



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 339.

5 Maart 1982.

No. 339.

5 March 1982.

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

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

No. 16 van 1982: Wysigingswet op Onderwysdienste, 1982.

No. 16 of 1982: Educational Services Amendment Act, 1982.

Wet No. 16, 1982

WYSIGINGSWET OP ONDERWYSDIENSTE, 1982

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Onderwysdienste, 1967, betreffende sekere woordskrywings; ten einde voorsiening te maak vir die verskaffing van voorligting aan ouers van gestremde kinders met die oog op die opvoeding, opleiding en behandeling van sodanige kinders; aan die Minister van Nasionale Opvoeding die bevoegdheid te verleen om hom te ontdoen van die bevoegdheid om eksamens ten opsigte van kursusse by private beroepsskole af te neem; genoemde Minister te magtig om reëls met betrekking tot sekere nasionale eksamens te maak; verdere voorsiening te maak vir die registrasie van sekere private skole; voorsiening te maak vir die hou van rekeningkundige aantekeninge betreffende die sake van ondersteunde skole, vir die ouditering van sodanige aantekeninge en vir die voorlegging van sekere finansiële state aan die Direkteur-generaal: Nasionale Opvoeding; verdere voorsiening te maak vir die delegering van bevoegdhede deur genoemde Minister en Direkteur-generaal; sekere boetes te verhoog; en sekere woorde te vervang; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Februarie 1982.)

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

Wysiging van artikel 1 van Wet 41 van 1967, soos gewysig deur artikel 1 van Wet 24 van 1969 en artikel 7 van Wet 69 van 1973.

1. Artikel 1 van die Wet op Onderwysdienste, 1967 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van „bestuursliggaam” deur die volgende omskrywing te vervang: 5
„bestuursliggaam” die persoon wat ’n **[inrigting]** ondersteunde skool bedoel in artikel 5 (1) bestuur;”;
- (b) deur die omskrywing van „buitengewone onderwys” 10 deur die volgende omskrywing te vervang:
„buitengewone onderwys”—
(a) dié onderwys van ’n gespesialiseerde aard en ook—
- [(a)]** (i) dié sielkundige, mediese, tandheelkundige, paramediese en terapeutiese behandeling (met inbegrip van die uitvoer van operasies); 15
- [(b)]** (ii) dié voorsiening van kunsmatige mediese hulpmiddels en apparaat; 20
- [(c)]** (iii) dié versorging in ’n hospitaal en in ’n skoolkoshuis; en
- [(d)]** (iv) die verskaffing van dié vervoer en begeleiding en van dié ander dienste, wat verskaf word om in die behoeftes van ’n 25 gestremde kind te voorsien; en

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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 Educational Services Act, 1967, relating to certain definitions; so as to provide that guidance may be given to parents of handicapped children with a view to the education, training and treatment of such children; to empower the Minister of National Education to divest himself of the power to conduct examinations in respect of courses at private vocational schools; to authorize the said Minister to make rules with respect to certain national examinations; to make further provision for the registration of certain private schools; to provide for accounting records in connection with the affairs of subsidized schools to be kept, for the auditing of such records and for the submission of certain financial statements to the Director-General: National Education; to make further provision for the delegation of powers by the said Minister and Director-General; to increase certain fines; and to substitute certain words; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 16 February 1982.)

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

1. Section 1 of the Educational Services Act, 1967 (hereinafter referred to as the principal Act), is hereby amended—

5 (a) by the deletion of the definitions of "college" and "college council";

(b) by the substitution for the definition of "Commission" of the following definition:

10 “Commission” means the Commission for Administration within the meaning of the Public Service Act, 1957 (Act No. 54 of 1957);

(c) by the insertion after the definition of "Department" of the following definition:

15 "'Director-General' means the Director-General:
National Education;";

(d) by the substitution for the definition of "governing body" of the following definition:

“‘governing body’ means the person managing [an institution] a subsidized school referred to in

20 section 5 (1);”;

(e) by the deletion of the definition of "Secretary";

(f) by the substitution for the definition of "special

education" of the following d
 "special education" means—

Amendment of
section 1 of
Act 41 of 1967,
as amended by
section 1 of
Act 24 of 1969
and section 7 of
Act 69 of 1973.

