

**BUITENGEWONE**



**EXTRAORDINARY**

# **STAATSKOERANT**

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

**REPUBLIC OF SOUTH AFRICA**

# **GOVERNMENT GAZETTE**

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EPARTEMENT VAN DIE EERSTE MINISTER.

414.]

[20 Maart 1968.]

ierby word bekend gemaak dat die Waarnemende  
tspresident sy goedkeuring geheg het aan die onder-  
ste Wette wat hierby ter algemene inligting gepubliseer  
l:

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DEPARTMENT OF THE PRIME MINISTER.

No. 414.]

[20th March, 1968.]

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

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No. 12, 1968.]

# WET

**Om voorsiening te maak vir die instelling van kolleges vir gevorderde tegniese onderwys vir Indiërs, vir die beheer, administrasie en bestuur van sodanige kolleges en vir aanleenthede wat daarmee in verband staan.**

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)  
(Goedgekeur op 8 Maart 1968.)

**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) „gevorderde tegniese onderwys” onderwys deur die Minister goedgekeur kragtens artikel 2 (2) (a); (i)
  - (ii) „hoof” die hoof of rektor van ’n kollege, na gelang van die geval, aangestel kragtens artikel 7 (1) en ook ’n waarnemende hoof aangestel kragtens artikel 7 (3); (viii)
  - (iii) „Indiér” ’n persoon wat kragtens die bepalings van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), as ’n lid van die Indiërgroep geklassifiseer is; (v)
  - (iv) „kollege” ’n kollege vir gevorderde tegniese onderwys wat kragtens hierdie Wet ingestel is of wat geag word daarkragtens ingestel te gewees het; (iii)
  - (v) „Minister” die Minister van Indiërsake; (vii)
  - (vi) „plaaslike bestuur” ’n instelling of liggaaam wat in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog word; (vi)
  - (vii) „raad” die in artikel 8 bedoelde raad van ’n kollege; (iv)
  - (viii) „regulasie” ’n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is; (ix)
  - (ix) „Sekretaris” die Sekretaris van Indiërsake; (x)
  - (x) „studieraad” die in artikel 9 bedoelde studieraad van ’n kollege. (ii)

**2. (1)** Die Staatspresident kan by proklamasie in die *Staatskoerant* op enige plek ’n kollege vir gevorderde tegniese onderwys vir Indiërs instel.

**(2)** Die werkzaamhede van ’n kollege is—

- (a) om—
  - (i) die gevorderde tegniese onderwys en opleiding en die onderwysersopleiding; en
  - (ii) op ’n voltydse of deeltydse grondslag die sekondêre en ander onderwys, wat die Minister goedkeur, te verskaf; en
- (b) om, indien hy die opvolger is van die in artikel 4 genoemde Tegniese Kollege of van ’n in artikel 5 bedoelde inrigting of voortsettingsklas, vir die tydperk wat die Minister gelas, aan voltydse leerlinge die onderwys, soos in artikel 1 van die Wet op Onderwys vir Indiërs, 1965 (Wet No. 61 van 1965), omskryf, te verskaf wat onmiddellik voor die datum waarop sodanige kollege tot stand gekom het deur sodanige Tegniese Kollege, inrigting of voortsettingsklas verskaf was.

Instelling en werkzaamhede van kolleges vir gevorderde tegniese onderwys.

No. 12, 1968.]

# ACT

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

*(Afrikaans text signed by the Acting State President.)  
(Assented to 8th March, 1968.)*

**B**E 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 education approved by the Minister under section 2 (2) (a); (i)
  - (ii) “board of studies” means the board of studies of a college referred to in section 9; (x)
  - (iii) “college” means a college for advanced technical education established or deemed to have been established under this Act; (iv)
  - (iv) “council” means the council of a college referred to in section 8; (vii)
  - (v) “Indian” means a person classified in terms of the Population Registration Act, 1950 (Act No. 30 of 1950), as a member of the Indian group; (iii)
  - (vi) “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); (vi)
  - (vii) “Minister” means the Minister of Indian Affairs; (v)
  - (viii) “principal” means the principal or rector of a college, as the case may be, appointed under section 7 (1) and includes any acting principal appointed under section 7 (3); (ii)
  - (ix) “regulation” means a regulation made and in force under this Act; (viii)
  - (x) “Secretary” means the Secretary for Indian Affairs; (ix)

**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 for Indians.
  - (2) The functions of a college shall be—
    - (a) to provide—
      - (i) such advanced technical education and training and such teacher training; and
      - (ii) such secondary and other education on a full-time or part-time basis, as the Minister may approve; and
    - (b) if it is the successor of the Technical College mentioned in section 4 or of any institution or continuation class referred to in section 5, to provide to full-time pupils, and for such period as the Minister may direct, such education as defined in section 1 of the Indians Education Act, 1965 (Act No. 61 of 1965), as was provided by such Technical College, institution or continuation class immediately prior to the date on which such college came into existence.

(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.

3. 'n Kollege is 'n regspersoon, kan in sy naam as eiser en verweerde 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  
vermoënsregte-  
like bevoegdheid  
van 'n kollege.

4. (1) Die M.L. Sultan Tegniese Kollege, wat ingevolge die „Hoger Onderwijs Wet, 1923“ (Wet No. 30 van 1923), tot 'n skool van hoër onderwys verklaar is (hieronder die Tegniese Kollege genoem), word vanaf die datum van inwerkintreding van hierdie Wet, en onder sy teenswoordige benaming, geag 'n kollege vir gevorderde tegniese onderwys wat kragtens hierdie Wet ingestel is, te wees.

Die M. L. Sultan  
Tegniese Kollege  
geag 'n kollege  
vir gevorderde  
tegniese  
onderwys wat  
kragtens hierdie  
Wet ingestel is,  
te wees.

- (2) Vanaf die datum van inwerkintreding van hierdie Wet—  
 (a) hou die bepalings van die „Hoger Onderwijs Wet, 1923“, en van die Wet op Finansiële Voorsiening vir Hoër Onderwys, 1931 (Wet No. 27 van 1931), behoudens die bepalings van artikel 12, op om ten opsigte van die Tegniese Kollege van toepassing te wees;  
 (b) hou die raad van die Tegniese Kollege 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 die Tegniese Kollege was, 'n werknemer van die 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 die Tegniese Kollege behoort het, of wat, indien hierdie Wet nie aangeneem was nie, aan daardie raad sou toegekom of behoort het, sonder betaling van hereregte, seëlfregte of ander gelde, oor op en behoort dit aan die 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 die Tegniese Kollege behoort het uit hoofde van 'n trust, skenking of bemaking, deur die kollege ooreenkomsdig die voorwaardes van die trust, skenking of bemaking gebruik moet word;  
 (e) neem die 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 verpligtigs aangegaan is.

