

BYLAE

SCHEDULE

1. Regulasie 1 word hierby gewysig —

(a) deur in die omskrywing van “ouer” die woorde “of die persoon wat verantwoordelik is vir die versorging of bewaring van so ’n kind” te skrap; en

(b) deur na die omskrywing van “prinsipaal” die volgende omskrywing in te voeg:

“ ‘staatskool’ ’n skool wat ingestel is en in stand gehou word, of geag word ingestel te wees en in stand gehou te word, kragtens artikel 6(1)(b) of (c) van die Wet;” .

2. Regulasie 2 word hierby gewysig —

(a) deur in die Engelse teks in paragraaf (b) van subregulasie (1) die woord “person” deur die woord “member” te vervang; en

(b) deur subregulasie (2) te skrap.

3. Regulasie 3 word hierby deur die volgende regulasie vervang:

“ 3. (1) Niemand is bevoeg om ingevolge regulasie 2(1)(a) as ’n lid van ’n skoolkomitee verkies of aangewys te word nie, of indien aldus verkies of aangewys, om as sodanige lid te dien nie, indien hy —

(a) jonger as 25 jaar oud is;

(b) te eniger tyd skuldig bevind is aan ’n misdryf waarvoor hy tot gevangenisstraf sonder die keuse van ’n boete gevonnissen is, tensy hy algehele kwytskelding ontvang het, of tensy sodanige tydperk van gevangenisstraf minstens drie jaar voor die datum van sy verkiesing of aanwysing verstryk het;

(c) kragtens die een of ander wet as ’n geestesongestelde persoon aangehou word;

1. Regulation 1 is hereby amended —

(a) by the insertion before the definition of “parent” of the following definition:

“ ‘government school’ means any school established and maintained or deemed to have been established and to be maintained under section 6(1)(b) or (c) of the Act;” ; and

(b) by the deletion in the definition of “parent” of the words “or the person who is responsible for the care or custody of such a child” .

2. Regulation 2 is hereby amended -

(a) by the substitution in paragraph (b) of subregulation (1) for the word “person” of the word “member” ; and

(b) by the deletion of subregulation (2).

3. The following regulation is hereby substituted for regulation 3:

“ 3. (1) No person shall be qualified to be elected or designated as a member of a school committee in terms of regulation 2(1)(a), or if so elected or designated, to hold office as such a member, if he —

(a) is under 25 years of age;

(b) has at any time been found guilty of an offence for which he was sentenced to imprisonment without the option of a fine, unless he has received a free pardon, or unless such term of imprisonment has expired at least three years prior to the date of his election or designation;

(c) is detained as a mentally ill person under the provisions of any law;

- (d) 'n beampte in diens van die Departement of 'n diensdoende onderwyser by 'n staatskool of in enige ander hoedanigheid aan die Departement verbonde is;
- (e) die gade is van 'n diensdoende onderwyser wat verbonde is aan die staatskool ten opsigte waarvan die betrokke skoolkomitee verkies word;
- (f) 'n lid is van die skoolkomitee van 'n ander skool ingestel of geregistreer kragtens die Wet of enige ander wet;
- (g) ingevolge regulasie 5(9)(a) onbevoeg is om by 'n verkiesing van lede van die skoolkomitee van die betrokke skool te stem.

(2) Niemand word deur die Sekretaris ingevolge regulasie 2(1)(b) as lid van 'n skoolkomitee aangewys nie, of indien aldus aangewys, dien as sodanige lid nie, indien hy aan 'n in paragraaf (a), (b), (c), (d), (e) of (f) van subartikel (1) bedoelde onbevoegdheid onderworpe is.

(3) 'n Lid van 'n skoolkomitee ontruim sy amp indien —

- (a) hy skriftelik te kenne gee dat hy bedank;
- (b) hy ingevolge subregulasie (1) of (2), na gelang van die geval, onbevoeg word om as sodanige lid te dien;
- (c) hy van drie agtereenvolgende vergaderings van die skoolkomitee sonder verlof afwesig is;
- (d) die kind of kinders ten opsigte van wie sy naam in die in regulasie 5(3A) bedoelde toelatingsregister as ouer opgeneem is, die betrokke staatskool verlaat;
- (e) hy ingevolge subregulasie (4) van sy amp onthef word.

