



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprys • Selling price

(AVB uitgesluit/GST excluded)

Plaaslik 45c Local

Buitelands 60c Other countries

Posvry • Post free

VOL. 255

KAAPSTAD, 19 SEPTEMBER 1986

No. 10450

CAPE TOWN, 19 SEPTEMBER 1986

KANTOOR VAN DIE STAATSPRESIDENT

No. 1961.

19 September 1986

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

No. 103 van 1986: Wysigingswet op die Nasionale Onderwysbeleid (Volksraad), 1986.

STATE PRESIDENT'S OFFICE

No. 1961.

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. 103 of 1986: National Education Policy Amendment Act (House of Assembly), 1986.

Wet No. 103, 1986

WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRAAD), 1986

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Wet op die Nasionale Onderwysbeleid, 1967, ten einde sekere uitdrukking aan te pas as gevolg van die opdrag van die uitvoering van genoemde Wet en sekere ordonnansies aan die Minister van Onderwys en Kultuur; die georganiseerde onderwysprofesie en die georganiseerde ouergemeenskap groter deelname toe te laat in die onderwys in skole en die opleiding van onderwysers; te bepaal dat genoemde Wet onderworpe aan sekere algemene wette toegepas moet word; die Nasionale Onderwysraad af te skaf, en voorsiening te maak vir die samestelling van 'n *ad hoc*-raad deur genoemde Minister; die beheer oor die werwing en keuring van studente aan die hoof van die betrokke provinsiale onderwysdepartement op te dra; 'n onderwysraad vir elke provinsiale onderwysdepartement in te stel en sy funksies te bepaal; voorsiening te maak vir die instelling van subkomitees deur die Komitee van Onderwyshoofde; die voorsiening met betrekking tot die inspeksie van skole en kantore te skrap; voorsiening te maak vir die erkenning deur genoemde Minister van 'n ligaam vir die georganiseerde onderwysprofesie; en die regulasiebevoegdhede van genoemde Minister uit te brei; tot herroeping van sekere Wette; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

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

Wysiging van artikel 1 van Wet 39 van 1967, soos gewysig deur artikel 1 van Wet 73 van 1969, artikel 2 van Wet 69 van 1973, artikel 1 van Wet 92 van 1974, artikel 1 van Wet 25 van 1978, artikel 1 van Wet 25 van 1982 en artikel 6 van Wet 75 van 1984.

1. Artikel 1 van die Wet op die Nasionale Onderwysbeleid, 1967 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur die omskrywing van "Administrateur" te skrap;
 - (b) deur die omskrywing van "Departement" deur die volgende omskrywing te vervang:
"Departement" die Departement van **[Nationale Opvoeding]** Onderwys en Kultuur: Administrasie: **Volksraad**";
 - (c) deur die omskrywings van "Direkteur-generaal" en "kollege" te skrap;
 - (d) deur voor die omskrywing van "komitee" die volgende omskrywings in te voeg:
"georganiseerde onderwysprofesie" die onderwyspro- 15 fessie soos verteenwoordig deur die ligaam wat ingevolge artikel 8B deur die Minister erken word, en met betrekking tot 'n provinsie, die onderwysprofesie soos verteenwoordig deur die liggeme en verenigings in daardie provinsie wat erken word deur die Minister of 'n onderwyshoof wat deur die Minister daartoe gemagtig is;

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986

Act No. 103, 1986

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 National Education Policy Act, 1967, so as to adapt certain expressions as a result of the assignment of the administration of the said Act and certain ordinances to the Minister of Education and Culture; to allow greater participation by the organized teaching profession and the organized parent community in the education in schools and the training of teachers; to provide that the said Act shall be applied subject to certain general laws; to abolish the National Education Council, and to provide for the constitution of an *ad hoc* council by the said Minister; to assign the control over the recruitment and selection of students to the head of the provincial education department concerned; to establish an education council for each provincial education department and to determine its functions; to make provision for the establishment of subcommittees by the Committee of Heads of Education; to delete the provision relating to the inspection of schools and offices; to make provision for the recognition by the said Minister of a body for the organized teaching profession; and to extend the regulation powers of the said Minister; to repeal certain Acts; and to provide for matters connected therewith.

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

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 National Education Policy Act, 1967 (hereinafter referred to as the principal Act), is hereby amended—
- 5 (a) by the deletion of the definitions of “Administrator” and “college”;
- (b) by the insertion before the definition of “committee” of the following definition:
“college of education” means any educational institu-
- 10 tion for the training of persons as teachers and which is maintained, managed and controlled or subsidized by the Department (including a provincial education department), excluding a university and a technikon;”;
- 15 (c) by the substitution for the definition of “committee” of the following definition:
“Committee” means the Committee of Heads of Education established by section 6;”;
- 20 (d) by the deletion of the definitions of “Committee of University Principals” and “council”;
- (e) by the insertion before the definition of “Department” of the following definitions:
“compulsory education” means the prescribed period during which a white person between the prescrib-

Amendment of
section 1 of
Act 39 of 1967,
as amended by
section 1 of
Act 73 of 1969,
section 2 of
Act 69 of 1973,
section 1 of
Act 92 of 1974,
section 1 of
Act 25 of 1978,
section 1 of
Act 25 of 1982
and section 6 of
Act 75 of 1984.

Wet No. 103, 1986

WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRAAD), 1986

- “georganiseerde ouergemeenskap” die ouergemeenskap soos verteenwoordig deur die rade en komitees wat by of kragtens ’n wet ingestel word en die liggeme en verenigings wat erken word deur die Minister of ’n onderwyshoof wat deur die Minister daartoe gemagtig is;”;
- (e) deur die omskrywing van “komitee” deur die volgende omskrywing te vervang:
“Komitee die Komitee van Onderwyshoofde wat by artikel 6 ingestel is;”; 10
- (f) deur die omskrywing van “Komitee van Universiteitshoofde” te skrap;
- (g) deur na die omskrywing van “leerling” die volgende omskrywing in te voeg:
“leerplig die voorgeskrewe tydperk waartydens ’n 15 blanke tussen die voorgeskrewe ouerdomsgrense onderwys moet ontvang;”;
- (h) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:
“Minister” die Minister van **[Nasionale Opvoeding]** 20 Onderwys en Kultuur;”;
- (i) deur die omskrywing van “onderwys” deur die volgende omskrywing te vervang:
“onderwys” onderrig, opvoeding en opleiding wat aan blankes verskaf word;”; 25
- (j) deur die omskrywing van “onderwyshoof” te skrap;
- (k) deur die omskrywing van “onderwysersopleiding” deur die volgende omskrywing te vervang:
“onderwysersopleiding”
(a) onderrig en opleiding (behalwe onderrig en 30 opleiding vir die graad B.Ed of M.Ed of D.Ed, of ’n graad wat die Minister as gelykwaardig met een van dié grade by kennisgewing in die *Staatskoerant* verklaar) wat aan ’n student verskaf word om hom in staat te stel 35 om ’n graad of diploma aan ’n universiteit of ’n diploma aan ’n **[kollege]** onderwyskollege of ’n technikon te verwerf wat in die geval van sowel so ’n graad as so ’n diploma deur die **[komitee]** Komitee goedkeur is as ’n kwalifikasie vir indiensneming by ’n skool om onderwys te gee; 40
- (b) dié verdere onderrig en opleiding van onderwysers aan dié inrigtings wat die **[komitee]** Komitee goedkeur; 45
- (c) die versorging van studente aan, die beskikbaarstelling van die geboue, koshuise en toerusting van, en die indiensneming van die personeel van ’n **[kollege]** onderwyskollege, en die verskaffing van die ander dienste wat nodig is om die bedrywigheid van ’n **[kollege]** onderwyskollege voort te sit;”; 50
- (l) deur na die omskrywing van “onderwysersopleiding” die volgende omskrywings in te voeg:
“onderwyshoof” die hoof van die Departement of ’n 55 provinsiale onderwysdepartement;
‘onderwyskollege’ ’n opvoedkundige inrigting vir die opleiding van persone as onderwysers en wat deur die Departement (met inbegrip van ’n provinsiale onderwysdepartement) in stand gehou, bestuur en beheer of gesubsidieer word, uitgesonderd ’n technikon en ’n universiteit;
‘onderwyspos’ ’n pos waarin ’n persoon aangestel word om— 60
- (a) onderwys te gee aan ’n skool, tegniese kollege soos omskryf in artikel 1 van die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981), of onderwyskollege; of 65

