



PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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(\*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

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**PROVINCIAL NOTICE****PROVINSIALE KENNISGEWING**

The following Provincial Notice is published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street,  
Cape Town.

P.N. 289/2011

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat,  
Kaapstad.

4 November 2011

**PROVINCIAL NOTICE****GENERAL NOTICE IN TERMS OF THE WESTERN CAPE PROVINCIAL SCHOOL EDUCATION ACT, 1997 (ACT 12 OF 1997)**

The following Draft Regulations are hereby published for general information:

**DRAFT REGULATIONS RELATING TO THE REGISTRATION OF AND SUBSIDIES TO INDEPENDENT SCHOOLS  
(EXCLUDING INDEPENDENT PRE-PRIMARY SCHOOLS)**

Under the powers vested in me in terms of Sections 28 and 37 of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), I DONALD ARTHUR CARDROSS GRANT, Provincial Minister responsible for Education in the Province of the Western Cape, hereby announce my intention to promulgate the revised regulations relating to the registration of and subsidies to independent schools (excluding independent pre-primary schools), as set out in the Schedule.

Any person or organisation wishing to comment on the said Draft Regulations is requested to lodge such comment, in writing, within 15 days from the date of publication of this notice by

- (a) posting it to the following address:  
Mr Deon Louw  
Deputy Director: IMGP  
Western Cape Education Department  
Private Bag X9114  
Cape Town  
8000

or

- (b) by e-mailing it to the following address:  
[Deon.louw@pgwc.gov.za](mailto:Deon.louw@pgwc.gov.za)  
  
Telephone no.: 021- 467 2653  
Fax no.: 086 276 3091

or

- (c) by delivering it to:  
Mr Deon Louw  
Deputy Director: IMGP  
Western Cape Education Department  
Room 1809, 18th Floor  
Golden Acre Building  
Adderley Street  
Cape Town

Copies of the draft regulations are available on the following website:

<http://wcedpolicy.pgwc.gov.za>

Dated at Cape Town this 24th day of October 2011

DONALD ARTHUR CARDROSS GRANT  
PROVINCIAL MINISTER RESPONSIBLE FOR EDUCATION IN THE PROVINCE OF THE WESTERN CAPE

**DRAFT REGULATIONS RELATING TO THE REGISTRATION OF AND SUBSIDIES TO INDEPENDENT SCHOOLS (EXCLUDING INDEPENDENT PRE-PRIMARY SCHOOLS)**

I, Donald Arthur Cardross Grant, the Provincial Minister responsible for education in the Province of the Western Cape, intends to promulgate the regulations as set out in the Schedule in terms of sections 28 and 37 of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

**SCHEDULE**

**ARRANGEMENT OF REGULATIONS**

1. Definitions
2. Requirements and grounds for registration
3. Procedure for registration
4. Registration certificates
5. Permission for learners to register and sit for examinations
6. Monitoring and access to independent schools
7. Subsidies to independent schools
8. Withdrawal of registration and closure of independent schools
9. Appeal to Provincial Minister
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11. Short title

**Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act, bears the meaning assigned to it and, unless the context indicates otherwise—
  - “**council**” means the South African Council for Educators referred to in section 4 of the South African Council for Educators Act, 2000 (Act 31 of 2000);
  - “**NCS**” means the National Curriculum Statement determined by the National Minister in terms of section 6A, read together with section 61, of the South African Schools Act, 1996 (Act 84 of 1996);
  - “**NNSSF**” means the Amended National Norms and Standards for School Funding, 2008, issued in terms of section 39(7) of the South African Schools Act, 1996;
  - “**owner**” means the person or entity which owns and maintains an independent school and who controls and manages an independent school, or his or her assignee(s) in whom the control and management of an independent school is vested;
  - “**registration certificate**” means a certificate issued by the Western Cape Education Department upon registration or provisional registration of an independent school;
  - “**SAQA**” means the South African Qualifications Authority contemplated in Chapter 4 of the National Qualifications Framework Act, 2008 (Act 67 of 2008);
  - “**school-going age**” means the age for compulsory school attendance as determined by the Provincial Minister in terms of section 42 of the Act, and up to the age of **eighteen years**, during which a learner follows officially recognised school programmes from Grade 1 to Grade 12;
  - “**school safety**” means school safety as defined in the safety measures determined by the National Minister in the Safety Measures at Independent Schools, issued in terms of section 61(a) of the South African Schools Act, 1996;
  - “**the Act**” means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997); and
  - “**Umalusi**” means the Council for General and Further Education and Training Quality Assurance established by section 4 of the General and Further Education and Training Quality Assurance Act, 2001 (Act 58 of 2001).

**Requirements and grounds for registration**

2. (1) Any owner may apply to the Head of Department for the registration of a school as an independent school. An independent school must comply with the following requirements to be registered in terms of section 28 of the Act:
  - (a) The applicant for registration must satisfy the Head of Department that it can reasonably be expected that the average number of learners of school-going age who will be enrolled at the independent school in question during the first 12 months following the date on which such application was received by the Head of Department will not be fewer than 20, unless such learners are learners with special education needs, in which case the minimum number of learners in a school for special education needs must be 10.
  - (b) At the head of such an independent school there must be a principal who, if he or she is the academic head of the school or the head of a phase in the school, must have a teaching qualification recognised by the Authority, and registered with the council.
  - (c) The school buildings and grounds must offer the space, design and facilities which conform to standards appropriate to the context in which the school will operate taking into account comparable standards at public schools in the area, and—

- (i) the buildings and grounds which are or will be occupied by the school must meet the requirements of the relevant health authorities and municipal by-laws, as the case may be; and
  - (ii) tenure of the school buildings and grounds must be secured for a period of twelve months following the registration of such school.
- (2) The registration of an independent school is subject to the following conditions:
- (a) A learner may not be admitted to Grade 1 in such an independent school unless he or she complies with the requirements for school-going age as defined in section 27A of the Act.
  - (b) The provisions relating to compulsory school attendance as stipulated by section 42 of the Act, which are applicable to learners attending public schools, shall also apply to learners attending an independent school.
  - (c) The Head of Department must determine the maximum number of learners who may be admitted to such an independent school on the basis of the school buildings and grounds referred to in subregulation (1)(c).
  - (d) Teaching may only be offered in an independent school once the owner is in possession of a registration certificate for that independent school.
  - (e) All educators employed at the independent school must be registered with the council.
  - (f) The independent school must participate in the processes of the Central Education Management Information System (CEMIS) of the Western Cape Education Department.
  - (g) The owner of an independent school must—
    - (i) keep an admission register in which information about every learner is recorded;
    - (ii) keep a daily attendance register of learners, educators and non-educators;
    - (iii) keep an educator profile of each educator employed at the independent school in which their names, registration with the council, employment contract, qualifications and remuneration are recorded;
    - (iv) keep a record of the registration of all employees with the South African Revenue Service and the Unemployment Insurance Fund;
    - (v) maintain receipt books, detailed financial reports and publish annual audited financial statements; and
    - (vi) permit the Head of Department or an official authorised by him or her to visit any independent school to verify that the above documents are maintained.
  - (h) The owner of an independent school must ensure that—
    - (i) the average duration of a school day and the minimum number of school days per calendar year comply with the prescribed notional hours as stipulated in the NCS and Curriculum and Assessment Policy Statement documents;
    - (ii) the curriculum for learners in the various school phases meet the required outcomes of the NCS and are recognised by the Authority and Higher Education South Africa (HESA);
    - (iii) after registration, the independent school applies for accreditation with Umalusi; and
    - (iv) the necessary safety measures are maintained at the independent school as defined under “school safety” in regulation 1.
  - (i) The owner or principal of a registered independent school must—
    - (i) inform the Head of Department in writing within 30 days of any transfer of ownership or change in status of the school;
    - (ii) notify the Head of Department, parents, staff and learners at least six months in advance and in writing, of any intention or decision to terminate the operation of the school, which termination should preferably take effect at the end of an academic year;
    - (iii) notify the Head of Department in writing of any change of premises and be provided with a certificate of approval from the local authority that such premises conform with the requirements of the relevant health authorities and/or municipal by-laws, as in regulation 3(2)(d); and
    - (iv) ensure that any changes to the approved curriculum that an independent school wishes to introduce, must meet the outcomes of the NCS declared as policy by the National Minister, and must be approved by the Head of Department as a change to the original registration requirements .

#### Procedure for registration

3. (1) The applicant for the registration of an independent school must apply to the Head of Department on the prescribed form by 30 June of the year preceding the start of the academic year in which the school intends to open.
- (2) The application must be accompanied by the following documentation:
  - (a) A constitution or founding document of the school and relevant policies that cover ownership, mission, aims, governance, funding, language and admission;

- (b) A floor plan indicating space measurements, which shall in the case of a multi-floor building include a floor plan for each floor;
  - (c) A site plan indicating recreational and other facilities;
  - (d) A letter of approval from the local authority stating that the premises have been zoned or have consent use for educational purposes and conform to health and safety requirements;
  - (e) Evidence of security of tenure over the proposed school buildings and grounds for a minimum of 12 months from the date of registration of the school;
  - (f) Evidence that the school will be financially viable for at least 12 months after registration; and
  - (g) Certified copies of the certificates of registration with the council for educators already appointed and an undertaking by the owner that all educators will be registered with the council and that they will provide the outstanding certificates by the time the school starts operating.
- (3) A separate application for each of the sites is required if a school wishes to operate on different sites.
  - (4) The application must be lodged on Form 1 in the Annexure, accompanied by the documents listed in subregulation (2), with the district office in which the proposed school is to be established and shall be forwarded by the district office to the Head of Department within 14 days.
  - (5) The Head of Department must confirm the date of receipt of the application in writing to the applicant.
  - (6) The application for registration of an independent school must be approved by the Head of Department within 90 days of receipt of the application, provided that the school complies with all requirements for registration in subregulation (2).
  - (7) The owner of an independent school may, within 30 days of receiving notice of a decision not to register such an independent school, appeal to the Provincial Minister against the decision of the Head of Department not to register such independent school.
  - (8) The Head of Department may provisionally register an independent school for a calendar year where such school does not comply with all the requirements for registration, provided that in his or her opinion, there are reasonable grounds to assume that the school will satisfy the requirements for registration within the specified period.

#### **Registration certificates**

- 4. (1) A registration certificate is issued by the Head of Department for one site only and is not transferable.
- (2) A registration certificate is only valid in the province in which it was issued.
- (3) All registered schools must display the certificate of registration in a visible location as proof of registration.

#### **Permission for learners to register and sit for examinations**

- 5. (1) The Head of Department may allow learners at an independent school to register and sit for any examination conducted by or under the supervision of the Western Cape Education Department.
- (2) The Head of Department must ensure that standards by and conditions under which such examinations will be conducted by an independent school, equate to those required of a public school for the same examination.
- (3) The principal of an independent school must apply to the Head of Department to register as an examination centre for Grade 12 external examinations.
- (4) The owner or principal of an independent school applying for registration with the Independent Examinations Board or other examination bodies must ensure that the qualification is recognised by the Authority.

