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IPHONDO LENTSHONA KOLONI

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Provincial Notice

Provinsiale Kennisgewing

ISaziso sePhondo

The following Provincial Notice is published for general information:

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer:

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PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

DR H.C. MALILA,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

DR H.C. MALILA,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika ulwazi ngokubanzi.

GQIR H.C. MALILA,
MLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 104/2022

2 September 2022

**WESTERN CAPE PROVINCIAL SCHOOL EDUCATION ACT, 1997 (ACT 12 OF 1997)
REGULATIONS RELATING TO THE MANAGEMENT AND CONTROL OF HOSTELS AT
PUBLIC SCHOOLS: AMENDMENT, 2022**

The Provincial Minister of Education in the Western Cape, under section 63(1)(a), (cE), (d) and (e), read with sections 24(1)(a) and 45(9), of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), and section 9(3) of the South African Schools Act, 1996 (Act 84 of 1996), has made the regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In these regulations “the Regulations” means the Regulations relating to the Management and Control of Hostels at Public Schools and the Control over the Immovable Property and Equipment under the Western Cape Education Department, as published under Provincial Notice 361/2012 dated 28 November 2012.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is amended—

(a) by the insertion before the definition of “district hostel coordinator” of the following definition:

“**disciplinary committee**’ means a committee established by the governing body of a public school in terms of section 23 of the Act to deal with disciplinary matters;”;

(b) by the insertion after the definition of “district hostel coordinator” of the following definition: “**expulsion**’ means the permanent prohibition of a hostel boarder by the Head of Department—

(a) from living in a particular hostel; or

(b) from living in a particular hostel and attending a particular public school,

after following the process in terms of these regulations, and **‘expel**’ has a corresponding meaning;”;

- (c) by the insertion after the definition of “provincial hostel coordinator” of the following definition:
- “ **‘Regulations relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape’** means the Regulations relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape, as published under Provincial Notice 365/2011 dated 15 December 2011, as may be amended from time to time;”;
- (d) by the deletion after the definition of “supervisor” of the word “and”; and
- (e) by the insertion after the definition of “supervisor” of the following definition:
- “ **‘suspension’** means the temporary prohibition of a hostel boarder by the governing body or Head of Department—
- (a) from living in a particular hostel; or
- (b) from living in a particular hostel and attending a particular public school, and **‘suspend’** has a corresponding meaning;”.

Insertion of regulation 1A of the Regulations

3. The following regulation is inserted in the Regulations after regulation 1:

“Application of regulations

1A. These regulations apply to all hostels at public schools in the province.”.

Amendment of regulation 6 of the Regulations

4. Regulation 6 of the Regulations is amended by the addition of the following sub-regulation:
- “(3) The Head of Department must perform all functions assigned to the Head of Department by these regulations.”.

Amendment of regulation 8 of the Regulations

5. Regulation 8 of the Regulations is amended—
- (a) by the substitution for paragraph (a) of sub-regulation (1) of the following paragraph:
- “(a) establish a hostel committee in terms of section 23(1) of the Act;”;
- (b) by the insertion after paragraph (a) of sub-regulation (1) of the following paragraph:
- “(aA) perform all functions assigned to it by these regulations; and”.

Amendment of regulation 11 of the Regulations

6. Regulation 11 of the Regulations is amended by the insertion after paragraph (e) of sub-regulation (1) of the following paragraph:
- “(eA) notify the principal as contemplated in regulation 18D(1)(a) of an allegation of serious misconduct against a hostel boarder, and may make recommendations to the principal and governing body on hostel discipline in general or a specific disciplinary matter;”.

Amendment of regulation 13 of the Regulations

7. Regulation 13 of the Regulations is amended by the substitution for sub-regulation (5) of the following sub-regulation:

“(5) The governing body must establish a disposal committee to implement the procedure and policy regarding the disposal of fixed assets.”.

Repeal of regulation 18 of the Regulations

8. Regulation 18 of the Regulations is repealed.

Insertion of regulations 18A, 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18I, 18J, 18K, 18L, 18M and 18N in the Regulations

9. The following regulations are inserted in the Regulations before regulation 19:

“Code of conduct

18A. (1) The governing body must adopt a code of conduct for hostel boarders at the hostel after consultation with the hostel boarders, parents of the hostel boarders, officers and members of staff of the hostel.

(2) The code of conduct must be aimed at establishing a disciplined and purposeful hostel environment.

(3) The code of conduct may not be in conflict and must be read with the code of conduct of the school adopted in terms of section 8 of the South African Schools Act.

Conduct at hostels

18B. Sections 45A and 46A of the Act apply, with the necessary changes, to hostel boarders, and every reference to—

- (a) a learner must be construed as a reference to a hostel boarder;
- (b) a school must be construed as a reference to a hostel; and
- (c) the code of conduct contemplated in section 45(1) of the Act must be construed as a reference to the code of conduct of the school or the code of conduct of the hostel.

Serious misconduct by hostel boarder

18C. Subject to the provisions of the South African Schools Act, a hostel boarder, while at a hostel or participating in a hostel activity, who—

- (a) brings onto the hostel premises or to a hostel activity or uses, threatens to use, has in his or her possession, sells or distributes a dangerous object;
- (b) brings onto the hostel premises or to a hostel activity, uses, has in his or her possession, sells, distributes or, in the circumstances contemplated in section 45A(9) of the Act, tests positive for alcoholic liquor or an illegal drug;
- (c) commits an act of bullying, assault, theft, arson, malicious damage to property or another criminal offence, or threatens to commit such an act;

- (d) uses hate speech, makes himself or herself guilty of victimisation, intimidation, racism, sexism or harassment, possesses or distributes pornographic material or engages in any act of public indecency;
- (e) disrespects, violates the rights of, endangers the safety of, threatens or verbally abuses fellow hostel boarders, fellow learners, officers or members of staff or visitors at the school or the hostel;
- (f) vandalises, destroys or defaces hostel infrastructure or property;
- (g) commits an act of gross insubordination;
- (h) with the intention of enabling himself or herself or any other person to gain an unfair advantage, has in his or her possession, uses, distributes or trades any unauthorised copy of a test or examination question paper, or cheats or bribes or attempts to bribe any person in respect of any test or examination;
- (i) disrupts the hostel programme or threatens to commit such an act;
- (j) falsely identifies himself or herself, or knowingly and wilfully supplies false information or falsifies documentation, to gain an unfair advantage at the hostel, or commits any other act of fraud;
- (k) conducts or participates in any initiation practice against a fellow learner or a fellow hostel boarder;
- (l) contravenes any law;
- (m) contravenes the code of conduct of the school or the code of conduct of the hostel;
or
- (n) conducts himself or herself, in the opinion of the governing body, in a disgraceful, improper or unbecoming manner,
may be guilty of serious misconduct.

Investigation of alleged serious misconduct

18D. (1)(a) Where the hostel committee obtains information that the alleged conduct of a hostel boarder may constitute serious misconduct contemplated in regulation 18C, the hostel committee must notify the principal in writing.

(b) Any person who knows, believes or suspects on reasonable grounds that a hostel boarder has committed an act of serious misconduct contemplated in regulation 18C may notify the principal.

(2) Once notified, the principal must, without delay—

- (a) investigate or cause an investigation to be carried out to determine whether there are grounds to institute disciplinary proceedings; and
- (b) decide whether there is sufficient evidence to institute disciplinary proceedings against the hostel boarder in respect of the alleged serious misconduct.

(3) If the principal decides that there are sufficient grounds to institute disciplinary proceedings against the hostel boarder in respect of the alleged serious misconduct, the principal must, without delay, submit an investigation report to the governing body.

Suspension of hostel boarder as precautionary measure

18E. (1) On receipt of the investigation report from the principal as contemplated in regulation 18D(3), or out of its own volition, the governing body may, on reasonable

grounds and as a precautionary measure, suspend the hostel boarder suspected of serious misconduct—

- (a) from living in the hostel; or
- (b) from living in the hostel and attending the school,

for a period not longer than seven school days, which period may only be extended as contemplated in regulation 18H(2).

(2) The following constitutes reasonable grounds for precautionary suspension:

- (a) the presence of the hostel boarder at the hostel or the school, or the hostel and the school, is likely to—
 - (i) compromise the safety of fellow hostel boarders, fellow learners, officers or members of staff or visitors at the school or the hostel;
 - (ii) result in damage to property; or
 - (iii) cause disruption of the hostel programme or the school programme; or
- (b) the hostel boarder is likely to interfere with witnesses or tamper with evidence.

(3) Before the governing body enforces the suspension in terms of sub-regulation (1), it must—

- (a) inform the hostel boarder and his or her parents of the intended suspension and the reasons therefor; and
- (b) afford the hostel boarder and his or her parents a reasonable opportunity to make representations orally or in writing to the governing body in respect of the intended suspension.

(4) The governing body must report all decisions to suspend and the nature of suspension to the district director, who must keep a register of all suspensions.

Notice of disciplinary proceedings

18F. (1) The governing body must notify the hostel boarder and his or her parents, in writing, that disciplinary proceedings will be instituted against the hostel boarder.

(2) The notice must—

- (a) provide at least five school days' notice of the disciplinary hearing;
- (b) inform the hostel boarder and his or her parents that disciplinary proceedings will be instituted against the hostel boarder;
- (c) contain sufficient particulars of the date, time, place and nature of the alleged serious misconduct to enable the hostel boarder to identify the incident and to respond thereto at the disciplinary hearing;
- (d) contain the date, time and venue of the disciplinary hearing;
- (e) advise the hostel boarder of his or her—
 - (i) right to be accompanied and represented at the hearing by his or her parents or by a representative chosen by his or her parents or appointed by the governing body or disciplinary committee as contemplated in regulation 18H(6);
 - (ii) right to request access to documents or information produced in evidence; and
 - (iii) right to state his or her case, ask questions, cross-examine, lead evidence, call witnesses and produce documentary evidence to clarify issues in respect of the allegation; and
- (f) inform the hostel boarder, where applicable, of the precautionary suspension and the nature of academic support to be provided by the school before the disciplinary hearing and during the period of suspension contemplated in regulation 18E(1).

(3) The principal must give the notice contemplated in sub-regulation (1) to the hostel boarder and cause a copy thereof to be provided to the parents of the hostel boarder.

(4) The governing body must cause a copy of the investigation report contemplated in regulation 18D(3) to be provided to the hostel boarder and the parents of the hostel boarder prior to the commencement of the disciplinary hearing.

Disciplinary committee

18G. (1) The governing body must conduct the disciplinary hearing or establish a disciplinary committee to do so.

(2) If the governing body establishes a disciplinary committee to conduct the disciplinary hearing, the disciplinary committee must—

- (a) comprise at least five persons, of whom at least three must be members of the governing body; and
- (b) be chaired by a member of the governing body designated by the governing body who is not an officer or member of staff at the school or hostel.

(3) The principal, hostel boarders at the hostel, learners at the school, and persons having a conflict of interest are not eligible to be members of the disciplinary committee and may not be present when the governing body discusses the report or recommendations of the disciplinary committee, if applicable.

General provisions in respect of disciplinary hearings

18H. (1) A disciplinary hearing of a hostel boarder must be conducted—

- (a) within seven school days after the suspension of such hostel boarder, as contemplated in regulation 18E(1); and
- (b) after at least five school days have passed since notice of the disciplinary hearing was given as contemplated in regulation 18F.

(2) If a disciplinary hearing is not conducted within seven school days after the suspension of the hostel boarder contemplated in regulation 18E(1), the governing body must obtain the approval of the Head of Department for the continuation of the suspension of the hostel boarder.

(3) If the governing body—

- (a) established a disciplinary committee as contemplated in regulation 18G, the disciplinary committee must act in accordance with regulation 18I; or
- (b) did not establish a disciplinary committee, the governing body must act in accordance with regulation 18J.

(4) At the disciplinary hearing the hostel boarder has the rights contemplated in regulation 18F(2)(e).

(5) If the hostel boarder or his or her parents fail to attend the disciplinary hearing without just cause—

- (a) after due notice contemplated in regulation 18F; or
- (b) on a date as agreed upon by the hostel boarder or his or her parents and the governing body,

and after such hearing has been convened a second time, the hearing may be conducted in the absence of the hostel boarder or his or her parents.

(6) If the hostel boarder is not accompanied at the disciplinary hearing by his or her parents or a representative chosen by his or her parents, the governing body or disciplinary committee, as the case may be, must—

- (a) enquire from the hostel boarder regarding the absence of his or her parents;
- (b) inform the hostel boarder of his or her right to have a suitable person appointed by the governing body or disciplinary committee, as the case may be, to assist or represent him or her at the disciplinary hearing, and explain the benefits of such appointment to the hostel boarder; and
- (c) after consultation with the hostel boarder and subject to his or her consent, appoint a suitable person to assist or represent him or her at the disciplinary hearing.

(7)(a) A complainant or witness under the age of 18 years may at a disciplinary hearing be accompanied by his or her parents or a representative chosen by his or her parents.

(b) If it appears to the governing body or disciplinary committee, as the case may be, that testifying at a disciplinary hearing would expose a complainant or witness under the age of 18 years to undue mental stress or suffering, it may appoint a competent person as an intermediary in order to enable such complainant or witness to give his or her evidence through that intermediary.

(c) If an intermediary was appointed as contemplated in paragraph (b)—

- (i) all questions must be put to the relevant complainant or witness through that intermediary; and
- (ii) such intermediary may, unless the governing body or the disciplinary committee, as the case may be, directs otherwise, convey the general purport of any question to the relevant complainant or witness.

(d) If an intermediary was appointed as contemplated in paragraph (b), the governing body or disciplinary committee, as the case may be, may direct that the relevant complainant or witness must give his or her evidence at any place that—

- (i) puts that complainant or witness at ease;
- (ii) is arranged in such a manner that any person whose presence may upset that complainant or witness is outside the sight and hearing of that complainant or witness; and
- (iii) through the medium of any electronic or other devices, enables the governing body or disciplinary committee, as the case may be, and any person whose presence is necessary at the disciplinary hearing, to hear that intermediary as well as that complainant or witness during his or her testimony.

(8) The governing body or disciplinary committee, as the case may be, must be impartial and fair and act without favour or prejudice.

Disciplinary hearings conducted by disciplinary committee

18I. (1) This regulation applies if the governing body established a disciplinary committee as contemplated in regulation 18G.

