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GOVERNMENT GAZETTE

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No. 19959

OFFICE OF THE PRESIDENT

No. 491.

21 April 1999

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

No. 8 of 1999: University of Cape Town (Private) Act, 1999.

KANTOOR VAN DIE PRESIDENT

No. 491.

21 April 1999

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

No. 8 van 1999: Private Wet op die Universiteit van Kaapstad, 1999.

*(English text signed by the President.)
(Assented to 14 April 1999.)*

ACT

To provide anew for the governance of the University of Cape Town and to bring it into line with the Higher Education Act, 1997; and to provide for matters connected therewith.

PREAMBLE

WHEREAS it is desirable for the University of Cape Town to—

BE a world-class African university;

EDUCATE its students;

ADDRESS the challenges facing the society; and

EQUIP people with life-long skills;

AND WHEREAS it is necessary to provide for the regulation of the University in the manner that the Higher Education Act, 1997 (Act No. 101 of 1997), requires;

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

Definitions

1. In this Act, unless the context indicates otherwise—

- (i) “academic staff” means the professors, associate professors, senior lecturers, 5
lecturers, assistant lecturers and the research officers, including the principal,
chief and senior research officers, employed by the University; (ii)
- (ii) “administrative and support staff” means the staff appointed to administrative
and support positions designated as such by the council, including profes- 10
sional staff in library and information technology services and technical
officers; (i)
- (iii) “certificate” means a certificate of the University awarded to a student on
completion of the work prescribed for the certificate by the senate; (xx)
- (iv) “convocation” means the convocation of the University contemplated in 15
section 13; (xiv)
- (v) “council” means the council of the University contemplated in section 8;
(xvii)
- (vi) “degree” means a degree of the University conferred upon a student on
completion of the work prescribed for the degree by the senate; (xi)
- (vii) “department” means an academic department established under section 15; 20
(iv)
- (viii) “diploma” means a diploma of the University awarded to a student on
completion of the work prescribed for the diploma by the senate; (vi)
- (ix) “donor” means a person who, before the commencement of this Act, was a 25
donor entitled to elect members of the council, and any person who, after the
commencement of this Act, makes donations and becomes a donor in
accordance with the statute; (vii)

(Engelse teks deur die President geteken.)
(Goedgekeur op 14 April 1999.)

WET

Om opnuut voorsiening te maak vir die bestuur van die Universiteit van Kaapstad en dit in ooreenstemming te bring met die Wet op Hoër Onderwys, 1997; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

AANGESIEN dit gewens is dat die Universiteit van Kaapstad—

'N AFRIKA-UNIVERSITEIT van wêreldgehalte moet wees;

SY STUDENTE moet onderrig;

DIE UITDAGINGS wat die samelewing in die gesig staar, moet aanspreek; en

PERSONE met lewenslange vaardighede moet toerus;

EN AANGESIEN dit noodsaaklik is om voorsiening te maak vir die regulering van die Universiteit op die wyse wat deur die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997), vereis word;

WORD DAAR DERHALWE deur die Parlement van die Republiek van Suid-Afrika soos volg bepaal:—

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- 5 (i) “administratiewe en ondersteuningspersoneel” die personeel wat aangestel is om administratiewe en ondersteuningsposte wat as sodanig deur die raad aangewys is, te vul, met inbegrip van professionele personeel in die biblioteek- en inligtingstechnologiese dienste en tegniese beamptes; (ii)
- 10 (ii) “akademiese personeel” die professore, medeprofessore, senior lektore, lektore, assistentlektore en die navorsingsbeamptes, met inbegrip van die eerste, hoof- en senior navorsingsbeamptes, in die diens van die Universiteit; (i)
- (iii) “beampte van die Universiteit” ’n lid van die personeel van die Universiteit wat deur die raad as ’n beampte van die Universiteit aangewys is; (xv)
- 15 (iv) “departement” ’n akademiese departement ingestel kragtens artikel 15; (vii)
- (v) “die Wet op Hoër Onderwys” die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997); (xxii)
- (vi) “diploma” ’n diploma van die Universiteit wat aan ’n student toegeken word by voltooiing van die werk wat deur die senaat voorgeskryf is vir die diploma; (viii)
- 20 (vii) “donateur” ’n persoon wat voor die inwerkingtreding van hierdie Wet ’n donateur was met die reg om lede van die raad te verkies, en enige persoon wat na die inwerkingtreding van hierdie Wet donasies maak en in ooreenstemming met die statuut ’n donateur word; (ix)
- 25 (viii) “eksamen” enige toets of evaluering, met inbegrip van enige skriftelike, mondelinge, praktiese of kliniese toets of evaluering waarvan die uitslag tot die uitslag van ’n kursus bydra; (x)

