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THE PRESIDENCY

No. 1284

5 December 2001

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

No. 57 of 2001: Education Laws Amendment Act, 2001.

DIE PRESIDENSIE

No. 1284

5 Desember 2001

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

No. 57 van 2001: Wysigingswet op Onderwyswette, 2001.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President.)
(Assented to 29 November 2001.)*

ACT

To amend the South African Schools Act, 1996, so as to provide for the representative council of learners to be the only recognised learner body at a school; to make further provisions regarding the failure of a governing body to perform its functions; to prohibit public schools from raising money by means of loans or overdrafts without the approval of the Member of the Executive Council; to prohibit public schools from paying moneys into a trust; to effect textual corrections; to amend the Employment of Educators Act, 1998, so as to effect textual corrections to existing provisions; to amend the Further Education and Training Act, 1998, so as to make further provisions regarding loans and overdrafts; to effect textual corrections to existing provisions; and to provide for matters connected therewith.

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

Amendment of section 11 of Act 84 of 1996, as amended by section 3 of Act 100 of 1997

1. Section 11 of the South African Schools Act, 1996 (hereinafter referred to as the principal Act), is amended by— 5

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

“(1) A representative council of *learners* at the *school* must be established at every *public school* enrolling *learners* in the eighth *grade* or higher, and such council is the only recognised and legitimate representative *learner body* at the *school*.”; and 10

(b) the substitution for subsection (2) of the following subsection:

“(2) [A] Subject to policy made in terms of section 3(4)(g) of the National Education Policy Act, 1996 (Act No. 27 of 1996), the Member of the Executive Council [may] must, by notice in the Provincial Gazette, determine [guidelines] the functions and the procedures for the establishment[,] and election [and functions] of representative councils of *learners*.”. 15

Substitution of section 16 of Act 84 of 1996

2. Section 16 of the principal Act is amended by the substitution for subsection (1) of the following subsection: 20

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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(Engelse teks deur die President geteken.)
(Goedgekeur op 29 November 2001.)

WET

Tot wysiging van die Suid-Afrikaanse Skolewet, 1996, ten einde voorsiening te maak dat die verteenwoordigende raad van leerders die enigste erkende leerderliggaam by 'n skool moet wees; verdere bepalings te maak aangaande die gebrek van 'n beheerliggaam om sy werksaamhede te verrig; openbare skole te verbied om geld te verkry by wyse van lenings of oortrekkings, sonder die goedkeuring van die Lid van die Uitvoerende Raad; om openbare skole te verbied om geld in 'n trust in te betaal; teksaanpassings aan te bring; tot wysiging van die Wet op die Indiensneming van Opvoeders, 1998, ten einde teksaanpassings aan bestaande bepalings aan te bring; tot wysiging van die Wet op Verdere Onderwys en Opleiding, 1998, ten einde verdere bepalings te maak rakende lenings en oortrekkings; teksaanpassings aan bestaande bepalings aan te bring; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 11 van Wet 84 van 1996, soos gewysig deur artikel 3 van Wet 100 van 1997

1. Artikel 11 van die Suid-Afrikaanse Skolewet, 1996 (hierna die Hoofwet genoem), word gewysig— 5

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

“(1) 'n Verteenwoordigende raad van *leerders* van die *skool* moet by elke *openbare skool* wat *leerders* in die agtste *graad* of hoër inskryf, ingestel word, en hierdie raad is die enigste erkende en wettige verteenwoordigende leerderliggaam by die skool."; en 10

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Behoudens beleid gemaak in terme van artikel 3(4)(g) van die Wet op Nasionale Onderwysbeleid, 1996 (Wet No. 27 van 1996), [kan] moet die Lid van die Uitvoerende Raad, by kennisgewing in die *Provinciale Koerant*, [riglyne] die funksies en die prosedures vir die instelling [,] en verkiesing [en funksionering] van verteenwoordigende rade van *leerders* vasstel.”. 15

Vervanging van artikel 16 van Wet 84 van 1996

2. Artikel 16 van die Hoofwet is gewysig deur die vervanging van subartikel (1) met die volgende subartikel: 20

“(1) Subject to this Act, the governance of every public school is vested in its governing body and it may perform only such functions and obligations and exercise only such rights as prescribed by the Act.”.

