



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

Verkoopprijs • Selling price
(AVB uitgesluit/GST excluded)

Plaaslik **50c** Local
Buitelands 70c Other countries
Posvry • Post free

Vol. 276

KAAPSTAD, 29 JUNIE 1988

CAPE TOWN, 29 JUNE 1988

No. 11379

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1278.

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. 70 van 1988: Wet op Onderwysaangeleenthede (Volksraad), 1988.

No. 1278.

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. 70 of 1988: Education Affairs Act (House of Assembly), 1988.

WET

Om voorsiening te maak vir die verskaffing van en beheer oor onderwys in skole, en aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1988.)*

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

INDELING VAN ARTIKELS

	Artikels	
HOOFSTUK 1		
Toepassing van Wet.....	1-2	5
HOOFSTUK 2		
Uitvoering van Wet	3-11	
HOOFSTUK 3		
Openbare skole	12-13	10
HOOFSTUK 4		
Rade	14-20	
HOOFSTUK 5		
Private skole en staatsondersteunde skole	21-40	
HOOFSTUK 6		
Leerlinge	41-65	15
HOOFSTUK 7		
Personeel.....	66-100	
HOOFSTUK 8		
Diverse	101-114	20

HOOFSTUK 1

TOEPASSING VAN WET

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) “bestuursliggaam” ’n bestuursliggaam in artikel 31 (1) bedoel; (ix) 25
 - (ii) “buitengewone onderwys” onderwys van ’n gespesialiseerde aard wat

ACT

To provide for the provision and control of education in schools, and matters connected therewith.

*(English text signed by the State President.)
(Assented to 21 June 1988.)*

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

ARRANGEMENT OF SECTIONS

	<i>Sections</i>
5	CHAPTER 1
Application of Act	1-2
	CHAPTER 2
Execution of Act	3-11
	CHAPTER 3
10 Public schools	12-13
	CHAPTER 4
Councils	14-20
	CHAPTER 5
Private schools and state-aided schools	21-40
15	CHAPTER 6
Pupils	41-65
	CHAPTER 7
Staff	66-100
	CHAPTER 8
20 Miscellaneous	101-114

CHAPTER 1

APPLICATION OF ACT

Definitions

1. In this Act, unless the context indicates otherwise—
- 25 (i) "centre" means a centre established in terms of section 5 (1) (a); (xxvi)
- (ii) "compulsory school attendance" means the duty of a child to attend a school for the period contemplated in section 53; (xxix)

- verskaf word om by die behoeftes van gestremde kinders aan te pas, en ook—
- (a) die sielkundige, mediese, tandheelkundige, paramediese en terapeutiese behandeling van, met inbegrip van die uitvoer van operasies op, gestremde kinders; 5
 - (b) die voorsiening van kunsmatige mediese hulpmiddels en apparaat aan gestremde kinders;
 - (c) die versorging van gestremde kinders in 'n hospitaal, koshuis of ander inrigting;
 - (d) die verskaffing van vervoer, begeleiding en dié ander dienste wat die 10 Minister nodig ag om in die behoeftes van gestremde kinders te voorsien; en
 - (e) die verskaffing van voorligting aan die ouers van gestremde kinders, met inbegrip van gestremde kinders wat nog nie aan skoolplig onderworpe is nie, met die oog op die onderrig, opvoeding, opleiding of 15 behandeling van sodanige kinders; (xxxiii)
- (iii) "Departement" die Departement van Onderwys en Kultuur; (iv)
- (iv) "departementele inrigting" 'n sentrum, openbare skool, koshuis, skoolraadskantoor of 'n kantoor van 'n uitvoerende komponent of die Departement; (v) 20
- (v) "gestremde kind" 'n kind wat volgens die oordeel van die Onderwyshoof in staat is om voordeel uit 'n gespesialiseerde onderwysprogram vir gestremde kinders te trek, maar wat in so 'n mate in liggaam, verstand of gedrag van die meerderheid kinders van sy leeftyd afwyk dat hy—
- (a) nie voldoende voordeel kan trek uit die onderrig wat in die gewone 25 loop van onderwys verskaf word nie;
 - (b) buitengewone onderwys nodig het om sy aanpassing in die gemeenskap te vergemaklik; of
 - (c) nie 'n gewone klas in 'n gewone skool behoort by te woon nie, omdat sodanige bywoning vir hom of vir die ander leerlinge in so 'n klas 30 skadelik kan wees; (x)
- (vi) "hierdie Wet" ook 'n regulasie; (xxxvii)
- (vii) "koshuis" 'n koshuis kragtens artikel 5 (1) (b) ingestel; (xii)
- (viii) "leerling" 'n persoon wat ingevolge hierdie Wet onderwys in 'n skool ontvang; (xxvi) 35
- (ix) "Minister" die Minister van Onderwys en Kultuur; (xvi)
- (x) "nywerheidsskool" 'n openbare skool vir die opname, versorging en onderwys van kinders wat kragtens die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), daarheen verwys of oorgeplaas is; (xiii)
- (xi) "ondersoekbeampte" 'n ondersoekbeampte ingevolge artikel 74 (1) of 78 40 (1), na gelang van die geval, aangestel; (xiv)
- (xii) "onderwys" onderrig, opvoeding of opleiding wat ingevolge hierdie Wet aan Blanke leerlinge verskaf word; (vi)
- (xiii) "Onderwyshoof" die Hoof van die Departement; (xi)
- (xiv) "onderwyspos" 'n pos waarin 'n persoon kragtens hierdie Wet aangestel, 45 oorgeplaas of bevorder word om—
- (a) onderwys aan 'n openbare skool of staatsondersteunde skool te gee; of
 - (b) behulpsaam te wees met die professionele onderwysdienste of onderwys-hulpdienste wat deur of in die Departement verskaf word; (xxxvi)
- (xv) "openbare skool" 'n preprimêre skool, primêre skool, sekondêre skool, 50 skool vir buitengewone onderwys, nywerheidsskool of verbeteringskool wat kragtens artikel 12 ingestel is of geag word ingestel te wees; (xxv)
- (xvi) "ouer", met betrekking tot 'n kind, ook 'n persoon in wie se bewaring die kind wettig geplaas is; (xvii)
- (xvii) "pos" 'n pos wat kragtens artikel 66 geskep is; (xviii) 55
- (xviii) "preprimêre skool" 'n openbare skool vir kinders van drie jaar en ouer maar wat nog nie aan skoolplig onderworpe is nie; (xix)
- (xix) "primêre skool" 'n openbare skool wat onderwys tot hoogstens die sewende vlak verskaf; (xxi)
- (xx) "private preprimêre skool" 'n private preprimêre skool wat ingevolge 60 artikel 25 geregistreer is of geag word geregistreer te wees; (xxii)
- (xxi) "private skool" 'n private preprimêre skool of private skool vir buitengewone onderwys, en by die toepassing van paragraaf (b) van die omskrywing

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

- (iii) "council" means a school board or regional council established under section 14, or a management council, board of management or hostel council established under section 15; (xxiii)
- (iv) "Department" means the Department of Education and Culture; (iii)
- 5 (v) "departmental institution" means a centre, public school, hostel, office of a school board or an office of an executive component or the Department; (iv)
- (vi) "education" means instruction, teaching or training provided to White pupils in terms of this Act; (xii)
- 10 (vii) "executive component" means an executive component referred to in section 3; (xxxiv)
- (viii) "fixed date" means the date of commencement of this Act; (xxxv)
- (ix) "governing body" means a governing body referred to in section 31 (1); (i)
- 15 (x) "handicapped child" means a child who in the opinion of the Head of Education is able to benefit from a specialized education programme for handicapped children, but who deviates to such an extent from the majority of the children of his age in body, mind or behaviour that he—
 - (a) cannot benefit sufficiently from the instruction provided in the ordinary course of education;
 - 20 (b) needs specialized education to facilitate his adaptation in the community; or
 - (c) should not attend an ordinary class in an ordinary school, because such attendance may be harmful to himself or to the other pupils in such a class; (v)
- 25 (xi) "Head of Education" means the Head of the Department; (xiii)
- (xii) "hostel" means a hostel established under section 5 (1) (b); (vii)
- (xiii) "industrial school" means a public school for the reception, care and education of children referred or transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983); (x)
- 30 (xiv) "investigating officer" means an investigating officer appointed in terms of section 74 (1) or 78 (1), as the case may be; (xi)
- (xv) "level" means that part of an educational programme in a primary school and secondary school, or of any other educational programme which the Head of Education may deem to be equivalent, which a pupil may complete within one school year; (xxxvii)
- 35 (xvi) "Minister" means the Minister of Education and Culture; (ix)
- (xvii) "parent", in relation to a child, means also a person in whose custody the child has been lawfully placed; (xvi)
- (xviii) "post" means a post created under section 66; (xvii)
- 40 (xix) "pre-primary school" means a public school for children of three years and older but who are not yet subject to compulsory school attendance; (xviii)
- (xx) "prescribed" means prescribed by regulation; (xxxviii)
- (xxi) "primary school" means a public school providing education up to but not exceeding the seventh level; (xix)
- 45 (xxii) "private pre-primary school" means a private pre-primary school registered or deemed to be registered in terms of section 25; (xx)
- (xxiii) "private school" means a private pre-primary school or a private school for specialized education, and for the purposes of paragraph (b) of the definition of "school" and sections 38, 39, 40 and 99, also a private school registered or deemed to be registered in terms of the Private Schools Act (House of Assembly), 1986 (Act No. 104 of 1986); (xxi)
- 50 (xxiv) "private school for specialized education" means a private school for specialized education registered or deemed to be registered in terms of section 25; (xxii)
- 55 (xxv) "public school" means a pre-primary school, primary school, secondary school, school for specialized education, industrial school or reform school established or deemed to be established under section 12; (xv)
- (xxvi) "pupil" means any person receiving education in a school in terms of this Act; (viii)
- 60 (xxvii) "reform school" means a public school for the reception, care and education of children referred thereto under the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983); (xxxvi)

- van "skool" en artikels 38, 39, 40 en 99, ook 'n private skool wat ingevolge die Wet op Private Skole (Volksraad), 1986 (Wet No. 104 van 1986), geregistreer is of geag word geregistreer te wees; (xxiii)
- (xxii) "private skool vir buitengewone onderwys" 'n private skool vir buitengewone onderwys wat ingevolge artikel 25 geregistreer is of geag word geregistreer te wees; (xxiv) 5
- (xxiii) "raad" 'n skoolraad of streekraad kragtens artikel 14 ingestel, of 'n bestuursraad, raad van bestuur of koshuisraad kragtens artikel 15 ingestel; (iii)
- (xxiv) "regulasie" 'n regulasie kragtens hierdie Wet uitgevaardig; (xxviii) 10
- (xxv) "sekondêre skool" 'n openbare skool wat onderwys vanaf nie laer nie as die agtste tot hoogstens die twaalfde vlak verskaf; (xxxii)
- (xxvi) "sentrum" 'n sentrum kragtens artikel 5 (1) (a) ingestel; (i)
- (xxvii) "skool" 'n openbare skool, private preprimêre skool, private skool vir buitengewone onderwys of staatsondersteunde skool, behalwe— 15
- (a) in artikels 51 en 52, waar dit 'n preprimêre skool, primêre skool of sekondêre skool beteken; en
- (b) in die omskrywing van "skoolplig" en artikels 2, 11, 53, 54, 55, 57, 59, 60, 61 en 104, waar dit 'n openbare skool, private skool of staatsondersteunde skool beteken; (xxix) 20
- (xxviii) "skoolbesoekbeampte" 'n skoolbesoekbeampte kragtens artikel 10 (1) aangestel; (xxx)
- (xxix) "skoolplig" die plig van 'n kind om vir die tydperk beoog in artikel 53 'n skool by te woon; (ii)
- (xxx) "skoolraad" 'n skoolraad kragtens artikel 14 ingestel; (xxxi) 25
- (xxxi) "staatsondersteunde skool" 'n onderwysinrigting wat kragtens artikel 29 tot 'n staatsondersteunde skool verklaar is of geag word verklaar te wees; (xxxiv)
- (xxxii) "subsidieer" uit hoofde van artikel 32 subsidieer; (xxxv)
- (xxxiii) "Tesourie" die Tesourie soos bedoel in paragraaf (b) van die omskrywing 30 van "Tesourie" in artikel 1 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975); (xxxviii)
- (xxxiv) "uitvoerende komponent" 'n uitvoerende komponent in artikel 3 bedoel; (vii)
- (xxxv) "vasgestelde datum" die datum van inwerkingtreding van hierdie Wet; 35 (viii)
- (xxxvi) "verbeteringskool" 'n openbare skool vir die opname, versorging en onderwys van kinders wat kragtens die Strafproseswet, 1977 (Wet No. 51 van 1977), daarheen verwys is of kragtens die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), daarheen oorgeplaas is; (xxvii) 40
- (xxxvii) "vlak" daardie deel van 'n onderwysprogram in 'n primêre skool en sekondêre skool, of van 'n ander onderwysprogram wat die Onderwys-hoof as gelykwaardig beskou, wat 'n leerling binne een skooljaar kan voltooi; (xv) en
- (xxxviii) "voorgeskryf" by regulasie voorgeskryf. (xx) 45

Toepassing van Wet

2. Die bepalings van hierdie Wet is behoudens item 2 van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), van toepassing met betrekking tot onderwys wat in skole verskaf word.

HOOFSTUK 2

50

UITVOERING VAN WET

Voortbestaan van uitvoerende komponente

3. Die vier uitvoerende komponente van die Departement wat ingestel is ingevolge die opdrag van die uitvoering van die verskillende provinsiale ordonnansies met betrekking tot onderwys aan die Minister kragtens die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), en wat onderskeidelik bekend staan as die Kaaplandse Onderwysdepartement, Natalse

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

- (xxviii) "regulation" means a regulation made under this Act; (xxiv)
- (xxix) "school" means a public school, private pre-primary school, private school for specialized education or state-aided school, except—
- 5 (a) in sections 51 and 52, where it means a pre-primary school, primary school or secondary school; or
- (b) in the definition of "compulsory school attendance" and sections 2, 11, 53, 54, 55, 57, 59, 60, 61 and 104, where it means a public school, private school or state-aided school; (xxvii)
- 10 (xxx) "school attendance officer" means a school attendance officer appointed under section 10 (1); (xxviii)
- (xxxi) "school board" means a school board established under section 14; (xxx)
- (xxxii) "secondary school" means a public school providing education from not lower than the eighth up to but not exceeding the twelfth level; (xxv)
- 15 (xxxiii) "specialized education" means education of a specialized nature provided to suit the needs of handicapped children, as well as—
- (a) the psychological, medical, dental, paramedical and therapeutic treatment of, including the performance of operations on, handicapped children;
- 20 (b) the provision of artificial medical aids and apparatus to handicapped children;
- (c) the care of handicapped children in a hospital, hostel or other institution;
- (d) the provision of transport, escort and such other services as the Minister may deem necessary to meet the needs of handicapped children; and
- 25 (e) the provision of guidance to the parents of handicapped children, including handicapped children who are not yet subject to compulsory school attendance, with a view to the instruction, teaching, training or treatment of such children; (ii)
- 30 (xxxiv) "state-aided school" means an educational institution declared or deemed to be declared to be a state-aided school under section 29; (xxxi)
- (xxxv) "subsidize" means subsidize by virtue of section 32; (xxxii)
- (xxxvi) "teaching post" means a post to which a person is appointed, transferred or promoted under this Act to—
- 35 (a) teach at a public school or a state-aided school; or
- (b) assist in the professional educational services or educational auxiliary services provided by or in the Department; (xiv)
- (xxxvii) "this Act" includes a regulation; (vi) and
- 40 (xxxviii) "Treasury" means the Treasury as referred to in paragraph (b) of the definition of "Treasury" in section 1(1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975). (xxxiii)

Application of Act

2. The provisions of this Act shall, subject to item 2 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), apply in relation to 45 education provided in schools.

CHAPTER 2**EXECUTION OF ACT****Continuation of executive components**

3. The four executive components of the Department established in terms of the 50 assignment of the administration of the various provincial ordinances relating to education to the Minister under the provisions of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), and which are respectively known as the Cape Education Department, Natal Education Department, Orange Free State

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

Onderwysdepartement, Oranje-Vrystaatse Onderwysdepartement en Transvaalse Onderwysdepartement, bly, ondanks die herroeping van daardie ordonnansies by hierdie Wet, voortbestaan ten opsigte van die vier provinsies waarvoor hulle ingestel is.

Direkteure van Onderwys

5

4. (1) Die Minister wys vir elke uitvoerende komponent 'n beampte in die staatsdiens aan as Direkteur van Onderwys, wat ten opsigte van die uitvoerende komponent waarvoor hy aangewys is die werksaamhede verrig wat by hierdie Wet of deur die Minister of Onderwyshoof aan hom opgedra word.

(2) 'n Direkteur van Onderwys verrig sy werksaamhede onder beheer van die 10 Onderwyshoof.

(3) 'n Persoon wat onmiddellik voor die vasgestelde datum die amp van Direkteur van Onderwys van 'n uitvoerende komponent van die Departement bekleed het, word vanaf daardie datum geag as Direkteur van Onderwys vir daardie uitvoerende komponent ingevolge hierdie artikel aangewys te wees. 15

Algemene werksaamhede van Minister

5. (1) Benewens die ander werksaamhede wat by hierdie Wet aan die Minister opgedra word, kan die Minister uit geld wat die Volksraad vir dié doel bewillig—

- (a) die sentrums wat hy vir die ontwikkeling en bevordering van die een of ander aanleg van leerlinge nodig ag, instel en in stand hou; 20
- (b) koshuise vir openbare skole instel en in stand hou;
- (c) die toerusting verskaf en die geboue oprig wat hy vir die uitvoering van die bepalings van hierdie Wet nodig of dienstig ag;
- (d) voorsiening maak vir die onderwys hulpdienste wat hy nodig ag—
 - (i) om onder die voorgeskrewe omstandighede leerlinge by openbare 25 skole medies, sielkundig of tandheelkundig te laat ondersoek;
 - (ii) om leerlinge te laat vervoer;
 - (iii) om onderwysprogramme aan te vul; en
 - (iv) om die bedrywighede van openbare skole en sentrums voort te sit; en
- (e) op die grondslag en voorwaardes wat hy bepaal, finansiële of ander 30 materiële hulp of finansiële sowel as ander materiële hulp verleen aan 'n leerling wat tot 'n openbare skool, uitgesonderd 'n preprimêre skool, of staatsondersteunde skool toegelaat is.

(2) Die Minister kan te eniger tyd 'n sentrum of koshuis sluit of 'n onderwys hulpdienste beëindig, maar indien 'n koshuis onder die toesig van 'n bestuursraad of 35 koshuisraad bedoel in artikel 15 (c) val, kan dit slegs gesluit word na oorleg met die betrokke raad.

(3) 'n Sentrum vir jeugkore en jeugorkeste of vir die onderrig van spesiale vakke ingestel of gestig kragtens 'n ordonnansie wat by hierdie Wet herroep is en wat onmiddellik voor die vasgestelde datum deur die Departement beheer en bestuur is, 40 word vanaf daardie datum geag 'n sentrum te wees wat kragtens hierdie artikel ingestel is.

Algemene werksaamhede van Onderwyshoof

6. (1) Benewens die ander werksaamhede wat ingevolge hierdie Wet aan die Onderwyshoof opgedra word, kan die Onderwyshoof— 45

- (a) behoudens die bepalings van artikel 2 van die Wet op die Nasionale Beleid vir Algemene Onderwys, 1984 (Wet No. 76 van 1984), opvoedkundige programme vir leerlinge goedkeur;
- (b) opvoedkundige en opleidingsprogramme vir gestremde kinders goedkeur;
- (c) die voorwaardes vir toelating tot sodanige opvoedkundige en opleidings- 50 programme, en die evaluering, by wyse van inspeksie of andersins, van die doeltreffendheid van die opvoeding en opleiding wat daarvolgens verskaf word, bepaal;
- (d) kursusse vir die verskaffing van onderwys, met inbegrip van buitengewone onderwys, goedkeur; 55

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

Education Department and Transvaal Education Department, shall, notwithstanding the repeal of those ordinances by this Act, continue to exist in respect of the four provinces for which they were established.

Directors of Education

5 4. (1) The Minister shall for each executive component designate an official in the public service as Director of Education, who, in respect of the executive component for which he is designated, shall perform the functions assigned to him by this Act, the Minister or the Head of Education.

(2) A Director of Education shall perform his functions under the control of the
10 Head of Education.

(3) A person who occupied the office of Director of Education of an executive component immediately prior to the fixed date, shall from that date be deemed to have been designated as Director of Education for that executive component in terms of this section.

15 General functions of Minister

5. (1) In addition to the other functions assigned to the Minister by this Act, the Minister may, out of moneys appropriated by the House of Assembly for such purpose—

- 20 (a) establish and maintain such centres as he may deem necessary for the development and promotion of some or other aptitude of pupils;
- (b) establish and maintain hostels for public schools;
- (c) provide such equipment and erect such buildings as he may deem necessary or expedient for the administration of the provisions of this Act;
- 25 (d) make provision for such educational auxiliary services as he may deem necessary—
 - (i) to have pupils at public schools medically, psychologically and dentally examined under the prescribed circumstances;
 - (ii) to have pupils transported;
 - 30 (iii) to supplement educational programmes; and
 - (iv) to continue the activities of public schools and centres; and
- (e) provide, on the basis and in accordance with conditions determined by him, financial or other material aid or financial as well as other material aid to a pupil admitted to a public school, excluding a pre-primary school, or a state-aided school.

35 (2) The Minister may at any time close a centre or hostel or discontinue an educational auxiliary service, but if a hostel falls under the supervision of a management council or hostel council established under section 15 (c), it may only be closed after consultation with the council concerned.

(3) A centre for youth choirs and youth orchestras, or for the instruction of special
40 subjects, established or founded under an ordinance repealed by this Act and which immediately prior to the fixed date was managed and controlled by the Department, shall from that date be deemed to be a centre established under this section.

General functions of Head of Education

6. (1) In addition to the other functions assigned to the Head of Education in terms
45 of this Act, the Head of Education may—

- (a) subject to the provisions of section 2 of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), approve educational programmes for pupils;
- 50 (b) approve educational and training programmes for handicapped children;
- (c) determine the conditions for admission to such educational and training programmes, and the evaluation, by means of inspection or otherwise, of the effectiveness of the teaching and training provided in accordance therewith;
- 55 (d) approve courses for the provision of education, including specialized education;

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

- (e) die voorwaardes vir toelating tot, en die sillabusse van, sodanige kursusse bepaal;
 - (f) ten opsigte van sodanige kursusse—
 - (i) eksamens laat afneem ooreenkomstig die norme en standarde kragtens artikel 9 (1) van die Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986 (Wet No. 85 van 1986), voorgeskryf; of
 - (ii) die ander eksamens wat hy bepaal, laat afneem, en sertifikate laat uitreik aan leerlinge wat in daardie eksamens geslaag het; en
 - (g) die skoolkalender, skoolvakansies en lengte van die skooldag bepaal.
- (2) Verskillende programme, kursusse, skoolkalenders, skoolvakansies en lengtes 10 van die skooldag kan kragtens subartikel (1) ten opsigte van verskillende openbare skole en staatsondersteunde skole of openbare skole en staatsondersteunde skole in die verskillende provinsies goedgekeur of bepaal word, na gelang van die geval.

Departement verantwoordelik vir bestuur en beheer van openbare skole en koshuise

7. Behalwe vir sover hierdie Wet anders bepaal, is die Departement, onderworpe 15 aan die beheer en voorskrifte van die Minister, verantwoordelik vir die bestuur en beheer van openbare skole en koshuise.

Voorlegging van inligting deur skole

8. By die toepassing van hierdie Wet kan die Onderwyshoof die skoolhoof van 'n skool skriftelik gelas om binne die tydperk in die lasgewing vermeld die inligting wat 20 hy in verband met die sake van die skool verlang en waaroor die skool beskik, aan hom voor te lê.

Inspeksie van skole en koshuise

9. (1) Die Onderwyshoof kan, hetsy in die algemeen of in 'n besondere geval, 'n persoon in diens van die Departement skriftelik magtig om 'n skool of koshuis te 25 inspekteer.

(2) 'n Persoon wat kragtens subartikel (1) gemagtig is, kan—

- (a) te eniger redelike tyd en sonder voorafgaande kennisgewing die perseel van die betrokke skool of koshuis betree;
- (b) iemand wat na sy oordeel in staat kan wees om inligting oor 'n aangeleent- 30 heid waarop hierdie Wet betrekking het, te verstrek, onder eed of andersins ondervra;
- (c) van iemand wat 'n register, boek of stuk oor 'n aangeleentheid waarop hierdie Wet betrekking het in sy besit of bewaring of onder sy beheer het, vereis om so 'n register, boek of stuk aan hom voor te lê; 35
- (d) so 'n register, boek of stuk ondersoek of 'n uittreksel daaruit of 'n afskrif daarvan maak, en van iemand 'n verduideliking onder eed of andersins van 'n inskrywing daarin vereis; en
- (e) beslag lê op so 'n register, boek of stuk wat na sy oordeel bewys kan lewer van 'n misdryf of onreëlmatigheid. 40

(3) 'n Persoon wat kragtens subartikel (1) gemagtig is, voer nie 'n inspeksie kragtens hierdie artikel uit nie, tensy hy terwyl hy daardie inspeksie uitvoer in besit is van sy magtiging in daardie subartikel bedoel, wat deur hom getoon moet word op versoek van 'n persoon wat deur daardie inspeksie geraak word.

Aanstelling van skoolbesoekbeamptes

45

10. (1) Die Onderwyshoof kan 'n beampte van die Departement of dié ander persoon wat hy geskik ag as 'n skoolbesoekbeampte aanstel.

(2) 'n Skoolbesoekbeampte moet voorsien word van 'n sertifikaat waarin verklaar word dat hy as 'n skoolbesoekbeampte kragtens hierdie artikel aangestel is, en wat deur die Onderwyshoof onderteken is. 50

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

- (e) determine the conditions for admission to, and the syllabi of, such courses;
 - (f) in respect of such courses—
 - (i) cause examinations to be conducted in accordance with the norms and standards prescribed under section 9 (1) of the South African Certification Council Act, 1986 (Act No. 85 of 1986); or
 - (ii) cause the other examinations which he may determine, to be conducted, and cause certificates to be issued to pupils who passed those examinations; and
 - (g) determine the school calendar, school holidays and the length of the school day.
- (2) Different programmes, courses, school calendars, school holidays and lengths of the school day may be approved or determined, as the case may be, under subsection (1) in respect of different public schools and state-aided schools or public schools and state-aided schools in the various provinces.

15 Department responsible for management and control of public schools and hostels

7. Except in so far as this Act provides otherwise, the Department shall, subject to the control and instructions of the Minister, be responsible for the management and control of public schools and hostels.

Submission of information by schools

8. For the purposes of this Act the Head of Education may direct a principal of a school in writing to submit to him, within the period mentioned in the direction, such information as he may require in connection with the affairs of the school and as the school has available.

Inspection of schools and hostels

9. (1) The Head of Education may, either in general or in a specific case, authorize in writing a person employed by the Department to inspect a school or hostel.
- (2) A person authorized under subsection (1), may—
- (a) at any reasonable time and without prior notice enter upon the grounds of the school or hostel concerned;
 - (b) question under oath or otherwise any person who in his opinion may be able to furnish information on a matter to which this Act relates;
 - (c) require of a person who has in his possession or custody or under his control a register, book or document on a matter to which this Act relates, to submit such a register, book or document to him;
 - (d) examine such a register, book or document or make an extract therefrom or a copy thereof, and require from any person an explanation under oath or otherwise of any entry therein; and
 - (e) attach such a register, book or document as in his opinion may provide proof of an offence or irregularity.
- (3) A person authorized under subsection (1) shall not conduct an inspection under this section, unless he is, while he is conducting that inspection, in possession of his written authorization referred to in that subsection, which shall be produced by him at the request of any person affected by that inspection.

Appointment of school attendance officers

10. (1) The Head of Education may appoint an official of the Department or such other person as he may deem fit, as a school attendance officer.
- (2) A school attendance officer shall be provided with a certificate declaring that he has been appointed as a school attendance officer under this section, and which is signed by the Head of Education.

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

Wersaamhede van skoolbesoekbeampies

11. (1) Ten einde te verseker dat die bepalings van hierdie Wet betreffende skoolplig nagekom word, kan 'n skoolbesoekbeampie—
- (a) te eniger redelike tyd 'n perseel betree indien hy redelike gronde het om te vermoed dat 'n kind wat aan skoolplig onderworpe is op daardie perseel is; 5
 - (b) iemand ondervra wat na sy oordeel in staat kan wees om inligting betreffende so 'n kind te verstrek; en
 - (c) indien hy redelike gronde het om te vermoed dat so 'n kind sonder voldoende redes afwesig is van die skool wat hy moet bywoon, so 'n kind arresteer, na daardie skool neem en aan die skoolhoof oorhandig. 10
- (2) 'n Skoolbesoekbeampie verrig nie 'n werksaamheid kragtens hierdie artikel nie, tensy hy terwyl hy daardie werksaamheid verrig in besit is van sy sertifikaat in artikel 10 (2) bedoel, wat deur hom getoon moet word op versoek van iemand wat deur die verrigting van daardie werksaamheid geraak word.

