



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 **50c** Plaaslik
Other countries 70c Buitelands
Post free • Posvry

VOL. 268

CAPE TOWN, 23 OCTOBER 1987

No. 11002

KAAPSTAD, 23 OKTOBER 1987

STATE PRESIDENT'S OFFICE

No. 2378.

23 October 1987

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

No. 95 of 1987: Education Laws (Education and Training) Amendment Act, 1987.

KANTOOR VAN DIE STAATSPRESIDENT

No. 2378.

23 Oktober 1987

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

No. 95 van 1987: Wysigingswet op Onderwyswetgewing (Onderwys en Opleiding), 1987.

Act No. 95, 1987

EDUCATION LAWS (EDUCATION AND TRAINING) AMENDMENT
ACT, 1987

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 University of Zululand Act, 1969, so as to limit the number of vice-rectors on the council of the University; to amend the University of the North Act, 1969, so as to limit the number of vice-rectors on the council of the University; to amend the Medical University of Southern Africa Act, 1976, so as to limit the number of vice-rectors on the council of the University; to adjust the designation of the Minister of Health and Welfare; and to authorize the Minister of Education and Development Aid to establish a nursing college; to amend the Education and Training Act, 1979, so as to insert new definitions; to provide for the issue of certificates by the South African Certification Council; to provide for the establishment of schools of industries and reform schools; to provide for the suspension of activities at public schools; to further regulate the discharge of teachers; to provide for the carrying forward or refund of examination fees; to provide for the payment of tuition fees at colleges of education; and to further regulate the entering of the premises of public schools; to amend the Technikons (Education and Training) Act, 1981, so as to provide for post-school education at technikons; and to further regulate the admission of students to, and the conducting of examinations at, technikons; to amend the Vista University Act, 1981, so as to limit the number of vice-rectors on the council of the University; and to amend the Tertiary Education (Education and Training) Act, 1984, so as to abolish the Committee of University Rectors; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 13 October 1987.)*

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

Amendment of
section 8 of
Act 43 of 1969,
as amended by
section 7 of
Act 6 of 1973,
section 17 of
Act 57 of 1977,
section 7 of
Act 52 of 1979,
section 2 of
Act 14 of 1982,
section 15 of
Act 92 of 1984,
section 3 of
Act 71 of 1985
and section 3 of
Act 3 of 1986.

1. Section 8 of the University of Zululand Act, 1969, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the rector and the vice-rector or vice-rectors (if a vice-rector or vice-rectors are appointed): Provided that, if more than two vice-rectors are appointed, not more than two vice-rectors shall be designated by the council in the manner prescribed by statute as members of the council;”.

WYSIGINGSWET OP ONDERWYSWETGEWING (ONDERWYS EN OPLEIDING), 1987

Wet No. 95, 1987

ALGEMENE VERDUIDELIKENDE NOTA:

I Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.

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

WET

Tot wysiging van die Wet op die Universiteit van Zoeloeland, 1969, ten einde die getal vise-rektore die raad van die Universiteit te beperk; tot wysiging van die Wet op die Universiteit van die Noorde, 1969, ten einde die getal vise-rektore in die raad van die Universiteit te beperk; tot wysiging van die Wet op die Mediese Universiteit van Suider-Afrika, 1976, ten einde die getal vise-rektore in die raad van die Universiteit te beperk; die benaming van die Minister van Gesondheid en Welsyn aan te pas; en die Minister van Onderwys en Ontwikkelingshulp te magtig om 'n verplegingskollege in te stel; tot wysiging van die Wet op Onderwys en Opleiding, 1979, ten einde nuwe omskrywings in te voeg; voorsiening te maak vir die uitreiking van sertifikate deur die Suid-Afrikaanse Sertifiseringsraad; voorsiening te maak vir die instelling van nywerheidsskole en verbeteringskole; voorsiening te maak vir die opskorting van werksaamhede by openbare skole; die ontslag van onderwysers verder te reël; voorsiening te maak vir die oordrag of terugbetaling van eksamengelde; voorsiening te maak vir die betaling van onderriggelde by onderwyskolleges; en die betreding van die persele van openbare skole verder te reël; tot wysiging van die Wet op Technikons (Onderwys en Opleiding), 1981, ten einde voorsiening te maak vir naskoolse onderwys aan technikons; en die toelating van studente tot, en die afneem van eksamens by, technikons verder te reël; tot wysiging van die Wet op die Universiteit Vista, 1981, ten einde die getal vise-rektore in die raad van die Universiteit te beperk; en tot wysiging van die Wet op Tertiére Onderwys (Onderwys en Opleiding), 1984, ten einde die Komitee van Universiteitsrektore af te skaf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Oktober 1987.)

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

1. Artikel 8 van die Wet op die Universiteit van Zoeloeland, 1969, word hierby gewysig deur paragraaf (a) van subartikel (1) 5 deur die volgende paragraaf te vervang:

"(a) die rektor en die vise-rektor of vise-rektore (indien 'n vise-rektor of vise-rektore aangestel word): Met dien verstande dat, indien meer as twee vise-rektore aangestel word, hoogstens twee vise-rektore deur die raad op die wyse by statuut voorgeskryf as lede van die raad aangewys word;";

Wysiging van artikel 8 van Wet 43 van 1969, soos gewysig deur artikel 7 van Wet 6 van 1973, artikel 17 van Wet 57 van 1977, artikel 7 van Wet 52 van 1979, artikel 2 van Wet 14 van 1982, artikel 15 van Wet 92 van 1984, artikel 3 van Wet 71 van 1985 en artikel 3 van Wet 3 van 1986.