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986

Act No. 103, 1986

- ed age limits shall receive education;
- 'contract student' means a student who enters into a contract with the Department to be trained as a teacher;";
- 5 (f) by the substitution for the definition of "Department" of the following definition:
 "Department" means the Department of **[National Education]** Education and Culture: Administration: House of Assembly;";
- 10 (g) by the deletion of the definition of "Director-General";
 (h) by the substitution for the definition of "education" of the following definition:
 "'education' means instruction, teaching and training provided to white persons;";
- 15 (i) by the insertion after the definition of "education" of the following definition:
 "'education council' means an education council established by section 5;";
- (j) by the substitution for the definition of "executive committee" of the following definition:
 "'executive committee' means the executive committee **[referred to]** contemplated in section **[4 (2)]** **5 (3)** (b);";
- 25 (k) by the substitution for the definition of "head of education" of the following definition:
 "'head of education' means the **[Director-General, or the Director of education of any province, and includes, for the purposes of sections 4 (1) (a) and 6 only, the head of the education branch of the Department]** head of the Department or a provincial education department;";
- 30 (l) by the substitution for the definition of "Minister" of the following definition:
 "'Minister' means the Minister of **[National Education]** Education and Culture;";
- 35 (m) by the insertion after the definition of "Minister" of the following definitions:
 "'organized parent community' means the parent community as represented by the councils and committees which may be established by or under any law and the bodies and associations which may be recognized by the Minister or a head of education authorized thereto by the Minister;
- 40 (n) by the substitution for the definition of "organized teaching profession" of the following definition:
 "'organized teaching profession' means the teaching profession as represented by the body recognized by the Minister in terms of section 8B, and with regard to a province, the teaching profession as represented by the bodies and associations in that province which may be recognized by the Minister or a head of education authorized thereto by the Minister;
- 45 (o) by the substitution for the definition of "prescribed" of the following definition:
 "'prescribed' means prescribed by regulation;
- 50 (p) by the substitution for the definition of "provincial education department" of the following definition:
 "'provincial education department' means the executive component of the Department responsible for education in a province;"
- 55 (q) by the substitution for the definition of "school" of the following definition:
 "'school' means any educational institution or that part of such an institution at which education, including pre-primary education, is provided **[up to a standard not higher than standard 10 or a level not higher than the fifth year level]**, and which is maintained, managed and controlled or subsidized by the Department or a provincial **[administration]** education department, excluding a university, college of education and technikon;";
- 60 (r) by the insertion after the definition of "school" of the following definition:
- 65 (s) by the insertion after the definition of "school" of the following definition:

Wet No. 103, 1986

WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRAAD), 1986

- (b) onderwyshulpdienste of professionele onderwysdienste te lever aan die Departement, met inbegrip van provinsiale onderwysdepartemente;
- 'onderwysraad' 'n onderwysraad ingestel by artikel 5; 'provinciale onderwysdepartement' die uitvoerende komponent van die Departement verantwoordelik vir onderwys in 'n provinsie'; 5
- (m) deur die omskrywing van "raad" te skrap;
- (n) deur die omskrywing van "skool" deur die volgende 10 omskrywing te vervang:
- "skool" 'n onderwysinrigting of daardie deel van so 'n inrigting waar onderwys, met inbegrip van primêre onderwys, verskaf word **[tot 'n standerd wat nie hoër as standerd 10 of 'n vlak wat nie hoër as die vyfde jaarvlak is nie]**, en wat deur die Departement of 'n provinciale **[administrasie]** onderwysdepartement in stand gehou, bestuur en beheer of gesubsidieer word, uitgesonderd 'n universiteit, onderwyskollege en technikon"; 15 20
- (o) deur na die omskrywing van "skool" die volgende omskrywing in te voeg:
- "skoolplig" die voorgeskrewe tydperk van leerplig waartydens 'n skool bygewoon moet word";
- (p) deur die omskrywing van "student" deur die volgende 25 omskrywing te vervang:
- "student" 'n blanke wat aan 'n universiteit, 'n **[kollege]** onderwyskollege of 'n technikon ingeskryf is en wat opgeleei word in 'n graad of diploma beoog in paragraaf (a) van die omskrywing van 'onderwysersopleiding';"; 30
- (q) deur na die omskrywing van "student" die volgende omskrywing in te voeg:
- "technikon" 'n inrigting wat kragtens die Wet op Technikons (Nasionale Opvoeding), 1967 (Wet No. 40 van 1967), as 'n technikon ingestel is of geag word ingestel te wees en deur die Departement beheer word"; 35
- (r) deur die omskrywing van "uitvoerende komitee" deur die volgende omskrywing te vervang:
- "uitvoerende komitee" die uitvoerende komitee **[vermeld]** beoog in artikel **[4 (2)]** **[5 (3) (b)]**; en 40
- (s) deur na die omskrywing van "universiteit" die volgende omskrywings in te voeg:
- "verbintenisstudent" 'n student wat 'n ooreenkoms met die Departement aangaan om as 'n onderwyser opgeleei te word;
- 'voorgeskrewe' by regulasie voorgeskrewe." 45

Vervanging van artikel 1A van Wet 39 van 1967, soos ingevoeg deur artikel 2 van Wet 73 van 1969, vervang deur artikel 2 van Wet 92 van 1974 en gewysig deur artikel 2 van Wet 25 van 1982 en artikel 7 van Wet 75 van 1984.

2. Artikel 1A van die Hoofwet word hierby deur die volgende artikel vervang:

1A. (1) Behoudens die bepalings van subartikel (2), artikel 2A van die Wet op **[Gevorderde Tegniese Onderwys]** Technikons (Nasionale Opvoeding), 1967 (Wet No. 40 van 1967), en artikel 28 van die Wet op Finansiële Verhoudings, 1976 (Wet No. 65 van 1976), kan die opleiding van blanke persone as onderwysers vir sekondêre skole slegs aan 'n universiteit verskaf word: Met dien verstande dat vir die doeleindes van die toekenning van 'n graad, diploma of sertifikaat aan 'n student aan 'n universiteit, daar die universiteit, behoudens die bepalings van 'n ooreenkoms in subartikel (1) van artikel 10B van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), bedoel, 'n eksamen kan erken wat deur 'n **[kollege]** onderwyskollege of technikon afgeneem is en met goeie gevolg deur daardie student afgelê is. 55 60 65

