

EXTRAORDINARY



BUITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

[Registered at the General Post Office as a Newspaper.]

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

VOL. CLXXXVII.] PRICE 6d.

CAPE TOWN, 15TH MARCH, 1957.
KAAPSTAD, 15 MAART 1957.

PRYS 6d. [No. 5838.

HOUSE OF ASSEMBLY.

The following Bill, having been introduced into the House of Assembly, is published in accordance with Standing Order No. 163 (1).

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

VOLKSRAAD.

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge artikel 163 (1) van die Reglement van Orde.

J. M. HUGO,
Klerk van die Volksraad.

PAGE

BLADSY

A.B. 44—'57: Separate University Education Bill 2

VW. 44—'57: Wetsontwerp op Afsonderlike Universiteitsopleiding 3

BILL

To provide for the establishment, maintenance, management and control of university colleges for non-white persons; for the transfer to the Government of the maintenance, management and control of the University College of Fort Hare, and the Medical School for Non-Europeans, University of Natal; for the admission of students to and their instruction at university colleges; for the limitation of the admission of non-white students to certain university institutions; and for other incidental matters.

(Introduced by the MINISTER OF EDUCATION, ARTS AND SCIENCE.)

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:—

Interpretation
of terms.

1. In this Act, unless the context otherwise indicates—
 - (i) "Bantu" means any person who for the purposes of the Population Registration Act, 1950 (Act No. 30 of 1950), is a native; (i) 5
 - (ii) "Bantu Education Account" means the account referred to in section *twenty* of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956); (ii) 10
 - (iii) "council" means—
 - (a) in the case of the University of Natal, the governing authority established under section *seven* of the University of Natal (Private) Act, 1948 (Act No. 4 of 1948); 15
 - (b) in the case of the University College of Fort Hare, the governing authority established under the Higher Education Act, 1923 (Act No. 30 of 1923); and
 - (c) in the case of any university college, the council appointed under section *five*; (xi) 20
 - (iv) "Minister" in any provision of this Act means the Minister to whom, or the Minister to whom acting in consultation with another Minister, the administration of that provision has been assigned by proclamation issued under section *forty-one*; (v) 25
 - (v) "non-white person" means any person who is not a white person; (vi)
 - (vi) "pensionable age" means—
 - (a) in the case of a member of the Pension Fund, the pensionable age as defined in section *twenty-one* of the Pensions Act; 30
 - (b) in the case of a member of the provident fund and pension scheme established under section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), the superannuation date as defined in the regulations framed under the lastmentioned Act; and 35
 - (c) in the case of a member of the provident fund and pension scheme established under section *nineteen* of the Universities Act, 1955 (Act No. 61 of 1955), the superannuation date as defined in the regulations framed under the lastmentioned Act; 40
 - (vii) "Pensions Act" means the Government Service Pensions Act, 1955 (Act No. 58 of 1955); (x) 45
 - (viii) "pensionable emoluments" means pensionable emoluments as defined in section *one hundred and nine* of the Pensions Act; (viii)
 - (ix) "Pension Fund" means the Union Pension Fund established by section *two* of the Pensions Act; (vii) 50
 - (x) "prescribed" means prescribed by regulation; (xx)
 - (xi) "Rhodes University" means the university established by the Rhodes University (Private) Act, 1949 (Act No. 15 of 1949); (xiii) 55
 - (xii) "regulation" means any regulation made and in force under this Act; (xii)
 - (xiii) "Secretary" means the Secretary of the Department of the Minister; (xiv)

WETSONTWERP

Om voorsiening te maak vir die instelling, instandhouding en bestuur van en beheer oor universiteitskolleges vir nie-blankes; vir die oordrag aan die Regering van die instandhouding en bestuur van en beheer oor die Universiteitskollege van Fort Hare, en die Mediese Skool vir Nie-blankes, Universiteit van Natal; vir die toelating van studente tot en hul onderrig aan universiteitskolleges; vir die beperking van die toelating van nie-blanke studente tot sekere universiteitsinrigtings; en vir ander aangeleenthede wat daarmee in verband staan.

(Ingedien deur die MINISTER VAN ONDERWYS, KUNS EN WETENSKAP.)

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

1. In hierdie Wet, tensy uit die samehang anders blyk, **Woordbepaling.**
5 beteken—
- (i) „Bantoe”, iemand wat vir die doeleindes van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), ’n naturel is; (i)
 - 10 (ii) „Bantoe-onderwysrekening”, die in artikel *twintig* van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), bedoelde rekening; (ii)
 - (iii) „blanke”, iemand wat vir die doeleindes van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), ’n blanke is; (xx)
 - 15 (iv) „hierdie Wet”, ook ’n regulasie; (xv)
 - (v) „Minister”, in enige bepaling van hierdie Wet, die Minister aan wie, of die Minister aan wie handelende in oorleg met ’n ander Minister, die uitvoering van daardie bepaling by ’n kragtens artikel *een-en-veertig* uitgevaardigde proklamasie opgedra is; (iv)
 - 20 (vi) „nie-blanke”, iemand wat nie ’n blanke is nie; (v)
 - (vii) „Pensioenfonds”, die Unie-pensioenfonds gestig by artikel *twee* van die Pensioenwet; (ix)
 - 25 (viii) „pensioengewende verdienste”, pensioengewende verdienste soos omskryf in artikel *honderd-en-nege* van die Pensioenwet; (viii)
 - (ix) „pensioenleef tyd”,—
 - (a) in die geval van ’n lid van die Pensioenfonds, die pensioenleef tyd soos omskryf in artikel *een-en-twintig* van die Pensioenwet;
 - 30 (b) in die geval van ’n lid van die voorsorgsfonds- en pensioenskema opgerig kragtens artikel *negentien* van die „Hoger Onderwijs Wet, 1923 (Wet No. 30 van 1923), die pensioendatum soos omskryf in die regulasies kragtens laasgenoemde Wet uitgevaardig; en
 - 35 (c) in die geval van ’n lid van die voorsorgsfonds- en pensioenskema opgerig kragtens artikel *negentien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), die pensioendatum soos omskryf in die regulasies kragtens laasgenoemde Wet uitgevaardig; (vi)
 - 40 (x) „Pensioenwet”, die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955); (vii)
 - 45 (xi) „raad”,—
 - (a) in die geval van die Universiteit van Natal, die beherende gesag ingestel kragtens artikel *sewe* van die Private Wet op die Universiteit van Natal, 1948 (Wet No. 4 van 1948);
 - 50 (b) in die geval van die Universiteitskollege van Fort Hare, die beherende gesag ingestel kragtens die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923); en
 - 55 (c) in die geval van ’n universiteitskollege, die raad kragtens artikel *vyf* ingestel; (iii)
 - (xii) „regulasie”, enige regulasie uitgevaardig en van krag ingevolge hierdie Wet; (xii)
 - (xiii) „Rhodes-universiteit”, die universiteit wat by die Private Wet op Rhodes-universiteit, 1949 (Wet No. 15 van 1949) ingestel is; (xi)
 - 60

- (xiv) "senate" means the senate of a university college established under section *six*; (xv)
- (xv) "this Act" includes any regulation; (iv)
- (xvi) "Treasury" means the Minister of Finance or any officer in the Department of Finance or in the Department of Pensions authorized by the said Minister to perform the functions assigned to the Treasury by this Act; (xvi) 5
- (xvii) "university college" means any university college established or deemed to have been established under this Act for the provision of university education; (xvii) 10
- (xviii) "university education" means education of a standard equivalent to that provided by universities established by Act of Parliament; (xviii)
- (xix) "University of South Africa" means the university established by the University of South Africa Act, 1916 (Act No. 12 of 1916); (xix) 15
- (xx) "white person" means a person who for the purposes of the Population Registration Act, 1950 (Act No. 30 of 1950), is a white person. (iii) 20

CHAPTER I.

ESTABLISHMENT OF UNIVERSITY COLLEGES FOR NON-WHITE PERSONS.

Establishment of university colleges for Bantu persons.

- 2. (1) The Minister may in consultation with the Minister of Finance, out of moneys appropriated by Parliament out of the Bantu Education Account for the purpose, establish, maintain and conduct university colleges for Bantu persons. 25
- (2) The Minister may disestablish any such university college.
- (3) The establishment or disestablishment of any such university college shall be notified by notice in the *Gazette*. 30

Establishment of university colleges for non-white persons other than Bantu persons.

- 3. (1) The Minister may in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, establish, maintain and conduct university colleges for non-white persons other than Bantu persons.
- (2) The Minister may disestablish any such university college.
- (3) The establishment or disestablishment of any such university college shall be notified by notice in the *Gazette*. 35

Constitution of a university college.

- 4. A university college shall consist of—
- (a) a council;
- (b) a senate;
- (c) such other body or bodies as the Minister may from time to time establish;
- (d) a principal; and
- (e) the professors, lecturers and students of the university college. 40

Council.

- 5. (1) There shall be a council for each university college consisting of not less than three members to be appointed by the Governor-General. 45
- (2) Subject to the provisions of this Act, the members of a council shall hold office for the period prescribed and shall be eligible for re-appointment. 50
- (3) The Governor-General shall designate one of the members as chairman who shall hold office as such for the period prescribed: Provided that if the chairman is not present at any meeting of a council the members present at such meeting may out of their number elect a chairman to preside at such meeting. 55
- (4) The powers, duties, functions, and allowances of members of a council shall be as prescribed: Provided that if any member is in the whole-time employment of the State, any allowance payable to him shall be in accordance with the laws governing the conditions of his employment. 60
- (5) If any member of a council dies or for any reason vacates office before the expiry of his period of office, the Governor-General shall appoint another person in his place. The person so appointed shall hold office as a member of the council for the remainder of the period for which the member who dies or vacated office would otherwise have held office. 65

Senate.

- 6. (1) There shall be a senate for each university college consisting of—
- (a) the principal of the university college who shall be *ex officio* chairman; and
- (b) such other members as the Minister may from time to time appoint. 70

- (xiv) „Sekretaris”, die Sekretaris van die Departement van die Minister; (xiii)
- (xv) „senaat”, die senaat van ’n universiteitskollege kragtens artikel ses ingestel; (xiv)
- 5 (xvi) „Tesourie”, die Minister van Finansies of enige beampte in die Departement van Finansies of in die Departement van Pensioene wat deur bedoelde Minister gemagtig is om die werksaamhede wat aan die Tesourie opgedra is by hierdie Wet, te verrig; (xvi)
- 10 (xvii) „universiteitskollege”, ’n universiteitskollege wat kragtens hierdie Wet ingestel is of geag word aldus ingestel te gewees het vir die voorsiening van universiteitsopleiding; (xvii)
- (xviii) „universiteitsopleiding”, opleiding van ’n standaard wat gelykstaan met dié wat voorsien word deur universiteite wat by Parlements wet ingestel is; (xviii)
- 15 (xix) „Universiteit van Suid-Afrika”, die universiteit wat by die „Universiteit van Zuid Afrika Wet, 1916” (Wet No. 12 van 1916), ingestel is; (xix)
- 20 (xx) „voorgeskryf”, by regulasie voorgeskryf. (x)

HOOFSTUK I.

DIE INSTELLING VAN UNIVERSITEITSKOLLEGES VIR NIE-BLANKES.

- 2. (1) Die Minister kan in oorleg met die Minister van Finansies uit gelde wat deur die Parlement uit die Bantoe-
25 onderwysrekening vir dié doel bewillig word, universiteitskolleges vir Bantoes instel, in stand hou en bestuur. Instelling van universiteitskolleges vir Bantoes.
- (2) Die Minister kan so ’n universiteitskollege afskaf.
- (3) Die instelling of afskaffing van so ’n universiteitskollege word by kennisgewing in die *Staatskoerant* bekend gemaak.
- 30 3. (1) Die Minister kan in oorleg met die Minister van Finansies uit gelde wat deur die Parlement vir dié doel bewillig word, universiteitskolleges vir ander nie-blankes as Bantoes instel, in stand hou en bestuur. Instelling van universiteitskolleges vir nie-blankes, behalwe Bantoes.
- (2) Die Minister kan so ’n universiteitskollege afskaf.
- 35 (3) Die instelling of afskaffing van so ’n universiteitskollege word by kennisgewing in die *Staatskoerant* bekend gemaak.
- 4. ’n Universiteitskollege bestaan uit— Samestelling van ’n universiteitskollege.
 - (a) ’n raad;
 - (b) ’n senaat;
 - 40 (c) sodanige ander liggaam of liggame as wat die Minister van tyd tot tyd instel;
 - (d) ’n prinsipaal, en
 - (e) die professore, lektore en studente van die universiteitskollege.
- 45 5. (1) Daar is ’n raad vir elke universiteitskollege wat bestaan uit nie minder nie as drie lede wat deur die Goewerneur-generaal aangestel word. Raad.
- (2) Behoudens die bepalings van hierdie Wet, beklee lede van ’n raad hul amp vir die tydperk wat voorgeskryf word en
50 kan hulle weer aangestel word.
- (3) Die Goewerneur-generaal wys een van die lede aan as voorsitter wat as sodanig die amp vir die voorgeskrewe tydperk beklee: Met dien verstande dat indien die voorsitter van enige raadsvergadering afwesig is, die lede wat by daardie vergadering
55 aanwesig is uit hul midde ’n voorsitter kan kies om by daardie vergadering voor te sit.
- (4) Die bevoegdhede, pligte, werksaamhede, en toelaes van lede, van ’n raad is soos voorgeskryf: Met dien verstande dat indien ’n lid in die voltydse diens van die Staat is, enige toelae
60 wat aan hom betaalbaar word, ooreenkomstig die wetsbepalings wat sy diensvoorwaardes reël, is.
- (5) Indien enige lid van ’n raad te sterwe kom of om enige rede sy amp neêrlê voor verstryking van sy ampstermyn, stel die Goewerneur-generaal ’n ander persoon in sy plek aan. Die
65 persoon wat aldus aangestel word, beklee sy amp as lid van die raad vir die onverstreke deel van die ampstermyn van die lid wat gesterf of sy amp neêrgelê het.
- 6. (1) Daar is ’n senaat vir elke universiteitskollege wat bestaan uit— Senaat.
 - 70 (a) die prinsipaal van die universiteitskollege, wat amshalwe voorsitter is; en
 - (b) sodanige ander lede as wat die Minister van tyd tot tyd aanstel.

