

EXTRAORDINARY



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HOUSE OF ASSEMBLY.

The following Bill having been introduced into the House of Assembly, is published in accordance with Standing Order No. 160.

J. M. HUGO,
Clerk of the House of Assembly.

VOLKSRAAD.

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge artikel 160 van die Reglement van Orde.

J. M. HUGO,
Klerk van die Volksraad.

A.B. 31—'53: Bantu Education Bill

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BLADSY

BILL

To provide for the transfer of the administration and control of native education from the several provincial administrations to the Government of the Union, and for matters incidental thereto.

(Introduced by the MINISTER OF NATIVE AFFAIRS.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "Bantu" shall be synonymous with "native"; (ii) 5
- (ii) "Department" means the Department of Native Affairs; (iii)
- (iii) "education" means education other than "higher education" within the meaning of section *seventeen* of the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945); (viii) 10
- (iv) "Minister" means the Minister of Native Affairs; (v)
- (v) "native" means any person who is or is generally accepted as a member of any aboriginal race or tribe of Africa; (vi) 15
- (vi) "native school" or "Bantu school" means any school, class, college, or institution for the education of Bantu children or persons, or for the instruction and training of Bantu persons who desire to become teachers or to improve their qualifications as teachers; (vii) 20
- (vii) "officer" means an officer on the fixed establishment of the public service; (i)
- (viii) "prescribed" means prescribed by regulation; (xi)
- (ix) "regulation" means any regulation made under this Act; (ix) 25
- (x) "Secretary" means the Secretary for Native Affairs and includes any Under-Secretary of the Department; (x)
- (xi) "this Act" includes any regulation. (iv)

Transfer of control of native education from the provincial administrations to the Union Government.

2. As from the date of commencement of this Act—

- (a) the control of native education shall vest in the Government of the Union subject to the provisions of this Act; 30
- (b) there shall cease to be vested in the executive committee of a province any powers, authorities and functions, and the provincial council of a province shall cease to be competent to make ordinances, in relation to native education. 35

Administration.

3. (1) It shall be the function of the Department under the direction and control of the Minister, to perform all the work necessary for or incidental to the general administration of native education. 40

(2) The Minister may, subject to the laws governing the public service, from time to time appoint such officers and employees as he may deem necessary for the proper performance by the Department of its functions under this Act. 45

Transfer of officers employed by a province in connection with native education to the service of the Union Government.

4. Every officer who, on or after the first day of July, 1953, was serving under a provincial administration mainly in connection with native education, and who on the date of promulgation of this Act is still serving under a provincial administration, shall, as from the date of commencement of this Act, be transferred to the Department, unless any such officer, at the request or with the approval of the Minister, acting in consulta- 50

WETSONTWERP

Om voorsiening te maak vir die oorplasing van die administrasie van en beheer oor natuurlike-onderwys van die onderskeie provinsiale administrasies na die Unie-regering, en vir daarmee in verband staande aangeleenthede.

(Ingedien deur die MINISTER VAN NATURELLESAKE.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, **Woordbepaling.**
5 beteken—

- (i) „amptenaar”, ’n amptenaar op die vaste diensstaat van die Staatsdiens; (vii)
- (ii) „Bantoe”, dieselfde as „naturel”; (i)
- (iii) „Departement”, die Departement van Naturellesake; (ii)
- 10 (iv) „hierdie Wet”, ook enige regulasie; (xi)
- (v) „Minister”, die Minister van Naturellesake; (iv)
- (vi) „naturel”, iemand wat ’n lid van ’n inboorlingras of -stam van Afrika is of gewoonlik daarvoor deurgaang;
- 15 (v)
- (vii) „naturelleskool” of „Bantoeskool”, enige skool, klas, kollege, of inrigting vir die onderwys van Bantoe-kindere van -persone, of vir die onderrig en opleiding van Bantoe-persone wat begerig is om onderwysers te word of om hul kwalifikasies as onderwysers te verbeter; (vi)
- 20 (viii) „onderwys”, ander onderwys as „hoër onderwys” volgens die bedoeling van artikel *sewentien* van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945); (iii)
- 25 (ix) „regulasie”, ’n regulasie kragtens hierdie Wet uitgevaardig; (ix)
- (x) „Sekretaris”, die Sekretaris van Naturellesake en sluit ’n Ondersekretaris van die Departement in; (x)
- 30 (xi) „voorgeskrif”, by regulasie voorgeskryf. (viii)

2. Vanaf die datum van die inwerkingtreding van hierdie Wet—

- (a) berus die beheer oor natuurlike-onderwys by die Unie-regering onderworpe aan die bepalings van hierdie Wet;
- 35 (b) berus daar met betrekking tot natuurlike-onderwys nie langer enige bevoegdhede, magte of werksaamhede by die uitvoerende komitee van ’n provinsie nie, en is die provinsiale raad van ’n provinsie nie langer bevoeg om in verband met bedoelde aangeleentheid ordonnansies aan te neem nie.
- 40

Oordrag van beheer oor Naturelle-onderwys van die provinsiale administrasies na die Unie-regering.

