GN 4138 of 13 July 2001: Regulations relating to the admission of learners to public schools (Provincial Gazette No. 129)

as amended by

General Notice No. 1160 of 2012

Provincial Notice No. 268 of 2019

The Member of the Executive Council responsible for Education has under section 11 (1) of the School Education Act, (Act No. 6 of 1995) (as amended) read with section 4 (a) (i) of the Education Policy Act, 1998 (Act No. 12 of 1998), made the regulations in the Schedule.

SCHEDULE

ARRANGEMENT OF REGULATIONS

1.	Definitions
2.	Administration of admissions
2A.	General principles regarding admissions
2B.	Admission policies
2C.	Admission and placement tests
3.	
4.	Feeder Zones for admission of learners
4A.	Capacity assessment of schools
4B.	Appeal against a feeder zone determination
5.	Admission process for entry grade learners
6.	Documents necessary for admission as an entry phase learner
7.	Preferential rights to admission as an entry grade learner to schools whose feeder zones have been determined by the Department in terms of regulation 4
8.	Declaring schools full
9.	Learners for whom special accommodation must be made
10.	Re-enrolment of Learners
11.	Transfer of learners between schools
12.	Admission of non-citizens
13.	Fast-track programmes
14.	Register of admissions
15.	Rights of parents in relation to the admissions process
16.	Objections and Appeals
17.	Conflict between Admission Policy and Regulations
18.	Delegations
19.	Short title
Annexure_A	
Annexure_B	
Annexure_C	
Annexure_D	
Annexure E	
Annexure F	

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

"admission period" means the period between the commencement date and end date for admissions as determined by the Head of Department;

[Definition of "admission period" inserted by r. 2 (a) of GN 1160 of 2012 w.e.f. 9 May 2012.]

"application period" means the period from the first day of a parent applying online to the last day when the on-line application system available on the Department's website closes for parents;

[Definition of "application period" inserted by r. 2 (b) of PN 268 of 2019.]

"boarder" means a learner who resides in the accommodation provided by the school;

[Definition of "boarder" inserted by r. 2 (a) of GN 1160 of 2012 w.e.f. 9 May 2012.]

"confidential report" . . . . . .

[Definition of "confidential report" inserted by r. 2 (a) of GN 1160 of 2012 w.e.f. 9 May 2012 and deleted by r. 2 (c) of PN 268 of 2019.]

"Department" means the department responsible for matters related to education in the Province;

[Definition of "Department" inserted by r. 2 (d) of PN 268 of 2019.]

"entry grade learners" means-

(a) learners seeking to be admitted to Grade 1 (irrespective of whether or not the school at which they seek admission offers teaching and learning at a level below Grade 1);

(b) learners seeking to be admitted to Grade 8;

(c) in the case of schools, which do not commence at Grade 1 or Grade 8, learners seeking to be admitted to such schools in the lowest grade in the school, excluding Grade R;

[Definition of "entry grade learners", previously "entry phase learners", inserted by r. 2 (a) of GN 1160 of 2012 w.e.f. 9 May 2012 and substituted by r. 2 (e) of PN 268 of 2019.]

"fast track programmes" means a curriculum programme designed by the Department to enable a learner described in regulation 13 to accompany his or her age cohort;

[Definition of "fast track programmes" substituted by r. 2 (b) of GN 1160 of 2012 w.e.f. 9 May 2012.]

"feeder primary school" . . . . . .

[Definition of "feeder primary school" inserted by r. 2 (c) of GN 1160 of 2012 w.e.f. 9 May 2012 and deleted by r. 2 (f) of PN 268 of 2019.]

"feeder zone" means an area from which a school accepts its core intake;

[Definition of "feeder zone" inserted by r. 2 (c) of GN 1160 of 2012 w.e.f. 9 May 2012 and substituted by r. 2 (g) of PN 268 of 2019.]

"focus school" means a public school that provides education with a specialised focus on particular talents including, but not limited to, sport, performing arts or creative arts;

[Definition of "focus school" inserted by r. 2 (h) of PN 268 of 2019.]

"normal grade age" means, in respect of each grade, the oldest age of a learner who-

(a) could have been admitted to Grade R in accordance with the then prevailing provisions of section 5 (4) of the South African Schools Act, 1996 (Act No. 84 of 1996); and

(b) would subsequently have been promoted to the succeeding grade each year;

[Definition of "normal grade age" substituted by r. 2 (d) of GN 1160 of 2012 w.e.f. 9 May 2012 and by r. 2 (i) of PN 268 of 2019.]

"objective entry enrolment capacity" means the act of officially admitting a learner or learners to a total school programme in the maximum amount that the school can accommodate in a classroom or facilities, or both, as determined by the Head of Department on consideration of, amongst others, the following factors: the availability of space, classroom and educators; resources linked to teaching and learning; available state resources; and the immediate need of the learner or learners to receive basic education;

[Definition of "objective entry enrolment capacity" substituted by r. 2 (d) of GN 1160 of 2012 w.e.f. 9 May 2012 and by r. 2 (j) of PN 268 of 2019.]

