

OFFICE OF THE PRESIDENT

No. 631.
19 April 1996

NO. 17 OF 1996: UNIVERSITY OF NORTH-WEST (PRIVATE) ACT, 1996.

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

ACT

To amend and consolidate the University of Bophuthatswana Consolidation Act, 1988; and to provide for matters connected therewith.

PREAMBLE

WHEREAS there exists an institution for higher education at Mmabatho;

AND WHEREAS the institution was established under the name University of Bophuthatswana by the University of Bophuthatswana Consolidation Act, 1988 (Act No. 33 of 1988), and it is expedient to change the name of the institution to University of North-West;

AND WHEREAS for the better administration and management of the University and in the light of the new constitutional dispensation in the Republic of South Africa, it is expedient to provide anew for the constitution, rights, powers, privileges and duties of the University;

(Afrikaans text signed by the President.)
(Assented to 10 April 1996.)

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

Definitions

1. In this Act, unless the context otherwise indicates-

- (i) "academic employee" means a person appointed to a teaching or research post at the University and any other employee designated as such by the council; (ii)
- (ii) "chancellor" means the chancellor of the University referred to in section 4(1); (iv)
- (iii) "convocation" means the convocation of the University referred to in section 9(1); (v)
- (iv) "council" means the council of the University as constituted in accordance with section 6(1); (vii)
- (v) "deputy-vice-chancellor" means the deputy-vice-chancellor of the University referred to in section 5(1); (i)
- (vi) "employee" means an academic or non-academic employee, employed full-time or part-time in a permanent or temporary capacity at the University; (xiii)
- (vii) "Minister" means the Minister of Education; (vi)
- (viii) "regulation" means a regulation framed by the council under section 17(1) (b) of the Universities Act; (viii)

- (ix) "senate" means the senate of the University constituted in accordance with section 7(1); (ix)
- (x) "statute" means the statute framed by the council under section 17(1) (a) of the Universities Act; (x)
- (xi) "this Act" includes the statutes and regulations; (iii)
- (xii) "Universities Act" means the Universities Act, 1955 (Act No. 61 of 1955); (xiv)
- (xiii) "University" means the University North-West referred to in section 2(1); (xi) and
- (xiv) "vice-chancellor" means the vice-chancellor of the University referred to in section 5(1). (xii)

Name and seat of University

2. (1) The University of Bophuthatswana, established by the University of Bophuthatswana Consolidation Act, 1988 (Act No. 33 of 1988), shall, notwithstanding the repeal of the said Act by section 21(1) and subject to the provisions of this Act, continue to exist under the name University of North-West and shall for all purposes be deemed to be a university established under an Act of Parliament.

(2) Unless it is clearly inappropriate, any reference to the University of Bophuthatswana in any law, or any contract, register or record created in terms of a law or other document, shall be construed as a reference to the University.

(3) The seat of the University shall be at Mmabatho in the magisterial district of Molopo in the province of North-West: Provided that-

- (a) the University may, with the approval of the Minister, also conduct its university activities outside its seat, but if such activities are to be conducted within the seat of another university or at a place where the university activities of another university are lawfully conducted, such activities shall be conducted with the approval of the Minister after consultation with the other university; and
- (b) the University may also conduct its university activities at any hospital, clinic or health centre or institution in the province of North-West approved by the senate for training purposes.

Constitution and powers of University

3. (1) The University shall consist of-

- (a) the chancellor;
- (b) the vice-chancellor, who shall also be the principal;
- (c) the deputy vice-chancellor or deputy vice-chancellors;
- (d) the council;
- (e) the senate;
- (f) the convocation;
- (g) the employees of the University; and

(h) the students of the University.

(2) The University shall be a body corporate.

(3) The University may not alienate or hypothecate its immovable property without the approval of the Minister.

Chancellor of University

4. (1) The chancellor of the University shall be elected by the council in the manner prescribed by statute.

(2) The chancellor shall hold office for a period of five years, and may be re-elected for one further term of five years.

(3) Upon the expiry of the term of office of the chancellor, or in the event of his or her death, resignation, incapacity or removal from office by the council for sufficient reasons, a new chancellor shall be elected in accordance with subsection (1).

(4) The privileges and functions of the chancellor shall be as prescribed by statute.

(5) (a) Whenever the office of the chancellor is vacant or the chancellor is absent or incapacitated or refuses or fails to act, the vice-chancellor shall perform the functions of the chancellor.

(b) Whenever the offices of both the chancellor and the vice-chancellor are vacant or both the chancellor and the vice-chancellor are absent or incapacitated or refuse or fail to act, a person, designated by the council, shall perform the functions of the chancellor for as long as such vacancies or any of the said other circumstances subsist.