#### **Monitoring and access to independent schools**

- 6. (1) The Head of Department may initiate a monitoring visit to an independent school.
- (2) In respect of unsubsidised independent schools, the Head of Department must notify the school in writing of such a visit providing the date, time and purpose of the visit.
- (3) In respect of subsidised independent schools, the Western Cape Education Department has the right to make unannounced visits, and to inspect various aspects of the school's records, specifically in the area of financial management.
- (4) Should a complaint be lodged against an independent school by parents of the learners enrolled at the school, the Head of Department may, in writing to the principal, request a written report with regard to the complaint.
- (5) The principal must within 30 days of receipt of the written request referred to in subregulation (4), respond to the Head of Department in writing.
- (6) Should the Head of Department not be satisfied with the written response referred to in subregulation (5), he or she may within 30 days of receipt of such written response, in writing to the principal of the school, request an investigation. Western Cape Education Department officials appointed by the Head of Department must be granted access to the school premises and records at any reasonable time for the purposes of furthering the investigation.
- (7) The results of the investigation must be recorded in writing, and made available to both the complainant and the school. If there is a *prima facie* case that the requirements for registration have not been met in this instance, or generally, then the Head of Department may proceed against the school as provided for in these Regulations. If there is a *prima facie* case that the complainant may have a right of action against the school, the complainant may seek legal recourse.

**Subsidies to independent schools**

7. (1) An independent school which has been registered for a year or more and is registered as a non-profit organisation may apply for a subsidy in terms of section 31 of the Act.
- (2) In line with the provisions of the NNSSF, the subsidy referred to in subregulation (1), must be calculated annually by the Head of Department with the concurrence of the financial head.
- (3) An independent school shall direct its application for a subsidy to the Head of Department on the application forms made available for this purpose, provided that an application for a subsidy must be submitted to the Western Cape Education Department annually on or before 31 March of the preceding year.
- (4) If an independent school to which a subsidy has been granted, at any time during the financial year no longer complies with any or all the requirements or conditions for a subsidy, the Head of Department must give the owner written notice thereof, stating which requirement or condition has not been complied with and instructing the owner to satisfy this requirement or condition within a period determined by the Head of Department and stated in the notice.
- (5) If, after the expiry of the period contemplated in subregulation 4, the independent school still does not comply with the requirement or condition in question, the provisions of sections 48(4) and (5) of the South African Schools Act, 1996 shall apply.
- (6) A subsidy shall be payable only in respect of those learners of school-going age who are following the curriculum in Grade 1 to Grade 12, unless the Head of Department determines otherwise in the case of learners with special education needs.
- (7) Any person who wilfully furnishes false information or makes a statement which is false or misleading in connection with an application for a subsidy to an independent school shall be guilty of an offence and upon conviction liable to a fine or imprisonment for a period of up to three months.
- (8) An independent school may be considered for a subsidy referred to in subregulation (2), if the independent school—
- (a) maintains standards that are not inferior to those of comparable public schools;
  - (b) in the case of ordinary learners, consents to participate in the Annual National Assessments and/or the department's diagnostic testing;
  - (c) is managed successfully in terms of the conditions of the management checklist for subsidies as required by the NNSSF;
  - (d) submits annually by 30 June an audited financial statement on the financial affairs of the independent school to the Head of Department;
  - (e) utilises the services of a person appointed by the owner of the independent school and registered as an auditor in terms of the Auditing Profession Act, 2005 (Act 26 of 2005) to audit the records and financial statements;
  - (f) finds that the audit referred to in paragraph (e) is not reasonably practicable, and the owner of an independent school appoints a person qualified to perform the duties of an accounting officer in terms of section 60 of the Close Corporation Act, 1984 (Act 69 of 1984), to examine and report on the records and financial statements. No person who has an interest in the affairs of the independent school may be appointed under this regulation; and
  - (g) pays any subsidy received from the education department into a bank account as contemplated in the Banks' Act, 1990 (Act 94 of 1990), which has been opened in the name of the independent school.

**Withdrawal of registration and closure of independent schools**

8. (1) The Head of Department may, subject to the provisions of subregulation (2), withdraw the registration of an independent school if he or she is convinced on reasonable grounds that such an independent school is not complying with all the registration requirements or conditions referred to in regulation 2.
- (2) Before withdrawing the registration of an independent school in terms of paragraph (a), the Head of Department shall, in a written notice addressed to the owner of the independent school—
- (a) notify the owner of the intention to withdraw;
  - (b) furnish the reasons for the intention to withdraw;
  - (c) give the owner an opportunity within 60 days of receipt of the written notice, to make written representations as to why the registration should not be withdrawn; and
  - (d) consider such representations and inform the owner within 30 days of receipt of the written representations, of his or her decision.
- (3) If the registration of an independent school is withdrawn, the owner may reapply for registration after taking the necessary steps to ensure that the relevant registration requirements or conditions are complied with, or that the circumstances referred to in subregulation (1), are improved or eliminated, as the case may be.
- (4) The owner of an independent school may within 30 days of receiving notice of such a decision appeal to the Provincial Minister against the withdrawal of the registration of such independent school in terms of section 33 of the Act.
- (5) If the registration of an independent school is withdrawn by the Head of Department in terms of subregulation (1), the Head of Department may order the owner concerned to close the independent school with effect from a date determined by the Head of Department.
- (6) Any person who is ordered to close an independent school in terms of subregulation (5), and who refuses or fails to comply with the provisions of the order, shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding three months.

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**Appeal to Provincial Minister**

9. (1) An appeal in terms of section 33(1) of the Act, must be in writing, with an exposition of the grounds of appeal and shall be submitted to the Provincial Minister within a period of 30 days of the receipt of the notice refusing the application or withdrawing registration.
- (2) The Provincial Minister may, when considering an appeal contemplated in subregulation (1), request the appellant and the Head of Department to supply him or her with such further information as he or she may require.
- (3) The Provincial Minister must—
- (a) when considering an appeal contemplated in subregulation (1), take into consideration the reasons of the Head of Department contemplated in section 29(2) of the Act, as well as the grounds of the appeal; and
- (b) within a period of 60 days of receiving such an appeal notify the appellant in writing of his or her decision and the reasons therefore.
- (4) In the case of an appeal against a decision to withdraw the registration of an independent school the school will continue to function until the Provincial Minister announces his/her decision.

**Repeal**

10. The Regulations relating to the Registration of and Subsidies to Independent schools (including Independent pre-Primary Schools) as published in Provincial Gazette 5313 of 30 November 1998 under Provincial Notice 639 of 1998 are hereby repealed.

**Short title**

11. These Regulations are called the Regulations relating to the Registration of and Subsidies to Independent Schools (Excluding Independent Pre-Primary Schools).
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**PROVINSIALE KENNISGEWING****ALGEMENE KENNISGEWING INGEVOLGE DIE WES-KAAPSE PROVINSIALE WET OP SKOOLONDERWYS, 1997  
(WET 12 VAN 1997)**

Die volgende konsepregulasies word hiermee gepubliseer vir algemene kennis:

**KONSEP-REGULASIES BETREFFENDE DIE REGISTRASIE VAN EN SUBSIDIES AAN ONAFHANKLIKE SKOLE  
(ONAFHANKLIKE PREPRIMERE SKOLE UITGESLUIT)**

Kragtens die bevoegdheid aan my verleen ingevolge artikels 28 en 37 van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), maak ek, DONALD ARTHUR CARDROSS GRANT, Provinsiale Minister verantwoordelik vir Onderwys in die Wes-Kaapprovinsie, hiermee my voorneme bekend om die hersiene regulasies betreffende die registrasie van en subsidies aan onafhanklike skole (onafhanklike preprimêre skole uitgesluit) soos in die skedule uiteengesit, af te kondig.

Enige persoon of organisasie wat kommentaar wil lewer oor die gemelde konsepregulasies word versoek om sodanige kommentaar, skriftelik, binne 15 dae vanaf die datum van dië publikasie deur

- (a) dit te pos aan die volgende adres:  
Mnr Deon Louw  
Adjunk-direkteur: IBB  
Wes-Kaap Onderwysdepartement  
Privaatsak X9114  
KAAPSTAD  
8000

of

- (b) dit te e-pos aan die volgende adres:  
[Deon.louw@pgwc.gov.za](mailto:Deon.louw@pgwc.gov.za)

Telefoon nr.: 021- 467 2653  
Faks nr.: 086 276 3091

of

- (c) dit af te lewer by:  
Mnr Deon Louw  
Adjunk-direkteur: IBB  
Wes-kaap Onderwysdepartement  
Kamer 1809, 18de Vloer  
Goue Akkergebou  
Adderleystraat  
Kaapstad

Kopieë van die konsepregulasies is beskikbaar op webwerf:  
<http://wcedpolicy.pgwc.gov.za>

Gedateer te Kaapstad op hierdie 24ste dag van Oktober 2011

DONALD ARTHUR CARDROSS GRANT  
PROVINSIALE MINISTER VERANTWOORDELIK VIR ONDERWYS IN DIE WES-KAAPPROVINSIE



**KONSEPREGULASIES BETREFFENDE DIE REGISTRASIE VAN EN SUBSIDIES AAN ONAFHANKLIKE SKOLE  
(ONAFHANKLIKE PREPRIMERE SKOLE UITGESLUIT)**

Ek, Donald Arthur Cardross Grant, die Provinsiale Minister verantwoordelik vir Onderwys in die Wes-Kaapprovinsie beoog om die regulasies uit te vaardig soos in die Bylae uiteengesit, ingevolge artikel 28 en 37 van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet No, 12 van 1997).

**SKEDULE**

**VOLGORDE VAN REGULASIES**

1. Definisies
2. Vereistes en voorwaardes vir registrasie
3. Prosedures vir registrasie
4. Registrasiesertifikate
5. Toelating van leerders om te registreer en eksamens te skryf.
6. Monitering en toegang tot onafhanklike skole
7. Subsidies aan onafhanklike skole
8. Intrekking van registrasie en sluiting van onafhanklike skole
9. Appèlle tot die Provinsiale Minister
10. Herroeping
11. Kort titel

**Definisies**

1. In hierdie maatreëls het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—
  - “**die wet**” die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet no, 12 van 1997);
  - “**eienaar**” die persoon of entiteit aan wie die onafhanklike skool behoort en wat dit onderhou, en wat 'n onafhanklike skool beheer en bestuur of sy of haar gemagtigde(s) by wie die beheer en bestuur van die onafhanklike skool berus;
  - “**NNSS**” dui op die gewysigde Nasionale Norme en Standaarde vir Skoolbefondsing, 2008, uitgereik ingevolge artikel 39(7) van die Suid-Afrikaanse Skolewet, 1996;
  - “**NKV**” die Nasionale Kurrikulumverklaring soos bepaal deur die Nasionale Minister ingevolge artikel 6A, saamgelees met artikel 61, van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996);
  - “**raad**” die Suid Afrikaanse Raad vir Opvoeders soos na verwys word in artikel 4 van die Wet op die Suid Afrikaanse Raad vir Opvoeders, 2000 (Wet 31 van 2000);
  - “**registrasiesertifikaat**” 'n sertifikaat wat by registrasie of voorlopige registrasie van 'n onafhanklike skool deur die Wes-Kaap Onderwysdepartement uitgereik word;
  - “**SAKO**” die Suid-Afrikaanse Kwalifikasieowerheid soos bedoel in Hoofstuk 4 van die Wet op die Nasionale Kwalifikasieraamwerk, 2008 (Wet 67 van 2008);
  - “**skoolgaande ouderdom**” die ouderdom van verpligte skoolbywoning soos bepaal deur die Provinsiale Minister van Onderwys, ingevolge artikel 42 van die Wet, en op tot 18 jaar, waartydens 'n leerder amptelik erkende skoolprogramme van graad 1 tot graad 12 volg;
  - “**skoolveiligheid**” is skoolveiligheid soos gedefinieer in die veiligheidsmaatreëls bepaal deur die Nasionale Minister in die Regulasies betreffende Veiligheidsmaatreëls te Onafhanklike Skole uitgevaardig ingevolge artikel 61(a) van die Suid-Afrikaanse Skolewet, 1996;
  - “**Umalusi**” dui op die Raad vir Algemene en Verdere Onderwys en Opleidingskwaliteitsversekering daargestel ingevolge artikel 4 van die Algemene en Verdere Onderwys en Opleidingskwaliteitsversekeringswet, 2001 (Wet 58 van 2001)

