

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1285

04 OCTOBER 2019

**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 as amended by Government Notices No. R. 691 of 18 July 2017 and No. R 1373 of 14 December 2018.

**Amendment of regulation 2 of the Regulations**

2. Regulation 2 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) Assistance to a victim or a relative or dependant of a victim may only be provided in respect of higher education and training offered at a public higher education and training institution."

**Amendment of regulation 5 of the Regulations**

3. Regulation 5 of the Regulations is hereby amended by—

(a) the deletion of the word "maximum" before the word "transport" in subregulation (1)(b); and

- (b) the deletion of paragraph (a) of subregulation (3).

#### **Amendment of regulation 6 of the Regulations**

4. Regulation 6 of the Regulations is hereby amended by—

- (a) the substitution for paragraph (c) of subregulation (1) of the following paragraph:

“(c) payment of a transport allowance of R8 816,00 per annum; and;”;

- (b) the substitution for paragraph (d) of subregulation (1) of the following paragraph:

“(d) payment of an allowance of R4 407,00 per annum for the purchasing of textbooks.”; and

- (c) the deletion of subregulation (3).

#### **Amendment of regulation 7 of the Regulations**

5. Regulation 7 of the Regulations is hereby amended by—

- (a) the substitution for paragraph (c) of subregulation (1) of the following paragraph:

“(c) payment of a transport allowance of R7 347,00 per annum; and;”;

- (b) the substitution for paragraph (d) of subregulation (1) of the following paragraph:

“(d) payment of an allowance of R7 347,00 per annum for the purchasing of textbooks.”; and

- (c) the deletion of subregulation (3).

#### **Amendment of regulation 8A of the Regulations**

6. Regulation 8A of the Regulations is hereby amended by the substitution for paragraph (b)(i) of subregulation (1) of the following paragraph:

“(b)(i) payment of a once-off allowance of R8 818,00 to purchase a device;”.

**Amendment of regulation 16 of the Regulations**

7. Regulation 16 of the Regulations is hereby amended by—

(a) the substitution for paragraph (a) of subregulation (5) of the following paragraph:

“The administrator may make an advance payment to a beneficiary in respect of the assistance provided for in subregulation (2)(b)(vi) and (ix) before a beneficiary has incurred any expenses in this regard, if it appears to the administrator to be advisable and, if, in the case of the assistance provided for in subregulation (2)(b)(ix), the administrator is satisfied, upon submission of proof by the beneficiary, that these expenses will be incurred.”; and

(b) the substitution for the expression “text books” which appear after the word “purchase” in paragraph (c) of subregulation (5), of the expression “an assistive device”.

**Amendment of regulation 17 of the Regulations**

8. Regulation 17 of the Regulations is hereby amended by—

(a) the substitution for subregulation (1) of the following subregulation:

“(1) (a) The fund administrator must, for purposes of the payments to be made in terms of regulation 16, make regular advance payments to the Department.

(b) The fund administrator must make the first advance payment referred to in paragraph (a), not later than 15 January 2020.”;

(b) the deletion of subregulation (2); and

(c) the deletion of subregulation (3).

**Amendment of regulation 22 of the Regulations**

9. Regulation 22 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“These Regulations apply for a period of six years, which period is calculated from 7 November 2014.”.

### **Insertion of regulation 22A in the Regulations**

10. The following regulation is hereby inserted in the Regulations after regulation 22:

#### **“Transitional arrangements**

**22A.** Regulation 2(2), as amended by these Regulations, is not applicable to a beneficiary who has registered with a private higher education and training institution before the date of amendment of that regulation.”.

### **Commencement**

11. (1) These Regulations, except regulation 9 which substitutes regulation 22(1) of the Regulations, come into operation on 1 January 2020.

(2) Regulation 9 of these Regulations comes into operation on 7 November 2019.

## **BYLAE**

### **Woordomskrywing**

1. In hierdie Bylae beteken “die Regulasies” die Regulasies by Goewermentskennisgewing No. R. 852 van 3 November 2014, gepubliseer, soos gewysig deur Goewermentskennisgewings No. 691 van 18 Julie 2017 en No. R 1373 van 14 Desember 2018.

### **Wysiging van regulasie 2 van die Regulasies**

2. Regulasie 2 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) Bystand aan ‘n slagoffer of ‘n familielid of afhanklike van ‘n slagoffer mag slegs verleen word ten opsigte van hoër onderwys en opleiding aangebied by ‘n openbare inrigting vir hoër onderwys en opleiding.”.

