



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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No. 10420

KANTOOR VAN DIE STAATSPRESIDENT

No. 1858. 10 September 1986

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

No. 85 van 1986: Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986.

STATE PRESIDENT'S OFFICE

No. 1858. 10 September 1986

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

No. 85 of 1986: South African Certification Council Act, 1986.

WET

Om voorsiening te maak vir beheer oor die norme en standaarde van leerstof en eksaminering, en vir die uitreiking van sertifikate, by die verskillende uittreepunte in skool- en tegniese kollege-onderwys en nie-formele onderwys; en vir daardie doel die Suid-Afrikaanse Sertifiseringsraad in te stel; en voorsiening te maak vir die afneem van gemeenskaplike eksamens; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 29 Augustus 1986.)*

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

Woordomskrywing.

1. In hierdie Wet, tensy die samehang anders aandui, beteken:

- (i) "beampte" iemand wat heeltyds op 'n vaste grondslag in diens van die raad is; (xii) 5
- (ii) "boekjaar" 'n jaar wat op 31 Maart in elke jaar eindig; (viii)
- (iii) "Direkteur-generaal" die Direkteur-generaal: Nasionale Opvoeding; (iii) 10
- (iv) "eksamineringsinstansie" 'n onderwysdepartement of enige ander liggaam wat verantwoordelik is vir die afneem van eksamens by 'n uitreepunt; (vi)
- (v) "formele onderwys" formele onderwys soos omskryf in artikel 1 van die Wet op die Nasionale Beleid vir Algemene Onderwysake, 1984 (Wet No. 76 van 1984); (ix) 15
- (vi) "Minister" die Minister van Nasionale Opvoeding; (x)
- (vii) "nie-formele onderwys" nie-formele onderwys soos omskryf in artikel 1 van die Wet op die Nasionale Beleid vir Algemene Onderwysake, 1984 (Wet No. 76 van 1984); (xi) 20
- (viii) "onderwysdepartement" 'n Staatsdepartement verantwoordelik vir algemene of eie onderwysake, met inbegrip van 'n provinsiale onderwysdepartement; (iv)
- (ix) "raad" die Suid-Afrikaanse Sertifiseringsraad ingestel by artikel 2; (ii) 25
- (x) "sertifikaat" 'n sertifikaat beoog in subartikel 9 (1); (i)
- (xi) "skool- of tegniese kollege-onderwys" formele onderwys gedeeltelik of ten volle verskaf aan of deur 'n skool of tegniese kollege wat deur 'n onderwysdepartement in stand gehou, bestuur en beheer of gesubsidieer of erken word; (xiv) 30
- (xii) "uitreepunt" 'n stadium in skool- of tegniese kollege-onderwys of nie-formele onderwys waarin 'n kandidaat 'n eksamen moet aflê met die oog op die verwerwing van dokumentêre bewys van bekwaamheid; (xiii) 35

ACT

To provide for control over the norms and standards of subject matter and examination, and for the issuing of certificates, at the different points of withdrawal in school and technical college education and non-formal education; and for that purpose to establish the South African Certification Council; and to provide for the conducting of common examinations; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 29 August 1986.)*

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

1. In this Act, unless the context otherwise indicates:

Definitions.

- (i) "certificate" means a certificate contemplated in section 9 (1); (x)
- (ii) "council" means the South African Certification Council established by section 2; (ix)
- (iii) "Director-General" means the Director-General of National Education; (iii)
- (iv) "education department" means a department of State responsible for general or own education matters including a provincial education department; (viii)
- (v) "employee" means any person who is in the full-time or part-time employ of the council but who is not an officer; (xiv)
- (vi) "examining body" means an education department or any other body responsible for conducting examinations at a point of withdrawal; (iv)
- (vii) "executive officer" means the executive officer appointed under section 4 (4); (xiii)
- (viii) "financial year" means a year ending on 31 March in each year; (ii)
- (ix) "formal education" means formal education as defined in section 1 of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984); (v)
- (x) "Minister" means the Minister of National Education; (vi)
- (xi) "non-formal education" means non-formal education as defined in section 1 of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984); (vii)
- (xii) "officer" means any person who is in the full-time employ of the council on a permanent basis; (i)
- (xiii) "point of withdrawal" means a stage in school or technical college education or non-formal education at which a candidate is required to sit for an examination with a view to obtaining documentary proof of proficiency; (xii)