"parent" includes-

(a) the biological or adoptive parent or legal guardian of a learner;

[Para. (a) substituted by r. 2 (k) of PN 268 of 2019.]

(b) a person legally entitled to custody of a learner; or

(c) a person who undertakes to fulfill the obligations of a person referred to in (a) or (b) towards the education of the learner;

"register of admissions" means a list of names of learners who will be admitted to a school in accordance with these regulations;

"school" means a public ordinary school;

[Definition of "school" substituted by r. 2 (l) of PN 268 of 2019.]

"sibling" means a learner who satisfies all of the following requirements-

(a) he or she is enrolled at the school in the year for which the applicant learner seeks admission;

(b) he or she resides in the same household as the applicant learner; and

(c) he or she has at least one parent who is also the parent of the applicant learner;

[Definition of "sibling" inserted by r. 2 (e) of GN 1160 of 2012 w.e.f. 9 May 2012 and substituted by r. 2 (m) of PN 268 of 2019.]

"South African Schools Act" means the South African Schools Act, 1996 (Act No. 84 of 1996); and

[Definition of "South African Schools Act" amended by r. 2 (n) of PN 268 of 2019.]

"specialist school" . . . . . .

[Definition of "specialist school" inserted by r. 2 (f) of GN 1160 of 2012 w.e.f. 9 May 2012 and deleted by r. 2 (o) of PN 268 of 2019.]

"the Act" means the Gauteng School Education Act, 1995 (Act No. 6 of 1995).

[R. 1 amended by r. 2 (a) of PN 268 of 2019. Definition of "the Act" substituted by r. 2 (p) of PN 268 of 2019.]

2. Administration of admissions.-Subject to these Regulations, the Head of Department is responsible for the administration of the admission of learners to a school.

[R. 2 amended by r. 3 (a)-(c) of GN 1160 of 2012 w.e.f. 9 May 2012 and substituted by r. 3 of PN 268 of 2019.]

2A. General principles regarding admissions.-(1) A learner may not be refused admission-

(a) on grounds that constitute unfair discrimination, including on the grounds of race, ethnic or social origin, colour, gender, sex, age, disability, sexual orientation, religion, conscience, belief, culture, language, pregnancy, HIV and AIDS status, or any other illness;

(b) because his or her parent-

(i) is unable to pay or has not paid the school fees, registration fee or deposit determined by the governing body;

(ii) does not subscribe to the mission statement of the school and code of conduct of the school; or

(iii) has refused to enter into a contract in terms of which the parent waives any claim for damages arising out of the education of the learner;

(c) to any part of the total school programme;

(d) on the grounds that the learner is not entering into boarding accommodation offered by the school; or

(e) because he or she is unable to provide the school with the documentation required in regulations 6 (1) and 12 (1) to 12 (3).

(2) Despite-

(a) subregulation (1) (a), a gender-specific school may refuse admission to a learner on the grounds of gender; and

(b) regulation 2B, the Head of Department has the final authority to admit a learner to a school.

(3) When a learner applies for admission to a school, neither the governing body of that school nor a person employed at that school may request the learner's current school or a person employed at the learner's current school or the learner's parent, to furnish that school with a confidential report in respect of that learner.

(4) For the purposes of subregulation (3), a "confidential report" means a report containing information about the financial status of a parent, whether the parent can afford school fees and employment details of a parent or information relating to the health, misconduct or behaviour of a learner that may be used to unfairly discriminate against a learner.

[R. 2A inserted by r. 4 of GN. 268 of 2019.]

2B. Admission policies.-(1) Subject to these Regulations, the admission policy of a school is determined by the governing body of the school.

(2) The governing body must, within 90 days from the date of commencement of these Regulations-

(a) review the admission policy for conformity with these Regulations;

(b) where necessary, amend the admission policy for alignment with these Regulations;

(c) adopt the admission policy, so reviewed or amended; and

(d) submit the admission policy to the Head of Department for approval.

(3) Despite subregulation (2), the admission policy of a school in existence before the date of commencement of these Regulations remains in force-

(a) until the Head of Department acts under subregulation (6); or

(b) unless the admission policy is not consistent with these Regulations.

(4) The admission policy referred to in subregulation (2) or (3) is only effective after the Head of Department approves it.

