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PRESIDENT'S OFFICE

No. 939.

11 July 1997

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

No. 21 of 1997: University of the Witwatersrand, Johannesburg (Private) Amendment Act, 1997.

KANTOOR VAN DIE PRESIDENT

No. 939.

11 Julie 1997

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

No. 21 van 1997: Private Wysigingswet op die Universiteit van die Witwatersrand, Johannesburg, 1997.

Act No. 21, 1997

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG (PRIVATE)
AMENDMENT ACT, 1997**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 University of the Witwatersrand, Johannesburg (Private) Act, 1959, so as to delete, substitute or insert certain definitions; to amend the name of the province in which the University is seated; to regulate the composition of the Council and the Convocation of the University anew; to amend the name of the faculty of medicine; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 2 July 1997.)

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

Amendment of section 1 of Act 15 of 1959, as amended by section 1 of Act 32 of 1968, section 1 of Act 37 of 1980, section 7 of Act 64 of 1989 and section 1 of Act 78 of 1991

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1. Section 1 of the University of the Witwatersrand, Johannesburg (Private) Act, 1959 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of the definition of “incumbent of a recognized hospital post”;
- (b) by the deletion of the definition of “lecturer”;
- (c) by the substitution for the definition of “member of the academic staff” of the following definition:

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“ ‘member of the academic staff’ means a person on the permanent or temporary, full-time or part-time staff of the University, who is an adjunct, associate or assistant professor, reader, senior lecturer, lecturer, assistant lecturer or junior lecturer, a research worker, senior tutor, tutor other than a student tutor, or an incumbent of a recognized hospital post or of any teaching post which the Council, on the recommendation of the Senate, has recognised as a post having academic status in the University, and includes a person in any of these categories who is serving a probationary period in terms of his or her contract of service prior to permanent appointment;”;

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- (d) by the insertion after the definition of “member of the academic staff” of the following definition:

“ ‘member of the support services staff’ means a person on the permanent or temporary, full-time or part-time staff of the University, other than a member of the academic staff, and includes a person in this category who is

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ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Private Wet op die Universiteit van die Witwatersrand, Johannesburg, 1959, ten einde sekere omskrywings te skrap, te vervang of in te voeg; die naam van die provinsie waarin die Universiteit gesetel is, te wysig; die samestelling van die Raad en die Konvokasie van die Universiteit opnuut te reël; die benaming van die fakulteit geneeskunde te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 2 Julie 1997.)

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

Wysiging van artikel 1 van Wet 15 van 1959, soos gewysig deur artikel 1 van Wet 32 van 1968, artikel 1 van Wet 37 van 1980, artikel 7 van Wet 64 van 1989 en
5 artikel 1 van Wet 78 van 1991

1. Artikel 1 van die Private Wet op die Universiteit van die Witwatersrand, Johannesburg, 1959 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van “beker van ’n erkende hospitaalpos” te skrap;
- (b) deur die omskrywing van “lektor” te skrap;
- 10 (c) deur die omskrywing van “lid van die akademiese personeel” deur die volgende omskrywing te vervang:
- “ ‘lid van die akademiese personeel’ iemand in die vaste of tydelike, voltydse of deeltydse personeel van die Universiteit wat ’n adjunk-, mede- of assistent-professor, voorleser, senior lektor, lektor, assistent-
15 lektor of junior lektor, ’n navorser, senior studieleier, studieleier behalwe ’n studentestudieleier is, of ’n bekleër van ’n erkende hospitaalpos of van ’n dosentepos wat die Raad, op aanbeveling van die Senaat, as ’n pos met akademiese status in die Universiteit erken het, en ook iemand in enige van hierdie kategorieë wat ingevolge sy of haar
20 dienskontrak ’n proeftyd dien voordat hy of sy vas aangestel word;”;
- (d) deur na die omskrywing van “lid van die akademiese personeel” die volgende omskrywing in te voeg:
- “ ‘lid van die ondersteuningsdienstepersoneel’ iemand in die vaste of
25 tydelike, voltydse of deeltydse personeel van die Universiteit, behalwe ’n lid van die akademiese personeel, en ook iemand in hierdie kategorie

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serving a probationary period in terms of his or her contract of service prior to permanent appointment;”;

(e) by the substitution for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister of Education [and Culture: House of Assembly];”; and

(f) by the deletion of the definition of “research worker”.

