

EXTRAORDINARY



BITENGEWONE

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the General Post Office as a Newspaper. [Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

VOL. VIII.] PRICE 5c CAPE TOWN, 24TH MAY, 1963. PRYS 5c [No. 512.
KAAPSTAD, 24 MEI 1963.

DEPARTMENT OF THE PRIME MINISTER.

No. 772.] [24th May, 1963.

It is hereby notified that the State President has assented to the following Acts which are hereby published for general information:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 772.] [24 Mei 1963.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—

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No. 46, 1963.]

ACT

To amend the Apprenticeship Act, 1944, and the Training of Artisans Act, 1951.

(English text signed by the State President.)
(Assented to 15th May, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 37 of 1944, as amended by section 1 of Act 28 of 1951 and section 1 of Act 29 of 1959.

1. Section *one* of the Apprenticeship Act, 1944 (hereinafter referred to as the principal Act), is hereby amended by the addition at the end of the definition of "area of jurisdiction" of the words "and in relation to any sub-committee appointed in terms of section *eleven* means the area specified in respect of it in terms of paragraph (a) of sub-section (1) of the said section".

Amendment of section 2 of Act 37 of 1944.

2. Section *two* of the principal Act is hereby amended by the insertion after paragraph (b) of the following paragraph:

"(b)*bis* work performed, as part of the education or training of the persons in question, in any school registered in terms of section *thirty-three bis* of the Vocational Education Act, 1955 (Act No. 70 of 1955), and conducting any class or course in or by means of which practical manual training or tuition in any designated trade is provided;"

Amendment of section 3 of Act 37 of 1944, as amended by section 2 of Act 28 of 1951.

3. Section *three* of the principal Act is hereby amended—

(a) by the substitution in sub-section (2) for the word "eleven" of the word "thirteen";

(b) by the substitution in paragraph (e) of the said sub-section (2) for the word "two", wherever it occurs, of the word "three";

(c) by the substitution for sub-section (4) of the following sub-section:

"(4) The registrar shall be the chairman of the board, and the assistant registrar appointed in terms of paragraph (b) of sub-section (1) of section *four* the deputy chairman thereof."; and

(d) by the substitution for sub-section (5) of the following sub-section:

"(5) If the chairman and deputy chairman are both absent from a meeting of the board, the members present thereat may elect from amongst themselves a chairman to act at that meeting, but a chairman so acting shall not have a casting vote."

Amendment of section 4 of Act 37 of 1944, as amended by section 3 of Act 28 of 1951.

4. Section *four* of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of sub-section (1) of the following paragraph:

"(b) appoint an officer to be styled the assistant registrar of apprenticeship who shall assist the registrar in the exercise of his powers and the performance of his functions and duties, and who shall, subject to any general or special instructions of the registrar, be competent to perform any function or act which the registrar is competent to perform."; and

(b) by the substitution for sub-section (2) of the following sub-section:

"(2) (a) The Secretary for Labour may, subject to any general or special instructions of the Minister, appoint such officers as he may deem necessary for carrying out the provisions of this Act, and assign to any committee or any sub-committee appointed in terms of section *eleven* such an officer to act as secretary thereof, or appoint any other person, who shall be bilingual, to act as secretary of any such committee or sub-committee.

No. 46, 1963.]

WET

Tot wysiging van die Wet op Vakleerlinge, 1944, en die Wet op Opleiding van Ambagsmanne, 1951.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 15 Mei 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel *een* van die Wet op Vakleerlinge, 1944 (hieronder die Hoofwet genoem), word hierby gewysig deur aan die end van die omskrywing van „magsgebied” die volgende woorde by te voeg: „en met betrekking tot ’n onder-komitee benoem ingevolge artikel *elf*, die gebied wat ten opsigte daarvan aangegee is ingevolge paragraaf (a) van sub-artikel (1) van genoemde artikel”.
Wysiging van artikel 1 van Wet 37 van 1944, soos gewysig deur artikel 1 van Wet 28 van 1951 en artikel 1 van Wet 29 van 1959.
2. Artikel *twee* van die Hoofwet word hierby gewysig deur na paragraaf (b) die volgende paragraaf in te voeg:
„(b)*bis* werk wat as deel van die onderrig of opleiding van die betrokke persone verrig word in ’n skool wat geregistreer is ingevolge artikel *drie-en-dertig bis* van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), en wat ’n klas of kursus aanbied waarin of deur middel waarvan praktiese ambagsopleiding of onderrig in ’n aangewese bedryf verskaf word;”.
Wysiging van artikel 2 van Wet 37 van 1944.
3. Artikel *drie* van die Hoofwet word hierby gewysig—
Wysiging van artikel 3 van Wet 37 van 1944, soos gewysig deur artikel 2 van Wet 28 van 1951.
 - (a) deur in sub-artikel (2) die woord „elf” deur die woord „dertien” te vervang;
 - (b) deur in paragraaf (e) van genoemde sub-artikel (2) die woord „twee”, oral waar dit voorkom, deur die woord „drie” te vervang;
 - (c) deur sub-artikel (4) deur die volgende sub-artikel te vervang:
„(4) Die registrateur is die voorsitter van die raad, en die assistent-registrateur aangestel ingevolge paragraaf (b) van sub-artikel (1) van artikel *vier* die onder-voorsitter daarvan.”; en
 - (d) deur sub-artikel (5) deur die volgende sub-artikel te vervang:
„(5) Indien die voorsitter sowel as die ondervoorsitter van ’n vergadering van die raad afwesig is, kan die lede wat daarop aanwesig is, een uit hul midde kies om op daardie vergadering as voorsitter op te tree, maar iemand wat aldus as voorsitter optree, het nie ’n beslissende stem nie.”.
4. Artikel *vier* van die Hoofwet word hierby gewysig—
Wysiging van artikel 4 van Wet 37 van 1944, soos gewysig deur artikel 3 van Wet 28 van 1951.
 - (a) deur paragraaf (b) van sub-artikel (1) deur die volgende paragraaf te vervang:
„(b) ’n amptenaar met die benaming assistent-registrateur van vakleerlinge aanstel, wat die registrateur hulp moet verleen by die uitoefening van sy bevoeghede en die verrigting van sy werksaamhede en pligte, en wat onderworpe aan enige algemene of besondere opdragte van die registrateur, bevoeg is om ’n werksaamheid of handeling te verrig wat die registrateur bevoeg is om te verrig.”; en
 - (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:
„(2) (a) Die Sekretaris van Arbeid kan onderworpe aan enige algemene of besondere opdragte van die Minister, die amptenare aanstel wat hy nodig ag om die bepalings van hierdie Wet uit te voer, en aan ’n komitee of ’n onder-komitee benoem ingevolge artikel *elf*, so ’n amptenaar toewys om as sekretaris daarvan op te tree, of iemand anders wat tweetalig moet wees, aanstel om as sekretaris van so ’n komitee of onder-komitee op te tree.

- (b) The registrar may authorize any officer and any person so appointed to perform, subject to his directions, any act which the registrar is competent to perform.”.

Amendment of
section 5 of Act 37
of 1944.

5. Section *five* of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of sub-section (2) of the following paragraph:

“(a) under paragraph (a) of sub-section (1)—

- (i) establish different committees in respect of the same industry for different areas; and
- (ii) establish one committee for an industry and an area which wholly or partly includes the areas for which two or more existing committees for that industry have been established; and”; and

- (b) by the substitution for sub-section (4) of the following sub-section:

“(4) A committee referred to in sub-paragraph (ii) of paragraph (a) of sub-section (2) may make recommendations to the Minister on any matter referred to in sub-section (1) or (2) of section *sixteen* in respect of the area for which any existing committee concerned was established, but it shall not perform any other function or duty under this Act in respect of such area, until the disestablishment of such existing committee in terms of paragraph (a) of sub-section (1) of section *eight*, and upon such disestablishment any reference in any relevant condition or contract of apprenticeship then existing to a committee, shall be deemed to be a reference to the new committee concerned.”.

Amendment of
section 6 of Act 37
of 1944, as
amended by section
4 of Act 28 of 1951.

6. Section *six* of the principal Act is hereby amended—

- (a) by the deletion of the proviso to paragraph (a) of sub-section (7); and
- (b) by the substitution for the proviso to paragraph (a) of sub-section (8) of the following proviso:

“Provided that if there is any reason to believe that the chairman will be unable to be present at any meeting or meetings of the committee, the Minister may appoint a person to act in his stead at such meeting or meetings if he is absent therefrom.”.

Substitution of
section 8 of Act 37
of 1944.

7. The following section is hereby substituted for section *eight* of the principal Act:

“Disestablishment and discharge of apprenticeship committees.

8. (1) The Minister may by notice in the *Gazette*—

- (a) disestablish any committee;
- (b) if any committee has failed or ceased to perform all or any of its functions, discharge the members of the committee and order that the powers and functions of the committee shall for a period specified in the notice, be vested in and be exercised and performed by an officer so specified;
- (c) notwithstanding the provisions of sub-section (6) of section *six*, if the period of office of the members of a committee has lapsed and the organization or the union referred to in paragraph (b) of sub-section (1) of the said section has failed to appoint new members in terms of the said paragraph, order that the powers and functions of the committee shall for a period specified in such notice, be vested in and be exercised and performed by an officer so specified; and
- (d) withdraw any such notice and from time to time amend any notice under paragraph (b) or (c) by extending any period or specifying another officer in the place of any officer specified thereunder.

(2) Before publishing any notice under sub-section (1), the Minister shall consult any employers' organization or trade union which in his opinion has a material interest in the publication of the proposed notice.”.

- (b) Die registrateur kan enige amptenaar en enige persoon aldus aangestel, magtig om, onderworpe aan sy opdragte, enige handeling te verrig wat die registrateur bevoeg is om te verrig.”.

5. Artikel vyf van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van sub-artikel (2) deur die volgende paragraaf te vervang:

Wysiging van artikel 5 van Wet 37 van 1944.

„(a) ingevolge paragraaf (a) van sub-artikel (1)—

(i) verskillende komitees ten opsigte van dieselfde nywerheid vir verskillende gebiede instel; en

(ii) 'n komitee instel vir 'n nywerheid en 'n gebied wat geheel of gedeeltelik die gebiede insluit waarvoor twee of meer bestaande komitees vir daardie nywerheid ingestel is; en”;

- (b) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) 'n Komitee vermeld in sub-paragraaf (ii) van paragraaf (a) van sub-artikel (2) kan ten opsigte van die gebied waarvoor 'n bestaande betrokke komitee ingestel is, aan die Minister aanbevelings doen oor enige aangeleentheid vermeld in sub-artikel (1) of (2) van artikel *sestien*, maar hy mag nie ten opsigte van sodanige gebied enige ander werksaamheid of plig kragtens hierdie Wet verrig nie vóór die ontbinding van sodanige bestaande komitee ingevolge paragraaf (a) van sub-artikel (1) van artikel *agt*, en by sodanige ontbinding word 'n verwysing na 'n komitee in enige toepasslike leervoorswaarde of leerlingskontrak wat dan bestaan, geag 'n verwysing te wees na die nuwe betrokke komitee.”.

6. Artikel *ses* van die Hoofwet word hierby gewysig—

- (a) deur die voorbehoudsbepaling by paragraaf (a) van sub-artikel (7) te skrap; en

Wysiging van artikel 6 van Wet 37 van 1944, soos gewysig deur artikel 4 van Wet 28 van 1951.

- (b) deur die voorbehoudsbepaling by paragraaf (a) van sub-artikel (8) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat indien daar rede is om te dink dat die voorsitter nie in staat sal wees om op 'n vergadering of vergaderings van die komitee aanwesig te wees nie, die Minister iemand kan aanstel om in sy plek op dié vergadering of vergaderings op te tree indien hy daarvan afwesig is.”.

7. Artikel *agt* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 8 van Wet 37 van 1944.

„Ontbinding en ontslag van komitees vir vakleerlinge.

8. (1) Die Minister kan by kennisgewing in die *Staatskoerant*—

- (a) 'n komitee ontbind;

(b) indien 'n komitee versuim of opgehou het om al sy werksaamhede of enige deel daarvan te verrig, die lede van die komitee ontslaan en gelas dat die bevoegdhede en werksaamhede van die komitee vir 'n tydperk in die kennisgewing vermeld, berus by en uitgeoefen en verrig word deur 'n amptenaar aldus vermeld;

(c) ondanks die bepalings van sub-artikel (6) van artikel *ses*, indien die ampstermyn van die lede van 'n komitee verstryk het, en die organisasie of die vereniging vermeld in paragraaf (b) van sub-artikel (1) van genoemde artikel versuim het om nuwe lede ingevolge genoemde paragraaf te benoem, gelas dat die bevoegdhede en werksaamhede van die komitee vir 'n tydperk in die kennisgewing vermeld, berus by en uitgeoefen en verrig word deur 'n amptenaar aldus vermeld; en

(d) enige sodanige kennisgewing intrek en van tyd tot tyd 'n kennisgewing kragtens paragraaf (b) of (c) wysig deur 'n tydperk daarkragtens vermeld te verleng of 'n ander amptenaar te vermeld in die plek van die een daarkragtens vermeld.

(2) Voordat die Minister 'n kennisgewing kragtens sub-artikel (1) publiseer, moet hy enige werkgewersorganisasie of vakvereniging raadpleeg wat volgens sy oordeel 'n wesenlike belang by die publikasie van die voorgename kennisgewing het.”.

Amendment of section 11 of Act 37 of 1944, as substituted by section 5 of Act 28 of 1951.

8. Section *eleven* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words “from amongst its members and their alternates”;
- (b) by the substitution for paragraph (i) of the proviso to the said sub-section (1) of the following paragraph:

“(i) a sub-committee may consist wholly or partly of persons who are not members or alternates to members of the committee in question; and”;
- (c) by the substitution for paragraph (a) of sub-section (2) of the following paragraph:

“(a) The committee shall designate one of the members of a sub-committee appointed under paragraph (a) of sub-section (1) or appoint some other person as the chairman of such sub-committee.”; and
- (d) by the addition to the said sub-section (2) of the following paragraphs:

“(f) The committee may appoint such number of alternates to members of a sub-committee as it may determine, not exceeding the number of such members.

(g) The members of a sub-committee and the alternates to such members shall hold office for such periods as the committee in question may determine: Provided that in the event of the expiration of the period of office of all the members of a committee, the members of a sub-committee appointed by it and the alternates to such members shall remain in office until a new committee constituted in terms of section *six* in respect of an area which includes the area in respect of which such sub-committee was appointed, has appointed a sub-committee.”.

Amendment of section 13 of Act 37 of 1944, as amended by section 6 of Act 28 of 1951.

9. Section *thirteen* of the principal Act is hereby amended by the substitution in sub-section (3) for the words “or section *seventeen*” of the words “section *seventeen* or sub-section (1) of section *twenty-nine bis*”.

Amendment of section 14 of Act 37 of 1944.

10. Section *fourteen* of the principal Act is hereby amended by the addition to sub-section (2) of the following proviso:

“Provided that if any committee established in terms of section *five* for apprentices in the employ of the State is conducting any investigation in respect of an apprentice in such employ, such committee may in connection with such investigation so subpoena any officer in the Department of State in which such apprentice is employed.”.

Amendment of section 16 of Act 37 of 1944, as amended by section 7 of Act 28 of 1951.

11. Section *sixteen* of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of sub-section (2) of the following paragraph:

“(b) the period of apprenticeship and the extent to which and the circumstances under which such period may be curtailed or extended;”;
- (b) by the substitution for paragraph (d) of the said sub-section (2) of the following paragraph:

“(d) the classes which apprentices shall attend during their periods of apprenticeship, the number of days on which, the hours within which and the number of hours during which they shall attend such classes during any week in any year and, subject to the provisions of sub-section (12), the number of hours, if any, during which and the circumstances under which apprentices shall be released from work by the employer for the purpose of attending classes on any day: Provided that whenever attendance at any such classes is so prescribed so as to fall on one day of the week, the number of hours so prescribed shall, as nearly as practicable, be not less than eight per day and shall not extend beyond fifteen minutes past seven o'clock in the afternoon;”;
- (c) by the substitution for paragraph (h) of the said sub-section (2) of the following paragraph:

“(h) the tests or examinations (either practical or theoretical or both) which apprentices shall undergo at prescribed stages during the period

8. Artikel *elf* van die Hoofwet word hierby gewysig—

Wysiging van artikel 11 van Wet 37 van 1944, soos vervang deur artikel 5 van Wet 28 van 1951.

- (a) deur in sub-artikel (1) die woorde „uit sy lede en hul plaasvervangers” te skrap;
- (b) deur paragraaf (i) van die voorbehoudsbepaling by genoemde sub-artikel (1) deur die volgende paragraaf te vervang:

„(i) 'n onder-komitee geheel of gedeeltelik kan bestaan uit persone wat nie lede of plaasvervangers van lede van die betrokke komitee is nie; en”;

- (c) deur paragraaf (a) van sub-artikel (2) deur die volgende paragraaf te vervang:

„(a) Die komitee moet een van die lede van 'n onder-komitee wat kragtens paragraaf (a) van sub-artikel (1) benoem is, aanwys, of iemand anders benoem, as voorsitter van sodanige onder-komitee.”; en

- (d) deur die volgende paragrawe by genoemde sub-artikel (2) te voeg:

„(f) Die komitee kan die aantal plaasvervangers van lede van 'n onder-komitee wat hy bepaal, aanstel, maar hoogstens 'n getal gelyk aan die getal van sodanige lede.

(g) Die lede van 'n onder-komitee en die plaasvervangers van sodanige lede beklee hul ampte vir die tydperke wat die betrokke komitee bepaal: Met dien verstande dat in die geval van die verstryking van die ampstermyn van al die lede van 'n komitee, die lede van 'n onder-komitee deur die komitee benoem, en die plaasvervangers van sodanige lede, in hul ampte aanbly totdat 'n nuwe komitee ingevolge artikel *ses* saamgestel ten opsigte van 'n gebied wat die gebied insluit ten opsigte waarvan dié onder-komitee benoem is, 'n onder-komitee benoem het.”.

9. Artikel *dertien* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde „of artikel *sewentien*” te vervang deur die woorde „artikel *sewentien* of sub-artikel (1) van artikel *nege-en-twintig bis*”.

Wysiging van artikel 13 van Wet 37 van 1944, soos gewysig deur artikel 6 van Wet 28 van 1951.

10. Artikel *veertien* van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by sub-artikel (2) te voeg:

Wysiging van artikel 14 van Wet 37 van 1944.

„Met dien verstande dat indien 'n komitee wat ingevolge artikel *vyf* ingestel is vir vakleerlinge in diens van die Staat, 'n ondersoek instel ten opsigte van 'n vakleerling wat aldus in diens is, dié komitee in verband met daardie ondersoek 'n amptenaar in die Staatsdepartement waarin daardie vakleerling in diens is, aldus kan dagvaar.”.

11. Artikel *sestien* van die Hoofwet word hierby gewysig—

Wysiging van artikel 16 van Wet 37 van 1944, soos gewysig deur artikel 7 van Wet 28 van 1951.

- (a) deur paragraaf (b) van sub-artikel (2) deur die volgende paragraaf te vervang:

„(b) die duur van die leertyd en die mate waarin en die omstandighede waaronder dit verkort of verleng mag word;”;

- (b) deur paragraaf (d) van genoemde sub-artikel (2) deur die volgende paragraaf te vervang:

„(d) die klasse wat vakleerlinge tydens die duur van hul leertyd moet bywoon, die aantal dae waarop, die tye waartussen en die aantal ure wat hulle dié klasse gedurende enige week in enige jaar moet bywoon en behoudens die bepalings van sub-artikel (12), die aantal ure, indien daar is, wat, en die omstandighede waaronder, vakleerlinge deur die werkgever van werk onthef moet word om klasse op enige dag by te woon: Met dien verstande dat wanneer daar aldus voorgeskryf word dat bywoning van sodanige klasse op een dag van die week val, die aantal ure wat aldus voorgeskryf word sover doenlik minstens agt per dag moet wees en nie tot later as kwart oor sewe namiddag mag strek nie;”;

- (c) deur paragraaf (h) van genoemde sub-artikel (2) deur die volgende paragraaf te vervang:

„(h) die toetse of eksamens (hetsy prakties of teoreties of albei) wat vakleerlinge in voorgeskrewe stadiums gedurende die leertyd moet aflê, die

- of apprenticeship, the qualifying trade test which an apprentice shall undergo, the stage at which it shall be undergone, and the circumstances under which an apprentice may undergo such qualifying trade test prior or subsequent to that stage, or be exempted from any such examination or test or part thereof;"
- (d) by the insertion after paragraph (h) of the said sub-section (2) of the following paragraph:
 "(h)*bis* the fees payable in respect of any test or examination prescribed under paragraph (h), the persons by whom such fees shall be paid, and, if such fees are payable by more than one person, the portion thereof which shall be paid by each;"
- (e) by the deletion in paragraph (i) of the said sub-section (2) of the words "or in respect of any test or examination prescribed under paragraph (h)";
- (f) by the insertion after sub-section (4)*bis* of the following sub-section:
 "(4)*ter* Subject to the provisions of sub-section (5) a notice under sub-section (1), (2) or (3) may also be in the form of a notice declaring that as from a date specified therein the provisions of the relevant preliminary notice shall come into operation with such amendments, alterations, additions or omissions as may be so specified.";
- (g) by the substitution in sub-section (7) for the words "who have entered into contracts of apprenticeship upon or after the date on which the trade concerned was designated and before the date upon which the said conditions come into operation" of the words "who at the date of such publication are employed in any trade which is or was a designated trade in the industry in respect of which the committee concerned was established, in the area to which the notice relates, and under contracts of apprenticeship registered in terms of sub-paragraph (d) of paragraph (2) of section *twenty* or paragraph (c) of sub-section (1) of section *twenty-three*";
- (h) by the substitution for sub-section (11) of the following sub-section:
 "(11) If an apprentice who is no longer required to attend classes or follow correspondence courses prescribed under paragraph (d) or (e) of sub-section (2), elects to continue his studies, he shall be subject to the same conditions and enjoy the same privileges as an apprentice who is required to attend such classes or follow such correspondence courses.";
- (i) (i) by the deletion in paragraph (b) of sub-section (12) of the words "to be";
 (ii) by the insertion in the said sub-section after the words "shall not require" of the words "or permit"; and
 (iii) by the addition to the said sub-section of the following proviso:
 "Provided that if an apprentice absented himself without good reason from any such class or such place of study, the employer may deduct so much from his remuneration as is payable to him in respect of the day on which or the time during which he so absented himself.";
- (j) by the substitution for sub-section (13) of the following sub-section:
 "(13) If an apprentice passes a qualifying trade test prescribed under paragraph (h) of sub-section (2), prior or subsequent to the stage so prescribed, his contract of apprenticeship shall be deemed to be terminated by effluxion of time, with effect from a date twenty-one days after the last day of the test."

