



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. 373.

7 Maart 1984

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

No. 17 van 1984: Wysigingswet op die Suid-Afrikaanse Onderwysersraad vir Blankes, 1984.

No. 373.

7 March 1984

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

No. 17 of 1984: South African Teachers' Council for Whites Amendment Act, 1984.

Wet No. 17, 1984

WYSIGINGSWET OP DIE SUID-AFRIKAANSE
ONDERWYSERSRAAD VIR BLANKES, 1984

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 die Suid-Afrikaanse Onderwysersraad vir Blankes, 1976, ten einde die ampstermyn van die huidige lede van die Suid-Afrikaanse Onderwysersraad vir Blankes te verleng; 'n sekere verouderde bepaling te herroep; die bevoegdheid van genoemde Raad om die name van geregistreerde of voorwaardelik geregistreerde persone in die register te skrap, verder te reël; voorsiening te maak vir die voorwaardelike registrasie van persone wat professionele onderwyserskwalifikasies besit en wat aan misdrywe of aan sekere oortredings skuldig bevind is; die bevoegdheid van genoemde Raad om te weier om persone ingevolge genoemde Wet te registreer of voorlopig te registreer, verder te reël; die strawwe wat ingevolge genoemde Wet vir oortredings van die professionele gedragskode opgelê kan word, te verhoog en verder te reël; en die publikasie van inligting met betrekking tot die identiteit van sekere getuies by ondersoekte ingevolge genoemde Wet te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Februarie 1984.)

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

Wysiging van
artikel 1 van
Wet 116 van 1976,
soos gewysig deur
artikel 1 van
Wet 24 van 1978
en artikel 1 van
Wet 105 van 1981.

1. Artikel 1 van die Wet op die Suid-Afrikaanse Onderwysersraad vir Blankes, 1976 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van "verkies" deur 5
die volgende omskrywing te vervang:

"'verkies' ingevolge artikel 4 [of 5] verkies;"

Wysiging van
artikel 4 van
Wet 116 van 1976.

2. (1) Artikel 4 van die Hoofwet word hierby gewysig—
- (a) deur in subartikel (1) die woorde wat paragraaf (a) 10
voorafgaan deur die volgende woorde te vervang:
"**[Behoudens die bepalinge van artikel 5 (1) bestaan die] Die raad bestaan** uit die volgende lede, naamlik—"; en
- (b) deur subartikel (2) deur die volgende subartikel te 15
vervang:
"(2) **[Behoudens die bepalinge van artikel 5 (2) beklee 'n lid]** 'n Lid van die raad ingevolge subartikel (1) (a) verkies, beklee sy amp as sodanig vir 'n termyn van vyf jaar, en **[beklee]** 'n lid van die raad ingevolge subartikel (1) (b) of (c) aangestel, beklee sy amp as sodanig vir 20
die termyn, maar van hoogstens vyf jaar, wat die betrokke Administrateur of die Minister, na gelang van die geval, bepaal."

(2) By die toepassing van die bepalinge van subartikel (2) van artikel 4 van die Hoofwet word 'n lid van die Suid-Afrikaanse 25

**SOUTH AFRICAN TEACHERS' COUNCIL FOR WHITES
AMENDMENT ACT, 1984**

Act No. 17, 1984

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 South African Teachers' Council for Whites Act, 1976, so as to extend the period of office of the present members of the South African Teachers' Council for Whites; to repeal a certain obsolete provision; to further regulate the power of the said Council to strike off the register the names of registered or provisionally registered persons; to make provision for the provisional registration of persons holding professional teachers' qualifications who have been convicted of offences or of certain contraventions; to further regulate the power of the said Council to refuse to register, or to register provisionally, persons in terms of the said Act; to increase and further regulate the penalties which may be imposed in terms of the said Act for contraventions of the professional code of conduct; and to regulate the publication of information in relation to the identity of certain witnesses at inquiries in terms of the said Act; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 22 February 1984.)