Amendment of section 2 of Act 15 of 1959, as amended by section 2 of Act 37 of 1980 and section 11 of Act 75 of 1984

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The University shall as heretofore be a body corporate with its seat at Johannesburg in the Province of [the Transvaal] Gauteng and shall, in its name, be capable in law of suing or being sued, of investing, lending and borrowing moneys, of purchasing or otherwise acquiring, holding, leasing, hiring, selling, exchanging, alienating or hypothecating any property, movable or immovable, burdening such property with a servitude or otherwise conferring any real right therein and generally, without in any way being limited by or restricted to the powers specified above, of entering into all other contracts, and of doing or performing such acts and things as bodies corporate may by law do or perform, subject always to the provisions of this Act.”.

Substitution of section 9 of Act 15 of 1959, as amended by section 6 of Act 32 of 1968, section 6 of Act 37 of 1980, section 8 of Act 64 of 1989 and section 5 of Act 78 of 1991

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

“Council of University

9. (1) Subject to the provisions of this Act, the government and the executive authority of the University shall be vested in the Council, which shall consist of—

- (a) the Vice-Chancellor;
- (b) the Vice-Principal;
- (c) the Deputy Vice-Chancellor or the Deputy Vice-Chancellors, as the case may be, other than the Vice-Principal;
- (d) four persons appointed by the Minister;
- (e) three persons appointed by the Executive Committee of the Convocation;
- (f) five members of the Senate elected by the Senate;
- (g) five Deans of the Faculties of the University elected by the Deans in office;
- (h) two members of the academic staff elected by such staff;
- (i) two members of the support services staff elected by such staff;
- (j) two persons appointed by the Premier of the Province of Gauteng;
- (k) two persons appointed by the Greater Johannesburg Metropolitan Council;
- (l) two persons elected by persons who, in accordance with the statutes, are donors to the University;
- (m) six persons appointed by the Council by reason of their special knowledge or expertise, or to represent such constituencies as may from time to time be considered by the Council to be under-represented on the Council;
- (n) five students appointed in accordance with the statutes;
- (o) two persons appointed by the Council from the membership of such professional bodies, external to the University, as may be determined by the Council;
- (p) four persons from the membership of such business and labour organisations as may, from time to time, be determined by the statutes:

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wat ingevolge sy of haar dienskontrak 'n proeftyd dien voordat hy of sy vas aangestel word.'";

- (e) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
- 5 " 'Minister' die Minister van Onderwys [**en Kultuur: Volksraad**];"; en
- (f) deur die omskrywing van "navorser" te skrap.

Wysiging van artikel 2 van Wet 15 van 1959, soos gewysig deur artikel 2 van Wet 37 van 1980 en artikel 11 van Wet 75 van 1984

2. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (1) deur die 10 volgende subartikel te vervang:

- "(1) Die Universiteit is soos tot nog toe 'n regspersoon met sy setel in Johannesburg in die provinsie [**Transvaal**] Gauteng en is, in sy naam, bevoeg om as eiser en verweerder in regte op te tree, om geld te belê, uit te leen en te leen, om roerende of onroerende eiendom te koop of andersins te verkry, te besit, te 15 verhuur, te huur, te verkoop, te ruil, te vervreem of te verhipotekeer, om daardie eiendom met 'n serwituut te beswaar of om andersins 'n saaklike reg daarop te verleen en om oor die algemeen, sonder om enigerwyse deur of tot die bogenoemde bevoegdhede beperk te wees, alle ander kontrakte aan te gaan, en om die handelinge of dinge te verrig of te doen wat regspersone regtens mag verrig 20 of doen, onderworpe steeds aan die bepalinge van hierdie Wet."