Substitution of section 19 of Act 37 of 1944, as amended by section 9 of Act 28 of 1951.

12. The following section is hereby substituted for section *nineteen* of the principal Act:

"Employment of minors.

19. (1) The Minister may—

- (a) on the recommendation of the board and after consultation with the committee concerned, by notice in the *Gazette*, declare that the provisions either of sub-section (2) or of sub-section (3) shall, in the area in respect of which such committee was established, apply in respect of all designated trades comprised in the industry in respect of which it was established,

finale bedryfstoets wat 'n vakleerling moet aflê, die stadium waarin dit afgelê moet word, en die omstandighede waaronder 'n vakleerling sodanige finale bedryfstoets voor of na daardie stadium kan aflê, of van so 'n eksamen of toets of 'n deel daarvan vrygestel kan word;"

- (d) deur na paragraaf (h) van genoemde sub-artikel (2) die volgende paragraaf in te voeg:

„(h)bis die gelde betaalbaar ten opsigte van enige toets of eksamen kragtens paragraaf (h) voorgeskryf, deur wie sodanige gelde betaal moet word, en, indien sodanige gelde deur meer as een persoon betaalbaar is, die gedeelte daarvan wat deur elk betaal moet word;"

- (e) deur in paragraaf (i) van genoemde sub-artikel (2) die woorde „of ten opsigte van 'n toets of eksamen wat kragtens paragraaf (h) voorgeskryf is" te skrap;

- (f) deur na sub-artikel (4)bis die volgende sub-artikel in te voeg:

„(4)ter Behoudens die bepalings van sub-artikel (5) kan 'n kennisgewing kragtens sub-artikel (1), (2) of (3) ook in die vorm van 'n kennisgewing wees waarby verklaar word dat vanaf 'n datum daarin vermeld die bepalings van die toepaslike voorlopige kennisgewing in werking tree met die wysigings, veranderings, byvoegings of weglatings wat aldus vermeld word;"

- (g) deur in sub-artikel (7) die woorde „wat leerlingskontrakte aangegaan het op of na die datum waarop die betrokke bedryf aangewys is, en voor die datum waarop genoemde voorwaardes in werking tree," deur die volgende woorde te vervang: „wat op die datum van sodanige publikasie in 'n bedryf wat 'n aangewese bedryf is of was in die nywerheid ten opsigte waarvan die betrokke komitee ingestel is, en in die gebied waarop die kennisgewing betrekking het, in diens is kragtens leerlingskontrakte geregistreer ingevolge sub-paragraaf (d) van paragraaf (2) van artikel twintig of paragraaf (c) van sub-artikel (1) van artikel drie-en-twintig;"

- (h) deur sub-artikel (11) deur die volgende sub-artikel te vervang:

„(11) Indien 'n vakleerling van wie dit nie meer vereis word nie dat hy klasse bywoon of korrespondensiekursusse volg wat kragtens paragraaf (d) of (e) van sub-artikel (2) voorgeskryf is, verkies om sy studies voort te sit, is hy onderhewig aan dieselfde voorwaardes en geniet hy dieselfde voorregte as 'n vakleerling wat sodanige klasse moet bywoon of sodanige korrespondensiekursusse moet volg;"

- (i) (i) deur in paragraaf (b) van sub-artikel (12) die woord „te", waar dit die eerste maal voorkom, te skrap;

- (ii) deur in genoemde sub-artikel na die woorde „nie die vakleerling" die woorde „en laat hom nie toe" in te voeg; en

- (iii) deur die volgende voorbehoudsbepaling by genoemde sub-artikel te voeg:

„Met dien verstande dat indien 'n vakleerling sonder grondige rede van so 'n klas of studieplek afwesig was, die werkgewer dié deel van sy besoldiging kan terughou wat aan hom betaalbaar is ten opsigte van die dag waarop of die tyd wat hy aldus afwesig was;" en

- (j) deur sub-artikel (13) deur die volgende sub-artikel te vervang:

„(13) Indien 'n vakleerling in 'n finale bedryfstoets voorgeskryf kragtens paragraaf (h) van sub-artikel (2), slaag vóór of ná die stadium aldus voorgeskryf, word sy leerlingskontrak geag deur verloop van tyd beëindig te wees vanaf 'n datum een-en-twintig dae na die laaste dag van die toets."

12. Artikel negentien van die Hoofwet word hierby deur die volgende artikel vervang:

„Indiensneming van minderjariges.

19. (1) Die Minister kan—

- (a) op aanbeveling van die raad en na raadpleging met die betrokke komitee, by kennisgewing in die Staatskoerant verklaar dat die bepalings van of sub-artikel (2) of sub-artikel (3) van toepassing is in die gebied ten opsigte waarvan dié komitee ingestel is, en wel ten opsigte van al die aangewese bedrywe vervat in die nywerheid ten opsigte waarvan dit ingestel is, of ten opsigte van dié aangewese bedrywe daarin vervat wat in die

Vervanging van artikel 19 van Wet 37 van 1944, soos gewysig deur artikel 9 van Wet 28 van 1951.

or in respect of such designated trades comprised therein as may be specified in the notice, or that the provisions of sub-section (2) shall so apply in any specified portion of that area and the provisions of sub-section (3) in the remaining portion thereof; and

(b) in the same manner, withdraw or amend any such notice.

(2) (a) After publication of the relevant notice under paragraph (a) of sub-section (1) no person shall without the written consent of the registrar take into his employment (otherwise than as an apprentice) in a designated trade and the area to which the notice relates, any minor other than a minor who has completed the period of apprenticeship prescribed under section *sixteen* in respect of that trade.

(b) The registrar may grant or refuse his consent if after consultation with the committee concerned he is of opinion that it would be in the interests of the minor to do so.

(c) If the employment of any minor (other than an apprentice) terminates for any reason, the employer shall notify the committee concerned thereof in the prescribed form within seven days thereafter.

(3) After the publication of the relevant notice under paragraph (a) of sub-section (1)—

(a) any person who has any minor (other than an apprentice) in his employment in a designated trade and the area to which the notice relates shall, within fourteen days of the publication of the notice;

(b) any person who takes any minor into his employment in such a trade in that area shall, within seven days of the employment; and

(c) any person who has any minor (other than an apprentice) in his employment in such a trade in that area shall, if the employment terminates for any reason, within seven days thereafter,

notify the secretary of the committee concerned thereof in the prescribed form, and furnish to the said secretary, in connection with the minor, in addition to the information to be furnished in the form, the information specified in that notice.

(4) (a) The registrar may, on the recommendation of the committee concerned, authorize any employer, in respect of whom the provisions of sub-section (2) apply, to take into his employment in any designated trade concerned and during a specified period, a number of minors not exceeding a number to be determined in accordance with a fixed proportion of minors and apprentices to qualified employees in that trade in any particular establishment, and the provisions of the said sub-section shall not apply in respect of any minor taken into employment in accordance with any such authority.

(b) The registrar may, on the recommendation of the committee concerned and by written notice served on the employer concerned, amend or withdraw any authority granted under paragraph (a).

(c) Any person who takes any minor into his employment in terms of any authority under paragraph (a) shall within seven days and in the prescribed form notify the secretary of the committee concerned thereof, and shall give like notification of the termination of the employment of any such minor.

(5) (a) The registrar shall not give his consent under sub-section (2) in respect of a minor who is not qualified to bind himself as an apprentice in terms of sub-section (1) of section *twenty-two* and who is not registered for employment with the Department of Labour as a prospective apprentice.

kennisgewing vermeld word, of dat die bepalings van sub-artikel (2) in 'n vermelde gedeelte van daardie gebied aldus van toepassing is, en die bepalings van sub-artikel (3) in die oorblywende gedeelte daarvan; en

- (b) so 'n kennisgewing op dieselfde wyse intrek of wysig.

(2) (a) Na die publikasie van die toepaslike kennisgewing kragtens paragraaf (a) van sub-artikel (1), mag niemand 'n minderjarige wat nie die leertyd voltooi het wat kragtens artikel *sestien* ten opsigte van die betrokke bedryf voorgeskryf is, in 'n aangewese bedryf en die gebied waarop die kennisgewing betrekking het, sonder die skriftelike toestemming van die registrateur in diens neem nie, behalwe as 'n vakleerling.

- (b) Die registrateur kan sy toestemming verleen of weier indien hy, na raadpleging met die betrokke komitee, van oordeel is dat dit in belang van die minderjarige sal wees om dit te doen.

- (c) Indien die indienseneming van 'n ander minderjarige as 'n vakleerling om enige rede beëindig word, moet die werkgewer binne sewe dae daarna die betrokke komitee op die voorgeskrewe wyse daarvan in kennis stel.

(3) Ná die publikasie van die toepaslike kennisgewing kragtens paragraaf (a) van sub-artikel (1)—

- (a) moet iemand wat 'n ander minderjarige as 'n vakleerling in sy diens het in 'n aangewese bedryf en die gebied waarop die kennisgewing betrekking het, binne veertien dae vanaf die publikasie van die kennisgewing;

- (b) moet iemand wat 'n minderjarige in so 'n bedryf in daardie gebied in diens neem, binne sewe dae vanaf sodanige indienseneming; en

- (c) moet iemand wat 'n ander minderjarige as 'n vakleerling in so 'n bedryf in daardie gebied in sy diens het, indien dié diens om enige rede beëindig word, binne sewe dae daarna,

die sekretaris van die betrokke komitee op die voorgeskrewe vorm daarvan in kennis stel, en benewens die inligting wat in dié vorm verstrekk moet word, aan genoemde sekretaris in verband met die minderjarige die inligting verstrekk wat in daardie kennisgewing vermeld word.

(4) (a) Die registrateur kan op aanbeveling van die betrokke komitee, 'n werkgewer ten opsigte van wie die bepalings van sub-artikel (2) van toepassing is, magtig om in 'n betrokke aangewese bedryf en gedurende 'n vermelde tydperk, 'n aantal minderjariges in sy diens te neem wat hoogstens soveel is as 'n aantal bepaal ooreenkomstig 'n vasgestelde verhouding van minderjariges en vakleerlinge tot gekwalifiseerde werknemers in daardie bedryf in 'n bepaalde onderneming, en die bepalings van genoemde sub-artikel is nie van toepassing nie ten opsigte van 'n minderjarige wat ooreenkomstig so 'n magtiging in diens geneem is.

- (b) Die registrateur kan op aanbeveling van die betrokke komitee en by skriftelike kennisgewing bestel aan die betrokke werkgewer, 'n magtiging wysig of intrek wat kragtens paragraaf (a) verleen is.

- (c) Iemand wat 'n minderjarige ingevolge 'n magtiging kragtens paragraaf (a) in sy diens neem, moet die sekretaris van die betrokke komitee binne sewe dae en op die voorgeskrewe vorm daarvan in kennis stel, en moet op dieselfde wyse kennis gee van die beëindiging van die diens van so 'n minderjarige.

(5) (a) Die registrateur mag nie sy toestemming kragtens sub-artikel (2) verleen nie ten opsigte van 'n minderjarige wat nie volgens sub-artikel (1) van artikel *twee-en-twintig* bevoeg is om homself as vakleerling te bind nie en wat nie by die Departement van Arbeid vir werk, in die hoedanigheid van voornemende vakleerling, geregistreer is nie.

- (b) No person shall take into his employment under sub-section (3) or (4) or retain in his employment under this section any minor referred to in paragraph (a).
- (6) (a) Every minor employed under this section shall be employed in accordance with conditions which are not less favourable to him than the conditions, if any, prescribed under sub-section (2) of section *sixteen*, in so far as they relate to the rates of remuneration and hours of work, during the first year of the normal prescribed period of apprenticeship, of apprentices employed in the trade concerned, and in accordance with any other conditions which are applicable in respect of such employment in terms of paragraph (b) of this sub-section.
- (b) The Minister may in any notice under sub-section (2) or (3) of section *sixteen* declare that all or any of the other conditions of apprenticeship contained therein shall apply also to minors employed under this section."

Substitution of
section 26 of Act 37
of 1944, as
amended by section
12 of Act 28 of
1951.

13. The following section is hereby substituted for section *twenty-six* of the principal Act:

"Absence
from work.

26. (1) (a) Subject to the provisions of sub-section (4) and such variations in the period of apprenticeship as the Minister may prescribe in terms of paragraph (b) of sub-section (2) of section *sixteen*, an apprentice shall serve the full period of apprenticeship which he is required to serve in terms of any condition of apprenticeship prescribed under sub-section (2) or (3) of the said section, and such period shall be extended by one day for every ordinary working day on which the apprentice was absent from work.
- (b) Every employer shall report any absence by an apprentice in his employ from work through whatever cause, other than an absence due to a suspension in terms of section *twenty-eight*, to the committee concerned in the prescribed manner within seven days from the date of such absence or the date on which the period of such absence terminated, as the case may be, and the committee concerned shall upon receipt of such notification, advise the registrar thereof.
 - (c) If a suspension of an apprentice in terms of section *twenty-eight* is not confirmed by a committee or is set aside on appeal by the registrar in terms of sub-section (6) of section *twenty-eight* or by the Minister in terms of section *thirty*, the registrar may after receipt of an application by the apprentice not to be required to serve the period of absence which resulted from the suspension, and after consultation with the committee concerned, grant or refuse the application or order that the apprentice shall serve only a portion of such period of absence and, in refusing such application or making such order, he may specify the dates between which, and the conditions under which the period in question shall be served, and he may withdraw or vary any decision or order given or made by him in terms of this sub-section.
- (2) (a) The registrar may from time to time, after consultation with the committee concerned, order that the period of apprenticeship of any apprentice be extended by a specified period, not exceeding—
- (i) one day in respect of every day on which, in the opinion of the registrar, the apprentice failed without good reason to comply with any condition of apprenticeship prescribed under paragraph (d) or (e) of sub-section (2) of section *sixteen*, which is or was applicable to him; and
 - (ii) one day in respect of every day on which, in the opinion of the registrar, the apprentice failed without good reason to attend a full-time technical training course

- (b) Niemand mag kragtens sub-artikel (3) of (4) 'n minderjarige vermeld in paragraaf (a) in diens neem of hom kragtens hierdie artikel in diens hou nie.
- (6) (a) Iedere minderjarige wat kragtens hierdie artikel in diens is, moet in diens gehou word ooreenkomstig voorwaardes wat vir hom nie minder gunstig is nie as die voorwaardes, indien daar is, wat kragtens sub-artikel (2) van artikel *sestien* voorgeskryf is, vir sover hulle betrekking het op die skale van besoldiging en werkure, gedurende die eerste jaar van die normale voorgeskrewe leertyd, van vakleerlinge wat in die betrokke bedryf in diens is, en ooreenkomstig die ander voorwaardes wat ten opsigte van dié diens van toepassing is ingevolge paragraaf (b) van hierdie sub-artikel.
- (b) Die Minister kan in 'n kennisgewing kragtens sub-artikel (2) of (3) van artikel *sestien* verklaar dat al die ander leervoorwaardes daarin vervat, of enige sodanige voorwaarde, ook van toepassing is op minderjariges wat kragtens hierdie artikel in diens is."

13. Artikel *ses-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Afwesigheid uit werk.

- 26. (1) (a) Behoudens die bepalinge van sub-artikel (4) en die afwykings van die leertyd wat die Minister mag voorskryf ingevolge paragraaf (b) van sub-artikel (2) van artikel *sestien*, moet 'n vakleerling die volle leertyd uitdien wat hy volgens 'n leervoorwaarde voorgeskryf kragtens sub-artikel (2) of (3) van genoemde artikel moet uitdien, en daardie tydperk moet verleng word met een dag vir iedere gewone werkdag waarop die vakleerling uit sy werk afwesig was.
- (b) Iedere werkgewer moet enige afwesigheid uit werk van 'n vakleerling in sy diens, om watter rede ook al, behalwe 'n afwesigheid wat toe te skrywe is aan 'n skorsing ingevolge artikel *agt-en-twintig*, op die voorgeskrewe wyse aanmeld by die betrokke komitee, en wel binne sewe dae vanaf die datum van dié afwesigheid of die datum waarop die tydperk van dié afwesigheid geëindig het, na gelang van die geval, en die betrokke komitee moet by ontvangs van sodanige kennisgewing die registrateur daarvan verwittig.
- (c) Indien 'n skorsing van 'n vakleerling ingevolge artikel *agt-en-twintig* nie deur 'n komitee bekragtig word nie, of op appèl tersyde gestel word deur die registrateur ingevolge sub-artikel (6) van artikel *agt-en-twintig* of die Minister ingevolge artikel *dertig*, kan die registrateur na ontvangs van 'n aansoek deur die vakleerling dat hy nie die tydperk van afwesigheid moet uitdien wat uit die skorsing voortvloei nie, en wel na raadpleging met die betrokke komitee, die aansoek toestaan of weier of gelas dat die vakleerling slegs 'n gedeelte van dié tydperk van afwesigheid moet uitdien, en wanneer hy so 'n aansoek weier of so 'n bevel uitreik, kan hy die datums waartussen en die voorwaardes waarop die betrokke tydperk uitgedien moet word, bepaal, en hy kan 'n beslissing of bevel wat hy ingevolge hierdie sub-artikel gegee of uitgereik het, intrek of wysig.
- (2) (a) Die registrateur kan van tyd tot tyd, na raadpleging met die betrokke komitee, gelas dat die leertyd van 'n vakleerling verleng word met 'n vermelde tydperk van hoogstens—
 - (i) een dag ten opsigte van iedere dag waarop, volgens die oordeel van die registrateur, die vakleerling sonder grondige rede versuim het om 'n leervoorwaarde na te kom wat kragtens paragraaf (d) of (e) van sub-artikel (2) van artikel *sestien* voorgeskryf is en wat op hom van toepassing is of was; en
 - (ii) een dag ten opsigte van iedere dag waarop, volgens die oordeel van die registrateur, die vakleerling sonder grondige rede versuim het om 'n voltijdse tegniese opleidingskur-

Vervanging van artikel 26 van Wet 37 van 1944, soos gewysig deur artikel 12 van Wet 28 van 1951.

which he is or was required to attend in terms of any condition of apprenticeship prescribed under paragraph (f) of sub-section (2) of section *sixteen*.

(b) The registrar may, after consultation with the committee concerned, in any order issued in terms of paragraph (a) specify—

(i) the dates between which the additional period specified in such order shall be served; and

(ii) such other conditions as he may deem necessary,

and may, after such consultation withdraw or vary any such order.

(3) The registrar shall notify the employer and apprentice concerned, and if the apprentice is a minor, his guardian, in writing of the terms of any order made under sub-section (2), and the said terms shall thereupon be deemed to form part of the contract of apprenticeship.

(4) The provisions of sub-section (1) shall not apply in respect of—

(a) any absence on leave to which the apprentice is entitled in terms of any condition of apprenticeship or under any law;

(b) any absence from work through sickness, for a total period not exceeding thirty days in any year;

(c) any absence from work which is due to attendance at any class or course in accordance with any condition of apprenticeship applicable to the apprentice; or

(d) any absence from work which is due to an apprentice undergoing military training in terms of the Defence Act, 1957 (Act No. 44 of 1957), for a period not exceeding four months of the first period and not exceeding three weeks of each subsequent period of such training.”

Substitution of section 27 of Act 37 of 1944, as amended by section 13 of Act 28 of 1951.

14. The following section is hereby substituted for section *twenty-seven* of the principal Act:

“Transfer of apprentices, and transfer of contracts of apprenticeship.

27. (1) An employer may send or transfer an apprentice from one place to another in the course of the ordinary carrying on by him of the trade in question, but shall not without the prior consent of the registrar so send or transfer an apprentice—

(a) if it would not be reasonably convenient for such apprentice to travel daily to and from his normal place of residence or to comply with any condition of apprenticeship prescribed under paragraph (d), (e) or (f) of sub-section (2) of section *sixteen* which is applicable to him; or

(b) from the area of jurisdiction of one committee or sub-committee to the area of jurisdiction of another committee or sub-committee, respectively.

(2) With the prior consent of the registrar, the rights and obligations of an employer under any contract of apprenticeship may be transferred to another employer, but no such transfer shall be complete until it has been registered by the registrar.

(3) (a) The registrar may in his discretion grant or withhold his consent referred to in sub-section (1) or (2), and may when granting his consent referred to in sub-section (1) impose such conditions as he may deem necessary.

(b) The registrar shall not grant his consent referred to in paragraph (b) of sub-section (1) or sub-section (2), unless—

(i) he is satisfied that all parties to the contract of apprenticeship have agreed to the proposed action; and

(ii) he has consulted any committee or sub-committee concerned.

(4) If an apprentice is transferred in terms of this section from the area of jurisdiction of one committee or sub-committee to the area of jurisdiction of another committee or sub-committee, respectively, any conditions of apprenticeship applicable in the trade concerned in such last-mentioned area shall,

sus by te woon wat hy verplig is of was om by te woon ingevolge 'n leervoorwaarde voorgeskryf kragtens paragraaf (f) van sub-artikel (2) van artikel *sestien*.

(b) Na raadpleging met die betrokke komitee kan die registrateur in 'n bevel uitgereik ingevolge paragraaf (a)—

(i) die datums bepaal waartussen die bykomende tydperk vermeld in die bevel uitgedien moet word; en

(ii) die ander voorwaardes bepaal wat hy nodig ag,

en kan hy so 'n bevel wysig of intrek.

(3) Die registrateur moet die betrokke werkgewer en vakleerling, en indien die vakleerling 'n minderjarige is, sy voog, skriftelik in kennis stel van die bepalings van 'n bevel uitgereik kragtens sub-artikel (2), en daarop word genoemde bepalings geag deel van die leerlingskontrak uit te maak.

(4) Die bepalings van sub-artikel (1) is nie van toepassing nie ten opsigte van—

(a) enige afwesigheid met verlof waarop die vakleerling geregtig is ingevolge 'n leervoorwaarde of kragtens 'n wet;

(b) enige afwesigheid uit werk weens siekte, vir 'n totale tydperk van hoogstens dertig dae in 'n jaar;

(c) enige afwesigheid uit werk wat toe te skrywe is aan die bywoning van 'n klas of kursus ooreenkomstig 'n leervoorwaarde wat op die vakleerling van toepassing is; of

(d) enige afwesigheid uit werk wat toe te skrywe is aan die feit dat 'n vakleerling militêre opleiding ondergaan ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), vir 'n tydperk van hoogstens vier maande van die eerste en hoogstens drie weke van iedere daaropvolgende tydperk van sodanige opleiding.”.

14. Artikel *sewe-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Verplasing van vakleerlinge, en oordrag van leerlingskontrakte.

