



DIE VERANDERING IN ONDERWYS
THE CHANGE IN EDUCATION

REGSDIENSTE | LEGAL SERVICES



t: 012 436 0900 / e: regsdienste@saou.co.za / w: www.saou.co.za

Legal Services Newsletter | Regsdienste Nuusbrief

Insight 22 of 2020 | Insig 22 van 2020

30/05/2020

CHANGE IN THE REGULATIONS APPLICABLE TO THE EDUCATION SECTOR (LEVEL 3)	VERANDERINGS IN DIE REGULASIES VAN TOEPASSING OP DIE ONDERWYS SEKTOR (VLAK 3)
<p>With the publishing of Regulation No. 608 on 28 May 2020 there has been a list of amendments to the standing COGTA regulation Nr. 480 of 29 April 2020.</p> <p>These regulations deal with the implementation of the state of disaster and the prescribed rules regarding the lockdown.</p> <p>Following are the amended regulations relevant to the education sector.</p> <p><i>Please note: The regulations as a whole as well as the specific numbered provisions are both referred to as 'regulations'.</i></p>	<p>Met die publisering van Regulasie No. 608 op 28 Mei 2020 was daar 'n lys wysigings van die staande COGTA regulasie Nr. 480 van 29 April 2020.</p> <p>Beide hierdie regulasies handel met die implementering van die Ramptoestand en die voorskrifte van die grendelstaat.</p> <p>Hier volg die gewysigde bepalings relevant tot die onderwys sektor.</p> <p><i>Let wel: Die regulasie in sy geheel asook die spesifieke genommerde bepalings in die regulasie word na verwys as 'regulasies'.</i></p>
Regulation 33(1)(b)	Regulasie 33(1)(b)
A person is allowed to leave their place of residence to transport children as allowed in the rest of the regulation.	'n Persoon mag hul woning verlaat om kinders te vervoer soos toegelaat in die res van die regulasies.
Regulation 33(1)(g)	Regulasie 33(1)(g)
Persons (learners and students) are allowed to leave their place of residence to attend school or learning institution once they open.	Persone (leerders en studente) mag hul woning verlaat om skole of ander opvoedings instansies by te woon sodra hul oop maak.
Regulation 33(2)	Regulasie 33(2)
The mandatory wearing of face masks definition	Die verpligte dra van gesigsmaskers se definisie

is expanded and whether it includes wearing face shields is unclear.	word uitgebrei en of dit die dra van gesigskerms insluit, is onduidelik.
Regulation 33(4)(a)	Regulasie 33(4)(a)
Persons are only allowed to travel between provinces, metropolitan areas, districts and hotspots if they are doing so in the course of carrying out work responsibilities or performing any service permitted under level 3, provided that such a person is in possession of a permit issued by the employer which corresponds to Form 2 of Annexure A .	Personne word slegs toegelaat om tussen provinsies, metropolitaanse gebiede, distrikte of brandpunte te reis mits hul dit doen in die loop van hul werkverrigting of die lewering van 'n diens soos toegelaat onder vlak 3, en hul in besit is van 'n permit wat deur hul werkgewer uitgereik is en wat korrespondeer met Vorm 2 van Aanhangsel A .
Regulation 33(4)(d)	Regulasie 33(4)(d)
As above, the same rules apply for learners moving between the mentioned areas. The permits that the learner as well as those that will be transporting them are addressed in regulation 34(5-7).	Net soos hierbo tel dieselfde reëling vir leerders wat tussen die genoemde gebiede beweeg. Die permitte wat die leerder benodig, asook die persoon wat die leerder vervoer word in regulasie 34(5-7) aangespreek.
Regulation 34(5-7)	Regulasie 34(5-7)
The permits required by a learner and the person that will be transporting them are Forms 3A and 3B respectively and are contained in Annexure A . Note that all the fields on the forms need to be filled with accurate information and that both need to be issued by the principal or his delegate.	Die permitte wat 'n leerder en die persoon wat hom/haar vervoer nodig het is Vorms 3A en 3B onderskeidelik soos vervat in Aanhangsel A . Let dat al die velde op die vorms ingevul moet word met akkurate inligting en dat beide die permit deur die hoof van die instelling of sy gedelegeerde uitgereik moet word.
Regulation 37	Regulasie 37
This regulation deals with the limitations on gatherings. It is interesting to note that the limitation of 50 people is only mentioned in relation to provisions for faith-based institutions. More information regarding this regulation will be requested from the Department of Basic Education.	Hierdie regulasie handel met die beperkings op byeenkomsste. Dit is interessant om sien dat daar slegs by die bepaling oor geloof-gebaseerde instellings gepraat word van die 50 persoon reël. Meer inligting in hierdie verband sal versoek word vanaf die Departement van Basiese Opvoeding.
Regulation 41(2)(d)	Regulasie 41(2)(d)
In terms of this regulation persons can, <u>with permission from the Minister of Home Affairs</u> , cross the RSA border <u>leaving the Republic</u> for their workplace	Ingevolge hierdie regulasie kan persone <u>met die toestemming van Die Minister van Binnelandse Sake</u> die RSA grense oorsteek en die <u>Republiek verlaat</u> na hul werkplek.
Regulation 41(2)(e)	Regulasie 41(2)(e)
Learners from neighbouring countries who commute daily to and from school may cross the country's borders subject to compliance with the necessary protocols. (See 41(2)(e)(i-iv)).	Leerders mag van buurstate daagliks oor die landsgrense pendel na en terug vanaf skool, mits al die tersaaklike protokol nagekom word. (Sien 41(2)(e)(i-iv)).

Regulation 46(2)	Regulasie 46(2)
Businesses and other institutions with more than 100 employees must attempt, where possible, to minimize the number of employees at the institution at any given time through the use of various different work arrangements.	Besighede en ander instansies met meer as 100 werknemers moet, waar moontlik poog om die aantal werknemers wat op enige tydstip by die instansie is te verminder deur middel van die verskeie alternatiewe werkswyses.
Regulation 47	Regulasie 47
Regulation 47 deals with the responsibilities of the designated COVID 19 compliance officer. It is advised that the designated officer familiarizes themselves with the content of Regulation 47. (See link to document below.)	Regulasie 47 handel met die pligte van die aangewese COVID 19 voldoenings beampete. Dit word aanbeveel dat die aangewese beampete hom/haarself vertroud maak met die inhoud van Regulasie 47. (Sien skakel na dokument hieronder.)
Other points of interest	Ander punte van belang
The addition of "Table 2 Alert Level 3". This section stipulates that most work and services can be opened again, with the necessary safeguards in place and excluding the work or services mentioned in the table. The suspicion is there that day care and nursery schools possibly fall under point 7 of the table as a "Personal care service". But it is not expressly mentioned. Inquiry will be made with the relevant authorities in this regard.	Die byvoeging van "Table 2 Alert Level 3". Hierdie afdeling stipuleer dat meeste werke en dienste weer oop gemaak word, met die nodige veiligheidsmaatreëls in plek en die uitsondering van werk of dienste wat gelys word in die tabel. Die vermoede is dat dagsorg en kleuterskole moontlik onder punt 7 van die tabel val as 'n "Personal care service". Maar dit word nie uitdruklik genoem nie. Navrae sal aan die bevoegde owerhede gerig word in hierdie verband.

Regulation NO. 608 of 28 May 2020

Regulasie NO. 608 of 28 May 2020

https://www.gov.za/sites/default/files/gcis_document/202005/43364gon608s.pdf

