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## GENERAL NOTICE

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### GENERAL NOTICE 282 OF 2011

#### DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

#### INVITATION FOR PUBLIC COMMENTS

##### ON

- A: **THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 : REGULATIONS RELATING TO ASSISTANCE TO VICTIMS IN RESPECT OF BASIC EDUCATION**
- B: **THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 : REGULATIONS RELATING TO ASSISTANCE TO VICTIMS IN RESPECT OF HIGHER EDUCATION AND TRAINING**
- C: **THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 : REGULATIONS RELATING TO MEDICAL BENEFITS FOR VICTIMS**

#### 1. INVITATION

- 1.1 The Department of Justice and Constitutional Development invites interested parties to submit written comments on the proposed draft Regulations which are attached hereto as Annexures A, B and C. The draft Regulations and a note, explaining the background of the proposed regulations, are also available on the website of the Department at the following address: <http://www.justice.gov.za>.
- 1.2 The comments on the draft Regulations must be submitted not later than **8 June 2011**, marked for the attention of **Ms F Bhayat** or **Ms I Botha**, and –
- (a) if they are forwarded by post, be addressed to –  
**The Director-General: Justice and Constitutional Development**  
**Private Bag X81**  
**Pretoria**  
**0001**
  - (b) if they are delivered by hand, be delivered at –  
**Momentum Building, Room 9.34, East Tower**  
**329 Pretorius Street**  
**Pretoria**
  - (c) if they are delivered by email, be emailed to [fbhayat@justice.gov.za](mailto:fbhayat@justice.gov.za) or [inbotha@justice.gov.za](mailto:inbotha@justice.gov.za)
  - (d) if they are faxed, be faxed to **086 754 8493** or **086 648 2289**
- 1.3 For further information, please do not hesitate to contact Ms F Bhayat at 012 315 1480 or Ms I Botha at 012 315 1702.

#### 2. BACKGROUND NOTE

The following background information is hereby furnished in order to assist interested parties to comment on the proposed regulations.

- 2.1 The Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995) (the Act), established the Truth and Reconciliation Commission (the TRC). The Act, among others, mandated the TRC to make recommendations to the President with regards to the policy which should be followed or measures which should be taken relating to the granting of reparation to victims or the taking of other measures aimed at rehabilitating and restoring the human and civil dignity of victims. The TRC completed its mandate, whereafter it was dissolved.
- 2.2 In compliance with section 27 of the Act, a joint committee was established to consider the recommendations of the TRC regarding reparation to victims. The decisions of the joint committee were approved by Parliament. The decisions of the Joint Committee are dealt with under the following four headings : Symbols and monuments; rehabilitation of communities; medical benefits and other forms of social assistance; and final reparation. In terms of section 27 of the Act, these decisions must be implemented by the President by making Regulations. All amounts payable to victims by way of reparation must be provided for in the Regulations and must be paid from the President's Fund, which was established in terms of the Act. The attached Regulations fall within the scope of "medical benefits and other forms of social assistance", which includes educational assistance.

## **Annexure A GOVERNMENT NOTICE**

### **DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**No. R.**

**2011**

### **PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995**

#### **REGULATIONS RELATING TO ASSISTANCE TO VICTIMS IN RESPECT OF BASIC EDUCATION**

The President has, under section 27(2) of the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995), and after the procedures prescribed in sections 4(f)(i) and 27(1) and (2) of the said Act were complied with, made the Regulations in the Schedule.

### **SCHEDULE**

#### **Definitions**

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

**"accounting officer"** means the officer appointed by the Minister of Justice and Constitutional Development under section 42(6) of the Act;

**“administrator”** means an official in the Department designated by the Director-General for purposes of dealing with applications for assistance in terms of these Regulations and matters related thereto;

**“assistance”** means the assistance provided for in regulations 5, 6 and 7 of the Regulations;

**“beneficiary”** means a victim or a relative of a victim in respect of whom a request for assistance has been approved;

**“days”** means calendar days;

**“Department”** means the Government department responsible for basic education at national level;

**“Director-General”** means the Director-General of the Department of Basic Education;

**“Fund”** means the Fund established under section 42(1) of the Act;

**“fund administrator”** means the officer so designated by the Minister of Justice and Constitutional Development under section 42(5) of the Act, or, except for regulation 14(1), any other officer referred to in section 42(5) of the Act;

**“further education”** means education offered by a school at the level of grades 10, 11 and 12;

**“general education”** means the compulsory school attendance phase referred to in section 3 of the South African Schools Act;

**“grade R”** means the reception year preceding grade 1;

**“household”** means the members of a family who live together;

**“independent school”** means a school registered or deemed to be registered in terms of section 46 of the South African Schools Act;

**“learner”** means any person receiving education;

**“public school”** means a school contemplated in Chapter 3 of the South African Schools Act;

**“recipient”** for the purposes of payment of assistance means –

- (a) a beneficiary;
- (b) a person who exercises parental responsibility over a beneficiary; or
- (c) a person designated by a beneficiary or by a person who exercises parental responsibility over a beneficiary;

**“relative of the victim”** for the purposes of these Regulations means -

- (a) a child of a victim, irrespective of whether or not the child was born in or out of wedlock or was legally adopted; and
- (b) a child of a person as contemplated in paragraph (a), if the victim supports that child;

**“requester”** means a person who has requested assistance in terms of regulation 10;

**“request form”** means the form referred to in regulation 10;

**“school”** means a public school or an independent school which enrolls learners in one or more grades from grade R to grade 12;

**“school fees”** –

- (a) for the purposes of a public school, means the school fees defined in section 1 of the South African Schools Act; and
- (b) for the purposes of an independent school, means any form of contribution of a monetary nature made or paid by a person or body in relation to the attendance or participation by a learner in any programme of that school.