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- (xiii) "uitvoerende beampte" die uitvoerende beampte aangestel kragtens artikel 4 (4); (vii)
- (xiv) "werknemer" iemand wat heeltyds of deelyds in diens van die raad is maar wat nie 'n beampte is nie. (v)
- Instelling van Suid-Afrikaanse Sertifiseringsraad. 2. (a) Hierby word 'n raad ingestel wat die Suid-Afrikaanse Sertifiseringsraad heet. 5
(b) Die raad is 'n regs persoon.
- Oogmerk van raad. 3. Die oogmerk van die raad is om te verseker dat die serti-fikate wat deur die raad by 'n uittreepunt uitgereik word die-selfde standaard van onderwys en eksaminering verteenwoordig. 10
- Samestelling van raad. 4. (1) Die raad bestaan uit—
(a) 'n voorsitter;
(b) die volgende lede wat na die oordeel van die Minister geskik is vanweë hul opvoedkundige kwalifikasies en kundigheid in sake rakende die werksaamhede van die raad, naamlik—
(i) vier lede van wie die Minister van elke Staatsde-partement verantwoordelik vir onderwys een be-noem; en
(ii) nege lede deur die Minister gekies uit die name van persone wat op sy versoek by kennisgewing in die *Staatskoerant* binne die daarin vermelde tyd-perk aan hom voorgelê is deur enige liggaam, ver-eniging of organisasie wat name vir dié doel aan hom wil voorlê; en
(c) die uitvoerende beampte. 25
(2) Die voorsitter en die lede van die raad bedoel in subartikel (1) (b) (ii) word deur die Minister aangestel na oorleg met die Minister van elke Staatsdepartement verantwoordelik vir onder-wys. 30
(3) Die voorsitter en 'n lid van die raad bedoel in subartikel (1) (b) beklee sy amp vir die tydperk, maar hoogstens vier jaar, wat die Minister ten tyde van sy aanstelling bepaal, en kan by verstryking van sy ampstermyn weer aangestel word.
(4) Die raad, wat by die toepassing van hierdie subartikel be-staan uit die voorsitter en die lede bedoel in subartikel (1) (b), stel met die goedkeuring van die Minister iemand as uitvoerende beampte aan op die diensvoorwaardes wat die raad bepaal met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies. 40
- Komitees van raad. 5. (1) (a) Die raad kan komitees instel om die werksaamhede te verrig wat deur die raad aan hulle opgedra word, en kan persone wat nie lede van die raad is nie as lede van die komitees aanstel.
(b) Die raad wys ten opsigte van elke komitee 'n lid van die raad as voorsitter aan. 45
(c) Die raad kan na goedge dunke 'n komitee ontbind of hersaamstel.
(2) (a) Die raad kan enige van sy bevoegdhede, uitgesonderd die bevoegdhede bedoel in hierdie artikel, delegeer aan enige van sy komitees, maar word nie ontdoen van 'n bevoegdheid aldus gedelegeer nie, en kan so 'n dele-gasie te eniger tyd intrek. 50
(b) 'n Besluit deur 'n komitee by die uitoefening van 'n be-voegdheid wat kragtens paragraaf (a) aan hom gedele-geer is, is onderworpe aan die raad se goedkeuring. 55
- Ontruiming van amp deur lede van raad. 6. (1) Die voorsitter of 'n lid van die raad bedoel in artikel 4 (1) (b) moet sy amp ontruim indien—
(a) sy boedel geskwestreer word of hy met sy skuldeisers 'n skikking aangaan; 60
(b) hy ingevolge die een of ander wet as 'n geestesonge-stelde persoon aangehou word;
(c) hy sonder verlof van die raad van drie agtereenvol-gende vergaderings van die raad afwesig is;
(d) hy by skriftelike kennisgewing aan die Minister be-65 dank.

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- (xiv) "school or technical college education" means formal education provided partly or in full at or by a school or technical college maintained, managed and controlled or subsidized or recognized by an education department. (xi)
2. (a) There is hereby established a council to be known as the South African Certification Council. Establishment of South African Certification Council.
- (b) The council shall be a juristic person.
3. The object of the council shall be to ensure that the certificates issued by the council at a point of withdrawal represent the same standard of education and examination. Object of council.
4. (1) The council shall consist of— Constitution of council.
- (a) a chairman;
- (b) the following members who in the opinion of the Minister are fit on account of their educational qualifications and expertise in matters affecting the functions of the council, namely—
- (i) four members of whom the Minister of every department of State responsible for education shall nominate one; and
- (ii) nine members selected by the Minister from the names of persons which at his request by notice in the *Gazette* have been submitted to him within the period specified therein by any body, society or organization that may wish to submit names to him for that purpose; and
- (c) the executive officer.
- (2) The chairman and the members of the council referred to in subsection (1) (b) (ii) shall be appointed by the Minister after consultation with the Minister of every department of State responsible for education.
- (3) The chairman and any member of the council referred to in subsection (1) (b) shall hold office for such period, but not exceeding four years, as the Minister may determine at the time of his appointment, and may be reappointed at the expiry of his term of office.
- (4) The council, which for the purposes of this subsection shall consist of the chairman and the members referred to in subsection (1) (b), shall with the approval of the Minister appoint any person as executive officer on such conditions of service as may be determined by the council with the approval of the Minister, granted with the concurrence of the Minister of Finance.
5. (1) (a) The council may establish committees to perform such functions as may be assigned to them by the council, and may appoint persons that are not members of the council to be members of the committees. Committees of council.
- (b) The council shall in respect of every committee appoint a member of the council to be chairman.
- (c) The council may in its discretion dissolve or reconstitute a committee.
- (2) (a) The council may delegate any of its powers, excluding the powers referred to in this section, to any of its committees, but shall not be divested of a power so delegated, and may at any time withdraw such delegation.
- (b) A decision by a committee in the exercise of a power delegated to it under paragraph (a) shall be subject to the approval of the council.
6. (1) The chairman or any member of the council referred to in section 4 (1) (b) shall vacate his office if— Vacating of office by members of council.
- (a) his estate is sequestrated or he enters into a compromise with his creditors;
- (b) he is detained as a mentally disordered person in terms of any law;
- (c) he is absent from three consecutive meetings of the council without leave of the council;
- (d) he resigns by notice in writing to the Minister.