**Vereistes en gronde vir registrasie**

2. (1) Enige eienaar mag aansoek doen by die Departementshoof vir die registrasie van 'n skool as 'n onafhanklike skool. 'n Onafhanklike skool moet aan die volgende vereistes voldoen om ingevolge artikel 28 van die Wet geregistreer te word:
  - (a) Die aansoeker om registrasie moet die Departementshoof daarvan oortuig dat dit redelikerwys verwag kan word dat die gemiddelde getal leerders van skoolgaande ouderdom wat gedurende die eerste 12 maande na die datum waarop sodanige aansoek deur die Departementshoof ontvang is, by die betrokke onafhanklike skool ingeskryf sal word, nie minder as 20 sal wees nie, tensy sodanige leerders leerders met spesiale onderwysbehoefes is, in welke geval die minimum leerders in 'n skool vir spesiale onderwysbehoefes 10 sal wees.
  - (b) Aan die hoof van sodanige onafhanklike skool moet daar 'n prinsipaal wees wat, indien hy of sy die akademiese hoof van die skool of die hoof van 'n fase in die skool is, oor 'n onderwyskwalifikasie beskik wat deur die Gesag erken word en by die raad geregistreer is.
  - (c) Die skoolgebou en grond moet die ruimte, ontwerp en fasiliteite bied wat ooreenstem met die standaard wat pas by die konteks waarin die skool sal opereer met inagneming van vergelykbare standaard by openbare skole in die area, en—

- (i) die gebou en grond wat gebruik word of gebruik sal word deur die skool moet voldoen aan die vereistes van die betrokke gesondheidsowerhede en munisipale bywette, soos die geval mag wees.
  - (ii) eiendomsreg van die skoolgebou en grond moet verseker word vir 'n tydperk van twaalf maande wat volg op die registrasie van sodanige skool.
- (2) Die registrasie van 'n onafhanklike skool is onderhewig aan die volgende voorwaardes:
- (a) 'n Leerder sal nie toegelaat word tot graad 1 in sodanige onafhanklike skool nie tensy hy of sy voldoen aan die vereistes vir skoolgaande ouderdom soos gedefinieer in Regulasie 27A van die Wet.
  - (b) Die bepalings betreffende verpligte skoolbywoning soos vasgestel deur artikel 42 van die Wet, wat van toepassing is op leerders wat openbare skole bywoon, is ook van toepassing op leerders wat 'n onafhanklike skool bywoon.
  - (c) Die Hoof van die Departement moet die maksimum getal leerders vasstel wat tot sodanige onafhanklike skool toegelaat mag word op die basis van die skoolgeboue en skoolgronde, waarna verwys word in subregulasie (1)(c).
  - (d) Onderrig mag slegs in 'n onafhanklike skool aangebied word wanneer die eienaar in besit is van 'n registrasiesertifikaat vir daardie onafhanklike skool.
  - (e) Alle aangestelde opvoeders van 'n onafhanklike skool moet by die raad geregistreer wees.
  - (f) Die onafhanklike skool moet deelneem aan die prosesse van die Sentrale Onderwysbestuursinligtingstelsel (SOBIS) van die Wes-Kaap Onderwysdepartement.
  - (g) Die eienaar van 'n onafhanklike skool moet—
    - (i) 'n toelatingsregister hou waarin belangrike gegewens van elke leerder vasgelê word;
    - (ii) 'n daaglikse teenwoordigheidsregister hou van leerders, opvoeders en nie-opvoeders;
    - (iii) 'n opvoederprofiel byhou van elke opvoeder wat by die onafhanklike skool aangestel is waarin hulle name, registrasie by die raad, werkkontrak, kwalifikasies en besoldiging aangeteken is;
    - (iv) rekord hou van die registrasie van alle werknemers by die Suid-Afrikaanse Inkomstediens en die Werkloosheids-versekeringsfonds;
    - (v) 'n kwitansieboek en gedetailleerde finansiële verslae byhou en jaarlikse geouditeerde finansiële state publiseer; en
    - (vi) die Departementshoof of 'n beampte wat deur hom/haar gemagtig is, toelaat om enige onafhanklike skool te besoek om te verifieer dat die bogenoemde dokumente bygehou word.
  - (h) Die eienaar van 'n onafhanklike skool moet verseker dat—
    - (i) die gemiddelde duur van 'n skooldag en die minimum aantal skooldae per kalenderjaar voldoen aan die voorgeskrewe ideële ure soos bepaal in die NKV en Kurrikulum- en Asseseringsbeleidsverklaringdokumente;
    - (ii) die kurrikulum vir leerders in die verskillende skoolfasas aan die vereiste uitkomst van die NKV voldoen en erken word deur die Owerheid en die Hoër Onderwys Suid-Afrika (HOSA);
    - (iii) na registrasie die onafhanklike skool aansoek doen om akkreditasie by Umalusi; en
    - (iv) die nodige veiligheidsmaatreëls gehandhaaf word by die onafhanklike skool soos gedefinieer onder “skoolveiligheid” in regulasie 1.
  - (i) Die eienaar of prinsipaal van 'n geregistreerde onafhanklike skool moet:
    - (i) die Departementshoof skriftelik binne 30 dae van enige verandering in eienaarskap of verandering van status van die skool in kennis stel;
    - (ii) die Departementshoof, ouers, personeel en leerders ten minste ses maande voor die tyd skriftelik in kennis stel van enige bedoeling of besluit om die bedryf van die skool te beëindig, welke beëindiging verkieslik in werking moet tree aan die einde van die akademiese jaar;
    - (iii) die Departementshoof skriftelik in kennis stel van enige verandering van perseel en moet voorsien word van 'n goedkeuringssertifikaat van die plaaslike owerheid dat sodanige perseel voldoen aan die vereistes van die betrokke gesondheidsowerhede en/of munisipale regulasies, soos in regulasie 3(2)(d); en
    - (iv) verseker dat enige veranderinge aan die goedgekeurde kurrikulum wat 'n onafhanklike skool wil inbring, moet voldoen aan die uitkomst van die NKV wat as beleid verklaar is deur die nasionale Minister en moet goedgekeur word deur die Departementshoof as 'n verandering aan die oorspronklike registrasievereistes.

### Prosedure vir registrasie

3. (1) Die applikant vir die registrasie van 'n onafhanklike skool moet aansoek doen by die Departementshoof op die voorgeskrewe vorm teen 30 Junie van die jaar wat die begin van 'n akademiese jaar waarin die skool beplan om te open, voorafgaan.
- (2) Die aansoek moet vergesel wees van die volgende dokumentasie:

- (a) 'n Grondwet of stigtingsdokument van die skool en gepaste beleide wat eienaarskap, missie, wette, beheer, befondsing, taal en toelating insluit;
  - (b) 'n Vloerplan wat ruimtemate aandui, en wat in die geval van 'n veelverdiepinggebou, 'n plan vir elke verdieping insluit;
  - (c) 'n Terreinplan wat ontspanning- en ander fasiliteite aandui;
  - (d) 'n Goedkeuringsbrief van die plaaslike owerheid wat stipuleer dat die terrein gesoneer is of dat daar goedkeuring is om dit vir onderwysdoeleindes te gebruik en dat dit voldoen aan gesondheids- en veiligheidsvereistes;
  - (e) Bewys van sekerheid van besitreg van die voorgestelde skoolgebou en gronde vir 'n minimum van 12 maande vanaf die datum van registrasie van die skool;
  - (f) Bewyse dat die skool finansiële lewensvatbaar sal wees vir ten minste 12 maande na registrasie; en
  - (g) Gewaarmerkte afskrifte van sertifikate van registrasie by die raad, ten opsigte van opvoeders wat reeds aangestel is en 'n onderneming deur die eenaar dat alle opvoeders by die raad geregistreer sal word en dat hulle die uitstaande sertifikate sal voorsien teen die tyd dat die skool begin funksioneer.
- (3) 'n Afsonderlike aansoek vir elkeen van hierdie persele word vereis indien 'n skool op verskillende persele wil funksioneer.
  - (4) Aansoek moet gedoen word op Vorm 1 in die Bylae, vergesel van die dokumentasie gelys in subregulasie 2 by die distrikskantoor in die gebied waar die voorgestelde skool gevestig gaan word, en sal binne 14 dae deur die distrikskantoor na die Departementshoof aangestuur word.
  - (5) Die Departementshoof moet die datum van ontvangs van die aansoek skriftelik aan die aansoeker bevestig.
  - (6) Die aansoek om registrasie van 'n onafhanklike skool moet goedgekeur word deur die Departementshoof binne 90 dae van ontvangs van die aansoek, op voorwaarde dat die skool voldoen aan alle vereistes vir registrasie in subregulasie (2).
  - (7) Die eenaar van 'n onafhanklike skool kan binne 30 dae na die ontvangs van 'n kennisgewing van 'n besluit om sodanige onafhanklike skool nie te registreer nie, appèl aanteken by die Provinsiale Minister teen die besluit van die Departementshoof om nie die onafhanklike skool te registreer nie.
  - (8) Die Departementshoof kan 'n onafhanklike skool voorlopig registreer vir 'n kalender jaar waar sodanige skool nie voldoen aan al die vereistes vir registrasie nie, op voorwaarde dat, in sy of haar opinie daar redelike gronde bestaan om aan te neem dat die skool binne die bepaalde periode aan die vereistes vir registrasie sal voldoen.

#### **Registrasiesertifikate**

- 4. (1) 'n Registrasiesertifikaat word deur die Departementshoof slegs vir een perseel uitgereik en is nie oordraagbaar nie.
- (2) 'n Registrasiesertifikaat is slegs geldig in die provinsie waarin dit uitgereik is.
- (3) Alle geregistreerde skole moet die registrasiesertifikaat op 'n sigbare plek uitstal as bewys van registrasie.

#### **Toestemming vir leerders om vir eksamens te registreer en dit te skryf**

- 5. (1) Die Departementshoof mag leerders by 'n onafhanklike skool toelaat om te registreer om enige eksamen af te lê wat deur die onderwysdepartement of onder toesig van die Wes-Kaap Onderwysdepartement afgeneem word.
- (2) Die Departementshoof moet verseker dat die standaarde van en toestande waaronder sodanige eksamens afgeneem word deur 'n onafhanklike skool, ooreenkom met daardie standaarde en toestande wat vereis word vir 'n openbare skool vir dieselfde eksamen.
- (3) Die prinsipaal van 'n onafhanklike skool moet aansoek doen by die Departementshoof om as 'n eksamensentrum vir graad 12 eksterne eksamens te registreer.
- (4) Die eenaar of prinsipaal van 'n onafhanklike skool wat aansoek doen by die Onafhanklike Eksamenraad of ander eksaminerende liggaam moet verseker dat die kwalifikasies deur die Owerheid erken word.

