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KAAPSTAD, 29 JUNIE 1973.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1121. 29th June, 1973.

No. 1121. 29 Junie 1973.

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

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

No. 69 of 1973: Education Laws Amendment Act, 1973.

No. 69 van 1973: Wysigingswet op Onderwyswette, 1973.

Act No. 69, 1973

EDUCATION LAWS AMENDMENT ACT, 1973.

ACT

To amend the provisions of the National Education Policy Act, 1967, relating to the words "educational head" and to definitions; to amend the provisions of the Advanced Technical Education Act, 1967, relating to definitions; to provide for the teaching and training of teachers for secondary schools in collaboration with certain colleges; to amend the provisions of the said Advanced Technical Education Act relating to the establishments at colleges; to the appointment of persons for service at colleges; and to the conditions of service of persons employed at colleges; to provide that certain regulations made under the Higher Education Act, 1923, shall be deemed to have been made under the said Advanced Technical Education Act; to amend the provisions of the Educational Services Act, 1967, relating to definitions; to the transfer of subsidized schools to the Government; to the establishments at schools and subsidized schools; to the determination of the conditions of service of and certain other matters concerning persons employed at schools; to the determination of the salaries and salary scales of persons employed at subsidized schools; and to the delegation of powers, duties and functions; to give retrospective effect to the provisions of section 43 (1) (jA) of the said Educational Services Act; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 19th June, 1973.)

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

Substitution for "educational head" of "head of education" in Act 39 of 1967.

1. The National Education Policy Act, 1967, is hereby amended by the substitution for the words "educational head", wherever they occur, of the words "head of education".

Amendment of section 1 of Act 39 of 1967, as amended by section 1 of Act 73 of 1969.

2. Section 1 of the National Education Policy Act, 1967, is hereby amended—

(a) by the substitution for the definition of "Department" of the following definition:
"Department" means the Department of National Education;";

(b) by the substitution for the definition of "educational head" of the following definition:

"head of education" means the Secretary, or the Director of Education of any province or of the territory of South-West Africa, and includes, for the purposes of section 6 only, the Director of the education branch of the Department;";

WET

Tot wysiging van die bepalinge van die Wet op die Nasionale Onderwysbeleid, 1967, betreffende die woorde „educational head” en woordomsrywings; tot wysiging van die bepalinge van die Wet op Gevorderde Tegniese Onderwys, 1967, betreffende woordomsrywings; om voorsiening te maak dat onderwysers vir sekondêre skole in samewerking met sekere kolleges onderrig en opgelei kan word; tot wysiging van die bepalinge van genoemde Wet op Gevorderde Tegniese Onderwys betreffende die diensstate by kolleges; die aanstelling van persone in die diens van kolleges; en die diensvoorwaardes van persone in diens by kolleges; om voorsiening te maak dat sekere regulasies wat kragtens die „Hoger Onderwys Wet, 1923”, uitgevaardig is, geag word kragtens genoemde Wet op Gevorderde Tegniese Onderwys uitgevaardig te gewees het; tot wysiging van die bepalinge van die Wet op Onderwysdienste, 1967, betreffende woordomsrywings; die oordrag van ondersteunde skole aan die Regering; die diensstate by skole en ondersteunde skole; die bepaling van die diensvoorwaardes van en sekere ander aangeleenthede rakende persone wat by skole in diens is; die bepaling van die salarisse en salarisskale van persone wat by ondersteunde skole in diens is; en die oordrag van bevoegdhede, pligte en werksaamhede; om terugwerkende krag aan die bepalinge van artikel 43 (1) (jA) van genoemde Wet op Onderwysdienste te verleen; en om voorsiening vir bykomstige aangeleenthede te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1973.)

