

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

# Provincial Gazette Provinsiale Koerant

**EXTRAORDINARY • BUITENGEWOON**

Selling price • Verkoopprijs: **R2.50**  
Other countries • Buitelands: **R3.25**

Vol. 25

**PRETORIA**  
18 MARCH 2019  
18 MAART 2019

**No. 85**

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ISSN 1682-4525



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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 268 OF 2019****GAUTENG SCHOOLS EDUCATION ACT, 1995****AMENDMENTS TO REGULATIONS RELATING TO THE ADMISSION OF  
LEARNERS TO PUBLIC SCHOOLS, 2019**

The Member of the Executive Council responsible for matters related to education in the Province has, under section 11(1) of the Gauteng School Education Act, 1995 (Act No. 6 of 1995), made the Regulations in the Schedule.

**SCHEDULE****Definitions**

1. In these Regulations, unless the context indicates otherwise, "Regulations" means the Regulations Relating to the Admission of Learners to Public Schools, 2001 (General Notice 4138 of 2001, published in Provincial *Gazette* No. 129 of 13 July 2001, as amended by General Notice 1160 of 2012, published in Provincial *Gazette* No. 127 of 9 May 2012).

**Amendment of regulation 1 of Regulations**

2. Regulation 1 of the Regulations is hereby amended—
- (a) by the substitution for the words preceding the definition of "**admission period**" of the following words:
- "In these Regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the [**School Education Act, 1995 (Act No. 6 of 1995)**], Act, retains that meaning, and ~~—~~";
- (b) by the insertion after the definition of "**admission period**" of the following definition:
- "'application period' means the period from the first day of a parent applying on-line to the last day when the on-line application system available on the Department's website closes for parents;"
- (c) by the deletion of the definition of "**confidential report**";
- (d) by the insertion after the definition of "**confidential report**" of the following definition:
- "'Department' means the department responsible for matters related to education in the Province;"

- (e) by the substitution for the definition of "**entry phase learners**" of the following definition:

"**entry [phase]grade learners**" means—

[(i) **learners seeking to be admitted to Grade "R";**]

[(ii)](a) learners seeking to be admitted to Grade 1 (irrespective of whether or not the school at which they seek admission offers teaching and learning at a level below Grade 1);

[(iii)](b) learners seeking to be admitted to Grade 8;

[(iv)](c) in the case of schools, which do not commence at Grade 1 or Grade 8, learners seeking to be admitted to such schools in the lowest grade in the school, excluding Grade R";

- (f) by the deletion of the definition of "**feeder primary school**";

- (g) by the substitution for the definition of "**feeder zone**" of the following definition:

"**feeder zone**" means an area **[that a school should prioritise when admitting learners and taking into consideration learners who live close or whose parents work close to that school]**from which a school accepts its core intake";

- (h) by the insertion after the definition of "**feeder zone**" of the following definition:

"**focus school**" means a public school that provides education with a specialised focus on particular talents including, but not limited to, sport, performing arts or creative arts";

- (i) by the substitution for the definition of "**normal grade age**" of the following definition:

"**normal grade age**" means, in respect of each grade, the oldest age of a learner who—

[(i)](a) could have been admitted to Grade R in accordance with the then prevailing provisions of [s.]section 5(4) of the South African Schools Act, 1996 (Act No. 84 of 1996); and

[(ii)](b) would subsequently have been promoted to the succeeding grade each year";

- (j) by the substitution for the definition of "**objective entry enrolment capacity**" of the following definition"

"**objective entry enrolment capacity**"[, ] means the act of officially admitting a [learner(s)]learner or learners to a total school programme in the maximum amount that the school can accommodate in a classroom [and/or]or facilities, or both, as determined by the [HOD]Head of Department on consideration of, amongst others, the following factors: the availability of space, classroom and

educators; resources linked to teaching and learning; available state resources; and the immediate need of the **[learner(s)]learner or learners** to receive basic education;"

- (k) by the substitution for the paragraph (a) of the definition of "**parent**" of the following paragraph:

"**parent**' includes—

(a) **[a]the biological or adoptive parent or legal guardian of a learner;**";

- (l) by the substitution for the definition of "**school**" of the following definition:

