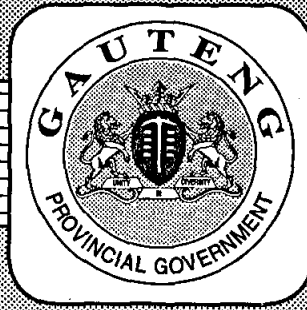


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

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**Vol. 4**

**PRETORIA, 10 SEPTEMBER 1998**

**No. 527**

**GENERAL NOTICE  
ALGEMENE KENNISGEWING**

**NOTICE 2275 OF 1998  
GAUTENG PROVINCIAL LEGISLATURE**

**PUBLICATION OF EXAMINATION AND ASSESSMENT AMENDMENT BILL**

Notice is hereby given that the Member of the Executive Council for Education intends to introduce the Examination and Assessment Amendment Bill in the Legislature as published in this Extraordinary Gazette.

Any person or organisation wishing to comment on this proposed legislation may lodge written comments or representations on or before **1 October 1998** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature  
Gauteng Provincial Legislature  
c/o Committee Co-ordinator (Ms B Mogotlane)  
Private Bag X52  
Johannesburg 2000

*Physical address:*  
Gauteng Provincial Legislature  
Corner President and Loveday Streets  
Johannesburg  
Tel. No: (011) 498-5553  
Fax. No: (011) 498-5719

## General Explanatory Note

—Words underlined with a solid line indicate insertions in the enactments.

### BILL

To amend the Examinations and Assessment Act, 1997 (Act No. 7 of 1997) so as to make provision for additional powers of the Member of the Executive Council to make regulations; to make provision for the delegation of certain powers and duties; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial legislature of Gauteng, as follows: —

#### Amendment of section 17 of Act No. 7 of 1997

1. Section 17 of the Examinations and Assessment Act, 1997 is hereby amended by the addition of the following section:

- "17A. (1) The Member of the Executive Council may make regulations as to—
- (a) security arrangements necessary for the effective administration of any examination, including any assessment procedure or instrument;
  - (b) authorised and unauthorised possession of material to be used in any examination, including any assessment procedure or instrument;
  - (c) authorised and unauthorised access to material to be used in any examination, including any assessment procedure or instrument;
  - (d) the abuse of material to be used in any examination, including any assessment procedure or instrument, to obtain financial or other benefits; and
  - (e) any other irregularity relating to the administration of any examination, including any assessment procedure or instrument.
- (2) The Member of the Executive Council may make regulations which place obligations on public schools regarding the registration of learners enrolled at public schools for examinations conducted by the Department.
- (3) Regulations made under subsection (1) of this section and section 17 may prescribe in respect of any contravention thereof or failure to comply therewith a penalty of a fine or imprisonment not exceeding two years."

**Insertion of section 16A in Act No. 7 of 1997**

2. The following section is hereby inserted after section 16 in the Examinations and Assessment Act, 1997:

**Delegation**

**16A. (1) The Member of the Executive Council may, subject to such conditions as he or she may determine, delegate to the Head of Department or any other person employed by the Department—**

- (a) any power conferred upon the Member of the Executive Council under this Act, except the power to make regulations and the power to determine examination and assessment policy in the Province; and**
- (b) any duty of the Member of the Executive Council in terms of this Act.**

**(2) The Head of Department may, subject to such conditions as he or she may determine, delegate to any person employed in the Department-**

- (a) any power conferred upon the Head of Department under this Act or delegated to him or her in terms of subsection 1(a); and**
- (b) any duty of the Head of Department in terms of this Act or delegated to him or her in terms of subsection (1)(b).**

**(3) Any delegation under subsection (1) or (2) does not prevent the Member of the Executive Council or the Head of Department from exercising such power or performing such duty."**

**Short title**

3. This Act shall be called the Examinations and Assessment Amendment Act, 1998.

## **EXPLANATORY MEMORANDUM**

### **PART A – SOCIAL IMPACT STATEMENT**

#### **Reasons for the Bill**

1 The Bill enables the Member of the Executive Council for Education (MEC) to make regulations which generally provide for enhanced security in the administration of examinations. This is a broad social need given the historical recurring problem of, for example, unauthorised access to and distribution of examination papers prior to examinations sittings, in particular of the Senior Certificate examination.

2 The Bill also enables the MEC to make regulations concerning the registration of learners enrolled at public schools for examinations conducted by the Department.

3 Finally, the Bill enables the MEC and the Head of Department to delegate certain powers and duties.

#### **Possible effects of the Bill**

4 The Bill provides for certain penalties in the event of contravention of the regulations. These penalties may comprise a fine or imprisonment not exceeding two years.

5 More generally, the intended effect of the Bill is to provide for improved administrative arrangements in examinations in the province.

### **PART B – FINANCIAL IMPLICATIONS**

6 There are no financial implications, as the Department has already budgeted as a matter of course for the administration of examinations.

### **PART C – SUMMARY OF PROVISIONS**

7 Clause 1 of the Bill enables the MEC to make regulations regarding security in the administration of examinations; to make regulations regarding the registration of learners enrolled at public schools for examinations conducted by the Department; and enables the imposition of penalties in respect of contravention of the regulations.

