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ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat,
Kaapstad.

ISIBHENGEZO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
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Wale Street,
eKapa.

NOTICE**PROVINCE OF THE WESTERN CAPE**

P.N. 361/2012

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REGULATIONS RELATING TO THE MANAGEMENT AND CONTROL OF HOSTELS AT PUBLIC SCHOOLS AND THE CONTROL OVER THE IMMOVABLE PROPERTY AND EQUIPMENT OF HOSTELS UNDER THE WESTERN CAPE EDUCATION DEPARTMENT

In terms of section 63(1)(a) of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), the Provincial Minister responsible for education in the Western Cape makes the regulations as set out in the following Schedule.

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Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, has the same meaning to it, and unless the context otherwise indicates—
- “**district hostel coordinator**” means the officer responsible for the coordination of hostel management and services in the education district;
- “**hostel boarder**” means a learner who lives in a hostel during school term;
- “**hostel committee**” means a sub-committee of the governing body which is tasked with overseeing the governance and supporting the management of the hostel;
- “**norms and standards for school funding**” means school funding approved by the Minister of Basic Education as defined in section 1 of the South African Schools Act, 1996 (Act 84 of 1996);
- “**principal**” means an educator appointed or acting as the head of a school to which a hostel is attached;
- “**provincial hostel coordinator**” means the officer responsible for the coordination of hostel management and services in the province;
- “**superintendent**” means a person who manages and oversees the activities at a hostel;
- “**supervisor**” means an educator or non-educator appointed to do supervisory duties at a hostel; and
- “**the Act**” means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

Establishment of hostels

2. (1) The Provincial Minister may, out of moneys appropriated for this purpose by the Provincial Parliament, establish and maintain hostels for public schools.
- (2) Depending on the needs of a school, the Provincial Minister may make provision for gender-specific school hostels.

Closing of hostels

3. (1) The Provincial Minister may, after consultation with the governing body of the public school concerned, close a hostel referred to in regulation 2(1).
- (2) The Provincial Minister may not act under sub-regulation (1) unless he or she has—
- informed the governing body of the school of his or her intention to act and his or her reasons therefor;
 - granted the governing body of the school a reasonable opportunity to make representations to him or her in relation to such action;
 - conducted a public hearing on reasonable notice, to enable the community to make representations to him or her in relation to such action; and
 - given due consideration to any such representations received.
- (3) If a hostel is closed in terms of sub-regulation (1), all assets and liabilities of that hostel must, subject to the conditions of any donation, bequest or trust contemplated in section 37(4) of the South African Schools Act, 1996 (Act 84 of 1996) devolve on the State, unless otherwise agreed between the Provincial Minister and the governing body of the school.

Basic infrastructure requirements

4. (1) The following infrastructure must be made progressively available for learners and employees at a hostel—
- personal space in accordance with the space norms that will be determined by the Department, for sleeping and for belongings, with suitable furniture for the number of learners;
 - appropriate separation between genders and age groups;
 - quiet area for study and homework;
 - space for dining;
 - space for entertainment and recreation;
 - space to meet with friends, family and significant people in private without disrupting others;
 - laundry facilities;
 - appropriately fitted bathrooms, showers and toilets for hostel boarders, live-in staff and other employees that are designed in such a way that staff are able to open them from the outside in case of an emergency;
 - space for health care, such as sick rooms or sick bays, with an appropriate first-aid kit and ample space for mobile clinic services if these are made available to the school;
 - safe and secure space for playing, appropriate to the learners’ ages, where access is monitored;
 - staff accommodation for those employees responsible for the management of the facilities and for the care of the learners;
 - kitchen space for the preparation of food, cooking, food and crockery storage, a scullery and control room for management purposes; and

(m) administration space for administration matters.

Governance and management of hostels

5. (1) Subject to these regulations and section 13(1) of the Act, the governance of a hostel is vested in the governing body of the school.
- (2) The governing body must perform its functions and obligations in accordance with the provisions of the Act and these regulations.

Authority and general functions of Head of Department

6. (1) In addition to the functions assigned to the Head of Department in terms of section 7 of the Act and any other applicable law, he or she, or his or her delegate, shall appoint a superintendent and other additional staff at the hostel after consultation with the governing body.
- (2) The Head of Department may—
 - (a) after due process, terminate the services of the superintendent or a member of the supervisory staff at the hostel, on good cause shown;
 - (b) in terms of section 9 of the Act, either generally or in a specific case, authorise, in writing, a person to visit and assess a hostel, after consultation with the principal of the school;
 - (c) introduce reasonable measures to ensure effective disease management at hostels;
 - (d) appoint a provincial hostel coordinator who shall be responsible for the coordination of hostel management and services; and
 - (e) appoint district hostel coordinators responsible for the coordination of hostel management and services in the districts.

Roles and responsibilities of District Director

7. In terms of the provisions of the Act, the District Director manages—
 - (1) orientation in relation to policies and guidelines regarding the management of hostels to principals, senior management teams and hostel superintendents;
 - (2) site visits referred to in regulation 6(2)(b) to monitor the functionality of hostels within the districts;
 - (3) the compilation of district reports using collected data and forwards them to the responsible provincial hostel coordinator; and
 - (4) administrative and managerial support to hostels on a regular basis, based on matters identified in the reports referred to in sub-regulation (3) or in section 9 of the Act.

Functions of governing bodies

8. (1) In addition to the functions allocated to the governing body of a public school, in terms of sections 20 and 21 of the South African Schools Act 1996, the governing body must—
 - (a) appoint a hostel committee in terms of section 23(1) of the Act; and
 - (b) implement policy as stipulated by these regulations and other relevant provincial policies for the effective management and control of the hostel and control over the immovable property and equipment of the hostel.
- (2) The governing body may, in terms of section 23(5) of the Act, at any time dissolve or recompose the hostel committee contemplated in sub-regulation (1)(a).

Composition of hostel committee and term of office of hostel committee members

9. (1) The hostel committee established in terms of sub-regulation 8(1)(a) must consist of the following members—
 - (a) principal;
 - (b) superintendent;
 - (c) chairperson elected from the parent component of the governing body; and
 - (d) three, but not fewer than one parent, who shall be a parent of a hostel boarder.
- (2) The hostel committee may co-opt a person or persons on the strength of their particular knowledge and expertise to assist in the discharge of its functions.
- (3) Co-opted members do not have voting rights on the hostel committee.
- (4) The term of office of members of the hostel committee may not be longer than three years effective from the date of appointment.
- (5) A member of the hostel committee may be reappointed after expiry of his or her term of office.
- (6) The governing body may, after due process, discharge a member from the hostel committee on good cause shown.
- (7) A vacancy shall occur in the hostel committee when—
 - (a) a member dies;

- (b) a member resigns;
 - (c) a member has been absent from three consecutive meetings of the hostel committee without leave;
 - (d) the governing body discharges a member in terms of sub-regulation (6); or
 - (e) a parent member's child ceases to be a learner at that school.
- (8) When a vacancy occurs in the hostel committee, the governing body must appoint a new member to hold office for the unexpired portion of the period of office of the hostel committee member.
- (9) No member of a hostel committee may be remunerated in any way for the performance of his or her duties.
- (10) A member of a hostel committee may be reimbursed for actual expenses incurred in the execution of his or her duties, except for expenses incurred in travelling to and from hostel committee meetings.

Meetings of hostel committee

10. (1) The chairperson of a hostel committee, who is a parent member of the governing body, must determine the date, time and place of a meeting, which should take place at least once per quarter.
- (2) The hostel committee must keep minutes of the proceedings of every meeting and must provide the governing body or any person designated by the governing body with a copy of such minutes.
- (3) The minutes of the proceedings of every meeting of the hostel committee must be submitted at the next ensuing meeting of the hostel committee for approval.

Functions of hostel committee

11. (1) The hostel committee must—
- (a) make recommendations to the governing body in connection with hostel governance;
 - (b) make recommendations to the governing body, hostel superintendent and principal of the school in connection with the management of the hostel;
 - (c) ensure that the duties at the hostel are performed effectively;
 - (d) recommend to the governing body that an inquiry be instituted if any member of the staff of the hostel is unable to carry out his or her duties effectively;
 - (e) advise the principal of the school on all matters concerning the hostel;
 - (f) deliberate on matters referred to the hostel committee by the principal;
 - (g) develop, with the principal, the superintendent and the governing body, the policies necessary for the effective functioning of the hostel; which must include at least an access control policy for the hostel;
 - (h) ensure that proper procedures are in place and financial management guidelines are followed;
 - (i) administer oversight over hostel funds, in accordance with the instructions of the governing body and relevant legislation and policies; and
 - (j) exercise general oversight over the maintenance of the grounds, buildings, furniture and equipment of the hostel.

