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Augustus 2013

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CONTENTS • INHOUD*No.**Page
No. Gazette
 No.***GOVERNMENT NOTICE****Higher Education and Training, Department of***Government Notice*

631	Higher Education Act (101/1997): Establishment of a public university in terms of section 20	3	36772
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GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 631

22 August 2013

HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997)

ESTABLISHMENT OF A PUBLIC UNIVERSITY IN TERMS OF SECTION 20 OF THE HIGHER EDUCATION ACT, 1997

UNIVERSITY OF MPUMALANGA

I, Bonginkosi Emanuel Nzimande, MP, Minister of Higher Education and Training, in terms of section 20 of the Higher Education Act, 1997 (Act 101 of 1997), and after consulting with the Council on Higher Education, hereby establish the University of Mpumalanga in Mbombela, Mpumalanga Province. The date of the establishment of the University of Mpumalanga, the type of institution, its physical location and official address, the composition of its interim council and the transitional arrangements required to ensure the effective implementation of its establishment are set out in the Schedule hereto.



Dr BE Nzimande

Minister of Higher Education and Training

Date: 16/08/13

SCHEDULE 1

The date of the establishment of the new University is effective from the date of publication of this gazette which University is a juristic person as contemplated in section 20(4) of the Higher Education Act, Act No. 101 of 1997 (the Act).

The type and name of the new institution

This institution will be a comprehensive university to be known as the **University of Mpumalanga**

The physical location and official address of the new institution

The physical location and seat of this university will be in Mbombela.

The official address of the University of Mpumalanga is:

Corner of R40 White River Road and Fredenheim Road, Riverside, Mbombela, 1200

The University of Mpumalanga is established as a multi-campus university with a second campus at Siyabuswa. The physical address of the second campus is:

Bheki Mfundo Drive, 0472, Siyabuswa, South Africa

Establishment of an Interim Council

An interim council is established for a period not exceeding six months, to perform the functions relating to governance of the institution, except the making of the institutional statute.

The Interim Council must in particular:

- appoint an interim body to manage the day-to-day activities of the institution;
- ensure that a council is constituted in terms of the standard institutional statute
- ensure the establishment of such other structures as may be determined in the standard institutional statute

The composition of the interim council including the chairperson is:

- Dr Madoda Mabunda (Chairperson)
- Prof Connie Mokadi
- Ms Helen Thrush
- Prof Chris de Beer
- Mr Vincent Mlombo

The interim council must co-opt three members of the interim management body as members without voting rights as contemplated in section 20(9) and (10) of the Act.

The University will perform its functions in accordance with Chapter 4 of the Act and with the assets identified in the Record of Intention attached as Annexure A and money appropriated by Parliament as contemplated in section 20(1) of the Act.

The transitional arrangements

A set of comprehensive and integrated policies and procedures in the form of *Guidelines for the Establishment of a New University in South Africa* have been developed. The guidelines are broad in scope and deal with amongst others aspects the following areas of work: institutional governance; the office of the registrar; students governance; academic programmes; human resources; information and communication technology (ICT); finance; library and information sciences; and facilities management. The Minister will hand over the guidelines and framework to the Interim Council of the new university to develop the systems and practices that will support high quality teaching and learning, academic programmes and productive research and community engagement activities for the university.

The Department of Higher Education and Training will provide technical support to this University up until such time that it is fully functional.

ANNEXURE A

RECORD OF INTENTION

**RECORD OF INTENTION**

Agreed upon by and between

THE MINISTER OF HIGHER EDUCATION AND TRAINING

Herein represented by **Minister BE Nzimande, MP**

In his capacity as Minister of Higher Education and Training

(Herein referred to as "**the MHET**")

And

THE MINISTER OF PUBLIC WORKS

Herein represented by **Minister TW Nxesi, MP**

In his capacity as Minister of Public Works

(Hereinafter referred to as **MPW**)

And

THE PREMIER OF MPUMALANGA PROVINCE

Herein represented by **Premier D Mabuza**

In his capacity as Premier of Mpumalanga Province

(Hereinafter referred to as **PMP**)

**TO FACILITATE THE RAPID ESTABLISHMENT OF THE NEW UNIVERSITY IN
MPUMALANGA AND THE TRANSFER AND DEVELOPMENT OF THE IDENTIFIED
PUBLICLY OWNED LAND**

Three handwritten signatures in black ink, likely representing the Minister of Higher Education and Training, the Minister of Public Works, and the Premier of Mpumalanga Province.