(2) The chairperson of the disciplinary committee must, at the commencement of the disciplinary hearing—

- (a) explain the reasons for the disciplinary hearing;
 - (b) request the charge or charges to be read into the record; and
 - (c) ask the hostel boarder to plead to the charge.
- (3) If the hostel boarder pleads guilty—
- (a) the chairperson of the disciplinary committee must ensure that the hostel boarder knows and understands what he or she is pleading guilty to;
 - (b) the disciplinary committee must be satisfied that the plea was made voluntarily and not under duress; and
 - (c) the chairperson of the disciplinary committee must—
 - (i) read the facts of the matter into the record;
 - (ii) afford members of the disciplinary committee an opportunity to ask questions for clarity;
 - (iii) ask the hostel boarder, representative and parents of the hostel boarder and any other parties, except the members of the disciplinary committee, to leave the room while the disciplinary committee deliberates on a finding to be recommended to the governing body; and
 - (iv) after the disciplinary committee has decided on a finding to be recommended to the governing body, recall the hostel boarder, representative and parents of the hostel boarder and any other parties and inform them of the finding to be recommended to the governing body.
- (4) If the hostel boarder pleads not guilty, the chairperson of the disciplinary committee must—
- (a) request evidence to be adduced in support of the charge, including the calling of the complainant and witnesses;
 - (b) afford the hostel boarder, representative and parents of the hostel boarder the opportunity to put questions to the complainant and witnesses with the purpose of refuting evidence;
 - (c) afford the hostel boarder, representative and parents of the hostel boarder an opportunity to state the hostel boarder's case and to call witnesses;
 - (d) afford members of the disciplinary committee an opportunity to ask questions for clarity;
 - (e) ask the hostel boarder, representative and parents of the hostel boarder and any other parties, except the members of the disciplinary committee, to leave the room while the disciplinary committee deliberates on a finding to be recommended to the governing body; and
 - (f) after the disciplinary committee has decided on a finding to be recommended to the governing body, recall the hostel boarder, representative and parents of the hostel boarder and any other parties, and inform them of the finding to be recommended to the governing body.
- (5) If the disciplinary committee decided to recommend a finding that the hostel boarder is not guilty of serious misconduct, the chairperson of the disciplinary committee must submit a report on the disciplinary hearing, the evidence and the recommendation to the governing body.
- (6) If the disciplinary committee decided to recommend a finding that the hostel boarder is guilty of serious misconduct, the chairperson of the disciplinary committee must—
- (a) ask—
 - (i) the hostel boarder, representative and parents of the hostel boarder; and

- (ii) a representative of the school, whether they wish to make any written or oral representations before a suitable sanction, to be recommended to the governing body, is deliberated on by the disciplinary committee;
 - (b) ask the hostel boarder, representative and parents of the hostel boarder and any other parties, except the members of the disciplinary committee, to leave the room while the disciplinary committee deliberates on a suitable sanction to be recommended to the governing body;
 - (c) after the disciplinary committee, taking all the evidence and representations into account, decided on a suitable sanction contemplated in regulation 18J(7) to be recommended to the governing body, recall the hostel boarder, representative and parents of the hostel boarder and any other parties, and inform them of the sanction to be recommended to the governing body; and
 - (d) submit a report on the disciplinary hearing, the evidence, representations and the recommendation to the governing body.
- (7) The governing body must, taking into account the information submitted to it by the disciplinary committee as contemplated in sub-regulation (5) or (6)(d), as the case may be, decide on a finding and, if it finds the hostel boarder—
- (a) not guilty of serious misconduct, inform the hostel boarder and his or her parents, in writing, of the finding of the governing body; or
 - (b) guilty of serious misconduct—
 - (i) if the disciplinary committee recommended that the hostel boarder be found guilty, decide on a sanction contemplated in regulation 18J(7); or
 - (ii) if the disciplinary committee recommended that the hostel boarder be found not guilty, ask—
 - (aa) the hostel boarder, representative and parents of the hostel boarder; and
 - (bb) a representative of the school, whether they wish to make any written or oral representations on a suitable sanction, and decide on a sanction contemplated in regulation 18J(7), and inform the hostel boarder and his or her parents, in writing, of the sanction imposed.

Disciplinary hearings conducted by governing body

18J. (1) This regulation applies if the governing body did not establish a disciplinary committee as contemplated in regulation 18G.

(2) The chairperson of the governing body must, at the commencement of the disciplinary hearing—

- (a) explain the reasons for the disciplinary hearing;
 - (b) request the charge or charges to be read into the record; and
 - (c) ask the hostel boarder to plead to the charge.
- (3) If the hostel boarder pleads guilty—
- (a) the chairperson of the governing body must ensure that the hostel boarder knows and understands to what he or she is pleading guilty;
 - (b) the governing body must be satisfied that the plea was made voluntarily and not under duress; and
 - (c) the chairperson of the governing body must—
 - (i) read the facts of the matter into the record;

- (ii) afford members of the governing body an opportunity to ask questions for clarity;
 - (iii) ask the hostel boarder, representative and parents of the hostel boarder and any other parties, except the members of the governing body, to leave the room while the governing body deliberates on a finding; and
 - (iv) after the governing body has decided on a finding, recall the hostel boarder, representative and parents of the hostel boarder and any other parties, and inform them of the governing body's finding.
- (4) If the hostel boarder pleads not guilty, the chairperson of the governing body must—
- (a) request evidence to be adduced in support of the charge, including the calling of the complainant and witnesses;
 - (b) afford the hostel boarder, representative and parents of the hostel boarder the opportunity to put questions to the complainant and witnesses with the purpose of refuting evidence;
 - (c) afford the hostel boarder, representative and parents of the hostel boarder an opportunity to state the hostel boarder's case and to call witnesses;
 - (d) afford members of the governing body an opportunity to ask questions for clarity;
 - (e) ask the hostel boarder, representative and parents of the hostel boarder and any other parties, except the members of the governing body, to leave the room while the governing body deliberates on a finding; and
 - (f) after the governing body decided on a finding, recall the hostel boarder, representative and parents of the hostel boarder and any other parties and inform them of the governing body's finding.
- (5) If the governing body decides to find the hostel boarder not guilty of serious misconduct, it must inform the hostel boarder and his or her parents, in writing, of the finding of the governing body.
- (6) If the governing body decides to find the hostel boarder guilty of serious misconduct, the chairperson of the governing body must—
- (a) ask—
 - (i) the hostel boarder, representative and parents of the hostel boarder; and
 - (ii) a representative of the school,whether they wish to make any written or oral representations before a suitable sanction is deliberated on by the governing body;
 - (b) ask the hostel boarder, representative and parents of the hostel boarder and any other parties, except the members of the governing body, to leave the room while the governing body deliberates on a suitable sanction; and
 - (c) after the governing body, taking all the evidence and representations into account, decided on a suitable sanction contemplated in sub-regulation (7), recall the hostel boarder, representative and parents of the hostel boarder and any other parties, and inform them of the sanction.
- (7) If the governing body finds the hostel boarder guilty of serious misconduct, it must decide whether—
- (a) the hostel boarder should as a corrective measure be suspended—
 - (i) from living in the hostel; or
 - (ii) from living in the hostel and attending the school, for a period not longer than seven school days;

- (b) the expulsion of the hostel boarder—
 - (i) from the hostel; or
 - (ii) from the hostel and from the school, should be recommended to the Head of Department as contemplated in regulation 18K; or
- (c) any other sanction contemplated for serious misconduct in the code of conduct of the school or the code of conduct of the hostel should be imposed on the hostel boarder.

(8) Notwithstanding sub-regulations (3)(c)(iv), (4)(f) and (6)(c), the governing body must inform the hostel boarder and his or her parents in writing of the finding of the governing body and the sanction imposed, if applicable.

Recommendation of expulsion by governing body

18K. (1) If the governing body decides that expulsion is the suitable sanction, the governing body must make a written recommendation to the Head of Department to expel the hostel boarder—

- (a) from the hostel; or
- (b) from the hostel and from the school.

(2) Pending a decision by the Head of Department, the governing body may suspend, or extend the suspension of, the hostel boarder—

- (a) from living in the hostel; or
- (b) from living in the hostel and attending the school,

for a period not longer than 14 school days from the day the recommendation was submitted to the Head of Department.

(3) Where the governing body recommends expulsion to the Head of Department, it must direct the principal to submit to the Head of Department, within three school days after the decision of the governing body contemplated in regulation 18J(7)(b)—

- (a) the investigation report contemplated in regulation 18D(3);
- (b) the minutes of the meeting at which the decision was taken;
- (c) any written representations submitted by the hostel boarder, parents of the hostel boarder, representative of the hostel boarder and representative of the school; and
- (d) the full record of the disciplinary proceedings by the disciplinary committee or governing body, as the case may be, and the subsequent actions by the governing body, if any.

(4) The combined period of suspension of a hostel boarder by the governing body in terms of—

- (a) regulation 18E(1);
- (b) regulation 18J(7)(a); and
- (c) sub-regulation (2),

may for each disciplinary proceeding against such hostel boarder not exceed 21 school days, unless the governing body obtained the approval of the Head of Department for the continuation of the suspension of the hostel boarder as contemplated in regulation 18H(2).

(5)(a) The Head of Department must consider the recommendation of the governing body and must—

- (i) expel the hostel boarder from the hostel;
- (ii) expel the hostel boarder from the hostel and from the school;

- (iii) impose a suitable sanction on the hostel boarder, after consultation with the governing body, which sanction must be implemented by the governing body; or
- (iv) if the Head of Department decides not to impose a sanction on the hostel boarder, refer the matter back to the governing body for an alternative sanction, other than expulsion, in terms of the code of conduct of the school or the code of conduct of the hostel, which sanction must be implemented by the governing body,

within 14 school days of receipt of the recommendation.

(b) The Head of Department must notify the governing body, the hostel boarder and the parents of the hostel boarder immediately, in writing, of the Head of Department's decision, with the reasons for the decision.

(c) If the Head of Department expels the hostel boarder—

- (i) from the hostel; or
- (ii) from the hostel and from the school,

the notice contemplated in paragraph (b) must include a reference to the right of appeal to the Provincial Minister.

(d) If the Head of Department expels the hostel boarder from the hostel only, such expulsion does not mean that the hostel boarder is also expelled from the school.

Appeal in respect of expulsion

18L. (1) A hostel boarder, or the parents of a hostel boarder, who has been expelled—

- (a) from the hostel; or
- (b) from the hostel and from the school,

may appeal against the decision of the Head of Department by submitting a notice of appeal to the Provincial Minister within 14 school days of receipt of the notice of expulsion from the Head of Department as contemplated in regulation 18K(5)(b).

(2) A copy of the notice of appeal contemplated in sub-regulation (1) must also be submitted to the office of the Head of Department and the chairperson of the governing body.

(3) If the hostel boarder, parents of the hostel boarder, representative of the hostel boarder or representative of the school makes further representations to the Provincial Minister, a copy of the representations must also be submitted to the chairperson of the governing body for its response.

(4) If an appeal in terms of sub-regulation (1) is upheld by the Provincial Minister, the Provincial Minister must ensure that one of the following sanctions is imposed on the hostel boarder within 14 school days of the date on which the appeal was upheld:

- (a) if the Head of Department expelled the hostel boarder from the hostel and the Provincial Minister decides against such expulsion, the Provincial Minister may, after consultation with the governing body, impose a suitable sanction on the hostel boarder, which must be implemented by the governing body;
- (b) if the Head of Department expelled the hostel boarder from the hostel and the school and the Provincial Minister decides against such expulsion from the hostel and the school, the Provincial Minister may, after consultation with the governing body—
 - (i) expel the hostel boarder from the hostel only; or

- (ii) impose a suitable sanction on the hostel boarder, which must be implemented by the governing body; or
- (c) if the Provincial Minister decides not to impose a sanction on the hostel boarder, the Provincial Minister must refer the matter back to the governing body for an alternative sanction, other than expulsion, in terms of the code of conduct of the school or the code of conduct of the hostel.

Access to education after expulsion

18M. (1) If a hostel boarder who is subject to compulsory school attendance is expelled—

- (a) from the hostel, and the expulsion will have the effect that the hostel boarder will not be able to attend the school; or
- (b) from the hostel and from the school,

the Head of Department must make an alternative arrangement for the placement of the hostel boarder—

- (i) at a public school; or
- (ii) at a public school and its hostel, if the school contemplated in subparagraph (i) is not accessible to the hostel boarder.

(2) If a hostel boarder who is not subject to compulsory school attendance, is expelled—

- (a) from the hostel, and the expulsion will have the effect that the hostel boarder will not be able to attend the school; or
- (b) from the hostel and from the school,

his or her parents may make an alternative arrangement for his or her placement—

- (i) at a school; or
- (ii) at a school and its hostel,

and may request the assistance of the district director with such placement.

(3) If the hostel boarder is expelled—

- (a) from the hostel, and the expulsion will have the effect that he or she will not be able to attend the school; or
- (b) from the hostel and from the school,

and the hostel boarder or his or her parents have appealed in the manner contemplated in regulation 18L, such hostel boarder must, pending the outcome of the appeal, be given access to education in the manner determined by the Head of Department after consultation with the principal.

(4) In determining an alternative arrangement for placement contemplated in sub-regulation (1) or the manner of access to education contemplated in sub-regulation (3), the Head of Department—

- (a) must take reasonable measures to protect the rights of officers, members of staff and visitors at the school concerned and the hostel concerned, if applicable, and other—
 - (i) learners at the school concerned; and
 - (ii) hostel boarders at the hostel concerned, if applicable; and
- (b) may consider an alternative method of providing education to the hostel boarder, which may include any or all of the following:
 - (i) ensuring that the hostel boarder is admitted to—
 - (aa) another school; or

- (bb) another school and its hostel;
 - (ii) requiring the hostel boarder to attend counselling at district level with Specialised Learner and Educator Support or School Psychological Support or School Social Work Support; and
 - (iii) requesting regular progress reports in respect of the counselling contemplated in sub-paragraph (ii) from the relevant support component.
- (5) Any hostel boarder who is expelled—
- (a) from the hostel, and the expulsion will have the effect that he or she will not be able to attend the school; or
 - (b) from the hostel and from the school,

during the last term of a year, must be afforded the opportunity to write the final examinations of that school in that year, and the principal of the school may require the hostel boarder to write the examinations in a venue separate from the learners of the school.

Conflict

18N. If any conflict arises between regulations 18A to 18M and the Regulations relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape, regulations 18A to 18M prevail where a hostel boarder is concerned.”.

Substitution of regulation 21 of the Regulations

10. The following regulation is substituted for regulation 21 of the Regulations:

“Short title and date of commencement

21. These regulations are called the Regulations relating to the Management and Control of Hostels at Public Schools and come into effect on 1 January 2013.”.

Amendment of Arrangement of Regulations

- 11.** The Arrangement of Regulations before regulation 1 of the Regulations is amended—
- (a) by the insertion after the reference to the heading to regulation 1 of the following item:
 - “**1A.** Application of regulations”;
 - (b) by the deletion of the reference to the heading of regulation 18; and
 - (c) by the insertion before the reference to the heading to regulation 19 of the following item:
 - “**18A.** Code of conduct
 - 18B.** Conduct at hostels
 - 18C.** Serious misconduct by hostel boarder
 - 18D.** Investigation of alleged serious misconduct
 - 18E.** Suspension of hostel boarder as precautionary measure
 - 18F.** Notice of disciplinary proceedings
 - 18G.** Disciplinary committee
 - 18H.** General provisions in respect of disciplinary hearings
 - 18I.** Disciplinary hearings conducted by disciplinary committee
 - 18J.** Disciplinary hearings conducted by governing body
 - 18K.** Recommendation of expulsion by governing body

- 18L. Appeal in respect of expulsion
- 18M. Access to education after expulsion
- 18N. Conflict”.

Short title

12. These regulations are called the Regulations relating to the Management and Control of Hostels at Public Schools: Amendment, 2022.