**“the Act”** means the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995); and

**“the South African Schools Act”** means the South African Schools Act, 1996 (Act No. 84 of 1996);

**“victim”** for the purposes of these Regulations means a person who has been found by the Commission to be a victim as defined in paragraphs (a) and (b) of section 1(1) of the Act.

### **Objects and application of Regulations**

2. (1) The objects of these Regulations are to provide assistance in respect of grade R, general education and further education to a victim and a relative of a victim who meets the conditions set out in regulation 9.

(2) Assistance to a victim or a relative of a victim may only be provided in respect of basic education offered at an independent school if the administrator is satisfied that the programmes offered by a public school are, having regard to the special needs of the victim or relative of the victim, not suitable.

(3) Assistance to a victim or a relative of a victim may, subject to regulations 5(5), 6(4), 7(4) and 19, be provided in respect of more than one category of assistance referred to in regulations 5, 6, and 7.

### **Authority responsible for application of Regulations**

**3.** The Director-General is responsible for the application of these Regulations, except for the authorisation and payment of the assistance provided for in these Regulations.

**Amount available for assistance**

**4.** (1) The accounting officer must, in consultation with the Director-General, determine annually in writing by not later than 15 January of every year the amount available for the particular year for assistance in terms of these Regulations.

(2) The accounting officer must, in determining the amount, take into account –

- (a) the amount available in the Fund;
- (b) existing commitments of the Fund;
- (c) other forms of reparation to victims which were approved by Parliament in terms of section 27(2) of the Act and are under consideration by the Department of Justice and Constitutional Development, which must be paid from the Fund; and
- (d) the amounts paid out as assistance during the previous year, if applicable.

**Assistance in respect of grade R**

**5.** (1) Assistance in respect of grade R in the following forms may be provided:

- (a) Payment of the school fees of the beneficiary, not exceeding an amount of R5 000-00, by the fund administrator to the school attended by the beneficiary;
- (b) payment of a boarding allowance in respect of a beneficiary, not exceeding an amount of R20 000 per annum, by the fund administrator to the person, institution or body responsible for the management and administration of a school hostel, where the beneficiary resides or boards;
- (c) payment of a school uniform allowance in respect of a beneficiary, not exceeding an amount of R2 500-00 per annum, by the fund administrator to a recipient, if the school attended by the beneficiary requires the wearing of a school uniform; and
- (d) payment of a transport allowance in respect of a beneficiary, not exceeding an amount of R3 000-00 per annum, by the fund administrator to a recipient, if the beneficiary has to travel to and from the school.

(2) The assistance referred to in subregulation (1) may only be provided in respect of a beneficiary who attends a school which enrolls learners for grade R.

(3) The boarding allowance referred to in subregulation (1)(b) may only be paid if –

- (a) the beneficiary resides in a school hostel; and
- (b) the beneficiary cannot attend the nearest school-
  - (i) due to the distance or unavailability of transport; or
  - (ii) since the nearest school is full or cannot accommodate the beneficiary due to his or her special needs.

(4) (a) The transport allowance referred to in subregulation (1)(d) may only be paid if –

- (i) the beneficiary does not reside in a school hostel;
- (ii) the beneficiary does not travel free of charge to the school; and
- (iii) the school attended is –
  - (aa) situated in a radius of more than 1,5 km from the place of residence of the beneficiary; and
  - (bb) the nearest school which has a vacancy and can accommodate the beneficiary, having regard to the special needs of the beneficiary.

(b) Paragraph (a)(iii)(aa) is not applicable in respect of a beneficiary who is physically or mentally handicapped.

(5) The assistance referred to in subregulation (1) may only be provided to a victim or a relative of a victim for one year.

#### **Assistance in respect of general education**

6. (1) Assistance in respect of general education in the following forms may be provided:

- (a) Payment of the school fees of the beneficiary, not exceeding an amount of R9 000-00 per annum, by the fund administrator to the school attended by the beneficiary;
- (b) payment of a boarding allowance in respect of a beneficiary, not exceeding an amount of R20 000 per annum, by the fund administrator to the person, institution or body responsible for the management and administration of a school hostel, where the beneficiary resides or boards;
- (c) payment of a school uniform allowance in respect of the beneficiary, not exceeding an amount of R2 500-00 per annum, by the fund administrator to a recipient, if the school attended by the beneficiary requires the wearing of a school uniform; and
- (d) payment of a transport allowance in respect of a beneficiary, not exceeding an amount of R3 000-00 per annum, by the fund administrator to a recipient, if the beneficiary has to travel to and from the school.

(2) The boarding allowance referred to in subregulation (1)(b) may only be paid if –

- (a) the beneficiary resides in a school hostel; and
- (b) the beneficiary cannot attend the nearest school-
  - (i) due to distance or unavailability of transport; or
  - (ii) since the nearest school is full or cannot accommodate the beneficiary due to his or her special needs.

(3) (a) The transport allowance referred to in subregulation (1)(d) may only be paid if –

- (i) the beneficiary does not reside in a school hostel;
- (ii) the beneficiary does not travel free of charge to the school; and
- (iii) the school attended is –
  - (aa) situated in a radius of more than 2 km from the place of residence of the beneficiary; and

- (bb) the nearest school which has a vacancy and can accommodate the beneficiary, having regard to the special needs of the beneficiary.

(b) Paragraph (a)(iii)(aa) is not applicable in respect of a beneficiary who is physically or mentally handicapped.

