

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 463.]

[31 Maart 1967.

No. 463.]

[31st March, 1967.

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

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

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No. 39, 1967.]

ACT

To confer upon the Minister of Education, Arts and Science certain powers in respect of the policy to be pursued in providing education to white persons in certain schools, and to provide for the establishment of a National Advisory Education Council and for other matters incidental thereto.

(Afrikaans text signed by the State President.)

(Assented to 22nd March, 1967.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

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

- (i) "Administrator" means an Administrator acting in accordance with a decision of the Executive Committee of which he is a member, and includes an educational head acting on the authority of such an Administrator; (i)
- (ii) "council" means the council referred to in section 4; (viii)
- (iii) "Department" means the Department of Education, Arts and Science; (ii)
- (iv) "education" means instruction and training provided to white persons; (vi)
- (v) "educational head" means the Secretary, the Superintendent-General of Education of the Province of the Cape of Good Hope, or the Director of Education of another province or of the territory of South-West Africa; (vii)
- (vi) "executive committee" means the executive committee referred to in section 4 (1) (a); (xii)
- (vii) "former employer" means a department of State (including a provincial administration, the South African Railways and Harbours Administration and the administration of the territory of South-West Africa), an institution referred to in section 1 (1) of the Higher Education Act, 1923 (Act No. 30 of 1923), and a university, a university college or a college established by or in terms of any Act of Parliament; (xiii)
- (viii) "Minister" means the Minister of Education, Arts and Science; (v)
- (ix) "public service" means the public service as described in section 3 of the Public Service Act, 1957 (Act No. 54 of 1957); (xi)
- (x) "pupil" means any person who receives education in a school; (iv)
- (xi) "school" means any educational institution or that part of such an institution at which education is provided up to a standard not higher than standard 10, and which is maintained, managed and controlled or subsidized by the Department or a provincial administration; (x)
- (xii) "Secretary" means the Secretary for Education, Arts and Science; (ix)
- (xiii) "service member" means a person who immediately prior to the date on which he becomes a member of the executive committee, was employed on a full-time basis and in a permanent capacity by a former employer and was a member of a pension or provident fund established by or in terms of or administered in terms of any law for the regulation of pensions and other retirement benefits of persons employed by such employer, and on the date on which he becomes such

No. 39, 1967.]

WET

Om aan die Minister van Onderwys, Kuns en Wetenskap sekere bevoegdhede te verleen ten opsigte van die beleid wat gevolg moet word by die verskaffing van onderwys aan blankes in sekere skole, en om voorsiening te maak vir die instelling van 'n Nasionale Adviserende Onderwysraad en vir ander aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Maart 1967.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Woordomskrywing.
Wet—

- (i) „Administrateur” ’n Administrateur wat handel ooreenkomstig ’n besluit van die Uitvoerende Komitee waarvan hy lid is, en ook ’n onderwyshoof wat op gesag van so ’n Administrateur handel; (i)
- (ii) „Departement” die Departement van Onderwys, Kuns en Wetenskap; (iii)
- (iii) „dienslid” iemand wat onmiddellik voor die datum waarop hy ’n lid van die uitvoerende komitee word, op ’n voltydse grondslag en in ’n vaste hoedanigheid in diens van ’n vorige werkgewer was en lid was van ’n pensioen- of voorsorgfonds by of ingevolge ’n wet ingestel of ingevolge ’n wet geadministreer vir die reëling van pensioene en ander uitdienstredingsvoordele van persone in diens van daardie werkgewer, en op die datum waarop hy so ’n lid word, nog nie die leeftyd vir uitdienstreding met pensioen bereik het nie, of iemand wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet ’n dienslid was soos omskryf in artikel 1 van die Wet op die Nasionale Adviserende Onderwysraad, 1962 (Wet No. 86 van 1962), en met ingang vanaf genoemde datum ’n lid van die uitvoerende komitee word en op dié datum nog nie bedoelde leeftyd bereik het nie; (xiii)
- (iv) „leerling” iemand wat in ’n skool onderwys ontvang; (x)
- (v) „Minister” die Minister van Onderwys, Kuns en Wetenskap; (viii)
- (vi) „onderwys” onderrig en opleiding wat aan blankes verskaf word; (iv)
- (vii) „onderwyshoof” die Sekretaris, die Superintendent-generaal van Onderwys van die Provinsie die Kaap die Goeie Hoop, of die Direkteur van Onderwys van ’n ander provinsie of van die gebied Suidwes-Afrika; (v)
- (viii) „raad” die raad bedoel in artikel 4; (ii)
- (ix) „Sekretaris” die Sekretaris van Onderwys, Kuns en Wetenskap; (xii)
- (x) „skool” ’n onderwysinrigting of daardie deel van so ’n inrigting waar onderwys verskaf word tot ’n standerd wat nie hoër as standerd 10 is nie, en wat deur die Departement of ’n provinsiale administrasie in stand gehou, bestuur en beheer of gesubsidieer word; (xi)
- (xi) „Staatsdiens” die Staatsdiens soos beskryf in artikel 3 van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (ix)
- (xii) „uitvoerende komitee” die uitvoerende komitee vermeld in artikel 4 (1) (a); (vi)
- (xiii) „vorige werkgewer” ’n Staatsdepartement (met inbegrip van ’n provinsiale administrasie, die administrasie

a member, has not yet attained the age for retirement on pension, or a person who immediately prior to the date of commencement of this Act was a service member as defined in section 1 of the National Advisory Education Council Act, 1962 (Act No. 86 of 1962), and with effect from the said date becomes a member of the executive committee and on that date has not yet attained the said age. (iii)

Determination of national education policy.

2. (1) The Minister may, after consultation with the Administrators and the council, from time to time determine the general policy which is to be pursued in respect of education in schools (hereinafter called the national education policy), within the frame-work of the following principles, namely, that—

- (a) the education in schools maintained, managed and controlled by a department of State (including a provincial administration) shall have a Christian character, but that the religious conviction of the parents and the pupils shall be respected in regard to religious instruction and religious ceremonies;
- (b) education shall have a broad national character;
- (c) the mother tongue, if it is English or Afrikaans, shall be the medium of instruction, with gradual equitable adjustment to this principle of any existing practice at variance therewith;
- (d) requirements as to compulsory education, and the limits relating to school age, shall be uniform;
- (e) education (including books and stationery) shall be provided free of charge in schools maintained, managed and controlled by a department of State (including a provincial administration) to pupils whose parents reside in the Republic or are South African citizens (other than pupils receiving instruction on a part-time basis and apprentices);
- (f) education shall be provided in accordance with the ability and aptitude of and interest shown by the pupil, and the needs of the country, and that appropriate guidance shall, with due regard thereto, be furnished to pupils;
- (g) co-ordination, on a national basis, of syllabuses, courses and examination standards and research, investigation and planning in the field of education shall be effected, regard being had to the advisability of maintaining such diversity as the circumstances may require;
- (h) the parent community be given a place in the education system through parent-teachers' associations, school committees, boards of control or school boards or in any other manner;
- (i) consideration shall be given to suggestions and recommendations of the officially recognized teachers' associations when planning for purposes of education; and
- (j) conditions of service and salary scales of teachers shall be uniform.

(2) (a) The Administrators shall take such steps as may be necessary to carry into effect the policy so determined by the Minister.

(b) If the Minister is satisfied that in any province such policy is not being carried out, he may in respect of such province make such regulations by notice in the *Gazette* and issue such directions as may be necessary to give effect thereto.

(c) If the provisions of any ordinance or any regulation or direction in terms of an ordinance are in conflict with any regulation made or direction issued in terms of paragraph (b), the last-mentioned regulation or direction shall prevail.

(d) A regulation referred to in paragraph (b) may provide for penalties for a contravention thereof or failure to comply therewith.

(3) Notice of any steps taken by the Minister in terms of subsection (1) shall be given by notice published in the *Gazette*.

Draft legislation affecting education.

3. (1) No proposed legislation (not being provincial ordinances relating to conditions of service or the appropriation of funds) relating to education, other than education provided at a university or university college established by or under any law, shall be introduced in the Senate or the House of Assembly

van die Suid-Afrikaanse Spoorweë en Hawens en die administrasie van die gebied Suidwes-Afrika), 'n instelling bedoel in artikel 1 (1) van die „Hoger Onderwys Wet, 1923” (Wet No. 30 van 1923), en 'n universiteit, - universiteitskollege of kollege by of ingevolge 'n wet van die Parlement ingestel. (vii)

2. (1) Die Minister kan, na oorlegpleging met die Administrateurs en die raad, van tyd tot tyd die algemene beleid wat ten opsigte van onderwys in skole gevolg moet word (hieronder die nasionale onderwysbeleid genoem) bepaal, en wel binne die raamwerk van die volgende beginsels, naamlik, dat—

Bepaling van nasionale onderwysbeleid.

- (a) die onderwys in skole wat deur 'n Staatsdepartement (met inbegrip van 'n provinsiale administrasie) in stand gehou, bestuur en beheer word, 'n Christelike karakter moet hê, maar dat die geloofsoortuiging van die ouers en die leerlinge geëerbiedig moet word wat betref godsdiensoonderrig en godsdienstige plegtighede;
 - (b) onderwys 'n breë nasionale karakter moet hê;
 - (c) die moedertaal, indien dit Engels of Afrikaans is, die medium van onderrig moet wees, met geleidelike billike aanpassing by hierdie beginsel van enige daarvan afwykende bestaande praktyk;
 - (d) vereistes betreffende skoolplig, en die grense met betrekking tot skoolpligtige leeftyd, eenvormig moet wees;
 - (e) aan leerlinge wie se ouers in die Republiek woon of Suid-Afrikaanse burgers is (uitgesonderd leerlinge wat deelytse onderrig ontvang, en vakleerlinge), vry onderwys (met inbegrip van boeke en skryfbehoeftes) verskaf moet word in skole wat 'n Staatsdepartement (met inbegrip van 'n provinsiale administrasie) in stand hou, bestuur en beheer;
 - (f) onderwys verskaf moet word ooreenkomstig die bekwaamheid, aanleg en belangstelling van die leerling en die behoeftes van die land, en dat met inagneming hiervan, gepaste voorligting aan leerlinge verstrekk moet word;
 - (g) koördinasie op nasionale grondslag van leerplanne, kursusse en eksamenstandaarde en navorsing, ondersoek en beplanning op die gebied van die onderwys bewerkstellig moet word, met inagneming van die raadsaamheid van die handhawing van die verskeidenheid wat die omstandighede vereis;
 - (h) aan die ouergemeenskap 'n plek in die onderwysstelsel toegeken moet word deur middel van ouer-onderwysersverenigings, skoolkomitees, beheerrade of skoolrade of op 'n ander wyse;
 - (i) by die onderwysbeplanning aan wenke en aanbevelings van die amptelik erkende onderwysersverenigings oorweging geskenk moet word; en
 - (j) diensvoorwaardes en salarisskale van onderwysers eenvormig moet wees.
- (2) (a) Die Administrateurs doen die stappe wat nodig is om die beleid wat deur die Minister aldus bepaal is, ten uitvoer te bring.
- (b) Indien die Minister oortuig is dat dié beleid in 'n bepaalde provinsie nie uitgevoer word nie, kan hy ten opsigte van dié provinsie die regulasies by kennisgewing in die *Staatskoerant* uitvaardig en die voorskrifte uitreik wat nodig is om daaraan gevolg te gee.
- (c) Indien die bepalinge van 'n ordonnansie of 'n regulasie of voorskrif ingevolge 'n ordonnansie in stryd is met 'n regulasie of voorskrif ingevolge paragraaf (b) uitgevaardig of uitgereik, geld laasgenoemde regulasie of voorskrif.
- (d) 'n Regulasie bedoel in paragraaf (b) kan voorsiening maak vir strawwe vir oortreding daarvan of versuim om daaraan te voldoen.

(3) Kennisgewing van enige stappe deur die Minister ingevolge subartikel (1) gedoen, geskied by kennisgewing in die *Staatskoerant*.

3. (1) Geen voorgestelde wetgewing (uitgesonderd provinsiale ordonnansies met betrekking tot diensvoorwaardes of die bewilliging van fondse) wat op ander onderwys as onderwys verskaf aan 'n by of kragtens Wet ingestelde universiteit of universiteitskollege betrekking het, word in die Senaat of die

Ontwerp-wet-gewing rakende onderwys.

or in a provincial council, except after prior consultation between the Minister and any other interested Minister or Administrator and after the Minister has obtained the views of the executive committee thereon.

(2) No draft ordinance relating to conditions of service of teaching staff shall be introduced in a provincial council, except after consultation with all the Administrators.

**Establishment
and functions
of National
Advisory
Education
Council.**

4. (1) The Minister shall establish a council to be known as the National Advisory Education Council and consisting of—

- (a) not more than five members appointed by the Minister, who shall form the executive committee of the council and of whom he shall designate one as chairman and one as vice-chairman of the council as well as of such committee;
- (b) not more than two members in respect of each province and not more than one member in respect of the territory of South-West Africa, appointed by the Minister after consultation with the Administrator concerned;
- (c) not more than two members, designated by the Minister, to represent the Department; and
- (d) not more than three other members appointed by the Minister.

(2) The members of the council shall be persons who have distinguished themselves in the field of education or who, in the opinion of the Minister, are otherwise specially qualified in some aspect of the work of the council.

(3) The council shall function in an advisory capacity and—

- (a) shall advise the Minister generally in regard to the policy that should be pursued in connection with education, in so far as the professional aspects and the guiding principles of education are concerned;
- (b) shall advise the Minister, or an Administrator through the Minister, in regard to the matters referred to in section 3 (1) or such other matters as the Minister, or an Administrator through the Minister, may refer to the council for its advice, or in regard to which the council considers it necessary to advise the Minister or such Administrator;
- (c) shall also endeavour to uphold and promote the prestige of the teaching profession and of persons engaged therein; and
- (d) shall advise the Minister in regard to the co-ordination of research or investigation and planning in the field of education, and may, if the Minister or an Administrator approves thereof, make use of the services of bodies which undertake such research or investigation.

(4) The council may with the approval of the Minister appoint committees, whereof persons other than members of the council may be members, to advise the council in regard to any matter requiring special knowledge or experience.

(5) (a) The council shall submit an annual report to the Minister, and the Minister shall lay such report upon the Table in the Senate and in the House of Assembly within fourteen days after receipt thereof by him, if Parliament is in ordinary session or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(b) After the Minister has so tabled the report, copies thereof shall be furnished to each Administrator who shall lay them on the Table of his provincial council within seven days after receipt thereof by him, if such council is in session or, if such council is not in session, within seven days after the commencement of its next ensuing session.

(6) The appointment of every member of the council and the capacity in which he is appointed shall be notified in the *Gazette*.

Volksraad of in 'n provinsiale raad ingedien nie, behalwe na oorpleging vooraf tussen die Minister en enige ander belanghebbende Minister of Administrateur en nadat die Minister die uitvoerende komitee se sienswyse daaromtrent verkry het.

(2) Geen ontwerp-ordonnansie met betrekking tot diensvoorwaardes van onderwyspersoneel word in 'n provinsiale raad ingedien nie, behalwe na oorlegpleging met al die Administrateurs.

4. (1) Die Minister stel 'n raad in wat die Nasionale Adviserende Onderwysraad heet en bestaan uit—

Instelling en funksies van Nasionale Adviserende Onderwysraad.

- (a) hoogstens vyf lede wat die Minister aanstel en wat die uitvoerende komitee van die raad uitmaak en waarvan hy een as voorsitter en een as ondervoorsitter van die raad sowel as van dié komitee aanwys;
- (b) hoogstens twee lede ten opsigte van elke provinsie en hoogstens een lid ten opsigte van die gebied Suidwes-Afrika, en wat die Minister na oorlegpleging met die betrokke Administrateur aanstel;
- (c) hoogstens twee lede deur die Minister aangewys om die Departement te verteenwoordig; en
- (d) hoogstens drie ander lede wat die Minister aanstel.

(2) Die lede van die raad moet persone wees wat hul op die gebied van die opvoedkunde onderskei het, of wat na die Minister se oordeel ander spesiale kwalifikasies in die een of ander aspek van die raad se werk besit.

(3) Die raad funksioneer in 'n adviserende hoedanigheid en—

- (a) moet die Minister in die algemeen van advies dien aangaande die beleid wat in verband met die onderwys gevolg behoort te word vir sover dit die professionele aspekte van en riglyne vir die onderwys betref;
- (b) moet die Minister, of 'n Administrateur deur bemiddeling van die Minister, van advies dien aangaande die aangeleenthede bedoel in artikel 3 (1), of die ander aangeleenthede wat die Minister, of 'n Administrateur deur bemiddeling van die Minister, na die raad vir sy advies verwys of waaromtrent die raad dit nodig ag om die Minister, of so 'n Administrateur, van advies te dien;
- (c) moet hom ook daarvoor beywer om die aansien van die onderwysberoep en diegene wat daarin staan, te handhaaf en te bevorder; en
- (d) moet die Minister van advies dien aangaande die koördinasie van navorsings- of ondersoekwerk en beplanning op die gebied van die onderwys, en kan, mits die Minister of 'n Administrateur dit goedkeur, gebruik maak van die dienste van liggame wat sodanige navorsings- of ondersoekwerk doen.

(4) Die raad kan met goedkeuring van die Minister komitees, waarvan ander persone as lede van die raad lede kan wees, aanstel om die raad van advies te dien aangaande aangeleenthede wat besondere kennis of ondervinding vereis.

(5) (a) Die raad moet 'n jaarverslag aan die Minister voorlê en die Minister moet dié verslag in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na ontvangs daarvan deur hom, as die Parlement in gewone sessie is of, as die Parlement nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

(b) Nadat die Minister die verslag aldus ter Tafel gelê het, word eksemplare daarvan verstrekk aan elke Administrateur, wat dié eksemplare in sy provinsiale raad ter Tafel lê binne sewe dae na ontvangs daarvan deur hom, as dié raad in sessie is of, as dié raad nie in sessie is nie, binne sewe dae na die aanvang van sy eersvolgende sessie.

(6) Van die aanstelling van elke lid van die Raad en van die hoedanigheid waarin hy aangestel word, word daar in die Staatskoerant kennis gegee.

Conditions of service of members of the council.

5. (1) A member of the council shall be appointed for such period not exceeding five years as the Minister may in each case determine, and may on expiry of the period for which he was appointed be re-appointed.

(2) (a) A member of the executive committee shall, subject to the provisions of this section, be subject to such conditions of service and shall receive such remuneration as the Minister may determine in consultation with the Minister of Finance.

(b) A member of the council or of a committee of the council, with the exception of a member of the executive committee, shall in addition to any other allowance determined by the Minister in consultation with the Minister of Finance, receive such allowances to cover transport and subsistence costs in connection with his service as a member of the council or of such a committee as the Minister may so determine.

(3) A member of the executive committee shall not without the consent of the Minister perform or bind himself to perform remunerative work outside his official duties.

(4) There shall be paid to a member of the executive committee such reimbursive and other allowances, and there shall be granted to him such privileges in respect of leave of absence, transfer and transportation as the Minister may in consultation with the Minister of Finance determine.

(5) (a) The Minister may suspend and, subject to the provisions of this subsection, remove a member of the executive committee from office—

- (i) on account of misconduct;
- (ii) on account of unfitness for the duties of his office or incapacity to perform such duties efficiently; or
- (iii) if for reasons other than his unfitness or incapacity his removal from office will promote efficiency or economy.

(b) The provisions of sections 17 and 18 of the Public Service Act, 1957 (Act No. 54 of 1957), shall *mutatis mutandis* apply with reference to a member of the executive committee, and, if the Minister directs that action be taken in terms of the said sections in the case of any such member, an officer designated for the purpose by the Minister shall act as head of department in relation to that member, and the provisions of the said Act shall apply as if such member were an officer in the public service.

(6) (a) If a service member becomes afflicted with a permanent infirmity of mind or body which renders him unfit for the proper discharge of the duties of his office, the Minister may—

- (i) allow him to vacate his office; or
- (ii) subject to the provisions of subsection (5) remove him from office on the ground of incapacity.

(b) A service member who is in terms of paragraph (a) (i) allowed to vacate his office shall be deemed to have been retired on the ground of ill-health, and shall be entitled to receive the benefits from the pension or provident fund of which he is a member, to which he would have been entitled if he had been discharged from the service of his former employer on the ground of ill-health either occasioned by or not occasioned by his own default, as the Minister may direct.

(7) A service member—

(a) who becomes a member of the executive committee with the consent of his former employer, shall, subject to the provisions of this section, be deemed to have been seconded for the period of his service on that committee, and the period of such service shall for leave purposes and for the purposes of the relevant pension or provident fund be reckoned as part of and continuous with his service with his previous employer, and the provisions of any law applicable to him as a member of any pension or provident fund or, in the event of his death, to his dependants, shall, in so far as they are not in conflict with this section, *mutatis mutandis* continue so to apply, but the former employer may regard the post vacated by the service member in order to become a member of the executive committee as vacant and fill it by the appointment of another person;

(b) shall have the same right to vacate his office and to retire on the attainment of an age prescribed by the said provisions or any other law, or on any subsequent date on which he desires to do so, as he would have

5. (1) 'n Lid van die raad word aangestel vir die tydperk, maar hoogstens vyf jaar, wat die Minister in elke geval bepaal en kan by verstryking van die tydperk waarvoor hy aangestel is, weer aangestel word. Diensvoorwaardes van lede van die raad.

(2) (a) 'n Lid van die uitvoerende komitee is, behoudens die bepalings van hierdie artikel, onderworpe aan die diensvoorwaardes en ontvang die besoldiging wat die Minister in oorleg met die Minister van Finansies bepaal.

(b) 'n Lid van die raad of van 'n komitee van die raad, behalwe 'n lid van die uitvoerende komitee, ontvang benewens enige ander toelae wat die Minister in oorleg met die Minister van Finansies bepaal, die toelaes om reis- en verblyfkoste in verband met sy diens as lid van die raad of so 'n komitee te dek wat die Minister aldus bepaal.

(3) 'n Lid van die uitvoerende komitee mag nie sonder toestemming van die Minister besoldigde werk buite sy ampspligte verrig of hom verbind om dit te verrig nie.

(4) Daar word aan 'n lid van die uitvoerende komitee dié vergoedende en ander toelaes betaal en dié voorregte ten opsigte van verlof, oorplasing en vervoer verleen wat die Minister in oorleg met die Minister van Finansies bepaal.

(5) (a) Die Minister kan 'n lid van die uitvoerende komitee in sy amp skors en, behoudens die bepalings van hierdie subartikel, hom daarvan onthef—

- (i) weens wangedrag;
- (ii) weens ongeskiktheid vir sy ampspligte of onvermoë om dié pligte op bekwame wyse uit te voer; of
- (iii) indien sy ontheffing van sy amp om ander redes as sy eie ongeskiktheid of onvermoë doeltreffendheid of besuiniging sal bevorder.

(b) Die bepalings van artikels 17 en 18 van die Staatsdienswet, 1957 (Wet No. 54 van 1957), is *mutatis mutandis* van toepassing met betrekking tot 'n lid van die uitvoerende komitee, en, indien die Minister gelas dat daar in die geval van so 'n lid ingevolge daardie artikels opgetree moet word, tree 'n beampte wat die Minister vir die doel aanwys op as departementshoof met betrekking tot dié lid, en geld die bepalings van genoemde Wet asof dié lid 'n beampte in die Staatsdiens is.

(6) (a) Indien 'n dienslid 'n blywende verstandelike of liggaamlike swakheid opdoen wat hom ongeskik maak vir die behoorlike vervulling van sy ampspligte, kan die Minister—

- (i) hom toelaat om sy amp neer te lê; of
- (ii) hom, behoudens die bepalings van subartikel (5), op grond van onvermoë van sy amp onthef.

(b) 'n Dienslid wat ingevolge paragraaf (a) (i) toegelaat word om sy amp neer te lê, word geag op grond van swak gesondheid afgedank te gewees het, en is geregtig om die voordele uit die pensioen- of voorsorgfonds waarvan hy lid is, te ontvang waarop hy geregtig sou gewees het indien hy uit die diens van sy vorige werkgewer ontslaan was op grond van swak gesondheid wat of met of sonder sy toedoen veroorsaak is, al na die Minister gelas.

(7) 'n Dienslid—

(a) wat met toestemming van sy vorige werkgewer 'n lid van die uitvoerende komitee word, word, behoudens die bepalings van hierdie artikel, geag vir die tydperk van sy diens in daardie komitee afgestaan te wees, en die tydperk van sodanige diens word vir doeleindes van verlof en van die betrokke pensioen- of voorsorgfonds as deel van en aaneenlopend met sy diens by sy vorige werkgewer gereken, en die wetsbepalings wat op hom as lid van 'n pensioen- of voorsorgfonds of, in die geval van sy dood, op sy afhanklikes van toepassing is, bly, vir sover hulle nie met hierdie artikel strydig is nie, *mutatis mutandis* aldus van toepassing, maar die vorige werkgewer kan die pos wat die dienslid ontruim het om 'n lid van die uitvoerende komitee te word as vakant beskou en deur die aanstelling van 'n ander persoon vul;

(b) he dieselfde reg om by bereiking van 'n leeftyd voorgeskryf by genoemde wetsbepalings of 'n ander wetsbepaling of op 'n latere datum waarop hy dit wil doen, sy amp neer te lê en af te tree, as wat hy sou

had if he had remained in the service of his former employer.

(8) A service member who on the expiration of his period of office as a member of the executive committee is not again appointed thereto and who has not attained the age at which he would in terms of the provisions of any law referred to in subsection (7) (b) have been entitled to retire, shall have the right to retire or may be required by the Minister to retire, and shall, if he so retires or is so required to retire, be entitled to the retirement benefits to which he would in terms of the said provisions have been entitled had he been discharged from the service of his former employer, in the case of a member of a pension fund, on the ground of abolition of his post or, in the case of a member of a provident fund, on the superannuation date applicable to his case.

(9) A service member whose service in the executive committee is terminated for a reason not mentioned in subsection (5) or (6) on or before the expiration of the period for which he was appointed, shall have the option to be transferred back to the service of his former employer and may be so transferred if his former employer has available a suitable post in which he can be appointed, or can employ him in a post additional to his fixed establishment.

(10) Notwithstanding anything to the contrary contained in any law, any contributions required to be made by a service member to any pension or provident fund during the period for which he serves as a member of the executive committee, shall be based on such an amount (not being less than the amount on which he would have contributed if he had not become such a member) as the Minister may from time to time determine in consultation with the Treasury.

(11) Notwithstanding anything to the contrary contained in any law, any contributions which in terms of any law referred to in subsection (7) (a) are in the case of a service member payable to a pension or provident fund by a person other than such a member, shall be paid during his service as a member of the executive committee out of moneys appropriated by Parliament for the purpose.

(12) If any benefit or portion of a benefit which becomes payable to a service member in terms of any law referred to in subsection (7) (a) is not payable out of a pension or provident fund, such portion of that benefit as may be determined by the Minister in consultation with the Minister of Finance, shall be paid out of moneys appropriated by Parliament for the purpose.

**Committee of
educational heads.**

6. (1) There shall be a committee of educational heads (in this section referred to as the committee), consisting of the educational heads and of which the Secretary shall be chairman.

(2) The committee shall submit recommendations to the Minister and the Administrators in regard to the manner in which the national education policy can be carried out on a co-ordinated basis.

(3) The committee shall advise the Minister or an Administrator in regard to any other matter relating to education which the Minister or such Administrator may refer to it, or which the committee may desire to bring to the notice of the Minister or such Administrator.

**Inspection of
schools and
offices.**

7. The Minister may, after consultation with or notification to the Administrator concerned, cause an inspection to be made of a school or an office in any province in order to ascertain to what extent the national education policy has been or is being carried out, or to furnish him with a report on any other matter relating to education in such province determined by the Minister.

**Establishment
of auxiliary
services.**

8. (1) The Minister may, in consultation with the Minister of Finance and after consultation with one or more Administrators, establish audio-visual educational and other auxiliary services to assist him, the council or one or more provincial administrations to promote the attainment of the objects of this Act.

(2) A provincial administration making use of any such auxiliary services may make financial contributions thereto, and the Minister may entrust the establishment of a particular auxiliary service to a particular provincial administration.

(3) When an auxiliary service has been established by the Minister in terms of subsection (1), or the establishment of any auxiliary service has in terms of subsection (2) been entrusted to a particular provincial administration, no similar auxiliary service may without the approval of the Minister be established or maintained by a provincial administration.

gehad het indien hy in die diens van sy vorige werk-
gewer gebly het.

(8) 'n Dienslid wat by verstryking van sy ampstermyn as lid van die uitvoerende komitee nie weer daarin aangestel word nie en wat nog nie die leeftyd bereik het waarop hy ingevolge die bepalings van 'n wet bedoel in subartikel (7) (b) die reg sou gehad het om af te tree nie, het die reg om af te tree of kan deur die Minister aangesê word om af te tree, en as hy aldus aftree of aangesê word om af te tree, is hy geregtig op die uitdienstredingsvoordele waarop hy ingevolge genoemde bepalings geregtig sou gewees het indien hy, in die geval van 'n lid van 'n pensioenfonds weens afskaffing van sy pos, of, in die geval van 'n lid van 'n voorsorgfonds, op die pensioendatum wat in sy geval geld, uit die diens van sy vorige werkgewer ontslaan was.

(9) 'n Dienslid wie se diens in die uitvoerende komitee by of voor die verstryking van die tydperk waarvoor hy aangestel is, beëindig word om 'n ander rede as 'n rede in subartikel (5) of (6) vermeld, het die keuse om na die diens van sy vorige werkgewer teruggeplaas te word en kan aldus teruggeplaas word as sy vorige werkgewer oor 'n geskikte pos beskik waarin hy aangestel kan word of hom in diens kan neem in 'n pos wat bykomend by sy vaste diensstaat is.

(10) Ondanks andersluidende wetsbepalings word enige bydrae wat 'n dienslid tot 'n pensioen- of voorsorgfonds moet doen gedurende die tydperk waarin hy as lid van die uitvoerende komitee dien, gebaseer op die bedrag wat die Minister van tyd tot tyd in oorleg met die Tesourie bepaal, maar wat nie minder mag wees nie as die bedrag waarop hy sou bygedra het as hy nie so 'n lid geword het nie.

(11) Ondanks andersluidende wetsbepalings word enige bydraes wat ingevolge 'n wetsbepaling bedoel in subartikel (7) (a) in die geval van 'n dienslid aan 'n pensioen- of voorsorgfonds betaalbaar is deur iemand anders as dié dienslid, gedurende sy diens as lid van die uitvoerende komitee betaal uit geld wat die Parlement vir daardie doel bewillig.

(12) Indien 'n voordeel of deel van 'n voordeel wat ingevolge 'n wetsbepaling bedoel in subartikel (7) (a) aan 'n dienslid betaalbaar word, nie uit 'n pensioen- of voorsorgfonds betaalbaar is nie, word dié deel van daardie voordeel wat die Minister in oorleg met die Minister van Finansies bepaal, uit gelde betaal wat die Parlement vir die doel bewillig.

6. (1) Daar is 'n komitee van onderwyshoofde (in hierdie artikel die komitee genoem), wat bestaan uit die onderwyshoofde en waarvan die Sekretaris die voorsitter is. Komitee van onderwyshoofde.

(2) Die komitee doen aanbevelings by die Minister en die Administrateurs oor die wyse waarop die nasionale onderwysbeleid op gekoördineerde grondslag uitgevoer kan word.

(3) Die komitee dien die Minister of 'n Administrateur van advies aangaande enige ander aangeleentheid betreffende die onderwys wat die Minister of dié Administrateur na hom verwys of wat die komitee onder die aandag van die Minister of dié Administrateur wil bring.

7. Die Minister kan, na oorlegpleging met of kennisgewing Inspekteur van aan die betrokke Administrateur, 'n inspeksie van 'n skool of skole en kantore. kantoor in 'n provinsie laat doen om vas te stel in watter mate die nasionale onderwysbeleid uitgevoer is of word of om aan hom 'n verslag te laat voorlê oor enige ander aangeleentheid betreffende onderwys in dié provinsie wat die Minister bepaal.

8. (1) Die Minister kan in oorleg met die Minister van Finansies en na oorleg met een of meer Administrateurs oudio-visueel-opvoedkundige dienste en ander hulpdienste instel om hom, die raad of een of meer provinsiale administrasies by te staan om die verwesenliking van die doelstellings van hierdie Wet te bevorder. Instelling van hulpdienste.

(2) 'n Provinsiale administrasie wat van bedoelde hulpdienste gebruik maak, kan geldelike bydraes daartoe doen, en die Minister kan die instelling van 'n besondere hulpdiens aan 'n bepaalde provinsiale administrasie toevertrou.

(3) Wanneer 'n hulpdiens deur die Minister ingevolge subartikel (1) ingestel is, of die instelling van 'n hulpdiens aan 'n bepaalde provinsiale administrasie ingevolge subartikel (2) toevertrou is, mag 'n soortgelyke hulpdiens nie sonder die goedkeuring van die Minister deur 'n provinsiale administrasie ingestel of in stand gehou word nie.

Repeal of Act
86 of 1962.

9. The National Advisory Education Council Act, 1962, is hereby repealed: Provided that anything done by the council as defined in section 1 of the said National Advisory Education Council Act, 1962, in terms of any provision of the said Act, shall be deemed to have been done in terms of the corresponding provision of this Act.

Short title and
commencement.

10. This Act shall be called the National Education Policy Act, 1967, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

9. Die Wet op die Nasionale Adviserende Onderwysraad, 1962, word hierby herroep: Met dien verstande dat iets gedoen deur die raad soos omskryf in artikel 1 van genoemde Wet op die Nasionale Adviserende Onderwysraad, 1962, ingevolge 'n bepaling van genoemde Wet, geag word ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen te wees. Herroeping van Wet 86 van 1962.

10. Hierdie Wet heet die Wet op die Nasionale Onderwysbeleid, 1967, en tree in werking op 'n datum wat die president by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

No. 40, 1967.]

ACT

To provide for the establishment of colleges for advanced technical education, for their control, administration and regulation and for matters incidental thereto.

*English text signed by the State President.
(Assented to 22nd March, 1967.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa as follows:—

Definitions.

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

- (i) "advanced technical education" means higher education within the meaning of section 17 of the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945), approved by the Minister; (i)
- (ii) "board of studies" means the board of studies of a college referred to in section 9; (ix)
- (iii) "college" means a college for advanced technical education established or deemed to have been established under this Act; (iii)
- (iv) "council" means the council of a college referred to in section 8; (vi)
- (v) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (v)
- (vi) "Minister" means the Minister of Education, Arts and Science; (iv)
- (vii) "principal" means the principal or director, of a college as the case may be, appointed under section 7 (1) and includes any acting principal appointed under section 7 (3); (ii)
- (viii) "regulation" means a regulation made and in force under this Act; (vii)
- (ix) "Secretary" means the Secretary for Education, Arts and Science. (viii)

Establishment and functions of colleges for advanced technical education.

2. (1) The State President may, by proclamation in the *Gazette*, establish at any place a college for advanced technical education.

(2) The functions of a college shall be—

(a) to provide—

- (i) such advanced technical education and training and such teacher training; and
- (ii) in the case of students who are no longer subject to compulsory school attendance in terms of any law, such secondary and other education on a part-time basis,

as the Minister may determine; and

(b) if it is the successor of any of the Technical Colleges mentioned in section 4 or of any State-aided vocational school or continuation class referred to in section 5, to provide to full-time pupils and for such period as the Minister may direct such vocational education, as defined in the Vocational Education Act, 1955 (Act No. 70 of 1955), as was provided by such Technical College, State-aided vocational school or continuation class immediately prior to the date on which such college came into existence.

(3) Any pupil who is subject to compulsory school attendance in terms of any law and who regularly attends a college on a full-time basis shall be deemed to comply with all the requirements relating to compulsory school attendance.

No. 40, 1967.]

WET

Om voorsiening te maak vir die instelling van kolleges vir gevorderde tegniese onderwys, vir hul beheer, administrasie en bestuur en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Maart 1967.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woordomskrywing.

- (i) „gevorderde tegniese onderwys” hoër onderwys binne die bedoeling van artikel 17 van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945), deur die Minister goedgekeur;
- (ii) „hoof” die hoof of direkteur, na gelang van die geval, van ’n kollege aangestel kragtens artikel 7 (1) en ook ’n waarnemende hoof aangestel kragtens artikel 7 (3);
- (iii) „kollege” ’n kollege vir gevorderde tegniese onderwys wat kragtens hierdie Wet ingestel is of wat geag word daarkragtens ingestel te gewees het;
- (iv) „Minister” die Minister van Onderwys, Kuns en Wetenskap;
- (v) „plaaslike bestuur” ’n instelling of liggaam wat in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog word;
- (vi) „raad” die in artikel 8 bedoelde raad van ’n kollege;
- (vii) „regulasie” ’n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is;
- (viii) „Sekretaris” die Sekretaris van Onderwys, Kuns en Wetenskap;
- (ix) „studieraad” die in artikel 9 bedoelde studieraad van ’n kollege.

2. (1) Die Staatspresident kan by proklamasie in die Staatskoerant op enige plek ’n kollege vir gevorderde tegniese onderwys instel. Instelling en werksaamhede van kolleges vir gevorderde tegniese onderwys.

(2) Die werksaamhede van ’n kollege is—

- (a) om—
 - (i) die gevorderde tegniese onderwys en opleiding en die onderwysersopleiding; en
 - (ii) in die geval van studente wat nie meer kragtens ’n wetsbepaling verplig is om ’n skool by te woon nie, op ’n deeltydse grondslag die sekondêre en ander onderwys, wat die Minister bepaal, te verskaf; en
- (b) om, indien hy die opvolger is van een van die in artikel 4 genoemde Tegniese Kolleges of van ’n in artikel 5 bedoelde Staatsondersteunde beroepskool of voortsettingklas, vir die tydperk wat die Minister gelas, aan voltydse leerlinge die beroepsonderwys, soos in die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), omskryf, te verskaf wat onmiddellik voor die datum waarop sodanige kollege tot stand gekom het deur sodanige Tegniese Kollege, Staatsondersteunde beroepskool of voortsettingsklas verskaf was.

(3) ’n Leerling wat ingevolge die een of ander wetsbepaling verplig is om ’n skool by te woon en wat ’n kollege gereeld op ’n voltydse grondslag bywoon, word geag aan al die vereistes met betrekking tot skoolplig te voldoen.

Status and proprietary capacity of a college.

3. A college shall be a body corporate capable in law of suing and being sued under its name and, subject to the provisions of this Act, of purchasing or otherwise acquiring, holding, hiring, letting, selling, exchanging or otherwise alienating any property, movable or immovable, or granting to any person any real right in or servitude on its property and of investing, lending and borrowing money: Provided that no college shall, without the approval of the Minister, let for a period longer than one year, sell, exchange or otherwise alienate its immovable property or grant to any person any real right therein or servitude thereon or lend or borrow money.

Certain technical colleges deemed to be colleges for advanced technical education established under this Act.

4. (1) The Cape Technical College, Natal Technical College, Pretoria Technical College and Witwatersrand Technical College declared to be places of higher education under the Higher Education Act, 1923 (Act No. 30 of 1923) (hereinafter referred to as the Technical Colleges), shall, as from the date of commencement of this Act and under their respective designations, be deemed to be colleges for advanced technical education established under this Act.

(2) As from the date of commencement of this Act—

- (a) the provisions of the said Higher Education Act, 1923 and of the Higher Education Financial Provision Act, 1931 (Act No. 27 of 1931), shall, subject to the provisions of section 11, cease to apply in respect of the Technical Colleges;
- (b) the councils of the Technical Colleges in existence immediately prior to the said date shall cease to exist;
- (c) every person employed by the council of any of the Technical Colleges immediately prior to the said date shall become an employee of the appropriate college and shall be subject to the provisions of this Act;
- (d) all the property, movable or immovable, which immediately prior to the said date was vested in the council of any of the Technical Colleges or which, if this Act had not been passed, would have accrued to or vested in that council, shall, without payment of transfer duty, stamp duty or other fees, accrue to and vest in the appropriate college subject to any charge with which the same may be burdened: Provided that all funds which immediately prior to the said date were vested in the council of any of the Technical Colleges by trust, donation or bequest shall be applied by the college concerned in accordance with the conditions of the trust, donation or bequest;
- (e) any college shall assume and be liable for all lawful debts and liabilities of the council of the Technical College of which it is the successor, subject to all lawful conditions under which those debts and liabilities were incurred.