Maintenance of hostel facilities

12. (1) The governing body is responsible for the day-to-day maintenance of hostel facilities such as refuse removal, minor repairs, painting, municipal services and routine maintenance of grounds, furniture and equipment.
- (2) The Western Cape Education Department is responsible for capital costs such as planned or scheduled maintenance, rehabilitation and renovations. This is provided in accordance with school maintenance guidelines and the National Norms and Standards for School Funding.
- (3) The Western Cape Education Department must allocate maintenance funds for scheduled maintenance for hostels per capita and per poverty ranking. The funds must be earmarked for maintenance of hostel facilities and transferred in line with the National Norms and Standards for School Funding.
- (4) The day-to-day running of the hostel, such as the provision of food and cleaning materials, must be covered out of hostel fees and is the responsibility of the governing body. The allocations for scheduled maintenance by the Head of Department, as contemplated by sub-regulation (2), may not be used for this purpose.

Management and control of immovable property and equipment

13. (1) In terms of section 21A(1)(h) of the Act, a governing body of a public school shall administer and control the school's property and buildings and the grounds occupied by the school, including school hostels.
- (2) The governing body must appoint in writing an asset officer to be responsible for the custodianship of the hostel's immovable property and equipment.

- (3) The asset officer must ensure that:
- (a) equipment is marked for identification with permanent black ink, paint, a stamp or other suitable permanent marking;
 - (b) equipment is used only for the purpose intended;
 - (c) equipment is physically secured to prevent theft or misuse;
 - (d) insurance is taken out for significant assets; and
 - (e) a fixed-asset register is maintained, containing the following details, in respect of all fixed-assets—
 - (i) type and description of the asset;
 - (ii) custodian of the asset;
 - (iii) date of purchase or donation;
 - (iv) cost price or accumulated depreciation or net book value;
 - (v) useful life of the asset;
 - (vi) location of the asset;
 - (vii) asset number which is internally generated for control purposes; and
 - (viii) serial number.
- (4) A loss-control register must be maintained and the asset officer must report regularly, at least once a quarter, to the hostel committee with regard to losses, theft and condition of the assets.
- (5) The governing body should appoint a disposal committee to implement the procedure and policy regarding the disposal of fixed assets.
- (6) The disposal committee should have a member of the governing body as its chairperson.
- (7) An effort should be made to share surplus equipment and move unused items to a place where there is a need.
- (8) The disposal committee is responsible for establishing the price and negotiating the disposal with other institutions.
- (9) Once the asset is out of the custody and control of the school or hostel, the asset register must be updated.
- (10) When an asset is disposed of, it must be removed from the financial records.
- (11) The procedure to dispose of assets is as follows—
- (a) the governing body must approve the recommendations of the disposal of assets by the disposal committee;
 - (b) the name of the individual or the school or hostel that receives the asset must be recorded;
 - (c) in the case of sales, the name of the purchaser must be recorded, along with the selling price; and
 - (d) all funds received must be banked into the hostel's account.

Financial and asset management

- 14.** (1) Subject to section 50 of the Act, the governing body of a public school is responsible for managing the finances and assets of a public school to which a hostel is attached in accordance with directions issued by the Head of Department.
- (2) The governing body shall determine and charge boarding fees in terms of section 49 of the Act, and in accordance with the National Norms and Standards for School Funding.
- (3) The parent of a learner or the person to whom boarding is provided shall pay such boarding fees as determined by the governing body.
- (4) The governing body may exempt any learner or category of learners in whole or in part from the payment of the boarding fees contemplated in sub-regulation (2).
- (5) The governing body must deposit the boarding fees and voluntary contributions received in the bank account of the school, but schools with hostels must keep separate account of all recurrent costs associated with hostels.
- (6) Where the books of the hostel are kept separate from the books of the school, they shall be audited at the same time as the annual school audit and by the same auditor.

Annual budget

- 15.** (1) Subject to the provisions of section 51 of the Act, the governing body of the public school to which a hostel is attached, in conjunction with the hostel committee, must annually prepare a budget for the hostel in accordance with the guidelines determined by the Provincial Minister, with the concurrence of the financial head.
- (2) The governing body shall deal with the financial records of the hostel in accordance with directions issued by the Head of Department.

Funding and hostel subsidies

16. (1) The Provincial Minister may, out of moneys appropriated for education, provide, on such basis and subject to conditions as he or she may determine —
- (a) financial or other material aid to maintain a hostel; and
 - (b) financial aid to a hostel boarder.
- (2) Subject to sub-regulation (1), the Act, and any applicable law, funds may be allocated for —
- (a) scheduled maintenance of hostel facilities;
 - (b) emergency repairs to and maintenance of hostel facilities; and
 - (c) financial aid in the form of a hostel subsidy.
- (3) Schools with hostels must charge each learner staying in a hostel a hostel fee, equal to the average running costs per learner in a hostel.
- (4) Parents of learners may apply annually to the Head of Department, in accordance with procedures determined by him or her, for a hostel subsidy in terms of sub-regulations (1) and (2)(c).
- (5) The Head of Department may determine the basis, the conditions and the amount for the allocation of a hostel subsidy to a learner, based on the average running costs of a hostel, and shall annually review the hostel subsidy.
- (6) Hostel subsidies that are approved in terms of sub-regulation (4) shall be paid to the school and utilised for the provision of services to hostel boarders and the day-to-day running of the hostel.
- (7) The funding norms also provide criteria to determine the eligibility of learners to be subsidised, namely those learners—
- (a) who walk 5 kilometres or more to and from the nearest school;
 - (b) for whom there are no available school places near the learner's parents' place of residence;
 - (c) whose transport time from home to school is greater than 1,5 hours; and
 - (d) whose parents cannot afford the per learner hostel fees.
- (8) A subsidy for hostel costs incurred by learners with special education needs, who are enrolled in ordinary public schools, will be provided with the same subsidy allocation as for learners in that hostel.
- (9) Under no circumstances may a learner qualify for both a hostel subsidy and learner transport.

Admission to hostels

17. Subject to section 41 of the Act and any other national and provincial law, the admission policy of a hostel and the conditions of payment of boarding fees are determined by the governing body of that school.

Learner behaviour and discipline at hostels

18. The suspension and expulsion of a learner from the hostel must be in accordance with the rules of natural justice, to safeguard the interest and rights of affected learners to due process and to the constitutional right to procedural and substantive fairness.

Health inspection of hostels

19. (1) If a principal is of the opinion that the condition of a hostel requires an inspection, he or she may request the authority responsible for municipal health services in whose jurisdiction such hostel is located to avail a Health Officer, appointed in terms of section 80 of the National Health Act, 2003 (Act 61 of 2003) to carry out such an inspection.
- (2) Health inspection reports emanating from inspections must be made available to the principal within 14 days after such an inspection.
- (3) Reports referred to in sub-regulation (2) must be forwarded to the Head of Department via the District Director.

Medical examinations of learners and administration of medication

20. (1) A learner boarding in a hostel may, if it is required by the Head of Department, the principal of the school or a person authorised thereto by him or her and after consultation with the parents of the learner, subject him- or herself to a medical examination by a medical practitioner.
- (2) The administration of medication to learners in hostels must be dealt with in terms of the provincial guidelines for the management of medication.

Short title and date of commencement

21. These regulations are called Regulations relating to the Management and Control of Hostels at Public Schools and the Control over the Immovable Property and Equipment under the Western Cape Education Department and come into effect on 1 January 2013.

KENNISGEWING
PROVINSIE WES-KAAP

P.N. 361/2012

28 November 2012

REGULASIES BETREFFENDE DIE BESTUUR VAN EN BEHEER OOR KOSHUISE BY OPENBARE SKOLE EN DIE BEHEER OOR DIE ONROERENDE EIENDOM EN TOERUSTING VAN KOSHUISE ONDER DIE WES-KAAPSE ONDERWYSDEPARTEMENT

Ingevolge artikel 63(1)(a) van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), maak die Provinsiale Minister verantwoordelik vir onderwys in die Wes-Kaap die regulasies soos in die volgende Bylae uiteengesit.

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Woordomskrywing

1. In hierdie regulasies het enige woord of uitdrukking waaraan daar in die Wet 'n betekenis geheg is, dieselfde betekenis en tensy dit uit die samehang anders blyk, beteken—
 - “**distrikskoshuiskoördineerder**” die beampte verantwoordelik vir die koördinering van koshuisbestuur en -dienste in die onderwysdistrik;
 - “**koshuiskomitee**” ’n subkomitee van die beheerliggaam wat belas is met toesig oor die beheer en ondersteuning van die bestuur van die koshuis;
 - “**koshuisloseerder**” ’n leerder wat gedurende ’n skooltermyn in ’n koshuis woon;
 - “**norme en standaarde vir skoolbefondsing**” skoolbefondsing goedgekeur deur die Minister van Basiese Onderwys soos omskryf in artikel 1 van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996);
 - “**prinsipaal**” ’n opvoeder wat aangestel is of wat waarneem as die hoof van ’n skool waaraan ’n koshuis verbonde is;
 - “**provinsiale koshuiskoördineerder**” die beampte verantwoordelik vir die koördinering van koshuisbestuur en -dienste in die provinsie;
 - “**superintendent**” ’n persoon wat die aktiwiteite by ’n koshuis bestuur en toesig daaroor hou;
 - “**toesighouer**” ’n opvoeder of nie-opvoeder wat aangestel is om toesighoudende pligte by ’n koshuis te verrig; en
 - “**die Wet**” die Wes-Kaapse Wet op Provinsiale Skoolonderwys, 1997 (Wet 12 van 1997).

