



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

R0,80 Prys • Price
R0,08 Plus 10% BTW • VAT
R0,88 Verkoopprys • Selling price
Buitelands **R1,10** Other countries
Post free • Posvry

VOL. 321

KAAPSTAD, 20 MAART 1992

No. 13867

CAPE TOWN, 20 MARCH 1992

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 907.

20 Maart 1992

No. 907.

20 March 1992

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

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

■o. 39 van 1992: Wysigingswet op Onderwysaangeleenthede (Volksraad), 1992.

No. 39 of 1992: Education Affairs Amendment Act (House of Assembly), 1992.

EDUCATION AFFAIRS AMENDMENT ACT
(HOUSE OF ASSEMBLY), 1992

Act No. 39, 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 Affairs Act (House of Assembly), 1988, so as to redefine an expression; to provide for the establishment of a single management council for more than one public school; to further regulate the declaration of certain public schools as state-aided schools; to provide for the establishment of a state-aided school; to further regulate the transfer of immovable property to state-aided schools; to provide that a person who is suspended from his service, may, with the permission of the Minister, assume duty in another position during the period of suspension; to further regulate the transfer of staff from a public school to a state-aided school; and to provide for the promulgation of regulations as to the receipt and use of funds or other goods by centres and educational auxiliary services; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 16 March 1992.)*

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

Amendment of section 1 of Act 70 of 1988, as amended by section 1 of Act 88 of 1991

- 5 **1.** Section 1 of the Education Affairs Act (House of Assembly), 1988 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "state-aided school" of the following definition:
- 10 " 'state-aided school' means an education institution declared to be a state-aided school for specialized education under section 29(1) or deemed to be so declared under section 29(4), **[as well as]** a public school declared to be a state-aided school under section 29(2A) and a state-aided school established under section 29(2B);"

Amendment of section 15 of Act 70 of 1988

- 15 **2.** Section 15 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:
- "**(a)** establish a management council for a public school, excluding an industrial school and a reform school, but may instead of establishing a management council for each of two or more such public schools, establish one management council for such schools;"

EDUCATION AFFAIRS AMENDMENT ACT
(HOUSE OF ASSEMBLY), 1992

Act No. 39, 1992

Amendment of section 29 of Act 70 of 1988, as amended by section 6 of Act 88 of 1991

3. Section 29 of the principal Act is hereby amended—

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

5 “(2A) The Minister may, **[after a management council of a public school (excluding a pre-primary school, a school for special-
education, an industrial school and a reform school) has,]** on such conditions as **[the Minister]** he may determine, **[conducted an opinion poll among the parents of the pupils of that public school, with due consideration of the factors determined by the Minister,]** by notice in the *Gazette* declare **[the]** a public school (excluding an industrial school and a reform school) **[concerned]** to be a state-aided school with effect from a date mentioned in the notice.”; and

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

 “(2B) The Minister may establish a state-aided school at any place.”.

Amendment of section 31A of Act 70 of 1988, as inserted by section 7 of Act 88 of 1991

20 4. Section 31A of the principal Act is hereby amended by the substitution for the proviso to paragraph (a) of subsection (1) of the following proviso:

 “Provided that, except in the case of immovable property sold or otherwise alienated with the approval of the Minister in terms of section 30(2), the ownership of such property shall without payment of compensation by the State revert to the State if the property in the opinion of the Minister is not being utilized in the interest of education;”.

Amendment of section 72 of Act 70 of 1988

5. Section 72 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

30 “(c) while suspended from his service under section 95, resigns or without the permission of the Minister assumes duty in another position; or”.

Amendment of section 97A of Act 70 of 1988, as inserted by section 18 of Act 88 of 1991

6. Section 97A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

35 “(1) A person who immediately prior to the date contemplated in section 29(2A) was employed at the public school concerned, shall **[with his consent]** be transferred to and appointed in the service of the state-aided school concerned with effect from that date.”.

40 Amendment of section 112 of Act 70 of 1988, as amended by section 21 of Act 88 of 1991

7. Section 112 of the principal Act is hereby amended by the substitution for subparagraph (ii) of paragraph (c) of subsection (1) of the following subparagraph:

45 “(ii) the receipt and use of funds or other goods by hostels, **[and]** public schools, centres and educational auxiliary services, and the books, records and statements to be kept in connection therewith by the bodies or persons mentioned in the regulations; and”.

Short title

50 8. This Act shall be called the Education Affairs Amendment Act (House of Assembly), 1992.