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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1372.

23 Julie 1975.

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

No. 67 van 1975: Wysigingswet op Universiteite, 1975.

No. 1372.

23 July 1975.

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

No. 67 of 1975: Universities Amendment Act, 1975.

Act No. 67, 1975

UNIVERSITIES AMENDMENT ACT, 1975.

ACT

To amend the Universities Act, 1955, so as to provide for the abolition of the University Advisory Committee and for the establishment of a Universities Advisory Council; to regulate the constitution and powers of the said Council; to amend section 5 of the National Study Loans and Bursaries Act, 1964; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 30 June 1975.)*

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

Amendment of section 1 of Act 61 of 1955, as amended by section 39 of Act 64 of 1959, section 1 of Act 82 of 1959 and section 1 of Act 67 of 1969.

1. Section 1 of the Universities Act, 1955 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of the definition of "Advisory Committee"; and
- (b) by the insertion before the definition of "Committee of Principals" of the following definition:
"Advisory Council" means the Universities Advisory Council referred to in section two;

Substitution of section 2 of Act 61 of 1955.

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

"Establishment, constitution and powers of Advisory Council.

2. (1) There shall be a council, to be known as the Universities Advisory Council, consisting of—

- (a) a chairman appointed by the Minister;
- (b) eight members appointed by the Minister, of whom—
 - (i) two shall be nominated by the Committee of Principals;
 - (ii) one shall be nominated by the Secretary for National Education to represent the Department of National Education;
 - (iii) one shall be a person with special knowledge of the functions of colleges for advanced technical education; and
 - (iv) four shall be persons with wide knowledge and experience of economic and financial matters and of matters relating to universities;
- and
- (c) a person who shall be an officer in the service of the State, appointed by the Minister subject to the laws relating to the public service, and who shall be appointed by him to the Council.

(2) The Advisory Council shall have power—

- (a) to advise the Minister in regard to—
 - (i) the granting of subsidies to universities in respect of capital and recurrent expenditure, the basis on which and the conditions

WET

Tot wysiging van die Wet op Universiteite, 1955, ten einde voorsiening te maak vir die afskaffing van die Adviserende Universiteitskomitee en vir die instelling van 'n Adviserende Raad op Universiteite; om die samestelling en bevoegdhede van bedoelde Raad te reël; om artikel 5 van die Wet op Nasionale Studieleenings en -beurse, 1964, te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Junie 1975.)

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

1. Artikel 1 van die Wet op Universiteite, 1955 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van „Adviserende Komitee” te skrap; en
- (b) deur die volgende omskrywing voor die omskrywing van „erkenningsraad” in te voeg:
„Adviserende Raad” die Adviserende Raad op Universiteite bedoel in artikel twee;”.

Wysiging van artikel 1 van Wet 61 van 1955, soos gewysig deur artikel 39 van Wet 64 van 1959, artikel 1 van Wet 82 van 1959 en artikel 1 van Wet 67 van 1969.

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

“Instelling, samestelling en bevoegdhede van Adviserende Raad. 2. (1) Daar is 'n raad, bekend as die Adviserende Raad op Universiteite, wat bestaan uit—

- (a) 'n voorsitter deur die Minister aangestel;
- (b) agt lede deur die Minister aangestel, van wie—
 - (i) twee deur die Komitee van Hoofde genomineer word;
 - (ii) een deur die Sekretaris van Nasionale Opvoeding genomineer word om die Departement van Nasionale Opvoeding te verteenwoordig;
 - (iii) een 'n persoon is met besondere kennis van die werksaamhede van kolleges vir gevorderde tegniese onderwys; en
 - (iv) vier persone is met wye kennis en ervaring van ekonomiese, finansiële en universiteitsaangeleenthede;

en

- (c) 'n persoon wat 'n beampte in die diens van die Staat is en wat deur die Minister met inagneming van die wette op die Staatsdiens aangestel is en deur hom in die Raad aangestel word.

(2) Die Adviserende Raad is bevoeg om—

- (a) die Minister te adviseer met betrekking tot—
 - (i) die toekenning van subsidies aan universiteite ten opsigte van kapitaal- en wederkerende uitgawes, die grondslag waarop en die voorwaardes waaronder sodanige

Vervanging van artikel 2 van Wet 61 van 1955.