Amendment of section 20 of Act 84 of 1996

3. Section 20 of the principal Act is amended by the substitution for paragraph (i) of subsection (1) of the following paragraph: 5

“(i) recommend to the *Head of Department* the appointment of *educators* at the *school*, subject to the [Educators Employment Act, 1994 (Proclamation No. 138 of 1994)] Employment of Educators Act, 1998 (Act No. 76 of 1998), and the Labour Relations Act, 1995 (Act No. 66 of 1995);”.

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Amendment of section 25 of Act 84 of 1996

4. Section 25 of the principal Act is amended by—

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

“(1) If the *Head of Department* determines on reasonable grounds that a *governing body* has ceased to perform [its] functions allocated to it in terms of *this Act* or has failed to perform one or more of such functions, [*the Head of Department*] he or she must appoint sufficient persons to perform [those] all such functions or one or more of such functions, as the case may be, for a period not exceeding three months.”;

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(b) the substitution for subsection (3) of the following subsection:

“(3) [The] If a *governing body* has ceased to perform its functions, the *Head of Department* must ensure that a *governing body* is elected in terms of *this Act* within a year after the appointment of persons contemplated in subsection (1).”; and

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(c) the addition of the following subsection:

“(4) If a *governing body* fails to perform any of its functions, the persons contemplated in subsection (1) must build the necessary capacity within the period of their appointment to ensure that the *governing body* performs its functions.”.

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Amendment of section 36 of Act 84 of 1996

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5. Section 36 of the principal Act is amended by the numbering of the existing section as subsection (1) and by the addition of the following subsections:

“(2) Despite subsection (1), a *governing body* may not enter into any loan or overdraft agreement so as to supplement the *school* fund, without the written approval of the *Member of the Executive Council*. 35

(3) If a person lends money or grants an overdraft to a *public school* without the written approval of the *Member of the Executive Council*, the State and the *public school* will not be bound by the contract of lending money or an overdraft agreement.”.

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Amendment of section 37 of Act 84 of 1996

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6. Section 37 of the principal Act is amended by—

(a) the substitution for subsection (3) of the following subsection:

“(3) The *governing body* of a *public school* must open and maintain [a] one banking account, but a *governing body* of a *public school* may, with the approval of the *Member of the Executive Council*, invest surplus money in another account.”;

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(b) the insertion after subsection (6) of the following subsection:

“(7) (a) Money from the *school* fund of a *public school* may not be paid into a trust or be used to establish a trust.

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(b) If a trust was established from a *school* fund of a *public school* or if such money was paid into a trust prior to 1 January 2002, such trust or payment is invalid and the money must be paid back into the *school* fund.

“(1) Behoudens hierdie Wet setel die beheer van elke openbare skool in sy beheerliggaam en mag dit slegs sodanige werksaamhede en verpligte uitvoer en slegs sodanige regte uitoefen soos deur die Wet voorgeskry.”.

Wysiging van artikel 20 van Wet 84 van 1996

3. Artikel 20 van die Hoofwet word gewysig deur paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang:

“(i) die aanstelling van opvoeders by die skool by die Departementshoof aanbeveel, behoudens die [Wet op Indiensneming van Opvoeders, 1994 (Proklamasie No. 138 van 1994)] Wet op die Indiensneming van Opvoeders, 1998 (Wet No. 76 van 1998), en die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995);”.

