



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1263.

29 Junie 1988

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

No. 66 van 1988: Wet op Tersiêre Onderwys, 1988.

No. 1263.

29 June 1988

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

No. 66 of 1988: Tertiary Education Act, 1988.

WET

Om voorsiening te maak vir die instelling van kolleges om tersiêre onderwys te verskaf; en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1988.)

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) “hoof” die hoof van ’n kollege wat kragtens artikel 5 aangestel is; (iv) 5
 - (ii) “kollege” ’n kollege kragtens artikel 2 ingestel; (i)
 - (iii) “Minister” die Minister van Onderwys en Ontwikkelingshulp of die Minister wat in die Ministersraad van die Volksraad, die Raad van Verteenwoordigers of die Raad van Afgevaardigdes aangestel is om onderwyssake te administreer; (iii) 10
 - (iv) “raad” ’n raad in artikel 6 beoog; (ii)
 - (v) “tersiêre onderwys” onderwys in artikel 3 bedoel; (v)
 - (vi) “universiteit” ’n universiteit by Wet van die Parlement ingestel. (vi)

Instelling van kolleges

2. (1) (a) Die Minister kan, behoudens die algemene beleid beoog in artikel 2 (1) 15 van die Wet op die Nasionale Beleid vir Algemene Onderwyssake, 1984 (Wet No. 76 van 1984), uit gelde wat die Parlement vir dié doel bewillig, kolleges instel om tersiêre onderwys of enige aantal komponente daarvan te verskaf.
- (b) ’n Kollege is ’n regspersoon. 20
- (2) Die instelling van ’n kollege word by kennisgewing in die *Staatskoerant* bekend gemaak.
- (3) Die naam van die kollege word deur die raad met die instemming van die Minister bepaal, maar so ’n naam moet die woorde “tersiêre onderwys” insluit.

Werksaamhede van kollege

25

3. (1) ’n Kollege kan, behoudens die bepalings van subartikel (3) en met die instemming van die Minister, onderwys aan studente bied—
 - (a) kragtens ’n ooreenkoms met ’n universiteit ingevolge artikel 10B van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), met die oog op die verwerwing van grade, diplomas en sertifikate van daardie universiteit; 30
 - (b) met die oog op die verwerwing van ’n onderwyserskwalifikasie wat gesertifiseer word kragtens ’n wet wat die sertifisering van sodanige kwalifikasies reël;
 - (c) met die oog op die verwerwing van ’n teknikonsertifikaat soos omskryf in artikel 1 van die Wet op die Sertifiseringsraad vir Technikononderwys, 1986 35 (Wet No. 88 van 1986), en wat ingevolge artikel 9 (1) van daardie Wet uitgereik word; en
 - (d) vir enige ander doel wat die kollege bepaal.

TERTIARY EDUCATION ACT, 1988

Act No. 66, 1988

ACT

To provide for the establishment of colleges to provide tertiary education; and for matters connected therewith.

*(English text signed by the State President.)
(Assented to 17 June 1988.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
- 5 (i) “college” means a college established under section 2; (ii)
 - (ii) “council” means a council contemplated in section 6; (iv)
 - (iii) “Minister” means the Minister of Education and Development Aid or the Minister appointed in the Ministers’ Council of the House of Assembly, the House of Representatives or the House of Delegates to administer education affairs; (iii)
 - 10 (iv) “principal” means the principal of a college appointed under section 5; (i)
 - (v) “tertiary education” means education referred to in section 3; (v)
 - (vi) “university” means any university established by Act of Parliament. (vi)

Establishment of colleges

- 15 2. (1) (a) The Minister may, 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), out of moneys appropriated by Parliament for that purpose, establish colleges to provide tertiary education or any number of components thereof.
- 20 (b) A college shall be a juristic person.
- (2) The establishment of a college shall be made known by notice in the *Gazette*.
- (3) The name of the college shall be determined by the council with the concurrence of the Minister, but such name shall include the words “tertiary education”.