(4) The assistance referred to in subregulation (1) may only be provided to a victim or a relative of a victim for a period not exceeding five years.

#### **Assistance in respect of further education**

7. (1) Assistance in respect of further education in the following forms may be provided:

- (a) Payment of the school fees of the beneficiary, not exceeding an amount of R15 000-00 per annum, by the fund administrator to the school attended by the beneficiary;
- (b) payment of a boarding allowance in respect of a beneficiary, not exceeding an amount of R20 000 per annum, by the fund administrator to the person, institution or body responsible for the management and administration of a school hostel, where the beneficiary resides or boards;
- (c) payment of a school uniform allowance in respect of the beneficiary, not exceeding an amount of R3 000-00 per annum, by the fund administrator to a recipient, if the school attended by the beneficiary requires the wearing of a school uniform; and
- (d) payment of a transport allowance in respect of a beneficiary, not exceeding an amount of R3 500-00 per annum, by the fund administrator to a recipient, if the beneficiary has to travel to and from the school.

(2) The boarding allowance referred to in subregulation (1)(b) may only be paid if –

- (a) the beneficiary resides in a school hostel; and
- (b) the beneficiary cannot attend the nearest school-
  - (i) due to distance or unavailability of transport; or
  - (ii) since the nearest school is full or cannot accommodate the beneficiary due to his or her special needs.

(3) (a) The transport allowance referred to in subregulation (1)(d) may only be paid if –

- (i) the beneficiary does not reside in a school hostel;
- (ii) the beneficiary does not travel free of charge to the school; and
- (iii) the school attended is –
  - (aa) situated in a radius of more than 3 km from the place of residence of the beneficiary; and
  - (bb) the nearest school which has a vacancy and can accommodate the beneficiary, having regard to the special needs of the beneficiary.

(b) Paragraph (a)(iii)(aa) is not applicable in respect of a beneficiary who is physically or mentally handicapped.

(4) The assistance referred to in subregulation (1) may only be provided to a victim or a relative of a victim for a period not exceeding three years.

**Escalation of amounts**

8. (1) The amounts referred to in regulations 5, 6 and 7 must be increased automatically with 5% on 1 January 2012 and thereafter on the first day of January of every consecutive year.

(2) The accounting officer must, by not later than 31 January of each year —

- (a) publish the new amounts in the *Gazette*; and
- (b) in writing inform the Director-General of the new amounts, who must make this information available on the website of the Department.

**Conditions for assistance**

9. (1) A victim or a relative of a victim may receive assistance provided for in these Regulations if the net income per month of the household of which he or she is a member, does not exceed R8 000.

(2) (a) The net income per month of the household is the amount remaining of the gross income per month of the household after deducting the monthly liabilities of the household.

(b) The gross income per month of the household is the total amount in cash or otherwise, received by or accrued to or in favour of the household on a periodical basis, irrespective of the source thereof.

(c) The monthly liabilities of the household which may be deducted from the gross income per month of the household are the following:

- (i) A mortgage bond or rent, if accommodation is hired;
- (ii) the monthly instalment paid in respect of one motor vehicle under a credit agreement or the monthly transport expenses of every member of the household to travel to and from work;
- (iii) income tax payable by every member of the household;
- (iv) any contribution made by a member of the household towards pension;
- (v) any contribution made by a member of the household in respect of medical aid;
- (vi) R300-00 for every member of the household as living expenses; and
- (vii) any statutory obligatory contribution to be paid by a member of the household, which contribution is deducted from his or her salary by his or her employer.

(3) (a) The administrator must, if there are not sufficient funds available for a particular year to provide assistance to all the victims or relatives of the victims —

- (i) in respect of whom requests for assistance were submitted before the cut-off date referred to in regulation 10(3); and
- (ii) who meet the conditions referred to in subregulations (1) and (2), determine which requests are the most deserving.

(b) In determining which requests are the most deserving, the administrator must take into account the following:

- (i) The net income of the household;
- (ii) the number of members of the household;
- (iii) the standard of living of the members of the household, with reference to the monthly liabilities of the household referred to in subregulation (2)(c)(i), (ii), (iv) and (v);



- (iv) the value of any assets of the members of the household; and
- (v) any other relevant information which may have a bearing on the ability of the victim or a relative of the victim to defray the costs and expenses referred to in regulations 5, 6 and 7.

(c) The value of an asset refers to the market value and must be determined after deduction of any amount owed in respect of the asset.

#### **Request for assistance**

**10.** (1) The following persons may request assistance:

- (a) A victim;
- (b) a relative of a victim; or
- (c) a person who exercises parental responsibility over a victim or a relative of a victim on behalf of a victim or a relative of a victim.

(2) (a) A request for assistance must correspond substantially with the request form contained in the Annexure.

(b) The request form must be available on the website of the Department of Basic Education and at the office of the administrator.

(3) (a) A request for assistance must be made annually in respect of the year for which assistance is requested and be submitted to the Director-General within two months after the commencement of these Regulations and thereafter on or before 31 January of the year for which assistance is requested.

(b) A request for assistance submitted after the cut-off date as referred to in paragraph (a) may be considered if the requests submitted on or before the cut-off date have been disposed of and if funds for that year are still available.

(c) A request for assistance submitted after the cut-off date must be considered in the manner provided for in regulation 9.

(4) (a) A person who requests assistance must disclose any financial aid, assistance or concession received or to be received, from the Department or any other state institution in respect of the victim or a relative of the victim for the particular year for which assistance is requested.

(b) Any amount so received, must be calculated and deducted from the amount for which the beneficiary qualifies in terms of these Regulations before payment of the assistance.