Act No. 95, 1987**EDUCATION LAWS (EDUCATION AND TRAINING) AMENDMENT ACT, 1987**

Amendment of section 8 of Act 47 of 1969, as amended by section 11 of Act 6 of 1973, section 29 of Act 57 of 1977, section 12 of Act 52 of 1979, section 30 of Act 92 of 1984, section 11 of Act 71 of 1985 and section 8 of Act 3 of 1986.

Amendment of section 10 of Act 78 of 1976, as amended by section 5 of Act 67 of 1978, section 17 of Act 52 of 1979, section 10 of Act 14 of 1982, section 44 of Act 92 of 1984, section 19 of Act 71 of 1985 and section 13 of Act 3 of 1986.

Amendment of section 35 of Act 78 of 1976, as amended by section 13 of Act 14 of 1982, section 27 of Act 71 of 1985 and section 16 of Act 3 of 1986.

2. Section 8 of the University of the North Act, 1969, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the rector and the vice-rector or vice-rectors (if a vice-rector or vice-rectors are appointed): Provided that, if more than two vice-rectors are appointed, not more than two vice-rectors shall be designated by the council in the manner prescribed by statute as members of the council;”.

3. Section 10 of the Medical University of Southern Africa Act, 1976, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the rector and the vice-rector or vice-rectors (if a vice-rector or vice-rectors are appointed): Provided that, if more than two vice-rectors are appointed, not more than two vice-rectors shall be designated by the council in the manner prescribed by statute as members of the council;”.

4. Section 35 of the Medical University of Southern Africa Act, 1976, is hereby amended—

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

“(3) The Minister may, after consultation with the Minister of **Health and Welfare** **National Health and Population Development** and the council, establish a hospital council for the hospital, and the Minister may, after consultation with the Minister of **Health and Welfare** **National Health and Population Development** and by notice in the *Gazette*, prescribe the constitution, duties and powers of the said hospital council.”;

(b) by the substitution for subsection (5) of the following subsection:

“(5) The Minister shall, subject to such conditions as he in consultation with the Minister of **Health and Welfare** **National Health and Population Development** may determine, make the hospital or any part thereof available to the University for training purposes.”; and

(c) by the substitution for subsection (6) of the following subsection:

“(6) The Minister may, after consultation with the Minister of **Health and Welfare** **National Health and Population Development**—

(a) by notice in the *Gazette* establish **[and maintain on such conditions as he may determine]** a nursing **[school]** college at the hospital;

(b) make regulations as to—

(i) the maintenance of, the management of and the control over such nursing college;

(ii) the qualifications for appointment as, the period of office of, the vacating of their office as, and the payment of transport and subsistence allowances to, members of the college council or senate, the filling of casual vacancies in the college council or senate, the appointment or election of a chairman, a vice-

45

50

55

WYSIGINGSWET OP ONDERWYSWETGEWING (ONDERWYS EN OPLEIDING), 1987

Wet No. 95, 1987

2. Artikel 8 van die Wet op die Universiteit van die Noorde, 1969, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

5 "(a) die rektor en die vise-rektor of vise-rektore (indien 'n vise-rektor of vise-rektore aangestel word): Met dien verstande dat, indien meer as twee vise-rektore aange-
stel word, hoogstens twee vise-rektore deur die raad op die wyse by statuut voorgeskryf as lede van die raad aangewys word;".

Wysiging van artikel 8 van Wet 47 van 1969, soos gewysig deur artikel 11 van Wet 6 van 1973, artikel 29 van Wet 57 van 1977, artikel 12 van Wet 52 van 1979, artikel 30 van Wet 92 van 1984, artikel 11 van Wet 71 van 1985 en artikel 8 van Wet 3 van 1986.

10 3. Artikel 10 van die Wet op die Mediese Universiteit van Suider-Afrika, 1976, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

15 "(a) die rektor en die vise-rektor of vise-rektore (indien 'n vise-rektor of vise-rektore aangestel [is] word): Met dien verstande dat, indien meer as twee vise-rektore aange-
stel word, hoogstens twee vise-rektore deur die raad op die wyse by statuut voorgeskryf as lede van die raad aangewys word;".

Wysiging van artikel 10 van Wet 78 van 1976, soos gewysig deur artikel 5 van Wet 67 van 1978, artikel 17 van Wet 52 van 1979, artikel 10 van Wet 14 van 1982, artikel 44 van Wet 92 van 1984, artikel 19 van Wet 71 van 1985 en artikel 13 van Wet 3 van 1986.

20 4. Artikel 35 van die Wet op die Mediese Universiteit van Suider-Afrika, 1976, word hierby gewysig—

25 (a) deur subartikel (3) deur die volgende subartikel te ver-
vang:
 "(3) Die Minister kan, na oorleg met die Minister van **[Gesondheid en Welsyn]** Nasionale Gesondheid en Bevolkingsontwikkeling en die raad, 'n hospitaalraad vir die hospitaal instel, en die Minister kan, na oorleg met die Minister van **[Gesondheid en Welsyn]** Nasionale Gesondheid en Bevolkingsontwikkeling en by kenn-
nisgewing in die *Staatskoerant*, die samestelling, pligte en bevoegdhede van genoemde hospitaalraad voor-
skryf.";

30 (b) deur subartikel (5) deur die volgende subartikel te ver-
vang:

35 (5) Die Minister moet, op die voorwaardes wat hy in oorleg met die Minister van **[Gesondheid en Welsyn]** Nasionale Gesondheid en Bevolkingsontwikkeling mag bepaal, die hospitaal of 'n gedeelte daarvan ter besik-
king van die Universiteit vir opleidingsdoeleindes stel."; en

