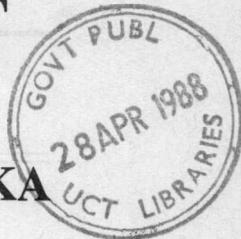




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# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## KANTOOR VAN DIE STAATSPRESIDENT

No. 670.

8 April 1988

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

No. 33 van 1988: Wysigingswet op Technikons (Nationale Opvoeding) (Volksraad), 1988.

## STATE PRESIDENT'S OFFICE

No. 670.

8 April 1988

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

No. 33 of 1988: Technikons (National Education) Amendment Act (House of Assembly), 1988.

Wet No. 33, 1988

WYSIGINGSWET OP TECHNIKONS (NASIONALE OPVOEDING)  
(VOLKSRAAD), 1988**ALGEMENE VERDUIDELIKENDE NOTA:**

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

**WET**

Tot wysiging van die Wet op Technikons (Nasionale Opvoeding), 1967 (vir sover dit as 'n wet oor eie sake van die Volksraad toegepas word), ten einde sekere bepalings aan te pas as gevolg van die opdrag van die uitvoering van sekere bepalings van genoemde Wet aan die Minister van Onderwys en Kultuur; sekere aanpassings te maak na aanleiding van die herroeping van sekere wette; voorsiening te maak vir die verklaring van 'n inrigting tot 'n onderafdeling van 'n bestaande technikon; sekere technikons se name te verander; en voorsiening te maak vir die afneem van eksamens onderworpe aan die bepalings van sekere algemene wette; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 24 Maart 1988.)

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

Wysiging van artikel 1 van Wet 40 van 1967, soos gewysig deur artikel 3 van Wet 69 van 1973, artikel 1 van Wet 43 van 1979, artikel 1 van Wet 11 van 1981, artikel 1 van Wet 84 van 1983 en artikel 1 van Wet 89 van 1986

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1. Artikel 1 van die Wet op Technikons (Nasionale Opvoeding), 1967 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van "Direkteur-generaal" deur die volgende omskrywing te vervang:

"'Direkteur-generaal' die **[Direkteur-generaal: Nasionale Opvoeding]** **Hoof van die Departement van Onderwys en Kultuur: Administrasie: Volksraad** en, by die toepassing van artikel 28A, **[met betrekking tot 'n technikon ingestel by of kragtens 'n wet wat deur die Minister van Binnelandse Aangeleenthede uitgevoer word, daardie]** **die Direkteur-generaal: Nasionale Opvoeding [handelende in oorleg met die Directeur-generaal: Binnelandse Aangeleenthede]**";

(b) deur die omskrywing van "gevorderde tegniese onderwys" deur die volgende omskrywing te vervang:

"'gevorderde tegniese onderwys' hoër onderwys binne die bedoeling van artikel **[17 van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945)]** **14 van die Wet op Finansiële Verhoudings, 1976 (Wet No. 65 van 1976)**, deur die Minister goedgekeur";

(c) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

"'Minister' die Minister van **[Nasionale Opvoeding]** Onderwys en Kultuur: Administrasie: Volksraad en, by die toepassing van **[artikel]** artikels

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TECHNIKONS (NATIONAL EDUCATION) AMENDMENT ACT  
(HOUSE OF ASSEMBLY), 1988

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## 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 Technikons (National Education) Act, 1967 (in so far as it is applied as a law on own affairs of the House of Assembly), so as to adjust certain provisions as a result of the assignment of the administration of certain provisions of the said Act to the Minister of Education and Culture; to make certain adjustments in pursuance of the repeal of certain laws; to provide for the declaration of an institution as a subdivision of an existing technikon; to alter the names of certain technikons; and to make provision for the conducting of examinations subject to the provisions of certain general laws; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)  
(Assented to 24 March 1988.)*

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

**Amendment of section 1 of Act 40 of 1967, as amended by section 3 of Act 69 of 1973, section 1 of Act 43 of 1979, section 1 of Act 11 of 1981, section 1 of Act 84 of 1983 and 5 section 1 of Act 89 of 1986**

1. Section 1 of the Technikons (National Education) Act, 1967 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of “advanced technical education” of the following definition:

10       “‘advanced technical education’ means higher education within the meaning of section **[17 of the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945),]** **14 of the Financial Relations Act, 1976 (Act No. 65 of 1976)**, approved by the Minister;”;

(b) by the substitution for the definition of “Director-General” of the following definition:

