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**No. 22197**



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**PROCLAMATION***by the**Acting President of the Republic of South Africa***No. R. 23, 2001****COMMENCEMENT OF THE SKILLS DEVELOPMENT ACT, 1998 (ACT No. 97 OF 1998)**

In terms of section 39(2) of the Skills Development Act, 1998 (Act No. 97 of 1998), I hereby determine that Chapter 4 provisions of the said Act shall come into operation on 1 April 2001.

Given under my Hand and the Seal of the Republic of South Africa at **Pretoria** this **29<sup>th</sup>** day of **March** Two thousand and One.

**J.G. ZUMA****ACTING PRESIDENT**

By order of the President-in-Cabinet

**M.M.S. MDLADLANA****MINISTER OF THE CABINET**

**ISIMEMEZELO***Ngu**Mongamele wase Rephabliki ye Ningizimu Afrika***No. R. 23, 2001****UKUQALA KOMTHETHO WOKUTHUTHUKISA AMAKHONO, 1998,  
(UMTHETHO No.97 ka 1998)**

Njengokulaya kwesigaba 39(2) soMthetho wokuThuthukisa aMakhono, 1998, (uMthetho No. 97 ka 1998) ngalokho ngingquma ukhuthi izihlinzeko zoMthehto eziku iSahluko 4, zizoqala ukusebenza ngomhlaka 1April 2001.

Kunikwe ngaphansi KweSandla sami neSiqiniseko sase Riphabliki yase Ningizimu Afrika e Pretoria ngo 29.luka uMashi Izinkulungwane eZimbili Nanye.

**J.G. ZUMA****UMONGAMELI WESI KHASHANA**

Ngomyalelo kaMongameli-weKhabhinethi

**M.M.S. MDLADLANA****UNGQONGQOSHE WEKHEBHINETHI**

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## GOVERNMENT NOTICE

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### DEPARTMENT OF LABOUR

No. R. 330

3 April 2001

### SKILLS DEVELOPMENT ACT 1998 (NO 97 OF 1998) REGULATIONS CONCERNING THE REGISTRATION OF INTENDED LEARNERSHIPS AND LEARNERSHIP AGREEMENTS

The Minister of Labour, after consultation with the National Skills Authority, has made the regulations in the Schedule in terms of Section 36, read with sections 16(d) and 17 (3) and (6) of the Skills Development Act, 1998 (Act No. 97 of 1998).

**M M S MDLADLANA**  
**MINISTER OF LABOUR**

## **SCHEDULE**

### **CONTENTS LIST**

1. Definitions
2. Registering Intended Learnership
3. Registering Learnership Agreement
4. Altering terms of Learnership Agreement
5. Substituting party to Learnership Agreement
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10. Short title

Annexure A: Learnership Registration Form

Annexure B: Learnership Agreement

## Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, unless the context indicates otherwise -

- (a) "**submit**" means to deliver by hand or registered post or to transmit a communication by electronic mechanism as a result of which the recipient is capable of printing the communication
- (b) "**the Act**" means the Skills Development Act, 1998 (Act No 97 of 1998).

## Registering intended learnership

2.(1) A SETA applying to register an intended learnership, in terms of Section 16 of the Act, must complete the registration form set out in Annexure A.

(2) The completed registration form referred to in sub-regulation (1) must be submitted to the Director-General at one of the following addresses -

- (a) when posted, be addressed to:  
The Director-General: Department of Labour  
Private Bag X117  
Pretoria  
0001; or
- (b) when delivered by hand, be delivered to:  
The Director-General: Department of Labour  
215 Schoeman Street  
Pretoria

- (3) Upon registration of a learnership, the Director-General must -
- i. issue a certificate of registration to the SETA; and
  - ii. allocate and issue a learnership code.
- (4) A SETA may apply in writing to the Director-General to amend the registered learnership.
- (5) If the registered learnership is amended, the Director-General must amend the relevant certificate of registration accordingly or issue a new certificate of registration.

### **Registering Learnership Agreement**

- 3.(1) A learnership agreement must be in the form set out in Annexure B.
- (2) A SETA may require the parties to a learnership agreement to submit relevant information in addition to that required in terms of sub-regulation (1).
- (3) A SETA may register a learnership agreement in terms of section 17(3) of the Act if -
- (a) the Director-General has registered the learnership;
  - (b) a completed learnership agreement form referred to in sub-regulation (1) has been submitted to the SETA in duplicate;



- (c) all parties to the agreement have signed the agreement and, if the learner is a minor<sup>1</sup>, the learner's parent or guardian has signed the agreement on behalf of the learner;
  - (d) the employer party to the learnership agreement falls within the scope of coverage of the SETA;
  - (e) the terms of the agreement comply with the Act and any other applicable law; and
  - (f) the learnership agreement was concluded before the start of the learnership.
- (4) A SETA may only register a learnership agreement to which a group of employers is party if –
- (a) one of the employers is identified in the agreement as the lead employer; and
  - (b) the lead employer undertakes to ensure compliance with the employer's duties in terms of the agreement.
- (5) A SETA may only register a learnership agreement to which a group of training providers is party if –
- (a) one of the training providers is identified in the agreement as the lead training provider; and

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<sup>1</sup> A minor is an unmarried person who is under 21 years of age. The High Court may declare a person who is over 18 years of age to have attained majority.

(b) the lead training provider undertakes to ensure compliance with the training provider's duties in terms of the agreement.

(6) Within 30 days of receiving the learnership agreement, the SETA must decide –

- (a) whether or not to register the learnership agreement;
- (b) in respect of every learnership agreement that is registered, whether or not to pay a grant –
  - (i) towards the costs of the learnership;
  - (ii) towards the allowance to be paid to a learner who was not in the employment of the employer at the time the learnership agreement was concluded.

(7) A SETA must advise the employer of the amount of any grant that it will pay in terms of sub-regulation 6(b).

(8) If a SETA decides not to register the learnership agreement, the SETA must notify the parties to the agreement accordingly in writing, providing reasons thereof.