Instelling van koshuise

2. (1) Die Provinsiale Minister kan, uit gelde deur die Provinsiale Parlement vir hierdie doel bewillig, koshuise vir openbare skole instel en in stand hou.
- (2) Afhangende van die behoeftes van 'n skool, kan die Provinsiale Minister voorsiening maak vir geslagspesifieke skoolkoshuise.

Sluiting van koshuise

3. (1) Die Provinsiale Minister kan, na oorleg met die beheerliggaam van die betrokke openbare skool, 'n koshuis in regulasie 2(1) bedoel, sluit.
- (2) Die Provinsiale Minister mag nie ingevolge subregulasie (1) optree nie, tensy hy of sy—
- (a) die beheerliggaam van die skool ingelig het oor sy of haar voorneme om aldus op te tree en sy of haar redes daarvoor verstrek;
- (b) die beheerliggaam van die skool 'n redelike geleentheid gegee het om vertoë tot hom of haar te rig in verband met sodanige optrede;
- (c) 'n openbare verhoor na redelike kennisgewing gehou het om die gemeenskap in staat te stel om vertoë tot hom of haar te rig in verband met sodanige optrede; en
- (d) behoorlik oorweging geskenk het aan enige sodanige vertoë wat ontvang is.
- (3) Indien 'n koshuis ingevolge subregulasie (1) gesluit word, moet alle bates en laste van daardie koshuis, behoudens die voorwaardes van enige skenking, bemaking of trust in artikel 37(4) van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), beoog, op die Staat oorgaan, tensy daar anders ooreengekom word tussen die Provinsiale Minister en die beheerliggaam van die skool.

Basiese infrastruktuurvereistes

4. (1) Die volgende infrastruktuur moet progressief beskikbaar gestel word vir leerders en werknemers by 'n koshuis—
- (a) persoonlike ruimte in ooreenstemming met die ruimtenorme wat deur die Departement bepaal sal word, vir slaap en vir besittings, met geskikte meubels vir die aantal leerders;
- (b) gepaste skeiding tussen geslagte en ouderdomsgroepe;
- (c) stil area vir studie en huiswerk;
- (d) ruimte waar geëet kan word;
- (e) ruimte vir vermaak en ontspanning;
- (f) ruimte om met vriende, familie en persone van belang privaat te verkeer sonder om ander te ontwrig;
- (g) wassery-fasiliteite;
- (h) gepas-toegeruste badkamers, storte en toilette vir koshuisloseerders, inwonende personeel en ander werknemers wat so ontwerp is dat personeel dit van buite kan oopmaak in 'n noodgeval;
- (i) ruimte vir gesondheidsorg, soos siekekamers of siekeboë, met 'n gepaste noodhulpstel en genoeg ruimte vir mobiele kliniekdienste as dit aan die skool beskikbaar gestel sou word;
- (j) veilige ruimte om te speel, geskik vir die leerders se ouderdomsgroepe, waar toegang gemoniteer word;
- (k) personeelakkommodasie vir werknemers wat verantwoordelik is vir die bestuur van die fasiliteite en vir die sorg van die leerders;
- (l) kombuisruimte vir die bereiding van voedsel, kook, bergplek vir voedsel en breekware, 'n opwasplek en beheerkamer vir bestuursdoeleindes; en
- (m) administrasieruimte vir administratiewe aangeleenthede.

Beheer en bestuur van koshuise

5. (1) Behoudens hierdie regulasies en artikel 13(1) van die Wet berus die beheer van 'n koshuis by die beheerliggaam van die skool.
- (2) Die beheerliggaam moet sy funksies en verpligtinge uitvoer ooreenkomstig die bepalings van die Wet en hierdie regulasies.

Gesag en algemene funksies van Departementshoof

6. (1) Benewens die funksies wat ingevolge artikel 7 van die Wet en enige ander toepaslike wet aan die Departementshoof opgedra word, moet hy of sy, of sy of haar gedelegerde, 'n superintendent en ander bykomende personeel by die koshuis aanstel na oorleg met die beheerliggaam.
- (2) Die Departementshoof mag—
- (a) na behoorlike proses, die dienste van die superintendent of 'n lid van die toesighoudende personeel by die koshuis beëindig na aanvoering van grondige redes;
- (b) ingevolge artikel 9 van die Wet, hetsy in die algemeen of in 'n bepaalde geval, 'n persoon skriftelik magtig om 'n koshuis te besoek en te evalueer na oorleg met die prinsipaal van die skool;

- (c) redelike maatreëls instel om doeltreffende siektebestuur by koshuise te verseker;
- (d) 'n provinsiale koshuiskoördineerder aanstel wat verantwoordelik is vir die koördinerings van koshuisbestuur en -dienste; en
- (e) distrikskoshuiskoördineerders aanstel wat verantwoordelik is vir die koördinerings van koshuisbestuur en -dienste in die distrikte.

Rol en verantwoordelikhede van Distriksdirekteur

7. Ingevolge die bepalings van die Wet bestuur die Distriksdirekteur—

- (1) oriëntering vir prinsipale, senior bestuurspanne en koshuissuperintendente met betrekking tot beleid en riglyne betreffende die bestuur van koshuise;
- (2) terreinbesoeke in regulasie 6(2)(b) bedoel om die funksionaliteit van koshuise in die distrikte te monitor;
- (3) die opstel van distriksverslae met gebruik van versamelde data en stuur dit aan die verantwoordelike provinsiale koshuiskoördineerder; en
- (4) administratiewe en bestuursteun aan koshuise op 'n gereelde basis op grond van aangeleenthede wat in die verslae in subregulasie (3) bedoel of in artikel 9 van die Wet geïdentifiseer is.

Funksies van beheerliggame

- 8. (1) Benewens die funksies wat ingevolge artikels 20 en 21 van die Suid-Afrikaanse Skolewet, 1996, aan die beheerliggaam van 'n openbare skool opgedra is, moet die beheerliggaam—
 - (a) 'n koshuiskomitee aanstel ingevolge artikel 23(1) van die Wet; en
 - (b) beleid implementeer soos deur hierdie regulasies en ander toepaslike provinsiale beleide bepaal word, vir die doeltreffende bestuur en beheer van die koshuis en beheer oor die onroerende eiendom en toerusting van die koshuis.
- (2) Die beheerliggaam mag ingevolge artikel 23(5) van die Wet te eniger tyd die koshuiskomitee in subregulasie (1)(a) beoog, ontbind of hersaamstel.

Samestelling van koshuiskomitee en ampstermyn van lede van koshuiskomitee

- 9. (1) Die koshuiskomitee wat ingevolge subregulasie 8(1)(a) ingestel is, moet uit die volgende lede bestaan:
 - (a) prinsipaal;
 - (b) superintendent;
 - (c) voorsitter wat uit die ouerkomponent van die beheerliggaam gekies word; en
 - (d) drie, maar nie minder as een ouer, wat 'n ouer van 'n koshuisloseerder is.
- (2) Die koshuiskomitee kan 'n persoon of persone op grond van hulle bepaalde kennis en kundigheid koöpteer om met die verrigting van die funksies te help.
- (3) Gekoöpteerde lede het nie stemreg in die koshuiskomitee nie.
- (4) Die ampstermyn van lede van die koshuiskomitee mag nie langer as drie jaar vanaf die datum van aanstelling wees nie.
- (5) 'n Lid van die koshuiskomitee kan heraan gestel word na verstryking van sy of haar ampstermyn.
- (6) Die beheerliggaam kan, na behoorlike proses, 'n lid van die koshuiskomitee ontslaan na aanvoering van grondige redes.
- (7) 'n Vakature in die koshuiskomitee ontstaan wanneer—
 - (a) 'n lid sterf;
 - (b) 'n lid bedank;
 - (c) 'n lid van drie opeenvolgende vergaderings van die koshuiskomitee, sonder verlof, afwesig was;
 - (d) die beheerliggaam 'n lid ingevolge subregulasie (6) ontslaan; of
 - (e) 'n ouerlid se kind ophou om 'n leerder by daardie skool te wees.
- (8) Wanneer daar 'n vakature in die koshuiskomitee ontstaan, moet die beheerliggaam 'n nuwe lid aanstel om die amp te beklee vir die onverstreke gedeelte van die ampstermyn van die lid van die koshuiskomitee.
- (9) Geen lid van 'n koshuiskomitee mag op enige manier vir die verrigting van sy of haar pligte besoldig word nie.
- (10) 'n Lid van 'n koshuiskomitee kan vergoed word vir werklike uitgawes aangegaan in die uitvoering van sy of haar pligte, uitgesonderd vir uitgawes aangegaan vir reiskoste na en van koshuiskomiteevergaderings.

