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KANTOOR VAN DIE EERSTE MINISTER

No. 1362.

11 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. 77 van 1984: Wysigingswet op Technikons (Onderwys en Opleiding), 1984.

OFFICE OF THE PRIME MINISTER

No. 1362.

11 July 1984

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

No. 77 of 1984: Technikons (Education and Training) Amendment Act, 1984.

**Wet No. 77, 1984 WYSIGINGSWET OP TECHNIKONS (ONDERWYS EN OPLEIDING),
1984**

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.

WET

Tot wysiging van die Wet op Technikons (Onderwys en Opleiding), 1981, ten einde verdere voorsiening te maak betrekende die verrigting van die werksaamhede van die Koördinerende Raad vir Tegniese Onderwys; die bevoegdhede van technikons uit te brei; sekere benamings te verander; die samestelling van die raad van 'n technikon te verander en verdere bevoegdhede aan so 'n raad te verleen; voorsiening te maak vir die toelating tot technikons van ander studente as Swart studente; verdere voorsiening te maak vir die afneem van eksamens; groter finansiële onafhanklikheid aan technikons te verleen; en sekere teksverbeteringe aan te bring; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse 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 27 van 1981.

- 1. Artikel 1 van die Wet op Technikons (Onderwys en Opleiding), 1981 (hieronder die Hoofwet genoem), word hierby gewysig—**
- (a) deur die omskrywing van "direkteur" te skrap;
 - (b) deur voor die omskrywing van "Direkteur-generaal" die volgende omskrywing in te voeg:
"akademiese raad" die akademiese raad van 'n technikon in artikel 9 bedoel;"
 - (c) deur na die omskrywing van "regulasie" die volgende omskrywings in te voeg:
"rektor" die rektor van 'n technikon kragtens artikel 7 (1) aangestel en ook 'n waarnemende rektor kragtens artikel 7 (3) aangestel;
'skool' 'n deel van 'n technikon wat vir onderwys in 'n bepaalde rigting van die gevorderde tegniese onderwys verantwoordelik is;"
 - (d) deur die omskrywing van "studieraad" te skrap; en
 - (e) deur die woord "gevorde" in die omskrywing van "technikon" deur die woord "gevorderde" te vervang.

Wysiging van artikel 2 van Wet 27 van 1981, soos gewysig deur artikel 1 van Wet 48 van 1983.

- 2. Artikel 2 van die Hoofwet word hierby gewysig—**
- (a) deur paragraaf (d) van subartikel (8) van die Engelse teks deur die volgende subartikel te vervang:
"(d) Notwithstanding the provisions of paragraph (a), the term of office of any member may at any time be terminated by the Minister or departmental head who or body which appointed that member."; en

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GENERAL EXPLANATORY NOTE:

I 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 Technikons (Education and Training) Act, 1981, so as to make further provision regarding the performance of the functions of the Co-ordinating Council for Technical Education; to extend the powers of technikons; to change certain designations; to change the constitution of the council of a technikon and to grant further powers to such a council; to provide for the admission to technikons of other students than Black students; to make further provision for the conducting of examinations; to grant greater financial independence to technikons; and to effect certain textual improvements; and to provide for incidental matters.

(*English 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 Technikons (Education and Training) Act, 1981 (hereinafter referred to as the principal Act), is hereby 5 amended—

Amendment of
section 1 of
Act 27 of 1981.

- (a) by the insertion before the definition of "advanced technical education" of the following definition:
“academic board” means the academic board of a technikon referred to in section 9;”;
- 10 (b) by the deletion of the definition of “director”;
- (c) by the deletion of the definition of “board of studies”;
- (d) by the substitution for the word “gevorde” in the Afrikaans text of the definition of “technikon” of the word “gevorderde”;
- 15 (e) by the insertion after the definition of “Minister” of the following definition:
“principal” means the principal of a technikon appointed under section 7 (1) and includes an acting principal appointed under section 7 (3);” and
- 20 (f) by the insertion after the definition of “regulation” of the following definition:
“school” means a part of a technikon which is responsible for education in a particular direction in advanced technical education;”.

25 2. Section 2 of the principal Act is hereby amended—

Amendment of
section 2 of
Act 27 of 1981,
as amended by
section 1 of
Act 48 of 1983.

- (a) by the substitution for paragraph (d) of subsection (8) of the following subsection:
“(d) Notwithstanding the provisions of paragraph (a), the term of office of any member may at any time be terminated by the Minister or departmental head who or body which appointed that member.”; and

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1984

(b) deur die volgende subartikel by te voeg:

"(10) 'n Beampete van die Departement van Onderwys en Opleiding deur die Minister aangestel, is die sekretaris van die Koördinerende Raad en word by die verrigting van sy werksaamhede bygestaan deur die ander beampetes van die Departement van Onderwys en Opleiding wat die Direkteur-generaal aanwys."