PROVINSIALE KENNISGEWING

P.K. 104/2022

2 September 2022

**WES-KAAPSE PROVINSIALE WET OP SKOOLONDERWYS, 1997 (WET 12 VAN 1997)
REGULASIES BETREFFENDE DIE BESTUUR EN BEHEER VAN KOSHUISE BY
OPENBARE SKOLE: WYSIGING, 2022**

Die Provinsiale Minister van Onderwys in die Wes-Kaap, kragtens artikel 63(1)(a), (cE), (d) en (e), saamgelees met artikels 24(1)(a) en 45(9), van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), en artikel 9(3) van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), het die regulasies uiteengesit in die Bylae gemaak.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken “die Regulasies” die Regulasies betreffende die Bestuur en Beheer van Koshuise by Openbare Skole en die Beheer oor die Onroerende Eiendom en Toerusting onder die Wes-Kaapse Onderwysdepartement, soos gepubliseer onder Provinsiale Kennisgewing 361/2012 gedateer 28 November 2012.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word gewysig—

(a) deur voor die omskrywing van “distrikskoshuiskoördineerder” die volgende omskrywing in te voeg:

“**‘dissiplinêre komitee’** ’n komitee wat deur die beheerliggaam van ’n openbare skool ingevolge artikel 23 van die Wet gestig is om dissiplinêre aangeleenthede te hanteer;”;

(b) deur ná die omskrywing van “provinsiale koshuiskoördineerder” die volgende omskrywings in te voeg:

“**‘Regulasies betreffende Dissiplinerings, Skorsing en Uitsetting van Leerders in Openbare Skole in die Wes-Kaap’** die Regulasies betreffende Dissiplinerings, Skorsing en Uitsetting van Leerders in Openbare Skole in die Wes-Kaap, soos gepubliseer onder Provinsiale Kennisgewing 365/2011 gedateer 15 Desember 2011, soos van tyd tot tyd gewysig mag word;

‘skorsing’ die tydelike verbod van ’n koshuisloseerder deur die beheerliggaam of Departementshoof—

(a) op inwoning by ’n bepaalde koshuis; of

(b) op inwoning van ’n bepaalde koshuis of bywoning van ’n bepaalde skool, en **‘skors’** het ’n ooreenstemmende betekenis;”;

(c) deur ná die omskrywing van “toesighouer” die woord “en” te skrap; en

(d) deur ná die omskrywing van “toesighouer” die volgende omskrywing in te voeg:

“**‘uitsetting’** die permanente verbod van ’n koshuisloseerder deur die Departementshoof—

(a) op inwoning van ’n bepaalde koshuis; of

(b) op inwoning van ’n bepaalde koshuis en bywoning van ’n bepaalde skool,

nadat die proses ingevolge hierdie regulasies gevolg is, en **‘uitsit’** het ’n ooreenstemmende betekenis;”.

Invoeging van regulasie 1A in die Regulasies

3. Die volgende regulasie word ná regulasie 1 van die Regulasies ingevoeg:

“Toepassing van regulasies

1A. Hierdie regulasies is van toepassing op alle koshuise by openbare skole in die provinsie.”.

Wysiging van regulasie 6 van die Regulasies

4. Regulasie 6 van die Regulasies word gewysig deur die volgende subregulasie by te voeg:

“(3) Die Departementshoof moet alle funksies wat by hierdie regulasies aan die Departementshoof opgedra word, verrig.”.

Wysiging van regulasie 8 van die Regulasies

5. Regulasie 8 van die Regulasies word gewysig—

(a) deur paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:

“(a) ’n koshuiskomitee ingevolge artikel 23(1) van die Wet stig;”; en

(b) deur ná paragraaf (a) van subregulasie (1) die volgende paragraaf in te voeg:

“(aA) alle funksies wat by hierdie regulasies aan hom opgedra word, verrig; en”.

Wysiging van regulasie 11 van die Regulasies

6. Regulasie 11 van die Regulasies word gewysig deur ná paragraaf (e) van subregulasie (1) die volgende paragraaf in te voeg:

“(eA) die prinsipaal soos beoog in regulasie 18D(1)(a) in kennis stel van ’n aantyging van ernstige wangedrag teen ’n koshuisloseerder, en kan aanbevelings aan die prinsipaal en beheerliggaam maak oor koshuisdissipline in die algemeen of ’n spesifieke dissiplinêre aangeleentheid;”.

Wysiging van regulasie 13 van die Regulasies

7. Regulasie 13 van die Regulasies word gewysig deur subregulasie (5) deur die volgende subregulasie te vervang:

“(5) Die beheerliggaam moet ’n afskrywingskomitee stig om die prosedure en beleid rakende die afskrywing van onroerende bates te implementeer.”.

Herroeping van regulasie 18 van die Regulasies

8. Regulasie 18 van die Regulasies word herroep.

Invoeging van regulasies 18A, 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18I, 18J, 18K, 18L, 18M en 18N in die Regulasies

9. Die volgende regulasies word voor regulasie 19 in die Regulasies ingevoeg:

“Gedragskode

18A. (1) Die beheerliggaam moet ’n gedragskode vir koshuisloseerders by die koshuis aanneem ná oorleg met die koshuisloseerders, ouers van die koshuisloseerders, beamptes en personeellede van die koshuis.

(2) Die gedragskode moet op die vestiging van ’n gedissiplineerde en doelgerigte koshuisomgewing gemik wees.

(3) Die gedragskode mag nie strydig wees met die gedragskode van die skool wat ingevolge artikel 8 van die Suid-Afrikaanse Skolewet aangeneem is nie en moet daarmee saamgelees word.

Gedrag by koshuise

18B. Artikels 45A en 46A van die Wet is, met die nodige veranderinge, van toepassing op koshuisloseerders, en elke verwysing na—

- (a) ’n leerder moet geag word as ’n verwysing na ’n koshuisloseerder;
- (b) ’n skool moet geag word as ’n verwysing na ’n koshuis; en
- (c) die gedragskode beoog in artikel 45(1) van die Wet moet geag word as ’n verwysing na die gedragskode van die skool of die gedragskode van die koshuis.

Ernstige wangedrag deur koshuisloseerder

18C. Behoudens die bepalings van die Suid-Afrikaanse Skolewet kan ’n koshuisloseerder, terwyl hy of sy by ’n koshuis is of aan ’n koshuisaktiwiteit deelneem, wat—

- (a) ’n gevaarlike voorwerp op die koshuisperseel of na ’n koshuisaktiwiteit bring, of gebruik, dreig om dit te gebruik, dit in sy of haar besit het, dit verkoop of versprei;
- (b) alkoholiese drank of ’n onwettige dwelm op die koshuisperseel of na ’n koshuisaktiwiteit bring, gebruik, in sy of haar besit het, verkoop, versprei of, in die omstandighede beoog in artikel 45A(9) van die Wet, positief daarvoor getoets word;
- (c) ’n daad van afknouery, aanranding, diefstal, brandstigting, kwaadwillige saakbeskadiging, of ’n ander kriminele oortreding pleeg, of dreig om so ’n daad te pleeg;
- (d) haatspraak gebruik, hom- of haarself skuldig maak aan viktimisasie, intimidasie, rassisme, seksisme of teistering, pornografiese materiaal besit of versprei of deelneem aan enige daad van openbare onsedelikheid;
- (e) medekoshuisloseerders, medeleerders, beamptes of personeellede of besoekers by die skool of die koshuis sonder respek behandel, hul regte skend, hul veiligheid bedreig, hulle dreig of hulle verbaal mishandel;
- (f) koshuisinfrastruktuur of -eiendom vandaliseer, vernietig of ontsier;
- (g) ’n daad van growwe ongehoorsaamheid pleeg;
- (h) met die doel om hom- of haarself of enige ander persoon in ’n posisie te plaas om ’n onregverdige voordeel te verkry, enige ongemagtigde afskrif van ’n toets- of

eksamenvraestel in sy of haar besit het, gebruik, versprei of uitruil, of ten opsigte van enige toets of eksamen kul of iemand omkoop of poog om enigiemand om te koop;

- (i) die koshuisprogram ontwrig of dreig om so 'n daad te pleeg;
- (j) hom- of haarself valslik identifiseer, of bewustelik en opsetlik vals inligting verskaf of dokumentasie vervals, om 'n onbillike voordeel by die koshuis te verkry, of enige ander daad van bedrog pleeg;
- (k) enige ontgroeningspraktyk teen 'n medeleerder of 'n medekoshuisloseerder lei of daaraan deelneem;
- (l) enige reg oortree;
- (m) die gedragskode van die skool of die gedragskode van die koshuis oortree; of
- (n) hom- of haarself, na die mening van die beheerliggaam, op 'n skandelige, onbehoorlike of onweloweglike wyse gedra, skuldig wees aan ernstige wangedrag.

Ondersoek na beweerde ernstige wangedrag

18D. (1)(a) Waar die koshuis Komitee inligting kry dat die beweerde gedrag van 'n koshuisloseerder ernstige wangedrag beoog in regulasie 18C kan uitmaak, moet die koshuis Komitee die prinsipaal skriftelik in kennis stel.

(b) Enige persoon wat weet, glo of om grondige redes vermoed dat 'n koshuisloseerder 'n daad van ernstige wangedrag beoog in regulasie 18C gepleeg het, kan die prinsipaal in kennis stel.

(2) Sodra die prinsipaal in kennis gestel is, moet hy of sy onverwyld—

- (a) ondersoek instel of 'n ondersoek laat instel om vas te stel of daar gronde is om dissiplinêre verrigtinge in te stel; en
- (b) besluit of daar genoeg bewyse is om dissiplinêre verrigtinge teen die koshuisloseerder ten opsigte van die beweerde ernstige wangedrag in te stel.

(3) Indien die prinsipaal besluit dat daar voldoende gronde is om teen die koshuisloseerder dissiplinêre verrigtinge ten opsigte van die beweerde ernstige wangedrag in te stel, moet die prinsipaal onverwyld 'n ondersoekverslag aan die beheerliggaam voorlê.

Skorsing van koshuisloseerder as voorsorgmaatreël

18E. (1) By ontvangs van die ondersoekverslag van die prinsipaal soos beoog in regulasie 18D(3), of uit eie beweging, kan die beheerliggaam, indien daar redelike gronde is en as voorsorgmaatreël, die koshuisloseerder wat van ernstige wangedrag verdink word, skors—

- (a) uit koshuisinwoning; of
- (b) uit koshuisinwoning en skoolbywoning,

vir 'n tydperk van hoogstens sewe skooldae, welke tydperk slegs soos beoog in regulasie 18H(2) verleng mag word.

- (2) Die volgende maak redelike gronde vir skorsing as voorsorgmaatreël uit:
- (a) die teenwoordigheid van die koshuisloseerder by die koshuis of die skool, of die koshuis en die skool, sal waarskynlik—
 - (i) die veiligheid van medekoshuisloseerders, medeleerders, beamptes of personelede of besoekers by die skool of die koshuis in die gevang bring;
 - (ii) beskadiging van eiendom tot gevolg hê; of
 - (iii) ontwrigting van die koshuisprogram of die skoolprogram veroorsaak; of
 - (b) die koshuisloseerder sal waarskynlik met getuies inmeng of met bewyse peuter.
- (3) Voordat die beheerliggaam die skorsing ingevolge subregulasie (1) afdwing, moet hy—
- (a) die koshuisloseerder en sy of haar ouers van die voorgenome skorsing en die redes daarvoor in kennis stel; en
 - (b) die koshuisloseerder en sy of haar ouers 'n redelike geleentheid bied om mondelinge of skriftelike verhoë ten opsigte van die voorgenome skorsing aan die beheerliggaam te rig.
- (4) Die beheerliggaam moet alle besluite om te skors en die aard van skorsing by die distriksdirekteur aanmeld, wat 'n register van alle skorsings moet hou.

Kennisgewing van dissiplinêre verrigtinge

18F. (1) Die beheerliggaam moet die koshuisloseerder en sy of haar ouers skriftelik in kennis stel dat dissiplinêre verrigtinge teen die koshuisloseerder ingestel sal word.

- (2) Die kennisgewing moet—
- (a) ten minste vyf skooldae kennis van die dissiplinêre verhoor gee;
 - (b) die koshuisloseerder en sy of haar ouers in kennis stel dat dissiplinêre verrigtinge teen die koshuisloseerder ingestel sal word;
 - (c) voldoende besonderhede van die datum, tyd, plek en aard van die beweerde ernstige wangedrag bevat sodat die koshuisloseerder die insident kan identifiseer en by die dissiplinêre verhoor daarop kan reageer;
 - (d) die datum, tyd en lokaal van die dissiplinêre verhoor bevat;
 - (e) die koshuisloseerder adviseer van sy of haar—
 - (i) reg om by die verhoor vergesel en verteenwoordig te word deur sy of haar ouers of deur 'n verteenwoordiger gekies deur sy of haar ouers of aangestel deur die beheerliggaam of dissiplinêre komitee soos beoog in regulasie 18H(6);
 - (ii) reg om toegang te versoek tot dokumente of inligting wat as getuienis verskaf is; en
 - (iii) reg om sy of haar saak te stel, vrae te vra, te kruisondervra, getuienis aan te voer, getuies te roep en dokumentêre getuienis te lewer om kwessies ten opsigte van die aantyging op te klaar; en
 - (f) die koshuisloseerder inlig, waar van toepassing, van die skorsing as voorsorgmaatreël en die aard van die akademiese ondersteuning wat die skool voor die dissiplinêre verhoor en gedurende die skorsingstydperk beoog in regulasie 18E(1) sal verskaf.
- (3) Die prinsipaal moet die kennisgewing beoog in subregulasie (1) aan die koshuisloseerder gee en reëlings tref dat 'n afskrif daarvan aan die ouers van die koshuisloseerder verskaf word.

(4) Die beheerliggaam moet reëlings tref dat 'n afskrif van die ondersoekverslag beoog in regulasie 18D(3) voor die aanvang van die dissiplinêre verhoor aan die koshuisloseerder en die ouers van die koshuisloseerder verskaf word.

Dissiplinêre komitee

18G. (1) Die beheerliggaam moet die dissiplinêre verhoor uitvoer of 'n dissiplinêre komitee stig om dit te doen.

(2) Indien die beheerliggaam 'n dissiplinêre komitee stig om die dissiplinêre verhoor uit te voer, moet die dissiplinêre komitee—

- (a) uit ten minste vyf persone bestaan, van wie minstens drie lede van die beheerliggaam moet wees; en
- (b) onder die voorsitterskap wees van 'n lid van die beheerliggaam aangewys deur die beheerliggaam wat nie 'n beampte of personeellid by die skool of koshuis is nie.

(3) Die prinsipaal, koshuisloseerders by die koshuis, leerders by die skool, en persone met 'n botsing van belang kom nie in aanmerking om lede van die dissiplinêre komitee te wees nie en mag nie teenwoordig wees wanneer die beheerliggaam die verslag of aanbevelings van die dissiplinêre komitee, indien van toepassing, bespreek nie.

Algemene bepalinge ten opsigte van dissiplinêre verhore

18H. (1) 'n Dissiplinêre verhoor van 'n koshuisloseerder moet uitgevoer word—

- (a) binne sewe skooldae ná die skorsing van sodanige koshuisloseerder soos beoog in regulasie 18E(1); en
- (b) nadat minstens vyf skooldae verloop het sedert kennis van die dissiplinêre verhoor soos beoog in regulasie 18F gegee is.

(2) Indien 'n dissiplinêre verhoor nie binne sewe skooldae ná die skorsing van die koshuisloseerder beoog in subregulasie 18E(1) uitgevoer word nie, moet die beheerliggaam die goedkeuring van die Departementshoof vir die voortdoring van die skorsing van die koshuisloseerder verkry.

(3) Indien die beheerliggaam—

- (a) 'n dissiplinêre komitee soos beoog in regulasie 18G gestig het, moet die dissiplinêre komitee ooreenkomstig regulasie 18I handel; of
- (b) nie 'n dissiplinêre komitee gestig het nie, moet die beheerliggaam ooreenkomstig regulasie 18J handel.

(4) By die dissiplinêre verhoor het die koshuisloseerder die regte beoog in regulasie 18F(2)(e).

(5) Indien die koshuisloseerder of sy of haar ouers versuim om sonder grondige redes die dissiplinêre verhoor by te woon—

- (a) ná behoorlike kennisgewing beoog in regulasie 18F; of
- (b) op 'n datum soos ooreengekom deur die koshuisloseerder of sy of haar ouers en die beheerliggaam,

en nadat sodanige verhoor 'n tweede keer byeengeroep is, kan die verhoor in die afwesigheid van die koshuisloseerder of sy of haar ouers uitgevoer word.