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(2) Die Minister kan die aanstelling van die voorsitter of 'n lid van die raad bedoel in artikel 4 (1) (b) te eniger tyd voor die verstryking van sy ampstermyn intrek indien daar na die oordeel van die Minister gegronde redes bestaan om dit te doen.

Vergaderings
van raad en
komitees.

7. (1) Die vergaderings van die raad of 'n komitee word gehou op die tye en plekke wat die voorsitter van die raad of komitee, na gelang van die geval, bepaal. 5

(2) Die verrigtings van die raad of 'n komitee is nie ongeldig bloot op grond van die feit dat daar 'n vakature in die raad of komitee, na gelang van die geval, bestaan nie. 10

(3) Indien die voorsitter van die raad of 'n komitee van 'n vergadering van die raad of komitee, na gelang van die geval, afwesig is, moet die aanwesige lede iemand uit hul geledere kies om by daardie vergadering voor te sit.

(4) Die raad kan met die goedkeuring van die Minister reëls opstel met betrekking tot die prosedure by sy vergaderings of die vergaderings van 'n komitee, met inbegrip van die kworum vir sodanige vergaderings. 15

Toelaes en
besoldiging
van lede van
raad en
komitees.

8. Die voorsitter en 'n lid van die raad, en 'n persoon wat kragtens artikel 5 (1) as lid van 'n komitee aangestel is, wat nie in die heeltidse diens van die Staat is nie, kan, ten opsigte van die dienste deur hom gelewer in verband met die sake van die raad of komitee, deur die raad—

(a) die reis-, verblyf- en ander toelaes; en

(b) in die geval van die voorsitter van die raad, daarbene- wens die besoldiging, 25

betaal word wat die Minister van tyd tot tyd met die instemming van die Minister van Finansies bepaal.

Werkzaamhede
van raad.

9. (1) Ondanks andersluidende wetsbepalings, maar behoudens die algemene beleid beoog in artikel 2 (1) van die Wet 30 op die Nasionale Beleid vir Algemene Onderwysake, 1984 (Wet No. 76 van 1984), reik die raad sertifikate, in die vorm wat hy voorskryf, uit aan kandidate wat in 'n vak of al die vakke by 'n uitreepunt aan die norme en standaard wat die raad voorskryf, voldoen het in die eksamens afgeneem deur 'n eksamineringsinstansie wat na die oordeel van die raad— 35

(a) die vereistes nakom wat die raad vir die afneem van eksamens met die oog op die verwerwing van sertifikate voorskryf;

(b) die norme en standaard toepas wat die raad voorskryf en waaraan 'n kandidaat in daardie eksamen moet voldoen om 'n sertifikaat te verwerf; 40

(c) sodanige leerstof aanbied of laat aanbied as wat die raad met die oog op die verwerwing van sertifikate voorskryf; 45

(d) die ander voorwaardes nakom wat die raad bepaal.

(2) Die raad kan, met die goedkeuring van die Komitee van Universiteitshoofde ingestel by artikel 6 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), die Komitee van Technikonhoofde ingestel by artikel 28 van die Wet op Technikons (Nasionale Opvoeding), 1967 (Wet No. 40 van 1967), of 'n soortgelyke liggaam wat by wet gemagtig is om die vereistes vir toelating tot studie aan 'n groep opvoedkundige instellings te bepaal, 'n sertifikaat van 'n kandidaat wat voldoen het aan die minimum vereistes vir toelating tot studie aan 'n universiteit, 55

tegnikon of lid van so 'n ander groep instellings, na gelang van die geval, dienooreenkomstig endosseer.

