

Namibia

Vocational Education and Training Act, 2008

## Regulations for Registration of Vocational Education and Training Providers, 2012

Government Notice 300 of 2012

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## Regulations for Registration of Vocational Education and Training Providers, 2012

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Republic of Namibia  
**Annotated Statutes**

**Vocational Education and Training Act, 2008**

**Regulations for Registration of Vocational  
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**Government Notice 300 of 2012**

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**1. Definitions**

In these regulations any word or expression to which a meaning has been assigned in the Act has the same meaning and, unless the context otherwise indicates-

“**CEO**” means the chief executive officer of the NTA contemplated in section 21(1) of the Act, and includes any person who acts as chief executive officer as contemplated in section 21(3) of the Act or who has been authorised by the CEO to perform any power, function or duty contemplated in these regulations;

“**certificate of registration**” means a certificate issued in terms of regulation 7;

“**registered vocational education and training provider**” means a vocational education and training provider registered in accordance with these regulations to offer vocational education and training programmes to learners;

“**SACC**” means the Standards, Assessment and Certification Council referred to in section 15(1)(a) of the Act;

“**the Act**” means the Vocational Education and Training Act, 2008 (Act [No. 1 of 2008](#)); and

“**the Namibia Qualifications Authority**” means the Namibia Qualifications Authority established by section 2 of the Namibia Qualifications Authority Act, 1996 (Act [No. 29 of 1996](#)), and the “NQA” has a corresponding meaning.

## 2. Application of regulations

These regulations apply to all vocational education and training providers.

## 3. Application for registration as vocational education and training provider

- (1) A vocational education and training provider-
  - (a) who, at the date of commencement of these regulations, is or has been carrying on the business or activity of offering vocational education and training programmes to learners must, within one year from that date apply in the form of Annexures 1A and 1B; or
  - (b) who intends to for the first time carry on the business or activity of offering vocational education and training programmes to learners, must, prior to the proposed date of commencement therewith, apply in the form of Annexure 1C,to the NTA, for registration or preliminary registration, in the same name under which the training provider is trading.
- (2) An application contemplated in subregulation (1) must be accompanied by-
  - (a) such supporting documents as the NTA may request in writing;
  - (b) written evidence by the applicant that the applicant complies with all legal requirements relating to the health and safety of persons on the premises;
  - (c) written proof by the applicant that-
    - (i) the income of the applicant is or will be sufficient to sustain its vocational education and training programmes to the satisfaction of the NTA;
    - (ii) the applicant has established financial surety or guarantees to ensure that the applicant will meet its obligations to its enrolled learners and services;
    - (iii) if applicable, the vocational education and training provider has already been accredited by the NQA and is offering vocational education and training programmes;
  - (d) a signed declaration referred to in subregulation (3); and
  - (e) the appropriate non-refundable application fee charged by the NTA as contemplated in section 33(1) of the Act.
- (3) In addition to complying with subsection (2) the application must be accompanied by a signed declaration by the applicant that-
  - (a) the vocational education and training provider, if registered, will not discriminate on the-
    - (i) grounds as set out in Article 10(2) of the Constitution with regard to the admission of learners;
    - (ii) grounds as set out in Article 10(2) of the Constitution with regard to the recruitment of staff;
  - (b) the vocational education and training provider-
    - (i) will maintain the necessary training and support staff with appropriate training or professional qualifications and experience to achieve the objectives of each vocational education and training programme;
    - (ii) will maintain a quality management system including, but not limited to, assessment policies and procedures appropriate to each vocational education and training programme and service;

