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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 68a

2a May 1999

MINISTRY OF EDUCATION

The Minister of Education, hereby publishes the National Student Financial Aid Scheme(NSFAS) Bill, 1999 and the Higher Education Amendment Bill, 1999 for comments.

All persons concerned are invited to comment in writing on the draft bill and to send the comments to:

The Director-General, Private Bag X895, Pretoria, 0001, for attention:

Ms M Locke, Fax no. (012) 3269128, or e-mail: locke.m@educa.gov.za

The comment must reach the Department of Education not later than 18 June 1999.

Please also provide the name, address, telephone number, fax number and e-mail address of the person or organisation responsible for submitting the comment.

DEPARTMENT OF EDUCATION

MAY 1999

HIGHER EDUCATION AMENDMENT BILL, 1999

GENERAL EXPLANATORY NOTE:

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

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

BILL

To amend the Higher Education Act, 1997, **so as** to provide that the **principal** is the **chairperson** of the **senate** and the **registrar** of a public higher education **institution** is the **secretary** of the council; to empower a council to differentiate between foreign students who are not permanent **residents** and **students** who are **citizens** or permanent residents; to make technical **adjustments**; and to provide for **matters** connected therewith.

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

Amendment of-action 26 of Act 101 of 1997

1. Section 26 of the Higher Education Act, 1997, is hereby amended-

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

“(3) Subject to subsection (4) [A] a structure referred to in subsection (2)(a), (b), (e), (9 and (g) must elect a chairperson, vice-chairperson and other office-bearers from among its members in the manner determined by the institutional statute or an Act of Parliament.”; and

(b) by the addition of the following subsection:

“(4) Notwithstanding the provisions of subsection (3) –

(a) the principal is the chairperson of the senate;

(b) the registrar of the public higher education institution appointed by the council. is the secretary of the council;
and

(c) the chairperson of the council may not be elected from members contemplated in section 27(4)(a), (b), (d), (e), (f) and (g).”.

Amendment of **section 39** of Act 101 of 1997

2. Section 39 of the Higher Education Act, 1997, is hereby amended by the addition of the following subsection:

“(4) The policy referred to in subsection (1) may differentiate between foreign students who are not permanent residents of the Republic and students who are citizens or permanent residents of the Republic.”.

Amendment of **section 40** of Act 101 of 1997

3. Section 40 of the Higher Education Act, 1997, is hereby amended by the substitution for paragraph (g) of the following paragraph:

“(g) money payable by students for higher education programmed provided by the institution , but the council may differentiate between foreign students who are not permanent residents of the Republic and students who are citizens or permanent residents of the Republic when the amount payable is determined.”.

Amendment of section 68 of Act 101 of 1997

4. Section 68 of the Higher Education Act, 1997, is hereby amended by the addition of the following subsections:

“(3) The principal of a public higher education institution may, on such conditions as he or she may determine, delegate any of his or her powers under this Act or delegated to him or her in terms of subsection (2), and assign any of his or her duties in terms of this Act or assigned to him or her in terms of subsection (2), to any other employee of the public higher education institution concerned.

(4) The CHE may, on such conditions as it may determine, delegate any of its powers under this Act or delegated to it in terms of subsection (1), and assign any of its duties in terms of this Act or assigned to it in terms of subsection (1), to any of its committees or employees.”.

Short title

5. This Act is the Higher Education Amendment Act, 1999.

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