(3) Indien die Regering van die Republiek en die regering van 'n ander staat of 'n gebied wat kragtens artikel 26 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), tot 'n selfregerende gebied verklaar is, daartoe ooreenkom, kan die raad enige werkzaamheid ingevolge hierdie Wet aan hom opgedra en wat hom by of kragtens 'n wet van daardie staat of selfregerende gebied, na gelang van die geval, opgedra word in daardie staat of selfregerende gebied verrig, en so 'n werkzaamheid word deur die raad verrig op die voorwaardes waaromtrent 65

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(2) The Minister may revoke the appointment of the chairman or any member of the council referred to in section 4 (1) (b) at any time before the expiry of his term of office if in his opinion there exists sound reasons for doing so.

5 7. (1) The meetings of the council or a committee shall be held at such times and places as the chairman of the council or committee, as the case may be, may determine. Meetings of council and committees.

(2) The proceedings of the council or a committee shall not be invalid by reason only of the fact that there is a vacancy on the council or committee, as the case may be.

10 (3) If the chairman of the council or a committee is absent from any meeting of the council or committee, as the case may be, the members present shall elect from among themselves a person to preside at that meeting.

15 (4) The council may with the approval of the Minister frame rules relating to the procedure at its meetings or the meetings of a committee, including the quorum for such meetings.

8. The chairman and a member of the council, and any person appointed as a member of a committee under section 5 (1), who is not in the full-time employ of the State, may, in respect of the services rendered by him in connection with the affairs of the council or committee, be paid by the council— Allowances and remuneration of members of council and committees.

(a) such travelling, subsistence and other allowances; and
(b) in the case of the chairman of the council, such remuneration in addition,
25 as the Minister with the concurrence of the Minister of Finance may determine from time to time.

9. (1) Notwithstanding anything to the contrary in any law contained, but subject to the general policy contemplated in section 2 (1) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), the council shall issue certificates, in the form prescribed by it, to candidates who in a subject or all the subjects at a point of withdrawal have complied with the norms and standards prescribed by the council in the examinations conducted by an examining body which in the opinion of the council— Functions of council.

(a) complies with the requirements which may be prescribed by the council for conducting examinations with a view to the obtaining of certificates;

40 (b) applies the norms and standards which may be prescribed by the council and with which a candidate is required to comply in those examinations in order to obtain a certificate;

45 (c) offers or causes to be offered such subject matter as may be prescribed by the council with a view to the obtaining of certificates; and

(d) complies with such other conditions as may be determined by the council.

(2) The Council may, with the approval of the Committee of University Principals established by section 6 of the Universities Act, 1955 (Act No. 61 of 1955), the Committee of Technikon Principals established by section 28 of the Technikons (National Education) Act, 1967 (Act No. 40 of 1967), or a similar body authorized by law to determine the requirements for admission to study at a group of educational institutions, endorse accordingly a certificate of a candidate who has complied with the minimum requirements for admission to study at a university, technikon or member of such other group of institutions, as the case may be.

60 (3) If the Government of the Republic and the government of any other state or an area which has been declared a self-governing territory under section 26 of the National States Constitution Act, 1971 (Act No. 21 of 1971), agree thereto, the council may perform in that state or self-governing territory any function assigned to it in terms of this Act and which may be assigned to it by or under any law of that state or self-governing territory, as the case may be, and such function shall be performed by the

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daar tussen die Regering van die Republiek en die regering van daardie staat of selfregerende gebied, na gelang van die geval, ooreengekom word.

Gemeenskaplike
eksamens.

10. (1) Indien twee of meer Ministers van Staatsdepartemente verantwoordelik vir onderwys onderling, of op aanbeveling van twee of meer eksamineringsinstansies, ooreenkom dat dieselfde eksamen by 'n uitreepunt van dié kandidate van die betrokke Staatsdepartemente waaromtrent ooreengekom, afgeneem moet word, kan genoemde Ministers—

(a) 'n eksamineringsinstansie aanwys wat die eksamen volgens voorskrif van die wet wat op hom van toepassing is, moet afneem; of

(b) 'n liggaam instel wat die eksamens volgens voorskrif van die wet wat deur genoemde Ministers bepaal word, moet afneem. 15

(2) By die toepassing van subartikel (1)—

(a) is die wet beoog in paragraaf (a) of (b) van daardie subartikel, na gelang van die geval, ondanks andersluidende wetsbepalings, op al die betrokke kandidate van toepassing; en 20

(b) is die wet beoog in paragraaf (b) van daardie subartikel *mutatis mutandis* op die liggaam beoog in daardie paragraaf van toepassing.

Rojering van
sertifikate.