27. (1) 'n Werkgewer kan in die loop van die gewone beoefening van die betrokke bedryf deur hom, 'n vakleerling van een plek na 'n ander stuur of verplaas, maar mag nie sonder die voorafgaande toestemming van die registrateur 'n vakleerling aldus stuur of verplaas nie—

(a) indien dit nie vir die vakleerling redelik gerieflik sal wees nie om daagliks na en van sy gewone verblyfplek te reis of om 'n leervoorwaarde wat kragtens paragraaf (d), (e) of (f) van sub-artikel (2) van artikel *sestien* voorgeskryf is en wat op hom van toepassing is, na te kom; of

(b) van die magsgebied van 'n komitee of onderkomitee na die magsgebied van 'n ander komitee of onderkomitee, onderskeidelik.

(2) Met die voorafgaande toestemming van die registrateur kan die regte en verpligtings van 'n werkgewer kragtens 'n leerlingskontrak aan 'n ander werkgewer oorgedra word, maar so 'n oordrag is nie voltooï voordat dit deur die registrateur geregistreer is nie.

(3) (a) Die registrateur kan na goeddunke sy toestemming vermeld in sub-artikel (1) of (2) verleen of weier en kan, wanneer hy sy toestemming vermeld in sub-artikel (1) verleen, die voorwaardes ople wat hy nodig ag.

(b) Die registrateur mag nie sy toestemming vermeld in paragraaf (b) van sub-artikel (1) of sub-artikel (2) verleen nie, tensy—

(i) hy oortuig is dat al die partye by die leerlingskontrak ingestem het met die voorgenome handeling; en

(ii) hy die betrokke komitee of onderkomitee geraadpleeg het.

(4) Indien 'n vakleerling ingevolge hierdie artikel verplaas word van die magsgebied van één komitee of onderkomitee na die magsgebied van 'n ander komitee of onderkomitee, onderskeidelik, is die leervoorwaardes wat in die betrokke bedryf in sodanige laasgenoemde gebied van toepassing is, vanaf die

Vervanging van artikel 27 van Wet 37 van 1944, soos gewysig deur artikel 13 van Wet 28 van 1951.

with effect from the date of the transfer, apply in respect of the apprentice, and any such conditions so applicable in such first-mentioned area shall as from such date cease to apply in respect of him.

(5) (a) If any person is apprenticed to a partnership, his contract of apprenticeship shall not be terminated by reason of the death or retirement of any partner, if the business of the partnership is continued by another person or partnership, but the rights and obligations of the employer under the contract shall in such case be deemed to be transferred to the person or partnership continuing the business.

(b) Such person or partnership shall lodge the contract in the prescribed manner and within one month of the date of such death or retirement, with the registrar for registration of the transfer.

(6) The provisions of this section shall not apply in respect of apprentices employed by the Railway Administration."

Amendment of section 28 of Act 37 of 1944, as amended by section 14 of Act 28 of 1951.

15. Section *twenty-eight* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "thirty working days" of the words "the number of days ordinarily worked in a week in the industry concerned";
- (b) by the addition to paragraph (b) of sub-section (1) *bis* of the following sub-paragraph, the existing paragraph becoming sub-paragraph (i):
 "(ii) For the purposes of sub-paragraph (i) 'committee' includes a sub-committee appointed by the committee concerned under paragraph (a) of sub-section (1) of section *eleven* in respect of the area concerned.";
- (c) by the substitution in sub-section (2) for the word "suspension" of the words "date on which he suspended the apprentice"; and
- (d) by the insertion in sub-section (6) after the word "committee", wherever it appears, of the words "or sub-committee".

Amendment of section 29 *bis* of Act 37 of 1944, as inserted by section 15 of Act 28 of 1951.

16. Section *twenty-nine bis* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "with the consent of the other party to the contract, affix" of the words "after consultation with the other party and the committee concerned, modify the terms of the contract by affixing".

Amendment of section 30 of Act 37 of 1944, as amended by section 16 of Act 28 of 1951.

17. Section *thirty* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "or section *twenty-nine*" of the words "section *twenty-nine*, or sub-section (1) of section *twenty-nine bis*".

Amendment of section 31 of Act 37 of 1944.

18. Section *thirty-one* of the principal Act is hereby amended by the deletion in the proviso of the words "in a designated trade or".

Substitution of section 32 of Act 37 of 1944, as amended by section 17 of Act 28 of 1951.

19. The following section is hereby substituted for section *thirty-two* of the principal Act:

"Records to be kept. 32. (1) Every employer upon whom a contract of apprenticeship is binding and every employer who employs in a designated trade a minor other than an apprentice shall—

- (a) at all times keep in respect of every apprentice concerned and every such minor a record of the remuneration paid, of the time worked and of such other particulars as may be prescribed, including, without prejudice to the generality of the provisions of this sub-section, particulars of the progress made by such apprentice or minor in any prescribed course of training and the steps taken by the employer to carry out any conditions prescribed under paragraph (g) of sub-section (2) of section *sixteen*; and

datum van die verplasing ten opsigte van die vakleerling van toepassing, en hou sodanige voorwaardes wat in sodanige eersgenoemde gebied aldus van toepassing is, vanaf dié datum op om ten opsigte van hom van toepassing te wees.

(5) (a) Indien iemand by 'n vennootskap in die leer is, word sy leerlingskontrak nie uit hoofde van die dood of uittrede van 'n vennoot beëindig nie, indien die saak van dié vennootskap deur 'n ander persoon of vennootskap voortgesit word, maar word in so 'n geval die regte en verpligtings van die werkgewer kragtens die kontrak geag oorgedra te wees aan die persoon of vennootskap wat dié saak voortsit.

(b) So 'n persoon of vennootskap moet die kontrak op die voorgeskrewe wyse en binne 'n maand vanaf sodanige dood of uittrede, by die registrateur vir registrasie van die oordrag inlewer.

(6) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van vakleerlinge wat in die diens van die Spoorwegadministrasie is."

15. Artikel *agt-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „dertig werksdae” te vervang deur die woorde „die aantal dae waarop daar gewoonlik in 'n week in die betrokke nywerheid gewerk word,”;
- (b) deur die volgende sub-paragraaf by paragraaf (b) van sub-artikel (1) *bis* te voeg, terwyl die bestaande paragraaf sub-paragraaf (i) word:
- „(ii) By die toepassing van sub-paragraaf (i) beteken „komitee” ook 'n onder-komitee wat deur die betrokke komitee kragtens paragraaf (a) van sub-artikel (1) van artikel *elf* ten opsigte van die betrokke gebied benoem is.”;
- (c) deur in sub-artikel (2) die woord „skorsing” te vervang deur die woorde „datum waarop hy die vakleerling geskors het,”; en
- (d) deur in sub-artikel (6) na die woord „komitee”, oral waar dit voorkom, die woorde „of onder-komitee” in te voeg.

Wysiging van artikel 28 van Wet 37 van 1944, soos gewysig deur artikel 14 van Wet 28 van 1951.

16. Artikel *nege-en-twintig bis* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „met toestemming van die ander party by die kontrak, 'n verklaring daaraan heg” te vervang deur die woorde „na raadpleging met die ander betrokke party en die betrokke komitee, die bepalings van die kontrak wysig deur daaraan 'n verklaring te heg”.

Wysiging van artikel 29 *bis* van Wet 37 van 1944, soos ingevoeg deur artikel 15 van Wet 28 van 1951.

17. Artikel *dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „of artikel *nege-en-twintig*” te vervang deur die woorde „artikel *nege-en-twintig*, of sub-artikel (1) van artikel *nege-en-twintig bis*,”.

Wysiging van artikel 30 van Wet 37 van 1944, soos gewysig deur artikel 16 van Wet 28 van 1951.

18. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur in die voorbehoudsbepaling die woorde „in 'n aangewese bedryf, of” te skrap.

Wysiging van artikel 31 van Wet 37 van 1944.

19. Artikel *twee-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Aantekeninge wat gehou moet word.

32. (1) Iedere werkgewer vir wie 'n leerlingskontrak bindend is, en iedere werkgewer wat 'n minderjarige wat nie 'n vakleerling is nie, in 'n aangewese bedryf in diens het, moet—

(a) te alle tye ten opsigte van iedere betrokke vakleerling en iedere sodanige minderjarige, aantekeninge hou van die besoldiging wat betaal is, van die tyd wat gewerk is en van die ander besonderhede wat voorgeskryf mag wees, met inbegrip, sonder afbreuk aan die algemeenheid van die bepalings van hierdie sub-artikel, van besonderhede van die vordering wat sodanige vakleerling of minderjarige in 'n voorgeskrewe opleidingskursus gemaak het en die stappe wat die werkgewer gedoen het om gevolg te gee aan enige voorwaardes wat kragtens paragraaf (g) van sub-artikel (2) van artikel *sestien* voorgeskryf is; en

Vervanging van artikel 32 van Wet 37 van 1944, soos gewysig deur artikel 17 van Wet 28 van 1951.

- (b) furnish to every apprentice concerned and every minor so employed a logbook in the prescribed form.
- (2) (a) The records referred to in paragraph (a) of sub-section (1) shall be kept in the prescribed form and manner: Provided that an inspector may in writing, under his signature, authorize the keeping of such records in some other form, provided the records so kept in such latter form will in his opinion enable him to ascertain therefrom the required particulars.
- (b) Any apprentice or minor referred to in paragraph (b) of sub-section (1) shall at the prescribed stages enter in the logbook furnished to him in terms of the said paragraph, such particulars of the practical training received by him as may be prescribed.
- (3) Every employer shall at the prescribed times and in respect of the period prescribed forward to the committee concerned—
 - (a) a true copy of any record which he is required to keep in terms of paragraph (a) of sub-section (1);
 - (b) a true copy of any logbook furnished to an apprentice or minor in terms of paragraph (b) of sub-section (1), including such particulars as may have been entered therein by such apprentice or minor.
- (4) Every person who is or has been an employer referred to in sub-section (1) shall retain any record made in terms of that sub-section for a period of three years subsequent to the date of the record, and shall on demand by an inspector or authorized person made at any time during the said period of three years produce the said record for inspection.”.

Amendment of section 38 of Act 37 of 1944, as amended by section 19 of Act 28 of 1951 and section 3 of Act 29 of 1959.

20. Section *thirty-eight* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (b) of sub-section (1) for the words “or sub-section (3)” of the words “sub-section (3), paragraph (c) of sub-section (4), paragraph (b) of sub-section (5) or paragraph (a) of sub-section (6)”, and for the expression “sub-section (4)” of the words “sub-section (1) of section *twenty-six*, paragraph (b) of sub-section (5)”;
- (b) by the insertion in paragraph (c) of the said sub-section, after the word “*fifteen*,” of the words “sub-section (12) of section *sixteen*,” and after the word “*twenty-five*,” of the words “sub-section (1) of section *twenty-seven*,”; and
- (c) by the substitution in paragraph (d) of the said sub-section for the words “paragraph (b) of sub-section (2) of section *nineteen*” of the words “paragraph (a) of sub-section (3) of section *twenty-seven*, or sub-section (1)”.

Amendment of section 41 of Act 37 of 1944, as amended by section 4 of Act 29 of 1959.

21. Section *forty-one* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (9), after the word “committee”, of the words “or the director or principal of a designated institution,”;
- (b) by the addition of the word “or” at the end of sub-paragraph (viii) of the said paragraph;
- (c) by the insertion in the said paragraph, after the said sub-paragraph (viii), of the following sub-paragraph:

“(ix) an apprentice so specified did not attend any classes prescribed under paragraph (d) of sub-section (2) of section *sixteen* and so specified, or did not complete any papers in connection with correspondence courses prescribed under paragraph (e) of sub-section (2) of the said section and so specified,”;
- (d) by the insertion in the said paragraph after the words “exemption or notice” of the words “and, in any case referred to in paragraph (ix), particulars of the classes or papers in question,”; and

- (b) aan iedere betrokke vakleerling en iedere minderjarige wat aldus in diens is, 'n logboek in die voorgeskrewe vorm verskaf.
- (2) (a) Die aantekeninge vermeld in paragraaf (a) van sub-artikel (1) moet in die voorgeskrewe vorm en op die voorgeskrewe wyse gehou word: Met dien verstande dat 'n inspekteur skriftelik onder sy handtekening magtiging kan verleen vir die hou van dié aantekeninge in 'n ander vorm, mits die aantekeninge wat in laasgenoemde vorm gehou word hom, volgens sy oordeel, in staat sal stel om daaruit die nodige besonderhede te wete te kom.
- (b) 'n Vakleerling of minderjarige vermeld in paragraaf (b) van sub-artikel (1) moet in die voorgeskrewe stadiums in die logboek wat aan hom ingevolge genoemde paragraaf verskaf is, die voorgeskrewe besonderhede van die praktiese opleiding deur hom ontvang, aanteken.
- (3) Iedere werkgewer moet op die voorgeskrewe tye en ten opsigte van die voorgeskrewe tydperk aan die betrokke komitee aanstuur—
- (a) 'n juiste afskrif van enige aantekening wat hy ingevolge paragraaf (a) van sub-artikel (1) moet hou;
- (b) 'n juiste afskrif van enige logboek wat aan 'n vakleerling of minderjarige ingevolge paragraaf (b) van sub-artikel (1) verskaf is, met inbegrip van die besonderhede wat daarin deur dié vakleerling of minderjarige aangeteken is.
- (4) Iedere persoon wat 'n werkgewer vermeld in sub-artikel (1) is of was, moet enige aantekening wat ingevolge daardie sub-artikel gemaak is, vir 'n tydperk van drie jaar ná die datum van dié aantekening behou, en moet op aanvraag deur 'n inspekteur of gemagtigde te eniger tyd gedurende genoemde tydperk van drie jaar, genoemde aantekening ter insae toon."

20. Artikel agt-en-dertig van die Hoofwet word hierby gewysig—

Wysiging van artikel 38 van Wet 37 van 1944, soos gewysig deur artikel 19 van Wet 28 van 1951 en artikel 3 van Wet 29 van 1959.

- (a) deur in paragraaf (b) van sub-artikel (1) die woorde „of sub-artikel (3)” te vervang deur die woorde „sub-artikel (3), paragraaf (c) van sub-artikel (4), paragraaf (b) van sub-artikel (5) of paragraaf (a) van sub-artikel (6)”, en die uitdrukking „sub-artikel (4)” deur die woorde „sub-artikel (1) van artikel ses-en-twintig, paragraaf (b) van sub-artikel (5)”;
- (b) deur in paragraaf (c) van genoemde sub-artikel, na die woord „vyftien,”, die woorde „sub-artikel (12) van artikel sestiën,”, en, na die woord „vyf-en-twintig”, die woorde „sub-artikel (1) van artikel sewen-en-twintig,” in te voeg; en
- (c) deur in paragraaf (d) van genoemde sub-artikel die woorde „paragraaf (b) van sub-artikel (2) van artikel negentien,” te vervang deur die woorde „paragraaf (a) van sub-artikel (3) van artikel sewen-en-twintig, of sub-artikel (1)”.

21. Artikel een-en-veertig van die Hoofwet word hierby gewysig—

Wysiging van artikel 41 van Wet 37 van 1944, soos gewysig deur artikel 4 van Wet 29 van 1959.

- (a) deur in paragraaf (a) van sub-artikel (9), na die woord „komitee”, die woorde „of die direkteur of prinsipaal van 'n aangewese inrigting,” in te voeg;
- (b) deur aan die end van sub-paragraaf (viii) van genoemde paragraaf die woord „of” by te voeg;
- (c) deur in genoemde paragraaf, na genoemde sub-paragraaf (viii), die volgende sub-paragraaf in te voeg:
„(ix) 'n vakleerling aldus vermeld nie die een of ander aldus vermelde klas wat kragtens paragraaf (d) van sub-artikel (2) van artikel sestiën voorgeskryf is, bygewoon het nie, of nie die een of ander aldus vermelde vraestel in verband met korrespondensiekursusse wat kragtens paragraaf (e) van sub-artikel (2) van genoemde artikel voorgeskryf is, voltooi het nie,”;
- (d) deur in genoemde paragraaf, na die woorde „vrystelling of kennisgewing”, die woorde „en, in 'n geval vermeld in paragraaf (ix), besonderhede van die betrokke klasse of vraestelle,” in te voeg; en

- (e) by the insertion in paragraph (b) of the said sub-section (9) after the word "secretary", wherever it occurs, of the words "or such director or principal,".

Substitution of section 44 of Act 37 of 1944.

22. The following section is hereby substituted for section *forty-four* of the principal Act:

'Applica-
tion of
wage
regulating
measures.

44. Notwithstanding anything to the contrary contained in any other law, the provisions of any wage regulating measure shall, in so far as they are not inconsistent with any provision of this Act or any notice published under section *sixteen* or *seventeen*, which applies to any apprentice, or with any provision of a contract of apprenticeship entered into by any apprentice in accordance with the provisions of this Act and registered in terms of sub-paragraph (d) of paragraph (2) of section *twenty* or paragraph (c) of sub-section (1) of section *twenty-three*, apply to such apprentice."

Amendment of section 45 of Act 37 of 1944.

23. Section *forty-five* of the principal Act is hereby amended by the insertion after paragraph (d) of sub-section (1) of the following paragraph:

"(d)*bis* the issue of certificates to apprentices on the termination of their contracts of apprenticeship and the form of such certificates;".

Amendment of section 7 of Act 38 of 1951.

24. Section *seven* of the Training of Artisans Act, 1951, is hereby amended by the deletion in sub-section (1) of the words "who has not served his apprenticeship under the Apprenticeship Act, but".

Short title.

25. This Act shall be called the Apprenticeship Amendment Act, 1963.

- (e) deur in paragraaf (b) van genoemde sub-artikel (9), na die woord „sekretaris”, oral waar dit voorkom, die woorde „of so ’n direkteur of prinsipaal,” in te voeg.

22. Artikel vier-en-veertig van die Hoofwet word hierby deur die volgende artikel vervang:

„Toepassing van loon-reëlende maatreëls.

44. Ondanks andersluidende bepalings van enige ander wet, is die bepalings van ’n loonreëlende maat-reël op ’n vakleerling van toepassing vir sover hulle nie in stryd is nie met ’n bepaling van hierdie Wet of ’n kennisgewing gepubliseer kragtens artikel *sestien* of *sewentien* wat op hom van toepassing is, of met ’n bepaling van ’n leerlingskontrak deur hom aange-gaan ooreenkomstig die bepalings van hierdie Wet en geregistreer ingevolge sub-paragraaf (d) van paragraaf (2) van artikel *twintig* of paragraaf (c) van sub-artikel (1) van artikel *drie-en-twintig*.”.

Vervanging van artikel 44 van Wet 37 van 1944.

23. Artikel vyf-en-veertig van die Hoofwet word hierby gewysig deur na paragraaf (d) van sub-artikel (1) die volgende paragraaf in te voeg:

Wysiging van artikel 45 van Wet 37 van 1944.

„(d)*bis* die uitreiking van sertifikate aan vakleerlinge by beëindiging van hul leerlingskontrakte en die vorm van sodanige sertifikate;”.

24. Artikel *sewe* van die Wet op Opleiding van Ambags-manne, 1951, word hierby gewysig deur in sub-artikel (1) die woorde „wat nie sy leertyd ingevolge die Wet op Vakleerlinge uitgedien het nie maar” te skrap.

Wysiging van artikel 7 van Wet 38 van 1951.

25. Hierdie Wet heet die Wysigingswet op Vakleerlinge, 1963. Kort titel.

No. 47, 1963.]

ACT

To provide for the control of education for Coloured persons by the Department of Coloured Affairs, to amend the Special Education Act, 1948, the Vocational Education Act, 1955, and the Republic of South Africa Constitution Act, 1961, and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 15th May, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "agricultural school" means a school for the education of Coloured persons in agriculture and allied subjects; (xvi)
 - (ii) "Coloured person" means a person classified under the Population Registration Act, 1950 (Act No. 30 of 1950), as a member of the Cape Coloured, Malay, Griqua or Other Coloured Group; (xiii)
 - (iii) "commercial vocational education" means education and training consisting of a course in which more than a third of the subjects are prescribed commercial subjects or in respect of which more than eight hours per week are devoted to prescribed commercial subjects; (ix)
 - (iv) "Department" means the Department of Coloured Affairs; (viii)
 - (v) "domestic science vocational education" means education and training consisting of a course in respect of which more than eight hours per week are devoted to prescribed domestic subjects; (xii)
 - (vi) "education" means any education other than education provided by a university or a university college established by or in terms of any law, and includes vocational education and special education not so provided; (xx)
 - (vii) "Education Council for Coloured Persons" means the council established by section thirty; (xxi)
 - (viii) "employee" means any person who is an employee as defined in section one of the Public Service Act 1957 (Act No. 54 of 1957); (xxxiii)
 - (ix) "financial year" means a period of one year ending on the thirty-first day of March of any year; (vi)
 - (x) "governing body", in relation to any college, school, home or class, means the person managing such college, school, home or class; (v)
 - (xi) "handicapped child" means a Coloured person between the ages of three and twenty-three years who, in the opinion of the Secretary, is capable of deriving appreciable benefit from a suitable course of education, but deviates to such an extent from the majority of persons of his age in body, mind or behaviour that he—
 - (a) cannot derive sufficient benefit from the instruction normally provided in the ordinary course of education; or
 - (b) requires special education in order to facilitate his adaptation to the community; or
 - (c) should not attend an ordinary class in an ordinary school, because such attendance may be harmful to himself or to the other pupils in such class; (i)
 - (xii) "high school" means a school for the education of Coloured persons up to and including the tenth standard; (xi)
 - (xiii) "home" means an institution in which handicapped children exhibiting undesirable behavioural characteristics are accommodated and cared for and receive education; (xxx)
 - (xiv) "Minister" means the Minister of Coloured Affairs; (xviii)
 - (xv) "nursery school" means a school for the education of Coloured persons above the age of two years who have not yet attained the age at which they may be admitted to an ordinary school; (xiv)

No. 47, 1963.]

WET

Om voorsiening te maak vir die beheer oor onderwys vir Kleurlinge deur die Departement van Kleurlingsake, om die Wet op Buitengewone Onderwys, 1948, die Wet op Beroepsonderwys, 1955, en die Grondwet van die Republiek van Suid-Afrika, 1961, te wysig, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 15 Mei 1963.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woord-
omskrywing.

