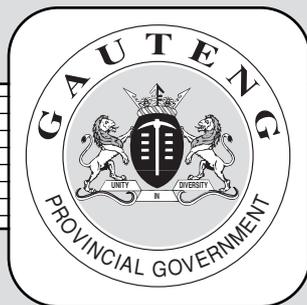


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
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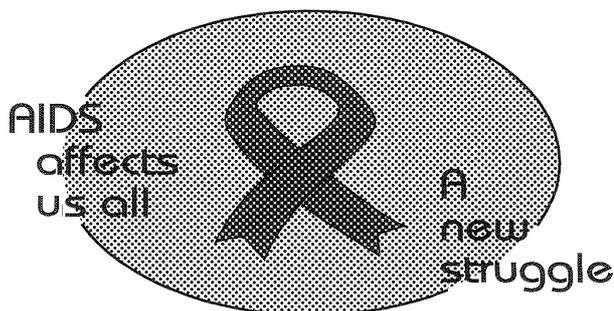
Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Vol. 19

PRETORIA, 25 OCTOBER
OKTOBER 2013

No. 308

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DEPARTMENT OF HEALTH

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GENERAL NOTICE

NOTICE 2919 OF 2013

DEPARTMENT OF EDUCATION

SOUTH AFRICAN SCHOOLS ACT, 1996

(ACT NO. 84 OF 1996)

NOTICE FOR THE REGISTRATION AND SUBSIDY OF INDEPENDENT SCHOOLS

The Member of the Executive Council responsible for education in the Province, in terms of Section 46(2), 48(2) read with 50(1) of the South African Schools Act, 1996 (Act No. 84 of 1996), hereby make the following determination.

SCHEDULE

Definitions

1.(1) Subject to subparagraph (2) and unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act has the same meaning in this Notice.

(2) In this Notice, unless the context indicates otherwise:-

“**Academic year**” means the year of schooling during a particular year as promulgated by the Minister of Basic Education in the school calendar from time to time;

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

“**application**” means an application to the Head of Department for the registration of an independent school as prescribed in this Notice;

“**Department**” means the Gauteng Department of Education;

“**financial year**” means January to December of each year;

“**Head of Department**” means the Head of the Gauteng Department of Education;

“independent school” means a school registered in terms of section 46 of the Act, including Grade R sites that are provided in the community sites and independent institutions;

“loan”; means the act of giving money to another party in exchange for future repayment of the principal amount or the principal amount with interest or other finance charges;

“management checklist” means the checklist of the Department in accordance with the National Norms and Standards For School Funding published in Government Gazette No. 19347 on 12 October 1998, as amended from time to time, which determines whether an independent school is able to manage public funding responsibly and includes indicators of sound management, proper admissions and attendance registers, fee payments and other financial records;

“Member of the Executive Council” means the Member of the Executive Council responsible for education in the Province;

“owner of an independent school” means a sole proprietor who resides permanently within the Republic of South Africa or a partnership as defined in the Companies Act, 2008 (Act No.71 of 2008) or Public Company incorporated and duly registered within the Republic of South Africa in terms of relevant laws nonprofit company as defined in the Companies Act, 2008 (Act No.71 of 2008), or a trust as defined in the Trust Property Control Act, 1988 (Act No.75 of 1988) or any administrator or executor appointed in terms of the relevant laws of the Republic of South Africa or the Community Based Sites or the Private Providers of Grade R;

“person” means a natural or a juristic person;

“published” means published in the Gauteng Provincial Gazette;

“retained” means to cause learners to repeat a grade;

“SACE” South African Council for Educators as envisaged in the South African Council of Educators Act, 2000 (Act No.31 of 2000);

“security of tenure” means a lease agreement or proof of ownership or permission to occupy the building; and

“**Umalusi**” means the Council for Quality Assurance in General and Further Education and Training established in terms of the General and Further Education and Training Quality Assurance Council.

Purpose

2. The purpose of this notice is to:

- (a) provide for the requirements for registration of an independent school;
- (b) determine the procedure for the application of registration for an independent school;
- (c) provide for the post-registration obligations of an independent school;
- (d) determine grounds for the withdrawal of registration of an independent school;
- (e) provide for appeal against the decision to withdraw registration of an independent school;
- (f) provide for application procedure for the subsidy of an independent school;
- (g) determine and provide for the processing of subsidies to the independent school;
- (h) provide for the withdrawal or reduction of a subsidy; and
- (i) provide for appeal against the decision to withdraw or reduce a subsidy.

Requirements for the registration of an independent school

3.(1) The following requirements apply to an application for registration:

- (a) it must be made in writing to the Head of Department, using the approved Department application form; and
- (b) it must be lodged with the Directorate responsible for independent schools at Head Office of the Department not later than 1 April of

the year preceding the year of the proposed opening of the independent school.

(2) The Department must:

- (a) finalise its decision for provisional registration within 30 days from the date of receipt of application; and
- (b) finalise its decision for final registration within 3 months from the date of receipt of application;

subject to the full compliance and provision of relevant documentation.

(3) In the event the owner does not furnish the Department with full documentation, the owner is required to furnish such required documentation within thirty (30) days of receipt of notice to comply.

(4) The Head of Department may refuse to consider an application, which does not comply with the requirements of subparagraphs (1) to (3).

Supporting documents

4.(1) The application for provisional registration must be submitted as contemplated in paragraph 3(1) and shall require the applicant to complete Annexure A which must be accompanied by :

- (a) a certified copy of the owner's identity document; or
- (b) if the owner is not a South African citizen or permanent resident, certified copies of his or her passport and business permit issued by the Department of Home Affairs;
- (c) details of the facilities, which will be made available for the implementation of the curriculum and for co-curricular and extra-curricular activities, clearly indicating whether the facilities is owned or will be leased by the applicant;
- (d) details of the facilities which will be made available to serve the needs of learners with disabilities;
- (e) a floor and site plan, which shall in the case of a multi storied building include a floor plan for each floor to be occupied in

- accordance with departmental requirements clearly showing learning, ablution and recreational facilities;
- (f) the documents of incorporation of the owner such as, but not limited to, trust instrument and memorandum of incorporation;
 - (g) details of a registered bank account with a recognised bank, including proof in the form of a legally binding surety that the independent school will be financially viable for a minimum period of 12 months after registration.