1. PARTIES

- 1.1. The Minister of Higher Education and Training
- 1.2. The Minister of Public Works
- 1.3. The Premier of the Province of Mpumalanga

2. PREAMBLE

WHEREAS Government has committed itself to building a new University in Mpumalanga Province in order to improve access to post school education opportunities.

AND WHEREAS the President of the Republic announced the proposed seat of the university on the 5th July 2012.

AND WHEREAS Government's vision for the university was gazetted for public comment on the 31st August 2012

AND WHEREAS the Department of Higher Education and Training is charged with the development and establishment of this new university

AND WHEREAS the Premier of the Province represents the current provincial user of portions of the land identified for the purpose of the new university

AND WHEREAS the National Department of Public Works is the ultimate custodian of land on behalf of the national government

AND WHEREAS there is an urgent need for the Minister of Higher Education and Training to proclaim the new University in terms of the Higher Education Act (including the seat of delivery), so as to establish the University's governance and management structures and enable the start of academic programmes in 2014

AND WHEREAS the Cabinet Meeting of 05 December noted the progress made in the planning and development of two new universities including consultation with the public and affected stakeholders

AND WHEREAS the President of the Republic in his State of the Nation address on the 14th February 2013 confirmed that construction is expected to commence in September 2013

The block contains several handwritten signatures and initials in black ink. On the left, there is a large, stylized signature that appears to be 'J. M. D.' with a flourish underneath. To its right, there are smaller initials 'ad' and 'SA'. Further right, there is a signature that looks like 'T. M.' with a small '2' written below it, and another set of initials 'ad'.

AND WHEREAS there is a need to commence the physical planning and development of the new University,

AND WHEREAS the Parties recognise that the processes of land transfer may take some time to conclude

NOW THEREFORE THE PARTIES CONFIRM THEIR COMMITMENT TO THE RAPID ESTABLISHMENT OF THE UNIVERSITY AND THE TRANSFER AND DEVELOPMENT OF THE LAND IDENTIFIED IN ANNEXURE 1 AS FOLLOWS:

3. EFFECTIVE DATE

The commitments expressed in this memorandum shall be sustained until transfer of the land into the hands of the new University when it is established.

4. LAND TRANSFER

- 4.1. The portions of land identified in Annexure 1 will be transferred into the ownership of the new University after it has been proclaimed and in accordance with the established land disposal processes of Government.
- 4.2. It is the intention that the existing Lowveld Agricultural College will be incorporated into the new university and the parties recognize that the transition process will need to be managed to avoid disruption to existing academic programmes.
- 4.3. It is further envisaged that, in the future, the Siyabuswa Teacher College will be incorporated into the University and that all immovable property belonging to that institution will be transferred at that stage.

5. OCCUPATION AND DEVELOPMENT RIGHTS

- 5.1. Until the processes of land transfer are concluded, the new university is authorized to take occupation and to develop the land as if it were the owner. Until the university is established the Department of Higher Education and Training will act on its behalf in accordance

Handwritten signatures and initials in black ink, including a large signature, a smaller signature, and the number '3'.

with Clause 14 of the Interpretation Act 33 of 1957. The envisaged development activities include, but are not restricted to the following:

- 5.1.1. Surveys, site investigations, alterations, maintenance and on-site improvements,
- 5.1.2. Applications for zoning, planning approvals, building permits and any other planning processes required for development,
- 5.1.3. Installation of new services and the maintenance of existing
- 5.1.4. Construction work.
- 5.2. As the duly authorized occupier and developer of the land the new university will be accountable, through the Department of Higher Education and Training, to manage the property in full compliance with all laws and regulations governing property owners in general and any specific requirements of the respective title deeds.
- 5.3. The authorities which have custodianship of the land and act on behalf of the State will actively support and act at all times in the best interest of the University when it exercises any right referred to in sub-clauses 5.1 and 5.2.

6. COSTS

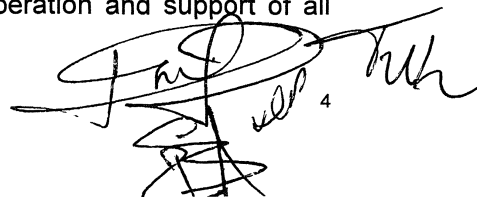
All costs associated with the occupation, implementation and development of the new university shall be carried by the university and/ or the Department of Higher Education and Training.

