

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 852

3 November 2014

REGULATIONS RELATING TO ASSISTANCE TO VICTIMS IN RESPECT OF HIGHER EDUCATION AND TRAINING: PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995

The President has, under section 27(2) of the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995), and after the procedures prescribed in sections 4(f)(i) and 27(1) and (2) of the said Act were complied with, made the Regulations in the Schedule.

SCHEDULE

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act bears the meaning so assigned and, unless the context indicates otherwise—

"accounting officer" means the officer appointed by the Minister of Justice and Constitutional Development under section 42(6) of the Act;

"administrator" means—

(a) an official in the Department designated by the Director-General for the purposes of dealing with applications for assistance in terms of these Regulations and matters related thereto; or

(b) an employee of the National Students Financial Aid Scheme;

"adult education and training" means adult education and training as defined in section 1 of the Adult Education and Training Act;

"Adult Education and Training Act" means the Adult Education and Training Act, 2000 (Act No. 52 of 2000);

"applicant" means the following persons who apply for assistance in terms of regulation 11(1):

(a) A victim;

(b) a relative or dependant of a victim; or

(c) a person who exercises parental responsibility over a victim or a relative or dependant of a victim and who applies for assistance on behalf of a victim or a relative or dependant of a victim.

"application form" means the form provided for in regulation 11(2);

"apprenticeship" means an apprenticeship as defined in section 1 of the Skills Development Act;

"assistance" means the monetary assistance provided for in regulation 5, 6, 7 or 8 of the Regulations;

"beneficiary" means a victim or a relative or dependant of a victim in respect of whom an application for assistance has been approved;

"centre" means a centre as defined in section 1 of the Adult Education and Training Act;

"college" means a college as defined in section 1 of the Further Education and Training Colleges Act;

"days" means calendar days;

"dedicated official" means an official in the Department of Justice and Constitutional Development designated by the Director-General of that Department for the purposes of verifying the status of an applicant in terms of regulation 13;

"Department" means the Government department responsible for higher education and training at national level;

"Director-General" means the Director-General of the Department of Higher Education and Training;

"fees" includes—

- (a) money paid or payable by a person in relation to the attendance of or participation in—
 - (i) a learning and training programme offered by a centre, to a learner;
 - (ii) a learning and training programme offered by a college, to a student;
 - (iii) a learning programme offered by a higher education institution, to a student; or
 - (iv) a learnership or apprenticeship offered by a college to a learner;
- (b) any fee for registration;
- (c) administrative costs;
- (d) costs relating to student counselling;
- (e) tuition fees; and
- (f) costs relating to work placement;

"Fund" means the Fund established under section 42(1) of the Act;

"fund administrator" means the officer designated by the Minister of Justice and Constitutional Development under section 42(5) of the Act;

"further education and training" means further education and training as defined in section 1 of the Further Education and Training Colleges Act;

"Further Education and Training Colleges Act" means the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006);

"higher education" means higher education as defined in section 1 of the Higher Education Act;

"Higher Education Act" means the Higher Education Act, 1997 (Act No. 101 of 1997);

"higher education and training" means—

- (a) adult education and training;
- (b) further education and training; and
- (c) higher education;

"higher education and training institution" means—

- (a) a centre;
- (b) a college; or
- (c) a higher education institution;

"higher education institution" means a higher education institution as defined in section 1 of the Higher Education Act;

"household" means the following persons who live together:

- (a) A person married to a victim under any law, custom or belief;
- (b) a child of a victim irrespective of whether or not the child was born of unmarried parents or was adopted;
- (c) a grandchild of a victim;
- (d) the parents of a victim; and
- (e) the grandparents of a victim;

"learner" means—

- (a) a learner as defined in section 1 of the Adult Education and Training Act; and
- (b) a learner as defined in section 1 of the Skills Development Act;

"learnership" means a learnership as contemplated in the Skills Development Act but excludes a skills programme;

"Minister" means the Cabinet member responsible for higher education and training at national level;

"National Student Financial Aid Scheme" means the juristic person established by section 3 of the National Student Financial Aid Scheme Act, 1999 (Act No. 56 of 1999);

"organ of state" means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996;

"private higher education and training institution" means—

- (a) a private centre as defined in the Adult Education and Training Act;
- (b) a private college as defined in the Further Education and Training Colleges Act; or
- (c) a private higher education institution as defined in the Higher Education Act;

"public higher education and training institution" means—

- (a) a public centre as defined in the Adult Education and Training Act;
- (b) a public college as defined in the Further Education and Training Colleges Act; or
- (c) a public higher education institution as defined in the Higher Education Act;

"qualification" means a qualification as defined in section 1 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

"relative or dependant of a victim" means a relative or dependant of a victim as determined by the President in terms of Regulation 1(2) of the Regulations relating to Measures to Provide Urgent Interim Reparation to Victims, published under Government Notice No. R. 545 of 3 April 1998, in accordance with section 40(1)(c) of the Act;

"skills development" means skills development as contemplated in the Skills Development Act;

"Skills Development Act" means the Skills Development Act, 1998 (Act No. 97 of 1998);

"Social Assistance Act" means the Social Assistance Act, 2004 (Act No. 13 of 2004);

"student" means a student as defined in the Higher Education Act and the Further Education and Training Colleges Act;

"the Act" means the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995);

"victim" means a person contemplated in the definition of "victim" in section 1 of the Act, and who has been found by the Truth and Reconciliation Commission to be a victim, in accordance with the provisions of the Act;

"vulnerable household" means a household, which at the date of the application for assistance, consists of four or more members and where—

- (a) the majority of the members of the household is over the age of 65 years;
- (b) the majority of the members of the household is receiving social assistance in terms of the Social Assistance Act;
- (c) one of the members of the household, irrespective of his or her age, is physically or mentally disabled as contemplated in section 9 of the Social Assistance Act;
- (d) one of the members of the household, who is under the age of 18 years, must work in order to contribute to the income of the household due to the limited income of that household; or
- (e) only one member of the household is working;

"work placement" means work placement as contemplated in the Skills Development Act.

Objects and application of Regulations

2. (1) The objects of these Regulations are to—

- (a) provide assistance in respect of adult education and training, further education and training, higher education and skills development, to victims and relatives and dependant of victims who meet the conditions, criteria and requirements set out in these Regulations; and
- (b) extend and supplement in respect of victims and relatives and dependants of victims, to the extent provided for in these Regulations, the assistance provided by organs of state, including the National Student Financial Aid Scheme and an institution as contemplated in the Skills Development Act, in respect of higher education and training to members of the public in general.

