candidate who withdraws from the examination shall be entitled to a refund of half the amount of the examination fees paid:

Provided that—

- (a) the Council shall give such refund where the notice of withdrawal under subrule (2) is received before the candidate sits for any of the papers; and
- (b) a candidate who sits for any of the papers before giving the notice of withdrawal shall not be entitled to any refund.

(2) Where any candidate wishes to withdraw from the examination, the headteacher of such candidate shall send the notices of withdrawal to the Council through the District Education Officer.

(3) Where any candidate dies before or completing the examination, the Council shall upon receipt of written notice with supporting documents, make a full refund of the examination fees.

(4) All refunds of examination fees shall be made after the examination is completed and results released.

**17. Examination Timetable**

(1) The provisional examination timetable shall be published at least one year before the examination together with the guidelines.

(2) The Council shall ensure that the timetable is presented in such a way that there is no clash in the dates and papers to be taken.

(3) Notwithstanding subrule (1), no special arrangements shall be made to suit the convenience of candidates registered for examinations offered by other examining bodies.

(4) Copies of the final printed timetable shall be sent to schools through Provincial Directors of Education and District Education Officers one month before the start of the examination, and no alterations shall be made thereto without the express consent of the Council.

(5) Candidates and headteachers shall ensure that they obtain copies of the final timetable and that candidates present themselves for the examination on time.

(6) The time allowed for answering each paper shall be indicated on the examination papers and printed on the timetable, and shall not be varied.

(7) Where the time indicated in the timetable is different from that indicated on the question paper, the time on the question paper shall apply.

**18. Practical/Project Assessment**

Practical examinations in and assessment of projects in Agriculture, Home Science, Computer Studies, Art and Design, Woodwork, Metalwork, Building Construction, Music and Languages, shall, where applicable, take place in or before the month of October of the year of the examination, on dates to be communicated separately by the Council and which shall also be indicated on the examination timetable.

**19. Examination arrangement for the disabled candidates**

(1) The Council shall prepare in Braille the examination papers for visually handicapped candidates on the syllabi approved specially for the blind.

(2) Information in Braille indicating the index numbers of candidates, subjects, papers, set books and the degree of visual handicap shall be forwarded to the Council by headteachers through the Provincial Director of Education or District Education Officers at the time of registration of the candidates for the examination.

(3) The duration of the examination allowed for candidates may be varied at the discretion of the Council for spastic candidates where this is supported by evidence from a competent medical authority, and requests for such consideration shall be forwarded at the time of registration by the headteacher, giving such evidence and information as may be required by the Council.

(4) The Council shall prepare adapted question papers for candidates who are hearing impaired on the Adapted Syllabi for the Hearing Impaired.

**20. Infectious Diseases**

A candidate who has been exposed to any infectious disease shall not sit for the examination at an examination centre unless the candidate is out of quarantine.

**21. Language of the examination**

Answers to examination questions shall be written in the English Language except in examination questions in languages other than English, or as otherwise specified in the rubric of the question paper.

**22. Materials and Equipment for the Examinations**

(1) A school presenting candidates shall provide facilities, materials and equipment required for the examination, including laboratory equipment, chemicals, music and musical instruments, materials for use in Home Science, Agriculture, Industrial Education, Art and Design or Drawing, pens, pencils, erasers, computers, TV sets 21", DVD/VCD players and any other examination materials required.

(2) All scripts, projects and other materials submitted to the Council for the examination, both written and practical, shall be the property of the Council.

(3) The Council shall not accept responsibility for the loss of or damage to scripts, projects or coursework materials before they are received by the Council after the examination.

(4) Where an examination paper requires the use of mathematical tables, candidates shall use the Kenya National Examinations Council tables.

(5) Candidates may use electronic calculators of the silent cordless and non-programmable type in answering questions unless specifically forbidden in the rubric of the paper, and candidates shall be required to state the type of calculator used.

**[Subsidiary]**

(6) Schools shall be required to provide candidates with electronic calculators of the silent, cordless and non-programmable type of size 16 cm x 7.5 cm or less of the same make and possessing the following features only—

- (a) The four basic keys *viz* addition, subtraction, multiplication and division;
- (b) The trigonometric functions: Sine, cosine, tangent and their inverses;
- (c) The square and square root, cube and cube root functions;
- (d) The reciprocal key;
- (e) The fractional, a  $\frac{b}{c}$  key;
- (f) The power,  $x^y$  and inverse keys;
- (g) The memory M and M+ keys;
- (h) Brackets ( ) keys;
- (i)  $\pi$  (pie) key;
- (j) Exponential key;
- (k) Percentage, (%) mode;
- (l) Degree and Radian mode; and
- (m) Simple statistical operations.