- (2) The members of a senate appointed under paragraph (b) of sub-section (1) shall hold office for the period prescribed and shall be eligible for reappointment.
- (3) The functions, powers, duties, and procedure at meetings of a senate shall be as prescribed. 5
- Appointment of principal.** 7. The principal of a university college shall be appointed by the Minister and his powers, privileges, duties and functions shall be as prescribed.
- Power of council to acquire stores and equipment and to exercise control thereover.** 8. (a) A council may acquire for the use of a university college such stores and equipment and in such a manner and on such conditions as the Minister may determine. 10
(b) The control to be exercised over such stores and equipment by the council shall be as determined by the Minister.
- Faculties and departments.** 9. (1) There may be established at a university college such faculties and departments as may from time to time be prescribed. 15
(2) Each faculty shall have a board or boards to be constituted as prescribed, which may be established as a committee or committees of the senate and shall perform such functions as are prescribed. 20
- Registration as a student.** 10. (1) A person shall not be registered as a matriculated student of any university college unless—
(a) he has obtained the matriculation certificate issued by the Matriculation Board established under sub-section (1) of section *fifteen* of the Universities Act, 1955 (Act No. 61 of 1955), or has in the opinion of the Matriculation Board satisfied the conditions of exemption from the matriculation examination and has obtained a certificate to that effect: Provided that the Minister may in addition prescribe as a prerequisite to admission to any particular course at any university college, the attaining of a specified standard in specified subjects at the matriculation examination or at an examination recognized for the purpose by the Matriculation Board; or 25
(b) he is a graduate of a university or has been admitted by such university to the status of graduate; and
(c) he has complied with such other conditions as may be prescribed. 30
(2) Every person registered as a matriculated student of a university college shall renew his registration annually so long as he continues to be a student thereof and shall in respect of such renewal comply with such conditions as may be prescribed.
(3) A student of a university college who fails to satisfy the minimum requirements of study may be refused permission to renew his registration as a student of any university college. 35
(4) The Minister may in his discretion limit the number of students who may be permitted to register for any course.
- Refusal of admission as student.** 11. Subject to the provisions of this Act relating to the prohibition of religious tests, the Minister may refuse admittance to any person who applies for admission as a student of a university college if he considers it to be in the interests of the university college concerned to do so. 40
- Discipline.** 12. A student of any university college shall be subject to such disciplinary provisions as may be prescribed. 45
- Power to require students to reside at approved places of residence and to determine the place at which students shall receive instruction.** 13. (1) The Minister may require a student to reside for the periods during which a university college is in session, at a place of residence approved for the purpose by him. 50
(2) The Minister may determine at which place a student shall attend for the purpose of receiving instruction. 55
- Prohibition of religious test.** 14. No test of religious belief shall be imposed on any person as a condition of his becoming or continuing to be a professor, lecturer, teacher or student of a university college, or of his holding any office or receiving any emolument, or exercising any privilege therein, nor shall any preference be given to or advantage be withheld from any person on the ground of his religious belief. 60 65

(2) Die kragtens paragraaf (b) van sub-artikel (1) aangestelde lede van 'n senaat beklee hul amp vir 'n tydperk wat voorgeskryf word en kan weer aangestel word.

(3) Die werksaamhede, bevoegdhede, pligte, en prosedure by 5 vergaderings, van 'n senaat is soos voorgeskryf.

7. Die prinsipaal van 'n universiteitskollege word deur die Minister aangestel en sy bevoegdhede, voorregte, pligte en werksaamhede is soos voorgeskryf. Aanstelling van prinsipaal.

10 8. (a) 'n Raad het die bevoegdheid om sodanige voorrade en uitrusting vir die gebruik van 'n universiteitskollege en op so 'n wyse en onder sodanige voorwaardes aan te skaf as wat die Minister bepaal. Bevoegdheid van raad om voorrade en uitrusting aan te skaf en beheer daarvoor uit te oefen.

(b) Die beheer wat oor bedoelde voorrade en toerusting 15 deur die raad uitgeoefen moet word, is soos die Minister bepaal.

9. (1) Aan 'n universiteitskollege kan sodanige fakulteite en departemente ingestel word as wat van tyd tot tyd voorgeskryf word. Fakulteite en departemente.

(2) Elke fakulteit het 'n raad of rade wat op die voorgeskrewe 20 wyse saamgestel word, wat as 'n komitee of komitees van die senaat ingestel kan word, en wat die werksaamhede verrig wat voorgeskryf word.

10. (1) Niemand mag as 'n gematrikuleerde student van 'n universiteitskollege ingeskryf word nie, tensy— Inskrywing as student.

25 (a) hy die matrikulasiesertifikaat uitgereik deur die Matrikulasieraad, ingestel kragtens sub-artikel (1) van artikel vyftien van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), verwerf het, of na die oordeel van die Matrikulasieraad voldoen het aan die voorwaardes van 30 vrystelling van die matrikulasie-eksamen en 'n sertifikaat te dien effekte verkry het: Met dien verstande dat die Minister daarbenewens die behaling van 'n vermelde standaard in vermelde vakke by die matrikulasie-eksamen of by 'n eksamen wat deur die Matrikulasieraad vir dié doel erken word, as 'n voorvereiste vir 35 toelating tot enige besondere kursus aan 'n universiteitskollege kan voorskryf; of

(b) hy 'n gegradueerde van 'n universiteit is of tot die status van 'n gegradueerde deur so 'n universiteit 40 toegelaat is; en

(c) hy voldoen het aan die ander voorwaardes wat voorgeskryf word.

(2) Elke persoon wat as 'n gematrikuleerde student van 'n universiteitskollege ingeskryf word, moet solank hy 'n student 45 van die universiteitskollege bly, sy inskrywing jaarliks hernuwe en moet ten opsigte van sodanige hernuwing aan die voorwaardes wat voorgeskryf word, voldoen.

(3) Aan 'n student van 'n universiteitskollege wat nie aan die minimum-studievereistes voldoen nie, kan toestemming om sy 50 inskrywing as student van 'n universiteitskollege te hernuwe, geweier word.

(4) Die Minister kan na goeddunke die aantal studente wat toegelaat kan word om vir 'n kursus in te skryf, beperk.

11. Behoudens die bepalings van hierdie Wet met betrekking 55 tot die verbod op godsdiensttoetse, kan die Minister die toelating van enige persoon wat aansoek doen om toelating as student van 'n universiteitskollege, weier indien hy dit in die belang van die betrokke universiteitskollege beskou om dit te doen. Weiering van toelating as student.

12. 'n Student van 'n universiteitskollege is onderhewig aan Tug. 60 sodanige tugbepalings as wat voorgeskryf word.

13. (1) Die Minister kan eis dat 'n student gedurende die tydperke wanneer 'n universiteitskollege in sessie is by 'n verblyfplek inwoon wat vir die doel deur hom goedgekeur is. Bevoegdheid om te eis dat studente by goedgekeurde verblyfplekke inwoon en om te bepaal waar die studente onderrig moet ontvang.

(2) Die Minister kan bepaal by watter plek 'n student onderrig 65 moet ontvang.

14. Niemand mag aan 'n toets aangaande sy godsdiensonderwerp word nie as voorwaarde om 'n professor, lektor, dosent of student van 'n universiteitskollege te word of te bly, of om daarin 'n amp te beklee of besoldiging te ontvang of 'n 70 voorreg uit te oefen, en niemand mag op grond van sy godsdiensonderwerp of tekort gedoen word nie. Verbod op godsdiensttoetse.

Prohibition of admission of white persons.

15. No white person shall be registered or admitted as a student of any university college or register with or attend any university college as a student.

Financial and other assistance to Bantu students.

16. (1) The Minister may out of moneys appropriated by Parliament out of the Bantu Education Account for the purpose 5 and subject to such conditions as may be prescribed in consultation with the Minister of Finance, grant to any Bantu student such financial or other material assistance or both such financial and other material assistance as he may determine.

(2) The Minister may out of moneys appropriated by Parliament for the purpose and subject to such conditions as may be prescribed in consultation with the Minister of Finance, grant to any Bantu student admitted to the Medical School for Non-Europeans situated in Durban, such financial or other material assistance or both such financial and other material 15 assistance as he may determine.

(3) Any moneys recovered from a Bantu person in respect of a loan or bursary granted to him under sub-section (1) shall be paid into the Bantu Education Account.

Financial and other assistance to non-white students other than Bantu students.

17. The Minister may, out of moneys appropriated by Parliament for the purpose and subject to such conditions as may be prescribed in consultation with the Minister of Finance, grant to any non-white student other than a Bantu student such financial or other material assistance or both such financial and other material assistance as he may determine. 25

Examinations.

18. (1) The examinations of the university colleges for degrees, diplomas and certificates shall be the examinations of the University of South Africa.

(2) Notwithstanding anything to the contrary in any law contained— 30

- (a) any person who is registered as a student of the University College of Fort Hare on the date fixed in the notice referred to in sub-section (1) of section *twenty* or who was so registered for the academic year that preceded the said date, shall be prepared at the said 35 university college for the examinations of the Rhodes University for which he is or was so registered; and
- (b) any person who is registered as a student of the Medical School for Non-Europeans of the University of Natal on the date fixed in the notice referred to in sub-section 40 (1) of section *twenty-four*, or who was so registered for the academic year that preceded the said date, shall be credited by the University of South Africa with all courses in which he passed the prescribed examinations of the University of Natal, without 45 payment of any exemption fee.

Degrees, diplomas and certificates.

19. The degrees, diplomas and certificates for which students at any university college may be prepared shall be those of the University of South Africa: Provided that any person who is registered as a student of the University College of Fort Hare 50 on the date fixed in the notice referred to in sub-section (1) of section *twenty* or who was so registered for the academic year which preceded the said date, shall be prepared at the said university college for the degree, diploma or certificate of the Rhodes University for which he is or was so registered, 55 and the Rhodes University is hereby empowered to confer any such degree, diploma or certificate upon any such person as if this Act had not been passed.

CHAPTER II.

THE TRANSFER OF THE UNIVERSITY COLLEGE OF FORT HARE 60 TO THE GOVERNMENT.

Transfer of maintenance, management and control of the University College of Fort Hare to the Government.

20. (1) The Minister may by notice in the *Gazette* vest the maintenance, management and control of the University College of Fort Hare, in the Government in its Department of Native Affairs, with effect from a date to be fixed by the Minister 65 in such notice.

(2) As from the date fixed in the notice referred to in sub-section (1)—

- (a) there shall cease to be vested in the college council any rights, duties, powers, authorities and functions 70 in respect of the said college;

15. Geen blanke mag as 'n student van 'n universiteitskollege ingeskryf of toegelaat word of hom by enige universiteitskollege as 'n student laat inskryf of dit bywoon nie. Verbod op toelating van blankes.

16. (1) Die Minister kan uit gelde wat deur die Parlement uit die Bantoe-onderwysrekening vir dié doel bewillig word en onderhewig aan die voorwaardes wat in oorleg met die Minister van Finansies voorgeskryf word, aan enige Bantoe-student sodanige finansiële of ander materiële hulp of beide sodanige finansiële en ander materiële hulp verleen as wat hy bepaal. Finansiële en ander bystand aan Bantoe-studente.

10 (2) Die Minister kan uit gelde wat deur die Parlement vir dié doel bewillig word en onderhewig aan die voorwaardes wat in oorleg met die Minister van Finansies voorgeskryf word, aan enige Bantoe-student wat toegelaat is tot die Mediese Skool vir Nie-blankes wat in Durban geleë is, sodanige finansiële of ander materiële hulp of beide sodanige finansiële en ander materiële hulp verleen as wat hy bepaal.

15 (3) Gelde wat van 'n Bantoe-persoon ingevorder word ten opsigte van 'n lening of beurs wat kragtens sub-artikel (1) aan hom toegestaan is, word in die Bantoe-onderwysrekening inbetaal.

17. Die Minister kan uit gelde wat deur die Parlement vir dié doel bewillig word en onderhewig aan die voorwaardes wat in oorleg met die Minister van Finansies voorgeskryf word, aan enige ander nie-blanke student as 'n Bantoe-student sodanige finansiële of ander materiële hulp of beide sodanige finansiële en ander materiële hulp verleen as wat hy bepaal. Finansiële en ander bystand aan nie-blanke studente behalwe Bantoe-studente.

18. (1) Die eksamens van die universiteitskolleges vir grade, diplomas en sertifikate is die eksamens van die Universiteit van Suid-Afrika. Eksamens.

30 (2) Ondanks andersluidende wetsbepalings—

(a) moet iemand wat op die datum wat in die in sub-artikel (1) van artikel *twintig* bedoelde kennisgewing vasgestel word, as student van die Universiteitskollege van Fort Hare ingeskryf is of wat aldus ingeskryf was vir die akademiese jaar wat bedoelde datum voorafgegaan het, aan bedoelde universiteitskollege voorberei word vir die eksamens van die Rhodes-universiteit waarvoor hy aldus ingeskryf is of was; en

40 (b) moet iemand wat op die datum wat in die in sub-artikel (1) van artikel *vier-en-twintig* bedoelde kennisgewing vasgestel word, as student van die Mediese Skool vir Nie-blankes van die Universiteit van Natal, ingeskryf is of wat aldus ingeskryf was vir die akademiese jaar wat bedoelde datum voorafgegaan het, van die Universiteit van Suid-Afrika, sonder betaling van enige vrystellingsgelde, erkenning verkry vir alle kursusse waarin hy die voorgeskrewe eksamens van die Universiteit van Natal met goeie gevolg afgelê het.

19. Die grade, diplomas en sertifikate waarvoor studente aan 'n universiteitskollege voorberei kan word, is dié van die Universiteit van Suid-Afrika: Met dien verstande dat iemand wat op die datum wat in die in sub-artikel (1) van artikel *twintig* bedoelde kennisgewing vasgestel word, as student van die Universiteitskollege van Fort Hare ingeskryf is of wat aldus ingeskryf was vir die akademiese jaar wat bedoelde datum voorafgegaan het, aan bedoelde universiteitskollege voorberei moet word vir die graad, diploma of sertifikaat van die Rhodes-universiteit waarvoor hy aldus ingeskryf is of was, en die Rhodes-universiteit word hierby gemagtig om so 'n graad, diploma of sertifikaat aan so 'n persoon toe te ken asof hierdie Wet nie ingevoer was nie. Grade, diplomas en sertifikate.

