



GENERAL EXPLANATION  
Worde in die volgende plekjes indien sou wens word:

31 JUL 1995  
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# GOVERNMENT GAZETTE

ACT

## STAATSKOERANT VAN DIE REPUBLIEK VAN SUID-AFRIKA

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### PRESIDENT'S OFFICE

No. 1059.

21 July 1995

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

No. 27 of 1995: Technikons Amendment Act, 1995.

### KANTOOR VAN DIE PRESIDENT

No. 1059.

21 Julie 1995

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

No. 27 van 1995: Wysigingswet op Technikons, 1995.

**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.

**GOVERNMENT GAZETTE****ACT**

To amend the Technikons Act, 1993, so as to define or further define certain expressions; to further regulate the functions of the Committee of Technikon Principals; to provide that the Minister shall also consult with the Advisory Council and any stakeholders in technikon education before establishing a technikon; to make further provision for the constitution of a technikon; to provide that the salary and other conditions of service of the principal shall be determined by the council of the technikon; to provide for the appointment of vice-principals or vice-rectors and a registrar; to further regulate the constitution of the council of a technikon; to make further provision for the appointment of academic staff and other employees and the levy of fees; to make further provision for the drafting of statutes and rules by a council of a technikon; to extend the membership of an academic board to include two members of the students' representative council; to delete the requirement that a students' representative council be elected for the seat and every campus of a technikon; to further regulate the salaries of academic staff and other employees; to make further provision for transitional provisions in respect of pension funds of technikons; to provide for the recognition of employee organisations; to provide that disciplinary measures applicable to students may be prescribed by the rules; to make further provision for instructional programmes or subdivisions of instructional programmes; to further regulate the conducting of examinations; to provide for delegation of powers by the Minister and a council for a technikon; to repeal certain laws; and to provide that the Technikons Act, 1993, shall apply throughout the national territory of the Republic of South Africa; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)  
(Assented to 10 July 1995.)

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:

**Amendment of section 1 of Act 125 of 1993**

1. Section 1 of the Technikons Act, 1993 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "Director-General" of the following definition:

"Director-General" means the Director-General: Education;";

(b) by the insertion after the definition of "Director-General" of the following definition:

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [1]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- [2]** Woorde met 'n volstreep daaronder, dui inwoegings in bestaande verordeningen aan.

**WET**

Tot wysiging van die Wet op Technikons, 1993, ten einde sekere uitdrukking te omskryf of verder te omskryf; die werkzaamhede van die Komitee van Technikonhoofde verder te reël; voorsiening te maak dat die Minister ook met die Adviesraad en enige belanghebbendes in technikononderwys oorleg moet pleeg voordat 'n technikon ingestel word; verdere voorsiening te maak vir die samestelling van 'n technikon; voorsiening te maak dat die salaris en ander diensvoorwaardes van die hoof deur die raad van die technikon bepaal word; voorsiening te maak vir die aanstel van vise-hoofde of vise-rektore en 'n registerateur; die samestelling van die raad van 'n technikon verder te reël; verdere voorsiening te maak vir die aanstelling van akademiese personeel en ander werknemers en die hef van gelde; verdere voorsiening te maak vir die opstel van statute en reëls deur 'n raad van 'n technikon; die lidmaatskap van 'n akademiese raad uit te brei om twee lede van die verteenwoordigende studenteraad in te sluit; die vereiste dat 'n verteenwoordigende studenteraad vir die setel en elke kampus van 'n technikon verkies moet word, te skrap; die salaris van akademiese personeel en ander werknemers verder te reël; verdere voorsiening te maak vir oorgangsmaatreëls betreffende pensioenfondse van technikons; voorsiening te maak vir die erkenning van werknemersorganisasies; voorsiening te maak dat dissiplinêre maatreëls van toepassing op studente deur die reëls voorgeskryf kan word; verdere voorsiening te maak vir onderrigprogramme of onderafdelings van onderrigprogramme; die afneem van eksamens verder te reël; voorsiening te maak vir delegering van bevoegdhede deur die Minister en 'n raad van 'n technikon; sekere wette te herroep; en voorsiening te maak dat die Wet op Technikons, 1993, in die hele nasionale grondgebied van die Republiek van Suid-Afrika van toepassing is; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die President geteken.)  
(Goedgekeur op 10 Julie 1995.)

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:

**Wysiging van artikel 1 van Wet 125 van 1993**

- 1.** Artikel 1 van die Wet op Technikons, 1993 (hieronder die Hoofwet genoem), word hierby gewysig—
- deur die omskrywing van "Direkteur-generaal" deur die volgende omskrywing te vervang:  
"‘Direkteur-generaal’ die Direkteur-generaal: Onderwys;"
  - deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

- 5
- “‘employee organisation’ means an organisation which consists of employees, excluding the principal, vice-principal, vice-rector and registrar, of a technikon formally associated together and organised in a staff association or trade union for the purpose, whether by itself or with other purposes, of regulating relations between themselves or some of them and a technikon and which is recognised by a council in terms of section 25A;”;
- (c) by the substitution for the definition of “Minister” of the following definition:
- 10
- “‘Minister’ means the Minister of Education;”; and
- (d) by the substitution for the definitions of “technikon certificate” and “technikon education” of the following definitions:
- 15
- “‘technikon certificate’ means a degree, diploma or any other certificate **[to be]** obtained **[as a result of technikon education]** upon successful completion of an instructional programme; ‘technikon education’ means—
- 20
- (a) education provided partly or in full at or by a technikon, with a view to obtaining a technikon certificate and aimed at the preparation of the students of the technikon with a view to the advancement, application, development and transfer of technology; **[and to undertake research and]**
- 25
- (b) to render community service;
- (c) to undertake research, and includes the support and guidance of the students towards their human development in totality;”.
- Amendment of section 2 of Act 125 of 1993**
2. Section 2 of the principal Act is hereby amended by the deletion of paragraph (c) of subsection (2).
- Amendment of section 5 of Act 125 of 1993**
3. Section 5 of the principal Act is hereby amended—
- 30
- (a) by the substitution for paragraphs (d) and (e) of subsection (1) of the following paragraphs, respectively:
- 35
- “(d) of its own accord or at the request of **[any]** the Minister or **[any]** Director-General, advise **[such]** the Minister or **[such]** Director-General on **[co-operation between departments of State for education, in so far as technikons are involved]** matters relating to technikons;
- (e) prescribe the minimum requirements for admission to study at a technikon in the joint statutes; and”;
- (b) by the insertion in subsection (1) after paragraph (d) of the following paragraph:
- 40
- “(dA) obtain the approval of the Minister for the introduction of an instructional programme or subdivision of an instructional programme to be offered at a technikon in terms of section 31;”.
- 45

**Amendment of section 10 of Act 125 of 1993**

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

50

“(a) The Minister may, after consultation with the Committee, **the Advisory Council established by section 2 of the Universities and Technikons Advisory Council Act, 1983 (Act No. 99 of 1983), and any stakeholders in technikon education**, by notice in the *Gazette*, and from money voted for this purpose by Parliament, establish at any place in the Republic of South Africa a technikon or a satellite campus of a technikon and give a name to and determine the seat of the technikon.”.

55

- “‘Minister’ die Minister van Onderwys;”;
- (c) deur die omskrywings van “technikononderwys” en “technikonsertifikaat” deur die volgende omskrywings te vervang:
- “technikononderwys”—
- 5       (a) onderwys wat gedeeltelik of ten volle by of deur ’n technikon verskaf word met die oog op die verwerwing van ’n technikonsertifikaat en wat gerig is op die voorbereiding van studente van die technikon met die oog op die bevordering, toepassing, ontwikkeling en oordrag van tegnologie; [en]
- 10      (b) om gemeenskapsdiens te lewer; [en]
- (c) om navorsing te onderneem,
- en ook die ondersteuning en leiding van die studente tot hulle algehele menslike ontwikkeling;
- 15      ‘technikonsertifikaat’ ’n graad, diploma of ander sertifikaat wat as gevolg van technikononderwys verwerf word by die suksesvolle voltooiing van ’n onderrigprogram;”; en
- 20      (d) deur die volgende omskrywing na die omskrywing van “technikonsertifikaat” in te voeg:
- “werknehmersorganisasie” ’n organisasie wat bestaan uit werknekmers, uitgesonderd die hoof, vise-hoof, vise-rektor en registrator, van ’n technikon wat formeel geassosieer en georganiseer is in ’n personeelvereniging of vakbond met die doel, het sy alleen of saam met ander doelstellings, om verhoudinge tussen hulle of party van hulle en ’n technikon te reël en wat deur ’n raad erken is ingevolge artikel 25A.”.