- (x) "examination" means any test or assessment, including any written, oral, practical or clinical test or assessment, where the result obtained contributes to the result for a course; (viii)
- (xi) "executive officer" means the vice-chancellor or a deputy vice-chancellor of the University, and "executive officers" means the vice-chancellor and the deputy vice-chancellors of the University; (xxiii) 5
- (xii) "faculty" means a faculty established under section 14; (x)
- (xiii) "institutional forum" means the institutional forum contemplated in section 10; (xiii)
- (xiv) "Minister" means the Minister of Education; (xv) 10
- (xv) "officer of the University" means a member of the staff of the University designated to be an officer of the University by the council; (iii)
- (xvi) "recognised staff body" means a body organised by and among the staff to represent the interests of a section of the staff and recognised for this purpose by the council; (ix) 15
- (xvii) "rules" means the institutional rules of the University made in terms of section 32 of the Higher Education Act; (xviii)
- (xviii) "senate" means the senate of the University contemplated in section 9; (xix)
- (xix) "staff" means persons employed at the University; (xvi)
- (xx) "statute" means the institutional statute of the University approved in terms of section 33 of the Higher Education Act; (xxi) 20
- (xxi) "student" means a person registered as a student at the University; (xxii)
- (xxii) "the Higher Education Act" means the Higher Education Act, 1997 (Act No. 101 of 1997); (v)
- (xxiii) "this Act" includes the statute and the rules; (xii) 25
- (xxiv) "University" means the South African College, Cape Town, which was established in 1829, regulated by Ordinance No. 11 of 1837 and incorporated as the University of Cape Town by section 1 of the University of Cape Town Act, 1916 (Act No. 14 of 1916). (xxiv)

Application of this Act

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2. This Act strives to bring the governance of the University into line with the Higher Education Act and is subject to that Act.

Seat of University

3. (1) The seat of the University is upon the portions of the Groote Schuur Estates that were transferred to and vested in the State under the Rhodes' Will (Groote Schuur Devolution) Act, 1910 (Act No. 9 of 1910), and granted to the University. 35

(2) The President of the Republic may grant to the University any further portions of these estates that the University needs.

(3) Subject to the concurrence of the Minister of Finance, no transfer duty, stamp duty or other money or costs is payable on any portion of these estates granted to the University in the manner contemplated in subsection (2). 40

(4) Notwithstanding any provision in the Rhodes' Will (Groote Schuur Devolution) Act, 1910, or in any other law, the University may lease a portion of the Groote Schuur Estates granted to the University to a health authority of a national, provincial or local sphere of government for a hospital to be used as a teaching hospital of the University, and may renew such lease. 45

(5) A condition for a lease contemplated in subsection (4) is that the staff and students of the University must have access to the hospital for teaching and research in the health professions and health sciences and for incidental purposes on conditions agreed by the University and the health authority. 50

(6) Notwithstanding any provision of any law and subject to the concurrence of the Minister of Finance, no transfer duty, stamp duty or other money or costs will be payable in respect of any lease granted under subsection (4).

Constitution and powers of University

4. (1) The University consists of—

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- (ix) "erkende personeelligaam" 'n liggaam deur en onder personeel georganiseer om die belange van 'n afdeling van die personeel te verteenwoordig en wat vir dié doel deur die raad erken is; (xvi)
- (x) "fakulteit" 'n fakulteit ingestel kragtens artikel 14; (xii)
- 5 (xi) "graad" 'n graad van die Universiteit wat aan 'n student toegeken word by voltooiing van die werk wat deur die senaat voorgeskryf is vir die graad; (vi)
- (xii) "hierdie Wet" ook die statuut en die reëls; (xxiii)
- (xiii) "institusionele forum" die institusionele forum in artikel 10 beoog; (xiii)
- (xiv) "konvokasie" die konvokasie van die Universiteit in artikel 13 beoog; (iv)
- 10 (xv) "Minister" die Minister van Onderwys; (xiv)
- (xvi) "personeel" persone in diens by die Universiteit; (xix)
- (xvii) "raad" die raad van die Universiteit in artikel 8 beoog; (v)
- (xviii) "reëls" die institusionele reëls van die Universiteit wat ingevolge artikel 32 van die Wet op Hoër Onderwys uitgevaardig is; (xvii)
- 15 (xix) "senaat" die senaat van die Universiteit in artikel 9 beoog; (xviii)
- (xx) "sertifikaat" 'n sertifikaat van die Universiteit wat aan 'n student toegeken word by voltooiing van die werk wat deur die senaat voorgeskryf is vir die sertifikaat; (iii)
- (xxi) "statuut" die institusionele statuut van die Universiteit goedgekeur ingevolge artikel 33 van die Wet op Hoër Onderwys; (xx)
- 20 (xxii) "student" 'n persoon wat as student aan die Universiteit geregistreer is; (xxi)
- (xxiii) "uitvoerende beampte" die visekanselier of 'n adjunk- visekanselier van die Universiteit, en "uitvoerende beamptes" die visekanselier en die adjunk-visekanseliers van die Universiteit; (xi)
- 25 (xxiv) "Universiteit" die Suid-Afrikaanse Kollege, Kaapstad, wat in 1829 gestig is, gereguleer deur Ordonnansie No. 11 van 1837 en as die Universiteit van Kaapstad geïnkorporeer is by artikel 1 van die Wet op die Universiteit van Kaapstad, 1916 (Wet No. 14 van 1916). (xxiv)

Toepassing van hierdie Wet

- 30 2. Hierdie Wet streef daarna om die bestuur van die Universiteit in ooreenstemming te bring met die Wet op Hoër Onderwys en is aan daardie Wet onderhewig.