(5) Before the approval of the admission policy, the Head of Department, must be satisfied that the admission policy-

(a) complies with-

(i) these Regulations;

(ii) the Constitution of the Republic of South Africa Act, 1996, South African Schools Act, National Education Policy Act, 1996 (Act No. 27 of 1996), and other applicable legislation;

(b) takes into account the needs of the broader community in which the school is located; and

(c) does not unreasonably exclude a learner on the grounds of race, ethnic or social origin, colour, gender, sex, age, disability, sexual orientation, religion, conscience, belief, culture, language, pregnancy, HIV and AIDS status, or any other illness.

(6) The Head of Department-

(a) must, within 90 days of receiving the admission policy mentioned in subregulation (2) or (3), respond to a governing body; and

(b) may-

(i) approve the admission policy; or

(ii) return the admission policy with such recommendations as may be necessary in the circumstances.

(7) The Head of Department must issue guidelines to assist governing bodies to align their admission policies and to facilitate their approval in accordance with these Regulations.

(8) The governing body must, every three years, or whenever circumstances so require, or at the request of the Head of Department, review the admission policy determined in terms of this section every three years, to ensure that the admission policy of a school reflects the requirements mentioned in subregulation (5).

[R. 2B inserted by r. 4 of GN. 268 of 2019.]

2C. Admission and placement tests.-(1) Subject to these Regulations, the governing body of a school may not administer any test related to the admission of a learner to a school, or direct or authorise the principal of the school or any other person to administer such test.

(2) The principal of a focus school may administer an admission test on the instruction or prior written approval of the Head of Department.

(3) The principal of a focus school that intends to administer a placement test must obtain prior written approval of the Head of Department authorising placement tests to be conducted.

(4) Subject to (3), a placement test approved by the Head of Department may be administered after a learner has been admitted to a school to determine the placement of that learner in the appropriate programme or in a specific course and where it would be in the educational interest of the learner.

(5) The Head of Department must determine procedures and guidelines which regulate the circumstances under which admission and placement tests may occur in focus schools.

[R. 2C inserted by r. 4 of GN. 268 of 2019.]

3. . . . . .

[R. 3 amended by r. 4 (a)-(e) of GN 1160 of 2012 w.e.f. 9 May 2012 and repealed by r. 5 of PN 268 of 2019.]

4. Feeder Zones for admission of learners.-(1) Subject to the National Education Policy Act, 1996 (Act No. 27

of 1996) and any other applicable laws, the Head of Department must, by notice in the Provincial Gazette, determine feeder zones for schools in the Province.

(2) For the purposes of this regulation, a school does not include a focus school or a school for learners with special education needs.

(3) In determining a feeder zone, the Head of Department must consider all relevant information, including-

(a) the capacity of the school and schools in the vicinity to accommodate learners;

(b) the language and curricula offered at the school and the schools in the vicinity;

(c) information and projections regarding area population density, learner population density and learner enrolment; and

(d) the need for geographical and spatial transformation.

(4) The Head of Department must determine the feeder zone for schools in terms of the Department's policy for the delimitation of feeder zones for schools.

(5) The Head of Department may not act under subregulation (1) unless he or she has-

(a) published in the Provincial Gazette-

(i) the proposed feeder zones for schools in the Province; or

(ii) a notice stating where the schedule of proposed feeder zones may be obtained;

(b) granted the governing bodies of affected schools and any parent of a learner at an affected school to make written representations within 30 days regarding the proposed feeder zones; and

(c) seriously considered the representations so received.

[R. 4 substituted by r. 5 of GN 1160 of 2012 w.e.f. 9 May 2012 and by r. 6 of GN. 268 of 2019.]

4A. Capacity assessment of schools.-(1) To facilitate the Head of Department's determination regarding the minimum and maximum capacity of a school as contemplated in section 58C (6) of the South African Schools Act, the principal of each school must, by not later than 30 June of each year, provide the Head of Department in writing with the following information-

(a) the size, number and condition of the classrooms, laboratories, and other rooms or spaces used for teaching in the school;

(b) the allocation of classrooms to grades;

(c) the curriculum programme of the school;

(d) the number of educators and their teaching specialisation and workload; and

(e) any other information that the Head of Department requires.

(2) The Head of Department must inform the chairperson of the governing body and the principal of each school in writing, of the determination referred to in sub-regulation (1) by not later than 30 September of each year.

[R. 4A inserted by r. 7 of GN. 268 of 2019.]

4B. Appeal against a feeder zone determination.-(1) The governing body of a school or a parent of a learner affected by a feeder zone determination may, within 30 days of the date of the determination contemplated in regulation 4 (1), lodge an appeal to the MEC objecting to the determination.

(2) A governing body or parent who lodges an appeal must do so in a form substantially similar to Annexure F to these Regulations.

(3) Within 30 days of receiving the appeal, the MEC must determine the appeal and, if necessary, provide the governing body or parent with the reasons for the decision.

[R.4B inserted by r. 7 of GN. 268 of 2019.]

5. Admission process for entry grade learners.-(1) Each year, during the second term, the Head of Department must publish by any reasonably practicable means the application and admission period.

