

PRESIDENT'S OFFICE

No. 1059.
21 July 1995

NO. 27 OF 1995: TECHNIKONS AMENDMENT ACT, 1995.

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

GENERAL EXPLANATORY NOTE:

**	**	Words between two asterisks indicate omissions from existing enactments.
<<	>>	Words between two pointed brackets indicate insertions in existing enactments.

ACT

To amend the Technikons Act, 1993, so as to define or further define certain expressions; to further regulate the functions of the Committee of Technikon Principals; to provide that the Minister shall also consult with the Advisory Council and any stakeholders in technikon education before establishing a technikon; to make further provision for the constitution of a technikon; to provide that the salary and other conditions of service of the principal shall be determined by the council of the technikon; to provide for the appointment of vice-principals or vice-rectors and a registrar; to further regulate the constitution of the council of a technikon; to make further provision for the appointment of academic staff and other employees and the levy of fees; to make further provision for the drafting of statutes and rules by a council of a technikon; to extend the membership of an academic board to include two members of the students' representative council; to delete the requirement that a students' representative council be elected for the seat and every campus of a technikon; to further regulate the salaries of academic staff and other employees; to make further provision for transitional provisions in respect of pension funds of technikons; to provide for the recognition of employee organisations; to provide that disciplinary measures applicable to students may be prescribed by the rules; to make further provision for instructional programmes or subdivisions of instructional programmes; to further regulate the conducting of examinations; to provide for delegation of powers by the Minister and a council for a technikon; to repeal certain laws; and to provide that the Technikons Act, 1993, shall apply throughout the national territory of the Republic of South Africa; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 10 July 1995.)

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

Amendment of section 1 of Act 125 of 1993

1. Section 1 of the Technikons Act, 1993 (hereinafter referred to as the principal Act), is hereby amended-

(a) by the substitution for the definition of "Director-General" of the following definition:

<<" 'Director-General' means the Director-General:
Education>>;";

(b) by the insertion after the definition of "Director-General" of the

following definition:

"<< employee organisation' means an organisation which consists of employees, excluding the principal, vice-principal, vice-rector and registrar, of a technikon formally associated together and organised in a staff association or trade union for the purpose, whether by itself or with other purposes, of regulating relations between themselves or some of them and a technikon and which is recognised by a council in terms of section 25A;>>"

- (c) by the substitution for the definition of "Minister" of the following definition:

" <<'Minister' means the Minister of Education;>>" and

- (d) by the substitution for the definitions of "technikon certificate" and "technikon education" of the following definitions:

" 'technikon certificate' means a degree, diploma or any other certificate**to be** obtained **as a result of technikon education** <<upon successful completion of an instructional programme>>;

'technikon education' means-

<<(a)>> education provided partly or in full at or by a technikon, with a view to obtaining a technikon certificate and aimed at the preparation of the students of the technikon with a view to the advancement, application, development and transfer of technology; **and to undertake research and**

<<(b)>> to render community service;

<<(c) to undertake research,>> and includes the support and guidance of the students towards their human development in totality;"

Amendment of section 2 of Act 125 of 1993

2. Section 2 of the principal Act is hereby amended by the deletion of paragraph (c) of subsection (2).

Amendment of section 5 of Act 125 of 1993

3. Section 5 of the principal Act is hereby amended-

- (a) by the substitution for paragraphs (d) and (e) of subsection (1) of the following paragraphs, respectively:

(d) of its own accord or at the request of**any**<<the>> Minister or **any** Director-General, advise **such** <<the>> Minister or **such** Director-General on **co-operation between departments of State for education, in so far as technikons are involved** <<matters relating to technikons;>>

(e) prescribe the minimum requirements for admission to study at a technikon in the joint statutes; and"; and

- (b) by the insertion in subsection (1) after paragraph (d) of the following paragraph:

<<"(dA) obtain the approval of the Minister for the introduction of an instructional programme or subdivision of an instructional programme to be offered at a technikon in terms of section 31;>>"

Amendment of section 10 of Act 125 of 1993

4. Section 10 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) The Minister may, after consultation with the Committee,<<the Advisory Council established by section 2 of the Universities and Technikons Advisory Council Act, 1983 (Act No. 99 of 1983), and any stakeholders in technikon education,>> by notice in the Gazette, and from money voted for this purpose by Parliament, establish at any place in the Republic of South Africa a technikon or a satellite campus of a technikon and give a name to and determine the seat of the technikon.".