15       “‘Director-General’ means the **[Director-General: National Education]** Head of the Department of Education and Culture: Administration: House of Assembly and, for the purposes of section 28A, **[in relation to any technikon established by or under any law administered by the Minister of Internal Affairs]** means **[that]** the Director-General: National Education **[acting in consultation with the Director-General: Internal Affairs]**;”;

(c) by the substitution for the definition of “local authority” of the following definition:

25       “‘local authority’ means any institution or body contemplated in section 84 (1) (f) of the **[Republic of South Africa Constitution Act]** **Provincial Government Act**, 1961 (Act No. 32 of 1961);”;

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(VOLKSRAAD), 1988

- 28A en 28C, [met betrekking tot 'n technikon ingestel by of kragtens 'n wet wat deur die Minister van Binnelandse Aangeleenthede uitgevoer word] die Minister van Nasionale Opvoeding [handelende in oorlog met die Minister van Binnelandse Aangeleenthede];”;
- (d) deur die omskrywing van “plaaslike bestuur” deur die volgende omskrywing te vervang:  
“plaaslike bestuur” 'n instelling of liggaam wat in artikel 84 (1) (f) van die **[Grondwet van die Republiek van Suid-Afrika] Wet op Provinciale Bestuur**, 1961 (Wet No. 32 van 1961), beoog word;”; en
- (e) deur die volgende omskrywing by te voeg:  
“Tesourie” die Tesourie soos bedoel in paragraaf (b) van die omskrywing van ‘Tesourie’ in artikel 1 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975).”.

**Wysiging van artikel 2 van Wet 40 van 1967, soos gewysig deur artikel 2 van Wet 43 van 1979 en artikel 2 van Wet 84 van 1983** 15

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

- “(b) om, indien hy die opvolger is van een van die in artikel 4 genoemde Tegniese Kolleges of van 'n in artikel 5 bedoelde **[Staatsondersteunde beroepskool of voortsettingsklas]** ondersteunde skool of inrigting, vir die 20 tydperk wat die Minister gelas, aan voltydse leerlinge die beroepsonderwys, soos in die Wet op **[Beroepsonderwys, 1955 (Wet No. 70 van 1955),]** Onderwysdienste, 1967 (Wet No. 41 van 1967), omskryf, te verskaf wat onmiddellik voor die datum waarop sodanige technikon tot stand gekom het of sodanige inrigting tot 'n onderafdeling van 'n technikon verklaar is, 25 deur sodanige Tegniese Kollege, **[Staatsondersteunde beroepskool of voortsettingsklas]** ondersteunde skool of inrigting verskaf was.”.

**Wysiging van artikel 4 van Wet 40 van 1967, soos vervang deur artikel 4 van Wet 43 van 1979**

3. (1) Artikel 4 van die Hoofwet word hierby gewysig deur paragraaf (a) van 30 subartikel (1) deur die volgende paragraaf te vervang:

- “(a) word die kolleges vir gevorderde tegniese onderwys wat bekend staan as die—  
(i) Kaapse Tegniese Kollege;  
(ii) Pretoriase Tegniese Kollege;  
(iii) Natale Tegniese Kollege;  
(iv) Witwatersrandse Tegniese Kollege;  
(v) Vaaldrifhoekse Kollege vir Gevorderde Tegniese Onderwys;  
(vi) Port Elizabethse Kollege vir Gevorderde Tegniese Onderwys,  
geag technikons te wees wat kragtens hierdie Wet ingestel is en heet hulle, 40 onderskeidelik, die—  
(i) Kaapse Technikon;  
(ii) **[Pretoriase] Technikon Pretoria;**  
(iii) **[Natalse] Technikon Natal;**  
(iv) **[Witwatersrandse] Technikon Witwatersrand;** 45  
(v) Vaaldrifhoekse Technikon;  
(vi) Port Elizabethse Technikon;”.

(2) 'n Verwysing in 'n wet of stuk na die Pretoriase Technikon, die Natale Technikon of die Witwatersrandse Technikon word uitgelê as 'n verwysing na, onderskeidelik, die Technikon Pretoria, die Technikon Natal of die Technikon Witwatersrand.

**Wysiging van artikel 5 van Wet 40 van 1967, soos gewysig deur artikel 5 van Wet 43 van 1979**

4. Artikel 5 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:  
“(1) Die Staatspresident kan by proklamasie in die *Staatskoerant* 'n

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- (d) by the substitution for the definition of "Minister" of the following definition:  
 "Minister" means the Minister of **National Education** Education and Culture: Administration: House of Assembly and, for the purposes of [section] sections 28A and 28C, [in relation to any technikon established by or under any law administered by the Minister of Internal Affairs] means the Minister of National Education [acting in consultation with the Minister of Internal Affairs];"; and
- (e) by the addition of the following definition:  
 "Treasury" means the Treasury as referred to in paragraph (b) of the definition of 'Treasury' in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975).".