Wysiging van artikel 25 van Wet 84 van 1996

4. Artikel 25 van die Hoofwet word gewysig—

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

“(1) Indien die Departementshoof bepaal op redelike gronde dat 'n beheerliggaam opgehou het om [sy] die werksaamhede te verrig wat aan hom opgedra is ingevolge hierdie Wet, of opgehou het om een of meer van sodanige werksaamhede te verrig, moet die [die Departementshoof] hy of sy voldoende persone aanstel om [daardie] al sodanige werksaamhede, of een of sommige van sodanige werksaamhede, na gelang van die geval, vir 'n tydperk van hoogstens drie maande te verrig.”;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien 'n beheerliggaam opgehou het om sy werksaamhede te verrig moet [Die] die Departementshoof [moet] seker maak dat 'n beheerliggaam kragtens hierdie Wet verkies word binne een jaar ná die aanstelling van persone in subartikel (1) beoog.”; en

(c) deur die volgende subartikel by te voeg:

“(4) Indien 'n beheerliggaam in gebreke bly om enige van sy werksaamhede te verrig, moet die persone in subartikel (1) beoog binne die tydperk van hulle aanstelling die nodige vermoë opbou om te verseker dat die beheerliggaam sy werksaamhede sal verrig.”.

Wysiging van artikel 36 van Wet 84 van 1996

5. Artikel 36 van die Hoofwet word gewysig deur die bestaande artikel as subartikel (1) te nommer en deur die volgende subartikels by te voeg:

“(2) Ondanks subartikel (1) mag 'n beheerliggaam nie sonder die skriftelike goedkeuring van die Lid van die Uitvoerende Raad 'n lenings- of oortrekkingsooreenkoms aangaan ten einde die skoolfonds aan te vul nie.

(3) Indien 'n persoon sonder die goedkeuring van die Lid van die Uitvoerende Raad geld aan 'n openbare skool leen of 'n oortrekking aan 'n openbare skool toestaan, sal die Staat en die openbare skool nie aan die geldleenkontrak of oortrekkingsooreenkoms gebonde wees nie.”.

Wysiging van artikel 37 van Wet 84 van 1996

6. Artikel 37 van die Hoofwet word gewysig—

(a) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die beheerliggaam van 'n openbare skool moet 'n enkele bankrekening open en handhaaf, maar 'n beheerliggaam van 'n openbare skool mag surplusfondse met die goedkeuring van die Lid van die Uitvoerende Raad belê.”.

(b) deur die volgende subartikel na subartikel (6) in te voeg:

“(7) (a) Geld van die skoolfonds van 'n openbare skool mag nie in 'n trust inbetaal word, of gebruik word om 'n trust te stig nie.

(b) Indien 'n trust gestig is met 'n skoolfonds van 'n openbare skool, of indien sodanige geld in 'n trust inbetaal is voor 1 Januarie 2002, is sodanige trust of inbetalings ongeldig en moet die geld aan die skoolfonds terugbetaal word.”.

(c) A governing body of a public school may not collect any money or contributions from parents to circumvent or manipulate the payment of compulsory school fees and to use such money or contributions to establish or fund a trust, and if such money or contributions of parents were paid into a trust prior to 1 January 2002, the trust must pay such money or contributions into the *school fund*.”.

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Amendment of section 38 of Act 84 of 1996

7. Section 38 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) A governing body of a public school must prepare a budget each year [,] 10 according to [guidelines] prescriptions determined by the Member of the Executive Council in a Provincial Gazette, which shows the estimated income and expenditure of the school for the following financial year.”.

Amendment of item 2 of Schedule 2 to Act 76 of 1998

8. Item 2 of Schedule 2 to the Employment of Educators Act, 1998 (hereinafter referred to as the Educators Act), is amended by the substitution for subparagraph (iv) of paragraph (d) of the following subparagraph:

“(iv) have the right to appeal against [any decision] a finding or sanction contemplated in section 25(2);”.