3. (1) Die Departement, onder leiding en beheer van die Minister, is belas met die verrigting van al die werksaamhede wat nodig is vir, of in verband staan met, die algemene administrasie van natuurlike-onderwys.

45 (2) Die Minister kan, met inagneming van die wette op die Staatsdiens, van tyd tot tyd die amptenare en werknemers wat hy nodig ag vir die behoorlike verrigting deur die Departement van sy werksaamhede ingevolge hierdie Wet, aanstel.

Administrasie.

50 4. Iedere amptenaar wat op of na die eerste dag van Julie 1953 in diens van ’n provinsiale administrasie was hoofsaaklik in verband met natuurlike-onderwys, en wat op die datum van afkondiging van hierdie Wet nog in die diens van ’n provinsiale administrasie is, word vanaf die datum van die inwerking-treding van hierdie Wet na die Departement oorgeplaas, tensy 55 enige sodanige amptenaar, op die versoek of met die goedkeuring van die Minister, handelende in oorlegpleging met die

Oorplasing van amptenare in diens van ’n provinsie in verband met natuurlike-onderwys, na die diens van die Unie-regering.

tion with the Administrator of the province concerned, is transferred to another post in the public service or is in like manner excluded from the operation of this section.

Transfer of
certain employees
of a province to
the service of
the Union
Government.

5. (1) Every person, other than an officer or a teacher, who immediately prior to the date of commencement of this Act, 5 was employed by a provincial administration mainly in connection with native education, shall, as from that date, become an employee of the Department, unless the Minister, acting in consultation with the Administrator of the province concerned, decides otherwise. 10

(2) The continuous employment by a provincial administration immediately prior to the commencement of this Act, of any person who becomes an employee of the Department in terms of sub-section (1), shall, except as hereinafter provided, be deemed to have been employment in the service of the 15 Department.

(3) Notwithstanding any limitation in respect of age or educational qualifications prescribed by or under the Public Service Act, 1923 (Act No. 27 of 1923), any person who becomes an employee of the Department in terms of sub-section (1), 20 who is a South African citizen and who has not attained the prescribed age of retirement, may, on the recommendation of the Public Service Commission, be appointed, on probation or otherwise, to a post in the public service.

(4) Any person appointed to the public service in terms of 25 sub-section (3) shall be adjusted to the scale of salary applicable to the post to which he is appointed at such notch on that scale as may be recommended by the Public Service Commission: Provided that, except with his own consent or in accordance with the provisions of any law, the salary or the scale of salary 30 at or in accordance with which any such person was remunerated immediately prior to the commencement of this Act, shall not be reduced.

(5) Any person who becomes an employee of the Department in terms of sub-section (1) and who, immediately prior 35 to the date of commencement of this Act, was subject to a law relating to pensions administered by a provincial administration, shall, save as may be otherwise provided by law, retain his rights and obligations under any such pensions law and shall continue to contribute to the pension, retirement, or provident 40 fund to which he contributed prior to such date; and there shall be contributed to the said fund, out of moneys appropriated by Parliament for the purpose, in respect of every such person, an amount equal to the amount which the provincial administration would have contributed to that fund in respect 45 of every such person if he had remained in its service.

Financial
assistance to
Bantu community
schools.

6. (1) Subject to the provisions of this Act, the Minister may, on such special conditions as he may stipulate, out of moneys appropriated or set aside by Parliament for native education—

(a) subsidize any Bantu school established or maintained 50 by any Bantu authority, or any native council, tribe or community (hereinafter called a Bantu community school); or

(b) assist in the establishment or maintenance of any such school. 55

(2) The Minister may, in his discretion, at any time suspend, reduce, or withdraw any subsidy or assistance granted to any such school under this section.

Establishment of
Government
Bantu schools.

7. (1) The Minister may, out of moneys appropriated or set aside by Parliament for native education— 60

(a) establish and maintain Bantu schools which shall be known as Government Bantu schools;

(b) establish and maintain any hostel, teachers' quarters, school clinic, or any other accessory to a Government Bantu school. 65

(2) Every native school or accessory thereto which was established and maintained by a provincial administration and which is in existence on the date of commencement of this Act, shall, as from that date, be deemed to have been established in terms of sub-section (1) of this section as a Government 70 Bantu school or as an accessory to a Government Bantu school.

Grants-in-aid
to State-aided
native schools.

8. (1) Subject to the provisions of this Act, the Minister may, on such special conditions as he may stipulate, out of moneys appropriated or set aside by Parliament for native

Administrateur van die betrokke provinsie, na 'n ander pos in die Staatsdiens oorgeplaas of op dieselfde wyse van die werking van hierdie artikel uitgesluit word.

- 5 (1) Iedere persoon, behalwe 'n amptenaar of 'n onderwyser, wat onmiddellik voor die datum van die inwerkingtreding van hierdie Wet, in diens van 'n provinsiale administrasie was hoofsaaklik in verband met natuurlike-onderwys, word, vanaf daardie datum, 'n werknemer van die Departement, tensy die Minister, handelende in oorlegpleging met die Administrateur van die betrokke provinsie, anders besluit.