Setel van Universiteit

3. (1) Die setel van die Universiteit is op die gedeeltes van die landgoed Groote Schuur wat oorgedra is aan en oorgegaan het op die Staat kragtens die "Rhodes
35 Uiterste Wil (Groote Schuur Overgang) Wet, 1910" (Wet No. 9 van 1910), en aan die Universiteit geskenk is.

(2) Die President van die Republiek kan enige verdere gedeeltes van hierdie landgoed wat die Universiteit nodig het, aan die Universiteit skenk.

- (3) Behoudens die instemming van die Minister van Finansies is geen oordragkoste,
40 seëlregte of ander gelde of koste betaalbaar op enige gedeelte van die landgoed wat op die wyse beoog in subartikel (2) aan die Universiteit geskenk is nie.

- (4) Ondanks enige bepalings vervat in die "Rhodes Uiterste Wil (Groote Schuur Overgang) Wet, 1910", of in enige ander wet, kan die Universiteit 'n gedeelte van die Groote Schuur-landgoed wat aan die Universiteit toegeken is, aan 'n gesondheids-
45 owerheid van 'n nasionale, provinsiale of plaaslike regeringsvlak verhuur vir die doeleindes van 'n hospitaal wat as opleidingshospitaal van die Universiteit gebruik word, en kan hy sodanige huurkontrak hernu.

- (5) 'n Voorwaarde van 'n huurkontrak beoog in subartikel (4) is dat die personeel en studente van die Universiteit toegang tot die hospitaal moet hê vir onderrig en
50 navorsing in die gesondheidsberoep en gesondheidswetenskappe en vir doeleindes wat daarmee verband hou op voorwaardes waaroor deur die Universiteit en die gesondheidsowerheid ooreengekom is.

- (6) Ondanks enige wetsbepaling en behoudens die instemming van die Minister van Finansies, is daar geen oordragkoste, seëlregte of ander gelde of koste betaalbaar ten
55 opsigte van 'n huurkontrak wat kragtens subartikel (4) toegestaan word nie.

Samestelling en bevoegdhede van Universiteit

4. (1) Die Universiteit bestaan uit—

- (a) the chancellor;
 - (b) the vice-chancellor;
 - (c) the deputy vice-chancellors;
 - (d) the council;
 - (e) the senate; 5
 - (f) the institutional forum;
 - (g) the convocation;
 - (h) the students of the University; and
 - (i) the staff of the University.
- (2) The University is a juristic person under the name of the University of Cape Town. 10
- (3) The University may—
- (a) invest or borrow money;
 - (b) lend money to any person or company;
 - (c) make donations;
 - (d) conclude contracts, including contracts of employment, contracts of guarantee 15
and suretyship and contracts outside the Republic; and
 - (e) buy, hold, let, hire, sell, exchange, alienate in any other manner, hypothecate,
burden with a servitude or deal with immovable or movable property in any
other manner.
- (4) Notwithstanding subsection (3)(e), the University may not without the concur- 20
rence of the Minister dispose of or alienate in any manner, any immovable property
acquired with the financial assistance of the State or grant to any person any real right
therein or servitude thereon.
- (5) Nothing contained in subsection (3) may be regarded as limiting the general 25
powers of the University as a juristic person.

Chancellor

5. (1) The chancellor is the titular head of the University.
- (2) The chancellor, or in his or her absence the person appointed to act on behalf of the
chancellor in terms of the statute, must preside at all congregations of the University
and, in the name of the University, confer all degrees and award all diplomas and 30
certificates.
- (3) The chancellor is elected by an electoral college, constituted as determined by
statute.
- (4) The criteria for a candidate for the office of chancellor are as determined by 35
statute.
- (5) The chancellor holds office for ten years, or until he or she resigns, or dies, or
ceases to qualify to hold office in terms of the statute.

Vice-chancellor

6. (1) The vice-chancellor is the chief executive officer of the University.
- (2) The council appoints the vice-chancellor after consulting the senate and the 40
institutional forum.

Deputy vice-chancellors

7. (1) The council may appoint up to four deputy vice-chancellors, after consulting the
senate and the institutional forum.
- (2) The deputy vice-chancellors' functions are determined by the council. 45

Council

8. (1) Subject to this Act and the Higher Education Act, the University is governed by
the council.
- (2) The council must—
- (a) administer all property of the University; and 50
 - (b) subject to this Act, make all appointments and have general control of the
University, its affairs and its functions.

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- (a) die kanselier;
(b) die visekanselier;
(c) die adjunk- visekanseliers;
(d) die raad;
5 (e) die senaat;
(f) die institusionele forum;
(g) die konvokasie;
(h) die studente van die Universiteit; en
(i) die personeel van die Universiteit.
- 10 (2) Die Universiteit is 'n regspersoon onder die naam Universiteit van Kaapstad.
(3) Die Universiteit kan—
(a) geld belê of leen;
(b) geld uitleen aan enige persoon of maatskappy;
(c) skenkings doen;
- 15 (d) kontrakte sluit, met inbegrip van dienskontrakte, waarborg- en borgstellingskontrakte en kontrakte buite die Republiek; en
(e) onroerende of roerende eiendom koop, hou, verhuur, verkoop, verruil of andersins vervreem, verhipotekeer, met 'n serwituut beswaar of andersins daarmee handel.
- 20 (4) Ondanks subartikel (3)(e) mag die Universiteit nie sonder die instemming van die Minister enige onroerende eiendom wat met die finansiële hulp van die Staat verkry is, op enige wyse verhandel of vervreem of aan enige persoon enige saaklike reg daarin of serwituut daarop verleen nie.
- (5) Geen bepaling in subartikel (3) word geag beperkend op die algemene
25 bevoegdhede van die Universiteit as 'n regspersoon te wees nie.

