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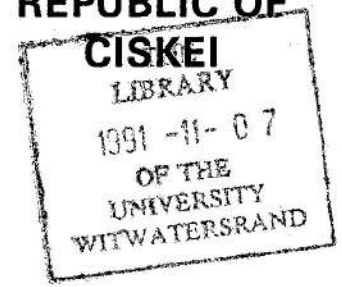
19 NOV 1991

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**REPUBLIC OF  
CISKEI**



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DIMBAZA PRINTERS — 38312

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<b>Umq. 19</b>	<b>eBISHO</b> <b>18/10/91</b>	<b>No. 111</b>	<b>Vol. 19</b>	<b>BISHO</b> <b>18/10/91</b>	<b>No. 111</b>
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**DEPARTMENT OF THE COUNCIL OF STATE**

**GOVERNMENT NOTICE No. 61**

**It is hereby notified that the Deputy Chairman of the Council of State has assented to the following decree which is hereby published for general information: -**

**TECHNIKON AMENDMENT DECREE, 1991  
DECREE No. 18 OF 1991**

# COUNCIL OF STATE — REPUBLIC OF CISKEI

## TECHNIKON AMENDMENT DECREE, 1991

### DECREE

To amend the Technikon Act, 1984.

(English text signed by the Deputy Chairman of the Council of State. Assented to on 4 October 1991).

*BE IT DECREED by the Council of State of the Republic of Ciskei, as follows:-*

**1. Amendment of section 1 of Act 15 of 1984, as amended by section 1 of Act 10 of 1988.** - Section 1 of the Technikon Act, 1984 (hereinafter referred to as the principal Act) is hereby amended -

- (a) by the substitution for the definition of "academic board" of the following definition:  
" 'academic board' means the academic board of the technikon referred to in section 5(c) and constituted as provided in section 8(1);";
- (b) by the substitution for the definition of "council" of the following definition:  
" 'council' means the council of the technikon contemplated in section 5(b) and constituted as prescribed in section 7(1);";
- (c) by the insertion after the definition of "council" of the following definition:  
" 'Department' means the Department of Education;";
- (d) by the substitution for the definition of "principal" of the following definition:  
" 'rector' means the rector of the technikon appointed or deemed to have been appointed in terms of section 6(1) and includes any acting rector designated under section 6(2);";
- (e) by the addition thereto of the following definition:  
" 'Treasury' means the Minister of Finance and Economic Development or any officer of his department acting under his authority;";
- (f) by the addition thereto of the following definition:  
" 'Alumni' means those people who have been awarded a minimum three (3) year National Diploma.";
- (g) by the addition thereto of the following definition:  
" 'Academic staff' shall be those members designated as such by the council.";

**2. Substitution of section 2 of Act 15 of 1984.** - The following section is hereby substituted for section 2 of the principal Act:

"2. Establishment and function of the technikon. -

- (1)(a) The Minister may by notice in the *Gazette* establish a technikon at any place determined by him and assign a name to such technikon.
- (b) The name of the technikon may at any time be changed by the Minister in a like manner.
- (2) The functions of the technikon shall be -
  - (a) to provide education of a standard higher than that prescribed for standard 10 or any equivalent standard; and
  - (b) to provide such other education, whether on a full-time or part time basis, as the Minister may approve.
- (3) The technikon shall perform its functions at the place determined under subsection (1)(a) and at such other places as the Minister may approve on the recommendation of the council."

**3. Amendment of section 4 of Act 15 of 1984.** - Section 4 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

- "(4) The technikon shall not borrow any money except with the prior approval of the Minister and on such conditions as he may determine with the concurrence of the Treasury."

## TECHNIKON AMENDMENT DECREE, 1991

**4. Amendment of section 5 of Act 15 of 1984.** - Section 5 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) the Rector";

**5. Substitution of section 6 of Act 15 of 1984.** - (1) The following section is hereby substituted for section 6 of the principal Act:

"6. Rector of Technikon. -

(1) The Rector shall be the chief executive officer of the technikon and shall be appointed by the council subject to the approval of the Minister.

(2) Whenever the post of the rector becomes vacant or the rector is for any reason unable to carry out his duties the council may, with the prior approval of the Minister, designate any member of the academic staff of the technikon to act as rector."

(2) The person holding office as principal of the technikon immediately prior to the commencement of the Technikon Amendment Decree, 1991 shall, as from such commencement, be deemed to have been duly appointed as rector of the technikon.

**6. Amendment of section 7 of Act 15 of 1984.** - (1) Section 7 of the principal Act is hereby amended -

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

"(1) Subject to the provisions of this Act, the government and control generally of and over the technikon vests in the council which shall consist of the following members, namely -

(a) the Rector;

(b) the Vice-Rector(s);

(c) one member appointed by the Minister to represent the persons who are deemed to be donors by virtue of donations or other contributions made by them to the technikon;

(d) one member elected from the alumni of the technikon in a manner determined by council;

(e) not fewer than five members appointed by the Minister from amongst persons who are prominent in commerce and industry;

(f) not fewer than eight other members who shall be persons with special knowledge of or experience in education and training and/or the practice of a profession and of whom -

(i) two shall be members of the academic staff of the University of Fort Hare nominated and appointed by the council of that institution;

(ii) three shall be appointed by the Minister from amongst the persons employed in the Department;

(iii) one shall be an officer or employee of the Department of Manpower Utilisation nominated and appointed by the Minister of that Department;

(iv) one shall be a senior member of the staff of another technikon (whether within or outside Ciskei) appointed by the council with the concurrence of the council of such other technikon; and

(v) one shall be a practising professional person who shall be a member of a recognised professional body."