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- (b) voorligting wat aan die ouers van 'n gestremde kind (met inbegrip van 'n gestremde kind wat nog nie aan skoolplig onderworpe is nie) verskaf word met die oog op die opvoeding, opleiding en behandeling van die kind;”;
- (c) deur na die omskrywing van „Departement” die volgende omskrywing in te voeg:
„Direkteur-generaal” die Direkteur-generaal: Nasionale Opvoeding;”;
- (d) deur die omskrywings van „kollege” en „kollegeraad” te skrap;
- (e) deur die omskrywing van „Kommissie” deur die volgende omskrywing te vervang:
„Kommissie” die Kommissie vir Administrasie ooreenkomstig die bedoeling van die Staatsdienswet, 1957 (Wet No. 54 van 1957);
- (f) deur die omskrywing van „Sekretaris” te skrap; en
- (g) deur na die omskrywing van „Staatsdiens” die volgende omskrywings in te voeg:
„tegnikon” ’n tegnikon soos omskryf in die Wet op Gevorderde Tegniese Onderwys, 1967 (Wet No. 40 van 1967);
„tegnikonraad” ’n raad soos omskryf in die Wet op Gevorderde Tegniese Onderwys, 1967;”.

Wysiging van
artikel 2 van
Wet 41 van 1967.

2. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
„(1) Die Minister kan, in oorleg met die Minister van Finansies, uit geld wat die Parlement vir die doel bewillig het, skole instel, in stand hou en bestuur om hoër onderwys ooreenkomstig die bedoeling van paragrafe (b) tot en met (g) van artikel [17 van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945)] 14 van die Wet op Finansiële Verhoudings, 1976 (Wet No. 65 van 1976), te verskaf.”.

Wysiging van
artikel 9 van
Wet 41 van 1967,
soos gewysig deur
artikel 13 van
Wet 69 van 1973.

3. Artikel 9 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:
„(b) Die Minister kan ten opsigte van ’n provinsie hom ontdoen van ’n bevoegdheid aan hom by artikel 13 (1) verleen ten opsigte van beroepskole, private beroepskole en ander inrigtings wat beroepsonderwys verskaf, en wel vanaf die datum en op die voorwaardes wat hy in oorleg met die betrokke Administrateur bepaal.”.

Wysiging van
artikel 13 van
Wet 41 van 1967,
soos gewysig deur
artikel 1 van
Wet 60 van 1972.

4. Artikel 13 van die Hoofwet word hierby gewysig—
(a) deur subartikel (1A) deur die volgende subartikel te vervang:
„(1A) (a) Die Minister kan reëls maak betreffende—
(i) die voorwaardes of vereistes waaraan ’n kandidaat moet voldoen ten einde te kwalifiseer vir inskrywing vir ’n [in subartikel (1) bedoelde] nasionale eksamen en die omstandighede waaronder bedoelde inskrywing geweier of gekanselleer kan word; [voorskryf]
(ii) die afneem van ’n nasionale eksamen, met inbegrip van die aanstelling, besoldiging, tug, gedrag, bevoegdhede en pligte van eksaminatore, moderatore, opsieners en ander persone wie se dienste in verband daarmee nodig is, die inskrywing van kandidate vir so ’n eksamen, die gedrag en tug van kandidate

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(a) such education of a specialized nature, including—

[(a)] (i) such psychological, medical, dental, paramedical and therapeutic treatment (including the performance of operations);

[(b)] (ii) such provision of artificial medical aids and apparatus;

[(c)] (iii) such care in a hospital and in a school hostel; and

[(d)] (iv) the provision of such transport and escort and such other services, as are provided to meet the needs of a handicapped child; and

(b) guidance provided to the parents of a handicapped child (including a handicapped child who is not yet subject to compulsory school attendance) with a view to the education, training and treatment of such child;” and

(g) by the insertion after the definition of “subsidized school” of the following definitions:

“‘technikon’ means a technikon as defined in the Advanced Technical Education Act, 1967 (Act No. 40 of 1967);

‘technikon council’ means a council as defined in the Advanced Technical Education Act, 1967.”

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 2 of Act 41 of 1967.

“(1) The Minister may in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, establish, maintain and manage schools to provide higher education within the meaning of paragraphs (b) to (g), inclusive, of section [17 of the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945)] 14 of the Financial Relations Act, 1976 (Act No. 65 of 1976).”

3. Section 9 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

Amendment of section 9 of Act 41 of 1967, as amended by section 13 of Act 69 of 1973.

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

4. Section 13 of the principal Act is hereby amended—

(a) by the substitution for subsection (1A) of the following subsection:

Amendment of section 13 of Act 41 of 1967, as amended by section 1 of Act 60 of 1972.

