



STAATSKOERANT

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GOVERNMENT GAZETTE

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No. 10448

KANTOOR VAN DIE STAATSPRESIDENT

No. 1959.

19 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. 100 van 1986: Wysigingswet op Onderwys (Raad van Afgevaardigdes), 1986.

STATE PRESIDENT'S OFFICE

No. 1959.

19 September 1986

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

No. 100 of 1986: Education Amendment Act (House of Delegates), 1986.

Wet No. 100, 1986

WYSIGINGSWET OP ONDERWYS (RAAD VAN
AFGEVAARDIGDES), 1986

ALGEMENE VERDUIDELIKENDE NOTA:

I **I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Wet op Onderwys vir Indiërs, 1965, ten einde sekere uitdrukkings aan te pas as gevolg van die opdrag van die uitvoering van die bepalings van genoemde Wet aan die Minister van Onderwys en Kultuur; die toepassing van genoemde Wet te reël; voorsiening te maak vir die oprigting, instandhouding en bestuur van nywerheidskole en verbeteringskole; verdere voorsiening te maak vir verpligte skoolbesoek; die bevoegdheid van die Minister om regulasies uit te vaardig, uit te brei; sekere uitdrukkings te vervang; en sekere bepalings van die Kinderwet, 1960 (in soverre dit as 'n Wet oor eie sake van die Raad van Afgevaardigdes toegepas word), te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 September 1986.)

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

Wysiging van
artikel 1 van
Wet 61 van 1965,
soos gewysig deur
artikel 1 van
Wet 39 van 1979
en artikel 1 van
Wet 78 van 1984.

1. Artikel 1 van die Wet op Onderwys vir Indiërs, 1965 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in subartikel (1) die omskrywing van "Departement" deur die volgende omskrywing te vervang:

"Departement" die **[Departement van Indiërsake]** Administrasie: Raad van Afgevaardigdes;"
 - (b) deur in subartikel (1) na die omskrywing van "Departement" die volgende omskrywing in te voeg:

"Direkteur-generaal" die Direkteur-generaal: Administrasie: Raad van Afgevaardigdes;"
 - (c) deur in subartikel (1) die omskrywing van "Minister" deur die volgende omskrywing te vervang:

"Minister" die Minister van **[Indiërsake]** Onderwys en Kultuur;"
 - (d) deur in subartikel (1) die omskrywing van "nywerheidskool" deur die volgende omskrywing te vervang:

"nywerheidskool" 'n nywerheidskool wat **[deur die 20 Minister]** kragtens **[die bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960)]** artikel 3 ingestel of opgerig is en in stand gehou word vir die opname, versorging, onderwys en opleiding van kinders wat kragtens die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), daarheen verwys of oorgeplaas is;"
 - (e) deur in subartikel (1) die omskrywing van "Sekretaris" te skrap; en

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 Indians Education Act, 1965, so as to adapt certain expressions in consequence of the assignment of the administration of the provisions of the said Act to the Minister of Education and Culture; to regulate the application of the said Act; to provide for the establishment, maintenance and management of schools of industries and reform schools; to make further provision for compulsory school attendance; to extend the power of the Minister to make regulations; to replace certain expressions; and to repeal certain provisions of the Children's Act, 1960 (in so far as it is applied as an Act on own affairs of the House of Delegates); and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 10 September 1986.)*

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

1. Section 1 of the Indians Education Act, 1965 (hereinafter referred to as the principal Act), is hereby amended—
 - 5 (a) by the substitution in subsection (1) for the definition of "Department" of the following definition:

"'Department' means the **[Department of Indian Affairs]** Administration: House of Delegates;";
 - 10 (b) by the insertion in subsection (1) after the definition of "Department" of the following definition:

"'Director-General' means the Director-General: Administration: House of Delegates;";
 - (c) by the substitution in subsection (1) for the definition of "Minister" of the following definition:

15 "'Minister' means the Minister of **[Indian Affairs]** Edu-
cation and Culture;";
 - (d) by the substitution in subsection (1) for the definition of "reform school" of the following definition:

20 "'reform school' means a reform school established or
erected and maintained **[by the Minister]** under
[the provisions of the Children's Act, 1960 (Act No. 33 of 1960)] section 3 for the reception, care and
training of children sent thereto under the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or
25 transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983);";
 - (e) by the substitution in subsection (1) for the definition of "school of industries" of the following definition:

"'school of industries' means a school of industries es-

Amendment of section 1 of Act 61 of 1965, as amended by section 1 of Act 39 of 1979 and section 1 of Act 78 of 1984.

