



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

**Buitengewone
Provinsiale Koerant**

**Isongezelelo
kwiGazethi yePhondo**

7352

7352

7352

Friday, 6 February 2015

Vrydag, 6 Februarie 2015

uLwesihlanu, 6 kweyoMdumba 2015

Registered at the Post Office as a Newspaper

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*(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)*

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PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
UMLAWULI JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

P.N. 40/2015

6 February 2015

**DETERMINATION OF THE PROCEDURES FOR THE ESTABLISHMENT
AND ELECTION OF GOVERNING BODIES AT PUBLIC SCHOOLS**

The Provincial Minister responsible for education in the Western Cape, under section 28 of the South African Schools Act, 1996 (Act 84 of 1996), has determined the procedures for the establishment and election of governing bodies at public schools as set out in the Schedule.

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Definitions

1. In these paragraphs, unless stated otherwise, any word or expression to which a meaning has been assigned in the Act, bears the meaning assigned to it and, unless the context indicates otherwise—

“co-opt” means to—

- (a) temporarily appoint a parent member with voting rights to the governing body;
- (b) appoint an additional member without voting rights to the governing body; or
- (c) appoint a member without voting rights to the governing body if applicable, as contemplated in paragraph 2(6)(g) to (j);

“days” means working days, including school holidays, and excludes Saturdays, Sundays, and public holidays;

“district electoral officer” means a senior district official at a district office who is responsible for overseeing and managing the election process in the district;

“educator” means any person appointed by the Head of Department or the governing body, including grade R educators but excluding a person who is appointed exclusively to perform extracurricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a public school;

“educator candidate” means an educator who is nominated successfully to serve on a governing body in terms of paragraph 16;

“grade R educator” means a grade R educator registered with the South African Council for Educators;

“Head of Department” means the head of the Western Cape Education Department;

“member” means a member of a governing body;

“non-educator” means a person appointed in accordance with the Public Service Act, 1994 (Proclamation 103 of 1994), and includes a person employed by the governing body, who is not an educator;

“parent” means—

- (a) the biological or adoptive parent or legal guardian of a learner;
- (b) the person legally entitled to custody of a learner; or
- (c) the person who undertakes to fulfil the obligations of a person referred to in subparagraphs (a) and (b) towards the learner’s education at the school, including providing a home, feeding, clothing, providing educational, extra mural and medical support for the learner, paying school fees, receiving a school report and acting *in loco parentis* while the learner is at school;

“parent candidate” means a parent who is nominated successfully to serve on a governing body in terms of paragraph 13;

- “**primary school**” means a school providing education up to but not exceeding grade seven;
- “**province**” means the Province of the Western Cape;
- “**Provincial Minister**” means the Provincial Minister responsible for education in the province;
- “**representative council of learners**” means a representative council of learners established under section 48 of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997);
- “**school**” means an ordinary public school or a public school for learners with special education needs;
- “**school electoral officer**” means an electoral officer contemplated in paragraph 8;
- “**school electoral team**” means the school electoral officer appointed in terms of paragraph 8(1) together with the persons appointed to assist the school electoral officer in terms of paragraph 8(2);
- “**secondary school**” means a school providing education from not lower than the eighth grade up to but not exceeding the twelfth grade;
- “**sponsoring body**” means a body which provides financial support to a school for learners with special education needs;
- “**the Act**” means the South African Schools Act, 1996 (Act 84 of 1996);
- “**Western Cape Education Department**” means the department responsible for education in the province.

Composition of governing body

2. (1) Subject to subparagraph (19) and paragraph 6(4), a governing body of an ordinary secondary school is composed in terms of section 23 of the Act and must consist of—
- (a) seven parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (b) two educators at the school;
 - (c) one non-educator at the school;
 - (d) two learners from the representative council of learners;
 - (e) the principal or, if the principal is disqualified as contemplated in paragraph 3, the deputy principal;
 - (f) the owner of the property or his or her nominee, to be co-opted by the governing body if the school is located on private property; and
 - (g) not more than six members of the community to be co-opted by the governing body to assist in fulfilling specified responsibilities.
- (2) Subject to subparagraphs (3), (4), (5) and (19) and paragraph 6(4), a governing body of an ordinary primary school is composed in terms of section 23 of the Act and must consist of—
- (a) five parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (b) two educators at the school;
 - (c) one non-educator at the school;

- (c) one non-educator at the school;
 - (d) two learners from the representative council of learners, if reasonably practicable;
 - (e) the principal or, if the principal is disqualified as contemplated in paragraph 3, the deputy principal;
 - (f) the owner of the property or his or her nominee to be co-opted by the school if the school is located on private property;
 - (g) one representative of sponsoring bodies, if applicable;
 - (h) one representative of organisations of parents of learners with special education needs, if applicable;
 - (i) one representative of organisations of disabled persons, if applicable;
 - (j) one disabled person with appropriate experience in the field of special education needs, if applicable; and
 - (k) one expert in appropriate fields of special education needs.
- (7) In the circumstances contemplated in subparagraph (6), the members referred to in items (f) to (j) must be co-opted on the governing body if practicable to fulfill specified responsibilities.
- (8) Subject to subparagraph (10), co-opted members do not have voting rights on the governing body.
- (9) Parents who have voting rights must comprise the majority of members who have voting rights on a governing body.
- (10) If the number of parent members at any stage is not more than the combined total of other members with voting rights, the governing body must temporarily co-opt parents with voting rights.
- (11) If a parent is co-opted with voting rights as contemplated in subparagraph (10), the co-option ceases when the vacancy has been filled through a by-election, which must be held in accordance with the procedures for the election of parent members detailed in this determination, within 60 days after the vacancy has occurred.
- (12) If the by-election contemplated in subparagraph (11) did not take place within 60 days or a quorum could not be obtained at a by-election meeting, the governing body may co-opt a parent for a further 60 days.
- (13) The nomination and election meeting for the by-election contemplated in subparagraph (11) must be held in terms of this determination.
- (14) Subject to subparagraphs (21) and (22), parents at the school must nominate and elect the parent members referred to in subparagraphs (1)(a), (2)(a), 3(a), (4)(a), (5)(a) and (6)(a).
- (15) Educators employed at the school concerned must nominate and elect the educator members referred to in subparagraphs (1)(b), (2)(b), (5)(c) and (6)(b).
- (16) Non-educator staff employed at the school must nominate and elect the non-educator members referred to in subparagraphs (1)(c), (2)(c) (4)(c), (5)(d) and (6)(c): Provided that if the school has only one non-educator, that member is automatically elected.

- (17) The representative council of learners at the school must nominate and elect the learner members referred to in subparagraph (1)(d) and (6)(d).
- (18) The governing body of an ordinary school that provides education to learners with special education needs must establish a committee on special education needs in terms of section 30 of the Act.
- (19) The Head of Department may approve the composition of a governing body at a school that differs from the composition contemplated in subparagraphs (1), (2), (3), (4), (5) and (6) if—
 - (a) the governing body of the school has applied in writing for such different composition and provided reasons therefor; or
 - (b) such body needs to be established to perform the functions of a governing body in the interim to facilitate the establishment of a new school,
and the Head of Department is satisfied that such composition is in the interest of education at the school.
- (20) The Head of Department may at any time in his or her discretion withdraw the permission referred to in subparagraph (19) and dissolve the governing body composed under subparagraph (19)(a) or (b) whereupon a new governing body must be composed in accordance with subparagraphs (1), (2), (3), (4), (5) or (6), as the case may be.
- (21) If the principal of the school is of the opinion that more than 50 per cent of the parents of learners of a school reside so far outside the immediate vicinity of the school that the election of a governing body by the parents is not feasible he or she must obtain written approval from the Head of Department to nominate suitable persons for appointment.
- (22) For the purpose of the appointment of the required number of parent members contemplated in subparagraphs (19) and (21) the principal must submit the names and particulars of three more than the required number in order of preference to enable the Head of Department to exercise a choice.

Disqualification of members of a governing body

3. A person may not be elected or appointed as a member of a governing body if he or she—
 - (a) has at any time been convicted by a court of law of an offence for which he or she has received a suspended prison sentence, or was sentenced to imprisonment, with or without the option of a fine, or has not yet served his or her full period of imprisonment, unless he or she has received a free pardon, or the period of his or her suspension or imprisonment has expired at least three years prior to the date of his or her election as a member of such body;
 - (b) is mentally ill and has been declared as such by a competent court;
 - (c) is an unrehabilitated insolvent;

- (d) in the case of an educator appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998), has been suspended, unless the period of his or her suspension has expired at least three years prior to his or her election as a member of the governing body;
- (e) in the case of a non-educator appointed in terms of the Public Service Act, 1994, or by the governing body, has been suspended, unless the period of his or her suspension has expired at least three years prior to the date of his or her election as a member of such body;
- (f) in the case of a parent, does not have a child enrolled as a learner at the school concerned; or
- (g) has previously been removed from office by the Head of Department in terms of paragraph 4(3).

Term of office of members of governing body

- 4.** (1) Subject to paragraphs 5 and 6, the term of office of a member of a governing body who is not a learner must be three years, effective from the date of election of the new governing body or as determined by the Head of Department.
- (2) The term of office of a learner member must be one year.
- (3) The Head of Department may at any time remove a member from office if there are reasonable grounds justifying the removal.
- (4) If a person elected as a member of a governing body as contemplated in paragraph 2(1), (2), (3), (4), (5) or (6) ceases to fall within the category referred to in that paragraph in respect of which he or she was elected as a member, he or she ceases to be a member of the governing body.
- (5) A member of a governing body may be re-elected or co-opted, as the case may be, after the expiry of his or her term of office.
- (6) Subject to subparagraphs (1), (2), (3) and (4) and paragraphs 5 and 6, the members of a governing body must, notwithstanding the expiry of their terms of office referred to in subparagraphs (1) and (2), keep their membership until a new governing body composed in accordance with paragraph 2 takes office.

Vacancies in governing bodies

- 5.** (1) A vacancy occurs in a governing body if a member—
- (a) resigns;
 - (b) dies;
 - (c) is absent from three consecutive meetings without valid reason;
 - (d) becomes ineligible as referred to in paragraphs 3 and 4(4); or
 - (e) has been removed from office in terms of paragraph 4(3).
- (2) Whenever a vacancy occurs—
- (a) in a governing body composed in terms of paragraph 2(19) and (21), the Head of Department must appoint an eligible person in the vacancy; and

- (b) in a governing body composed in accordance with paragraph 2(1), (2), (3), (4), (5) or (6) the governing body must fill—
 - (i) a parent member vacancy in accordance with paragraph 2(10) and (11); and
 - (ii) an educator vacancy or non-educator vacancy through a by-election in accordance with the election procedures in terms of this determination within 14 days after the occurrence of the vacancy.
- (3) A member appointed in accordance with subparagraph (2)(a) or elected to fill a vacancy by means of a by-election in accordance with subparagraph (2)(b)(ii) obtains membership for the unexpired period of the term of office of his or her predecessor subject to paragraph 4.
- (4) If a vacancy has been filled—
 - (a) in accordance with subparagraph (2)(a), the Head of Department must;
or
 - (b) in accordance with subparagraph (2)(b), the secretary of the governing body must,
notify the principal in writing of the name of the person who is no longer a member of the governing body and of the name and address of the person's successor.
- (5) A member elected to fill a vacancy by means of a by-election as contemplated in subparagraph (2)(b) must have voting rights.

Dissolution and re-composition of governing bodies

- 6. (1) The Provincial Minister may dissolve a governing body if—
 - (a) he or she is of the opinion that, owing to the amalgamation of schools or the division of a school or other re-organisation of school facilities, it is necessary to afford parents of the schools or school concerned an opportunity to elect members of a new governing body that will be properly representative of the parents of learners attending the schools or school after such re-organisation;
 - (b) the governing body has failed to perform its functions satisfactorily or has acted in a manner that is not in the best interest of the school;
 - (c) at least 60 per cent of all parents entitled to vote under paragraph 7(1) vote, at a parents' meeting convened for this purpose with at least 10 days' prior written notice, which must be sent by post to all parents or be handed to each learner with the oral instruction to hand it to his or her parents, in favour of a motion of no confidence in the governing body concerned.
- (2) The chairperson of a governing body must convene a parents' meeting referred to in subparagraph (1)(c) within 15 days after he or she has been requested to do so in writing by not less than 30 per cent of the parents entitled to vote in terms of paragraph 7(1).
- (3) Where a governing body has been dissolved under subparagraph (1), it becomes inoperative on a date fixed by the Provincial Minister.

- (4) The Head of Department must, if a governing body becomes inoperative, appoint sufficient persons from a list of names of persons in order of preference submitted to him or her by the principal to perform the functions of a governing body at the school for a period not exceeding three months.
- (5) The Head of Department must notify the principal forthwith in writing of the names and addresses of the members of a governing body appointed in terms of subparagraph (4).
- (6) The Head of Department may extend the period referred to in subparagraph (4) by further periods not exceeding three months each, but the total period may not exceed one year.
- (7) A governing body must be elected under this determination within a year after the appointment of the persons referred to in subparagraph (4).

Franchise

7. (1) Every parent who has one or more learners enrolled at a school is entitled to vote for parent members of the governing body at that school and may vote only once for a particular nominee, with a maximum number of votes equal to the number of parent members to be elected: Provided that a maximum of two parents per learner are permitted to vote.
- (2) Every educator employed at a school, including the principal, is entitled to vote for educator members and may vote only once for a particular nominee, with a maximum number of votes equal to the number of educator members to be elected.
- (3) Every member of a representative council of learners is entitled to vote for learner members from the representative council of learners and may vote only once for a particular nominee with a maximum number of votes equal to the number of learner learners to be elected.
- (4) Every member of non-educator staff is entitled to vote for a member of non-educator staff and has one vote: Provided that if the school has only one non-educator, that member is automatically elected.
- (5) Only parents whose names appear on the voters' roll as contemplated in paragraph 12 are permitted to vote.

School electoral officer

8. (1) The Head of Department must appoint a principal of another school in writing as the school electoral officer, to conduct the nomination and election, as the case may be, of parent, educator and non-educator members referred to in paragraph 2(1), (2), (3), (4), (5) and (6) to a governing body: Provided that a principal may not be appointed if he or she has children enrolled at the school for which he or she is appointed as school electoral officer.
- (2) The school electoral officer may appoint one or more persons to assist at a nomination and election meeting: Provided that such a person is not a parent of a learner at the school conducting the nomination and election.

- (3) The school electoral officer must preside at any meeting held for the election of members of a governing body.

District electoral officer

9. (1) Any person who wishes to lodge an objection against a decision of a school electoral officer must, within five days after the election of members in the category concerned, lodge the objection in writing with the district electoral officer, who decides thereon.
- (2) The district electoral officer must consider the objection and respond in writing within five days of receipt of the objection.
- (3) Any person who is not satisfied with a decision of the district electoral officer may lodge an appeal with the Provincial Minister within 15 days after receiving the decision of the district electoral officer.
- (4) The Provincial Minister must consider the appeal and decide the matter in writing within 15 days of receipt of the appeal.
- (5) The members of an outgoing governing body must retain their membership until any objections or appeals lodged in terms of subparagraph (1) or (3) have been resolved.

Date, time and place of nomination and election meeting of parent members

10. (1) The school electoral officer must determine a date, time and place for a meeting for the nomination and election of parent members and must inform the principal in writing thereof.
- (2) The nomination and election of parent members must be preceded by the election of the other components of the governing body.
- (3) In the case of a new school, the meeting for the nomination and election of parent members must be held not later than 30 days after the establishment of the school.
- (4) The Provincial Minister may, if it is reasonably required in the circumstances of a given case, allow an extension in writing of the period contemplated in subparagraph (3), but such extension may not exceed six months after the establishment of the school.

Notice of nomination and election meeting of parent members

11. (1) The school electoral officer must prepare a notice in the form of Annexure A, of the nomination and election meeting referred to in paragraph 10 and a nomination form in the form of Annexure B, and must, at least 15 days prior to the nomination and election meeting, provide the principal with a sufficient number of copies of such notice and nomination form in order that the provisions of subparagraph (4) may be implemented.
- (2) The notice to the parent must—
 - (a) state the date, time and place of the meeting;

- (b) include a reminder that parents must bring a form of identification to be allowed to vote; and
 - (c) indicate the time and date of a follow-up meeting, to be held at least five days after the first meeting should a quorum not be achieved at the first meeting.
- (3) The identification contemplated in subparagraph (2) may include a South African green barcoded identity document or a temporary identity document issued by the Department of Home Affairs, or a permit in the case of a foreigner, issued in terms of the Immigration Act, 2002 (Act 13 of 2002): Provided that in the event of such identification not being available an alternative form of identification may be accepted by a member of the school electoral team.
- (4) The principal must at least 10 days prior to the date of the nomination and election meeting for parent members—
 - (a) hand copies of the notice and nomination form to every learner of the school concerned with the oral instruction to hand it to his or her parents;
 - (b) send copies of the notice and nomination form to the parents of every learner at the school by post, if he or she deems it expedient;
 - (c) use a combination of the two notification methods contemplated in items (a) and (b); or
 - (d) use any other method to notify the parents of every learner at the school of the nomination and election meeting of parent members, as long as the method of notification does not disadvantage any members of the school community or impede their participation in the election process.

Voters' rolls

- 12.** (1) The principal must make a voters' roll for each of the categories of voters available, containing the names of all parents, educators, and non-educators at the school who are entitled to vote as follows:
- (a) The voters' roll for parents must be based on the school admission register and eligible voters are those people whose names appear in the admissions register as parents or who can show proof that they are parents of learners enrolled in the school.
 - (b) The voters' roll for educators must consist of all educators employed at the school.
 - (c) The voters' roll for non-educators must consist of all non-educators employed at the school.
- (2) The voters' roll for parents must be made available for scrutiny at least 10 days prior to the meeting.

Nomination and election meeting of parent members

- 13.** (1) To nominate a parent candidate, the parent of a learner at the school must—
- (a) lodge with the school electoral officer, not more than 10 days before the date of the nomination and election meeting, a nomination form in the form of Annexure B duly completed by the proposer, seconder and parent candidate; or
 - (b) propose a parent as a member of the governing body during the nomination and election meeting.
- (2) A nomination contemplated in subparagraph (1)(b) must be seconded by another parent and a nomination form in the form of Annexure B must be duly completed by the proposer, the seconder and, if present, the parent candidate, and must be lodged with the school electoral officer within the time referred to in subparagraph (3).
- (3) If a quorum as referred to in paragraph 14(2) is present, the school electoral officer must determine the time to be allowed for the nomination of parent candidates during the nomination and election meeting, and must inform the meeting thereof.
- (4) If a quorum as referred to in paragraph 14(2) is not reached, the follow-up meeting contemplated in paragraph 11(2)(c) must be held.
- (5) In the circumstances contemplated in subparagraph (4)—
- (a) the school electoral officer must provide the principal with a notice stating that a quorum has not been achieved and that a follow-up meeting as contemplated in paragraph 11(2)(c) must be held;
 - (b) the principal must within two days of the first meeting hand to each learner of the school the notice together with a nomination form with the oral instruction to hand them to his or her parents;
 - (c) any prior nominations made or submitted at the first nomination and election meeting remain valid for the second meeting; and
 - (d) additional nominations of candidates to stand for election may be lodged during the second notice period and the follow-up meeting.
- (6) A parent candidate may not nominate himself or herself.
- (7) After expiry of the time referred to in subparagraph (3), the school electoral officer must consider the nominations and reject the nomination of any parent candidate who—
- (a) was not nominated in accordance with subparagraph (1);
 - (b) is ineligible as contemplated in paragraph 3;
 - (c) in the case of a nomination referred to in subparagraph (1)(b), did not complete the said nomination form, unless written proof to the satisfaction of the school electoral officer is submitted before the expiry of the time referred to in subparagraph (3), that such parent candidate will be willing to serve as a member of the governing body; or
 - (d) nominated himself or herself,
- and thereafter the school electoral officer must announce the names of the parent candidates whose nominations have been accepted.

- (8) (a) If the total number of parent candidates whose nominations have been accepted as contemplated in subparagraph (7), is less than the number of members determined in terms of paragraph 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) or (6)(a) in respect of the governing body concerned, a new meeting at which additional parent candidates must be nominated must be convened in accordance with this determination.
- (b) If the number of accepted parent candidates—
- (i) is equal to the number of the members determined in terms of paragraph 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) or (6)(a) in respect of the governing body concerned, the school electoral officer must declare every accepted parent candidate to be a duly elected member of the governing body; or
 - (ii) is more than the number of members determined in terms of paragraph 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) or (6)(a) in respect of the governing body concerned, a poll must be held in accordance with paragraph 14.

Poll at election of parent members

- 14.** (1) The poll referred to in paragraph 13(8)(b)(ii) must be held on the date and at the time and place determined in accordance with the nomination and election process.
- (2) A quorum of parents—
- (a) must be present at a nomination and election meeting for nominations or an election to take place;
 - (b) consists of 15 per cent of the total number of parents on the voters' roll, as illustrated in Annexure C.
- (3) The school electoral officer must issue every parent referred to in paragraph 7(1) who wishes to vote with an approved ballot paper on which an official mark or stamp appears.
- (4) A parent referred to in paragraph 7(1) may record his or her vote on the ballot paper referred to in subparagraph (3): Provided that if such parent is on account of illiteracy, blindness or any other physical defect unable to record his or her vote, the school electoral officer may, at the request of the said parent and in the presence of a witness chosen by the parent concerned, record the vote of such parent on the ballot paper referred to in subparagraph (3) for the parent candidate or parent candidates indicated by the parent concerned.
- (5) The school electoral officer must reject a ballot paper—
- (a) on which the official mark or stamp referred to in subparagraph (3) does not appear;
 - (b) on which more votes are recorded than the number of members to be elected in accordance with paragraph 2; or
 - (c) which is completed in such a way that it is in the opinion of the school electoral officer uncertain for which parent candidate or parent candidates a vote was recorded.

- (6) The school electoral officer must—
 - (a) in the presence of every parent candidate who wishes to be present, count the votes recorded for every parent candidate; and
 - (b) declare the determined number of parents, in terms of paragraph 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) or (6)(a) in respect of the governing body concerned, for whom the greatest number of votes was recorded to be duly elected members of the governing body and state the number of votes recorded for every parent candidate.
- (7) If the number of votes recorded for two or more parent candidates is equal and it affects the result of the poll, the school electoral officer must draw lots to determine which of the parents are successfully elected.
- (8) No proxy votes will be accepted for governing body elections.

Deviation from single nomination and election meeting

15. (1) On the instruction of the governing body, the principal of the school may apply to the Head of Department not less than 30 days prior to the election as determined in subparagraph (4) for approval to deviate from the single nomination and election meeting as stipulated in this determination.
- (2) The application referred to in subparagraph (1) must be fully motivated and must clearly indicate the date, time and manner in which the school intends to manage the nomination and election of the parent members of the governing body.
- (3) The Head of Department must—
 - (a) consider the application and decide the matter in writing within 10 days of receipt of the application;
 - (b) grant such an application if he or she is satisfied that—
 - (i) the deviation will promote the best interest of the school community and the school concerned;
 - (ii) the deviation will allow for maximum participation of parents who wish to vote;
 - (iii) the deviation will not discriminate unfairly against any potential voters; and
 - (iv) effective provision is made for a fair nomination process in the run-up to the election.
- (4) The school electoral officer must—
 - (a) determine the date, venue and times for both the nomination and election meetings; and
 - (b) prepare a notice of such meeting, which must be distributed at least 15 days before the election day by methods contemplated in paragraph 11(4).
- (5) If the Head of Department approves the application for a deviation as contemplated in subparagraph (1), this determination must apply with the following deviations from the procedure for a single nomination and election meeting:

- (a) There will be no single nomination and election meeting.
 - (b) All nominations must be submitted in writing on a nomination form as contemplated in Annexure B, and must be lodged with the school at which the election is to take place not less than 10 days before the date of the election.
 - (c) The particulars of candidates nominated to stand for election and whose nominations have been accepted must be circulated to all parents in the school, in writing, at least five days before the election.
- (6) For an election held in terms of this paragraph to be valid, a quorum of parents—
- (a) must have voted at the election meeting;
 - (b) consists of 15 per cent of the total number of parents on the voters' roll, as illustrated in Annexure C.
- (7) If a quorum as contemplated in subparagraph (6) is not present at an election meeting another election meeting must be held, not more than five days after the previous meeting, at which a quorum is not required.

