

NO. 81 OF 1996: UNIVERSITY OF TRANSKEI (PRIVATE) ACT, 1996.

PRESIDENT'S OFFICE

No. 1881.
20 November 1996

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

ACT

To amend, extend and re-enact the provisions of the University of Transkei Act, 1976; and to provide for matters connected therewith.

PREAMBLE

WHEREAS for the better administration and conduct of the University of Transkei
and in the light of the principles contained in the Constitution of the Republic of South Africa, it is expedient to provide anew for the constitution,
rights, powers, privileges and duties of the University;

(English text signed by the President.)

(Assented to 6 November 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-

- as
- (i) "academic employee" means any person appointed to a teaching or research post at the University and any other employee designated such by the council; (i)
 - (ii) "council" means the council of the University constituted in terms of section 7 of this Act; (iv)
 - (iii) "employee" means any academic or non-academic employee employed full-time or part-time in a permanent or temporary capacity at the University; (ix)
 - (iv) "Minister" means the Minister of Education; (iii)
 - (v) "regulation" means a regulation framed by the council under section 17 of the Universities Act; (v)
 - (vi) "senate" means the senate of the University constituted in terms of section 8 of this Act; (vi)
 - (vii) "statute" means a statute framed by the council under section 17 of the Universities Act; (vii)
 - (viii) "this Act" includes the regulations and the statutes; (ii)
 - (ix) "Universities Act" means the Universities Act, 1955 (Act No. 61 of

1955); (x)

(x) "University" means the University of Transkei established by section

2 of the University of Transkei Act, 1976 (Act No. 23 of 1976) (Transkei). (viii)

Seat and sphere of activity of University

2. (1) The seat of the University shall be at Umtata in the Province of the Eastern Cape.

(2) Notwithstanding the provisions of subsection (1) the University may, with the approval of the Minister, also conduct its university activities beyond its seat: Provided that 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.

Constitution and powers of University

3. (1) The University shall consist of-

- (a) the chancellor;
- (b) the principal;
- (c) the vice-principals;
- (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 juristic person.

(3) The University shall 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 by the council for good and sufficient reasons, a new chancellor shall be elected in accordance with subsection (1).

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

Vice-chancellor of University

5. (1) The vice-chancellor shall be the principal of the University.

(2) The vice chancellor shall-

- be
- (a) perform such functions and duties and may exercise such powers as may conferred or imposed upon the vice-chancellor by this Act; and
 - (b) perform the functions and duties of the chancellor and may exercise the powers of the chancellor whenever the chancellor is absent or is unable to perform such functions or duties or exercise such powers himself or herself.

Principal and vice-principals of University

6. (1) The principal and the number of vice-principals the council determines shall be appointed by the council in the manner prescribed by statute.

(2) The powers, privileges, functions, duties and period of office of the principal and vice-principals, and the acting by a person during the absence of the principal or a vice-principal, and the arrangements regarding any vacancy in the office of principal or vice-principal, and the vacating of the said offices shall be prescribed by statute.

(3) The salary and other conditions of service of the principal and vice-principals shall be determined by the council.

Council of University

7. (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 principal;
- (b) the vice-principal or vice-principals;
- (c) four persons appointed by the Minister;
- (d) two persons elected by the senate from among its members;
- (e) two persons elected by the convocation: Provided that no person so elected shall be an employee of the University;
- (f) two persons designated by persons who, in terms of the statutes, are donors;
- (g) two academic employees of the University other than members of the senate, elected by the academic employees;
- (h) three representatives designated by the students' representative council;
- (i) two non-academic employees of the University elected by the non-academic employees of the University;
- (j) one person appointed by the Premier of the Province of the Eastern Cape;
- (k) other persons, not exceeding five in number, designated by such bodies as may be determined by the council: Provided that no person so elected shall be an employee of the University.

(2) The election or designation of a person referred to in subsection (1)(b), (d), (e), (g), (h), (i) and (k) shall be in the manner prescribed by statute.

(3) The members of the council other than the principal and vice-principals shall hold office for the periods prescribed by statute.

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

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

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

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

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

Senate of University

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

(a) the principal, who shall be the chairperson;

(b) the vice-principal or vice-principals;

(c) two members of the council, elected by the council;

(d) the associate professors and professors of the University;

(e) two representatives of the non-professorial academic employees;

(f) the academic registrar;

(g) the chief librarian of the University;

(h) a director or head of an institute, bureau, section or department of the University designated by the council on the recommendation of the senate; and

(i) three students of the University designated by the students' representative council.

(2) The election or designation of a person referred to in subsection (1)(b), (c), (d), (e), (h) and (i) shall be in the manner prescribed by statute.