Oorplasing van sekere werknemers van 'n provinsie na die diens van die Unie-regering.

- (2) Die onafgebroke indienshouding deur 'n provinsiale administrasie onmiddellik voor die inwerkingtreding van hierdie Wet, van enige persoon wat ingevolge sub-artikel (1) 'n werknemer van die Departement word, word, behalwe soos hieronder bepaal word, geag indienshouding in diens van die Departement te gewees het.

- (3) Ondanks enige beperking ten opsigte van ouderdom of opvoedkundige kwalifikasies deur of ingevolge die „Staatsdiens Wet, 1923” (Wet No. 27 van 1923), voorgeskryf, kan enige persoon wat ingevolge sub-artikel (1) 'n werknemer van die Departement word, wat 'n Suid-Afrikaanse burger is en wat die voorgeskrewe uitdiensstredingsouderdom nog nie bereik het nie, op aanbeveling van die Staatsdienskommissie, in 'n pos in die Staatsdiens, op proef of andersins, aangestel word.

- (4) Enige persoon wat ingevolge sub-artikel (3) in die Staatsdiens aangestel word, word aangepas by die salarisskaal wat toepaslik is op die pos waarin hy aangestel word, teen die kerf op daardie skaal wat deur die Staatsdienskommissie aanbeveel word: Met dien verstande dat, behalwe met sy eie toestemming of ooreenkomstig een of ander wetsbepaling, die salaris of die salarisskaal waarteen of waarvolgens enige sodanige persoon onmiddellik voor die inwerkingtreding van hierdie Wet besoldig was, nie verminder mag word nie.

- (5) Enige persoon wat ingevolge sub-artikel (1) 'n werknemer van die Departement word en op wie onmiddellik voor die datum van die inwerkingtreding van hierdie Wet, 'n deur 'n provinsiale administrasie geadministreerde wet met betrekking tot pensioene van toepassing was, behou, behalwe soos anders by wet bepaal word, sy regte en verpligtinge onder bedoelde pensioenwet en moet aanhou om tot die pensioen-, uitdiensstredings-, of voorsieningsfonds by te dra waartoe hy voor daardie datum bygedra het; en daar word tot bedoelde fonds bygedra uit gelde wat deur die Parlement vir die doel beskikbaar gestel word, ten opsigte van ieder sodanige persoon, 'n bedrag gelykstaande aan die bedrag wat die provinsiale administrasie ten opsigte van ieder sodanige persoon sou bygedra het indien hy in diens van bedoelde administrasie gebly het.

6. (1) Behoudens die bepalings van hierdie Wet, kan die Minister, op sodanige spesiale voorwaardes wat hy mag stel, uit gelde wat deur die Parlement vir natuurlike-onderwys beskikbaar gestel of opsy gesit word—

Finansiële bystand aan Bantoe-gemeenskapskole.

- (a) enige Bantoeskool deur een of ander Bantoe-owerheid, naturelleraad, -stam, of -gemeenskap ingestel of in stand gehou (hieronder 'n Bantoe-gemeenskapskool genoem), subsidieer; of

- (b) bystand verleen tot die instelling of instandhouding van enige sodanige skool.

- (2) Die Minister kan te eniger tyd na goëddunke die subsidie of bystand wat aan enige skool kragtens hierdie artikel verleen word, staak, verminder, of intrek.

7. (1) Die Minister kan, uit gelde wat deur die Parlement vir natuurlike-onderwys beskikbaar gestel of opsy gesit word—

Instelling van Staatsbantoeskole.

- (a) Bantoeskole wat Staatsbantoeskole heet, instel en in stand hou;

- (b) enige koshuis, kwartiere vir onderwysers, skoolkliniek, of enige ander toebehoorsel van 'n Staatsbantoeskool instel en in stand hou.

- (2) Iedere naturelleskool of toebehoorsel daarvan wat deur 'n provinsiale administrasie ingestel en in stand gehou is en wat op die datum van die inwerkingtreding van hierdie Wet bestaan, word, vanaf daardie datum, geag kragtens sub-artikel (1) as 'n Staatsbantoeskool of as 'n toebehoorsel van 'n Staatsbantoeskool ingestel te gewees het.

8. (1) Behoudens die bepalings van hierdie Wet, kan die Minister, op sodanige spesiale voorwaardes wat hy mag stel, uit gelde wat deur die Parlement vir natuurlike-onderwys beskik-

Hulptoekennings aan Staats-ondersteunde naturelleskole.

education, make grants-in-aid to any native school approved by him for the purposes of this section: Provided that before approving any such school the Minister may consider—

- (a) in respect of any native school situate in a scheduled native area or a released area referred to in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), after consultation with the Bantu authority, or the native council, tribe, or community concerned; or
- (b) in respect of any native school situate outside a scheduled native area and a released area, with due regard to the interests of the Bantu people,

whether the establishment or existence of any such native school precludes, retards, or renders impracticable, or is likely to preclude, retard, or render impracticable, the establishment of a Bantu community school or a Government Bantu school for the area concerned.

