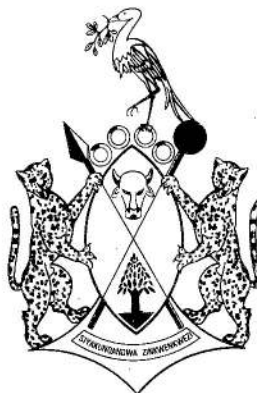


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**DEPARTMENT OF EDUCATION**

**GOVERNMENT NOTICE No. 57**

**IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS  
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY  
PUBLISHED FOR GENERAL INFORMATION:—**

**UNIVERSITY OF FORT HARE AMENDMENT ACT, 1985**

**ACT 7 OF 1985**

# UNIVERSITY OF FORT HARE AMENDMENT ACT, 1985

## ACT

To amend the University of Fort Hare Act, 1969 and to provide for incidental matters.

(English text signed by the President. Assented to on 22 July 1985).

BE IT ENACTED by the National Assembly of the Republic of Ciskei as follows:—

*Amendment of section 1 of Act 40 of 1969, as amended by section 1 of Act 57 of 1977 and section 5 of Act 67 of 1978.*

1. Section 1 of the University of Fort Hare Act, 1969 (hereinafter in this Act referred to as the principal Act) is hereby amended —
  - (a) by the deletion of the definition of "advisory council"; and
  - (b) by the insertion after the definition of "fixed date" of the following definition:  
" 'lecturer' means a professor, associate professor, senior lecturer, lecturer or junior lecturer at the University, or a person occupying a post at the University declared by the council, on the recommendation of the senate, to be equivalent to a lecturing post ;"

*Amendment of section 2 of Act 40 of 1969, as amended by section 1 of Act 6 of 1973 and section 1 of Act 52 of 1979.*

2. Section 2 of the principal Act is hereby amended —
  - (a) by the substitution for subsection (2) of the following subsection:  
"(2) The seat of the University shall be at Alice in the Republic of Ciskei: Provided that the University may conduct its university activities also at such other places as the Minister may approve after consultation with the council."; and
  - (b) by the deletion of subsection (3).

*Amendment of section 3 of act 40 of 1969, as amended by section 2 of Act 6 of 1973, section 2 of Act 57 of 1977 and section 3 of Act 21 of 1980.*

3. Section 3 of the principal Act is hereby amended —
  - (a) by the deletion of subsection (2A);
  - (b) by the substitution for subsection (3) of the following subsection:  
"(3) The University may receive money or property by way of donation or bequest or in trust and may control, use or administer it or deal with it in any other manner subject to those conditions, if any, of the donation, bequest or trust which are consistent with the aims of the University."; and
  - (c) by the addition thereto of the following subsection:  
"(5) The University may, with the approval of the Minister, enter into an agreement with any other body or institution or any State Department in connection with the continuation of the activities of the University."

*Amendment of section 4 of Act 40 of 1969, as amended by section 1 of Act 28 of 1971 and section 3 of Act 57 of 1977.*

4. Section 4 of the principal Act is hereby amended —
  - (a) by the deletion of paragraph (d); and
  - (b) by the substitution for paragraph (g) of the following paragraph:  
"(g) the lecturers and students of the University; and"

*Amendment of section 7 of Act 40 of 1969, as amended by section 4 of Act 57 of 1977.*

5. Section 7 of the principal Act is hereby amended —
  - (a) by the substitution for subsection (1) of the following subsection:  
"(1) The rector of the University shall be appointed by the council with the concurrence of the Minister in the manner prescribed by statute, and his conditions of service and his powers, privileges, duties and functions shall, subject to the provisions of this Act, be as determined by the council."; and
  - (b) by the addition thereto of the following subsection:  
"(4) The rector may from time to time with the concurrence of the council designate any person in the employ of the University to serve, in any particular case or for such period as he may determine, in his place as a member of any committee referred to in subsection (3) and to perform the duties and functions and exercise the powers connected therewith."

*Amendment of section 7A of Act 40 of 1969, as inserted by section 2 of Act 28 of 1971 and amended by section 5 of act 57 of 1977.*

6. Section 7A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:  
"(1) A vice-rector may be appointed by the council with the approval of the Minister, and his conditions of service and his powers, privileges, duties and functions shall, subject to the provisions of this Act, be as determined by the council."