HOOFTUK 3

15

OPENBARE SKOLE**Instelling en instandhouding van openbare skole**

12. (1) Die Minister kan uit geld deur die Volksraad vir hierdie doel bewillig die volgende openbare skole instel en in stand hou, naamlik—
- (a) preprimêre skole; 20
 - (b) primêre skole;
 - (c) sekondêre skole;
 - (d) skole vir buitengewone onderwys;
 - (e) nywerheidsskole; en
 - (f) verbeteringsskole. 25
- (2) (a) (i) 'n Provinsiale kleuterskool en preprimêre skool of klas;
- (ii) 'n laer skool en primêre skool;
 - (iii) 'n hoër skool, sekondêre skool, hoër landbouskool, hoër handelskool, tegniese hoër skool en beroepsskool;
 - (iv) 'n skool vir buitengewone onderwys, spesiale skool of klas, kliniek- 30 skool en opleidingsentrum vir geestelik vertraagde kinders;
 - (v) 'n nywerheidsskool; of
 - (vi) 'n verbeteringsskool,
- ingestel, gestig of geklassifiseer ingevolge 'n wet wat by hierdie Wet herroep is, of geag ingevolge so 'n wet ingestel, gestig of geklassifiseer te 35 wees, en wat onmiddellik voor die vasgestelde datum deur die Departement beheer en bestuur is, word vanaf daardie datum geag onderskeidelik 'n preprimêre skool, 'n primêre skool, 'n sekondêre skool, 'n skool vir buitengewone onderwys, 'n nywerheidsskool of 'n verbeteringsskool te wees wat kragtens hierdie artikel ingestel is. 40
- (b) 'n Junior hoër skool en 'n middelbare skool ingestel, gestig of geklassifiseer ingevolge 'n wet wat by hierdie Wet herroep is, of geag ingevolge so 'n wet ingestel, gestig of geklassifiseer te wees, en wat onmiddellik voor die vasgestelde datum deur die Departement beheer en bestuur is, word vanaf daardie datum— 45
- (i) indien daardie junior hoër skool en middelbare skool onderwys tot hoogstens die sewende vlak verskaf het, geag 'n primêre skool te wees; of
 - (ii) indien daardie junior hoër skool en middelbare skool onderwys vanaf nie laer nie as die agtste tot hoogstens die twaalfde vlak verskaf het, 50 geag 'n sekondêre skool te wees, wat kragtens hierdie artikel ingestel is.

Sluiting van openbare skole

13. Die Minister kan, na oorleg met die betrokke raad beoog in artikel 15, as daar is, te eniger tyd 'n openbare skool sluit. 55

Functions of school attendance officers

11. (1) In order to ensure that the provisions of this Act regarding compulsory school attendance are being complied with, a school attendance officer may—
- 5 (a) at any reasonable time enter upon any premises if he has reasonable grounds to suspect that a child who is subject to compulsory school attendance is on those premises;
 - (b) question any person who in his opinion may be able to give information regarding such a child; and
 - 10 (c) if he has reasonable grounds to suspect that such a child is absent without adequate reasons from the school he should be attending, arrest such a child, take him to that school and hand him over to the principal.
- (2) A school attendance officer shall not perform a function under this section, unless he is, while he is performing that function, in possession of his certificate referred to in section 10 (2), which shall be produced by him at the request of any
- 15 person affected by the performance of that function.

CHAPTER 3**PUBLIC SCHOOLS****Establishment and maintenance of public schools**

12. (1) The Minister may, out of moneys appropriated for this purpose by the
- 20 House of Assembly, establish and maintain the following public schools, namely—
- (a) pre-primary schools;
 - (b) primary schools;
 - (c) secondary schools;
 - (d) schools for specialized education;
 - 25 (e) industrial schools; and
 - (f) reform schools.
- (2) (a) (i) A provincial nursery school and pre-primary school or class;- (ii) a primary school;
- 30 (iii) a high school, secondary school, agricultural high school, commercial high school, technical high school and vocational school;
- (iv) a school for specialized education, special school or class, clinic school and training centre for mentally retarded children;
- (v) an industrial school; or
- 35 (vi) a reform school,

established, founded or classified in terms of a law repealed by this Act, or deemed to be established, founded or classified in terms of such a law, and which was controlled and managed by the Department immediately prior to the fixed date, shall with effect from that date be deemed to be a

40 pre-primary school, a primary school, a secondary school, a school for specialized education, an industrial school or a reform school, respectively, established under this section.

(b) A junior high school and a secondary school established, founded or classified in terms of a law repealed by this Act or deemed to be established, founded or classified in terms of such a law, and which was controlled and

45 managed by the Department immediately prior to the fixed date, shall from that date—

 - (i) if the junior high school and secondary school provided education up to but not exceeding the seventh level, be deemed to be a primary school; or
 - 50 (ii) if that junior high school or secondary school provided education from not lower than the eighth up to but not exceeding the twelfth level, be deemed to be a secondary school,

established under this section.

Closure of public schools

- 55 13. The Minister may, after consultation with the relevant council contemplated in section 15, if any, at any time close a public school.

HOOFSTUK 4

RADE

Instelling van streekraade en skoolraade

14. Die Minister kan by kennisgewing in die *Staatskoerant*—

- (a) 'n provinsie in streke verdeel, die grense van elkeen van daardie streke 5 bepaal en 'n streekraad vir elkeen van daardie streke instel;
- (b) so 'n streek of, indien 'n provinsie nie in streke verdeel is nie, die provinsie in distrikte verdeel, die grense van elkeen van daardie distrikte bepaal en 'n skoolraad vir elkeen van daardie distrikte instel; en
- (c) te eniger tyd die grense van so 'n streek of distrik wysig, en indien hy dit 10 wenslik ag, die betrokke streekraad of skoolraad ontbind en 'n nuwe streekraad of skoolraad instel met ingang van 'n datum in die kennisgewing vermeld.

Instelling van rade vir openbare skole en koshuise

15. Die Minister moet—

15

- (a) vir 'n openbare skool, uitgesonderd 'n nywerheidsskool en 'n verbeteringsskool, 'n bestuursraad instel;
- (b) vir 'n nywerheidsskool of 'n verbeteringsskool 'n raad van bestuur instel; en
- (c) indien dit na die oordeel van die Minister nie wenslik is om 'n koshuis onder die toesig van die bestuursraad van 'n bepaalde openbare skool te plaas nie, 20 vir een of meer van daardie koshuise 'n koshuisraad instel.

Vergaderings van rade

16. (1) 'n Raad kies uit sy geledere 'n voorsitter en ondervoorsitter wat elkeen sy amp vir die voorgeskrewe tydperk beklee.

(2) Die ondervoorsitter kan, indien die voorsitter afwesig is of om enige rede nie 25 as voorsitter kan optree nie, die werksaamhede van die voorsitter verrig.

(3) In die afwesigheid van sowel die voorsitter as die ondervoorsitter van 'n vergadering van 'n raad kies die aanwesige lede iemand uit hul geledere om op daardie vergadering voor te sit.

(4) Die beslissing van die meerderheid van die lede van 'n raad wat op 'n 30 vergadering van daardie raad aanwesig is, maak 'n besluit van daardie raad uit, en by 'n staking van stemme het die persoon wat op die vergadering voorsit, benewens sy beraadslagende stem, 'n beslissende stem.

(5) Geen besluit deur 'n raad geneem of handeling op gesag van 'n raad verrig, is ongeldig nie bloot vanweë die feit dat 'n vakature in daardie raad bestaan het, of 35 omdat iemand wat nie geregtig was nie om as 'n lid van daardie raad sitting te neem as so 'n lid sitting geneem het, op die tydstip waarop die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

40

Komitees

17. (1) 'n Raad kan een of meer komitees van daardie raad aanstel, wat, onderworpe aan die voorskrifte van daardie raad, dié werksaamhede van daardie raad kan verrig wat die raad bepaal.

(2) 'n Komitee van 'n raad bestaan uit een of meer lede van daardie raad of, met 45 die goedkeuring van die Minister, een of meer ander persone wat daardie raad geskik ag, en daardie raad kan te eniger tyd die komitee ontbind of hersaamstel.

(3) Een van die lede van 'n komitee van 'n raad word deur daardie raad as voorsitter van die komitee aangewys.

(4) 'n Raad word nie onthef van 'n werksaamheid wat ingevolge hierdie artikel aan 50 'n komitee van daardie raad opgedra is nie.

Toelaes aan lede van rade en komitees

18. Die toelaes wat aan 'n lid van 'n raad, of 'n lid van 'n komitee van so 'n raad, wat nie in die heeltydse diens van die Staat is nie, betaal kan word wanneer hy met

CHAPTER 4

COUNCILS

Establishment of regional councils and school boards

14. The Minister may, by notice in the *Gazette*—
- 5 (a) divide a province into regions, determine the boundaries of each of those regions and establish a regional council for each of those regions;
- (b) divide such a region, or if such province has not been divided into regions, the province, into districts, determine the boundaries of each of those districts and establish a school board for each of those districts; and
- 10 (c) change the boundaries of such a region or district at any time and, should he deem it desirable, dissolve the regional council or school board concerned and establish a new regional council or school board with effect from a date mentioned in the notice.

Establishment of councils for public schools and hostels

- 15 15. The Minister shall—
- (a) establish a management council for a public school, excluding an industrial school and a reform school;
- (b) establish a board of management for an industrial school or a reform school; and
- 20 (c) if, in the opinion of the Minister, it is not expedient to place a hostel under the supervision of the management council of a particular public school, establish a hostel council for one or more of those hostels.

Meetings of councils

16. (1) A council shall elect from its number a chairman and vice-chairman, who
- 25 shall each hold office for the prescribed period.
- (2) The vice-chairman may, if the chairman is absent or for any reason cannot act as chairman, perform the functions of the chairman.
- (3) In the absence of both the chairman and the vice-chairman from a meeting of a council the members present shall elect any person from their number to preside
- 30 at that meeting.
- (4) The decision of the majority of the members of a council present at a meeting of that council, constitutes a decision of that council, and in the event of an equality of votes, the person presiding at the meeting shall, in addition to his deliberative vote, have a casting vote.
- 35 (5) No decision taken by a council or action taken on the authority of a council shall be invalid only by reason of the fact that a vacancy existed on that council, or because a person who was not entitled to sit as a member of that council sat on that council as such a member, at the time when the decision was taken or the action was authorized, if the decision was taken or the action was authorized by the majority of
- 40 the members of the council who were then present and entitled to sit as members.

Committees

17. (1) A council may appoint one or more committees of that council, which, subject to the instructions of that council, shall perform such functions of the council as the council may determine.
- 45 (2) A committee of a council shall consist of one or more members of that council or, with the approval of the Minister, one or more other persons deemed suitable by that council, and that council may at any time dissolve or reconstitute the committee.
- (3) One of the members of a committee of a council shall be designated by that council as chairman of the committee.
- 50 (4) A council shall not be divested of a function which in terms of this section has been assigned to a committee of that council.

Allowances to members of councils and committees

18. The allowances payable to a member of a council, or a member of a committee of such a council, who is not in the full-time service of the State, when he is engaged

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

die sake van daardie raad besig is, word deur die Minister met die instemming van die Minister van Begroting en Werke bepaal.

Regulasies met betrekking tot rade

19. Die Minister kan regulasies uitvaardig betreffende—

- (a) die samestelling, bevoegdhede, pligte en werksaamhede van rade; 5
- (b) die kwalifikasies vir aanstelling, benoeming of verkiesing as, die ampstermyne van, en die ontruiming van hul ampte deur, lede van rade, en die vul van toevallige vakatures in rade;
- (c) die verkiesing en bevoegdhede van voorsitters en ondervoorsitters van rade; 10
- (d) die byeenroeping van, die prosedure en reëls by, en die kworum vir, vergaderings van rade en komitees van rade, en die hou van notules van daardie vergaderings;
- (e) die ontbinding en hersamestelling van rade; en
- (f) die aanwysing van persone in die diens van die Departement om die werk 15 met betrekking tot die verrigting van die werksaamhede van rade te verrig.

Voortbestaan van sekere rade

20. (1) 'n Streekraad, streekkomitee, skoolraad, bestuursraad, beheerraad, spesiale komitee, skoolkomitee, raad vir 'n opleidingsentrum, adviesraad, raad van bestuur en koshuiskomitee ingestel, saamgestel of gestig ingevolge 'n wet wat by 20 hierdie Wet herroep is en wat onmiddellik voor die vasgestelde datum bestaan het—

- (a) gaan vanaf daardie datum voort met die verrigting van sy werksaamhede ten opsigte van die betrokke streek, distrik, gebied, skool of skole, opleidingsentrum of koshuis waarvoor daardie raad of komitee ingestel, saamgestel of gestig is, asof hierdie Wet nie aangeneem was nie; en 25
- (b) bly, ondanks die herroeping van die betrokke wet, voortbestaan tot die datum waarop die ampstermyn van die lede van daardie raad of komitee verstryk of tot die datum waarop die Minister daardie raad of komitee ontbind.

(2) Tensy die Minister anders bepaal, berus die bates, laste, regte en verpligtinge 30 van 'n raad of komitee bedoel in subartikel (1) by verstryking van die datum beoog in paragraaf (b) van daardie subartikel by die raad wat die Minister kragtens hierdie Wet instel en as die opvolger van eersgenoemde raad of komitee aanwys.

HOOFSTUK 5

PRIVATE SKOLE EN STAATSONDERSTEUNDE SKOLE

35

Verbode handelinge tensy as private preprimêre skool geregistreer

21. Niemand mag 20 of meer kinders van drie jaar of ouer maar wat nog nie aan skoolplig onderworpe is nie teen vergoeding in sy bewaring of onder sy beheer hou nie, tensy hy as 'n private preprimêre skool ingevolge hierdie Wet geregistreer is.

Verbode handelinge tensy as private skool vir buitengewone onderwys geregistreer 40

22. Niemand mag, behalwe by 'n staatsondersteunde skool, buitengewone onderwys teen vergoeding verskaf nie, tensy hy as 'n private skool vir buitengewone onderwys ingevolge hierdie Wet geregistreer is.

Aansoeke om registrasie

23. (1) Iemand wat van voorneme is om as 'n private preprimêre skool of private 45 skool vir buitengewone onderwys te registreer, moet skriftelik by die Onderwyshoof om sodanige registrasie aansoek doen.

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

in the business of that council, shall be determined by the Minister with the concurrence of the Minister of the Budget and Works.

Regulations relating to councils

19. The Minister may make regulations as to—
- 5 (a) the constitution, powers, duties and functions of councils;
 - (b) the qualifications for appointment, designation or election as, the terms of office of, and the vacation of their offices by, members of councils, and the filling of incidental vacancies in councils;
 - 10 (c) the election and powers of chairmen and vice-chairmen of councils;
 - (d) the convening of, the procedure and rules at, and the quorum for, meetings of councils and committees of councils and the keeping of minutes of such meetings;
 - (e) the dissolution and reconstitution of councils; and
 - 15 (f) the designation of persons in the service of the Department to perform the work relating to the performance of the functions of councils.

Continuation of certain councils

20. (1) A regional council, regional committee, school board, management council, control board, special committee, school committee, council for a training centre, advisory council, board of management and hostel committee established, constituted or founded in terms of a law repealed by this Act and which existed immediately prior to the fixed date—

- 25 (a) shall from that date proceed with the performance of its functions in respect of the relevant region, district, area, school or schools, training centre or hostel for which that council or committee was established, constituted or founded, as if this Act had not been passed; and
- (b) shall continue to exist, notwithstanding the repeal of the law concerned, until the date on which the term of office of the members of that council or committee expires or until the date on which the Minister dissolves the council or committee.

30 (2) Unless the Minister determines otherwise, the assets, liabilities, rights and obligations of a council or committee referred to in subsection (1) shall, on the expiry of the date contemplated in paragraph (b) of that subsection, vest in such council as the Minister under this Act may establish and designate as the successor of the first-mentioned council or committee.

CHAPTER 5**PRIVATE SCHOOLS AND STATE-AIDED SCHOOLS****Prohibited acts unless registered as private pre-primary school**

21. No person shall for reward keep in his custody or under his control 20 or more children of three years or older but not yet subject to compulsory school attendance, unless he has been registered as a private pre-primary school in terms of this Act.

Prohibited acts unless registered as private school for specialized education

22. No person shall, except at a state-aided school, provide specialized education for reward, unless he has been registered as a private school for specialized education in terms of this Act.

Application for registration

23. (1) Any person who intends to register as a private pre-primary school or private school for specialized education, shall apply in writing to the Head of Education for such registration.

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

(2) 'n Aansoeker om sodanige registrasie moet dié bykomende besonderhede in verband met sy aansoek verstrek wat die Onderwyshoof vereis.

Oorweging van aansoeke om registrasie

24. (1) Die Onderwyshoof kan na goeë dunnke 'n aansoek bedoel in artikel 23 toestaan of weier, maar hy staan nie 'n aansoek toe nie indien hy van oordeel is dat die betrokke aansoeker nie aan die voorgeskrewe vereistes voldoen nie.

(2) Indien die Onderwyshoof 'n aansoek bedoel in artikel 23 weier, moet hy die aansoeker skriftelik van daardie weiering en die redes daarvoor in kennis stel.

Registrasie as private preprimêre skole en private skole vir buitengewone onderwys

25. (1) Indien die Onderwyshoof 'n aansoek bedoel in artikel 23 toestaan, moet hy 10 die aansoeker as 'n private preprimêre skool of 'n private skool vir buitengewone onderwys, na gelang van die geval, registreer en 'n registrasiesertifikaat in die vorm wat hy bepaal aan die aansoeker uitreik.

(2) Die registrasie as 'n private preprimêre skool of private skool vir buitengewone onderwys is onderworpe aan die voorgeskrewe voorwaardes. 15

(3) Die registrasie as 'n private preprimêre skool of private skool vir buitengewone onderwys ingevolge hierdie Wet onthef nie iemand van enige ander verpligting ten opsigte van registrasie ingevolge 'n ander wet nie.

(4) 'n Private kleuterskool of private preprimêre skool wat ingevolge 'n wet wat by hierdie Wet herroep is, geregistreer is, en wat onmiddellik voor die vasgestelde 20 datum bestaan het, word vanaf daardie datum geag 'n private preprimêre skool te wees wat ingevolge hierdie Wet geregistreer is.

(5) 'n Private spesiale skool en private opleidingsentrum goedgekeur of geregistreer kragtens 'n wet wat by hierdie Wet herroep is of wat geag word kragtens so 'n wet goedgekeur of geregistreer te wees en wat onmiddellik voor die vasgestelde 25 datum bestaan het, word vanaf daardie datum geag as 'n private skool vir buitengewone onderwys ingevolge hierdie Wet geregistreer te wees.

Subsidies aan private preprimêre skole

26. (1) 'n Private preprimêre skool kan skriftelik by die Onderwyshoof aansoek doen om vir subsidie-doeleindes as 'n departementeel beheerde preprimêre skool 30 geklassifiseer te word.

(2) 'n Private preprimêre skool wat nie geklassifiseer is soos in subartikel (1) beoog nie kan jaarliks op of voor die voorgeskrewe datum skriftelik by die Onderwyshoof om 'n subsidie aansoek doen.

(3) Die Onderwyshoof kan na goeë dunnke 'n aansoek bedoel in subartikel (1) of 35 (2) toestaan of van die hand wys, maar hy staan nie 'n aansoek toe nie indien hy van oordeel is dat die private preprimêre skool nie aan die voorgeskrewe vereistes vir subsidiëring of klassifikasie, na gelang van die geval, voldoen nie.

(4) Vanaf die datum waarop 'n aansoek om klassifikasie soos in subartikel (1) beoog kragtens subartikel (3) toegestaan word, word die persone in diens in 40 onderwysposte by sodanige departementeel beheerde preprimêre skool geag in diens te wees in onderwysposte by 'n departementele inrigting.

(5) 'n Provinsiaal beheerde kleuterskool of preprimêre skool wat ingevolge 'n wet wat by hierdie Wet herroep is, geklassifiseer of in stand gehou is en wat onmiddellik voor die vasgestelde datum bestaan het, word vanaf daardie datum geag 'n 45 departementeel beheerde preprimêre skool te wees wat ingevolge hierdie Wet geklassifiseer is.

Verval of intrekking van registrasie

27. Die registrasie van 'n private preprimêre skool en 'n private skool vir buitengewone onderwys verval of kan ingetrek word onder die voorgeskrewe 50 omstandighede.

Appel teen weiering deur Onderwyshoof

28. (1) 'n Persoon wat hom veronreg voel deur die weiering deur die Onderwyshoof van 'n aansoek beoog in artikel 23 kan, binne 30 dae nadat hy kennis ontvang het van sodanige weiering, skriftelik met 'n uiteensetting van die appèlgronde teen 55 die weiering na die Minister appelleer.

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

(2) An applicant for such registration shall furnish such additional information in connection with his application as the Head of Education may require.

Consideration of applications for registration

24. (1) The Head of Education may at his discretion grant or refuse an application referred to in section 23, but he shall not grant an application if he is of the opinion that the applicant concerned does not comply with the prescribed requirements.

(2) If the Head of Education refuses an application referred to in section 23, he shall notify the applicant in writing of such refusal and the reasons therefor.

Registration as private pre-primary schools and private schools for specialized education

25. (1) If the Head of Education grants an application referred to in section 23, he shall register the applicant as a private pre-primary school or private school for specialized education, as the case may be, and issue a certificate of registration to the applicant in such form as he may determine.

(2) The registration as a private pre-primary school or private school for specialized education shall be subject to the prescribed conditions.

(3) The registration as a private pre-primary school or a private school for specialized education in terms of this Act shall not exempt any person from any other obligation in respect of registration in terms of any other law.

(4) A private nursery school or private pre-primary school registered in terms of a law repealed by this Act and which existed immediately prior to the fixed date, shall from that date be deemed to be a private pre-primary school registered in terms of this Act.

(5) A private special school and private training centre approved or registered under a law repealed by this Act or deemed to have been approved or registered under such a law, and which existed immediately prior to the fixed date, shall from that date be deemed to be registered as a private school for specialized education in terms of this Act.

Subsidies to private pre-primary schools

26. (1) A private pre-primary school may apply in writing to the Head of Education to be classified for subsidy purposes as a departmentally controlled pre-primary school.

(2) A private pre-primary school which has not been classified as contemplated in subsection (1) may annually on or prior to the prescribed date apply in writing to the Head of Education for a subsidy.

(3) The Head of Education may at his discretion grant or refuse an application referred to in subsection (1) or (2), but he shall not grant an application if he is of the opinion that the private pre-primary school does not comply with the prescribed conditions for subsidization or classification, as the case may be.

(4) As from the date on which an application for classification as contemplated in subsection (1) is granted under subsection (3), the persons employed in teaching posts at such departmentally controlled pre-primary school shall be deemed to be employed in teaching posts at a departmental institution.

(5) A provincially controlled nursery school or pre-primary school classified or maintained in terms of a law repealed by this Act and which existed immediately prior to the fixed date, shall from that date be deemed to be a departmentally controlled pre-primary school which has been classified in terms of this Act.

Lapsing or withdrawal of registration

27. The registration of a private pre-primary school and a private school for specialized education shall lapse or may be withdrawn under the prescribed circumstances.

Appeal against refusal by Head of Education

28. (1) A person who feels aggrieved by the refusal by the Head of Education of an application contemplated in section 23 may, within 30 days after receiving notice of such refusal, appeal in writing, setting out the grounds of appeal, against the refusal to the Minister.

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

(2) Die Minister moet 'n appèl in subartikel (1) bedoel, oorweeg, en kan die beslissing van die Onderwyshoof waarteen geappelleer is, bekragtig of tersyde stel.

Verklaring van onderwysinrigtings tot staatsondersteunde skole

29. (1) Ten einde die verskaffing of voortgesette verskaffing van buitengewone onderwys by 'n ander onderwysinrigting as 'n openbare skool te verseker, kan die Minister by kennisgewing in die *Staatskoerant* so 'n inrigting tot 'n staatsondersteunde skool verklaar met ingang van 'n datum in die kennisgewing vermeld.

(2) Geen onderwysinrigting word kragtens subartikel (1) tot 'n staatsondersteunde skool verklaar nie, behalwe met die instemming van die eienaar van daardie inrigting en die Minister van Begroting en Werke.

(3) 'n Staatsondersteunde skool word ingevolge hierdie Wet bestuur en beheer.

(4) 'n Inrigting of deel van 'n inrigting wat kragtens 'n wet wat by hierdie Wet herroep is, tot 'n ondersteunde skool of 'n staatsondersteunde opleidingsentrum verklaar is of geag word verklaar te gewees het en wat onmiddellik voor die vasgestelde datum bestaan het, word vanaf daardie datum geag tot 'n staatsondersteunde skool kragtens hierdie artikel verklaar te wees.

Status en vermoënsregtelike bevoegdheid van staatsondersteunde skole

30. (1) 'n Staatsondersteunde skool is 'n regspersoon.

(2) 'n Staatsondersteunde skool mag nie sonder die goedkeuring van die Minister sy onroerende goed verhuur, verkoop of op 'n ander wyse vervreem of aan iemand 'n saaklike reg of serwituut daarop verleen nie.

(3) 'n Staatsondersteunde skool moet geld of ander goed wat aan daardie skool geskenk of bemaak word, of in trust deur daardie skool ontvang word, ooreenkomstig die voorwaardes van die betrokke skenking, bemaking of trust aanwend.

Bestuur van en beheer oor staatsondersteunde skole

31. (1) Behoudens die bepalings van hierdie Wet berus die bestuur, beheer en uitvoerende mag van 'n staatsondersteunde skool by sy bestuursliggaam.

(2) Die bepalings van artikels 16 en 19 is *mutatis mutandis* van toepassing op 'n bestuursliggaam.

Subsidies aan staatsondersteunde skole

32. Die Minister kan uit geld wat die Volksraad vir dié doel bewillig 'n subsidie aan 'n staatsondersteunde skool toeken op die grondslag en onderworpe aan die voorwaardes wat hy bepaal.

Lenings aan staatsondersteunde skole

33. (1) Behoudens die bepalings van hierdie Wet, kan die Minister, met die instemming van die Minister van Begroting en Werke, uit geld deur die Volksraad vir dié doel bewillig, 'n lening aan 'n staatsondersteunde skool toestaan vir—

(a) die oprigting van geboue en die verkryging van toerusting van 'n permanente aard;

(b) die verkryging van grond, met inbegrip van grond waarop geboue opgerig is, of regte op of belange in grond, en die bestryding van opmetings- en oordragkoste in verband met sodanige verkryging;

(c) die betaling van kapitaaluitgawes aan die omheining en verbetering van die grond van die staatsondersteunde skool; of

(d) die terugbetaling van 'n lening, uitgesonderd 'n lening toegestaan uit geld deur die Volksraad bewillig, wat die staatsondersteunde skool wettig aangegaan het vir 'n doel in paragraaf (a), (b) of (c) vermeld.

(2) 'n Aansoek deur 'n staatsondersteunde skool om 'n lening beoog in subartikel (1) moet skriftelik aan die Onderwyshoof gerig word en moet die doel van die lening vermeld.

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

(2) The Minister shall consider an appeal referred to in subsection (1), and may confirm or set aside the decision of the Head of Education appealed against.

Declaration of educational institutions as state-aided schools

29. (1) In order to ensure the provision or the continued provision of specialized education at an educational institution other than a public school, the Minister may, by notice in the *Gazette*, declare such an institution to be a state-aided school with effect from a date mentioned in the notice.

(2) No educational institution shall be declared to be a state-aided school under subsection (1), except with the concurrence of the owner of that institution and the Minister of the Budget and Works.

(3) A state-aided school shall be managed and controlled in terms of this Act.

(4) An institution or part of an institution declared or deemed to have been declared to be a subsidized school or a state-aided training centre under any law repealed by this Act, and which existed immediately prior to the fixed date, shall with effect from that date be deemed to be declared a state-aided school under this section.

Status and patrimonial power of state-aided schools

30. (1) A state-aided school shall be a juristic person.

(2) A state-aided school shall not without the approval of the Minister let, sell or otherwise alienate its immovable property or grant to any person any real right therein or servitude thereon.

(3) A state-aided school shall appropriate money or other goods donated or bequeathed to or received in trust by that school, in accordance with the conditions of the donation, bequest or trust concerned.

25 Management and control of state-aided schools

31. (1) Subject to the provisions of this Act, the management, control and executive power of a state-aided school shall vest in its governing body.

(2) The provisions of sections 16 and 19 shall *mutatis mutandis* apply to a governing body.

30 Subsidies to state-aided schools

32. The Minister may, out of moneys appropriated for such purpose by the House of Assembly, grant a subsidy to a state-aided school on such basis and subject to such conditions as he may determine.

Loans to state-aided schools

33. (1) Subject to the provisions of this Act, the Minister may, with the concurrence of the Minister of the Budget and Works, out of moneys appropriated by the House of Assembly for such purpose, grant a loan to a state-aided school for—

- (a) the erection of buildings and the acquisition of equipment of a permanent nature;
- (b) the acquisition of land, including land on which buildings have been erected, or rights to or interests in land, and the payment of survey and transfer costs in connection with such acquisition;
- (c) the payment of capital expenditure on the fencing and improvement of the land of the state-aided school; or
- (d) the repayment of any loan, excluding a loan granted out of moneys appropriated by the House of Assembly, lawfully raised by such state-aided school, for any purpose mentioned in paragraph (a), (b) or (c).

(2) Any application by a state-aided school for a loan contemplated in subsection (1) shall be addressed in writing to the Head of Education and shall state the purpose of the loan.

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

(3) By ontvangs van bedoelde aansoek kan die Onderwyshoof die begrotings, planne, spesifikasies, verslae, opgawes en ander stukke of inligting aanvra, en die inspeksies laat uitvoer, wat hy nodig ag om te bepaal of die aansoek toegestaan behoort te word.

Terugbetaling van lenings deur staatsondersteunde skole

5

34. (1) 'n Lening deur die Minister ingevolge artikel 33 aan 'n staatsondersteunde skool toegestaan, tesame met rente daarop verskuldig teen 'n koers deur die Minister van Finansies bepaal, moet terugbetaal word binne die tydperk wat die Tesourie voordat die lening toegestaan is, bepaal het: Met dien verstande dat die Tesourie so 'n tydperk kan verleng: Met dien verstande voorts dat so 'n lening¹⁰ tesame met die rente daarop verskuldig, binne 'n tydperk van 40 jaar vanaf die datum wat die Tesourie ingevolge subartikel (2) bepaal, terugbetaal moet word.

(2) Die eerste terugbetaling van 'n paalement van 'n lening in subartikel (1) bedoel, geskied op 'n datum wat die Tesourie voordat die lening toegestaan is, bepaal, welke datum nie later as drie jaar na die datum waarop die lening of eerste¹⁵ gedeelte daarvan uitbetaal is, mag wees nie.

(3) Gedurende die tydperk vanaf die datum van die uitbetaling van 'n lening in subartikel (1) bedoel, of die eerste gedeelte daarvan, tot die datum van die eerste terugbetaling in subartikel (2) bedoel, is rente teen 'n koers wat die Minister van Finansies bepaal op die lening of eerste gedeelte daarvan betaalbaar. ²⁰

(4) Die staatsondersteunde skool waaraan 'n lening kragtens artikel 33 toegestaan is, moet op die datum van die eerste terugbetaling in subartikel (2) bedoel, en daarna op die eerste dag van Januarie en op die eerste dag van Julie in elke jaaf, aan die Tesourie paalemente terugbetaal, en die paalemente bly betaalbaar totdat die kapitaalbedrag van die lening tesame met rente daarop verskuldig, terugbetaal is: ²⁵ Met dien verstande dat die Tesourie, indien daar na sy oordeel buitengewone omstandighede bestaan, uitstel kan verleen ten opsigte van die terugbetaling van een of meer sodanige paalemente.

