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20151204-5936  
Enquiries: DJ Moonsamy

Circular: 0003/2016  
Expiry date: None

To: Deputy Directors-General, Chief Directors, Directors (Head Office and district offices), IMG Heads, IMG Managers, Circuit Team Managers, Curriculum Advisers and Heads of all educational institutions

*Brief summary: Delegation of powers of the Member of the Executive Council (MEC) of the Western Cape Education Department.*

**Subject: Delegation of powers in respect of the South African Schools Act, 1996 (Act 84 of 1996)**

1. Attached are the delegations of powers vested in the Member of the Executive Council responsible for education in terms of the above legislation.
2. As circulars, minutes and their attachments are sent out in e-mail format, officials are requested to print their own copies of the delegation from their e-mail should they wish to have a hard copy.
3. Please bring the contents of this circular to the attention of all persons concerned.

**SIGNED:** P A VINJEVOLD  
**HEAD: EDUCATION**  
**DATE:** 2015-12-17

















	<b>Statutory provision</b>	<b>Subject/Nature of Power</b>	<b>MEC</b>	<b>Head of Department</b>	<b>Deputy Director-General</b>	<b>Chief Director</b>	<b>Director</b>	<b>Dep. Director</b>	<b>Circuit Team Manager</b>	<b>IMG Head</b>	<b>Ass. Director</b>	<b>Admin Officer</b>	<b>Chief Admin Clerk</b>	<b>Snr Admin Clerk</b>
35.	28	<b><u>Election of members of governing body</u></b> Promulgate regulations (determinations) relating to governing bodies of ordinary public schools, by notice in the Provincial Gazette.	x											
36.	33(1)	<b><u>Closure of public schools</u></b> Close a public school, by notice in the Provincial Gazette.	x											
37.	33(2)(a)	Notice to the governing body of a public school of the MEC's intention to close such school and the reasons therefor.	x											
38.	33(2)(b)	Grant reasonable opportunity to the governing body of such school to make representations in relation to such action contemplated in section 33(1).	x											
39.	33(2)(c)	Conduct a public hearing on reasonable notice, to enable the community to make representations to the MEC relating to actions contemplated in terms of section 33(1).	x	x	x	x	x							
40.	33(2)(d)	Due consideration of any such representation received.	x											
41.	33(3)	Conclude an agreement between the MEC and the governing body relating to assets and liabilities of a public school which has been closed.	x	x	x	x								
42.	36(2)	<b><u>Responsibility of governing body</u></b> Written approval to a governing body of a public school for the entering into any loan or overdraft agreement so as to supplement the school fund.	x	x	x	x	x DMA							
43.	37(3)	<b><u>School funds and assets of public schools</u></b> Grant approval to a governing body of a public school to invest surplus money in another account.	x	x	x	x	x DMA							











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71.	58C(2)	Ensure that policy determined by a governing body complies with Norms and Standards i.to. Section 5(5) and 6(2) of SASA	x	x										
72.	58C(3)	Report to Minister of Education on compliance with Norms and Standards i.t.o. SASA	x											
73	58C(4)	Handling of disputes in respect of non-compliance with Norms and Standards between Minister of Education and MEC for Education	x											

**APPROVED: SIGNED: D. SCHÄFER**  
**MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR EDUCATION: WESTERN CAPE**  
**DATE: 2015-11-27**