40 (c) deur subartikel (6) deur die volgende subartikel te ver-
vang:

45 (6) Die Minister kan, na oorlegpleging met die Mi-
nister van **[Gesondheid en Welsyn]** Nasionale Gesond-
heid en Bevolkingsontwikkeling **[op die voorwaardes**
wat hy bepaal]—

50 (a) by kennisgewing in die *Staatskoerant* 'n **[ver-**
pleegskool] verpleegskollege by die hospitaal
instel **[en in stand hou]**;
(b) regulasies uitvaardig betreffende—

55 (i) die instandhouding van, die bestuur van en die beheer oor sodanige verpleegskollege;
(ii) die kwalifikasies vir aanstelling as, die ampt-
termyn van, die ontruiming van hul amp as,
en die betaling van reis- en verblyftoeplaas aan,
lede van die kollegeraad of -senaat, die vul
van toevallelike vakatures in die kollegeraad of
-senaat, die aanstelling of verkiesing van 'n
voorsitter, 'n ondervoorsitter of 'n waarne-

Wysiging van artikel 35 van Wet 78 van 1976, soos gewysig deur artikel 13 van Wet 14 van 1982, artikel 27 van Wet 71 van 1985 en artikel 16 van Wet 3 van 1986.

Act No. 95, 1987**EDUCATION LAWS (EDUCATION AND TRAINING) AMENDMENT ACT, 1987**

- 5
- 10
- 15
- 20
- 25
- 30
- chairman or an acting chairman of the college council or senate, the powers, duties and functions of the college council or senate, and the convening of and the procedure and quorum at meetings of the college council or senate;
- (iii) the granting of amounts or subsidies to and the receipt and use of moneys and other property by such nursing college, the books, accounts and records to be kept by the college council in connection therewith, the manner in which they shall be kept, and the returns and reports to be rendered in connection therewith;
- (iv) the designation of officers or employees of the Department of National Health and Population Development as incumbents of the offices mentioned in the regulations at such nursing college, and the powers, duties and functions incidental to those offices;
- (v) the admission of, the fees payable by, the financial assistance to and the control and discipline of students, and their discharge from such nursing college;
- (vi) the instruction and conducting of examinations at such nursing college and the issue of diplomas and certificates; and
- (vii) in general, any other matter in respect of which the Minister may consider it necessary or expedient to make regulations in order to give effect to the provisions of this subsection.”.

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, section 28 of Act 27 of 1981, section 1 of Act 74 of 1984 and section 19 of Act 3 of 1986.

5. Section 1 of the Education and Training Act, 1979, is hereby amended—

- (a) by the deletion in the definition of “education” of the word “and” at the end of paragraph (d) and by the substitution for paragraph (e) of that definition of the following paragraphs:
- “(e) education provided in any pre-primary school; and
 (f) post-school education;”;
- (b) by the insertion after the definition of “officer” of the following definition:
- “‘post-school education’ means instruction and training provided at a technical college with a view to the pursuance of a vocation or the development of a social or recreational skill;”;
- (c) by the insertion after the definition of “public school” of the following definition:
- “‘reform school’ means a school for the reception, care, education 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);”;
- (d) by the substitution for the definition of “school” of the following definition:
- “‘school’ means any school, special school, pre-primary school, school of industries, reform school, class, part-time class, night school, college, technical college, centre, institute or any other institution for the education of Black persons;”;
- (e) by the insertion after the definition of “school attendance officer” of the following definition:
- “‘school of industries’ means a school for the reception, care, education and training of children sent or transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983); and

5

10

15

20

25

30

45

50

55

65

WYSIGINGSWET OP ONDERWYSWETGEWING (ONDERWYS EN OPLEIDING), 1987

Wet No. 95, 1987

- 5 mende voorsitter van die kollegeraad of -se-naat, die bevoegdhede, pligte en werksaam-hede van die kollegeraad of -senaat, en die byeenroeping van, die prosedure by en die kworum vir vergaderings van die kollegeraad of -senaat;
- 10 (iii) die toekenning van bedrae of subsidies aan en die ontvangs en gebruik van geld en ander goed deur sodanige verplegingskollege, die boeke, rekenings en registers wat deur die kollegeraad in verband daarmee gehou moet word, die wyse waarop hulle gehou moet word, en die opgawes en verslae wat in ver-band daarmee verstrek moet word;
- 15 (iv) die aanwysing van beampies of werknelmers van die Departement van Nasionale Gesond-heid en Bevolkingsontwikkeling as bekleërs van die ampte in die regulasies vermeld by so-danige verplegingskollege, en die bevoegd-hede, pligte en werksaamhede verbonde aan daardie ampte;
- 20 (v) die toelating van, die gelde betaalbaar deur, die finansiële bystand aan en die beheer en tug van studente, en hul ontslag uit sodanige verplegingskollege;
- 25 (vi) die onderrig en afneem van eksamens aan so-danige verplegingskollege en die uitreiking van diplomas en sertifikate; en
- 30 (vii) in die algemeen, enige ander aangeleentheid ten opsigte waarvan die Minister dit nodig of dienstig ag om regulasies uit te vaardig ten einde uitvoering te gee aan die bepalings van hierdie subartikel.”.

