



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprys
(GST excluded/AVB uitgesluit)

Local **45c** Plaaslik
Other countries 60c Buitelands
Post free • Posvry

Vol. 240

CAPE TOWN, 28 JUNE 1985

KAAPSTAD, 28 JUNIE 1985

No. 9815

STATE PRESIDENT'S OFFICE

No. 1408.

28 June 1985

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

No. 76 of 1985: Coloured Persons Education Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1408.

28 Junie 1985

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

No. 76 van 1985: Wysigingswet op Onderwys vir Kleurlinge, 1985.

Act No. 76, 1985

COLOURED PERSONS EDUCATION AMENDMENT ACT, 1985

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 Coloured Persons Education Act, 1963, so as to replace certain obsolete expressions and to adapt certain expressions in consequence of the assignment of the administration of the provisions of the said Act to the Minister of Education and Culture: House of Representatives; to provide for the establishment, erection and maintenance of schools of industries and reform schools for Coloured persons; to make further provision for compulsory school attendance by Coloured persons; and to provide for the tabling in the House of Representatives of the annual report of the Education Council for Coloured Persons; and to repeal certain provisions of the Children's Act, 1960, in so far as they relate to education for Coloured persons; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 19 June 1985.)

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

Amendment of section 1 of Act 47 of 1963, as amended by section 1 of Act 76 of 1967, section 1 of Act 53 of 1973, section 1 of Act 29 of 1976, section 1 of Act 95 of 1976, section 1 of Act 15 of 1980 and section 1 of Act 85 of 1983.

1. Section 1 of the Coloured Persons Education Act, 1963 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion in subsection (1) after the definition of "agricultural school" of the following definition:
 "‘college of education’ means, subject to the provisions of subsection (2), an institution for the education and training of student teachers who are Coloured persons and have passed the examination for the tenth standard or an equivalent examination;”;
- (b) by the substitution in subsection (1) for the definition of "Department" of the following definition:
 "‘Department’ means **[Internal Affairs]** the Administration: House of Representatives;”;
- (c) by the substitution in subsection (1) for the definition of "Director-General" of the following definition:
 "‘Director-General’ means the Director-General: **[Internal Affairs]** Administration: House of Representatives;”;
- (d) by the substitution in subsection (1) for the definition of "Minister" of the following definition:
 "‘Minister’ means the Minister of **[Internal Affairs]** Education and Culture: House of Representatives;”;

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Wet op Onderwys vir Kleurlinge, 1963, ten einde sekere verouderde uitdrukkings te vervang en sekere uitdrukkings aan te pas na aanleiding van die opdrag van die uitvoering van die bepalings van genoemde Wet aan die Minister van Onderwys en Kultuur: Raad van Verteenwoordigers; voorsiening te maak vir die instelling, oprigting en instandhouding van nywerheidskole en verbeteringskole vir Kleurlinge; verdere voorsiening te maak vir verpligte skoolbesoek deur Kleurlinge; en voorsiening te maak vir die tafellegging in die Raad van Verteenwoordigers van die jaarverslag van die Onderwysraad vir Kleurlinge; en sekere bepalings van die Kinderwet, 1960, vir sover dit op die onderwys van Kleurlinge betrekking het, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1985.)*

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

1. Artikel 1 van die Wet op Onderwys vir Kleurlinge, 1963 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in subartikel (1) die omskrywing van “Departement” deur die volgende omskrywing te vervang:

“‘Departement’ **[Binnelandse Aangeleenthede]** die Administrasie: Raad van Verteenwoordigers;”;
 - 10 (b) deur in subartikel (1) die omskrywing van “Direkteur-generaal” deur die volgende omskrywing te vervang:

“‘Direkteur-generaal’ die Direkteur-generaal: **[Binnelandse Aangeleenthede]** Administrasie: Raad van Verteenwoordigers;”;
 - 15 (c) deur in subartikel (1) die omskrywing van “Minister” deur die volgende omskrywing te vervang:

“‘Minister’ die Minister van **[Binnelandse Aangeleenthede]** Onderwys en Kultuur: Raad van Verteenwoordigers;”;
 - 20 (d) deur in subartikel (1) die omskrywing van “nywerheidskool” deur die volgende omskrywing te vervang:

“‘nywerheidskool’ ’n nywerheidskool wat **[deur die Minister]** kragtens **[die bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960)]** artikel 3 ingestel of opgerig is en in stand gehou word vir die opname, versorging, onderwys en opleiding van kinders wat kragtens die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), daarheen verwys of oorgeplaas is;”;
 - 25

Wysiging van artikel 1 van Wet 47 van 1963, soos gewysig deur artikel 1 van Wet 76 van 1967, artikel 1 van Wet 53 van 1973, artikel 1 van Wet 29 van 1976, artikel 1 van Wet 95 van 1976, artikel 1 van Wet 15 van 1980 en artikel 1 van Wet 85 van 1983.