“(1A) (a) The Minister may [prescribe] make rules as to—

(i) the conditions or requirements to be complied with by any candidate in order to qualify for enrolment for any national examination [referred to in subsection (1)] and the circumstances in which such enrolment may be refused or cancelled;

(ii) the conduct of examinations, including the appointment, remuneration, discipline, conduct, powers and duties of examiners, moderators, invigilators and other persons whose services are required in connection therewith, the enrolment of candidates for any such examination, the conduct and discipline of

- terwyl hulle eksamen aflê en ander aangeleenthede in verband met die afneem van so 'n eksamen, en die uitreiking van sertifikate en diplomas.
- (b) 'n Reël deur die Minister kragtens paragraaf (a) 5
gemaak, word aan die persone op wie dit betrekking het, bekend gemaak op 'n wyse wat die Minister bepaal.”;
- (b) deur paragraaf (c) van subartikel (4) deur die volgende paragraaf te vervang: 10
„(c) 'n **[regulasie]** reël met betrekking tot sodanige eksamen oortree of versuim om daaraan te voldoen,”; en
- (c) deur in paragraaf (a) van subartikel (5) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde 15 te vervang:
„Indien 'n kandidaat in die loop van 'n nasionale eksamen of by die plek waar so 'n eksamen afgeneem word 'n **[regulasie]** reël of voorskrif in verband met dié eksamen oortree of versuim om daaraan te voldoen, of, met betrekking tot bedoelde eksamen, strydig met so 'n **[regulasie]** reël of voorskrif enige hulp ontvang of poog om dit te ontvang, of uit 'n ongemagtigde bron of op 'n ongemagtigde wyse hulp verkry of 25 poog om dit te verkry, kan 'n opsiener wat diens doen by die plek waar die eksamen afgeneem word, na gelang van die omstandighede—”.

Wysiging van artikel 15 van Wet 41 van 1967, soos gewysig deur artikel 2 van Wet 24 van 1969.

5. Artikel 15 van die Hoofwet word hierby gewysig—

- (a) deur subartikels (1), (2), (3) en (4) onderskeidelik deur 30 die volgende subartikels te vervang:
„(1) Niemand mag, behalwe by 'n ondersteunde skool of aan 'n universiteit of universiteitskollege by of kragtens 'n wet ingestel, of 'n **[kollege]** teknikon, of 'n tegniese kollege bedoel in die Wet op Tegniese 35 Kolleges, 1981 (Wet No. 104 van 1981), of deur middel van 'n korrespondensiekollege wat ingevolge artikel 11 van die Wet op Korrespondensiekolleges, 1965 (Wet No. 59 van 1965), geregistreer is, teen beloning—
- [(a) buitengewone onderwys, 'n kursus van onderwys 40 op 'n deeltydse grondslag waarin meer as 'n derde van vakke handelsvakke vermeld in Bylae 2 is of ten opsigte waarvan meer as agt uur per week aan sodanige handelsvakke gewy word, of 'n kursus van onderwys op 'n voltydse grondslag vanaf 'n 45 standaard hoër as die tiende standaard en waarin meer as 'n derde van die vakke handelsvakke vermeld in Bylae 2 is of ten opsigte waarvan meer as agt uur per week aan sodanige handelsvakke gewy word, of onderwys, maar uitgesonderd be- 50 roepsonderwys, in 'n aangewese bedryf soos in die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), omskryf, hetsy in of buite die gebied ten opsigte waarvan dié bedryf aangewys is, verskaf nie tensy so iemand deur die Departement as 'n private 55 skool geregistreer is; of
- (b) beroepsonderwys verskaf nie tensy so iemand deur die betrokke Administrateur as 'n private beroep- skool geregistreer is]
- (a) buitengewone onderwys verskaf nie tensy so 60 iemand deur die Departement as 'n private spesiale skool geregistreer is;
- (b) (i) onderwys, maar uitgesonderd beroepsonderwys, in 'n aangewese ambag soos in die Wet op Mannekrasopleiding, 1981 (Wet No. 56 65

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candidates while they are writing examinations and any other matters in connection with the conduct of any such examination, and the issue of certificates and diplomas.