(2) Assistance to a victim or a relative or dependant of a victim may only be provided in respect of higher education and training offered at a public higher education and training institution, unless the administrator is satisfied that—

- (a) the programme for which the victim or a relative or dependant of a victim applied for assistance, is only offered at a private higher education and training institution; or
- (b) a public higher education and training institution cannot accommodate a victim or a relative or dependant of a victim due to—
 - (i) limitations regarding the number of students or learners who can be accommodated at the institution; or
 - (ii) the admission requirements of the institution.

(3) Assistance to a victim or a relative or dependant of a victim may, subject to regulations 2(6), 5(2)(b), 6(2), 7(2), 8(3) and 22(1), be provided in respect of more than one category of assistance referred to in regulations 5, 6, 7 and 8.

(4) Assistance to a victim or a relative or dependant of a victim may be provided in respect of full-time or part-time studies or distance

learning, provided that no assistance in respect of accommodation and transport may be provided in the case of distance learning.

(5) Assistance may only be provided to a victim or a relative or dependant of a victim for the purposes of obtaining a qualification.

(6) Assistance may only be provided in respect of an undergraduate qualification.

(7) The period determined by the Department or a higher education and training institution for the completion of a qualification for which a victim or a relative or dependant of a victim is enrolled is not affected by the period of assistance provided for in these Regulations.

Authority responsible for application of Regulations

3. (1) (a) The Director-General is, subject to paragraph (b), responsible for the application of these Regulations.

(b) The Director-General: Justice and Constitutional Development is responsible for the application of the Regulations in respect of matters which are the responsibility of the dedicated official and the fund administrator.

(2) The Director-General may delegate the application of these Regulations to the National Student Financial Aid Scheme.

(3) The Department is responsible for the payment of any fees charged by the National Student Financial Aid Scheme for the application of these Regulations, if the application thereof is delegated to that Scheme.

Amount available for assistance

4. (1) (a) Subject to paragraph (b), the accounting officer must, in consultation with the Director-General, determine annually in writing, by not later than 15 September of every year, the amount available for the next year for assistance in terms of these Regulations.

(b) The accounting officer must determine the amount available for assistance for 2015 within 30 days after the date of commencement of these Regulations.

(2) The accounting officer must, in determining the amount, take into account—

- (a) the amount which is still available in the Fund;
- (b) existing commitments of the Fund;
- (c) other forms of reparation to victims, which were approved by Parliament in terms of section 27(2) of the Act and which are under consideration by the Department of Justice and Constitutional Development, which must be paid from the Fund;
- (d) the amount paid out as assistance during the previous year, if applicable;
- (e) the number of beneficiaries assisted the previous year, if applicable; and
- (f) the number of applicants who met the criteria set out in regulation 10(1) but who have not received assistance as a result of the application of the most deserving criterium, as set out in regulation 10(3), if applicable.

Assistance in respect of adult education and training

5. (1) Assistance in the following forms may be provided in respect of adult education and training:

- (a) A maximum amount of R5 000,00 to complete the General Education and Training Certificate; and
- (b) a maximum transport allowance of R3 000,00 per annum.

(2) The amount provided for in subregulation (1)(a) may only be—

- (a) used to pay fees and to purchase textbooks; and
- (b) paid over a period of three years.

(3) The transport allowance provided for in subregulation (1)(b) may only be paid—

- (a) if a learner has to travel to and from the centre; and
- (b) for a period not exceeding three years.

Assistance in respect of further education and training

6. (1) Assistance in the following forms may be provided in respect of further education and training:

- (a) Payment of fees, not exceeding an amount of—
 - (i) R39 600,00 per annum in respect of the National Certificate Vocational exit qualification offered by a college; or
 - (ii) R38 500,00 per annum in respect of the National N Diploma offered by a college;
- (b) payment of a boarding allowance, not exceeding an amount of R16 000,00 per annum;
- (c) payment of a transport allowance, not exceeding an amount of R6 000,00 per annum; and
- (d) payment of an allowance, not exceeding an amount of R3 000,00 per annum, for the purchasing of textbooks.

(2) The amounts provided for in subregulation (1) may be paid—

- (a) (i) for a period not exceeding four years in respect of the National Certificate Vocational exit qualification offered by a college on a full-time basis; or
- (ii) for a period not exceeding five years in respect of the National Certificate Vocational exit qualification offered by a college on a part-time basis or through distance learning; or
- (b) (i) for a period not exceeding 30 months in respect of the National N Diploma in Business studies offered by a college on a full-time basis; or
- (ii) for a period not exceeding four years in respect of the National N Diploma in Business studies offered by a college on a part-time basis or through distance learning; and
- (c) (i) for a period not exceeding 18 months in respect of the National N Diploma in Engineering studies offered by a college on a full-time basis; or
- (ii) for a period not exceeding three years in respect of the National

N Diploma in Engineering studies offered by a college on a part-time basis or through distance learning.

(3) Assistance in respect of transport may only be paid if a beneficiary has to travel to and from the college.

(4) Assistance in respect of accommodation may only be provided if—

- (a) the beneficiary does not reside with his or her family;
- (b) the beneficiary has to pay for accommodation; and
- (c) the beneficiary has to hire accommodation due to the distance between his or her place of residence and the location of the college or the unavailability of public transport directly from his or her place of residence to the college.

Assistance in respect of higher education

7. (1) Assistance in the following forms may be provided in respect of higher education:

- (a) Payment of fees, not exceeding an amount of R24 000,00 per annum in respect of a qualification offered by a higher education institution;
- (b) payment of a boarding allowance, not exceeding an amount of R31 000,00 per annum;
- (c) payment of a transport allowance, not exceeding an amount of R5 000,00 per annum; and
- (d) payment of an allowance, not exceeding an amount of R5 000,00 per annum, for the purchasing of textbooks.

(2) The amounts provided for in subregulation (1) may only be paid for a period not exceeding 5 years.

(3) Assistance in respect of transport may only be paid if a beneficiary has to travel to and from the higher education institution.

(4) Assistance in respect of accommodation may only be paid if—

- (a) the beneficiary does not reside with his or her family;
- (b) the beneficiary has to pay for accommodation ; and
- (c) the beneficiary has to hire accommodation due to the distance between his or her place of residence and the location of the higher education institution or the unavailability of public transport directly from his or her place of residence to the higher education institution.