#### Wysiging van artikel 2 van Wet 125 van 1993

2. Artikel 2 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (2) te skrap.

#### Wysiging van artikel 5 van Wet 125 van 1993

- 30     3. Artikel 5 van die Hoofwet word hierby gewysig—
- (a) deur paragrawe (d) en (e) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
- “(d) uit eie beweging of op versoek van [enige] die Minister of [enige] Direkteur-generaal, [dié] die Minister of [dié] Directeur-generaal adviseer oor samewerking tussen Staatsdepartemente vir onderwys, vir sover technikons daarby betrokke is] aangeleenthede betreffende technikons;
- 35     35    (e) in die gemeenskaplike statute die minimum vereistes vir toelating tot studie aan ’n technikon voorskryf; en”; en
- 40     40    (b) deur in subartikel (1) die volgende paragraaf na paragraaf (d) in te voeg:       “(dA) die Minister se goedkeuring verkry vir die instelling van ’n onderrigprogram of onderafdeling van ’n onderrigprogram wat aangebied staan te word by ’n technikon ingevolge artikel 31;”.

#### 45 Wysiging van artikel 10 van Wet 125 van 1993

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

- 50     50    “(a) Die Minister kan, na oorlegpleging met die Komitee, die Adviesraad vir Universiteite en Technikons ingestel by artikel 2 van die Wet op die Adviesraad vir Universiteite en Technikons, 1983 (Wet No. 99 van 1983), en enige belanghebbendes in technikononderwys, by kennisgewing in die Staatskoerant, en uit geld deur die Parlement vir hierdie doel bewillig, op enige plek in die Republiek van Suid-Afrika ’n technikon of ’n satelliet-kampus van ’n technikon instel en ’n naam aan ’n technikon toeken en die setel van die technikon bepaal.”.

**Amendment of section 13 of Act 125 of 1993**

**5.** Section 13 of the principal Act is hereby amended by the insertion after paragraph (b) of the following paragraph:

**"(bA)** the vice-principals or vice-rectors, and registrar;".

**Amendment of section 15 of Act 125 of 1993**

5

**6.** Section 15 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

**"(2A) Notwithstanding the provisions of section 24, the salary, conditions of service and leave privileges of the principal shall be determined by the council."**

10

**Insertion of section 15A in Act 125 of 1993**

**7.** The following section is hereby inserted in the principal Act after section 15:

**"Vice-principal, vice-rector and registrar of technikon**

**15A.** (1) The council may appoint one or more vice-principals or vice-rectors, and a registrar for a technikon in the manner prescribed by statute.

15

(2) The powers, privileges, functions and period of office of a vice-principal, vice-rector and registrar shall be prescribed by statute.

20

(3) Notwithstanding the provisions of section 24, the salary, conditions of service and leave privileges of a vice-principal, vice-rector and registrar shall be determined by the Council.

25

(4) Any person who, immediately prior to the date as from which any technikon, college or educational institution is in terms of section 10(3) or (4) deemed to be a technikon established under this Act or declared to be a technikon, was the vice-principal, vice-rector or registrar of such technikon, college or institution shall be deemed to have been appointed in terms of section (1) as the vice-principal, vice-rector or registrar, as the case may be, of the technikon concerned.".

25

**Amendment of section 16 of Act 125 of 1993, as amended by section 23 of Act 204 of 1993**

30

**8.** Section 16 of the principal Act is hereby amended—

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

35

**"(b) such number of vice-principals [as may be appointed or elected in the manner] or vice-rectors as may be prescribed by statute;"**

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

40

**"(d) two members of the academic board elected by the academic board in the manner prescribed by the rules [of the technikon];"**

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

45

**"(e) one [member of the convocation] person elected by the convocation in the manner prescribed by the rules: Provided that such [member] person shall not be an employee of the technikon;"**

(d) by the deletion of the word "and" at the end of paragraph (f) of subsection (2) and by the insertion in the said subsection after paragraph (f) of the following paragraphs:

45

**"(fA) one member of the academic staff elected by the academic staff and one other employee elected by the other employees, in the manner prescribed by the rules;**

50

**"(fB) two members of the students' representative council elected by the students' representative council in the manner prescribed by the rules;**

**"(fC) the registrar, if the council so decides; and"**

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**Wysiging van artikel 13 van Wet 125 van 1993**

**5.** Artikel 13 van die Hoofwet word hierby gewysig deur na paragraaf (b) die volgende paragraaf in te voeg:

“(bA) die vise-hoofde of vise-rektore, en registrator;”.

**5 Wysiging van artikel 15 van Wet 125 van 1993**

**6.** Artikel 15 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (2) in te voeg:

“(2A) Ondanks die bepalings van artikel 24, word die salaris, diensvoorraardes en verlofvoorregte van die hoof deur die raad bepaal.”.

**10 Invoeging van artikel 15A in Wet 125 van 1993**

**7.** Die volgende artikel word hierby in die Hoofwet na artikel 15 ingevoeg:

**“Vise-hoof, vise-rektor en registrator van technikon**

**15A.** (1) Die raad kan een of meer vise-hoofde of vise-rektore, en 'n registrator vir 'n technikon aanstel op die wyse by statuut voorgeskryf.

(2) Die bevoegdhede, voorregte, werksaamhede en ampstermy van 'n vise-hoof, vise-rektor en registrator word by statuut voorgeskryf.

(3) Ondanks die bepalings van artikel 24, word die salaris, diensvoorraardes en verlofvoorregte van vise-hoof, vise-rektor en registrator deur die raad bepaal.

(4) 'n Persoon wat onmiddellik voor die datum met ingang waarvan enige technikon, kollege of opvoedkundige instelling ingevolge artikel 10(3) of (4) geag word 'n technikon wat kragtens hierdie Wet ingestel is, te wees of tot 'n technikon verklaar word, die vise-hoof, vise-rektor of registrator van sodanige technikon, kollege of opvoedkundige instelling was, word geag ingevolge subartikel (1) as die vise-hoof, vise-rektor of registrator, na gelang van die geval, van die betrokke technikon aangestel te gewees het.”.

**Wysiging van artikel 16 van Wet 125 van 1993, soos gewysig deur artikel 23 van Wet 204 van 1993**

**8.** Artikel 16 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

“(b) die getal vise-hoofde [aangestel of verkies op die wyse] of vise-rektore by statuut voorgeskryf;”;

(b) deur in die Engelse teks paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

“(d) two members of the academic board elected by the academic board in the manner prescribed by the rules [of the technikon];”;

(c) deur paragraaf (e) van subartikel (2) deur die volgende paragraaf te vervang:

“(e) een [lid van die konvokasie] persoon deur die konvokasie verkies op die wyse deur die reëls voorgeskryf: Met dien verstande dat so 'n [lid] persoon nie 'n werknemer van die technikon mag wees nie;”;

(d) deur die woord “en” aan die einde van paragraaf (f) van subartikel (2) te skrap en die volgende paragrawe na paragraaf (f) van genoemde subartikel in te voeg:

“(fA) een akademiese personeellid verkies deur die akademiese personeel en een ander werknemer verkies deur die ander werknemers, op die wyse deur die reëls voorgeskryf;

(fB) twee lede van die verteenwoordigende studenteraad deur die verteenwoordigende studenteraad verkies op die wyse deur die reëls voorgeskryf;

(fC) die registrator, indien die raad aldus besluit; en”;

(e) by the substitution for paragraph (g) of subsection (2) of the following paragraph:

“(g) such number of persons as may be prescribed by statute [but less than the number of persons contemplated in paragraphs (a), (b), (c), (d), (e), and (f).]”; 5

(f) by the substitution for subsections (3) and (4) of the following subsections, respectively:

“(3) Except in the case of members contemplated in subsection [(1)] (2)(a), (b), [and] (d), (fA) and (fC), no person in receipt of a salary or wages from the technikon shall be eligible for appointment or election as a member of the council. 10

(4) [The number of persons prescribed by paragraphs (b) and (g) of subsection (2) shall be so many that the] The number of members of the council shall be not fewer than [16] 20 [but] and not more than [25] 30.”; 15

(g) by the deletion of paragraphs (d) and (e) of subsection (5); and

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

“(6) A member of the council, other than the principal, or a vice-principal, vice-rector, registrar or an employee of the technikon, shall vacate his or her office on conditions prescribed by [joint] statute.”. 20

#### Substitution of section 17 of Act 125 of 1993

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

**“Appointment of academic staff and other employees, and levy of fees, by council”**

17. (1) The council shall— 25

(a) subject to the provisions of this Act and with due observance of the general education policy contemplated in section 2(1) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), [and—

(b) after consultation with the academic board] appoint the academic staff, and all other employees that it may consider necessary for the efficient instruction of students and administration of the technikon [on such conditions of service as may be determined by the council, and persons so appointed shall be subject to such disciplinary provisions as may be prescribed by the rules of the technikon]. 30

(2) (a) The fees payable by students and the boarding fees payable by resident students and employees shall be determined and levied by the council.

(b) The council shall pay over to the Certification Council for Technikon Education the fees prescribed by such council in terms of section 17 of the Certification Council for Technikon Education Act, 1986 (Act No. 88 of 1986).”. 40

#### Amendment of section 18 of Act 125 of 1993

10. Section 18 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph: 45

“(b) the studies, instruction, examinations and discipline [at or] of the students of a technikon shall not be drafted, amended or repealed, except [after consultation] with [such] the concurrence of the academic board of that technikon.”. 50

#### Substitution of section 19 of Act 125 of 1993

11. The following section is hereby substituted for section 19 of the principal Act:

**“Rules of technikon”**

19. (1) The council shall, subject to [subsections] subsection (2), [and (3)] have the power to draft rules for the technikon with a view to the effective administration of [the] this Act and the effective administration of the technikon. 55

- (e) deur paragraaf (g) van subartikel (2) deur die volgende paragraaf te vervang:  
 “(g) die getal persone by statut voorgeskryf [**maar minder as die getal persone beoog in paragrawe (a), (b), (c), (d), (e) en (f)**].”;
- 5 5 (f) deur subartikels (3) en (4) deur die volgende subartikels te vervang:  
 “(3) Behalwe in die geval van lede beoog in subartikel [(1)] (2)(a), (b), [**en**] (d), [**fA**] en [**fC**], mag niemand wat 'n salaris of loon van die technikon ontvang, in die raad aangestel of as lid van die raad verkies word nie.”;
- 10 10 (4) [**Die getal persone by paragrawe (b) en (g) van subartikel (2) voorgeskryf, moet soveel wees dat die**] **Die** getal lede van die raad is nie minder as [**16**] 20 [**maar**] en nie meer as [**25 is**] 30 nie.”;
- (g) deur paragrawe (d) en (e) van subartikel (5) te skrap; en  
 (h) deur subartikel (6) deur die volgende subartikel te vervang:  
 “(6) 'n Lid van 'n raad, uitgesonderd die hoof, of 'n vise-hoof, vise-rektor, registrator of [**'n**] werknemer van die technikon, ontruim sy of haar amp op die voorwaardes wat by [**gemeenskap-like**] statut voorgeskryf word.”.

#### Vervanging van artikel 17 van Wet 125 van 1993

- 20 20 9. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:  
 “**Aanstelling van akademiese personeel en ander werknemers, en hef van geld, deur raad**”
- 25 25 17. (1) Die raad stel[—]  
 (a) behoudens die bepalings van hierdie Wet en met inagneming van die algemene onderwysbeleid beoog in artikel 2(1) van die Wet op die Nasionale Beleid vir Algemene Onderwyssake, 1984 (Wet No. 76 van 1984), [**en**]  
 (b) **na oorleg met die akademiese raad**  
 die akademiese personeel en ander werknemers aan wat hy nodig ag vir die doeltreffende onderrig van studente en administrasie van die technikon [**op die diensvoorwaardes wat die raad bepaal, en persone wat aldus aangestel is, is onderworpe aan die dissiplinêre maatreëls wat deur die reëls van die technikon voorgeskryf word**].
- 30 30 (2) (a) Die gelde betaalbaar deur studente en die losiesgeld betaalbaar deur inwonende studente en -personeel word deur die raad bepaal en gehef.  
 (b) Die raad samel die gelde wat deur die Sertifiseringsraad vir Technikononderwys ingevolge artikel 17 van die Wet op die Sertifiseringsraad vir Technikononderwys, 1986 (Wet No. 88 van 1986), voorgeskryf word in en betaal sodanige geldte aan genoemde raad oor.”.

#### Wysiging van artikel 18 van Wet 125 van 1993

- 35 35 10. Artikel 18 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

40 40 “(b) die studies, onderrig, eksamens en dissipline [**aan of**] van die studente van die technikon word nie opgestel, gewysig of herroep nie, behalwe [**na oorleg**] met die instemming van die akademiese raad van daardie technikon.”.

#### Vervanging van artikel 19 van Wet 125 van 1993

- 45 45 11. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

50 50 **“Reëls van technikon”**

- 55 55 19. (1) Die Raad is, behoudens [**subartikels**] subartikel (2), [**en (3)**] bevoeg om reëls vir die technikon op te stel met die oog op die doeltreffende uitvoering van hierdie Wet en die doeltreffende administrasie van die technikon.

- (2) Rules relating to—  
 (a) the composition of an academic board shall not be drafted, amended or repealed, except on the recommendation of such academic board;  
 (b) the studies, instruction, examinations and discipline of the students of a technikon shall not be drafted, amended or repealed, except [after consultation with such] with the concurrence of the academic board of such technikon; and  
 (c) the conditions of service, discipline, privileges and functions of the employees of the technikon, excluding the principal, vice-principal, vice-rector and registrar, shall not be drafted, amended, or repealed, except after [consultation] negotiation with the [employees of the technikon] employee organisations.
- (3) Any rules which the council proposes to draft under this section shall be submitted to the Minister for his approval, and if approved by him shall be promulgated in the *Gazette* and shall come into operation on the date upon which they have so been promulgated.]".

#### Amendment of section 20 of Act 125 of 1993

12. Section 20 of the principal Act is hereby amended—  
 (a) by the deletion of the word “and” at the end of paragraph (c) of subsection (1) and by the insertion in the said subsection after paragraph (c) of the following paragraph:  
 “(cA) two members of the students’ representative council elected by the students’ representative council and appointed by the council; and”; and  
 (b) by the substitution for paragraph (d) of subsection (4) of the following paragraph:  
 “(d) shall supervise and control all examinations conducted by the technikon [in terms of its rules]; and”.

#### Amendment of section 21 of Act 125 of 1993

13. Section 21 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (6) of the following paragraph:  
 “(b) The constitution, manner of election, functions, procedure at meetings and dissolution of a joint committee shall be as prescribed by the [joint statutes] rules.”.

#### Amendment of section 22 of Act 125 of 1993

14. Section 22 of the principal Act is hereby amended by the substitution for subsections (4) and (5) of the following subsections, respectively:  
 “(4)(a) The [chairman] chairperson of the convocation shall be elected by the convocation in the manner prescribed by the rules [of the technikon].  
 (b) The powers, privileges, [and] functions and the period of office of the [chairman] chairperson of the convocation shall be as prescribed by the rules [of the technikon].  
 (5) Meetings of the convocation shall be convened and held in the manner, at the times and places and for the purposes prescribed by the rules [of the technikon].”.

#### Substitution of section 23 of Act 125 of 1993

15. The following section is hereby substituted for section 23 of the principal Act:

##### “Students’ representative council

23. (1) A students’ representative council for the [seat of the] technikon [and for every campus thereof] shall be elected by the students [at such seat and at every campus, respectively] of the technikon.