5. Artikel 1 van die Wet op Onderwys en Opleiding, 1979, 35 word hierby gewysig—

- (a) deur die volgende omskrywing na die omskrywing van “nasionale staat” in te voeg:
“naskoolse onderwys en opleiding wat ver-
skaf word aan ’n tegniese kollege met die oog op
die uitoefening van ’n beroep of die ontwikkeling
van ’n sosiale of onspanningsvaardigheid;”;
- (b) deur die volgende omskrywing voor die omskrywing van “onafhanklike staat” in te voeg:
“nywerheidskool” ’n skool 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;”;
- (c) deur in die omskrywing van “onderwys” die woord “en” aan die einde van paragraaf (d) te skrap en deur paragraaf (e) van daardie omskrywing deur die vol-gende paragrawe te vervang:
“(e) onderwys verskaf in ’n pre-primêre skool; en
(f) naskoolse onderwys;”;
- (d) deur die omskrywing van “skool” deur die volgende omskrywing te vervang:
“skool” enige skool, spesiale skool, pre-primêre skool,
nywerheidskool, verbeteringskool, klas, deeltydse
klas, aandskool, kollege, tegniese kollege, sen-
trum, instituut of enige ander inrigting vir die
onderwys van Swart persone;”;
- (e) deur die volgende omskrywing na die omskrywing van “Swarte” of “Swart persoon” in te voeg:
“tegniese kollege” ’n skool vir naskoolse onderwys en
die ander onderwys wat die Minister bepaal;” en

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, artikel 28 van Wet 27 van 1981, artikel 1 van Wet 74 van 1984 en artikel 19 van Wet 3 van 1986.

Act No. 95, 1987**EDUCATION LAWS (EDUCATION AND TRAINING) AMENDMENT ACT, 1987**

- (f) by the insertion after the definition of "Teachers' Council" of the following definition:
"technical college" means a school for post-school education and such other education as the Minister may determine;".

5

Amendment of
section 3 of
Act 90 of 1979.

- 6.** Section 3 of the Education and Training Act, 1979, is hereby amended by the substitution for paragraph (e) of the following paragraph:

"(e) that there shall be co-ordination with the other departments of education with regard to syllabuses, courses and examination standards, and that [the matriculation or senior certificate or an equivalent examination of either the Department of National Education or the Joint Matriculation Board] examinations shall be conducted with a view to obtaining certificates issued in terms of the South African Certification Council Act, 1986 (Act No. 85 of 1986);".

Amendment of
section 5 of
Act 90 of 1979,
as amended by
section 29 of
Act 27 of 1981,
section 3 of
Act 74 of 1984 and
section 21 of
Act 3 of 1986.

- 7.** Section 5 of the Education and Training Act, 1979, is hereby amended—

- (a) by the insertion after paragraph (b) of subsection (1) of the following paragraph:
"(bA) schools of industries and reform schools;"; and
- (b) by the substitution for subsection (4) of the following subsection:
- "(4) The Minister may at any time—
- (a) suspend the activities at a public school, or any class thereof, for such period as he may determine;
or
- (b) close or disestablish a 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.".

25

Amendment of
section 7 of
Act 90 of 1979,
as amended by
section 3 of
Act 52 of 1980 and
section 36 of
Act 71 of 1985.

- 8.** Section 7 of the Education and Training Act, 1979, is hereby amended by the addition of the following subsection:

"(5) The provisions of subsections (3) and (4) shall not be construed as authorizing the Minister, in the case of a council established under subsection (1) for a school of industries or a reform school, to withdraw a duty, power or function imposed, conferred or assigned upon or to such council by or under the Child Care Act, 1983 (Act No. 74 of 1983)."

35

Amendment of
section 21 of
Act 90 of 1979,
as amended by
section 9 of
Act 52 of 1980.

- 9.** Section 21 of the Education and Training Act, 1979, is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
"(a) is absent from duty for a period exceeding fourteen days, which period—
- (i) shall include each Saturday, Sunday or public holiday, irrespective of whether such teacher was instructed before his absence to perform duty on any such day or not; and
- (ii) shall be deemed to have expired if such teacher fails to report for duty before the twelfth hour of the fifteenth day; or"; and
- (b) by the substitution for subsection (3) of the following subsection:
- "(3) If any teacher referred to in paragraph (a) of subsection (2) reports for duty at any time after the expiry of the period referred to in the said paragraph but

45

50

55

50

55

WYSIGINGSWET OP ONDERWYSWETGEWING (ONDERWYS EN OPLEIDING), 1987

Wet No. 95, 1987

- (f) deur die volgende omskrywing voor die omskrywing van "voorskryf" in te voeg:
 "verbeteringskool" 'n skool vir die opname, versorging, onderwys 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;".

6. Artikel 3 van die Wet op Onderwys en Opleiding, 1979, word hierby gewysig deur paragraaf (e) deur die volgende paragraaf te vervang:

- (e) dat daar koördinasie met die ander onderwysdepartemente moet wees ten opsigte van sillabusse, kursusse en eksamenstandarde, en dat **[die matrikulasiel-** of senior-sertifikaatskamsen of 'n gelykwaardige eksamen, van **of die Departement van Nasionale Opvoeding of die Gemeenskaplike Matrikulasieraad]** eksamsens afgeneem moet word ter verwerwing van sertifikate ingevolge die **Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986** (Wet No. 85 van 1986), uitgereik;".

7. Artikel 5 van die Wet op Onderwys en Opleiding, 1979, word hierby gewysig—

- (a) deur na paragraaf (b) van subartikel (1) die volgende paragraaf in te voeg:
 "(bA) nywerheidsskole en verbeteringskole;"; en
 (b) deur subartikel (4) deur die volgende subartikel te vervang:
 "(4) Die Minister kan te eniger tyd—
 (a) die werkzaamhede by 'n openbare skool, of 'n klas daarvan, opskort vir die tydperk wat hy bepaal; of
 (b) 'n openbare skool sluit of die instelling daarvan intrek,
 maar, indien 'n raad, komitee, bestuur of ander liggaam vir **[die]** sodanige skool ingevolge artikel 7 ingestel is, slegs na oorlegpleging met sodanige raad, komitee, bestuur of ander liggaam.".