(6) Indien die koshuisloseerder nie by die dissiplinêre verhoor deur sy of haar ouers of 'n verteenwoordiger gekies deur sy of haar ouers vergesel word nie, moet die beheerliggaam of dissiplinêre komitee, na gelang van die geval—

- (a) by die koshuisloseerder verneem waarom sy of haar ouers afwesig is;

- (b) die koshuisloseerder in kennis stel van sy of haar reg om 'n gepaste persoon aangestel te hê deur die beheerliggaam of dissiplinêre komitee, na gelang van die geval, om hom of haar by die dissiplinêre verhoor by te staan of te verteenwoordig, en die voordele van sodanige aanstelling aan die koshuisloseerder verduidelik; en
- (c) ná oorleg met die koshuisloseerder en onderhewig aan sy of haar toestemming, 'n geskikte persoon aanstel om hom of haar by die dissiplinêre verhoor by te staan of te verteenwoordig.

(7)(a) 'n Klaer of getuie onder die ouderdom van 18 jaar kan by 'n dissiplinêre verhoor vergesel word van sy of haar ouers of 'n verteenwoordiger gekies deur sy of haar ouers.

(b) Indien dit vir die beheerliggaam of dissiplinêre komitee, na gelang van die geval, blyk dat die lewering van getuienis by 'n dissiplinêre verhoor 'n klaer of getuie onder die ouderdom van 18 jaar aan onnodige spanning of lyding kan blootstel, kan hy 'n bevoegde persoon as tussenganger aanstel ten einde sodanige klaer of getuie in staat te stel om sy of haar getuienis deur daardie tussenganger te lewer.

(c) Indien 'n tussenganger soos beoog in paragraaf (b) aangestel is—

- (i) moet alle vrae aan die betrokke klaer of getuie deur daardie tussenganger gestel word; en
- (ii) kan sodanige tussenganger, tensy die beheerliggaam of die dissiplinêre komitee, na gelang van die geval, anders opdrag gee, die algemene strekking van enige vraag aan die betrokke klaer of getuie oordra.

(d) Indien 'n tussenganger soos beoog in paragraaf (b) aangestel is, kan die beheerliggaam of dissiplinêre komitee, na gelang van die geval, opdrag gee dat die betrokke klaer of getuie sy of haar getuienis by enige plek moet lewer wat—

- (i) daardie klaer of getuie gerusstel;
- (ii) op so 'n wyse ingerig is dat enige persoon wie se teenwoordigheid daardie klaer of getuie kan ontstel, buite die sig- en hoorafstand van daardie klaer of getuie is; en
- (iii) deur middel van enige elektroniese of ander toestelle die beheerliggaam of dissiplinêre komitee, na gelang van die geval, en enige persoon wie se teenwoordigheid by die dissiplinêre verhoor nodig is, in staat stel om daardie tussenganger sowel as daardie klaer of getuie tydens sy of haar getuienis te hoor.

(8) Die beheerliggaam of dissiplinêre komitee, na gelang van die geval, moet onpartydig en regverdig wees en sonder guns of vooroordeel optree.

Dissiplinêre verhore uitgevoer deur dissiplinêre komitee

18I. (1) Hierdie regulasie is van toepassing indien die beheerliggaam 'n dissiplinêre komitee soos beoog in regulasie 18G gestig het.

(2) Die voorsitter van die dissiplinêre komitee moet by aanvang van die dissiplinêre verhoor—

- (a) die redes vir die dissiplinêre verhoor verduidelik;
- (b) versoek dat die aanklag of aanklagte in die rekord ingelees word; en
- (c) die koshuisloseerder vra om op die aanklag te pleit.

(3) Indien die koshuisloseerder skuldig pleit—

- (a) moet die voorsitter van die dissiplinêre komitee toesien dat die koshuisloseerder weet en verstaan waarop hy of sy skuldig pleit;
 - (b) moet die dissiplinêre komitee tevrede wees dat die pleit vrywilliglik en nie onder dwang gemaak is nie; en
 - (c) moet die voorsitter van die dissiplinêre komitee—
 - (i) die feite van die aangeleentheid in die rekord inlees;
 - (ii) lede van die dissiplinêre komitee 'n geleentheid bied om vrae vir duidelikheid te stel;
 - (iii) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye, behalwe die lede van die dissiplinêre komitee, vra om die vertrek te verlaat terwyl die dissiplinêre komitee beraadslaag oor 'n bevinding wat aan die beheerliggaam aanbeveel gaan word; en
 - (iv) nadat die dissiplinêre komitee oor 'n bevinding wat aan die beheerliggaam aanbeveel gaan word, besluit het, die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye terugroep en hulle in kennis stel van die bevinding wat aan die beheerliggaam aanbeveel gaan word.
- (4) Indien die koshuisloseerder onskuldig pleit, moet die voorsitter van die dissiplinêre komitee—
- (a) getuienis aanvra wat aangevoer kan word ter ondersteuning van die aanklag, insluitende die oproep van die klaer en getuies;
 - (b) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder die geleentheid bied om vrae aan die klaer en getuies te stel met die doel om getuienis te weerlê;
 - (c) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder 'n geleentheid bied om die koshuisloseerder se saak te stel en getuies te roep;
 - (d) lede van die dissiplinêre komitee 'n geleentheid bied om vrae vir duidelikheid te stel;
 - (e) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye, behalwe die lede van die dissiplinêre komitee, vra om die vertrek te verlaat terwyl die dissiplinêre komitee beraadslaag oor 'n bevinding wat aan die beheerliggaam aanbeveel gaan word; en
 - (f) nadat die dissiplinêre komitee oor 'n bevinding besluit het wat aan die beheerliggaam aanbeveel gaan word, die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye terugroep en hulle in kennis stel van die bevinding wat aan die beheerliggaam aanbeveel gaan word.
- (5) Indien die dissiplinêre komitee besluit het om 'n bevinding aan te beveel dat die koshuisloseerder onskuldig is aan ernstige wangedrag, moet die voorsitter van die dissiplinêre komitee 'n verslag van die dissiplinêre verhoor, die getuienis en die aanbeveling aan die beheerliggaam voorlê.
- (6) Indien die dissiplinêre komitee besluit het om 'n bevinding aan te beveel dat die koshuisloseerder aan ernstige wangedrag skuldig is, moet die voorsitter van die dissiplinêre komitee—
- (a) die volgende persone vra:
 - (i) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder; en
 - (ii) 'n verteenwoordiger van die skool,

of hulle enige skriftelike of mondelinge versoë wil rig voordat die dissiplinêre komitee beraadslaag oor 'n gepaste strafmaatreël om aan die beheerliggaam aan te beveel;

- (b) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye, behalwe die lede van die dissiplinêre komitee, vra om die vertrek te verlaat terwyl die dissiplinêre komitee beraadslaag oor 'n gepaste strafmaatreël om aan die beheerliggaam aan te beveel;
- (c) nadat die dissiplinêre komitee, met inagneming van alle getuienis en versoë, besluit het oor 'n gepaste strafmaatreël beoog in regulasie 18J(7) om aan die beheerliggaam aan te beveel, die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye terugroep en hulle in kennis stel van die strafmaatreël wat aan die beheerliggaam aanbeveel gaan word; en
- (d) 'n verslag van die dissiplinêre verhoor, die getuienis, versoë en die aanbeveling aan die beheerliggaam voorlê.

(7) Die beheerliggaam moet, met in agneming van die inligting voorgelê deur die dissiplinêre komitee soos beoog in subregulasie (5) of (6)(d), na gelang van die geval, besluit oor 'n bevinding en, indien hy bevind dat die koshuisloseerder—

- (a) onskuldig is aan ernstige wangedrag, die koshuisloseerder en sy of haar ouers skriftelik van die bevinding van die beheerliggaam in kennis stel; of
- (b) skuldig is aan ernstige wangedrag—
 - (i) indien die dissiplinêre komitee aanbeveel het dat die koshuisloseerder skuldig bevind word, oor 'n strafmaatreël beoog in regulasie 18J(7) besluit; of
 - (ii) indien die dissiplinêre komitee aanbeveel het dat die koshuisloseerder onskuldig bevind word—
 - (aa) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder; en
 - (bb) 'n verteenwoordiger van die skool, vra of hulle enige skriftelike of mondelinge versoë oor 'n gepaste strafmaatreël wil rig, en oor 'n strafmaatreël beoog in regulasie 18J(7) besluit, en die koshuisloseerder en sy of haar ouers skriftelik in kennis stel van die strafmaatreël wat opgelê word.

Dissiplinêre verhore uitgevoer deur beheerliggaam

18J. (1) Hierdie regulasie is van toepassing indien die beheerliggaam nie 'n dissiplinêre komitee soos beoog in regulasie 18G gestig het nie.

(2) Die voorsitter van die beheerliggaam moet by aanvang van die dissiplinêre verhoor—

- (a) die redes vir die dissiplinêre verhoor verduidelik;
- (b) versoek dat die aanklag of aanklagte in die rekord ingelees word; en
- (c) die koshuisloseerder vra om op die aanklag te pleit.

(3) Indien die koshuisloseerder skuldig pleit—

- (a) moet die voorsitter van die beheerliggaam toesien dat die koshuisloseerder weet en verstaan waarop hy of sy skuldig pleit;
- (b) moet die beheerliggaam tevrede wees dat die pleit vrywilliglik en nie onder dwang gemaak is nie; en
- (c) moet die voorsitter van die beheerliggaam—
 - (i) die feite van die aangeleentheid in die rekord inlees;

- (ii) lede van die beheerliggaam 'n geleentheid bied om vrae vir duidelikheid te stel;
 - (iii) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye, behalwe die lede van die beheerliggaam, vra om die vertrek te verlaat terwyl die beheerliggaam oor 'n bevinding beraadslaag; en
 - (iv) nadat die beheerliggaam oor 'n bevinding besluit het, die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye terugroep en hulle van die beheerliggaam se bevinding in kennis stel.
- (4) Indien die koshuisloseerder onskuldig pleit, moet die voorsitter van die beheerliggaam—
- (a) getuienis aanvra wat aangevoer kan word ter ondersteuning van die aanklag, insluitende die oproep van die klaer en getuies;
 - (b) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder die geleentheid bied om vrae aan die klaer en getuies te stel met die doel om getuienis te weerlê;
 - (c) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder 'n geleentheid bied om die koshuisloseerder se saak te stel en getuies op te roep;
 - (d) lede van die beheerliggaam 'n geleentheid bied om vrae vir duidelikheid te stel;
 - (e) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye, behalwe die lede van die beheerliggaam, vra om die vertrek te verlaat terwyl die beheerliggaam oor 'n bevinding beraadslaag; en
 - (f) nadat die beheerliggaam oor 'n bevinding besluit het, die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye terugroep en hulle van die beheerliggaam se bevinding in kennis stel.
- (5) Indien die beheerliggaam besluit om die koshuisloseerder onskuldig aan ernstige wangedrag te bevind, moet hy die koshuisloseerder en sy of haar ouers skriftelik van die bevinding van die beheerliggaam in kennis stel.
- (6) Indien die beheerliggaam besluit om die koshuisloseerder aan ernstige wangedrag skuldig te bevind, moet die voorsitter van die beheerliggaam—
- (a) die volgende persone vra:
 - (i) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder; en
 - (ii) 'n verteenwoordiger van die skool, of hulle enige skriftelike of mondelinge verdoë wil rig voordat 'n gepaste strafmaatreël deur die beheerliggaam oorweeg word;
 - (b) die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye, behalwe die lede van die beheerliggaam, vra om die vertrek te verlaat terwyl die beheerliggaam oor 'n gepaste strafmaatreël beraadslaag; en
 - (c) nadat die beheerliggaam, met in agneming van alle getuienis en verdoë, besluit het oor 'n gepaste strafmaatreël beoog in subregulasie (7), die koshuisloseerder, verteenwoordiger en ouers van die koshuisloseerder en enige ander partye terugroep en hulle van die strafmaatreël in kennis stel.
- (7) Indien die beheerliggaam die koshuisloseerder aan ernstige wangedrag skuldig bevind, moet hy besluit of—
- (a) die koshuisloseerder as 'n korrektiewe maatreël geskors moet word—
 - (i) uit koshuisinwoning; of
 - (ii) uit koshuisinwoning en skoolbywoning, vir 'n tydperk van hoogstens sewe skooldae;

- (b) die uitsetting van die koshuisloseerder—
 - (i) uit die koshuis; of
 - (ii) uit die koshuis en die skool,
 aan die Departementshoof soos beoog in regulasie 18K aanbeveel behoort te word; of
 - (c) enige ander strafmaatreël beoog vir ernstige wangedrag in die gedragskode van die skool of die gedragskode van die koshuis aan die koshuisloseerder opgelê behoort te word.
- (8) Ondanks subregulasies (3)(c)(iv), (4)(f) en (6)(c) moet die beheerliggaam die koshuisloseerder en sy of haar ouers skriftelik in kennis stel van die bevinding van die beheerliggaam en die strafmaatreël wat opgelê word, indien van toepassing.

Aanbeveling van uitsetting deur beheerliggaam

18K. (1) Indien die beheerliggaam besluit dat uitsetting die gepaste strafmaatreël is, moet die beheerliggaam 'n skriftelike aanbeveling aan die Departementshoof maak om die koshuisloseerder uit te sit—

- (a) uit die koshuis; of
- (b) uit die koshuis en uit die skool.

(2) Hangende 'n besluit van die Departementshoof kan die beheerliggaam die koshuisloseerder skors of die skorsing van die koshuisloseerder verleng—

- (a) uit koshuisinwoning; of
- (b) uit koshuisinwoning en skoolbywoning,

vir 'n tydperk van hoogstens 14 skooldae vanaf die dag waarop die aanbeveling aan die Departementshoof voorgelê is.

(3) Waar die beheerliggaam uitsetting aan die Departementshoof aanbeveel moet die beheerliggaam die prinsipaal opdrag gee om binne drie skooldae ná die besluit van die beheerliggaam beoog in regulasie 18J(7)(b) aan die Departementshoof die volgende voor te lê:

- (a) die ondersoekverslag beoog in regulasie 18D(3);
- (b) die notule van die vergadering waarop die besluit geneem is;
- (c) enige skriftelike verhoë wat deur die koshuisloseerder, ouers van die koshuisloseerder, verteenwoordiger van die koshuisloseerder en verteenwoordiger van die skool voorgelê is; en
- (d) die volledige rekord van die dissiplinêre verrigtinge deur die dissiplinêre komitee of beheerliggaam, na gelang van die geval, en die gevolglike stappe deur die beheerliggaam, indien enige.

(4) Die gesamentlike tydperk van skorsing van 'n koshuisloseerder deur die beheerliggaam ingevolge—

- (a) regulasie 18E(1);
- (b) regulasie 18J(7)(a); en
- (c) subregulasie (2),

kan vir elke dissiplinêre verrigting teen sodanige koshuisloseerder nie 21 skooldae oorskry nie, tensy die beheerliggaam die goedkeuring van die Departementshoof vir die voortsetting van die skorsing van die koshuisloseerder soos beoog in regulasie 18H(2) verkry.

