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## GOVERNMENT NOTICE

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### DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 630

22 August 2013

#### HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997)

#### ESTABLISHMENT OF A PUBLIC UNIVERSITY IN TERMS OF SECTION 20 OF THE HIGHER EDUCATION ACT, 1997

#### SOL PLAATJE UNIVERSITY

I, Bonginkosi Emanuel Nzimande, MP, Minister of Higher Education and Training, in terms of section 20 of the Higher Education Act, 1997 (Act 101 of 1997), and after consulting with the Council on Higher Education, hereby establish the Sol Plaatje University in Kimberley in the Northern Cape Province. The date of the establishment of Sol Plaatje University, the type of institution, its physical location and official address, the composition of its interim council and the transitional arrangements required to ensure the effective implementation of its establishment are set out in the Schedule hereto.



Dr BE Nzimande

Minister of Higher Education and Training

Date: 16/08/13

## **SCHEDULE 1**

**The date of the establishment of the new University is effective upon the signature of the gazette** which University is a juristic person as contemplated in section 20(4) of the Higher Education Act, Act No. 101 of 1997 (the Act).

### **The type and name of the new institution**

This institution will be a comprehensive university to be known as Sol Plaatje University, Northern Cape

### **The physical location and official address of the new institution**

The physical location and seat of Sol Plaatje University will be in Kimberley. The official address is:

Provincial Building, Chapel Street, Kimberley, 8301

### **Establishment of an Interim Council**

An interim council is established for a period not exceeding six months, to perform the functions relating to governance of the institution, except the making of the institutional statute.

The Interim Council must in particular:

- appoint an interim body to manage the day-to-day activities of the institution;
- ensure that a council is constituted in terms of the standard institutional statute
- ensure the establishment of such other structures as may be determined in the standard institutional statute

### **The composition of the interim council including the chairperson is:**

- Ms Jenny Glennie (Chairperson)
- Prof Vishu Padayachee
- Mr Maripung Lekwene
- Mr Abel Madonsela
- Dr Yvonne Muthien

The interim council must co-opt three members of the interim management body as members without voting rights as contemplated in section 20(9) and (10) of the Act.

The University will perform its functions in accordance with Chapter 4 of the Act and with the assets identified in the Record of Intention attached as Annexure A and money appropriated by Parliament as contemplated in section 20(1) of the Act.

### **The transitional arrangements**

A set of comprehensive and integrated policies and procedures in the form of Guidelines for the Establishment of a New University in South Africa have been developed. The guidelines are broad in scope and deal with amongst others aspects the following areas of work: institutional governance; the office of the registrar; students governance; academic programmes; human resources; information and communication technology (ICT); finance; library and information sciences; and facilities management. The Minister will hand over the guidelines and framework to the Interim Council of the new university to develop the systems and practices that will support high quality teaching and learning, academic programmes and productive research and community engagement activities for the university.

The Department of Higher Education and Training will provide technical support to this University up until such time that it is fully functional.

## **ANNEXURE A**

### **RECORD OF INTENTION**

**RECORD OF INTENTION****Agreed upon by and between****THE MINISTER OF HIGHER EDUCATION AND TRAINING**Herein represented by **Minister BE Nzimande, MP**

In his capacity as Minister of Higher Education and Training

(Herein referred to as **"the MHET"**)**And****THE MINISTER OF PUBLIC WORKS**Herein represented by **Minister TW Nxesi, MP**

In his capacity as Minister of Public Works

(Hereinafter referred to as **MPW**)**And****THE PREMIER OF THE NORTHERN CAPE PROVINCE**Herein represented by **Acting Premier Grizelda Cjiekella**

In her capacity as Premier of the Northern Cape Province

(Hereinafter referred to as **PNCP**)**And****THE MAYOR OF SOL PLAATJE MUNICIPALITY**Herein represented by **Mayor Agnes Ntlangula**

In her capacity as Mayor of Sol Plaatje Municipality

(Hereinafter referred to as **MSPM**)**and****THE EXECUTIVE MAYOR OF FRANCES BAARD DISTRICT MUNICIPALITY**Herein represented by **Mayor Mary Khadi Moloi**

In her capacity as Mayor of Sol Plaatje Municipality

(Hereinafter referred to as **MSPM**)*KMM**[Signature]**AN**[Signature]*  
*[Signature]*  
*[Signature]*

1

**TO FACILITATE THE RAPID ESTABLISHMENT OF THE NEW UNIVERSITY IN THE  
NORTHERN CAPE AND THE TRANSFER AND DEVELOPMENT OF THE IDENTIFIED  
PUBLICLY OWNED LAND**

**1. PARTIES**

- 1.1. The Minister of Higher Education and Training
- 1.2. The Minister of Public Works
- 1.3. The Premier of the Province of the Northern Cape
- 1.4. The Mayor of Sol Plaatje Municipality

**2. PREAMBLE**

**WHEREAS** Government has committed itself to building a new University in the Northern Cape in order to improve access to post school education opportunities.