Amendment of item 4 of Schedule 2 to Act 76 of 1998

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9. Item 4 of Schedule 2 to the Educators Act is amended by—

(a) the substitution for paragraph (f) of subitem (4) of the following paragraph:

“(f) If[,] during the six-month period[,] the educator is subject to disciplinary action, the written warning and the written objection or additional information contemplated in paragraph (g), may be taken into 25 account in deciding on an appropriate sanction;”; and

(b) the substitution for paragraph (f) of subitem (5) of the following paragraph:

“(f) If[,] during the six-month period[,] the educator is subject to disciplinary action, the final written warning and the written objection or additional information contemplated in paragraph (g), may be taken into 30 account in deciding on an appropriate sanction;”.

Amendment of item 5 of Schedule 2 to Act 76 of 1998

10. Item 5 of Schedule 2 to the Educators Act is amended by the substitution for paragraph (e) of subitem (2) of the following paragraph:

“(e) information on the rights of the educator to representation by a legal 35 representative, if the [employer] presiding officer so directs; and”.

Substitution of Forms A, B, C and D of Schedule 2 to Act 76 of 1998

11. Schedule 2 to the Educators Act is amended by:

(a) the substitution for Form A of the following Form:

(c) 'n Beheerliggaam van 'n openbare skool mag nie geld of bydraes van ouers invorder om die betaling van verpligte skoolgelde te ontduik of te manipuleer en om sodanige gelde of bydraes te gebruik om 'n trust te stig of te befonds nie, en indien sodanige geld of bydraes van ouers in 'n trust inbetaal is voor 1 Januarie 2002, moet die trust sodanige geld of bydraes in die skolfonds inbetaal.''. 5

Wysiging van artikel 38 van Wet 84 van 1996

7. Artikel 38 van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) 'n Beheerliggaam van 'n openbare skool moet elke jaar 'n begroting voorberei in ooreenstemming met [riglyne] voorskrifte soos bepaal deur die Lid van die Uitvoerende Raad in 'n Provinciale Koerant, wat die beraamde inkomste en uitgawe van die skool vir die volgende boekjaar uiteenset." 10

Wysiging van item 2 van Bylae 2 by Wet 76 van 1998

8. Item 2 van Bylae 2 by die Wet op die Indiensneming van Opvoeders, 1998 (hierna die Wet op Opvoeders genoem), word gewysig deur subparagraph (iv) van paragraaf (d) met die volgende subparagraph te vervang:

"(iv) die reg het om teen [enige besluit] 'n bevinding of sanksie in artikel 25(2) beoog te appelleer;".

Wysiging van item 4 van Bylae 2 by Wet 76 van 1998

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9. Item 4 van Bylae 2 by die Wet op Opvoeders word gewysig—

(a) deur paragraaf (f) van subitem (4) deur die volgende paragraaf te vervang:

"(f) Indien die opvoeder tydens die tydperk van ses maande aan tugoptrede onderwerp word, kan die skriftelike waarskuwing en die skriftelike beswaar of verdere inligting in paragraaf (g) beoog, in ag geneem word by die besluit oor 'n gepaste sanksie.";

(b) deur paragraaf (f) van subitem (5) deur die volgende paragraaf te vervang:

"(f) Indien die opvoeder tydens die tydperk van ses maande aan tugoptrede onderwerp word, kan die finale skriftelike waarskuwing en die skriftelike beswaar of verdere inligting in paragraaf (g) beoog, in ag geneem word by die besluit oor 'n gepaste sanksie.".

Wysiging van item 5 van Bylae 2 by Wet 76 van 1998

10. Item 5 van Bylae 2 by die Wet op Opvoeders word gewysig deur paragraaf (e) van subitem (2) deur die volgende paragraaf te vervang:

"(e) inligting ten aansien van die regte van die opvoeder op verteenwoordiging deur 'n regsvteenwoordiger, indien die [werkgewer] voorsittende beampte aldus opdrag gee; en".

Vervanging van Vorms A, B, C en D van Bylae 2 by Wet 76 van 1998

11. Bylae 2 by die Wet op Opvoeders word gewysig:

(a) deur Vorm A deur die volgende Vorm te vervang:

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"Form A**WRITTEN WARNING**

[DATE]
[NAME OF EMPLOYEE]
[PERSAL NO.]

