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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1357.

30 June 1978.

No. 1357.

30 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:—

No. 108 of 1978: University of the Orange Free State Private Amendment Act, 1978.

No. 108 van 1978: Private Wysigingswet op die Universiteit van die Oranje-Vrystaat, 1978.

Wet No. 108, 1978

PRIVATE WYSIGINGSWET OP DIE
UNIVERSITEIT VAN DIE ORANJE-VRYSTAAT, 1978.

Wysiging van
artikel 5 van
Wet 21 van 1949.

3. Artikel 5 van die Hoofwet word hierby gewysig—

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

„(1) In die afwesigheid van die Rektor, of ingeval daar nie 'n Rektor is nie, neem een van die Vise-rektore waar as Vise-kanselier van die Universiteit. Met dien verstande dat, indien die amp van Vise-rektor of die ampte van Vise-rektore vakant is, die Raad volgens voorskrif van die Statute 'n waarnemende Vise-kanselier kies.”;

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- (b) deur subartikel (3) te skrap.

Wysiging van
artikel 6 van
Wet 21 van 1949.

4. Artikel 6 van die Hoofwet word hierby gewysig—

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

„(1) Die Rektor **[van die Universiteit]** en die Vise-rektor of Vise-rektore word deur die Raad van die Universiteit volgens voorskrif van die Statute gekies.”;

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

„(2) Die bevoegdhede, voorregte, werksaamhede, 20 ampsduur en pligte van die Rektor en die Vise-rektor of Vise-rektore word deur die Statute voorgeskryf.”;

- (c) deur na subartikel (3) die volgende subartikel by te voeg:

„(4) In die afwesigheid van die Rektor, of wanneer die amp van Rektor vakant is, neem die Vise-rektor wat deur die Raad volgens voorskrif van die Statute gekies is, waar as Rektor. Met dien verstande dat, indien die amp van Vise-rektor of die ampte van Vise-rektore vakant is, die Vise-kanselier bedoel in artikel 5 (1) 30 waarneem as Rektor.”;

Wysiging van
artikel 7 van
Wet 21 van 1949,
soos gewysig deur
artikel 1 van
Wet 70 van 1971
en artikel 1 van
Wet 69 van 1974.

5. Artikel 7 van die Hoofwet word hierby gewysig—

- (a) deur na paragraaf (a) van subartikel (1) die volgende paragraaf in te voeg:

„(aA) 'n Vise-rektor van die Universiteit, maar slegs in 35 die afwesigheid van die Rektor of indien die amp van Rektor vakant is; en”;

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

„(g) twee persone deur die **[Nederduits]** Nederduitse 40 Gereformeerde Kerk **[van]** in die Oranje-Vrystaat benoem; en”;

- (c) deur die sin wat volg op paragraaf (l) van subartikel (1) deur die volgende sin te vervang:

„Behalwe soos in paragrawe (a), (aA) en (d) bepaal, 45 word geen lid van die akademiese personeel en geen ander persoon wat 'n salaris of besoldiging van die Universiteit ontvang, as lid van die Raad aangestel of verkies nie.”;

- (d) deur paragraaf (a) van subartikel (7) deur die volgende 50 paragraaf te vervang:

„(a) Die Raad beheer al die eiendom van die Universiteit, **[en]** bestuur oor die algemeen die Universiteit en al sy sake, doeleindes en werksaamhede, 55 bepaal met inagneming van die bepalings van artikel 31 die beleid en rigting van die Universiteit en moet in dié verband toesien dat die grondslag van die Universiteit gehandhaaf word.”;

- (e) deur paragraaf (c) van subartikel (7) deur die volgende 60 paragraaf te vervang:

„(c) Die Raad is bevoegd om persone aan te stel wat die Raad 10 vir die doeltreffende bestuur van die Universiteit en

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3. Section 5 of the principal Act is hereby amended—

Amendment of
section 5 of
Act 21 of 1949.

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

5 “(1) In the absence of the Rector, or in the event of there being no Rector, one of the Vice-Rectors shall act as Vice-Chancellor of the University: Provided that, if the office of Vice-Rector or the offices of Vice-Rectors are vacant, an acting Vice-Chancellor shall be elected by the Council in the manner prescribed by the statutes.”;

- 10 (b) by the deletion of subsection (3).

4. Section 6 of the principal Act is hereby amended—

Amendment of
section 6 of
Act 21 of 1949.

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

15 “(1) The Rector **[of the University]** and the Vice-Rector or Vice-Rectors shall be elected by the Council of the University in the manner prescribed by the statutes.”;

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

20 “(2) The powers, privileges, functions, period of office and duties of the Rector and the Vice-Rector or Vice-Rectors shall be prescribed by the statutes.”;

- (c) by the addition after subsection (3) of the following subsection:

25 “(4) In the absence of the Rector, or whenever the office of Rector is vacant, the Vice-Rector elected by the Council in the manner prescribed by the statutes, shall act as Rector: Provided that, if the office of Vice-Rector or the offices of Vice-Rectors are vacant, the Vice-Chancellor referred to in section 5 (1) shall act as Rector.”.

