

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain odd numbered pages as the other language is printed on even numbered pages.



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THE PRESIDENCY

No. 1591

12 June 1992

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

No. 67 of 1992: Education Ordinances Amendment Act (House of Assembly), 1992.



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EDUCATION ORDINANCES AMENDMENT ACT
(HOUSE OF ASSEMBLY), 1992

Act No. 67, 1992

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.

ACT

To amend the Education Ordinance, 1953 (Transvaal), the Education Ordinance, 1956 (Cape), the Natal Education Ordinance, 1969, and the Education Ordinance, 1980 (Orange Free State) (in so far as they are applied as laws on own affairs of the White population group), so as to insert, amend or delete certain definitions; to provide anew for the establishment of colleges of education; to regulate the conduct of examinations for students and their admission to a college of education; to provide for the appointment of a rector; to regulate the establishment of a college council and senate for a college of education, as well as of committees thereof; to regulate the functions and powers of a college council, senate and committee; to provide for the payment of allowances to members of a college council, senate and committee; and to provide that the age for retirement of a teacher in the employment of a college of education be prescribed by regulation; and to provide for matters connected therewith.

*(Afrikaans text signed by the Acting State President.)
(Assented to 3 June 1992.)*

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

CHAPTER 1

Amendment of Education Ordinance, 1953 (Transvaal)

5 Definition

1. In this Chapter, unless the context otherwise indicates, "Ordinance 29 of 1953" means the Education Ordinance, 1953 (Ordinance No. 29 of 1953) (Transvaal), in so far as and to the extent to which the provisions of Part IV of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), have
10 by paragraph (a) of Proclamation No. 55 of 1986 been declared to be applicable to the said Ordinance.

Amendment of section 2 of Ordinance 29 of 1953, as amended by section 1 of Ordinance 21 of 1955, section 2 of Ordinance 17 of 1969, section 2 of Ordinance 16 of 1974, section 1 of Ordinance 8 of 1976, section 1 of Ordinance 10 of 1976,
15 section 1 of Ordinance 12 of 1977, section 2 of Ordinance 22 of 1984 and Proclamation No. 55 of 1986

2. Section 2 of Ordinance 29 of 1953 is hereby amended—

(a) by the insertion before the definition of "commission" of the following definitions:

20 " 'college council' means the college council referred to in section 7C;

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'college of education' means a college of education established or deemed to be established under section 7B;";

(b) by the deletion of the definition of "provincial educational institution";

(c) by the insertion before the definition of "regulation" of the following definition:

" 'Minister' means the Minister of Education and Culture: House of Assembly;

'rector' means the rector appointed in terms of section 7F;"; and

(d) by the insertion after the definition of "school or college year" of the following definition:

" 'senate' means the senate referred to in section 7C;".

Insertion of Chapter IA in Ordinance 29 of 1953

3. The following Chapter is hereby inserted in Ordinance 29 of 1953 after section 7A:

"CHAPTER IA*Colleges of Education***Establishment and closure of colleges of education**

7B. (1) (a) The Minister may establish and maintain a college of education for the training, retraining and further training of—

(i) persons as teachers; and

(ii) persons in related educationally directed vocational groups as determined by the Minister.

(b) Any class or college for the training of persons as teachers established under this Ordinance prior to the date of commencement of the Education Ordinances Amendment Act (House of Assembly) 1992, and which existed immediately prior to that date, shall from that date be deemed to be a college of education established under this section.

(2) A college of education shall be a body corporate.

(3) The Minister may at any time, after consultation with the college council of a college of education, close the college of education concerned.

Constitution of college of education

7C. A college of education shall consist of—

(a) the rector;

(b) a college council;

(c) a senate; and

(d) the staff and students.

Conducting of examinations

7D. A college of education may conduct examinations in respect of a course for the training, retraining and further training of teachers, in accordance with the norms and standards prescribed under any general law relating to the certification of teacher training.