(3) Die betrokke registrator van aktes moet op aansoek deur bedoelde Tegniese Kollege, kosteloos die endossemente aanbring op enige akte, verbandakte of dokument in sy aktekantoor ingedien of geregistreer en die inskrywings in sy registers aanbring wat nodig is ten einde aan die bepalings van subartikel (2) van hierdie artikel gevolg te gee.

5. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* 'n inrigting wat kragtens die Wet op Onderwys vir Indiërs, 1965 (Wet No. 61 van 1965), ingestel is of gesubsidieer word, of enige voortsettingsklas, soos omskryf in artikel 1 van daardie Wet, 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 ingevalg '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.

(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.

**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.

**The M. L. Sultan Technical College deemed to be a college for advanced technical education established under this Act.**

4. (1) The M. L. Sultan Technical College, declared to be a place of higher education under the Higher Education Act, 1923 (Act No. 30 of 1923) (hereinafter referred to as the Technical College), shall, as from the date of commencement of this Act and under its present designation, be deemed to be a college for advanced technical education established under this Act.

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

- (a) the provisions of the 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 12, cease to apply in respect of the Technical College;
- (b) the council of the Technical College in existence immediately prior to the said date shall cease to exist;
- (c) every person employed by the council of the Technical College immediately prior to the said date shall become an employee of the 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 the Technical College 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 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 the Technical College by trust, donation or bequest shall be applied by the college in accordance with the conditions of the trust, donation or bequest;
- (e) the 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.

(3) The registrar of deeds concerned shall, on application by the said Technical College, free of charge make such endorsements on any deed, bond or document filed or registered in his deeds registry and such entries in his registers as may be necessary to give effect to the provisions of subsection (2) of this section.

**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 established or subsidized under the Indians Education Act, 1965 (Act No. 61 of 1965), or any continuation class as defined in section 1 of that Act to be a college for advanced technical education under the designation specified in the proclamation, with effect from the 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) Vanaf die datum in die subartikel (1) bedoelde proklamasie bepaal—

- (a) word die in daardie proklamasie vermelde inrigting 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 Onderwys vir Indiërs, 1965, op om ten opsigte van sodanige inrigting of voortsettingsklas van toepassing te wees;
  - (c) berus daar nie langer enige regte, pligte, bevoegdhede, magte of werkzaamhede ten opsigte van sodanige inrigting of voortsettingsklas by die bestuursliggaam van sodanige inrigting of voortsettingsklas nie;
  - (d) word elke persoon wat onmiddellik voor bedoelde datum by sodanige inrigting of voortsettingsklas in diens was 'n werknemer van die betrokke kollege en is hy onderworpe aan die bepalings van hierdie Wet.
- (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 inrigting 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 dit aan daardie kollege, met behoud van enige las waarmee dit beswaar is: Met dien verstande dat alle geldte wat onmiddellik voor bedoelde datum aan die betrokke bestuursliggaam behoort het uit hoofde van 'n trust, skenking of bemaking, deur bedoelde kollege ooreenkomsdig 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 inrigting of voortsettingsklas oor en is daarvoor aanspreeklik, met behoud van alle wettige voorwaardes waarop daardie skulde en verpligtings aangegaan is.
- (c) Die betrokke registrator van aktes moet op aansoek deur bedoelde kollege, kosteloos die endossemente aanbring op enige akte, verbandakte of dokument in sy aktekantoor ingedien of geregistreer en die inskrywings in sy registers aanbring wat nodig is ten einde aan die bepalings van hierdie subartikel gevolg te gee.

**6. 'n Kollege bestaan uit—**

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

Samestelling  
van 'n kollege.

**7. (1) Die hoof van 'n kollege word, onderworpe aan die Hoof van 'n  
goedkeuring van die Minister, deur die raad aangestel.**

(2) Iemand wat onmiddellik voor die datum vanaf wanneer die Tegniese Kollege, of 'n inrigting 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 van sodanige Tegniese Kollege, inrigting of voortsettingsklas 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 tydelik as waarnemende hoof van die kollege aanwys.

(b) Die waarnemende hoof oefen al die hoof se bevoegdhede uit, verrig al sy werkzaamhede en voer al sy pligte uit.

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

- (a) the institution 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 Indians Education Act, 1965, shall cease to apply in respect of such institution or continuation class;
  - (c) there shall cease to be vested in the governing body of such institution or continuation class any rights, duties, powers, authorities or functions in respect of such institution or continuation class;
  - (d) every person employed at such institution or continuation 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) (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 institution 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 institution or continuation class concerned, subject to all lawful conditions under which those debts and liabilities were incurred.
- (c) The registrar of deeds concerned shall, on application by the said college, free of charge make such endorsements on any deed, bond or document filed or registered in his deeds registry and such entries in his registers as may be necessary to give effect to the provisions of this subsection.

**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.

(2) Any person who, immediately prior to the date as from which the Technical College, or any institution 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 of such Technical College, institution or continuation 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.

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

- (a) die hoof van die kollege;
- (b) een of twee persone, soos die Minister van tyd tot tyd bepaal, gekies 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 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 inrigting of liggaam wat die Minister vir verteenwoordiging in die raad benoem;
- (e) die persone wat die Minister, behoudens die bepalings van subartikel (4), aanstel;
- (f) een persoon gekies deur die oud-studente van die kollege (met inbegrip van oud-studente van die Tegniese Kollege of van die inrigting of die voortsettingsklas waarvan die kollege die opvolger is) wanneer die getal sodanige studente een keer die getal van honderd bereik het; en
- (g) die gekoöpteerde persone wat die Minister, behoudens die bepalings van subartikel (3), van tyd tot tyd goedkeur.

(2) Die raad kan, met die goedkeuring van die Minister, nie meer nie as twee lewenslange ere-lede van die raad aanstel, en sodanige lede dien alleen in 'n adviserende hoedanigheid.

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

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

(5) (a) 'n Lid van die raad, behalwe die hoof, beklee sy amp, behoudens die bepalings van subartikel (6), vir 'n termyn van drie jaar, tensy hy voor die verstryking van dié termyn, sy bedanking skriftelik by die raad indien of sy amp om 'n ander rede ontruim.

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

(6) '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.

(7) Die raad kies, onderworpe aan die goedkeuring van die Minister, 'n voorsitter en 'n ondervoorsitter van die raad uit sy lede en indien nog die voorsitter nog 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.

(8) Die persoon wat op 'n vergadering van die raad voorsit, het 'n beraadslagende sowel as 'n beslissende stem.

(9) Vergaderings van die raad word gehou op die tye en plekke wat die raad bepaal, en die kworum vir en prosedure op 'n vergadering is volgens reëls wat deur die raad opgestel en deur die Minister goedgekeur word.

(10) 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 werkzaamhede uit.

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

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

Studieraad  
van 'n kollege.