- (i) „afwykende kind” ’n Kleurling tussen die ouderdomme van drie en drie-en-twintig jaar wat volgens die oordeel van die Sekretaris in staat is om aanmerklike voordeel uit ’n geskikte onderwyskursus te trek, maar wat in so ’n mate in liggaam, verstand of gedrag van die meerderheid van persone van sy ouderdom afwyk dat hy—
 - (a) nie voldoende voordeel kan trek uit die onderrig wat gewoonlik in die normale loop van onderwys verskaf word nie; of
 - (b) buitengewone onderwys nodig het om sy aanpassing by die gemeenskap te vergemaklik; of
 - (c) nie ’n gewone klas in ’n gewone skool behoort by te woon nie, omdat sodanige bywoning vir homself of vir die ander leerlinge in daardie klas nadelig kan wees; (xi)
- (ii) „beampte” ’n beampte soos omskryf in artikel een van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (xvi)
- (iii) „beroepskool” ’n skool, of ’n klas verbonde aan ’n ander skool, vir die verskaffing van beroepsonderwys aan Kleurlinge; (xxxiii)
- (iv) „beroepsonderwys” handel-beroepsonderwys, huishoudkundige beroepsonderwys en tegniese beroepsonderwys; (xxxii)
- (v) „bestuursliggaam” met betrekking tot ’n kollege, skool, tehuis of klas, die persoon wat dié kollege, skool, tehuis of klas bestuur; (x)
- (vi) „boekjaar” ’n tydperk van ’n jaar wat op 31 Maart van enige jaar eindig; (ix)
- (vii) „buitengewone onderwys” onderwys van ’n gespesialiseerde aard wat verskaf word om by die behoeftes van afwykende kinders aan te pas, en ook algemene kulturele onderwys, beroepsvoorligting, beroepsonderwys en mediese, tandheelkundige en geestelike ondersoek en behandeling, asook versorging in ’n koshuis, wanneer dit verskaf word aan of geskied ten opsigte van sodanige kinders; (xxiv)
- (viii) „Departement” die Departement van Kleurlingsake; (iv)
- (ix) „handel-beroepsonderwys” onderwys en opleiding bestaande uit ’n kursus waarvan meer as ’n derde van die vakke voorgeskrewe handelsvakke is of ten opsigte waarvan meer as agt uur per week aan voorgeskrewe handelsvakke gewy word; (iii)
- (x) „hierdie Wet” ook ’n regulasie; (xxix)
- (xi) „hoërskool” ’n skool vir die onderwys van Kleurlinge tot en met die tiende standerd; (xii)
- (xii) „huishoudkundige beroepsonderwys” onderwys en opleiding bestaande uit ’n kursus ten opsigte waarvan meer as agt uur per week aan voorgeskrewe huishoudkundige vakke gewy word; (v)
- (xiii) „Kleurling” iemand wat kragtens die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), geklassifiseer is as ’n lid van die Kaapse Kleurling-, Maleier- of Griekwagroepe of die Groep Ander Gekleurdes; (ii)
- (xiv) „kleuterskool” ’n skool vir die onderwys van Kleurlinge wat ouer as twee jaar is maar nog nie die ouderdom bereik het waarop hulle tot ’n gewone skool toegelaat kan word nie; (xv)

- (xvi) "officer" means an officer as defined in section *one* of the Public Service Act, 1957 (Act No. 54 of 1957); (ii)
- (xvii) "prescribed" means prescribed by regulation; (xxxii)
- (xviii) "primary school" means a school for the education of Coloured persons up to and including the sixth standard; (xv)
- (xix) "reform school" means a reform school established and maintained by the Minister under the provisions of the Children's Act, 1960 (Act No. 33 of 1960); (xxxi)
- (xx) "regulation" means a regulation made under this Act; (xxiv)
- (xxi) "school of industries" means a school of industries established and maintained by the Minister under the provisions of the Children's Act, 1960 (Act No. 33 of 1960); (xix)
- (xxii) "secondary school" means a school for the education of Coloured persons up to and including the eighth standard; (xvii)
- (xxiii) "Secretary" means the Secretary for Coloured Affairs; (xxv)
- (xxiv) "special education" means education of a specialized nature provided to suit the needs of handicapped children, and includes general cultural education, vocational guidance, vocational education and medical, dental and mental examination and treatment, as well as care in a hostel, when provided to or taking place in respect of such children; (vii)
- (xxv) "special school" means a school in which handicapped children receive special education, either on a full-time or on a part-time basis, and includes a class which is attached to an ordinary school and in which such children receive special education; (xxvi)
- (xxvi) "State-aided school" means a college, school, home or class in respect of which grants-in-aid are made in terms of section *four* or in respect of which a loan was granted in terms of that section; (xxviii)
- (xxvii) "State school" means a college, school, home or class established under section *three* or deemed in terms of that section or section *five* to have been established thereunder; (xxvii)
- (xxviii) "technical vocational education" means education and training (theoretical or practical or both theoretical and practical) consisting of a course that includes education and training in any prescribed trade but does not include education or training in woodwork, metal work or any other practical art or craft not being specific education or training for any prescribed trade, if the duration of the education and training in such subjects does not exceed eight hours per week, irrespective of the number of handicraft subjects taken; (xxix)
- (xxix) "this Act" includes any regulation; (x)
- (xxx) "training-college" means an institution for the education and training of student teachers who are Coloured persons and have passed the examination for the tenth standard or an equivalent examination; (xxii)
- (xxxi) "training-school" means an institution for the education and training of student teachers who are Coloured persons and have passed the examination for the eighth standard or an equivalent examination; (xxiii)
- (xxxii) "vocational education" means commercial vocational education, domestic science vocational education and technical vocational education; (iv)
- (xxxiii) "vocational school" means a school, or a class attached to another school, for the provision of vocational education to Coloured persons. (iii)

Control of
education for
Coloured
persons.

2. As from the date of commencement of this Act education for Coloured persons shall, subject to the provisions of the said Act, be controlled by the Department in which there shall, for that purpose, be a division of Education at the head of which shall be an officer who has expert knowledge of education matters.

Establishment,
erection and
maintenance
of schools
for Coloured
persons.

3. (1) The Minister may after consultation with the Minister of Finance and out of moneys appropriated by Parliament for the purpose—

- (a) establish, erect and maintain training-colleges, training-schools, high schools, secondary schools, primary schools, agricultural schools, vocational schools, special schools and homes;

- (xv) „laerskool” ’n skool vir die onderwys van Kleurlinge tot en met die sesde standerd; (xviii)
- (xvi) „landbouskool” ’n skool vir die onderwys van Kleurlinge in landbou en aanverwante vakke; (i)
- (xvii) „middelbare skool” ’n skool vir die onderwys van Kleurlinge tot en met die agste standerd; (xxii)
- (xviii) „Minister” die Minister van Kleurlingsake; (xiv)
- (xix) „nywerheidsskool” ’n nywerheidsskool wat deur die Minister kragtens die bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960), opgerig is en in stand gehou word; (xxi)
- (xx) „onderwys” ander onderwys as onderwys wat verskaf word deur ’n universiteit of ’n universiteitskollege wat by of ingevolge ’n wet ingestel is, en ook beroepsonderwys en buitengewone onderwys wat nie aldus verskaf word nie; (vi)
- (xxi) „Onderwysraad vir Kleurlinge” die raad ingestel by artikel *dertig* (vii)
- (xxii) „opleidingskollege” ’n inrigting vir die onderwys en opleiding van leerlingonderwysers wat Kleurlinge is en die eksamen vir die tiende standerd, of ’n gelykwaardige eksamen, met goeie gevolg afgelê het; (xxx)
- (xxiii) „opleidingskool” ’n inrigting vir die onderwys en opleiding van leerlingonderwysers wat Kleurlinge is en die eksamen vir die agste standerd, of ’n gelykwaardige eksamen, met goeie gevolg afgelê het; (xxxi)
- (xxiv) „regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig; (xx)
- (xxv) „Sekretaris” die Sekretaris van Kleurlingsake; (xxiii)
- (xxvi) „spesiale skool” ’n skool waarin afwykende kinders buitengewone onderwys ontvang, hetsy op ’n voltydse of op ’n deeltydse grondslag, en ook ’n klas wat verbonde is aan ’n gewone skool en waarin sodanige kinders buitengewone onderwys ontvang; (xxv)
- (xxvii) „Staatskool” ’n kollege, skool, tehuis of klas wat kragtens artikel *drie* ingestel is of wat ingevolge dié artikel of artikel *vyf* geag word daarkragtens ingestel te wees; (xxvii)
- (xxviii) „Staatsondersteunde skool” ’n kollege, skool, tehuis of klas ten opsigte waarvan hulptoelae ingevolge artikel *vier* betaal word of ten opsigte waarvan ’n lening ingevolge daardie artikel toegestaan is; (xxvi)
- (xxix) „tegniese beroepsonderwys” onderwys en opleiding (teoreties of prakties of teoreties sowel as prakties) bestaande uit ’n kursus wat onderwys en opleiding in enige voorgeskrewe ambag insluit maar nie ook onderwys of opleiding in houtwerk, metaalwerk of enige ander praktiese kuns of handwerk wat nie spesifieke onderwys of opleiding vir ’n voorgeskrewe ambag is nie, indien die duur van die onderwys en opleiding in sodanige vakke hoogstens agt uur per week is, afgesien van die getal handwerkvakke wat geloop word; (xxviii)
- (xxx) „tehuis” ’n inrigting waarin afwykende kinders wat onwenslike gedragseienskappe toon, gehuisves en versorg word en onderwys ontvang; (xiii)
- (xxxi) „verbeteringskool” ’n verbeteringskool wat deur die Minister kragtens die bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960), opgerig is en in stand gehou word; (xix)
- (xxxii) „voorgeskryf” by regulasie voorgeskryf; (xvii)
- (xxxiii) „werknemer” iemand wat ’n werknemer is soos omskryf in artikel *een* van die Staatsdienswet, 1957 (Wet No. 54 van 1957). (viii)

2. Vanaf die datum van inwerkingtreding van hierdie Wet word, behoudens die bepalings van genoemde Wet, onderwys vir Kleurlinge deur die Departement beheer, en vir dié doel is daar in die Departement ’n afdeling Onderwys met ’n beamppte met vakkundige kennis van onderwysaangeleenthede aan die hoof daarvan.

Beheer oor
onderwys vir
Kleurlinge.

3. (1) Die Minister kan na oorlegpleging met die Minister van Finansies en uit geld wat die Parlement vir dié doel bewillig het—

(a) opleidingskolleges, opleidingskole, hoërskole, middelbare skole, laerskole, landbouskole, beroepskole, spesiale skole, en tehuise instel, oprig en in stand hou;

Instelling,
oprigting en
instandhouding van
skole vir
Kleurlinge.

- (b) establish and maintain part-time classes for the education of Coloured persons;
- (c) establish, erect and maintain hostels, teachers' quarters, school clinics and any other accessories in connection with State schools.

(2) Any college or school for the education of Coloured persons which at the date of commencement of this Act is being maintained by a provincial administration, and any vocational school, part-time class, special school or home for Coloured persons established or deemed to have been established under the Vocational Education Act, 1955 (Act No. 70 of 1955), or, as the case may be, the Special Education Act, 1948 (Act No. 9 of 1948), and existing at the said date, and any hostel, teachers' quarters, school clinic or other accessories established or erected by a provincial administration or under any of the said laws and used in connection with any such college, school, class or home, shall be deemed to have been established or erected under the appropriate provision of sub-section (1) of this section, on the said date.

(3) The Minister may at any time close or disestablish any State school or any hostel, teachers' quarters, school clinic or other accessories used in connection with a State school.

Making of grants-in-aid and loans in respect of private colleges, schools, homes and continuation classes.

4. (1) Subject to the provisions of sub-section (2) the Minister may out of moneys appropriated by Parliament for the purpose, make grants-in-aid and loans to the governing body of any college, school, home or continuation classes for the education of Coloured persons, including any nursery school.

(2) The making of grants-in-aid and loans in terms of sub-section (1) shall be effected on such basis and subject to such conditions as the Minister after consultation with the Minister of Finance may in every particular case determine, and subject to such other conditions as may be prescribed.

Transfer of management and control of State-aided schools to the Department.

5. (1) The Minister may by notice in the *Gazette* and after consultation with the Minister of Finance and with the governing body of a State-aided school, transfer the management and control of such school to the Department with effect from a date fixed in that notice.

(2) The school to which a notice issued in terms of sub-section (1) of this section relates shall be deemed to have been established in terms of the appropriate provision of sub-section (1) of section *three* on the date fixed in that notice.

(3) As from the date so fixed the governing body in question shall no longer have any rights, powers or duties in respect of the school in question.

Registration and management of private schools.

6. (1) No person shall manage any school for the education of Coloured persons which is not a State school or a State-aided school and at which more than fourteen pupils are enrolled—

(a) unless such school is registered with the Department in the prescribed manner and complies with the prescribed requirements; and

(b) otherwise than in accordance with the prescribed conditions.

(2) Any school for the education of Coloured persons which at the commencement of this Act is registered with a provincial administration under any law, shall be deemed to have been registered with the Department under sub-section (1).

(3) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months.

Admission of persons to and their discharge from State schools and State-aided schools.

7. The admission of persons to State schools and State-aided schools shall take place in the prescribed circumstances and subject to the prescribed conditions, and any person so admitted to any such school may be discharged therefrom in the prescribed circumstances.

Appointment, promotion, transfer and discharge of staff at State schools, schools of industries, reform schools and certain State-aided schools.

8. (1) Notwithstanding anything to the contrary contained in any other law the establishment of any State school, school of industries or reform school, or any State-aided school other than a State-aided vocational school, shall be determined by the Minister, on such basis as he may fix from time to time after consultation with the Minister of Finance and on the recommendation of the Public Service Commission.

(2) Notwithstanding anything to the contrary contained in any other law but subject to the provisions of this Act,

- (b) deeltydse klasse vir die onderwys van Kleurlinge instel en in stand hou;
- (c) koshuise, kwartiere vir onderwysers, skoolklinieke en ander toebehore in verband met Staatskole instel, oprig en in stand hou.
- (2) 'n Kollege of skool vir die onderwys van Kleurlinge wat by die datum van inwerkingtreding van hierdie Wet deur 'n provinsiale administrasie in stand gehou word, en 'n beroepsskool, deeltydse klas, spesiale skool of tehuis vir Kleurlinge wat kragtens die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), of, na gelang van die geval, die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), ingestel is of geag word daarkragtens ingestel te wees en by genoemde datum bestaan, en enige koshuis, kwartiere vir onderwysers, skoolkliniek of ander toebehore wat deur 'n provinsiale administrasie of kragtens een van genoemde wette ingestel of opgerig is en in verband met so 'n kollege, skool, klas of tehuis gebruik word, word geag kragtens die toepaslike bepaling van sub-artikel (1) van hierdie artikel ingestel of opgerig te wees, en wel op genoemde datum.
- (3) Die Minister kan te eniger tyd 'n Staatskool of enige koshuis, kwartiere vir onderwysers, skoolkliniek of ander toebehore wat in verband met 'n Staatskool gebruik word, sluit of die instelling daarvan intrek.
4. (1) Behoudens die bepalinge van sub-artikel (2) kan die Minister uit geld wat die Parlement vir dié doel bewillig het, hulptoelaes en lenings toeken aan die bestuursliggaam van 'n kollege, skool, tehuis of voortsettingsklasse vir die onderwys van Kleurlinge, met inbegrip van 'n kleuterskool.
- (2) Die toekenning van hulptoelaes en lenings ingevolge sub-artikel (1) moet geskied op die grondslag en onderworpe aan die voorwaardes wat die Minister na oorlegpleging met die Minister van Finansies in iedere besondere geval bepaal, en onderworpe aan die ander voorwaardes wat voorgeskryf word.
5. (1) Die Minister kan by kennisgewing in die *Staatskoerant* en na oorlegpleging met die Minister van Finansies en met die bestuursliggaam van 'n Staatsondersteunde skool, die bestuur van en beheer oor dié skool aan die Departement oordra met ingang van 'n datum in daardie kennisgewing vasgestel.
- (2) Die skool waarop 'n kennisgewing, uitgereik ingevolge sub-artikel (1) van hierdie artikel, betrekking het, word geag ingevolge die toepaslike bepaling van sub-artikel (1) van artikel drie ingestel te wees, en wel op die datum in daardie kennisgewing vasgestel.
- (3) Vanaf die datum aldus vasgestel, het die betrokke bestuursliggaam nie langer enige regte, bevoegdhede of pligte ten opsigte van die betrokke skool nie.
6. (1) Niemand mag 'n skool vir die onderwys van Kleurlinge wat nie 'n Staatskool of 'n Staatsondersteunde skool is nie en waarby meer as veertien leerlinge ingeskryf is, bestuur nie—
- (a) tensy die skool by die Departement op die voorgeskrewe wyse geregistreer is en aan die voorgeskrewe vereistes voldoen; en
- (b) anders as ooreenkomstig die voorgeskrewe voorwaardes.
- (2) 'n Skool vir die onderwys van Kleurlinge wat by die inwerkingtreding van hierdie Wet by 'n provinsiale administrasie geregistreer is kragtens die een of ander wet, word geag kragtens sub-artikel (1) by die Departement geregistreer te wees.
- (3) Iemand wat die bepalinge van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande.
7. Die toelating van persone tot Staatskole en Staatsondersteunde skole geskied onder die voorgeskrewe omstandighede en onderworpe aan die voorgeskrewe voorwaardes, en iemand wat aldus tot so 'n skool toegelaat is, kan onder die voorgeskrewe omstandighede daaruit ontslaan word.
8. (1) Ondanks andersluidende bepalinge van enige ander wet word die diensstaat van 'n Staat-, nywerheids- of verbeteringsskool, of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepsskool is nie, deur die Minister bepaal, en wel op 'n grondslag wat hy van tyd tot tyd ná oorlegpleging met die Minister van Finansies en op aanbeveling van die Staatsdienskommissie vasstel.
- (2) Ondanks andersluidende bepalinge van enige ander wet, maar behoudens die bepalinge van hierdie Wet, berus die be-

Toekenning van hulptoelaes en lenings ten opsigte van private kolleges, skole, tehuise en voortsettingsklasse.

Oordrag van bestuur van en beheer oor Staatsondersteunde skole aan die Departement.

Registrasie en bestuur van private skole.

Toelating van persone tot en hul ontslag uit Staatskole en Staatsondersteunde skole.

Aanstelling, bevordering, verplasing en ontslag van personeel by Staat-, nywerheids- en verbeteringsskole en sekere Staatsondersteunde skole.

the power to appoint any person to any post included in the establishment of any State school, school of industries or reform school, or any State-aided school other than a State-aided vocational school, and to promote, transfer or discharge any person occupying any such post, shall be vested in the Minister.

Transfer of certain persons employed by a province to the service of the Department, and regulation of conditions of service of certain persons employed at private and vocational schools, schools of industries, reform schools and special schools and homes.

9. (1) Any person other than an officer or an employee who immediately prior to the commencement of this Act is employed by a provincial administration at a college or school referred to in sub-section (2) of section *three*, shall, as from such commencement, be transferred to the service of the Department, and any such person, and any other person, not being an employee, who immediately prior to such commencement is by virtue of any appointment by or with the approval of a provincial administration employed at any college or school for the education of Coloured persons recognized and subsidized by such administration, shall be deemed to have been appointed in terms of the provisions of this Act and on the date of such commencement, to a post included in the establishment of such college or school.

(2) Any person other than an officer or an employee who immediately prior to the commencement of this Act occupies a post included in the establishment of a school of industries or a reform school or of a vocational school, class, special school or home for Coloured persons established or deemed to have been established under the Vocational Education Act, 1955 (Act No. 70 of 1955), or, as the case may be, the Special Education Act, 1948 (Act No. 9 of 1948), or occupies a post at a special school or home for Coloured persons recognized and subsidized under the last-mentioned Act, shall be deemed to have been appointed to the post in question in terms of the provisions of this Act and on the date of such commencement.

Transfer of persons employed at a State-aided school to the service of the Department, in the event of the transfer of such school.

10. Any person who immediately prior to the date on which the management and control of a State-aided school is transferred to the Department in terms of sub-section (1) of section *five*, occupies a post included in the establishment of such school, shall, as from that date, be transferred to the service of the Department and shall, subject to the provisions of this Act, be deemed to have been appointed in terms of the provisions of the said Act to such post on that date.

Conditions of service of persons employed at State schools, schools of industries, reform schools and certain State-aided schools.

11. (1) Notwithstanding anything to the contrary contained in any other law but subject to the provisions of sub-sections (2) and (3) of this section, the conditions of service, salary scales, allowances and leave privileges of persons (other than officers) employed in any post included in the establishment of a State school, school of industries or reform school, or a State-aided school other than a State-aided vocational school, shall be determined or prescribed by the Minister after consultation with the Minister of Finance and on the recommendation of the Public Service Commission.

(2) The salary, salary scale, allowances and leave privileges of any person who is, by virtue of the provisions of sub-section (1) of section *nine*, deemed to have been appointed to a post in terms of the provisions of this Act, shall remain the same, as if he had continued occupying the post occupied by him immediately prior to the commencement of this Act, unless or until the Minister determines that the provisions of sub-sections (1) and (3) of this section shall apply in respect of him.

(3) As from the date on which a person is in terms of the provisions of section *ten* transferred to the service of the Department, his salary shall be adjusted to the salary scale applicable to his post, at such notch on that scale as the Minister may determine.

(4) Subject to the provisions of this Act any continuous whole-time employment of any person referred to in section *ten* at any State-aided school immediately prior to the date referred to in that section, shall, for leave purposes, be deemed to be employment in the service of the Department: Provided that any sick and accumulative vacation leave to which such person is entitled on that date shall, subject to such conditions as the Minister on the recommendation of the Public Service Commission may determine, be deemed to be leave earned in terms of this Act.

Pension rights and retirement benefits of persons employed at State schools and certain State-aided schools.

12. Notwithstanding anything to the contrary contained in any other law but subject to the provisions of section *thirteen* any person (other than an officer) employed on a whole-time basis and in a permanent capacity at—

(a) a State school; or

(b) a State-aided school, if his salary is paid in full by the Department,

voegdheid om iemand aan te stel in 'n pos wat inbegrepe is by die diensstaat van 'n Staat-, nywerheid- of verbeteringskool, of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie, en om iemand wat so 'n pos beklee, te bevorder, te verplaas of te ontslaan, by die Minister.

9. (1) Iemand anders as 'n beampte of werknemer wat onmiddellik vóór die inwerkingtreding van hierdie Wet in die diens is van 'n provinsiale administrasie by 'n kollege of skool vermeld in sub-artikel (2) van artikel drie, word vanaf sodanige inwerkingtreding oorgeplaas na die diens van die Departement, en so iemand, en iemand anders wat nie 'n werknemer is nie en wat onmiddellik vóór sodanige inwerkingtreding ten gevolge van 'n aanstelling deur of met goedkeuring van 'n provinsiale administrasie in diens is by 'n kollege of skool vir die onderwys van Kleurlinge wat deur dié administrasie erken en gesubsidieer word, word geag ingevolge die bepalings van hierdie Wet aangestel te wees in 'n pos wat inbegrepe is by die diensstaat van dié kollege of skool, en wel op die datum van sodanige inwerkingtreding.

Oorplasing van sekere persone in diens van 'n provinsie na die diens van die Departement, en reëling van diensvoorwaardes van sekere persone in diens by private, beroep-, nywerheid-, verbetering- en spesiale skole en tehuise.