(5) The request form must be completed and signed by the requester and, if the request is not made by a victim or a relative of the victim, be countersigned by the victim or the relative of the victim, if he or she is able to do so.

(6) (a) The documents required in the request form must be attached to the request form.

(b) The administrator may, if the documents required in the request form are not attached, refuse to consider the request.

(7) The banking details of the recipient set out in the request form must be confirmed by the bank by affixing the official stamp of the bank.

(8) The request form must, after completion, be submitted to the administrator electronically or by facsimile or registered post.

**Processing of request for assistance**

11. (1) The administrator must on receipt of the completed request form and despite regulation 12(1) and (2) -

- (a) forthwith, for the purposes of the speedy processing of the request and rendering of assistance, obtain any further information or documentation or clarify any uncertainties with regard to the information in the request form; and
- (b) satisfy himself or herself that-
  - (i) the requester is a victim or a relative of a victim as provided for in regulation 1 or, if applicable, a person who exercises parental responsibility over a victim or a relative of a victim;
  - (ii) the assistance requested is in respect of a victim or a relative of a victim as provided for in regulation 1;
  - (iii) the assistance requested falls within the ambit of these Regulations;
  - (iv) the requirements or conditions as provided for in these Regulations have been complied with or met;
  - (v) payment has not already been made in respect of the beneficiary for the particular year in respect of which the assistance is requested, with reference to the register referred to in regulation 15(4) or any other document containing information in this regard; and
  - (vi) there are sufficient funds available to provide the assistance requested.

(2) The administrator must, for the purposes of considering a request for a transport allowance take into account -

- (a) the distance to be travelled by the beneficiary between his or her place of residence and the location of the school attended; and
- (b) other modes of transport that are available and the cost thereof.

(3) The administrator must, for the purposes of this Regulation, consider the request for assistance, where applicable, on the basis of documentary proof, including an affidavit if no other documentary proof is available.

**Recommendation in respect of request for assistance**

12. (1) The administrator may not make any recommendation to the fund administrator regarding a request for assistance before the expiry of the cut-off date referred to in regulation 10(3).

(2) (a) The administrator must -

- (i) within 60 days after the cut-off date referred to in regulation 10(3), make a decision regarding the requests for assistance received on or before that date; and
- (ii) in respect of a request for assistance received after the cut-off date, within 30 days after receipt thereof, make a recommendation in writing to the fund administrator regarding the requests for assistance.

(b) A recommendation by the administrator to the fund administrator in respect of a request for assistance must indicate the basis of the recommendation and must include a recommendation in respect of the amount to be paid and how that amount is calculated.

- (c) The time periods referred to in paragraph (a) may, if the administrator has acted –
- (i) in terms of regulation 11(1), be extended for a period equivalent to the period required to receive the additional information or clarify the uncertainty; and
  - (ii) in terms of subregulation (3)(a), be extended for a period equivalent to the period calculated from the date of that notice until the date specified in that notice within which the requester may submit a response.
- (3) (a) The administrator must, if he or she intends to recommend a refusal of a request for assistance, notify the requester in writing of the intention and the disqualifying factor and invite the requester to respond thereto in the manner and before the date specified by the administrator in the notice.
- (b) The administrator may, if no response has been received after the expiry of the date specified in the notice, make a recommendation in respect of the request for assistance.
- (c) The administrator must, in the event of having received a response, upon receipt thereof, consider the response and make a recommendation in respect of the request for assistance.
- (4) The administrator must –
- (a) record the reasons for the recommendation in writing;
  - (b) record the calculations made in the event of any deductions recommended in terms of regulation 10(4)(b); and
  - (c) within seven days after a recommendation has been made, inform the requester orally, if his or her contact particulars are available, and in writing –
    - (i) of the recommendation and of the fact that the fund administrator must still authorise payment;
    - (ii) about any deductions recommended; and
    - (iii) about his or her right -
      - (aa) to lodge representations in terms of regulation 16; and
      - (bb) of judicial review as provided for in section 6 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000),
- should the requester be aggrieved by a recommendation made in terms of this Regulation.

#### **Verification of recommendation**

13. (1) The accounting officer must designate an official in the Department of Justice and Constitutional Development to verify a recommendation received from the administrator in terms of regulation 12.
- (2) The fund administrator or the official designated in terms of subregulation (1), may request from the administrator any document or any information relevant to an application for assistance received in terms of these Regulations.
- (3) The fund administrator or the official designated in terms of subregulation (1), may, if he or she is not satisfied that all the requirements of the Regulations have been met, refer a recommendation back to the administrator for reconsideration.

**Authorisation and payment of assistance**

14. (1) The fund administrator may, after an application has been verified in terms of regulation 13, and if funds are available, authorise the payment of the assistance.

(2) The fund administrator must, upon authorisation of the payment of the assistance, make arrangements regarding payment with the recipients, persons or institutions to be paid.

(3) Payment of assistance must be made –

- (a) from the Fund;
- (b) by electronic transfer; and
- (c) to a recipient or the person or institution, referred to in regulation 5, 6 or 7.

(4) The fund administrator must, when making a payment, have regard to sound financial administrative principles, procedures and processes.

(5) The fund administrator may, on a regular basis, make a payment to a recipient or the person or institution referred to in regulation 5, 6 or 7.

(6) (a) The fund administrator may make an advance payment to a recipient in respect of the assistance provided for in regulations 5(1)(c) and (d), 6(1)(c) and (d) and 7(1)(c) and (d) before a beneficiary has incurred any expense in this regard, if it appears to the fund administrator to be advisable and if he or she is satisfied, upon submission of proof by the beneficiary, that these expenses will be incurred.