HOOFSTUK II.

OORDRAG VAN DIE UNIVERSITEITSKOLLEGE VAN FORT HARE AAN DIE REGERING.

65 20. (1) Die Minister kan by kennisgewing in die *Staatskoerant* die instandhouding en bestuur van en beheer oor die Universiteitskollege van Fort Hare aan die Regering in sy Departement van Naturellesake oordra met ingang van 'n datum wat deur die Minister in bedoelde kennisgewing vasgestel word.) Oordrag van die instandhouding en bestuur van en beheer oor die Universiteitskollege van Fort Hare aan die Regering.

70 (2) Vanaf die datum wat in die in sub-artikel (1) bedoelde kennisgewing vasgestel word—

(a) berus daar langer enige regte, pligte, bevoegdhede, magte en werksaamhede by die kollegeraad ten opsigte van bedoelde kollege nie;

- (b) all rights, duties, powers, authorities and functions conferred or imposed upon or entrusted to the college council by or under any law, shall be exercised, carried out or performed by the Minister;
 - (c) the University College of Fort Hare shall be deemed for all purposes to be a university college established under sub-section (1) of section *two*;
 - (d) all the property, movable or immovable, which immediately prior to the said date was vested in the college council or which, if this Act had not been passed, would have accrued to or vested in the college council, shall, without payment of transfer duty, stamp duty or other fees, accrue to and vest in the Government subject to any charge with which the same may be burdened: Provided that all funds which immediately prior to the said date were vested in the college council by trust, donation or bequest shall be applied by the council appointed under section *five* in accordance with the conditions of the trust, donation or bequest: Provided further that the Government shall pay the Methodist Church of South Africa, the Church of the Province of South Africa and the United Free Church of Scotland severally compensation equal to the fair value of the buildings respectively erected by each of the said churches upon the land which is hereby vested in the Government, which said fair value shall, in any case in which the Government and any of the said churches are unable to agree on the compensation to be paid, be settled by arbitration in accordance with the provisions of the Expropriation of Lands and Arbitration Clauses Proclamation, 1902 (Proclamation No. 5 of 1902), of the Transvaal;
 - (e) the Government shall assume and be liable for all lawful debts and liabilities of the college council, subject to all lawful conditions under which those debts and liabilities were incurred; and
 - (f) the Government shall assume control of all hostels, and any existing agreement between the college council and the churches mentioned in the second proviso to paragraph (d) relating to the management and control of the said hostels shall lapse.
- (3) The Minister may at any time after the said date, by notice in the *Gazette*, change the name of the University College of Fort Hare.

Transfer of certain persons employed by the council of the University College of Fort Hare to the service of the Government.

21. (1) Every person (other than a person referred to in sub-section (4)) who immediately prior to the date fixed in the notice referred to in sub-section (1) of section *twenty* was in the employ of the college council of the University College of Fort Hare, shall, as from that date and subject to the provisions of this Act, become an employee of the Government in its Department of Native Affairs: Provided that any such person may within sixty days from the said date notify the Secretary for Native Affairs in writing of his resignation and such resignation shall for the purposes of the laws governing his pension or provident fund rights be deemed to be a discharge owing to the abolition of his post at the expiration of the aforementioned period of sixty days.

(2) As from the date referred to in sub-section (1), the conditions of service, scale of salary and allowances, and leave and other privileges, of every person who becomes an employee of the Government in terms of the said sub-section, shall be governed by the provisions of section *twenty-nine* and every such person shall be adjusted to the scale of salary applicable to his post at such notch on that scale as may be determined by the Minister: Provided that except with his own consent or in accordance with the provisions of any law, the pensionable emoluments or the salary or scale of salary at or in accordance with which any such person was remunerated immediately prior to the said date, shall not be reduced.

(3) Any disciplinary proceedings in respect of misconduct committed before the date referred to in sub-section (1) by any person who becomes an employee of the Government in terms of the said sub-section, may be continued or instituted by the Department as if such misconduct had been committed after the said date.

(4) Any person who immediately prior to the date referred to in sub-section (1) was in the employ of the college council

- (b) word alle regte, pligte, bevoegdhede, magte en werksaamhede wat by of kragtens enige wetsbepaling aan die kollegeraad verleen of opgelê of toevertrou is, deur die Minister uitgeoefen, uitgevoer of verrig;
- 5 (c) word die Universiteitskollege van Fort Hare vir alle doeleindes geag 'n kragtens sub-artikel (1) van artikel twee ingestelde universiteitskollege te wees;
- 10 (d) gaan alle goedere, roerend of onroerend, wat onmiddellik voor bedoelde datum aan die kollegeraad behoort het, of wat, indien hierdie Wet nie ingevoer was nie, aan die kollegeraad sou toegekom of behoort het, sonder betaling van hereregte, seëlregte of ander gelde, oor op en berus dit by die Regering, met behoud van enige las waarmee dit beswaar mag wees: Met dien verstande dat alle gelde wat onmiddellik voor bedoelde datum aan die Kollegeraad behoort het uit hoofde van 'n trust, skenking of bemaking, deur dië kragtens artikel vyf ingestelde raad ooreenkomstig die voorwaardes van die trust, skenking of bemaking gebruik word: Met dien verstande voorts dat die Regering aan die „Methodist Church of South Africa”, die „Church of the Province of South Africa” en die „United Free Church of Scotland” afsonderlik vergoeding betaal wat gelykstaan met die billike waarde van die geboue wat onderskeidelik deur elk van genoemde kerke opgerig is op die grond wat hierby op die Regering oorgaan, welke billike waarde, in enige geval waar die Regering en die een of ander van bedoelde kerke nie oor die vergoeding wat betaal moet word, ooreen kan kom nie, by arbitrasie ooreenkomstig die bepalinge van die „Expropriation of Lands and Arbitration Clauses Proclamation, 1902” (Proklamasie No. 5 van 1902) van Transvaal, vasgestel word;
- 25 (e) neem die Regering alle wettige skulde en verpligtings van die kollegeraad oor en is die Regering daarvoor aanspreeklik, met behoud van alle wettige voorwaardes waaronder daardie skulde en verpligtings aangegaan is; en
- 30 (f) neem die Regering die beheer oor alle koshuise oor, en vervel enige bestaande ooreenkoms tussen die kollegeraad en die in die tweede voorbehoudsbepaling by paragraaf (d) genoemde kerke met betrekking tot die bestuur van en beheer oor bedoelde koshuise.
- 45 (3) Die Minister kan te eniger tyd na bedoelde datum by kennisgewing in die *Staatskoerant* die naam van die Universiteitskollege van Fort Hare verander.

21. (1) Elke persoon (behalwe 'n in sub-artikel (4) bedoelde persoon) wat onmiddellik voor die datum wat in die in sub-artikel (1) van artikel twintig bedoelde kennisgewing vasgestel word, in diens van die kollegeraad van die Universiteitskollege van Fort Hare was, word, vanaf daardie datum en onderworpe aan die bepalinge van hierdie Wet, 'n werknemer van die Regering in sy Departement van Naturellesake: Met dien verstande dat so 'n persoon binne sestig dae vanaf bedoelde datum die Sekretaris van Naturellesake skriftelik van sy bedanking in kennis kan stel en sodanige bedanking word vir die doeleindes van die wetsbepalinge wat sy pensioen- of voorsorgsfondsregte reël, geag 'n ontslag te wees weens die afskaffing van sy pos by die verstryking van die voormelde tydperk van sestig dae.

(2) Vanaf die in sub-artikel (1) bedoelde datum word die diensvoorwaardes, salarisskaal en toelaes, en verlof- en ander voorregte van elke persoon wat ingevolge bedoelde sub-artikel 'n werknemer van die Regering word, deur die bepalinge van artikel nege-en-twintig gereël, en elke sodanige persoon word aangepas by die salarisskaal wat op sy pos van toepassing is, teen die kerf op daardie skaal wat deur die Minister bepaal word: Met dien verstande dat, behalwe met sy eie toestemming of ooreenkomstig 'n wetsbepaling, die pensioengewende verdienste of die salaris of salarisskaal waarteen of waarvolgens so iemand onmiddellik voor bedoelde datum besoldig was, nie verminder mag word nie.

(3) Enige dissiplinêre stappe ten opsigte van wangedrag wat voor die in sub-artikel (1) bedoelde datum gepleeg is deur iemand wat ingevolge bedoelde sub-artikel 'n werknemer van die Regering word, kan deur die Departement voortgesit of ingestel word asof die wangedrag na bedoelde datum gepleeg was.

80 (4) Enige persoon wat onmiddellik voor die in sub-artikel (1) bedoelde datum in diens van die kollegeraad van die Univer-

Oorplasing van sekere persone in diens van die raad van die Universiteitskollege van Fort Hare, na die diens van die Regering.

of the University College of Fort Hare and who prior to that date was notified in writing by the Minister that he would not become an employee of the Government in terms of this section, shall be deemed to have been retired on superannuation on the day which immediately preceded the said date, and for the purposes of any law regulating the grant of any additional pension or provident fund benefits, shall be deemed to have become a member of the provident fund and pension scheme concerned as from a date prior to the first day of August, 1949.

Pension rights and retirement benefits of persons transferred from the University College of Fort Hare to the service of the Government.

22. (1) Subject to the provisions of the succeeding sub-sections of this section—

- (a) any person who becomes an employee of the Government in terms of sub-section (1) of section *twenty-one* shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law to which he was subject immediately prior to the date fixed in the notice referred to in sub-section (1) of section *twenty*;
- (b) as from the date referred to in paragraph (a)—
 - (i) any contributions which in terms of the regulations governing the provident fund and pension scheme established under section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), or under section *nineteen* of the Universities Act, 1955 (Act No. 61 of 1955), would have been payable by the college council of the University College of Fort Hare, to the one or the other of the said provident funds in respect of any person referred to in paragraph (a), had that person not become an employee of the Government;
 - (ii) any annuity or gratuity which may be granted to such a person additional to the benefits payable from a provident fund and to which a contribution is approved in terms of the said regulations; and
 - (iii) any annuity which prior to the said date has been awarded by the college council of the University College of Fort Hare to an employee retired from its service or to a dependant of a deceased employee,
 shall be paid from moneys appropriated by Parliament from the Bantu Education Account for the purpose.

(2) Any person to whom sub-section (1) applies and who immediately prior to the date referred to therein was a member of either the provident fund and pension scheme established under section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), or the provident fund and pension scheme established under section *nineteen* of the Universities Act, 1955 (Act No. 61 of 1955), may on such conditions as the Treasury may determine, elect in writing, within six months after the said date or within such additional period as the Treasury may in special circumstances allow, to be freed from all obligations and to relinquish all rights and privileges in such provident fund and pension scheme and to become a member of the Pension Fund in accordance with the provisions of sub-section (1) of section *thirteen* of the Pensions Act as if he had been transferred from the employment of the college council to a post in the service of the Government: Provided that—

- (i) if such person elects in terms of this sub-section to become a member of the Pension Fund he shall for the purpose of sub-section (2) of section *thirteen* of the Pension Act be deemed to have elected to count his past pensionable service as pensionable service under that Act;
- (ii) for the purposes of sub-section (1) of section *thirteen* of the Pensions Act, such transfer shall be deemed to have taken place on the first day of the month immediately following the month in which the election is made;
- (iii) if under the regulations governing the said provident funds and pension schemes a policy of insurance has been accepted and the premiums thereon paid as part of the provision made for such person, such policy shall be returned to him or if he so wishes, the policy may be surrendered on his behalf for cash and the amount of the surrender value added to the amount

siteitskollege van Fort Hare was en wat voor daardie datum deur die Minister skriftelik in kennis gestel is dat hy nie ingevolge hierdie artikel 'n werknemer van die Regering sou word nie, word geag weens die bereiking van die pensioenleeftyd 5 afgedank te gewees het op die dag wat bedoelde datum onmiddellik voorafgegaan het en word vir die doeleindes van enige wetsbepaling wat die toekenning van addisionele pensioen- of voorsorgsfondsvoordele reël, geag vanaf 'n datum voor die eerste dag van Augustus 1949 'n lid van die betrokke voor- 10 sorgsfonds- en pensioenskema te geword het.

22. (1) Behoudens die bepalings van die hieropvolgende sub-artikels van hierdie artikel—

Pensioenregte en uitdienstredings-voordele van persone wat van die Universiteitskollege van Fort Hare na die diens van die Regering oorgeplaas word.

(a) behou iemand wat ingevolge sub-artikel (1) van artikel *een-en-twintig* 'n werknemer van die Regering word, al die regte en voorregte en bly onderworpe 15 aan al die verpligtings wat hy vir pensioendoeleindes verkry of aangegaan het kragtens 'n wetsbepaling wat onmiddellik voor die datum wat in die in sub-artikel (1) van artikel *twintig* bedoelde kennisgewing vasgestel word, op hom van toepassing was;

(b) word vanaf die in paragraaf (a) bedoelde datum—

(i) enige bydraes wat ingevolge die regulasies wat die kragtens artikel *negentien* van die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923), of 25 kragtens artikel *negentien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955) opgerigte voorsorgsfonds- en pensioenskema reël, deur die kollegeraad van die Universiteitskollege van Fort Hare aan die een of die ander van bedoelde voorsorgsfondse betaalbaar sou gewees het ten opsigte van 'n in paragraaf (a) bedoelde persoon as daardie persoon nie 'n werknemer van die Regering geword het nie;

(ii) enige jaargeld of gratifikasie wat aan so iemand toegeken mag word benewens die voordele wat uit 'n voorsorgsfonds betaalbaar is en waartoe 'n bydrae ingevolge bedoelde regulasies goed- 35 gekeur word; en

(iii) enige jaargeld wat voor bedoelde datum deur die kollegeraad van die Universiteitskollege van Fort Hare toegeken is aan 'n werknemer wat uit sy diens getree het of aan 'n afhanklike van 'n oorlede werknemer,

betaal uit gelde wat deur die Parlement uit die Bantoe- 45 onderwysrekening vir daardie doel bewillig word.