Assistance in respect of skills development

8. (1) Assistance in the following forms may be provided in respect of skills development:

- (a) Payment of fees, not exceeding an amount of R20 000,00 to complete a learnership;
- (b) payment of fees, not exceeding an amount of R60 000,00 to complete an apprenticeship; and
- (c) payment of an allowance of R1 500,00 per month.

(2) The allowance provided for in subregulation (1)(c) may only be paid—

- (a) during the work experience component of the learnership or apprenticeship; and
- (b) if a learner complies with the conditions relating to the payment of the allowance as stipulated in the learnership agreement provided for in section 17 of the Skills Development Act.

(3) The allowance provided for in subregulation (1)(c) may only be paid for a period not exceeding—

- (a) 18 months in respect of a learnership; and
- (b) 36 months in respect of an apprenticeship.

Escalation of amounts

9. (1) The amounts referred to in regulations 5, 6, 7, 8 and 10 must be increased automatically with 8% on 1 January 2016 and thereafter on the first day of January of every consecutive year.

(2) The accounting officer must, by not later than 31 January of each year—

- (a) publish the new amounts in the *Gazette*; and
- (b) in writing inform the Director-General of the new amounts, who must make this information available on the website of the Department.

Conditions for assistance

10. (1) A victim or a relative or dependant of a victim may, subject to regulation 12(2) and the availability of money in the Funds, receive assistance provided for in these Regulations if, at the date of the application for assistance—

- (a) the annual gross income of the household of which he or she is a member, does not exceed R198 000,00; or
- (b) he or she qualifies as a member of a vulnerable household.

(2) The annual gross income of the household is the total amount in cash or otherwise, received by or accrued to or in favour of the household, irrespective of the source and nature thereof.

(3) (a) The administrator must, if there are not sufficient funds available for a particular year to provide assistance to all the victims and relatives or dependant of the victims—

- (i) in respect of whom applications for assistance were submitted before the cut-off date referred to in regulation 11(3)(b); and
 - (ii) who meet the conditions referred to in subregulation (1),
- determine which applications are the most deserving.

(b) In determining which applications are the most deserving, the administrator must take into account—

- (i) the annual gross income of the household of which the victim or a relative or dependant of a victim is a member;
- (ii) the number of members of the household;
- (iii) the number of members of the household contributing to the income of the household;
- (iv) the level of education of the victim or a relative or dependant of a victim, where an application of a person with a lower level of education is regarded as more deserving;

- (v) whether the victim or a relative or dependant of a victim is physically or mentally disabled as contemplated in section 9 of the Social Assistance Act; and
 - (vi) the amount of financial aid, assistance or concession provided for in regulation 11(4) received by the victim or a relative or dependant of a victim, if applicable.
- (4) A victim or a relative or dependant of a victim who—
- (a) has received assistance in terms of these Regulations;
 - (b) wishes to receive further assistance to complete his or her studies; and
 - (c) complies, subject to subregulation (1), with all the conditions, criteria and requirements contained in these Regulations,
- receives priority over any other applicant, if there are not sufficient funds available in a particular year.

Application for assistance

- 11.** (1) The following persons may apply for assistance:
- (a) A victim;
 - (b) a relative or dependant of a victim; or
 - (c) a person who exercises parental responsibility over a victim or a relative or dependant of a victim on behalf of a victim or a relative or dependant of a victim.
- (2) (a) An application for assistance must correspond substantially with the application form, Form 1, contained in the Annexure.
- (b) The application form must be available on the websites of the Department and the Department of Justice and Constitutional Development and at the offices of the dedicated official, the fund administrator and the administrator.
- (3) (a) An application for assistance must be made annually and be submitted to the dedicated official on or before the cut-off dates provided for in paragraph (b).
- (b) The cut-off dates for the submission of applications for assistance are as follows:
- (i) The cut-off date for applications for assistance for 2015 is three months after the date of commencement of these Regulations; and
 - (ii) thereafter, 30 September of every year for applications for assistance for the subsequent year.
- (c) An application for assistance submitted after the cut-off date as provided for in paragraph (b) may be considered if the applications submitted on or before the cut-off date have been disposed of and if funds for the particular year are still available.
- (d) An application for assistance submitted after the cut-off date must be considered in the manner provided for in regulations 10, 13, 14 and 15.
- (4) (a) A person who applies for assistance must disclose any financial aid, assistance or concession received or to be received by the victim or the relative or dependant of the victim for the particular year for which assistance is applied from organs of state, including the National Student Financial Aid Scheme, or an institution contemplated in the Skills Development Act, or from his or her employer.

(b) Any amount so received, must be calculated and deducted from the amount for which the beneficiary qualifies in terms of these Regulations.

(c) A beneficiary who received any financial aid, assistance or concession from an organ of state, including the National Student Financial Aid Scheme, or an institution contemplated in the Skills Development Act, or from his or her employer, subsequent to the approval of his or her application for assistance must in writing disclose that fact to the administrator.

(d) Any amount received as referred to in paragraph (c), must be calculated and deducted from the amount which must still be paid to the beneficiary or for which the beneficiary may qualify in terms of these Regulations in respect of the next year.

(5) The application form must be signed by the person who completes it and, if the form is not completed by a victim or a relative or dependant of the victim, it must also be countersigned by the victim or a relative or dependant of the victim if he or she is able to do so.

(6) (a) The documents required in the application form must be attached to the application form.

(b) The administrator may refuse to consider an application if the documents required in the application form are not attached, but only after the administrator has taken reasonable steps in assisting the applicant to obtain these documents.

(7) The banking details of the persons and institutions to which the fees, the transport allowance, boarding allowance, allowance in respect of the purchasing of the text books and the allowance provided for in regulation 8(1)(c) must be paid, as required in the application form, must be confirmed by the bank by affixing the official stamp of the bank.

(8) The application form must, after completion, be submitted to the dedicated official electronically or by facsimile or registered post.

Subsequent application for assistance

12. (1) A victim or a relative or dependant of a victim who applied for assistance in terms of these Regulations for a particular year but whose application was not approved due to non-compliance with the conditions, criteria and requirements provided for in these Regulations, may apply for assistance in respect of any other subsequent year.