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986

Act No. 103, 1986

- “school attendance” means the prescribed period of compulsory education during which a school shall be attended;”;
- 5 (p) by the substitution for the definition of “student” of the following definition:
- “student” means any white person enrolled at a university, **[or college]** a college of education or a technikon and being trained for a degree or diploma contemplated in paragraph (a) of the definition of ‘teacher training’;”;
- 10 (q) by the substitution for the definition of “teacher training” of the following definition:
- “teacher training” means—
- 15 (a) any instruction and training (other than instruction and training for the B.Ed., M.Ed. or D.Ed. degree, or any degree declared by the Minister by notice in the *Gazette* to be equivalent to any of the said degrees) provided to a student to enable him to obtain a degree or diploma at a university, or a diploma at a **[college]** college of education or a technikon, approved, in the case of both such a degree and such a diploma, by the **[committee]** Committee as a qualification for employment at a school to teach;
- 20 (b) such further instruction and training of teachers at such institutions as the **[committee]** Committee may approve;
- 25 (c) the care of students at, the making available of the buildings, hostels and equipment of, and the employment of the staff of, a **[college]** college of education, and the provision of such other services as may be necessary for carrying on the activities of a **[college]** college of education;” and
- 30 (r) by the insertion after the definition of “teacher training” of the following definitions:
- “teaching post” means any post in which a person may be appointed to—
- 35 (a) teach at a school, technical college as defined in section 1 of the Technical Colleges Act, 1981 (Act No. 104 of 1981), or college of education; or
- 40 (b) render auxilliary educational services or professional educational services to the Department, including provincial education departments;
- 45 ‘technikon’ means an institution established or deemed to have been established as a technikon in terms of the Technikons (National Education) Act, 1967 (Act No. 40 of 1967), and which is controlled by the Department;”.
- 50
2. The following section is hereby substituted for section 1A of the principal Act:
- 55 “Training of persons as teachers.” 1A. (1) Subject to the provisions of subsection (2), section 2A of the **[Advanced Technical Education]** Technikons (National Education) Act, 1967 (Act No. 40 of 1967), and section 28 of the Financial Relations Act, 1976 (Act No. 65 of 1976), the training of white persons as teachers for secondary schools may be provided at a university only: Provided that for the purposes of conferring a degree upon or granting a diploma or certificate to any student at any university, such university may, subject to the provisions of any agreement contemplated in subsection (1) of section 10B of the Universities Act, 1955 (Act No. 61 of 1955), recognize any examination conducted by any **[college]** college of education or technikon and passed by such student.

Substitution of
section 1A of
Act 39 of 1967,
as inserted by
section 2 of
Act 73 of 1969,
substituted by
section 2 of
Act 92 of 1974
and amended by
section 2 of
Act 25 of 1982
and section 7 of
Act 75 of 1984.

Wet No. 103, 1986

WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRAAD), 1986

(2) Die Minister kan na oorleg met die raad van 'n universiteit en 'n **[Administrateur]** onderwysraad of die raad van 'n technikon en op die voorwaardes wat hy goedvind, toestemming verleen dat die opleiding van persone as onderwysers vir sekondêre skole in 'n vak of ooreenkomsdig 'n kursus wat hy van tyd tot tyd bepaal ook verskaf word aan 'n **[kollege wat—**

- (a)** deur die Departement in stand gehou, bestuur en beheer of gesubsidieer word; of
- (b)** deur 'n provinsiale administrasie in stand gehou, bestuur en beheer word] technikon of onderwyskollege.

(3) Die opleiding van blanke persone as onderwysers vir primêre en pre-primêre skole word aan 'n **[kollege]** onderwyskollege of 'n universiteit verskaf: 15 Met dien verstande dat vanaf 'n datum wat die Minister bepaal, sodanige opleiding aan 'n **[kollege]** onderwyskollege en 'n universiteit ingevolge 'n reëling in noue samewerking met mekaar geskied.

(4) 'n Reëling tussen 'n **[Administrateur]** provinciale onderwysdepartement en die raad van 'n universiteit met die oog op noue samewerking bedoel in subartikel (3) is van nul en gener waarde nie tensy dit deur die Minister goedgekeur word.

(5) Verskillende datums kan ingevolge subartikel 25 (3) ten opsigte van verskillende **[kolleges]** onderwyskolleges en universiteite bepaal word.

(6) Beheer oor die werwing en keuring van persone vir toelating as verbintenisstudente berus by die hoof van die betrokke provinsiale onderwysdepartement.”.

Wysiging van artikel 1B van Wet 39 van 1967, soos ingevoeg deur artikel 2 van Wet 73 van 1969.

3. Artikel 1B van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
“Die Minister kan na oorlegpleging met die **[Administrateurs (nadat elke Administrateur die betrokke komitee bedoel in subartikel (2) geraadpleeg het), die Komitee van Universiteitshoofde en die raad]** onderwysrade, universiteite, technikons, die Komitee en die liggaaam wat ingevolge artikel 8B (1) erken word van tyd tot tyd 40 die beleid bepaal wat ten opsigte van onderwysersopleiding gevolg moet word sodat—”;

(b) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:
“(f) die benaming van sertifikate wat aan persone toegeken word om die verwerwing van onderwysbevoegdhede of -kwalifikasies aan te dui, dieselfde is **[maar só dat die onderwyspersoneel van kolleges nie wat salaris en ander regte betref daardeur benadeel word nie].**”;

(c) deur subartikels (2) en (3) te skrap;
(d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) (a) 'n **[Administrateur]** Onderwysraad kan 'n provinsiale adviserende komitee vir onderwysersopleiding aanstel om **[hom]** die onderwysraad, die universiteite, die onderwyskolleges en die technikons in die betrokke provinsie en die Departement van advies te dien aangaande die koördinering van onderwysersopleiding in dié provinsie.

(b) Indien 'n **[Administrateur]** onderwysraad so 'n komitee aanstel, moet hy daarin, **benewens verteenwoordigers van die Departement en die betrokke**

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986

Act No. 103, 1986

(2) The Minister may, after consultation with the council of a university and an **[Administrator] education council** or the council of a technikon and on such conditions as he deems fit, grant permission that the training of persons as teachers for secondary schools in any subject or according to any such course as he may determine from time to time, be provided also at a **[college]**

(a) **maintained, managed and controlled or subsidized by the Department; or**
 (b) **maintained, managed and controlled by a provincial administration] technikon or college of education.**

(3) The training of white persons as teachers for primary and pre-primary schools shall be provided at a **[college] college of education** or a university: Provided that, with effect from a date determined by the Minister, such training shall be provided at a **[college] college of education** and a university, **in terms of an arrangement**, in close co-operation with each other:

(4) Any arrangement between **[any administrator]** a provincial education department and the council of any university with a view to close co-operation referred to in subsection (3) shall be of no force and effect unless it is approved by the Minister.

(5) Different dates may in terms of subsection (3) be fixed in respect of different **[colleges] colleges of education and universities.**

(6) Control over the recruitment and selection of persons for admission as contract students shall vest in the head of the provincial education department concerned.”

3. Section 1B of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The Minister may, after consultation with the **[Administrators (after each Administrator has consulted with the committee concerned referred to in subsection (2)), the Committee of University Principals and the council] education councils, universities, technikons, the Committee and the body recognized in terms of section 8B (1)**, from time to time determine the policy which is to be pursued in respect of teacher training in order that—”;

(b) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) the appellation of certificates awarded to persons to indicate the acquisition of teaching competency or qualifications shall be the same **[but in such a manner that the teaching staff of colleges are not thereby prejudiced as far as salaries and other rights are concerned].**”;

(c) by the deletion of subsections (2) and (3);

(d) by the substitution for subsection (4) of the following subsection:

“(4) (a) An **[Administrator] education council** may appoint a provincial advisory teacher training committee to advise **[him] the education council**, the universities, the colleges of education and the technikons in the province concerned and the Department on the co-ordination of teacher training in such province.

(b) If an **[Administrator] education council** appoints such a committee **[he] it shall appoint thereto, in addition to representatives of the Department and**

Amendment of
section 1B of
Act 39 of 1967,
as inserted by
section 2 of
Act 73 of 1969.

