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## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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### DEPARTMENT OF BASIC EDUCATION

NO. 2249

8 July 2022

#### **SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)**

#### **AN EXTENSION OF COMMENT PERIOD FOR THE AMENDMENTS TO THE REGULATIONS RELATING TO MINIMUM UNIFORM NORMS AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE**

I, Angelina Matsie Motshekga, Minister of Basic Education, acting under section 5A (1) (a) of the *South African Schools Act, 1996 (Act No. 84 of 1996)* hereby extend the comment period for the amendments to the Regulations relating to Minimum Uniform Norms and Standards for Public School Infrastructure, as set out in the Schedule.

Interested persons are hereby invited to submit comments on the draft amendment to the Regulations by 31 July 2022. Written comments must be forwarded to Mr E. R. Mafoko or Ms Mpho Mantsha. Comments thus far received are being attended to and as such should not be resubmitted.

**(a) post to:**

Department of Basic Education  
Private Bag X895,  
Pretoria,  
0001;  
Att: Ms Mpho Mantsha

**(b) hand to:**

Department of Basic Education  
Sol Plaatje House,  
222 Struben Street,  
Pretoria;  
Att: Ms Mpho Mantsha

**(c) by email to:**

infranorms@dbe.gov.za



**MRS AM MOTSHEKGA, MP**  
**MINISTER OF BASIC EDUCATION**  
**DATE: 07 JULY 2022**

## SCHEDULE

### GENERAL EXPLANATORY NOTE

[.....] Words in bold in square brackets indicate omissions from the existing regulation.

\_\_\_\_\_ Words underlined with a solid line indicate insertions into the existing regulation.

### Definition

1. In this Schedule the "**Regulations**" means the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure, as published under Government Notice No. R920, in *Government Gazette* No. 37081 of 29 November 2013.

### Amendment of regulation 4 of the Regulations

2. Regulation 4 of the Regulations is hereby amended—
  - (a) by the substitution of subregulation (1) for paragraph (a) of the following paragraph:

"(a) must [**subject to subregulation 5 and as far as reasonably practicable,**] be applied to all new schools and additions, alterations and improvements to schools [**, with the exception of schools contemplated in subregulation (2)]** and";
  - (b) by the substitution of subregulation (1) for paragraph (b) of the following paragraph:

"(b) as far as schools contemplated in subregulation 4(1)(a) are concerned [**which exist when these regulations are published, must, subject to subregulations (5), and as far**

**as reasonably practicable]** the following in order of priority must be prioritised for planning and implementation-

- (i) **"(aa) [with reference to the norms and standards mentioned in subregulation (3)(a) and (b), be complied with within a period of three years from the date of publication of these regulations;]** all schools and classrooms built entirely or substantially from mud as well as those schools built entirely or substantially from materials such as asbestos, metal and wood must be replaced with structures which comply to the National Building Regulations: SANS 10-100 and Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);  
(bb) all those schools that do not have access to any form of power and water supply or sanitation to comply with the norms and standards prescribed in regulations 10, 11 and 12 of the Regulations;";
- (ii) **[with reference to the norms and standards mentioned in subregulation (3)(c), be phased in over a period of seven years from the date of publication of these regulations;]** all those schools that do not have sufficient classrooms to accommodate the learners and all those schools that do not have adequate perimeter fencing to comply with the norms and standards described in regulations 17 of the regulations;";
- (iii) **[with reference to the norms and standards mentioned in subregulation (3)(d), be phased in over a period of ten years from the date of publication of these regulations;]** all schools that do not have other minimum education areas for an enabling school environment;" and;

- (iv) **[with reference to all the other norms and standards contained in this regulations, be planned, prioritized and phased in before 31 December 2030.]** All the norms and standards contained in these regulations must be planned, prioritised and phased in in line with the National Development Plan.";
- (c) by the deletion of subregulation (2):
- "[(2)(a) New schools and additions, alterations and improvements to schools excluded from subregulation (1)(a) are those of which the planning and prioritisation with the current 2013-2014, 2014-2015, 2015-2016 MTEF cycle have already been completed.**
- (b) The plans and prioritisation of the schools contemplated in paragraph (a) must, where possible and reasonably practicable, be revised and brought in line with these regulations.] "**
- (d) by the deletion of subregulation (3):
- "[(3)As far as schools contemplated in subregulation (1)(b) are concerned –**
- (a) and for the purposes of subregulation (1)(b)(i), all schools built entirely from mud as well as those schools built from materials such as asbestos, metal and wood must be prioritised;**
- (b) and for the purpose of the subregulation (1)(b)(i), all those schools that do not have access to any**

**form of power supply, water supply or sanitation must be prioritised;**

- (c) a Member of the Executive Council must, for the purposes of subregulation (1)(b)(ii), prioritise the norms and standards relating to the availability of classrooms, electricity, water, sanitation, electronic connectivity and perimeter security, and their plans contemplated in subregulation (6) must reflect such prioritisation; and**
- (d) a Member of the Executive Council must, for the purpose of subregulation (1)(b)(iii), specifically focus on the norms and standards relating to libraries and laboratories for science, technology and life science.]”;**

- (e) by the deletion of subregulation 5 (a):

**“(5) [(a) The implementation of the norms and standards contained in these regulations is, where applicable, subject to the resources and co-operation of other government agencies and entities responsible for infrastructure in general and the making available of such infrastructure.]”;**

- (f) by the substitution for subregulation (5) for paragraph (b) of the following paragraph:

**“(b) The Department of Basic Education must, [ as far as practicable,] facilitate and co-ordinate the responsibilities of the government agencies and entities [contemplated in**

**paragraph (a).]** who have a role in the provision of school infrastructure and related services.";

- (g) by the substitution for subregulation (6) and (7) of the following subregulation:

**["(6) (a) A Member of the Executive Council must, within a period of 12 months after the publication of the regulations and thereafter annually on a date and in the manner determined by the Minister, provide the Minister with detailed plans on the manner in which the norms and standards are to be implemented as far as schools referred to in subregulation (1) are concerned.**

**(b) The plans referred to in paragraph (a) are to make provision for, but not be limited to, the following:**

- (i) The backlogs at district level that each province experiences in terms of the norms and standards;**
- (ii) costed short, medium and long-term plans with targets;**
- (iii) how new schools should be planned and maintained and how existing schools are to be upgraded and maintained; and**
- (iv) proposals in respect to procurement, implementation and monitoring.**

**(7) In addition to the requirements contained in section 58C of the Act, a Member of the Executive Council must, in the manner determined by the Minister, report annually to the Minister on the implementation of the plans required in terms of subregulation (6).]** Each Provincial Department of Education, must annually on a date and in the manner determined by the Minister, provide the Minister with detailed reports on plans and

progress on the implementation of the norms and standards. These progress reports and plans shall be published on the DBE website and websites of all nine provincial education departments for access by the public.”;

(h) by the substitution of regulation 18 (15) with the following regulation:

“(15) Where the use of alternative or innovative building technologies are to be considered for the implementation of the norms and standards contained in these regulations, certification is required from Agrément South Africa or alternatively, all such must be signed off by a competent person, as per the National Building Regulations.”.

### **Commencement**

- 3.** These regulations are called the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure Amendment Regulations and come into operation on the date of publication by the Minister in the Government *Gazette*.