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 South African Teachers' Council for Whites Act, 1976 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "elected" of the following definition:
- "elected" means elected in terms of section 4 [or 5];".
2. (1) Section 4 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- "[Subject to the provisions of section 5 (1) the] The**
council shall consist of the following members,
namely —"; and
- (b) by the substitution for subsection (2) of the following subsection:
- "(2) [Subject to the provisions of section 5 (2), a] A**
member of the council elected in terms of subsection (1) (a) shall hold office as such for a period of five years, and a member of the council appointed in terms of subsection (1) (b) or (c) shall hold office as such for such period, not exceeding five years, as the Administrator concerned or the Minister, as the case may be, may determine."
- (2) For the purposes of the provisions of subsection (2) of section 4 of the principal Act any member of the South African
- Amendment of section 1 of Act 116 of 1976, as amended by section 1 of Act 24 of 1978 and section 1 of Act 105 of 1981.
- Amendment of section 4 of Act 116 of 1976.

Wet No. 17, 1984

WYSIGINGSWET OP DIE SUID-AFRIKAANSE
ONDERWYSERSRAAD VIR BLANKES, 1984

Onderwysersraad vir Blankes wat by die inwerkingtreding van hierdie Wet so 'n lid is of wat na bedoelde inwerkingtreding maar voor 1 April 1985 as so 'n lid ingevolge subartikel (1) van genoemde artikel 4 verkies of aangestel word, geag op 1 April 1982 aldus verkies of aangestel te wees. 5

Herroeping van
artikel 5 van
Wet 116 van 1976.

3. Artikel 5 van die Hoofwet word hierby herroep.

Wysiging van
artikel 15 van
Wet 116 van 1976.

4. Artikel 15 van die Hoofwet word hierby gewysig—

- (a) deur subparagraaf (ii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang: 10
“(ii) elke ander persoon wat op **[die datum van inwerkingtreding van artikel 5]** 1 Januarie 1977 in 'n heeltidse permanente hoedanigheid by 'n skool in diens is om onderwys te gee;”;
- (b) deur die woord “of” aan die end van subparagraaf (ii) van paragraaf (c) van subartikel (1) te skrap, en na genoemde subparagraaf (ii) die volgende subparagraaf in te voeg: 15
“(iiA) wat na die oordeel van die raad enige voorwaarde wat ingevolge artikel 16 (2) (b) bepaal is, nie nagekom het nie; of”; en 20
- (c) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 25
“Ondanks die bepalinge van subartikel (1) (a) is die gelde daarin bedoel, nie betaalbaar nie deur iemand wat op **[die datum van inwerkingtreding van artikel 5]** 1 Januarie 1977—”.

Vervanging van
artikel 16 van
Wet 116 van 1976,
soos vervang deur
artikel 2 van
Wet 105 van 1981.

5. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:

“Voorwaardelike registrasie. 16. (1) Die naam van iemand wat—

- (a) nie 'n professionele onderwyserskwalifikasie besit nie maar in 'n heeltidse permanente hoedanigheid of vir 'n tydperk van langer as drie maande in 'n heeltidse tydelike hoedanigheid in 'n pos by 'n skool aangestel word, word, behoudens die bepalinge van subartikel (2), *mutatis mutandis* op die wyse in artikel 15 (1) (a) beoog, voorwaardelik in die register ingeskryf; 30
- (b) volgens die oordeel van die raad geskik is om onderwys te gee, maar aan die een of ander misdryf, 'n oortreding van die professionele gedragskode of wangedrag ingevolge die een of ander wet op onderwys of die onderwysberoep skuldig bevind is, kan, behoudens die bepalinge van subartikel (2), *mutatis mutandis* op die wyse in artikel 15 (1) (a) beoog, voorwaardelik in die register ingeskryf word. 35
- (2) Die naam van iemand—
- (a) in subartikel (1) (a) bedoel wat by 'n skool aangestel word in 'n aldus bedoelde hoedanigheid in 'n ander pos as 'n pos wat deur die komitee of die Direkteur-generaal: Onderwys en Opleiding of die Direkteur-generaal: Binnelandse Aangeleenthede, na gelang van die geval, goedgekeur is, word voorwaardelik in die register ingeskryf vir 'n tydperk van nie langer nie as vier jaar of die langer tydperk wat die raad op aansoek, met vermelding van die voorgeskrewe besonderhede, en teen betaling van die voorgeskrewe gelde (indien daar is), van tyd tot tyd bepaal; 40
- (b) in subartikel (1) (b) bedoel, word voorwaardelik in die register ingeskryf vir die tydperk en op die voorwaardes wat die raad bepaal. 45 50 55 60

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Teachers' Council for Whites who is such a member at the commencement of this Act or who is elected or appointed in terms of subsection (1) of the said section 4 after such commencement but before 1 April 1985 shall be deemed to have been so elected or appointed on 1 April 1982.