(2) The application for final registration must be made within 30 days of receiving provisional registration by completing Annexure B, and accompanied by:

- (a) a detailed analysis of the owner's business operation in terms of Section D of Annexure B;
- (b) a constitution for the independent school, signed by the owners, covering all matters relating to the control of the independent school including its ownership, character, aims, governance, funding, language and admission policy aligned to the Constitution of the Republic of South Africa, 1996;
- (c) a certified copy of a valid certificate of occupancy;
- (d) the tax clearance certificate of the owner where applicable;
- (e) a certified copy of a valid certificate from the relevant health authorities confirming that the proposed facilities at the independent school will meet the minimum health and safety requirements, including compliance with the Occupational Health and Safety Act, 1993 (Act No. 181 of 1993);
- (f) a certified copy of a valid certificate from the relevant municipality confirming that the proposed facilities will meet the requirements of the municipal by laws; and
- (g) a list of the educators or practitioners with their qualifications, in keeping with the minimum requirements, proposed to be employed at the independent school as well as their South African Council for Educators registration numbers.

(3) In the case of an independent school owned by a juristic person, the application must be accompanied by the certified copies of the constitutive instruments of the relevant juristic person.

(4) The owner of an independent school must submit a business plan clearly indicating whether or not the school is operating as a profit making or non-profit institution.

(5) If the owner is a company, the company must provide a certified copy of a registration certificate as proof that it has been incorporated under the Companies Act, 2008 (Act No. 71 of 2008).

(6) Community based sites or independent institutions that cater for learners below Grade R must provide proof of registration with the Department of Social Development.

(7) An independent school is required on registration to provide all other documentation deemed to be material to the application.

(8) The Head of Department may, in cases where an applicant provides reasonable proof of an application for any of the documents required above, grant an applicant registration, provided that the required documents are submitted to the Department once they are received by the applicant.

Procedure for registration of an independent school

5.(1) The Head of Department must grant registration to an independent school if he or she is satisfied that:

- (a) the application meets the requirements of paragraphs 3(1) and 4;
- (b) an educator registered with SACE, having seven (7) years teaching experience and a minimum qualification of Relative Education Qualification Value 13, is employed in a full-time capacity as the principal of the independent school,
- (c) the Principal is responsible for the management, organisation, supervision and control of conduct at such school;

- (d) the independent school meets the management standards required by the Department, through the relevant management checklist attached as Annexure C to this Notice; and
- (e) the owner complies with the primary legislation in terms of which it is incorporated and any other relevant legislation.

(2) On receipt of final registration application, the Head of Department must within 90 days:

- (a) register the independent school, and issue a registration certificate to the applicant, if the Head of Department is of the opinion that the school complies with the requirements for registration as specified in subparagraph (1); or
- (b) decline to register the independent school, if the Head of Department is of the opinion that the school does not comply with the requirements for registration as specified in subparagraph (1), and notify the applicant in writing of the decision and the reasons thereof.

- (3) (a) The owner of an independent school who is aggrieved by the decision of the Head of Department not to register the independent school may within 30 days of receiving a written notice that the application has been declined, appeal to the MEC clearly setting out the grounds for the appeal; and
- (b) the MEC must within 30 days of receiving the appeal inform the owner and the Head of Department of his or her decision.

(4) The registration of an independent school is not an automatic entitlement to receive a subsidy.

Post-registration obligations of an independent school

6.(1) Once an independent school has been registered with the Department, the following post registration requirements must be adhered to:

- (a) comply with paragraphs 3 to 5 of this notice;

- (b) comply with the South African curriculum policy indicating the minimum outcomes or standards and comply with a national process and procedure for the assessment of learner achievement as determined by the Minister in terms of section 6A of the Act;
- (c) ensure that the hours allocated to each subject or learning area are adequately observed and approved by the Head of Department;
- (d) apply for new registration should it wish to add or remove grades with the effect that it changes from one type of school contemplated in the Act to another type of school contemplated in the Act;
- (e) must disclose all educational and management related information as requested by the Head of Department or Member of the Executive Council;
- (f) allow reasonable access at agreed times to Departmental officials or persons authorized by the Department to inspect information as contemplated in section 59 (2) of the Act and to monitor compliance with the registration requirements;
- (g) In cases of schools with Grade 12 learners:
 - (i) the school must register as an examination centre as per requirements of the Department, and
 - (ii) register Grade 12 candidates for examinations of the National Senior Certificate with the Department or the Independent Examination Board or with other assessment bodies accredited by Umalusi for the administration of the National Senior Certificate;
- (h) allow unannounced visits by the Department for the purpose of monitoring the leadership, management, curriculum delivery and governance of the school; and
- (i) not expel or suspend a learner during an academic year or withhold the learner's progress report due to non-adherence to contractual obligations between the parent and the school.

(2) Where the board of an independent school and the parent cannot reach an agreement on contractual obligation as contemplated in subparagraph 6 (1) (i) the board must escalate the matter to the Directorate responsible for independent schools in the Department.

(3) The owner of an independent school must comply with the following post registration obligations:

- (a) an international school that is providing education to learners of foreign nationality may be excluded from paragraph 6(1) (b), 6(1) (c) and 6(1) (g) as contemplated in section 46 (2) of the Act;
- (b) all documentation referred to in paragraph 4 including the letter approving the registration of the school must be filed with the Principal of the school and readily accessible as and when required by the Head of Department or an official authorised by the Head of Department;
- (c) it is the responsibility of the owner of an independent school to ensure that the relevant documents are updated on a regular basis;
- (d) the owner of an independent school whose application was granted under paragraph 5 must establish the independent school at the beginning of a new academic year, within 18 months from the date on which the application was granted by the Head of Department;
- (e) if the owner of an independent school fails to establish the school within the period referred to in subparagraph (3) (d), the registration shall lapse unless good cause is shown for the delays;
- (f) the Head of Department may allow an independent school time to align with the requirements of this Notice on the basis of a reasonable request with motivation;
- (g) a school referred to in subparagraph (3) (a) may not enroll South African learners, without the approval of the Head of Department;
- (h) an independent school must manage its school finances in accordance with the Generally Accepted Accounting Practices, as amended and prescribed in the relevant acts;

- (i) an independent school must meet the Constitutional obligations with regard to the learner's rights;
- (j) within three months after establishment or a period acceded to by the Head of Department, an independent school, must submit the following certified copies as proof of registration to the Head of Department:
 - (i) South African Revenue Services, with respect to taxation;
 - (ii) Department of Labour with respect to:
 - (aa) Unemployment Insurance Fund (UIF);
 - (bb) Skills Development Levy;
 - (cc) Compensation of Injuries and Disease Act, 1993 (Act No. 130 of 1993), (COIDA);
 - (iii) Umalusi for accreditation; and
 - (iv) any other statutory obligation required for the operation of the school.