8 Clause 2 enables the MEC and the Head of Department to delegate powers and duties; except that the MEC may not delegate the power to make regulations or the power to determine examination and assessment policy in the province.

9 Clause 3 assigns a short title to the Act.

**KENNISGEWING 2275 VAN 1998**

**PROVINSIALE WETGEWER VAN GAUTENG**

**WETSONTWERP OP EKSAMENS EN BEOORDELING,  
1998**

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**soos ingedien**

---

**deur**

**[LID VAN DIE UITVOERENDE RAAD VIR ONDERWYS]**

## Algemene Verduidelikende Nota

—Woorde wat onderstreep is met 'n ononderbroke lyn dui invoegings in die bepalings aan.

### WETSONTWERP

Om die Wet op Eksamens en Beoordeling, 1997 (Wet Nr. 7 van 1997) te wysig om voorsiening te maak vir bykomende bevoegdhede van die Lid van die Uitvoerende Raad om regulasies uit te vaardig; om voorsiening te maak vir die delegering van sekere magte en pligte; en om voorsiening te maak vir sake wat daarmee verband hou.

WORD DAAR BEPAAL deur die Provinsiale Wetgewer van Gauteng, soos volg: —

#### Wysiging van artikel 17 van Wet Nr. 7 van 1997

1. Artikel 17 van die Wet op Eksamens en Beoordeling, 1997 word hiermee gewysig deur die volgende artikel by te voeg:

"17A. (1) Die Lid van die Uitvoerende Raad kan regulasies uitvaardig ten opsigte van—

- (a) sekerheidsmaatreëls wat nodig is vir die doeltreffende administrasie van enige eksamen, met inbegrip van enige beoordelingsprosedure of -instrument;
- (b) gemagtigde en ongemagtigde besit van materiaal om in enige eksamen gebruik te word, met inbegrip van enige beoordelingsprosedure of -instrument;
- (c) gemagtigde en ongemagtigde toegang tot materiaal om in enige eksamen gebruik te word, met inbegrip van enige beoordelingsprosedure of -instrument;
- (d) die misbruik van materiaal om in enige eksamen gebruik te word, met inbegrip van enige beoordelingsprosedure of -instrument, om finansiële of ander voordele te verkry; en
- (e) enige ander onreëlmatigheid ten opsigte van die administrasie van enige eksamen, met inbegrip van enige beoordelingsprosedure of -instrument.

(2) Die Lid van die Uitvoerende Raad kan regulasies uitvaardig wat 'n verpligting op openbare skole plaas ten opsigte van die registrasie van leerders wat by openbare skole ingeskryf is, vir eksamens wat deur die Departement beheer word.

(3) Regulasies wat kragtens subartikel (1) van hierdie artikel en artikel 17 uitgevaardig is, kan ten opsigte van enige oortreding daarvan of versuim om daaraan te voldoen, 'n straf voorskryf van 'n boete of gevangenisstraf wat nie twee jaar te bowe gaan nie."

**Invoeging van artikel 16A in Wet Nr. 7 van 1997**

2. Die volgende artikel word hierme ingevoeg na artikel 16 in die Wet op Eksamens en Beoordeling:

**“Delegasie**

16A. (1) Die Lid van die Uitvoerende Raad kan, onderworpe aan die voorwaardes wat hy of sy bepaal, aan die Departementshoof of enigiemand anders in diens van die Departement die volgende deleger—

(a) enige bevoegdheid wat kragtens hierdie Wet aan die Lid van die Uitvoerende Raad opgelê is, behalwe die bevoegdheid om regulasies uit te vaardig en die bevoegdheid om eksamen- en beoordelingsbeleid in die Provinsie te bepaal; en

(b) enige plig van die Lid van die Uitvoerende Raad kragtens hierdie Wet.

(2) Die Lid van die Uitvoerende Raad kan, onderworpe aan die voorwaardes wat hy of sy mag bepaal, aan enigiemand in diens van die Departement die volgende deleger—

(a) enige bevoegdheid wat aan die Departementshoof opgelê is kragtens hierdie Wet of wat aan hom of haar gedelegeer is kragtens subartikel (1)(a); en

(b) enige plig van die Departementshoof kragtens hierdie Wet of wat aan hom of haar gedelegeer is kragtens subartikel (1)(b).

(3) Enige delegasie ingevolge subartikel (1) of (2) weerhou nie die Lid van die Uitvoerende Raad of die Departementshoof daarvan om die betrokke bevoegdheid of plig uit te voer nie.”

**Kort titel**

3. Hierdie Wet staan bekend as die Wet op Eksamens en Beoordeling, 1998.

## VERDUIDELIKENDE MEMORANDUM

### DEEL A: SOSIALE IMPAKSTELLING

#### Redes vir die Wetsontwerp

1 Die Wetsontwerp stel die Lid van die Uitvoerende Raad vir Onderwys (LUR) in staat om regulasies uit te vaardig wat oor die algemeen voorsiening maak vir verbeterde sekerheid in die administrasie van eksamens. Dit is 'n breë sosiale behoefte, gegewe die historiese herhaalde probleem van, byvoorbeeld, ongemagtigde toegang tot en verspreiding van eksamenvraestelle voor eksamensittings, veral in die Senior Sertifikaat eksamen.