(2) The application for admission of a learner may only be done through the on-line application system available on the Department's website.

(3) Subject to Regulation 6, after a learner has submitted a completed application within the application period, the Head of Department must, in accordance with the applicable provisions of Regulation 7-

(a) place the learner on a waiting list;

(b) submit the relevant list to the school; and

(c) inform the applicant in writing of the waiting list to which he or she has been allocated.

(4) Within 21 school days following the end of the application period, the Head of Department must, in accordance with Regulation 7, identify successful and unsuccessful applicants, from the learners who have applied to it and-

(a) notify all applicants whether their applications have been accepted;

(b) inform successful applicants that they must confirm their acceptance of a place at the school within seven school days of being notified;

(c) provide unsuccessful applicants with written reasons for the failure of their applications within 14 school days; and

(d) inform unsuccessful applicants in writing of their right to object and appeal in terms of Regulation 16.

(5) Despite any school admission policy, in the case of a learner who has not been placed at any school within 30 school days after the end of the admission period, the Head of Department may place that learner at any school,-

(a) which has not been declared full in terms of Regulation 8; and

(b) in respect of which there are no remaining unplaced learners on a waiting list.

(6) In placing a learner at a particular school in terms of subregulation (6) above, the Head of Department, must have regard to-

(a) the feeder zone of the school; and

(b) the capacity of that school to accommodate that learner relative to the capacity of other schools in the District.

(7) This Regulation applies to schools that provide boarding accommodation in the Province: Provided that-

(a) the Head of Department may, on application made by a school, grant permission for that school to admit a fixed number of boarders who would otherwise not qualify for admission to the school in terms of this Regulation; or

(b) the number of places for which the Head of Department has granted permission in terms of paragraph (a)-

(i) may then be filled with boarders; and

(ii) unless other conditions have been imposed by the Head of Department in granting his or her permission in terms of subparagraph (i), must be offered to such boarders in the order in which they applied for admission to the school.

(8) A learner who is sixteen years or older and who has never attended school, must be advised and referred to the Department of Higher Education and Training for consideration to be placed at a Community Education and Training Centre.

[R. 5 substituted by r. 6 of GN 1160 of 2012 w.e.f. 9 May 2012 and by r. 8 of GN. 268 of 2019.]

6. Documents necessary for admission as an entry phase learner.-(1) Once a parent has submitted an application, the following documents must be submitted by the parent within seven school days of the end of the application period to the school to which the application have been made-

(a) a certified copy of the birth certificate of the child;

(b) a certified copy of the parent's identity document or sworn affidavit in a case where the parent does not have an identity document;

[Para. (b) substituted by r. 9 (b) of PN 268 of 2019.]

(bA) proof of the parent's residential or work address;

[Para. (bA) inserted by r. 9 (c) of PN 268 of 2019.]

(c) where the parent is not the natural parent of the child, documentation supporting the parent's legal relationship with the learner;

(d) in the case of admission to a primary school, proof that the child has been immunised at a public or registered private health establishment;

[Para. (d) substituted by r. 9 (d) of GN. 268 of 2019.]

(e) the transfer card of the child, if he or she is currently enrolled at another school;

(f) the most recent school report of the child, if he or she is currently enrolled at another school; and

(g) where a learner, in accordance with regulation 7, seeks preferential placement on a waiting list on the basis of a sibling relationship, documentation showing proof of such relationship.

[Sub-r. (1) amended by r. 9 (a) of GN. 268 of 2019.]

(2) No documentation other than that listed in sub-regulation (1) may be requested from a parent for the purposes of admission.

(3) Where the required documentation referred to in sub-regulation (1) is not available-

(a) the learner's application must be accepted provisionally subject to the condition that the parent produces proof to the school within two weeks that he or she has applied for the necessary documentation;

(b) the principal must advise the parent-

(i) where to obtain the necessary documentation; and

(ii) of the need to provide proof to the school within two weeks that he or she has applied for the necessary documentation.

(4) An application provisionally accepted in terms of subregulation (3) (a), lapses-

(a) if the parent fails within two weeks of submitting the application to provide proof to the school that he or she has applied for the necessary documentation; or

(b) if the necessary documentation is not submitted by the parent within six weeks of submitting the application provided that the District Director may extend this period on good cause shown by the parent.

(5) A principal is required to report undocumented learners, annually, to the Department by-

(a) submitting a list of undocumented learners through the office of the District Director to the Provincial Director responsible for admissions; and

(b) maintaining a database of undocumented learners.

[Sub-r. (5) added by r. 9 (e) of GN. 268 of 2019.]

(6) The Head of Department must, annually, submit a composite list of undocumented learners to the Department of Home Affairs.