25 Functions of college

3. (1) A college may, subject to the provisions of subsection (3) and with the concurrence of the Minister, offer education to students—
- (a) under an agreement with any university in terms of section 10B of the Universities Act, 1955 (Act No. 61 of 1955), with a view to the obtaining of degrees, diplomas and certificates of that university;
 - 30 (b) with a view to the obtaining of a teachers’ qualification certified in terms of any law regulating the certification of such qualifications;
 - (c) with a view to the obtaining of a technikon certificate as defined in section 1 of the Certification Council for Technikon Education Act, 1986 (Act No. 88 of 1986), and issued in terms of section 9 (1) of that Act; and
 - 35 (d) for any other purpose determined by the college.

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(2) Indien 'n ooreenkoms kragtens subartikel (1) (a) aangegaan is, kan die universiteit ondanks andersluidende bepalings van die een of ander wet of sy statute 'n graad, diploma of sertifikaat aan die betrokke student toeken.

(3) 'n Kollege mag nie sonder die voorafgaande skriftelike goedkeuring van die Minister 'n kursus met die oog op die verwerwing van 'n graad, diploma, sertifikaat, 5 onderwyserskwalifikasie of technikonsertifikaat instel nie.

Samestelling van kollege

4. 'n Kollege bestaan uit—

- (a) 'n hoof;
- (b) 'n raad; 10
- (c) 'n senaat;
- (d) die akademiese personeel en studente van die kollege; en
- (e) die ander personeel van die kollege.

Aanstelling van hoof

5. (1) Die hoof van 'n kollege word deur die raad met die instemming van die 15 Minister aangestel op die diensvoorwaardes wat die raad, behoudens die algemene beleid beoog in artikel 2 (1) van die Wet op die Nasionale Beleid vir Algemene Onderwysake, 1984, met die instemming van die Minister bepaal.

(2) Die hoof—

- (a) is die uitvoerende beampte van die kollege en is verantwoordelik vir die 20 uitvoering van die werksaamhede wat die raad ingevolge hierdie Wet moet verrig;
- (b) hou toesig oor die personeel van die kollege; en
- (c) is die rekenpligtige beampte van die kollege en is belas met die verantwoording vir die geld ontvang deur, betalings gedoen deur en die roerende 25 goed van die kollege.

(3) By die verrigting van sy werksaamhede ingevolge subartikel (2) word die hoof bygestaan deur die personeel wat die raad vir daardie doel aanstel.

Raad van kollege

6. (1) Behoudens die bepalings van hierdie Wet berus die bestuur van 'n kollege 30 by 'n raad, wat saamgestel word op die wyse wat die Minister by kennisgewing in die *Staatskoerant* bepaal: Met dien verstande dat die hoof 'n lid van die raad moet wees: Met dien verstande voorts—

- (a) dat die raad drie persone insluit wat genomineer word deur elke universiteit (as daar is) met wie die raad 'n ooreenkoms kragtens artikel 3 (1) (a) 35 aangegaan het;
- (b) dat die persone wat deur die Minister in die raad aangestel word na sy oordeel geskik moet wees vanwee hul opvoedkundige kwalifikasies en kundigheid in sake rakende die werksaamhede van die kollege.

(2) Die Minister wys 'n lid van die raad, uitgesonderd die hoof, as voorsitter aan, 40 maar kan die aanwysing te eniger tyd intrek.

(3) 'n Lid van die raad, uitgesonderd die hoof, beklee sy amp vir 'n tydperk van vier jaar of die korter tydperk wat die Minister bepaal.

Ontruiming van amp deur lede van raad

7. (1) 'n Lid van die raad, uitgesonderd die hoof, ontruim sy amp indien— 45

- (a) sy boedel gesekwestreer word of hy met sy skuldeisers 'n skikking aangaan;
- (b) hy ingevolge die een of ander wet as 'n geestesongestelde persoon aangehou word;
- (c) hy sonder verlof van die raad van drie agtereenvolgende vergaderings van 50 die raad afwesig is;
- (d) hy by skriftelike kennisgewing aan die Minister bedank.

(2) Die Minister kan die lidmaatskap van 'n lid van die raad, uitgesonderd die hoof, te eniger tyd voor die verstryking van sy ampstermyn beëindig, indien daar gegronde redes daarvoor bestaan.