Wet No. 103, 1986**WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRAAD), 1986**

provinciale onderwysdepartement, ook persone aanstel om universiteite, [en kolleges] onderwyskolleges, technikons, die georganiseerde onderwysprofessie en die georganiseerde ouergemeenskap in die betrokke provinsie [en die onderwysverenigings wat hy erken] te verteenwoordig.”;

- (e) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Die [Administrateurs] onderwyshoofde, die technikons en die universiteite doen die stappe wat nodig is om die beleid wat ingevolge subartikel (1) deur die Minister bepaal is, ten uitvoer te bring.”; en

- (f) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) Die Minister kan van ‘n [Administrateur] provinciale onderwysdepartement, [en] ‘n universiteit, ‘n onderwyskollege en ‘n technikon die inligting en verslae in verband met die uitvoering van die bepalings van hierdie Wet aanvra wat hy nodig ag.”.

Invoeging van artikel 1C in Wet 39 van 1967.

Wysiging van artikel 2 van Wet 39 van 1967, soos gewysig deur artikel 3 van Wet 73 van 1969, artikel 3 van Wet 92 van 1974 en artikel 3 van Wet 25 van 1982.

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

“Toepassing van hierdie Wet. **1C. Die bepalings van hierdie Wet word toegepas onderworpe aan die algemene beleid bepaal kragtens artikel 2 (1) van die Wet op die Nasionale Beleid vir Algemene Onderwyssake, 1984 (Wet No. 76 van 1984), en die bepalings van enige ander algemene wet met betrekking tot ‘n aangeleentheid bedoel in paragraaf (a), (b) of (c) van item 2 van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983).”.**

5. Artikel 2 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Die Minister kan, na oorlegpleging met die [Administrateurs en die raad] onderwysrade, die Komitee, die liggaam wat ingevolge artikel 8B (1) erken word en die georganiseerde ouergemeenskap, van tyd tot tyd die algemene beleid wat ten opsigte van onderwys in skole gevvolg moet word, bepaal en wel binne die raamwerk van die volgende beginsels, naamlik dat—”;

- (b) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) die onderwys in skole wat deur ‘n Staatsdepartement (met inbegrip van ‘n provinciale administrasie) die Departement (met inbegrip van provinciale onderwysdepartemente) in stand gehou, bestuur en beheer word, ‘n Christelike karakter moet hê, maar dat die geloofsoortuiging van die ouers en die leerlinge geëerbiedig moet word wat betref godsdiensonderrig en godsdienstige plegtighede;”;

- (c) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) vereistes betreffende skoolplig en [die grense met betrekking tot skoolpligtige leeftyd] leerplig eenvormig moet wees;”;

- (d) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

“(e) aan leerlinge wie se ouers in die Republiek woon of Suid-Afrikaanse burgers is (uitgesonderd die kategorieë pre-primêre, primêre en sekondêre leerlinge wat die Minister bepaal, leerlinge wat deeltydse onderrig ontvang, en vakleerlinge), vry onderwys verskaf kan word in skole wat ‘n Staats- 65

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986

Act No. 103, 1986

- the provincial education department concerned,
also persons to represent universities, [and colleges] colleges of education, technikons, the organized teaching profession and the organized parent community in the province concerned [and the teachers' associations recognized by him].”;
- (e) by the substitution for subsection (6) of the following subsection:
- “(6) The [Administrators] heads of education, the technikons and the universities shall take such steps as may be necessary to carry into effect the policy determined by the Minister in terms of subsection (1).”; and
- (f) by the substitution for subsection (7) of the following subsection:
- “(7) The Minister may call upon [an Administrator] a provincial education department, [and] a university, a college of education and a technikon for such information and reports in connection with the administration of the provisions of this Act as he may deem necessary.”.

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

^{“Application of this Act.} 1C. The provisions of this Act shall be applied subject to the general policy determined under section 2 (1) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), as well as the provisions of any other general law in relation to a matter referred to in paragraph (a), (b) or (c) of item 2 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983).”.

Insertion of
section 1C in
Act 39 of 1967.

5. Section 2 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
“The Minister may, after consultation with the [Administrators and the council] education councils, the Committee, the body recognized in terms of section 8B (1) and the organized parent community, from time to time determine the general policy which is to be pursued in respect of education in schools, within the framework of the following principles, namely, that—”;
- (b) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
“(a) the education in schools maintained, managed and controlled by [a department of State (including a provincial administration)] the Department (including provincial education departments) shall have a Christian character, but that the religious conviction of the parents and the pupils shall be respected in regard to religious instruction and religious ceremonies;”;
- (c) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
“(d) requirements as to school attendance and compulsory education [and the limits relating to school age] shall be uniform;”;
- (d) by the substitution for paragraph (e) of subsection (1) of the following paragraph:
“(e) education (including books and stationery) may be provided free of charge in schools maintained, managed and controlled by [a department of State (including a provincial administration)] the Department (including a provincial education department) to pupils whose parents reside in the Republic or are South African citizens (other than such

Amendment of
section 2 of
Act 39 of 1967,
as amended by
section 3 of
Act 73 of 1969,
section 3 of
Act 92 of 1974
and section 3 of
Act 25 of 1982.

Wet No. 103, 1986**WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRaad), 1986**

- departement (met inbegrip van 'n provinsiale administrasie)** die Departement (met inbegrip van 'n provinsiale onderwysdepartement) in stand hou, bestuur en beheer;”;
- (e) deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:
“(h) aan die georganiseerde ouergemeenskap 'n plek in die onderwysstelsel toegeken moet word **[deur middel van ouer-onderwysersverenigings, skoolkomitees, beheerrade of skoolrade of op 'n ander wyse]**;”;
- (f) deur paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang:
“(i) by die onderwysbeplanning **[aan wenke en aanbevelings van die amptelik erkende onderwysersverenigings oorweging geskenk]** met die georganiseerde onderwysprofessie oorleg gepleeg moet word; en”;
- (g) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
“(a) Die **[Administrateurs]** onderwysrade doen die stappe wat nodig is om die beleid wat deur die Minister aldus bepaal is, ten uitvoer te bring.”; en
- (h) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:
“(b) Indien die Minister oortuig is dat dié beleid **[in 'n bepaalde provinsie]** nie deur 'n onderwysraad uitgevoer word nie, kan hy ten opsigte van dié **[provincie]** onderwysraad die regulasies by kennisgewing in die Staatskoerant uitvaardig en die voorskrifte uitrek wat nodig is om daaraan gevolg te gee.”.

Wysiging van artikel 3 van Wet 39 van 1967, soos gewysig deur artikel 4 van Wet 73 van 1969, artikel 4 van Wet 92 van 1974 en artikel 4 van Wet 25 van 1982.

Vervanging van artikel 4 van Wet 39 van 1967, soos vervang deur artikel 5 van Wet 73 van 1969 en gewysig deur artikel 5 van Wet 92 van 1974, artikel 1 van Wet 17 van 1975, artikel 2 van Wet 25 van 1978 en artikel 5 van Wet 25 van 1982.

Herroeping van artikel 4A van Wet 39 van 1967, soos ingevoeg deur artikel 6 van Wet 73 van 1969.

6. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
“(1) Geen voorgestelde wetgewing **[uitgesondert provinsiale ordonnansies met betrekking tot diensvoorraades of die bewilliging van fondse]** wat op ander onderwys as onderwys verskaf aan 'n by of kragtens wet ingestelde universiteit of technikon betrekking het, word in die Volksraad **[of in 'n provinsiale raad]** ingedien nie, behalwe na oorlegpleging vooraf tussen die Minister en enige ander belanghebbende Minister **[of Administrateur]**, die onderwysrade, die Komitee en die georganiseerde onderwysprofessie.”; en
- (b) deur subartikel (2) te skrap.

7. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

- “Samestelling 4. (1) Die Minister kan 'n *ad hoc*-raad saamstel om hom te adviseer oor 'n aangeleentheid wat hy na die raad verwys.
(2) Aan lede van die raad wat nie heeltydse lede van die Staatsdiens is nie kan, uit gelde wat die Volksraad vir dié doel bewillig, die toelaes betaal word wat die Minister met die instemming van die Minister van Begroting bepaal.
(3) Die administratiewe werksaamhede van die raad word deur beampies van die Departement verrig.”.