Amendment of section 13 of Act 125 of 1993

5. Section 13 of the principal Act is hereby amended by the insertion after paragraph (b) of the following paragraph:

<<"(bA) the vice-principals or vice-rectors, and registrar;>>".

Amendment of section 15 of Act 125 of 1993

6. Section 15 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

<<"(2A) Notwithstanding the provisions of section 24, the salary, conditions of service and leave privileges of the principal shall be determined by the council.>>".

Insertion of section 15A in Act 125 of 1993

7. The following section is hereby inserted in the principal Act after section 15:

"Vice-principal, vice-rector and registrar of technikon

<<15A. (1) The council may appoint one or more vice-principals or vice-rectors, and a registrar for a technikon in the manner prescribed by statute.

(2) The powers, privileges, functions and period of office of a vice-principal, vice-rector and registrar shall be prescribed by statute.

(3) Notwithstanding the provisions of section 24, the salary, conditions of service and leave privileges of a vice-principal, vicerektor and registrar shall be determined by the Council.

(4) Any person who, immediately prior to the date as from which any technikon, college or educational institution is in terms of section 10(3) or (4) deemed to be a technikon established under this Act or declared to be a technikon, was the vice-principal, vice-rector or registrar of such technikon, college or institution shall be deemed to have been appointed in terms of section (1) as the vice-principal, vice-rector or registrar, as the case may be, of the technikon concerned.>>".

Amendment of section 16 of Act 125 of 1993, as amended by section 23 of Act 204 of 1993

8. Section 16 of the principal Act is hereby amended-

(a) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

(b) such <<number>> of vice-principals **as may be appointed or elected in the manner** <<or vice-rectors as may be>> prescribed by statute;"

(b) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

"(d) two members of the academic board elected by the academic board in the manner prescribed by the rules **of the technikon**;"

(c) by the substitution for paragraph (e) of subsection (2) of the following paragraph:

"(e) one **member of the convocation** <<person>> elected by the convocation in the manner prescribed by the rules: Provided that such **member** <<person>> shall not be an employee of the technikon;"

(d) by the deletion of the word "and" at the end of paragraph (f) of subsection (2) and by the insertion in the said subsection after paragraph (f) of the following paragraphs:

<<(fA) one member of the academic staff elected by the academic staff and one other employee elected by the other employees, in the manner prescribed by the rules;

(fB) two members of the students' representative council elected by the students' representative council in the manner prescribed by the rules;

(fC) the registrar, if the council so decides; and">>

(e) by the substitution for paragraph (g) of subsection (2) of the following paragraph:

"(g) such number of persons as may be prescribed by statute **but less than the number of persons contemplated in paragraphs (a), (b), (c), (d), (e), and (f)**.";

by the substitution for subsections (3) and (4) of the following subsections, respectively:

"(3) Except in the case of members contemplated in subsection ** (1) ** <<(2)>>(a), (b), **and** (d), <<(fA) and (fC)>>, no person in receipt of a salary or wages from the technikon shall be eligible for appointment or election as a member of the council.

(4) **The number of persons prescribed by paragraphs (b) and (g) of subsection (2) shall be so many that the** <<The>> number of members of the council shall be not fewer than**16** <<20>> **but** <<and>> not more than **25** <<30>>.";

(g) by the deletion of paragraphs (d) and (e) of subsection (5); and

(h) by the substitution for subsection (6) of the following subsection:

"(6) A member of the council, other than the principal, <<or a viceprincipal, vice-rector, registrar>> or an employee of the technikon, shall vacate his<<or her>> office on conditions

prescribed by ****joint**** statute."