Certain institutions and classes may be declared to be colleges for advanced technical education.

5. (1) The State President may, by proclamation in the *Gazette*, declare any institution recognized as a State-aided vocational school under section 6 (1) of the Vocational Education Act, 1955 (Act No. 70 of 1955), or any class recognized as a continuation class under section 9 of that Act, to be a college for advanced technical education under the designation specified in the proclamation, with effect from a date fixed therein: Provided that no such declaration shall be made in respect of any university or university college established by or in terms of any Act of Parliament, or in respect of any class conducted by any such university or college.

(2) As from the date fixed in the proclamation referred to in subsection (1)—

- (a) the State-aided vocational school or continuation class specified in such proclamation shall be deemed to be a college for advanced technical education established under this Act;
- (b) the provisions of the said Vocational Education Act, 1955, shall cease to apply in respect of such school or class;
- (c) there shall cease to be vested in the governing body of such school or class any rights, duties, powers, authorities or functions in respect of such school or class;
- (d) every person employed at such school or class immediately prior to the said date, shall become an employee of the college concerned and shall be subject to the provisions of this Act.

3. 'n Kollege is 'n regspersoon, kan in sy naam as eiser en verweerder in regte optree en, behoudens die bepalings van hierdie Wet, roerende en onroerende goed koop of op 'n ander wyse verkry, besit, huur, verhuur, verkoop, verruil of op 'n ander wyse vervreem, of 'n saaklike reg of serwituut op sy goed aan iemand verleen, en geld belê, uitleen en leen: Met dien verstande dat geen kollege sonder die goedkeuring van die Minister sy onroerende goed mag verhuur vir 'n tydperk van langer as een jaar, verkoop, verruil of op 'n ander wyse vervreem of aan iemand 'n saaklike reg of serwituut daarop verleen of geld uitleen of leen nie.

Status en vermoënsregtelike bevoegdheid van 'n kollege.

4. (1) Die Kaapse Tegniese Kollege, Natalse Tegniese Kollege, Pretoriase Tegniese Kollege en Witwatersrandse Tegniese Kollege, wat ingevolge die „Hoger Onderwys Wet, 1923” (Wet No. 30 van 1923), tot skole van hoër onderwys verklaar is (hieronder die Tegniese Kolleges genoem), word vanaf die datum van inwerkingtreding van hierdie Wet, en onder hulle onderskeie benaminge, geag kolleges vir gevorderde tegniese onderwys wat kragtens hierdie Wet ingestel is, te wees.

Sekere tegniese kolleges geag kolleges vir gevorderde tegniese onderwys wat kragtens hierdie Wet ingestel is, te wees.

(2) Vanaf die datum van inwerkingtreding van hierdie Wet—

- (a) hou die bepalings van die „Hoger Onderwys Wet, 1923”, en van die Wet op Finansiële Voorsiening vir Hoër Onderwys, 1931 (Wet No. 27 van 1931), behoudens die bepalings van artikel 11, op om ten opsigte van die Tegniese Kolleges van toepassing te wees;
- (b) hou die rade van die Tegniese Kolleges wat onmiddellik voor bedoelde datum bestaan het op om te bestaan;
- (c) word elke persoon wat onmiddellik voor bedoelde datum in diens van die raad van een van die Tegniese Kolleges was 'n werknemer van die betrokke kollege en is hy onderworpe aan die bepalings van hierdie Wet;
- (d) gaan alle goed, roerend of onroerend, wat onmiddellik voor bedoelde datum aan die raad van een van die Tegniese Kolleges behoort het, of wat, indien hierdie Wet nie aangeneem was nie, aan daardie raad sou toegekom of behoort het, sonder betaling van hereregte, seëlregte of ander gelde, oor op en behoort aan die betrokke kollege, met behoud van enige las waarmee dit beswaar is: Met dien verstande dat alle gelde wat onmiddellik voor bedoelde datum aan die raad van engeen van die Tegniese Kolleges behoort het uit hoofde van 'n trust, skenking of bemaking, deur die betrokke kollege ooreenkomstig die voorwaardes van die trust, skenking of bemaking gebruik moet word;
- (e) neem 'n kollege alle wettige skulde en verpligtings van die raad van die Tegniese Kollege waarvan hy die opvolger is, oor en is hy daarvoor aanspreeklik, met behoud van alle wettige voorwaardes waarop daardie skulde en verpligtings aangegaan is.

5. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* 'n inrigting wat kragtens artikel 6 (1) van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), as 'n Staats-ondersteunde beroepskool erken is of 'n klas wat kragtens artikel 9 van daardie Wet as 'n voortsettingsklas erken is, tot 'n kollege vir gevorderde tegniese onderwys verklaar met ingang van 'n datum in die proklamasie bepaal en onder die benaming daarin vermeld: Met dien verstande dat geen sodanige verklaring gedoen word ten opsigte van 'n universiteit of universiteitskollege wat by of ingevolge 'n wet van die Parlement ingestel is of ten opsigte van 'n klas wat deur so 'n universiteit of kollege bestuur word nie.

Sekere inrigtings en klasse kan tot kolleges vir gevorderde tegniese onderwys verklaar word.

(2) Vanaf die datum in die in subartikel (1) bedoelde proklamasie bepaal—

- (a) word die in daardie proklamasie vermelde Staats-ondersteunde beroepskool of voortsettingsklas geag 'n kollege vir gevorderde tegniese onderwys wat kragtens hierdie Wet ingestel is, te wees;
- (b) hou die bepalings van die Wet op Beroepsonderwys, 1955, op om ten opsigte van sodanige skool of klas van toepassing te wees;
- (c) berus daar nie langer enige regte, pligte, bevoegdhede, magte of werksaamhede ten opsigte van sodanige skool of klas by die bestuursliggaam van sodanige skool of klas nie;
- (d) word elke persoon wat onmiddellik voor bedoelde datum by sodanige skool of klas in diens was 'n werknemer van die betrokke kollege en is hy onderworpe aan die bepalings van hierdie Wet.

- (3) (a) If any college for advanced technical education is in the proclamation under subsection (1) declaring it as such stated to be the successor of the State-aided vocational school or continuation class specified in such proclamation, all the property, movable or immovable which immediately prior to the date fixed in such proclamation was vested in the governing body concerned or which, if this Act had not been passed, would have accrued to or vested in that governing body, shall, without payment of transfer duty, stamp duty or other fees, accrue to and vest in that college subject to any charge with which it may be burdened: Provided that all funds which immediately prior to the said date were vested in the governing body concerned by trust, donation or bequest shall be applied by the said college in accordance with the conditions of the trust, donation or bequest.
- (b) The said college shall assume and be liable for all lawful debts and liabilities of the governing body in respect of the State-aided vocational school or continuation class concerned, subject to all lawful conditions under which those debts and liabilities were incurred.

**Constitution
of a college.**

6. A college shall consist of—

- (a) the principal of the college;
- (b) a council;
- (c) a board of studies; and
- (d) the staff and students of the college.

**Principal of a
college.**

7. (1) The principal of a college shall, subject to the approval of the Minister, be appointed by the council in the manner prescribed by regulation.

(2) Any person who, immediately prior to the date as from which any Technical College, State-aided vocational school or continuation class is, in terms of section 4 (1) or 5 (2) (a), deemed to be a college for advanced technical education established under this Act, was the principal or director of such Technical College, school or class shall be deemed to have been appointed in terms of subsection (1) of this section as the principal of the college concerned.

- (3) (a) Whenever the post of principal becomes vacant or the principal is for any reason unable to function as such, the council may designate one of the members of the teaching staff of the college to act temporarily as acting principal of the college.
- (b) The acting principal shall exercise all the powers, perform all the functions and carry out all the duties of the principal.

**Council of a
college.**

8. (1) Subject to the provisions of this Act, the government and executive authority of a college shall be vested in its council, which shall consist of—

- (a) the principal of the college;
- (b) one or two persons, as the Minister may from time to time determine, elected, in the manner prescribed by regulation, by local authorities which, according to any regulation, are donors by virtue of donations made by them to the college;
- (c) one or two persons, as the Minister may from time to time determine, elected, in the manner prescribed by regulation, by persons (excluding local authorities) who, according to any regulation, are donors by virtue of donations made by them to the college;
- (d) one person appointed by each local authority or other body nominated by the Minister for representation on the council;
- (e) such persons as the Minister may, subject to the provisions of subsection (3), appoint; and
- (f) one person elected, in the manner prescribed by regulation, by such past students of the college (including past students of the appropriate Technical College or of the State-aided vocational school or the continuation class of which the college is the successor) as may be determined by regulation, when the number of such students has once reached the number of one hundred.

- (3) (a) Indien 'n kollege vir gevorderde tegniese onderwys in die proklamasie kragtens subartikel (1) wat dit as sodanig verklaar, vermeld word as die opvolger van die in daardie proklamasie vermelde Staats-ondersteunde beroepskool of voortsettingsklas, gaan alle goed, roerend of onroerend, wat onmiddellik voor die in daardie proklamasie bepaalde datum aan die betrokke bestuursliggaam behoort het, of wat, indien hierdie Wet nie aangeneem was nie aan daardie bestuursliggaam sou toegekom of behoort het, sonder betaling van hereregte, seëlregte of ander gelde, oor op en behoort aan daardie kollege, met behoud van enige las waarmee dit beswaar is: Met dien verstande dat alle gelde wat onmiddellik voor bedoelde datum aan die betrokke bestuursliggaam behoort het uit hoofde van 'n trust, skenking of bemaking, deur bedoelde kollege ooreenkomstig die voorwaardes van die trust, skenking of bemaking gebruik word.
- (b) Bedoelde kollege neem alle wettige skulde en verpligtings van die bestuursliggaam ten opsigte van die betrokke Staatsondersteunde beroepskool of voortsettingsklas oor en is daarvoor aanspreeklik, met behoud van alle wettige voorwaardes waarop daardie skulde en verpligtings aangegaan is.

6. 'n Kollege bestaan uit—

Samestelling
van 'n kollege.

- (a) die hoof van die kollege;
(b) 'n raad;
(c) 'n studieraad; en
(d) die personeel en studente van die kollege.

7. (1) Die hoof van 'n kollege word, onderworpe aan die goedkeuring van die Minister, deur die raad aangestel op die wyse by regulasie voorgeskryf.

(2) Iemand wat onmiddellik voor die datum vanaf wanneer 'n Tegniese Kollege, Staatsondersteunde beroepskool of voortsettingsklas ingevolge artikel 4 (1) of 5 (2) (a) geag word 'n kollege vir gevorderde tegniese onderwys wat kragtens hierdie Wet ingestel is, te wees, die hoof of direkteur van sodanige Tegniese Kollege, skool of klas was, word geag ingevolge subartikel (1) van hierdie artikel as hoof van die betrokke kollege aangestel te gewees het.

- (3) (a) Wanneer die amp van hoof vakant raak of die hoof om enige rede nie in staat is om as sodanig diens te doen nie, kan die raad een van die lede van die doserende personeel van die kollege as waarnemende hoof van die kollege aanwys.
- (b) Die waarnemende hoof oefen al die hoof se bevoegdhede uit, verrig al sy werksaamhede en voer al sy pligte uit.

8. (1) Behoudens die bepalings van hierdie Wet, berus die bestuur en uitvoerende mag van 'n kollege by sy raad, wat bestaan uit—

Raad van 'n
kollege.

- (a) die hoof van die kollege;
(b) een of twee persone, soos die Minister van tyd tot tyd bepaal, gekies, op die wyse by regulasie voorgeskryf, deur plaaslike besture wat, volgens 'n regulasie, donateurs is uit hoofde van skenkings deur hulle aan die kollege gedoen;
(c) een of twee persone, soos die Minister van tyd tot tyd bepaal, gekies, op die wyse by regulasie voorgeskryf, deur persone (uitgesonderd plaaslike besture) wat, volgens 'n regulasie, donateurs is uit hoofde van skenkings deur hulle aan die kollege gedoen;
(d) een persoon aangestel deur elke plaaslike bestuur of ander liggaam wat die Minister vir verteenwoordiging in die raad nomineer;
(e) die persone wat die Minister, behoudens die bepalings van subartikel (3), aanstel; en
(f) een persoon gekies, op die wyse by regulasie voorgeskryf, deur die oud-studente van die kollege (met inbegrip van oud-studente van die betrokke Tegniese Kollege of van die Staatsondersteunde beroepskool of die voortsettingsklas waarvan die kollege die opvolger is) wat by regulasie bepaal word, wanneer die getal sodanige studente een keer die getal van honderd bereik het.

(2) The council shall consist of not fewer than fifteen and not more than thirty members.

(3) The members of a council appointed by the Minister under subsection (1) (e) shall be not fewer than the other members of such council.

(4) (a) A member of the council other than the principal shall, subject to the provisions of subsection (5), hold office for a period of four years unless, before the expiry of such period, he submits his resignation in writing to the council or vacates his office for any other reason prescribed by regulation.

(b) Any person whose period of office as a member of the council has expired, shall be eligible for reappointment or re-election.

(5) A casual vacancy on the council caused by the death of or the vacation of his office by a member shall, with due regard to the provisions of subsection (1), be filled for the unexpired portion of the period of office of such member.

(6) The council shall elect from among its members a chairman and a vice-chairman of the council and, if neither the chairman nor the vice-chairman is present at a meeting of the council, the members present shall elect one of their number to preside at that meeting.

(7) The meetings of the council shall be held at such times and places as the council may determine, and the quorum for and the procedure at any meeting shall be prescribed by regulation.

(8) The council shall administer the property of the college and shall, subject to the provisions of this Act, have control of the college and of all its affairs and activities.

Board of studies of a college.

9. (1) The board of studies of a college shall consist of—

- (a) the principal, who shall be chairman of the board;
- (b) two other members of the council designated by the council and who shall hold office during the council's pleasure; and
- (c) such members of the teaching staff of the college as the council may from time to time determine.

(2) The board of studies of a college—

- (a) shall exercise such powers of organization of and control over the instruction and discipline of the students and pupils at the college as are assigned to it by the council;
- (b) shall advise the council in regard to any matter which the council may refer to the board of studies for its advice; and
- (c) may make such recommendations to the council on academic matters of interest to the college as it may deem expedient.

Appointment of staff and conditions of service, salaries and leave privileges of members of the staff.

10. (1) The establishment at any college shall be determined by the Minister.

(2) The members of the teaching, administrative and clerical staffs and the other employees of a college shall be appointed by its council: Provided that the appointment of such members of the teaching and administrative staffs as the Minister may determine shall be subject to his approval.

(3) (a) The conditions of service and leave privileges of persons employed at a college shall be prescribed by regulation and the salaries, scales of salary and allowances of such persons shall be determined by the Minister.

(b) The conditions of service, leave privileges and salaries, scales of salary and allowances may differ in respect of different colleges.

(4) (a) As from the date on which any person becomes an employee of a college in terms of section 4 (2) (c) or 5 (2) (d), his conditions of service, leave privileges and scale of salary and allowances shall be governed by the provisions of this section and his salary shall be adjusted at such notch as may be determined by the Minister on the scale of salary applicable to his post: Provided that, subject to the provisions of this Act, the salary or scale of salary at or in accordance with which he was remunerated immediately prior to such date and the emoluments other than salary, or the monetary equivalent of such emoluments, to which he was entitled immediately prior to such date and in respect of which he was required to contribute to any pension or provident fund of which he was a member in terms of any pension law immediately prior to such date shall not in the aggregate be reduced without his consent.

(2) Die raad bestaan uit minstens vyftien en hoogstens dertig lede.

(3) Die lede van die raad wat kragtens subartikel (1) (e) deur die Minister aangestel word, is nie minder as die ander lede van die raad nie.

(4) (a) 'n Lid van die raad, behalwe die hoof, beklee sy amp, behoudens die bepalings van subartikel (5), vir 'n termyn van vier jaar, tensy hy voor die verstryking van dié termyn, sy bedanking skriftelik by die raad indien of sy amp ontruim om 'n ander rede by regulasie voorgeskryf.

(b) Iemand wie se ampstermyn as lid van die raad verstryk het, kan weer aangestel of gekies word.

(5) 'n Toevallige vakature in die raad wat veroorsaak word deur die dood van of die ontruiming van sy amp deur 'n lid word, met inagneming van die bepalings van subartikel (1), gevul vir die onverstreke gedeelte van die ampstermyn van die lid.

(6) Die raad kies 'n voorsitter en ondervoorsitter van die raad uit sy lede en indien nóg die voorsitter nóg die ondervoorsitter op 'n vergadering van die raad teenwoordig is, kies die aanwesige lede iemand uit hul midde om op daardie vergadering voor te sit.

(7) Vergaderings van die raad word gehou op die tye en plekke wat die raad bepaal, en die kworum vir en prosedure op 'n vergadering word by regulasie voorgeskryf.

(8) Die raad beheer die eiendom van die kollege en oefen, behoudens die bepalings van hierdie Wet, beheer oor die kollege en al sy sake en werksaamhede uit.

9. (1) Die studieraad van 'n kollege bestaan uit—

Studieraad
van 'n kollege.

- (a) die hoof, wat voorsitter van die studieraad is;
- (b) twee ander lede van die raad deur die raad aangewys, wat hul amp beklee solank dit die raad behaag; en
- (c) die lede van die doserende personeel van die kollege wat die raad van tyd tot tyd bepaal.

(2) Die studieraad van 'n kollege—

- (a) oefen die bevoegdhede van organisasie van en beheer oor die onderrig en tug van die studente en leerlinge aan die kollege uit wat die raad aan hom toewys;
- (b) dien die raad van advies met betrekking tot 'n aangeleentheid wat die raad na die studieraad vir sy advies verwys; en
- (c) kan die aanbevelings betreffende akademiese aangeleenthede van belang vir die kollege wat hy dienstig ag, aan die raad doen.

10. (1) Die diensstaat by 'n kollege word deur die Minister bepaal.

Aanstelling van
personeel en
diensvoorwaardes,
salarisse en
verlofvoorregte
van personeellede.

(2) Die lede van die doserende, administratiewe en klerklike personeel en die ander werknemers van 'n kollege word deur sy raad aangestel: Met dien verstande dat die aanstelling van die lede van die doserende en administratiewe personeel wat die Minister bepaal, aan sy goedkeuring onderhewig is.

(3) (a) Die diensvoorwaardes en verlofvoorregte van persone in diens by 'n kollege word by regulasie voorgeskryf en die salarisse, salarisskaal en toelaes van sodanige persone word deur die Minister bepaal.

(b) Die diensvoorwaardes, verlofvoorregte en salarisse, salarisskaal en toelaes kan verskillend wees ten opsigte van verskillende kolleges.

(4) (a) Vanaf die datum waarop iemand ingevolge artikel 4 (2) (c) of 5 (2) (d) 'n werknemer van 'n kollege word, word sy diensvoorwaardes, verlofvoorregte en salarisskaal en toelaes deur die bepalings van hierdie artikel gereël en word sy salaris aangepas op die kerf wat die Minister bepaal op die salarisskaal wat op sy pos toepaslik is: Met dien verstande dat, behoudens die bepalings van hierdie Wet, die salaris of salarisskaal waarteen of waarvolgens hy onmiddellik voor sodanige datum besoldig was en die verdienste anders as verdienste, of die geldelike ekwivalent van sodanige verdienste, waarop hy onmiddellik voor sodanige datum geregtig was en ten opsigte waarvan hy moes bydra tot 'n pensioen- of voorsorgfonds waarvan hy ingevolge 'n pensioenwet onmiddellik voor sodanige datum 'n lid was, nie sonder sy toestemming in totaal verminder mag word nie.

- (b) Notwithstanding anything to the contrary in any law contained, any remuneration that is preserved to an employee in terms of the proviso to paragraph (a) shall be pensionable for the purposes of any pension law applicable to him.

**Pension rights
and retirement
benefits.**

11. (1) A college shall be an associated institution for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), and shall for such purposes be deemed to have been declared in terms of section 4 of that Act to be such an institution as from the date on which it is established in terms of section 2 (1) or, as the case may be, the date as from which it is in terms of section 4 (1) or 5 (2) deemed to be a college for advanced technical education established under this Act.

(2) Notwithstanding anything to the contrary in any law contained but subject to the provisions of subsections (3) and (4), any person who, in terms of section 4 (2) (c) or 5 (2) (d), becomes an employee of a college shall retain all the rights and privileges acquired by him and remain subject to all the obligations incurred by him for pension purposes under any pension law to which he was subject on the day immediately preceding the date on which he so becomes such an employee and such law (including any amendment thereof made after the commencement of this Act) shall for such purposes continue to apply to and in respect of such person.

(3) For the purposes of subsection (2) and of the regulations governing the provident fund and pension scheme established under section 19 of the Higher Education Act, 1923 (Act No. 30 of 1923), a college shall be deemed to be a technical college and a council shall be deemed to be a council as defined in such regulations.

(4) Nothing in subsection (2) contained shall be construed as debarring any person to whom that subsection applies from becoming a member of the pension fund established in terms of the Associated Institutions Pension Fund Act, 1963, in accordance with the provisions of the regulations made under that Act, if he is a member of the provident fund and pension scheme established under section 19 of the Higher Education Act, 1923 or a contributor to a fund referred to in section 2 (1), (2) or (3) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965).

**Registration,
as a student
at a college.**

12. No person shall be registered as a student at a college to receive any education or training referred to in section 2 (2)

(a) (i) unless he has obtained—

(a) the matriculation certificate issued by the Matriculation Board referred to in section 15 of the Universities Act, 1955 (Act No. 61 of 1955), the National Senior Certificate, the Transvaal Secondary School Certificate, the Cape Senior Certificate, the Orange Free State School Leaving Certificate or the Natal Senior Certificate; or

(b) any qualification, whether of an academic or practical nature, recognized by the Minister as a qualification entitling a person to such registration.

**Approval of
Minister required
in certain cases.**

13. (1) A council shall not, without the prior approval in writing of the Minister, create any department or course of study.

(2) Any department or course of study lawfully created at any Technical College, State-aided vocational school or continuation class prior to the date as from which it is, in terms of section 4 (1) or 5 (2) (a), deemed to be a college for advanced technical education established under this Act and which is in existence on that date shall be deemed to have been created in accordance with the provisions of this section.

**Medium of
instruction.**

14. The mediums of instruction at a college shall be Afrikaans and English, and the circumstances in which instruction shall or may be given through the one or the other shall be determined by the council in consultation with the Minister, and shall be so determined in such manner that, if the proficiency of the teaching staff in the use of those two languages and the number of students or pupils in question permit, the two languages shall, as far as is possible, be used on an equal basis for that purpose.

- (b) Ondanks andersluidende wetsbepalings, is 'n verdienste wat ingevolge die voorbehoudsbepaling by paragraaf (a) vir 'n werknemer behou word vir die doeleindes van 'n pensioenwet wat op hom van toepassing is, pensioengewend.

11. (1) 'n Kollege is vir die doeleindes van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), 'n geassosieerde inrigting en word vir sodanige doeleindes geag ingevolge artikel 4 van daardie Wet tot so 'n inrigting verklaar te gewees het vanaf die datum waarop hy ingevolge artikel 2 (1) ingestel word of, na gelang van die geval, die datum vanaf wanneer hy ingevolge artikel 4 (1) of 5 (2) geag word 'n kollege vir gevorderde tegniese onderwys wat kragtens hierdie Wet ingestel is, te wees.

Pensioenregte en uitdiens-tredingsvoordele.

(2) Ondanks andersluidende wetsbepalings, maar behoudens die bepalinge van subartikels (3) en (4), behou iemand wat ingevolge artikel 4 (2) (c) of 5 (2) (d) 'n werknemer van 'n kollege word al die regte en voorregte wat hy verkry het en bly hy onderhewig aan al die verpligtinge wat hy vir pensioendoeleindes opgeloopt het kragtens 'n pensioenwet waaraan hy onderworpe was op die dag wat die datum waarop hy so 'n werknemer word, onmiddellik voorafgegaan het en sodanige wet (met inbegrip van 'n wysiging daarvan wat na die inwerkingtreding van hierdie Wet aangebring word) hou vir sodanige doeleindes aan om ten opsigte van hom van toepassing te wees.

(3) By die toepassing van subartikel (2) en van die regulasies wat die kragtens artikel 19 van die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923), ingestelde voorsorgfonds en pensioenskema beheer, word 'n kollege geag 'n tegniese kollege te wees en word 'n raad geag 'n raad soos in daardie regulasies omskryf, te wees.

(4) Niks in subartikel (2) vervat, word so uitgelê nie dat dit iemand op wie daardie subartikel van toepassing is, sou verhoed om 'n lid te word van die ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, ingestelde pensioenfonds, ooreenkomstig die bepalinge van die kragtens daardie Wet uitgevaardigde regulasies, indien hy 'n lid is van die kragtens artikel 19 van die „Hoger Onderwijs Wet, 1923” ingestelde voorsorgfonds en pensioenskema of 'n bydraer is tot 'n in artikel 2 (1), (2) of (3) van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), bedoelde fonds.

12. Niemand word as 'n student aan 'n kollege ingeskryf om in artikel 2 (2) (a) (i) bedoelde onderwys of opleiding te ontvang nie, tensy hy—

Inskrywing as student aan 'n kollege.

- (a) die matrikulasiesertifikaat uitgereik deur die in artikel 15 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), bedoelde Matrikulasieraad, die Nasionale Senior Sertifikaat, die Transvaalse Middelbare Skool Sertifikaat, die Kaapse Senior Sertifikaat, die Vrystaatse Skooleindsertifikaat of die Natalse Senior Sertifikaat verwerf het; of

- (b) 'n kwalifikasie, hetsy van 'n akademiese of praktiese aard, verwerf het wat die Minister as 'n kwalifikasie erken het wat iemand op sodanige inskrywing geregtig maak.

13. (1) 'n Raad mag nie sonder die voorafgaande skriftelike goedkeuring van die Minister 'n departement of studiekursus instel nie.

Minister se goedkeuring in sekere gevalle vereis.

(2) 'n Departement of studiekursus wat wettiglik by 'n Tegniese Kollege, Staatsondersteunde beroepsskool of voortsettingsklas ingestel is voor die datum vanaf wanneer hy ingevolge artikel 4 (1) of 5 (2) (a), geag word 'n kollege vir gevorderde tegniese onderwys wat kragtens hierdie Wet ingestel is, te wees en wat op daardie datum bestaan, word geag ooreenkomstig die bepalinge van hierdie artikel ingestel te gewees het.

14. Die voertale aan 'n kollege is Afrikaans en Engels, en die omstandighede waaronder onderrig deur middel van die een of die ander moet of kan geskied, word deur die raad in oorleg met die Minister bepaal, en wel op so 'n wyse dat, indien die bedreweheid van die doserende personeel in die gebruik van dié twee tale en die getal betrokke studente of leerlinge dit toelaat, die twee tale sover doenlik op gelyke grondslag vir dié doel gebruik word.

Voertale.

**Inspection of
a college.**

15. The Minister may at any time cause an inspection to be made at any college in regard to any matter affecting—

- (a) the administration and discipline;
- (b) the admission of students and pupils and the teaching and training provided;
- (c) requirements as to staff;
- (d) the equipment, stores and finances,

and generally, in regard to such other matters as the Minister may deem expedient.

**Recognition and
registration of
certificates and
diplomas.**

16. Subject to the provisions of any other law, no college shall issue any certificate or diploma which indicates that a person has successfully passed an examination or completed a course of instruction or training at such college, unless such certificate or diploma has been recognized by the Minister and registered with the Secretary as a recognized certificate or diploma.

Discipline.

17. A student or pupil at a college shall be subject to the disciplinary provisions prescribed by rules made by the council.

**Guarantees in
respect of loans.**

18. Notwithstanding anything to the contrary in any law contained, the Minister, in consultation with the Minister of Finance, may guarantee the repayment of any loan granted by any person to a college and the payment of the interest payable thereon.

**Purposes for
which loans
may be granted
to colleges
out of moneys
voted by
Parliament.**

19. The Minister, in consultation with the Minister of Finance, may, subject to the provisions of this Act and out of moneys voted by Parliament for the purpose, grant loans to a college for—

- (a) the erection of buildings and the purchase and construction of fittings and fixtures of a permanent nature;
- (b) the acquisition of land (including land on which any building has been erected) or rights or interest in or over land, and for the payment of costs in connection with any survey and transfer;
- (c) the payment of the capital outlay on the fencing and improvement of any land vested in the college;
- (d) the purchase of movables of a capital nature; and
- (e) the repayment of any loan (other than a loan out of moneys provided by Parliament for the purpose) lawfully raised for any purpose mentioned in any of the preceding paragraphs by the college, or, where the college concerned is the successor of any Technical College or of any State-aided vocational school or continuation class referred to in section 5, by the council or governing body of such Technical College, school or class.

**Applications
for loans.**

20. (1) Every application for a loan under section 19 shall be addressed in writing to the Secretary and shall clearly state the purpose and object of the proposed loan.

(2) The Secretary may, upon receipt of any such application, call for such estimates, plans, specifications, reports, returns and other information, and may cause such inspection to be made, as he may deem necessary for the purpose of determining whether the proposed loan may properly be granted.

**Conditions
of loans.**

21. (1) Every loan granted under section 19 shall be subject to the conditions prescribed by the Treasury.

(2) Every such loan with the interest due thereon shall, subject to any prior charge or hypothecation, be a charge upon all the property, movable or immovable, present or future, of the college concerned: Provided that the Minister, in consultation with the Minister of Finance, may at any time by writing under his hand waive any preference under this subsection in favour of the holder of any bond over such property, if he is satisfied that the value of the property is sufficient to cover the amount of the loan which has not been repaid and the amount secured by such bond.

15. Die Minister kan te eniger tyd 'n inspeksie by 'n kollege Inspeksie van laat uitvoer met betrekking tot enige aangeleentheid rakende— 'n kollege.

- (a) die administrasie en tug;
 - (b) die toelating van studente en leerlinge en die onderwys en opleiding wat verskaf word;
 - (c) die behoefte aan personeel;
 - (d) die uitrusting, voorrade en finansies,
- en in die algemeen, met betrekking tot die ander aangeleenthede wat die Minister dienstig ag.

16. Behoudens enige ander wetsbepaling, reik geen kollege Erkenning en 'n sertifikaat of diploma uit wat aandui dat iemand aan sodanige registrasie van kollege 'n eksamen met goeie gevolg afgelê het of 'n kursus van sertifikate en diplomas. onderwys of opleiding voltooi het nie, tensy die sertifikaat of diploma deur die Minister erken en by die Sekretaris as 'n erkende sertifikaat of diploma geregistreer is.

17. 'n Student of leerling aan 'n kollege is onderworpe aan Tug. die tugbepalings wat by reëls deur die raad uitgevaardig, voorgeskryf word.

18. Ondanks andersluidende wetsbepalings, kan die Minister, Waarborge ten in oorleg met die Minister van Finansies, die terugbetaling opsigte van van 'n lening deur iemand aan 'n kollege toegestaan, en die lenings. betaling van die rente daarop betaalbaar, waarborg.

19. Behoudens die bepalinge van hierdie Wet, kan die Doeleindes Minister, in oorleg met die Minister van Finansies, uit gelde waarvoor lenings deur die Parlement vir dié doel bewillig, aan 'n kollege lenings aan kolleges toegestaan kan word uit gelde toestaan vir— deur die Parlement bewillig.

- (a) die oprigting van geboue en die aankoop en aanle van los en vaste toebehore van 'n permanente aard;
- (b) die verkryging van grond (met inbegrip van grond waarop 'n gebou opgerig is) of regte op of belange in grond en die bestryding van onkoste in verband met opmeting en transport;
- (c) die betaling van kapitaaluitgawes bestee aan die omheining en verbetering van grond wat aan die kollege behoort;
- (d) die aankoop van roerende goed van 'n kapitale aard; en
- (e) die terugbetaling van 'n lening (behalwe 'n lening uit gelde deur die Parlement vir dié doel bewillig) wettiglik aangegaan vir 'n doel in een van die voorafgaande paragrawe vermeld deur die kollege of, waar die betrokke kollege die opvolger is van 'n Tegniese Kollege of van 'n in artikel 5 bedoelde Staatsondersteunde beroepskool of voortsettingsklas, deur die raad of bestuursliggaam van sodanige Tegniese Kollege, skool of klas.

20. (1) Elke aansoek om 'n lening kragtens artikel 19 moet Aansoeke om skriftelik aan die Sekretaris gerig word en moet die doel en lenings. oogmerk van die voorgestelde lening duidelik vermeld.

(2) By ontvangs van so 'n aansoek kan die Sekretaris die begrotings, planne, spesifikasies, verslae, opgawes en ander inligting aanvra en die inspeksies laat uitvoer, wat hy nodig ag om te bepaal of die voorgestelde lening wel toegestaan behoort te word.

21. (1) Elke kragtens artikel 19 toegestane lening is onder- Voorwaardes van worpe aan die voorwaardes wat deur die Tesourie voorgeskryf lenings. word.

(2) Elke sodanige lening, tesame met die daarop verskuldigde rente, maak, behoudens enige vroeëre las of verhipotekering, 'n las uit op al die goed, roerend of onroerend, huidig of toekomstig, van die betrokke kollege: Met dien verstande dat die Minister, in oorleg met die Minister van Finansies, te eniger tyd skriftelik onder sy handtekening afstand kan doen van 'n reg van voorkeur kragtens hierdie subartikel ten gunste van die houer van 'n verband oor sodanige goed, indien hy oortuig is dat die waarde van die goed voldoende is om die bedrag van die lening wat nie terugbetaal is nie en die bedrag deur die verband gesekureer, te dek.

(3) The period within which any such loan and the interest thereon shall be repaid shall be determined by the Treasury before the granting of the loan, but the Treasury may from time to time extend any such period: Provided that every such loan together with the interest thereon shall be repaid within forty years from the date on which the first repayment in terms of section 22 shall be due, or within the aggregate of the said period together with any period of suspension referred to in that section.

**Repayment
of loans.**

22. (1) The college to which a loan has been granted under section 19 shall pay to the Treasury on the first day of January and on the first day of July in every year one half of the annual payment required to redeem the principal moneys advanced, together with interest thereon at such rate as the Treasury may determine, and the sums so payable shall continue to be payable until all the moneys lent from time to time, together with the interest thereon, have been repaid.

(2) The first payment shall be made on such date (not being later than three years after the loan or the first instalment thereof was paid) as the Treasury may determine: Provided that during any such time as elapses between the date when the first instalment was paid and the date mentioned in this section, interest at the aforesaid rate per annum on any such instalment shall be payable by the college to the Treasury: Provided further that the Treasury may, in special circumstances, from time to time suspend, in respect of any particular year, any such annual payment in redemption of the principal moneys advanced.

**Expropriation
of land for
colleges.**

23. (1) Notwithstanding anything to the contrary in any law contained, the Minister of Agricultural Credit and Land Tenure may, at the request of any college, and in consultation with the Minister, expropriate land for the benefit of such college, provided such college has satisfied the Minister that such land is reasonably required for the purposes of the college and that the college is unable to acquire it on reasonable terms.

(2) The provisions of the Expropriation Act, 1965 (Act No. 55 of 1965), shall *mutatis mutandis* apply in respect of the expropriation of any land in terms of subsection (1).

(3) If the Minister of Agricultural Credit and Land Tenure so expropriates land for the benefit of any college, the college shall become the owner thereof and the expropriation notice of the Minister of Agricultural Credit and Land Tenure shall be deemed to authorize the registrar of deeds concerned to register the transfer of such land to the college.

(4) There shall be payable in respect of the expropriation of any land in terms of subsection (1), the fees, duties and other charges which would have been payable by the college in terms of any law if it had purchased that land.

(5) All costs lawfully incurred by the said Ministers in the execution of their duties in terms of this section, shall be refunded to them by the college concerned.

**Grants by local
authorities to
colleges.**

24. Notwithstanding anything to the contrary in any law contained, any local authority may, subject to the approval of the executive committee of the Province concerned, make grants of land, money or other movable property to a college.

**Subsidies
to colleges.**

25. The Minister, in consultation with the Minister of Finance, may, out of moneys voted by Parliament for the purpose, grant subsidies to colleges for such purposes and on such basis and subject to such conditions as may, in respect of each college, be determined by the Minister, and with due regard to the requirements of each college in relation to the general requirements of higher education in the Republic.

**Records to be
kept and
information to be
furnished by a
council.**

26. (1) Every council shall cause true and correct records to be kept of all its proceedings and true and correct accounts of all moneys received and paid by or on behalf of its college, and shall, once in every year and at the time and in the manner prescribed by regulation, transmit to the Minister, in respect of the preceding year, a report of its proceedings and of the management of the college, together with a duly audited statement of revenue and expenditure and a balance sheet, and shall further furnish the Minister with any additional information required by him in regard to the administration and finances of the college.

(3) Die tydperk waarbinne so 'n lening en die rente daarop terugbetaal moet word, moet deur die Tesourie bepaal word voordat die lening toegestaan word, maar die Tesourie kan van tyd tot tyd so 'n tydperk verleng: Met dien verstande dat elke sodanige lening tesame met die rente daarop terugbetaal word binne veertig jaar vanaf die datum waarop die eerste terugbetaling ingevolge artikel 22 verskuldig is of binne die totaal van bedoelde periode tesame met enige in daardie artikel bedoelde opskortingstermyn.

22. (1) Die kollege waaraan 'n lening kragtens artikel 19 toegestaan is, betaal op die eerste dag van Januarie en op die eerste dag van Julie in elke jaar aan die Tesourie een helfte van die jaarlikse bedrag vereis om die hoofsom wat voorgesket is, af te los, tesame met rente daarop teen die koers wat die Tesourie bepaal, en die bedrae aldus betaalbaar bly betaalbaar totdat al die geld wat van tyd tot tyd geleen is, tesame met die rente daarop, terugbetaal is. Terugbetaling van lenings.

(2) Die eerste betaling moet geskied op die datum (wat nie later is nie as drie jaar nadat die lening of die eerste paalement daarvan betaal is) wat die Tesourie bepaal: Met dien verstande dat gedurende die termyn wat verloop tussen die datum waarop die eerste paalement betaal is en die in hierdie artikel bedoelde datum, rente teen voormelde koers per jaar op so 'n paalement deur die kollege aan die Tesourie betaalbaar is: Met dien verstande voorts dat die Tesourie van tyd tot tyd so 'n jaarlikse betaling ter afflossing van die hoofsomme wat voorgesket is onder buitengewone omstandighede ten opsigte van 'n bepaalde jaar kan opskort.

23. (1) Ondanks andersluidende wetsbepalings, kan die Minister van Landboukrediet en Grondbesit op versoek van 'n kollege en in oorleg met die Minister grond vir die voordeel van daardie kollege onteien, mits dié kollege die Minister oortuig het dat sodanige grond redelikerwys vir die doeleindes van die kollege benodig is en dat die kollege dit nie op redelike voorwaardes kan verkry nie. Onteining van grond vir kolleges.

(2) Die bepalinge van die Onteieningswet, 1965 (Wet No. 55 van 1965), is *mutatis mutandis* van toepassing ten opsigte van die onteining van grond ingevolge subartikel (1).

(3) Indien die Minister van Landboukrediet en Grondbesit grond aldus vir die voordeel van 'n kollege onteien, word die kollege eienaar daarvan en word die onteieningskennisgewing van die Minister van Landboukrediet en Grondbesit geag 'n magtiging aan die betrokke registrateur van aktes te wees om oordrag van sodanige grond aan die kollege te registreer.

(4) Ten opsigte van die onteining van grond ingevolge subartikel (1), is die gelde, regte en ander koste betaalbaar wat deur die kollege ingevolge 'n wet betaalbaar sou gewees het indien hy daardie grond gekoop het.

(5) Alle onkoste wettiglik deur genoemde Ministers aangegaan by die uitvoering van hul pligte ingevolge hierdie artikel word deur die betrokke kollege aan hulle vergoed.

24. Ondanks andersluidende wetsbepalings, kan 'n plaaslike bestuur, onderworpe aan die goedkeuring van die uitvoerende komitee van die betrokke Provinsie, grond, geld of ander roerende goed aan 'n kollege skenk. Skenkings deur plaaslike besture aan kolleges.