**Amendment of section 2 of Act 40 of 1967, as amended by section 2 of Act 43 of 1979 and section 2 of Act 84 of 1983**

- 15 2. Section 2 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:  
 "(b) if it is the successor of any of the Technical Colleges mentioned in section 4 or of any **State-aided vocational school or continuation class** subsidized school or institution referred to in section 5, to provide to full-time pupils and for such period as the Minister may direct such vocational education, as defined in the **Vocational Education Act, 1955 (Act No. 70 of 1955)** Educational Services Act, 1967 (Act No. 41 of 1967), as was provided by such Technical College, **State-aided vocational school or continuation class** subsidized school or institution immediately prior to the date on which such technikon came into existence or such institution was declared a subdivision of a technikon.".

**Amendment of section 4 of Act 40 of 1967, as substituted by section 4 of Act 43 of 1979**

3. (1) Section 4 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:  
 "(a) the colleges for advanced technical education known as the—  
 (i) Cape Technical College;  
 (ii) Pretoria Technical College;  
 (iii) Natal Technical College;  
 (iv) Witwatersrand Technical College;  
 (v) Vaal Triangle College for Advanced Technical Education;  
 (vi) Port Elizabeth College for Advanced Technical Education,  
 shall be deemed to be technikons established under this Act and shall, respectively, be called the—  
 (i) Cape Technikon;  
 (ii) **Pretoria** Technikon Pretoria;  
 (iii) **Natal** Technikon Natal;  
 (iv) **Witwatersrand** Technikon Witwatersrand;  
 (v) Vaal Triangle Technikon;  
 (vi) Port Elizabeth Technikon;".
- 45 (2) A reference in any law or document to the Pretoria Technikon, the Natal Technikon or the Witwatersrand Technikon shall be construed as a reference to the Technikon Pretoria, the Technikon Natal or the Technikon Witwatersrand, respectively.

**Amendment of section 5 of Act 40 of 1967, as amended by section 5 of Act 43 of 1979**

- 50 4. Section 5 of the principal Act is hereby amended—  
 (a) by the substitution for subsection (1) of the following subsection:  
 "(1) The State President may, by proclamation in the *Gazette*, declare

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(VOLKSRAAD), 1988

inrigting wat kragtens artikel **[6 (1) van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), as 'n Staatsondersteunde beroepskool erken is of 'n klas wat kragtens artikel 9 van daardie Wet as 'n voortsettingsklas erken is]** 5 (1) van die Wet op Onderwysdienste, 1967 (Wet No. 41 van 1967), tot 'n ondersteunde skool verklaar is, of 'n inrigting wat na die oordeel van die Minister gevorderde tegniese onderwys verskaf, tot 'n technikon of 'n onderafdeling van 'n in die proklamasie vermelde technikon verklaar met ingang van 'n datum in die proklamasie bepaal en onder die benaming daarin vermeld: Met dien verstande dat geen sodanige verklaring gedoen word ten opsigte van 'n universiteit of universiteitskollege wat by of 10 ingevolge 'n Wet van die Parlement ingestel is of ten opsigte van 'n klas wat deur so 'n universiteit of kollege bestuur word nie.';

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

“(2) Vanaf die datum in die in subartikel (1) bedoelde proklamasie bepaal— 15

(a) word die in daardie proklamasie vermelde **[Staatsondersteunde beroepskool of voortsettingsklas]** ondersteunde skool of inrigting geag 'n technikon wat kragtens hierdie Wet ingestel is, of 'n onderafdeling van die daarin vermelde technikon, te wees;

(b) hou die bepalings van die Wet op **[Beroepsonderwys, 1955,] Onderwysdienste, 1967**, op om ten opsigte van sodanige **[skool of klas]** ondersteunde skool of inrigting van toepassing te wees; 20

(c) berus daar nie langer enige regte, pligte, bevoegdhede, magte of werkzaamhede ten opsigte van sodanige **[skool of klas]** ondersteunde skool of inrigting by die bestuursliggaam of ander beherende liggaam 25 van sodanige **[skool of klas]** ondersteunde skool of inrigting nie;