Substitution of section 17 of Act 125 of 1993

9. The following section is hereby substituted for section 17 of the principal Act:

"Appointment of academic staff and other employees, and levy of fees, by council

17. (1) The council shall******-

(a)****** subject to the provisions of this Act and with due observance of the general education policy contemplated in section 2(1) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), ****and-**

(b) after consultation with the academic board****** appoint the academic staff, and all other employees that it may consider necessary for the efficient instruction of students and administration of the technikon ****on such conditions of service as may be determined by the council, and persons so appointed shall be subject to such disciplinary provisions as may be prescribed by the rules of the technikon****.

<<(2) (a) The fees payable by students and the boarding fees payable by resident students and employees shall be determined and levied by the council.

(b) The council shall pay over to the Certification Council for Technikon Education the fees prescribed by such council in terms of section 17 of the Certification Council for Technikon Education Act, 1986 (Act No. 88 of 1986.>>"

Amendment of section 18 of Act 125 of 1993

10. Section 18 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) the studies, instruction, examinations and discipline****at or**** <<of the students>> of a technikon shall not be drafted, amended or repealed, except****after consultation**** with ****such**** <<the concurrence of the>> academic board <<of that technikon.>>"

Substitution of section 19 of Act 125 of 1993

11. The following section is hereby substituted for section 19 of the principal Act:

"Rules of technikon

19. (1) The council shall, subject to ****subsections**** <<subsection>> (2), ****and (3)**** have the power to draft rules for the technikon with a view to the effective administration of ****the**** <<this>> Act <<and the effective administration of the technikon.>>

(2) Rules relating to-

(a) the composition of an academic board shall not be drafted, amended or repealed, except on the recommendation of such academic board;

(b) the studies, instruction, examinations and discipline <<of the students>> of a technikon shall not be drafted, amended or

repealed, except **after consultation with such** with the concurrence of the academic board <<of such technikon>>; and

- (c) the conditions of service, discipline, privileges and functions of the employees of the technikon, <<excluding the principal, viceprincipal, vice-rector and registrar>>, shall not be drafted, amended, or repealed, except after **consultation** <<negotiation>> with the **employees of the technikon** <<employee organisations>>.

(3) Any rules which the council proposes to draft under this section shall be submitted to the Minister for his approval, and if approved by him shall be promulgated in the Gazette and shall come into operation on the date upon which they have so been promulgated.

Amendment of section 20 of Act 125 of 1993

12. Section 20 of the principal Act is hereby amended-

- (a) by the deletion of the word "and" at the end of paragraph (c) of subsection (1) and by the insertion in the said subsection after paragraph (c) of the following paragraph:

"<<(cA) two members of the students' representative council elected by the students' representative council and appointed by the council; and>>"; and

- (b) by the substitution for paragraph (d) of subsection (4) of the following paragraph:

"(d) shall supervise and control all examinations conducted by the technikon **in terms of its rules**; and".

Amendment of section 21 of Act 125 of 1993

13. Section 21 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (6) of the following paragraph:

"(b) The constitution, manner of election, functions, procedure at meetings and dissolution of a joint committee shall be as prescribed by the **joint statutes** <<rules.>>".

Amendment of section 22 of Act 125 of 1993

14. Section 22 of the principal Act is hereby amended by the substitution for subsections (4) and (5) of the following subsections, respectively:

"(4) (a) The **chairman** <<chairperson>> of the convocation shall be elected by the convocation in the manner prescribed by the rules **of the technikon**.

(b) The powers, privileges, **and** functions and the period of office of the **chairman** <<chairperson>> of the convocation shall be as prescribed by the rules **of the technikon**.

(5) Meetings of the convocation shall be convened and held in the manner, at the times and places and for the purposes prescribed by the rules **of the technikon**".

Substitution of section 23 of Act 125 of 1993

15. The following section is hereby substituted for section 23 of the principal Act:

"Students' representative council

23. (1) A students' representative council for the **seat of the** technikon **and for every campus thereof** shall be elected by the students **at such seat and at every campus, respectively** <<of the technikon.>>

(2) The constitution, manner of election, term of office, functions and privileges of a students' representative council shall be as determined by the rules **of the council after consultation** with <<the concurrence>> of the existing students' representative council, if any."