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Wysiging van
artikel 3 van
Wet 27 van 1981.

3. Artikel 3 van die Hoofwet word hierby gewysig deur na subartikel (3) die volgende subartikels in te voeg:

"(3A) 'n Technikon kan met die raad of bestuursliggaam 10 van 'n kollege of ander opvoedkundige inrigting 'n ooreenkoms aangaan ingevolge waarvan daardie kollege of opvoedkundige inrigting met die technikon kan saamwerk met betrekking tot die opleiding van studente van die technikon."

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"(3B) 'n Ooreenkoms bedoel in subartikel (3A) is onderworpe aan die goedkeuring van die Minister en kan met sy goedkeuring gewysig of herroep word."

Wysiging van
artikel 4 van
Wet 27 van 1981.

4. Artikel 4 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) 'n Technikon kan [met die goedkeuring van die Minister] geld of enige ander goed as skenking of bemaking of in trust ontvang en kan dit beheer, gebruik, bestuur of op 'n ander wyse daarmee handel vir die doeleindes en onderworpe aan die voorwaardes, as daar is, van die skenking, bemaking of trust wat bestaanbaar is met die oogmerke van 25 die technikon."

Vervanging van
artikel 7 van
Wet 27 van 1981.

5. (1) Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

"Rektor van
technikon. 7. (1) Die **[direkteur]** **rektor** is die hoofuitvoerende beampete van 'n technikon en word deur die 30 raad met die instemming van die Minister aangestel.

Iemand wat onmiddellik voor die datum met ingang waarvan 'n inrigting ingevolge artikel 5 (1) geag word 'n technikon te wees wat kragtens hierdie Wet ingestel is, die direkteur van daardie inrigting 35 was, word geag ingevolge subartikel (1) as die direkteur van die betrokke technikon aangestel te gewees het.]

(3) Die raad kan met die instemming van die Minister een van die lede van die doserende personeel 40 van die technikon as waarnemende **[direkteur]** **rektor** van die technikon aanwys om die werksaamhede van die **[direkteur]** **rektor** te verrig wanneer laasgenoemde afwesig is of terwyl die aanstelling van 'n **[direkteur]** **rektor** hangende is." 45

(2) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet die amp van direkteur van 'n technikon beklee het, word geag kragtens artikel 7 van die Hoofwet as rektor van daardie technikon aangestel te wees.

Wysiging van
artikel 8 van
Wet 27 van 1981,
soos gewysig deur
artikel 2 van
Wet 48 van 1983.

6. Artikel 8 van die Hoofwet word hierby gewysig— 50

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

"(a) die **[direkteur] **rektor** van die technikon;"**

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

"(h) een persoon **[elk aangestel] genomineer deur elke liggaaam, inrigting, groep of vereniging wat na die mening van die Minister belang by die betrokke technikon het en wat die Minister aanwys."**

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

"(2) Die raad bestaan uit hoogstens **[30] 20 lede."**

(d) deur subartikel (7) deur die volgende subartikel te vervang:

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- (b) by the addition of the following subsection:
 "(10) An officer of the Department of Education and Training appointed by the Minister shall be the secretary for the Co-ordinating Council and shall be assisted in the performance of his functions by such other officers of the Department of Education and Training as the Director-General may designate."

3. Section 3 of the principal Act is hereby amended by the insertion after subsection (3) of the following subsection:

- 10 "(3A) Any technikon may enter into an agreement with the council or governing body of a college or other educational institution in terms of which that college or educational institution may co-operate with the technikon with regard to the training of students of the technikon.
- 15 (3B) An agreement referred to in subsection (3A) shall be subject to the approval of the Minister and may be amended or repealed with his approval."

4. Section 4 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

- 20 "(3) A technikon may [with the approval of the Minister] receive money or any other property by way of donation or bequest or in trust and may control, use or administer it or deal with it in any other manner for such purposes and subject to such conditions, if any, of the donation, bequest or trust as may be consistent with the aims of the technikon.".

5. (1) The following section is hereby substituted for section 7 of the principal Act:

- "Rector of
technikon:
30 7. (1) The [director] principal shall be the chief executive officer of a technikon and shall be appointed by the council with the concurrence of the Minister.

- 35 (2) Any person who, immediately before the date with effect from which an institution is in terms of section 5 (1) deemed to be a technikon established under this Act, was the director of that institution, shall be deemed to have been appointed in terms of subsection (1) as the director of the technikon concerned.]

- 40 (3) The council may with the concurrence of the Minister designate one of the members of the teaching staff of the technikon as acting [director] principal of the technikon to perform the functions of the [director] principal when the latter is absent or while the appointment of a [director] principal is pending."