**AND WHEREAS** the President of the Republic announced the proposed seat of the university on the 5<sup>th</sup> July 2012.

**AND WHEREAS** Government's vision for the university was gazetted for public comment on the 31<sup>st</sup> August 2012

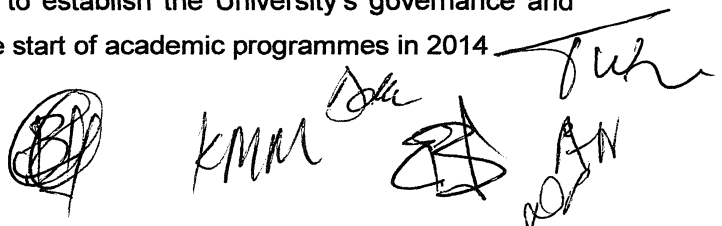
**AND WHEREAS** the Department of Higher Education and Training is charged with the development and establishment of this new university

**AND WHEREAS** the Premier of the Province represents the current provincial user of portions of the land identified for the purpose of the new university

**AND WHEREAS** the Mayor of the Province represents the current municipal users of portions of the land identified for the purpose of the new university

**AND WHEREAS** the National Department of Public Works is the ultimate custodian of land on behalf of the national government

**AND WHEREAS** there is an urgent need for the Minister of Higher Education and Training to proclaim the new University in terms of the Higher Education Act (including the seat of delivery), so as to establish the University's governance and management structures and enable the start of academic programmes in 2014





**AND WHEREAS** the Cabinet Meeting of 05 December noted the progress made in the planning and development of two new universities including consultation with the public and affected stakeholders

**AND WHEREAS** the President of the Republic in his State of the Nation address on the 14<sup>th</sup> February 2013 confirmed that construction is expected to commence in September 2013

**AND WHEREAS** there is a need to commence the physical planning and development of the new University,

**AND WHEREAS** the Parties recognise that the processes of land transfer may take some time to conclude

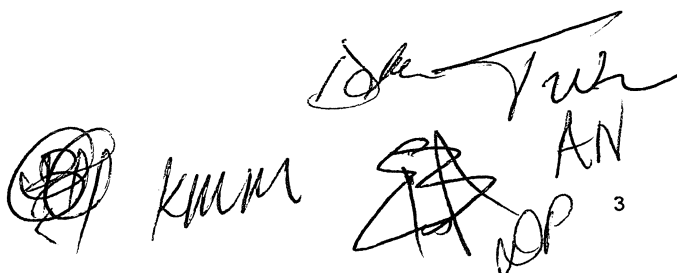
**NOW THEREFORE THE PARTIES CONFIRM THEIR COMMITMENT TO THE RAPID ESTABLISHMENT OF THE UNIVERSITY AND THE TRANSFER AND DEVELOPMENT OF THE LAND IDENTIFIED IN ANNEXURE 1 AS FOLLOWS:**

**3. EFFECTIVE DATE**

The commitments expressed in this memorandum shall be sustained until transfer of the land into the hands of the new University when it is established.

**4. LAND TRANSFER**

- 4.1. The portions of land identified in Annexure 1 will be transferred into the ownership of the new University after it has been proclaimed and in accordance with the established land disposal processes of Government.
- 4.2. It is recognized that successful development of the University's spatial development framework is dependent on portions of land that are not owned by government and that it will be necessary to ensure transfer of Erf 2503 which is owned by the Northern Cape Technical College (see 3 on the diagram of Annexure 1) as well as portion of Erf 2513 used by the Diamond Veld High School (see 5a on the diagram).

The block contains several handwritten signatures and initials. On the left, there is a circular stamp with a signature inside. To its right are the initials 'KMM'. Further right is a large, stylized signature. To the right of that is another signature with the initials 'AN' written below it. At the bottom right, there is a signature with the number '3' written next to it.

