Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

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Provincial Gazette Extraordinary

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7197

Maandag, 18 November 2013

As 'n Nuusblad by die Poskantoor Geregistreer

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IZIQULATHO

*(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)*

Isaziso sePhondo

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PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
UMLAWULI-JIKELELE

iSakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 387/2013 18 November 2013

REGULATIONS ON THE DECLARATION OF PERSONAL INTERESTS OF MEMBERS OF GOVERNING BODIES IN THE PROCUREMENT OF GOODS AND SERVICES FOR PUBLIC SCHOOLS

The Provincial Minister responsible for education in the Western Cape, under section 63(1)*(c*D*)*, read with section 24, of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), has made the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act bears the same meaning and, unless the context indicates otherwise—

"committee member" means a member of a committee established by a governing body under section 23 of the Act;

"entity" means any—

(a) association of persons, whether or not incorporated or registered in terms of any law, including a company, corporation, trust, partnership, close corporation, joint venture or consortium; or

(b) sole proprietorship;

"entity conducting business with the school" means an entity that—

(a) sells, leases or supplies goods or services to the school; or

(b) contracts, applies or tenders for the sale, lease or supply of goods or services to the school;

"family member" means a person's—

(a) spouse; or

(b) child, parent, brother or sister, whether or not the relationship results from birth, marriage or adoption;

"governing body member" means a member of the governing body of a school, and includes a committee member who is not a member of the governing body;

"intermediary" means an entity through whom an interest is acquired, and includes—

(a) a person to whom is granted or from whom is received a general power of attorney; and

(b) a representative or agent;

"personal interest" includes—

(a) a right or entitlement to share in profits, revenue or assets of an entity;

(b) a real or personal right in property;

(c) a right to remuneration or other private gain or benefit;

(d) an interest envisaged in paragraph *(a)*, *(b)* or *(c)* acquired through an intermediary; and

(e) a potential interest in terms of paragraph *(a)*, *(b)* or *(c)*;

"school" means a public school;

"spouse" means a person's—

(a) partner in marriage;

(b) partner in a customary union according to indigenous law; or

(c) partner in a relationship in which the parties live together in a manner resembling a marital partnership or customary union;

"the Act" means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

Declaration of personal interests in procurement of goods or services

2. (1) A governing body member must declare a direct or indirect personal interest that the member or any of his or her family members has in the procurement of goods or services for the school, including—

(a) a personal interest of the governing body member or any of his or her family members—

(i) in an entity conducting business with the school; or

(ii) in a business, commercial or financial activity undertaken by the governing body or the school;

(b) a financial or other obligation of the governing body member to an entity conducting business with the school; and

(c) a gift, hospitality, sponsorship or other benefit received by the governing body member from an entity conducting business with the school.

(2) For the purposes of subregulation (1), each governing body member must complete a declaration in the form of the Annexure and submit that declaration to the chairperson of the governing body—

(a) within three months of the date of publication of these regulations;

(b) in the case of a governing body member who is appointed after the publication of these regulations, within 30 days of being appointed; and

(c) after the first declaration—

(i) before 30 April of each year; and

(ii) immediately on becoming aware of a direct or indirect personal interest as envisaged in subregulation (1).

(3) A person may in writing inform the chairperson of a governing body or the principal of a school of a possible conflict of interest concerning a governing body member.

(4) A governing body member must, in accordance with section 26 of the South African Schools Act, withdraw from a meeting of the governing body for the duration of the discussion and decision-making on an issue in which the member has a personal interest.

(5) A governing body may not take a decision on a matter if it has knowledge that a governing body member who is present has a personal interest in that matter, until the member has withdrawn as envisaged in subregulation (4).

(6) Subregulations (4) and (5) also apply, with the necessary changes, to committees of a governing body and committee members.

Register of personal interests of governing body members

3. (1) The chairperson of a governing body must—

(a) ensure that each governing body member submits a declaration in accordance with regulation 2;

(b) file all declarations for safe keeping; and

(c) compile, maintain and annually update a register of all personal interests declared by governing body members.

(2) Subject to the Promotion of Access to Information Act, 2000 (Act 2 of 2000), the chairperson of a governing body must give access to the register envisaged in subregulation (1)*(c)* to a person who so requests.

Non-compliance

4. (1) A governing body member who contravenes or fails to comply with any provision of regulation 2 must be regarded as having breached the code of conduct determined under section 26A of the Act.

(2) A governing body may, after due process, suspend or terminate the membership of a committee member who contravenes or fails to comply with a provision of regulation 2.

Short title

5. These regulations are called the Regulations on the Declaration of Personal Interests of Members of Governing Bodies in the Procurement of Goods and Services for Public Schools, 2013.

ANNEXURE

DECLARATION OF PERSONAL INTERESTS[1] OF A MEMBER OF THE GOVERNING BODY OF ....[name of school] IN THE PROCUREMENT OF GOODS OR SERVICES FOR THE SCHOOL

PART A

[Part A must be completed by each governing body member.]