(d) word elke persoon wat onmiddellik voor bedoelde datum by sodanige **[skool of klas]** ondersteunde skool of inrigting in diens was 'n werknemer van die betrokke technikon en is hy onderworpe aan die bepalings van hierdie Wet.”; en 30

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

“(3) (a) Indien 'n technikon in die proklamasie kragtens subartikel (1) wat dit as sodanig verklaar, vermeld word as die opvolger van die in daardie proklamasie vermelde **[Staatsondersteunde beroepskool of voortsettingsklas]** ondersteunde skool of inrigting, of waar 'n inrigting ingevolge 35 subartikel (1) tot 'n onderafdeling van 'n technikon verklaar word, gaan alle goed, roerend of onroerend, wat onmiddellik voor die in daardie proklamasie bepaalde datum aan die betrokke bestuursliggaam of ander beherende liggaam behoort het, of wat, indien hierdie Wet nie aangeneem was nie, aan daardie bestuursliggaam of ander beherende liggaam sou 40 toegekom of behoort het, sonder betaling van hereregte, seëlregte of ander gelde, oor op en behoort dit aan daardie technikon, met behoud van enige las waarmee dit beswaar is: Met dien verstande dat alle gelde wat onmiddellik voor bedoelde datum aan die betrokke bestuursliggaam of 45 ander beherende liggaam behoort het uit hoofde van 'n trust, skenking of bemaking, deur bedoelde technikon ooreenkomsdig die voorwaardes van die trust, skenking of bemaking gebruik word.

(b) Bedoelde technikon neem alle wettige skulde en verpligtings van die bestuursliggaam of ander beherende liggaam ten opsigte van die betrokke **[Staatsondersteunde beroepskool of voortsettingsklas]** ondersteunde skool 50 of inrigting oor en is daarvoor aanspreeklik, met behoud van alle wettige voorwaardes waarop daardie skulde en verpligtings aangegaan is.”.

#### Wysiging van artikel 7 van Wet 40 van 1967, soos gewysig deur artikel 7 van Wet 43 van 1979 en artikel 5 van Wet 84 van 1983

5. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (2) deur die 55 volgende subartikel te vervang:

“(2) Iemand wat onmiddellik voor die datum vanafanneer 'n kollege vir gevorderde tegniese onderwys, **[Staatsondersteunde beroepskool, of voortsettingsklas]** ondersteunde skool of inrigting ingevolge artikel 4 (1) of 5 (2) (a) geag word 'n technikon wat kragtens hierdie Wet ingestel is, te wees, die hoof of 60 direkteur van sodanige kollege vir gevorderde tegniese onderwys, **[skool of klas]**

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- any institution [recognized as a State-aided vocational school under section 6 (1) of the Vocational Education Act, 1955 (Act No. 70 of 1955), or any class recognized as a continuation class under section 9 of that Act] declared as a subsidized school under section 5 (1) of the Educational Services Act, 1967 (Act No. 41 of 1967), or any institution which in the opinion of the Minister provides advanced technical education, to be a technikon, or a subdivision of a technikon specified in the proclamation, under the designation specified in the proclamation, with effect from a date fixed therein: Provided that no such declaration shall be made in respect of any university or university college established by or in terms of any Act of Parliament, or in respect of any class conducted by any such university or college.”;
- 5 (b) by the substitution for subsection (2) of the following subsection:
- “(2) As from the date fixed in the proclamation referred to in subsection (1)—
- 10 (a) the [State-aided vocational school or continuation class] subsidized school or institution specified in such proclamation shall be deemed to be a technikon established under this Act or subdivision of the technikon specified therein;
- (b) the provisions of the [said Vocational Education Act, 1955,] Educational Services Act, 1967, shall cease to apply in respect of such [school or class] subsidized school or institution;
- 15 (c) there shall cease to be vested in the governing body or other controlling body of such [school or class] subsidized school or institution any rights, duties, powers, authorities or functions in respect of such [school or class] subsidized school or institution;
- (d) every person employed at such [school or class] subsidized school or institution immediately prior to the said date, shall become an employee of the technikon concerned and shall be subject to the provisions of this Act.”; and
- 20 30 (c) by the substitution for subsection (3) of the following subsection:
- “(3) (a) If any technikon is in the proclamation under subsection (1) declaring it as such stated to be the successor of the [State-aided vocational school or continuation class] subsidized school or institution specified in such proclamation, or where an institution is in terms of subsection (1) declared to be a subdivision of a technikon, all the property, movable or immovable, which immediately prior to the date fixed in such proclamation was vested in the governing body or other controlling body concerned or which, if this Act had not been passed, would have accrued to or vested in that governing body or other controlling body, shall, without payment of transfer duty, stamp duty or other fees, accrue to and vest in that technikon, subject to any charge with which it may be burdened: Provided that all funds which immediately prior to the said date were vested in the governing body or other controlling body concerned by trust, donation or bequest shall be applied by the said technikon in accordance with the conditions of the trust, donation or bequest.
- 35 40 45 (b) The said technikon shall assume and be liable for all lawful debts and liabilities of the governing body or other controlling body in respect of the [State-aided vocational school or continuation class] subsidized school or institution concerned, subject to all lawful conditions under which those debts and liabilities were incurred.”.