(5) Die paalemente van 'n lening in hierdie artikel bedoel, bedra elk die helfte van die jaarlikse betaling vereis om die kapitaalsom van die lening tesame met rente³⁰ daarop verskuldig, binne die tydperk deur die Tesourie kragtens subartikel (1) bepaal, af te los.

Sekuriteit vir terugbetaling van lenings

35. (1) Vanaf die datum waarop 'n lening of die eerste deel daarvan kragtens artikel 33 aan 'n staatsondersteunde skool uitbetaal word, dien al die roerende en³⁵ onroerende goed van die staatsondersteunde skool, behoudens enige vroeëre sekuriteit of beswaring met verband, as sekuriteit vir die terugbetaling van die bedrag wat ten opsigte van die lening, koste en rente verskuldig is.

(2) Die Minister kan met die instemming van die Minister van Begroting en Werke te eniger tyd skriftelik van die voorrang wat verleen word uit hoofde van⁴⁰ subartikel (1), afsien ten gunste van die houder van 'n latere verband oor die onroerende goed van 'n staatsondersteunde skool, indien hy van oordeel is dat die som van die bedrag wat ten opsigte van die lening, koste en rente verskuldig is en die bedrag wat deur verband versekureer is, nie die waarde van die roerende en onroerende goed van die staatsondersteunde skool oorskry nie. ⁴⁵

Boekjaar, aantekeninge en finansiële jaarstate van staatsondersteunde skole

36. (1) Die boekjaar van 'n staatsondersteunde skool eindig op die laaste dag van Maart in elke jaar.

(2) Die bestuursliggaam van 'n staatsondersteunde skool moet ooreenkomstig die voorskrifte wat die Onderwyshoof uitreik— ⁵⁰

(a) aantekeninge hou van geld deur die staatsondersteunde skool ontvang of bestee, en van die bates, laste en finansiële transaksies van die staatsondersteunde skool; en

(b) so gou doenlik, maar hoogstens drie maande na die einde van elke boekjaar, finansiële jaarstate opstel wat, met gepaste besonderhede, gelde ⁵⁵

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

(3) Upon receipt of any such application the Head of Education may call for such estimates, plans, specifications, reports, returns and other documents or information, and cause such inspections to be carried out, as he may consider necessary in order to determine whether the application should be granted.

5 Repayment of loans by state-aided schools

34. (1) A loan granted by the Minister to a state-aided school in terms of section 33, together with interest due thereon at a rate determined by the Minister of Finance, shall be repaid within a period determined by the Treasury before the granting of the loan: Provided that the Treasury may extend such a period: Provided further that such a loan together with the interest due thereon shall be repaid within a period of 40 years from the date determined by the Treasury in terms of subsection (2).

(2) The first repayment of an instalment of a loan referred to in subsection (1) shall be made on a date determined by the Treasury before the granting of the loan, which date shall not be later than three years after the date on which the loan or first portion thereof was paid out.

(3) During the period from the date on which the loan referred to in subsection (1), or the first portion thereof, was paid out, to the date of the first repayment referred to in subsection (2), interest at a rate determined by the Minister of Finance shall be payable on the loan or first portion thereof.

(4) The state-aided school to which a loan has been granted under section 33 shall, on the date of the first repayment referred to in subsection (2), and thereafter on the first day of January and on the first day of July in every year, repay instalments to the Treasury, and the instalments shall continue to be payable until the capital amount of the loan together with interest due thereon has been repaid: Provided that the Treasury may, if in its opinion special circumstances exist, grant an extension of time in respect of the repayment of one or more of such instalments.

(5) The instalments of a loan referred to in this section shall each amount to one half of the annual payment required to redeem the capital amount of the loan, together with interest due thereon, within the period determined by the Treasury under subsection (1).

Security for repayment of loans

35. (1) All the movable and immovable property of a state-aided school shall, from the date on which a loan or the first portion thereof is paid out under section 33 to the state-aided school concerned, and subject to any prior security or hypothecation, serve as security for the repayment of the amount due in respect of the loan, costs and interest.

(2) The Minister may, with the concurrence of the Minister of the Budget and Works, at any time in writing waive the preference which is granted by virtue of subsection (1), in favour of the holder of a later bond over the immovable property of a state-aided school, if he is of the opinion that the sum of the amounts due in respect of the loan, costs and interests and the amount secured by bond does not exceed the value of the movable and immovable property of the state-aided school.

Financial year, records and annual financial statements of state-aided schools

36. (1) The financial year of a state-aided school shall terminate on the last day of March in each year.

(2) The governing body of a state-aided school shall, in accordance with the instructions issued by the Head of Education—

- (a) keep records of moneys received or spent by the state-aided school, and of the assets, liabilities and financial transactions of the state-aided school; and
- (b) as soon as possible, but not later than three months after the end of each financial year, draw up annual financial statements which indicate with

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

ontvang en uitgawes aangegaan deur die staatsondersteunde skool gedurende, en sy bates en laste aan die einde van, die betrokke boekjaar aantoon.

(3) Die aantekeninge en finansiële jaarstate in subartikel (2) bedoel, word geouditeer deur iemand wat ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as rekenmeester en ouditeur geregistreer en deur die bestuursliggaam aangestel is.

(4) 'n Bestuursliggaam moet binne ses maande na die einde van elke boekjaar 'n afskrif van die finansiële jaarstate wat ingevolge subartikel (3) geouditeer is aan die Onderwyshoof voorlê. 10

Intrekking van verklaring tot staatsondersteunde skool

37. Indien 'n voorwaarde onderworpe waaraan 'n subsidie kragtens artikel 32 verleen is na die oordeel van die Minister nie nagekom is nie, kan hy te eniger tyd die verklaring van 'n onderwysinrigting tot 'n staatsondersteunde skool vanaf 'n datum deur hom bepaal, by kennisgewing in die *Staatskoerant* intrek: Met dien verstande dat die Minister, alvorens hy so 'n verklaring intrek, die bestuursliggaam van die staatsondersteunde skool 'n geleentheid moet gee om verhoër tot hom te rig in verband met die voorgename intrekking.

Verklaring van private skole en staatsondersteunde skole tot openbare skole 20

38. (1) Die Minister kan met die eienaar van 'n private skool of die bestuursliggaam van 'n staatsondersteunde skool 'n ooreenkoms aangaan ingevolge waarvan so 'n skool tot 'n openbare skool verklaar word.

(2) Geen ooreenkoms word kragtens subartikel (1) aangegaan nie behalwe met die instemming van die Minister van Begroting en Werke. 25

(3) Indien 'n ooreenkoms kragtens subartikel (1) aangegaan is, kan die Minister by kennisgewing in die *Staatskoerant* die betrokke private skool of staatsondersteunde skool, na gelang van die geval, tot 'n openbare skool verklaar met ingang van 'n datum in die kennisgewing vermeld.

Gevolge van verklaring tot openbare skool 30

39. (1) Vanaf die datum vermeld in 'n kennisgewing beoog in artikel 38 (3)—

- (a) word die betrokke skool geag 'n openbare skool te wees wat kragtens artikel 12 ingestel is;
- (b) berus daar nie langer enige regte, bevoegdhede, pligte of werksaamhede ten opsigte van die betrokke skool by die vorige eienaar of bestuursliggaam nie;
- (c) berus die regte en verpligtings wat die betrokke eienaar of bestuursliggaam vir die doeleindes van of in verband met die betrokke skool verkry of opgeloop het by die Staat; en
- (d) berus die eiendomsreg en beheer van roerende en onroerende goed wat onmiddellik voor daardie datum by die betrokke eienaar of bestuursliggaam berus het en wat op die betrokke skool betrekking het, by die Staat tensy anders ooreengekom ingevolge artikel 38 (1).

(2) Onroerende goed wat ingevolge subartikel (1) (d) by die Staat berus, word aan die Staat oorgedra sonder betaling van hereregte, seëlregte of enige ander gelde of koste, maar onderworpe aan enige bestaande reg, beswaring, verpligting of trust op of oor daardie goed.

(3) Die beampte in beheer van 'n akteskantoor of 'n ander kantoor waarin die onroerende goed bedoel in subartikel (2) geregistreer is, moet, by die voorlegging aan hom van die betrokke titelbewys, die aantekeninge op daardie titelbewys en die inskrywings in sy registers aanbring wat nodig is om die betrokke oordrag te bewerkstellig.

(4) Die verklaring van 'n private skool of staatsondersteunde skool tot 'n openbare skool raak nie enigiets wat wettig deur die betrokke eienaar of bestuursliggaam voor die verklaring gedoen is nie. 55

Voortbestaan van laer kerkskole en plaasskole

40. Ondanks die herroeping van 'n ordonnansie by hierdie Wet, bly 'n laer

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

suitable particulars, moneys received and expenditure incurred by the state-aided school during, and its assets and liabilities at the end of, the financial year concerned.

(3) The records and annual financial statements referred to in subsection (2) shall be audited by a person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and appointed by the governing body.

(4) A governing body shall within six months after the end of each financial year submit a copy of the annual financial statements, audited in terms of subsection (3), to the Head of Education.

Withdrawal of declaration as state-aided school

37. If a condition under which a subsidy was granted under section 32 in the opinion of the Minister has not been complied with, he may at any time by notice in the *Gazette* withdraw the declaration of an educational institution as a state-aided school from a date determined by him: Provided that the Minister shall, before he withdraws such declaration, give the governing body of the state-aided school an opportunity to make representations to him in connection with the proposed withdrawal.

Declaration of private schools and state-aided schools as public schools

38. (1) The Minister may enter into an agreement with the owner of a private school or the governing body of a state-aided school in terms of which such a school is declared to be a public school.

(2) No agreement shall be entered into under subsection (1), except with the concurrence of the Minister of the Budget and Works.

(3) If an agreement has been entered into under subsection (1), the Minister may by notice in the *Gazette* declare the private school or state-aided school concerned, as the case may be, to be a public school with effect from a date mentioned in the notice.

Consequences of declaration as public school

39. (1) As from the date mentioned in the notice contemplated in section 38 (3)—
(a) the school concerned shall be deemed to be a public school established under section 12;

(b) there shall no longer vest in the previous owner or governing body any rights, powers, duties or functions in respect of the school concerned;

(c) the rights obtained and obligations incurred by the owner or governing body concerned, for the purposes of or in connection with the school concerned, shall vest in the State; and

(d) the ownership and control of movable and immovable property which immediately prior to that date vested in the owner or governing body concerned, and which relates to the school concerned, shall vest in the State, unless otherwise agreed upon in terms of section 38 (1).

(2) Immovable property vested in the State in terms of subsection (1) (d), shall be transferred to the State without payment of transfer duty, stamp duty or any other moneys or costs, but subject to any existing right, encumbrance, duty or trust on or over that property.

(3) The officer in charge of a deeds office or other office where the immovable property referred to in subsection (2) is registered, shall, on submission to him of the title deed concerned, make such endorsements on that title deed and such entries in his register as may be required to effect the transfer concerned.

(4) The declaration of a private school or a state-aided school as a public school shall not affect anything legally done by the owner or governing body concerned prior to the declaration.

Continued existence of church primary schools and farm schools

40. Notwithstanding the repeal of any ordinance by this Act, a church primary

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

kerkskool of plaasskool in so 'n ordonnansie genoem en wat onmiddellik voor die vasgestelde datum bestaan het, voortbestaan: Met dien verstande dat—

- (a) 'n laer kerkskool of plaasskool by die toepassing van 'n bepaling van hierdie Wet, behalwe 'n bepaling met betrekking tot die registrasie van, of die betaling van 'n subsidie aan, 'n private skool, geag word 'n private skool te wees; 5
- (b) die Minister, met die instemming van die Minister van Begroting en Werke, die ondersteuning wat aan 'n laer kerkskool verleen word of die hulptoelae wat aan 'n plaasskool betaal word, na gelang van die geval, kan aanpas, wysig of intrek; en 10
- (c) die Minister met die bestuurder van 'n laer kerkskool of die eienaar van 'n plaasskool 'n ooreenkoms kan aangaan wat voorsiening maak vir die sluiting van die betrokke skool op die bedinge en voorwaardes waarop ooreengekom word.

HOOFSTUK 6

15

LEERLINGE

Ouderdomsvereistes ten opsigte van buitengewone onderwys

41. Behalwe met die goedkeuring van die Onderwyshoof—

- (a) word 'n kind nie tot 'n skool vir buitengewone onderwys of staatsondersteunde skool toegelaat nie voordat hy die leeftyd van ses jaar bereik het; 20
- (b) word 'n persoon nie tot 'n skool vir buitengewone onderwys of staatsondersteunde skool toegelaat nie nadat hy die leeftyd van 19 jaar bereik het; en
- (c) mag 'n persoon nie 'n skool vir buitengewone onderwys of staatsondersteunde skool bywoon nie na die einde van die jaar waarin hy die leeftyd van 21 jaar bereik het. 25

Toelating van gestremde kinders op versoek van ouers

42. (1) Behoudens die bepalings van artikel 49 kan die Onderwyshoof op versoek van die ouer van 'n kind goedkeur dat die kind tot 'n skool vir buitengewone onderwys of staatsondersteunde skool toegelaat word.

(2) Die Onderwyshoof verleen nie sy goedkeuring kragtens subartikel (1) nie, 30 tensy hy van oordeel is dat die betrokke kind 'n gestremde kind is.

Ondersoeke om gestremde kinders te identifiseer

43. (1) Die Onderwyshoof kan 'n kind wat aan skoolplig onderworpe is maar nie 'n skool vir buitengewone onderwys, staatsondersteunde skool of private skool vir buitengewone onderwys bywoon nie en wat na hy vermoed 'n gestremde kind is, laat 35 ondersoek ten einde vas te stel of hy 'n gestremde kind is.

(2) Die Onderwyshoof kan die ouer van 'n kind bedoel in subartikel (1) skriftelik gelas om die kind binne die tydperk in die lasgewing vermeld, te neem na die plek aldus vermeld vir die doeleindes van so 'n ondersoek.

Optrede in geval van gestremde kinders

40

44. (1) Indien die Onderwyshoof na 'n ondersoek bedoel in artikel 43 (1) bevind dat die kind 'n gestremde kind is, moet hy die ouer van die kind skriftelik in kennis stel—

- (a) dat hy bevind het dat die kind 'n gestremde kind is wat buitengewone onderwys behoort te ontvang, en sy redes daarvoor; en 45
- (b) dat die ouer binne 30 dae vanaf die datum van ontvangs van die kennisgewing teen die bevinding na die Minister kan appelleer.

(2) Die Minister moet 'n appèl in subartikel (1) beoog, oorweeg, en kan die bevinding van die Onderwyshoof waarteen geappelleer is, bekragtig of tersyde stel.

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

school or farm school mentioned in such an ordinance and which existed immediately prior to the fixed date, shall continue to exist: Provided that—

- 5 (a) a church primary school or farm school shall, for the purposes of a provision of this Act, except a provision relating to the registration of, or the payment of a subsidy to, a private school, be deemed to be a private school;
- (b) the Minister may, with the concurrence of the Minister of the Budget and Works, adjust, alter or withdraw the aid given to a church primary school or the grant-in-aid paid to a farm school, as the case may be; and
- 10 (c) the Minister may enter into an agreement with the manager of a church primary school or the owner of a farm school which provides for the closure of the school concerned on such terms and conditions as may be agreed upon.

CHAPTER 6

15 PUPILS

Age requirements in respect of specialized education

41. Except with the approval of the Head of Education—
- (a) a child shall not be admitted to a school for specialized education or state-aided school before he has reached the age of six years;
 - 20 (b) a person shall not be admitted to a school for specialized education or state-aided school after he has reached the age of 19 years; and
 - (c) a person shall not attend a school for specialized education or state-aided school after the end of the year in which he has reached the age of 21 years.

Admission of handicapped children at request of parents

- 25 42. (1) Subject to the provisions of section 49, the Head of Education may, at the request of the parent of a child, approve that the child be admitted to a school for specialized education or state-aided school.
- (2) The Head of Education shall not grant his approval under subsection (1), unless he is of the opinion that the child concerned is a handicapped child.

30 **Examinations to identify handicapped children**

43. (1) The Head of Education may cause a child who is subject to compulsory school attendance but is not attending a school for specialized education, state-aided school or private school for specialized education, and whom he suspects to be a handicapped child, to be examined in order to determine whether he is a handicapped child.

35 (2) The Head of Education may direct the parent of a child referred to in subsection (1) in writing, to take the child within the period mentioned in the direction to the place so mentioned for the purposes of such an examination.

Action in case of handicapped children

- 40 44. (1) If the Head of Education, after an examination referred to in section 43 (1), finds that the child is a handicapped child, he shall notify the parent of the child in writing—
- (a) that he has found the child to be a handicapped child who should receive specialized education and his reasons therefor; and
 - 45 (b) that the parent may within 30 days from the date of receipt of the notification appeal to the Minister against the finding.
- (2) The Minister shall consider an appeal contemplated in subsection (1), and may confirm or set aside the finding of the Head of Education appealed against.

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

Verwysing van gestremde kinders**45. (1) Tensy—**

- (a) die ouer van 'n kind wat ingevolge artikel 44 'n gestremde kind bevind is, binne die tydperk wat die Onderwyshoof bepaal die stappe doen wat na die oordeel van die Onderwyshoof voldoende is om te verseker dat die kind 5 toepaslike onderwys of behandeling ontvang; of
- (b) die Onderwyshoof te eniger tyd na daardie tydperk van oordeel is dat die kind toepaslike onderwys of behandeling ontvang,

kan die Onderwyshoof na oorleg met die ouer 'n skool vir buitengewone onderwys of staatsondersteunde skool aanwys waarheen die kind gestuur moet word. 10

(2) Indien die Onderwyshoof 'n skool vir buitengewone onderwys of staatsondersteunde skool kragtens subartikel (1) aangewys het en die betrokke ouer versuim om die kind na daardie skool te stuur binne die tydperk wat die Onderwyshoof bepaal, kan die Onderwyshoof die kind na die betrokke skool laat neem.

Bykomende bevoegdhede van kinderhof met betrekking tot gestremde kinders 15

46. (1) 'n Kinderhof kan in die geval van 'n kind ten opsigte van wie hy 'n bevel ingevolge artikel 15 (1) van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), uitgereik het, gelas dat die geval na die Onderwyshoof verwys word ten einde vas te stel of die kind 'n gestremde kind is.

(2) Indien die Onderwyshoof bevind dat 'n kind wat kragtens subartikel (1) na 20 hom verwys is 'n gestremde kind is, kan die Onderwyshoof goedkeur dat die kind in 'n skool vir buitengewone onderwys of staatsondersteunde skool opgeneem word vir die tydperke waarin buitengewone onderwys aldaar verskaf word.

Oorplasing van gestremde kinders

47. Die Onderwyshoof kan, na oorleg met die ouer van 'n kind wat 'n skool vir 25 buitengewone onderwys of staatsondersteunde skool bywoon, daardie kind na 'n ander skool vir buitengewone onderwys of staatsondersteunde skool oorplaas.

Vrystelling van bywoning van skool vir buitengewone onderwys of staatsondersteunde skool

48. Die Onderwyshoof kan 'n kind van die bywoning van 'n skool vir buitenge-30 wone onderwys of staatsondersteunde skool vrystel indien hy van oordeel is dat die kind—

- (a) voldoende voordeel kan trek uit die onderrig wat in die gewone loop van onderwys verskaf word; of
- (b) 'n gewone klas in 'n gewone skool behoort by te woon. 35

Toelating tot openbare skole en staatsondersteunde skole

49. Behoudens die bepalings van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), is die toelating van persone tot openbare skole en staatsondersteunde skole onderworpe aan die voorgeskrewe voorwaardes.

Ouderdomsvereistes ten opsigte van bepaalde skole 40**50. Behalwe met die goedkeuring van die Onderwyshoof—**

- (a) word 'n kind nie tot 'n preprimêre skool toegelaat nie voordat hy die leeftyd van drie jaar bereik het;
- (b) mag 'n kind nie 'n preprimêre skool bywoon nie na die einde van die jaar waarin hy die leeftyd van ses jaar bereik het; 45
- (c) word 'n kind nie tot 'n primêre skool toegelaat nie—
 - (i) indien hy verjaar voor die eerste dag van Julie voor die begin van die jaar waarin hy die leeftyd van ses jaar bereik; of
 - (ii) in elke ander geval, voor die begin van die jaar waarin hy die leeftyd van sewe jaar bereik; 50

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

Committal of handicapped children

45. (1) Unless—
- (a) the parent of a child found to be a handicapped child in terms of section 44, within the period determined by the Head of Education takes such steps as in the opinion of the Head of Education are adequate to ensure that the child receives suitable education or treatment; or
 - (b) the Head of Education at any time after that period is of the opinion that the child is receiving suitable education or treatment,
- the Head of Education may after consultation with the parent designate a school for specialized education or state-aided school to which the child shall be sent.
- (2) If the Head of Education has designated a school for specialized education or state-aided school under subsection (1) and the parent concerned fails to send the child to that school within the period determined by the Head of Education, the Head of Education may cause the child to be taken to the school concerned.

15 Additional powers of children's court in relation to handicapped children

46. (1) A children's court may, in the case of a child in respect of whom it has made an order in terms of section 15 (1) of the Child Care Act, 1983 (Act No. 74 of 1983), direct that the case be referred to the Head of Education in order to determine whether the child is a handicapped child.
- (2) If the Head of Education finds that a child referred to him under subsection (1) is a handicapped child, the Head of Education may approve that the child be admitted to a school for specialized education or state-aided school for the periods during which specialized education is provided thereat.

Transfer of handicapped children

47. The Head of Education may, after consultation with the parent of a child attending a school for specialized education or state-aided school, transfer that child to another school for specialized education or state-aided school.

Exemption from attendance of school for specialized education or state-aided school

48. The Head of Education may exempt a child from the attendance of a school for specialized education or state-aided school if he is of the opinion that the child—
- (a) may benefit sufficiently from the instruction provided in the ordinary course of education; or
 - (b) should attend an ordinary class in an ordinary school.

Admission to public schools and state-aided schools

49. Subject to the provisions of the Child Care Act, 1983 (Act No. 74 of 1983), the admission of persons to public schools and state-aided schools shall be subject to the prescribed conditions.

Age requirements in respect of particular schools

50. Except with the approval of the Head of Education—
- (a) a child shall not be admitted to a pre-primary school before he has reached the age of three years;
 - (b) a child shall not attend a pre-primary school after the end of the year in which he has reached the age of six years;
 - (c) a child shall not be admitted to a primary school—
 - (i) if his birthday falls before the first day of July before the beginning of the year in which he reaches the age of six years; or
 - (ii) in every other case, before the beginning of the year in which he reaches the age of seven years;

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

- (d) word 'n persoon nie tot 'n openbare skool, uitgesonderd 'n skool vir buitengewone onderwys, nywerheidsskool of verbeteringsskool, toegelaat nie nadat hy die leeftyd van 19 jaar bereik het; en
- (e) mag 'n persoon nie 'n openbare skool, uitgesonderd 'n skool vir buitengewone onderwys, nywerheidsskool of verbeteringsskool, bywoon nie na die einde van die jaar waarin hy die leeftyd van 20 jaar bereik het. 5

Gebiede vir toelating van kinders tot bepaalde skole

51. Wanneer 'n skool ingestel is of ingestel gaan word in die distrik van 'n skoolraad kan die Onderwyshoof na oorleg met die skoolraad 'n voedingsgebied vir die doeleindes van die toelating van kinders tot daardie skool bepaal. 10

Bevoegdhede van skoolrade met betrekking tot toelating van kinders

52. (1) Indien 'n voedingsgebied kragtens artikel 51 vir die doeleindes van die toelating van kinders tot 'n skool bepaal is—

- (a) woon geen kind wie se ouer binne die voedingsgebied woonagtig is, behalwe met die goedkeuring van die betrokke skoolraad 'n skool buite 15 daardie voedingsgebied by nie; en
- (b) kan die betrokke skoolraad—
 - (i) weier om 'n kind wie se ouer nie binne daardie voedingsgebied woonagtig is nie tot die skool toe te laat; of
 - (ii) so 'n kind se bywoning van die skool beëindig, 20
 indien die betrokke skoolraad van oordeel is dat dit in die belang van so 'n kind en die verskaffing van onderwys is dat so 'n kind 'n skool buite daardie voedingsgebied behoort by te woon.

(2) Indien 'n skoolraad kragtens—

- (a) subartikel (1) (a) weier om sy goedkeuring te verleen dat 'n kind 'n skool 25 bywoon;
 - (b) subartikel (1) (b) (i) weier om 'n kind tot 'n skool toe te laat; of
 - (c) subartikel (1) (b) (ii) 'n kind se bywoning van 'n skool beëindig,
- moet die skoolraad die ouer van die kind skriftelik van sodanige weiering of beëindiging en sy redes daarvoor, verwittig en die ouer kan binne 30 dae nadat hy 30 aldus verwittig is skriftelik teen sodanige weiering of beëindiging na die Onderwyshoof appelleer.

(3) Die Onderwyshoof moet 'n appèl wat ingevolge subartikel (2) by hom aangeteken word op die voorgeskrewe wyse oorweeg, en kan die besluit van die skoolraad bekragtig of, indien hy van oordeel is dat die omstandighede buitengewoon is, die besluit van die skoolraad tersyde stel en gelas dat die kind op die voorwaardes wat hy bepaal, tot die betrokke skool toegelaat word. 35

(4) (a) Behoudens paragraaf (b) is hierdie artikel nie van toepassing nie ten opsigte van 'n kind wat tot 'n koshuis toegelaat is.

(b) Indien die Onderwyshoof van oordeel is dat dit in die belang van die 40 verskaffing van onderwys is dat hierdie artikel van toepassing moet wees ten opsigte van kinders wat tot 'n bepaalde koshuis toegelaat is, kan hy gelas dat hierdie artikel aldus van toepassing is.

Skoolplig

53. Behoudens artikel 54 moet 'n kind vanaf die eerste skooldag van die jaar 45 waarin hy die leeftyd van sewe jaar bereik gedurende die gewone skoolure 'n skool bywoon—

- (a) in die geval van 'n gestremde kind—
 - (i) tot die laaste skooldag van die jaar waarin hy die leeftyd van 18 jaar bereik; 50
 - (ii) totdat hy die gespesialiseerde onderwysprogram wat hy volg, voltooi het; of
 - (iii) totdat hy na die oordeel van die Onderwyshoof gereed is om die skool te verlaat en by die buitewêreld aan te pas; en
- (b) in die geval van 'n ander kind— 55
 - (i) tot die laaste skooldag van die jaar waarin hy die leeftyd van 16 jaar bereik; of

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

- (d) a person shall not be admitted to a public school, excluding a school for specialized education, industrial school or reform school, after he has reached the age of 19 years; and
- (e) a person shall not attend a public school, excluding a school for specialized education, industrial school or reform school, after the end of the year in which he has reached the age of 20 years.

Areas for admission of children to particular schools

51. When a school has been established or is to be established in the district of a school board, the Head of Education may after consultation with the school board determine a feeder area for the purposes of the admission of children to that school.

Powers of school boards in relation to admission of children

52. (1) If a feeder area has been determined under section 51 for the purposes of the admission of children to a school—
- (a) no child whose parent resides within the feeder area shall, except with the approval of the school board concerned, attend a school outside that feeder area; and
- (b) the school board concerned may—
- (i) refuse to admit to the school a child whose parent is not resident within that feeder area; or
- (ii) terminate such a child's attendance of the school, if the school board concerned is of the opinion that it is in the interest of such a child and the provision of education that such a child should attend a school outside that feeder area.
- (2) If a school board under—
- (a) subsection (1) (a) refuses to grant approval that a child attend a school;
- (b) subsection (1) (b) (i) refuses to admit a child to a school; or
- (c) subsection (1) (b) (ii) terminates a child's attendance of a school, the school board shall notify the parent of the child in writing of such refusal or termination, and its reasons therefor, and the parent may within 30 days after he has been so notified, appeal in writing to the Head of Education against such refusal or termination.
- (3) The Head of Education shall in the prescribed manner consider an appeal noted with him in terms of subsection (2), and may confirm the decision of the school board or, if he is of the opinion that the circumstances are extraordinary, set aside the decision of the school board and direct that the child be admitted to the school concerned on such conditions as he may determine.
- (4) (a) Subject to paragraph (b) this section shall not apply in respect of a child admitted to a hostel.
- (b) If the Head of Education is of the opinion that it is in the interest of the provision of education that this section should apply in respect of children admitted to a particular hostel, he may direct that this section shall so apply.

Compulsory school attendance

53. Subject to section 54 a child shall from the first school day of the year in which he reaches the age of seven years attend a school during the normal school hours—
- (a) in the case of a handicapped child—
- (i) until the last school day of the year in which he reaches the age of 18 years;
- (ii) until he has completed the specialized education programme he is following; or
- (iii) until he, in the opinion of the Head of Education, is ready to leave the school and adapt to the outside world; and
- (b) in the case of any other child—
- (i) until the last school day of the year in which he reaches the age of 16 years; or

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

- (ii) totdat hy die twaalfde vlak voltooi het,
welke ook al die vroegste is.

Vrystelling van skoolplig

54. Die Onderwyshoof kan, hetsy in die geheel of vir die tydperk en op die voorwaardes wat hy bepaal, 'n kind skriftelik van 'n bepaling van artikel 53 vrystel 5
indien—

- (a) hy van oordeel is—
- (i) dat die kind nog nie gereed is om die betrokke onderwysprogram te volg nie;
 - (ii) dat die kind geen voordeel of geen verdere voordeel uit 'n onder- 10
wysprogram by 'n skool kan trek nie;
 - (iii) dat die kind toepaslike onderwys of behandeling by 'n ander plek as 'n
skool ontvang; of
 - (iv) dat die kind weens voortdurende swak gesondheid nie in staat is om 'n- 15
skool by te woon nie;
- (b) die kind die leeftyd van 16 jaar bereik het en vaste werk kan bekom;
- (c) die kind swanger is;
- (d) die kind in die huwelik tree; of
- (e) dit om 'n ander rede in die belang van die kind sal wees om aldus vrygestel 20
te wees.