(2) Iemand anders as 'n beampte of werknemer wat onmiddellik vóór die inwerkingtreding van hierdie Wet 'n pos beklee wat inbegrepe is by die diensstaat van 'n nywerheid- of verbeteringskool of van 'n beroepskool, klas, spesiale skool of tehuis vir Kleurlinge wat kragtens die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), of, na gelang van die geval, die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), ingestel is of geag word daarkragtens ingestel te wees, of 'n pos beklee by 'n spesiale skool of tehuis vir Kleurlinge wat kragtens laasgenoemde Wet erken en gesubsidieer word, word geag ingevolge die bepalings van hierdie Wet in die betrokke pos aangestel te wees, en wel op die datum van sodanige inwerkingtreding.

10. Iemand wat onmiddellik vóór die datum waarop die bestuur van en beheer oor 'n Staatsondersteunde skool aan die Departement ingevolge sub-artikel (1) van artikel vyf oorgedra word 'n pos beklee wat inbegrepe is by die diensstaat van dié skool, word vanaf daardie datum na die diens van die Departement oorgeplaas en word, behoudens die bepalings van hierdie Wet, geag ingevolge die bepalings van dié wet in dié pos aangestel te wees, en wel op daardie datum.

Oorplasing van persone in diens by 'n Staatsondersteunde skool na die diens van die Departement, in geval van oordrag van dié skool.

11. (1) Ondanks andersluidende bepalings van enige ander wet maar behoudens die bepalings van sub-artikels (2) en (3) van hierdie artikel word die diensvoorwaardes, salarisskaal, toelaes en verlofvoorregte van persone (behalwe beamptes), in diens in 'n pos wat inbegrepe is by die diensstaat van 'n Staat-, nywerheid- of verbeteringskool, of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie, deur die Minister na oorlegpleging met die Minister van Finansies en op aanbeveling van die Staatsdienskommissie bepaal of voorgeskryf.

Diensvoorwaardes van persone in diens by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole.

(2) Die salaris, salarisskaal, toelaes en verlofvoorregte van iemand wat uit hoofde van die bepalings van sub-artikel (1) van artikel nege geag word in 'n pos aangestel te wees ingevolge die bepalings van hierdie Wet, bly dieselfde asof hy aangebly het in die pos wat hy onmiddellik vóór die inwerkingtreding van hierdie Wet beklee het, tensy of totdat die Minister bepaal dat die bepalings van sub-artikels (1) en (3) van hierdie artikel ten opsigte van hom van toepassing is.

(3) Vanaf die datum waarop iemand ingevolge die bepalings van artikel tien na die diens van die Departement oorgeplaas word, word sy salaris aangepas by die salarisskaal wat op sy pos van toepassing is, en wel op die kerf van daardie skaal wat die Minister bepaal.

(4) Behoudens die bepalings van hierdie Wet word die ononderbroke voltydse diens van iemand vermeld in artikel tien by 'n Staatsondersteunde skool onmiddellik vóór die datum in daardie artikel vermeld, vir verlofdoeleindes geag diens by die Departement te wees: Met dien verstande dat siekte- en oplopende vakansieverlof waarop so iemand op genoemde datum geregtig is, geag word, onderworpe aan die voorwaardes wat die Minister op aanbeveling van die Staatsdienskommissie bepaal, verlof te wees wat ingevolge hierdie Wet verdien is.

12. Ondanks andersluidende bepalings van enige ander wet maar behoudens die bepalings van artikel dertien word iemand (behalwe 'n beampte) wat op 'n voltydse grondslag en in 'n permanente hoedanigheid in diens is by—

(a) 'n Staatskool; of

(b) 'n Staatsondersteunde skool, indien sy salaris ten volle deur dié Departement betaal word,

Pensioenregte en aftredingsvoordele van persone in diens by Staatskole en sekere Staatsondersteunde skole.

shall in respect of pension rights and retirement benefits be dealt with as if he occupied a post included in a division of the public service referred to in paragraph (a) of sub-section (1) of section *three* of the Public Service Act, 1957 (Act No. 54 of 1957).

Pension rights and retirement benefits of certain persons who are being or have been transferred to the service of the Department or are deemed to have been appointed in terms of this Act.

13. (1) Notwithstanding anything to the contrary contained in any other law but subject to the provisions of sub-sections (2), (3) and (4) of this section, the provisions of section *thirteen* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), shall *mutatis mutandis* apply in respect of any person—

- (a) who by virtue of the provisions of section *nine* is transferred to the service of the Department or is deemed to have been appointed to a post under the provisions of this Act; and
- (b) who immediately prior to the date of commencement of this Act was subject to a pension law administered by a provincial administration,

as if such person was, with effect from the said date, transferred to employment in respect of which he is liable to contribute to the fund referred to in paragraph (a) of sub-section (1) of section *two* of the Government Service Pensions Act, 1955.

(2) (a) If any person to whom the provisions of sub-section (1) apply, does not elect in terms of the provisions of sub-section (2) of section *thirteen* of the Government Service Pensions Act, 1955, to reckon his past pensionable service as pensionable service under that Act, he shall, notwithstanding anything to the contrary contained in any law, remain a member of but not a contributor to the pension or provident fund to which he contributed in respect of such past service.

(b) If for any reason such person retires or is retired or discharged from the service of the Department or from the public service, he shall be entitled to the benefit which would have been payable to him under the provisions of the law which immediately prior to the date of commencement of this Act governed such fund or any other pension or provident fund to which he previously contributed and of which he retained his membership, if at that date he had retired or been retired or discharged from such past service for the same reason: Provided that if such person is so retired or discharged for a reason mentioned in paragraph (c), (d) or (e) of sub-section (1) of section *twenty-seven* of the Government Service Pensions Act, 1955, any such benefit shall only be payable from the date on which he attains the age at which he would have had the right to retire on pension and would have been required to be retired on pension if the provisions of section *nine* of this Act had not become applicable to him: Provided further that if he is so retired or discharged for a reason mentioned in paragraph (c) or (d) of sub-section (1) of the said section *twenty-seven*, there shall be no addition to the benefit payable to him from any such fund.

(3) If any person to whom the provisions of sub-section (1) apply, retires or is retired or discharged from the service of the Department or from the public service for any reason before he has made an election in terms of sub-section (2) of section *thirteen* of the Government Service Pensions Act, 1955, the provisions of paragraph (b) of sub-section (2) of this section shall *mutatis mutandis* apply in respect of him.

(4) If any person to whom the provisions of sub-section (1) of this section apply, dies before he has made an election in terms of sub-section (2) of section *thirteen* of the Government Service Pensions Act, 1955, or if any person to whom the provisions of sub-section (2) of this section apply, dies before his retirement or discharge from the service of the Department or from the public service, there shall be paid from the relevant pension or provident fund referred to in paragraph (b) of sub-section (2) of this section, the benefit which would have been payable under the law governing such fund if he had died on the day immediately preceding the date of commencement of this Act.

(5) The provisions of this Act shall, subject to the provisions of sub-section (1), not affect the rights and benefits acquired or the obligations incurred by any person referred to in sub-section (2) of section *nine* for pension or retirement purposes under or by virtue of any law which applied in respect of him immediately prior to the date of commencement of this Act.

ten opsigte van pensioenregte en aftredingsvoordele behandel asof hy 'n pos beklee wat inbegrepe is by 'n afdeling van die Staatsdiens vermeld in paragraaf (a) van sub-artikel (1) van artikel drie van die Staatsdienswet, 1957 (Wet No. 54 van 1957).

13. (1) Ondanks andersluidende bepalings van enige ander wet maar behoudens die bepalings van sub-artikels (2), (3) en (4) van hierdie artikel, is die bepalings van artikel dertien van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), *mutatis mutandis* van toepassing ten opsigte van iemand—

Pensioenregte en aftredingsvoordele van sekere persone wat na die diens van die Departement oorgeplaas word of is, of geag word ingevolge hierdie Wet aangestel te wees.

(a) wat uit hoofde van die bepalings van artikel nege oorgeplaas word na die diens van die Departement of geag word aangestel te wees in 'n pos kragtens die bepalings van hierdie Wet; en

(b) wat onmiddellik vóór die datum van inwerkingtreding van hierdie Wet onderworpe was aan 'n pensioenwet wat deur 'n provinsiale administrasie geadministreer word, asof dié persoon met ingang van genoemde datum oorgeplaas was na diens ten opsigte waarvan hy verplig is om by te dra tot die fonds vermeld in paragraaf (a) van sub-artikel (1) van artikel twee van die Regeringsdiens-pensioenwet, 1955.

(2) (a) Indien iemand vir wie die bepalings van sub-artikel (1) geld, nie ingevolge die bepalings van sub-artikel (2) van artikel dertien van die Regeringsdiens-pensioenwet, 1955, kies om sy vorige pensioengewende diens as pensioengewende diens kragtens dié Wet te reken nie, bly hy, ondanks andersluidende bepalings van enige wet, 'n lid van, maar nie 'n bydraer nie tot, die pensioen- of voorsieningsfonds waartoe hy bygedra het ten opsigte van sodanige vorige diens.

(b) Indien so iemand om die een of ander rede uit die diens van die Departement of die Staatsdiens tree of daaruit afgedank of ontslaan word, is hy geregtig op die voordeel wat aan hom betaalbaar sou gewees het kragtens die bepalings van die wet wat sodanige fonds, of enige ander pensioen- of voorsieningsfonds waartoe hy voorheen bygedra het en waarvan hy sy lidmaatskap behou het, gereël het onmiddellik vóór die datum van inwerkingtreding van hierdie Wet, indien hy op daardie datum om dieselfde rede uit sodanige vorige diens getree het of daaruit afgedank of ontslaan is: Met dien verstande dat indien so iemand aldus afgedank of ontslaan word om 'n rede vermeld in paragraaf (c), (d) of (e) van sub-artikel (1) van artikel sewe-en-twintig van die Regeringsdiens-pensioenwet, 1955, enige sodanige voordeel slegs betaalbaar is vanaf die datum waarop hy die leeftyd bereik waarop hy die reg sou gehad het om met pensioen uit diens te tree en met pensioen afgedank sou moes geword het indien die bepalings van artikel nege van hierdie Wet nie op hom van toepassing geword het nie: Met dien verstande voorts dat indien hy aldus afgedank of ontslaan word om 'n rede vermeld in paragraaf (c) of (d) van sub-artikel (1) van genoemde artikel sewe-en-twintig, daar geen byvoeging is nie by die voordeel wat uit enige sodanige fonds aan hom betaalbaar is.

(3) Indien iemand vir wie die bepalings van sub-artikel (1) geld, om die een of ander rede uit die diens van die Departement of die Staatsdiens tree of daaruit afgedank of ontslaan word voordat hy 'n keuse uitgeoefen het ingevolge sub-artikel (2) van artikel dertien van die Regeringsdiens-pensioenwet, 1955, is die bepalings van paragraaf (b) van sub-artikel (2) van hierdie artikel *mutatis mutandis* ten opsigte van hom van toepassing.

(4) Indien iemand vir wie die bepalings van sub-artikel (1) van hierdie artikel geld, te sterwe kom voordat hy 'n keuse uitgeoefen het ingevolge sub-artikel (2) van artikel dertien van die Regeringsdiens-pensioenwet, 1955, of indien iemand vir wie die bepalings van sub-artikel (2) van hierdie artikel geld, te sterwe kom vóór sy uittrede of ontslag uit die diens van die Departement of die Staatsdiens, moet daar uit die toepaslike pensioen- of voorsieningsfonds vermeld in paragraaf (b) van sub-artikel (2) van hierdie artikel die voordeel betaal word wat kragtens die wet wat dié fonds reël, betaalbaar sou gewees het indien hy te sterwe gekom het op die dag onmiddellik vóór die datum van inwerkingtreding van hierdie Wet.

(5) Behoudens die bepalings van sub-artikel (1), raak die bepalings van hierdie Wet nie die regte en voorregte of die verpligtings nie wat iemand vermeld in sub-artikel (2) van artikel nege vir pensioen- of aftredingsdoeleindes verkry of opgeloopt het kragtens of uit hoofde van die een of ander wet wat ten opsigte van hom van toepassing was onmiddellik vóór die datum van inwerkingtreding van hierdie Wet.

(6) The provisions of this Act shall not affect the rights and obligations of the Department in respect of the pension rights and retirement benefits of any person referred to in sub-section (2) of section *nine*.

Transfer and secondment of certain persons employed at State schools, schools of industries, reform schools and certain State-aided schools.

14. (1) Any person (other than an officer) occupying a post included in the establishment of a State school, school of industries or reform school, or a State-aided school other than a State-aided vocational school, may, subject to the provisions of sub-sections (2) and (3), be transferred from the post in which he is employed to any other post at the said school or any other such school, or at any other institution under the control of the Department, whether established under this Act or any other law, and whether or not it is a transfer to a post of a lower grade.

(2) If a transfer in terms of sub-section (1) will involve a reduction of the pensionable emoluments of the person in question for the purposes of any law, such transfer shall not be made without his consent, unless it is made in consequence of a reduction of rank under section *seventeen* or *eighteen*.

(3) If a person is in terms of sub-section (1) transferred, without a reduction of his pensionable emoluments for the purposes of any law, to a post of a grade lower than that of the post which he occupied, he shall, as soon as a suitable vacancy occurs, be re-transferred to a post of a grade appropriate to his salary.

(4) Any person referred to in sub-section (1) may, subject to the provisions of sub-section (5) and upon such conditions as the Minister after consultation with the Minister of Finance may determine, be seconded by the Minister—

(a) upon the recommendation of the Public Service Commission, to the service of the State or the administration of the territory of South-West Africa or the service of the State in any other capacity; or

(b) with his own consent, to the service of the government of any other country or of any person.

(5) If any person is so seconded such secondment shall not affect the application in respect of him of any law which would have applied in respect of him if he had continued occupying his post at the school in question.

Discharge of persons employed at State schools, schools of industries, reform schools and certain State-aided schools.

15. (1) Any person (other than an officer) occupying on a whole-time basis a post included in the establishment of a State school, school of industries or reform school, or a State-aided school other than a State-aided vocational school, may be discharged by the Minister—

(a) on account of attaining the pensionable age as fixed by or in terms of any law which applies in respect of him, if he is not a person to whom sub-section (1) of section *thirteen* applies;

(b) on account of continued ill-health;

(c) on account of the abolition of his post or a reduction, reorganization or rearrangement of the staff of the school in question;

(d) subject to the provisions of section *eighteen*, on account of unfitness for his duties or incapacity to perform them efficiently;

(e) if for reasons other than those referred to in paragraph (d), his discharge will, in the opinion of the Minister, promote efficiency or economy in the school in question;

(f) subject to the provisions of section *seventeen*, on account of misconduct as defined in section *sixteen*;

(g) in the case of a female, if she marries.

(2) Any person referred to in sub-section (1) who without the permission of the Secretary or the head or the governing body of the school in question—

(a) is absent from duty for a period exceeding one month; or

(b) is absent from duty and has accepted other employment,

shall, subject to the provisions of sub-section (3), be deemed to have been discharged on account of misconduct in terms of sub-section (1) with effect from the date immediately succeeding the last day on which he was on duty.

(3) If any person referred to in paragraph (a) of sub-section (2) reports for duty at any time after the expiry of the period referred to in the said paragraph, the Minister may, on such conditions as he may determine, reinstate such person in his former post or appoint him to any other post referred to in

(6) Die bepalings van hierdie Wet raak nie die regte en pligte van die Departement ten opsigte van die pensioenregte en aftredingsvoordele van iemand vermeld in sub-artikel (2) van artikel *nege* nie.

14. (1) Iemand (behalwe 'n beampte) wat 'n pos beklee wat inbegrepe is by die diensstaat van 'n Staat-, nywerheid- of verbeteringskool of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie, kan, behoudens die bepalings van sub-artikels (2) en (3), verplaas word van die pos waarin hy diens doen na enige ander pos in genoemde skool of enige ander sodanige skool, of in enige ander inrigting onder beheer van die Departement, hetsy dit ingevolge hierdie Wet of 'n ander wet ingestel is, en hetsy dit 'n verplasing na 'n pos met 'n laer graad is of nie.

Verplasing en afstaan van sekere persone in diens by Staat-, nywerheid- of verbeteringskole en sekere Staatsondersteunde skole.

(2) Indien 'n verplasing ingevolge sub-artikel (1) 'n vermindering van die betrokke persoon se pensioengewende verdienste vir die doeleindes van enige wet sal meebring, kan sodanige verplasing nie sonder sy toestemming geskied nie, tensy dit geskied ten gevolge van 'n verlaging van rang kragtens artikel *sewentien* of *agtien*.

(3) Indien iemand ingevolge sub-artikel (1) sonder vermindering van sy pensioengewende verdienste vir die doeleindes van enige wet verplaas word na 'n pos met 'n graad laer as dié van die pos wat hy beklee het, moet hy, sodra 'n geskikte vakature ontstaan, weer verplaas word na 'n pos met 'n graad wat by sy salaris pas.

(4) Iemand vermeld in sub-artikel (1) kan, behoudens die bepalings van sub-artikel (5), deur die Minister op die voorwaardes wat die Minister na oorlegpleging met die Minister van Finansies bepaal, tydelik afgestaan word—

(a) op aanbeveling van die Staatsdienskommissie, aan die diens van die Staat of die administrasie van die gebied Suidwes-Afrika of die diens van die Staat in 'n ander hoedanigheid; of

(b) met sy eie toestemming, aan die diens van die regering van 'n ander land of van 'n persoon.

(5) Indien iemand aldus afgestaan word, raak dit nie die toepassing, ten opsigte van hom, van enige wet wat ten opsigte van hom van toepassing sou gewees het indien hy sy pos by die betrokke skool bly beklee het nie.

15. (1) Iemand (behalwe 'n beampte) wat op 'n voltydse grondslag 'n pos beklee wat inbegrepe is by die diensstaat van 'n Staat-, nywerheid- of verbeteringskool, of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie, kan deur die Minister ontslaan word—

Ontslag van persone in diens by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole.

(a) weens bereiking van die pensioenleef tyd soos bepaal by of ingevolge 'n wet wat ten opsigte van hom van toepassing is, indien hy nie iemand is vir wie sub-artikel (1) van artikel *dertien* geld nie;

(b) weens voortdurende swak gesondheid;

(c) weens die afskaffing van sy pos of 'n vermindering, reorganisasie of herindeling van die personeel van die betrokke skool;

(d) behoudens die bepalings van artikel *agtien*, weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;

(e) indien, om ander redes as dié in paragraaf (d) vermeld, sy ontslag, volgens die oordeel van die Minister, doeltreffendheid of besuiniging by die betrokke skool sal bevorder;

(f) behoudens die bepalings van artikel *sewentien*, weens wangedrag soos omskryf in artikel *sestien*;

(g) in die geval van 'n vrouspersoon, indien sy in die huwelik tree.

(2) Iemand vermeld in sub-artikel (1) wat sonder verlof van die Sekretaris of die hoof of bestuursliggaam van die betrokke skool—

(a) vir langer as 'n maand van sy diens afwesig is; of

(b) van sy diens afwesig is en ander werk aanvaar het, word, behoudens die bepalings van sub-artikel (3), geag ingevolge sub-artikel (1) weens wangedrag ontslaan te wees, en wel met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy diens verrig het.

(3) Indien iemand vermeld in paragraaf (a) van sub-artikel (2) hom te eniger tyd na verstryking van die tydperk vermeld in genoemde paragraaf vir diens aanmeld, kan die Minister op die voorwaardes deur hom bepaal, so iemand in sy vorige pos herstel of in 'n ander pos vermeld in sub-artikel (1) aanstel, en in

sub-section (1), and in that event the period of absence from duty shall be deemed to have been absence on vacation leave without pay or leave on such other conditions as the Minister may determine.

Definition of misconduct.

16. Any person referred to in sub-section (1) of section *fifteen* shall be guilty of misconduct and be subject to the provisions of section *seventeen* if—

- (a) he contravenes or fails to comply with any provision of this Act with which he is obliged to comply;
- (b) he does or causes or permits to be done or connives at, anything which is prejudicial to the administration, discipline or efficiency of any department, office or institution of the State or a State-aided school;
- (c) disobeys, disregards or makes wilful default in carrying out a lawful order given to him by a person having authority to give it, or by word or conduct displays insubordination;
- (d) he is negligent or indolent in the discharge of his duties;
- (e) he undertakes, without the permission of the Minister, any private agency or private work in connection with any matter connected with the performance of his functions or the carrying out of his duties;
- (f) he publicly, otherwise than at a meeting convened by an association or organization recognized by the Minister as representative of persons contemplated in sub-section (1) of section *fifteen*, criticizes the administration of any department, office or institution of the State;
- (g) he is a member of any party-political organization or of any organization which the Minister may by notice in the *Gazette* declare to be an organization of which a person contemplated in sub-section (1) of section *fifteen* may not be a member, or takes an active part in party-political matters, or takes part in any activity or furthers the objects of any organization to which any such notice relates, or encourages disobedience to or resistance against the laws of the State;
- (h) he attempts to secure intervention, through any person who is not in the employment of the Department, in relation to his position and conditions of service, unless it is done to obtain redress of any grievance through Parliament;
- (i) he conducts himself in a disgraceful, improper or unbecoming manner or, whilst on duty, is grossly discourteous to any person;
- (j) he uses intoxicants or stupefying drugs excessively;
- (k) he becomes insolvent or compromises with his creditors or if a decree of civil imprisonment is made against him by any court of law, unless it is shown that his insolvency or the composition or the making of such decree against him has been occasioned by unavoidable misfortune;
- (l) he becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment is not due to any imprudent or other reprehensible act or omission on his part and is not prejudicial to the faithful performance of his duties;
- (m) he, without first having obtained the permission of the Secretary, discloses, otherwise than in the discharge of his duties, information gathered or obtained by him through his employment in the Department or at a State-aided school, or uses such information for any purpose other than the discharge of his duties, whether or not he discloses such information;
- (n) any person corruptly offers him any gift or consideration in respect of or for the discharge or neglect of his duties, and he fails to report it as soon as possible to the Secretary;
- (o) he misappropriates or improperly uses any property of the State, and such misappropriation or use does not constitute an offence;
- (p) he commits a criminal offence;
- (q) he absents himself from duty without leave or valid reason;
- (r) he with a view to obtaining any privilege or advantage in relation to his position or duties in the employment of the Department or any State-aided school,

so 'n geval word die tydperk van afwesigheid van diens geag afwesigheid te wees met vakansieverlof sonder betaling of verlof op die ander voorwaardes wat die Minister bepaal.