## Amendment of section 7 of Act 40 of 1967, as amended by section 7 of Act 43 of 1979 and section 5 of Act 84 of 1983

5. Section 7 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:
- 55 “(2) Any person who, immediately prior to the date as from which any college for advanced technical education, [State-aided vocational school, or continuation class] subsidized school or institution is in terms of section 4 (1) or 5 (2) (a) deemed to be a technikon established under this Act, was the principal or director of such college for advanced technical education, [school or class]

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ondersteunde skool of inrigting was, word geag ingevolge subartikel (1) **[van hierdie artikel]** as hoof van die betrokke technikon aangestel te gewees het.”.

**Wysing van artikel 8 van Wet 40 van 1967, soos gewysig deur artikel 8 van Wet 43 van 1979, artikel 6 van Wet 84 van 1983 en artikel 8 van Wet 75 van 1984**

6. Artikel 8 van die Hoofwet word hierby gewysig deur paragraaf (f) van 5 subartikel (1) deur die volgende paragraaf te vervang:

“(f) een persoon gekies, op die wyse by regulasie voorgeskryf, deur die oud-studente van die technikon (met inbegrip van oud-studente van die betrokke kollege vir gevorderde tegniese onderwys of van die **[Staatsondersteunde beroepskool of die voortsettingsklas]** ondersteunde 10 skool of inrigting waarvan die technikon die opvolger is of wat kragtens artikel 5 (1) tot 'n onderafdeling van die technikon verlaar is) wat by regulasie bepaal word, wanneer die getal sodanige studente een keer die getal van honderd bereik het.”.

**Wysing van artikel 12 van Wet 40 van 1967, soos vervang deur artikel 10 van Wet 84 van 1983**

7. Artikel 12 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

- “(a) (i) die matrikulasiestertifikaat uitgereik deur die in artikel 15 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), bedoelde Matrikulasierraad, die Nasionale Senior Sertifikaat of 'n ander sertifikaat wat deur genoemde Matrikulasierraad as gelykstaande met genoemde matrikulasiestertifikaat of Nasionale Senior Sertifikaat beskou **[word]** is, verwerf het; of
- (ii) 'n sertifikaat verwerf het wat ooreenkomsdig artikel 9 (2) van die Wet 25 op die Suid-Afrikaanse Sertifiseringsraad, 1986 (Wet No. 85 van 1986), geëndosseer is ten effek dat hy aan die minimum vereistes vir toelating tot studie aan 'n technikon voldoen het; of”.

**Wysing van artikel 13 van Wet 40 van 1967, soos gewysig deur artikel 12 van Wet 43 van 1979 en artikel 11 van Wet 84 van 1983**

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8. Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) 'n Departement of studiekursus wat wettiglik by 'n kollege vir gevorderde tegniese onderwys, **[Staatsondersteunde beroepskool, of voortsettingsklas]** ondersteunde skool of inrigting ingestel is voor die datum vanaf wanneer 35 hy ingevolge artikel 4 (1) of 5 (2) (a) geag word 'n technikon wat kragtens hierdie Wet ingestel is, of 'n onderafdeling van so 'n technikon, te wees en wat op daardie datum bestaan, word geag ooreenkomsdig die bepalings van hierdie artikel ingestel te gewees het.”.

**Wysing van artikel 16 van Wet 40 van 1967, soos vervang deur artikel 14 van Wet 84 van 1983**

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9. Artikel 16 van die Hoofwet word hierby gewysig—

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

“(2) 'n Technikon kan ten opsigte van—

(a) 'n studiekursus kragtens artikel 13 vir die opleiding van onderwysers ingestel, 'n eksamen afneem ooreenkomsdig die norme en standaarde kragtens 'n algemene wet met betrekking tot die sertifisering van onderwysersopleiding voorgeskryf; en

(b) 'n ander studiekursus kragtens artikel 13 ingestel, 'n eksamen afneem ooreenkomsdig die norme en standaarde kragtens artikel 9 (1) van die 50 Wet op die Sertifiseringsraad vir Technikon-onderwys, 1986 (Wet No. 88 van 1986), voorgeskryf.”;

(b) deur subartikel (3) te skrap;

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subsidized school or institution, shall be deemed to have been appointed in terms of subsection (1) **[of this section]** as the principal of the technikon concerned.”.