"**school**' means a public ordinary school;"

- (m) by the substitution for the definition of "**sibling**" of the following definition:

"**sibling**' means **[someone]a learner** who satisfies **[both]all** of the following requirements—

**[i](a)** he or she **[has a parent who is also the parent of that child; and]is enrolled at the school in the year for which the applicant learner seeks admission;**

**[ii](b)** he or she resides in the same household as **[that child]the applicant learner; and**

(c) he or she has at least one parent who is also the parent of the applicant learner;";

- (n) by the insertion at the end of the definition of "**South African Schools Act**" after the expression ";" of the word "and"

- (o) by the deletion of the definition of "**specialist school**"; and

- (p) by the substitution for the definition of "**the Act**" of the following definition:

"**the Act**' means the Gauteng School Education Act, 1995 (Act No. 6 of 1995)".

### **Substitution of regulation 2 of Regulations**

3. The following regulation is hereby substituted for regulation 2 of the Regulations:

#### **"Administration of admissions**

2. **[(1) Subject to the provisions of these regulations, the Head of Department is responsible for the administration of the admission of learners to a school.**

**(2) The admission policy of a school, determined by a governing body of that school in terms of section 5(5) of the South African Schools Act, may not be inconsistent with any provision of these Regulations.**

(2A) The Department may determine the minimum standards for the formulation of the admissions policy for specialist schools, technical schools and education institutions.

(3) The governing body of a school must make a copy of the admission policy of the school available to the Head of Department for certification.

(4) If the admission policy of a school is consistent with the Act, the South African Schools Act and these Regulations, the Head of Department shall certify that admission policy within one month of its submission for certification.

(5) No admission policy of a school, or any amendment thereof, shall be of force and effect until it has been certified by the Head of Department] Subject to these Regulations, the Head of Department is responsible for the administration of the admission of learners to a school.".

#### Insertion of Regulation 2A, 2B and 2C into Regulations

4. Regulations 2A, 2B and 2C are hereby respectively inserted after regulation 2 of the Regulations:

##### "General principles regarding admissions

2A. (1) A learner may not be refused admission—

- (a) on grounds that constitute unfair discrimination, including on the grounds of race, ethnic or social origin, colour, gender, sex, age, disability, sexual orientation, religion, conscience, belief, culture, language, pregnancy, HIV and AIDS status, or any other illness;
- (b) because his or her parent—
  - (i) is unable to pay or has not paid the school fees, registration fee or deposit determined by the governing body;
  - (ii) does not subscribe to the mission statement of the school and code of conduct of the school; or
  - (iii) has refused to enter into a contract in terms of which the parent waives any claim for damages arising out of the education of the learner;
- (c) to any part of the total school programme;
- (d) on the grounds that the learner is not entering into boarding accommodation offered by the school; or

(e) because he or she is unable to provide the school with the documentation required in regulations 6(1) and 12(1) to 12(3).

(2) Despite—

(a) subregulation (1)(a), a gender-specific school may refuse admission to a learner on the grounds of gender; and

(b) regulation 2B, the Head of Department has the final authority to admit a learner to a school.

(3) When a learner applies for admission to a school, neither the governing body of that school nor a person employed at that school may request the learner's current school or a person employed at the learner's current school or the learner's parent, to furnish that school with a confidential report in respect of that learner.

(4) For the purposes of subregulation (3), a "confidential report" means a report containing information about the financial status of a parent, whether the parent can afford school fees and employment details of a parent or information relating to the health, misconduct or behaviour of a learner that may be used to unfairly discriminate against a learner.

### **Admission policies**

**2B.** (1) Subject to these Regulations, the admission policy of a school is determined by the governing body of the school.

(2) The governing body must, within 90 days from the date of commencement of these Regulations—

(a) review the admission policy for conformity with these Regulations;

(b) where necessary, amend the admission policy for alignment with these Regulations;

(c) adopt the admission policy, so reviewed or amended; and

(d) submit the admission policy to the Head of Department for approval.

(3) Despite subregulation (2), the admission policy of a school in existence before the date of commencement of these Regulations remains in force—

(a) until the Head of Department acts under subregulation (6); or

(b) unless the admission policy is not consistent with these Regulations.

