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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1153.

2 June 1978.

No. 1153.

2 Junie 1978.

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 geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

68 of 1978: University of Durban-Westville Amendment Act, 1978.

No. 68 van 1978: Wysigingswet op die Universiteit van Durban-Westville, 1978.

Wet No. 68, 1978

WYSIGINGSWET OP DIE UNIVERSITEIT VAN
DURBAN-WESTVILLE, 1978.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Universiteit van Durban-Westville, 1969, om die Universiteit in staat te stel om geld te belê, uit te leen en te leen; sekere reëlins te tref vir die aangaan van lenings deur en die terugbetaling van lenings aan die Universiteit; die bevoegdhede met betrekking tot die verkryging van en beheer oor voorrade aan die raad oor te dra; die bepalings met betrekking tot die samestelling van die Universiteit te wysig; die bepalings met betrekking tot die aanstelling van 'n rektor en waarnemende rektor te wysig; voorsiening te maak vir die aanstelling van 'n vise-rektor; die bepalings met betrekking tot die samestelling van die raad en senaat te wysig; voorsiening te maak vir 'n konvokasie; die bepalings met betrekking tot die diensstaat te wysig; die bepalings met betrekking tot die bepaling van gelde betaalbaar deur studente te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Mei 1978.)

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

Wysiging van
artikel 1 van
Wet 49 van 1969,
soos gewysig deur
artikel 1 van
Wet 60 van 1973.

1. Artikel 1 van die Wet op die Universiteit van Durban-Westville, 1969 (hierna die Hoofwet genoem), word hierby gewysig deur die volgende omskrywing na die omskrywing van „hierdie Wet” in te voeg:
„konvokasie’ die in artikel 11 vermelde konvokasie van die Universiteit”.

Wysiging van
artikel 3 van
Wet 49 van 1969.

2. Artikel 3 van die Hoofwet word hierby gewysig— 10
(a) deur subartikel (1) deur die volgende subartikel te vervang:
„(1) Die Universiteit is 'n regspersoon en kan in sy naam as eiser en verweerder in regte optree en, behoudens die bepalings van hierdie Wet, roerende en 15 onroerende goed koop of op 'n ander wyse verkry, besit, huur, verhuur, verkoop, verruil of op 'n ander wyse vervreem, **[en]** 'n saaklike reg of serwituut op sy goed aan iemand verleen en geld belê, uitleen en leen.”;
(b) deur na subartikel (2) die volgende subartikel in te voeg: 20
„(2A) (a) Die Universiteit mag nie sonder die goedkeuring van die Minister geld leen nie.
(b) Die Minister kan, met die instemming van die Minister van Finansies, die terugbetaling van 'n lening deur iemand aan die Universiteit toegestaan, 25 en die betaling van die rente daarop, waarborg.”;
(c) deur subartikel (4) deur die volgende subartikel te vervang:

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the University of Durban-Westville Act, 1969, so as to enable the University to invest, lend and borrow money; to make certain arrangements for the negotiation of loans by and the repayment of loans to the University; to transfer the powers relating to the acquisition and control of stores to the council; to amend the provisions relating to the constitution of the University; to amend the provisions relating to the appointment of a rector and acting rector; to provide for the appointment of a vice-rector; to amend the provisions relating to the constitution of the council and senate; to provide for a convocation; to amend the provisions relating to the establishment; to amend the provisions relating to the determination of the fees payable by students; and to provide for incidental matters.

(Afrikaans text signed by the State President.)

(Assented to 19 May 1978.)

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

1. Section 1 of the University of Durban-Westville Act, 1969 (hereinafter referred to as the principal Act), is hereby amended by the insertion before the definition of "council" of the following definition:
- "'convocation' means the convocation of the University referred to in section 11;";
- Amendment of section 1 of Act 49 of 1969, as amended by section 1 of Act 60 of 1973.

2. Section 3 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- Amendment of section 3 of Act 49 of 1969.

"(1) The University shall be a body corporate capable in law of suing and being sued in its own name and, subject to the provisions of this Act, of purchasing or otherwise acquiring, holding, hiring, letting, selling, exchanging or otherwise alienating any property movable or immovable, **[and]** of granting to any person any real right in or servitude on its property and of investing, lending and borrowing money.";

- (b) by the insertion after subsection (2) of the following subsection:

"(2A) (a) The University shall not without the approval of the Minister borrow any money.