(9) A SETA must record the name and the date of registration of each learnership agreement that it registers and forthwith send a copy to each of the parties to the agreement at the addresses stated in the agreement.

#### **Altering terms of Learnership Agreement**

4.(1) The parties to a learnership agreement registered with the relevant SETA may, subject to the SETA's approval, alter the terms of the said agreement.

(2) A SETA may only register an alteration referred to in sub-regulation (1), if a copy of the learnership agreement, together with the alterations to the said agreement, signed by all the parties thereto, is submitted to the SETA.

### **Substituting a party to a Learnership Agreement**

5. (1) A SETA may approve the substitution of the employer or the training provider party to a learnership agreement in terms of section 17(5) of the Act if a written application, accompanied by an agreement setting out the terms of the substitution, is submitted to the SETA.

(2) The parties to a learnership agreement may, with the approval of the SETA, substitute a new learnership agreement for a learnership agreement that the SETA has already registered.

### **Terminating Learnership Agreement**

6.(1) A SETA may approve the termination of a learnership agreement in terms of section 17(4)(b) of the Act if –

- (a) the employer and learner have agreed in writing to terminate the agreement;
- (b) the employer or employee has requested, on good cause, to terminate the agreement and the other parties to the learnership agreement have had the opportunity to make representations as to why the agreement should not be terminated;
- (c) the employee has terminated the contract of employment with the employer; or
- (d) the training provider has requested on good cause to terminate the agreement and

- (i) the other parties to the agreement have had the opportunity to make representations; and
- (ii) the SETA and the employer have been unable to arrange for a new training provider to be substituted for the old training provider in accordance with regulation 5 (1).

(2) An application to terminate a learnership agreement in terms of sub-regulation (1) must be submitted to the SETA in writing together with –

- (a) a copy of the relevant learnership agreement;
- (b) in the case of sub-paragraph (a), a written agreement signed by the employer and the learner setting out the reasons for the termination.

### **Making of decisions by SETA**

7. A SETA must make any decision required in terms of these regulations within 30 working days of receiving the relevant documents.

### **Keeping of Records**

8.(1) Every SETA must keep an updated record of –

- (a) all learnership agreements registered by the SETA, including the title and code of the learnerships;
- (b) all grants paid by the SETA in respect of learnerships;
- (c) all alterations to the terms of learnership agreements referred to in paragraph 4(a);

- (d) all learnership agreements successfully concluded, including the title and code of the learnerships;
- (e) all learnership agreements that the SETA did not register and the reasons for not registering the agreements; and
- (f) all learnership agreements terminated in terms of regulation 6, including the reasons for termination.

(2) Records referred to in sub-regulation (1) may be kept in any form, provided that at least one set of the records is kept in hard copy.

### **Referring of dispute**

9. (1) A party referring a dispute in terms of section 19(2) of the Act must submit a completed Form 7.11 published in terms of the Labour Relations Act 66 of 1995 to the Commission for Conciliation, Mediation and Arbitration.

(2) The relevant provisions of Parts C and D of Chapter VII of the Labour Relations Act 66 of 1995, read with the changes required by the context, apply in respect of a dispute in terms of section 19 of the Act.

### **Short Title**

10. These regulations are to be known as the Learnership Regulations, 2001.

**SETA  
Logo****LEARNERSHIP REGISTRATION FORM****DoL  
Logo****Documents to accompany this application form:**

- A letter of registration from SAQA, if the qualification has been registered on the NQF.
- A letter of receipt from SAQA, if the qualification has been submitted for registration.
- Professional licence or registration requirements over and above the achievement of the specified learnership qualification must be provided where required.
- Employment Conditions Commission determination on wages to be paid to learners

Learnership Code: \_\_\_\_\_  
(To be completed by the Department of Labour)

**1. Information pertaining to the SETA**

1.1 Name of SETA: \_\_\_\_\_

1.2 Name of Chamber (if applicable): \_\_\_\_\_

1.3 Name of SETA official responsible for learnerships: \_\_\_\_\_

1.4 SETA's telephone number: \_\_\_\_\_

1.5 SETA's fax number: \_\_\_\_\_

1.6 SETA's postal address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1.7 SETA's e mail address: \_\_\_\_\_

**2. Learnership information**

2.1 Title of the Learnership Qualification:

---

2.2 NQF field:

---

2.3 NQF sub-field:

---

2.4 NQF level:

---

2.5 Number of credits to be earned:

---

2.6 Date of registration of the qualification on the NQF (if registered) and code and number of the qualification:

---

2.7 Date of application to SAQA for registration of the qualification (if not registered):

---

2.8 Name of ETQA responsible for quality assuring the qualification:

---

---

**3. Learnership identification**

3.1 How did the SETA identify the need for this learnership?

(tick the box)

- SETA sector skills plan
- Skills plans from "adjacent" SETAs
- Generally available research (specify)
- SETA commissioned research
- Workplace skills plans
- Other (specify)





**4. Qualification and Unit Standards**

	Title	Code	NQF Level	Credit value	Percentage of assessment at:	
					Workplace Provider	Training Provider
<b>Details of Qualification</b>						
<b>Details of unit standards</b>	Fundamental Learning					
	Core Learning					
	Elective learning					

**5. Credits**

	Total credits to be earned through:	Show credits as a % of the total credits of the qualification
Workplace assessment		%
Structured learning		%

**Specify the nature and duration of work experience required for each credit that is to be assessed at the workplace**

Nature (Tasks/Functions)	Time (in notional hours)

**6. Grant to the employer**

Specify and explain the amount the SETA grants for the implementation of the learnership, per NQF level, having regard to such factors as training costs, market demand, the employment status of learners (i.e. section 18(1) or 18(2) learners) and equity targets. Specify if any other factors have been taken into account in determining the level of subsidy.

**7. Grant towards learner allowances**

Specify the amount the SETA allocates to subsidise the learner allowances for learners who were not employed by the employer when the agreement was concluded, as provided for in section 18(2) of the Act.