[R. 6 substituted by r. 7 of GN 1160 of 2012 w.e.f. 9 May 2012. Sub-r. (6) added by r. 9 (e) of PN 268 of 2019.]

7. Preferential rights to admission as an entry grade learner to schools whose feeder zones have been determined by the Department in terms of regulation 4.-(1) This regulation applies to entry phase admissions to a school whose feeder zone has been determined by the Department in terms of regulation 4.

(2) An applicant for an entry phase admission to a school is eligible for admission if-

(a) the applicant learner's place of residence is closest to the school within the feeder zone;

(b) the applicant learner has a sibling attending the school;

(c) the place of employment of at least one of the applicant learner's parents is within the feeder zone of the school;

(d) the applicant learner's place of residence is within a 30 kilometre radius of the school; or

(e) the applicant learner's place of residence is beyond a 30 kilometre radius of the school.

(3) The ranking of the applications for admission shall be in the order of the categories referred to in paragraphs (a) to (e) of subregulation (2) and in the order in which the applications were received.

(4) The Head of Department must place the applicant learners that he or she intends to admit to the school on a waiting list A in terms of categories referred to in paragraphs (a) to (d) of subregulation (2) and those who do not qualify for waiting list A on a waiting list B.

(5) Entry phase learners who do not apply within the application period have no right to preferential placement at schools that are full. These applicants may be placed at schools where there are spaces.

[R. 7 substituted by r. 8 of GN 1160 of 2012 w.e.f. 9 May 2012 and by r. 10 of GN. 268 of 2019.]

8. Declaring schools full.-(1) Notwithstanding the provisions of the admission policy of a school, or the

provisions of any national or provincial delegated legislation or any determination made in terms thereof, for the purpose of placing learners whose applications for admission have not been accepted at any school in the public schooling system, until such time as norms and standards contemplated in section 5A (2) (b) of the South African Schools Act are in force the objective entry level learner enrolment capacity of a school shall be determined by the Head of Department.

(2) The Head of Department or his or her delegate may, on his or her own initiative, or at the request of the school itself, declare a school to be full for the purposes of entry level admissions at the school.

(3) A school that has reached its objective entry level enrolment capacity must be declared full by the Head of Department or his or her delegate for the purpose of entry level admissions.

(4) A school that is declared full by the Head of Department, or his or her delegate for the purpose of entry level admissions, will be informed in writing.

[R. 8 substituted by r. 9 of GN 1160 of 2012 w.e.f. 9 May 2012.]

9. Learners for whom special accommodation must be made.-(1) Subject to these Regulations, a principal of an ordinary public school must admit a learner with specialised education needs, unless a need for the admission of that learner to a school for specialised education has been established under sections 75, 76 or 79 of the Act.

(2) If the need for admission of a learner referred to in sub-regulation (1) to a school for specialised education has been established under sections 75, 76 or 79 of the Act, the relevant procedures referred to in sections 77, 78, 80 and 81 of the Act must be followed.

[R. 9 substituted by r. 10 of GN 1160 of 2012 w.e.f. 9 May 2012.]

10. Re-enrolment of Learners.-(1) A learner enrolled at a school at any level other than Grade 'R' is entitled to be re-enrolled at that school in the following year if the school offers teaching and learning at the grade for which he or she will be eligible in the following year.

(2) Subject to subregulation (1) a learner enrolled at a school in Grade 'R' will not be entitled to be re-enrolled at that school in the following year unless he or she is otherwise entitled to be admitted to that school in terms of these Regulations.

(3) A parent of a learner enrolled at a school at a level other than:

(a) Grade 'R'; or

(b) the highest level offered by that school,

must within seven school days from the commencement of the admissions period, complete a form similar to Annexure B to these Regulations indicating whether the parent intends to retain the learner at the same school.

(4) Current learners will be re-registered within 21 school days from the start of the admissions period.

[R. 10 substituted by r. 11 of GN 1160 of 2012 w.e.f. 9 May 2012.]

11. Transfer of learners between schools.-(1) The parent of a learner who is currently enrolled at a school (including an independent school) and applies to be transferred to another public school must complete a transfer application form similar to Annexure C to these Regulations.

(2) The following documents must be attached to the transfer application form-

(a) the transfer card of the learner; and

(b) the most recent school report of the learner at his or her existing school.

(3) A school that has not been declared full may admit a learner in respect of whom a transfer application is made in terms of subregulation (1):

Provided that no entry grade learner may be so admitted by a school until after the District Director has finalized placements in accordance with regulation 5 (8).

(4) If the District Director is satisfied that there is good cause for the learner who applies in terms of sub-regulation (1) to be transferred to a particular school that has not been declared full, he or she may at any time admit the learner to that school.