Kanselier

5. (1) Die kanselier is die titulêre hoof van die Universiteit.
(2) Die kanselier, of in sy of haar afwesigheid die persoon wat ingevolge die statuut aangestel is om namens die kanselier op te tree, tree as voorsitter by alle kongregasies
30 van die Universiteit op en ken alle grade, diplomas en sertifikate in die naam van die Universiteit toe.
(3) Die kanselier word verkies deur 'n kieskollege saamgestel op die wyse deur die statuut bepaal.
(4) Die kriteria vir 'n kandidaat vir die amp van kanselier is soos deur die statuut
35 bepaal.
(5) Die kanselier beklee die amp vir 'n tydperk van tien jaar, of totdat hy of sy bedank, of sterf, of nie meer aan die kriteria vir die amp ingevolge die statuut voldoen nie.

Visekanselier

- 40 6. (1) Die visekanselier is die hoof- uitvoerende beampte van die Universiteit.
(2) Die raad wys die visekanselier aan na oorlegpleging met die senaat en die institusionele forum.

Adjunk- visekanseliers

7. (1) Die raad kan hoogstens vier adjunk- visekanseliers aanwys na oorlegpleging
45 met die senaat en die institusionele forum.
(2) Die werksaamhede van die adjunk- visekanseliers word deur die raad bepaal.

Raad

8. (1) Behoudens hierdie Wet en die Wet op Hoër Onderwys word die Universiteit deur die raad beheer.
50 (2) Die raad—
(a) administreer alle eiendom van die Universiteit; en
(b) doen behoudens hierdie Wet alle aanstellings en oefen algemene beheer uit oor die Universiteit en al die aangeleenthede en werksaamhede daarvan.

(3) The council may by resolution establish committees of the council, and may in addition to the members of a committee appoint persons who are not members of the council as members of such committee.

(4) The council may disestablish any committee it has established, and may terminate the membership of any person it has appointed to any committee. 5

(5) The council may delegate or assign any of its functions to—

- (a) a committee of the council;
- (b) a member of the council; or
- (c) any officer of the University.

(6) The council remains responsible for the performance of any function delegated or assigned under subsection (5). 10

(7) The council consists of—

- (a) the vice-chancellor;
- (b) the deputy vice-chancellors;
- (c) four members of the senate elected by the senate; 15
- (d) one member of the academic staff elected by the academic staff;
- (e) two members of the administrative and support staff elected by the administrative and support staff;
- (f) three students elected by the students' representative council, one of whom must be a postgraduate student of the University; 20
- (g) five persons appointed by the Minister;
- (h) one person appointed by the Premier of the Western Cape;
- (i) two persons appointed by local government;
- (j) six persons elected by the convocation;
- (k) four persons elected by donors; 25
- (l) one person elected by organised labour;
- (m) one person elected by organised commerce and industry; and
- (n) up to three persons co-opted by the council.

(8) At least 60 per cent of the members of the council must be persons who are neither staff nor students of the University. 30

(9) No staff member and no student of the University may hold an appointment under subsection (7)(g) to (n).

(10) The terms of office and the manner in which members of the council are elected or appointed are determined by statute.

(11) Any vacancy in the council must be filled in the manner determined by statute. 35

(12) The council must elect a chairperson and a deputy chairperson from its members in the manner and for the term of office as determined by statute.

(13) The meetings of the council are held as determined by the council.

(14) The procedure and the quorum at meetings of the council are as determined by statute. 40

Senate

9. (1) The senate organises and controls the teaching, curricula, syllabuses, examinations and research of the University.

(2) Notwithstanding subsection (1), the senate carries out such other functions as the council delegates or assigns to it and is accountable to the council for its work. 45

(3) The senate determines the rules for examinations and all examinations are conducted in accordance with these rules.

(4) The senate may by resolution establish committees of the senate and may in addition to the members of a committee appoint persons who are not members of the senate as members of such committee. 50

(5) The senate may disestablish any committee it has established and may terminate the membership of any person it has appointed to any committee.

(6) The senate may delegate or assign any of its functions to—

- (a) a committee of the senate;
- (b) a member of the senate; or 55
- (c) any officer of the University.

(7) The senate remains responsible for the performance of any function delegated or assigned under subsection (6).

