



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 342

CAPE TOWN, 29 DECEMBER 1993

No. 15373

KAAPSTAD, 29 DESEMBER 1993

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2475. 29 December 1993

No. 2475. 29 Desember 1993

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

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

No. 185 of 1993: Certification Council for Technikon Education Amendment Act, 1993.

No. 185 van 1993: Wysigingswet op die Sertifiseringsraad vir Technikononderwys, 1993.

GENERAL EXPLANATORY NOTE:

[**]** Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Certification Council for Technikon Education Act, 1986, so as to define or further define certain expressions and to delete a certain definition; to further regulate the objects, functions and constitution of the Certification Council for Technikon Education; to further regulate the cancellation of certificates; to extend a certain time limit; and to further regulate the council's power to make regulations; and to provide for matters connected therewith.

*(English text signed by the Acting State President.)
(Assented to 14 December 1993.)*

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

Amendment of section 1 of Act 88 of 1986

1. Section 1 of the Certification Council for Technikon Education Act, 1986 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion before the definition of "committee of principals" of the following definitions:

“ ‘agricultural college’ means an agricultural college administered by the Department of Agriculture;

‘agricultural college training’ means education provided partly or in full at or by an agricultural college, as determined by the Minister of Agriculture in his policy on agricultural college training, on a level higher than standard 10 with a view to the obtaining of a certificate for agricultural college training, and which is aimed at—

(a) the advancement, application, development and transfer of technology;

(b) the provision of community services; and

(c) the undertaking of research;

‘certificate for agricultural college training’ means an educational certificate or diploma that may be obtained as a result of successful study at an agricultural college, including a certificate of success in a subdivision of a course as determined by the Minister of Agriculture in his policy on agricultural college training;”;

(b) by the substitution for the definition of "examining body" of the following definition:

“ ‘examining body’ means a department of State responsible for **[general or own]** education matters, a technikon, an agricultural college or any other body responsible for conducting examinations in technikon education or agricultural college training;”;

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skrap-
pings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Wet op die Sertifiseringsraad vir Technikononderwys, 1986, ten einde sekere uitdrukkings te omskryf of nader te omskryf en 'n sekere omskrywing te skrap; die oogmerke, werksaamhede en samestelling van die Sertifiseringsraad vir Technikononderwys verder te reël; die rojering van serti-
fikaat verder te reël; 'n sekere tydperk te verleng; en die raad se bevoegdheid om regulasies uit te vaardig verder te reël; en om voorsiening te maak vir aangeleent-
hede wat daarmee in verband staan.

*(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 14 Desember 1993.)*

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

Wysiging van artikel 1 van Wet 88 van 1986

1. Artikel 1 van die Wet op die Sertifiseringsraad vir Technikononderwys, 5
1986 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van “eksamineringsinstansie” deur die volgende omskrywing te vervang:

“ ‘eksamineringsinstansie’ ’n Staatsdepartement verantwoordelik vir **[algemene of eie]** onderwys sake, ’n technikon, ’n landboukollege of enige ander liggaam wat verantwoordelik is vir die afneem van eksamens in technikononderwys of landboukollege-opleiding;”;

(b) deur die omskrywing van “formele onderwys” te skrap;

(c) deur na die omskrywing van “komitee van hoofde” die volgende omskrywings in te voeg:

“ ‘landboukollege’ ’n landboukollege wat deur die Departement van Landbou geadministreer word;

‘landboukollege-opleiding’ onderwys gedeeltelik of ten volle verskaf aan of deur ’n landboukollege, soos deur die Minister van Landbou in sy beleid vir landboukollege-opleiding bepaal, op ’n vlak hoër as standerd 10 met die oog op die verwerwing van ’n sertifikaat vir landboukollege-opleiding, en wat gerig is op—

(a) die bevordering, toepassing, ontwikkeling en oordrag van tegnologie;

(b) die lewering van gemeenskapsdiens; en

(c) die doen van navorsing;”;

(d) deur na die omskrywing van “raad” die volgende omskrywing in te voeg:

“ ‘sertifikaat vir landboukollege-opleiding’ ’n opvoedkundige sertifikaat of diploma wat as gevolg van suksesvolle studie aan ’n

- (c) by the deletion of the definition of "formal education";
- (d) by the insertion before the definition of "technikon" of the following definition:
" 'prescribe' means prescribe by regulation;";
- (e) by the substitution for the definitions of "technikon certificate" and "technikon education" of the following definitions, respectively:
" 'technikon certificate' means a technikon certificate as defined in section 1 of the Technikons Act, 1993 (Act No. 125 of 1993); 'technikon education' means technikon education as defined in section 1 of the Technikons Act, 1993 (Act No. 125 of 1993);".