(7) The calculators provided under subrule (6) shall not possess the following features—

- (a) Storage of formulae;
- (b) Drawing and storage of graphics;
- (c) Dictionary;
- (d) Algebraic storage facilities; or
- (e) Any other programming facility.

(8) All students at an examination centre shall use calculators of the same make.

**23. School assessment and other records**

A headteacher may be requested to submit school assessment, or any other records of candidates for whom such information may be required by the Council.

**24. Remarking of scripts and examination queries**

(1) Any queries on results shall be made as soon as results are released, and in any case not later than the 30th April of the year following the year of the examination.

(2) Remarking of scripts may be undertaken by the Council at the written request of the headteachers who presented the candidate.

(3) Requests for remarking from a private candidate shall be channelled through the Provincial Directors of Education or the District Education Officers of the Ministry of Education.

(4) The Council shall undertake to remark scripts only after satisfactory reasons are given by the requesting headteacher justifying the remarking of scripts for a candidate whose results have already been issued.

(5) The Council may reject any request for remarking where in its opinion, a strong case for the same has not been established.

[Subsidiary]

(6) A request for remarking may be channelled through the Provincial Directors of Education or the District Education Officers together with the fee prescribed by the Council so as to reach the Council within thirty days of the date of release of results.

## 25. Under protest entries

(1) In order to correct an apparent error in the entry shown on the Attendance Sheet, a subject or paper of a subject not recorded may be taken by a candidate **“Under Protest”** under the following conditions—

- (a) that an explanation is given in writing by the candidate or school head;
- (b) that an **“Under Protest”** fee is paid for each candidate for each paper taken **“Under Protest”**;
- (c) that the question papers for the subject are available at the examination centre;
- (d) that, for each subject and for each paper of a subject, the **“Under Protest”** scripts are handled as specified in the guidelines for the conduct of KCSE examination issued at the time of examination;
- (e) that the written explanation and the fees payment slips are enclosed in a separate envelope and despatched to the Council at the time of the despatch of the subject scripts, with the separate envelope enclosed in the main script envelope for the centre.

(2) Notwithstanding subrule (1), the correct despatch of **“Under Protest”** scripts shall not be a guarantee of their acceptance and marking by the Council, and the **“Under Protest”** fees is not refundable.

(3) Use of the **“Under Protest”** procedure may lead to delay in the issue of results for such candidates.

(4) The **“Under Protest”** procedure shall not be used for the purposes of registering candidates not registered at the time prescribed by the Council for registration.

## 26. Cancellation of Examination results

(1) The Council may cancel results of the examination for any candidate or examination centre which it proves has been involved in any form of examination irregularity or malpractice.

(2) Any candidate whose results in any subject are cancelled shall be awarded a subject grade ‘Y’ and an overall result ‘Y’ in the entire examination.

(3) A candidate whose results are cancelled may not sit for any Council examination for a subsequent period of two (2) years, and shall then be required to re-sit the entire examination.

(4) The Council may remove any examination centre whose results are cancelled from the roll of the Council’s approved examination centers.

## 27. Withholding cancellation of results

(1) The Council may withhold results of the examination for any candidate or examination centre suspected of having been involved in any form of an examination irregularity or misconduct pending completion of investigations and the final disposal of any consequent disciplinary or other proceedings.

(2) Where the Council, is satisfied after an investigation that candidates or examination centres have been involved in any examination irregularity or misconduct, it shall cancel the results of such candidates or examination centres.

**[Subsidiary]**

(3) Where the results of a candidate or examination centre have been cancelled, such candidate or examination centre shall be subject to the sanctions stated in rule 26:

Provided that where the Council finds, after investigation, that there were no irregularities or misconduct at an examination centre, it shall release the results of the students at that examination centre.

**28. Widespread irregularities**

(1) If the Council is satisfied that the examination at any examination centre has not been conducted in accordance with its guidelines or that there have been widespread irregularities at an examination centre, it may at its sole discretion cancel the results of candidates for the entire centre.

(2) Where results of candidates have been cancelled, such candidates shall be subject to the sanctions stipulated under rule 26.

**29. Cancelled results**

Scripts, projects and other examination materials submitted by candidates for the purpose of assessment and in relation to which irregularities are established by the Council and results cancelled shall not be made available for re-assessment.

**30. Offences**

Any person who—

- (a) gains access to examination materials and knowingly reveals the contents, whether orally or in writing, to any unauthorized party, whether a candidate or not;
- (b) willfully and maliciously damages examinations materials;
- (c) not being registered to take a particular Council examination, with intent to impersonate, presents or attempts to present himself to take the part of an enrolled candidate; or
- (d) possesses or presents a forged certificate or diploma,

commits an offence and shall be liable on conviction to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both.