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- (e) by the substitution in subsection (1) for the definition of "reform school" of the following definition:
 " 'reform school' means a reform school established or erected and maintained **[by the Minister]** under **[the provisions of the Children's Act, 1960 (Act No. 33 of 1960)]** section 3 for the reception, care and training of children sent thereto under the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983);"; 10
- (f) by the substitution in subsection (1) for the definition of "school of industries" of the following definition:
 " 'school of industries' means a school of industries established or erected and maintained **[by the Minister]** under **[the provisions of the Children's Act, 1960 (Act No. 33 of 1960)]** section 3 for the reception, care, education and training of children sent or transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983);";
- (g) by the deletion in subsection (1) of the definitions of 20
 "training college" and "training school"; and
- (h) by the substitution in subsection (2) for the words
 "training college" of the words "college of education".

Amendment of
 section 3 of
 Act 47 of 1963,
 as amended by
 section 2 of
 Act 29 of 1976,
 section 2 of
 Act 15 of 1980
 and section 2 of
 Act 85 of 1983.

2. Section 3 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following 25
 paragraph:

- "(a) establish, erect and maintain **[training-colleges, training schools]** colleges of education, secondary schools, primary schools, pre-primary schools, agricultural schools, vocational schools, schools of industries, reform 30
schools, special schools and homes;"

Amendment of
 section 23 of
 Act 47 of 1963,
 as substituted
 by section 8 of
 Act 85 of 1983.

3. Section 23 of the principal Act is hereby amended—

- (a) by the addition to subsection (1) of the following paragraph, the existing subsection becoming paragraph (a):
 "(b) Every Coloured person enrolled in a school con- 35
templated in paragraph (a) shall attend that school
regularly until the end of the school year for which
he is so enrolled or, if he is transferred to any other
school during that school year, he shall attend that
other school regularly until the end of the said 40
school year."; and
- (b) by the addition of the following subsection:
 "(3) Any person who gives to any Coloured person
 for whom school attendance is compulsory in terms of
 subsection (1) employment the performance of which 45
 prevents that Coloured person from attending regularly
 an appropriate school, shall be guilty of an offence and
 liable on conviction to a fine not exceeding R100 or to
 imprisonment for a period not exceeding two
months." 50

Amendment of
 section 31 of
 Act 47 of 1963,
 as amended by
 section 13 of
 Act 92 of 1970.

4. Section 31 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1)
 of the following paragraph:
 "(b) Any advice tendered to the Minister by the afore-
 said Education Council for Coloured Persons in 55
 the exercise of its functions under paragraph (a)
 shall be forwarded to the National **[Advisory]** Edu-
 cation Council established by section 4 of the Na-
 tional Education Policy Act, 1967 (Act No. 39 of
1967), for its information." 60

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- (e) deur in subartikel (1) na die omskrywing van "onderwys" die volgende omskrywing in te voeg:
 "onderwyskollege", behoudens die bepalings van subartikel (2), 'n inrigting vir die onderwys en opleiding van studentonderwysers wat Kleurlinge is en wat die eksamen vir die tiende standaard of 'n gelykwaardige eksamen met goeie gevolg afgeleë het";
- (f) deur in subartikel (1) die omskrywings van "opleidingskollege" en "opleidingskool" te skrap;
- (g) deur in subartikel (1) die omskrywing van "verbeteringskool" deur die volgende omskrywing te vervang:
 "verbeteringskool" 'n verbeteringskool wat [deur die Minister] kragtens [die bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960)] artikel 3 ingestel of opgerig is en in stand gehou word vir die opname, versorging en opleiding van kinders wat kragtens die Strafproseswet, 1977 (Wet No. 51 van 1977), daarheen verwys is of kragtens die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), daarheen oorgeplaas is"; en
- (h) deur in subartikel (2) die woorde "opleidingskollege" en "leerlingonderwysers" deur onderskeidelik die woorde "onderwyskollege" en "studentonderwysers" te vervang.

2. Artikel 3 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

- (a) [opleidingskolleges, opleidingskole] onderwyskolleges, sekondêre skole, primêre skole, pre-primêre skole, landbou-skole, beroepskole, nywerheidskole, verbeteringskole, spesiale skole en tehuise instel, oprig en in stand hou";

Wysiging van artikel 3 van Wet 47 van 1963, soos gewysig deur artikel 2 van Wet 29 van 1976, artikel 2 van Wet 15 van 1980 en artikel 2 van Wet 85 van 1983.

3. Artikel 23 van die Hoofwet word hierby gewysig—

- (a) deur die volgende paragraaf by subartikel (1) te voeg, terwyl die bestaande subartikel paragraaf (a) word:

"(b) Elke Kleurling wat as leerling ingeskryf word by 'n skool bedoel in paragraaf (a) moet daardie skool gereeld besoek tot aan die einde van die skooljaar waarvoor hy aldus ingeskryf word of, indien hy gedurende daardie skooljaar na 'n ander skool oorgeplaas word, moet hy daardie ander skool gereeld besoek tot aan die einde van genoemde skooljaar."; en

- (b) deur die volgende subartikel by te voeg:

"(3) Iemand wat aan 'n Kleurling vir wie skoolbesoek ingevolge subartikel (1) verpligtend is, werk verskaf waarvan die verrigting daardie Kleurling verhinder om 'n gepaste skool gereeld te besoek, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of met gevangenisstraf vir 'n tydperk van hoogstens twee maande.".

