



- (i) "Cabinet" shall mean the Cabinet established under section 23 of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985); (ii)
- (ii) "government school" shall mean any school established and maintained or deemed to be established and maintained under section 6(1)(b) and (c) of the Act; (vii)
- (iii) "parent" shall mean the parent or the adoptive parent as defined in section 1 of the Children's Act, 1960 (Act 33 of 1960), of a child who applies in terms of regulation 3(1) for admission of such child to a government school or who attends a government school or the person who is the guardian of such child; (iv)
- (iv) "principal" shall mean any person appointed as the head of a government school under the Government Service Act, 1980 (Act 2 of 1980), and shall also include any person appointed under the said Act to act in that capacity; (v)
- (v) "pupil" shall mean any child admitted to a government school under regulation 3(2); (iii)
- (vi) "school committee" shall mean any school committee established under section 8 of the Act; (vi)
- (vii) "the Act" shall mean the National Education Act, 1980 (Act 30 of 1980). (i)
- (i) "die Wet" die Wet op Nasionale Onderwys, 1980 (Wet 30 van 1980); (vii)
- (ii) "Kabinet" die Kabinet kragtens artikel 23 van die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985) ingestel; (i)
- (iii) "leerling" 'n kind wat kragtens regulasie 3(2) tot 'n staatskool toegelaat is; (v)
- (iv) "ouer" die ouer of aannemende ouer soos omskryf in artikel 1 van die Kinderwet, 1960 (Wet 33 van 1960), van 'n kind wat ingevolge regulasie 3(1) aansoek doen om toelating van sodanige kind tot 'n staatskool of wat 'n staatskool bywoon of die persoon wat voogdy het oor so 'n kind; (iii)
- (v) "prinsipaal" iemand wat kragtens die Regeringsdienswet, 1980 (Wet 2 van 1980) as hoof van 'n staatskool aangestel is en omvat ook iemand wat kragtens gemelde Wet aangestel is om in daardie hoedanigheid waar te neem; (iv)
- (vi) "skoolkomitee" 'n skoolkomitee kragtens artikel 8 van die Wet ingestel; (vi)
- (vii) "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) en (c) van die Wet. (ii)

#### Demarcation of government school areas

2. The Cabinet may by notice in the Official Gazette from time to time determine for any government school the area which shall be served by such government school: Provided that the Secretary may under circumstances that he deems fit admit pupils from outside such government school area to such government school.

#### Afbakening van staatskoolgebiede

2. Die Kabinet kan by kennisgewing in die Offisiële Koerant van tyd tot tyd vir enige staatskool die gebied bepaal wat deur sodanige staatskool bedien word: Met dien verstande dat die Sekretaris onder omstandighede wat hy goed dink leerlinge van buite sodanige staatskoolgebied tot sodanige staatskool mag toelaat.

## Admission to government schools

3.(1) The parent of any child may apply to the principal for his child to be admitted as a pupil to such government school.

(2) The principal shall admit to such government school any child in respect of whom application has been made as contemplated in subregulation (1), subject to the provisions of the Act and these regulations if he is satisfied that -

- (a) the necessary classroom space is available;
- (b) the child has attained the suitable standard of proficiency for admission to a government school: Provided that in the case where a child has already attended another school, the principal shall admit such child to the standard following the standard which the child passed in such school if the parent of the child so admitted submits proof in writing from the principal of the school in which the child passed the standard concerned or to a standard which the principal may determine after ascertaining the standard of proficiency of such pupil; and
- (c) such child is of the appropriate sex.

4.(1) No child shall -

- (a) without the approval of the Cabinet -
  - (i) be admitted to a standard in a government school which is lower than the second standard if such child is older than 10 years;
  - (ii) be admitted to or remain a pupil in any government school if he is older than 20 years;
- (b) be admitted to a government school -
  - (i) unless he reaches the age of six years before 30 June of the year in which he is admitted to such government school;

## Toelating tot staatskole

3.(1) Die ouer van 'n kind kan by die prinsipaal aansoek doen om sy kind as leerling tot sodanige staatskool toe te laat.