16. Iemand vermeld in sub-artikel (1) van artikel *vyftien* Omskrywing van
is aan wangedrag skuldig en aan die bepalings van artikel *sewen-* wangedrag.
tien onderhewig indien—

- (a) hy 'n bepaling van hierdie Wet wat hy moet nakom, oortree of versuim om daaraan te voldoen;
- (b) hy enigiets ten nadele van die administrasie, dissipline of doeltreffendheid van 'n departement, kantoor of inrigting van die Staat of 'n Staatsondersteunde skool doen of laat doen of toelaat, of oogluikend toelaat, dat dit gedoen word;
- (c) hy 'n wettige bevel wat aan hom gegee is deur iemand wat die bevoegdheid besit om dit te gee, nie gehoorsaam nie of veronagsaam, of opsetlik versuim om dit uit te voer, of deur woord of gedrag hom aan weer-spannigheid skuldig maak;
- (d) hy nalatig of traag by die vervulling van sy pligte is;
- (e) hy sonder die toestemming van die Minister 'n private agentskap of private werk onderneem in verband met enige aangeleentheid wat in verband staan met die verrigting van sy werksaamhede of die uitvoering van sy pligte;
- (f) hy in die openbaar, behalwe op 'n vergadering belê deur 'n vereniging of organisasie wat deur die Minister erken is as verteenwoordigend van persone bedoel in sub-artikel (1) van artikel *vyftien*, kritiek uitoefen aangaande die administrasie van 'n departement, kantoor of inrigting van die Staat;
- (g) hy lid is van 'n partypolitieke organisasie of van enige organisasie wat die Minister by kennisgewing in die *Staatskoerant* verklaar tot 'n organisasie waarvan iemand bedoel in sub-artikel (1) van artikel *vyftien* nie lid mag wees nie, of op aktiewe wyse deelneem aan partypolitieke aangeleenthede, of deelneem aan enige bedrywigheid van 'n organisasie waarop so 'n kennis-gewing betrekking het of die oogmerke daarvan bevorder, of ongehoorsaamheid aan of verset teen die wette van die Staat aanmoedig;
- (h) hy deur middel van iemand wat nie in die diens van die Departement is nie, ingryping in verband met sy posisie en diensvoorwaardes probeer verkry, tensy dit geskied om herstel van 'n grief deur bemiddeling van die Parlement te verkry;
- (i) hy hom op 'n skandelige, onbehoorlike of onbetaamlike wyse gedra of, terwyl hy diens doen, hom aan growwe onbeleefdheid teenoor 'n ander skuldig maak;
- (j) hy buitensporige gebruik van sterk drank of bedwel-mende middels maak;
- (k) hy insolvent word of 'n akkoord met sy skuldeisers aangaan, of daar 'n bevel tot siviele gyseling deur 'n geregshof teen hom uitgereik word, tensy daar bewys word dat sy insolvensie of dié akkoord of die uitreiking van dié bevel teen hom deur onvermydelike teenspoed veroorsaak is;
- (l) hy in geldelike moeilikheid raak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van 'n onversigtige of ander laakbare handeling of versuim van sy kant, en nie nadelig vir die getroue uitvoering van sy pligte is nie;
- (m) hy, sonder om eers die toestemming van die Sekretaris te verkry, inligting wat hy ingewin of bekom het as gevolg van sy diens in die Departement of by 'n Staats-ondersteunde skool, openbaar maak anders as by die vervulling van sy pligte, of sodanige inligting gebruik vir 'n ander doel as die vervulling van sy pligte, hetsy hy dié inligting openbaar maak of nie;
- (n) iemand hom op korrupte wyse enige geskenk of ver-goeding aanbied ten opsigte van of vir die uitvoering of nalating van sy pligte, en hy versuim om dit so spoedig doenlik aan die Sekretaris mee te deel;
- (o) hy hom eiendom van die Staat wederregtelik toeëien of onbehoorlike gebruik daarvan maak, en sodanige toeëiening of gebruik nie 'n misdryf uitmaak nie;
- (p) hy 'n kriminele misdryf pleeg;
- (q) hy sonder verlof of grondige rede van sy diens afwesig is;
- (r) hy met die oog op die verkryging van 'n voorreg of voordeel met betrekking tot sy posisie of sy pligte in die diens van die Departement of 'n Staatsondersteunde

or to causing prejudice or injury to the State or such a school or any person in the employment of the Department or such a school, makes a false or incorrect statement, knowing it to be false or incorrect.

Procedure
in case of
misconduct.

17. (1) If any person referred to in sub-section (1) of section *fifteen* is accused of misconduct as defined in section *sixteen*, the Secretary or any person authorized thereto by the Secretary may charge him in writing under his hand with that misconduct.

(2) The person who signed the charge shall serve it upon the person charged by causing it to be delivered or sent by registered letter to him, or to be left at his place of residence or 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 period which is to be specified in such direction and is to be reasonable, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charged.

(4) The Minister or, if authorized thereto by the Minister either generally or in a particular case, the Secretary or any other officer in the Department, may suspend from duty any person accused of misconduct, as defined in section *sixteen*, whether or not such person has been charged with misconduct.

(5) The Minister or the other person who suspended any person in terms of sub-section (4), may at any time cancel the suspension, but the cancellation of the suspension shall not affect any proceedings in connection with the accusation of misconduct.

(6) A person who has been suspended from duty in terms of sub-section (4), shall not be entitled to any emoluments in respect of the period of his suspension: Provided that the Minister may order payment to the said person of the whole or a portion of his emoluments.

(7) If no charge under this section is preferred against a person who has been so suspended from duty, he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(8) (a) If the person charged admits the charge, he shall be deemed to have been found guilty in terms of this section of the misconduct with which he has been charged.

(b) If the person charged denies the charge or fails to comply with the direction mentioned in sub-section (3), the Secretary shall appoint a person to enquire into the charge.

(9) (a) 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 written notice of the time and place so fixed: Provided that the Secretary shall have the power to postpone the enquiry on good cause shown.

(b) The law relating to witnesses and evidence which applies in connection with criminal cases in a magistrate's court, shall *mutatis mutandis* apply for the purposes of and at any such enquiry: Provided that subpoenas to procure the attendance of witnesses thereat shall be issued by the person who is to hold the enquiry.

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

(11) (a) At the enquiry the person charged may be present, shall have the right to be heard, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence and to call other persons as witnesses, either personally or by a representative, and may give evidence himself.

(b) The failure of the person charged to be present at the enquiry, either personally or by a representative, shall not invalidate the proceedings.

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

(12) If the misconduct with which any person is charged,

skool, of op die veroorsaking van enige nadeel of skade aan die Staat of so 'n skool of iemand in diens van die Departement of so 'n skool, 'n valse of onjuiste verklaring aflê terwyl hy weet dat dit vals of onjuis is.

17. (1) Indien iemand vermeld in sub-artikel (1) van artikel *vyftien* beskuldig word van wangedrag soos in artikel *sestien* omskryf, kan die Sekretaris of iemand wat deur die Sekretaris daartoe gemagtig is, hom skriftelik onder sy handtekening van daardie wangedrag aankla.

Prosedure in
geval van
wangedrag.

(2) Die persoon wat die aanklag onderteken het, moet dit aan die aangeklaagde bestel deur dit aan hom te laat oorhandig of stuur per aangetekende pos of dit te laat afgee by sy woonplek of die plek waar, sover bekend, hy die laaste gewoon het.

(3) Die aanklag moet 'n aansegging bevat of van 'n aansegging gepaard gaan waarby die aangeklaagde aangesê word om binne 'n tydperk wat in die aansegging vermeld moet word en redelik moet wees, 'n skriftelike erkenning of ontkenning van die aanklag en, indien hy dit verlang, 'n skriftelike verduideliking van die wangedrag waarvan hy aangekla word, aan iemand insgelyks vermeld, te stuur of te oorhandig.

(4) Die Minister of, indien daartoe deur die Minister in die algemeen of in 'n besondere geval gemagtig, die Sekretaris of 'n ander beampte in die Departement, kan iemand wat beskuldig word van wangedrag soos in artikel *sestien* omskryf, in sy diens skors, hetsy hy van wangedrag aangekla is of nie.

(5) Die Minister of die ander persoon wat iemand ingevolge sub-artikel (4) geskors het, kan die skorsing te eniger tyd intrek, maar die intrekking van die skorsing raak geen verrigtings in verband met die beskuldiging van wangedrag nie.

(6) Iemand wat ingevolge sub-artikel (4) in sy diens geskors is, is nie op enige besoldiging ten opsigte van die tydperk van sy skorsing geregtig nie: Met dien verstande dat die Minister kan gelas dat aan so iemand sy volle besoldiging of 'n gedeelte daarvan betaal word.

(7) As geen aanklag kragtens hierdie artikel ingebring word nie teen iemand wat aldus in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(8) (a) Indien die aangeklaagde die aanklag erken, word hy geag ingevolge hierdie artikel skuldig bevind te wees aan die wangedrag waarvan hy aangekla is.

(b) Indien die aangeklaagde die aanklag ontken of versuim om te voldoen aan die aansegging vermeld in sub-artikel (3), moet die Sekretaris iemand aanstel om ondersoek na die aanklag in te stel.

(9) (a) Die persoon wat die ondersoek moet instel, moet in oorleg met die persoon wat die aanklag onderteken het, die tyd en plek van die ondersoek vasstel, en die persoon wat die aanklag onderteken het, moet die aangeklaagde redelike skriftelike kennis gee van die tyd en plek aldus vasgestel: Met dien verstande dat die Sekretaris die bevoegdheid het om die ondersoek uit te stel indien goeie redes daarvoor aangevoer word.

(b) Die reg met betrekking tot getuies en getuienis wat geld in verband met strafsake in 'n landdroshof, geld *mutatis mutandis* vir die doeleindes van en by so 'n ondersoek: Met dien verstande dat dagvaardings om die aanwesigheid van getuies daarby te verkry, uitgereik moet word deur die persoon wat die ondersoek moet instel.

(10) Die persoon wat die aanklag onderteken het, kan iemand magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer, en om iemand wat as getuie vir die verweer opgeroep is, onder kruisverhoor te neem.

(11) (a) By die ondersoek kan die aangeklaagde teenwoordig wees, het hy die reg om persoonlik of deur 'n verteenwoordiger aangehoor te word, iemand wat as getuie ter stawing van die aanklag opgeroep is, onder kruisverhoor te neem, stukke wat as getuienis voorgelê is, in te sien, en ander persone as getuies op te roep, en kan hy self getuienis aflê.

(b) Die versuim van die aangeklaagde om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees, maak nie die verrigtings ongeldig nie.

(c) Die persoon wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek, en van die getuienis wat daarby afgelê word.

(12) Indien die wangedrag waarvan iemand aangekla word,

is the commission of an offence and it is proved that he has been convicted thereof by a court of law, a certified copy of the record of his trial and conviction by that court shall be *prima facie* evidence of the commission by him of that offence.

(13) The person holding the enquiry shall after the conclusion thereof decide whether the person charged is guilty or not guilty of the misconduct with which he is charged and inform him and the Secretary of his decision.

(14) If the person holding the enquiry finds that the person charged is not guilty of the misconduct with which he was charged and the person charged was suspended from duty in terms of sub-section (4), he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(15) If the person holding the enquiry finds that the person charged is guilty of the misconduct with which he is charged, the person charged may within fourteen days after the date on which he was informed of the finding, appeal therefrom to the Minister by delivering or posting to the person who held the enquiry a written notice of appeal in which are set forth fully the grounds on which the appeal is based.

(16) If the person holding the enquiry finds that the person charged is guilty of the misconduct with which he is charged, he shall—

(a) after expiry of the period referred to in sub-section (15), forward to the Secretary—

- (i) the record of the proceedings at the enquiry;
- (ii) the documentary evidence admitted thereat;
- (iii) a statement of his finding and his reasons therefor;
- (iv) any observations which he may wish to make on the case; and
- (v) if there is an appeal from his finding in terms of sub-section (15), the notice of appeal; and

(b) if there is such an appeal from his finding, furnish the appellant with a copy of his reasons for the finding.

(17) If the appellant applies to the Secretary for a copy of the record of the proceedings at the enquiry and of the documentary evidence admitted thereat, within seven days after the date upon which he was furnished with a copy of the reasons for the finding, the Secretary shall furnish him with it.

(18) The appellant may, if he has made an application in terms of sub-section (17), within fourteen days after the date upon which he was furnished with the copy in question, or, if he did not make such an application, within twenty-one days after the date upon which he was furnished with the copy of the reasons for the finding, submit to the Secretary written representations in support of his appeal, and the Secretary shall after receipt thereof or, if he did not receive such representations within the prescribed period, after the expiry of such period, submit to the Minister the record of the proceedings at the enquiry, the other documents in his possession which relate to the enquiry or appeal, and his recommendation concerning the appeal.

(19) After consideration of the record and other documents in question the Minister may allow the appeal in whole or in part and set aside or vary the finding, dismiss the appeal and confirm the finding, or, before arriving at a final decision on the appeal, remit any matter 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 to arrive at a finding thereon.

(20) If the Minister has directed that a further enquiry be held, the provisions of sub-sections (9), (10) and (11) shall apply in respect thereof.

(21) If the Minister has arrived at a final decision on the appeal, he shall convey that decision in writing to the appellant and the Secretary.

(22) If the Minister allows the appeal and the appellant was suspended from duty in terms of sub-section (4), he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(23) If the person charged has admitted the charge of misconduct as is contemplated in sub-section (3), or if he has been found guilty of misconduct in terms of sub-section (13) and has not appealed therefrom within the period prescribed, or has appealed therefrom and the appeal has been dismissed wholly or in part in terms of this section, the Secretary shall,

die pleeg van 'n misdryf is en daar bewys word dat hy deur 'n geregshof daaraan skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof *prima facie*-bewys dat hy daardie misdryf gepleeg het.

(13) Die persoon wat die ondersoek instel, moet na afloop daarvan beslis of die aangeklaagde skuldig of onskuldig is aan die wangedrag waarvan hy aangekla is, en hom en die Sekretaris van sy beslissing verwittig.

(14) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde onskuldig is aan die wangedrag waarvan hy aangekla is en die aangeklaagde ingevolge sub-artikel (4) in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(15) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, kan die aangeklaagde binne veertien dae ná die datum waarop hy van die bevinding verwittig is, na die Minister daarteen appelleer deur aan die persoon wat die ondersoek ingestel het, 'n skriftelike kennisgewing van appèl te oorhandig of te pos waarin die gronde waarop die appèl gebaseer is, volledig uiteengesit word.

(16) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, moet hy—

- (a) ná verstryking van die tydperk vermeld in sub-artikel (15), aan die Sekretaris stuur—
 - (i) die notule van die verrigtings by die ondersoek;
 - (ii) die dokumentêre bewysstukke wat daarby toegelaat is;
 - (iii) 'n uiteensetting van sy bevinding en sy redes daarvoor;
 - (iv) enige opmerkings wat hy oor die saak wil maak; en
 - (v) indien teen sy bevinding ingevolge sub-artikel (15) geappelleer is, die kennisgewing van appèl; en
- (b) indien daar aldus teen sy bevinding geappelleer is, aan die appellant 'n afskrif van sy redes vir die bevinding verstrek.

(17) Indien die appellant binne sewe dae na die datum waarop 'n afskrif van die redes vir die bevinding aan hom verstrek is, by die Sekretaris aansoek doen om 'n afskrif van die notule van die verrigtings by die ondersoek en die dokumentêre bewysstukke wat daarby toegelaat is, moet die Sekretaris dit aan hom verstrek.

(18) Die appellant kan, indien hy 'n aansoek ingevolge sub-artikel (17) gedoen het, binne veertien dae ná die datum waarop die betrokke afskrif aan hom verstrek is, of, indien hy nie aldus aansoek gedoen het nie, binne een-en-twintig dae ná die datum waarop die afskrif van die redes vir die bevinding aan hom verstrek is, skriftelike versoë ter stawing van sy appèl aan die Sekretaris voorlê, en die Sekretaris moet na ontvangs daarvan of, indien hy geen sodanige versoë binne die voorgeskrewe tydperk ontvang het nie, ná verstryking van dié tydperk, die notule van die verrigtings by die ondersoek, die ander stukke in sy besit wat op die ondersoek of appèl betrekking het, en sy aanbeveling omtrent die appèl, aan die Minister voorlê.

(19) Ná oorweging van die betrokke notule en ander stukke kan die Minister die appèl geheel en al of ten dele toestaan en die bevinding ter syde stel of wysig, die appèl van die hand wys en die bevinding bekrachtig, of, voordat hy tot 'n finale beslissing oor die appèl kom, 'n aangeleentheid in verband met die ondersoek terugverwys na die persoon wat die ondersoek ingestel het, en hom gelas om verslag daaroor te doen of nadere ondersoek in te stel en 'n bevinding daaroor te doen.

(20) Indien die Minister gelas dat nadere ondersoek ingestel word, is die bepalinge van sub-artikels (9), (10) en (11) ten opsigte daarvan van toepassing.

(21) Indien die Minister tot 'n finale beslissing oor die appèl gekom het, moet hy dié beslissing skriftelik meedeel aan die appellant en die Sekretaris.

(22) Indien die Minister die appèl toestaan en die appellant ingevolge sub-artikel (4) in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(23) Indien die aangeklaagde die aanklag van wangedrag erken het soos in sub-artikel (3) beoog, of indien hy aan wangedrag skuldig bevind is ingevolge sub-artikel (13) en nie binne die voorgeskrewe tydperk daarteen geappelleer het nie, of daarteen geappelleer het en dié appèl geheel en al of ten dele van die hand gewys is ingevolge hierdie artikel, moet die Sekretaris

subject to the provisions of sub-section (24), recommend to the Minister that—

- (a) the person charged be cautioned or reprimanded;
 - (b) a fine, not exceeding two hundred rand, be imposed upon the person charged;
 - (c) the person charged be transferred to another post;
 - (d) the emoluments or grade or both the emoluments and grade of the person charged be reduced; or
 - (e) the person charged be discharged from the service of his employer or be called upon to resign therefrom.
- (24) (a) Except where the Secretary makes a recommendation under paragraph (a) or (e) of sub-section (23), he may make a recommendation under more than one of the other paragraphs of that sub-section.
- (b) The Secretary may postpone for a period not exceeding three months the making of a recommendation under sub-section (23).
- (25) (a) The Minister may act in accordance with the recommendation of the Secretary in terms of sub-section (23) or take any other action which he could have taken if the Secretary had recommended it in terms of that sub-section.
- (b) If a fine is imposed upon any person in terms of this sub-section, such fine may be recovered by deducting it from his emoluments in such instalments as the Minister may determine.
- (c) If the Minister discharges any person in terms of this sub-section, the discharge shall take effect on a date fixed by the Minister.
- (d) If the Minister in terms of this sub-section calls upon any person to resign from the service of his employer and such person fails so to resign with effect from a date fixed by the Minister, he shall be deemed to have been discharged in terms of this sub-section from such service with effect from that date.
- (26) If any person was suspended from duty in terms of sub-section (4) and the Minister deals with him in a manner contemplated in paragraph (a), (b), (c) or (d) of sub-section (23), or the Secretary deals with him in accordance with paragraph (b) of sub-section (24), such person shall be allowed to resume duty in an appropriate post as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already: Provided that if the emoluments or grade of such person is reduced as is contemplated in paragraph (d) of sub-section (23), his emoluments in respect of the period of his suspension shall be calculated on the basis of the reduced emoluments or grade, as the case may be: Provided further that if in respect of the period of his suspension emoluments in excess of the emoluments so calculated have already been paid to him in terms of sub-section (6), he shall not be obliged to refund the excess.
- (27) If any person who has been suspended or charged with misconduct in terms of this section, resigns from the service of his employer or assumes other employment before the appropriate charge of misconduct has been disposed of under this section, he shall be deemed to have been discharged on account of misconduct, from such service with effect from a date fixed by the Minister, unless prior to the receipt of his notification of resignation or his assumption of other employment, he was notified that he would not be charged with misconduct or, as the case may be, that the charge of misconduct against him had been withdrawn.
- (28) The fact that a person has been convicted or acquitted by a court of law of the commission of an offence, shall not preclude the taking of any steps in terms of this section against such person.
- (29) (a) If any person referred to in sub-section (1) of section *fifteen* who is deemed to have been appointed to his post in terms of the provisions of this Act, committed, prior to the commencement of this Act, any misconduct in contravention of the provisions of any law which applied prior to such commencement in respect of him, proceedings on account of such misconduct may, in terms of this section, be instituted or continued against him and he may be dealt with thereunder.
- (b) If any penalty on account of misconduct was prior to the commencement of this Act imposed upon any person referred to in paragraph (a), and such penalty is still in force at such commencement, it shall remain in force unless the Minister otherwise directs.

behoudens die bepalings van sub-artikel (24) by die Minister aanbeveel dat—

- (a) die aangeklaagde gewaarsku of berispe word;
 - (b) die aangeklaagde 'n boete van hoogstens tweehonderd rand opgelê word;
 - (c) die aangeklaagde na 'n ander pos oorgeplaas word;
 - (d) die aangeklaagde se besoldiging of rang of sy besoldiging sowel as sy rang verlaag word; of
 - (e) die aangeklaagde uit die diens van sy werkgewer ontslaan word of gelas word om daaruit te bedank.
- (24) (a) Behalwe wanneer die Sekretaris 'n aanbeveling kragtens paragraaf (a) of (e) van sub-artikel (23) doen, kan hy 'n aanbeveling kragtens meer as een van die ander paragrawe van daardie sub-artikel doen.
- (b) Die Sekretaris kan die doen van 'n aanbeveling kragtens sub-artikel (23) vir 'n tydperk van hoogstens drie maande uitstel.
- (25) (a) Die Minister kan volgens die aanbeveling van die Sekretaris ingevolge sub-artikel (24) handel of enigiets anders doen wat hy sou kon gedoen het indien die Sekretaris dit ingevolge daardie sub-artikel aanbeveel het.
- (b) Indien iemand ingevolge hierdie sub-artikel 'n boete opgelê word, kan dié boete verhaal word deur dit van sy besoldiging af te trek in die paaielemente wat die Minister bepaal.
- (c) Indien die Minister iemand ingevolge hierdie sub-artikel ontslaan, tree die ontslag in werking op 'n datum wat die Minister bepaal.
- (d) Indien die Minister ingevolge hierdie sub-artikel iemand gelas om uit die diens van sy werkgewer te bedank en so iemand versuim om aldus te bedank met ingang van 'n datum wat die Minister bepaal, word hy geag uit dié diens ingevolge hierdie sub-artikel ontslaan te wees met ingang van daardie datum.
- (26) Indien iemand ingevolge sub-artikel (4) in sy diens geskors is en die Minister handel met hom soos in paragraaf (a), (b), (c) of (d) van sub-artikel (23) beoog, of die Sekretaris handel met hom ooreenkomstig paragraaf (b) van sub-artikel (24), moet so iemand so spoedig doenlik toegelaat word om diens in 'n gepaste pos te hervat, en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word vir sover dit nie reeds gedoen is nie: Met dien verstande dat indien so iemand se besoldiging of rang verlaag word soos beoog in paragraaf (d) van sub-artikel (23), sy besoldiging ten opsigte van die tydperk van sy skorsing bereken word op die grondslag van die verlaagde besoldiging of rang, na gelang van die geval: Met dien verstande voorts dat indien ten opsigte van die tydperk van sy skorsing reeds 'n hoër besoldiging aan hom ingevolge sub-artikel (6) betaal is as die besoldiging aldus bereken, hy nie verplig is om die verskil terug te betaal nie.
- (27) Indien iemand wat ingevolge hierdie artikel geskors of van wangedrag aangekla is, uit die diens van sy werkgewer bedank of ander werk aanvaar voordat die toepaslike aanklag van wangedrag kragtens hierdie artikel afgehandel is, word hy geag weens wangedrag uit dié diens ontslaan te wees met ingang van 'n datum wat die Minister bepaal, tensy, voordat sy kennisgewing van bedanking ontvang is of hy die ander werk aanvaar het, hy in kennis gestel is dat hy nie van wangedrag aangekla sal word nie of, na gelang van die geval, dat die aanklag van wangedrag teen hom teruggetrek is.
- (28) Die feit dat iemand deur 'n geregshof skuldig of onskuldig aan die pleeg van 'n misdryf bevind is, belet nie dat enige stappe teen so iemand ingevolge hierdie artikel gedoen word nie.
- (29) (a) Indien iemand vermeld in sub-artikel (1) van artikel vyftien wat geag word ingevolge die bepalings van hierdie Wet in sy pos aangestel te wees, hom voor die inwerkingtreding van hierdie Wet skuldig gemaak het aan wangedrag in stryd met die bepalings van 'n wet wat voor sodanige inwerkingtreding ten opsigte van hom van toepassing was, kan stappe weens dié wangedrag ingevolge hierdie artikel teen hom ingestel of voortgesit word, en daarkragtens met hom gehandel word.
- (b) Indien iemand vermeld in paragraaf (a) vóór die inwerkingtreding van hierdie Wet 'n straf weens wangedrag opgelê is wat by sodanige inwerkingtreding nog van krag is, bly dié straf van krag tensy die Minister anders gelas.