(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;

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 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 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 institution or body nominated by the Minister for representation on the council;
- (e) such persons as the Minister may, subject to the provisions of subsection (4), appoint;
- (f) one person elected by the past students of the college (including past students of the Technical College or of the institution or the continuation class of which the college is the successor) when the number of such students has once reached the number of one hundred; and
- (g) such co-opted persons as the Minister may, subject to the provisions of subsection (3), from time to time approve.

(2) The council may, with the approval of the Minister, appoint not more than two honorary life members of the council, such members to act in an advisory capacity only.

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

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

(5) (a) A member of the council other than the principal shall, subject to the provisions of subsection (6), hold office for a period of three 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.

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

(6) 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.

(7) The council shall, subject to the approval of the Minister, 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.

(8) The person presiding at any meeting of the council shall have a casting as well as a deliberative vote.

(9) 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 in accordance with rules made by the council and approved by the Minister.

(10) 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) dien die raad van advies met betrekking tot 'n aanleenthed wat die raad na die studieraad vir sy advies verwys; en
- (c) kan die aanbevelings betreffende onderwysaangeleenthede van belang vir die kollege wat hy dienstig ag, aan die raad doen.

**10.** '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 of raak nie die regspersoonlikheid van die kollege of die uitoefening van enige bevoegdhede, regte of voorregte wat by hierdie Wet aan die kollege, sy raad of sy studieraad verleen word nie.

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

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

Aanstelling van personeel en diensvoorwaardes, salaris 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 in dié poste op die doserende en administratiewe diensstaat wat die Minister bepaal, aan sy goedkeuring onderworpe is.

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

(b) Die diensvoorwaardes, verlofvoorregte en salarisse, salarisskale 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 salaris-skaal 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 totaal van die salaris of salarisskaal waarteen of waarvolgens hy onmiddellik voor sodanige datum besoldig was en die verdienste behalwe salaris, 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 verminder mag word nie.

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

**12.** (1) 'n Kollege is vir die doeleinades van die Wet op die Pensioenwet vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), 'n geassosieerde inrigting en word vir sodanige doeleinades 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.

Pensioenwet vir Geassosieerde Inrigtings en uitdienstredingsvoordele.

(2) Ondanks andersluidende wetsbepalings, maar behoudens die bepalings 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 onderworpe aan al die verpligtings wat hy vir pensioendoeleinades opgeloop 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 inwerkintreding van hierdie Wet aangebring word) bly vir sodanige doeleinades op en ten opsigte van hom van toepassing.

- (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 educational matters of interest to the college as it may deem expedient.

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

**10.** 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 the exercise of any powers, rights or privileges conferred by this Act upon the college, its council or its board of studies.

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

**11.** (1) The staff 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 to such posts on the teaching and administrative establishments 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 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 on the scale of salary applicable to his post as may be determined by the Minister: 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.  
(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.

**12.** (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) 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 te wees soos in daardie regulasies omskryf.

(4) Niks in subartikel (2) vervat, word so uitgelê nie dat dit iemand op wie daardie subartikel van toepassing is, sou belet om 'n lid te word van die ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, ingestelde pensioenfonds, ooreenkomsdig die bepalings 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.

**13.** 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 matrikulasiestertifikaat uitgereik deur die in artikel 15 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), bedoelde Matrikulasierraad, 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.

**14.** (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 die Tegniese Kollege, of 'n inrigting 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 ooreenkomsdig die bepalings van hierdie artikel ingestel te gewees het.

**15.** Die voertale aan 'n kollege is Afrikaans en Engels, en die Voertale. 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 bedrevenheid 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.

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

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

**18.** Die Minister kan te eniger tyd 'n inspeksie by 'n kollege 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 behoeftes aan personeel;
- (d) die uitrusting, voorrade en finansies, en in die algemeen, met betrekking tot die ander aangeleenthede wat die Minister dienstig ag.

(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.

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

**14.** (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 the Technical College, or any institution 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.

Mediums of instruction.

**15.** 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.

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 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.

Inspection of a college.

**18.** 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.

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

Waarborge ten opsigte van lenings.

**20.** Behoudens die bepalings van hierdie Wet, kan die Minister, in oorleg met die Minister van Finansies, uit gelde deur die Parlement vir dié doel bewillig, aan 'n kollege lenings toestaan vir—

Doeleindes waarvoor lenings aan kolleges toegestaan kan word uit gelde deur die Parlement bewillig.

- (a) die oprigting van geboue en die aankoop en aanlê 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 belang 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 deur die kollege vir 'n doel in een van die voorafgaande paragrawe vermeld of, waar die betrokke kollege die opvolger is van die Tegniese Kollege of van 'n in artikel 5 bedoelde inrigting of voortsettingsklas, deur die raad of bestuursliggaam van sodanige Tegniese Kollege, inrigting of klas.

**21.** By ontvangs van 'n aansoek om 'n lening kragtens artikel 20, 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 lening waarom aansoek gedaan word wel toegestaan behoort te word.

Bevoegdhede van sekretaris t.o.v. aansoeke om lenings.

**22.** (1) Elke kragtens artikel 20 toegestane lening is onderworpe aan die voorwaardes wat deur die Tesourie voorgeskryf word.

Voorwaardes van lenings.

(2) Elke sodanige lening, tesame met die daarop verskuldigde rente, maak, behoudens 'n 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 voorkeurreg 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) 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 ingevalle artikel 23 verskuldig is of binne die totaal van bedoelde tydperk tesame met 'n in daardie artikel bedoelde opskortingstermyn.

**23.** (1) 'n Kollege waaraan 'n lening kragtens artikel 20 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 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 geleent 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 paaiement daarvan aan die kollege betaal is) wat die Tesourie bepaal: Met dien verstande dat gedurende die termyn wat verloop

**Guarantees in respect of loans.**

**19.** 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.**

**20.** 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 by the college for any purpose mentioned in any of the preceding paragraphs or, where the college concerned is the successor of the Technical College or of any institution or continuation class referred to in section 5, by the council or governing body of such Technical College, institution or class.

**Powers of Secretary in respect of applications for loans.**

**21.** The Secretary may, upon receipt of an application for a loan under section 20, 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 loan for which application is being made may properly be granted.

**Conditions of loans.**

**22.** (1) Every loan granted under section 20 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.

(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 23 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.**

**23.** (1) A college to which a loan has been granted under section 20 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 loaned 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 to the college) as the Treasury may determine: Provided that during any such time as elapses between the date when the

tussen die datum waarop die eerste paaiement betaal is en die in hierdie artikel bedoelde datum, rente teen voormalde koers per jaar op so 'n paaiement deur die kollege aan die Tesourie betaalbaar is: Met dien verstande voorts dat die Tesourie van tyd tot tyd so 'n jaarlikse betaling ter aflossing van die hoofsomme wat voorgeskiet is onder buitengewone omstandighede ten opsigte van 'n bepaalde jaar kan opskort.

**24.** (1) Ondanks andersluidende wetsbepalings, kan die Minister van Landboukrediet en Grondbesit, op versoek van 'n kollege en in oorelog 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.