25. Die Minister kan, in oorleg met die Minister van Finansies, uit gelde deur die Parlement vir dié doel bewillig, subsidies aan kolleges betaal vir die doeleindes en op die grondslag en onderworpe aan die voorwaardes wat ten opsigte van elke kollege deur die Minister bepaal word en met behoorlike inagneming van die behoeftes van elke kollege in verhouding tot die algemene behoeftes van hoër onderwys in die Republiek. Subsidies aan kolleges.

26. (1) Elke raad moet juiste aantekenings van al sy verrigtings laat hou en behoorlik laat boekhou van alle gelde deur of ten behoeve van sy kollege ontvang en uitbetaal, en moet een keer elke jaar en op die tyd en wyse by regulasie voorgeskryf, 'n verslag van sy verrigtings en van die bestuur van die kollege, tesame met 'n behoorlik geouditeerde staat van inkomste en uitgawe en 'n balansstaat, ten opsigte van die voorafgaande jaar aan die Minister deurstuur, en moet die Minister bowendien voorsien van enige verdere inligting deur hom vereis insake die beheer en finansies van die kollege. Aantekenings wat gehou en inligting wat verstrek moet word deur 'n raad.

(2) Such report, statement and balance sheet shall be laid upon the Table by the Minister in the Senate and in the House of Assembly as soon as possible after receipt, if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, as soon as possible after the commencement of its next ensuing ordinary session.

Action on failure of council to comply with any conditions subject to which subsidy has been granted.

27. (1) If any council fails to comply with any condition subject to which any subsidy has under section 25 been granted to its college from moneys voted by Parliament, the Minister may call upon such council to comply with such condition within a specified period.

(2) If such council thereafter fails to comply with the said condition, the Minister may, notwithstanding anything to the contrary in any law contained, withhold payment of the whole or any portion of the subsidy voted by Parliament in respect of the college concerned: Provided that, in each and every case where the whole or any portion of the subsidy voted by Parliament has been withheld by the Minister, he shall report the matter to Parliament together with his reasons for so withholding payment, within fourteen days of his having notified the college concerned of his intention so to withhold payment, if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session.

Association of Technical Colleges in the Republic of South Africa or any association established to take its place to advise Minister.

28. The Association of Technical Colleges in the Republic of South Africa or an association established by the colleges to take the place of such Association—

- (a) shall advise the Minister on such matters relating to the colleges as the Minister may refer to it; and
- (b) may advise the Minister on any other matter of common interest to the colleges in regard to which it considers it necessary to advise the Minister.

Delegation of Minister's powers.

29. The Minister may delegate to the Secretary or to any other senior officer in the Department of Education, Arts and Science any or all of the rights, duties, powers, authorities and functions conferred or imposed upon or entrusted to him by the proviso to section 3, the proviso to section 10 (2), section 10 (3) (in so far as it relates to the determination of salaries), section 10 (4), section 12 (b), section 13 (1) and section 15.

Regulations.

30. The Minister may make regulations as to—

- (a) any matter which by this Act is required or permitted to be prescribed; and
- (b) all matters, generally, which he considers it necessary or expedient to prescribe in order that the objects of this Act may be achieved.

Vacancies not to affect powers of a college or its council or board of studies.

31. No vacancy in the office of principal or deficiency in the number of members of the council or the board of studies of a college shall prejudice or affect the corporate existence of the college or any powers, rights or privileges conferred by this Act upon the college, its council or its board of studies.

Short title and Commencement.

32. This Act shall be called the Advanced Technical Education Act, 1967, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) Sodanige verslag, staat en balansstaat moet deur die Minister so gou doenlik na ontvangs in die Senaat en in die Volksraad ter Tafel gelê word indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, so gou doenlik na die aanvang van sy eersvolgende gewone sessie.

27. (1) Indien 'n raad in gebreke bly om te voldoen aan 'n voorwaarde onderworpe waaraan 'n subsidie kragtens artikel 25 aan sy kollege betaal is uit gelde deur die Parlement bewillig, kan die Minister daardie raad aansê om binne 'n vasgestelde tydperk aan bedoelde voorwaarde te voldoen.

Optrede by versuim van raad om te voldoen aan enige voorwaardes onderworpe waaraan subsidie betaal is.

(2) Indien daardie raad daarna in gebreke bly om aan bedoelde voorwaarde te voldoen, kan die Minister, ondanks andersluidende wetsbepalings, die subsidie wat deur die Parlement ten opsigte van die betrokke kollege bewillig is of 'n gedeelte daarvan agterhou: Met dien verstande dat in elke geval waar die subsidie deur die Parlement bewillig, of 'n gedeelte daarvan, deur die Minister agtergehou is, hy oor die aangeleentheid, tesame met sy redes waarom hy betaling aldus agterhou, binne veertien dae nadat hy die betrokke kollege kennis gegee het van sy voorneme om betaling aldus agter te hou aan die Parlement verslag moet doen indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

28. Die Vereniging van Tegniese Kolleges in die Republiek van Suid-Afrika of 'n vereniging deur die kolleges gestig om die plek van sodanige Vereniging in te neem—

Vereniging van Tegniese Kolleges in die Republiek van Suid-Afrika of 'n vereniging gestig om sy plek in te neem, dien Minister van advies.

(a) moet die Minister van advies dien omtrent die aangeleenthede betreffende die kolleges wat die Minister na hom verwys; en

(b) kan die Minister van advies dien omtrent enige ander aangeleentheid van gemeenskaplike belang vir die kolleges waaromtrent bedoelde vereniging dit nodig ag om die Minister van advies te dien.

29. Die Minister kan aan die Sekretaris of aan 'n ander senior beampte van die Departement van Onderwys, Kuns en Wetenskap enige van of al die regte, pligte, bevoegdhede, magte en werksaamhede wat die voorbehoudsbepaling by artikel 3, die voorbehoudsbepaling by artikel 10 (2), artikel 10 (3) (vir sover dit betrekking het op die bepaling van salarisse), artikel 10 (4), artikel 12 (b), artikel 13 (1) en artikel 15 aan hom verleen, hom oplaê of aan hom toevertrou, delegeer.

Delegering van Minister se bevoegdhede.

30. Die Minister kan regulasies uitvaardig betreffende—

Regulasies.

(a) 'n aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word; en

(b) in die algemeen, alle aangeleenthede wat hy nodig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

31. 'n Vakature in die amp van hoof of 'n tekort in die ledetal van die raad of die studieraad van 'n kollege maak nie inbreuk op en raak nie die regspersoonlikheid van die kollege of enige bevoegdhede, regte of voorregte by hierdie Wet aan die kollege, sy raad of sy studieraad verleen nie.

Vakatures raak nie bevoegdhede van 'n kollege of sy raad of studieraad nie.

32. Hierdie Wet heet die Wet op Gevorderde Tegniese Onderwys, 1967, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

No. 41, 1967.]

ACT

To provide for the establishment, maintenance, administration and control of, and the rendering of financial aid in respect of schools at which certain classes of education are provided, for conferring upon provincial councils powers in respect of certain classes of education and for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 22nd March, 1967.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "Administrator" means an Administrator acting in accordance with a decision of the executive committee of which he is a member; (i)
 - (ii) "college" means a college as defined in the Advanced Technical Education Act, 1967; (x)
 - (iii) "college council" means a council as defined in the Advanced Technical Education Act, 1967; (xi)
 - (iv) "Commission" means the Public Service Commission referred to in section 4 of the Public Service Act, 1957 (Act No. 54 of 1957); (xii)
 - (v) "council" means a council established in terms of section 3 of this Act and, for the purposes of section 4 thereof, includes a board referred to in section 39 (4) of the Children's Act, 1960 (Act No. 33 of 1960); (xxiii)
 - (vi) "date of transfer" means the date on which the maintenance, management and control of a subsidized school or college, or any part of such school or a college, is in terms of section 6 (1) or section 7 (1) transferred to the Government; (vii)
 - (vii) "Department" means the Department of Education, Arts and Science; (viii)
 - (viii) "education" means instruction and training, whether on a full-time or on a part-time basis, and includes—
 - (a) the care of children; and
 - (b) the making available of buildings, hostels and equipment, the employment of staff and the provision of any other services which the Minister considers necessary for carrying on the activities of a school or subsidized school; (xvi)
 - (ix) "educational head" means the Secretary, the Superintendent-General of Education of the Province of the Cape of Good Hope, or the Director of Education of another province; (xvii)
 - (x) "employee" means a person employed in a temporary capacity or under a kind of contract different from that usually entered into with officers, at a school or a subsidized school in a post included in or additional to the fixed establishment of such school; (xxxiii)
 - (xi) "fixed date" means the date of commencement of this Act; (xxx)
 - (xii) "governing body" means the person managing an institution referred to in section 5 (1); (v)
 - (xiii) "Government" means the Government of the Republic, but does not include a provincial administration, the administration of the territory of South-West Africa, or the South African Railways and Harbours Administration; (xxiv)
 - (xiv) "handicapped child" means a child belonging to a category of children referred to in Schedule 1 and who,

WET

Om voorsiening te maak vir die instelling, instandhouding en bestuur van, beheer oor en die verlening van geldelike hulp ten opsigte van skole waar sekere soorte onderwys verskaf word, vir die verlening aan provinsiale rade van bevoegdhede ten opsigte van sekere soorte onderwys, en vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Maart 1967.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woordomskrywing.

- (i) „Administrateur” ’n Administrateur wat handel ooreenkomstig ’n besluit van die uitvoerende komitee waarvan hy lid is; (i)
- (ii) „beampte” iemand wat ingevolge hierdie Wet vir diens op ’n vaste grondslag by ’n skool of ’n ondersteunde skool deur of met die goedkeuring van die Minister aangestel is, of wat geag word aldus aangestel te wees, al is hy aangestel—
 - (a) op proef;
 - (b) in ’n pos bedoel vir iemand met ’n hoër of laer rang as sy eie rang; of
 - (c) in ’n pos wat bykomend is by die vaste diensstaat van dié skool of ondersteunde skool; (xvi)
- (iii) „beroepskool” ’n skool wat beroepsonderwys verskaf; (xxxiii)
- (iv) „beroepsonderwys” ’n kursus van voltydse onderwys wat gewoonlik tot ’n standerd nie hoër nie as die tiende standerd verskaf word en—
 - (a) waarin meer as twee vakke handelsvakke is wat in Bylae 2 vermeld word; of
 - (b) wat insluit onderrig en opleiding, hetsy teoreties of prakties of sowel teoreties as prakties, in ’n ambag vermeld in genoemde Bylae, maar nie ook nie—
 - (i) buitengewone onderwys; of
 - (ii) ’n kursus van onderrig en opleiding in houtwerk, metaalwerk of ’n ander praktiese kuns of handwerk wat nie spesifieke onderrig of opleiding is nie vir ’n ambag vermeld in genoemde Bylae 2, en die duur waarvan hoogstens agt uur per week is, ongeag die getal sodanige vakke wat vir sodanige kursus gevolg word; (xxxii)
- (v) „bestuursliggaam” die persoon wat ’n inrigting bedoel in artikel 5 (1) bestuur; (xii)
- (vi) „buitengewone onderwys” ook dié onderwys van ’n gespesialiseerde aard, dié mediese, tandheekkundige en terapeutiese behandeling (met inbegrip van die uitvoer van operasies), voorsiening van kunsmatige mediese hulpmiddels, versorging in ’n hospitaal en in ’n skoolkoshuis, vervoer en begeleiding, en die verskaffing van dié ander dienste wat, na die oordeel van die Minister, nodig is om in die behoeftes van ’n gestremde kind te voorsien; (xxix)
- (vii) „datum van oordrag” die datum waarop die instandhouding en bestuur van en beheer oor ’n ondersteunde skool of ’n kollege, of ’n deel van so ’n skool of ’n kollege, ingevolge artikel 6 (1) of artikel 7 (1) aan die Regering oorgedra word; (vi)

except in the case of a child referred to in section 37, is under the age of 18 years, and who, in the opinion of the Secretary, deviates to such an extent from the majority of children in body, mind or behaviour that he—

- (a) cannot derive sufficient benefit from the instruction normally provided in the ordinary course of education;
- (b) requires education of a specialized nature to facilitate his adaptation to the community; and
- (c) should not attend an ordinary class in an ordinary school, because such attendance may be harmful to himself or to other pupils in that class, but is nevertheless educable and will derive sufficient benefit from education referred to in paragraph (b); (ix)
- (xv) "Minister" means the Minister of Education, Arts and Science; (xiv)
- (xvi) "officer" means a person appointed permanently in terms of this Act for service at a school or subsidized school by or with the approval of the Minister, or deemed to have been so appointed, although he may have been appointed—
 - (a) on probation;
 - (b) to a post intended for a person of a rank higher or lower than his own rank; or
 - (c) to a post additional to the fixed establishment of such school or subsidized school; (ii)
- (xvii) "parent" means the father or the mother of a child born out of or legitimated by a marriage or, in the case of an illegitimate child, the mother of such child, and includes an adoptive parent or a testamentary, nominated or assumed guardian or a person to whom letters of tutorship or curatorship have been issued in terms of any law relating to the administration of estates; (xviii)
- (xviii) "pensionable emoluments" means the emoluments on which contributions to the pension fund or the provident fund are calculated; (xx)
- (xix) "pension fund" means the Public Service Pension Fund referred to in section 2 of the Pensions Act; (xix)
- (xx) "Pensions Act" means the Government Service Pensions Act, 1965 (Act No. 62 of 1965), and the regulations made in terms thereof; (xxi)
- (xxi) "prescribed" means prescribed by regulation made or deemed to have been made in terms of this Act; (xxxi)
- (xxii) "principal", in relation to a school or a subsidized school, means the person appointed in terms of this Act as head of such school or subsidized school; (xxii)
- (xxiii) "provident fund" means the provident fund and pension scheme established under section 19 (1) (g) of the Higher Education Act, 1923 (Act No. 30 of 1923); (xxxii)
- (xxiv) "public service" means the public service as described in section 3 of the Public Service Act, 1957 (Act No. 54 of 1957); (xxviii)
- (xxv) "pupil" means a person admitted to a school or a subsidized school and enrolled as a pupil thereof in terms of this Act, or who has been committed to a school or subsidized school and admitted thereto in terms of a law applicable to children; (xiii)
- (xxvi) "school" means a school established in terms of section 2; (xxvi)
- (xxvii) "Secretary" means the Secretary for Education, Arts and Science; (xxv)
- (xxviii) "special school" means a school, a subsidized school or any other private school at which special education is provided, whether on a full-time or on a part-time basis; (xxvii)
- (xxix) "special education" includes such education of a specialized nature, such medical, dental and therapeutic treatment (including the performance of operations), provision of artificial medical aids, care in a hospital and in a school hostel, transport and escort, and the provision of such other services as, in the opinion of the Minister, are necessary to meet the needs of a handicapped child; (vi)
- (xxx) "subsidized school" means an institution which in terms of section 5 (1) has been declared a subsidized school; (xv)

- (viii) „Departement” die Departement van Onderwys, Kuns en Wetenskap; (vii)
- (ix) „gestremde kind” ’n kind wat behoort tot ’n kategorie kinders wat in Bylae 1 vermeld word en wat, behalwe in die geval van ’n kind bedoel in artikel 37, onder die ouderdom van 18 jaar is, en wat, na die oordeel van die Sekretaris, in so ’n mate in liggaam, verstand of gedrag van die meerderheid van kinders afwyk, dat hy—
 - (a) nie voldoende voordeel kan trek uit die gewone onderrig wat in die normale loop van onderwys verskaf word nie;
 - (b) onderwys van ’n gespesialiseerde aard nodig het om sy aanpassing by die gemeenskap te vergemaklik; en
 - (c) nie ’n gewone klas in ’n gewone skool behoort by te woon nie, omdat sodanige bywoning vir hom of vir ander leerlinge in daardie klas skadelik kan wees,
 maar nogtans opvoedbaar is en voldoende baat sal vind by onderwys bedoel in paragraaf (b); (xiv)
- (x) „kollege” ’n kollege soos in die Wet op Gevorderde Tegniese Onderwys, 1967, omskryf; (ii)
- (xi) „kollegeraad” ’n raad soos in die Wet op Gevorderde Tegniese Onderwys, 1967, omskryf; (iii)
- (xii) „Kommissie” die Staatsdienskommissie vermeld in artikel 4 van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (iv)
- (xiii) „leerling” iemand wat ingevolge hierdie Wet tot ’n skool of ’n ondersteunde skool toegelaat en as ’n leerling daarvan ingeskryf is, of wat ingevolge ’n wet wat op kinders van toepassing is na ’n skool of ondersteunde skool verwys en daarin opgeneem is; (xxv)
- (xiv) „Minister” die Minister van Onderwys, Kuns en Wetenskap; (xv)
- (xv) „ondersteunde skool” ’n inrigting wat ingevolge artikel 5 (1) tot ’n ondersteunde skool verklaar is; (xxx)
- (xvi) „onderwys” onderrig en opleiding, hetsy op ’n voltydse of op ’n deeltydse grondslag, en ook—
 - (a) die versorging van leerlinge; en
 - (b) die beskikbaarstelling van geboue, koshuise en toerusting, die indiensneming van personeel en die verskaffing van enige ander dienste wat die Minister nodig ag om die bedrywighede van ’n skool of ondersteunde skool voort te sit; (viii)
- (xvii) „onderwyshoof” die Sekretaris, die Superintendent-generaal van Onderwys van die Provinsie die Kaap die Goeie Hoop of die Direkteur van Onderwys van ’n ander provinsie; (ix)
- (xviii) „ouer” die vader of die moeder van ’n kind gebore uit of gewettig deur ’n huwelik of, in die geval van ’n buite-egtelike kind, die moeder van die kind, en ook ’n aannemende ouer of ’n testamentêre, benoemde of toegevoegde voog of iemand aan wie ’n voogdybrief of brief van kuratele ingevolge ’n wet op die bereddering van boedels uitgereik is; (xvii)
- (xix) „pensioenfonds” die Staatsdiens-pensioenfonds bedoel in artikel 2 van die Pensioenwet; (xix)
- (xx) „pensioengewende verdienste” die verdienste waarop bydraes tot die pensioenfonds of die voorsorgfonds bereken word; (xviii)
- (xxi) „Pensioenwet” die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), en die regulasies wat ingevolge genoemde Wet uitgevaardig is; (xx)
- (xxii) „prinsipaal”, met betrekking tot ’n skool of ondersteunde skool, die persoon wat ingevolge hierdie Wet as hoof van dié skool of ondersteunde skool aangestel is; (xxii)
- (xxiii) „raad” ’n raad wat ingevolge artikel 3 van hierdie Wet ingestel is en, by die toepassing van artikel 4 daarvan, ook ’n raad bedoel in artikel 39 (4) van die Kinderwet, 1960 (Wet No. 33 van 1960); (v)
- (xxiv) „Regering” die Regering van die Republiek, maar nie ook ’n provinsiale administrasie, die administrasie van die gebied Suidwes-Afrika of die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens nie; (xiii)
- (xxv) „Sekretaris” die Sekretaris van Onderwys, Kuns en Wetenskap; (xxvii)
- (xxvi) „skool” ’n skool wat ingevolge artikel 2 ingestel is; (xxvi)

- (xxxi) "Treasury" means the Minister of Finance or any person in the Department of Finance authorized by the said Minister to perform the functions assigned to the Treasury by this Act; (xxix)
- (xxxii) "vocational education" means a course of full-time education usually provided up to a standard not higher than the tenth standard and—
- (a) in which more than two subjects are commercial subjects referred to in Schedule 2; or
 - (b) which includes instruction and training, whether theoretical or practical or both theoretical and practical, in any trade referred to in the said Schedule,
- but does not include—
- (i) special education; or
 - (ii) a course of instruction and training in woodworking, metal work or any other practical art or craft not being specific instruction or training for a trade referred to in the said Schedule 2, and the duration of which does not exceed eight hours per week, irrespective of the number of such subjects taken in such course; (iv)
- (xxxiii) "vocational school" means a school which provides vocational education. (iii)

Establishment of schools by Minister.

2. (1) The Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, establish, maintain and manage schools to provide higher education within the meaning of paragraphs (b) to (g), inclusive, of section 17 of the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945).

(2) The Minister may disestablish a school but, if a council has been established for such school, only after consultation with such council.

(3) The establishment or disestablishment of a special school shall be notified in the *Gazette*.

(4) (a) Every union special school established or deemed to have been established under the Special Education Act, 1948 (Act No. 9 of 1948), and every vocational school or part-time class as defined in section 1 of the Vocational Education Act, 1955 (Act No. 70 of 1955), established or deemed to have been established under the lastmentioned Act, which immediately prior to the fixed date is being maintained, controlled and managed by the Minister, shall, subject to the provisions of section 9, be deemed to have been established under subsection (1) of this section as from that date.

(b) For the purposes of this Act, a school of industries or a reform school established by the Minister in terms of the Children's Act, 1960 (Act No. 33 of 1960), shall be deemed to be a school established in terms of subsection (1).

Appointment of advisory councils for schools.

3. (1) The Minister may establish a council for a school (other than a school established in terms of the Children's Act, 1960 (Act No. 33 of 1960)), to advise the Minister and the Secretary in regard to such matters as may be prescribed, and may accord representation on such council to any person.

(2) The constitution, functions, powers, duties and procedure at meetings of a council shall be as prescribed.

(3) (a) The members (including honorary members) of a council shall be appointed by the Minister, for such period and subject to such conditions as may be prescribed, and the powers of such honorary members shall be as prescribed.

(b) The Minister may cancel the appointment of a member, and may appoint another member in the place of a member whose appointment has been so cancelled.

(4) No remuneration shall be paid to a member of a council, but he may in respect of any period during which he is engaged upon the business of the council, and in respect of any journey undertaken for the purposes of such business, be paid such subsistence and travelling allowances as the Minister may determine in consultation with the Minister of Finance: Provided that a member who is in the full-time service of the State, shall receive allowances in accordance with the law governing his conditions of employment.

(5) The principal concerned or an officer designated by him, shall be the secretary of a council, but such a principal shall in respect of all his duties be responsible to the Secretary only.

- (xxvii) „spesiale skool” ’n skool, ondersteunde skool of ’n ander private skool waarin buitengewone onderwys verskaf word, hetsy op ’n voltydse of op ’n deeltydse grondslag; (xxviii)
- (xxviii) „Staatsdiens” die Staatsdiens soos beskryf in artikel 3 van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (xxiv)
- (xxix) „Tesourie” die Minister van Finansies of iemand in die Departement van Finansies wat deur genoemde Minister gemagtig is om die werksaamhede wat hierdie Wet aan die Tesourie opdra, te verrig; (xxx)
- (xxx) „vasgestelde datum” die datum van inwerking-treding van hierdie Wet; (xi)
- (xxxi) „voorgeskrif” voorgeskryf by regulasie wat ingevolge hierdie Wet uitgevaardig is of geag word aldus uitgevaardig te wees; (xxi)
- (xxxii) „voorsorgfonds” die voorsorgfonds en pensioenskema wat kragtens artikel 19 (1) (g) van die „Hoger Onderwys Wet, 1923” (Wet No. 30 van 1923), ingestel is; (xxiii)
- (xxxiii) „werknemer” iemand wat in ’n tydelike hoedanigheid of kragtens ’n ander soort kontrak as dié wat gewoonlik met beamptes aangegaan word, in diens is by ’n skool of ’n ondersteunde skool in ’n pos wat inbegrepe of bykomend is by die vaste diensstaat van dié skool. (x)

2. (1) Die Minister kan, in oorleg met die Minister van Finansies, uit geld wat die Parlement vir die doel bewillig het, skole instel, in stand hou en bestuur om hoër onderwys ooreenkomstig die bedoeling van paragrawe (b) tot en met (g) van artikel 17 van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945), te verskaf.

(2) Die Minister kan die instelling van ’n skool intrek, maar, indien ’n raad vir dié skool ingestel is, slegs ná oorlegpleging met dié raad.

(3) Die instelling van ’n spesiale skool of die intrekking daarvan word in die *Staatskoerant* aangekondig.

(4) (a) Elke uniale spesiale skool wat kragtens die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), ingestel is of geag word aldus ingestel te wees, en elke beroepsskool of deeltydse klas soos in artikel 1 van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), omskryf, wat kragtens laasgenoemde Wet ingestel is of geag word aldus ingestel te wees, en wat onmiddellik voor die vasgestelde datum deur die Minister in stand gehou, beheer en bestuur word, word, behoudens die bepalings van artikel 9, geag kragtens subartikel (1) van hierdie artikel ingestel te wees met ingang van daardie datum.

(b) By die toepassing van hierdie Wet word ’n nywerheid- of verbeteringskool wat ingevolge die Kinderwet, 1960 (Wet No. 33 van 1960), deur die Minister ingestel is, geag ’n skool te wees wat ingevolge subartikel (1) ingestel is.

3. (1) Die Minister kan vir ’n skool (uitgesonderd ’n skool wat ingevolge die Kinderwet, 1960 (Wet No. 33 van 1960), ingestel is) ’n raad instel om die Minister en die Sekretaris aangaande die aangeleenthede wat voorgeskryf word, van advies te dien, en kan verteenwoordiging in so ’n raad aan iemand verleen.

(2) Die samestelling, werksaamhede, bevoegdhede, pligte en prosedure op vergaderings van ’n raad is soos voorgeskryf.

(3) (a) Die Minister stel die lede (met inbegrip van erelede) van ’n raad aan, en wel vir die termyn en op die voorwaardes wat voorgeskryf word, en die bevoegdhede van sodanige erelede is soos voorgeskryf.

(b) Die Minister kan die aanstelling van ’n lid intrek, en kan ’n ander lid aanstel in die plek van ’n lid wie se aanstelling aldus ingetrek is.

(4) Geen besoldiging word aan ’n lid van ’n raad betaal nie, maar hy kan ten opsigte van ’n tydperk waarin hy met die sake van die raad besig is, en ten opsigte van ’n reis onderneem vir die doeleindes van dié sake, die verblyf- en reistoelaes betaal word wat die Minister in oorleg met die Minister van Finansies bepaal: Met dien verstande dat ’n lid wat op ’n voltydse grondslag in diens van die Staat is, toelaes ontvang ooreenkomstig die wetsbepalings wat sy diensvoorwaardes reël.

(5) Die betrokke prinsipaal of ’n beampte deur hom aangewys, is sekretaris van ’n raad, maar so ’n prinsipaal is ten opsigte van al sy pligte slegs teenoor die Sekretaris verantwoordelik.

Instelling van skole deur Minister.

Aanstelling van adviesrade vir skole.

Trust moneys and school funds.

4. (1) Any moneys paid by the Minister with the approval of the Minister of Finance to a trust or school fund of a school out of moneys appropriated by Parliament for the purpose, and any other moneys or other goods donated or bequeathed to or received by a school (other than school, boarding or other fees or other goods which belong to the State), shall be controlled, used and administered by the Secretary or, if a council has been established for the school in question, shall be used and administered by such council subject to the directions and control of the Secretary and, if such moneys or goods were received by virtue of a trust, donation or bequest, in accordance with such trust, donation or bequest, as the case may be.

(2) The books and accounts in respect of the moneys and other goods referred to in subsection (1) shall be audited by the Controller and Auditor-General.

Subsidized schools.

5. (1) The Minister may declare an existing institution, not being a school, which provides or is desirous of providing the education referred to in section 2 (1), to be a subsidized school, and he may out of moneys appropriated by Parliament for the purpose pay to such a subsidized school a subsidy on such basis and subject to such conditions as he may determine in consultation with the Minister of Finance.

(2) Every institution approved by the Minister under section 3 (1) of the Special Education Act, 1948 (Act No. 9 of 1948), as a special school, or recognized under the Vocational Education Act, 1955 (Act No. 70 of 1955), as a State-aided vocational school or continuation class as defined in the last-mentioned Act, which is in receipt of a grant-in-aid from the Minister and is still in existence on the fixed date, shall, subject to the provisions of section 9, be deemed to have been declared to be a subsidized school in terms of subsection (1) as from the said date.

(3) A governing body shall not without the approval of the Minister let, sell, exchange or otherwise alienate its immovable property or grant to any person any real right therein or servitude thereon.

(4) Subject to the provisions of this Act the Minister may, in consultation with the Minister of Finance and out of moneys appropriated by Parliament for the purpose, grant loans to a governing body for—

- (a) the erection of buildings and the acquisition of equipment of a permanent nature;
- (b) the acquisition of land (including land on which any buildings have been erected) or rights to or interests in land, and the payment of costs in connection with any survey and transfer;
- (c) the payment of the capital outlay on the fencing and improvement of any land vested in such governing body;
- (d) the repayment of any loan (other than a loan granted out of moneys appropriated by Parliament for the purpose) lawfully raised by such governing body before or after the fixed date for any purpose mentioned in paragraph (a), (b) or (c).

(5) (a) Every application for a loan under this Act shall be addressed in writing to the Secretary and shall clearly state the purpose and object of the proposed loan.

(b) The Secretary may, upon receipt of any such application, call for such estimates, plans, specifications, reports, returns, and other information, and may cause such inspection to be made as he may deem necessary for the purpose of determining whether the proposed loan should be granted.

(6) (a) Every loan granted under this Act shall be subject to the conditions stipulated by the Treasury and such loan, together with the interest due thereon, shall, subject to any prior charge or hypothecation, be a charge upon all the property of the governing body to which such loan has been granted, irrespective of the time when such property may have been acquired: Provided that the Minister may, in consultation with the Minister of Finance, at any time by writing under his hand waive any preference in terms of this subsection in favour of the holder of any bond over such property, if he is satisfied that the value of the property is sufficient to cover the amount of the loan which has not been repaid, and the amount secured by such bond.

4. (1) Gelde wat deur die Minister met die goedkeuring van die Minister van Finansies aan 'n trust- of skoolfonds van 'n skool oorbetal word uit gelde wat die Parlement vir dié doel bewillig het, en ander gelde of ander goed wat aan 'n skool geskenk of bemaak of deur 'n skool ontvang word (behalwe onderwys-, losies- of ander gelde of ander goed wat aan die Staat behoort), word deur die Sekretaris beheer, gebruik en bestuur, of, indien 'n raad vir dié betrokke skool ingestel is, deur dié raad onderworpe aan die voorskrifte en beheer van die Sekretaris gebruik en bestuur, en, indien daardie gelde of goed uit hoofde van 'n trust, skenking of bemaking ontvang, is, ooreenkomstig die voorwaardes van dié trust, skenking of bemaking, na gelang van die geval.

(2) Die boeke en rekenings ten opsigte van die gelde en ander goed bedoel in subartikel (1) word deur die Kontroleur en Ouditeur-generaal geouditeer.

5. (1) Die Minister kan 'n bestaande inrigting wat nie 'n skool is nie en die onderwys bedoel in artikel 2 (1) verskaf of wil verskaf, tot 'n ondersteunde skool verklaar, en hy kan, op die grondslag en onderworpe aan die voorwaardes wat hy in oorleg met die Minister van Finansies bepaal, aan so 'n ondersteunde skool 'n subsidie betaal uit geld wat die Parlement vir daardie doel bewillig het.

(2) Elke inrigting wat deur die Minister kragtens artikel 3 (1) van die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), as 'n spesiale skool goedgekeur is, of wat kragtens die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), as 'n staatsondersteunde beroepskool of voortsettingsklas soos in laasgenoemde Wet omskryf, erken is, en op die vasgestelde datum 'n hulptoelae van die Minister ontvang en nog bestaan, word, behoudens die bepalinge van artikel 9, geag ingevolge subartikel (1) tot 'n ondersteunde skool verklaar te wees met ingang van genoemde datum.

(3) 'n Bestuursliggaam mag nie sonder die goedkeuring van die Minister sy onroerende goed verhuur, verkoop, verruil of op 'n ander wyse vervreem of 'n saaklike reg of serwituut daarop aan iemand verleen nie.

(4) Behoudens die bepalinge van hierdie Wet, kan die Minister, in oorleg met die Minister van Finansies en uit gelde deur die Parlement vir dié doel bewillig, lenings aan 'n bestuursliggaam toestaan vir—

- (a) die oprigting van geboue en die verkryging van toerusting van 'n permanente aard;
 - (b) die verkryging van grond (met inbegrip van grond waarop geboue opgerig is) of regte op of belange in grond en die bestryding van onkoste in verband met opmeting en transport;
 - (c) die bestryding van kapitaalluitgawes aan die omheining en verbetering van grond wat aan so 'n bestuursliggaam behoort;
 - (d) die terugbetaling van 'n lening (behalwe 'n lening toegestaan uit gelde deur die Parlement vir die doel bewillig) deur so 'n bestuursliggaam voor of na die vasgestelde datum wettiglik aangegaan vir 'n doel in paragraaf (a), (b) of (c) vermeld.
- (5) (a) Elke aansoek om 'n lening kragtens hierdie Wet moet skriftelik aan die Sekretaris gerig word en moet die doel en oogmerk van die voorgestelde lening duidelik vermeld.
- (b) By ontvangs van so 'n aansoek kan die Sekretaris die begrotings, planne, spesifikasies, verslae, opgawes en ander inligting aanvra, en kan hy die inspeksie laat uitvoer wat hy nodig ag om te bepaal of die voorgestelde lening toegestaan behoort te word.
- (6) (a) Elke lening kragtens hierdie artikel toegestaan, is onderworpe aan die voorwaardes wat die Tesourie stel, en maak, tesame met die rente daarop verskuldig, behoudens enige vroeëre las of beswaring met verband, 'n las uit op al die eiendom van die bestuursliggaam aan wie die lening toegestaan is, wanneer dié eiendom ook al verkry is: Met dien verstande dat die Minister in oorleg met die Minister van Finansies, skriftelik onder sy handtekening te eniger tyd van sy voorkeure ingevolge hierdie subartikel afstand kan doen ten gunste van die houer van 'n verband op bedoelde eiendom, indien hy oortuig is dat die waarde van die eiendom voldoende is om die bedrag van die lening wat nie terugbetaal is nie en die bedrag deur die verband versker, te dek.

- (b) The period within which any such loan, together with the interest thereon, shall be repaid shall be determined by the Treasury before the loan is granted: Provided that the Treasury may from time to time extend any such period: Provided further that every such loan, together with the interest thereon, shall, subject to the provisions of subsection (7) (b), be repaid within forty years from the date on which the first repayment in terms of that subsection becomes due.
- (7) (a) The governing body to which a loan has been granted under this Act, shall pay to the Secretary on the first day of January and on the first day of July in every year one half of the annual payment required to redeem the principal moneys advanced, together with interest thereon at such rate as the Treasury may determine, and the sums so payable shall continue to be payable until all the moneys lent from time to time, together with the interest thereon, have been repaid.
- (b) The first payment shall be made on such date (not being later than three years after the date on which the loan or the first instalment thereof was paid out) as the Treasury may determine: Provided that during any such time as may elapse between the time of payment of the loan or any instalment and the said date, interest at the aforesaid rate on the loan or that instalment, as the case may be, shall be payable by the governing body to the Secretary: Provided further that the Treasury may, in special circumstances, from time to time in respect of any particular year suspend payments in redemption of the principal moneys advanced.
- (8) If at any time it appears to the Minister that the conditions subject to which a subsidy is being paid to a subsidized school are not being complied with, the Minister may withdraw the declaration of such school as a subsidized school as from a date determined by him, and as from such date the school shall cease to be a subsidized school: Provided that before the Minister so withdraws such declaration, the governing body in question shall be given an opportunity of making representations to the Minister in connection with the proposed withdrawal: Provided further that such withdrawal in the case of a subsidized school which provides special education, shall not debar the Minister from also taking steps in respect thereof in terms of section 6.

Transfer of maintenance, management and control of subsidized schools to the Government.

6. (1) The Minister may, in consultation with the Minister of Finance, by notice in the *Gazette* transfer the maintenance, management and control of a subsidized school or any part thereof to the Government with effect from a date specified in such notice.

(2) As from the date of transfer and subject to any conditions which are agreed upon by the Minister and the governing body concerned, and which are not in conflict with the provisions of this Act or the regulations made thereunder—

- (a) there shall no longer vest in the governing body concerned any rights, duties, powers or functions in respect of the subsidized school or part thereof in question;
- (b) all rights, duties, powers and functions lawfully conferred or imposed upon or entrusted to the governing body in respect of the subsidized school or the part thereof in question shall be exercised or performed by the Minister;
- (c) the subsidized school or the part thereof in question shall for all purposes be deemed to be a school established under this Act;
- (d) all the property which immediately prior to the said date was vested in the governing body in question or which, if the management and control of such subsidized school had not been transferred to the Government, would have accrued to or vested in that governing body, or such part thereof as immediately prior to the said date was used for or in connection with the part of the subsidized school in question, shall, without payment of transfer duty, stamp duty or registration fees, pass to the Government subject to the provisions of section 4 (1) and subject to any charge with which it may be burdened; and

- (b) Die tydperk waarin so 'n lening tesame met die rente daarop terugbetaal moet word, moet deur die Tesourie bepaal word voordat die lening toegestaan word: Met dien verstande dat die Tesourie so 'n tydperk van tyd tot tyd kan verleng: Met dien verstande voorts dat, behoudens die bepalings van subartikel (7) (b), elke sodanige lening tesame met die rente daarop terugbetaal moet word binne veertig jaar vanaf die datum waarop die eerste terugbetaling ingevolge daardie subartikel verskuldig word.
- (7) (a) Die bestuursliggaam aan wie 'n lening kragtens hierdie Wet toegestaan is, moet aan die Sekretaris op die eerste dag van Januarie en op die eerste dag van Julie van elke jaar een helfte betaal van die jaarlikse bedrag vereis om die hoofsom wat voorgeskiet is, af te los, tesame met rente daarop teen die koers wat die Tesourie bepaal en die bedrae aldus betaalbaar bly betaalbaar totdat al die geld wat van tyd tot tyd geleen is, tesame met die rente daarop, terugbetaal is.
- (b) Die eerste betaling moet geskied op die datum (wat nie later mag wees nie as drie jaar na die datum waarop die lening of die eerste paalement daarvan uitbetaal is) wat die Tesourie bepaal: Met dien verstande dat gedurende die termyn vanaf die uitbetaling van die lening of 'n paalement tot bedoelde datum rente teen voormelde koers op die lening of daardie paalement, na gelang van die geval, deur die bestuursliggaam aan die Sekretaris betaalbaar is: Met dien verstande voorts dat die Tesourie van tyd tot tyd betalings ter aflossing van die hoofsom wat voorgeskiet is onder spesiale omstandighede ten opsigte van 'n bepaalde jaar kan opskort.
- (8) Indien dit te eniger tyd aan die Minister blyk dat die voorwaardes waarop 'n subsidie aan 'n ondersteunde skool betaal word, nie nagekom word nie, kan die Minister die verklaring van dié skool tot 'n ondersteunde skool intrek vanaf 'n datum deur hom bepaal, en vanaf genoemde datum hou die skool op om 'n ondersteunde skool te wees: Met dien verstande dat voordat die Minister sodanige verklaring aldus intrek, die betrokke bestuursliggaam 'n geleentheid gegee moet word om vertoë tot die Minister te rig in verband met die voorgenome intrekking: Met dien verstande voorts dat sodanige intrekking in die geval van 'n ondersteunde skool wat buitengewone onderwys verskaf, nie belet dat die Minister ook ingevolge artikel 6 ten opsigte daarvan stappe doen nie.
6. (1) Die Minister kan in oorleg met die Minister van Finansas, by kennisgewing in die *Staatskoerant*, die instandhouding en bestuur van en die beheer oor 'n ondersteunde skool of 'n deel daarvan aan die Regering oordra met ingang van 'n datum in dié kennisgewing vermeld.
- Oordrag van instandhouding en bestuur van en beheer oor ondersteunde skole aan die Regering.
- (2) Vanaf die datum van oordrag en behoudens die voorwaardes waarop die Minister en die betrokke bestuursliggaam ooreenkom en wat nie in stryd is nie met die bepalings van hierdie Wet of die regulasies wat uit krag daarvan uitgevaardig is—
- (a) berus daar nie langer enige regte, pligte, bevoegdhede of werksaamhede by die betrokke bestuursliggaam ten opsigte van die ondersteunde skool of die betrokke deel daarvan nie;
- (b) word alle regte, pligte, bevoegdhede en werksaamhede wat regtens aan die bestuursliggaam verleen of opgelê of toevertrou is ten opsigte van die ondersteunde skool of die betrokke deel daarvan deur die Minister uitgeoefen, nagekom of verrig;
- (c) word die ondersteunde skool of die betrokke deel daarvan vir alle doeleindes geag 'n skool te wees wat kragtens hierdie Wet ingestel is;
- (d) gaan, behoudens die bepalings van artikel 4 (1), alle goedere wat onmiddellik voor bedoelde datum aan die betrokke bestuursliggaam behoort het, of wat, indien die bestuur van en beheer oor die ondersteunde skool nie aan die Regering oorgedra was nie, aan daardie bestuursliggaam sou toegekom of behoort het, of dié gedeelte daarvan wat onmiddellik voor bedoelde datum gebruik is vir of in verband met die betrokke deel van die ondersteunde skool, sonder betaling van hereregte, seëlregte of registrasiegelde, oor op die Regering, met behoud van enige las waarmee dit beswaar is; en

- (e) the Government shall assume and be liable for all lawful debts and liabilities of the governing body in respect of the subsidized school or part thereof in question, subject to all lawful conditions subject to which those debts and liabilities were incurred.