Nomination and election meeting of educator members

- 16.** (1) The school electoral officer must determine a date, time and place for a meeting for the nomination and election of educator members, which must be held at least five days before the nomination and election meeting for parent members.
- (2) To nominate an educator candidate, an educator on the establishment of the same school must—
- (a) lodge with the school electoral officer, not more than seven days prior to the date of the nomination and election meeting, a nomination form in the form of Annexure B, duly completed by the proposer, seconder and educator candidate; or
 - (b) propose an educator as a member of the governing body during the nomination and election meeting.
- (3) A nomination contemplated in subparagraph (2)(b) must be seconded by another educator and a nomination form in the form of Annexure B must be duly completed by the proposer, the seconder and, if present, the educator candidate, and must be lodged with the school electoral officer within the time referred to in subparagraph (4).
- (4) If a quorum as referred to in paragraph 17(2) is present, the school electoral officer must determine the time to be allowed for the nomination of educator candidates during the nomination and election meeting, and must inform the meeting thereof.
- (5) An educator candidate may not nominate himself or herself.
- (6) After expiry of the time referred to in subparagraph (4) the school electoral officer must consider the nominations and reject the nomination of any educator candidate who—
- (a) has not been nominated in accordance with subparagraph (2);

- (b) is ineligible as contemplated in paragraph 3;
 - (c) in the case of a nomination referred to in subparagraph (2)(b), has not completed the said nomination form, unless written proof to the satisfaction of the school electoral officer is submitted before the expiry of the time referred to in subparagraph (4) that such educator candidate is willing to serve as a member of the governing body; or
 - (d) has nominated himself or herself,
- and thereafter the school electoral officer must announce the names of the educator candidates whose nominations have been accepted.
- (7) (a) If the total number of educator candidates whose nominations have been accepted as contemplated in subparagraph (6) is less than the number of members determined in terms of paragraph 2(1)(b), (2)(b), (5)(c) or (6)(b) in respect of the governing body concerned, a new meeting at which new educator candidates must be nominated must be convened in accordance with this determination.
 - (b) If the number of accepted educator candidates—
 - (i) is equal to the number of members determined in terms of paragraph 2(1)(b), (2)(b), (5)(c) or (6)(b) in respect of the governing body concerned, the school electoral officer must declare every accepted educator candidate to be a duly elected member of the governing body; or
 - (ii) is more than the number of members determined in terms of paragraph 2(1)(b), (2)(b), (5)(c) or (6)(b) in respect of the governing body concerned, a poll must be held in accordance with paragraph 17.
 - (8) If there are ten or less educators on the establishment of a school, the procedure for the nomination of educator members is not followed, but the procedure for the poll referred to in paragraph 17 will be followed.

Poll at election of educator members

- 17. (1) The school electoral officer must prepare a notice of the election meeting and must distribute a copy of the notice to every educator on the establishment of the school at least five days before the meeting.
- (2) A quorum at the poll consists of a majority of the total number of educators on the establishment of the school.
- (3) The school electoral officer must issue each educator who wishes to cast his or her vote with an approved ballot paper on which an official mark or stamp appears.
- (4) An educator referred to in subparagraph (1), must cast his or her vote by writing the names of not more than two educator candidates on the ballot paper as contemplated in subparagraph (3).
- (5) The school electoral officer must reject a ballot paper—
 - (a) on which the official mark or stamp referred to in subparagraph (3) does not appear;

- (b) on which the names of more than two educator candidates appear; or
 - (c) which is completed in such a way that it is in the opinion of the school electoral officer uncertain for which educator candidate or educator candidates a vote was recorded.
- (6) The two educator candidates for whom the greatest number of votes have been recorded, must be declared as duly elected by the school electoral officer.
 - (7) Where the number of votes recorded for the first three or more educator candidates is equal, the school electoral officer must repeat the polling procedure until two educator candidates record a simple majority of votes.
 - (8) If a result for the second position with regard to the other educator candidates referred to in subparagraph (7) is not obtained, the school electoral officer must ascertain the result with regard to the said educator candidates by drawing lots.

Nomination and election of a non-educator member

- 18.** The procedure for the nomination and election of educator members applies, with the necessary changes, to the nomination and election of a non-educator member.

Nomination and election of learner members

- 19.** The representative council of learners must elect from its ranks two learners who must be members of the governing body as contemplated in the Determination of the Functions and Procedures for the Establishment and Election of Representative Councils of Learners at Public Schools.

Decisions of school electoral officer

- 20.** (1) The school electoral officer must decide and settle all matters connected with the nomination of candidates and election of members.
- (2) All disputes should be reported to the officiating school electoral officer during the nomination and election process.
- (3) The school electoral officer must resolve all disputes in order to declare elections undisputed.
- (4) A decision of the school electoral officer during the nomination and election process is final.
- (5) Should there be a dispute that the school electoral officer is unable to resolve, the elections must go ahead.

Procedure after election of governing body

- 21.** (1) After the election of a governing body the school electoral officer must—
- (a) place all documents, used in the nomination and election of the members, including all completed ballot papers used in the election and all nomination forms received, in envelopes and seal the envelopes;
 - (b) keep those envelopes in safe custody for a period of at least three years from the date of the election of the governing body concerned;
 - (c) notify each elected member in writing of his or her election; and
 - (d) notify the principal and the district electoral officer within three days of the date of the nomination and election meeting or the poll, as the case may be, in writing of the names and addresses of the persons elected as members.
- (2) The outgoing governing body must continue to perform its functions until the first meeting of the newly elected governing body as contemplated in paragraph 22(1).

Election of office-bearers

- 22.** (1) The principal must convene the first meeting of the newly elected governing body within five days after receiving the notice contemplated in paragraph 21(1)(d) in order to elect the office-bearers of the governing body.
- (2) The handover process must take place within 10 days of the first meeting of the new governing body and the principal must facilitate the handover process.
 - (3) At the first meeting of the governing body, the body must from among its members elect officer-bearers, who must comprise at least a chairperson, a treasurer and a secretary.
 - (4) Only a parent member of a governing body may serve as chairperson or vice-chairperson of the governing body.
 - (5) Any educator, non-educator or parent member, including a co-opted parent member of the governing body, may serve as secretary or treasurer.
 - (6) Any member may serve as chairperson of a subcommittee of the governing body, with the exception of a disciplinary committee which must be chaired by a parent member.
 - (7) Subject to subparagraph (8), the office-bearers must remain in office for a term of 12 months from their election.
 - (8) An office-bearer of a governing body may be re-elected or co-opted as an office-bearer after the expiry of his or her term of office.
 - (9) If for any reason the office of an office-bearer becomes vacant, the governing body must at the first meeting after the vacancy has occurred, elect one of its members to fill the vacancy for the unexpired period of office of his or her predecessor.
 - (10) The principal must preside at an election referred to in subparagraphs (3) and (9).

- (11) The principal must, after a meeting at which any office-bearer has been elected in accordance with this paragraph, notify the Head of Department by means of the Western Cape Education Department's on-line management information system, of the date of the meeting and the name, address and office of the person elected, as well as the date of the governing body election and the names and addresses of all persons elected as members.
- (12) At the expiry of his or her term of office, an outgoing member must perform his or her functions until the election of the office-bearer who is to replace him or her has taken place.

Meetings of governing bodies

23. (1) The chairperson of a governing body must determine the date, time and place of a meeting of the governing body and the secretary of the governing body must notify each member in writing thereof at least 10 days prior to such meeting: Provided that, in the case of a matter requiring urgent attention in the opinion of the chairperson of the governing body at least 24 hours' notice must be given.
- (2) Any person may on the invitation of the governing body be present at a meeting of the body and take part in the discussion, but may have no vote and must leave the meeting when the governing body makes a decision.
- (3) A governing body may require any staff member of the school concerned to attend a meeting of the body in connection with any matter relating to the functions of the governing body.
- (4) The majority of the enfranchised members of a governing body constitutes a quorum for any meeting of the governing body.
- (5) A governing body must determine its own rules relating to its meetings and the procedures at such meetings.

Minutes of proceedings of meetings

24. (1) The secretary of a governing body must keep minutes of the proceedings of every meeting of the governing body and must provide the Head of Department, or any person duly designated by the Head of Department, and each member of the governing body with a copy of the minutes.
- (2) The secretary of a governing body must provide, on request, a parent of a learner at the school, an educator or a non-educator at the school with a copy of such minutes: Provided that there is no violation of the rights of persons and that the applicant requires it for the exercise or protection of his or her rights or interests.
- (3) The minutes of a meeting of a governing body or a committee thereof must at the next meeting of the governing body or a committee thereof, as the case may be, be submitted for approval.

- (4) Upon the dissolution of a governing body or the expiry of its term of office, all minutes and other documents of the governing body and any committee thereof must be handed to the principal of the school.
- (5) At the closure of a school the principal must hand in all minutes and other documents of the governing body or any committee thereof to the Head of Department for safekeeping.

Repeal of measures

25. The following measures are repealed—

- (a) Measures relating to Governing Bodies and a Representative Council of Learners for Public Schools (excluding Public Schools for Learners with Special Education Needs), published under Provincial Notice 164/2008 in *Provincial Gazette Extraordinary* 6519 of 20 May 2008;
- (b) Measures relating to Governing Bodies and a Representative Council of Learners of Public Schools for Learners with Special Education Needs (excluding Public Schools for Learners Sent or Transferred thereto in terms of the Children's Act, 2005 (Act 38 of 2005); the Western Cape Provincial School Act, 1997 (Act 12 of 1997), and/or the Criminal Procedure Act, 1977 (Act 51 of 1977), as Amended), published under Provincial Notice 278/2008 in *Provincial Gazette Extraordinary* 6554 of 12 September 2008; and
- (c) Measures relating to Governing Bodies and a Representative Council of Learners of Public Schools for Learners Sent or Transferred thereto in terms of the Children's Act, 2005 (Act 38 of 2005); the Western Cape Provincial School Act, 1997 (Act 12 of 1997), and/or the Criminal Procedure Act, 1977 (Act 51 of 1977), as Amended, published under Provincial Notice 279/2008 in *Provincial Gazette Extraordinary* 6554 of 12 September 2008.

ANNEXURE A

NOTICE OF NOMINATION AND ELECTION MEETING

**Election of Educators/Non-Educators/Parents of Learners
to the Governing Body**

*(Paragraphs 11, 14, 16, 17 and 18 of the Determination of the Procedures for the
Establishment and Election of Governing Bodies at Public Schools)*

NAME OF
SCHOOL:.....

Notice is hereby given that a meeting for the nomination and election of candidates for the election of as members of the governing body for the above-mentioned school will be held on(date) at(time) in(place). Should a quorum not be reached, a follow-up meeting will be held on(date) at(time).

It shall be determined at(time) on the evening of the nomination and election meeting whether enough parents entitled to vote are present for the meeting to go ahead. Parents are thus encouraged to attend the meeting and are requested to arrive at the meeting before(time).

A candidate may also be nominated by lodging with the school electoral officer not later than 10 days before the above meeting, a nomination form duly completed by the proposer, seconder and nominated candidate. For this purpose nominations will be accepted at the school from (date) until(time) on (date).

If more candidates are nominated than the number of members to be elected, a poll will be conducted after the nomination meeting.

.....
DATE SIGNATURE OF SCHOOL ELECTORAL OFFICER

ADDRESS:
.....
.....
.....

ELECTION RULES

(To accompany notice of a nomination and election meeting)

1. COMPOSITION OF GOVERNING BODY

- (a) A governing body of an ordinary secondary school must consist of—
- (i) seven parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (ii) two educators at the school, elected by educators employed at the school;
 - (iii) one non-educator at the school, elected by staff at the school who are not educators;
 - (iv) two learners in the eighth grade or higher elected by the representative council of learners from its own ranks;
 - (v) the principal or, if the principal is disqualified, the deputy principal;
 - (vi) the owner of the property, if the school is located on private property, or his or her nominee if co-opted by the governing body of the school, without voting rights; and
 - (vii) a member or members of the community (a maximum of six members) if co-opted by the governing body, without voting rights.
- (b) Subject to paragraphs (c), (d) and (e), a governing body of an ordinary primary school must consist of—
- (i) five parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (ii) two educators at the school, elected by educators employed at the school;
 - (iii) one non-educator at the school, elected by staff at the school who are not educators;
 - (iv) the principal or, if the principal is disqualified, the deputy principal;

- (v) the owner of the property, if the school is located on private property, or his or her nominee if co-opted by the governing body, without voting rights; and
 - (vi) a member or members of the community (a maximum of six members) if co-opted by the governing body, without voting rights.
- (c) A governing body of an ordinary primary school with a staff establishment of one educator must consist of—
- (i) two parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (ii) the principal or, if the principal is disqualified, the deputy principal;
 - (iii) the owner of the property, if the school is located on private property, or his or her nominee if co-opted by the governing body of the school, without voting rights; and
 - (iv) a member or members of the community (a maximum of six members) if co-opted by the governing body, without voting rights.
- (d) A governing body of an ordinary primary school with a staff establishment of one educator and one non-educator must consist of—
- (i) three parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (ii) the principal or, if the principal is disqualified, the deputy principal;
 - (iii) one non-educator at the school, elected by staff at the school who are not educators;
 - (iv) the owner of the property, if the school is located on private property, or his or her nominee if co-opted by the governing body, without voting rights; and

- (v) a member or members of the community (a maximum of six members) if co-opted by the governing body of the school, without voting rights.
- (e) A governing body of an ordinary primary school with a staff establishment of two educators and one non-educator must consist of—
- (i) four parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (ii) one educator at the school, elected by educators employed at the school;
 - (iii) one non-educator at the school, elected by staff at the school who are not educators;
 - (iv) the principal or, if the principal is disqualified, the deputy principal;
 - (v) the owner of the property, if the school is located on private property, or his or her nominee if co-opted by the governing body, without voting rights; and
 - (vi) a member or members of the community (a maximum of six members) if co-opted by the governing body, without voting rights.
- (f) A governing body of a school for learners with special education needs must consist of—
- (i) seven parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (ii) two educators at the school, elected by educators employed at the school;
 - (iii) one non-educator at the school, elected by staff at the school who are not educators;
 - (iv) two learners in the eighth grade or higher elected by the representative council of learners from its ranks, if practicable;
 - (v) the principal or, if the principal is disqualified, the deputy principal;

- (vi) the owner of the property, if the school is located on private property, or his or her nominee if co-opted by the governing body, without voting rights
 - (vii) one representative of sponsoring bodies, if applicable and if co-opted by the governing body, without voting rights;
 - (viii) one representative of organisations of parents of learners with special education needs, if applicable and if co-opted by the governing body, without voting rights;
 - (ix) one representative of organisations of disabled persons, if applicable and if co-opted by the governing body, without voting rights;
 - (x) one disabled person with appropriate experience in the field of special education needs, if applicable and if co-opted by the governing body, without voting rights; and
 - (xi) one expert in appropriate fields of special education needs, co-opted by the governing body, without voting rights.
- (g) Parent members who have voting rights must comprise the majority of members of a governing body.

2. NOMINATIONS OF PARENT MEMBERS

- (a) Each parent candidate must be proposed and seconded on a nomination form by parents entitled to vote as indicated in paragraph 4 below. A voter who proposes or seconds a parent candidate must first establish that the parent candidate is not disqualified to be elected as a member as indicated in paragraph 3 below.
- (b) A nomination form must be completed for each nomination of a parent candidate.
- (c) The electoral officer must determine the time to be allowed for the nomination of parent candidates during the nomination and election meeting, and must inform the meeting thereof.
- (d) A parent candidate may not nominate himself or herself.

3. DISQUALIFICATION OF MEMBERS

A person may not be elected or appointed as a member of a governing body if he or she—

- (a) has been convicted by a court of law of any offence for which he or she has received a suspended prison sentence, or was sentenced to imprisonment, with or without the option of a fine, or has not yet served his or her full period of imprisonment, unless he or she has received a free pardon, or the period of his or her suspension or imprisonment has expired at least three years prior to the date of his or her election as a member of such body;
- (b) is mentally ill and has been declared as such by a competent court;
- (c) is an unrehabilitated insolvent;
- (d) in the case of an educator appointed in terms of the Employment of Educators Act, 1998, (Act 76 of 1998), has been suspended, unless the period of his or her suspension has expired at least three years prior to the date of his or her election as a member of the governing body;
- (e) in the case of a non-educator appointed in terms of the Public Service Act, 1994, (Proclamation 103 of 1994), or by the governing body, has been suspended unless the period of his or her suspension has expired at least three years prior to the date of his or her election as a member of the governing body;
- (f) in the case of a parent, does not have a child enrolled as a learner at the school; or
- (g) has previously been removed from office by the head of the Western Cape Education Department.

4. FRANCHISE

- (a) Every parent of one or more learners enrolled at the school at the time of the election of members of the governing body is entitled to vote for parent members at the election. A maximum of two parents per learner will be allowed to vote.
- (b) A person who is not the natural parent or legal guardian but is a person in whose custody one or more learners enrolled at the school have been lawfully placed, is entitled to vote at the election of parent members of the governing body.

- (c) Every educator employed at the school at the time of the election of members of the governing body, including the principal, is entitled to vote for educator members at the election.
- (d) Every non-educator employed at a school at the time of the election of members of the governing body, is entitled to vote for non-educator members at the election.
- (e) Every member of the representative council of learners at a school at the time of the election of members of the governing body is entitled to vote for learner members at the election.
- (f) A person who is entitled to vote may vote only once for a particular candidate, with a maximum number of votes equal to the number of members to be elected.
- (g) No proxy votes will be accepted for governing body elections.

5. GENERAL

The principal may include such additional information to this annexure as he or she may deem necessary for the smooth progress of the election, for example, the importance of parent participation.

ANNEXURE B

NOMINATION FORM

**Election of Educators/Non-Educator/Parents of Learners
as Members of Governing Body**

*(Paragraphs 13, 14, 15, 16, 17 and 18 of the Determination of the Procedures for the
Establishment and Election of Governing Bodies at Public Schools)*

(The achievement of the highest practicable level of representivity must be striven for in the nomination and election of members of the governing body and we therefore encourage parents to participate in this process.)

NAME OF SCHOOL:

.....

PROPOSER:

I,.....

(Full Name)

of

(Residential Address)

being an educator/non-educator/parent of a learner of the above-mentioned school, hereby propose

.....

(Full Name of Candidate)

as a member of the governing body of the above-mentioned school.

.....

SIGNATURE OF PROPOSER

SECONDER:

I,
(Full Name)

of
(Residential Address)

being an educator/non-educator/parent of a learner of the above-mentioned school,
hereby second the above-mentioned proposal.

.....
SIGNATURE OF SECONDER

CANDIDATE:

I,
(Full Name)

of
(Residential Address)

hereby declare that I—

- (a) accept the above-mentioned nomination; and
- (b) am not ineligible to be a member of a governing body referred to in paragraph 3 of the “Election Rules” (see Annexure A).

.....
SIGNATURE OF CANDIDATE

OR

(IF PROPOSED AT NOMINATION AND ELECTION MEETING AND NOT PRESENT TO COMPLETE THE NOMINATION FORM)

I,
(Full Name)

declare that written proof to my satisfaction has been submitted that the above-mentioned candidate—

- (a) who is not present at the nomination and election meeting to complete the nomination form, will, if elected, be willing to serve as a member of the governing body; and
- (b) is not ineligible to be a member of a governing body referred to in paragraph 3 of the “Rules of Election” (see Annexure A).

.....
SIGNATURE OF SCHOOL ELECTORAL OFFICER

This nomination is accepted / rejected.
(Delete which is not applicable)

.....
DATE

.....
SIGNATURE OF SCHOOL ELECTORAL OFFICER

ANNEXURE C**QUORUM FOR NOMINATION AND ELECTION OF PARENT MEMBERS**

(Paragraphs 13, 14 and 15 of the Determination of the Procedures for the Establishment and Election of Governing Bodies at Public Schools)

A quorum is equal to 15 per cent of the total number of parents on the voters' roll and is determined as follows:

Total number of parents on voters' roll	= 1 500
Quorum	= 1 500 x 15%
	= 225 parents

BEPALING VAN DIE PROSEDURES VIR DIE INSTELLING EN VERKIESING VAN BEHEERLIGGAME BY OPENBARE SKOLE

Die Provinsiale Minister verantwoordelik vir onderwys in die Wes-Kaap het kragtens artikel 28 van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), die prosedures vir die instelling en verkiesing van beheerliggame by openbare skole, soos in die Bylae uiteengesit, bepaal.

BYLAE

INDELING

Paragrawe

1. Woordomskrywing
2. Samestelling van beheerliggaam
3. Diskwalifikasie van lede van beheerliggaam
4. Ampstermyn van lede van beheerliggaam
5. Vakatures in beheerliggaam
6. Ontbinding en hersamestelling van beheerliggaam
7. Stemreg
8. Skoolkiesbeampte
9. Distrikskiesbeampte
10. Datum, tyd en plek van nominasie- en verkiesingsvergadering van ouerlede
11. Kennisgewing van nominasie- en verkiesingsvergadering van ouerlede
12. Kieserslyste
13. Nominasie en verkiesing van ouerlede
14. Stemming by verkiesing van ouerlede
15. Afwyking van enkele nominasie- en verkiesingsvergadering
16. Nominasie- en verkiesingsvergadering van opvoederlede
17. Stemming by verkiesing van opvoederlede
18. Nominasie en verkiesing van nie-opvoederlid
19. Nominasie en verkiesing van leerderlede
20. Besluite van skoolkiesbeampte
21. Prosedure na verkiesing van beheerliggaam
22. Verkiesing van ampsdraers

23. Vergaderings van beheerliggaam
24. Notules van verrigtinge van vergaderings
25. Herroeping van maatreëls

Woordomskrywing

1. In hierdie paragrawe, tensy anders vermeld, het enige woord of uitdrukking waaraan daar in die Wet 'n betekenis geheg is, die betekenis aldus daaraan geheg en, tensy dit uit die samehang anders blyk, beteken—
 - “**borgliggaam**” ’n liggaam wat finansiële steun aan ’n skool vir leerders met spesiale onderwysbehoefte verskaf;
 - “**dae**” werksdae, met inbegrip van skoolvakansiedae, maar nie ook Saterdag, Sondag en openbare vakansiedae nie;
 - “**Departementshoof**” die hoof van die Wes-Kaapse Onderwysdepartement;
 - “**die Wet**” die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996);
 - “**distrikskiesbeampte**” ’n senior distriksbeampte by ’n distrikskantoor wat verantwoordelik is vir toesig oor en bestuur van die verkiesingsproses in die distrik;
 - “**graad R-opvoeder**” ’n graad R-opvoeder wat by die Suid-Afrikaanse Raad vir Opvoeders geregistreer is;
 - “**koopteer**” om—
 - (a) ’n ouerlid met stemreg tydelik in die beheerliggaam aan te stel;
 - (b) ’n bykomende lid sonder stemreg in die beheerliggaam aan te stel;
 - (c) indien van toepassing, ’n lid soos beoog in paragraaf 2(6)(g) tot (j) sonder stemreg in die beheerliggaam aan te stel;
 - “**lid**” ’n lid van ’n beheerliggaam;
 - “**nie-opvoeder**” ’n persoon wat ooreenkomstig die Staatsdienswet, 1994 (Proklamasie 103 van 1994), aangestel is, en ook ’n persoon wat in diens van die beheerliggaam is wat nie ’n opvoeder is nie;
 - “**opvoeder**” enige persoon wat deur die Departementshoof of die beheerliggaam aangestel is, met inbegrip van graad R-opvoeders maar nie ’n persoon wat aangestel is om uitsluitlik buitekurrikulêre pligte te verrig nie, wat ander persone onderrig, opvoed of oplei of wat professionele opvoedkundige dienste verskaf, met inbegrip van professionele terapie en opvoedkundig sielkundige dienste, by ’n openbare skool;
 - “**opvoederkandidaat**” ’n opvoeder wat ingevolge paragraaf 16 suksesvol genomineer is om in ’n beheerliggaam te dien;
 - “**ouer**”—
 - (a) die biologiese of aanneemouer of wettige voog van ’n leerder;
 - (b) die persoon met wettige aanspraak op sorg vir ’n leerder; of
 - (c) die persoon wat onderneem om die verpligtinge van ’n persoon bedoel in subparagrawe (a) en (b) ten opsigte van die leerder se opvoeding by die skool na te kom, met inbegrip van die verskaffing van ’n woning, voeding, klere, die verskaffing van opvoedkundige, buitemuurse en mediese steun vir die leerder,

- die betaling van skoolgeld, die ontvangs van 'n skoolrapport en optrede *in loco parentis* terwyl die leerder op skool is;
- “ouerkandidaat”** 'n ouer wat ingevolge paragraaf 13 suksesvol genomineer is om in 'n beheerliggaam te dien;
- “primêre skool”** 'n skool wat onderwys tot hoogstens graad sewe verskaf;
- “Provinsiale Minister”** die Provinsiale Minister verantwoordelik vir onderwys in die provinsie;
- “provinsie”** die Provinsie Wes-Kaap;
- “sekondêre skool”** 'n skool wat onderwys van nie laer as die agtste graad nie tot hoogstens die twaalfde graad verskaf;
- “skool”** 'n gewone openbare skool of 'n openbare skool vir leerders met spesiale onderwysbehoefte;
- “skoolkiesbeampte”** 'n kiesbeampte beoog in paragraaf 8;
- “skoolverkiegingspan”** die skoolkiesbeampte aangestel ingevolge paragraaf 8(1) tesame met die persone wat ingevolge paragraaf 8(2) aangestel is om die skoolkiesbeampte by te staan;
- “verteenwoordigende raad van leerders”** 'n verteenwoordigende raad van leerders ingestel kragtens artikel 48 van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997);
- “Wes-Kaapse Onderwysdepartement”** die departement verantwoordelik vir onderwys in die provinsie.