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- (f) deur in subartikel (1) die omskrywing van "verbeteringskool" deur die volgende omskrywing te vervang:
"verbeteringskool" 'n verbeteringskool wat **[deur die Minister]** kragtens **[die bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960)]** artikel 3 ingestel of opgerig is en in stand gehou word vir die opname, versorging en opleiding van kinders wat kragtens die Strafproseswet, 1977 (Wet No. 51 van 1977), daarheen verwys is of kragtens die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), daarheen oorgeplaas is;"

Invoeging van
artikel 1A in
Wet 61 van 1965.

2. Die volgende artikel word hierby in die Hoofwet na artikel 1 ingevoeg:

"Toepassing
van Wet.

1A. Die toepassing van hierdie Wet geskied onderworpe aan die Wet op die Nasionale Beleid vir Algemene Onderwysake, 1984 (Wet No. 76 van 1984), en enige ander algemene wet soos bedoel in item 2 van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983)."

Wysiging van
artikel 3 van
Wet 61 van 1965,
soos gewysig deur
artikel 2 van
Wet 39 van 1979
en artikel 2 van
Wet 78 van 1984.

3. Artikel 3 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

"(a) onderwyskolleges, tegniese kolleges, sekondêre skole, primêre skole, landbouskole, beroepskole, spesiale skole, pre-primêre skole, nywerheidskole, verbeteringskole en tehuise instel, oprig en in stand hou;"

Wysiging van
artikel 19 van
Wet 61 van 1965,
soos gewysig deur
artikel 12 van
Wet 39 van 1979.

4. Artikel 19 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

"(4) Iemand bedoel in subartikel (1) wat ooreenkomstig die bepalings van die Kieswet vir Indiërs, 1977 (Wet No. 122 van 1977), as kandidaat vir die verkiesing van lede van die **[Suid-Afrikaanse Indiërraad]** Raad van Afgevaardigdes genomineer word, word geag sy pos neer te gelê het op die dag waarop hy aldus genomineer is."

Wysiging van
artikel 23 van
Wet 61 van 1965,
soos gewysig deur
artikel 31 van
Wet 62 van 1973.

5. Artikel 23 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

"(4) Iemand wat aan 'n ander persoon vir wie skoolsoek ingevolge subartikel (1) verpligtend is, werk verskaf waarvan die verrigting daardie ander persoon verhinder om 'n gepaste skool gereeld te besoek, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of met gevangenisstraf vir 'n tydperk van hoogstens twee maande."

Wysiging van
artikel 33 van
Wet 61 van 1965,
soos gewysig deur
artikel 3 van
Wet 9 van 1981
en artikel 4 van
Wet 78 van 1984.

6. Artikel 33 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

"(b) betreffende die instelling, oprigting, instandhouding en bestuur van en beheer oor Staatskole en koshuise, nywerheidskole, verbeteringskole, kwartiere vir onderwysers, skoolklinieke en ander toebehore in verband met sodanige skole;"

Vervanging van
sekere uitdrukkings
in Wet 61 van 1965.

7. Die Hoofwet word hierby gewysig—

- (a) deur die uitdrukking "Sekretaris" oral waar dit voorkom deur die uitdrukking "Direkteur-generaal" te vervang;
(b) deur die uitdrukking "Minister van Finansies" oral waar dit voorkom deur die uitdrukking "Minister van Begroting" te vervang;
(c) deur die uitdrukking "Staatsdienskommissie" oral waar dit voorkom deur die uitdrukking "Kommissie vir Administrasie" te vervang; en

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established or erected and maintained [by the Minister] under [the provisions of the Children's Act, 1960 (Act No. 33 of 1960)] section 3 for the reception, care and training of children sent or transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983);"; and

(f) by the deletion in subsection (1) of the definition of "Secretary".

2. The following section is hereby inserted in the principal Act after section 1:

Insertion of section 1A in Act 61 of 1965.

"Application of Act. 1A. The application of this Act shall be effected subject to the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), and any other general law as contemplated in item 2 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983)."

3. Section 3 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of section 3 of Act 61 of 1965, as amended by section 2 of Act 39 of 1979 and section 2 of Act 78 of 1984.