(2) (a) A victim or a relative or dependant of a victim who received assistance in terms of these Regulations for a particular year and who wishes to receive further assistance in subsequent years to complete his or her studies, must make an application annually for further assistance which must be submitted to the dedicated official in the manner provided for in regulation 11(8) on or before the cut-off date provided for in regulation 11(3)(b).

(b) The conditions, criteria and requirements provided for in these Regulations, excluding the conditions in regulation 10(1), are applicable to a victim or a relative or dependant of a victim referred to in paragraph (a).

(c) The dedicated official does not have to comply with regulation 13(1) in respect of a victim or a relative or dependant of a victim referred to in paragraph (a).

Verification of status of applicant

13. (1) Subject to subregulation (2), the dedicated official must within 30 days after receipt of an application form—

- (a) in respect of every application form received, verify whether the person indicated as a victim in the application form, is a victim; and
- (b) in addition, where applicable, verify whether the person indicated in the application form as a relative or dependant of a victim, is a relative or dependant of a victim.

(2) (a) The dedicated official may, in order to verify the information referred to in subregulation (1)—

- (i) require the applicant to provide additional information or documentation regarding the application; or
- (ii) obtain the required information or documentation from any other person or institution.

(b) Where the dedicated official requires additional information, the 30-day period referred to in subregulation (1) must be calculated from the date of receipt of the additional information.

(3) (a) The dedicated official must complete a certificate that corresponds substantially with Form 2 contained in the Annexure, if he or she finds that the person applying for assistance is a victim or a relative or dependant of a victim.

(b) The dedicated official must, if he or she receives an application for assistance from a victim or a relative or dependant of a victim in respect of whom a certificate provided for in paragraph (a) has already been issued previously, submit a certified copy thereof to the administrator together with the application.

(c) The dedicated official must follow the procedure provided for in regulation 15(3), if he or she intends making a finding that the applicant is not a victim or a relative or dependant of a victim.

(d) The provisions of regulation 15(4) and (5) apply with the necessary changes required by the context in respect of decisions of the dedicated official under this regulation.

(e) The dedicated official must not submit an application to the administrator for consideration if the dedicated official finds that the applicant is not a victim or a relative or dependant of a victim.

(4) The dedicated official must upon completion of the certificate provided for in subregulation (3)(a), submit the application form, the attachments thereto and the certificate to the administrator and inform the applicant in writing thereof.

Processing of application for assistance

14. (1) The administrator must, on receipt of the completed application form and the certificate provided for in regulation 13(3) and despite regulation 15(1) and (2)—

- (a) forthwith, for the purposes of the speedy processing of the application and rendering of assistance, obtain any further information or documentation or clarify any uncertainties with regard to the information in the application form; and
- (b) satisfy himself or herself that—
 - (i) the assistance applied for falls within the ambit of these Regulations;
 - (ii) the conditions, criteria and requirements as provided for in these Regulations have been complied with or met;
 - (iii) a decision has not already been made in respect of the beneficiary for the particular year in respect of which the assistance is applied for, with reference to the register referred to in regulation 18(4) or any other document containing information in this regard; and
 - (iv) there are sufficient funds available to provide the assistance applied for.

(2) The administrator must, for the purposes of considering an application for a transport allowance take into account—

- (a) the distance to be travelled by the beneficiary between his or her place of residence and the higher education and training institution attended or the place where the learning programme is offered by the skills development provider; and
- (b) other modes of transport that are available and the cost thereof.

(3) The administrator must, for the purposes of this regulation, consider the application for assistance, where applicable, on the basis of documentary proof, including an affidavit if no other documentary proof is available.

Decision on application for assistance

15. (1) The administrator may not make any decision regarding an application for assistance before the expiry of the cut-off date referred to in regulation 11(3)(b).

(2) (a) The administrator must make a decision regarding an application—

- (i) submitted on or before the cut-off date referred to in regulation 11(3)(b)—
 - (aa) within 60 days after the expiry of the cut-off date; or
 - (bb) within 60 days after receipt of the application form from the dedicated official in terms of regulation 13(4),whichever date is the latest; or
- (ii) submitted after the cut-off date referred to in regulation 11(3)(b), within 60 days after receipt of the application form from the dedicated official in terms of regulation 13(4).

(b) The time period referred to in paragraph (a) may, if the administrator has acted—

- (i) in terms of regulation 14(1)(a), be extended for a period equivalent to the period required to receive the additional information or clarify the uncertainty; and

(ii) in terms of subregulation (3)(a), be extended for a period equivalent to the period calculated from the date of that notice until the date specified in that notice within which the applicant may respond.

(3) (a) The administrator must, if he or she intends to refuse an application for assistance, notify the applicant in writing of the intention and the disqualifying factor and invite the applicant to respond thereto in the manner and before the date specified by the administrator in the notice.

(b) The date specified by the administrator in the notice referred to in paragraph (a) must allow for a period of at least 40 days for the applicant to respond.

(c) The administrator may, if no response has been received after the expiry of the date specified in the notice, make a decision in respect of the application for assistance.

(d) The administrator must, if a response is received from the applicant, upon receipt thereof, consider that response and make a decision in respect of the application for assistance.

(4) The administrator must in writing—

- (a) record the decision;
- (b) record the reasons for the decision;
- (c) record the amount to be paid; and
- (d) record the calculations made, including the calculations if any deductions are made in terms of regulation 11(4)(b) or (d).

(5) The administrator must, within seven days after a decision has been made, inform the applicant orally, if his or her contact particulars are available, and in writing—

- (a) of the decision;
- (b) of the amount of the assistance to be provided;
- (c) about any deductions made;
- (d) about his or her right to lodge representations in terms of regulation 19, should the applicant be aggrieved by any decision made by the administrator in terms of these Regulations.

Payment of assistance

16. (1) (a) The administrator must, if the application for assistance is approved, make arrangements with the persons or institutions to be paid regarding payment.

(b) The administrator must, before making any payment in terms of this regulation, enquire from the persons or institutions to be paid whether he or she is aware of any financial aid, assistance or concession referred to in regulation 11(4), received by the beneficiary.

(c) The administrator must, if it appears from the enquiry provided for in paragraph (b) that the beneficiary has received any financial aid, assistance or concession which has not been disclosed by the beneficiary, calculate such amount and deduct it from the amount for which the beneficiary qualifies in terms of these Regulations.

(d) The administrator must, before deducting the amount referred to in paragraph (c), give the beneficiary a reasonable

opportunity to explain the receipt of the financial aid, assistance or concession.