Samestelling van beheerliggaam

2. (1) Behoudens subparagraaf (19) en paragraaf 6(4) word 'n beheerliggaam van 'n gewone sekondêre skool ingevolge artikel 23 van die Wet saamgestel en moet dit bestaan uit—
- (a) sewe ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (b) twee opvoeders by die skool;
 - (c) een nie-opvoeder by die skool;
 - (d) twee leerders van die verteenwoordigende raad van leerders;
 - (e) die prinsipaal of, indien die prinsipaal soos beoog in paragraaf 3 gediskwalifiseer is, die adjunkprinsipaal;
 - (f) die eienaar van die eiendom of sy of haar genomineerde, wat deur die beheerliggaam gekoöpteer staan te word indien die skool op privaat eiendom geleë is; en
 - (g) hoogstens ses lede van die gemeenskap wat deur die beheerliggaam gekoöpteer staan te word om behulpsaam te wees met die nakoming van bepaalde verantwoordelikhede.
- (2) Behoudens subparagraawe (3), (4), (5) en (19) en paragraaf 6(4) word 'n beheerliggaam van 'n gewone primêre skool ingevolge artikel 23 van die Wet saamgestel en moet dit bestaan uit—
- (a) vyf ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;

- (b) twee opvoeders by die skool;
 - (c) een nie-opvoeder by die skool;
 - (d) die prinsipaal of, indien die prinsipaal soos beoog in paragraaf 3 gediskwalifiseer is, die adjunkprinsipaal;
 - (e) die eienaar van die eiendom of sy of haar genomineerde, wat deur die beheerliggaam gekoöpteer staan te word indien die skool op privaat eiendom geleë is; en
 - (f) hoogstens ses lede van die gemeenskap wat deur die beheerliggaam gekoöpteer staan te word om behulpsaam te wees met die nakoming van bepaalde verantwoordelikhede.
- (3) Behoudens subparagraaf (19) en paragraaf 6(4) bestaan 'n beheerliggaam van 'n gewone primêre skool met 'n diensstaat van een opvoeder uit—
- (a) twee ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (b) die prinsipaal;
 - (c) die eienaar van die eiendom of sy of haar genomineerde, wat deur die beheerliggaam gekoöpteer staan te word indien die skool op privaat eiendom geleë is; en
 - (d) hoogstens ses lede van die gemeenskap wat deur die beheerliggaam gekoöpteer staan te word om behulpsaam te wees met die nakoming van bepaalde verantwoordelikhede.
- (4) Behoudens subparagraaf (19) en paragraaf 6(4) bestaan 'n beheerliggaam van 'n gewone primêre skool met 'n diensstaat van een opvoeder en een nie-opvoeder uit—
- (a) drie ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (b) die prinsipaal;
 - (c) een nie-opvoeder by die skool;
 - (d) die eienaar van die eiendom of sy of haar genomineerde, wat deur die beheerliggaam gekoöpteer staan te word indien die skool op privaat eiendom geleë is; en
 - (e) hoogstens ses lede van die gemeenskap wat deur die beheerliggaam gekoöpteer staan te word om behulpsaam te wees met die nakoming van bepaalde verantwoordelikhede.
- (5) Behoudens subparagraaf (19) en paragraaf 6(4) bestaan 'n beheerliggaam van 'n gewone primêre skool met 'n diensstaat van twee opvoeders en een nie-opvoeder uit—
- (a) vier ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (b) die prinsipaal of, indien die prinsipaal soos beoog in paragraaf 3 gediskwalifiseer is, die adjunkprinsipaal;
 - (c) een opvoeder by die skool;
 - (d) een nie-opvoeder by die skool;

- (e) die eienaar van die eiendom of sy of haar genomineerde, wat deur die beheerliggaam gekoöpteer staan te word indien die skool op privaat eiendom geleë is; en
 - (f) hoogstens ses lede van die gemeenskap wat deur die beheerliggaam gekoöpteer staan te word om behulpsaam te wees met die nakoming van bepaalde verantwoordelikhede.
- (6) Behoudens subparagraaf (19) en paragraaf 6(4) bestaan 'n beheerliggaam van 'n skool vir leerders met spesiale onderwysbehoefte uit—
- (a) sewe ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (b) twee opvoeders by die skool;
 - (c) een nie-opvoeder by die skool;
 - (d) twee leerders van die verteenwoordigende raad van leerders, indien redelikerwys doenlik;
 - (e) die prinsipaal of, indien die prinsipaal soos beoog in paragraaf 3 gediskwalifiseer is, die adjunkprinsipaal;
 - (f) die eienaar van die eiendom of sy of haar genomineerde, wat deur die skool gekoöpteer staan te word indien die skool op privaat eiendom geleë is;
 - (g) een verteenwoordiger van borgliggame, indien van toepassing;
 - (h) een verteenwoordiger van organisasies van ouers van leerders met spesiale onderwysbehoefte, indien van toepassing;
 - (i) een verteenwoordiger van organisasies van gestremde persone, indien van toepassing;
 - (j) een gestremde persoon met gepaste ondervinding op die gebied van spesiale onderwysbehoefte, indien van toepassing; en
 - (k) een deskundige op gepaste gebiede van spesiale onderwysbehoefte.
- (7) In die omstandighede beoog in subparagraaf (6) moet die lede bedoel in items (f) tot (j) indien doenlik in die beheerliggaam gekoöpteer word om bepaalde verantwoordelikhede na te kom.
- (8) Behoudens subparagraaf (10) het gekoöpteerde lede nie stemreg in die beheerliggaam nie.
- (9) Ouers wat stemreg het, moet die meerderheid lede met stemreg in 'n beheerliggaam uitmaak.
- (10) Indien die getal ouerlede in enige stadium nie meer is as die gekombineerde totaal van ander lede met stemreg nie moet die beheerliggaam ouers met stemreg tydelik koöpteer.
- (11) Indien 'n ouer met stemreg soos beoog in subparagraaf (10) gekoöpteer word, staak die koöptering wanneer die vakature by wyse van 'n tussenverkiesing gevul is, wat binne 60 dae nadat die vakature ontstaan het ooreenkomstig die prosedures vir die verkiesing van ouerlede uiteengesit in hierdie bepaling gehou moet word.

- (12) Indien die tussenverkiesing beoog in subparagraaf (11) nie binne 60 dae plaasgevind het nie of 'n kworum nie op 'n tussenverkiesingsvergadering verkry kon word nie kan die beheerliggaam 'n ouer vir 'n verdere 60 dae koöpteer.
- (13) Die nominasie- en verkiesingsvergadering vir die tussenverkiesing beoog in subparagraaf (11) moet ingevolge hierdie bepaling gehou word.
- (14) Behoudens subparagraawe (21) en (22) moet ouers by die skool die ouerlede bedoel in subparagraawe (1)(a), (2)(a), 3(a), (4)(a), (5)(a) en (6)(a) nomineer en verkies.
- (15) Opvoeders in diens by die betrokke skool moet die opvoederlede bedoel in subparagraawe (1)(b), (2)(b), (5)(c) en (6)(b) nomineer en verkies.
- (16) Nie-opvoederpersoneel in diens by die skool moet die nie-opvoederlede bedoel in subparagraawe (1)(c), (2)(c), (4)(c), (5)(d) en (6)(c) nomineer en verkies: Met dien verstande dat indien die skool net een nie-opvoeder het, daardie lid outomaties verkies is.
- (17) Die verteenwoordigende raad van leerders by die skool moet die leerderlede bedoel in subparagraawe (1)(d) en (6)(d) nomineer en verkies.
- (18) Die beheerliggaam van 'n gewone skool wat onderwys aan leerders met spesiale onderwysbehoefte verskaf, moet 'n komitee vir spesiale onderwysbehoefte ingevolge artikel 30 van die Wet instel.
- (19) Die Departementshoof kan die samestelling van 'n beheerliggaam van 'n skool wat verskil van die samestelling beoog in subparagraawe (1), (2), (3), (4), (5) en (6) goedkeur indien—
 - (a) die beheerliggaam van die skool skriftelik om sodanige verskillende samestelling aansoek gedoen het en redes daarvoor verstrek het; of
 - (b) sodanige liggaam ingestel moet word om in die tussentyd die werksaamhede van 'n beheerliggaam te verrig ten einde die instelling van 'n nuwe skool te fasiliteer,en die Departementshoof oortuig is dat sodanige samestelling in belang van onderwys by die skool is.
- (20) Die Departementshoof kan die toestemming bedoel in subparagraaf (19) te eniger tyd na goeiddunke terugtrek en die beheerliggaam wat kragtens subparagraaf (19)(a) of (b) saamgestel is, ontbind, waarby 'n nuwe beheerliggaam saamgestel moet word ooreenkomstig subparagraawe (1), (2), (3), (4), (5) of (6), na gelang van die geval.
- (21) Indien die prinsipaal van die skool van mening is dat meer as 50 persent van die ouers van leerders van 'n skool so ver buite die onmiddellike omgewing van die skool woonagtig is dat 'n verkiesing van 'n beheerliggaam deur die ouers prakties onmoontlik is, moet hy of sy skriftelike goedkeuring van die Departementshoof verkry om geskikte persone vir aanstelling te nomineer.
- (22) Vir die doel van die aanstelling van die vereiste getal ouerlede beoog in subparagraawe (19) en (21), moet die prinsipaal die name en besonderhede van drie meer as die vereiste getal persone in volgorde van voorkeur indien om die Departementshoof in staat te stel om 'n keuse uit te oefen.

Diskwalifikasie van lede van beheerliggaam

3. Iemand mag nie verkies of aangestel word as lid van 'n beheerliggaam nie indien hy of sy—
- (a) te eniger tyd deur 'n hof skuldig bevind is aan 'n misdryf waarvoor hy of sy 'n opgeskorte vonnis van gevangenisstraf gekry het, of tot gevangenisstraf, met of sonder die keuse van 'n boete, gevonnissen is of nog nie die volle tydperk van sy of haar gevangenisstraf uitgedien het nie, tensy hy of sy algehele kwytskelding ontvang het, of die tydperk van sy of haar opskorting of gevangenisstraf het minstens drie jaar voor die datum van sy of haar verkiesing as 'n lid van sodanige liggaam verstryk;
 - (b) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is;
 - (c) 'n ongerehabiliteerde insolvent is;
 - (d) in die geval van 'n opvoeder wat aangestel is ingevolge die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998), geskors is, tensy die tydperk van sy of haar skorsing minstens drie jaar voor sy of haar verkiesing as 'n lid van die beheerliggaam verstryk het;
 - (e) in die geval van 'n nie-opvoeder wat ingevolge die Staatsdienswet, 1994, of deur die beheerliggaam aangestel is, geskors is, tensy die tydperk van sy of haar skorsing minstens drie jaar voor sy of haar verkiesing as 'n lid van sodanige liggaam verstryk het;
 - (f) in die geval van 'n ouer, nie 'n kind as ingeskrewe leerder by die betrokke skool het nie; of
 - (g) voorheen ingevolge paragraaf 4(3) deur die Departementshoof uit sy of haar amp verwyder is.

Ampstermyn van lede van beheerliggaam

4. (1) Behoudens paragrawe 5 en 6 moet die ampstermyn van 'n lid van 'n beheerliggaam wat nie 'n leerder is nie drie jaar wees, met ingang van die datum van verkiesing van die nuwe beheerliggaam of soos bepaal deur die Departementshoof.
- (2) Die ampstermyn van 'n leerderlid moet een jaar wees.
 - (3) Die Departementshoof kan 'n lid te eniger tyd uit sy of haar amp verwyder indien daar redelike gronde is om die verwydering te regverdig.
 - (4) Indien 'n persoon wat as lid van 'n beheerliggaam soos beoog in paragraaf 2(1), (2), (3), (4), (5) of (6) verkies is nie meer in die kategorie bedoel in daardie paragraaf ten opsigte waarvan hy of sy as lid verkies is, val nie, staak sy of haar lidmaatskap van die beheerliggaam.
 - (5) 'n Lid van 'n beheerliggaam kan herverkies of gekoöpteer word, na gelang van die geval, na die verstryking van sy of haar ampstermyn.
 - (6) Behoudens subparagrawe (1), (2), (3) en (4) en paragrawe 5 en 6 moet die lede van 'n beheerliggaam ondanks die verstryking van hul ampstermyne bedoel in subparagrawe (1) en (2) hul lidmaatskap behou totdat 'n nuwe beheerliggaam wat ooreenkomstig paragraaf 2 saamgestel is, hul amp aanvaar.

Vakatures in beheerliggaam

5. (1) 'n Vakature in 'n beheerliggaam ontstaan indien 'n lid—
- (a) bedank;
 - (b) sterf;
 - (c) sonder geldige rede van drie agtereenvolgende vergaderings afwesig is;
 - (d) onverkiesbaar word soos bedoel in paragrafe 3 en 4(4); of
 - (e) ingevolge paragraaf 4(3) uit sy of haar amp verwyder is.
- (2) Wanneer 'n vakature ook al ontstaan—
- (a) in 'n beheerliggaam wat ingevolge paragraaf 2(19) en (21) saamgestel is, moet die Departementshoof 'n verkiesbare persoon in die vakature aanstel; en
 - (b) in 'n beheerliggaam wat ooreenkomstig paragraaf 2(1), (2), (3), (4), (5) of (6) saamgestel is, moet die beheerliggaam—
 - (i) 'n vakature van 'n ouerlid ooreenkomstig paragraaf 2(10) en (11) vul; en
 - (ii) 'n vakature van 'n opvoeder of nie-opvoeder binne 14 dae na die ontstaan van die vakature by wyse van 'n tussenverkiesing ooreenkomstig die verkiesingsprosedures ingevolge hierdie bepaling vul.
- (3) 'n Lid wat ooreenkomstig subparagraaf (2)(a) aangestel is of by wyse van 'n tussenverkiesing ooreenkomstig subparagraaf (2)(b)(ii) verkies is om 'n vakature te vul, verkry lidmaatskap vir die onverstreke tydperk van die ampstermyn van sy of haar voorganger, behoudens paragraaf 4.
- (4) Indien 'n vakature—
- (a) ooreenkomstig subparagraaf (2)(a) gevul is, moet die Departementshoof; of
 - (b) ooreenkomstig subparagraaf (2)(b) gevul is, moet die sekretaris van die beheerliggaam,
- die prinsipaal skriftelik in kennis stel van die naam van die persoon wat nie meer 'n lid van die beheerliggaam is nie en van die naam en adres van die persoon se opvolger.
- (5) 'n Lid wat verkies is om 'n vakature te vul by wyse van 'n tussenverkiesing soos beoog in subparagraaf (2)(b) moet stemreg hê.

Ontbinding en hersamestelling van beheerliggaam

6. (1) Die Provinsiale Minister kan 'n beheerliggaam ontbind indien—
- (a) hy of sy van mening is dat, weens die samesmelting van skole of die verdeling van 'n skool of 'n ander herorganisasie van skoolgeriewe, dit nodig is om aan ouers van die betrokke skole of skool 'n geleentheid te gee om lede van 'n nuwe beheerliggaam te verkies wat behoorlik verteenwoordigend sal wees van die ouers van leerders wat die betrokke skole of skool bywoon na sodanige herorganisasie;

- (b) die beheerliggaam in gebreke gebly het om sy werksaamhede bevredigend te verrig, of op 'n wyse opgetree het wat nie in die beste belang van die skool is nie;
 - (c) minstens 60% van alle ouers wat kragtens paragraaf 7(1) geregtig is om te stem, by 'n ouervergadering wat vir dié doel belê is met minstens 10 dae skriftelike kennisgewing wat aan alle ouers per pos versend moet word of aan elke leerder oorhandig moet word met die mondelinge opdrag om dit aan sy of haar ouers te oorhandig, ten gunste van 'n mosie van wantroue in die betrokke beheerliggaam stem.
- (2) Die voorsitter van 'n beheerliggaam moet 'n ouervergadering bedoel in subparagraaf (1)(c) belê binne 15 dae nadat hy of sy skriftelik versoek is om dit te doen deur minstens 30 persent van die ouers wat ingevolge paragraaf 7(1) stemgeregtig is.
 - (3) Waar 'n beheerliggaam kragtens subparagraaf (1) ontbind is, word dit buite werking gestel op 'n datum wat die Provinsiale Minister bepaal.
 - (4) Die Departementshoof moet, indien 'n beheerliggaam buite werking gestel word, voldoende persone aanstel om die werksaamhede van 'n beheerliggaam by die skool vir 'n tydperk van hoogstens drie maande te verrig, vanaf 'n lys name van persone in volgorde van voorkeur, aan hom of haar voorgelê deur die prinsipaal.
 - (5) Die Departementshoof moet onmiddellik die prinsipaal skriftelik in kennis stel van die name en adresse van die lede van 'n beheerliggaam wat ingevolge subparagraaf (4) aangestel is.
 - (6) Die Departementshoof kan die tydperk bedoel in subparagraaf (4) met verdere tydperke van hoogstens drie maande elk verleng, maar die totale tydperk mag nie langer as een jaar wees nie.
 - (7) 'n Beheerliggaam moet kragtens hierdie bepaling binne 'n jaar na die aanstelling van die persone bedoel in subparagraaf (4) verkies word.

Stemreg

- 7. (1) Elke ouer wat een of meer ingeskrewe leerders by 'n skool het, is geregtig om vir ouerlede van die beheerliggaam by daardie skool te stem en mag slegs een keer vir 'n bepaalde genomineerde stem, met 'n maksimum getal stemme gelyk aan die getal ouerlede wat verkies moet word: Met dien verstande dat 'n maksimum van twee ouers per leerder mag stem.
- (2) Elke opvoeder wat by 'n skool in diens is, met inbegrip van die prinsipaal, is geregtig om vir opvoederlede te stem en mag slegs een keer vir 'n bepaalde genomineerde stem, met 'n maksimum getal stemme gelyk aan die getal opvoederlede wat verkies moet word.
- (3) Elke lid van 'n verteenwoordigende raad van leerders is geregtig om vir leerderlede vanuit die verteenwoordigende raad van leerders te stem en mag net een keer vir 'n bepaalde genomineerde stem, met 'n maksimum getal stemme gelyk aan die getal leerderlede wat verkies moet word.

- (4) Elke lid van die nie-opvoederpersoneel is geregtig om vir 'n lid van die nie-opvoederpersoneel te stem en het een stem: Met dien verstande dat as die skool net een nie-opvoeder het, daardie lid outomaties verkies is.
- (5) Slegs ouers wie se name op die kieserslys verskyn soos beoog in paragraaf 12 mag stem.

Skoolkiesbeampte

8. (1) Die Departementshoof moet 'n prinsipaal van 'n ander skool skriftelik as die skoolkiesbeampte aanstel om die nominasie en verkiesing, na gelang van die geval, van die ouer-, opvoeder- en nie-opvoederlede bedoel in paragraaf 2(1), (2), (3), (4), (5) en (6) in 'n beheerliggaam te lei: Met dien verstande dat 'n prinsipaal nie aangestel mag word as skoolkiesbeampte by 'n skool waar hy of sy kinders ingeskryf het nie.
- (2) Die skoolkiesbeampte kan een of meer persone aanstel om by 'n nominasie- en verkiesingsvergadering behulpsaam te wees: Met dien verstande dat so 'n persoon nie 'n ouer van 'n leerder by die skool wat die nominasie en verkiesing hou, mag wees nie.
- (3) Die skoolkiesbeampte moet as voorsitter van enige vergadering optree wat vir die verkiesing van lede van 'n beheerliggaam gehou word.

Distrikskiesbeampte

9. (1) Enige persoon wat 'n beswaar teen 'n besluit van 'n skoolkiesbeampte wil aanteken, moet die beswaar binne vyf dae na die verkiesing van lede in die betrokke kategorie skriftelik aanteken by die distrikskiesbeampte, wat daaroor beslis.
- (2) Die distrikskiesbeampte moet die beswaar oorweeg en binne vyf dae na ontvangs van die beswaar skriftelik reageer.
- (3) Enige persoon wat nie met 'n besluit van die distrikskiesbeampte tevrede is nie kan binne 15 dae na ontvangs van die besluit van die distrikskiesbeampte 'n appèl by die Provinsiale Minister indien.
- (4) Die Provinsiale Minister moet die appèl oorweeg en binne 15 dae na ontvangs van die appèl skriftelik oor die aangeleentheid beslis.
- (5) Die lede van 'n uittredende beheerliggaam moet hul lidmaatskap behou totdat enige besware of appèlle wat ingevolge subparagraaf (1) of (3) ingedien is, opgelos is.

Datum, tyd en plek van nominasie- en verkiesingsvergadering van ouerlede

10. (1) Die skoolkiesbeampte moet 'n datum, tyd en plek vir 'n vergadering vir die nominasie en verkiesing van ouerlede bepaal en moet die prinsipaal skriftelik daarvan in kennis stel.
- (2) Die nominasie en verkiesing van ouerlede moet voorafgegaan word deur die verkiesing van die ander komponente van die beheerliggaam.

- (3) In die geval van 'n nuwe skool moet die vergadering vir die nominasie en verkiesing van ouerlede nie later as 30 dae na die instelling van die skool gehou word nie.
- (4) Die Provinsiale Minister kan, indien dit redelikerwys nodig is in die omstandighede van 'n gegewe geval, 'n verlenging van die tydperk beoog in subparagraaf (3) toelaat, maar sodanige verlenging mag nie langer as ses maande na die instelling van die skool wees nie.

Kennisgewing van nominasie- en verkiesingsvergadering van ouerlede

11. (1) Die skoolkiesbeampte moet 'n kennisgewing van die nominasie- en verkiesingsvergadering bedoel in paragraaf 10 in die vorm van Aanhangsel A opstel asook 'n nominasievorm in die vorm van Aanhangsel B en moet minstens 15 dae voor die nominasie- en verkiesingsvergadering die prinsipaal van 'n voldoende aantal afskrifte van sodanige kennisgewing en nominasievorm voorsien sodat daar aan die bepalings van subparagraaf (4) uitvoering gegee kan word.
- (2) Die kennisgewing aan die ouer moet—
 - (a) die datum, tyd en plek van die vergadering vermeld;
 - (b) ouers daaraan herinner dat hulle 'n vorm van identifikasie moet saambring om toegelaat te word om te stem; en
 - (c) die tyd en datum van 'n opvolgvergadering vermeld, wat minstens vyf dae na die eerste vergadering gehou moet word sou 'n kworum nie by die eerste vergadering bereik word nie.
- (3) Die identifikasie beoog in subparagraaf (2) kan 'n Suid-Afrikaanse groen staafkode-identiteitsdokument of 'n tydelike identiteitsdokument wees wat deur die Departement van Binnelandse Sake uitgereik is, of 'n permit in die geval van 'n buitelandse, wat ingevolge die "Immigration Act, 2002" (Wet 13 van 2002), uitgereik is: Met dien verstande dat indien sodanige identifikasie nie beskikbaar is nie, 'n alternatiewe vorm van identifikasie deur 'n lid van die skoolverkiesingspan aanvaar kan word.
- (4) Die prinsipaal moet minstens 10 dae voor die datum van die nominasie- en verkiesingsvergadering vir ouerlede—
 - (a) afskrifte van die kennisgewing en nominasievorm aan elke leerder van die betrokke skool gee met die mondelinge opdrag om dit aan sy of haar ouers te gee;
 - (b) afskrifte van die kennisgewing en nominasievorm per pos aan die ouers van elke leerder by die skool stuur indien hy of sy dit dienstig ag;
 - (c) 'n kombinasie van die twee kennisgewingsmetodes beoog in items (a) en (b) gebruik; of
 - (d) enige ander metode gebruik om die ouers van elke leerder by die skool in kennis te stel van die nominasie- en verkiesingsvergadering van ouerlede, solank die kennisgewingsmetode geen lede van die skoolgemeenskap benadeel of hul deelname aan die verkiesingsproses belemmer nie.