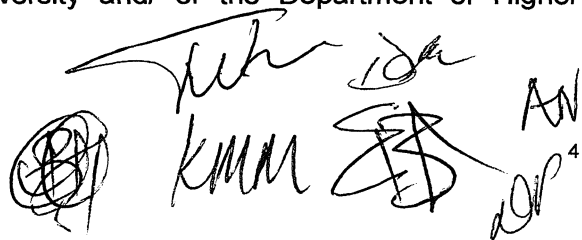
- 4.3. It is also recognized that successful development of the University's spatial development framework is further dependent on agreement with the Diamond Field High School to share the use of sports fields located on a portion of Erf 2513 (see 5b on the diagram).

## 5. OCCUPATION AND DEVELOPMENT RIGHTS

- 5.1. Until the processes of land transfer are concluded, the new university is authorized to take occupation and to develop the land as if it were the owner. Until the university is established the Department of Higher Education and Training will act on its behalf in accordance with Clause 14 of the Interpretation Act 33 of 1957. The envisaged development activities include, but are not restricted to the following:
- 5.1.1. Surveys, site investigations, alterations, maintenance and on-site improvements,
- 5.1.2. Applications for zoning, planning approvals, building permits and any other planning processes required for development,
- 5.1.3. Installation of new services and the maintenance of existing
- 5.1.4. Construction work.
- 5.2. As the duly authorized occupier and developer of the land the new university will be accountable, through the Department of Higher Education and Training, to manage the property in full compliance with all laws and regulations governing property owners in general and any specific requirements of the respective title deeds.
- 5.3. The authorities which have custodianship of the land and act on behalf of the State will actively support and act at all times in the best interest of the University when it exercises any right referred to in sub-clauses 5.1 and 5.2.

## 6. COSTS

All costs associated with the occupation, implementation and development of the new university shall be carried by the university and/ or the Department of Higher Education and Training.

A collection of handwritten signatures and initials in black ink. There are several distinct signatures, including one that appears to be 'KMM' and another that looks like 'AN'. There are also some initials and a small '4' at the bottom right.

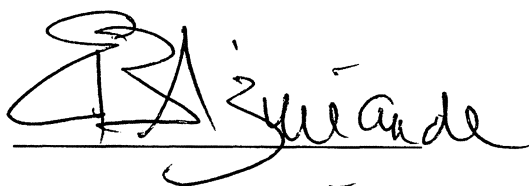
**7. TRANSFER OF THE PROPERTY**

The process to effect transfer of the property will be initiated by the Department of Higher Education and Training and will be facilitated and processed by the and the Sol Plaatje Municipality as well as the Department of Public Works, with the support of the Premier, the Provincial Executive and the Mayor of Sol Plaatje and will be given a high priority by all parties involved.

**8. PUBLICATION**

The parties wish to communicate this Record of Intention and agree to its publication in the Government Gazette in order to facilitate the cooperation and support of all organs of state, public authorities and the private sector in the establishment of the new university.



SIGNED at Kimberly on this 19 day of March 2013

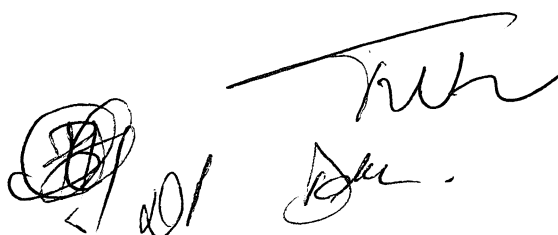


**DR. BE NZIMANDE**

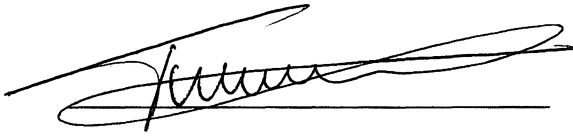
**MINISTER OF HIGHER EDUCATION AND TRAINING**

AS WITNESSES (MHET):

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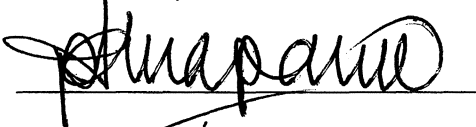

SIGNED at PRETORIA on this 11 day of APRIL 2013



**Mr TW NXESI**

**MINISTER OF PUBLIC WORKS**

AS WITNESSES (MPW)