Amendment of section 24 of Act 125 of 1993

16. Section 24 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"<<(1) Subject to the provisions of subsection (2), and with due observance of the general education policy contemplated in section 2(1) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), and after negotiation with the employee organisations-

- (a) the salaries, salary scales and allowances of academic staff and other employees employed at a technikon, shall be determined by the council; and
- (b) the other conditions of service, service benefits and leave privileges of the academic staff and other employees, shall be prescribed by the rules.>>".

Substitution of section 25 of Act 125 of 1993

17. The following section is hereby substituted for section 25 of the principal Act:

"Pension Funds

25.<<(1)>> Any technikon established under section 10(1)(a) or any <<technikon>>, college or other educational institution <<deemed to be a technikon established under this Act or>> declared to be a technikon in terms of **section 10(1)(3)** <<section 10(3) or (4)>>, as the case may be, may elect-

- (a) for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), to be deemed to be declared as an associated institution under section 4 of the said Act as from the date on which it has been so established or has been so declared to be a technikon; or
- (b) to establish a pension fund in accordance with the provisions of the Pension Funds Act, 1956 (Act No. 24 of 1956).

<<(2) Until a technikon has made an election as contemplated in subsection (1), any pension arrangement which is in force in respect of that technikon, shall remain in force.

(3) If a technikon has elected to establish a pension fund as contemplated in subsection (1)(b) (in this section referred to as the newly established pension fund), every member of the Fund who is employed by the technikon in question, may take a non-recurrent choice-

- (a) to remain a member of the Fund;

(b) to become a dormant member of the Fund; or

(c) to terminate his or her membership of the Fund in terms of subsection (4) (c), in which event the member shall have no further claim against the Fund.

(4) If a member of the Fund exercises the choice referred to in-

(a) subsection (3) (a), he or she shall remain a member of the Fund;

(b) subsection (3) (b), he or she shall become a member of the newly established pension fund on the day which follows the day on which he or she is declared a dormant member of the fund; or

(c) subsection (3) (c)-

(i) he or she shall become a member of the newly established pension fund on the day which follows the day on which his or her membership of the Fund is terminated; and

(ii) the Fund shall make an amount available to the member, whether in cash or in specie, equal to the funding percentage multiplied by the actuarial obligation of the Fund in respect of that member as determined by the actuary on the date on which his or her membership of the Fund is terminated, with interest thereon calculated at the bank rate from that date on which the amount is paid: Provided that the member shall undertake immediately to deposit the full amount with interest into the newly established pension fund or a registered pension fund recognised by the Commissioner for Inland Revenue as a preservation fund: Provided further that such member, whilst employed by the technikon in question, shall not be entitled to any benefits from the newly established pension fund or the aforesaid preservation fund; and

(iii) any amount owed by the member concerned to the Fund shall be deducted from the amount referred to in subparagraph (ii).

(5) (a) If a technikon has elected to establish a pension fund as contemplated in subsection (1) (b), every pensioner who is allotted to such a technikon by the Director-General, may make a nonrecurrent choice-

(i) to remain a pensioner of the Fund; or

(ii) to become a pensioner of the newly established pension fund, in which event the pensioner shall have no further claim against the Fund.

(b) If a pensioner exercises the choice referred to in paragraph

(a) (ii), he or she shall become a pensioner of the newly established pension fund on the day which follows the day on which he or she ceases to be a pensioner of the Fund and the provisions of the Fund and the provisions of subsection (4) (c) (ii) and (iii) shall mutatis mutandis apply to him or her.

(6) (a) If a technikon has elected to establish a pension fund as contemplated in subsection (1) (b), every dormant member may make a

non-recurrent choice-

(i) to remain a dormant member of the Fund; or

(ii) to become a dormant member of the newly established pension fund and to transfer his or her interest to such fund in terms of the provisions of section 15A of the General Pensions Act, 1979 (Act No. 29 of 1979).