(5)(a) Die Departementshoof moet die aanbeveling van die beheerliggaam oorweeg en moet—

- (i) die koshuisloseerder uit die koshuis sit;
- (ii) die koshuisloseerder uit die koshuis en uit die skool sit;
- (iii) 'n geskikte strafmaatreël aan die koshuisloseerder oplê, ná oorleg met die beheerliggaam, welke strafmaatreël deur die beheerliggaam geïmplementeer moet word; of
- (iv) indien die Departementshoof besluit om nie 'n strafmaatreël aan die koshuisloseerder op te lê nie, die saak terugverwys na die beheerliggaam vir 'n alternatiewe strafmaatreël, buiten uitsetting, ingevolge die gedragskode van die skool of die gedragskode van die koshuis, welke strafmaatreël deur die beheerliggaam geïmplementeer moet word,

binne 14 skooldae van ontvangs van die aanbeveling.

(b) Die Departementshoof moet die beheerliggaam, die koshuisloseerder en die ouers van die koshuisloseerder onmiddellik skriftelik in kennis stel van die Departementshoof se besluit, met die redes vir die besluit.

(c) Indien die Departementshoof die koshuisloseerder uitsit—

- (i) uit die koshuis; of
- (ii) uit die koshuis en uit die skool,

moet die kennisgewing beoog in paragraaf (b) 'n verwysing insluit na die reg tot appèl na die Provinsiale Minister.

(d) Indien die Departementshoof die koshuisloseerder slegs uit die koshuis sit, beteken sodanige uitsetting nie dat die koshuisloseerder ook uit die skool gesit is nie.

Appèl ten opsigte van uitsetting

18L. (1) 'n Koshuisloseerder, of die ouers van 'n koshuisloseerder, wat uitgesit is—

- (a) uit die koshuis; of
- (b) uit die koshuis en uit die skool,

kan teen die besluit van die Departementshoof appelleer deur binne 14 skooldae van ontvangs van die uitsettingskennisgewing van die Departementshoof soos beoog in regulasie 18K(5)(b) 'n kennisgewing van appèl by die Provinsiale Minister in te dien.

(2) 'n Afskrif van die kennisgewing van appèl beoog in subregulasie (1) moet ook by die kantoor van die Departementshoof en die voorsitter van die beheerliggaam ingedien word.

(3) Indien die koshuisloseerder, ouers van die koshuisloseerder, verteenwoordiger van die koshuisloseerder of verteenwoordiger van die skool verdere verdoë aan die Provinsiale Minister rig, moet 'n afskrif van die verdoë ook aan die voorsitter van die beheerliggaam voorgelê word vir die beheerliggaam se antwoord.

(4) Indien 'n appèl ingevolge subregulasie (1) deur die Provinsiale Minister gehandhaaf word, moet die Provinsiale Minister binne 14 skooldae vanaf die datum waarop die appèl gehandhaaf is, toesien dat een van die volgende strafmaatreëls aan die koshuisloseerder opgelê word:

- (a) indien die Departementshoof die koshuisloseerder uit die koshuis gesit het en die Provinsiale Minister teen sodanige uitsetting besluit, kan die Provinsiale Minister, ná oorleg met die beheerliggaam, 'n gepaste strafmaatreël aan die koshuisloseerder oplê, wat deur die beheerliggaam geïmplementeer moet word;

- (b) indien die Departementshoof die koshuisloseerder uit die koshuis en die skool gesit het en die Provinsiale Minister teen sodanige uitsetting uit die koshuis en die skool besluit, kan die Provinsiale Minister, ná oorleg met die beheerliggaam—
 - (i) die koshuisloseerder slegs uit die koshuis sit; of
 - (ii) 'n gepaste strafmaatreël aan die koshuisloseerder oplê, wat deur die beheerliggaam geïmplementeer moet word; of
- (c) indien die Provinsiale Minister besluit om nie 'n strafmaatreël aan die koshuisloseerder op te lê nie, moet die Provinsiale Minister die aangeleentheid terugverwys na die beheerliggaam vir 'n alternatiewe strafmaatreël, buiten uitsetting, ingevolge die gedragskode van die skool of die gedragskode van die koshuis.

Toegang tot onderrig ná uitsetting

18M. (1) Indien 'n koshuisloseerder wat aan verpligte skoolbywoning onderworpe is, uitgesit word—

- (a) uit die koshuis, en die uitsetting tot gevolg sal hê dat die koshuisloseerder nie die skool sal kan bywoon nie; of
- (b) uit die koshuis en uit die skool,

moet die Departementshoof 'n alternatiewe reëling tref vir die koshuisloseerder se plasing—

- (i) by 'n openbare skool; of
- (ii) by 'n openbare skool en die skool se koshuis, indien die skool beoog in subparagraaf (i) nie vir die koshuisloseerder toeganklik is nie.

(2) Indien 'n koshuisloseerder wat nie aan verpligte skoolbywoning onderworpe is nie, uitgesit word—

- (a) uit die koshuis, en die uitsetting die gevolg sal hê dat die koshuisloseerder nie die skool sal kan bywoon nie; of
- (b) uit die koshuis en uit die skool,

kan sy of haar ouers 'n alternatiewe reëling tref vir sy of haar plasing—

- (i) by 'n skool; of
- (ii) by 'n skool en sy koshuis,

en kan hulle die bystand van die distriksdirekteur met sodanige plasing versoek.

(3) Indien die koshuisloseerder uitgesit is—

- (a) uit die koshuis, en die uitsetting tot gevolg sal hê dat hy of sy nie die skool sal kan bywoon nie; of
- (b) uit die koshuis en uit die skool,

en die koshuisloseerder of sy of haar ouers op die wyse beoog in regulasie 18L geappelleer het, moet sodanige koshuisloseerder, hangende die uitslag van die appèl, toegang gegee word tot onderrig op die wyse bepaal deur die Departementshoof ná oorleg met die prinsipaal.

(4) By die bepaling van 'n alternatiewe reëling vir plasing beoog in subregulasie (1) of van die wyse van toegang tot onderrig beoog in subregulasie (3)—

- (a) moet die Departementshoof redelike maatreëls tref om die regte te beskerm van beamptes, personeellede en besoekers by die betrokke skool en die betrokke koshuis, indien van toepassing, en ander—
 - (i) leerders by die betrokke skool; en
 - (ii) koshuisloseerders by die betrokke koshuis, indien van toepassing; en

(b) kan die Departementshoof ’n alternatiewe metode oorweeg om onderrig aan die koshuisloseerder te verskaf, wat enige van of al die volgende kan insluit:

(i) toesien dat die koshuisloseerder toegelaat word tot—

(aa) ’n ander skool; of

(bb) ’n ander skool en sy koshuis;

(ii) vereis dat die koshuisloseerder berading op distriksvlak bywoon met Gespesialiseerde Leerder- en Opvoederondersteuning of Skool- Sielkundige Ondersteuning of Skool- Maatskaplike Ondersteuning; en

(iii) gereelde vorderingsverslae ten opsigte van die berading beoog in subparagraaf (ii) van die tersaaklike ondersteuningskomponent aanvra.

(5) Enige koshuisloseerder wat gedurende die laaste kwartaal van ’n jaar uitgesit is—

(a) uit die koshuis, en die uitsetting tot gevolg sal hê dat hy of sy nie in staat sal wees om die skool by te woon nie; of

(b) uit die koshuis en uit die skool,

moet die geleentheid gegee word om die finale eksamens van daardie skool in daardie jaar af te lê, en die prinsipaal van die skool kan van die koshuisloseerder vereis om die eksamens in ’n lokaal apart van die leerders van die skool af te lê.

Teenstrydigheid

18N. Indien daar enige teenstrydigheid tussen regulasies 18A tot 18M en die Regulasies betreffende Dissiplinerings, Skorsing en Uitsetting van Leerders in Openbare Skole in die Wes-Kaap ontstaan, geld regulasies 18A tot 18M waar ’n koshuisloseerder betrokke is.”.

Vervanging van regulasie 21 van die Regulasies

10. Regulasie 21 word deur die volgende regulasie vervang:

“Kort titel en datum van inwerkingtreding

21. Hierdie regulasies heet die Regulasies betreffende die Bestuur en Beheer van Koshuise by Openbare Skole en tree met ingang van 1 Januarie 2013 in werking.”.

Wysiging van Indeling van Regulasies

11. Die Indeling van Regulasies voor regulasie 1 van die Regulasies word gewysig—

(a) deur ná die verwysing na die opskrif van regulasie 1 die volgende item in te voeg:

“**1A.** Toepassing van regulasies”;

(b) deur die verwysing na die opskrif van regulasie 18 te skrap; en

(c) deur voor die verwysing na die opskrif van regulasie 19 die volgende item in te voeg:

“**18A.** Gedragskode

18B. Gedrag by koshuise

18C. Ernstige wangedrag deur koshuisloseerder

18D. Ondersoek na beweerde ernstige wangedrag

18E. Skorsing van koshuisloseerder as voorsorgmaatregel

18F. Kennisgewing van dissiplinêre verrigtinge

18G. Dissiplinêre komitee

- 18H. Algemene bepalings ten opsigte van dissiplinêre verhore
- 18I. Dissiplinêre verhore uitgevoer deur dissiplinêre komitee
- 18J. Dissiplinêre verhore uitgevoer deur beheerliggaam
- 18K. Aanbeveling van uitsetting deur beheerliggaam
- 18L. Appèl ten opsigte van uitsetting
- 18M. Toegang tot onderrig ná uitsetting
- 18N. Teenstrydigheid”.

Kort titel

12. Hierdie regulasies heet die Regulasies betreffende die Bestuur en Beheer van Koshuise by Openbare Skole: Wysiging, 2022.

ISAZISO SEPHONDO

I.S. 104/2022

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**IMIGAQO EMALUNGA NOKUPHATHWA NOKULAWULWA KWEEHOSTELE
KWIZIKOLO ZIKARHULUMENTE NGOKOMTHETHO WEMFUNDO WEZIKOLO
ZEPHONDO LENTSHONA KOLONI, 1997 (UMTHETHO 12 KA-1997): IZILUNGISO, 2022**

UMphathiswa wezeMfundo wePhondo leNtshona Koloni, phantsi kwecandelo 63(1)(a), (cE), (d) no-(e) emalifundwe neziqendu 24(1)(a) no-45(9) zoMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997), necandelo 9(3) soMthetho weZikolo zaseMzantsi Afrika, 1996 (uMthetho 84 ka-1996), wenze le migaqo icaciswe kwiShedyuli.

ISHEDYULI

Iingcacisomagama

1. Kule migaqo “iMigaqo” ithetha iMigaqo emalunga nokuPhatwa nokuLawulwa kweeHostele kwiZikolo zikaRhulumente nokuLawulwa kwePropati engenakuShenxiseka noomaTshini neziXhobo zoKusebenza zeSebe leMfundo leNtshona Koloni, njengoko ipapashwe phantsi kweSaziso sePhondo 361/2012 somhla we-28 Novemba 2012.

Ukufakelwa kwezilungiso kumgaqo 1 weMigaqo

2. Umgaqo 1 weMigaqo ufakelwa izilungiso—

- (a) ngokufakelwa phambi kwale ngcaciso-gama “umququzeleli wehostele wesithili” le ngcacisogama ilandelayo:
 “**‘ikomiti yoluleko’** ithetha ikomiti emiselwe libhunga lolawulo lesikolo sikarhulumente ngokwecandelo 23 soMthetho ukuba ijongane nemibandela yezoluleko;”;
- (b) ngokufakelwa emva kwengcacisogama “umququzeleli wehostele wesithili” le ngcacisogama ilandelayo:
 “**‘ukugxothwa’** kuthetha ukuthintelwa ngokupheleleyo ekuhambeni isikolo komfundi ohlala ehostele yiNtloko yeSebe—
 (a) ekuhlaleni kwihostele ethile; okanye
 (b) ekuhlaleni kwihostele ethile nasekuhambeni isikolo esithile,
 emva kokulandelwa kwale nkqubo ngokwale migaqo, yaye **‘ukugxotha’** kunale ntsingiselo ingqinelana noku;”;
- (c) ngokufakelwa kwengcacisogama “umququzeleli wehostele wephondo” kwale ngcacisogama ilandelayo:
 “**‘IMigaqo emalunga nokuLuleka, ukuNqumamisa nokuGxotha aBafundi kwiZikolo zikaRhulumente kwiPhondo leNtshona Koloni’** ithetha iMigaqo emalunga nokuLuleka, ukuNqumamisa nokuGxotha aBafundi kwiZikolo zikaRhulumente kwiPhondo leNtshona Koloni, njengoko ipapashwe phantsi kweSaziso sePhondo 365/2011 somhla we-15 Disemba 2011, esinokufakelwa izilungiso kumaxesha ngamaxesha;”;
- (d) ngokucinywa emva kwengcaciso-gama “ikhankatha” kwegama “kananjalo”; kunye

- (e) nangokufakelwa emva kwengcaciso-gama “ikhankatha” yale ngcaciso-gama ilandelayo:
 “**‘ukunqunyanyiswa’** kuthetha ukuthintelwa okwethutyana komfundi ohlala ehostele libhunga lolawulo, okanye yiNtloko yeSebe—
 (a) ekuhlaleni kwihostele ethile; okanye
 (b) ekuhlaleni kwihostele ethile nasekuhambeni isikolo esithile, yaye **‘ukunqumamisa’** kunentsingiselo engqinelana noku.”

Ukufakelwa komgaqo 1A weMigaqo

3. Lo mgaqo ulandelayo ufakelwa kwiMigaqo emva komgaqo 1:

“Ukusetyenziswa kweMigaqo

1A. Le migaqo isebenza kuzo zonke iihostele kwizikolo zikarhulumente kwiphondo.”.

Ukufakelwa kwezilungiso kumgaqo 6 weMigaqo

4. Umgaqo 6 weMigaqo ufakelwa izilungiso ngokufakelwa kwalo mgaqwana ulandelayo:
 “(3) INtloko yeSebe mayenze yonke imisebenzi eyabelwe iNtloko yeSebe yile migaqo.”.

Ukufakelwa kwezilungiso kumgaqo 8 weMigaqo

5. Umgaqo 8 weMigaqo ufakelwe izilungiso—
 (a) ngokufakelwa komhlathi (a) womgaqwana (1) walo mhlathi ulandelayo:
 “(a) usungule ikomiti yehostele ngokwecandelo 23(1) loMthetho;”;
 kunye
 (b) nangokufakelwa emva komhlathi (a) womgaqwana (1) kwalo mhlathi ulandelayo:
 “(aA) wenza yonke imisebenzi eyabiwe ngokwale migaqo; yaye”.

Ukufakelwa kwezilungiso kumgaqo 11 weMigaqo

6. Umgaqo 11 weMigaqo ufakelwa izilungiso ngokufakelwa emva komhlathi (e) komgaqwana (1) kwalo mhlathi ulandelayo:

“(eA) yazise inqununu, njengoko kuchatshazelwe kumgaqwana 18D(1)(a), ngesityholo esixhomisa amehlo sokuziphatha kakubi komfundi ohlala ehostele, yaye mayinike iingcebiso kwinqununu nakwibhunga lolawulo malunga nendlela yokuziphatha ehostele ngokubanzi okanye ngomba wokuziphatha okhethekileyo;”.

Ukufakelwa kwezilungiso kumgaqo 13 weMigaqo

7. Umgaqo 13 weMigaqo ufakelwa izilungiso ngokufakelwa emva komhlathana (5) walo mhlathana ulandelayo:

“(5) Urhulumente kufuneka asungule ikomiti yokulahla ukufezekisa inkqubo nomgaqonkqubo ngokubhekiselele ekulahlweni kweeasethi ezisisigxina.”.

Ukutshitshiswa komgaqo 18 weMigaqo

8. Umgaqo 18 weMigaqo uyatshitshiswa.

Ukufakelwa kwemigaqo 18A, 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18I, 18J, 18K, 18L, 18M no-18N kwiMigaqo

9. Le migaqo ilandelayo ifakelwa kwiMigaqo phambi komgaqo 19:

“Umgaqo wokuziphatha

18A. (1) Ibhunga lolawulo maliwamkele umgaqo wokuziphatha wabafundi abahlala ehostele emva kothethathethwano nabafundi abahlala ehostele, nabazali babafundi abahlala ehostele, namagosa namalungu angabasebenzi ehostele.