Admission to college of education and fees payable

7E. The conditions for admission of students to a college of education, as well as the fees payable by such students, shall be determined by the Minister.

Appointment of rector

7F. (1) The Minister shall appoint the rector of a college of education.

(2) In the absence of the rector or when the office is vacant a vice-rector designated by the college council shall act as rector.

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College council and senate**7G.** The Minister may make regulations regarding—

- (a) the establishment and constitution of a college council and senate;
- (b) the powers, duties and functions of a college council and senate;
- (c) the election and powers of office bearers of a college council and senate;
- (d) the terms of office of and the vacation of their offices by members of the college council and senate and the filling of casual vacancies in a college council and senate;
- (e) the designation of persons in the service of the Department of Education and Culture, Administration: House of Assembly, to perform the work relating to the performance of the functions of a college council and senate and committees of a college council and senate; and
- (f) generally, any matter in respect of which the Minister considers it necessary or expedient to make regulations so as to efficiently regulate the establishment, functions and administration of a college council and senate.

Functions and powers of college council**7H.** (1) Subject to the provisions of this Ordinance—

- (a) the management and executive authority of a college of education shall vest in its college council;
 - (b) a college council shall exercise control over the college of education and all its affairs and activities;
 - (c) the quorum for and the procedure at meetings of a college council, and the times and places of such meetings, shall be determined by the college council;
 - (d) a college council may make rules relating to any matter determined by regulation; and
 - (e) a college council may exercise or perform any additional powers, duties and functions prescribed by the Minister.
- (2) (a) A college council may delegate any power conferred upon it by or under this Ordinance to the rector or authorize such rector to perform any duty assigned to a college council by or under this Ordinance.
- (b) A delegation or assignment under paragraph (a) shall not prevent the college council from exercising such power or performing such duty, as the case may be, itself.

Functions and powers of senate**7I.** Subject to the provisions of this Ordinance—

- (a) the organization of and control over the instruction and discipline of students at a college of education, in so far as they are assigned to the senate by the college council, shall vest in the senate of such a college of education;
- (b) the senate shall advise the college council in regard to any matter which the college council may refer to the senate for its advice;
- (c) the senate may make such recommendations as it may deem expedient to the college council on academic matters of interest to the college of education; and
- (d) the senate shall perform the functions assigned to it by the college council from time to time.

Committees of college council and senate

- 7J.** (1) (a) A college council may appoint one or more committees, which, subject to the instructions of that college council, may

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perform such functions of that college council as the college council may determine.

(b) A committee of a college council shall consist of the number of members determined by the college council and may include persons who are not members of that college council.

(c) A college council may at any time dissolve or reconstitute a committee.

(d) One of the members of a committee of a college council shall be designated by that college council as chairman of the committee.

(e) A college council shall not be divested of a function which in terms of this subsection has been assigned to a committee of that college council.

(2) The provisions of subsection (1) shall *mutatis mutandis* apply to a senate.

Allowances to members of college council, senate or committee

7K. The allowances payable to a member of a college council, senate or committee of a college council or senate who is not in the full-time service of the State, shall, when he is engaged in the business of that college council or senate, be determined by the Minister with the consent of the Minister of the Budget.

Delegation of powers

7L. The Minister may delegate any power vested in him by section 7E, to a college council, subject to the conditions he may determine."

25 Repeal of section 104 of Ordinance 29 of 1953, as amended by section 22 of Ordinance 14 of 1983

4. Section 104 of Ordinance 29 of 1953 is hereby repealed.

Interpretation of "provincial educational institution"

5. In the application of the provisions of Ordinance 29 of 1953 a reference to a "provincial educational institution" shall be construed as a reference to a "college of education".

