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GOVERNMENT GAZETTE OF THE REPUBLIC OF SOUTH AFRICA

# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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### KANTOOR VAN DIE EERSTE MINISTER

No. 347.

25 Februarie 1981.

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

No. 11 van 1981: Wysigingswet op Kultuur- en Onderwyswette, 1981.

### OFFICE OF THE PRIME MINISTER

No. 347.

25 February 1981.

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

No. 11 of 1981: Culture and Education Laws Amendment Act, 1981.

Act No. 11, 1981

CULTURE AND EDUCATION LAWS AMENDMENT ACT,  
1981**GENERAL EXPLANATORY NOTE:**

**[ ]** Words in bold type in square brackets indicate omissions from existing enactments.

**—** Words underlined with solid line indicate insertions in existing enactments.

**ACT**

To amend the Advanced Technical Education Act, 1967, with respect to certain definitions; and so as to further provide for the delegation of powers by the Minister of National Education; to amend the National Culture Promotion Act, 1969, with respect to certain definitions; and so as to further provide for the delegation of powers by the said Minister; to amend the Cultural Institutions Act, 1969, with respect to certain definitions; so as to abolish the Advisory Council for Declared Institutions; and to further provide for the delegation of powers by the said Minister; to amend the Mentally Retarded Children's Training Act, 1974, with respect to certain definitions; and so as to further provide for the delegation of powers by the said Minister; and to provide for incidental matters.

(Afrikaans text signed by the State President.)  
(Assented to 10 February 1981.)

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

Amendment of section 1 of Act 40 of 1967, as amended by section 3 of Act 69 of 1973 and section 1 of Act 43 of 1979.

Substitution of section 29 of Act 40 of 1967, as substituted by section 17 of Act 43 of 1979.

1. Section 1 of the Advanced Technical Education Act, 1967, is hereby amended—

- (a) by the insertion after the definition of “council” of the following definition:  
“‘Director-General’ means the Director-General: National Education;”; and
- (b) by the deletion of the definition of “Secretary”.

2. The following section is hereby substituted for section 29 of the Advanced Technical Education Act, 1967:

“Delegation of rights, duties, powers, authorities and functions.

29. The Minister may delegate to the **[Secretary]** Director-General or to any other senior officer in the Department of National Education any or all of the rights, duties, powers, authorities and functions conferred or imposed upon or entrusted to him by the proviso to section 3, section 10 (1), the proviso to section 10 (2), section 10 (3) (in so far as it relates to the determination of salaries), section 10 (4), section 12 (b), section 13 (1), section 15 and section 20 15 16.”.

3. Section 1 of the National Culture Promotion Act, 1969, is hereby amended—

- (a) by the substitution for the definition of “department” of the following definition:  
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## ALGEMENE VERDUIDELIKENDE NOTA:

- [** **I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.

**WET**

Tot wysiging van die Wet op Gevorderde Tegniese Onderwys, 1967, betreffende sekere woordomskrywings; en ten einde verdere voorsiening te maak vir die delegering van bevoegdhede deur die Minister van Nasionale Opvoeding; tot wysiging van die Wet op Bevordering van Nasionale Kultuur, 1969, betreffende sekere woordomskrywings; en ten einde verdere voorsiening te maak vir die delegering van bevoegdhede deur genoemde Minister; tot wysiging van die Wet op Kulturele Inrigtings, 1969, betreffende sekere woordomskrywings; ten einde die Adviesraad vir Verklaarde Inrigtings af te skaf; en verdere voorsiening te maak vir die delegering van bevoegdhede deur genoemde Minister; tot wysiging van die Wet op Opleiding van Geestelik Vertraagde Kinders, 1974, betreffende sekere woordomskrywings; en ten einde verdere voorsiening te maak vir die delegering van bevoegdhede deur genoemde Minister; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 10 Februarie 1981.)

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

1. Artikel 1 van die Wet op Gevorderde Tegniese Onderwys, 1967, word hierby gewysig—
- 5     (a) deur voor die omskrywing van „gevorderde tegniese onderwys” die volgende omskrywing in te voeg:  
       „Direkteur-generaal” die Direkteur-generaal:  
           Nasionale Opvoeding;”; en
- 10     (b) deur die omskrywing van „Sekretaris” te skrap.
- 15     2. Artikel 29 van die Wet op Gevorderde Tegniese Onderwys, 1967, word hierby deur die volgende artikel vervang:  
       „Delegering van regte, pligte, bevoegdhede, magte en werkzaamhede,
- 20     29. Die Minister kan aan die **[Sekretaris]** **Direkteur-generaal** of aan 'n ander senior beampete van die Departement van Nasionale Opvoeding enige of al die regte, pligte, bevoegdhede, magte en werkzaamhede wat die voorbehoudsbepaling by artikel 3, artikel 10 (1), die voorbehoudsbepaling by artikel 10 (2), artikel 10 (3) (vir sover dit betrekking het op die bepaling van salarisse), artikel 10 (4), artikel 12 (b), artikel 13 (1), artikel 15 en artikel 16 aan hom verleen, hom oplê of aan hom toevertrou, deleer.”.
- 25     3. Artikel 1 van die Wet op Bevordering van Nasionale Kultuur, 1969, word hierby gewysig—
- (a) deur die omskrywing van „departement” deur die volgende omskrywing te vervang:

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Wysiging van artikel 1 van Wet 40 van 1967, soos gewysig deur artikel 3 van Wet 69 van 1973 en artikel 1 van Wet 43 van 1979.