(2) Umgaqo wokuziphatha mawube nenjongo yokumiselwa kwehostele eyindawo enentlonelo neneenjongo ezithile.

(3) Umgaqo wokuziphatha mawungakhabani nomgaqo wokuziphatha wesikolo omawufundwe kunye nawo nowamkelwe ngokwecandelo 8 soMthetho weZikolo zaseMzantsi Afrika.

Indlela yokuziphatha ehostele

18B. Amacandelo 45A no-46A alo Mthetho asebenza kunye neenguqu eziyimfuneko kubafundi abahlala ehostele, nako konke okumalunga noku—

- (a) umfundi makathathwe njengomfundi ongumfundi ohlala ehostele;
- (b) isikolo masithathwe njengesibhekisa kwihostele; yaye
- (c) umgaqo wokuziphatha ochatshazelwe kwicandelo 45(1) loMthetho mawuthathwe njengobhekiselele kumgaqo wokuziphatha wesikolo okanye kumgaqo wokuziphatha wehostele.

Ukuziphatha kakubi kakhulu komfundi ohlala ehostele

18C. Ngokuxhomekeke kwimigqaliselo yoMthetho weZikolo zaseMzantsi Afrika, umfundi ohlala ehostele lo gama esehostele okanye ethatha inxaxheba kumsebenzi wasehostele (*hostel activity*) othi—

- (a) aze nesixhobo kumasango ehostele okanye kumsebenzi wehostele, asebenzise, asongele ngokusebenzisa, abe naso kuye isixhobo, othengisa okanye ohambisa isixhobo esiyingozi;
- (b) azise kumasango ehostele okanye kumsebenzi wehostele, asebenzise, abenesixhobo kuye, athengise, ahambise isixhobo okanye, kwiimeko ezichatshazelwe kwicandelo 45A(9) salo Mthetho, afunyaniswe esele utywala obunxilisayo okanye esebenzise iziyobisi ezingekho mthethweni;
- (c) enze isenzo sokubhulisha (*bullying*) abanye, sokubetha, sokuba, sokutshisa ipropathi, okanye sokonakalisa ngolunya iprophathi, okanye esinye isenzo solwaphulo-mthetho, okanye wenza isoyikiso sokwenza eso senzo;
- (d) asebenzise intetho ebonisa intiyo, enze isenzo esenza yena abenetyala lokwenziwa ixhoba, loyikisa, lobandlululo ngokwesini okanye longcungcuthekiso ngokweze-

sondo, onayo kuye okanye osasaza imifanekiso nemathiriyeli yamanyala (*pornographic material*), okanye owenza nasipi na isenzo esilisikizi esidlangalaleni (*any act of public indecency*);

- (e) angawahloniphi, awatyeshela amalungelo abafundi, abeke engozini, ukhuseleko lwabanye abafundi, asongele ngokwenzakalisa okanye ngokungcungcuthekisa ngamazwi abanye abafundi abahlala ehostele, abafundi abafunda naye, amagosa okanye amalungu angabasebenzi besikolo okanye behostele okanye iindwendwe;
 - (f) agxagxise, atshabalalise okanye onakalise (*defaces*) iziseko zophuhliso okanye ipropati;
 - (g) enze isenzo sokungathobeli abasemagunyeni esixhomisa amehlo;
 - (h) abenenjongo yokuba alungiselele yena okanye omnye umntu, obenayo kuye, asebenzise, asasaze okanye arhwebe ngekopi engagunyaziswanga yephepha loviwo okanye lovavanyo, okopa, okanye onyoba okanye ozama ukunyoba nawuphi na umntu ngokumalunga nalo naluphi na uviwo okanye uvavanyo;
 - (i) aphazamisane neprogram yehostele, okanye wenza isoyikiso sokwenza eso senzo;
 - (j) azazise (*identifies*) yena exoka, okanye athi esazi yaye nangabom anike iinkcukacha ezizibubuxoki okanye amaxwebhu abubuxoki ukwenzela ukulungiselela yena ehostele, okanye wenza nasiphi na esinye isenzo sobuqhophololo;
 - (k) enze okanye athathe inxaxheba kwizenzo zokukhwelwa kwabanye abafundi (*initiation practices*) ngakumfundi afunda naye okanye umfundi ohlala naye ehostele;
 - (l) aphule nawuphi na umthetho;
 - (m) aphule umgaqo wokuziphatha kwabafundi esikolweni okanye umgaqo wokuziphatha kwabafundi ehostele; okanye
 - (n) aziphathe kakubi kakhulu yena ngokwembono yebhunga lolawulo ngendlela elihlazo, engafanelekanga okanye yobundlavini,
- unokufunyaniswa enetyala lokuziphatha kakubi kakhulu.

Uphando ngesityholo sokuziphatha kakubi kakhulu

18D. (1)(a) Apho ikomiti yehostele ifumana ingcaciso yokuba isityholo sokuziphatha komfundi ohlala ehostele sinokuba sisenzo sokuziphatha kakubi kakhulu esichatshazelwe kumgaqwana 18C, usihlalo wekomiti yehostele makazise inqununu ngencwadi ebhaliweyo.

(b) Nawuphi na umntu onolwazi, okholelwa okanye orhanela ukuba ngenxa yezizathu ezivakalayo umfundi ohlala ehostele wenze isenzo sokuziphatha kakubi kakhulu okuchatshazelwe kumgaqo 18C, unokwazisa inqununu.

(2) Yakuba yazisiwe, inqununu kufuneka ngaphandle kokulibazisa—

- (a) iphande okanye ibangele ukuba kwenziwe uphando ukumisela ukuba ngaba kukho izizathu zokuba kuqaliswe inyathelo leengxoxo zoluleko; nokuba
- (b) yenze isigqibo ngokuba ngaba kukho ubungqina obaneleyo bokuqalisa inyathelo loluleko ngakumfundi ohlala ehostele ngokumalunga nokuziphatha kakubi kakhulu komfundi.

(3) Ukuba inqununu ithatha isigqibo sokuba kukho ubungqina obaneleyo bokuqalisa amanyathelo oluleko ngakumfundi ohlala ehostele ngokumalunga nokuziphatha kakubi, inqununu ngaphandle kokulibazisa, ingenisa ingxelo kwibhunga lolawulo.

Ukunqunyanyiswa komfundi ohlala ehostele njengenyathelo lokumlumkisa

18E. (1) Kwakufunyanwa ingxelo yophando yenqununu njengoko kuchatshazelwe kumgaqo 18D(3), okanye yona ingenzanga isigqibo ngokwayo, ibhunga lolawulo linokuthi ngezizathu ezivakalayo, nanjengenyathelo lokumlumkisa, limnqumamise umfundi ohlala ehostele orhaneleka ngokuziphatha kakubi kakhulu—

- (a) ekuhlaleni ehostele; okanye
- (b) ekuhlaleni ehostele nasekuhambeni isikolo,

kangangelo thuba lingekho ngaphezu kweentsuku zesikolo ezisixhenxe, ithuba elo elinokwandiswa kuphela njengoko kuchatshazelwe kumgaqo 18H(2).

(2) Oku kulandelayo kuqulethe izizathu ezivakalayo zokunqunyanyiswa komfundi njengenyathelo lokumlumkisa:

- (a) ukubakho komfundi ohlala ehostele okanye osesikolweni, okanye ehostele nasesikolweni ngahle kubangele—
 - (i) ukudleleleka kokhuseleko lwabanye abafundi abahlala ehostele, abafundi abafunda naye, amagosa okanye amalungu angabasebenzi besikolo okanye behostele okanye iindwendwe;
 - (ii) kunesiphumo sokonakaliswa kweprophathi; okanye
 - (iii) kunokubangela ukuphazamiseka kweprogram yehostele okanye kweprogram yesikolo; okanye
- (b) umfundi ohlala ehostele ngahle aphazamisane namangqina okanye aphazamisane nobungqina.

(3) Phambi kokuba ibhunga lolawulo linyanzelise ukunqunyanyiswa ngokomgaqwana (1), kufuneka—

- (a) lazise umfundi ohlala ehostele nabazali bomfundi ngokunqunyanyiswa okucetywayo nezizathu zako; kwaye
- (b) linike ithuba elifanekileyo umfundi ohlala ehostele nabazali bomfundi lokuveza izimvo zabo ngomlomo okanye ngencwadi ebhaliweyo kwibhunga lolawulo ngokumalunga nokunqunyanyiswa komfundi okucetywayo.

(4) Ibhunga lolawulo, malinike ingxelo ngazo zonke izigqibo zokunqunyanyiswa kumlawuli wesithili, nomakagcine irejista yabo bonke abafundi abahlala ehostele abanqunyanyisiweyo.

Isaziso seengxoxo zoluleko

18F. (1) Ibhunga lolawulo malazise umfundi ohlala ehostele kunye nabazali bomfundi, ngenchwadi ebhaliweyo, ukuba kuya kuthathwa amanyathelo oluleko ngakumfundi ohlala ehostele.

(2) Isaziso kufuneka—

- (a) sikhutshwe phambi kweentsuku ezintlanu zesikolo ubuncinane zeengxoxo zoluleko;
- (b) sichazele umfundi ohlala ehostele nabazali bomfundi ukuba kuya kuthathwa amanyathelo oluleko ngakumfundi ohlala ehostele;
- (c) siqulathe iinkcukacha ezaneleyo zomhla, ixesha, indawo kunye nohlobo lwesityholo sokuziphatha kakubi kakhulu ukwenzela ukuba umfundi ohlala ehostele akwazi ukusikhumbula eso siganeko aze aphenidule ngokumalunga naso kwiingxoxo zetyala loluleko;

- (d) siqulathe umhla, ixesha nendawo yeengxoxo zetyala loluleko;
 - (e) sicebise umntu ohlala ehotele ngoku kulandelayo—
 - (i) ilungelo lokukhatshwa nokumelwa kwiingxoxo zoluleko ngabazali bomfundi, okanye ngummeli okhethwe ngabazali bomfundi okanye otyunjwe libhunga lolawulo okanye yikomiti yoluleko njengoko kuchatshazelwe kumgaqo 18H(6);
 - (ii) ilungelo lokucela ukufikelela kumaxwebhu okanye ingcaciso eveliswe njengobungqina; kunye
 - (iii) nelungelo lokuchaza ityala lakhe, ukubuza imibuzo, ukuncina, ukuza nobungqina, ukubiza amangqina kunye nokuvelisa ubungqina obubhaliweyo ukucacisa imiba enxulumene nezityholo; kunye
 - (f) ukwazisa umfundi ohlala ehotele, apho kufanelekileyo, ngenyathelo lokunqunyanyiswa okufanelekileyo kunye nohlobo lwenkxaso kwizifundo eya kubonelelwa sisikolo phambi kweengxoxo zoluleko nangethuba lokunqu-nyanyiswa okuchatshazelwe ku-18E(1).
- (3) Inqununu mayinike umfundi ohlala ehotele isaziso esichatshazelwe kumgaqwana (1), ize yenze ukuba ikopi yaso inikwe abazali bomfundi.
- (4) Ibhunga lolawulo malenze ukuba ikopi yengxelo yophando echatshazelwe kumgaqo 18D(3) inikwe umfundi ohlala ehotele kunye nabazali bomfundi phambi kokuba kuqale iingxoxo zoluleko.

Ikomiti yoluleko

18G. (1) Ibhunga lolawulo maliqhube iingxoxo zoluleko okanye malityumbe ikomiti yoluleko ukuba yenjenjalo.

(2) Ukuba ibhunga lolawulo lisungula ikomiti yoluleko ukuba iqhube iingxoxo zoluleko, ikomiti yoluleko kufuneka—

- (a) iquke ubuncinane abantu abahlanu, yaye abathathu kubo mababe ngamalungu ebhunga lolawulo; yaye
- (b) kufuneka ichotshelwe lilungu lebhunga lolawulo, elityunjwe libhunga lolawulo, elingelilo igosa okanye ilungu elingumsebenzi wesikolo okanye wehotele.

(3) Inqununu, umfundi ohlala ehotele, abafundi esikolweni kunye nabantu abanezenzo ezibonisa ukuchaphazeleka okungabangela ukwenzelelela nokudlelelelwa kwabanye (*conflict of interest*), abafanelekanga ukuba ngamalungu ekomiti yoluleko yaye mabangabikho xa ibhunga lolawulo lixoxa ngengxelo okanye ngeengcebiso zekomiti yoluleko, ukuba kufanelekile.

Ubonelelo jikelele olunxulumene neengxoxo zoluleko

18H. (1)(a) Zonke iingxoxo zoluleko ezijolise kumfundi ohlala ehotele maziqhutywe—

- (a) zingadlulanga iintsuku ezisixhenxe zesikolo emva kokunqunyanyiswa kwaloo mfundi uhlala ehotele njengoko kuchatshazelwe kumgaqo 18E(1); yaye
- (b) emva kokuba noko ziphelile iintsuku ezintlanu zesikolo ukususela oko kwakukhuthshwe isaziso seengxoxo zoluleko njengoko kuchatshazelwe kumgaqo 18F.

(2) Ukuba iingxoxo zoluleko aziqhutywanga kwiintsuku ezisixhenxe zesikolo emva kokunqunyanyiswa komfundi ohlala ehoste le njengoko kuchatshazelwe kumgaqo 18E(1), ibhunga lolawulo malifumane imvume yeNtloko yeSebe yokuqhubela phambili nokunqunyanyiswa komfundi ohlala ehoste le.

(3) Ukuba ibhunga lolawulo—

- (a) lisungule ikomiti yoluleko njengoko kukhankanyiwe kumgaqo 18G, ikomiti yoluleko kufuneka isebenze ngokungqinelana nomgaqo 18I; okanye
- (b) alisungulanga komiti yoluleko, ibhunga lolawulo kufuneka lithathe amanyathelo ngokungqinelana nomgaqo 18J.

(4) Kwiingxoxo zoluleko umfundi ohlala ehoste le unamalungelo achatshazelwe kumgaqo 18F(2)(e).

(5) Ukuba umfundi ohlala ehoste le okanye abazali bomfundi bayasilela ukuya kwiingxoxo zoluleko ngaphandle kwesizathu esibambekayo—

- (a) emva kwesaziso esichatshazelweyo kumgaqo 18F; okanye
- (b) ngomhla ekuvunyelwene ngawo ngumfundi okanye ngabazali bomfundi kunye nebhunga lolawulo, yaye emva kokuba iingxoxo zibanjwe okwesibini, udliwanondlebe lunokuqhutywa engekho umfundi okanye umzali wakhe.

(6) Ukuba umfundi ohlala ehoste le akachatshwanga kwiingxoxo zoluleko ngabazali okanye ngumntu otyunjwe ngabazali bomfundi ohlala ehoste le, ibhunga lolawulo okanye ikomiti yoluleko, njengoko kunokuba njalo, kufuneka—

- (a) ibuze kumfundi ohlala ehoste le malunga nokungabikho kwabazali bomfundi ohlala ehoste le okanye komntu otyunjwe ngabazali bomfundi ohlala ehoste le;
- (b) azise umfundi ohlala ehoste le ngelungelo lokuba nomntu ofanelekileyo otyunjwe libhunga lolawulo okanye yikomiti yoluleko, njengoko kunokwenzeka, ukuba amncedise okanye ammele kwiingxoxo zoluleko, aze acacise nangenzenzo yokuqeshwa kwakhe umfundi ohlala ehoste le; yaye
- (c) emva kokubonisana nomfundi ohlala ehoste le yaye ngokuxhomekeke kwimvume yomntu ohlala ehoste le, imisele umntu ofanelekileyo ukuba amncedise, okanye amele umfundi kwiingxoxo zoluleko.