Transfer of the maintenance, management and control of colleges to the Government.

7. (1) The Minister may, in consultation with the Minister of Finance, by notice in the *Gazette* transfer the maintenance, management and control of a college, or any part thereof, to the Government with effect from a date specified in such notice.

(2) The provisions of section 6 (2) shall *mutatis mutandis* apply in respect of a college or a part thereof referred to in subsection (1) of this section.

Establishment of courses at certain schools.

8. (1) Any course of instruction and training which is intended for persons who are not subject to compulsory school attendance in terms of any law or who are exempted from any such law, may with the approval of the Minister be established or dis-established at a school or subsidized school.

(2) The conditions as to the nature and duration of a course referred to in subsection (1), admission thereto, the payment of tuition fees, and the testing, by means of inspection or otherwise, of the efficacy of the education provided thereunder, shall be determined by the Minister: Provided that tuition fees shall be determined in consultation with the Minister of Finance.

(3) The conditions referred to in subsection (2) may be limited to one or more courses, and the Minister may determine different conditions for different courses.

Transfer of certain schools to Provinces.

9. (1) Notwithstanding the repeal of the Vocational Education Act, 1955 (Act No. 70 of 1955), by this Act the rights, powers and duties of the Minister in terms of the provisions of the first-mentioned Act (except the provisions of section 11 thereof) in respect of a vocational school or a State-aided vocational school as defined in the said Act, and persons employed at any such school, in so far as at the commencement of this Act it provides vocational education on a full-time basis up to a standard not higher than standard 10, shall continue to be vested in the Minister until such rights, powers and duties are transferred to an Administrator in terms of subsection (2) (a).

(2) (a) The Minister may in consultation with the Administrator in question transfer the rights, powers and duties referred to in subsection (1) in respect of any particular school to such Administrator as from a date determined by him in consultation with such Administrator.

(b) The Minister may in respect of any province divest himself of any power conferred upon him by section 13 (1) in respect of vocational schools and other institutions providing vocational education, as from such date and subject to such conditions as he may in consultation with the Administrator in question determine.

(3) As from the date referred to in subsection (2) (a) the rights, powers and duties of the Minister and the Secretary in respect of the school in question in terms of the Vocational Education Act, 1955, shall pass to the Administrator and the educational head in question, respectively, unless or until provision has by ordinance been made for conferring or imposing corresponding rights, powers and duties upon such Administrator and educational head.

(4) A vocational school of which the buildings are in the course of erection but not yet ready for use on the fixed date, or on the establishment of which the Department has decided before such date and the establishment of which the Minister still deems to be necessary, shall—

(a) if the moneys for the establishment thereof have prior to the fixed date been appropriated by Parliament, be completed by or on behalf of the Department; or

(b) if Parliament has then not yet appropriated the moneys for the establishment thereof, be erected by or on behalf of the Administrator in question and be established by such Administrator as a vocational school.

(5) Subject to the provisions of subsection (6), the control of all property and rights in respect of a vocational school referred to in subsection (1) (which provides only vocational education), vested in a department of State on the date on which the rights, powers and duties in respect of such school are transferred in terms of subsection (2) (a), shall, as from the said date, pass to the provincial administration in question, and

- (e) neem die Regering alle wettige skulde en verpligtings van die bestuursliggaam ten opsigte van die betrokke ondersteunde skool of gedeelte daarvan oor, en is die Regering daarvoor aanspreeklik, met behoud van alle wettige voorwaardes waaronder daardie skulde en verpligtings aangegaan is.

7. (1) Die Minister kan in oorleg met die Minister van Finansies, by kennisgewing in die *Staatskoerant*, die instandhouding en bestuur van en die beheer oor 'n kollege of 'n deel daarvan, aan die Regering oordra met ingang van 'n datum in dié kennisgewing vermeld.

Oordrag van instandhouding en bestuur van en beheer oor kolleges na die Regering.

(2) Die bepalings van artikel 6 (2) is *mutatis mutandis* van toepassing ten opsigte van 'n kollege of deel daarvan bedoel in subartikel (1) van hierdie artikel.

8. (1) 'n Kursus van onderrig en opleiding wat bedoel is vir persone wat nie aan skoolplig ingevolge die een of ander wetsbepaling onderworpe is nie of wat van so 'n wetsbepaling vrygestel is, kan met die goedkeuring van die Minister by 'n skool of ondersteunde skool ingestel of afgeskaf word.

Instelling van kursusse by sekere skole.

(2) Die voorwaardes wat betref die aard en duur van 'n kursus bedoel in subartikel (1), toelating daartoe, die betaling van onderwysgelde en die toets, by wyse van inspeksie of andersins, van die doelmatigheid van die onderwys wat uit krag daarvan verskaf word, word deur die Minister bepaal: Met dien verstande dat onderwysgelde in oorleg met die Minister van Finansies bepaal word.

(3) Die voorwaardes bedoel in subartikel (2) kan tot een of meer kursusse beperk word, en die Minister kan verskillende voorwaardes vir verskillende kursusse bepaal.

9. (1) Ondanks die herroeping van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), deur hierdie Wet, behou die Minister sy regte, bevoegdhede en pligte ingevolge die bepalings van eersgenoemde Wet (uitgesonderd die bepalings van artikel 11 daarvan) ten opsigte van 'n beroepskool of 'n staatsondersteunde beroepskool soos in dié Wet omskryf, en persone in diens by so 'n skool, vir sover dit ten tyde van die inwerkingtreding van hierdie Wet beroepsonderwys verskaf op 'n voltydse grondslag tot 'n standaard wat nie hoër as standaard 10 is nie, tot tyd en wyl dié regte, bevoegdhede en pligte aan 'n Administrateur ingevolge subartikel 2 (a) oorgedra word.

Oordrag van sekere skole aan Provinsies.

(2) (a) Die Minister kan in oorleg met die betrokke Administrateur die regte, bevoegdhede en pligte bedoel in subartikel 1, ten opsigte van 'n bepaalde skool aan dié Administrateur oordra vanaf 'n datum wat hy in oorleg met die Administrateur bepaal.

(b) Die Minister kan ten opsigte van 'n provinsie hom ontdoen van 'n bevoegdheid aan hom by artikel 13 (1) verleen ten opsigte van beroepskole en ander inrigtings wat beroepsonderwys verskaf, en wel vanaf die datum en op die voorwaardes wat hy in oorleg met die betrokke Administrateur bepaal.

(3) Vanaf die datum bedoel in subartikel 2 (a) gaan die regte, bevoegdhede en pligte van die Minister en die Sekretaris ten opsigte van die betrokke skool ingevolge die Wet op Beroepsonderwys, 1955, oor op onderskeidelik die betrokke Administrateur en onderwyshoof, tensy of totdat daar by ordonnansie voorsiening gemaak is vir die verlening en oplegging van ooreenstemmende regte, bevoegdhede en pligte aan dié Administrateur en onderwyshoof.

(4) 'n Beroepskool, waarvan die gebou in aanbou is op die vasgestelde datum maar dan nog nie vir gebruik gereed is nie, of oor die instelling waarvan die Departement voor daardie datum besluit het, en die instelling waarvan die Minister nog noodsaaklik ag, word—

(a) indien die geld vir die instelling daarvan op die vasgestelde datum reeds deur die Parlement bewillig is, deur of ten behoeve van die Departement voltooi; of

(b) indien die Parlement dan nog nie die geld vir die instelling daarvan bewillig het nie, deur of ten behoeve van die betrokke Administrateur opgerig en deur dié Administrateur as 'n beroepskool ingestel.

(5) Behoudens die bepalings van subartikel (6) gaan die beheer oor alle goedere en regte ten opsigte van 'n beroepskool in subartikel (1) vermeld (wat slegs beroepsonderwys verskaf), wat by 'n Staatsdepartement berus op die datum waarop die regte, bevoegdhede en pligte ten opsigte van die skool ingevolge subartikel 2 (a) oorgedra word, vanaf genoemde datum oor op die

the control of all property and rights in respect of any such vocational school which would have accrued to a department of State if such transfer had not been effected, shall pass to the provincial administration in question.

(6) If a vocational school referred to in subsection (1) also provides education other than education referred to in that subsection, the Minister may transfer the control of any property and rights in respect of such school vested in a department of State to the provincial administration concerned, subject to such conditions as he may determine in consultation with the Administrator concerned.

(7) Whenever the Minister provides a course referred to in section 8 or approves of the provision of such a course at a place where a vocational school maintained by a provincial administration exists, and the necessary facilities are not available for the purpose, he may in consultation with the Administrator concerned arrange for the use of the buildings, equipment and services of the staff of such vocational school for that purpose, subject to such conditions as the Minister may determine in consultation with the Minister of Finance and such Administrator.

(8) Vocational education shall not, without the approval of the Minister, be provided elsewhere than at a vocational school maintained or subsidized by the Department or a provincial administration, or at a private vocational school registered in terms of section 15.

(9) The nature and purpose of vocational education shall not be changed without the approval of the Minister.

(10) The Minister may, in consultation with the Administrators and by notice in the *Gazette*, amend Schedule 2.

(11) Every person who immediately prior to the date mentioned in subsection (2) (a) was employed at the vocational school in question, shall, as from that date and subject to the provisions of this Act, be transferred to the service of the provincial administration in question.

(12) As from the said date the conditions of service, salary scale, allowances and leave privileges of a person referred to in subsection (11) shall be governed by the laws of the province in question, and the salary of any such person shall be adjusted to the salary scale applicable to his post, at such notch on that scale as may be determined by the Administrator in question: Provided that, except with his own consent or in accordance with the provisions of any law, the pensionable emoluments, salary or salary scale at or in accordance with which any such person was remunerated immediately prior to the said date, shall not be reduced, nor shall such a person who is a member of the teaching staff be placed in a lower category for salary purposes.

(13) Any disciplinary proceedings in respect of misconduct committed before the said date by any person transferred to the service of a provincial administration in terms of subsection (11), may be continued or instituted by the competent officer in the service of such administration, as if such misconduct had been committed after the said date.

(14) Subject to the provisions of this Act, any continuous full-time service of any such person which immediately prior to the said date was, for leave purposes, deemed to be service with the Government, shall, for such purposes, be deemed to be service with the provincial administration concerned: Provided that any sick and accumulative vacation leave standing to the credit of such person on that date, shall, subject to such conditions as the Administrator in question may determine, be deemed to be leave earned in terms of the laws of the province concerned: Provided further that any privilege which would have accrued to such person or his dependants in respect of any payment for vacation leave standing to his credit on his retirement or death if he had not been transferred to the service of a provincial administration, shall be retained by him or them after such transfer.

(15) Notwithstanding the provisions of subsection (11)—

(a) any person referred to in that subsection shall, subject to the provisions of subsection (16), retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law applicable to him immediately prior to the date referred to in the said subsection; and

(b) as from the said date—

(i) any contributions which in terms of the regulations governing the provident fund are payable in respect of any person referred to in paragraph (a) by his employer; and

betrokke provinsiale administrasie, en gaan die beheer oor alle goedere en regte ten opsigte van sodanige beroepskool wat aan 'n Staatsdepartement sou toegeval het indien bedoelde oordrag nie geskied het nie, oor op die betrokke provinsiale administrasie.

(6) Indien 'n beroepskool vermeld in subartikel (1) ook ander onderwys verskaf as onderwys bedoel in dié subartikel, kan die Minister die beheer oor goedere en regte ten opsigte van dié skool wat by 'n Staatsdepartement berus, aan die betrokke provinsiale administrasie oordra op die voorwaardes wat hy in oorleg met die betrokke Administrateur bepaal.

(7) Wanneer die Minister 'n kursus bedoel in artikel 8 verskaf of goedkeuring verleen vir die verskaffing van sodanige kursus op 'n plek waar 'n beroepskool bestaan wat deur 'n provinsiale administrasie in stand gehou word, en die nodige geriewe vir die doel nie beskikbaar is nie, kan hy in oorleg met die betrokke Administrateur reël vir die gebruikmaking van die geboue, uitrusting en die dienste van die personeel van sodanige beroepskool vir daardie doel, onderworpe aan die voorwaardes wat die Minister in oorleg met die Minister van Finansies en dié Administrateur bepaal.

(8) Behalwe met die goedkeuring van die Minister mag beroepsonderwys nie elders verskaf word nie as by 'n beroepskool wat deur die Departement of 'n provinsiale administrasie in stand gehou of gesubsidieer word, of 'n private beroepskool wat ingevolge artikel 15 geregistreer is.

(9) Die aard en doelstelling van beroepsonderwys word nie sonder die goedkeuring van die Minister verander nie.

(10) Die Minister kan Bylae 2 in oorleg met die Administrateurs by kennisgewing in die *Staatskoerant* wysig.

(11) Elke persoon wat onmiddellik voor die datum in subartikel (2) (a) vermeld in diens by die betrokke beroepskool was, word vanaf daardie datum en onderworpe aan die bepalinge van hierdie Wet, na die diens van die betrokke provinsiale administrasie oorgeplaas.

(12) Vanaf bedoelde datum word die diensvoorwaardes, salarisskaal, toelaes en verlofvoorregte van iemand in subartikel (11) bedoel, ingevolge die wetsbepalinge van die betrokke provinsie gereël, en die salaris van so iemand word aangepas by die salarisskaal wat op sy pos van toepassing is, teen die kerf op daardie skaal wat die betrokke Administrateur bepaal: Met dien verstande dat, behalwe met sy eie toestemming of ooreenkomstig die een of ander wetsbepaling, die pensioengewende verdienste, salaris of salarisskaal waarteen of waarvolgens so iemand onmiddellik voor bedoelde datum besoldig was, nie verminder mag word nie, en so iemand wat 'n lid van die onderwyspersoneel is, nie in 'n laer kategorie vir salarisdoeleindes geplaas word nie.

(13) Enige disiplinêre stappe ten opsigte van wangedrag waaraan iemand wat ingevolge subartikel (11) na die diens van 'n provinsiale administrasie oorgeplaas is hom voor bedoelde datum skuldig gemaak het, kan deur die bevoegde beampte in diens van dié administrasie voortgesit of ingestel word asof die wangedrag na bedoelde datum voorgekom het.

(14) Behoudens die bepalinge van hierdie Wet word die ononderbroke voltydse diens van so iemand wat onmiddellik voor bedoelde datum geag was diens by die Regering vir verlofdoeleindes te gewees het, geag diens by die betrokke provinsiale administrasie vir sodanige doeleindes te wees: Met dien verstande dat, onderworpe aan die voorwaardes wat die betrokke Administrateur bepaal, siekte- en oplopende vakansieverlof wat op daardie datum op naam van so iemand staan, geag word verlof te wees wat ingevolge die wetsbepalinge van die betrokke provinsie verdien is: Met dien verstande voorts dat enige voorreg wat aan so iemand of sy afhanklikes sou toegeval het ten opsigte van uitbetaling vir vakansieverlof wat op sy naam staan by sy uitdienstreding of afsterwe as hy nie na die diens van 'n provinsiale administrasie oorgeplaas was nie, deur hom of hulle behou word na sodanige oorplasing.

(15) Ondanks die bepalinge van subartikel (11)—

(a) behou iemand bedoel in daardie subartikel, behoudens die bepalinge van subartikel (16), al die regte en voorregte en bly hy onderworpe aan al die verpligtings wat hy vir pensioendoeleindes verkry of aangegaan het kragtens die een of ander wetsbepaling wat op hom onmiddellik voor die datum bedoel in genoemde subartikel van toepassing was; en

(b) word vanaf bedoelde datum—

(i) 'n bydrae wat ingevolge die regulasies wat die voorsorgfonds reël, ten opsigte van iemand in paragraaf (a) bedoel aan die fonds deur sy werkgever betaalbaar is; en

(ii) any annuity or gratuity which may be granted to such person in addition to the benefits payable from the provident fund and to which a contribution is approved in terms of the said regulations, shall be paid out of moneys appropriated by the provincial council in question for the purpose.

(16) (a) A person referred to in subsection (15) (a) who was a member of the pension fund immediately prior to the date referred to in subsection (2) (a) and is in terms of subsection (11) transferred to a post which is not classified under one of the divisions of the public service, may, subject to such conditions as the Administrator may determine, elect in writing to be freed of all obligations, rights and privileges in respect of the pension fund and to become a member of a pension or provident fund which may have been established in terms of a provincial ordinance.

(b) A person who makes an election in terms of paragraph (a), shall for the purposes of the Pensions Act and the provincial ordinance in question, be deemed to have been transferred to the service of the provincial administration in question with effect from the first day of the month immediately following upon the month in which the election was made.

(17) The provisions of subsections (12), (13), (15) and (16) shall *mutatis mutandis* apply to persons employed at a State-aided vocational school referred to in subsection (1).

Conditions of admission of pupils.

10. The conditions of admission of any person as a pupil to a school or a subsidized school shall from time to time be determined by the Secretary, who may determine different conditions in respect of different schools.

Refusal and withdrawal of admission of pupils.

11. Subject to the provisions of the Children's Act, 1960 (Act No. 33 of 1960), the Secretary or a council or a governing body, as the case may be, may refuse the admission of any person as a pupil to a school or a subsidized school, or withdraw the admission of a pupil which has been granted: Provided that any such refusal or withdrawal by a council or a governing body shall be subject to appeal to the Secretary, whose decision shall be final.

School fees.

12. Subject to the provisions of section 62 of the Children's Act, 1960 (Act No. 33 of 1960), a pupil other than a pupil referred to in section 36 (4) of this Act who is admitted to a school, or a parent of such a pupil, shall pay for the education or special education provided by such school to such pupil fees at such rates as the Secretary may from time to time determine in consultation with the Treasury: Provided that the Secretary may in the case of any particular pupil determine fees at a reduced rate or grant exemption from the payment of such fees if in his opinion the circumstances justify it: Provided further that in respect of pupils whose parents are not resident in the Republic or are not South African citizens, the basis on which such fees are determined may differ from the basis on which they are determined in the case of other pupils.

Conduct of examinations and issue of diplomas and certificates.

13. (1) The Minister may to the exclusion of any other authority but subject to the provisions of section 9 (2) (b)—

(a) conduct an examination (hereinafter called a national examination)—

(i) in respect of a course conducted at a school, a subsidized school or a vocational school or at any institution providing vocational education and receiving a subsidy from a provincial administration; or

(ii) in respect of any other course, and issue a diploma or certificate to any person who has attained the required degree of proficiency at such examination; and

(b) appoint examiners, moderators and other persons to test the proficiency of a candidate for an examination referred to in paragraph (a).

(2) If any examination referred to in subsection (1) is conducted at any place other than a school, the place where the examination is so conducted, and any service rendered at such place in connection therewith, shall, while it is so conducted, for the purposes of this Act be deemed to be a school and service at a school, respectively.

- (ii) enige jaargeld of gratifikasie wat aan so iemand toegeken word benewens die voordele wat uit die voorsorgfonds betaalbaar is en waartoe 'n bydrae ingevolge bedoelde regulasies goedgekeur word, betaal uit gelde wat die betrokke provinsiale raad vir dié doel bewillig.
- (16) (a) Iemand bedoel in subartikel (15) (a) wat onmiddellik voor die datum bedoel in subartikel (2) (a) 'n lid van die pensioenfonds was en ingevolge subartikel (11) oorgeplaas word na 'n betrekking wat nie in een van die afdelings van die Staatsdiens ingedeel is nie, kan op die voorwaardes wat die Administrateur bepaal, skriftelik kies om van alle verpligtings, regte en voorregte ten opsigte van die pensioenfonds onthef te word en lid te word van 'n pensioen-, voorsorg- of ondersteuningsfonds wat by of ingevolge 'n provinsiale ordonnansie ingestel is.
- (b) Iemand wat ingevolge paragraaf (a) 'n keuse doen, word by die toepassing van die Pensioenwet en die betrokke provinsiale ordonnansie, geag vanaf die eerste dag van die maand wat onmiddellik volg op die maand waarin die keuse gedoen is, na die diens van die betrokke provinsiale administrasie oorgeplaas te wees.
- (17) Die bepalings van subartikels (12), (13), (15) en (16) is *mutatis mutandis* van toepassing op persone in diens by 'n staatsondersteunde beroepskool in subartikel (1) bedoel.
10. Die voorwaardes van toelating van iemand as 'n leerling tot 'n skool of 'n ondersteunde skool word deur die Sekretaris van tyd tot tyd bepaal, en die Sekretaris kan verskillende voorwaardes ten opsigte van verskillende skole bepaal. Voorwaardes van toelating van leerlinge.
11. Behoudens die bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960), kan die Sekretaris of 'n raad of 'n bestuursliggaam, na gelang van die geval, die toelating van iemand as 'n leerling tot 'n skool of ondersteunde skool, weier, of die toelating wat aan 'n leerling verleen is, intrek: Met dien verstande dat sodanige weiering of intrekking deur 'n raad of 'n bestuursliggaam onderworpe is aan ppel na die Sekretaris, wie se beslissing afdoende is. Weiering en intrekking van toelating van leerlinge.
12. Behoudens die bepalings van artikel 62 van die Kinderwet, 1960 (Wet No. 33 van 1960), betaal 'n leerling, behalwe 'n leerling bedoel in artikel 36 (4) van hierdie Wet, wat tot 'n skool toegelaat is, of 'n ouer van so 'n leerling, die gelde vir onderwys of buitengewone onderwys wat deur dié skool aan die leerling verskaf word, teen tariewe wat die Sekretaris van tyd tot tyd in oorleg met die Tesourie bepaal: Met dien verstande dat die Sekretaris in die geval van 'n bepaalde leerling gelde teen 'n verminderde tarief kan bepaal of vrystelling van betaling van sodanige gelde kan verleen as die omstandighede na sy oordeel dit regverdig: Met dien verstande voorts dat ten opsigte van leerlinge wie se ouers nie in die Republiek woon of nie Suid-Afrikaanse burgers is nie, die grondslag waarop sodanige tariewe bepaal word, kan verskil van die grondslag waarop dit in die geval van ander leerlinge bepaal word. Skoolgelde.
13. (1) Die Minister kan, met uitsluiting van enige ander gesag, maar behoudens die bepalings van artikel 9 (2) (b)— Afnem van eksamens en uitreiking van diplomas en sertifikate.
- (a) 'n eksamen (hieronder 'n nasionale eksamen genoem) afneem—
- (i) ten opsigte van 'n kursus wat aangebied word by 'n skool, 'n ondersteunde skool of 'n beroepskool of by 'n inrigting wat beroepsonderwys verskaf en 'n subsidie van 'n provinsiale administrasie ontvang; of
- (ii) ten opsigte van enige ander kursus, en 'n diploma of sertifikaat aan iemand wat in so 'n eksamen die vereiste peil van bekwaamheid bereik het, uitreik; en
- (b) eksaminatore, moderatore en ander persone aanstel om die bekwaamheid van 'n kandidaat vir 'n eksamen bedoel in paragraaf (a) te toets.
- (2) Indien 'n eksamen bedoel in subartikel (1) afgeneem word by 'n ander plek as 'n skool, word die plek waar die eksamen aldus afgeneem word, en diens by dié plek in verband daarmee verrig, terwyl dit aldus afgeneem word, by die toepassing van hierdie Wet geag onderskeidelik 'n skool en diens by 'n skool te wees.

(3) A candidate shall pay in connection with any examination conducted or diploma or certificate issued in terms of subsection (1) (a) such fees as the Secretary may, in consultation with the Treasury, determine: Provided that, if in the opinion of the Secretary there are good reasons for doing so, he may exempt a candidate from the payment of any such fee.

(4) Any person who, in connection with a national examination—

- (a) corruptly gives or agrees to give or offers any gift or consideration to any other person, or corruptly accepts or obtains or agrees to accept or attempts to obtain from any other person for himself or for any other person, any gift or consideration, as an inducement or reward for the commission of any act calculated to obtain for or confer upon any person any unfair advantage;
- (b) commits any act calculated to obtain for or confer upon any person any unfair advantage; or
- (c) contravenes or fails to comply with any regulation relating to such examination,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months.

(5) (a) If a candidate during the course of a national examination or at the place where such an examination is conducted, contravenes or fails to comply with any regulation or rule in connection with such examination, or, in relation to such examination and in contravention of any such regulation or rule, receives or attempts to receive any assistance or obtains or attempts to obtain assistance from an unauthorized source or in an unauthorized manner, an invigilator on duty at the place where the examination is being conducted may, according to circumstances—

- (i) expel the candidate from such place;
 - (ii) seize the candidate's script; or
 - (iii) permit the candidate to continue with the examination,
- and shall submit a full report on the matter to the Secretary.

(b) The Minister may refuse a candidate referred to in paragraph (a) or a person convicted of a contravention of subsection (4), admission to a national examination for such period as the Minister may determine, or direct that any success in a subject with which such candidate or such person has been credited in the examination in question, be cancelled by the Secretary, or reject his script in respect of the subject in question or take two or more of such steps.

(c) The Secretary may—

- (i) within three months after the cancellation of any success in terms of paragraph (b), cancel any diploma or certificate issued to the person in question on the ground of a success referred to in paragraph (b);
- (ii) by notice in writing require the person to whom the certificate referred to in subparagraph (i) was issued, to return the said certificate to him for cancellation within three weeks after such notice.

(6) Any person who fails to comply with a notice referred to in subsection 5 (c) (ii) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months.

(7) (a) Unless authorized thereto by any law, no person shall issue any diploma or certificate which indicates or purports to indicate that a person has passed an examination referred to in this section or successfully completed a course referred to in section 8, to which the Minister has by notice in the *Gazette* declared this subsection to be applicable, unless such diploma or certificate has been recognized by the Minister and registered with the Department as a recognized diploma or certificate.

(b) The Minister may refuse recognition and registration of a diploma or certificate referred to in paragraph (a), or impose such conditions in respect of such recognition and registration as he may from time to time determine.

(3) 'n Kandidaat moet in verband met 'n eksamen afgeneem of diploma of sertifikaat uitgereik ingevolge subartikel (1) (a), die gelde betaal wat die Sekretaris in oorleg met die Tesourie bepaal: Met dien verstande dat as daar na die oordeel van die Sekretaris goeie redes bestaan om dit te doen, hy 'n kandidaat van die betaling van enige sodanige gelde kan vrystel.

(4) Iemand wat in verband met 'n nasionale eksamen—

- (a) op korrupte wyse 'n geskenk of vergoeding gee of toestem of aanbied om dit te gee aan iemand anders, of op korrupte wyse van iemand anders 'n geskenk of vergoeding aanneem of verkry of toestem om dit aan te neem of poog om dit te verkry vir homself of vir iemand anders, as aansporing of beloning vir die verrigting van 'n handeling wat bereken is om vir of aan iemand 'n onregverdige voordeel te verkry of te verleen;
- (b) 'n handeling verrig wat bereken is om vir of aan iemand 'n onregverdige voordeel te verkry of te verleen; of
- (c) 'n regulasie met betrekking tot sodanige eksamen oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

(5) (a) Indien 'n kandidaat in die loop van 'n nasionale eksamen of by die plek waar so 'n eksamen afgeneem word 'n regulasie of 'n voorskrif in verband met dié eksamen oortree of versuim om daaraan te voldoen, of, met betrekking tot bedoelde eksamen, strydig met so 'n regulasie of voorskrif enige hulp ontvang of poog om dit te ontvang, of uit 'n ongemagtigde bron of op 'n ongemagtigde wyse hulp verkry of poog om dit te verkry, kan 'n opsiener wat diens doen by die plek waar die eksamen afgeneem word, na gelang van die omstandighede—

- (i) die kandidaat uit daardie plek uitsit;
- (ii) die kandidaat se eksamenskrifte in beslag neem; of
- (iii) die kandidaat toelaat om met die eksamen voort te gaan, en moet hy 'n volledige verslag oor die aangeleentheid aan die Sekretaris voorlê.

(b) Die Minister kan 'n kandidaat bedoel in paragraaf (a) of iemand wat aan 'n oortreding van subartikel (4) skuldig bevind is, toelating tot 'n nasionale eksamen weier vir die tydperk wat die Minister bepaal, of gelas dat enige sukses in 'n vak waarmee dié kandidaat of so iemand by die betrokke eksamen gekrediteer is, deur die Sekretaris ingetrek word, of sy eksamenskrif ten opsigte van die betrokke vak verwerp, of twee of meer van bedoelde stappe doen.

(c) Die Sekretaris kan—

- (i) binne drie maande na die intrekking van enige sukses ingevolge paragraaf (b), enige diploma of sertifikaat wat aan die betrokke persoon uitgereik is op grond van 'n sukses bedoel in paragraaf (b), rojeer;
- (ii) die persoon aan wie die sertifikaat bedoel in subparagraaf (i) uitgereik is, by skriftelike kennisgewing aansê om dié sertifikaat binne drie weke na bedoelde kennisgewing aan hom vir rojering terug te besorg.

(6) Iemand wat versuim om aan 'n kennisgewing bedoel in subartikel (5) (c) (ii) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(7) (a) Tensy daartoe gemagtig deur die een of ander wetsbepaling, mag niemand 'n diploma of sertifikaat uitreik wat aandui of heet aan te dui dat iemand 'n eksamen bedoel in hierdie artikel met goeie gevolg afgelê het of 'n kursus bedoel in artikel 8 ten opsigte waarvan die Minister by kennisgewing in die *Staatskoerant* verklaar het dat hierdie subartikel van toepassing is, met sukses voltooi het nie, tensy die diploma of sertifikaat deur die Minister erken en by die Departement as 'n erkende diploma of sertifikaat geregistreer is.

(b) Die Minister kan die erkenning en registrasie van 'n diploma of sertifikaat bedoel in paragraaf (a) weier of ten opsigte van sodanige erkenning en registrasie die voorwaardes oplê wat hy van tyd tot tyd bepaal.

(c) If at any time the Minister suspects that the conditions subject to which a diploma or certificate referred to in paragraph (a) was recognized and registered, are not being complied with, he may cause such inspection to be made or such inquiry to be instituted as he may deem necessary.

(d) If after inspection or inquiry the Minister is satisfied that the conditions subject to which a diploma or certificate was recognized and registered are not being complied with, he may withdraw recognition thereof and order that the registration thereof be cancelled as from a date determined by him, and as from such date the diploma or certificate in question shall no longer be a recognized diploma or certificate for the purpose of paragraph (a).

(8) Any person who contravenes the provisions of subsection (7) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months.

Exclusion of provisions of Workmen's Compensation Act, 1941, and compulsory school attendance.

14. (1) No pupil at any school shall, for the purposes of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), be deemed to be a workman or other person entitled to payment thereunder.

(2) Every school or subsidized school referred to in this Act shall for the purposes of the provisions of any law relating to compulsory school attendance be deemed to be a school, and any person who is in terms of any law obliged to attend school and who regularly and on a full-time basis attends a school or a subsidized school referred to in this Act, shall be deemed to comply with all the requirements relating to such compulsory school attendance.

Registration of private schools.

15. (1) No person shall, except at a subsidized school or at a university or university college established by or under any law, or at a college or through a correspondence college registered in terms of section 11 of the Correspondence Colleges Act, 1965 (Act No. 59 of 1965), provide for reward—

(a) special education, education in a subject or trade referred to in Schedule 2, or education in a designated trade as defined in the Apprenticeship Act, 1944 (Act No. 37 of 1944), whether in or outside the area in respect of which such trade has been designated, but excluding vocational education, unless such person has been registered by the Department as a private school; or

(b) vocational education unless such person has been registered by the Administrator in question as a private vocational school.

(2) The registration of a private school or a private vocational school referred to in subsection (1) shall be in the discretion of the Minister or the Administrator in question, as the case may be, and such registration may be made subject to such conditions as the Minister or such Administrator may from time to time determine: Provided that in imposing conditions relating to religious instruction at a private special school, the religious conviction of the parents and the pupils shall be taken into consideration.

(3) The educational head in question may at any time cause a private school or a private vocational school to be inspected by a person authorized thereto by him.

(4) If at any time it appears to the Minister or the Administrator in question that the conditions subject to which such private school or private vocational school was registered are not being complied with, the Minister or such Administrator, as the case may be, may direct that the registration of such school be cancelled as from a date determined by him, and as from such date the school shall for the purposes of subsection (1) be deemed not to be registered.

(5) Any person who provides education in contravention of the provisions of subsection (1), or who obstructs, hinders or interferes with any other person in the execution of his duties under subsection (3), shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months.

(6) The provisions of this section shall not be construed as exempting any person from any other duty in respect of registration in terms of any other law.

- (c) Indien die Minister te eniger tyd vermoed dat die voorwaardes waarop 'n diploma of sertifikaat bedoel in paragraaf (a) erken en geregistreer is, nie nagekom word nie, kan hy die inspeksie laat doen of die ondersoek laat instel wat hy nodig ag.
 - (d) Indien ná inspeksie of ondersoek die Minister oortuig is dat die voorwaardes waarop 'n diploma of sertifikaat erken en geregistreer is, nie nagekom word nie, kan hy die erkenning daarvan intrek en gelas dat die registrasie daarvan gerokeer word vanaf 'n datum deur hom bepaal, en vanaf bedoelde datum is die betrokke diploma of sertifikaat nie langer 'n erkende diploma of sertifikaat vir die doeleindes van paragraaf (a) nie.
- (8) Iemand wat die bepalings van subartikel (7) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

14. (1) Geen leerling aan 'n skool word by die toepassing van die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941), geag 'n werksman of ander persoon wat uit krag daarvan op betaling geregtig is, te wees nie. Uitsluiting van bepalings van Ongevallewet, 1941, en skoolplig.

(2) Elke skool of ondersteunde skool bedoel in hierdie Wet word by die toepassing van die een of ander wetsbepaling met betrekking tot skoolplig geag 'n skool te wees, en iemand wat ingevolge die een of ander wetsbepaling verplig is om 'n skool by te woon en wat 'n skool of ondersteunde skool bedoel in hierdie Wet gereeld en op 'n voltydse grondslag bywoon, word geag aan al die vereistes met betrekking tot sodanige skoolplig te voldoen.

15. (1) Niemand mag, behalwe by 'n ondersteunde skool, of aan 'n universiteit of universiteitskollege by of kragtens 'n wet ingestel, of 'n kollege, of deur middel van 'n korrespondensie-kollege wat ingevolge artikel 11 van die Wet op Korrespondensie-kolleges, 1965 (Wet No. 59 van 1965), geregistreer is, teen beloning— Registrasie van private skole.

- (a) buitengewone onderwys, onderwys in 'n vak of ambag vermeld in Bylae 2, of onderwys in 'n aangewese bedryf soos in die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), omskryf, hetsy in of buite die gebied ten opsigte waarvan dié bedryf aangewys is, maar uitgesonderd beroepsonderwys, verskaf nie tensy so iemand deur die Departement as 'n private skool geregistreer is; of
- (b) beroepsonderwys verskaf nie tensy so iemand deur die betrokke Administrateur as 'n private beroepskool geregistreer is.

(2) Die registrasie van 'n private skool of private beroepskool bedoel in subartikel (1) geskied na goeddunke van die Minister of die betrokke Administrateur, na gelang van die geval, en sodanige registrasie kan onderworpe gestel word aan die voorwaardes wat die Minister of so 'n Administrateur van tyd tot tyd bepaal: Met dien verstande dat by die oplegging van voorwaardes met betrekking tot godsdiensonderrig by 'n private spesiale skool, die geloofsoortuiging van die ouers en die leerlinge in aanmerking geneem moet word.

(3) Die betrokke onderwyshoof kan te eniger tyd 'n private skool of 'n private beroepskool laat inspekteer deur iemand deur hom daartoe gemagtig.

(4) Indien dit te eniger tyd aan die Minister of die betrokke Administrateur blyk dat die voorwaardes waarop sodanige private skool of private beroepskool geregistreer is, nie nagekom word nie, kan die Minister of so 'n Administrateur, na gelang van die geval, gelas dat die registrasie van daardie skool vanaf 'n datum deur hom bepaal, ingetrek word, en vanaf bedoelde datum word die skool vir die doeleindes van subartikel (1) geag nie geregistreer te wees nie.

(5) Iemand wat onderwys in stryd met die bepalings van subartikel (1) verskaf of wat iemand anders by die uitvoering van sy pligte kragtens subartikel (3) belemmer of hinder, of wat hom met so iemand anders by die uitvoering van sodanige pligte bemoei, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

(6) Die bepalings van hierdie artikel word nie só uitgelê dat dit iemand van enige ander verpligting ten opsigte van registrasie ingevolge 'n ander wet onthef nie.

(7) A school which has been registered in terms of section 33bis of the Vocational Education Act, 1955 (Act No. 70 of 1955), shall for the purposes of subsection (1) (b) of this section be deemed to be registered by an Administrator in terms of that subsection.

Establishment and appointment of persons in employment of schools.

16. (1) The establishment of any school shall be determined by the Minister on a basis from time to time determined by him on the recommendation of the Commission and with the approval of the Treasury: Provided that, subject to the provisions of section 17, the Minister may appoint persons, on a part-time basis or for particular occasions, to render service at classes at which education is provided on a part-time basis.

(2) The power to appoint any person for service at a school, and to promote, transfer, or discharge such person shall, subject to the provisions of this Act, be vested in the Minister.

(3) Any person who immediately prior to as well as on the fixed date is employed at a school which in terms of section 2 is deemed to have been established in terms of this Act, shall be deemed to have been appointed in terms of this section in such employment.

Conditions of service of persons employed at schools.

17. Notwithstanding anything to the contrary in any law contained, the conditions of service, leave privileges, salary scales, salaries and allowances of all persons employed at a school shall be determined by the Minister on the recommendation of the Commission: Provided that the conditions of service and leave privileges in respect of officers and employees so determined, shall be prescribed: Provided further that such conditions of service, leave privileges, salary scales, salaries and allowances may differ in respect of different persons.

Establishment and appointment of persons in employment of subsidized schools.

18. (1) Subject to the provisions of subsections (2) and (3)—

(a) the establishment at a subsidized school shall be determined by the Minister;

(b) the power to appoint any person for service at a subsidized school, to determine his salary and salary scale, to promote, transfer or discharge him and to grant leave of absence to him, shall be vested in the governing body in question, subject in each case to the prior approval of the Minister;

(c) the conditions of service and leave privileges of officers and employees employed at a subsidized school shall be as prescribed; and

(d) the conditions relating to the provision of board and quarters by the governing body to officers and employees, and the occupation of such quarters, shall be determined by the Minister.

(2) The provisions of subsection (1) shall apply to officers and employees in respect of whose salaries and allowances, or any part thereof, a subsidy is paid in terms of section 5 (1), and to the posts to which such officers and employees have been or are appointed.

(3) If in the opinion of the Minister a governing body fails to fill suitably a post referred to in subsection (2) which is vacant within a period regarded by the Minister as reasonable, and such failure, in the opinion of the Minister, is prejudicial to the subsidized school, the Minister may appoint an officer or employee to such post, and such appointment shall be deemed to have been made in terms of subsection (1) (b).

(4) Any person who immediately prior to as well as on the fixed date is employed at an institution which in terms of section 5 (2) is deemed to have been declared to be a subsidized school in terms of this Act, shall be deemed to have been appointed in terms of subsection (1) (b) of this section in such employment.