Vervanging van artikel 29 van Wet 40 van 1967, soos vervang deur artikel 17 van Wet 43 van 1979.

Wysiging van artikel 1 van Wet 27 van 1969.

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“‘department’ means the Department of **[Cultural Affairs]** National Education;”;

- (b) by the insertion after the definition of “department” of the following definition:
- “‘Director-General’ means the Director-General: 5  
National Education;”; and
- (c) by the deletion of the definition of “Secretary”.

Amendment of  
section 2 of  
Act 27 of 1969.

**4.** Section 2 of the National Culture Promotion Act, 1969, is hereby amended by the deletion of subsection (7).

Insertion of  
section 3A in  
Act 27 of 1969.

**5.** The following section is hereby inserted in the National 10 Culture Promotion Act, 1969, after section 3:

“Minister may delegate certain powers.

**3A. (1)** The Minister may delegate any power conferred upon him by section 2 or 3 (3), (12), (14) or (15) to the Director-General or any officer.

(2) A delegation under subsection (1) shall not prevent the exercise of the relevant power by the **Minister himself.**”.

Amendment of  
section 1 of  
Act 29 of 1969.

**6.** Section 1 of the Cultural Institutions Act, 1969, is hereby amended—

- (a) by the deletion of the definition of “Advisory Council”;
  - (b) by the insertion after the definition of “declared institution” of the following definition:
- “‘Director-General’, and ‘officer’, in any provision of this Act, mean, respectively, the head and any 25 officer of the Department of State administered by the Minister to whom the administration of that provision has been assigned by proclamation under section 16;”; and
- (c) by the deletion of the definition of “Secretary” and 30 “officer”.

Repeal of  
section 5B of  
Act 29 of 1969,  
as inserted by  
section 5 of  
Act 93 of 1974.

**7.** Section 5B of the Cultural Institutions Act, 1969, is hereby repealed.

Repeal of  
section 12 of  
Act 29 of 1969,  
as amended by  
section 7 of  
Act 93 of 1974.

**8.** Section 12 of the Cultural Institutions Act, 1969, is hereby repealed.

Insertion of  
section 14A in  
Act 29 of 1969.

**9.** The following section is hereby inserted in the Cultural Institutions Act, 1969, after section 14:

“Minister may delegate certain powers.

**14A. (1)** The Minister may delegate—

- (a) a power conferred upon him by subsection (1) of section 5A (in so far as it relates to the determination of establishments, salaries, allowances, other benefits, privileges and conditions of service) or the proviso to subsection (2) of that section to a council;
- (b) a power conferred upon him by subsection (1) of section 5A, the proviso to subsection (2) of that section, or section 6, 8 (2) or 10 to the Director-General or any officer.

(2) A delegation under subsection (1) shall not prevent the exercise of the relevant power by the **Minister himself.**”.

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- „departement” die Departement van **[Kultuursake]**  
Nasionale Opvoeding;”;  
 (b) deur na die omskrywing van „departement” die  
volgende omskrywing in te voeg:  
 5 „**Direkteur-generaal**” die **Direkteur-generaal:**  
Nasionale Opvoeding;” en  
 (c) deur die omskrywing van „Sekretaris” te skrap.

4. Artikel 2 van die Wet op Bevordering van Nasionale Kultuur, 1969, word hierby gewysig deur subartikel (7) te skrap. Wysiging van artikel 2 van Wet 27 van 1969.

10 5. Die volgende artikel word hierby in die Wet op Bevordering van Nasionale Kultuur, 1969, na artikel 3 ingevoeg: Invoeging van artikel 3A in Wet 27 van 1969.

- „Minister kan sekere bevoegdhede deleger. 15 **3A.** (1) Die Minister kan 'n bevoegdheid by artikel 2 of 3 (3), (12), (14) of (15) aan hom verleen, aan die Direkteur-generaal of 'n beamppte deleger.  
 (2) 'n Delegering kragtens subartikel (1) belet nie die uitoefening van die betrokke bevoegdheid deur die Minister self nie.”.

6. Artikel 1 van die Wet op Kulturele Inrigtings, 1969, word hierby gewysig— Wysiging van artikel 1 van Wet 29 van 1969.

20 (a) deur die omskrywing van „Adviesraad” te skrap;  
 (b) deur voor die omskrywing van „inrigting” die volgende omskrywing in te voeg:  
 „**Direkteur-generaal**”, en „**beamppte**”, in enige bepaling van hierdie Wet, onderskeidelik die hoof en 'n beamppte van die Staatsdepartement onder beheer van die Minister aan wie die uitvoering van daardie bepaling by 'n proklamasie kragtens artikel 16 opgedra is;”; en  
 25 (c) deur die omskrywing van „Sekretaris” en „beamppte” te skrap.