11. (1) Indien daar na die oordeel van die raad 'n wesenlike onreëlmatigheid met betrekking tot die aflegging van 'n eksamen plaasgevind het, of indien 'n sertifikaat deur die raad uitgereik is aan 'n kandidaat wat na die oordeel van die raad nie aan die norme en standaarde vir die verwerwing van daardie sertifikaat voldoen het nie, kan die raad die uitreiking van die betrokke sertifikaat weier of 'n sertifikaat wat reeds uitgereik is, rojeer, na gelang van die geval. 30

(2) Vir die doeleindes van so 'n rojering kan die raad die kandidaat aan wie die betrokke sertifikaat uitgereik is by skriftelike kennisgewing aansê om die sertifikaat binne drie weke na sodanige kennisgewing aan die raad terug te besorg. 35

(3) Iemand wat versuim om aan so 'n kennisgewing te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R500 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Fondse van raad.

12. (1) Die fondse van die raad bestaan uit— 40

(a) gelde wat die Parlement aan die raad bewillig vir die bereiking van sy oogmerk;

(b) gelde deur die raad ontvang uit hoofde van die regulasies;

(c) gelde verkry by wyse van lenings deur die raad aangegaan met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies;

(d) skenkings of bydraes deur die raad ontvang;

(e) inkomste deur die raad verkry uit hoofde van die bepalinge van subartikel (4). 50

(2) (a) Die raad wend sy fondse aan om uitgawes in verband met die verrigting van sy werksaamhede te bestry.

(b) Die raad moet 'n skenking of bydrae beoog in subartikel 1 (d) aanwend ooreenkomstig die voorwaardes, as daar is, wat die betrokke skenker of bydraer voorge-skrif het. 55

(3) (a) Die raad moet in elke boekjaar, op die tydstip en in die vorm wat die Minister bepaal, 'n staat van sy geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar aan die Minister voorlê vir sy goedkeuring. 60

(b) Die gelde beoog in subartikel (1) (a) moet deur die raad ooreenkomstig die betrokke goedgekeurde staat bedoel in paragraaf (a) aangewend word, en 'n onbestede saldo moet as 'n krediet na die volgende boekjaar oorgedra word. 65

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council on such conditions as may be agreed upon by the Government of the Republic and the government of that state or self-governing territory, as the case may be.

- 10 (1) If two or more Ministers of departments of State responsible for education mutually, or on the advice of two or more examining bodies, agree that the same examination at any point of withdrawal shall be conducted for such candidates of the departments of State concerned as may be agreed upon, the said Ministers may—
- 15 (a) designate an examining body which shall conduct the examination as provided in the law applicable to it; or
- (b) establish a body which shall conduct the examination as provided in the law which may be determined by the said Ministers.
- 20 (2) For the purposes of subsection (1)—
- (a) the law contemplated in paragraph (a) or (b) of that subsection, as the case may be, shall, notwithstanding anything to the contrary in any law contained, apply to all candidates concerned; and
- (b) the law contemplated in paragraph (b) of that subsection shall *mutatis mutandis* apply to the body contemplated in that paragraph.

Common examinations.

- 25 (1) If in the opinion of the council a substantial irregularity has occurred in relation to the sitting for an examination, or if a certificate has been issued by the council to a candidate who in the opinion of the council has not complied with the norms and standards for obtaining that certificate, the council may refuse the issue of the relevant certificate or cancel a certificate that has been issued, as the case may be.
- 30 (2) For the purposes of such cancellation the council may by notice in writing direct the candidate to whom the certificate in question has been issued to return the certificate to the council within three weeks after such notice.
- (3) Any person who fails to comply with such notice shall be
- 35 guilty of an offence and liable on conviction to a fine not exceeding R500 or to imprisonment for a period not exceeding six months.

Cancellation of certificates.

- 40 (1) The funds of the council shall consist of—
- (a) moneys appropriated by Parliament to the council for the achievement of its object;
- (b) moneys received by the council by virtue of the regulations;
- 45 (c) moneys obtained by means of loans raised by the council with the approval of the Minister, granted with the concurrence of the Minister of Finance;
- (d) donations or contributions received by the council;
- (e) income obtained by the council by virtue of the provisions of subsection (4).
- 50 (2) (a) The council shall apply its funds to defray expenses in connection with the performance of its functions.
- (b) The council shall apply any donation or contribution contemplated in subsection (1) (d) in accordance with the conditions, if any, prescribed by the donor or contributor concerned.
- 55 (3) (a) The council shall in each financial year, at such time and in such form as the Minister may determine, submit a statement of its estimated income and expenditure during the following financial year to the Minister for his approval.
- 60 (b) The moneys contemplated in subsection (1) (a) shall be applied by the council in accordance with the relevant approved statement referred to in paragraph (a), and any unexpended balance shall be carried forward as a credit to the following financial year.

Funds of council.