(4) The admission policy referred to in subregulation (2) or (3) is only effective after the Head of Department approves it.

(5) Before the approval of the admission policy, the Head of Department, must be satisfied that the admission policy—

(a) complies with—

(i) these Regulations;

(ii) the Constitution of the Republic of South Africa Act, 1996, South African Schools Act, National Education Policy Act, 1996 (Act No. 27 of 1996), and other applicable legislation;

(b) takes into account the needs of the broader community in which the school is located; and

(c) does not unreasonably exclude a learner on the grounds of race, ethnic or social origin, colour, gender, sex, age, disability, sexual orientation, religion, conscience, belief, culture, language, pregnancy, HIV and AIDS status, or any other illness.

(6) The Head of Department—

(a) must, within 90 days of receiving the admission policy mentioned in subregulation (2) or (3), respond to a governing body; and

(b) may—

(i) approve the admission policy; or

(ii) return the admission policy with such recommendations as may be necessary in the circumstances.

(7) The Head of Department must issue guidelines to assist governing bodies to align their admission policies and to facilitate their approval in accordance with these Regulations.

(8) The governing body must, every three years, or whenever circumstances so require, or at the request of the Head of Department, review the admission policy determined in terms of this section every three years, to ensure that the admission policy of a school reflects the requirements mentioned in subregulation (5).

### **Admission and placement tests**

**2C.** (1) Subject to these Regulations, the governing body of a school may not administer any test related to the admission of a learner to a school, or direct or authorise the principal of the school or any other person to administer such test.



(2) The principal of a focus school may administer an admission test on the instruction or prior written approval of the Head of Department.

(3) The principal of a focus school that intends to administer a placement test must obtain prior written approval of the Head of Department authorising placement tests to be conducted.

(4) Subject to (3), a placement test approved by the Head of Department may be administered after a learner has been admitted to a school to determine the placement of that learner in the appropriate programme or in a specific course and where it would be in the educational interest of the learner.

(5) The Head of Department must determine procedures and guidelines which regulate the circumstances under which admission and placement tests may occur in focus schools."

#### **Repeal of regulation 3 of Regulations**

5. Regulation 3 of the Regulations is hereby repealed.

#### **Substitution of regulation 4 of Regulations**

6. The following regulation is hereby substituted for regulation 4 of the Regulations:

**"Feeder Zones for admission of [entry phase] learners**

4. [(1) Subject to the National Education Policy Act No. 27 of 1996 and any other applicable laws the MEC may, by notice in the *Provincial Gazette*, determine the feeder zone for any school in the Province, after consultation with the relevant stakeholders have been conducted.

(2) Until such time as the MEC has determined a feeder zone for a particular school, in relation to a learner applying for admission to that school, the feeder zone for that school will be deemed to have been determined so that a place of residence or work falls within the feeder zone, if:

- (a) relative to that place of residence or place of work, the school is the closest school which the learner is eligible to attend, or
- (b) that place of residence or place of work for that parent is within a 5 km radius of the school.

(3) The MEC may, by notice in the *Provincial Gazette*, designate one or more primary schools as feeder primary schools for a particular high school.

(4) Until such time as the MEC designate one or more primary schools as feeder primary schools for a particular high school, any primary school to which that high school is the closest high school which the learner is eligible to attend shall be deemed to have been designated as a feeder primary school for that high school.

(5) Sub-regulations (2) and (4) shall not apply to specialist schools, technical schools, agricultural schools or industrial schools]

(1) Subject to the National Education Policy Act, 1996 (Act No. 27 of 1996) and any other applicable laws, the Head of Department must, by notice in the *Provincial Gazette*, determine feeder zones for schools in the Province.

(2) For the purposes of this regulation, a school does not include a focus school or a school for learners with special education needs.