Transfer of certain persons employed by a governing body to the service of the Government.

19. (1) Any person who immediately prior to the date of transfer of a subsidized school or part of such a school was in the employ of the governing body in question at such school or in connection with such part, shall, as from that date, and subject to the provisions of this Act, be transferred to the service of the Government in the Department unless, in the case of a person employed at such a school which provides special education, it is otherwise agreed between the Minister and that governing body.

(2) As from the date of such transfer the conditions of service, salary scale, allowances and leave privileges of any person transferred to the service of the Government in terms of subsection (1), shall be governed by the provisions of section 17, and the salary of such person shall be adjusted to the salary

(7) 'n Skool wat ingevolge artikel 33*bis* van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), geregistreer is, word by die toepassing van subartikel (1) (b) van hierdie artikel geag deur 'n Administrateur ingevolge dié subartikel geregistreer te wees.

16. (1) Die Minister bepaal die diensstaat by 'n skool, en wel op 'n grondslag wat hy van tyd tot tyd op aanbeveling van die Kommissie en met die goedkeuring van die Tesourie vasstel: Met dien verstande dat die Minister, behoudens die bepalings van artikel 17, persone op 'n deeltydse grondslag of vir bepaalde geleenthede kan aanstel om diens te verrig by klasse waar onderwys op 'n deeltydse grondslag verskaf word.

Diensstaat van en aanstelling van persone in diens by skole.

(2) Die bevoegdheid om iemand vir diens by 'n skool aan te stel, en so iemand te bevorder, oor te plaas of te ontslaan, berus, behoudens die bepalings van hierdie Wet, by die Minister.

(3) Iemand wat onmiddellik vóór sowel as op die vasgestelde datum in diens is by 'n skool wat ingevolge artikel 2 geag word ingevolge hierdie Wet ingestel te wees, word geag ingevolge hierdie artikel in sodanige diens aangestel te wees.

17. Ondanks andersluidende wetsbepalings, word die diensvoorwaardes, verlofvoorregte, salarisskale, salarisse en toelaes van alle persone wat by 'n skool in diens is, deur die Minister op aanbeveling van die Kommissie bepaal: Met dien verstande dat dié diensvoorwaardes en verlofvoorregte wat ten opsigte van beamptes en werknemers aldus bepaal is, voorgeskryf word: Met dien verstande voorts dat sodanige diensvoorwaardes, verlofvoorregte, salarisskale, salarisse en toelaes ten opsigte van verskillende persone verskillend kan wees.

Diensvoorwaardes van persone in diens by skole.

18. (1) Behoudens die bepalings van subartikels (2) en (3)—
(a) bepaal die Minister die diensstaat by 'n ondersteunde skool;

Diensstaat van en aanstelling van persone in diens by ondersteunde skole.

(b) berus die bevoegdheid om iemand in diens by 'n ondersteunde skool aan te stel, om sy salaris en salarisskaal te bepaal, om hom te bevorder, oor te plaas of te ontslaan, en om afwesigheidsverlof aan hom toe te staan, by die betrokke bestuursliggaam, onderworpe in elke geval aan die voorafgaande goedkeuring van die Minister;

(c) is die diensvoorwaardes en verlofvoorregte van beamptes en werknemers in diens by 'n ondersteunde skool soos voorgeskryf; en

(d) word die voorwaardes met betrekking tot die verskaffing van losies en huisvesting deur die bestuursliggaam aan beamptes en werknemers, en die bewoning van sodanige huisvesting, deur die Minister bepaal.

(2) Die bepalings van subartikel (1) is van toepassing op die beamptes en werknemers ten opsigte van wie se salarisse en toelaes, of 'n gedeelte daarvan, 'n subsidie ingevolge artikel 5 (1) betaal word, en op die poste waarin sodanige beamptes en werknemers aangestel is of word.

(3) As, na die oordeel van die Minister, 'n bestuursliggaam in gebreke bly om 'n pos bedoel in subartikel (2) wat vakant is, paslik te vul binne 'n tydperk wat die Minister as redelik beskou, en sodanige versuim volgens die oordeel van die Minister tot nadeel van die ondersteunde skool strek, kan die Minister 'n beampte of werknemer in sodanige pos aanstel, en sodanige aanstelling word geag ingevolge subartikel (1) (b) gedoen te wees.

(4) Iemand wat onmiddellik vóór sowel as op die vasgestelde datum in diens is by 'n inrigting wat ingevolge artikel 5 (2) geag word 'n ondersteunde skool ingevolge hierdie Wet verklaar te wees, word geag ingevolge subartikel (1) (b) van hierdie artikel in sodanige diens aangestel te wees.

19. (1) Iemand wat onmiddellik voor die datum van oordrag van 'n ondersteunde skool of gedeelte van so 'n skool in diens van die betrokke bestuursliggaam by dié skool of in verband met dié gedeelte was, word vanaf daardie datum en onderworpe aan die bepalings van hierdie Wet, na die diens van die Regering in die Departement oorgeplaas, tensy, in die geval van iemand in diens by so 'n skool wat buitengewone onderwys verskaf, anders ooreengekom word tussen die Minister en dié bestuursliggaam.

Oorplasing van sekere persone in diens van 'n bestuursliggaam na die diens van die Regering.

(2) Vanaf die datum van sodanige oordrag word die diensvoorwaardes, salarisskaal, toelaes en verlofvoorregte van iemand wat ingevolge subartikel (1) na die diens van die Regering oorgeplaas is, ingevolge die bepalings van artikel 17 gereël, en die salaris van so iemand word aangepas by die salarisskaal wat op

scale applicable to his post, at such notch on that scale as may be determined by the Minister: Provided that except with his own consent or in accordance with the provisions of any law, the pensionable emoluments, salary or salary scale at or in accordance with which such person was remunerated immediately prior to the said date, shall not be reduced.

(3) Any disciplinary proceedings in respect of misconduct committed before the date of transfer by any person transferred to the service of the Government in terms of subsection (1), may be continued or instituted by the Secretary as if such misconduct had been committed after the said date.

Transfer of certain persons employed by a college council to the service of the Government.

20. The provisions of section 19 shall *mutatis mutandis* apply in respect of any person who immediately prior to the date of transfer of a college or any part thereof was employed by the college council in question.

Classification of certain posts on establishments of schools as posts in the public service.

21. (1) The Minister may on the recommendation of the Commission designate any non-teaching post on the establishment of a school as a post which shall be classified under the provisions of section 3 of the Public Service Act, 1957 (Act No. 54 of 1957), as a post in one of the divisions of the public service.

(2) The conditions of service of any person appointed to a post so classified, shall be governed by the laws regulating the public service.

Appointment of certain persons employed at certain schools to posts in the public service.

22. (1) Notwithstanding any restrictions in respect of age or educational or other qualifications, other than health, prescribed by or under the Public Service Act, 1957 (Act No. 54 of 1957), but subject otherwise to the provisions of that Act, any person referred to in section 19 (1) or 20 who is a South African citizen and who has not yet attained the prescribed age of retirement may, upon the recommendation of the Commission, be appointed on probation or otherwise to a post classified under one of the divisions of the public service, provided the Commission is satisfied that such person is sufficiently proficient in the use of both official languages to enable him to discharge efficiently the duties attached to his post.

(2) Any person appointed to the public service in terms of subsection (1) shall be adjusted to the salary scale applicable to the post to which he has been appointed, at such notch on that scale as may be recommended by the Commission.

(3) If the salary payable to any person by virtue of his appointment to a post in the public service in terms of subsection (1), is at any time less than that to which he was or would have been entitled according to the salary scale applicable to him immediately prior to such appointment, there shall be paid to him a personal allowance equal to the difference between the first-mentioned salary and the last-mentioned salary: Provided that such allowance shall be deemed to be part of his pensionable emoluments for the purposes of the Pensions Act or of the provident fund, if the lastmentioned salary was pensionable for the purposes of the Pensions Act or the provident fund.

Pension rights and retirement benefits.

23. Notwithstanding anything to the contrary in any law contained but subject to the provisions of section 25, any officer or employee who is employed at—

(a) a school; or

(b) a subsidized school, if the Minister pays a subsidy in respect of the whole of his salary in terms of section 5, shall in respect of pension and retirement benefits be dealt with as if—

(i) if he is an officer, he were employed in a post classified under a division of the public service referred to in section 3 (1) (a) (i) of the Public Service Act, 1957 (Act No. 54 of 1957); or

(ii) if he is an employee, he were an employee of the Government.

Continuous full-time employment by a governing body or college council recognized for certain purposes as employment in the service of the Government.

24. (1) Subject to the provisions of this Act, any continuous full-time employment by the governing body or college council concerned of any person referred to in section 19 (1) or 20 immediately prior to the date of transfer, shall for leave purposes be deemed to be employment in the service of the Government: Provided that the sick and accumulative vacation leave standing to the credit of such a person on that date, shall, subject to such conditions as the Minister, on the recommendation of the Commission, may determine, be deemed to be leave earned in terms of this Act.

sy pos van toepassing is, teen die kerf op daardie skaal wat die Minister bepaal: Met dien verstande dat, behalwe met sy eie toestemming of ooreenkomstig die een of ander wetsbepaling, die pensioengewende verdienste, salaris of salarisskaal waarteen of waarvolgens so iemand onmiddellik voor bedoelde datum besoldig was, nie verminder mag word nie.

(3) Enige dissiplinêre stappe ten opsigte van wangedrag waaraan iemand wat ingevolge subartikel (1) na die diens van die Regering oorgeplaas is hom voor die datum van oordrag skuldig gemaak het, kan deur die Sekretaris voortgesit of ingestel word asof dié wangedrag na bedoelde datum voorgekom het.

20. Die bepalinge van artikel 19 is *mutatis mutandis* van toepassing ten opsigte van iemand wat onmiddellik voor die datum van oordrag van 'n kollege of 'n deel daarvan in diens van die betrokke kollegeeraad was.

Oorplasing van sekere persone in diens van 'n kollegeeraad na die diens van die Regering.

21. (1) Die Minister kan op aanbeveling van die Kommissie enige nie-dosende pos by 'n skool aanwys as 'n pos wat kragtens die bepalinge van artikel 3 van die Staatsdienswet, 1957 (Wet No. 54 van 1957), as 'n pos in een van die afdelings van die Staatsdiens ingedeel moet word.

Indeling van sekere poste by skole as poste in die Staatsdiens.

(2) Die diensvoorwaardes van iemand wat in 'n aldus ingedeelde pos aangestel word, word gereël deur die wetsbepalinge op die Staatsdiens.

22. (1) Ondanks enige beperkings ten opsigte van ouderdom of opvoedkundige of ander kwalifikasies, behalwe gesondheid, wat deur of kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), voorgeskryf word, maar onderworpe origens aan die bepalinge van daardie Wet, kan iemand bedoel in artikel 19 (1) of 20 wat 'n Suid-Afrikaanse burger is en nog nie die voorgeskrewe leeftyd vir uitdienstreding bereik het nie, op aanbeveling van die Kommissie in 'n pos wat in een van die afdelings van die Staatsdiens ingedeel is, op proef of andersins aangestel word, mits die Kommissie oortuig is dat hy genoegsaam bedrewe is in die gebruik van albei amptelike tale om hom in staat te stel om die pligte aan sy pos verbonde doeltreffend uit te voer.

Aanstelling van sekere persone in diens by sekere skole in poste in die Staatsdiens.

(2) Iemand wat ingevolge subartikel (1) in die Staatsdiens aangestel is, word by die salarisskaal wat van toepassing is op die pos waarin hy aangestel is, aangepas teen die kerf op daardie skaal wat die Kommissie aanbeveel.

(3) Indien die salaris wat aan iemand betaalbaar is op grond van sy aanstelling in 'n pos in die Staatsdiens ingevolge subartikel (1), te eniger tyd minder is as dié waarop hy geregtig was of sou gewees het, volgens die salarisskaal wat onmiddellik voor die datum van sodanige aanstelling op hom van toepassing was, word daar aan hom 'n persoonlike toelae betaal gelyk aan die verskil tussen eersgenoemde salaris en laasgenoemde salaris: Met dien verstande dat so 'n toelae geag word deel van sy pensioengewende verdienste te wees vir die doeleindes van die Pensioenwet of die voorsorgfonds, indien laasgenoemde salaris vir die doeleindes van die Pensioenwet of die voorsorgfonds pensioengewend was.

23. Ondanks andersluidende wetsbepalinge maar behoudens die bepalinge van artikel 25 word 'n beampte of werknemer wat in diens is by—

Pensioenregte en aftredingsvoordele.

(a) 'n skool; of

(b) 'n ondersteunde skool, indien die Minister 'n subsidie ten opsigte van sy hele salaris ingevolge artikel 5 betaal,

ten opsigte van pensioen- en uitdienstredingsvoordele behandel asof hy—

(i) indien hy 'n beampte is, in diens was in 'n pos wat ingedeel is in 'n afdeling van die Staatsdiens vermeld in artikel 3 (1) (a) (i) van die Staatsdienswet, 1957 (Wet No. 54 van 1957); of

(ii) indien hy 'n werknemer is, 'n werknemer van die Regering was.

24. (1) Behoudens die bepalinge van hierdie Wet word die ononderbroke voltijdse diens by die betrokke bestuursliggaam of kollegeeraad van iemand bedoel in artikel 19 (1) of 20, onmiddellik voor die datum van oordrag, vir verlofdoeleindes geag diens by die Regering te wees: Met dien verstande dat siekte- en oplopende vakansieverlof wat op daardie datum op naam van so iemand staan, geag word, onderworpe aan die voorwaardes wat die Minister op aanbeveling van die Kommissie bepaal, verlof te wees wat ingevolge hierdie Wet verdien is.

Ononderbroke voltijdse diens by 'n bestuursliggaam of kollegeeraad vir sekere doeleindes erken as diens by die Regering.

(2) Notwithstanding anything to the contrary in the Pensions Act contained, the amount computed in terms of the said Act in respect of any period of the past pensionable service of a person who has made an election in terms of section 25 (2), shall for the purposes of the pension fund or the Government Employees' Provident Fund referred to in section 2 (3) of the Pensions Act, as the case may be, be based on such emoluments as the Secretary for Social Welfare and Pensions may, on the recommendation of the Commission, determine, and such emoluments shall for the purposes of the said Act be deemed to have been or to be, as the case may be, the pensionable emoluments of that person.

Pension rights and retirement benefits of persons transferred to the service of the Government in terms of this Act.

25. (1) Subject to the provisions of subsection (2)—

- (a) any person transferred to the service of the Government in terms of section 19 (1) or 20 shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law applicable to him immediately prior to the date of transfer; and
- (b) as from the date referred to in paragraph (a)—
 - (i) any contributions which in terms of the regulations governing the provident fund and made in terms of section 19 (1) (g) of the Higher Education Act, 1923 (Act No. 30 of 1923), or the regulations made in terms of the Associated Institutions Pensions Fund Act, 1963 (Act No. 41 of 1963), would have been payable by a college council to the said provident fund or to the pension fund for associated institutions established under the last-mentioned Act in respect of a person referred to in paragraph (a), if such person had not been transferred to the service of the Government;
 - (ii) any annuity or gratuity which may be granted to such a person in addition to the benefits payable out of the provident fund and a contribution to which is approved in terms of the said regulations; and
 - (iii) any annuity which prior to the said date was granted by a college council to any person who retired from its service or to a dependant of such a person who is deceased,
 shall be paid out of moneys appropriated by Parliament for the purpose.

(2) Any person to whom subsection (1) applies and who immediately prior to the date of transfer was a member of the provident fund, may on such conditions as the Secretary for Social Welfare and Pensions may determine, elect in writing—

- (a) if he is a person referred to in section 20, within six months after the said date or within such further period as the said Secretary may in special circumstances allow; or
- (b) if he is also a person referred to in section 22, within six months after the date of his appointment to a post classified under the public service, or within such further period as the said Secretary may in special circumstances allow,

to be freed from all obligations and to relinquish all rights and privileges in respect of such provident fund and to become a member of the pension fund in accordance with the provisions of the Pensions Act, as if he had been transferred from the employment of a college council to a post in one of the divisions of the public service, and if such a person elects in terms of this subsection to become a member of the pension fund—

- (i) he shall, for the purposes of the Pensions Act, be deemed to have elected to count his past pensionable service as pensionable service for the purposes of the pension fund;
- (ii) such transfer shall, for the purposes of the Pensions Act, be deemed to have taken place on the first day of the month immediately following upon the month in which the election is made;
- (iii) if in terms of the regulations governing the provident fund, a policy of insurance has been accepted and the premiums thereon paid as part of the provision made for such person, such policy shall be returned to him, or, if he so wishes, the policy shall be surrendered on his behalf for cash and the amount of the surrender value added to the amount standing to his credit in the said provident fund for payment to the pension fund; and

(2) Ondanks andersluidende bepalings van die Pensioenwet, word die bedrag wat ingevolge bedoelde Wet bereken word ten opsigte van enige tydperk van die vorige pensioengewende diens van iemand wat 'n keuse ingevolge artikel 25 (2) gedoen het, vir doeleindes van die pensioenfonds of die Regerings-werknemers-ondersteuningsfonds bedoel in artikel 2 (3) van die Pensioenwet, na gelang van die geval, gebaseer op die verdienste wat die Sekretaris van Volkswelsyn en Pensioene, op aanbeveling van die Kommissie, bepaal, en daardie verdienste word by die toepassing van bedoelde Wet geag die pensioengewende verdienste van so iemand te gewees het of te wees, na gelang van die geval.

25. (1) Behoudens die bepalings van subartikel (2)—

(a) behou iemand wat ingevolge artikel 19 (1) of 20 na die diens van die Regering oorgeplaas is, al die regte en voorregte en bly hy onderworpe aan al die verpligtings wat hy vir pensioendoeleindes verkry of aangegaan het kragtens die een of ander wetsbepaling wat op hom onmiddellik voor die datum van oordrag van toepassing was; en

(b) word vanaf die datum bedoel in paragraaf (a)—

(i) enige bydraes wat ingevolge die regulasies wat die voorsorgfonds reël en ingevolge artikel 19 (1) (g) van die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923), uitgevaardig is, of die regulasies wat ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), uitgevaardig is, deur 'n kollegeraad aan genoemde voorsorgfonds of die pensioenfonds vir geassosieerde inrigtings kragtens laasgenoemde Wet ingestel, betaalbaar sou gewees het ten opsigte van iemand bedoel in paragraaf (a), indien daardie persoon nie na die diens van die Regering oorgeplaas was nie;

(ii) enige jaargeld of gratifikasie wat aan so iemand toegeken word, benewens die voordele wat uit die voorsorgfonds betaalbaar is en waartoe 'n bydrae ingevolge bedoelde regulasies goedgekeur word; en

(iii) enige jaargeld wat voor bedoelde datum deur 'n kollegeraad toegeken is aan iemand wat uit sy diens getree het of aan 'n afhanklike van so 'n persoon wat oorlede is,

betaal uit gelde wat die Parlement vir daardie doel bewillig het.

(2) Iemand op wie subartikel (1) van toepassing is en wat onmiddellik voor die datum van oordrag 'n lid van die voorsorgfonds was, kan op die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal, skriftelik kies—

(a) as hy iemand is bedoel in artikel 20, binne ses maande na dié datum of binne die verdere tydperk wat genoemde Sekretaris onder buitengewone omstandighede toelaat; of

(b) as hy ook iemand is bedoel in artikel 22, binne ses maande na die datum van sy aanstelling in 'n pos wat by die Staatsdiens ingedeel is, of binne die verdere tydperk wat genoemde Sekretaris onder buitengewone omstandighede toelaat,

om van alle verpligtings, regte en voorregte ten opsigte van daardie voorsorgfonds onthef te word en af te sien en om ooreenkomstig die bepalings van die Pensioenwet 'n lid te word van die pensioenfonds asof hy van die diens van 'n kollegeraad na 'n pos in een van die afdelings van die Staatsdiens oorgeplaas was, en indien so iemand ingevolge hierdie subartikel kies om 'n lid van die pensioenfonds te word, word—

(i) by die toepassing van die Pensioenwet, hy geag te gekies het om sy vorige pensioengewende diens as pensioengewende diens vir die doeleindes van die pensioenfonds te reken;

(ii) by die toepassing van die Pensioenwet, sodanige oorpasing geag te geskied het op die eerste dag van die maand wat onmiddellik volg op die maand waarin die keuse gedoen word;

(iii) indien 'n versekeringspolis ingevolge die regulasies wat die voorsorgfonds reël, aangeneem is en die premies daarop betaal is as deel van die voorsiening wat vir daardie persoon gemaak is, die polis aan hom teruggee of, indien hy dit verkies, die polis namens hom vir kontant afgekoop en die bedrag van die afkoopwaarde by die bedrag wat in genoemde voorsorgfonds op sy naam staan, gevoeg vir oorbetalings aan die pensioenfonds; en

Pensioenregte en uitdienstredingsvoordele van persone wat ingevolge hierdie Wet na die diens van die Regering oorgeplaas word.

- (iv) if the amount available in the said provident fund for payment to the pension fund is more or less than the amount which is required by such pension fund in respect of such person's past pensionable service, the excess shall be dealt with or the deficit shall be made good in such manner as the said Secretary may determine.

Transfer of certain persons employed at schools to other posts or departmental institutions.

26. (1) Any officer or employee employed at a school may, with the approval of the Minister, be transferred from the post in which he is employed to any other post at the same school or at any other school or at any other institution under the control of the Department, whether established under this Act or any other law, and whether or not such transfer is to a post of a lower grade: Provided that no transfer involving a reduction in such person's pensionable emoluments shall be made without his consent, unless the transfer is in consequence of a reduction of rank imposed under section 29 or 30: Provided further that an officer who has been transferred to a post of a lower grade without reduction of pensionable emoluments, shall be re-appointed to a post of a grade to which his salary is appropriate, as soon as a suitable vacancy occurs.

(2) An officer or an employee who has been transferred to a post of a grade higher than a grade to which his rank is appropriate, shall not, by reason only of such transfer and service in such post, be entitled to the higher salary applicable to that post.

(3) An officer or employee who is employed at a school, may with the approval of the Minister be seconded temporarily, either for a particular service or for a period of time—

(a) to the service of any provincial administration, the South African Railways and Harbours Administration, the administration of the territory of South-West Africa or, on the recommendation of the Commission, to a department of State; or

(b) with his own consent, to the service of any other government or any other person,

upon such conditions as may be determined by the Minister in consultation with the Minister of Finance, and such officer or employee shall, while so seconded, remain subject to the laws that applied to him while he was employed at that school.

Discharge of officers.

27. (1) Any officer may be discharged by the Minister—

(a) on account of continued ill-health;

(b) owing to the abolition of his post or any reduction in or reorganization or re-adjustment of the staff of a school or a subsidized school;

(c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the school or subsidized school at which he is employed;

(d) on account of misconduct;

(e) on account of unfitness for his duties, or incapacity to carry them out efficiently;

(f) if, in the case of an officer appointed on probation, his appointment is not confirmed; and

(g) in the case of a female officer, on account of her marriage.

(2) An officer who absents himself from his official duties for a period exceeding one month without the permission of the Secretary or any other person to whom authority to grant leave has been assigned, shall be deemed to have been discharged from his employment on account of misconduct with effect from the date immediately succeeding the last day on which he was in attendance at his place of duty: Provided that if such officer assumes other employment he shall be deemed to have been discharged as aforesaid notwithstanding that the said period has not yet expired: Provided further that if such officer reports for duty at any time after the expiry of the said period, he may, subject to the approval of the Minister, be reinstated in his former or any other post or appointment in the service of the Department or the governing body in question, as the case may be, on such conditions as the Minister may determine, and in that event the period of his absence from his official duties shall be deemed to be absence on vacation leave without pay, or leave on such other conditions as the Minister may determine.

Definition of misconduct.

28. An officer employed at a school shall be guilty of misconduct and may be dealt with in accordance with the provisions of section 29 if he—

- (iv) indien die bedrag wat in bedoelde voorsorgfonds vir betaling aan die pensioenfonds beskikbaar is, meer of minder is as die bedrag wat deur genoemde pensioenfonds ten opsigte van daardie persoon se vorige pensioengewende diens vereis word, met die oorskot gehandel of die tekort aangevul op die wyse wat genoemde Sekretaris bepaal.

26. (1) 'n Beampte of werknemer wat by 'n skool in diens is, kan met die goedkeuring van die Minister verplaas word van die pos waarin hy diens doen na enige ander pos in dieselfde skool of in enige ander skool of in enige ander inrigting onder die beheer van die Departement, hetsy dit kragtens hierdie Wet of enige ander wet ingestel is, en hetsy daardie verplasing na 'n pos met 'n laer graad is al dan nie: Met dien verstande dat 'n verplasing wat 'n vermindering in so iemand se pensioengewende verdienste meebring nie sonder sy toestemming geskied nie, tensy die verplasing geskied as gevolg van 'n verlaging van rang wat kragtens artikel 29 of 30 opgelê word: Met dien verstande voorts dat 'n beampte wat na 'n pos met 'n laer graad sonder vermindering van pensioengewende verdienste verplaas is, weer in 'n pos met 'n graad wat by sy salaris pas, aangestel word sodra 'n geskikte vakature ontstaan.

Verplasing van sekere persone in diens by skole na ander poste of departementele inrigtings.

(2) 'n Beampte of werknemer wat verplaas is na 'n pos met 'n hoër graad as 'n graad wat by sy eie rang pas, is nie uit hoofde alleen van dié verplasing en diens in sodanige pos geregtig op die hoër salaris wat op daardie pos van toepassing is nie.

(3) 'n Beampte of werknemer wat by 'n skool in diens is, kan met die goedkeuring van die Minister tydelik afgestaan word, hetsy vir 'n besondere diens of vir 'n tydperk—

(a) aan die diens van 'n provinsiale administrasie, die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens, die administrasie van die gebied Suidwes-Afrika of, op aanbeveling van die Kommissie, 'n Staatsdepartement; of

(b) met sy eie toestemming, aan die diens van 'n ander regering of iemand anders,

op die voorwaardes wat die Minister in oorleg met die Minister van Finansies bepaal, en so 'n beampte of werknemer bly, terwyl hy aldus afgestaan is, onderworpe aan die wetsbepalings wat op hom van toepassing was terwyl hy by daardie skool in diens was.

27. (1) 'n Beampte kan deur die Minister ontslaan word—

Ontslag van beamptes.

- (a) weens voortdurende swak gesondheid;
- (b) weens die afskaffing van sy pos of vermindering of reorganisasie of herreëling van die personeel van 'n skool of ondersteunde skool;
- (c) as om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag doeltreffendheid of besuiniging in die skool of ondersteunde skool waar hy in diens is, sal bevorder;
- (d) weens wangedrag;
- (e) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;
- (f) as, in die geval van 'n beampte wat op proef aangestel is, sy aanstelling nie bekragtig word nie; en
- (g) in die geval van 'n vroulike beampte, weens haar huwelik.

(2) 'n Beampte wat, sonder verlof van die Sekretaris of ander persoon aan wie die bevoegdheid om verlof toe te staan, opgedra is, vir 'n tydperk van meer as 'n maand van sy ampspligte wegbly, word geag weens wangedrag uit sy diens ontslaan te gewees het met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was: Met dien verstande dat indien so 'n beampte ander werk aanvaar, hy geag word ontslaan te gewees het soos voormeld, nieteenstaande dat bedoelde tydperk nog nie verstryk het nie: Met dien verstande voorts dat as so 'n beampte hom te eniger tyd na die verstryking van bedoelde tydperk vir diens aanmeld, hy onderworpe aan die goedkeuring van die Minister in sy vorige of 'n ander pos of betrekking in die diens van die Departement of die betrokke bestuursliggaam, na gelang van die geval, herstel kan word op die voorwaardes wat die Minister bepaal, en in so 'n geval word die tydperk van sy afwesigheid van sy ampspligte geag afwesigheid met vakansieverlof sonder betaling, of verlof op die ander voorwaardes wat die Minister bepaal, te wees.

28. 'n Beampte in diens by 'n skool is skuldig aan wangedrag Omskrywing van en daar kan ooreenkomstig die bepalinge van artikel 29 met hom wangedrag gehandel word, as hy—

- (a) contravenes or fails to comply with any provision of this Act, with which it is his duty to comply;
- (b) does, or causes, or permits to be done, or connives at, any act which is prejudicial to the administration, discipline or efficiency of a school, department, office or institution of the Government;
- (c) disobeys, disregards or makes wilful default in carrying out a lawful order given to him, or by word or conduct displays insubordination;
- (d) is negligent or indolent in the discharge of his duties;
- (e) undertakes, without the permission of the Minister, any private agency or private work in connection with any matter connected with the performance of his official functions or the discharge of his official duties;
- (f) publicly comments adversely upon the administration of any department of State (including a provincial administration and the administration of the territory of South-West Africa);
- (g) attempts to secure intervention, through any person not in the employment of the Department, in relation to his position and conditions of service, unless it is done to obtain redress of any grievance through Parliament;
- (h) conducts himself in a disgraceful, improper or unbecoming manner, or, whilst on duty, is grossly discourteous to any person;
- (i) uses intoxicants or stupefying drugs excessively, or, whilst he is or should be on duty, is under the influence of intoxicants or stupefying drugs to an extent which is prejudicial to the Department or to the efficient performance of his duties, unless it is proved that it is not due to any improper conduct or action on his part;
- (j) becomes insolvent or compromises with his creditors or if a decree of civil imprisonment is made against him by any court of law, unless it is shown that his insolvency or such composition or the making of such decree against him has been occasioned by unavoidable misfortune;
- (k) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause, and is not prejudicial to the faithful performance of his duties;
- (l) without first having obtained the permission of the Secretary, discloses, otherwise than in the discharge of his official duties, information gathered or obtained by him through his employment at a school or in the Department, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information;
- (m) accepts or demands in respect of the discharge of or the failure to discharge his duties any commission, fee, or other reward, not being the emoluments payable to him in respect of his duties, or fails to report to the Secretary the offer of any such commission, fee or reward;
- (n) misappropriates or improperly uses any property of the State and such misappropriation or use does not constitute an offence;
- (o) commits an offence;
- (p) absents himself from his school or duty without leave, unless he can prove a valid cause for his absence; or
- (q) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to the Government or a department of State or the public service or the educational service or a member of such service, makes a false or incorrect statement, knowing it to be false or incorrect.

Procedure in case of misconduct.

29. (1) If an officer employed at a school is accused of misconduct as defined in section 28 the Secretary or any person authorized thereto by the Secretary may charge him in writing under his hand with that misconduct.

- (a) 'n bepaling van hierdie Wet wat hy moet nakom, oortree of versuim om daaraan te voldoen;
- (b) 'n daad wat nadelig is vir die administrasie, dissipline of doeltreffendheid van 'n skool, departement, kantoor of inrigting van die Regering doen of laat doen, of toelaat of oogluikend toelaat dat dit gedoen word;
- (c) 'n wettige bevel wat aan hom gegee is nie gehoorsaam nie of verontagsaam, of opsetlik versuim om dit uit te voer, of deur woord of gedrag hom aan insubordinasie skuldig maak;
- (d) nalatig of traag by die vervulling van sy pligte is;
- (e) sonder die toestemming van die Minister 'n private agentskap of private werk onderneem in verband met 'n aangeleentheid wat in verband staan met die verrigting van sy amptelike werksaamhede of die uitvoering van sy ampspligte;
- (f) in die openbaar kritiek uitoefen op die administrasie van 'n Staatsdepartement (met inbegrip van 'n provinsiale administrasie en die administrasie van die gebied Suidwes-Afrika);
- (g) deur middel van iemand wat nie in die diens van die Departement is nie probeer om ingryping in verband met sy posisie en diensvoorwaardes te verkry, tensy dit geskied om herstel van 'n grief deur bemiddeling van die Parlement te probeer verkry;
- (h) hom op 'n skandelijke, onbehoorlike of onbetaamlike wyse gedra of, terwyl hy diens doen, hom aan growwe onbeleefdheid teenoor 'n ander persoon skuldig maak;
- (i) buitensporig gebruik maak van sterk drank of bedwelmende middels, of, terwyl hy aan diens is of behoort te wees, onder die invloed van sterk drank of bedwelmende middels is in 'n mate wat tot nadeel strek van die Departement of van die doeltreffende verrigting van sy pligte, tensy daar bewys word dat dit nie aan onbetaamlike gedrag of optrede van sy kant te wyte is nie;
- (j) insolvent word, of 'n akkoord met sy skuldeisers aangaan, of as 'n bevel tot siviele gyseling deur 'n geregs-hof teen hom uitgereik word, tensy daar bewys word dat sy insolvensie of dié akkoord of die uitreiking van dié bevel teen hom deur onvermydelike teenspoed veroorsaak is;
- (k) in geldelike moeilikheid raak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakbare oorsaak nie, en nie nadelig is vir die getroue uitvoering van sy pligte nie;
- (l) sonder dat hy eers die toestemming van die Sekretaris verkry het, inligting wat hy ingewin of bekom het as gevolg van sy werk by 'n skool of in die Departement, openbaar maak anders as by die vervulling van sy ampspligte, of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy ampspligte, hetsy hy sodanige inligting openbaar maak of nie;
- (m) enige kommissie, geld of ander beloning wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie, aanneem of eis, ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer, of as hy versuim om die Sekretaris van die aanbod van sodanige kommissie, geld of beloning te verwittig;
- (n) hom eiendom van die Staat wederregtelik toeëien of op onbehoorlike wyse daarvan gebruik maak, en sodanige toeëiening of gebruikmaking nie 'n misdryf uitmaak nie;
- (o) 'n misdryf pleeg;
- (p) sonder verlof van sy skool of diens wegbly, tensy hy 'n geldige rede vir sy afwesigheid kan bewys; of
- (q) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of op die veroorsaking van enige nadeel of skade aan die Regering of 'n Staatsdepartement of die Staatsdiens of die onderwysdiens of 'n lid van so 'n diens, 'n valse of onjuiste verklaring aflê terwyl hy weet dat dit vals of onjuis is.

29. (1) Indien 'n beamppte wat by 'n skool in diens is, be- Prosedure in geval
skuldig word van wangedrag soos in artikel 28 omskryf, kan die van wangedrag.
Sekretaris of iemand wat deur die Sekretaris daartoe gemagtig
is, hom skriftelik onder sy handtekening van daardie wangedrag
aankla.

(2) The person who signed the charge shall serve it upon the person charged by causing it to be delivered or sent by registered letter to him, or to be left at his place of residence or last known place of residence.

(3) The charge shall contain or shall be accompanied by a direction calling upon the person charged to transmit or deliver, within a period which is to be specified in such direction and is to be reasonable, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charged.

(4) The Minister or, if authorized thereto by the Minister either generally or in a particular case, the Secretary or any other officer in the Department, may suspend from duty any person accused of misconduct, as defined in section 28, whether or not such person has been charged with misconduct.

(5) The Minister or the other person who suspended any person in terms of subsection (4), may at any time cancel the suspension, but the cancellation of the suspension shall not affect any proceedings in connection with the charge of misconduct.

(6) A person who has been suspended from duty in terms of subsection (4), shall not be entitled to any emoluments in respect of the period of his suspension: Provided that the Minister may order payment to the said person of the whole or a portion of his emoluments.

(7) If no charge under this section is preferred against a person who has been so suspended from duty, he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(8) (a) If the person charged admits the charge, he shall be deemed to have been found guilty in terms of this section of the misconduct with which he has been charged.

(b) If the person charged denies the charge or fails to comply with the direction mentioned in subsection (3), the Secretary shall appoint a person to enquire into the charge.

(9) (a) The person who is to hold the enquiry shall, in consultation with the person who signed the charge, fix the time and place of the enquiry, and the person who signed the charge shall give the person charged reasonable written notice of the time and place so fixed: Provided that the Secretary shall have the power to postpone the enquiry on good cause shown.

(b) The law relating to witnesses and evidence which applies in connection with criminal cases in a magistrate's court, shall *mutatis mutandis* apply for the purposes of and at any such enquiry: Provided that subpoenas to procure the attendance of witnesses thereat shall be issued by the person who is to hold the enquiry.

(10) The person who signed the charge may authorize any person to be present at the enquiry and to adduce evidence and arguments in support of the charge, and to cross-examine any person called as a witness for the defence.

(11) (a) At the enquiry the person charged may be present, shall have the right to be heard, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence and to call other persons as witnesses, either personally or by a representative, and may give evidence himself.

(b) The failure of the person charged to be present at the enquiry, either personally or by a representative, shall not invalidate the proceedings.

(c) The person holding the enquiry shall keep a record of the proceedings at the enquiry and of the evidence given thereat.

(12) If the misconduct with which any person is charged, is the commission of an offence and it is proved that he has been convicted thereof by a court of law, a certified copy of the record of his trial and conviction by that court shall be *prima facie* evidence of the commission by him of that offence.

(13) The person holding the enquiry shall after the conclusion thereof decide whether the person charged is guilty or not guilty of the misconduct with which he has been charged and inform him and the Secretary of his decision.

(2) Die persoon wat die aanklag onderteken het, moet dit aan die aangeklaagde bestel deur dit aan hom te laat oorhandig of stuur per aangetekende brief of dit te laat afgee by sy woonplek of die plek waar, sover bekend, hy laas gewoon het.

(3) Die aanklag moet 'n aansegging bevat of met 'n aansegging gepaard gaan waarby die aangeklaagde aangesê word om binne 'n tydperk wat in die aansegging vermeld moet word en redelik moet wees, 'n skriftelike erkenning of ontkenning van die aanklag en, indien hy dit verlang, 'n skriftelike verduideliking van die wangedrag waarvan hy aangekla word, aan iemand insgelyks vermeld, te stuur of te oorhandig.

(4) Die Minister of, indien daartoe deur die Minister in die algemeen of in 'n besondere geval gemagtig, die Sekretaris of 'n ander beampte in die Departement, kan iemand wat beskuldig word van wangedrag soos in artikel 28 omskryf, in sy diens skors, hetsy hy van wangedrag aangekla is of nie.

(5) Die Minister of die ander persoon wat iemand ingevolge subartikel (4) geskors het, kan die skorsing te eniger tyd intrek, maar die intrekking van die skorsing raak geen verrigtings in verband met die beskuldiging van wangedrag nie.

(6) Iemand wat ingevolge subartikel (4) in sy diens geskors is, is nie op enige besoldiging ten opsigte van die tydperk van sy skorsing geregtig nie: Met dien verstande dat die Minister kan gelas dat aan so iemand sy volle besoldiging of 'n gedeelte daarvan betaal word.

(7) As geen aanklag kragtens hierdie artikel ingebring word nie teen iemand wat aldus in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat, en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(8) (a) Indien die aangeklaagde die aanklag erken, word hy geag ingevolge hierdie artikel skuldig bevind te wees aan die wangedrag waarvan hy aangekla is.

(b) Indien die aangeklaagde die aanklag ontken of versuim om te voldoen aan die aansegging vermeld in subartikel (3), moet die Sekretaris iemand aanstel om ondersoek na die aanklag in te stel.

(9) (a) Die persoon wat die ondersoek moet instel, moet in oorleg met die persoon wat die aanklag onderteken het, die tyd en plek van die ondersoek vasstel, en die persoon wat die aanklag onderteken het, moet die aangeklaagde redelike skriftelike kennis gee van die tyd en plek aldus vasgestel: Met dien verstande dat die Sekretaris die bevoegdheid het om die ondersoek uit te stel indien goeie redes daarvoor aangevoer word.

(b) Die reg met betrekking tot getuies en getuienis wat geld in verband met strafsake in 'n landdroshof, geld *mutatis mutandis* vir die doeleindes van en by so 'n ondersoek: Met dien verstande dat dagvaardings om die aanwesigheid van getuies daarby te verkry, uitgereik moet word deur die persoon wat die ondersoek moet instel.

(10) Die persoon wat die aanklag onderteken het, kan iemand magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer, en om iemand wat as getuie vir die verweer opgeroep is, onder kruisverhoor te neem.

(11) (a) By die ondersoek kan die aangeklaagde teenwoordig wees, het hy die reg om persoonlik of deur 'n verteenwoordiger aangehoor te word, iemand wat as getuie ter stawing van die aanklag opgeroep is, onder kruisverhoor te neem, stukke wat as getuienis voorgelê is, in te sien, en ander persone as getuies op te roep, en kan hy self getuienis aflê.