1. PARTICULARS OF GOVERNING BODY MEMBER MAKING THE DECLARATION

FULL NAME(S) OF GOVERNING BODY MEMBER	
IDENTIFICATION NUMBER	
ADDRESS	
TELEPHONE NUMBER	

2. PARTICULARS OF PERSONAL INTERESTS[1] OF GOVERNING BODY MEMBER IN THE PROCUREMENT OF GOODS OR SERVICES FOR THE SCHOOL

2.1 PERSONAL INTERESTS[1] OF GOVERNING BODY MEMBER IN ENTITIES CONDUCTING BUSINESS WITH THE SCHOOL[2]

NAME OF ENTITY	NATURE OF PERSONAL INTEREST [Proprietor, shareholder, partner, employee, consultant, etc.]	EXTENT OF INTEREST

2.2 PERSONAL INTERESTS[1] OF GOVERNING BODY MEMBER IN BUSINESS, COMMERCIAL OR FINANCIAL ACTIVITIES OF THE GOVERNING BODY OR THE SCHOOL

PARTICULARS OF BUSINESS, COMMERCIAL OR FINANCIAL ACTIVITY	NATURE AND EXTENT OF PERSONAL INTEREST

2.3 FINANCIAL OR OTHER OBLIGATIONS OF THE GOVERNING BODY MEMBER TO ENTITIES CONDUCTING BUSINESS WITH THE SCHOOL[2]

NAME OF ENTITY	NATURE OF OBLIGATION

2.4 GIFTS, HOSPITALITY, SPONSORSHIPS OR OTHER BENEFITS RECEIVED BY THE GOVERNING BODY MEMBER FROM AN ENTITY CONDUCTING BUSINESS WITH THE SCHOOL[2]

NAME OF ENTITY	PARTICULARS OF GIFT, HOSPITALITY, SPONSORSHIP AND OTHER BEFEFITS

2.5 OTHER PERSONAL INTERESTS[1] OF THE GOVERNING BODY MEMBER IN THE PROCUREMENT OF GOODS OR SERVICES FOR THE SCHOOL THAT HAVE NOT BEEN SPECIFIED IN PARAGRAPH 2.1, 2.2, 2.3 OR 2.4 ABOVE

NATURE OF PERSONAL INTEREST	COMMERCIAL OR OTHER VALUE OF PERSONAL INTEREST

PART B

[Part B must be completed if a family member[3] of the governing body member making the declaration has a direct or indirect personal interest[1] in the procurement of goods or services for the school.]

3. PARTICULARS OF PERSONAL INTERESTS[1] OF FAMILY MEMBER(S)[3] OF GOVERNING BODY MEMBER IN THE PROCUREMENT OF GOODS OR SERVICES FOR THE SCHOOL

3.1 PERSONAL INTERESTS[1] OF FAMILY MEMBER(S)[3] OF GOVERNING BODY MEMBER IN ENTITIES CONDUCTING BUSINESS WITH THE SCHOOL[2]

NAME OF FAMILY MEMBER	RELATIONSHIP WITH GOVERNING BODY MEMBER	NAME OF ENTITY	NATURE OF INTEREST [Proprietor, shareholder, partner, employee, consultant, etc.]	EXTENT OF INTEREST

3.2 PERSONAL INTERESTS[1] OF FAMILY MEMBER(S)[3] OF GOVERNING BODY MEMBER IN BUSINESS, COMMERCIAL OR FINANCIAL ACTIVITIES OF THE GOVERNING BODY OR THE SCHOOL

NAME OF FAMILY MEMBER	RELATIONSHIP WITH GOVERNING BODY MEMBER	PARTICULARS OF BUSINESS OR ACTIVITY	EXTENT OF INTEREST

3.3 FINANCIAL OR OTHER OBLIGATIONS OF FAMILY MEMBER(S)[3] OF THE GOVERNING BODY MEMBER TO ENTITIES CONDUCTING BUSINESS WITH THE SCHOOL[2]

NAME OF FAMILY MEMBER	RELATIONSHIP WITH GOVERNING BODY MEMBER	NAME OF ENTITY	NATURE OF OBLIGATION

3.4 OTHER PERSONAL INTERESTS[1] OF FAMILY MEMBER(S)[3] OF THE GOVERNING BODY MEMBER IN THE PROCUREMEMT OF GOODS OR SERVICES FOR THE SCHOOL THAT HAVE NOT BEEN SPECIFIED IN PARAGRAPH 3.1, 3.2 OR 3.3 ABOVE

NAME OF FAMILY MEMBER	RELATIONSHIP WITH GOVERNING BODY MEMBER	PARTICULARS OF BUSINESS OR ACTIVITY	EXTENT OF INTEREST

I, the undersigned [surname and initials] .... certify that the above information is complete and correct to the best of my knowledge.

....
SIGNATURE OF GOVERNING BODY MEMBER

DATE: ....

PLACE: ....

OATH/AFFIRMATION

I certify that the deponent has acknowledged that she/he knows and understands the contents of the above declaration, and that the declaration

was signed and sworn to/affirmed before me in the prescribed manner at ....**[place]**

on ....**[date].**

....
Commissioner of Oaths

Full first names and surname [in block letters]: ....

Designation/Office:...

Address: ....

....

....
CONTENTS NOTED: CHAIRPERSON OF THE GOVERNING BODY

DATE: ....

NOTE: **The completed form must be submitted to the chairperson of the governing body, who must maintain a register of personalinterests declared by governing body members.**

[1] **"personal interest"** includes—
(a) a right or entitlement to share in profits, revenue or assets of an entity;
(b) a real or personal right in property;
(c) a right to remuneration or other private gain or benefit;
(d) an interest contemplated in paragraph *(a)*, *(b)* or *(c)* acquired through an intermediary; and
(e) a potential interest in terms of paragraph *(a)*, *(b)* or *(c)*.

[2] **"entity conducting business with the school"** means an entity that—
(a) sells, leases or supplies goods or services to the school; or
(b) contracts, applies or tenders for the sale, lease or supply of goods or services to the school.