(b) The Minister may, with the concurrence of the Minister of Finance, guarantee the repayment of any loan granted by any person to the University, and the payment of the interest thereon.";

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

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„(4) (a) Die Universiteit kan vir sy gebruik dié voorrade en uitrusting op dié wyse en onder dié voorwaardes verkry wat die **Minister** raad bepaal.

(b) Sodanige voorrade en uitrusting word beheer op 'n wyse wat die **Minister** raad moet bepaal.”

Wysiging van
artikel 4 van
Wet 49 van 1969,
soos vervang deur
artikel 2 van
Wet 60 van 1973.

3. Artikel 4 van die Hoofwet word hierby gewysig—

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

„(bA) 'n vise-rektor (indien 'n vise-rektor kragtens artikel 7A aangestel word);”;

10

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

„(g) 'n konvokasie.”.

Wysiging van
artikel 7 van
Wet 49 van 1969.

4. Artikel 7 van die Hoofwet word hierby gewysig—

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

15

„(1) Die rektor van die Universiteit word deur **die Minister na oorlegpleging met** die raad met die instemming van die Minister aangestel, op die wyse by statuut voorgeskryf, en sy diensvoorwaardes, bevoegdhede, voorregte, pligte en werksaamhede is, behoudens die bepalings van hierdie Wet, dié wat die raad met die goedkeuring van die Minister bepaal.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die **Minister** raad kan van tyd tot tyd **na oorlegpleging met die raad** met die instemming van die Minister 'n waarnemende rektor aanstel om die pligte en werksaamhede van die rektor van die Universiteit te verrig en sy bevoegdhede uit te oefen wanneer die rektor afwesig is of terwyl die aanstelling van 'n rektor hangende is.”.

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Invoeging van
artikel 7A in
Wet 49 van 1969.

5. Die volgende artikel word hierby in die Hoofwet na artikel 7 ingevoeg:

„Vise-rektor
van die
Universiteit.

7A. (1) 'n Vise-rektor kan deur die raad met die

instemming van die Minister aangestel word, en sy diensvoorwaardes, bevoegdhede, voorregte, pligte en werksaamhede is, behoudens die bepalings van hierdie Wet, dié wat die raad met die goedkeuring van die Minister bepaal.

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(2) Die rektor kan van tyd tot tyd aan die vise-rektor van sy bevoegdhede oordra, maar word nie ontdoen van 'n bevoegheid aldus oorgedra nie, en kan 'n besluit van die vise-rektor by die uitoefening van sodanige bevoegdheid, wysig of intrek.

40

(3) Die vise-rektor is ampshalwe lid van elke komitee van die raad of die senaat en van elke gesamentlike komitee van die raad en die senaat.”.

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Wysiging van
artikel 8 van
Wet 49 van 1969.

6. (1) Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

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„(a) die rektor en die vise-rektor (indien 'n vise-rektor aangestel word) **van die Universiteit**;”;

(b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) minstens **agtt** ses persone deur die Staatspresident aangestel;**en**;”;

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“(4) (a) The University may acquire for its use such stores and equipment, in such manner and on such conditions as the **[Minister]** council may determine.

5 (b) Such stores and equipment shall be controlled in a manner to be determined by the **[Minister]** council.”

3. Section 4 of the principal Act is hereby amended—

10 (a) by the insertion after paragraph (b) of the following paragraph:

“(bA) a vice-rector (if a vice-rector is appointed under section 7A);”;

Amendment of section 4 of Act 49 of 1969, as substituted by section 2 of Act 60 of 1973.

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

15 “(g) a convocation.”

4. Section 7 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

Amendment of section 7 of Act 49 of 1969.

20 “(1) The rector of the University shall be appointed by the **[Minister]** council **[after consultation]** with the concurrence of the **[council]** Minister, in the manner prescribed by statute, and his conditions of service and his powers, privileges, duties and functions shall, subject to the provisions of this Act, be as determined by the council with the approval of the Minister.”;

(b) by the substitution for subsection (2) of the following subsection:

30 “(2) The **[Minister]** council may from time to time, **[after consultation]** with the concurrence of the **[council]** Minister, appoint an acting rector to perform the duties and functions of the rector of the University and to exercise his powers whenever the rector is absent or while the appointment of a rector is pending.”.

5. The following section is hereby inserted in the principal Act after section 7:

Insertion of section 7A in Act 49 of 1969.