(2) Die prinsipaal laat 'n kind ten opsigte van wie aansoek gedoen word soos in subregulasie (1) bedoel, behoudens die bepalings van die Wet en hierdie regulasies tot sodanige staatskool toe as hy daarvan oortuig is dat -

- (a) die nodige klaskamerruimte beskikbaar is;
- (b) die kind die gepaste standaard van bekwaamheid vir toelating tot 'n staatskool bereik het: Met dien verstande dat in die geval waar 'n kind reeds 'n ander skool bygewoon het die prinsipaal sodanige kind moet toelaat tot die standerd volgende op die standerd wat die kind in sodanige skool geslaag het as die ouer van die kind wat aldus toegelaat word 'n skriftelike bewys, uitgereik deur die prinsipaal van die skool waar die kind die betrokke standerd geslaag het, voorlê of tot 'n standerd wat die prinsipaal na vasstelling van die standaard van bekwaamheid van sodanige kind mag bepaal; en
- (c) sodanige kind van die regte geslag is.

4.(1) Geen kind -

- (a) word sonder die goedkeuring van die Kabinet -
  - (i) toegelaat tot 'n standerd in 'n staatskool wat laer is as die tweede standerd as sodanige kind ouer as 10 jaar is nie;
  - (ii) toegelaat tot of om as leerling aan te bly in 'n staatskool as hy ouer as 20 jaar is nie;
- (b) word tot 'n staatskool toegelaat nie -
  - (i) tensy hy die ouderdom van 6 jaar bereik voor 30 Junie van die jaar waarin hy tot sodanige staatskool toegelaat word;

(ii) at any other stage than during the course of the first ten school-days of the first school term of a year, unless such child -

(a) has already been admitted to another school or a government school during the course of that year;

(b) was unable, because of health reasons, or other reasons approved by the Cabinet, to attend the government school during the first ten school-days of the said term in which case such child may be admitted at a later stage during the said term;

(iii) unless the parent of such child has informed the principal in writing that he accepts the rules applicable to pupils in the government school concerned.

(2) The parent of a child who in terms of regulation 3(1) applies for his child to be admitted as a pupil to a government school shall submit to the principal a birth certificate, baptismal certificate or other satisfactory proof in order to ascertain the age of such child.

5. The Cabinet may at any time direct in respect of any government school that only boys or only girls be admitted to such government school, whereafter only boys or only girls shall be admitted to such government school.

#### School attendance

6.(1) The parent of any pupil -

(a) shall take care that such pupil attends the government school to which he has been admitted in terms of regulation 3(2) regularly in accordance with the school calendar and hours of instruction determined by the Secretary under section 27 of the Act; and

(b) may not without the prior obtained written consent of the Secretary take such pupil

(ii) op enige ander tydstip as in die loop van die eerste tien skooldae van die eerste skoolkwartaal van 'n jaar behalwe as sodanige kind -

(a) reeds in die loop van daardie jaar tot 'n ander skool of staatskool toegelaat was;

(b) om gesondheidsredes, of ander redes deur die Kabinet goedgekeur, nie in staat was om die staatskool gedurende die eerste tien skooldae van genoemde kwartaal by te woon nie, in welke geval sodanige kind op 'n latere stadium gedurende genoemde kwartaal toegelaat kan word;

(iii) tensy die ouer van sodanige kind skriftelik aan die prinsipaal te kenne gee dat hy die reëls van toepassing op leerlinge in die betrokke staatskool aanvaar.

(2) Die ouer van 'n kind wat ingevolge regulasie 3(1) aansoek doen om sy kind as leerling tot 'n staatskool toe te laat moet 'n geboortesertifikaat, doopseël of ander bevredigende bewys aan die prinsipaal voorlê ten einde die ouerdom van sodanige kind te kan bepaal.

5. Die Kabinet kan te eniger tyd ten opsigte van enige staatskool bepaal dat slegs seuns of slegs meisies tot sodanige staatskool toegelaat word, waarna slegs seuns of slegs meisies tot sodanige staatskool toegelaat word.