Kieserslyste

12. (1) Die prinsipaal moet 'n kieserslys vir elk van die kategorieë kiesers beskikbaar stel wat die name bevat van alle ouers, opvoeders en nie-opvoeders by die skool wat stemgeregtig is, soos volg:
- (a) Die kieserslys vir ouers moet op die skooltoelatingsregister gebaseer wees en stemgeregtigde kiesers is die mense wie se name as ouers in die toelatingsregister verskyn of wat bewys kan lewer dat hulle ouers is van leerders wat by die skool ingeskryf is.
 - (b) Die kieserslys vir opvoeders moet bestaan uit alle opvoeders wat by die skool in diens is.
 - (c) Die kieserslys vir nie-opvoeders moet bestaan uit alle nie-opvoeders wat by die skool in diens is.
- (2) Die kieserslys vir ouers moet minstens 10 dae voor die vergadering ter insae beskikbaar gestel word.

Nominasie- en verkiesingsvergadering van ouerlede

13. (1) Om 'n ouerkandidaat te nomineer, moet die ouer van 'n leerling by die skool—
- (a) hoogstens 10 dae voor die datum van die nominasie- en verkiesingsvergadering 'n nominasievorm in die vorm van Aanhangsel B wat behoorlik ingevul is deur die voorsteller, sekondant en ouerkandidaat by die skoolkiesbeampte indien; of
 - (b) gedurende die nominasie- en verkiesingsvergadering 'n ouer as 'n lid van die beheerliggaam voorstel.
- (2) 'n Nominasie beoog in subparagraaf (1)(b) moet deur 'n ander ouer gesecondeer word en 'n nominasievorm in die vorm van Aanhangsel B moet behoorlik ingevul word deur die voorsteller, die sekondant en, indien teenwoordig, die ouerkandidaat en moet binne die tyd bedoel in subparagraaf (3) by die skoolkiesbeampte ingedien word.
- (3) Indien 'n kworum soos bedoel in paragraaf 14(2) teenwoordig is, moet die skoolkiesbeampte die tyd bepaal wat vir die nominasie van ouerkandidate toegestaan gaan word gedurende die nominasie- en verkiesingsvergadering, en hy of sy moet die vergadering daarvan in kennis stel.
- (4) Indien 'n kworum soos bedoel in paragraaf 14(2) nie bereik is nie moet die opvolgvergadering beoog in paragraaf 11(2)(c) gehou word.
- (5) In die omstandighede beoog in subparagraaf (4)—
- (a) moet die skoolkiesbeampte die prinsipaal voorsien van 'n kennisgewing waarin vermeld word dat 'n kworum nie bereik is nie en dat 'n opvolgvergadering soos beoog in paragraaf 11(2)(c) gehou moet word;
 - (b) moet die prinsipaal binne twee dae na die eerste vergadering die kennisgewing tesame met 'n nominasievorm aan elke leerder by die skool gee met die mondelinge opdrag om dit aan sy of haar ouers te gee;

- (c) bly enige vorige nominasies wat by die eerste nominasie- en verkiesingsvergadering gemaak of ingedien is geldig vir die tweede vergadering; en
 - (d) kan bykomende nominasies van kandidate vir verkiesing gedurende die tweede kennisgewingstydperk en die opvolgvergadering ingedien word.
- (6) 'n Ouerkandidaat mag nie homself of haarself nomineer nie.
- (7) Na verstryking van die tyd bedoel in subparagraaf (3), moet die skoolkiesbeampte die nominasies oorweeg en die nominasie van enige ouerkandidaat verwerp wat—
- (a) nie ooreenkomstig subparagraaf (1) genomineer is nie;
 - (b) onverkiesbaar is soos beoog in paragraaf 3;
 - (c) in die geval van 'n nominasie bedoel in subparagraaf (1)(b), nie die vermelde nominasievorm ingevul het nie, tensy skriftelike bewys voor die verstryking van die tyd bedoel in subparagraaf (3) voorgelê word tot die oortuiging van die skoolkiesbeampte dat so 'n ouerkandidaat bereid sal wees om as lid van die beheerliggaam te dien; of
 - (d) homself of haarself genomineer het,
- en daarna moet die skoolkiesbeampte die name van die ouerkandidate wie se nominasies aanvaar is, bekendmaak.
- (8) (a) Indien die totale getal ouerkandidate wie se nominasies soos beoog in subparagraaf (7) aanvaar is minder is as die getal lede wat ingevolge paragraaf 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) of (6)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n nuwe vergadering ooreenkomstig hierdie bepaling belê word waar bykomende ouerkandidate genomineer moet word.
- (b) Indien die getal aanvaarde ouerkandidate—
- (i) gelyk is aan die getal lede wat ingevolge paragraaf 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) of (6)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet die kiesbeampte elke aanvaarde ouerkandidaat tot 'n behoorlik verkose lid van die beheerliggaam verklaar; of
 - (ii) meer is as die getal lede wat ingevolge paragraaf 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) of (6)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n stemming ooreenkomstig paragraaf 14 gehou word.

Stemming by verkiesing van ouerlede

14. (1) Die stemming bedoel in paragraaf 13(8)(b)(ii) moet op die datum, plek en tyd gehou word wat ooreenkomstig die nominasie- en verkiesingsproses bepaal word.
- (2) 'n Kworum van ouers—
- (a) moet by 'n nominasie- en verkiesingsvergadering teenwoordig wees vir nominasies of 'n verkiesing om te mag plaasvind;

- (b) bestaan uit 15 persent van die totale getal ouers op die kieserslys, soos uitgebeeld in Aanhangsel C.
- (3) Die skoolkiesbeampte moet aan elke ouer bedoel in paragraaf 7(1) wat wil stem 'n goedgekeurde stembrief uitreik waarop 'n amptelike merk of stempel voorkom.
- (4) 'n Ouer bedoel in paragraaf 7(1) kan sy of haar stem op die stembrief bedoel in subparagraaf (3) aanbring; Met dien verstande dat indien so 'n ouer weens ongeletterdheid, blindheid of enige ander liggaamsgebrek nie in staat is om sy of haar stem self aan te bring nie, kan die skoolkiesbeampte, op versoek van die vermelde ouer en in die teenwoordigheid van 'n getuie wat die ouer self kies, die stem van so 'n ouer op die stembrief bedoel in subparagraaf (3) aanbring, ten gunste van die ouerkandidaat of ouerkandidate aangedui deur die betrokke ouer.
- (5) Die skoolkiesbeampte moet 'n stembrief verwerp—
 - (a) waarop die amptelike merk of stempel bedoel in subparagraaf (3) nie voorkom nie;
 - (b) waarop meer stemme aangebring is as die getal lede wat ooreenkomstig paragraaf 2 verkies moet word; of
 - (c) wat op so 'n wyse ingevul is dat dit na die mening van die skoolkiesbeampte onseker is vir watter ouerkandidaat of ouerkandidate 'n stem aangebring is.
- (6) Die skoolkiesbeampte moet—
 - (a) in die teenwoordigheid van elke ouerkandidaat wat teenwoordig wil wees, die stemme wat vir elke ouerkandidaat aangeteken is, tel; en
 - (b) die bepaalde getal ouers, ingevolge paragraaf 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) of (6)(a) ten opsigte van die betrokke beheerliggaam, vir wie die meeste stemme aangeteken is tot behoorlik verkose lede van die beheerliggaam verklaar en die getal stemme wat vir elke ouerkandidaat aangeteken is, vermeld.
- (7) Indien die getal stemme wat vir twee of meer ouerkandidate aangeteken is gelyk is en dit die uitslag van die stemming raak, moet die skoolkiesbeampte deur loting bepaal welke van die ouers suksesvol verkies is.
- (8) Geen volmagstemme word by beheerliggaamverkiesings aanvaar nie.

Afwyking van enkele nominasie- en verkiesingsvergadering

- 15. (1) In opdrag van die beheerliggaam kan die prinsipaal van die skool minstens 30 dae voor die verkiesing soos bepaal ingevolge subparagraaf (4) by die Departementshoof aansoek doen om goedkeuring om af te wyk van die enkele nominasie- en verkiesingsvergadering soos vasgestel in hierdie bepaling.
- (2) Die aansoek bedoel in subparagraaf (1) moet volledig gemotiveerd wees en moet die datum, tyd en wyse waarop die skool beoog om die nominasie en verkiesing van die ouerlede van die beheerliggaam te bestuur, duidelik aandui.

- (3) Die Departementshoof moet—
- (a) die aansoek oorweeg en binne 10 dae vanaf ontvangs van die aansoek skriftelik oor die aangeleentheid beslis;
 - (b) so 'n aansoek toestaan indien hy of sy oortuig is dat—
 - (i) die afwyking die beste belang van die betrokke skoolgemeenskap en skool sal bevorder;
 - (ii) die afwyking maksimum deelname van ouers wat wil stem sal sal teweegbring;
 - (iii) die afwyking nie onbillik teen enige potensiële kiesers sal diskrimineer nie; en
 - (iv) daar doeltreffend voorsiening gemaak word vir 'n billike nominasieproses in die aanloop tot die verkiesing.
- (4) Die skoolkiesbeampte moet—
- (a) die datum, plek en tyd vir beide die nominasie- en verkiesingsvergaderings bepaal; en
 - (b) 'n kennisgewing van sodanige vergadering opstel, wat minstens 15 dae voor die verkiesingsdag versprei moet word met metodes wat in paragraaf 11(4) beoog word.
- (5) Indien die Departementshoof die aansoek om 'n afwyking soos beoog in subparagraaf (1) goedkeur, is hierdie bepaling met die volgende afwykings van die prosedure vir 'n enkele nominasie- en verkiesingsvergadering van toepassing:
- (a) Daar sal geen enkele nominasie- en verkiesingsvergadering wees nie.
 - (b) Alle nominasies moet skriftelik ingedien word op 'n nominasievorm soos beoog in Aanhangel B en moet minstens 10 dae voor die datum van die verkiesing by die skool waar die verkiesing gaan plaasvind, ingedien word.
 - (c) Die besonderhede van die kandidate genomineer vir die verkiesing wie se nominasie aanvaar is, moet minstens vyf dae voor die verkiesing skriftelik aan alle ouers van die skool gestuur word.
- (6) Vir 'n verkiesing wat ingevolge hierdie paragraaf gehou word om geldig te wees—
- (a) moet 'n kworum van ouers by die verkiesingsvergadering gestem het;
 - (b) bestaan 'n kworum van ouers uit 15 persent van die totale getal ouers op die kieserslys, soos uitgebeeld in Aanhangel C.
- (7) Indien 'n kworum soos beoog in subparagraaf (6) nie by 'n verkiesingsvergadering teenwoordig is nie moet nog 'n verkiesingsvergadering waar 'n kworum nie vereis word nie hoogstens vyf dae na die vorige vergadering gehou word.

Nominasie- en verkiesingsvergadering van opvoederlede

16. (1) Die skoolkiesbeampte moet 'n datum, tyd en plek bepaal vir 'n vergadering vir die nominasie en verkiesing van opvoederlede, welke vergadering minstens

- vyf dae voor die nominasie- en verkiesingsvergadering vir ouerlede gehou moet word.
- (2) Om 'n opvoederkandidaat te nomineer, moet 'n opvoeder op die diensstaat van dieselfde skool—
- (a) hoogstens sewe dae voor die datum van die nominasie- en verkiesingsvergadering 'n nominasievorm in die vorm van Aanhangsel B, wat behoorlik deur die voorsteller, sekondant en opvoederkandidaat ingevul is, by die skoolkiesbeampte indien; of
- (b) gedurende die nominasie- en verkiesingsvergadering 'n opvoeder as 'n lid van die beheerliggaam voorstel.
- (3) 'n Nominasie beoog in subparagraaf (2)(b) moet deur 'n ander opvoeder gesekeundeer word en 'n nominasievorm in die vorm van Aanhangsel B moet behoorlik deur die voorsteller, die sekondant en, indien teenwoordig, die opvoederkandidaat ingevul word en moet binne die tyd bedoel in subparagraaf (4) by die skoolkiesbeampte ingedien word.
- (4) Indien 'n kworum soos bedoel in paragraaf 17(2) teenwoordig is, moet die skoolkiesbeampte die tyd wat toegelaat gaan word vir die nominasie van opvoederkandidate gedurende die nominasie- en verkiesingsvergadering bepaal, en moet hy of sy die vergadering daarvan in kennis stel.
- (5) 'n Opvoederkandidaat mag nie homself of haarself nomineer nie.
- (6) Na verstryking van die tyd bedoel in subparagraaf (4) moet die skoolkiesbeampte die nominasies oorweeg en die nominasie van enige opvoederkandidaat verwerp wat—
- (a) nie ooreenkomstig subparagraaf (2) genomineer is nie;
- (b) onverkiesbaar is soos beoog in paragraaf 3;
- (c) in die geval van 'n nominasie bedoel in subparagraaf (2)(b), nie die nominasievorm ingevul het nie, tensy skriftelike bewys voor die verstryking van die tyd bedoel in subparagraaf (4) voorgelê word tot die oortuiging van die skoolkiesbeampte dat sodanige opvoederkandidaat bereid is om as lid van die beheerliggaam te dien; of
- (d) homself of haarself genomineer het,
en daarna moet die skoolkiesbeampte die name bekendmaak van die opvoederkandidate wie se nominasies aanvaar is.
- (7) (a) Indien die totale getal opvoederkandidate wie se nominasies aanvaar is soos beoog in subparagraaf (6) minder is as die getal lede wat ingevolge paragraaf 2(1)(b), (2)(b), (5)(c) of (6)(b) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n nuwe vergadering ooreenkomstig hierdie bepaling belê word waar nuwe opvoederkandidate genomineer moet word.
- (b) Indien die getal aanvaarde opvoederkandidate—
- (i) gelyk is aan die getal lede wat ingevolge paragraaf 2(1)(b) (2)(b), (5)(c) of (6)(b) ten opsigte van die betrokke beheerliggaam bepaal is, moet die skoolkiesbeampte elke aanvaarde opvoederkandidaat as 'n behoorlik verkose lid van die beheerliggaam verklaar; of

- (ii) meer is as die getal lede wat ingevolge paragraaf 2(1)(b), (2)(b), (5)(c) of (6)(b) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n stemming ooreenkomstig paragraaf 17 gehou word.
- (8) Indien daar 10 of minder opvoeders op die diensstaat van 'n skool is, word die prosedure vir die nominasie van opvoederlede nie gevolg nie, maar word die prosedure vir die stemming bedoel in paragraaf 17 gevolg.

Stemming by verkiesing van opvoederlede

- 17.** (1) Die skoolkiesbeampte moet 'n kennisgewing van die verkiesingsvergadering opstel en minstens vyf dae voor sodanige vergadering 'n afskrif van die kennisgewing aan elke opvoeder op die diensstaat van die skool gee.
- (2) 'n Kworum by die stemming bestaan uit 'n meerderheid van die totale getal opvoeders op die skool se diensstaat.
 - (3) Die skoolkiesbeampte moet aan elke opvoeder wat sy of haar stem wil uitbring 'n goedgekeurde stembrief uitreik waarop 'n amptelike merk of stempel verskyn.
 - (4) 'n Opvoeder bedoel in subparagraaf (1) moet sy of haar stem uitbring deur die name van hoogstens twee opvoederkandidate op die stembrief beoog in subparagraaf (3) te skryf.
 - (5) Die skoolkiesbeampte moet 'n stembrief verwerp—
 - (a) waarop die amptelike merk of stempel bedoel in subparagraaf (3) nie verskyn nie;
 - (b) waarop die name van meer as twee opvoederkandidate verskyn; of
 - (c) wat so ingevul is dat dit na die mening van die skoolkiesbeampte onseker is vir watter opvoederkandidaat of opvoederkandidate 'n stem aangeteken is.
 - (6) Die twee opvoederkandidate op wie die meeste stemme uitgebring is, word deur die kiesbeampte as behoorlik verkose verklaar.
 - (7) Waar die getal stemme vir die eerste drie of meer opvoederkandidate dieselfde is, moet die skoolkiesbeampte die stemprosedure herhaal totdat daar vir twee opvoederkandidate 'n gewone meerderheid stemme aangeteken is.
 - (8) Indien 'n uitslag vir die tweede posisie met betrekking tot die ander opvoederkandidate bedoel in subparagraaf (7) nie behaal is nie, moet die skoolkiesbeampte die uitslag vir die vermelde opvoederkandidate deur loting vasstel.

Nominasie en verkiesing van nie-opvoederlid

- 18.** Die prosedure vir die nominasie en verkiesing van opvoederlede is met die nodige veranderinge van toepassing op die nominasie en verkiesing van 'n nie-opvoederlid.

Nominasie en verkiesing van leerderlede

19. Die verteenwoordigende raad van leerders moet uit sy geledere twee leerders verkies wat lede van die beheerliggaam moet wees soos beoog in die Bepaling van Werksaamhede en Prosedures vir die Instelling en Verkiesing van Verteenwoordigende Rade van Leerders by Openbare Skole.

Besluite van skoolkiesbeampte

20. (1) Die skoolkiesbeampte moet in verband met die nominasie van kandidate en die verkiesing van lede alle aangeleenthede besleg en oor beslis.
- (2) Alle geskille gedurende die nominasie- en verkiesingsproses behoort by die skoolkiesbeampte aangemeld te word.
- (3) Die skoolkiesbeampte moet alle geskille besleg ten einde verkiesings onbetwis te verklaar.
- (4) 'n Besluit van die skoolkiesbeampte gedurende die nominasie- en verkiesingsproses is finaal.
- (5) Sou daar 'n geskil wees wat die skoolkiesbeampte nie kan besleg nie, moet die verkiesings voortgaan.

Prosedure na verkiesing van beheerliggaam

21. (1) Na die verkiesing van 'n beheerliggaam moet die skoolkiesbeampte—
- (a) alle dokumente wat by die nominasie en verkiesing van die lede gebruik is, met inbegrip van alle ingevulde stembriewe wat in die verkiesing gebruik is en alle nominasievorms wat ontvang is, in koeverte plaas en die koeverte verseël;
- (b) daardie koeverte in veilige bewaring hou vir 'n tydperk van minstens drie jaar vanaf die datum van die verkiesing van die betrokke beheerliggaam;
- (c) elke verkose lid skriftelik in kennis stel van sy of haar verkiesing; en
- (d) die prinsipaal en die distrikskiesbeampte binne drie dae vanaf die datum van die nominasie- en verkiesingsvergadering of die stemming, na gelang van die geval, skriftelik in kennis stel van die name en adresse van die persone wat tot lede verkies is.
- (2) Die uittredende beheerliggaam moet met die verrigting van sy werksaamhede voortgaan totdat die eerste vergadering van die nuut verkose beheerliggaam soos beoog in paragraaf 22(1) plaasvind.

Verkiesing van ampsdraers

22. (1) Die prinsipaal moet die eerste vergadering van die nuut verkose beheerliggaam binne vyf dae na ontvangs van die kennisgewing beoog in paragraaf 21(1)(d) belê ten einde die ampsdraers van die beheerliggaam te verkies.

- (2) Die oordraproses moet binne 10 dae vanaf die eerste vergadering van die nuwe beheerliggaam plaasvind en die prinsipaal moet die oordraproses fasiliteer.
- (3) By die eerste vergadering van die beheerliggaam moet die liggaam uit sy geledere ampsdraers verkies, wat minstens 'n voorsitter, 'n tesourier en 'n sekretaris moet insluit.
- (4) Slegs 'n ouerlid van 'n beheerliggaam mag as die voorsitter of ondervoorsitter van die beheerliggaam dien.
- (5) Enige opvoeder, nie-opvoeder of ouerlid, met inbegrip van 'n gekoöpteerde ouerlid van die beheerliggaam, kan as sekretaris of tesourier dien.
- (6) Enige lid kan as voorsitter van 'n subkomitee van die beheerliggaam dien, behalwe 'n dissiplinêre komitee, wat onder voorsitterskap van 'n ouerlid moet wees.
- (7) Behoudens subparagraaf (8) beklee die ampsdraers hul ampte vir 'n termyn van 12 maande vanaf hul verkiesing.
- (8) 'n Ampsdraer van 'n beheerliggaam kan herverkies of gekoöpteer word as 'n ampsdraer na verstryking van sy of haar ampstermyn.
- (9) Waar die amp van 'n ampsdraer om enige rede vakant raak, moet die beheerliggaam by die eerste vergadering nadat die vakature ontstaan het een van sy lede verkies om die vakature vir die onverstreke ampstermyn van sy of haar voorganger te vul.
- (10) Die prinsipaal moet 'n verkiesing bedoel in subparagrafe (3) en (9) lei.
- (11) Die prinsipaal moet na 'n vergadering waar enige ampsdraer ooreenkomstig hierdie paragraaf verkies, is die Departementshoof deur middel van die Wes-Kaapse Onderwysdepartement se aanlyn bestuursinligtingstelsel in kennis stel van die datum van die vergadering en van die naam, adres en amp van die persoon wat verkies is, asook van die datum van die beheerliggaamverkiesing en die name en adresse van al die persone wat tot lede verkies is.
- (12) By verstryking van sy of haar ampstermyn moet 'n uitredende lid sy of haar werksaamhede verrig totdat die verkiesing van die ampsdraer wat hom of haar gaan vervang, plaasgevind het.

Vergaderings van beheerliggaam

- 23.** (1) Die voorsitter van 'n beheerliggaam moet die datum, tyd en plek van 'n vergadering van die beheerliggaam bepaal en die sekretaris van die beheerliggaam moet elke lid minstens 10 dae voor sodanige vergadering skriftelik daarvan in kennis stel: Met dien verstande dat in die geval van 'n aangeleentheid wat na die mening van die voorsitter van die beheerliggaam dringend aandag vereis daar minstens 24 uur kennis gegee moet word.
- (2) Enigiemand kan op uitnodiging van die beheerliggaam by 'n vergadering van die liggaam teenwoordig wees en aan die bespreking deelneem, maar mag geen stemreg hê nie en moet die vergadering verlaat wanneer die beheerliggaam 'n besluit neem.

- (3) 'n Beheerliggaam kan van enige personeellid van die betrokke skool vereis om 'n vergadering van die liggaam by te woon in verband met enige aangeleentheid wat op die werksaamhede van die beheerliggaam betrekking het.
- (4) Die meerderheid van die stemgeregtigde lede van 'n beheerliggaam maak 'n kworum vir enige vergadering van die beheerliggaam uit.
- (5) 'n Beheerliggaam moet sy eie reëls met betrekking tot sy vergaderings en die prosedures by sodanige vergaderings bepaal.

Notules van verrigtinge van vergaderings

- 24.** (1) Die sekretaris van 'n beheerliggaam moet notule van die verrigtinge van elke vergadering van die beheerliggaam hou en moet die Departementshoof, of enige beampte wat behoorlik deur die Departementshoof aangewys is, en elke lid van die beheerliggaam van 'n afskrif van die notule voorsien.
- (2) Die sekretaris van 'n beheerliggaam moet, op versoek, 'n ouer van 'n leerder by die skool, 'n opvoeder of 'n nie-opvoeder by die skool van 'n afskrif van sodanige notule voorsien: Met dien verstande dat daar nie op die regte van persone inbreuk gemaak sal word nie en dit deur die aanvrager benodig word vir die uitoefening of beskerming van sy of haar regte of belange.
- (3) Die notule van 'n vergadering van 'n beheerliggaam of 'n komitee daarvan moet by die volgende vergadering van die beheerliggaam of 'n komitee daarvan, na gelang van die geval, vir goedkeuring voorgelê word.
- (4) By die ontbinding van 'n beheerliggaam of die verstryking van sy ampstermyn moet alle notules en ander dokumente van die beheerliggaam en enige komitee daarvan aan die prinsipaal van die skool gegee word.
- (5) By die sluiting van 'n skool moet die prinsipaal alle notules en ander dokumente van die beheerliggaam of enige komitee daarvan by die Departementshoof inhandig vir veilige bewaring.

Herroeping van maatreëls

- 25.** Die volgende maatreëls word herroep:
- (a) Maatreëls betreffende Beheerliggame en 'n Verteenwoordigende Raad van Leerders vir Openbare Skole (Uitgesonderd Openbare Skole vir Leerders met Spesiale Onderwysbehoefte), gepubliseer in Provinsiale Kennisgewing 164/2008 in *Buitengewone Provinsiale Koerant* 6519 van 20 Mei 2008;

- (b) Maatreëls betreffende Beheerliggame en 'n Verteenwoordigende Raad van Leerders van Openbare Skole vir Leerders met Spesiale Onderwysbehoefte (Uitgesonderd Openbare Skole vir Leerders wat kragtens die Kinderwet, 2005 (Wet 38 van 2005); die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), en/of die Strafproseswet, 1977 (Wet 51 van 1977), soos Gewysig, daarheen Verwys of Oorgeplaas is), gepubliseer in Provinsiale Kennisgewing 278/2008 in *Buitengewone Provinsiale Koerant* 6554 van 12 September 2008; en
- (c) Maatreëls betreffende Beheerliggame en 'n Verteenwoordigende Raad van Leerders van Openbare Skole vir Leerders wat Kragtens die Kinderwet, 2005 (Wet 38 van 2005); die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), en/of die Strafproseswet, 1977 (Wet 51 van 1977), soos Gewysig, daarheen Verwys of Oorgeplaas Is, gepubliseer in Provinsiale Kennisgewing 279/2008 in *Buitengewone Provinsiale Koerant* 6554 van 12 September 2008.