5

[PERSONAL DETAILS OF THE EMPLOYEE]

This is a written warning in terms of the disciplinary procedure. Should you engage in further misconduct, this written warning may be taken into account in determining a more serious sanction.

The written warning will be placed in your personal file and will remain valid 10 for a period of six months from the date of the written warning.

If you object to the warning or wish to furnish additional information, you may lodge a written objection or additional information which will be filed together with this warning.

The nature of the misconduct is:

15

SIGNATURE OF REPRESENTATIVE OF EMPLOYER
DATE

SIGNATURE OF EMPLOYEE
DATE

20

SIGNATURE OF WITNESS (if applicable)
DATE";

(b) the substitution for Form B of the following Form:

"Form B**FINAL WRITTEN WARNING**

25

[DATE]
[NAME OF EMPLOYEE]
[PERSAL NO.]
[PERSONAL DETAILS OF THE EMPLOYEE]

30

This is a final written warning in terms of the disciplinary procedure. Should you engage in further [transgressions] misconduct it could lead to formal misconduct proceedings being instituted against you.

This final written warning will be placed in your personal file and will remain 35 valid for a period of six months from the date of the written warning.

Should you wish to do so, you may lodge a written objection to this final warning, or provide additional information which will be filed together with this final warning.

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The nature of the misconduct is:

SIGNATURE OF REPRESENTATIVE OF EMPLOYER
DATE

45

SIGNATURE OF EMPLOYEE
DATE

SIGNATURE OF WITNESS (if applicable)
DATE";

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"Vorm A"**SKRIFTELIKE WAARSKUWING**

[DATUM]

[NAAM VAN WERKNEMER]

[PERSALNO.] 5

[PERSOONLIKE BESONDERHEDE VAN WERKNEMER]

Hierdie is 'n skriftelike waarskuwing ingevolge die tugprosedure. Indien u verdere wangedrag pleeg, kan hierdie skriftelike waarskuwing in ag geneem word by die bepaling van 'n ernstiger sinksie.

Die skriftelike waarskuwing sal in u persoonlike lêer geplaas word en sal van krag wees vir 'n tydperk van ses maande vanaf die datum van die skriftelike waarskuwing. 10

Indien u beswaar maak teen die waarskuwing of bykomstige inligting wil verskaf, kan u 'n skriftelike beswaar of bykomstige inligting voorlê, en dit sal saam met hierdie waarskuwing geliasseer word. 15

Die aard van die wangedrag is:

HANDTEKENING VAN VERTEENWOORDIGER VAN WERKGEWER

DATUM 20

HANDTEKENING VAN WERKNEMER

DATUM

HANDTEKENING VAN GETUIE (indien van toepassing)

DATUM"; 25

(b) Deur Vorm B deur die volgende Vorm te vervang:

"Vorm B"**FINALE SKRIFTELIKE WAARSKUWING**

[DATUM]

[NAAM VAN WERKNEMER]

[PERSALNO.] 30

[PERSOONLIKE BESONDERHEDE VAN WERKNEMER]

Hierdie is 'n finale skriftelike waarskuwing ingevolge die tugprosedure. Indien u verdere [oortredings] wangedrag pleeg, kan dit lei tot die instel van formele tugstappe teen u.

Die finale skriftelike waarskuwing sal in u persoonlike lêer geplaas word en sal van krag wees vir 'n tydperk van ses maande vanaf die datum van die skriftelike waarskuwing. 40

Indien u dit verkies, kan u 'n skriftelike beswaar teen hierdie finale waarskuwing voorlê, of bykomstige inligting verskaf, en dit sal saam met hierdie finale waarskuwing geliasseer word. 45

Die aard van die wangedrag is:

HANDTEKENING VAN VERTEENWOORDIGER VAN WERKGEWER

DATUM 50

HANDTEKENING VAN WERKNEMER

DATUM

HANDTEKENING VAN GETUIE (indien van toepassing)

DATUM"; 55

(c) the substitution for Form C of the following Form:

"Form C"

NOTICE OF DISCIPLINARY MEETING

[DATE]

[NAME OF EMPLOYEE]

[PERSAL NO.]