2 Die Wetsontwerp stel ook die LUR in staat om regulasies uit te vaardig ten opsigte van die registrasie van leerders wat by openbare skole ingeskryf is vir eksamens wat deur die Departement bestuur word.

3 Ten slotte stel die Wetsontwerp die LUR en die Departementshoof in staat om sekere bevoegdhede en pligte te delegeer.

#### Moontlike uitwerking van die Wetsontwerp

4 Die Wetsontwerp maak voorsiening vir sekere strawwe in geval van oortreding van die regulasies. Hierdie strawwe kan 'n boete behels, of gevangenisstraf van hoogstens twee jaar.

5 Meer oor die algemeen is die bedoelde uitwerking van die Wetsontwerp om voorsiening te maak vir verbeterde administratiewe reëlings vir eksamens in die Provinsie.

### DEEL B: FINANSIËLE IMPLIKASIES

6 Daar is geen finansiële implikasies nie, aangesien die Departement reeds in die normale gang begroot het vir die administrasie van eksamens.

### DEEL C: OPSOMMING VAN BEPALINGS

7 Artikel 1 van die Wetsontwerp stel die LUR in staat om regulasies uit te vaardig ten opsigte van sekerheid in die administrasie van eksamens; om regulasies uit te vaardig ten opsigte van die registrasie van leerders wat by openbare skole ingeskryf is vir eksamens wat deur die Departement bestuur word; en maak voorsiening vir die oplegging van strawwe ten opsigte van oortreding van die regulasies.

8 Artikel 2 stel die LUR en die Departementshoof in staat om bevoegdhede en pligte te delegeer; behalwe dat die LUR nie die bevoegdheid om regulasies uit te vaardig of die bevoegdheid om eksamen- en beoordelingsbeleid in die Provinsie te bepaal, kan delegeer nie.

9 Klousule 3 ken 'n kort titel aan die Wet toe.



NOTICE 2275 OF 1998

**LEKGOTLATHERAMOLAO LA PROFENSI  
YA GAUTENG**

**MOLAOKAKANYWA WO O FETOŠITŠWEGO WA  
DITLHAHLOBO LE DITEKOLO, 1998**

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bjalo ka ge o tšeleditšwe

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ke

**[LELOKO LA KHANSELE PHETHIŠI LEO LE RWELEGO MAIKARABELO A  
THUTO]**

## Hlalošo-kakaretšo

—Mantšu ao a thaletšwego ka mothalo wo mokoto a bontšha tšeo di tsentšhitšwego le.

## MOLAOKAKANYWA

Go felola molao wa Ditlhatlhobo le Diteko wa 1997, (Molao wa Nomoro 7 wa 1997) go fa Leloko la Khansele Phethiši maatla a mangwe a oketšwego go dira melawana ya tšhepedišo; go dira gore go fetišetšwe maatla a mangwe le mešomo; le go beakanyetša dilo tse mabapi le tše.

O LAETSWA ke Lekgotlatheramolao la Profensi ya Gauteng ka tsela ye e latelago: —

Phetošo ya karolo 17 ya Molao wa No. 7 wa 1997

1. Karolo ya 17 ya Molao wa Ditlhatlhobo le Ditekolo, 1997 e fetolwa ka oketšo ya karolo e latelago:

"17A. (1) Leloko la Khansele Phethiši le ka dira melawana ya tšhepedišo mabapi le—

(a) polokego yeo e hlokegago gore ditlhatlhobo di sepele gabotse, go akaretšwa le mokgwa ofe goba ofe wa ditekolo goba setlabelwa;

(b) goba le tšeo di dumeletšwego le tšeo di sa dumelelwago go ditlhatlhobo dife goba dife, go akaretšwa le mokgwa ofe goba ofe wa ditekolo goba setlabelwa;

(c) go fithelela setlabelo sefe goba sefe seo se tla šomišwago ka gare ga lefelo la ditlhatlhobo, go akaretšwa mokgwa ofe goba ofe wa ditekolo goba setlabelo;

(d) tšhomišo-mpe ya setlabelo sefe goba sefe seo se tlogo šomišwa go ditlhatlhobo dife goba dife, go akaretšwa le mokgwa ofe goba ofe wa tekolo le goba setlabelo, ka maikaelelo a go dira tšhelete goba go hwetša go holega ka tsela ye nngwe; le

(e) le go se šome gabotse go tšhepedišo ya tlhatlhobo efe goba efe; go akaretša le mokgwa ofe goba ofe wa tekolo goba setlabelo.

(2) Leloko la Khansele Phethiši le ka dira melawana ya tšhepedišo yeo e tlamago dikolo tša mmušo mabapi le go ngwadiša baithuti bao ba tlogo ngwala ditlhatlhobo dikolong tša mmušo tše tšhepedišwang ke Kgoro.

