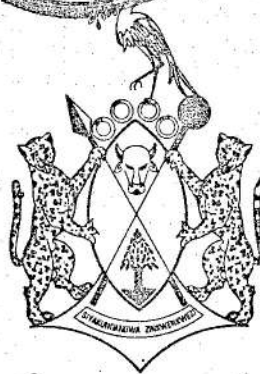
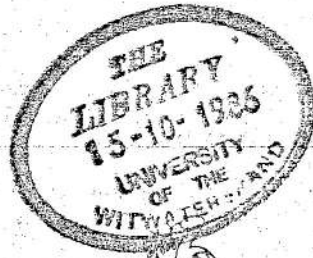


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REPUBLIC OF
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ISEBE LEMFUNDO

ISAZISO SIKARHULUMENTE SAMA-81

NGOKWENJENJE KUYAZISWA UKUBA UMO-
NGAMELI UWUVUMILE UMTHETHO OLANDE-
LAYO NOBHEBNGEZWAYO APHA KUSAZISWA
ULUNTU NGOKUBANZI:-

UMTHETHO OSISIHLOMELO WEYUNIVESITI
YASEFORT HARE, 1980

UMTHETHO NOMBOLO 26 WOWE-1986

DEPARTMENT OF EDUCATION

GOVERNMENT NOTICE NO. 81

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, 1986

ACT NO. 26 OF 1986

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UMTHETHO OSISIHLOMELO WEYUNIVESITHI YASEFORT HARE, 1986.

UMTHETHO

Ukuhlomela uMthetho weYunivesithi yaseFort Hare, 1969 nokwenza amalungiselelo kwiimeko ezizalwa koko.

(Okubhalwe ngesiNgesi kusayinwe nguMongameli. Kwavunywa ngomhla wama 25 Septemba 1986.)

MAKWENZIWE UMTHETHO yile Ndlu yeNdibano yeSizwe yeRiphabliki yeCiskei, ngolu hlobo lulandelayo:-

1. Ukuhlonyelwa kwecandelo 4 loMthetho 40 wowe-1969, njengoko uthe wahlolwa licandelo 1 loMthetho 28 wowe-1977 necandelo 4 loMthetho 7 wowe-1985. - Icandelo 4 loMthetho weYunivesithi yaseFort Hare, 1969 (ekubhekiswe kuwo apha ngezantsi njengoMthetho oyiNtloko) ukwenjenje liyahlonyelwa -

(a) ngokufakelwa endaweni yomhlathi (bA) lomhlathi ulandelayo:

“(bA) uSekela-rektha okanye ooSekela-rektha (ukuba isekela-rektha oosekela-rektha bathe balathelwa phantsi kwecandelo 7A);”;

(b) nangokufakelwa endaweni yomhlathi (h) lomhlathi ulandelayo:-

“(h) umbhalisi okanye ababhalisi kunye nesinye istafu sale Yunivesithi”.

2. Ukufakelwa kwecandelo 7A loMthetho 40 wowe-1969 njengoko lithe lafakelwa licandelo 2 loMthetho 28 wowe-1971 laza lahlonyelwa licandelo 6 loMthetho 7 wowe-1985. - Eli candelo lilandelayo ukwenjenje lifakelwa endaweni yecandelo 7A loMthetho oyiNtloko:

“7A. Usekela rektha okanye oosekela-rektha bale Yunivesithi. - (1) Usekela-rektha omnye okanye abangaphezulu kwesinye banokuthi balathelwe libhunga ngemvume yoMphathiswa, kwaye iimeko zomsebenzi zikasekela rektha kunye namagunya, izibonelelo, iimfanelo nemisebenzi ziya kuthi ngokulawulwa ngamalungiselelo alo Mthetho ziqingqwe leli Bhunga.

(2) Urektha unokuthi amaxesha ngamaxesha anikezele kusekela-rektha nawaphina amanye amagunya akhe, kodwa akayi kuthi aphulukane nalo naliphina igunya athe walinikezela ngolu hlobo kwaye unokuthi ahlomele okanye atshitshise nasiphina isigqibo sikaSekela-rektha athe wasithabatha ngethuba esebenzisa elo gunya.