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(2) If an agreement has been entered into in terms of subsection (1) (a), the university may, notwithstanding anything to the contrary contained in any law or its statutes, confer a degree, diploma or certificate upon the student concerned.

(3) A college shall not without the prior written approval of the Minister introduce any course with a view to the obtaining of any degree, diploma, certificate, teachers' qualification or technician certificate.

Constitution of college

4. A college shall consist of—

- (a) a principal;
- 10 (b) a council;
- (c) a senate;
- (d) the academic staff and students of the college; and
- (e) the other staff of the college.

Appointment of principal

15 5. (1) The principal of a college shall be appointed by the council with the concurrence of the Minister, on such conditions of service as the council may, subject to the general policy contemplated in section 2 (1) of the National Policy for General Education Affairs Act, 1984, determine, with the concurrence of the Minister.

(2) The principal—

- 20 (a) shall be the executive officer of the college and shall be responsible for the execution of the functions to be performed by the council in terms of this Act;
- (b) shall supervise the staff of the college; and
- 25 (c) shall be the accounting officer of the college and is charged with accounting for moneys received by, payments made by and movable property of the college.

(3) The principal shall be assisted in the performance of his functions in terms of subsection (2) by such staff as the council may appoint for that purpose.

Council of college

30 6. (1) Subject to the provisions of this Act, the management of a college shall vest in a council, which shall be constituted in such manner as the Minister may prescribe by notice in the *Gazette*: Provided that the principal shall be a member of the council. Provided further—

- 35 (a) that the council shall include three persons nominated by each university (if any) with which an agreement has been entered into under section 3 (1) (a);
- (b) that the persons appointed to the council by the Minister shall in his opinion be fit on account of their educational qualifications and expertise in matters affecting the functions of the college.

(2) The Minister shall designate a member of the council, excluding the principal, 40 as chairman, but may at any time revoke such designation.

(3) A member of the council, excluding the principal, shall hold office for a period of four years or such shorter period as the Minister may determine.

Vacating of office by members of council

7. (1) Any member of the council, excluding the principal, shall vacate his office 45 if—

- (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;
- 50 (d) he resigns by notice in writing to the Minister.

(2) The Minister may terminate the membership of any member of the council, excluding the principal, at any time before the expiry of his term of office, if there are sound reasons for doing so.

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Vergaderings van raad

8. (1) Die vergaderings van die raad word gehou op die tye en plekke wat die voorsitter van die raad bepaal.
- (2) Die verrigtinge van die raad is nie ongeldig bloot op grond daarvan dat daar 'n vakature in die raad bestaan nie. 5
- (3) Indien die voorsitter van die raad van 'n vergadering afwesig is, kies die aanwesige lede iemand uit hulle midde om by daardie vergadering voor te sit.
- (4) Die kworum vir en prosedure by vergaderings word deur die raad bepaal.

Senaat van kollege

9. (1) Die senaat van 'n kollege bestaan uit— 10
- (a) die hoof, wat die voorsitter is;
 - (b) twee lede deur die raad uit sy geledere aangewys;
 - (c) die akademiese personeel van die kollege wat lede is van dié kategorieë van die personeel wat die raad by regulasie voorskryf; en
 - (d) die ander persone wat die raad op aanbeveling van die senaat aanwys. 15
- (2) Onderworpe aan finansiële beheer deur die raad, berus die organisasie van en toesig oor onderrig, navorsing, klasse en die afneem van eksamens by die senaat.
- (3) Vergaderings van die senaat vind plaas op die tye en plekke wat die voorsitter van daardie senaat bepaal.
- (4) Die kworum vir en prosedure by vergaderings van die senaat word deur die 20 raad bepaal.
- (5) Indien die hoof nie op 'n vergadering van die senaat aanwesig is nie, kies die aanwesige lede iemand uit hul midde om by daardie vergadering voor te sit.
- (6) Die senaat lê van tyd tot tyd aan die raad voor— 25
- (a) verslae omtrent sy werksaamhede;
 - (b) aanbevelings wat hy dienstig ag betreffende aangeleenthede wat die kollege raak; en
 - (c) aanbevelings betreffende aangeleenthede wat deur die raad na hom verwys word.