(b) The provisions of subsection (4)(c)(ii) and (iii) shall mutatis mutandis apply to a dormant member referred to in paragraph (a)(ii).

(7) A person who enters the employment of a technikon which has established a pension fund as contemplated in subsection (1)(b), shall become a member of that pension fund.

(8) The choices given to members, pensioners and dormant members in terms of subsections (3), (5) and (6), respectively, shall be exercised on a date agreed upon by the technikon in question and the Director-General of Finance: Provided that such date shall not be later than 31 December 1995.

(9) All costs in connection with the withdrawal of members, pensioners and dormant members from the Fund in terms of this section shall be refunded directly by the technikon in question, the newly established pension fund or the preservation fund in question, to the organisation incurring such costs.

(10) For purposes of this section-

"actuarial obligation", in relation to a particular member, pensioner or dormant member of the Fund, means the actuarial obligation of the Fund with regard to that member, pensioner or dormant member on the date referred to in subsection (4)(c)(ii), as calculated by the actuary;
"actuary" means an actuary appointed by the Minister of Finance;
"bank rate" means the rate determined from time to time under section 10(2) of the Reserve Bank of South Africa Act, 1989 (Act No. 29 of 1989);

"Fund" means-

(a) a pension fund as defined in section 1 of the General Pensions Act, 1979 (Act No. 29 of 1979);

(b) the Government Employees Pension Fund of Transkei, established under the Government Employees Pension Act, 1978 (Act No. 15 of 1978) (Transkei);

(c) the Ciskeian Civil Servants Pension Fund, established under the Government Service Pension Act, 1989 (Act No. 4 of 1989) (Ciskei);

(d) the Government Pension Fund of Bophuthatswana, established under section 2(1) of the Government Service Pension Act, 1977 (Act No. 14 of 1977) (Bophuthatswana); and

(e) the Government Pension Fund of Venda, established under section 2(1) of the Government Service Pensions Act, 1979 (Act No. 4 of 1979) (Venda);

"funding percentage" means the market value of the net assets of the Fund on the date referred to in subsection (4)(c)(ii), expressed as a percentage of the calculated aggregate actuarial obligation of the Fund on that date, as determined by the actuary; and

"pensioner" means a person who receives an annuity from the Fund.>>".

Insertion of section 25A in Act 125 of 1993

18. The following section is hereby inserted in the principal Act after section 25:

"Recognition of employee organisations

<<25A. The council may recognise an employee organisation who applies for recognition on such conditions, if any, as negotiated between the council and the employee organisation concerned.>>".

Amendment of section 26 of Act 125 of 1993

19. Section 26 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

"The council may, ****after consultation**** with the <<concurrence of the>> academic board-".

Amendment of section 28 of Act 125 of 1993

20. Section 28 of the principal Act is hereby amended by the addition of the following subsection:

<<"(5) If the result of an agreement contemplated in subsections (1) and (3) is such that a technikon may exercise its academic activities within the seat of another technikon, such agreement shall be subject to the approval of the Minister, which approval shall only be given after consultation with such other technikon.>>".

Repeal of section 29 of Act 125 of 1993

21. Section 29 of the principal Act is hereby repealed.

Substitution of section 30 of Act 125 of 1993

22. The following section is hereby substituted for section 30 of the principal Act:

"Disciplinary measures

30. A student at a technikon shall be subject to such disciplinary measures and such disciplinary procedures as may be prescribed by the****council**** <<rules>> after consultation with the academic board.".

Substitution of section 31 of Act 125 of 1993

23. The following section is hereby substituted for section 31 of the principal Act:

"Offering of instructional programme or subdivision of instructional programme

31. (1) The council shall not, without the prior approval in writing of the Minister, ****introduce**** <<offer>> an instructional programme or a subdivision of an instructional programme in respect of which any subsidy may be granted to the technikon under section 36.

