



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

**Provincial Gazette  
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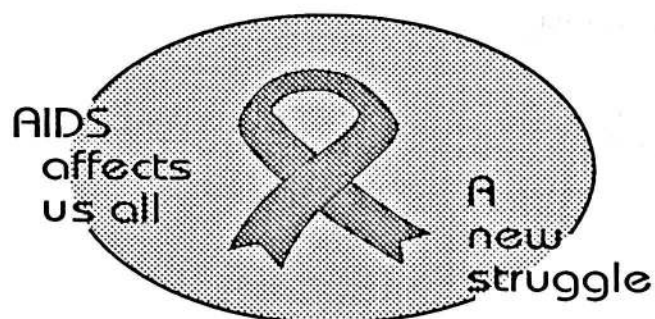
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Vol. 9

BISHO/  
KING WILLIAM'S TOWN, 5 SEPTEMBER 2002

**No. 920**  
(Extraordinary)

**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPUNE**

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DEPARTMENT OF HEALTH



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**CONTENTS • INHOUD***No.**Page  
No.* *Gazette  
No.***PROVINCIAL NOTICE**

- |    |  |   |     |
|----|--|---|-----|
| 45 | Eastern Cape Schools Education Act (1/1999): Regulations in relation to the qualification, appointment and term of office of members, filling of vacancies and functions of the Eastern Cape Education and Training Council..... | 3 | 920 |
|----|--|---|-----|
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## PROVINCIAL NOTICE

### DEPARTMENT OF EDUCATION

**No. 45****5 September 2002****EASTERN CAPE SCHOOLS EDUCATION ACT, 1999 (ACT No. 1 OF 1999): REGULATIONS IN RELATION TO THE QUALIFICATION, APPOINTMENT AND TERM OF OFFICE OF MEMBERS, FILLING OF VACANCIES AND FUNCTIONS OF THE EASTERN CAPE EDUCATION AND TRAINING COUNCIL**

I, Stone Sizani, Member of the Executive Council responsible for Education in the Province of the Eastern Cape, acting in terms of section 12 (4) of the Eastern Cape Schools Education Act, 1999 (Act No. 1 of 1999), hereby make regulations in relation to the qualification, appointment and term of office of members, the filling of vacancies and functions of the Eastern Cape Education and Training Council, as set out in the Schedule hereto.

**STONE SIZANI, MEC: Department of Education**

### SCHEDULE

**Definitions**

1. In these regulations, unless the context indicates otherwise, words or expressions to which meanings are assigned in the Eastern Cape Schools Education Act, 1999 (Act No. 1 of 1999), shall bear the meaning, and—

"Act" means the Eastern Cape Schools Education Act, 1999 (Act No. 1 of 1999);

"Council" means the Eastern Cape Education and Training Council.

**Qualifications to serve on the Council**

2. A member of the Council must—
- be a fit and proper person to hold office as a member; and
  - have appropriate qualifications or experience.

**Disqualification and removal of members**

3. (1) A person may not be a member of the Council if he or she—
- resides outside the Republic of South Africa;
  - has been convicted of an offence and sentenced to more than twelve months imprisonment without the option of a fine either in the Republic or outside the Republic if the conduct constituting such offence would have been punishable for the same sentence: Provided that a disqualification under this paragraph ends five years after the sentence has expired; or
  - is of unsound mind and has been so declared by a competent court.
- (2) A member vacates his or her office as a member if he or she—
- resigns;
  - has been absent from two consecutive meetings of the Council without the permission of the Chairperson;
  - is incapacitated in any way.

**The appointment of members and functions of the executive committee of the Council.**

4. (1) The MEC must invite nominations from the following entities or bodies, by notice in a local newspaper with wide circulation in the Province:
- two persons representing the organised teaching profession;
  - two persons representing governing bodies of public schools;
  - two persons representing independent schools;
  - one person representing governing bodies of schools for specialised education;
  - one person representing non-governmental organisations;
  - one person representing learner organisations;
  - one person representing adult basic education;
  - one person representing early childhood development providers; and
  - one person representing each of the following institutions, existing in the Province:
    - universities;
    - technikons; and
    - Public FET Colleges.

(2) The invitation for nominations contemplated in sub-regulation (1), must give a period of 14 days within which nominations must be submitted to the MEC.

(3) Regarding the nominations referred to in sub-regulation (1), the MEC must appoint the number of representatives allocated to each of the entities or bodies mentioned therein, from the nominations submitted to him or her as contemplated in sub-regulation (2).

(4) The chairperson and two other members appointed by the MEC from amongst members of the Council constitute the executive committee of the Council.

(5) The executive committee must perform management functions of the Council.

#### **Term of office of members of the Provincial Council**

5. (1) The term of office of members is—

- (a) three years in the case of members appointed by the MEC in terms of section 12 (1) (d), (e), (f), (g), (h) and (i) of the Act, and members determined by the Head of Department in terms of section 12 (1) (b) of the Act; and
- (b) two years in the case of members nominated to serve on the Council in terms of section 12 (1) (c);

(2) A member remains in office until the appointment of a new member.

#### **Meetings and appointment of sub-committees**

6. (1) The chairperson of the council must convene all meetings of the Council, and the Council must decide on sub-committees thereof.

(2) The council must determine the establishment, composition and function of the sub-committees of the Council.

(3) Members of sub-committees must serve as such for their term of office as members of the Council.

#### **The filling of vacancies**

7. (1) Whenever a vacancy arises on the Council, a member who fills a vacancy must hold the office for the remainder of the term of office of the departing member.

(2) A vacancy must be filled by nomination of a representative of an entity or body in accordance with the provisions of regulation 4.