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(4) Behoudens die bepalinge van subartikel (3) (b) kan die raad 'n onbestede gedeelte van sy fondse belê by die Openbare Beleggingskommissarisse of op die ander wyse wat die Minister met die instemming van die Minister van Finansies bepaal.

Vervreemding en
beswaring van
raad se goed.

13. Die Raad mag nie sonder die voorafgaande goedkeuring van die Minister verleen met die instemming van die Minister van Finansies—

- (a) sy onroerende goed verhuur, verkoop, verruil of op 'n ander wyse vervreem nie;
- (b) solank 'n waarborg verstrek ingevolge artikel 35 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), van krag is ten opsigte van 'n lening wat aan die raad toegestaan is—
 - (i) sy onroerende goed wat verkry is met geld wat deur middel van daardie lening bekom is, met 'n 15 verband of op 'n ander wyse beswaar nie;
 - (ii) sy roerende goed wat verkry is met geld wat deur middel van daardie lening bekom is, verhuur, verkoop, verruil of op 'n ander wyse vervreem, of verhipotekeer of op 'n ander wyse beswaar nie. 20

Beamptes ten
werknemers van
raad.

14. (1) Die raad kan op die voorwaardes wat hy bepaal die beamptes en werknemers aanstel wat die raad nodig ag vir die verrigting van die werk in verband met die verrigting deur die raad van sy werksaamhede ingevolge hierdie Wet.

(2) Ten opsigte van sodanige beamptes en werknemers is— 25

- (a) die bepaling van die salarisskale en enige ander diensvoorwaardes waarop hulle geregtig is;
- (b) die aanstelling of bevordering van iemand in 'n pos wat die Minister bepaal; en
- (c) die skepping van dié poste wat die Minister bepaal, 30 onderworpe aan die goedkeuring van die Minister, wat in die geval van paragraaf (a) nie sy goedkeuring verleen sonder die instemming van die Minister van Finansies nie.

(3) (a) Die raad kan op die voorwaardes wat hy bepaal en met die instemming van 'n beampte daardie beampte tydelik afstaan, hetsy vir 'n besondere diens of vir 'n tydperk, aan die diens van die Staat, 'n ander staat of iemand anders.

(b) So 'n beampte bly, terwyl hy aldus afgestaan is, onderworpe aan die bepalinge van hierdie Wet en die diensvoorwaardes wat op hom van toepassing is terwyl hy in diens van die raad is. 40

Werksaamhede
van uitvoerende
beampte.

15. (1) Die uitvoerende beampte—

- (a) is verantwoordelik vir die werk in verband met die verrigting deur die raad van sy werksaamhede ingevolge hierdie Wet;
- (b) hou toesig oor die beamptes en werknemers van die raad;
- (c) is die rekenpligtige beampte van die raad belas met die verantwoording van gelde ontvang, betalings gedoen en roerende goed aangekoop deur die raad. 50

(2) By die verrigting van sy werksaamhede ingevolge subartikel (1) word die uitvoerende beampte bygestaan deur die beamptes of werknemers van die raad wat die uitvoerende beampte vir daardie doel aanwys. 55

Verhaal van
verliese en
skade.

16. (1) Indien iemand wat in die diens van die raad is of was die raad 'n verlies of skade berokken het deurdat hy—

- (a) versuim het om geld verskuldig aan die raad vir die invordering waarvan hy verantwoordelik is of was, in te vorder; 60
- (b) vir 'n onreëlmatige uitbetaling van geld van die raad, of vir 'n uitbetaling van sodanige geld wat nie deur 'n behoorlike bewysstuk gestaaf word nie, verantwoordelik is of was;
- (c) weens 'n versuim om sy pligte uit te voer vir 'n vrugtelose uitgawe van geld van die raad verantwoordelik is of was; 65

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(4) Subject to the provisions of subsection (3) (b), the council may invest any unexpended portion of its funds with the Public Investment Commissioners or in such other way as the Minister with the concurrence of the Minister of Finance may determine.

5 13. The council shall not without the prior approval of the Minister granted with the concurrence of the Minister of Finance—

Alienation and encumbrance of council's property.

- (a) let, sell, exchange or otherwise alienate its immovable property;
- 10 (b) as long as a guarantee furnished in terms of section 35 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), is in force in respect of any loan granted to the council—
 - 15 (i) mortgage or otherwise encumber its immovable property acquired with money obtained by means of that loan;
 - (ii) let, sell, exchange or otherwise alienate, or hypothecate or otherwise encumber its movable property acquired with money obtained by means of that loan.
- 20

14. (1) The council may, subject to such conditions as it may determine, appoint such officers and employees as the council may deem necessary for the performance of the work in connection with the performance by the council of its functions in terms of this Act.

Officers and employees of council.

