

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

**NORTH-WEST
NOORD WES**

**PROVINCIAL GAZETTE
PROVINSIALEKOERANT**

Price R1 20

Prys R1 20

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Nr.
No. 85

NOTICE NO 73

**It is hereby notified that the Premier has
assented to the following Act which is
hereby published for general information.**

**Act No. 16 of 1994 : Taung Agricultural College
Amendment Act, 1994**

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

**Wet No. 16 van 1994 : Taung Wysigingswet op
Landboukollege, 1994**

ACT

To amend the L.M. Mangope Agricultural College Act, 1989; so as to change the name of that body to "Taung Agricultural College" and, with the view to giving effect to such change, to effect such amendment to that Act (including the short title) as may be necessary; to change the designation of "Minister" to "responsible Member", in section 5 to dissolve the existing Board; to insert a new section 37A providing for the extension of application of this Act to the whole territory of North West; and generally to substitute some terms so as to bring them in line with the terms used in the Constitution of the Republic of South Africa, 1993; and to provide for incidental matters.

(English text signed by the Premier on 15/11/1994)

BE IT ENACTED by the Premier and the Legislature of the North West Province as follows:-

Amendment of section 1 of Act 11 of 1989 as of force in the North West Province on 27 April 1994.

1. Section 1 of the L.M. Mangope Agricultural College Act, 1989 (hereinafter referred to as the Principal Act) is hereby amended -

(a) by the substitution for the definition of "College" of the following definition:

" 'College' means the Taung Agricultural College established by section 2(1);";

(b) by the insertion immediately after the definition of "college" of the following definition:

" 'Constitution' means the Republic of South Africa
Constitution Act, 1993 (Act 200 of 1993);";

(c) by the deletion of the definition of "Minister";

(d) by the insertion immediately after the definition of
"Principal" of the following definitions:

" 'Republic' means the Republic of South Africa
contemplated by the Republic of South Africa Constitution
Act, 1993 (Act 200 of 1993);

'responsible Member' means the Member of the
Executive Council responsible for Agriculture and
Environmental Affairs;".

**Substitution of section 2 of Act 11 of 1989 as of force in the North West
Province on 27 April 1994.**

2. The following section is hereby substituted for section 2 of the
Principal Act:

"Establishment of Taung Agricultural College, and seat and objects thereof. 2.(1) There is hereby established the Taung Agricultural College which shall have its seat at Taung in the magisterial district of Taung.

(2) The objects of the College shall be to provide education and training in the discipline of agriculture with a view -

(a) to enhance the qualifications and the extent and standard of the professional knowledge and expertise and the practical skills of members of the agricultural industry within the Province;

(b) to maximise the beneficial exploitation of the agricultural resources and potential of the Province;

(c) to promote and encourage the application, within the Province, of scientific agricultural methods and techniques which are best suited for agricultural activities and the agricultural industry in the Province;

(d) to promote and encourage the implementation of sound agro-economic principles and procedures by members of that industry in the course of their agricultural operations,

and the College shall, for the purpose of the development and enhancement of such education and training or when the agricultural interests of the Province so require, undertake and conduct such research into any matter referred to in any of the preceding paragraphs as it deems necessary for such purpose or, as the case may be, necessary for such interests.

(3) Subject to the provisions of this Act, the College shall be managed, controlled and represented, as hereinafter provided, by the Board of Directors referred to in section 5(1), and all acts and decisions of that Board shall, for all purposes in law, be the acts and decisions of the College."

Substitution of section 5 of Act 11 of 1989 as of force in the North West Province on 27 April 1994.

3.(1) The following section is hereby substituted for section 5 of the

Principal Act :

"Board of Directors of College. 5.(1) Notwithstanding anything to the contrary contained in this Act, the Board of Directors of the College shall consist of the following members, namely -

- (a) the chairperson of the Board;
- (b) the vice-chairperson of the Board;
- (c) five persons of whom one shall be a member of the teaching staff of a College of Agriculture in the Republic or some other country in Southern Africa;
- (d) one member nominated by the Agricultural Development Corporation of the North West as its representative;
- (e) one member nominated by the North West Farmers Union as its representative;
- (f) one member nominated by the Department of Agriculture and Environmental Affairs as its representative;
- (g) the Principal of the College who shall be a non-voting member ex officio.

(2) The members of the Board referred to in subsection (1)(a) to (f), inclusive (hereinafter referred to as the appointed members), shall be appointed by the responsible Member on such terms and conditions and, subject to the provisions of subsections (1) and (2) of section 8, for such period, not exceeding three years, as the responsible Member may in respect of each member determine and stipulate in his

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or her letter of appointment, and each such member shall, on the expiration of his or her term of office, be eligible for re-appointment."

(2) Upon the appointment by the responsible Member of a new Board in terms of section 3(2) of the Principal Act (which he or she is empowered to do) the Board existing at the time of such appointment shall notwithstanding any provision in the Principal Act to the contrary be dissolved.

Substitution of section 7 of Act 11 of 1989 as of force in the North West Province on 27 April 1994.

4. The following section is hereby substituted for section 7 of the Principal Act:

"Disqualifi-
cations for
membership
of Board.

