
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NOTICE 114 OF 2016****INVITATION FOR PUBLIC COMMENTS
ON****THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995:
AMENDMENTS TO THE REGULATIONS RELATING TO ASSISTANCE TO VICTIMS
IN RESPECT OF HIGHER EDUCATION AND TRAINING****1. INVITATION**

- 1.1 The Department of Justice and Constitutional Development invites interested parties to submit written comments on the proposed amendments to the Regulations relating to Assistance to Victims in respect of Higher Education and Training (the Regulations), which are attached hereto as Annexure A. The proposed amendments to the Regulations and a note, explaining the background of the proposed amendments, are also available on the website of the Department at the following address: <http://www.justice.gov.za>.
- 1.2 The comments on the proposed amendments to the Regulations must be submitted not later than 15 April 2016, 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 –
SALU Building, Room 23.09 or 23.23
315 Thabo Sehume Street
Pretoria
 - (c) if they are delivered by email, be emailed to fbhayat@justice.gov.za or 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 on 012 406 4771 or Ms I Botha on 012 406 4756.

2. BACKGROUND NOTE

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

- 2.1 In terms of section 27 of the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995) (the Act), Parliament approved certain measures relating to the granting of reparations to victims. One of the categories of reparation approved, is medical benefits and other

forms of social assistance, including educational assistance. In terms of section 27 of the Act, the said decisions must be implemented by the President by making regulations.

- 2.2 The Regulations relating to Assistance to Victims in respect of Higher Education and Training came into operation on 07 November 2014. The purpose of these Regulations is to provide for financial assistance to declared TRC victims and their relatives and dependants in respect of the following categories: Adult education and training; further education and training; higher education; and skills development. Assistance is provided for full-time and part-time studies as well as distance learning. The Regulations provide for financial assistance for different periods depending on the category of education and the qualification enrolled for. The Regulations provide for financial assistance in respect of registration fees, transport, accommodation and the purchasing of text books.
- 2.3 Due to a number of practical challenges that were encountered during the application of the Regulations, a request was received to amend the Regulations in order to also provide for the following additional forms of assistance: A meal allowance, the settlement of outstanding student debts and the provision of specific accessories and devices which form part of the prescribed study material for students.

ANNEXURE A GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R.

2016

AMENDMENT OF REGULATIONS RELATING TO ASSISTANCE TO VICTIMS IN RESPECT OF HIGHER EDUCATION AND TRAINING: PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995

The President has, under section 27(2) of the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995), made the Regulations in the Schedule.

SCHEDULE

Definitions

1. In this Schedule "the Regulations" means the Regulations published by Government Notice No. R. 852 of 3 November 2014.

Insertion of regulation 8A in the Regulations

2. The following regulation is hereby inserted in the Regulations after regulation 8:

"Other forms of assistance

8A. (1) Assistance in the following forms may be provided in respect of further education and training, higher education and skills development:

- (a) Payment of an amount of R1 600,00 per month, subject to a maximum amount of R16 000,00 per annum, for meals; and
- (b) subject to subregulation (3), payment of a once-off allowance not exceeding R10 000,00 to purchase such devices, equipment, instruments or tools.

(2) Subject to subregulation (4), a once-off amount not exceeding R65 000,00 may be paid to settle a debt, incurred prior to the 2015 academic year, of a victim or relative or dependant of a victim, which is owed to a further education and training institution or a higher education institution.

(3) The allowance provided for in subregulation (1)(b) may only be paid if—

- (a) the head of the relevant department of the further education and training institution or the higher education institution; or
- (b) the person in charge of the learnership or apprenticeship, certifies that the equipment, tools, devices or instruments are required for purposes of the programme, training or learning and upon submission of motivation by that person on a letterhead of the institution or college.

(4) The amount referred to in subregulation (2) may only be paid—

- (a) on submission of proof of the debt and the amount thereof by the person in charge of finances of the relevant institution; and
- (b) if a victim or relative or dependant of a victim will be allowed to register with the institution in the next academic semester or year after the settlement.

(5) The amount provided for in subregulation (1)(a) may be paid —

- (a) in the case of further education and training, for the periods referred to in regulation 6(2), subject to a maximum period of four years;
- (b) in the case of higher education, for a maximum period of four years; and
- (c) in the case of skills development, for the periods referred to in regulation 8(3).

Amendment of regulation 9

3. Regulation 9 is hereby amended by the insertion of the following subregulation after subregulation (2):

"(3) The provisions of subregulations (1) and (2) are applicable in respect of the amounts referred to in regulation 8A(1): Provided that the first increase will take effect on 1 January 2017. "

Amendment of regulation 16

4. Regulation 16 is hereby amended by—

- (a) the deletion of the expression "and" after the semi-colon in subregulation (2)(b)(iv);
- (b) the substitution for the fullstop in subregulation (2)(b)(v) of a semi-colon; and
- (c) the addition in subregulation (2)(b) of the following subparagraphs after subparagraph (v):
 - "(vi) the allowance in respect of meals may be paid to the beneficiary or the person, body or institution providing the meals;
 - (vii) the assistance in respect of the purchasing of devices, equipment, instruments or tools may be paid to the beneficiary or the person, body or institution supplying the devices, equipment, instruments or tools; and
 - (viii) the assistance provided for in regulation 8A(2) must be paid to the relevant further education and training institution or higher education institution."
- (d) the substitution for the expression "subregulation (2)(b)(iii) and (iv)" in subregulation (5)(a) of the expression "subregulation (2)(b)(iii), (iv) and (vi)"; and
- (e) the insertion of the expression "or devices, equipment, instruments or tools" in subregulation (5)(c) after the expression "text books".