#### **Monitering van en toegang tot onafhanklike skole**

- 6. (1) Die Departementshoof kan 'n moniterende besoek aan 'n onafhanklike skool inisieer.
- (2) Ten opsigte van ongesubsidieerde onafhanklike skole moet die Departementshoof die skool skriftelik in kennis stel van sodanige besoek, die datum, tyd en doel van die besoek.
- (3) Ten opsigte van gesubsidieerde, onafhanklike skole, het die Wes-Kaapse Provinsiale Onderwysdepartement die reg om onaangekondigde besoeke af te lê, en om die verskillende aspekte van die skool se rekords te inspekteer, hoofsaaklik op die gebied van finansiële bestuur.
- (4) Indien 'n klage gelê word teen 'n onafhanklike skool deur ouers van die leerders wat by die skool ingeskryf is, kan die Departementshoof skriftelik by die prinsipaal van 'n skriftelike verslag aanvra ten opsigte van die klage.
- (5) Die prinsipaal moet, binne 30 dae van ontvangs van die geskrewe versoek waarna in subregulasie (4) verwys word, skriftelik op die Departementshoof se versoek reageer.
- (6) Indien die Departementshoof nie tevrede is met die geskrewe antwoord waarna in subregulasie (5) verwys word nie, mag hy/sy binne 30 dae van ontvangs van sodanige geskrewe antwoord, die prinsipaal skriftelik versoek om 'n ondersoek te doen. Beamptes van die Wes-Kaap Onderwysdepartement wat deur die Departementshoof aangestel is, moet toegang verleen word tot die skoolperseel en rekords op enige redelike tyd vir die doel van die uitvoering van sodanige ondersoek.

- (7) Die uitslag van die ondersoek moet skriftelik opgeteken word en beskikbaar gestel word aan die klaer sowel as aan die skool. Indien daar 'n *prima facie* geval is dat daar nie aan die vereistes vir registrasie voldoen is nie in hierdie geval of in die algemeen, kan die Departementshoof stappe doen teen die skool soos waarvoor daar voorsiening gemaak is in hierdie Regulasies. Indien daar 'n *prima facie* geval is dat die klaer 'n reg van aksie teen die skool het, kan die klaer hom of haar tot die reg wend.

#### Subsidies aan onafhanklike skole

7. (1) 'n Onafhanklike skool wat geregistreer is vir 'n jaar of meer as 'n niewinsgewende organisasie, kan om 'n subsidie aansoek doen ingevolge artikel 31 van die Wet.
- (2) Ooreenkomstig die bepalings van die NNSS, moet die subsidie waarna verwys word in subregulasie (1) jaarliks bereken word deur die Departementshoof, met die instemming van die finansiële hoof.
- (3) 'n Onafhanklike skool sal sy aansoek om 'n subsidie rig aan die Departementshoof op die aansoekvorms wat beskikbaar gestel word vir hierdie doel, op voorwaarde dat 'n aansoek om 'n subsidie jaarliks voor of op 31 Maart van die voorafgaande jaar by die Wes-Kaap Onderwysdepartement ingedien moet word;
- (4) Indien 'n onafhanklike skool waaraan 'n subsidie toegeken is op enige stadium tydens die finansiële jaar nie meer voldoen aan enige of al die voorwaardes vir 'n subsidie nie, moet die Departementshoof die eienaar skriftelik daarvan in kennis stel, en noem aan watter vereiste of voorwaarde nie voldoen is nie en die eienaar opdrag gee om aan hierdie vereiste of voorwaarde te voldoen binne 'n tydperk soos deur die Departementshoof bepaal en genoem in die kennisgewing.
- (5) Indien, na die verstryking van die periode bedoel in subregulasie 4, die onafhanklike skool steeds nie voldoen aan die genoemde vereiste of voorwaarde nie, sal die bepalings van artikel 48(4) en (5) van die Suid-Afrikaanse Skolewet, 1996, van toepassing wees.
- (6) 'n Subsidie sal betaalbaar wees alleenlik ten opsigte van daardie leerders van skoolgaande ouderdom wat die kurrikulum in graad 1 tot 12 volg, tensy die Departementshoof anders besluit in die geval van leerders met spesiale onderwysbehoefes.
- (7) Enige persoon wat doelbewus vals inligting verskaf of 'n verklaring maak wat vals of misleidend is, ten opsigte van die aansoek om 'n subsidie aan 'n onafhanklike skool, sal skuldig wees aan 'n misdryf en by skuldigbevinding aanspreeklik wees vir 'n boete of gevangenisstraf vir 'n periode van tot drie maande.
- (8) 'n Onafhanklike skool kan oorweeg word vir 'n subsidie soos gemeld in subregulasie (2), indien die onafhanklike skool—
- standaarde handhaaf wat nie minderwaardig is t.o.v. die van vergelykbare openbare skole nie;
  - in die geval van gewone leerders, instem om deel te neem aan die Jaarlikse Nasionale Assesserings en/of die Departement se diagnostiese toetse;
  - suksevol bestuur word ten opsigte van die bestuurskontrolelys vir subsidies, soos vereis deur die NNSS;
  - jaarliks teen 30 Junie 'n geouditeerde finansiële staat oor die finansiële sake van die onafhanklike skool aan die Departementshoof voorlê;
  - die dienste van 'n persoon benut wat aangestel is deur die eienaar van die onafhanklike skool en geregistreer is as 'n ouditeur ingevolge die Wet op Ouditprofessies, 2005 (Wet 26 van 2005) om die rekords en finansiële state te audit;
  - vind dat die oudit waarna verwys word in paragraaf 8(e) nie redelik uitvoerbaar is nie, en die eienaar van die onafhanklike skool 'n persoon aanstel wat gekwalifiseer is om die pligte van 'n ouditbeampte ingevolge artikel 60 van die Wet op Beslote Korporasies, 1984 (Wet 69 van 1984), uit te voer en die rekords en finansiële state te ontleed en daarvan verslag te lewer. Geen persoon wat 'n belang het by die sake van die onafhanklike skool mag volgens hierdie regulasie aangestel word nie; en
  - enige subsidie ontvang van die onderwysdepartement in 'n bankrekening, soos beoog in die Bankwet, 1990 (Wet 94 van 1990) wat oopgemaak is in die naam van die onafhanklike skool, betaal.

#### Intrekking van registrasie en sluiting van onafhanklike skole

8. (1) Die Departementshoof mag, onderhewig aan die bepalings van subregulasie (2), die registrasie van 'n onafhanklike skool intrek indien hy of sy op redelike gronde daarvan oortuig is dat sodanige onafhanklike skool nie aan al die vereistes van of voorwaardes vir registrasie soos in regulasie 2 voldoen nie.
- (2) Voor die registrasie van 'n onafhanklike skool ingevolge subregulasie (1) ingetrek word, sal die Departementshoof in 'n skriftelike kennisgewing aan die eienaar van die onafhanklike skool—
- die eienaar verwittig van die voorneme om dit in te trek;
  - die redes vir die voorgename intrekking, voorsien;
  - die eienaar 'n geleentheid gee om binne 60 dae van ontvangs van die geskrewe kennisgewing skriftelike versoë te rig oor waarom die registrasie nie ingetrek moet word nie; en
  - sodanige versoë oorweeg en die eienaar binne 30 dae van ontvangs van die skriftelike versoë van sy of haar besluit inlig.
- (3) Indien die registrasie van 'n onafhanklike skool ingetrek is, kan die eienaar heraansoek doen om registrasie nadat die nodige stappe gedoen is om te verseker dat daar voldoen word aan die betrokke registrasievereistes of voorwaardes, of dat die omstandighede waarna in Subregulasie (1) verwys word, verbeter of uitgeskakel is, soos die geval ookal mag wees.
- (4) Die eienaar van 'n onafhanklike skool kan binne 30 dae van ontvangs van sodanige kennisgewing appèl aanteken by die Provinsiale Minister teen sodanige besluit van die Departementshoof om sodanige onafhanklike skool se registrasie ingevolge artikel 33 van die Wet in te trek.

- (5) Indien die registrasie van 'n onafhanklike skool ingetrek word deur die Departementshoof ingevolge subregulasie (1), mag die Departementshoof die betrokke eienaar opdrag gee om die onafhanklike skool te sluit met ingang van 'n datum bepaal deur die Departementshoof.
- (6) Enige persoon wat opdrag ontvang om 'n onafhanklike skool te sluit ingevolge subregulasie (5), en wat weier of versuim om te voldoen aan die bepalings van die opdrag, sal skuldig wees aan 'n oortreding en onderhewig, na skuldigbevinding, aan 'n boete of gevangenisstraf vir 'n periode wat nie drie maande oorskry nie.

#### **Appèlle tot die Provinsiale Minister**

9. (1) 'n Appèl ingevolge artikel 33(1) van die Wet, moet skriftelik geskied, met 'n uiteensetting van die gronde vir appèl en sal voorgelê word aan die Provinsiale Minister binne 'n periode van 30 dae van ontvangs van die kennisgewing wat die aansoek weier of registrasie intrek.
- (2) Die Provinsiale Minister kan, wanneer 'n appèl oorweeg word soos in subregulasie (1) bedoel, die appèlleerder en die Departementshoof versoek om hom of haar te voorsien van sodanige verdere inligting as wat hy of sy benodig.
- (3) Die Provinsiale Minister moet—
  - (a) by die oorweging van 'n appèl soos bedoel in Subregulasie (1) die redes van die Departementshoof soos beoog in artikel 29(2) van die Wet, sowel as die gronde vir die appèl in aanmerking neem;
  - (b) binne 'n tydperk van 60 dae van ontvangs van sodanige appèl die appèlleerder skriftelik in kennis stel van sy of haar besluit en die redes daarvoor.
- (4) In die geval van 'n appèl teen 'n besluit om die registrasie van 'n onafhanklike skool in te trek, sal die skool voortgaan om te funksioneer tot die Provinsiale Minister sy/haar besluit bekend gemaak het.

#### **Herroeping**

10. Die Regulasies betreffende die Registrasie van en Subsidies aan Onafhanklike Skole (insluitend onafhanklike preprimêre skole) soos gepubliseer in die Provinsiale Koerant 5313 van 30 November 1998 onder Provinsiale Kennisgewing 639 van 1998 word hiemeer herroep.

#### **Kort titel**

11. Hierdie regulasies staan bekend as die Regulasies betreffende die Registrasie van en Subsidies aan Onafhanklike Skole (Uitgesonderd Onafhanklike Preprimêre Skole).
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**ISAZISO SEPHONDO****ISAZISO NGOKUBANZI NGOKOMTHETHO WEMFUNDO WEZIKOLO ZEPHONDO LENTSHONA KOLONI, 1997  
(UMTHETHO 12 KA-1997)**

Ngokwenjenje kupapashwa le Mimiselo eyiDrafti elandelayo ukwenzela ukuba yaziwe ngokubanzi:

**IMIMISELO EYIDRAFTI EPHATHELELE KUBHALISO LWEZIKOLO EZIZIMELEYO NENKXASO-MALI ENIKWA ZONA  
(KUNGABANDAKANYWA IZIKOLO EZIZIIPRIPRAYIMARI EZIZIMELEYO)**

Ngokwamagunya endiwathweswe ngokweZiqendu 28 no-37 zoMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997), MNA, DONALD ARTHUR CARDROSS GRANT, uMphathiswa wePhondo oPhathiswe ezeMfundo kwiPhondo leNtshona Koloni, ngokwenjenje ndibhengeza injongo yam yokupapasha le mimiselo ehlaziyiweyo ephathelele kubhaliso lwezikolo ezizimeleyo nenkxaso-mali enikwa zona (kungabandakanywa izikolo eziziipriprayimari ezizimeleyo), njengoko kucaciswe kwiShedyuli.