Credits earned	0 - 120	121 - 240	241 - 360	361 - 480
Learner Allowance				



SETA  
Logo

## LEARNERSHIP AGREEMENT



DoL  
Logo

### PART A: TERMS AND CONDITIONS OF AGREEMENT

#### 1. Declaration of parties

We understand that this Agreement is legally binding. We understand that it is an offence in terms of the Skills Development Act 97 of 1998 ('the Act') to provide false or misleading information in this Agreement. We agree to the following rights and duties.

#### 2. Rights of learners, employers and registered training providers

##### 2.1 Learner

The learner has the right to:

- 2.1.1 be educated and trained in terms of this Agreement;
- 2.1.2 have access to the required resources to receive training in terms of the learnership;
- 2.1.3 have his or her performance in training assessed and have access to the assessment results;
- 2.1.4 receive a certificate upon successful completion of the learning;
- 2.1.5 raise grievances in writing with the SETA concerning any shortcomings in the training.

##### 2.2 Employer

The employer has the right to require the learner to:

- 2.2.1 perform duties in terms of this Agreement; and
- 2.2.2 comply with the rules and regulations concerning the employer's business concern.

##### 2.3 Training provider

- 2.3.1 The registered training provider has the right of access to the learner's books, learning material and workplace, if required.

### 3. Duties of learners, employers and registered training providers

#### 3.1 Learner

The learner must:

- 3.1.1 work for the employer as part of the learning process;
- 3.1.2 be available for and participate in all learning and work experience required by the learnership;
- 3.1.3 comply with workplace policies and procedures;
- 3.1.4 complete any timesheets or any written assessment tools supplied by the employer to record relevant workplace experience; and
- 3.1.5 attend all study periods and theoretical learning sessions with the training provider and undertake all learning conscientiously.

#### 3.2 Employer

3.2.1 The employer must comply with its duties in terms of the Act and all applicable legislation including:

- Basic Conditions of Employment Act (No. 75 of 1997);
- any applicable determination made in terms of section 18(3) of the Act;
- Labour Relations Act (No. 66 of 1995);
- Employment Equity Act (No. 55 of 1998);
- Occupational Health and Safety Act (No. 85 of 1993) or Mine Health and Safety Act (No. 27 of 1996);
- Compensation for Occupational Injuries and Diseases Act (No.130 of 1993);

3.2.2 Provide the learner with appropriate training in the work environment to achieve the relevant outcomes required by the learnership;

3.2.3 Provide appropriate facilities to train the learner in accordance with the workplace component of learning;

3.2.4 Provide the learner with adequate supervision at work;

3.2.5 Release the learner during normal working hours to attend off-the-job education and training required by the learnership;

3.2.6 Pay the learner the agreed learning allowance both while the learner is working for the employer and while the learner is attending approved off-the-job training;

- 3.2.7 Conduct on-the-job assessment, or cause it to be conducted;
- 3.2.8 Keep up to date records of learning and periodically discuss progress with the learner;
- 3.2.9 If the learner was not in the employment of the employer at the time of concluding this Agreement, advise the learner of –
  - (a) the terms and conditions of his or her employment, including the learning allowance; and
  - (b) workplace policies and procedures.
- 3.2.10 Apply the same disciplinary, grievance and dispute resolution procedures to the learner as to other employees.

### 3.3 Training provider

The training provider must:

- 3.3.1 Provide education and training in terms of the learnership;
- 3.3.2 Provide the learner support as required by the learnership;
- 3.3.3 Record, monitor and retain details of training provided to the learner in terms of the learnership;
- 3.3.4 Conduct off-the-job assessment in terms of the learnership, or cause it to be conducted; and
- 3.3.5 Provide reports to the employer on the learner's performance.

## 4. Termination of Agreement

This learnership agreement terminates:

- 4.1 on the termination date stipulated in Part B of this Agreement; or
- 4.2 on an earlier date if:
  - 4.2.1 the learner successfully completes the learnership;
  - 4.2.2 the learner is fairly dismissed by the employer for a reason related to the learner's conduct or capacity as an employee;
  - 4.2.3 the employer and learner agree to terminate the Agreement; or
  - 4.2.4 the SETA approves a written application to terminate the Agreement by the learner or, if good cause is shown, by the employer.

## 5. Disputes

If there is a dispute concerning any of the following matters, it may be referred to the Commission for Conciliation, Mediation and Arbitration (CCMA):

- 5.1 the interpretation or application of any provision of this Agreement, the learner's contract of employment or a sectoral determination made in terms of section 18(3) of the Act;
- 5.2 Chapter 4 of the Act;
- 5.3 the termination of this Agreement or the learner's contract of employment.

**PART B: DETAILS OF THE LEARNERSHIP AND THE PARTIES TO THIS AGREEMENT****Please take note of the following:**

- If the learner is not already in the employ of the employer, the learner and employer must conclude a contract of employment.
- If the learner is a minor then the learner's parent or guardian must be a party to this Agreement and must complete section 3. The parent or guardian ceases to be a party to this Agreement once the learner turns 21.
- If a group of employers are party to this Agreement, one of the employers must perform the function of a lead employer. The lead employer must complete section 4 and details of the other employers must be attached on a separate sheet.
- If the employer and the accredited training provider are the same entity, the employer must complete sections 4 and 5.
- If a group of accredited training providers are party to this Agreement, one of the providers must perform the function of lead training provider. The lead training provider must complete section 5 and details of the other accredited training providers must be attached on a separate sheet.

**1. Learnership details**

1.1 Name of learnership:

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1.2 Department of Labour registration number of learnership:

---

1.3 Commencement date of learnership agreement:

---

1.4 Termination date of learnership agreement:

---

**2. Learner details**

2.1 Full name:

---

2.2 Identity number:

---

2.3 Date of birth

---

2.4 Sex:

Male  Female

2.5 Race:

African  Indian

Coloured  White

Other (specify): \_\_\_\_\_

2.6 Do you have a disability, as contemplated by the Employment Equity Act 55 of 1998?<sup>1</sup>

Yes (specify): \_\_\_\_\_  No

2.7 Home address:

---

---

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2.8 Postal address (if different from above):

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---

2.9 E-mail address:

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<sup>1</sup> The Employment Equity Act defines a disability as a long-term or recurring physical or mental impairment which substantially limits prospects of entry into, or advancement in, employment.