[3] **"family member"** means a person's—
(a) spouse; or
(b) child, parent, brother or sister, whether or not the relationship results from birth, marriage or adoption.

PROVINSIALE KENNISGEWING

P.K. 387/2013 18 November 2013

REGULASIES VIR DIE VERKLARING VAN PERSOONLIKE BELANGE VAN LEDE VAN BEHEERLIGGAME BY DIE VERKRYGING VAN GOEDERE EN DIENSTE VIR OPENBARE SKOLE

Die Provinsiale Minister verantwoordelik vir onderwys in die Wes-Kaap, kragtens artikel 63(1)*(c*D*)*, saamgelees met artikel 24, van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), het die regulasies in die Bylae uiteengesit, gemaak.

BYLAE

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is dieselfde betekenis en, tensy dit uit die samehang anders blyk, beteken—

"beheerliggaamlid" 'n lid van die beheerliggaam van 'n skool, en ook 'n komiteelid wat nie 'n lid van die beheerliggaam is nie;

"die Wet" die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997);

"eggenoot" 'n persoon se—

(a) huweliksmaat;

(b) maat in 'n gewoonteverbintenis volgens inheemse reg; of

(c) maat in 'n verhouding waar die partye saamwoon op 'n wyse wat met 'n huweliksverhouding of gewoonteverbintenis ooreenstem;

"entiteit" enige—

(a) genootskap van persone, hetsy ingelyf of geregistreer al dan nie ingevolge enige wet, met inbegrip van 'n maatskappy, korporasie, trust, vennootskap, beslote korporasie, gesamentlike onderneming of konsortium; of

(b) alleeneienaarskap;

"entiteit wat met die skool sake doen" 'n entiteit wat—

(a) goedere of dienste aan die skool verkoop, verhuur of voorsien; of

(b) kontrakteer, aansoek doen of tender vir die verkoop, verhuring of voorsiening van goedere of dienste aan die skool;

"familielid" 'n persoon se—

(a) eggenoot; of

(b) kind, ouer, broer of suster, ongeag of die verhouding die gevolg is van geboorte, huwelik of aanneming;

"komiteelid" 'n lid van 'n komitee wat kragtens artikel 23 van die Wet deur 'n beheerliggaam gestig is;

"persoonlike belang" ook—

(a) 'n reg of beregtiging om in winste, inkomste of bates van 'n entiteit te deel;

(b) 'n saaklike of persoonlike reg in eiendom;

(c) 'n reg op vergoeding of op 'n ander privaat wins of voordeel;

(d) 'n belang beoog in paragraaf *(a)*, *(b)* of *(c)* verkry deur 'n tussenganger; en

(e) 'n potensiële belang ingevolge paragraaf *(a)*, *(b)* of *(c)*;

"skool" 'n openbare skool;

"tussenganger" 'n entiteit deur wie 'n belang verkry word, en ook—

(a) 'n persoon aan wie 'n algemene volmag verleen is of van wie 'n algemene volmag verkry is; en

(b) 'n verteenwoordiger of agent.

Verklaring van persoonlike belange in verkryging van goedere of dienste

2. (1) 'n Beheerliggaamlid moet 'n direkte of indirekte persoonlike belang verklaar wat die lid of enige van sy of haar familielede het in die verkryging van goedere of dienste vir die skool, met inbegrip van—

(a) 'n persoonlike belang van die beheerliggaamlid of enige van sy of haar familielede—

(i) by 'n entiteit wat met die skool sake doen; of

(ii) by 'n sake-, kommersiële of finansiële aktiwiteit onderneem deur die beheerliggaam of die skool;

(b) 'n finansiële of ander verpligting van die beheerliggaamlid teenoor 'n entiteit wat met die skool sake doen; en

(c) 'n geskenk, gasvryheid, borgskap of ander voordeel deur die beheerliggaamlid ontvang van 'n entiteit wat met die skool sake doen.

(2) Vir die toepassing van subregulasie (1), moet elke beheerliggaamlid 'n verklaring voltooi in die vorm van die Aanhangsel en daardie verklaring aan die voorsitter van die beheerliggaam voorlê—

(a) binne drie maande vanaf die datum van publikasie van hierdie regulasies;

(b) in die geval van ’n beheerliggaamlid wat aangestel is na die publikasie van hierdie regulasies, binne 30 dae vanaf die aanstelling; en

(c) na die eerste verklaring—

(i) voor 30 April van elke jaar; en

(ii) onmiddellik wanneer die lid bewus word van ’n direkte of indirekte persoonlike belang soos beoog in subregulasie (1).

(3) ’n Persoon kan die voorsitter van ’n beheerliggaam of die prinsipaal van ’n skool skriftelik in kennis stel van ’n moontlike botsing van belange rakende ’n beheerliggaamlid.

(4) ’n Beheerliggaamlid moet, ooreenkomstig artikel 26 van die Suid-Afrikaanse Skolewet, hom of haar van ’n vergadering van die beheerliggaam onttrek vir die duur van die bespreking en besluitneming oor ’n aangeleentheid waarby die lid ’n persoonlike belang het.

(5) ’n Beheerliggaam mag nie ’n besluit neem oor ’n aangeleentheid indien hy daarvan kennis dra dat ’n beheerliggaamlid wat teenwoordig is ’n persoonlike belang in daardie aangeleentheid het, totdat die lid hom of haar onttrek het soos beoog in subregulasie (4) nie.

(6) Subregulasie (4) en (5) is ook van toepassing, met die nodige veranderings, op komitees van ’n beheerliggaam en komiteelede.