Nabani na okanye nawuphi na umbutho onqwenela ukwenza iikhomenti ngale Mimiselo eyiDrafti kucelwa ukuba azingenise ezo khomenti zibhaliwe, zingaphelanga iintsuku ezili-15 ukususela kumhla wokupapashwa kwesi saziso, ngokuthi

- (a) ziposelwe kule dilesi ilandelayo:  
Mr Deon Louw  
Deputy Director: IMGP  
Western Cape Education Department  
Private Bag X9114  
Cape Town  
8000

okanye

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Inombolo yefoni: 021 467 2653  
Inombolo yefeksi: 086 276 3091

okanye

- (c) ngokuzizisa kulo:  
Mr Deon Louw  
Deputy Director: IMGP  
Western Cape Education Department  
Room 1809, 18th Floor  
Golden Acre Building  
Adderley Street  
Cape Town

Iikopi zale mimiselo eyidrafti ziyafumaneka kweli ziko lewebhu lilandelayo:  
<http://wcedpolicy.pgwc.gov.za>

Sibhalwe umhla eKapa ngolu suku 24 wale nyanga Oktobha 2011

DONALD ARTHUR CARDROSS GRANT  
UMPHATHISWA WEPHONDO OPHATHISWE EZEMFUNDO KWIPHONDO LENTSHONA KOLONI

**IMIMISELO EYIDRAFTI EPHATHELELE KUBHALISO LWEZIKOLO EZIZIMELEYO NENKXASO-MALI ENIKWA ZONA  
(KUNGABANDAKANYWA IZIKOLO EZIZIIPRIPRAYIMARI EZIZIMELEYO)**

Mna, Donald Arthur Cardross Grant, uMphathiswa wePhondo ophathiswe ezemfundo kwiPhondo leNtshona Koloni, ndinenjongo yokubhengeza le mimiselo njengoko icaciswe kule Shedyuli ngokwesiqendu 28 no-37 zoMthetho weMfundo weZikolo zePhondo leNtshona Koloni (uMthetho 12 ka-1997).

**ISHEDYULI**

**UKUCWANGCISWA KWEMIMISELO**

1. Iingcaciso-magama
2. Iimfuno ezingummiselo nezizathu zobhaliso
3. Inkqubo yobhaliso
4. Izatifikethi zobhaliso
5. Imvume yabafundi yokubhalisela nokuhlalela iimviwo
6. Ukubekwa esweni nokwazi ukufikelela kwizikolo ezizimeleyo
7. Inkxaso-mali enikwa izikolo ezizimeleyo
8. Ukurhoxiswa kobhaliso nokuvalwa kwezikolo ezizimeleyo
9. Izibheni ezenziwa kuMphathiswa wePhondo
10. Ukutshitshiswa kweMimiselo
11. Igama elifutshane

**Iingcaciso-magama**

1. Kule mimiselo naliphi na igama okanye ibinzana-magama elinikwe intsingiselo kulo Mthetho, linalo ntsingiselo liyinikeyo yaye ngaphandle kokuba umxholo ophethweyo ucacisa ngandlela yimbi—

“**ibhunga**” kuthetha i-*South African Council for Educators* ekubhekiswa kulo kwisiqendu 4 se-*South African Council for Educators Act, 2000* (uMthetho 31 ka-2000);

“**i-NCS**” kuthetha i-*National Curriculum Statement*-iNkcazo yeKharithyulam kaZwelonke emiselwe nguMphathiswa kaZwelonke ngokwesiqendu 6A, esifundwa kunye nesiqendu 61 soMthetho weZikolo zaseMzantsi Afrika, 1996, (uMthetho 84 ka-1996);

“**i-NNSSF**” kuthetha i-*National Norms and Standards for School Funding* iMimiselo neMigangatho kaZwelonke yeNkxaso-mali yeZikolo, 2008, ekhutshwe ngokwesiqendu 39(7) soMthetho weZikolo zaseMzantsi Afrika, 1996, (uMthetho 84 ka-1996);

“**umnini**” kuthetha umntu okanye iqumrhu (*entity*) elinesikolo neligcine isikolo esizimeleyo siqhuba sisebenza nelilawula likwaphethe isikolo esizimeleyo, okanye lowo unikwe amagunya (abo banikwe) okanye abo bathweswe amagunya okulawula isikolo esizimeleyo;

“**isatifikethi sobhaliso**” kuthetha isatifikethi esikhutshwe liSebe leMfundo leNtshona Koloni sakuba sibhalisiwe okanye sibhalisiwe okwethutyana isikolo esizimeleyo;

“**i-SAQA**” kuthetha i-*South African Qualifications Authority*;

“**ubudala bokuhamba isikolo**” kuthetha ubudala obunyanzelekileyo bokuhamba isikolo njengoko bumiselwe nguMphathiswa weMfundo wePhondo, ngokwesiqendu 42 salo Mthetho, yaye ukuya kutsho kubudala obuyiminyaka *elishumi elinesibhozo*, nekuthi ngelo thuba umfundi enze iiprogram zesikolo ezisemthethweni nezaziwayo ukususela kwiBakala 1 ukuya kwiBakala 12;

“**ukhuseleko lwesikolo**” kuthetha amanyathelo okhuseleko amiselwe nguMphathiswa kaZwelonke kule Mimiselo *Safety Measures at Independent Schools*, ekhutshwe ngokwesiqendu 61(a) soMthetho weZikolo zaseMzantsi Afrika;

“**uMthetho**” kuthetha uMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997); yaye

“**Umalusi**” kuthetha iBhunga i-*General and Further Education and Training Quality Assurance* elasekwa sisiqendu 4 soMthetho i-*General and Further Education and Training Quality Assurance, 2001 (Act 58 of 2001)*.

**Iimfuno ezingummiselo nezizathu zobhaliso**

2. (1) Nabani na ongunnini angenza isicelo kwiNtloko yeSebe sokubhalisa isikolo njengesikolo esizimeleyo. Isikolo esizimeleyo masithobele ezi mfuno zingummiselo zilandelayo ukuze sibhalisiwe ngokwesiqendu 28 salo Mthetho:
  - (a) Umenzi-sicelo sobhaliso makanelise iNtloko yeSebe leMfundo ngokuba kunokulindeleka ngokufanelekileyo ukuba umndilili wenani labafundi abafikelele kubudala bokuhamba isikolo abaya kubhalisa kwisikolo esizimeleyo ekuthethwa ngaso kwiinyanga eziyi-12 ezilandela lo mhla kufunyenwe ngawo isicelo esilolu hlobo yiNtloko yeSebe, aliyi kuba ngaphantsi ko-20, ngaphandle kokuba abafundi abalolu hlobo ngabafundi bemfundo eneemfuno ezizodwa, ukuze ke kuloo meko injalo, elona nani lisezantsi labafundi esikolweni semfundo eneemfuno ezizodwa libe ngu-10.
  - (b) Osentloko kwisikolo esizimeleyo esilolu hlobo, makube yinqununu eya kuthi, ukuba iyintloko yezifundo (*academic head*) yesikolo okanye iyintloko yesigaba (*head of a phase*) esikolweni, kufuneke ibe namabanga emfundo yobutitshala evunyiweyo yi-*South African Qualifications Authority*, yaye ibe ibhalisile kwibhunga.

(c) Izakhiwo zesikolo namabala aso mazibonelele ngesithuba, ubume bendawo nesakhiwo (*design*) nezibonelelo (*facilities*) ezingqinelana nemigangatho efanele imeko engqonge indawo apho isikolo siya kusebenzela khona, kuthathelwa ingqalelo imigangatho enokuthelakiswa nezikolo zikarhulumente ezikuloo ngingqi, yaye—

- (i) izakhiwo zesikolo namabala aso ekukho kuso isikolo okanye ekuya kubakho kuso isikolo ziyazanelisa iimfuno ezingummiselo zamagunya ezempilo afanelekileyo engingqi kunye/okanye imithetho kamasipala, njengoko imeko inganjalo;
- (ii) ilungelo ngokwasemthethweni lokuba kwizakhiwo zesikolo namabala aso lifumanekile okwethuba eliziinyanga ezilishumi elinambini emva kobhaliso lwesikolo esilolu hlobo.

(2) Ubhaliso lwesikolo esizimeleyo malwenziwe phantsi kwale miqathango ilandelayo:

- (a) Umfundi makangamkelwa kwiBakala 1 kwisikolo esizimeleyo esilolu hlobo ngaphandle kokuba uyazithobela iimfuno ezingummiselo zobudala bokuhamba isikolo njengoko zicacisiwe kwisiqu 27A salo Mthetho.
- (b) Imigaqo emalunga nokuhamba isikolo okunyanzelekileyo njengoko icacisiwe sisiqendu 42 salo Mthetho, esebenza kubafundi abahamba isikolo kwizikolo zikarhulumente, iya kusebenza ngokunjalo kubafundi abahamba isikolo kwisikolo esizimeleyo.
- (c) INtloko yeSebe mayimisele inani elilelona liphezulu labafundi abanokwamkelwa kwisikolo esizimeleyo esilolu hlobo ngokususela kwizakhiwo zesikolo namabala akhankanywe kummiselwana (1)(c).
- (d) Ukufundisa makuqhubeka kuphela kwisikolo esizimeleyo akuba lowo ungumnini enaso isatifikethi sobhaliso sesikolo esizimeleyo esichaphazelekayo.
- (e) Bonke ootitshala abaqeshiweyo mababe babhalisile kwibhunga.
- (f) Isikolo esizimeleyo masithathe inxaxheba kwiinkqubo ze-CEMIS (*Central Education Management Information System*) yeSebe leMfundo leNtshona Koloni.
- (g) Umnini wesikolo esizimeleyo esilolu hlobo—
  - (i) makagcine irejista yokwamkelwa kwabafundi esikolweni (*admission register*) ekuya kurekhodwa kuyo iinkcukacha zomfundi ngamnye;
  - (ii) makagcine irejista yokuhamba isikolo kwabafundi, eyootitshala neyabangezotitshala;
  - (iii) makagcine iprofayili katitshala ngamnye oqeshwe kwisikolo esizimeleyo nekuya kurekhodwa kuzo amagama abo, ubhaliso lwabo kwibhunga, imvumelwano yengqesho, amabanga emfundo neentlawulo zabo;
  - (iv) makagcine irekhodi yobhaliso lwabo bonke abaqeshwa kwicandelo leeNkonzo zeNgeniso yeRhafu zaseMzantsi Afrika (*South African Revenue Service*) nakwi-*Unemployment Insurance Fund*;
  - (v) makagcine iincwadi zeerisithi, iingxelo zemali ezineenkukacha ezibanzi (*detailed financial reports*) aze apapashe neengxelo-mali eziphicothiweyo zaqho ngonyaka (*annual audited financial statements*); yaye
  - (vi) makavumele iNtloko yeSebe okanye igosa eligunyaziswe yiyo ukuba lityelele nasiphi na isikolo esizimeleyo ukungqinisisa ukuba ayagcinwa la maxwebhu alapha ngentla;
- (h) Umnini wesikolo esizimeleyo makaqinisekise ukuba—
  - (i) umndilili wobude bosuku lwesikolo nelona nani lincinane leentsuku zesikolo kunyaka wekhalenda liyangqinelana neeyure zikazwelonke ezimisweyo njengoko kucacisiwe kuxwebhu lweNkcazo yeKharithyulam kaZwelonke (*National Curriculum Statement (NCS)*) nakuxwebhu i-*Curriculum and Assessment Policy Statement (CAPS)*;
  - (ii) ikharithyulam yabafundi kwizigaba ezahlukeneyo zesikolo iyahlangabezana neziphumo zokufunda ezifunwayo zeNCS yaye ivunyiwe yi-*South African Qualifications Authority ne-Higher Education South Africa (HESA)*;
  - (iii) emva kobhaliso, isikolo esizimeleyo senza isicelo kuMalusi sokuvunywa njengesifanelekileyo (*accreditation*); yaye
  - (iv) amanyathelo okhuseleko ayimfuneko ahlala esebenza kwisikolo esizimeleyo njengoko ecaciswe phantsi kommiselo 1 “ukhuseleko lwesikolo”.
- (i) Umnini okanye inqununu yesikolo esizimeleyo—
  - (i) mayazise iNtloko yeSebe ngencwadi ebhaliweyo kwithuba leentsuku eziyi-30 ngako nakuphi na ukutshintsha kobunini okanye ngenguqulelo kwimo yesikolo (*change in status of the school*).
  - (ii) mayazise kwangaphambili, ubuncinane kwiinyanga ezintandathu, ngencwadi ebhaliweyo, iNtloko yeSebe, abazali, ootitshala (nabasebenzi) nabafundi, ngayo nayiphi na injongo okanye ngaso nasiphi na isigqibo sokuphelisa ukusebenza kwesikolo, kuphelisa kokusebenza oko kukhethwa ukuba kwenzeke ekupheleni konyaka wezifundo.
  - (iii) mayazise iNtloko yeSebe leMfundo ngencwadi ebhaliweyo ngako nakuphi na ukutshintshwa kwendawo esikuyo isikolo (*premises*) yaye mayinikwe isatifikethi sokuvunywa koku esikhutshwa ligunya lengingqi leyo sokuba indawo esikuyo isikolo eso iyangqinelana neemfuno ezingummiselo zamagunya ezempilo afanelekileyo kunye/okanye zemithetho kamasipala njengoko kunjalo kummiselwana 3(2)(d); yaye
  - (iv) mayiqinisekise ukuba naziphi na izinto ezitshintshiweyo kwikharithyulam evunyiweyo isikolo esizimeleyo esinqwenela ukuziqalisa, ziyahlangabezana neziphumo zokufunda ze-NCS ezibhengezwe njengomgaqo-nkqubo nguMphathiswa kaZwelonke, yaye mazivunywe yiNtloko yeSebe njengotshintsho kwiimfuno ezingummiselo zobhaliso eziyintsusa.



