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To: Deputy Directors-General, Chief Directors, Directors (Head Office and district offices), Deputy Directors, Chief Education Specialists, Heads: Curriculum Support, Circuit Managers, Heads: Management and Governance, Deputy Chief Education Specialists, Subject Advisers, Principals of public schools and Chairpersons of governing bodies

Short summary: This circular introduces a consolidated version of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), the Western Cape Provincial School Education Amendment Act, 2010 (Act 7 of 2010), and the Western Cape Provincial School Education Amendment Act, 2018 (Act 4 of 2018).

Subject: Publication of a consolidated version of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), the Western Cape Provincial School Education Amendment Act, 2010 (Act 7 of 2010) and the Western Cape Provincial School Education Amendment Act, 2018 (Act 4 of 2018)

1. The Western Cape Provincial School Education Act, 1997 (Act 12 of 1997) ("the Principal Act"), came into effect on 16 January 1998 and was amended by the Western Cape Provincial School Education Amendment Act, 2010 (Act 7 of 2010) ("the 2010 Amendment Act"), and recently amended by the Western Cape Provincial School Education Amendment Act, 2018 (Act 4 of 2018) ("the 2018 Amendment Act"), following its enactment by the Provincial Legislature.
2. The purpose of the 2018 Amendment Act was, inter alia, to—
 - a) amend the Principal Act, so as to delete a definition and insert and substitute others;
 - b) amend cross references to certain statutory provisions;
 - c) remove references to adult education;
 - d) make provision for goods and services relating to education in the Province to be centrally procured;

- e) regulate monitoring and support of curriculum delivery in the classroom at public schools;
 - f) authorise the Western Cape Education Council to provide advisory reports;
 - g) make provision for the establishment and functions of a Schools Evaluation Authority;
 - h) make provision for the establishment of collaboration schools and donor funded public schools;
 - i) make provision for the establishment of intervention facilities to which learners may be referred in certain circumstances;
 - j) do away with requirements for the concurrence of the Provincial Minister responsible for finance to be obtained in respect of certain agreements;
 - k) delete a provision that authorises the closure of part of a public school;
 - l) make further provision for the Provincial Minister responsible for education to make regulations;
 - m) regulate further the power of the Provincial Minister to determine certain norms and standards and the functions and procedures for the establishment and election of representative councils of learners;
 - n) repeal an obsolete provision relating to the powers of a Children's Court;
 - o) authorise certain tests related to the admission of a learner to a public school with a specialised focus or for learners with special education needs;
 - p) make provision regarding the consumption and sale of alcoholic liquor on school premises or during school activities subject to conditions;
 - q) provide that a public school must obtain the prior written consent of a parent authorising the learner to attend a school activity outside of the school premises;
 - r) create further offences; and
 - s) provide for matters connected therewith.
3. The 2010 Amendment Act was published in Provincial Gazette Extraordinary No. 6823 of 08 December 2010 and the 2018 Amendment Act was published in Provincial Gazette Extraordinary No. 8010 of 29 November 2018. Following the publication, the Western Cape Education Department consolidated and replaced, substituted and inserted all the provisions of the 2010 Amendment Act and the 2018 Amendment Act into the Principal Act.
4. The consolidated version is available in all three official languages of the Western Cape (attached hereto) and is being circulated for ease of reference.
5. However, where a need arises for certainty and for the purposes of interpretation, the gazetted versions of the Principal Act (Act 12 of 1997), the 2010 Amendment Act (Act 7 of 2010) and the 2018 Amendment Act (Act 4 of 2018) must at all times be consulted.
6. Should there be any further queries regarding this matter, please feel free to contact Adv. Lynn Coleridge-Zils at tel. no. 021 467 2299 or via email at Lynn.Coleridge-Zils@westerncape.gov.za.

7. Kindly bring the contents of this circular to the attention of all concerned.

SIGNED: BK SCHREUDER

HEAD: EDUCATION

DATE: 2020-11-27