CHAPTER 2

Amendment of Education Ordinance, 1956 (Cape)

Definition

6. In this Chapter, unless the context otherwise indicates, "Ordinance 20 of 1956" means the Education Ordinance, 1956 (Ordinance No. 20 of 1956) (Cape), in so far as and to the extent to which the provisions of Part IV of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), have by paragraph (a) of Proclamation No. 54 of 1986 been declared to be applicable to the said Ordinance.

Amendment of section 2 of Ordinance 20 of 1956, as amended by section 1 of Ordinance 20 of 1962, section 1 of Ordinance 23 of 1968, section 1 of Ordinance 5 of 1969, section 1 of Ordinance 22 of 1969, section 1 of Ordinance 10 of 1971, section 1 of Ordinance 13 of 1974 and section 1 of Ordinance 15 of 1979

7. Section 1 of Ordinance 20 of 1956 is hereby amended—

(a) by the insertion after the definition of "approved" of the following definitions:

" 'college council' means the college council referred to in section 71;

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'college of education' means a college of education established or deemed to be established under section 70(1);";

(b) by the insertion after the definition of "hostel" of the following definitions:

5 " 'Minister' means the Minister of Education and Culture: House of Assembly;

'rector' means the rector appointed in terms of section 74;

'senate' means the senate referred to in section 71;";

(c) by the deletion of the definition of "pupil";

10 (d) by the deletion of the definition of "school";

(e) by the deletion of the definition of "student-teacher"; and

(f) by the deletion of the definitions of "training college" and "training school".

Substitution of heading to Chapter 7 of Ordinance 20 of 1956

15 8. The following heading is hereby substituted for the heading to Chapter 7 of Ordinance 20 of 1956:

"Colleges of Education"

20 **Substitution of sections 70 to 74 of Ordinance 20 of 1956, as amended by section 2 of Ordinance 9 of 1972, section 10 of Ordinance 16 of 1973 and section 1 of Ordinance 8 of 1978**

9. The following sections are hereby substituted for sections 70 to 74, inclusive, of Ordinance 20 of 1956:

"Establishment and closure of colleges of education"

25 **70. (1) (a)** The Minister may establish and maintain a college of education for the training, retraining and further training of—

(i) persons as teachers; and

(ii) persons in related educationally directed vocational groups as determined by the Minister.

30 (b) Any training college or training school for the training of persons as teachers established under this Ordinance prior to the date of commencement of the Education Ordinances Amendment Act (House of Assembly), 1992, and which existed immediately prior to that date, shall from that date be deemed to be a college of education established under this section.

35 (2) A college of education shall be a body corporate.

(3) The Minister may at any time, after consultation with the college council of a college of education, close the college of education concerned.

Constitution of college of education

40 **71.** A college of education shall consist of—

(a) the rector;

(b) a college council;

(c) a senate; and

(d) the staff and students.

45 **Conducting of examinations**

72. A college of education may conduct examinations in respect of a course for the training, retraining and further training of teachers, in accordance with the norms and standards prescribed under any general law relating to the certification of teacher training.

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Admission to college of education and fees payable

73. The conditions for admission of students to a college of education, as well as the fees payable by such students, shall be determined by the Minister.

5 Appointment of rector

74. (1) The Minister shall appoint the rector of a college of education.

(2) In the absence of the rector or when the office is vacant a vice-rector designated by the college council shall act as rector."

10 Insertion of sections 74A to 74F in Ordinance 20 of 1956

10. The following sections are hereby inserted in Ordinance 20 of 1956 after section 74:

"College council and senate

74A. The Minister may make regulations regarding—

- 15 (a) the establishment and constitution of a college council and senate;
- (b) the powers, duties and functions of a college council and senate;
- (c) the election and powers of office bearers of a college council and senate;
- 20 (d) the terms of office of and the vacation of their offices by members of the college council and senate and the filling of casual vacancies in a college council and senate;
- (e) the designation of persons in the service of the Department of Education and Culture, Administration: House of Assembly, to
- 25 perform the work relating to the performance of the functions of a college council and senate and committees of a college council and senate; and
- (f) generally, any matter in respect of which the Minister considers it necessary or expedient to make regulations so as to efficiently
- 30 regulate the establishment, functions and administration of a college council and senate.