- 45 (2) Any person who immediately before the commencement of this Act occupied the post of director of a technikon, shall be deemed to have been appointed in terms of section 7 of the principal Act as rector of that technikon.

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

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 (a) the [director] principal of the technikon;" ;
- 55 (b) by the substitution for paragraph (h) of subsection (1) of the following paragraph:
 "(h) one person [each appointed] nominated by every body, institution, group or association which in the opinion of the Minister has an interest in the technikon concerned and is designated by him.";
- 60 (c) by the substitution for subsection (2) of the following subsection:
 "(2) The council shall consist of not more than [30] 20 members.";

Amendment of
section 3 of
Act 27 of 1981.Amendment of
section 4 of
Act 27 of 1981.Substitution of
section 7 of
Act 27 of 1981.Amendment of
section 8 of
Act 27 of 1981,
as amended by
section 2 of
Act 48 of 1983.

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"(7) Vergaderings van die raad word gehou op die tye en plekke wat die raad bepaal, en die verrigting van die sake, en die kworum en prosedure, by 'n vergadering word **[bepaal]** by **[reëls wat die raad met die Minister se goedkeuring uitvaardig]** regulasie voorgeskryf.";

(e) deur na subartikel (9) die volgende subartikels in te voeg:

"**(9A)** Die rektor is lid van elke komitee van die raad en van die akademiese raad, en van elke gesamentlike komitee van die raad en die akademiese raad.

(9B) Die rektor kan met die instemming van die raad iemand in diens van die technikon aanwys om in 'n besondere geval vir die tydperk wat hy bepaal, in sy plek in enige komitee bedoel in subartikel (9) te dien, en die pligte te verrig en bevoegdhede uit te oefen wat daarmee gepaard gaan."; en

(f) deur subartikel (10) deur die volgende subartikel te vervang:

"(10) Die toelae wat aan die voorsitter of 'n lid van die raad of 'n komitee van die raad betaal kan word wanneer hy met die sake van die raad besig is, word deur die **[Minister met die instemming van die Minister van Finansies]** raad bepaal: Met dien verstande dat die toelae betaalbaar aan die voorsitter of 'n lid van die raad of 'n komitee wat in die heeltydse diens van die Staat is, ooreenkomsdig die wette wat sy diensvoorraades reël moet wees."

Vervanging van
artikel 9 van
Wet 27 van 1981.

7. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

"Akademiese raad van technikon. 9. (1) Die **[studieraad]** akademiese raad van 'n technikon bestaan uit—

- (a) die **[direkteur]** rektor, wat voorsitter van die **[studieraad]** akademiese raad is;
- (b) twee ander lede van die raad deur die raad aangewys, wat hul amp beklee solank dit die raad behaag; en
- (c) die lede van die doserende personeel van die technikon wat die raad van tyd tot tyd bepaal.

(2) Die **[studieraad]** akademiese raad van 'n technikon—

- (a) oefen die bevoegdhede van organisasie van en beheer oor die onderrig en tug van die studente van die technikon uit wat die raad aan hom verleen;
- (b) dien die raad van advies met betrekking tot 'n aangeleentheid wat die raad na hom vir sy advies verwys; en
- (c) kan die aanbevelings betreffende akademiese aangeleenthede van belang vir die technikon wat hy dienstig ag, aan die raad doen.

(3) Die **[studieraad]** akademiese raad kan van tyd tot tyd die komitees van die **[studieraad]** akademiese raad, saamgestel uit lede van die **[studieraad]** akademiese raad of uit lede van die **[studieraad]** akademiese raad en ander personele, instel wat hy nodig ag, en kan enige van die **[studieraad]** akademiese raad se werkzaamhede aan so 'n komitee deleger: Met dien verstande dat die **[studieraad]** akademiese raad nie ontdoen is van 'n werkzaamheid wat aldus gedele-

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

"(7) The meetings of the council shall be held at such times and places as the council may determine, and the conduct of the business, and the quorum and procedure, at any meeting shall be [determined by rules made by the council with the approval of the Minister] prescribed by regulation.";

- (e) by the insertion after subsection (9) of the following subsections:

"(9A) The principal shall be a member of every committee of the council and of the academic board, and of every joint committee of the council and the academic board.

(9B) The principal may with the concurrence of the council designate any person in the service of the technikon to serve in a particular case or for a period determined by him in his place in any committee referred to in subsection (9), and to perform the functions and exercise the powers in connection therewith."; and

- (f) by the substitution for subsection (10) of the following subsection:

"(10) The allowance which may be paid to the chairman or any member of the council or a committee of the council when occupied with the affairs of the council, shall be determined by the [Minister with the concurrence of the Minister of Finance] council: Provided that any allowance payable to the chairman or any member of the council or a committee who is in the full-time service of the State, shall be in accordance with the laws governing his conditions of service.".