8. Artikel 4A van die Hoofwet word hierby herroep.

60

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986

Act No. 103, 1986

- categories of pre-primary, primary and secondary pupils as the Minister may determine, pupils receiving instruction on a part-time basis and apprentices);”;
- 5 (e) by the substitution for paragraph (h) of subsection (1) of the following paragraph:
“(h) the organized parent community be given a place in the education system [through parent-teachers' associations, school committees, boards of control or school boards or in any other manner];”;
- 10 (f) by the substitution for paragraph (i) of subsection (1) of the following paragraph:
“(i) [consideration shall be given to suggestions and recommendations of the officially recognized teachers' associations] the organized teaching profession shall be consulted when planning for purposes of education; and”;
- 15 (g) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
“(a) The Administrators education councils shall take such steps as may be necessary to carry into effect the policy so determined by the Minister.”; and
- 20 (h) by the substitution for paragraph (b) of subsection (2) of the following paragraph:
“(b) If the Minister is satisfied that [in any province] such policy is not being carried out by an education council, he may in respect of such [province] education council make such regulations by notice in the *Gazette* and issue such directions as may be necessary to give effect thereto.”.
- 25
- 30

6. Section 3 of the principal Act is hereby amended—

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

35 “(1) No proposed legislation [**not being provincial ordinances relating to conditions of service or the appropriation of funds**] relating to education, other than education provided at a university or technikon established by or under any law, shall be introduced in the House of Assembly [**or in a provincial council**], except after prior consultation between the Minister and any other interested Minister [**or Administrator**], the education councils, the Committee and the organized teaching profession.”; and

40

- (b) by the deletion of subsection (2).

Amendment of section 3 of Act 39 of 1967, as amended by section 4 of Act 73 of 1969, section 4 of Act 92 of 1974 and section 4 of Act 25 of 1982.

45 7. The following section is hereby substituted for section 4 of the principal Act:

“Constitution of ad hoc council.

4. (1) The Minister may constitute an *ad hoc* council to advise him on any matter which he may refer to the council.

50 (2) Members of the council who are not full-time members of the public service may be paid, from moneys appropriated by the House of Assembly for such purpose, such allowances as the Minister with the concurrence of the Minister of the Budget may determine.

(3) The administrative functions of the council shall be performed by officers of the Department.”.

Substitution of section 4 of Act 39 of 1967, as substituted by section 5 of Act 73 of 1969 and amended by section 5 of Act 92 of 1974, section 1 of Act 17 of 1975, section 2 of Act 25 of 1978 and section 5 of Act 25 of 1982.

8. Section 4A of the principal Act is hereby repealed.

Repeal of section 4A of Act 39 of 1967, as inserted by section 6 of Act 73 of 1969.

Wet No. 103, 1986**WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRAAD), 1986**

Vervanging van artikel 5 van Wet 39 van 1967, soos gewysig deur artikel 6 van Wet 92 van 1974.

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

"Instelling en werkzaamhede van onderwysrade. **5. (1) Daar word hierby vir elke provinsiale onderwysdepartement 'n onderwysraad ingestel, wat bestaan uit—**

- (a) die hoof van die betrokke provinsiale onderwysdepartement;
- (b) 'n beampete deur die hoof van die Departement uit sy personeel aangewys;
- (c) die voorgeskrewe getal beamptes ten opsigte van die betrokke provinsie, maar hoogstens vier, deur die hoof van die betrokke provinsiale onderwysdepartement uit sy personeel aangewys;
- (d) die voorgeskrewe getal personele ten opsigte van die betrokke provinsie, maar minstens twee en hoogstens ses, waarvan die voorgeskrewe getal ten opsigte van elke tersiêre onderwyssektor deur die Minister aangewys word uit benoemings wat op die voorgeskrewe wyse gedoen is deur die tersiêre onderwysinrigtings onder beheer van die Departement in die betrokke provinsie;
- (e) die voorgeskrewe getal personele ten opsigte van die betrokke provinsie, maar minstens vier en hoogstens agt, op die voorgeskrewe wyse deur die georganiseerde onderwysprofessie in die betrokke provinsie uit sy geledere aangewys;
- (f) die voorgeskrewe getal personele ten opsigte van die betrokke provinsie, maar minstens agt en hoogstens sestien, op die voorgeskrewe wyse deur die georganiseerde ouergemeenskap in die betrokke provinsie uit sy geledere aangewys;
- (g) die voorgeskrewe getal onderwysers van private skole ten opsigte van die betrokke provinsie, maar hoogstens twee, deur die Minister aangewys uit 'n lys van name wat op die voorgeskrewe wyse deur die hoof van die betrokke provinsiale onderwysdepartement saamgestel is na oorleg met private skole wat by die betrokke provinsiale onderwysdepartement geregistreer is;
- (h) een persoon deur die Minister aangewys uit benoemings wat op die voorgeskrewe wyse gedoen is deur die bestuursliggame van buitengewone onderwys soos omskryf in artikel 1 van die Wet op Onderwysdienste, 1967 (Wet No. 41 van 1967);
- (i) een persoon deur die Minister aangewys uit benoemings wat op die voorgeskrewe wyse gedoen is deur die rade van tegniese kolleges; en
- (j) die voorgeskrewe getal personele ten opsigte van die betrokke provinsie, maar hoogstens sewe, deur die Minister aangewys.

(2) Die Minister wys vir elke onderwysraad 'n voorsitter uit sy geledere aan.

(3) Die Minister kan regulasies uitvaardig met betrekking tot—

- (a) die kwalifikasies en ampstermy van lede van 'n onderwysraad, en die vul van vakatures; en
- (b) die aanstelling en funksies van 'n uitvoerende komitee vir 'n onderwysraad.

(4) Aan 'n lid van 'n onderwysraad wat nie 'n heeltydse lid van die Staatsdiens is nie kan, uit gelde wat die Volksraad vir dié doel bewillig, die toelaes betaal word wat die Minister met die instemming van die Minister van Begroting bepaal.

(5) Indien 'n aanwysing beoog in paragraaf (e) of (f) van subartikel (1), of 'n benoeming beoog in paragraaf (d), (h) of (i) van subartikel (1), nie gedoen word nie, kan die Minister 'n aanwysing of be-

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986

Act No. 103, 1986

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

- "Establishment and functions of education councils.
- 5.** (1) There is hereby established for each provincial education department an education council, which shall consist of—
- (a) the head of the provincial education department concerned;
 - (b) an officer designated by the head of the Department from his staff;
 - (c) the prescribed number of officers in respect of the province concerned, but not more than four, designated by the head of the provincial education department concerned from his staff;
 - (d) the prescribed number of persons in respect of the province concerned, but not less than two and not more than six, of which the prescribed number in respect of each tertiary education sector is designated by the Minister out of nominations made in the prescribed manner by the tertiary education institutions under the control of the Department in the province concerned;
 - (e) the prescribed number of persons in respect of the province concerned, but not less than four and not more than eight, designated in the prescribed manner by the organized teaching profession in the province concerned from its members;
 - (f) the prescribed number of persons in respect of the province concerned, but not less than eight and not more than sixteen, designated in the prescribed manner by the organized parent community in the province concerned from its members;
 - (g) the prescribed number of teachers in respect of the province concerned, but not more than two, designated by the Minister out of a list of names compiled in the prescribed manner by the head of the provincial education department concerned after consultation with private schools registered with the provincial education department concerned;
 - (h) one person designated by the Minister out of nominations made in the prescribed manner by the managing bodies of special education as defined in section 1 of the Educational Services Act, 1967 (Act No. 41 of 1967);
 - (i) one person designated by the Minister out of nominations made in the prescribed manner by the councils of technical colleges; and
 - (j) the prescribed number of persons in respect of the province concerned, but not more than seven, designated by the Minister.
- (2) The Minister shall nominate a chairman for each education council from its members.
- (3) The Minister may make regulations in relation to—
- (a) the qualifications and term of office of members of an education council, and the filling of vacancies; and
 - (b) the appointment and functions of an executive committee for an education council.
- (4) A member of an education council who is not a full-time member of the public service may be paid, out of moneys appropriated for such purpose by the House of Assembly, such allowances as the Minister with the concurrence of the Minister of the Budget may determine.
- (5) If a designation contemplated in paragraph (e) or (f) of subsection (1), or a nomination contemplated in paragraph (g), (h) or (i) of subsection (1),

Substitution of
section 5 of
Act 39 of 1967,
as amended by
section 6 of
Act 92 of 1974.