8. Artikel 7 van die Wet op Onderwys en Opleiding, 1979, word hierby gewysig deur die volgende subartikel by te voeg:

- "(5) Die bepalings van subartikels (3) en (4) word nie so uitgelê nie dat dit die Minister magtig om, in die geval van 'n raad kragtens subartikel (1) vir 'n nywerheidsskool of 'n verbeteringskool ingestel, 'n plig, bevoegdheid of werkzaamheid weg te neem wat sodanige raad by of kragtens die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), opgelê, verleen of opgedra is.".

9. Artikel 21 van die Wet op Onderwys en Opleiding, 1979, word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
 "(a) **[langer]** vir 'n tydperk van meer as veertien dae van sy diens afwesig is, welke tydperk—
 (i) elke Saterdag, Sondag of openbare vakansiedag insluit, ongeag of sodanige onderwyser voor sy afwesigheid opdrag gegee is om op so 'n dag diens te verrig al dan nie; en
 (ii) geag word verstryk te wees indien sodanige onderwyser versuim om hom voor die twaalfde uur van die vyftiende dag vir diens aan te meld; of"; en
 (b) deur subartikel (3) deur die volgende subartikel te vervang:
 "(3) Indien 'n onderwyser vermeld in paragraaf (a) van subartikel (2) hom te eniger tyd na verstryking van die tydperk vermeld in genoemde paragraaf maar voor

Wysiging van artikel 3 van Wet 90 van 1979.

Wysiging van artikel 5 van Wet 90 van 1979, soos gewysig deur artikel 29 van Wet 27 van 1981, artikel 3 van Wet 74 van 1984 en artikel 21 van Wet 3 van 1986.

Wysiging van artikel 7 van Wet 90 van 1979, soos gewysig deur artikel 3 van Wet 52 van 1980 en artikel 36 van Wet 71 van 1985.

Wysiging van artikel 21 van Wet 90 van 1979, soos gewysig deur artikel 9 van Wet 52 van 1980.

Act No. 95, 1987

EDUCATION LAWS (EDUCATION AND TRAINING) AMENDMENT ACT, 1987

Amendment of
section 35 of
Act 90 of 1979.

before the expiry of a period of three months from the last day on which he was on duty, the Minister may, on such conditions as he may determine, reinstate such teacher in employment and, in that event, the period of his absence from duty shall be deemed to have been 5 absence on vacation leave without pay, or leave on such other conditions as the Minister may determine.”.

10. Section 35 of the Education and Training Act, 1979, is hereby amended—

(a) by the substitution for paragraph (a) of subsection (3) 10 of the following paragraph:

“(a) The Minister [shall] may establish an examination board for the Department and may also establish committees of such board.”;

(b) by the substitution for subsection (5) of the following 15 subsection:

“(5) The Minister may in respect of—

(a) a course instituted under subsection (1) for the training of teachers, cause examinations to be conducted in accordance with the norms and standards prescribed under any law relating to the certification of teachers' training;

(b) any other course instituted under subsection (1)—

(i) cause examinations to be conducted in accordance with the norms and standards prescribed under section 9 (1) of the South African Certification Council Act, 1986 (Act No. 85 of 1986); or

(ii) cause such other examinations as he may determine to be conducted,

and may cause the prescribed diplomas or certificates to be issued to persons who have passed the examinations referred to in paragraph (b) (ii).”; and

(c) by the addition of the following paragraph to subsection (6), the existing subsection becoming paragraph 35 (a):

“(b) Subject to the prescribed conditions, fees which were in terms of paragraph (a) paid in respect of examinations by any person who, for any reason mentioned in those conditions, was unable to write the examinations may, either as a whole or in part, be carried forward to the next examinations or be refunded to him.”.

Amendment of
section 39 of
Act 90 of 1979,
as amended by
section 30 of
Act 27 of 1981.

11. Section 39 of the Education and Training Act, 1979, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Minister may with the concurrence of the Minister of Finance determine tuition fees payable—

(a) by persons [at any public school offering courses] admitted to any course for the education of adults at 50 any public school; and

(b) by persons admitted to any college of education.”.

Amendment of
section 40 of
Act 90 of 1979.

12. Section 40 of the Education and Training Act, 1979, is hereby amended by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) members of the community who [at the invitation of the principal] attend a particular school activity at the invitation of the principal, or such educational programme as the Director-General may approve.”.

WYSIGINGSWET OP ONDERWYSWETGEWING (ONDERWYS EN OPLEIDING), 1987

Wet No. 95, 1987

verstryking van 'n tydperk van drie maande vanaf die laaste dag waarop hy diens verrig het, vir diens aanmeld, kan die Minister op die voorwaardes deur hom bepaal sodanige onderwyser in diens herstel en, in so 'n gevval, word die tydperk van afwesigheid van diens geag afwesigheid met vakansieverlof sonder betaling, of verlof op die ander voorwaardes wat die Minister bepaal, te wees.”.