Vergaderings van koshuiskomitee

- 10. (1) Die voorsitter van 'n koshuiskomitee, wat 'n ouerlid van die beheerliggaam is, moet die datum, tyd en plek van 'n vergadering bepaal, wat ten minste een keer per kwartaal moet plaasvind.

- (2) Die koshuiskomitee moet notule hou van die verrigtinge van elke vergadering en moet die beheerliggaam of enige persoon wat deur die beheerliggaam aangewys is, voorsien van 'n afskrif van sodanige notule.
- (3) Die notule van die verrigtinge van elke vergadering van die koshuiskomitee moet op die eersvolgende vergadering van die koshuiskomitee voorgelê word vir goedkeuring.

Funksies van die koshuiskomitee

11. (1) Die koshuiskomitee moet—
 - (a) aanbevelings aan die beheerliggaam doen in verband met koshuisbeheer;
 - (b) aanbevelings aan die beheerliggaam, koshuissuperintendent en prinsipaal van die skool doen in verband met die bestuur van die koshuis;
 - (c) verseker dat die pligte by die koshuis doeltreffend verrig word;
 - (d) by die beheerliggaam aanbeveel dat daar ondersoek ingestel word as enige lid van die personeel van die koshuis nie in staat is om sy of haar pligte doeltreffend te verrig nie;
 - (e) die prinsipaal van die skool adviseer oor alle aangeleenthede rakende die koshuis;
 - (f) beraadslaag oor aangeleenthede wat deur die prinsipaal na die koshuiskomitee verwys word;
 - (g) saam met die prinsipaal, die superintendent en die beheerliggaam die beleide ontwikkel wat nodig is vir die doeltreffende funksionering van die koshuis; wat ten minste 'n toegangsbeheerbeleid vir die koshuis moet insluit;
 - (h) verseker dat behoorlike prosedures bestaan en riglyne vir finansiële bestuur gevolg word;
 - (i) toesig oor koshuisfondse administreer ooreenkomstig die instruksies van die beheerliggaam, toepaslike wetgewing en beleide; en
 - (j) algemene toesig uitoefen oor die instandhouding van die terrein, geboue, meubels en toerusting van die koshuis.

Instandhouding van koshuisfasiliteite

12. (1) Die beheerliggaam is verantwoordelik vir die dag-tot-dag instandhouding van koshuisfasiliteite soos vullisverwydering, geringe herstelwerk, verf, munisipale dienste en roetine-instandhouding van die terrein, meubels en toerusting.
- (2) Die Wes-Kaap Onderwysdepartement is verantwoordelik vir kapitaalkoste soos beplande of geskeduleerde instandhouding, rehabilitasie en opknapping. Dit word verskaf in ooreenstemming met riglyne vir skoolinstandhouding en die Nasionale Norme en Standaarde vir Skoolbefondsing.
- (3) Die Wes-Kaap Onderwysdepartement moet instandhoudingsfondse vir geskeduleerde instandhouding per capita en volgens armoedeklassifikasie vir koshuise toewys. Die fondse moet geoormerk word vir die instandhouding van koshuisfasiliteite en moet oorgedra word ooreenkomstig die Nasionale Norme en Standaarde vir Skoolbefondsing.
- (4) Die dag-tot-dag bedryf van die koshuis, soos die verskaffing van voedsel en skoonmaakmateriaal, moet uit koshuisgelde gedek word en is die verantwoordelikheid van die beheerliggaam. Die toewysings vir geskeduleerde instandhouding deur die Departementshoof soos by subregulasie (2) beoog, mag nie vir hierdie doel gebruik word nie.

Bestuur van en beheer oor onroerende eiendom en toerusting

13. (1) Ingevolge artikel 21A(1)(h) van die Wet moet 'n beheerliggaam van 'n openbare skool die skool se eiendom en geboue en die terrein wat deur die skool beset word, insluitende skoolkoshuise, administreer en beheer.
- (2) Die beheerliggaam moet 'n batebeampte skriftelik aanstel om verantwoordelik te wees vir die bewaring van die koshuis se onroerende eiendom en toerusting.
- (3) Die batebeampte moet verseker dat:
 - (a) toerusting vir identifikasie gemerk word met permanente swart ink, verf, 'n stempel of ander geskikte permanente merk;
 - (b) toerusting net vir die beoogde doel gebruik word;
 - (c) toerusting fisies beveilig word om diefstal of misbruik te voorkom;
 - (d) versekering uitgeneem word vir beduidende bates; en
 - (e) 'n register van onroerende bates bygehou word, wat die volgende besonderhede bevat ten opsigte van alle onroerende bates—
 - (i) tipe en beskrywing van die bate;
 - (ii) bewaarder van die bate;
 - (iii) datum van aankoop of skenking;
 - (iv) kosprys of opgehoopte depresiasie of netto boekwaarde;
 - (v) nuttige lewensduur van die bate;

- (vi) ligging van die bate;
 - (vii) batenommer, wat intern geskep word vir beheerdoeleindes; en
 - (viii) reeksnommer.
- (4) 'n Verliesbeheerregister moet bygehou word en die batebeampte moet gereeld, ten minste een keer per kwartaal, aan die koshuiskomitee verslag doen oor verliese, diefstal en die toestand van die bates.
 - (5) Die beheerliggaam moet 'n afskrywingskomitee aanstel om die prosedure en beleid rakende die afskrywing van onroerende bates te implementeer.
 - (6) Die afskrywingskomitee moet 'n lid van die beheerliggaam as sy voorsitter hê.
 - (7) Daar moet gepoog word om oorskotapparaat te deel en ongebruikte items te verskuif na 'n plek waar daar 'n behoefte is.
 - (8) Die afskrywingskomitee is verantwoordelik vir die vasstelling van die prys en onderhandeling met ander instellings oor die afskrywing.
 - (9) Sodra die bate uit die bewaring en beheer van die skool of koshuis is, moet die bateregister bygewerk word.
 - (10) Wanneer 'n bate afgeskryf is, moet dit uit die finansiële rekords verwyder word.
 - (11) Die prosedure om bates af te skryf, is soos volg:
 - (a) Die beheerliggaam moet die aanbevelings aangaande die afskrywing van bates deur die afskrywingskomitee goedkeur;
 - (b) Die naam van die individu of die skool of koshuis wat die bate ontvang, moet aangeteken word;
 - (c) In die geval van verkope moet die naam van die koper en die verkoopprijs aangeteken word; en
 - (d) Alle fondse wat ontvang word, moet in die koshuis se rekening gebank word.

Finansiële en batebestuur

14. (1) Behoudens artikel 50 van die Wet, is die beheerliggaam van 'n openbare skool verantwoordelik vir die bestuur van die finansies en bates van 'n openbare skool waaraan 'n koshuis verbonde is, ooreenkomstig aanwysings uitgereik deur die Departementshoof.
- (2) Die beheerliggaam moet losiesgelde bepaal en hef ingevolge artikel 49 van die Wet en ooreenkomstig die Nasionale Norme en Standaard vir Skoolbefondsing.
- (3) Die ouer van 'n leerder of die persoon aan wie losies verskaf word, moet sodanige losiesgelde betaal soos deur die beheerliggaam bepaal.
- (4) Die beheerliggaam mag enige leerder of kategorie leerders in die geheel of gedeeltelik vrystel van die betaling van losiesgelde in subregulasie (2) bedoel.
- (5) Die beheerliggaam moet die losiesgelde en vrywillige bydraes wat ontvang word, in die bankrekening van die skool deponeer, maar skole met koshuise moet afsonderlike boekhouding vir alle herhalende koste, wat verband hou met koshuise, doen.
- (6) Waar die boeke van die koshuis afsonderlik van die boeke van die skool gehou word, moet dit terselfdertyd as die jaarlikse skooloudit en deur dieselfde ouditeur geouditeer word.

Jaarlikse begroting

15. (1) Behoudens die bepalings van artikel 51 van die Wet moet die beheerliggaam van 'n openbare skool waaraan 'n koshuis verbonde is, in samewerking met die koshuiskomitee, jaarliks 'n begroting vir die koshuis opstel in ooreenstemming met die riglyne wat die Provinsiale Minister bepaal, met die instemming van die finansiële hoof.
- (2) Die beheerliggaam moet die finansiële rekords van die koshuis hanteer ooreenkomstig die instruksies uitgereik deur die Departementshoof.