AANHANGSEL A

KENNISGEWING VAN NOMINASIE- EN VERKIESINGSVERGADERING

**Verkiesing van Opvoeders/Nie-opvoeders/Ouers van Leerders
tot die Beheerliggaam**

*(Paragrafe 11, 14, 16, 17 en 18 van die Bepaling van die Prosedures vir die Instelling
en Verkiesing van Beheerliggame by Openbare Skole)*

NAAM VAN SKOOL:

Kennis geskied hiermee dat 'n vergadering vir die nominasie en verkiesing van kandidate vir die verkiesing van as lede van die beheerliggaam vir die bogenoemde skool gehou sal word op (datum) om (tyd) te (plek). Indien 'n kworum nie bereik word nie sal 'n opvolgvergadering op (datum) om (tyd) gehou word.

Daar sal om (tyd) op die aand van die nominasie- en verkiesingsvergadering bepaal word of daar genoeg stemgeregtigde ouers teenwoordig is vir die vergadering om te kan voortgaan. Ouers word dus aangemoedig om die vergadering by te woon en word versoek om voor (tyd) by die vergadering aan te kom.

'n Kandidaat kan ook genomineer word deur minstens 10 dae voor die bogenoemde vergadering 'n nominasievorm wat behoorlik ingevul is deur die voorsteller, die sekondant en die genomineerde kandidaat, by die skoolkiesbeampte in te dien. Vir hierdie doel sal nominasies vanaf (datum) tot (tyd) op (datum) by die skool aanvaar word.

Indien daar meer kandidate genomineer word as die getal lede wat verkies moet word sal 'n stemming na die nominasievergadering gehou word.

.....
DATUM

.....
HANDTEKENING VAN SKOOLKIESBEAMPTE

ADRES:
.....
.....

REËLS VIR VERKIESING

(Moet saam met kennisgewing van 'n nominasie- en verkiesingsvergadering gestuur word)

1. SAMESTELLING VAN BEHEERLIGGAAM

- (a) 'n Beheerliggaam van 'n gewone sekondêre skool moet bestaan uit—
- (i) sewe ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (ii) twee opvoeders by die skool, gekies deur opvoeders in diens by die skool;
 - (iii) een nie-opvoeder by die skool, gekies deur personeel by die skool wat nie opvoeders is nie;
 - (iv) twee leerders in die agtste graad of hoër, verkies deur die verteenwoordigende raad van leerders uit sy geledere;
 - (v) die prinsipaal of, indien die prinsipaal gediskwalifiseer is, die adjunkprinsipaal;
 - (vi) indien die skool op privaat eiendom geleë is, die eienaar van die eiendom of sy of haar genomineerde, indien gekoöpteer deur die beheerliggaam van die skool, sonder stemreg; en
 - (vii) 'n lid of lede van die gemeenskap (hoogstens ses lede) indien gekoöpteer deur die beheerliggaam, sonder stemreg.
- (b) Behoudens paragrawe (c), (d) en (e) moet 'n beheerliggaam van 'n gewone primêre skool bestaan uit—
- (i) vyf ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (ii) twee opvoeders by die skool, gekies deur opvoeders in diens by die skool;
 - (iii) een nie-opvoeder by die skool, gekies deur personeel by die skool wat nie opvoeders is nie;
 - (iv) die prinsipaal of, indien die prinsipaal gediskwalifiseer is, die adjunkprinsipaal;

- (v) indien die skool op privaat eiendom geleë is, die eenaar van die eiendom of sy of haar genomineerde indien gekoöpteer deur die beheerliggaam, sonder stemreg; en
 - (vi) 'n lid of lede van die gemeenskap (hoogstens ses lede) indien gekoöpteer deur die beheerliggaam, sonder stemreg.
- (c) 'n Beheerliggaam van 'n gewone primêre skool met 'n diensstaat van een opvoeder moet bestaan uit—
- (i) twee ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (ii) die prinsipaal of, indien die prinsipaal gediskwalifiseer is, die adjunkprinsipaal;
 - (iii) indien die skool op privaat eiendom geleë is, die eenaar van die eiendom of sy of haar genomineerde, indien gekoöpteer deur die beheerliggaam van die skool, sonder stemreg; en
 - (iv) 'n lid of lede van die gemeenskap (hoogstens ses lede) indien gekoöpteer deur die beheerliggaam, sonder stemreg.
- (d) 'n Beheerliggaam van 'n gewone primêre skool met 'n diensstaat van een opvoeder en een nie-opvoeder moet bestaan uit—
- (i) drie ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (ii) die prinsipaal of, indien die prinsipaal gediskwalifiseer is, die adjunkprinsipaal;
 - (iii) een nie-opvoeder by die skool, verkies deur personeel by die skool wat nie opvoeders is nie;
 - (iv) indien die skool op privaat eiendom geleë is, die eenaar van die eiendom of sy of haar genomineerde, indien gekoöpteer deur die beheerliggaam van die skool, sonder stemreg; en
 - (v) 'n lid of lede van die gemeenskap (hoogstens ses lede) indien gekoöpteer deur die beheerliggaam, sonder stemreg.
- (e) 'n Beheerliggaam van 'n gewone primêre skool met 'n diensstaat van twee opvoeders en een nie-opvoeder moet bestaan uit—

- (i) vier ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (ii) een opvoeder by die skool, verkies deur opvoeders in diens by die skool;
 - (iii) een nie-opvoeder by die skool, verkies deur personeel by die skool wat nie opvoeders is nie;
 - (iv) die prinsipaal of, indien die prinsipaal gediskwalifiseer is, die adjunkprinsipaal;
 - (v) indien die skool op privaat eiendom geleë is, die eienaar van die eiendom of sy of haar genomineerde, indien gekoöpteer deur die beheerliggaam van die skool, sonder stemreg; en
 - (vi) 'n lid of lede van die gemeenskap (hoogstens ses lede) indien gekoöpteer deur die beheerliggaam, sonder stemreg.
- (f) 'n Beheerliggaam van 'n skool vir leerders met spesiale onderwys-behoefte moet bestaan uit—
- (i) sewe ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (ii) twee opvoeders by die skool, gekies deur opvoeders in diens by die skool;
 - (iii) een nie-opvoeder by die skool, gekies deur personeel by die skool wat nie opvoeders is nie;
 - (iv) twee leerders in die agste graad of hoër, verkies deur die verteenwoordigende raad van leerders uit sy geledere, indien doenlik;
 - (v) die prinsipaal of, indien die prinsipaal gediskwalifiseer is, die adjunkprinsipaal;
 - (vi) indien die skool op privaat eiendom geleë is, die eienaar van die eiendom of sy of haar genomineerde, indien gekoöpteer deur die beheerliggaam van die skool, sonder stemreg; en
 - (vii) een verteenwoordiger van borgliggame, indien van toepassing en indien gekoöpteer deur die beheerliggaam, sonder stemreg;

- (viii) een verteenwoordiger van organisasies van ouers van leerders met spesiale onderwysbehoefte, indien van toepassing en indien gekoöpteer deur die beheerliggaam, sonder stemreg;
 - (ix) een verteenwoordiger van organisasies van gestremde persone, indien van toepassing en, indien gekoöpteer deur die beheerliggaam, sonder stemreg;
 - (x) een gestremde persoon met gepaste ondervinding op die gebied van spesiale onderwysbehoefte, indien van toepassing en indien gekoöpteer deur die beheerliggaam, sonder stemreg; en
 - (xi) een deskundige op gepaste gebiede van spesiale onderwysbehoefte, gekoöpteer deur die beheerliggaam, sonder stemreg.
- (g) Ouerlede met stemreg moet die meerderheid van lede van 'n beheerliggaam uitmaak.

2. NOMINASIES VAN OUERLEDE

- (a) Elke ouerkandidaat moet op 'n nominasievorm voorgestel en gesekondeer word deur ouers wat geregtig is om te stem, soos angedui in paragraaf 4 hieronder. 'n Kieser wat 'n ouerkandidaat voorstel of sekondeer moet eers vasstel dat die ouerkandidaat nie gediskwalifiseer is soos in paragraaf 3 hieronder aangedui om tot lid verkies te word nie.
- (b) 'n Nominasievorm moet vir elke nominasie van 'n ouerkandidaat ingevul word.
- (c) Die kiesbeampste moet die tyd bepaal wat gedurende die nominasie- en verkiesingsvergadering vir die nominasie van ouerkandidate toegelaat gaan word, en moet die vergadering daarvan in kennis stel.
- (d) 'n Ouerkandidaat mag nie homself of haarself nomineer nie.

3. DISKWALIFIKASIE VAN LEDE

'n Persoon mag nie tot lid van 'n beheerliggaam verkies of aangestel word nie indien hy of sy—

- (a) deur 'n geregshof skuldig bevind is aan enige misdryf waarvoor hy of sy 'n opgeskorte vonnis van gevangenisstraf gekry het of gevonniss is tot gevangenisstraf met of sonder die keuse van 'n boete, of nog nie die volle

tydperk van sy of haar gevangenisstraf uitgedien het nie, tensy hy of sy 'n algehele kwytskelding ontvang het of die termyn van sy of haar opskorting of gevangenisstraf minstens drie jaar voor die datum van sy of haar verkiesing as lid van sodanige liggaam verstryk het;

- (b) geestesongesteld is en aldus verklaar is deur 'n bevoegde hof;
- (c) 'n ongerehabiliteerde insolvent is;
- (d) in die geval van 'n opvoeder aangestel ingevolge die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998), geskors is, tensy die tydperk van sy of haar skorsing minstens drie jaar voor die datum van sy of haar verkiesing as 'n lid van die beheerliggaam verstryk het;
- (e) in die geval van 'n nie-opvoeder aangestel ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994), of aangestel deur die beheerliggaam, geskors is, tensy die tydperk van sy of haar skorsing minstens drie jaar voor die datum van sy of haar verkiesing as 'n lid van die beheerliggaam verstryk het;
- (f) in die geval van 'n ouer, nie 'n kind as ingeskrewe leerder by die skool het nie; of
- (g) voorheen deur die hoof van die Wes-Kaapse Onderwysdepartement uit sy of haar amp verwyder is.

4. STEMREG

- (a) Elke ouer van een of meer leerders wat by 'n skool ingeskryf is ten tyde van die verkiesing van lede van die beheerliggaam is geregtig om by die verkiesing vir ouerlede te stem. Hoogstens twee ouers word per leerder toegelaat om te stem.
- (b) 'n Persoon wat nie die natuurlike ouer of wettige voog is nie maar 'n persoon is in wie se sorg een of meer leerders wat by die skool ingeskryf is, wettig geplaas is, is geregtig om by die verkiesing van ouerlede van die beheerliggaam te stem.
- (c) Elke opvoeder wat by die skool in diens is ten tyde van die verkiesing van lede van die beheerliggaam, met inbegrip van die prinsipaal, is geregtig om by die verkiesing vir opvoederlede te stem.
- (d) Elke nie-opvoeder wat by die skool in diens is ten tyde van die verkiesing van lede van die beheerliggaam, is geregtig om by die verkiesing vir nie-opvoederlede te stem.

- (e) Elke lid van die verteenwoordigende raad van leerders by 'n skool ten tyde van die verkiesing van lede van die beheerliggaam is geregtig om by die verkiesing vir leerderlede te stem.
- (f) Iemand wat geregtig is om te stem, mag slegs een keer vir 'n bepaalde kandidaat stem, met 'n maksimum getal stemme gelyk aan die getal lede wat verkies moet word.
- (g) Geen volmagstemme word by beheerliggaamverkiesings aanvaar nie.

5. ALGEMEEN

Die prinsipaal kan die bykomende inligting wat hy of sy nodig ag vir die gladde verloop van die verkiesing by hierdie aanhangsel insluit, soos byvoorbeeld die belang van ouerdeelname.

AANHANGSEL B**NOMINASIEVORM**

Verkiesing van Opvoeders/Nie-opvoeders/Ouers van Leerders
as Lede van Beheerliggaam

*(Paragrafe 13, 14, 15, 16, 17 en 18 van die Bepaling van die Prosedures vir die
Instelling en Verkiesing van Beheerliggame by Openbare Skole)*

(By die nominasie en verkiesing van lede van die beheerliggaam moet die hoogste
praktiese vlak van verteenwoordiging nagestreef word. Ons moedig ouers dus aan om
aan hierdie proses deel te neem.)

NAAM VAN SKOOL:

VOORSTELLER:

Ek,
(Volle Naam)

van
(Woonadres)

as 'n opvoeder/nie-opvoeder/ouer van 'n leerder van die bogenoemde skool, stel

.....
(Volle Naam van Kandidaat)

voor as lid van die beheerliggaam van die bogenoemde skool.

.....
HANDTEKENING VAN VOORSTELLER

SEKONDANT:

Ek,
(Volle Naam)

van
(Woonadres)

as 'n opvoeder/nie-opvoeder/ouer van 'n leerder van die bogenoemde skool, sekondeer die bogenoemde voorstel.

.....
HANDTEKENING VAN SEKONDANT

KANDIDAAT:

Ek,
(Volle Naam)

van
(Woonadres)

verklaar dat ek—

- (a) die bogenoemde nominasie aanvaar; en
- (b) nie onverkiesbaar is om 'n lid van 'n beheerliggaam te wees nie soos bedoel in paragraaf 3 van die “Reëls vir Verkiesing” (sien Aanhangsel A).

.....
HANDTEKENING VAN KANDIDAAT

OF

(INDIEN VOORGESTEL BY NOMINASIE- EN VERKIESINGSVERGADERING EN
NIE TEENWOORDIG OM DIE NOMINASIEVORM IN TE VUL NIE)

Ek,
(Volle Naam)

verklaar dat skriftelike bewys tot my oortuiging ingedien is dat bogenoemde kandidaat—

- (a) wat nie by die nominasie- en verkiesingsvergadering teenwoordig is om die nominasievorm in te vul nie, bereid sal wees, indien verkies, om as 'n lid van die beheerliggaam te dien; en
- (b) nie onverkiesbaar is om 'n lid van 'n beheerliggaam te wees nie soos bedoel in paragraaf 3 van die “Reëls vir Verkiesing” (sien Aanhangsel A).

.....
HANDTEKENING VAN SKOOLKIESBEAMPTE

Hierdie nominasie word aanvaar / verwerp.
(Skrap wat nie van toepassing is nie.)

.....
DATUM

.....
HANDTEKENING VAN SKOOLKIESBEAMPTE

AANHANGSEL C**KWORUM VIR NOMINASIE EN VERKIESING VAN OUERLEDE**

(Paragrafe 13, 14, en 15 van die Bepaling van die Prosedures vir die Instelling en Verkiesing van Beheerliggame by Openbare Skole)

'n Kworum is gelyk aan 15 persent van die totale getal ouers op die kieserslys en word soos volg bepaal:

Totale getal ouers op kieserslys	= 1 500
Kworum	= 1 500 x 15%
	= 225 ouers

**INKQUBO-NKCAZELO YOKUMISELA NOKUNYULA AMABHUNGA
OLAWULO EZIKOLO ZIKARHULUMENTE**

UMphathiswa wePhondo ojongene nezemfundo eNtshona Koloni, phantsi kwecandelo 28 loMthetho weZikolo weNtshona Koloni (*South African Schools Act*), 1996 (uMthetho 84 ka-1996), ugqibe ngeenkqubo zokumisela nezokunyula amabhunga olawulo ezikolo zikarhulumente njengoko kuchaziwe kwiShedyuli.

ISHEDYULI

UKULANDELELANA KWAMACANDELO

Imihlathi

1. Iingcaciso-magama
2. Amalungu ebhunga lolawulo lesikolo
3. Abantu ekungavumelekanga ukuba babe ngamalungu ebhunga lolawulo lesikolo
4. Ixesha eliya kuhlalwa ngamalungu ebhunga lolawulo lesikolo
5. Izithuba kwibhunga lolawulo lesikolo
6. Ukuchithwa nokumiselwa kwakhona kwebhunga lolawulo lesikolo
7. Ilungelo lokuvota
8. Igosa lonyulo lesikolo
9. Igosa lonyulo lesithili
10. Umhla, ixesha nendawo yentlanganiso yokutyunjwa nokonyulwa kwamalungu angabazali
11. Isaziso sentlanganiso yokutyumba nokunyula amalungu angabazali
12. Uluhlu lwabavoti
13. Intlanganiso yokutyumba nokonyula amalungu angabazali
14. Ukuvota kunyulo lwamalungu angabazali
15. Ukutshintsha inkqubo yentlanganiso enye yokutyumba nokonyula
16. Intlanganiso yokutyumba nokonyula kwamalungu aziititshala
17. Ukuvota kunyulo lwamalungu aziititshala
18. Ukutyunjwa nokonyulwa kwelungu elingeyotitshala
19. Ukutyunjwa nokonyulwa kwamalungu angabafundi
20. Izigqibo zegosa lonyulo lesikolo
21. Inkqubo emva konyulo lwebhunga lolawulo lesikolo

22. Ukonyulwa kwamalungu ekomiti yequmrhu
23. Iintlanganiso zebhunga lolawulo lesikolo
24. Imizuzu yeentlanganiso
25. Ukubhangiswa kweenkqubo

Iinkcazelo

1. Kule mihlathi, ngaphandle kokuba kukho enye into echaziweyo, naliphi na igama okanye ibinzana elinenkcazelo enikiweyo kuMthetho, lisenaloo ntsingiselo ebeliyinikiwe kuMthetho, ngaphandle kokuba imeko yelo gama ithetha enye into—
 - “**ufakelelo**” luthetha—
 - (a) ukunyula okwethutyana ilungu elingumzali elinamalungelo okuvota kwibhunga lolawula lesikolo;
 - (b) ukunyula ilungu elongezelelweyo kodwa lingabi namalungelo akuvota kwibhunga lolawulo lesikolo;
 - (c) ukunyula ilungu kodwa lingabi namalungelo akuvota kwibhunga lolawula lesikolo ukuba likhona, njengoko kuxeliwe kumhlathi 2(6)(g) ukuya ku-(j).
 - “**iintsuku**” zithetha iintsuku zokusebenza, ezibandakanya iiholide zesikolo, ezingabandakanyi iMigqibelo, iiCawe, neeholide zikawonke-wonke;
 - “**igosa lonyulo lesithili**” lithetha igosa lesithili elikwisikhundla esiphezulu kwiofisi yesithili elinoxanduva lokubeka iliso nokulawula inkqubo yonyulo kwisithili;
 - “**ititshala**” ibhekisa kuye nawuphi umntu oqeshwe yiNtloko yeSebe okanye libhunga lolawulo lesikolo, obandakanya ootitshala besigaba R kodwa ayibandakanyi umntu oqeshelwe ukuba angafundisi eklasini, ofundisa okanye oqeqesha abanye abantu okanye obonelela ngeenkonzo zobungcali bemfundo, ezibandakanya iinkonzo zeengcebiso ngokwasengqondweni nasemphefumleni kwizikolo zikarhulumente;
 - “**umtyunjwa oyititshala**” uthetha ititshala etyunjwe ngempumelelo ukuba ibe lilungu lebhunga lolawulo lesikolo ngokomhlathi 16;
 - “**utitshala wesigaba R**” uthetha utitshala wesigaba R obhaliswe kwiBhunga leeTitshala loMzantsi Afrika;
 - “**INtloko yeSebe**” ithetha intloko yeSebe leMfundo leNtshona Koloni;
 - “**ilungu**” lithetha ilungu lebhunga lolawula lesikolo;
 - “**umntu ongeyotitshala**” uthetha umntu oqeshwe kulandelwa iPublic Service Act, 1994 (iSibhengezo 103 sika-1994), yaye ubandakanya umntu oqeshwe libhunga lolawulo lesikolo, ongeyotitshala;
 - “**umzali**” uthetha—
 - (a) umzali ozala okanye onakekela umfundi ngokwasemthethweni;
 - (b) umntu onikwe igunya ngumthetho ukuba akhulise umfundi; okanye
 - (c) umntu ozinike uxanduva lobuzali bomntu ekubhekiswe kuye kwimihlathi (a) no-
 - (b) kumfundi okwesoko, olubandakanya ukubonelela ngekhaya, ukondla, ukunxibisa, ukunikeza inkxaso yezemfundo, yezinye izidingo zokukhulisa umfundi, nokunakekela impilo yomfundi, ukuhlawula imali yesikolo, ukwamkela ingxelo yenkqubela yomfundi esikolweni nokuba ngumzali kumfundi ngeli lixa asesikolweni;

- “**umtyunjwa ongumzali**” uthetha umzali otyunjwe ngempumelelo ukuba abe lilungu lebhunga lolawulo lesikolo ngokomhlathi 13;
- “**isikolo samabanga aphantsi**” sithetha isikolo esibonelela ngemfundo ephela kwisigaba sesixhenxe;
- “**iphondo**” libhekisa kwiPhondo leNtshona Koloni;
- “**UMphathiswa wePhondo**” uthetha uMphathiswa wePhondo onoxanduva lwezemfundo kwiphondo;
- “**ibhunga elimele abafundi**” lithetha ibhunga elimele abafundi elimiselwe ngokwecandelo 48 leWestern Cape Provincial School Education Act, 1997 (UMthetho 12 ka-1997);
- “**isikolo**” sibhekisa kwisikolo sesiqhelo sikarhulumente okanye isikolo sikarhulumente sabafundi abanezidingo zemfundo ezizodwa;
- “**igosa lonyulo lesikolo**” lithetha igosa lonyulo elixelwe kumhlathi 8;
- “**iqela lonyulo lesikolo**” lithetha igosa lonyulo lesikolo elityunjwe kulandelwa umhlathi 8(1) kunye nabantu abatyunjelwe ukuncedisa igosa lonyulo lesikolo ngokomhlathi 8(2);
- “**isikolo samabanga aphakathi**” sisikolo esibonelela ngemfundo esuka kwisigaba sesibhozo ukuya kwisigaba seshumi elinesibini;
- “**iqumrhu elixhasa ngezimali**” lithetha iqumrhu elibonelela ngenkxaso yemali kwisikolo esinabafundi abanezidingo zemfundo ezizodwa;
- “**UMthetho**” ubhekisa kwiSouth African Schools Act, 1996 (UMthetho 84 ka-1996);
- “**ISebe leMfundo leNtshona Koloni**” lithetha isebe elinoxanduva lwezemfundo kwiphondo.

