

## **Amendment of section 11 of Act 6 of 1995**

8. Section 12 of the Gauteng School Education Act, 1995 is hereby amended by the:

(a) substitution for subparagraph (ii) of subsection (1)(b) of the following subparagraph: "*(ii) the day on which he or she reaches the age of fifteen years or completes the ninth level, whichever occurs first [is the earlier].*";

(b) substitution for subsections (2) to (4) of the following subsections;

*"(2) The Member of the Executive Council must ensure that there are enough school places so that every child who lives in the province can attend school as required by subsection (1).*

*(3) If a Member of the Executive Council cannot comply with subsection (2) because of lack of capacity existing at the date of the commencement of this Act, he or she must take steps to remedy any such lack of capacity as soon as possible and must make an annual report to the Minister on the progress achieved in doing so.*

*(4) If a learner who is subject to compulsory attendance in terms of subsection (1) is not enrolled, at or fails to attend a school, the Head of Department may*

*(a) investigate the circumstances of the learner's absence from school;*

*(b) take appropriate measures to remedy the situation; and*

*(e) failing such remedy, issue a written notice to the parent of the learner requiring compliance with subsection (1)."; and*

(c) the addition of the following subsections:

*"(5) if a parent of any person who is subject to compulsory school attendance in terms of section 12(1) fails, without reasonable cause and after a written warning by the Head of Department, to cause such a person to attend an appropriate school regularly, he or she shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding six months.*

*(6) The Head of Department may exempt a learner entirely, partially or conditionally, from compulsory school attendance if it is in the best interests of the learner,*

*(7) The Head of Department must maintain a register of all learners exempted from compulsory school attendance."*

## **Repeal of section 13 and 14 of Act 6 of 1995**

9. Sections 13 and 14 of the Gauteng School Education Act, 1995 are hereby repealed.

**Amendment of section 15 of Act 6 of 1995**

10. Section 15 of the Gauteng School Education Act, 1995, is hereby amended by

(a) the substitution of subsection (1) of the following subsection:

*"(1) If a parent of any [person] learner who is subject to compulsory school attendance in terms of section 12(1), without reasonable cause and after a written warning by the Head of Department, to cause such [person] learner to attend an appropriate school regularly, be or she shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a minimum period of (not exceeding) three months.";* and

(b) the substitution of subsection (3) of the following subsection;

*"(3) Any person who hinders or obstructs [school attendance officer] any official of the department in the performance of his or her functions [under section 13] in terms of this Act or any other applicable law shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months."*