2.10 What language/s do you speak at home?

\_\_\_\_\_

2.11 Are you a South African citizen?

Yes  No (specify and attach documents indicating your status,  
for example: permanent residence, study permit, etc):

\_\_\_\_\_

2.12 Highest level qualification:

(for example: Standard 7, Grade 10, ABET Level 3)

\_\_\_\_\_

2.13 What is the title of your highest qualification?

\_\_\_\_\_

2.14 Have you previously undertaken a learnership?

Yes (specify title and code) \_\_\_\_\_  No

2.15 Were you employed by your employer before concluding this Agreement?

Yes  No

2.16 If you were unemployed before concluding this Agreement, state for how long:

\_\_\_\_\_

2.17 If you are employed, when did you start work with your employer?

\_\_\_\_\_

**3. Parent or Guardian details**

(To be completed if learner is a minor – i.e. an unmarried person under 21 years)

3.1 Full name:

\_\_\_\_\_

3.2 Identity number:

\_\_\_\_\_

3.3 Home address:

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3.4 Postal address (if different from above):

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3.5 Telephone number (home and work):

---

3.6 E-mail address:

---

**4. Employer details**

4.1 Legal name of employer:

---

4.2 Trading name (if different from above):

---

4.3 Are you acting as Lead Employer?

Yes                       No

4.4 Business address:

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4.5 Postal address (if different from 4.4):

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4.6 Name of contact person:

---

4.7 Telephone No:

---

4.8 Fax No:

---

4.9 E-mail address:

---

4.10 Registration numbers and codes:

SIC:

SARS:

SETA:

---

**5. Training Provider details**

5.1 Legal name of Training Provider:

---

5.2 Trading name (if different from above):

---

5.3 Are you acting as Lead Training Provider?

Yes

No

5.4 Business address:

---

---

---

5.5 Postal address (if different from 5.4):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5.6 Name of contact person:

\_\_\_\_\_

5.7 Telephone No:

\_\_\_\_\_

5.8 Fax No:

\_\_\_\_\_

5.9 E-mail address:

\_\_\_\_\_

5.10 Registration numbers or codes:

SIC:                      SARS:                      SETA:                      SAQA:  
\_\_\_\_\_  
\_\_\_\_\_

**6. Terms and conditions of employment:**

6.1 Are the learner's terms of employment determined by a document of general application (for example, section 18(3) determination, sectoral determination, bargaining council agreement, collective agreement.)

Yes (specify): \_\_\_\_\_  No

6.2 Attach a copy of a document reflecting the learner's conditions of employment for learners who were not employed by the employer when the agreement was concluded as contemplated by section 18(2) of the Act. (for example: contract of employment, written particulars of employment.)

**Learner's signature:**

**Parent or Guardian's signature**  
(Only if the learner is a minor)

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Witness signature:**

**Witness signature:**

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Employer or Lead Employer's signature**

**Training Provider or Lead Training  
Provider's signature**

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Witness signature:**

**Witness signature:**

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

No. R. 330

3 April 2001

**UMNYANGO WEZEMISEBENZI****UMTHETHO WOKUTHUTHUKISWA KWAMAKHONO 1998 (NO 97 KA 1998)****WEZIMISELO MAYELANA NENTHLOSO****NOKUBHALISWA KWEZIVUMELWANO ZEZIZINDA ZEMFUNDO**

Ungqongqoshe wezemisebenzi emva kokubonisana negunya laMakhono kazwelonke, ushicilele izimisele ngaphansi kwesigaba 36 kanye nesigatshana 16(d) kanye no 17 (3) kanye no (6) Somthetho wokuThuthukisa aMakhono, 1998 (umthetho No. 97 ka 1998).

**M M S MDLADLANA****UNGQONGQOSHE WEZEMISEBENZI**

**UHLELO****INGQIKITHI YOHLU**

1. Izincazelo
2. Ukubhaliswa kwezizinda zokufunda ezihlosiwe
3. Ukubhaliswa kwezivumelwano zezizinda zokufunda
4. Ukuguqulwa kwesimo sesivumelwano sezizinda sokufunda
5. Ukushintshwa komhlanganyeli wesivumelwano wezizinda zokufunda
6. Ukupheliswa kwesivumelwano sesizinda sokufunda
7. Ukwenziwa kwezinqumo yiSETA
8. Ukugcinwa kwamarekhodi yiSETA
9. Ukudluliselwa kombango
10. Isihloko esifingqiwe

**Isigaba A: Ifomu lokubhalisela ukufunda**

**Isigaba B: Izivumelwano zokufunda**

**1. Izincazelo**

Kulezizimiselo zamagama noma izisho ezichaziwe kumthetho noma uMthetho weZibizontela wokuThuthukisa aMakhono, 1999 (uMthetho No.9 ka 1999) zinencazelo ngaphandle kwengqikithi ekhonjisiwe ngaloku.

- (a) **“ukuthunywa”** kusho ukuhambisa ngesandla noma iposi elibhalisiwe/ elerejistiwe.
- (b) **“Umthetho”** kusho uMthetho wokuThuthukisa amakhono, 1998 (uMthetho No.97 ka 1998)

**Ukubhaliswa kwezizinda zokufunda ezihlosiwe**

- 2. (1) ISETA ehlose ukubhalisa isizinda semfundo esihlosiwe kufanele igcwalise ifomu lokubhalisa isizinda semfundo esibekelwe kusigaba A
- (2) Ifomu lokubhalisa ngokwesigatshana (1) kufanele lithunyelwe kumQondisi-Jikelele kwelinye lalama kheli.