(3) In determining a feeder zone, the Head of Department must consider all relevant information, including—

- (a) the capacity of the school and schools in the vicinity to accommodate learners;

- (b) the language and curricula offered at the school and the schools in the vicinity;
  - (c) information and projections regarding area population density, learner population density and learner enrolment; and
  - (d) the need for geographical and spatial transformation.
- (4) The Head of Department must determine the feeder zone for schools in terms of the Department's policy for the delimitation of feeder zones for schools.
- (5) The Head of Department may not act under subregulation (1) unless he or she has—
- (a) published in the Provincial Gazette—
    - (i) the proposed feeder zones for schools in the Province; or
    - (ii) a notice stating where the schedule of proposed feeder zones may be obtained;
  - (b) granted the governing bodies of affected schools and any parent of a learner at an affected school to make written representations within 30 days regarding the proposed feeder zones; and
  - (c) seriously considered the representations so received."

#### **Insertion of regulation 4A and 4B into Regulations**

7. Regulations 4A and 4B are hereby respectively inserted after regulation 4 of the Regulations:

##### **"Capacity assessment of schools**

**4A.** (1) To facilitate the Head of Department's determination regarding the minimum and maximum capacity of a school as contemplated in section 58C(6) of the South African Schools Act, the principal of each school must, by not later than 30 June of each year, provide the Head of Department in writing with the following information—

- (a) the size, number and condition of the classrooms, laboratories, and other rooms or spaces used for teaching in the school;
- (b) the allocation of classrooms to grades;
- (c) the curriculum programme of the school;
- (d) the number of educators and their teaching specialisation and workload; and
- (e) any other information that the Head of Department requires.

(2) The Head of Department must inform the chairperson of the governing body and the principal of each school in writing, of the determination referred to in sub-regulation (1) by not later than 30 September of each year.

**Appeal against a feeder zone determination**

**4B.** (1) The governing body of a school or a parent of a learner affected by a feeder zone determination may, within 30 days of the date of the determination contemplated in regulation 4(1), lodge an appeal to the MEC objecting to the determination.

(2) A governing body or parent who lodges an appeal must do so in a form substantially similar to Annexure F to these Regulations.

(3) Within 30 days of receiving the appeal, the MEC must determine the appeal and, if necessary, provide the governing body or parent with the reasons for the decision."

**Substitution of regulation 5 of Regulations**

8. The following regulation is hereby substituted for regulation 5 of the Regulations:

**"[The Registration and Admission Process for Entry Phase Learners**

**5. (1) Each year, before the end of the first school term, the Head of Department must publish by any reasonable practicable means the admission period.**

**(2) From the commencement date a school must distribute to parents or learners application forms similar to Annexure A in these Regulations. Application forms may not be distributed prior to the commencement date.**

**(3) Application forms may be returned to a school on any school day from the 7<sup>th</sup> school day after the commencement date to the 30<sup>th</sup> school day after the commencement date. The period from the 7<sup>th</sup> school day after the commencement date to the 30<sup>th</sup> school day after the commencement date is referred to in these Regulations as the "application date".**

**(4) No application forms may be accepted by a school before the start of the admission period.**

**(5) An application form that is returned to a school after the end of the application period must be received and recorded on the**

appropriate late registration waiting list A or B and must be forwarded by the school to the District Director for placement in accordance with Regulation 5(9).

(6) A learner who applies for admission within the admission period shall, upon submission of a completed application form and subject to Regulation 6(3),

- (a) be placed on a waiting list in accordance with the applicable provisions of Regulation 7; and
- (b) be informed in writing by the school of which waiting list he or she has been placed on and his or her position on that waiting list.

(7) Within 14 school days following the end of the application period, each school must—

- (a) in accordance with regulation 7 identify successful and unsuccessful applicants, from the learners who have applied to it;
- (b) furnish the District Director with their waiting list A and B, clearly indicating successful and unsuccessful applicants, for approval and placement by the District Director of successful applicants in accordance with regulation 7; and
- (c) following receipt from the District Director of the approved list of placements—
  - (i) notify all applicants whether or not their applications have been successful;
  - (ii) inform successful applicants that they must confirm their acceptance of a place at the school within 7 school days of being notified;
  - (iii) provide unsuccessful applicants with written reasons for the failure of their applications; and
  - (iv) inform unsuccessful applicants in writing of their right to object and appeal in terms of regulation 16.

(8) Notwithstanding the provisions of any school admission policy, in the case of a learner who has not been placed at any school within 30 school days after the end of the admission period, the District Director may place that learner at any school—

- (a) which has not been declared full in terms of regulation 8; and

(b) in respect of which there are no remaining unplaced learners on a waiting list.