- (2) Reëls wat betrekking het op—  
 (a) die samestelling van 'n akademiese raad, word nie opgestel, gewysig of herroep nie, behalwe op aanbeveling van sodanige akademiese raad;  
 5 (b) die studies, onderrig, eksamens en dissipline van die studente van **[die]** 'n technikon, word nie opgestel, gewysig of herroep nie, behalwe **[na oorleg met sodanige]** met die instemming van die akademiese raad van sodanige technikon; en  
 10 (c) die diensvoorraades, dissipline, voorregte en werksaamhede van die werknekmers van 'n technikon, uitgesonderd die hoof, vise-hoof, vise-rektor en registerator, word nie opgestel, gewysig of ingetrek nie, behalwe na **[oorleg]** onderhandeling met die **[werknekmers van die technikon]** werknekmersorganisasies.  
 15 (3) Enige reëls wat die raad voornemens is om kragtens hierdie artikel op te stel, moet aan die Minister vir sy goedkeuring voorgelê word, en indien dit deur hom goedgekeur word, moet dit in die *Staatskoerant* afgekondig word en tree dit in werking op die datum waarop dit aldus afgekondig word.]”.

#### Wysiging van artikel 20 van Wet 125 van 1993

- 20 12. Artikel 20 van die Hoofwet word hierby gewysig—  
 (a) deur die woord “en” aan die einde van paragraaf (c) van subartikel (1) te skrap en die volgende paragraaf na paragraaf (c) van genoemde subartikel in te voeg:  
 25     “(cA) twee lede van die verteenwoordigende studenteraad deur die verteenwoordigende studenteraad verkies en deur die raad aangestel; en”; en  
 (b) deur paragraaf (d) van subartikel (4) deur die volgende paragraaf te vervang:  
 30     “(d) hou toesig oor en beheer alle eksamens wat deur die technikon **[ingevolge sy reëls]** afgeneem word; en”.

#### Wysiging van artikel 21 van Wet 125 van 1993

- 35 13. Artikel 21 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (6) deur die volgende paragraaf te vervang:  
 (b) Die samestelling, wyse van verkiesing, werksaamhede, prosedure op vergaderings en ontbinding van gemeenskaplike komitees is dié wat deur die **[gesamentlike statute]** reëls voorgeskryf word.”.

#### Wysiging van artikel 22 van Wet 125 van 1993

- 40 14. Artikel 22 van die Hoofwet word hierby gewysig deur subartikels (4) en (5) deur onderskeidelik die volgende subartikels te vervang:  
 (4)(a) Die voorsitter van die konvokasie word deur die konvokasie verkies op die wyse deur die reëls **[van die technikon]** voorgeskryf.  
 (b) Die bevoegdhede, voorregte, **[en]** werksaamhede en die ampstermy van die voorsitter van die konvokasie is soos **[bepaal]** voorgeskryf deur die reëls **[van die technikon]**.  
 45 (5) Vergaderings van die konvokasie word byeengeroep en gehou op die wyse en die tye en die plekke en vir die doeleindes wat die reëls **[van die technikon]** voorskryf.”.

#### Vervanging van artikel 23 van Wet 125 van 1993

- 50 15. Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:  
 “Verteenwoordigende studenteraad  
 23. (1) 'n Verteenwoordigende studenteraad vir **[die setel van]** 'n technikon **[en vir elke kampus daarvan]** word deur **[onderskeidelik]** die studente **[by die setel en by elke sodanige kampus]** van die technikon verkies.

(2) The constitution, manner of election, term of office, functions and privileges of a students' representative council shall be as determined by the rules [of the council after consultation] with the concurrence of the existing students' representative council, if any.”.

#### **Amendment of section 24 of Act 125 of 1993**

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**16.** Section 24 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of subsection (2), and with due observance of the general education policy contemplated in section 2(1) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), and after negotiation with the employee organisations—

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- (a) the salaries, salary scales and allowances of academic staff and other employees employed at a technikon, shall be determined by the council; and
- (b) the other conditions of service, service benefits and leave privileges of the academic staff and other employees, shall be prescribed by the rules.”.

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#### **Substitution of section 25 of Act 125 of 1993**

**17.** The following section is hereby substituted for section 25 of the principal Act:

##### **(1) Pension Funds**

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**25.** (1) Any technikon established under section 10(1)(a) or any technikon, college or other educational institution deemed to be a technikon established under this Act or declared to be a technikon in terms of [section 10(1)(3)] section 10(3) or (4), as the case may be, may elect—

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- (a) for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), to be deemed to be declared as an associated institution under section 4 of the said Act as from the date on which it has been so established or has been so declared to be a technikon; or
- (b) to establish a pension fund in accordance with the provisions of the Pension Funds Act, 1956 (Act No. 24 of 1956).

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(2) Until a technikon has made an election as contemplated in subsection (1), any pension arrangement which is in force in respect of that technikon, shall remain in force.

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(3) If a technikon has elected to establish a pension fund as contemplated in subsection (1)(b) (in this section referred to as the newly established pension fund), every member of the Fund who is employed by the technikon in question, may take a non-recurrent choice—

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- (a) to remain a member of the Fund;
- (b) to become a dormant member of the Fund; or
- (c) to terminate his or her membership of the Fund in terms of subsection (4)(c), in which event the member shall have no further claim against the Fund.

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(4) If a member of the Fund exercises the choice referred to in—

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- (a) subsection (3)(a), he or she shall remain a member of the Fund;
- (b) subsection (3)(b), he or she shall become a member of the newly established pension fund on the day which follows the day on which he or she is declared a dormant member of the fund; or
- (c) subsection (3)(c)—

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(i) he or she shall become a member of the newly established pension fund on the day which follows the day on which his or her membership of the Fund is terminated; and

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(ii) the Fund shall make an amount available to the member, whether in cash or in specie, equal to the funding percentage multiplied by the actuarial obligation of the Fund in respect of that member as deter-

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(2) Die samestelling, wyse van verkiesing, ampstermy, werksaamheid en voorregte van 'n verteenwoordigende studenteraad is soos bepaal deur die reëls **[van die raad na oorlegpleging]** met die instemming van die bestaande verteenwoordigende studenteraad, as daar een is.”.

#### **Wysiging van artikel 24 van Wet 125 van 1993**

**16.** Artikel 24 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepaling van subartikel (2), en met inagneming van die algemene onderwysbeleid beoog in artikel 2(1) van die Wet op die Nasionale Beleid vir Algemene Onderwyssake, 1984 (Wet No. 76 van 1984), en na onderhandeling met die werkemersorganisasies—  
 (a) word die salaris, salarisskale en toelaes van akademiese personeel en ander werkemers in diens by 'n technikon, deur die raad bepaal; en  
 (b) is die ander diensvoorraades, diensvoordele en verlofvoorregte van die akademiese personeel en ander werkemers, soos deur die reëls voorgeskryf.”.

#### **Vervanging van artikel 25 van Wet 125 van 1993**

**17.** Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:

##### **20 “Pensioenfondse”**

**25.** (1) 'n Technikon wat kragtens artikel 10(1)(a) ingestel word of enige technikon, kollege of ander opvoedkundige instelling wat ingevolge **[artikel 10(1)(3)]** artikel 10(3) of (4) geag word 'n technikon ingestel kragtens hierdie Wet te wees of tot 'n technikon verklaar word, na gelang van die geval, kan kies—  
 (a) om vir die doeleindes van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), kragtens artikel 4 van genoemde Wet geag te word 'n geassosieerde inrigting verklaar te wees vanaf die datum waarop hy aldus ingestel word of tot 'n technikon verklaar word; of  
 (b) om 'n pensioenfonds te stig ooreenkomsdig die bepaling van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956).

(2) Totdat 'n technikon 'n keuse soos in subartikel (1) beoog, gemaak het, bly 'n pensioenreëling wat ten opsigte van daardie technikon geld, voortbestaan.

(3) Indien 'n technikon gekies het om 'n pensioenfonds te stig soos beoog in subartikel (1)(b) (in hierdie artikel die nuut gestigte pensioenfonds genoem), kan elke lid van die Fonds wat by die betrokke technikon in diens is, eenmalig kies—  
 (a) om 'n lid van die Fonds te bly;  
 (b) om 'n rustende lid van die Fonds te word; of  
 (c) om sy of haar lidmaatskap van die Fonds ingevolge subartikel (4)(c) te beëindig, in welke geval die lid geen verdere vordering teen die Fonds het nie.