(2) The Minister may, in his discretion, at any time suspend, reduce, or withdraw any grant made under this section or revoke his approval of any native school for the purposes of this section.

Registration of Bantu or native schools.

9. (1) As from a date to be fixed by the Minister by notice in the *Gazette*, no person shall establish, conduct, or maintain any Bantu or native school, other than a Government Bantu school, unless it is registered as prescribed.

(2) The registration of any such school shall be refused or cancelled if the Minister, acting on the advice and recommendation of the Native Affairs Commission constituted under the Native Affairs Act, 1920 (Act No. 23 of 1920), is of opinion that its establishment or continued existence is not in the interests of the Bantu people or any section of such people or is likely to be detrimental to the physical, mental or moral welfare of the pupils or students attending or likely to attend such school.

(3) Any person who, after the date fixed under sub-section (1), admits any Bantu child or person to, or establishes, conducts or maintains, any Bantu or native school which is not registered in terms of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, or, in default of payment, to imprisonment for a period not exceeding six months.

Appointment, conditions of service and retirement benefits of teachers in Government Bantu schools.

10. (1) The teaching establishment at any Government Bantu school shall be determined by the Minister.

(2) (a) The power of appointment, promotion, transfer, or discharge of teachers in Government Bantu schools shall, subject to the provisions of this Act, vest in the Minister, who may delegate any or all of the said powers to the Secretary.

(b) In respect of any post designated by the Minister, he may delegate the power of appointment or discharge to any officer of the Department.

(3) Every person who immediately prior to the date of commencement of this Act was employed by a provincial administration as a teacher on the establishment of a Native school referred to in sub-section (2) of section seven, shall, as from that date, be transferred to the service of the Department.

(4) Unless and until the Minister prescribes otherwise, the conditions of service, including the emoluments and leave privileges, of any teacher referred to in sub-section (3), shall continue in force as if the said teacher had remained in the service of the provincial administration.

(5) Unless and until the Minister prescribes otherwise—

(a) the retirement or pension benefits of any teacher referred to in sub-section (3) shall continue in force as if such teacher had remained in the service of the provincial administration by which he was employed immediately prior to the coming into operation of this Act;

baar gestel of opsy gesit word, hulptoekennings maak aan enige naturelleskool wat deur hom vir die doeleindes van hierdie artikel goedgekeur word: Met dien verstande dat voordat hy enige sodanige skool goedkeur, die Minister in oorweging kan
5 neem—

(a) ten opsigte van enige naturelleskool geleë binne 'n afgesonderde naturellegebied of oopgestelde gebied waarna in die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), verwys word, na oorlegpleging
10 met die betrokke Bantoe-owerheid, naturelleraad, -stam, of -gemeenskap, of

(b) ten opsigte van enige naturelleskool geleë buite 'n afgesonderde naturellegebied en 'n oopgestelde gebied, met behoorlike inagneming van die belange van die
15 Bantoebevolking,

of die instelling of bestaan van enige sodanige naturelleskool, die instelling van 'n Bantoe-gemeenskapskool of 'n Staatsbantoeskool in die betrokke gebied uitsluit, vertraag, of ondoenlik maak, of waarskynlik sal uitsluit, vertraag of ondoenlik
20 maak.

(2) Die Minister kan te eniger tyd na goëddunke enige hulptoekenning wat kragtens hierdie artikel gemaak word, staak, verminder, of intrek, of sy goedkeuring van enige naturelleskool vir die doeleindes van hierdie artikel herroep.

25 9. (1) Vanaf 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal, mag geen persoon enige Bantoe- of naturelleskool behalwe 'n Staatsbantoeskool instel, voortsit, of in stand hou nie, tensy dit geregistreer is soos voorgeskryf. Registrasie van Bantoe- of naturelleskole.

(2) Die registrasie van enige sodanige skool moet geweier
30 of gekanselleer word indien die Minister, handelende ooreenkomstig die advies en aanbeveling van die Naturellesakekommissie ingestel ingevolge die „Naturellezaken Wet, 1920” (Wet No. 23 van 1920), van oordeel is dat die instelling of voortbestaan van die skool nie in die belang van die Bantoebevolking
35 of 'n deel van daardie bevolking is nie, of waarskynlik nadelig sal wees vir die liggaamlike, verstandelike, of sedelike welvaart van die leerlinge of studente wat die skool bywoon of waarskynlik sal bywoon.

(3) Enige persoon wat, na die kragtens sub-artikel (1) bepaalde datum, enige Bantoe-kind of -persoon toelaat tot
40 enige Bantoe- of naturelleskool, wat nie ingevolge hierdie Wet geregistreer is nie, of enige Bantoe- of naturelleskool wat nie ingevolge hierdie Wet geregistreer is nie, instel, voortsit of in stand hou, is skuldig aan 'n misdryf en by skuldigbevinding
45 strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande.