(b) The fund administrator may, for every school term, make an advance payment in respect of the boarding allowances of a beneficiary provided for in regulations 5(1)(b), 6(1)(b) and 7(1)(b) if it appears to the fund administrator to be advisable and if he or she is satisfied, upon submission of proof, that these expenses will be incurred.

(c) The fund administrator may in writing direct a beneficiary or a person who exercises parental responsibility over the beneficiary to refund any amount, which has been paid in advance in terms of this Regulation, if the expenditure in respect of which the amount was paid, has not been incurred.

(d) The fund administrator may only give a direction referred to in paragraph (c) if he or she is satisfied that the expenditure has not been incurred as a result of circumstances over which the beneficiary or person who exercises parental responsibility over the beneficiary has no form of control.

(7) The fund administrator may only make a payment to a person or an institution in respect of the boarding allowance or school fees provided for in regulations 5, 6 and 7, upon receipt of documentary proof confirming –

- (a) the amount to be paid;
- (b) that the beneficiary has been registered at the school;
- (c) if applicable, that the beneficiary resides or boards in the school hostel; and
- (d) any other information which, in the opinion of the fund administrator, is necessary to ensure accountability.

- (8) The fund administrator must -
- (a) retain proof of payments;
  - (b) in writing inform the beneficiary, recipient or the institution that a payment has been made; and
  - (c) in writing inform the beneficiary that he or she must submit to the fund administrator a certified copy of his or her results provided to the institution which he or she attended and in respect of which he or she has received assistance, within two weeks after receipt thereof.
- (9) The fund administrator must monitor the receipt of the records received and keep record thereof.

#### **Keeping of records by administrator and fund administrator**

15. (1) The administrator must keep proper record of -
- (a) the requests received for assistance;
  - (b) other information received in connection with the requests for assistance;
  - (c) documents received in support of the requests for assistance; and
  - (d) the recommendations made in respect of requests received.
- (2) The administrator must compile a register containing the following particulars in respect of every request for assistance received:
- (a) The name of the requester;
  - (b) the nature of assistance required;
  - (c) the name of the victim or relative of the victim for whom assistance is requested;
  - (d) the year for which the assistance is requested;
  - (e) the recommendation made by the administrator in respect of the request; and
  - (f) the amount recommended for payment.
- (3) The fund administrator must keep proper record of -
- (a) the recommendations received from the administrator;
  - (b) other information received in connection with these recommendations;
  - (c) documents received in support of these recommendations; and
  - (d) payments made.
- (4) The fund administrator must compile a register containing the following particulars in respect of every payment made:
- (a) The name of the beneficiary in respect of whom the assistance is paid;
  - (b) the nature of assistance;
  - (c) the year for which the assistance is paid;
  - (d) the date on which the amount was paid out;
  - (e) particulars of the person or institution to whom a payment has been made; and
  - (f) particulars of any previous payment made in terms of these Regulations.

(5) The administrator and fund administrator must, except for weekends, update the registers referred to in subregulations (2) and (4) daily.

#### **Representations by aggrieved persons**

16. (1) A requester who is aggrieved by a recommendation of the administrator regarding assistance, may make representations to the Director-General.

- (2) The representations referred to in subregulation (1)-
- (a) may be made at any time but not later than 30 calendar days after receipt of the notification of the recommendation of the administrator referred to in regulation 12(4)(c);
  - (b) must be in writing;
  - (c) must indicate the reasons why the person is aggrieved; and
  - (d) must, where possible, be accompanied by documents as proof for the reasons why the person is aggrieved.

(3) The representations must be submitted to the Director-General in one of the following ways:

- (a) By registered post;
- (b) by delivering it personally at the office of the Director-General; or
- (c) by facsimile transmission, in which case proof of the transmission must be retained and the original thereof must be submitted by registered post.

### **Processing of representations**

17. (1) The administrator must, immediately upon notification by the Director-General of the representations received, in terms of regulation 16, submit to the Director-General the documents in his or her possession relevant to the recommendation, together with his or her reasons for the decision.

(2) The Director-General may, in order to make a finding regarding the representations, make any enquiries he or she deems fit.

(3) The Director-General must, as soon as circumstances permit, make a finding in regard to the representations and inform the person who made the representations orally, if the contact particulars of the requester are available, and in writing of his or her finding.

### **Cession, assignment or attachment of assistance**

18. Despite any law to the contrary, any amount which has been paid or is to be paid as assistance in terms of these Regulations may not-

- (a) be ceded or assigned by the beneficiary or recipient to whom it has been granted;
- (b) be attached under a judgment of a court of law; or
- (c) form part of the estate of the beneficiary or recipient, should such estate be sequestrated.

### **Period of application**

19. (1) These Regulations apply for a period of five years from the date of commencement thereof.


(2) Despite the expiry of these Regulations, the administrator must, in respect of a request which was received by the administrator before the date of expiry of these Regulations, apply these Regulations as if they had not expired: Provided that the request for assistance is in respect of the year in which these Regulations expire and funds are available.

### **Short title and commencement**

20. (1) These Regulations are called the Regulations relating to Assistance to Victims in respect of Basic Education, 2011.

(2) These Regulations come into operation on .....

