
PROVINCE OF THE WESTERN CAPE

**WESTERN CAPE PROVINCIAL
SCHOOL EDUCATION
ACT, 1997**

PROVINSIE WES-KAAP

**WES-KAAPSE PROVINSIALE
WET OP
SKOOLONDERWYS, 1997**

No 12, 1997

ACT

To provide for a uniform education system for the organisation, governance and funding of all *schools*; consequentially to repeal certain laws relating to *schools*; and to make provision for the specific educational needs of the *province*.

PREAMBLE

WHEREAS this *province* requires a new provincial structure for *schools* which will redress past imbalances in educational provision, provide an *education* of progressively high quality for all *learners* and in doing so lay a strong foundation for the development of all our people's talents and capabilities, advance the democratic transformation of society, combat racism and sexism and all other forms of unfair discrimination and intolerance, protect and advance our diverse cultures and languages, uphold the rights of all *learners*, *parents* and *educators*, and promote their acceptance of responsibility for the organisation, governance and funding of *schools* in partnership with the State; and

WHEREAS it is necessary to set uniform norms and standards for the *education* of *learners* at *schools* and the organisation, governance and funding of *schools* throughout the *province*;

BE IT THEREFORE ENACTED by the Premier and the Legislature of the Province of the Western Cape, as follows:—

CHAPTER 1

APPLICATION OF ACT

Definitions 5

1. In *this Act*, unless the context indicates otherwise—

- (i) “**adult education**” means the basic, teaching after hours to, and *education* of adults in order to expand their knowledge and skills; (xLi)
- (ii) “**authorized person**” means a person authorized by the *Head of Department* to conduct an inspection in terms of section 20 of *this Act*; (vi) 10
- (iii) “**combined school**” means a *school* providing primary and secondary *education* to a *grade* higher than the ninth *grade* but not exceeding the twelfth *grade*; (v)
- (iv) “**compulsory school attendance**” means compulsory school attendance introduced under section 42 of *this Act*; (xxxix) 15
- (v) “**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996); (x)
- (vi) “**education**” means teaching, instruction or training provided to *learners* in terms of *this Act*; (xx)
- (vii) “**education at home**” means education at home referred to in section 36 of *this Act*; (xxii) 20
- (viii) “**education council**” means the education council established under section 11 of *this Act*; (xxi)
- (ix) “**educator**” means an educator as defined in the Educators’ Employment Act, 1994 (Proclamation 138 of 1994); (xxiv) 25
- (x) “**financial head**” means the person appointed in terms of section 132 of the *Constitution* as *Member of the Executive Council* responsible for the administration of the financial affairs of the Province of the Western Cape; (iv)

- (xi) “**fixed date**” means the date of commencement of *this Act*; (xxxviii)
- (xii) “**governing body**” means a governing body referred to in section 21 of *this Act*; (ii)
- (xiii) “**grade**” means that part of an educational programme which a *learner* may complete in one *school* year, or any other education programme which the *Member of the Executive Council* may deem to be equivalent thereto; (ix) 5
- (xiv) “**Head of Department**” means the head of the *Western Cape Education Department*; (iii)
- (xv) “**hostel**” means a hostel established under section 4(1)(a) of *this Act*; (xii)
- (xvi) “**independent school**” means a *school* registered or deemed to be registered in terms of section 30 of *this Act*; (xviii) 10
- (xvii) “**independent school for learners with special education needs**” means a *school* registered in terms of section 30 of *this Act* as an independent school for learners with special education needs, or deemed to be so registered; (xix)
- (xviii) “**intermediate school**” means a *school* providing primary and secondary education up to but not exceeding the ninth grade; (xvi) 15
- (xix) “**learner**” means any person receiving *education* or obliged to receive *education* in terms of *this Act*; (xiii)
- (xx) “**learner with special education needs**” means a *learner* with additional *education* needs for whom provision is made in ordinary *public schools* insofar as it is reasonably practicable, or *schools for learners with special education needs*; (xiv) 20
- (xxi) “**Legislature**” means the legislature established for the *province* under section 104 of the *Constitution*; (xLiv)
- (xxii) “**Member of the Executive Council**” means the Member of the Executive Council responsible for *education* in the Province of the Western Cape; (xv) 25
- (xxiii) “**member of staff**” means a person employed at a *school*; (xxvi)
- (xxiv) “**National Minister**” means the Minister of Education of the National Government; (xvii)
- (xxv) “**officer**” means an employee of the *Western Cape Education Department* appointed in terms of the Educators’ Employment Act, 1994 (Proclamation 138 of 1994), or the Public Service Act, 1994 (Proclamation 103 of 1994); (i) 30
- (xxvi) “**organised teaching profession**” means the teaching profession or a part thereof, as represented by an employee organisation as defined in section 1 of the Educators’ Employment Act, 1994 (Proclamation 138 of 1994), or a provincial body of such organisation recognised by the *Member of the Executive Council*; (vii) 35
- (xxvii) “**parent**” means—
 (a) the parent or guardian of a *learner*;
 (b) the person legally entitled to custody of a *learner*; or 40
 (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the *learner’s education* at *school*; (xxv)
- (xxviii) “**Premier**” means the Premier of the Province of the Western Cape elected in terms of section 128 of the *Constitution*; (xxvii)
- (xxix) “**pre-primary school**” means a *school* for *learners* of not younger than three years and not older than six years; (xxviii) 45
- (xxx) “**prescribed**” means prescribed by *regulation* in terms of *this Act*, or any other law; (xLii)
- (xxxi) “**primary school**” means a *school* providing *education* up to but not exceeding the seventh grade; (xxix) 50
- (xxxii) “**principal**” means an *educator* appointed or acting as the head of a *school*; (xxx)

- (xxxiii) “**province**” means the Province of the Western Cape; (xxxii)
- (xxxiv) “**Provincial Gazette**” means the official gazette in which government and other official notices of the provincial government are published; (xxxii)
- (xxxv) “**public school**” means a *school* established or deemed to be established under section 12 of *this Act*; (xxiii) 5
- (xxxvi) “**regulation**” means a regulation made under *this Act*; (xxxiii)
- (xxxvii) “**representative council of learners**” means a representative council of learners established under section 48 of *this Act*; (xL)
- (xxxviii) “**school**” means a *public school* or an *independent school* which enrolls learners in one or more grades from grade zero to grade twelve; (xxxv) 10
- (xxxix) “**school attendance officer**” means a school attendance officer appointed under section 10 of *this Act*; (xxxvi)
- (xL) “**school for learners with special education needs**” means a school for learners with special education needs established under section 12 of *this Act* or an *independent school for learners with special education needs* registered under section 30 of *this Act*; (xxxvii) 15
- (xLi) “**secondary school**” means a *school* providing *education* from not lower than the eighth up to but not exceeding the twelfth *grade*; (xxxiv)
- (xLii) “**specialized education**” means *education* and support of a specialized nature which provides for the needs of *learners with special education needs*; (viii) 20
- (xLiii) “**this Act**” means the Western Cape Provincial School Education Act, 1997 (Act 11 of 1997), and *regulations* published thereunder; (xi) and
- (xLiv) “**Western Cape Education Department**” means the department established in terms of section 7(2) of the Public Service Act, 1994 (Proclamation 103 of 1994). (xLiii) 25

