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KWAZULU-NATAL SCHOOL EDUCATION ACT, NO. 3 OF 1996

**REGULATIONS RELATING TO THE ESTABLISHMENT AND FUNCTIONING OF
REGIONAL COUNCILS AND DISTRICT FORUMS**

THE Minister of Education and Culture for the KwaZulu-Natal region has under sections 42(2) and 48 of the KwaZulu-Natal School Education Act, No. 3 of 1996 made the regulations in the Schedule.

SCHEDULE

1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act, has the same meaning unless the context otherwise indicates.

"circuit" means a circuit referred to in regulation 2(2):

"council" means a regional council:

"district" means a district referred to in regulation 2:

"district forum" means a district forum referred to in regulation 3:

"governing body" means a management council referred to in section 45, 49(1)(a) or 27(3), a managing body referred to in section 28(7) and a governing body referred to in section 18(1) of the Act:

"school" means a public school: and

"scribe" means a person who performs the functions of a secretary to a district forum or regional council.

2. Districts and Circuits

(1) The Secretary shall divide a region into as many districts as he/she regards as necessary.

(2) The Secretary shall divide each district into as many circuits as he/she regards as necessary.

3. District forums

A district forum consists of:

- (a) 2 representatives from each circuit forming part of a district elected by the governing bodies of schools within the circuit:
- (b) District Chief Superintendent
- (c) each Circuit Superintendent.

4. Qualification for membership as district forum members

(1) No person may be appointed as a district forum member if he/she-

- (a) is not a South African citizen:
- (b) is an unrehabilitated insolvent:
- (c) has been convicted of an offence and sentenced to more than 12 months imprisonment without the option of a fine either in the Republic or outside the Republic if the conduct constituting the offence would have been an offence in the Republic, but no one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined, or until the time for an appeal has expired: provided that a disqualification under this paragraph ends five years after the sentence has been completed:
- (d) is of unsound mind and has been declared so by a competent court: or
- (e) is in the employ of the department.

(2) A member vacates his/her office if he/she-

- (a) no longer meets the requirements set out in the above sub-regulations:
- (b) resigns:
- (c) has been absent from two consecutive ordinary meetings of the district forum or council meetings without leave.

5. Election of District Forum Members

(1) The Secretary shall determine a date for the submission of nominations for district forum members and he/she shall inform all governing bodies accordingly.

(2) Nominations are on a form approved by the Secretary.

- (3) A nominated person need not be a member of a governing body.
- (4) A nominated person must indicate in writing on the nomination form his/her willingness to serve as a district forum member.
- (5) Nominations are submitted to the Regional Chief Director by the date referred to in sub-paragraph (1).
- (6) The Regional Chief Director shall prepare separate nomination rolls of candidates, one for each of the circuits constituting a district.
- (7) The Regional Chief Director shall send an appropriate nomination roll to the secretary of each governing body of each public school in his/her region, requesting each secretary of a governing body to advise him/her of the vote agreed on by members of the governing body concerned by a stipulated date.
- (8) If two or more candidates receive the same number of votes election among those shall be determined by lot.
- (9) The Regional Chief Director shall inform the Secretary of the outcome of the election, giving the names and addresses of those elected.
- (10) If a vacancy arises on the council, the Regional Chief Director shall inform the Secretary of the name and address of the person in the category concerned who received the second highest number of votes or equal number of votes where the appointed candidate was determined by lot and this person will then become a member of the forum.

6. Term of office of members of district forums

- (1) For the first district forum established, a member of a district forum who attracted the most votes holds office for a term of three years, and the other member holds office for a term of two years from a date determined by the Secretary as the date of assumption of duty.
- (2) After the establishment of the first district forum, all members hold office for a period of three years.
- (3) A member of a district forum remains in office after the expiry of his/her term of office until the establishment of a new district forum.

7. Termination of membership of a district forum

- (1) A member vacates his/her office if he/she
 - (a) is no longer a member of the governing bodies he/she was elected to

represent;

(b) is no longer the elected representative of a governing body he/she represents;

(c) resigns; or

(d) has been absent from two consecutive ordinary meetings of the district forum without leave.

8. Co-option of Members to a District Forum

(1) A district forum may co-opt members.

(2) The number of members co-opted may not exceed the number of circuits forming part of a district.

9. Meeting of a district forum -

(1) A Regional Chief Director shall call the first meeting of a district forum.

(2) A district forum decides on its own procedures at meetings.

(3) The scribe keeps minutes of meetings.

10. Office bearers of a district forum

(1) At its first meeting a district forum elects a chairperson and a vice-chairperson from its members.