(5) In making a decision in terms of sub-regulation (3) to admit a learner to a particular school, the District Director shall have regard to-

(a) the reasons of the learner for applying to leave the school at which he or she is currently enrolled;

(b) whether the learner would have qualified for the waiting list A for the school to which he or she seeks admission if he or she were to have applied as an entry grade learner; and

(c) the capacity of the school to which the learner seeks admission relative to the capacity of-

(i) any other schools in respect of which the learner would have qualified for the waiting list A if he or she were to have applied as an entry grade learner; and

(ii) other schools in the District.

[R. 11 substituted by r. 12 of GN 1160 of 2012 w.e.f. 9 May 2012 and amended by r. 11 of GN. 268 of 2019.]

12. Admission of non-citizens.-(1) The legal and policy framework applicable to learners who are citizens of the Republic of South Africa applies equally to learners who are not citizens of the Republic and whose parents are in possession of a valid visa for temporary or permanent residence issued by the Department of Home Affairs.

[Sub-r. (1) substituted by r. 12 (a) of GN. 268 of 2019.]

(2) A learner who has entered the country on a study visa must, in addition to the documents referred to in regulation 6 (1) (a) to (g) present the study visa at the school after completing the online application: Provided that a study visa will only be made available to the school after the school provides the learner with a letter of provisional placement and the application is approved by the Department of Home Affairs.

[Sub-r. (2) substituted by r. 12 (b) of GN. 268 of 2019.]

(3) Persons classified as illegal foreigners must, when applying for admission for their children or for themselves, prove that they have applied to the Department of Home Affairs to legalise their stay in the country in terms of the Immigration Act, 2002 (Act No. 13 of 2002) or Refugees Act, 1998 (Act No. 130 of 1998).

(4) Where the required documentation referred to in sub-regulation (3) is not available, the principal must advise the parent where to obtain the necessary documentation. In such cases, the admission application of the learner must be processed provisionally while the parent obtains the required documentation and, in the case of entry phase admissions, the learner must be assigned a provisional place on the applicable waiting list in accordance with the date on which he or she applied for admission to the school.

(5) An application provisionally accepted in terms of sub-regulation (4), lapses-

(a) if the parent fails within 14 school days of submitting the application to provide proof to the school that he or she has applied for a permit for temporary or permanent residence or a study permit with the Department of Home Affairs;

[Para. (a) substituted by r. 12 (c) of GN. 268 of 2019.]

(b) if the necessary documentation is not submitted by the parent within six weeks of submitting the application provided that the District Director may extend this period on good cause shown by the parent.

[R. 12 substituted by r. 13 of GN 1160 of 2012 w.e.f. 9 May 2012.]

13. Fast-track programmes.-(1) The District Director must establish fast-track programmes in his or her district to accommodate learners who-

(a) have been out of school for such periods as are likely to have impaired their learning opportunities;

(b) have had no schooling; or

(c) are under the age of 16 years but three years or more above the normal grade age.

(2) The identification of learners referred to in sub-regulation (1) is the responsibility of the principal of a school.

(3) A learner referred to in sub-regulation (1) must be accommodated in such a fast-track programme until he or she-

(a) has completed the fast track programme he or she is following; or

(b) is, in the opinion of the District Director, ready to leave the fast-track programme.

(4) A learner who is sixteen years or older and who did not make the required progress must be advised of the assessment, within seven school days of this matter becoming known to the school and referred to the Department of Higher Education and Training for consideration to be placed at a Community Education and Training Centre.

[R. 13 substituted by r. 14 of GN 1160 of 2012 w.e.f. 9 May 2012. Sub-r. (4) substituted by r. 13 of PN 268 of 2019.]

14. Register of admissions.-(1) The principal of a school must keep a register of admissions to the school in which all admissions of learners to the school must be recorded.

(2) The register of admissions must contain-

(a) the name, date of birth, age, identity number, if applicable, and the address of the learner; and

(b) the names, addresses and telephone numbers of the parents of the learner.

(3) Entries into the register of admission must be verified against the birth certificate or identity document of the learner concerned.

(4) Officials of the Department must have access to the register of admissions for the purposes of their official duties.

[R. 14 substituted by r. 15 of GN 1160 of 2012 w.e.f. 9 May 2012.]

15. Rights of parents in relation to the admissions process.-(1) The governing body of a school must inform all parents of learners admitted to a school of their rights and obligations in terms of the South African Schools Act and any applicable provincial law.

(2) Parents must specifically be informed about their rights and obligations in respect to the governance and affairs of the school, including the process of deciding the school budget, any decision of a parent meeting relating to school fees, and the Code of Conduct for Learners.

(3) Schools are obliged to inform parents of their "Fee paying" or "Non-fee paying" status.

(4) "Fee paying" schools must disclose to parents that they may apply for exemption from school fees.

(5) On request of a parent at any stage after the end of the admission period, the Department must provide a parent with details of his or her child's place on the waiting lists at the school.