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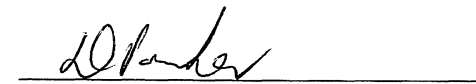

SIGNED at Kimberly on this 19 day of March 2013

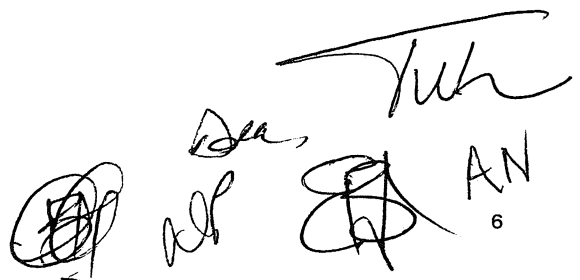


**Ms Grizelda Cjiekella**

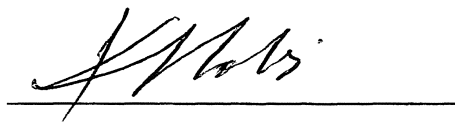
**ACTING PREMIER OF THE NORTHERN CAPE PROVINCE**

AS WITNESSES (PNCP)

1. 
2. 




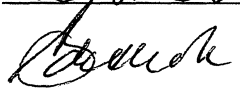
SIGNED at Kimberly on this 19 day of March 2013



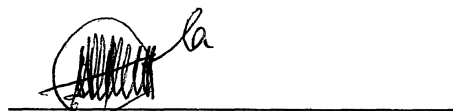
**Ms Mary Khadi Moloi**

**EXECUTIVE MAYOR OF FRANCES BAARD DISTRICT MUNICIPALITY**

AS WITNESSES (MSPM)

1. 
2. 

