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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NOTICE 575 OF 2021****INVITATION FOR PUBLIC COMMENTS
ON****A. NEW VERSION OF DRAFT REGULATIONS RELATING TO ASSISTANCE TO VICTIMS IN RESPECT OF BASIC EDUCATION: THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995****1. INVITATION**

- 1.1 The Department of Justice and Constitutional Development (the Department) invites interested parties to submit written comments on the new version of the draft Regulations relating to Assistance to Victims in respect of Basic Education (the Regulations). The new version of the Regulations and a note explaining the background of the new version of the Regulations, are available on the website of the Department at the following address:

<https://www.justice.gov.za/legislation/invitations/invites.htm>

- 1.2 The comments on the new version of the Regulations must be submitted not later than **Friday, 8 October 2021**, marked for the attention of **Ms F Bhayat**, and –

- (a) if they are forwarded by post, be addressed to –
The Director-General: Justice and Constitutional Development
Private Bag X81
Pretoria
0001
- (b) if they are delivered by hand, be delivered at –
SALU Building, Room 23.23
316 Thabo Sehume Street
Pretoria
- (c) if they are delivered by email, be emailed to inabotha59@gmail.com
- (d) if they are faxed, be faxed to **086 754 8493**.

- 1.3 For further information, please do not hesitate to contact Dr I Botha **082 338 1661**.

B. BACKGROUND NOTE

The following background information is hereby furnished in order to assist interested parties to comment on the new version of the Regulations.

- 2.1 The existing Regulations came into operation on 07 November 2014 (Government Notice No. R. 852 of 3 November 2014). The purpose of the Regulations is to provide for financial assistance to declared TRC victims and their relatives and dependants in respect of the following categories: Grade R (year preceding Grade 1) for 1 year; general education (Grades 1 to 9) for 5 years; and further education (Grades 10 – 12) for 3 years. The assistance covers school fees, a boarding allowance, a uniform allowance and a transport allowance.
- 2.2 The Regulations were amended on 4 October 2019. These amendments extended the period of application of the Regulations by one year (which would have expired in November 2020). A few technical changes were then effected to the Regulations.
- 2.3 The Regulations were further amended on 6 November 2020 to extend the period of application of the Regulations for one more year, which would have expired in November 2021, in order to deal with the impact of Covid-19 on the current set of Regulations.
- 2.4 In terms of regulation 21 of the Regulations as published on 3 November 2014, the period of application of the Regulations was limited to five years for the following reasons:
 - (a) To ascertain whether there is after the five year period still money in the President's Fund (the Fund), established in terms of section 42 of the Act, that may be used for education assistance for victims; and
 - (b) if there is still money available for education assistance, to identify and address problems experienced in practice in the application of the Regulations.
(This process is referred to as the review process.)
- 2.5 During the review process, certain challenges and areas of improvement were identified by the TRC declared victims, the TRC Unit and the Department of Basic Education (the DBE), regarding the current set of Regulations.
- 2.6 The existing Regulations will expire in the beginning of November 2021.

- 2.7 The new version of the Regulations seeks to address the challenges and areas of improvement identified during the review process as well as during the 2020 and 2021 school years due to the impact of Covid-19.
- 2.8 The existing Regulations commenced in 2015 and have been implemented for a period of only seven years. The new Regulations now provide for a period of application of thirteen years, starting at the beginning of the 2022 school year and ending at the end of the 2033 school year. This means that the last intake of learners for Grade R will be in 2022.
- 2.9 The structure of the new version of the Regulations is different from the structure of the existing Regulations in order to make the new version of the Regulations easier to understand. However, various provisions of the existing Regulations have been retained.

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