- (iii) will maintain sufficient space, equipment and instructional material to provide vocational education and training of sufficient standard to achieve the objectives of each vocational education and training programme;
  - (iv) will not exceed the enrolment that the facilities and equipment can reasonably accommodate;
  - (v) will maintain full records of each learner's admission, training progress and assessment of learning in respect of each vocational education and training programme;
- (c) if registered, the vocational education and training provider will comply with-
  - (i) a periodic evaluation of the vocational education and training provider by the NTA at intervals to be determined by the NTA; and
  - (ii) any other reasonable process arranged by the NTA after consultation with the vocational education and training provider for the purpose of monitoring compliance with the requirements of the Act and these regulations.
- (4) The NTA may require an applicant to clarify items in the application or to submit additional information before the application is considered.
- (5) An applicant must forthwith notify the NTA if there is any change in the information submitted in the application.
- (6) A person who operates as a vocational education and training provider or offers vocational education and training programmes without being registered or re-registered, as the case may be, as a vocational education and training provider in terms of these regulations commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to an imprisonment period not exceeding six months or to both such fine and such imprisonment.

#### **4. Support for vocational education and training providers seeking registration**

In order to assist a vocational education and training provider that has applied for registration or has been registered, the NTA may provide, as determined by the Board, technical and professional advice and financial support to the vocational education and training provider.

#### **5. Withdrawal of application for registration as vocational education and training provider**

- (1) Before the NTA has notified an applicant in writing of the result of an application, an applicant may withdraw by notice in writing to the NTA any application referred to therein.
- (2) On receipt of a notice of withdrawal contemplated in subregulation (1) the NTA must forthwith return the application documents to the applicant.

#### **6. Subsequent application for registration as vocational education and training provider**

- (1) An applicant-
  - (a) who has withdrawn an application in terms of regulation 5(1) may at any time thereafter submit a subsequent application; or
  - (b) whose application has not been approved, may submit a subsequent application to the NTA as soon as the applicant is able to comply with the requirements concerned.
- (2) Regulation 3(2) and (3) applies with the necessary amendments to the submission of a subsequent application for the registration of a vocational education and training provider as if that subsequent application were a new application.

## 7. Consideration of application for registration as vocational education and training provider

- (1) After an application for registration as a vocational education and training provider has been lodged with the NTA, the NTA must submit the application to the persons appointed as quality system auditors and subject matter experts.
- (2) The quality system auditors and subject matter experts contemplated in subregulation (1) must evaluate the application and forward their evaluation reports to the SACC.
- (3) In considering an application for registration as a vocational education and training provider, the SACC-
  - (a) must consider-
    - (i) all the information and declarations provided by the applicant and any other relevant information;
    - (ii) the evaluation reports contemplated in subregulation (2);
    - (iii) whether, if registered, the applicant will in all its vocational education and training programmes maintain acceptable standards;
    - (iv) whether the applicant has met all other relevant requirements of the Act;
    - (v) the proposed vocational education and training programmes and qualifications; and
  - (b) must reach a decision and notify the CEO accordingly.
- (4) If the SACC has notified the CEO that it has approved an application, the CEO must forthwith register the applicant concerned as a vocational education and training provider and must within 21 days after such registration-
  - (a) issue, subject to regulation 9, and against payment of the appropriate non-refundable certificate fee charged by the NTA as contemplated in section 33(1) of the Act, to the applicant a certificate of registration;
  - (b) record such registration in a computerised vocational education and training provider's register to be kept at the NTA; and
  - (c) publish the records contemplated in paragraph (b) at least once-
    - (i) in the *Gazette*;
    - (ii) in two newspapers circulating in Namibia; and
    - (iii) on the website of the NTA.
- (5) The NTA-
  - (a) must enter into a register contemplated in subregulation (4)(b) such particulars as determined by the NTA;
  - (b) may publish any information contained in a vocational education and training provider's register from time to time in a form considered appropriate.
- (6) If the SACC has notified the CEO that it has not approved an application, the CEO must inform the applicant in writing, stating the reasons therefore.
- (7) Subject to the conditions of registration, a registered vocational education and training provider offering vocational education and training programmes leading up to qualifications or the awarding of credits remains registered for such period specified by the NTA.



