



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

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To: SETA Administrators and Chief Executive Officers

Skills Development Circular No. 05/2016

SECTOR EDUCATION AND TRAINING AUTHORITIES (SETA) GRANT REGULATIONS

1. On 7 August 2015 the Labour Court set aside Regulations 3(12) and 4(4) of the SETA Grant Regulations of 3 December 2012.
2. The Labour Court judgment had set aside Regulation 4(4) and provided the Minister of Higher Education and Training until 31 March 2016 to consult with the National Skills Authority (NSA).
3. The NSA provided its advice to the Minister of Higher Education and Training on the 30 October 2015. The NSA advice supported the re-promulgation of the Mandatory Grant at 20%. Based on the advice received from the NSA, the Minister re-promulgated Regulation 4(4) as per gazette number 39592 dated 13 January 2016.
4. Gazette 39592 of 13 January 2016 was communicated to all SETAs on the 13 January 2016.

5. The re-promulgation provides that the Mandatory Grant be set at 20%.
6. The Department of Higher Education and Training issued two (2) Circulars to SETAs communicating its position on the matter and how the SETAs must treat the matter. The Skills Development Circular number 16/2015 issued on the 2 September 2015 and Skills Development Circular 04/2016 issued on the 5 April 2016 refer.
7. Regulation 3(12) is still under legal review.
8. A communique will be issued to all SETAs as soon as the matter related to Regulation 3(12) is finalised by the Court.
9. In the absence of a decision by the Court, the status quo remains.



Mr GF Qonde

Director-General

Date: 21/04/2016