(3) Melawana ye e dirwago ka tlase ga (1) ya karolo ye le karolo 17 e ka laela kotlo mabapi le tlolo ya melawana ya tšhepedišo, tefo goba go ya kqolegong mengwaga yeo e sa fetego ye mebedi."

**Go tsentšha karolo 16A go Molao wa No. 7 wa 1997**

2. Karolo ye e latelago e tsentšhwa morago ga karolo 16 go Molao Ditlhatlhobo le Ditekolo wa 1997:

**"Go fitšetša maatla**

16A, (1) Leloko la Khansele Phethiši le ka re ka tlase ga mabaka ao le a beago, la fetšetša maatla afe goba afe ao le nago le wona go Hlogo ya Kgoro goba go motho o mongwe yeo a hirilewego ke Kgoro—

(a) maatla afe goba afe go sa akaretšwe maatla ao a filwego Leloko la Khansele Phethisi ka tlase ga Molao wo, ntle a go dira melawana le go bea pholisi ya ditlhatlhobo le diteko ka gare ga Profensi; le

(b) boikarabelo bofe goba bofe bja Leloko la Khansele Phethiši ka go latela Molao wo.

(2) Hlogo ya Kgoro e kare ka tlase ga mabaka ao e ka a beago, ya fetšetša boikarabelo bofe goba bofe go motho mang goba mang yo a hirilewego ke Kgoro—

(a) maikakarabelo afe goba afe ao a filwego Hlogo ya Kgoro ka tlase ga Molao goba a fetšeditšwe go yena ka go latela karolwana ya (1)(a); le

(b) boikarabelo bofe goba bofe bja hlogo ya Kgoro ka go latela Molao wo goba bo fetšeditšwe go yona ka go latela karolwana ya (1)(b).

(3) Phetšetšo efe goba efe ka tlase ga dikarolwana tša (1) le (2) ga e thibele Leloko la Khansele Phethiši goba Hlogo ya Kgoro gore e phethagatše maatla goba maikarabelo ao."

**Leina ka boripane**

3. Molao wo o tla bitšwa Molao wa Ditlhatlhobo le Diteko, 1998.

**MEMORANTAMO WA HLALOŠO****KAROLO A - DITLAMORAGO GO SETŠHABA****Mabaka a Molaokakanywa**

1 Molaokakanywa o kgontšha Leloko la Khansele Phethiši leo le rwelego maikarabelo a Thuto gore le dire melawana yeo ka kakaretšo e fanago ka tšhireletšo ye kaone ge go sepedišwa ditlhahlobo. Se se hlokwa ke bontšhi bja batho gagolo ge re lebeletše taba ya gore ka nako tšeo di fetilego go be go hwetšagala dipampiri tša ditlhahlobo pele di ka ngwalwa, gagolo tša marematlou.

2 Molaokakanywa gape o dumelela Leloko gore le dire melawana ya tshepedišo mabapi le go ngwadiša baithuti bao ba lego go dikolo tša mmušo gore ba tsenele ditlhahlobo tšeo di sepedišwago ke Kgoro.

3 Molaokakanywa gape o kgontšha Leloko le Hlogo ya Kgoro gore ba fetisetše maatla le mešomo ya bona.

**Ditlamorago tšeo di ka tlišwago ke Molaokakanywa**

4 Molao o beakanyetša dikotlo tše itšego ge go ka tshelwa melawana ya tshepedišo. Dikotlo tše di ka tla ka mokgwa wa faene goba go golegwa mo go sa fetego mengwaga ye mebedi.

5 Bogolo šeo Molaokakanywa o nyakagogo se fihlela ke go beakanyetša tshepedišo ye kaone ya ditlhahlobo le diteko ka gare ga profensi.

**KAROLO B - DITLAMORAGO TŠA MATLOTLO**

6 Gago ditlamorago tša matlotlo, ka ge Kgoro e šetše e bajetetše tshepedišo ya dithahlobo.

**KAROLO C - KOPAFATŠO YA DITAELO**

7 Karolo ya 1 ya Molaokakanywa e kgontšha Leloko gore le dire melawana ya tshepedišo mabapi le tšhireletšo ge go sepedišwa ditlhahlobo; gore le dire melawana mabapi le boingwadišo bja baithuti go dikolo tša setšhaba gore ba ngwalele ditlhahlobo fao gomme ditlhahlobo tšeo di sepedišwa ke Kgoro; le go kgontšha go rweša dikotlo ge go tshetšwe melawana.

8 Karolo ya 2 e kgontšha Leloko le Hlogo ya Kgoro gore ba fetisetša maatla le mešomo ya bona; ntle le gore Leloko le ka se fetisetše maatla a go dira melawana goba maatla a go bea pholisi ya ditlhahlobo le diteko ka profensing.

9 Karolo 3 e fa Molao leina ka boripana.

NOTICE 2275 OF 1998

**ISISHAYAMTHETHO SEPROVINSI YASE-GAUTENG**

**UMTHETHO-SIVIVINYWA WEZICHIBIYELO  
ZOVIVINYO NOKUHLOLA KA 1998**

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**Njengoba wethulwe**

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**[LUNGU LEKHABHINETHI YEPROVINSI ELIBHEKENE NEMFUNDO]**

## Incazelo ebanzi

—Amagama anolayini ngaphansi kwawo akhombisa okufakelwe kumthetho.