- (a) Uma iposwa:  
The Director-General: Department of Labour  
Private Bag X117  
Pretoria  
0001;



(b) noma okuhambisa ngesandla:

The Director-General: Department of Labour

215 Schoeman Street

Pretoria

(3) Emuva kokubhalisa isizinda semfundo, umQondisi-Jikelele kufanele:

i. akhiphe isitifikethi sokubhalisa kuyiSETA futhi.

ii. ukwabela nokunikela ngekhodi lwesizinda semfundo.

(4) ISETA ingafaka isicelo ngokubhalela umQondisi-Jikelele aguQule ukubhaliswa kwesizinda sokufunda.

(5) Uma isizinda sokufunda esibhalisiwe siguqulwa, umQondisi-Jikelele kufanele aguqule isitifikethi sokubhalisa noma akhiphe isitifikethi esisha.

### **Isivumelwano ngokubhaliswa kwesizinda sokufunda**

3. (1) Isivumelwano sesizinda sokufunda kufanele siqukathe ulwazi olubhalwe kusandiso B.

- (2) ISETA idinga amalungu kusibvumelwano sesizinda semfundo ethule ulwazi ukungezelela loku okudingekayo kusigatshana(1)..
- (3) ISETA ingabhalisa isivumelwano sesizinda semfundo ngokwesigatshana 17 (3) somthetho -
- (a) umQondisi-Jikelele ubhalisile isizinda sokufunda;
  - (b) ifomu eliphelele lesivumelwano sesizinda sokunda eliphindwe kabili lingathunyelwa kuSETA;
  - (c) wonke umalunga kwisivumelwano kumele usayine isivumelwano sokuthi; uma umfundi oseseyingane; umzali womfundi noma umlondolozisi kufanele asayinde isivumelwano esikhundleni somfundi;
  - (d) inhlangothi yabaqashi kusivumelwano sesizinda sokufunda siwela ngaphansi kweSETA;
  - (e) imigomo kwisivumelwano kufanele ihambisane nomthetho neminye imithetho ekhona.
  - (f) isivumelwano sesizinda sokufunda saqedwa ngaphambi kokuqala kwesizinda sokufunda.

- (4) ISETA ingabhalisa isivumelwano sesizinda sokufunda kanye nabanye abaqashi ehlangene nabo kuphela uma-
- (a) omunye wabaqashi obekiwe ngokuba ngohola abaqashi kusivumelwano .
  - (b) umholi wabaqashi ubhekele ukuthi imigwaqo ebekiwe iyalandelwa futhi ihambelana nezimfanelo zabaqashi ngaphansi kwesivumelwano.
- (5) ISETA ingabhalisa isivumelwano sokufunda kumkhandlu wabaqeqeshi uma ngabe abafundisi bayingxenywe yesivumelwano.
- (a) omunye wabanika uqeqesho oqokwe njengomholi wabaqeqeshi ngokwesivumelwano sokufunda .
  - (b) umholi onika uqeqesho kufanele abhekele ukuthi imigwaqo ebekiwe iyalandelwa futhi ihambelana nezimfanelo ngokwesivumelwano.
- (6) Ezinsukwini ezingu 30 zokuthola isivumelwano sesizinda sokufunda ISETA kufanele inqume lokhu-
- (a) ukubhalisa noma ukungasibhalisi isivumelwano.

- (b) ngokwazo izivumelwano zezizinda zokufunda ezibhalisiwe, kufanele noma cha ayikhokhe igranti
- (i) ngokwezindleko zesivumelwano sesizinda sokufunda
- (ii) Ekukhokhelweni umfundi ongaqashiwe imali enqunyiwe ngokwesivumelwano sezizinda zemfundo.
- (7) ISETA kufanele iluluke umqashi ngenani lanoma yeyiphi igranti ekumele ayikhokhe ngokwesimiselo 6(b).
- (8) Uma iSETA inquma ukungasibhalisi isivumelwano sesizinda semfundo, iSETA kufanele yazise amlinga esivumelwano ngokuwabhalela, ibeke nesizathu sokungab abhalisi.
- (9) ISETA kufanele igcine amarekodi amagama kanye nosuku loku bhaliswa kwesivumelwano sesizinda semfundo, futhi ithumele ikhophi kuwo wonke amalunga esivumelwano kumakheli anikiwe esivumelwaneni.

**Ukuguqula imiyalo yesivumelwano ngemvume sesizinda sokufunda**

4. (1) Abahlanganyeli kusivumelwano sokufunda esibhaliswe kwiSETA bangashintsha imiyalo yaleso sivumelwano ngokuvuma kweSETA.

- (2) ISETA ingabhalisa ushintsho okukhulunywa ngaso kusigatshana (1), uma ikhophi lesivumelwano sesizinda semfundo kanye nezinguquko ezenziwe kuleso sivumelwano esisayindwe ngabo bonke abahlanganyeli.

#### **Ukushintshwa komhlanganyeli ngesivumelwano sesizinda sokufunda**

5. (1) ISETA ingavumela ukushintshwa komqashi noma umqeqeshi kwisi vumelwano sokufunda ngokwesigaba 17 (5) somthetho uma isicelo esibhaliwe; esihambisana nesivumelwano esikhombisa izinguquko enikezwe iSETA.
- (2) Abahlanganyeli kusivumelwano sokufunda singangokuvumelwa yiSETA; ngenguquko entsha yesivumelwano sokufunda ngo kwesivumelwano sokuthi iSETA seyibhalisiwe.

