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**NOTICE 92 OF 2004**

SKILLS DEVELOPMENT ACT, 1998: DRAFT AMENDMENT TO SKILLS DEVELOPMENT REGULATIONS

**Draft: for public comment**

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**SKILLS DEVELOPMENT ACT, 1998: DRAFT  
AMENDMENT TO SKILLS DEVELOPMENT FUNDING  
REGULATIONS**

5 The Minister of Labour, after consultation with the National Skills Authority, hereby publishes for public comment proposed amendments to the regulations published in Notice 571 in Government Gazette 22398 of 22 June 2001 as amended by Notice 344 in Government Gazette 24967 of 7 March 2003 as set out in the Schedule.

10 Written comments on the proposed amendments must reach the Department of Labour by no later than 11 February 2004 and must be delivered to The Acting Executive Officer, National Skills Authority, Laboria Building Room 315, 215 Schoeman Street, PRETORIA, 0001.

**SCHEDULE****1. Amendment of Regulation 3**

15 Regulation 3 is hereby amended by the substitution in sub-regulation (1) of the following words:

“A SETA may in terms of section 14(3)(b) of the Act not, without the prior written approval of the Director-General, use more than 12,5% of the money it receives in terms of the Skills Development Levies act to pay for its administration costs.”

20 **2. Amendment of Regulation 4**

Regulation 4 is hereby amended by the addition of the following sub-regulation:

“(4) A SETA must implement its annual business plan and take all reasonable steps to meet the income, expenditure and other targets contained in the plan.”

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**3. Amendment of Regulation 6**

Regulation 6 is hereby amended by -

- 5 (a) the substitution for the expression "2002/3 and 2003/4 financial years" in sub-regulation (2)(b) of the expression "2002/3, 2003/4 and 2004/5 financial years";

- (b) the insertion of the following sub-regulation after sub-regulation (2)A-

10 "(2)B Subject to any limits and conditions that the Director-General may determine, a SETA may allocate a mandatory grant to an employer with less than 50 employees who has not submitted a workplace skills plan on a simplified basis to be determined by the SETA.";

- (c) the substitution for sub-regulation (3) of the following sub-regulation:

15 "[A] Subject to any limits or conditions that the Director General may determine, a SETA may of any surplus moneys determine and allocate discretionary grants to -

- (a) an employer if the employer has submitted an application for a discretionary grant in the form prescribed in Annexure C to these Regulations; **[and]**

- 20 (b) an employer if the employer has submitted an application for a discretionary grant in the form determined by the SETA for the following national skills priority areas-

(i) adult basic education and training;

(ii) HIV/Aids awareness training;

25 (iii) learnerships involving learners contemplated in section 18(2) of the Act; and

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- (iv) achieving equity targets, including special programs aimed at people with disabilities;
- 5 (c) a lead employer contemplated in Regulation 3(4) of the Learnership Regulations, 2001 if the lead employer has submitted an application for a discretionary grant to fund its administration costs in the form determined by the SETA;
- 10 (d) an employer if the employer has submitted an application for a discretionary grant in the form determined by the SETA for learnerships registered in terms of Regulation 2 of the Learnership Regulations, 2001 by another SETA; and
- (e) education and training providers and workers if the education and training providers and workers concerned have submitted an application for a discretionary grant in the form prescribed in Annexure D to these Regulations.”
- 15 (d) the substitution in sub-regulation (5) of the following words:
- 20 “[Each] Subject to sub-regulation (5A), each SETA must prepare and distribute to employers and education and training providers and workers a schedule setting out the dates by which employers and education and training providers and workers must submit their applications for the grants as contemplated in sub-regulations (1), (1A) and (3), including any circumstances under which employers and education and training providers and workers may be granted extensions to the dates stipulated by the relevant SETA for the submission of applications.”
- 25 (e) the addition of the following sub-regulation after sub-regulation (5):
- ‘(5A) Each SETA must, in the schedule contemplated in sub-regulation (5), require every application for a grant to be submitted -

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- (i) no later than three months after the end of the financial year in respect of which the application is made; or
- (ii) within such shorter period as may be determined by the SETA.”