(2) Die bepalings van die Onteieningswet, 1965 (Wet No. 55 van 1965), is *mutatis mutandis* van toepassing ten opsigte van die onteiening 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 die eienaar daarvan en word die onteieningskennisgewing van die Minister van Landboukrediet en Grondbesit geag 'n magtiging aan die betrokke registrator van aktes te wees om oordrag van sodanige grond aan die kollege te verly en te registreer.

(4) Ten opsigte van die onteiening 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 uitoefening van hul bevoegdhede ingevolge hierdie artikel word deur die betrokke kollege aan hulle vergoed.

**25.** Ondanks andersluidende wetsbepalings, kan 'n plaaslike bestuur, onderworpe aan die goedkeuring van die uitvoerende komitee van die betrokke Provincie, grond, geld of ander roerende goed aan 'n kollege skenk.

**26.** Die Minister kan, in oorelog 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 vir Indiërs in die Republiek.

**27.** 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 'n verslag van sy verrigtings en van die bestuur van die kollege, tesame met 'n staat van inkomste en uitgawe en 'n balansstaat behoorlik geouditeur deur 'n rekenmeester of ouditeur, geregistreer kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), 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 bestuur en finansies van die kollege.

**28.** (1) Indien 'n raad in gebreke bly om te voldoen aan 'n voorwaarde onderworpe waaraan 'n subsidie kragtens artikel 26 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.

(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 agtergehoud 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

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.**

**24.** (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 execute and 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 exercise of their powers in terms of this section, shall be refunded to them by the college concerned.

**Grants by local authorities to colleges.**

**25.** 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 or money or other movable property to a college.

**Subsidies to colleges.**

**26.** 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 for Indians in the Republic.

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

**27.** 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, 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 statement of revenue and expenditure and a balance sheet duly audited by an accountant or auditor registered in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and shall further furnish the Minister with any additional information required by him in regard to the administration and finances of the college.

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

**28.** (1) If any council fails to comply with any condition subject to which any subsidy has under section 26 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

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.

**29.** (1) Die Minister kan enige bevoegdheid of plig aan hom verleen of opgelê by hierdie Wet, behalwe die bevoegdhede aan hom verleen by artikel 30 of in die algemeen of in 'n besondere geval, deleer aan die Sekretaris of 'n ander beampete in sy departement. Delegering van bevoegdhede en pligte.

(2) Die Sekretaris kan, met die goedkeuring van die Minister, 'n bevoegdheid of plig aan hom verleen of opgelê by of kragtens hierdie Wet, of in die algemeen of in 'n besondere geval, deleer aan 'n ander beampete in sy departement.

(3) Die hoof kan, met die goedkeuring van die Sekretaris, 'n bevoegdheid of plig aan hom verleen of opgelê by of kragtens hierdie Wet, of in die algemeen of in 'n besondere geval, deleer aan 'n lid van die personeel by die kollege.

**30.** (1) Die Minister kan, behoudens die bepalings van sub- artikel (3), regulasies uitvaardig betreffende—

- (a) die aanstelling van die hoof van 'n kollege;
- (b) die wyse waarop lede van die raad verkies word;
- (c) die voorwaardes waarop lede van die raad hul amp beklee;
- (d) die diensvoorwaardes en verlofvoorregte van personele werksaam by 'n kollege;
- (e) die liggende erken vir die doeleindes van artikel 8;
- (f) die skepping van 'n afdeling of studiekursus by 'n kollege;
- (g) die inspeksie van 'n kollege, van koshuise, kwartiere, klinieke, toerusting, voorrade en ander bybehore wat in verband met 'n kollege gebruik word;
- (h) die kwalifikasies wat 'n persoon geregtig maak op registrasie by 'n kollege;
- (i) die sertifkate of diplomas vir erkenning kragtens artikel 16;
- (j) die verlening van finansiële of ander materiële hulp uit Staatsfondse aan 'n kollege vir 'n vermelde doel;
- (k) die voorwaardes, waarborg, en terugbetaling van 'n lening deur iemand aan 'n kollege toegestaan;
- (l) die beheer oor subsidies betaal kragtens artikel 26;
- (m) die tyd en wyse waarop 'n verslag kragtens artikel 27 voorgelê moet word;
- (n) in die algemeen, enige ander aangeleentheid ten opsigte waarvan die Minister dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

(2) Die algemeenheid van die bevoegdheid by paragraaf (n) van subartikel (1) verleen, word nie deur die bepalings van die ander paragrawe van genoemde subartikel beperk nie.

(3) Regulasies betreffende die beheer van geld kan alleen in oorleg met die Minister van Finansies uitgevaardig word.

**31.** Hierdie Wet heet die Wet op Gevorderde Tegniese Onderwys vir Indiërs, 1968, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

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.

**Delegation of powers and duties.**

**29.** (1) The Minister may delegate, either generally or in any particular case, any power or duty conferred or imposed upon him by this Act, other than the powers conferred upon him by section 30, to the Secretary or any other officer in his department.

(2) The Secretary may, with the approval of the Minister, delegate, either generally or in any particular case, any power or duty conferred or imposed upon him by or in terms of this Act, to any other officer in his department.

(3) The principal may, with the approval of the Secretary, delegate, either generally or in any particular case, any power or duty conferred or imposed upon him by or in terms of this Act, to any staff member at the college.

**Regulations.**

**30.** (1) Subject to the provisions of subsection (3), the Minister may make regulations as to—

- (a) the appointment of the principal of a college;
- (b) the manner in which members of the council are elected;
- (c) the conditions under which members of a council shall hold office;
- (d) the conditions of service and leave privileges of persons employed at a college;
- (e) the bodies recognized for the purposes of section 8;
- (f) the creation of any department or course of study at a college;
- (g) the inspection of a college, of hostels, quarters, clinics, equipment, stores and other accessories used in connection with a college;
- (h) the qualifications entitling a person to registration at a college;
- (i) certificates or diplomas for recognition in terms of section 16;
- (j) the granting of financial or other material assistance out of state funds to a college for any specified purpose;
- (k) the conditions, guarantee and repayment of any loan granted by any person to a college;
- (l) the control of subsidies granted under section 26;
- (m) the time and manner in which a report under section 27 has to be submitted;
- (n) generally, any other matter in respect of which the Minister may deem it necessary or expedient to make regulations to achieve the objects of this Act.

(2) The generality of the power conferred by paragraph (n) of subsection (1) shall not be limited by the provisions of the other paragraphs of the said subsection.

(3) Regulations as to the control of any moneys may only be made in consultation with the Minister of Finance.

**Short title and commencement.**

**31.** This Act shall be called the Indians Advanced Technical Education Act, 1968, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

No. 14, 1968.]