Befondsing en koshuissubsidies

16. (1) Die Provinsiale Minister mag, uit gelde wat vir onderwys bewillig is, op grondslag van en behoudens die voorwaardes wat hy of sy mag bepaal—
 - (a) finansiële of ander materiële hulp vir instandhouding aan 'n koshuis verskaf; en
 - (b) finansiële hulp aan 'n koshuissloseerder verskaf.
- (2) Behoudens subregulasie (1), die Wet en enige toepaslike wet mag fondse toegewys word vir—
 - (a) geskeduleerde instandhouding van koshuisfasiliteite;
 - (b) noodherstelwerk aan en instandhouding van koshuisfasiliteite; en
 - (c) finansiële hulp in die vorm van 'n koshuissubsidie.
- (3) Skole met koshuise moet van elke leerder wat in 'n koshuis loseer, koshuisgelde vra gelyk aan die gemiddelde bedryfskoste per leerder in 'n koshuis.
- (4) Ouers van leerders kan jaarliks by die Departementshoof, ooreenkomstig prosedures deur hom of haar bepaal, aansoek doen vir 'n koshuissubsidie ingevolge subregulasies (1) en (2)(c).

- (5) Die Departementshoof kan die basis, die voorwaardes en die bedrag bepaal vir die toewysing van 'n koshuissubsidie aan 'n leerder, gebaseer op die gemiddelde bedryfskoste van 'n koshuis, en moet die koshuissubsidie jaarliks hersien.
- (6) Koshuissubsidies wat ingevolge subregulasie (4) goedgekeur is, moet aan die skool betaal en gebruik word vir die verskaffing van dienste aan koshuisloseerders en die dag-tot-dag bedryf van die koshuis.
- (7) Die befondsingsnorme verskaf ook kriteria om te bepaal of leerders kwalifiseer vir subsidies, naamlik leerders—
 - (a) wat 5 kilometer of verder na en van die naaste skool loop;
 - (b) vir wie daar nie skoolplekke naby die leerder se ouers se woonplek beskikbaar is nie;
 - (c) wie se vervoertyd vanaf die huis na die skool langer as 1,5 uur is; en
 - (d) wie se ouers nie die koshuisgelde per leerder kan bekostig nie.
- (8) 'n Subsidie vir koshuiskoste aangegaan deur leerders met spesiale onderwysbehoefes, wat by gewone openbare skole ingeskryf is, sal verskaf word met dieselfde subsidietoewysing as vir leerders in daardie koshuis.
- (9) 'n Leerder mag onder geen omstandighede vir beide 'n koshuissubsidie en leerdervervoer kwalifiseer nie.

Toelating tot koshuise

17. Behoudens artikel 41 van die Wet en enige ander nasionale en provinsiale wet, word die toelatingsbeleid van 'n koshuis en die voorwaardes vir betaling van losiesgelde deur die beheerliggaam van daardie skool bepaal.

Leerdergedrag en dissipline by koshuise

18. Die skorsing en uitsetting van 'n leerder uit die koshuis moet ooreenkomstig die beginsels van natuurlike geregtigheid wees om die belange en regte van die betrokke leerders ten opsigte van billike proses en grondwetlike reg tot prosedurele billikheid en onafhanklike regverdigheid te beskerm.

Gesondheidsinspeksie by koshuise

19. (1) Indien 'n prinsipaal van mening is dat die toestand van 'n koshuis 'n inspeksie vereis, kan hy of sy die owerheid verantwoordelik vir munisipale gesondheidsdienste in wie se regsgebied sodanige koshuis geleë is, versoek om 'n gesondheidsbeampte, aangestel ingevolge artikel 80 van die Nasionale Wet op Gesondheid, 2003 (Wet 61 van 2003), beskikbaar te stel om so 'n inspeksie uit te voer.
- (2) Gesondheidsinspeksieverslae voortspruitend uit inspeksies, moet binne 14 dae na so 'n inspeksie aan die prinsipaal beskikbaar gestel word.
- (3) Verslae in subregulasie (2) bedoel, moet via die Distriksdirekteur aan die Departementshoof deurgestuur word.

Mediese ondersoeke van leerders en toediening van medikasie

20. (1) 'n Leerder wat in 'n koshuis loseer kan, indien dit verlang word deur die Departementshoof, die prinsipaal van die skool of 'n persoon wat deur hom of haar daartoe gemagtig is en na oorleg met die ouers van die leerder, hom of haar onderwerp aan 'n mediese ondersoek deur 'n mediese praktisyn.
- (2) Die toediening van medikasie aan leerders in koshuise moet hanteer word ooreenkomstig die provinsiale riglyne vir die bestuur van medikasie.

Kort titel en inwerkingtreding

21. Hierdie regulasies heet die Regulasies betreffende die Bestuur en Beheer van Koshuise by Openbare Skole en die Beheer oor die Onroerende Eiendom en Toerusting onder die Wes-Kaapse Onderwysdepartement en tree met ingang van 1 Januarie 2013 in werking.

ISAZISO**IPHONDO LENTSHONA KOLONI**

P.N. 361/2012

28 Novemba 2012

IMIMISELO EMANGULA NOKULAWULWA KWEEHOSTELE NEZIKOLO ZIKARHULUMENTE NOKULAWULWA KWEPROPATHI ENGENAKUSHENXISWA NOMATSHINI NEZIXHOBOKUKUSEBENZA ZESEBE LEMFUNDO LENTSHONA KOLONI

Ngokwe siqendu 63(1)(a) soMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (UMthetho 12 ka-1997) uMphathiswa wePhondo wezeMfundo eNtshona Koloni ubhengeza imimiselo ecaciswe kuleShedyuli.

ISHEDYULI**INDLELA ELANDELELANISWE NGAYO LE MIGAQO**

1. Ingcaciso-magama
2. Ukumiselwa kweehostele
3. Ukuvalwa kweehostele
4. Izidingo ezingundoqo ezifunekayo
5. Ulawulo lweehostele ezikwizikolo zikarhulumente
6. Amagunya nemisebenzi yeNtloko yeSebe
7. Indima noxanduva lwamagosa ezithili
8. Imisebenzi yamaqumrhu alawula izikolo
9. Ubume bamalungu ekomiti yehostele nethuba aza kulisebenza
10. Iintlanganiso zekomiti yehostele
11. Imisebenzi yekomiti yehostele
12. Ukulungiswa kwezibonelelo zehostele
13. Ulawulo lwePropati ezizinto ezingahambisekiyo kunye nolwezixhobo
14. Ulawulo lwezimali nolweeasethi
15. Ibhajethi yonyaka
16. Ubonelelo ngezimali kunye nenkxasomali yehostele
17. Ukwamkelwa ehostele
18. Ukuziphatha kwabafundi nokugxothwa kwabafundi kwiihostele
19. Ukuhlolwa kwemo yezempilo kwiihostele
20. Uhlolo lwezempilo lwabafundi kunye nolawulo lokuselwa kwamayeza
21. IGama elifutshana nomhla wokuqalisa ukusebenza—

Ingcaciso-magama

1. Kule migaqo, intsingiselo yalo naliphi na igama okanye intetho isingise koko kutshiwo nguMthetho ngaphandle kokuba imeko isingise kwinto eyahlukileyo kunaleyo ibichaziwe,—
 - “**umququzeleli weehostele wesithili**” ubhekisa kwigosa elinoxanduva lokuququzelela ulawulo lweehostele neenkonzozo zazo kwisithili;
 - “**umfundi ohlala ehostele**” uthetha umfundi ohlala ehostele xa kuvulwe izikolo;
 - “**ikomiti yehostele**” ibhekisa kwikomitana yequmrhu elilawulayo enikwe umsebenzi wokubeka iliso kulawulo lweehostele nokunika inkxaso kubalawuli behostele;
 - “**imimiselo nemigangatho yokuxhaswa ngezimali kwesikolo**” ibhekisa kwinkxaso-mali yezikolo eyamkelwe nguMphathiswa weMfundo esisiSeko njengoko ichaziwe kwicandelo 1 loMthetho weZikolo zoMzantsi Afrika, 1996 (UMthetho 84 ka-1996);
 - “**inqununu**” ibhekisa kutitshala oqeshwe okanye obambele njengentloko yesikolo esisenokuba nehostele;
 - “**umququzeleli weehostele wephondo**” ubhekisa kwigosa elinoxanduva lokuququzelela ulawulo lweehostele neenkonzozo zazo kwiphondo;
 - “**intsumpa**” ngumntu olawula nophethe konke okuqhubeka ehostele;
 - “**ikhankatha**” ngutitshala okanye umntu ongeyotitshala oqeshwe ukuba abeke iliso kwizinto ezenzeka ehostele; kwanjalo
 - “**uMthetho**” ubhekisa kuMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (UMthetho 12 ka-1997).

