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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 1173

11 August 2003

CALL FOR COMMENT ON THE DRAFT REGULATIONS FOR SAFETY MEASURES AT INDEPENDENT SCHOOLS

The Minister of Education, after consultation with the Council of Education Ministers, hereby publishes the draft regulations relating to safety measures at independent schools for comment in terms of section 61(a) of the South African Schools Act, 1996 (Act No. 84 of 1996), as set out in the Schedule.

Comments from interested parties are invited, and should reach the Department not later than 8 September 2003

Comments should be directed to the Director-General, Private Bag X895, Pretoria, 0001, for attention: Ms M Locke. Comments may also be faxed to (012) 326-9128 or sent by E-mail to Locke.M@doe.gov.za.

The name, address, telephone number and fax number of the person, governing body or organisation responsible for submitting comments must also be provided.

PROFESSOR KADER ASMAL, MP
MINISTER OF EDUCATION

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, must have that meaning and, unless the context indicates otherwise-

“dangerous object” means-

- (a) any explosive material or device;
- (b) any firearm or gas weapon;
- (c) any article, object or instrument which may be employed to cause bodily harm to a person, or to render a person temporarily paralysed or unconscious, or to cause damage to property; or
- (d) any object which the Minister may by notice in the Gazette declare to be a dangerous object for the purposes of these regulations;

unless such objects are used for education purposes;

“HOD” means the Head of Education Department in a province.

“illegal drug” means any unlawful intoxicating or stupefying substance;

“independent school premises” includes a building, structure, hall, room, office, convenience, land, enclosure, which is under the control of an independent school, to which a member of the public has a right of access, or is usually admitted, or to which he or she may be admitted;

“owner” means a person in whose name an independent school is registered in terms of section 46 of the South African Schools Act, 1996 (Act No. 84 of 1996).

Scope of applicability

2. These regulations apply to all independent schools.

Application of other laws

3. Notwithstanding the provisions of these Regulations, an independent school is not exempted from complying with the provisions of any other applicable law and these Regulations are intended to supplement such applicable laws.

Violence and drug free independent schools

4. (1) All independent schools are hereby declared drug free and dangerous object free zones.
- (2) No person may -
- (a) allow any dangerous object in the independent school premises;
 - (b) carry any dangerous object in the independent school premises;
 - (c) store any dangerous object in the independent school premises except in officially designated places identified by the principal;
 - (d) possess illegal drugs on independent school premises;
 - (e) enter independent school premises while under the influence of an illegal drug or alcohol;
 - (f) cause any form of violence or disturbances which can negatively impact on any independent school activities;
 - (g) wittingly condone, connive, hide, abet, encourage possession of dangerous objects or refuse, fail, neglect to report the sighting or presence of any dangerous objects to the principal, HOD or the police as soon as possible;
 - (h) directly or indirectly cause harm to anyone, who exposes another person who makes an attempt to frustrate the prevention of the dangerous objects and activities.
- (3) A police official or in his absence, the principal or delegate may, without warrant-
- (a) search any independent school premises if he or she has a reasonable suspicion that a dangerous object or illegal drugs may be present in the independent school premises in contravention of the regulations;
 - (b) search any person present on the independent school premises if he or she has a reasonable suspicion that such a person has in his or her possession a dangerous object or illegal drugs; and
 - (c) seize any dangerous object or illegal drugs present on independent school premises or on the person in contravention of these regulations.