#### Skoolbywoning

6.(1) Die ouer van 'n leerling -

(a) moet toesien dat sodanige leerling die staatskool waartoe hy ingevolge regulasie 3(2) toegelaat is gereeld bywoon ooreenkomstig die skoolkalender en ure van onderrig wat kragtens artikel 27 van die Wet deur die Sekretaris bepaal is; en

(b) mag nie sonder die voorafverkreë skriftelike toestemming van die Sekretaris sodanige

out of any government school until such pupil has passed the fourth standard.

(2) If a pupil is absent from a government school for more than four consecutive school-days because of illness the parent of such pupil shall inform the principal accordingly and if the principal so requires shall hand in a certificate by a medical practitioner registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974), which -

- (i) indicates the nature of the pupil's illness;
- (ii) declares that the pupil is unable to attend the government school;
- (iii) indicates for what period the pupil will be unable to attend the government school.

(3) If a pupil is absent from a government school for more than four consecutive school-days the principal shall as soon as possible thereafter ascertain the cause for such pupil's absence, and -

- (a) if the principal ascertains that the parent of such pupil has taken him out of the government school contrary to the provisions of subregulation (1)(b); or
- (b) if the principal ascertains that the pupil is absent from a government school without good cause,

the principal shall direct the parent of such pupil in writing to return such pupil to the government school within 30 days from the date of such direction.

(4) A parent who ignores the written direction mentioned in subregulation (3) without good cause shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding 30 days or to both such fine and such imprisonment.

leerling uit 'n staatskool neem voordat sodanige leerling nie die vierde standerd geslaag het nie.

(2) Wanneer 'n leerling vir meer as vier agtereenvolgende skooldae uit 'n staatskool afwesig is weens siekte moet die ouer van sodanige leerling die prinsipaal dienooreenkomstig in kennis stel en indien die skoolhoof dit vereis 'n sertifikaat van 'n geneesheer as sulks geregistreer kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1974 (Wet 56 van 1974) indien, wat -

- (i) die aard van die leerling se siekte vermeld;
- (ii) verklaar dat die leerling nie in staat is om die staatskool by te woon nie;
- (iii) aantoon vir watter tydperk die leerling nie in staat sal wees om die staatskool by te woon nie.

(3) Indien 'n leerling vir meer as vier agtereenvolgende skooldae uit 'n staatskool afwesig is moet die prinsipaal so spoedig moontlik daarna die rede vasstel vir sodanige leerling se afwesigheid, en -

- (a) indien die prinsipaal vasstel dat die ouer van sodanige leerlinge hom strydig met die bepalings van subregulasie (1)(b) uit die staatskool geneem het; of
- (b) indien die prinsipaal vasstel dat die leerling sonder gegronde rede van die staatskool afwesig is,

moet die prinsipaal die ouer van sodanige leerling skriftelik aansê om sodanige leerling binne 30 dae na die datum van sodanige aansegging in die staatskool terug te plaas.

(4) 'n Ouer wat die in subregulasie (3) bedoelde skriftelike aansegging sonder voldoende rede verontagsaam is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of met gevangenisstraf vir 'n tydperk van hoogstens 30 dae of met sowel daardie boete as daardie gevangenisstraf.

## Transfer and exclusion of pupils

7.(1) The Secretary may, if in his opinion he deems it desirable -

(a) transfer pupils from one government school to another government school as a result of the amendment or withdrawal of the division, classification or combination of schools as contemplated in section 6(3) of the Act;

(b) transfer a handicapped child in a government school to a special school.

(2) If any pupil is, in the opinion of the Secretary, ineducable, the Secretary may order that such pupil be excluded from a government school on a date determined by him.

(3) The Secretary shall advise the parent of any pupil transferred or excluded from a government school in terms of this regulation, of the fact in writing.

## Rules for government schools

8.(1) The principal shall in consultation with the school committee of the government school concerned draw up rules for the internal management of such government school and hand them in at the Secretary for submission to and confirmation by the Cabinet: Provided that where no school committee has been instituted for the government school concerned or the school committee fails to give their co-operation in this connection, the said consultation need not take place.

(2) If the principal fails to hand in such rules to the Secretary or if the Cabinet does not confirm such rules, the Secretary shall draw up such rules and submit them to the Cabinet for confirmation.