7. The following section is hereby substituted for section 9 of the principal Act:

Substitution of
section 9 of
Act 27 of 1981.

"Academic
board of
technikon.

9. (1) The board of studies academic board of a technikon shall consist of—

- (a) the director rector, who shall be the chairman of the academic board;
- (b) two other members of the council designated by the council, who shall hold office during the council's pleasure; and
- (c) such members of the teaching staff of the technikon as the council may from time to time determine.

(2) The board of studies academic board of a technikon—

- (a) shall exercise such powers of organization and control over the instruction and discipline of the students at the technikon as are conferred upon it by the council;
- (b) shall advise the council in regard to any matter which the council may refer to it for its advice; and
- (c) may make such recommendations to the council on academic matters of interest to the technikon as it may deem expedient.

(3) The board of studies academic board may from time to time establish such committees of the board of studies academic board consisting of members of the board of studies academic board or of members of the board of studies academic board and other persons, as it may deem necessary, and may delegate any of its functions to any such committee: Provided that the board of studies academic board shall not be divested of any function so del-

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geer is nie en 'n besluit van so 'n komitee by die **[studieraad]** akademiese raad se eerste vergadering na die betrokke besluit kan intrek of wysig.

(4) Die **[studieraad]** akademiese raad kan iemand aanstel as assessorlid van 'n komitee beoog in subartikel (3) en so 'n lid kan aan alle verrigtings op 'n vergadering van die betrokke komitee deelneem, maar is nie bevoeg om op so 'n vergadering te stem nie. 5

(5) Die toelae wat aan 'n lid of assessorlid van 'n komitee van die **[studieraad]** akademiese raad wat nie 'n werknemer van die technikon is nie, betaal kan word wanneer hy met die sake van daardie komitee besig is, word deur die **[Minister met die instemming van die Minister van Finansies]** raad be- 15 paal: Met dien verstande dat 'n toelae betaalbaar aan 'n lid of assessorlid wat in die heeltydse diens van die Staat is, ooreenkomsdig die wette wat sy diensvoorraades reël moet wees.".

Vervanging van artikel 9A van Wet 27 van 1981, soos ingevoeg deur artikel 3 van Wet 48 van 1983.

8. Artikel 9A van die Hoofwet word hierby deur die volgende artikel vervang:

"Gesamentlike komitees van raad en akademiese raad. 20
9A. (1) Die raad en die **[studieraad]** akademiese raad van 'n technikon kan, vir die doeleindes wat die raad bepaal, by onderlinge ooreenkoms tussen die raad en die **[studieraad]** akademiese raad een of meer gesamentlike komitees van die raad en die **[studieraad]** akademiese raad instel. 25

(2) So 'n komitee bestaan uit lede van onderskeidelik die raad en die **[studieraad]** akademiese raad uit hul eie geledere aangestel soos in die ooreenkoms bepaal. 30

(3) Die raad of die **[studieraad]** akademiese raad kan aan so 'n komitee enige van sy bevoegdhede of werkzaamhede opdra, maar is nie ontdoen van 'n bevoegdheid of werkzaamheid wat aldus aan so 'n komitee opgedra is nie en kan 'n besluit van so 'n komitee uit hoofde van bedoelde opdrag, by die eersvolgende vergadering van die raad of die **[studieraad]** akademiese raad, na gelang van die geval, wysig of tersyde stel.". 40

Wysiging van artikel 10 van Wet 27 van 1981.

9. Artikel 10 van die Hoofwet word hierby gewysig—

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

"(1) Die diensstaat van 'n technikon word deur die raad bepaal: Met dien verstande dat die uitgawe verbonde aan die handhawing van die diensstaat nie die bedrag van enige subsidie wat ingevolge artikel 21 vir dié doel betaal word, tesame met die gelde wat ingevolge artikel 16 van studente ontvang en deur die raad vir genoemde doel aangewend kan word, mag oorskry nie.";

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

"(2) Die bevoegdheid om die lede van die doserende **[administratiewe]** en **[klerklike]** nie-doserende personeel en die ander werknemers van 'n technikon aan te stel, te bevorder, oor te plaas, tydelik af te staan of te ontslaan, berus by die raad **[Met dien verstande dat die aanstelling, bevordering, oorplasing, tydelike afstaan of ontslag van die lede van die doserende en administratiewe personeel in die poste wat die Minister bepaal, aan sy goedkeuring onderworpe is.]**";

(c) deur subartikel (3) deur die volgende subartikel te vervang:

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egated and may set aside or amend any decision of any such committee at the first meeting of the [board of studies] academic board after the decision concerned was made.