UNIVERSITY OF FORT HARE AMENDMENT ACT, 1985

*Amendment of section 8 of Act 40 of 1969, as amended by section 3 of Act 28 of 1971, section 3 of Act 6 of 1973 and section 6 of Act 57 of 1977.*

7. (1) Section 8 of the principal Act is hereby amended —
- (a) by the substitution in paragraph (b) of subsection (1) for the word "four" of the word "six" and the addition to the said paragraph of the expression "two of whom shall, subject to the provisions of subsection (3) of section 7 of the University of Fort Hare Amendment Act, 1985, be senior staff members of university institutions in the Republic of South Africa";
  - (b) by the deletion of paragraph (e);
  - (c) by the addition to subsection (1) of the following paragraph:  
"(f) two persons elected from amongst their number by persons who, in terms of the statute, are donors on account of donations made to the University.";
  - (d) by the substitution for subsection (2) of the following subsection:  
"(2) The council shall elect one of its members as chairman of the council and if the chairman is absent from any meeting of the council, the members present at such meeting shall elect one of their number to preside at such meeting, and while acting as chairman such member shall be vested with all the powers and perform all the functions of the chairman.";
  - (e) by the deletion in subsection (7) of the words "consisting exclusively of members of the council"; and
  - (f) by the substitution in subsection (8) for the words "Minister in consultation with the Minister of Finance" of the word "council".
- (2) Notwithstanding the termination of the control over the University of Fort Hare exercised by the Government of the Republic of South Africa by virtue of Article 14 of the Agreement of 20 November 1981 between the Government of the Republic of South Africa and the Government of Ciskei regarding the basic conditions governing the provision of aid in educational matters (hereinafter in this subsection referred to as the Agreement), whether as a result of the effluxion of time as contemplated in the aforesaid article 14 or the termination or amendment of the Agreement in terms of article 16 thereof, the council of the said University, as it existed immediately prior to such termination of control, shall continue in office but subject to the provisions of the principal Act as amended by this Act and, for the purposes of such provisions as so amended, the persons appointed to the council prior to such amendment in terms of paragraph (e) of section 8(1) of the principal Act shall be deemed to hold office on the council under paragraph (b) of the said section 8(1): Provided that such persons, as well as the remaining persons appointed to the council under the said paragraph (b), shall, on the termination of the Agreement, hold office at the pleasure of the President of the Republic of Ciskei.

*Repeal of section 9 of Act 40 of 1969.*

8. Section 9 of the principal Act is hereby repealed.

*Amendment of section 10 of Act 40 of 1969, as amended by section 4 of Act 28 of 1971, section 4 of Act 6 of 1973 and section 7 of Act 57 of 1977.*

9. Section 10 of the principal Act is hereby amended —
- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:  
"(c) (i) professors of the University appointed in terms of section 14(1);  
(ii) senior lecturers of the University appointed in terms of section 14(1), and who are heads of departments; and  
(iii) lecturers of the University designated from time to time by the council after consultation with the senate";
  - (b) by the addition to subsection (1) of the following paragraph:  
"(e) the University librarian.";
  - (c) by the substitution for paragraph (a) of subsection (2) of the following paragraph:  
"(a) In respect of each faculty of the University, one or more persons, who shall be professors in a corresponding faculty at any other university institution may be appointed as members of the senate in accordance with the provisions of paragraph (b).";
  - (d) by the substitution for paragraph (b) of subsection (2) of the following paragraph:  
"(b) Such persons shall be so appointed by the council after consultation with the other university institution concerned, and the number of persons so appointed in respect of any particular faculty shall from time to time be determined by the council after consultation with the senate.";
  - (e) by the deletion in paragraph (d) of subsection (2) of the words "the Minister and"; and
  - (f) by the substitution in subsection (8) for the words "Minister in consultation with the Minister of Finance" of the word "council".

*Amendment of section 11 of Act 40 of 1969, as substituted by section 8 of Act 57 of 1977.*

10. Section 11 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:  
"(b) the rector, vice-rector and the officers occupying the posts of registrar of the University and University librarian, respectively;"

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*Amendment of section 14 of Act 40 of 1969, as amended by section 9 of Act 57 of 1977.*

11. Section 14 of the principal Act is hereby amended —
- (a) by the substitution for subsection (1) of the following subsection:  
“(1) The establishment at the University shall be determined by the council.”; and
  - (b) by the substitution for the proviso to subsection (2) of the following proviso:  
“Provided that any such person appointed in a permanent capacity, who is discharged by the council, may appeal to the Minister against such discharge by notice in writing delivered to the Minister and to the council not later than 14 days after the receipt by such person of the notice of discharge, and in which the grounds of appeal are set out in full.”.