**ANNEXURE**  
**PROMOTION OF NATIONAL UNITY AND RECONCILIATION**  
**ACT, 1995**  
**REQUEST FORM FOR ASSISTANCE IN TERMS OF THE**  
**REGULATIONS RELATING TO ASSISTANCE TO VICTIMS IN**  
**RESPECT OF BASIC EDUCATION**  
**[Regulation 10]**

<p style="text-align: center;"><b>READ THIS FIRST</b></p> <p style="text-align: center;"></p> <p style="text-align: center;"><b>This request form may only be used if :</b></p> <ul style="list-style-type: none"> <li>- you have been identified as a victim by the Truth and Reconciliation Commission (TRC) because you have suffered emotionally, physically or mentally or, your human rights have been grossly violated as a result of the conflicts of the past;</li> <li>or</li> <li>- you are a child of or, if supported by a victim, a grandchild of a victim</li> </ul> <p style="text-align: center;"><b>and</b></p> <p style="text-align: center;"><b>wish to request financial assistance for</b></p> <ul style="list-style-type: none"> <li>- grade R education</li> <li>- general education</li> </ul>	<p><b>A. DETAILS OF PERSON WHO REQUESTS ASSISTANCE</b></p> <hr/> <p><b>1.</b> Are you a victim? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p style="text-align: center;"><b>Or</b></p> <p>Are you a child or grandchild of a victim? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><b>2.</b> If you are not a victim, what is your relationship with the victim : ... ..</p> <p><b>3.</b> If you are a grandchild of the victim, are you supported by the victim? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><b>4.</b> If you are a grandchild and are supported by the victim, give details about the support :          .....          (Attach proof that the victim supports you. The proof may include an affidavit by someone who can confirm that you are supported by the victim.)</p> <p><b>5.</b> Title : .....          (Mr, Miss, Mrs, Dr)</p> <p><b>6.</b> Disabilities : <input type="checkbox"/> YES <input type="checkbox"/> NO          If yes, give details ..... ..</p> <p><b>7.</b> Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female</p> <p><b>8.</b> Surname : ..... ..</p> <p><b>9.</b> First Names : ..... ..</p> <p><b>10.</b> ID number : ..... ..</p> <p><b>11.</b> Date of birth : ..... ..</p> <p><b>12.</b> Contact details : (State below the address where you live and to which mail may be sent. If you do not have an address, state who is the best other person to contact, e.g. place of worship, school, community leader, etc.)</p>
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<p>(grades 1 to 9); or - <i>further education</i> (grades 10 to 12);</p> <p><b>Remember</b> to attach documents confirming the information given in this form, for example, certified copies of an identity book and the letter from the TRC indicating that you are a victim, if applicable.</p>	<p>Home address : ... .. ... .. ... ..</p> <p>Contact details of other person (if applicable) : ... .. ... ..</p> <p>Postal address : (State below the address to which mail must be sent. If you do not have a postal address, state who is the best other person to contact, e.g. place of worship, school, community leader, etc.) ... .. ... ..</p> <p>Contact details of other person (if applicable) : ... .. ... ..</p> <p>13. Telephone Numbers : Home : ... .. (Area code and no – for example (012 – 3173908) Work: ... .. (Area code and no – for example (012 – 3170934) Cell no : ... ..</p>
<p><b>Complete</b> this part only if you are requesting assistance on behalf of another person. Indicate here the details of the person who is to receive the assistance.</p>	<p><b>B.1 DETAILS OF PERSON ON WHOSE BEHALF ASSISTANCE IS REQUESTED</b></p> <hr/> <p>1. Is the person a victim? <b>YES/NO</b> <b>Or</b> Is the person a child or a grandchild of a victim? <b>YES/NO</b></p> <p>2. If the person is not a victim, what is the person's relationship with the victim: ... ..</p> <p>3. If the person is a grandchild of the victim, is he or she supported by the victim: <b>YES/NO</b></p> <p>4. If the person is a grandchild and is supported by the victim, give details about the support : ... .. (Attach proof that victim supports the person. The proof may include an affidavit by someone who can confirm that the person is supported by the victim.)</p> <p>5. Gender : <b>Male/Female</b></p> <p>6. Does the person have any disability : <b>YES/NO</b> If yes, give details : ... .. ... ..</p> <p>7. Surname : ... ..</p>



	<p>8. First Names : ... ..</p> <p>9. ID number : ... ..</p> <p>10. Date of birth : ... ..</p> <p>11. Contact details : (State below the address where the person lives. If he or she does not have an address, state who is the best other person to contact, e.g. place of worship, school, community leader, etc  Home address : ... ..  .....  .....  Name and contact details of other person (if applicable):  .....  .....  Postal address : (State below the address to which mail must be sent. If he or she does not have an address, state who is the best other person to contact, e.g. place of worship, school, community leader, etc.)  .....  .....  Contact details of other person (if applicable) : ... ..  .....</p> <p>12. Telephone Numbers:  Home : .....  (Area code and no – for example (012 – 3173908)  Work : .....  (Area code and no – for example (012 – 3170934)  Cell no : .....</p>
<p><b>Complete</b>  this part only if the person in respect of whom the assistance is requested has received any form of assistance from the State, for example, a bursary or, any discount or, has been exempted from paying fees. Indicate here what is the form of assistance and what is the amount.</p>	<p><b>B. 2 PARTICULARS OF FINANCIAL ASSISTANCE/AID/CONCESSIONS RECEIVED</b></p> <hr/> <p>1. Name of the institution/person who granted the aid/assistance: ... ..  .....  .....</p> <p>2. The year for which assistance was received : ... ..</p> <p>3. Nature and Amount of the assistance/aid received :  .....  .....  .....</p> <p>4. Conditions attached to the aid/assistance received :  .....  .....  .....</p>
<p><b>Complete</b></p>	<p><b>C. FORMS OF ASSISTANCE REQUESTED</b></p>

**-C.1** when requesting assistance for **GRADE R EDUCATION**;

**- C.2** when requesting assistance for **GENERAL EDUCATION**

**- C.3** when requesting assistance for **FURTHER EDUCATION**

**Remember** that in respect of C.1, C.2 and C.3 there are more than one form of assistance which may be requested, for example school fees, transport allowance and uniform allowance.