Wet No. 103, 1986**WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRAAD), 1986**

noeming, na gelang van die geval, in die plek daarvan doen.

(6) Die administratiewe werksaamhede van 'n onderwysraad word deur beampies van die betrokke provinsiale onderwysdepartement verrig.

(7) 'n Onderwysraad—

(a) bepaal sy eie reëls betreffende sy vergaderings en procedures op daardie vergaderings;

(b) dien die Minister, die Departement en die provinsiale onderwysdepartement van advies aangaande aangeleenthede betreffende die onderwys wat die Minister, die Departement of die provinsiale onderwysdepartement na hom verwys, of wat die onderwysraad onder die aandag van die Minister, die Departement of die provinsiale onderwysdepartement wil bring; en

(c) verrig die werksaamhede wat by of kragtens hierdie Wet of die regulasies daarkragtens uitgevaardig aan hom opgedra word.

(8) Geen handeling van 'n onderwysraad is ongeldig bloot vanweë 'n vakature in die onderwysraad nie.”.

Vervanging van artikel 6 van Wet 39 van 1967, soos gewysig deur artikel 7 van Wet 73 van 1969 en artikel 6 van Wet 25 van 1982.

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

“Komitee van Onderwyshoofde.

6. (1) Daar is 'n **[komitee]** **Komitee van [onderwyshoofde]** **Onderwyshoofde** (in hierdie artikel die **[komitee]** **Komitee** genoem), wat bestaan uit die onderwyshoofde en waarvan die **[Direkteur-generaal]** **Hoof van die Departement** die voorsitter is.

(2) Die **[komitee]** Komitee doen aanbevelings by die Minister en die **[Administrateurs]** onderwysrade oor die wyse waarop die beleid ten opsigte van onderwys in skole en onderwyssersopleiding wat ingevolge hierdie Wet bepaal is, op gekoördineerde grondslag uitgevoer kan word.

(3) Die **[komitee]** Komitee dien die Minister of 'n **[Administrateur]** onderwysraad van advies aangaande enige ander aangeleenthed betreffende die onderwys wat die Minister of dié **[Administrateur]** onderwysraad na hom verwys of wat die **[komitee]** **Komitee** onder die aandag van die Minister of dié **[Administrateur]** onderwysraad wil bring.

(4) (a) Die Komitee kan 'n subkomitee aanstel om, onderworpe aan die voorskrifte van die Komitee, die werksaamhede te verrig wat deur die Komitee aan die subkomitee opgedra word.

(b) Die Komitee moet minstens een persoon aangewys deur die liggaam wat ingevolge artikel 8B (1) erken word, as lid van 'n subkomitee aanstel.

(c) Die Komitee kan 'n persoon aangewys deur die georganiseerde ouergemeenskap, as lid van 'n subkomitee aanstel.

(d) Die voorsitter van 'n subkomitee word deur die Komitee uit die geledere van die subkomitee aangewys.

(e) Aan 'n lid van 'n subkomitee wat nie 'n heeltydse lid van die Staatsdiens is nie kan, uit geld wat die Volksraad vir dié doel bewillig, die toeslaes betaal word wat die Minister met die instemming van die Minister van Begroting bepaal.”.

Herroeping van artikel 7 van Wet 39 van 1967, soos vervang deur artikel 8 van Wet 73 van 1969.

11. Artikel 7 van die Hoofwet word hierby herroep.

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986

Act No. 103, 1986

is not made the Minister may instead thereof make a designation or nomination, as the case may be.

(6) The administrative functions of an education council shall be performed by the officers of the provincial education department concerned.

(7) An education council shall—

- (a) determine its own rules relating to meetings and procedures at those meetings;
- (b) advise the Minister, the Department and the provincial education department in regard to matters relating to education referred to it by the Minister, the Department or the provincial education department, or which the education council wishes to bring to the attention of the Minister, the Department or the provincial education department; and
- (c) perform such functions as may be assigned to it by or under this Act or the regulations made thereunder.

(8) No act of an education council shall be invalid merely on account of a vacancy in the education council.”.

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

25 “Committee of Heads of Education.

6. (1) There shall be a [committee] Committee of [heads] Heads of [education] Education (in this section referred to as the [committee] Committee), consisting of the heads of education and of which the [Director-General] Head of the Department shall be chairman.

30 (2) The [committee] Committee shall submit recommendations to the Minister and the [Administrators] education councils in regard to the manner in which the policy in respect of education in schools and teacher training determined in terms of this Act, can be carried out on a co-ordinated basis.

35 (3) The [committee] Committee shall advise the Minister or an [Administrator] education council in regard to any other matter relating to education which the Minister or such [Administrator] education council may refer to it, or which the [committee] Committee may desire to bring to the notice of the Minister or such [Administrator] education council.

40 (4) (a) The Committee may appoint a subcommittee to perform, subject to the instructions of the Committee, such functions as may be assigned by the Committee to the subcommittee.

45 (b) The Committee shall appoint at least one person designated by the body recognized in terms of section 8B (1), as a member of a subcommittee.

50 (c) The Committee may appoint a person designated by the organized parent community, as a member of a subcommittee.

55 (d) The chairman of a subcommittee shall be designated by the Committee from the members of the subcommittee.

60 (e) A member of a subcommittee who is not a full-time member of the public service may be paid, out of moneys appropriated for such purpose by the House of Assembly, such allowances as the Minister with the concurrence of the Minister of the Budget may determine.”.

11. Section 7 of the principal Act is hereby repealed.

Substitution of section 6 of Act 39 of 1967, as amended by section 7 of Act 73 of 1969 and section 6 of Act 25 of 1982.

Repeal of section 7 of Act 39 of 1967, as substituted by section 8 of Act 73 of 1969.

Wet No. 103, 1986**WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRAAD), 1986**

Wysiging van artikel 8 van Wet 39 van 1967.

Vervanging van artikel 8A van Wet 39 van 1967, soos ingevoeg deur artikel 9 van Wet 73 van 1969.

Invoeging van artikels 8B en 8C in Wet 39 van 1967.

12. Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan in oorleg met die Minister van [Finansies en na oorleg met een of meer Administrateurs] Begroting audiovisueel-opvoedkundige dienste en ander hulpdienste instel om [hom, die raad of een of meer provinsiale administrasies] die Departement by te staan om die verwesenliking van die doelstellings van hierdie Wet te bevorder.”; en

(b) deur subartikels (2) en (3) te skrap.

13. Artikel 8A van die Hoofwet word hierby deur die volgende artikel vervang:

“Regulasies. **8A.** Die Minister kan regulasies uitvaardig betreffende ’n aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word, of ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde aan die bepalings van hierdie Wet gevolg te gee.”.