Substitution of section 3 of Act 88 of 1986

2. The following section is hereby substituted for section 3 of the principal Act:

"Objects of council

3. The **[object]** objects of the council shall be—

- (a) the accreditation of examining bodies in respect of specific instructional programmes; and
- (b) to ensure that corresponding technikon certificates and certificates for agricultural college training issued by the council, in conjunction with the relevant technikon or agricultural college, as the case may be, represent the [same] required standard of education or training, and examination."

Amendment of section 4 of Act 88 of 1986

3. Section 4 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

- "(c) not more than **[six]** seven persons who in the opinion of the Minister are fit on account of their educational qualifications and expertise in matters affecting the functions of the council, and are selected by the Minister from the names of persons which at his request by notice in the *Gazette* have been submitted to him within the period specified therein, by any body, society or organization that may wish to submit names to him for that purpose; and"

Amendment of section 9 of Act 88 of 1986

4. Section 9 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- "(1) Notwithstanding anything to the contrary in any law contained, but subject to the general policy contemplated in section 2(1) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), or the policy with regard to agricultural college training determined by the Minister of Agriculture—
- (a) the council shall after such investigation as it deems necessary, on the conditions determined by it accredit any examining body in respect of an instructional programme which in the opinion of the council complies with the norms and standards of education as prescribed by the council;
- (b) the council may withdraw the accreditation of any examining body if the council is of the opinion that—
- (i) the instructional programme in question no longer complies with the norms and standards of education as prescribed by the council;
- (ii) the examining body does not or did not comply with the conditions, if any, determined by the council;
- (c) the council, in conjunction with a technikon or an agricultural college, as the case may be, shall issue technikon certificates or certificates for

- landboukollege verwerf kan word, en ook 'n sertifikaat van slaging in 'n onderafdeling van 'n kursus soos deur die Minister van Landbou in sy beleid vir landboukollege-opleiding bepaal;"
- 5 (e) deur die omskrywings van "tegnikononderwys" en "tegnikonsertifikaat" deur onderskeidelik die volgende omskrywings te vervang:
- "'tegnikononderwys' tegnikononderwys soos omskryf in artikel 1 van die Wet op Technikon, 1993 (Wet No. 125 van 1993); 'tegnikonsertifikaat' 'n tegnikonsertifikaat soos omskryf in artikel 1 van die Wet op Technikon, 1993 (Wet No. 125 van 1993);";
- 10 (f) deur na die omskrywing van "uitvoerende beampte" die volgende omskrywing in te voeg:
- "'voorskryf' by regulasie voorskryf;"

Vervanging van artikel 3 van Wet 88 van 1986

- 15 2. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

"Oogmerke van raad

3. Die [oogmerk] oogmerke van die raad is—

- (a) die akkreditering van eksamineringsinstansies ten opsigte van bepaalde onderrigprogramme; en
- 20 (b) om te verseker dat ooreenstemmende tegnikonsertifikate en sertifikate vir landboukollege-opleiding wat deur die raad, in samewerking met die betrokke tegnikon of landboukollege, na gelang van die geval, uitgereik word [dieselfde] die vereiste standaard van onderwys of opleiding, en eksaminering verteenwoordig."
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Wysiging van artikel 4 van Wet 88 van 1986

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

- 30 "(c) hoogstens [ses] sewe persone wat na die oordeel van die Minister geskik is vanweë hul opvoedkundige kwalifikasies en kundigheid in sake rakende die werksaamhede van die raad, en wat deur die Minister gekies word uit die name van persone wat op sy versoek by kennisgewing in die Staatskoerant binne die daarin vermelde tydperk aan hom voorgelê is deur enige liggaam, vereniging of organisasie wat name vir dié doel aan hom wil voorlê; en".
- 35

Wysiging van artikel 9 van Wet 88 van 1986

4. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 40 "(1) Ondanks andersluidende wetsbepalings, maar behoudens die algemene beleid beoog in artikel 2(1) van die Wet op die Nasionale Beleid vir Algemene Onderwys, 1984 (Wet No. 76 van 1984), of die beleid met betrekking tot landboukollege-opleiding deur die Minister van Landbou bepaal—
- 45 (a) akkrediteer die raad na die ondersoek wat hy nodig ag, op die voorwaardes wat hy bepaal 'n eksamineringsinstansie ten opsigte van 'n onderrigprogram wat na die oordeel van die raad aan die norme en standarde van onderwys soos deur die raad voorgeskryf, voldoen;
- (b) kan die raad die akkreditering van enige eksamineringsinstansie intrek indien die raad van oordeel is dat—
- 50 (i) die betrokke onderrigprogram nie meer aan die norme en standarde van onderwys soos deur die raad voorgeskryf, voldoen nie;
- (ii) die eksamineringsinstansie nie die voorwaardes, as daar is, wat die raad bepaal het, nacom of nagekom het nie;
- 55 (c) reik die raad in samewerking met 'n tegnikon of 'n landboukollege, na gelang van die geval, tegnikonsertifikate of sertifikate vir landbou-