(2) In respect of such officers and employees—

- (a) the determination of the salary scales and any other conditions of service to which they are entitled;
 - 30 (b) the appointment or promotion of any person to any post determined by the Minister; and
 - (c) the creation of such posts as may be determined by the Minister,
- shall be subject to the approval of the Minister, who in the case of paragraph (a) shall not grant his approval without the concurrence of the Minister of Finance.

- (3) (a) The council may, subject to such conditions as it may determine and with the concurrence of an officer, temporarily second that officer, either for a particular task or for a period, to the service of the State, another state or any other person.
- 40 (b) Such officer shall, while he is so seconded, remain subject to the provisions of this Act and the conditions of service that are applicable to him while he is in the service of the council.

45 15. (1) The executive officer—

Functions of executive officer.

- (a) shall be responsible for the work in connection with the performance by the council of its functions in terms of this Act;
- 50 (b) shall supervise the officers and employees of the council;
- (c) shall be the accounting officer of the council charged with accounting for moneys received, payments made and movable property purchased by the council.

(2) The executive officer shall be assisted in the performance of his functions in terms of subsection (1) by such officers or employees of the council as the executive officer may designate for that purpose.

16. (1) If a person who is or was in the service of the council caused the council any loss or damage because he—

Recovery of losses and damages.

- 60 (a) failed to collect money due to the council for the collection of which he is or was responsible;
- (b) is or was responsible for an irregular payment of money of the council or for a payment of such money not supported by a proper voucher;
- 65 (c) is or was responsible for fruitless expenditure of money of the council owing to an omission to carry out his duties;

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- (d) vir 'n tekort in, of die vernietiging of beskadiging van, die raad se geld, seëls, sigwaardestukke en vorms wat 'n potensieële waarde het, sekuriteite, uitrusting, voorrade of enige ander goed van die raad, verantwoordelik is of was; 5
- (e) weens 'n versuim om sy pligte uit te voer vir 'n eis teen die raad verantwoordelik is of was; 5
- moet die rekenpligtige beampte in artikel 15 (1) (c) bedoel die bedrag van sodanige verlies of skade vasstel, en kan hy daardie persoon by skriftelike kennisgewing gelas om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is, binne 30 dae vanaf die datum van die kennisgewing aan hom te betaal. 10
- (2) Indien iemand wat in die diens van die raad is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om dié bedrag binne die tydperk van 30 dae te betaal, word dié bedrag, behoudens die bepalings van subartikels (4), (5) en (6), van sy maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking in enige maand nie 'n vierde van sy maandelikse salaris oorskry nie.
- (3) Indien iemand wat in die diens van die raad was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om dié bedrag binne die tydperk van 30 dae te betaal, moet die rekenpligtige beampte, behoudens die bepalings van subartikels (4), (5) en (6), dié bedrag deur middel van geregtelike prosesse op die betrokke persoon verhaal. 25
- (4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk van 30 dae aanbied om dié bedrag in paaiemente te betaal, kan die rekenpligtige beampte hom toelaat om te betaal in die paaiemente wat na die mening van die rekenpligtige beampte redelik is. 30
- (5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan—
- (a) binne 'n tydperk van 30 dae vanaf die datum van die lasgewing skriftelik by die raad teen so 'n lasgewing appèl aanteken, met opgaaf van die gronde vir sy appèl, en die raad kan na die ondersoek wat hy nodig ag die appèl verwerp of gelas dat die appellant geheel en al of ten dele, na gelang van wat die raad bilik en redelik ag, van die betaling van daardie bedrag kwyt-geskeld word; of 40
- (b) binne 'n tydperk van 30 dae vanaf die datum van die lasgewing, of binne die verdere tydperk wat die hof toelaat, by 'n bevoegde hof aansoek doen om 'n bevel waarby die lasgewing tersyde gestel of daardie bedrag verminder word, en die hof kan, indien hy nie deur die rekenpligtige beampte volgens die meriete van die geval oortuig word dat die lasgewing tereg gegee is of dat daardie bedrag juis is nie, 'n bevel uitreik waarby die lasgewing tersyde gestel word of daardie bedrag verminder word, na gelang van die geval. 50
- (6) Iemand wat hom veronreg voel deur 'n beslissing van die raad kragtens subartikel (5) (a) kan binne 'n tydperk van 30 dae vanaf die datum van daardie beslissing of binne die verdere tydperk wat die hof toelaat by 'n bevoegde hof aansoek doen om 'n bevel soos beoog in subartikel (5) (b), en die bepalings van daardie subartikel is dan *mutatis mutandis* van toepassing. 55

Ouditering en
jaarverslag.

17. (1) Die rekeningstate en balansstaat van die raad word aan die einde van elke boekjaar geouditeer deur iemand wat ingevolge die bepalings van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as 'n rekenmeester en ouditeur geregistreer is en wat met die goedkeuring van die Direkteur-generaal deur die raad aangestel is.