7. Artikel 5B van die Wet op Kulturele Inrigtings, 1969, word hierby herroep. Herroeping van artikel 5B van Wet 29 van 1969, soos ingevoeg deur artikel 5 van Wet 93 van 1974.

8. Artikel 12 van die Wet op Kulturele Inrigtings, 1969, word hierby herroep. Herroeping van artikel 12 van Wet 29 van 1969, soos gewysig deur artikel 7 van Wet 93 van 1974.

35 9. Die volgende artikel word hierby in die Wet op Kulturele Inrigtings, 1969, na artikel 14 ingevoeg: Invoeging van artikel 14A in Wet 29 van 1969.

- „Minister kan sekere bevoegdhede deleger. 40 **14A.** (1) Die Minister kan—  
 (a) 'n bevoegdheid by subartikel (1) van artikel 5A (vir sover dit betrekking het op die bepaling van diensstate, salarisste, toelaes, ander voordele, voorregte en diensvoorraades) of die voorbehoudsbepaling by subartikel (2) van daardie artikel aan hom verleen, aan 'n raad deleger;  
 45 (b) 'n bevoegdheid by subartikel (1) van artikel 5A, die voorbehoudsbepaling by subartikel (2) van daardie artikel, of artikel 6, 8 (2) of 10 aan hom verleen, aan die Direkteur-generaal of 'n beamppte deleger.  
 (2) 'n Delegering kragtens subartikel (1) belet nie die uitoefening van die betrokke bevoegdheid deur die Minister self nie.”.

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1981**

Amendment of section 1 of Act 63 of 1974.

- 10.** Section 1 of the Mentally Retarded Children's Training Act, 1974, is hereby amended—  
 (a) by the insertion after the definition of "Department" of the following definition:  
"Director-General" means the Director-General: 5  
National Education;; and  
 (b) by the deletion of the definition of "Secretary".

Amendment of section 35 of Act 63 of 1974.

- 11.** Section 35 of the Mentally Retarded Children's Training Act, 1974, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister may delegate any power, duty or function conferred upon or assigned to him by section 3, 4 [(2)], 5 (1) (in so far as it relates to the determination of salaries), 6 (1), 8 (1) and (3) (a), 17 (1), 19 (1), (2), (3), (4) (in so far as [it] the last-mentioned subsection relates to the determination of salaries) and (6), 22 (1) (a), (b), (c), (f) and (g), 22 (2), 25 and 34 (2), to the **[Secretary]** Director-General or any other person in the Department or to any governing body.".

Substitution of certain official title.

- 12.** The Advanced Technical Education Act, 1967, the National Culture Promotion Act, 1969, the Cultural Institutions Act, 1969, and the Mentally Retarded Children's Training Act, 1974, are hereby amended by the substitution for the word "Secretary", wherever it is used with reference to the Secretary as defined in the said Acts immediately prior to the commencement of this Act, of the word "Director-General".

Short title.

- 13.** This Act shall be called the Culture and Education Laws Amendment Act, 1981.

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- 10.** Artikel 1 van die Wet op Opleiding van Geestelik Vertraagde Kinders, 1974, word hierby gewysig—  
 (a) deur na die omskrywing van „Departement” die volgende omskrywing in te voeg:  
 5        „,Direkteur-generaal’ die Direkteur-generaal:  
           Nasionale Opvoeding;”; en  
 (b) deur die omskrywing van „Sekretaris” te skrap.

- 11.** Artikel 35 van die Wet op Opleiding van Geestelik Vertraagde Kinders, 1974, word hierby gewysig deur subartikel 10 (1) deur die volgende subartikel te vervang:

„(1) Die Minister kan 'n bevoegdheid, plig of werkzaamheid wat by artikel 3, 4 **[(2)]**, 5 (1) (vir sover dit betrekking het op die bepaling van salarisse) 6 (1), 8 (1) en 15 (3) (a), 17 (1), 19 (1), (2), (3), (4) (vir sover **[dit]** laasgenoemde subartikel betrekking het op die bepaling van salarisse) en (6), 22 (1) (a), (b), (c), (f) en (g), 22 (2), 25 en 34 (2) aan hom verleen of opgedra word, aan die **[Sekretaris]** **Direkteur-generaal** of 'n ander persoon in die Departement of aan 'n bestuursliggaam oordra.”.

- 20 12.** Die Wet op Gevorderde Tegniese Onderwys, 1967, die Wet op Bevordering van Nasionale Kultuur, 1969, die Wet op Kulturele Inrigtings, 1969, en die Wet op Opleiding van Geestelik Vertraagde Kinders, 1974, word hierby gewysig deur die woord „Sekretaris”, oral waar dit gebruik word met 25 verwysing na die Sekretaris soos in genoemde Wette onmiddellik voor die inwerkingtreding van hierdie Wet omskryf, deur die woord „Direkteur-generaal” te vervang.

- 13.** Hierdie Wet heet die Wysigingswet op Kultuur- en Kort titel.  
Onderwyswette, 1981.