(8) The senate consists of—

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- (3) Die raad kan by wyse van besluit komitees van die raad instel en kan, bykomstig tot die lede van 'n komitee, persone wat nie lede van die raad is nie as lede van sodanige komitee aanstel.
- (4) Die raad kan enige komitee wat deur hom ingestel is, ontbind en kan die lidmaatskap van enige persoon wat die raad in 'n komitee aangestel het, beëindig.
- (5) Die raad kan enige van sy werksaamhede deleger of toewys aan—
- (a) 'n komitee van die raad;
 - (b) 'n lid van die raad; of
 - (c) enige amptenaar van die Universiteit.
- (6) Die raad is steeds verantwoordelik vir die verrigting van enige werksaamheid wat kragtens subartikel (5) gedelegeer of toegewys is.
- (7) Die raad bestaan uit—
- (a) die visekanselier;
 - (b) die adjunk- visekanseliers;
 - (c) vier lede van die senaat deur die senaat verkies;
 - (d) een lid van die akademiese personeel deur die akademiese personeel verkies;
 - (e) twee lede van die administratiewe en ondersteuningspersoneel deur die administratiewe en ondersteuningspersoneel verkies;
 - (f) drie studente, van wie een 'n nagraadse student van die Universiteit moet wees, deur die verteenwoordigende studenteraad verkies;
 - (g) vyf persone deur die Minister aangestel;
 - (h) een persoon deur die Premier van die Wes-Kaap aangestel;
 - (i) twee persone deur die plaaslike regering aangestel;
 - (j) ses persone deur die konvokasie verkies;
 - (k) vier persone deur donateurs verkies;
 - (l) een persoon deur die georganiseerde arbeid verkies;
 - (m) een persoon deur die georganiseerde handel en nywerheid verkies; en
 - (n) hoogstens drie persone deur die raad gekoöpteer.
- (8) Minstens 60 persent van die lede van die raad moet persone wees wat nie personeel of studente van die Universiteit is nie.
- (9) Geen personeellid en geen student van die Universiteit mag 'n amp kragtens subartikel (7)(g) tot (n) beklee nie.
- (10) Die ampstermyn en die wyse waarop lede van die raad verkies of aangewys word, word deur die statuut bepaal.
- (11) Enige vakature in die raad word gevul op die wyse deur die statuut bepaal.
- (12) Die raad moet 'n voorsitter en 'n ondervoorsitter vanuit sy geledere verkies op die wyse en vir die ampstermyn deur die statuut bepaal.
- (13) Die vergaderings van die raad word gehou soos deur die raad bepaal.
- (14) Die prosedure en die kworum by vergaderings van die raad is soos deur die statuut bepaal.

Senaat

9. (1) Die senaat organiseer en beheer die onderrig, kurrikula, sillabusse, eksamens en navorsing van die Universiteit.
- (2) Ondanks subartikel (1) verrig die senaat die ander werksaamhede wat die raad aan hom deleger of toewys, en is hy aan die raad verantwoordbaar vir sy werk.
- (3) Die senaat bepaal die reëls vir eksamens en alle eksamens word in ooreenstemming met hierdie reëls afgeneem.
- (4) Die senaat kan by wyse van besluit komitees van die senaat instel en kan, bykomstig tot die lede van 'n komitee, persone wat nie lede van die senaat is nie as lede van sodanige komitee aanstel.
- (5) Die senaat kan enige komitee wat deur hom ingestel is, ontbind en kan die lidmaatskap van enige persoon wat die senaat as lid van 'n komitee aangestel het, beëindig.
- (6) Die senaat kan enige van sy werksaamhede deleger of toewys aan—
- (a) 'n komitee van die senaat;
 - (b) 'n lid van die senaat; of
 - (c) enige amptenaar van die Universiteit.
- (7) Die senaat is steeds verantwoordelik vir die verrigting van enige werksaamheid wat kragtens subartikel (6) gedelegeer of toegewys is.
- (8) Die senaat bestaan uit—

- (a) the vice-chancellor;
 - (b) the deputy vice-chancellors;
 - (c) the deans and acting deans, and the deputy deans and acting deputy deans of faculties;
 - (d) the heads and acting heads of departments; 5
 - (e) the professors;
 - (f) members of the academic staff elected by the academic staff;
 - (g) members of the administrative and support staff elected by the administrative and support staff;
 - (h) members of the council elected by the council; 10
 - (i) students and members of the students' representative council elected by the students' representative council; and
 - (j) up to ten persons co-opted by the senate.
- (9) The number of persons elected in terms of subsection (8)(f) to (i), their term of office and the manner in which they are elected, are determined by statute. 15
- (10) The majority of the members of the senate must be members of the academic staff of the University.

Institutional forum

10. (1) The institutional forum advises the council on issues affecting the University as required by the Higher Education Act and performs such other functions as determined by the council. 20
- (2) The institutional forum consists of—
- (a) an equal number of persons drawn from each of the following three sectors:
 - (i) Members of the council, senate and executive officers;
 - (ii) recognised staff bodies; and 25
 - (iii) students elected by the students' representative council; and
 - (b) members drawn from such other structures as determined by statute.
- (3) The number of members appointed by each sector is as determined by statute.
- (4) The terms of office and the manner in which members of the institutional forum are elected are as determined by statute. 30
- (5) The procedure and quorum at meetings of the institutional forum are as determined by statute.
- (6) The council must strive to provide fair and equitable opportunities to all members of the institutional forum to prepare for and participate in meetings of the institutional forum. 35

Joint committees

11. (1) The council, the senate and the institutional forum may, by resolution of each body concerned, establish joint committees.
- (2) In addition to the members of the council, the senate or the institutional forum, any other person may be appointed to a joint committee. 40
- (3) Any joint committee may be disestablished and the membership of any person appointed to a joint committee may be terminated.
- (4) The council may delegate or assign to a joint committee any of its functions, but remains responsible for the performance of those functions.
- (5) The senate may delegate or assign to a joint committee any of its functions, but remains responsible for the performance of those functions. 45
- (6) The institutional forum may delegate or assign to a joint committee any of its functions, but remains responsible for the performance of those functions.