(4) Indien 'n lid van die Fonds die keuse uitoeft bedoel in—  
 (a) subartikel (3)(a), word hy of sy 'n lid van die Fonds;  
 (b) subartikel (3)(b), word hy of sy 'n lid van die nuut gestigte pensioenfonds op die dag wat volg op die dag waarop hy of sy tot rustende lid van die Fonds verklaar word; of  
 (c) subartikel (3)(c)—  
 (i) word hy of sy 'n lid van die nuut gestigte pensioenfonds op die dag wat volg op die dag waarop sy of haar lidmaatskap van die Fonds beëindig is; en  
 (ii) stel die Fonds 'n bedrag, hetsy in kontant of in specie, gelyk aan die befondsingspersentasie vermenigvuldig met die aktuariële verpligting van die Fonds ten opsigte van daardie lid soos bepaal deur die aktuaris op die datum waarop sy of

mined by the actuary on the date on which his or her membership of the Fund is terminated, with interest thereon calculated at the bank rate from that date on which the amount is paid: Provided that the member shall undertake immediately to deposit the full amount with interest into the newly established pension fund or a registered pension fund recognised by the Commissioner for Inland Revenue as a preservation fund: Provided further that such member, whilst employed by the technikon in question, shall not be entitled to any benefits from the newly established pension fund or the aforesaid preservation fund; and

(iii) any amount owed by the member concerned to the Fund shall be deducted from the amount referred to in subparagraph (ii).

(5)(a) If a technikon has elected to establish a pension fund as contemplated in subsection (1)(b), every pensioner who is allotted to such a technikon by the Director-General, may make a non-recurrent choice—

- (i) to remain a pensioner of the Fund; or
- (ii) to become a pensioner of the newly established pension fund, in which event the pensioner shall have no further claim against the Fund.

(b) If a pensioner exercises the choice referred to in paragraph (a)(ii), he or she shall become a pensioner of the newly established pension fund on the day which follows the day on which he or she ceases to be a pensioner of the Fund and the provisions of the Fund and the provisions of subsection (4)(c)(ii) and (iii) shall *mutatis mutandis* apply to him or her.

(6)(a) If a technikon has elected to establish a pension fund as contemplated in subsection (1)(b), every dormant member may make a non-recurrent choice—

- (i) to remain a dormant member of the Fund; or
- (ii) to become a dormant member of the newly established pension fund and to transfer his or her interest to such fund in terms of the provisions of section 15A of the General Pensions Act, 1979 (Act No. 29 of 1979).

(b) The provisions of subsection (4)(c)(ii) and (iii) shall *mutatis mutandis* apply to a dormant member referred to in paragraph (a)(ii).

(7) A person who enters the employment of a technikon which has established a pension fund as contemplated in subsection (1)(b), shall become a member of that pension fund.

(8) The choices given to members, pensioners and dormant members in terms of subsections (3), (5) and (6), respectively, shall be exercised on a date agreed upon by the technikon in question and the Director-General of Finance: Provided that such date shall not be later than 31 December 1995.

(9) All costs in connection with the withdrawal of members, pensioners and dormant members from the Fund in terms of this section shall be refunded directly by the technikon in question, the newly established pension fund or the preservation fund in question, to the organisation incurring such costs.

(10) For purposes of this section—

- “actuarial obligation”, in relation to a particular member, pensioner or dormant member of the Fund, means the actuarial obligation of the Fund with regard to that member, pensioner or dormant member on the date referred to in subsection (4)(c)(ii), as calculated by the actuary;
- “actuary” means an actuary appointed by the Minister of Finance;
- “bank rate” means the rate determined from time to time under section 10(2) of the Reserve Bank of South Africa Act, 1989 (Act No. 29 of 1989);

haar lidmaatskap van die Fonds beëindig word, met rente daarop bereken teen die bankkoers vanaf daardie datum tot die datum waarop die bedrag betaal word, aan die lid beskikbaar: Met dien verstande dat die lid onderneem om onmiddellik die volle bedrag met rente in die nuut gestigte pensioenfonds, of 'n geregistreerde pensioenfonds wat deur die Kommissaris van Binnelandse Inkomste as 'n bewaringsfonds erken is, te stort: Met dien verstande voorts dat sodanige lid, terwyl hy of sy in diens van die betrokke technikon is, nie geregtig is op enige voordele van die nuut gestigte pensioenfonds of voormalde bewaringsfonds nie; en (iii) word enige bedrag deur die betrokke lid aan die fonds verskuldig, afgetrek van die bedrag bedoel in subparagraph (ii).

(5)(a) Indien 'n technikon gekies het om 'n pensioenfonds te stig soos beoog in subartikel (1)(b), kan elke pensioentrekker wat deur die Direkteur-generaal van Finansies aan sodanige technikon toegedeel is, eenmalig kies—

- (i) om 'n pensioentrekker van die Fonds te bly; of
- (ii) om 'n pensioentrekker van die nuut gestigte pensioenfonds te word, in welke geval die pensioentrekker geen verdere vordering teen die Fonds het nie.

(b) Indien 'n pensioentrekker die keuse bedoel in paragraaf (a)(ii) uitoefen, word hy of sy 'n pensioentrekker van die nuut gestigte pensioenfonds op die dag wat volg op die dag waarop hy of sy ophou om 'n pensioentrekker van die Fonds te wees en is die bepalings van subartikel (4)(c)(ii) en (iii) *mutatis mutandis* op hom of haar van toepassing.

(6)(a) Indien 'n technikon gekies het om 'n pensioenfonds te stig soos beoog in subartikel (1)(b), kan elke rustende lid eenmalig kies—

- (i) om 'n rustende lid van die Fonds te bly; of
- (ii) om 'n rustende lid van die nuut gestigte pensioenfonds te word en sy of haar belang na sodanige fonds ingevolge die bepalings van artikel 15A van die Algemene Pensioenwet, 1979 (Wet No. 29 van 1979), oor te plaas.

(b) Die bepalings van subartikel (4)(c)(ii) en (iii) is *mutatis mutandis* op 'n rustende lid in paragraaf (a)(ii) bedoel, van toepassing.

(7) 'n Persoon wat in diens tree van 'n technikon wat 'n pensioenfonds soos beoog in subartikel (1)(b) gestig het, word 'n lid van daardie pensioenfonds.

(8) Die keuses wat onderskeidelik ingevolge subartikels (3), (5) en (6) aan lede, pensioentrekkers en rustende lede gebied word, word uitgeoefen op 'n datum waarop die betrokke technikon en die Direkteur-generaal van Finansies ooreenkoms: Met dien verstande dat sodanige datum nie later as 31 Desember 1995 is nie.

(9) Alle koste verbonde aan die ontrekking van lede, pensioentrekkers en rustende lede van die Fonds ingevolge hierdie artikel, word direk deur die betrokke technikon, die nuut gestigte pensioenfonds of die betrokke bewaringsfonds aan die instansie wat die koste aangegaan het, terugbetaal.

(10) Vir doeleindest van hierdie artikel beteken—

- “aktuariële verpligting”, met betrekking tot 'n bepaalde lid, pensioentrekker of rustende lid van die Fonds, die aktuariële verpligting van die Fonds met betrekking tot daardie lid, pensioentrekker of rustende lid, soos op die datum in subartikel (4)(c)(ii) bedoel deur die aktuaris bereken;
- “aktuaris” 'n aktuaris deur die Minister van Finansies aangestel;
- “bankkoers” die koers van tyd tot tyd kragtens artikel 10(2) van die Wet op die Suid-Afrikaanse Reserwebank, 1989 (Wet No. 90 van 1989), bepaal;
- “befondsingspersentasie” die markwaarde van die netto bates van die Fonds op die datum in subartikel (4)(c)(ii) bedoel,

<p><b>“Fund”</b> means—</p> <ul style="list-style-type: none"> <li>(a) a pension fund as defined in section 1 of the General Pensions Act, 1979 (Act No. 29 of 1979);</li> <li>(b) the Government Employees Pension Fund of Transkei, established under the Government Employees Pension Act, 1978 (Act No. 15 of 1978) (Transkei);</li> <li>(c) the Ciskeian Civil Servants Pension Fund, established under the Government Service Pension Act, 1989 (Act No. 4 of 1989) (Ciskei);</li> <li>(d) the Government Pension Fund of Bophuthatswana, established under section 2(1) of the Government Service Pension Act, 1977 (Act No. 14 of 1977) (Bophuthatswana); and</li> <li>(e) the Government Pension Fund of Venda, established under section 2(1) of the Government Service Pensions Act, 1979 (Act No. 4 of 1979) (Venda);</li> </ul> <p>“funding percentage” means the market value of the net assets of the Fund on the date referred to in subsection (4)(c)(ii), expressed as a percentage of the calculated aggregate actuarial obligation of the Fund on that date, as determined by the actuary; and</p> <p>“pensioner” means a person who receives an annuity from the Fund.”.</p>	5 10 15 20 25
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**Insertion of section 25A in Act 125 of 1993**

**18.** The following section is hereby inserted in the principal Act after section 25:

**“Recognition of employee organisations**

**25A.** The council may recognise an employee organisation who applies for recognition on such conditions, if any, as negotiated between the council and the employee organisation concerned.”.