#### **Ukupheliswa kwesivumelwano sesizinda sokufunda**

6. (1) ISETA ingavumela ukupheliswa kwesivumelwano sesizinda sokufunda ngokwesigaba 17(4)(b) salomthetho
  - (a) umqashi nomfundi bavuma ukuphelisa isivumelwano;

- (b) umqashi noma abasebenzi bangafaka isicelo sokuphelisa lesivumelwano eminye imikhadlu ithola ithuba lokwenza izicelo zokuthi kungani lesivumelwano singapheliswa, noma
  - (c) umsebenzi uphelisa inkontilaki yokusebenza nomqashi
  - (d) umqeqeshi ufake isicelo sokuqeda inkontilaki nomqashi
    - i. amanye amalunga kwisivumelwano banikeze ngezimvo zabo; futhi
    - ii. iSETA nabaqashi bakwazile ukuqoka omunye umqeqeshi ukuze avale isikhala somqeqeshi omdala ngokwezimiso zomthetho 5(1).
- (2) Isicelo sokupheliswa kwisivumelwano sokufunda ngokwesigatshana (1) kufanele ithunyelwe kuSETA ngombhalo kanye-
- (a) ikhophi lesivumelwano sokufunda
  - (b) ngokwesigatshana (a) isivumelwano esibhaliwe sasayinwa umqashi kanye nomfundi sibeka sobala isizathu sokupheliswa kwenkontilaki

**ISETA ingathatha izingqumo**

7. ISETA ingathatha izingqumo ngokwezimiso emalangeneni angamashumi amathathu ima ithola izingcwadi ezifanele.

**Ukugcinwa kwamarekhodi**

8. (1) AmaSETA wonke kumele agcine amarekhodi abuyekeziwe
- (a) zonke izivumelwano zokufunda ezibhaliswe ngaphansi kweSETA kanye nezihloko namakhodi ezizinda zokufunda
  - (b) wonke amagranti akhokhelwe yiSETA ngokwezizinda zokufunda
  - (c) Zonke izinguquko ezenziwe kumiyalelo yezivumelwano zezizinda zokufunda ezishiwo kusigaba 4 (a).
  - (d) Zonke izivumelwano zezifunda zokufunda eziphothulwe ngempumelelo, ezihlanganisa ikheli nekhodi lezizinda zokufunda
  - (e) Zonke izivumelwano zezizinda zemfundo Iseta engazange izibhalise nezizathu zokungabhalisi izivumelwano
  - (f) Zonke izivumelwano zesisinda semfundo ezipheliswe ngokwesimiso 6, nezizathu zokusiphelisa.
- (2) Imibhalo ebhekiswe kusimiso (1) ingagcinwa noma ingayiphi indlelangaphandle kokuthi umbhalo owodwa ubekwe endaweni ephephile.

**Ukudlulisela Umbango**

9. (1) Umhlanganyeli angadlulisela umbango ngokwesigaba 19(2) somthetho kufanele agcwalise ifomu 7.11 elikhishwe ngoMthetho wezobudlelwane kwabasebenzi no. 66 ka 1995 kuKhomishane wokuLamula, ukuLamulela nokuNqumela.
- (2) Okufanele izihlinzeko zabahlanganyeli C no D kusahluko vii ngoMthetho woBudlelwane wabasebenzi no.66 ka 1995, nokufunda ngenguquko yengqikithi engadingwe, nokufaka isicelo semibango njengokulayela kwesigaba 19 Somthetho.

**Isihloko esifingqiwe**

10. Lezizimiselo zamagaba kufanele zaziwe ngokuthi yizimiselo zokufunda , 2001.



Isijobelelo A

**SETA  
Logo****IFOMU LOKUBHALISA IZIZINDA ZEMFUNDO****DoL  
Logo****IFOMU LESICELO ESIHAMBISANA NEZINCWADI**

- Incwadi yokubhalisa ephuma eSAQA, uma izimfanēlo zibhalisiwe neNQF
- Incwadi yemvumo ephuma eSAQA, uma ngabe isicelo sokubhaliswa sifakiwe
- Invumo yobungcwethi noma isidingo sokubhalisa ngokwempumelelo yesizinda semfundo uma ifuneka
- Ikhomishini yezemisbenzi ebeka amaholo ekhokhela abafundi

Ikhodi Yesizinda semfundo: \_\_\_\_\_  
(Igcwaliswa Umnyango wezabaSebenzi)

**1. Ulwazi mayelana neSETA**

1.1 Igama leSETA: \_\_\_\_\_

1.2 Igama leChamber(uma ikhona): \_\_\_\_\_

1.3 Umuntu oqokwe iSETA obhekene nesiZinda semfundo: \_\_\_\_\_

1.4 Inombolo yocingo lweSeta: \_\_\_\_\_

1.5 Inombolo yeFax yeSeta: \_\_\_\_\_

1.6 Ikheli leSeta: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1.7 Ikheli ye email yeSeta: \_\_\_\_\_

## 2 Ulwazi lesiZinda seMfundo

2.1 Isihloko sezimfanelo sesiZinda seMfundo \_\_\_\_\_

2.2 Isigaba semfundo yeNOF \_\_\_\_\_

2.3 Isigatshana semfundo yeNOF \_\_\_\_\_

2.4 Izinga leNOF \_\_\_\_\_

2.5 Inani lamaCredit azuziwe \_\_\_\_\_

2.6 Usuku lokubhalisa ku NOF \_\_\_\_\_

2.7 Usuku lokubhalisa kuSAQA \_\_\_\_\_

2.8 Igama leETQA \_\_\_\_\_

\_\_\_\_\_

## 3. Ukwazisa ngesiZinda seMfundo

3.1 Iseta isibone kanjani isidingo sesiZinda seMfundo



4. **Izimfanelo kanye neZinga lazo**

	Isahluko	Ikhodi	Izinga leNQF	Isisinda seCredit	Iphesenti yokuhlolwa Umfundisi Umfundisi Wasezindaweni zemisebenzi woqeqesho
Ikujula kwezimfanelo					
Ikujula kwezinga	Esiqwini semfundo				
	Umongo wemfundo				



**6. Imali enikwa umqashi(Grant)**

Cacisa ubunye uchaze leimali ISETA eyisebenzisayo kusizinda semfundo, ngokwezinga leNQF kanye nezindleko zoqeqesho nesidingo somphakathi, nokuqashwa kwabafundi ngokwezigaba 18(2) kanye nenani lokulingana nabasebenzi . Cacisa esinye isimo sokongezwa kwezimali.