Composition of council, senate, institutional forum, committees and joint committees

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12. Any person or body appointing a person, or nominating a candidate for election to the council, the senate, the institutional forum or a committee or a joint committee must have regard to the historic underrepresentation of women, in particular black women, and black people in general on such bodies and the need to redress that.

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- (a) die visekanselier;
- (b) die adjunk- visekanseliers;
- (c) die dekane en waarnemende dekane, en die adjunkdekane en waarnemende adjunkdekane van fakulteite;
- 5 (d) die hoofde en waarnemende hoofde van departemente;
- (e) die professore;
- (f) lede van die akademiese personeel deur die akademiese personeel verkies;
- (g) lede van die administratiewe en ondersteuningspersoneel deur die administratiewe en ondersteuningspersoneel verkies;
- 10 (h) lede van die raad deur die raad verkies;
- (i) studente en lede van die verteenwoordigende studenteraad deur die verteenwoordigende studenteraad verkies; en
- (j) hoogstens tien persone deur die senaat gekoöpteer.
- (9) Die getal persone ingevolge subartikel (8)(f) tot (i) verkies, hul ampstermyn en
- 15 die wyse waarop hulle verkies word, word deur die statuut bepaal.
- (10) Die meerderheid van die lede van die senaat moet lede van die akademiese personeel van die Universiteit wees.

Institusionele forum

10. (1) Die institusionele forum bedien die raad van advies betreffende sake rakende
- 20 die Universiteit soos deur die Wet op Hoër Onderwys vereis en verrig die ander werksaamhede wat die raad bepaal.
- (2) Die institusionele forum bestaan uit—
- (a) 'n gelyke getal persone vanuit elk van die volgende drie sektore:
 - (i) Lede van die raad, senaat en uitvoerende amptenare;
 - 25 (ii) erkende personeelverenigings; en
 - (iii) studente deur die verteenwoordigende studenteraad verkies; en
 - (b) lede vanuit die ander strukture wat die statuut bepaal.
- (3) Die getal lede deur elke sektor aangestel, word deur die statuut bepaal.
- (4) Die ampstermyn en die wyse waarop lede van die institusionele forum verkies
- 30 word, is soos deur die statuut bepaal.
- (5) Die prosedure en kworum by vergaderings van die institusionele forum is soos deur die statuut bepaal.
- (6) Die raad moet streef om regverdige en billike geleenthede te voorsien aan alle lede van die institusionele forum om voor te berei vir en deel te neem aan vergaderings
- 35 van die institusionele forum.

Gesamentlike komitees

11. (1) Die raad, die senaat en die institusionele forum kan by wyse van besluit van elke betrokke liggaam gesamentlike komitees instel.
- (2) Enige ander persoon kan bykomstig tot die lede van die raad, die senaat of die
- 40 institusionele forum in 'n gesamentlike komitee aangestel word.
- (3) Enige gesamentlike komitee kan ontbind word en die lidmaatskap van enige persoon wat in 'n gesamentlike komitee aangestel is, kan beëindig word.
- (4) Die raad kan enige van sy werksaamhede aan 'n gesamentlike komitee delegeer of toewys, maar is steeds verantwoordelik vir die verrigting van daardie werksaam-
- 45 hede.
- (5) Die senaat kan enige van sy werksaamhede aan 'n gesamentlike komitee delegeer of toewys, maar is steeds verantwoordelik vir die verrigting van daardie werksaamhede.
- (6) Die institusionele forum kan enige van sy werksaamhede aan 'n gesamentlike
- 50 komitee delegeer of toewys, maar is steeds verantwoordelik vir die verrigting van daardie werksaamhede.

Samestelling van raad, senaat, institusionele forum, komitees en gesamentlike komitees

12. Enige persoon of liggaam wat 'n persoon vir verkiesing tot die raad, die senaat,
- 55 die institusionele forum of 'n komitee of 'n gesamentlike komitee aanstel of benoem, moet met die historiese onderverteenvoording van vroue, veral swart vroue, en swartmense in die algemeen in sulke liggame en die noodsaaklikheid daarvan om dit reg te stel, rekening hou.

Convocation

13. (1) The convocation consists of—
- (a) the graduates and all holders of diplomas and certificates of the University;
 - (b) the vice-chancellor, the deputy vice-chancellor and the academic staff; and
 - (c) those former professors and associate professors of the University elected by the senate to be emeritus professors or emeritus associate professors.
- (2) The convocation meets in the manner and at the times determined by statute.
- (3) The convocation may discuss and state its opinion upon any matter relating to the University, including any matter referred to it by the council, the senate or the institutional forum.

Faculties

14. The council, with the concurrence of the senate, may establish or disestablish faculties.

Departments

15. The council, with the concurrence of the senate, may establish or disestablish departments.

Appointment of academic staff

16. The council must consult the senate or a committee appointed by the senate for this purpose before appointing any member of the academic staff.