(3) After confirmation of the rules mentioned in subregulation (1) or (2) such rules can only be amended on application to or by the Secretary and confirmation by the Cabinet.

## Oorplasing en uitsluiting van leerlinge

7.(1) Die Sekretaris kan, indien dit na sy mening wenslik is -

(a) leerlinge van een staatskool na 'n ander staatskool oorplaas weens die wysiging of intrekking van die verdeling, indeling of kombinerings van skole soos bedoel in artikel 6(3) van die Wet;

(b) 'n gestremde kind in 'n staatskool na 'n spesiale skool oorplaas.

(2) Indien 'n leerling na die mening van die Sekretaris onopvoedbaar is, kan die Sekretaris gelas dat sodanige leerling op 'n datum deur hom bepaal, van 'n staatskool uitgesluit word.

(3) Die Sekretaris moet die ouer van 'n leerling wat ingevolge hierdie regulasie uit 'n staatskool oorgeplaas of uitgesluit word skriftelik daaromtrent kennis gee.

## Reëls vir staatskole

8.(1) Die prinsipaal stel in oorleg met die skoolkomitee van die betrokke staatskool, reëls op vir die interne bestuur van sodanige staatskool en lewer dit by die Sekretaris in vir voorlegging en bekragtiging deur die Kabinet: Met dien verstande dat waar daar geen skoolkomitee vir die betrokke staatskool ingestel is nie of die skoolkomitee nalaat om hul samewerking in die verband te verleen, bedoelde oorleg nie hoef plaas te vind nie.

(2) Indien die prinsipaal nalaat om bedoelde reëls by die Sekretaris in te dien of indien die Kabinet bedoelde reëls nie bekragtig nie, stel die Sekretaris sodanige reëls op en lê dit aan die Kabinet voor vir bekragtiging.

(3) Na bekragtiging van die reëls bedoel in subregulasie (1) of (2) kan sodanige reëls slegs na aansoek by of deur die Sekretaris en bekragtiging deur die Kabinet gewysig word.

## Medium of instruction

9.(1) Subject to the provisions of section 4 of the Act the Cabinet shall from time to time determine the medium of instruction in each government school on recommendation by the Secretary after the Secretary has consulted with the school committee of the government school concerned: Provided that where no school committee has been instituted for the government school concerned the Secretary shall consult with the principal of the said government school.

(2) The Cabinet may subject to the provisions of subregulation (1) -

- (a) determine more than one medium of instruction for the same government school;
- (b) determine different mediums of instruction for one section or more than one section of the same government school.

## Misconduct

10.(1) Any pupil is guilty of misconduct, if he -

- (a) without good cause refuses to carry out a lawful instruction, ignores it or delays the execution thereof;
- (b) is by word or by conduct disobedient;
- (c) uses intoxicating liquor or narcotic substances without the written prescription of a medical practitioner registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974);
- (d) behaves himself in a disgraceful, improper or indecent manner;
- (e) is found guilty of a criminal offence and convicted to imprisonment without the option of a fine or to a fine exceeding two hundred and fifty rand;
- (f) wilfully damages or destroys the property of a government school;

## Medium van onderrig

9.(1) Behoudens die bepalings van artikel 4 van die Wet bepaal die Kabinet van tyd tot tyd die medium van onderrig in elke staatskool op aanbeveling van die Sekretaris nadat die Sekretaris oorleg gepleeg het met die skoolkomitee van die betrokke staatskool: Met dien verstande dat waar geen skoolkomitee vir die betrokke staatskool ingestel is nie die Sekretaris oorleg moet pleeg met die prinsipaal van die betrokke staatskool.

(2) Die Kabinet kan behoudens die bepalings van subregulasie (1) -

- (a) meer as een medium van onderrig vir dieselfde staatskool bepaal;
- (b) verskillende mediums van onderrig vir een deel of meer as een deel van dieselfde staatskool bepaal.