Functions and powers of college council

74B. (1) Subject to the provisions of this Ordinance—

- 35 (a) the management and executive authority of a college of education shall vest in its college council;
- (b) a college council shall exercise control over the college of education and all its affairs and activities;
- (c) the quorum for and the procedure at meetings of a college council, and the times and places of such meetings, shall be
- 40 determined by the college council;
- (d) a college council may make rules relating to any matter determined by regulation; and
- (e) a college council may exercise or perform any additional powers, duties and functions prescribed by the Minister.
- 45 (2) (a) A college council may delegate any power conferred upon it by or under this Ordinance to the rector or authorize such rector to perform any duty assigned to a college council by or under this Ordinance.
- (b) A delegation or assignment under paragraph (a) shall not
- 50 prevent the college council from exercising such power or performing such duty, as the case may be, itself.

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Functions and powers of senate**74C.** Subject to the provisions of this Ordinance—

- 5 (a) the organization of and control over the instruction and discipline of students at a college of education, in so far as they are assigned to the senate by the college council, shall vest in the senate of such a college of education;
- 10 (b) the senate shall advise the college council in regard to any matter which the college council may refer to the senate for its advice;
- (c) the senate may make such recommendations as it may deem expedient to the college council on academic matters of interest to the college of education; and
- (d) the senate shall perform the functions assigned to it by the college council from time to time.

15 Committees of college council and senate

74D. (1) (a) A college council may appoint one or more committees, which, subject to the instructions of that college council, may perform such functions of that college council as the college council may determine.

20 (b) A committee of a college council shall consist of the number of members determined by the college council and may include persons who are not members of that college council.

(c) A college council may at any time dissolve or reconstitute a committee.

25 (d) One of the members of a committee of a college council shall be designated by that college council as chairman of the committee.

(e) A college council shall not be divested of a function which in terms of this subsection has been assigned to a committee of that college council.

30 (2) The provisions of subsection (1) shall *mutatis mutandis* apply to a senate.

Allowances to members of college council, senate or committee

35 **74E.** The allowances payable to a member of a college council, senate or committee of a college council or senate who is not in the full-time service of the State, shall, when he is engaged in the business of that college council or senate, be determined by the Minister with the consent of the Minister of the Budget.

Delegation of powers

40 **74F.** The Minister may delegate any power vested in him by section 73, to a college council, subject to the conditions he may determine."

Substitution of section 75 of Ordinance 20 of 1956

11. The following section is hereby substituted for section 75 of Ordinance 20 of 1956:

45 "Media of instruction

75. Provision shall be made in every **[training college]** college of education for the use of both Afrikaans and English as media of instruction, in accordance with any directions that may be given by the Department from time to time."

50 Repeal of section 76 of Ordinance 20 of 1956

12. Section 76 of Ordinance 20 of 1956 is hereby repealed.

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Substitution of section 77 of Ordinance 20 of 1956

13. The following section is hereby substituted for section 77 of Ordinance 20 of 1956:

“Bursaries and scholarships

- 5 77. The **[Administrator]** Minister may make regulations providing for the award of bursaries and scholarships to **[student-teachers]** students in **[training colleges]** colleges of education.”.

Repeal of section 78 of Ordinance 20 of 1956

14. Section 78 of Ordinance 20 of 1956 is hereby repealed.

- 10 **Amendment of section 109 of Ordinance 20 of 1956, as amended by section 6 of Ordinance 20 of 1962, section 2 of Ordinance 3 of 1963, section 2 of Ordinance 30 of 1970, section 10 of Ordinance 10 of 1971, section 3 of Ordinance 13 of 1974 and section 1 of Ordinance 17 of 1984**

15. Section 109 of Ordinance 20 of 1956 is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) Subject to the provisions of the Government Service Pension Act, 1973 (Act No. 57 of 1973), the age limit of a teacher shall be as prescribed by regulation.”.