**Inkqubo yobhaliso**

3. (1) Umenzi-sicelo sobhaliso lwesikolo esizimeleyo makenze isicelo kwiNtloko yeSebe kwifom emiselweyo ungalulanga owe-30 Juni kunyaka owandulela ukuqala kunyaka wezifundo ngaloo nyaka isikolo sinenjongo yokuvula ngawo.
- (2) Isicelo eso masihambe kunye nala maxwebhu alandelayo:
- (a) Umgaqo-siseko wesikolo okanye uxwebhu lokusekwa kwesikolo, kunye nemigaqo-nkqubo echaphazelekayo emalunga nobunini, umnqophiso (*mission*), iinjongo, ukuphathwa, inkxaso-mali, ulwimi nokwamkelwa kwabafundi esikolweni.
- (b) Iplani yomgangatho (*floor plan*) ebonisa imilinganiselo yezithuba (*space measurements*) neya kuthi kwimeko yesakhiwo esinemigangatho emininzi ibandakanye iplani yomgangatho ngamnye (*each floor*).
- (c) Iplani yesiza ebonisa izibonelelo zokuzonwabisa nezinye izibonelelo.
- (d) Ileta yokuvunywa evela kumagunya engingqi ecacisa ukuba indawo leyo ibekelwe (*zoned*) iinjongo zemfundo okanye inayo imvume yokusetyenziselwa iinjongo zemfundo yaye iyangqinelana neemfuno ezingummiselo zempilo nezokhuseleko.
- (e) Ubungqina bokuqinisekisa ngelungelo elisemthethweni lokuba kwizakhiwo ezo (*security of tenure*) kwesikolo esicetywayo nakumabala aso ithuba leenyanga eziyi-12 elona lincinane ukususela kuloo mhla wobhaliso lwesikolo.
- (f) Ubungqina bokuba isikolo siya kubanayo imali yokuqhuba sisebenza kakuhle ubuncinane ithuba leenyanga ezili-12 ukususela kuloo mhla wobhaliso; kunye
- (g) Neekopi ezingqiniweyo zezatifikethi zobhaliso lootitshala kwibhunga lootitshala abasele beqeshiwe nokuzibophelela komini ukuba bonke ootitshala baya kubhaliswa kwibhunga nokuba baya kuzizisa izatifikethi ebezingekafumaneki ngethuba lokuqalisa ukusebenza kwesikolo.
- (3) Makungeniswe isicelo esahlukileyo seziko ngalinye ukuba isikolo sinqwenela ukusebenzela kumaziko ahlukeneyo.
- (4) Isicelo sobhaliso masingeniswe ngeFom 1 ekwisiHlomelo, ihambe kunye namaxwebhu adweliswe kummiselwana (2), singeniswe kwi-ofisi yesithili semfundo apho isikolo esicetywayo siya kusekwa khona yaye isicelo eso siya kugqithiselwa kwiNtloko yeSebe zingaphelanga iintsuku eziyi-14 yi-ofisi yesithili semfundo.
- (5) INtloko yeSebe mayiwungqine umhla wokufumana isicelo ngencwadi ebhaliweyo eya kumenzi-sicelo.
- (6) Isicelo sobhaliso sesikolo esizimeleyo masivunywe yiNtloko yeSebe kwiintsuku eziyi-90 zokufumana isicelo, ngokuxhomekeka ekubeni isikolo siyazanelisa zonke iimfuno ezingummiselo zobhaliso ezikumiselwana (2).
- (7) Umnini wesikolo esizimeleyo angathi, zingekapheli wiintsuku eziyi-30 zokufumana isaziso sesigqibo sokungasibhalisi isikolo esizimeleyo esilolu hlobo, afake isibheni kuMphathiswa wePhondo esichasa isigqibo seNtloko yeSebe sokungasibhalisi eso sikolo sizimeleyo.
- (8) INtloko yeSebe inokusibhalisa okwethutyana isikolo esizimeleyo kunyaka wekhalenda apho isikolo esilolu hlobo singazanelisiyo iimfuno ezingummiselo zobhaliso, ngokuxhomekeka ekubeni ngokoluvo lwayo, kukho izizathu ezivakalayo zokucingela ukuba isikolo siya kuzanelisa iimfuno ezingummiselo zobhaliso ngelo thuba lithile licacisiweyo.

**Izatifikethi zobhaliso**

4. (1) Isatifikethi sobhaliso sikhutshelwa iziko elinye kuphela yiNtloko yeSebe kwaye asinakugqithiselwa (*is not transferable*) kwelinye iziko.
- (2) Isatifikethi sobhaliso sisebenza ngokusemthethweni kuphela (*only valid*) kwiphondo elisikhuphileyo.
- (3) Zonke izikolo ezibhalisiweyo mazibeke isatifikethi sobhaliso kwindawo esemboniselweni (*in a visible location*) njengobungqina bobhaliso.

**Imvume yabafundi yokubhalisela nokuhlalela iimviwo**

5. (1) INtloko yeSebe inokuvumela abafundi kwizikolo ezizimeleyo ukuba babhalisele yaye bahlalele naluphi na uviwo oluqhutywa liSebe leMfundo lePhondo leNtshona Koloni noluphantsi kweliso lalo.
- (2) INtloko yeSebe mayiqinisekise ukuba imigangatho esetyenziswayo nemiqathango eziya kuqhutywa phantsi kwayo iimviwo ezilolu hlobo sisikolo esizimeleyo, iyafana naleyo ifunekayo kwisikolo sikarhulumente kolo viwo lufanayo.
- (3) Inqununu yesikolo esizimeleyo mayenze isicelo kwiNtloko yeSebe sokubhalisa isikolo njengeziko lokubhalela iimviwo zangaphandle zeBakala 12.
- (4) Umnini okanye inqununu yesikolo esizimeleyo eyenza isicelo sobhaliso kwiBhodi yeeMviwo eZimeleyo (*Independent Examinations Board*) okanye kwezinye iibhodi zeemviwo, makaqinisekise ukuba amabanga emfundo ngalawo avunywayo yi-South African Qualifications Authority.

**Ukubekwa esweni nokwazi ukufikelela kwizikolo ezizimeleyo**

6. (1) INtloko yeSebe inokuthi makutyelwe isikolo esizimeleyo ngenjongo yokusibeka esweni.
- (2) Ngokumalunga nezikolo ezizimeleyo ezingaxhaswa ngemali, iNtloko yeSebe mayisazise isikolo eso ngotyelelo olulolu hlobo ngenchwadi ebhaliweyo nenika umhla, ixesha nenjongo yolo tyelelo.
- (3) Ngokumalunga nezikolo ezizimeleyo ezixhaswa ngemali, iSebe leMfundo lePhondo leNtshona Koloni linelungelo lokutyelela izikolo lingazasisanga, kunye nokuhlala imiba eyahlukeneyo yeerekhodi zesikolo, ikakhulu kwinkalo yolawulo lwezemali.

- (4) Ukuba kufakwe isikhalazo sokukhalazela isikolo esizimeleyo ngabazali babafundi ababhaliswe esikolweni, iNtloko yeSebe, inokuthi, ngencwadi ebhaliweyo eya kwinqununu, icele ingxelo ebhaliweyo emalunga nesikhalazo eso.
- (5) Inqununu mayithi kwiintsuku eziyi-30 zokufumana isicelo esibhaliweyo esikhankanywe kummiselwana (4), iphendule iNtloko yeSebe ngencwadi ebhaliweyo.
- (6) Ukuba iNtloko yeSebe ayaneliseki yimpendulo ebhaliweyo ekhankanywe kummiselwana (5), inokuthi kwiintsuku eziyi-30 zokufumana impendulo ebhaliweyo elolu hlobo, icele ngencwadi ebhaliweyo eya kwinqununu yesikolo, ukuba kuqhutywe uphando. Amagosa eSebe leMfundo leNtshona Koloni, atyunjwe yiNtloko yeSebe makavunyelwe ukuba angene kumasango esikolo afumane irekhodi nangaliphi na ixesha elifanelekileyo ngeenjongo zokuqhubeka nophando.
- (7) Iziphumo zophando mazirekhodwe ngokubhaliweyo, yaye mazenziwe zifumaneke kubo bobabini, ummangali nesikolo. Ukuba kukho ubungqina bembonakalo yokuqala (*prima facie case*) malunga nokuba iimfuno ezingummiselo zobhaliso azaneliswanga kuloo meko ithile okanye ngokubanzi, iNtloko yeSebe ke ngoko inokuthatha inyathelo elidlulela phambili imangalele isikolo njengoko kubonelelwe kule Mimiselo. Ukuba kukho ubungqina bembonakalo yokuqala bokuba ummangali (*complainant*) angaba nelungelo lokuthatha inyathelo lokumangalela isikolo, ummangali angathatha amanyathelo asemthethweni.