(7)(a) Ummangali okanye ingqina elingaphantsi kweminyaka eli-18 linokuthi, kwiingxoxo zoluleko, akhatshwe ngabazali bakhe okanye ummeli okhethwe ngabazali bakhe.

(b) Ukuba kubonakala kwibhunga lolawulo okanye kwikomiti yoluleko, njengoko kusenokubakho, ukunika ubungqina kwiinkqubo zoluleko kuya kumbhenca ummangali okanye ingqina elingaphantsi kweminyaka eli-18 kuxinezeleko okanye ekubandzelekeni ukuba uthe wanikela ubungqina kwiingxoxo zetyala loluleko, lisenokutyumba umntu ofanelekileyo njengomthetheli ukuze loo mmangali okanye ingqina libe nako ukunika ubungqina ngokusebenzisa umthetheli.

(c) Ukuba kutyunjwe umthetheli njengoko kuchaziwe kumhlathi (b)—

- (i) yonke imibuzo mayibhekiswe kummangali ofanelekileyo okanye ingqina ngalo mthetheli; kwaye
- (ii) loo mthetheli unokuthi, ngaphandle kokuba ibhunga lolawulo okanye ikomiti yoluleko, njengoko kunokwenzeka, iyalela ngenye indlela, ukudlulisela injongo ngokubanzi yawo nawuphi na umbuzo kummangali ochaphazelekayo okanye ingqina.

(d) Ukuba kuqeshwe umthetheli njengoko kuchatshazelwe kumhlathi (b), ibhunga lolawulo okanye ikomiti yoluleko, njengoko kusenokuba njalo, inokuyalela ukuba

ummangali ochaphazelekayo okanye ingqina malinike ubungqina bakhe kuyo nayiphi na indawo ethe ethi—

- (i) ibeke loo ummangali okanye ingqina kwindawo elikhululekileyo kuyo;
- (ii) icwangcise ngendlela apho nawuphi na umntu obukho bakhe bunokumcaphukisa ummangali okanye ingqina, bube bungaphandle kwamehlo nakumava wommangali okanye ingqina; kwaye
- (iii) ngokusebenzisa naziphi na izixhobo ze-elektroniki okanye zezinye izixhobo, lenza ukuba ibhunga lolawulo okanye ikomiti yoluleko, njengoko kunokuba njalo, kunye naye nabani na obukho bakhe buyimfuneko kwiinkqubo yoluleko, ukumamela, esebenzisa nasiphi na isixhobo se-elektroniki okanye esinye isixhobo, umlamli kunye nommangali okanye ingqina ngexesha lobungqina bakhe.

(8) Ibhunga lolawulo okanye ikomiti yoluleko, njengoko kunokuba njalo, mayingabi namkhethe kwaye ithathe amanyathelo ngokungenamkhethe okanye ngokugweba.

Iingxoxo zoluleko eziqhutywa yikomiti yoluleko

18I. (1) Lo mgaqo usebenza xa ibhunga lolawulo linyule ikomiti yoluleko njengoko kuchatshazelwe kumgaqo 18G.

(2) Usihlalo wekomiti yoluleko kufuneka, ekuqaleni kweengxoxo zoluleko—

- (a) achaze izizathu zeengxoxo zoluleko;
- (b) acele ukuba isityholo okanye izityholo zifundwe ngokuvakalayo kwirekhodi; yaye
- (c) acele umfundi ohlala ehostele ukuba azithethelele kwizityholo.

(3) Ukuba umfundi ohlala ehostele uyativuma ityala—

- (a) usihlalo wekomiti yoluleko kufuneka aqinisekise ukuba umfundi ohlala ehostele uyayazi yaye uyayiqonda into ayivumayo umfundi;
- (b) ikomiti yoluleko kufuneka iqinisekise ukuba ukuvunywa kwetyala kwenziwe ngokuzithandela hayi ngokunyanzelwa; kwaye
- (c) usihlalo wekomiti yoluleko kufuneka—
 - (i) afunde imiba yeengxoxo ekwirekhodi;
 - (ii) anike amalungu ekomiti yoluleko ithuba lokubuzisa imibuzo ukuze acacelwe ngakumbi;
 - (iii) acele umfundi ohlala ehostele, ummeli nabazali bomfundi ohlala ehostele kunye nabo nabaphi na abanye abantu, ngaphandle kwamalungu ekomiti yoluleko, ukuba baphume kwigumbi xa ikomiti yoluleko ixoxa ngesiphumo esiya kucetyiswa kwibhunga lolawulo; yaye
 - (iv) emva kokuba ikomiti yoluleko ithathe isigqibo ngeziphumo zengxoxo ekufuneka kunikwe iingcebiso ngazo kwibhunga lolawulo, mayibize umfundi ohlala ehostele, ummeli nabazali bomfundi ohlala ehostele kunye nabo nabaphi na abanye abantu, ize ibazise ngesiphumo esiya kucetyiswa kwibhunga lolawulo.

(4) Ukuba umfundi ohlala ehostele akalivumi ityala, usihlalo wekomiti yoluleko kufuneka—

- (a) acele ubungqina obuxhasa isityholo, kubandakanywa ukubizwa kummangali namangqina;
- (b) anike umfundi ohlala ehostele, ummeli kunye nabazali bomfundi ohlala ehostele ithuba lokubuzisa imibuzo ummangali kunye namangqina ngenjongo yokukhaba ubungqina;

- (c) anike umfundi ohlala ehoste, ummeli kunye nabazali bomfundi ohlala ehoste ithuba lokunika inkcazo ngemeko yomfundi ohlala ehoste kunye nokubiza amangqina;
- (d) anike amalungu ekomiti yoluleko ithuba lokubuza imibuzo ukuze acacelwe ngakumbi;
- (e) acele umfundi ohlala ehoste, ummeli kunye nabazali bomfundi ohlala ehoste kunye nabo nabaphi na abanye abantu, ngaphandle kwamalungu ekomiti yoluleko, ukuba baphume kwigumbi xa ikomiti yoluleko ixoxa ngesiphumo esiya kucetyiswa kwibhunga lolawulo; yaye
- (f) emva kokuba ikomiti yoluleko ithathe isigqibo ngeziphumo zengxoxo ekufuneka kucetyiswe ngazo kwibhunga lolawulo, makabize umfundi ohlala ehoste, ummeli nabazali bomntu ohlala ehoste kunye nabo nabaphi na abanye abantu, ize ibazise ngesiphumo ekuya kucetyiswa ngaso kwibhunga lolawulo.

(5) Ukuba ikomiti yoluleko igqibe ekubeni inike ingcebiso ngesiphumo sengxoxo sokuba umfundi ohlala ehoste akanatyala lokuziphatha kakubi kakhulu, usihlalo wekomiti yoluleko makangenise ingxelo ngeengxoxo zoluleko, ubungqina kunye neengcebiso kwibhunga lolawulo.

(6) Ukuba ikomiti yoluleko igqibe ekubeni inike ingcebiso ngesigqibo sokuba umfundi ohlala ehoste unetyala lokuziphatha kakubi kakhulu, usihlalo wekomiti yoluleko kufuneka—

- (a) abuze—
 - (i) umfundi ohlala ehoste, ummeli kunye nabazali bomfundi ohlala ehoste; kunye
 - (ii) nommeli wesikolo, ukuba ngaba banqwenela ukuveza izimvo zabo ezibhaliweyo okanye ngomlomo phambi kwesohlwayo esifanelekileyo, nekuya kucetyiswa ngazo kwibhunga lolawulo, ekuxoxwa ngazo yikomiti yoluleko;
- (b) acele umfundi ohlala ehoste, ummeli kunye nabazali bomfundi ohlala ehoste kunye nabo nabaphi na abanye abantu, ngaphandle kwamalungu ekomiti yoluleko, ukuba baphume kwelo gumbi xa kuxoxwayo yikomiti yoluleko ngesohlwayo esifanelekileyo esiya kucetyiswa kwibhunga lolawulo;
- (c) emva kokuba ikomiti yoluleko, ithathele ingqalelo bonke ubungqina nezimvo ezinikiweyo, yenza isigqibo ngesohlwayo esifanelekileyo esichatshazelwe kumgaqo 18J(7) ukuba sicetyiswe kwibhunga lolawulo, ibize kwakhona umfundi ohlala ehoste, ummeli kunye nabazali nabo nabaphi na abanye abantu, aze abazise ngesohlwayo ekuya kucetyiswa ngaso kwibhunga lolawulo; yaye
- (d) angenise ingxelo yeengxoxo zoluleko, ubungqina, izimvo zabo neengcebiso kwibhunga lolawulo.

(7) Ibhunga lolawulo kufuneka, lithathele ingqalelo iinkcukacha ezingeniswe kulo yikomiti yoluleko njengoko kuchatshazelwe kumgaqwana (5) okanye (6)(d), njengoko kunokuba njalo, lenze isigqibo ngesiphumo sengxoxo, yaye ukuba lithe lamfumanisa umfundi ohlala ehoste—

- (a) engenatyala lokuziphatha kakubi kakhulu, azise umfundi ohlala ehoste nabazali bomfundi ohlala ehoste, ngencwadi ebhaliweyo, ngesiphumo sebhunga lolawulo; okanye
- (b) enetyala lokuziphatha kakubi kakhulu—
 - (i) ukuba ikomiti yoluleko icebise ukuba umfundi ohlala ehoste afunyanwe enetyala, yenze isigqibo ngesohlwayo esixelwe kumgaqo 18J(7); okanye

(ii) ukuba ikomiti yoluleko icebise ukuba umfundi ohlala ehostele afunyaniswe engenatyala, kufuneka abuze—

(aa) umfundi ohlala ehostele, ummeli kunye nabazali bomfundi ohlala ehostele; kunye

(bb) nommeli wesikolo,

ukuba ngaba banqwenela ukuveza izimvo zabo ngencwadi ebhaliweyo okanye ngomlomo malunga nesohlwayo esifanelekileyo, baze benze isigqibo ngesohlwayo esixelwe kumgaqo we-18J(7),

yaye lazise umfundi nabazali bomfundi ohlala ehostele, ngencwadi ebhaliweyo, ngesohlwayo esiwiselwe umfundi.

Iingxoxo zoluleko eziqhutywa libhunga lolawulo

18J. (1) Lo mgaqo usebenza ukuba ibhunga lolawulo alityumbanga komiti yoluleko njengoko kuchatshazelwe kumgaqo 18G.

(2) Usihlalo webhunga lolawulo kufuneka, kwakuqalisa iingxoxo zoluleko—

(a) achaze izizathu zeengxoxo zoluleko;

(b) acele ukuba isityholo okanye izityholo zifundwe ngokuvakalayo kwirekhodi; yaye

(c) acele umfundi ohlala ehostele ukuba azithethelele kwizityholo.

(3) Ukuba umfundi ohlala ehostele uyalivuma ityala—

(a) usihlalo webhunga yolawulo kufuneka aqinisekise ukuba umfundi ohlala ehostele uyazi yaye uyakuvuma ukuba netyala umfundi ohlala ehostele;

(b) ibhunga lolawulo kufuneka liqinisekise ukuba ukuvunywa kwetyala kwenziwe ngokuzithandela hayi ngokunyanzelwa; kwaye

(c) usihlalo webhunga lolawulo kufuneka—

(i) afunde imiba (*facts*) yeengxoxo ekwirekhodi;

(ii) anike amalungu ebhunga lolawulo ithuba lokubuza imibuzo ukuze acacelwe ngakumbi;

(iii) acele umfundi ohlala ehostele, ummeli nabazali bomfundi ohlala ehostele kunye nabo nabaphi na abanye abantu, ngaphandle kwamalungu ebhunga lolawulo, ukuba baphume kwigumbi xa kuxoxwa ngesiphumo seengxoxo libhunga lolawulo; yaye

(iv) emva kokuba ibhunga lolawulo lithathe isigqibo, makabize umfundi ohlala ehostele, ummeli nabazali bomfundi ohlala ehostele kunye nabo nabaphi na abanye abantu, ize ibazise ngesiphumo sebhunga lolawulo.

(4) Ukuba umfundi ohlala ehostele akalivumi ityala, usihlalo webhunga lolawulo kufuneka—

(a) acele ubungqina obuxhasa isityholo, kubandakanywa ukubizwa kommangali namangqina;

(b) anike umfundi ohlala ehostele, ummeli kunye nabazali bomfundi ohlala ehostele ithuba lokubuza ummangali kunye namangqina ngenjongo yokukhaba ubungqina;

(c) anike umfundi ohlala ehostele, ummeli kunye nabazali bomfundi ohlala ehostele ithuba lokuchaza ukungabinatyala komfundi ohlala ehostele kunye nokubiza amangqina;

(d) anike amalungu ebhunga lolawulo ithuba lokubuza imibuzo ukuze acacelwe ngakumbi;

- (e) acele umfundi ohlala ehostele, ummeli kunye nabazali bomfundi ohlala ehostele kunye nabo nabaphi na abanye abantu, ngaphandle kwamalungu ebhunga lolawulo, ukuba baphume kwigumbi xa kuxoxwa ngesiphumo libhunga lolawulo lixoxa; yaye
- (f) emva kokuba ibhunga lolawulo lithathe isigqibo ngesiphumo seengxoxo, makabizwe umfundi ohlala ehostele, ummeli nabazali bomntu ohlala ehostele kunye nabo nabaphi na abanye abantu, yaye baziswe ngesiphumo seengxoxo zebhunga lolawulo.

(5) Ukuba ibhunga lolawulo ligqibe ekubeni limfumanise umfundi ohlala ehostele engenatyala lokuziphatha kakubi, kufuneka limazise umfundi ohlala ehostele kunye nabazali bakhe, ngembalelwano, malunga neziphumo zebhunga loluleko.

(6) Ukuba ibhunga lolawulo ligqibe ekubeni limfumanise umfundi ohlala ehostele enetyala lokuziphatha kakubi kakhulu, usihlalo webhunga lolawulo kufuneka—

- (a) abuze—
 - (i) umfundi ohlala ehostele, ummeli kunye nabazali bomfundi ohlala ehostele; kunye
 - (ii) nommeli wesikolo, ukuba ngaba banqwenela ukuveza izimvo zabo ngembalelwano okanye ngomlomo phambi kokuba kuxoxwe ngesohlwayo esifanelekileyo libhunga lolawulo;
- (b) acele umfundi ohlala ehostele, ummeli kunye nabazali bomfundi ohlala ehostele kunye nabo nabaphi na abanye abantu, ngaphandle kwamalungu ebhunga lolawulo, ukuba baphume kwelo gumbi xa ibhunga lolawulo lixoxa ngesohlwayo esifanelekileyo; yaye
- (c) emva kokuba ibhunga lolawulo, lithathele ingqalelo bonke ubungqina nezimvo ezinikiweyo, enze isigqibo ngesohlwayo esifanelekileyo esichatshazelwe kumgaqwana (7), ambize kwakhona umfundi ohlala ehostele, ummeli kunye nabazali nabo nabaphi na abanye abantu, aze abazise ngesohlwayo.