### UMTHETHO-SIVIVINYWA

Ukuchibiyela uMthetho woVivinyo nokuHlola ka 1997 (i-Act/ uMthetho No. 7 ka 1997), ukwenzela ukungezela amandla (amagunya) eLungu leKhabhinethi yeProvinsi, ukuthi lenze imitheshwana yenqubo (regulations); ukwenzela ukunikeza (ukugunyaza) ngamanye amandla nemisebenzi; kanye nokulungiselela izinto ezihambelana nalokhu.

**NGAKHOKE KWENZIWE UMTHETHO yiSishayamthetho seProvinsi yase-Gauteng, ngokulandelayo:—**

**Isichibiyelo sesigaba 17 soMthetho wokuvivinya nokuhlola, 1997 (i-Act No. 7 ka 1997)**

1. Lapha iSigaba 17 soMthetho wokuvivinya nokuhlola ka 1997 (i-Act No. 7 ka 1997) sichitshiyelwa ngokungezela isigaba esilandelayo:

**"17A. (1) ILungu leKhabhinethi yeProvinsi lingenza imitheshwana yenqubo (regulations) ngokulandelayo—**

- (a) ngamalungiselelo okuvikeleka afanele okuqhutshwa kwanoma yiluphi uvivinyo, okubandakanya noma yiyiphi inqubo yokuhlola noma i-instrument (esetshenziswayo);
- (b) ukuba nemibhalo (material) egunyaziwe noma engagunyaziwe okusetshenziswa kunoma yiluphi uvivinyo, okubandakanya noma yiyiphi inqubo yokuhlola noma i-instrument (okusetshenziswayo);
- (c) ukuthola (ukufinyelela) imibhalo (material) egunyaziwe noma engagunyaziwe ezosetshenziswa kunoma yiluphi uvivinyo, okubandakanya noma yiyiphi inqubo yokuhlola noma i-instrument (okusetshenziswayo);
- (d) ukusetshenziswa budedengu kwemibhalo (material) ezosetshenziswa kunoma yiluphi uvivinyo, okubandakanya noma yiyiphi inqubo yokuhlola noma i-instrument (okusetshenziswayo), ukuthola imali noma ukuzuza okunye; kanye
- (e) nanoma yiyiphi into ehamba ngendlela engafanele maqondana nokuqhutshwa kovivinyo okubandakanya noma yiyiphi inqubo yokuhlola noma i-instrument (okusetshenziswayo).

**(2) ILungu leKhabhinethi yeProvinsi lingenza imitheshwana yenqubo (regulations) ephogelela izikole zikahulumeni maqondana nokubhalisa (irejistreshini) abafundi abakuleso sikole sikahulumeni, ukubhalisela uvivinyo oluqhutshwa nguMnyango (yiDiphatimenti).**

**(3) Imitheshwana yenqubo (regulations) evenziwe ngaphansi kwesigatshana (1) sesigaba 17 ingabeka i-penalty (ukujeziswa) ngefavini, noma ukuyiswa ejele isikhathi esingeqi kuminyaka emibili, uma umuntu enze okuphikisana nemitheshwana yenqubo."**

**Ukufakela isigaba 16A kuMthetho (i-Act) ka No. 7 ka 1997**

2. Lapha kufakelwa isigaba esisha ngemuva kwesigaba 16 kuMthetho wokuvivinya nokuhlola ka 1997:

**"Ukugunyaza (ukunikeza amandla)**

**16A. (1) ILungu leKhabhinethi yeProvinsi lingathi ngokulandela izimo ezingabekwa yilo linikeze (ligunyaze) iNhloko yeDiphatimenti (yoMnyango noma omunye umuntu oqashwe nguMnyango—**

**(a) noma yiwaphi amandla iLungu leKhabhinethi yeProvinsi elinawo ngaphansi kwaloMthetho (le-Act), ngaphandle kwamandla okwenza imitheshwana yenqubo (regulations), kanye namandla okubeka (okunquma) ngomgomo wovivinyo nokuhlola kuProvinsi; kanye**

**(b) nanoma yimuphi omunye umsebenzi iLungu leKhabhinethi yeProvinsi elinawo ngokulandela loMthetho (le-Act).**

**(2) INhloko yoMnyango (yeDiphatimenti) ingathi ngokulandela izimo ezibekwe yiyo, inike noma ngubani amandla kqashwe nguMnyango (yiDiphatimenti) —**

**(a) noma yimaphi amandla iNhloko yoMnyango enawo ngaphansi kwaloMthetho, noma eligunyazwe wona ngokulandela isigatshana 1(a); kanye**

**(b) nanoma yimuphi umsebenzi iNhloko yeDiphatimenti (yoMnyango) enawo ngokulandela loMthetho, noma eligunyazwe wona ngokulandela isigatshana 1(b).**