Bepaling van moedertaal

55. (1) Wanneer 'n kind vir die eerste keer tot 'n skool toegelaat word, stel die skoolhoof van die skool vas watter amptelike taal die kind die beste ken, en bepaal dan dat daardie taal die moedertaal van die kind is.

(2) Indien die kind na die oordeel van daardie skoolhoof ewe bekwaam in beide 25
amptelike tale is, of geeneen van die amptelike tale kan praat of verstaan nie, kan die ouer van die kind binne die tydperk deur die skoolhoof bepaal, kies watter amptelike taal deur die skoolhoof as die moedertaal van die kind bepaal moet word.

(3) Indien die ouer versuim om binne daardie tydperk so 'n keuse uit te oefen, moet daardie skoolhoof bepaal watter amptelike taal die moedertaal van die kind is. 30

(4) Indien die skoolhoof nie in staat is om die moedertaal van 'n kind ingevolge hierdie artikel te bepaal nie, verwys hy die geval na 'n persoon deur die Onderwyshoof aangewys, hetsy in die algemeen of vir 'n besondere geval, wat dan, na 'n ondersoek na die taalbekwaamheid van die kind, bepaal watter amptelike taal die moedertaal van die kind is. 35

(5) 'n Persoon deur die Onderwyshoof kragtens subartikel (4) aangewys, kan te eniger tyd na 'n ondersoek na die taalbekwaamheid van 'n kind 'n bepaling wat deur 'n skoolhoof ingevolge hierdie artikel gedoen is, intrek en bepaal dat die ander amptelike taal die moedertaal van die kind is.

(6) Indien 'n skoolhoof van 'n skool of persoon deur die Onderwyshoof kragtens 40
subartikel (4) aangewys die moedertaal van 'n kind ingevolge hierdie artikel bepaal het, moet daardie skoolhoof of persoon, na gelang van die geval, die betrokke ouer skriftelik van so 'n bepaling verwittig.

Appel teen bepaling van moedertaal

56. (1) Indien die ouer van 'n kind hom veronreg voel deur 'n bepaling van die 45
moedertaal van die kind ingevolge artikel 55, kan daardie ouer binne 30 dae na die datum waarop hy van die bepaling verwittig is, skriftelik teen daardie bepaling na die Onderwyshoof appelleer, wat daardie bepaling kan bekragtig of tersyde stel en bepaal dat die ander amptelike taal die moedertaal van die kind is.

(2) Die Onderwyshoof moet 'n ouer wat na hom geappelleer het, skriftelik van sy 50
beslissing oor die appel verwittig.

(3) Indien die ouer van 'n kind hom veronreg voel deur 'n beslissing van die Onderwyshoof oor 'n appel ingevolge subartikel (1), kan daardie ouer binne 30 dae na die datum waarop hy van daardie beslissing verwittig is, skriftelik teen daardie

- (ii) until he has completed the twelfth level,
whichever is the earlier.

Exemption from compulsory school attendance

54. The Head of Education may, either entirely or for such period and on such conditions as he may determine, exempt a child in writing from a provision of section 53, if—

- (a) he is of the opinion—
- (i) that the child is not yet ready to follow the educational programme concerned;
 - 10 (ii) that the child can derive no benefit or no further benefit from an educational programme at a school;
 - (iii) that the child is receiving suitable education or treatment at a place other than a school; or
 - 15 (iv) that the child, as a result of continuous ill-health, is not capable of attending a school;
- (b) the child has reached the age of 16 years and can obtain permanent employment;
- (c) the child is pregnant;
- (d) the child marries; or
- 20 (e) for any other reason it will be in the interest of the child to be so exempted.

Determination of mother tongue

55. (1) When a child is admitted to a school for the first time, the principal of the school shall ascertain in which official language the child is more proficient and shall then determine that that language shall be the mother tongue of the child.

25 (2) If in the opinion of that principal the child has equal command of both official languages, or cannot speak or understand either official language, the parent of the child may within the period determined by the principal choose which official language shall be determined by the principal as the mother tongue of the child.

(3) If the parent fails within that period to make such a choice, the principal shall 30 determine which official language shall be the mother tongue of the child.

(4) If the principal is unable to determine the mother tongue of a child in terms of this section, he shall refer the case to a person designated by the Head of Education, either in general or for a particular case, who then, after an investigation of the language ability of the child, shall determine which official language shall be the 35 mother tongue of the child.

(5) A person designated by the Head of Education under subsection (4) may, at any time after an investigation into the language ability of a child, withdraw the determination made by a principal in terms of this section and determine that the other official language shall be the mother tongue of the child.

40 (6) If a principal of a school or a person designated by the Head of Education under subsection (4) has determined the mother tongue of a child in terms of this section, that principal or person, as the case may be, shall notify the parent concerned of such a determination in writing.

Appeal against determination of mother tongue

45 56. (1) If the parent of a child feels aggrieved by a determination of the mother tongue of the child in terms of section 55, that parent may, within 30 days after the date on which he was notified of the determination, appeal in writing against that determination to the Head of Education, who may confirm or set aside that determination and determine that the other official language shall be the mother 50 tongue of the child.

(2) The Head of Education shall notify in writing a parent who appealed to him of his decision on the appeal.

(3) If the parent of a child feels aggrieved by a decision of the Head of Education on an appeal in terms of subsection (1), that parent may, within 30 days after the date 55 on which he was notified of that decision, appeal in writing against that decision

Wet No. 70, 1988**WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988**

beslissing na die Minister appelleer, wat daardie beslissing kan bekragtig of tersyde stel en bepaal dat die ander amptelike taal die moedertaal van die kind is, en sy bepaling is finaal.

Voertaal in skole

57. (1) Die amptelike taal wat ingevolge artikels 55 en 56 as die moedertaal van 'n kind bepaal is, is— 5

(a) in die geval van 'n gestremde kind, die voertaal vir die kind in die skool totdat hy die skool verlaat; en

(b) in die geval van enige ander kind, die voertaal vir die kind in die skool tot en met die negende vlak: 10

Met dien verstande dat tot tyd en wyl die moedertaal van 'n kind ingevolge artikels 55 en 56 bepaal is, die amptelike taal wat deur die ouer van die kind gekies is of, by ontstentenis van so 'n keuse, deur die skoolhoof aangewys is, die voertaal vir die kind is.

(2) Ten opsigte van die tiende, elfde en twaalfde vlakke in 'n skool kan die ouer 15 van 'n kind bedoel in subartikel (1) (b) kies watter amptelike taal die voertaal vir sy kind moet wees: Met dien verstande dat indien die ouer versuim om sodanige keuse uit te oefen, die voertaal vir sodanige kind dieselfde bly as wat dit op die negende vlak was.

Aanwysing van openbare skole met bepaalde voertale

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58. Die Minister kan te eniger tyd 'n openbare skool aanwys as 'n openbare skool—

(a) waarin Afrikaans die voertaal vir alle leerlinge is;

(b) waarin Engels die voertaal vir alle leerlinge is; of

(c) waarin die voertaal vir sommige leerlinge Afrikaans en vir ander Engels 25 is.

Amptelike tale as vakke in skole

59. (1) Op elke vlak word die amptelike taal wat ingevolge artikels 55 en 56 as die moedertaal van 'n kind bepaal is, vir hom as 'n vak in die skool aangebied.

(2) Vanaf die vlak wat die Onderwyshoof op opvoedkundige gronde bepaal, word 30 die amptelike taal wat nie sodanige moedertaal van 'n kind is nie vir hom as 'n vak in die skool aangebied.

(3) By die onderrig van die amptelike taal in subartikel (2) bedoel, is daardie taal sover doenlik die voertaal.

Voertaal vir vreemde tale as vakke

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60. By die onderrig van 'n vreemde taal as 'n vak in 'n skool is die amptelike taal wat ingevolge artikels 55 en 56 as die moedertaal van 'n kind bepaal is die voertaal totdat die betrokke kind, na die oordeel van die skoolhoof, sodanige vordering in die vreemde taal gemaak het dat dit as die voertaal gebruik kan word.

Vrystelling van bepalings met betrekking tot onderrig in amptelike tale

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61. Die Minister kan, ten opsigte van die kind van 'n ouer wat nie 'n Suid-Afrikaanse burger is nie, 'n skool of skoolhoof skriftelik van artikels 55, 57, 59 en 60 vrystel in die mate en op die voorwaardes wat die Minister bepaal.

Godsdienste in openbare skole

62. (1) In elke openbare skool moet daar daaglik 'n godsdienstplegtigheid wees 45 wat bestaan uit die lees van 'n gedeelte uit die Bybel en die doen van 'n gebed.

(2) (a) Bybelonderrig word aangebied as 'n vak op alle vlakke in openbare skole, en die tyd wat daaraan bestee moet word, kan deur die Onderwyshoof bepaal word.

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

to the Minister, who may confirm or set aside that decision and determine that the other official language shall be the mother tongue of the child, and his determination shall be final.

Medium of instruction in schools

- 5 57. (1) The official language which in terms of sections 55 and 56 has been determined as the mother tongue of a child, shall be—
- (a) in the case of a handicapped child, the medium of instruction for the child in the school until he leaves the school; and
 - (b) in the case of any other child, the medium of instruction for the child in the school up to and including the ninth level:
- 10 Provided that until such time as the mother tongue of a child has been determined in terms of sections 55 and 56, the official language chosen by the parent of the child, or in the absence of such a choice, designated by the principal of the school, shall be the medium of instruction for the child.
- 15 (2) In respect of the tenth, eleventh and twelfth levels in a school the parent of a child referred to in subsection (1) (b) may choose which official language shall be the medium of instruction for his child: Provided that if the parent fails to exercise such choice, the medium of instruction for such child shall remain the same as it was on the ninth level.

20 Designation of public schools with particular media of instruction

58. The Minister may at any time designate a public school as a public school—
- (a) in which Afrikaans shall be the medium of instruction for all pupils;
 - (b) in which English shall be the medium of instruction for all pupils; or
 - (c) in which the medium of instruction shall be Afrikaans for some pupils, and English for others.
- 25

Official languages as subjects in schools

59. (1) On each level the official language determined in terms of sections 55 and 56 as the mother tongue of a child, shall be offered to him as a subject in the school.
- (2) From the level determined on educational grounds by the Head of Education, the official language not being such mother tongue of a child shall be offered to him as a subject in the school.
- 30 (3) In the instruction of the official language referred to in subsection (2), that language shall as far as practicable be the medium of instruction.

Medium of instruction for foreign languages as subjects

- 35 60. In the instruction of a foreign language as a subject in a school, the official language determined in terms of sections 55 and 56 as the mother tongue of a child shall be the medium of instruction until the child concerned has, in the opinion of the principal, made such progress in the foreign language that it can be used as the medium of instruction.

40 Exemption from provisions relating to teaching in official languages

61. The Minister may in respect of a child of a parent who is not a South African citizen, exempt a school or principal in writing from sections 55, 57, 59 and 60 to such an extent and on such conditions as the Minister may determine.

Religion in public schools

- 45 62. (1) In every public school there shall daily be a religious ceremony which shall consist of the reading of a portion from the Bible and the saying of a prayer.
- (2) (a) Bible instruction shall be offered as a subject on all levels in public schools, and the time to be devoted thereto may be determined by the Head of Education.

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

- (b) Behalwe met die goedkeuring van die Onderwyshoof mag geen Bybel-ondererrig gedurende gewone skoolure in 'n openbare skool deur 'n ander persoon as 'n persoon in 'n onderwyspos op die diensstaat van die betrokke openbare skool aangebied word nie.
- (3) Geen leerstelling of dogma wat eie is aan 'n bepaalde denominasie of sekte mag gedurende skoolure in 'n openbare skool onderrig of bevorder word nie. 5
- (4) Indien die ouer van 'n kind wat 'n openbare skool bywoon die skoolhoof skriftelik versoek dat die kind vrygestel word van die bywoning van godsdiensplegtighede of Bybelonderrig, moet daardie skoolhoof die kind dienoreenkomstig vrystel. 10

Liggaamlike opvoedingsprogram vir openbare skole

63. (1) 'n Leerling wat 'n openbare skool bywoon, is verplig om deel te neem aan die liggaamlike opvoedingsprogram wat die Onderwyshoof goedkeur, tensy die leerling van sodanige deelname vrygestel is onder die voorgeskrewe omstandighede.
- (2) Verskillende liggaamlike opvoedingsprogramme kan ingevolge subartikel (1) 15 ten opsigte van verskillende openbare skole goedgekeur word.

Beheer, uitsetting, skorsing en dissipline van leerlinge

64. Die beheer van leerlinge by, en hul uitsetting uit, openbare skole, staatsondersteunde skole en koshuise, en die skorsing van, of toediening van ander strawwe aan, daardie leerlinge, is soos voorgeskryf. 20

Uitsluiting van bepalings van Ongevallewet, 1941

65. Geen leerling aan 'n openbare skool, staatsondersteunde skool of sentrum word by die toepassing van die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941), geag 'n werksman of 'n ander persoon wat op betaling van skadeloosstelling of 'n ander voordeel kragtens genoemde Wet geregtig is, te wees nie. 25

HOOFSTUK 7

PERSONEEL

Diensstate van departementele inrigtings

66. Ondanks andersluidende bepalings van 'n ander wet, bestaan die diensstaat by 'n departementele inrigting uit— 30
- (a) die poste ten opsigte waarvan die Minister 'n grondslag vasstel; en
- (b) die ander poste ten opsigte waarvan die Minister van oordeel is dat 'n grondslag nie vasgestel kan word nie, en wat hy skep.

Aanstelling en bevordering van personeel

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67. (1) Die bevoegdheid om 'n persoon in 'n pos kragtens artikel 66 geskep, aan te stel of om 'n persoon wat so 'n pos beklee, te bevorder, berus, behoudens die bepalings van hierdie Wet, by die Minister.
- (2) 'n Persoon wat uit hoofde van subartikel (1) aangestel gaan word, kan aangestel word— 40
- (a) in 'n permanente hoedanigheid, met inbegrip van die permanente aflossersoneel, hetsy op proef al dan nie; of
- (b) tydelik of op spesiale kontrak, hetsy in 'n heeltydse of deeltydse hoedanigheid.
- (3) 'n Aanstelling of bevordering bedoel in hierdie artikel word gedoen op die wyse en onderworpe aan die voorwaardes wat voorgeskryf word of wat die Minister bepaal. 45
- (4) 'n Persoon aangestel ingevolge 'n wet wat by hierdie Wet herroep is en wat onmiddellik voor die vasgestelde datum in diens was by 'n sentrum, koshuis, skool of hulpdiens wat geag word ingevolge hierdie Wet ingestel of verskaf te wees, of by 'n kantoor van 'n uitvoerende komponent of die Departement, word vanaf daardie 50

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

- (b) Except with the approval of the Head of Education, no Bible instruction shall be given during ordinary school hours in public schools by a person other than a person in a teaching post on the establishment of the public school concerned.
- 5 (3) No doctrine or dogma which is peculiar to a particular denomination or sect shall be instructed or promoted at a public school during school hours.
- (4) If a parent of a child attending a public school requests the principal in writing that the child be exempted from attending religious ceremonies or Bible instruction, that principal shall exempt the child accordingly.

10 Physical education programme for public schools

63. (1) A pupil attending a public school shall be obliged to participate in such physical education programme as may be approved by the Head of Education, unless the pupil is exempted from such participation under the prescribed circumstances.
- (2) Different physical education programmes may in terms of subsection (1) be
15 approved in respect of different public schools.

Control, expulsion, suspension and discipline of pupils

64. The control of pupils at, and their expulsion from, public schools, state-aided schools and hostels, and the suspension of, or meting out of other punishments to, those pupils, shall be as prescribed.

20 Exclusion of provisions of Workmen's Compensation Act, 1941

65. No pupil at a public school, state-aided school or centre shall for the purposes of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), be deemed to be a workman or other person entitled to payment of compensation or any other benefit under the said Act.

25

CHAPTER 7**STAFF****Establishments of departmental institutions**

66. Notwithstanding anything to the contrary contained in any other law, the establishment at a departmental institution shall consist of—
- 30 (a) the posts in respect of which the Minister may determine a basis; and
(b) the other posts in respect of which the Minister is of the opinion that a basis cannot be determined,
and which he may create.

Appointment and promotion of staff

- 35 67. (1) The power to appoint a person to a post created under section 66 or to promote a person occupying such a post shall, subject to the provisions of this Act, vest in the Minister.
- (2) A person who is to be appointed by virtue of subsection (1) may be appointed—
- 40 (a) in a permanent capacity, including the permanent relief staff, whether on probation or not; or
(b) temporarily or on special contract, whether in a full-time or part-time capacity.
- (3) An appointment or promotion referred to in this section shall be made in such
45 manner and subject to such conditions as may be prescribed or determined by the Minister.
- (4) A person appointed in terms of any law repealed by this Act and who immediately prior to the fixed date was employed at a centre, hostel, school or auxiliary service deemed to have been established or provided in terms of this Act,
50 or at an office of an executive component or the Department, shall from that date

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

datum geag ingevolge hierdie Wet aangestel te wees in die toepaslike pos wat by die diensstaat van die betrokke departementele inrigting inbegrepe is.

Diensvoorwaardes van persone in diens by departementele inrigtings

68. (1) Ondanks andersluidende bepalings van 'n ander wet, maar behoudens die bepalings van die Wet op die Nasionale Beleid vir Algemene Onderwysake, 1984 (Wet No. 76 van 1984), en subartikel (2)— 5

(a) word die salarisse, salarisskaal en toelaes van persone in diens by departementele inrigtings deur die Minister bepaal; en

(b) word die ander diensvoorwaardes en diensvoordele van daardie persone deur die Minister voorgeskryf. 10

(2) (a) Die diensvoorwaardes waaronder 'n persoon bedoel in artikel 67 (4) onmiddellik voor die vasgestelde datum diens gedoen het, word nie tot sy nadeel geraak nie, en geen sodanige diensvoorwaarde word na daardie datum uitgelê of toegepas op 'n wyse wat minder gunstig is vir die betrokke persoon as die wyse waarop dit onmiddellik voor daardie datum uitgelê of toegepas is nie. 15

(b) Enige tugstappe ingestel of beoog teen so 'n persoon ingevolge 'n wet wat by hierdie Wet herroep is, ten opsigte van wangedrag wat hy na bewering voor die vasgestelde datum gepleeg het, word afgehandel asof die herroeping nie plaasgevind het nie. 20

Oorplasing en sekondering van persone in diens by departementele inrigtings

69. (1) Behoudens die bepalings van hierdie artikel kan 'n persoon in diens by 'n departementele inrigting deur die Minister oorgeplaas word van die pos waarin hy diens doen na enige ander pos by dieselfde of 'n ander departementele inrigting, ongeag of so 'n ander pos van 'n laer of hoër graad is. 25

(2) (a) Die salaris en salarisskaal van 'n persoon in diens by 'n departementele inrigting mag nie, as gevolg van 'n oorplasing ingevolge subartikel (1), sonder sy toestemming verlaag word nie.

(b) Paragraaf (a) is nie van toepassing nie ten opsigte van 'n persoon in 'n permanente hoedanigheid in diens by 'n departementele inrigting wat oorgeplaas word as gevolg van dissiplinêre optrede teen hom ingevolge hierdie Wet. 30

(3) 'n Persoon wat in 'n permanente hoedanigheid in diens is by 'n departementele inrigting en wat ingevolge subartikel (1) oorgeplaas is na, of in diens is in, 'n pos van 'n laer of hoër gradering as die graad wat by sy rang pas, kan, behoudens artikel 67 (3), oorgeplaas word na 'n pos met 'n gradering wat by sy rang pas sodra 'n geskikte vakature ontstaan. 35

(4) 'n Persoon wat by 'n departementele inrigting in diens is en wat ingevolge subartikel (1) oorgeplaas is na 'n pos met 'n hoër gradering as die graad wat by sy rang pas, of wat in diens is in 'n pos wat hergradeer is na, of omskep is in, 'n pos van 'n hoër graad as die graad wat by sy rang pas, is nie bloot uit hoofde van daardie oorplasing of diens, na gelang van die geval, geregtig nie op die hoër salaris of salarisskaal wat op so 'n pos van toepassing is. 40

(5) Die Minister kan 'n persoon in 'n permanente hoedanigheid in diens in 'n onderwyspos na 'n ander onderwyspos sekondeer vir die tydperk wat hy dienstig ag. 45

Beskikbaarstelling van personeel

70. (1) 'n Persoon in diens by 'n departementele inrigting kan met sy toestemming, vir 'n besondere diens of vir 'n bepaalde tydperk en op die voorwaardes, benewens dié wat by of kragtens die een of ander wet voorgeskryf word, wat die Minister bepaal, ter beskikking gestel word van 'n Staatsdepartement of 'n ander regering of 'n raad, inrigting, liggaam of persoon. 50

be deemed to have been appointed in terms of this Act to the appropriate post incorporated in the establishment of the departmental institution concerned.

Conditions of service of persons employed at departmental institutions

68. (1) Notwithstanding anything to the contrary contained in any other law, but
5 subject to the provisions of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), and subsection (2)—

- (a) the salaries, salary scales and allowances of persons employed at departmental institutions shall be determined by the Minister; and
- (b) the other conditions of service and service benefits of those persons shall be
10 prescribed by the Minister.

(2) (a) The conditions of service subject to which a person referred to in section 67 (4) was serving immediately prior to the fixed date, shall not be affected to his detriment, and no such condition of service shall after that date be construed or applied in a way that is less favourable to the person
15 concerned than the way in which it was construed or applied immediately prior to that date.

- (b) Any disciplinary proceedings instituted or aimed at such a person in terms of a law repealed by this Act in respect of misconduct which he allegedly committed prior to the fixed date, shall be disposed of as if the repeal had
20 not taken place.

Transfer and secondment of persons employed at departmental institutions

69. (1) Subject to the provisions of this section, a person employed at a departmental institution may be transferred by the Minister from the post in which he serves to any other post at the same or any other departmental institution,
25 irrespective of whether such other post is of a lower or higher grade.

- (2) (a) The salary and salary scale of a person employed at a departmental institution shall not as a result of a transfer in terms of subsection (1), be reduced without his consent.

(b) Paragraph (a) shall not apply in respect of a person employed in a permanent capacity at a departmental institution who is transferred as a
30 result of disciplinary action taken against him in terms of this Act.

(3) A person employed in a permanent capacity at a departmental institution and who in terms of subsection (1) is transferred to, or is employed in, a post of a lower or higher grading than the grade appropriate to his rank may, subject to section 67
35 (3), be transferred to a post with a grading appropriate to his rank as soon as a suitable vacancy arises.

(4) A person employed at a departmental institution and who in terms of subsection (1) is transferred to a post with a higher grading than the grade appropriate to his rank or who is employed in a post which has been regraded to or
40 transformed into a post of a higher grading than the grade appropriate to his rank, shall not, only by virtue of that transfer or employment, as the case may be, be entitled to the higher salary or salary scale applicable to such a post.

(5) The Minister may second a person employed in a permanent capacity in a teaching post to another teaching post for such period as he may deem expedient.

45 Making available of staff

70. (1) A person employed at a departmental institution may with his consent be made available to a department of State or another government or a council, institution, body or person, for a particular service or for a fixed period and on such conditions, in addition to those prescribed by any law, as the Minister may
50 determine.

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

(2) So 'n persoon bly onderworpe aan die bepalings van hierdie Wet terwyl hy aldus ter beskikking gestel is.

Ontslag van persone in diens by departementele inrigtings

71. (1) 'n Persoon in 'n permanente hoedanigheid in diens by 'n departementele inrigting kan deur die Minister uit sy diens ontslaan word— 5

- (a) weens voortdurende swak gesondheid;
- (b) weens die afskaffing van sy pos of 'n vermindering, reorganisasie of herindeling van die personeel by die departementele inrigting;
- (c) indien, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag na die oordeel van die Minister doeltreffendheid of besuiniging by die 10 departementele inrigting sal bevorder;
- (d) behoudens hierdie Wet, weens ongeskiktheid vir die pligte wat aan sy pos verbonde is of onvermoë om daardie pligte op 'n bekwame wyse uit te voer;
- (e) behoudens hierdie Wet, weens wangedrag;
- (f) indien hy in die betrokke pos aangestel is op grond van 'n wanvoorstelling 15 wat hy met betrekking tot die een of ander voorwaarde vir aanstelling in 'n vaste hoedanigheid gemaak het; of
- (g) indien sy naam opgeneem is in die gekonsolideerde lys in artikel 16 (1) van die Wet op Binnelandse Veiligheid, 1982 (Wet No. 74 van 1982), bedoel.

(2) Indien 'n persoon in subartikel (1) bedoel— 20

- (a) kragtens paragraaf (f) van daardie subartikel ontslaan is, word hy geag kragtens paragraaf (e) van daardie subartikel ontslaan te wees; en
- (b) kragtens paragraaf (g) van daardie subartikel ontslaan is, word hy geag kragtens paragraaf (d) van daardie subartikel ontslaan te wees.
- (3) (a) Wanneer daar op redelike gronde vermoed word dat 'n persoon in 25 subartikel (1) bedoel weens voortdurende swak gesondheid nie sy pligte kan uitvoer nie, kan die Onderwyshoof 'n ondersoekspan van minstens twee geneeshere aanstel om sodanige persoon op die koste van die Departement te ondersoek en verslag oor sy gesondheidstoestand te doen: Met dien verstande dat sodanige persoon geregtig is om 'n geneesheer van 30 sy keuse op sy eie koste as lid van sodanige ondersoekspan te benoem.
- (b) Indien die Minister, na oorweging van 'n verslag beoog in paragraaf (a), oortuig is dat die persoon weens voortdurende swak gesondheid soos bedoel in subartikel (1) (a) nie sy pligte kan uitvoer nie, kan hy die persoon 35 uit sy diens ontslaan.

(c) Indien 'n persoon weier of versuim om hom aan 'n ondersoek beoog in paragraaf (a) te onderwerp wanneer hy daartoe deur die Onderwyshoof aangesê is, kan die Minister hom uit sy diens ontslaan, in welke geval daar geag word dat hy weens wangedrag ontslaan is.

(d) Indien 'n persoon in subartikel (1) bedoel aansoek doen om ontslag uit sy 40 diens weens voortdurende swak gesondheid is paragrafe (a), (b) en (c) *mutatis mutandis* van toepassing.

(4) Indien dit na die oordeel van die Minister nie wenslik is om die aanstelling, oorplasing of bevordering van 'n persoon op proef, te bekragtig nie, kan die Minister, ondanks andersluidende bepalings van hierdie Wet, maar behoudens 45 subartikel (5)—

- (a) die proeftyd van die persoon verleng; of
- (b) die persoon uit sy diens by 'n departementele inrigting ontslaan, hetsy gedurende, by of na verstryking van die proeftyd of enige verlenging daarvan— 50
 - (i) deur hom een maand skriftelik kennis te gee; of
 - (ii) indien sy gedrag of werkverrigting na die oordeel van die Minister onbevredigend is, sonder voorafgaande kennisgewing.

(5) 'n Persoon wat in 'n permanente hoedanigheid by 'n departementele inrigting in diens is maar nie op proef nie, en wie se oorplasing of bevordering op proef nie 55 bekragtig word nie, moet oorgeplaas word na die pos wat hy voorheen beklee het, of na 'n pos van gelyke gradering, en moet die salaris ontvang wat hy in sy vorige pos sou ontvang het indien hy nie op proef oorgeplaas of bevorder was nie.

(2) Such a person shall remain subject to the provisions of this Act while he is so made available.

Discharge of persons employed at departmental institutions

71. (1) A person employed in a permanent capacity at a departmental institution
5 may be discharged from his service by the Minister—
- (a) on account of continuous ill-health;
 - (b) on account of the abolition of his post or a reduction in, reorganization or readjustment of the staff at the departmental institution;
 - 10 (c) if, for reasons other than his own incompetence or inability, his discharge will in the opinion of the Minister promote efficiency or economy at the departmental institution;
 - (d) subject to this Act, on account of incompetence for the duties attached to his post or inability to perform those duties in an efficient manner;
 - (e) subject to this Act, on account of misconduct;
 - 15 (f) if he was appointed to the post concerned on the ground of a misrepresentation made by him in relation to any condition for appointment in a permanent capacity; or
 - (g) if his name has been recorded in the consolidated list referred to in section 16 (1) of the Internal Security Act, 1982 (Act No. 74 of 1982).
- 20 (2) If a person referred to in subsection (1)—
- (a) has been discharged under paragraph (f) of that subsection, he shall be deemed to have been discharged under paragraph (e) of that subsection; and
 - 25 (b) has been discharged under paragraph (g) of that subsection, he shall be deemed to have been discharged under paragraph (d) of that subsection.
- (3) (a) When it is suspected on reasonable grounds that a person referred to in subsection (1), is on account of continuous ill-health unable to perform his duties, the Head of Education may appoint a team of examiners of at least two medical practitioners to examine such person at the expense of the
30 Department and to report on his condition of health: Provided that such person shall be entitled to nominate a medical practitioner of his choice at his own expense as a member of such team of examiners.
- (b) If the Minister, after consideration of a report contemplated in paragraph (a), is satisfied that the person is on account of continuous ill-health as
35 contemplated in subsection (1) (a) unable to perform his duties, he may discharge the person from his service.
 - (c) If a person refuses or fails to subject himself to an examination contemplated in paragraph (a) when instructed to do so by the Head of Education, the Minister may discharge him from his service, in which case it shall be
40 deemed that he has been discharged on account of misconduct.
 - (d) If a person referred to in subsection (1) applies for discharge from his service on account of continuous ill-health, paragraphs (a), (b) and (c) shall *mutatis mutandis* apply.
- (4) If in the opinion of the Minister it is not desirable to confirm the appointment,
45 transfer or promotion of a person on probation the Minister may, notwithstanding anything to the contrary contained in this Act, but subject to subsection (5)—
- (a) extend the probationary period of the person; or
 - (b) discharge the person from his service at a departmental institution, whether during, at or after the lapse of the probationary period or any extension
50 thereof—
 - (i) by giving him one month's written notice; or
 - (ii) if his conduct or performance in the opinion of the Minister is unsatisfactory, without prior notice.
- (5) A person who is employed in a permanent capacity at a departmental
55 institution but not on probation, and whose transfer or promotion on probation is not confirmed, shall be transferred to the post which he previously occupied, or to a post of equal grading, and shall receive the salary he would have received in his previous post had he not been transferred or promoted on probation.