Register van persoonlike belange van beheerliggaamlede

3. (1) Die voorsitter van ’n beheerliggaam moet—

(a) toesien dat elke beheerliggaamlid ’n verklaring ooreenkomstig regulasie 2 indien;

(b) alle verklarings vir veilige bewaring liasseer; en

(c) ’n register van alle persoonlike belange verklaar deur beheerliggaamlede saamstel, byhou en jaarliks bywerk.

(2) Behoudens die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet 2 van 2000), moet die voorsitter van ’n beheerliggaam toegang verleen tot die register bedoel in subregulasie (1)*(c)* aan ’n persoon wat aldus versoek.

Nievoldoening

4. (1) ’n Beheerliggaamlid wat enige bepaling van regulasie 2 oortree of versuim om daaraan te voldoen moet geag word die gedragskode bepaal kragtens artikel 26A van die Wet te geskend het.

(2) ’n Beheerliggaam kan, na die voorgeskrewe prosedure, die lidmaatskap van ’n komiteelid wat ’n bepaling van regulasie 2 oortree of versuim om daaraan te voldoen, opskort of beëindig.

Kort titel

5. Hierdie regulasies heet die Regulasies vir die Verklaring van Persoonlike Belange van Lede van Beheerliggame by die Verkryging van Goedere en Dienste vir Openbare Skole, 2013.

AANHANGSEL

VERKLARING VAN PERSOONLIKE BELANGE[1] VAN 'N LID VAN DIE BEHEERLIGGAAM VAN .... [naam van skool] BY DIE VERKRYGING VAN GOEDERE OF DIENSTE VIR DIE SKOOL

DEEL A

[Deel A moet deur elke beheerliggaamlid voltooi word.]

1. BESONDERHEDE VAN BEHEERLIGGAAMLID WAT DIE VERKLARING AFLÊ

VOLLE NAAM/NAME VAN BEHEERLIGGAAMLID	
IDENTITEITSNOMMER	
ADRES	
TELEFOONNOMMER	

2. BESONDERHEDE VAN PERSOONLIKE BELANGE[1] VAN BEHEERLIGGAAMLID BY DIE VERKRYGING VAN GOEDERE OF DIENSTE VIR DIE SKOOL

2.1 PERSOONLIKE BELANGE[1] VAN BEHEERLIGGAAMLID BY ENTITEITE WAT MET DIE SKOOL SAKE DOEN[2]

NAAM VANF ENTITEIT	AARD VAN PERSOONLIKE BELANG [Eienaar, aandeelhouer, vennoot, werknemer, konsultant, ens.]	OMVANG VAN BELANG

2.2 PERSOONLIKE BELANGE[1] VAN BEHEERLIGGAAMLID BY SAKE-, KOMMERSIËLE OF FINANSIËLE AKTIWITEITE VAN DIE BEHEERLIGGAAM OF DIE SKOOL

BESONDERHEDE VAN SAKE-, KOMMERSIËLE OF FINANSIËLE AKTIWITEIT	AARD EN OMVANG VAN PERSOONLIKE BELANG

2.3 FINANSIËLE OF ANDER VERPLIGTINGE VAN DIE BEHEERLIGGAAMLID TEENOOR ENTITEITE WAT MET DIE SKOOL SAKE DOEN

NAAM VAN ENTITEIT	AARD VAN VERPLIGTING

2.4 GESKENKE, GASVRYHEID, BORGSKAPPE OF ANDER VOORDELE ONTVANG DEUR DIE BEHEERLIGGAAMLID VAN 'N ENTITEIT WAT MET DIE SKOOL SAKE DOEN

NAAM VAN ENTITEIT	BESONDERHEDE VAN GESKENK, GASVRYHEID, BORGSKAP EN ANDER VOORDELE

2.5 ANDER PERSOONLIKE BELANGE[1] VAN DIE BEHEERLIGGAAMLID BY DIE VERKRYGING VAN GOEDERE OF DIENSTE VIR DIE SKOOL WAT NIE IN PARAGRAAF 2.1, 2.2, 2.3 of 2.4 HIERBO GESPESIFISEER IS NIE

AARD VAN PERSOONLIKE BELANG	KOMMERSIËLE OF ANDER WAARDE VAN PERSOONLIK BELANG

DEEL B

[Deel B moet voltooi word indien 'n familielid[3] van die beheerliggaamlid wat die verklaring maak 'n direkte of indirekte persoonlike belang[1] het in die verkryging van goedere of dienste vir die skool.]

3. BESONDERHEDE VAN PERSOONLIKE BELANGE[1] VAN FAMILIELID/-LEDE[3] VAN BEHEERLIGGAAMLID BY DIE VERKRYGING VAN GOEDERE OF DIENSTE VIR DIE SKOOL

3.1 PERSOONLIKE BELANGE[1] VAN FAMILIELID/-LEDE[3] VAN BEHEERLIGGAAMLID BY ENTITEITE WAT MET DIE SKOOL SAKE DOEN[2]

NAAM VAN FAMILIELID	VERHOUDING TOT BEHEERLIGGAAMLID	NAAM VAN ENTITEIT	AARD VAN BELANG [Eienaar, aandeelhouer, vennoot, werknemer, konsultant, ens.]	OMVANG VAN BELANG

3.2 PERSOONLIKE BELANGE[1] VAN FAMILIELID/-LEDE[3] VAN BEHEERLIGGAAMLID BY SAKE-, KOMMERSIËLE OF FINANSIËLE AKTIWITEITE VAN DIE BEHEERLIGGAAM OF DIE SKOOL