Interpretation of certain words

- 20 **16. In the application of the provisions of Ordinance 20 of 1956, a reference in Chapter 8—**
 (a) to a “school” shall be construed as a reference to a “college of education”; and
 (b) to a “pupil” shall be construed as a reference to a student as
25 contemplated in section 71.

CHAPTER 3*Amendment of Natal Education Ordinance, 1969***Definition**

- 30 **17. In this Chapter, unless the context otherwise indicates, “Ordinance 46 of 1969” means the Natal Education Ordinance, 1969 (Ordinance No. 46 of 1969), in so far as and to the extent to which the provisions of Part IV of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), have by paragraph (a) of Proclamation No. 56 of 1986 been declared to be applicable to the said Ordinance.**

- 35 **Amendment of section 1 of Ordinance 46 of 1969, as amended by section 2 of Ordinance 33 of 1974, section 1 of Ordinance 4 of 1979 and section 1 of Ordinance 34 of 1983**

18. Section 1 of Ordinance 46 of 1969 is hereby amended—

- 40 (a) by the insertion after the definition of “calendar month” of the following definitions:
 “ ‘college council’ means the college council referred to in section 3;
 ‘college of education’ means a college of education established or deemed to be established under section 2(1);”;
 (b) by the insertion after the definition of “education” of the following
45 definition:
 “ ‘Minister’ means the Minister of Education and Culture: House of Assembly;”;
 (c) by the insertion before the definition of “regulation” of the following
50 definition:
 “ ‘rector’ means the rector appointed in terms of section 5A;”;
 (d) by the deletion of the definition of “school”;

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- (e) by the insertion after the definition of "school nurse" of the following definition:
" 'senate' means the senate referred to in section 3;"; and
(f) by the deletion of the definition of "teacher training college".

5 **Substitution of Chapter 1 of Ordinance 46 of 1969, as amended by sections 3 and 4 of Ordinance 33 of 1974 and sections 1 and 2 of Ordinance 25 of 1985**

19. The following Chapter is hereby substituted for Chapter 1 of Ordinance 46 of 1969:

"CHAPTER 1*Colleges of Education***Establishment and closure of colleges of education**

2. (1) (a) The Minister may establish and maintain a college of education for the training, retraining and further training of—

- (i) persons as teachers; and
(ii) persons in related educationally directed vocational groups as determined by the Minister.

(b) Any teacher training college established under this Ordinance prior to the date of commencement of the Education Ordinances Amendment Act (House of Assembly), 1992, and which existed immediately prior to that date, shall from that date be deemed to be a college of education established under this section.

(2) A college of education shall be a body corporate.

(3) The Minister may at any time, after consultation with the college council of a college of education, close the college of education concerned.

Constitution of college of education

3. A college of education shall consist of—

- (a) the rector;
(b) a college council;
(c) a senate; and
(d) the staff and students.

Conducting of examinations

4. A college of education may conduct examinations in respect of a course for the training, retraining and further training of teachers, in accordance with the norms and standards prescribed under any general law relating to the certification of teacher training.

Admission to college of education and fees payable

5. The conditions for admission of students to a college of education, as well as the fees payable by such students, shall be determined by the Minister.

Appointment of rector

5A. (1) The Minister shall appoint the rector of a college of education.

(2) In the absence of the rector or when the office is vacant a vice-rector designated by the college council shall act as rector.

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College council and senate**5B.** The Minister may make regulations regarding—

- 5 (a) the establishment and constitution of a college council and senate;
- (b) the powers, duties and functions of a college council and senate;
- 10 (c) the election and powers of office bearers of a college council and senate;
- (d) the terms of office of and the vacation of their offices by members of the college council and senate and the filling of casual vacancies in a college council and senate;
- 15 (e) the designation of persons in the service of the Department of Education and Culture, Administration: House of Assembly, to perform the work relating to the performance of the functions of a college council and senate and committees of a college council and senate; and
- (f) generally, any matter in respect of which the Minister considers it necessary or expedient to make regulations so as to efficiently regulate the establishment, functions and administration of a college council and senate.