### **C.1 ASSISTANCE FOR GRADE R EDUCATION (Reg 5)**

1. Year in respect of which assistance is requested: ... ..
2. Has assistance in terms of these regulations previously been granted in respect of grade R education ? **YES/NO**  
If yes, give details: ... ..
3. Do you request assistance in respect of **school fees**:  
**YES/NO**
4. If you wish to request assistance for **school fees**, please complete the following:  
*Educational Institution Details:*
  - (a) Name of Institution: ... ..
  - (b) Address of Institution: ... ..  
... ..  
(Indicate the physical address, in other words where the institution is situated.)
  - (c) Banking details of Institution:
    - (i) Name of Account Holder : ... ..
    - (ii) Name of bank : ... ..
    - (iii) Account number : ... ..
    - (iv) Branch Code : ... ..  
(Bank in question must affix its stamp here to confirm the banking details of the Institution)
  - (d) Amount of school fees per annum : ... ..  
(Attach proof of the amount payable and that the person in respect of whom assistance is requested, has been enrolled at the school.)
5. If you wish to request assistance in respect of **boarding fees**, please complete the following:  
*Boarding Home Details:*
  - (a) Name of Boarding Home: ... ..
  - (b) Address of Boarding Home: ... ..  
... ..  
(Indicate the physical address, in other words where the Boarding Home is situated.)
  - (c) Banking details of Boarding Home :
    - (i) Name of Account Holder : ... ..
    - (ii) Name of bank: ... ..
    - (iii) Account number: ... ..
    - (iv) Branch code: ... ..  
(Bank in question must affix its stamp here to confirm the banking details of the Boarding Home.)
  - (d) Amount of boarding fees per annum: ... ..  
(Attach proof of the amount payable and that the person in respect of whom assistance is requested, is

	<p style="text-align: center;">staying in hostel.)</p> <p><b>6.</b> If you wish to request assistance to purchase a <b>uniform</b>, please complete the following: Banking details of person in whose bank account money is to be paid:</p> <p>(i) Name of person(account holder) : ... ..</p> <p>(ii) Name of bank : ... ..</p> <p>(iii) Account number : ... ..</p> <p>(iv) Branch code: ... .. (Bank in question must affix its stamp here to confirm the banking details of the person.)</p> <p><b>NB : Confirmation that a uniform is compulsory as indicated in the Institution's Code/Rules, must be attached.</b></p> <p><b>7.</b> If you wish to request assistance in respect of travelling, please complete the following:</p> <p>(a) Method of transport : ... ..</p> <p>(b) Particulars of Institution/person providing transport : ... ..</p> <p>(c) Distance between house and school : ... ..</p> <p>(d) Amount requested for transport for the year : ... ..</p> <p>(e) Banking details of the institution / person in whose bank account money is to be paid :</p> <p>(i) Name of institution / person : ... ..</p> <p>(ii) Name of bank : ... ..</p> <p>(iii) Account number : ... ..</p> <p>(iv) Branch code : ... .. (Bank in question must affix its stamp here to confirm the banking details of the Institution/person.)</p> <p><b>NB : Attach proof of the amount and of the fact that the person in respect of whom assistance is requested, makes use of this method of transport.)</b></p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>_____ Signature of requester</p> <p>Date : _____</p> </div> <div style="width: 45%;"> <p>_____ Signature of person on whose behalf assistance is requested</p> <p>Date : _____</p> </div> </div>
	<p><b>C.2 ASSISTANCE FOR GENERAL EDUCATION (Reg 6)</b></p> <p><b>1.</b> Year in respect of which assistance is requested: ... ..</p> <p><b>2.</b> Has assistance in terms of these Regulations previously been granted in respect of General Education : <b>YES/NO</b> If yes, give details : ... ..</p>

