



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 362.

2 Maart 1984

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

No. 6 van 1984: Wysigingswet op Onderwys- en Heraldiekwette, 1984.

No. 362.

2 March 1984

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

No. 6 of 1984: Education and Heraldry Laws Amendment Act, 1984.

Wet No. 6, 1984

WYSIGINGSWET OP ONDERWYS- EN HERALDIEKWETTE, 1983

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 Heraldiekwet, 1962, ten einde die werksaamhede van die heraldiekkomitee nader te omskrywe; tot wysiging van die Wet op Onderwysdienste, 1967, ten einde aan die Minister van Nasionale Opvoeding die bevoegdheid te verleen om sekere eksamens af te neem en te erken en diplomas en sertifikate ten opsigte daarvan uit te reik; vir die toepassing van sekere bepalings van die Ongevallewet, 1941, ten opsigte van sekere beamptes en werknemers voorsiening te maak; en die delegering van bevoegdhede deur genoemde Minister verder te reël; tot wysiging van die Wet op Opleiding van Geestelik Vertraagde Kinders, 1974, ten einde vir die toepassing van sekere bepalings van die Ongevallewet, 1941, ten opsigte van sekere beamptes en werknemers voorsiening te maak; en tot wysiging van die Wet op Tegniese Kolleges, 1981, ten einde die bevoegdhede van kollegerade uit te brei; vir die toepassing van sekere bepalings van die Ongevallewet, 1941, ten opsigte van sekere beamptes en werknemers voorsiening te maak; vir die verteenwoordiging van tegniese kolleges in die Vereniging van Tegniese Kolleges verdere voorsiening te maak; en sekere misdrywe te skep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Februarie 1984.)*

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

Wysiging van
artikel 6 van
Wet 18 van 1962,
soos vervang deur
artikel 4 van
Wet 63 van 1980.

1. Artikel 6 van die Heraldiekwet, 1962, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Hierby word ’n heraldiekkomitee ingestel wat bestaan uit die voorsitter en die staatsheraldikus en die ander lede van die raad wat die Minister aanwys om—

(a) te bepaal welke aansoeke die staatsheraldikus na hom moet verwys;

(b) oor aansoeke wat die staatsheraldikus na hom verwys, te beslis; en

(c) **[om]** besware ingevolge artikel 7B ingedien, te oorweeg.”

Wysiging van
artikel 8 van
Wet 18 van 1962,
soos vervang deur
artikel 8 van
Wet 54 van 1969
en gewysig deur
artikel 7 van
Wet 63 van 1980.

2. Artikel 8 van die Heraldiekwet, 1962, word hierby gewysig deur in subartikel (1) die woorde wat die voorbehoudsbepaling 15 voorafgaan deur die volgende woorde te vervang:

“Indien ’n aansoek in die vorm is wat die staatsheraldikus kragtens artikel 7 bepaal het, kan hy, behoudens die bepalings van **[artikel]** artikels 6 (3) (a) en 19, die aansoek goedkeur of afwys, of kan hy dit na die komitee 20 verwys.”

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 Heraldry Act, 1962, so as further to define the functions of the heraldry committee; to amend the Educational Services Act, 1967, so as to empower the Minister of National Education to conduct and recognize certain examinations and issue diplomas and certificates in respect thereof; to provide for the application of certain provisions of the Workmen's Compensation Act, 1941, in respect of certain officers and employees; and to further regulate the delegation of powers by the said Minister; to amend the Mentally Retarded Children's Training Act, 1974, so as to provide for the application of certain provisions of the Workmen's Compensation Act, 1941, in respect of certain officers and employees; and to amend the Technical Colleges Act, 1981, so as to extend the powers of college councils; to provide for the application of certain provisions of the Workmen's Compensation Act, 1941, in respect of certain officers and employees; to provide further for the representation of technical colleges on the Association of Technical Colleges; and to create certain offences; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 22 February 1984.)