CHAPTER 2

EXECUTION OF ACT

Control of education

2. Subject to the provisions of *this Act*, *education* in *schools* in the *province* shall vest in the *Member of the Executive Council* and be controlled by the *Western Cape Education Department*. 30

Determination of provincial education policy

3. (1) Subject to the provisions of the South African Schools Act, 1996 (Act 84 of 1996), and the *Constitution*, the *Member of the Executive Council* may, where necessary, from time to time determine the policy which is to be pursued in respect of *education* in *schools* in the *province*, within the framework of the following principles, namely that— 35

- (a) every *learner* shall be entitled to ordinary *education* at his or her nearest ordinary *public school*, insofar as it is reasonably practicable;
- (b) every *learner* shall be entitled to equal access to *public schools*; 40
- (c) every *learner* shall have the right to mother tongue *education*, including the right to take his or her mother tongue as a subject, insofar as it is reasonably practicable;
- (d) every *learner* shall have the right to receive religious *education* insofar as it is reasonably practicable; and 45
- (e) *education* be provided in accordance with the needs, ability, aptitude and interest of the *learner* and the needs of the country, and appropriate guidance shall be available to *learners* as far as it is reasonably practicable.

(2) The *Head of Department* shall take such steps as may be necessary to carry into effect the policy so determined by the *Member of the Executive Council*. 50

General functions of the Member of the Executive Council

4. (1) In addition to the other functions assigned to him or her under *this Act*, the

Member of the Executive Council may, out of moneys appropriated for this purpose by the *Legislature*—

- (a) establish and maintain *hostels* for *public schools*;
- (b) provide for *adult education*; and
- (c) provide such equipment and erect such buildings as he or she may deem necessary or expedient for the administration of the provisions of *this Act*. 5

(2) The *Member of the Executive Council* may, after consultation with the *governing body* of a *public school* concerned, close a *hostel* referred to in subsection (1).

(3) A centre for the development and promotion of some or other aptitude of *learners* established or provided for under any law repealed by *this Act*, or deemed to be established or provided for under such law, and which immediately prior to the *fixed date* was managed and controlled, shall from that date be deemed to be a *public school* established or provided for under this section. 10

Authority of the Member of the Executive Council regarding governing bodies

5. The *Member of the Executive Council* may, by notice in the *Provincial Gazette*, determine that some *governing bodies* may exercise one or more functions referred to in section 21 of the South African Schools Act, 1996 (Act 84 of 1996), without making an application, if— 15

- (a) he or she is satisfied that the *governing bodies* concerned have the capacity to perform such function effectively; and 20
- (b) there is a reasonable and equitable basis for doing so.

Enhancement of capacity of governing bodies

6. The *Head of Department* shall, out of moneys appropriated for this purpose by the *Legislature*, establish a programme to promote the effectiveness of *governing bodies* in accordance with section 19 of the South African Schools Act, 1996 (Act 84 of 1996). 25

General functions of Head of Department

7. (1) In addition to the other functions assigned to the *Head of Department* in terms of *this Act* and any other applicable law, he or she may—

- (a) approve educational and training programmes for *learners*;
- (b) approve educational and training programmes for *learners with special education needs*; 30
- (c) determine the conditions for admission to such educational and training programmes, and the evaluation, by means of inspection or otherwise, of the effectiveness of the teaching and training provided in accordance therewith;
- (d) approve courses for the provision of *education*, including *education* for *learners with special education needs*; 35
- (e) determine the conditions for admission to, and the syllabi of, such courses;
- (f) in respect of such courses—
 - (i) cause examinations to be conducted and certificates to be issued to *learners* who passed those examinations; and 40
 - (ii) cause other approved forms of assessment to be conducted;
- (g) make rules as to—
 - (i) the conducting of examinations referred to in subsection (1)(f)(i), the handling of, and inquiries into, and the consequences of, any irregularities in the conduct of those examinations, the entering of candidates for those examinations, the conduct and discipline of candidates prior to, during and after those examinations, and the issue of certificates referred to in that subsection; and 45
 - (ii) the appointment, conduct, discipline, powers, duties and functions of examiners, moderators, invigilators and other persons whose services are necessary in connection with the conducting of those examinations; and 50
- (h) make arrangements for medical, psychological or dental examinations of *learners* and of persons employed at *public schools* and *hostels*.

(2) Different programmes and courses may be approved or determined, as the case may be, under subsection (1) in respect of different *public schools*. 55

Authority of Head of Department regarding governing bodies

- 8.** (1) Subject to *this Act*, a *governing body* may apply to the *Head of Department* in writing to be allocated any of the following functions:
- (a) to maintain and improve the *school's* property, and buildings and grounds occupied by the *school*, including *school hostels*, if applicable; 5
 - (b) to determine the extra-mural curriculum of the *school* and the choice of subject options in terms of provincial curriculum policy;
 - (c) to purchase textbooks, educational materials or equipment for the *school*;
 - (d) to pay for services to the *school*; or
 - (e) other functions consistent with *this Act* and any applicable provincial law. 10
- (2) The *Head of Department* may refuse an application contemplated in subsection (1), only if the *governing body* concerned does not have the capacity to perform such function effectively.
- (3) The *Head of Department* may approve such application unconditionally or subject to conditions. 15
- (4) The decision of the *Head of Department* on such application must be conveyed in writing to the *governing body* concerned, giving reasons.
- (5) The *Head of Department* may, on reasonable grounds, withdraw a function of a *governing body*.
- (6) The *Head of Department* may not take action under subsection (5), unless he or she has— 20
- (a) informed the *governing body* of his or her intention so to act and the reasons therefor;
 - (b) granted the *governing body* a reasonable opportunity to make representations to him or her relating to such intention; and 25
 - (c) given due consideration to any such representations received.
- (7) In cases of urgency, the *Head of Department* may act in terms of subsection (5), without prior communication to such *governing body*, if the *Head of Department* thereafter—
- (a) furnishes the *governing body* with reasons for his or her actions; 30
 - (b) gives the *governing body* a reasonable opportunity to make representations relating to such actions; and
 - (c) duly considers any such representations received.
- (8) The *Head of Department* may, for sufficient reasons, reverse or suspend his or her action in terms of subsection (7). 35
- (9) Any person aggrieved by a decision of the *Head of Department* in terms of this section, may appeal against the decision to the *Member of the Executive Council*.
- (10) The *Head of Department* must ensure that *principals* and other *officers* of the *Western Cape Education Department* render all necessary assistance to *governing bodies* in the performance of their functions in terms of *this Act*.” 40

Inspection of schools and hostels

9. The *Head of Department* may, either generally or in a specific case, authorize, in writing, a person to inspect a *school* or *hostel*, in consultation with the *principal* of the *school* concerned.