**Wysiging van regulasie 5 van die Regulasies**

3. Regulasie 5 van die Regulasies word hierby gewysig deur—

- (a) die skrapping van die woord “maksimum” wat voor die woord “vervoertoelaag” in subregulasie (1)(b) voorkom; en
- (b) die skrapping van paragraaf (a) van subregulasie (3).

**Wysiging van regulasie 6 van die Regulasies**

4. Regulasie 6 van die Regulasies word hierby gewysig deur—

- (a) die vervanging van paragraaf (c) van subregulasie (1) deur die volgende paragraaf:

“(c) betaling van ‘n vervoertoelaag van R8 816,00 per jaar; en;”;

- (b) die vervanging van paragraaf (d) van subregulasie (1) deur die volgende paragraaf:

“(d) betaling van ‘n toelaag van R4 407,00 per jaar vir die aankoop van handboeke.”; en

- (c) die skrapping van subregulasie (3).

**Wysiging van regulasie 7 van die Regulasies**

5. Regulasie 7 van die Regulasies word hierby gewysig deur—

- (a) die vervanging van paragraaf (c) van subregulasie (1) deur die volgende paragraaf:

“(c) betaling van ‘n vervoertoelaag van R7 347,00 per jaar; en;”;

- (b) die vervanging van paragraaf (d) van subregulasie (1) deur die volgende paragraaf:

“(d) betaling van ‘n toelaag van R7 347,00 per jaar vir die aankoop van handboeke.”; en

(c) die skraping van subregulasie (3).

### **Wysiging van regulasie 8A van die Regulasies**

6. Regulasie 8A van die Regulasies word hierby gewysig deur die vervanging van paragraaf (b)(i) van subregulasie (1) deur die volgende paragraaf:

“(b)(i) betaling van ‘n eenmalige toelaag van R8 818,00 vir die aankoop van ‘n toestel;”.

### **Wysiging van regulasie 16 van die Regulasies**

7. Regulasie 16 van die Regulasies word hierby gewysig deur—

(a) die vervanging van paragraaf (a) van subregulasie (5) deur die volgende paragraaf:

“Die administrateur mag ‘n vooruitbetaling aan ‘n begunstigde maak ten opsigte van die bystand waarvoor in subregulasie (2)(b)(vi) en (ix) voorsiening gemaak word, alvorens ‘n begunstigde enige uitgawes in hierdie verband aangegaan het, indien dit vir die administrateur dienstig blyk en indien, in die geval van die bystand waarvoor in subregulasie (2)(b)(ix) voorsiening gemaak word, die administrateur by voorlegging van bewys deur die begunstigde, oortuig is dat daardie uitgawes aangegaan sal word.”; en

(b) die vervanging van die woord “handboeke”, wat na die woord “aankoop” in paragraaf (c) van subregulasie (5), voorkom, deur die woord “hulptoestel”.

### **Wysiging van regulasie 17 van die Regulasies**

8. Regulasie 17 van die Regulasies word hierby gewysig deur—

(a) die vervanging van subregulasie (1) deur die volgende subregulasie:

“(1) (a) Die fondsadministrateur moet, vir doeleindes van die betalings wat ingevolge regulasie 16 gemaak moet word, gereelde vooruitbetalings aan die Departement maak.

(b) Die fondsadministrateur moet die eerste vooruitbetaling waarna in paragraaf (a) verwys word, nie later nie as 15 Januarie 2020 betaal.”;

(b) die skapping van subregulasie (2); en

(c) die skapping van subregulasie (3).

### **Wysiging van regulasie 22 van die Regulasies**

9. Regulasie 22 van die Regulasies word hierby gewysig deur die vervanging van subregulasie (1) deur die volgende subregulasie:

“Hierdie Regulasies is van toepassing vir ‘n tydperk van ses jaar, bereken vanaf 7 November 2014.”.

### **Invoeging van regulasie 22A in die Regulasies**

10. Die volgende regulasie word hierby in die Regulasies na regulasie 22 ingevoeg:

#### **“Oorgangsmaatreels**

**22A.** Regulasie 2(2), soos gewysig deur hierdie Regulasies, is nie van toepassing op ‘n begunstigde wat, voor die datum van die wysiging van daardie regulasie, by ‘n privaat inrigting vir hoër onderwys en opleiding geregistreer het nie.”.

### **Inwerkingtreding**

11. (1) Hierdie Regulasies, met die uitsondering van regulasie 9 wat regulasie 22(1) van die Regulasies vervang, tree in werking op 1 Januarie 2020.

(2) Regulasie 9 van hierdie Regulasies tree in werking op 7 November 2019.