(4) For change of ownership of an independent school the following requirements must be met:

- (a) an independent school must, within one month prior to any change of ownership of the independent school, provide written notification to the Head of Department of such change of ownership;
- (b) in case the owner sells the independent school as a going concern, then such change of ownership must be in accordance and comply with the applicable legislation, such as the Labour Relations Act, 1995 (Act No. 66 of 1995) and the Companies Act, 2008 (Act No. 71 of 2008);
- (c) the new owner must make an undertaking to continue to comply with the conditions for registration and subsidization as the case may be;

- (d) no change of ownership shall be valid unless approved by the Head of Department and the Department has conducted a due diligence check on the new owner.

(5) To relocate the premises of an independent school the owner must meet the following requirements:

- (a) the owner of an independent school must notify the Head of Department and provide reasons in writing of any proposed change in premises six months or for a shorter period agreed to by the Head of Department prior to relocation;
- (b) the school must notify parents in writing of their intention to relocate 30 days prior to lodging their application with the Head of Department;
- (d) the Head of Department must grant approval of the proposed relocation within 30 days of the application provided that the independent school provides the following information:
 - (i) the address of the proposed new location for the independent school; and
 - (ii) all documentation necessary to satisfy the Head of Department that, notwithstanding any new circumstances caused by the change of address, the independent school complies with all requirements contemplated in this notice;
- (e) in cases where an independent school does not comply with the requirements as contemplated in this notice, the Head of Department must grant the independent school a further 60 days within which to comply.

(6) The owner of an independent school must maintain security of tenure over the school buildings and grounds.

(7) The owner must continue to comply with the primary legislation in terms of which it is incorporated and conditions for registration of independent schools.

Grounds on which registration of an independent school may be withdrawn

7. The grounds to withdraw the registration of an independent school are:

- (a) based on sound reasons and the Head of Department believes that there is a threat to the continuation of provision of education services by the owner;
- (b) the owner commits an act of insolvency as defined in the Insolvency Act, 1936 (Act No. 24 of 1936) or is provisionally or finally wound-up, voluntarily wound-up, or is placed under judicial management;
- (c) owner failed to comply with the provisions of this Notice or any legislation enacted in the Republic of South Africa;
- (d) the independent school refuses unannounced visits as contemplated in paragraph 6(1)(h) by the Head of Department or his or her delegate;
- (e) the independent school utilizes the subsidy funds for a non educational purpose;
- (f) the independent school is found to have inflated the learner numbers and attendance figures; or
- (g) where an independent school requests to be closed.

Procedure for withdrawal of registration, suspension or closure of an independent school

8.(1) The Head of Department may withdraw the registration of an independent school, suspend its operations or close an independent school at any time after an investigation is conducted.

(2) The Head of Department may not take action under subparagraph (1) unless he or she has:

- (a) sent a notice to the independent school that it must comply within 30 days with the notice;
- (b) notified the independent school of his or her intention to act and the reasons thereof;

- (c) subject to subparagraph(2) (a), granted the independent school a reasonable opportunity to make written representations to him or her relating to such intention; and
- (c) given due consideration to any such representations received.

(3) The written representations referred to in subparagraph (2) (c) must reach the Head of the Department within 30 days of the receipt of the notice contemplated in the subparagraph (2) (b).

(4) The Head of the Department must notify the owner of the independent school of his or her decision within 30 days of receiving the written representations contemplated in section 47 (1) (b) of the Act and subparagraph (3) of this Notice.

(5) (a) In cases of emergency, the Head of Department may act in terms of subparagraph (1) without prior communication to such independent school and the Head of Department must thereafter furnish the independent school with reasons for his or her actions.

(b) In the best interest of learners, the Head of Department may for reasons of Health and Safety, temporarily close an independent school.

(6) In cases where the Head of Department closes an independent school, learners may be placed at relevant public schools, after consultation with parents.

(7) (a) Where a request to be closed is made by an independent school, the owner must:

- (i) inform and provide written reasons to the Head of Department for proposing closure at least five months before such closure occurs; and
- (ii) provide proof that the parents, teachers and learners were given at least six calendar months written notice with reasons of the proposed closure of the independent school provided that such proposed closure does not disrupt teaching and learning at the school;

- (b) within 30 days of receipt of the notice of the proposed closure of the independent school, the Head of Department must reply to the school and request further written representations if necessary; and
- (c) if no further representations are furnished to the Department within 30 days of receipt of such request by the independent school, the Head of Department after due consideration may in writing inform the school that it is closed.

Appeal against decision to withdraw registration of an independent school

9.(1) An owner of an independent school who is aggrieved by the decision of the Head of Department to withdraw the registration of an independent school may, within 30 days of receiving notice as envisaged in paragraph 8(4), appeal to the Member of the Executive Council in writing, setting out the grounds for the appeal.

(2) The Member of the Executive Council must consider the appeal and must confirm or set aside the decision of the Head of the Department within 30 days of receiving the appeal and must:

- (a) notify the appellant of his or her decision;
- (b) provide the appellant with written reasons for his or her decision; and
- (c) notify the appellant on what date the independent school must stop operating in case of confirmation of the decision of the Head of Department.

(3) While the Member of the Executive Council is adjudicating the appeal the independent school must continue to function until the Member of the Executive Council notifies the appellant of his or her decision.

Application procedure for subsidy of an independent school

10.(1) An independent school applying for a subsidy for the first time must submit on or before 30 June of the year preceding the year in respect of which the subsidy is sought, a completed relevant application form, to the directorate responsible for

independent schools at the Head Office of the Department.

(2) An independent school applying for a subsequent subsidy must submit to the directorate responsible for independent school at the Head Office of the Department on or before 28 February of each year a completed relevant application form obtainable from the Department.

(3) An application that is late will not be considered.

Manner of payment of a subsidy to an independent school

11.(1) If the Member of the Executive Council decides to grant a subsidy to an independent school, he or she must do so subject to the following:

- (a) the subsidy must be calculated on a per learner basis according to the verified enrolment in the school at the beginning of each term; and
- (b) the level at which each learner is subsidized must be determined by the Member of the Executive Council with due regard to any applicable norms and minimum standards determined by the Minister in terms of section 48 (1) of the Act.