10. (1) Die onderwyspersoneel by enige Staatsbantoeskool word deur die Minister bepaal.

50 (2) (a) Die bevoegdheid om onderwysers in Staatsbantoeskole aan te stel, te bevorder, te verplaas, of te ontslaan, berus, behoudens die bepalinge van hierdie Wet, by die Minister, wat enigeen van of al die bedoelde bevoegdhede aan die Sekretaris kan delegeer.

55 (b) Ten opsigte van enige pos wat deur die Minister aangewys word, kan hy die bevoegdheid om 'n onderwyser aan te stel of te ontslaan, aan enige amptenaar van die Departement delegeer.

(3) Iedere persoon wat onmiddellik voor die datum van
60 die inwerkingtreding van hierdie Wet in diens van 'n provinsiale administrasie was as 'n onderwyser in die personeel van 'n in sub-artikel (2) van artikel *sewe* bedoelde naturelleskool, word, vanaf daardie datum, na die diens van die Departement oorgeplaas.

65 (4) Tensy en totdat anders deur die Minister voorgeskryf word, bly die diensvoorwaardes, met inbegrip van die besoldiging en verlofvoorregte, van enige in sub-artikel (3) bedoelde onderwyser van krag asof bedoelde onderwyser in diens van die provinsiale administrasie gebly het.

70 (5) Tensy en totdat anders deur die Minister voorgeskryf word—

(a) bly die uitdienstredings- of pensioenvoordele van enige
75 in sub-artikel (3) bedoelde onderwyser van krag asof sodanige onderwyser in diens gebly het van die provinsiale administrasie wat hom onmiddellik voor die datum van die inwerkingtreding van hierdie Wet in diens gehad het;

Aanstelling, diensvoorwaardes en uitdienstredingsvoordele van onderwysers in Staatsbantoeskole.

(b) every such teacher shall continue to contribute to the pension, retirement, or provident fund which is administered by the provincial administration concerned and to which he contributed prior to the commencement of this Act, as if he had not been transferred to the service of the Department, and there shall be contributed to the said fund, out of moneys appropriated by Parliament for the purpose, in respect of every such teacher, an amount which the provincial administration concerned would have contributed to that fund in respect of every such teacher. 5 10

(6) Subject to the foregoing provisions of this section, the conditions of service, including the scales of salary, leave privileges, and retirement or pension benefits, of teachers in Government Bantu schools, shall be prescribed by the Minister. 15

Transfer of
administration
of Natal non-
European
Teachers'
Provident Fund.

11. The Minister may, after consultation with the Minister of Finance and the Administrator of the Province of Natal, by notice in the *Gazette*, direct that the moneys of the Natal non-European Teachers' Provident Fund, constituted by Ordinance No. 10 of 1930 (Natal), shall vest in and be administered *mutatis mutandis* by the Commissioner of Pensions in accordance with the provisions of the said Ordinance or as prescribed. 20

Management
of Government
Bantu schools.

12. (1) The Minister may, with due regard to the principle of providing for active participation by the Bantu people in the control and management of Government Bantu schools, establish such regional, local, and domestic councils, boards, or other bodies as he may deem expedient, or may for this purpose entrust the control and management of any Government Bantu school to any Bantu authority or native council established by or under any other law. 25 30

(2) The constitution, duties, powers, privileges, and functions of any such council, board, or body, or the duties, powers, privileges, and functions of any Bantu authority or native council to whom the control and management of any Government Bantu school is entrusted, shall be as prescribed. 35

Certain assets
and liabilities
transferred to
Union
Government.

13. (1) As from the date of commencement of this Act—

(a) all the property, movable or immovable, which immediately prior to the said date was used or had been acquired by a provincial administration solely for the purposes of or in connection with native education, shall vest in the Government of the Union, subject to any conditions or obligations upon or under which such property was held immediately prior to the said date in so far as such conditions or obligations do not lapse by merger as a result of this vesting; 40 45

(b) all the liabilities lawfully incurred by a provincial administration for the purposes of or in connection with native education and existing immediately prior to the said date, shall become the liabilities of the Government of the Union, subject to the provisions of this Act and to the conditions under which those liabilities were incurred: Provided that, save as is provided in section *eleven*, the provisions of this section shall not be deemed to include any liability incurred in connection with any pension, retirement or provident fund administered by a provincial administration. 50 55

Power to
expropriate land
for native
education
purposes.

14. The Minister may expropriate any land required for the purposes of a Government Bantu school or any accessory thereto, and the Expropriation of Lands and Arbitration Clauses Proclamation, 1902 (Proclamation No. 5 of 1902), of 60 the Transvaal, shall *mutatis mutandis* apply to any such expropriation in any part of the Union.

Regulations.

