

**GOVERNMENT GAZETTE**

**Vol. 400, No. 19347, 12 OCTOBER 1998**

**GOVERNMENT NOTICE**

**NOTICE No. 1293 OF 1998**

**DEPARTMENT OF EDUCATION**

**SOUTH AFRICAN SCHOOLS ACT, 1996 (NO. 84 OF 1996)**

EXEMPTION OF PARENTS FROM THE PAYMENT OF SCHOOL FEES REGULATIONS, 1998

The Minister of Education has, under sections 39(4) and 61 of the South African Schools Act, 1996, (No. 84 of 1996), after consultation with the Council of Education Ministers and the Minister of Finance made the regulations in the Schedule.

**S M E BENGU**  
**MINISTER OF EDUCATION**

**SCHEDULE**

**EXEMPTION OF PARENTS FROM THE PAYMENT OF SCHOOL FEES REGULATIONS, 1998**

**Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it and, unless the context indicates otherwise-

**'application'** means an application by a parent for exemption;

**'combined annual gross income of the parents'** means the gross income of all the parents of a learner as defined in the Act calculated together or, if a learner has only one parent, the total gross income of such parent;

**'exemption'** means the total, partial or conditional exemption of parents who are unable to pay school fees

**'school fees'** means school fees determined in terms of section 39 of the Act;

**'the Act'** means the South African Schools Act, 1996 (Act No. 84 of 1 996).

**Scope**

2. These Regulations must be interpreted within the framework set by Chapter 4 of the Act, and with reference to the National Norms and Standards for School Funding determined in terms of the Act

### **Categories for purpose of exemption**

3. (1) If annual school fees are determined in terms of section 39 of the Act, the following categories will be applicable for purposes of exemption of a parent from payment of such school fees -
  - a. if the combined annual gross income of the parents is less than ten times the annual school fees per learner, the parent qualifies for full exemption;
  - b. if the combined annual gross income of the parents is less than thirty times but more than ten times the annual school fees per learner, the parent qualifies for partial exemption; and
  - c. if the combined annual gross, income of the parents is more than thirty times the annual school fees per learner, the parent does not qualify for exemption.

(2) A person who has the responsibility of a parent of a learner placed in a foster home, foster care or a place of safety is exempted from payment of any school fees.

### **Procedures for application**

4. (1) The governing body must notify all parents in writing of-
  - a. the amount of the annual school fees to be paid and the equitable criteria and procedures for exemption determined in terms of section 39 of the Act;
  - b. the fact that parents are liable to pay such fees in terms of section 40 of the Act unless or to the extent that they have been exempted from payment thereof; and
  - c. the contents of regulations 3, 4 and 5 and at the request of a parent, make a copy of these Regulations available to him or her.

(2) A parent who wishes to be exempted from payment of school fees for each individual learner at the particular school, must apply in writing to the chairperson of the governing body on a form similar to the form annexed as annexure A.

(3) An application referred to in subregulation (2) must contain sufficient particulars to enable the governing body to apply the criteria set out in regulation 5(2) in order to determine in which category referred to in regulation 3, the applicant falls.

(4) An applicant must furnish such relevant further particulars as requested by the governing body.

(5) The applicant must prove on a balance of probabilities that the information supplied by him or her on the matters mentioned in regulations 3 and 5(2) is true and correct.

(6) An applicant must, if he or she so requests, be afforded an opportunity to present his or her application in person, or through a designated representative.

### **Procedure for consideration of an application by Governing Body**

5. (1) The governing body must consider the application subject to these Regulations and make a decision within fourteen days after receipt thereof.

(2) In considering an application a governing body must take into account

- a. the financial position of the applicant including-
  - i. the total gross annual income of the parents;
  - ii. the total annual necessary expenses; and
  - iii. a statement of assets and liabilities;
- b. the number of dependants of the applicant;
- c. the standard of living of the applicant; and
- d. any other relevant information supplied by the applicant.

(3) If the applicant falls in-

- a. the category referred to in regulation 3(1)(a), the applicant is exempted in full;
- b. the category referred to in regulation 3(1)(b), the applicant is partially exempted to the extent determined by the governing body having regard to the criteria referred to in subregulation (2); and
- c. the category referred to in regulation 3(1)(c), the application is declined.

(4) A governing body may deviate from the provisions of subregulation (3) if the applicant proves facts which justify such deviation.

(5) A governing body may attach such conditions to an exemption granted to an applicant as it may deem reasonable.

(6) Information by the applicant in support of his or her application must be treated in confidence by the governing body and may not be divulged to a third party without the consent of the applicant.

(7) The governing body must notify each applicant in writing of its decision and the reasons therefor, within seven days after the decision is taken.

(8) If an application is declined or partially declined, the governing body must notify the applicant of his or her right of appeal in terms of section 40(2) of the Act.

### **Alteration of decision**

6. (1) If a governing body obtains information that the financial position of a parent who was granted exemption, has changed substantially, the governing body may reconsider and rescind, amend, substitute or alter its decision to grant exemption.

(2) Before taking action in terms of subregulation (1) the governing body must

- a. notify the parent concerned of the intended action and of the information on which it will be based; and
- b. afford the parent the opportunity to rebut the information and to show cause why the exemption should not be reconsidered.

## **Procedure for appeal**

7. (1) A parent who is dissatisfied with the decision referred to in regulation 5(7) may appeal in writing against the decision to the Head of Department within 30 days after receipt of the notification of that decision.

(2) The appellant contemplated in subregulation (1) must furnish the Head of Department with

- a. the reasons for the appeal; and
- b. all relevant information pertaining to the appeal.

(3) The Head of Department must within 14 days after receipt of the documentation referred to in subregulation (2)-

- a. notify the chairperson of the governing body concerned of the appeal that has been lodged;
- b. furnish to the chairperson a copy of the appellant's reasons for appeal; and
- c. request the chairperson to forward to him or her within 14 days after receipt of the request
  - i. the minutes of theta meeting of the governing body at which the application was discussed and was decided upon; and
  - ii. any comments the governing body wishes to make with regard to the appellant's reasons for appeal, and any other information relevant to the appeal.

(4) After consideration of all information referred to in subregulations (2) and (3), the Head of Department must within 14 days of receipt of the documentation or information contemplated in subregulation (3)(c)-

- a. uphold the appeal
  - i. in full;
  - ii. partially; or
  - iii. conditionally; or
- b. dismiss the appeal.

(5) Within 7 days of deciding the appeal, the Head of Department must notify the appellant and the chairperson of the governing body concerned in writing of his or her decision and the reasons therefor.

## **Assistance to parents**

- (1) A parent who, for whatever reason, needs assistance to apply for exemption or lodge an appeal as contemplated in regulation 7, may request an educator or any other person to assist him or her in making the application or appeal.

(2) If no assistance is given to the parent after he or she has requested it as contemplated in subregulation (1) the principal must assist the parent in such application or appeal.

## **Voluntary contributions**

9. Nothing in these Regulations prevents a parent who is granted exemption from making a voluntary contribution to the school fund.

**Short title and commencement**

10. These Regulations are called the Exemption of Parents from the Payment of School Fees Regulations, 1998 and will come into effect on the date of publication thereof.