## Wangedrag

10.(1) 'n Leerling is aan wangedrag skuldig, indien hy -

- (a) sonder aanvaarbare rede weier om 'n wettige opdrag uit te voer, dit verontagsaam of die uitvoering daarvan vertraag;
- (b) deur woord of deur gedrag ongehoorsaam is;
- (c) gebruik maak van sterk drank of sonder die voorskrif van 'n geneesheer, as sulks geregistreer kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet 56 van 1974), bedwelmende middels gebruik;
- (d) hom op 'n skandelige, onbehoorlike of onbetaamlike wyse gedra;
- (e) skuldig bevind word aan 'n kriminele misdryf en gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as tweehonderd en vyftig rand;
- (f) opsetlik die eiendom van 'n staatskool beskadig of vernietig;

- (g) acts in such a manner that is detrimental or possibly detrimental to the good discipline and progress of other pupils in a government school;
- (h) does not comply with the rules of a government school or by his actions or behaviour encourages or influences other pupils to disobey such rules;
- (i) has in his possession, under his control, distributes or helps to distribute any magazine, pamphlet, notice or poster or other publication in which the authority of the state is undermined or its image is prejudiced or which is contrary to the laws of the country or by his actions or behaviour encourages or influences other pupils to have in their possession or under their control or to distribute or to help to distribute such magazine, pamphlet, notice, poster or other publication;
- (j) issues or helps to issue a statement to the press or gives an interview to the press in which the state is detrimentally involved or by his actions or behaviour encourages or influences other pupils to issue such a statement to the press or to give an interview to the press;
- (k) publicly expresses criticism on any matter concerning a government school or by his actions or behaviour encourages or influences other pupils to express such criticism in public.
- (g) op so 'n wyse optree wat die goeie dissipline of vooruitgang van ander leerlinge in 'n staatskool benadeel of moontlik kan benadeel;
- (h) reëls van 'n staatskool nie nakom nie of ander leerlinge deur sy optrede of gedrag aanmoedig of beïnvloed om sodanige reëls nie na te kom nie;
- (i) enige tydskrif, vlugskrif, kennisgewing of plakkaat of ander publikasie waarin die staat se gesag ondermyn of sy beeld skade aangedoen word of wat in stryd is met landswette, besit, onder sy toesig het, versprei, of help versprei of ander leerlinge deur sy optrede of gedrag aanmoedig of beïnvloed om sodanige tydskrif, vlugskrif, kennisgewing, plakkaat of ander publikasie te besit of onder hulle toesig te hê of te versprei of te help versprei;
- (j) 'n persverklaring uitreik of help uitreik of 'n persoonderhoud toestaan waarin die staat nadelig betrek word of ander leerlinge deur sy optrede of gedrag aanmoedig of beïnvloed om sodanige persverklaring uit te reik of 'n persoonderhoud toe te staan;
- (k) in die openbaar kritiek uitspreek oor enige aangeleentheid rakende 'n staatskool of ander leerlinge deur sy optrede of gedrag aanmoedig of beïnvloed om in die openbaar sodanige kritiek uit te spreek.

#### Effect of misconduct

11.(1) When any pupil is guilty of misconduct as contemplated in regulation 10 the principal may suspend such pupil from the government school by denying him further school attendance.

(2) Any pupil who has been suspended under this regulation shall during his suspension not have access to any government school.

(3) When the principal suspends any pupil as contemplated in subregulation (1), the principal shall -

#### Gevolge van wangedrag

11.(1) Wanneer 'n leerling hom skuldig maak aan wangedrag soos bedoel in regulasie 10, kan die prinsipaal sodanige leerling uit die staatskool skors deur hom verdere skoolbywoning te ontsê.

(2) 'n Leerling wat kragtens hierdie regulasie geskors is, het tydens sy skorsing nie toegang tot enige staatskool nie.