Action in the case of persons employed at State schools, schools of industries, reform schools and certain State-aided schools, who are inefficient.

18. (1) If it is alleged that any person referred to in sub-section (1) of section *fifteen* is unfit for, or is incapable of performing efficiently, the duties attached to his post from causes not within his control and not attributable to the performance of his duties in the employment of the Department or the school in question, the Secretary may appoint a person to enquire into the allegation.

(2) The provisions of sub-sections (9), (10) and (11), (13), (15) to (21), inclusive, and (23), paragraphs (a) and (c) of sub-section (25) and paragraph (a) of sub-section (29) of section *seventeen* shall *mutatis mutandis* apply in respect of any enquiry referred to in sub-section (1) and the person in respect of whom the allegation was made: Provided that in the application of the said sub-section (23) the Secretary shall only have the power to recommend that the person in question be discharged from the service of his employer or that his grade be reduced and his emoluments be reduced to the maximum for the reduced grade.

Powers of persons employed at State schools, schools of industries, reform schools and certain State-aided schools in respect of acceptance of other employment or remuneration.

19. (1) Any person referred to in sub-section (1) of section *fifteen*—

- (a) shall, as far as is practicable, place the whole of his time at the disposal of the school at which he is employed;
- (b) shall not, without the permission of the Secretary or a person acting on the authority of the Secretary, perform or bind himself to perform other remunerative work; and
- (c) shall not have the right to claim additional remuneration in respect of any duty or work performed by him by order of a competent authority.

(2) If any person referred to in sub-section (1) receives any remuneration or allowance otherwise than in terms or by virtue of the provisions of this Act or any other law, he shall pay it into the Consolidated Revenue Fund, and if he fails to do so, the Minister of Finance may recover it from him by legal proceedings or in such other manner as the said Minister may deem fit, and pay it into that fund.

Classification of certain posts at State schools, schools of industries and reform schools as posts in the public service.

20. The Minister may, on the recommendation of the Public Service Commission, designate any non-teaching post included in the establishment of a State school, school of industries or reform school, as a post which is to be classified in terms of the provisions of the Public Service Act, 1957 (Act No. 54 of 1957), under the fixed establishment as defined in section *one* of the said Act, and in respect of which the provisions of the said Act shall apply.

Courses for the education or training of persons in State schools, schools of industries, reform schools and State-aided schools, and conducting of examinations.

21. (1) The Minister may institute courses for the education or training of persons in State schools, schools of industries, reform schools and State-aided schools, and abolish any course so instituted.

(2) The Minister shall determine the nature and length of, and the conditions for admission to, any course instituted in terms of sub-section (1).

(3) The Minister may cause examinations to be conducted in respect of any course instituted in terms of sub-section (1), and may cause diplomas or certificates to be issued to persons who have passed such examinations.

(4) Until the Minister otherwise determines the Department of Education, Arts and Science shall institute the courses for the education and training of persons in special schools, homes, vocational schools, schools of industries and reform schools and conduct examinations in respect thereof, and the provincial administration in question shall institute such courses in respect of other State schools and State-aided schools and conduct examinations in respect thereof, in the same manner in which it would have been done if the control of such education were still vested in that Department or, as the case may be, in the provincial administrations.

Inspection of certain schools and enquiries in connection with matters relating to such schools.

22. (1) The Secretary or any officer authorized thereto by the Secretary may inspect any State school or any State-aided school, or enquire into any matter relating to any such school, and may require the head of or any other person employed at such school to furnish him with such information at the disposal of such head or person as, in his opinion, may be necessary for the exercise of his powers and the performance of his functions and duties in terms of this Act.

(2) Any person who inspects any school or holds an enquiry in terms of sub-section (1) may—

18. (1) Indien beweer word dat iemand vermeld in sub-artikel (1) van artikel vyftien ongeskik is vir die pligte wat aan sy betrekking verbonde is of nie in staat is om daardie pligte op onbekwame wyse uit te voer nie weens oorsake wat buite sy eie beheer is en nie aan die uitvoering van sy pligte in die diens van die Departement of die betrokke skool toe te skryf is nie, kan die Sekretaris iemand aanstel om ondersoek na die bewering in te stel.

Optrede in die geval van onbekwame persone in diens by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole.

(2) Die bepalings van sub-artikels (9), (10) en (11), (13), (15) tot en met (21), en (23), paragrafe (a) en (c) van sub-artikel (25) en paragraaf (a) van sub-artikel (29) van artikel sewentien is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek vermeld in sub-artikel (1) en die persoon ten opsigte van wie die bewering gedoen is: Met dien verstande dat by die toepassing van genoemde sub-artikel (23) die Sekretaris slegs kan aanbeveel dat die betrokke persoon uit die diens van sy werkgewer ontslaan word of dat sy rang verlaag en sy besoldiging tot die maksimum vir die verlaagde rang verminder word.

19. (1) Iemand vermeld in sub-artikel (1) van artikel vyftien—

(a) moet sover doenlik al sy tyd ter beskikking stel van die skool waarby hy in diens is;

(b) mag nie sonder die toestemming van die Sekretaris of iemand wat met magtiging van die Sekretaris handel, ander besoldigde werk verrig of hom verbind om sodanige werk te verrig nie; en

(c) kan nie aanspraak maak op bykomende besoldiging ten opsigte van enige diens of werk wat hy verrig op las van 'n bevoegde gesag nie.

Bevoegdheid van persone in diens by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole ten opsigte van aanvaarding van ander werk of vergoeding.

(2) Indien iemand vermeld in sub-artikel (1) enige besoldiging of toelae ontvang anders as ingevolge of uit hoofde van die bepalings van hierdie Wet of 'n ander wet, moet hy dit in die Gekonsolideerde Inkomstefonds stort, en indien hy versuim om dit te doen, kan die Minister van Finansies dit deur middel van geregtelike stappe of op die ander wyse wat dié Minister goedvind, op hom verhaal en in daardie fonds stort.

20. Die Minister kan op aanbeveling van die Staatsdienskommissie 'n pos wat inbegrepe is by die diensstaat van 'n Staat-, nywerheid- of verbeteringskool en nie 'n onderwyspos is nie, aanwys as 'n pos wat ingevolge die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957), ingedeel moet word by die vaste diensstaat soos in artikel een van dié Wet omskryf, en ten opsigte waarvan die bepalings van genoemde Wet van toepassing is.

Indeling van sekere poste by Staat-, nywerheid- en verbeteringskole as poste in die Staatsdiens.

21. (1) Die Minister kan kursusse vir die onderwys of opleiding van persone in Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole instel, en 'n kursus aldus ingestel, afskaf.

Kursusse vir die onderwys of opleiding van persone in Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole, en afneem van eksamens.

(2) Die Minister bepaal die aard en duur van en die voorwaardes vir toelating tot 'n kursus wat ingevolge sub-artikel (1) ingestel is.

(3) Die Minister kan eksamens laat afneem ten opsigte van 'n kursus wat ingevolge sub-artikel (1) ingestel is, en kan diplomas of sertifikate laat uitreik aan persone wat in sodanige eksamens geslaag het.

(4) Totdat die Minister anders bepaal, moet die Departement van Onderwys, Kuns en Wetenskap die kursusse vir die onderwys en opleiding van persone in spesiale skole, tehuise en beroep-, nywerheid- en verbeteringskole instel en eksamens ten opsigte daarvan afneem, en moet die betrokke provinsiale administrasie sodanige kursusse ten opsigte van ander Staatskole en Staatsondersteunde skole instel en eksamens ten opsigte daarvan afneem, en wel op dieselfde wyse waarop dit gedoen sou geword het indien die beheer oor sodanige onderwys nog by daardie Departement of, na gelang van die geval, by die provinsiale administrasies berus het.

22. (1) Die Sekretaris of 'n beampte deur die Sekretaris daartoe gemagtig kan 'n Staatskool of 'n Staatsondersteunde skool inspekteer, of ondersoek instel na 'n aangeleentheid wat op so 'n skool betrekking het, en kan eis dat die hoof van of iemand anders in diens by so 'n skool aan hom die inligting verstrek waaroor dié hoof of so iemand beskik en wat volgens sy oordeel nodig is vir die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte ingevolge hierdie Wet.

Inspeksie van sekere skole en ondersoeke in verband met aangeleenthede wat op sodanige skole betrekking het.

(2) Iemand wat ingevolge sub-artikel (1) 'n skool inspekteer of 'n ondersoek instel, kan—

- (a) if he has reason to believe that any person is able to give evidence or to produce any document or other article which will be relevant to any inspection or enquiry in terms of sub-section (1), summon such person by a subpoena under his hand, to appear before him at a time and place specified in the subpoena, to be interrogated or to produce that document or other article; and
- (b) call as a witness and administer an oath or affirmation to any person present at such inspection or enquiry who was or might have been summoned in terms of paragraph (a), interrogate such person and require him to produce any document or other article in his possession or custody or under his control which he has reason to believe may be relevant to the inspection or enquiry.

(3) The law relating to witnesses and evidence which applies in connection with criminal cases in a magistrate's court shall *mutatis mutandis* apply in respect of any person called as a witness in terms of paragraph (b) of sub-section (2).

(4) Any person who prevents any other person from appearing in accordance with a subpoena issued in terms of paragraph (a) of sub-section (2) at the time and place in question, or from producing any document or other article as required in terms of paragraph (b) of the said sub-section, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

Compulsory
school
attendance.

23. (1) If the Minister is satisfied that sufficient and suitable school accommodation is available he may by notice in the *Gazette* declare that regular attendance at such kind of State school or State-aided school as may be specified in such notice, shall be compulsory for every Coloured person belonging to an age group and resident in an area so specified.

(2) If a parent or the guardian or the person having the custody or charge of any person who by virtue of the provisions of sub-section (1) is required to attend a school regularly, after a period of six months from the date of the notice referred to in that sub-section fails, without reasonable cause and after a written warning by the Department, to cause such person to attend an appropriate school regularly, he shall be guilty of an offence and liable on conviction to a fine not exceeding ten rand or to imprisonment for a period not exceeding one month on conviction of a first offence or to a fine not exceeding forty rand or to imprisonment for a period not exceeding two months on conviction of a second or subsequent offence.

Financial and
other assistance
to pupils at certain
schools.

24. The Minister may out of moneys appropriated by Parliament for the purpose and on such basis and subject to such conditions as he may after consultation with the Minister of Finance determine, grant financial or other material assistance or both financial and other material assistance to a pupil at a State school or a State-aided school.

Payment of
school and
boarding fees.

25. (1) Any person admitted to a State school or the person liable for the maintenance of any such person, shall pay such school fees (if any) and, if such person is being provided with board by the Department, such boarding fees as the Minister after consultation with the Minister of Finance may determine or prescribe.

(2) Different fees may in terms of sub-section (1) be determined or prescribed in respect of different classes of persons, and the Minister may after such consultation exempt in such manner as he may deem fit any person or any class of persons wholly or partly from the payment of fees so determined or prescribed.

Exercise of rights
acquired and
fulfilment of
obligations
incurred by a
provincial
administration in
connection with
education for
Coloured persons.

26. As from the commencement of this Act—

- (a) the control of all property which is being used immediately prior to or was acquired prior to such commencement by a provincial administration exclusively for the purposes of or in connection with education for Coloured persons and which is the property of the State, and all obligations of such provincial administration in respect thereof, shall pass to the Department;
- (b) all the other obligations lawfully incurred by a provincial administration for the purposes of or in con-

- (a) indien hy rede het om te dink dat iemand in staat is om getuienis af te lê of om 'n stuk of ander voorwerp oor te lê wat by 'n inspeksie of ondersoek ingevolge sub-artikel (1) ter sake sal wees, so iemand deur middel van 'n dagvaarding deur hom onderteken, dagvaar om op 'n tyd en plek vermeld in die dagvaarding, voor hom te verskyn om ondervra te word of om daardie stuk of ander voorwerp oor te lê; en
 - (b) iemand wat by so 'n inspeksie of ondersoek teenwoordig is en wat ingevolge paragraaf (a) gedagvaar is of gedagvaar kon gewees het, as getuie oproep, 'n eed of bevestiging van hom afneem en hom ondervra en aansê om 'n stuk of ander voorwerp oor te lê wat in sy besit of bewaring of onder sy beheer is, en ten opsigte waarvan hy rede het om te dink dat dit by die inspeksie of ondersoek ter sake sal wees.
- (3) Die reg met betrekking tot getuies en getuienis wat geld in verband met strafsake in 'n landdroshof, geld *mutatis mutandis* ten opsigte van iemand wat ingevolge paragraaf (b) van sub-artikel (2) as getuie opgeroep word.
- (4) Iemand wat iemand anders verhinder om ooreenkomstig 'n dagvaarding uitgereik ingevolge paragraaf (a) van sub-artikel (2), te verskyn op die betrokke tyd en plek, of 'n stuk of ander voorwerp oor te lê soos ingevolge paragraaf (b) van genoemde sub-artikel vereis, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

23. (1) Indien die Minister oortuig is dat daar voldoende en geskikte skoolruimte beskikbaar is, kan hy by kennisgewing in die *Staatskoerant* verklaar dat gereelde besoek aan 'n soort Staatskool of Staatsondersteunde skool vermeld in dié kennisgewing, verpligtend is vir elke Kleurling wat behoort tot 'n ouderdomsgroep en woonagtig is in 'n gebied aldus vermeld.

Verpligte
skoolbesoek.

(2) Indien 'n ouer of die voog van iemand wat uit hoofde van die bepalings van sub-artikel (1) verplig is om 'n skool gereeld te besoek, of die persoon in wie se bewaring of onder wie se toesig so iemand is, na 'n tydperk van ses maande vanaf die datum van die in daardie sub-artikel bedoelde kennisgewing sonder redelike oorsaak en na 'n skriftelike waarskuwing deur die Departement versuim om so iemand gereeld 'n gepaste skool te laat besoek, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tien rand of met gevangenisstraf vir 'n tydperk van hoogstens een maand by skuldigbevinding by 'n eerste oortreding of met 'n boete van hoogstens veertig rand of met gevangenisstraf vir 'n tydperk van hoogstens twee maande by skuldigbevinding by 'n tweede of daaropvolgende oortreding.

24. Die Minister kan uit geld wat die Parlement vir dié doel bewillig het, en op die grondslag en voorwaardes wat hy na oorlegpleging met die Minister van Finansies bepaal, finansiële of ander materiële hulp of finansiële sowel as ander materiële hulp verleen aan 'n leerling van 'n Staatskool of 'n Staatsondersteunde skool.

Finansiële en
ander hulp aan
leerlinge van
sekere skole.

25. (1) Iemand wat tot 'n Staatskool toegelaat is, of die persoon wat vir die onderhoud van so iemand verantwoordelik is, moet die skoolgelde (indien daar is) en, indien losies deur die Departement aan so iemand verskaf word, die losiesgelde betaal wat die Minister na oorlegpleging met die Minister van Finansies bepaal of voorskryf.

Betaling van
skool- en
losiesgelde.

(2) Verskillende gelde kan ingevolge sub-artikel (1) ten opsigte van verskillende kategorieë persone bepaal of voorgeskryf word, en die Minister kan ná sodanige oorlegpleging enige persoon of enige kategorie persone geheel en al of ten dele op die wyse wat hy goedvind, vrystel van die betaling van gelde aldus bepaal of voorgeskryf.

26. Vanaf die inwerkingtreding van hierdie Wet—

- (a) gaan die beheer oor alle goedere wat deur 'n provinsiale administrasie uitsluitend vir die doeleindes van of in verband met onderwys vir Kleurlinge onmiddellik vóór genoemde inwerkingtreding gebruik word of vóór genoemde inwerkingtreding verkry is, en wat die eiendom van die Staat is, en alle verpligtings van dié provinsiale administrasie ten opsigte daarvan, oor op die Departement;
- (b) gaan op die Departement oor alle ander verpligtings wat 'n provinsiale administrasie wettiglik aangeaan het

Uitoefening
van regte ver-
kry en na-
koming van
verpligtings
aangeaan deur
'n provinsiale
administrasie
in verband met
onderwys vir
Kleurlinge.

nection with education for Coloured persons and existing immediately prior to the said commencement (excluding any obligation to pay a bonus or an allowance to a retired teacher or retired employee who was in the service of such provincial administration in connection with education for Coloured persons or to a dependant or any person receiving a pension in respect of such service of such teacher or employee, in supplementation of any pension payable to any such person), shall pass to the Department;

- (c) all rights which a provincial administration has against any person immediately prior to the said commencement and which were acquired for the purposes of or in connection with education for Coloured persons, shall vest in the Department:

Provided that the provisions of this section shall not apply to any asset acquired or liability incurred in connection with any pension, retirement or provident fund administered by a provincial administration.

Passing of certain property and obligations to State on transfer of State-aided school to Department.

27. (1) As from the date on which the management and control of a State-aided school is, in terms of section five, transferred to the Department, all the property which immediately prior to that date was vested in the governing body of that school and used or intended to be used exclusively for the purposes of such school, shall vest in the State, and after the said date all the property which would have accrued to such governing body for such purposes if this Act had not been passed, shall vest in the State.

(2) If any property which by trust, donation or bequest was vested in or would have accrued to any governing body, vests in the State in terms of sub-section (1), the Secretary shall deal with such property in accordance with the conditions of such trust, donation or bequest.

(3) As from the date referred to in sub-section (1) the rights and liabilities acquired or incurred by the governing body in question for the purposes of or in connection with the school in question, shall pass to the State.

(4) No transfer duty, stamp duty or registration fees shall be payable in respect of the acquisition of any property or rights by the State in terms of this section.

Expropriation of land.

28. If a provincial administration prior to the commencement of this Act commenced the taking of steps to expropriate any land for the purposes of education for Coloured persons, such steps may be continued by such administration as if this Act had not been passed, and the provisions of paragraph (a) of section twenty-six shall *mutatis mutandis* apply in respect of any land so expropriated.

Exclusion of provisions of Workmen's Compensation Act, 1941.

29. No pupil at a State school, school of industries, reform school or a State-aided school shall for the purposes of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), and in connection with his attendance at such school be regarded as a workman under the said Act or another person entitled to payment thereunder.

Establishment and constitution of Education Council for Coloured Persons.

30. (1) There is hereby established a council to be known as the Education Council for Coloured Persons.

(2) The Education Council for Coloured Persons shall consist of—

- (a) an officer in the Department having expert knowledge of education matters, to be designated by the Minister from time to time to serve in an advisory capacity on that council; and
- (b) such other persons not being less than eight and being Coloured persons of whom four shall as far as possible be resident in different provinces, as the State President may appoint as members of that council because of their special knowledge of education in any province and of the Coloured community and with due consideration to the spread of the Coloured population in the Republic.

vir die doeleindes van of in verband met onderwys vir Kleurlinge en wat onmiddellik vóór genoemde inwerkingtreding nog bestaan (met uitsondering van enige verpligting om 'n bonus of toelae te betaal aan 'n afgetrede onderwyser of afgetrede werknemer wat in verband met onderwys vir Kleurlinge in diens van dié provinsiale administrasie was, of aan 'n afhanklike van of iemand wat 'n pensioen ontvang ten opsigte van sodanige diens van so 'n onderwyser of werknemer, ter aanvulling van enige pensioen aan so iemand betaalbaar);

- (c) gaan op die Departement oor alle regte wat 'n provinsiale administrasie onmiddellik voor genoemde inwerkingtreding teenoor iemand besit en vir die doeleindes van of in verband met onderwys vir Kleurlinge verkry is:

Met dien verstande dat die bepalings van hierdie artikel nie van toepassing is nie op enige bate verkry of verpligting aangegaan in verband met 'n pensioen-, uitdienstredings- of voorsieningsfonds wat deur 'n provinsiale administrasie geadministreer word.

27. (1) Vanaf die datum waarop die bestuur van en beheer oor 'n Staatsondersteunde skool ingevolge artikel vyf aan die Departement oorgedra word, gaan alle goedere wat onmiddellik vóór daardie datum aan die bestuursliggaam van daardie skool behoort het en uitsluitend vir die doeleindes van dié skool gebruik was of bestem was om aldus gebruik te word, op die Staat oor, en ná genoemde datum verkry die Staat alle goedere wat aan sodanige bestuursliggaam vir genoemde doeleindes sou toegeval het, indien hierdie Wet nie aangeneem was nie.

Oorgang van sekere eiendom en verpligtings op Staat by oordrag van Staatsondersteunde skool aan Departement.

(2) Indien goedere wat uit hoofde van 'n trust, skenking of bemaking aan 'n bestuursliggaam behoort het of sou toegeval het, ingevolge sub-artikel (1) op die Staat oorgaan, moet die Sekretaris met dié goedere ooreenkomstig die voorwaardes van dié trust, skenking of bemaking handel.

(3) Vanaf die datum in sub-artikel (1) vermeld, gaan die regte en verpligtings wat die betrokke bestuursliggaam vir die doeleindes van of in verband met die betrokke skool verkry of opge-loop het, op die Staat oor.