Ukumiselwa kweehostele

2. (1) UMphathiswa wePhondo unokuthi, ngeemali ezabelwe lo msebenzi yiPalamente yePhondo, amisele yaye agcine zisemgangathweni onguwo iihostele kwizikolo zikarhulumente.
- (2) Ngokuxhomekeke kwizidingo zesikolo, uMphathiswa wePhondo angenza iihostele zezikolo ezahlulwe ngokwezini.

Ukuvalwa kweehostele

3. (1) UMphathiswa wePhondo unokuthi, emva kokuba ebonisene nequmrhu elilawula isikolo sikarhulumente esithile, ayivale ihostele echazwe kumgaqo 2(1).
- (2) UMphathiswa wePhondo akanakho ukuthatha amanyathelo esebenzisa isolotyana lomgaqo (1) ngaphandle kokuba uye—
- (a) wazisa iqumrhu elilawula isikolo eso ngeenjongo zakhe zokuba athabathe elo nyathelo;
- (b) wanika ithuba elaneleyo iqumrhu elilawula isikolo eso ukuba livakalise ezalo izimvo malunga nenyathelo elo;
- (c) unike uluntu ixesha elaneleyo lokungenisa izimvo zalo lizingenisa kuye malunga naloo manyathelo; kananjalo
- (d) abe ukhe wazinika ingqwalasela zonke ezo zimvo azifumeneyo.
- (3) Ukuba ngaba ihostele iye yavalwa kulandelwa isolotyana lomgaqo (1), zonke iiasethi namatyala alo hostele, kuxhomekeke kwimiqathango yamalizo, yomyolelo okanye yetrasti njengoko kuchaziwe kwicandelo 37(4) loMthetho weZikolo zoMzantsi Afrika, 1996 (uMthetho 84 ka-1996) kufuneka zidluliselwe kurhulumente ngaphandle kokuba kukho isivumelwano esenziwe nguMphathiswa wePhondo kunye nequmrhu elilawula isikolo.

Izidingo ezingundoqo ezifunekayo

4. (1) Ezi zibonelelo zilandelayo kufuneka ngokuhamba kwexesha kwenziwe zibe khona kwihostele yabafundi—
- (a) indawo yomfundi ngamnye ekumgangatho ofanelekileyo oya kugqitywa liSebe, eyindawo yokulala, indawo yokubeka izinto zabo enefenitshala esemgangathweni yabo bonke abafundi;
- (b) abafundi mabahlulwe ngokwezini zabo nangokweminyaka yabo;
- (c) indawo ethe cwaka yokufunda neyokwenza umsebenzi wasekhaya;
- (d) indawo yokutyela;
- (e) Indawo yokonwabisa abafundi;
- (f) indawo yokuhlangana nezihlobo, nosapho nabantu ababalulekileyo esecaleni apho bangazi kuphazanyiswa mntu;
- (g) amagumbi okuhlambela iimpahla;
- (h) izindlu zokuhlambela ezikwimo efanelekileyo, iishawa nezindlu zangasese zabafundi nabasebenzi abahlala ehostele nabanye abasebenzi ezidizayinwe ngendlela yokuba abasebenzi bakwazi ukuzivula ngaphandle xa kunokubakho ingxaki;
- (i) indawo yokunceda abagulayo efana namagumbi onyango, anezixhobo zoncendo lokuqala ezifanelekileyo nendawo eyaneleyo yoncedo oluvela ekliniki ukuba olo ncedo luyafika kweso sikolo;
- (j) iihostele zezikolo zabantwana ezineendawo ezikhuselekileyo zokudlala, iindawo ezilungelelene nobudala babantwana nalapho kukho umntu ogade abantu abangena nabaphuma apho.
- (k) indawo yokuhlala yabasebenzi abanoxanduva lokulawula izibonelelo kwakunye nokugada okanye ukukhathalela abafundi;
- (l) ikhithshi lokulungiselela ukutya, ukupheka, ukugcina izixhobo zokutya, igumbi lokuhlambela izitya, negumbi eliya kusetyenziswa ngabalawuli; kunye
- (m) nendawo eya kuba ligumbi lokusebenza labalawuli.

Ulawulo lweehostele

5. (1) Ngokuxhomekeke kule migaqo nakwicandelo 13(1) loMthetho, ulawulo lweehostele luxanduva lwequmrhu elilawula isikolo.
- (2) Iqumrhu elilawula isikolo malenze umsebenzi walo noxanduva lwalo lilandela imiqathango yoMthetho kunye nale migaqo.

Amagunya kunye nemisebenzi yeNtloko yeSebe

6. (1) Ngaphezu kwemisebenzi enikwe iNtloko yeSebe ngokwecandelo 7 loMthetho kunye nawuphi na omnye umthetho ochaphazelekayo, iNtloko yeSebe okanye umntu ogunyaziswe yiyo, uya kuthi aqeshe intsumpa yehostele kunye nabanye abasebenzi emva kokuba ebonisene nequmrhu elilawula isikolo.
- (2) Intloko yeSebe ingenza oku kulandelayo—
- (a) emva kwenkqubo efanelekileyo, ingayiyekisa intsumpa emsebenzini okanye iyekise umsebenzi ogada abantwana ehostele xa kukho isizathu esivakalayo sokwenza oko;
- (b) ngokwecandelo 9 loMthetho, ingathi kwiimeko zonke okanye kwiimeko ethile, igunyazise umntu ukuba atyelele ze ahlole ihostele emva kokubonisana nenqununu yesikolo;

- (c) ingathatha amanyathelo afanelekileyo ukuqinisekisa ulawulo lwezifo kwiihostele;
- (d) ingaqesha umququzeleli weehostele wephondo oya kuba noxanduva lokuququzelela ulawulo ajonge neenkonziso ezinikwa iihostele; kananjalo
- (e) ingaqesha abaququzeleli beehostele bezithili abanoxanduva lokuququzelela ulawulo bajonge neenkonziso ezinikwa iihostele kwizithili.

Indima noxanduva loMlawuli weSithili

7. Ngokwemiqathango yalo Mthetho, uMlawuli weSithili kufuneka—

- (1) acacise malunga nemigaqonkqubo kunye nezikhokelo ezimalunga nolawulo lweehostele kwiinqununu, kumaqela olawulo aphezulu kunye neentsumpa zeehostele;
- (2) ukutyelela iindawo ekubhekiswe kuzo kumgaqo 6(2)(b) ukuya kuhlola ukusebenza kweehostele kwizithili;
- (3) ukuqulunqa iingxelo zezithili zolwazi oluqokelelweyo ze zithunyelwe kumququzeleli weehostele wephondo ophethe kuloo mmandla; kunye
- (4) nokubonelela ngenkxaso yolawulo kwiihostele kumaxesha ngamaxesha ukunceda kwimiba ethe yachongwa kwiingxelo ekubhekiswe kuyo kwicandelwana (3) lomgaqo okanye kwicandelo 9 loMthetho.

Imisebenzi yamaqumrhu alawula isikolo

- 8. (1) Ukongeza kwimisebenzi enikwe iqumrhu elilawula isikolo sikarhulumente, amacandelo 20 nele-21 uMthetho weZikolo zoMzantsi Afrika 1996 (uMthetho 84 ka-1996) iqumrhu elilawula isikolo liya—
 - (a) kutyumba ikomiti yehostele lilandela icandelo 23(1) loMthetho;
 - (b) limisele umgaqonkqubo njengoko kuchaziwe kule migaqo kunye neminye imigaqonkqubo emalunga noku ukuze ihostele ilawulwe ngendlela eyiyo kananjalo kulawulwe ipropathi engenakuhambiseka kunye nezixhobo zehostele.
- (2) Iqumrhu elilawula isikolo, linokuthi, lilandela imiqathango yecandelo 23(5) loMthetho, ngalo naliphi na ixesha, lichithe okanye linyule ngokutsha ikomiti yehostele njengoko kuchaziwe kumgaqwana (1)(a).