NAAM VAN FAMILIELID	VERHOUDING TOT BEHEERLIGGAAMLID	BESONDERHEDE VAN BESIGHEID OF AKTIWITEIT	OMVANG VAN BELANG

3.3 FINANSIËLE OF ANDER VERPLIGTINGE VAN FAMILIELID/-LEDE[3] VAN BEHEERLIGGAAMLID TEENOOR ENTITEITE WAT MET DIE SKOOL SAKE DOEN[2]

NAAM VAN FAMILIELID	VERHOUDING TOT BEHEERLIGGAAMLID	NAAM VAN ENTITEIT	AARD VAN VERPLIGTING

3.4 ANDER PERSOONLIKE BELANGE[1] VAN FAMILIELID/-LEDE[3] VAN BEHEERLIGGAAMLID BY DIE VERKRYGING VAN GOEDERE OF DIENSTE VIR DIE SKOOL WAT NIE IN PARAGRAAF 3.1, 3.2 OF 3.3 HIERBO GESPESIFISEER IS NIE

NAAM VAN FAMILIELID	VERHOUDING TOT BEHEERLIGGAAMLID	AARD VAN PERSOONLIKE BELANG	KOMMERSIËLE OF ANDER WAARDE VAN PERSOONLIKE BELANG

Ek, die ondergetekende [van en voorletters] .... sertifiseer dat die bogenoemde inligting volledig en korrek is na die beste van my wete.

....
HANDTEKENING VAN BEHEERLIGGAAMLID

DATUM: ....

PLEK: ....

EED/BEVESTIGING

Ek sertifiseer dat die verklaarder erken het dat sy/hy vertroud is met die inhoud van die bogenoemde verklaring en dit begryp, en dat die verklaring onderteken en beëdig/bevestig is voor my op die voorgeskrewe wyse te .... [plek] op .... [datum].

....
Kommissaris van Ede

Volle eerste name en van [in blokletters]: ....

Ampstitel/Amp: ....

Adres: ....

....

....
KENNIS GENEEM VAN INHOUD: VOORSITTER VAN DIE SKOOLBEHEERLIGGAAM

DATUM: ....

Neem kennis: **Die voltooide vorm moet voorgelê word aan die voorsitter van die beheerliggaam, wat 'n register moet byhou van persoonlike belang wat deur beheerliggaamlede verklaar is.**

---

[1] **"persoonlike belang"** beteken ook—
- *(a)* 'n reg of beregtiging om in winste, inkomste of bates van 'n entiteit te deel;
- *(b)* 'n saaklike of persoonlike reg in eiendom;
- *(c)* 'n reg op vergoeding of op 'n ander privaat wins of voordeel;
- *(d)* 'n belang beoog in paragraaf *(a)*, *(b)* of *(c)* verkry deur 'n tussenganger; en
- *(e)* 'n potensiële belang ingevolge paragraaf *(a)*, *(b)* of *(c)*.

[2] **"entiteit wat met die skool sake doen"** beteken 'n entiteit wat—
- *(a)* goedere of dienste aan die skool verkoop, verhuur of voorsien; of
- *(b)* kontrakteer, aansoek doen of tender vir die verkoop, verhuring of voorsiening van goedere of dienste aan die skool.

[3] **"familielid"** beteken 'n persoon se—
- *(a)* eggenoot; of
- *(b)* kind, ouer, broer of suster, ongeag of die verhouding die gevolg is van geboorte, huwelik of aanneming.

ISAZISO SEPHONDO

I.S. 387/2013 18 kweyeNkanga 2013

IMIMISELO EMALUNGA NOKUXELWA KWEENXAXHEBA EZIZIZABELO ZOMNTU ZAMALUNGU AMABHUNGA OLAWULO EKUTHENGWENI KWEEMPAHLA NEENKONZO ZEZIKOLO ZIKARHULUMENTE

UMphathiswa wePhondo ophathiswe ezemfundo eNtshona Koloni, phantsi kwesiqendu 63(1)*(c*D*)*, esifundwa kunye nesiqendu 24, soMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997), wenze le mimiselo ecaciswe kule Shedyuli.

ISHEDYULI

Iingcaciso-magama

1. Kule mimiselo igama okanye ibinzana-magama elinikwe intsingiselo kuMthetho lihlala linaloo ntsingiselo liyinikiweyo yaye, ngaphandle kokuba umxholo ophethweyo walatha okunye—

"ilungu lekomiti" kuthetha ilungu lekomiti esekwe libhunga lolawulo phantsi kwesiqendu 23 salo Mthetho;

"iqumrhu" kuthetha nawuphi na—

(a) umbutho wabantu, nokuba ngaba ngowabantu abadibeneyo okanye akunjalo obhaliswe ngokwawo nawuphi na umthetho, kubandakanywa inkampani, ukopolotyeni, itrasti, ubuhlakani, inkampani yabathile, eyendibaniselwano okanye ikhonsothiyam; okanye

(b) ishishini lomntu omnye;

"iqumrhu eliqhuba ishishini nesikolo" kuthetha naliphi na iqumrhu—

(a) elithengisa, eliqeshisa, okanye elibonelela ngeempahla okanye ngeenkonzo isikolo; okanye

(b) elenza imvumelwano okanye elifake isicelo okanye ithenda yentengiso, yokuqeshisa okanye yokubonelela ngeempaha okanye ngeenkonzo isikolo;