(2) Die raad moet nie later nie as drie maande na die einde van elke boekjaar 'n verslag in die vorm wat die Minister bepaal aan die Minister voorlê oor sy werksaamhede gedurende daardie boekjaar, met inbegrip van 'n geouditeerde balansstaat en 'n staat van inkomste en uitgawes. 65

(3) Die Minister lê afskrifte van die verslag, met inbegrip van die balansstaat en staat van inkomste en uitgawes bedoel in sub-

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(d) is or was responsible for a deficiency in, or for the destruction of, or damage to, the council's money, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the council;

(e) owing to an omission to carry out his duties is or was responsible for a claim against the council,

the accounting officer referred to in section 15 (1) (c) shall determine the amount of such loss or damage, and may by notice in writing direct that person to pay to him within 30 days from the date of such notice the whole or any part of the amount so determined.

(2) If a person who is in the service of the council and who has in terms of subsection (1) been directed to pay an amount, fails to pay such amount within the period of 30 days, such amount shall, subject to the provisions of subsections (4), (5) and (6), be deducted from his monthly salary: Provided that such deduction shall not in any month exceed one-fourth of his monthly salary.

(3) If a person who was in the service of the council and who has in terms of subsection (1) been directed to pay an amount, fails to pay such amount within the period of 30 days, the accounting officer shall, subject to the provisions of subsections (4), (5) and (6), recover such amount from the person concerned by means of legal process.

(4) If a person who has been directed to pay an amount in terms of subsection (1) within the period of 30 days makes an offer to pay such amount in instalments, the accounting officer may allow him to pay in such instalments as may be reasonable in the opinion of the accounting officer.

(5) A person who has in terms of subsection (1) been directed to pay an amount may—

(a) within a period of 30 days from the date of the direction, appeal in writing to the council against such direction, stating the grounds for his appeal, and the council may, after such investigation as it may deem necessary, dismiss the appeal or order that the appellant be exempted from the payment of that amount either wholly or partly, according to what the council may deem fair and reasonable; or

(b) within a period of 30 days from the date of the direction, or within such further period as the court may allow, apply to a competent court for an order setting aside the direction or reducing that amount, and the court may, if it is not convinced by the accounting officer on the merits of the case that the direction was rightly made or that that amount is correct, make an order setting aside such direction or reducing that amount, as the case may be.

(6) Any person who feels himself aggrieved by a decision of the council under subsection (5) (a) may within a period of 30 days from the date of that decision or within such further period as the court may allow, apply to a competent court for an order as contemplated in subsection (5) (b), and the provisions of that subsection shall then apply *mutatis mutandis*.

17. (1) The statements of accounts and balance sheet of the council shall be audited at the end of each financial year by a person registered as an accountant and auditor in terms of the provisions of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and appointed by the council with the approval of the Director-General.

Auditing and annual report.

(2) The council shall not later than three months after the end of each financial year submit to the Minister a report in such form as the Minister may determine on its functions during that financial year, including an audited balance sheet and a statement of income and expenditure.

(3) The Minister shall Table copies of the report, including the balance sheet and statement of income and expenditure referred

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artikel (2), in die Parlement ter Tafel binne veertien dae na ontvangs daarvan indien die Parlement dan in gewone sessie is, of, indien die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.

Regulasies.

18. Die raad kan, of moet in opdrag van die Minister, met die goedkeuring van die Minister verleen na oorleg met die Minister van elke Staatsdepartement verantwoordelik vir onderwys, regulasies uitvaardig met betrekking tot—

- (a) gelde betaalbaar aan die raad ten opsigte van die uitreiking van sertifikate of duplikate daarvan deur die raad; 10
- (b) aangeleenthede wat die raad kragtens artikel 9 kan voorskryf, of wat na die oordeel van die raad of die Minister nodig of dienstig is om uitvoering aan die bepalings van hierdie Wet te gee.

Kort titel en inwerkingtreding.

19. (1) Hierdie Wet heet die Wet op die Suid-Afrikaanse 15
Sertifiseringsraad, 1986, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

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to in subsection (2), in Parliament within 14 days after the receipt thereof, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.

- 5 18. The council may, or shall on the instructions of the Minister, with the approval of the Minister granted after consultation with the Minister of every department of State responsible for education, make regulations relating to— Regulations.
- 10 (a) the moneys payable to the council in respect of the issue of certificates or duplicates thereof by the council;
- (b) matters that the council may prescribe under section 9, or that in the opinion of the council or the Minister are necessary or expedient to give effect to the provisions of this Act.
- 15 19. (1) This Act shall be called the South African Certification Council Act, 1986, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.
- (2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