#### **Inkxaso-mali enikwa izikolo ezizimeleyo**

7. (1) Isikolo esizimeleyo esibhaliswe ithuba elingunyaka okanye nangaphezu koko njengombutho ongenzi nzuzo sinokwenza isicelo senkxaso-mali ngokwesiqendu 31 salo Mthetho.
- (2) Ngokungqinelana nemigaqo yeNNSF 2008, inkxaso-mali ekhankanywe kummiselwana (1), mayibalwe qho ngonyaka yiNtloko yeSebe ngokuvumelana nentloko yezemali.
- (3) Isikolo esizimeleyo siya kusibhekisa isicelo saso senkxaso-mali kwiNtloko yeSebe ngeefom zokwenza isicelo ezenziwa zifumaneke ukulungiselela le njongo, ngokuxhomekeka ekubeni isicelo senkxaso-mali singeniswa kwiSebe leMfundo leNtshona Koloni qho ngonyaka phambi okanye nge-31 Matshi kunyaka ongaphambili.
- (4) Ukuba isikolo esizimeleyo esinikwe inkxaso-mali, sithi nangaliphi na ixesha lonyaka-mali singazithobeli nazo naziphi na okanye nazo zonke iimfuno ezingummiselo okanye imiqathango yenkxaso-mali, iNtloko yeSebe mayinike umniniso isaziso esibhaliweyo soko, esicacisa ukuba yeyiphi imfuno engummiselo okanye umqathango ongathotyelwanga, yaye inike umniniso umyalelo wokuba anelise le mfundo ingummiselo okanye lo mqathango lingekapheli ithuba elimiselwe yiNtloko yeSebe nelicaciswe kwisaziso.
- (5) Ukuba kuthi, emva kokuphela kwethuba elichatshazelwe kummiselwana (4) sibe isikolo esizimeleyo singekangqinelani nemfuno engummiselo okanye nomqathango okubhekiselelwe kuwo, kuya kusetyenziswa imigaqo yeziqendu 48(4) no-(5) zoMthetho weZikolo zaseMzantsi Afrika, 1996.
- (6) Inkxaso-mali iya kuhlawulwa kuphela ngokumalunga nabafundi abakubudala bokuhamba isikolo obunyanzelekileyo abafunda ikharithulam yeBakala 1 ukuya kwiBakala 12, ngaphandle kokuba iNtloko yeSebe imisela ngandlela yimbi kwimeko yabafundi bemfundo eneemfuno ezizodwa.
- (7) Nabani na othi ngokunxulumene nesicelo senkxaso-mali kwisikolo esizimeleyo anike ngabom ingcaciso ebubuxoki okanye enze ingxelo ebubuxoki okanye elahlekisayo ngokunxulumene nesicelo senkxaso-mali sesikolo esizimeleyo, uya kuba netyala lolwaphulo-mthetho yaye ekugwetyeni kwakhe amelwe kukuwiselwa isigwebo sokudliwa imali okanye sokufakwa entolongweni ithuba leenyanga ezintathu.
- (8) Isikolo esizimeleyo sinokuthathelwa ingqalelo malunga nenkxaso-mali ekhankanywe kummiselwana (2) ukuba isikolo esizimeleyo—
  - (a) sigcina imigangatho engekho ngaphantsi kwaleyo yezikolo zikarhulumente ezinokuthelekiswa naso;
  - (b) kwimeko yabafundi abaqhelekileyo, siyavuma ukuthatha inxaxheba kwiiMvavanyo zikaZwelonke zaQho ngoNyaka kunye/okanye kuvavanyo lwesebe lokufumana undonakele (*diagnostic testing*);
  - (c) silawulwa ngendlela eyiyo neyimpumelelo ngokwemiqathango yoluhlu lokutshakitsha ezolawulo (*management checklist*) lweenkxaso-mali njengoko kufunwa yi-NNSF;
  - (d) singeniswa qho ngonyaka ungalulanga owe-30 Juni kwiNtloko yeSebe ingxelo-mali ephicothiweyo (*audited financial statement*) ngemicimbi yezemali zesikolo esizimeleyo;
  - (e) sisebenzisa iinkonzo zomntu oqeshwe ngumnini wesikolo esizimeleyo nobhaliswe njengomphicothi-zincwadi ngokoMthetho i-Auditing Profession Act, 2005 (*Act 26 of 2005*) ukuphicotha irekhodi zemali neengxelo-mali;
  - (f) sifumanisa ukuba uphicotho ekubhekiswa kulo kumhlathi (e) alunakwenzeka ngokufanelekileyo, yaye umnini wesikolo esizimeleyo uqesha umntu oqeqeshelwe ukwenza imisebenzi yegosa lokubala nokucalu-calula imali (*accounting officer*) ngokwesiqendu 60 se-Close Corporation Act, 1984 (*Act 69 of 1984*), ukuba aphicothe aze anike ingxelo ngeerekhodi neengxelo-mali. Akukho mntu onenxaxheba nochaphazelekayo kwimicimbi yezemali yesikolo esizimeleyo onokuqeshwa phantsi kwalo mmiselo.
  - (g) sihlawula nayiphi na inkxaso-mali efunyenweyo kwisebe lemfundo kwi-akhawunti yebhanki echatshazelwe kuMthetho i-Banks Act, 1990 (*Act 94 of 1990*) ethe yavulwa egameni lesikolo esizimeleyo.

#### **Ukurhoxiswa kobhaliso nokuvalwa kwezikolo ezizimeleyo**

8. (1) INtloko yeSebe inokuthi, phantsi kwemigaqo (*provisions*) yommiselwana (2), ilurhoxise ubhaliso lwesikolo esizimeleyo ukuba iqinisekile ukuba phantsi kwezizathu ezivakalayo isikolo esizimeleyo esilolo hlobo asizithobeli zonke iimfuno ezingummiselo zobhaliso okanye imiqathango ekhankanywe kummiselo 2.
- (2) Phambi kokurhoxisa ubhaliso lwesikolo esizimeleyo ngokomhlathi (a), iNtloko yeSebe iya kuthi, ngesaziso esibhaliweyo esiya kumnini wesikolo esizimeleyo—
  - (a) yazise umnini ngenjongo yokurhoxiswa kobhaliso;

- (b) inike izzathu zenjongo yokurhoxiswa kobhaliso;
  - (c) inike umnini zingekapheli iintsuku eziyi-60 zokufumana isaziso esibhaliweyo, ithuba lokuvakalisa izimvo zokuba kungani na lungenakurhoxiswa ubhaliso; yaye
  - (d) ithathele ingqalelo ezo zimvo zivakalisiweyo ize yazise umnini zingekapheli iintsuku eziyi-30 zokufumana izimvo ezibhaliweyo, ngesigqibo sayo.
- (3) Ukuba ubhaliso lwesikolo esizimeleyo lurhoxisiwe, umnini unokufaka isicelo sobhaliso kwakhona emva kokuthatha amanyathelo ayimfuneko okuqinisekisa ukuba ziyathotyelwa iimfuno ezingummiselo okanye imiqathango yobhaliso efanelekileyo, okanye iimeko ezikhankanywe kummiselwana (1), ziphuculwe okanye ziphelisiwe, njengoko imeko inganjalo.
  - (4) Umnini wesikolo esizimeleyo unokuthi zingekapheli iintsuku eziyi-30 zokufumana isaziso sesigqibo esilolu hlobo, afake isibheni kuMphathiswa wePhondo esichasa isigqibo sokurhoxiswa kobhaliso lwesikolo esizimeleyo esilolu hlobo ngokwesiqendu 33 salo Mthetho.
  - (5) Ukuba ubhaliso lwesikolo esizimeleyo lurhoxisiwe yiNtloko yeSebe ngokummiselwana (1), iNtloko yeSebe inokuyalela umnini ochaphazelekayo ukuba asivale isikolo esizimeleyo ukususela ngomhla omiselwe yiNtloko yeSebe.
  - (6) Nabani na oyalelwe ukuba asivale isikolo esizimeleyo ngokummiselwana (5), nothi ale okanye angaphumeleli ukuthobela imigaqo yomyalelo, uya kuba netyala lolwaphulo-mthetho yaye uya kuthi ekugwetyweni kwakhe amelwe sisigwebo sokudliwa imali okanye sokufakwa entolongweni ithuba elingekho ngaphezu kweenyanga ezintathu.

#### **Izibheni ezenziwa kuMphathiswa wePhondo**

9. (1) Isibheni ngokwesiqendu 33(1) salo Mthetho, masibe kuxwebhu olubhaliweyo, oluchaza ngokubanzi izzathu zokufaka isibheni yaye siya kungeniswa kuMphathiswa wePhondo kwithuba leentsuku eziyi-30 zokufumana isaziso sokwala isicelo okanye sokurhoxiswa kobhaliso.
- (2) UMphathiswa wePhondo unokuthi, xa eqwalasela isibheni esichatshazelwe kummiselwana (1), acele ofake isibheni kunye neNtloko yeSebe ukuba bannike loo ngcaciso iyenye njengoko anokuyifuna.
- (3) UMphathiswa wePhondo makathi—
  - (a) ekuqwalaseleni kwakhe isibheni esichatshazelwe kummiselwana (1), athathele ingqalelo izzathu zeNtloko yeSebe ezichatshazelwe kwisiqendu 29(2) salo Mthetho, kwakunye nezizathu zokufakwa kwesibheni; yaye
  - (b) kwithuba leentsuku eziyi-60 zokufumana isibheni esilolu hlobo, azise umenzi-sibheni ngencwadi ebhaliweyo ngesigqibo sakhe nezizathu zoko.
- (4) Kwimeko yesibheni sokuchasa isigqibo sokurhoxiswa kobhaliso lwesikolo esizimeleyo, isikolo siya kuqhubeka sisebenza de uMphathiswa wePhondo avakalise isigqibo sakhe.

#### **Ukutshitshiswa kwemimiselo**

10. IMimiselo emalunga noBhaliso lweZikolo eziZimeleyo neNkxaso-mali enikwa zona (kubandakanywa neZikolo eziziiPri-prayimari eziZimeleyo) njengoko ipapashwe kwiGazethi yePhondo 5313 yowe-30 Novemba 1998 phantsi kweSaziso sePhondo 639 sika-1998, ngokwenjenje iyatshitshiswa.

#### **Igama elifutshane**

11. Le Mimiselo ibizwa ngokuba yiMimiselo emalunga noBhaliso lweZikolo eziZimeleyo neNkxaso-mali enikwa zona (kungabandakanywa iZikolo eziziiPri-prayimari eziZimeleyo).
-

**Vorm 1 / Form 1****WKOD/WCED - 011****Wes-Kaap Onderwysdepartement****Western Cape Education Department****ISebe leMfundo leNtshona Koloni**

**AANSOEK OM REGISTRASIE AS 'N ONAFHANKLIKE  
SKOOL**

**APPLICATION FOR REGISTRATION OF AN INDEPENDENT  
SCHOOL**

NAAM VAN SKOOL NAME OF SCHOOL										
STATUS VAN SKOOL STATUS OF SCHOOL	Primêr Primary		Gekombineerd Combined		Sekondêr Secondary		TIPE TYPE	Gewoon/Ordinary		
								LSOB/LSEN		
STRAAT ADRES STREET ADDRESS										
		Poskode: Postal Code:								
POSADRES POSTAL ADDRESS										
		Poskode: Postal Code:								
E-POS ADRES E-MAIL ADDRESS										
TELEFOONNOMMER TELEPHONE NUMBER		FAKSNOMMER FAX NUMBER		SEL NO CELL NO.						
CIPC REGISTRASIENOMMER (waar van toepassing) CIPC REGISTRATION NUMBER (where applicable)										
AARD VAN EIENAARSKAP TYPE OF OWNERSHIP		Privaat/ Private			Godsdiensgroep/Religious Group					
		Maatskappy/Company			Ander/Other					
NAAM VAN PRINSIPAAL NAME OF PRINCIPAL							TEL. NR. TEL. NO.			