(2) Iemand op wie sub-artikel (1) van toepassing is en wat onmiddellik voor die daarin bedoelde datum 'n lid van of die kragtens artikel *negentien* van die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923) opgerigte voorsorgsfonds- en 50 pensioenskema of die kragtens artikel *negentien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), opgerigte voorsorgsfonds- en pensioenskema was, kan op sodanige voorwaardes as wat die Tesourie bepaal, skriftelik kies, binne ses maande na bedoelde datum of binne sodanige verdere tydperk 55 as wat die Tesourie onder buitengewone omstandighede toelaat, om van alle verpligtings, regte en voorregte in daardie voorsorgsfonds- en pensioenskema onthef te word en af te sien en om ooreenkomstig die bepalings van sub-artikel (1) van artikel *dertien* van die Pensioenwet, 'n lid te word van die 60 Pensioenfonds asof hy van die diens van die kollegeraad na 'n pos in Regeringsdiens oorgeplaas was: Met dien verstande dat—

(i) indien so iemand ingevolge hierdie sub-artikel kies om 'n lid van die Pensioenfonds te word, hy by die 65 toepassing van sub-artikel (2) van artikel *dertien* van die Pensioenwet geag word te gekies het om sy vorige pensioengewende diens as pensioengewende diens kragtens daardie Wet te beskou;

(ii) by die toepassing van sub-artikel (1) van artikel *dertien* van die Pensioenwet, sodanige oorplasing geag word te geskied het op die eerste dag van die maand wat onmiddellik op die maand volg waarin die keuse gedoen word;

(iii) indien kragtens die regulasies wat bedoelde voorsorgsfonds- en pensioenskemas reël 'n versekerings- 75 polis aangeneem is en die premies daarop betaal is as deel van die voorsiening wat vir daardie persoon gemaak is, die polis aan hom teruggegee word of, indien hy so verkies, die polis namens hom vir kontant afgekoop kan word en die bedrag van die afkoop- 80 waarde by die bedrag wat in bedoelde voorsorgs-

standing to his credit in the said provident fund for payment to the Pension Fund; and

- (iv) if the amount available in the said provident fund for payment to the Pension Fund is more or less than the amount which is required by such Pension Fund in respect of such person's past pensionable service, the excess shall be dealt with or the deficit shall be made good in such manner as the Treasury may determine.

Continuous whole-time employment recognized for certain purposes as employment in the service of the Government.

23. (1) Subject to the provisions of this Act, continuous whole-time employment by the council of the University College of Fort Hare, of any person referred to in sub-section (1) of section *twenty-one* immediately prior to the date fixed in the notice referred to in sub-section (1) of section *twenty*, shall for leave purposes be deemed to be employment in the service of the Government: Provided that the sick and accumulative vacation leave standing to the credit of such a person at that date, shall, subject to such conditions as the Minister may determine, be deemed to be leave accrued in terms of this Act.

(2) Notwithstanding anything to the contrary in the Pensions Act contained, the amount computed in terms of section *thirteen* of the said Act in respect of any period of the past pensionable service of a person who had made an election in terms of sub-section (2) of section *twenty-two* shall for the purposes of the Pension Fund or the Government Employees' Provident Fund established under section *eighty-four* of the said Act, as the case may be, be based on such emoluments as the Treasury may determine, and such emoluments shall for the purpose of the said Act be deemed to have been or to be, as the case may be, the pensionable emoluments of that person.

CHAPTER III.

THE TRANSFER OF THE MEDICAL SCHOOL FOR NON-EUROPEANS OF THE UNIVERSITY OF NATAL TO THE GOVERNMENT.

Transfer of maintenance, management and control of the Medical School for Non-Europeans, University of Natal, to the Government.

24. (1) The Minister may by notice in the *Gazette* vest the maintenance, management and control of the division of the University of Natal known as the Medical School for Non-Europeans and situated in Durban (hereinafter referred to as the Medical School) in the Government in its Department of Education, Arts and Science, with effect from a date to be fixed by the Minister in such notice.

(2) As from the date fixed in the notice referred to in sub-section (1)—

- (a) there shall cease to be vested in the university council any rights, duties, powers, authorities and functions in respect of the Medical School;
- (b) all rights, duties, powers, authorities and functions conferred or imposed upon or entrusted to the university council in respect of the Medical School by or under any law, shall be exercised, carried out or performed by the Minister;
- (c) the Medical School shall be deemed for all purposes to be a university college established under sub-section (1) of section *three*: Provided that nothing in the said sub-section contained shall be construed as prohibiting the admission of any Bantu person as a student to the Medical School;
- (d) all the property, movable or immovable, which immediately prior to the said date was vested in the university council and used for or in connection with the Medical School or which, if this Act had not been passed, would have accrued to or vested in the university council, for use for or in connection with the Medical School, shall, without payment of transfer duty, stamp duty or other fees, accrue to and vest in the Government subject to any charge with which the same may be burdened; and
- (e) the Government shall assume and be liable for all lawful debts and liabilities of the university council in respect of the Medical School subject to all lawful conditions under which those debts and liabilities were incurred.

(3) The Minister may at any time after the said date, by notice in the *Gazette*, change the name of the Medical School.

- fonds in sy krediet staan, bygevoeg word vir oorbetalings aan die Pensioenfondse;
- (iv) indien die bedrag wat in bedoelde voorsorgsfonds beskikbaar is vir betaling aan die Pensioenfondse meer of minder is as die bedrag wat deur bedoelde Pensioenfondse ten opsigte van daardie persoon se vorige pensioengewende diens benodig word, met die oorskot gehandel word of die tekort aangevul word op sodanige wyse as wat die Tesourie bepaal.
- 10 23. (1) Behoudens die bepalings van hierdie Wet word die ononderbroke voltydse diens by die kollegeraad van die Universiteitskollege van Fort Hare van iemand in sub-artikel (1) van artikel *een-en-twintig* bedoel, onmiddellik voor die datum wat in die in sub-artikel (1) van artikel *twintig* bedoelde kennis-
- 15 gewing vasgestel word, vir verlofdoeleindes geag diens by die Regering te wees: Met dien verstande dat siekte- en ooplopende vakansieverlof wat so iemand op daardie datum toekom, geag word, onderworpe aan die voorwaardes wat die Minister bepaal, verlof te wees wat ingevolge hierdie Wet
- 20 toegeval het.
- (2) Ondanks andersluidende bepalings van die Pensioenwet, word die bedrag wat ingevolge artikel *dertien* van bedoelde Wet bereken word ten opsigte van enige tydperk van die vorige pensioengewende diens van 'n persoon wat 'n keuse
- 25 ingevolge sub-artikel (2) van artikel *twee-en-twintig* gedoen het, vir doeleindes van die Pensioenfondse of die Regeringswerknemersondersteuningsfondse wat kragtens artikel *vier-en-tagtig* van bedoelde Wet ingestel is, na gelang van die geval, op sodanige verdienste gebaseer as wat die Tesourie bepaal,
- 30 en daardie verdienste word by die toepassing van bedoelde Wet geag die pensioengewende verdienste van daardie persoon te gewees het of te wees, na gelang van die geval.

Ononderbroke voltydse diens vir sekere doeleindes erken as diens by die Regering.

HOOFSTUK III.

35 OORDRAG VAN DIE MEDIESE SKOOL VIR NIE-BLANKES VAN DIE UNIVERSITEIT VAN NATAL AAN DIE REGERING.

24. (1) Die Minister kan, by kennisgewing in die *Staatskoerant*, die instandhouding en bestuur van, en beheer oor, die afdeling van die Universiteit van Natal wat bekend is as die Mediese Skool vir Nie-blankes en wat in Durban geleë
- 40 is (hieronder die Mediese Skool genoem), aan die Regering in sy Departement van Onderwys, Kuns en Wetenskap oordra met ingang van 'n datum wat deur die Minister in bedoelde kennisgewing vasgestel word.
- (2) Vanaf die datum wat in die in sub-artikel (1) bedoelde
- 45 kennisgewing vasgestel word—
- (a) berus daar nie langer enige regte, pligte, bevoegdhede, magte en werksaamhede by die universiteitsraad ten opsigte van die Mediese Skool nie;
- (b) word alle regte, pligte, bevoegdhede, magte en werksaamhede wat by of kragtens enige wetsbepaling
- 50 aan die universiteitsraad verleen of opgelê of toevertrou is ten opsigte van die Mediese Skool, deur die Minister uitgeoefen, uitgevoer of verrig;
- (c) word die Mediese Skool vir alle doeleindes geag 'n kragtens sub-artikel (1) van artikel *drie* ingestelde universiteitskollege te wees: Met dien verstande dat die bepalings van bedoelde sub-artikel nie so uitgelê word dat dit die toelating van 'n Bantoe-persoon as student aan die Mediese Skool verbied nie;
- 55 (d) gaan alle goedere, roerend of onroerend, wat onmiddellik voor bedoelde datum aan die universiteitsraad behoort het en gebruik is vir of in verband met die Mediese Skool of wat, indien hierdie Wet nie ingevoer was nie, aan die universiteitsraad sou toegekom of behoort het vir gebruik vir of in verband met die Mediese Skool, sonder betaling van hereregte, seëlregte of ander gelde, oor op en berus dit by die Regering, met behoud van enige las waarmee dit
- 60 beswaar mag wees; en
- (e) neem die Regering alle wettige skulde en verpligtings van die universiteitsraad ten opsigte van die Mediese Skool oor en is die Regering daarvoor aanspreeklik, met behoud van alle wettige voorwaardes waaronder daardie skulde en verpligtings aangegaan is.
- 65 (3) Die Minister kan te eniger tyd na bedoelde datum by kennisgewing in die *Staatskoerant* die naam van die Mediese Skool verander.

Oordrag van die instandhouding en bestuur van en beheer oor die Mediese Skool vir Nie-blankes, Universiteit van Natal, aan die Regering.

Transfer of certain persons employed by the council of the University of Natal at the Medical School, to the service of the Government.

25. (1) Every person who immediately prior to the date fixed in the notice referred to in sub-section (1) of section *twenty-four* was in the employ of the council of the University of Natal at the Medical School, shall, as from that date and subject to the provisions of this Act, become an employee of the Government in its Department of Education, Arts and Science, unless the Minister, after consultation with the council of the University of Natal, decided otherwise in respect of any particular person and advised the council of such decision in writing prior to that date: Provided that any person who becomes an employee of the Government in terms of this sub-section may within sixty days from the said date notify the Secretary for Education, Arts and Science in writing of his resignation and such resignation shall for the purposes of the laws governing his pension or provident fund rights be deemed to be a discharge owing to the abolition of his post at the expiration of the aforementioned period of sixty days.

(2) As from the date referred to in sub-section (1), the provisions of sub-sections (2) and (3) of section *twenty-one* shall apply *mutatis mutandis* to every person who becomes an employee of the Government in terms of sub-section (1) of this section.

Pension rights and retirement benefits of persons transferred from the University of Natal to the service of the Government in terms of this Act.

26. The provisions of section *twenty-two* shall apply *mutatis mutandis* to every person who becomes an employee of the Government in terms of section *twenty-five*.

Continuous whole-time employment recognized for certain purposes as employment in the service of the Government.

27. The provisions of section *twenty-three* shall apply *mutatis mutandis* to every person who becomes an employee of the Government in terms of section *twenty-five*.

CHAPTER IV.

PROVISIONS IN RESPECT OF STAFF.

Determination of establishment and appointment of staff.

28. (1) The establishment at any university college shall be determined by the Minister and shall be divided into the following categories:

- (a) posts for the teaching staff;
- (b) posts for the administrative and clerical staff; and
- (c) such other posts as the Minister may deem necessary.

(2) The power to appoint, promote, transfer or discharge persons employed at any university college shall, subject to the provisions of this Act, be vested in the Minister who may delegate any or all of the said powers to the Secretary: Provided that in respect of any post designated by the Minister any such appointment, promotion, transfer or discharge may be effected by any officer of the Department deputed thereto, either generally or specially in a particular case, by the Minister.

Conditions of service.

29. Notwithstanding anything to the contrary in any law contained but subject to the provisions of this Act, the conditions of service, scales of salary and allowances, and leave and other privileges of all persons appointed permanently or temporarily at a university college shall be as prescribed.

Pension rights and retirement benefits.

30. Notwithstanding anything to the contrary contained in any law but subject to the provisions of sections *twenty-two* and *twenty-six*, any person appointed permanently at a university college shall in respect of pension and retirement benefits be dealt with as if he were appointed to a post in the public service.

Transfer of persons employed at university colleges.

31. Every person employed at any university college may be transferred from any post in which he is employed to any other post at the same university college or at any other university college, whether or not such transfer is to a post of a lower grade: Provided that upon transfer such a person shall not suffer any reduction in his pensionable emoluments without his consent, unless the transfer is in consequence of a degradation imposed under section *thirty-three* or in terms of section *thirty-*

25. (1) Elke persoon wat onmiddellik voor die datum wat in die in sub-artikel (1) van artikel *vier-en-twintig* bedoelde kennisgewing vasgestel word, by die Mediese Skool in diens van die raad van die Universiteit van Natal was, word vanaf daardie datum en onderworpe aan die bepalings van hierdie Wet, 'n werknemer van die Regering in sy Departement van Onderwys, Kuns en Wetenskap, tensy die Minister, na oorlegpleging met die raad van die Universiteit van Natal, ten opsigte van enige besondere persoon anders besluit en die raad voor daardie datum van daardie besluit skriftelik verwittig het: Met dien verstande dat enige persoon wat ingevolge hierdie sub-artikel 'n werknemer van die Regering word, binne sestig dae vanaf bedoelde datum die Sekretaris van Onderwys, Kuns en Wetenskap skriftelik van sy bedanking in kennis kan stel en word sodanige bedanking vir die doeleindes van die wetsbepalings wat sy pensioen- of voorsorgsfondsregte reël, geag 'n ontslag te wees weens die afskaffing van sy pos by die verstryking van die voormelde tydperk van sestig dae.
- (2) Vanaf die in sub-artikel (1) bedoelde datum is die bepalings van sub-artikels (2) en (3) van artikel *een-en-twintig mutatis mutandis* van toepassing op elke persoon wat ingevolge sub-artikel (1) van hierdie artikel 'n werknemer van die Regering word.

Oorplasing van sekere persone in diens van die raad van die Universiteit van Natal by die Mediese Skool na die diens van die Regering.

26. Die bepalings van artikel *twee-en-twintig* is *mutatis mutandis* van toepassing op elke persoon wat ingevolge artikel *vyf-en-twintig* 'n werknemer van die Regering word.