"ilungu losapho" kuthetha umntu—

(a) ongumlingane; okanye

(b) ongumntwana, ongumzali, ongumntwakwabo okanye ongudadewabo, nokuba ngaba ukuzalana kubangelwe okanye akubangelwanga kukuzalwa, ngumtshato okanye kuku-adopthwa;

"ilungu lebhunga lolawulo" kuthetha ilungu lebhunga lolawulo lesikolo, yaye kubandakanya ilungu lekomiti elingelilo ilungu lebhunga lolawulo;

"umntu olikhonkco" kuthetha umntu efunyenwe ngaye inxaxheba esisabelo somntu yaye kubandakanya—

(a) umntu onikwe okanye ekufunyenwe kuye igunya lomthetho lokumela omnye umntu ngokubanzi; kunye

(b) nommeli okanye i-arhente;

"inxaxheba esisabelo somntu" kubandakanya—

(a) ilungelo okanye imfanelo yokwabelwa kwinzuzo, kwingeniso, okanye kwii-asethi zequmrhu;

(b) ilungelo kwipropathi okanye inxaxheba yomntu kwipropathi;

(c) ilungelo lokufumana intlawulo okanye nayiphi na enye inzuzo yabucala;

(d) inxaxheba esisabelo echatshazelwe ku-*(a)*, *(b)* okanye *(c)* efunyenwe ngokusebenzisa umntu olikhonkco; kunye

(e) nenxaxheba enokubakho ngokomhlathi *(a)*, *(b)* okanye *(c)*;

"isikolo" kuthetha isikolo sikarhulumente;

"umlingane" kuthetha umntu—

(a) oliqabane ngokwasemtshatweni;

(b) oliqabane ngokomtshato wesintu oqhutywa ngokomthetho wemveli weli; okanye

(c) iqabane kuzalwano apho abo bantu bahlalalisanayo ngokufana nabantu abatshatileyo okanye abatshate umtshato wesintu;

"lo Mthetho" kuthetha uMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997).

Ukuxelwa kweenxaxheba ezizizabelo zomntu ekuthengweni kweempahla okanye kweenkonzo

2. (1) Ilungu lebhunga lolawulo kufuneka liyixele inxaxheba esisabelo salo ngokucace gca okanye ngandlela yimbi elithi ilungu elo okanye nawaphi na amalungu osapho lwalo, libe nayo ekuthengweni kweempahla okanye kweenkonzo zesikolo, kubandakanywa—

(a) inxaxheba esisabelo selungu lebhunga lolawulo okanye yawo nawaphi na amalungu osapho lwalo—

(i) kwiqumrhu eliqhuba ishishini nesikolo; okanye

(ii) kwishishini, kumsebenzi wokurhweba okanye wezemali owenziwa libhunga lolawulo okanye sisikolo;

(b) imbophelelelo yezemali okanye imbophelelelo eyenye yelungu lebhunga lolawulo kwiqumrhu eliqhuba ishishini nesikolo; kunye

(c) nesipho, isenzo sesisa, isipho-mali okanye amanye amaqithi-qithi afunyanwa lilungu lebhunga lolawulo kwiqumrhu eliqhuba ishishini nesikolo.

(2) Ukulungiselela iinjongo zommiselwana (1), ngalinye ilungu lebhunga lolawulo malizalise isibhengezo esinjengesiHlomelo esifakwe apha lize lisingenise eso sibhengezo kusihlalo webhunga lolawulo lesikolo—

(a) zingekapheli iinyanga ezintathu ukususela kumhla wokubhengezwa kwale mimiselo;

(b) kwimeko yelungu lebhunga lolawulo elityunjwe emva kokubhengezwa kwale mimiselo, zingekapheli iintsuku eziyi-30 emva kokutyunjwa kwalo; yaye

(c) emva kwesibhengezo sokuqala—

(i) phambi kwe-30 Apreli kunyaka ngamnye; yaye

(ii) ngokukhawuleza lakuba libe nolwazi ngenxaxheba esisabelo ngokucace gca okanye ngandlela yimbi njengoko kuchatshazelwe kummiselwana (1).

(3) Umntu unokuthi, ngencwadi ebhaliweyo, azise usihlalo webhunga lolawulo okanye inqununu yesikolo ukuba kungakho ukungqubana kweemfuno ezichaphazela ilungu lebhunga lolawulo.

(4) Ilungu lebhunga lolawulo malithi, ngokungqinelana nesiqendu 26 soMthetho weZikolo zaseMzantsi Afrika, lirhoxe entlanganisweni yebhunga lolawulo ngethuba kuqhubeka iingxoxo naxa kusenziwa isigqibo ngombandela ilungu elo elinenxaxheba esisabelo salo kuwo.

(5) Ibhunga lolawulo alinakuthatha sigqibo ngombandela ukuba linolwazi lokuba ilungu lebhunga lolawulo elikhoyo linenxaxheba esisabelo kuloo mbandela, de ilungu libe lirhoxile njengoko kuchatshazelwe kumimiselwana (4).

(6) Imimiselwana (4) no-(5) iyasebenza ngokunjalo, ize ilungiswe nje apho kuyimfuneko, ngokumalunga neekomiti zebhunga lolawulo namalungu eekomiti ezo.