Aanstelling van personeel

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10. Die raad stel die akademiese en ander personeel aan wat hy vir die doeltreffende onderrig van studente en administrasie van die kollege nodig ag, en die diensvoorwaardes van enige persoon aldus aangestel, word, behoudens die algemene beleid beoog in artikel 2 (1) van die Wet op die Nasionale Beleid vir Algemene Onderwysake, 1984, deur die raad met die instemming van die Minister 35 bepaal, en dié persone is onderworpe aan die tugmaatreëls wat die raad by regulasie voorskryf.

Instelling van departemente

11. Behoudens die algemene beleid beoog in artikel 2 (1) van die Wet op die Nasionale Beleid vir Algemene Onderwysake, 1984, kan 'n raad, met die goed- 40 keuring van die Minister, departemente vir onderrig en navorsing in bepaalde studierigtings aan 'n kollege, instel.

Toelating of weiering van toelating van student

12. (1) Iemand wat as 'n student tot 'n kollege toegelaat word, moet voldoen aan die voorwaardes en standaarde vir toelating tot die kursus waarvoor hy inskryf, soos 45 voorgeskryf deur 'n by wet ingestelde liggaam met gesag om die voorwaardes en standaarde van toelating tot daardie kursus te bepaal.
- (2) 'n Raad kan, indien hy dit in belang van die kollege ag, die toelating van enige persoon wat daarom aansoek doen, weier.

Intrekking van registrasie van student

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13. 'n Raad kan die registrasie van 'n student aan die einde van die eerste semester kanselleer indien sy akademiese prestasie aan die einde van daardie semester

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Meetings of council

8. (1) The meetings of the council shall be held at such times and places as the chairman of the council may determine.

(2) The proceedings of the council shall not be invalid by reason only of the fact that there is a vacancy on the council.

(3) If the chairman of the council is absent from any meeting, the members present shall elect from among themselves a person to preside at that meeting.

(4) The quorum for and procedure at meetings shall be determined by the council.

Senate of college

10 9. (1) The senate of a college shall consist of—

(a) the principal, who shall be the chairman;

(b) two members designated by the council from among its members;

(c) the academic staff of the college who are members of such categories of the staff as the council may prescribe by regulation; and

15 (d) such other persons as the council may designate on the recommendation of the senate.

(2) Subject to financial control by the council, the organization and supervision of tuition, research, classes and the conduct of examinations shall vest in the senate.

(3) Meetings of the senate shall be held at such times and places as the chairman of that senate may determine.

(4) The quorum for and procedure at meetings of the senate shall be determined by the council.

(5) If the principal is absent from any meeting of the senate, the members present shall elect from among themselves a person to preside at that meeting.

25 (6) The senate shall from time to time submit to the council—

(a) reports on its activities;

(b) such recommendations as it may deem expedient regarding matters affecting the college; and

(c) recommendations regarding matters referred to it by the council.

30 Appointment of staff

10. The council shall appoint such academic and other staff as it may consider necessary for the efficient tuition of students and administration of the college, and the conditions of service of any person so appointed shall, subject to the general policy contemplated in section 2 (1) of the National Policy for General Education Affairs Act, 1984, be determined by the council with the concurrence of the Minister, and such persons shall be subject to such disciplinary measures as the council may prescribe by regulation.

Establishment of departments

11. Subject to the general policy contemplated in section 2 (1) of the National Policy for General Education Affairs Act, 1984, a council may, with the approval of the Minister, establish departments for tuition and research in particular fields of study at a college.

Admission or refusal of admission as student

12. (1) Any person admitted as a student to a college, shall comply with such conditions and standards for admission to the course for which he is registering, as may be prescribed by a body instituted by law with the authority to determine the conditions and standards for admission to such course.

(2) A council may, if it deems it to be in the interest of the college, refuse admission to any person applying therefor.

