

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION 1942

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(INTERNAL QUESTION PAPER: 24/2013)

**MrsA T Lovemore (DA) to ask the Minister of Basic Education:**

What are the details of the reasons why she is precluded by the current provisions of the Schools Act of South Africa, Act 84 of 1996 (details furnished), from gazetting regulations on dealing with pregnant learners?

NW2291E

**Reply**

Section 61 of South African Schools Act, 1996 (Act No. 84 of 1996), provides that the Minister of Basic Education may make regulations:-

- (a) to provide for safety measures at public and independent schools;
- (b) on any matter which must or may be prescribed by regulation under this Act;
- (c) to prescribe a national curriculum statement applicable to public and independent schools;
- (d) to prescribe a national process and procedures for the assessment of learner achievement in public and independent schools;
- (e) to prescribe a national process for the assessment, monitoring and evaluation of education in public and independent schools;
- (f) on initiation practices at public and independent schools;
- (g) to prescribe the age norm per grade in public and independent schools;
- (h) to provide for norms and minimum standards for school funding; and
- (i) on any matter which may be necessary or expedient to prescribe in order to achieve the objects of the Act.

The enabling provisions contained in (a) to (h) above clearly do not deal with the matters of pregnant learners and the Minister is, therefore, in terms of those provisions, precluded from making regulations to provide for pregnant learners.

The question whether the Minister may make such regulations in terms of section 61 (i) of the South African School Act, 1996, was considered. The Office of the Chief State Law Adviser, in an opinion provided to the Department, however, advised that this provision does not give the Minister authority to make regulations pertaining to learner pregnancy. They concluded that the Act will need to be amended in order to authorize the Minister to make such regulations.

An amendment to section 61 of the Act to authorise the Minister to make regulations for the management and prevention of learner pregnancy has been noted and will be proceeded with as soon as circumstances permit. In the mean time, my Department is in the process of drafting the necessary regulations which will be further dealt with once the Act has been appropriately amended.