(4) The [board of studies] academic board may appoint any person as an assessor member of any committee contemplated in subsection (3), and any such member may participate in all the proceedings at a meeting of the committee concerned, but shall not have the power to vote at any such meeting.

(5) The allowance which may be paid to any member or assessor member of a committee of the [board of studies] academic board who is not an employee of the technikon, when occupied with the affairs of that committee, shall be determined by the [Minister with the concurrence of the Minister of Finance] council: Provided that any allowance payable to any such member or assessor member who is in the full-time service of the State, shall be in accordance with the laws governing his conditions of service.”.

8. The following section is hereby substituted for section 9A of the principal Act:

“Joint committees of council and academic board.

Substitution of section 9A of Act 27 of 1981, as inserted by section 3 of Act 48 of 1983.

9A. (1) The council and the [board of studies] academic board of a technikon may, for such purposes as the council may determine, by mutual agreement between the council and the [board of studies] academic board establish one or more joint committees of the council and the [board of studies] academic board.

(2) Any such committee shall consist of members appointed by the council and the [board of studies] academic board, respectively, from among their own members as may be provided in the agreement.

(3) The council or the [board of studies] academic board may assign any of its powers or functions to any such committee, but shall not be divested of any power or function so assigned to any such committee and may amend or set aside any decision of any such committee by virtue of such assignment, at the first ensuing meeting of the council or the [board of studies] academic board, as the case may be.”.

9. Section 10 of the principal Act is hereby amended—

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

“(1) The establishment of a technikon shall be determined by the council: Provided that the expenditure incidental to the maintenance of the establishment shall not exceed the amount of any subsidy paid for that purpose in terms of section 21, together with the fees received from students in terms of section 16 and which may be applied by the council for the said purpose.”;

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

“(2) The power to appoint, promote, transfer, second or discharge members of the teaching [administrative] and [clerical] non-teaching staff and the other employees of the technikon, shall be vested in the council [Provided that the appointment, promotion, transfer, secondment or discharge of members of the teaching and administrative staff in such posts as the Minister may determine, shall be subject to his approval].”;

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

Amendment of section 10 of Act 27 of 1981.

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“(3) Niemand word kragtens die bepalings van subartikel (2) vas aangestel nie, hetsy op proef al dan nie, tensy hy voldoen aan die vereistes deur die raad [met die goedkeuring van die Minister] bepaal.”; en
(d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die diensvooraardes (met inbegrip van die voorwaardes en omstandighede waaronder die betrokke persone verplig kan word om lede te word en te bly van 'n mediese bystandskema of 'n mediese hulpskema) van persone in diens by 'n technikon word deur die raad [met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finan- sies] bepaal.”.

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

“Tydelike afstaan van personeellid. 11A. Behoudens die bepalings van artikel 10 (2) kan 'n persoon in diens by 'n technikon, met sy toestemming, tydelik afgestaan word, hetsy vir 'n besondere diens of vir 'n tydperk, aan die diens van 'n ander technikon of van 'n kantoor, departement of administrasie van die Regering van die Republiek (met inbegrip van die Suid-Afrikaanse Vervoerdienste, die Departement van Pos- en Telekommunikasiewese en 'n provinsiale administrasie) of van 'n kantoor, departement of administrasie van 'n ander regering, of aan die diens van 'n raad, inrigting of liggaaam wat by of kragtens die een of ander wet ingestel is, of van enige ander liggaaam of persoon, op die voorwaardes wat die raad [met die goedkeuring van die Minister] bepaal, en so 'n persoon in diens by 'n technikon bly, terwyl hy aldus afgestaan is, onderworpe aan die bepalings van hierdie Wet.”.

Vervanging van artikel 11A van Wet 27 van 1981, soos ingevoeg deur artikel 4 van Wet 48 van 1983.

Wysiging van artikel 12 van Wet 27 van 1981.

11. Artikel 12 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
“(b) 'n kwalifikasie, hetsy van 'n akademiese of praktiese aard, verwerf het wat deur die [Minister] raad na oorleg met die akademiese raad as voldoende vir die doel van inskrywing vir 'n bepaalde studiekursus erken word; en”;
(b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:
“(c) voldoen aan die algemene toelatingsvereistes wat [die Minister] by regulasie [voorskryf] voorgeskryf word; en”;
(c) deur subartikel (5) deur die volgende subartikel te vervang:
“(5) Die raad kan na oorleg met die [studieraad] akademiese raad [en met die voorafgaande goedkeuring van die Minister] die aantal persone beperk wat toegelaat kan word om vir 'n kursus in te skryf, in welke geval die [studieraad] akademiese raad diegene kan uitkieks wat toegelaat sal word om vir 'n kursus in te skryf.”; en
(d) deur subartikel (6) te skrap.