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

(6) Die Minister kan 'n persoon in 'n tydelike hoedanigheid in diens by 'n departementele inrigting uit sy diens ontslaan deur hom 24 uur skriftelike kennis te gee.

Sekere persone geag weens wangedrag ontslaan te wees

72. (1) 'n Persoon in 'n permanente hoedanigheid in diens by 'n departementele inrigting en wat—

- (a) sonder die toestemming van die Onderwyshoof vir 'n tydperk van meer as 30 opeenvolgende dae van sy diens afwesig is;
- (b) terwyl hy sonder sodanige toestemming van sy diens afwesig is, diens in 'n ander betrekking aanvaar; 10
- (c) terwyl hy kragtens artikel 95 in sy diens geskors is, bedank of diens in 'n ander betrekking aanvaar; of
- (d) terwyl 'n aanklag van wangedrag ingevolge hierdie Wet nog nie teen hom afgehandel is nie, bedank of diens in 'n ander betrekking aanvaar, word, tensy die Minister anders gelas, geag weens wangedrag ontslaan te wees, 15 in die geval waar—
 - (i) paragraaf (a) of (b) van toepassing is, met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy teenwoordig was om sy diens te verrig; of
 - (ii) paragraaf (c) of (d) van toepassing is, met ingang van die datum 20 waarop hy bedank of diens in 'n ander betrekking aanvaar, na gelang van die geval.

(2) Indien 'n persoon wat ingevolge paragraaf (a) of (b) van subartikel (1) geag word ontslaan te wees hom te eniger tyd vir diens aanmeld, kan die Minister, ondanks andersluidende bepalings van hierdie Wet, hom in sy vorige of 'n ander pos 25 herstel op die voorwaardes wat die Minister bepaal, en in so 'n geval word die tydperk van sy afwesigheid van diens geag afwesigheid met vakansieverlof sonder besoldiging te wees of verlof op sodanige ander voorwaardes as wat die Minister bepaal.

Bedanking van persone in diens by departementele inrigtings

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73. (1) 'n Persoon in 'n permanente hoedanigheid in diens in 'n onderwyspos by 'n departementele inrigting kan uit sy diens bedank deur 'n kalender- of skoolkwartaal skriftelike kennis te gee of dié korter kennisgewing wat die Onderwyshoof goedkeur.

(2) 'n Persoon in 'n permanente hoedanigheid in diens in 'n ander pos as 'n onderwyspos by 'n departementele inrigting kan uit sy diens bedank deur een 35 kalendermaand skriftelike kennis te gee of dié korter kennisgewing wat die Onderwyshoof goedkeur.

(3) 'n Persoon wat op proef of in 'n tydelike hoedanigheid by 'n departementele inrigting in diens is, kan uit sy diens bedank deur 24 uur skriftelike kennis te gee.

(4) Indien 'n persoon in diens by 'n departementele inrigting— 40

- (a) ingevolge die bepalings van die Kieswet, 1979 (Wet No. 45 van 1979), as 'n kandidaat vir die verkiesing van 'n lid van 'n Huis van die Parlement genomineer word; of
- (b) ingevolge die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), as 'n lid van 'n Huis van die 45 Parlement benoem of indirek verkies word, of as 'n lid van die Presidentsraad aangewys of aangestel word,

word hy, ondanks andersluidende bepalings van hierdie Wet, geag uit sy diens te bedank het met ingang van die dag waarop hy aldus genomineer, benoem, indirek verkies, aangewys of aangestel word, na gelang van die geval. 50

(5) Indien 'n persoon in diens in 'n onderwyspos se naam geskrap word uit die register bedoel in artikel 8B (4) van die Wet op die Nasionale Onderwysbeleid, 1967 (Wet No. 39 van 1967), word hy, ondanks andersluidende bepalings van hierdie Wet, geag uit sy diens te bedank het met ingang van die datum wat onmiddellik volg op die dag waarop sy naam aldus geskrap word. 55

Ondersoeke na onbekwaamheid van persone in diens by departementele inrigtings

74. (1) Indien beweer word dat 'n persoon in 'n permanente hoedanigheid in diens by 'n departementele inrigting ongeskik is of nie in staat is om die pligte verbonde

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

(6) The Minister may discharge from his service a person employed in a temporary capacity at a departmental institution by giving him 24 hours' written notice.

Certain persons deemed to be discharged on account of misconduct

72. (1) A person employed in a permanent capacity at a departmental institution 5 and who—

- (a) is absent from his service for a period of more than 30 consecutive days without the consent of the Head of Education;
- (b) while he is absent from his work without such consent, assumes duty in another position;
- 10 (c) while suspended from his service under section 95, resigns or assumes duty in another position; or
- (d) while a charge of misconduct against him in terms of this Act has not yet been disposed of, resigns or assumes duty in another position, shall, unless the Minister directs otherwise, be deemed to have been discharged 15 on account of misconduct, in the case where—
 - (i) paragraph (a) or (b) is applicable, with effect from the date following immediately upon the last day on which he was present to render his service; or
 - 20 (ii) paragraph (c) or (d) is applicable, with effect from the date on which he resigns or assumes duty in another position, as the case may be.

(2) If a person who in terms of paragraph (a) or (b) of subsection (1) is deemed to have been discharged, reports for duty at any time, the Minister may, notwithstanding anything to the contrary contained in this Act, reinstate him in his former or any other post on such conditions as the Minister may determine, and in such an event 25 the period of his absence from duty shall be deemed to be absence on vacation leave without pay or leave on such other conditions as the Minister may determine.

Resignation of persons employed at departmental institutions

73. (1) A person employed at a departmental institution in a permanent capacity in a teaching post, may resign from his service by giving written notice of one 30 calendar or school quarter or such shorter notice as the Head of Education may approve.

(2) A person employed at a departmental institution in a permanent capacity in a post other than a teaching post, may resign from his service by giving written notice of one calendar month or such shorter notice as the Head of Education may approve.

35 (3) A person on probation or employed in a temporary capacity at a departmental institution, may resign from his service by giving 24 hours' written notice.

(4) If a person employed at a departmental institution—

- (a) is in terms of the provisions of the Electoral Act, 1979 (Act No. 45 of 1979), nominated as a candidate for the election of a member of a House of 40 Parliament; or
- (b) is in terms of the provisions of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), nominated or elected indirectly as a member of a House of Parliament or designated or appointed as a member of the President's Council,

45 he shall, notwithstanding anything to the contrary contained in this Act, be deemed to have resigned from his service with effect from the day on which he is so nominated, indirectly elected, designated or appointed, as the case may be.

(5) If the name of a person employed in a teaching post is struck off the register referred to in section 8B (4) of the National Education Policy Act, 1967 (Act No. 39 50 of 1967), he shall, notwithstanding anything to the contrary contained in this Act, be deemed to have resigned from his post with effect from the date following immediately upon the day on which his name was so struck off.

Investigation into inefficiency of persons employed at departmental institutions

74. (1) If it is alleged that a person employed in a permanent capacity at a 55 departmental institution is incompetent, or is unable to perform the duties attached

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

aan sy pos op 'n bekwame wyse uit te voer nie, kan die Onderwyshoof skriftelik iemand as 'n ondersoekbeampte aanstel om 'n ondersoek na die bewering in te stel.

- (2) (a) 'n Onderzoekbeampte wat 'n ondersoek beoog in subartikel (1) instel, moet op versoek bewys van sy aanstelling aan die betrokke persoon toon.
- (b) So 'n ondersoek word op die voorgeskrewe wyse ingestel. 5
- (c) Na afloop van die ondersoek moet die ondersoekbeampte enige stukke wat hy tydens die ondersoek verkry het, en 'n verslag oor die ondersoek, aan die Onderwyshoof voorlê.
- (3) Indien die Onderwyshoof na oorweging van die verslag in subartikel (2) (c) bedoel, van oordeel is dat daar geen waarheid in die bewerings teen die betrokke 10 persoon is nie, moet hy die persoon skriftelik dienooreenkomstig in kennis stel.
- (4) (a) Indien die Onderwyshoof na oorweging van die verslag in subartikel (2) (c) beoog, van oordeel is dat daar waarheid in die bewerings teen die betrokke persoon is, kan hy 'n kennisgewing, tesame met 'n afskrif van die verslag, op die voorgeskrewe wyse aan die betrokke persoon bestel waarin daardie 15 persoon—
 - (i) verwittig word dat verdere optrede ingevolge hierdie Wet teen hom oorweeg word; en
 - (ii) versoek word om, indien hy dit verkies, binne 21 dae na ontvangs van sodanige kennisgewing sy skriftelike kommentaar oor die verslag aan 20 die Onderwyshoof voor te lê.
- (b) Indien kommentaar beoog in paragraaf (a) (ii) aan die Onderwyshoof voorgelê word, kan die Onderwyshoof dit na die betrokke ondersoek-beampte verwys.
- (c) Die ondersoekbeampte lê enige opmerkings wat hy in verband met 25 sodanige kommentaar wil maak aan die Onderwyshoof voor.
- (5) Na oorweging van die stukke bedoel in subartikel (4), kan die Onderwyshoof 'n kennisgewing op die voorgeskrewe wyse aan die betrokke persoon stuur waarin daardie persoon verwittig word—
 - (a) dat hy na die oordeel van die Onderwyshoof ongeskik is of nie in staat is om 30 die pligte wat aan sy pos verbonde is op 'n bekwame wyse uit te voer nie; of
 - (b) dat 'n verdere ondersoek betreffende sy geskiktheid of bekwaamheid om daardie pligte uit te voer te eniger tyd gedurende die tydperk wat strek vanaf drie maande na die datum van die kennisgewing tot een jaar na 35 daardie datum ingestel sal word, en daardie persoon versoek word om, indien hy dit verkies, binne 30 dae na ontvangs van sodanige kennisgewing skriftelik aan te dui of hy verlang dat die verdere ondersoek deur 'n ander ondersoekbeampte ingestel moet word as die ondersoekbeampte wat die oorspronklike ondersoek ingestel het. 40
- (6) (a) Gedurende die tydperk in subartikel (5) (b) vermeld, kan die Onderwyshoof met inagneming van die skriftelike aanduiding beoog in daardie subartikel 'n ondersoekbeampte skriftelik aanstel om die verdere ondersoek in te stel.
- (b) Die bepalings van subartikels (2) en (3) is *mutatis mutandis* van toepassing 45 ten opsigte van 'n verdere ondersoek in paragraaf (a) beoog.

Optrede teen onbekwame persone in diens by departementele inrigtings

75. (1) Na oorweging van die stukke wat op 'n ondersoek beoog in artikel 74 (1) of 'n verdere ondersoek beoog in artikel 74 (6) betrekking het, kan die Onderwys- 50
hoof—
- (a) indien hy steeds van oordeel is dat die betrokke persoon ongeskik is of nie in staat is om die pligte wat aan sy pos verbonde is op 'n bekwame wyse uit te voer nie, by die Minister aanbeveel—
 - (i) dat nie verder opgetree word nie;
 - (ii) dat die betrokke persoon na 'n ander pos oorgeplaas word; 55
 - (iii) dat sy salaris of rang, of sy salaris sowel as sy rang, verlaag word in die mate wat aanbeveel word;
 - (iv) dat teen hom opgetree word ingevolge subparagraaf (ii) sowel as subparagraaf (iii); of
 - (v) dat hy uit sy diens ontslaan word met ingang van 'n datum wat deur die 60 Minister bepaal word; of
 - (b) indien hy van oordeel is dat daar sedert die begin van die betrokke ondersoek 'n verbetering plaasgevind het ten opsigte van die geskiktheid of bekwaamheid van die betrokke persoon om die pligte uit te voer wat aan sy

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

to his post in an efficient manner, the Head of Education may in writing appoint a person as an investigating officer to institute an investigation into the allegation.

(2) (a) An investigating officer who institutes an investigation contemplated in subsection (1), shall on request produce proof of his appointment to the person concerned.

(b) Such an investigation shall be instituted in the prescribed manner.

(c) After the conclusion of the investigation, the investigating officer shall submit to the Head of Education any documents obtained during the investigation and a report on the investigation.

(3) If, after consideration of the report referred to in subsection (2) (c), the Head of Education is of the opinion that there is no truth in the allegations made against the person concerned, he shall in writing notify the person accordingly.

(4) (a) If, after consideration of the report contemplated in subsection (2) (c), the Head of Education is of the opinion that there is truth in the allegations made against the person concerned, he may in the prescribed manner serve a notice, together with a copy of the report, on the person concerned in which that person—

(i) is notified that further action in terms of this Act is being considered against him; and

(ii) is requested to submit, should he so desire, within 21 days after receipt of such notice, his written comment on the report to the Head of Education.

(b) If comment contemplated in paragraph (a) (ii) is submitted to the Head of Education, he may refer it to the investigating officer concerned.

(c) The investigating officer shall submit any remarks he may wish to make in connection with such comment, to the Head of Education.

(5) After consideration of the documents referred to in subsection (4), the Head of Education may in the prescribed manner send a notice to the person concerned in which that person is informed—

(a) that he, in the opinion of the Head of Education, is incompetent or is unable to perform the duties attached to his post in an efficient manner; or

(b) that a further investigation regarding his competence or efficiency to perform those duties will be instituted at any time during the period which extends from three months after the date of the notice until one year after the date, and that person is requested, should he so desire, to indicate in writing within 30 days after receipt of such notice, whether he wishes the further investigation to be instituted by an investigating officer other than the investigating officer who instituted the original investigation.

(6) (a) During the period mentioned in subsection (5) (b) the Head of Education may, with due consideration of the written indication contemplated in that subsection, appoint in writing an investigating officer to institute the further investigation.

(b) The provisions of subsections (2) and (3) shall *mutatis mutandis* apply in respect of a further investigation contemplated in paragraph (a).

45 Action against inefficient persons employed at departmental institutions

75. (1) After consideration of the documents relating to an investigation contemplated in section 74 (1) or a further investigation contemplated in section 74 (6), the Head of Education may—

(a) if he still is of the opinion that the person concerned is incompetent or is unable to perform the duties attached to his post in an efficient manner, recommend to the Minister—

(i) that no further action be taken;

(ii) that the person concerned be transferred to another post;

(iii) that his salary or rank, or his salary as well as his rank, be reduced to the extent recommended;

(iv) that action be taken against him in terms of subparagraph (ii) as well as subparagraph (iii); or

(v) that he be discharged from his service with effect from a date determined by the Minister; or

(b) if he is of the opinion that since the start of the investigation concerned an improvement has taken place in respect of the competence or efficiency of the person concerned to perform the duties attached to his post, but that he

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

pos verbonde is, maar dat hy nog nie die vereiste standaard van geskiktheid of bekwaamheid bereik het nie, by die Minister aanbeveel dat daar ingevolge paragraaf (a) (i), (ii), (iii) of (iv) met hom gehandel word.

(2) Die Onderwyshoof moet die stukke wat betrekking het op 'n ondersoek bedoel in artikel 74 (1) en 'n verdere ondersoek bedoel in artikel 74 (6), as daar is, saam met sy aanbeveling ingevolge subartikel (1) aan die Minister voorlê, en die Minister kan volgens die aanbeveling van die Onderwyshoof handel of volgens enige ander aanbeveling wat kragtens subartikel (1) (a) gemaak kon word.

Omskrywing van wangedrag

76. (1) 'n Persoon in diens by 'n departementele inrigting is aan wangedrag skuldig 10 indien hy—

- (a) 'n bepaling van hierdie Wet of 'n wet met betrekking tot die onderwys oortree of versuim om daaraan te voldoen, of ongehoorsaamheid aan of verset teen 'n Wet van die Parlement aanmoedig;
- (b) 'n handeling wat tot nadeel strek van die administrasie, dissipline of 15 doeltreffendheid van 'n departement, kantoor of inrigting van die Staat verrig, laat verrig, of toelaat of oogluikend toelaat dat dit verrig word;
- (c) 'n wettige bevel wat aan hom gegee is, nie gehoorsaam nie, dit verontagsaam of opsetlik in gebreke bly om dit uit te voer, of deur woord of gedrag hom aan insubordinasie skuldig maak; 20
- (d) nalatig of traag is by die verrigting van sy pligte;
- (e) sonder die toestemming van die Onderwyshoof enige private agentskap of private werk onderneem met betrekking tot 'n aangeleentheid wat met die verrigting van sy ampspligte in verband staan;
- (f) in die openbaar die administrasie van 'n Staatsdepartement kritiseer; 25
- (g) probeer om deur middel van iemand wat nie in die diens van die Staat of 'n erkende personeelvereniging is nie ingryping in verband met sy amptelike posisie of diensvoorwaardes te verkry, tensy dit gedoen word om herstel van 'n grief deur bemiddeling van die Volksraad te verkry;
- (h) hom op 'n skandelijke, onbehoorlike of onbetaamlike wyse gedra of, terwyl 30 hy aan diens is, hom aan growwe onbeleefdheid skuldig maak;
- (i) buitensporig gebruik maak van sterk drank of bedwelmende middels;
- (j) gedurende die amptelike diensure onder die invloed van sterk drank of bedwelmende middels is;
- (k) onderworpe word aan 'n bevel van sekwestrasie van sy boedel, of in 35 geldelike verleentheid raak, tensy daar bewys word dat die insolvensie of verleentheid deur onvermydelike teenspoed veroorsaak is;
- (l) sonder die vooraf verkreeë toestemming van die Onderwyshoof, inligting wat hy ingewin of bekom het as gevolg van sy diens by die Departement, openbaar maak anders as by die verrigting van sy ampspligte, of sodanige 40 inligting gebruik vir 'n ander doel as vir die verrigting van sy ampspligte, hetsy hy sodanige inligting openbaar maak al dan nie;
- (m) sonder die toestemming van die Onderwyshoof enige kommissie, geld of ander beloning waarop hy uit hoofde van sy amp nie geregtig is nie aanneem of eis ten opsigte van die verrigting van sy ampspligte of die 45 versuim om dit te verrig, of versuim om die aanbod van enige sodanige kommissie, geld of beloning aan die Onderwyshoof te rapporteer;
- (n) hom enige eiendom van die Staat toeëien, of op 'n onbehoorlike wyse daarvan gebruik maak, onder omstandighede wat nie op 'n misdryf 50 neerkom nie;
- (o) 'n misdryf pleeg;
- (p) sonder verlof of 'n geldige rede van sy kantoor of diens afwesig is;
- (q) met die oog op die verkryging van enige voorreg of voordeel in verband met sy amptelike posisie of pligte, of op die veroorsaking van enige nadeel of skade aan die Staat, of 'n departement of werknemer daarvan, 'n valse 55 of onjuiste verklaring aflê in die wete dat dit vals of onjuis is;
- (r) 'n reël van die konstitusie van 'n mediese hulpskema, of hulpvereniging, waarvan hy 'n lid is, oortree of versuim om daaraan te voldoen; of
- (s) sy posisie gebruik om private of seksionele politieke oogmerke te bevorder of te benadeel. 60

(2) Die vryspreking van of skuldigbevinding aan 'n misdryf van 'n persoon in diens by 'n departementele inrigting deur 'n geregshof belet nie dat stappe ingevolge

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

has not yet reached the required standard of competence or efficiency, recommend to the Minister that he be dealt with in terms of paragraph (a) (i), (ii), (iii) or (iv).

(2) The Head of Education shall submit to the Minister the documents relating to an investigation referred to in section 74 (1) and a further investigation referred to in section 74 (6), if any, together with his recommendation in terms of subsection (1), and the Minister may act according to the recommendation of the Head of Education or according to any other recommendation which could have been made under subsection (1) (a).

10 Definition of misconduct

76. (1) Any person employed at a departmental institution shall be guilty of misconduct if he—

- (a) contravenes or fails to comply with any provision of this Act or any law relating to education, or encourages disobedience or resistance to an Act of Parliament;
- (b) performs, or causes or permits to be performed, or connives at, any act which is prejudicial to the administration, discipline or efficiency of a department, office or institution of the State;
- (c) disobeys, disregards or makes wilful default in carrying out a lawful order given to him, or by word or conduct makes himself guilty of insubordination;
- (d) is negligent or indolent in the performance of his duties;
- (e) undertakes, without the permission of the Head of Education, any private agency or private work in relation to a matter connected with the performance of his official duties;
- (f) publicly criticizes the administration of any State department;
- (g) attempts through a person not in the employ of the State or a recognized staff association, to secure intervention in connection with his official position or conditions of service, unless it is done to obtain redress of any grievance through the House of Assembly;
- (h) conducts himself in a disgraceful, improper or unbecoming manner, or while on duty is guilty of gross discourteousness;
- (i) uses intoxicating liquor or stupefying drugs excessively;
- (j) is under the influence of intoxicating liquor or stupefying drugs during the official working hours;
- (k) becomes subject to an order of sequestration of his estate or becomes financially embarrassed, unless it is shown that the insolvency or embarrassment has been caused by unavoidable adversity;
- (l) without the prior permission of the Head of Education, discloses otherwise than in the performance of his official duties information gathered or obtained by him as a result of his employment in the Department, or uses such information for any purpose other than for the performance of his official duties, whether or not he discloses such information;
- (m) without the permission of the Head of Education, accepts or demands in respect of the performance of or the failure to perform his duties, any commission, fee or other reward to which he is not entitled by virtue of his office, or fails to report to the Head of Education the offer of any such commission, fee or reward;
- (n) appropriates for himself any property of the State, or makes use thereof in an improper manner, under circumstances not amounting to an offence;
- (o) commits an offence;
- (p) is absent from his office or duty without leave or a valid reason;
- (q) with a view to obtaining any privilege or advantage in connection with his official position or duties, or to causing any prejudice or damage to the State, or a department or an employee thereof, makes a false or incorrect statement knowing it to be false or incorrect;
- (r) contravenes or fails to comply with a rule of the constitution of a medical aid scheme, or aid society, of which he is a member; or
- (s) uses his position to promote or prejudice private or sectional political objectives.

(2) The acquittal or conviction of a person employed at a departmental institution by a court of law of an offence, shall not prohibit steps in terms of this Act on

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

hierdie Wet op 'n aanklag van wangedrag teen hom gedoen word nie, al sou die feite uiteengesit in die aanklag van wangedrag, indien dit bewys sou word, die misdryf uitmaak waaraan hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op aanklag van eersgenoemde misdryf skuldig bevind kon gewees het. 5

(3) Indien die wangedrag waarvan 'n persoon aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gewaarmerkte afskrif van die oorkonde van sy verhoor en skuldigbevinding deur daardie hof, nadat hy geïdentifiseer is as die persoon wat volgens die oorkonde skuldig bevind is, voldoende bewys dat hy daardie misdryf gepleeg het, tensy— 10

- (a) die skuldigbevinding deur 'n bevoegde geregshof tersyde gestel is; of
- (b) die persoon bewys dat hy in werklikheid verkeerdelik skuldig bevind is.

Aanklag van wangedrag teen persone in diens in ander poste as onderwysposte

77. (1) Wanneer 'n persoon wat by 'n departementele inrigting in 'n ander pos as 'n onderwyspos in diens is van wangedrag beskuldig word, kan die Onderwyshoof 15 hom skriftelik van daardie wangedrag aankla.

(2) 'n Aanklag van wangedrag word op die voorgeskrewe wyse aan die aangeklaagde persoon bestel, en die aanklag gaan vergesel van 'n versoek dat die aangeklaagde persoon binne 21 dae nadat die aanklag aan hom bestel is 'n skriftelike erkenning of ontkenning van die aanklag en, sou hy aldus verkies, 'n skriftelike 20 verduideliking in verband met die aanklag aan die Onderwyshoof voorlê.

(3) Die Onderwyshoof kan te eniger tyd 'n aanklag van wangedrag terugtrek.

(4) Indien die aangeklaagde persoon die aanklag erken, word hy by die toepassing van artikel 83 geag aan die wangedrag waarvan hy aangekla is, skuldig bevind te wees op die datum waarop die Onderwyshoof die erkenning ontvang het. 25

Ondersoek na wangedrag van persone in diens in ander poste as onderwysposte

78. (1) Indien 'n persoon wat ingevolge artikel 77 (1) van wangedrag aangekla is die aanklag ontken of versuim om te voldoen aan die versoek vermeld in subartikel (2) van daardie artikel, moet die Onderwyshoof iemand as 'n ondersoekbeampte aanstel om ondersoek na die aanklag in te stel. 30

(2) Die ondersoekbeampte moet na oorleg met die Onderwyshoof die tyd en plek van die ondersoek vasstel, en die Onderwyshoof gee aan die aangeklaagde persoon 14 dae skriftelike kennis van die tyd en plek wat aldus vasgestel is.

Bevoegdhede van ondersoekbeampte ten opsigte van ondersoek

79. (1) Vir die doeleindes van 'n ondersoek beoog in artikel 78 kan 'n ondersoek- 35 beampte—

- (a) iemand wat na sy oordeel in staat is om inligting van wesenlike belang te verstrek omtrent die aanklag wat ondersoek word, of wat vermoed word 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer te hê wat op daardie aanklag betrekking kan hê, dagvaar om voor hom te verskyn; 40
- (b) iemand wat by die ondersoek teenwoordig is en ingevolge paragraaf (a) gedagvaar is of kon gewees het, oproep en hom 'n eed oplê of van hom 'n bevestiging afneem; en
- (c) iemand wat ingevolge paragraaf (b) opgeroep is, ondervra of versoek om 'n boek, stuk of saak bedoel in paragraaf (a) voor te lê. 45

(2) 'n Dagvaarding van iemand om voor die ondersoekbeampte te verskyn, moet in die voorgeskrewe vorm wees en moet op die voorgeskrewe wyse aan daardie persoon bestel word.

(3) Die regsreëls met betrekking tot privilegie wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n geregshof getuie af te lê of 'n stuk of saak voor te lê, 50 is van toepassing ten opsigte van die ondervraging of versoek in subartikel (1) (c) bedoel.

Prosedure by ondersoek

80. (1) Die Onderwyshoof kan 'n persoon magtig om 'n ondersoek beoog in artikel

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

a charge of misconduct from being taken against him, although the facts set out in the charge of misconduct, should they be proven, would constitute the offence of which he was so acquitted or convicted or any other offence of which he could have been convicted at his trial on a charge of the first-mentioned offence.

- 5 (3) If the misconduct with which a person is charged, amounts to an offence of which he was convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, after he has been identified as the person who according to the record was convicted, be sufficient proof that he committed that offence unless—
- 10 (a) the conviction has been set aside by a competent court of law; or
(b) the person proves that he was in fact wrongfully convicted.

Charge of misconduct against persons employed in posts other than teaching posts

77. (1) Whenever a person employed at a departmental institution in a post other than a teaching post is accused of misconduct, the Head of Education may in writing charge him with that misconduct.

(2) A charge of misconduct shall in the prescribed manner be served on the person charged, and the charge shall be accompanied by a request that the person charged, within 21 days after the charge has been served on him, submit to the Head of Education a written admission or denial of the charge and, should he so prefer, a written explanation in connection with the charge.

(3) The Head of Education may at any time withdraw a charge of misconduct.

(4) If the person charged admits the charge, he shall for the purposes of section 83 be deemed to have been convicted of the misconduct with which he was charged on the date on which the Head of Education received the admission.

25 Inquiry into misconduct of persons employed in posts other than teaching posts

78. (1) If a person charged with misconduct in terms of section 77 (1) denies the charge or fails to comply with the request mentioned in subsection (2) of that section, the Head of Education shall appoint a person as an investigating officer to inquire into the charge.

- 30 (2) The investigating officer shall after consultation with the Head of Education fix the time and venue of the inquiry, and the Head of Education shall give the person charged 14 days' written notice of the time and place so fixed.

Powers of investigating officer in respect of inquiry

79. (1) For the purposes of an inquiry contemplated in section 78, an investigating officer may—

- 35 (a) subpoena to appear before him any person who in his opinion is able to furnish information of material importance concerning the charge being inquired into or who is suspected of having in his possession or care or under his control a book, document or thing that may have a bearing on that charge;
- 40 (b) call and administer an oath to, or take an affirmation from, any person who is present at the inquiry and who was or could have been subpoenaed in terms of paragraph (a); and
- 45 (c) question any person called in terms of paragraph (b), or request him to submit a book, document or thing referred to in paragraph (a).
- (2) A subpoena of any person to appear before the investigating officer shall be in the prescribed form and shall be served on that person in the prescribed manner.
- (3) The legal rules relating to privilege obtaining in the case of a person who has been subpoenaed to give evidence before a court of law or to submit a document or thing, shall apply in respect of the questioning or request referred to in subsection (1) (c).

Procedure at inquiry

80. (1) The Head of Education may authorize a person to attend an inquiry

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

78 by te woon, om getuienis en argumente ter staving van die aanklag aan te voer en om 'n persoon wat getuienis ter weerlegging van die aanklag afgelê het onder kruisverhoor te neem.

(2) By bedoelde ondersoek het die aangeklaagde persoon die reg om teenwoordig te wees, om deur 'n ander persoon bygestaan of verteenwoordig te word, om 5 getuienis af te lê en, hetsy persoonlik of deur 'n verteenwoordiger—

- (a) om aangehoor te word;
- (b) om getuies op te roep;
- (c) om iemand wat as getuie opgeroep is ter staving van die aanklag onder kruisverhoor te neem; en 10
- (d) om insae te hê in stukke wat as getuienis voorgelê is.

(3) Die versuim van die aangeklaagde persoon om die ondersoek by te woon, maak nie die verrigtinge ongeldig nie.

(4) Die ondersoekbeampte hou 'n verslag van die verrigtinge en van die getuienis wat afgelê word. 15

Bevinding van ondersoekbeampte

81. (1) Die ondersoekbeampte moet na afloop van 'n ondersoek beoog in artikel 78 die aangeklaagde persoon skuldig of onskuldig bevind aan die wangedrag waarvan hy aangekla is.

(2) Die ondersoekbeampte— 20

- (a) verwittig op die voorgeskrewe wyse die aangeklaagde persoon van sy bevinding en, indien die aangeklaagde persoon skuldig bevind is, sy redes daarvoor; en
- (b) lê aan die Onderwyshoof voor—
 - (i) die verslag van die verrigtinge, met inbegrip van alle getuienis wat 25 afgelê is en alle stukke wat by die ondersoek toegelaat is;
 - (ii) 'n skriftelike uiteensetting van sy bevinding en sy redes daarvoor; en
 - (iii) enige opmerkings wat hy in verband met die ondersoek wil maak.

Appel deur persone in diens in ander poste as onderwysposte

82. (1) Indien 'n aangeklaagde persoon ingevolge artikel 81 aan wangedrag skuldig 30 bevind is, het hy die reg om teen daardie bevinding na die Minister te appelleer.