(d) is an officer in the service of the Department or a serving teacher at a government school or attached to the Department in any other capacity;

(e) is the spouse of a serving teacher who is attached to the government school in respect of which the school committee is elected;

(f) is a member of the school committee of any other school established or registered under the Act or any other law;

(g) is disqualified in terms of regulation 5(9)(a) to vote at an election of members of the school committee of the school concerned.

(2) No person shall be designated as a member of a school committee by the Secretary in terms of regulation 2(1)(b), or if so designated, hold office as such a member, if he is subject to a disqualification referred to in paragraph (a), (b), (c), (d), (e) or (f) of subregulation (1).

(3) A member of a school committee shall vacate his office if —

- (a) he gives notice that he resigns;
- (b) he becomes disqualified to hold office as such a member in terms of subregulation (1) or (2), as the case may be;
- (c) he is absent without leave from three consecutive meetings of the school committee;
- (d) the child or children in respect of whom his name has been entered as a parent in the admission register referred to in regulation 5(3A), leaves the government school concerned;
- (e) he is removed from office in terms of subregulation (4).

(4) 'n Lid van 'n skoolkomitee kan te eniger tyd deur die Kabinet van sy amp onthef word indien die Kabinet van oordeel is dat die optrede of gedrag van die lid skadelik vir die welsyn of belange van die betrokke staatskool of die onderwys in die algemeen is."

4. Regulasie 5 word hierby gewysig —

- (a) deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) (a) Geen persoon wat nie die ouer van 'n leerling van die betrokke skool is nie mag by 'n ouervergadering belê ingevolge subregulasie (2) teenwoordig wees nie, tensy hy by hierdie regulasies gemagtig word om so 'n vergadering by te woon.

- (b) Die kworum van 'n ouervergadering bestaan uit 20 ouers."

- (b) deur na subregulasie (3) die volgende subregulasie in te voeg:

" (3A) Die prinsipaal, of 'n diensdoende onderwyser by die betrokke skool deur die prinsipaal aangewys, moet die ouervergadering bywoon en die toelatingsregister wat ten opsigte van die leerlinge van die betrokke skool gehou word aan die voorsittende beampte beskikbaar stel."

- (c) deur subregulasie (4) deur die volgende subregulasie te vervang:

" (4) By die aanvang van die vergadering moet die voorsittende beampte die aandag van die ouers vestig op die bepalinge van —

- (a) regulasie 2(1)(a);
 (b) subregulasies (1), (3) en (4) van regulasie 3; en
 (c) subregulasies (3)(a) en (9).";

(4) Any member of a school committee may at any time be removed from office by the Cabinet if the Cabinet is of the opinion that the conduct or behaviour of the member is harmful to the welfare or interests of the government school concerned or education in general."

4. Regulation 5 is hereby amended —

- (a) by the substitution for subregulation (3) of the following subregulation:

"(3) (a) No person who is not the parent of a pupil of the school concerned, shall be present at a meeting of parents convened in terms of subregulation (2), unless he is authorised by these regulations to attend such a meeting.

- (b) The quorum of a meeting of parents shall consist of 20 parents."

- (b) by the insertion after subregulation (3) of the following subregulation:

" (3A) The principal, or any serving teacher at the school concerned designated by the principal, shall attend the meeting of parents and make available to the presiding officer the admission register kept in respect of the pupils of the school concerned."