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12. Die volgende artikel word hierby in die Hoofwet na artikel 12 ingevoeg:

“Toelating as studente van ander persone as Swartes. 12A. (1) Ondanks die bepalings van artikel 3 (1) kan die raad, met die toestemming van die Minister [en op die voorwaardes wat hy bepaal, die toelating as student by 'n technikon van iemand wat nie 'n

Invoeging van artikel 12A in Wet 27 van 1981.

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- 5 “(3) No person shall be permanently appointed under the provisions of subsection (2), whether on probation or not, unless he complies with such requirements as may be determined by the council [with the approval of the Minister].”; and
- 10 (d) by the substitution for subsection (4) of the following subsection:
- 15 “(4) The conditions of service (including the conditions and circumstances under which the persons concerned may be required to become and to remain members of any medical aid scheme or medical benefit scheme) of persons employed at a technikon, shall be determined by the council [with the approval of the Minister, granted with the concurrence of the Minister of Finance].”.

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

- 20 “Secondment of a staff member.”
- 25 11A. Subject to the provisions of section 10 (2), any person employed at a technikon may, with his consent, be seconded either for a particular service or for a period of time to the service of any other technikon or of any office, department or administration of the Government of the Republic (including the South African Transport Services, the Department of Posts and Telecommunications and a provincial administration) or of any office, department or administration of any other government, or to the service of any board, institution or body established by or under any law, or of any other body or person, upon such conditions as the council may determine [with the approval of the Minister], and any such person employed at a technikon shall remain subject to the provisions of this Act while so seconded.”.

Substitution of
section 11A of
Act 27 of 1981,
as inserted by
section 4 of
Act 48 of 1983.

- 30 11. Section 12 of the principal Act is hereby amended—
- 35 (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- 40 “(b) has obtained any qualification, whether of an academic or practical nature, recognized by the [Minister] council after consultation with the academic board as adequate for the purpose of registration for any particular course of study; and”;
- 45 (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- 50 “(c) complies with such general requirements for admission as [the Minister] may [prescribe] be prescribed by regulation; and”;
- 55 (c) by the substitution for subsection (5) of the following subsection:
- 55 “(5) The council may after consultation with the [board of studies] academic board [and with the prior approval of the Minister] limit the number of persons who may be admitted to register for any course, in which case the [board of studies] academic board may select those persons who shall be permitted to register for any such course.”; and
- 55 (d) by the deletion of subsection (6).

Amendment of
section 12 of
Act 27 of 1981.

12. The following section is hereby inserted in the principal Act after section 12:

- 60 “Admission as students of other persons than Blacks.”
- 60 12A. (1) Notwithstanding the provisions of section 3 (1), the council may with the approval of the Minister and on the conditions determined by him, approve the admission of any person who is not a Black,

Insertion of
section 12A in
Act 27 of 1981.

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Swarte is nie, vir 'n bepaalde diploma, sertifikaat, studiekursus of ander eksamen goedkeur.

(2) Indien die Minister van oordeel is dat enige voorwaarde waarop hy toestemming ingevolge subartikel (1) verleen het, nie nagekom is nie, kan hy daardie toestemming intrek.”.

Vervanging van artikel 16 van Wet 27 van 1981.

13. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:

“Gelde betaalbaar deur student.”

16. Die gelde betaalbaar deur 'n student of voor- nemende student van 'n technikon word deur die raad bepaal.”.

Vervanging van artikel 17 van Wet 27 van 1981.

14. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

“Studie- krususse en skole.”

17. 【1】 Die raad mag nie sonder die voorafgaande skriftelike goedkeuring van die Minister 'n [departe- ment] skool of 'n studiekursus ten opsigte waarvan bedrae of subsidies kragtens artikel 21 aan 'n technikon betaal kan word, instel nie.

【2】 'n Departement of studiekursus wat wettig by 'n technikon vermeld in artikel 5 (1) ingestel is en wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet bestaan het, word geag kragtens subartikel (1) ingestel te gewees het.]”.

Invoeging van artikel 20A in Wet 27 van 1981.

15. Die volgende artikel word hierby in die Hoofwet na artikel 20 ingevoeg:

“Eksamens.”

20A. (1) Behoudens die bepalings van subartikel

(2) kan die Minister eksamens laat afneem ten opsigte van 'n studiekursus bedoel in artikel 17.