Ubume bamalungu ekomiti yehostele nethuba aza kulisebenza

- 9. (1) Ikomiti yehostele emiselwe kulandelwa imiqathango yomgaqwana 8(1)(a) kufuneka ibe nala malungu alandelayo—
 - (a) inqununu
 - (b) intsumpa;
 - (c) usihlalo owonyulwe kubazali abangamalungu equmrhu elilawula isikolo; kwakunye
 - (d) namalungu amathathu, abandakanya umzali omnye ubuncinane, ongumzali womnye wabantwana abahlala apho ehostele.
- (2) Ikomiti yehostele ingafakelela umntu okanye abantu ngokolwazi abanalo nobungcali babo ukuba bancedise ikomiti ekwenzeni imisebenzi yayo.
- (3) Amalungu afakelelweyo akanamagunya okuvota kwikomiti yehostele.
- (4) Isithuba sokusebenza kwamalungu asinakuba ngaphezulu kweminyaka emithathu ukususela ngomhla onyulwe ngawo.
- (5) Ilungu lekomiti yehostele lingaphinde lonyulwe emva kokuphela kwexesha ebelilisebenza.
- (6) Iqumrhu elilawula isikolo, linokuthi emva kokulandela iinkqubo ezibekiweyo, liyekise ilungu lekomiti yehostele xa kukho izizathu ezivakalayo zokwenza oko.
- (7) Kuya kuthi kuvuleke isithuba kwikomiti yehostele xa—
 - (a) ilungu liswelekile;
 - (b) ilungu lithe labeka phantsi iintambo kwikomiti;
 - (c) ilungu lithe alabikho kwiintlanganiso ezintathu ezilandelelanayo zekomiti yehostele lingathathanga khefu;
 - (d) iqumrhu elilawula isikolo lithe laliyekisa ilungu ngokwemiqathango yomgaqwana (6); okanye
 - (e) umntwana welungu elingumzali eyeka ukufunda kwesosikolo.
- (8) Xa kukho isithuba esivulekileyo kwikomiti yehostele, iqumrhu elilawula isikolo kufuneka linyule ilungu elitsha ukuba lithathe eso sihlalo ukugqibezela eso sithuba elo lungu besiza kusisebenza kwikomiti yehostele.
- (9) Akukho lungu lekomiti yehostele eliya kuhlululwa nangayiphi na indlela ngokwenza umsebenzi walo.
- (10) Ilungu lekomiti yehostele lingabuyiselwa imali yalo eliyisebenzisileyo, ngaphandle kwenkcitho yokuya kwiintlanganiso zekomiti yehostele.

Iintlanganiso zekomiti yehostele

10. (1) Usihlalo wekomiti yehostele, olilungu elingumzali, kwiqumrhu elilawula isikolo, makabeke umhla, ixesha nendawo yentlanganiso ekufuneka ibe khona nokuba kukanye ngekota.
- (2) Ikomiti yehostele kufuneka igcine imizuzu yentlanganiso nganye yaye kufuneka inike iqumrhu elilawula isikolo okanye nabani na ogunyaziswe liqumrhu elilawula isikolo, ikopi yaloo mizuzu.
- (3) Imizuzu yentlanganiso nganye yekomiti yehostele kufuneka kwintlanganiso elandelayo ingeniswe okanye iphakanyiswe ukuba yamkelwe.

Imisebenzi yekomiti yehostele

11. (1) Ikomiti yehostele kufuneka—
- (a) yenze izindululo kwiqumrhu elilawula isikolo malunga nendlela yokulawulwa kweehostele;
- (b) yenze izindululo kwiqumrhu elilawula isikolo, intsumpa yehostele nenqununu yesikolo malunga nokuphathwa kweehostele;
- (c) iqinisekise ukuba imisebenzi yehostele yenziwa ngendlela eyiyo;
- (d) yenze izindululo kwiqumrhu elilawula isikolo ukuba kwenziwe uphando xa ngaba kukho ilungu elisebenzela ihostele elingawenziyo umsebenzi walo ngendlela eyiyo;
- (e) icebise inqununu yesikolo ngayo yonke imiba emalunga nehostele;
- (f) ixoxe ngemiba ethunyelwe yinqununu kwikomiti yehostele;
- (g) ikunye nenqununu, intsumpa kunye nequmrhu elilawula isikolo, yenza imigaqonkqubo eza kwenza ukuba ihostele isebenze ngendlela efanelekileyo yaye loo migaqonkqubo kufuneka ibandakanye umgaqonkqubo wolawulo lokungena ehostele;
- (h) iqinisekise ukuba kukho iinkqubo ezifanelekileyo yaye kulandelwa izikhokelo zolawulo lwezimali;
- (i) ilawule iimali zehostele ngokwemiyalelo yequmrhu elilawula isikolo nango kwemiqathango yemithetho echaphazelekayo; kananjalo
- (j) ibeke iliso kwindlela ekuhoywe ngayo umhlaba/amabala esikolo, izakhiwo, ifenitshala kunye nezixhobo ezikwihostele;

Ukulungiswa kwezibonelelo zehostele

12. (1) Iqumrhu elilawula isikolo, linoxanduva lokuqinisekisa ukuba izibonelelo zasehostele zihlala zilungiswa yaye zisebenza, ezifana nokuthuthwa kwenkunkuma, ukulungiswa kwezinto ezimoshakeleyo ezincinci, ukupeyinta izakhiwo, iinkonzo zikamasipala nokuhoywa kwamabala ukuze ahlale ebukeya, ifenitshala nezixhobo.
- (2) Isebe leMfundo leNtshona Koloni linoxanduva lokuhoya isikolo, ukusihlaziya nokusilungisa. Oku kulungiselelwe kwizikhokelo nemigaqo yolungiso lwezikolo kunye nakwiMimiselo neMigangatho yeNkxasomali yeZikolo yeSizwe.
- (3) Isebe leMfundo leNtshona Koloni kufuneka libeke bucala imali yolungiso lweehostele ngokwemali ekhoyo nangokwezinga lentlupheko. Le mali kufuneka isetyenziselwe ukulungiswa kwezibonelelo zehostele yaye kufuneka idluliselwe ezikolweni kulandelwa iMimiselo neMigangatho yeNkxasomali yeZikolo yeSizwe.
- (4) Ukusebenza kwehostele imihla ngemihla, okufana nobonelelo ngokutya nezinto zococeko kufuneka kuphume kwiimali zasehostele yaye olo luxanduva lwequmrhu elilawula isikolo. Imali ekhutshwa yiNtloko yeSebe qho ngonyaka yokulungiswa kwesikolo ayinakusetyenziselwa oku.

Ulawulo lwePropati ezizinto ezingahambisekiyo kunye nolwezixhobo

13. (1) Ngokwecandelo 21A(1)(h) loMthetho, iqumrhu elilawula isikolo sikarhulumente kufuneka lijongane yaye lilawule ipropati kunye nezakhiwo zesikolo kunye namabala isikolo esikuwo, kubandakanywa neehostele zesikolo.
- (2) Iqumrhu elilawula isikolo kufuneka lityumbe igosa elijongene neeasethi ehostele eliza kuba noxanduva lwepropati engahambisekiyo kunye nezixhobo zesikolo eso.
- (3) Igosa leeasethi kufuneka liqinisekise ukuba:
- (a) izixhobo zonke ziyabhalwa nge-inki emnyama engacimiyo, isitampu okanye enye into yokubhala engacimiyo;
- (b) izixhobo zisetyenziselwa kuphela umsebenzi wazo;
- (c) izixhobo ziyakhuselwa ukuqinisekisa ukuba azizi kubiwa okanye zisetyenziswe ngendlela engeyiyo;
- (d) iiasethi ezibalulekileyo kufuneka zithathelwe i-inshorensi; yaye
- (e) kufuneka kumane kufakwa iinkcukacha kwirejista yeasethi ezisisigxina ekufuneka kuyo kubekho ezi nkcukacha zilandelayo—
- (i) uhlobo lweasethi nenkcazelo ngeasethi;
- (ii) umgcini weasethi;
- (iii) umhla wokuthengwa kwayo okanye eyafunyanwa ngawo;
- (iv) ixabiso lokuyithenga okanye ukuhla kwexabiso okanye ixabiso lokuyithengisa;

- (v) ixesha eliya kuhlalwa yilo asethi;
 - (vi) Indawo ekuyo loo asethi;
 - (vii) Inombolo yeasethi eniyiyila ngokwenu ukulungiselela ulawulo lweeasethi;
 - (viii) Inombolo yesiriyeli.
- (4) Irejista yezinto ezilahlekileyo mayihlale ihlaziywa yaye igosa leeasethi malichazale, ubuncinane kanye ngekota, ikomiti yehostele malunga nezinto ezilahlekileyo, ezibiveyo kunye nemeko yeeasethu.
 - (5) Iqumrhu elilawula isikolo kufuneka linyule ikomiti ejongene nokuhanjiswa kwee-asethi ezingasafunwayo ukuze imisele imigaqonkqubo malunga nokuhanjiswa kweeasethi zesikolo.
 - (6) Ikomiti yokuhambisa iiasethi ezingasafunwayo kufuneka ibe nelungu lequmrhu elilawula isikolo eliya kuba ngusihlalo waloo komiti.
 - (7) Kufuneka kweenziwe iinzame zokwabelana ngezixhobo ezingaphezulu kwezo zifunekayo ze kuhanjiswa ezo zingasafunwayo zisiwe kwiindawo ezizidingayo.
 - (8) Ikomiti yokuhambisa iiasethi ezingasafunwayo inoxanduva lokumisela amaxabiso nokuthethana namanye amaziko anokuzifuna ezo asethi.
 - (9) Xa iiasethi leyo iphumile kwisikolo eso okanye kwihostele, kufuneka kuhlaziye irejista yeeasethi.
 - (10) Xa iiasethi ihanjiswa kufuneka isuswe kwiirekhodi zezimali.
 - (11) Inkqubo yokuhambisa iiasethi ezingasafunwayo ihamba ngolu hlobo—
 - (a) iqumrhu elilawula isikolo kufuneka lamkela izindululo zokuhanjiswa kweeasethi ezivela kwikomiti yokuhambisa izinto ezingasafunwayo;
 - (b) kufuneka kubhalwe phantsi igama lomntu okanye isikolo esifumene loo asethi;
 - (c) xa ithengisiwe, kufuneka kubhalwe phantsi igama lomthengi kunye nexabiso ethengiswe ngalo;
 - (d) yonke imali efunyenweyo ngaloo asethi mayifakwe ebhankini.