Pensioenregte en uitdienstredingsvoordele van persone wat ingevolge hierdie Wet van die Universiteit van Natal na die diens van die Regering oorgeplaas word.

27. Die bepalings van artikel *drie-en-twintig* is *mutatis mutandis* van toepassing op elke persoon wat ingevolge artikel *vyf-en-twintig* 'n werknemer van die Regering word.

Ononderbroke voltydse diens vir sekere doeleindes erken as diens by die Regering.

30

HOOFSTUK IV.

BEPALINGS TEN OPSIGTE VAN PERSONEEL.

28. (1) Die diensstaat by enige universiteitskollege word deur die Minister bepaal en word ingedeel in die volgende kategorieë:
- 35 (a) poste vir die doserende personeel;
- (b) poste vir die administratiewe en klerklike personeel; en
- (c) sodanige ander poste as wat die Minister nodig ag.
- (2) Die bevoegdheid om persone wat by 'n universiteitskollege in diens is aan te stel, te bevorder, te verplaas of te ontslaan, berus, behoudens die bepalings van hierdie Wet, by die Minister wat die een of ander van of al bedoelde bevoegdhede aan die Sekretaris kan deleger: Met dien verstande dat met betrekking tot enige pos wat deur die Minister aangewys word, so 'n aanstelling, bevordering, verplasing of ontslag 45 bewerkstellig kan word deur 'n beampte van die Departement wat of in die algemeen of spesiaal in 'n besondere geval deur die Minister daartoe gemagtig is.
29. Ondanks andersluidende wetsbepalings maar behoudens die bepalings van hierdie Wet, is die diensvoorwaardes, salarisskale en toelaes, verlof- en ander voorregte van alle persone wat by 'n universiteitskollege vas of tydelik aangestel is, soos voorgeskryf.
30. Ondanks andersluidende wetsbepalings maar behoudens die bepalings van artikels *twee-en-twintig* en *ses-en-twintig* word 55 met iemand wat by 'n universiteitskollege vas aangestel is ten opsigte van pensioen- en uitdienstredingsvoordele gehandel asof hy in 'n pos in die staatsdiens aangestel is.
31. Elke persoon wat by 'n universiteitskollege in diens is, kan verplaas word van 'n pos waarin hy diens doen na enige 60 ander pos by dieselfde universiteitskollege of by enige ander universiteitskollege, hetsy daardie verplasing na 'n pos van 'n laer graad is al dan nie: Met dien verstande dat by verplasing so 'n persoon se pensioengewende verdienste nie sonder sy toestemming verminder mag word nie, tensy die verplasing 65 geskied as gevolg van 'n degradering wat kragtens artikel *drie-en-dertig* of ingevolge artikel *vyf-en-dertig* opgelê word:

Bepaling van diensstaat en aanstelling van personeel.

Diensvoorwaardes.

Pensioenregte en uitdienstredingsvoordele.

Verplasing van persone in diens by universiteitskolleges.

five: Provided further that a person who has been transferred to a post of a lower grade without reduction of pensionable emoluments shall be transferred to a post of the grade to which his salary is appropriate as soon as a suitable vacancy occurs.

Discharge of
persons appointed
permanently.

32. Every person appointed permanently at any university college may be discharged by the Minister—

- (a) on account of attaining the pensionable age;
- (b) in the case of a female member of the staff, on her marriage;
- (c) on account of continued ill-health;
- (d) owing to the abolition of his post or to any reduction in or re-organization or re-adjustment of the staff of the university college at which he is employed;
- (e) if in the opinion of the Minister his discharge will facilitate improvements in the organization of the university college at which he is employed by which greater efficiency or economy will be effected;
- (f) on account of any unfitness or incapacity described in section *thirty-five*; or
- (g) on account of any misconduct defined in section *thirty-three*.

Definition of
misconduct.

33. Any person appointed permanently at any university college shall be guilty of misconduct and may be dealt with in accordance with the provisions of section *thirty-four*, if he—

- (a) contravenes any provision of this Act or fails to comply with any provision thereof with which it is his duty to comply; or
- (b) disobeys, disregards or makes wilful default in carrying out a lawful order given to him by a person having authority to give the same, or by word or conduct displays insubordination; or
- (c) is negligent or indolent in the discharge of his duties; or
- (d) is or becomes inefficient or incompetent in the discharge of his duties from causes within his own control; or
- (e) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty shows gross discourtesy to any person; or
- (f) uses intoxicants or stupefying drugs excessively; or
- (g) becomes insolvent, or compromises with his creditors, or has a decree of civil imprisonment made against him by any court of law, unless he can show that his insolvency, compromise, or civil imprisonment, has been occasioned by unavoidable misfortune; or
- (h) becomes pecuniarily embarrassed, if such pecuniary embarrassment is occasioned by imprudence or other reprehensible cause and is prejudicial to the faithful performance of his duties; or
- (i) accepts without the approval of the Minister in respect of the performance of his duties any commission, fee, or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties), or demands such commission, fee or reward; or fails to report to the Secretary the offer of any such commission, fee or reward; or
- (j) discloses, otherwise than in the discharge of his duties, confidential information acquired in the course thereof, or uses for any purpose other than for the discharge of his official duties confidential information gained by or conveyed to him through his connection with the Government service, notwithstanding that he does not disclose such information; or
- (k) misappropriates or improperly uses any property of the Government in circumstances which do not constitute a criminal offence; or
- (l) commits a criminal offence; or
- (m) absents himself from his university college or duty without leave or valid cause; or
- (n) publicly comments adversely upon the administration of any department of the Government or of any province or of the territory of South-West Africa; or
- (o) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to any Government department or the Government, makes an incorrect

Met dien verstande voorts dat iemand wat na 'n pos van 'n laer graad sonder vermindering van pensioengewende verdienste verplaas is, na 'n pos van 'n graad wat by sy salaris pas, verplaas moet word sodra 'n geskikte vakature ontstaan.

5 32. Elke persoon wat by 'n universiteitskollege vas aangestel is kan deur die Minister ontslaan word— Ontslag van persone wat vas aangestel is.

- (a) weens bereiking van die pensioenleeftyd;
- (b) in die geval van 'n vroulike lid van die personeel, as sy in die huwelik tree;
- 10 (c) weens aanhoudende swak gesondheid;
- (d) weens die afskaffing van sy pos of enige vermindering in of herorganisasie of heraanpassing van die personeel van die universiteitskollege waar hy in diens is;
- 15 (e) indien sy ontslag na die mening van die Minister verbeterings in die organisasie van die universiteitskollege waar hy in diens is, sal vergemaklik waardeur groter doeltreffendheid of besparing bewerkstellig sal word;
- 20 (f) weens enige ongeskiktheid of onbekwaamheid soos in artikel vyf-en-dertig beskryf; of
- (g) weens enige wangedrag soos in artikel drie-en-dertig omskryf.

33. Elke persoon wat by 'n universiteitskollege vas aangestel is, is skuldig aan wangedrag en daar kan ooreenkomstig die Omskrywing van wangedrag.
25 bepaling van artikel vier-en-dertig met hom gehandel word, as hy—

- (a) 'n bepaling van hierdie Wet oortree of versuim om te voldoen aan 'n bepaling daarvan waaraan dit sy plig is om te voldoen; of
- 30 (b) 'n wettige bevel aan hom gegee deur iemand wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, veronagsaam of opsetlik nie uitvoer nie, of deur woord of gedrag hom aan insubordinasie skuldig maak; of
- 35 (c) nalatig of traag is in die vervulling van sy pligte; of
- (d) weens oorsake binne sy eie beheer, onbekwaam of onbevoeg is of word vir die vervulling van sy pligte; of
- 40 (e) hom op skandelijke, onbehoorlike of onbetaamlike wyse gedra of, terwyl hy diens doen, hom uiters onbeleeft jeens 'n persoon betoon; of
- (f) buitensporig gebruik maak van sterk drank of bedwel-
- 45 (g) insolvent word, of met sy skuldeisers 'n akkoord aangaan, of teen wie 'n vonnis van siviele gyseling deur 'n geregshof gegee word, tensy hy kan aantoon dat sy insolvensie, akkoord of siviele gyseling deur onvermydelike teenspoed veroorsaak is; of
- 50 (h) in geldelike moeilikhede geraak, indien daardie geldelike moeilikhede die gevolg is van onversigtigheid of ander afkeurenswaardige oorsaak, en tot nadeel strek van die getroue uitvoering van sy pligte; of
- 55 (i) sonder die goedkeuring van die Minister ten opsigte van die uitvoering van sy pligte 'n kommissie, geld, of beloning van geldelike of ander aard (wat nie die besoldiging aan hom betaalbaar ten opsigte van sy pligte is nie) aanneem, of so 'n kommissie, geld of beloning eis, of versuim om aan die Sekretaris die aanbod van so 'n kommissie, geld of beloning te rapporteer; of
- 60 (j) anders as in die vervulling van sy pligte vertroulike inligting deur hom in die loop van sy diens verkry, openbaar maak, of vir enige ander doel as vir die vervulling van sy amptelike pligte gebruik maak van vertroulike inligting deur hom ingewin of aan hom oorgedra as gevolg van sy verband met die Regerings-
- 65 diens, nieteenstaande dat hy nie sodanige inligting openbaar maak nie; of
- (k) homself regeringseiendom toeëien of daarvan onbehoorlik gebruik maak onder omstandighede wat geen misdryf uitmaak nie; of
- 70 (l) 'n misdryf pleeg; of
- (m) van sy universiteitskollege of diens sonder verlof of gegronde rede wegbly; of
- 75 (n) in die openbaar kritiek uitoefen aangaande die administrasie van 'n staatsdepartement of van 'n provinsie of van die gebied Suidwes-Afrika; of
- 80 (o) met die doel om 'n voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte te verkry, of om nadeel of skade aan enige staatsdepartement of die Regering te berokken, 'n onjuiste of onware ver-

or false statement, knowing the same to be incorrect or false; or

(p) does, or causes, or permits to be done, or connives at, any act which is prejudicial to the administration, discipline or efficiency, of any university college, Government department, office or institution in the public service; or

(q) propagates any idea or takes part in or identifies himself with any propaganda or activity or acts in a manner calculated—

(i) to cause or promote antagonism amongst any section of the population of the Union against any other section of the population of the Union; or

(ii) to impede, obstruct or undermine the activities of any Government department.

Procedure to be followed on charge of misconduct.

34. (1) When a person is accused of misconduct as defined in section *thirty-three*, the Secretary or any other person who has been authorized thereto by him, may charge that person in writing under his hand with that misconduct.

(2) The person who signs the charge shall cause it to be sent by post in a registered letter or to be delivered to the person charged, or to be left at his last known place of residence.

(3) The charge shall contain or shall be accompanied by a direction calling upon the person charged to transmit or deliver, within a reasonable period specified in the direction, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct charged.

(4) The Minister, or if authorized thereto by the Minister either specially in a particular case or generally, the Secretary or any officer in his Department, may at any time before or after he has been charged under this section, suspend the person accused of misconduct from duty.

(5) A person who has been suspended from duty as aforesaid shall not be entitled to any emoluments for the period of his suspension, but the Minister may, in his discretion, order payment to the said person of the whole or a portion of his emoluments.

(6) If no charge under this section is preferred against a person who has been suspended from duty, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension.

(7) The person who authorized the suspension may at any time cancel the suspension, but such cancellation shall in no way affect the prosecution of the charge.

(8) If the person charged admits the charge, he shall be deemed to be guilty of the misconduct with which he was charged.

(9) If the person charged denies the charge or fails to comply with the direction mentioned in sub-section (3), the Secretary shall appoint a suitable person to enquire into the charge: Provided that when a principal, professor or lecturer is charged, the Secretary shall in addition appoint two assessors, one of whom shall be a professor at a university or university college whose function shall be to advise and assist the person who is to hold the enquiry.

(10) The person who is to hold the enquiry shall, in consultation with the person who signed the charge, fix the time and place of the enquiry, and the person who signed the charge shall give the person charged reasonable notice of the time and place so fixed.

(11) If the person who is to hold the enquiry has reason to believe that any person is able to give evidence or to produce a book, document or article which will be relevant to the enquiry, he may, either on his own initiative or at the request of any person interested in the enquiry, summon the person in question by a summons under his hand to attend the enquiry at a time and place specified in the summons and to give evidence or to produce the book, document or article in question thereat, and at the enquiry the person holding it may administer an oath to, or accept an affirmation from, any person present thereat.

(12) Subject to the provisions of sub-section (13), any person who—

klaring doen, terwyl hy weet dat dit onjuis of onwaar is; of

- (p) 'n handeling wat tot nadeel strek van die administrasie, tug of doeltreffendheid van 'n universiteitskollege, staatsdepartement, kantoor of inrigting in die staatsdiens verrig, laat verrig of die verrigting daarvan toelaat; of
- (q) enige idee propageer of deelneem aan of hom veenselwig met enige propaganda of bedrywigheid of op 'n wyse optree wat bereken is—
- (i) om by enige deel van die bevolking van die Unie 'n vyandelike gesindheid teenoor enige ander deel van die bevolking van die Unie te verwek of te bevorder; of
- (ii) om die werksaamhede van 'n staatsdepartement te belemmer, te dwarsboom of te ondermyn.

34. (1) Wanneer iemand van wangedrag soos in artikel *drie-en-dertig* omskryf, beskuldig word, kan die Sekretaris of iemand anders wat deur hom daartoe gemagtig is, daardie persoon skriftelik onder sy handtekening van daardie wangedrag aankla. Prosedure wat gevolg moet word by aanklag van wangedrag.

(2) Die persoon wat die aanklag onderteken, laat dit aan die aangeklaagde persoon deur die pos in 'n aangetekende brief stuur of oorhandig of by sy laaste bekende woonplek afgee.

(3) Die aanklag bevat of gaan vergesel van 'n aansegging waardeur die aangeklaagde persoon aangesê word om binne 'n redelike in die aansegging vermelde tydperk, 'n skriftelike erkenning of ontkenning van die aanklag en, indien hy so verkies, 'n skriftelike verduideliking van die ten laste gelegde wangedrag aan 'n insgelyks vermelde persoon te stuur of te oorhandig.