**31. Revocation of L.N. 18/1998**

The Kenya National Examinations Council (Kenya Certificate of Secondary Education) Rules, 1998, are revoked.

[L.N. 14/2010.]

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**FIRST SCHEDULE**

[Rule 7.]

**A. SUBJECTS TO BE OFFERED FOR THE EXAMINATION**

- (a) Group 1  
Code No.  
101 English  
102 Kiswahili  
121 Mathematics Alt. A  
122 Mathematics Alt. B

- (b) Group 2  
Code No.  
231 Biology  
232 Physics  
233 Chemistry  
236 Biology (To be taken by blind candidates only)  
237 General Science(to be taken with subject 122 in group 1)
- (c) GROUP 3  
311 History and Government  
312 Geography  
313 Christian Religious Education  
314 Islamic Religious Education  
315 Hindu Religious Education } Only one may be taken
- (d) GROUP 4  
441 Home Science  
442 Art and Design  
443 Agriculture  
444 Woodwork  
445 Metalwork  
446 Building Construction  
447 Power Mechanics  
448 Electricity  
449 Drawing and Design  
450 Aviation  
451 Computer Studies
- (e) GROUP 5  
501 French  
502 German  
503 Arabic  
504 Kenya Sign Language  
511 Music  
565 Business Studies

## B. SUBJECT ENTRY REQUIREMENTS

### (1) SUBJECT ENTRY REQUIREMENTS

- (a) The Kenya Certificate of Secondary Education will be awarded to all candidates who fulfill all the requirements for the examination as prescribed in these Rules. Candidates **MUST** sit for at least seven (7) subjects selected from groups 1, 2, 3, 4 and 5 as follows:

### (2) Sighted candidates

Either—

- (i) Three subjects in group 1 – (code numbers 101, 102 and 121).  
\*Hearing impaired candidates may take subject 504 (Kenyan Sign Language) instead of Kiswahili (102).
- (ii) At least 2 subjects from Group 2 (code numbers 231,232 and 233).

**[Subsidiary]**

- (iii) One (1) subject from Group 3 (code numbers 311, 312 and 313/314/315)
- (iv) Any one (1) subject selected from the remaining subjects in groups 2, 3, 4 or 5

Or

- (i) Three subjects in Group 1 (Code numbers 101,102 or 103 and 122).
- (ii) General Science in group 2 (code 237).
- (iii) One (1) subject from Group 3 (code numbers 311, 312 and 313/314/315).
- (iv) Two (2) subjects selected from the remaining subjects in groups 3, 4 and 5

**(4) Blind Candidates—**

- (i) All the three subjects in group 1 (code numbers 101, 102 and 121).
- (ii) Biology Code No. 236 in group 2.
- (iii) At least one subject from group 3 (code numbers 311, 312 and 313/314/315).
- (iv) Any other two subjects selected from the remaining subjects in groups 3, 4 (Home Science Only) and 5.

NB: Candidates may sit for a maximum of nine (9) subjects. The extra 1 or 2 subjects can be selected from groups 3, 4 and 5.

**(5) Award of KCSE Certificate**

For award of the KCSE certificate, candidates shall be graded on their best seven (7) subjects as follows:

For sighted candidates these will include

Either

Three (3) subjects in group 1, two (2) subjects in Group 2, one (1) subject in Group 3 and any other subject chosen from Groups 2,3,4 and 5.

Or

Candidates who opt for subject code numbers 122 and 237, will offer 3 subjects from Group 1, one subject from Group 2, one subject from Group 3 and 2 others from Groups 3, 4, and 5.

Blind candidates will offer three (3) subjects in Group 1, Biology (code number 236) in Group 2 and One subject in Group 3 and any two other subjects selected from Groups 3, 4 and 5.

Hearing Impaired candidates shall take three (3) subjects, 101 and 121 in Group 1 and 504 in group 1, Kenyan Sign Language in place of 102 (Kiswahili); two (2) subjects in Group 2; one (1) subject in Group 3 and any other subject chosen from Groups 2,3,4 and 5.

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**SECOND SCHEDULE**

[Rule 9.]

**1. Grades to be Awarded**

The subject results shall be indicated in letter grades A to E as follows—

A	}	Very good
A -		
B+	}	Good
B		
B-		



SECOND SCHEDULE—*continued*

C+ }  
C } Average  
C- }

D+ }  
D } Weak  
D- }

E } Poor

A mean grade and Aggregate points for the whole examination shall also be indicated.

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