14. Die volgende artikels word hierby in die Hoofwet na artikel 8A ingevoeg:

8B. (1) Indien ’n liggaaam deur die Federale Raad van Onderwysersverenigings in Suid-Afrika en die Suid-Afrikaanse Onderwysersraad vir Blankes ingestel by artikel 2 van die Wet op die Suid-Afrikaanse Onderwysersraad vir Blankes, 1976 (Wet No. 116 van 1976), gestig word, word daardie liggaaam deur die Minister by kennisgewing in die *Staatskoerant* erken as ’n regspersoon met die oogmerk om die aansien van die blanke onderwysprofessie te bevorder.

(2) Die liggaaam wat ingevolge subartikel (1) erken is—

- (a) word saamgestel en funksioneer ooreenkomsdig sy konstitusie;
- (b) verrig al die werkzaamhede wat by of kragtens hierdie Wet of die regulasies daarkragtens uitgevaardig aan die liggaaam opgedra word; en
- (c) kan uit eie beweging, en moet op versoek van die Minister of die Komitee, die Minister of die Komitee adviseer oor enige aangeleentheid rakkende die onderwys en onderwysopleiding.

(3) (a) Nadat die liggaaam ingevolge subartikel (1) erken is, mag geen persoon in ’n onderwyspos aangestel word of by ’n skool onderwys gee nie tensy hy ingevolge die regulasies uitgevaardig kragtens subartikel (4) by daardie liggaaam geregistreer of voorwaardelik geregistreer is.

(b) Iemand wat ’n bepaling van paragraaf (a) oortree, is skuldig aan ’n misdryf en by skuldigbevinding strafbaar met ’n boete van hoogstens R100 of met gevangenisstraf vir ’n tydperk van hoogstens drie maande of met sodanige boete sowel as sodanige gevangenisstraf.

(4) Die Minister kan na oorleg met die Federale Raad van Onderwysersverenigings in Suid-Afrika en genoemde Suid-Afrikaanse Onderwysersraad vir Blankes, of na die erkenning van die liggaaam bedoel in subartikel (1), na oorleg met daardie liggaaam, regulasies uitvaardig met betrekking tot—

- (a) die vereistes waaraan ’n persoon moet voldoen om by die liggaaam geregistreer of voorwaardelik geregistreer te word;
- (b) die inskrywing in ’n register van die name van persone wat aldus geregistreer is, en die uitreiking van registrasiesertifikate aan hulle deur die liggaaam;

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986 Act No. 103, 1986

12. Section 8 of the principal Act is hereby amended—
 (a) by the substitution for subsection (1) of the following subsection:
 “(1) The Minister may, in consultation with the Minister of [Finance and after consultation with one or more Administrators] the Budget, establish audio-visual educational and other auxiliary services to assist [him, the council or one or more provincial administrations] the Department to promote the attainment of the objects of this Act.”; and
 (b) by the deletion of subsections (2) and (3).
13. The following section is hereby substituted for section 8A of the principal Act:
- “Regulations.
- 8A. The Minister may make regulations as to any matter which is required or permitted to be prescribed by regulation in terms of this Act, or in respect of which he considers it necessary or expedient to make regulations in order to give effect to the provisions of this Act.”.
14. The following sections are hereby inserted in the principal Act after section 8A:
- “Body for organized teaching profession.
- 8B. (1) If a body is established by the Federal Council of Teachers' Associations in South Africa and the South African Teachers' Council for Whites established by section 2 of the South African Teachers' Council for Whites Act, 1976 (Act No. 116 of 1976), that body shall be recognized by the Minister by notice in the *Gazette* as a juristic person with the object of promoting the prestige of the white teaching profession.
 (2) The body which has been recognized in terms of subsection (1)—
 (a) shall be constituted and shall function in accordance with its constitution;
 (b) shall perform all the functions that have been assigned to the body by or under this Act or the regulations made thereunder; and
 (c) may of its own accord, and shall at the request of the Minister or the Committee, advise the Minister or the Committee on any matter regarding education and teacher training.
 (3) (a) After the body has been recognized in terms of subsection (1), no person shall be appointed in a teaching post or teach at a school unless he has been registered or provisionally registered with that body in terms of the regulations made under subsection (4).
 (b) Any person who contravenes a provision of paragraph (a), shall be guilty of an offence and on conviction liable to a fine not exceeding R100 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.
 (4) The Minister may, after consultation with the Federal Council of Teachers' Associations in South Africa and the said South African Teachers' Council for Whites or, after the recognition of the body referred to in subsection (1), after consultation with that body, make regulations in relation to—
 (a) the requirements with which a person shall comply in order to be registered or provisionally registered with the body;
 (b) the entry in a register of the names of the persons who have been so registered, and the issuing of registration certificates to them by the body;
- Insertion of sections 8B and 8C in Act 39 of 1967.
- Amendment of section 8 of Act 39 of 1967.

Wet No. 103, 1986

WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRAAD), 1986

	(c) die omstandighede waaronder 'n naam in die register geskrap of weer ingeskryf kan word;	5
	(d) appèl teen die weiering van registrasie of die skrapping van 'n naam in die register;	
	(e) die gelde betaalbaar en die wyse van betaling daarvan aan die georganiseerde onderwysprofesie ten opsigte van—	
	(i) die inskrywing van 'n naam in die register;	10
	(ii) die uitreiking van 'n registrasiesertifikaat, gewysigde registrasiesertifikaat, 'n uittreksel uit die register of 'n gesertifiseerde afskrif daarvan;	
	(iii) insae in die register; en	
	(iv) professionele gelde;	
	(f) misdrywe in verband met registrasie, die register en kwalifikasies;	15
	(g) die opstelling van 'n professionele gedragskode vir persone wat by die liggaam geregistreer of voorwaardelik geregistreer is;	
	(h) die indiening van klagtes ten opsigte van, en die instelling van ondersoeke na, beweerde oortredings van die gedragskode;	20
	(i) strawwe wat by skuldigbevinding aan oortredings van die gedragskode opgelê kan word;	
	(j) die aanstelling van komitees deur die liggaam, en die werksaamhede van die komitees;	25
	(k) boekhouding van die finansiële transaksies van die liggaam en ouditering van sy rekeningstate; en	
	(l) enige ander aangeleentheid ten opsigte van die liggaam wat die Minister nodig of dienstig ag.	30
	(5) 'n Regulasie beoog in subartikel (4) kan ten opsigte van 'n oortreding daarvan of versuim om daaraan te voldoen 'n straf voorskryf wat 'n boete van R100 of gevengenisstraf vir 'n tydperk van drie maande of sodanige boete sowel as sodanige gevengenisstraf nie te bowe gaan nie.	35
Herroeping van Wette, en oor-gangsbepa-lings.	8C. (1) Behoudens subartikels (2), (3), (4), (5) en (6) word die Wette in die Bylae vermeld hierby in die geheel herroep met ingang van die datum waarop die liggaam bedoel in artikel 8B ingevolge subartikel (1) van daardie artikel erken word.	40
	(2) Alle bates, laste, regte en verpligte van die Suid-Afrikaanse Onderwysersraad vir Blankes ingestel by artikel 2 van die Wet op die Suid-Afrikaanse Onderwysersraad vir Blankes, 1976 (Wet No. 116 van 1976), gaan op die datum bedoel in subartikel (1) oor op die liggaam wat ingevolge artikel 8B (1) erken is, sonder dat enige hereregte of ander gelde betaalbaar is.	45
	(3) Enigets gedoen ingevolge die bepalings van 'n Wet wat by subartikel (1) herroep is en wat ingevolge die bepalings van artikel 8B of die regulasies daarkragtens uitgevaardig, gedoen kan of moet word, word geag ingevolge laasgenoemde bepalings gedoen te wees.	50
	(4) Iemand wat onmiddellik voor die datum bedoel in subartikel (1) in diens van genoemde Suid-Afrikaanse Onderwysersraad vir Blankes was, word geag met ingang van daardie datum met behoud van sy salaris en diensvoorraades oorgeplaas te wees na die liggaam wat ingevolge artikel 8B (1) erken is.	55
	(5) Iemand wat onmiddellik voor die datum bedoel in subartikel (1) by genoemde Suid-Afrikaanse Onderwysersraad vir Blankes geregistreer of voorwaardelik geregistreer was, uitgesonderd iemand wat by 'n skool bedoel in paragraaf (b) van die omskrywing van "skool" in artikel 1 van die Wet op die Suid-Afrikaanse Onderwysersraad vir Blankes, aan-	60
		65