(4) Die Minister, of indien deur die Minister hetsy spesiaal in 'n bepaalde geval of in die algemeen daartoe gemagtig, die Sekretaris, of 'n beampte in sy Departement, kan te eniger tyd voor of nadat hy kragtens hierdie artikel aangekla word, die persoon wat van wangedrag beskuldig word in sy diens skors.

(5) Iemand wat soos voormeld in sy diens geskors is, is nie op enige besoldiging gedurende die tydperk van sy skorsing geregtig nie, maar die Minister kan na goeddunke gelas dat aan bedoelde persoon sy hele besoldiging of 'n gedeelte daarvan uitbetaal word.

(6) Indien geen aanklag kragtens hierdie artikel teen 'n persoon wat in sy diens geskors is, ingebring word nie, word hy toegelaat om weer diens te hervat en word sy volle besoldiging vir die tydperk van sy skorsing aan hom betaal.

(7) Die persoon wat die skorsing gemagtig het, kan te eniger tyd die skorsing intrek, maar daardie intrekking raak hoegenaamd nie die voortsetting van die aanklag nie.

(8) Indien die aangeklaagde persoon die aanklag erken, word hy geag skuldig te wees aan die wangedrag wat hom ten laste gelê is.

(9) Indien die aangeklaagde persoon die aanklag ontken of versuim om aan die in sub-artikel (3) bedoelde aansegging gevolg te gee, stel die Sekretaris 'n geskikte persoon aan om die aanklag te ondersoek: Met dien verstande dat wanneer 'n prinsipaal, professor of lektor aangekla word, die Sekretaris ook twee assessore aanstel, een waarvan 'n professor aan 'n universiteit of universiteitskollege moet wees, wie se funksie is om die persoon wat die ondersoek moet hou, van advies te dien en behulpsaam te wees.

(10) Die persoon wat die ondersoek moet hou, bepaal in oorleg met die persoon wat die aanklag onderteken het, die tyd en plek van die ondersoek, en die persoon wat die aanklag onderteken het, gee aan die aangeklaagde persoon redelike kennisgewing van die aldus bepaalde tyd en plek.

(11) Indien die persoon wat die ondersoek moet hou, 'n gegronde vermoede het dat iemand in staat is om getuienis af te lê of om 'n boek, dokument of voorwerp voor te lê wat by die ondersoek ter sake sal wees, kan hy, hetsy uit eie beweging of op versoek van iemand wat by die ondersoek belang het, die betrokke persoon deur middel van 'n deur hom ondertekende dagvaarding dagvaar om die ondersoek op 'n tyd en plek in die dagvaarding vermeld by te woon en om aldaar getuienis af te lê, of die betrokke boek, dokument of voorwerp voor te lê, en by die ondersoek kan die persoon wat dit hou enigeeen wat aldaar aanwesig is 'n eed oplê of 'n bevestiging van hom aanneem.

(12) Behoudens die bepalings van sub-artikel (13), is iemand wat—

- (a) after having been summoned as aforesaid fails, without reasonable excuse, to attend the enquiry or to bring with him a book, document or article in accordance with the summons, or absents himself from the enquiry before its conclusion without having been excused by the person holding the enquiry from further attendance; or
- (b) when present at the enquiry, refuses to be sworn or to affirm as a witness or refuses without sufficient cause to answer fully and to the best of his knowledge any relevant question lawfully put to him, or to produce any book, document or article which he was summoned to produce; or
- (c) hinders or intimidates any person taking part in the enquiry or giving evidence thereat,

shall be guilty of an offence and liable on conviction to a fine not exceeding twenty pounds.

(13) At the enquiry no person shall be obliged to answer a question if the answer to that question may render him liable to a criminal prosecution, and no person shall produce any book, document or article at the enquiry if any Minister of State has stated in writing that the production of that book, document or article at the enquiry would be contrary to the public interest.

(14) Any person who, while giving evidence at the enquiry on oath or after having made an affirmation, makes a material statement relevant to the enquiry which he knows to be false or which he does not believe to be true, shall be deemed to be guilty of perjury.

(15) The person who signed the charge may authorize any person to attend the enquiry, to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.

(16) At the enquiry the person charged may be present and be heard either personally or by a representative, cross-examine any person called as a witness in support of the charge, inspect any book, document or article produced in evidence, give evidence himself and call any other person as a witness.

(17) The person holding the enquiry shall keep a record of the proceedings at the enquiry and of all evidence given thereat.

(18) If the person charged fails to attend either personally or by a representative, the enquiry may be held in his absence.

(19) If the misconduct set forth in the charge amounts to an offence of which the person charged has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall be sufficient proof that he committed the said offence, unless he was pardoned or unless the conviction has been set aside by a superior court: Provided that it shall be competent for the person charged to adduce evidence that he was in fact wrongly convicted.

(20) At the conclusion of the enquiry, the person holding it shall find whether the person charged is guilty or not guilty of the misconduct with which he was charged, and shall inform the person charged of his finding. He shall report the result of the enquiry to the Secretary.

(21) If the person charged was suspended from duty and the person holding the enquiry has found that he is not guilty of the misconduct with which he was charged, the first-mentioned person shall be reinstated in his post and be paid full emoluments for the period of his suspension.

(22) If the person holding the enquiry has found the person charged guilty of misconduct, the latter may, within a period of fourteen days as from the date upon which he was informed of the finding, appeal therefrom to the Minister by delivering or forwarding by post to the Secretary a written notice of appeal wherein are set forth fully the grounds upon which the appeal is based.

(23) If the person holding the enquiry has made a finding in terms of sub-section (22), he shall forward to the Secretary the record of the proceedings at the enquiry, any documentary evidence admitted thereat, a statement of his finding and his reasons therefor, and any observations on the case which he may desire to offer.

(24) If the person found guilty of misconduct has noted an appeal, the Secretary shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

- (a) nadat hy soos voormeld gedagvaar is, sonder redelike verontskuldiging versuim om ooreenkomstig die dagvaarding die ondersoek by te woon of 'n boek, dokument of voorwerp saam te bring, of van die ondersoek wegbly voordat dit voltooi is, sonder dat die persoon wat die ondersoek hou hom van verdere bywoning vrygestel het; of
- (b) wanneer hy by die ondersoek teenwoordig is, weier om as 'n getuie 'n eed af te lê of om te bevestig of sonder voldoende rede weier om enige vraag wat ter sake is en wettig aan hom gestel is, volledig en na sy beste wete te beantwoord, of om 'n boek, dokument of voorwerp voor te lê wat hy gedagvaar is om voor te lê; of
- (c) iemand wat aan die ondersoek deelneem of aldaar getuienis aflê, hinder of intimideer, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig pond.
- (13) By die ondersoek is niemand verplig om 'n vraag te beantwoord indien die antwoord op daardie vraag hom aan 'n strafregtelike vervolging kan blootstel nie, en niemand mag 'n boek, dokument of voorwerp by die ondersoek voorlê nie indien 'n Staatsminister skriftelik verklaar het dat die voorlegging van daardie boek, dokument of voorwerp by die ondersoek teen die openbare belang sal wees.
- (14) Iemand wat, terwyl hy by die ondersoek onder eed of nadat hy bevestig het getuienis aflê, 'n verklaring van wesenlike belang doen wat by die ondersoek ter sake is, en wat hy weet vals is of wat hy nie glo waar te wees nie, word geag skuldig te wees aan meened.
- (15) Die persoon wat die aanklag onderteken het, kan enige persoon magtig om die ondersoek by te woon, om die aanklag deur bewyse en argumente te staaf en om iemand wat as verdedigingsgetuie opgeroep word onder kruisverhoor te neem.
- (16) By die ondersoek kan die aangeklaagde persoon teenwoordig wees en of persoonlik of deur 'n verteenwoordiger sy saak voordra, iemand wat opgeroep is as getuie tot staving van die aanklag onder kruisverhoor neem, 'n boek, dokument of voorwerp wat as bewysstuk voorgelê word insien, self getuienis aflê en enigiemand anders as getuie oproep.
- (17) Die persoon wat die ondersoek hou, notuleer die verrigtinge en alle getuienis wat aldaar afgelê word.
- (18) Indien die aangeklaagde persoon versuim om of persoonlik of deur 'n verteenwoordiger aanwesig te wees, kan die ondersoek in sy afwesigheid gehou word.
- (19) Indien die in die aanklag vermelde wangedrag 'n misdryf uitmaak, waaraan 'n geregshof die aangeklaagde persoon skuldig bevind het, dien 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof as voldoende bewys dat hy bedoelde misdryf gepleeg het, tensy hom gracie verleen is of tensy die skuldigbevinding deur 'n hoër hof ter syde gestel is: Met dien verstande dat dit die aangeklaagde persoon vrystaan om getuienis aan te voer dat hy inderdaad ten onregte skuldig bevind is.
- (20) Aan die einde van die ondersoek beslis die persoon wat die ondersoek hou of die aangeklaagde persoon skuldig of onskuldig is aan die wangedrag waarvan hy aangekla is, en verwittig hy die aangeklaagde persoon van sy beslissing. Hy rapporteer die uitslag van die ondersoek aan die Sekretaris.
- (21) Indien die aangeklaagde persoon in sy diens geskors is, en die persoon wat die ondersoek hou, beslis het dat hy onskuldig is aan die wangedrag waarvan hy aangekla is, word die eersgenoemde persoon in sy pos herstel en word sy volle besoldiging vir die tydperk van sy skorsing aan hom betaal.
- (22) Indien die persoon wat die ondersoek hou die aangeklaagde persoon aan wangedrag skuldig bevind het, kan laasgenoemde binne 'n tydperk van veertien dae vanaf die dag waarop hy van die beslissing verwittig is, daarteen by die Minister appelleer deur 'n skriftelike kennisgewing van appèl, waarin die redes waarop die appèl gegrond is volledig uiteengesit word, aan die Sekretaris te oorhandig of deur die pos te stuur.
- (23) Indien die persoon wat die ondersoek hou in die sin van sub-artikel (22) beslis het, stuur hy aan die Sekretaris die notule van die verrigtinge by die ondersoek, die bewysstukke wat aldaar toegelaat is, 'n optekening van sy beslissing en sy redes daarvoor en enige toeligting van die saak wat hy wenslik ag.
- (24) Indien die persoon wat aan wangedrag skuldig bevind is appèl aangeteken het, verstrek die Sekretaris aan die appellant 'n afskrif van die redes vir die beslissing waarteen geappelleer word.

(25) If the person found guilty applies to the Secretary for a copy of the record of the proceedings at the enquiry and of any documents admitted in evidence thereat, within a period of fourteen days as from the date upon which he received a copy of the reasons for the finding or, if he lodged no appeal, 5 within a period of twenty-one days as from the date upon which he was informed of the finding, the Secretary shall furnish him with such copies.

(26) The appellant may, within a period of fourteen days as from the date upon which he received the copy of the record 10 of the proceedings, or if he did not apply for a copy of the record, within a period of twenty-one days as from the date upon which he received the copy of the reasons for the finding, submit to the Minister written representations in support of his appeal. Such written representations shall be delivered or 15 forwarded by post to the Secretary.

(27) The Secretary shall submit to the Minister the record of the proceedings at the enquiry, all documents in his possession which relate to the enquiry or appeal, and his recommendation 20 thereon.

(28) After consideration of the aforesaid record and documents, the Minister may allow the appeal wholly or in part and set aside or modify the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Minister may, before arriving at a final decision on the appeal, remit any 25 question in connection with the enquiry to the person who held the enquiry, and direct him to report thereon or to hold a further enquiry and arrive at a finding thereon.

(29) If the Minister has directed the holding of a further enquiry, the provisions of sub-sections (10) to and including 30 (18) shall apply in connection with the further enquiry.

(30) When the Minister has arrived at a final decision on an appeal, that decision shall be conveyed in writing to the appellant.

(31) If the Minister allows the appeal of an appellant who 35 was suspended from duty, such an appellant shall be reinstated in his post and be paid his full emoluments for the period of his suspension.

(32) If the person charged has admitted the charge in terms of sub-section (8), or if the record and documents referred to 40 in sub-section (23) have in terms of that sub-section been forwarded to the Secretary and no appeal has been noted against the finding or if the Minister has dismissed the appeal, wholly or in part, the Secretary shall determine whether in his opinion the misconduct which the said person admitted or of 45 which he was found guilty is or is not of a serious nature.

(33) In determining whether the misconduct in question is or is not of a serious nature, the Secretary shall give due regard to the probable effect of the misconduct on the tone and efficiency of the university college at which the person charged 50 was employed when the misconduct occurred, and on the students of such university college.

(34) If the Secretary has determined that the misconduct which the person charged has admitted or of which he has been found guilty is not of a serious nature, he may recommend 55 that the Minister—

(a) caution or reprimand the said person; or

(b) impose upon him a fine not exceeding five pounds; and the Minister may thereupon adopt the course recommended or the other course which the Secretary could lawfully have 60 recommended under this sub-section.

(35) If the Secretary has determined that the misconduct which the person charged has admitted or of which he has been found guilty is of a serious nature, he may recommend 65 that the Minister—

(a) caution or reprimand the said person; or

(b) impose upon him a fine not exceeding one hundred pounds, which may be recovered in such instalments as the Minister may determine by deduction from his emoluments; or 70

(c) reduce his salary or his grade or both his salary and his grade to an extent recommended; or

(d) discharge him from the service of the Department or call upon him to resign therefrom as from a date to be specified by the Minister; 75

and the Minister may thereupon adopt the course recommended or any other course which the Secretary could lawfully have recommended under this sub-section.