**Amendment of section 8 of Act 40 of 1967, as amended by section 8 of Act 43 of 1979, 5 section 6 of Act 84 of 1983 and section 8 of Act 75 of 1984**

6. Section 8 of the principal Act is hereby amended by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) one person elected, in the manner prescribed by regulation, by such past students of the technikon (including past students of the appropriate college for advanced technical education or of the **[State-aided vocational school or the continuation class]** subsidized school or institution of which the technikon is the successor or that was under section 5 (1) declared to be a subdivision of the technikon) as may be determined by regulation, when the number of such students has once reached the number of one hundred.”.

**Amendment of section 12 of Act 40 of 1967, as substituted by section 10 of Act 84 of 1983**

7. Section 12 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

20 “(a) (i) 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 being equal to the said matriculation certificate or National Senior Certificate; or

25 (ii) a certificate which has been endorsed in accordance with 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”.

**Amendment of section 13 of Act 40 of 1967, as amended by section 12 of Act 43 of 1979 30 and section 11 of Act 84 of 1983**

8. Section 13 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

35 “(2) Any department or course of study lawfully created at any college for advanced technical education, **[State-aided vocational school, or continuation class]** subsidized school or institution before the date as from which it is in terms of section 4 (1) or 5 (2) (a) deemed to be a technikon established under this Act or a subdivision of such technikon and which is in existence on that date, shall be deemed to have been created in accordance with the provisions of this section.”.

**40 Amendment of section 16 of Act 40 of 1967, as substituted by section 14 of Act 84 of 1983**

9. Section 16 of the principal Act is hereby amended—

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

“(2) A technikon may, in respect of—

45 (a) a course of study created under section 13 for the training of teachers, conduct an examination in accordance with the norms and standards prescribed under any general law relating to the certification of teachers' training; and

50 (b) any other course of study created under section 13, conduct an examination 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).”;

(b) by the deletion of subsection (3);

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(c) deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“[Vanaf genoemde datum kan die] Die raad van [die betrokke] ’n technikon kan, behoudens die bepalings uitgereik kragtens die wette bedoel in subartikel (2)”;

(d) deur subartikel (7) te skrap; en

(e) deur in paragraaf (c) van subartikel (9) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“Die [Direkteur-General] betrokke Sertifiseringsraad beoog in die wette bedoel in subartikel (2) kan—”.

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## Vervanging van artikel 19 van Wet 40 van 1967, soos gewysig deur artikel 14 van Wet 43 van 1979

10. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

## “Lenings aan technikons

19. Behoudens die bepalings van hierdie Wet, kan die Minister, [in oorleg] met die instemming van die Minister van [Finansies] Begroting en Welsyn, uit gelde deur die [Parlement] Volksraad vir dié doel bewillig, aan ’n technikon lenings toestaan vir—

(a) die oprigting van geboue en die aankoop en aanlê van los en vaste toebehere van ’n permanente aard;

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(b) die verkryging van grond (met inbegrip van grond waarop ’n gebou opgerig is) of regte op of belang in grond en die bestryding van onkoste in verband met opmeting en transport;

(c) die betaling van kapitale uitgawes bestee aan die omheining en verbetering van grond wat aan die technikon behoort;

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(d) die aankoop van roerende goed van ’n kapitale aard; en

(e) die terugbetaling van ’n lening (behalwe ’n lening uit gelde deur die [Parlement] Volksraad vir die doel bewillig) wettiglik aangegaan vir ’n doel in een van die voorafgaande paragrawe vermeld deur die technikon, of, waar die betrokke technikon die opvolger is van ’n kollege vir gevorderde tegniese onderwys of van ’n in artikel 5 bedoelde [Staatsondersteunde beroepskool of voortsettingsklas] ondersteunde skool of inrigting, deur die raad [of], bestuursliggaam of ander beherende liggaam van sodanige kollege vir gevorderde tegniese onderwys, [skool of klas] ondersteunde skool of inrigting.”. 35