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subject to which subsidies shall be granted, the purposes for which such subsidies shall be used, and the requirements of each university in this respect in relation to the general requirements of higher education in the Republic;

- (ii) the creation of a faculty or a subdivision thereof, or a department, at a university;
 - (iii) the establishment of degree, diploma and certificate courses at a university;
 - (iv) the establishment, development and extension of universities;
 - (v) the manner in which co-ordination in respect of the matters referred to in subparagraphs (ii), (iii) and (iv) may be accomplished;
 - (vi) such other matters relating to universities as the Minister may refer to the Advisory Council; and
 - (vii) in general, all questions of policy arising out of or connected with the provisions of this Act;
- (b) to inquire of its own accord into any matter which is, in its opinion, of interest to universities in general or to a particular university, and to submit a report relating thereto to the Minister: Provided that no inquiry which entails expenditure shall be undertaken without the prior approval of the Minister;
- (c) to appoint, with the approval of the Minister, committees to assist the Advisory Council in the performance of its functions, and to appoint as members of such committees persons who are not members of the Advisory Council: Provided that the chairman of any such committee shall be appointed by the Advisory Council from amongst its own members; and
- (d) to appoint, at the request of other bodies and with the approval of the Minister, any of its members to serve on committees with the members of such bodies for the purpose of particular inquiries relating to university affairs and higher education in general.”.

Substitution of
section 3 of
Act 61 of 1955.

3. The following section is hereby substituted for section 3 of the principal Act:

“Periods of office of, vacation of offices by, and allowances and remuneration of, members of Advisory Council.

3. (1) (a) A member of the Advisory Council referred to in section 2 (1) (a) and (b) shall hold office for such period of not more than four years, and subject to such conditions, as the Minister may determine at the time of appointment of the member concerned.
- (b) A member referred to in paragraph (a) whose period of office has expired shall, subject to section 2 (1), be eligible for reappointment.
- (2) A member of the Advisory Council shall vacate his office if—
- (a) he resigns in writing; or
 - (b) his appointment is withdrawn by the Minister.
- (3) If the chairman of the Advisory Council is absent from any meeting of the Council, the members present shall, subject to the rules referred to in section 4 (2), elect one of their number to preside at such meeting.
- (4) A member of the Advisory Council, and any person appointed in terms of paragraph (c) of section

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- subsidies toegeken moet word, die doeleindes waarvoor sodanige subsidies aangevend moet word, en die behoeftes van elke universiteit in hierdie opsig in verhouding tot die algemene behoeftes van hoër onderwys in die Republiek;
- (ii) die instelling van 'n fakulteit of 'n onderafdeling daarvan, of 'n departement, aan 'n universiteit;
 - (iii) die instelling van graad-, diploma- en sertifikaatkursusse aan 'n universiteit;
 - (iv) die stigting, ontwikkeling en uitbreiding van universiteite;
 - (v) die wyse waarop koördinasie met betrekking tot die aangeleenthede in subparagrafe (ii), (iii) en (iv) bedoel, bewerkstellig kan word;
 - (vi) die ander aangeleenthede met betrekking tot universiteite wat die Minister na die Adviserende Raad verwys; en
 - (vii) in die algemeen, alle beleidsvraagstukke wat uit die bepalinge van hierdie Wet voortspruit of daarmee in verband staan;
- (b) uit eie beweging ondersoek in te stel na enige aangeleentheid wat na sy oordeel in belang van universiteite in die algemeen of van 'n besondere universiteit is, en aan die Minister daaromtrent verslag te doen: Met dien verstande dat geen ondersoek wat met koste gepaard gaan, sonder die voorafverkreë goedkeuring van die Minister onderneem word nie;
- (c) met die goedkeuring van die Minister komitees in te stel om die Adviserende Raad by die verrigting van sy werksaamhede by te staan, en persone wat nie lede van die Adviserende Raad is nie, as lede van sodanige komitees aan te stel: Met dien verstande dat die voorsitter van so 'n komitee deur die Adviserende Raad uit sy eie geledere aangewys word; en
- (d) op versoek van ander liggame en met die goedkeuring van die Minister, van sy lede aan te wys om in komitees saam met lede van sodanige liggame te dien vir die doeleindes van bepaalde ondersoeke betreffende universitêre aangeleenthede en hoër onderwys in die algemeen."

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 3 van Wet 61 van 1955.

„Ampstermyne van, ontruiming van ampte deur, en toelaes en besoldiging van, lede van Adviserende Raad.