**(3) Noma yiluphi ugunyaziso ngamandla iNhloko yoMnyango egunyaza ngawo ngokulandela izigatshana (1) no (2), lokhu akuvimbeli iLungu leKhabhinethi yeProvinsi noma iNhloko yoMnyango, kuye ngalokho isimo esiyikho, ukuthi lisebenzise (isebenzise) lawo mandla noma ekwenzeni lowo msebenzi kuye ngalokho isimo esiyikho."**

**isihloko esifishane**

3. Le-Act (loMthetho) uzobizwa ngokuthi uMthetho wovivinyo noHlolo, ka 1998.

## MEMORANDAMU YENCAZELO

### INGXENYE A - IMIPHUMELA EMIPHAKATHINI (KUBANTU)

#### Izizathu zoMthetho-sivivinywa

1 UMthetho-sivivinywa wenza ukuthi iLungu leKhabhinethi yeProvinsi elibhekene nezemfundo (MEC) likwazi ukwenza imitheshwana yenqubo (regulations) ngokunabile ebonelela ukuthuthukisa kokuvikeleka kwendlela yokuphathwa (administration) kovivinyo nohlolo. Lokhu kuyisidingo esikhulu emphakathini ngenxa yezinkinga ebizilokhu zenzeka njalo emlandwini, isilinganiso, ukuthi abantu bathole nokufinyelela ngokungagunyaziwe amaphepha ovivinyo nohlolo nokuwasabalalisa ngaphambi kovivinyo, ikakhulukazi kuvivinyo lweZitifikedi zebanga eliphezulu (Senior Certificate examination).

2 UMthetho-sivivinywa wenza ukuthi u-MEC akwazi ukwenza imitheshwana yenqubo (regulations) maqondana nokubhaliswa (irejistreshini) yabafundi ezikoleni zikahulumeni, ukubhalisela ukuhlolwa novivinyo ezikoleni zikahulumeni, kuvivinyo nohlolo oluqhutshwa yiDiphatimenti (nguMnyango).

3 Okokugcina uMthetho-sivivinywa wenza ukuthi u-MEC kanye neNhloko yoMnyango (yeDiphatimenti) bakwazi ukugunyaza (ukunikeza) amanye amandla nemisebenzi.

#### Okungacishe kube yimiphumela yoMthetho-sivivinywa

4 UMthetho-sivivinywa ubeka ukuthi kube nama-penalty (ukujeziswa) uma kwenziwe izinto eziphikisana nemitheshwana yenqubo (regulations). Lama-penalty angaba yifayini noma ukuya ejele isikhathi esingeqile kuminyaka emibili.

5 Ngokunabile, okuhloswe ngaloMthetho-sivivinywa, ukuthuthukisa indlela uvivinyo nokuhlolwa okuphathwa ngayo kuprovinsi.

### INGXENYE B - IMIPHUMELA KWEZEZIMALI

6 Akukho miphumela kwezezimali ngoba iDiphatimenti (uMnyango) usuvele uyenzile ibhajethi kunqubo yezokuphatha uvivinyo nohlolo.