(3) Usekela-rektha uya kuthi ngenxa yomsebenzi wakhe abe lilungu lazo zonke iikomiti zeli bhunga okanye isinethi kunye nelazo zonke iikomiti ezihlanganise ibhunga kunye nesinethi”.

3. Ukuhlonyelwa kwecandelo 8 loMthetho 40 wowe-1969 njengoko lithe lahlonyelwa licandelo 3 loMthetho 28 wowe-1971, icandelo 3 loMthetho 7 wowe-1985. - Icandelo 8 loMthetho oyiNtloko ukwenjenje liyahlonyelwa -

(a) ngokufakelwa endaweni yomhlathi (a) wecandelwana (1) lo mhlathi ulandelayo:

“(a) urektha nosekela-rektha okanye oosekela-rektha (ukuba usekela-rektha okanye okanye oosekela-rektha bathe balathelwa);”;

(b) ngokufakelwa endaweni yale ntetho “icandelwana (3)” kumhlathi (b) wecandelwana (1) le ntetho “icandelwana (2)”;

(c) ngokufakelwa endaweni yecandelwana (3) eli candelwana lilandelayo:-

“(3) Ilungu lebhunga, ngaphandle kukarektha kunye nosekela-rektha liya kuthi libambe isikhundla lithuba leminyaka emine ngaphandle kokuba lithi lizibeke phantsi iintambo ngokubhaliweyo kwibhunga okanye lithi liyishiye iofisi yalo ngenxa yaso nasiphina isizathu phambi kokuba liphele elo thuba.”; kunye

(d) nangokufakelwa kwicandelwana (5) endaweni yamagama andulela umhlathi (a) la magama alandelayo:-

“(5) Ilungu lebhunga, ngaphandle kukarektha, liya kuthi lisishiye isikhundla ukuba lithe -”;

4. Ukuhlonyelwa kwecandelo 10 loMthetho 40 wowe-1969 njengoko lithe lahlonyelwa licandelo 4 loMthetho 28 wowe-1971, icandelo 4 loMthetho 6 wowe-1973; icandelo 7 loMthetho 57 wowe-1977 necandelo 9 loMthetho 7 wowe-1985. - Icandelo 10 loMthetho oyiNtloko ukwenjenje liyahlonyelwa ngokufakelwa endaweni yomhlathi (aA) wecandelwana (1) lo mhlathi ulandelayo:

“(aA) usekela-rektha okanye oosekela-rektha (ukuba usekela-rektha okanye oosekela-rektha bathe balathelwa);”.

5. Ukuhlonyelwa kwecandelo 11 loMthetho 40 wowe-1969 njengoko lifakelwe licandelo 8 loMthetho 57 wowe-1977 nangokuhlonyelwa licandelo 10 loMthetho 7 wowe-1985. - Icandelo 11 loMthetho oyiNtloko ngokwenjenje liyahlonyelwa ngokufakelwa endaweni yomhlathi (b) wecandelwana (1) lo mhlathi ulandelayo:-

“(b) urektha, usekela-rektha okanye oosekela-rektha kunye namagosa abambe izikhundla zokuba ngumbhalisi okanye ababhalisi beYunivesithi kunye nomgcini-thala leencwadi weyunivesithi ngokulandelelanayo”;

6. Ukufakelwa kwecandelo 16 loMthetho 40 wowe-1969 njengoko lithe lahlonyelwa licandelo 9 loMthetho 20 wowe-1972. - Eli candelo lilandelayo ngokwenjenje lifakelwa endaweni yecandelo 16 loMthetho oyiNtloko:

“16. Amalungiselelo omhlala-phantsi, amancedo okuzibeka phantsi iintambo kunye nobudala bokuzibeka phantsi iintambo. - (1) Amancedo omhlala-phantsi nokuzibeka phantsi iintambo, kwanobudala bokuzibeka phantsi iintambo; bamalungu estafu seYunivesithi aya kulawulwa ngamalungiselelo oMthetho woMhlala-phantsi weNkonzo yobuRhulumente, 1981 (UMthetho 7 wowe-1981) ofundwa noMthetho weMfundo, 1985 (uMthetho 27 wowe-1985) okanye uMthetho weNkonzo yobuRhulumente, 1981), ngokwemeko leyo ngoku-ngathi -