(9) Within 45 school days after the end of the admission period, the Head of Department must ensure that every learner who has applied to a school within the Province is placed at a school within the Province.

(10) In placing a learner at a particular school in terms of sub-regulation (8) and (9) above, the District Director and Head of Department respectively shall have regard to—

- (a) the proximity of the school to the learner's place of residence or his/her parent's place of work;
- (b) the capacity of that school to accommodate that learner relative to the capacity of other schools in the District.

(11) The provisions of this Regulation shall apply to every school in the Province irrespective of whether the school provides boarding accommodation, provided that—

- (a) the Head of Department may, on application made by a school, grant permission for that school to admit a fixed number of boarders who would otherwise not qualify for admission to the school in terms of this Regulation;
- (b) the number of places for which the Head of Department has granted permission in terms of paragraph (a) above—
  - (i) may then be filled with boarders; and
  - (ii) unless other conditions have been imposed by the Head of Department in granting his or her consent in terms of paragraph (a) above, shall be offered to such boarders in the order in which they applied for admission to the school.

(12) A learner shall not be admitted to boarding accommodation provided by a school prior to admission to the school in accordance with the provisions of this Regulation.

(13) A learner who is sixteen years or older and who has never attended school, must be advised and referred to the respective District office for immediate placement as an Adult Education and Training Centre] Admission process for entry grade learners

5. (1) Each year, during the second term, the Head of Department must publish by any reasonably practicable means the application and admission period.

(2) The application for admission of a learner may only be done through the on-line application system available on the Department's website.

(3) Subject to Regulation 6, after a learner has submitted a completed application within the application period, the Head of Department must, in accordance with the applicable provisions of Regulation 7—

(a) place the learner on a waiting list;

(b) submit the relevant list to the school; and

(c) inform the applicant in writing of the waiting list to which he or she has been allocated.

(4) Within 21 school days following the end of the application period, the Head of Department must, in accordance with Regulation 7, identify successful and unsuccessful applicants, from the learners who have applied to it and—

(a) notify all applicants whether their applications have been accepted;

(b) inform successful applicants that they must confirm their acceptance of a place at the school within seven school days of being notified;

(c) provide unsuccessful applicants with written reasons for the failure of their applications within 14 school days; and

(d) inform unsuccessful applicants in writing of their right to object and appeal in terms of Regulation 16.

(5) Despite any school admission policy, in the case of a learner who has not been placed at any school within 30 school days after the end of the admission period, the Head of Department may place that learner at any school,—

(a) which has not been declared full in terms of Regulation 8; and

(b) in respect of which there are no remaining unplaced learners on a waiting list.

(6) In placing a learner at a particular school in terms of subregulation (6) above, the Head of Department, must have regard to—

(a) the feeder zone of the school; and

(b) the capacity of that school to accommodate that learner relative to the capacity of other schools in the District.

(7) This Regulation applies to schools that provide boarding accommodation in the Province: Provided that—

(a) the Head of Department may, on application made by a school, grant permission for that school to admit a fixed number of boarders who would otherwise not qualify for admission to the school in terms of this Regulation; or

(b) the number of places for which the Head of Department has granted permission in terms of paragraph (a)—

(i) may then be filled with boarders; and

(ii) unless other conditions have been imposed by the Head of Department in granting his or her permission in terms of subparagraph (i), must be offered to such boarders in the order in which they applied for admission to the school.

(8) A learner who is sixteen years or older and who has never attended school, must be advised and referred to the Department of Higher Education and Training for consideration to be placed at a Community Education and Training Centre."