15. (1) The Minister may from time to time make regulations—

(a) prescribing, subject to the laws governing the public service, the powers and duties of the Secretary and any other officer or employee of the Department in connection with the administration of native education; 65

- (b) moet ieder sodanige onderwyser aanhou om by te dra tot die pensioen-, uitdienstredings-, of voorsieningsfonds wat deur die betrokke provinsiale administrasie beheer word en waartoe hy voor die inwerkingtreding van hierdie Wet bygedra het, asof hy nie na die diens van die Departement oorgeplaas is nie, en daar word tot bedoelde fonds bygedra uit gelde wat deur die Parlement vir die doel beskikbaar gestel word, ten opsigte van ieder sodanige onderwyser, 'n bedrag wat die betrokke provinsiale administrasie ten opsigte van ieder sodanige onderwyser tot daardie fonds sou bygedra het.
- (6) Behoudens die voorgaande bepalings van hierdie artikel, word die diensvoorwaardes, met inbegrip van die salarisskale, verloffoorregte en die uitdienstredings- of pensioenvoordele, van onderwysers in Staatsbantoeskole deur die Minister voorgeskryf.
11. Die Minister kan, na oorlegpleging met die Minister van Finansies en die Administrateur van die Provinsie van Natal, by kennisgewing in die *Staatskoerant*, gelas dat die gelde van die Spaarfonds vir Natalse nie-Europese Onderwysers ingestel deur Ordonnansie No. 10 van 1930 (Natal), by die Kommissaris van Pensioene berus en dat bedoelde gelde deur die Kommissaris van Pensioene geadministreer word *mutatis mutandis* ooreenkomstig die bepalings van die bedoelde Ordonnansie of soos voorgeskryf.
12. (1) Die Minister kan, met behoorlike inagneming van die beginsel dat daar vir die aktiewe deelname deur die Bantoebevolking in die beheer en bestuur van Staatsbantoeskole voorsiening gemaak word, sodanige streeks-, plaaslike en huishoudelike rade, besture of ander liggame, soos hy dienstig mag ag, instel, of hy kan, vir hierdie doel, die beheer en bestuur van enige Staatsbantoeskool toevertrou aan enige Bantoeowerheid of naturelleraad ingestel deur of ingevolge enige ander wet.
- (2) Die samestelling, pligte, bevoegdhede, voorregte en werksaamhede van enige sodanige raad, bestuur of liggaam, of die pligte, bevoegdhede, voorregte en werksaamhede van enige Bantoeowerheid of naturelleraad aan wie die beheer en bestuur van 'n Staatsbantoeskool toevertrou word, is soos voorgeskryf.
13. (1) Vanaf die datum van die inwerkingtreding van hierdie Wet—
- (a) gaan alle goedere, roerende en onroerende, wat onmiddellik voor bedoelde datum deur 'n provinsiale administrasie uitsluitlik vir die doeleindes van of in verband met naturelle-onderwys gebruik of verkry is, oor op die Unie-regering, behoudens enige voorwaardes of verpligtinge wat onmiddellik voor bedoelde datum aan die besit daarvan verbonde was vir sover bedoelde voorwaardes of verpligtinge nie deur samevloeiing as gevolg van hierdie oorgang verval nie;
- (b) word alle verpligtinge wat wettiglik deur 'n provinsiale administrasie vir die doeleindes van of in verband met naturelle-onderwys aangegaan is en wat onmiddellik voor daardie datum bestaan het, die verpligtinge van die Unie-regering, behoudens die bepalings van hierdie Wet en die voorwaardes waaronder die verpligtinge aangegaan is: Met dien verstande dat, behalwe soos in artikel *elf* bepaal word, die bepalings van hierdie artikel nie geag word enige verpligting aangegaan in verband met 'n deur 'n provinsiale administrasie geadministreerde pensioen-, uitdienstredings-, of voorsieningsfonds, in te sluit nie.
14. Die Minister kan enige grond wat vir die doeleindes van 'n Staatsbantoeskool of enige toebehoorsel daarvan benodig word, onteien, en die „Expropriation of Lands and Arbitration Clauses Proclamation, 1902” (Proklamasie No. 5 van 1902), van Transvaal, is *mutatis mutandis* op ieder sodanige ont-eiening in enige deel van die Unie van toepassing.
15. (1) Die Minister kan van tyd tot tyd regulasies uitvaardig—
- (a) wat, behoudens die wetsbepalings op die Staatsdiens, die bevoegdhede en pligte van die Sekretaris en enige ander amptenaar of werknemer in diens van die Departement in verband met die administrasie van naturelle-onderwys, voorskryf;
- Oordrag van administrasie van die Spaarfonds vir Natalse nie-Europese Onderwysers.
- Bestuur van Staatsbantoeskole.
- Sekere bates en verpligtinge gaan oor op die Unie-regering.
- Bevoegdheid om grond vir doeleindes van naturelle-onderwys te onteien.
- Regulasies.