20 Functions and powers of college council**5C.** (1) Subject to the provisions of this Ordinance—

- (a) the management and executive authority of a college of education shall vest in its college council;
- 25 (b) a college council shall exercise control over the college of education and all its affairs and activities;
- (c) the quorum for and the procedure at meetings of a college council, and the times and places of such meetings, shall be determined by the college council;
- 30 (d) a college council may make rules relating to any matter determined by regulation; and
- (e) a college council may exercise or perform any additional powers, duties and functions prescribed by the Minister.
- (2) (a) A college council may delegate any power conferred upon it by or under this Ordinance to the rector or authorize such rector to perform any duty assigned to a college council by or under this Ordinance.
- 35 (b) A delegation or assignment under paragraph (a) shall not prevent the college council from exercising such power or performing such duty, as the case may be, itself.

40 Functions and powers of senate**5D.** Subject to the provisions of this Ordinance—

- (a) the organization of and control over the instruction and discipline of students at a college of education, in so far as they are assigned to the senate by the college council, shall vest in the senate of such a college of education;
- 45 (b) the senate shall advise the college council in regard to any matter which the college council may refer to the senate for its advice;
- (c) the senate may make such recommendations as it may deem expedient to the college council on academic matters of interest to the college; and
- 50 (d) the senate shall perform the functions assigned to it by the college council from time to time.

Committees of college council and senate

- 55 **5E.** (1) (a) A college council may appoint one or more committees, which, subject to the instructions of that college council, may perform such functions of that college council as the college council may determine.

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(b) A committee of a college council shall consist of the number of members determined by the college council and may include persons who are not members of that college council.

5 (c) A college council may at any time dissolve or reconstitute a committee.

(d) One of the members of a committee of a college council shall be designated by that college council as chairman of the committee.

10 (e) A college council shall not be divested of a function which in terms of this subsection has been assigned to a committee of that college council.

(2) The provisions of subsection (1) shall *mutatis mutandis* apply to a senate.

Allowances to members of college council, senate or committee

15 **5F.** The allowances payable to a member of a college council, senate or committee of a college council or senate who is not in the full-time service of the State, shall, when he is engaged in the business of that college council or senate, be determined by the Minister with the consent of the Minister of the Budget.

Delegation of powers

20 **5G.** The Minister may delegate any power vested in him by section 5, to a college council, subject to the conditions he may determine.”.

Repeal of section 11 of Ordinance 46 of 1969, as substituted by section 6 of Ordinance 33 of 1974

20. Section 11 of Ordinance 46 of 1969 is hereby repealed.

25 **Substitution of section 54 of Ordinance 46 of 1969, as substituted by section 1 of Ordinance 48 of 1971 and amended by section 28 of Ordinance 33 of 1974**

21. The following section is hereby substituted for section 54 of Ordinance 46 of 1969:

“Age for retirement of teacher

30 **54.** Subject to the provisions of the Government Service Pension Act, 1973 (Act No. 57 of 1973), the age for retirement of a teacher shall be as prescribed.”.

35 **Amendment of section 83 of Ordinance 46 of 1969, as amended by section 1 of Ordinance 35 of 1973, section 47 of Ordinance 33 of 1974, section 2 of Ordinance 7 of 1981, section 4 of Ordinance 34 of 1983, section 9 of Ordinance 25 of 1985 and section 2 of Ordinance 33 of 1985**

22. Section 83 of Ordinance 46 of 1969 is hereby amended by the deletion of paragraph (d) of subsection (1).

Interpretation of certain words

40 **23.** In the application of the provisions of Ordinance 46 of 1969—

(a) a reference to a “school” shall be construed as a reference to a “college of education”; and

45 (b) a reference in Chapter IV to the “teaching establishment” shall be construed as a reference to the “teaching establishment” of a college of education.