(2) The Department must pay the first term's subsidy no later than 1 April.

(3) The Department must pay subsequent subsidies no later than six weeks after the beginning of the school term to which the respective subsidies relate.

Conditions for the utilisation of subsidy

12.(1) An independent school must provide the Head of Department with a written assurance that it implements effective, efficient and transparent financial management, appropriate procurement processes, proper asset management and internal control systems.

(2) The subsidy allocated to an independent school must be used for educational purposes, including school facilities, equipment and maintenance.

(3) The subsidy allocated to the school must not be:

- (a) transferred out of the control of the owner;

- (b) used for the repayment or granting of loans which are unrelated to the purpose for which it was granted; and
- (c) used to purchase property or vehicles for personal gains.

(4) An independent school must keep full and proper records of its financial affairs in accordance with any prescribed norms and standards.

(5) An independent school must submit to the Head of Department audited financial statements annually by the end of February.

Eligibility and conditions for providing of an independent school with a subsidy

13.(1) The Member of the Executive Council may grant a subsidy to an independent school if it meets each of the following requirements:

- (a) the school is registered with the Department;
- (b) the school must have been operational for at least one full academic year;
- (c) the Head of Department is satisfied that the school is a registered non-profit organisation in terms of the Non-profit Organisations Act, Act 71 of 1997;
- (d) the school and the owner complies with the requirements of this notice and the relevant management checklist referred to in Annexure C;
- (e) that the school has not been established in direct competition with a nearby uncrowded public school of equivalent quality;
- (f) if the school enrolls learners in the secondary schooling phase:
 - (i) its final grade 12 pass rate must be equal to or higher than the provincial average grade 12 pass rate for public schools in the prior year;
 - (ii) a maximum of 20% of the Grade 11 learners at the school may be repeaters who were in grade 11 at the same school during the previous school year;

- (iii) a maximum of 20% of Grade 12 learners at the school may be repeaters who were in grade 12 at the same school during the previous school year;
 - (iv) it may not engage in practices that are calculated artificially to increase the school's grade 12 pass rate; and
 - (v) learners are retained not more than once in a phase, that is, a learner is not retained more than once in the grade 7 to 9 phase; and
- (g) if the school enrolls learners in the primary schooling phase:
- (i) the average of its learner achievement rate in literacy and numeracy in the grade 3 or grade 6 assessment must be equal to or higher than the provincial latest achievement rate of grade 3 or grade 6 in public schools;
 - (ii) learners are retained not more than once in a phase, that is, a learner is not retained more than once in grades 1 to 3 phase or grades 4 to 6 phase;
 - (iii) not more than 20% of Grade 2 or Grade 5 learners are retained who took Grade 2 or Grade 5 at the same school the previous year; and
 - (iv) the school does not engage in practices that are intended to artificially increase the results of the assessments.

Withdrawal or reduction of a subsidy

14.(1) The Head of Department may withdraw or reduce the subsidy of an independent school at any time if he or she is satisfied, after investigation, that the school is not complying with the registration, post registration and the requirements as set out in subparagraphs 12 and 13 of this notice.

(2) The Head of Department may not withdraw or reduce a subsidy in terms of subparagraph (1), unless:

- (a) the owner of such independent school has been furnished with a notice of intention to terminate or reduce the subsidy and the reasons thereof;
- (b) such owner has been granted an opportunity to make written representations as to why the subsidy should not be withdrawn or reduced;
- (c) such representation must be received by the Head of Department within fourteen (14) days of the notice contemplated in subparagraph (2) (a); and
- (d) any such representations received have been duly considered.

(3) The Head of Department may institute criminal charges against the owner of the independent school in case of maladministration of finances, including the subsidy.

(4) If the subsidy of an independent school is withdrawn or reduced for two consecutive years, the school will have to re-apply as first time subsidy applicant.

Grounds for Withdrawal of subsidy

15. The Head of Department may withdraw the subsidy on grounds that:

- (a) an independent school has failed to comply with the conditions for the utilization of the allocated subsidy;
- (b) an independent school has failed to comply with the registration conditions; and
- (c) an independent school has failed to comply with the post-registration conditions.

Appeal against the decision of the Head of Department to withdraw or reduce a subsidy

16.(1) The owner of an independent school may appeal to the Member of the Executive Council against the withdrawal or reduction of a subsidy to such independent school, within 30 days of receiving notice of such decision.

(2) The Member of the Executive Council must consider the appeal and must confirm or set aside the decision of the Head of Department within 30 days of receiving the appeal and must:

- (a) notify the appellant of his or her decision; and
- (b) provide the appellant with written reasons for his or her decision.

Repeal of Notices

17. General Notices number 2147 published in the Provincial Gazette 265 of 2004 and General Notice number 2011 published in Provincial Gazette 248 of 2004 is hereby repealed.



ANNEXURE A - APPLICATION FOR PROVISIONAL REGISTRATION OF AN INDEPENDENT SCHOOL

A. INDICATE NATURE OF APPLICATION				
No.	Nature	Tick	Provide the Name of the Company/Organisation/Trust	Registration No.
1.	Individual			
2.	Company			
3.	Organisation			
4.	Trust			
5.	International School			

B. OWNER'S DETAILS (If the owner is an individual complete B (1) to B (6). If the owner is a company, organisation or trust provide the details of the Chairperson or CEO in B (1) to B (6) and in B (7) provide the details of other members and attach certified copies of relevant documents required in B (3) or B (4).)				
1.	Surname			
2.	First Name/s			
3.	ID Number (South African Citizens only) (Attach a certified copy of the ID)			
4.	If not a South African citizen (complete the following and attach certified copies of the documents referred to in (4.2) and (4.3))			
	4.1 Nationality			
	4.2 Passport No.			
	4.3 Work Permit No.			
5.	Contact Details			
	5.1 Permanent Residential Address	No.		
		Street Name		
		Township		
		Suburb		
	Code			
	5.2 Postal Address (If different from the residential address)	PO Box		
		Suburb		
		Code		
	5.3 Telephone No.			
5.4 Cell phone No.				
5.5 Facsimile (Fax)				
5.6 Email Address				