Vervanging van artikel 9 van Wet 15 van 1959, soos gewysig deur artikel 6 van Wet 32 van 1968, artikel 6 van Wet 37 van 1980, artikel 8 van Wet 64 van 1989 en artikel 5 van Wet 78 van 1991

3. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

25 **"Raad van Universiteit**

- 9. (1)** Behoudens die bepalinge van hierdie Wet berus die bestuur en die uitvoerende gesag van die Universiteit by die Raad, wat bestaan uit—
- (a) die Vise-kanselier;
- (b) die Vise-rektor;
- 30 (c) die Adjunk-vise-kanselier of die Adjunk-vise-kanseliers, na gelang van die geval, behalwe die Vise-rektor;
- (d) vier persone deur die Minister aangestel;
- (e) drie persone deur die Uitvoerende Komitee van die Konvokasie aangestel;
- 35 (f) vyf lede van die Senaat deur die Senaat verkies;
- (g) vyf Dekane van die Fakulteite van die Universiteit deur die dienende Dekane verkies;
- (h) twee lede van die akademiese personeel deur daardie personeel verkies;
- 40 (i) twee lede van die ondersteuningsdienstepersoneel deur daardie personeel verkies;
- (j) twee persone deur die Premier van die provinsie van Gauteng aangestel;
- (k) twee persone deur die Groter Johannesburg Metropolitaanse Raad 45 aangestel;
- (l) twee persone deur persone verkies wat ooreenkomstig die statute donateurs van die Universiteit is;
- (m) ses persone deur die Raad aangestel uit hoofde van hulle spesiale kennis of kundigheid, of om daardie kiesersgroepe te verteenwoordig wat deur die Raad van tyd tot tyd as ondervteenwoordig op die 50 Raad beskou word;
- (n) vyf studente ooreenkomstig die statute aangestel;
- (o) twee persone deur die Raad aangestel uit lede van die professionele liggame, van buite die Universiteit, soos deur die Raad bepaal;
- 55 (p) vier persone uit lede van die besigheids- en arbeidsorganisasies soos van tyd tot tyd deur die statute bepaal: Met dien verstande dat twee

Provided that two persons shall be drawn from business organisations and two persons from labour organisations.

(2) Except as provided in paragraphs (a), (b), (c), (f), (g), (h), (i) and (n) of subsection (1)—

(a) no member of the staff of the University and no other person in receipt of regular remuneration from the University shall be eligible for appointment or nomination for election or election as a member of the Council; 5

(b) a member of the Council who becomes a member of the staff of the University or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University shall forthwith vacate his or her seat on the Council. 10

(3) The members of the Council shall hold office for such periods as the statutes may in each case prescribe.

(4) If any member of the Council elected to the Council in terms of paragraph (f), (g), (h) or (i) of subsection (1) is for any reason granted leave of absence from the University for a period of three months or more, his or her place as a member of the Council for the time in which he or she takes such leave shall be filled by a member from the same constituency as the absentee, elected by the members of that particular constituency. 15 20

(5) Subject to the provisions of subsections (1), (2), (3) and (4), any vacancy in the membership of the Council shall be filled in the manner prescribed by the statutes.

(6) The Council shall elect from amongst its members a person to be chairperson of the Council, who shall hold office as chairperson for such period as may be prescribed by the statutes: Provided that for any period for which the chairperson is granted leave of absence the Council may elect from amongst its members another person to be acting chairperson of the Council: Provided further that any meeting of the Council at which the chairperson or acting chairperson is absent shall elect its own chairperson for that meeting. 25 30

(7) The Council shall hold at least one ordinary meeting in each quarter of the calendar year and the quorum and the procedure at meetings of the Council shall be as prescribed by the statutes.