(2) (a) Payment of assistance must be made—

- (i) by electronic transfer; and
- (ii) to the persons or institutions referred to in paragraph (b).

(b) The administrator must make payments in respect of the following expenses to the following persons:

- (i) Fees must be paid to the relevant centre, college, or the higher education institution;
- (ii) the boarding allowance must be paid to the person, institution or body responsible for the management and administration of the hostel or place where the beneficiary resides or boards;
- (iii) the transport allowance may be paid to the beneficiary or the person, institution or body providing transport to the beneficiary;
- (iv) assistance in respect of the purchasing of text books may be paid to the beneficiary or the person, institution or body supplying the goods; and
- (v) the allowance provided for in regulation 8(1)(c) must be paid to the relevant college who must pay it over to the learner.

(3) The administrator must, when making payment, have regard to sound financial administrative principles, procedures and processes.

(4) The administrator may, on a regular basis, make a payment to the persons or institutions referred to in subregulation (2)(b).

(5) (a) The administrator may make an advance payment to a beneficiary in respect of the assistance provided for in subregulation (2)(b)(iii) and (iv) before a beneficiary has incurred any expense in this regard, if it appears to the administrator to be advisable and if he or she is satisfied, upon submission of proof by the beneficiary, that these expenses will be incurred.

(b) The administrator may make an advance payment in respect of the boarding allowances of a beneficiary if it appears to the administrator to be advisable and if he or she is satisfied, upon submission of proof, that these expenses will be incurred.

(c) A beneficiary who receives an advanced payment in terms of this regulation in respect of a boarding allowance or to purchase text books must, within 30 days after having received an advanced payment, submit to the administrator proof of payment of the expense in respect of which an advanced payment was received.

(d) The administrator may not make any further payments or advanced payments in terms of this regulation if proof of payment of the expense in respect of which an advanced payment was made, has not been received as required by paragraph (c).

(e) The administrator may, in writing, direct a beneficiary or a person who exercises parental responsibility over the beneficiary to refund any amount, which has been paid in advance in terms of this regulation, if the expenditure in respect of which the amount was paid, has not been incurred.

(f) The administrator may only give a direction referred to in paragraph (e), if he or she is satisfied that the expenditure has not been incurred as a result of circumstances over which the beneficiary or

person who exercises parental responsibility over the beneficiary had no control.

(6) (a) The administrator may, if assistance in respect of boarding is paid for the accommodation of a beneficiary at a place other than a hostel, on a regular basis request proof—

- (i) from the person who provides accommodation that the beneficiary is still residing or lodging there;
- (ii) from the person who provides accommodation, of the amount payable in respect of the accommodation of the beneficiary; and
- (iii) from the higher education institution that the beneficiary is still registered with the institution.

(b) The administrator may refuse to make any further payments relating to the accommodation of the beneficiary if proof of the facts referred to in paragraph (a) was requested but not submitted within the period specified by the administrator.

(7) The administrator may only make a payment to a person or an institution in respect of accommodation referred to in subregulation (6)(a), upon receipt of documentary proof confirming—

- (a) the amount to be paid;
- (b) that the beneficiary is registered at the higher education and training institution;
- (c) if applicable, that the beneficiary hires accommodation at a place other than at a hostel; and
- (d) any other information which, in the opinion of the administrator, is necessary to ensure accountability.

(8) The administrator must—

- (a) retain proof of payments;
- (b) in writing inform the beneficiary and the person or institution to which a payment has been made of such payment; and
- (c) in writing inform the beneficiary that he or she must submit to the administrator a certified copy of his or her results provided by the institution which he or she attended, within two weeks after receipt thereof.

(9) The administrator must monitor the receipt of the records received and keep record thereof.

Payment from Fund to Department

17. (1) The fund administrator must make regular payments from the Fund to the Department to reimburse that Department for the payments made in terms of regulation 16(2).

(2) The fund administrator must make at least four payments per year and the last payment must be made before the end of February of each year.

(3) The fund administrator may not make any payment to the Department without—

- (a) receiving a claim from the Department; and
- (b) proof of payment of the assistance in terms of these Regulations by the Department or, if the application of these Regulations was delegated to the National Student Financial Aid Scheme, by the Scheme.

(4) The payments made by the fund administrator to the Department in a particular year may not exceed the amount determined by the accounting officer in terms of regulation 4(1).

Keeping of records and registers by dedicated official and administrator

18. (1) The dedicated official must keep proper records of—

- (a) the persons who applied for assistance;
- (b) the information received in connection with the applications for assistance;
- (c) the documents received in support of the applications for assistance; and
- (d) full particulars of the decisions made in respect of the applications received.

(2) The dedicated official must compile a register containing the following particulars in respect of every application for assistance received:

- (a) The name of the applicant;
- (b) the nature of assistance applied for;
- (c) the name of the victim or relative or dependant of a victim for who assistance is applied;
- (d) the year for which the assistance is applied; and
- (e) the decision made by the dedicated official in respect of the application.

(3) The administrator must keep proper records of—

- (a) the applications received from the dedicated official;
- (b) the information received in connection with such applications;
- (c) the documents received in support of such applications;
- (d) the decisions made; and
- (e) the payments made.

(4) The administrator must compile a register containing the following particulars in respect of every payment made:

- (a) The name of the beneficiary in respect of whom the assistance is paid;
- (b) the nature of assistance;
- (c) the year for which the assistance is paid;
- (d) the date on which the amount was paid out;
- (e) the amount paid out; and
- (f) the particulars of the persons or institutions to whom payments have been made.

(5) The dedicated official and administrator must on a daily basis, excluding weekends, update the registers referred to in subregulations (2) and (4).

(6) The administrator must keep record of the information referred to in regulation 4(2)(d) to (f) and submit that information to the accounting officer at the end of August of each year.

Representations by aggrieved persons

19. (1) (a) An applicant who is aggrieved by a decision of the dedicated official in respect of the verification of the status of the applicant in

terms of regulation 13, may make representations to the Minister of Justice and Correctional Services.

(b) An applicant who is aggrieved by a decision of the administrator made in terms of these Regulations, may make representations to the Minister.

(2) The representations referred to in subregulation (1)—

- (a) may be made at any time but not later than 60 days after receipt of the notification of the decision of the dedicated official or the administrator;
- (b) must be in writing;
- (c) must indicate the reasons why the person is aggrieved; and
- (d) must, where possible, be accompanied by documents supporting the reasons why the person is aggrieved.