C. TYPE OF SCHOOL				
1.	The application is for the registration of		Tick	Comments
	1.1 Primary School (Gr. R to 7)			<i>For Gr. R there will be additional requirements imposed by the sector</i>
	1.2 Primary School (Gr. 1 to 7)			
	1.3 Secondary School (Gr. 8 to 9)			<i>No school will be allowed to register for Gr.10 to 12 in the first year. Grades 10 to 12 will be phased in from grades 8 and 9.</i>
	1.4 Combined school			<i>Tick either 1.4(a) or (b)</i>
	(a) 1.1 and 1.3			
(b) 1.2 and 1.3				

D. DETAILS OF THE SCHOOL								
1.	Name of the School							
2.	GDE District in which the school is located							
3.	Physical Address of the school							No.
								Street Name
								Township
								Suburb
								Code
4.	Indicate with a tick , in regard to D3 above, whether you are						a.	the owner of the building
							b.	intend to own the building
							c.	intending to lease the building
							d.	have leased the building
5.	FOR OFFICIAL USE ONLY(Public (P) /Independent (I) School within 5km of school)							
	School Name	P/I	Primary/ Secondary/ Combined	LoLT	L:E Ratio	Curriculum	Distance (km)	

E. CURRICULUM AND SCHOOL CALENDAR	
1.	Which curriculum will be implemented by the school?
	1.1 What Language of Learning and Teaching (LoLT) will be used?
2.	Under which accredited body will the school conduct its examinations for :
	2.1 Grade 9
	2.2 Grade 12

3.	Specify, the length of the school day in hours (excluding breaks) for each phase in the school, on the table below					
	Primary School				Secondary School	
	Gr. R	Gr. 1 to 3	Gr. 4 to 6	Gr.7	Gr.8 to 9	Gr.10 to 12
4.	How many school days will the school have per annum?					
5.	Will the school have three (3) terms or four (4) terms?					

F. FEE STRUCTURE	
1.	Indicate the maximum annual fee as you intend to present to parents
2.	Explain how you would deal with parents who default with payment of the school fees.

G. DECLARATION (To be signed at your nearest South African Police Station)[Delete or complete where applicable]	
I, (Name of Owner/Chairperson/CEO)	
_____ in	
my capacity as the owner/Director/Chairperson/ CEO of (Name of School/Trust/Organisation/Company)	

hereby declare that the information provided by me in this application is true and correct.	
Signed at (Place)	
Date	
Name of Policeman	
Designation	
Staff Number	
Signature	
SAPS STAMP	



ANNEXURE B - APPLICATION FOR FINAL REGISTRATION OF AN INDEPENDENT SCHOOL

A. DETAILS OF OWNER AND SCHOOL		
1.	Surname and First Name/s of applicant to whom provisional registration was granted.	
2.	GDE Reference No.	
3.	Name of School for which Provisional Registration was granted	
4.	Final Name of School if different from A.3 above.	
5.	Physical Address of School	No.
		Street Name
		Township
		Suburb
		Code
6.	Postal Address of School (if different from Physical Address)	PO Box
		Suburb
		Code
7.	Telephone number of school	
8.	Cell Number	
9.	Facsimile	
10.	Email address	

B. STAFFING AND LEARNER ENROLMENTS	STAFF	NUMBERS
1. How many each of the following staff members are employed by the school?	Educators (inc Principal)	
	Admin Staff	
	Cleaning Staff	
	Maintenance Staff	
	Grounds man	
	Security	
	Other(Specify)	

2.	How many classrooms does the school have?					
3.	How many learners have been enrolled at the school in total?					
4.	Complete the table below :					
	Primary School	No. of Learners	No. of Classes	Secondary School	No. of Learners	No. of Classes
	Grade R			Grade 8		
	Grade 1			Grade 9		
	Grade 2			Grade 10		
	Grade 3			Grade 11		
	Grade 4			Grade 12		
	Grade 5					
	Grade 6					
	Grade 7					

C. CURRICULUM AND SCHOOL CALENDAR	
1.	Which curriculum will be implemented by the school?
2.	Under which accredited body will the school conduct its examinations for :
	2.1 Grade 9
	2.2 Grade 12

D.	Documents for Submission with the application	Registration No. (Where applicable)	Submitted (Owner)	Received (Dir : Ind Schools)
1.	Details of the facilities, which will be made available for the implementation of the curriculum and for co-curricular and extra - curricular activities, clearly indicating whether the facilities is owned or will be leased by the applicant;			
2.	Details of the facilities which will be made available to serve the needs of learners with disabilities			
3.	A floor and site plan, which shall in the case of a multi storied building include a floor plan for each floor to be occupied, in accordance with departmental requirements clearly showing learning, ablution and recreational facilities;			
4.	A detailed analysis of owner's business operation.			
5.	A constitution for the independent school, signed by the owners, covering all matters relating to the control of the independent school including its ownership, character, aims, governance and funding.			
6.	Language Policy.			
7.	Admission Policy.			

D.	Documents for Submission with the application	Registration No. (Where applicable)	Submitted (Owner)	Received (Dir : Ind Schools)
8.	A certified copy of a valid certificate of occupancy.			
9.	Tax clearance certificate (where applicable).			
10.	A certified copy of a valid certificate from the relevant health authorities confirming that the proposed facilities at the independent school will meet the minimum health and safety requirements, including compliance with the Occupational Health and Safety Act, 1993 (Act No. 181 of 1993).			
11.	A certified copy of a valid certificate from the relevant municipality confirming that the proposed facilities will meet the requirements of the municipal by laws.			
12.	A list of the educators or practitioners with their qualifications, in keeping with the minimum requirements, proposed to be employed at the independent school as well as their South African Council for Educators registration numbers.			
13.	In the case of an independent school owned by a juristic person, certified copies of the constitutive instruments of the relevant juristic person.			
14.	The owner of an independent school must submit a business plan clearly indicating as to whether or not the school is operating as a profit making or non-profit institution.			
15.	If the owner is a company, the company must provide a certified copy of a registration certificate as proof that it has been incorporated under the Companies Act, 2008 (Act No. 71 of 2008)			
16.	Community based sites or independent institutions that cater for learners below Grade R must provide proof of registration with the Department of Social Development.			
17.	Umalusi Accreditation			
18.	Skills Development Levy			
19.	Other Documents (Specify)			

D.	Documents for Submission with the application	Registration No. (Where applicable)	Submitted (Owner)	Received (Dir : Ind Schools)
20.	Details of Registration			
	20.1 South African Revenue Service (SARS)			
	20.2 Unemployment Insurance Fund (UIF)			
	20.3 Compensation of Injuries (COIDA)			
	20.4 Non-Profit Organisation(NPO)			
	20.5 Trust			
	20.6 Company			

The Directorate: Independent Schools will conduct document analysis and monitoring visits on the schools site and consider all the facts presented to approve full registration of the site.