**Amendment of section 26 of Act 125 of 1993**

**19.** Section 26 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“The council may, [after consultation] with the concurrence of the academic board—”.

**Amendment of section 28 of Act 125 of 1993**

**20.** Section 28 of the principal Act is hereby amended by the addition of the following subsection:

“(5) If the result of an agreement contemplated in subsections (1) and (3) is such that a technikon may exercise its academic activities within the seat of another technikon, such agreement shall be subject to the approval of the Minister, which approval shall only be given after consultation with such other technikon.”.

**Repeal of section 29 of Act 125 of 1993**

**21.** Section 29 of the principal Act is hereby repealed.

**Substitution of section 30 of Act 125 of 1993**

**22.** The following section is hereby substituted for section 30 of the principal Act:

- uitgedruk as 'n persentasie van die geraamde totale aktuariële verpligting van die Fonds op daardie datum, soos deur die aktuaris bepaal;
- "Fonds"**
- 5                     (a) 'n pensioenfonds soos omskryf in artikel 1 van die Algemene Pensioenwet, 1979 (Wet No. 29 van 1979);
- (b) die Regeringsdienspensioenfonds van Transkei, ingestel kragtens die Regeringswerkemerspensioenwet, 1978 (Wet No. 15 van 1978) (Transkei);
- 10                    (c) die Regeringsdienspensioenfonds van Ciskei, ingestel kragtens die Regeringsdienspensioenwet, 1989 (Wet No. 4 van 1989) (Ciskei);
- (d) die Regeringspensioenfonds van Bophuthatswana, ingestel kragtens artikel 2(1) van die Regeringsdienspensioenwet, 1977 (Wet No. 14 van 1977) (Bophuthatswana); en
- 15                    (e) die Regeringspensioenfonds van Venda, ingestel kragtens artikel 2(1) van die Regeringsdienspensioenwet, 1979 (Wet No. 4 van 1979) (Venda);
- 20                    "pensioentrekker" 'n persoon wat 'n jaageld van die Fonds ontvang;
- "rustende lid" 'n rustende lid bedoel in artikel 15 van die Algemene Pensioenwet, 1979 (Wet No. 29 van 1979).".

#### **Invoeging van artikel 25A in Wet 125 van 1993**

- 25                   18. Die volgende artikel word hierby ingevoeg in die Hoofwet na artikel 25:

##### **"Erkenning van werkemersorganisasies**

- 25A.** Die raad kan 'n werkemersorganisasie wat om erkenning aansoek doen, erken op die voorwaardes, indien enige, soos onderhandel tussen die raad en die betrokke werkemersorganisasie.".

#### **Wysiging van artikel 26 van Wet 125 van 1993**

- 30                   19. Artikel 26 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

- 35                   "Die raad kan, **[na oorleg]** met die instemming van die akademiese raad—".

#### **Wysiging van artikel 28 van Wet 125 van 1993**

- 40                   20. Artikel 28 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

- 45                   "**(5)** Indien die gevolg van 'n ooreenkoms beoog in subartikels (1) en (3) sodanig is dat 'n technikon sy akademiese aktiwiteite binne die setel van 'n ander technikon kan uitoefen, is sodanige ooreenkoms onderworpe aan die goedkeuring van die Minister welke goedkeuring slegs gegee word na oorleg met sodanige ander technikon.".

#### **Herroeping van artikel 29 van Wet 125 van 1993**

- 50                   21. Artikel 29 van die Hoofwet word hierby herroep.

#### **Vervanging van artikel 30 van Wet 125 van 1993**

- 55                   22. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:

**"Disciplinary measures"**

**30.** A student at a technikon shall be subject to such disciplinary measures and such disciplinary procedures as may be prescribed by the **[council]** rules after consultation with the academic board.”.

**Substitution of section 31 of Act 125 of 1993**

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**23.** The following section is hereby substituted for section 31 of the principal Act:

**"Offering of instructional programme or subdivision of instructional programme"**

**31.** (1) The council shall not, without the prior approval in writing of the Minister, **[introduce]** offer an instructional programme or a subdivision of an instructional programme in respect of which any subsidy may be granted to the technikon under section 36.

(2) Any existing instructional programme lawfully **[introduced]** offered at any college or institution before the date on which it is in terms of section 10(2) deemed to be a technikon established under this Act or a subdivision of such technikon, shall be deemed to have been **[introduced]** offered in accordance with the provisions of this section.

(3) The syllabus of an instructional programme contemplated in subsection (1) shall be **[introduced]** offered with due observance of the general education policy contemplated in section 2(1) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), and the joint statutes.”.

**Substitution of section 33 of Act 125 of 1993**

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**24.** The following section is hereby substituted for section 33 of the principal Act:

**"Conducting of examinations"**

**33.** (1) A technikon may in accordance with the joint statute **[and the rules of its council]** conduct an examination in respect of—

(a) an instructional programme or a subdivision of an instructional programme offered in terms of section 31;

(b) an instructional programme or a subdivision of an instructional programme for the education and training of teachers contemplated in section 11(b), with due observance of the general education policy contemplated in section 2(1) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984); and

(c) an instructional programme or a subdivision of an instructional programme, **[introduced]** other than an instructional programme or subdivision of an instructional programme contemplated in paragraph (a), offered by the council in a manner prescribed **[in the statutes of the technikon]** by statute.

(2) The design of a technikon certificate referred to in—

(a) subsection (1)(a) and (b) shall be determined by the council with the concurrence of the Certification Council for Technikon Education; and

(b) subsection (1)(c) shall be determined by the council with the concurrence of the academic board and with due observance of the guidelines prescribed by the joint statutes or joint rules, as the case may be.”.

**Substitution of section 35 of Act 125 of 1993**

**25.** The following section is hereby substituted for section 35 of the principal Act:

**"Dissiplinêre maatreëls"**

**30.** 'n Student aan 'n technikon is onderworpe aan die dissiplinêre maatreëls en procedures wat deur die **[raad]** reëls, na oorleg met die akademiese raad, voorgeskryf word."

**5 Vervanging van artikel 31 van Wet 125 van 1993**

**23.** Artikel 31 van die Hoofwet word hierby deur die volgende artikel vervang:

**"Aanbied van onderrigprogram of onderafdeling van onderrig-program"**

- 31.** (1) Die raad **[van 'n technikon]** mag nie sonder die voorafgaande skriftelike goedkeuring van die Minister 'n onderrigprogram of onderafdeling van 'n onderrigprogram ten opsigte waarvan 'n subsidie kragtens artikel 36 aan die technikon betaal kan word, **[instel]** aanbied nie.
- (2) 'n Bestaande onderrigprogram wat wettig by 'n kollege of instelling **[ingestel]** aangebied is voor die datum waarop hy ingevolge artikel 10(2) geag word 'n technikon kragtens hierdie Wet of 'n onderafdeling van sodanige technikon te wees, word geag ooreenkomsdig die bepalings van hierdie artikel **[ingestel]** aangebied te gewees het.
- (3) Die leerplan van 'n onderrigprogram beoog in subartikel (1) moet met inagneming van die algemene onderwysbeleid beoog in artikel 2(1) van die Wet op die Nasionale Beleid vir Algemene Onderwyssake, 1984 (Wet No. 76 van 1984), en die gemeenskaplike statuut **[ingestel]** aangebied word."