SIGNED at Kimberly on this 19 day of March 2013


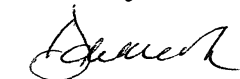



**Ms Agnes Ntlangula**

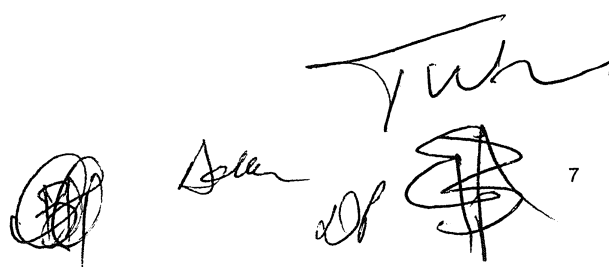
**MAYOR OF SOL PLAATJE MUNICIPALITY**

Executive

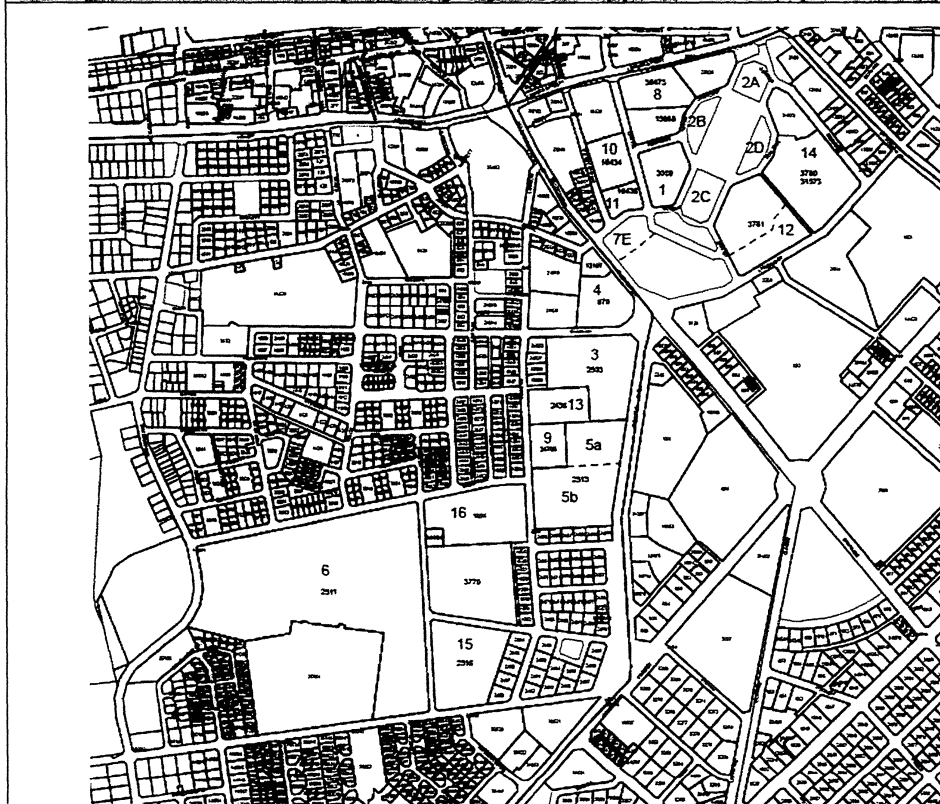
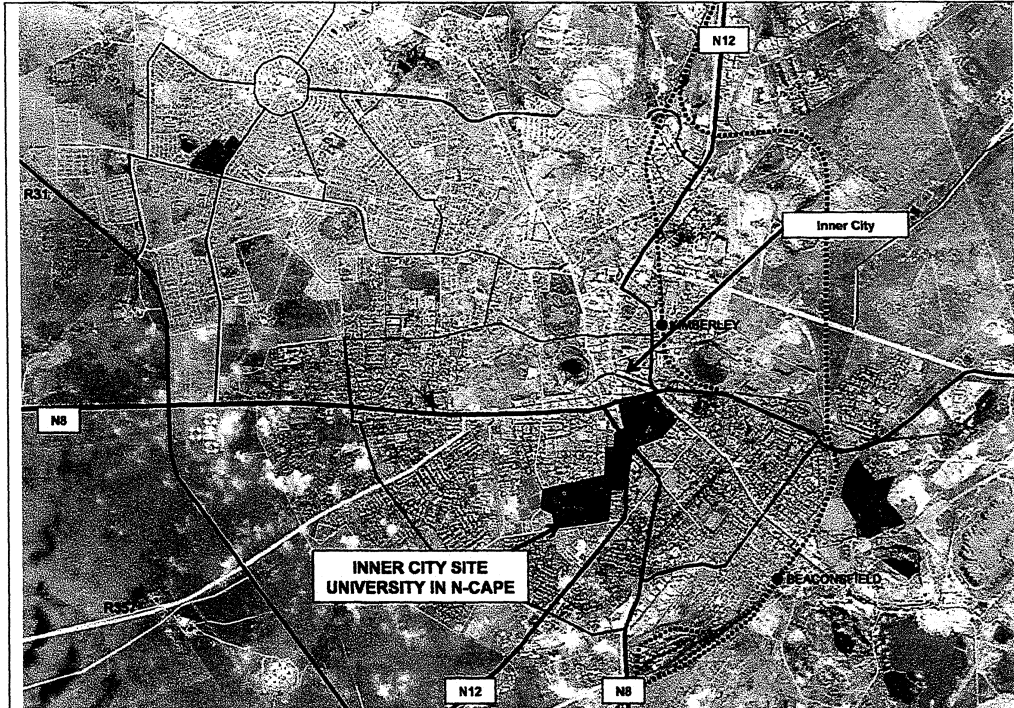
AS WITNESSES (MSPM)

1. 
2. 





# ANNEXURE 1 - SCHEDULE OF PUBLICLY OWNED LAND REFERRED TO IN THIS RECORD OF INTENTION



*See*  
*KMM*  
*AN*  
*10P*

Property numbers are referred to Table 1 of the Schedule (see below)

**Table 1 - Schedule of Government-owned properties for the New University campus, Sol Plaatje, in the Northern Cape Province**

| Property                            |  |                  | Ownership / Custodianship                      |
|-------------------------------------|--|------------------|--|
| No                                  | Description                                      | Size (ha)        |  |
| 1                                   | Erf 3009   | 1.2070           | RSA / Provincial DPW                           |
| 4                                   | Erf 879  | 0.2455           | RSA / National DPW                             |
| 5a & 5b                             | Erf 2513   | to be surveyed   | RSA, Provincial Depart / Hoerskool Diamantveld |
| <b>Sol Plaatje owned properties</b> |  |                  |  |
| 2                                   | Erf 1 Sol Plaatje, 2A, 2B, 2C, 2D, Memorial area | Each about 0,5ha | Sol Plaatje properties, (donated by De Beers)  |
| 7                                   | 7E -Erf 1, E                                     | about 0,5ha      | Sol Plaatje property                           |

Handwritten signatures and initials, including a large signature at the top right, and several sets of initials (KMM, AN, etc.) below it.

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