7. Notwithstanding the provisions of section 5, a person shall be disqualified from being appointed or remaining a member of the Board -

(a) if he or she is subject to a final order of court whereby his or her estate is sequestrated under the Insolvency Act, 1936 (Act 24 of 1936), or if his or her estate is sequestrated in terms of the laws of any other country or territory by a competent court or authority of such a country or territory, or if he or she has assigned his or her estate for the benefit of his or her creditors;

(b) if he or she is subject to an order of a competent court of the Republic or any other country or territory, whereby he or she is declared to be of unsound mind or mentally

disordered or defective or otherwise unfit to manage his or her own affairs;

- (c) if he or she has been convicted of any offence whatsoever in respect of which he or she was sentenced to imprisonment without the option of a fine for a period of not less than six months, irrespective of whether such imprisonment was wholly or partly suspended or not, unless he or she has received a grant of amnesty or a free pardon, or unless the period of such imprisonment or suspension has expired at least ten years before the date of his or her appointment as a member; or
- (d) if he or she -
 - (i) is nominated as a candidate for election as a member of the Provincial Legislature; or
 - (ii) is nominated as a senator; or
 - (iii) is a member of the Executive Council; or
 - (iv) is a Minister or Deputy Minister of State."

Amendment of section 8 of Act 11 of 1989 as of force in the North West Province on 27 April 1994.

5. Section 8 of the Principal Act is hereby amended -

(a) in subsection (1) -

- (i) by the substitution for the word "Minister" in the portion preceding paragraph (a) of the expression

"responsible Member";

(ii) by the substitution for paragraphs (a), (b), (c) and (d) of the following paragraphs:

"(a) on account of his or her misconduct;

(b) for unfitness for the duties of his or her office;

(c) on the ground of a permanent infirmity of mind or body which renders him or her incapable of discharging the duties of his or her office or discharging them properly;

(d) if he or she is or has become disqualified in terms of section 7;"

(iii) by the addition immediately after paragraph (d) of the following paragraph:

"(e) if in the opinion of the responsible Member, there exist good and sufficient reasons for doing so.";

(b) in subsection (2), by the substitution for the word "Minister" of the expression "responsible Member".

Amendment of section 36 of Act 11 of 1989 as of force in the North West Province on 27 April 1994.

6. Section 36 of the Principal Act is hereby amended -

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

"(b) the College established by section 2 of this Act shall for all purposes in law be the legal successor to such body or association of persons in relation to

all transactions, agreements, contracts, proceedings, matters, acts or things concluded, brought, performed or done, prior to such date, by, for, on behalf of, for the purposes of or in respect of such body or association of persons in anticipation of the establishment of a college of agriculture for the Province by the law of the Provincial Legislature;"

- (b) by the substitution in paragraph (c) for the word "Minister" of the expression "responsible Member";
- (c) in paragraph (e), by the substitution for subparagraphs (iii) and (iv) of the following subparagraphs:

"(iii) the total period of service which an officer or employee referred to in paragraph (ii) of this proviso had rendered in his or her capacity as an officer or employee of the Public Service, shall be deemed to have been rendered by him or her in his or her capacity as an officer or employee (as the case may be) of the College so established;

- (iv) all leave benefits, pension benefits or rights and other benefits of a financial nature which had accrued to an officer or employee referred to in paragraph (ii) of this proviso, by virtue of his or her service as a member of the Public Service, on the day immediately prior to the day upon which he or she ceased to be such a member, shall be deemed to have accrued to him or her by virtue of service in the capacity of an officer or employee of the College so established; and".

Insertion of section 37A of Act 11 of 1989 as of force in the North West Province on 27 April 1994.

7. The following section is hereby inserted as section 37A of the Principal Act:

"Application 37A. This law and any amendment thereof shall apply in of Act to the the whole territory of the North West Province as defined North West in Part 1 of Schedule 1 to the Constitution of the territory. Republic of South Africa, 1993."

Substitution of section 38 of Act 11 of 1989 as of force in the North West Province on 27 April 1994.

8. The following section is hereby substituted for section 38 of the Principal Act:

"Short title. 38. This Act shall be called the Taung Agricultural College Act, 1989."

Amendment of Act 11 of 1989 as of force in the North West Province on 27 April 1994 by generally substituting the terms "Republic", "Minister", "Minister of Education", "Gazette", "Parliament" or "National Assembly", "chairman", "vice-chairman", "L.M. Mangope Agricultural College" and "Minister of Public Works", "he", "his", "him" and "himself" for the terms "Province", "responsible Member", "Member of the Executive Council responsible for Education, Training and Culture", "Provincial Gazette", "Provincial Legislature", "chairperson", "vice-chairperson", "Taung Agricultural College", "Member of the Executive Council responsible for Public Works", "he or she", "his or her", "him or her" and "himself or herself", respectively.

9. The Principal Act is hereby further amended, generally, by the substitution for the terms "Republic", "Minister", "Minister of Education", "Gazette", "Parliament" or "National Assembly", "chairman", "vice-chairman", "L.M. Mangope Agricultural College", "Minister of Public Works", "he", "his", "him" and "himself", wherever they remain in the Principal Act after the amendments effected by the preceding sections of this Act, of the terms "Province", "responsible Member", "Member of the Executive Council responsible for Education, Training and Culture", "Provincial Gazette", "Provincial Legislature", "chairperson", "vice-chairperson", "Taung Agricultural College", "Member of the Executive Council responsible for Public Works", "he or she", "his or her", "him or her", and "himself or herself", respectively.

Short title.

10. This Act shall be called the Taung Agricultural College Amendment Act, 1994.