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

1. Section 6 of the Heraldry Act, 1962, is hereby amended by the substitution for subsection (3) of the following subsection:

5 “(3) There is hereby established a heraldry committee consisting of the chairman and the state herald and such number of other members of the council as the Minister may designate, to—

 - 10 (a) determine which applications shall be referred to it by the state herald;
 - (b) decide **[and to report to the state herald]** upon applications which the state herald may refer to it; and
 - 15 (c) **[to]** consider objections lodged in terms of section 7B.”.

2. Section 8 of the Heraldry Act, 1962, is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words:

20 “If an application is in the form determined by the state herald under section 7, he may, subject to the provisions of **[section]** sections 6 (3) (a) and 19, approve or reject the application, or may refer it to the committee.”.

Amendment of section 6 of Act 18 of 1962, as substituted by section 4 of Act 63 of 1980.

Amendment of section 8 of Act 18 of 1962, as substituted by section 8 of Act 54 of 1969 and amended by section 7 of Act 63 of 1980.

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Wysiging van
artikel 13 van
Wet 41 van 1967,
soos gewysig deur
artikel 1 van
Wet 60 van 1972,
artikel 4 van
Wet 16 van 1982
en artikel 3 van
Wet 28 van 1983.

3. Artikel 13 van die Wet op Onderwysdienste, 1967, word hierby gewysig deur na subartikel (1A) die volgende subartikels in te voeg:

“(1B) Ondanks andersluidende wetsbepalings kan die Minister—

(a) in oorleg met die Minister wat 'n Staatsdepartement administreer; of

(b) op versoek van 'n eksaminerende liggaam of 'n onafhanklike staat,

'n nasionale eksamen vir daardie Staatsdepartement, daardie eksaminerende liggaam of daardie onafhanklike staat afneem en 'n diploma of sertifikaat aan iemand wat so 'n eksamen met goeie gevolg afgelê het, uitreik.

(1C) Die Minister kan op die voorwaardes wat hy van tyd tot tyd bepaal en na goeddunke bekend maak, erkenning verleen, vir die doeleindes van die uitreiking van 'n diploma of sertifikaat, aan 'n eksamen deur 'n eksaminerende liggaam afgeneem wat iemand ten opsigte van 'n kursus of vak met goeie gevolg afgelê het.”

Invoeging van
artikel 14A in
Wet 41 van 1967.

4. Die volgende artikel word hierby in die Wet op Onderwysdienste, 1967, na artikel 14 ingevoeg:

“Toepassing van bepaling van Wet 30 van 1941. **14A.** Ondanks andersluidende wetsbepalings word 'n beampte of werknemer wat in diens is by 'n ondersteunde skool, by die toepassing van die Ongevallewet, 1941, geag 'n werksman in diens van die Staat te wees.”

Wysiging van
artikel 42 van
Wet 41 van 1967,
soos vervang deur
artikel 11 van
Wet 16 van 1982.

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

“(1) Die Minister kan 'n bevoegdheid, plig of werksaamheid wat by artikel 3 (1), 3 (3), 8, 13 (1), 13 (1A), 13 (1B), 13 (1C), 13 (5) (b), 13 (7), 15, 16 (1), 16 (2), 17 (vir sover dit betrekking het op die bepaling van salarisse), 18 (1) (a), 18 (1) (b), 18 (1) (bA) (vir sover dit betrekking het op die bepaling van salarisse), 18 (1) (d), 18 (3), 19 (1), 19 (2), 21 (1), 26, 27 (1) (a), 27 (1) (b), 27 (1) (c), 27 (1) (f), 27 (1) (g) of 27 (2) aan hom verleen of opgedra is, aan die Direkteur-generaal of iemand in diens van die Departement of aan 'n bestuursliggaam oordra.”

Invoeging van
artikel 33A in
Wet 63 van 1974.