[PERSONAL DETAILS OF THE EMPLOYEE]

5

You are hereby given notice to attend a disciplinary hearing in terms of item 10
6 of the Disciplinary Code.

The alleged misconduct [and the available evidence] is based on the
following evidence:

[A DETAILED DESCRIPTION OF THE ALLEGED MISCONDUCT MAY 15
BE ATTACHED.]

The hearing will be held at [PLACE] on [DATE] at [TIME].
If you do not attend and cannot provide reasonable grounds for failing to
attend, the hearing will be held in your absence.

20

A fellow employee or a representative of a recognised union may represent
you at the hearing. You may also be represented by a legal representative if the
presiding officer so directs.

You may give evidence at the hearing and adduce evidence in the form of 25
documents or through witnesses. You are entitled to question any witness
called by the employer.

If the presiding officer finds that you are guilty of misconduct, you may
present any relevant circumstances which you wish to be taken into account 30
by the presiding officer in determining the sanction.

SIGNATURE OF REPRESENTATIVE OF EMPLOYER
DATE

35

ACKNOWLEDGMENT OF RECEIPT BY EMPLOYEE
DATE

SIGNATURE OF WITNESS (if applicable)
DATE"; and

40

(d) the substitution for Form D of the following Form:

"Form D"

SUMMONS TO APPEAR AT DISCIPLINARY HEARING

DATE:

TO: 45

(Name and residential address of person summoned)

You are hereby summoned to appear personally on the day
of..... 20 at (time) at
(place) before the presiding officer of a disciplinary hearing in terms of
Schedule 2 to the Employment of Educators Act, 1998 (Act No. 76 of 1998), 50
for the purpose of giving evidence regarding the following misconduct:

(c) deur Vorm C deur die volgende Vorm te vervang:

"Vorm C"

KENNISGEWING VAN TUGVERGADERING

[DATUM]

[NAAM VAN WERKNEMER]

[PERSALNO.]

[PERSOONLIKE BESONDERHEDE VAN WERKNEMER]

5

U word hiermee kennis gegee om 'n tugverhoor ingevolge item 6 van die Tugkode by te woon.

Die beweerde wangedrag [**en die beskikbare getuienis**] is op die volgende getuienis gebaseer:

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[In DETAIL BESKRYWING VAN DIE BEWEERDE WANGEDRAG KAN AANGEHEG WORD.]

Die verhoor sal gehou word te [PLEK] op [DATUM] 20
om [TYD]. Indien u afwesig is en nie redelike gronde vir u afwesigheid kan voorsien nie, sal die verhoor in u afwesigheid gehou word.

'n Mede-werknemer of 'n verteenwoordiger van 'n erkende vakbond mag u by die verhoor verteenwoordig. Indien die voorsittende beampte dit gelas, kan u ook deur 'nregsverteenvwoordiger verteenwoordig word.

U kan getuienis by die verhoor aflê en getuienis lei in die vorm van dokumente of deur getuies. U is daarop geregtig om enige getuie wat deur die werkewer geroep word, te ondervra.

30

Indien die voorsittende beampte bevind dat u skuldig is aan wangedrag, kan u enige toepaslike omstandighede wat u deur die voorsittende beampte in aanmerking wil laat neem by die bepaling van die sanksie, voorlê.