(3) The members of the senate other than the principal, vice-principals and chief librarian of the University shall hold office for the periods prescribed by statute.

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

(5) 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.

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

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

(7) 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 matters of interest to the University; and

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

Committees and joint committees of council and senate

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

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

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

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

(b) The council or the senate may assign any of the functions that are common to the council and the 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

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

(a) all the persons, other than 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 principal, the vice-principal or vice-principals, the registrar and the chief librarian of the University;

(c) such academic employees and such other employees as may be designated

by

the council on the recommendation of the senate to be members of the convocation; 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) or (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 shall cease to be such a member, as the case may be, upon receipt of such notice by the council.

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

(3) The chairperson of the convocation shall be elected by the convocation in the manner determined by the convocation.

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

Students' representative council

11. (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 determined by regulation.

Appointment and conditions of service of employees

12. (1) The council shall appoint such persons as it considers necessary for the efficient conduct 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 shall be prescribed by statute.

Pension fund

13. (1) The provisions of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), and the rules made thereunder shall, subject to subsection (2), apply in respect of all permanent employees.

(2) 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, unless otherwise provided in such law or in any agreement, continue so to contribute: Provided that there shall be paid to such fund by the University an amount equal to the amount which the employer of such person would have been obliged by law to pay to such fund if such person had remained in his or her previous employment.

Faculties, departments and courses

14. (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, upon the recommendation of the senate and with the approval of the Minister, provide tuition for a degree, a diploma or a course

in a subject.

Degrees, diplomas and certificates

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

(2) The designation of any particular degree in any faculty shall be as prescribed by statute.

(3) Subject to the provisions of section 16, 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 level of proficiency determined by the senate.

Degrees honoris causa

16. (1) Subject to the provisions of the statutes, 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 the fact that he or she has been admitted thereto, be entitled to practise any profession.

Discipline, places of residence and places of instruction of students

17. (1) A student of the University shall be subject to the disciplinary provisions 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 of residence approved by the council for the purpose.

(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

18. (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 compliance with the requirements of the statutes and in accordance with the provisions thereof, from time to time cause his or her registration as a student to be renewed.

(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 contemplated in subsection (2).

(4) 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 and, where the number of applicants for admission to such a course of study exceeds the number so limited, the senate may select from the number of applicants those who are to be admitted to and allowed to register for such course.

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

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

Examinations and tests

19. Subject to the provisions of the statutes, the examinations and other tests of the University shall be conducted under the control of the senate: Provided that the University may, for the purpose of any examination or test specified by the council on the recommendation of the senate, make use of external examiners or moderators appointed by the council on the recommendation of the senate.

Admission of students ad eundem gradum for special courses of study and degrees

20. A person who has graduated at another university or who is able to give satisfactory proof of his or her academic abilities may, notwithstanding anything to the contrary contained in this Act, be specifically exempted by the Committee of Principals under section 7(1)(e) of the Universities Act from compliance with the requirements prescribed for admission to study for a degree under section 7(1)(d) of the said 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 different conditions from those applicable to ordinary students.

Vacancies not to affect powers of University or council or senate

21. 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 impair or affect the corporate personality 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 of the senate shall be valid unless passed at a meeting at which a quorum was present and the provisions of the statute relating to any such meeting have in all other respects been complied with.

Repeal of laws, and savings

22. (1) Subject to the provisions of subsections (2) and (3), the laws mentioned in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Anything done under any provision of a law repealed by subsection (1) shall be deemed to have been done under the corresponding provision of this Act.

(3) Any provision which, immediately before the commencement of this Act, applied in relation 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 in relation to the University or to that person, as the case may be, as if such law had not been repealed.

Short title

23. This Act shall be called the University of Transkei (Private) Act, 1996.

SCHEDULE

| Number and year of law | Short title | Extent of repeal |
|----------------------------------|--|------------------|
| Act No. 23 of 1976 (Transkei) | University of Transkei Act, 1976 | The whole |
| Act No. 7 of 1977 (Transkei) | University of Transkei Amend- ment Act, 1977 | The whole |
| Act No. 17 of 1977 (Transkei) | University of Transkei Second Amendment Act, 1977 | The whole |
| Act No. 17 of 1985 (Transkei) | University of Transkei Amend- ment Act, 1985 | The whole |
| Act No. 8 of 1986 (Transkei) | University of Transkei Amend- ment Act, 1986 | The whole |
| Decree No. 16 of 1992 | Extension of periods of office of members of the Council of the University of Transkei | The whole |
| Decree No. 7 of 1993 | Further extension of periods of office of members of the Council of the University of Transkei | The whole |

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