40 “Vice-rector of the University. 7A. (1) A vice-rector may be appointed by the council with the concurrence of the Minister, and his conditions of service and his powers, privileges, duties and functions shall, subject to the provisions of this Act, be as determined by the council with the approval of the Minister.

45 (2) The rector may from time to time delegate to the vice-rector any of his powers, but shall not be divested of any power so delegated, and may amend or rescind any decision of the vice-rector taken in the exercise of such power.

50 (3) The vice-rector shall by virtue of his office be a member of every committee of the council or the senate and of every joint committee of the council and the senate.”.

6. (1) Section 8 of the principal Act is hereby amended—

55 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of section 8 of Act 49 of 1969.

“(a) the rector and the vice-rector (if a vice-rector is appointed) **[of the University]**”;;

(b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

60 “(b) not **[less]** fewer than **[eight]** six persons appointed by the State President; **[and]**”;

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- (c) deur die volgende paragraaf by subartikel (1) te voeg:
 „(d) een persoon deur die konvokasie gekies, en, indien die lede van die konvokasie te eniger tyd die getal vyfhonderd bereik het, twee persone aldus gekies.”;
- (d) deur subartikel (3) deur die volgende subartikel te vervang:
 „(3) 'n Lid van die raad, behalwe die rektor en die vise-rektor, beklee sy amp vir 'n termyn van vier jaar tensy hy voor verstryking van dié termyn sy bedanking skriftelik by die raad indien of sy amp om 'n ander rede ontruim.”;
- (e) deur in subartikel (5) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 „(5) 'n Lid van die raad, behalwe die rektor en die vise-rektor, ontruim sy amp indien hy—”;
- (f) deur paragraaf (c) van subartikel 5 deur die volgende paragraaf te vervang:
 „(c) aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word; of”;
- (g) deur die volgende paragraaf by subartikel (5) te voeg:
 „(d) aangestel is kragtens artikel 8 (1) (b) van hierdie Wet, en hy 'n voltydse aanstelling op die vaste diensstaat van die Universiteit aanvaar.”.
- (2) Die bepalings van paragraaf (d) van subartikel 8 (1) van die Hoofwet, tree op 1 Januarie 1979 in werking.

Wysiging van
artikel 10 van
Wet 49 van 1969.

7. Artikel 10 van die Hoofwet word hierby gewysig deur na paragraaf (a) van subartikel (1) die volgende paragraaf in te voeg:
 „(aA) die vise-rektor (indien 'n vise-rektor aangestel word);”.

Invoeging van
artikel 11 in
Wet 49 van 1969.

8. Die volgende artikel word hierby na artikel 10 in die Hoofwet ingevoeg:

- „Konvokasie van die Universiteit. 11. (1) Die konvokasie van die Universiteit bestaan uit—
- (a) die professore en lektore wat vas aangestel is in poste op die diensstaat van die Universiteit;
- (b) die rektor, vise-rektor en die amptenare wat onderskeidelik die poste van registrateur en hoofbibliotekaris van die Universiteit beklee;
- (c) die lede van die raad in artikel 10 (1) (b) bedoel;
- (d) alle persone wat, terwyl hulle studente aan die universiteitskollege was, grade aan die Universiteit van Suid-Afrika verwerf het wat die registrateur skriftelik in kennis stel dat hulle verlang om lede van die konvokasie van die Universiteit te wees en wat saam met sodanige kennisgewing bewys lewer dat hulle hul lidmaatskap van die konvokasie van die Universiteit van Suid-Afrika prysgegee het;
- (e) gegradueerdes van die Universiteit:
- Met dien verstande dat indien iemand wat uit hoofde van die bepalings van paragraaf (e) op die punt staan om 'n lid van die konvokasie te word of 'n lid daarvan is, die raad skriftelik in kennis stel dat hy nie so 'n lid wil word of bly nie, hy nie so 'n lid word nie, of, na gelang van die geval, by ontvangs van bedoelde kennisgewing deur die raad, ophou om so 'n lid te wees.
- (2) Die skriftelike kennisgewing bedoel in subartikel (1) (d) moet vergesel gaan van bewys dat die betrokke persoon sy lidmaatskap van die konvokasie van die Universiteit van Suid-Afrika prysgegee het.