(2) Die prosedure vir die aantekening van so 'n appel is soos voorgeskryf.

Optrede teen persone wat aan wangedrag skuldig bevind is

83. (1) Indien 'n persoon in diens in 'n ander pos as 'n onderwyspos skuldig bevind is aan wangedrag en nie appelleer nie, of indien hy appelleer en sy appel in die geheel 35 of gedeeltelik van die hand gewys word, kan die Onderwyshoof met inagneming van die stukke wat op die ondersoek, en waar toepaslik, op die appel betrekking het, by die Minister aanbeveel—

- (a) dat hy gewaarsku of berispe word;
- (b) dat 'n boete van hoogstens R2 000 hom opgelê word; 40
- (c) dat hy na 'n ander pos oorgeplaas word;
- (d) dat sy salaris of rang, of sy salaris sowel as sy rang, verlaag word in die mate wat aanbeveel word; of
- (e) dat hy ontslaan word, of aangesê word om te bedank, met ingang van 'n datum wat deur die Minister bepaal word. 45

(2) (a) Behalwe waar 'n aanbeveling kragtens paragraaf (e) van subartikel (1) gedoen word, kan die Onderwyshoof 'n aanbeveling kragtens meer as een van die paragrawe van daardie subartikel doen.

(b) Die Onderwyshoof kan die doen van 'n aanbeveling uitstel vir 'n tydperk van hoogstens 12 maande na die datum van die bevinding. 50

(c) Indien 'n persoon wat aangesê is om met ingang van 'n bepaalde datum te bedank, versuim om aldus te bedank, word hy geag met ingang van daardie datum weens wangedrag ontslaan te wees.

(d) 'n Boete wat kragtens subartikel (1) (b) opgelê is, kan verhaal word deur die paaiemente wat die Minister bepaal van die salaris van die betrokke 55 persoon af te trek.

(3) Die Onderwyshoof moet die stukke wat op die ondersoek en, waar toepaslik, op die appel betrekking het, saam met sy aanbevelings kragtens subartikel (1), aan

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

contemplated in section 78, to adduce evidence and arguments in support of the charge and to cross-examine a person who gave evidence in rebuttal of the charge.

(2) At such an inquiry the person charged shall have the right to be present, to be assisted or represented by another person, to give evidence and, either personally or through a representative—

- (a) to be heard;
- (b) to call witnesses;
- (c) to cross-examine a person called as a witness in support of the charge; and
- (d) to inspect documents submitted in evidence.

(3) The failure of the person charged to attend the inquiry shall not invalidate the proceedings.

(4) The investigating officer shall keep a record of the proceedings and of the evidence given.

Finding of investigating officer

81. (1) After the conclusion of an inquiry contemplated in section 78, the investigating officer shall find the person charged guilty or not guilty of the misconduct with which he was charged.

(2) The investigating officer shall—

- (a) in the prescribed manner notify the person charged of his finding and, if the person charged has been found guilty, his reasons therefor; and
- (b) submit to the Head of Education—
 - (i) the record of the proceedings, including all evidence given and all documents admitted at the inquiry;
 - (ii) a written exposition of his finding and his reasons therefor; and
 - (iii) any remarks he may wish to make in connection with the inquiry.

Appeal by persons employed in posts other than teaching posts

82. (1) If a person charged is found guilty of misconduct in terms of section 81, he shall have the right to appeal to the Minister against that finding.

(2) The procedure for the noting of such an appeal shall be as prescribed.

Action against persons found guilty of misconduct

83. (1) If a person employed in a post other than a teaching post is found guilty of misconduct and does not appeal, or if he appeals and his appeal is dismissed as a whole or in part, the Head of Education may, having regard to the documents relating to the inquiry and, where applicable, to the appeal, recommend to the Minister—

- (a) that he be warned or reprimanded;
 - (b) that a fine not exceeding R2 000 be imposed on him;
 - (c) that he be transferred to another post;
 - (d) that his salary or rank, or his salary and rank, be reduced to the extent recommended; or
 - (e) that he be discharged, or called upon to resign, with effect from a date determined by the Minister.
- (2) (a) Except where a recommendation is made under paragraph (e) of subsection (1), the Head of Education may make a recommendation under more than one of the paragraphs of that subsection.
- (b) The Head of Education may postpone the making of a recommendation for a period not exceeding 12 months after the date of the finding.
- (c) If a person called upon to resign with effect from a certain date fails so to resign, he shall be deemed to have been discharged on account of misconduct with effect from that date.
- (d) A fine imposed in terms of subsection (1) (b) may be recovered by deducting from the salary of the person concerned such instalments as the Minister may determine.

(3) The Head of Education shall submit the documents relating to the inquiry and, where applicable, to the appeal, together with his recommendations under subsec-

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

die Minister voorlê, en die Minister kan volgens die aanbeveling van die Onderwyshoof handel of volgens enige ander aanbeveling wat kragtens subartikel (1) gedoen kan word.

Optrede in geval van wangedrag deur persone in diens in onderwysposte

84. (1) Wanneer 'n persoon in diens in 'n onderwyspos beskuldig word van 5
wangedrag kan die Onderwyshoof—

- (a) die betrokke persoon skriftelik aankla van wangedrag; of
- (b) 'n komitee bestaande uit een of meer persone in diens van die Departement
aanwys (hieronder die komitee genoem) om 'n voorlopige ondersoek na die
beskuldiging in te stel. 10

(2) Die komitee moet die beskuldigde persoon in kennis stel van die aard van die beskuldiging of aantyging wat teen hom ondersoek word, en hom die geleentheid bied om, hetsy persoonlik of deur middel van 'n verteenwoordiger, daarop te antwoord indien hy dit sou verkies.

(3) Voordat 'n voorlopige ondersoek begin word, moet die komitee die onder-15
wysersvereniging wat ingevolge artikel 1 van die Wet op die Nasionale Onderwysbeleid, 1967 (Wet No. 39 van 1967), erken word, en waarvan die beskuldigde persoon 'n lid is, as daar is, van die voorgenome voorlopige ondersoek in kennis stel.

Ondersoek deur komitee

85. Die bepalinge van artikels 79 en 80 is *mutatis mutandis* van toepassing op 'n20
voorlopige ondersoek in artikel 84 bedoel, en by sodanige toepassing word 'n verwysing in artikels 79 en 80 na die ondersoekbeampte uitgelê as 'n verwysing na 'n komitee of, indien dit onbestaanbaar met die samehang of duidelik onvanpas is, na die voorsitter van daardie komitee.

Aanbeveling van komitee

25

86. Die komitee moet na afloop van 'n voorlopige ondersoek die Onderwyshoof van 'n volledige verslag voorsien, tesame met sy aanbevelings oor die vraag of daar enige waarheid in die beskuldiging is wat teen die beskuldigde persoon gemaak is.

Afhandeling van saak sonder aanklag

87. Indien die Onderwyshoof, na oorweging van die komitee se verslag en30
aanbevelings, van oordeel is dat daar geen waarheid is in die beskuldiging wat teen die beskuldigde persoon gemaak is nie, moet hy die saak as afgehandel beskou en daardie persoon, en die onderwysersvereniging in artikel 84 (3) bedoel, dienooreenkomstig verwittig.

Aanklag van wangedrag teen persone in diens in onderwysposte

35

88. (1) Indien die Onderwyshoof, na oorweging van die komitee se verslag en
aanbevelings, van oordeel is dat daar waarheid is in die beskuldiging wat teen 'n persoon gemaak is, kan hy daardie persoon skriftelik van wangedrag aankla.

(2) 'n Aanklag van wangedrag beoog in subartikel (1) of artikel 84 (1) (a) word op
die voorgeskrewe wyse aan die aangeklaagde persoon bestel, en die aanklag gaan 40
vergesel van 'n versoek dat die aangeklaagde persoon binne 21 dae nadat die aanklag aan hom bestel is 'n skriftelike erkenning of ontkenning van die aanklag en, sou hy aldus verkies, 'n skriftelike verduideliking in verband met die aanklag aan die Onderwyshoof voorlê.

(3) Die Onderwyshoof kan te eniger tyd 'n aanklag van wangedrag terugtrek. 45

(4) Indien 'n persoon van wangedrag aangekla word, stel die Onderwyshoof die
onderwysersvereniging in artikel 84 (3) bedoel skriftelik in kennis daarvan en van die
aard van die aanklag.

(5) Indien 'n persoon wat ingevolge artikel 84 (1) (a) of subartikel (1) aangekla
word die aanklag erken, word hy by die toepassing van artikel 93 geag aan die50

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

tion (1), to the Minister, and the Minister may act according to the recommendation of the Head of Education, or according to any other recommendation which may be made under subsection (1).

Action in case of misconduct by persons employed in teaching posts

- 5 84. (1) When a person employed in a teaching post is accused of misconduct the Head of Education may—
- (a) in writing charge the person concerned with misconduct; or
 - (b) appoint a committee consisting of one or more persons in the employ of the Department (hereinafter referred to as the committee) to institute a
- 10 preliminary investigation into the accusation.
- (2) The committee shall notify the accused person of the nature of the accusation or allegation being investigated against him, and afford him the opportunity to answer thereto, either personally or by means of a representative, should he so prefer.
- 15 (3) Before a preliminary investigation is started, the committee shall notify the teachers' association recognized in terms of section 1 of the National Education Policy Act, 1967 (Act No. 39 of 1967), and of which the accused person is a member, if any, of the proposed preliminary investigation.

Investigation by committee

- 20 85. The provisions of sections 79 and 80 shall *mutatis mutandis* apply to a preliminary investigation referred to in section 84, and for such purposes a reference in sections 79 and 80 to the investigating officer shall be construed as a reference to a committee or, should it be incompatible with the context or clearly inappropriate, to the chairman of that committee.

25 Recommendation of committee

86. After the conclusion of a preliminary investigation the committee shall provide the Head of Education with a complete report, together with its recommendations on the question whether there is any truth in the accusation made against the accused person.

30 Closing of case without charge

87. If, after consideration of the committee's report and recommendations, the Head of Education is of the opinion that there is no truth in the accusation made against the accused person, he shall consider the matter closed and inform that person and the teachers' association referred to in section 84 (3) accordingly.

35 Charge of misconduct against persons employed in teaching posts

88. (1) If the Head of Education, after consideration of the committee's report and recommendations, is of the opinion that there is truth in the accusation made against a person, he may in writing charge that person with misconduct.
- 40 (2) A charge of misconduct contemplated in subsection (1) or section 84 (1) (a) shall in the prescribed manner be served on the person charged, and the charge shall be accompanied by a request that the person charged, within 21 days after the charge has been served on him, submit to the Head of Education a written admission or denial of the charge and, should he so prefer, a written explanation in connection
- 45 with the charge.
- (3) The Head of Education may at any time withdraw a charge of misconduct.
- (4) If a person is charged with misconduct, the Head of Education shall in writing notify the teachers' association referred to in section 84 (3) thereof and of the nature of the charge.
- 50 (5) If a person charged in terms of section 84 (1) (a) or subsection (1) admits the charge, he shall for the purposes of section 93 be deemed to have been found guilty

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

wangedrag waarvan hy aangekla is, skuldig bevind te wees op die datum waarop die Onderwyshoof die erkenning ontvang het.

Raad van ondersoek

89. (1) Indien 'n persoon wat ingevolge artikel 84 (1) (a) of artikel 88 (1) aangekla word die aanklag ontken of versuim om te voldoen aan die versoek vermeld in artikel 88 (2), moet die Onderwyshoof 'n raad van ondersoek bestaande uit 'n voorsitter en twee ander persone, van wie een benoem word deur die onderwysersvereniging in artikel 84 (3) bedoel, aanstel om ondersoek na die aanklag in te stel.

(2) Die voorsitter van die raad van ondersoek moet na oorleg met die Onderwyshoof die tyd en plek van die ondersoek vasstel, en die Onderwyshoof gee aan die aangeklaagde persoon 14 dae skriftelike kennis van die tyd en plek wat aldus vasgestel is.

(3) Die bepalinge van artikels 79 en 80 is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek beoog in subartikel (1), en by sodanige toepassing word 'n verwysing in daardie artikels na die ondersoekbeamppte uitgelê as 'n verwysing na 'n raad van ondersoek of, indien dit onbestaanbaar met die samehang of duidelik onvanpas is, na die voorsitter van daardie raad.

Bevinding van raad van ondersoek

90. (1) Na afloop van die ondersoek in artikel 89 (1) beoog, moet die raad van ondersoek by meerderheidsbesluit die aangeklaagde persoon skuldig of onskuldig bevind aan die wangedrag waarvan hy aangekla is, en die voorsitter moet binne 30 dae daarna die aangeklaagde persoon van die bevinding van die raad van ondersoek in kennis stel en die uitslag van die ondersoek aan die Onderwyshoof rapporteer.

(2) Indien die raad van ondersoek die aangeklaagde persoon skuldig bevind aan die wangedrag waarvan hy aangekla is, moet die voorsitter aan die Onderwyshoof 25 voorlê—

- (a) die verslag van die verrigtinge, met inbegrip van alle getuienis wat afgelê is en alle stukke wat by die ondersoek toegelaat is;
- (b) 'n skriftelike uiteensetting van die raad van ondersoek se bevinding en die redes daarvoor;
- (c) enige opmerkings wat die raad van ondersoek in verband met die ondersoek wil maak; en
- (d) die raad van ondersoek se aanbeveling met betrekking tot die straf wat ingevolge artikel 93 opgelê behoort te word.

Appel deur persone in diens in onderwysposte by departementele inrigtings

91. (1) Indien 'n aangeklaagde persoon ingevolge artikel 90 op 'n aanklag van wangedrag skuldig bevind is, kan hy teen die bevinding na die Minister appelleer.

(2) Die prosedure vir die aantekening van so 'n appel is soos voorgeskryf.

Appelraad

92. (1) Die Minister stel binne 30 dae nadat 'n appel ingevolge artikel 91 by hom 40 aangeteken is, 'n appelraad aan om die appel te verhoor.

(2) Die appelraad word soos volg saamgestel—

- (a) een lid deur die Minister aangestel, wat as voorsitter optree;
- (b) een lid benoem deur die Onderwyshoof benoem; en
- (c) een lid benoem deur die Federale Onderwysersraad deur die Minister 45 erken ingevolge artikel 8B van die Wet op die Nasionale Onderwysbeleid, 1967 (Wet No. 39 van 1967): Met dien verstande dat indien genoemde Federale Onderwysersraad in gebreke bly om binne 'n redelike tyd sodanige lid te benoem, die Minister die lid aanstel:

Met dien verstande dat geen persoon wat gediens het op die raad van ondersoek 50 wat die appellant skuldig bevind het, 'n lid van die betrokke appelraad mag wees nie.

(3) Die Onderwyshoof moet al die stukke wat op die appel betrekking het aan die appelraad voorlê.

(4) Die bevoegdhede van die appelraad, die prosedure by die verhoor van 'n appel 55 en die wyse waarop 'n verslag van die verrigtinge gehou moet word, is soos voorgeskryf.

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

of the misconduct with which he was charged, on the date on which the Head of Education received the admission.

Board of inquiry

89. (1) If a person who is charged in terms of section 84 (1) (a) or section 88 (1) 5 denies the charge or fails to comply with the request referred to in section 88 (2), the Head of Education shall appoint a board of inquiry consisting of a chairman and two other persons, one of whom shall be nominated by the teachers' association referred to in section 84 (3), to inquire into the charge.

(2) The chairman of the board of inquiry shall, after consultation with the Head of 10 Education, fix the time and venue of the inquiry, and the Head of Education shall give the person charged 14 days' written notice of the time and place so fixed.

(3) The provisions of sections 79 and 80 shall *mutatis mutandis* apply to an inquiry contemplated in subsection (1), and for such purposes a reference in those sections to an investigating officer shall be construed as a reference to a board of inquiry or, 15 should it be incompatible with the context or clearly inappropriate, to the chairman of that board.

Finding of board of inquiry

90. (1) After the conclusion of the inquiry contemplated in section 89 (1), the board of inquiry shall by majority decision find the person charged guilty or not 20 guilty of the misconduct with which he was charged, and the chairman shall within 30 days thereafter notify the person charged of the finding of the board of inquiry and report the outcome of the inquiry to the Head of Education.

(2) If the board of inquiry finds a person charged guilty of the misconduct with which he was charged, the chairman shall submit to the Head of Education—

- 25 (a) the record of the proceedings, including all evidence given and all documents admitted at the inquiry;
- (b) a written exposition of the finding of the board of inquiry and the reasons therefor;
- 30 (c) any comments the board of inquiry wants to make in connection with the inquiry; and
- (d) the recommendation of the board of inquiry in relation to the punishment which should be imposed in terms of section 93.

Appeal by persons employed in teaching posts at departmental institutions

91. (1) If a person charged is found guilty on a charge of misconduct in terms of 35 section 90, he may appeal against the finding to the Minister.

(2) The procedure for the noting of such an appeal shall be as prescribed.

Board of appeal

92. (1) The Minister shall, within 30 days after an appeal has been noted with him in terms of section 91, appoint a board of appeal to hear the appeal.

40 (2) The board of appeal shall be constituted as follows—

- (a) one member appointed by the Minister, who shall act as chairman;
- (b) one member nominated by the Head of Education; and
- 45 (c) one member nominated by the Teachers' Federal Council recognized by the Minister in terms of section 8B of the National Education Policy Act, 1967 (Act No. 39 of 1967): Provided that, if the said Teachers' Federal Council fails to nominate such a member within a reasonable time, the Minister shall appoint the member:

Provided that no person who served on the board of inquiry that found the appellant guilty shall be a member of the board of appeal concerned.

50 (3) The Head of Education shall submit all the documents relating to the appeal to the board of appeal.

(4) The powers of the board of appeal, the procedure at the hearing of an appeal and the manner in which a record of the proceedings shall be held, shall be as prescribed.

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

(5) Die appèlraad kan na oorweging van die stukke, by meerderheidsbesluit 'n aanbeveling doen aan die Minister, en die Minister kan die appèl handhaaf of van die hand wys.

Optrede teen persone in diens in onderwysposte wat aan wangedrag skuldig bevind is

93. Die bepalings van artikel 83 is *mutatis mutandis* van toepassing op 'n persoon 5 in diens in 'n onderwyspos wat aan wangedrag skuldig bevind is.

Voorlegging van verslae van ondersoeke aan Federale Onderwysersraad

94. Die Onderwyshoof moet in elke geval waar ingevolge hierdie Wet 'n ander straf as 'n waarskuwing of 'n berisping 'n persoon in diens in 'n onderwyspos opgelê is, die verslag van die ondersoek, met inbegrip van alle dokumente, stukke en 10 getuienis wat op die ondersoek betrekking het, aan die Federale Onderwysersraad in artikel 92 (2) (c) bedoel, voorlê.

Skorsing van persone in diens ingevolge hierdie Wet

95. (1) Die Minister kan te eniger tyd, voordat of nadat 'n persoon wat in 'n permanente hoedanigheid ingevolge hierdie Wet in diens is van wangedrag aangekla 15 word, hom in sy diens skors.

(2) 'n Persoon wat ingevolge subartikel (1) in sy diens geskors is, is nie op enige besoldiging vir die tydperk van sy skorsing geregtig nie, behalwe vir sover die Minister anders gelas.

(3) 'n Persoon wat ingevolge subartikel (1) in sy diens geskors is, word onverwyld 20 toegelaat om weer diens te aanvaar en word sy volle besoldiging vir die tydperk van sy skorsing betaal—

(a) indien hy nie binne 'n tydperk van 12 maande na die datum van sy skorsing van wangedrag aangekla word nie;

(b) indien hy onskuldig bevind word op die betrokke aanklag; 25

(c) indien hy appelleer teen die bevinding dat hy op die betrokke aanklag skuldig is, en die appèl gehandhaaf word; of

(d) indien 'n straf bedoel in artikel 83 (1) (a) of (b) hom opgelê word.

(4) Die Minister kan te eniger tyd die skorsing van 'n persoon in subartikel (1) beoog, intrek, maar die intrekking belet nie dat sodanige persoon ingevolge hierdie 30 Wet van wangedrag aangekla word nie.

Burgerlike en politieke regte van persone in diens ingevolge hierdie Wet

96. (1) Behoudens die bepalings van artikel 76 (1) (s), kan 'n persoon wat ingevolge hierdie Wet in diens is—

(a) lid wees en in die bestuur dien van 'n wettige politieke party; 35

(b) hom nie in die openbaar, in die openbare pers of op 'n openbare vergadering uitspreek oor enige aangeleentheid, of op 'n wyse, wat die belange van 'n politieke party of 'n organisasie met politieke oogmerke kan bevorder of benadeel, of wat die Departement in verleentheid kan stel nie;

(c) nie as voorsitter by 'n openbare politieke vergadering optree nie; 40

(d) nie 'n geskrif onder sy naam publiseer ter bevordering of benadeling van die belange van 'n politieke party of 'n organisasie met politieke oogmerke nie; en

(e) met die vooraf verkreeë toestemming van die Onderwyshoof en behoudens paragrafe (b), (c) en (d), 'n lid word van enige instelling, raad of ander 45 liggaam wat by of kragtens wet ingestel is: Met dien verstande dat sodanige toestemming slegs verleen word indien die Onderwyshoof van oordeel is dat die pligte wat deur die betrokke persoon as lid van die betrokke instelling, raad of liggaam verrig moet word, nie met die verrigting van sy pligte of werk by die departementele inrigting sal inmeng nie: Met dien 50 verstande voorts dat sodanige toestemming te eniger tyd deur die Onderwyshoof ingetrek kan word, en in so 'n geval moet die betrokke persoon as lid van die betrokke instelling, raad of liggaam bedank.

(2) By die toepassing van subartikel (1) beteken die uitdrukking “openbare vergadering” enige byeenkoms, toeloop of optog in, deur of langs enige plek van 55

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

(5) The board of appeal may after consideration of the documents, by majority decision make a recommendation to the Minister, and the Minister may uphold or dismiss the appeal.

Action against persons employed in teaching posts who have been found guilty of misconduct

93. The provisions of section 83 shall *mutatis mutandis* apply to a person employed in a teaching post who has been found guilty of misconduct.

Submission of records of inquiries to Teachers' Federal Council

94. The Head of Education shall, in each case where in terms of this Act a punishment other than a warning or a reprimand was imposed on a person employed in a teaching post, submit the record of the inquiry, including all documents and evidence relating to the inquiry, to the Teachers' Federal Council referred to in section 92 (2) (c).

Suspension of persons employed in terms of this Act

95. (1) The Minister may at any time, before or after a person employed in a permanent capacity in terms of this Act is charged with misconduct, suspend him from service.

(2) A person suspended from service in terms of subsection (1) shall not be entitled to any remuneration for the period of his suspension, except in so far as the Minister may otherwise direct.

(3) A person suspended from service in terms of subsection (1) shall immediately be permitted to resume duty and shall be remunerated in full for the period of his suspension—

- (a) if he is not charged with misconduct within a period of 12 months after the date of his suspension;
- (b) if he is found not guilty on the charge concerned;
- (c) if he appeals against the finding that he is guilty on the charge concerned, and the appeal is upheld; or
- (d) if a punishment referred to in section 83 (1) (a) or (b) is imposed upon him.

(4) The Minister may at any time withdraw the suspension of a person contemplated in subsection (1), but the withdrawal shall not prohibit such person from being charged with misconduct under this Act.

Civil and political rights of persons employed in terms of this Act

96. (1) Subject to the provisions of section 76 (1) (s) a person employed in terms of this Act, may—

- (a) be a member and serve in the management of a lawful political party;
- (b) not express himself in public, in the public press or at a public meeting, on any matter, or in any manner, which may further or prejudice the interests of a political party or an organization with political aims, or which may embarrass the Department;
- (c) not act as chairman at a public political meeting;
- (d) not publish a document under his name in furtherance or to the prejudice of the interests of a political party or an organization with political aims; and
- (e) with the prior permission of the Head of Education and subject to paragraphs (b), (c) and (d), become a member of any institution, council or other body established by or under any law: Provided that such permission shall be granted only if the Head of Education is of the opinion that the duties to be performed by the person concerned as a member of the institution, council or body concerned, will not interfere with the performance of his duties or work at the departmental institution: Provided further that such permission may at any time be withdrawn by the Head of Education, and in such a case the person concerned shall resign as a member of such institution, council or body concerned.

(2) For the purposes of subsection (1) the expression "public meeting" means any gathering, concourse or procession in, through or along any place of any number of

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

enige aantal persone, maar uitgesonderd 'n byeenkoms waartoe toegang beperk is tot slegs lede van dieselfde groep, party of beweging.

Diensstate van en aanstellings by staatsondersteunde skole

97. (1) Behoudens die bepalings van subartikels (2) en (3)—
- (a) word die diensstaat by 'n staatsondersteunde skool deur die Minister bepaal op die grondslag wat hy met die instemming van die Minister van Begroting en Werke vasstel; en 5
 - (b) berus die bevoegdheid om iemand by 'n staatsondersteunde skool aan te stel, te bevorder of te ontslaan by die bestuursliggaam, onderworpe aan die vooraf verkreeë goedkeuring van die Minister. 10
- (2) (a) Behoudens die bepalings van die Wet op die Nasionale Beleid vir Algemene Onderwysake, 1984 (Wet No. 76 van 1984)—
- (i) word die salarisse, salarisskale en toelaes van persone wat kragtens subartikel (1) (b) in 'n gesubsidieerde pos aangestel word, deur die Minister bepaal; en 15
 - (ii) is die verlofvoorregte en ander diensvoorwaardes van daardie persone soos voorgeskryf.
- (b) Verskillende salarisse, salarisskale, toelaes en diensvoorwaardes kan in-gevolge paragraaf (a) ten opsigte van verskillende poste bepaal of voorgeskryf word, na gelang van die geval. 20
- (3) Indien—
- (a) 'n bestuursliggaam versuim om 'n vakature in 'n gesubsidieerde pos by die staatsondersteunde skool paslik te vul binne die tydperk wat na die oordeel van die Minister redelik is; en
 - (b) die Minister van oordeel is dat so 'n versuim tot nadeel van die staatsondersteunde skool strek, 25

kan die Minister iemand in daardie pos aanstel, en so 'n aanstelling word geag kragtens subartikel (1) (b) gedoen te wees.

(4) Ondanks andersluidende bepalings van hierdie Wet word 'n persoon wat in 'n gesubsidieerde pos by 'n staatsondersteunde skool in diens is by die toepassing van die Ongevallewet, 1941 (Wet No. 30 van 1941), geag 'n werksman in diens van die Staat te wees. 30

Onbekwaamheid en wangedrag van personeel van staatsondersteunde skole

98. (1) Die bepalings van artikels 74 tot 76 is *mutatis mutandis* van toepassing ten opsigte van 'n persoon wat in 'n gesubsidieerde onderwys- of administratiewe pos by 'n staatsondersteunde skool aangestel is.
- (2) Die bepalings van artikels 77 tot 83 is *mutatis mutandis* van toepassing ten opsigte van 'n persoon wat in 'n gesubsidieerde administratiewe pos by 'n staatsondersteunde skool aangestel is.
- (3) Die bepalings van artikels 84 tot 94 is *mutatis mutandis* van toepassing ten opsigte van 'n persoon wat in 'n gesubsidieerde onderwyspos by 'n staatsondersteunde skool aangestel is. 40
- (4) By die toepassing van die artikels in subartikels (1), (2) en (3) bedoel—
- (a) word 'n verwysing in genoemde artikels na die Onderwyshoof uitgelê as 'n verwysing na die voorsitter van die betrokke bestuursliggaam; 45
 - (b) word 'n verwysing in genoemde artikels na die Minister uitgelê as 'n verwysing na die betrokke bestuursliggaam; en
 - (c) word 'n verwysing in artikel 76 (1) na die Staat, 'n Staatsdepartement of die Departement uitgelê as ook 'n verwysing na die betrokke staatsondersteunde skool. 50
- (5) By die toepassing van—
- (a) artikel 75, mag die voorsitter nie aan sy bestuursliggaam 'n aanbeveling kragtens subartikel (1) (a) (ii) en (iv) van daardie artikel doen nie;
 - (b) artikel 83, mag die voorsitter nie aan sy bestuursliggaam 'n aanbeveling kragtens subartikel (1) (c) van daardie artikel doen nie; en 55
 - (c) artikels 75 en 83, mag die bestuursliggaam nie 'n persoon sonder die vooraf verkreeë goedkeuring van die Minister ontslaan of versoek om uit sy diens te bedank nie.

Oorplasing van persone in diens van private skole en staatsondersteunde skole

99. (1) 'n Persoon wat onmiddellik voor die datum in artikel 38 (3) beoog in diens 60

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

persons, but excluding a meeting admittance to which is restricted to members only of the same group, party or movement.

Establishments of and appointments at state-aided schools

97. (1) Subject to the provisions of subsections (2) and (3)—
- 5 (a) the establishment at a state-aided school shall be determined by the Minister on the basis which he, with the concurrence of the Minister of the Budget and Works, may determine; and
- (b) the power to appoint, promote or discharge any person at a state-aided school shall vest in the governing body, subject to the prior approval of the Minister.
- 10 (2) (a) Subject to the provisions of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984)—
- (i) the salaries, salary scales and allowances of persons appointed to a subsidized post under subsection (1) (b) shall be determined by the Minister; and
- 15 (ii) the leave privileges and other conditions of service of those persons shall be as prescribed.
- (b) Different salaries, salary scales, allowances and conditions of service may in terms of paragraph (a) be determined or prescribed, as the case may be, in respect of different posts.
- 20 (3) If—
- (a) a governing body fails to fill suitably a vacancy in a subsidized post at a state-aided school within a period deemed reasonable by the Minister; and
- (b) the Minister is of the opinion that such failure is to the disadvantage of the state-aided school,
- 25 the Minister may appoint a person to that post, and such appointment shall be deemed to have been made under subsection (1) (b).
- (4) Notwithstanding anything to the contrary contained in this Act, a person employed in a subsidized post at a state-aided school shall, for the purposes of the 30 Workmen's Compensation Act, 1941 (Act No. 30 of 1941), be deemed to be a workman in the employ of the State.