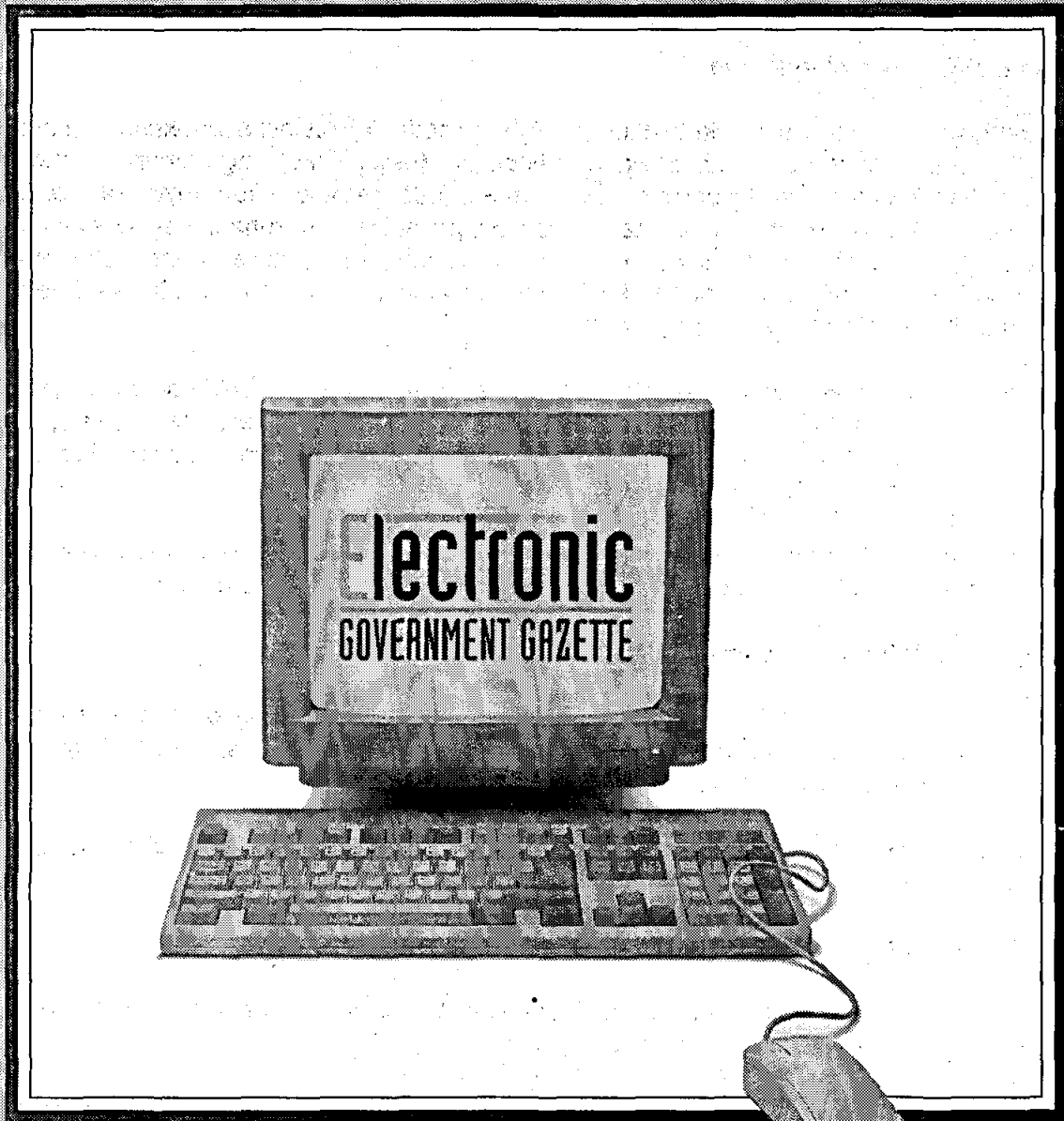
### INGXENYE C - ISISHWANKATHELO (ISAMARI) YAMALUNGISELELO (KOKUBEKWE KUMTHETHO-SIVIVINYWA)

7 Isigaba 1 soMthetho-sivivinywa senza ukuthi u-MEC akwazi ukwenza imitheshwana yenqubo (regulations) maqondana nokuvikeleka kokuphathwa kovivinyo (uhlolo); ukwenza imitheshwana yenqubo maqondana nokubhaliswa (irejistreshini) yabafundi abakuzikole zikahulumeni, uvivinyo (uhlolo) lwazo oluqhutshwa yiDiphatimenti (nguMnyango); kanye nokwenza ukuthi kube nama-penalty kulabo abenza okuphikisana nemitheshwana yenqubo ebekiwe.

8 Isigaba 2 senza ukuthi u-MEC kanye neNhloko yeDiphatimenti (yoMnyango) bakwazi ukugunyaza (ukunikeza) ngamandla nemisebenzi; ngaphandle kokuthi u-MEC ngeke anikeza ngamandla okwenza imitheshwana yenqubo (regulations) noma amandla okubeka (okunquma ngomgomo wovivinyo nokuhlola kuprovinsi).