Appointment of school attendance officers 45

10. (1) The *Head of Department* may appoint a *school attendance officer* to carry into effect the provisions of section 3 (5) and (6) of the South African Schools Act, 1996 (Act 84 of 1996).

(2) A *school attendance officer* shall be provided with a certificate, signed by the *Head of Department*, declaring that he or she has been appointed as a *school attendance officer* under this section. 50

Establishment and functions of education council

11. (1) There is hereby established an *education council* for the *province*, which shall consist of—
- (a) the *Head of Department*;
 - (b) the *prescribed* number of persons designated by the *Head of Department* from his or her staff; 5
 - (c) the *prescribed* number of persons in respect of universities, technikons, technical colleges and colleges of education respectively, designated by the *Member of the Executive Council* out of nominations made in the *prescribed* manner; 10
 - (d) the *prescribed* number of persons designated in the *prescribed* manner by the *organized teaching profession* in the *province* from its members;
 - (e) the *prescribed* number of persons designated in the *prescribed* manner by the *Member of the Executive Council* out of nominations made in the *prescribed* manner by the *governing bodies* of *public schools*; 15
 - (f) the *prescribed* number of representatives of *independent schools* designated by the *Member of the Executive Council* out of nominations made in the *prescribed* manner by the *independent schools* registered with the *Western Cape Education Department*;
 - (g) one person designated by the *Member of the Executive Council* out of nominations made in the *prescribed* manner by the councils of technical colleges in the *province*; 20
 - (h) the *prescribed* number of persons designated by the *Member of the Executive Council*. 25
- (2) An *education council* shall elect from its members a chairperson and a vice-chairperson. 25
- (3) Whenever the chairperson of an *education council* is absent or is unable to perform his or her functions as chairperson, the vice-chairperson shall act as chairperson, and while he or she is so acting, the vice-chairperson shall have all the powers and perform all the functions of the chairperson. 30
- (4) The *Member of the Executive Council* may make *regulations* in relation to—
- (a) the qualifications and term of office of members of an *education council*, and the filling of vacancies; and
 - (b) the appointment and functions of the executive committee for an *education council*. 35
- (5) A member of an *education council* who is not in the full—time employment of the State may be paid, out of moneys appropriated for this purpose by the *Legislature*, such allowances as the *Member of the Executive Council* may, with the concurrence of the *financial head*, determine.
- (6) If a designation contemplated in paragraph (d) of subsection (1), or a nomination contemplated in paragraph (e), (f) or (g), of subsection (1), is not made, the *Member of the Executive Council* may make such designation or nomination, as the case may be. 40
- (7) The administrative functions of an *education council* shall be performed by *officers* of the *Western Cape Education Department*.
- (8) An *education council* shall— 45
- (a) determine its own rules governing meetings and procedures at those meetings, subject to the *regulations* promulgated by the *Member of the Executive Council*;
 - (b) advise the *Member of the Executive Council* and the *Western Cape Education Department* in regard to matters relating to *education*, including laws and *regulations*, referred to it by the *Member of the Executive Council* or the *Western Cape Education Department* or which the *education council* wishes to bring to the attention of the *Member of the Executive Council* or the *Western Cape Education Department*; and 50
 - (c) perform such functions as may be assigned to it by or under *this Act*, or any other law. 55
- (9) An act of the *education council* shall not be invalid merely by reason of a vacancy which exists on such a council.

CHAPTER 3
PUBLIC SCHOOLS

Establishment and maintenance of public schools

- 12.** (1) The *Member of the Executive Council* may, out of moneys appropriated for this purpose by the *Legislature*, establish and maintain the following *public schools*, namely— 5
- (a) *pre-primary schools*;
 - (b) *primary schools*;
 - (c) *secondary schools*;
 - (d) *intermediate schools*; 10
 - (e) *combined schools*;
 - (f) *schools for learners with special education needs*; and
 - (g) any other type of *school* which he or she deems necessary for *education*.
- (2) The following types of *schools*—
- (a) a *pre-primary school*; 15
 - (b) a *primary school*;
 - (c) a *secondary school*, a *high school*, a *vocational school*, *agricultural school* and a *school* where *education* is provided in any trade, technical, commercial, agricultural, domestic science, homecraft or any other vocational direction;
 - (d) an *intermediate school*; 20
 - (e) a *combined school*;
 - (f) a *school* for *specialized education*, *special school*, home, centres for mentally severe handicapped learners and *schools* of skill;
 - (g) an *industrial school*; or
 - (h) a *reform school*, 25
- established or erected in terms of a law repealed by *this Act*, or deemed to be established or erected in terms of such a law, and which was controlled and managed by a department referred to in such law immediately prior to the *fixed date*, shall with effect from that date be deemed to be—
- (i) a *pre-primary school*; 30
 - (ii) a *primary school*;
 - (iii) a *secondary school*;
 - (iv) an *intermediate school*;
 - (v) a *combined school*; or
 - (vi) a *school for learners with special education needs*, 35
- established under this section.
- (3) Transitional provisions
- (a) Any *school* which was established or was deemed to have been established under any law governing school education in the *province* which existed immediately prior to the commencement of *this Act* other than a private school referred to in section 38, is deemed to be a *public school*; 40
 - (b) The assets and liabilities which vested in a *school* contemplated in subsection (2) immediately prior to the commencement of *this Act*, vest in the *public school* concerned;
 - (c) Funds and other movable assets used by, held for or on behalf of, a *school* contemplated in subsection (3) (a) which in law are the property of the State, remain at the disposal of the *school*, and devolve on the *school* from the *fixed date* by notice in the *Provincial Gazette*; and 45
 - (d) The immovable property of a *school* contemplated in subsection (3) (a) devolves upon the State by a date determined by the *National Minister* by notice in the *Government Gazette* in terms of section 55 of the South African Schools Act, 1996 (Act 84 of 1996). 50
- (4) The *Member of the Executive Council* may, insofar as it is feasible and where reasonably practicable, provide *education* for *learners with special education needs* at ordinary *public schools* and provide relevant educational support services for such *learners*. 55