(2) Any existing instructional programme lawfully ****introduced**** <<offered>> at any college or institution before the

date on which it is in terms of section 10(2) deemed to be a technikon established under this Act or a subdivision of such technikon, shall be deemed to have been ****introduced**** <<offered>> in accordance with the provisions of this section.

(3) The syllabus of an instructional programme contemplated in subsection (1) shall be ****introduced**** <<offered>> with due observance of the general education policy contemplated in section 2(1) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), and the joint statutes."

Substitution of section 33 of Act 125 of 1993

24. The following section is hereby substituted for section 33 of the principal Act:

"Conducting of examinations

33. (1) A technikon may in accordance with the joint statute ****and the rules of its council**** conduct an examination in respect of-

- (a) an instructional programme or a subdivision of an instructional programme <<offered in terms of section 31>>;
- (b) an instructional programme or a subdivision of an instructional programme for the education and training of teachers contemplated in section 11(b), with due observance of the general education policy contemplated in section 2(1) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984); and
- (c) an instructional programme or a subdivision of an instructional programme, ****introduced**** <<other than an instructional programme or subdivision of an instructional programme contemplated in paragraph (a), offered>> by the council in a manner prescribed ****in the statutes of the technikon**** <<by statute.>>

(2) The design of a technikon certificate <<referred to in-

- (a) subsection (1) (a) and (b)>> shall be determined by the council with the concurrence of the Certification Council for Technikon Education; <<and
- (b) subsection (1) (c) shall be determined by the council with the concurrence of the academic board and with due observance of the guidelines prescribed by the joint statutes or joint rules, as the case may be.>>".

Substitution of section 35 of Act 125 of 1993

25. The following section is hereby substituted for section 35 of the principal Act:

"Donations by local authorities to technikons

35. Notwithstanding anything to the contrary in any law contained, any local authority may, subject to the approval of the executive ****committee**** <<council>> of the province concerned, make donations of land, money or movable property to a technikon."

Insertion of section 39A in Act 125 of 1993

26. The following section is hereby inserted in the principal Act after

section 39:

"Delegation of powers

<<39A. (1) The Minister may, on such conditions as he or she may determine, delegate any of his or her powers under this Act, except the power to make regulations, and assign any of his or her duties in terms of this Act to a council or to any officer in the Department of Education.

(2) A council 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), except the power to draft statutes and rules, and assign any of its duties in terms of this Act or assigned to it in terms of subsection (1), to the academic board, principal, any viceprincipal, vice-rector, the registrar, any member of the academic staff or other employee of the technikon.>>".

Substitution of section 40 of Act 125 of 1993

27. The following section is hereby substituted for section 40 of the principal Act:

"Repeal of laws, and savings

<<40. (1) Subject to the provisions of subsections (2), (3), (4), (5) and (6), the laws mentioned in the second column of the Schedule are hereby repealed to the extent indicated in the third column of the Schedule as from a date determined by the Minister by notice in the Gazette.

(2) Different dates may so be determined by the Minister in respect of different laws.

(3) (a) A council or governing council; or

(b) an academic board or a board of studies, constituted in terms of a law repealed under subsection (1), shall from the date of such repeal be deemed to be a council or an academic board, as the case may be, constituted under this Act:

Provided that the members of the council or academic board concerned, shall, after the said date, stay on as members of the council or academic board, as the case may be, until such date as their membership would have lapsed if the repeal had not taken place: Provided further that the provisions of this subsection shall not be applicable to the Bophuthatswana National Council for Technikon Education established under section 3 of the Advanced Technikon Education (Technikons) Act, 1989 (Act No, 38 of 1989) (Bophuthatswana).

(4) Any person who was employed at a technikon in terms of any law repealed under subsection (1), shall, from the date of such repeal, be deemed to have been appointed at such technikon in terms of this Act.

(5) (a) The conditions of service subject to which a person referred to in subsection (4) was serving immediately prior to the date on which the law in terms of which he or she was appointed is repealed under subsection (1), shall not be effected to his or her detriment, and no such condition of service shall after that date be construed or applied in a way that is less favourable to the person concerned than the way in which it was construed or applied immediately prior

to that date.