10. Artikel 35 van die Wet op Onderwys en Opleiding, 1979, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

“(a) Die Minister [stel] kan 'n eksamenraad vir die Departement [in] instel en kan ook komitees van sodanige raad instel.”;

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

“(5) Die Minister kan ten opsigte van—

(a) 'n kursus kragtens subartikel (1) vir die opleiding van onderwysers ingestel, eksamens laat afneem ooreenkomstig die norme en standarde kragtens 'n wet met betrekking tot die sertifisering van onderwysersopleiding voorgeskryf;

(b) 'n ander kursus kragtens subartikel (1) ingestel—

(i) eksamens laat afneem ooreenkomstig die norme en standarde kragtens artikel 9 (1) van die Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986 (Wet No. 85 van 1986), voorgeskryf; of

(ii) die ander eksamens wat hy bepaal, laat afneem,

en kan die voorgeskrewe diplomas of sertifikate laat uitreik aan persone wat in die eksamens bedoel in paragraaf (b) (ii) geslaag het.”; en

(c) deur die volgende paragraaf by subartikel (6) te voeg, terwyl die bestaande subartikel paragraaf (a) word:

“(b) behoudens die voorgeskrewe voorwaardes kan gelde wat ingevolge paragraaf (a) ten opsigte van eksamens betaal is deur 'n persoon wat om 'n rede vermeld in daardie voorwaardes nie in staat was om die eksamens af te lê nie, in die geheel of gedeeltelik na daaropvolgende eksamens oorgedra of aan hom terugbetaal word.”.

45. Artikel 39 van die Wet op Onderwys en Opleiding, 1979, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Minister kan met die instemming van die Minister van Finansies onderriggelde bepaal wat betaalbaar is—

(a) deur persone [aan enige openbare skool wat kursusse] wat toegelaat is tot 'n kursus vir die onderwys van volwassenes [aanbied] by 'n openbare skool; en

(b) deur persone wat toegelaat is tot 'n onderwyskollege.”.

50. Artikel 40 van die Wet op Onderwys en Opleiding, 1979, word hierby gewysig deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

“(f) lede van dié gemeenskap wat op uitnodiging van die prinsipaal 'n bepaalde skoolaktiwiteit, of die opvoedkundige program wat die Direkteur-generaal goedkeur, bywoon.”.

Wysiging van artikel 35 van Wet 90 van 1979.

Wysiging van artikel 39 van Wet 90 van 1979, soos gewysig deur artikel 30 van Wet 27 van 1981.

Wysiging van artikel 40 van Wet 90 van 1979.

Act No. 95, 1987

Amendment of section 44 of Act 90 of 1979, as amended by section 14 of Act 74 of 1984 and section 25 of Act 3 of 1986.

EDUCATION LAWS (EDUCATION AND TRAINING) AMENDMENT ACT, 1987

13. Section 44 of the Education and Training Act, 1979, is hereby amended—

- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
“(c) as to the establishment, maintenance, management, control and disestablishment of, and the suspension of the activities at, public schools;”;
- (b) by the substitution for paragraph (o) of subsection (1) of the following paragraph:
“(o) as to the conducting of examinations, including the appointment, discipline, conduct, duties and powers of examiners, moderators, invigilators and other persons whose services are required in connection therewith, the enrolment of candidates for examinations and the conduct and discipline of 15 candidates before, during and after examinations [and the issue of diplomas and certificates];”.

Amendment of section 1 of Act 27 of 1981, as amended by section 1 of Act 77 of 1984 and section 37 of Act 71 of 1985.

Amendment of section 3 of Act 27 of 1981, as amended by section 3 of Act 77 of 1984.

Amendment of section 12 of Act 27 of 1981, as amended by section 11 of Act 77 of 1984, section 40 of Act 71 of 1985 and section 27 of Act 3 of 1986.

14. Section 1 of the Technikons (Education and Training) Act, 1981, is hereby amended by the insertion after the definition of “Minister” of the following definition:

“post-school education means instruction and training provided with a view to the pursuance of a vocation;”.

20

15. Section 3 of the Technikons (Education and Training) Act, 1981, is hereby amended by the substitution for paragraph

- (b) of subsection (3) of the following paragraph:
“(b) on a full-time or part-time basis, such other education, including post-school education,”.

25

16. Section 12 of the Technikons (Education and Training) Act, 1981, is hereby amended—

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

“(a) (i) has, before the commencement of section 5 of the Universities Amendment Act, 1986 (Act No. 86 of 1986), obtained the matriculation certificate issued by the Matriculation Board referred to in section 15 of the Universities Act, 1955 (Act No. 61 of 1955), the National Senior Certificate or any other certificate regarded by the said Matriculation Board as equivalent to the said matriculation certificate or Senior Certificate; or

(ii) has obtained a certificate endorsed under section 9 (2) of the South African Certification Council Act, 1986 (Act No. 85 of 1986), to the effect that he has complied with the minimum requirements for admission to study at a technikon; or

(iii) has, in the opinion of the Committee of Technikon Principals referred to in section 28 of the Technikons (National Education) Act, 1967 (Act No. 40 of 1967), complied with the prescribed conditions and standards for admission to study at a technikon; or”; and

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

“(2) The council may for registration for any specific course of study at the technikon require that a specified standard in any specified subject shall have been obtained at [the matriculation examination or at an] a specified examination [recognized for the purpose by the said Matriculation Board].”.

55

45

50

60

WYSIGINGSWET OP ONDERWYSWETGEWING (ONDERWYS EN OPLEIDING), 1987

Wet No. 95, 1987

13. Artikel 44 van die Wet op Onderwys en Opleiding, 1979, word hierby gewysig—

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

5 “(c) betreffende die instelling, instandhouding, bestuur, beheer en sluiting van, en die opskorting van die werksaamhede by, openbare skole;”; en

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

15 “(o) betreffende die afneem van eksamens, met inbegrip van die aanstelling, tug, gedrag, pligte en bevoegdheid van eksaminatore, moderatore, opsieiners en ander persone wie se dienste in verband daarmee nodig is, die inskrywing van kandidate vir eksamens en die gedrag en tug van kandidate voor, gedurende en na eksamens [en die uitreiking van diplomas en sertifikate];”.