(3) The representations must be submitted to the Minister or the Minister of Justice and Correctional Services, as the case may be, in one of the following ways:

- (a) By registered post;
- (b) by delivering them personally at the office of the Minister or the Minister of Justice and Correctional Services, as the case may be; or
- (c) by facsimile transmission, in which case proof of the transmission must be retained and the original thereof must be submitted by registered post.

Processing of representations

20. (1) The dedicated official and the administrator must, immediately upon notification that representations have been made in terms of regulation 19 in respect of a decision taken by him or her, submit to the Minister or the Minister of Justice and Correctional Services, as the case may be, the documents in his or her possession relating to the decision, together with his or her reasons for the decision.

(2) The Minister or the Minister of Justice and Correctional Services, as the case may be, may, in order to make a finding regarding the representations, make any enquiries he or she deems fit.

(3) The Minister or the Minister of Justice and Correctional Services, as the case may be, must, as soon as circumstances permit, make a finding in regard to the representations and inform the person who made the representations orally, if the contact particulars of the person are available, and in writing of his or her finding.

Cession, assignment or attachment of benefits

21. Despite any law to the contrary, any amount which has been paid or is to be paid as assistance in terms of these Regulations may not—

- (a) be ceded or assigned by a beneficiary or any other person or institution who received a payment in terms of these Regulations;
- (b) be attached under a judgment of a court of law; or
- (c) form part of the estate of the beneficiary or any other person or institution who received a payment in terms of these Regulations, should such estate be sequestrated.

Period of application

22. (1) These Regulations apply for a period of five years from the date of commencement thereof.

(2) Despite the expiry of these Regulations, the dedicated official and administrator must, in respect of an application which was received by him or her before the date of expiry of these Regulations, apply these Regulations as if they had not expired: Provided that the application for assistance is in respect of the year in which these Regulations expire and that funds are available.

Short title and commencement

23. (1) These Regulations are called the Regulations relating to Assistance to Victims in respect of Higher Education and Training, 2014.

(2) These Regulations come into operation on 7 November 2014.

ANNEXURE

FORM 1

[Regulation 11]

APPLICATION FOR ASSISTANCE IN RESPECT OF HIGHER EDUCATION AND TRAINING

PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 (ACT 34 OF 1995)

READ THIS FIRST**Only a person who –**

- (a) has been found by the Truth and Reconciliation Commission (TRC) to be a victim; **or**
 (b) is a relative, such as the child, or a dependant of a victim, such as a grandchild or spouse, may request assistance.

To qualify for assistance-

- (a) **the household** of which the person who needs assistance is a member, **must not earn more than R198 000,00 gross income per year; or**
 (b) the person who needs assistance must be a **member of a vulnerable household**.

A **household** consists of the spouse, children, grandchildren, parents and grandparents of a victim.

A **vulnerable household** is a household consisting of four or more members, where:

- * the majority of members are over the age of 65 years;
- * the majority of members are receiving social assistance;
- * one member is physically or mentally disabled;
- * one of the members is under the age of 18 years and has to work; or
- * only one of the members is working;

Remember to attach the required documents confirming the information given in this form, for example, certified copies of an identity book and proof of income, otherwise your application will not be considered.

A. PARTICULARS OF PERSON WHO COMPLETES FORM

| | | | |
|---|--|-------------------|----------|
| 1. Title: | (Mr, Miss, Mrs, Dr) | | |
| 2. Surname: | | | |
| 3. First Names: | | | |
| 4. ID number: | | 5. Date of birth: | |
| 6. Gender: | *Male / Female | | |
| 7. Highest level of Education: | | | |
| 8. Contact details: | * Home address / Home address of other person (if applicable): <i>(State below the address where you live and to which mail may be sent. If you do not have an address, state the address of another person who can be contacted, e.g. place of worship, school, community leader, etc..)</i> | | |
| | * Postal address / Postal address of other person (if applicable): | | |
| Telephone Numbers: | Home: () | Work: () | Cell no: |
| 9. (a) Are you completing this form on behalf of somebody else? *Yes / No (b) If you are completing this form on behalf of somebody else, also complete part B (B1 & B2) below. | | | |
| 10. If you are applying for assistance, complete the following: | | | |
| (a) Are you a victim? *Yes / No | | | |
| (b) If you are not a victim, (i) what is the name of the victim? | | | |

| | | |
|---|---------------|-------------|
| (ii) are you a relative or dependant of a victim? | *Yes | / No |
| (c) If you are a relative or dependant of a victim, what is your relationship with the victim: (for eg: are you the spouse, child, grandchild or sibling of a victim) | | |
| 11. (a) If you are applying for assistance, do you have any disability?: *Yes / No | | |
| (b) If yes, give details of the disability: | | |
| _____ Signature | _____ Date | |

B.1 PARTICULARS OF PERSON WHO NEEDS ASSISTANCE

Complete this part only if you are applying for assistance on behalf of another person. Indicate here the particulars of the person who needs assistance.

| | | | |
|--------------------------------|---|-------------------|----------|
| 1. Title: | (Mr, Miss, Mrs) | | |
| 2. Surname: | | | |
| 3. First Names: | | | |
| 4. ID number: | | 5. Date of birth: | |
| 6. Gender: | *Male / Female | | |
| 7. Highest level of Education: | | | |
| 8. Contact details: | * Home address / Home address of other person (if applicable): <i>(State below the address where the person who needs assistance lives and to which mail may be sent. If he or she does not have an address, state the address of another person who can be contacted, e.g. place of worship, school, community leader, etc..)</i> | | |
| | * Postal address / Postal address of other person (if applicable): | | |
| Telephone Numbers: | Home: () | Work: () | Cell no: |

| | | |
|---|-------------|-------------|
| 9. Is the person who needs assistance: | | |
| (a) A victim? | *Yes | / No |
| (b) If he or she is not a victim, (i) what is the name of the victim? (ii) is he or she a relative or dependant of a victim? *Yes / No | | |
| (c) If he or she is a relative or dependant of a victim, what is his or her relationship with the victim: (for eg: are you the spouse, child, grandchild or sibling of a victim) | | |
| 10. (a) Does the person who needs assistance have any disability? *Yes / No | | |
| (b) If yes, give details of the disability: | | |

.....