50 Cancellation of registration of student

13. A council may cancel the registration of a student at the end of the first semester if at the end of that semester his academic achievement is such that, in

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sodanig is dat hy ingevolge die kredietvereistes wat vir sy kursusse geld nie aan die einde van daardie jaar krediet vir die jaar se studies sal kan behou nie.

Tug en verblyf van studente

14. (1) 'n Student aan 'n kollege is onderworpe aan die tugmaatreëls wat die raad by regulasie voorskryf. 5

(2) 'n Raad kan die registrasie van 'n student te eniger tyd kanselleer indien die raad dit in belang van die kollege ag.

(3) 'n Raad kan vereis dat 'n student gedurende die tydperk waarin 'n kollege in sessie is, by 'n verblyfplek inwoon wat vir dié doel deur die raad goedgekeur is.

Fondse van kollege

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15. (1) Die fondse van 'n kollege bestaan uit—

(a) subsidies wat die Minister, behoudens die algemene beleid beoog in artikel 2 (1) van die Wet op die Nasionale Beleid vir Algemene Onderwysake, 1984, uit gelde deur die Parlement vir dié doel bewillig, aan 'n kollege toeken ten opsigte van kapitaal en normale wederkerende uitgawes vir die doeleindes en op die grondslag en voorwaardes wat die Minister ten opsigte van daardie kollege bepaal; 15

(b) gelde deur studente betaal volgens tariewe deur die raad bepaal;

(c) gelde verkry by wyse van lenings deur die raad aangegaan met die instemming van die Minister verleen met die instemming van die Minister van Finansies; 20

(d) skenkings of bydraes deur die raad ontvang;

(e) inkomste deur die raad verkry uit beleggings; en

(f) gelde ontvang vir dienste gelewer aan enige ander instelling.

(2) 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 bepaal het. 25

Aantekeninge gehou en inligting verstrek te word deur raad

16. (1) Elke raad moet juiste aantekeninge van al sy verrigtinge laat hou en behoorlik laat boekhou van alle gelde deur of ten behoeve van sy kollege ontvang of uitbetaal, en moet een keer elke jaar op die tyd en in die vorm wat die Minister bepaal 'n verslag van sy verrigtinge en van die bestuur van sy kollege, tesame met 'n staat van inkomste en uitgawe en 'n balansstaat ten opsigte van die voorafgaande jaar, wat geouditeer is deur 'n rekenmeester en ouditeur wat ingevolge die bepalinge van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), geregistreer is, aan die Minister voorlê, en moet die Minister voorts voorsien van enige bykomende inligting deur hom vereis insake die finansies en bestuur van sy kollege. 30

(2) Die Minister lê afskrifte van die verslag, wat die staat van inkomste en uitgawe en die balansstaat bedoel in subartikel (1) moet insluit, in die Parlement ter Tafel binne 14 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. 40

Vervreemding en beswaring van kollege se goed

17. 'n Raad mag nie sonder die voorafverkreë goedkeuring van die Minister verleen met die instemming van die Minister van Finansies— 45

(a) onroerende goed van die kollege 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— 50

(i) onroerende goed van die kollege wat verkry is met geld wat deur middel van dié lening bekom is, met 'n verband of op 'n ander wyse beswaar nie;

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terms of the credit requirements applying to his courses, he will at the end of that year not be able to retain credit for that year's studies.

Discipline and accommodation of students

14. (1) Any student at a college shall be subject to such disciplinary measures as the council may prescribe by regulation.

(2) A council may cancel the registration of a student at any time if the council considers it to be in the interest of the college.

(3) A council may require a student to reside for the period during which a college is in session, at a place of residence approved for such purpose by the council.

10 Funds of college

15. (1) The funds of a college shall consist of—

(a) subsidies which the Minister may, subject to the general policy contemplated in section 2 (1) of the National Policy for General Education Affairs Act, 1984, out of moneys appropriated by Parliament for such purpose, grant to a college in respect of capital and normal recurrent expenditure for such purposes and on such basis and conditions as the Minister may determine in respect of that college;

(b) fees paid by students according to tariffs determined by the council;

(c) moneys obtained by means of loans entered into by the council with the concurrence of the Minister granted with the concurrence of the Minister of Finance;

(d) donations or contributions received by the council;

(e) income received by the council from investments; and

(f) moneys received for services rendered to any other institution.