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

Amendment of
section 7 of
Act 21 of 1949,
as amended by
section 1 of
Act 70 of 1971
and section 1 of
Act 69 of 1974.

- (a) by the insertion after paragraph (a) of subsection (1) of the following paragraph:

35 “(aA) a Vice-Rector of the University, but only in the absence of the Rector or if the office of Rector is vacant; and”;

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

40 “(g) two persons appointed by the **[Nederduits]** **Nederduitse Gereformeerde Kerk [of] in the** Orange Free State; and”;

- (c) by the substitution for the sentence following upon paragraph (l) of subsection (1) of the following sentence:

45 “Except as provided in paragraphs (a), (aA) and (d), no member of the academic staff and no other person who receives a salary or remuneration from the University, shall be appointed or elected as a member of the Council.”;

- (d) by the substitution for paragraph (a) of subsection (7) of the following paragraph:

55 “(a) The Council shall administer all the property of the University, **[and]** shall have the general control of the University and all its affairs, purposes and functions, shall with due regard to the provisions of section 31 determine the policy and direction of the University and shall in this regard ensure that the basis of the University is maintained.”;

- 60 (e) by the substitution for paragraph (c) of subsection (7) of the following paragraph:

65 “(c) The Council may, subject to the provisions of this Act, appoint such persons as the Council may consider necessary for the efficient conduct of the University and execution of the task of the

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uitvoering van die Universiteit se taak nodig ag, en sodanige persone is onderworpe aan die tugbepalings wat in die Statute voorgeskrif word.”;

(f) deur na paragraaf (d) van subartikel (7) die volgende paragraaf by te voeg:

„(e) Die Raad skryf die diensvoorwaardes van die personeel voor.”.

Wysiging van
artikel 8 van
Wet 21 van 1949,
soos gewysig deur
artikel 1 van
Wet 29 van 1962.

6. Artikel 8 van die Hoofwet word hierby gewysig—

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

„(b) die Vise-rector of Vise-rectore van die Universiteit ampshalwe, en wanneer die ampte van Rektor en Vise-rector of Vise-rectore vakant is, die Vise-kanselier; en”;

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

„(e) behoudens die bepalinge van artikel 9 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), die lede van die personeel van die Universiteit wat, by besluit van die Senaat (soos die Senaat te eniger tyd saamgestel is) deur die Raad goedgekeur, tot lede van die Senaat verklaar word.”.

Wysiging van
artikel 10 van
Wet 21 van 1949,
soos gewysig deur
artikel 1 van
Wet 36 van 1959.

7. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die Rektor, Vise-rector of Vise-rectore, professore, lektore, hoofde van navorsingsinrigtings, **[die Registrateur]** Registrateurs, Adjunk-registrateurs, **[Assistent-registrateur]** Assistent-registrateurs en **[die]** Bibliotekaris van die Universiteit is tydens hulle ampstermyn ampshalwe lede van die Konvokasie en daarop geregtig om hulle name op die konvokasielys te laat inskryf.”.

Vervanging van
artikel 11 van
Wet 21 van 1949.

8. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

„Registrateurs, Adjunk-registrateurs en meer Adjunk-registrateurs en een of meer Assistent-registrateurs van die Universiteit aan, wie se werksaamhede, bevoegdhede en pligte deur die Raad omskrif word.”.

Vervanging van
artikel 31 van
Wet 21 van 1949.

9. (1) Artikel 31 van die Hoofwet word hierby deur die volgende artikel vervang:

„Toelating tot Universiteit. 31. (1) Behoudens die bepalinge van artikel 11 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), word 'n student op grond van akademiese oorwegings tot die Universiteit toegelaat.
(2) Personeel word slegs op grond van bevoegdheid en in die beste belang van die Universiteit aangestel.”.

(2) Subartikel (1) doen nie afbreuk aan enige reg of voorreg wat voor die inwerkingtreding van hierdie Wet deur enigiemand verkry is nie en word nie so uitgelê dat iemand op grond van geloofsoortuiging bevoorreg of te kort gedoen mag word nie.

Invoeging van
artikel 35A in
Wet 21 van 1949.

10. Die volgende artikel word hierby in die Hoofwet na artikel 35 ingevoeg:

„Ooreenkomste in verband met opleiding van studente. 35A. Die Universiteit is bevoeg om, met die toestemming van die Minister van Nasionale Opvoeding (waar toepaslik), met provinsiale, onderwys- en ander owerhede ooreenkomste in verband met diel opleiding van studente aan te gaan.”.

Kort titel.

11. Hierdie Wet heet die Private Wysigingswet op die Universiteit van die Oranje-Vrystaat, 1978.

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University, and such persons shall be subject to such disciplinary provisions as the statutes may prescribe.”;

- 5 (f) by the addition after paragraph (d) of subsection (7) of the following paragraph:

“(e) The conditions of service of the staff shall be prescribed by the Council.”.