9 Isigaba 3 sibeka isihloko esifishane soMthetho.





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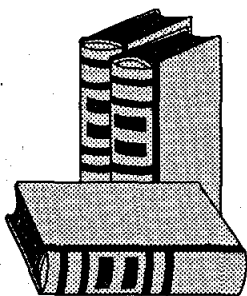
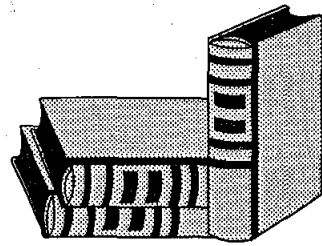
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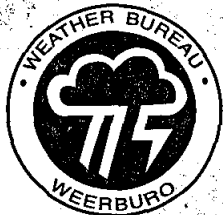
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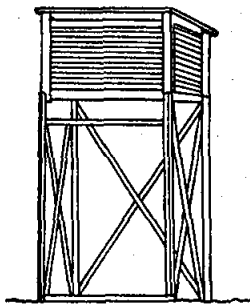
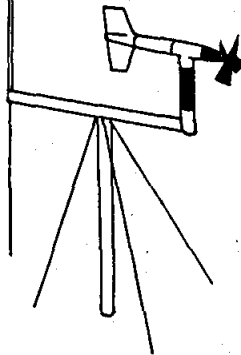
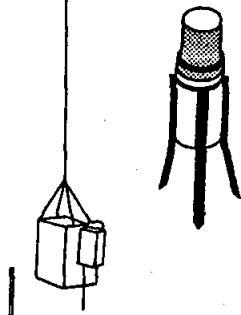
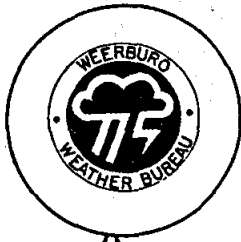
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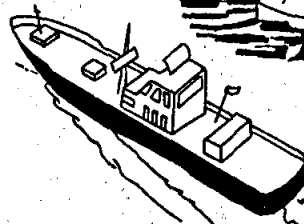
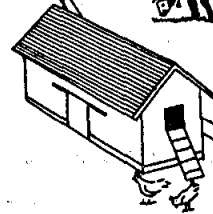
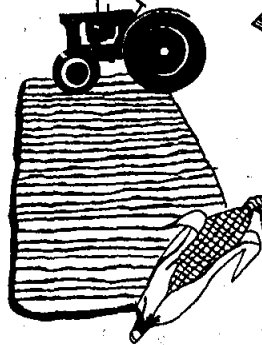
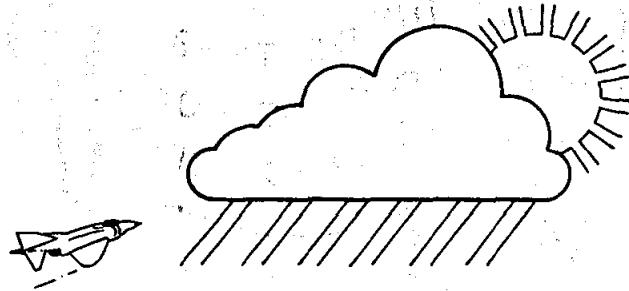
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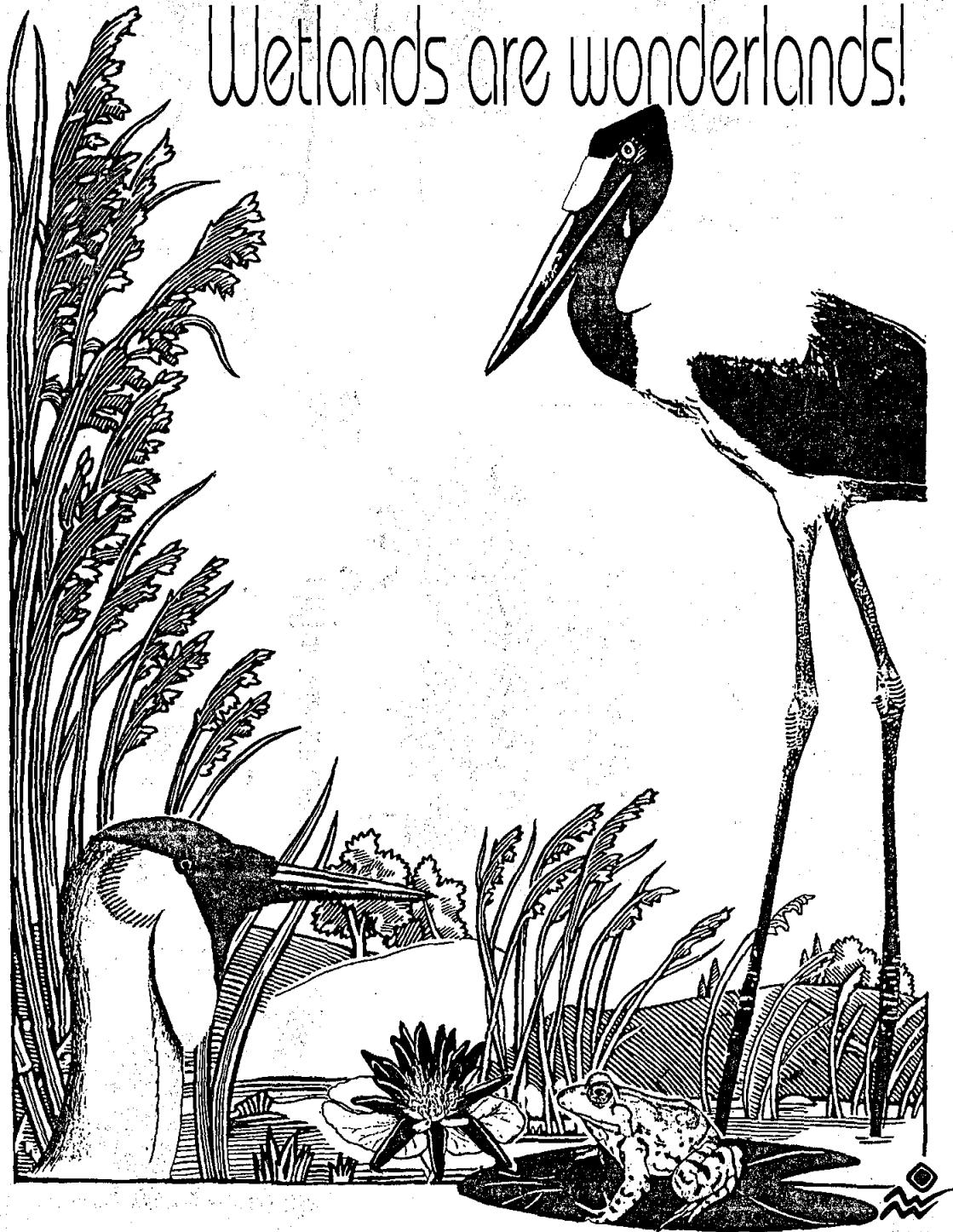
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