- (b) prescribing the conditions of appointment and service, including the rights, duties and privileges, of teachers in Government Bantu schools;
- (c) prescribing a code of discipline for teachers in Government Bantu schools, the punishments which may be imposed for, and the procedure to be followed in connection with, any contravention of or failure to comply with the provisions of such code, and the circumstances in which the services of any such teacher may be terminated; 5 10
- (d) prescribing courses of training or instruction in Government Bantu schools and the fees, if any, payable in respect of such courses or any examination held by or under the supervision or control of the Department; 15
- (e) prescribing the medium of instruction in Government Bantu schools;
- (f) prescribing the conditions governing the establishment, control and maintenance of any hostel, school clinic, or other accessory to a Government Bantu school; 20
- (g) relating to the admission of pupils or students to, the control, and treatment of pupils or students at, and the discharge of pupils or students from, any Government Bantu school;
- (h) providing for the medical examination of teachers, 25 pupils or students in Government Bantu schools, including the particulars to be contained in medical certificates;
- (i) providing for the control of funds collected for any Government Bantu school; 30
- (j) providing for religious instruction in Government Bantu schools;
- (k) prescribing the circumstances in which the suspension or expulsion of any pupil or student from any Government Bantu school may take place or any other 35 punishment may be administered or imposed;
- (l) prescribing the conditions under which Bantu community schools may be subsidized or assisted under section six;
- (m) providing for the approval of State-aided native schools, 40 under section eight, and prescribing the conditions under which grants-in-aid may be made;
- (n) providing for the registration of Bantu community schools or other native schools;
- (o) providing for the award of bursaries to Bantu pupils 45 or students and prescribing the conditions under which such bursaries may be awarded;
- (p) providing for the constitution, duties, powers, privileges and functions of regional, local, and domestic councils, boards or other bodies or the duties, powers, privileges 50 and functions of any Bantu authority or native council to whom the control and management of a Government Bantu school is entrusted and prescribing the fees and allowances, if any, payable to any members thereof; 55
- (q) providing, subject to the approval of the Minister of Finance, for the establishment and management of a pension or provident fund for teachers in Government Bantu schools;
- (r) providing generally for any other matter relating to 60 the establishment, maintenance, management and control of Government Bantu schools or which the Minister may deem necessary or expedient to prescribe for achieving the purposes of this Act, the generality of the powers conferred by this paragraph not being 65 limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made in respect of different teachers, groups, classes or races of teachers, or different schools or areas.

- (b) wat die voorwaardes van aanstelling en diens, met inbegrip van die regte, pligte en voorregte van onderwysers in Staatsbantoeskole, voorskryf;
- 5 (c) wat 'n tugkode vir onderwysers in Staatsbantoeskole, die strawwe wat opgelê kan word vir, en die prosedure wat gevolg moet word in verband met, enige oortreding van bedoelde kode of versuim om aan enige bepaling daarvan te voldoen, en die omstandighede waaronder die dienste van enige sodanige onderwyser beëindig kan word, voorskryf;
- 10 (d) wat die kursusse met betrekking tot opleiding of onderrig in Staatsbantoeskole en die gelde, indien enige, betaalbaar ten opsigte van sodanige kursusse of enige eksamen gehou deur of onder toesig of beheer van die Departement, voorskryf;
- 15 (e) wat die medium van onderrig in Staatsbantoeskole voorskryf;
- (f) wat die voorwaardes wat die instelling, beheer en instandhouding van enige koshuis, skoolkliniek, of ander toebehoorsel van 'n Staatsbantoeskool reël, voorskryf;
- 20 (g) betreffende die toelating van leerlinge of studente tot, die beheer en behandeling van leerlinge of studente by, en die ontslag van leerlinge of studente uit, enige Staatsbantoeskool;
- 25 (h) wat voorsiening maak vir die mediese ondersoek van onderwysers, leerlinge of studente in Staatsbantoeskole, met inbegrip van die besonderhede wat in die mediese sertifikate vervat moet word;
- 30 (i) wat voorsiening maak vir die beheer van fondse wat vir enige Staatsbantoeskool ingesamel word;
- (j) wat voorsiening maak vir godsdienstige onderrig in Staatsbantoeskole;
- 35 (k) wat die omstandighede waaronder die skorsing of uitsetting van enige leerling of student uit enige Staatsbantoeskool kan plaasvind of enige ander straf toegedien of opgelê kan word, voorskryf;
- (l) wat die voorwaardes waarvolgens Bantoe-gemeenskap-skole kragtens artikel *ses* gesubsidieer of aan bedoelde skole bystand verleen mag word, voorskryf;
- 40 (m) wat voorsiening maak vir die goedkeuring, kragtens artikel *agt*, van Staatsondersteunde naturelleskole, en wat die voorwaardes waarvolgens hulptoekennings verleen kan word, voorskryf;
- 45 (n) wat voorsiening maak vir die registrasie van Bantoe-gemeenskap- of ander naturelleskole;
- (o) wat voorsiening maak vir die toekenning van beurse aan Bantoeleerlinge of -studente en wat die voorwaardes waarvolgens sodanige beurse toegeken kan word, voorskryf;
- 50 (p) wat voorsiening maak vir die samestelling, pligte, bevoegdhede, voorregte en werksaamhede van streeks-, plaaslike en huishoudelike rade, besture of ander liggame, of wat die pligte, bevoegdhede, voorregte en werksaamhede van enige Bantoe-owerheid of naturelleraad aan wie die beheer en bestuur van 'n Staatsbantoeskool toevertrou word, en die gelde en toelaes, indien enige, aan die lede van enige sodanige raad, bestuur, liggaam of owerheid betaalbaar, voorskryf;
- 55 (q) wat, onderhewig aan die goedkeuring van die Minister van Finansies, voorsiening maak vir die instelling en beheer van 'n pensioen- of voorsieningsfonds vir onderwysers in Staatsbantoeskole;
- 60 (r) wat voorsiening maak in die algemeen vir enige ander aangeleentheid met betrekking tot die instelling, instandhouding, bestuur en beheer van Staatsbantoeskole of wat die Minister nodig of dienstig mag ag om voor te skryf vir die bereiking van die doeleindes van hierdie Wet. Die algemeenheid van die bevoegdheid wat deur hierdie paragraaf verleen word, word nie deur die bepalings van die voorgaande paragrawe beperk nie.
- 65 (2) Verskillende regulasies kan ten opsigte van verskillende
- 70 onderwysers, of onderwysers van verskillende groepe, klasse of rasse, of ten opsigte van verskillende skole of gebiede, uitgevaardig word.