6. Die volgende artikel word hierby in die Wet op Opleiding van Geestelik Vertraagde Kinders, 1974, na artikel 33 ingevoeg:

“Toepassing van bepaling van Wet 30 van 1941. **33A.** Ondanks andersluidende wetsbepalings word 'n beampte of werknemer in diens by 'n staats-ondersteunde opleidingsentrum by die toepassing van die Ongevallewet, 1941, geag 'n werksman in diens van die Staat te wees.”

Wysiging van
artikel 9 van
Wet 104 van 1981.

7. Artikel 9 van die Wet op Tegniese Kolleges, 1981, word hierby gewysig—

(a) deur die volgende voorbehoudsbepaling by paragraaf 50 (a) van subartikel (4) te voeg:

“Met dien verstande dat enige besoldiging betaalbaar aan persone wat deur 'n tegniese kollege in diens geneem word om naskoolse onderwys waarvoor 'n subsidie nie kragtens artikel 28 betaalbaar is nie, te verskaf, deur die kollegeeraad bepaal word.”; en

(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die voorwaardes (met inbegrip van die voorwaardes aangaande die gelde betaalbaar) waarop 'n tegniese kollege losies of huisvesting aan sy beamptes

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3. Section 13 of the Educational Services Act, 1967, is hereby amended by the insertion after subsection (1A) of the following subsections:

Amendment of section 13 of Act 41 of 1967, as amended by section 1 of Act 60 of 1972, section 4 of Act 16 of 1982 and section 3 of Act 28 of 1983.

- “(1B) Notwithstanding anything to the contrary in any law contained, the Minister may—
- (a) in consultation with the Minister administering a department of State; or
- (b) at the request of an examining body or an independent state,
- conduct a national examination for that department of State, that examining body or that independent state and issue a diploma or certificate to any person who has passed such examination.
- (1C) The Minister may on such conditions as he may from time to time determine and make known at his discretion, grant recognition, for the purposes of the issue of a diploma or certificate, to an examination conducted by an examining body which any person has passed in respect of a course or subject.”.

4. The following section is hereby inserted in the Educational Services Act, 1967, after section 14:

Insertion of section 14A in Act 41 of 1967.

- “Application of provisions of Act 30 of 1941. 14A. Notwithstanding anything to the contrary in any law contained, any officer or employee employed at a subsidized school shall for the purposes of the Workmen's Compensation Act, 1941, be deemed to be a workman in the employ of the State.”.

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

Amendment of section 42 of Act 41 of 1967, as substituted by section 11 of Act 16 of 1982.

- “(1) The Minister may delegate any power, duty or function conferred upon or assigned to him by section 3 (1), 3 (3), 8, 13 (1), 13 (1A), 13 (1B), 13 (1C), 13 (5) (b), 13 (7), 15, 16 (1), 16 (2), 17 (in so far as it relates to the determination of salaries), 18 (1) (a), 18 (1) (b), 18 (1) (bA) (in so far as it relates to the determination of salaries), 18 (1) (d), 18 (3), 19 (1), 19 (2), 21 (1), 26, 27 (1) (a), 27 (1) (b), 27 (1) (c) 27 (1) (f), 27 (1) (g) or 27 (2) to the Director-General or any person in the employ of the Department or to any governing body.”.

6. The following section is hereby inserted in the Mentally Retarded Children's Training Act, 1974, after section 33:

Insertion of section 33A in Act 63 of 1974.

- “Application of provisions of Act 30 of 1941. 33A. Notwithstanding anything to the contrary in any law contained, any officer or employee employed at a state-aided training centre shall for the purposes of the Workmen's Compensation Act, 1941, be deemed to be a workman in the employ of the State.”.

7. Section 9 of the Technical Colleges Act, 1981, is hereby amended—

Amendment of section 9 of Act 104 of 1981.