(b) Die versuim van die aangeklaagde om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees, maak nie die verrigtings ongeldig nie.

(c) Die persoon wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van die getuienis wat daarby afgelê word.

(12) Indien die wangedrag waarvan iemand aangekla word, die pleeg van 'n misdryf is en daar bewys word dat hy deur 'n geregshof daaraan skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof *prima facie*-bewys dat hy daardie misdryf gepleeg het.

(13) Die persoon wat die ondersoek instel, moet na afloop daarvan beslis of die aangeklaagde skuldig of onskuldig is aan die wangedrag waarvan hy aangekla is, en hom en die Sekretaris van sy beslissing verwittig.

(14) If the person holding the enquiry finds that the person charged is not guilty of the misconduct with which he has been charged and the person charged was suspended from duty in terms of subsection (4), he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(15) If the person holding the enquiry finds that the person charged is guilty of the misconduct with which he has been charged, the person charged may within fourteen days after the date on which he was informed of the finding, appeal therefrom to the Minister by delivering or posting to the person who held the enquiry a written notice of appeal setting forth fully the grounds on which the appeal is based.

(16) If the person holding the enquiry finds that the person charged is guilty of the misconduct with which he has been charged, he shall—

(a) after expiry of the period referred to in subsection (15), forward to the Secretary—

- (i) the record of the proceedings at the enquiry;
- (ii) the documentary evidence admitted thereat;
- (iii) a statement of his finding and his reasons therefor;
- (iv) any observations which he may wish to make on the case; and

(v) if there is an appeal from his finding in terms of subsection (15), the notice of appeal; and

(b) if there is such an appeal from his finding, furnish the appellant with a copy of his reasons for the finding.

(17) If the appellant applies to the Secretary for a copy of the record of the proceedings at the enquiry and of the documentary evidence admitted thereat, within seven days after the date upon which he was furnished with a copy of the reasons for the finding, the Secretary shall furnish him with it.

(18) The appellant may, if he has made an application in terms of subsection (17), within fourteen days after the date upon which he was furnished with the copy in question, or if he did not make such an application, within twenty-one days after the date upon which he was furnished with the copy of the reasons for the finding, submit to the Secretary written representations in support of his appeal, and the Secretary shall after receipt thereof or, if he did not receive such representations within the prescribed period, after the expiry of such period, submit to the Minister the record of the proceedings at the enquiry, the other documents in his possession which relate to the enquiry or appeal, and his recommendation concerning the appeal.

(19) After consideration of the record and other documents in question the Minister may allow the appeal in whole or in part and set aside or vary the finding, dismiss the appeal and confirm the finding, or, before arriving at a final decision on the appeal, remit any matter in connection with the enquiry to the person who held the enquiry and direct him to report thereon or to hold a further enquiry and to arrive at a finding thereon.

(20) If the Minister has directed that a further enquiry be held, the provisions of subsections (9), (10) and (11) shall apply in respect thereof.

(21) If the Minister has arrived at a final decision on the appeal, he shall convey that decision in writing to the appellant and the Secretary.

(22) If the Minister allows the appeal and the appellant has been suspended from duty in terms of subsection (4), he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(23) If the person charged has admitted the charge of misconduct as is contemplated in subsection (3), or if he has been found guilty of misconduct in terms of subsection (13) and has not appealed therefrom within the period prescribed, or has appealed therefrom and the appeal has been dismissed wholly or in part in terms of this section, the Secretary shall, subject to the provisions of subsection (24), recommend to the Minister that—

- (a) the person charged be cautioned or reprimanded;
- (b) a fine, not exceeding two hundred rand, be imposed upon the person charged;
- (c) the person charged be transferred to another post;

(14) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde onskuldig is aan die wangedrag waarvan hy aangekla is en die aangeklaagde ingevolge subartikel (4) in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(15) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, kan die aangeklaagde binne veertien dae ná die datum waarop hy van die bevinding verwittig is, na die Minister daarteen appelleer deur aan die persoon wat die ondersoek ingestel het, 'n skriftelike kennisgewing van appèl te oorhandig of te pos waarin die gronde waarop die appèl gebaseer is, volledig uiteengesit word.

(16) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, moet hy—

(a) ná verstryking van die tydperk vermeld in subartikel (15), aan die Sekretaris stuur—

(i) die notule van die verrigtings by die ondersoek;

(ii) die dokumentêre bewysstukke wat daarby toegelaat is;

(iii) 'n uiteensetting van sy bevinding en sy redes daarvoor;

(iv) enige opmerkings wat hy oor die saak wil maak; en

(v) indien teen sy bevinding ingevolge subartikel (15) geappelleer is, die kennisgewing van appèl; en

(b) indien daar aldus teen sy bevinding geappelleer is, aan die appellant 'n afskrif van sy redes vir die bevinding verstrek.

(17) Indien die appellant binne sewe dae na die datum waarop 'n afskrif van die redes vir die bevinding aan hom verstrekk is, by die Sekretaris aansoek doen om 'n afskrif van die notule van die verrigtings by die ondersoek en die dokumentêre bewysstukke wat daarby toegelaat is, moet die Sekretaris dit aan hom verstrek.

(18) Die appellant kan, indien hy 'n aansoek ingevolge subartikel (17) gedoen het, binne veertien dae ná die datum waarop die betrokke afskrif aan hom verstrekk is, of, indien hy nie aldus aansoek gedoen het nie, binne een-en-twintig dae ná die datum waarop die afskrif van die redes vir die bevinding aan hom verstrekk is, skriftelike versoë ter stawing van sy appèl aan die Sekretaris voorlê, en die Sekretaris moet na ontvangs daarvan of, indien hy geen sodanige versoë binne die voorgeskrewe tydperk ontvang het nie, ná verstryking van dié tydperk, die notule van die verrigtings by die ondersoek, die ander stukke in sy besit wat op die ondersoek of appèl betrekking het, en sy aanbeveling omtrent die appèl, aan die Minister voorlê.

(19) Ná oorweging van die betrokke notule en ander stukke kan die Minister die appèl geheel en al of ten dele toestaan en die bevinding ter syde stel of wysig, die appèl van die hand wys en die bevinding bekragtig, of, voordat hy tot 'n finale beslissing oor die appèl kom, 'n aangeleentheid in verband met die ondersoek terugverwys na die persoon wat die ondersoek ingestel het, en hom gelas om verslag daaroor te doen of nadere ondersoek in te stel en 'n bevinding daaroor te doen.

(20) Indien die Minister gelas dat nadere ondersoek ingestel word, is die bepalinge van subartikels (9), (10) en (11) ten opsigte daarvan van toepassing.

(21) Indien die Minister tot 'n finale beslissing oor die appèl gekom het, moet hy dié beslissing skriftelik meedeel aan die appellant en die Sekretaris.

(22) Indien die Minister die appèl toestaan en die appellant ingevolge subartikel (4) in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(23) Indien die aangeklaagde die aanklag van wangedrag erken het soos in subartikel (3) beoog, of indien hy aan wangedrag skuldig bevind is ingevolge subartikel (13) en nie binne die voorgeskrewe tydperk daarteen geappelleer het nie, of daarteen geappelleer het en die appèl geheel en al of ten dele van die hand gewys is ingevolge hierdie artikel, moet die Sekretaris behoudens die bepalinge van subartikel (24) by die Minister aanbeveel dat—

(a) die aangeklaagde gewaarsku of berispe word;

(b) die aangeklaagde 'n boete van hoogstens tweehonderd rand opgelê word;

(c) die aangeklaagde na 'n ander pos oorgeplaas word;

- (d) the emoluments or rank or both the emoluments and rank of the person charged be reduced; or
 - (e) the person charged be discharged from the service of his employer or be called upon to resign therefrom.
- (24) (a) Except where the Secretary makes a recommendation under paragraph (a) or (e) of subsection (23), he may make a recommendation under more than one of the other paragraphs of that subsection.
- (b) The Secretary may postpone for a period not exceeding twelve months the making of a recommendation under subsection (23).
- (25) (a) The Minister may act in accordance with the recommendation of the Secretary in terms of subsection (23) or take any other action which he could have taken if the Secretary had recommended it in terms of that subsection.
- (b) If a fine is imposed upon any person in terms of this subsection, such fine may be recovered by deducting it from his emoluments in such instalments as the Minister may determine.
- (c) If the Minister discharges any person in terms of this subsection, the discharge shall take effect on a date fixed by the Minister.
- (d) If the Minister in terms of this subsection calls upon any person to resign from the service of his employer and such person fails so to resign with effect from a date fixed by the Minister, he shall be deemed to have been discharged in terms of this subsection from such service with effect from that date.
- (26) If any person has been suspended from duty in terms of subsection (4) and the Minister deals with him in a manner contemplated in paragraph (a), (b), (c) or (d) of subsection (23), or the Secretary deals with him in accordance with subsection (24) (b), such person shall be allowed to resume duty in an appropriate post as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already: Provided that if the emoluments or rank of such person is reduced as is contemplated in subsection (23) (d), his emoluments in respect of the period of his suspension shall be calculated on the basis of the reduced emoluments or rank, as the case may be: Provided further that if in respect of the period of his suspension emoluments in excess of the emoluments so calculated have already been paid to him in terms of subsection (6), he shall not be obliged to refund the excess.
- (27) If any person who has been suspended or charged with misconduct in terms of this section, resigns from the service of his employer or assumes other employment before the appropriate charge of misconduct has been disposed of under this section, he shall be deemed to have been discharged on account of misconduct from such service with effect from a date fixed by the Minister, unless prior to the receipt of his notification of resignation or his assumption of other employment, he was notified that he would not be charged with misconduct or, as the case may be, that the charge of misconduct against him had been withdrawn.
- (28) The fact that a person has been convicted or acquitted by a court of law of the commission of an offence, shall not preclude the taking of any steps in terms of this section against such person.

Action in the case of inefficient persons employed at schools.

30. (1) If it is alleged that any officer employed at a school is unfit for, or is incapable of performing efficiently, the duties attached to his post from causes not within his control and not attributable to the performance of his duties in the employment of the Department or the school in question, the Secretary may appoint a person to enquire into the allegation.

(2) The provisions of subsections (9), (10), (11), (13), (15) to (21), inclusive, and (23) and paragraphs (a) and (c) of subsection (25) of section 29 shall *mutatis mutandis* apply in respect of any enquiry referred to in subsection (1) and the officer in respect of whom the allegation was made: Provided that in the application of the said subsection (23) the Secretary shall only have the power to recommend that the officer in question be discharged from the service of the Department or that his rank be reduced and, if his emoluments are more than the maximum for the reduced rank, such emoluments be reduced to that maximum.

- (d) die aangeklaagde se besoldiging of rang of sy besoldiging sowel as sy rang verlaag word; of
- (e) die aangeklaagde uit die diens van sy werkgewer ontslaan word of gelas word om daaruit te bedank.
- (24) (a) Behalwe wanneer die Sekretaris 'n aanbeveling kragtens paragraaf (a) of (e) van subartikel (23) doen, kan hy 'n aanbeveling kragtens meer as een van die ander paragrawe van daardie subartikel doen.
- (b) Die Sekretaris kan die doen van 'n aanbeveling kragtens subartikel (23) vir 'n tydperk van hoogstens twaalf maande uitstel.
- (25) (a) Die Minister kan volgens die aanbeveling van die Sekretaris ingevolge subartikel (23) handel of enigiets anders doen wat hy sou kon gedoen het indien die Sekretaris dit ingevolge daardie subartikel aanbeveel het.
- (b) Indien iemand ingevolge hierdie subartikel 'n boete opgelê word, kan dié boete verhaal word deur dit van sy besoldiging af te trek in die paaielemente wat die Minister bepaal.
- (c) Indien die Minister iemand ingevolge hierdie subartikel ontslaan, tree die ontslag in werking op 'n datum wat die Minister bepaal.
- (d) Indien die Minister ingevolge hierdie subartikel iemand gelas om uit die diens van sy werkgewer te bedank en so iemand versuim om aldus te bedank met ingang van 'n datum wat die Minister bepaal, word hy geag uit dié diens ingevolge hierdie subartikel ontslaan te wees met ingang van daardie datum.
- (26) Indien iemand ingevolge subartikel (4) in sy diens geskors is en die Minister met hom handel soos in paragraaf (a), (b), (c) of (d) van subartikel (23) beoog, of die Sekretaris met hom handel ooreenkomstig subartikel (24) (b), moet so iemand so spoedig doenlik toegelaat word om diens in 'n gepaste pos te hervat, en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word vir sover dit nie reeds gedoen is nie: Met dien verstande dat indien so iemand se besoldiging of rang verlaag word soos beoog in subartikel (23) (d), sy besoldiging ten opsigte van die tydperk van sy skorsing bereken word op die grondslag van die verlaagde besoldiging of rang, na gelang van die geval: Met dien verstande voorts dat indien ten opsigte van die tydperk van sy skorsing reeds 'n hoër besoldiging aan hom ingevolge subartikel (6) betaal is as die besoldiging aldus bereken, hy nie verplig is om die verskil terug te betaal nie.
- (27) Indien iemand wat ingevolge hierdie artikel geskors of van wangedrag aangekla is, uit die diens van sy werkgewer bedank of ander werk aanvaar voordat die toepaslike aanklag van wangedrag kragtens hierdie artikel afgehandel is, word hy geag weens wangedrag uit dié diens ontslaan te wees met ingang van 'n datum wat die Minister bepaal, tensy, voordat sy kennisgewing van bedanking ontvang is of hy die ander werk aanvaar het, hy in kennis gestel is dat hy nie van wangedrag aangekla sal word nie, of, na gelang van die geval, dat die aanklag van wangedrag teen hom teruggetrek is.
- (28) Die feit dat iemand deur 'n geregshof skuldig of onskuldig aan die pleeg van 'n misdryf bevind is, belet nie dat stappe teen so iemand ingevolge hierdie artikel gedoen word nie.

30. (1) Indien beweer word dat 'n beampte in diens by 'n skool ongeskik is vir die pligte wat aan sy betrekking verbonde is of nie in staat is om daardie pligte op bekwame wyse uit te voer nie weens oorsake wat buite sy beheer is en nie aan die uitvoering van sy pligte in die diens van die Departement of die betrokke skool toe te skryf is nie, kan die Sekretaris iemand aanstel om ondersoek na die bewering in te stel.

Optrede in die geval van onbekwame persone in diens by skole.

(2) Die bepalinge van subartikels (9), (10), (11), (13), (15) tot en met (21) en (23) en paragrawe (a) en (c) van subartikel (25) van artikel 29 is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek vermeld in subartikel (1) en die beampte ten opsigte van wie die bewering gedoen is: Met dien verstande dat by die toepassing van genoemde subartikel (23) die Sekretaris slegs kan aanbeveel dat die betrokke beampte uit die diens van die Departement ontslaan word of dat sy rang verlaag word en, indien sy besoldiging meer is as die maksimum vir die verlaagde rang, dié besoldiging tot dié maksimum verminder word.

Manner in which notice is to be given or furnished.

31. Whenever by section 29 or 30 it is provided that—

- (a) any notice, statement or other document is to be given or furnished to or served upon any person, or that any matter is to be or may be conveyed to any person in writing, such notice, statement, document or writing may be sent by post in a registered letter or be delivered personally to him or left at his last known place of residence; or
- (b) any person is to be informed of any decision or finding, he may be informed thereof verbally or by a document sent by post in a registered letter or delivered personally to him, or left at his last known place of residence.

Misconduct and inefficiency of officers at subsidized schools.

32. The provisions of sections 28, 29, 30 and 31 shall *mutatis mutandis* apply to all officers employed at a subsidized school and referred to in section 18 (2): Provided that the powers vested in the Secretary under the said provisions shall, in such application, vest in the governing body in question and shall be exercised by it through its chairman: Provided further that any reference in section 28 to any act which is or may be prejudicial to the Government, a department of State, the public service or the educational service, shall, in such application, be deemed to include a reference to such an act in respect of the subsidized school or governing body in question.

Performance of other work by officers and employees.

33. (1) Unless it is otherwise provided in his conditions of service—

- (a) every officer or employee shall place the whole of his time at the disposal of the school or subsidized school at which he is employed;
- (b) no officer shall perform or engage himself to perform remunerative work outside his employment at a school or subsidized school without the permission of the Secretary; and
- (c) no officer or employee may claim as of right additional remuneration in respect of any official duty or work which he is required by competent authority to perform.

(2) The Secretary, a governing body or a principal may require any officer or employee under his control temporarily to perform duties other than those ordinarily assigned to such officer or employee or appropriate to the grade, designation or classification of his post.

(3) Any remuneration or allowance received by an officer or employee otherwise than in accordance with the provisions of this Act or any other law or an approval by the Secretary for the retention of the whole or a portion thereof, shall be paid by such officer or employee into the Consolidated Revenue Fund, and if he fails to do so, it shall be recovered from him by the Treasury by legal proceedings or in such other manner as the Treasury may think fit, and be paid into that fund.

(4) If on account of his professional, technical or other special qualifications the services of an officer or employee are in terms of section 26 (3) placed temporarily at the disposal of any other government, department or administration or of any other person, any salary, allowance, fee, bonus or honorarium which may be payable in respect of his services shall be paid into the Consolidated Revenue Fund: Provided that the Minister may, in circumstances which he regards as exceptional, in consultation with the Minister of Finance, approve the payment to the officer or employee of an amount equal to the said salary, allowance, fee, bonus or honorarium, or a portion thereof.

Secretary's power to inspect schools and subsidized schools.

34. (1) The Secretary or a person authorized thereto by him, may inspect a school or a subsidized school with reference to—

- (a) matters affecting the admission of pupils to and their discharge from any such school, the provision of education and the care of the pupils, and the buildings and the hostels attached to such school; and
- (b) the equipment and stores, as well as the finances of a subsidized school,

and shall have access to any documents relating to such school, and may require the principal and any other person employed at such school to furnish him with such information at his

31. Waar daar by artikel 29 of artikel 30 bepaal word dat—
- (a) enige kennisgewing, verklaring of ander stuk aan iemand gegee of verstrekkend of bestel moet word, of dat enige aangeleentheid skriftelik aan iemand meegedeel moet of kan word, kan dié kennisgewing, verklaring, dokument of stuk per pos in 'n aangetekende brief aan hom gestuur word of aan homself afgelewer word of gelaat word by die plek waar, sover bekend, hy laas gewoon het; of
 - (b) 'n persoon van 'n beslissing of bevinding verwittig moet word, kan hy mondeling daarvan verwittig word, of deur middel van 'n geskrif wat per pos in 'n aangetekende brief aan hom gestuur word of aan homself afgelewer word of by die plek waar, sover bekend, hy laas gewoon het, gelaat word.
32. Die bepalings van artikels 28, 29, 30 en 31 is *mutatis mutandis* van toepassing op alle beamptes wat in diens by 'n ondersteunde skool is en in artikel 18 (2) bedoel word: Met dien verstande dat die bevoegdhede wat kragtens bedoelde bepalings by die Sekretaris berus, by sodanige toepassing by die betrokke bestuursliggaam berus, en hy hulle deur sy voorsitter uitoefen: Met dien verstande voorts dat 'n verwysing in artikel 28 na enige handeling wat tot nadeel van die Regering, 'n Staatsdepartement, die Staatsdiens of die onderwysdiens strek of kan strek by sodanige toepassing geag word ook 'n verwysing na sodanige handeling ten opsigte van die betrokke ondersteunde skool of bestuursliggaam te wees.
33. (1) Tensy in sy diensvoorwaardes anders bepaal word—
- (a) moet 'n beampte of werknemer al sy tyd ter beskikking stel van die skool of ondersteunde skool waar hy in diens is;
 - (b) mag 'n beampte of werknemer nie sonder die toestemming van die Sekretaris besoldigde werk buite sy werk in die diens van 'n skool of ondersteunde skool verrig of hom verbind om dit te verrig nie; en
 - (c) kan geen beampte of werknemer regtens aanspraak maak op bykomende betaling ten opsigte van enige amptelike diens of werk wat hy deur 'n bevoegde owerheid aangesê word om te verrig nie.
- (2) Die Sekretaris, 'n bestuursliggaam of 'n prinsipaal kan 'n beampte of werknemer onder sy beheer aansê om tydelik ander pligte te verrig as dié wat gewoonlik aan so 'n beampte of werknemer opgedra word, of wat by die graad, benaming of indeling van sy pos pas.
- (3) Besoldiging of 'n toelae wat 'n beampte of werknemer ontvang anders as ooreenkomstig die bepalings van hierdie Wet of 'n ander wet of 'n goedkeuring van die Sekretaris om die geheel of 'n gedeelte daarvan te behou, moet deur so 'n beampte of werknemer in die Gekonsolideerde Inkomstefonds gestort word, en as hy versuim om dit te doen, word dit deur die Tesourie deur middel van geregtelike stappe of op die ander wyse wat die Tesourie goedvind, op hom verhaal en in daardie fonds gestort.
- (4) Indien die dienste van 'n beampte of werknemer weens sy vakkundige, tegniese of ander spesiale kwalifikasies tydelik ter beskikking van 'n ander regering, departement of administrasie of van iemand anders ingevolge artikel 26 (3) geplaas word, moet enige salaris, toelae, geld, bonus of honorarium wat ten opsigte van sy dienste betaalbaar is, in die Gekonsolideerde Inkomstefonds gestort word: Met dien verstande dat die Minister onder omstandighede wat hy as buitengewoon beskou, in oorleg met die Minister van Finansies, kan goedkeur dat 'n bedrag wat gelyk is aan bedoelde salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan, aan die beampte of werknemer betaal word.
34. (1) Die Sekretaris of iemand daartoe deur hom gemagtig kan 'n skool of ondersteunde skool inspekteer met betrekking tot—
- (a) aangeleenthede rakende die toelating van leerlinge tot en hul ontslag uit enige sodanige skool, die verskaffing van onderwys en die versorging van die leerlinge, en die geboue en koshuise verbonde aan daardie skool; en
 - (b) die uitrusting en voorrade, asook die finansies van 'n ondersteunde skool,
- en kan enige stukke wat op so 'n skool betrekking het, insien en van die prinsipaal of iemand anders in diens by so 'n skool eis dat hy aan hom die inligting verstrekk waarvoor hy beskik

Wyse waarop kennis gegee of verstrekkend moet word.

Wangedrag en onbekwaamheid van beamptes by ondersteunde skole.

Verrigting van ander werk deur beamptes en werknemers.

Bevoegdhede van Sekretaris om skole en ondersteunde skole te inspekteer.

disposal as in his opinion is necessary for the exercise of his powers and the performance of his functions and duties in terms of this Act or any other law.

(2) The Secretary or any other person referred to in subsection (1) may—

- (a) summon any person who, in his opinion, may be able to give material information concerning the subject of any inspection so carried out by him, or who he suspects or believes has in his possession or custody or under his control any book, document or other thing relating to the subject of the inspection, to appear before him at a time and place specified in the subpoena, to be interrogated or to produce that book, document or other thing;
- (b) call as a witness and administer an oath to or take an affirmation from any person present at the inspection who was or might have been summoned in terms of paragraph (a), and may interrogate him and require him to produce any book, document or other thing in his possession or custody or under his control which he suspects or believes relates to the subject of the inspection.

(3) If any person, having been duly summoned in terms of subsection (2) (a), fails, without sufficient cause, to attend at the time and place specified in the subpoena, or to remain in attendance until excused by the Secretary or the other person conducting the inspection from further attendance, or if any person called in terms of subsection (2) (b) refuses to be sworn or to affirm as a witness, or fails without sufficient cause to answer fully and to the best of his knowledge all questions lawfully put to him, or to produce any book, document or other thing in his possession or custody or under his control, he shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding two months: Provided that in connection with the interrogation of any such person by, or the production of any such book, document or other thing to the Secretary or the other person conducting the inspection, the law relating to privilege, as applicable to a witness summoned to give evidence before or to produce any book, document or other thing to a court of law, shall apply.

(4) Any person who, after having been sworn or after having affirmed as a witness, gives a false answer to any question put to him by the Secretary or the other person conducting the inspection, or makes a false statement on any matter, knowing that answer or statement to be false, shall be guilty of an offence and liable on conviction to the punishment prescribed by law for perjury.

(5) Any person who prevents any other person from attending or giving any evidence or producing any book, document or other thing, in accordance with a summons issued under subsection (2), shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding two months.

Amendment of
Schedule I.

35. (1) The Minister may by notice in the *Gazette* amend Schedule I, provided notice of his intention to do so has been laid by him upon the Table of the Senate and of the House of Assembly not less than thirty days before the end of any ordinary session, and the Senate or the House Assembly has not within a period of thirty days thereafter by resolution disapproved of the terms of such notice.

(2) No steps to amend Schedule I which would have the effect of transferring responsibility in respect of any class of handicapped children to or from a provincial administration, shall be taken under this section except after consultation with the Administrators.

(3) Whenever any steps referred to in subsection (2) are taken any school established for the category of children in question, shall, as from a date specified in the relevant notice, be transferred to the Department or to the provincial administration in question, as the case may be.

(4) (a) Whenever it is intended to take any steps referred to in subsection (2), the educational head in question shall not less than six months before any transfer in terms of subsection (3) is to take place, require every person employed at the school in question to elect in writing within three months of the date of such requirement, either—

en wat na sy oordeel nodig is vir die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte ingevolge hierdie Wet of enige ander wet.

(2) Die Sekretaris of iemand anders bedoel in subartikel (1) kan—

(a) iemand wat na sy oordeel in staat is om inligting van wesenlike belang te verstrek oor die onderwerp van 'n inspeksie deur hom aldus uitgevoer, of wat, na hy vermoed of glo, 'n boek, stuk of ander voorwerp in sy besit of bewaring of onder sy beheer het, wat betrekking het op die onderwerp van die inspeksie, dagvaar om op 'n tyd en plek in die dagvaarding aangedui, voor hom te verskyn om ondervra te word of om daardie boek, stuk of ander voorwerp oor te lê;

(b) iemand wat by die inspeksie teenwoordig is en wat ingevolge paragraaf (a) gedagvaar is of gedagvaar kon gewees het, as getuie oproep, hom 'n eed oplê of van hom 'n bevestiging aanneem, en kan hom ondervra en hom aansê om 'n boek, stuk of ander voorwerp wat hy in sy besit of bewaring of onder sy beheer het en wat, na hy vermoed of glo, betrekking het op die onderwerp van die inspeksie, oor te lê.

(3) As iemand wat behoorlik ingevolge subartikel (2) (a) gedagvaar is, sonder voldoende rede in gebreke bly om teenwoordig te wees op die tyd en plek wat in die dagvaarding vermeld is, of om teenwoordig te bly totdat die Sekretaris of ander persoon wat die inspeksie uitvoer hom daarvan vrygestel het om langer teenwoordig te wees, of as iemand wat ingevolge subartikel (2) (b) opgeroep is, weier om as getuie beëdig te word of om te bevestig, of sonder voldoende rede in gebreke bly om volledig en na sy beste wete op alle vrae wat wettiglik aan hom gestel word, te antwoord, of om 'n boek, stuk of ander voorwerp in sy besit of bewaring of onder sy beheer oor te lê, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens twee maande: Met dien verstande dat, in verband met die ondervraging van so iemand deur, of die voorlegging van so 'n boek, stuk of ander voorwerp aan die Sekretaris of ander persoon wat die inspeksie uitvoer, die regsreëls met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuie af te lê of om 'n boek, stuk of iets anders oor te lê, van toepassing is.

(4) Iemand wat, nadat hy as getuie beëdig is of bevestig het, 'n valse antwoord gee op 'n vraag deur die Sekretaris of ander persoon wat die inspeksie uitvoer, aan hom gestel, of 'n valse verklaring doen oor 'n aangeleentheid terwyl hy weet dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die by wet voorgeskrewe straf vir meened.

(5) Iemand wat iemand anders verhinder om ooreenkomstig 'n dagvaarding ingevolge subartikel (2) uitgereik, teenwoordig te wees of om getuie af te lê of om 'n boek, stuk of ander voorwerp oor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens twee maande.

35. (1) Die Minister kan Bylae 1 by kennisgewing in die *Staatkoerant* wysig, mits hy kennisgewing van sy voorneme om dit te doen ten minste dertig dae voor die einde van 'n gewone sessie in die Senaat en in die Volksraad ter Tafel gelê het, en die Senaat of die Volksraad nie binne dertig dae na sodanige tertaaflegging by wyse van besluit die bepalings van dié kennisgewing afgekeur het nie.

Wysiging van Bylae 1.

(2) Geen stappe ter wysiging van Bylae 1 wat die uitwerking sou hê dat die verantwoordelikheid ten opsigte van 'n kategorie gestremde kinders na of van 'n provinsiale administrasie oorgedra word, word kragtens hierdie artikel gedoen nie, behalwe na oorlegpleging met die betrokke Administrateurs.

(3) Wanneer stappe bedoel in subartikel (2) gedoen word, word 'n skool opgerig vir die betrokke kategorie kinders, vanaf 'n datum in die betrokke kennisgewing vermeld, oorgedra aan die Departement of die betrokke provinsiale administrasie, na gelang van die geval.

(4) (a) Wanneer dit die voorneme is om stappe bedoel in subartikel (2) te doen, moet die betrokke onderwys-hoof minstens ses maande voordat 'n oordrag ingevolge subartikel (3) gaan plaasvind, elke persoon wat by die betrokke skool in diens is, aansê om binne drie maande vanaf die datum van sodanige aansegging skriftelik te kies, om of—

- (i) to be transferred to a post in the service of the Department or, as the case may be, the provincial administration in question, corresponding to the post occupied by him; or
 - (ii) to remain in the service of the Department or the provincial administration by which he is employed on the date on which he is required to make the election.
- (b) Any person who fails to make an election in accordance with paragraph (a), shall be deemed to have elected to be transferred to a post in the service of the Department or, as the case may be, the provincial administration to which responsibility in respect of the school is to be transferred, corresponding to the post occupied by him.
- (c) Any person who, as the result of an election made, or deemed to have been made, in terms of this section is transferred to the service of the Department, shall, as from the date of his transfer, become subject to all the provisions of this Act relating to persons employed at a school, and any person who as the result of such an election is transferred to the service of a provincial administration shall, as from the date of his transfer, become subject to the provisions of the laws relating to persons employed at schools which are maintained by such provincial administration.
- (d) Any person who in terms of this section has elected to remain in the service of the provincial administration by which he was employed on the date on which he was required to make his election, may be transferred or appointed to any suitable post in the service of such provincial administration: Provided that—
- (i) no transfer or appointment involving a reduction in such person's pensionable emoluments shall be made without his consent;
 - (ii) a person who has been transferred or appointed to a post of a lower grade without a reduction of his pensionable emoluments shall be re-appointed to a post of a grade to which his salary is appropriate, as soon as a suitable vacancy occurs.
- (e) If no suitable post exists to which a person referred to in paragraph (d) can be transferred or appointed, he may be discharged from the service of the provincial administration by which he is employed on the ground of the abolition of his post.
- (5) If any amendment is made to Schedule 1 which has the effect of removing a special school which is in receipt of a subsidy from the Minister or an Administrator from its particular category, such school shall become subject to the provisions of this Act or the laws of the province concerned, as the case may be.

Powers of Secretary in relation to handicapped children who are subject to compulsory school attendance.

36. (1) The Secretary may cause a child who is in terms of any law subject to compulsory school attendance and does not attend a special school and whom he suspects of being a handicapped child to be examined in order to determine whether he is a handicapped child.

(2) The Secretary may instruct a parent of a child referred to in subsection (1) to bring such child for the purposes of such examination to a specified place.

(3) If the Secretary after such examination finds that the child is a handicapped child he shall notify the parent—

- (a) that he has found that the child is a handicapped child and should receive special education;
- (b) that the parent may within thirty days of the date of the notification appeal to the Minister against such finding and that the decision of the Minister on such appeal is final;
- (c) that unless his finding is reversed on appeal, or the parent takes steps to cause to be provided to the child such special education within such period as the Secretary may determine, the Secretary may, after consultation with the parent, determine to which special school the child is to be sent.

(4) If the Secretary has made a determination in terms of subsection (3) (c) and the parent fails to send the child to the school in question within a period fixed by the Secretary, the Secretary may cause the child to be taken to such school.

- (i) oorgeplaas te word na 'n pos in die diens van die Departement of, na gelang van die geval, die betrokke provinsiale administrasie, wat ooreenstem met die pos wat hy beklee; of
 - (ii) aan te bly in die diens van die Departement of die provinsiale administrasie waarby hy in diens is op die datum waarop hy aangesê word om sy keuse te doen.
- (b) Iemand wat versuim om 'n keuse ooreenkomstig paragraaf (a) te doen, word geag te gekies het om oorgeplaas te word na 'n pos in die diens van die Departement of, na gelang van die geval, die provinsiale administrasie na wie verantwoordelikheid ten opsigte van die skool oorgedra gaan word, wat ooreenstem met die pos wat hy beklee.
- (c) Iemand wat as gevolg van 'n keuse wat ingevolge hierdie subartikel gedoen is of geag word aldus gedoen te gewees het, na die diens van die Departement oorgeplaas word, word vanaf die datum van sy oorplasing onderworpe aan al die bepalings van hierdie Wet wat betrekking het op persone in diens by 'n skool, en iemand wat as gevolg van so 'n keuse oorgeplaas word na die diens van 'n provinsiale administrasie word vanaf die datum van sy oorplasing onderworpe aan die wetsbepalings wat betrekking het op persone in diens by skole wat deur dié provinsiale administrasie in stand gehou word.
- (d) Iemand wat ingevolge hierdie artikel gekies het om aan te bly in die diens van die provinsiale administrasie by wie hy in diens was op die datum waarop hy aangesê is om sy keuse te doen, kan oorgeplaas word na of aangestel word in enige geskikte pos in die diens van daardie provinsiale administrasie: Met dien verstande dat—
- (i) geen oorplasing of aanstelling wat 'n vermindering in so iemand se pensioengewende verdienste meebring sonder sy toestemming geskied nie;
 - (ii) iemand wat oorgeplaas is na of aangestel is in 'n pos met 'n laer graad sonder vermindering van sy pensioengewende verdienste, weer in 'n pos met 'n graad wat by sy salaris pas, aangestel word sodra 'n geskikte vakature ontstaan.
- (e) Indien daar geen geskikte pos bestaan waarna of waarin iemand bedoel in paragraaf (d) oorgeplaas of aangestel kan word nie, kan hy uit die diens van die provinsiale administrasie by wie hy in diens is, op grond van die afskaffing van sy pos, ontslaan word.
- (5) As 'n wysiging aan Bylae 1 aangebring word wat die verwydering van 'n spesiale skool wat 'n subsidie van die Minister of van 'n Administrateur ontvang, uit sy besondere kategorie ten gevolge het, word so 'n skool onderworpe aan die bepalings van hierdie Wet, of, na gelang van die geval, aan die wette van die betrokke provinsie.
36. (1) Die Sekretaris kan 'n kind wat ingevolge die een of ander wetsbepaling aan skoolplig onderworpe is en nie 'n spesiale skool bywoon nie en wat, na hy vermoed, 'n gestremde kind is, laat ondersoek om te bepaal of hy 'n gestremde kind is.
- (2) Die Sekretaris kan 'n ouer van 'n kind bedoel in subartikel (1) opdrag gee om die kind vir die doeleindes van so 'n ondersoek na 'n bepaalde plek te bring.
- (3) As die Sekretaris na so 'n ondersoek bevind dat die kind 'n gestremde kind is, stel hy die ouer in kennis—
- (a) dat hy bevind dat die kind 'n gestremde kind is en buitengewone onderwys behoort te ontvang;
 - (b) dat die ouer binne dertig dae vanaf die datum van die kennisgewing teen dié bevinding na die Minister kan appelleer, en dat die beslissing van die Minister by die appèl afdoende is;
 - (c) dat, tensy sy bevinding by appèl verwerp word, of die ouer stappe doen om dié buitengewone onderwys wat die Sekretaris bepaal, vir die kind te laat verskaf binne die tydperk wat die Sekretaris bepaal, die Sekretaris na oorlegpleging met die ouer, kan bepaal na watter spesiale skool die kind gestuur moet word.
- (4) Indien die Sekretaris 'n bepaling ingevolge subartikel (3) gedoen het en die ouer versuim om die kind na die betrokke skool te stuur binne die tydperk wat die Sekretaris vasstel, kan die Sekretaris die kind na genoemde skool laat neem.

Bevoegdhede van
Sekretaris met
betrekking tot
gestremde kinders
wat aan skoolplig
onderworpe is.

Admission of voluntary pupils.

37. The Secretary may at the request of a parent approve of a child who, in his opinion, is a handicapped child, being admitted voluntarily to a special school subject to the provisions of this Act.

Transfer from one special school to another.

38. The Secretary may, after consultation with the parent, transfer a child attending a special school to any other special school.

Exemption from further attendance at or discharge from special school.

39. (1) If the Secretary is of the opinion that it is no longer necessary or desirable for a child referred to in section 36 or 37 who attends a special school further to attend a special school, he may exempt that child from attending a special school or discharge such child from that school.

(2) No person shall without the approval of the Secretary attend a special school after the end of the calendar year in which he attains the age of twenty-one years.

Additional powers of children's court.

40. (1) A children's court may in the case of a child in respect of whom it has made an order in terms of paragraph (d) or (e) of section 31 (1) and section 35 of the Children's Act, 1960 (Act No. 33 of 1960), order that the case be referred to the Secretary to determine whether the child is a handicapped child.

(2) If the Secretary determines that the child is a handicapped child, he may consent to the child being admitted to a special school for the periods during which special education is provided thereat.

Penalties.

41. Any person who—

(a) obstructs, hinders or interferes with the Secretary or any other person in the performance of his duties or functions in terms of this Act; or

(b) being a parent—

(i) fails to comply with an instruction given by the Secretary in terms of section 36 (2);

(ii) removes a child from a special school before any steps have been taken in respect of such child in terms of section 39 (1); or

(iii) contravenes a regulation relating to any matter referred to in sections 35 to 39, inclusive,

shall be guilty of an offence and liable on conviction in the case of—

(aa) a person referred to in paragraph (a), to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding twelve months; and

(bb) a person referred to in paragraph (b), to a fine not exceeding fifty rand or to imprisonment for a period not exceeding one month, in the case of a first conviction, and to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months, in the case of a second or subsequent conviction.

Delegation of powers, duties and functions.

42. (1) The Minister may delegate any power, duty or function conferred upon or assigned to him by section 8, 13 (1), 13 (5) (b), 13 (7), 15, 16 (2), 18 (1) (b), 18 (1) (d), 19 (2), 26, 27 (1) (a), 27 (1) (f) or 27 (1) (g) to the Secretary or any person in the employ of the Department or a governing body.

(2) The Secretary may delegate any power, duty or function conferred upon or assigned to him by section 4 (1), 10, 11, 12, 13 (5) (c) (ii), 33 (1), 33 (2), 34, 38 or 39 to any other officer in the Department.

Regulations.

43. (1) The Minister may make regulations as to—

(a) the establishment, maintenance, management, control and disestablishment of schools;

(b) the conditions of appointment, period of office and termination of the appointment of and the payment of transport and subsistence allowances to members of councils, and the powers, duties, functions and procedure at meetings of councils;

(c) the receipt and use of the moneys and other property referred to in section 4 (1), the books, accounts and records to be kept by councils in connection therewith, the manner in which they shall be kept and the returns and reports to be rendered in connection therewith;

37. Die Sekretaris kan op versoek van 'n ouer goedkeur dat 'n kind wat na sy mening 'n gestremde kind is, vrywilliglik tot 'n spesiale skool toegelaat word onderworpe aan die bepalings van hierdie Wet.

Toelating van vrywillige leerlinge.

38. Die Sekretaris kan na oorlegpleging met die ouer, 'n kind wat 'n spesiale skool bywoon na 'n ander spesiale skool oorplaas.

Oorplasing van een spesiale skool na 'n ander.

39. (1) As die Sekretaris van oordeel is dat dit nie meer noodsaaklik of wenslik is dat 'n kind bedoel in artikel 36 of 37 wat 'n spesiale skool bywoon, langer 'n spesiale skool bywoon nie, kan hy daardie kind van bywoning van 'n spesiale skool vrystel of uit dié skool ontslaan.

