



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. 1359.

4 Julie 1984

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

No. 74 van 1984: Wysigingswet op Onderwys en Opleiding, 1984.

No. 1359.

4 July 1984

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

No. 74 of 1984: Education and Training Amendment Act, 1984.

Wet No. 74, 1984

WYSIGINGSWET OP ONDERWYS EN OPLEIDING, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vët 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 Onderwys en Opleiding, 1979, ten einde met die onderskeid tussen Staatskole en gemeenskap-skole weg te doen; 'n sekere verouderde benaming te vervang; 'n sekere verouderde bepaling te skrap; sekere tydsbeperkings en ander vereistes in verband met die instel van regsgedinge te bepaal; en die bevoegdheid om regulasies uit te vaardig, uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1984.)

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

Wysiging van
artikel 1 van
Wet 90 van 1979,
soos gewysig deur
artikel 1 van
Wet 52 van 1980,
artikel 1 van
Wet 10 van 1981
en artikel 28 van
Wet 27 van 1981.

1. Artikel 1 van die Wet op Onderwys en Opleiding, 1979 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van "gemeenskapskool" te skrap; 5
- (b) deur die omskrywing van "kleuterskool" te skrap;
- (c) deur paragraaf (e) van die omskrywing van "onderwys" deur die volgende paragraaf te vervang:
 "(e) onderwys verskaf in 'n **[kleuterskool]** pre-primêre skool,"; 10
- (d) deur na die omskrywing van "Onderwysersraad" die volgende omskrywing in te voeg:
 "'openbare skool' enige skool in artikel 5 (1) bedoel,";
- (e) deur na die omskrywing van "openbare skool" die volgende omskrywing in te voeg: 15
 "'pre-primêre skool' 'n skool vir die onderwys van kinders van drie jaar en ouer maar onder die ouderdom waarop hulle tot 'n ander skool as 'n pre-primêre skool toegelaat kan word,";
- (f) deur die omskrywing van "private skool" deur die volgende omskrywing te vervang: 20
 "'private skool' 'n skool wat nie 'n **[Staatskool, 'n gemeenskapskool]** openbare skool of 'n Staats-ondersteunde skool is nie,";
- (g) deur die omskrywing van "skool" deur die volgende omskrywing te vervang: 25
 "'skool' enige skool, spesiale skool, **[kleuterskool]** pre-primêre skool, klas, deeltydse klas, aandskool, kollege, sentrum, instituut of enige ander inrigting vir die onderwys van Swart persone,"; en 30
- (h) deur die omskrywing van "Staatskool" te skrap.

Wysiging van
artikel 4 van
Wet 90 van 1979,
soos gewysig deur
artikel 2 van
Wet 52 van 1980.

2. Artikel 4 van die Hoofwet word hierby gewysig deur subartikel (6) te skrap.

EDUCATION AND TRAINING AMENDMENT ACT, 1984

Act No. 74, 1984

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 Education and Training Act, 1979, so as to do away with the difference between State schools and community schools; to replace a certain obsolete designation; to delete a certain obsolete provision; to determine certain limitations of times and other requirements in connection with the institution of legal proceedings; and to extend the power to make regulations; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)

(Assented to 19 June 1984.)

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

1. Section 1 of the Education and Training Act, 1979 (hereinafter referred to as the principal Act), is hereby amended—

5 (a) by the deletion of the definition of "community school";

(b) by the substitution for paragraph (e) of the definition of "education" of the following paragraph:

10 “(e) education provided in any **[nursery]** pre-primary school.”;

(c) by the deletion of the definition of "nursery school";

(d) by the insertion after the definition of "officer" of the following definition:

“‘pre-primary school’ means a school for the education of children of the age of three years and above but below the age at which they may be admitted to any school other than a pre-primary school;”;

(e) by the substitution for the definition of "private school" of the following definition:

20 "‘private school’ means a school other than a [State
school, a community] public school or a State-
aided school;”;

(f) by the insertion after the definition of "private school" of the following definition:

25 “‘public school’ means any school referred to in sec-
tion 5 (1);”;

(g) by the substitution for the definition of "school" of the following definition:

30 "school" means any school, special school, [nursery] pre-primary school, class, part-time class, night school, college, centre, institute or any other institution for the education of Black persons;" and

(h) by the deletion of the definition of "State school".