5 (b) Any rule made by the Minister under paragraph (a) shall be made known to the persons to whom it relates in such manner as may be determined by the Minister.”;

10 (b) by the substitution for paragraph (c) of subsection (4) of the following paragraph:

“(c) contravenes or fails to comply with any **[regulation] rule** relating to such examination,”; and

15 (c) by the substitution in paragraph (a) of subsection (5) for the words preceding subparagraph (i) of the following words:

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

30 5. Section 15 of the principal Act is hereby amended—

(a) by the substitution for subsections (1), (2), (3) and (4) of the following subsections, respectively:

35 “(1) No person shall, except at a subsidized school or at a university or university college established by or under any law, or at a **[college] technikon**, or at a technical college referred to in the Technical Colleges Act, 1981 (Act No. 104 of 1981), or through a correspondence college registered in terms of section 11 of the Correspondence Colleges Act, 1965 (Act No. 59 of 1965), provide for reward—

40 **[(a) special education, a course of education on a part-time basis in which more than one-third of the subjects are commercial subjects referred to in Schedule 2 or in respect of which more than eight hours per week are devoted to such commercial subjects, or a course of education on a full-time basis from a standard higher than the tenth standard and in which more than one-third of the subjects are commercial subjects referred to in Schedule 2 or in respect of which more than eight hours per week are devoted to such commercial subjects, or education, but excluding vocational education, in a designated trade as defined in the Apprenticeship Act, 1944 (Act No. 37 of 1944), whether in or outside the area in respect of which such trade has been designated, unless such person has been registered by the Department as a private school; or**

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

(a) special education unless such person has been registered by the Department as a private special school;

65 **(b) (i) education, but excluding vocational education, in a designated trade as defined in the Manpower Training Act, 1981 (Act No. 56 of**

Amendment of section 15 of Act 41 of 1967, as amended by section 2 of Act 24 of 1969.

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- van 1981), omskryf, hetsy in of buite die gebied ten opsigte waarvan dié ambag aangewys is; of
- (ii) naskoolse onderwys soos omskryf in artikel 1 van die Wet op Tegniese Kolleges, 1981, op 'n voltydse of deeltydse grondslag aan meer as agt persone of vir meer as agt uur per week in 'n vak of vakke wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* aanwys,
- (c) beroepsonderwys verskaf nie tensy so iemand deur die betrokke Administrateur as 'n private beroepskool geregistreer is.

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

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

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

(b) deur die volgende subartikel by te voeg:

„(8) Iemand wat voor die inwerkingtreding van die Wysigingswet op Onderwysdienste, 1982, as 'n private skool kragtens hierdie artikel geregistreer was, word by sodanige inwerkingtreding—

- (a) indien hy buitengewone onderwys verskaf, geag as 'n private spesiale skool geregistreer te wees; en
- (b) indien hy onderwys bedoel in subartikel (1) (b) verskaf, geag as 'n private kollege geregistreer te wees.”

Wysiging van
artikel 25 van
Wet 41 van 1967.

6. Artikel 25 van die Hoofwet word hierby gewysig deur in subartikel (2) die uitdrukkings „Sekretaris van Volkswelsyn en Pensioene” en „genoemde Sekretaris”, oral waar hulle voorkom, deur onderskeidelik die uitdrukkings „Direkteur-generaal: Gesondheid en Welsyn” en „genoemde Direkteur-generaal” te vervang.

Wysiging van
artikel 33 van
Wet 41 van 1967.

7. Artikel 33 van die Hoofwet word hierby gewysig deur die woorde „Gekonsolideerde Inkomstefonds”, oral waar hulle voorkom, deur die woord „Staatsinkomstefonds” te vervang.

Wysiging van
artikel 34 van
Wet 41 van 1967.

8. Artikel 34 van die Hoofwet word hierby gewysig deur die woorde „vyftig rand”, oral waar hulle voorkom, deur die uitdrukking „R120” te vervang.

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1981), whether in or outside the area in respect of which such trade has been designated; or

5 (ii) post-school education as defined in section 1 of the Technical Colleges Act, 1981, on a full-time or part-time basis to more than eight persons or for more than eight hours per week in a subject or subjects designated by the Minister from time to time by notice in the *Gazette*,

10 unless such person has been registered by the Department as a private college; or

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

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

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

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

40 **[the]** such special school, college or vocational school shall for the purposes of subsection (1) be deemed not to be registered.”; and

(b) by the addition of the following subsection:
45 “(8) Any person who prior to the commencement of the Educational Services Amendment Act, 1982, was registered under this section as a private school shall at such commencement—

(a) if he provides special education, be deemed to be registered as a private special school;

50 (b) if he provides education referred to in subsection (1) (b), be deemed to be registered as a private college.”