Vice-chancellor and deputy vice-chancellors of University

5. (1) The vice-chancellor, who shall also be the principal of the University, and such number of deputy vice-chancellors as determined by the council, shall be appointed by the council in the manner prescribed by statute.

(2) The privileges, functions and term of office of the vice-chancellor and deputy vice-chancellors, the designation of a person to act during the absence of the vice-chancellor or a deputy vice-chancellor, arrangements regarding any vacancy in the office of the vice-chancellor or a deputy vice-chancellor, and the vacating of such offices, shall be prescribed by statute.

(3) The salary and other conditions of service of the vice-chancellor and deputy vice-chancellors shall be determined by the council.

Council of University

6. (1) Subject to the provisions of this Act, the management, control and executive power of the University shall vest in the council, which shall consist of-

(a) the vice-chancellor;

(b) the deputy vice-chancellor or deputy vice-chancellors;

(c) five persons appointed by the Minister;

(d) three persons elected by the senate from among its members;

(e) two persons elected by the convocation;

- (f) three persons designated by persons who, in terms of the statute, are donors;
- (g) three employees of the University, other than members of the senate, elected by the employees in the manner prescribed by statute;
- (h) two members of the students' representative council, designated by the students' representative council in the manner prescribed by statute;
- (i) one person appointed by the Premier of the province of North-West;
- (j) one person appointed by the City Council of Mmabatho;
- (k) not more than four persons, designated by a body or bodies determined by the council in the manner prescribed by statute;
- (l) not more than two persons, co-opted by the council in the manner prescribed by statute; and
- (m) one person appointed by the Premier of the province of Northern Cape:

Provided that the persons referred to in paragraphs (c), (e), (f), (h), (i), (j), (k) and (m) shall not be employees of the University.

(2) The members of the council, excluding the vice-chancellor and deputy vice-chancellors, shall hold office for such periods as prescribed by statute.

(3) The circumstances under which a person is or becomes incompetent to be appointed, elected, designated or co-opted as a member of the council, shall be prescribed by statute.

(4) (a) A vacancy in the council shall be filled in the same manner in which the member who previously held the office was appointed, elected, designated or co-opted.

(b) A person appointed, elected, designated or co-opted in terms of paragraph (a) shall occupy his or her office for the unexpired portion of the term of office of his or her predecessor.

(5) The council shall elect a chairperson and vice-chairperson from among its members and shall elect the other office-bearers in the manner prescribed by statute.

(6) The convening of, the procedure and rules at, and the quorum for, meetings of the council and the keeping of minutes of such meetings, shall be prescribed by statute.

Senate of University

7. (1) The senate of the University shall consist of-

- (a) the vice-chancellor, who shall be the chairperson;
- (b) the deputy vice-chancellor or deputy vice-chancellors;
- (c) the deans of faculties;
- (d) two members of the council, elected by the council in the manner prescribed by statute;
- (e) the full professors of the University and the heads of departments;

- (f) two members of each faculty, other than full professors, elected by the academic board of the faculty concerned;
- (g) the chief librarian of the University;
- (h) a director or head of an institute, centre, bureau or section of the University, designated by the council after consultation with the senate;
- (i) for each faculty one student, other than a first year student, elected by the registered students of the faculty concerned;
- (j) two representatives of colleges affiliated to the University, designated in the manner prescribed by statute;
- (k) two academic members of the institute, centre, bureau or section referred to in paragraph (h), elected by the academic employees in the manner prescribed by statute;
- (l) not more than two employees, other than full professors, elected by the employees in the manner prescribed by statute; and
- (m) not more than two members of the academic staff of other tertiary educational institutions, designated by the senate.

(2) The members of the senate, excluding the vice-chancellor, deputy vice-chancellor and chief librarian, shall hold office for such periods as prescribed by statute.

(3) Subject to the provisions of this Act, the functions of the senate and the procedure at, and the quorum for, meetings of the senate shall be prescribed by statute.

(4) The control and regulation of the instruction and research of the University shall be vested in the senate in accordance with rules framed by the senate for that purpose, and approved by the council.

(5) (a) A vacancy in the senate shall be filled in the same manner in which the member who previously held the office was designated, appointed or elected.

(b) A person designated, appointed or elected in terms of paragraph (a) shall occupy his or her office for the unexpired portion of the term of office of his or her predecessor.

(6) The senate shall from time to time submit to the council-

(a) reports on its activities;

(b) such recommendations as it may deem expedient, regarding any matter of interest to the University; and

(c) recommendations regarding any matter referred to it by the council.

Committees and joint committees of council and senate

8. (1) The council and senate may appoint one or more committees, which shall, subject to the directions of the council or senate, as the case may be, perform such functions of the council or senate as the council or senate, as the case may be, may determine.

(2) Such a committee shall consist of as many members of the council or senate, as the case may be, or of both such members and other persons, as the council or senate, as the case may be, may deem necessary, and such committee may at any time be dissolved and reconstituted.