Degrees, diplomas and certificates

17. (1) The University may, subject to this Act, award diplomas and certificates and confer degrees of bachelor, honours bachelor, master and doctor in any faculty.
- (2) Except as is provided by section 18, no degree may be conferred upon, and no diploma or certificate may be awarded to any person who has not—
- (a) been registered as a student of the University for the period and under the conditions which the senate prescribes; and
 - (b) completed the courses and passed in the examinations prescribed by the senate.

Honorary degrees

18. (1) The University may confer honorary degrees of master or doctor without examination and in the manner determined by the statute.
- (2) The award of an honorary degree to a person does not entitle that person to practise any profession.

Tests of religion, culture, belief or opinion

19. No test of religion, culture, belief or opinion may be imposed on any person as a condition of that person becoming or continuing to be a student or staff member of the University, or of holding any degree, diploma or certificate of the University, or of holding any office, receiving any emolument or exercising any privilege in the University, nor may any preference be given to, or advantage be withheld from, any person on the grounds of that person's religion, culture, belief or opinion.

Discipline

20. (1) Every student must comply with all rules set by the senate and the council.
- (2) Every student is subject to such disciplinary measures and disciplinary procedures as determined by the rules.

Vacancies not to affect powers

21. (1) A vacancy in any office or in the council, the senate or the institutional forum

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Konvokasie

13. (1) Die konvokasie bestaan uit—
- (a) die gegradueerdes en alle persone met diplomas en sertifikate van die Universiteit;
 - 5 (b) die visekanselier, die adjunk- visekanselier en die akademiese personeel; en
 - (c) die voormalige professore en medeprofessore van die Universiteit deur die senaat verkies tot emeritus-professore of emeritus-medeprofessore.
- (2) Die konvokasie vergader op die wyse en tye deur die statuut bepaal.
- 10 (3) Die konvokasie kan enige aangeleentheid bespreek wat op die Universiteit betrekking het, met inbegrip van enige aangeleentheid deur die raad, die senaat of die institusionele forum na hom verwys, en sy mening daaroor uitspreek.

Fakulteite

14. Die raad kan met die instemming van die senaat fakulteite instel of ontbind.

Departemente

- 15 15. Die raad kan met die instemming van die senaat departemente instel of ontbind.

Aanstelling van akademiese personeel

16. Die raad moet met die senaat of 'n komitee deur die senaat vir hierdie doel aangestel, oorleg pleeg voordat enige lid van die akademiese personeel aangestel word.

Grade, diplomas en sertifikate

- 20 17. (1) Behoudens hierdie Wet kan die Universiteit in enige fakulteit diplomas, sertifikate en baccalaureus-, honneurs baccalaureus-, meesters- en doktorsgrade toeken.
- (2) Behalwe soos bepaal deur artikel 18, mag geen graad, diploma of sertifikaat deur die Universiteit toegeken word aan iemand wat—
- 25 (a) nie vir die tydperk en onderhewig aan die voorwaardes wat die senaat voorskryf as 'n student van die Universiteit geregistreer was nie; en
 - (b) nie die kursusse voltooi en in die eksamens geslaag het soos deur die senaat voorgeskryf nie.

Eregrade

18. (1) Die Universiteit kan ere-meesters- of doktorsgrade toeken sonder eksaminering en op die wyse deur die statuut bepaal.
- 30 (2) Die toekenning van 'n eregraad aan iemand verleen nie 'n aanspraak aan daardie persoon om 'n beroep te beoefen nie.

Toetse ten opsigte van godsdiens, kultuur, geloof of opinie

19. Niemand mag aan enige toets aangaande oortuiging van godsdiens, kultuur, 35 geloof of opinie onderwerp word as 'n voorwaarde om 'n student of personeellid van die Universiteit te word of te bly nie, of om 'n graad, diploma of sertifikaat van die Universiteit te behou nie, of om enige amp te beklee, enige besoldiging te ontvang of enige voorreg uit te oefen in die Universiteit nie, en niemand mag op grond van sy of haar godsdiens, kultuur, geloof of opinie bevoordeel word of te kort gedoen word nie.

40 Dissipline

20. (1) Elke student moet alle reëls deur die senaat en die raad vasgestel, nakom.
- (2) Elke student is onderworpe aan die dissiplinêre maatreëls en dissiplinêre prosedures soos deur die reëls bepaal.

Vakatures raak nie bevoegdhede nie

- 45 21. (1) Geen vakature in 'n amp of in die raad, die senaat of die institusionele forum, maak inbreuk op of raak die regspersoonlikheid van die Universiteit of die bevoegd-

does not impair or affect the corporate existence of the University or any powers, rights or privileges conferred by this Act upon the University, the council, the senate or the institutional forum or the exercise of any power, right or privilege.

(2) Notwithstanding subsection (1), a resolution of the council, the senate or the institutional forum is not valid unless passed at a meeting at which a quorum is present and unless all the other provisions of this Act have been complied with. 5

Transitional provision

22. (1) Subject to subsection (2), the council as it existed immediately before the commencement of this Act continues to exist until a new council is constituted in terms of section 8(7). 10

(2) (a) A new council must be constituted in terms of this Act within six months after the commencement of this Act.

(b) Any vacancy that arises in the council before the new council is constituted as contemplated in paragraph (a) may not be filled.

Repeal of laws 15

23. (1) The laws mentioned in the Schedule to this Act are hereby repealed to the extent set out in the third column of the Schedule.