2. Section 4 of the principal Act is hereby amended by the deletion of subsection (6).

Amendment of
section 1 of
Act 90 of 1979,
as amended by
section 1 of
Act 52 of 1980,
section 1 of
Act 10 of 1981
and section 28
of Act 27 of 1981.

Amendment of
section 4 of
Act 90 of 1979,
as amended by
section 2 of
Act 52 of 1980.

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Wysiging van
artikel 5 van
Wet 90 van 1979,
soos gewysig deur
artikel 29 van
Wet 27 van 1981.

3. Artikel 5 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
“(a) pre-primêre, primêre en sekondêre skole;”;
 - (b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:
“(d) [onderwysersopleidingskole en -kolleges] onderwyskolleges;”;
 - (c) deur subartikel (2) deur die volgende subartikel te vervang:
“(2) [Staatskole] Openbare skole kan deur die Minister ingedeel word in die kategorieë of afdelings van skole wat hy bepaal, en hy kan twee of meer sodanige kategorieë of afdelings in een skool kombineer.”;
 - (d) deur subartikel (3) te skrap;
 - (e) deur subartikel (4) deur die volgende subartikel te vervang:
“(4) Die Minister kan te eniger tyd ’n [Staatskool] openbare skool sluit of die instelling daarvan intrek, maar, indien ’n raad, komitee, bestuur of ander liggaam vir die skool ingevolge artikel 7 ingestel is, slegs na oorlegpleging met sodanige raad, komitee, bestuur of ander liggaam.”; en
 - (f) deur subartikel (5) te skrap.

Vervanging van
artikel 6 van
Wet 90 van 1979.

4. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

“Sekere skole 6. ’n Skool, met inbegrip van ’n kleuterskool, geag openbare skole te wees. koshuis, kwartiere vir onderwysers en opsigters van skoolgeboue, skoolkliniek en ander toebehoorsel van ’n skool, wat voor die inwerkingtreding van die Wysigingswet op Onderwys en Opleiding, 1984, kragtens die een of ander bepaling van artikel 5 of 6 van hierdie Wet ingestel is of geag word ingestel te wees, word geag as ’n openbare skool kragtens die ooreenstemmende bepaling van artikel 5, soos gewysig deur artikel 3 van genoemde Wysigingswet op Onderwys en Opleiding, 1984, ingestel te wees, en enigiets wat voor daardie inwerkingtreding ingevolge die een of ander bepaling van hierdie Wet met betrekking tot ’n Staatskool of gemeenskapskool gedoen is of geag word gedoen te wees, word geag kragtens die ooreenstemmende bepaling van hierdie Wet, soos deur genoemde Wysigingswet op Onderwys en Opleiding, 1984, gewysig, gedoen te wees.”.

Wysiging van
artikel 8 van
Wet 90 van 1979.

5. Artikel 8 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde “Staatskool of by ’n gemeenskapskool” deur die woorde “openbare skool” te vervang.

Wysiging van
artikel 10 van
Wet 90 van 1979.

6. Artikel 10 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde “Staatskool ingestel kragtens artikel 5, of ’n gemeenskapskool ingestel kragtens artikel 6, soos die Minister bepaal,” deur die woorde “openbare skool” te vervang.

Vervanging van
artikel 11 van
Wet 90 van 1979.

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

“Dienstaat 11. (1) Die onderwysdienstaat by enige [Staatskool] openbare skool word deur die Minister bepaal op ’n basis wat van tyd tot tyd met die instemming van die Minister van Finansies en op aanbeveling van die [Staatsdienskommissie] Kommissie vir Administrasie bepaal word.