## Wysiging van artikel 21 van Wet 40 van 1967, soos gewysig deur artikel 15 van Wet 43 van 1979

11. Artikel 21 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Elke sodanige lening, tesame met die daarop verskuldigde rente, maak, behoudens enige vroeëre las of verhipotekering, ’n las uit op al die goed, roerend of onroerend, huidig of toekomstig, van die betrokke technikon: Met dien verstande dat die Minister, [in oorleg] met die instemming van die Minister van [Finansies] Begroting en Welsyn, te eniger tyd skriftelik onder sy handtekening afstand kan doen van ’n reg van voorkeur kragtens hierdie subartikel ten gunste van die houer van ’n verband oor sodanige goed, indien hy oortuig is dat die waarde van die goed voldoende is om die bedrag van die lening wat nie terugbetaal is nie en die bedrag deur die verband gesekureer, te dek.”.

## Wysiging van artikel 25 van Wet 40 van 1967, soos gewysig deur artikel 15 van Wet 43 van 1979 en artikel 16 van Wet 84 van 1983

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12. Artikel 25 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan, [in oorleg] met die instemming van die Minister van [Finansies] Begroting en Welsyn, uit gelde deur die [Parlement] Volksraad vir dié doel bewillig, subsidies aan technikons betaal vir die doeleinades en op die grondslag en onderworpe aan die voorwaardes wat ten opsigte van elke

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- 5 (c) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:  
 “As from the said date the The council of [the] a technikon [concerned] may, subject to the provisions issued under the laws referred to in subsection (2)—”;
- 10 (d) by the deletion of subsection (7); and  
 (e) by the substitution in paragraph (c) of subsection (9) for the words preceding subparagraph (i) of the following words:  
 “The Director-general relevant Certification Council contemplated in the laws referred to in subsection (2) may—”.

**Substitution of section 19 of Act 40 of 1967, as amended by section 14 of Act 43 of 1979**

10. The following section is hereby substituted for section 19 of the principle Act:

**“Loans to technikons**

- 15 19. The Minister, [in consultation] with the concurrence of the Minister of Finance the Budget and Welfare, may, subject to the provisions of this Act and out of moneys voted by [Parliament] the House of Assembly for the purpose, grant loans to a technikon for—  
 (a) the erection of buildings and the purchase and construction of fittings and fixtures of a permanent nature;  
 20 (b) the acquisition of land (including land on which any building has been erected) or rights or interest in or over land, and for the payment of costs in connection with any survey and transfer;  
 (c) the payment of the capital outlay on the fencing and improvement of any land vested in the technikon;  
 25 (d) the purchase of movables of a capital nature; and  
 (e) the repayment of any loan (other than a loan out of moneys provided by [Parliament] the House of Assembly for the purpose) lawfully raised for any purpose mentioned in any of the preceding paragraphs by the technikon, or, where the technikon concerned is the successor of any college for advanced technical education or of any State-aided vocational school or continuation class subsidized school or institution referred to in section 5, by the council, [or] governing body or other controlling body of such college for advanced technical education, subsidized school or [class] institution.”.
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**Amendment of section 21 of Act 40 of 1967, as amended by section 15 of Act 43 of 1979**

11. Section 21 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- 40 “(2) Every such loan with the interest due thereon shall, subject to any prior charge or hypothecation, be a charge upon all the property, movable or immovable, present or future, of the technikon concerned: Provided that the Minister, [in consultation] with the concurrence of the Minister of Finance the Budget and Welfare, may at any time by writing under his hand waive any preference under this subsection in favour of the holder of any bond over such property, if he is satisfied that the value of the property is sufficient to cover the amount of the loan which has not been repaid and the amount secured by such bond.”.
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**Amendment of section 25 of Act 40 of 1967, as amended by section 15 of Act 43 of 1979 and section 16 of Act 84 of 1983**

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

- 55 “(1) The Minister, [in consultation] with the concurrence of the Minister of Finance the Budget and Welfare, may, out of moneys voted by [Parliament] the House of Assembly for the purpose, grant subsidies to technikons for such purposes and on such basis and subject to such conditions as may, in respect of

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

**Wysiging van artikel 26 van Wet 40 van 1967, soos gewysig deur artikel 15 van Wet 43 van 1979**

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**13.** Artikel 26 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Sodanige verslag, staat en balansstaat moet deur die Minister so gou doenlik na ontvangs in die **[Senaat en in die]** Volksraad ter Tafel gelê word indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in 10 gewone sessie is nie, so gou doenlik na die aanvang van sy eersvolgende gewone sessie.”.