# WET

**Tot aanwending van 'n verdere geldsom ter bestryding van sekere ongemagtige uitgawe aan spoorweg- en hawedienste gedurende die boekjaar wat op die een-en-dertigste dag van Maart 1967 geëindig het.**

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)  
(Goedgekeur op 11 Maart 1968.)

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

1. Die Spoorweg- en Hawefonds word hiermee belas met Spoorweg- en Hawefonds belas met R207,934.35 die som van tweehonderd en seweduusend negehonderd vier-en-dertig rand vyf-en-dertig sent tot dekking van sekere uitgawe vir die dienste van die spoorweë en hawens gedurende die boekjaar ten opsigte van wat op die een-en-dertigste dag van Maart 1967 geëindig het, uitgawe vir die waartoe die Spoorweg- en Hawebegrotingswet, 1966 (Wet No. 33 van 1966), en die Addisionele Spoorweg- en Hawebegrotingswet, 1967 (Wet No. 28 van 1967), geen magtiging verleen het nie. Bedoelde uitgawe word in die Bylae by hierdie Wet uiteengesit en nader omskryf op bladsye 6 en 7 van die Verslag (wat aan die Parlement voorgelê is) van die Kontroleur en Ouditeur-generaal oor die rekenings vir daardie jaar en in die Eerste Verslag van die Gekose Komitee oor Spoorweë en Hawens, 1968.

2. Hierdie Wet heet die Wet op Ongemagtige Uitgawe vir Kort titel. Spoorweë en Hawens, 1968.

### Bylae.

Diens.	Bedrag.
Kapitaal- en Verbeteringsdienste .. .. ..	R207,934.35
	R207,934.35

No. 14, 1968.]

# ACT

**To apply a further sum of money for the purpose of meeting certain unauthorized expenditure incurred on railways and harbours services during the financial year which ended on the thirty-first day of March, 1967.**

(Afrikaans text signed by the Acting State President.)  
(Assented to 11th March, 1968.)

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

Railway and Harbour Fund charged with R207,934.35 in respect of expenditure for the year 1966-'67.

**1.** The Railway and Harbour Fund is hereby charged with the sum of two hundred and seven thousand nine hundred and thirty-four rand thirty-five cents to meet certain expenditure not authorized by the Railways and Harbours Appropriation Act, 1966 (Act No. 33 of 1966), and the Railways and Harbours Additional Appropriation Act, 1967 (Act No. 28 of 1967), for the services of the railways and harbours, during the financial year which ended the thirty-first day of March, 1967. Such expenditure is set forth in the Schedule to this Act and is more particularly specified on pages 6 and 7 of the Report (which has been submitted to Parliament) of the Controller and Auditor-General on the accounts for that year and in the First Report of the Select Committee on Railways and Harbours, 1968.

Short title.

**2.** This Act shall be called the Railways and Harbours Unauthorized Expenditure Act, 1968.

## Schedule.

Service.	Amount.
Capital and Betterment Services .. .. ..	R207,934.35
	R207,934.35

No. 15, 1968.]

## WET

**Om sekere Kaapse pensioenwette te herroep; om voorsiening te maak vir die voortsetting van die staatsdiensafdeling van die Weduweespensioenfonds bedoel in artikel 58 van die „Civil Service and Pensions Funds Act, 1895” (Wet No. 32 van 1895), van die Kaap die Goeie Hoop; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

(Engelse teks deur die Waarnemende Staatspresident geteken.)  
(Goedgekeur op 11 Maart 1968.)

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

### HOOFSTUK I.

#### HERROEPING VAN SEKERE WETTE.

1. Die wette in die Bylae by hierdie Wet vermeld, word, Herroeping van behoudens die bepalings van artikel 2 en Hoofstuk II, hierby wette, herroep vir sover in die vierde kolom van daardie Bylae aange- toon.

2. 'n Pensioen of 'n gedeelte van 'n pensioen wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet aan iemand uit die in artikel 9 van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), bedoelde gesamentlike voor-Uniefonds betaalbaar was ingevolge 'n wet wat by artikel 1 herroep is, word nie verminder nie en die betaling daarvan word uit daardie fonds voortgesit.

### HOOFSTUK II.

#### KAAPSE WEDUWEESPENSIOENFONDS (STAATSDIENS).

3. In hierdie Hoofstuk, tensy uit die samehang anders blyk, beteken—

- (i) „aktuaris” ‘n „Fellow” van die „Institute of Actuaries of England” of van die „Faculty of Actuaries in Scotland” of van die „Society of Actuaries of America”; (i)
- (ii) „die Fonds” die in artikel 4 (1) bedoelde Kaapse Weduweespensioenfonds (Staatsdiens); (ix)
- (iii) „die Kaapse Wet” die „Civil Service and Pensions Funds Act, 1895” (Wet No. 32 van 1895), van die Kaap die Goeie Hoop; (ii)
- (iv) „die tabelle” die tabelle bedoel in artikels 63 en 67 van die Kaapse Wet en van krag by die vasgestelde datum of die ander tabelle wat die Minister in oorleg met die Minister van Finansies goedkeur op aanbeveling van die aktuaris; (x)
- (v) „Gekonsolideerde Inkomstefonds”, met betrekking tot 'n betaling wat uit daardie fonds gemaak moet word, gelde wat vir die doeleindes van sodanige betaling deur die Parlement bewillig word; (iii)

Omskrywing van uitdrukings in hierdie Hoofstuk gebesig.

No. 15, 1968.]

# ACT

**To repeal certain Cape pension laws; to provide for the continuation of the public service section of the Widows' Pension Fund referred to in section 58 of the Civil Service and Pensions Funds Act, 1895 (Cape of Good Hope Act No. 32 of 1895); and to provide for matters incidental thereto.**

(*English text signed by the Acting State President.  
Assented to 11th March, 1968.*)

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

## CHAPTER I.

### REPEAL OF CERTAIN LAWS.

Repeal of laws.

1. Subject to the provisions of section 2 and Chapter II, the laws specified in the Schedule to this Act are hereby repealed to the extent indicated in the fourth column of that Schedule.

Continuation of certain annuities.

2. Any pension or any portion of a pension which immediately prior to the date of commencement of this Act was payable to any person in terms of a law repealed by section 1 from the joint pre-Union Fund referred to in section 9 of the Government Service Pensions Act, 1965 (Act No. 62 of 1965), shall not be reduced and shall continue to be paid from that fund.

## CHAPTER II.

### CAPE WIDOWS' PENSION FUND (PUBLIC SERVICE.)

Interpretation of terms used in this Chapter.