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CHAPTER 4

*Amendment of Education Ordinance, 1980 (Orange Free State)***Definitions**

24. In this Chapter, unless the context otherwise indicates, "Ordinance 12 of 1980" means the Education Ordinance, 1980 (Ordinance No. 12 of 1980) (Orange Free State), in so far as and to the extent to which the provisions of Part IV of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), have by paragraph (a) of Proclamation No. 53 of 1986 been declared to be applicable to the said Ordinance.

10 **Amendment of section 1 of Ordinance 12 of 1980, as amended by section 2 of Ordinance 6 of 1986 and Proclamation No. 53 of 1986**

25. Section 1 of Ordinance 12 of 1980 is hereby amended—

- (a) by the substitution for the definition of "academic post" of the following definition:
- 15 " 'academic post' means a post of rector, vice-rector, departmental head, senior lecturer, lecturer or any other post at a **[teachers' college]** college of education which the **[Administrator]** Minister has determined to be an academic post;";
- (b) by the insertion after the definition of "calendar quarter" of the following definitions:
- 20 " 'college council' means the college council referred to in section 5; 'college of education' means a college of education established or deemed to be established under section 2(1);";
- (c) by the insertion after the definition of "local authority" of the following definition:
- 25 " 'Minister' means the Minister of Education and Culture: House of Assembly;";
- (d) by the insertion after the definition of "public service" of the following definition:
- 30 " 'rector' means the rector appointed in terms of section 8;";
- (e) by the insertion after the definition of "school term" of the following definition:
- " 'senate' means the senate referred to in section 5;"; and
- (f) by the insertion before the definition of "state department" of the following definition:
- 35 " 'staff' means the personnel in academic posts, as well as the personnel in posts on the establishment which the Minister has created in terms of section 4(2)(c);".

Substitution of section 2 of Ordinance 12 of 1980

40 **26.** The following section is hereby substituted for section 2 of Ordinance 12 of 1980:

"Establishment and closure of colleges of education"

2. (1) (a) The Minister may establish and maintain a college of education for the training, retraining and further training of—
- 45 (i) persons as teachers; and
- (ii) persons in related educationally directed vocational groups as determined by the Minister.
- (b) Any teachers' college established under this Ordinance prior to the date of commencement of the Education Ordinances Amendment Act (House of Assembly), 1992, and which existed immediately prior to that date, shall from that date be deemed to be a college of education established under this section.
- 50 (2) A college of education shall be a body corporate.
- (3) The Minister may at any time, after consultation with the college council of a college of education, close the college of education concerned."
- 55

Insertion of Chapter 1A in Ordinance 12 of 1980

27. The following Chapter is hereby inserted in Ordinance 12 of 1980 after section 4:

EDUCATION ORDINANCES AMENDMENT ACT
(HOUSE OF ASSEMBLY), 1992

Act No. 67, 1992

“CHAPTER IA

*Colleges of Education***Constitution of college of education****5. A college of education shall consist of—**

- 5 (a) the rector;
 (b) a college council;
 (c) a senate; and
 (d) the staff and students.

Conducting of examinations

- 10 **6. A college of education may conduct examinations in respect of a course for the training, retraining and further training of teachers, in accordance with the norms and standards prescribed under any general law relating to the certification of teacher training.**

Admission to college of education and fees payable

- 15 **7. The conditions for admission of students to a college of education, as well as the fees payable by such students, shall be determined by the Minister.**

Appointment of rector

- 20 **8. (1) The Minister shall appoint the rector of a college of education.**
(2) In the absence of the rector or when the office is vacant a vice-rector designated by the college council shall act as rector.