"(a) establish, erect and maintain colleges of education, technical colleges, secondary schools, primary schools, agricultural schools, vocational schools, special schools, pre-primary schools, schools of industries, reform schools and homes;"

4. Section 19 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

Amendment of section 19 of Act 61 of 1965, as amended by section 12 of Act 39 of 1979.

"(4) Any person referred to in subsection (1) who in terms of the provisions of the Electoral Act for Indians, 1977 (Act No. 122 of 1977), is nominated as a candidate for the election of members of the [South African Indian Council] House of Delegates, shall be deemed to have relinquished his post on the date on which he is so nominated."

5. Section 23 of the principal Act is hereby amended by the addition of the following subsection:

Amendment of section 23 of Act 61 of 1965, as amended by section 31 of Act 62 of 1973.

"(4) Any person who gives to any other person for whom school attendance is compulsory in terms of subsection (1) employment the performance of which prevents that other person from attending regularly an appropriate school, shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding two months."

6. Section 33 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

Amendment of section 33 of Act 61 of 1965, as amended by section 3 of Act 9 of 1981 and section 4 of Act 78 of 1984.

"(b) as to the establishment, erection, maintenance, management and control of State schools and hostels, schools of industries, reform schools, teachers' quarters, school clinics and any other accessories in connection with such schools;"

7. The principal Act is hereby amended—

Substitution of certain expressions in Act 61 of 1965.

- (a) by the substitution for the expression "Secretary", wherever it occurs, of the expression "Director-General";
- (b) by the substitution for the expression "Minister of Finance", wherever it occurs, of the expression "Minister of the Budget";
- (c) by the substitution for the expression "Public Service Commission", wherever it occurs, of the expression "Commission for Administration"; and

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- (d) deur die uitdrukking "Parlement" oral waar dit voorkom deur die uitdrukking "Raad van Afgevaardigdes" te vervang.

Herroeping van sekere bepalings van Wet 33 van 1960, en voorbehoude.

8. (1) Behoudens die bepalings van subartikels (2) en (3) word die bepalings van die Kinderwet, 1960, met betrekking tot die oprigting, instandhouding en bestuur van nywerheidskole en verbeteringskole soos beoog in die Bylae by die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), vir sover die uitvoering daarvan aan die Minister van Onderwys en Kultuur opgedra is, hierby herroep. 5 10

(2) Elke nywerheidskool en verbeteringskool wat kragtens 'n bepaling wat ingevolge subartikel (1) herroep is, ingestel of opgerig is of geag word daarkragtens ingestel of opgerig te wees, en wat by die inwerkingtreding van hierdie Wet in stand gehou word, word vanaf daardie inwerkingtreding geag kragtens die Hoofwet ingestel of opgerig te wees. 15

(3) Enigiets wat kragtens 'n bepaling wat ingevolge subartikel (1) herroep is met betrekking tot 'n nywerheidskool of verbeteringskool bedoel in subartikel (2) gedoen is, word geag kragtens die ooreenstemmende bepaling van die Hoofwet gedoen te wees. 20

Kort titel en inwerkingtreding.

9. Hierdie Wet heet die Wysigingswet op Onderwys (Raad van Afgevaardigdes), 1986, en die bepalings van artikels 1 (1) (d) en (f) en 8 tree in werking by die inwerkingtreding van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983). 25

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(d) by the substitution for the expression "Parliament", wherever it occurs, of the expression "House of Delegates".

8. (1) Subject to the provisions of subsections (2) and (3), the provisions of the Children's Act, 1960, with regard to the establishment, maintenance and management of schools of industries and reform schools as contemplated in the Schedule to the Child Care Act, 1983 (Act No. 74 of 1983), in so far as the administration thereof has been assigned to the Minister of Education and Culture, are hereby repealed.

Repeal of certain provisions of Act 33 of 1960, and savings.

(2) Every school of industries and reform school established or erected or deemed to have been established or erected under any provision repealed in terms of subsection (1), and which are being maintained at the commencement of this Act, shall be deemed from such commencement to have been established or erected under the principal Act.

(3) Anything done under any provision repealed in terms of subsection (1) with regard to any school of industries or reform school contemplated in subsection (2), shall be deemed to have been done under the corresponding provision of the principal Act.

9. This Act shall be called the Education Amendment Act (House of Delegates), 1986, and the provisions of sections 1 (1) (d) and (e) and 8 shall come into operation at the commencement of the Child Care Act, 1983 (Act No. 74 of 1983).

Short title and commencement.