(3) The regulations may provide penalties for any contravention thereof or failure to comply therewith not exceeding a fine of fifty pounds or, in default of payment, imprisonment for a period not exceeding six months.

(4) Until the Minister makes regulations, the laws applicable to native education and in force in the respective provinces immediately prior to the date of commencement of this Act, other than the law repealed by section *seventeen*, shall, in lieu of such regulations, and save in so far as such laws are inconsistent with the provisions of this Act, continue to apply *mutatis mutandis* to the administration of native education by the Department: Provided that in any such law, any reference to the "Governor" or the "Administrator" shall be construed as a reference to the Minister, and any reference to the "Superintendent-General", "Superintendent" or "Director" as reference to the Secretary, and any reference to the "Department" as a reference to the Department, and any reference to the "Controller" as a reference to the Principal Accountant of the Department.

(5) Whenever the Minister makes regulations with regard to any of the matters referred to in sub-section (1), that part of the laws referred to in sub-section (4) relating to any matter dealt with in the regulations, shall then cease to apply to native education.

Amendment of section 85 of the South Africa Act, 1909.

16. Section *eighty-five* of the South Africa Act, 1909, is hereby amended by the insertion in paragraph (iii) after the words "higher education" of the words "and Bantu education".

Repeal of Act 29 of 1945.

17. The Native Education Finance Act, 1945 (Act No. 29 of 1945), is hereby repealed.

Short title and date of commencement.

18. This Act shall be called the Bantu Education Act, 1953, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(3) Die regulasies kan op enige oortreding daarvan of versuim om daaraan te voldoen, strawwe stel van 'n boete van hoogstens vyftig pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande.

- 5 (4) Totdat die Minister regulasies uitvaardig, bly die wette wat onmiddellik voor die datum van die inwerkingtreding van hierdie Wet met betrekking tot naturelle-onderwys in die onderskeie provinsies van toepassing en van krag was, behalwe die wet deur artikel *sewentien* herroep, in plaas van sulke regulasies, 10 en behalwe in so verre bedoelde wette met die bepalinge van hierdie Wet onbestaanbaar is, *mutatis mutandis* op die administrasie van naturelle-onderwys deur die Departement van toepassing: Met dien verstande dat in enige sodanige wet, enige verwysing na die „Goewerneur” of die „Administrateur” as 'n 15 verwysing na die Minister, enige verwysing na die „Superintendent-generaal”, „Superintendent” of „Direkteur” as 'n verwysing na die Sekretaris, enige verwysing na die „Departement” as 'n verwysing na die Departement, en enige verwysing na die „Kontroleur” as 'n verwysing na die Hoof- 20 rekenmeester van die Departement, uitgê word.

- (5) Wanneer die Minister regulasies met betrekking tot enige van die in sub-artikel (1) bedoelde aangeleenthede uitvaardig, dan is daardie gedeelte van die in sub-artikel (4) bedoelde wette wat betrekking het op enige aangeleentheid wat in die regulasies 25 handel word, nie langer op naturelle-onderwys van toepassing nie.

16. Artikel *vyf-en-tagtig* van die „Zuid-Afrika Wet, 1909”, Wysiging van word hiermee gewysig deur in paragraaf (iii) na die woorde die „Zuid-Afrika 30 „hoger onderwijs” die woorde „en Bantu onderwijs”, in te voeg. Wet, 1909”.

17. Die Wet tot Finansiering van Naturelle-onderwys, 1945 (Wet No. 29 van 1945), word hiermee herroep. Herroeping van Wet 29 van 1945.

18. Hierdie Wet heet die Wet op Bantoe-onderwys, 1953, en Kort titel en tree in werking op 'n datum wat die Goewerneur-generaal by datum van in- 35 proklamasie in die *Staatskoerant* bepaal. werkingtreding.