## 8. Report

- (1) Every registered vocational education and training provider must within six months after the date of first registration as such and thereafter within three months after the anniversary date of registration, submit a report to the NTA.
- (2) A report referred to in subregulation (1) must contain-
  - (a) a detailed overview of major achievements of the vocational education and training provider;
  - (b) a detailed overview of the challenges experienced;
  - (c) a complete register of learners enrolled and vocational education and training programmes taken;
  - (d) any anticipated changes to vocational education and training programmes; and
  - (e) internal audit reports compiled on the basis and criteria of the NTA self evaluation form.
- (3) Any vocational education and training provider which contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to an imprisonment period not exceeding six months or to both such fine and such imprisonment.

## 9. Registration name

- (1) Subject to this regulation, a vocational education and training provider must be registered under the name applied for, but the NTA may include in the certificate of registration such translations, abbreviations, acronyms or trade names that uniquely identify the vocational education and training provider.
- (2) Despite subregulation (1), the CEO may not-
  - (a) register a vocational education and training provider-
    - (i) under a name that the NTA considers to be fraudulent, false or misleading; or
    - (ii) under the same name as another vocational education and training provider, or
  - (b) include in two certificates of registration the same translation, abbreviation, acronym or trade name.
- (3) In the case of subregulation (2)(a) the NTA must agree on an acceptable alternative with the applicant concerned.

## 10. Form and contents of certificate of registration

- (1) A certificate of registration contemplated in regulation 7(4)(a) must be in the form determined by the NTA.
- (2) A certificate of registration is not transferable from one vocational education and training provider to another vocational education and training provider.

## 11. Validity and extension of registration

- (1) A vocational education and training provider must as soon as possible after the training provider has been registered as such, submit, in accordance with the regulations governing the accreditation of vocational education and training providers, a complete application for accreditation with the appropriate accrediting body.

- (2) A registered vocational education and training provider that has not within the period of registration concerned lodged an application for accreditation as contemplated in accordance with the regulations governing the accreditation of vocational education and training providers must-
  - (a) apply in the form of Part 3 of Annexure 1A, for extension of registration; and
  - (b) provide in the application-
    - (i) supporting evidence that the applicant is indeed preparing or has been preparing for accreditation; and
    - (ii) a motivation why the applicant has not applied for accreditation; and
  - (c) submit together with the application the appropriate non-refundable application fee charged by the NTA as contemplated in section 33(1) of the Act.
- (3) After consideration of the application, the NTA may grant extension of registration contemplated in subregulation (2)(a) for such period determined by the NTA in consultation with the vocational education and training provider.
- (4) A registered vocational education and training provider who has been accredited as contemplated in accordance with the regulations governing the accreditation of vocational education and training providers, maintains the registration status of the training provider for as long as the vocational education and training provider maintains his or her or its accreditation status.
- (5) The registration of a registered vocational education and training provider, whose accreditation status in whole has been terminated in accordance with the regulations governing the accreditation of vocational education and training providers, automatically terminates together with the termination of the accreditation status, and the vocational education and training provider must again apply for both registration and accreditation.
- (6) The registration of a registered vocational education and training provider that has not applied for accreditation as contemplated in subregulation (1) or subregulation (3) automatically terminates upon expiry of the registration period contemplated in subregulation (1).
- (7) A registered vocational education and training provider that offers vocational education and training programmes which do not lead to the awarding of credits leading up to qualifications or awards given under the Namibia Qualifications Framework, remains registered for a period of two years and must before the end of the registration period apply for re-registration as contemplated in regulation 12.
- (8) A registered vocational education and training provider referred to in subregulation (7) may at any time, if deemed necessary, apply for accreditation in accordance with the regulations governing accreditation of vocational education and training providers.