Ulawulo lwezimali nolweeasethi

14. (1) Kulandelwa icandelo 50 loMthetho, iqumrhu elilawula isikolo sikarhulumente linoxanduva lokulawula izimali kunye neeasethi zesikolo sikarhulumente esinehostele lilandela izikhokelo ezikhutshwe yiNtloko yeSebe.
- (2) Iqumrhu elilawula isikolo liya kugqiba ngexabiso lokuhlala esikolweni (lokubhoda) ze libize loo mali lilandela icandelo 49 loMthetho nangokweMimiselo neMigangatho yeNkxasomali yeZikolo yeSizwe.
- (3) Umzali womfundi okanye womntu ohlala esikolweni uya kuthi ahlawule ezo mali zokuhlala esikolweni ezigqitywe liqumrhu elilawula isikolo.
- (4) Iqumrhu elilawula isikolo lisenokuvumela umntwana othile ukuba angayihlawuli inxalenye okanye yonke imali yokuhlala esikolweni njengoko kuchaziwe kumgaqwana (2).
- (5) Iqumrhu elilawula isikolo kufuneka lifake imali yokuhlala esikolweni kunye neemali eziphiwe isikolo kwiakhawunti yebhanki yesikolo, kodwa izikolo kufuneka zibe ne-akhawunti eyahlukileyo yazo zonke iindleko ezimana ngokuvela.
- (6) Apho iincwadi zehostele zibekwa zodwa, zingadityaniswa neencwadi zesikolo, ziya kuthi ziphicothwe ngumphicothi wezincwadi ngexesha elinye naxa kusenziwa uphicotho lonyaka lweencwadi zesikolo kwanguloo mphicothi mnye.

Ibhajethi yoNyaka

15. (1) Ngokuxhomekeke kwimiqathango yecandelo 51 loMthetho, iqumrhu elilawula isikolo sikarhulumente esinehostele, lisebenzisana nekomiti yehostele, kufuneka lenze ibhajethi qho ngonyaka lilandela izikhokelo ezivela kuMphathiswa wePhondo, ezamkelwe yintloko yecandelo lezimali.
- (2) Iqumrhu elilawula isikolo liya kujongana neenkukacha zezimali zehostele lilandela izikhokelo ezikhutshwe yiNtloko yeSebe nangokweMimiselo neMigangatho yeNkxasomali yeZikolo yeSizwe.

Ubonelelo ngezimali kunye nenkxasomali yehostele

16. (1) UMphathiswa wePhondo unokuthi, esebenzisa iimali ezabelwe ezemfundo, abonelele, ngokweemeko nangokukubona kwakhe—
 - (a) ngezimali okanye imathiriyeli yokulungisa ihostele; kunye
 - (b) noncedo lwezimali kubafundi abahlala ehostele ekwesiko.
- (2) Kulandelwa imiqathango yomgaqwana (1), yoMthetho, okanye nayiphi na eminye imithetho echaphazelekayo, makwabiwe iimali zokwenza oku kulandelayo—
 - (a) ukulungiswa kweehostele ngamaxesha ashedyuliweyo;
 - (b) ukulungiswa kwezixhobo ezonakeleyo xa kukho ingxaki ekhawulezileyo, kwakunye nokuzigcina zilungile; kunye

- (c) noncedo lwezemali oluyinkxasomali yokuhlala ehoste.
- (3) Izikolo ezineehoste kufuneka zihlawulise umfundi ohlala ehoste imali yokuhlala ehoste ehambelana neendleko zomfundi ngamnye osehoste.
- (4) Abazali bangafaka isicelo qho ngonyala kwiNtloko yeSebe, belandela imigaqo ebekwe yintloko leyo, ukuze bafumane inkxasomali yehoste phantsi kwemigaqwana (1) no-(2)(c).
- (5) INtloko yeSebe inokugqiba ngesizathu, imiqathango kunye nesixamali senkxasomali yehoste yomfundi ngamnye oko ikusekele kwiindleko ezisetyenziswa ehoste, yaye uya kuyiphononga qho ngonyaka loo nkxasomali yehoste.
- (6) Inkxasomali yehoste ethe yanikezwa ngokomgaqwana (4), iya kuthi ihlawulwe kwisikolo yaye isetyenziselwe iinkonzo zabafundi abahlala ehoste kunye nezinto ezisetyenziswa ehoste imihla ngemihla.
- (7) Imimiselo yenkxasomali iyayichaza inkqubo elandelwayo ukugqiba malunga nabafundi emabaxhaswe ngezimali abangaba balandelayo—
- (a) abafundi abahamba umgama oyi 5-kilometres nangaphezulu ukuya nokubuya esikolweni.
- (b) ekungekho sikolo esifumanekayo kufuphi nendawo ehlala abazali bomfundi lowo
- (c) abathatha ixesha elingaphezulu kwe-1,5 yeeyure ukuya kufika esikolweni; kunye
- (d) nabo abazali babo abangakwaziyo ukuhlawula iimali zehoste zomfundi.
- (8) Inkxasomali yeendleko zehoste zabafundi abanezidingo ezithile ababhaliswe kwisikolo zesiqhelo ziya kubonelelwa liSebe leMfundo leNtshona Koloni ngokwenkqubo yenkxasomali iyonke yabo bonke abafundi abakuloo hoste.
- (9) Akuvumelekanga, phantsi kwazo naziphi na iimeko, ukuba umfundi afumane inkxasomali yehoste aphinde ahambe ngesithuthi sesikolo.

Ukwamkelwa ehoste

17. Ngokuxhomekeke kwicandelo 41 loMthetho, kunye nawuphi omnye umthetho wesizwe okanye wephondo, umgaqonkqubo wolwamkelo ehoste kunye nemiqathango yokuhlawula iimali zasehoste ugqitywa liqumru elilawula isikolo.

Ukuziphatha nokululekwa kwabafundi kwiihoste

18. Ukunqunyanyiswa nokugxothwa komfundi ehoste makwenziwe ngokulandelwa kwenkqubo yobulungisa, ukuhlonipha namalungelo abafundi abachaphazekayo nelungelo labo ngokomgaqo-siseko lokwenza ngobulungisa xa kulandelwa iinkqubo ezimiselayo kule miba (*constitutional right to procedural and substantive fairness*).

Uhlolo lwemo yezempilo kwiihoste

19. (1) Ukuba ngaba inqununu inoluvo lokuba ukuba imeko yehoste ifuna ukuhlolwa, inokuthi icele ugunyaziwe ojongene neenkonzo zezempilo kumasipala osebenza kummandla waloo hoste ukuba athumele uMhloli wezeMpilo, oqeshwe ngokwecandelo 80 loMthetho kaZwelonke weZempilo, 2003 (uMthetho 61 ka-2003) ukuba enze olo hlolo.
- (2) Iingxelo zohlolo lwezempilo ezenziwe emva kohlolo kufuneka ukuba zinikwe inqununu zingaphelanga iintsuku ezili-14 emva kolo hlolo.
- (3) Iingxelo ekubhekiswe kuzo kumgaqwana (2) kufuneka zithunyelwe nakwiNtloko yeSebe ngokuthi zidluliselwe kuMlawuli weSithili.

Uhlolo lwezempilo lwabafundi kunye nolawulo lokuselwa kwamayeza neepilisi

20. (1) Umfundi ohlala ehoste, unokuthi, ukuba oko kufunwa yiNtloko yeSebe, inqununu yesikolo okanye umntu ogunyaziwe yiyo nasemva kokubonisana nabazali bomfundi, ahlolwe ngamagosa ezempilo.
- (2) Ulawulo nokusetyenziswa kwamayeza neepilisi ngabafundi abahlala ehoste kufuneka kulandele imiqathango yezikhokelo zephondo zolawulo lwamayeza neepilisi.

IGama elifutshane nomhla wokuqalisa ukusebenza

21. Le migaqo ibizwa ngokuba yiMimiselo emalunga nokuLawulwa kweHoste zikaRhulumente nokuLawulwa kwePropathi engenakushenxiswa noMatshini neziXhobo zokuSebenza zeSebe leMfundo eNtshona Koloni, yaye iqalisa ukusebenza nge-1 Janyuwari 2013.