Governance and professional management of public schools

13. (1) Subject to *this Act*, the governance of every *public school* is vested in its governing body.
- (2) A governing body stands in a position of trust towards the school.
- (3) Subject to *this Act* and any applicable provincial law, the professional management of a *public school* is vested in the *Head of Department*. 5
- (4) The *Head of Department* must delegate such powers to the *principal* of a *public school* that are required for the effective professional management of such *public school*.
- (5) A delegation contemplated in subsection (4), may be withdrawn on reasonable grounds. 10

Public schools on private property

14. (1) Subject to the *Constitution* and *this Act*, a *public school* may be provided on private property only in terms of an agreement between the *Member of the Executive Council* with the concurrence of the *financial head*, and the owner of the private property. 15
- (2) An agreement contemplated in subsection (1), must be consistent with *this Act* and in particular must provide for—
- (a) the provisions of *education* and the performance of the normal functions of a *public school*;
 - (b) governance of the *public school*, including the relationship between the governing body of the *public school* and the owner; 20
 - (c) access by all *learners, parents of learners, educators, members of staff* employed at such *public school* and *officials* of the *Western Cape Education Department* to the property on which the *public school* stands;
 - (d) security of occupation and use of the property by the *public school*; 25
 - (e) maintenance and improvement of the school buildings and the property and the supply of necessary services; and
 - (f) protection of the owner's rights in respect of the property occupied, affected or used by the *public school*.
- (3) The provisions of the Deeds Registries Act, 1937 (Act 47 of 1937), do not apply to a real right, excluding ownership, acquired by the State, a *public school* or another party in terms of an agreement contemplated in this subsection. 30
- (4) If an agreement contemplated in subsection (1), does not exist at the *fixed date* in respect of a *school* standing on private property and which is deemed to be a *public school* in terms of section 52(1) of the South African Schools Act, 1996 (Act 84 of 1996), the *Member of the Executive Council* must take reasonable measures to conclude such an agreement within six months of the *fixed date*. 35
- (5) If the private property occupied by a *public school* contemplated in subsection (1) is owned by a religious organisation, such owner may require that the agreement in terms of subsection (1) must recognise in an appropriate manner with *this Act*, the distinctive religious character of the *school*. 40
- (6) The right contemplated in subsection (3) is enforceable against any successor in title to the owner of the immovable property in question.
- (7) Despite subsection (3), a registrar of a deeds registry must endorse on the title deed of the affected property that the property is subject to an agreement contemplated in this section, if the registrar receives— 45
- (a) an application for such endorsement by the owner of the property, or the *Member of the Executive Council* or any other holder of a right contemplated in subsection (3), together with the title deed of the property; and
 - (b) affidavits by the owner of the property and the *Member of the Executive Council*, stating that an agreement contemplated in this section has been concluded. 50
- (8) Any transfer duty, stamp duty, fees or costs payable in respect of the registration of a right in terms of subsection (3), may be paid in full or in part from funds appropriated by the *Legislature* for that purpose, but the *public school* contemplated in subsection (1), is not responsible for such duties, fees or costs. 55

Status of public schools

15. Every *public school* is a juristic person with legal capacity to perform its functions in terms of *this Act*.

Public schools on State property

16. (1) Immovable property owned by the State includes immovable property held in trust on behalf of a tribe by a trust created by statute. 5

(2) Subject to section 20(1)(k) of the South African Schools Act, 1996 (Act 84 of 1996), a *public school* which occupies immovable property owned by the State has the right, for the duration of the *school's* existence, to occupy and use the immovable property for the benefit of the *school* for educational purposes at or in connection with the *school*. 10

(3) The right referred to in subsection (2), may only be restricted—

(a) by the *Member of the Executive Council*; and

(b) if the immovable property is not utilised by the *school* in the interest of education. 15

(4) The *Member of the Executive Council* may not act under subsection (3), unless he or she has—

(a) informed the *governing body* of the *school* of his or her intention so to act and his or her reasons therefor;

(b) granted the *governing body* of the *school* a reasonable opportunity to make representations to him or her in relation to such action; and 20

(c) duly considered any such representations received.

(5) The right contemplated in subsection (2), is enforceable against any successor in title to the owner of the immovable property in question.

(6) No immovable property owned by the State and occupied by a *public school* may be alienated unless an agreement has been concluded between the *Member of the Executive Council*, with the concurrence of the *financial head*, and the prospective owner of the immovable property. 25

(7) The registrar of any deeds registry may not execute, attest to or register a transfer deed in respect of the immovable property in question unless the owner has provided the registrar with proof of the agreement contemplated in subsection (6). 30

(8) The provisions of the Deeds Registries Act, 1937 (Act 47 of 1937), do not apply to the right contemplated in subsection (2).

Expropriation

17. Land and real rights in or over land for any purpose related to school education in the *province* may be expropriated by the *Member of the Executive Council* in terms of section 58 of the South African Schools Act, 1996 (Act 84 of 1996). 35

Closure of public schools

18. The *Member of the Executive Council* may at any time close a public school or a part thereof in terms of section 33 of the South African Schools Act, 1996 (Act 84 of 1996). 40

Liability of the State

19. (1) The State is liable for any damage or loss caused as a result of any act or omission in connection with any educational activity conducted by a *public school* and for which such *public school* would have been liable but for the provisions of this section. 45

(2) The provisions of the State Liability Act, 1957 (Act 20 of 1957), apply to any claim under subsection (1).

Duty of schools to provide information

20. (1) A *school* must make information available for inspection by any *authorized person*, insofar as such information is required for the exercise and protection of such person's rights. 50

(2) Every *school* must provide such information about the *school* as is reasonably required by the *Head of Department*.

CHAPTER 4

GOVERNING BODIES

Establishment of governing bodies for public schools 5

21. The *Member of the Executive Council* shall establish a *governing body* for a *public school* in the *prescribed* manner: Provided that, instead of establishing a *governing body* for each of two or more such *public schools*, one *governing body* may be established for such *public schools* by him or her, which *governing body* shall also govern the *hostel(s)* of the *public school(s)* concerned, as the case may be. 10

Meetings of governing bodies

22. (1) A governing body shall elect from its number in the *prescribed* manner, at least, a chairperson, treasurer and a secretary who shall each hold office for the *prescribed* period.