Vrystelling van verdere bywoning van of ontslag uit spesiale skool.

(2) Iemand woon nie sonder die goedkeuring van die Sekretaris 'n spesiale skool by na die einde van die kalenderjaar waarin hy die leeftyd van een-en-twintig jaar bereik nie.

40. (1) 'n Kinderhof kan in die geval van 'n kind ten opsigte waarvan hy 'n bevel ingevolge paragraaf (d) of (e) van artikel 31 (1) en artikel 35 van die Kinderwet, 1960 (Wet No. 33 van 1960), uitgereik het, gelas dat die geval na die Sekretaris verwys word om te bepaal of die kind 'n gestremde kind is.

Bykomende bevoegdhede van kinderhof.

(2) Indien die Sekretaris bepaal dat die kind 'n gestremde kind is, kan hy toestem dat die kind in 'n spesiale skool opgeneem word vir die tydperke waarin buitengewone onderwys daarin verskaf word.

41. Iemand wat—

Strafbepalings.

(a) die Sekretaris of iemand anders belemmer of hinder of steur by die uitvoering van sy pligte of die verrigting van sy werksaamhede ingevolge hierdie Wet; of

(b) 'n ouer is en—

(i) versuim om 'n opdrag wat ingevolge artikel 36 (2) deur die Sekretaris gegee is, na te kom;

(ii) 'n kind uit 'n spesiale skool verwyder voordat stappe ingevolge artikel 39 (1) ten opsigte van die kind gedoen is; of

(iii) 'n regulasie met betrekking tot 'n aangeleentheid bedoel in artikels 35 tot en met 39 oortree,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, in die geval van—

(aa) iemand bedoel in paragraaf (a), met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande; en

(bb) iemand bedoel in paragraaf (b), met 'n boete van hoogstens vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens een maand, in die geval van 'n eerste skuldigbevinding, en met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande, in die geval van 'n tweede of latere skuldigbevinding.

42. (1) Die Minister kan 'n bevoegdheid, plig of werksaamheid wat by artikel 8, 13 (1), 13 (5) (b), 13 (7), 15, 16 (2), 18 (1) (b), 18 (1) (d), 19 (2), 26, 27 (1) (a), 27 (1) (f) of 27 (1) (g) aan hom verleen of opgedra is, aan die Sekretaris of iemand in diens van die Departement of 'n bestuursliggaam oordra.

Oordrag van bevoegdhede, pligte en werksaamhede.

(2) Die Sekretaris kan 'n bevoegdheid, plig of werksaamheid wat by artikel 4 (1), 10, 11, 12, 13 (5) (c) (ii), 33 (1), 33 (2), 34, 38 of 39 aan hom verleen of opgedra is aan 'n ander amptenaar in die Departement oordra.

43. (1) Die Minister kan regulasies uitvaardig met betrekking tot—

Regulasies.

(a) die instelling, instandhouding, bestuur, beheer en afskaffing van skole;

(b) die voorwaardes van aanstelling, ampstermyn en beëindiging van die aanstelling van en die betaling van reis- en verblyftoelaes aan lede van rade, en die bevoegdhede, pligte, werksaamhede en prosedure by vergaderings van rade;

(c) die ontvangs en gebruik van die geld en ander goed bedoel in artikel 4 (1), die boeke, rekenings en registers wat deur rade in verband daarmee gehou moet word, die wyse waarop hulle gehou moet word, en die opgawes en verslae wat in verband daarmee verstrek moet word;

- (d) the declaration of institutions which provide education referred to in section 2 as subsidized schools;
 - (e) the transfer of the maintenance, management and control of subsidized schools and colleges to the Government;
 - (f) the conditions governing the transfer of subsidized special schools to the Government;
 - (g) the establishment of classes to provide education referred to in section 2, and the conditions subject to which grants-in-aid may be made in respect of such classes;
 - (h) the conduct of examinations, including the appointment, remuneration, discipline, conduct, powers and duties of examiners, moderators, invigilators and other persons whose services are required in connection therewith, the enrolment of candidates for examinations, the conduct and discipline of candidates while they are writing examinations, and the issue of diplomas and certificates;
 - (i) the admission of persons as pupils to schools and subsidized schools, the control and discipline of such pupils and their discharge from such schools;
 - (j) the appointment, transfer, discharge, discipline, conduct, powers, duties, hours of duty, leave privileges and other conditions of service (including conditions relating to the occupation of official quarters) of officers and employees;
 - (k) the payment of travelling, subsistence, climatic, local and other allowances to officers and employees;
 - (l) the circumstances in which medical examinations are required for the purposes of any provision of this Act;
 - (m) any matter which in terms of any provision of this Act shall or may be prescribed; and
 - (n) generally, all matters in respect of which he considers it necessary or expedient to make regulations in order that the objects of this Act may be achieved.
- (2) Regulations affecting State income or expenditure shall be made only after consultation with the Minister of Finance.
- (3) The Minister may limit the application of any regulation to one or more schools or to one or more subsidized schools, and may make different regulations in respect of different schools and subsidized schools.
- (4) The regulations may provide for penalties in respect of any contravention thereof or failure to comply therewith, of a fine not exceeding fifty rand or imprisonment for a period not exceeding one month.

Substitution of section 17 of Act 38 of 1945, as substituted by section 34 of Act 70 of 1955 and amended by section 41 of Act 45 of 1959 and section 17 of Act 38 of 1964.

44. The following section is hereby substituted for section 17 of the Financial Relations Consolidation and Amendment Act, 1945:—

“Definition of higher education.

17. For the purposes of section 84 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), the expression ‘Higher education’ shall, subject to the provisions of section 18 of this Act, include—

- (a) education provided at a university or university college established by or under any law;
- (b) education provided at a college as defined in the Advanced Technical Education Act, 1967;
- (c) education provided by such schools of art (including ballet and music), agriculture, mining, pharmacy and nautical training as the Minister may, in consultation with the Minister of Finance, declare to be schools of higher education;
- (d) special education as defined in the Educational Services Act, 1967;
- (e) a course of instruction and training referred to in section 8 (1) of the Educational Services Act, 1967;
- (f) full-time education of a standard which is higher than the standard ordinarily required for an examination for the tenth standard; and
- (g) any other education which, with the consent of the Administrator concerned, the Minister of Education, Arts and Science may, in consultation with the Minister of Finance, declare to be higher education”.

- (d) die verklaring van inrigtings wat onderwys bedoel in artikel 2 verskaf, tot ondersteunde skole;
- (e) die oordrag van die instandhouding en bestuur van en beheer oor ondersteunde skole en kolleges aan die Regering;
- (f) die voorwaardes wat geld by die oordrag van ondersteunde spesiale skole na die Regering;
- (g) die instelling van klasse om onderwys bedoel in artikel 2 te verskaf, en die voorwaardes waarop hulptoe-kennings ten opsigte van sodanige klasse gedoen kan word;
- (h) die afneem van eksamens, met inbegrip van die aanstelling, besoldiging, tug, gedrag, bevoegdheide en pligte van eksaminatore, moderatore, opsieners en ander persone wie se dienste in verband daarmee nodig is, die inskrywing van kandidate vir eksamens, die gedrag en tug van kandidate terwyl hulle eksamens aflê, en die uitreiking van diplomas en sertifikate;
- (i) die toelating van persone as leerlinge tot skole en ondersteunde skole, die beheer en tug van sodanige leerlinge en hul ontslag uit sodanige skole;
- (j) die aanstelling, verplasing, ontslag, tug, gedrag, bevoegdheide, pligte, diensure, verlofvoorregte en ander diensvoorwaardes (met inbegrip van voorwaardes betreffende die bewoning van amptelike kwartiere) van beamptes en werknemers;
- (k) die betaling van reis-, verblyf-, klimaats-, plaaslike en ander toelaes aan beamptes en werknemers;
- (l) die omstandighede waaronder geneeskundige ondersoeke by die toepassing van 'n bepaling van hierdie Wet verlang word;
- (m) 'n aangeleentheid wat kragtens 'n bepaling van hierdie Wet voorgeskryf moet of kan word; en
- (n) in die algemeen, alle aangeleenthede ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te verwesenlik.

(2) Regulasies wat Staatsinkomste of -uitgawes raak, word slegs na oorleg met die Minister van Finansies uitgevaardig.

(3) Die Minister kan die toepassing van 'n regulasie tot een of meer skole of tot een of meer ondersteunde skole beperk, en kan verskillende regulasies ten opsigte van verskillende skole en ondersteunde skole uitvaardig.

(4) Die regulasies kan voorsiening maak vir strawwe ten aansien van 'n oortreding daarvan of versuim om daaraan te voldoen, van 'n boete van hoogstens vyftig rand of gevangenisstraf vir 'n tydperk van hoogstens een maand.

44. Artikel 17 van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, word hierby deur die volgende artikel vervang:—

„Omskrywing van hoër onderwys

17. By die toepassing van artikel 84 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), omvat die uitdrukking hoër onderwys, behoudens die bepalings van artikel 18 van hierdie Wet ook—

- (a) onderwys gegee aan 'n by of kragtens wet ingestelde universiteit of universiteitskollege;
- (b) onderwys gegee in 'n kollege soos omskryf in die Wet op Gevorderde Tegniese Onderwys, 1967;
- (c) onderwys gegee in die kuns-, (met inbegrip van ballet- en musiek-), landbou-, myn-, aptekers- en skeepvaartopleidingskole wat die Minister in oorleg met die Minister van Finansies, tot skole vir hoër onderwys verklaar;
- (d) buitengewone onderwys soos omskryf in die Wet op Onderwysdienste, 1967;
- (e) 'n kursus van onderrig en opleiding bedoel in artikel 8 (1) van die Wet op Onderwysdienste, 1967;
- (f) voltydse onderwys van 'n peil wat hoër is as die peil wat gewoonlik vir 'n eksamen vir die tiende standaard vereis word; en
- (g) enige ander onderwys wat die Minister van Onderwys, Kuns en Wetenskap in oorleg met die Minister van Finansies en met toestemming van die betrokke Administrateur tot hoër onderwys verklaar”.

Vervanging van artikel 17 van Wet 38 van 1945, soos vervang deur artikel 34 van Wet 70 van 1955 en gewysig deur artikel 41 van Wet 45 van 1959 en artikel 17 van Wet 38 van 1964.

Repeal of laws
and savings.

45. (1) Subject to the provisions of section 9 and of subsections (2) and (3) of this section, the laws mentioned in Schedule 3 are hereby repealed to the extent indicated in the third column of that Schedule.

(2) Notwithstanding the provisions of subsection (1), the powers conferred upon an Administrator or an officer of a provincial administration by the Special Education Act, 1948 (Act No. 9 of 1948), shall continue to vest in them until the provincial council in question by ordinance makes provision for conferring upon them corresponding powers in respect of handicapped children not belonging to a category of children mentioned in the First Schedule to that Act, but not for a longer period than twelve months after the fixed date.

(3) Anything done or deemed to have been done in terms of a provision of any law referred to in subsection (1) and for which provision is made by any provision of this Act, shall be deemed to have been done in terms of the corresponding provision of this Act.

Short title and
commencement.

46. This Act shall be called the Educational Services Act, 1967, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Schedule 1.

1. Deaf children.
2. Hard of hearing children.
3. Blind children.
4. Partially sighted children.
5. Epileptic children.
6. Cerebral-palsied children.
7. Physically handicapped children.
8. Children suffering from a defect who have been designated by the Minister in consultation with the Administrators as handicapped children for whom provision should be made under this Act.

Schedule 2.

1. *Commercial subjects.*
Bookkeeping, Commerce or Business Management, Economics, Mechanized arithmetic, Mercantile law, Office routine, Salesmanship, Secretarial Practice, Shorthand, Snelskrif (Afrikaans shorthand), Typewriting and a subject having a content similar to such a subject or consisting of a combination of any of the said subjects.
2. *Trades.*
Baking, Blacksmithing, Boilermaking, Bricklaying, Cabinetmaking, Carpentry, Diesel mechanics, Electrotechnics, Fitting, Furniture polishing, Instrument making, Joinery, Motor body repairing, Motor mechanics, Painting and decorating, Plastering, Plumbing, Printing, Radio mechanics, Sheetmetalwork, Signwriting, Stone masonry, Tailoring, Trimming, Turning, Upholstering, Watch-making, Welding and a trade having a content similar to such a trade or consisting of a combination of any of the said trades.

Schedule 3.

LAWS REPEALED.

No. and Year.	Title.	Extent of Repeal.
Act No. 9 of 1948	Special Education Act, 1948 ..	The whole.
Act No. 15 of 1951	Special Education Amendment Act, 1951	The whole.
Act No. 70 of 1955	Vocational Education Act, 1955 ..	The whole.
Act No. 56 of 1956	Pension Laws Amendment Act, 1956	Sections 29 to 33, inclusive.
Act No. 72 of 1957	Vocational Education Amendment Act, 1957	The whole.
Act No. 25 of 1958	Vocational Education Amendment Act, 1958	The whole.
Act No. 33 of 1960	Children's Act, 1960	Sections 40 and 41.
Act No. 45 of 1960	Special Education Amendment Act, 1960	The whole.
Act No. 19 of 1961	Special Education Amendment Act, 1961	The whole.
Act No. 20 of 1961	Vocational Education Amendment Act, 1961	The whole.
Act No. 38 of 1964	Vocational Education Amendment Act, 1964	The whole.
Act No. 59 of 1965	Correspondence Colleges Act, 1965	Section 42.

45. (1) Behoudens die bepalinge van artikel 9 en van sub-artikels (2) en (3) van hierdie artikel, word die Wette in Bylae 3 vermeld hierby herroep in die mate in die derde kolom van daardie Bylae aangedui.

Herroeping van wette en voorbehoud.

(2) Ondanks die bepalinge van subartikel (1) bly die bevoegd-hede wat die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), aan 'n Administrateur of aan 'n beampste van 'n provinsiale administrasie verleen, voortbestaan totdat die betrokke provinsiale raad by ordonnansie voorsiening maak vir die verlening aan hulle van ooreenstemmende bevoegdhede ten opsigte van afwykende kinders wat nie behoort tot 'n kategorie kinders vermeld in die Eerste Bylae van daardie Wet nie, maar nie langer as vir 'n tydperk van twaalf maande na die vasgestelde datum nie.

(3) Iets wat ingevolge 'n bepaling van 'n wet bedoel in sub-artikel (1) gedoen is, of geag word ingevolge so 'n bepaling gedoen te gewees het, en waarvoor daar by 'n bepaling van hierdie Wet voorsiening gemaak is, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

46. Hierdie Wet heet die Wet op Onderwysdienste, 1967, en tree in werking op 'n datum wat die Staatspresident by pro-klamasië in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

Bylae 1.

1. Dowe kinders.
2. Hardhorende kinders.
3. Blinde kinders.
4. Swaksiende kinders.
5. Epileptiese kinders.
6. Serebraal verlamde kinders.
7. Liggaamlik gestremde kinders.
8. Kinders wat ly aan 'n gebrek en wat deur die Minister, in oorleg met die Administrateurs, aangewys word as gestremde kinders vir wie voorsiening kragtens hierdie Wet gemaak moet word.

Bylae 2.

1. *Handelsvakke.*
Boekhou, Ekonomie, Handel of Bedryfsleer, Handelsreg, Kantoor-roetine, Masjienrekene, Sekretariële Praktijk, Shorthand (Engelse Snelskrif), Snelskrif, Tik, Verkoopkuns en 'n vak wat 'n soortgelyke inhoud het as so 'n vak of bestaan uit 'n kombinasie van enige van genoemde vakke.
2. *Ambagte.*
Bakkery, Bekleding, Dieselwerktuigkunde, Draaiwerk, Drukkerswerk, Elektrotegniek, Grofsmedery, Horlosiemakery, Instrumentmakery, Karbakherstelwerk, Ketelmakery, Kleremakery, Klipmesselwerk, Letterskilderwerk, Loodgieterswerk, Meubelmakery, Meubelpoleerwerk, Motorwerktuigkunde, Paswerk, Plaatmetaalwerk, Pleisterwerk, Radiowerktuigkunde, Skilder- en Dekoreerwerk, Skrynwerk, Steenmesselwerk, Stoffeerwerk, Sweiswerk, Timmerwerk en 'n ambag wat 'n soortgelyke inhoud het as so 'n ambag of bestaan uit 'n kombinasie van enige van genoemde ambagte.

Bylae 3.

WETTE HERROEP.

Nommer en jaar.	Titel.	In hoeverre herroep.
Wet No. 9 van 1948	Wet op Buitengewone Onderwys, 1948	Die geheel.
Wet No. 15 van 1951	Wysigingswet op Buitengewone Onderwys, 1951	Die geheel.
Wet No. 70 van 1955	Wet op Beroepsonderwys, 1955 ..	Die geheel.
Wet No. 56 van 1956	Wysigingswet op die Pensioenwette, 1956	Artikels 29 tot en met 33.
Wet No. 72 van 1957	Wysigingswet op Beroepsonderwys, 1957	Die geheel.
Wet No. 25 van 1958	Wysigingswet op Beroepsonderwys, 1958	Die geheel.
Wet No. 33 van 1960	Kinderwet, 1960	Artikels 40 en 41.
Wet No. 45 van 1960	Wysigingswet op Buitengewone Onderwys, 1960	Die geheel.
Wet No. 19 van 1961	Wysigingswet op Buitengewone Onderwys, 1961	Die geheel.
Wet No. 20 van 1961	Wysigingswet op Beroepsonderwys, 1961	Die geheel.
Wet No. 38 van 1964	Wysigingswet op Beroepsonderwys, 1964	Die geheel.
Wet No. 59 van 1965	Wet op Korrespondensiekolleges, 1965	Artikel 42.

No. 42, 1967.]

ACT

To amend the Community Development Act, 1966, so as to amend the definition of "basic value"; to extend the application of the definition of "owner" in respect of section 15 also; to prohibit in certain circumstances the subdivision of land without the approval of the board; to make provision for remedies of the board against borrowers; to define more accurately the areas within which leases may be terminated when the areas are being redeveloped or replanned; to prohibit alterations to and the erection of buildings on certain properties without the approval of the board; to limit the period within which applications may be made for extension of the period for lodging objections to the determination of basic values; to empower the Minister to appoint alternate assessors to serve on revision courts; to make a different provision in regard to the payment of appreciation and depreciation contributions; to provide for copies of notices of expropriation of affected property to be furnished to the board; to authorize the Minister to delegate to the Secretary his power to approve of the acquisition by the board of immovable property by expropriation; to authorize the payment of compensation for expropriated affected property burdened with a *fideicommissum* into the Guardian's Fund; to delete section 44 (2) (b) (iii); to regulate the award of costs by arbitrators; to make additional provision for penalties; and to substitute the Schedule to the said Act.

English text signed by the State President.)

(Assented to 22nd March, 1967.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 3 of 1966.

1. Section 1 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in subsection (1) for the expression "1957 (Act No. 77 of 1957)" of the expression "1966 (Act No. 36 of 1966)";
- (b) by the substitution in the said subsection for the definition of "basic value" of the following definition:
 - "(iii) 'basic value' in relation to—
 - (a) land which is affected property, means the market value of the land immediately prior to the basic date determined in accordance with the provisions of this Act;
 - (b) any building which is affected property, means the estimated cost of erection thereof at the time of the valuation thereof, reduced by the amount of depreciation due to wear and tear and to the unsuitability, wholly or partly, of the building for the purpose for which it is being used at the time of the valuation, unless such unsuitability is due, wholly or partly, to the fact that such building is affected property: Provided that the basic value of a building (not being a building intended or used exclusively for religious, school or similar purposes, or intended or used for a purpose determined by the Minister) shall not in any case exceed

WET

Tot wysiging van die Wet op Gemeenskapsontwikkeling, 1966, om die omskrywing van „basiese waarde” te wysig; om die toepassing van die omskrywing van „eienaar” ook ten opsigte van artikel 15 uit te brei; om onder sekere omstandighede die onderverdeling van grond sonder die toestemming van die raad te verbied; om voorsiening te maak vir regsmiddels van die raad teen leners; om die gebiede meer korrek te omskryf waarin huurkontrakte beëindig kan word wanneer die gebiede herontwikkel of herbeplan word; om veranderings aan en die oprigting van geboue op sekere eiendomme sonder die goedkeuring van die raad, te verbied; om die tydperk te beperk waarbinne aansoeke gedoen kan word om verlenging van die tydperk vir die indiening van besware teen vasstellings van basiese waardes; om die Minister te magtig om plaasvervangende assessore aan te stel om op hersieningshowe te dien; om ’n ander voorsiening te maak met betrekking tot die betaling van waardevermeerderings- en waardeverminderingskontribusies; om voorsiening te maak vir die verskaffing aan die raad van onteieningskennisgewings van geaffekteerde eiendom; om die Minister te magtig om sy bevoegdheid om die verkryging deur die raad van onroerende goed deur onteiening goed te keur, aan die Sekretaris te deleger; om die betaling van vergoeding vir onteiene geaffekteerde eiendom wat met ’n fideikommis beswaar is, in die Voogdyfonds te magtig; om artikel 44 (2) (b) (iii) te skrap; om die toekenning van koste deur arbiters te reguleer; om verdere voorsiening vir strafbepalings te maak; en om die Bylae by genoemde Wet te vervang.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Maart 1967.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Gemeenskapsontwikkeling, 1966 (hieronder die Hoofwet genoem), word hierby gewysig— Wysiging van artikel 1 van Wet 3 van 1966.

- (a) deur in subartikel (1) die uitdrukking „1957 (Wet No. 77 van 1957)” deur die uitdrukking „1966 (Wet No. 36 van 1966)” te vervang;
- (b) deur in genoemde subartikel die omskrywing van „basiese waarde” deur die volgende omskrywing te vervang:
 - „(iii) „basiese waarde” met betrekking tot—
 - (a) grond wat geaffekteerde eiendom is, die markwaarde van die grond onmiddellik voor die basiese datum bepaal ooreenkomstig die bepalinge van hierdie Wet;
 - (b) ’n gebou wat geaffekteerde eiendom is, die geraamde koste van oprigting daarvan ten tyde van die skatting daarvan, verminder met die bedrag van die waardevermindering weens slytasie en die ongeskiktheid, geheel en al of ten dele, van die gebou vir die doel waarvoor dit ten tyde van die skatting gebruik word, tensy sodanige ongeskiktheid geheel en al of ten dele te wyte is aan die feit dat bedoelde gebou geaffekteerde eiendom is: Met dien verstande dat die basiese waarde van ’n gebou (uitgesonderd ’n gebou wat uitsluitlik vir godsdienstige, skool- of dergelike doeleindes bestem is of gebruik word of wat vir ’n deur die Minister bepaalde doel bestem is of gebruik word) in geen geval meer bedra

the difference between the market value immediately prior to the basic date of the land on which such building is erected, determined on the basis that such building constitutes an integral part of that land, and the market value which that land would have had immediately prior to the basic date if such building had not existed;

- (c) affected property, means the basic value of the land plus the basic value of the buildings thereon; (iii)"; and
- (c) by the substitution in the said subsection for the definition of "owner" of the following definition:

"(xviii) 'owner' means, in relation to—

(a) immovable property or any interest in immovable property other than such property as is referred to in paragraph (b), the person in whose name that property or in whose favour that interest in immovable property is registered;

(b) immovable property forming part of the farm Alexanderfontein or the farm Bultfontein in the district of Kimberley and held under a lease or licence which entitles the lessee or licensee and his successors in title to occupy such property, the person registered in the deeds registry as the lessee or licensee of that property,

and for the purpose of section 15, section 29 (4) and sections 32, 33, 34, 37 to 42, inclusive, and 45, includes any sheriff, deputy-sheriff, messenger of the court, trustee, executor, liquidator, curator, administrator or other person lawfully entitled or required to dispose of that property; (iv)".

Amendment of section 15 of Act 3 of 1966.

2. Section 15 of the principal Act is hereby amended by the substitution for paragraph (e) of subsection (2) of the following paragraph:

"(e) if it is satisfied that it is expedient to do so in furtherance of a slum clearance scheme or an urban renewal scheme, by notice published in the *Gazette* and at least once in a newspaper circulating in the district in which any area defined in the notice is situated, to prohibit, for such period as may be specified in the notice, the subdivision, except with the prior written approval of the board, of land or stands within that area or the erection or alteration, except with such approval, of any building or structure within that area or the use, except with such approval, of any building or structure within that area for a purpose other than the purpose for which such building or structure was being used on the date of the publication of the notice;"

Insertion of section 18A in Act 3 of 1966.

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

"Remedies of board against borrowers.

18A. (1) If any person to whom a loan has been granted by the board out of the Community Development Fund—

- (a) fails to pay any amount due in respect of or in connection with such loan on the due date;
- (b) has not applied the whole or any portion of the loan to the specific purpose for which it was granted;
- (c) has failed, where such loan was granted for the erection of a dwelling, to make reasonable progress in connection with the construction of the dwelling in respect of which the loan was granted, regard being had to the period determined for its completion;
- (d) fails to comply with any condition on which such loan was granted or any portion thereof was paid out; or
- (e) becomes insolvent,
- the board may, notwithstanding anything to the contrary in any law contained, either—

nie as die verskil tussen die markwaarde onmiddellik voor die basiese datum van die grond waarop daardie gebou opgerig is, bepaal op die grondslag dat daardie gebou 'n integrerende deel van bedoelde grond uitmaak, en die markwaarde wat bedoelde grond onmiddellik voor die basiese datum sou gehad het as daardie gebou nie bestaan het nie;

- (c) geaffekteerde eiendom, die basiese waarde van die grond plus die basiese waarde van die geboue daarop; (iii)"; en
- (c) deur in genoemde subartikel die omskrywing van „eienaar” deur die volgende omskrywing te vervang:
 - „(iv) „eienaar” met betrekking tot—
 - (a) onroerende eiendom of 'n reg op onroerende eiendom, behalwe die eindom wat in paragraaf (b) bedoel word, die persoon op wie se naam daardie eiendom of ten gunste van wie daardie reg op onroerende eiendom geregistreer is;
 - (b) onroerende eiendom wat deel uitmaak van die plaas Alexanderfontein of die plaas Bultfontein in die distrik Kimberley en wat besit word uit hoofde van 'n huur of lisensie waarvolgens die huurder of lisensiehouer en sy regsopvolgers geregtig is om bedoelde eiendom te okkupeer, die persoon wat in die aktekantoor as die huurder of lisensiehouer van bedoelde eiendom geregistreer is, en by die toepassing van artikel 15, artikel 29 (4) en artikels 32, 33, 34, 37 tot en met 42 en 45, ook 'n balju, adjunk-balju, geregsbode, trustee, ekssekuteur, likwidateur, kurator, administrateur of enige ander persoon wat wettiglik geregtig of verplig is om bedoelde eiendom van die hand te sit; (xviii)”.

2. Artikel 15 van die Hoofwet word hierby gewysig deur Wysiging van paragraaf (e) van subartikel (2) deur die volgende paragraaf artikel 15 van te vervang: Wet 3 van 1966.

- „(e) om indien hy oortuig is dat dit ter bevordering van 'n slumopruiingskema of 'n stadshernuwingskema raadsaam is, by kennisgewing gepubliseer in die *Staatskoerant* en minstens een keer in 'n nuusblad in omloop in die distrik waarin 'n gebied geleë is wat in die kennisgewing omskryf word, die onderverdeling, behalwe met die voorafgaande skriftelike goedkeuring van die raad, van grond of standplase binne daardie gebied, of die oprigting of verandering, behalwe met sodanige goedkeuring, van 'n gebou of bouwerk binne daardie gebied, of die gebruik, behalwe met sodanige goedkeuring, van 'n gebou of bouwerk binne daardie gebied vir 'n ander doel as die doel waarvoor so 'n gebou of bouwerk op die datum van die publikasie van die kennisgewing gebruik was, te verbied vir die tydperk in die kennisgewing vermeld;”.

3. Die volgende artikel word hierby in die Hoofwet na Invoeging van artikel 18A in artikel 18 ingevoeg: Wet 3 van 1966.

„Regs-middels van raad teen leners.

18A. (1) Indien 'n persoon aan wie 'n lening uit die Gemeenskapsontwikkelingsfonds deur die raad toegestaan is—

- (a) versuim om 'n bedrag wat ten opsigte van of in verband met sodanige lening verskuldig is, op die vervaldag te betaal;
- (b) nie die hele lening of 'n gedeelte daarvan vir die spesifieke doel aangewend het waarvoor dit toegestaan is nie;
- (c) versuim het om, waar sodanige lening vir die oprigting van 'n woning toegestaan is, redelike vordering te maak in verband met die bou van die woning ten opsigte waarvan die lening toegestaan is, gelet op die tydperk wat vir die voltooiing daarvan bepaal is;
- (d) versuim om te voldoen aan 'n voorwaarde waarop die lening toegestaan is of 'n gedeelte daarvan uitbetaal is; of
- (e) insolvent raak, kan die raad, ondanks andersluidende wetsbepalings, of—

- (i) recover from such person any amount paid to him or to any other person on his behalf out of the fund and not yet repaid, together with interest due thereon, by action in a competent court; or
- (ii) after having given forty-two days' notice by prepaid registered letter addressed to such person at his last known place of abode or business, and, if the property on which such loan is secured is occupied by a person other than the owner, after similarly having given notice to the occupier, by any officer of the Department authorized in writing by the board and without having obtained any judgment or order of the court, enter upon and take possession of the property on which the loan is secured.

(2) When any property has been taken into possession in terms of subsection (1) the board may, after notice of intention to sell, published once a week for three consecutive weeks in an Afrikaans and an English newspaper circulating in the area in which the said property is situated, sell by public auction or by public tender the said property and transfer it to the purchaser and give a good and valid title thereto, notwithstanding the fact that such property may also be hypothecated in favour of a person other than the board: Provided that if the said property is so hypothecated it shall not be sold unless the board has, at least three weeks before the date fixed for the sale, given notice to the mortgagee concerned, by prepaid registered letter addressed to him at his last known place of abode or business, of its intention to sell the said property.

(3) If any dwelling which has been taken into possession in terms of subsection (1) has not been completed the board may complete such dwelling before it is sold in terms of subsection (2).

(4) The proceeds of the sale of any property in terms of subsection (2) shall be utilized to pay—

- (a) all amounts due to the fund;
- (b) all costs (if any) incurred by the board in connection with the completion of any dwelling; and
- (c) all costs incurred in connection with the sale of such property,

and the balance (if any) shall be paid to the person to whom the loan was granted or to any other person who is legally entitled to receive such balance.

(5) The board may at a sale by public auction purchase any dwelling sold in terms of subsection (2).

(6) Any dwelling purchased in terms of subsection (5) shall be transferred to the board, and the provisions of this Act relating to dwellings owned by the board shall thereafter apply in respect of such dwelling.

(7) Where any property has been sold in terms of subsection (2), the board may consent to the purchaser's taking over the interest and liabilities of the previous owner in respect of the loan and, in order to give effect thereto, may consent to the substitution of the purchaser as mortgagor in respect of the existing bond, notwithstanding the fact that the previous owner has not agreed to the taking over of such interest and liabilities by the purchaser, and the provisions of this Act relating to loans shall apply in respect of a purchaser who has so taken over the interest and liabilities of the previous owner as if the loan had originally been granted to such purchaser.

(8) The Registrar of Deeds is hereby authorized to make such endorsements on any deed, bond or other document and effect such alterations or make such entries in his registers as may be necessary to give effect to the provisions of this section.”

- (i) op sodanige persoon 'n bedrag wat aan hom of aan iemand anders ten behoeve van hom, uit die fonds betaal is en nog nie terugbetaal is nie, tesame met die rente daarop verskuldig, deur aksie in 'n bevoegde hof verhaal; of
- (ii) nadat twee-en-veertig dae kennis gegee is per vooruitbetaalde aangetekende brief gerig aan bedoelde persoon by sy laaste bekende woon- of besigheidsplek en, indien die eiendom waarop sodanige lening versekureer is deur 'n ander persoon as die eienaar geokkupeer word, nadat kennis op dieselfde manier gegee is aan die okkupeerder, deur middel van 'n amptenaar van die Departement wat skriftelik deur die raad gemagtig is en sonder om 'n vonnis of bevel van die hof te verkry, die eiendom waardeer die lening versekureer is, betree en in besit neem.

(2) Wanneer 'n eiendom ingevolge subartikel (1) in besit geneem is, kan die raad, nadat 'n kennisgewing van die voorneme om te verkoop een keer per week vir drie agtereenvolgende weke gepubliseer is in 'n Afrikaanstalige en 'n Engelstalige koerant wat in omloop is in die gebied waar bedoelde eiendom geleë is, bedoelde eiendom by openbare veiling of by publieke tender verkoop en dit aan die koper oordra en 'n goeie en geldige titel daartoe verleen, ondanks die feit dat bedoelde eiendom ook ten gunste van 'n ander persoon as die raad verhipotekeer is: Met dien verstande dat as bedoelde eiendom aldus verhipotekeer is, dit nie verkoop mag word nie tensy die raad, minstens drie weke voor die datum wat vir die verkoping bepaal is, aan die betrokke verbandhouer kennis gegee het per vooruitbetaalde aangetekende brief aan hom by sy laaste bekende woon- of besigheidsplek gerig, van die voorneme om bedoelde eiendom te verkoop.

(3) Indien 'n woning wat ingevolge subartikel (1) in besit geneem is, nie voltooi is nie, kan die raad bedoelde woning voltooi voordat dit ingevolge subartikel (2) verkoop word.

(4) Die opbrengs van die verkoop van 'n eiendom ingevolge subartikel (2) word aangewend om—

- (a) alle bedrae wat aan die fonds verskuldig is;
- (b) alle koste (indien daar is) wat deur die raad in verband met die voltooiing van 'n woning aangegaan is; en
- (c) alle koste wat in verband met die verkoop van bedoelde eiendom aangegaan is, te betaal en die saldo (indien daar is) word aan die persoon aan wie die lening toegestaan was of aan enige ander persoon wat wettiglik geregtig is om sodanige saldo te ontvang, betaal.

(5) Die raad kan by 'n verkoping by openbare veiling 'n woning wat ingevolge subartikel (2) verkoop word, koop.

(6) 'n Woning wat ingevolge subartikel (5) gekoop word, moet aan die raad getransporteer word en die bepalings van hierdie Wet betreffende wonings wat deur die raad besit word, is daarna van toepassing ten opsigte van bedoelde woning.

(7) Waar 'n eiendom ingevolge subartikel (2) verkoop is, kan die raad toestem dat die koper die belange en verpligtings van die vorige eienaar ten opsigte van die lening oorneem, en ten einde daaraan gevolg te gee, kan die raad toestem dat die koper in die plek van die vorige eienaar as verbandgewer ten opsigte van die bestaande verband gestel word, ondanks die feit dat die vorige eienaar nie tot die oorneem deur die koper van sodanige belange en verpligtings toegestem het nie, en die bepalings van hierdie Wet met betrekking tot lenings is van toepassing ten opsigte van 'n koper wat aldus die belange en verpligtings van die vorige eienaar oorneem het asof die lening oorspronklik aan bedoelde koper toegestaan was.

(8) Die Registrateur van Aktes word hierby gemagtig om die endossemente op 'n akte, verbandakte of ander dokument te maak en om die veranderings in sy registers aan te bring of die inskrywings in sy registers te maak wat nodig is om aan die bepalings van hierdie artikel gevolg te gee.”

Amendment of
section 21 of Act
3 of 1966.

4. Section 21 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Whenever any area whereof a description has in terms of any law been entered in the register referred to in section 14 (1) (a) of the Transvaal Asiatic Land Tenure Amendment Act, 1936 (Act No. 30 of 1936), or any area within a controlled area is being redeveloped or replanned by the board or any local authority or statutory body or other body corporate referred to in subsection (1) or by the National Housing Commission, the board or such local authority or statutory body or other body corporate or the said Commission may terminate any existing lease in respect of any land or premises in such area by giving three months' notice in writing of termination thereof to the lessee concerned or the person occupying such land or premises."

Amendment of
section 32 of
Act 3 of 1966.

5. Section 32 of the principal Act is hereby amended—

(a) by the deletion of subsection (4);

(b) by the substitution for subsection (8) of the following subsection:

"(8) If, in the case of any land or building referred to in subsection (1), (2), (3), (5), (6) or (7), a valuation is agreed upon between the board and the owner concerned, the said subsections shall not apply, and the value so agreed upon shall be recorded on the list as the basic value of that land or building."; and

(c) by the addition of the following subsection:

"(10) As from the commencement of the Community Development Amendment Act, 1967, no alteration, extension or addition to any building may be effected, and no new building may be erected, on land which is owned by a disqualified person or disqualified company as defined in section 1 of the Group Areas Act, 1966 (Act No. 36 of 1966), without the prior written approval of the board."

Amendment of
section 33 of
Act 3 of 1966.

6. Section 33 of the principal Act is hereby amended—

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

"(b) Any notice under paragraph (a) shall contain an intimation that objections to the determination made by the valuers may be lodged with the Minister in writing within twenty-one days after the service of the notice, or within such further period, not exceeding a further period of sixty days, as the Minister may on application in any particular case allow."; and

(b) by the addition of the following proviso to subsection (5):

"Provided that the Minister, when appointing the members of such revision court, may also appoint an alternate assessor to serve on such revision court should one of the assessors for any reason be unable to act as such."

Amendment of
section 34 of
Act 3 of 1966.

7. Section 34 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

"(a) if the consideration for which the property was in fact disposed of exceeds the basic value thereof and—

(i) such a disposition takes place after the expiry of sixty months but before the expiry of seventy-two months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, be payable by the owner to the board an appreciation contribution equal to twenty-five per cent of the difference between the basic value and such consideration; and

(ii) such a disposition takes place after the expiry of seventy-two months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, be payable by the owner to the board an appreciation

4. Artikel 21 van die Hoofwet word hierby gewysig deur Wysiging van subartikel (2) deur die volgende subartikel te vervang: artikel 21 van Wet 3 van 1966.
- „(2) Wanneer 'n gebied waarvan 'n beskrywing ingevolge die een of ander wetsbepaling ingeskrywe is in die register bedoel in artikel 14 (1) (a) van die Wysigingswet op Grondbesit van Asië in Transvaal, 1936 (Wet No. 30 van 1936), of 'n gebied binne 'n beheerde gebied deur die raad of 'n in subartikel (1) bedoelde plaaslike bestuur of statutêre liggaam of ander regspersoon of deur die Nasionale Behuisingskommissie herontwikkel of herbeplan word, kan die raad of bedoelde plaaslike bestuur of statutêre liggaam of ander regspersoon of bedoelde Kommissie 'n bestaande huurkontrak ten opsigte van enige grond of 'n perseel in so 'n gebied beëindig deur drie maande skriftelike kennis van beëindiging daarvan te gee aan die betrokke huurder of die persoon wat die grond of perseel okkupeer.”.
5. Artikel 32 van die Hoofwet word hierby gewysig— Wysiging van artikel 32 van Wet 3 van 1966.
- (a) deur subartikel (4) te skrap;
- (b) deur subartikel (8) deur die volgende subartikel te vervang:
- „(8) Indien in die geval van grond of 'n gebou in subartikel (1), (2), (3), (5), (6) of (7) bedoel, die raad en die betrokke eienaar omtrent die waarde daarvan ooreenkom, is daardie subartikels nie van toepassing nie, en word die waarde waarop aldus ooreengekom is as die basiese waarde van daardie grond of gebou op die lys aangeteken.”; en
- (c) deur die volgende subartikel by te voeg:
- „(10) Vanaf die inwerkingtreding van die Wysigingswet op Gemeenskapsontwikkeling, 1967, mag, sonder die voorafgaande skriftelike toestemming van die raad, geen verandering aan of vergroting van of byvoeging tot 'n gebou aangebring of 'n nuwe gebou opgerig word op grond waarvan die eienaar 'n onbevoegde persoon of 'n onbevoegde maatskappy soos omskryf in artikel 1 van die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), is nie.”.
6. Artikel 33 van die Hoofwet word hierby gewysig— Wysiging van artikel 33 van Wet 3 van 1966.
- (a) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:
- „(b) 'n Kennisgewing ingevolge paragraaf (a) moet aandui dat besware teen die bepaling deur die waardeerders gemaak, skriftelik by die Minister ingedien kan word binne een-en-twintig dae na die bestelling van die kennisgewing, of binne die verdere tydperk, wat nie 'n tydperk van 'n verdere sestig dae oorskry nie, wat die Minister op aansoek in 'n bepaalde geval toelaat.”; en
- (b) deur die volgende voorbehoudsbepaling by subartikel (5) te voeg:
- „Met dien verstande dat die Minister by die aanstelling van die lede van sodanige hersieningshof ook 'n plaasvervangende assessor kan aanstel om in sodanige hersieningshof te dien wanneer een van die assessore om die een of ander rede nie as sodanig kan optree nie.”.
7. Artikel 34 van die Hoofwet word hierby gewysig— Wysiging van artikel 34 van Wet 3 van 1966.
- (a) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:
- „(a) indien die vergoeding waarteen die eiendom in werklikheid van die hand gesit is, die basiese waarde daarvan te bowe gaan, en—
- (i) so 'n vandiehandsetting geskied na die verloop van sestig maande maar voor die verloop van twee-en-sewentig maande na die basiese datum, of die datum van die inwerkingtreding van die Wysigingswet op Gemeenskapsontwikkeling, 1967, watter datum ook al die jongste is, deur die eienaar 'n waardevermeerderingskontribusie gelyk aan vyf-en-twintig persent van die verskil tussen die basiese waarde en bedoelde vergoeding aan die raad betaalbaar; en
- (ii) so 'n vandiehandsetting geskied na die verloop van twee-en-sewentig maande na die basiese datum, of die datum van die inwerkingtreding van die Wysigingswet op Gemeenskapsontwikkeling, 1967, watter datum ook al die jongste is, deur die eienaar 'n waardever-

contribution equal to fifty per cent of the difference between the basic value and such consideration; or”;

- (b) by the substitution for subsection (6) of the following subsection:

“(6) If the alienation of any affected property takes place after the basic date and before the basic value of that property has been determined, the certificate required by section 31 (3) may be obtained from the board upon furnishing to the board, if the alienation takes place after the expiry of sixty months after the basic date, a guarantee approved by it that any appreciation contribution which may become due to the board will be paid.”; and

- (c) by the substitution for subsection (7) of the following subsection:

“(7) If after the expiry of sixty months after the basic date any affected property, the basic value of which has not yet been determined, is alienated to the board, the board may, pending the determination of the basic value, withhold payment of so much of the consideration payable as will, in its opinion, be sufficient to pay any appreciation contribution which may become due to the board.”.