#### **Amendment of regulation 6 of Regulations**

9. Regulation 6 of the Regulations is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words—

**"(1) [An application from submitted by a parent applying for the registration and the admission of his or her child as an entry phase learner to a school must be supported by the following documents]**Once a parent has submitted an application, the following documents must be submitted by the parent within seven school days of the end of the application period to the school to which the application have been made —"

(b) by the substitution in subsection (1) for paragraph (b) of the following paragraph:

**"(b) [proof of the parent's identity and the child's residence or his or her parent's work address]**a certified copy of the parent's identity document or sworn affidavit in a case where the parent does not have an identity document;"



(c) by the insertion in subsection (1) after paragraph (b) of the following paragraph:

"(bA) proof of the parent's residential or work address;";

(d) by the substitution in subsection (1) for paragraph (d) of the following paragraph:

"(d) in the case of admission to a primary school, proof that the child has been immunised [**against polio, measles, tuberculosis, diphtheria, tetanus, and hepatitis B**] at a public or registered private health establishment;"; and

(e) by the addition of the following subsections, respectively:

"(5) A principal is required to report undocumented learners, annually, to the Department by—

(a) submitting a list of undocumented learners through the office of the District Director to the Provincial Director responsible for admissions; and

(b) maintaining a database of undocumented learners.

(6) The Head of Department must, annually, submit a composite list of undocumented learners to the Department of Home Affairs.".

#### **Substitution of regulation 7 of Regulations**

10. The following regulation is hereby substituted for regulation 7 of the Regulations:

**"Preferential rights to admission as an entry [phase] grade learner to schools whose feeder zones have been determined by the Department in terms of regulation 4**

7. [(1) For the purposes of entry phase admissions to a primary school, the school must keep a waiting list A and a waiting list B.

(a) Applicants for admission to a primary school will be entered on the waiting list A if—

(i) their place of residence is within the feeder zone of the school;

(ii) at least one of their parent's place of employment is within the feeder zone of the school; or

(iii) they have a sibling attending the school.

(b) All applicants for admission to a primary school who do not qualify for the waiting list A—

(i) must be entered in the waiting list B; and

(ii) must be advised in writing by the school that they should seek admission at a school for whose waiting list A they qualify.

(2) For the purposes of entry phase admissions to a high school, the school must keep a waiting list A and a waiting list B.

- (a) Applicants for admission to a high school will be entered on the waiting list A if—
- (i) their place of residence is within the feeder zone of the school;
  - (ii) at least one of their parent's place of employment is within the feeder zone of the school; or
  - (iii) they have a sibling attending the school.

(b) Applicants for admission to a high school who do not qualify for the waiting list A will be entered on the waiting list B.

(3) All applicants for admission to a school must be entered on the waiting list for which they are eligible, in order in which their applications were received by the school.

(4) All available places at the school must be filled—

(a) form waiting list A, in the order of the position of the applicant on waiting list A; or

(b) if places remain after all applicants on waiting list A have been offered places, from waiting list B, in the order of the position of the applicant on waiting list B.

(5) Learners who do not apply within the admission period have no right to the preferential placement as contemplated in sub-regulations (1) and (2)]

(1) This regulation applies to entry phase admissions to a school whose feeder zone has been determined by the Department in terms of regulation 4.

(2) An applicant for an entry phase admission to a school is eligible for admission if—

(a) the applicant learner's place of residence is closest to the school within the feeder zone;

(b) the applicant learner has a sibling attending the school;

(c) the place of employment of at least one of the applicant learner's parents is within the feeder zone of the school;

(d) the applicant learner's place of residence is within a 30 kilometre radius of the school; or

(e) the applicant learner's place of residence is beyond a 30 kilometre radius of the school.

(3) The ranking of the applications for admission shall be in the order of the categories referred to in paragraphs (a) to (e) of subregulation (2) and in the order in which the applications were received.

(4) The Head of Department must place the applicant learners that he or she intends to admit to the school on a waiting list A in terms of categories referred to in paragraphs (a) to (d) of subregulation (2) and those who do not qualify for waiting list A on a waiting list B.

(5) Entry phase learners who do not apply within the application period have no right to preferential placement at schools that are full. These applicants may be placed at schools where there are spaces."

### **Amendment of regulation 11 of Regulations**

11. Regulation 11 of the Regulations is hereby amended by the substitution of the phrase or words "entry grade learner" for "entry phase learner" wherever it occurs or they occur in the Regulation.

### **Amendment of regulation 12 of Regulations**

12. Regulation 12 of the Regulations is hereby amended—

(a) by the substitution for subregulation (1) of the following subregulation:

"(1) The legal and policy framework applicable to learners who are citizens of the Republic of South Africa applies equally to learners who are not citizens of the Republic and whose parents are in possession of a **[permit]valid visa** for temporary or permanent residence issued by the Department of Home Affairs."