(2) Whenever the office of chairperson or vice-chairperson falls vacant, a district forum elects a new chairperson or vice-chairperson, as the case may be, for the unexpired term of office.

(3) The Regional Chief Director shall designate a departmental employee under his/her control to act as scribe to the district forum and to attend to its administrative functions.

(4) The scribe referred to in sub-regulations (3) presides at elections referred to in sub-regulation (1) and (2).

11. Powers, functions and duties of district forums

The powers, functions and duties of a district forum are to-

(a) advise the Regional Chief Director with regard to-

- (i) schools and the preferred placing of new schools within the district;
 - (ii) matters referred to it by him/her for consideration; and
 - (iii) matters relating to education in general:
- (b) bring matters to the attention of the Regional Chief Director:
- (c) represent the interests of schools, learners and parents of the district at a regional council:
- (d) exercise such other powers or perform such other duties as the Act or the Regional Chief Director may confer or impose upon it.

12. Constitution of regional councils

(1) A regional council consist of- (a) the chairperson and vice-chairperson of each district forum within the region. (b) Regional Chief Director. (c) Director appointed to each district.

(2) A Regional Council may co-opt members. The number of co-opted members may not exceed the number of districts in a region.

13. Terms of Office of Regional Council Members

(1) For the first council established, the chairperson of a district forum holds office for a period of three years and the vice-chairperson of a district forum holds office for a period of two years from a date determined by the Regional Chief Director as the date of assumption of duty.

(2) The Regional Chief Director may fill incidental vacancies by the appointment of another person for the unexpired term of office.

(3) A member of a regional council remains in office after the expiry of his/her term of office until the appointment of a new council.

14. First meeting

The Regional Chief Director shall call the first meeting of the council.

15. Office bearers

(1) At its first meeting a regional council elects a chairperson and a vice-chairperson from its members.

(2) Whenever the office of chairperson or vice-chairperson falls vacant, a regional council, elects a new chairperson or vice-chairperson, as the case may be, for the unexpired term of office.

(3) The Regional Chief Director shall designate a departmental employee under his/her control to act as scribe to the regional council and to attend to its administrative functions.

(4) The scribe referred to in sub-regulations (3) presides at elections referred to in sub-regulations (13 and (2).

16. Powers, functions and duties of regional councils

The powers of a regional council are to-

- (a) advise the Regional Chief Director with regard to-
 - (i) schools within the region:
 - (ii) matters referred to it by him/her for consideration: and
 - (iii) matters relating to education in general:
- (b) bring matters to the attention of the Regional Chief Director:
- (c) represent the interest of schools, learners and parents within the region;
- (d) exercise such other powers or perform such other duties as the Act or the Minister may confer or impose upon it.

17. Designation of staff

The Regional Chief Director shall designate such persons in the service of the Department as he/she may deem necessary to perform the work relating to the performance of the functions of a regional council.

18. Meetings

- (1) A regional council holds at least one ordinary meeting a term.
- (2) The chairman shall determine the date, time and place of an ordinary meeting.
- (3) The scribe shall give at least fourteen days' written notice to each member of every such meeting and the business to be transacted thereat.

19. Quorum

The majority of the members of a regional council constitutes a quorum for any meeting of a regional council.

20. Minutes

(1) The scribe shall keep minutes of the proceedings of every meeting of a regional council or a committee thereof, as the case may be.

(2) The scribe shall provide each member of the regional council with a copy of the minutes before the following meeting of the regional council.

(3) The scribe shall submit the minutes of the proceedings of every meeting of a regional council or committee at the ensuing meeting of the regional council or committee as the case may be, for approval.

(4) The scribe shall keep the original approved minutes-

(a) in a minute book; and

(b) at all reasonable times open for inspection by members, the Secretary, the Regional Chief Director and persons authorized thereto by the Regional Chief Director.

21. Observers

(1) A district forum and a Regional Council may invite any number of observers to attend district forum or Regional Council meetings, as the case may be.

(2) Observers do not have voting powers.

22. Allowances to members

A member of a regional council or district forum is paid travelling and subsistence expenses for attending meetings according to a rate approved by the Treasury.

23. Delegation of powers

The Secretary and the Regional Chief Director have authority to delegate the powers bestowed on him/her in terms of these regulations.

24. Repeal of regulations

The Regulations set out in the schedule below are hereby repealed.

SCHEDULE

Act	Regulation	Date	Extent of Repeal
Coloured Persons Education Act, No. 47 of 1963	R 1898	21/11/1963	Chapter D
Education Affairs Act (House of Assembly) No. 70 of 1988	R 688	30/3/1988	The whole