(3) Wanneer die prinsipaal 'n leerling skors soos bedoel in subregulasie (1), moet die prinsipaal -

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| <p>(a) furnish the chairman of the school committee concerned immediately with -</p> <p>(i) the name of such pupil;</p> <p>(ii) the circumstances under which the misconduct took place;</p> <p>(iii) the nature of the misconduct; and</p> <p>(iv) such additional particulars as may be required by the chairman of the school committee in this connection,</p> <p>and thereafter confirm it in writing.</p> <p>(b) request the chairman of the school committee concerned to furnish him within 21 days, and after such investigation as the school committee may deem necessary if any, for submission to the Secretary of the school committee's written and motivated recommendation regarding the confirmation of the suspension and the expulsion of the pupil from the government school or the uplifting of the suspension, together with the minutes of the relevant school committee meeting;</p> <p>(c) immediately notify the parent of such pupil in writing of the suspension and direct his attention to the provisions of subregulation (4);</p> <p>(d) to provide the Secretary within 30 days after such suspension with -</p> <p>(i) his written report on the suspension and his recommendation on the expulsion of the pupil concerned;</p> <p>(ii) the recommendation of the school committee and the minutes of the meeting referred to in subregulation (3)(b);</p> <p>(iii) a copy of the notification referred to in subregulation (3)(c);</p> | <p>(a) die voorsitter van die betrokke skoolkomitee onmiddellik voorsien van -</p> <p>(i) die naam van sodanige leerling;</p> <p>(ii) die omstandighede waaronder die wangedrag plaasgevind het;</p> <p>(iii) die aard van die wangedrag; en</p> <p>(iv) sodanige verdere besonderhede wat die voorsitter van die skoolkomitee in die verband mag verlang,</p> <p>en dit daarna skriftelik bevestig.</p> <p>(b) die voorsitter van die betrokke skoolkomitee versoek om hom binne 21 dae, en na sodanige ondersoek as wat die skoolkomitee mag nodig ag indien enigsins, vir voorlegging aan die Sekretaris te voorsien van die skoolkomitee se skriftelike en gemotiveerde aanbeveling aangaande die bekragtiging van die skorsing en die uitsetting van die leerling uit die staatskool of die opheffing van die skorsing tesame met die notule van die betrokke skoolkomiteevergadering;</p> <p>(c) die ouer van sodanige leerling onmiddellik skriftelik kennis gee van die skorsing en hom wys op die bepalings van subregulasie (4);</p> <p>(d) die Sekretaris binne 30 dae na sodanige skorsing voorsien van -</p> <p>(i) sy skriftelike verslag oor die skorsing en sy aanbeveling oor die uitsetting van die betrokke leerling;</p> <p>(ii) die aanbeveling van die skoolkomitee en die notule van die vergadering soos bedoel in subregulasie (3)(b);</p> <p>(iii) 'n afskrif van die kennisgewing bedoel in subregulasie (3)(c);</p> |
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Provided that where no school committee has been instituted for the government school concerned the provisions of subregulation (3)(a), (b) and (d)(ii) shall not be applicable.

Met dien verstande dat waar daar geen skoolkomitee vir die betrokke staatskool ingestel is nie die bepalings van subregulasies (3)(a), (b) en (d)(ii) nie van toepassing is nie.

- (4) (a) The parent of any pupil who has received a notification as contemplated in subregulation (3)(c), may within 30 days after the date of the said suspension, appeal to the Secretary against the suspension contemplated in subregulation (1).
- (b) The appeal contemplated in paragraph (a) shall be in writing and contain the grounds upon which the appeal is based.
- (5) After receipt of -
- (i) the documents referred to in subregulation 3(d); and
- (ii) the appeal contemplated in subregulation (4), if any,

the Secretary shall set aside the suspension of the said pupil or confirm such suspension and expel such pupil from the government school which decision shall be final: Provided that the Secretary shall not, in making his decision be bound by the recommendations mentioned in subregulation (3)(d)(i) and (ii).

(6) The Secretary shall inform the principal of the pupil concerned of his decision contemplated in subregulation (5) whereafter the principal shall in the case where -

- (a) the suspension has been confirmed and the pupil has been expelled from the government school, inform the parent of the pupil concerned accordingly;
- (b) the suspension has been set aside, re-admit the pupil concerned to the government school.

(7) Any pupil who has been expelled from a government school under this regulation, shall not again have access to any government school.

12.(1) When it directly comes to the attention of the Secretary that any pupil is guilty of misconduct as contemplated in regulation 10, the Secretary may order the principal to suspend such pupil by denying him further school attendance.