Wysiging van artikel 23 van Wet 47 van 1963, soos vervang deur artikel 8 van Wet 85 van 1983.

4. Artikel 31 van die Hoofwet word hierby gewysig—

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

"(b) Enige raad wat deur voormelde Onderwysraad vir Kleurlinge in die uitvoering van sy werksaamhede kragtens paragraaf (a) aan die Minister aangebied word, moet ter inligting van die Nasionale [Advieserende] Onderwysraad ingestel by artikel 4 van die Wet op die Nasionale Onderwysbeleid, 1967 (Wet No. 39 van 1967), aan dié raad deurgestuur word.";

Wysiging van artikel 31 van Wet 47 van 1963, soos gewysig deur artikel 13 van Wet 92 van 1970.

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

“(2) Any negotiations between the said council and the National **[Advisory]** Education Council **[referred to in section two of the National Advisory Education Council Act, 1962 (Act No. 86 of 1962)]** shall take place through the Ministers in question.”; and

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

“(4) The Minister shall within 14 days after receipt of the annual report mentioned in subsection (3) lay a copy thereof, including any minority report, upon the Table in the House of Representatives if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ordinary session.”

Repeal of certain provisions of Act 33 of 1960, and savings.

5. (1) Subject to the provisions of subsections (2) and (3), the provisions of the Children's Act, 1960, with regard to the establishment, erection and maintenance of schools of industries and reform schools for Coloured persons, in so far as the administration thereof has been assigned to the Minister of Education and Culture: House of Representatives, are hereby repealed.

(2) Every school of industries and reform school for Coloured persons established or erected or deemed to have been established or erected under any provision repealed in terms of subsection (1), and which are being maintained at the commencement of this Act, are deemed from such commencement to have been established or erected under the principal Act.

(3) Anything done under any provision repealed in terms of subsection (1) with regard to any school of industries or reform school for Coloured persons contemplated in subsection (2), is deemed to have been done under the corresponding provision of the principal Act.

Short title and commencement.

6. This Act is called the Coloured Persons Education Amendment Act, 1985, and the provisions of section 1 (1) (e) and (f) and section 5 come into operation at the commencement of the Child Care Act, 1983 (Act No. 74 of 1983).

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

5 “(2) Enige onderhandelings tussen genoemde raad en die Nasionale **[Adviserende]** Onderwysraad **[vermeld in artikel twee van die Wet op die Nasionale Adviserende Onderwysraad, 1962 (Wet No. 86 van 1962)]** moet deur bemiddeling van die betrokke Ministers geskied.”; en

- 10 (c) deur subartikel (4) deur die volgende subartikel te vervang:

15 “(4) Die Minister moet binne 14 dae na ontvangs van die jaarverslag genoem in subartikel (3) ’n eksemplaar daarvan, met inbegrip van enige minderheidsverslag, in die Raad van Verteenwoordigers ter Tafel lê indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van sy volgende gewone sessie.”.

- 20 5. (1) Behoudens die bepalings van subartikels (2) en (3) word die bepalings van die Kinderwet, 1960, met betrekking tot die instelling, oprigting en instandhouding van nywerheidskole en verbeteringskole vir Kleurlinge, vir sover die uitvoering daarvan aan die Minister van Onderwys en Kultuur: Raad van Verteenwoordigers opgedra is, hierby herroep.

Herroeping van sekere bepalings van Wet 33 van 1960, en voorbehoude.

- 25 (2) Elke nywerheidskool en verbeteringskool vir Kleurlinge wat kragtens ’n bepaling wat ingevolge subartikel (1) herroep is, ingestel of opgerig is of geag word daarkragtens ingestel of opgerig te wees, en wat by die inwerkingtreding van hierdie Wet in stand gehou word, word vanaf daardie inwerkingtreding geag kragtens die Hoofwet ingestel of opgerig te wees.

- 30 (3) Enigiets wat kragtens ’n bepaling wat ingevolge subartikel (1) herroep is met betrekking tot ’n nywerheidskool of verbeteringskool vir Kleurlinge bedoel in subartikel (2) gedoen is, word geag kragtens die ooreenstemmende bepaling van die Hoofwet gedoen te wees.

- 35 6. Hierdie Wet heet die Wysigingswet op Onderwys vir Kleurlinge, 1985, en die bepalings van artikel 1 (1) (d) en (g) en artikel 5 tree in werking by die inwerkingtreding van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983).

Kort titel en inwerkingtreding.