(2) Die bevoegdheid om onderwysers in [Staatskole] openbare skole aan te stel, te bevorder of te ontslaan, berus, behoudens die bepalings van hierdie Wet, by die Minister.”.

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

Amendment of
section 5 of
Act 90 of 1979,
as amended by
section 29 of
Act 27 of 1981.

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
“(a) pre-primary, primary and secondary schools;”;
- 5 (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
“(d) **[teachers training schools and]** colleges of education;”;
- 10 (c) by the substitution for subsection (2) of the following subsection:
“(2) **[State]** Public schools may be classified by the Minister in such categories or sections of schools as may be determined by him, and he may combine two or more such categories or sections in one school.”;
- 15 (d) by the deletion of subsection (3);
- (e) by the substitution for subsection (4) of the following subsection:
“(4) The Minister may at any time close or disestablish a **[State]** public school, but, if a council, committee, board or other body has been established for such school in terms of section 7, only after consultation with such council, committee, board or other body.”;
- 20 and
- (f) by the deletion of subsection (5).

25 4. The following section is hereby substituted for section 6 of the principal Act:

Substitution of
section 6 of
Act 90 of 1979.

- “Certain schools deemed to be public schools.”
- 30 6. Any school, including a nursery school, hostel, quarters for teachers and caretakers of school buildings, school clinic and any other appurtenance of a school, established or deemed to be established before the commencement of the Education and Training Amendment Act, 1984, under any provision of section 5 or 6 of this Act, shall be deemed to be established as a public school under the corresponding provision of section 5, as amended by section 3 of the said Education and Training Amendment Act, 1984, and anything done or deemed to be done before that commencement in terms of any provision of this Act in relation to a State school or a community school, shall be deemed to be done under the corresponding provision of this Act, as amended by the said Education and Training Amendment Act, 1984.”
- 35
- 40

45 5. Section 8 of the principal Act is hereby amended by the substitution in subsection (1) for the words “State school or a community” of the word “public”.

Amendment of
section 8 of
Act 90 of 1979.

50 6. Section 10 of the principal Act is hereby amended by the substitution in subsection (3) for the words “State school established under section 5 or a community school established under section 6, as the Minister may determine” of the words “public school”.

Amendment of
section 10 of
Act 90 of 1979.

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

Substitution of
section 11 of
Act 90 of 1979.

- “Establishment of, and appointment, promotion and discharge of teachers in, public schools.”
- 55 11. (1) The teaching establishment at any **[State]** public school shall be determined by the Minister on a basis to be laid down from time to time with the concurrence of the Minister of Finance and on the recommendation of the **[Public Service]** Commission for Administration.
- 60 (2) The power of appointment, promotion or discharge of teachers in **[State]** public schools shall, subject to the provisions of this Act, vest in the Minister.”

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Herroeping van
artikel 12 van
Wet 90 van 1979,
soos gewysig deur
artikel 4 van
Wet 52 van 1980.

8. Artikel 12 van die Hoofwet word hierby herroep.

Wysiging van
artikel 17 van
Wet 90 van 1979.

9. Artikel 17 van die Hoofwet word hierby gewysig deur sub-
artikel (5) te skrap.

Wysiging van
artikel 19 van
Wet 90 van 1979,
soos gewysig deur
artikel 7 van
Wet 52 van 1980.

10. Artikel 19 van die Hoofwet word hierby gewysig deur in
subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die 5
volgende woorde te vervang:

“**[Behoudens die bepalings van artikels 11 (3), 12 (3) en 13
(3) word]** Niemand word in 'n pos wat inbegrepe is by die
onderwysdiensstaat van 'n **[Staatskool, gemeenskapskool]**
openbare skool of Staatsondersteunde skool in 'n vaste hoe- 10
danigheid aangestel nie, tensy —”.

Wysiging van
artikel 20 van
Wet 90 van 1979,
soos gewysig deur
artikel 8 van
Wet 52 van 1980.