**7. Imali enikwa umfundi(Grant)**

Cacisa imali iSETA eyabela umfundi ongasebenzi ngesikhathi kubhatalwa isivumelwano nomqashi ngokomthetho wesigaba 18(2) soMthetho

Amakhredithi azuziwe	0 - 120	121 - 240	241 - 360	361 - 480
Inkokhelo yomfundi				

**Isijobelelo B****SETA  
Logo****ISIVUMELWANO SESIZINDA  
SEMFUNDO****DoL  
Logo****Ingxenye A: Imininingwane eziZinda zokuqeqesha nabahlanganyeli  
kusivumelwano****1. Ukuzibophelela kwamalunga**

Siyavumelana ukuthi lesisivumelwano sisibophelela ngokusemthethweni. Futhi siyezwisisisa ukuthi kuyicala ngokoMthetho Wokuthuthukisa Amakhono umthetho no.97 ka 1998 ukunikeza okanye ukuholele kolwazi olungamanga kulesivumelwano.Siyavumelana ngala malungelo nalemisebenzi elandelayo.

**2. Ilungelo lomfundi, lomqashi kanye nabanikkeza ngoqeqesho aba bhalisiwe.****2.1 Umfundi**

Umfundi unelungelokuba:

- 2.1.1 A fundiswe futhi aqeqeshwe ngokwesivumelwano;
- 2.1.2 Abe no kufinyelela kwizinto ezizo kwenza ukuthi athole ukuqeqeshwa ngokwesivumelwano;

2.1.3 Ukuthi ahlolwe ezifundweni zakhe futhi akwazi ukuthola iziphumo zokuhlolwa kwakhe;

2.1.4 Athole isatifikethi uma aqedile ukufunda kwakhe;

2.1.5 Afake izikhalazo ngobhalela iSETAmayelana nokungagcwiliseki kwezifundo.

## 2.2 Umqashi

Umqashi unelungelo ukuba afune umfundi okulandelayo

2.2.1 Enze umsebenzi ngokwemimiselo yesivumelwano sesizinda sokufunda

2.2.2 Uphoqekile ukulandela imigaqo nemithetho mayelana nebhizinisi komqashi.

## 2.3 Umqeqeshi

2.3.1 Umqeqeshi obhalisiwe unelungelo lokubheka izincwadi zomfundi, izincwadi zokufunda zomsebenzi, uma kufuneka

## 3. Izibopho zomfundo, umqashi kanye nomqeqeshe

### 3.1 Umfundi

Umfundi kumele

3.1.1 Asebenzele umqashi ngenjongo yokufunda;

3.1.2 Azinikele ekufundeni kanye nekhono lomsebenzi wonke odingwa isizinda sokufunda;



- 3.1.3 Alandele yonke imithetho nemigaqo yomsebenzi
- 3.1.4 Agcwalise ifomu lesikhathi noma ahlolwe ngokubhala  
ngokomqashi ngokwamakhono akhe;
- 3.1.5 Enze konke okwenziwa ngumqeqeshi kanye zinkathizonke  
zokufunda

## 3.2 Umqashi

- 3.2.1 Umqashi uphoqelekile ukulandela isimo somthetho kanye  
nokulandele eminye imithetho
- Basic Condition of Employment Act (No 75 of 1997)
  - Any applicable determination made in terms of section  
18(3) of the Act
  - Labour Relations Act (No 66 of 1995)
  - Employment Equity Act (No 55 of 1998)
  - Occupational Health and Safety Act (No 85 of 1993)
  - Compensation for Occupational injuries and Disease \Act  
(No. 130 of 1993)
- 3.2.2. Ngokunikeza umfundi ngekhono lomsebenzi kanye nokuthola  
imiphumela efunekayo yisivumelwano sokufunda;
- 3.2.3. Ukunika umfundi elungela ukufunda ukuhambelana nezinzonye  
zomsebenzi;
- 3.2.4. Nikezela umfundi ngoziso olugcwele lobuholi emsebenzini;

- 3.2.5. Ukukhulula umfundi oyothola izifundo ngesikhathi somsebenzi ngaphandle kwendawo yomsebenzi ezifuneka kwisizinda semfundo;
- 3.2.6. Khokhela umfundi oholo alinqunyiwe ngesikhathieqashiwe noma aszifundweni ezingaphandle komsebenzi;
- 3.2.7. Amhlole ngokomsebenzi, noma enze ukuthi kwenziwe;
- 3.2.8. Agcine amarekhodi okufunda kunye nezikhathi ezahlukahlukene ebekuxoxwa ngazo inkqubele nomfundi;
- 3.2.9. Uma umfundi ebengaqashiwe ngesikhathi kuqedelelwa isivumelwano ngalokhu okulandelwayo
  - (a) Ngokwesivumelwano nesimo somsebenzi ngalokhu okulandelayo ;
  - (b) Imigomo yendawo yokufunda kunye nesimo

### 3.3. **Umqeqeshi**

Umqeqeshi kumele enze lokhu

- 3.3.1 Anikeze imfundo kanye noqeqesho ngokwesizinda semfundo
- 3.3.2 Anikeze umfundi inxaso njengoko idingeka ngokwezizinda zemfundo
- 3.3.3 Agcine , abhekele futhi afune imininingwane yomqeqeshi kumfundi ngokwezizinda zemfundo
- 3.3.4 Uhlolwa ngabaphandle komsebenzi ngokwesimo sezizinda zemfundo

3.3.5 Anikeze imiphumela kuqashi ngendlela umfundi aqhube ngayo.

#### **4. Ukupheliswa kwesivumelwano**

Lesi sivumelwano singspheliswa uma:

- 4.1 Usuku lokupheliswa kwesivumelwano olubekwe kusigabaB salesisivumelwano noma:
  - 4.2 usuku olungaphambili uma
    - 4.2.1 umfundi eqede izifundo zakhe
    - 4.2.2 umfundi ugxoshwe ngoku semthethweni ngumqashingesizathu esiphathelene nendlela ebziphethwe ngayo engumsebenzi
    - 4.2.3 umqashi nomfundi bevumelene ukuphelisa isivumelwano sesizinda sokufunda
    - 4.2.4 ISETA ivumela isicelo esibhaliwe sokupheliswa kwesivumelwano sesizinda semfundo ngumfundinoma ngumqashi