*Substitution of section 15 Act of 40 of 1969.*

12. The following section is hereby substituted for section 15 of the principal Act :
- “Conditions of service. 15. Subject to the provisions of this Act, the conditions of service of persons in the employment of the University shall be as the council may from time to time determine.”.

*Amendment of section 17 of Act 40 of 1969.*

13. Section 17 of the principal Act is hereby amended by the deletion of paragraph (b).

*Amendment of section 18 of Act 40 of 1969.*

14. Section 18 of the principal Act is hereby amended by the deletion of subsections (2), (3) and (4).

*Substitution of Section 19 of Act 40 of 1969.*

15. The following section is hereby substituted for section 19 of the principal Act :
- “Secondment. A member of the staff of the University may, with his own consent, be seconded either for a particular service or for a period of time to the service of any office, department or administration of the Government of the Republic or of any office, department or administration of any other government, or to the service of any board, institution or body established by or under any law, or of any other person or body, upon such conditions as may be determined by the council, and any such staff member shall, while so seconded, remain subject to the provisions of this Act: Provided that, in the application of any disciplinary provisions under this Act, the head of the office, department or administration or the chief executive of the board, institution or body or such other person to whose service such staff member has been seconded shall have all the powers which are vested in the rector of the University.”.

*Amendment of section 20 of Act 40 of 1969 as amended by section 3 of Act 52 of 1979.*

16. Section 20 of the principal Act is hereby amended —
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:  
“No person shall be registered as a student of the University for a degree, diploma or certificate unless —”;
  - (b) by the substitution for paragraph (a) of subsection (1) of the following paragraph:  
“(a) he has obtained the matriculation certificate issued by the Joint Matriculation Board referred to in section 15 of the Universities Act, 1955 (Act No. 61 of 1955) or has in the opinion of the said Matriculation Board satisfied the conditions of exemption from the matriculation examination and has obtained a certificate to that effect or has passed any other examination determined by the council: Provided that the council may in addition prescribe by regulation, as a prerequisite to admission to any particular course at the University, the attainment of a specified standard in any specified subject at the matriculation examination or at an examination recognized for the purpose by the said Matriculation Board or at such other examination determined by the council; or”
  - (c) by the insertion after subsection (1) of the following subsection:  
“(1A) No person shall be registered as a student of the University for a course or a subject for non-degree purposes approved by the council with the concurrence of the senate, unless he has complied with such conditions as the council has determined after consultation with the senate.”;
  - (d) by the insertion after subsection (2) of the following subsections:  
“(2A) The council may, notwithstanding anything to the contrary in subsection (2) or in any other provision of this Act contained, cancel the registration of a student if it considers such cancellation to be in the interests of the University.  
(2B) Any such cancellation of the registration of a student shall be final, and the council shall not be obliged to furnish any reasons therefor.”;

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- (e) by the substitution for subsection (3) of the following subsection:  
“(3) The council may, after consultation with the senate, prescribe the minimum requirements of study with which any person shall comply before he may be permitted —  
(a) to register as a student of the University;  
(b) to renew his registration as a student in accordance with the provisions of subsection (2); or  
(c) if he is registered as a student of the University, to attend or to continue to attend the University as a student.”;
- (f) by the deletion in subsection (4) of the words “and with the prior approval of the Minister”.

*Repeal of section 22 of Act 40 of 1969, as substituted by section 5 of Act 52 of 1979.*

17. Section 22 of the principal Act is hereby repealed.

*Insertion of section 23A in Act 40 of 1969.*

18. The following section is hereby inserted in the principal Act after section 23:

*“Agreements regarding training of students.*

- 23A.(1) Notwithstanding anything in section 2 contained, the council may, with the approval of the Minister and subject to the provisions of subsection (2) of this subsection, enter into an agreement in connection with the training of students with the council or governing body of an institution whose purpose it is to provide a division of higher education: Provided that, if an agreement contemplated in this section will have the effect that the University may exercise its academic activities within the seat of another university, such agreement shall be approved by the Minister only after consultation with the latter university.
- (2) An agreement entered into in terms of subsection (1) shall follow such guidelines as may be determined by the Minister.
  - (3) Notwithstanding anything to the contrary in any law contained, the council may, on such conditions as it may determine after consultation with the senate, grant representation on the senate to an institution with which an agreement has been entered into in terms of subsection (1).”.