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

"(2) A learner who has entered the country on a study **[permit]visa** must, in addition to the documents referred to in regulation 6(1)(a) to **[(e)](g)** present the study **[permit]visa [on admission to]** at the school after completing the online application: Provided that a study visa will only be made available to the school after the school provides the learner with a letter of provisional placement and the application is approved by the Department of Home Affairs."; and

(c) by the substitution in subregulation (5) for paragraph (a) of the following paragraph:

"(a) if the parent fails within **[two weeks]14 school days** of submitting the application to provide proof to the school that he or she has applied for a

permit for temporary or permanent residence or a study permit with the Department of Home Affairs;" .

#### **Amendment of regulation 13 of Regulations**

**13.** Regulation 13 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation:

"(4) A learner who is sixteen years or older and who did not make the required progress must be advised of the assessment, within [7]seven school days of this matter becoming known to the school and referred to the **[respective District office for immediate placement at an Adult]**Department of Higher Education and Training for consideration to be placed at a Community Education and Training Centre." .

#### **Amendment of regulation 16 of Regulations**

**14.** Regulation 16 of the Regulations is hereby amended—

(a) by the substitution for subregulation (1) of the following subregulation:

"(1) If, at the end of the **[application]**admission period, a learner is refused admission to a school, the principal must, inform the parent in writing of his or her rights of objection and appeal under these Regulations."

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

"(2) A parent of a learner who wishes to lodge an objection against a decision contemplated in regulation 5[(7)(c)((iii))](4)(c) may object to the Head of Department within [7]seven school days of being provided with the documents listed in regulation 5[(7)(c)((iii) and (iv))](4)(c) and (d)." .

#### **Addition of regulations 17, 18 and 19 in Regulations**

**15.** The following regulations are hereby added in the Regulations, after regulation 16, respectively:

##### **"Conflict between Admission Policy and Regulations**

**17.** (1) The admission policy of a school, determined by the governing body, may not be inconsistent with a provision of these Regulations.

(2) In an event of any inconsistency between a provision of the admission policy of a school and a provision of these Regulations, the latter applies.

**Delegations**

**18.** (1) The Head of Department may delegate, in writing, to any officer of the Department any power or function conferred or imposed upon the Head of Department in terms of these Regulations.

(2) A delegation in terms of subregulation (1) does not limit or restrict the competence of the Head of Department to exercise any power or perform any function that has been delegated.

(3) The Head of Department may make a delegation subject to any conditions or restrictions that are deemed fit.

(4) The Head of Department may at any time withdraw—  
(a) a delegation made in terms of subregulation (1); and  
(b) or amend any decision made by a delegatee in the exercise of any power or performance of any function delegated in terms of subregulation (1).

**Short title**

**19.** These Regulations are called Regulations Relating to the Admission of Learners at Public Schools, 2001."

**Addition of Annexure F to Regulations**

**16.** The following Annexure is hereby added in the Regulations, after Annexure E:

**"ANNEXURE F***Appeal to MEC regarding feeder zone determinations*

**GAUTENG PROVINCE**  
 Department of Education  
**REPUBLIC OF SOUTH AFRICA**

**To:** MEC  
 Gauteng Department of Education

**From:** Mr/Mrs/Ms/Dr/Prof: \_\_\_\_\_

**APPEAL TO FEEDER ZONE DETERMINATIONS**

**1. I,**  **and**

**ID No.**

(Attach Copy of ID) hereby object to the feeder zone determination  
 of the Name of school \_\_\_\_\_ (as attached).

**2. Provide details of Residential Address**


**3. Contact details**


**4. Explain in detail your Interest in the Process:**


**5. Provide reasons why the feeder zone determination of the school needs to change.  
 Motivate your reasons with evidence, including a map: (add pages if necessary)**



<b>Signature</b>	
<b>Date</b>	

**Short title and commencement**

17. These Regulations are called the Amendments to Regulations Relating to the Admission of Learners to Public Schools, 2019, and comes into operation from the date of publication.

Printed by the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001,  
for the **Gauteng Provincial Administration**, Johannesburg.

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