7. TRANSFER OF THE PROPERTY

The process to effect transfer of the property will be initiated by the Department of Higher Education and Training and will be facilitated and processed by the Department of Public Works, with the support of the Premier and the Provincial Executive and will be given a high priority by all parties involved.

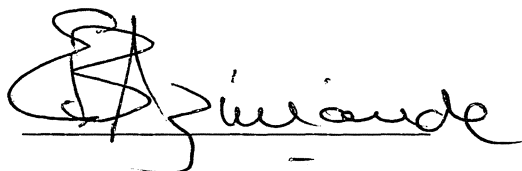
8. PUBLICATION

The parties wish to communicate this Record of Intention and agree to its publication in the Government Gazette in order to facilitate the cooperation and support of all

A handwritten signature and initials, possibly reading 'J. M. P. 4' and 'Ruh', are written in black ink.

organs of state, public authorities and the private sector in the establishment of the new university.

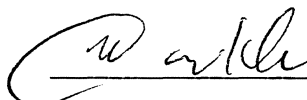

SIGNED at ERMENO on this 6 day of MARCH 2013



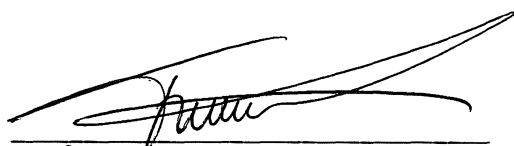
DR. BE NZIMANDE

MINISTER OF HIGHER EDUCATION AND TRAINING

AS WITNESSES (MHET):

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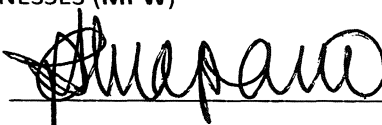

SIGNED at Pretoria on this 11 day of APRIL 2013



Mr W NXESI

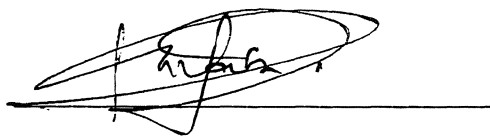
MINISTER OF PUBLIC WORKS

AS WITNESSES (MPW)

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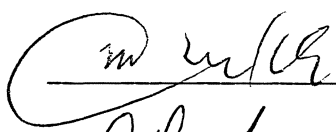
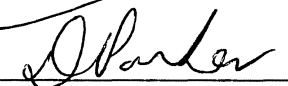
SIGNED at EMELO on this 6 day of MARCH 2013