Ukwakhiwa kwebhunga lolawula lesikolo

2. (1) Kulandelwa umhlathi (19) kunye nomhlathi 6(4), ibhunga lolawulo lesikolo sikarhulumente samabanga aphakathi lihlanganiswa ngokuthi kulandelwe imiqathango yecandelo 23 loMthetho yaye kufuneka liqulathe—
 - (a) abazali abasixhenxe abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo isikolo;
 - (b) ootitshala ababini kweso sikolo;
 - (c) umsebenzi omnye ongeyotitshala kweso sikolo;
 - (d) abafundi ababini abasuka kwibhunga elimele abafundi;
 - (e) inqununu, okanye ukuba inqununu ifunyaniswe ingafanelekanga ukuba ibe lilungu, njengoko kuxeliwe kumhlathi 3, isekela-nqununu;
 - (f) umnini wepropati okanye umntu otyunjwe nguye ukuze abandakanywe libhunga lolawulo lesikolo ukuba isikolo sikumhlaba wabucala; kunye
 - (g) namalungu angekho ngaphezulu kwesithandathu asekuhlaleni aza kongezwa kwibhunga lolawulo lesikolo ukuncedisa kwimisebenzi ethile.
- (2) Kulandelwa imihlathi (3), (4), (5) no-(19) kunye nomhlathi 6(4), ibhunga lolawulo lesikolo samabanga aphantsi lihlanganiswa ngokuthi kulandelwe imiqathango yecandelo 23 loMthetho yaye kufuneka liqulathe—
 - (a) abazali abahlanu abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;

- (b) ootitshala ababini kweso sikolo;
 - (c) umsebenzi omnye ongeyotitshala kweso sikolo;
 - (d) inqununu, okanye ukuba inqununu ifunyaniswe ingafanelekanga ukuba ibe lilungu, njengoko kuxeliwe kumhlathi 3, isekela-nqununu;
 - (e) umnini wepropati okanye umntu otyunjwe nguye ukuze abandakanywe libhunga lolawulo lesikolo ukuba isikolo sikumhlaba wabucala; kunye
 - (f) namalungu angekho ngaphezulu kwesithandathu asekuhlaleni aza kongezwa kwibhunga lolawulo lesikolo ukuncedisa kwimisebenzi ethile.
- (3) Kulandelwa umhlathi (19) kunye nomhlathi 6(4), ibhunga lolawulo lesikolo samabanga aphantsi esinomsebenzi ongutitshala omnye kufuneka siqulathe—
- (a) abazali ababini abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo isikolo;
 - (b) inqununu;
 - (c) umnini wepropati okanye umntu otyunjwe nguye ukuze abandakanywe libhunga lolawulo lesikolo ukuba isikolo sikumhlaba wabucala; kunye
 - (d) namalungu angekho ngaphezulu kwesithandathu asekuhlaleni aza kongezwa kwibhunga lolawulo lesikolo ukuncedisa kwimisebenzi ethile.
- (4) Kulandelwa umhlathi (19) kunye nomhlathi 6(4), ibhunga lolawulo lesikolo samabanga aphantsi esinabasebenzi ababandakanya utitshala omnye kunye nomsebenzi ongengotitshala kufuneka sibe—
- (a) nabazali abathathu abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (b) inqununu;
 - (c) umsebenzi omnye ongeyotitshala kweso sikolo;
 - (d) umnini wepropati okanye umntu otyunjwe nguye ukuze abandakanywe liqbhunga lolawulo lesikolo ukuba isikolo sikumhlaba wabucala; kunye
 - (e) namalungu angekho ngaphezulu kwesithandathu asekuhlaleni aza kongezwa kwibhunga lolawulo isikolo ukuncedisa kwimisebenzi ethile.
- (5) Kulandelwa umhlathi (19) kunye nomhlathi 6(4), ibhunga lolawulo lesikolo samabanga aphantsi esinabasebenzi abangootitshala ababini nomsebenzi omnye ongeyotitshala kufuneka liqulathe—
- (a) abazali abane abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (b) inqununu, okanye ukuba inqununu ifunyaniswe ingafanelekanga ukuba ibe lilungu, njengoko kuxeliwe kumhlathi 3, isekela-nqununu;
 - (c) utitshala omnye kweso sikolo;
 - (d) umsebenzi omnye ongeyotitshala kweso sikolo;
 - (e) umnini wepropati okanye umntu otyunjwe nguye ukuze abandakanywe libhunga lolawulo lesikolo ukuba isikolo sikumhlaba wabucala; kunye
 - (f) namalungu angekho ngaphezulu kwesithandathu asekuhlaleni aza kongezwa kwibhunga lolawulo lesikolo ukuncedisa kwimisebenzi ethile.
- (6) Kulandelwa umhlathi (19) kunye nomhlathi 6(4), ibhunga lolawula lesikolo sabafundi abanemfundo yabantwana abanezidingo ezizodwa kufuneka liqulathe—

- (a) abazali abasixhenxe abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (b) ootitshala ababini kweso sikolo;
 - (c) umsebenzi omnye ongeyotitshala kweso sikolo;
 - (d) abafundi ababini abasuka kwibhunga elimele abafundi, ukuba oko kunokukwazeka ukwenzeka;
 - (e) inqununu, okanye ukuba inqununu ifunyaniswe ingafanelekanga ukuba ibe lilungu, njengoko kuxeliwe kumhlathi 3, isekela-nqununu;
 - (f) umnini wepropati okanye umntu otyunjwe nguye ukuze abandakanywe kwisikolo ukuba isikolo sikumhlaba wabucala;
 - (g) ummeli omnye wamaqumrhu axhasa ngezimali, ukuba ukhona;
 - (h) ummeli omnye wemibutho yabazali babantwana abanezidingo ezizodwa, ukuba ukhona;
 - (i) ummeli wemibutho yabantu abakhubazekileyo, ukuba ukhona;
 - (j) umntu omnye okhubazekileyo onamava afanelekileyo emfundo yabantwana abanezidingo ezizodwa, ukuba ukhona; kunye
 - (k) nengcali enye enamava afanelekileyo emfundo yabantwana abanezidingo ezizodwa.
- (7) Kwimeko ezixelwe kumhlathana (6), amalungu ekubhekiswe kuwo ku-(f) ukuya ku-(j) makongezwe kwibhunga lolawulo lesikolo ukuba oko kunokwenzeka ukuze enze imisebenzi ethile.
 - (8) Kulandelwa umhlathi (10), amalungu afakelelweyo akanalungelo lakuvota kwibhunga lolawulo lesikolo.
 - (9) Abazali abanamalungelo okuvota kufuneka ibe ngabo abona baninzi kumalungu ebhunga lolawula lesikolo.
 - (10) Ukuba inani lamalungu angabazali alikho ngaphezulu kwenani labanye abantu abanelungelo lokuvota, ibhunga lolawula lesikolo kufuneka lifakelele abanye abazali abaza kunikwa ilungelo lokuvota lethutyana.
 - (11) Ukuba kufakelelwe umzali kwibhunga waze wanikwa amalungelo okuvota njengoko kuxeliwe kumhlathana (10), olo fakelelo luyaphelelwa emva kokuba eso sithuba siye sazaliswa, yaye kufuneka kulandelwe inkqubo yonyulo lwamalungu angabazali echazwe kule nkqubo-nkcazelo, zingaphelanga iintsuku ezingama-60 emva kokuba kuvuleke isithuba.
 - (12) Ukuba unyulo lovalo-sikhewu oluxelwe kumhlathana (11) alwenzekanga zingaphelanga iintsuku ezingama-60 okanye akufikelelwanga kwikhoram kwintlangu yonyulo lovalo-sithuba, ibhunga lolawulo lesikolo lingafakelela umzali ukuba abambeke ezinye iintsuku ezingama-60.
 - (13) Intlangu yoyunyulwa nokonyulwa yonyulo lovalo-sikhewu oluxelwe kumhlathana (11) kufuneka ibanjwe kulandelwa le nkqubo-nkcazelo.
 - (14) Kulandelwa imihlathi (21) no-(22), abazali beso sikolo mabatyumbe ze banyule amalungu angabazali ekubhekiswe kubo kumhlathana (1)(a), (2)(a), 3(a), (4)(a) (5)(a) no-(6)(a).
 - (15) Iititshala eziqeshwe kweso sikolo sichaphazelekayo mazityumbe ze zinyule amalungu aziititshala ekubhekiswe kuwo kumhlathana (1)(b), (2)(b), (5)(c) no-(6)(b).

- (16) Abasebenzi abangezotitshala abaqeshwe kweso sikolo mabatyumbe ze banyule amalungu angabasebenzi angezotitshala ekubhekiswe kuwo kumhlathana (1)(c), (2)(c) (4)(c), (5)(d) no-(6)(c): Ukuba ngaba isikolo sinomsebenzi omnye ongeyotitshala, elo lungu liba lilungu lebhunga.
- (17) Ibhunga elimele abafundi kweso sikolo malityumbe ze linyule amalungu angabafundi ekubhekiswe kuwo kumhlathana (1)(d) no-(6)(d).
- (18) Ibhunga lolawulo lesikolo sesiqhelo esibonelela abafundi abanezidingo zemfundo ezizodwa malimisele ikomiti yezidingo zemfundo ezizodwa lilandela icandelo 30 loMthetho.
- (19) INtloko yeSebe ingamkela ubume bamalungu ebhunga lolawulo lesikolo kwisikolo esinobume obahlukileyo kobo buxelwe kwimihlathana (1), (2), (3), (4), (5) no-(6) ukuba—
- (a) ibhunga lolawulo lesikolo lifake isicelo esibhaliweyo sokuba elalo libhunga lime ngandlela yimbi ze linike nezizathu zoko; okanye
- (b) elo bhunga limiselelwe ukuba lenze imisebenzi yebhunga lolawula lesikolo, okwethutyana, ngeli lixa kusamiselwa isikolo esitsha, yaye iNtloko yeSebe yanelisekile ukuba obo bulungu bululutho kwezemfundo kweso sikolo.
- (20) INtloko yeSebe, ingathi nanini na, ngokubona kwayo, irhoxise imvume ekubhekiswe kuyo kumhlathana (19) ze ichithe ibhunga lolawula lesikolo elenziwe kulandelwe umhlathana (19)(a) okanye (b) xa kufuneka kumiselwe ibhunga elitsha elilawula isikolo kulandelwa imihlathana (1), (2), (3), (4), (5) okanye (6), ngokwemeko leyo.
- (21) Ukuba inqununu yesikolo inoluvo lokuba abazali babafundi besikolo abangaphaya kwama-50 epesenti abahlala ngaphandle kommandla wesikolo, yaye unyulo lwebhunga lolawula lesikolo olwenziwa ngabazali alukwazi kwenzeka, kufuneka ifumane imvume ebhaliweyo kwiNtloko yeSebe yokuba ityumbe abantu abafanele ukutyunjwa.
- (22) Ukuze kutyunjwe inani lamalungu angabazali axelwe kwimihlathana (19) no-(21), inqununu kufuneka ingenise amagama neenkukacha zabazali abadlule ngesithathu kwinani elifunekayo ukuze iNtloko yeSebe ikwazi ukukhetha.

Abantu ekungavumelekanga ukuba babe ngamalungu ebhunga lolawulo lesikolo

3. Umntu akanakukhethwa okanye atyunjwe njengelungu lebhunga lolawulo lesikolo ukuba—
- (a) ebekhe wagwetywa yinkundla yomthetho ngesenzo athe wafumana kuso isigwebo esixhonyiweyo, okanye obekhe wavalelwa entolongweni, okanye obefumene isigwebo sentlawulo, okanye ongekasigqibi isigwebo sakhe sentolongo, ngaphandle kokuba uxolelwe ngokupheleleyo nangokukhululekileyo, okanye isigwebo sakhe esixhonyiweyo okanye sokuvallelwa sele kudlule iminyaka emithathu wasigqibayo phambi komhla wokonyulwa kwakhe njengelungu lelo bhunga;
- (b) ugula ngengqondo yaye nenkundla ejonga oko imfumanise enjalo;
- (c) uthe gabhu ematyaleni;

- (d) utitshala oqeshwe ngokwemiqathango yomthetho iEmployment of Educators Act, 1998 (UMthetho 76 ka-1998), ebekhe wayekiswa, ngaphandle kokuba sele kudlule iminyaka emithathu lwadlulayo olo miso emsebenzini phambi kokuba anyulwe njengelungu lebhunga lolawulo lesikolo;
- (e) umntu ongeyotitshala oqeshwe ngokwemiqathango yePublic Service Act, 1994, okanye libhunga lolawulo lesikolo, ebekhe wayekiswa, ngaphandle kokuba sele kudlule iminyaka emithathu lwadlulayo olo miso emsebenzini phambi kokuba anyulwe njengelungu lelo bhunga;
- (f) umzali ongenamntwana ofunda kweso sikolo sinolonyulo; okanye
- (g) wakhe wasuswa kwisikhundla sakhe yiNtloko yeSebe ngokomhlathi 4(3).

Ixesha eliya kuhlalwa ngamalungu ebhunga lolawulo lesikolo

4. (1) Kulandelwa imihlathana 5 nowe-6, ubungakanani bexesha aya kuthi umntu abe lilungu lebhunga lolawulo lesikolo ongengomfundi kufuneka ibe yiminyaka emithathu ukususela ngomhla wonyulo lwebhunga elitsha lolawulo lesikolo okanye isithuba esigqitywe yiNtloko yeSebe.
 - (2) Isithuba sobulungu bomfundi iya kuba ngunyaka omnye.
 - (3) Nangaliphi na ixesha, iNtloko yeSebe ingalisusa ilungu kwisikhundla ukuba kukho izizathu ezivakalayo zokulisusa.
 - (4) Ukuba umntu owonyulwe njengelungu lebhunga lolawulo lesikolo njengoko kuxeliwe kwimihlathi 2(1), (2), (3), (4), (5) okanye (6) uyayeka ukuba kuluhlu oluchazwe kumhlathi obemenze ukuba anyulwe njengelungu, uyayeka ukuba lilungu lebhunga lolawulo lesikolo.
 - (5) Ilungu lebhunga lolawulo lesikolo lingaphinda linyulwe okanye liphinde lifakelelwe, ngokwemeko leyo, emva kokuphela kwexesha lalo.
 - (6) Kulandelwa imihlathi (1), (2), (3) no-(4) kunye nemihlathi 5 no-6, amalungu ebhunga lolawulo lesikolo kufuneka, noxa liphelile ixesha lawo ekubhekiswe kulo kumhlathana (1) no-(2), agcine ubulungu bawo de kungene ibhunga lolawulo lesikolo elitsha ngokomhlathi 2.

Izithuba kumabhunga olawulo ezikolo

5. (1) Kubakho isithuba kwibhunga lolawulo lesikolo ukuba ilungu—
 - (a) liphumile;
 - (b) libhubhile;
 - (c) aliziphosanga iintlanganiso ezintathu ezilandelelanayo ngaphandle kwesizathu esivakalayo;
 - (d) alivumeleki ukuba libe lilungu njengoko kuchaziwe kwimihlathi 3 no-4(4); okanye
 - (e) lisusiwe kwisikhundla salo ngokomhlathi 4(3).
- (2) Qho xa kukho isithuba—

- (a) kwibhunga lolawulo lesikolo elihlanganiswe ngokomhlathi 2(19) no-(21), iNtloko yeSebe kufuneka ityumbe umntu ofanelekileyo kweso sithuba; kananjalo
- (b) kwibhunga lolawulo lesikolo elihlanganiswe ngokomhlathi 2(1), (2), (3), (4), (5) okanye (6) ibhunga lolawulo lesikolo kufuneka lizalise—
 - (i) isithuba selungu elingumzali lilandela umhlathi 2(10) no-(11); kunye
 - (ii) nesithuba sikatitshala okanye somsebenzi ongengotitshala ngokuthi kwenziwe unyulo lovalo-sithuba ngokwenkqubo yonyulo echazwe kule nkqubo-nkcazelo zingaphelanga iintsuku ezili-14 emva kobukho beso sithuba.
- (3) Ilungu elityunjwe kulandelwa umhlathana (2)(a) okanye elinyulelwe ukuvala isithuba ngonyulo lovalo-sithuba kulandelwa umhlathana (2)(b)(ii) liba lilungu kwisithuba esingekapheli salo mntu angene endaweni yakhe ngokomhlathi 4.
- (4) Ukuba kufakwe umntu kwisithuba ebesikhona—
 - (a) kulandelwa umhlathana (2)(a), iNtloko yeSebe kufuneka, okanye
 - (b) kulandelwa umhlathana (2)(b), unobhala webhunga lolawulo lesikolo kufuneka,
 azise inqununu ngokuyibhalela, iyinike igama lalo mntu ungaselolungu kunye nalowo ungene endaweni yakhe.
- (5) Ilungu elinyulelwe ukuvala isithuba kusetyenziswa unyulo lovalo-sithuba njengoko kuxeliwe kumhlathana (2)(b) kufuneka libe namalungelo okuvota.

Ukuchithwa nokumiselwa kwakhona kwamabhunga olawulo ezikolo

- 6. (1) UMphathiswa wePhondo angalichitha ibhunga lolawulo lesikolo ukuba—
 - (a) ngokokubona kwakhe, ngenxa yokuhlangukiswa kwezikolo okanye ukwahlulwa kwesikolo okanye ukulungiswa ngokutsha kwezibonelelo zesikolo, oko kuyimfuneko ukunika abazali bezikolo okanye besikolo ithuba lokuba bakhethe amalungu ebhunga lolawulo lesikolo elitsha eliza kumela ngendlela eyiyo abazali babafundi abafundi kwezo zikolo okanye kweso sikolo;
 - (b) ibhunga lolawulo lesikolo liye lasilela ukwenza umsebenzi walo ngokwanelisayo okanye lenze into engazi kuba lulutho kwisikolo eso;
 - (c) ubuncinane ama-60 eepesenti abazali bonke abanelungelo lokuvota ngokomhlathi 7(1) baye bavota, kwintlanganiso, ukuba abasalithembi elo bhunga lolawulo lesikolo esichaphazelekayo, kube oko kwenziwe emva kokuba kuthe kwanikezwa isaziso esibhaliweyo seentsuku ezili-10 ubuncinane, ekufuneka sithunyelwe ngeposi kubo bonke abazali okanye sinikwe abafundi ukuba banike abazali bebazisa ngale ntlanganiso.
- (2) Usihlalo webhunga lolawulo lesikolo kufuneka abize intlanganiso yabazali ekubhekiswe kuyo kumhlathana (1)(c) zingaphelanga iintsuku ezili-15 emva kokuba eceliwe ukuba enze oko, ngokuthi ababhalele ze ukuchithwa kwebhunga kwenziwe ngabazali abangekho ngaphantsi kwama-30 eepesenti yabazali abanelungelo lokuvota ngokomhlathi 7(1).

- (3) Apho ibhunga lolawulo lesikolo liye lachithwa phantsi komhlathana (1), aliphindi lisebenze emva komhla othe wabekwa nguMphathiswa wePhondo.
- (4) INtloko yeSebe kufuneka, ukuba iqumrhu elilawula isikolo liye alasebenza, atyumbe abantu abaneleyo, kuluhlu lwamagama awanikiweyo yinqununu, kwabo bafunwa ngabantu, ukuze benze imisebenzi yebhunga lolawulo lesikolo kweso sikolo isithuba esingekho ngaphezu kweenyanga ezintathu.
- (5) INtloko yeSebe kufuneka yazise inqununu kwangaphambili, ngokuthi iyibhalele, malunga namagama kunye needilesi zamalungu ebhunga lolawulo lesikolo atyunjwe ngokwecandelwana (4).
- (6) INtloko yeSebe ingasongeza isithuba ekubhekiswe kuso kumhlathana (4) ngezinye izithuba zeenyanga ezintathu isithuba ngasinye, isithuba esingekho ngaphezulu konyaka omnye.
- (7) Ibhunga lolawulo lesikolo kufuneka linyulwe kulandelwa le nkqubo ungaphelanga unyaka emva kokunyulwa kwabantu ekubhekiswe kubo kumhlathana (4).

Ilungelo lokuvota

7. (1) Umzali ngamnye onomfundi omnye okanye ngaphezulu komfundi omnye obhaliswe kwisikolo unelungelo lokuvotela amalungu angabazali ebhunga lolawulo lesikolo kweso sikolo yaye kufuneka evote kanye kumtyunjwa ngamnye, ze iivoti zizonke zilingane nenani lamalungu angabazali abaza kukhethwa: Kodwa oko kuya kuxhomekeka ekubeni kuvunyelwe ukuba kuvote ubuninzi abazali ababini abamele umfundi ngamnye.
- (2) Utitshala ngamnye oqeshwe kwisikolo, kubandakanywa inqununu, unelungelo lokuvotela amalungu aziititshala yaye unelungelo lokuvota kanye kumtyunjwa ngamnye, yaye inani leevoti zonke kufuneka lilingane nenani lamalungu aziititshala aza konyulwa.
- (3) Ilungu ngalinye lebhunga elimele abafundi linelungelo lokuvotela umfundi osuka kwibhunga elimele abafundi yaye linelungelo lokuvota kanye kumtyunjwa ngamnye, yaye inani leevoti zonke kufuneka lilingane nenani lamalungu angabafundi aza konyulwa.
- (4) Ilungu ngalinye labasebenzi abangezizo iititshala linelungelo lokuvotela ilungu elingumsebenzi ongeyotitshala yaye livota kanye: Kambe ke ukuba isikolo sinomsebenzi omnye kuphela ongeyotitshala, elo lungu livele lonyulwe libe lilungu.
- (5) Ngabazali abanamagama abo avela kuluhlu lwabavoti, njengoko kuxeliwe kumhlathi 12, abavumelekileyo ukuba bavote.

Igosa lonyulo lesikolo

8. (1) INtloko yeSebe kufuneka ityumbe inqununu yesinye isikolo ngokuthi iyibhalele ukuba ibe ligosa lonyulo lesikolo, ize kwenza unyuliso lwabazali, lweetitshala, lwelungu elingeyotitshala, kuxhomekeka ekubeni kunyulwa bani na ekubhekiswe kuye kumhlathi 2(1), (2), (3), (4), (5) no-(6) onyulelwa

kwibhunga lolawulo lesikolo: Inqununu ayinakutyunjwa njengengosa lonyulo ukuba ngaba inabantwana ababhaliswe kweso sikolo.

- (2) Igosa lonyulo lesikolo lingacela umntu okanye abantu ukuba bamncedise kwintlenganiso yokutyumba nokonyula: Ukuba ngaba loo mntu okanye abo bantu abangobazali bomfundi okweso sikolo ekwenziwa kulo utyumbo nonyulo.
- (3) Igosa lonyulo lesikolo kufuneka lihlalele nayiphi na intlenganiso ebanjelwe unyulo lwamalungu ebhunga lolawulo lesikolo.

Igosa lonyulo lesithili

9. (1) Nawuphi na umntu ofuna ukufaka isichaso sesigqibo segosa lonyulo, kufuneka athi, zingaphelanga iintsuku ezintlanu emva kokunyulwa kwamalungu kolo luhlu luchaphazelekayo, afake isichaso asithumele kwigosa lonyulo lesithili, eliya kuthatha isigqibo.
- (2) Igosa lonyulo lesithili kufuneka liqwalasele isichaso ze linike impendulo ebhaliweyo zingaphelanga iintsuku ezintlanu emva kokufumana isichaso.
- (3) Nawuphi na umntu onganelisekanga sisigqibo segosa lonyulo lesithili angafaka isibheni kuMphathiswa wePhondo zingaphelanga iintsuku ezili-15 emva kokufumana isigqibo segosa lonyulo lesithili.
- (4) UMphathiswa wePhondo kufuneka aqwalasele ze agqibe ngomba lowo zingaphelanga iintsuku ezili-15 emva kokufumana isibheni ngokuthi abhale phantsi isigqibo sakhe.
- (5) Amalungu ebhunga lolawulo lesikolo eliphumayo agcina ubulungu bawo de izichaso okanye izibheni ezifakwe kulandelwa imihlathana (1) okanye (3) zisonjululwe.

Umhla, ixesha nendawo yentlenganiso yokutyunjwa nokonyulwa kwamalungu angabazali

10. (1) Igosa lonyulo lesikolo kufuneka ligqibe ngomhla, ixesha nendawo yentlenganiso yokutyunjwa nokonyulwa kwamalungu angabazali yaye lazise inqununu ngokuthi liyibhalele.
- (2) Ukutyunjwa nokonyulwa kwamalungu angabazali kufuneka kulandele emva kokuba konyulwe ezinye izintlu zebhunga lolawulo lesikolo.
- (3) Kwisikolo esitsha, ukutyunjwa nokonyulwa kwamalungu angabazali makwenziwe zingaphelanga iintsuku ezingama-30 emva kokumiselwa kwesikolo.
- (4) UMphathiswa wePhondo, ukuba oko kuyimfuneko, makavumele ukuba kongezwe iintsuku ezixelwe kumhlathana (3), kodwa olo longezo alunakuba ngaphezulu kweenyanga ezintandathu emva kokumiselwa kwesikolo.

Isaziso sentlanganiso yokutyumba nokunyula amalungu angabazali

11. (1) Igosa lonyulo lesikolo kufuneka lilungise isaziso esifana neso sikwiSihlomelo A, sentlanganiso yotyumbo nonyulo ekubhekiswe kulo kumhlathi 10 nefomu yotyumbo efana naleyo ikwiSihlomelo B, yaye kufuneka, ubuncinane kwiintsuku ezili-15 phambi kwentlanganiso yotyumbo nonyulo, linike inqununu iikopi ezaneleyo zeso saziso kunye nefomu yokutyumba ukwenzela ukuba imiqathango yomhlathana (4) imiselwe.
- (2) Isaziso esiya kumzali kufuneka—
- (a) sichaze umhla, ixesha nendawo yentlanganiso;
- (b) sibandakanye isikhumbuzo sokuba abazali beze nesazisi ukuze bavunyelwe ukuba bavote; yaye
- (c) sichaze ixesha nomhla wentlanganiso elandelayo, ekufuneka ibanjwe kwiintsuku ezintlanu emva kwentlanganiso yokuqala ukuba ngaba khange kufikelelwe kwikhoram kwintlanganiso yokuqala.
- (3) Isazisi esixelwe kumhlathana (2) singabandakanya uxwebhu olusisazisi esinebhakhowudi eluhlaza saseMzantsi Afrika okanye esethutyana esikhutshwe liSebe leMicimbi yezeKhaya, okanye ipemithi xa umntu engummi welinye ilizwe, ekhutshwe ngokwemiqathango yeImmigration Act, 2002 (UMthetho 13 ka-2002): Ukuba isazisi esichaziweyo asikho, zisenokwamkelwa nezinye izazisi lilungu leqela lonyulo lesikolo.
- (4) Inqununu, mayithi zingaphelanga iintsuku ezili-10 phambi komhla wentlanganiso wokutyunjwa nokonyulwa kwamalungu angabazali—
- (a) ikhuphe iikopi zesaziso sefomu yotyumbo kumfundi ngamnye wesikolo nomyalelo othi mabasinike abazali babo;
- (b) ithumele iikopi zesaziso nefomu yotyumbo eya kubo bonke abazali bomfundi ngamnye okweso sikolo ngeposi, ukuba uzibona zingxamisekile;
- (c) isebenzise zombini iindlela zokwazisa ezixelwe kwimihlathana (a) no-(b); okanye
- (d) isebenzise nayiphi na enye indlela yokwazisa abazali bomfundi ngamnye okweso sikolo malunga nentlanganiso yotyumbo nonyulo yamalungu angabazali, ukuba ngaba loo ndlela yokwazisa ayichaphazeli kakubi amanye amalungu esikolo okanye ayinqandi uthatho-nxaxheba lwabo kwinkqubo yonyulo.