(a) amalungu estafu esifundisayo awalathelwe ngokwesikhundla esisigxina (nokuba kungokulingwa okanye ngenye indlela) ayeziitshala ekusekweni kwesikolo sika-Rhulumente;

(b) amalungu estafu solawulo, oonobhala okanye amanye awalathelwe ngokusi-gxina (nokuba kungokulingwa okanye ngenye indlela) babe ngababambi bezikhundla kwiziko elisigxina lenkonzo yobuRhulumente; ukuze

(c) abaqeshwa abaseleyo (bengengabo abakhankanywe kwimihlathi (a) no (b) okanye abangxungxi) bebengabantu abanjalo njengoko kujongwe kwicandelo 3(4) loMthetho woMhlala-phantsi weNkonzo yobuRhulumente, 1981 okhankanyiweyo.

(2) Akukho nto kwicandelwana (1) equlethweyo eya kuthatyathwa njengechaphazela amalungelo omhlala-phantsi, amancedo okuzibeka phantsi iintambo kunye nobudala bokuzibeka phantsi iintambo bakhe nawuphina umntu othe ngemvumelwano, wabolekelwa kwinkonzo yeYunivesithi esuka kwinkonzo yakhe nawuphina omnye uRhulumente okanye naliphina iziko lemfundo elingaphandle eCiskei.

(3) Ilungu lestafu seYunivesithi elalathelwa ngokwangaphambi komhla wokuqala kuJanuwari wowe-1987 liya kuba nelungelo nangaliphina ixesha ngaphambi okanye emva kokufikelela, kwimeko yelungu eliyindoda, kubudala beminyaka engamashumi amahlanu anesihlanu lokunika isaziso esibhaliweyo kwiYunivesithi ngomnqweno walo wokuzibeka phantsi iintambo kwinkonzo yeYunivesithi yaye -

(a) ukuba ilungu elinjalo linika isaziso esinjalo ubuncinane kangangeenyanga ezintathu phambi komhla elifikelela ngawo kobo budala bukhankanyiweyo, liya kuthi kulawula ngamalungiselelo ecandelwana (4) lizibeke phantsi iintambo kwiYunivesithi ukususela ngomhla elithi lifikelele ngawo kubudala obukhankanyiweyo; okanye

(b) Ukuba ilungu elinjalo linika nasiphina isaziso samva, liya kuthi lenziwe ukuba lizibeke phantsi iintambo kwiYunivesithi ngomhla wokuqala wenyanga yesine elandela loo nyanga sithe safunyanwa ngayo isaziso esinjalo.

(4) Apho ilungu lithi lifikelele kubudala elithi lakufika kubo libe nelungelo lokuzibeka phantsi iintambo kule Yunivesithi; okanye liya kuthi lenziwe lizibeke phantsi iintambo emva komhla wokuqala wenyanga liya kuthi, ngokweenjongo zokusetyenziswa kwamacandelwana (1) nele (3)(a), lithatyathwe ngokuba lithe lafikelela kobo budala ngomhla wokuqala wale nyanga ilandela kwangoko emva kwaloo nyanga.”.

7. Intloko emfutshane nokuqalisa ukusebenza. - Lo Mthetho uya kubizwa ngokuba nguMthetho osisiHlomelelo weYunivesithi yaseFort Hare, 1986 kwaye uya kuthi uqalise ukusebenza ngowoku-1 kuJanuwari 1987.

UNIVERSITY OF FORT HARE AMENDMENT ACT, 1986

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 25 September, 1986.)

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

1. Amendment of section 4 of Act 40 of 1969, as amended by section 1 of Act 28 of 1971, section 3 of Act 57 of 1977 and section 4 of Act 7 of 1985 - Section 4 of the University of Fort Hare Act, 1969 (hereinafter in this Act referred to as the principal Act) is hereby amended —

(a) by the substitution for paragraph (bA) of the following paragraph:

“(bA) a vice-rector or vice rectors (if a vice-rector or vice-rectors are appointed under section 7A);” and

(b) by the substitution for paragraph (h) of the following paragraph:

“(h) a registrar or registrars and other staff of the University.”