(b) Any disciplinary proceedings instituted or contemplated against a person referred to in paragraph (a), in terms of a law repealed by this Act, in respect of misconduct which he or she allegedly committed prior to the date on which the law in terms of which he or she was appointed, is repealed under subsection (1), shall be disposed of as if the repeal had not taken place.

(6) Subject to subsections (3) and (5), anything done under a provision of a law repealed by subsection (1) and which is capable of being done under this Act, shall be deemed to have been done under the corresponding provision of this Act.>>".

Addition of Schedule to Act 125 of 1993

28. The following Schedule is hereby added to the principal Act:

"SCHEDULE

LAWS REPEALED (Section 40)

Number and year of law	Title	Extent of repeal
Act No. 40 of 1967	Technikons (National Education) Act, 1967	The whole
Act No. 12 of 1968	Indians Advanced Technical Education Act, 1968	The whole
Act No. 69 of 1973	Education Laws Amendment Act, 1973	Sections 3, 4,5 and 6
Act No. 40 of 1979	Indians Advanced Technical Education Amendment Act, 1979	The whole
Act No. 43 of 1979	Advanced Technical Education Amendment Act, 1979	The whole
Act No. 9 of 1981	KwaZulu Technikon Act, 1981	The whole
Act No. 11 of 1981	Culture and Education Laws Amendment Act, 1981	Sections 1,2
Act No. 27 of 1981	Technikons (Education and Training) Act, 1981	The whole
Act No. 52 of 1982	Peninsula Technikon Act, 1982	The whole
Act No. 3 of 1983 Act,	KwaZulu Technikons Amendment 1983	The whole
Act No. 48 of 1983	Technikons (Education and Training) Amendment Act, 1983	The whole
Act No. 84 of 1983	Advanced Technical Education Amendment Act, 1983	The whole
Act No. 15 of	Technikon Act, 1984 (Ciskei)	The whole

1984

Act No. 75 of 1984	Universities, National Education Policy and Technikons Amendment Act, 1984	Sections 8,9 and 10
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Number and year of law	Title	Extent of repeal
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Act No. 77 of 1984	Technikons (Education and Training) Amendment Act, 1984	The whole
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Act No. 71 of 1985	Universities for Blacks, Technikons (Education and Training) and Education and Training Amendment Act, 1985	Sections 37, 38, and 39, 40, 41 and 42
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Act No. 3 of 1986	Universities and Technikons for Blacks Tertiary Education (Education and Training) and Education and Training Amendment Act, 1986	Sections 26, 27 28 and 29
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Act No. 89 of 1986	Technikons (National Education) Amendment Act, 1986	The whole
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Act No. 8 of 1987	Advanced Technical Education Amendment Act (House of Delegates), 1987	The whole
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Act No. 95 of 1987	Education Laws (Education and Training) Amendment Act, 1987	Sections 14, 15, 16, 17 and 18
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Act No. 10 of 1988	KwaZulu Act on the Extension of Technikons of the Certification Council for Technikon Education, 1988	The whole
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Act No. 20 of 1988	KwaZulu Technikons Amendment Act, 1988	The whole
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Act No. 33 of 1988	Technikons (National Education) Amendment Act (House of Assembly), 1988	The whole
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Act No. 38 of 1989	Advanced Technical Education (Technikons) Act, 1989 (Bophuthatswana)	The whole
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Act No. 41 of 1990	Universities and Technikons (Education and Training) Amendment Act, 1990	Section 7
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Decree No. 3	Transkei Technikons of 1994 Decree, 1994	The whole
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Application of Act 125 of 1993

29. The provisions of the Technikons Act, 1993 (Act No. 125 of 1993), shall apply throughout the national territory of the Republic of South Africa contemplated in section I of the Constitution.

Short title and commencement

30. (1) This Act shall be called the Technikons Amendment Act, 1995.

(2) Sections 17, 26, 27 and 28 shall be deemed to have come into operation on 1 January 1994.