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GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 1867.

15 November 1996

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It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 84 of 1996: South African Schools Act, 1996.

No. 84 van 1996: Suid-Afrikaanse Skolewet, 1996.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To provide for a uniform system for the organisation, governance and funding of schools; to amend and repeal certain laws relating to schools; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the achievement of democracy in South Africa has consigned to history the past system of education which was based on racial inequality and segregation; and

WHEREAS this country requires a new national system for *schools* which will redress past injustices in educational provision, provide an education of progressively high quality for all *learners* and in so doing lay a strong foundation for the development of all our people's talents and capabilities, advance the democratic transformation of society, combat racism and sexism and all other forms of unfair discrimination and intolerance, contribute to the eradication of poverty and the economic well-being of society, protect and advance our diverse cultures and languages, uphold the rights of all *learners, parents* and *educators*, and promote their acceptance of responsibility for the organisation, governance and funding of *schools* in partnership with the State; and

WHEREAS it is necessary to set uniform norms and standards for the education of *learners* at *schools* and the organisation, governance and funding of *schools* throughout the Republic of South Africa;

(English text signed by the President.)
(Assented to 6 November 1996.)

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

CHAPTER 1

DEFINITIONS AND APPLICATION OF ACT

Definitions

1. In *this Act*, unless the context indicates otherwise—

- (i) "**Constitution**" means the *Constitution* of the Republic of South Africa, 1993 (Act No. 200 of 1993);
- (ii) "**Council of Education Ministers**" means the *Council of Education Ministers* established by the National Education Policy Act, 1996 (Act No. 27 of 1996); (xix) 5
- (iii) "**education department**" means the department established by section 7(2) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), which is responsible for education in a *province*; (xi)
- (iv) "**educator**" means an *educator* as defined in the Educators Employment Act, 1994 (Proclamation No. 138 of 1994); (xiii) 10
- (v) "**governing body**" means a *governing body* contemplated in section 16(1); (ii)
- (vi) "**grade**" means that part of an educational programme which a *learner* may complete in one *school* year, or any other education programme which the *Member of the Executive Council* may deem to be equivalent thereto; (iv) 15
- (vii) "**Head of Department**" means the head of an *education department*; (iii)
- (viii) "**independent school**" means a *school* registered or deemed to be registered in terms of section 46; (x)
- (ix) "**learner**" means any person receiving education or obliged to receive education in terms of this Act; (vii) 20
- (x) "**member of staff**" means a person employed at a *school*; (xiv)
- (xi) "**Member of the Executive Council**" means the *Member of the Executive Council* of a *province* who is responsible for education in that *province*; (viii)
- (xii) "**Minister**" means the *Minister* of Education; (ix)
- (xiii) "**officer**" means an employee of an *education department* appointed in terms of the Educators Employment Act, 1994 (Proclamation No. 138 of 1994), or the Public Service Act, 1994 (Proclamation No. 103 of 1994); (i) 25
- (xiv) "**parent**" means—
- (a) the *parent* or guardian of a *learner*;
- (b) the person legally entitled to custody of a *learner*; or 30
- (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the *learner's* education at *school*; (xiv)
- (xv) "**principal**" means an *educator* appointed or acting as the head of a *school*; (xvi)
- (xvi) "**province**" means a *province* established by section 124 of the *Constitution*; (xviii) 35
- (xvii) "**provincial legislature**" means a *provincial legislature* contemplated in section 125 of the *Constitution*; (xvii)
- (xviii) "**public school**" means a *school* contemplated in Chapter 3; (xii)
- (xix) "**school**" means a *public school* or an *independent school* which enrolls *learners* in one or more *grades* between *grade zero* and *grade twelve*; (xx) 40
- (xx) "**this Act**" means *this Act* and all regulations promulgated under *this Act*. (vi) 50

Application of Act

2. (1) *This Act* applies to *school* education in the Republic of South Africa.
- (2) A *Member of the Executive Council* and a *Head of Department* must exercise any power conferred upon them by or under *this Act*, after taking full account of the applicable policy determined in terms of the National Education Policy Act, 1996 (Act No. 27 of 1996). 45
- (3) Nothing in *this Act* prevents a *provincial legislature* from enacting legislation for *school* education in a *province* in accordance with the *Constitution*. 50

CHAPTER 2

LEARNERS

Compulsory attendance

3. (1) Subject to *this Act* and any applicable provincial law, every *parent* must cause