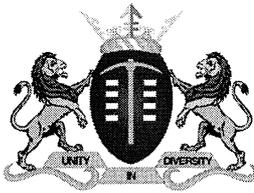
SCHOOL STAMP

E.	DECLARATION (To be signed at your nearest South African Police Station)[Delete or complete where applicable]												
	<p>I, (Name of Owner/Chairperson/CEO)</p> <p>_____ in</p> <p>my capacity as the owner/Director/Chairperson/ CEO of (Name of School/Trust/Organisation/Company)</p> <p>_____</p> <p>hereby declare that the information provided by me in this application is true and correct.</p>												
	<table border="1"> <tr> <td>Signed at (Place)</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>Name of Policeman</td> <td></td> </tr> <tr> <td>Designation</td> <td></td> </tr> <tr> <td>Staff Number</td> <td></td> </tr> <tr> <td>Signature</td> <td></td> </tr> </table>	Signed at (Place)		Date		Name of Policeman		Designation		Staff Number		Signature	
Signed at (Place)													
Date													
Name of Policeman													
Designation													
Staff Number													
Signature													
	<p>SAPS STAMP</p>												

F. APPLICATION CONTROL (FOR OFFICE USE ONLY)	
1.	DETAILS OF PERSON RECEIVING THE APPLICATION AND SUPPORTING DOCUMENTS
	PRINT NAME
	SIGNATURE
	DATE
	OFFICE NO.
	DESIGNATION
2.	COMMENTS

G. APPROVAL OF FINAL REGISTRATION	
Print Name	
Signature	
Designation	
Date	

GAUTENG DEPARTMENT OF EDUCATION



GAUTENG PROVINCE
EDUCATION
REPUBLIC OF SOUTH AFRICA

ANNEXURE C: MANAGEMENT CHECKLIST FOR INDEPENDENT SCHOOLS SEEKING SUBSIDISATION

INDEPENDENT SCHOOLS' CHECKLIST

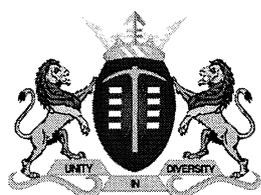
	ASPECT	PAGE	
SECTION A	Legislation Reference	3	
SECTION B	School Details	5	
	Ownership Details	5-6	
	Unannounced visits	7	
	Pass Rates	9-10	
	Overall Management	Structures and Committees	11
		Basic Functionality	11
		Financial Management	12-18
	Teacher Registration	Confirmation of SACE registration	19
		Recommendations	20-21

SECTION A: LEGISLATION REFERENCE

ACT/LEGISLATION ASPECT	SECTIONS OR PARAGRAPHS
<p>THE SOUTH AFRICANS SCHOOLS ACT, 1996 (ACT 84 OF 1996) (SASA)</p> <p>The South African Schools Act, 1996 (Act 84 of 1996) (SASA) enables the provincial Member of the Executive Council (MEC) to grant a subsidy to a registered Independent School in terms of norms and minimum standards determined by the Minister of Education. The Published Standards determine the national norms for eligibility for subsidy allocation & the level of subsidisation. Compliance with these standards is necessary, but not sufficient to ensure eligibility for subsidy allocation. An applicant school must also comply with any subsidy eligibility requirements and conditions determined by the MEC in terms of Section 50(1) (c) of SASA.</p>	<p>Sections 45, 46, 48 and 50</p>
<p>AMMENDED NATIONAL NORMS AND STANDARDS FOR SCHOOLS FUNDING</p>	
<p>The school has to be registered with the Gauteng Department of Education (GDE).</p>	<p>Paragraph 176 (a)</p>
<p>The school must have made an application with GDE in the prescribed manner.</p>	<p>Paragraph 176 (b)</p>
<p>The school must have been in operation for a full school year.</p>	<p>Paragraph 176 (c)</p>
<p>The school is not operated for profit.</p>	<p>Paragraph 176 (d)</p>
<p>The school is managed successfully according to a management checklist determined by GDE as described in par 179.</p>	<p>Paragraph 176 (e)</p>
<p>The school agrees to unannounced inspection visits by the GDE officials: refusal to allow unannounced visits will result in forfeiture of further funding.</p>	<p>Paragraph 176 (f)</p>
<p>The school has not been established in direct competition with a nearby-uncrowded public school of equivalent quality.</p>	<p>Paragraph 176 (g)</p>
<p>For Primary schools:</p>	
<p>(i) The average of its learner achievement rate in literacy and numeracy in the grade 3 or grade 6 assessment is equal to or more than the provincial latest achievement rate of grade 3 or grade 6 in public schools;</p>	
<p>(ii) Learners are retained not more than once in a phase, i.e. a learner is not retained more than once in grades 1 to 3 phase or grades 4 to 6 phase;</p>	
<p>(iii) Not more than 20% of Grade 2 or Grade 5 learners are retained who took Grade 2 or Grade 5 at the same school the previous year; and</p>	
<p>(iv) The school does not engage in practices that are intended to artificially increase the results of the assessments.</p>	<p>Paragraph 177(1)(a) to (d)</p>
<p>For secondary schools:</p>	
<p>(i) Its final grade 12 pass rate is equal to or higher than the provincial average grade 12 pass rate for public schools in the prior year.</p>	
<p>(ii) a maximum of 20% of the Grade 11 learners at the school may be repeaters who were in grade 11 at the same school during the previous school year;</p>	
<p>(iii) a maximum of 20% of Grade 12 learners at the school may be repeaters who were in grade 12 at the same school during the previous school year; and</p>	
<p>(iv) it may not engage in practices that are calculated artificially to increase the school's grade 12 pass rate.</p>	
<p>(v) learners are retained not more than once in a phase, i.e. a learner is not retained more than once in the grade 7 to 9 phase.</p>	
<p>Each school requesting funds will be subject to a management checklist, which will be approved by the Head of Department (HOD) after consultation with representatives of independent schools.</p>	<p>Paragraph 177(4) (a)-(e)</p>
<ul style="list-style-type: none"> • Capacity to handle public funds. • Capacity to meet ongoing contractual obligations to suppliers of goods & services. • Ability to make educationally sound financial decisions. • School keeps proper admissions and attendance registers. • School maintains proper financial records including full fee-payment records. 	<p>Paragraph 179</p>

SECTION B: SCHOOL PROFILE

INSTRUCTIONS: All sections must be filled.