- (4) (a) Die ouer van 'n leerling wat 'n kennisgewing bedoel in subregulasie (3)(c) ontvang kan binne 30 dae vanaf die datum van gemelde skorsing by die Sekretaris appèl teen die skorsing soos bedoel in subregulasie (1) aanteken;
- (b) Die appèl bedoel in paragraaf (a) moet skriftelik geskied en die gronde bevat waarop die appèl berus.
- (5) Na ontvangs van -
- (i) die dokumente bedoel in subregulasie (3)(d); en
- (ii) die appèl bedoel in subregulasie (4), indien enige,

hef die Sekretaris die skorsing van bedoelde leerling op of hy bekragtig die skorsing en sit bedoelde leerling uit die staatskool uit, welke beslissing finaal is: Met dien verstande dat die Sekretaris by die neem van sy beslissing nie gebonde is aan die aanbevelings bedoel in subregulasies 3(d)(i) en (ii) nie.

(6) Die Sekretaris stel die prinsipaal van die betrokke leerling in kennis van sy beslissing bedoel in subregulasie (5) waarna die prinsipaal, in die geval waar -

- (a) die skorsing bekragtig en die leerling uit die staatskool gesit is, die ouer van die betrokke leerling dienooreenkomstig in kennis stel;
- (b) die skorsing opgehef is, die betrokke leerling weer tot die staatskool toe te laat.

(7) 'n Leerling wat kragtens hierdie regulasie uit 'n staatskool gesit is, het nie weer toegang tot enige staatskool nie.

12.(1) Wanneer dit regstreeks onder die aandag van die Sekretaris kom dat 'n leerling skuldig is aan wangedrag soos bedoel in regulasie 10, kan die Sekretaris die prinsipaal opdrag gee om sodanige leerling te skors deur hom verdere skoolbywoning te ontsê.

(2) If a pupil has been suspended under subregulation (1), the Secretary shall furnish the principal with the following information -

- (i) the name of the pupil concerned;
- (ii) the circumstances under which the misconduct took place;
- (iii) the nature of the misconduct; and
- (iv) the further information that the principal may require in this connection and which the Secretary has at his disposal.

(3) The provisions of regulation 11(2) shall apply *mutatis mutandis* to a pupil who has been suspended under subregulation (1).

(4) The provisions of regulation 11(3), (4), (5) and (7) shall apply *mutatis mutandis* to the principal, the school committee, the parent of a pupil who has been suspended, the Secretary and the Cabinet: Provided that in the contemplated application -

- (a) the expression in regulation 11(3) "as contemplated in subregulation (1)" shall be construed as a reference to subregulation (1) of this regulation;
- (b) the colon in regulation 11(3)(d)(iii) shall be substituted with a comma followed by the insertion in the following line of the expression "for submission to the Cabinet:";
- (c) the reference in regulation 11(4)(a) to the Secretary shall be construed as a reference to the Cabinet;
- (d) the reference in regulation 11(5) to the Secretary shall be construed as a reference to the Cabinet;

(5) The Cabinet shall inform the Secretary of its decision in terms of subregulation 11(5) whereafter the provision of regulation 11(6) shall apply *mutatis mutandis* to the Secretary and the principal.

Expulsion of pupils and closing of government schools by the Cabinet

(2) Indien 'n leerling kragtens subregulasie (1) geskors is, moet die Sekretaris aan die prinsipaal die volgende inligting verskaf -

- (i) die naam van die betrokke leerling;
- (ii) die omstandighede waaronder die wangedrag plaasgevind het;
- (iii) die aard van die wangedrag; en
- (iv) die verdere besonderhede wat die prinsipaal in die verband verlang en waaroor die Sekretaris beskik.

(3) Die bepalings van regulasie 11(2) is *mutatis mutandis* van toepassing op 'n leerling wat kragtens subregulasie (1) geskors is.