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- (c) by the addition to subsection (1) of the following paragraph:
 “(d) one person elected by the convocation, and, if the members of the convocation have at any time reached the figure of five hundred, two persons so elected.”;
- (d) by the substitution for subsection (3) of the following subsection:
 “(3) A member of the council other than the rector and the vice-rector, shall hold office for a period of four years unless he submits his resignation in writing to the council or vacates his office for any reason before the expiry of such period.”;
- (e) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words:
 “(5) A member of the council, other than the rector and the vice-rector, shall vacate his office if he—”;
- (f) by the substitution for paragraph (c) of subsection (5) of the following subsection:
 “(c) is convicted of an offence and sentenced to imprisonment without the option of a fine; or”;
- (g) by the addition to subsection (5) of the following paragraph:
 “(d) has been appointed in terms of section 8 (1) (b) of the Act, and he accepts a full-time appointment on the permanent establishment of the University.”.

(2) The provisions of paragraph (d) of section 8 (1) of the principal Act shall come into operation on 1 January 1979.

7. Section 10 of the principal Act is hereby amended by the insertion after paragraph (a) of subsection (1) of the following paragraph: Amendment of section 10 of Act 49 of 1969.
 “(aA) the vice-rector (if a vice-rector is appointed);”.

8. The following section is hereby inserted in the principal Act after section 10: Insertion of section 11 in Act 49 of 1969.

- 35 “Convocation of the University. **11. (1) The convocation of the University shall consist of—**
- (a) the professors and lecturers permanently appointed to posts on the establishment of the University;
- 40 (b) the rector, vice-rector and the officers occupying the posts of registrar and chief librarian of the University, respectively;
- (c) the members of the council contemplated in section 10 (1) (b);
- 45 (d) all persons who became graduates of the University of South Africa while they were students of the university college, who notify the registrar in writing that they desire to be members of the convocation of the University and who together with such notice produce proof that they have relinquished their membership of the convocation of the University of South Africa;
- 50 (e) graduates of the University:
- 55 Provided that if any person who, by virtue of the provisions of paragraph (e), is about to become a member or is a member of the convocation, notifies the council in writing that he does not wish to become or continue to be such a member, he shall not become such a member or, as the case may be, shall cease to be such a member upon receipt of such notice by the council.
- 60 (2) The written notice referred to in subsection (1) (d) must be accompanied by proof that the person concerned has relinquished his membership of the convocation of the University of South Africa.
- 65

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(3) Vergaderings van die konvokasie word belê en gehou op die wyse en tye en vir die doeleindes by statuut voorgeskryf.

(4) Die konvokasie kan enige aangeleentheid wat op die Universiteit betrekking het of deur die raad na hom verwys word, bespreek en sy sienswyse daaroor aan die raad meedeel." 5

Wysiging van
artikel 14 van
Wet 49 van 1969.

9. Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die diensstaat by die Universiteit word deur die raad 10
bepaal op die grondslag wat die Minister na oorlegpleging met die raad **[bepaal]** voorskryf.”.

Wysiging van
artikel 26 van
Wet 49 van 1969.

10. Artikel 26 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die gelde betaalbaar deur 'n student aan die 15
Universiteit is dié wat die raad met die instemming van die Minister, **[in oorleg met]** verleen met die instemming van die Minister van Finansies, bepaal.”. 20

Kort titel.

11. Hierdie Wet heet die Wysigingswet op die Universiteit van Durban-Westville, 1978. 20

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(3) Meetings of the convocation shall be convened and held in the manner and at the times and for the purposes prescribed by statute.

- 5 (4) The convocation may discuss any matter that relates to the University or is referred to it by the council, and may convey its views thereon to the council."

9. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 14 of
Act 49 of 1969.

- 10 "(1) The establishment at the University shall be determined by the council on the basis prescribed by the Minister after consultation with the council."

10. Section 26 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 26 of
Act 49 of 1969.

- 15 "(1) The fees payable by a student to the University shall be as determined by the council with the concurrence of the Minister, given **[in consultation]** with the concurrence of the Minister of Finance."

11. This Act shall be called the University of Durban-Westville Short title.
20 Amendment Act, 1978.

(5) Meetings of the corporation shall be convened and held in the manner and at the times and for the purposes prescribed by statute.
(6) The corporation may discuss any matter that relates to the University or is referred to it by the Council, and may convey its views thereon to the Council.

9. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
(1) The establishment of the University shall be determined by the Council on the basis prescribed by the Minister after consultation with the Council.

10. Section 20 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
(1) The fees payable by a student to the University shall be as determined by the Council with the concurrence of the Minister, given [in consultation] with the concurrence of the Minister of Finance.

11. This Act shall be called the University of Durban-Westville Amendment Act, 1978.