	<p>3. Do you request assistance in respect of <b>school fees</b>:  <b>YES/NO</b></p> <p>4. If you wish to request assistance for <b>school fees</b>, please complete the following :  <i>Educational Institution Details :</i></p> <p>(a) Name of Institution : ... ..</p> <p>(b) Address of Institution : ... ..  ... ..  (Indicate the physical address, in other word where the institution is situated.)</p> <p>(c) Banking details of Institution :  (i) Name of Account Holder : ... ..  (ii) Name of bank : ... ..  (iii) Account number : ... ..  (iv) Branch Code : ... ..  (Bank in question must affix its stamp here to confirm the banking details of the Institution)</p> <p>(d) Amount of school fees per annum: ... ..  (Attach proof of the amount payable and that the person in respect of whom assistance is requested, has been enrolled at the Institution.)</p> <p>5. If you wish to request assistance in respect of <b>boarding fees</b>, please complete the following:  <i>Boarding Home Details:</i></p> <p>(a) Name of Boarding Home : ... ..</p> <p>(b) Address of Boarding Home : ... ..  ... ..  (Indicate the physical address, in other words where the Boarding Home is situated.)</p> <p>(c) Banking details of Boarding Home :  (i) Name of Account Holder : ... ..  (ii) Name of bank : ... ..  (iii) Account number : ... ..  (iv) Branch code : ... ..  (Bank in question must affix its stamp here to confirm the banking details of the Boarding Home.)</p> <p>(d) Amount of boarding fees per annum :  ... ..  (Attach proof of the amount payable and that the person in respect of whom assistance is requested, is seeking / requiring accommodation or, is staying in a boarding home / hostel)</p> <p>6. If you wish to request assistance to purchase a <b>uniform</b>, please complete the following:  Bank details of person in whose bank account money is to be paid:</p>
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	<p>(i) Name of person (account holder) : ... ..</p> <p>(ii) Name of bank : ... ..</p> <p>(iii) Account number : ... ..</p> <p>(iv) Branch code : ... ..</p> <p>(Bank in question must affix its stamp here to confirm the banking details of the Institution.)</p> <p><b>NB : Confirmation that a uniform is compulsory as indicated in the Institution's Code/Rules, must be attached.</b></p> <p>7. If you wish to request assistance in respect of <b>travelling</b>, please complete the following :</p> <p>(a) Method of transport : ... ..</p> <p>(b) Particulars of Institution/person providing transport : ... ..</p> <p>(c) Distance between house and school : ... ..</p> <p>(d) Amount requested for transport for the year : ... ..</p> <p>(e) Banking details of person / institution in whose bank account money is to be paid :</p> <p>(i) Name of person / institution : ... ..</p> <p>(ii) Name of bank : ... ..</p> <p>(iii) Account number : ... ..</p> <p>(iv) Branch code : ... ..</p> <p>(Bank in question must affix its stamp here to confirm the banking details of the Institution/person.)</p> <p><b>NB : Attach proof of the amount and of the fact that the person in Respect of whom assistance is requested, makes use of this method of transport.</b></p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>_____ Signature of requester</p> <p>_____ Date</p> </div> <div style="width: 45%;"> <p>_____ Signature of person on whose behalf assistance is requested</p> <p>_____ Date</p> </div> </div>
	<p><b>C.3 ASSISTANCE FOR FURTHER EDUCATION (Reg 7)</b></p> <p>1. Year in respect of which assistance is requested : ... ..</p> <p>2. Has assistance previously been granted in terms of these Regulations in respect of Further Education ? <b>YES/NO</b> If yes, give details : ... ..</p> <p>3. Do you request assistance in respect of <b>school fees</b> : <b>YES/NO</b></p> <p>4. If you wish to request assistance for <b>school fees</b>, please complete the following :</p> <p><i>Educational Institution Details :</i></p> <p>(a) Name of Institution : ... ..</p> <p>(b) Address of Institution : ... .. ... .. (Indicate the physical address, in other words where the institution is situated)</p>

	<p>(c) Banking details of Institution :</p> <p>(i) Name of Account Holder : ... ..</p> <p>(ii) Name of bank : ... ..</p> <p>(iii) Account number : ... ..</p> <p>(iv) Branch code : ... ..</p> <p>(Bank in question must affix its stamp here to confirm the banking details of the Institution.)</p> <p>(d) Amount of registration or school fees per annum : ... ..</p> <p>(Attach proof of the amount payable and that the person in respect of whom assistance is requested, has been enrolled at the Institution.)</p> <p>5. If you wish to request assistance in respect of <b>boarding fees</b>, please complete the following:</p> <p><i>Boarding Home Details :</i></p> <p>(a) Name of Boarding Home: ... ..</p> <p>(b) Address of Boarding Home: ... ..</p> <p>(Indicate the physical address, in other words where the Boarding Home is situated.)</p> <p>(c) Banking details of Boarding Home :</p> <p>(i) Name of Account Holder : ... ..</p> <p>(ii) Name of bank : ... ..</p> <p>(iii) Account number : ... ..</p> <p>(iv) Branch code : ... ..</p> <p>(Bank in question must affix its stamp here to confirm the banking details of the Boarding Home.)</p> <p>(d) Amount of boarding fees per annum : ... ..</p> <p>(Attach proof of the amount payable and that the person in respect of whom assistance is requested, is staying in a hostel.)</p> <p>6. If you wish to request assistance to purchase a <b>uniform</b>, please complete the following :</p> <p>Banking details of person in whose bank account money is to be paid:</p> <p>(a) Name of person (account holder) : ... ..</p> <p>(b) Name of bank : ... ..</p> <p>(c) Account number : ... ..</p> <p>(d) Branch code : ... ..</p> <p>(Bank in question must affix its stamp here to confirm the banking details of the Institution.)</p> <p><b>NB : Confirmation that a uniform is compulsory as indicated in the Institution's Code / Rules, must be attached.</b></p> <p>7. If you wish to request assistance in respect of <b>travelling</b>, please complete the following :</p> <p>(a) Method of transport : ... ..</p> <p>(b) Particulars of Institution / person providing transport:</p>
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	<p>... ..</p> <p>(c) Distance between house and school : ... ..</p> <p>(d) Amount requested for transport for the year : ... ..</p> <p>(e) Banking details of person in whose bank account money is to be paid :</p> <p style="padding-left: 40px;">(i) Name of person (account holder) : ... ..</p> <p style="padding-left: 40px;">(ii) Name of bank : ... ..</p> <p style="padding-left: 40px;">(iii) Account number : ... ..</p> <p style="padding-left: 40px;">(iv) Branch code : ... ..</p> <p style="padding-left: 40px;">(Bank in question must affix its stamp here to confirm the banking details of the Institution/person.)</p> <p><b>NB : Attach proof of the amount and of the fact that the person in respect of whom assistance is requested, makes use of this method of transport.</b></p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>_____ Signature of requester</p> <p>_____ Date</p> </div> <div style="width: 45%;"> <p>_____ Signature of person on whose behalf assistance is requested</p> <p>_____ Date</p> </div> </div>
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