3. In this Chapter, unless the context otherwise indicates—
- (i) “actuary” means a Fellow of the Institute of Actuaries of England or the Faculty of Actuaries in Scotland or the Society of Actuaries of America; (i)
  - (ii) “Cape Act” means the Civil Service and Pensions Funds Act, 1895 (Act No. 32 of 1895), of the Cape of Good Hope; (iii)
  - (iii) “Consolidated Revenue Fund”, in relation to any payment to be made out of that fund, means moneys appropriated by Parliament for the purpose of such payment; (v)
  - (iv) “fixed date” means the date of commencement of this Act; (x)
  - (v) “member” means any person who contributed to the Fund in terms of section 58 of the Cape Act but who ceased so to contribute in terms of section 60 of that Act or by virtue of the repeal of the said section 60 by section 1 of the Pension Laws Amendment Act, 1956 (Act No. 56 of 1956); (vi)

- (vi) „lid” iemand wat ingevolge artikel 58 van die Kaapse Wet tot die Fonds bygedra het maar wat ingevolge artikel 60 van daardie Wet of uit hoofde van die herroeping van bedoelde artikel 60 deur artikel 1 van die Wysigingswet op die Pensioenwette, 1956 (Wet No. 56 van 1956), opgehou het om aldus by te dra; (v)
- (vii) „Minister” die Minister van Volkswelsyn en Pensioene; (vi)
- (viii) „regulasie” 'n regulasie wat ingevolge artikel 13 uitgevaardig is of wat geag word daarkragtens uitgevaardig te gewees het en wat ingevolge hierdie Wet van krag is; (vii)
- (ix) „Sekretaris” die Sekretaris van Volkswelsyn en Pensioene; (viii)
- (x) „vasgestelde datum” die datum van inwerkingtreding van hierdie Wet. (iv)

**4.** (1) Die staatsdiensafdeling van die in artikel 58 van die Voortsetting van die staatsdiensafdeling van die Kaapse Weduweespensioenfonds bestaan onder die naam van die Kaapse Weduweespensioenfonds (Staatsdiens).

(2) Die Fonds bestaan uit—

- (a) die bedrag wat op die vasgestelde datum tot die kredit van daardie fonds staan; en
- (b) die ander bedrae waarmee daardie fonds gekrediteer moet word.

**5.** (1) Die in artikel 4 (2) bedoelde bedrae word op kredit van die Fonds by die Tesourie inbetaal.

Belegging van geldie van die Fonds.

(2) Soveel van die aldus inbetaalde bedrae as wat nie vir lopende doeleindes benodig is nie, is 'n deposito vir die doeleindes van die „Openbare Schuld Kommissarissen Wet, 1911” (Wet No. 18 van 1911), en word dienooreenkomsdig belê.

(3) Op die een-en-dertigste dag van Maart in elke jaar word daar uit die Gekonsolideerde Inkomstefonds in die Fonds gestort—

- (a) rente teen die koers van vyf persent per jaar op die gemiddelde van die onbelegde bedrae in die Fonds aan die end van elke maand gedurende die tydperk ten opsigte waarvan die rente gestort word;
- (b) 'n bedrag gelyk aan die verskil tussen die bedrag van elke weduweespensioen wat ingevolge die bepalings van hierdie Hoofstuk op 'n driepersent-basis bereken word en die bedrag wat sodanige pensioen sou bedra het indien dit op 'n vyfpersent-basis bereken was.

(4) Indien die rente wat deur die Fonds verdien word op in subartikel (2) bedoelde deposito's in enige jaar wat op die een-en-dertigste dag van Maart eindig, in totaal minder as vyf persent bedra, word 'n bedrag gelyk aan die verskil tussen die aldus verdienede rente en rente teen die koers van vyf persent per jaar uit die Gekonsolideerde Inkomstefonds in die Fonds gestort sodra die Kontroleur en Ouditeur-generaal bedoelde bedrag gesertifiseer het.

**6.** 'n Lid wat ooreenkomsdig die bepalings van artikel 61 Addisionele bydraes van die Kaapse Wet toegelaat is om addisionele bydraes tot die Fonds te betaal en wat onmiddellik voor die vasgestelde datum sodanige addisionele bydraes betaal het, moet, behoudens die bepalings van die regulasies, voortgaan om genoemde addisionele bydraes te betaal.

**7.** (1) Die Sekretaris laat van die Fonds volledige en juiste Rekeningrekenings hou wat besonderhede toon in verband met enige aangeleenthed ten opsigte waarvan dit nodig is om vir die doeleindes van hierdie Hoofstuk 'n rekening te hou of sodat die Fonds te eniger tyd aktuarieel gewaardeer kan word.

(2) Die Sekretaris laat die boeke en rekeninge van die Fonds op die een-en-dertigste dag van Maart in elke jaar afsluit, en 'n balansstaat opstel waarin die bates en laste van die Fonds op daardie datum aangegee word.

- (vi) "Minister" means the Minister of Social Welfare and Pensions; (vii)
- (viii) "regulation" means any regulation made or deemed to have been made in terms of section 13 and in force under this Act; (viii)
- (ix) "Secretary" means the Secretary for Social Welfare and Pensions; (ix)
- (x) "the Fund" means the Cape Widows' Pension Fund (Public Service) referred to in section 4 (1); (ii)
- (x) "the tables" means the tables referred to in sections 63 and 67 of the Cape Act and in force at the fixed date or such other tables as the Minister in consultation with the Minister of Finance may approve on the recommendation of the actuary. (iv)

Continuation of public service section of Cape Widows' Pension Fund.

**4.** (1) The public service section of the Widows' Pension Fund referred to in section 58 of the Cape Act shall be continued under the name of the Cape Widows' Pension Fund (Public Service).

(2) The Fund shall consist of—

- (a) the amount standing to the credit of that fund on the fixed date; and
- (b) any other amounts which are to be credited to that fund.

Investment of moneys of the Fund.

**5.** (1) The amounts referred to in section 4 (2) shall be lodged in the Treasury to the credit of the Fund.

(2) So much of the amounts so lodged as is not required for current purposes shall be a deposit for the purposes of the Public Debt Commissioner's Act, 1911 (Act No. 18 of 1911), and shall be invested accordingly.

(3) There shall be paid out of the Consolidated Revenue Fund to the Fund on the thirty-first day of March in each year—

- (a) interest at the rate of five per cent per annum on the average of the uninvested amounts in the Fund at the end of each month during the period in respect of which the interest is paid;
- (b) an amount equal to the difference between the amount of every widow's pension computed under the provisions of this Chapter on a three per cent basis and the sum to which such pension would have amounted had it been computed on a five per cent basis.

(4) If the interest earned by the Fund on the deposits referred to in subsection (2) should be less than five per cent in the aggregate in any year ending on the thirty-first day of March, a sum equal to the difference between the interest so earned and interest at the rate of five per cent per annum shall be paid out of the Consolidated Revenue Fund to the Fund as soon as the Controller and Auditor-General has certified such sum.

Additional contributions.

**6.** A member who in accordance with the provisions of section 61 of the Cape Act was permitted to pay additional contributions to the Fund and who immediately prior to the fixed date was paying such additional contributions shall, subject to the provisions of the regulations, continue to pay the said additional contributions.

Accounts.