Inefficiency and misconduct of staff of state-aided schools

98. (1) The provisions of sections 74 to 76 shall *mutatis mutandis* apply in respect of a person appointed to a subsidized teaching or administrative post at a state-aided 35 school.
- (2) The provisions of sections 77 to 83 shall *mutatis mutandis* apply in respect of a person appointed to a subsidized administrative post at a state-aided school.
- (3) The provisions of sections 84 to 94 shall *mutatis mutandis* apply in respect of a person appointed to a subsidized teaching post at a state-aided school.
- 40 (4) For the purposes of the sections referred to in subsections (1), (2) and (3)—
- (a) a reference in the said sections to the Head of Education shall be construed as a reference to the chairman of the governing body concerned;
- (b) a reference in the said sections to the Minister shall be construed as a reference to the governing body concerned; and
- 45 (c) a reference in section 76 (1) to the State, a State department or the Department shall be construed also as a reference to the state-aided school concerned.
- (5) For the purposes of—
- (a) section 75, the chairman shall not make a recommendation to his governing 50 body under subsection (1) (a) (ii) and (iv) of that section;
- (b) section 83, the chairman shall not make a recommendation to his governing body under subsection (1) (c) of that section; and
- (c) sections 75 and 83, the governing body shall not discharge a person or request him to resign from his service without the prior permission of the 55 Minister.

Transfer of persons employed by private and state-aided schools

99. (1) A person who immediately prior to the date contemplated in section 38 (3)

van die betrokke private skool of staatsondersteunde skool was, word tensy anders kragtens artikel 38 (1) ooreengekom, vanaf daardie datum oorgeplaas na en aangestel in die diens van die Departement.

(2) 'n Persoon wat ingevolge subartikel (1) oorgeplaas en aangestel word, word aangestel op die diensvoorwaardes wat op persone in die diens van die Departement 5 van toepassing is: Met dien verstande dat—

- (a) sy salaris nie sonder sy toestemming as gevolg van sodanige oorplasing en aanstelling verminder word nie;
- (b) by die toepassing van genoemde diensvoorwaardes, sy diens by die private skool of staatsondersteunde skool, na gelang van die geval, geag word diens 10 by die Departement te wees;
- (c) siekte- en vakansieverlofkrediet deur hom verkry as gevolg van sy ononderbroke diens by die private skool of staatsondersteunde skool, na gelang van die geval, onderworpe aan die voorwaardes wat die Minister bepaal, geag word deur hom verkry te wees as gevolg van sy diens by die 15 Departement;
- (d) indien hy in diens van 'n private skool was, hy binne ses maande na die datum in artikel 38 (3) beoog, kan kies om lid te bly van die pensioenfonds waarvan hy lid was terwyl hy in diens van die private skool was of om, onderworpe aan die voorwaardes wat die Minister van Nasionale Gesond- 20 heid en Bevolkingsontwikkeling bepaal, lid te word van die pensioenfonds waarvan persone in diens van die Departement lede is; en
- (e) enige tugstappe ingestel of beoog teen hom ten opsigte van wangedrag of onbehoorlike gedrag wat hy na bewering voor genoemde datum gepleeg het, afgehandel word asof die private skool of staatsondersteunde skool, na 25 gelang van die geval, nie tot 'n openbare skool verklaar is nie.

Verrigting van ander werk deur persone in diens by departementele inrigtings en staatsondersteunde skole

100. (1) Tensy sy diensvoorwaardes anders bepaal—

- (a) moet 'n persoon ingevolge hierdie Wet in diens al sy tyd ter beskikking stel 30 van die departementele inrigting of staatsondersteunde skool waar hy in diens is;
- (b) mag 'n persoon ingevolge hierdie Wet in diens by 'n departementele inrigting of staatsondersteunde skool nie sonder die toestemming van die Minister of bestuursliggaam, na gelang van die geval, besoldigde werk buite 35 sy diens by die departementele inrigting of staatsondersteunde skool verrig of hom verbind om dit te verrig nie; en
- (c) kan geen persoon ingevolge hierdie Wet in diens by 'n departementele inrigting of staatsondersteunde skool regtens aanspraak maak op bykomende besoldiging ten opsigte van enige amptelike diens of werk wat hy 40 deur 'n bevoegde gesag beveel is om te verrig nie.

(2) Die Onderwyshoof, bestuursliggaam of skoolhoof van 'n staatsondersteunde skool of openbare skool kan 'n persoon ingevolge hierdie Wet in diens by 'n departementele inrigting, staatsondersteunde skool of openbare skool, na gelang van die geval, beveel om tydelik ander pligte te verrig as dié wat gewoonlik aan 45 daardie persoon opgedra word of wat by die graad, benaming of indeling van sy pos pas.

HOOFSTUK 8

DIVERSE

Instelling en beheer van skool- en koshuisfondse

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101. (1) Die Onderwyshoof kan vir 'n openbare skool 'n skoolfonds, en vir 'n koshuis 'n koshuisfonds, instel om—

- (a) vir daardie openbare skool of koshuis, na gelang van die geval, die geriewe te voorsien, of die aktiwiteite te bevorder, wat hy in die algemene belang van die openbare skool of koshuis nodig ag; en 55
- (b) die opvoedkundige belange van die leerlinge van daardie skool of koshuis, na gelang van die geval, te bevorder:

was employed by the private school or state-aided school concerned, shall, unless otherwise agreed upon under section 38 (1), be transferred to and appointed in the service of the Department with effect from that date.

(2) A person transferred and appointed under subsection (1), shall be appointed on the conditions of service applicable to persons in the service of the Department: Provided that—

- (a) his salary shall not without his consent be reduced as a result of such transfer and appointment;
- (b) for the purposes of the said conditions of service, his service at the private school or state-aided school, as the case may be, shall be deemed to be service in the Department;
- (c) sick or vacation leave credit obtained by him as a result of his continuous service at the private school or state-aided school, as the case may be, shall be deemed, subject to the conditions determined by the Minister, to have been obtained by him as a result of his service in the Department;
- (d) if he was employed by a private school, he may choose, within six months after the date contemplated in section 38 (3), to remain a member of the pension fund of which he was a member while employed by the private school or, subject to such conditions as the Minister of National Health and Population Development may determine, to become a member of the pension fund of which persons employed by the Department are members; and
- (e) any disciplinary proceedings instituted against or aimed at him in respect of misconduct or unseemly behaviour which he allegedly committed prior to the said date, shall be disposed of as if the private school or state-aided school, as the case may be, had not been declared to be a public school.

Performance of other work by persons employed at departmental institutions and state-aided schools

100. (1) Unless his conditions of service provide otherwise—
- (a) a person employed in terms of this Act shall make all his time available to the departmental institution or state-aided school where he is employed;
 - (b) a person employed in terms of this Act at a departmental institution or state-aided school shall not without the consent of the Head of Education or governing body, as the case may be, perform or bind himself to perform remunerative work outside his employment at the departmental institution or state-aided school; and
 - (c) no person employed in terms of this Act at a departmental institution or state-aided school, may legally claim additional remuneration in respect of any official duty or work which he has been ordered by a competent authority to perform.
- (2) The Head of Education, governing body or principal of a state-aided school or public school may order any person employed in terms of this Act at a departmental institution, state-aided school or public school, as the case may be, temporarily to perform duties other than those ordinarily assigned to that person or which are appropriate to the grade, designation or classification of his post.

CHAPTER 8

MISCELLANEOUS

Establishment and control of school and hostel funds

101. (1) The Head of Education may establish a school fund for a public school and a hostel fund for a hostel to—
- (a) provide such amenities or promote such activities for that public school or hostel, as the case may be, as he may deem necessary in the general interest of the public school or hostel; and
 - (b) promote the educational interests of the pupils of that school or hostel, as the case may be:

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

Met dien verstande dat alle bydraes tot so 'n fonds vrywillig is.

(2) In 'n skool- of koshuisfonds kragtens subartikel (1) ingestel, word gestort—

(a) skool- of koshuisfondsbydraes wat op die voorgeskrewe wyse ingevorder word;

(b) rente uit beleggings verdien; en

(c) geld wat die openbare skool of koshuis uit enige ander bron ontvang.

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(3) 'n Skool- of koshuisfonds kragtens subartikel (1) ingestel, word beheer en bestuur deur die raad van die betrokke openbare skool of koshuis, na gelang van die geval, en die geld in die skool- of koshuisfonds word van rekenskap gegee en mee gehandel soos beoog in artikel 2 (1A) van die Skatkis- en Ouditwet, 1975 (Wet No. 106 van 1975).

(4) Enige skool- of trustfonds wat ingevolge 'n wet wat by hierdie Wet herroep word, ingestel is, word geag 'n skoolfonds te wees wat ingevolge hierdie artikel ingestel is, en enige koshuisfonds wat ingevolge 'n wet wat by hierdie Wet herroep word, ingestel is, word geag 'n koshuisfonds te wees wat ingevolge hierdie artikel 15 ingestel is.

Onderrig- en losiesgelde

102. (1) Die ouer van 'n leerling wat tot 'n openbare skool of sentrum toegelaat is, betaal dié onderriggelde wat die Minister, met die instemming van die Minister van Begroting en Werke, bepaal.

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(2) Die ouer van 'n leerling wat tot 'n koshuis toegelaat is, betaal dié losiesgelde wat die Minister, met die instemming van die Minister van Begroting en Werke, bepaal.

(3) (a) Verskillende onderriggelde kan ingevolge subartikel (1) ten opsigte van verskillende openbare skole en sentrums bepaal word, en verskillende losiesgelde kan ingevolge subartikel (2) ten opsigte van verskillende koshuise bepaal word.

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(b) Die Minister kan, met die instemming van die Minister van Begroting en Werke, enige leerling of kategorie leerlinge in die geheel of gedeeltelik vrystel van die betaling van enige sodanige gelde.

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Misdrywe met betrekking tot verskaffing van preprimêre en buitengewone onderwys

103. Iemand wat 'n verbod vervat in artikel 21 of 22 oortree, is aan 'n misdryf skuldig.

Misdrywe met betrekking tot skoolplig

104. (1) Indien die ouer van 'n kind wat aan skoolplig onderworpe is sonder voldoende rede versuim om die kind gereeld skool toe te stuur, is daardie ouer aan 'n misdryf skuldig.

35

(2) Iemand wat—

(a) gedurende die gewone skoolure—

(i) gebruik maak van die dienste van 'n kind wat aan skoolplig onderworpe is vir enige werk, hetsy teen vergoeding of andersins;

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(ii) so 'n kind sonder voldoende rede verhinder of ontmoedig om 'n skool by te woon; of

(iii) so 'n kind herberg of wegsteek;

(b) versuim om aan 'n lasgewing uitgereik kragtens artikel 43 (2) te voldoen; of 45

(c) 'n gestremde kind wat 'n skool vir buitengewone onderwys of staatsondersteunde skool bywoon en wat nie kragtens hierdie Wet van sodanige bywoning vrygestel is nie, uit so 'n skool verwyder,

is aan 'n misdryf skuldig.

Misdrywe met betrekking tot werksaamhede van bepaalde persone

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105. Iemand wat—

(a) 'n persoon wat ingevolge artikel 9 (1) gemagtig is of wat ingevolge artikel 74 (1) of 78 (1) aangestel is, of 'n skoolbesoekbeampste, by die verrigting van sy werksaamhede ingevolge hierdie Wet, hinder of belemmer;

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

Provided that all contributions to such a fund shall be voluntary.

(2) Into a school or hostel fund established under subsection (1) shall be paid—

- (a) school or hostel fund contributions collected in the prescribed manner;
- (b) interest earned on investments; and

5 (c) moneys which the public school or hostel receives from any other source.

(3) A school or hostel fund established under subsection (1) shall be controlled and managed by the council of the public school or hostel concerned, as the case may be, and the moneys in the school or hostel fund shall be accounted for and dealt with as contemplated in section 2 (1A) of the Exchequer and Audit Act, 1975 (Act No. 10 66 of 1975).

(4) Any school fund or trust fund established in terms of a law repealed by this Act, shall be deemed to be a school fund established in terms of this section, and any hostel fund established in terms of a law repealed by this Act, shall be deemed to be a hostel fund established in terms of this section.

15 Tuition and boarding fees

102. (1) The parent of a pupil admitted to a public school or centre, shall pay such tuition fees as the Minister, with the concurrence of the Minister of the Budget and Works, may determine.

(2) The parent of a pupil admitted to a hostel shall pay such fees as the Minister, 20 with the concurrence of the Minister of the Budget and Works, may determine.

(3) (a) Different tuition fees may be determined in terms of subsection (1) in respect of different public schools and centres, and different boarding fees may be determined in terms of subsection (2) in respect of different hostels.

25 (b) The Minister may, with the concurrence of the Minister of the Budget and Works, exempt any pupil or category of pupils in whole or in part from the payment of any such fees.

Offences relating to provision of pre-primary and specialized education

103. Any person who contravenes a prohibition contained in section 21 or 22 shall be guilty of an offence.

30 Offences relating to compulsory school attendance

104. (1) If the parent of a child who is subject to compulsory school attendance without sufficient cause fails to send the child to school regularly, that parent shall be guilty of an offence.

(2) Any person who—

35 (a) during the normal school hours—

(i) makes use of the services of a child who is subject to compulsory school attendance for any work, whether for reward or otherwise;

(ii) without sufficient cause prevents or discourages such a child from attending school; or

40 (iii) harbours or conceals such a child;

(b) fails to comply with a direction issued under section 43 (2); or

(c) removes a handicapped child who attends a school for specialized education or a state-aided school and who is not exempted under this Act from such attendance, from such a school,

45 shall be guilty of an offence.

Offences relating to functions of particular persons

105. Any person who—

(a) hinders or obstructs a person authorized in terms of section 9 (1) or appointed in terms of section 74 (1) or 78 (1), or a school attendance officer, 50 in the performance of his functions in terms of this Act;

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

- (b) weier of versuim om te voldoen aan 'n vereiste gestel of versoek gerig deur 'n persoon in paragraaf (a) bedoel by die verrigting van sy werksaamhede ingevolge hierdie Wet;
 - (c) weier of versuim om na sy beste vermoë 'n vraag te beantwoord wat aan hom gestel is deur 'n persoon in paragraaf (a) bedoel by die verrigting van sy werksaamhede ingevolge hierdie Wet;
 - (d) opsetlik vals of misleidende inligting verstrek aan 'n persoon in paragraaf (a) bedoel;
 - (e) behoorlik kragtens artikel 79 (1) (a), of daardie artikel soos toegepas deur artikel 85 of 89 (3), gedagvaar is en wat sonder voldoende rede versuim 10 om—
 - (i) op die tyd en plek in die dagvaarding vermeld, te verskyn; of
 - (ii) by die ondersoek teenwoordig te bly totdat hy van verdere bywoning verskoon word;
 - (f) kragtens artikel 79 (1) (b), of daardie artikel soos toegepas deur artikel 85 15 of 89 (3), opgeroep is en wat weier om beëdig te word, of 'n bevestiging te doen, as 'n getuie; of
 - (g) sonder voldoende rede versuim om—
 - (i) 'n vraag wat wettig aan hom gestel word kragtens artikel 79 (1) (c), of daardie artikel soos toegepas deur artikel 85 of 89 (3), volledig en 20 bevredigend te beantwoord; of
 - (ii) 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer voor te lê soos wettig versoek kragtens artikel 79 (1) (c), of daardie artikel soos toegepas deur artikel 85 of 89 (3),
- is aan 'n misdryf skuldig. 25

Strawwe

106. Iemand wat aan 'n misdryf ingevolge hierdie Wet skuldig bevind word, is strafbaar—

- (a) in die geval van 'n misdryf in artikel 103 bedoel, met 'n boete van hoogstens R4 000, of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of 30 met sowel sodanige boete as sodanige gevangenisstraf;
- (b) in die geval van 'n misdryf in artikel 104 (1) en (2) (a) en (c) bedoel, met 'n boete van hoogstens R2 000, of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sowel sodanige boete as sodanige gevangenisstraf; en 35
- (c) in die geval van 'n misdryf in artikels 104 (2) (b) en 105 bedoel, met 'n boete van hoogstens R1 000, of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met sowel sodanige boete as sodanige gevangenisstraf.

Delegering van bevoegdhede

107. (1) Die Minister kan, behoudens die voorwaardes wat hy bepaal, enige van sy bevoegdhede kragtens hierdie Wet, uitgesonderd die bevoegdheid om regulasies uit te vaardig, delegeer, en enige van sy pligte ingevolge hierdie Wet, opdra, aan die Onderwyshoof of 'n persoon in diens van die Departement.

(2) Die Onderwyshoof kan behoudens die voorwaardes wat hy bepaal, enige van sy bevoegdhede kragtens hierdie Wet of kragtens subartikel (1) aan hom gedelegeer, 45 delegeer, en enige van sy pligte ingevolge hierdie Wet of aan hom opgedra ingevolge subartikel (1), opdra, aan 'n persoon in diens van die Departement.

(3) 'n Direkteur van Onderwys kan enige van die bevoegdhede kragtens subartikel (1) of (2) aan hom gedelegeer, delegeer, en enige pligte ingevolge subartikel (1) of (2) aan hom opgedra, opdra, aan 'n persoon in diens van die Departement. 50

(4) 'n Delegering kragtens subartikel (1), (2) of (3) belet nie die Minister, Onderwyshoof of Direkteur van Onderwys, na gelang van die geval, om die betrokke bevoegdheid of plig, na gelang van die geval, self uit te oefen of te verrig nie.

Beperking van regsgedinge

55

108. (1) Geen regsgeding mag teen die Staat of 'n liggaam of persoon ten opsigte van 'n beweerde handeling ingevolge hierdie Wet, of 'n beweerde versuim om iets te

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

- (b) refuses or fails to comply with a requirement set or a request made by a person referred to in paragraph (a) in the performance of his functions in terms of this Act;
- 5 (c) refuses or fails to answer to the best of his ability a question put to him by a person referred to in paragraph (a) in the performance of his functions in terms of this Act;
- (d) deliberately furnishes false or misleading information to a person referred to in paragraph (a);
- 10 (e) has been duly subpoenaed under section 79 (1) (a), or that section as applied by section 85 or 89 (3), and who without sufficient cause fails to—
- (i) appear at the time and place mentioned in the subpoena; or
- (ii) remain present at the inquiry until he is excused from further attendance;
- 15 (f) has been called under section 79 (1) (b), or that section as applied by section 85 or 89 (3), and who refuses to be sworn or to make an affirmation as a witness; or
- (g) without sufficient cause fails to—
- (i) answer in full and satisfactorily any question lawfully put to him under section 79 (1) (c), or that section as applied by section 85 or 89 (3); or
- 20 (ii) submit any book, document or thing in his possession or custody or under his control as lawfully requested under section 79 (1) (c), or that section as applied by section 85 or 89 (3),
- shall be guilty of an offence.

Penalties

- 25 106. Any person convicted of an offence in terms of this Act shall be liable—
- (a) in the case of an offence referred to in section 103, to a fine not exceeding R4 000, or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment;
- 30 (b) in the case of an offence referred to in section 104 (1) and (2) (a) and (c), to a fine not exceeding R2 000, or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment; and
- (c) in the case of an offence referred to in sections 104 (2) (b) and 105, to a fine not exceeding R1 000, or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

35 Delegation of powers

107. (1) The Minister may, subject to such conditions as he may determine, delegate any of his powers under this Act, except the power to make regulations, and assign any of his duties in terms of this Act, to the Head of Education or a person employed by the Department.
- 40 (2) The Head of Education may, subject to such conditions as he may determine, delegate any of his powers under this Act or delegated to him in terms of subsection (1), or assign any of his duties in terms of this Act or assigned to him in terms of subsection (1), to a person employed by the Department.
- (3) A Director of Education may delegate any of the powers delegated to him in terms of subsection (1) or (2), and assign any of the duties assigned to him in terms of subsection (1) or (2), to a person employed by the Department.
- 45 (4) A delegation under subsection (1), (2) or (3) shall not prevent the Minister, Head of Education or Director of Education, as the case may be, from exercising such power or performing such duty, as the case may be, himself.

50 Limitation of legal proceedings

108. (1) No legal proceedings shall be instituted against the State or a body or person in respect of an alleged act in terms of this Act or an alleged omission to do

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

doen wat ingevolge hierdie Wet gedoen behoort te word, ingestel word nie, tensy die regseding ingestel word binne 'n tydperk van 12 maande na die datum waarop die eiser of applikant van die beweerde handeling of versuim bewus geword het, of na die datum waarop redelikerwys verwag kon word dat die eiser of applikant van die beweerde handeling of versuim bewus sou geword het, na gelang van watter datum 5 die vroegste is.

(2) 'n Regseding beoog in subartikel (1) mag nie ingestel word nie binne 'n tydperk van een maand na die datum waarop 'n skriftelike kennisgewing van die voorneme om daardie regseding in te stel aan die verweerder of respondent bestel is. 10

(3) 'n Skriftelike kennisgewing in subartikel (2) bedoel, moet die besonderhede bevat wat nodig is om die beweerde handeling of versuim te identifiseer.

Oordrag van onroerende goed wat by trustees berus aan Staat

109. (1) Die eiendomsreg en beheer van alle onroerende goed wat onmiddellik voor die vasgestelde datum by die onderwystrustees vermeld in 'n ordonnansie wat 15 by hierdie Wet herroep word, berus het, berus vanaf daardie datum by die Staat.

(2) Die onroerende goed wat ingevolge subartikel (1) by die Staat berus, word aan die Staat oorgedra sonder die betaling van hereregte, seëlregte of enige ander gelde of koste, maar onderworpe aan enige bestaande reg, verpligting of trust op of oor daardie goed. 20

(3) Die beampte in beheer van 'n aktekantoor of ander kantoor waarin onroerende goed vermeld in subartikel (2) geregistreer is, moet, by die voorlegging aan hom van die betrokke titelbewys, die endossemente op daardie titelbewys, en die inskrywings in sy registers, aanbring wat nodig is om die betrokke oordrag te bewerkstellig. 25

(4) Die eiendomsreg en beheer van enige onroerende goed wat op die vasgestelde datum vir skooldoeleindes by 'n raad, komitee, persoon of persone as trustees berus, bly by sodanige trustees berus: Met dien verstande dat sodanige trustees daardie onroerende goed te eniger tyd aan die Staat kan oordra.

Vrywaring teen verlies of skade 30

110. Die Staat of 'n skoolbesoekbeampte is nie aanspreeklik nie vir verlies of skade wat veroorsaak word deur of ontstaan uit 'n handeling wat 'n skoolbesoek-beampte kragtens hierdie Wet verrig.

Proklamasies, kennisgewings en regulasies van krag op vasgestelde datum

111. Alle regulasies uitgevaardig en alle proklamasies, kennisgewings en voor- 35 skrifte uitgevaardig of uitgereik kragtens enige wet wat by hierdie Wet herroep word, en wat van krag is onmiddellik voor die vasgestelde datum, bly ondanks sodanige herroeping van krag, uitgesonderd vir sover hulle onbestaanbaar of in stryd met hierdie Wet is, totdat hulle by regulasie uitgevaardig kragtens hierdie Wet herroep, ingetrek of gewysig word. 40

Regulasies

112. (1) Die Minister kan regulasies wat nie met die een of ander wet strydig is nie uitvaardig betreffende—

- (a) die bestuur van en die beheer oor onderwyshulpdienste, sentrums, kos-huise, openbare skole en staatsondersteunde skole, en die beheer oor die 45 onroerende eiendom en toerusting van die Departement;
- (b) (i) die afneem van eksamens in artikel 6 (1) (f) bedoel, die inskrywing van kandidate vir daardie eksamens, die gedrag en tug van kandidate voor, gedurende en na daardie eksamens, en die uitreiking van sertifikate in daardie artikel bedoel; 50
- (ii) die aanstelling, gedrag, tug, bevoegdhede, pligte en werksaamhede van eksaminatore, moderatore, opsieners en ander persone wie se dienste nodig is in verband met die afneem van daardie eksamens; en

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

anything which in terms of this Act should have been done, unless the legal proceedings are instituted within a period of 12 months after the date on which the plaintiff or the applicant became aware of the alleged act or omission, or after the date on which it could reasonably have been expected that the plaintiff or applicant would have become aware of the alleged act or omission, whichever date is the earlier.

(2) Legal proceedings contemplated in subsection (1) shall not be instituted within a period of one month after the date upon which a written notice of the intention to institute those proceedings has been served on the defendant or respondent.

10 (3) A written notice referred to in subsection (2) shall contain such particulars as may be necessary to identify the alleged act or omission.

Transfer of immovable property vesting in trustees to State

109. (1) The ownership and control of all immovable property which immediately prior to the fixed date vested in the educational trustees mentioned in an ordinance 15 repealed by this Act shall, from that date, vest in the State.

(2) The immovable property vesting in the State in terms of subsection (1) shall be transferred to the State without payment of transfer duty, stamp duty or any other fees or costs, but subject to any existing right, obligation or trust on or over that property.

20 (3) The officer in charge of a deeds office or other office where immovable property referred to in subsection (2) is registered, shall, on the submission to him of the title deed concerned, make such endorsements on that title deed and such entries in his registers as may be necessary to effect the transfer concerned.

(4) The ownership and control of any immovable property which on the fixed date 25 vests for school purposes in a council, committee, person or persons as trustees, shall remain vested in such trustees: Provided that such trustees may at any time transfer that immovable property to the State.

Indemnity against loss or damage

110. The State or any school attendance officer shall not be liable for any loss or 30 damage caused by or arising from any action taken by a school attendance officer under this Act.

Proclamations, notices and regulations in force on fixed date

111. All regulations made and all proclamations, notices and instructions promulgated or issued under any law repealed by this Act, and which are in force 35 immediately prior to the fixed date, shall, notwithstanding such repeal, remain in force, except in so far as they are incompatible or in conflict with this Act, until they are repealed, withdrawn or amended by regulation made under this Act.

Regulations

112. (1) The Minister may make regulations which are not inconsistent with any 40 law, as to—

- (a) the management and control of educational auxiliary services, centres, hostels, public schools and state-aided schools, and the control over the immovable property and equipment of the Department;
- 45 (b) (i) the conducting of examinations referred to in section 6 (1) (f), the entering of candidates for those examinations, the conduct and discipline of candidates prior to, during and after those examinations, and the issue of certificates referred to in that section;
- (ii) the appointment, conduct, discipline, powers, duties and functions of examiners, moderators, invigilators and other persons whose services 50 are necessary in connection with the conducting of those examinations; and

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

- (iii) die toelating van leerlinge van 'n private skool tot eksamens wat deur die Departement afgeneem word;
- (c) (i) die uitbetaling van subsidies of lenings kragtens hierdie Wet aan private preprimêre skole of staatsondersteunde skole toegestaan, en die omstandighede waaronder sodanige subsidies of lenings gestaak of verminder kan word; 5
- (ii) die ontvangs en gebruik van geld of ander goed deur koshuise en openbare skole, en die boeke, aantekeninge en state wat deur die liggame of persone in die regulasies vermeld in verband daarmee gehou moet word; en 10
- (iii) die wyse waarop sodanige boeke, aantekeninge en state gehou moet word, die ouditering daarvan en die opgawes en verslae wat in verband daarmee voorgelê moet word;
- (d) kadetopleiding by skole;
- (e) (i) die advertering van poste by departementele inrigtings; 15
- (ii) die instelling, samestelling, bevoegdhede, pligte en werksaamhede van keurraade om persone vir aanstelling in onderwysposte aan te beveel ten opsigte van die uitvoerende komponente waarvoor hulle ingestel is;
- (iii) die kwalifikasies vir aanstelling as, die ampstermyn van en die ontruiming van hul amp as, lede of tydelike lede van 'n keurraad, en die vul van toevallige vakatures in 'n keurraad; 20
- (iv) die aanstelling van 'n voorsitter of 'n waarnemende voorsitter van 'n keurraad; en
- (v) die byeenroeping van, die prosedure by en die kworum vir vergaderings van 'n keurraad, en die wyse waarop besluite deur so 'n keurraad geneem moet word; 25
- (f) (i) die verhaal van enige beloning, toelae of besoldiging wat op 'n onreëlmatige wyse deur 'n persoon in diens by 'n departementele inrigting of staatsondersteunde skool ontvang is; 30
- (ii) die verhaal van enige gedeelte van 'n toelae of salaris wat foutiewelik aan so 'n persoon uitbetaal is, of die staking of intrekking van enige ander voordeel wat foutiewelik toegeken is; en
- (iii) die uitbetaling of toekenning van enige gedeelte van 'n toelae of salaris of enige ander voordeel wat foutiewelik van so 'n persoon weerhou is; 35
- (g) 'n aangeleentheid wat kragtens hierdie Wet by regulasie voorgeskryf moet of kan word; en
- (h) in die algemeen, 'n aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik, en die algemeenheid van hierdie paragraaf word nie deur die voorafgaande 40 paragraawe beperk nie.

(2) Die Minister vaardig geen regulasie betreffende enige geld of toelae betaalbaar aan of deur iemand, of betreffende die beheer oor geld, uit nie behalwe met die instemming van die Minister van Begroting en Werke.

(3) Verskillende regulasies kan kragtens subartikel (1) ten opsigte van verskillende skole verskaf word. 45

(4) 'n Regulasie beoog in subartikel (1) kan vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen, 'n straf voorskryf wat 'n boete van R4 000, of gevangenisstraf vir 'n tydperk van twee jaar, nie te bowe gaan nie.

Herroeping van wette, en voorbehoud

50

113. (1) Behoudens die bepalings van artikel 111 en van subartikel (2), word die wette in die Bylae vermeld hierby herroep in die mate in die derde kolom van die Bylae aangedui.

(2) Enigiets wat ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep is, gedoen is of geag word gedoen te gewees het en wat ingevolge hierdie Wet gedoen kan of moet word, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het. 55

Kort titel en inwerkingtreding

114. Hierdie Wet heet die Wet op Onderwysaangeleentheid (Volksraad), 1988, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die 60 Staatskoerant bepaal.