**25 Wysiging van artikel 33 van Wet 125 van 1993**

**24.** Artikel 33 van die Hoofwet word hierby deur die volgende artikel vervang:

**"Afneem van eksamens"**

- 33.** (1) 'n Technikon kan eksamens afneem ooreenkomsdig die **[gesamentlike]** gemeenskaplike statuut, **[en die reëls van sy raad]** ten opsigte van—
- (a) 'n onderrigprogram of onderafdeling van 'n onderrigprogram aangebied ingevolge artikel 31;
  - (b) 'n onderrigprogram of onderafdeling van 'n onderrigprogram vir die onderwys en opleiding van onderwysers beoog in artikel 11(b), met inagneming van die algemene onderwysbeleid beoog in artikel 2(1) van die Wet op die Nasionale Beleid vir Algemene Onderwyssake, 1984 (Wet No. 76 van 1984); en
  - (c) 'n onderrigprogram of onderafdeling van 'n onderrigprogram, uitgesonderd 'n onderrigprogram of onderafdeling van 'n onderrigprogram in paragraaf (a) beoog, wat deur die raad op 'n wyse by statuut voorgeskryf, **[ingestel is]** aangebied word.
- (2) Die ontwerp van 'n technikonsertifikaat bedoel in—
- (a) subartikel (1)(a) en (b) word deur die raad, met die instemming van die Sertifiseringsraad vir Technikononderwys, bepaal; en
  - (b) subartikel (1)(c) word deur die raad, met die instemming van die akademiese raad en met inagneming van die riglyne voorgeskryf deur die gemeenskaplike statute of gemeenskaplike reëls, na gelang van die geval, bepaal."

**Vervanging van artikel 35 van Wet 125 van 1993**

- 50** **25.** Artikel 35 van die Hoofwet word hierby deur die volgende artikel vervang:

**"Donations by local authorities to technikons"**

**35.** Notwithstanding anything to the contrary in any law contained, any local authority may, subject to the approval of the executive **[committee]** council of the province concerned, make donations of land, money or movable property to a technikon.".

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**Insertion of section 39A in Act 125 of 1993**

**26.** The following section is hereby inserted in the principal Act after section 39:

**"Delegation of powers"**

**39A.** (1) The Minister may, on such conditions as he or she may determine, delegate any of his or her powers under this Act, except the power to make regulations, and assign any of his or her duties in terms of this Act to a council or to any officer in the Department of Education.

(2) A council may, on such conditions as it may determine, delegate any of its powers under this Act or delegated to it in terms of subsection (1), except the power to draft statutes and rules, and assign any of its duties in terms of this Act or assigned to it in terms of subsection (1), to the academic board, principal, any vice-principal, vice-rector, the registrar, any member of the academic staff or other employee of the technikon.".

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**Substitution of section 40 of Act 125 of 1993**

**27.** The following section is hereby substituted for section 40 of the principal Act:

**"Repeal of laws, and savings"**

**40.** (1) Subject to the provisions of subsections (2), (3), (4), (5) and (6), the laws mentioned in the second column of the Schedule are hereby repealed to the extent indicated in the third column of the Schedule as from a date determined by the Minister by notice in the Gazette.

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(2) Different dates may so be determined by the Minister in respect of different laws.

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(3) (a) A council or governing council; or  
(b) an academic board or a board of studies,  
constituted in terms of a law repealed under subsection (1), shall from the date of such repeal be deemed to be a council or an academic board, as the case may be, constituted under this Act: Provided that the members of the council or academic board concerned, shall, after the said date, stay on as members of the council or academic board, as the case may be, until such date as their membership would have lapsed if the repeal had not taken place: Provided further that the provisions of this subsection shall not be applicable to the Bophuthatswana National Council for Technikon Education established under section 3 of the Advanced Technikon Education (Technikons) Act, 1989 (Act No. 38 of 1989) (Bophuthatswana).

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(4) Any person who was employed at a technikon in terms of any law repealed under subsection (1), shall, from the date of such repeal, be deemed to have been appointed at such technikon in terms of this Act.

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(5)(a) The conditions of service subject to which a person referred to in subsection (4) was serving immediately prior to the date on which the law in terms of which he or she was appointed is repealed under subsection (1), shall not be effected to his or her detriment, and no such condition of service shall after that date be construed or

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**"Skenkings deur plaaslike owerhede aan technikons"**

**35.** Ondanks andersluidende wetsbepalings kan 'n plaaslike owerheid onderworpe aan die goedkeuring van die uitvoerende [komitee] raad van die betrokke provinsie, grond, geld of roerende goed aan 'n technikon skenk."

**Invoeging van artikel 39A in Wet 125 van 1993**

**26.** Die volgende artikel word hierby na artikel 39 van die Hoofwet ingevoeg:

**"Delegering van bevoegdhede"**

**39A.** (1) Die Minister kan, op die voorwaardes wat hy of sy bepaal, enige van sy of haar bevoegdhede kragtens hierdie Wet, uitgesonderd die bevoegdheid om regulasies uit te vaardig, deleger, en enige van sy of haar pligte ingevolge hierdie Wet, opdra aan 'n raad of 'n beampete in die Departement van Onderwys.

(2) 'n Raad kan, op sodanige voorwaardes wat hy bepaal, enige van sy bevoegdhede kragtens hierdie Wet of aan hom gedelegeer ingevolge subartikel (1), uitgesonderd die bevoegdheid om statute en reëls op te stel, deleger, of enige van sy pligte ingevolge hierdie Wet of aan hom opgedra ingevolge subartikel (1), opdra aan die akademiese raad, hoof, 'n vise-hoof, vise-rektor, die registrator, 'n lid van die akademiese personeel of ander werknemer van die technikon."

**Vervanging van artikel 40 van Wet 125 van 1993**

**27.** Artikel 40 van die Hoofwet word hierby deur die volgende artikel vervang:

**"Herroeping van wette en voorbehoude"**

**40.** (1) Behoudens die bepalings van subartikels (2), (3), (4), (5) en (6), word die wette in die tweede kolom van die Bylae vermeld hierby herroep in die mate in die derde kolom van die Bylae aangedui, met ingang van 'n datum wat die Minister by kennisgewing in die Staatskoerant bepaal.

(2) Verskillende datums kan aldus deur die Minister ten opsigte van verskillende wette bepaal word.

(3)(a) 'n Raad of bestuursraad; of  
 (b) 'n akademiese raad of studieraad,  
 saamgestel ingevolge 'n wet kragtens subartikel (1) herroep, word vanaf die datum van herroeping geag 'n raad of akademiese raad te wees, na gelang van die geval, wat kragtens hierdie Wet saamgestel is: Met dien verstande dat die lede van die betrokke raad of akademiese raad na genoemde datum as lede van die raad of akademiese raad, na gelang van die geval, aanbly tot op sodanige datum as wat hul lidmaatskap sou verstryk het indien die herroeping nie plaasgevind het nie: Met dien verstande voorts dat die bepalings van hierdie subartikel nie van toepassing is nie op die Bophuthatswana Nasionale Raad vir Technikononderwys ingestel kragtens artikel 3 van die Wet op Gevorderde Technikon Onderwys (Technikons), 1989 (Wet No. 38 van 1989) (Bophuthatswana).

(4) 'n Persoon wat by 'n technikon in diens was ingevolge 'n wet wat kragtens subartikel (1) herroep is, word vanaf die datum van sodanige herroeping geag ingevolge hierdie Wet by sodanige technikon aangestel te wees.

(5) (a) Die diensvoorraadse waaronder 'n persoon bedoel in subartikel (4) onmiddellik voor die datum waarop die wet ingevolge waarvan hy of sy aangestel was kragtens subartikel (1) herroep is, diens gedoen het, word nie tot sy of haar nadeel geraak nie, en geen sodanige diensvoorraadse word na daardie datum uitgelê of toege-

applied in a way that is less favourable to the person concerned than the way in which it was construed or applied immediately prior to that date.