**Amendment of
section 35 of
Act 3 of 1966.**

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

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

“(a) Whenever any affected property is expropriated by the State or any other person (other than the board) and the compensation payable for such property is fixed—

(i) at an amount which exceeds the basic value of that property, and such expropriation takes place after the expiry of sixty months but before the expiry of seventy-two months after the basic date or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, there shall be paid to the board an appreciation contribution equal to twenty-five per cent of the difference between the compensation so fixed and the basic value of the said property, and if such expropriation takes place after the expiry of seventy-two months after the basic date or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, there shall be paid to the board an appreciation contribution equal to fifty per cent of the difference between the compensation so fixed and the basic value of the said property; or

(ii) at an amount which is less than the basic value of the said property, there shall, regardless of when such expropriation takes place save where notice has been given in respect of the said property in terms of section 41 of the Group Areas Act and such notice has not been withdrawn, be paid by the board to the owner of the said property a depreciation contribution equal to eighty per cent of the difference between the compensation so fixed and the basic value of the said property.”; and

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

“(5) When affected property is expropriated by the State or any other person (other than the board), the organ of state or other person, as the case may be, expropriating such property, shall, within seven days after the owner of such property has been given notice of the intention to expropriate and of the compensation offered in respect of the expropriation of such property, furnish the board with a copy of such notice.”.

meerderingskontribusie gelyk aan vyftig persent van die verskil tussen die basiese waarde en bedoelde vergoeding aan die Raad betaalbaar; of”;

- (b) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Indien die vervreemding van geaffekteerde eiendom plaasvind na die basiese datum en voordat die basiese waarde van daardie eiendom bepaal is, kan die by artikel 31 (3) vereiste sertifikaat van die raad verkry word by verstrekking aan die raad, indien die vervreemding na die verloop van sestig maande na die basiese datum geskied het, van 'n deur hom goedgekeurde waarborg vir die betaling van enige waardevermeerderingskontribusie wat aan die raad verskuldig word.”; en

- (c) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Indien geaffekteerde eiendom, waarvan die basiese waarde nog nie bepaal is nie, na die verloop van sestig maande na die basiese datum aan die raad vervreem word, kan die raad, hangende die bepaling van die basiese waarde, betaling van soveel van die betaalbare vergoeding weerhou as wat, na sy mening, voldoende sal wees om enige waardevermeerderingskontribusie wat aan die raad verskuldig word, te betaal.”.

8. Artikel 35 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 35 van
Wet 3 van 1966.

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Wanneer geaffekteerde eiendom deur die Staat of enige ander persoon (behalwe die raad) onteien word, en die vergoeding wat vir bedoelde eiendom betaalbaar is, vasgestel word—

- (i) op 'n bedrag wat die basiese waarde van bedoelde eiendom te bowe gaan, en so 'n onteiening geskied na die verloop van sestig maande maar voor die verloop van twee-en-sewentig maande na die basiese datum of die datum van die inwerkingtreding van die Wysigingswet op Gemeenskapsontwikkeling, 1967, watter datum ook al die jongste is, word daar aan die raad 'n waardevermeerderingskontribusie gelyk aan vyf-en-twintig persent van die verskil tussen die aldus vasgestelde vergoeding en die basiese waarde van bedoelde eiendom betaal, en indien so 'n onteiening geskied na die verloop van twee-en-sewentig maande na die basiese datum, of die datum van die inwerkingtreding van die Wysigingswet op Gemeenskapsontwikkeling, 1967, watter datum ook al die jongste is, word daar aan die raad 'n waardevermeerderingskontribusie gelyk aan vyftig persent van die verskil tussen die aldus vasgestelde vergoeding en die basiese waarde van bedoelde eiendom betaal; of

- (ii) op 'n bedrag wat minder is as die basiese waarde van bedoelde eiendom, word daar, afgesien van wanneer sodanige onteiening geskied, behalwe waar ingevolge artikel 41 van die Wet op Groepsgebiede ten opsigte van daardie eiendom kennis gegee is en die kennisgewing nie teruggetrek is nie, deur die raad aan die eienaar van bedoelde eiendom, 'n waardeverminderingkontribusie gelyk aan tagtig persent van die verskil tussen die aldus vasgestelde vergoeding en basiese waarde van bedoelde eiendom betaal.”; en

- (b) deur die volgende subartikel by te voeg:

„(5) Wanneer geaffekteerde eiendom deur die Staat of enige ander persoon (behalwe die raad) onteien word, moet die Staatsorgaan of ander persoon, na gelang van die geval, wat sodanige eiendom onteien, binne sewe dae nadat die eienaar van sodanige eiendom kennis gegee is van die voorneme om te onteien en van die vergoeding wat ten opsigte van die onteiening van sodanige eiendom aangebied word, die raad van 'n afskrif van sodanige kennisgewing voorsien.”.

Amendment of
section 37 of
Act 3 of 1966.

9. Section 37 of the principal Act is hereby amended—

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

“(a) Whenever the board considers that the market value of any affected property included in the list is equal to or exceeds the basic value of that property, and a period of sixty months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, has expired, it may notify the owner of that property in writing of its estimate of the market value thereof, and if the owner agrees to such estimate, or if the board and the owner agree on a valuation which is equal to or exceeds the basic value of that property, the board shall, upon payment to the board of an appreciation contribution equal to fifty per cent of the difference, if any, between the market value thus agreed upon between the board and the owner and the basic value of the said property, remove such property from the list.”; and

- (b) by the substitution for subsection (2) of the following subsection:

“(2) Whenever after the expiry of sixty months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, the owner of any affected property included in the list considers that the market value of that property is equal to or exceeds the basic value thereof, he may notify the board in writing that he desires the said property to be removed from the list and may state his estimate of the market value thereof, and if the board agrees with such estimate, or if the board and the owner agree on a valuation which is equal to or exceeds the basic value of that property, or if in the absence of such agreement the market value of the said property as determined by arbitration in terms of section 45 is equal to or exceeds the basic value of the said property, the board shall, upon payment to the board of an appreciation contribution equal to fifty per cent of the difference, if any, between the market value thus agreed upon between the board and the owner or determined by arbitration, as the case may be, and the basic value of the said property, remove such property from the list.”.

Amendment of
section 38 of
Act 3 of 1966.

10. Section 38 of the principal Act is hereby amended—

- (a) by the addition of the following further proviso to paragraph (a) of subsection (1):

“Provided further that the Minister may delegate to the Secretary, to the extent he deems fit, the power conferred on him by this section to approve of the acquisition by the board by expropriation of any immovable property, and anything done by the Secretary under and within the scope of the power so delegated to him, shall be just as valid and effective as if it had been done by the Minister himself.”; and

- (b) by the substitution for subsection (2) of the following subsection:

“(2) If the purchase price or the compensation payable by the board in respect of the acquisition under section 15 (1) or subsection (1) (a) of this section of any affected property exceeds the basic value of that property, there shall be deducted from the said purchase price or the said compensation—

- (a) if such acquisition takes place after the expiry of sixty months but before the expiry of seventy-two months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, an appreciation contribution equal to twenty-five per cent of the difference between the said purchase price or compensation, as the case may be, and the basic value thereof; or

9. Artikel 37 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 37 van
Wet 3 van 1966.

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Wanneer die raad van oordeel is dat die markwaarde van geaffekteerde eiendom wat in die lys opgeneem is, gelyk is aan die basiese waarde van daardie eiendom of dit te bowe gaan en 'n tydperk van sestig maande na die basiese datum of die datum van die inwerkingtreding van die Wysigingswet op Gemeenskapsontwikkeling, 1967, watter datum ook al die jongste is, verloop het, kan die raad die eienaar van daardie eiendom skriftelik in kennis stel van sy raming van die markwaarde daarvan, en indien die eienaar met bedoelde raming instem, of indien die raad en die eienaar ooreenkom oor 'n waardering wat gelyk is aan die basiese waarde van daardie eiendom of dit te bowe gaan, moet die raad, by betaling aan die raad van 'n waardevermeerderingskontribusie gelyk aan vyftig persent van die verskil, indien daar is, tussen die markwaarde waaroor aldus ooreengekom is tussen die raad en die eienaar, en die basiese waarde van bedoelde eiendom, bedoelde eiendom uit die lys skrap.”; en

- (b) deursubartikel (2) deur die volgende subartikel te vervang:

„(2) Wanneer die eienaar van geaffekteerde eiendom wat in die lys opgeneem is, na die verloop van sestig maande na die basiese datum, of die datum van die inwerkingtreding van die Wysigingswet op Gemeenskapsontwikkeling, 1967, watter datum ook al die jongste is, van oordeel is dat die markwaarde van daardie eiendom gelyk is aan die basiese waarde daarvan of dit te bowe gaan, kan hy die raad skriftelik in kennis stel dat hy verlang dat bedoelde eiendom uit die lys geskrap moet word en kan hy sy raming van die markwaarde daarvan meld, en indien die raad met bedoelde raming instem, of indien die raad en die eienaar ooreenkom oor 'n waardering wat gelyk is aan die basiese waarde van daardie eiendom of dit te bowe gaan, of indien by ontstentenis van so 'n ooreenkoms die markwaarde van bedoelde eiendom soos deur arbitrasie ingevolge artikel 45 bepaal, gelyk is aan die basiese waarde van bedoelde eiendom of dit te bowe gaan, moet die raad, by betaling aan die raad van 'n waardevermeerderingskontribusie gelyk aan vyftig persent van die verskil, indien daar is, tussen die markwaarde waaroor aldus ooreengekom is tussen die raad en die eienaar of wat aldus deur arbitrasie bepaal is, na gelang van die geval, en die basiese waarde van bedoelde eiendom, bedoelde eiendom uit die lys skrap.”.

10. Artikel 38 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 38 van
Wet 3 van 1966.

- (a) deur die volgende verdere voorbehoudsbepaling by paragraaf (a) van subartikel (1) te voeg:

„Met dien verstande voorts dat die Minister die bevoegdheid wat deur hierdie artikel aan hom verleen is om goedkeuring te verleen vir die verkryging deur die raad van onroerende eiendom deur onteiening, aan die Sekretaris kan deleger in die mate wat hy goedgevind, en enigiets wat deur die Sekretaris gedoen word kragtens en binne die bestek van die bevoegdheid wat aldus aan hom gedelegeer is, is net so geldig en bindend asof dit deur die Minister self gedoen is.”; en

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Indien die koopprys of die vergoeding wat deur die raad betaalbaar is ten opsigte van die verkryging kragtens artikel 15 (1) of subartikel (1) (a) van hierdie artikel van enige geaffekteerde eiendom, die basiese waarde van daardie eiendom te bowe gaan, word daar van bedoelde koopprys of bedoelde vergoeding—

- (a) indien sodanige verkryging geskied na die verloop van sestig maande maar voor die verloop van twee-en-sewentig maande na die basiese datum, of die datum van die inwerkingtreding van die Wysigingswet op Gemeenskapsontwikkeling, 1967, watter datum ook al die jongste is, 'n waardevermeerderingskontribusie afgetrek gelyk aan vyf-en-twintig persent van die verskil tussen bedoelde verkoopprys of vergoeding, na gelang van die geval, en die basiese waarde daarvan; of

- (b) if such acquisition takes place after the expiry of seventy-two months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, an appreciation contribution equal to fifty per cent of the difference between the said purchase price or compensation, as the case may be, and the basic value thereof;

and if the said purchase price or compensation is less than the basic value of the said property, there shall, save where notice has been given in respect of the said property in terms of section 41 of the Group Areas Act and such notice has not been withdrawn, be added to the said purchase price or compensation, as the case may be, a depreciation contribution equal to eighty per cent of the difference between the said purchase price or compensation, as the case may be, and the basic value of the said property: Provided that the owner of such affected property may waive his right to be paid a depreciation contribution and thereupon the board shall cease to be liable for such contribution: Provided further that where the National Housing Commission referred to in section 5 of the Housing Act, 1966 (Act No. 4 of 1966), acquires any affected property for the purposes of the said Act, any appreciation contribution payable in terms of this Act shall accrue to the National Housing Fund established in terms of section 2 of the said Act, but shall nevertheless be regarded as part of the cost to the Commission of the acquisition of such property.”.

Substitution of
section 42 of
Act 3 of 1966.

11. The following section is hereby substituted for section 42 of the principal Act:

“Payment of
compensation. 42. (1) Any compensation for immovable property expropriated shall, subject to the provisions of section 38, be paid to the owner of such property, if his address is known.

(2) If property expropriated under this Act was burdened with a *fideicommissum* or if compensation is payable in terms of this Act to a person whose place of residence is not known, the board, shall, subject to the provisions of section 38, pay the amount of the compensation payable in terms of this Act to the Master of the Supreme Court appointed for the area in which the property is situated, and after such payment the board shall cease to be liable in respect of that amount.

(3) Any moneys received by the Master in terms of subsection (2) shall—

(a) if the property in question was burdened with a *fideicommissum*, *mutatis mutandis* be subject to all the terms and conditions contained in the will or other instrument by which such *fideicommissum* was constituted; and

(b) subject to the provisions of paragraph (a), be paid into the Guardian's Fund referred to in section 86 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), for the benefit of the persons who are or may become entitled thereto, and bear interest at a rate determined from time to time by the Minister of Finance.

(4) The provisions of subsections (2) and (3) shall not affect the jurisdiction of any court to make an order in respect of any such moneys.

(5) In the event of a dispute or doubt as to the person who is to receive any compensation payable in terms of this Act, or in the event of the issue of an interdict in respect of the payment of any such compensation, the board shall retain the amount of such compensation until the dispute has been settled or the doubt has been resolved.

(6) Notwithstanding anything to the contrary contained in any law, where the immovable property is mortgaged or serves otherwise as security for any charges against the owner, the compensation shall be applied as far as may be required towards the payment of the claims of mortgagees and of claimants in respect of such charges in their legal order of preference, provided such mortgagees have complied with

(b) indien sodanige verkryging geskied na die verloop van twee-en-sewentig maande na die basiese datum, of die datum van die inwerkingtreding van die Wysigingswet op Gemeenskapsontwikkeling, 1967, watter datum ook al die jongste is, 'n waardevermeerderingskontribusie afgetrek gelyk aan vyftig persent van die verskil tussen bedoelde verkoopprijs of vergoeding, na gelang van die geval, en die basiese waarde daarvan;

en indien bedoelde koopprijs of vergoeding minder is as die basiese waarde van bedoelde eiendom, word daar, behalwe waar kragtens artikel 41 van die Wet op Groepsgebiede, ten opsigte van bedoelde eiendom kennis gegee is en die kennisgewing nie teruggetrek is nie, by bedoelde koopprijs of vergoeding, na gelang van die geval, 'n waardeverminderingkontribusie gevoeg gelyk aan tagtig persent van die verskil tussen bedoelde koopprijs of vergoeding na gelang van die geval, en die basiese waarde van bedoelde eiendom: Met dien verstande dat die eienaar van sodanige geaffekteerde eiendom van sy reg op betaling van 'n waardeverminderingkontribusie kan afstand doen, en daarop is die raad nie meer vir so 'n kontribusie aanspreeklik nie: Met dien verstande voorts dat waar die Nasionale Behuisingskommissie in artikel 5 van die Behuisingswet, 1966 (Wet No. 4 van 1966), bedoel, geaffekteerde eiendom vir die doeleindes van daardie Wet verkry, 'n ingevolge hierdie Wet betaalbare waardevermeerderingskontribusie die Nasionale Behuisingsfonds ingestel kragtens artikel 2 van die genoemde Wet toeval, maar nogtans geag word deel van die koste van verkryging van sodanige eiendom deur die Kommissie uit te maak."

11. Artikel 42 van die Hoofwet word hierby deur die volgende artikel vervang:

„Betaling
van ver-
goeding.

Vervanging van
artikel 42 van
Wet 3 van 1966.

42. (1) Vergoeding vir onteienende onroerende eiendom word, behoudens die bepalinge van artikel 38, aan die eienaar van daardie eiendom betaal, indien sy adres bekend is.

(2) Indien eiendom wat kragtens hierdie Wet onteien is, met 'n fideikommis beswaar was, of indien vergoeding ingevolge hierdie Wet betaalbaar is aan iemand wie se verblyfplek onbekend is, moet die raad, behoudens die bepalinge van artikel 38, die bedrag van die vergoeding wat ingevolge hierdie Wet betaalbaar is, inbetaal by die Meester van die Hooggeregshof wat aangestel is vir die gebied waarin die eiendom geleë is, en ná sodanige inbetaling is die raad nie verder ten opsigte van daardie bedrag aanspreeklik nie.

(3) Geld wat ingevolge subartikel (2) deur die Meester ontvang word—

(a) is, indien die betrokke eiendom met 'n fideikommis beswaar was, *mutatis mutandis* onderworpe aan al die bepalinge en voorwaardes wat vervat is in die testament of ander geskrif waardeur dié fideikommis geskep is; en

(b) word, behoudens die bepalinge van paragraaf (a), ten voordele van die persone wat daarop geregtig is of word, in die Voogdyfonds vermeld in artikel 86 van die Boedelwet, 1965 (Wet No. 66 van 1965), gestort, en dra rente teen 'n koers wat die Minister van Finansies van tyd tot tyd bepaal.

(4) Die bepalinge van subartikels (2) en (3) raak nie die bevoegdheid van 'n hof om ten opsigte van sodanige geld 'n bevel uit te reik nie.

(5) In die geval van geskil of twyfel oor wie vergoeding wat ingevolge hierdie Wet betaalbaar is, moet ontvang, of in die geval van die uitreiking van 'n interdik ten opsigte van die uitbetaling van sodanige vergoeding, behou die raad die bedrag van sodanige vergoeding totdat die geskil besleg is of die twyfel verdwyn het.

(6) Ondanks andersluidende wetsbepalinge, waar die onroerende eiendom met verband beswaar is of andersins as sekuriteit dien vir vorderings teen die eienaar, moet die vergoeding vir sover nodig aangewend word vir die betaling van die eise van verbandhouders en van eisers ten opsigte van sulke vorderings volgens hul wetlike rangorde, mits bedoelde ver-

the provisions of section 40 or, as the case may be, such charges have been proved to the satisfaction of the board.”.

Amendment of section 44 of Act 3 of 1966.

12. Section 44 of the principal Act is hereby amended by the deletion of subsection (2) (b) (iii).

Amendment of section 45 of Act 3 of 1966.

13. Section 45 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The costs, calculated in accordance with the table of costs in magistrates’ courts, in connection with the determination of any value or compensation in terms of this section, including the remuneration of the arbitrators, shall be awarded as follows by the arbitrators:

(a) If the value or compensation which is determined in such an action—

(i) is equal to or more than the amount which the owner concerned last claimed prior to the commencement of the action, costs shall be awarded against the board;

(ii) is equal to or less than the amount last offered by the board prior to the commencement of the action, costs shall be awarded against the owner concerned; and

(b) in any case not mentioned in paragraph (a), the award of costs shall be in the discretion of the arbitrators.”.

Substitution of section 50 of Act 3 of 1966.

14. The following section is hereby substituted for section 50 of the principal Act:

“Penalties. 50. (1) Any person who—

(a) for the purpose of any provision of this Act makes any statement or furnishes any document or any particulars which are false, knowing the same to be false; or

(b) falsely holds himself out to be an inspector; or

(c) refuses or fails, without sufficient cause, to answer fully and satisfactorily to the best of his knowledge and belief any relevant question lawfully put to him by an inspector or a valuator in the exercise of his powers or to comply with any lawful requirement of an inspector or valuator in the exercise of his powers; or

(d) gives an answer to any question by, or makes any relevant statement to, an inspector or a valuator which is false in any material particular, knowing such answer or statement to be false; or

(e) obstructs, hinders, resists or interferes with any inspector or valuator in the exercise of his powers or the performance of his functions or duties in terms of this Act or any regulation made thereunder;

(f) is a mortgagee and fails to transmit or cause to be transmitted to the board within thirty days of receipt of a copy of a notice in terms of section 40 (1) a statement in writing setting forth the amounts received by him in payment of the debt secured by the bond and particulars of the amount still owing thereunder, and the bond of which he is the holder, and any documents of title relating to the immovable property which may be in his possession or under his control;

(g) is the owner of property expropriated in terms of section 39 on whom a notice has been served under that section and who fails to deliver or cause to be delivered to the board within thirty days after the date of such notice or within such further period as the board may allow—

(i) a statement in writing setting forth the amount of compensation, if any, claimed by him;

(ii) his documents of title to the immovable property, if these are in his possession or under his control;

(iii) a list signed by him of the said documents if these are not in his possession or under his control, setting forth the registration

bandhouers aan die voorskrifte van artikel 40 voldoen het of, na gelang van die geval, sodanige vorderings tot bevrediging van die raad bewys is.”.

12. Artikel 44 van die Hoofwet word hierby gewysig deur Wysiging van subartikel (2) (b) (iii) te skrap. artikel 44 van Wet 3 van 1966.

13. Artikel 45 van die Hoofwet word hierby gewysig deur Wysiging van subartikel (3) deur die volgende subartikel te vervang: artikel 45 van Wet 3 van 1966.

„(3) Die koste, bereken volgens die tabel van koste in landdroshowe, in verband met die bepaling van enige waarde of vergoeding ingevolge hierdie artikel, met inbegrip van die besoldiging van arbiters, word soos volg deur die arbiters toegeken:

(a) Indien die waarde of vergoeding wat in so 'n geding bepaal word—

(i) gelyk is aan of meer is as die bedrag wat deur die betrokke eienaar laas voor die aanvang van die geding geëis is, word koste teen die raad toegeken;

(ii) gelyk is aan of minder is as die finale bepaling van die waarde of vergoeding wat deur die raad laas voor die aanvang van die geding aangebied is, word koste teen die betrokke eienaar toegeken; en

(b) in 'n geval nie in paragraaf (a) vermeld nie, geskied die toekenning van koste na goeddunke van die arbiters.”.

14. Artikel 50 van die Hoofwet word hierby deur die volgende Vervanging van artikel 50 van Wet 3 van 1966.

„Straf- 50. (1) Iemand wat—
bepalings.

(a) vir die doeleindes van 'n bepaling van hierdie Wet 'n verklaring doen of 'n dokument of enige besonderhede verskaf wat vals is, wetende dat dit vals is; of

(b) valslik voorgee dat hy 'n inspekteur is; of

(c) sonder voldoende rede weier of versuim om volledig en op bevredigende wyse na sy beste wete en oortuiging te antwoord op enige ter sake dienende vraag wat 'n inspekteur of 'n waardeerder by die uitoefening van sy bevoegdhede wettiglik aan hom gestel het of om aan 'n wettige vereiste van 'n inspekteur of waardeerder by die uitoefening van sy bevoegdhede te voldoen; of

(d) 'n antwoord gee op 'n vraag van of 'n ter sake dienende verklaring doen aan 'n inspekteur of waardeerder, wat vals is wat 'n wesenlike besonderheid betref, met die wete dat die antwoord of verklaring vals is; of

(e) 'n inspekteur of waardeerder by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede of pligte ingevolge hierdie Wet of 'n daarkragtens uitgevaardigde regulasie hinder, belemmer of weerstaan of hom met so 'n inspekteur of waardeerder bemoei;

(f) 'n verbandhouer is en in gebreke bly om binne dertig dae na ontvangs van 'n afskrif van 'n kennisgewing ingevolge artikel 40 (1) 'n skriftelike verklaring waarin die bedrae deur hom ontvang by wyse van afbetaling van die skuld deur die verband versekureer en besonderhede van die bedrag nog daarkragtens verskuldig, uiteengesit word en die verbandakte waarvan hy die houer is, asook enige titelbewys wat op die onroerende eiendom betrekking het en wat in sy besit of onder sy beheer is, aan die raad te stuur of te laat stuur;

(g) die eienaar van eiendom is wat ingevolge artikel 39 onteien is aan wie 'n kennisgewing kragtens daardie artikel bestel is en wat in gebreke bly om binne dertig dae na die datum van daardie kennisgewing of binne so 'n verdere tydperk as wat die raad toelaat—

(i) 'n skriftelike verklaring waarin die bedrag van die vergoeding (as daar is) wat hy eis, uiteengesit word;

(ii) die stukke wat sy titelbewyse op die onroerende eiendom uitmaak, indien dit in sy besit of onder sy beheer is;

(iii) 'n deur hom ondertekende lys van bedoelde stukke, indien dit nie in sy besit of onder sy beheer is nie, met vermelding van die

numbers and dates thereof and the name and address of the person in whose possession or under whose control those documents are and the registration numbers and dates of mortgage bonds, if any, on the immovable property and the names and addresses of the holders thereof;

(h) is named in any list delivered to the board under subparagraph (iii) of paragraph (a) of subsection (4) of section 40 and who is called upon by the board by notice in writing to deliver or cause to be delivered to the board within a period specified in the notice, the documents referred to in that subparagraph, which are in his possession or under his control, and who fails to comply with the said notice within the period specified therein; or

(i) contravenes any provision of section 32 (10), shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

(2) Any person who, in contravention of a prohibition contained in any notice published in the *Gazette* under section 15 (2) (e), without the prior written approval of the board—

(a) subdivides land or any stand within an area defined in such notice; or

(b) erects or alters any building or structure within such an area; or

(c) uses any building or structure within such an area for a purpose other than the purpose for which such building or structure was being used on the date of the publication of such notice,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment, and, in addition, the court convicting such person may order him to demolish, within a period fixed by the court, any building or structure which he erected or caused to be erected or alteration which he effected or caused to be effected in contravention of a prohibition in such notice, or the court may, if such person is using an existing building or structure in contravention of a prohibition in such notice for a purpose other than the purpose for which such building or structure was being used at the date of the publication of such notice, order him within a period fixed by the court to cease such use or to vacate such structure or building, and the court may further, if that person fails to comply with that order within that period, order that he be ejected from the building or structure.”.

Substitution of the Schedule to Act 3 of 1966.

15. The following Schedule is hereby substituted, with effect from the 17th February, 1966, for the Schedule to the principal Act:

“Schedule.

Laws repealed.	Extent of repeal.
Community Development Act, 1955 (Act No. 69 of 1955).	The whole.
Group Areas Development Amendment Act, 1959 (Act No. 81 of 1959).	The whole.
Group Areas Amendment Act, 1961 (Act No. 23 of 1961).	Section 29.
Group Areas Amendment Act, 1962 (Act No. 49 of 1962).	Sections 29 to 58, inclusive.
General Law Amendment Act, 1964 (Act No. 80 of 1964).	Section 32.
Community Development Amendment Act, 1965 (Act No. 44 of 1965).	The whole.”

registrasiennommers en datums daarvan en die naam en adres van die persoon in wie se besit of onder wie se beheer daardie stukke is en die registrasiennommers en datums van verbande op die onroerende eiendom (as daar is) en die name en adresse van die houters daarvan,

aan die raad te lewer of te laat lewer;

- (h) in 'n ingevolge subparagraaf (iii) van paragraaf (a) van subartikel (4) van artikel 40 gelewerde lys genoem word en wat deur die raad by skriftelike kennisgewing aangesê is om binne 'n in die kennisgewing vermelde tydperk die in daardie subparagraaf bedoelde stukke wat in sy besit of onder sy beheer is, aan die raad te lewer of te laat lewer, in gebreke bly om binne die daarin vermelde tydperk aan daardie kennisgewing te voldoen; of

- (i) 'n bepaling van artikel 32 (10) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

(2) Iemand wat in stryd met 'n verbod soos vervat in 'n kennisgewing kragtens artikel 15 (2) (e) in die *Staatskoerant* gepubliseer, sonder die voorafgaande skriftelike goedkeuring van die raad—

- (a) grond of 'n standplaas binne 'n gebied in daardie kennisgewing omskryf, onderverdeel; of

- (b) 'n gebou of bouwerk binne so 'n gebied oprig of verander; of

- (c) 'n gebou of bouwerk binne so 'n gebied gebruik vir 'n ander doel as die doel waarvoor so 'n gebou of bouwerk op die datum van die publikasie van daardie kennisgewing gebruik was, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sowel daardie boete as daardie gevangenisstraf, en daarbenewens kan die hof wat daardie persoon skuldig bevind, hom beveel om enige gebou of bouwerk wat hy opgerig of laat oprig het of verandering wat hy aangebring of laat aanbring het in stryd met 'n verbod in sodanige kennisgewing binne 'n deur die hof bepaalde tydperk te sloop, of kan die hof daardie persoon, indien hy 'n bestaande gebou of bouwerk strydig met 'n verbod in sodanige kennisgewing gebruik vir 'n ander doel as die doel waarvoor daardie gebou of bouwerk op die datum van die publikasie van bedoelde kennisgewing gebruik was, beveel om binne 'n deur die hof bepaalde tydperk daardie gebruik te staak of om die gebou of bouwerk te ontruim, en kan die hof verder, indien daardie persoon versuim om binne daardie tydperk aan daardie bevel te voldoen, beveel dat hy uit die gebou of bouwerk uitgesit word.”.

15. Die Bylae by die Hoofwet word hierby met ingang van 17 Februarie 1966 deur die volgende Bylae vervang:

Vervanging van die Bylae by Wet 3 van 1966.

„Bylae.

Herroepe Wette.	In hoeverre herroep.
Wet op Gemeenskapsontwikkeling, 1955 (Wet No. 69 van 1955).	Die geheel.
Wysigingswet op die Ontwikkeling van Groepsgebiede, 1959 (Wet No. 81 van 1959).	Die geheel.
Wysigingswet op Groepsgebiede, 1961 (Wet No. 23 van 1961).	Artikel 29.
Wysigingswet op Groepsgebiede, 1962 (Wet No. 49 van 1962).	Artikels 29 tot en met 58.
Algemene Regswysigingswet, 1964 (Wet No. 80 van 1964).	Artikel 32.
Wysigingswet op Gemeenskapsontwikkeling, 1965 (Wet No. 44 van 1965).	Die geheel.”

Short title and
commencement.

16. This Act shall be called the Community Development Amendment Act, 1967, and shall, subject to the provisions of section 15, come into operation on the date of promulgation: Provided that sections 7, 8 (a), 9 and 10 (b) shall be deemed to have come into operation on the first day of February, 1967.

16. Hierdie Wet heet die Wysigingswet op Gemeenskapsontwikkeling, 1967, en tree, behoudens die bepalings van artikel 15, in werking op die datum van afkondiging: Met dien verstande dat artikels 7, 8 (a), 9 en 10 (b) geag word op die eerste dag van Februarie 1967, in werking te getree het.

No. 43, 1967.]

ACT

To amend the provisions of the Slums Act, 1934, relating to definitions, the application of that Act, orders to remove nuisances or demolish dwellings, the publication of notices and the expropriation of land.

(Afrikaans text signed by the State President.)
(Assented to 22nd March 1967.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 53 of 1934, as amended by section 1 of Act 24 of 1937 and section 2 of Act 55 of 1963.

1. Section 1 of the Slums Act, 1934 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the addition to the definition of "land" in subsection (1) of the following paragraph:
 "(v) *usus* in respect of land or *habitatio* in respect of land;"
- (b) by the substitution in the said subsection for the definition of "local authority" of the following definition:
 "'local authority' means a council of any city, town or borough specified in the list of which the First Schedule to this Act consists, or added to that list under subsection (3) of this section or any body of persons declared under that subsection to be a local authority;"
- (c) by the substitution for subsection (3) of the following subsection:
 (3) The Minister may from time to time by notice in the *Gazette* add any city, town or borough to the list of which the First Schedule to this Act consists, after consultation with the Administrator of the province in which such city, town or borough is situate and with the council of such city, town or borough or declare any body of persons to be a local authority with control over an area defined by such notice, after consultation with the Administrator of the province in which such area is situate and with such body of persons."

Amendment of section 5 of Act 53 of 1934, as amended by section 5 of Act 55 of 1963.

2. Section 5 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
 "(b) (if the slum clearance court is satisfied that any dwelling comprised in the slum is so dilapidated, or so defectively constructed, or so situated, that repairs to or alterations of the same are not likely to remove the nuisance or that the owner is unable to comply with any directions set forth in a notice under paragraph (a) in respect of any such dwelling), directing him to demolish such dwelling, and to commence such demolition on or before a date stated in such notice and to complete the demolition and remove the materials of which such dwelling was constructed from the site before a date stated in such notice;"
- (b) by the insertion after subsection (1) of the following subsection:
 "(1A) Any directions set forth in a notice under subsection (1) (a) in respect of any dwelling, shall be deemed to have been withdrawn by any subsequent notice under subsection (1) (b) in respect of that dwelling."

WET

Tot wysiging van die bepalings van die Slumswet, 1934, met betrekking tot woordoms krywing, die toepassing van daardie Wet, bevele om misstande te beëindig of wonings af te breek, die publikasie van kennisgewings en die onteiening van grond

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Maart 1967.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Slumswet, 1934 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur by die omskrywing van „grond” in subartikel (1) die volgende paragraaf by te voeg:

„(v) *usus* ten opsigte van grond of *habitatio* ten opsigte van grond;”;
 - (b) deur in bedoelde subartikel die omskrywing van „plaaslike bestuur” deur die volgende omskrywing te vervang:

„„plaaslike bestuur”, die stadsraad van ’n stad vermeld in die lys waaruit die Eerste Bylae tot hierdie Wet bestaan, of aan daardie lys toegevoeg kragtens subartikel (3) van hierdie artikel of ’n liggaam wat kragtens daardie subartikel tot ’n plaaslike bestuur verklaar is;”;
 - (c) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* enige stad aan die lys waaruit die Eerste Bylae tot hierdie Wet bestaan, toevoeg, na beraadslaging met die Administrateur van die provinsie waarin die stad geleë is en met die stadsraad van die stad, of ’n liggaam tot ’n plaaslike bestuur verklaar, met beheer oor ’n deur bedoelde kennisgewing bepaalde gebied, na beraadslaging met die Administrateur van die provinsie waarin bedoelde gebied geleë is en met bedoelde liggaam.”.
2. Artikel 5 van die Hoofwet word hierby gewysig—
 - (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) (ingeval die slumsopruimingshof daarvan oortuig is dat ’n woning wat ’n deel van die slum uitmaak so bouvallig is, of so sleg gebou is, of so geleë is, dat reparasies of veranderinge daarvan die misstand vermoedelik nie kan beëindig nie of dat die eienaar nie in staat is om aan die een of ander van die voorskrifte van ’n kennisgewing kragtens paragraaf (a) ten opsigte van so ’n woning te voldoen nie), wat hom gelas om bedoelde woning af te breek, en om op of vóór ’n in bedoelde kennisgewing vermelde dag met die afbraak aan te vang, en om vóór ’n in bedoelde kennisgewing vermelde dag die afbraak te voltooi en die boustof waaruit die woning bestaan het van die terrein te verwyder.”;
 - (b) deur die volgende subartikel na subartikel (1) in te voeg:

„(1A) Voorskrifte van ’n kennisgewing kragtens subartikel (1) (a) ten opsigte van ’n woning, word geag ingetrek te wees deur ’n daaropvolgende kennisgewing kragtens subartikel (1) (b) ten opsigte van daardie woning.”.

Wysiging van artikel 1 van Wet 53 van 1934, soos gewysig deur artikel 1 van Wet 24 van 1937 en artikel 2 van Wet 55 van 1963.

Wysiging van artikel 5 van Wet 53 van 1934, soos gewysig deur artikel 5 van Wet 55 van 1963.

Amendment of
section 6 of
Act 53 of 1934,
as amended by
section 6 of
Act 55 of 1963.

3. Section 6 of the principal Act is hereby amended by the addition of the following subsection:

“(3) The Minister may by action in any competent court recover the cost of publication of any notice under this section in respect of any slum, from the local authority within whose area of jurisdiction such slum is situated.”.

Amendment of
section 17 of
Act 53 of 1934,
as amended by
section 15 of
Act 55 of 1963.

4. (1) Section 17 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsections:

“(1A) The Minister may at the request of the local authority and the owner of any land referred to in subsection (1) (b) withdraw his approval of the acquisition by expropriation in terms of this section of such land or any portion thereof, at any time before the local authority has taken transfer of such land.

(1B) If the Minister has under subsection (1A) withdrawn his approval of the acquisition of any land or portion thereof, he shall be deemed not to have approved of such acquisition.”.

(2) The provisions of subsection (1) shall be deemed to have come into operation on the first day of October, 1966.

Short title.

5. This Act shall be called the Slums Amendment Act, 1967.

3. Artikel 6 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

Wysiging van artikel 6 van Wet 53 van 1934, soos gewysig deur artikel 6 van Wet 55 van 1963.

„(3) Die Minister kan die koste van publikasie van 'n kennisgewing ingevolge hierdie artikel ten opsigte van 'n slum by aksie in 'n bevoegde hof verhaal op die plaaslike bestuur in wie se regsgebied bedoelde slum geleë is.”.

4. (1) Artikel 17 van die Hoofwet word hierby gewysig deur die volgende subartikels na subartikel (1) in te voeg:

Wysiging van artikel 17 van Wet 53 van 1934, soos gewysig deur artikel 15 van Wet 55 van 1963.

„(1A) Die Minister kan op versoek van die plaaslike bestuur en die eienaar van grond in subartikel (1) (b) bedoel, sy toestemming tot die verkryging deur onteiening ingevolge hierdie artikel van bedoelde grond of 'n gedeelte daarvan intrek te eniger tyd voordat die plaaslike bestuur oordrag van bedoelde grond ontvang het.

(1B) Indien die Minister kragtens subartikel (1A) sy toestemming tot die verkryging van grond of 'n gedeelte daarvan ingetrek het, word hy geag nie tot bedoelde verkryging toe te gestem het nie.”.

(2) Die bepalinge van subartikel (1) word geag op die eerste dag van Oktober 1966 in werking te getree het.

5. Hierdie Wet heet die Slumswysigingswet, 1967.

Kort titel.

INHOUD.

Departement van die Eerste Minister.

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