3. (1) (a) 'n Lid van die Adviserende Raad bedoel in Lid 2 (1) (a) en (b) beklee sy amp vir die tydperk van hoogstens vier jaar, en onderworpe aan die voorwaardes, wat die Minister ten tyde van die aanstelling van die betrokke lid bepaal.
- (b) 'n Lid in paragraaf (a) bedoel wie se amptstermyn verstryk het, kan, behoudens artikel 2 (1), weer aangestel word.
- (2) 'n Lid van die Adviserende Raad ontruim sy amp indien—
- (a) hy skriftelik bedank; of
 - (b) sy aanstelling deur die Minister ingetrek word.
- (3) Indien die voorsitter van die Adviserende Raad by 'n vergadering van die Raad afwesig is, kies die aanwesige lede, behoudens die reëls bedoel in artikel 4 (2), 'n lid uit hul midde om by daardie vergadering as voorsitter op te tree.
- (4) 'n Lid van die Adviserende Raad, en 'n persoon wat kragtens paragraaf (c) van artikel 2 (2)

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2 (2) as a member of a committee referred to in that paragraph, who is not in the full-time employment of the State, shall, in respect of services rendered by such member or person in connection with the affairs of the Advisory Council, out of moneys voted by Parliament for that purpose, be paid—

- (a) such travelling and subsistence allowances; and
- (b) in the case of the chairman appointed under section 2 (1) (a), in addition such remuneration, as the Minister may determine in consultation with the Minister of Finance.”

Substitution of section 4 of Act 61 of 1955.

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

“Meetings of Advisory Council.

4. (1) Meetings of the Advisory Council shall be held at such times and places as the chairman of the Advisory Council may from time to time determine.

(2) The Advisory Council may, with the approval of the Minister, make rules relating to—

- (a) the procedure at meetings of the said Council, including the quorum for such meetings; and
- (b) any other matter as may, in the opinion of the said Council, be necessary or expedient for the proper performance of its functions and exercise of its powers.”

Substitution of section 5 of Act 61 of 1955, as amended by section 2 of Act 67 of 1969.

5. The following section is hereby substituted for section 5 of the principal Act:

“Executive officer.

5. The officer referred to in section 2 (1) (c) shall be the executive officer of the Advisory Council, and shall be assisted by other officers of the Department of National Education.”

Amendment of section 5 of Act 89 of 1964, as amended by section 4 of Act 90 of 1970.

6. Section 5 of the National Study Loans and Bursaries Act, 1964, is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) the chairman of the Universities Advisory Council appointed under section two of the Universities Act, 1955 (Act No. 61 of 1955);”

Short title and commencement.

7. This Act shall be called the Universities Amendment Act, 1975, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

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as lid van 'n in daardie paragraaf bedoelde komitee aangestel is, wat nie heeltyds in diens van die Staat is nie, moet, ten opsigte van dienste deur so 'n lid of persoon in verband met die sake van die Adviserende Raad gelewer, uit gelde deur die Parlement vir dié doel bewillig—

- (a) die reis- en verblyftoelaes; en
- (b) in die geval van die voorsitter kragtens artikel 2 (1) (a) aangestel, daarbenewens die besoldiging, betaal word wat die Minister in oorleg met die Minister van Finansies bepaal.”.

4. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 4 van Wet 61 van 1955.

„Vergaderings van Adviserende Raad.

4. (1) Vergaderings van die Adviserende Raad word gehou op die tye en plekke wat die voorsitter van die Adviserende Raad van tyd tot tyd bepaal.

(2) Die Adviserende Raad kan, met die goedkeuring van die Minister, reëls opstel met betrekking tot—

- (a) die prosedure by vergaderings van genoemde Raad, met inbegrip van die kworum vir sodanige vergaderings; en
- (b) enige ander aangeleentheid wat na die oordeel van genoemde Raad noodsaaklik of dienstig vir die behoorlike verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede is.”.

5. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 5 van Wet 61 van 1955, soos gewysig deur artikel 2 van Wet 67 van 1969.

„Uitvoerende beampte.

5. Die beampte bedoel in artikel 2 (1) (c) is die uitvoerende beampte van die Adviserende Raad, en word bygestaan deur ander beamptes van die Departement van Nasionale Opvoeding.”.

6. Artikel 5 van die Wet op Nasionale Studieleninge en -beurse, 1964, word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 5 van Wet 89 van 1964, soos gewysig deur artikel 4 van Wet 90 van 1970.

- „(c) die voorsitter van die Adviserende Raad op Universiteite ingevolge artikel twee van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), aangestel;”.

7. Hierdie Wet heet die Wysigingswet op Universiteite, 1975, Kort titel en en tree in werking op 'n datum wat die Staatspresident by inwerkingtreding proklamasie in die *Staatskoerant* bepaal.