GAUTENG PROVINCE

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1. SCHOOL DETAILS	
1.1	DISTRICT
1.2	NAME OF SCHOOL
1.3	GDE REFERENCE NO.
1.4	DATE OF REGISTRATION
1.5	NUMBER OF YEARS THE SCHOOL HAS BEEN IN OPERATION
1.6	NAME OF PRINCIPAL
1.7	NAME OF CLUSTER LEADER
1.8	PHYSICAL ADDRESS
	No.
	Street Name
	Township
	Suburb
1.9	POSTAL ADDRESS (IF DIFFERENT FROM SCHOOL ADDRESS)
	Code
	PO Box
	Suburb
	Code
1.10.	TELEPHONE NUMBER
1.11	CELL NUMBER
1.12	EMAIL ADDRESS

2. OWNERSHIP DETAILS					
2.1	TYPE OF LEGAL ENTITY (TICK)	INDIVIDUAL	COMPANY	ORGANISATION	TRUST
2.2	DATE OF REGISTRATION (FOR LEGAL STATUS)				
2.3	REGISTRATION NO. (In terms of (1) above)				
2.4	OTHER REGISTRATION NOS. REQUIRED (ATTACH PROOF)				
	2.4.1 Non – profit organisation				
	2.4.2 South African Revenue Services (SARS)				
	2.4.3 Unemployment Insurance Fund (UIF) No.				
	2.4.4 Skills Development Levy No. (Schools with a staff of more than 50)				
	2.4.5 Compensation of Injuries and Diseases (COIDA)No.				
2.5	Attach a declaration from the school's external auditor that the income and property of the school is applied solely towards the promotion of its main object and no portion of it given to or transferred to its members or office bearers, except as reasonable compensation for services rendered.				
2.6	NAME OF ACCOUNTABLE OFFICER (An accountable officer is a person in the school who is accountable to the GDE for the accuracy of this document)	SURNAME			
		FIRST NAME/S			

4. UNANNOUNCED VISITS

PLEASE NOTE THAT IF THE SCHOOL DOES NOT COMPLY WITH UNANNOUNCED VISITS, IN TERMS OF PARAGRAPH 176 (f) OF THE NATIONAL NORMS AND STANDARDS FOR SCHOOL FUNDING (NSSF), IT WILL DISQUALIFY ITSELF FROM RECEIVING SUBSIDIES.

5. PASS RATES

5.1 PRIMARY SCHOOLS

If the school enrolls learners in the primary schooling phase:

- (i) the average of its learner achievement rate in literacy and numeracy in the grade 3 or grade 6 assessment is equal to or more than the provincial latest achievement rate of grade 3 or grade 6 in public schools;
- (ii) learners are retained not more than once in a phase, i.e. a learner is not retained more than once in grades 1 to 3 phase or grades 4 to 6 phase;
- (iii) not more than 20% of Grade 2 or Grade 5 learners are retained who took Grade 2 or Grade 5 at the same school the previous year;
- (iv) the school does not engage in practices that are intended to artificially increase the results of the assessments; and
- (v) learners are retained not more than once in a phase, i.e. a learner is not retained more than once in the grade 7 to 9 phase.

GRADE	No. of learners per Grade in the preceding year (in the same school) (A)	No. of learners repeating the Grade in the same school (B)	New learners in the Grade (coming from other schools) (C)	Repetition rate in the Grade which exclude new learners (D)
				$D = \frac{B}{A} \times 100$
3				
6				

5.2 SECONDARY SCHOOLS

If the school enrolls learners in the secondary schooling phase:

- (i) its final grade 12 pass rate is equal to or higher than the provincial average grade 12 pass rate for public schools in the prior year
- (ii) a maximum of 20% of the Grade 11 learners at the school may be repeaters who were in grade 11 at the same school during the previous school year;
- (iii) a maximum of 20% of Grade 12 learners at the school may be repeaters who were in grade 12 at the same school during the previous school year;
- (iv) it may not engage in practices that are calculated artificially to increase the school's grade 12 pass rate, and
- (v) learners are retained not more than once in a phase, i.e. a learner is not retained more than once in the grade 7 to 9 phase.

(a) GRADE 9 ENROLMENTS

Grade	No. of learners per Grade in the preceding year (in the same school) (A)	No. of learners repeating the Grade in the same school (B)	New learners in the Grade (coming from other schools) (C)	Repetition rate in the Grade which exclude new learners (D)
				$D = \frac{B}{A} \times 100$
9				

(b) GRADE 11 ENROLMENTS

GRADE	No. of Grade 11 learners in the preceding year (in the same school) (A)	No. of learners repeating Grade 11 in the same school (B)	New learners in Grade 11 (coming from other schools) (C)	Repetition rate in Grade 11 which exclude new learners (D)
				$D = \frac{B}{A} \times 100$
11				

(c) GRADE 12 ENROLMENTS

GRADE	No. of Grade 12 learners in the preceding year (in the same school) (A)	No. of learners repeating Grade 12 in the same school (B)	New learners in Grade 12 (coming from other schools) (C)	Repetition rate in Grade 12 which exclude new learners (D)
				$D = \frac{B}{A} \times 100$
12				

(d) GRADE 12 PASS RATES

PLEASE NOTE THAT ONLY FULL TIME CANDIDATES QUALIFY FOR SUBSIDIES.
 PLEASE NOTE: THE DEFINITION OF A FULL-TIME CANDIDATE IS PER GRADE 12 EXAMINATIONS REQUIREMENTS

Number of grade 12 part time learners _____

GRADE 12	NUMBER OF FULL TIME CANDIDATES THAT WROTE THE EXAM IN THE PRIOR YEAR, (EXCLUDING THE GRADE 12 PART TIME LEARNERS)	NUMBER THAT PASSED	PERCENTAGE PASS (Inclusive of supplementary exams)