- (a) by the addition of the following proviso to paragraph (a) of subsection (4):
- “Provided that any remuneration payable to persons employed by a technical college to provide post-school education for which a subsidy is not payable under section 28, shall be determined by the college council.”; and
- (b) by the substitution for subsection (5) of the following subsection:
- “(5) The conditions (including the conditions as to the fees payable) on which a technical college may provide boarding or accommodation to its officers or em-

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of werknemers verskaf, word deur die **[Minister met die instemming van die Minister van Finansies]** kollegeraad bepaal.”.

Invoeging van artikel 11A in Wet 104 van 1981.

8. Die volgende artikel word hierby in die Wet op Tegniese Kolleges, 1981, na artikel 11 ingevoeg:

“Toepassing van bepalinge van Wet 30 van 1941. **11A.** Ondanks die bepalinge van die een of ander wet word ’n beampte of werknemer van ’n tegniese kollege by die toepassing van die Ongevallewet, 1941, geag ’n werksman in diens van die Staat te wees.”.

Wysiging van artikel 14 van Wet 104 van 1981.

9. Artikel 14 van die Wet op Tegniese Kolleges, 1981, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) (a) Die voorwaardes van toelating van iemand as student tot ’n tegniese kollege **[en die gelde wat deur studente betaalbaar is]** word deur die Direkteur-generaal bepaal.

(b) **[Geen gelde word kragtens paragraaf (a) deur die Direkteur-generaal bepaal nie behalwe met die instemming van die Tesourie.]** Die gelde betaalbaar aan ’n tegniese kollege deur ’n student—
(i) vir naskoolse onderwys aan hom deur die tegniese kollege verskaf; en
(ii) vir losies of huisvesting deur die tegniese kollege verskaf,
word deur die raad bepaal.”.

Wysiging van artikel 36 van Wet 104 van 1981.

10. Artikel 36 van die Wet op Tegniese Kolleges, 1981, word hierby gewysig—

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

“(2) (a) Elke tegniese kollege is ’n lid van die vereniging en word deur sy hoof in die vereniging verteenwoordig.

(b) Indien die pos van hoof by ’n tegniese kollege vakant is, kan die betrokke raad iemand anders aanwys om die tegniese kollege op enige vergadering van die vereniging te verteenwoordig.

(c) Indien ’n hoof in paragraaf (a) bedoel nie in staat is om ’n vergadering van die vereniging by te woon nie, kan hy ’n lid van die personeel van die betrokke tegniese kollege benoem om hom op so ’n vergadering te verteenwoordig.”; en

(b) deur die volgende paragraaf by subartikel (3) te voeg:

“(c) **die jaarlikse bedrag te bepaal wat elke tegniese kollege ten opsigte van die uitgawes deur die vereniging aangegaan, moet bydra.**”.

Invoeging van artikel 37A in Wet 104 van 1981.

11. Die volgende artikel word hierby na artikel 37 in die Wet op Tegniese Kolleges, 1981, ingevoeg:

“Misdrywe en strawwe.

37A. Iemand wat—

(a) nie ’n tegniese kollege is nie en sonder die magtiging van die Direkteur-generaal—

(i) op enige wyse bekend maak of aan iemand anders voorgee dat hy of iemand anders ’n onderrig- of opleidingskursus of ’n deel daarvan kan aanbied waarvan die inhoud of standaard soortgelyk is aan die inhoud of standaard van ’n onderrig- of opleidingskursus wat aan ’n tegniese kollege aangebied word, of wat die persoon wat so ’n kursus of deel daarvan gevolg het, geregtig sal maak op die verlening van ’n sertifikaat of ’n diploma wat deur ’n tegniese kollege verleen kan word; of

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ployees shall be determined by the **[Minister with the concurrence of the Minister of Finance]** college council."

8. The following section is hereby inserted in the Technical Colleges Act, 1981, after section 11:

Insertion of section 11A in Act 104 of 1981.

"Application of provisions of Act 30 of 1941.