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

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

“(b) the Vice-Rector or Vice-Rectors of the University ex officio, and in the event of the offices of Rector and Vice-Rector or Vice-Rectors being vacant, the Vice-Chancellor; and”;

Amendment of section 8 of Act 21 of 1949, as amended by section 1 of Act 29 of 1962.

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

“(e) subject to the provisions of section 9 of the Universities Act, 1955 (Act No. 61 of 1955), such members of the staff of the University as are, by resolution of the Senate (as constituted at any time) approved by the Council, declared to be members of the Senate.”.

- 20 7. Section 10 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

25 “(2) The Rector, Vice-Rector or Vice-Rectors, professors, lecturers, heads of research institutes, [the Registrar] Registrars, Deputy Registrars, [the] Assistant [Registrar] Registrars and [the] Librarian of the University, while holding office as such, shall be *ex officio* members of Convocation and shall be entitled to have their names placed on the Convocation roll.”.

Amendment of section 10 of Act 21 of 1949, as amended by section 1 of Act 36 of 1959.

8. The following section is hereby substituted for section 11 of the principal Act:

35 “Registrars, Deputy Registrars and Assistant Registrars. 11. The Council shall appoint one or more Registrars, one or more Deputy Registrars and one or more Assistant Registrars of the University, whose functions, powers and duties shall be defined by the Council.”.

Substitution of section 11 of Act 21 of 1949.

- 40 9. (1) The following section is hereby substituted for section 31 of the principal Act:

“Admission to University. 31. (1) Subject to the provisions of section 11 of the Universities Act, 1955 (Act No. 61 of 1955), a student shall be admitted to the University on the ground of academic considerations.

45 (2) Staff shall be appointed only on the ground of competency and in the best interests of the University.”.

Substitution of section 31 of Act 21 of 1949.

(2) Subsection (1) shall not derogate from any right or privilege obtained by any person prior to the commencement of this Act and shall not be construed so as to allow any person to be benefited or prejudiced on the ground of religious convictions.

10. The following section is hereby inserted in the principal Act after section 35:

55 “Agreements in connection with training of students. 35A. The University may, with the permission of the Minister of National Education (where applicable), enter into agreements in connection with the training of students with provincial, educational and other authorities.”.

Insertion of section 35A in Act 21 of 1949.

60 11. This Act shall be called the University of the Orange Free State (Private) Amendment Act, 1978.

Short title.

2	(i) by the addition after paragraph (a) of subsection (7) of the following paragraph: (a) The conditions of service of the staff shall be prescribed by the Council.	Amendment of section 8 of Act 21 of 1959 as amended by section 1 of Act 29 of 1967
10	6. Section 8 of the principal Act is hereby amended— (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph: (b) The Vice-Rector or Vice-Rector of the University, and in the event of the office of Vice-Rector being vacant, the Vice-Chancellor, and (c) by the substitution for paragraph (c) of subsection (1) of the following paragraph: (c) subject to the provisions of section 8 of the Universities Act, 1955 (Act No. 61 of 1955), such members of the staff of the University as are, by resolution of the Senate (as constituted at any time) approved by the Council, declared to be members of the Senate.	Amendment of section 10 of Act 21 of 1959 as amended by section 1 of Act 29 of 1967
25	7. Section 10 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: (2) The Rector, Vice-Rector or Vice-Rector, professors, lecturers, heads of research institutes, [the Registrar], Registrar, Deputy Registrar, [the Assistant Registrar], Registrar and [the] Librarian of the University, while holding office as such, shall be ex officio members of Convocation and shall be entitled to have their names placed on the Convocation roll.	Amendment of section 10 of Act 21 of 1959 as amended by section 1 of Act 29 of 1967
30	8. The following section is hereby substituted for section 11 of the principal Act: 11. The Council shall appoint one or more Registrars, one or more Deputy Registrars and one or more Assistant Registrars of the University, whose functions, powers and duties shall be defined by the Council.	Amendment of section 11 of Act 21 of 1959
35	9. (1) The following section is hereby substituted for section 31 of the principal Act: 31. (1) Subject to the provisions of section 11 of the Universities Act, 1955 (Act No. 61 of 1955), a student shall be admitted to the University on the ground of academic considerations. (2) Staff shall be appointed only on the ground of competency and in the best interests of the University.	Amendment of section 31 of Act 21 of 1959
40	(2) Subsection (1) shall not derogate from any right or privilege obtained by any person prior to the commencement of this Act and shall not be construed so as to allow any person to be benefited or prejudiced on the ground of religious convictions.	
45	10. The following section is hereby inserted in the principal Act after section 32: 32A. The University may, with the permission of the Minister of National Education (whose approval is required for the purpose of the National Education Act, 1944), enter into agreements in connection with the training of students with provincial educational and other authorities.	Insertion of section 32A in Act 21 of 1959
50	32B. The University may, with the permission of the Minister of National Education (whose approval is required for the purpose of the National Education Act, 1944), enter into agreements in connection with the training of students with provincial educational and other authorities.	