(b) Any disciplinary proceedings instituted or contemplated against a person referred to in paragraph (a), in terms of a law repealed by this Act, in respect of misconduct which he or she allegedly committed prior to the date on which the law in terms of which he or she was appointed, is repealed under subsection (1), shall be disposed of as if the repeal had not taken place.

(6) Subject to subsections (3) and (5), anything done under a provision of a law repealed by subsection (1) and which is capable of being done under this Act, shall be deemed to have been done under the corresponding provision of this Act.”

#### Addition of Schedule to Act 125 of 1993

28. The following Schedule is hereby added to the principal Act:

#### “SCHEDULE

##### LAWS REPEALED (Section 40)

Number and year of law	Title	Extent of repeal	
Act No. 40 of 1967	Technikons (National Education) Act, 1967	The whole	20
Act No. 12 of 1968	Indians Advanced Technical Education Act, 1968	The whole	
Act No. 69 of 1973	Education Laws Amendment Act, 1973	Sections 3, 4, 5 and 6	25
Act No. 40 of 1979	Indians Advanced Technical Education Amendment Act, 1979	The whole	
Act No. 43 of 1979	Advanced Technical Education Amendment Act, 1979	The whole	30
Act No. 9 of 1981	KwaZulu Technikon Act, 1981	The whole	
Act No. 11 of 1981	Culture and Education Laws Amendment Act, 1981	Sections 1 and 2	
Act No. 27 of 1981	Technikons (Education and Training) Act, 1981	The whole	35
Act No. 52 of 1982	Peninsula Technikon Act, 1982	The whole	
Act No. 3 of 1983	KwaZulu Technikons Amendment Act, 1983	The whole	40
Act No. 48 of 1983	Technikons (Education and Training) Amendment Act, 1983	The whole	
Act No. 84 of 1983	Advanced Technical Education Amendment Act, 1983	The whole	
Act No. 15 of 1984	Technikon Act, 1984 (Ciskei)	The whole	45
Act No. 75 of 1984	Universities, National Education Policy and Technikons Amendment Act, 1984	Sections 8, 9 and 10	

pas op 'n wyse wat minder gunstig is vir die betrokke persoon as die wyse waarop dit onmiddellik voor daardie datum uitgelê of toegepas is nie.

(b) Enige tugstappe ingestel of beoog teen 'n persoon bedoel in paragraaf (a) ingevolge 'n wet wat by hierdie Wet herroep is, ten opsigte van wangedrag wat hy of sy na bewering voor die datum waarop die wet ingevolge waarvan hy of sy aangestel was kragtens subartikel (1) herroep is, gepleeg het, word afgehandel asof die herroeping nie plaasgevind het nie.

(6) Behoudens subartikels (3) en (5) word enigiets wat kragtens 'n bepaling van 'n wet wat by subartikel (1) herroep is, gedoen is en wat kragtens hierdie Wet gedoen kan word, geag kragtens die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.”.

### Byvoeging van Bylae by Wet 125 van 1993

15 28. Die volgende Bylae word hierby by die Hoofwet gevoeg:

#### “BYLAE

##### WETTE HERROEP (Artikel 40)

	Nommer en jaar van Wet	Titel	In hoeverre herroep
20	Wet No. 40 van 1967	Wet op Technikons (Nasionale Opvoeding), 1967	Die geheel
25	Wet No. 12 van 1968	Wet op Gevorderde Tegniese Onderwys vir Indiërs, 1968	Die geheel
30	Wet No. 69 van 1973	Wysigingswet op Onderwyswette, 1973	Artikels 3, 4, 5 en 6
35	Wet No. 40 van 1979	Wysigingswet op Gevorderde Tegniese Onderwys vir Indiërs, 1979	Die geheel
40	Wet No. 43 van 1979	Wysigingswet op Gevorderde Tegniese Onderwys, 1979	Die geheel
45	Wet No. 9 van 1981	KwaZulu Technikonswet, 1981	Die geheel
50	Wet No. 11 van 1981	Wysigingswet op Kultuur- en Onderwyswette, 1981	Artikels 1 en 2
	Wet No. 27 van 1981	Wet op Technikons (Onderwys en Opleiding, 1981	Die geheel
	Wet No. 52 van 1982	Wet op die Technikon Skiereiland, 1982	Die geheel
	Wet No. 3 van 1983	KwaZulu Wysigingswet op Technikons, 1983	Die geheel
	Wet No. 48 van 1983	Wysigingswet op Technikons (Onderwys en Opleiding), 1983	Die geheel (1) (2)
	Wet No. 84 van 1983	Wysigingswet op Gevorderde Tegniese Onderwys, 1983	Die geheel
	Wet No. 15 van 1984	Wet op Technikons, 1984 (Ciskei)	Die geheel
	Wet No. 75 van 1984	Wysigingswet op Universiteite, die Nasionale Onderwysbeleid en Technikons, 1984	Artikels 8, 9 en 10

Act No. 27, 1995

TECHNIKONS AMENDMENT ACT, 1995

Number and year of law	Title	Extent of repeal	
Act No. 77 of 1984	Technikons (Education and Training) Amendment Act, 1984	The whole	
Act No. 71 of 1985	Universities for Blacks, Technikons (Education and Training) and Education and Training Amendment Act, 1985	Sections 37, 38, 39, 40, 41 and 42	5
Act No. 3 of 1986	Universities and Technikons for Blacks Tertiary Education (Education and Training) and Education and Training Amendment Act, 1986	Sections 26, 27 28 and 29	10
Act No. 89 of 1986	Technikons (National Education) Amendment Act, 1986	The whole	
Act No. 8 of 1987	Advanced Technical Education Amendment Act (House of Delegates), 1987	The whole	15
Act No. 95 of 1987	Education Laws (Education and Training) Amendment Act, 1987	Sections 14, 15, 16, 17 and 18	20
Act No. 10 of 1988	KwaZulu Act on the Extension of Technikons of the Certification Council for Technikon Education, 1988	The whole	
Act No. 20 of 1988	KwaZulu Technikons Amendment Act, 1988	The whole	25
Act No. 33 of 1988	Technikons (National Education) Amendment Act (House of Assembly), 1988	The whole	
Act No. 38 of 1989	Advanced Technical Education (Technikons) Act, 1989 (Bophuthatswana)	The whole	30
Act No. 41 of 1990	Universities and Technikons (Education and Training) Amendment Act, 1990	Section 7	
Decree No. 3 of 1994	Transkei Technikons Decree, 1994	The whole	35

### Application of Act 125 of 1993

29. The provisions of the Technikons Act, 1993 (Act No. 125 of 1993), shall apply throughout the national territory of the Republic of South Africa contemplated in section 1 of the Constitution.

### Short title and commencement

30. (1) This Act shall be called the Technikons Amendment Act, 1995.

(2) Sections 17, 26, 27 and 28 shall be deemed to have come into operation on 1 January 1994.

## WYSIGINGSWET OP TECHNIKONS, 1995

Wet No. 27, 1995

Nommer en jaar van Wet	Titel	In hoeverre herroep
5	Wet No. 77 van 1984	Die geheel
	Wet No. 71 van 1985	Artikels 37, 38, 39, 40, 41 en 42
10	Wet No. 3 van 1986	Artikels 26, 27 28 en 29
15	Wet No. 89 van 1986	Die geheel
	Wet No. 8 van 1987	Die geheel
20	Wet No. 95 van 1987	Artikels 14, 15 16, 17 en 18
	Wet No. 10 van 1988	Die geheel
25	Wet No. 20 van 1988	Die geheel
	Wet No. 33 van 1988	Die geheel
30	Wet No. 38 van 1989	Die geheel
	Wet No. 41 van 1990	Artikel 7
35	Dekreet No. 3 van 1994	Die geheel

**Toepassing van Wet 125 van 1993**

29. Die bepalings van die Wet op Technikons, 1993 (Wet No. 125 van 1993), is  
40 van toepassing in die hele nasionale grondgebied van die Republiek van  
Suid-Afrika beoog in artikel 1 van die Grondwet.

**Kort titel en inwerkingtreding**

30. (1) Hierdie Wet heet die Wysigingswet op Technikons, 1995.  
 (2) Artikels 17, 26, 27 en 28 word geag op 1 Januarie 1994 in werking te getree  
45 het.



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