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

1. Die Wet op die Nasionale Onderwysbeleid, 1967, word hierby gewysig deur in die Engelse teks die woorde „educational head” oral waar dit voorkom, deur die woorde „head of education” te vervang. Vervanging van „educational head” deur „head of education” in Wet 39 van 1967.
2. Artikel 1 van die Wet op die Nasionale Onderwysbeleid, 1967, word hierby gewysig—
 - (a) deur die omskrywing van „Departement” deur die volgende omskrywing te vervang: „„Departement” die Departement van Nasionale Opvoeding;”;
 - (b) deur die omskrywing van „onderwyshoof” deur die volgende omskrywing te vervang: „„onderwyshoof” die Sekretaris of die Direkteur van Onderwys van ’n provinsie of van die gebied Suidwes-Afrika, en ook, by die toepassing van artikel 6 alleen, die Direkteur van die tak onderwys van die Departement;”;Wysiging van artikel 1 van Wet 39 van 1967, soos gewysig deur artikel 1 van Wet 73 van 1969.

Act No. 69, 1973

EDUCATION LAWS AMENDMENT ACT, 1973.

- (c) by the substitution for the definition of "Secretary" of the following definition:
 "'Secretary' means the Secretary for National Education;"

Amendment of
 section 1 of
 Act 40 of 1967.

3. Section 1 of the Advanced Technical Education Act, 1967, is hereby amended—

- (a) by the substitution for the definition of "Minister" of the following definition:
 "'Minister' means the Minister of National Education;"
- (b) by the substitution for the definition of "Secretary" of the following definition:
 "'Secretary' means the Secretary for National Education."

Insertion of section
 2A in Act 40 of
 1967.

4. (1) The following section is hereby inserted in the Advanced Technical Education Act, 1967, after section 2:

"Teaching and training of teachers for secondary schools in collaboration with certain colleges.

2A. (1) Notwithstanding anything to the contrary contained in any other law, students at any university may, subject to arrangement between the council of such college as the Minister may designate from time to time by notice in the *Gazette* and the council of such university, be granted access to the college so designated for the purpose of or incidental to the training of such students as teachers for secondary schools in such subjects as the Minister may from time to time designate by notice in the *Gazette*.

(2) Notwithstanding anything to the contrary contained in any other law, the council of such college as the Minister may designate from time to time by notice in the *Gazette* may by agreement with the council of any university make any member of the staff of the college so designated available to such university on a part-time basis for the purpose of assisting in the teaching and training of students at such university as teachers for secondary schools in such subjects as the Minister may designate from time to time by notice in the *Gazette*."

(2) Any access or agreement contemplated by section 2A of the Advanced Technical Education Act, 1967 (as inserted by subsection (1) of this section), granted or concluded at any time before the commencement of this Act, shall be deemed to have been granted or concluded under the provisions of the said section 2A.

Amendment of
 section 10 of
 Act 40 of 1967.

5. Section 10 of the Advanced Technical Education Act, 1967, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
 "(1) The establishment at any college shall consist of—
- (a) the posts in respect of which the Minister may determine a basis from time to time; and
- (b) the other posts in respect of which the Minister is of the opinion that no basis can be determined and which he may establish from time to time: Provided that the council of any college may, in respect of the college in question, establish such posts as the Minister may designate from time to time."
- (b) by the insertion after subsection (2) of the following subsection:

WYSIGINGSWET OP ONDERWYSWETTE, 1973.

Wet No. 69, 1973

- (c) deur die omskrywing van „Sekretaris” deur die volgende omskrywing te vervang:
„„Sekretaris” die Sekretaris van Nasionale Opvoeding;”.

3. Artikel 1 van die Wet op Gevorderde Tegniese Onderwys, 1967, word hiërby gewysig— Wysiging van artikel 1 van Wet 40 van 1967.

- (a) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
„„Minister” die Minister van Nasionale Opvoeding;”;
(b) deur die omskrywing van „Sekretaris” deur die volgende omskrywing te vervang:
„„Sekretaris” die Sekretaris van Nasionale Opvoeding;”.