6. Section 25 of the principal Act is hereby amended by the substitution in subsection (2) for the expressions “Secretary for Social Welfare and Pensions” and “the said Secretary”, wherever they occur, of the expressions “Director-General: Health and Welfare” and “the said Director-General”, respectively.

Amendment of section 25 of Act 41 of 1967.

7. Section 33 of the principal Act is hereby amended by the substitution for the words “Consolidated Revenue Fund”, wherever they occur, of the words “State Revenue Fund”.

Amendment of section 33 of Act 41 of 1967.

8. Section 34 of the principal Act is hereby amended by the substitution for the words “fifty rand”, wherever they occur, of the expression “R120”.

Amendment of section 34 of Act 41 of 1967.

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Invoeging van
artikel 34A in
Wet 41 van 1967.

9. Die volgende artikel word hierby in die Hoofwet na artikel 34 ingevoeg:

- „Boekhou-
ding deur
ondersteunde
skole en ver-
strekking van
finansiële
jaarstate aan
Direkteur-
generaal.
- 34A. (1)** Die bestuursliggaam van 'n ondersteunde skool moet—
- (a) die rekeningkundige aantekeninge hou wat nodig is om die transaksies en die finansiële stand van sake van die skool weer te gee;
 - (b) ten opsigte van elke boekjaar van die skool die finansiële state opstel wat die Direkteur-generaal vereis, sodanige state laat ouditeer en binne ses maande na die einde van daardie boekjaar afskrifte van die geouditeerde state aan die Direkteur-generaal voorlê;
 - (c) binne 14 dae nadat hy deur die Direkteur-generaal daartoe gelas word, enige inligting in verband met die finansiële stand van sake van die skool of 'n transaksie waarby die skool 'n party is aan die Direkteur-generaal verstrek.
- (2) Die Direkteur-generaal kan voorskrifte aan die bestuursliggaam van 'n ondersteunde skool uitreik betreffende die stelsel van boekhouding en verantwoording wat hy by die verrigting van sy werksaamhede ingevolge subartikel (1) moet volg.
- (3) Die boekjaar van 'n ondersteunde skool is 'n jaar wat op die laaste dag van Maart eindig.”.

Wysiging van
artikel 35 van
Wet 41 van 1967.

10. Artikel 35 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Minister kan Bylae 1 by kennisgewing in die *Staatskoerant* wysig, mits hy kennisgewing van sy voorneme om dit te doen ten minste 30 dae voor die einde van 'n 30 gewone sessie **[in die Senaat en]** in die Volksraad ter Tafel gelê het, en **[die Senaat of]** die Volksraad nie binne 30 dae na sodanige tertaafellegging by wyse van besluit die bepalings van dié kennisgewing afgekeur het nie.”.

Vervanging van
artikel 42 van
Wet 41 van 1967,
soos gewysig deur
artikel 12 van
Wet 69 van 1973
en artikel 3 van
Wet 24 van 1969.

11. Artikel 42 van die Hoofwet word hierby deur die volgende artikel vervang:

- „Oordrag
van bevoegd-
hede, pligte
en werk-
saamhede.
- 42. (1)** Die Minister kan 'n bevoegdheid, plig of werksaamheid wat by artikel 3 (1), 3 (3), 8, 13 (1), 13 (1A), 13 (5) (b), 13 (7), 15, 16 (1), 16 (2), 17 (vir sover dit betrekking het op die bepaling van salarisse), 18 (1) (a), 18 (1) (b), 18 (1) (bA) (vir sover dit betrekking het op die bepaling van salarisse), 18 (1) (d), 18 (3), 19 (1), 19 (2), 21 (1), 26, 27 (1) (a), 27 (1) (b), 27 (1) (c), 27 (1) (f), **[of]** 27 (1) (g) of 27 (2) aan hom verleen of opgedra is, aan die **[Sekretaris]** Direkteur-generaal of iemand in diens van die Departement of aan 'n bestuursliggaam oordra.
- (2) Die **[Sekretaris]** Direkteur-generaal kan 'n bevoegdheid, plig of werksaamheid wat by artikel 4 (1), 10, 11, 12, 13 (3), 13 (5) (c) (ii), 33 (1), 33 (2), 34, 34A, 37, 38 of 39 aan hom verleen of opgedra is, aan 'n ander beampte in die Departement oordra.”.