Irejista yeenxaxheba ezizizabelo zamalungu ebhunga lolawulo

3. (1) Usihlalo webhunga lolawulo—

(a) makaqinisekise ukuba ngalinye ilungu lebhunga lolawulo lingenisa isibhengezo ngokungqinelana nommiselwa 2;

(b) makafayilishe zonke izibhengezo ukwenzela ukuzigcina ngokunqatyisiweyo; yaye

(c) makenze, agcine aze ahlaziye qho ngonyaka irejista yazo zonke iinxaxheba ezizizabelo ezibhengezwe ngamalungu ebhunga lolawulo.

(2) Phantsi koMthetho oKhuthaza uKwazi ukuFikelela kwiNgcaciso, 2000, (uMthetho 2 ka-2000), usihlalo webhunga lolawulo makenze ikwazi ukufumaneka irejista echatshazelwe kummiselwana (1)*(c)* kumntu owenza isicelo esilolo hlobo.

Ukungathotyelwa kwemimiselo

4. (1) Ilungu lebhunga lolawulo okanye ilungu lekomiti yebhunga lolawulo elaphula okanye elingaphumeleliyo ukuthobela nawuphi na umgaqo wommiselo 2, malithathwe njengelaphula umgaqo wokuziphatha omiselwe phantsi kwesiqendu 26A salo Mthetho.

(2) Ibhunga lolawulo linokuthi, emva kokulandela inkqubo yokumangalelwa ngokusemthethweni, lilinqumamise okanye libuphelise ubulungu belungu lekomiti elaphula imigaqo okanye elingaphumeleliyo ukuthobela umgaqo wommiselwana 2.

Igama elifutshane

5. Le mimiselo ibizwa ngokuba yiMimiselo emalunga nokuXelwa kweeNxaxheba eziziZabelo zoMntu zaMalungu amaBhunga oLawulo ekuThengweni kweeMpahla neeNkonzo zeZikolo zikaRhulumente, 2013.

ISIHLOMELO

UKUXELWA KWEENXAXHEBA EZIZIZABELO ZOMNTU ZELUNGU LEBHUNGA LOLAWULO LASE .... [igama lesikolo] EKUTHENGWENI KWEEMPAHLA OKANYE KWEENKONZO ZESIKOLO

ICANDELO A

[ICandelo A malizaliswe lilungu lebhunga lowulo ngalinye.]

1. IINKCUKACHA ZELUNGU LEBHUNGA LOLAWULO ELIXELA INXAXHEBA

AMAGAMA APHELELEYO ELUNGU LEBHUNGA LOLAWULO	
INOMBOLO YESAZISI	
IDILESI	
INOMBOLO YEFONI	

2. IINKCUKACHA ZEENXAXHEBA EZIZIZABELO[1] ZELUNGU LEBHUNGA LOLAWULO EKUTHENGWENI KWEEMPAHLA OKANYE KWEENKONZO ZESIKOLO

2.1 IINXAXHEBA EZIZIZABELO[1] ZELUNGU LEBHUNGA LOLAWULO KUMAQUMRHU AQHUBA ISHISHINI NESIKOLO[2]

IGAMA LEQUMRHU	UHLOBO LWENXAXHEBA ESISABELO SOMNTU [Umnini, uminini-sabelo, ihlakani, umqeshwa, umcebisi, njl.njl.]	UBUNGAKANANI BENXAXHEBA

2.2 IINXAXHEBA EZIZIZABELO[1] ZELUNGU LEBHUNGA LOLAWULO KWISHISHINI, KWIMISEBENZI YEZORHWEBO OKANYE YEZEMALI YEBHUNGA LOLAWULO LESIKOLO

IINKCUKACHA ZESHISHINI, ZOMSEBENZI WEZORHWEBO OKANYE WEZEMALI	UHLOBO NOBUNGAKANANI BENXAXHEBA ESISABELO SOMNTU

2.3 IIMBOPHELELEKO ZEZEMALI OKANYE EZINYE IIMBOPHELELEKO ZELUNGU LEBHUNGA LOLAWULO KUMAQUMRHU AQHUBA ISHISHINI NESIKOLO[2]

IGAMA LEQUMRHU	UHLOBO LWEMBOPHELELEKO

2.4 IZIPHO, IZENZO ZESISA, IZIPHO-MALI OKANYE AMANYE AMAQITHI-QITHI AFUNYANWA LILUNGU LEBHUNGA LOLAWULO AVELA KWIQUMRHU ELIQHUBA ISHISHINI NESIKOLO[2]

IGAMA LEQUMRHU	IINKCUKACHA ZEZIPHO, ZEZENZO ZESISA, ZOBUHLAKANI OKANYE ZAMANYE AMAQITHI-QITHI

2.5 EZINYE IINXAXHEBA EZIZIZABELO ZOMNTU[1] ZELUNGU LEBHUNGA LOLAWULO EKUTHENGWENI KWEEMPAHLA OKANYE KWEENKONZO ZESIKOLO NENGACACISWANGA KUMHLATHI 2.1, 2.2, 2.3 OKANYE 2.4 APHA NGENTLA

UHLOBO LWENXAXHEBA ESISABELO SOMNTU	IXABISO LENTENGISO OKANYE ELINYE IXABISO LENXAXHEBA ESISABELO SOMNTU

ICANDELO B

[ICandelo B malizaliswe ukuba ngaba umntu ongomnye wosapho lwelungu[3] lebhunga lolawulo elixela inxaxheba esisabelo unenxaxheba ngokucace gca okanye ngandlela yimbi ekuthengweni kweempahla okanye kweenkonzo zesikolo.]