11. Artikel 20 van die Hoofwet word hierby gewysig deur die
uitdrukking “12” te skrap.

Vervanging van
artikel 34 van
Wet 90 van 1979.

12. Artikel 34 van die Hoofwet word hierby deur die volgende
artikel vervang: 15

“Toelating
van persone
tot en hul
ontslag uit
openbare
skole en
Staats-
ondersteunde
skole.

34. Die toelating van persone tot **[Staatskole, ge-
meenskapskole]** openbare skole en Staatsonder-
steunde skole geskied onder die voorgeskrewe
omstandighede en onderworpe aan die voorgeskrewe
voorwaardes, en iemand wat aldus tot so 'n skool 20
toegelaat is, kan onder die voorgeskrewe omstandig-
hede **[daaruit ontslaan]** geskors of uit die skool gesit
word.”.

Invoeging van
artikel 42A in
Wet 90 van 1979.

13. Die volgende artikel word hierby in die Hoofwet na artikel
42 ingevoeg: 25

“Tydsbeper-
kings in ver-
band met, en
ander vereis-
tes vir, die
instel van
regsgedinge.

42A. (1) Geen regsgeding van watter aard ook al
word teen die Minister, 'n bestuursliggaam, 'n onder-
wyser of 'n ander persoon in diens van die Staat
(hieronder die skuldenaar genoem) ten opsigte van
enigiets uit hoofde van hierdie Wet gedoen of nage- 30
laat, ingestel nie—

(a) tensy 'n skriftelike kennisgewing van die ge-
ding, waarin die feite uiteengesit word waarop
die eisoorzaak gegrond is, binne ses kalender-
maande vanaf die datum waarop die eisoorzaak 35
ontstaan het aan die skuldenaar beteken is deur
dit aan hom te oorhandig of per aangetekende
pos aan hom te stuur;

(b) voor die verstryking van 'n tydperk van 30 dae
vanaf die datum waarop die kennisgewing in 40
paragraaf (a) bedoel aan die skuldenaar beteken
is;

(c) na verloop van 'n tydperk van 12 kalender-
maande vanaf die datum waarop die eisoorzaak 45
ontstaan het.

(2) By die toepassing van subartikel (1) word 'n
regsgeding geag ingestel te wees op die datum waar-
op die dagvaarding of ander prosesstuk waardeur die
geding 'n aanvang neem aan die skuldenaar beteken 50
is.”.

Wysiging van
artikel 44 van
Wet 90 van 1979.

14. Artikel 44 van die Hoofwet word hierby gewysig—

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

“(e) betreffende die toekenning van hulptoelae of sub-
sidies en lenings aan die **[eienaars of]** bestuurslig- 55
game van Staatsondersteunde skole en private

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8. Section 12 of the principal Act is hereby repealed.
- Repeal of section 12 of Act 90 of 1979, as amended by section 4 of Act 52 of 1980.
9. Section 17 of the principal Act is hereby amended by the deletion of subsection (5).
- Amendment of section 17 of Act 90 of 1979.
10. Section 19 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- Amendment of section 19 of Act 90 of 1979, as amended by section 7 of Act 52 of 1980.
- 10 (a) "[Subject to the provisions of sections 11 (3), 12 (3) and 13 (3)] No person shall be appointed in a permanent capacity to a post included in the teaching establishment of a [State school, community] public school or State-aided school, unless —".
11. Section 20 of the principal Act is hereby amended by the deletion of the expression "12".
- Amendment of section 20 of Act 90 of 1979, as amended by section 8 of Act 52 of 1980.
12. The following section is hereby substituted for section 34 of the principal Act:
- Substitution of section 34 of Act 90 of 1979.
- 15 "Admission of persons to and their discharge from public schools and State-aided schools.
- 20 34. The admission of persons to [State schools, community] public 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] suspended or expelled from such school in the prescribed circumstances."
13. The following section is hereby inserted in the principal Act after section 42:
- Insertion of section 42A in Act 90 of 1979.
- 25 "Limitations of times in connection with, and other requirements for, the institution of legal proceedings.
- 30 42A. (1) No legal proceedings of whatever nature shall be instituted against the Minister, a governing body, a teacher or any person in the employment of the State (hereinafter referred to as the debtor) in respect of anything done or omitted in pursuance of this Act—
- 35 (a) unless a notice in writing of such proceedings, in which the facts on which the cause of action is based are set out, has, within six calendar months as from the date on which the cause of action arose, been served on the debtor by delivering it to him or by sending it to him by registered post;
- 40 (b) before the expiration of a period of 30 days as from the date on which the notice referred to in paragraph (a) was served on the debtor;
- 45 (c) after the expiry of a period of 12 calendar months as from the date on which the cause of action arose.
- (2) For the purposes of subsection (1) any legal proceedings shall be deemed to be instituted on the date on which the summons or other process by which such proceedings are commenced has been served on the debtor."
14. Section 44 of the principal Act is hereby amended—
- Amendment of section 44 of Act 90 of 1979.
- 50 (a) by the substitution for paragraph (e) of subsection (1) of the following paragraph:
- "(e) as to the making of grants-in-aid or subsidies and loans to the [owners or] governing bodies of State-aided schools and private schools and the circum-