(3) The council or senate, as the case may be, shall not be divested of the responsibility for the performance of a function assigned to a committee in terms of this section.

(4) Any decision taken by such committee in the performance of any function so assigned, shall be presented for ratification to the council or senate, as the case may be, at its first meeting after the decision was taken.

(5) (a) The council and senate may, by mutual agreement, establish from among their members one or more joint committees.

(b) The council or senate may assign any of the functions common to the council and senate to any joint committee, but shall not thereby be divested of any function so assigned and may amend or set aside any decision of such committee.

Convocation of University

9. (1) The convocation of the University shall consist of-

(a) all the persons, excluding the persons referred to in paragraph (b), who immediately before the commencement of this Act were members of the convocation of the University;

(b) the vice-chancellor, the deputy vice-chancellor or deputy vice-chancellors, the registrar and the chief librarian of the University;

(c) such employees as may be designated by the council on recommendation of the senate; and

(d) all the persons who, after the commencement of this Act, become graduates of the University:

Provided that if any person who is a member of the convocation by virtue of the provisions of paragraphs (a), (c) and (d), gives written notice to the council that he or she does not wish to become or remain a member of the convocation, he or she shall not become such a member, or he or she shall cease to be such a member, as the case may be, upon receipt of such notice by the council.

(2) The registrar of the University shall keep a convocation roll showing the full names and the addresses of the members of the convocation.

(3) Meetings of the convocation shall be convened and held in the manner, at the times and places and for such purposes as prescribed by statute.

(4) The convocation shall elect a chairperson from among its members in the manner prescribed by statute.

(5) The convocation may discuss and state its opinion upon any matter relating to the University, including matters which may be referred to it by the council.

Students' representative council

10. (1) A students' representative council for the University shall be elected by the students of the University.

(2) The constitution, manner of election, term of office, functions and privileges of the students' representative council shall be as prescribed by statute.

Appointment and conditions of service of employees

11. (1) The council shall appoint such employees as it considers necessary for the efficient management of the University: Provided that no appointment of an academic employee shall be made by the council except after consultation with the senate.

(2) The salaries, salary scales and allowances of employees shall be determined by the council.

(3) The conditions of service, service benefits and leave privileges of employees, other than those referred to in subsection (2), shall be prescribed by statute.

Pension fund

12. (1) Subject to subsection (2), the provisions of a pension fund, prescribed by statute, and the regulations thereunder shall apply in respect of all permanent employees.

(2) (a) Any person who immediately prior to his or her appointment as a permanent employee contributed to any pension, provident or retirement fund in terms of any law, shall continue so to contribute, unless otherwise provided in the law concerned or in any agreement.

(b) The University shall pay to a fund referred to in paragraph (a) an amount equal to the amount which the previous employer of a permanent employee would have been obliged by law to pay to the fund concerned if the employee had remained in his or her employment.

Faculties, departments and courses

13. (1) The council may, after consultation with the senate and with the approval of the Minister, establish faculties and departments at the University.

(2) The University may, subject to the provisions of section 14 of the Universities Act and upon recommendation of the senate, provide tuition for a degree, diploma or a course in a subject.

(3) For each faculty of the University there shall be an academic board which shall consist of-

(a) the vice-chancellor, who shall be the chairperson;

(b) the deputy vice-chancellor or deputy vice-chancellors;

(c) all academic employees of departments of the faculty concerned;

(d) such other employees as the council, upon recommendation of the senate, may determine; and

(e) two students of the faculty concerned, elected in a manner prescribed by statute.

(4) The functions of each academic board, the terms of office of the members thereof and the procedure at, and the quorum for, any meeting of an academic board shall be as prescribed by statute.

(5) For each department of the faculty concerned there shall be a department board which shall consist of-

(a) the head of the department, who shall be the chairperson;

(b) all academic employees of the department concerned; and

(c) two elected student representatives, other than first or second year students, elected by the registered students in the department concerned for one year.

(6) The functions of each department board and the procedure at, and the quorum for, any meeting of a department board shall be as prescribed by statute.

Degrees, diplomas and certificates

14. (1) The University may, subject to the provisions of this Act, confer such degrees in a faculty as it may, upon recommendation of the senate, deem fit.

(2) Subject to the provisions of section 14 of the Universities Act, the designation of any particular degree in any faculty, shall be as determined by the senate.

(3) Subject to the provisions of section 15, the University shall not confer any degree upon any person who has not attained the standard of proficiency determined by the University in an examination or other test.

(4) Subject to the provisions of this Act, the University may grant a diploma or certificate to any person who has pursued a course of study provided by the University and who has attained the standard of proficiency determined by the senate.