## 12. Re-registration

- (1) A registered vocational education and training provider-
  - (a) contemplated in regulation 11(2) and (8), as the case may be, must at least three months before the end of the registration period concerned;
  - (b) whose registration has otherwise been terminated or revoked as contemplated in these regulations may,  
  
if the applicant intends to continue offering vocational education and training programmes and services, apply in the form of Annexures 1A and 1B, for re-registration as a vocational education and training provider.
- (2) Regulations 3(2), (3), (4), (5), and (6) and 4, 5, 6, 7, 8, 9, 10 and 11 apply with the necessary amendments to an application for re-registration.

- (3) A registered vocational education and training provider that fails to apply for reregistration before the end of the registration period concerned is automatically deregistered as a vocational education and training provider and must apply for registration again within 14 days of the expiry of registration.

### **13. Application for expansion in programme offering or amendment in conditions of registration**

- (1) A registered vocational education and training provider must apply to the NTA-
  - (a) in the case of expansion in programme offering in the form of Annexure 2, Parts 1 and 2; or
  - (b) if the vocational education and training provider intends to amend or deviate from any of the conditions under which the vocational education and training provider was registered, in the form Annexure 2, Part 1 and 3;before the expansion or amendment or deviation and the application must be accompanied by the appropriate non-refundable application fee charged by the NTA as contemplated in section 33(1) of the Act.
- (2) The NTA may require an applicant to clarify items in the application or to submit additional information before the application is considered.
- (3) An applicant must promptly notify the NTA if there is any change in the information submitted in an application.
- (4) The NTA may after receipt of an application referred to in subregulation (1) or after receipt of any clarified items or additional information contemplated in subregulation (2), conduct an evaluation of the application and further prepare a report for the SACC which must determine the effect of any changes to the registration of the provider.
- (5) After consideration of the report referred to in subregulation (4), the SACC may decide to-
  - (a) maintain the current registration of the vocational education and training provider;
  - (b) amend the current registration of the vocational education and training provider and to amend any condition of registration; or
  - (c) revoke the registration of the training provider,and must notify the CEO accordingly.
- (6) If the registration or any condition of registration of a registered vocational education and training provider is amended, the CEO must forthwith-
  - (a) issue, against payment of the appropriate non-refundable certificate fee charged by the NTA as contemplated in section 33(1) of the Act, an amended certificate of registration to the vocational education and training provider;
  - (b) amend the vocational education and training provider's register accordingly; and
  - (c) publish the records contemplated in paragraph (b) at least once-
    - (i) in the *Gazette*;
    - (ii) in two newspapers circulating in Namibia; and
    - (iii) on the website of the NTA.
- (7) On receipt of the amended certificate of registration the registered vocational education and training provider must within 14 working days return the previous certificate of registration to the NTA.

- (8) A person who contravenes or fails to comply with subregulation (1) or (7) commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

#### 14. Revocation of registration

- (1) The NTA may revoke the registration of a vocational education and training provider if-
- (a) any of the conditions for registration ceases to exist;
  - (b) the vocational education and training provider contravenes or does not comply with any condition of registration or these regulations;
  - (c) the vocational education and training provider commits an offence as contemplated in these regulations;
  - (d) the vocational education and training provider ceases to operate as such;
  - (e) any person directly representing the vocational education and training provider commits an offence as contemplated in these regulations; or
  - (f) the vocational education and training provider does not comply with regulation 8(1).
- (2) If the NTA has grounds to believe that any circumstance contemplated in subregulation (1) exists or has occurred, the NTA must issue a written notice to the vocational education and training provider concerned-
- (a) stating which circumstance is believed to exist or have occurred;
  - (b) giving the grounds for the belief referred to in paragraph (a) and;
  - (c) requesting the vocational education and training provider to explain in writing within 14 working days the reasons for the occurrence of the circumstance concerned or to provide proof that the circumstance no longer exists or occurs.
- (3) If the vocational education and training provider concerned does not respond in writing within 14 working days of the written notice referred to in subregulation (2)(c), the NTA-
- (a) must conduct or cause to be conducted, an evaluation to determine why the circumstance concerned exists or has occurred; and
  - (b) must submit a report, together with recommendations, to the SACC.
- (4) The SACC must-
- (a) consider the report referred to in subregulation (3)(b) and may revoke the registration of the vocational education and training provider concerned; and
  - (b) must notify the CEO accordingly.
- (5) If the SACC has revoked the registration of a vocational education and training provider as contemplated in subregulation (4)-
- (a) the CEO must forthwith in writing notify the vocational education and training provider thereof and request the training provider to surrender the certificate of registration;
  - (b) the vocational education and training provider must-
    - (i) immediately inform in writing all learners, stakeholders and suppliers of the revocation of the registration of the vocational education and training provider;
    - (ii) immediately reimburse or compensate any enrolled learner who has a lawful claim against the vocational education and training provider as a consequence of the revocation of the registration of the vocational education and training provider,

