

## DEPARTMENT OF BASIC EDUCATION

NO. 2157

10 June 2022

**SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)****INVITATION TO COMMENT ON THE AMENDMENTS TO THE REGULATIONS RELATING TO MINIMUM UNIFORM NORMS AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE ISSUED IN TERMS OF SECTION 5A(1)(a) OF THE SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996).**

I, Angelina Matsie Motshekga, Minister of Basic Education, acting under section 5A (1) (a) of the South African Schools Act, 1996 (Act No. 84 of 1996) after consultation with the Minister of Finance and the Council of Education Ministers, intend to make the regulations in the Schedule.

Interested persons or organizations are hereby invited to submit written comments on the draft regulations within 30 calendar days from the date of publication. Written comments must be forwarded for the attention of Mr E. R. Mafoko by

- (a) **post to:**  
Department of Basic Education  
Private Bag X895,  
Pretoria,  
0001;

**(b) hand to:**  
Department of Basic Education  
Sol Plaatje House,  
222 Struben Street,  
Pretoria;

**(c) fax to:**  
012 323 5732

**(d) by email to:**  
Mafoko.r@dbe.gov.za

  
**MRS AM MOTSHEKGA, MP**  
**MINISTER OF BASIC EDUCATION**  
**DATE: 12/05/2022**

## SCHEDULE

### Definition

1. In this Schedule the "Regulations" means the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure, as published under Government Notice No. R920, in Government Gazette No. 37081 of 29 November 2013.

### Amendment of regulation 4 of the Regulations

2. Regulation 4 of the Regulations is hereby amended—

- (a) by the substitution in sub-regulation (1) for paragraph (a) of the following paragraph:

"(a) must be applied to all new schools and additions, alterations and improvements to schools;"

- (b) by the substitution in sub-regulation (1) for paragraph (b) of the following paragraph:

"(b) as far as schools contemplated in sub-regulation 4(1)(a) are concerned, the following in order of priority must be prioritised for planning and implementation-

- (i) all schools and classrooms built entirely or substantially from mud as well as those schools built entirely or substantially from materials such as asbestos, metal and wood must be replaced with structures which comply to the National Building regulations: SANS 10-100 and Occupational Health and Safety Act 85 of 1993;
- (ii) all those schools that do not have access to any form of power and water supply or sanitation to comply with the norms and standards prescribed in regulations 10, 11 and 12 of the regulations;

(iii) all those schools that do not have sufficient classrooms to accommodate the learners enrolled in the schools;

(iv) all those schools that do not have adequate perimeter fencing to comply with the norms and standards described in regulations 17 of the regulations;

(v) all schools that do not have other minimum education areas for an enabling school environment;"

(c) by the insertion after paragraph (v) of the following paragraph:

"(c) All the norms and standards contained in these regulations must be planned, prioritised and phased in in line with the National Development Plan;"

(d) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) In implementing these regulations every reasonable possible avenue must be explored and alternatives considered to give effect to the norms and standards contained in these regulations;"

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

"(3) The Department of Basic Education must, as far as practicable, facilitate and co-ordinate the responsibilities of the government agencies and entities who have a role in the provision of infrastructure and related services;"

(f) by the substitution for sub-regulation (4) of the following sub-regulation:

"(4) Each Provincial Department of Education, must annually on a date and in the manner determined by the Minister, provide the Minister with detailed report on plans and progress on the implementation of the norms. These progress reports and plans shall be published on the DBE website and websites of all nine provincial education departments for access by the public;"

(g) by the substitution for sub-regulation (5) of the following sub-regulation:

“(5) Measures which are taken to comply with the norms and standards contained in these regulations must be funded through the relevant budgetary sources and processes for new facilities and the upgrading of existing facilities at schools;”;

(h) by the deletion of sub-regulation (6), (7) and (8).

(i) by the substitution of regulation (18) (15) with the following regulation

(15) Where the use of alternative or innovative building technologies are to be considered for the implementation of the norms and standards contained in these regulations, certification of Agrément South Africa or alternatively, all such must be signed off by a competent person, as per the National Building Regulations.

#### **Commencement**

3. These regulations are called the Amendments to the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure and come into operation on the date of publication by the Minister in the *Government Gazette*.