agricultural college training, in the form prescribed by [it] the council in conjunction with the technikon or the agricultural college, to candidates who in a course or subdivision of a course [in technikon education] of a technikon or an agricultural college have complied with the norms and standards prescribed by the council in the examinations conducted by an examining body which in the opinion of the council— 5

- [(a)] (i)** complies with the requirements which may be prescribed by the council for conducting examinations with a view to the obtaining of a technikon [certificates] certificate or a certificate for agricultural college training; 10
- [(b)] (ii)** applies the norms and standards which may be prescribed by the council and with which a candidate is required to comply in those examinations in order to obtain a technikon certificate or a certificate for agricultural college training; 15
- [(c)] (iii)** offers or causes to be offered such subject matter as may be prescribed by the council with a view to the obtaining of a technikon [certificates] certificate or a certificate for agricultural college training; [and 15
- (d)** complies with such other conditions as may be determined by the council]” 20

Substitution of section 10 of Act 88 of 1986

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

“Cancellation of certificates

10. (1) If in the opinion of the council a substantial irregularity has occurred in relation to the sitting for an examination, or if a technikon certificate or a certificate for agricultural college training has been issued by the council to a candidate who in the opinion of the council has not complied with the norms and standards for obtaining that technikon certificate or certificate for agricultural college training, the council may refuse the issue of the relevant technikon certificate or certificate for agricultural college training or cancel a technikon certificate or a certificate for agricultural college training that has been issued, as the case may be. 25 30

(2) For the purposes of such cancellation the council may by notice in writing direct the candidate to whom the technikon certificate or certificate for agricultural college training in question has been issued to return the certificate to the council within three weeks after such notice. 35

(3) Any person who fails to comply with such notice shall be guilty of an offence and liable on conviction to a fine, [not exceeding R500] or to imprisonment for a period not exceeding six months.” 40

Amendment of section 16 of Act 88 of 1986

6. Section 16 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 45

“(2) The council shall not later than [three] five months after the end of each financial year submit to the Minister a report in such form as the Minister may determine on its functions during that financial year, including an audited balance sheet and a statement of income and expenditure.”

Substitution of section 17 of Act 88 of 1986 50

7. The following section is hereby substituted for section 17 of the principal Act:

“Regulations

17. The council may, or shall on the instructions of the Minister, [with the approval of the Minister] make regulations relating to—

- kollege-opleiding in die vorm wat **[hy]** die raad, in samewerking met die teknikon of die landboukollege, voorskryf, uit aan kandidate wat in 'n kursus of onderafdeling van 'n kursus **[in teknikononderwys]** van 'n teknikon of landboukollege aan die norme en standaard wat die raad voorskryf, voldoen het in die eksamens afgeneem deur 'n eksamineringsinstansie wat na die oordeel van die raad—
- 5 **[(a)]** (i) die vereistes nakom wat die raad voorskryf vir die afneem van eksamens met die oog op die verwerwing van **[tegnikonkonsertifikate voorskryf]** 'n tegnikonsertifikaat of 'n sertifikaat vir landboukollege-opleiding;
- 10 **[(b)]** (ii) die norme en standaard toepas wat die raad voorskryf en waaraan 'n kandidaat in daardie eksamen moet voldoen om 'n tegnikonsertifikaat of 'n sertifikaat in landboukollege-opleiding te verwerf; en
- 15 **[(c)]** (iii) sodanige leerstof aanbied of laat aanbied as wat die raad met die oog op die verwerwing van **[tegnikonkonsertifikate]** 'n tegnikonsertifikaat of 'n sertifikaat vir landboukollege-opleiding voorskryf; **[en**
- (d) die ander voorwaardes nakom wat die raad bepaal”.