(36) If a person who is under suspension from duty under sub-section (4) is dealt with in accordance with sub-section 80

- (25) Indien die persoon wat skuldig bevind is, binne 'n tydperk van veertien dae vanaf die dag waarop hy 'n afskrif van die redes vir die beslissing ontvang het of, as hy geen appèl aangeteken het nie, binne 'n tydperk van een-en-twintig dae vanaf die dag waarop hy van die beslissing verwittig is, by die Sekretaris aansoek doen om 'n afskrif van die notule van die verrigtinge by die ondersoek en van enige dokumente wat as bewysstukke aldaar toegelaat is, verstrek die Sekretaris aan hom daardie afskrifte.
- 10 (26) Die appellant kan, binne 'n tydperk van veertien dae vanaf die dag waarop hy 'n afskrif van die notule van die verrigtinge ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 'n tydperk van een-en-twintig dae vanaf die dag waarop hy 'n afskrif van die redes vir die
15 beslissing ontvang het, aan die Minister skriftelike versoë ter ondersteuning van sy appèl voorlê. Die skriftelike versoë moet aan die Sekretaris oorhandig of deur die pos gestuur word.
- (27) Die Sekretaris lê die notule van die verrigtinge by die ondersoek, alle dokumente in sy besit wat op die ondersoek of
20 appèl betrekking het, en sy aanbeveling daaromtrent aan die Minister voor.
- (28) Na oorweging van voormelde notule en dokumente kan die Minister die appèl in sy geheel of gedeeltelik toestaan en die beslissing ter syde stel of wysig, of die appèl afwys en
25 die beslissing in sy geheel of gedeeltelik bekragtig, of kan die Minister, voordat hy oor die appèl tot 'n finale beslissing geraak, een of ander vraag in verband met die ondersoek terugverwys na die persoon wat die ondersoek gehou het en hom gelas om daaromtrent verslag te doen, of om 'n verdere ondersoek te
30 hou en daaromtrent te beslis.
- (29) Indien die Minister die hou van 'n verdere ondersoek gelas het, is die bepalings van sub-artikels (10) tot en met (18) van toepassing in verband met die verdere ondersoek.
- (30) Wanneer die Minister oor die appèl tot 'n finale beslissing geraak het, word sy beslissing skriftelik aan die appellant
35 meegedeel.
- (31) Indien die Minister die appèl van 'n appellant wat in sy diens geskors is, toestaan, word so 'n appellant in sy pos herstel en word sy volle besoldiging vir die tydperk van sy skorsing aan hom betaal.
- 40 (32) Indien die aangeklaagde persoon die aanklag volgens sub-artikel (8) erken het, of indien die notule en dokumente in sub-artikel (23) bedoel, ingevolge daardie sub-artikel aan die Sekretaris gestuur is, en daar geen appèl teen die beslissing aangeteken is nie, of indien die Minister die appèl in sy geheel
45 of gedeeltelik afgewys het, bepaal die Sekretaris of die wangedrag wat die aangeklaagde erken het of waaraan hy skuldig bevind is, na sy oordeel van ernstige aard is al dan nie.
- (33) By die bepaling of die betrokke wangedrag van ernstige aard is al dan nie, neem die Sekretaris die waarskynlike uitwerking van die wangedrag op die gees en doeltreffendheid van die universiteitskollege waar die aangeklaagde persoon in diens was toe die wangedrag plaasgevind het, en op die studente aan daardie universiteitskollege, behoorlik in aanmerking.
- 50 (34) Indien die Sekretaris bepaal het dat die wangedrag wat die aangeklaagde persoon erken het of waaraan hy skuldig bevind is, nie van ernstige aard is nie, kan hy aanbeveel dat die Minister—
- (a) bedoelde persoon waarsku of berispe; of
(b) hom 'n boete van hoogstens vyf pond oplê;
60 en daarop kan die Minister handel volgens die aanbeveling of die ander weg inslaan wat die Sekretaris wettiglik kragtens hierdie sub-artikel sou kon aanbeveel het.
- (35) Indien die Sekretaris bepaal het dat die wangedrag wat die aangeklaagde persoon erken het of waaraan hy skuldig
65 bevind is, van ernstige aard is, kan hy aanbeveel dat die Minister—
- (a) bedoelde persoon waarsku of berispe; of
(b) hom 'n boete oplê van hoogstens honderd pond wat in sodanige paaielemente as wat die Minister vasstel,
70 verhaal kan word deur aftrekking van sy besoldiging; of
- (c) sy salaris of sy graad of beide sy salaris en sy graad verlaag in 'n mate wat aanbeveel word; of
- (d) hom uit die diens van die Departement ontslaan of
75 hom gelas om daaruit te bedank vanaf 'n datum deur die Minister vermeld te word;
- en daarop kan die Minister handel volgens die aanbeveling of enige ander weg inslaan wat die Sekretaris wettiglik kragtens hierdie sub-artikel sou kon aanbeveel het.
- 80 (36) Indien met iemand wat onder skorsing in sy diens kragtens sub-artikel (4) staan, ooreenkomstig sub-artikel (34)

(34) or paragraph (a), (b) or (c) of sub-section (35), he shall be reinstated in the post which he held at the time of his suspension and be paid his full emoluments for the period of his suspension: Provided that if his grade is reduced in terms of the said paragraph (c) he shall be reinstated in the service of the Department in a post of the reduced grade and be paid for the period of his suspension the emoluments of that post; but if emoluments in excess of the emoluments of that post were, during his suspension, paid to him under sub-section (5), he shall not be obliged to refund the excess.

(37) If a person who was called upon to resign from the service of the Department in terms of sub-section (35) fails so to resign, he shall be deemed to have been discharged from such service on the date upon which he was called upon to resign.

Inefficient employees.

35. (1) If, at any time, after due enquiry, it is found that any person appointed permanently at any university college is unfitted for, or is incapable of performing efficiently, the duties of his post from causes not within his own control and not attributable to the performance of his official duties, the Minister may appoint such person to a post of a lower grade and reduce his annual salary to the maximum of such lower grade, or may discharge such person from the service of the Department.

(2) The provisions of section *thirty-four* shall apply *mutatis mutandis* to any enquiry referred to in sub-section (1).

CHAPTER V.

GENERAL PROVISIONS.

Interim limitation of admission of non-white students to universities and to the University College of Fort Hare.

36. As from the 1st January, 1958—

- (a) no university established by Act of Parliament, other than the University of South Africa, and no person employed by any such university, other than the University of South Africa, shall register or admit any non-white person as a student who was not registered as a student of the university for the preceding academic year, without the consent of the Minister: Provided that this paragraph shall not apply to the University of Natal in respect of the registration and admission of non-white persons as students at the Medical School;
- (b) no non-white person who was not registered as a student of the university for the preceding academic year, shall register with or attend any university established by Act of Parliament, other than the University of South Africa, as a student, without the consent of the Minister: Provided that this paragraph shall not apply to non-white persons in respect of their registration and attendance as students at the Medical School;
- (c) the university college presently known as the University College of Fort Hare and any person employed by such university college shall not register or admit any non-white person (other than a Bantu person) as a student who was not registered as a student of the university college for the preceding academic year, without the consent of the Minister; and
- (d) no non-white person (other than a Bantu person) who was not registered as a student of the university college for the preceding academic year, shall register with or attend the university college presently known as the University College of Fort Hare, as a student, without the consent of the Minister.

Limitation of admission of non-white students to certain universities and to the University College of Fort Hare.

37. (1) Notwithstanding the provisions of section *thirty-six*, as from a date to be fixed by the Governor-General by proclamation in the *Gazette*—

- (a) no university established by Act of Parliament, other than the University of South Africa, and no person employed by any such university, other than the University of South Africa, shall register or admit any non-white person as a student; and no non-white person shall register with or attend any such university, other than the University of South Africa, as a student: Provided that the provisions of this paragraph shall not be construed as preventing any non-white person

of paragraaf (a), (b) of (c) van sub-artikel (35) gehandel word, word hy in die pos wat hy op die tydstip van sy skorsing beklee het herstel, en word sy volle besoldiging vir die tydperk van sy skorsing aan hom betaal: Met dien verstande dat, indien sy 5 graad ingevolge bedoelde paragraaf (c) verlaag word, hy in die diens van die Departement herstel word in 'n pos van die verlaagde graad en vir die tydperk van sy skorsing die besoldiging verbonde aan daardie pos betaal word; maar indien gedurende sy skorsing 'n hoër besoldiging as die besoldiging 10 verbonde aan daardie pos kragtens sub-artikel (5) aan hom uitbetaal is, hy nie verplig is om die verskil terug te betaal nie.

(37) Indien iemand wat ingevolge sub-artikel (35) aangesê is om uit die diens van die Departement te bedank, versuim om aldus te bedank, word hy geag uit daardie diens ontslaan 15 te gewees het op die dag waarop hy aangesê is om te bedank.

35. (1) Indien te eniger tyd na behoorlike ondersoek bevind word dat iemand wat by 'n universiteitskollege vas aangestel is, ongeschik is vir die pligte aan sy pos verbonde of nie in staat is om dit op bekwame wysê uit te voer nie weens oorsake wat 20 buite sy eie beheer is en nie aan die uitvoering van sy amptelike pligte toe te skryf is nie, kan die Minister daardie persoon in 'n pos van 'n laer graad aanstel en sy jaarlikse salaris tot die maksimum vir so 'n laer graad verminder, of kan hy daardie persoon uit die diens van die Departement ontslaan.
- 25 (2) Die bepalinge van artikel vier-en-dertig is *mutatis mutandis* op 'n in sub-artikel (1) bedoelde ondersoek van toepassing.

HOOFSTUK V.

ALGEMENE BEPALINGS.

36. Vanaf 1 Januarie 1958—
- 30 (a) mag geen by Parlements-wet ingestelde universiteit, behalwe die Universiteit van Suid-Afrika, en geen persoon wat by so 'n universiteit, behalwe die Universiteit van Suid-Afrika, in diens is, enige nie-blanke 35 wat nie vir die voorafgaande akademiese jaar as student van die universiteit ingeskryf was nie, as student inskryf of toelaat sonder die toestemming van die Minister nie: Met dien verstande dat hierdie paragraaf nie op die Universiteit van Natal van toepassing is nie ten opsigte van die inskrywing en toelating van nie-blankes as studente aan die Mediese Skool;
- 40 (b) mag geen nie-blanke wat nie vir die voorafgaande akademiese jaar as student van die universiteit ingeskryf was nie, by enige by Parlements-wet ingestelde 45 universiteit, behalwe die Universiteit van Suid-Afrika, hom as student laat inskryf of dit bywoon sonder die toestemming van die Minister nie: Met dien verstande dat hierdie paragraaf nie op nie-blankes van toepassing is nie ten opsigte van hul inskrywing en 50 bywoning as studente aan die Mediese Skool;
- 55 (c) mag die universiteitskollege tans bekend as die Universiteitskollege van Fort Hare en enige persoon wat by daardie universiteitskollege in diens is, nie 'n nie-blanke (behalwe 'n Bantoe-persoon) wat nie as student van die universiteitskollege vir die voorafgaande akademiese jaar ingeskryf was nie, as student 60 inskryf of toelaat sonder die toestemming van die Minister nie; en
- 65 (d) mag geen nie-blanke (behalwe 'n Bantoe-persoon) wat nie as student van die universiteitskollege vir die voorafgaande akademiese jaar ingeskryf was nie, by die universiteitskollege tans bekend as die Universiteitskollege van Fort Hare hom as student laat inskryf of dit bywoon sonder die toestemming van die Minister nie.

Tussentydse beperking op die toelating van nie-blanke studente tot sekere universiteite en tot die Universiteitskollege van Fort Hare.

37. (1) Nieteenstaande die bepalinge van artikel ses-en-dertig, mag, vanaf 'n datum wat deur die Goewerneur-generaal by proklamasie in die Staatskoerant vasgestel word—
- 70 (a) geen by Parlements-wet ingestelde universiteit, behalwe die Universiteit van Suid-Afrika, en geen persoon wat by so 'n universiteit, behalwe die Universiteit van Suid-Afrika, in diens is, enige nie-blanke as student inskryf of toelaat nie; en mag geen nie-blanke hom as student by so 'n universiteit, behalwe die Universiteit van Suid-Afrika, laat inskryf of dit bywoon 75 nie: Met dien verstande dat die bepalinge van hierdie artikel nie so uitgelê word nie dat dit 'n nie-blanke wat

Beperking op die toelating van nie-blanke studente tot sekere universiteite en tot die Universiteitskollege van Fort Hare.

who is registered as a student at any university other than the University of South Africa, on the said date or who was so registered for the academic year which immediately preceded the said date, from completing at that university the course of study or training for the degree, diploma or certificate for which he is or was so registered; 5

- (b) the university college presently known as the University College of Fort Hare, and any person employed by such university college, shall not register or admit any non-white person (other than a Bantu person) as a student; and no non-white person (other than a Bantu person) shall register with or attend such university college as a student: Provided that the provisions of this paragraph shall not be construed as preventing any person who is registered as a student at the said university college on the said date or who was so registered for the academic year preceding the said date, from completing at that university college the course of study or training for the degree, diploma or certificate for which he is, or was, so registered. 15 20

(2) Different dates may be fixed under sub-section (1) in respect of —

- (a) different universities; 25
(b) separate faculties and departments within a university;
(c) the university college presently known as the University College of Fort Hare;
(d) Bantu persons; and
(e) non-white persons other than Bantu persons. 30

Fees.

38. (1) The fees payable to any university college shall be as prescribed.

(2) The fees payable to any university college under the control of the Minister of Native Affairs shall be paid into the Bantu Education Account. 35

Regulations.