10

11A. Notwithstanding anything to the contrary in any law contained, an officer or employee of a technical college shall for the purposes of the Workmen's Compensation Act, 1941, be deemed to be a workman in the employ of the State."

9. Section 14 of the Technical Colleges Act, 1981, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 14 of Act 104 of 1981.

15 "(1) (a) The conditions of admission of any person as a student to a technical college **[and the fees payable by students]** shall be determined by the Director-General.

20 (b) **[No fees shall be determined by the Director-General under paragraph (a) otherwise than with the concurrence of the Treasury.]** The fees payable to a technical college by a student—

25 (i) for post-school education provided to him by the technical college; and
(ii) for boarding or accommodation provided by the technical college,
shall be determined by the council."

10. Section 36 of the Technical Colleges Act, 1981, is hereby amended—

Amendment of section 36 of Act 104 of 1981.

30 (a) by the substitution for subsection (2) of the following subsection:

"(2) (a) Every technical college shall be a member of the association and shall be represented on the association by its principal.

35 (b) If the post of principal is vacant at a technical college, the council concerned may designate another person to represent the technical college at any meeting of the association.

40 (c) If a principal referred to in paragraph (a) is not able to attend a meeting of the association, he may designate a member of the staff of the technical college concerned to represent him at such a meeting."; and

(b) by the addition of the following paragraph to subsection (3):

45 "(c) **determine the annual amount that every technical college shall contribute in respect of the expenditure incurred by the association.**"

11. The following section is hereby inserted in the Technical Colleges Act, 1981, after section 37:

Insertion of section 37A in Act 104 of 1981.

50 "Offences and penalties.

37A. Any person who—

(a) is not a technical college and who, without the authority of the Director-General—

55 (i) in any way makes it known or pretends to any other person that he or some other person can offer any course of instruction or training or part thereof the content or standard of which is similar to the content or standard of a course of instruction or training offered at a technical college, or which shall entitle the person who has followed such a course or part thereof to the granting of any certificate or diploma which may be granted by a technical college; or

60

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- (ii) 'n sertifikaat of 'n diploma toeken wat voor-
gee om 'n sertifikaat of diploma te wees wat
gegrond is op 'n onderrig- of opleidingskur-
sus wat aan 'n tegniese kollege met sukses
voltooi is; 5
- (b) sonder die magtiging van 'n tegniese kollege 'n
handeling verrig wat oënskynlik deur of namens
'n tegniese kollege verrig is; of
- (c) 'n inrigting wat nie 'n tegniese kollege is nie,
instel of bestuur onder 'n naam wat die woord 10
'tegniese kollege' insluit,
is aan 'n misdryf skuldig en by skuldigbevinding
strafbaar met 'n boete van hoogstens R500 of met ge-
vangenisstraf vir 'n tydperk van hoogstens ses
maande." 15

Kort titel en inwer-
kingtreëding.

12. (1) Hierdie Wet heet die Wysigingswet op Onderwys- en
Heraldiekwette, 1984, en tree, behoudens die bepalings van sub-
artikel (2), in werking op 'n datum wat die Staatspresident by
proklamasie in die *Staatskoerant* bepaal.

(2) Artikels 4, 6 en 8 word geag op 1 Maart 1983 in werking te 20
getree het.

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- 5 (ii) confers a certificate or a diploma purporting to be a certificate or diploma based on a course of instruction or training successfully completed at a technical college;
- (b) without the authority of a technical college, performs any act which purports to have been performed by or on behalf of a technical college; or
- 10 (c) establishes or conducts an institution that is not a technical college, under a name which includes the words 'technical college',
- shall be guilty of an offence and on conviction liable to a fine not exceeding R500 or to imprisonment for a period not exceeding six months."

12. (1) This Act shall be called the Education and Heraldry Laws Amendment Act, 1984, and shall, subject to the provisions of subsection (2), come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Sections 4, 6 and 8 shall be deemed to have come into operation on 1 March 1983.

Short title and commencement.