Wysiging van
artikel 43 van
Wet 41 van 1967,
soos gewysig deur
artikel 4 van
Wet 60 van 1972.

12. Artikel 43 van die Hoofwet word hierby gewysig deur paragraaf (h) van subartikel (1) te skrap.

Vervanging van se-
kere woorde.

13. Die Hoofwet word hierby gewysig—

- (a) deur die woord „Sekretaris”, oral waar dit gebruik word met verwysing na die Sekretaris soos onmiddellik

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9. The following section is hereby inserted in the principal Act after section 34:

Insertion of section 34A in Act 41 of 1967.

- “Bookkeeping by subsidized schools and submission of annual financial statements to Director-General.
- 34A. (1) The governing body of a subsidized school shall—
- (a) keep such accounting records as are necessary to reflect the transactions and financial state of affairs of the school;
- (b) in respect of each financial year of the school make out such financial statements as may be required by the Director-General, cause such statements to be audited and within six months after the end of that financial year submit copies of the audited statements to the Director-General;
- (c) within 14 days after it is ordered by the Director-General to do so, furnish the Director-General with any information in connection with the financial state of affairs of the school or any transaction to which the school is a party.
- (2) The Director-General may issue instructions to the governing body of a subsidized school with respect to the system of bookkeeping and accounting to be followed by it in the performance of its functions in terms of subsection (1).
- (3) The financial year of a subsidized school shall be a year terminating on the last day of March.”

10. Section 35 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 35 of Act 41 of 1967.

- “(1) The Minister may by notice in the *Gazette* amend Schedule 1, provided notice of his intention to do so has been laid by him upon the Table [of the Senate and] of the House of Assembly not less than 30 days before the end of any ordinary session, and [the Senate or] the House of Assembly has not within a period of 30 days thereafter by resolution disapproved of the terms of such notice.”

11. The following section is hereby substituted for section 42 of the principal Act:

Substitution of section 42 of Act 41 of 1967, as amended by section 12 of Act 69 of 1973 and section 3 of Act 24 of 1969.

- “Delegation of powers, duties and functions.
42. (1) The Minister may delegate any power, duty or function conferred upon or assigned to him by section 3 (1), 3 (3), 8, 13 (1), 13 (1A), 13 (5) (b), 13 (7), 15, 16 (1), 16 (2), 17 (in so far as it relates to the determination of salaries), 18 (1) (a), 18 (1) (b), 18 (1) (bA) (in so far as it relates to the determination of salaries), 18 (1) (d), 18 (3), 19 (1), 19 (2), 21 (1), 26, 27 (1) (a), 27 (1) (b), 27 (1) (c), 27 (1) (f), [or] 27 (1) (g) or 27 (2) to the [Secretary] Director-General or any person in the employ of the Department or to any governing body.
- (2) The [Secretary] Director-General may delegate any power, duty or function conferred upon or assigned to him by section 4 (1), 10, 11, 12, 13 (3), 13 (5) (c) (ii), 33 (1), 33 (2), 34, 34A, 37, 38 or 39 to any other officer in the Department.”

12. Section 43 of the principal Act is hereby amended by the deletion of paragraph (h) of subsection (1).

Amendment of section 43 of Act 41 of 1967, as amended by section 4 of Act 60 of 1972.

13. The principal Act is hereby amended—

- (a) by the substitution for the word “Secretary”, wherever it is used with reference to the Secretary as defined in

Substitution of certain words.

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- voor die inwerkingtreding van hierdie Wet in die Hoofwet omskryf, deur die woord „Direkteur-generaal” te vervang;
- (b) deur die woord „kollege”, oral waar dit gebruik word met verwysing na ’n kollege soos onmiddellik voor die inwerkingtreding van hierdie Wet in die Hoofwet omskryf, deur die woord „technikon” te vervang; en 5
- (c) deur die woord „kollegeraad”, oral waar dit voorkom, deur die woord „technikonraad” te vervang.

Kort titel.

14. Hierdie Wet heet die Wysigingswet op Onderwysdienste, 10 1982.

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- the principal Act immediately prior to the commencement of this Act, of the word "Director-General";
- 5 (b) by the substitution for the word "college", wherever it is used with reference to a college as defined in the principal Act immediately prior to the commencement of this Act, of the word "technikon"; and
- (c) by the substitution in the Afrikaans text for the word "kollegeraad", wherever it occurs, of the word "technikonraad".
- 10 14. This Act shall be called the Educational Services Amendment Act, 1982. Short title.

