



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprijs • Selling price
(AVB uitgesluit/GST excluded)
Plaaslik **70c** Local
Buitelands R1,00 Other countries
Posvry • Post free

VOL. 300

KAAPSTAD, 29 JUNIE 1990

CAPE TOWN, 29 JUNE 1990

No. 12560

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1436.

29 Junie 1990

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

No. 60 van 1990: Wysigingswet op Private Skole (Volksraad), 1990.

No. 1436.

29 June 1990

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

No. 60 of 1990: Private Schools Amendment Act (House of Assembly), 1990.

Wet No. 60, 1990

WYSIGINGSWET OP PRIVATE SKOLE (VOLKSRAAD), 1990

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Wet op Private Skole (Volksraad), 1986, ten einde sekere woordskrywings en sekere bepalings in ooreenstemming te bring met die bewoording van die Wet op Onderwysaangeleenthede (Volksraad), 1988; en die verbod op ongeregistreerde private skole te heromskryf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1990.)

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

Wysiging van artikel 1 van Wet 104 van 1986

1. Artikel 1 van die Wet op Private Skole (Volksraad), 1986 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van “beroepsonderwys” te skrap;
- (b) deur die volgende omskrywing voor die omskrywing van “Departement” in te voeg:

“‘buitengewone onderwys’ buitengewone onderwys soos omskryf in artikel 1 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);”;
- (c) deur die omskrywing van “onderwys” deur die volgende omskrywing te vervang:

“‘onderwys’ onderwys wat ingevolge die Wet op Onderwysaangeleenthede (Volksraad), 1988, verskaf word, maar nie ook preprimêre onderwys of buitengewone onderwys nie;”;
- (d) deur die omskrywing van “private skool” deur die volgende omskrywing te vervang:

“‘private skool’ ’n ander skool as—

 - (a) (i) ’n openbare skool;
 - (ii) ’n staatsondersteunde skool;
 - (iii) ’n private skool vir buitengewone onderwys;
 - (iv) ’n private preprimêre skool, soos omskryf in artikel 1 van die Wet op Onderwysaangeleenthede (Volksraad), 1988; en

(b) ’n laer kerkskool of plaasskool vermeld in artikel 40 van daardie Wet;”;
- (e) deur die omskrywing van “provinsiale onderwysdepartement” te skrap; en
- (f) deur die volgende omskrywing na die omskrywing van “skool” in te voeg:

“‘uitvoerende komponent’ ’n uitvoerende komponent soos omskryf in artikel 1 van die Wet op Onderwysaangeleenthede (Volksraad), 1988;”.

PRIVATE SCHOOLS AMENDMENT ACT (HOUSE OF ASSEMBLY),
1990

Act No. 60, 1990

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 Private Schools Act (House of Assembly), 1986, so as to bring certain definitions and certain provisions into line with the wording of the Education Affairs Act (House of Assembly), 1988; and to redefine the prohibition of unregistered private schools; and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 21 June 1990.)

BE 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 104 of 1986

1. Section 1 of the Private Schools Act (House of Assembly), 1986 (hereinafter referred to as the principal Act), is hereby amended—

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

“‘education’ means education provided in terms of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), but does not include pre-primary education or specialized education;”;

(b) by the insertion of the following definition after the definition of “education ordinance”:

“‘executive component’ means an executive component as defined in section 1 of the Education Affairs Act (House of Assembly), 1988;”;

(c) by the substitution for the definition of “private school” of the following definition:

“‘private school’ means any school other than—

(a) (i) a public school;

(ii) a state-aided school;

(iii) a private school for specialized education;

(iv) a private pre-primary school,

as defined in section 1 of the Education Affairs Act (House of Assembly), 1988; and

(b) a church primary school or farm school mentioned in section 40 of that Act;”;

(d) by the deletion of the definition of “provincial education department”;

(e) by the insertion after the definition of “school” of the following definition: “‘specialized education’ means specialized education as defined in section 1 of the Education Affairs Act (House of Assembly), 1988;”;

(f) by the deletion of the definition of “vocational education”.

Wet No. 60, 1990

WYSIGINGSWET OP PRIVATE SKOLE (VOLKSRAAD), 1990

Vervanging van artikel 2 van Wet 104 van 1986

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verbod op instelling, voortsetting of instandhouding van private skole tensy geregistreer

2. Niemand mag 'n private skool instel, voortsit of in stand hou nie tensy daardie private skool ingevolge hierdie Wet geregistreer is.”