Degrees honoris causa

15. (1) Subject to the provisions of the statute, the University may, on the resolution of the council passed on the recommendation of the senate and without examination, confer a degree honoris causa of master or doctor in any faculty upon any person whom the University may deem worthy of such honour.

(2) The holder of a degree that has been conferred honoris causa shall not, by virtue of the fact that it has been conferred upon him or her, be entitled to practise any profession.

Disciplinary measures and places of residence and instruction

16. (1) A student of the University shall be subject to the disciplinary measures prescribed by regulation.

(2) The council may require a student to reside, for the periods during which the University is in session, at a place approved by the council.

(3) The council may determine at which place under the control of the University a student shall receive instruction.

Registration of and fees payable by students

17. (1) The fees payable by a student to the University shall be as determined by the council.

(2) Every person registered as a student at the University shall, in accordance with the provisions of the statute, renew his or her registration as a student from time to time.

(3) The council may refuse to renew the registration of a student applying therefor, if such student fails to comply with the minimum study requirements.

(4) (a) The council may, after consultation with the senate, limit the number

of persons who shall be permitted to register for any specific course of study.

(b) If the number of applicants for admission to such a course of study exceeds the limited number, the senate may select from such applicants those who shall be admitted to, and registered for, such course.

(5) The study programmes and syllabuses in regard to full-time and part-time studies shall be as determined by the council on recommendation of the senate.

(6) The council may refuse to admit or re-admit as a student of the University any person who applies for any such admission or re-admission, if the council considers it in the best interest of the University.

Examinations and tests

18. (a) The examinations and other tests of the University shall be conducted under the control of the senate as prescribed by statute.

(b) The University may, for the purpose of any examination or test designated by the council on recommendation of the senate, make use of external examiners or moderators appointed by the council on recommendation of the senate.

Admission of students ad eundem gradum for special courses of study and to a degree

19. A person who has graduated at another university or who can give satisfactory proof of his or her academic abilities, may, notwithstanding anything to the contrary in this Act contained, be specially exempted by the Committee of Principals under section 7(1)(e) of the Universities Act, from the conditions of compliance with the requirements prescribed for admission to study for a degree in terms of section 7(1)(d) of the Universities Act, and may be admitted as a student to courses of special study and research at the University, and may obtain a degree or diploma under conditions prescribed by the council on recommendation of the senate and which may be different from those applicable to ordinary students.

Vacancies do not affect powers of University, council or senate

20. No vacancy in the office of chancellor or vice-chancellor and principal of the University, nor any deficiency in the number of members of the council or of the senate, shall affect or impair the corporate existence of the University or any powers, rights or privileges conferred by this Act upon the University, the council or the senate: Provided that no resolution of the council or the senate shall be valid unless passed at a meeting at which a quorum was present and the provisions as prescribed by statute relating to any such meeting have in all other respects been complied with.

Repeal of laws, savings and transitional provisions

21. (1) Subject to the provisions of subsection (2), the laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Notwithstanding the repeal of the laws referred to in subsection (1)-

(a) any person who, immediately prior to the commencement of this Act, was in the service of the University in terms of any provision of a law repealed by subsection (1), shall, as from such commencement, for all purposes be deemed to hold his or her appointment in terms of the corresponding provision of this Act;

(b) any matter which was commenced with prior to the commencement of this Act in terms of any provision of a law repealed by subsection (1) and which was pending immediately prior to such commencement, shall, as

from such commencement, be deemed to have been commenced with in terms of the corresponding provision of this Act;

(c) any function or duty performed under or in terms of any provision of a law repealed by subsection (1), shall, in so far as it is not inconsistent with any provision of this Act, be deemed to have been performed under or in terms of the corresponding provision of this Act; and

(d) the statutes which, immediately prior to the commencement of this Act, were in force under section 29 of the University of Bophuthatswana Consolidation Act, 1988 (Act No. 33 of 1988), shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been framed under this Act and deemed to be in force under section 17 of the Universities Act.

(3) Any provision which immediately prior to the commencement of this Act applied to the University or to any person by virtue of any law repealed by subsection (1), but which is not re-enacted by this Act, shall continue to apply to the University or to that person, as the case may be, as if such law had not been repealed.

Short title

22. This Act shall be called the University of North-West (Private) Act, 1996.

SCHEDULE

LAWS REPEALED IN TERMS OF SECTION 21(1)

| Number and year of law | Short title | Extent of repeal |
|------------------------|---|------------------|
| Act No. 33 of 1988 | University of Bophuthatswana Consolidation Act, 1988 | The whole |
| Act No. 9 of 1993 | University of Bophuthatswana Consolidation Amendment Act, 1993 | The whole |
| Act No. 12 of 1993 | University of Bophuthatswana Consolidation Second Amendment Act, 1993 | The whole |
| Decree No. 13 of 1994 | University of Bophuthatswana Consolidation Act Amendment Decree, 1994 | The whole |

