

**IN THE EASTERN CAPE HIGH COURT, BHISHO
(REPUBLIC OF SOUTH AFRICA)**

CASE NO.: 81/2012

In the matter between:

EQUAL EDUCATION	First Applicant
INFRASTRUCTURE CRISIS COMMITTEE OF MWEZENI SENIOR PRIMARY SCHOOL	Second Applicant
INFRASTRUCTURE CRISIS COMMITTEE OF MKANZINI JUNIOR SECONDARY SCHOOL	Third Applicant

and

MINISTER OF BASIC EDUCATION	First Respondent
MEC FOR EDUCATION: EASTERN CAPE	Second Respondent
GOVERNMENT OF THE EASTERN CAPE PROVINCE	Third Respondent
GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA	Fourth Respondent
MEC FOR EDUCATION: FREE STATE	Fifth Respondent
MEC FOR EDUCATION: GAUTENG	Sixth Respondent
MEC FOR EDUCATION: KWAZULU-NATAL	Seventh Respondent
MEC FOR EDUCATION: LIMPOPO	Eighth Respondent
MEC FOR EDUCATION: MPUMALANGA	Ninth Respondent
MEC FOR EDUCATION: NORTHERN CAPE	Tenth Respondent
MEC FOR EDUCATION: NORTH WEST	Eleventh Respondent
MEC FOR EDUCATION: WESTERN CAPE	Twelfth Respondent
MINISTER OF FINANCE	Thirteenth Respondent

SETTLEMENT AGREEMENT RECORDED BY COURT

It is recorded that this matter has been settled on the following basis:

1. The first respondent (the Minister) has undertaken to make and promulgate regulations which prescribe minimum uniform norms and standards for school infrastructure in terms of section 5A(1)(a) and 5A(2)(a) of the South African Schools Act on or before 15 May 2013. The Minister also undertakes to publish a draft of the regulations for public comment on or before 15 January 2013; and to consider any comments made pursuant to their publication before 31 March 2013.
2. The first respondent has undertaken to file with the applicants' attorneys a report on affidavit within three months of the date of this agreement setting out all steps which have been taken to: provide Mwezeni Senior Primary School with appropriate and adequate school facilities including, inter alia, sufficient toilets and security fencing; what further steps will be taken; and when each such step will be taken.
3. The first respondent undertakes to pay the costs of this application on the party and party scale, those costs to include the cost of two counsel.
4. Should there be non-compliance with any of the terms of the undertaking; any of the applicants may approach the High Court on an expedited basis for appropriate relief, provided that the first to fourth respondents have received two weeks' notice of the application concerned. It is specifically recorded that the appropriate relief sought may include, but is not limited to, making this agreement an order of court and an order for specific performance in terms of the agreement.

The signatories to this agreement warrant that they are duly authorised to sign the agreement on behalf of the parties that they represent.

dated at Grahamstown on this ____ day of November 2012

Cameron McConnachie of the Legal Resources Centre, Grahamstown
on behalf of the Applicants

dated at Pretoria on this ____ day of November 2012.

Chris Leukes of the Department of Basic Education
on behalf of the First Respondent