3. Section 5 of the principal Act is hereby repealed.

Repeal of
section 5 of
Act 116 of 1976.

4. Section 15 of the principal Act is hereby amended—

Amendment of
section 15 of
Act 116 of 1976.

- (a) by the substitution for subparagraph (ii) of paragraph (a) of subsection (1) of the following subparagraph:
- 10 “(ii) every other person who is on **[the date of commencement of section 5]** 1 January 1977 employed in a full-time permanent capacity at a school to teach;”;
- 15 (b) by the deletion of the word “or” at the end of subparagraph (ii) of paragraph (c) of subsection (1), and the insertion after the said subparagraph (ii) of the following subparagraph:
- 20 “(iiA) who, in the opinion of the council, has not complied with any condition determined in terms of section 16 (2) (b); or”;
- 25 (c) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
“Notwithstanding the provisions of subsection (1) (a), the fees contemplated therein shall not be payable by any person who is, on **[the date of commencement of section 5]** 1 January 1977 —”.

5. The following section is hereby substituted for section 16 of the principal Act:

Substitution of
section 16 of
Act 116 of 1976,
as substituted by
section 2 of
Act 105 of 1981.

- 30 “Provisional registration. 16. (1) The name of any person who—
- 35 (a) does not hold a professional teachers' qualification but is appointed in a full-time permanent capacity or for a period exceeding three months in a full-time temporary capacity in a post at a school shall, subject to the provisions of subsection (2), *mutatis mutandis*, in the manner contemplated in section 15 (1) (a), be entered provisionally in the register;
- 40 (b) in the opinion of the council is fit to teach but has been convicted of any offence, a contravention of the professional code of conduct or misconduct in terms of any law governing education or the teaching profession may, subject to the provisions of subsection (2), *mutatis mutandis*, in the manner contemplated in section 15
- 45 (1) (a), be entered provisionally in the register.
- 50 (2) The name of any person—
- 55 (a) referred to in subsection (1) (a) appointed at a school in a capacity so referred to in a post other than a post approved by the committee or the Director-General: Education and Training or the Director-General: Internal Affairs, as the case may be, shall be entered provisionally in the register for a period of not longer than four years or such longer period as the council may, on application stating the prescribed particulars, and on payment of the prescribed fees (if any), from time to time determine;
- 60 (b) referred to in subsection (1) (b) shall be entered provisionally in the register for such period and on such conditions as the council may determine.

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- (3) (a) Die raad kan te eniger tyd 'n voorwaarde wat kragtens subartikel (2) bepaal is, wysig of, op aansoek met vermelding van die voorgeskrewe besonderhede, en teen betaling van die voorgeskrewe gelde (indien daar is), al sodanige voorwaardes intrek. 5
- (b) Iemand in subartikel (1) (b) bedoel wat 'n professionele onderwyserskwalifikasie besit en ten opsigte van wie al die voorwaardes waarop sy naam voorwaardelik in die register ingeskryf is kragtens paragraaf (a) ingetrek is, word by die toepassing van die bepalings van hierdie Wet geag 'n geregistreerde persoon te wees.''. 10

Vervanging van
artikel 17 van
Wet 116 van 1976.

6. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang: 15

"Weiering
van registra-
sie deur raad.

