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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT****NOTICE 946 OF 2022****INVITATION FOR PUBLIC COMMENTS  
ON****A. NEW VERSION OF DRAFT REGULATIONS RELATING TO ASSISTANCE TO VICTIMS IN RESPECT OF HIGHER EDUCATION AND TRAINING: THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995****1. INVITATION**

1.1 The Department of Justice and Constitutional Development (the Department) invites interested parties to submit written comments on the new version of the draft Regulations relating to Assistance to Victims in respect of Higher Education and Training (the Regulations). The new version of the Regulations and a note explaining the background of the new version of the Regulations, are available on the website of the Department at the following address: <https://www.justice.gov.za/legislation/invitations/invites.htm>

1.2 The comments on the new version of the Regulations must be submitted not later than **Friday, 20 May 2022**, marked for the attention of **Ms F Bhayat**, and—

- (a) if they are forwarded by post, be addressed to—  
**The Director-General: Justice and Constitutional Development**  
**Private Bag X81**  
**Pretoria**  
**0001**
- (b) if they are delivered by hand, be delivered at—  
**SALU Building, Room 23.23**  
**316 Thabo Sehume Street**  
**Pretoria**
- (c) if they are delivered by email, be emailed to [fbhayat@justice.gov.za](mailto:fbhayat@justice.gov.za)
- (d) if they are faxed, be faxed to **086 754 8493**.

1.3 For further information, please do not hesitate to contact Ms F Bhayat on **012 406 4771**

## B. BACKGROUND NOTE

The following background information is hereby furnished in order to assist interested parties to comment on the new version of the Regulations.

- 2.1 The first set of Regulations came into operation on 07 November 2014 (Government Notice No. R. 852 of 3 November 2014). The purpose of the Regulations was to provide for financial assistance to declared TRC victims and their relatives and dependants in respect of the following categories: **Adult education and training; further education and training; higher education; and skills development.**
- 2.2 The Regulations have since been amended on four occasions. The first amendments, which extended the forms of assistance, were published in Government Notice No. R. 691 of 18 July 2017. The second amendments, which provide for uncapped amounts to be paid to students in respect of tuition fees and financial assistance to students with disabilities in respect of assistive devices and human support, were published in Government Notice No. R. 1373 of 14 December 2018. The third amendments, which, among others, extended the period of application of the Regulations for one year (which would have ended early in November 2020), were published in Government Notice No. R. 1286 of 4 October 2019. The fourth amendments, which, among others, extended the period of application of the Regulations for one more year (which ended in November 2021), and to deal with the impact of Covid-19 on the Regulations, were published in Government Notice No. R. 1194 of 6 November 2020.
- 2.3 The period of application of the Regulations was limited to five years for the following reasons:
  - (a) To ascertain whether there is after the five year period still money in the President's Fund (the Fund), established in terms of section 42 of the Promotion of National Unity and Reconciliation Act, 1995, that may be used for education assistance for victims; and
  - (b) if there is still money available for education assistance, to identify and address problems experienced in practice in the application of the Regulations.  
(This process is referred to as the review process.)
- 2.4 During the review process, certain challenges and areas of improvement were identified by the TRC declared victims, the TRC Unit, the Department of Higher Education and Training (the DHET) and the National Student Financial Aid Scheme (the NSFAS), regarding the Regulations.

- 2.5 The Regulations expired in the beginning of November 2021. The Department intended to have the new version of the Regulations ready to be promulgated in November 2021. However, due to certain circumstances these regulations could not be ready in time for promulgation. Therefore, a set of interim regulations were prepared and published in **Government Notice No. R. R1814** of **Government Gazette No. 45997** on **04 March 2022**. These regulations will apply for the 2022 academic year only.
- 2.6 The new version of the Regulations, in respect of which the Department has invited comments on, retains various provisions of the previous set of regulations and also includes certain amendments, amongst others, which seek to—
- (a) expand the forms of assistance that may be provided to students;
  - (b) simplify the application process of students as well as the payment process to students;
  - (c) align (to the extent that it is necessary and appropriate) some of the provisions of the regulations with the existing policies, practices and systems of the functionaries which are involved in the application process; and
  - (d) ensure that government is getting more value for money spent on the students.
- 2.7 It is intended that the new version of the Regulations will apply for a period of eight (8) years, starting at the beginning of the 2023 academic year. The last intake of new students for assistance in terms of the Regulations will be in 2023.
- 2.8 The assistance provided for in the Regulations will be paid from the President's Fund, established in terms of section 42 of the Act, which is responsible for the payment of reparation to victims and their relatives and dependants.