14. Artikel 1 van die Wet op Technikons (Onderwys en Opleiding), 1981, word hierby gewysig deur na die omskrywing van 20 “Minister” die volgende omskrywing in te voeg:

“naskoolse onderwys’ onderrig en opleiding wat verskaf word met die oog op die uitoefening van ‘n beroep,”.

15. Artikel 3 van die Wet op Technikons (Onderwys en Opleiding), 1981, word hierby gewysig deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

25 “(b) op ‘n heetydse of deeltydse grondslag die ander onderwys, met inbegrip van naskoolse onderwys,.”.

16. Artikel 12 van die Wet op Technikons (Onderwys en Opleiding), 1981, word hierby gewysig—

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

35 “(a) (i) voor die inwerkingtreding van artikel 5 van die Wysigingswet op Universiteite, 1986 (Wet No. 86 van 1986), die matrikulasiestertifikaat uitgereik deur die Matrikulasierraad in artikel 15 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), vermeld, die Nasionale Senior Sertifikaat of ‘n ander sertifikaat wat deur genoemde Matrikulasierraad as gelykstaande met genoemde matrikulasi- of Senior Sertifikaat beskou [word] is, verwerf het; of

40 (ii) ‘n sertifikaat wat kragtens artikel 9 (2) van die Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986 (Wet No. 85 van 1986), geëndosseer is ten effekte dat hy aan die minimum vereistes vir toelating tot studie aan ‘n technikon voldoen het, verwerf het; of

45 (iii) na die oordeel van die Komitee van Technikonhoofde in artikel 28 van die Wet op Technikons (Nasionale Opvoeding), 1967 (Wet No. 40 van 1967), bedoel aan die voorgeskrewe voorwaardes en standarde vir toelating tot studie aan ‘n technikon voldoen het; of”; en

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

55 “(2) Die raad kan vir inskrywing vir ‘n bepaalde studekursus aan die technikon vereis dat ‘n bepaalde standaard in ‘n bepaalde vak behaal moes gewees het by [die matrikulasi-eksamen of by] ‘n bepaalde eksamen [wat deur genoemde Matrikulasierraad vir die doel erken word].”.

Wysiging van artikel 44 van Wet 90 van 1979, soos gewysig deur artikel 14 van Wet 74 van 1984 en artikel 25 van Wet 3 van 1986.

Wysiging van artikel 1 van Wet 27 van 1981, soos gewysig deur artikel 1 van Wet 77 van 1984 en artikel 37 van Wet 71 van 1985.

Wysiging van artikel 3 van Wet 27 van 1981, soos gewysig deur artikel 3 van Wet 77 van 1984.

Wysiging van artikel 12 van Wet 27 van 1981, soos gewysig deur artikel 11 van Wet 77 van 1984, artikel 40 van Wet 71 van 1985 en artikel 27 van Wet 3 van 1986.

Act No. 95, 1987

Amendment of section 20A of Act 27 of 1981, as inserted by section 15 of Act 77 of 1984.

EDUCATION LAWS (EDUCATION AND TRAINING) AMENDMENT ACT, 1987

17. Section 20A of the Technikons (Education and Training) Act, 1981, is hereby amended—

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

“(1) Subject to the provisions of subsection (2), the [Minister] council may [cause] conduct examinations [to be conducted] in respect of any course of study referred to in section 17.”;

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

“(2) The council may in respect of—

(a) a course of study established under section 17 for the training of teachers, conduct examinations in accordance with the norms and standards prescribed under any law relating to the certification of teachers' training; and

(b) any other course of study established under section 17, conduct examinations in accordance with the norms and standards prescribed under section 9 (1) of the Certification Council for Technikon Education Act, 1986 (Act No. 88 of 1986).”; and

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

“(a) The council of a technikon may on the conditions determined by the [Minister] council 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.”.

18. The following section is hereby substituted for section 24 of the Technikons (Education and Training) Act, 1981:

“Delegation of Minister's functions. **24. The Minister may delegate any of his functions referred to in section 4 (2), 10 (5), 17, 18, 19, 20A (1) or 22 (3) [or 23A] to any officer of the Department of Education and Training. Provided that the Minister shall not be divested of any function so delegated and may set aside or amend any decision taken by such an officer in the performance of any function so delegated.”.**

19. Section 10 of the Vista University Act, 1981, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the rector and the vice-rector or vice-rectors (if a vice-rector or vice-rectors are appointed in terms of section 9): Provided that, if more than two vice-rectors are appointed, not more than two vice-rectors shall be designated by the council in the manner prescribed by statute as members of the council;”.

20. Sections 1, 2, 3 and 10 of the Tertiary Education (Education and Training) Act, 1984, are hereby repealed. 50

Repeal of sections 1, 2, 3 and 10 of Act 92 of 1984.

Substitution of long title of Act 92 of 1984.