College council and senate

- 25 **9. The Minister may make regulations regarding—**
 (a) the establishment and constitution of a college council and senate;
 (b) the powers, duties and functions of a college council and senate;
 (c) the election and powers of office bearers of a college council and senate;
 30 (d) the terms of office of and the vacation of their offices by members of the college council and senate and the filling of casual vacancies in a college council and senate;
 (e) the designation of persons in the service of the Department of Education and Culture, Administration: House of Assembly, to
 35 perform the work relating to the performance of the functions of a college council and senate and committees of a college council and senate; and
 (f) generally, any matter in respect of which the Minister considers
 40 it necessary or expedient to make regulations so as to efficiently regulate the establishment, functions and administration of a college council and senate.

Functions and powers of college council

- 10. (1) Subject to the provisions of this Ordinance—**
 45 (a) the management and executive authority of a college of education shall vest in its college council;
 (b) a college council shall exercise control over the college of education and all its affairs and activities;
 (c) the quorum for and the procedure at meetings of a college council, and the times and places of such meetings, shall be
 50 determined by the college council;

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(d) a college council may make rules relating to any matter determined by regulation; and

(e) a college council may exercise or perform any additional powers, duties and functions prescribed by the Minister.

5 (2) (a) A college council may delegate any power conferred upon it by or under this Ordinance to the rector or authorize such rector to perform any duty assigned to a college council by or under this Ordinance.

10 (b) A delegation or assignment under paragraph (a) shall not prevent the college council from exercising such power or performing such duty, as the case may be, itself.

Functions and powers of senate

11. Subject to the provisions of this Ordinance—

15 (a) the organization of and control over the instruction and discipline of students at a college of education, in so far as they are assigned to the senate by the college council, shall vest in the senate of such college of education;

(b) the senate shall advise the college council in regard to any matter which the college council may refer to the senate for its advice;

20 (c) the senate may make such recommendations as it may deem expedient to the college council on academic matters of interest to the college of education; and

25 (d) the senate shall perform the functions assigned to it by the college council from time to time.

Committees of college council and senate

30 12. (1) (a) A college council may appoint one or more committees, which, subject to the instructions of that college council, may perform such functions of that college council as the college council may determine.

(b) A committee of a college council shall consist of the number of members determined by the college council and may include persons who are not members of that college council.

35 (c) A college council may at any time dissolve or reconstitute a committee.

(d) One of the members of a committee of a college council shall be designated by that college council as chairman of the committee.

40 (e) A college council shall not be divested of a function which in terms of this subsection has been assigned to a committee of that college council.

(2) The provisions of subsection (1) shall *mutatis mutandis* apply to a senate.

Allowances to members of college council, senate or committee

45 13. The allowances payable to a member of a college council, senate or committee of a college council or senate who is not in the full-time service of the State, shall, when he is engaged in the business of that college council or senate, be determined by the Minister with the consent of the Minister of the Budget.

Delegation of powers

50 14. The Minister may delegate any power vested in him by section 7, to a college council, subject to the conditions he may determine."

Substitution of section 58 of Ordinance 12 of 1980

28. The following section is hereby substituted for section 58 of Ordinance 12 of 1980:

EDUCATION ORDINANCES AMENDMENT ACT
(HOUSE OF ASSEMBLY), 1992

Act No. 67, 1992

“Age for retirement of teacher

58. Subject to the provisions of the Government Service Pension Act, 1973 (Act No. 57 of 1973), the age for retirement of a teacher shall be as prescribed.”.

5 Amendment of section 62 of Ordinance 12 of 1980, as amended by section 11 of Ordinance 6 of 1986

29. Section 62 of Ordinance 12 of 1980 is hereby amended by the deletion of paragraph (b) of subsection (1).

CHAPTER 5

10

*General provisions***Short title and commencement**

30. This Act shall be called the Education Ordinances Amendment Act (House of Assembly), 1992, and shall come into operation on a date determined by the State President by proclamation in the *Gazette*.