35

HANDTEKENING VAN VERTEENWOORDIGER VAN WERKGEWER
DATUM

ONTVANGSERKENNING DEUR WERKNEMER

DATUM 40

HANDTEKENING VAN GETUIE (indien van toepassing)
DATUM"; en

(d) deur Vorm D deur die volgende Vorm te vervang:

45

"Vorm D"

DAGVAARDING OM BY TUGVERHOOR TE VERSKYN

DATUM:

AAN: 50

(Naam en woonadres van persoon gedagvaar)

U word hiermee gedagvaar om persoonlik op die dag

van 20 om (tyd) te

(plek) voor die voorsittende beampte van 'n tugverhoor ingevolge Bylae 2 by

die Wet op die Indiensneming van Opoeders, 1998 (Wet No. 76 van 1998), te

verskyn met die doel om getuienis te lewer ten aansien van die volgende wangedrag:

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Act No. 57, 2001**EDUCATION LAWS AMENDMENT ACT, 2001**

and to submit the following book, document or object in your possession, custody or control, which may have a bearing on the matter;

(specify the book, document or object)

5

SIGNATURE OF REPRESENTATIVE [OR] EMPLOYER".

Amendment of section 8 of Act 98 of 1998

12. Section 8 of the Further Education and Training Act, 1998 (hereinafter referred to as the Training Act), is amended by the deletion of subsection (5).

Amendment of section 20 of Act 98 of 1998

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13. Section 20 of the Further Education and Training Act, is amended by the numbering of the existing section as subsection (1) and by the addition of the following subsection:

"(2) If a person lends money or grants an overdraft to a public further education and training institution without the approval of the Member of the Executive Council, the State and the institution is not bound by the contract of lending money or an overdraft agreement.".

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Amendment of section 49 of Act 98 of 1998

14. Section 49 of the Training Act is amended by the addition of the following subsections:

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"(4) Institutions contemplated in subsection (1) may not raise money by means of loans or overdrafts without the approval of the Member of the Executive Council.

(5) If a person lends money or grants an overdraft to an institution contemplated in subsection (1), without the approval of the Member of the Executive Council, the State and the institution is not bound by the contract of lending money or an overdraft agreement.".

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Short title

15. This Act is called the Education Laws Amendment Act, 2001.

en om die volgende boek, dokument of voorwerp in u besit, bewaring of beheer, wat op die saak betrekking mag hê, voor te lê:

(spesifieer die boek, dokument of voorwerp)

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.....
HANDTEKENING VAN VERTEENWOORDIGER VAN WERKGEWER".

Wysiging van artikel 8 van Wet 98 van 1998

12. Artikel 8 van die Wet op Verdere Onderwys en Opleiding, 1998 (hierna die Wet op Opleiding genoem), word gewysig deur subartikel (5) te skrap. 10

Wysiging van artikel 20 van Wet 98 van 1998

13. Artikel 20 van die Wet op Verdere Onderwys en Opleiding, word gewysig deur die bestaande artikel as subartikel (1) te nommer en deur die volgende subartikel by te voeg:

"(2) Indien 'n persoon aan 'n openbare inrigting vir verdere onderwys en opleiding geld leen of 'n oortrekking toestaan sonder die goedkeuring van die Lid van die Uitvoerende Raad, sal die Staat en die inrigting nie aan die geldleenkontrak of oortrekkingsooreenkoms gebonde wees nie.".

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Wysiging van artikel 49 van Wet 98 van 1998

14. Artikel 49 van die Wet op Opleiding word gewysig deur die volgende subartikels by te voeg: 20

"(4) Inrigtings in subartikel (1) beoog mag nie geld by wyse van lenings of oortrekkings verkry sonder die goedkeuring van die Lid van die Uitvoerende Raad nie.

"(5) Indien 'n persoon aan 'n inrigting in subartikel (1) beoog geld leen of 'n oortrekking toestaan, sonder die goedkeuring van die Lid van die Uitvoerende Raad, sal die Staat en die inrigting nie aan die geldleenkontrak of oortrekkingsooreenkoms gebonde wees nie.".

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Kort titel

15. Hierdie Wet heet die Wysigingswet op Onderwyswette, 2001.