(2) In the absence of the chairperson from a meeting of a *governing body* the members present shall elect any person from their number to preside at that meeting. 15

(3) The decision of one more than half of the number of members of a *governing body* present at a meeting of that *governing body*, constitutes a decision of that *governing body*, and in the event of an equality of votes, the person presiding at the meeting shall, in addition to his or her deliberative vote, have a casting vote. 20

(4) No decision taken by a *governing body* or action taken on the authority of a *governing body* shall be invalid merely by reason of the fact that a vacancy existed on that *governing body* or because a person who was not entitled to sit as a member of that *governing body* sat on that *governing body* as such a member, at the time when the decision was taken or the action was authorized, if the decision was taken or the action was authorized by one more than the half of the members of the *governing body* who were then present and entitled to sit as members. 25

Committees

23. (1) A *governing body* may establish one or more committees which, subject to the instructions of that *governing body*, shall perform such functions as the *governing body* determines. 30

(2) A committee of a *governing body* shall consist of one or more members of that *governing body* or one or more other persons who are not members of the *governing body*.

(3) One of the members of a *governing body* shall be designated by that *governing body* as chairperson of the committee. 35

(4) A *governing body* shall not be divested of a function which in terms of this section has been assigned to a committee of that *governing body*.

(5) A governing body may at any time dissolve or recompose a committee contemplated in subsection (1). 40

Regulations relating to governing bodies

24. (1) The *Member of the Executive Council* may make *regulations* as to—

- (a) the composition and functions of *governing bodies*;
- (b) the qualifications for appointment, designation or election as, the terms of office of, and the vacation of their offices by, members of *governing bodies* and the filling of casual vacancies in *governing bodies*; 45
- (c) the manner of election, functions of chairpersons, treasurers and secretaries of *governing bodies*;
- (d) the convening of, procedure and rules at, and quorum for, meetings of *governing bodies* and committees of *governing bodies* and the keeping of minutes of such meetings; and 50
- (e) the dissolution and recomposition of *governing bodies*.

(2) The *Member of the Executive Council* shall not make a *regulation* relating to

monies or allowances payable to or by any person, or relating to the control of money and State goods, except with the concurrence of the *financial head*.

Continuation of certain councils

25. Subject to the provisions of section 54 of the South African Schools Act, 1996 (Act 84 of 1996), a management council, board of management, local or domestic council, committee, board or other body for the control and management of a *public school*, continues to exist. 5

Remuneration of members of governing bodies and committees of governing bodies

26. (1) No member of a *governing body* or committee of a *governing body* may be remunerated in any way for the performance of his or her duties. 10

(2) Necessary expenses incurred by a member of a *governing body* or committee of a *governing body* in the performance of his or her duties as directed by such *governing body*, may be reimbursed by the *governing body*.

CHAPTER 5 15

INDEPENDENT SCHOOLS

Establishment of independent schools

27. (1) No person may establish, conduct or maintain an *independent school* unless it is registered by the *Head of Department*.

(2) Subject to *this Act* and any applicable legislation, any person may, at his or her own cost, establish and maintain an *independent school*. 20

Application for registration

28. (1) The *Member of the Executive Council* must, by notice in the *Provincial Gazette*, determine the grounds on which the registration of an *independent school* may be granted or withdrawn by the *Head of Department*. 25

(2) Any person intending to establish, conduct or maintain an *independent school* shall apply to the *Head of Department* in writing for the registration of that *independent school*.

(3) An applicant for the registration of an *independent school* shall furnish such additional particulars in connection with his or her application as the *Head of Department* may require. 30

Consideration of applications for registration of independent schools

29. (1) Subject to the provisions of section 46 of the South African Schools Act, 1996 (Act 84 of 1996), the *Head of Department* may grant an application referred to in section 28, if he or she is of the opinion that the *prescribed* requirements have been complied with. 35

(2) If the *Head of Department* refuses an application referred to in section 28, he or she shall notify the applicant in writing of such refusal and the reasons therefor.

Registration of independent schools

30. (1) If the *Head of Department* grants an application referred to in section 28, he or she shall register the *independent school* in question and issue to the applicant a registration certificate in such form as he or she may determine. 40

(2) The registration of an *independent school* shall be subject to the *prescribed* conditions.

(3) An *independent school* registered in terms of a law repealed by *this Act* and which existed immediately prior to the *fixed date*, shall from that date be deemed to be an *independent school* registered in terms of *this Act*. 45

(4) The owner of an *independent school* may manage such *independent school* himself or herself or he or she may appoint or authorise any person to manage the *independent school* on his or her behalf, subject to the provisions of *this Act*. 50

Subsidies to registered independent schools

31. Subject to the provisions of section 48 of the South African Schools Act, 1996 (Act 84 of 1996), the granting of subsidies to registered *independent schools* shall be dealt with as *prescribed* by the *Member of the Executive Council*, with the concurrence of the *financial head*. 5

Withdrawal of registration

32. The registration of an *independent school* shall be withdrawn under the *prescribed* circumstances.

Appeal against refusal or withdrawal of registration

33. (1) A person who feels aggrieved by the refusal by the *Head of Department* of an application contemplated in section 28, or the withdrawal of registration in terms of section 32, may, within 30 days after receiving notice of such refusal or withdrawal, appeal to the *Member of the Executive Council* in writing, setting out the grounds of appeal, against the refusal or withdrawal. 10

(2) The *Member of the Executive Council* shall consider an appeal referred to in subsection (1), and may confirm or set aside the decision of the *Head of Department*. 15

Declaration of independent schools as public schools

34. (1) The *Member of the Executive Council* may enter into an agreement with the owner of an *independent school* in terms of which such an *independent school* may be declared to be a *public school*. 20

(2) No agreement shall be entered into under subsection (1), except with the concurrence of the *financial head*.