Amendment of Form 1

5. Form 1 is hereby amended by—

- (a) the insertion of the expression "meals" in the Note to Part C after the expression "transport allowances,";
- (b) the insertion of the expression " devices, equipment, instruments or tools," in the Note to Part C after the expression "textbooks and";
- (c) the insertion of the expression "and assistance to settle a debt owed to an academic institution" in the Note to Part C after the expression "apprenticeship";
- (d) the addition of the following paragraphs in Part C.2:

"V. Assistance in respect of meals:

If assistance is needed in respect of meals complete the following:

1. For how many months in the year is the allowance needed:
2. How often should the allowance be paid:
3. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

(Bank in question must affix its stamp here to confirm the banking details of the institution/person)

Account number:
 Branch code:

Signature of applicant or the person completing the form

Date

on behalf of the person who needs assistance

VI. Assistance in respect of devices, equipment, instruments or tools:

If assistance is needed in respect of devices, equipment, instruments or tools, complete the following:

1. Amount needed to purchase devices, equipment, instruments or tools:
2. Particulars of the devices, equipment, instruments or tools to be purchased:

(Indicate the name, make, model and price of each item.)
3. Module and Diploma/Degree/Programme registered for and which require the above:

4. Name and Address of Institution registered with:
5. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its stamp here to confirm the banking details of the institution/person)

Signature of applicant or the person completing the form

Date

on behalf of the person who needs assistance

VII. Assistance in respect of the settling of a debt:

If assistance is needed in respect of a debt, complete the following:

1. Amount of the outstanding debt:
2. In respect of which year is the amount due:
3. For which qualification is the amount due:
4. Details of the institution:
 - (a) Name of institution:
 - (b) Address of institution:*(Indicate the physical address, in other words, where the institution is situated.)*

5. Banking details of the Institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its stamp here to confirm the banking details of the institution/person)

Signature of applicant or the person completing the form

Date

on behalf of the person who needs assistance”;

- (e) the addition of the following paragraphs in Part C.3:

“V. Assistance in respect of meals:

If assistance is needed in respect of meals complete the following:

1. For how many months in the year is the allowance needed:
2. How often should the allowance be paid:
3. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its stamp here to confirm the banking details of the institution/person)

Signature of applicant or the person completing the form

Date

on behalf of the person who needs assistance

VI. Assistance in respect of devices, equipment, instruments or tools:

If assistance is needed in respect of devices, equipment, instruments or tools, complete the following:

1. Amount needed to purchase devices, equipment, instruments or tools:
2. Particulars of the devices, equipment, instruments or tools to be purchased:

.....

(Indicate the name, make, model and price of each item.)

3. Module and Diploma/Degree/Programme registered for and which require the above:

.....

4. Name and Address of Institution registered with:
5. Banking details of the Institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its stamp here to confirm the banking details of the institution/person)

Signature of applicant or the person completing the form

Date

on behalf of the person who needs assistance

VII. Assistance in respect of the settling of a debt:

If assistance is needed in respect of a debt, complete the following:

1. Amount of the outstanding debt:
2. In respect of which year is the amount due:
3. For which qualification is the amount due:
4. Details of the institution:
 - (c) Name of institution:
 - (d) Address of institution:

(Indicate the physical address, in other words, where the institution is situated.)

5. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its stamp here to confirm the banking details of the institution/person)

Signature of applicant or the person completing the form

Date

on behalf of the person who needs assistance"; and

- (f) the addition of the following paragraphs in Part C.4:

"III. Assistance in respect of meals:

If assistance is needed in respect of meals complete the following:

1. For how many months in the year is the allowance needed:
2. How often should the allowance be paid:

3. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its stamp here to confirm the banking details of the institution/person)

Signature of applicant or the person completing the form

Date

on behalf of the person who needs assistance

IV. Assistance in respect of devices, equipment, instruments or tools:

If assistance is needed in respect of **devices, equipment, instruments or tools**, complete the following:

1. Amount needed to purchase devices, equipment, instruments or tools:
2. Particulars of the devices, equipment, instruments or tools to be purchased:

.....

.....

(Indicate the name, make, model and price of each item.)

3. Module and Diploma/Degree/Programme registered for and which require the above:

.....

4. Name and Address of Institution registered with:

5. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its stamp here to confirm the banking details of the institution/person)

Signature of applicant or the person completing the form

Date

on behalf of the person who needs assistance".

Commencement

6. These Regulations come into operation on