[R. 15 substituted by r. 16 of GN 1160 of 2012 w.e.f. 9 May 2012.]

16. Objections and Appeals.-(1) If, at the end of the admission period, a learner is refused admission to a school, the principal must, inform the parent in writing of his or her rights of objection and appeal under these Regulations.

[Sub-r. (1) substituted by r. 14 (a) of GN. 268 of 2019.]

(2) A parent of a learner who wishes to lodge an objection against a decision contemplated in regulation 5 (4) (c) may object to the Head of Department within seven school days of being provided with the documents listed in regulation 5 (4) (c) and (d).

[Sub-r. (1) substituted by r. 14 (b) of GN. 268 of 2019.]

(3) A parent who lodges an objection must do so on an objection form similar to Annexure D to these Regulations.

(4) A parent who is dissatisfied with the decision of the Head of Department contemplated in sub-regulation (2) may, within 7 school days of being informed or of being provided with the reasons of the Head of Department, appeal against that decision to the MEC by lodging an appeal form similar to Annexure E to these Regulations.

(5) Within 15 school days of receiving an appeal contemplated in sub-regulation (4), the MEC must take his or her decision on the appeal and provide the parent with reasons for any decision not to uphold the appeal.

[R. 16 inserted by r. 17 of GN 1160 of 2012 w.e.f. 9 May 2012.]

17. Conflict between Admission Policy and Regulations.-(1) The admission policy of a school, determined by the governing body, may not be inconsistent with a provision of these Regulations.

(2) In an event of any inconsistency between a provision of the admission policy of a school and a provision of these Regulations, the latter applies.

[R. 17 inserted by r. 15 of GN. 268 of 2019.]

18. Delegations.-(1) The Head of Department may delegate, in writing, to any officer of the Department any power or function conferred or imposed upon the Head of Department in terms of these Regulations.

(2) A delegation in terms of subregulation (1) does not limit or restrict the competence of the Head of Department to exercise any power or perform any function that has been delegated.

(3) The Head of Department may make a delegation subject to any conditions or restrictions that are deemed fit.

(4) The Head of Department may at any time withdraw-

(a) a delegation made in terms of subregulation (1); and

(b) or amend any decision made by a delegatee in the exercise of any power or performance of any function delegated in terms of subregulation (1).

[R. 18 inserted by r. 15 of GN. 268 of 2019.]

19. Short title.-These Regulations are called Regulations Relating to the Admission of Learners at Public Schools, 2001.

[R. 19 inserted by r. 15 of GN. 268 of 2019.]

Annexure A

[Annex. A, previously Form 1, substituted by s. 18 of GN 1160 of 2012 w.e.f. 9 May 2012.]

Application for Admission to a Public School

GAUTENG PROVINCE
Department of Education
REPUBLIC OF SOUTH AFRICA

(School Logo, Name, Registration Number And Address)

1. LEARNER DETAILS:

A.

Surname

First Name(s)

Grade applied for

Date of Birth

ID/Birth certificate/Passport Number

B. Certified birth and immunisation certificates attached Yes No

C. Sibling(s) currently at the school:

Surname	First Name(s)	Grade	Home Address

2. PARENT'S/GUARDIAN'S DETAILS

A. Are you a parent/guardian? Specify: Parent ☐ Guardian ☐

Surname(s)	
First Name(s)	
Title: Dr/Rev/Mr/Mrs	
ID Number	
Home Address	
Postal Address	
Postal code	
Home Telephone Number	
Work Address	
Work Telephone Number	

3. NEXT OF KIN/FRIEND/RELATIVE'S DETAILS: In case of emergency)

Surname	

First Name(s)	
Relationship to Learner	
Address	
Telephone Number	

4. LANGUAGE PREFERENCES OF LEARNER

Home Language	
Language of Communication	
Other Languages spoken	

5. PREVIOUS SCHOOL ATTENDED (if relevant)

Name of the School	
Address of the School	

6. SPECIAL NEEDS OF LEARNER (parent/guardian must specify any special educational needs e.g. epilepsy, allergies, use of wheelchair, etc.)

_____

_____

7. FAMILY DOCTOR'S DETAILS

Name	
Telephone Number	

Parent's/Guardian's Signature _____ Date of submission _____

For official use only:

Waiting list	A	B	Waiting list Number:

Status of Admission: Approved ☐ Not approved ☐

Reason(s) if not approved:

Signature _____ Date of submission _____

_____

Annexure B

[Annex. B, previously Form 2, substituted by s. 18 of GN 1160 of 2012 w.e.f. 9 May 2012.]

Re-enrolment of a Learner at a School

GAUTENG PROVINCE
Department of Education
REPUBLIC OF SOUTH AFRICA

(School Logo, Name, Registration Number And Address)

Dear Parent/Guardian

Please check and confirm that the details on the attached registration form of your child are correct. If there are any changes, such as new address or telephone number, please indicate it on the attached form. This is necessary so that we can update the School Admission Register.