(2) Die Minister kan, met die instemming van die Minister van Nasionale Opvoeding, ten opsigte van 'n studiekursus bedoel in artikel 17 nasionale eksamens ingevolge artikel 13 van die Wet op Onderwysdienste, 1967 (Wet No. 41 van 1967), deur die Minister van Nasionale Opvoeding laat afneem, en in so 'n geval word die diploma of sertifikaat in genoemde artikel 13 vermeld deur laasgenoemde Minister uitgereik.

(3) (a) Die raad van 'n technikon kan op die voorwaardes wat die Minister bepaal 'n eksamen waarin 'n student aan daardie technikon by 'n ander technikon geslaag het, erken ter verwerving van 'n sertifikaat of diploma deur genoemde student by eersgenoemde technikon.

(b) Die raad van 'n technikon kan met die instemming van sy akademiese raad 'n eksamen wat na die oordeel van die raad gelykwaardig is met die ooreenstemmende eksamen deur die raad vereis en waarin geslaag is deur iemand aan 'n opvoedkundige inrigting wat deur die raad as gelykstaande met 'n technikon beskou word, erk vir die doeleindeste van so iemand se verwerving van 'n sertifikaat of diploma aan die technikon.”.

Vervanging van artikel 21 van Wet 27 van 1981.

16. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

“Finansiering van technikons.”

21. Die Minister kan met die instemming van die Minister van Finansies uit geld deur die Parlement vir die doel bewillig, bedrae of subsidies aan technikons toestaan vir die doeleindeste en op die grondslag en onderworpe aan die voorwaardes wat ten opsigte

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person as a student at a technikon for a specific diploma, certificate, course of study or any other examination.

(2) If the Minister is of the opinion that any condition on which he granted approval in terms of subsection (1) has not been complied with, he may withdraw that approval.”.

13. The following section is hereby substituted for section 16 of the principal Act:

10 “Fees payable by student.

16. The fees payable by a student or prospective student of a technikon shall be determined by the council.”.

Substitution of
section 16 of
Act 27 of 1981.

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15 “Courses of study and schools.

17. [1] A council may not without the prior approval of the Minister establish any [department] school or course of study in respect of which amounts or subsidies may be paid to a technikon under section 21.

Substitution of
section 17 of
Act 27 of 1981.

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15. The following section is hereby inserted in the principal Act after section 20:

“Examinations.

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20A. (1) Subject to the provisions of subsection (2), the Minister may cause examinations to be conducted in respect of any course of study referred to in section 17.

Insertion of
section 20A in
Act 27 of 1981.

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(2) The Minister may, with the concurrence of the Minister of National Education, cause national examinations to be conducted in respect of any course of study referred to in section 17, by the Minister of National Education in terms of section 13 of the Educational Services Act, 1967 (Act No. 41 of 1967), and in such a case the diploma or certificate mentioned in the said section 13 shall be issued by the latter Minister.

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(3) (a) The council of a technikon may on the conditions determined by the Minister recognize any examination which a student at that technikon has passed at any other technikon, for the purpose of the said student obtaining a certificate or diploma at the first-mentioned technikon.

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(b) The council of a technikon may with the concurrence of its academic board recognize an examination which in the opinion of the council is equivalent to the corresponding examination required by the council and which has been passed by any person at any educational institution regarded by the council as equivalent to a technikon, for the purpose of such person obtaining a certificate or diploma at that technikon.”.

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“Financing of
technikons.

16. The following section is hereby substituted for section 21 of the principal Act:

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21. The Minister may with the concurrence of the Minister of Finance out of money appropriated by Parliament for the purpose, grant amounts or subsidies to technikons for such purposes and on such basis and subject to such conditions as may in respect

Substitution of
section 21 of
Act 27 of 1981.

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van elke technikon deur die Minister bepaal word,
en met behoorlike inagneming van die behoeftes van
elke technikon in verhouding tot die algemene be-
hoeftes van hoër onderwys in die Republiek.”.

Wysiging van
artikel 22 van
Wet 27 van 1981.

17. Artikel 22 van die Hoofwet word hierby gewysig deur sub- 5
artikel (2) deur die volgende subartikel te vervang:

“(2) Die raad moet die rekenings, aantekeninge en ba-
lansstaat van die technikon jaarliks laat ouditeer deur ie-
mand wat kragtens die Wet op Openbare Rekenmeesters en
Ouditeurs, 1951 (Wet No. 51 van 1951), as openbare reken-
meester en ouditeur geregistreer is en wat deur die raad
aangestel is.”.

Vervanging van
artikel 23 van
Wet 27 van 1981.