(2) The council shall appropriate any donation or contribution contemplated in subsection (1) (d) in accordance with the conditions, if any, determined by the donor or contributor concerned.

Records to be kept and information to be provided by council

16. (1) Each council shall cause accurate records to be kept of all its proceedings and cause proper accounts to be kept of all moneys received or paid out by or on behalf of its college, and shall once every year at such time and in such form as the Minister may determine submit to the Minister a report of its proceedings and of the management of its college, together with a statement of income and expenditure and a balance sheet in respect of the preceding year, audited by an accountant and auditor registered in terms of the provisions of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and shall further provide the Minister with any additional information required by him concerning the finances and management of its college.

(2) The Minister shall table in Parliament copies of the report, which shall include the statement of income and expenditure and the balance sheet referred to in subsection (1), within 14 days after 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.

Alienation and encumbrance of property of college

17. A council shall not without the prior approval of the Minister granted with the concurrence of the Minister of Finance—

(a) let, sell, exchange or otherwise alienate immovable property of the college;

(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 a loan granted to the council—

(i) mortgage or otherwise encumber any immovable property of the college acquired with money obtained by means of such loan;

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- (ii) roerende goed van die kollege wat verkry is met geld wat deur middel van dié lening bekom is, verhuur, verkoop, verruil of op 'n ander wyse vervreem, of verhipotekeer of op 'n ander wyse beswaar nie.

Optrede by versuim van raad om aan hierdie Wet of sekere voorwaardes te voldoen

18. (1) Indien 'n raad in gebreke bly om te voldoen aan 'n voorwaarde waarop 'n subsidie aan 'n kollege betaal word, kan die Minister die raad aansê om binne 'n vasgestelde tydperk aan bedoelde voorwaarde te voldoen.

(2) Indien die raad in gebreke bly om binne die vasgestelde tydperk aan bedoelde voorwaarde te voldoen, kan die Minister betaling van die subsidie, of 'n deel daarvan, wat deur die Parlement ten opsigte van die betrokke kollege bewillig is, 10 weerhou: Met dien verstande dat in elke geval waar betaling van die subsidie deur die Parlement bewillig, of 'n deel daarvan, deur die Minister weerhou is, hy oor die aangeleentheid aan die Parlement verslag moet doen, met verstrekking van sy redes waarom hy betaling aldus weerhou, binne 14 dae nadat hy die betrokke kollege kennis gegee het van sy voorneme om betaling aldus te weerhou, indien die 15 Parlement dan in gewone sessie is, of, indien die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van die eersvolgende gewone sessie daarvan.

Regulasies

19. 'n Raad kan met die goedkeuring van die Minister, en moet in opdrag van die Minister, regulasies uitvaardig met betrekking tot enige aangeleentheid wat kragtens hierdie Wet by regulasie voorgeskryf kan of moet word of wat na die oordeel van die raad of die Minister nodig of dienstig is vir die uitvoering van 'n bevoegdheid wat ingevolge 'n bepaling van hierdie Wet aan die raad verleen word.

Ooreenkoms met selfregerende gebiede

20. Indien die Regering van die Republiek en die regering van 'n selfregerende gebied soos omskryf in artikel 38 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), daartoe ooreenkom, kan die Minister in so 'n gebied 'n kollege instel vir die verskaffing van tersiëre onderwys, om dié werksaamhede ingevolge hierdie Wet op dié voorwaardes waarop aldus ooreengekom word, in daardie gebied te verrig. 30

Herroeping van wette

21. Die wette in die Bylae vermeld, word hierby herroep vir sover in die derde kolom van daardie Bylae uiteengesit.

Kort titel

22. Hierdie Wet heet die Wet op Tersiëre Onderwys, 1988.

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- (ii) let, sell, exchange or otherwise alienate, or hypothecate or otherwise encumber, any movable property of the college acquired with money obtained by means of such loan.

