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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1239.

6 Mei 1992

No. 1239.

6 May 1992

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee 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:—

No. 55 van 1992: Wysigingswet op Onderwys en Opleiding, 1992.

No. 55 of 1992: Education and Training Amendment Act, 1992.

defined in section 38 of the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971);”.

Insertion of section 2A in Act 90 of 1979

2. The following section is hereby inserted in the principal Act after section 2:

5 **“Admission to schools of persons belonging to other population groups**

2A. Notwithstanding any provision to the contrary contained in this Act or any other law, the Minister may, subject to such conditions as he may prescribe—

10 (a) in the case of a public school—

(i) authorize the council, committee, board or other body established in terms of section 7; or

(ii) where no such council, committee, board or other body exists, authorize any officer or educator;

15 (b) in the case of a State-aided or private school, authorize the governing body concerned,

to admit to the school persons belonging to a population group other than the one referred to in section 2(1).”.

20 **Amendment of section 11 of Act 90 of 1979, as substituted by section 7 of Act 74 of 1984**

3. Section 11 of the principal Act is hereby amended by the addition of the following subsection:

“(3) An appointment or promotion in terms of subsection (2) may take place with retrospective effect to a date determined by the Minister.”.

25 **Amendment of section 13 of Act 90 of 1979, as amended by section 5 of Act 52 of 1980**

4. Section 13 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

30 “(2A) The Minister may, with retrospective effect to a date determined by him—

(a) approve an appointment or promotion referred to in subsection (1)(b);

(b) make an appointment referred to in subsection (2).”.

Amendment of section 16 of Act 90 of 1979

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

40 “(1) Any **[teacher]** educator employed at a public school or an office may be transferred by the Minister from the post in which he is employed to any other post at the same school or office or at any other public school or an office or at any other institution under the control of the Department, whether or not such transfer is to a post of a lower grade: Provided that a transfer involving a reduction in such **[teacher’s]** educator’s pensionable emoluments shall not be made without his consent, unless the transfer is in consequence of a reduction of **[rank]** post level imposed in connection with misconduct or inefficiency as **[a teacher]** an educator.”.

45 **Amendment of section 18 of Act 90 of 1979, as substituted by section 6 of Act 52 of 1980**

6. Section 18 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

50 “(1) A post on the **[teaching]** educators’ establishment of any public school or an office, or **[a teaching]** an educator’s post in respect of which a subsidy is paid by the State on the establishment of a State-aided school, shall for the purposes of the Government Service Pension Act, 1973 (Act

No. 57 of 1973), be deemed to be a post on the fixed establishment of the public service which is classified in a division mentioned in section [3] 7 (1)(a)(i) of the Public Service Act, [1957 (Act No. 54 of 1957)] 1984 (Act No. 111 of 1984).”.

5 **Amendment of section 19 of Act 90 of 1979, as amended by section 7 of Act 52 of 1980, section 10 of Act 74 of 1984 and section 24 of Act 3 of 1986**

7. Section 19 of the principal Act is hereby amended by the substitution in subsection (2) for the words following upon paragraph (b), of the following words: “be appointed at such school or office in a permanent capacity.”.

10 **Amendment of section 21 of Act 90 of 1979, as amended by section 9 of Act 52 of 1980 and section 9 of Act 95 of 1987**

8. Section 21 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

15 “(c) if for reasons other than his own unfitness or incapacity his discharge will promote efficiency or economy in the school or office in question;”.

Amendment of section 23 of Act 90 of 1979, as amended by section 2 of Act 10 of 1981 and section 3 of Act 42 of 1990

9. Section 23 of the principal Act is hereby amended by the substitution in 20 paragraph (b) of subsection (23) for the expression “R200” of the expression “R2 000”.

Amendment of section 27 of Act 90 of 1979

10. Section 27 of the principal Act is hereby amended—

25 (a) by the substitution for subsection (2) of the following subsection: “(2) Any [teacher] educator referred to in subsection (1) shall not hold any office which in the opinion of the Minister will interfere with the performance of his duties in the service of the school or office concerned.”; and

30 (b) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) accepts a nomination or a requisition as a candidate for election as a member of Parliament [a provincial council] or a legislative body of a [national state] self-governing territory or an independent state; or”.

35 **Amendment of section 28 of Act 90 of 1979**

11. Section 28 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of subsection (1) of the following paragraphs, respectively—

40 “(b) no [teacher] educator employed at a public school, an office or a State-aided school shall perform or engage himself to perform remunerative work outside his employment at such school or office without the permission of the Director-General; and

45 (c) no [teacher] educator employed at a school or office referred to in paragraph (a) may claim as of right additional remuneration in respect of any official duty or work which he is required by competent authority to perform.”.