- (c) by the substitution for subregulation (4) of the following subregulation:

" (4) At the commencement of the meeting the presiding officer shall draw the attention of the parents to the provisions of —

- (a) regulation 2(1)(a);
 (b) subregulations (1), (3) and (4) of regulation 3; and
 (c) subregulations (3)(a) and (9).";

(d) deur subregulasie (9) deur die volgende subregulasie te vervang:

“ (9) (a) Elke ouer wie se naam in die in subregulasie (3A) bedoelde toelatingsregister verskyn as die ouer van ’n leerling wat tot die betrokke skool toegelaat is —

(i) is geregtig om deel te neem aan ’n verkiesing van lede van ’n skoolkomitee;

(ii) het soveel stemme as die aantal skoolkomiteelede wat verkies moet word, maar hy mag nie meer as een stem op ’n bepaalde kandidaat uitbring nie.

(b) Enige geskil aangaande die bevoegdheid van ’n persoon om by ’n verkiesing van lede van ’n skoolkomitee te stem, word deur die voorsittende beampte beslis.”;

(e) deur paragraaf (b) van subregulasie (10) deur die volgende paragraaf te vervang:

“(b) bepaal na goeë dunde die wyse waarvolgens stemming sal plaasvind; en”;

(f) deur subregulasie (12) deur die volgende subregulasie te vervang:

“ (12) So gou doenlik na afloop van die ouervergadering en die aanwysing van lede (indien enige) deur die Sekretaris ingevolge regulasie 2, vergader die lede van die skoolkomitee onder voorsitterskap van die prinsipaal van die betrokke staatskool om ’n voorsitter en vise-voorsitter te kies.”;

(d) by the substitution for subregulation (9) of the following subregulation:

“ (9) (a) Each parent whose name appears in the admission register referred to in subregulation (3A) as a parent of a pupil admitted to the school concerned —

(i) shall be entitled to vote at an election of members of a school committee;

(ii) shall have as many votes as the number of school committee members to be elected, but he may not cast more than one vote in respect of any particular candidate.

(b) Any dispute with regard to the qualification of a person to vote at an election of members of a school committee, shall be determined by the presiding officer.”;

(e) by the substitution for paragraph (b) of subregulation (10) of the following paragraph:

“(b) in his discretion determine the manner in which the voting shall be conducted; and”;

(f) by the substitution for subregulation (12) of the following subregulation:

“ (12) As soon as possible after the conclusion of the meeting of parents and the designation of members (if any) by the Secretary in terms of regulation 2, the members of the school committee shall meet under the chairmanship of the principal of the government school concerned to elect a chairman and vice-chairman.”.

5. Die volgende regulasie word hierby na regulasie 5 ingevoeg:

5. The following regulation is hereby inserted after regulation 5:

“Tersydestelling van verkiesing

5A. (1) Die Kabinet kan te eniger tyd binne 'n tydperk van drie maande na die datum van 'n verkiesing van 'n skoolkomitee so 'n verkiesing ter syde stel indien daar na sy mening enige onreëlmatigheid by die hou van die verkiesing plaasgevind het.

(2) Indien 'n verkiesing ingevolge subregulasie (1) tersyde gestel is moet die verkiesing van 'n skoolkomitee opnuut plaasvind ooreenkomstig die bepalings van hierdie regulasies.

(3) Ondanks die tersydestelling van 'n verkiesing ingevolge subregulasie (1) word alle handeling deur die betrokke skoolkomitee vóór sodanige tersydestelling verrig, wat nie strydig met die bepalings van die Wet of hierdie regulasies is nie, geag geldige handeling te wees.”

6. Regulasie 6 word hierby gewysig —

(a) deur in paragraaf (a) van subregulasie (1) die uitdrukking “regulasie 3(2)” deur die uitdrukking “regulasie 3(3)” te vervang; en

(b) deur subregulasie (2) deur die volgende subregulasie te vervang:

“ (2) Ten einde 'n tussentydse vakature wat in die ledetal van 'n skoolkomitee ontstaan, te vul, moet die oorblywende lede 'n persoon benoem wat nie aan 'n in regulasie 3(1) bedoelde onbevoegdheid onderworpe is nie: Met dien verstande dat die aantal benoemde en aangewysde lede wat op 'n skoolkomitee dien nie die aantal verkose lede mag oorskry nie, in welke geval 'n skoolkomitee opnuut ingevolge hierdie regulasies saamgestel moet word.”