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986

Act No. 103, 1986

- (c) the circumstances under which a name may be struck off or re-entered in the register;
 - (d) appeal against the refusal of registration or the striking off of the register of a name;
 - 5 (e) the moneys payable and the manner of payment thereof to the organized teaching profession in respect of—
 - (i) the entry of a name in the register;
 - (ii) the issuing of a registration certificate, amended registration certificate, an extract from the register or a certified copy thereof;
 - (iii) examination of the register; and
 - (iv) professional fees;
 - 10 (f) offences relating to registration, the register and qualifications;
 - 15 (g) the drawing up of a professional code of conduct for persons registered or provisionally registered with the body;
 - (h) the submission of complaints in respect of, and the institution of inquiries into, alleged contraventions of the code of conduct;
 - 20 (i) penalties which may be imposed on conviction of a contravention of the code of conduct;
 - (j) the appointment of committees by the body, and the functions of the committees;
 - 25 (k) bookkeeping of the financial transactions of the body, and auditing of its statements of account; and
 - (l) any other matter in respect of the body which the Minister may regard necessary or expedient.
- (5) A regulation contemplated in subsection (4) may in respect of a contravention thereof or failure to comply therewith prescribe a penalty not exceeding a fine of R100 or imprisonment for a period of three months or both such fine and such imprisonment.
- 40 Repeal of
Acts, and
transitional
provisions.
- 8C.** (1) Subject to subsections (2), (3), (4), (5) and (6), the Acts mentioned in the Schedule are hereby repealed in full with effect from the date on which the body referred to in section 8B is recognized in terms of subsection (1) of that section.
 - (2) All assets, liabilities, rights and obligations of the South African Teachers' Council for Whites established by section 2 of the South African Teachers' Council for Whites Act, 1976 (Act No. 116 of 1976), shall on the date referred to in subsection (1) vest in the body recognized in terms of section 8B (1), without any transfer or other fees being payable.
 - 45 (3) Anything done in terms of the provisions of an Act repealed by subsection (1), and which is permitted or required to be done in terms of section 8B or the regulations made thereunder, shall be deemed to have been done in terms of the latter provisions.
 - (4) Any person who immediately before the date mentioned in subsection (1) was in the service of the said South African Teachers' Council for Whites shall be deemed with effect from that date to have been transferred to the body recognized in terms of section 8B (1), with retention of his salary and conditions of service.
 - 50 (5) Any person who immediately before the date mentioned in subsection (1) was registered or provisionally registered with the said South African Teachers' Council for Whites, excluding any person who was appointed to teach at a school referred to in paragraph (b) of the definition of "school" in section 1 of the South African Teachers' Council for Whites Act, 1976, shall be deemed with effect from

Wet No. 103, 1986

WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRAAD), 1986

gestel was om onderwys te gee, word geag met ingang van daardie datum geregistreer te wees by die liggaam wat ingevolge artikel 8B (1) erken is.

(6) 'n Ondersoek na 'n beweerde oortreding van die professionele gedragskode wat ingestel is ingevolge 'n Wet wat by subartikel (1) herroep is, kan voortgesit en afgehandel word asof daardie Wet nie aldus herroep is nie, en 'n oortreding van daardie gedragskode wat ook 'n oortreding van die gedragskode beoog in artikel 8B (4) uitmaak, kan ingevolge die regulasies uitgevaardig kragtens daardie artikel ondersoek en afgehandel word, ondanks die feit dat die oortreding voor die datum bedoel in subartikel (1) gepleeg is."

Vervanging van lang titel van Wet 39 van 1967, soos gewysig deur artikel 10 van Wet 73 van 1969.

15. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

"WET

Om aan die Minister van **[Nasionale Opvoeding]** **Onderwys en Kultuur** sekere bevoegdhede te verleen ten opsigte van die algemene beleid wat gevola moet word by die verskaffing van onderwys aan blankes in sekere skole; om sekere aspekte van die opleiding van blanke persone as onderwysers te reël; om aan genoemde Minister sekere bevoegdhede te verleen ten opsigte van die beleid wat in verband daarmee gevola moet word, en ten opsigte van sekere ander aangeleenthede in verband daarmee; om voorseening te maak vir die **[instelling van 'n Nasionale Onderwysraad]** **samestelling van 'n ad hoc-raad**; om 'n onderwysraad vir elke provinsiale onderwysdepartement in te stel; en om voorseening te maak vir die erkennings van 'n liggaam vir die georganiseerde onderwysprofessie, en vir ander aangeleenthede wat daarmee in verband staan.".

Kort titel en inwerkingtreding.

16. (1) Hierdie Wet heet die Wysigingswet op die Nasionale Onderwysbeleid (Volksraad), 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.

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986

Act No. 103, 1986

that date to have been registered or provisionally registered, as the case may be, with the body recognized in terms of section 8B (1).

5 (6) Any inquiry into an alleged contravention of the professional code of conduct instituted in terms of an Act repealed by subsection (1) may be pursued and concluded as if that Act has not been so repealed, and a contravention of that code of conduct which also constitutes a contravention of the code of conduct contemplated in section 8B (4) may, notwithstanding the fact that the contravention was committed before the date referred to in subsection (1), be inquired into and concluded in terms of the regulations made under that section.”.

15 15. The following long title is hereby substituted for the long title of the principal Act:

“ACT

20 To confer upon the Minister of [National Education] Educa-
tion and Culture certain powers in respect of the general policy to be pursued in providing education to white persons in certain schools; to regulate certain aspects of the training of white persons as teachers; to confer upon the said Minister certain powers in respect of the policy to be pursued in connection therewith, and in respect of certain other matters in connection therewith; to provide for the Establishment of a National Education Council constitution of an ad hoc council; to establish an education council for each provincial education department; and to make provision for the recognition of a body for the organized teaching profession; and for other matters incidental thereto.”.

Substitution of long title of Act 39 of 1967, as amended by section 10 of Act 73 of 1969.

25 16. (1) This Act shall be called the National Education Policy Amendment Act (House of Assembly), 1986, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

30 35 (2) Different dates may be fixed in terms of subsection (1) in respect of different provisions of this Act.

Wet No. 103, 1986**WYSIGINGSWET OP DIE NASIONALE ONDERWYSBELEID
(VOLKSRAAD), 1986****BYLAE****WETTE HERROEP**

No. en jaar van Wet	Kort titel van Wet
116 van 1976	Wet op die Suid-Afrikaanse Onderwysersraad vir Blankes, 1976
24 van 1978	Wysigingswet op die Suid-Afrikaanse Onderwysersraad vir Blankes, 1978
105 van 1981	Wysigingswet op die Suid-Afrikaanse Onderwysersraad vir Blankes, 1981
17 van 1984	Wysigingswet op die Suid-Afrikaanse Onderwysersraad vir Blankes, 1984

NATIONAL EDUCATION POLICY AMENDMENT ACT (HOUSE OF ASSEMBLY), 1986 **Act No. 103, 1986****SCHEDULE****ACTS REPEALED**

No. and year of Act	Short title of Act
116 of 1976	South African Teachers' Council for Whites Act, 1976
24 of 1978	South African Teachers' Council for Whites Amendment Act, 1978
105 of 1981	South African Teachers' Council for Whites Amendment Act, 1981
17 of 1984	South African Teachers' Council for Whites Amendment Act, 1984