(3) If an agreement has been entered into under subsection (1), the *Member of the Executive Council* must by notice in the *Provincial Gazette* declare the *independent school* to be a *public school* with effect from a date mentioned in the notice. 25

Consequences of declaration as public school

35. (1) As from the date mentioned in the notice contemplated in section 34(3)—

- (a) the *independent school* concerned shall be deemed to be a *public school* established under section 12;
- (b) there shall no longer vest in the previous owner any rights or functions in respect of the *school* concerned; 30
- (c) the rights obtained and obligations incurred by the owner concerned, for the purposes of or in connection with the *school* concerned, shall vest in the State; and
- (d) the ownership and control of movable and immovable property which immediately prior to that date vested in the owner concerned, and which relates to the *school* concerned, shall vest in the *public school* in question, unless otherwise agreed upon in terms of section 34(1). 35

(2) Immovable property vested in the *public school* in question in terms of subsection (1) (d), shall be transferred to the *public school* in question without payment of transfer duty, stamp duty or any other moneys or costs, but subject to any existing right, encumbrance, duty or trust on or over that property. 40

(3) The registrar of deeds in whose office the immovable property referred to in subsection (2) is registered, shall, on submission to him or her of the title deed concerned, make such endorsements on that title deed and such entries in his or her register as may be required to register the transfer concerned. 45

(4) The declaration of an *independent school* as a *public school* shall not affect anything legally done by the owner concerned prior to such declaration.

Registration of learners for education at home

36. The requirements and conditions for the registration of a *learner* for education at home shall be as *prescribed*. 50

Regulations relating to independent schools

37. (1) The *Member of the Executive Council* may make *regulations* as to—
- (a) the admission of *learners* of an *independent school* to examinations conducted by or under the supervision of the *Western Cape Education Department*; 5
 - (b) the keeping of registers and other documents by a registered *independent school*;
 - (c) the manner in which any subsidy, if the application therefor has been granted, shall be payable to a registered *independent school*;
 - (d) the lapse or withdrawal of the registration of an *independent school*; and 10
 - (e) any matter relating to *independent schools* which shall or may be *prescribed* by him or her.
- (2) Different *regulations* may be made under subsection (1) in respect of different *independent schools*.
- (3) The *Member of the Executive Council* shall not make a *regulation* relating to moneys and allowances payable to or by any person, or relating to the control of money and State goods, except with the concurrence of the *financial head*. 15

Continued existence of private schools

38. A private school which was registered or deemed to have been registered under the provisions of a law governing school education in the *province*, and which existed 20 immediately prior to the *fixed dated*, shall be deemed to be an *independent school* registered in terms of section 30 of *this Act*.

CHAPTER 6**LEARNERS****Identification, admission, placement, referral, transfer, discharge and exemption of learners with special education needs 25**

39. (1) The *Head of Department* shall, in the process of identification, admission, placement, referral, transfer, discharge and exemption of a *learner with special education needs* from *compulsory school attendance*, take into consideration the rights and wishes of the *parent* of such *learner*. 30
- (2) The *Head of Department* must inform the *parent* of a *learner* referred to in subsection (1) in writing of each of the actions contemplated in subsection (1).
- (3) If the *parent* referred to in subsections (1) and (2), is aggrieved by any of the actions contemplated in subsections (1) and/or (2), such *parent* may, within 30 days from the date of receipt of the written reports on any of these actions, appeal to the 35 *Member of the Executive Council* against the findings.
- (4) The *Member of the Executive Council* shall consider an appeal contemplated in subsection (3), and may confirm or set aside the findings of the *Head of Department*.

Additional powers of children's court in relation to learners with special education needs 40

40. (1) A children's court may, in the case of a child in respect of whom it has made an order in terms of section 15(1) of the Child Care Act, 1983 (Act 74 of 1983), direct that the case be referred to the *Head of Department* in order to determine whether the *learner* is a *learner with special education needs*.
- (2) If the *Head of Department* finds that a *learner* referred to him or her under subsection (1), is a *learner with special education needs*, the *Head of Department* may approve that the *learner* be admitted to a class, unit or *school* for *learners with special education needs* for the periods during which *specialized education* is provided thereat. 45

Admission to public schools

41. Subject to the provisions of the Child Care Act, 1983 (Act 74 of 1983), and section 50 5 of the South African Schools Act, 1996 (Act 84 of 1996), the admission policy of a *public school* shall be determined by the *governing body* of such *public school*.

Compulsory school attendance

42. The *Member of the Executive Council* shall introduce *compulsory school attendance* in accordance with the provisions of section 3 of the South African Schools Act, 1996 (Act 84 of 1996).

Exemption from compulsory school attendance

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43. (1) The *Head of Department* may, on receipt of a written application, either entirely or for such period and on such conditions as he or she may determine, exempt a *learner* in writing from *compulsory school attendance* introduced under section 42.

(2) The *Head of Department* must maintain a register of all *learners* exempted from *compulsory school attendance*.

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Language policy and religious observances at public schools

44. Subject to the provisions of sections 6 and 7 of the South African Schools Act, 1996 (Act 84 of 1996), the language policy and the religious observances at a *public school* shall be determined by its *governing body*: Provided that in the case of a *public school* for *learners with special education needs*, the *governing body* shall determine the language policy in consultation with the *Head of Department*.

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Code of conduct, suspension and expulsion at public schools

45. (1) The *governing body* of a *public school* must adopt a code of conduct for *learners* in terms of section 8 of the South African Schools Act, 1996 (Act 84 of 1996).

(2) Subject to the provisions of section 9 of the South African Schools Act, 1996 (Act 84 of 1996), the *Member of the Executive Council* must make *regulations* regarding the suspension and expulsion of *learners* from a *public school*.

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Corporal punishment

46. No person shall administer corporal punishment to a *learner* at a *school*.

Exclusions of provisions of Compensation for Occupational Injuries and Diseases Act, 1993

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47. No *learner* at a *public school* shall for the purposes of the provisions of the Compensation for Occupational Injuries and Diseases Act, 1993, be deemed to be a workman or other person entitled to payment of compensation or any other benefit under the said Act.

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Representative council of learners

48. The establishment of a *representative council of learners* at *public schools* shall be as *prescribed*.

CHAPTER 7**MISCELLANEOUS**

35

School and boarding fees at public schools

49. (1) Subject to the provisions of sections 39 and 40 of the South African Schools Act, 1996 (Act 84 of 1996), the *parent* of a *learner* admitted to a *public school* shall pay such *school fees* (if any) as the *governing body* may determine.

(2) The *parent* of a *learner* to whom boarding is provided by the *Western Cape Education Department*, shall pay such boarding fees as the *governing body* determines.

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(3) The *governing body* may exempt any *learner* or category of *learners* in whole or in part from the payment of the fees contemplated in subsection (2).

(4) The *Member of the Executive Council* may, out of moneys appropriated for this purpose by the *Legislature*, provide, on such basis and subject to such conditions as he or she may determine, with the concurrence of the *financial head*, financial or other

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material aid or financial as well as other material aid to needy *learners* admitted to a *public school* in order to allow such *learners* equal access to such *public school*.