<b>BEHEERLIGGAAM GOVERNING BODY</b>			
Het skool 'n beheerliggaam of raad van direkteure? Does school have a governing body or board of directors?		Ja Yes	Neer No
Naam van eienaar of voorsitter van beheerliggaam / voorsitter van raad: Name of owner or chairperson of governing body/board of directors:			
Adres: Address:			
Telefoonnommer: Telephone number:			
<b>OPVOEDKUNDIGE EN ANDER FASILITEITE EDUCATIONAL AND OTHER FACILITIES</b>			
TIPE GEBOUE TYPE OF BUILDING(S)	BAKSTEEN EN SEMENT / BRICKS AND MORTAR		
	HOUT EN YSTER (Sinkplate) / WOOD AND CORRUGATED IRON SHEETS		
	BEHOUERINGS-AKKOMMODASIE/CONTAINER ACCOMMODATION		
	ANDER(Spesifiseer): OTHER(Specify):		
<b>ADMINISTRATIEWE FASILITEITE ADMINISTRATIVE FACILITIES</b>			
Dui aan getal kamers (Indien geen voorsien is, dui nul aan): Indicate number of rooms (If none has been provided, state "None"):			
Kantoor van prinsipaal /Office of principal			
Kantore vir departementshoofde / Offices for heads of department			
Brandkamer / Strongroom			
Bergingskamers / Storerooms			
Ontvangsarea of kantoor vir sekretaresse / Reception area and/or secretary's office			
Personeelkamer / Staffroom			
Siekeboeg / Sick bay			
<b>SPEELGROND PLAYGROUND</b>			
Grootte van ontspanningsarea (m <sup>2</sup> ) Size of the playground (m <sup>2</sup> )			

<b>ABLUSIEFASILITEITE ABLUTION FACILITIES</b>			
Aantal toilette beskikbaar : Number of toilets available:	(i)	Seuns / Boys	
	(ii)	Dogters / Girls	
	(iii)	Manlike opvoeders / Male educators	
	(iv)	Vroulike opvoeders / Female educators	
<b>ONDERRIGLOKALE (Dui getal aan) INSTRUCTION ROOMS (Indicate number)</b>			
Gewone klaskamers Ordinary classrooms			
Wetenskaplokale Science rooms			
Rekenaarkamers Computer rooms			
Musiek Music			
Siviele Tegnologie Civil Technology			
Gasvryheidstudies Hospitality Studies			
Ander (Spesifiseer) Other (Specify)			
<b>ONDERWYSGEBOUE EDUCATION BUILDINGS</b>			
			Ja Yes
			Nee No
Is eiendom gehersoneer vir onderwys doeleindes? Has property been rezoned for educational purposes?			
Die volgende munisipale dienste is beskikbaar: The following municipal services are available:	Water Water		
	Elektrisiteit Electricity		
	Riool Sewerage		
	Vullisverwydering Refuse removal		

Die volgende dokumente oor die onderwysgeboue moet by die aansoek aangeheg wees:  
The following documentation on the education building must be attached to the application:

- (1) 'n Vloerplan van die gebou wat vir onderwysdoeleindes gebruik gaan word met 'n aanduiding van die verskillende klaskamers (die vloerplan hoef nie op skaal te wees nie). Elke klaskamer moet duidelik genommer wees en aandui :  
Floor plan of the building(s) to be used for education purposes and an indication of the different classrooms (The floor plan(s) need not be to scale.) Each classroom must be numbered clearly and the following indicated:
- Die doel waarvoor elke kamer gebruik sal word  
The purpose for which each room will be used
  - Die vloeroppervlakte, in vierkante meter, van elke kamer  
The floor area, in square metres, of each room
  - In die geval van kledkamers, die getal toilette, urinale en wasbakke.  
In the case of ablution facilities, the number of toilets, urinals and wash basins
- (2) 'n Terreinplan wat die ligging van die geboue, ontspanningsgeriewe en totale oppervlakte in vierkantmeter of in hektaar aandui.  
A site plan indicating the position of the building(s), recreational facilities and total area in square metres or hectares.
- (3) 'n Verslag van die die munisipaliteit ten opsigte van die geskiktheid van die geboue vir onderwysdoeleindes en dat dit aan gesondheidsregulasies voldoen.  
A report from the municipality on the suitability of the building(s) for education purposes and stating whether the building(s) conform(s) to health regulations.

**BESKIKBAARHEID VAN BESTUURSINLICHTINGSTELSELS EN REKORDS**  
**AVAILABILITY OF MANAGEMENT INFORMATION SYSTEMS AND RECORDS**

	Ja Yes	Nee No
Word bestuursinligtingstelsels bygehou en opgedateer? Are management information systems maintained and updated regularly?		
<b>Is die volgende beskikbaar? : Indiensnemingskontrakte</b> <b>Are the following available? : Employment contracts</b>		
Bywoningsregisters vir personeel Attendance registers for personnel		
Toelatingsregister vir leerders Admission register for learners		
Bywoningsregister vir leerders Attendance register for learners		
Leerderprofile Learner profiles		
Personeelprofile Staff profiles		
Finansiële records Financial records		
Word rekords geliaseer en in kabinet of n brandkamer bewaar Are records filed and kept in cabinets or a strongroom?		
Ander kommentaar/Other comments		

<b>TOERUSTING EN AMEUBLEMENT EQUIPMENT AND FURNITURE</b>			
Is elke klaskamer toegerus met Is each classroom equipped with	Ja/Yes	Nee/No	Getal/ Number
'n lessenaar vir elke opvoeder? a desk for every educator?			
'n lessenaar vir elke leerder? a desk for every learner?			
'n swartbord/skryfbord vir elke klaskamer? a blackboard or writing board for each classroom?			
Het elke leerder die voorgeskrewe getal handboeke vir elke vak? Does each learner have the required number of textbooks for each subject?			
<b>ONDERRIGHULPMIDDELS TEACHING AIDS</b>			
Rekenaars Computers			
Videotoerusting Video equipment			
Dataprojektor Data projector			
Oudiotoeerusting Audio equipment			
Ander (spesifiseer) Other (specify)			
<b>INLIGTING AANGAANDE LEERDERS INFORMATION ON LEARNERS</b>			
<i>Besonderhede aangaande die leerder moet op Bylae A aangedui word. Particulars of the learners must be provided on Annexure A.</i>			
<b>LEERPLAN CURRICULUM</b>			
Bied die skool die Nasionale Kurrikulumverklaring aan as kernkurrikulum? Does the school offer the National Curriculum Statement as a core curriculum?	JA YES	<input type="checkbox"/>	NEE NO
Indien nie, meld watter kurrikulum/ leerprogram aangebied word en of dit in lyn is met die Nasionale Kurrikulumverklaring If not, indicate what curriculum is offered and if it is in line with the National Curriculum Statement.			
.....			
.....			
.....			



<b>INLIGTING AANGAANDE OPVOEDERS</b> <b>INFORMATION ON EDUCATORS</b>		
Het die skool voldoende gekwalifiseerde opvoeders? Does the school have a sufficient number of qualified educators?	JA <input style="width: 30px; height: 20px;" type="checkbox"/> YES	NEE <input style="width: 30px; height: 20px;" type="checkbox"/> NO
Is die opvoeders by SARO (Suid- Afrikaanse Raad vir Opvoeders) geregistreer? Are the educators registered with SACE (South African Council for Educators)?	JA <input style="width: 30px; height: 20px;" type="checkbox"/> YES	NEE <input style="width: 30px; height: 20px;" type="checkbox"/> NO
<i>Besonderhede van die opvoeders moet op Bylae B aangedui word.</i> <i>Particulars of the educators must be provided on Annexure B.</i>		
<b>SPORT- EN KULTUURAKTIWITEITE</b> <b>SPORT AND CULTURAL ACTIVITIES</b>		
Dui aan watter sport – en kultuur –aktiwiteite by skool aangebied word. Indicate what sports and cultural activities are offered by the school.  .....		
<b>SKOOLKALENDER</b> <b>SCHOOL CALENDER</b>		
Volg skool die goedgekeurde skoolkalender van die WKOD? Does the school follow the approved school calendar of the WCED?	JA <input style="width: 30px; height: 20px;" type="checkbox"/> YES	NEE <input style="width: 30px; height: 20px;" type="checkbox"/> NO
Indien nie, dui aan getal skoolkwartale en getal skooldae per kwartaal. If not, indicate number of school quarters and school days per quarter.		..... ..... ..... .....
Dui aan getal kontak-ure per graad per week. Indicate the number of contact hours per grade per week.		..... ..... .....

Ek, die ondergetekende, verklaar dat die bogemelde inligting sowel as die inligting wat die aansoek vergesél, korrek en volledig is.  
 I, the undersigned, declare that the above information and the information accompanying this application to be correct and complete.

\_\_\_\_\_  
 Naam van prinsipaal (blokletters)  
 Name of principal (block letters)

\_\_\_\_\_  
 Handtekening van prinsipaal  
 Signature of principal

\_\_\_\_\_  
 Datum  
 Date

\_\_\_\_\_  
 Naam van eienaar of voorsitter  
 van beheerliggaam (blokletters)  
 Name of owner or chairperson  
 of governing body (block letters)

\_\_\_\_\_  
 Handtekening van eienaar/voorsitter  
 Signature of owner or chairperson

\_\_\_\_\_  
 Datum  
 Date

Ek, die ondergetekende, bevestig hiermee dat 'n *in loco* inspeksie by die betrokke skool uitgevoer is, en dat die inligting in die aansoek verstrekkend, korrek is. 'n Voltooiëde evalueringvraelys (Bylae C) wat die geskiktheid van die skool as opvoedkundige instelling aandui, is aangeheg

I, the undersigned, confirm hereby that an *in loco* inspection was carried out at the relevant school and that the information provided in the application is correct. An evaluation checklist (Annexure C), which indicates the suitability of the school as an education institution, is attached.

REGISTRASIE AANBEVEEL/NIE AANBEVEEL NIE  
REGISTRATION RECOMMENDED/NOT RECOMMENDED

KOMMENTAAR:  
COMMENTS: .....  
.....  
.....  
.....

.....  
IBB BESTUURDER / GO BESTUURDER (vir LSOB)  
IMG MANAGER / SES MANAGER (for LSEN)

.....  
DATUM  
DATE

KOMMENTAAR:  
COMMENTS: .....  
.....  
.....

.....  
DISTRKSDIREKTEUR  
DISTRICT DIRECTOR

.....  
DATUM  
DATE



**BYLAE B / ANNEXURE B**

**KWALIFIKASIES VAN OPVOEDERPERSONEEL**

**QUALIFICATIONS OF TEACHING PERSONNEL**

*(Indien daar nie genoeg ruimte hieronder is nie, verskaf inligting op addisionele bladsye en heg aan hierdie vorm. / If there is insufficient space below, provide information on additional pages and attach them to this form.)*

**NEEM KENNIS:** GESERTIFISEERDE AFDRUKKE VAN DIE KWALIFIKASIES VAN OPVOEDERS MOET MET DIE AANSOEK INGEDIEN WORD

**PLEASE NOTE:** CERTIFIED COPIES OF THE QUALIFICATIONS OF EDUCATORS MUST BE SUBMITTED WITH APPLICATION

VAN EN VOORNAAM SURNAME & FIRST NAME	GESLAG SEX	POS EN RANG POST AND RANK	KWALIFIKASIES QUALIFICATIONS	ONDERWYS ONDERVINDING TEACHING EXPERIENCE	SALARIS (BRUTO) P.M. SALARY (BRUTO) P.M.	VAKKE ONDERRIG SUBJECTS TAUGHT