or make adequate arrangements for affected learners to complete their vocational education and training programmes at any available comparable vocational education and training providers;

- (iii) provide the NTA, within 14 working days of receipt of the notice contemplated in paragraph (a), with documentary proof of the actions referred to in subparagraphs (i) and (ii).
- (6) The CEO must publish a notice at least once-
- (a) in the *Gazette*;
  - (b) in two newspapers circulating in Namibia; and
  - (c) on the website of the NTA,
- to inform the public of the revocation of the registration of a vocational education and training provider.
- (7) The NTA may, if deemed necessary, advise learners on other viable options to continue pursuing training at other registered vocational education and training providers.
- (8) A person who contravenes or fails to comply with the provisions of subregulation (5)(b) commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

## 15. Verification of information

Any staff member of the NTA duly authorised thereto by the Board may during working hours enter the premises of an applicant or a registered vocational education and training provider for the purpose of verifying any information or particulars furnished as part of-

- (a) any application for registration, amendment of registration, amendment of any condition of registration or re-registration; or
- (b) a report contemplated in regulation 8.

## 16. Display of certificate of registration

- (1) A registered vocational education and training provider must at the registered premises of the training provider display the certificate of registration at a prominent place accessible to the public and learners.
- (2) If a registered vocational education and training provider has more than one registered premises, the original certificate of registration must be displayed at the main registered premises of the vocational education and training provider and certified copies of the certificate of registration issued by the NTA must be displayed at the other registered premises of the vocational education and training provider.
- (3) A person who contravenes or fails to comply with the provisions of this regulation commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

## 17. Maintenance of registration

- (1) In order to maintain its registration a registered vocational education and training provider must-
  - (a) continue to fulfil the requirements for registration contemplated in the Act and these regulations;
  - (b) comply with any condition of registration;

- (c) notify the NTA of any change in the information submitted in terms of the Act and these regulations; and
- (d) comply with any other agreed and reasonable process arranged by the NTA after consultation with the vocational education and training provider for the purpose of monitoring compliance with the requirements of the Act and the conditions of registration.

## **18. Obligations of training providers**

- (1) A vocational education and training provider must-
  - (a) maintain the necessary training staff with appropriate qualifications and experience to achieve the objectives of each vocational education and training programme;
  - (b) maintain a quality management system and procedures appropriate to each vocational education and training programme and services;
  - (c) maintain sufficient space, equipment and instructional material to provide education and training of sufficient standard to achieve the objectives of each vocational education and training programme;
  - (d) maintain sufficient funds for the enrolled group of learners;
  - (e) not exceed the enrolment that the registered premises and equipment can reasonably accommodate; and
  - (f) maintain full records of each learner's admission, training progress and assessment of learning in respect of each vocational education and training programme.
- (2) The vocational education and training provider must report immediately to the NTA-
  - (a) the loss of or damage to any equipment necessary for the proper conduct of a vocational education and training programme;
  - (b) the loss of any supporting service to a vocational education and training programme;
  - (c) any significant reduction in the financial or personnel resources needed to sustain a vocational education and training programme;
  - (d) the intent to acquire or expand into another business entity, vocational education and training institution or property relating to vocational education and training services; or
  - (e) any other activity or eventuality that may affect the service of providing vocational education and training.
- (3) A person who contravenes or fails to comply with the provisions of this regulation commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

