SCHEDULE

LEARNERSHIP REGULATIONS, 2007

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Definitions

1 In this Schedule, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and -

(a) **'employer'** includes a lead employer;

5 (b) **'ESDA'** means Employment and Skills Development Agency contemplated in section 17(7) of the Act;

(c) **'ETQA'** means an education and training quality assurance body contemplated in section 5(1)(a)(ii)(bb) of the South African Qualifications Authority Act;

10 (d) **'lead employer'** means a lead employer contemplated in regulation 5(4);

(e) **'lead training provider'** means a lead training provider contemplated in regulation 5(5);

(f) **'learnership'** means a learning programme which –

(i) consists of a structured learning component; the learnership includes
15 practical work experience of a specified nature and duration;

(ii) the learnership would lead to a qualification registered by the South African Qualifications Authority and related to an occupation, and

(iii) the intended learnership is registered with the Director-General in the prescribed manner.

20 (g) **'learnership agreement'** means a learnership agreement contemplated in section 17(1) of the Act;

(h) **'qualification associated with a learnership'** means the qualification contemplated in section 16(c) of the Act;

(i) **'section 18(1) learner'** means a learner who was in the employment of the employer party to the learnership agreement when the agreement was concluded;

(j) **'section 18(2) learner'** means a learner who was not in the employment of the employer party to the learnership agreement when the agreement was concluded;

(k) **'submit'** means to deliver by hand or registered post or to transmit a communication by electronic mechanism as a result of which the recipient is capable of printing the communication;

(l) **'the Act'** means the Skills Development Act, 1998 (Act No. 97 of 1998); and

(m) **'training provider'** includes a lead training provider.

Registering learnerships

2 (1) A SETA applying to register a learnership in terms of section 16 of the Act must complete the registration form set out in Annexure A to these Regulations.

(2) The completed registration form referred to in subregulation (1) must be signed by the executive officer of the SETA and be submitted to the Director-General.

(3) If the SETA applying to register a learnership is not the ETQA accredited for the relevant qualification associated with the learnership, the SETA must submit proof to the satisfaction of the Director-General that it has made adequate arrangements with the relevant ETQA-

(a) to ensure the quality management of the education, training and assessment of learners under the learnership; and

(b) to issue certificates of achievement for the qualification.

(4) Upon registration of a learnership, the Director-General must-

(a) allocate and issue a learnership number; and

(b) issue a certificate of registration to the SETA.

(5) The Director-General may require a SETA to submit information, particulars or documentation prior to the registration of a learnership within time-periods stipulated by the Director-General.

Amending registered learnerships

3 (1) A SETA may apply in writing to the Director-General to amend a registered learnership.

(2) If the South African Qualifications Authority amends the registration of a qualification associated with a learnership, the relevant SETA must, within 45 working days of the amendment, apply to amend the registered learnership in terms of subregulation (1).

(3) If the registered learnership is amended, the Director-General must amend the relevant certificate of registration accordingly or issue a new certificate of registration.

(4) The amendment of a registered learnership does not affect –

(a) the rights and obligations of the parties to any learnership agreement in respect of that learnership in force at the time of the amendment;

(b) the validity of any learnership completed by a learner or any qualification associated with the learnership achieved by a learner -

(i) before amendment of the learnership; or

(ii) in respect of any period of learnership that is commenced before the amendment of the learnership and which the learner has duly completed.

(g) the terms of the agreement comply with the Act, any other applicable law and the terms of the registered learnership;

(h) the learnership agreement was concluded before the start of the learnership; and

5 (i) in the case of a section 18(2) learner, the learner and the employer party have, subject to subregulation (8), entered into a contract of employment.

(4) A SETA may only register a learnership agreement to which a group of employers is party if-

(a) one of the employers is identified in the agreement as the lead
10 employer;

(b) the lead employer and the learner have signed the agreement; and

(c) the lead employer undertakes -

(i) to ensure compliance with the employer's duties in terms of the agreement; and

15 (ii) to ensure the implementation of the agreement at the workplace of the other employer parties to the agreement.

(5) A SETA may only register a learnership agreement to which a group of training providers is party if-

(a) one of the training providers is identified in the agreement as the lead
20 training provider;

(b) the lead training provider is accredited for the qualification associated with the learnership as contemplated in section 17(1)(c) of the Act;

(c) the lead training provider undertakes -

(i) to ensure compliance with the training provider's duties in terms of
25 the agreement;