3. IINKCUKACHA ZEENXAXHEBA[1] ONGOMNYE WOSAPHO LWELUNGU LEBHUNGA (LWAMALUNGU EBHUNGA)[3] LOLAWULO EKUTHENGWENI KWEEMPAHLA OKANYE KWEENKONZO ZESIKOLO

3.1 IINXAXHEBA EZIZIZABELO ZOMNTU[1] ONGOMNYE WOSAPHO LWELUNGU[3] LEBHUNGA (LWAMALUNGU EBHUNGA) LOLAWULO KUMAQUMRHU AQHUBA ISHISHINI NESIKOLO[2]

IGAMA LELUNGU LOSAPHO	UKUZALANA NELUNGU LEBHUNGA LOLAWULO	IGAMA LEQUMRHU	UHLOBO LWENXAXHEBA ESISABELO [Umnini, uminini-sabelo, ihlakani, umqeshwa, umcebisi, njl.njl.]	UBUNGAKANANI BENXAXHEBA

3.2 IINXAXHEBA EZIZIZABELO ZOMNTU[1] ONGOMNYE WOSAPHO LWELUNGU LEBHUNGA (LWAMALUNGU EBHUNGA)[3] LOLAWULO KWISHISHINI, NAKWIMISEBENZI YEZORHWEBO OKANYE YEZEMALI YEBHUNGA LOLAWULO LESIKOLO

IGAMA LELUNGU LOSAPHO	UKUZALANA NELUNGU LEBHUNGA LOLAWULO	IINKCUKACHA ZESHISHINI OKANYE ZOMSEBENZI	UBUNGAKANANI BENXAXHEBA

3.3 IIMBOPHELELEKO ZEZEMALI OKANYE EZINYE IIMBOPHELELEKO ZOMNTU OLUSAPHO LWELUNGU (LWAMALUNGU)[3] LEBHUNGA LOLAWULO KUMAQUMRHU AQHUBA ISHISHINI NESIKOLO[2]

IGAMA LELUNGU LOSAPHO	UKUZALANA NELUNGU LEBHUNGA LOLAWULO	IGAMA LEQUMRHU	UHLOBO LWEMBOPHELELEKO

3.4 EZINYE IINXAXHEBA EZIZIZABELO[1] ZOMNTU OLUSAPHO LWELUNGU (LWAMALUNGU)[3] LEBHUNGA LOLAWULO EKUTHENGENI KWEEMPAHLA OKANYE KWEENKONZO ZESIKOLO NEZINGACACISWANGA KUMHLATHI 3.1, 3.2, OKANYE 3.3 APHA NGENTLA

IGAMA LELUNGU LOSAPHO	UKUZALANA NELUNGU LEBHUNGA LOLAWULO	UHLOBO LWENXAXHEBA ESISABELO	IXABISO LEZORHWEBO OKANYE ELINYE IXABISO LENXAXHEBA ESISABELO

Mna ...., osayine apha ngezantsi (Ifani nee-inishiyali) ndiyangqinisisa ukuba le ngcaciso ingentla iphelele yaye yechanekileyo ngokolwazi lwam olugqibeleleyo.

....
ISIGINITSHA YEBHUNGA LOLAWULO

UMHLA: ....

INDAWO: ....

ISIFUNGO/ISINGQINISISO

Ndiyangqina ukuba ofungayo uvumile ukuba uyakwazi yaye uyakuqonda okuqulethewe sesi sibhengezo singentla, nokuba isibhengezo sasayinwa saza safungelwa/sangqinisiswa phambi kwam ngendlela emiselweyo .... [indawo] ngowe .... [umhla]

....
IKhomishina yeZifungo

Amagama okuqala apheleleyo nefani [oonobumba abakhulu]: ....

Isikhundla/I-Ofisi: ....

Idilesi: ....

....

....
KUTHATHELWE INGQALELO OKUQULETHWEYO: USIHLALO WEBHUNGA LOLAWULO

UMHLA: ....

QAPHELA: **Ifom ezalisiweyo mayingeniswe kusihlalo webhunga lolawulo, nomakagcine irejista yeenxaxheba ezizizabelo zomntu exelwe ngamalungu ebhunga lolawulo.**

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[1] **"inxaxheba esisabelo somntu"** ibandakanya—
- *(a)* ilungelo okanye imfanelo yokwabelwa kwinzuzo, kwingeniso, okanye kwii-asethi zequmrhu;
- *(b)* ilungelo kwipropathi kunye nenxaxheba yomntu kwipropathi;
- *(c)* ilungelo lokufumana intlawulo okanye enye inzuzo;
- *(d)* inxaxheba esisabelo echatshazelwe kumhlathi *(a)*, *(b)* okanye *(c)* efunyenwe ngokusebenzisa umntu olikhonkco; kunye
- *(e)* nenxaxheba esisabelo enokubakho ngokomhlathi *(a)*, *(b)* okanye *(c)*.

[2] **"iqumrhu eliqhuba ishishini nesikolo"** kuthetha iqumrhu—
- *(a)* elithengisa, eliqeshisa okanye elibonelela ngeempahla okanye ngeenkonzo esikolweni; okanye
- *(b)* elingena kwimvumelwano okanye elenza isicelo okanye elifaka ithenda yentengiso, yokuqeshisa okanye yokubonelela isikolo ngeempahla okanye ngeenkonzo.

[3] **"ilungu losapho"** kuthetha umntu—
- *(a)* ongumlingane; okanye
- *(b)* ongumntwana, ongumzali, ongumntwakwabo okanye ongudadewabo, nokuba ngaba ukuzalana kubangelwe kukuzalwa, ngumtshato okanye kuku-adopthwa.

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