## **19. Registered vocational education and training programmes**

- (1) A registered vocational education and training provider must offer only such vocational education and training programmes on only such premises as are registered by the NTA and included in the certificate of registration.
- (2) A registered vocational education and training provider must ensure that any registered vocational education and training programme is continued long enough to enable any group of learners to complete the full programmes, qualifications or unit standards enrolled for, but if unavoidable circumstances prevent this-
  - (a) the NTA must be informed without delay thereof; and

- (b) the registered vocational education and training provider must make reasonable arrangements in consultation with the NTA to enable the affected learners to complete the vocational education and training programme at a comparable registered vocational education and training provider.
- (3) A registered vocational education and training provider who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to an imprisonment period not exceeding six months or to both such fine and such imprisonment.

## **20. Information for learners and public**

- (1) A registered vocational education and training provider must publish at least once each year by way of a calendar, prospectus, brochure, newspaper advertisement or on its website or in any other appropriate manner for the information of learners and the public the following particulars-
  - (a) the registered name of the vocational education and training provider;
  - (b) the contact details of the head office and each premises;
  - (c) a copy of its certificate of registration;
  - (d) its mission statement;
  - (e) the type of legal entity of the vocational education and training provider;
  - (f) the names of the owner, chief executive officer and senior management of the vocational education and training provider;
  - (g) the names and qualifications of full-time and part-time training staff employed by the vocational education and training provider;
  - (h) the admission requirements and procedures, including recognition of prior learning, of the vocational education and training provider;
  - (i) the language policy of the vocational education and training provider;
  - (j) the mode of instruction of the vocational education and training provider;
  - (k) details of each registered vocational education and training programme according to the premises where it is offered;
  - (l) where applicable, the accreditation status of the registered vocational education and training provider;
  - (m) any fees payable, including any refund in the case of withdrawal of a learner's application;
  - (n) where applicable, learner financial aid;
  - (o) learner support services; and
  - (p) rules or code of conduct.
- (2) A person who contravenes or fails to comply with the provisions of this regulation commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

## **21. Training records**

- (1) A registered vocational education and training provider must-
  - (a) keep a comprehensive record of the achievements of each learner;

- (b) on request of an enrolled or former learner or an authorised guardian of the learner, make available documented achievements of the learner which shows-
  - (i) the full names and surname of the learner;
  - (ii) the identity number or passport number and nationality of the learner;
  - (iii) the learner registration number;
  - (iv) the courses taken by code number, where applicable, and name for each year in chronological order;
  - (v) the mark, grade or outcome for each course, with an explanatory note on the marking or grading system; and
  - (vi) qualifications, credits or merits awarded, and
- (c) must on request and against payment of a copy fee charged by the vocational education and training provider, make available to an enrolled learner or former learner or an authorised guardian of the learner, a copy of a certificate awarded to the learner.
- (2) A registered vocational education and training provider must submit to the NTA such information from its training records as the NTA may require.
- (3) A person who contravenes or fails to comply with the provisions of this regulation commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