39. (1) The Minister may make regulations as to—

- (a) the establishment, maintenance, management and control of university colleges and the disestablishment of such colleges;
(b) the transfer of the maintenance, management and control of the University College of Fort Hare to the Government in its Department of Native Affairs; 40
(c) the transfer of the maintenance management and control of the Medical School to the Government in its Department of Education, Arts and Science; 45
(d) the functions, powers, duties and procedure at meetings of a council and the books, accounts and records to be kept by a council;
(e) the period of office, the appointment, termination of appointment and resignation of members of councils and the payment of reasonable travelling and subsistence allowances to such members: Provided that the regulations in regard to such travelling and subsistence allowances shall be made in consultation with the Minister of Finance; 50 55
(f) the constitution, functions, powers, duties and procedure at meetings of a body established under paragraph (c) of section four;
(g) the conditions for admission, and tuition, boarding and other fees; 60
(h) the faculties and departments and the courses of instruction and training at each university college;
(i) the constitution and functions of boards of faculties;
(j) the admission of students to, the control of students at, and the discharge of students from university colleges; 65
(k) the financial and other material assistance to students;
(l) the appointment, grading, remuneration, promotion, transfer, discharge, discipline, conduct, powers, duties, hours of attendance, leave and other privileges, and the conditions of service including the occupation of official quarters, of persons appointed permanently or temporarily at university colleges: Provided that the regulations as to the remuneration of such persons shall be made after consultation with the Public Service Commission; 70 75

- op bedoelde datum as student by 'n ander universiteit as die Universiteit van Suid-Afrika ingeskryf is of wat aldus ingeskryf was vir die akademiese jaar wat bedoelde datum onmiddellik voorafgegaan het ver-
 5 hinder om aan daardie universiteit die studie- of opleidingskursus vir die graad, diploma of sertifikaat waarvoor hy aldus ingeskryf is of was, te voltooi;
- (b) die universiteitskollege tans bekend as die Univer-
 10 siteitskollege van Fort Hare, en enige persoon wat by daardie universiteitskollege in diens is, nie 'n nie-blanke (behalwe 'n Bantoe-persoon) as student inskryf of toelaat nie; en mag geen nie-blanke (behalwe 'n Bantoe-persoon) hom as student by daardie universiteitskollege laat inskryf of dit bywoon nie: Met dien
 15 verstande dat die bepalings van hierdie paragraaf nie so uitgelê word nie dat dit iemand wat op bedoelde datum as student aan bedoelde universiteitskollege ingeskryf is of wat aldus ingeskryf was vir die akademiese jaar wat bedoelde datum onmiddellik voorafgegaan het
 20 verhoor om aan daardie universiteitskollege die studie- of opleidingskursus vir die graad, diploma- of sertifikaat waarvoor hy aldus ingeskryf is of was, te voltooi.
- (2) Verskillende datums kan kragtens sub-artikel (1) vas-
 25 gestel word ten opsigte van—
- (a) verskillende universiteite;
 (b) afsonderlike fakulteite en departemente binne 'n universiteit;
 (c) die universiteitskollege tans bekend as die Univer-
 30 siteitskollege van Fort Hare;
 (d) Bantoe-persone; en
 (e) ander nie-blanke persone as Bantoe-persone.
38. (1) Die gelde betaalbaar aan 'n universiteitskollege is Gelde.
 soos voorgeskryf.
- 35 (2) Die gelde betaalbaar aan enige universiteitskollege onder beheer van die Minister van Naturellesake, word in die Bantoe-onderwysrekening inbetaal.
39. (1) Die Minister kan regulasies uitvaardig met betrekking tot— Regulasies.
- 40 (a) die instelling, instandhouding en bestuur van en beheer oor universiteitskolleges en die afskaffing van sodanige kolleges;
 (b) die oordrag van die instandhouding en bestuur van en
 45 beheer oor die Universiteitskollege van Fort Hare, aan die Regering in sy Departement van Naturellesake;
 (c) die oordrag van die instandhouding en bestuur van en beheer oor die Mediese Skool aan die Regering in sy Departement van Onderwys, Kuns en Wetenskap;
 50 (d) die werksaamhede, bevoegdhede, pligte en prosedure by vergaderings, van 'n raad, en die boeke, rekeninge en registers wat deur 'n raad gehou moet word;
 (e) die ampstermyn, aanstelling, beëindiging van aanstel-
 55 ling en bedanking van raadslede en die betaling van redelike reis- en verblyfstoeleas aan sodanige lede: Met dien verstande dat die regulasies met betrekking tot die reis- en verblyfstoeleas uitgevaardig word in oorleg met die Minister van Finansies;
 (f) die samestelling, werksaamhede, bevoegdhede, pligte
 60 en prosedure by vergaderings van 'n liggaam kragtens paragraaf (c) van artikel vier ingestel;
 (g) die voorwaardes van toelating, en klas-, losies- en ander gelde;
 (h) die fakulteite en departemente en kursusse van onder-
 65 wys en opleiding aan elke universiteitskollege;
 (i) die samestelling en werksaamhede van fakulteitsrade;
 (j) die toelating van studente tot, die beheer van studente
 70 aan en die ontslag van studente uit universiteitskolleges;
 (k) die finansiële en ander materiële hulp aan studente;
 (l) die aanstelling, gradering, besoldiging, bevordering, verplasing, ontslag, tug, gedrag, bevoegdhede, pligte,
 75 diensure, verlof en ander voorregte, en die diensvoorwaardes met inbegrip van die bewoning van amptelike kwartiere, van persone wat vas of tydelik by universiteitskolleges aangestel is: Met dien verstande dat die regulasies insake die besoldiging van bedoelde persone uitgevaardig word na oorlegpleging met die Staatsdienskommissie;

(m) the circumstances in which medical examinations shall be required for the purposes of any particular provision of this Act;

(n) any matter which by this Act is required or permitted to be prescribed;

(o) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved, the generality of the power conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made in respect of different university colleges and in respect of different persons or groups, classes or races of persons employed thereat.

Delegation of
Minister's
powers.

40. The Minister may delegate to the Secretary or to any other senior officer in his Department any or all of the rights, duties, powers, authorities and functions conferred or imposed upon or entrusted to him by sub-sections (3) and (4) of section *ten*, sub-sections (1) and (2) of section *thirteen*, sections *sixteen* and *seventeen*, paragraph (b) of sub-section (2) of section *twenty*, the proviso to sub-section (1) of section *twenty-three*, paragraph (b) of sub-section (2) of section *twenty-four*, section *thirty-one*, and paragraphs (a) and (b) of section *thirty-two*.

Administration
of Act to be
assigned and
prescribed by
proclamation.

41. (1) The Governor-General may by proclamation in the *Gazette* assign the administration of the provisions of this Act to any Minister, or partly to one Minister and partly to another Minister, or any part thereof for certain purposes to one Minister and for other purposes to another Minister; and may in such proclamation prescribe the powers and functions which shall be exercised and performed by the several Ministers; and may further prescribe that any power or duty conferred or imposed by this Act upon a Minister shall be exercised or performed by one Minister acting in consultation with another Minister.

(2) The Governor-General may from time to time vary or amend any such proclamation.

Power to
expropriate land
for university
college purposes.

42. The Minister may in consultation with the Minister of Finance expropriate any land required for or in connection with a university college, and the Expropriation of Lands and Arbitration Clauses Proclamation, 1902 (Proclamation No. 5 of 1902), of the Transvaal, shall, *mutatis mutandis*, apply to any such expropriation in any part of the Union.

Penalties.

43. Any person who contravenes any provision of section *fifteen*, section *thirty-six*, or section *thirty-seven* shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months.

Repeal and
amendment of
laws.

44. The laws mentioned in the Schedule to this Act are hereby repealed or amended to the extent set forth in the third column of that Schedule: Provided that—

(a) the repeal of sub-section (1) of section *thirty-three* of the Rhodes University (Private) Act, 1949 (Act No. 15 of 1949), and the amendment of section *one* of the Universities Act, 1955 (Act No. 61 of 1955), shall come into effect on the date fixed in the notice referred to in sub-section (1) of section *twenty* of this Act; and

(b) the amendment of section *eight* of the University of South Africa Act, 1916 (Act No. 12 of 1916), shall come into effect on the date fixed in the notice referred to in sub-section (1) of section *twenty-four* of this Act.

Short title.

45. This Act shall be called the Separate University Education Act, 1957.

- (m) die omstandighede waaronder mediese ondersoek vereis word by die toepassing van enige besondere bepaling van hierdie Wet;
- 5 (n) enige aangeleentheid wat kragtens hierdie Wet voorgeskryf moet of kan word;
- (o) oor die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doeleindes van hierdie Wet te verwesenlik. Die algemeenheid van die bevoegdheid wat by hierdie paragraaf verleen word, word nie deur die bepalings van die voorafgaande paragraawe beperk nie.
- 10 (2) Verskillende regulasies kan ten opsigte van verskillende kolleges en ten opsigte van verskillende persone of groepe of klasse persone of rasse aldaar in diens uitgevaardig word.
- 15 40. Die Minister kan aan die Sekretaris of aan enige ander senior beampte in sy Departement die een of ander van of al die regte, pligte, bevoegdhede, magte en werksaamhede kragtens sub-artikels (3) en (4) van artikel *tien*, sub-artikels (1) en (2) van artikel *dertien*, artikels *sestien* en *sewentien*,
20 paragraaf (b) van sub-artikel (2) van artikel *twintig*, die voorbehoudsbepaling by sub-artikel (1) van artikel *drie-en-twintig*, paragraaf (b) van sub-artikel (2) van artikel *vier-en-twintig*, artikel *een-en-dertig* en paragraawe (a) en (b) van artikel *twee-en-dertig*, aan hom verleen of opgelê of toevertrou, delegeer.
- 25 41. (1) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* die uitvoering van die bepalings van hierdie Wet opdra aan enige Minister of gedeeltelik aan een Minister en gedeeltelik aan 'n ander Minister of enige deel daarvan vir sekere doeleindes aan een Minister en vir ander doeleindes aan 'n ander Minister; en kan in so 'n proklamasie die bevoegdhede en werksaamhede voorskryf wat uitgeoefen en verrig moet word deur die onderskeie Ministers; en kan verder voorskryf dat 'n bevoegdheid of plig wat by hierdie Wet aan 'n Minister verleen of opgelê word, uitgeoefen of uitgevoer word
30 deur een Minister handelende in oorleg met 'n ander Minister.
- (2) Die Goewerneur-generaal kan van tyd tot tyd so 'n proklamasie verander of wysig.
42. Die Minister kan in oorleg met die Minister van Finansies enige grond wat vir of in verband met 'n universiteitskollege
40 benodig word, onteien, en die „Expropriation of Lands and Arbitration Clauses Proclamation 1902” (Proklamasie No. 5 van 1902) van Transvaal, is *mutatis mutandis* op elke sodanige onteiening in enige deel van die Unie van toepassing.
43. Enige persoon wat enige bepaling van artikel *vyftien*,
45 artikel *ses-en-dertig* of artikel *sewe-en-dertig* oortree is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande.
44. Die wette in die Bylae by hierdie Wet vermeld, word
50 hierby in die mate in die derde kolom van daardie Bylae aangedui, herroep of gewysig: Met dien verstande dat—
- (a) die herroeping van sub-artikel (1) van artikel *drie-en-dertig* van die Private Wet op Rhodes-universiteit, 1949 (Wet No. 15 van 1949) en die wysiging van artikel *een* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955) van krag word op die datum wat in die in sub-artikel (1) van artikel *twintig* van hierdie Wet bedoelde kennisgewing vasgestel word; en
55
- (b) die wysiging van artikel *agt* van die „Universiteit van Zuid Afrika Wet, 1916” (Wet No. 12 van 1916) van krag word op die datum wat in die in sub-artikel (1) van artikel *vier-en-twintig* van hierdie Wet bedoelde kennisgewing vasgestel word.
60
45. Hierdie Wet heet die Wet op Afsonderlike Universiteitsopleiding, 1957. Kort titel.
- 65

Delegasie van bevoegdhede van Minister.

Uitvoering van Wet opgedra en voorgeskrywe by proklamasie.

Bevoegdheid om grond vir doeleindes van universiteitskolleges te onteien.

Strafbepalings.

Herroeping en wysiging van wette.

Schedule.

(Section 44)

LAWS AMENDED OR REPEALED.

No. and year of law.	Short title.	Extent of amendment or repeal.
Act No. 12 of 1916.	The University of South Africa Act, 1916.	In section <i>eight</i> — (1) the insertion in sub-section (1) after paragraph (f) of the following paragraph: “(g) two representatives of the senate of the university college known as the Medical School for Non-Europeans at Durban.”; and (2) the substitution in sub-section (1) <i>bis</i> for all the words after the words “representative appointed” of the words “in terms of paragraph (e) or (g) of the said sub-section shall hold office during the pleasure of the senate of the University or university college appointing him.”.
Act No. 38 of 1945.	The Financial Relations Consolidation and Amendment Act, 1945.	In section <i>seventeen</i> , the substitution in paragraph (b) of sub-section (1) for the words “University College of Fort Hare” of the words “university college presently known as the University College of Fort Hare and other university colleges established or deemed to have been established under the Separate University Education Act, 1957;”.
Act No. 15 of 1949.	The Rhodes University (Private) Act, 1949.	The repeal of sub-section (1) of section <i>thirty-three</i> .
Act No. 61 of 1955.	The Universities Act, 1955	In section <i>one</i> , the deletion in the definition of “University” of the words “and includes the University College of Fort Hare”.
Act No. 23 of 1956.	The Exchequer and Audit Act, 1956.	In section <i>twenty</i> , the insertion after the expression “Bantu Education Act, 1953 (Act No. 27 of 1953)” of the expression “and of the Separate University Education Act, 1957,”.

Bylae.

(Artikel 44)

WETTE GEWYSIG OF HERROEP.

No. en Jaar	Kort titel.	Omvang van wysiging of herroeping.
Wet No. 12 van 1916.	Die „Universiteit van Zuid Afrika Wet, 1916“.	In artikel <i>agt</i> — (1) die invoeging in sub-artikel (1) na paragraaf (f) van die volgende paragraaf: „(g) twee vertegenwoordigers van de senaat van de universiteitskollege bekend als de Mediese School voor Niet-blanken te Durban;“; en (2) die vervanging in sub-artikel (1) <i>bis</i> van al die woorde na „een vertegenwoordiger“ deur die woorde „overeenkomstig paragraaf (e) of (g) van genoemde sub-artikel aangesteld zijn ambt zo lang het de senaat van de universiteit of universiteitskollege die hem aansteld, behaagt.“.
Wet No. 38 van 1945.	Die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945.	In artikel <i>sewentien</i> , die vervanging in paragraaf (b) van sub-artikel (1) van die woorde „Universiteitskollege van Fort Hare“ deur die woorde „universiteitskollege tans bekend as die Universiteitskollege van Fort Hare en ander universiteitskolleges wat kragtens die Wet op Afsonderlike Universiteitsop-leiding, 1957, ingestel is of geag word aldus ingestel te gewees het;“.
Wet No. 15 van 1949.	Die Private Wet op Rhodes-universiteit, 1949.	Sub-artikel (1) van artikel <i>drie-en-dertig</i> word herroep.
Wet No. 61 van 1955.	Die Wet op Universiteite, 1955.	In artikel <i>een</i> , die skrapping in die woordskrywing van „universiteit“ van die woorde „en ook die Universiteitskollege van Fort Hare“.
Wet No. 23 van 1956.	Die Skatkis- en Ouditwet, 1956.	In artikel <i>twintig</i> , die invoeging na die uitdrukking „Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953)“, van die uitdrukking „en die Wet op Afsonderlike Universiteitsop-leiding, 1957.“.