Mr D MABUZA

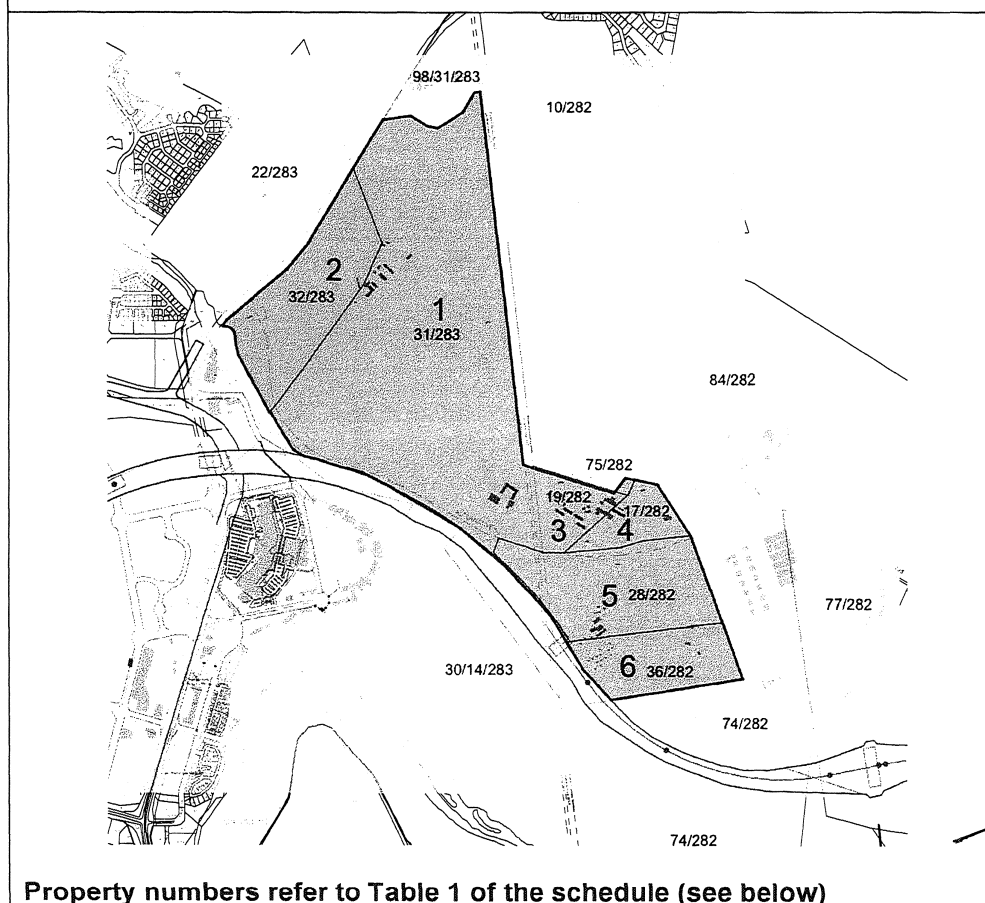
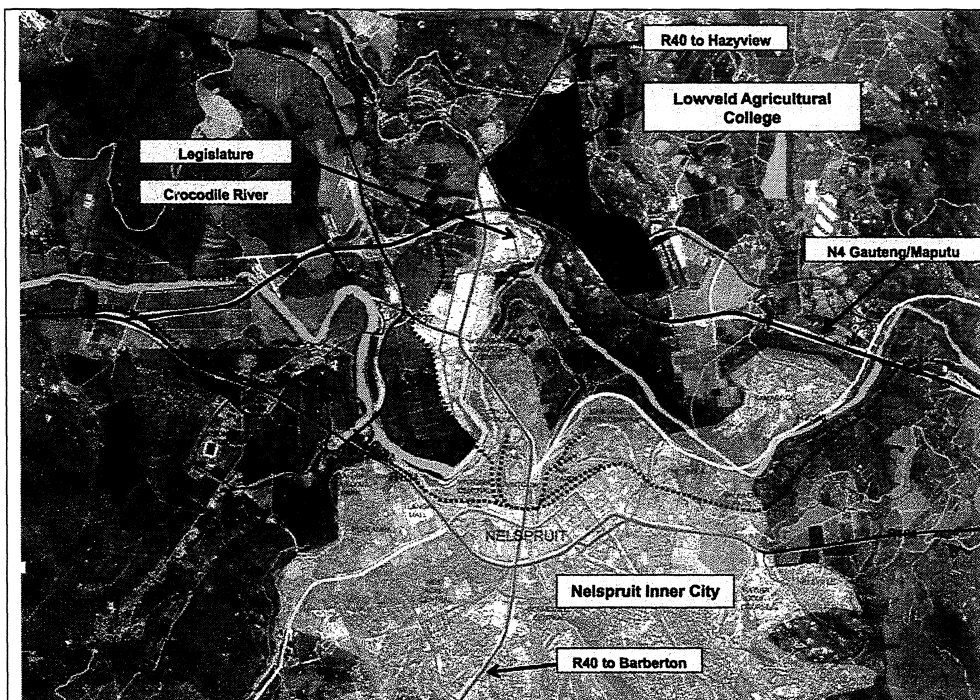
PREMIER OF MPUMALANGA PROVINCE

AS WITNESSES (PMP)

1. 
2. 



ANNEXURE 1 - SCHEDULE OF PUBLICLY OWNED LAND REFERRED TO IN THIS RECORD OF INTENTION



Property numbers refer to Table 1 of the schedule (see below)

[Handwritten signatures and initials]

Table 1 – Schedule of properties for the New University campus, Mbombela, in Mpumalanga Province

Property			Ownership/ Custodianship
No	Description	Size (ha)	
1	Portion 31 of farm Boschrand JT 283,	180.4310	RSA / National Department of Public Works
2	Portion 32 of farm Boschrand JT 283,	31.7293	RSA / National Department of Public Works
3	Portion 19 of farm Friedenheim Nr. 282,	9.4219	RSA / Provincial Department of Public Works
4	Portion 17 of farm Friedenheim Nr. 282	8.5613	RSA / Provincial Department of Public Works
5	Portion 28 of farm Friedenheim Nr. 282	27.4090	RSA / Provincial Department of Public Works
6	Portion 36 of farm Friedenheim Nr. 282	23.1264	RSA / Provincial Department of Public Works



Handwritten signatures and initials, including a large signature at the top, a signature with a box around it in the middle, and initials 'SP' at the bottom right.

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