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

- (iii) the admission of pupils of a private school to examinations conducted by the Department;
- (c) (i) the payment of subsidies or loans granted to private pre-primary schools or state-aided schools under this Act, and the circumstances under which such subsidies or loans may be discontinued or reduced;
- 5 (ii) the receipt and use of funds or other goods by hostels and public schools, and the books, records and statements to be kept in connection therewith by the bodies or persons mentioned in the regulations; and
- 10 (iii) the manner in which such books, records and statements are to be kept, the auditing thereof and the returns and reports to be submitted in connection therewith;
- (d) cadet training at schools;
- (e) (i) the advertising of posts at departmental institutions;
- 15 (ii) the establishment, constitution, powers, duties and functions of selection boards to recommend persons for appointment to teaching posts in respect of the executive components for which they are established;
- (iii) the qualifications for appointment as, the term of office of, and the vacation of office as, members or temporary members of a selection board, and the filling of casual vacancies in a selection board;
- 20 (iv) the appointment of a chairman or an acting chairman of a selection board; and
- (v) the convening of, the procedure at and the quorum for meetings of a selection board, and the manner in which decisions shall be taken by such a selection board;
- 25 (f) (i) the recovery of any reward, allowance or remuneration received in an irregular manner by any person employed at a departmental institution or state-aided school;
- (ii) the recovery of any portion of an allowance or salary paid in error to such a person, or the discontinuance or withdrawal of any other benefit awarded in error; and
- 30 (iii) the payment or award of any portion of an allowance or salary or any other benefit erroneously withheld from such a person;
- (g) any matter which shall or may be prescribed by regulation under this Act;
- 35 and
- (h) in general, any matter which the Minister may deem necessary or expedient to prescribe in order to achieve the objects of this Act, and the generality of this paragraph shall not be limited by the preceding paragraphs.

(2) The Minister shall make no regulation relating to any moneys or allowances payable to or by any person, or relating to the control of money, except with the concurrence of the Minister of the Budget and Works.

(3) Different regulations may be made under subsection (1) in respect of different schools.

(4) A regulation made under subsection (1) may, for a contravention thereof or a failure to comply therewith, prescribe a penalty not exceeding a fine of R4 000 or imprisonment for a period of two years.

Repeal of laws, and savings

113. (1) Subject to the provisions of section 111 and of subsection (2), the laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column of the Schedule.

(2) Anything done or deemed to have been done in terms of a provision of a law repealed by subsection (1) and which may or shall be done in terms of this Act, shall be deemed to have been done in terms of the corresponding provision of this Act.

Short title and commencement

114. This Act shall be called the Education Affairs Act (House of Assembly), 1988, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

Bylae

WETTE HERROEP

Nommer en jaar van wet	Titel	In hoeverre herroep
Wet No. 33 van 1960	Kinderwet, 1960	Vir sover dit betrekking het op die oprigting, instandhouding en bestuur van nywerheidskole en verbeteringskole
Wet No. 41 van 1967	Wet op Onderwysdienste, 1967	Die geheel, uitgesonderd artikel 13, asook artikel 15 vir sover dit betrekking het op private kolleges
Wet No. 24 van 1969	Wysigingswet op Onderwysdienste, 1969	Die geheel
Wet No. 60 van 1972	Wysigingswet op Onderwysdienste, 1972	Die geheel, uitgesonderd artikel 1
Wet No. 69 van 1973	Wysigingswet op Onderwyswette, 1973	Artikels 7 tot 14
Wet No. 63 van 1974	Wet op Opleiding van Geestelik Vertraagde Kinders, 1974	Die geheel
Wet No. 52 van 1977	Wysigingswet op Onderwysdienste, 1977	Die geheel
Wet No. 11 van 1981	Wysigingswet op Kultuur- en Onderwyswette, 1981	Artikels 10 en 11
Wet No. 16 van 1982	Wysigingswet op Onderwysdienste, 1982	Die geheel, uitgesonderd artikels 4 en 5
Wet No. 28 van 1983	Wysigingswet op Onderwys- en Kultuurwette, 1983	Artikel 5
Wet No. 6 van 1984	Wysigingswet op Onderwys- en Heraldiekwette, 1984	Artikels 3, 4 en 5
Ordonnansie 20 van 1956 (Kaap)	Onderwysordonnansie, 1956	Die geheel (behalwe vir sover dit betrekking het op die stigting en instandhouding van opleidingskolleges vir die opleiding van Blanke studenteonderwysers), uitgesonderd Deel C (Hoofstukke 11 tot 16)
Ordonnansie 3 van 1957 (Kaap)	Wysigingsordonnansie op Onderwys, 1957	Die geheel
Ordonnansie 5 van 1959 (Kaap)	Wysigingsordonnansie op Onderwys, 1959	Die geheel
Ordonnansie 6 van 1959 (Kaap)	Ordonnansie op die Waarborg van Woninglenings, 1959	Die geheel, vir sover dit betrekking het op personeel onder beheer van die Direkteur van die uitvoerende komponent van die Departement van Onderwys en Kultuur, Administrasie: Volksraad, wat verantwoordelik is vir Blanke skoolonderwys in die provinsie Kaap die Goeie Hoop
Ordonnansie 18 van 1959 (Kaap)	Verdere Wysigingsordonnansie op Onderwys, 1959	Die geheel
Ordonnansie 18 van 1960 (Kaap)	Ordonnansie op Desimale Munt, 1960	Artikel 17
Ordonnansie 21 van 1960 (Kaap)	Wysigingsordonnansie op Verpleegsters en Onderwyspensioene, 1960	Artikels 9 en 10
Ordonnansie 10 van 1961 (Kaap)	Wysigingsordonnansie op Onderwys, 1961	Die geheel
Ordonnansie 20 van 1962 (Kaap)	Wysigingsordonnansie op Onderwys, 1962	Die geheel
Ordonnansie 3 van 1963 (Kaap)	Wysigingsordonnansie op Onderwys, 1963	Die geheel
Ordonnansie 4 van 1964 (Kaap)	Wysigingsordonnansie op Pensioene, 1964	Artikel 3
Ordonnansie 8 van 1964 (Kaap)	Wysigingsordonnansie op Onderwys, 1964	Die geheel
Ordonnansie 15 van 1964 (Kaap)	Verdere Wysigingsordonnansie op Onderwys, 1964	Die geheel
Ordonnansie 9 van 1965 (Kaap)	Wysigingsordonnansie op Onderwys, 1965	Die geheel
Ordonnansie 14 van 1966 (Kaap)	Wysigingsordonnansie op Onderwys, 1966	Die geheel
Ordonnansie 11 van 1967 (Kaap)	Wysigingsordonnansie op Onderwys, 1967	Die geheel

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

Schedule

LAWS REPEALED

Number and year of law	Title	Extent of repeal
Act No. 33 of 1960	Children's Act, 1960	In so far as it relates to the establishment, maintenance and management of schools of industries and reform schools
Act No. 41 of 1967	Educational Services Act, 1967	The whole, excluding section 13, and also section 15 in so far as it relates to private colleges
Act No. 24 of 1969	Educational Services Amendment Act, 1969	The whole
Act No. 60 of 1972	Educational Services Amendment Act, 1972	The whole, excluding section 1
Act No. 69 of 1973	Education Laws Amendment Act, 1973	Sections 7 to 14
Act No. 63 of 1974	Mentally Retarded Children's Training Act, 1974	The whole
Act No. 52 of 1977	Educational Services Amendment Act, 1977	The whole
Act No. 11 of 1981	Culture and Education Laws Amendment Act, 1981	Sections 10 and 11
Act No. 16 of 1982	Educational Services Amendment Act, 1982	The whole, excluding sections 4 and 5
Act No. 28 of 1983	Education and Culture Laws Amendment Act, 1983	Section 5
Act No. 6 of 1984	Education and Heraldry Laws Amendment Act, 1984	Sections 3, 4 and 5
Ordinance 20 of 1956 (Cape)	Education Ordinance, 1956	The whole (except in so far as it relates to the establishment and maintenance of training colleges for the training of European student teachers), excluding Part C (Chapters 11 to 16)
Ordinance 3 of 1957 (Cape)	Education Amendment Ordinance, 1957	The whole
Ordinance 5 of 1959 (Cape)	Education Amendment Ordinance, 1959	The whole
Ordinance 6 of 1959 (Cape)	Dwelling Loans Guarantee Ordinance, 1959	The whole, in so far as it relates to personnel under the control of the Director of the executive component of the Department of Education and Culture, Administration: House of Assembly, responsible for White school education in the Province of the Cape of Good Hope
Ordinance 18 of 1959 (Cape)	Education Further Amendment Ordinance, 1959	The whole
Ordinance 18 of 1960 (Cape)	Decimal Coinage Ordinance, 1960	Section 17
Ordinance 21 of 1960 (Cape)	Nurses' and Teachers' Pensions Amendment Ordinance, 1960	Sections 9 and 10
Ordinance 10 of 1961 (Cape)	Education Amendment Ordinance, 1961	The whole
Ordinance 20 of 1962 (Cape)	Education Amendment Ordinance, 1962	The whole
Ordinance 3 of 1963 (Cape)	Education Amendment Ordinance, 1963	The whole
Ordinance 4 of 1964 (Cape)	Pensions Amendment Ordinance, 1964	Section 3
Ordinance 8 of 1964 (Cape)	Education Amendment Ordinance, 1964	The whole
Ordinance 15 of 1964 (Cape)	Education Further Amendment Ordinance, 1964	The whole
Ordinance 9 of 1965 (Cape)	Education Amendment Ordinance, 1965	The whole
Ordinance 14 of 1966 (Cape)	Education Amendment Ordinance, 1966	The whole
Ordinance 11 of 1967 (Cape)	Education Amendment Ordinance, 1967	The whole

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

Nommer en jaar van wet	Titel	In hoeverre herroep
Ordonnansie 18 van 1967 (Kaap)	Ordonnansie op Mediese Hulp, 1967	Die geheel, vir sover dit betrekking het op personeel onder beheer van die Direkteur van die uitvoerende komponent van die Departement van Onderwys en Kultuur, Administrasie: Volksraad, wat verantwoordelik is vir Blanke skoolonderwys in die provinsie Kaap die Goeie Hoop
Ordonnansie 23 van 1968 (Kaap)	Wysigingsordonnansie op Onderwys, 1968	Die geheel
Ordonnansie 25 van 1968 (Kaap)	Ordonnansie op Spesiale Onderwys, 1968	Die geheel
Ordonnansie 5 van 1969 (Kaap)	Wysigingsordonnansie op Onderwys, 1969	Die geheel
Ordonnansie 22 van 1969 (Kaap)	Verdere Wysigingsordonnansie op Onderwys, 1969	Die geheel
Ordonnansie 5 van 1970 (Kaap)	Wysigingsordonnansie op Onderwys, 1970	Die geheel
Ordonnansie 30 van 1970 (Kaap)	Wysigingsordonnansie op Onderwys en Skoolraadsdiens, 1970	Die geheel
Ordonnansie 10 van 1971 (Kaap)	Wysigingsordonnansie op Onderwys en Skoolraadsdiens, 1971	Die geheel
Ordonnansie 9 van 1972 (Kaap)	Wysigingsordonnansie op Onderwys, 1972	Die geheel, uitgesonderd artikel 2
Ordonnansie 16 van 1973 (Kaap)	Wysigingsordonnansie op Onderwys en Spesiale Onderwys, 1973	Die geheel, uitgesonderd artikels 10 en 17
Ordonnansie 13 van 1974 (Kaap)	Wysigingsordonnansie op Onderwys en Skoolraadsdiens, 1974	Die geheel
Ordonnansie 14 van 1975 (Kaap)	Wysigingsordonnansie op Onderwys en Skoolraadsdiens, 1975	Die geheel
Ordonnansie 5 van 1977 (Kaap)	Wysigingsordonnansie op Onderwys, 1977	Die geheel
Ordonnansie 8 van 1978 (Kaap)	Wysigingsordonnansie op Onderwys, 1978	Die geheel, uitgesonderd artikel 1
Ordonnansie 15 van 1979 (Kaap)	Wysigingsordonnansie op Onderwys, 1979	Die geheel
Ordonnansie 11 van 1980 (Kaap)	Wysigingsordonnansie op Onderwys, 1980	Die geheel
Ordonnansie 9 van 1982 (Kaap)	Ordonnansie op Provinsiale Diens, 1982	Die geheel, vir sover dit betrekking het op personeel onder beheer van die Direkteur van die uitvoerende komponent van die Departement van Onderwys en Kultuur, Administrasie: Volksraad, wat verantwoordelik is vir Blanke skoolonderwys in die provinsie Kaap die Goeie Hoop
Ordonnansie 18 van 1982 (Kaap)	Wysigingsordonnansie op Onderwys, 1982	Die geheel
Ordonnansie 11 van 1983 (Kaap)	Wysigingsordonnansie op Onderwys, 1983	Die geheel
Ordonnansie 5 van 1984 (Kaap)	Wysigingsordonnansie op Onderwys, 1984	Die geheel
Ordonnansie 16 van 1984 (Kaap)	Tweede Wysigingsordonnansie op Onderwys, 1984	Die geheel
Ordonnansie 17 van 1984 (Kaap)	Derde Wysigingsordonnansie op Onderwys, 1984	Die geheel
Ordonnansie 3 van 1985 (Kaap)	Wysigingsordonnansie op Onderwys, 1985	Die geheel
Proklamasie R54 van 1986	Opdra van Uitvoering van Sekere Wette van die Provinsie Kaap die Goeie Hoop aan die Minister van Onderwys en Kultuur (Volksraad)	Bylae 2
Ordonnansie 6 van 1941 (Natal)	Ordonnansie op Vry Onderwys (Militêre Diens), 1941	Die geheel

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

Number and year of law	Title	Extent of repeal
Ordinance 18 of 1967 (Cape)	Medical Aid Ordinance, 1967	The whole, in so far as it relates to personnel under the control of the Director of the executive component of the Department of Education and Culture, Administration: House of Assembly, responsible for White school education in the Province of the Cape of Good Hope
Ordinance 23 of 1968 (Cape)	Education Amendment Ordinance, 1968	The whole
Ordinance 25 of 1968 (Cape)	Special Education Ordinance, 1968	The whole
Ordinance 5 of 1969 (Cape)	Education Amendment Ordinance, 1969	The whole
Ordinance 22 of 1969 (Cape)	Education Further Amendment Ordinance, 1969	The whole
Ordinance 5 of 1970 (Cape)	Education Amendment Ordinance, 1970	The whole
Ordinance 30 of 1970 (Cape)	Education and School Board Service Amendment Ordinance, 1970	The whole
Ordinance 10 of 1971 (Cape)	Education and School Board Service Amendment Ordinance, 1971	The whole
Ordinance 9 of 1972 (Cape)	Education Amendment Ordinance, 1972	The whole, excluding section 2
Ordinance 16 of 1973 (Cape)	Education and Special Education Amendment Ordinance, 1973	The whole, excluding sections 10 and 17
Ordinance 13 of 1974 (Cape)	Education and School Board Service Amendment Ordinance, 1974	The whole
Ordinance 14 of 1975 (Cape)	Education and School Board Service Amendment Ordinance, 1975	The whole
Ordinance 5 of 1977 (Cape)	Education Amendment Ordinance, 1977	The whole
Ordinance 8 of 1978 (Cape)	Education Amendment Ordinance, 1978	The whole, excluding section 1
Ordinance 15 of 1979 (Cape)	Education Amendment Ordinance, 1979	The whole
Ordinance 11 of 1980 (Cape)	Education Amendment Ordinance, 1980	The whole
Ordinance 9 of 1982 (Cape)	Provincial Service Ordinance, 1982	The whole, in so far as it relates to personnel under the control of the Director of the executive component of the Department of Education and Culture, Administration: House of Assembly, responsible for White school education in the Province of the Cape of Good Hope
Ordinance 18 of 1982 (Cape)	Education Amendment Ordinance, 1982	The whole
Ordinance 11 of 1983 (Cape)	Education Amendment Ordinance, 1983	The whole
Ordinance 5 of 1984 (Cape)	Education Amendment Ordinance, 1984	The whole
Ordinance 16 of 1984 (Cape)	Education Second Amendment Ordinance, 1984	The whole
Ordinance 17 of 1984 (Cape)	Education Third Amendment Ordinance, 1984	The whole
Ordinance 3 of 1985 (Cape)	Education Amendment Ordinance, 1985	The whole
Proclamation R54 of 1986	Assignment of Administration of Certain Laws of the Province of the Cape of Good Hope to the Minister of Education and Culture (House of Assembly)	Schedule 2
Ordinance 6 of 1941 (Natal)	Free Education (Military Service) Ordinance, 1941	The whole

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

Nommer en jaar van wet	Titel	In hoeverre herroep
Ordonnansie 16 van 1958 (Natal)	Ordonnansie op die Natalse Provinsiale Algemene Diens, 1958	Die geheel, vir sover dit betrekking het op persone wat daarkragens in diens is vir die doeleindes van die uitvoerende komponent van die Departement van Onderwys en Kultuur, Administrasie: Volksraad, wat verantwoordelik is vir Blanke skoolonderwys in die provinsie Natal
Ordonnansie 46 van 1969 (Natal)	Natalse Onderwysordonnansie, 1969	Die geheel (behalwe vir sover dit betrekking het op die oprigting, instandhouding, bestuur en beheer van opleidingskolleges vir onderwysers)
Ordonnansie 27 van 1970 (Natal)	Wysigingsordonnansie op Natalse Onderwys, 1970	Die geheel
Ordonnansie 48 van 1971 (Natal)	Wysigingsordonnansie op Natalse Onderwys, 1971	Die geheel
Ordonnansie 35 van 1973 (Natal)	Wysigingsordonnansie op Natalse Onderwys, 1973	Die geheel
Ordonnansie 33 van 1974 (Natal)	Wysigingsordonnansie op Natalse Onderwys, 1974	Die geheel
Ordonnansie 9 van 1975 (Natal)	Wysigingsordonnansie op Vry Onderwys (Militêre Diens), 1975	Die geheel
Ordonnansie 9 van 1978 (Natal)	Ordonnansie op die Inlywing van Griekwaland-Oos by Natal, 1978	Hoofstuk VIII
Ordonnansie 17 van 1978 (Natal)	Wysigingsordonnansie op Natalse Onderwys, 1978	Die geheel
Ordonnansie 4 van 1979 (Natal)	Wysigingsordonnansie op Natalse Onderwys, 1979	Die geheel
Ordonnansie 7 van 1981 (Natal)	Wysigingsordonnansie op Natalse Onderwys, 1981	Die geheel
Ordonnansie 34 van 1983 (Natal)	Wysigingsordonnansie op Natalse Onderwys, 1983	Die geheel
Ordonnansie 10 van 1984 (Natal)	Wysigingsordonnansie op Natalse Onderwys, 1984	Die geheel
Ordonnansie 14 van 1985 (Natal)	Wysigingsordonnansie op Natalse Onderwys, 1985	Die geheel
Ordonnansie 25 van 1985 (Natal)	Tweede Wysigingsordonnansie op Natalse Onderwys, 1985	Die geheel, uitgesonderd artikel 1
Ordonnansie 33 van 1985 (Natal)	Derde Wysigingsordonnansie op Natalse Onderwys, 1985	Die geheel
Proklamasie R56 van 1986	Opdra van Uitvoering van Sekere Wette van die Provinsie Natal aan die Minister van Onderwys en Kultuur (Volksraad)	Bylae 2
Ordonnansie 4 van 1965 (Oranje-Vrystaat)	Ordonnansie op Algemene Dienste, 1965	Die geheel, vir sover dit betrekking het op persone wat daarkragens in diens is vir die doeleindes van die uitvoerende komponent van die Departement van Onderwys en Kultuur, Administrasie: Volksraad, wat verantwoordelik is vir Blanke skoolonderwys in die provinsie Oranje-Vrystaat
Ordonnansie 12 van 1980 (Oranje-Vrystaat)	Ordonnansie op Onderwys, 1980	Die geheel (behalwe vir sover dit betrekking het op die oprigting, instandhouding, bestuur en beheer van onderwyserskolleges)
Ordonnansie 6 van 1984 (Oranje-Vrystaat)	Wysigingsordonnansie op Onderwys, 1984	Die geheel
Ordonnansie 13 van 1984 (Oranje-Vrystaat)	Tweede Wysigingsordonnansie op Onderwys, 1984	Die geheel
Proklamasie R53 van 1986	Opdra van Uitvoering van Sekere Wette van die Provinsie Oranje-Vrystaat aan die Minister van Onderwys en Kultuur (Volksraad)	Bylae 2

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

Number and year of law	Title	Extent of repeal
Ordinance 16 of 1958 (Natal)	Natal Provincial General Service Ordinance, 1958	The whole, in so far as it relates to persons employed thereunder for the purposes of the executive component of the Department of Education and Culture, Administration: House of Assembly, responsible for White school education in the Province of Natal
Ordinance 46 of 1969 (Natal)	Natal Education Ordinance, 1969	The whole (except in so far as it relates to the establishment, maintenance, management and control of teacher training colleges)
Ordinance 27 of 1970 (Natal)	Natal Education Amendment Ordinance, 1970	The whole
Ordinance 48 of 1971 (Natal)	Natal Education Amendment Ordinance, 1971	The whole
Ordinance 35 of 1973 (Natal)	Natal Education Amendment Ordinance, 1973	The whole
Ordinance 33 of 1974 (Natal)	Natal Education Amendment Ordinance, 1974	The whole
Ordinance 9 of 1975 (Natal)	Free Education (Military Service) Amendment Ordinance, 1975	The whole
Ordinance 9 of 1978 (Natal)	East Griqualand-Natal Incorporation Ordinance, 1978	Chapter VIII
Ordinance 17 of 1978 (Natal)	Natal Education Amendment Ordinance, 1978	The whole
Ordinance 4 of 1979 (Natal)	Natal Education Amendment Ordinance, 1979	The whole
Ordinance 7 of 1981 (Natal)	Natal Education Amendment Ordinance, 1981	The whole
Ordinance 34 of 1983 (Natal)	Natal Education Amendment Ordinance, 1983	The whole
Ordinance 10 of 1984 (Natal)	Natal Education Amendment Ordinance, 1984	The whole
Ordinance 14 of 1985 (Natal)	Natal Education Amendment Ordinance, 1985	The whole
Ordinance 25 of 1985 (Natal)	Natal Education Second Amendment Ordinance, 1985	The whole, excluding section 1
Ordinance 33 of 1985 (Natal)	Natal Education Third Amendment Ordinance, 1985	The whole
Proclamation R56 of 1986	Assignment of Administration of Certain Laws of the Province of Natal to the Minister of Education and Culture (House of Assembly)	Schedule 2
Ordinance 4 of 1965 (Orange Free State)	General Services Ordinance, 1965	The whole, in so far as it relates to persons employed thereunder for the purposes of the executive component of the Department of Education and Culture, Administration: House of Assembly, responsible for White school education in the Province of the Orange Free State
Ordinance 12 of 1980 (Orange Free State)	Education Ordinance, 1980	The whole (except in so far as it relates to the establishment, maintenance, management and control of teachers' colleges)
Ordinance 6 of 1984 (Orange Free State)	Education Amendment Ordinance, 1984	The whole
Ordinance 13 of 1984 (Orange Free State)	Education Second Amendment Ordinance, 1984	The whole
Proclamation R53 of 1986	Assignment of Administration of Certain Laws of the Province of the Orange Free State to the Minister of Education and Culture (House of Assembly)	Schedule 2

Wet No. 70, 1988

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

Nommer en jaar van wet	Titel	In hoeverre herroep
Ordonnansie 29 van 1953 (Transvaal)	Onderwysordonnansie, 1953	Die geheel (behalwe vir sover dit betrekking het op die oprigting, instandhouding, bestuur en beheer van opleidingskolleges vir onderwysers), uitgesonderd Hoofstuk XIA
Ordonnansie 6 van 1955 (Transvaal)	Onderwyswysigingsordonnansie, 1955	Die geheel
Ordonnansie 19 van 1955 (Transvaal)	Verdere Onderwyswysigingsordonnansie, 1955	Die geheel
Ordonnansie 21 van 1955 (Transvaal)	Derde Onderwyswysigingsordonnansie, 1955	Die geheel
Ordonnansie 11 van 1956 (Transvaal)	Onderwyswysigingsordonnansie, 1956	Die geheel
Ordonnansie 13 van 1957 (Transvaal)	Onderwyswysigingsordonnansie, 1957	Die geheel
Ordonnansie 18 van 1958 (Transvaal)	Onderwyswysigingsordonnansie, 1958	Die geheel
Ordonnansie 8 van 1959 (Transvaal)	Onderwyswysigingsordonnansie, 1959	Die geheel
Ordonnansie 31 van 1959 (Transvaal)	Verdere Onderwyswysigingsordonnansie, 1959	Die geheel
Ordonnansie 30 van 1960 (Transvaal)	Onderwyswysigingsordonnansie, 1960	Die geheel
Ordonnansie 34 van 1960 (Transvaal)	Verdere Onderwyswysigingsordonnansie, 1960	Die geheel
Ordonnansie 20 van 1961 (Transvaal)	Onderwyswysigingsordonnansie, 1961	Die geheel
Ordonnansie 17 van 1963 (Transvaal)	Onderwyswysigingsordonnansie, 1963	Die geheel
Ordonnansie 20 van 1968 (Transvaal)	Ordonnansie op Spesiale Onderwys, 1968	Die geheel
Ordonnansie 17 van 1969 (Transvaal)	Onderwyswysigingsordonnansie, 1969	Die geheel
Ordonnansie 14 van 1971 (Transvaal)	Onderwyswysigingsordonnansie, 1971	Die geheel
Ordonnansie 5 van 1972 (Transvaal)	Onderwyswysigingsordonnansie, 1972	Die geheel
Ordonnansie 16 van 1974 (Transvaal)	Onderwyswysigingsordonnansie, 1974	Die geheel
Ordonnansie 10 van 1975 (Transvaal)	Onderwyswysigingsordonnansie, 1975	Die geheel
Ordonnansie 8 van 1976 (Transvaal)	Wysigingsordonnansie op Spesiale Onderwys, 1976	Die geheel
Ordonnansie 10 van 1976 (Transvaal)	Onderwyswysigingsordonnansie, 1976	Die geheel
Ordonnansie 12 van 1977 (Transvaal)	Onderwyswysigingsordonnansie, 1977	Die geheel
Ordonnansie 13 van 1978 (Transvaal)	Onderwyswysigingsordonnansie, 1978	Die geheel
Ordonnansie 13 van 1979 (Transvaal)	Onderwyswysigingsordonnansie, 1979	Die geheel
Ordonnansie 16 van 1980 (Transvaal)	Onderwyswysigingsordonnansie, 1980	Die geheel, uitgesonderd artikels 1 en 7
Ordonnansie 20 van 1981 (Transvaal)	Onderwyswysigingsordonnansie, 1981	Die geheel
Ordonnansie 14 van 1983 (Transvaal)	Onderwyswysigingsordonnansie, 1983	Die geheel, uitgesonderd artikel 22
Ordonnansie 5 van 1984 (Transvaal)	Onderwyswysigingsordonnansie, 1984	Die geheel
Ordonnansie 10 van 1984 (Transvaal)	Onderwyswysigingsordonnansie, 1984	Die geheel
Ordonnansie 22 van 1984 (Transvaal)	Tweede Onderwyswysigingsordonnansie, 1984	Die geheel
Ordonnansie 6 van 1986 (Transvaal)	Onderwyswysigingsordonnansie, 1986	Die geheel
Proklamasie R55 van 1986	Opdra van Uitvoering van Sekere Wette van die Provinsie Transvaal aan die Minister van Onderwys en Kultuur (Volksraad)	Bylae 2

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

Act No. 70, 1988

Number and year of law	Title	Extent of repeal
Ordinance 29 of 1953 (Transvaal)	Education Ordinance, 1953	The whole (except in so far as it relates to the establishment, maintenance, management and control of teachers' training colleges), excluding Chapter XIA
Ordinance 6 of 1955 (Transvaal)	Education Amendment Ordinance, 1955	The whole
Ordinance 19 of 1955 (Transvaal)	Education Further Amendment Ordinance, 1955	The whole
Ordinance 21 of 1955 (Transvaal)	Education Third Amendment Ordinance, 1955	The whole
Ordinance 11 of 1956 (Transvaal)	Education Amendment Ordinance, 1956	The whole
Ordinance 13 of 1957 (Transvaal)	Education Amendment Ordinance, 1957	The whole
Ordinance 18 of 1958 (Transvaal)	Education Amendment Ordinance, 1958	The whole
Ordinance 8 of 1959 (Transvaal)	Education Amendment Ordinance, 1959	The whole
Ordinance 31 of 1959 (Transvaal)	Education Further Amendment Ordinance, 1959	The whole
Ordinance 30 of 1960 (Transvaal)	Education Amendment Ordinance, 1960	The whole
Ordinance 34 of 1960 (Transvaal)	Education Further Amendment Ordinance, 1960	The whole
Ordinance 20 of 1961 (Transvaal)	Education Amendment Ordinance, 1961	The whole
Ordinance 17 of 1963 (Transvaal)	Education Amendment Ordinance, 1963	The whole
Ordinance 20 of 1968 (Transvaal)	Special Education Ordinance, 1968	The whole
Ordinance 17 of 1969 (Transvaal)	Education Amendment Ordinance, 1969	The whole
Ordinance 14 of 1971 (Transvaal)	Education Amendment Ordinance, 1971	The whole
Ordinance 5 of 1972 (Transvaal)	Education Amendment Ordinance, 1972	The whole
Ordinance 16 of 1974 (Transvaal)	Education Amendment Ordinance, 1974	The whole
Ordinance 10 of 1975 (Transvaal)	Education Amendment Ordinance, 1975	The whole
Ordinance 8 of 1976 (Transvaal)	Special Education Amendment Ordinance, 1976	The whole
Ordinance 10 of 1976 (Transvaal)	Education Amendment Ordinance, 1976	The whole
Ordinance 12 of 1977 (Transvaal)	Education Amendment Ordinance, 1977	The whole
Ordinance 13 of 1978 (Transvaal)	Education Amendment Ordinance, 1978	The whole
Ordinance 13 of 1979 (Transvaal)	Education Amendment Ordinance, 1979	The whole
Ordinance 16 of 1980 (Transvaal)	Education Amendment Ordinance, 1980	The whole, excluding sections 1 and 7
Ordinance 20 of 1981 (Transvaal)	Education Amendment Ordinance, 1981	The whole
Ordinance 14 of 1983 (Transvaal)	Education Amendment Ordinance, 1983	The whole, excluding section 22
Ordinance 5 of 1984 (Transvaal)	Education Amendment Ordinance, 1984	The whole
Ordinance 10 of 1984 (Transvaal)	Education Amendment Ordinance, 1984	The whole
Ordinance 22 of 1984 (Transvaal)	Education Second Amendment Ordinance, 1984	The whole
Ordinance 6 of 1986 (Transvaal)	Education Amendment Ordinance, 1986	The whole
Proclamation R55 of 1986	Assignment of Administration of Certain Laws of the Province of Transvaal to the Minister of Education and Culture (House of Assembly)	Schedule 2