School funds and assets of public schools

50. Subject to the provisions of section 37 of the South African Schools Act, 1996 (Act 84 of 1996), the *governing body* of a *public school* shall deal with the school funds and assets of a *public school* in accordance with directions issued by the *Head of Department*, with the concurrence of the *financial head*. 5

Annual budget of public school

51. Subject to the provisions of section 38 of the South African Schools Act, 1996 (Act 84 of 1996), the *governing body* of a *public school* shall deal with the annual budget of a *public school* in accordance with the guidelines determined by the *Member of the Executive Council*, with the concurrence of the *financial head*. 10

Financial records and statements of public schools

52. Subject to the provisions of section 42 of the South African Schools Act, 1996 (Act 84 of 1996), the *governing body* of a *public school* shall deal with the financial records and statements of a *public school* in accordance with the guidelines determined by the *Member of the Executive Council*, with the concurrence of the *financial head*. 15

Audit or examination of financial records and statements

53. Audit or examination of financial records and statements of *public schools* shall be dealt with by the *governing body* in accordance with the provisions of section 43 of the South African Schools Act, 1996 (Act 84 of 1996). 20

Financial year of public school

54. The financial year of a *public school* commences on the first day of January and ends on the last day of December of each year.

Unauthorized persons may not visit a public school or enter the school premises 25

55. (1) The following persons shall have reasonable access to the premises of a *public school* or any *hostel* attached to such *public school*—

- (a) a *learner* or *member of staff* of the *school* concerned;
- (b) the *Member of the Executive Council*, the *Head of Department* or an *officer* authorized in terms of section 9; 30
- (c) a member of the *governing body* of the *school* concerned who acts with the written approval of the chairperson of such body;
- (d) a *parent* who in relation to the *education* of his or her child as a *learner*, or for the purpose of attending a school meeting, concert or any other event of the *school* in which his or her child as a *learner* has an interest; 35
- (e) a visitor from some other *school* for the purposes of participating in school sports or other school activities;
- (f) members of the community who attend a particular school activity at the invitation of the *principal*, or such educational programme as the *Head of Department* may approve; 40
- (g) a person(s) or instance(s) granted approval by the *principal* of the *school* concerned, to visit the *school* or *hostel* attached to the *school*;
- (h) the owner of the property occupied by the *school*, or his or her nominee; or
- (i) a person or persons from organised teachers organisations who, for purposes of meeting with *educators*, have been granted approval by the *principal*. 45

(2) Visits to *public schools* or any *hostel* attached to such *public schools*, by persons from outside with the intention to subject *learners* to physical, psychometric and

scholastic examinations or to obtain confidential information on *learners* or their families, can only proceed with the prior written approval of the *Head of Department*.

Offences relating to independent schools

56. Any person who contravenes a prohibition contained in section 27(1), shall be guilty of an offence. 5

Offences relating to compulsory school attendance

57. (1) If the *parent* of a *learner* who is subject to *compulsory school attendance* without sufficient cause and after a written warning from the *Head of Department* fails to send the *learner* to *school* regularly, that *parent* shall be guilty of an offence. 10

(2) Any person who— 10

(a) during the normal school hours—

(i) makes use of the services of a *learner* who is subject to *compulsory school attendance* for any work, whether for reward or otherwise;

(ii) without sufficient cause, prevents or discourages such a *learner* from attending *school*; or 15

(iii) harbours or conceals such a *learner*; or

(b) removes a *learner* who attends a class, unit or *school for learners with special education needs* and who is not exempted under *this Act* from such attendance, from such a *school*,

shall be guilty of an offence. 20

Offences relating to functions of particular persons

58. Any person who—

(a) hinders or obstructs a person authorized in terms of section 9, or a *school attendance officer*, in the performance of his or her duties in terms of *this Act*; 25

(b) refuses or fails to comply with a directive given or a request made by a person referred to in paragraph (a) in the performance of his or her duties in terms of *this Act*;

(c) refuses or fails to answer to the best of his or her ability a question put to him or her by a person referred to in paragraph (a) in the performance of his or her duties in terms of *this Act*; 30

(d) deliberately furnishes false or misleading information to a person referred to in paragraph (a); or

(e) hinders or obstructs any *educator* in the performance of his or her duties, shall be guilty of an offence.

Offences relating to unauthorized persons on school premises 35

59. Any person who contravenes the provision contained in section 55(2), shall be guilty of an offence.

Penalties

60. (1) Any person convicted of an offence in terms of *this Act*, shall be liable upon conviction— 40

(a) in the case of an offence referred to in section 56, to a fine or to imprisonment for a period of three months;

(b) in the case of an offence referred to in sections 57(1), 57(2) (a), 57(2) (b), 58 and 59, to a fine or to imprisonment for a period not exceeding six months.

(2) A rule made under section 7(1) (g) may, for a contravention thereof or a failure to comply therewith, prescribe a penalty not exceeding a fine of R4 000 and/or imprisonment for a period not exceeding 2 years. 45

(3) Any person who contravenes section 46 of *this Act*, shall be guilty of an offence and liable on conviction to a sentence which could be imposed for assault.

Delegation of powers

61. (1) The *Member of the Executive Council* may, subject to such conditions as he or she may determine, delegate any power conferred upon him or her by or under *this Act* to the *Head of Department* or an *officer*, except the power to publish a notice and the power to decide any appeal lodged with him or her in terms of *this Act*. 5

(2) The *Head of Department* may, subject to such conditions as he or she may determine, delegate to an *officer* any of his or her powers under *this Act* or delegated to him or her in terms of subsection (1). 10

(3) A delegation under subsection (1) or (2) does not prevent the *Member of the Executive Council* or *Head of Department*, as the case may be, from exercising such power.

Indemnity against loss or damage

62. A *school attendance officer* contemplated in section 10, shall not be liable for any loss or damage caused by or arising from any reasonable action taken by him or her under *this Act* : Provided that such a *school attendance officer* acts within the scope of his or her duties. 15

Regulations

63. (1) The *Member of the Executive Council* may make *regulations* which are not inconsistent with any law, as to— 20

- (a) the management and control of *hostels* and *public schools* and the control over the immovable property and equipment of the *Western Cape Education Department*;
- (b) (i) the receipt and use of funds or other goods by *public schools* and *hostels* attached to such *public schools*, and the books, records and statements to be kept in connection therewith by the bodies or persons mentioned in the *regulations*; and 25
- (ii) the manner in which such books, records and statements are to be kept, the auditing thereof and the returns and reports to be submitted in connection therewith; 30
- (c) the duties of *school attendance officers*;
- (d) any matter which shall or may be *prescribed* by *regulation* under *this Act* ; and
- (e) in general any matter which the *Member of the Executive Council* may deem necessary or expedient to *prescribe* in order to achieve the objects of *this Act*, and the generality of this paragraph shall not be limited by the preceding paragraphs. 35

(2) The *Member of the Executive Council* shall not make a *regulation* relating to moneys or allowances payable to or by any person, or relating to the control of money and State goods, except with the concurrence of the *financial head*. 40

(3) A *regulation* made under subsection (1) may, for a contravention thereof or a failure to comply therewith, *prescribe* a penalty or imprisonment for a period not exceeding one year.