#### **5. Izikhalazo**

Uma kukhona umbango kwenye yalezizihloko kufaneleudluliswe ku Khomishini wo Xolelwaniso noMlamuli (CCMA)

- 5.1 Ukucacisa noma ukusenza isivumelwano ngokop Mthetho wenkontilaki yomsebenzi noma Imikhakha ngokwesigaba (18) 3
- 5.2 Isahluko 4 somthetho
- 5.3 Ukupheliswa kwesivumelwano noma inkontilakhi yomfundi

**PART B:****Qaphela okulandelayo:**

- Noma umfundi angaqashiwe, kumele benze isivumelwano nomqashi
- Uma umfundi angaphansi kwe 21 umzali noma umgadi kumele abe ingxenye yesivumelwano, ngokwesigaba 3.
- Uma iqembu labaqashi beyingxenye yesivumelwano, oyedwa wabo kumele kube umholi wesivumelwano
- Uma umqashi nomqeqeshi basendaweni eyodwa, umqashi kumele agcwalise isigaba 4 no 5.
- Uma iqembu labaqeqeshi bayingxenye yesivumelwano, oyedwa wabo kumele abe ngumholi wesivumelwano agcwalise isigaba 5 ngokugcwele.

**1. Imininingwane yeziZinda zemfundo**

1.1 Igama lomfundi:

---

1.2 Inombolo yokubhalisa umfundi ekuMnyango wezabasebenzi:

---

1.3 Usuku lokuqala isivumelwano:

---

1.4 Usuku lokupheliswa kwesivumelwane:

---

**2 Imininingwane yomfundi**

2.1 Igama eliphelele:

---

2.1 Inombolo kamazisi

---

2.2 Usuku lokuzalwa

---

2.3 Ubulili

Male

Female

2.4 Uhlanga

African

Indian

Coloured

White

Other (specify):

2.5 Unakho ukukhubazeka Ngokucetshwe Umthetho wokulingana

Yes (specify):

No

2.6 Ikheli lasekhaya:

---

---

---

2.7 Ikheli lokupos:

---

---

---

2.8 Ikheli le imail:

---

2.9 Iwimi olukhulunywa ekhaya:

---

2.10 Ungabe ungumhlali wase Ningizimu Afrika?

Yes  No

2.11 Izinga lemfundo:

---

2.12 Isihloko semfundo ephakeme?

---

2.13 Ungabe ukewazibophezela ngemfundo ngokudlule?

Yes (specify title and code) \_\_\_\_\_  No

2.14 Ungabe ubuqashiwe ngaphambi kwesivumelwane?

Yes  No

2.15 Ubungaqashiwe ngaphambi kwesivumelwa:

---

2.16 Isikhathi esingakanani usebenza?

---

### 3 Imininingwane Yomzali

3.1 Igama eliphelele:

---

3.2 Inombolo Kamazisi:

---

3.3 Ikheli lasekhaya:

---

---

---

3.4 Ikheli leposi:

---

---

---

3.5 Inombolo yocingo:

---

3.6 Ikheli le e Mail:

---

**4. Iminingwane yomqashi**

4.1 Igama elisemthethweni lomqashi:

---

4.2 Igama lokuhweba(uma likhona:

---

4.3 Ingabe ungumqashi ongumholi?

Yes

No

4.4 Ikheli lebhizinisi:

---

---

---

4.5 Ikheli leposi (uma lihlukele ku 4.4):

---

4.6 Igama lomuntu okungaxhunywana naye:

---

4.7 Inombolo yocingo:

---

4.8 Inombolo ye Fax:



---

4.9 Ikheli le e Mail:

---

4.10 Inombolo yokubhalisa

SIC:

SARS:

SETA:

---

**5. Imininingwane yabaqeqeshi**

5.1 Igama elisemethethweni:

---

5.2 Igama lokuhweba(uma lihluke no5.1):

---

5.3 Ungabe ungumholi kubaqeqeshi:

Yes

No

5.4 Ikheli lebhizinisi:

---

---

---

5.5 Ikheli leposi(uma lihlukile ku 5.4):

---

---

---

5.6 Igama lomuntu okungaxhunywana naye:

\_\_\_\_\_

5.7 Inombolo yocingo:

\_\_\_\_\_

5.8 Inombolo ye Fax:

\_\_\_\_\_

5.9 Ikheli le e Mail:

\_\_\_\_\_

5.10 Izinombolo zokubhaliswa noma amakhodi:

SIC:                      SARS                      SETA                      SAQA

\_\_\_\_\_

6. **Isivumelwano kanye nesimo somusebenzi:**

6.1 Zingaphansi kwesigungu sezivumelwano

Yes                      \_\_\_\_\_                       No

6.2 Ifomu elibonisa isimo somsebenzi sikamfundi ngo kwesigaba 18(2)

**Ukushicilela kamfundi**

\_\_\_\_\_

Usuku: \_\_\_\_\_

Ukushicilela kuka mqashi:

\_\_\_\_\_

Usuku: \_\_\_\_\_

**Kamzali noma uMbeki**

\_\_\_\_\_

Usuku: \_\_\_\_\_

Ukushicilela kuka mqeqeshi:

\_\_\_\_\_

Usuku: \_\_\_\_\_

**Ukushicilela kufakazi**

Usuku: \_\_\_\_\_

Ukushicilela kuka mqashi:

\_\_\_\_\_

Usuku: \_\_\_\_\_

**Ukushicilela kuka fakazi**

Usuku: \_\_\_\_\_

Ukushicilela kuka mqeqeshi:

\_\_\_\_\_

Usuku: \_\_\_\_\_

---

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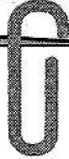
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THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

# THE WEATHER BUREAU HELPS FARMERS TO PLAN THEIR CROP



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM  
DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

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