7. Regulasie 7 word hierby gewysig —

(a) deur in subregulasie (3) die woorde “'n onderwyser of 'n beampte van die Departement” deur die woorde “'n beampte van die Departement wat nie 'n pos van onderwyser beklee nie” te vervang;

“Setting aside of election

5A. (1) The Cabinet may at any time within a period of three months of the date of an election of a school committee, set aside such election if in its opinion any irregularity occurred in conducting such election.

(2) If an election has been set aside in terms of subregulation (1) an election of a school committee shall be held afresh in terms of the provisions of these regulations.

(3) Notwithstanding the setting aside of an election in terms of subregulation (1), all acts performed by the school committee concerned prior to such setting aside, which are not inconsistent with the Act or these regulations, shall be deemed to be lawful acts.”

6. Regulation 6 is hereby amended —

(a) by the substitution in paragraph (a) of subsection (1) for the expression “regulation 3(2)” of the expression “regulation 3(3)” ; and

(b) by the substitution for subregulation (2) of the following subregulation:

“ (2) In order to fill an interim vacancy which occurs in the membership of a school committee the remaining members shall nominate a person who is not subject to a disqualification referred to in regulation 3(1): Provided that the number of nominated and elected members who serve on a school committee shall not exceed the number of elected members, in which event a school committee shall be constituted afresh in terms of these regulations.”

7. Regulation 7 is hereby amended —

(a) by the substitution in subregulation (3) for the words “a teacher or an officer of the Department” of the words “an officer of the Department who does not hold the post of a teacher” ;

(b) deur in subregulasie (4) die woord "agt" deur die woord "sewe" te vervang;

(c) deur in subregulasie (7) die woorde "agt" en "twaalf" deur, onderskeidelik, die woorde "sewe" en "elf" te vervang; en

(d) deur subregulasie (8) deur die volgende subregulasie te vervang:

" (8) Die prinsipaal van die betrokke staatskool en die superintendent van die koshuis, indien daar 'n koshuis aan sodanige skool verbonde is, moet alle vergaderings van 'n skoolkomitee bywoon, maar het nie die reg om by so 'n vergadering te stem nie."

8. Regulasie 9 word hierby deur die volgende regulasie vervang:

" 9. (1) Die bevoegdhede, pligte en funksies van 'n skoolkomitee is om ten opsigte van die staatskool waarvoor hy ingestel is of enige koshuis wat aan so 'n skool verbonde is —

(a) die Sekretaris te adviseer en aanbevelings te doen aangaande aangeleenthede wat die welsyn en belange van die betrokke skool of koshuis raak;

(b) die Sekretaris te adviseer en aanbevelings te doen in verband met vertoë van ouers van kinders wat tot die betrokke skool of koshuis toegelaat is;

(c) ondersoek in te stel na en verslag aan die Sekretaris te doen aangaande enige klag rakende die betrokke skool of koshuis;

(d) die Sekretaris te adviseer oor die skorsing of uitsetting van 'n leerling uit die betrokke skool of 'n koshuis op grond van wangedrag: Met dien verstande dat die Sekretaris nie verplig is om sodanige advies te verkry wanneer die skorsing of uitsetting van 'n leerling deur hom oorweeg word nie;

(b) by the substitution in subregulation (4) for the word "eight" of the word "seven";

(c) by the substitution in subregulation (7) for the words "eight" and "twelve" of the words "seven" and "eleven", respectively; and

(d) by the substitution for subregulation (8) of the following subregulation:

" (8) The principal of the government school concerned and the superintendent of the hostel, if any hostel is attached to such a school, shall attend all meetings of a school committee, but shall not have the right to vote at such a meeting."