4. (1) Die volgende artikel word hierby na artikel 2 van die Wet op Gevorderde Tegniese Onderwys, 1967, ingevoeg: Invoeging van artikel 2A in Wet 40 van 1967.

„Onderrig en opleiding van onderwysers vir sekondêre skole in samewerking met sekere kolleges.

2A. (1) Ondanks andersluidende wetsbepalings kan, onderworpe aan reëling tussen die raad van 'n kollege wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* aanwys en die raad van 'n universiteit, aan studente aan daardie universiteit toegang tot die aldus aangewese kollege verleen word vir die doeleindes van en in verband met die opleiding van daardie studente as onderwysers vir sekondêre skole in die vakke wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* aanwys.

(2) Ondanks andersluidende wetsbepalings kan die raad van 'n kollege wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* aanwys, by ooreenkoms met die raad van 'n universiteit 'n lid van die personeel van die aldus aangewese kollege deeltjds aan bedoelde universiteit beskikbaar stel ten einde in verband met die onderrig en opleiding van studente aan daardie universiteit as onderwysers vir sekondêre skole in dié vakke wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* aanwys, hulp te verleen.”.

(2) Toegang of 'n ooreenkoms soos beoog in artikel 2A van die Wet op Gevorderde Tegniese Onderwys, 1967 (soos ingevoeg deur subartikel (1) van hierdie artikel), wat te eniger tyd voor die inwerkingtreding van hierdie Wet verleen of gesluit is, word geag kragtens die bepaling van bedoelde artikel 2A verleen of gesluit te gewees het.

5. Artikel 10 van die Wet op Gevorderde Tegniese Onderwys, 1967, word hierby gewysig— Wysiging van artikel 10 van Wet 40 van 1967.

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die diensstaat by 'n kollege bestaan uit—

- (a) die poste ten opsigte waarvan die Minister van tyd tot tyd 'n grondslag vasstel; en
(b) die ander poste ten opsigte waarvan die Minister van oordeel is dat 'n grondslag nie vasgestel kan word nie en wat hy van tyd tot tyd instel: Met dien verstande dat die raad van 'n kollege ten opsigte van die betrokke kollege van tyd tot tyd die poste kan instel wat die Minister van tyd tot tyd aanwys.”;

- (b) deur die volgende subartikel na subartikel (2) in te voeg:

Act No. 69, 1973

EDUCATION LAWS AMENDMENT ACT, 1973.

“(2A) No person shall be appointed permanently under the provisions of subsection (2), whether on probation or not, unless such person complies with such requirements as may be prescribed by regulation.”;

- (c) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) The conditions of service (including the conditions and circumstances under which such persons may be required to become and to remain members of any medical aid scheme or medical benefit scheme) and leave privileges of persons employed at a college shall be prescribed by regulation and the salaries, scales of salary and allowances of such persons shall be determined by the Minister in consultation with the Minister of Finance.”.

Certain regulations deemed to have been made under Act 40 of 1967.

6. (1) Notwithstanding the provisions of section 4 (2) (a) of the Advanced Technical Education Act, 1967 (in this section referred to as the principal Act), any regulation made under the provisions of the Higher Education Act, 1923 (Act No. 30 of 1923), in respect of Technical Colleges referred to in section 4 (1) of the principal Act, shall be deemed to have been made under the provisions of the principal Act in respect of colleges as defined in section 1 of the principal Act.

(2) Subsection (1) shall be deemed to have come into operation on 1 January 1968.

Amendment of section 1 of Act 41 of 1967, as amended by section 1 of Act 24 of 1969.

7. Section 1 of the Educational Services Act, 1967, is hereby amended—

- (a) by the substitution for the definition of “Department” of the following definition:
“‘Department’ means the Department of National Education;”;
- (b) by the substitution for the definition of “educational head” of the following definition:
“‘head of education’ means the Secretary, or the Director of Education of any province;”;
- (c) by the substitution for the definition of “Secretary” of the following definition:
“‘Secretary’ means the Secretary for National Education;”.