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skole en die omstandighede waaronder hulp-toe-
laes, subsidies of lenings gestaak, verminder of in-
getrek kan word;”;

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

“(f) betreffende die beheer oor of behandeling van leerlinge aan **[Staatskole, gemeenskapskole]** openbare skole en Staatsondersteunde skole, en enige koshuis verbonde aan sodanige skole, **[en]** die skorsing van, of die oplegging of toediening van ander strawwe aan, leerlinge van sodanige skole **en hul uitsetting daaruit;**”;

- (c) deur paragraaf (r) van subartikel (1) deur die volgende paragraaf te vervang:

“(r) betreffende die beheer oor en bestuur van, die toelating van leerlinge tot, en die aanstellingsvereistes vir onderwysers by, Staatsondersteunde **[kleuterskole]** pre-primêre skole;”.

Vervanging van
sekere woorde in
Wet 90 van 1979.

15. Die Hoofwet word hierby gewysig—

- (a) deur die woorde “Staatskole en gemeenskapskole” “Staatskole” en “Staatskole, gemeenskapskole”, oral waar hulle voorkom, deur die woorde “openbare skole” te vervang; en
(b) deur die woorde “gemeenskapskool”, “Staatskool of ’n gemeenskapskool”, “Staatskool of gemeenskapskool”, “Staatskool, gemeenskapskool” (behalwe in artikel 18 (2)) en “Staatskool, ’n gemeenskapskool”, oral waar hulle voorkom, deur die woorde “openbare skool” te vervang.

Kort titel en
inwerkingtreding.

16. Hierdie Wet heet die Wysigingswet op Onderwys en Opleiding, 1984, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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stances in which grants-in-aid, subsidies or loans may be terminated, reduced or withdrawn;”;

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

5 “(f) relating to the control and treatment of pupils at **[State schools, community]** public schools and State-aided schools, and any hostel attached to such schools, **[and]** the suspension of, or the imposition or infliction of other punishment upon, pupils at such schools, and their expulsion therefrom;” and

- (c) by the substitution for paragraph (r) of subsection (1) of the following paragraph:

15 “(r) as to the control and management of, the admission of pupils to, and the requirements for appointment of teachers at, State-aided **[nursery]** pre-primary schools;”.

15. The principal Act is hereby amended—

- 20 (a) by the substitution for the words “State schools and community schools”, “State schools” and “State schools, community schools”, wherever they occur, of the words “public schools”; and

- 25 (b) by the substitution for the words “community school”, “State school or a community school”, “State school or community school”, “State school, community school” (except in section 18 (2)) and “State school, a community school”, wherever they occur, of the words “public school”.

Substitution
of certain
words in
Act 90 of 1979.

- 30 16. This Act shall be called the Education and Training Amendment Act, 1984, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Short title and
commencement.