6. OVERALL MANAGEMENT				
6.1 LIST THE MANAGEMENT STRUCTURES AND COMMITTEES THAT YOU HAVE AT THE SCHOOL (NB. HARD COPIES OF ALL REQUIRED DOCUMENTS MUST ALWAYS BE AVAILABLE FOR SCRUTINY BY THE GDE/DELEGATED AUTHORITY)				
	SCHOOL MANAGEMENT AND FINANCE STRUCTURES (e.g. Board of Directors)	AVAILABILITY OF MINUTES INDICATE WITH A 'YES' OR 'NO'		COMMENTS
		YES	NO	
a.				
b.				
c.				
d.				
e.				
6.2 BASIC FUNCTIONALITY OF THE SCHOOL				
	AVAILABILITY OF DOCUMENTS FOR SCRUTINY-INDICATE WITH A 'YES' OR 'NO'	COMMENTS		
		YES	NO	
a.	Learners' admission register			
b.	Learners' attendance registers			
c.	Educators attendance register is controlled regularly			
d.	School composite time table			
e.	Staff list indicating subjects and grades taught and their South African Council for Educators (SACE) Registration numbers			

6.3 FINANCIAL MANAGEMENT				
ITEM		AVAILABILITY FOR SCRUTINY- INDICATE WITH A 'YES' OR 'NO'		COMMENTS
		YES	NO	
A.	FINANCIAL MANAGEMENT PLANNING			
1	System for estimating the school's revenue, operating and capital expenditure for the forthcoming school year			
2	Key desired outcomes/objectives and indicators, for the forthcoming year			
3	Key risk factors, both external and internal to the school, that might affect the attainment of objectives			
4	Financial and non-financial resources required to achieve the objectives			
5	An operational plan that is linked to the budget			

CONFIRM PERCENTAGES ALLOCATED AS PER YOUR CURRENT SCHOOL BUDGET				
B.	1. LEARNER SUPPORT MATERIAL			
	2. SERVICES			
	3. MAINTENANCE			
	4. SALARIES			
	5. CAPITAL EXPENDITURE (CAPEX)			
C.	REPORTING STANDARDS	DOCUMENTS AVAILABLE FOR SCRUTINY – INDICATE WITH A ‘YES’ OR ‘NO’	COMMENTS	
		YES	NO	
	1. Inspect annual financial statement which is in compliance with generally accepted accounting practice (GAAP) has been prepared and consists of:			
	(a) A balance sheet			
	(b) An income statement			
	(c) A cash flow statement			
	(d) Notes to the annual financial statements			
	(e) Any other statements that the Accounting Standards Boards may prescribe in future			
	(f) An auditor's report			
	(g) Verify expenditure in the Annual Financial Statements			
2. Write down the name and contact details of the Auditor				
2.1 With regard to the appointment of an independent auditor of the school, is the school's auditor registered with the Public Accountants and Auditors Board or				

SAICA?	YES	NO	COMMENTS
2.2 The school's auditor is a person who is qualified to review and sign Close Corporations as an accounting officer (AO)			
2.3 Confirm the registration and accreditation of the accountants and auditors (with IRBA or any other organization specified by Section 43 (1) of SASA).			
D. BANKING & CASH CONTROLS			
1. Receipts issued in respect of monies received, e.g fees			
2. Money is deposited			
Daily			
Weekly			
Monthly			
3. Verify banking details of the school and signatories			
E. PURCHASING AND EXPENDITURE CONTROLS			
1. Written orders are used for all purchases and expenses outside the petty cash allocation			
2. The school keeps copies of all purchase orders			
3. All purchase orders are formally approved by an authorized and responsible official, with due regard for authorization levels			

	YES	NO	COMMENTS
4. All goods received are checked against the original purchase order, detail and supplier invoices to ensure validity of goods received			
5(a) Payments for expenses are authorized in respect of goods or services received, with due regard for authorization levels			
(b) Payment transactions are fully supported by the appropriate documentation			
6. The use of cheques including blank cheques is controlled			
7. The school has at least two responsible officials who both sign all cheques			
8(a) The school has a petty cash policy			
(b) The school has a petty cash control book			
(c) The school reviews and verifies petty cash vouchers against supporting documents before the fund is reimbursed			
9. Observe and report on the controls around cash collections, school fees, sale of uniforms and donations			
10. Capacity to meet ongoing contractual obligations to suppliers of goods and services			
11. (a) Purchasing and expenditure controls: (a) Obtain a listing of the schools creditors (b) Verify any unusual, regular or large payments			
12. Inquire and analyse the			

procurement policies and processes		DOCUMENTS AVAILABLE FOR SCRUTINY – INDICATE WITH A ‘YES’ OR ‘NO’		COMMENTS
		YES	NO	
F.	PAYROLL AND HUMAN RESOURCE MANAGEMENT CONTROLS			
	1. The school pays skills levy			
	2. Salary advice slips are issued to employees			
	3.The school deducts and pays for :			
	a) Pay As You Earn (PAYE) and			
	b) Standard Income Tax on Employees (SITE).			
	c) Unemployment Insurance Fund			
	d) The school pays for COIDA (Compensation of Injuries and Diseases Act).			

G.	ASSET MANAGEMENT CONTROLS	DOCUMENTS AVAILABLE FOR SCRUTINY, INDICATE WITH A 'YES' OR 'NO'		COMMENTS
		YES	NO	
1.	The school has an asset management policy			
2.	The school has a comprehensive and detailed asset/ inventory register			
3.	The school's assets are included in the school asset register			
4.	The school reconciles its assets to the asset register			
5.	Asset Management controls: (a) Inspect the fixed asset register of the school (b) Inspect whether the school perform asset and inventory counts			
H.	DEBTOR MANAGEMENT Are credit control measures for recovering outstanding fees in place? Please explain in full.			
I.	BUDGETING CONTROLS The school monitors its income and expenditure against the budget	YES	NO	
J.	MONITORING FINANCIAL MANAGEMENT			
i) Please explain in full the method that the school uses to monitor its finances.				

Tick the relevant option/s	Daily	Monthly	Quarterly	Not at all	Other (Specify)
	ii) How often is this monitoring being conducted?				
iii) Who conducts the monitoring of the school budget?	The Principal	The bursar	Other specify	COMMENTS	

K. CONFIRM EDUCATORS REGISTRATION WITH SOUTH AFRICAN COUNCIL OF EDUCATORS (Please use the separate page if the number of educators exceeds the space provided- The Monitor must verify with copies of the certificate on file)

No	Names of Educators	SACE Registration Number
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

9. COMMENTS BY DIRECTOR/RELEVANT MANAGER

COMMENTS ON THE CHECKLIST WITH REGARD TO _____ (Name of School)

NAME OF DIRECTOR/RELEVANT MANAGER	
SIGNATURE OF DIRECTOR/RELEVANT MANAGER	
DATE	