Amendment of section 6 of Act 41 of 1967.

8. Section 6 of the Educational Services Act, 1967, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may, after consultation with the governing body in question and in consultation with the Minister of Finance, by notice in the *Gazette* transfer the maintenance, management and control of a subsidized school or any part thereof to the Government with effect from a date specified in such notice.”.

Amendment of section 16 of Act 41 of 1967.

9. Section 16 of the Educational Services Act, 1967, is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The establishment at any school shall consist of—
- (a) the posts in respect of which the Minister, on the recommendation of the Commission and with the approval of the Treasury, may determine a basis from time to time; and

WYSIGINGSWET OP ONDERWYSWETTE, 1973.

Wet No. 69, 1973

„(2A) Niemand word kragtens die bepalings van subartikel (2) vas aangestel nie, hetsy op proef al dan nie, tensy so iemand voldoen aan die vereistes wat by regulasie voorgeskryf word.”;

- (c) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

„(a) Die diensvoorwaardes (met inbegrip van die voorwaardes en omstandighede waaronder sodanige persone verplig kan word om lede te word en te bly van 'n mediese bystandskema of 'n mediese hulpskema) en verlofvoorregte van persone in diens by 'n kollege word by regulasie voorgeskryf en die salarisse, salarisskale en toelaes van sodanige persone word deur die Minister, in oorleg met die Minister van Finansies, bepaal.”.

6. (1) Ondanks die bepalings van artikel 4 (2) (a) van die Wet op Gevorderde Tegniese Onderwys, 1967 (in hierdie artikel die Hoofwet genoem), word 'n regulasie wat kragtens die bepalings van die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923), ten opsigte van Tegniese Kolleges, soos bedoel in artikel 4 (1) van die Hoofwet, uitgevaardig is, geag kragtens die bepalings van die Hoofwet ten opsigte van kolleges, soos omskryf in artikel 1 van die Hoofwet, uitgevaardig te gewees het.

Sekere regulasies geag kragtens Wet 40 van 1967 uitgevaardig te gewees het.

(2) Subartikel (1) word geag op 1 Januarie 1968 in werking te getree het.

7. Artikel 1 van die Wet op Onderwysdienste, 1967, word hierby gewysig—

- (a) deur die omskrywing van „Departement” deur die volgende omskrywing te vervang:

„„Departement” die Departement van Nasionale Opvoeding;”;

- (b) deur die omskrywing van „onderwyshoof” deur die volgende omskrywing te vervang:

„„onderwyshoof” die Sekretaris of die Direkteur van Onderwys van 'n provinsie;”;

- (c) deur die omskrywing van „Sekretaris” deur die volgende omskrywing te vervang:

„„Sekretaris” die Sekretaris van Nasionale Opvoeding;”.

Wysiging van artikel 1 van Wet 41 van 1967, soos gewysig deur artikel 1 van Wet 24 van 1969.

8. Artikel 6 van die Wet op Onderwysdienste, 1967, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Minister kan na oorleg met die betrokke bestuursliggaam en in oorleg met die Minister van Finansies, by kennisgewing in die *Staatskoerant* die instandhouding en bestuur van en die beheer oor 'n ondersteunde skool of 'n deel daarvan aan die Regering oordra met ingang van 'n datum in dié kennisgewing vermeld.”.

Wysiging van artikel 6 van Wet 41 van 1967.

9. Artikel 16 van die Wet op Onderwysdienste, 1967, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die diensstaat by 'n skool bestaan uit—

- (a) die poste ten opsigte waarvan die Minister van tyd tot tyd op aanbeveling van die Kommissie en met die goedkeuring van die Tesourie 'n grondslag vasstel; en

Wysiging van artikel 16 van Wet 41 van 1967.

Act No. 69, 1973

EDUCATION LAWS AMENDMENT ACT, 1973.