(7) Ukuba ibhunga lolawulo limfumanisa umfundi ohlala ehostele enetyala lokuziphatha kakubi kakhulu, kufuneka lenze isigqibo sokuba—

- (a) umfundi ohlala ehostele umele ukunqunyanyiswa njengenathelo loluleko—
 - (i) ekuhlaleni ehostele; okanye
 - (ii) ekuhlaleni ehostele nasekuhambeni isikolo, ixesha elingekho ngaphezu kweentsuku ezisixhenxe zesikolo;
- (b) ukugxothwa komfundi ohlala ehostele—
 - (i) ehostele; okanye
 - (ii) ehostele kunye nasesikolweni; kufanele kunikwe iingcebiso kwiNtloko yeSebe ngokumalunga noku njengoko kuchatshazelwe kumgaqo 18K; okanye
- (c) makuwiselwe umfundi ohlala ehostele nasiphi na esinye isohlwayo esichatshazelweyo ngenxa yokuziphatha kakubi kakhulu kumgaqo wokuziphatha wesikolo okanye kumgaqo wokuziphatha wehostele.

(8) Nangona kukho imigaqwana (3)(c)(iii), (4)(f) no-(6)(c), ibhunga lolawulo malazise umfundi ohlala ehostele nabazali bomfundi, ngencwadi ebhaliweyo, malunga nokufunyaniswe libhunga lolawulo nesohlwayo esiwisiweyo, ukuba kufanelekile.

Iingcebiso ngokugxothwa komfundi libhunga lolawulo

18K. (1) Ukuba ibhunga lolawulo lenza isigqibo sokuba ukugxothwa komfundi sesona sohlwayo sifanelekileyo, ibhunga lolawulo malinike iingcebiso ngencwadi ebhaliweyo kwiNtloko yeSebe ngokuba agxothwe umfundi ohlala ehostele ololu hlobo—

- (a) ehostele; okanye
- (b) ehostele nasesikolweni.

(2) Ngokuxhomekeke kwisigqibo seNtloko yeSebe, ibhunga lolawulo linokum-nqumamisa umfundi ohlala ehostele okanye landise ixesha lokunqunyanyiswa kwakhe umfundi ohlala ehostele—

- (a) ekuhlaleni ehostele; okanye
- (b) ekuhlaleni ehostele nasekuhambeni isikolo,

kangangethuba elingekho ngaphezu kweentsuku zesikolo eziyi-14 ukususela kusuku lokufumana iingcebiso ngencwadi ebhaliweyo engeniswe kwiNtloko yeSebe.

(3) Apho ibhunga lolawulo linika iingcebiso ngokuba agxothwe umfundi kwiNtloko yeSebe, maliyalele inqununu ingenise kwiNtloko yeSebe, zingadlulanga iintsuku zesikolo ezintathu emva kwesigqibo sebhunga lolawulo esichatshazelwe kumgaqo 18J(7)(b)—

- (a) ingxelo yophando echatshazelwe kumgaqo 18D(3);
- (b) imizuzu yentlanganiso ekuthathwe kuyo isigqibo;
- (c) naziphi na izimvo ezibhalwe phantsi ezingeniswe ngumfundi ohlala ehostele, ngabazali bomfundi ohlala ehostele okanye ngummeli womfundi ohlala ehostele kunye nommeli wesikolo; kunye
- (d) nerekhodi epheleleyo yeengxoxo zekomiti yoluleko okanye ezebhunga lolawulo ngokwaloo meko kuyiyo, namanyathelo amalunga noku athathwa libhunga lolawulo, ukuba akhona.

(4) Ithuba elidibeneyo lokunqunyanyiswa komfundi ohlala ehostele libhunga lolawulo ngokumalunga—

- (a) nomgaqo 18E(1);
- (b) nomgaqo 18J(7)(a); kunye
- (c) nomgaqwana (2),

kwimeko nganye yeengxoxo zoluleko ngomfundi ohlala ehostele malingagqithi kwiintsuku zesikolo eziyi-21, ngaphandle kokuba ibhunga lolawulo lifumene imvume yeNtloko yeSebe yokuqhubeka kokunqunyanyiswa komfundi ohlala ehostele njengoko kuchatshazelwe kumgaqwana 18H(2).

(5)(a) INtloko yeSebe mayithathele ingqalelo iingcebiso zebhunga lolawulo yaye—

- (i) imgxothwe umfundi ohlala ehostele;
- (ii) imgxothwe umfundi ohlala ehostele nasekuhambeni isikolo;
- (iii) imnike isohlwayo esifanelekileyo umfundi ohlala ehostele, emva kokuthethana nebhunga lolawulo, nesohlwayo emasiphunyezwe libhunga lolawulo; okanye
- (iv) ukuba iNtloko yeSebe yenza isigqibo sokungamniki isohlwayo umfundi ohlala ehostele, iwugqithisela kwibhunga lolawulo lo mbandela ukwenzela esinye isohlwayo, ngaphandle kokugxothwa komfundi, ngokomgaqo wokuziphatha wesikolo okanye ngokomgaqo wehostele, eso sohlwayo masiphunyezwe libhunga lolawulo,

zingadlulanga iintsuku zesikolo eziyi-14 zokufunyanwa kweengcebiso.

(b) INtloko yeSebe mayazise ibhunga lolawulo, umfundi ohlala ehostele nabazali bomfundi ohlala ehostele ngokukhawuleza, ngencwadi ebhaliweyo, yesigqibo seNtloko yeSebe nezizathu zeso sigqibo silolu hlobo.

(c) Ukuba iNtloko yeSebe iyamgxotha umfundi ohlala ehostele—

(i) ehostele; okanye

(ii) ekuhlaleni ehostele nasesikolweni,

isaziso esichatshazelwe kumhlathi (b) masiquke isalathiso kwilungelo lokufaka isibheno kuMphathiswa wePhondo.

(d) Ukuba iNtloko yeSebe iyamgxotha umfundi ohlala ehostele, ehostele kuphela, oko kugxothwa akuthethi kuthi umfundi ohlala ehostele ugxothiwe ngokunjalo esikolweni.

Isibheno esimalunga nokugxothwa

18L. (1) Umfundi ohlala ehostele okanye abazali bomfundi ohlala ehostele ogxothiweyo—

(a) ehostele; okanye

(b) ehostele nasesikolweni,

unokufaka isibheno ngakwisigqibo seNtloko yeSebe ngokungenisa isaziso sokubhena kuMphathiswa wePhondo zingadlulanga iintsuku zesikolo eziyi-14 zokufunyanwa kwesaziso sokugxothwa komfundi kwiNtloko yeSebe njengoko kuchatshazelwe kumgaqo 18K(5)(b).

(2) Ikopi yesaziso sesibheno esichatshazelwe kumgaqwana (1) nayo mayingeniswe kwigosa leNtloko yeSebe nosihlalo webhunga lolawulo.

(3) Ukuba umfundi ohlala ehostele, abazali bomfundi ohlala ehostele, abameli bomfundi ohlala ehostele, okanye ummeli wesikolo uveza ezinye izimvo kuMphathiswa wePhondo, ikopi yezo zimvo mayingeniswe kusihlalo webhunga lolawulo ukufumana impendulo.

(4) Ukuba isibheno ngokomgaqwana (1) samkelwe nguMphathiswa wePhondo, uMphathiswa wePhondo makaqinisekise ukuba umfundi ohlala ehostele uwiselwa esinye kwezi zohlwayo zilandelayo zingadlulanga iintsuku zesikolo eziyi-14 zomhla ekwamkelwe ngawo isibheno:

(a) ukuba iNtloko yeSebe imgxothile umfundi ohlala ehostele ekuhlaleni ehostele yaye uMphathiswa wePhondo wenza isigqibo esichasene nokugxothwa komfundi ohlala ehostele, uMphathiswa wePhondo unokuthi emva kokuthethana nebhunga lolawulo, amnike isohlwayo esifanelekileyo umfundi ohlala ehostele, nemasiphunyezwe libhunga lolawulo;

(b) ukuba iNtloko yeSebe imgxothile umfundi ohlala ehostele ekuhlaleni ehostele nasesikolweni yaye uMphathiswa wePhondo wenza isigqibo esichasene nokugxothwa komfundi ohlala ehostele nasesikolweni, uMphathiswa wePhondo unokuthi amnike isohlwayo esifanelekileyo emva kokuthethana nebhunga lolawulo—

(i) amgxothile umfundi ohlala ehostele, ehostele kuphela; okanye

(ii) amnike isohlwayo esifanelekileyo umfundi ohlala ehostele, ehostele nemasiphunyezwe libhunga lolawulo; okanye

(c) ukuba uMphathiswa wePhondo wenza isigqibo sokungamwiseli isohlwayo umfundi ohlala ehostele, uMphathiswa wePhondo makawugqithisele lo mbandela kwakhona kwibhunga lolawulo ukwenzela olunye udidi lwesohlwayo, ngaphandle

kokumgxotha umfundi, ngokwemigaqo yokuziphatha yesikolo okanye ngokwemigaqo yokuziphatha yehoste.

Ukufikelela kwimfundo emva kokugxothwa

18M. (1) Ukuba umfundi ohlala ehoste omele ukuthobela imigaqo yokuhamba isikolo ngokunyanzelekileyo ugxothiwe—

- (a) ehoste, yaye ukugxothwa kwakhe kuya kubanefuthe lokuba umfundi ohlala ehoste angabinako ukuhamba isikolo; okanye
- (b) ehoste nasesikolweni,

iNtloko yeSebe mayenze amalungiselelo angamanye okufakwa kwenye indawo komfundi ohlala ehoste—

- (i) kwisikolo sikarhulumente; okanye
- (ii) kwisikolo sikarhulumente nakwihostele yaso, ukuba isikolo esichatshazelwe kwingongoma (i) asifikeleleki kumfundi ohlala ehoste.

(2) Ukuba umfundi ohlala ehoste onganyanzelekanga ukuba ahambe isikolo, uya-gxothwa—

- (a) ekuhlaleni ehoste, yaye ukugxothwa kwakhe kuya kubanefuthe lokuba umfundi ohlala ehoste angabinako ukuhamba isikolo; okanye
- (b) ehoste nasesikolweni,

abazali bomfundi banokwenza amalungiselelo angamanye okufakwa komfundi ohlala ehoste kwenye indawo—

- (i) esikolweni; okanye
- (ii) esikolweni nakwihostele yaso,

yaye unokucela uncedo lomlawuli wesithili.

(3) Ukuba umfundi ohlala ehoste ugxothiwe—

- (a) ehoste yaye ukugxothwa kuya kubangela ukuba umfundi ohlala ehoste angabinako ukuhamba isikolo; okanye
- (b) ehoste nasesikolweni,

yaye umfundi ohlala ehoste okanye abazali bomfundi bafake isibheni sokuchasa oko ngalo ndlela ichatshazelwe kumgaqo 18L, umfundi ololu hlobo makathi ngokuxhomekeke kwisiphumo sesibheni afake isibheni, anikwe ithuba lokufikelela kwimfundo ngendlela emiselwe yiNtloko yeSebe emva kokuthethana nenqununu.

(4) Ekumiseleni amanye amalungiselelo okufakwa komfundi okuchatshazelwe kumgaqwana (1), okanye indlela yokufikelela kwimfundo echatshazelwe kumgaqwana (3), iNtloko yeSebe—

- (a) mayithathe amanyathelo afanelekileyo okukhusela amalungelo amagosa okanye amalungu angabasebenzi besikolo okanye behoste, aweendwendwe nawabanye abantu—
 - (i) abafundi abasesikolweni esichaphazelekayo; kunye
 - (ii) nabafundi abahlala ehoste abachaphazelekayo, ukuba kufanelekile; yaye
- (b) inokuthathela ingqalelo enye indlela yokubonelela ngemfundo kumfundi ohlala ehoste, nenokubandakanya nayiphi na enye kwezi zilandelayo:
 - (i) ukuqinisekisa ukuba umfundi ohlala ehoste wamkelwe;
 - (aa) kwesinye isikolo; okanye
 - (bb) kwesinye isikolo nehostele yaso;

- (ii) ukufuna umfundi ukuba aye kwiingcebiso zoluleko lwengqondo (*attend counselling*) kwisithili semfundo kwi*Specialised Learner and Educator Support* okanye kwi*School Psychological Support* okanye kwi*School Social Work Support*; kunye
- (iii) nokucela iingxelo ezichaza okuqhubeka kwiinkqubo zoluleko lwengqondo yomfundi ngokumalunga neengcebiso azinikwayo ezichatshazelwe kwingongoma (ii) kwiqela elinika inkxaso efanelekileyo.

(5) Nawuphi na umfundi ohlala ehotele ogxothiweyo—

- (a) ehotele, yaye ukugxothwa kwakhe kuya kubanefuthe lokuba umfundi ohlala ehotele angabinako ukuhamba isikolo; okanye
- (b) ehotele nasesikolweni,

ngethuba lekota yokugqibela yonyaka, makanikwe ithuba lokubhala iimviwo zokuphela konyaka zeso sikolo kulo nyaka, yaye inqununu yesikolo inokufuna umfundi ohlala ehotele ukuba abhale iimviwo kwindawo eyahlukileyo kubafundi beso sikolo.

Ukungangqinelani

18N. Ukuba kukho nakuphi na ukungangqinelani okuvela phakathi kwalo mgaqo nemigaqo 18A ukuya ku-18M emalunga noKuziphatha kaKubi Kakhulu kwaBafundi kwiZikolo zikaRhulumente kwiPhondo leNtshona Koloni, le migaqo iya kuhlala isebenza apho kukho umfundi ohlala ehotele ochaphazelekayo.”.

Ukufakelwa kwezilungiso kumgaqo 21 weMigaqo

10. Lo mgaqo ulandelayo utshintshaniswa nomgaqo 21 weMigaqo:

“IGama elifutshane nomhla wokuqalisa ukusebenza

21. Le migaqo ifakelwe izilungiso ibizwa iMigaqo emalunga nokuLawulwa kwee-Hostele zikaRhulumente, yaye iqalisa ukusebenza nge-1 Januwari 2013.”.

Ukufakelwa kwezilungiso kuLandelelwano lweMigaqo

11. ULandelelwano lweMigaqo oluphambi komgaqo 1 weMigaqo lufakelwe izilungiso—

- (a) ngokufakelwa emva kwesalathiso esi sihloko kumgaqo 1 sale ngongoma ilandelayo:
 - “**1A.** Ukusetyenziswa kwemigaqo”;
- (b) ngokuguzula ingcaciso ebhekiselele kumgaqo 18; kunye
- (c) nangokufakelwa phambi kwesalathiso sesihloko somgaqo 19 kwezi ngongoma zilandelayo:
 - “**18A.** Umgaqo wokuziphatha
 - 18B.** Indlela yokuziphatha ehotele
 - 18C.** Ukuziphatha kakubi kakhulu komfundi ohlala ehotele
 - 18D.** Uphando ngesityholo sokuziphatha kakubi kakhulu
 - 18E.** Ukunqunyanyiswa komfundi ohlala ehotele njengeniyathelo lokumlumkisa
 - 18F.** Isaziso seengxoxo zoluleko
 - 18G.** Ikomiti yoluleko
 - 18H.** Ubonelelo jikelele olunxulumene neengxoxo zoluleko

- 18I.** Iingxoxo zoluleko eziqhutywa yikomiti yoluleko
- 18J.** Iingxoxo zoluleko eziqhutywa libhunga lolawulo
- 18K.** Iingcebiso ngokugxothwa komfundi libhunga lolawulo
- 18L.** Isibheni esimalunga nokugxothwa
- 18M.** Ukufikelela kwimfundo emva kokugxothwa
- 18N.** Ukungangqinelani”.

Igama esifutshane

12. Le migaqo ibizwa iMigaqo eMalunga nokuPhathwa nokuLawulwa kweeHostele kwiZikolo zikaRhulumente: IZilungiso, 2022.