(2) Anything done under any provision of the University of Cape Town Act, 1959, before this Act came into operation, is deemed to have been done under the corresponding provision of this Act. 20

Short title and commencement

24. This Act is called the University of Cape Town (Private) Act, 1999, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

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hede, regte of voorregte wat deur hierdie Wet aan die Universiteit, die raad, die senaat of die institusionele forum verleen word of die uitoefening van enige bevoegdheid, reg of voorreg nie.

- (2) Ondanks subartikel (1) is geen besluit van die raad, die senaat of die institusionele forum geldig nie tensy dit geneem word op 'n vergadering waarop 'n kworum aanwesig is en tensy alle ander bepalings van die Wet nagekom is.

Oorgangsbepaling

22. (1) Behoudens subartikel (2) bly die raad, soos dit bestaan het onmiddellik voor die inwerkingtreding van hierdie Wet, voortbestaan, totdat 'n nuwe raad ingevolge artikel 8(7) saamgestel word.

(2) (a) 'n Nuwe raad moet binne ses maande na die inwerkingtreding van hierdie Wet saamgestel word.

(b) Enige vakature wat in die raad ontstaan voordat die nuwe raad saamgestel word soos beoog in (a) mag nie gevul word nie.

15 Herroeping van wette

23. (1) Die wette wat in die Bylae by hierdie Wet genoem word, word hierby herroep in die mate in die derde kolom van die Bylae uiteengesit.

- (2) Enigiets wat kragtens 'n bepaling van die Wet op die Universiteit van Kaapstad, 1959, gedoen is voor die inwerkingtreding van hierdie Wet word geag gedoen te gewees het kragtens die ooreenstemmende bepaling van hierdie Wet.

Kort titel en inwerkingtreding

24. Hierdie Wet heet die Private Wet op die Universiteit van Kaapstad, 1999, en tree in werking op 'n datum deur die President by kennisgewing in die *Staatskoerant* bepaal.

SCHEDULE

Number and year of law	Short title	Extent of repeal
Act No. 38 of 1959	University of Cape Town Act, 1959	The whole
Act No. 12 of 1962	University of Cape Town Amendment Act, 1962	The whole
Act No. 2 of 1965	University of Cape Town Amendment Act, 1965	The whole
Act No. 51 of 1967	University of Cape Town Amendment Act, 1967	The whole
Act No. 9 of 1977	University of Cape Town (Private) Amendment Act, 1977	The whole
Act No. 84 of 1979	University of Cape Town (Private) Amendment Act, 1979	The whole
Act No. 70 of 1983	University of Cape Town (Private) Amendment Act, 1983	The whole
Act No. 83 of 1983	Universities Amendment Act, 1983	The Schedule insofar as it relates to the University of Cape Town Act, 1959 (Act No. 38 of 1959)
Act No. 75 of 1984	Universities, National Education Policy and Technikons Amendment Act, 1984	The Schedule insofar as it relates to the University of Cape Town Act, 1959 (Act No. 38 of 1959)
Act No. 64 of 1989	Universities Amendment Act (House of Assembly), 1989	Sections 14, 15 and 16
Act No. 138 of 1993	University of Cape Town (Private) Amendment Act (House of Assembly), 1993	The whole
Act No. 49 of 1996	General Law Amendment Act, 1996	The Schedule insofar as it relates to the University of Cape Town Act, 1959 (Act No. 38 of 1959)

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BYLAE

Nommer en jaar van wet	Kort titel	Mate van herroeping
Wet No. 38 van 1959	Wet op die Universiteit van Kaapstad, 1959	Die geheel
Wet No. 12 van 1962	Wysigingswet op die Universiteit van Kaapstad, 1962	Die geheel
Wet No. 2 van 1965	Wysigingswet op die Universiteit van Kaapstad, 1965	Die geheel
Wet No. 51 van 1967	Wysigingswet op die Universiteit van Kaapstad, 1967	Die geheel
Wet No. 9 van 1977	(Private) Wysigingswet op die Universiteit van Kaapstad, 1977	Die geheel
Wet No. 84 van 1979	(Private) Wysigingswet op die Universiteit van Kaapstad, 1979	Die geheel
Wet No. 70 van 1983	(Private) Wysigingswet op die Universiteit van Kaapstad, 1983	Die geheel
Wet No. 83 van 1983	Wysigingswet op Universiteite, 1983	Die Bylae in die mate wat dit betrekking het op die Wet op die Universiteit van Kaapstad, 1959 (Wet No. 38 van 1959)
Wet No. 75 van 1984	Wysigingswet op Universiteite, Nasionale Onderwysbeleid en Technikons, 1984	Die Bylae in die mate wat dit betrekking het op die Wet op die Universiteit van Kaapstad, 1959 (Wet No. 38 van 1959)
Wet No. 64 van 1989	Wysigingswet op Universiteite (Volksraad), 1989	Artikels 14, 15 en 16
Wet No. 138 van 1993	(Private) Wysigingswet op die Universiteit van Kaapstad, (Volksraad) 1993	Die geheel
Wet No. 49 van 1996	Algemene Regswysigingswet, 1996	Die Bylae in die mate wat dit betrekking het op die Wet op die Universiteit van Kaapstad, 1959 (Wet No. 38 van 1959)