- (b) the other posts in respect of which the Minister is of the opinion that no basis can be determined and which he, on the recommendation of the Commission and with the approval of the Treasury, may establish from time to time:

Provided that, subject to the provisions of section 17, the Minister may appoint persons, on a part-time basis or for particular occasions, to render service at classes at which education is provided on a part-time basis."

Substitution of section 17 of Act 41 of 1967.

10. The following section is hereby substituted for section 17 of the Educational Services Act, 1967:

"Conditions of service of persons employed at schools.

17. Notwithstanding anything to the contrary in any law contained, the conditions of service, leave privileges, salary scales, salaries and allowances of all persons employed at a school shall be determined by the Minister on the recommendation of the Commission and in consultation with the Minister of Finance: Provided that the conditions of service and leave privileges in respect of officers and employees so determined, shall be prescribed: Provided further that such conditions of service, leave privileges, salary scales, salaries and allowances may differ in respect of different persons."

Amendment of section 18 of Act 41 of 1967, as amended by section 2 of Act 60 of 1972.

11. Section 18 (1) of the Educational Services Act, 1967, is hereby amended—

- (a) by the substitution for paragraphs (a) and (b) of the following paragraphs:

"(a) the establishment at a subsidized school shall consist of—

- (i) the posts in respect of which the Minister may determine a basis from time to time; and
(ii) the other posts in respect of which the Minister is of the opinion that no basis can be determined and which he may establish from time to time;

- (b) the power to appoint any person for service at a subsidized school, to promote, transfer or discharge him and to grant leave of absence to him, shall be vested in the governing body in question, subject in each case to the prior approval of the Minister;"

- (b) by the insertion after paragraph (b) of the following paragraph:

"(bA) the salary, salary scale and allowances of any person appointed under paragraph (b), shall be determined by the Minister on the recommendation of the Commission and in consultation with the Minister of Finance."

Amendment of section 42 of Act 41 of 1967, as amended by section 3 of Act 24 of 1969.

12. Section 42 of the Educational Services Act, 1967, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister may delegate any power, duty or function conferred upon or assigned to him by section 8, 13 (1), 13 (5) (b), 13 (7), 15, 16 (2), 17 (in so far as it relates to the determination of salaries), 18 (1) (b), 18 (1) (bA) (in so far as it relates to the determination of salaries), 18 (1)

WYSIGINGSWET OP ONDERWYSWETTE, 1973.

Wet No. 69, 1973

- (b) die ander poste ten opsigte waarvan die Minister van oordeel is dat 'n grondslag nie vasgestel kan word nie en wat hy van tyd tot tyd op aanbeveling van die Kommissie en met die goedkeuring van die Tesourie instel:

Met dien verstande dat die Minister, behoudens die bepalinge van artikel 17, persone op 'n deeltydse grondslag of vir bepaalde geleenthede kan aanstel om diens te verrig by klasse waar onderwys op 'n deeltydse grondslag verskaf word."

10. Artikel 17 van die Wet op Onderwysdienste, 1967, word hierby deur die volgende artikel vervang:

Vervanging van artikel 17 van Wet 41 van 1967.

„Diensvoorwaardes van persone in diens by skole.

17. Ondanks andersluidende wetsbepalinge, word die diensvoorwaardes, verlofvoorregte, salarisskale, salarisse en toelaes van alle persone wat by 'n skool in diens is, deur die Minister op aanbeveling van die Kommissie en in oorleg met die Minister van Finansies bepaal: Met dien verstande dat dié diensvoorwaardes en verlofvoorregte wat ten opsigte van beaamptes en werknemers aldus bepaal is, voorgeskryf word: Met dien verstande voorts dat sodanige diensvoorwaardes, verlofvoorregte, salarisskale, salarisse en toelaes ten opsigte van verskillende persone verskillend kan wees."