*Amendment of section 25 of Act 40 of 1969 as substituted by section 10 of Act 20 of 1972.*

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

*“Financial and other assistance to council for benefit of students.*

25. The Minister may, out of moneys appropriated by parliament for the purpose and subject to such conditions as the Minister may determine in consultation with the Minister of Finance, grant to the council for use by the council for the benefit of any deserving student or students of the University, such financial or other material assistance as the Minister may deem fit.”.

*Amendment of section 26 of Act 40 of 1969, as amended by section 11 of Act 20 of 1972 and section 10 of Act 57 of 1977.*

20. Section 26 of the principal Act is hereby amended —

- (a) by the substitution for subsection (1) of the following subsection:  
“(1) The fees payable by a student to the University shall be as determined by the council from time to time.”; and
- (b) by the deletion of subsection (2).

*Substitution of section 27 of Act 40 of 1969.*

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

*“Faculties, departments and courses.*

27. (1) At the university there shall be such faculties as the council may determine on the recommendation of the senate and with the approval of the Minister.
- (2) The council may with the prior approval of the Minister establish any department or any course for a degree, diploma or certificate or in a subject.”.

*Amendment of section 30 of Act 40 of 1969.*

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

*“Examinations and other tests of the University.*

30. Any examination or other test of the University shall be conducted under the control of the senate and subject to the provisions of the statute: Provided that the services of external examiners or moderators appointed by the council on the recommendation of the senate shall be utilized, in such manner as the senate may determine, for the purpose of conducting any examination or other test (including any treatise or thesis) at the end of the final course in a major subject leading to a degree, diploma or certificate, and such other examinations (if any) as the senate may determine.”.



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*Repeal of section 32 of Act 40 of 1969.*

23. Section 32 of the principal Act is hereby repealed.

*Substitution of section 34 of Act 40 of 1969, as substituted by section 12 of Act 20 of 1972.*

24. The following section is hereby substituted for section 34 of the principal Act :

*"Financing*

34. The Minister may in consultation with the Minister of Finance and subject to such conditions, and on such basis as the Minister may determine after such consultation, annually grant to the University, out of moneys appropriated by Parliament for the purpose, amounts or subsidies in respect of such capital and normal recurrent expenditure as may be necessary for the fulfilment by the University of its functions, including any research."

*Amendment of section 35 of Act 40 of 1969.*

25. Section 35 of the principal Act is hereby amended —

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

"(2) The council shall once every year and at the time and in the manner determined by the Minister, transmit to the Minister, in respect of the preceding year, a report of its proceedings and of the management of the University, together with a statement of revenue and expenditure and a balance sheet, duly audited by a person registered as a public accountant and auditor under the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951) and appointed by the council, and shall further furnish the Minister with any additional information required by him in regard to the administration and finances of the University."; and

(b) by the addition thereto of the following subsection:

"(3) Such report, statement and balance sheet shall be laid by the Minister upon the Table in the Assembly within 14 days after receipt if the Assembly is then in ordinary session or, if the Assembly is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session."

*Amendment of section 39 of Act 40 of 1969.*

26. Section 39 of the principal Act is hereby amended by the deletion of subsection (2).

*Transitional provisions.*

27. After the termination of the Agreement referred to in section 7(2) of this Act, any reference in the principal Act to Parliament, a holder of office, a department, an administration or other office of the Republic of South Africa, or to a board, institution or body established by or under any law in force in the Republic of South Africa or to any other person or body in the Republic of South Africa, shall be construed as a reference to the National Assembly, or the corresponding holder of office, department, administration or other office of the Republic of Ciskei, or to the corresponding board, institution or body established by or under any law in force in the Republic of Ciskei, or to any other person or body in the Republic of Ciskei.

*Short title and date of commencement*

28. (1) This Act shall be called the University of Fort Hare Amendment Act, 1985, and shall come into operation on a date to be fixed by the President by proclamation in the *Gazette*.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

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DEPARTMENT OF EDUCATION

GOVERNMENT NOTICE NO. 57

UNIVERSITY OF FORT HARE AMENDMENT ACT, 1985