Repeal of laws and savings

64. (1) Subject to the provisions of subsection (2), the laws mentioned in the first column of the Schedule are hereby repealed to the extent indicated in the third column of that Schedule. 45

(2) Anything which was done or deemed to have been done in terms of a provision of a law repealed by subsection (1), and which may or shall be done in terms of *this Act*, shall be deemed to have been done in terms of the corresponding provision of *this Act*. 50

(3) All laws, *regulations*, notices and directives made or issued under any law

repealed by *this Act*, and which were in force immediately prior to the *fixed date* shall, notwithstanding such repeal, remain in force except insofar as they are incompatible with or in conflict with *this Act*, or until repealed, withdrawn or amended by the *Member of the Executive Council* by *regulation*, notice or directive, in terms of *this Act*.

Short title and commencement

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65. *This Act* shall be called the Western Cape Provincial School Education Act, 1997, and shall come into operation on a date fixed by the *Premier* by proclamation in the *Provincial Gazette*.

SCHEDULE

LAWS REPEALED

No. and year of Act	Title	Extent of repeal
Act No. 47 of 1963	Coloured Persons Education Act, 1963	The whole, excluding sections 1A, 8 to 20, 26, 28 to 31 and where the Act relates to colleges of education
Act No. 61 of 1965	Indians Education Act, 1965	The whole, excluding sections 1B, 3B, 8 to 20, 26, 28, 29, 31, 33(1) (g) and where the act relates to colleges of education and technical colleges
Act No. 60 of 1967	Indians Education Amendment Act, 1967	The whole
Act No. 76 of 1967	Coloured Persons Education Amendment Act, 1967	The whole
Act No. 92 of 1970	General Law Further Amendment Act, 1970	Section 13
Act No. 53 of 1973	Coloured Persons Education Amendment Act, 1973	The whole
Act No. 62 of 1973	General Law Amendment Act, 1973	Section 31
Act No. 94 of 1974	Second General Law Amendment Act, 1974	Section 39
Act No. 29 of 1976	Coloured Persons Education Amendment Act, 1976	The whole
Act No. 95 of 1976	Second Coloured Persons Education Amendment Act, 1976	The whole
Act No. 39 of 1979	Indians Education Amendment Act, 1979	The whole
Act No. 50 of 1979	Coloured Persons Education Amendment Act, 1979	The whole
Act No. 90 of 1979	Education and Training Act, 1979	The whole, excluding sections 1A, 3, 4, 11 to 29, 31, 32, 43, 44, 44(1) (h) and where the Act relates to technical colleges and colleges of education
Act No. 15 of 1980	Coloured Persons Education Amendment Act, 1980	The whole
Act No. 52 of 1980	Education and Training Amendment Act, 1980	The whole
Act No. 9 of 1981	Indians Education Amendment Act, 1981	The whole
Act No. 10 of 1981	Education and Training Amendment Act, 1982	The whole
Act No. 85 of 1983	Coloured Persons Education Amendment Act, 1983	The whole
Act No. 74 of 1984	Education and Training Amendment Act, 1984	The whole
Act No. 78 of 1984	Indians Education Amendment Act, 1984	The whole
Act No. 64 of 1985	Indians Education Amendment Act, 1985	The whole
Act No. 71 of 1985	Universities for Blacks, Technikons (Education and Training) and Education and Training Amendment Act, 1985	Section 36
Act No. 76 of 1985	Coloured Persons Education Amendment Act, 1985	The whole
Act No. 3 of 1986	Universities and Technikons for Blacks, Tertiary Education (Education and Training) and Education and Training Amendment Act, 1986	Sections 19, 20, 21, 22, 23, 24 and 25
Act No. 100 of 1986	Education Amendment Act (House of Delegates), 1986	Sections 1, 2, 3, 4, 5, 6 and 7
Act No. 104 of 1986	Private Schools Act (House of Assembly), 1986	The whole, excluding section 1A
Act No. 95 of 1987	Education Laws (Education and Training) Amendment Act, 1987	Sections 5, 6, 7, 8, 9, 10, 11, 12 and 13
Act No. 31 of 1988	Education Laws (Education and Training) Amendment Act, 1988	Sections 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18

No. and year of Act	Title	Extent of repeal
Act No. 70 of 1988	Education Affairs Act (House of Assembly), 1988	The whole, excluding sections 3, 65 and Chapter 7
Act No. 35 of 1989	Education and Training Amendment Act, 1989	The whole
Act No. 42 of 1990	Education and Training Amendment Act, 1990	The whole
Act No. 60 of 1990	Private Schools Amendment Act (House of Assembly), 1990	The whole
Act No. 88 of 1991	Education Affairs Amendment Act (House of Assembly), 1991	The whole
Act No. 100 of 1991	Education and Training Amendment Act, 1991	The whole
Act No. 39 of 1992	Education Affairs Amendment Act (House of Assembly), 1992	The whole
Act No. 55 of 1992	Education and Training Amendment Act, 1992	The whole
Act No. 106 of 1992	Education and Training Second Amendment Act, 1992	The whole
Act No. 112 of 1992	Coloured Persons Education Amendment Act (House of Representatives), 1992	The whole
Act No. 36 of 1993	Education Affairs Amendment Act (House of Assembly), 1993	The whole
Act No. 50 of 1993	Indians Education Amendment Act (House of Delegates), 1993	The whole
Act No. 132 of 1993	General Law Fourth Amendment Act, 1993	Section 15
Act No. 139 of 1993	Education Laws Amendment Act (House of Assembly), 1993	Section 1
Act No. 162 of 1993	Education Affairs Second Amendment Act (House of Assembly), 1993	The whole
Act No. 10 of 1994	Western Cape School Education Law, 1994	The whole
Act No. 7 of 1996	Western Cape School Education Amendment Law, 1996	The whole