Action on failure by council to comply with this Act or certain conditions

5 18. (1) If a council fails to comply with any condition subject to which a subsidy is paid to its college, the Minister may call upon that council to comply with such condition within a specified period.

(2) If the council fails within the specified period to comply with such condition, the Minister may withhold payment of the subsidy, or any part thereof, appropriated
10 by Parliament in respect of that college: Provided that in each case where payment of the subsidy appropriated by Parliament, or any part thereof, is withheld by the Minister, he shall report the matter to Parliament, giving his reasons for so withholding payment, within 14 days after he has given notice to the college concerned of his intention so to withhold payment, if Parliament is then in ordinary
15 session, or, if Parliament is not then in ordinary session, within 14 days of the commencement of its next ensuing ordinary session.

Regulations

19. A council may with the approval of the Minister, and shall on the instruction of the Minister, make regulations relating to any matter which may or shall in terms
20 of this Act be prescribed by regulation or which in the opinion of the council or of the Minister is necessary or expedient for the exercise of a power granted to the council in terms of any provision of this Act.

Agreement with self-governing territories

20. If the Government of the Republic and the government of any self-governing
25 territory as defined in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971), agree thereto, the Minister may establish in such territory a college for the provision of tertiary education, to perform in such territory such functions in terms of this Act on such conditions as may be so agreed upon.

Repeal of laws

30 21. The laws specified in the Schedule are hereby repealed to the extent set out in the third column of that Schedule.

Short title

22. This Act shall be called the Tertiary Education Act, 1988.

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WET OP TERSIÈRE ONDERWYS, 1988

Bylae

WETTE HERROEP (ARTIKEL 21)

No. en jaar van wet	Kort titel	Omvang van herroeping
Wet No. 45 van 1959	Wet op Uitbreiding van Universiteitsopleiding, 1959	Die geheel
Wet No. 32 van 1960	Wysigingswet op Uitbreiding van Universiteitsopleiding, 1960	Die geheel
Wet No. 67 van 1963	Wysigingswet op Uitbreiding van Universiteitsopleiding, 1963	Die geheel
Wet No. 29 van 1971	Wysigingswet op Uitbreiding van Universiteitsopleiding, 1971	Die geheel
Wet No. 20 van 1972	Wet op die Afskaffing van die Swart Onderwysrekening, 1972	Artikels 2, 3, 4, 5, 6 en 7
Wet No. 63 van 1975	Onteiningswet, 1975	Artikel 95 vir sover dit artikel 39 van Wet No. 45 van 1959 herroep
Wet No. 65 van 1976	Wet op Finansiële Verhoudings, 1976	Artikel 32 vir sover dit artikel 41 van Wet No. 45 van 1959 herroep
Wet No. 83 van 1983	Wysigingswet op Universiteite, 1983	Artikel 10 vir sover dit artikels 17, 31, 32, 33, 34 en 40 van Wet No. 45 van 1959 herroep of wysig

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Schedule

LAWS REPEALED (SECTION 21)

No. and year of law	Short title	Extent of repeal
Act No. 45 of 1959 ..	Extension of University Education Act, 1959	The whole
Act No. 32 of 1960 ..	Extension of University Education Amendment Act, 1960	The whole
Act No. 67 of 1963 ..	Extension of University Education Amendment Act, 1963	The whole
Act No. 29 of 1971 ..	Extension of University Education Amendment Act, 1971	The whole
Act No. 20 of 1972 ..	Black Education Account Abolition Act, 1972	Sections 2, 3, 4, 5, 6 and 7
Act No. 63 of 1975 ..	Expropriation Act, 1975	Section 95 in so far as it repeals section 39 of Act No. 45 of 1959
Act No. 65 of 1976 ..	Financial Relations Act, 1976	Section 32 in so far as it repeals section 41 of Act No. 45 of 1959
Act No. 83 of 1983 ..	Universities Amendment Act, 1983	Section 10 in so far as it repeals or amends sections 17, 31, 32, 33, 34 and 40 of Act No. 45 of 1959