8. The following regulation is hereby substituted for regulation 9:

" 9. (1) The powers, duties and functions of a school committee shall, in respect of the government school for which it has been established or any hostel attached to such a school, be —

(a) to advise the Secretary and make recommendations regarding matters which concern the welfare and interests of the school or hostel concerned;

(b) to advise the Secretary and make recommendations in connection with representations by parents of children admitted to the school or hostel concerned;

(c) to investigate and report to the Secretary with regard to any complaint affecting the school or hostel concerned;

(d) to advise the Secretary on the suspension or expulsion of a pupil from the school or hostel concerned on the grounds of misconduct: Provided that the Secretary shall not be obliged to obtain such advice when the suspension or expulsion of a pupil is considered by him;

- (e) oorweging te skenk aan inspeksieverslae en, wanneer nodig, by die Sekretaris aanbevelings te doen oor enige saak vermeld in of voortspruitend uit sodanige verslae: Met dien verstande dat 'n skoolkomitee nie oorweging kan skenk aan inspeksieverslae wat betrekking het op die professionele pligte van 'n onderwyser nie;
- (f) in die algemeen toesig te hou oor die geboue, terreine, omheinings en bybehore van die betrokke skool of koshuis;
- (g) die Sekretaris te adviseer oor enige tekortkominge betreffende die geboue, terreine, omheinings en bybehore bedoel in paragraaf (f);
- (h) beheer uit te oefen oor die skoolfonds soos voorgeskryf by die regulasies uitgevaardig met betrekking tot die beheer oor geld wat vir of met betrekking tot 'n staatskool ingesamel of andersins deur so 'n skool ontvang word of daaraan toeval;
- (i) enige taak uit te voer wat deur die Kabinet of die Sekretaris aan skoolkomitees in die algemeen of aan sodanige komitee in die besonder opgedra word.
- (e) to give consideration to inspection reports and, when necessary, make recommendations to the Secretary on any matter mentioned in or resulting from such reports: Provided that a school committee shall not give consideration to inspection reports relating to the professional duties of a teacher;
- (f) to supervise in general the buildings, sites, fences and accessories of the school or hostel concerned;
- (g) to advise the Secretary on any shortcomings regarding the buildings, sites, fences and accessories referred to in paragraph (f);
- (h) to exercise control over the school fund as prescribed by the regulations made in relation to the control of moneys collected for or in relation to any government school or otherwise received by or accrued to any such school;
- (i) to perform any task which the Cabinet or Secretary may direct school committees in general or such school committees in particular to perform.

(2) Indien die Sekretaris 'n skoolkomitee in kennis gestel het dat hy van voorneme is om enige advies, verslag of aanbeveling wat hy van die skoolkomitee ontvang het met betrekking tot 'n aangeleentheid in subregulasie (1) bedoel, in geheel of gedeeltelik te verontsaam, kan die skoolkomitee vereis dat die Sekretaris sodanige advies, verslag of aanbeveling aan die Kabinet vir sy beslissing voorlê en daarop lê die Sekretaris bedoelde advies, verslag of aanbeveling aan die Kabinet voor.

(2) If the Secretary has notified a school committee that he intends to disregard, in whole or partially, any advice, report or recommendation received by him from the school committee in relation to any matter referred to in subregulation (1), the school committee may demand that the Secretary submits such advice, report or recommendation to the Cabinet for its determination, and the Secretary shall thereupon submit such advice, report or recommendation to the Cabinet.

(3) 'n Skoolkomitee mag hom nooit inmeng met die verrigting van die professionele pligte van die onderwysers van enige skool nie. ” .

(3) A school committee shall never interfere with the performance of the professional duties of the teachers at any school. ” .

9. Regulasie 10 word hierby gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

“ (3) Onkoste aangegaan deur 'n skoolkomitee in die uitvoering van sy pligte of in die uitoefening van sy bevoegdhede mag met die vooraf verkreeë goedkeuring van die Sekretaris betaal word uit gelde beskikbaar in die skoolfonds van die betrokke staatskool. ” .

9. Regulation 10 is hereby amended by the substitution for subregulation (3) of the following subregulation:

“ (3) Expenses incurred by a school committee in the performance of its duties or in the exercise of its powers may with the prior approval of the Secretary be paid from moneys available in the school fund of the government school concerned. ” .