(8) The Council shall administer all the property of the University and, except as otherwise provided in this Act, shall have the general control of the University and of all its affairs, purposes and functions. 35

(9) Without derogating from the generality of the powers vested in it, the Council shall—

(a) subject to the provisions of this Act, appoint all such persons as it considers necessary for the efficient conduct of the University and determine the title, status, powers, privileges, functions and duties of any person so appointed, and such persons shall be subject to such disciplinary provisions as may be prescribed by the statutes or by the rules made by the Council; 40 45

(b) determine, levy and collect the fees to be paid by students and the boarding charges to be paid by resident students and staff: Provided that the fees to be paid by students shall be determined after consultation with the Senate.

(10) The Secretary to the Council shall be appointed by the Council in the manner prescribed by the statutes. 50

(11) The principle of representation must be adhered to in the constitution of the council.”.

Amendment of section 12 of Act 15 of 1959, as amended by section 8 of Act 32 of 1968, section 9 of Act 37 of 1980 and section 11 of Act 75 of 1984 55

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

persone uit besigheidsorganisasies en twee persone uit arbeidsorganisasies is.

(2) Behalwe soos in paragrawe (a), (b), (c), (f), (g), (h), (i) en (n) van subartikel (1) bepaal—

5 (a) kom geen lid van die personeel van die Universiteit en geen ander persoon wat gereelde besoldiging van die Universiteit ontvang, in aanmerking vir aanstelling of benoeming vir verkiesing of verkiesing tot lid van die Raad nie;

10 (b) moet 'n lid van die Raad wat 'n lid van die personeel van die Universiteit word of wat met die Universiteit 'n kontrak aangaan ingevolge waarvan hy of sy gereelde besoldiging van die Universiteit sal ontvang, sy of haar setel in die Raad onverwyld ontruim.

(3) Die lede van die Raad beklee hulle ampte vir dié tydperke wat die statute in elke geval voorskryf.

15 (4) Indien daar om enige rede aan 'n lid van die Raad wat ingevolge paragraaf (f), (g), (h) of (i) van subartikel (1) tot die Raad verkies is, verlof verleen word om vir 'n tydperk van drie maande of langer van die Universiteit afwesig te wees, word sy of haar plek as 'n lid van die Raad vir die tydperk waarin hy of sy die verlof neem, gevul deur 'n lid van dieselfde kiesersgroep as die afwesige lid, verkies deur die lede van daardie spesifieke kiesersgroep.

20 (5) Onderworpe aan die bepalings van subartikels (1), (2), (3) en (4) word 'n vakature in die lidmaatskap van die Raad gevul op die wyse wat die statute voorskryf.

25 (6) Die Raad kies uit sy lede iemand om voorsitter van die Raad te wees, wat die amp van voorsitter beklee vir die tydperk wat die statute voorskryf. Met dien verstande dat die Raad vir enige tydperk waarvoor verlof van afwesigheid aan die voorsitter toegestaan is, iemand anders uit sy lede kan kies om waarnemende voorsitter van die Raad te wees: Met dien verstande voorts dat 'n vergadering van die Raad waarop die voorsitter of waarnemende voorsitter afwesig is, sy eie voorsitter vir daardie vergadering kies.

30 (7) Die Raad moet minstens een gewone vergadering in elke kwartaal van die kalenderjaar hou en die kworum en die prosedure op vergaderings van die Raad is soos deur die statute voorgeskryf.

35 (8) Die Raad administreer al die eiendom van die Universiteit en, behalwe waar hierdie Wet anders bepaal, berus die algemene beheer van die Universiteit en van al sy sake, oogmerke en werksaamhede by die Raad.

40 (9) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdhede aan hom verleen, moet die Raad—

(a) onderworpe aan die bepalings van hierdie Wet, al die persone aanstel wat hy vir die doeltreffende bestuur van die Universiteit nodig ag en die ampstitel, status, bevoegdhede, voorregte, werksaamhede en pligte bepaal van enige persoon wat aldus aangestel word, en dié persone is onderworpe aan die tugbepalings wat voorgeskryf word deur die statute, of deur die reëls deur die Raad gemaak;

45 (b) die studiegeld wat studente moet betaal en die losiesgeld wat inwonende studente en personeel moet betaal, vasstel, hef en invorder: Met dien verstande dat die studiegeld wat studente moet betaal na raadpleging met die Senaat bepaal word.