Substitution of section 29 of Act 90 of 1979

12. The following section is hereby substituted for section 29 of the principal Act:

50 “Classification of certain posts on establishments of public schools, offices and State-aided schools as posts in the Public Service

29. The Minister may on the recommendation of the **[Public Service]** Commission for Administration designate any post (other than **[a teaching] an educator's post**) included in the establishment of a public school, an office or a State-aided school as a post which is to be classified in terms of the provisions of the Public Service Act, **[1957 (Act No. 54 of 1957)] 1984 (Act No. 111 of 1984)**, under the fixed establishment as defined in section 1 of the said Act, and in respect of which the provisions of the said Act shall apply.”

Amendment of section 37 of Act 90 of 1979, as amended by section 15 of Act 31 of 1988

13. Section 37 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If a parent **[or guardian]** or the person having the custody or charge of any person who by virtue of the provisions of subsection (1) is required to attend a school regularly, after a period of six months from the date of the notice referred to in that subsection fails, without reasonable cause and after a written warning by the Department, to cause such person to attend an appropriate school regularly, he shall be guilty of an offence and liable on conviction to a fine **[not exceeding R150]**, or to imprisonment for a period not exceeding one month on conviction of a first offence, or to a fine **[not exceeding R300]**, or to imprisonment for a period not exceeding two months, on conviction of a second or subsequent offence.”

Amendment of section 40 of Act 90 of 1979, as amended by section 12 of Act 95 of 1987 and section 16 of Act 31 of 1988

14. Section 40 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) a parent **[or guardian]** in connection with the education of his child, or for the purpose of attending a sports meeting, concert or any other event of the school in which his child has an interest;”

Amendment of section 44 of Act 90 of 1979, as amended by section 14 of Act 74 of 1984, section 25 of Act 3 of 1986, section 13 of Act 95 of 1987 and section 18 of Act 31 of 1988

15. Section 44 of the principal Act is hereby amended by the substitution for paragraph (h) of subsection (1) of the following paragraph:

“(h) as to the appointment of **[teachers] educators** for duty at public schools, offices and State-aided schools, and as to the grading, promotion, transfer, termination of services, discipline, behaviour, duties, powers and hours of attendance of such **[teachers] educators**, and the occupation of **[teachers'] educators'** quarters by such **[teachers] educators**, and the payment to such **[teachers] educators** of transport, subsistence and other allowances and remuneration, if any, for services outside the prescribed hours of attendance;”

Amendment of section 45 of Act 90 of 1979

16. Section 45 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of this Act the laws specified in the Schedule are hereby repealed to the extent set out in the third column **[except in so far as the said laws apply in the territory of South West Africa, including the eastern Caprivi Zipfel]**.”

Substitution of expressions and insertion of words in Act 90 of 1979

17. The principal Act is hereby amended—
- (a) by the insertion after the word “officer”, wherever it occurs, except in section 1, of the words “or educator”;
 - 5 (b) by the insertion after the expressions “public school” and “public schools”, wherever they occur, except in sections 1, 5, 6, 7, 8, 10, 31, 32, 33(1), 34, 38, 39, 40, 41, 43 and 44(1)(c), (f) and (s), of the words “or an office” and “or offices”, respectively;
 - 10 (c) by the substitution for the expression “Public Service Commission”, wherever it occurs, of the expression “Commission for Administration”;
 - (d) by the substitution for the expression “rank”, wherever it occurs, of the expression “post level”;
 - 15 (e) by the substitution for the expressions “teacher” and “teachers”, wherever they occur, except in sections 1, 18(2), 31 and 32, of the expressions “educator” and “educators”, respectively;
 - (f) by the substitution for the expressions “teachers’ association” and “teachers’ associations”, wherever they occur, except in section 31, of the expressions “association for educators” and “associations for educators”, respectively;
 - 20 (g) by the substitution for the expressions “teaching establishment” and “teaching establishments”, wherever they occur, of the expressions “educators’ establishment” and “educators’ establishments”, respectively; and
 - 25 (h) by the substitution for the expressions “teaching post” and “teaching posts”, wherever they occur, except in sections 31 and 32, of the expressions “educator’s post” and “educators’ posts”, respectively.

Short title and commencement

18. (1) This Act shall be called the Education and Training Amendment Act, 30 1992, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act.