20 Vervanging van artikel 10 van Wet 88 van 1986

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

“Rojering van sertifikate

25 10. (1) Indien daar na die oordeel van die raad 'n wesentliche onreëlmagigheid met betrekking tot die aflegging van 'n eksamen plaasgevind het, of indien 'n tegnikonsertifikaat of 'n sertifikaat vir landboukollege-opleiding deur die raad uitgereik is aan 'n kandidaat wat na die oordeel van die raad nie aan die norme en standaard vir die verwerwing van daardie tegnikonsertifikaat of sertifikaat vir landboukollege-opleiding voldoen het nie, kan die raad die uitreiking van die betrokke tegnikonsertifikaat of sertifikaat vir landboukollege-opleiding weier of 'n tegnikonsertifikaat of 'n sertifikaat vir landboukollege-opleiding wat reeds uitgereik is, rojeer, na gelang van die geval.

30 (2) Vir die doeleindes van so 'n rojering kan die raad die kandidaat aan wie die betrokke tegnikonsertifikaat of 'n sertifikaat vir landboukollege-opleiding uitgereik is, by skriftelike kennisgewing aansê om die sertifikaat binne drie weke na sodanige kennisgewing aan die raad terug te besorg.

40 (3) Iemand wat versuim om aan so 'n kennisgewing te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete, **[van hoogstens R500]** of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.”.

Wysiging van artikel 16 van Wet 88 van 1986

6. Artikel 16 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“**(2)** Die raad moet nie later nie as **[drie]** vyf maande na die einde van elke boekjaar 'n verslag in die vorm wat die Minister bepaal aan die Minister voorlê oor sy werksaamhede gedurende daardie boekjaar, met inbegrip van 'n geouditeerde balansstaat en 'n staat van inkomste en uitgawes.”.

50 Vervanging van artikel 17 van Wet 88 van 1986

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

“Regulasies

17. Die raad kan, of moet in opdrag van die Minister, **[met die goedkeuring van die Minister]** regulasies uitvaardig met betrekking tot—

- (a) the moneys payable to the council in respect of the accreditation of examining bodies, and in respect of the issue of technikon certificates and certificates for agricultural college training or duplicates thereof by the council;
- (b) **[matters] any matter that the council may prescribe under section 9: Provided that in the case of a matter contemplated in section 9(1)(c)(iii), the council shall make the regulations only with the approval of the Minister, granted after consultation with the Minister of every department of State responsible for education [or that in the opinion of the council or the Minister are necessary or expedient to give effect to the provisions of this Act];**
- (c) any matter which in the opinion of the council is necessary or expedient to give effect to the provisions of this Act.”.

Substitution of long title of Act 88 of 1986

8. The following long title is hereby substituted for the long title of the principal Act: 15

“ACT

To provide for the accreditation of examining bodies, for control over the norms and standards of subject matter and examination in technikon education and agricultural college training, and for the issuing of technikon certificates and certificates for agricultural college training; and for that purpose to establish the Certification Council for Technikon Education; and to provide for matters connected therewith.”. 20

Short title and commencement

8. This Act shall be called the Certification Council for Technikon Education Amendment Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 25

- (a) gelde betaalbaar aan die raad ten opsigte van die akkreditering van eksamineringsinstansies, en ten opsigte van die uitreiking van technikonsertifikate en sertifikate vir landboukollege-opleiding of duplikate daarvan deur die raad;
- 5 (b) **[aangeleenthede]** enige aangeleentheid wat die raad kragtens artikel 9 kan voorskryf: Met dien verstande dat in die geval van 'n aangeleentheid in artikel 9(1)(c)(iii) beoog, die raad die regulasie slegs uitvaardig met die goedkeuring van die Minister verleen na oorleg met die Minister van elke Staatsdepartement verantwoordelik vir onderwys [of wat na die oordeel van die raad of die Minister nodig of dienstig is om uitvoering aan die
- 10 bepalings van hierdie Wet te gee];
- (c) enige aangeleentheid wat na die oordeel van die raad nodig of dienstig is om uitvoering aan die bepalinge van hierdie Wet te gee."
- 15

Vervanging van lang titel van Wet 88 van 1986

8. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

“WET

20 Om voorsiening te maak vir die akkreditering van eksamineringsinstansies, vir beheer oor die norme en standaarde van leerstof en eksaminering in technikononderwys en landboukollege-opleiding, en vir die uitreiking van technikonsertifikate en sertifikate vir landboukollege-opleiding; en vir daardie doel die Sertifiseringsraad vir Technikononderwys in te stel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan."

25

Kort titel en inwerkingtreeding

9. Hierdie Wet heet die Wysigingswet op die Sertifiseringsraad vir Technikononderwys, 1993, en tree in werking op 'n datum deur die Staatspresident by

30 proklamasie in die *Staatskoerant* bepaal.