(4) Die bepalings van regulasies 11(3), (4), (5) en (7) is *mutatis mutandis* van toepassing op die prinsipaal, die skoolkomitee, die ouer van 'n leerling wat geskors is, die Sekretaris en die Kabinet: Met dien verstande dat by bedoelde toepassing -

- (a) die uitdrukking in regulasie 11(3) "soos bedoel in subregulasie (1)" uitgelê word as 'n verwysing na subregulasie (1) van hierdie regulasie;
- (b) die dubbelpunt in regulasie 11(3)(d)(iii) word vervang met 'n komma en gevolg deur die invoeging in die daaropvolgende reël van die uitdrukking "vir deursending aan die kabinet:";
- (c) die verwysing in regulasie 11(4)(a) na die Sekretaris uitgelê word as 'n verwysing na die Kabinet;
- (d) die verwysing in regulasie 11(5) na die Sekretaris uitgelê word as 'n verwysing na die Kabinet;

(5) Die Kabinet stel die Sekretaris van sy beslissing ingevolge subregulasie 11(5) in kennis waarna die bepalings van regulasie 11(6) *mutatis mutandis* op die Sekretaris en prinsipaal van toepassing is.

Uitsetting van leerlinge en sluiting van staatskole deur die Kabinet

13.(1) The Cabinet may, if -

(a) pupils or some of the pupils impede or frustrate the effective supervision and control a principal must exercise over a government school; or

(b) it is in the public interest,

expel some or all pupils from any government school and when all pupils have been expelled from any government school, close such government school for such period as the Cabinet may in its discretion determine.

(2) Pupils expelled from a government school under subregulation (1) may, with the permission of and on the conditions determined by the Cabinet in each case or in general, be readmitted to such government school or any other government school.

#### Punishment

14.(1) Corporal punishment -

(a) shall only be administered by the principal or by another teacher in the presence of the principal: Provided that corporal punishment shall only be administered where a male pupil has in the opinion of the principal committed a serious offence and the principal has made a thorough investigation of such offence;

(b) shall not be administered in the presence of other pupils, but in the case of joint offenders corporal punishment may be administered in the presence of such joint offenders;

(c) shall not be administered on the exposed body and only on the buttocks with a suitable strap or cane and with due consideration of the age and physical condition of the pupil and then only in a moderate and reasonable manner and under no circumstances in such a manner as to cause a lasting physical mark or disfigurement.

(2) Punishment of whatever nature shall always be reasonable and just and consistent with the offence committed.

13.(1) Die Kabinet kan, indien -

(a) leerlinge of sommige leerlinge die doeltreffende toesig en beheer wat 'n prinsipaal oor 'n staatskool moet uitoefen, belemmer of verydel; of

(b) indien dit in die openbare belang is,

sommige of alle leerlinge uit 'n staatskool sit en waar alle leerlinge uit 'n staatskool gesit is sodanige staatskool sluit vir sodanige tydperk as wat die Kabinet na goeddunke mag bepaal.

(2) Leerlinge wat kragtens subregulasie (1) uit 'n staatskool gesit is kan met die toestemming van en op die voorwaardes wat die Kabinet in iedere geval of in die algemeen bepaal, weer tot sodanige staatskool of enige ander staatskool toegelaat word.

#### Straf

14.(1) Lyfstraf -

(a) word slegs deur die prinsipaal of deur 'n ander onderwyser in teenwoordigheid van die prinsipaal toegedien: Met dien verstande dat lyfstraf slegs toegedien word waar 'n manlike leerling na die mening van die prinsipaal 'n ernstige oortreding begaan het en die prinsipaal sodanige oortreding na behore ondersoek het;

(b) mag nie in die teenwoordigheid van ander leerling toegedien word nie, maar in die geval van gesamentlike oortreders kan lyfstraf in die teenwoordigheid van sodanige gesamentlike oortreders toegedien word;

(c) word nie op die ontblote liggaam en slegs op die boude met 'n geskikte platriem of rottang en met behoorlike inagneming van die ouerdom en liggaamlike toestand van die leerling toegedien en dan net op 'n gemagtigde en redelike wyse en in geen omstandighede op so 'n wyse dat dit 'n blywende liggaamlike letsel of skending veroorsaak nie.

(2) Straf van watter aard ookal moet altyd redelik en regverdig wees en verband hou met die oortreding wat begaan is.