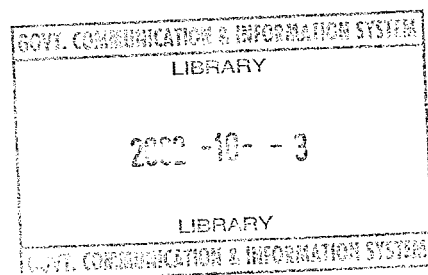


REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
HIGHER EDUCATION
AMENDMENT BILL**

[B 30—2002]

(As agreed to by the Portfolio Committee on Education (National Assembly))



[B 30A—2002]

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AMENDMENTS AGREED TO
HIGHER EDUCATION AMENDMENT BILL
[B 30—2002]

CLAUSE 1

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 1 of Act 101 of 1997

1. Section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997) (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of “higher education institution” of the following definition:
“higher education institution” means any institution that provides higher education on a full-time, part-time or distance basis and which is—
 - (a) merged, established or deemed to be established as a public higher education institution under this Act;
 - (b) declared as a public higher education institution under this Act; or
 - (c) registered or [**conditionally**] provisionally registered as a private higher education institution under this Act;”;
- (b) by the insertion after the definition of “higher education quality committee” of the following definition:
“incorporation of a subdivision” means the process of incorporation as contemplated in section 21(1)(b) or 24 in terms of which an identified subdivision, faculty, school, department, section or component of a public higher education institution or education institution becomes part of another public higher education institution while the latter institution’s legal personality as contemplated in section 20(4) is not affected by the incorporation, and “an incorporated subdivision” has a similar meaning;”;
- (c) by the insertion after the definition of “local juristic person” of the following definition:
“merger” means the process contemplated in section 23 in terms of which two or more public higher education institutions lose their status as juristic persons on the date that they are merged into a new juristic person as contemplated in section 20(4).”.

CLAUSE 4

1. On page 4, after line 2, to insert:

- (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:
“(b) [**a**] an incorporated subdivision of a university, technikon or college.”;

2. On page 4, in line 11, to omit "section 197" and to substitute "sections 197 and 197A".
3. On page 4, in line 14, after "transferred" to insert "automatically".
4. On page 4, from line 16, to omit "without the employees' consent".

CLAUSE 5

1. On page 6, in line 11, to omit "section 197" and to substitute "sections 197 and 197A".
2. On page 6, in line 14, after "transferred" to insert "automatically".
3. On page 6, from line 16, to omit "without the employees' consent".
4. On page 8, after line 13, to insert:
 - (e) by the substitution for paragraph (b) of subsection (7) of the following paragraph:
 "**(b) [four other members] a minimum of six members and a maximum of eight members.**"; and

NEW CLAUSE

1. That the following be a new Clause:

Substitution of section 24 of Act 101 of 1997

6. The following section is hereby substituted for section 24 of the principal Act:

"[Merger] Incorporation of subdivisions of public higher education institutions

24. (1) The Minister may, after consulting the CHE and by notice in the *Gazette*, **[merge] incorporate** a subdivision of a public higher education institution with another public higher education institution.

(2) The assets, liabilities, rights and obligations of the subdivisions concerned devolve upon the public higher education institution with which the subdivision has **[merged] been incorporated** in a manner agreed by the councils of the public higher education institutions concerned or failing such agreement, in a manner determined by the Minister after consulting such councils.

(3) Sections 22(2) to (6) and 23(2), with the changes required by the context, apply to **[a merger] an incorporation** referred to in subsection (1).".