17. (1) Behoudens die ander bepalings van hierdie Wet kan die raad weier om iemand ingevolge artikel 15 (1) (a) of 16 te registreer of voorwaardelik te registreer indien volgens die oordeel van die raad daardie persoon op grond van die omstandighede verbonde aan sy skuldigbevinding aan 'n misdryf [of], aan 'n oortreding van die professionele gedragskode of aan wangedrag ingevolge die een of ander wet op onderwys of die onderwysberoep, ongeskik is om onderwys te gee. 20 25

(2) By die toepassing van subartikel (1) word iemand wie se naam ingevolge artikel 15 (1) (c) (ii) in die register geskrap is voordat 'n ondersoek na 'n klagte, beskuldiging of bewering in artikel 18 (a) beoog wat toe teen hom ingestel was, afgehandel was, geag aan 'n oortreding van die betrokke bepaling van die professionele gedragskode skuldig bevind te wees.''. 30

Wysiging van
artikel 18 van
Wet 116 van 1976.

7. Artikel 18 van die Hoofwet word hierby gewysig—

(a) deur subparagraaf (ii) van paragraaf (b) deur die volgende subparagraaf te vervang: 35

"(ii) hom 'n boete van hoogstens [vyftig rand] R500 oplê; [of]"; en

(b) deur na genoemde subparagraaf (ii) die volgende subparagraaf in te voeg: 40

"(iiA) hom die boete beoog in subparagraaf (ii) oplê en hom berispe of waarsku of berispe en waarsku; of".

Wysiging van
artikel 19 van
Wet 116 van 1976.

8. Artikel 19 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg: 45

"(7) Die bepalings van artikel 154 (3) en (5) van die Strafproseswet, 1977 (Wet No. 51 van 1977), is *mutatis mutandis* met betrekking tot 'n getuie wat onder die ouderdom van 18 jaar is en wat ingevolge hierdie artikel voor die raad verskyn en getuienis afgelê het of ten opsigte van wie skriftelike getuienis aldus aan die raad voorgelê is, van toepassing asof so 'n getuie 'n getuie by strafregtelike verrigtinge is.'". 50

Kort titel.

9. Hierdie Wet heet die Wysigingswet op die Suid-Afrikaanse Onderwysersraad vir Blankes, 1984. 55

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- (3) (a) The council may at any time amend any condition determined under subsection (2) or, on application stating the prescribed particulars, and on payment of the prescribed fees (if any), withdraw all such conditions.
- (b) Any person referred to in subsection (1) (b) who holds a professional teachers' qualification and in respect of whom all the conditions on which his name has been entered provisionally in the register have been withdrawn under paragraph (a), shall for the purposes of this Act be deemed to be a registered person."

6. The following section is hereby substituted for section 17 of the principal Act:

Substitution of
section 17 of
Act 116 of 1976.

- 15 "Refusal of registration by council. 17. (1) Subject to the other provisions of this Act, the council may refuse to register any person in terms of section 15 (1) (a) or to register any person provisionally in terms of section 16 if, in the opinion of the council, such person is, on the ground of the circumstances connected with his conviction of any offence **[or]**, of any contravention of the professional code of conduct or of misconduct in terms of any law governing education or the teaching profession, unfit to teach.
- 20 (2) For the purposes of subsection (1) any person whose name has been struck off the register in terms of section 15 (1) (c) (ii) before any inquiry into any complaint, charge or allegation contemplated in section 18 (a) instituted against him at the time, had been dealt with finally, shall be deemed to be convicted of a contravention of the provision in question of the code of conduct."
- 25
- 30

7. Section 18 of the principal Act is hereby amended—

Amendment of
section 18 of
Act 116 of 1976.

- 35 (a) by the substitution for subparagraph (ii) of paragraph (b) of the following subparagraph:
"(ii) impose on him a penalty not exceeding **[fifty rand]** R500; **[or]**"; and
- (b) by the insertion after the said subparagraph (ii) of the following subparagraph:
40 "(iiA) impose on him the penalty contemplated in subparagraph (ii) and reprimand or caution or reprimand and caution him; or".

8. Section 19 of the principal Act is hereby amended by the addition of the following subsection:

Amendment of
section 19 of
Act 116 of 1976.

- 45 "(7) The provisions of section 154 (3) and (5) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall apply *mutatis mutandis* in relation to any witness who is under the age of 18 years and who in terms of this section has attended and given evidence before the council or in respect of whom documentary evidence has been so adduced to the council, as if such a witness were a witness at criminal proceedings."
- 50

9. This Act shall be called the South African Teachers' Council for Whites Amendment Act, 1984. Short title.