Wysiging van artikel 3 van Wet 104 van 1986

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

“(1) Iemand wat van voorneme is om 'n private skool in te stel, voort te sit of in stand te hou, moet skriftelik by die Onderwyshoof om die registrasie van daardie private skool aansoek doen.”

Vervanging van artikel 6 van Wet 104 van 1986

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

“Subsidies aan geregistreerde private skole

6. (1) 'n Geregistreerde private skool kan jaarliks op of voor die voorgeskrewe datum skriftelik by die Onderwyshoof om die voorgeskrewe **[geldelike toekenning]** subsidie aansoek doen.

(2) Die Onderwyshoof kan na goeddunke 'n aansoek bedoel in subartikel (1) toestaan of van die hand wys, maar hy staan nie 'n aansoek toe nie indien hy van oordeel is dat die geregistreerde private skool nie aan die voorgeskrewe vereistes vir die **[geldelike toekenning]** subsidie voldoen nie.”

Wysiging van artikel 7 van Wet 104 van 1986

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

“(a) 'n bepaling van artikel 2 oortree **[of 'n private skool wat nie ingevolge hierdie Wet geregistreer is nie, bestuur of beheer];** of”.

Wysiging van artikel 9 van Wet 104 van 1986

6. Artikel 9 van die Hoofwet word hierby gewysig—

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

“(b) die toelating van sodanige leerlinge tot eksamens wat deur of onder toesig van 'n **[provinsiale onderwysdepartement]** uitvoerende komponent afgeneem word;”;

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

“(f) die wyse waarop 'n **[geldelike toekenning]** subsidie, indien die aansoek daarom goedgekeur is, aan 'n geregistreerde private skool betaalbaar is;”;

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

“(2) Verskillende regulasies kan kragtens subartikel (1) ten opsigte van verskillende **[provinsiale onderwysdepartemente]** uitvoerende komponente uitgevaardig word.”

PRIVATE SCHOOLS AMENDMENT ACT (HOUSE OF ASSEMBLY),
1990

Act No. 60, 1990

Substitution of section 2 of Act 104 of 1986

2. The following section is hereby substituted for section 2 of the principal Act:

“Establishment, conduct or maintenance of private schools prohibited unless registered

5 2. No person shall establish, conduct or maintain a private school unless that private school is registered in terms of this Act.”.

Amendment of section 3 of Act 104 of 1986

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

10 “(1) Any person intending to establish, conduct or maintain a private school shall apply to the Head of Education in writing for the registration of that private school.”.

Substitution of section 6 of Act 104 of 1986

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

15 **“Subsidies to registered private schools**

6. (1) A registered private school may annually on or before the prescribed date apply to the Head of Education in writing for the prescribed **[financial grant] subsidy**.

20 (2) The Head of Education may at his discretion grant or refuse an application referred to in subsection (1), but he shall not grant any application if he is of the opinion that the registered private school does not comply with the prescribed requirements for the **[financial grant] subsidy**.”.

Amendment of section 7 of Act 104 of 1986

25 5. Section 7 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

 “(a) contravenes a provision of section 2 **[or manages or controls a private school not registered in terms of this Act];** or”.

Amendment of section 9 of Act 104 of 1986

30 6. Section 9 of the principal Act is hereby amended—

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

35 “(b) the admission of such pupils to examinations conducted by or under the supervision of **[a provincial education department] an executive component**;”;

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

40 “(f) the manner in which any **[financial grant] subsidy**, if the application therefor has been granted, shall be payable to a registered private school;”;

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

 “(2) Different regulations may be made under subsection (1) in respect of different **[provincial education departments] executive components**.”.

Wet No. 60, 1990**WYSIGINGSWET OP PRIVATE SKOLE (VOLKSRAAD), 1990****Wysiging van artikel 10 van Wet 104 van 1986**

7. Artikel 10 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) aan die hoof van ’n **[provinsiale onderwysdepartement]** uitvoerende komponent ’n bevoegdheid by hierdie Wet aan die Onderwyshoof verleen, 5 deleger; of”.

Kort titel

8. Hierdie Wet heet die Wysigingswet op Private Skole (Volksraad), 1990.

PRIVATE SCHOOLS AMENDMENT ACT (HOUSE OF ASSEMBLY),
1990

Act No. 60, 1990

Amendment of section 10 of Act 104 of 1986

7. Section 10 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

5 “(a) delegate to the head of **[a provincial education department]** an executive component any power conferred upon the Head of Education by this Act; or”.

Short title

8. This Act shall be called the Private Schools Amendment Act (House of Assembly), 1990.