21. The following long title is hereby substituted for the long title of the Tertiary Education (Education and Training) Act, 1984:

“ACT

To [provide for the establishment and functions of a Committee of University Rectors and a Council for University and Technikon Affairs (Education and Training); and to] amend the University of Zululand Act, 1969, the University of the North Act, 1969, the Medical University of Southern

WYSIGINGSWET OP ONDERWYSWETGEWING (ONDERWYS EN OPLEIDING), 1987

Wet No. 95, 1987

17. Artikel 20A van die Wet op Technikons (Onderwys en Opleiding), 1981, word hierby gewysig—

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

5 “(1) Behoudens die bepalings van subartikel (2) kan die **[Minister]** raad eksamens **[laat]** afneem ten opsigte van 'n studiekursus **[bedoel]** in artikel 17 **bedoel.**";

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

10 “(2) Die raad kan ten opsigte van—

(a) 'n studiekursus kragtens artikel 17 vir die opleiding van onderwysers ingestel, eksamens afneem ooreenkomsdig die norme en standaarde kragtens 'n wet met betrekking tot die sertifisering van onderwysersopleiding voorgeskryf; en

15 (b) 'n ander studiekursus kragtens artikel 17 ingestel, eksamens afneem ooreenkomsdig die norme en standaarde kragtens artikel 9 (1) van die Wet op die Sertifiseringsraad vir Technikononderwys, 1986 (Wet No. 88 van 1986), voorgeskryf."; en

20 (c) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

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

18. Artikel 24 van die Wet op Technikons (Onderwys en Opleiding), 1981, word hierby deur die volgende artikel vervang:

“Delegering van Minister se werk-saamhede.

24. Die Minister kan aan 'n beampte van die Departement van Onderwys en Opleiding enige van sy werkzaamhede vermeld in artikel 4 (2), 10 (5), 17, 18, 19, 20A (1) of 22 (3) **[of 23A]** deleer: Met dien verstande dat die Minister nie ontduen is van 'n werkzaamheid wat aldus gedelegeer is nie, en 'n beslissing deur so 'n beampte geneem by die verrigting van 'n werkzaamheid wat aldus gedelegeer is, kan intrek of wysig.”.

40 **19.** Artikel 10 van die Wet op die Universiteit Vista, 1981, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) die rektor en die vise-rektor of vise-rektore (indien 'n vise-rektor of vise-rektore ingevolge artikel 9 aangestel word): Met dien verstande dat, indien meer as twee vise-rektore aangestel word, hoogstens twee vise-rektore deur die raad op die wyse by statuut voorgeskryf as lede van die raad aangewys word;”.

45 **20.** Artikels 1, 2, 3 en 10 van die Wet op Tertiére Onderwys (Onderwys en Opleiding), 1984, word hierby herroep.

21. Die lang titel van die Wet op Tertiére Onderwys (Onderwys en Opleiding), 1984, word hierby deur die volgende lang titel vervang:

“WET

55 **[Om voorsiening te maak vir die instelling en werkzaamhede van 'n Komitee van Universiteitsrektore en 'n Raad vir Universiteits- en Technikonaangeleenthede (Onderwys en Opleiding); en tot]** Tot wysiging van die Wet op die Universiteit van Zululand, 1969, die Wet op die Universiteit van die Noorde, 1969, die Wet op die Mediese Universiteit van

Wysiging van artikel 20A van Wet 27 van 1981, soos ingevoeg deur artikel 15 van Wet 77 van 1984.

Vervanging van artikel 24 van Wet 27 van 1981, soos gewysig deur artikel 42 van Wet 71 van 1985.

Wysiging van artikel 10 van Wet 106 van 1981, soos gewysig deur artikel 57 van Wet 92 van 1984.

Herroeping van artikels 1, 2, 3 en 10 van Wet 92 van 1984.

Vervanging van lang titel van Wet 92 van 1984.

Act No. 95, 1987**EDUCATION LAWS (EDUCATION AND TRAINING) AMENDMENT ACT, 1987**

Africa Act, 1976, and the Vista University Act, 1981, so as to bring about uniformity in respect of certain provisions in those respective Acts; provide for certain supplementary powers and matters in respect of the universities concerned; replace certain obsolete designations and effect certain terminological improvements; further regulate the constitution of certain councils and senates; and vest the universities concerned with greater responsibility and autonomy in respect of their internal affairs; and to provide for matters in connection therewith.”.

5

10

Repeal of certain provisions of Act 33 of 1960.

22. The provisions of the Children's Act, 1960, relating to the establishment, maintenance and management of schools of industries and reform schools are hereby repealed in so far as the administration thereof has been assigned to the administrator of a province under section 15 (1) of the Provincial Govern- 15

Short title and commencement.

23. (1) This Act shall be called the Education Laws (Education and Training) Amendment Act, 1987, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 20

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

20

WYSIGINGSWET OP ONDERWYSWETGEWING (ONDERWYS EN OPLEIDING), 1987**Wet No. 95, 1987**

Suider-Afrika, 1976, en die Wet op die Universiteit Vista, 1981, ten einde ten opsigte van sekere bepalings in daardie onderskeie Wette eeniformigheid te bewerkstellig; voorsiening te maak vir sekere aanvullende bevoegdhede en aangeleenthede ten opsigte van die betrokke universiteite; sekere verouderde benamings te vervang en sekere terminologiese verbeterings aan te bring; die samestelling van sekere rade en senate verder te reël; en die betrokke universiteite ten opsigte van hul interne sake met groter verantwoordelikheid en outonomie te beklee; en om voorsiening te maak vir aangeleenthede wat daarnee in verband staan.”

22. Die bepalings van die Kinderwet, 1960, met betrekking tot die oprigting, instandhouding en bestuur van nywerheidskole en verbeteringskole word hierby herroep vir sover die uitvoering daarvan aan die administrateur van 'n provinsie kragtens artikel 15 (1) van die Wet op Provinciale Regering, 1986 (Wet No. 69 van 1986), opgedra is.

Herroeping van sekere bepalings van Wet 33 van 1960.

23. (1) Hierdie Wet heet die Wysigingswet op Onderwyswetgewing (Onderwys en Opleiding), 1987, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskōrant* bepaal.

Kort titel en inwerkingtreding.

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