18. Artikel 23 van die Hoofwet word hierby deur die volgende
artikel vervang:

“Versuim om 15
te voldoen
aan voor-
waarde waar-
op bedrae of
subsidies be-
taal is.
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23. (1) Indien 'n raad in gebreke bly om te vol-
doen aan 'n voorwaarde onderworpe waaraan 'n be-
drag of subsidie kragtens artikel 21 aan sy technikon
betaal is uit geld deur die Parlement bewillig, kan die
Minister daardie raad aansê om binne 'n vasgestelde
tydperk aan daardie voorwaarde te voldoen.

(2) Indien genoemde raad daarna in gebreke bly
om aan genoemde voorwaarde te voldoen, kan die
Minister ondanks andersluidende bepalings van die
een of ander wet die bedrag of subsidie wat deur die
Parlement ten opsigte van die betrokke technikon
bewillig is of 'n gedeelte daarvan terughou: Met dien
verstande dat in elke geval waar die bedrag of subsi-
die deur die Parlement bewillig of 'n gedeelte daar-
van deur die Minister teruggehou is, hy oor die aan-
geleentheid, met opgawe van sy redes waarom hy
betaling aldus terughou, binne 14 dae nadat hy die
betrokke technikon kennis gegee het van sy voor-
neme om betaling aldus terug te hou, aan die Volks-
raad verslag moet doen indien die Volksraad dan in
gewone sessie is of, indien die Volksraad nie dan in
gewone sessie is nie, binne 14 dae na die aanvang
van sy eersvolgende gewone sessie.”.

Wysiging van
artikel 25 van
Wet 27 van 1981.

19. Artikel 25 van die Hoofwet word hierby gewysig deur sub-
artikel (1) deur die volgende subartikel te vervang:

“(1) 'n Raad kan regulasies opstel om uitvoering te gee
aan die bepalings van hierdie Wet en vir die algemene be-
stuur van die betrokke technikon met betrekking tot aange-
leenthede wat nie uitdruklik deur die een of ander wet
voorgeskryf word nie: Met dien verstande dat regulasies wat
op studies, onderrig, eksamens of tug aan die technikon be-
trekking het slegs na oorleg met die akademiese raad opge-
stel, gewysig of herroep kan word.”.

Vervanging van
sekere uitdruk-
kings.

20. Die Hoofwet word hierby gewysig deur die woorde “di-
rekteur” en “studieraad”, waar hulle ook al voorkom, deur on-
derskeidelik die woorde “rektor” en “akademiese raad” te ver- 50
vang.

Kort titel en
inwerkingtreding.

21. (1) Hierdie Wet heet die Wysigingswet op Technikons
(Onderwys en Opleiding), 1984, en tree in werking op 'n datum
wat die Staatspresident by proklamasie in die Staatskoerant be-
paal.

(2) Verskillende datums kan kragtens subartikel (1) ten op-
sigte van verskillende bepalings van hierdie Wet bepaal word.

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of each technikon be determined by the Minister, and with due regard to the requirements of each technikon in relation to the general requirements of higher education in the Republic.”.

5 17. Section 22 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The council shall cause the accounts, records and balance sheet of the technikon to be audited annually by a person registered as a public accountant and auditor under the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and appointed by the council.”.

Amendment of
section 22 of
Act 27 of 1981.

10 18. The following section is hereby substituted for section 23 of the principal Act:

Substitution of
section 23 of
Act 27 of 1981.

15 “Failure to comply with condition on which amounts or subsidies have been paid.

20 23. (1) If any council fails to comply with any condition subject to which any amount or subsidy has under section 21 been granted to its technikon from money appropriated by Parliament, the Minister may call upon that council to comply with that condition within a specified period.

25 (2) If the said council thereafter fails to comply with the said condition, the Minister may, notwithstanding anything to the contrary in any law contained, withhold payment of the whole or any portion of the amount or subsidy appropriated by Parliament in respect of the technikon concerned: Provided that, in each case where the whole or any portion of the amount or subsidy appropriated by Parliament has been withheld by the Minister, he shall report the matter to the House of Assembly, stating his reasons for so withholding payment, within 14 days of his having notified the technikon concerned of his intention so to withhold payment, if the House of Assembly is then in ordinary session, or, if the House of Assembly is not then in ordinary session, within 14 days of the commencement of its next ensuing ordinary session.”.

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19. Section 25 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 25 of
Act 27 of 1981.

“(1) A council may frame regulations for giving effect to the provisions of this Act and for the general government of the technikon in question with regard to matters not specifically prescribed by any law: Provided that regulations with regard to studies, instruction, examinations or discipline at a technikon shall be framed, amended or repealed only after consultation with the academic board.”.

20. The principal Act is hereby amended by the substitution for the words “director” and “board of studies”, wherever they occur, of the words “principal” and “academic board”, respectively.

Substitution of cer-
tain expressions.

50 21. (1) This Act shall be called the Technikons (Education and Training) Amendment Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

Short title and
commencement.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