(4) Geen hereregte, seëlregte of registrasiegelde is betaalbaar nie ten opsigte van die verkryging van enige goedere of regte deur die Staat ingevolge hierdie artikel.

28. Indien 'n provinsiale administrasie voor die inwerkingtreding van hierdie Wet stappe begin doen het om enige grond vir die doeleindes van onderwys vir Kleurlinge te onteien, kan sodanige stappe deur dié administrasie voortgesit word asof hierdie Wet nie aangeneem was nie, en die bepalings van paragraaf (a) van artikel ses-en-twintig is *mutatis mutandis* van toepassing ten opsigte van grond wat aldus onteien word.

Onteining van grond.

29. By die toepassing van die Ongevallewet, 1941 (Wet No. 30 van 1941), word geen leerling van 'n Staat-, nywerheid- of verbeteringskool of 'n Staatsondersteunde skool, in verband met sy bywoning van die skool beskou as 'n werksman kragtens dié Wet of iemand anders wat daarkragtens op betaling geregtig is nie.

Uitsluiting van bepalings van Ongevallewet, 1941.

30. (1) Hierby word 'n raad met die naam Onderwysraad vir Kleurlinge ingestel.

Instelling en samestelling van Onderwysraad vir Kleurlinge.

(2) Die Onderwysraad vir Kleurlinge bestaan uit—

- (a) 'n beampte in die Departement met vakkundige kennis van onderwysaangeleenthede, deur die Minister van tyd tot tyd aangewys om in 'n adviserende hoedanigheid in dié raad te dien; en
- (b) die ander persone, maar minstens agt, wat Kleurlinge moet wees en van wie vier sover moontlik in verskillende provinsies woonagtig moet wees, en wat die Staatspresident as lede van dié raad aanstel weens hul besondere kennis van onderwys in die een of ander provinsie en van die Kleurlinggemeenskap, en met behoorlike inagneming van die verspreiding van die Kleurlingbevolking in die Republiek.

(3) The period of office of a member of the said council appointed in terms of paragraph (b) of sub-section (2) shall be not less than three years, and such a member shall be eligible for reappointment as a member of the council on the expiry of his period of office.

(4) If a member of the said council dies or vacates his office for any reason before the expiry of his period of office, the State President shall, subject to the provisions of sub-section (2), appoint another person as a member of the said council in his place for the unexpired portion of his period of office.

(5) (a) The State President shall designate one of the members of the said council appointed in terms of paragraph (b) of sub-section (2), as the chairman.

(b) If the said chairman is absent from any meeting of the council the members present thereat may elect one of their number to preside at that meeting.

(6) The procedure at meetings of the council shall be as prescribed.

(7) The Minister may designate an officer in the Department as secretary to the said council, and may designate such other officers for service with the council as he may deem necessary for the proper performance of the functions of the council.

(8) The prescribed allowances may be paid to a member of the council who is not in the full-time service of the State.

**Functions of
Education
Council for
Coloured Persons.**

31. (1) (a) The functions of the Education Council for Coloured Persons shall be to advise the Minister on any matter in connection with education for Coloured persons which the Minister may refer to it or which the council may wish to bring to the notice of the Minister or may investigate with the approval of the Minister.

(b) Any advice tendered to the Minister by the aforesaid Education Council for Coloured Persons in the exercise of its functions under paragraph (a) shall be forwarded to the National Advisory Education Council for its information.

(2) Any negotiations between the said council and the National Advisory Education Council referred to in section two of the National Advisory Education Council Act, 1962 (Act No. 86 of 1962), shall take place through the Ministers in question.

(3) The said council shall before the thirty-first day of December of every year submit to the Minister an annual report on its activities during the immediately preceding financial year and shall also submit to the Minister such further information in connection with its activities as the Minister may require.

(4) The Minister shall lay copies of the annual report referred to in sub-section (3), including any minority report, upon the Table of the Senate and the House of Assembly within fourteen days after receipt thereof if Parliament is in ordinary session or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(5) (a) The said council may with the approval of the Minister establish committees of the council to assist it in the performance of its functions.

(b) The said council may in its discretion delegate any of its functions to such a committee, but shall not be divested of its powers in connection with such functions, and may amend or rescind any decision of such a committee.

(c) The constitution, and procedure at meetings, of such a committee shall be as prescribed.

**Establishment of
boards, committees
or other bodies
for participating in
management of
certain schools.**

32. (1) For the purposes of enabling the Coloured population of the Republic to participate in the management of State schools and State-aided schools, the Minister may in the manner prescribed by regulation establish for any such school or schools a board, committee or other body.

(2) The constitution, powers, duties and functions of, and the period of office of and the allowances payable to members of boards, committees or bodies established in terms of sub-section (1) shall be as prescribed.

**Delegation of
powers by Minister.**

33. The Minister may delegate, either generally or in any particular case, any power conferred upon him by this Act,

(3) Die ampstermyn van 'n lid van genoemde raad, aangestel ingevolge paragraaf (b) van sub-artikel (2), is minstens drie jaar, en by verstryking van die ampstermyn van so 'n lid kan hy weer as lid van die raad aangestel word.

(4) Indien 'n lid van genoemde raad te sterwe kom of om enige rede sy amp ontruim vóór die verstryking van sy ampstermyn, moet die Staatspresident, behoudens die bepalings van sub-artikel (2), iemand anders as lid van genoemde raad in sy plek en vir die onverstreke gedeelte van sy ampstermyn aanstel.

(5) (a) Die Staatspresident moet een van die lede van genoemde raad wat ingevolge paragraaf (b) van sub-artikel (2) aangestel is, as voorsitter aanwys.

(b) Indien genoemde voorsitter van enige vergadering van die raad afwesig is, kan die lede wat daarop aanwesig is, een uit hul geledere kies om op dié vergadering voor te sit.

(6) Die prosedure op vergaderings van die raad is soos voorgeskryf.

(7) Die Minister kan 'n beamppte in die Departement as sekretaris van genoemde raad aanwys, en kan die ander beampptes wat hy nodig ag vir die behoorlike verrigting van die werksaamhede van die raad, vir diens by die raad aanwys.

(8) Aan 'n lid van die raad wat nie in die voltydse diens van die Staat is nie, kan die voorgeskrewe toelaes betaal word.

31. (1) (a) Die werksaamhede van die Onderwysraad vir Kleurlinge is om die Minister van raad te dien aangaande enige aangeleentheid in verband met onderwys vir Kleurlinge wat die Minister na die raad verwys of wat die raad onder die aandag van die Minister wil bring of met goedkeuring van die Minister ondersoek.
- (b) Enige raad wat deur voormelde Onderwysraad vir Kleurlinge in die uitvoering van sy werksaamhede kragtens paragraaf (a) aan die Minister aangebied word, moet ter inligting van die Nasionale Adviserende Onderwysraad aan dié raad deurgestuurd word.

Werksaamhede van Onderwysraad vir Kleurlinge.

(2) Enige onderhandelings tussen genoemde raad en die Nasionale Adviserende Onderwysraad vermeld in artikel twee van die Wet op die Nasionale Adviserende Onderwysraad, 1962 (Wet No. 86 van 1962), moet deur bemiddeling van die betrokke Ministers geskied.

(3) Genoemde raad moet vóór een-en-dertig Desember van elke jaar 'n jaarverslag oor sy werksaamhede gedurende die onmiddellik voorafgaande boekjaar aan die Minister voorlê, en moet ook die verdere inligting in verband met sy werksaamhede wat die Minister verlang, aan die Minister voorlê.

(4) Die Minister lê eksemplare van die jaarverslag in sub-artikel (3) vermeld, met inbegrip van enige minderheidsverslag, binne veertien dae na die ontvangs daarvan in die Senaat en in die Volksraad ter Tafel as die Parlement in gewone sessie is, of, as die Parlement nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

(5) (a) Genoemde raad kan met die goedkeuring van die Minister komitees van die raad instel ten einde die raad by die verrigting van sy werksaamhede behulpzaam te wees.

(b) Genoemde raad kan na goeëdunke van sy werksaamhede aan so 'n komitee opdra, maar word nie ontdoen van sy bevoegdhede in verband met sodanige werksaamhede nie, en kan 'n besluit van so 'n komitee wysig of herroep.

(c) Die samestelling, en die prosedure op vergaderings, van so 'n komitee is soos voorgeskryf.

32. (1) Ten einde die Kleurlingbevolking van die Republiek in staat te stel om deel te neem aan die bestuur van Staatskole en Staatsondersteunde skole kan die Minister vir enige sodanige skool of skole 'n raad, komitee of ander liggaam instel op die wyse by regulasie voorgeskryf.

Instelling van rade, komitees of ander liggame vir deelname aan bestuur van sekere skole.

(2) Die samestelling, bevoegdhede, pligte en werksaamhede van, en die ampstermyn van en toelaes betaalbaar aan lede van rade, komitees of liggame ingestel ingevolge sub-artikel (1), is soos voorgeskryf.

33. Die Minister kan 'n bevoegdheid by hierdie Wet aan hom verleen, uitgesonderd die bevoegdhede aan hom verleen by Oordrag van bevoegdhede deur Minister.

other than the powers conferred upon him by sections *twenty-three* and *thirty-four*, to the Secretary or any other officer in the Department.

Regulations.

34. (1) Subject to the provisions of sub-section (3) the Minister may make regulations—

- (a) conferring powers and imposing duties upon the Secretary and other officers in the Department in connection with the carrying out of the provisions of this Act;
- (b) as to the establishment, erection, maintenance, management and control of State schools and hostels, teachers' quarters, school clinics and any other accessories in connection with such schools;
- (c) as to the making of grants-in-aid and loans to governing bodies of State-aided schools;
- (d) the registration and management of private schools referred to in section *six*, and the requirements to be complied with by such schools;
- (e) as to the admission of persons to, the control of pupils at and their discharge from State schools and State-aided schools, and the suspension of or the imposition or infliction of other punishments upon pupils at such schools;
- (f) subject to the provisions of sub-section (6), as to the medium of instruction and religious instruction in State schools, schools of industries, reform schools or State-aided schools;
- (g) as to the appointment of persons for duty at State schools, schools of industries and reform schools, and State-aided schools other than State-aided vocational schools, and the grading, remuneration, promotion, transfer, discharge, discipline, behaviour, powers, duties, hours of attendance, leave privileges and other conditions of service of, and the occupation of teachers' quarters by, and the payment of travelling, subsistence and other allowances and remuneration for services outside the prescribed hours of attendance to such persons and persons deemed to be appointed in terms of this Act;
- (h) providing for the registration of Coloured persons qualified as teachers;
- (i) as to the medical examination of teachers employed at, and of pupils at State schools, schools of industries, reform schools and State-aided schools, and the issue of certificates in connection with such examinations;
- (j) as to the mental, bodily or other examination of any person who is suspected of being a handicapped child and is in terms of section *twenty-three* required to attend a school regularly;
- (k) as to the school which any person is to attend for the purposes of section *twenty-three*, and exemption from the obligation so to attend a school;
- (l) as to the courses of education and training in State schools, schools of industries, reform schools and State-aided schools;
- (m) as to the inspection of State schools, schools of industries, reform schools and State-aided schools, of hostels, quarters, clinics and other accessories used in connection with such schools, and of pupils at such schools;
- (n) as to the conducting of examinations in respect of and the granting of diplomas and certificates to persons who attended a course of education or training at a State school, school of industries, reform school or State-aided school;
- (o) as to the fees (if any) payable in respect of board provided by the Department and the attendance at schools or courses referred to in paragraph (l), and in respect of examinations, diplomas and certificates referred to in paragraph (n), and as to the exemption from the payment of such fees;
- (p) as to the granting of financial or other material assistance to pupils at State schools or State-aided schools;
- (q) as to the control of moneys collected for any State school or any State-aided school;
- (r) as to the calling of meetings of the Education Council for Coloured Persons, the quorum for and the procedure at such meetings and meetings of a committee

artikels *drie-en-twintig* en *vier-en-dertig*, aan die Sekretaris of 'n ander beampte in die Departement in die algemeen of in 'n besondere geval oordra.

34. (1) Behoudens die bepalings van sub-artikel (3) kan die Minister regulasies uitvaardig—

- (a) wat aan die Sekretaris en ander beamptes in die Departement bevoegdhede verleen en pligte ople in verband met die uitvoering van die bepalings van hierdie Wet;
- (b) betreffende die instelling, oprigting, instandhouding en bestuur van en beheer oor Staatskole en koshuise, kwartiere vir onderwysers, skoolklinieke en ander toebehoere in verband met sodanige skole;
- (c) betreffende die toekenning van hulptoelae en lenings aan bestuursliggame van Staatsondersteunde skole;
- (d) die registrasie en bestuur van private skole vermeld in artikel *ses*, en die vereistes waaraan sodanige skole moet voldoen;
- (e) betreffende die toelating van persone tot, die beheer van leerlinge by en hul ontslag uit Staatskole en Staatsondersteunde skole, en die skorsing van of die op-
legging of toediening van ander strawwe aan leerlinge van sodanige skole;
- (f) behoudens die bepalings van sub-artikel (6), betreffende die medium van onderrig en godsdiensoonderrig in Staat-, nywerheid- of verbeteringskole of Staatsondersteunde skole;
- (g) betreffende die aanstelling van persone vir diens by Staat-, nywerheid- en verbeteringskole, en Staatsondersteunde skole wat nie Staatsondersteunde beroepskole is nie, en die gradering, besoldiging, bevordering, verplasing, ontslag, tug, gedrag, bevoegdhede, pligte, diensure, verlofvoorregte en ander diensvoorwaardes van, en die bewoning van kwartiere vir onderwysers deur, en die betaling van reis-, verblyf- en ander toelae en vergoeding vir diens buite die voorgeskrewe diensure, aan sodanige persone en persone wat geag word ingevolge hierdie Wet aangestel te wees;
- (h) wat voorsiening maak vir die registrasie van Kleurlinge wat hulle as onderwysers bekwaam het;
- (i) betreffende die mediese ondersoek van onderwysers in diens by en leerlinge van Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole, en die uitreiking van sertifikate in verband met sodanige ondersoeke;
- (j) betreffende die geestelike, liggaamlike of ander ondersoek van iemand wat, na vermoed word, 'n afwykende kind is en ingevolge artikel *drie-en-twintig* verplig is om 'n skool gereeld te besoek;
- (k) betreffende die skool wat iemand vir die doeleindes van artikel *drie-en-twintig* moet besoek, en vrystelling van die verpligting om 'n skool aldus te besoek;
- (l) betreffende onderwys- en opleidingskursusse in Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole;
- (m) betreffende die inspeksie van Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole, van koshuise, kwartiere, klinieke en ander toebehoere wat in verband met sodanige skole gebruik word, en van leerlinge van sodanige skole;
- (n) betreffende die afneem van eksamens van en die toekenning van diplomas en sertifikate aan persone wat 'n onderwys- of opleidingskursus gevolg het in 'n Staat-, nywerheid- of verbeteringskool of 'n Staatsondersteunde skool;
- (o) betreffende die gelde (indien daar is) wat betaalbaar is ten opsigte van losies verskaf deur die Departement en die bywoning van skole of kursusse vermeld in paragraaf (l), en ten opsigte van eksamens, diplomas en sertifikate vermeld in paragraaf (n), en betreffende die vrystelling van betaling van sodanige gelde;
- (p) betreffende die verlening van finansiële of ander materiële hulp aan leerlinge van Staatskole of Staatsondersteunde skole;
- (q) betreffende beheer oor geld wat vir 'n Staatskool of 'n Staatsondersteunde skool ingesamel word;
- (r) betreffende die belegging van vergaderings van die Onderwysraad vir Kleurlinge, die kworum vir en procedure op sodanige vergaderings en vergaderings van 'n

thereof, the period of office of the members and chairman of the said council, and the constitution of committees of the council;

(s) as to the constitution, powers, duties and functions, and the period of office of and allowances payable to members of boards, committees or other bodies established in terms of section *thirty-two*;

(t) generally, as to any other matter in respect of which the Minister may deem it necessary or expedient to make regulations to achieve the objects of this Act.

(2) The generality of the power conferred by paragraph (t) of sub-section (1) shall not be limited by the provisions of the other paragraphs of the said section.

(3) Regulations as to any fees or allowances payable by or to any person or the control of any moneys, may only be made after consultation with the Minister of Finance.

(4) Different regulations may in terms of sub-section (1) be made in respect of different schools or different kinds of schools.

(5) Regulations made in terms of sub-section (1) may prescribe in respect of any contravention thereof or failure to comply therewith, a penalty of a fine not exceeding twenty rand or imprisonment for a period not exceeding one month.

(6) Regulations under paragraph (f) of sub-section (1) shall not deprive any parent of the right of final decision regarding the medium of instruction of a child of such parent where any doubt exists as to the home language of such child.

Insertion of section 1bis in Act 9 of 1948.

35. The following section is hereby inserted in the Special Education Act, 1948, after section *one*:

"Applica-
tion of Act.

1bis. The provisions of this Act shall not apply in respect of any handicapped child as defined in section *one* of the Coloured Persons Education Act, 1963."

Insertion of section 1bis in Act 70 of 1955.

36. The following section is hereby inserted in the Vocational Education Act, 1955, after section *one*:

"Applica-
tion of Act.

1bis. The provisions of this Act shall not apply in respect of any vocational school, part-time class or continuation class established and maintained exclusively for the education of Coloured persons as defined in section *one* of the Coloured Persons Education Act, 1963."

Amendment of section 84 of Act 32 of 1961.

37. (1) Section *eighty-four* of the Republic of South Africa Constitution Act, 1961, is hereby amended by the substitution in paragraph (c) of sub-section (1) for the word "education", where it appears for the second time, of the words "education, education for Coloured persons as defined in section *one* of the Coloured Persons Education Act, 1963,".

(2) Notwithstanding the provisions of sub-section (1) a provincial council shall continue to be as competent to make ordinances for the proper administration of any pension or provident fund referred to in sub-section (2) of section *thirteen* as it would have been if this Act had not been passed.

Short title and commencement.

38. (1) This Act shall be called the Coloured Persons Education Act, 1963, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) A separate date in respect of the provisions of sections *thirty* and *thirty-one*, and different dates in respect of different provinces or different kinds of colleges or schools in the Republic or different provinces may be so fixed.

(3) If a date is so fixed in respect of a particular kind of college or school only—

(a) any reference in this Act and in paragraph (c) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), to education for Coloured persons shall, in respect of any province in question, be construed as a reference to such education provided in such colleges or schools; and

(b) any reference in this Act to schools in general shall, in respect of any province in question, be construed as a reference to such colleges or schools.

komitee daarvan, die ampstermyn van die lede en voorsitter van genoemde raad en die samestelling van komitees van die raad;

(s) betreffende die samestelling, bevoegdhede, pligte en werksaamhede, en die ampstermyn van en toelaes betaalbaar aan lede, van rade, komitees of ander liggame ingestel ingevolge artikel *twee-en-dertig*;

(t) oor die algemeen, betreffende enige ander aangeleentheid ten opsigte waarvan die Minister dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

(2) Die algemeenheid van die bevoegdheid by paragraaf (t) van sub-artikel (1) verleen, word nie deur die bepalings van die ander paragrawe van genoemde sub-artikel beperk nie.

(3) Regulasies betreffende gelde of toelaes betaalbaar deur of aan iemand of die beheer oor enige geld, kan slegs na oorlegpleging met die Minister van Finansies uitgevaardig word.

(4) Verskillende regulasies kan ingevolge sub-artikel (1) ten opsigte van verskillende skole of verskillende soorte skole uitgevaardig word.

(5) Regulasies ingevolge sub-artikel (1) uitgevaardig, kan ten opsigte van 'n oortreding daarvan of versuim om daaraan te voldoen, 'n straf voorskryf van 'n boete van hoogstens twintig rand of gevangenisstraf vir 'n tydperk van hoogstens een maand.

(6) Regulasies kragtens paragraaf (f) van sub-artikel (1) ontnem nie 'n ouer die reg om finaal te besluit oor die medium van onderrig van 'n kind van so 'n ouer waar daar twyfel oor die huistaal van so 'n kind bestaan nie.

35. Die volgende artikel word hierby in die Wet op Buitengewone Onderwys, 1948, na artikel *een* ingevoeg:

Invoeging van artikel 1bis in Wet 9 van 1948.

„Toepassing van Wet. 1bis. Die bepalings van hierdie Wet is nie van toepassing nie ten opsigte van 'n afwykende kind soos omskryf in artikel *een* van die Wet op Onderwys vir Kleurlinge, 1963.”

36. Die volgende artikel word hierby in die Wet op Beroeps-
onderwys, 1955, na artikel *een* ingevoeg:

Invoeging van artikel 1bis in Wet 70 van 1955.

„Toepassing van Wet. 1bis. Die bepalings van hierdie Wet is nie van toepassing nie ten opsigte van 'n beroepsskool, deeltydse klas of voortsettingsklas wat uitsluitend ingestel is en in stand gehou word vir die onderwys van Kleurlinge soos in artikel *een* van die Wet op Onderwys vir Kleurlinge, 1963, omskryf.”

37. (1) Artikel *vier-en-tagtig* van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby gewysig deur in paragraaf (c) van sub-artikel (1) die woord „onderwys”, waar dit die tweede maal voorkom, deur die volgende woorde te vervang: „onderwys, onderwys vir Kleurlinge soos in artikel *een* van die Wet op Onderwys vir Kleurlinge, 1963, omskryf”.

Wysiging van artikel 84 van Wet 32 van 1961.

(2) Ondanks die bepalings van sub-artikel (1) bly 'n provinsiale raad net so bevoeg om ordonnansies te maak vir die behoorlike administrasie van 'n pensioen- of voorsieningsfonds in sub-artikel (2) van artikel *dertien* vermeld, as wat hy sou gewees het indien hierdie Wet nie aangeneem was nie.

38. (1) Hierdie Wet heet die Wet op Onderwys vir Kleurlinge, 1963, en die bepalings daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vasstel.

Kort titel en inwerking-treding.

(2) 'n Afsonderlike datum ten opsigte van die bepalings van artikels *dertig* en *een-en-dertig*, en verskillende datums ten opsigte van verskillende provinsies of verskillende soorte kolleges of skole in die Republiek of verskillende provinsies kan aldus vasgestel word.

(3) Indien 'n datum slegs ten opsigte van 'n bepaalde soort kollege of skool aldus vasgestel word—

(a) word, ten opsigte van enige betrokke provinsie, 'n verwysing in hierdie Wet en in paragraaf (c) van sub-artikel (1) van artikel *vier-en-tagtig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), na onderwys vir Kleurlinge, uitgelê as 'n verwysing na sodanige onderwys wat in sodanige kolleges of skole verskaf word; en

(b) word, ten opsigte van enige betrokke provinsie, 'n verwysing in hierdie Wet na skole in die algemeen, uitgelê as 'n verwysing na sodanige kolleges of skole.