Uluhlu lwabavoti

12. (1) Inqununu kufuneka yenze uluhlu lwabavoti kuluhlu ngalunye olunamagama abazali bonke, ootitshala nabasebenzi abangezotitshala abakweso sikolo abanelungelo lokuvota ngolu hlobo lulandelayo:
- (a) Uluhlu lwabavoti lwabazali kufuneka lusekelwe kwirejista yesikolo yolwamkelo lwabafundi yaye abazali abanelungelo lokuvota ngabo bantu amagama abo avelayo kwirejitsa yolwamkelo ababhalwe

- njengabazali okanye abo babonisa ubungqina bokuba bangabazali babafundi ababhaliswe kweso sikolo.
- (b) Uluhlu lwabavoti lweetitshala kufuneka liqulathe bonke ootitshala abaqeshwe kweso sikolo.
- (c) Uluhlu lwabavoti abangezotitshala kufuneka luqulathe bonke abasebenzi abangezotitshala abaqeshwe kweso sikolo.
- (2) Uluhlu lwabavoti abangabazali kufuneka lufumaneka kwiintsuku ezili-10 phambi komhla wentlanganiso ukuze luhliwe amahlongwane.

Intlanganiso yokutyumba nokunyula amalungu angabazali

- 13. (1)** Ukutyumba umgqatswa ongumzali, umzali womfundi okweso sikolo kufuneka—
- (a) afake ifomu yotyumbo efana nale ikwiSihlomelo B ezaliswe ngulo mntu umphakamisileyo, nomxhasayo kunye nomzali ongumgqatswa kwigosa lonyulo lesikolo, kwiintsuku ezili-10 phambi komhla wentlanganiso yokutyumba nokonyula; okanye
- (b) aphakamise igama lomzali ukuba abe lilungu lebhunga lolawulo lesikolo kwintlanganiso yokutyumba nokonyula.
- (2) Utyumbo oluxelwe kumhlathana (1)(b) maluxhaswe ngomnye umzali yaye kufuneka kuzaliswe ifomu yotyumbo efana nale ikwiSihlomelo B ngulowo uphakamisayo noxhasayo, ukuba ukhona, kunye nomzali ongumtyunjwa, ze ifakwe kwigosa lonyulo lesikolo kwixesha ekubhekiswe kulo kumhlathana (3).
- (3) Ukuba akufikwa kwinani lekhoram njengoko lichaziwe kumhlathi 14(2), igosa lonyulo lesikolo kufuneka libeke ixesha eliya kuvunyelwa lokuba kutyunjwe abagqatswa abangabazali kwintlanganiso yotyumbo nolonyulo, yaye kufuneka azise intlanganiso ngeso sigqibo.
- (4) Ukuba akufikwa kwinani lekhoram njengoko lichaziwe kumhlathi 14(2), kufuneka kubizwe intlanganiso elandelayo echazwe kumhlathi 11(2)(c).
- (5) Kwimeko ezixelwe kumhlathana (4)—
- (a) igosa lonyulo lesikolo kufuneka linike inqununu isaziso esichaza ukuba khange kufikwe kwikhoram yaye kufuneka kubizwe enye intlanganiso njengoko kuxeliwe kumhlathi 11(2)(c);
- (b) inqununu kufuneka zithi zingaphelanga iintsuku ezimbini emva kwentlanganiso yokuqala, inike umfundi ngamnye wesikolo isaziso kunye nefomu yotyumbo kunye nomyalelo ochazwe ngomlomo wokuba banike abazali babo;
- (c) naluphi na utyumbo obesele lwenziwe okanye obelungeniswe kwintlanganiso yokuqala yotyumbo nolonyulo luyasetyenziswa nakwintlanganiso yesibini; yaye
- (d) abanye abagqatswa abongeziweyo abaza kungenela unyulo bangafakwa kwisithuba sesaziso sesibini nakwintlanganiso elandelayo.
- (6) Umtyunjwa ongumzali akanakuzonyula.

- (7) Emva kokuphela kwexesha ekubhekiswe kulo kumhlathana (3), igosa lonyulo lesikolo kufuneka liqwalasele amagama atyunjiweyo ze likhabe nawuphi umtyunjwa ongumzali—
- (a) ongatyunjwanga kulandelwa umhlathana (1);
 - (b) ongavumelekanga njengoko kuxeliwe kumhlathi 3;
 - (c) kutyumbo ekubhekiswe kulo kumhlathana (1)(b), khange azalise ifomu echaziweyo yotyumbo, ngaphandle kokuba kungeniswe ubungqina obubhaliweyo obanelisa igosa lonyulo phambi kokuphela kwexesha ekubhekiswe kulo kumhlathana (3), ukuba loo mzali uyavuma ukuba lilungu lebhunga lolawulo lesikolo; okanye
 - (d) uzityumbile,
- emva koko igosa lonyulo lesikolo kufuneka lichaze amagama abazali abamkelwe njengabatyunjiweyo.
- (8) (a) Ukuba inani labo bonke abatyunjwa abangabazali abathe bamkelwa njengoko kuxeliwe kumhlathana (7), lingaphantsi kwenani lamalungu elixeliweyo ngokomhlathi 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) okanye (6)(a) lebhunga lolawulo lesikolo esichaphazelekayo, kufuneka kubizwe enye intlanganiso apho kufuneka kutyunjwe abanye abazali ngokwale nkqubo-nkcazelo.
- (b) Ukuba inani labazali abangabatyunjwa abamkelweyo—
- (i) lilingana nenani lamalungu agqitywe ngokomhlathi 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) okanye (6)(a) ebhunga lolawulo lesikolo esichaphazelekayo, igosa lonyulo lesikolo kufuneka libhengeze umtyunjwa ngamnye ongumzali njengelungu elinyuliweyo lebhunga lolawulo lesikolo; okanye
 - (ii) lingaphezulu kwenani elichazwe kumhlathi 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) okanye (6)(a) lebhunga lolawulo lesikolo esichaphazelekayo, uvoto malubanjwe kulandelwa umhlathi 14.

Ukuvota kunyulo lwamalungu angabazali

- 14.** (1) Uvoto ekubhekiswe kulo kumhlathi 13(8)(b)(ii) kufuneka lubanjwe ngomhla nexesha nendawo exeliweyo ngokwenkqubo yotyumbo nonyulo.
- (2) Ikhoram yabazali—
- (a) kufuneka yenziwe okanye kufikwe kuyo kwintlanganiso yotyumbo nolonyulo ukuze kwenziwe utyumbo nonyulo;
 - (b) iba yi-15 pesenti yabo bonke abazali abakuluhlu lwabavoti, njengoko kubonisiwe kwiSihlomelo C.
- (3) Igosa lonyulo lesikolo kufuneka linike umzali ngamnye ekubhekiswe kuye kumhlathi 7(1) ofuna ukuvota iphepha lokuvota elamkelekileyo elinesitampu esisemthethweni.
- (4) Umzali ekubhekiswe kuye kumhlathi 7(1) angarekhoda ivoti yakhe kwiphepha lokuvota ekubhekiswe kulo kumhlathana (3): Ukuba ngaba umzali lowo akakwazi ukubhala nokufunda, okanye akaboni okanye unokhubazeko olumenza ukuba angakwazi ukurekhoda ivoti yakhe, igosa lonyulo lesikolo

linokuthi xa licelwe nguloo mzali, kukho nengqina elikhethwe ngumzali lowo, limrekhodele ivoti yakhe kwiphepha lokuvota ekubhekiswe kulo kumhlathana (3) libhale igama lomgqatswa okhethwe nguloo mzali.

- (5) Igosa lonyulo lesikolo kufuneka lilikhabe iphepha lokuvota—
 - (a) ukuba ngaba asikho isitampu esisemthethweni ekubhekiswe kuso kumhlathana (3) kwelo phepha;
 - (b) ukuba kurekhodwe iivoti ezingaphezu kwenani lamalungu afanele ukunyulwa njengoko kuchaziwe kumhlathi 2; okanye
 - (c) elizaliswe ngendlela engacaciyo ukuba kuvotelwa abaphi abazali kanye kanye, ngokokubona kwegosa lonyulo lesikolo.
- (6) Igosa lonyulo lesikolo kufuneka—
 - (a) lithi, bekhona bonke abazali abangabatyunjwa abafuna ukuba khona xa kubalwa, libale zonke iivoti zabazali; yaye
 - (b) lichaze inani labazali elixeliweyo, ngokomhlathi 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) okanye (6)(a) abakwibhunga lolawulo lesikolo esichaphazelekayo abathe bafumana iivoti ezininzi baze banyulwa njengamalungu ebhunga lolawulo lesikolo yaye achaze inani leevoti zomzali ngamnye obengumgqatswa.
- (7) Ukuba kwinani leevoti ezirekhodiweyo kukho abazali ababini okanye ngaphezulu kwesibini ababambeneyo ngeenani leevoti yaye oko kuchaphazela iziphumo, igosa lonyulo lesikolo kufuneka lifake amagama abazali abambeneyo emnqwazini ze kutsalwe igama ukwenza isigqibo sabazali abaphumeleleyo.
- (8) Akukho voti zithunyelweyo eziya kwamkeleka kunyulo lwebhunga lolawulo lesikolo.

Ukutshintsha inkqubo yentlanganiso enye yotyumbo nolonyulo

15. (1) Ngomyalelo webhunga lolawulo lesikolo, inqununu yesikolo ingafaka isicelo kwiNtloko yeSebe kwiintsuku ezingama-30 phambi konyulo njengoko kuchaziwe kumhlathana (4) ukuze anikwe imvume yokutyeka kwintlanganiso yotyumbo nolonyulo njengoko umgaqo wenkqubo yonyulo usitsho.
- (2) Isicelo ekubhekiswe kuso kumhlathana (1) masikhatshwe zizizathu ezipheleleyo yaye kuchazwe umhla, ixesha nendlela isikolo esiza kulawula ngayo utyumbo nonyulo lwabazali ukuba babe ngamalungu ebhunga lolawulo lesikolo.
- (3) INtloko yeSebe kufuneka—
 - (a) iqwalasele isicelo ze igqibe ngomba lowo zingaphelanga iintsuku ezili-10 emva kokufumana isicelo;
 - (b) asivumele eso sicelo ukuba wanelisekile ukuba—
 - (i) olo tshintsho lwenkqubo luza kuba lulutho kwisikolo eso sichaphazelekayo;
 - (ii) olo tshintsho lwenkqubo luza kuvumela ukuba abazali abafuna ukuvota bathathe inxaxheba kuvoto kangangoko befuna;

- (iii) olo tshintsho lwenkqubo aluzi kucalula abantu abafanele ukuvota; yaye
 - (iv) kwenziwe amalungiselelo enkqubo yotyumbo engenamkhethe ngeli lixa kusiywa kuvoto.
- (4) Igosa lonyulo lesikolo kufuneka—
- (a) lichaze umhla, indawo namaxesha eentlanganiso zombini zotyumbo nonyulo; yaye
 - (b) lenze isaziso sezo ntlanganiso ekufuneka sikhutshwe kwiintsuku ezili-15 phambi kosuku lonyulo kusetyenziswa inkqubo exelwe kumhlathi 11(4).
- (5) Ukuba iNtloko yeSebe iyasamkela isicelo sokutshitsha inkqubo yentlanganiso enye njengoko kuxeliwe kumhlathana (1), eso sigqibo kufuneka sisebenze nezi nkqubo zilandelayo zotyeko kwinkqubo yentlanganiso enye yotyumbo nolonyulo:
- (a) Ayisayi kuba nye intlanganiso yotyumbo nonyulo;
 - (b) Onke amagama atyunjiweyo makangeniswe ebhaliwe kwifomu yotyumbo njengoko kuchaziwe kwiSihlomelo B, ze angeniswe kwisikolo esiza kuba nonyulo kwiintsuku ezili-10 ubuncinane phambi komhla wonyulo
 - (c) Iinkcukacha zomgqatswa otyunjwe ukuba angenele unyulo nekuthe utyunjo lwakhe lwamkelwa, kufuneka igama lakhe lithunyelwe kubo bonke abazali beso sikolo, libhaliwe, ubuncinane kwiintsuku ezintlanu phambi konyulo.
- (6) Ukuze lwamkeleleke unyulo olwenziwe kulandelwa lo mhlathi, ikhoram yabazali—
- (a) kufuneka ibe ivotile kwintlanganiso yonyulo;
 - (b) ine-15 pesenti yabazali abakuluhlu lwabavoti, njengoko kuchaziwe kwiSihlomelo C.
- (7) Ukuba ikhoram njengoko kuxeliwe kumhlathana (6) ayikho kwintlanganiso yonyulo, kufuneka kubanjwe enye intlanganiso yonyulo zingadlulanga iintsuku ezintlanu emva kwentlanganiso edlulileyo apho kunganyanzelekanga ukuba kubekho ikhoram.

Intlanganiso yokutyumba nokunyula amalungu aziitshala

- 16.** (1) Igosa lonyulo lesikolo kufuneka ligqibe ngomhla, ixesha nendawo yentlanganiso yokutyunjwa nokunyulwa kwamalungu aziitshala, ekufuneka ibanjwe ubuncinane kwiintsuku ezintlanu phambi kwentlanganiso yotyumbo nonyulo lwamalungu angabazali.
- (2) Ukutyumba umtyunjwa oyitshala, utitshala osebenza kwakweso sikolo sinye kufuneka—
- (a) afake kwigosa lonyulo lesikolo, kwiintsuku ezisixhenxe phambi komhla wentlanganiso yotyumbo nonyulo, ifomu yotyumbo efanaleyo ikwiSihlomelo B, ezaliswe ngulowo uphakamise igama, umxhasi netitshala engumgqatswa; okanye

- (b) aphakamise igama letitshala ukuba ibe lilungu lebhunga lolawulo lesikolo kwintlanganiso yotyumbo nolonyulo.
- (3) Utyumbo oluxelwe kumhlathana (2)(b) kufuneka lixhaswe yenye ititshala yaye kufuneka kuzaliswe ifomu yotyumbo efana nale ikwiSihlomelo B ngulowo uphakamisayo noxhasayo, ukuba ukhona, kunye notitshala ongumtyunjwa, ze ifakwe kwigosa lonyulo lesikolo kwixesha ekubhekiswe kulo kumhlathana (4).
- (4) Ukuba akufikwa kwinani lekhoram njengoko lichaziwe kumhlathi 17(2), igosa lonyulo lesikolo kufuneka libeke ixesha eliya kuvunyelwa lokuba kutyunjwe abagqatswa abazititshala kwintlanganiso yotyumbo nolonyulo, yaye kufuneka azise intlanganiso ngeso sigqibo.
- (5) Umtyunjwa oyititshala akanakuzonyula.
- (6) Emva kokuphela kwexesha ekubhekiswe kulo kumhlathana (4) igosa lonyulo lesikolo kufuneka liqwalasele amagama atyunjiweyo ze likhabe nawuphi umtyunjwa oyititshala—
- (a) ongatyunjwanga kulandelwa umhlathana (2);
- (b) ongavumelekanga njengoko kuxeliwe kumhlathi 3;
- (c) kutyumbo ekubhekiswe kulo kumhlathana (2)(b), khange azalise ifomu echaziweyo yotyumbo, ngaphandle kokuba kungeniswe ubungqina obubhaliweyo obanelisa igosa lonyulo phambi kokuphela kwexesha ekubhekiswe kulo kumhlathana (4) ukuba loo titshala iyavuma ukuba lilungu lebhunga lolawulo lesikolo; okanye
- (d) lizityumbile,
- ze emva koko igosa lonyulo lesikolo kufuneka lichaze amagama ootitshala amkelwe njengatyunjiweyo.
- (7) (a) Ukuba inani lilonke leetitshala ezingabatyunjwa elamkelwe njengoko kuxeliwe kumhlathana (6), lingaphantsi kwenani lamalungu elixeliweyo ngokomhlathi 2(1)(b), (2)(b), (5)(c) okanye (6)(b) lebhunga lolawulo lesikolo esichaphazelekayo, kufuneka kubizwe enye intlanganiso apho kuya kutyunjwa abagqatswa abatsha abangootitshala ngokwale nkqubo-nkcazelo.
- (b) Ukuba inani leetitshala ezingabatyunjwa ezamkelweyo —
- (i) lilingana nenani lamalungu agqitywe ngokomhlathi 2(1)(b), (2)(b), (5)(c) okanye (6)(b) lebhunga lolawulo lesikolo esichaphazelekayo, igosa lonyulo lesikolo kufuneka libhengeze umtyunjwa ngamnye oyititshala njengelungu elinyuliweyo lebhunga lolawulo lesikolo; okanye
- (ii) lingaphezulu kwenani elichazwe kumhlathi 2(1)(b), (2)(b), (5)(c) okanye (6)(b) lebhunga lolawulo lesikolo esichaphazelekayo, uvoto malubanjwe kulandelwa umhlathi 17.
- (8) Ukuba iititshala zilishumi okanye ngaphantsi kweshumi kwisikolo, inkqubo yotyumbo lwamalungu aziititshala ayilandelwa, koko kulandelwa inkqubo yovoto ekubhekiswe kuyo kumhlathi 17.

Ukuvota kunyulo lwamalungu aziititshala

17. (1) Igosa lonyulo lesikolo kufuneka lenze isaziso sentlanganiso yonyulo ze lihambise ikopi yesaziso kutitshala ngamnye okweso sikolo, ubuncinane kwiintsuku ezintlanu, phambi kwentlanganiso.
- (2) Ikhoram kwintlanganiso yokuvota yenziwe bubuninzi benani leetitshala eziqeshwe kweso sikolo.
- (3) Igosa lonyulo lesikolo kufuneka linike ititshala enqwenela ukuvota iphepha elamkelekileyo elinesitampu esisemthethweni.
- (4) Ititshala ekubhekiswe kuyo kumhlathana (1), mayifake ivoti yayo ngokubhala ootitshala abangekho ngaphezu kwesibini kwiphepha lokuvota njengoko kuxeliwe kumhlathana (3).
- (5) Igosa lonyulo lesikolo kufuneka lilikhabe iphepha lokuvota—
- (a) ukuba ngaba asikho isitampu esisemthethweni ekubhekiswe kuso kumhlathana (3) kwelo phepha;
- (b) ukuba kurekhodwe iivoti ezingaphezu kwenani lamalungu afanele ukunyulwa njengoko kuchaziwe kumhlathi 2; okanye
- (c) elizaliswe ngendlela engacaciyo ukuba kuvotelwa eziphi iititshala kanye kanye, ngokokubona kwegosa lonyulo lesikolo.
- (6) Abatyunjwa ababini abazititshala abafumane iivoti ezininzi mababhengezwe njengabanyulwe ngokusesikweni ligosa lonyulo lesikolo.
- (7) Ukuba ngaba inani leevoti zeetitshala ezintathu nangaphezulu liyalingana, igosa lonyulo lesikolo kufuneka liyiphinde inkqubo yovoto de zibe mbini kuphela iititshala ezineevoti ezininzi.
- (8) Ukuba aside sifunyanwe isiphumo sendawo yesibini ekubhekiswe kuyo kumhlathana (7) kwabanye ootitshala abangabagqatswa ababambene ngevoti, igosa lonyulo lesikolo kufuneka lifake amagama ootitshala abambeneyo emnqwazini ze kutsalwe igama ukwenza isigqibo setitshala yesibini ephumeleleyo.

Ukutyunjwa nokonyulwa kwelungu elingeyotitshala

18. Xa kunyulwa ilungu lesikolo elingeyotitshala, kusetyenziswa inkqubo yokutyunjwa nokonyulwa kwamalungu aziititshala ze kwenziwe utshintsho oluyimfuneko ukutyumba nokonyula ilungu elingeyotitshala.

Ukutyunjwa nokonyulwa kwamalungu angabafundi

19. Ibhunga elimele abafundi kufuneka linyule kubo abafundi ababini ekufuneka babe ngamalungu ebhunga lolawulo lesikolo njengoko kuchaziwe kuxwebhu olunesihloko esithi, *iNkqubo-nkcazelo yeMisebenzi neeNkqubo zokuMisela nezokuNyula amaBhunga aMele aBafundi eZikolo zikaRhulumente*.

Izigqibo zegosa lonyulo lesikolo

- 20.** (1) Igosa lonyulo lesikolo kufuneka ligqibe yaye lilungise yonke imiba ehlangene notyumbo nonyulo lwamalungu.
- (2) Zonke iimbambano kufuneka zixelwe kwigosa lonyulo lesi sikolo ngexesha lenkqubo yotyumbo nolonyulo.
- (3) Igosa lonyulo lesikolo kufuneka lisombulule zonke iimbambano phambi kokuba libhengeze unyulo njengolungenamakhwiniba.
- (4) Isigqibo segosa lonyulo lesikolo ngexesha lenkqubo yotyumbo nolonyulo asinakutshintshwa mntu.
- (5) Ukuba ngaba kukho imbambano kweso sikolo igosa lonyulo lesi sikolo elingakwazi kuyisombulula, unyulo maluqhubeke.

Inkqubo emva kokunyulwa kwebhunga lolawulo lesikolo

- 21.** (1) Emva konyulo lwebhunga lolawulo lesikolo igosa lonyulo lesikolo kufuneka—
- (a) lifake kwimvulophu onke amaxwebhu asetyenziswe xa bekutyunjwa yaye kunyulwa amalungu, kubandakanywa onke amaphepha okuvota ebesetyenziswe kunyulo nazo zonke iifomu zotyumbo ezifunyenweyo, ze liyitywine loo mvulophu;
- (b) ligcine ezo mvulophu kwindawo ekhuselekileyo isithuba seminyaka emithathu ubuncinane ukusuka kumhla wonyulo lwebhunga lolawulo lesikolo esichaphazelekayo;
- (c) lazise ilungu ngalinye elonyulweyo ngokulibhalela lilichazele ngokonyulwa kwalo; kwaye
- (d) lazise inqununu negosa lonyulo lesithili ngokuthi libabhalele zingaphelanga iintsuku ezintathu emva komhla wentlanganiso yotyumbo nolonyulo okanye emva kovoto, kuxhomekeke kuloo nto ibisenziwa, libanike amagama needilesi zabantu abonyulwe njengamalungu.
- (2) Ibhunga lolawulo lesikolo eliphumayo kufuneka liqhubeke lisebenze de ibe yintlanganiso yokuqala yebhunga lo elitsha elilawula isikolo njengoko kuxeliwe kumhlathi 22(1).

Ukonyulwa kwamalungu ekomiti yebhunga

- 22.** (1) Inqununu kufuneka ibize intlanganiso yokuqala yebhunga elitsha elilawula isikolo zingaphelanga iintsuku ezintlanu emva kokufumana isaziso esixelwe kumhlathi 21(1)(d) ukwenzela ukuba konyulwe ikomiti yebhunga lolawulo lesikolo.
- (2) Inkqubo yokunikezela kwezinto kufuneka zingaphelanga iintsuku ezili-10 emva kwentlanganiso yokuqala yebhunga elitsha elilawula isikolo yaye inqununu kufuneka ibe yiyo eququzelela nehlalela intlanganiso yonikezelo.
- (3) Kwintlanganiso yokuqala yebhunga lolawulo lesikolo, ibhunga kufuneka kumalungu ayo linyule ikomiti ekufuneka ubuncinane ibe nosihlalo, unondyebo nonobhala.