 Signature of the person completing the form
 on behalf of the person who needs assistance

 Date

B.2 PARTICULARS OF FINANCIAL ASSISTANCE/AID/CONCESSIONS RECEIVED BY PERSON WHO NEEDS ASSISTANCE

Complete this part only if the person who needs assistance has received any form of assistance from the State, including NSFAS or an institution contemplated in the Skills Development Act or his / her employer, for example, a bursary or any discount or has been exempted from paying fees. Indicate here the form of assistance and the amount received.

1. Name of the institution / person who granted / is to grant the aid / assistance:

.....

2. The year for which aid / assistance was received or is to be received:

3. Nature and amount of the assistance / aid received or is to be received:

.....

4. Conditions attached to the aid / assistance:

.....

(Attach documents to support the above information.)

C. FORMS OF ASSISTANCE APPLIED FOR

Note that assistance will only be provided in respect of programmes leading to a qualification. The forms of assistance include fees (such as registration costs, tuition fees, costs relating to student counselling, work placement and other administrative costs), boarding and transport allowances, allowances for the purchasing of text books and an allowance when a person works as part of his or her learnership or apprenticeship.

C.1 ASSISTANCE IN RESPECT OF ADULT EDUCATION AND TRAINING (Reg 5)

Note that the **highest level** of education offered in terms of category C.1 is similar to Grade 9.

Note further that this form of assistance can only be rendered if you are **sixteen years** of age or older.

I. Assistance in respect of fees and textbooks:

If assistance is needed in respect of **fees and textbooks**, complete the following:

1. Year in respect of which assistance is needed:

2. Details of centre:

(a) Name of centre:

(b) Address of centre:

.....

(Indicate the physical address, in other words, where the centre is situated.)

3. Total amount of fees payable to centre:

(Attach proof of registration at centre and of the amount payable to the centre. Indicate whether the amount payable is per annum or subject or module.)

4. Amount needed to purchase textbooks:

5. Banking details of the centre in whose bank account the money is to be paid:

Name of Account holder:

.....

Name of bank:

Branch code:

Account number:

(Bank in question must affix its stamp here to confirm the banking details of the centre)

II. Assistance in respect of transport:

If assistance is needed in respect of **transport**, complete the following:

1. Method of transport to be used by the person who needs assistance:

2. Particulars of institution / person providing transport:

3. Distance between place of residence of the person who needs assistance and centre where programme is offered:

4. Amount which has to be paid for transport for the year:

(Attach proof of the amount and of the fact that the person who needs assistance, makes use of this method of transport.)

5. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

.....

Name of bank:

Branch code:

Account number:

(Bank in question must affix its stamp here to confirm the banking details of the institution/person)

Signature of applicant or the person completing the form on behalf of the person who needs assistance

_____ Date

C.2 ASSISTANCE IN RESPECT OF FURTHER EDUCATION AND TRAINING (Reg 6)

I. Assistance in respect of fees:

If assistance is needed in respect of **fees**, complete the following:

1. Year in respect of which assistance is needed:

2. Details of college:

(a) Name of college:

(b) Address of college:

(Indicate the physical address, in other words, where the college is situated.)

3. Are the studies in respect of which assistance is needed, to be done on a full-time or part-time basis or through distance learning?: ***Full-time** **/Part-time** **/Distance Learning**

4. Total amount of fees payable to college:
(Attach proof of registration at college and of the amount payable to the college. Indicate whether the amount payable is per annum or subject or module.)

5. Banking details of the college in whose bank account the money is to be paid :

Name of Account holder:

Name of bank:

Branch code:

Account number:

*(Bank in question must affix its stamp here
to confirm the banking details of the college)*

II. Assistance in respect of accommodation:

If assistance is needed in respect of **accommodation**, complete the following:

1. Boarding home Details :

Name of hostel / boarding home:

Address of hostel / boarding home:

(Indicate the physical address, in other words, where the hostel / boarding home is situated.)

2. Amount of boarding fees per annum which has to be paid.....
(Attach proof of the amount payable and that the person who needs assistance, is hiring accommodation.)

3. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

*(Bank in question must affix its stamp here
to confirm the banking details of the institution/person)*

III. Assistance in respect of transport:

If assistance is needed in respect of **transport**, complete the following:

1. Method of transport to be used by the person who needs assistance:

2. Particulars of institution / person providing transport:

3. Distance between place of residence of the person who needs assistance and college where programme is offered:

4. Amount which has to be paid for transport for the year:
(Attach proof of the amount and of the fact that the person who needs assistance, makes use of this method of transport.)

5. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

*(Bank in question must affix its stamp here
to confirm the banking details of the institution/person)*

IV. Assistance in respect of textbooks:

If assistance is needed in respect of **textbooks**, complete the following:

1. Amount needed to purchase text books:
2. Particulars of the text books to be purchased:

.....

.....

(Indicate the name of the author, the title of the book and the price of each book.)

3. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its
stamp here
to confirm the banking details of
the institution/person)

Signature of applicant or the person completing the form
on behalf of the person who needs assistance

_____ Date

C.3 ASSISTANCE IN RESPECT OF HIGHER EDUCATION (Reg 7)

Note that the assistance in C.3 is for persons who have **passed grade 12** and want to study at a **university or technicon**. **Note** further that the assistance is limited to **undergraduate students only**.

I. Assistance in respect of fees:

If assistance is needed in respect of **fees**, complete the following:

1. Year in respect of which assistance is needed:

2. Details of institution:

(a) Name of institution:

(b) Address of institution:

.....

(Indicate the physical address, in other words, where the institution is situated.)

3. Are the studies in respect of which assistance is needed, to be done on a full-time or part-time basis or through distance learning?: ***Full-time** **/Part-time** **/Distance Learning**

4. Total amount of fees payable to institution:

(Attach proof of registration at institution and of the amount payable to the institution. Indicate whether the amount payable is per annum or subject or module.)

5. Banking details of the institution in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its
stamp here
to confirm the banking details of
the institution)

II. Assistance in respect of accommodation:

If assistance is needed in respect of **accommodation**, complete the following:

1. Boarding home Details :

Name of hostel / boarding home:

Address of hostel / boarding home:

.....

(Indicate the physical address, in other words, where the hostel / boarding home is situated.)

2. Amount of boarding fees per annum which has to be paid:

(Attach proof of the amount payable and that the person who needs assistance, is hiring accommodation.)

3. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its
stamp here
to confirm the banking details of the
institution/person)

III. Assistance in respect of transport:

If assistance is needed in respect of **transport**, complete the following:

1. Method of transport to be used by the person who needs assistance:

2. Particulars of institution / person providing transport:

3. Distance between place of residence of the person who needs assistance and institution where programme is offered:

4. Amount which has to be paid for transport for the year:

(Attach proof of the amount and of the fact that the person who needs assistance, makes use of this method of transport.)

5. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its stamp
here
to confirm the banking details of the
institution/person)

IV. Assistance in respect of textbooks:

If assistance is needed in respect of **textbooks**, complete the following:

1. Amount needed to purchase text books:
2. Particulars of the text books to be purchased:
.....
.....
.....
(Indicate the name of the author, the title of the book and the price of each book.)

3. Banking details of the institution / person in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its
stamp here
to confirm the banking details of
the institution/person)

Signature of applicant or the person completing the form
on behalf of the person who needs assistance

_____ Date

C.4 ASSISTANCE IN RESPECT OF SKILLS DEVELOPMENT (Reg 8)

C.4.1 ASSISTANCE IN RESPECT OF LEARNERSHIP OR APPRENTICESHIP

Note that a person whose application for assistance has been approved will only receive the allowance of R 1500,00 per month (Reg 8(1)(c)) during the work experience component of the learnership or apprenticeship for which he or she is registered and if he or she complies with the conditions of the learnership agreement entered into with the employer in terms of the Skills Development Act.

I. Assistance in respect of fees:

If assistance is needed in respect of **fees**, complete the following:

1. Year in respect of which assistance is needed:
2. Details of learnership or apprenticeship for which assistance is needed:
.....
.....
3. Details of college:
 - (a) Name of college:
 - (b) Address of college:
(Indicate the physical address, in other words, where the college is situated)
4. Total amount of fees payable to college:
(Attach proof of registration at college and of the amount payable to the college. Indicate whether the amount payable is per annum or subject or module)
5. Banking details of the college in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its stamp here to confirm the banking details of the college)

II. Allowance payable during work experience component of learnership or apprenticeship:

If the allowance payable during the work experience component of a learnership or apprenticeship must be paid to the person who needs assistance, complete the following:

1. Period and year for which the allowance must be paid:
2. Details of employer where the person who needs assistance will be working:
 Name of the employer:
 Physical address of the employer:

3. Contact particulars of the employer:

Telephone number:

Cellphone number:

Fax number:

4. Banking details of the college in whose bank account the money is to be paid:

Name of Account holder:

Name of bank:

Account number:

Branch code:

(Bank in question must affix its stamp here to confirm the banking details of the College)

D. PARTICULARS OF COMPOSITION OF HOUSEHOLD

A household consists of the spouse, children, grandchildren, parents and grandparents of a victim.

1. Number of members in household:
2. Number of members in household who are working:
3. Number of members in household who are over the age of 65 years:
4. Number of members in household who are receiving social assistance in terms of the Social Assistance Act:
5. Number of members in household who are physically or mentally disabled as contemplated in section 9 of the Social Assistance Act:
6. Number of members in household who are working in order to contribute to the income of the household and are under the age of 18 years:

(Attach proof in support of the information provided above.)

E. PARTICULARS OF INCOME OF MEMBERS OF HOUSEHOLD

Note that it is not necessary to complete this part if assistance in terms of these Regulations has previously been provided to the person who needs assistance.
If the space provided on this page is not enough, complete particulars on a separate page/s and attach additional page/s to this form.

Particulars of income of member(s) of household:

(Indicate whether it is a pension, salary, commission or seasonal and if it is seasonal, give details thereof.)

| | |
|-----------|---------------------------------|
| Member 1: | Full names and Surname: |
| | ID no. |
| | Gross annual income: |
| | Nature of the income: |
| | Relationship with victim: |
| Member 2: | Full names and Surname: |
| | ID no. |
| | Gross annual income: |
| | Nature of the income: |
| | Relationship with victim: |
| Member 3: | Full names and Surname: |
| | ID no. |
| | Gross annual income: |
| | Nature of the income: |
| | Relationship with victim: |
| Member 4: | Full names and Surname: |
| | ID no. |
| | Gross annual income: |
| | Nature of the income: |
| | Relationship with victim: |

F. CERTIFICATION

I,, hereby certify that the information which I have provided above is correct and to the best of my knowledge true. I hereby give permission to the Department of Justice and Constitutional Development to verify the correctness of any of my statements. I know that I can be prosecuted if I knowingly give false information.

Signature of applicant or the person completing the form
on behalf of the person who needs assistance

_____ Date

NOTE

The application form must, after completion, be submitted to the dedicated official –

(a) electronically to the following addresses: **ViJacobs@justice.gov.za**; or

- | |
|---|
| <p>(b) by facsimile to 086 641 5744; or</p> <p>(c) by registered post to the following address: The Head: TRC Unit, The Department of Justice and Constitutional Development, Private Bag X81, Pretoria, 0001.</p> |
| |

FORM 2: CERTIFICATE BY DEDICATED OFFICIAL

[Regulation 13]

PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 (ACT 34 OF 1995)

(This form must be completed by the dedicated official (an official in the TRC Unit) when verifying whether the person who needs assistance is a victim or a relative or dependant of a victim)

* Mark appropriate block with an X

| A. PARTICULARS OF PERSON WHO NEEDS ASSISTANCE IN TERMS OF REGULATION 11 | |
|---|--|
| Name of person who needs assistance: | |
| ID number/Date of birth: | |
| Date of application received: | |

| B. VERIFICATION BY DEDICATED OFFICIAL | | |
|---------------------------------------|---|------------|
| The person mentioned in Part A is a – | | |
| (a) VICTIM: | * Yes / No | |
| | TRC reference check | * Yes / No |
| | TRC reference number of victim | |
| | Additional documents / information received | * Yes / No |
| | If Yes, specify | |
| | | |

Or

| | |
|--|------------|
| (b) RELATIVE OF A VICTIM | * Yes / No |
| His or her relationship with the victim is as follows: | |
| | |

Or

| | |
|---|------------|
| (c) DEPENDANT OF A VICTIM: | * Yes / No |
| The basis of his or her dependency on the victim is as follows: | |
| | |
| | |

| C. REMARKS BY DEDICATED OFFICIAL |
|----------------------------------|
| |

| D. PARTICULARS OF DEDICATED OFFICIAL |
|---|
| Name and surname: ID number: |
| Signature of dedicated official _____ Date of certificate _____ |