

NO. 83 OF 1996: UNIVERSITY OF PORT ELIZABETH (PRIVATE) AMENDMENT ACT, 1996.

PRESIDENT'S OFFICE

No. 1883.  
20 November 1996

NO. 83 OF 1996: UNIVERSITY OF PORT ELIZABETH (PRIVATE) AMENDMENT ACT, 1996.

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

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To amend the University of Port Elizabeth Act, 1964, so as to delete or substitute certain definitions; to amend the name of the province in which the University is seated; and to amend the term of office of the chancellor; and to regulate the composition of the council and the senate of the University anew; and to provide for matters connected therewith.

(English text signed by the President.)

(Assented to 6 November 1996.)

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

Amendment of section 1 of Act 1 of 1964, as amended by section I of Act 66 of 1969, section 1 of Act 114 of 1976, section 1 of Act 86 of 1979 and section 1 of Act 98 of 1988

1. Section 1 of the University of Port Elizabeth Act, 1964 (hereinafter referred to as the principal Act), is hereby amended-

(a) by the deletion of the definition of "Eastern Cape"; and

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

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

Substitution of section 3 of Act 1 of 1964, as substituted by section 1 of Act 69 of 1992

2. The following section is hereby substituted for section 3 of the principal Act:

"Seat of the University

3. The seat of the University shall be at Port Elizabeth in the province of the Cape of Good Hope Eastern Cape: Provided that the University may, with the approval of the Minister, also conduct its academic activities outside its seat: Provided further that, if a subject is taught within the

seat of another university or at a place where the academic activities of another university are carried on under the Act of that university or with the approval of the Minister, such subject shall be taught with the approval of that other university and the Minister."

Amendment of section 6 of Act 1 of 1964, as amended by section 2 of Act 98 of 1988

3. Section 6 of the principal Act is hereby amended-

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

" (2) The chancellor shall hold office for a period of ten five years, unless before the expiry of such period he or she submits his or her resignation in writing to the council or is removed from office by the Minister at the request of the council, for any reason deemed sufficient by the Minister."-, and

(b) by the insertion after subsection (2) of the following subsection:

"(2A) The chancellor may be re-elected for a single further term of office of two years' duration."

Substitution of section 9 of Act 1 of 1964, as amended by section 2 of Act 31 of 1967, section 3 of Act 66 of 1969, section 4 of Act 114 of 1976, section 2 of Act 86 of 1979, section 3 of Act 68 of 1983 and section 3 of Act 98 of 1988

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

"Council of the University

9. (1) Subject to the provisions of this Act, the council of the University shall consist of-

- (a) four persons appointed by the Minister;
- (b) four persons elected in the manner prescribed by the statute, by the convocation of the University;
- (c) two persons elected in the manner prescribed by the statute, by persons who are donors in terms of the statute;
- (d) one person appointed by the local authority of the city of Port Elizabeth;
- (e) one person elected in the manner prescribed by the statute, by such local authorities (excluding the local authority of the city of Port Elizabeth) as the statute may determine;
- (f) four persons elected in the manner prescribed by the statute, by such secondary schools as the statute may determine;
- (g) one person elected in the manner prescribed by the statute, by organised business as defined in the statute;
- (h) one person elected in the manner prescribed by the statute, by organised labour as defined in the statute;
- (i) one person elected in the manner prescribed by the statute, by education-related non-governmental and other organisations as defined in the statute;

- (j) one person elected in the manner prescribed by the statute, by rural communities as defined in the statute-;
- (k) three members of the senate elected by the senate;
- (l) two members of the students' representative council of the University appointed by the students' representative council;
- (m) three persons elected in the manner prescribed by the statute, by the members of the University's permanent staff from among their members, with at least one of the elected persons being a representative of the academic staff;
- (n) the principal of the University ex officio;
- (o) the vice-principal or vice-principals of the University ex officio;
- (p) not more than three other persons appointed by the council, in

the

manner prescribed by the statute, to make the composition of the council representative of the community served by the University, or because they have appropriate knowledge and experience of matters relating to the aims and objectives of the University.

(2) (a) A member of the staff of the University shall not be elected or appointed as a member of the council, except in terms of paragraph (k) or (m) of subsection (1).

(b) A student of the University shall not be elected or appointed as a member of the council, except in terms of paragraph (l) of subsection (1).

(3) (a) The members of the council shall hold office for the period prescribed by the statute.

(b) Subject to subsection (1), vacancies on the council due to death, resignation or other causes determined by the statute, shall be filled according to the statute.

(4) (a) The council shall elect a chairperson and a vice-chairperson from among those of its members who are not members of staff or students of the University, in such manner and for such period determined by the statute.

(b) Any meeting of the council at which the chairperson and the vice-chairperson are not present, shall elect a chair-person for the meeting from among those of its members who are not members of staff or students of the University.