2. Substitution 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 and by section 6 of Act 7 of 1985 - The following section is hereby substituted for section 7A of the principal Act:

“Vice-rector or vice-rectors of the University.

7A(1) One or more vice-rectors may be appointed by the council with the approval of the of the Minister, and a vice-rector's conditions of service and powers, privileges duties and functions shall subject to the provisions of this Act be as determined by the council.

(2) The rector may from time to time delegate to a vice-rector any of his powers, but shall not be divested of any power so delegated and may amend or rescind any decision of a vice-rector taken in the exercise of such power.

(3) A vice-rector shall by virtue of his office be a member of every committee of the council or the senate and of every joint committee of the council and the senate.”

3. 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, section 6 of Act 57 of 1977 and section 7 of Act 7 of 1985. - Section 8 of the principal Act is hereby amended —

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the rector and the vice-rector or vice-rectors (if a vice-rector or vice-rectors are appointed);”

(b) by the substitution for the expression “subsection (3)” in paragraph (b) of subsection (1) of the expression “subsection (2)”; and

(c) by the substitution for subsection (3) of the following subsection:

“(3) A member of the council, other than the rector and a vice-rector shall hold office for a period of four years unless he submits his resignation in writing to the council or vacates his office for any other reason before the expiry of such period.”; and

(d) by the substitution in subsection (5) for the words preceeding paragraph (a) of the following words:

“(5) A member of the council, other than the rector and a vice-rector, shall vacate office if he —”

4. 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, section 7 of Act 57 of 1977 and section 9 of Act 7 of 1985. - Section 10 of the principal Act is hereby amended by the substitution for paragraph (aA) of subsection (1) of the following paragraph:

“(aA) the vice-rector or vice-rectors (if a vice-rector or vice-rectors are appointed);”

UNIVERSITY OF FORT HARE AMENDMENT ACT, 1986

5. Amendment of section 11 of Act 40 of 1969 as substituted by section 8 of Act 57 of 1977 and amended by section 10 of Act 7 of 1985. - 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 or vice-rectors and the officers occupying the posts of registrar or registrars of the University and University librarian, respectively;"

6. Substitution of section 16 of Act 40 of 1969 as amended by section 9 of Act 20 of 1972. - The following section is hereby substituted for section 16 of the principal Act:

"16 Pension rights, retirement benefits and retirement ages. - (1) The pension and retirement benefits, as well as the retirement ages, of members of staff of the University shall be governed by the provisions of the Government Service Pensions Act, 1981 (Act 7 of 1981), read with the Education Act, 1985 (Act 27 of 1985) or the Public Service Act, 1981 (Act 2 of 1981), as the case may be as if —

(a) members of the teaching staff appointed in a permanent capacity (whether on probation or otherwise) were teachers on the establishment of a Government school;

(b) members of the administrative, clerical or other staff appointed in a permanent capacity (whether on probation or otherwise) were the holders of posts on the fixed establishment of the public service; and

(c) the remaining employees (not being employees mentioned in paragraphs (a) and (b) or casual labourers) were such persons as are contemplated in section 3 (4) of the said Government Service Pensions Act, 1981.

(2) Nothing in subsection (1) contained shall be construed as affecting the pension rights, retirement benefits and retirement ages of any person who by agreement, are seconded to the service of the University from the service of any other Government or any educational institution outside Ciskei.

(3) A member of staff of the University who was appointed as such prior to the first day of January 1987 shall have the right at any time before or after attaining, in the case of a male member, the age of sixty years or, in the case of a female member, the age of fifty-five years to give written notice to the University of his or her wish to retire from the University service and —

(a) if such member gives such notice at least three months prior to the date on which he or she attains the said age, he or she shall, subject to the provisions of subsection (4) be retired from the University with effect from the date on which he or she attains the said age; or

(b) if such member gives any later notice, he or she shall be retired from the University on the first day of the fourth month following the month in which such notice is received.

(4) Where a member attains the age at which he or she has the right to retire from the University, or shall be retired after the first day of the month he shall, for the purpose of the application of subsections (1) and (3) (a), be deemed to have attained that age on the first day of the month immediately following that month."

7. Short title and commencement. - This Act shall be called the University of Fort Hare Amendment Act, 1986 and shall come into operation on 1 January 1987.

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