Please complete the tear-off slip and return to the school by:

Date: Month: Year:

Should your child be leaving the school and going to a new school, please indicate this so that a Transfer Card can be completed for your child.

Yours sincerely

_____

Principal

PARENTS TO COMPLETE THIS SECTION AND RETURN TO THE SCHOOL. SELECT THE CORRECT OPTION AND DELETE WHAT IS NOT APPLICABLE

My child _____

will/will not be returning to the school in Date: Month: Year:

I require/do not require a transfer card for Year: academic year

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Annexure C

[Annex. C, previously Form 3, substituted by s. 18 of GN 1160 of 2012 w.e.f. 9 May 2012.]

Application for Transfer Card

GAUTENG PROVINCE
Department of Education
REPUBLIC OF SOUTH AFRICA

(School Logo, Name, Registration Number And Address)

A. SCHOOL'S PARTICULARS

Name of the school which learner is leaving:	
Address of the school:	
Registration number:	
District:	
School telephone number:	

B. LEARNER'S PARTICULARS

Name(s) (in full):	
Surname:	
Admission number:	
Date of birth:	
Nationality:	

The learner has been enrolled at the above school from:

Date: Month: Year:

Until

Date: Month: Year:

The language of learning and teaching at this school is:	
The highest grade (in words) passed by the learner was:	
The grade (in words) in which the learner was being taught at the time of leaving:	
Reason for leaving:	

Principal's Signature: _____ Date: _____

School Stamp

Annexure D

[Annex. D inserted by s. 18 of GN 1160 of 2012 w.e.f. 9 May 2012.]

Objection Form

GAUTENG PROVINCE
Department of Education
REPUBLIC OF SOUTH AFRICA

(School Logo, Name, Registration Number And Address)

TO: Head of Department

c/o The District Director

Gauteng Department of Education

FROM: Mr/Mrs/Ms/Dr/Prof:_____

SUBJECT: Objection against refusal of admission of my child

DATE: _____

Dear Sir/Madam

Please find my objection against _____ Primary/Secondary School for refusing to admit my child/children, as per regulation 16 (3) for Admission of Learners to Public Schools.

I have attached a written response from the school with details of my waiting list number ('A'/'B') and reason(s) for refusal

DATE OF APPLICATION:	
WAITING LIST NUMBER:	
NAME OF LEARNER:	
SCHOOL ATTENDED:	
PARENT'S/GUARDIAN'S CONTACT NUMBER:	
REASON FOR BELIEVING REFUSAL IS IRREGULAR:	

I declare that the information in this document is true and accurate and understand that the implications of supplying false information will nullify the objection

Name: _____ Parent's/Guardian's Signature: _____ Date: _____

Annexure E

[Annex. E inserted by s. 18 of GN 1160 of 2012 w.e.f. 9 May 2012.]

Appeal Form

GAUTENG PROVINCE
Department of Education
REPUBLIC OF SOUTH AFRICA

(School Logo, Name, Registration Number And Address)

TO: MEC

Gauteng Department of Education

FROM: Mr/Mrs/Ms/Dr/Prof:_____

SUBJECT: Objection against refusal of admission of my child

DATE: _____

Dear Sir/Madam

Please find my appeal against the Head of Department's decision to uphold the decision of _____Primary/Secondary School for refusing to admit my Child or children, as per regulation 16 (5) for Admission of Learners to Public Schools.

I have attached the decision of the Head of Department

Date of Objection: _____

DATE OF APPLICATION:	
WAITING LIST NUMBER:	
NAME OF LEARNER:	
SCHOOL ATTENDED:	
PARENT'S/GUARDIAN'S CONTACT NUMBER:	
REASON FOR BELIEVING REFUSAL IS IRREGULAR:	

I declare that the information in this document is true and accurate and understand that the implications of supplying false information will nullify the objection

Name: _____ Parent's/Guardian's Signature: _____ Date: _____

Annexure F

[Annex. F inserted by s. 16 of GN. 268 of 2019.]

Appeal to MEC regarding feeder zone determinations

GAUTENG PROVINCE
Department of Education
REPUBLIC OF SOUTH AFRICA

To: MEC

Gauteng Department of Education

From: Mr/Mrs/Ms/Dr/Prof: _____

APPEAL TO FEEDER ZONE DETERMINATIONS

1. I, _____ and

ID No. _____

(Attach Copy of ID) hereby object to the feeder zone determination of the Name of school _____ (as attached).

2. Provide details of Residential Address

3. Contact details

4. Explain in detail your Interest in the Process:

Provide reasons why the feeder zone determination of the school needs

5. to change. Motivate your reasons with evidence, including a map: (add pages if necessary)	
Signature	
Date	