**7.** (1) The Secretary shall cause full and true accounts of the Fund to be kept showing particulars in connection with any matter in respect of which it is necessary to keep an account for the purposes of this Chapter or in order that an actuarial valuation of the Fund may be made at any time.

(2) The Secretary shall cause the books and accounts of the Fund to be balanced up to the thirty-first day of March of every year and a balance sheet to be prepared showing the assets and liabilities of the Fund as at that date.

**8.** (1) Die bates en laste van die Fonds word op die een-en-dertigste dag van Maart 1970 en elke vyf jaar daarna deur 'n aktuaris gewaardeer en hy moet enige oorskot of tekort wat sy ondersoek aan die lig bring, vasstel en 'n verslag daaromtrent by die Minister indien.

(2) Die verslag van die aktuaris word binne sestig dae vanaf die ontvangs daarvan deur die Minister in die Senaat en in die Volksraad ter Tafel gelê, as die Parlement dan in gewone sessie is, of as die Parlement nie dan in gewone sessie is nie, binne sestig dae na die aanvang van sy eersvolgende gewone sessie.

(3) Indien die aktuaris in so 'n verslag sertificeer—

(a) dat daar 'n wesentlike oorskot is, word die voordele uit die Fonds betaalbaar of sommige van daardie voordele, verhoog in die mate en vanaf die datum wat die Minister in oorleg met die Minister van Finansies en op aanbeveling van die aktuaris bepaal; of

(b) dat daar 'n wesentlike tekort is, word daar uit die Gekonsolideerde Inkomstefonds die bedrag aan die Fonds betaal wat nodig is om die Fonds solvent te hou.

(4) 'n Verklaring wat die beslissing van die Minister kragtens subartikel (3) (a) behels, word binne een jaar na die datum waarop die verslag van die aktuaris ter Tafel gelê is, in die Senaat en in die Volksraad ter Tafel gelê.

**9.** (1) Die sake van die Fonds word deur die Sekretaris bestuur, en die koste in verband daarmee en van enige aktuariele ondersoek en daarmee in verband staande aangeleenthede word uit die Gekonsolideerde Inkomstefonds betaal. Bestuur van die Fonds.

(2) Alle pensioene wat ingevolge die bepaling van hierdie Hoofstuk bereken word en alle bedrae wat ingevolge die bepaling van hierdie Hoofstuk ten opsigte van die omsetting van sulke pensioene betaalbaar is, word uit die Fonds betaal.

**10.** By die afsterwe van 'n lid word aan sy weduwee 'n Pensioene aan pensioen betaal wat ooreenkomsdig die tabelle en regulasies weduwees. bereken word.

**11.** (1) Indien 'n pensioen wat ingevolge die bepaling van hierdie Hoofstuk aan 'n weduwee betaalbaar is, nie meer as twintig rand per jaar bedra nie, kan dit, indien die weduwee skriftelik daarom aansoek doen voordat enige betaling ten opsigte van die pensioen aan haar geskied het, omgeset word in 'n enkele kontantbetaling bereken volgens die geskatte lewensduur van die weduwee. Omsetting van sekere pensioene.

(2) By die berekening van die bedrag betaalbaar ten opsigte van die omsetting van 'n weduwees-pensioen ingevolge subartikel (1), word die volgende reëls nagekom:

(a) Die leeftyd van die weduwee word bereken teen die leeftyd wat sy sal bereik by die verjaarsdag volgende op die datum waarop sy op so 'n pensioen geregurg word.

(b) Rente word bereken volgens die koers van drie persent per jaar.

(c) Die lewensduur van die weduwee wie se pensioen omgeset staan te word, word by die toepassing van hierdie Hoofstuk bereken ooreenkomsdig die tabelle.

**12.** Die betaling van alle pensioene en bonustoevoegings tot pensioene wat op die dag wat die vasgestelde datum onmiddellik voorafgaan uit die Fonds betaalbaar was, word, behoudens die bepaling van hierdie Wet, voortgesit teen dieselfde skaal as dié waarteen hulle op daardie dag betaalbaar was. Voortsetting van sekere pensioene, ens.

**13.** (1) Die Minister kan van tyd tot tyd in oorleg met die Minister van Finansies regulasies of reëls uitvaardig aangaande— reëls.

(a) die berekening of metode van berekening van pensioene betaalbaar ingevolge hierdie Hoofstuk;

Actuarial valuation.

**8.** (1) The assets and liabilities of the Fund as at the thirty-first day of March, 1970, and every five years thereafter, shall be valued by an actuary who shall declare any surplus or deficiency which his investigation discloses and report thereon to the Minister.

(2) The report of the actuary shall be laid upon the Table in the Senate and in the House of Assembly within sixty days of the receipt thereof by the Minister, if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within sixty days after the commencement of its next ensuing ordinary session.

(3) If the actuary in such a report certifies—

(a) that there is a substantial surplus, the benefits payable out of the Fund or some of such benefits shall be increased to such an extent and from such date as the Minister, in consultation with the Minister of Finance and on the recommendation of the actuary, may determine; or

(b) that there is a substantial deficiency, there shall be paid to the Fund from the Consolidated Revenue Fund such amount as may be necessary to maintain the solvency of the Fund.

(4) A statement embodying the decision of the Minister under subsection (3) (a) shall be laid upon the Table in the Senate and in the House of Assembly within one year after the date on which the report of the actuary was laid thereon.

Administration of the Fund.

**9.** (1) The business of the Fund shall be conducted by the Secretary and the cost in connection therewith and of any actuarial investigation and matters incidental thereto shall be paid out of the Consolidated Revenue Fund.

(2) All pensions calculated under the provisions of this Chapter and all amounts payable under the provisions of this Chapter in respect of the commutation of such pensions shall be paid out of the Fund.

Pensions to widows.

**10.** On the death of a member there shall be paid to his widow a pension calculated in accordance with the tables and regulations.

Commutation of certain pensions.

**11.** (1) If any pension payable to a widow in accordance with the provisions of this Chapter does not exceed twenty rand per annum, it may, if the widow makes written application therefor before any payment in respect of such pension has been made to her, be commuted into a single cash payment calculated according to the estimated duration of the life of the widow.

(2) In calculating the amount payable in respect of the commutation of any widow's pension under subsection (1) the following rules shall be observed:

- (a) The age of the widow shall be reckoned at the age she will attain on the birthday next succeeding the date on which she becomes entitled to such pension.
- (b) Interest shall be calculated at the rate of three per cent per annum.
- (c) The duration of the life of the widow whose pension is to be commuted shall for the purpose of this Chapter be calculated according to the tables.

Continuation of certain pensions, etc.

**12.** All pensions and bonus additions to pensions which were payable from the Fund on the day immediately preceding the fixed date, shall, subject to the provisions of this Act, continue to be paid from the Fund at the same rate at which they were payable on that day.

Regulations and rules.