**Wysiging van artikel 27 van Wet 40 van 1967, soos gewysig deur artikel 15 van Wet 43 van 1979**

**14.** Artikel 27 van die Hoofwet word hierby gewysig—

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

“(1) Indien 'n raad in gebreke bly om te voldoen aan 'n voorwaarde onderworpe waaraan 'n subsidie kragtens artikel 25 aan sy technikon betaal is uit gelde deur die **[Parlement]** Volksraad bewillig, kan die Minister daardie raad aansê om binne 'n vasgestelde tydperk aan bedoelde voor- 20 waarde te voldoen.”; en

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

“(2) Indien daardie raad daarna in gebreke bly om aan bedoelde voorwaarde te voldoen, kan die Minister, ondanks andersluidende wetsbe-palings, die subsidie wat deur die **[Parlement]** Volksraad ten opsigte van 25 die betrokke technikon bewillig is of 'n gedeelte daarvan agterhou: Met dien verstande dat in elke geval waar die subsidie deur die **[Parlement]** Volksraad bewillig, of 'n gedeelte daarvan, deur die Minister agtergehoud is, hy oor die aangeleentheid, tesame met sy redes waarom hy betaling aldus agterhou, binne veertien dae nadat hy die betrokke technikon kennis gegee 30 het van sy voorneme om betaling aldus agter te hou, aan die **[Parlement]** Volksraad verslag moet doen indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.”.

**Vervanging van artikel 29 van Wet 40 van 1967, soos vervang deur artikel 19 van Wet 84 van 1983**

**15.** Artikel 29 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Delegering van bevoegdhede**

**29.** Die Minister kan op die voorwaardes wat hy bepaal 'n bevoegdheid by hierdie Wet, uitgesonderd artikel 30, aan hom verleen skriftelik 40 deleer aan 'n raad of aan 'n beampie van die Departement van Onderwys en Kultuur: Administrasie: Volksraad.”.

**Vervanging van artikel 32 van Wet 40 van 1967, soos vervang deur artikel 22 van Wet 84 van 1983**

**16.** Artikel 32 van die Hoofwet word hierby deur die volgende artikel vervang: 45

**“Kort titel**

**32.** Hierdie Wet heet die Wet op Technikons **[(Nasionale Opvoeding)]**, 1967.”.

**Kort titel**

**17.** Hierdie Wet heet die Wysigingswet op Technikons (Nasionale Opvoeding) 50 (Volksraad), 1988.

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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.”.

**Amendment of section 26 of Act 40 of 1967, as amended by section 15 of Act 43 of 1979**

5 13. Section 26 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

10 “(2) Such report, statement and balance sheet shall be laid upon the Table by the Minister [**In the Senate and**] in the House of Assembly as soon as possible after receipt, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, as soon as possible after the commencement of its next ensuing ordinary session.”.

**Amendment of section 27 of Act 40 of 1967, as amended by section 15 of Act 43 of 1979**

14. Section 27 of the principal Act is hereby amended—

15 (a) by the substitution for subsection (1) of the following subsection:  
“(1) If any council fails to comply with any condition subject to which any subsidy has under section 25 been granted to its technikon from moneys voted by [Parliament] the House of Assembly, the Minister may call upon such council to comply with such condition within a specified period.”; and

20 (b) by the substitution for subsection (2) of the following subsection:  
“(2) If such 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 subsidy voted by [Parliament] the House of Assembly in respect of the technikon concerned: Provided that, in each and every case where the whole or any portion of the subsidy voted by [Parliament] the House of Assembly has been withheld by the Minister, he shall report the matter to [Parliament] the House of Assembly together with his reasons for so withholding payment, within fourteen days of his having notified the technikon concerned of his intention so to withhold payment, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session.”.

**Substitution of section 29 of Act 40 of 1967, as substituted by section 19 of Act 84 of 1983**

15. The following section is hereby substituted for section 29 of the principal Act:

**35 “Delegation of powers**

29. The Minister may, on such conditions as he may determine, delegate in writing any power conferred upon him by this Act, excluding section 30, to a council or to any officer of the Department of Education and Culture: Administration: House of Assembly.”.

**40 Substitution of section 32 of Act 40 of 1967, as substituted by section 22 of Act 84 of 1983**

16. The following section is hereby substituted for section 32 of the principal Act:

**“Short title**

45 32. This Act shall be called the Technikons [(National Education)] Act, 1967.”.

**Short title**

17. This Act shall be called the Technikons (National Education) Amendment Act (House of Assembly), 1987.