50 (10) Die Sekretaris van die Raad word deur die Raad aangestel op die wyse wat die statute voorskryf.

(11) Die beginsel van verteenwoordiging moet gevolg word in die samestelling van die raad.”.

55 **Wysiging van artikel 12 van Wet 15 van 1959, soos gewysig deur artikel 8 van Wet 32 van 1968, artikel 9 van Wet 37 van 1980 en artikel 11 van Wet 75 van 1984**

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

“(1) Die Konvokasie bestaan uit—

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“(1) The Convocation shall consist of—

- (a) the Vice-Chancellor, the Deputy Vice-Chancellor or the Deputy Vice-Chancellors, as the case may be, the Registrar or the Registrars, as the case may be, and such members or former members of the academic staff as may be determined by the statutes; and
- (b) all persons who are or become graduates of the University.”.

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Amendment of section 14 of Act 15 of 1959, as amended by section 10 of Act 37 of 1980

5. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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“(1) At the University there shall be faculties of arts, science, **[medicine]** health sciences, engineering, commerce, law, **[dentistry]** architecture, education and business administration and the departments established at the commencement of this subsection. **[In addition to the aforementioned faculties and departments there may be established faculties of veterinary science and music and a department of veterinary science as authorised by section *ten* of the University of the Witwatersrand, Johannesburg, (Private) Act, 1921 (Act No. 15 of 1921), and such other faculties and departments as the Council, subject to the provisions of section *fourteen* of the Universities Act, 1955 (Act No. 61 of 1955), may establish]**”.

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Transitional provisions

6. (1) The present Council shall continue to exist until a new Council is constituted in terms of this Act.

(2) A new Council shall be constituted in terms of this Act within three months from the date of commencement of this Act.

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Short title

7. This Act shall be called the University of the Witwatersrand, Johannesburg (Private) Amendment Act, 1997.

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- (a) die Vise-kanselier, die Adjunk-vise-kanselier of die Adjunk-vise-kanseliers, na gelang van die geval, die Registrateur of Registrateurs, na gelang van die geval, en dié lede of voormalige lede van die akademiese personeel wat in die statute bepaal word; en
- 5 (b) alle persone wat gegraduateerdes van die Universiteit is of word.”.

Wysiging van artikel 14 van Wet 15 van 1959, soos gewysig deur artikel 10 van Wet 37 van 1980

5. Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 10 “(1) Aan die Universiteit is daar fakulteite van lettere en wysbegeerte, natuurwetenskappe, [geneeskunde] gesondheidswetenskappe, ingenieurswese, handel, regsgeleerdheid, [tandheelkunde] argitektuur, opvoedkunde en bedryfs-
- 15 administrasie en die departemente wat by die inwerkingtreding van hierdie subartikel ingestel is. [Benewens voormelde fakulteite en departemente kan daar fakulteite van veeartsenykunde en musiek en ’n departement van veeartsenykunde ingestel word soos gemagtig by artikel tien van die “Uni-
- 20 versiteit van de Witwatersrand, Johannesburg, (Private) Wet, 1921” (Wet No. 15 van 1921), en ander fakulteite en departemente wat die Raad, onderworpe aan die bepalings van artikel veertien van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), mag instel]”.

Oorgangsbepalings

6. (1) Die huidige Raad bly voortbestaan totdat ’n nuwe Raad ingevolge hierdie Wet saamgestel word.

- 25 (2) ’n Nuwe Raad word saamgestel ingevolge hierdie Wet binne drie maande na die datum van inwerkingtreding van hierdie Wet.

Kort titel

7. Hierdie Wet heet die Private Wysigingswet op die Universiteit van die Witwatersrand, Johannesburg, 1997.