(b) by the deletion of subsection (2);

(c) by the substitution in paragraph (a) of subsection (3) for the word "principal" of the word "rector";

(e) by the substitution for paragraph (c) of subsection (4) of the following paragraph: "(c) if he becomes mentally ill; or" and

(f) by the substitution in subsection (12) for the words "in consultation with the Minister of Finance and Economic Development" of the words "with the concurrence of the Treasury".

(2) Notwithstanding anything contained in paragraph (a) of subsection (1) of this section or in any provision of the principal Act -

(a) the members of the council of the technikon in office immediately prior to the commencement of this decree (hereinafter referred to as the existing members) shall continue in office as if the decree had not been published; and

(b) the persons appointed or elected after such commencement to fill any vacancies on the council shall, subject to the provisions of section 7(3)(b) of the principal Act, hold office for a period equal to the unexpired period of office of the existing members.

**7. Amendment of section 8 of Act 15 of 1984.** - (1)(a) Section 8 of the principal Act is hereby amended by the substitution in paragraph (a) of subsection (1) for the word "principal" of the word "rector";

## TECHNIKON AMENDMENT DECREE, 1991

(b) by the substitution in paragraph (c) of subsection (1) for the word "teaching" of the word "academic";

(c) by the addition thereto "(d) the registrar or designate."

**8. Amendment of section 9 of Act 15 of 1984.** - (1) Section 9 of the principal Act is hereby amended by the substitution in subsection 9(2) for the words "teaching" of the word "academic".

**9. Amendment of section 10 of Act 15 of 1984.** - Section 10 of the principal Act is hereby amended by the substitution in subsection 10(1)(a) for the word "teaching" of the word "academic".

**10. Amendment of section 14 of Act 15 of 1984.** - Section 14 of the principal Act is hereby amended -

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:  
"(a) he has passed standard 10 or any other examination recognized by the council to be at least equivalent to standard 10; or"; and

(b) by the substitution for subsection (2) of the following subsection:  
"(2) The council may, for registration for any particular course of study at the technikon, require that a specific standard in any stated subject shall have been attained at the examination referred to in paragraph (a) of subsection (1)."

**11. Substitution of section 17 of Act 15 of 1984.** - The following section is hereby substituted for section 17 of the principal Act:

"17. Financial assistance to students. - The Minister may, out of moneys lawfully appropriated for the purpose and subject to such conditions and on such basis as he may determine with the concurrence of the Treasury, grant financial assistance to any student at the technikon."

**12. Amendment of section 22 of Act 15 of 1984.** - Section 22 of the principal Act is hereby amended by the substitution for the word "Director-General" of the word "Department".

**13. Amendment of section 23 of Act 15 of 1984.** - Section 23 of the principal Act is hereby amended by the substitution for the word "President in Executive Council" of the words "Council of State".

**14. Substitution of section 24 of Act 15 of 1984.** - The following section is hereby substituted for section 24 of the principal Act:

"24. Financing of technikon. - The Minister may, out of moneys lawfully appropriated for the purpose and on the basis and subject to the conditions determined by him with the concurrence of the Treasury, make grants to the technikon for the achievement of its aims and objectives."

**15. Amendment of section 26 of Act 15 of 1984.** - Section 26 of the principal Act is hereby amended -

(a) by the deletion in subsection (1) of the words "out of moneys appropriated by the National Assembly"; and

(b) by the substitution for subsection (2) of the following subsection:  
"(2) If the council fails to comply with the said condition within the specified period, the Minister may withhold payment of any moneys appropriated as contemplated in section 24 in respect of the technikon and, if he does so, he shall without delay report the matter to the Council of State."

**16. Amendment of section 27 of Act 15 of 1984.** - Section 27 of the principal Act is hereby amended by the substitution in subsection (1) for the words "Department of Education" of the word "Department".

**17. Amendment of section 29 of Act 15 of 1984.** - Section 29 of the principal Act is hereby amended by the substitution for the word "principal" of the word "rector".

**18. Amendment of section 30 of Act 15 of 1984.** - Section 30 of the principal Act is hereby amended by the substitution in that part of the section following paragraph (d) for the word "imprisonment" of the word "imprisonment".

**19. Substitution of certain words.** - Subject to the foregoing provisions of this decree, sections 8(7), 9(4), 13(1) and 18 of the principal Act are hereby amended by the substitution for the words "in consultation with the Minister of Finance and Economic Development", wherever they occur, of the words "with the concurrence of the Treasury".

**20. Short title.** - This decree shall be called the Technikon Amendment Decree, 1991.

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