**13.** (1) The Minister may from time to time in consultation with the Minister of Finance make regulations or rules in regard to—

- (a) the calculation or method of calculation of pensions payable in terms of this Chapter;

(b) die voorwaardes waarop betaling van die in artikel 6 bedoelde bydraes voortgesit moet word of die omstandighede waaronder en die voorwaardes waarop bedoelde bydraes gestaak moet of kan word, en oor die algemeen vir die beter uitvoering van die oogmerke en doeleindes van hierdie Hoofstuk.

(2) 'n Regulasie opgestel of goedgekeur kragtens artikel 63 van die Kaapse Wet en van krag by die inwerkingtreding van hierdie Wet, word geag kragtens hierdie artikel uitgevaardig te wees.

**14.** Hierdie Wet heet die Hersieningswet op die Kaapse Pensioenwette, 1968, en tree in werking op die eerste dag van Julie 1968.

### Bylae.

#### WETTE HERROEP.

Provinse of Republiek.	Nommer en jaar van Wet.	Kort Titel.	Omvang van Herroeping.
Kaap die Goeie Hoop	Wet No. 32 van 1895.	„Civil Service and Pensions Funds Act, 1895”.	Soveel as wat nie herroep is nie.
Kaap die Goeie Hoop	Wet No. 36 van 1908.	„Civil Service Amendment Act, 1908”.	Die geheel.
Kaap die Goeie Hoop	Wet No. 37 van 1908.	„Special Pensions Amendment Act, 1908”.	Die geheel.
Republiek ...	Wet No. 38 van 1922.	Finansiële Regelings Wet, 1922.	Artikel 10.
Republiek ...	Wet No. 11 van 1942.	Wysigingswet op Kaapse Pensioene, 1942.	Die geheel.
Republiek ...	Wet No. 49 van 1952.	Wysigingswet op die Pensioenwette, 1952.	Artikel 1.
Republiek ...	Wet No. 56 van 1956.	Wysigingswet op die Pensioenwette, 1956.	Artikels 1 en 2.

(b) the conditions subject to which the contributions referred to in section 6 shall continue to be paid or the circumstances in which and the conditions subject to which such contributions shall or may cease to be payable,  
and generally for the better carrying out of the objects and purposes of this Chapter.

(2) Any regulation framed or approved under section 63 of the Cape Act and in force at the commencement of this Act shall be deemed to have been made under this section.

Short title  
and commence-  
ment.

**14.** This Act shall be called the Cape Pension Laws Revision Act, 1968, and shall come into operation on the first day of July, 1968.

### Schedule.

#### LAWS REPEALED.

Province or Republic.	Number and year of Law.	Short title.	Extent of Repeal.
Cape of Good Hope	Act No. 32 of 1895.	Civil Service and Pensions Funds Act, 1895.	So much as is unrepealed.
Cape of Good Hope	Act No. 36 of 1908.	Civil Service Amendment Act, 1908.	The whole.
Cape of Good Hope	Act No. 37 of 1908.	Special Pensions Amendment Act, 1908.	The whole.
Republic	Act No. 38 of 1922.	Financial Adjustments Act, 1922.	Section 10.
Republic	Act No. 11 of 1942.	Cape Pensions Amendment Act, 1942.	The whole.
Republic	Act No. 49 of 1952.	Pension Laws Amendment Act, 1952.	Section 1.
Republic	Act No. 56 of 1956.	Pension Laws Amendment Act, 1956.	Sections 1 and 2.

No. 16, 1968.]

# WET

**Tot wysiging van die Slumswet, 1934, om 'n plaaslike bestuur te magtig om die koste van publikasie van 'n kennisgewing kragtens artikel 6 wat die plaaslike bestuur betaal of aan die Minister moet terugbetaal, op die eienaar van 'n slum by aksie te verhaal.**

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)  
(Goedgekeur op 11 Maart 1968.)

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

1. Artikel 6 van die Slumswet, 1934 (hierna die Hoofwet genoem), word hierby gewysig deur die volgende subartikel by te voeg:
 

„(4) Indien bedoelde plaaslike bestuur die koste van publikasie van 'n kennisgewing kragtens hierdie artikel betaal het of die koste van daardie publikasie aan die Minister terugbetaal het, kan hy te eniger tyd die bedrag aldus betaal of terugbetaal by aksie in 'n bevoegde hof op die eienaar van die slum ten opsigte waarvan die kennisgewing gepubliseer is, verhaal.”.
2. Artikel 15 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:
 

„(b) alle koste aangegaan deur die plaaslike bestuur ingevolge artikel 6 (3) en artikel 9, en om hom te vergewis van die besonderhede aangaande die eienaar se reg op die slum en aangaande verbande en ander beswaarsings op die slum geregistreer en alle koste aangegaan deur die plaaslike bestuur in verband met die uitvoering van 'n ingevalle artikel 28 (1) of (3) uitgevaardigde ontruimingsbevel, terugbetaal is aan die plaaslike bestuur en voorsiening gemaak is tot bevrediging van die plaaslike bestuur vir dekking van die koste wat volgens subartikel (4) (c) sal moet aangegaan word.”.
3. Hierdie Wet heet die Slumslysingswet, 1968.

Kort titel.

Wysiging van  
artikel 6 van  
Wet 53 van 1934,  
soos gewysig deur  
artikel 6 van  
Wet 55 van 1963  
en artikel 3 van  
Wet 43 van 1967.

Wysiging van  
artikel 15 van  
Wet 53 van 1934,  
soos gewysig deur  
artikel 11 van Wet  
24 van 1937 en  
artikel 13 van Wet  
55 van 1963.

No. 16, 1968.]

## ACT

To amend the Slums Act, 1934, so as to authorize a local authority to recover from the owner of a slum by action the cost of the publication of any notice under section 6 which such local authority pays or is required to refund to the Minister.

*(Afrikaans text signed by the Acting State President.)*  
*(Assented to 11th March, 1968.)*

**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 6 of Act 53 of 1934, as amended by section 6 of Act 55 of 1963 and section 3 of Act 43 of 1967.

Amendment of section 15 of Act 53 of 1934, as amended by section 11 of Act 24 of 1937 and section 13 of Act 55 of 1963.

Short title.

1. Section 6 of the Slums Act, 1934 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection:

“(4) If such local authority has paid the cost of publication of any notice under this section or has refunded the cost of such publication to the Minister, it may at any time by action in a competent court recover the amount so paid or refunded from the owner of the slum in respect of which such notice was published.”.

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

“(b) all expenses incurred by the local authority in terms of section 6 (3) and of section 9 and in ascertaining particulars as to the owner's title to the slum and as to mortgages and other encumbrances registered against the slum and all costs incurred by the local authority in connection with the execution of any order of ejectment made under section 28 (1) or (3) have been reimbursed to the local authority and provision has been made to the satisfaction of the local authority for the expenses to be incurred under subsection (4) (c).”.

3. This Act shall be called the Slums Amendment Act, 1968.