(5) (a) The council shall determine the places and the times at which meetings of the council shall be held.

(b) The quorum for and procedure at meetings of the council shall be prescribed by the statute.

(6) (a) Subject to the provisions of this Act, the management and executive authority of the University shall be vested in the council, which shall have control of the property, the affairs and the functions of the University.

(b) The council may make statutes and standing orders or take decisions providing for the establishment of-

(i) standing committees or ad hoc commissions of the council and for the appointment of a person or persons as a member or members of such committees or commissions, irrespective of whether they are members of the council or not, which committees or commissions may only deal with those matters falling within the scope of the functions assigned to them by the council; and

(ii) council committees consisting of one or more members of the council appointed by it, to which the council may assign any of its functions:

Provided that the council shall not be divested of any function so assigned and may amend or set aside any decision of any such committee within a reasonable time."

Substitution of section 10 of Act 1 of 1964, as amended by section 1 of Act 40 of 1965, section 3 of Act 31 of 1967, section 4 of Act 66 of 1969, section 5 of Act 114 of 1976, section 3 of Act 86 of 1979 and section 4 of Act 68 of 1983

5. The following section is hereby substituted for section 10 of the principal Act:

"Senate of the University

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

(a) the principal of the University ex officio, who shall be the chairperson;

(b) the vice-principal or vice-principals of the University ex officio, as the case may be;

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

(d) the professors of the University, including special professors, but excluding associate professors, extraordinary professors and honorary professors;

(e) the University Librarian;

of (f) the heads or acting heads of departments who are not professors of the University;

of (g) two persons from each faculty, elected by the board of that faculty, each of whom shall hold a full-time permanent position associate professor, senior lecturer, lecturer or junior lecturer in that faculty and who shall not be members of the senate in terms of any other paragraph;

(h) three students who are registered for a degree, diploma or certificate at the University, appointed by the students' representative council;

(i) one student from each faculty, appointed in the manner prescribed by the statute;

(j) such other persons as may be declared to be members of the senate

by virtue of section 9 of the Universities Act, 1955 (Act No. 61 of 1955).

(2) (a) A member of the senate referred to in paragraphs (c), (e), (g) and (j) of subsection (1) shall hold office for a period of three years unless the member submits a written resignation to the senate before the expiry of such period or vacates the office for any other reason prescribed by the statute.

(b) A member of the senate referred to in paragraphs (h) and (i) of subsection (1) shall hold office for a period of one year unless the member submits a written resignation to the senate before the expiry of such period or vacates the office for any other reason prescribed by the statute.

(3) Subject to subsection (I), a vacancy on the senate due to the vacation of office by a member shall be filled for the unexpired portion of the period of office of such member.

(4) Subject to section 9(6) (a) and the financial control of the council, the functions of the senate shall include the organization and control of the teaching, curricula, syllabi and examinations of the University.

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

(a) reports on its activities;

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

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

(6) (a) The senate may assign any of its functions to a committee consisting of one or more members of the senate or of both members of the senate and other persons appointed by the senate: Provided that the senate shall not be divested of any function so assigned and may amend or set aside any decision of any such committee within a reasonable time.

(b) The senate may appoint any person as an assessor member of any such committee, which member may participate in all the proceedings at a meeting of such committee, but shall not have the right to vote."

Amendment of section 11 of Act 1 of 1964, as amended by section 5 of Act 66 of 1969, section 6 of Act 114 of 1976 and section 5 of Act 68 of 1983

6. Section II of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) The two members of the council referred to in section 10(1) (b) 10(1) (c); and"

Transitional provisions

7. (1) The members of the council who have previously been appointed by the Minister or elected by the convocation of the University and whose current term of office has not yet expired at the date of commencement of this Act, shall, notwithstanding the commencement of this Act, remain in office for the full duration of their original term of office.

(2) The person elected to fill the first vacancy on the council caused by the expiry of the term of office of a member of the council elected by the

convocation shall, notwithstanding any provision to the contrary in the principal Act or the statute, hold office for three years.

(3) The amendment of section 6(2) of the principal Act shall be applicable to the present chancellor, irrespective of the unexpired portion of his or her term of office at the date of commencement of this Act.

(4) The member of the council appointed by the executive of the East Cape Agricultural Union in terms of section 9(1)(1) of the principal Act as it existed immediately before the commencement of this Act, shall, notwithstanding the substitution of the said section 9(1)(1) by this Act, remain a member of the council until 31 December 1997. \$

Short title and commencement

8. (1) This Act shall be called the University of Port Elizabeth (Private) Amendment Act, 1996.

(2) This Act shall come into operation on a date determined by the Minister:

Provided that section 9(1)(j) of the principal Act, as amended by this Act, shall come into operation on 1 January 1998.