11. Artikel 18 (1) van die Wet op Onderwysdienste, 1967, word hierby gewysig—

Wysiging van artikel 18 van Wet 41 van 1967, soos gewysig deur artikel 2 van Wet 60 van 1972.

- (a) deur paragrawe (a) en (b) deur die volgende paragrawe te vervang:

„(a) bestaan die diensstaat by 'n ondersteunde skool uit—

(i) die poste ten opsigte waarvan die Minister van tyd tot tyd 'n grondslag vasstel; en

(ii) die ander poste ten opsigte waarvan die Minister van oordeel is dat 'n grondslag nie vasgestel kan word nie en wat hy van tyd tot tyd instel;

(b) berus die bevoegdheid om iemand in diens by 'n ondersteunde skool aan te stel, om hom te bevorder, oor te plaas of te ontslaan, en om afwesighedsverlof aan hom toe te staan, by die betrokke bestuursliggaam, onderworpe in elke geval aan die voorafgaande goedkeuring van die Minister;"

- (b) deur die volgende paragraaf na paragraaf (b) in te voeg:

„(bA) word die salaris, salarisskaal en toelaes van iemand wat kragtens paragraaf (b) aangestel word, deur die Minister op aanbeveling van die Kommissie en in oorleg met die Minister van Finansies bepaal;"

12. Artikel 42 van die Wet op Onderwysdienste, 1967, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 42 van Wet 41 van 1967, soos gewysig deur artikel 3 van Wet 24 van 1969.

„(1) Die Minister kan 'n bevoegdheid, plig of werksaamheid wat by artikel 8, 13 (1), 13 (5) (b), 13 (7), 15, 16 (2), 17 (vir sover dit betrekking het op die bepaling van salarisse), 18 (1) (b), 18 (1) (bA) (vir sover dit betrekking het op die bepaling van salarisse), 18 (1) (d), 19 (2), 26, 27 (1) (a),

Act No. 69, 1973

EDUCATION LAWS AMENDMENT ACT, 1973.

(d), 19 (2), 26, 27 (1) (a), 27 (1) (f) or 27 (1) (g) to the Secretary or any person in the employ of the Department or to any governing body.”.

Substitution for “educational head” of “head of education” in sections 9, 15 and 35 of Act 11 of 1967.

13. The Educational Services Act, 1967, is hereby amended by the substitution for the words “educational head”, wherever they occur in sections 9, 15 and 35, of the words “head of education”.

Retrospective effect to certain provisions of Act 41 of 1967.

14. Paragraph (jA) of section 43 (1) of the Educational Services Act, 1967, as inserted by section 4 of the Educational Services Amendment Act, 1972 (Act No. 60 of 1972), shall be deemed to have come into operation on 1 January 1968.

Short title

15. This Act shall be called the Education Laws Amendment Act, 1973.

WYSIGINGSWET OP ONDERWYSWETTE, 1973.

Wet No. 69, 1973.

27 (1) (f) of 27 (1) (g) aan hom verleen of opgedra is, aan die Sekretaris of iemand in diens van die Departement of aan 'n bestuursliggaam oordra."

13. Die Wet op Onderwysdienste, 1967, word hierby gewysig deur in die Engelse teks die woorde „educational head" waar hulle in artikels 9, 15 en 35 voorkom, deur die woorde „head of education" te vervang.

Vervanging van „educational head" deur „head of education" in artikels 9, 15 en 35 van Wet 41 van 1967.

14. Paragraaf (jA) van artikel 43 (1) van die Wet op Onderwysdienste, 1967, soos ingevoeg deur artikel 4 van die Wysigingswet op Onderwysdienste, 1972 (Wet No. 60 van 1972), word geag op 1 Januarie 1968 in werking te getree het.

Terugwerkende krag aan sekere bepalinge van Wet 41 van 1967.

15. Hierdie Wet heet die Wysigingswet op Onderwyswette, Kort titel. 1973.

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