- (4) Lilungu elingumzali lebhunga lolawulo lesikolo kuphela elinokuba ngusihlalo okanye usekela-sihlalo webhunga lolawulo lesikolo.
- (5) nawuphi na utitshala, umsebenzi ongengotitshala okanye ilungu umzali olilungu, kubandakanywe nabo bafakelelweyo kwibhunga lolawulo lesikolo, angenziwa unobhala okanye unondyebo.
- (6) Naliphi na ilungu lingangusihlalo wekomitana yebhunga lolawulo lesikolo ngaphandle kwekomiti yoluleko ekufuneka usihlalo wayo abe lilungu elingumzali.
- (7) Kulandelwa umhlathi (8), amalungu ekomiti kufuneka abambe izihlalo zawo isithuba seenyanga ezili-12 emva konyulo lwabo.
- (8) Ilungu lekomiti yebhunga lolawulo lesikolo lingaphinde lonyulwe ukuphela kwexesha lalo njengelungu lekomiti.
- (9) Ukuba kuye kwakho isithuba kwikomiti, ibhunga lolawulo lesikolo kufuneka kwintlanguano yalo yokuqala emva kobukho beso sithuba, linyule kumalungu alo umntu oza kuzalisa eso sithuba agqibezele ixesha ebelishiyekile lalowo ebekweso sithuba.
- (10) Yinqununu ekufuneka ihlalele unyulo ekubhekiswe kulo kumhlathana (3) no-(9).
- (11) Emva kwintlanguano ebisonyula ilungu lekomiti, inqununu kufuneka yazise iNtloko yeSebe isebenzisa inkqubo yokudlulisa ulwazi oluthunyelwa ngekhompyutha yeSebe leMfundo leNtshona Koloni, imxelele ngomhla ebihleli ngawo intlanguano, igama, idilesi kunye nesithuba esizaliswe ngumntu lowo wonyuliweyo kwakunye nomhla wonyulo lwebhunga lolawulo namagama needilesi zabo bonke abantu abanyulwe njengamalungu.
- (12) Ekupheleni kwexesha lokuba lilungu lekomiti, umntu ophumayo kufuneka enze umsebenzi wakhe de konyulwe omnye oya kungena endaweni yakhe.

Iintlanguano zamabhunga olawulo esikolo

23. (1) Usihlalo webhunga lolawulo lesikolo kufuneka agqibe ngomhla, ixesha nendawo yentlanguano yebhunga lolawulo lesikolo yaye unobhala webhunga lolawulo lesikolo kufuneka azise ilungu ngalinye ngokulibhalela, ubuncinane, kwiintsuku ezili-10 phambi kwentlanguano leyo: ngaphandle kwaxa iyintlanguano engxamisekileyo ngokokubona kukasihlalo webhunga lolawulo lesikolo apho kufuneka amalungu enikwe isaziso seyure ezingama-24 ubuncinane.
- (2) Nawuphi na umntu angamenywa libhunga lolawulo lesikolo ukuba abe yinxalenye yentlanguano yebhunga ze abe yinxalenye yeengxoxo, kodwa loo mntu akanakuvota yaye kufuneka ephumile xa ibhunga lolawulo lesikolo lithatha isigqibo.
- (3) Ibhunga lolawulo lesikolo lingacela nawuphi na umsebenzi wesikolo ukuba azimase intlanguano ukuze aze kuchaza ngawo nawuphi umba omalunga nemisebenzi yebhunga lolawulo lesikolo.

- (4) Isininzi samalungu ebhunga lolawulo lesikolo anelungelo lokuvota siso esenza ikhoram yayo nayiphi na intlanganiso yebhunga lolawulo lesikolo.
- (5) Ibhunga lolawulo lesikolo kufuneka sizenzele imigaqo malunga neentlanganiso zalo neenkqubo eziza kulandelwa kwezo ntlanganiso.

Imizuzu yeentlanganiso

24. (1) Unobhala webhunga lolawulo lesikolo kufuneka agcine imizuzu yentlanganiso nganye yebhunga lolawulo lesikolo yaye kufuneka anike iNtloko yeSebe, okanye nawuphi na umntu othunyelwe yiNtloko yeSebe, nelungu ngalinye lebhunga lolawulo lesikolo ikopi yemizuzu.
- (2) Unobhala webhunga lolawulo lesikolo, xa eceliwe, kufuneka anike umzali womfundi okweso sikolo, ititshala okanye umsebenzi ongeyotitshala osebenza kweso sikolo ikopi yemizuzu: Ukuba ngaba akukho bantu ekunyathelwa amalungelo abongeso senzo yaye loo mntu ufuna loo mizuzu ufuna ukukhusela amalungelo akhe okanye unomba omchaphazelayo.
- (3) Imizuzu yentlanganiso yebhunga lolawulo lesikolo okanye yekomiti kufuneka kwintlanganiso elandelayo yebhunga lolawulo lesikolo ingeniswe ukuze yamkelwe.
- (4) Xa lichithiwe ibhunga lolawulo lesikolo okanye kuphele ixesha lalo lolawulo, yonke imizuzu nawo onke amaxwebhu ebhunga lolawulo lesikolo kunye naweekomiti zebhunga kufuneka anikwe inqununu yesikolo.
- (5) Xa isikolo sivalwa unomphelo, inqununu kufuneka inikeze ngayo yonke yonke imizuzu nawo onke amaxwebhu ebhunga ebelilawula isikolo okanye eekomiti zebhunga kwiNtloko yeSebe ukuze agcinwe kakuhle.

Ukubhangiswa kweenkqubo

25. Ezi nkqubo zilandelayo ziyabhangiswa—
 - (a) Iinkqubo ezimalunga namaBhunga oLawulo eZikolo nezeBhunga eliMele aBafundi beZikolo zikaRhulumente (ngaphandle kweZikolo zabafundi abanezidingo zeMfundo eZizodwa) ezapapashwa ngeSaziso sePhondo 164/2008 kwiGazethi yePhondo eyoNgezelelweyo 6519 ka-20 Meyi 2008;
 - (b) Iinkqubo ezimalunga namaBhunga oLawulo eZikolo nezeBhunga eliMele aBafundi abaneZidingo zeMfundo eziZodwa (ngaphandle kweZikolo zikaRhulumente zaBafundi abathunyelweyo okanye abasiwe kuzo ngokwemiqathango yeChildren's Act, 2005 (UMthetho 38 ka-2005); iWestern Cape Provincial School Act, 1997 (UMthetho 12 ka-1997), kunye /okanye iCriminal Procedure Act, 1977 (UMthetho 51 ka-1977) njengoko weNziwe iZilungiso) ezapapashwa ngeSaziso sePhondo 278/2008 kwiGazethi yePhondo eyoNgezelelweyo 6554 ka-12 Septemba 2008; kunye

- (c) Neenkqubo ezimalunga namaBhunga oLawulo eZikolo nezeBhunga eliMele aBafundi kwiZikolo zaBafundi abaThunyelweyo okanye abaSiwe kuzo ngokwemiqathango yeChildren's Act, 2005 (UMthetho 38 ka-2005); iWestern Cape Provincial School Act, 1997 (UMthetho 12 ka-1997), kunye /okanye iCriminal Procedure Act, 1977 (UMthetho 51 ka-1977), njengoko wenziwe iZilungiso, ezapapashwa ngeSaziso sePhondo 279/2008 kwiGazethi yePhondo eyoNgezelelweyo 6554 ka-12 Septemba 2008.

ISIHLOMELO A

ISAZISO SENTLANGANISO YOKUTYUMBA NOKONYULA

**Unyulo lweeTitshala/Abasebenzi abangezoTitshala/Abazali baBafundi
kwiBhunga loLawulo leSikolo**

*(Imihlathi 11, 14, 16, 17 nowe-18 yeNkqubo-nkazelo yokuMisela nokuNyula amaBhunga
oLawulo eZikolo zikaRhulumente)*

IGAMA LESIKOLO:.....

Kukhutshwa isaziso sokuba kuza kubakho intlanganiso yokutyunjwa nokonyulwa kwabagqatswa abangoo..... njengamalungu ebhunga lolawulo esikolo esi sikolo sikhankanywe ngentla eza kubanjwa ngomhla we-.....(umhla) ngo-.....(ixesha) e(indawo). Ukuba ayikho ikhoram, kuya kuphinda kubizwe enye intlanganiso eya kubanjwa ngomhla we-.....(umhla) ngo-.....(ixesha)

Kuya kugqitywa ngo-.....(ixesha) ngenjikalanga yentlanganiso yotyumbo nonyulo ukuba ingaba kukho abazali abaneleyo na abanelungelo lokuvota ukuze intlanganiso ikwazi ukuqhubeka. Abazali bayakhuthazwa ke ngoko ukuba bazimase intlanganiso yaye bayacelwa ukuba bafike kule ntlanganiso phambi ko-(ixesha).

Umgqatswa angatyunjwa ngokuthi umntu afake igama kwigosa lonyulo lesikolo kwiintsuku ezili-10 phambi kwentlanganiso, azalise ifomu yotyumbo njengomntu ophakamisa igama, isayinwe ngumxhasi kunye nomtyunjwa okanye umgqatswa lowo. Amagama atyunjiweyo aya kwamkelwa kwesi sikolo ukususela ngo-..... (umhla) de kube ngo-(ixesha) ngomhla we-..... (umhla).

Ukuba kutyunjwe abagqatswa abangaphezulu kwenani lamalungu ekufuneka enyuliwe, kuya kuthi kubanjwe uvoto emva kwentlanganiso yotyumbo.

.....
UMHLA

.....
UTYIKITYO LWEGOSA LONYULO LESIKOLO

IDILESI:
.....
.....
.....

IMIGAQO YONYULO

(Ekhapha isaziso sentlanganiso yokutyumba nokonyula)

1. AMALUNGU EBHUNGA LOLAWULO LESIKOLO

- (a) Ibhunga lolawulo lesikolo sikarhulumente samabanga aphakathi kufuneka liqulathe—
- (i) abazali abasixhenxe abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (ii) ootitshala ababini esikolweni, abakhethwe zititshala ezikweso sikolo;
 - (iii) umntu ongenotitshala osebenza kweso sikolo, omnye, okhethwe ngabasebenzi abasesikolweni abangezotitshala;
 - (iv) abafundi ababini abakwibanga lesibhozo okanye kwibanga elingentla abakhethwe ngabameli bebhunga labafundi abakwizinga labo;
 - (v) inqununu, okanye ukuba inqununu ifunyaniswe ingafanelekanga ukuba ibe lilungu, isekela-nqununu;
 - (vi) ukuba isikolo sikumhlaba wabucala, umnini wepropati okanye umtyunjwa wakhe ukuba afakelelwe kwibhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota; kwaye
 - (vii) ilungu okanye amalungu asekuhlaleni (angekho ngaphezulu kwesithandathu ubuninzi) ukuba afakelelwe kwibhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota.
- (b) Kulandelwa imihlathi (c), (d) no-(e), ibhunga lolawulo lesikolo samabanga aphantsi kufuneka liqulathe—
- (i) abazali abahlanu abangaqeshwanga esikolweni liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (ii) ootitshala ababini esikolweni, okhethwe zititshala ezikweso sikolo;

- (iii) umntu ongenotitshala osebenza kweso sikolo, omnye, okhethwe ngabasebenzi abasesikolweni abangezotitshala;
 - (iv) inqununu, okanye ukuba inqununu ifunyaniswe ingafanelekanga ukuba ibe lilungu, isekela-nqununu;
 - (v) ukuba isikolo sikumhlaba wabucala, umnini wepropati okanye umntu otyunjwe nguye ukuba wongeziwe ukuba abe lilungu lebhunga kodwa angabi namalungelo akuvota; kwaye
 - (vi) ilungu okanye amalungu asekuhlaleni (angekho ngaphezulu kwesithandathu ubuninzi) ukuba afakelelwe kwibhunga lolawulo lesikolo, angabi namalungelo akuvota.
- (c) Ibhunga lolawula lesikolo samabanga aphantsi esinomsebenzi ongutitshala omnye kufuneka siqulathe—
- (i) abazali ababini abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawula lesikolo;
 - (ii) inqununu, okanye ukuba inqununu ifunyaniswe ingafanelekanga ukuba ibe lilungu, isekela-nqununu;
 - (iii) ukuba isikolo sikumhlaba wabucala, umnini wepropati okanye umtyunjwa wakhe ukuba ufakelelwe kwibhunga lolawulo lesikolo kodwa angabi namalungelo akuvota; kwaye
 - (iv) ilungu okanye amalungu asekuhlaleni (angekho ngaphezulu kwesithandathu ubuninzi) ukuba afakelelwe kwibhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota.
- (d) Ibhunga lolawulo lesikolo samabanga aphantsi esinabasebenzi ababandakanya utitshala omnye kunye nomsebenzi ongenotitshala kufuneka sibe—
- (i) nabazali abathathu abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (ii) inqununu, okanye ukuba inqununu ifunyaniswe ingafanelekanga ukuba ibe lilungu, isekela-nqununu;
 - (iii) umntu ongenotitshala osebenza kweso sikolo, omnye, okhethwe ngabasebenzi abasesikolweni abangezotitshala;

- (iv) umnini wepropati ukuba isikolo sikumhlaba wabucala okanye umntu otyunjwe nguye ukuba wongeziwe ukuba abe lilungu lebhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota; kwaye
 - (v) ilungu okanye amalungu asekuhlaleni (angekho ngaphezulu kwesithandathu ubuninzi) ukuba lifakelelwe libhunga lolawulo lesikolo, kodwa lingabi namalungelo akuvota.
- (e) Ibhunga lolawulo lesikolo samabanga aphantsi esinabasebenzi abangootitshala ababini nomsebenzi omnye ongeyotitshala kufuneka liqulathe—
- (i) abazali abane abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (ii) utitshala osebenza kweso sikolo, omnye, okhethwe zititshala ezikweso sikolo;
 - (iii) umntu ongengotitshala osebenza kweso sikolo, omnye, okhethwe ngabasebenzi abasesikolweni abangezotitshala;
 - (iv) inqununu, okanye ukuba inqununu ifunyaniswe ingafanelekanga ukuba ibe lilungu, isekela-nqununu;
 - (v) umnini wepropati ukuba isikolo sikumhlaba wabucala, okanye umntu otyunjwe nguye ukuba wongeziwe ukuba abe lilungu lebhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota; kwaye
 - (vi) ilungu okanye amalungu asekuhlaleni (angekho ngaphezulu kwesithandathu ubuninzi) ukuba afakelelwe kwibhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota.
- (f) Ibhunga lolawulo lesikolo sabafundi abanemfundo yabantwana abanezidingo ezizodwa kufuneka liqulathe—
- (i) abazali abasixhenxe abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (ii) iititshala ezimbini esikolweni, ezikhethwe zititshala ezikweso sikolo;

- (iii) umntu ongengotitshala osebenza kweso sikolo, omnye, okhethwe ngabasebenzi abasesikolweni abangezotitshala;
 - (iv) abafundi ababini abakwibanga lesibhozo okanye kwibanga elingentla abakhethwe ngabameli bebhunga labafundi kubo, ukuba oko kunokwenzeka;
 - (v) inqununu, okanye ukuba inqununu ifunyaniswe ingafanelekanga ukuba ibe lilungu, isekela-nqununu;
 - (vi) umnini wepropati ukuba isikolo sikumhlaba wabucala okanye umntu otyunjwe nguye ukuba wongeziwe ukuba abe lilungu lebhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota
 - (vii) ummeli omnye wamaqumrhu axhasa ngezimali, ukuba akhona yaye ukuba afakelelwe kwibhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota;
 - (viii) ummeli omnye wemibutho yabazali babantwana abanezidingo ezizodwa, ukuba ukhona yaye ukuba afakelelwe kwibhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota;
 - (ix) ummeli wemibutho yabantu abakhubazekileyo, ukuba ukhona yaye ukuba afakelelwe kwibhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota;
 - (x) umntu omnye okhubazekileyo onamava afanelekileyo emfundo yabantwana abanezidingo ezizodwa, ukuba ukhona yaye ukuba afakelelwe kwibhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota; kunye
 - (xi) nengcali enye enamava afanelekileyo emfundo yabantwana abanezidingo ezizodwa, efakelelwe libhunga lolawulo lesikolo, kodwa angabi namalungelo akuvota.
- (g) Abazali abangamalungu abanamalungelo okuvota ngabo ekufuneka babe baninzi kwibhunga lolawulo lesikolo.

2. UKUTYUNJWA KWAMALUNGU ANGABAZALI

- (a) Umgqatswa ngamnye ongumzali kufuneka aphakanyiswe ze axhaswe kwifomu yotyumbo ngabazali abanelungelo lokuvota njengoko kuchaziwe kumhlathi 4 apha ngezantsi. Umvoti ophakamise okanye oxhase umtyunjwa ongumzali kufuneka aqinisekise ukuba ingaba lo

mzali uvumelekile na ukuba anyulwe njengelungu njengoko kuchaziwe kumhlathi 3 apha ngezantsi.

- (b) Kuya kuzaliswa ifomu yotyumbo kutyumbo ngalunye lomgqatswa ongumzali.
- (c) Igosa lonyulo limele ukugqiba ngexesha eliya kuvunyelwa kutyumbo labagqatswa abangabazali ngexesha lentlanganiso yotyumbo nonyulo, yaye limele lazise intlanganiso malunga noko.
- (d) Umtyunjwa ongumzali akanakuzonyula.

3. ABANTU EKUNGA VUMELEKANGA UKUBA BAKHETHWE

Umntu akanakukhethwa okanye atyunjwe njengelungu lebhunga lolawulo lesikolo ukuba—

- (a) ebekhe wagwetywa yinkundla yomthetho ngesenzo athe wafumana kuso isigwebo esixhonyiweyo, okanye obekhe wavalelwa entolongweni, okanye obefumene isigwebo sentlawulo, okanye ongekasigqibi isigwebo sakhe sentolongo, ngaphandle kokuba uxolelwe ngokupheleleyo nangokukhululekileyo, okanye isigwebo sakhe esixhonyiweyo okanye sokuvallelwa sele kudlule iminyaka emithathu wasigqibayo phambi komhla wokonyulwa kwakhe njengelungu lelo bhunga lolawulo lesikolo;
- (b) ugula ngengqondo yaye nenkundla ejonga oko imfumanise enjalo;
- (c) uthe gabhu ematyaleni;
- (d) utitshala oqeshwe ngokwemiqathango yomthetho iEmployment of Educators Act, 1998 (UMthetho 76 ka-1998), ebekhe wayekiswa, ngaphandle kokuba sele kudlule iminyaka emithathu lwadlulayo olo miso emsebenzini phambi kokuba anyulwe njengelungu lebhunga lolawulo lesikolo;
- (e) umntu ongeyotitshala oqeshwe ngokwemiqathango yePublic Service Act, 1994, okanye libhunga lolawulo lesikolo, ebekhe wayekiswa, ngaphandle kokuba sele kudlule iminyaka emithathu lwadlulayo olo miso emsebenzini phambi kokuba anyulwe njengelungu lelo bhunga lolawulo lesikolo;
- (f) umzali ongenamntwana ofunda kweso sikolo sinolonyulo; okanye
- (g) wakhe wasuswa kwisikhundla sakhe yiNtloko yeSebe ngokomhlathi 4(3).

4. ILUNGelo LOKUVOTA

- (a) Umzali ngamnye onomfundi omnye okanye ngaphezulu komfundi omnye obhaliswe kwisikolo unelungelo lokuvotela amalungu angabazali kwibhunga lolawulo lesikolo kweso sikolo kunyulo. Kuya kuvunyelwa isininzi, abazali ababini kumfundi ngamnye ukuba bavote.
- (b) Umntu ongengomzali ngqo womntwana okanye umnakekeli womntwana kodwa onikwe igunya lokukhulisa umfundi okanye abafundi ababhaliswe kweso sikolo, unelungelo lokuvota kunyulo lwamalungu angabazali ebhunga lolawulo lesikolo.
- (c) Utitshala ngamnye oqeshwe kwisikolo ngexesha lonyulo, kubandakanywa inqununu, unelungelo lokuvotela amalungu aziititshala ukuba abe ngamalungu ebhunga lolawulo lesikolo kunyulo.
- (d) Ilungu ngalinye labasebenzi abangezizo iititshala eliqeshwe kwisikolo ngexesha lonyulo linelungelo lokuvotela ilungu elingumsebenzi ongeyotitshala ukuba abe lilungu lebhunga lolawulo lesikolo, kunyulo.
- (e) Ilungu ngalinye lebhunga elimele abafundi besikolo ngexesha lonyulo lwamalungu ebhunga lolawulo lesikolo linelungelo lokuvotela amalungu angabafundi kunyulo.
- (f) Umntu onelungelo lokuvotela umgqatswa othile, angamvotela kanye kuphela yaye inani levoti kufuneka lilingane namalungu aza konyulwa.
- (g) Akukho voti zithunyelweyo eziya kwamkeleka kunyulo lwebhunga lolawulo lesikolo.

5. IMIBA GABALALA

Inqununu ingongeza ezinye iinkcukacha kwesi sihlomelo, ezibona ziyimfuneko ukuze unyulo luhambe kakuhle, umzekelo, ukubaluleka kokuthatha inxaxheba kwabazali.

ISIHLOMELO B

IFOMU YOTYUMBO

Unyulo lweeTitshala/Abasebenzi abangezoTitshala/Abazali baBafundi
kwiBhunga loLawulo leSikolo

*(Imihlathi 13, 14, 15, 16, 17 no-18 yeNkqubo-nkazelo yokuMisela nokuNyula
amaBhunga oLawulo eZikolo zikaRhulumente)*

(Kufuneka kuzanywe ngandlela zonke ukuba kumelwe izintlu zonke ezifanele ukuba zibe ngamalungu ebhunga lolawulo lesikolo xa kutyunjwa naxa kusonyulwa amalungu ebhunga lolawulo lesikolo, ngoko sikhuthaza abazali ukuba bathathe inxaxheba kule nkqubo.)

IGAMA LESIKOLO:

UMPHAKAMISI-GAMA:

Mna.....
(Igama nefani)

wase
(Idilesi yendawo ohlala kuyo)

ongutitshala/umsebenzi ongengotitshala/umzali womfundi wesi sikolo sikhankanywe ngentla, ndiphakamisa
.....
(Igama nefani yoMgqatswa)

njengelungu lebhunga lolawulo lesikolo esikhankanywe ngentla.

.....
UTYIKITYO LOMNTU OPHAKAMISA IGAMA

UMXHASI:

I,
(Igama nefani)

wase.....
(Idilesi yendawo ohlala kuyo)

ongutitshala/umsebenzi ongengotitshala/umzali womfundi wesi sikolo sikhankanywe ngentla, ndixhasa eli gama liphakanyiswe apha ngentla.

.....
UTYIKITYO LOMXHASI

UMGQATSWA:

Mna,
(Igama nefani)

wase.....
(Idilesi yendawo ohlala kuyo)

Ndiyabhengeza ukuba, mna—

- (a) ndiyalwamkela olu tyumbo lukhankanywe apha ngentla; yaye
- (b) ndifanelekile ukuba ndibe lilungu lebhunga lolawulo lesikolo elichazwe kumhlathi 3 “weMigaqo yoNyulo” (jonga ISIHLOMELO A).

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UTYIKITYO LOMGQATSWA/UMTYUNJWA

OKANYE

(UKUBA UPHAKANYISWE KWINTLANGANISO YOTYUMBO NONYULO ABE ENGEKHO UKUZE AZALISE IFOMU YOTYUNJLO)

Mna,
(Igama nefani)

Ndibhengeza ukuba ubungqina obubhaliweyo obundanelisayo bunikeziwe kulo mgqatswa ukhankankaywe ngentla—

- (a) ongekho yotyumbo nonyulo ukuba azalise ifomu yotyumbo, yaye uyavuma ukuba asebenze njengelungu lebhunga lolawulo lesikolo; yaye
- (b) ufanelekile ukuba abe lilungu lebhunga lolawulo lesikolo elichazwe kumhlathi 3 “weMigaqo yoNyulo” (jonga ISIHLOMELO A).

.....
UTYIKITYO LWEGOSA LONYULO LESIKOLO

Olu tyumbo luyamkelwa / luyakhatywa.
(Cima leyo ingangeniyo apha)

.....
UMHLA

.....
UTYIKITYO LWEGOSA LONYULO LESIKOLO

ISIHLOMELO C**IKHORAM YOKUTYUNJWA NOKUNYULWA KWABAMALUNGU ABAZALI**

(Imihlathi 13, 14 no-15 yeNkqubo-nkazelo yokuMisela nokuNyula amaBhunga oLawulo eZikolo zikaRhulumente)

Ikhoram ilingana ne-15 pesenti yenani lilonke labazali abakuluhlu lwabavoti yaye ibalwa ngolu hlobo lulandelayo:

Abazali bebonke abakuluhlu lwabavoti	= 1 500
Ikhoram	= 1 500 x 15%
	= 225 yabazali