## **22. Official documents, marketing and advertising**

- (1) With respect to all its official documents, advertising and marketing material, a registered vocational education and training provider-
  - (a) must ensure that all information about its vocational education and training programmes is accurate;
  - (b) must state that it is registered as a training provider as contemplated in these regulations; and
  - (c) may not make any false, fraudulent or misleading statements or any other statement to the effect that registration as a training provider implies accreditation.
- (2) A registered vocational education and training provider may not display on its letterhead, official documents, marketing or advertising material the-
  - (a) national coat of arms of the Republic of Namibia;
  - (b) logo of the Ministry of Education; or
  - (c) logo of the NTA, other than a registration logo contemplated in regulation 10.
- (3) A registered vocational education and training provider may advertise any vocational education and training programme, but if any such programme is not leading to a national qualification, then the vocational education and training provider must clearly state that the programme concerned does not lead to a national qualification.
- (4) A person that, while not being registered as a vocational education and training provider in terms of these regulations, states on or in respect of the letterhead, official documents, marketing or advertising material of the provider that the provider is registered as a vocational education and training provider in terms of these regulations commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.



## 23. Information required by NTA

- (1) A registered vocational education and training provider must submit in writing such information as the NTA may reasonably require for the purpose of-
  - (a) monitoring compliance with the Act and these regulations; and
  - (b) maintaining its vocational education and training programmes,including, but not restricted to a certified copy of any agreement relating to the provision of training services or the sharing of staff or facilities between the vocational education and training provider and another registered vocational education and training provider or entity in support of vocational education and training.
- (2) A registered vocational education and training provider that contravenes or fails to comply with the provisions of this regulation commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

## 24. Appeal

- (1) Any person who is not satisfied by a decision of the SACC under these regulations may appeal in writing to the Board against that decision within 21 working days from the date on which the decision being appealed against was communicated to the applicant.
- (2) An appeal referred to in subregulation (1) must-
  - (a) state the grounds for the appeal; and
  - (b) be accompanied by-
    - (i) all relevant documentation in support of the appeal; and
    - (ii) the appropriate non-refundable appeal fee charged by the NTA as contemplated in section 33(1) of the Act.
- (3) The Board must consider the appeal, the initial recommendations made by the SACC, inclusive of the decision not to approve an application or to impose conditions of registration, and after the consideration, the Board may-
  - (a) confirm the decision made by the SACC and inform the applicant thereof in writing within 14 working days;
  - (b) set aside the decision made by the SACC and cause a review of the evidence submitted by the applicant and inform the applicant in writing of the outcome within 60 working days; or
  - (c) amend the conditions imposed for registration and inform the applicant thereof in writing within 14 working days.
- (4) A decision of the Board referred to in subregulation (3) must be in writing and a copy of the decision must also be furnished to the SACC.
- (5) The SACC must inform the CEO if any registration or conditions for registration have been amended, and the CEO must adjust the register accordingly and issue a new certificate of registration if applicable.

## 25. Provisions relating to existing accredited vocational education and training providers

- (1) Any vocational education and training provider which, at the commencement of these regulations, is accredited by the NQA must within the period contemplated in regulation 3(1)(a) apply for registration in the form of Annexure 1A.

- (2) An application referred to in subregulation (1) must be accompanied by-
  - (a) the relevant certificate of accreditation issued by the NQA;
  - (b) the appropriate non-refundable application fee charged by the NTA as contemplated in section 33(1) of the Act; and
  - (c) any other information or document as may be requested by the NTA.
- (3) On receipt of an application that complies with subregulations (1) and (2), the NTA must, despite any contrary provision in these regulations-
  - (a) consider the applicant as having complied with the provisions of these regulations relating to registration; and
  - (b) register the applicant and issue a certificate of registration as contemplated in these regulations.
- (4) Any accredited vocational education and training provider that fails to comply with this regulation but continues to operate as a vocational education and training provider commits the offence contemplated in regulation 3(6) and is liable to the penalties provided in that regulation.

## **ANNEXURE 1A**

### **Forms**

[Editorial note: The forms have not been reproduced]

## **ANNEXURE 1B**

### **Forms**

[Editorial note: The forms have not been reproduced]

## **ANNEXURE 1C**

### **Forms**

[Editorial note: The forms have not been reproduced]

## **ANNEXURE 2**

### **Forms**

[Editorial note: The forms have not been reproduced]