

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

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No. 10448

CAPE TOWN, 19 SEPTEMBER 1986

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1959.

19 September 1986

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

No. 100 van 1986: Wysigingswet op Onderwys (Raad van Afgevaardigdes), 1986.

No. 1959.

19 September 1986

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

No. 100 of 1986: Education Amendment Act (House of Delegates), 1986.

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Indians Education Act, 1965, so as to adapt certain expressions in consequence of the assignment of the administration of the provisions of the said Act to the Minister of Education and Culture; to regulate the application of the said Act; to provide for the establishment, maintenance and management of schools of industries and reform schools; to make further provision for compulsory school attendance; to extend the power of the Minister to make regulations; to replace certain expressions; and to repeal certain provisions of the Children's Act, 1960 (in so far as it is applied as an Act on own affairs of the House of Delegates); and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 10 September 1986.)

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

1. Section 1 of the Indians Education Act, 1965 (hereinafter referred to as the principal Act), is hereby amended—
- 5 (a) by the substitution in subsection (1) for the definition of "Department" of the following definition:
 "Department" means the **[Department of Indian Affairs] Administration: House of Delegates;**";
- 10 (b) by the insertion in subsection (1) after the definition of "Department" of the following definition:
 "**Director-General**" means the **Director-General: Administration: House of Delegates;**";
- 15 (c) by the substitution in subsection (1) for the definition of "Minister" of the following definition:
 "Minister" means the Minister of **[Indian Affairs] Education and Culture;**";
- 20 (d) by the substitution in subsection (1) for the definition of "reform school" of the following definition:
 "reform school" means a reform school established or erected and maintained **[by the Minister]** under **[the provisions of the Children's Act, 1960 (Act No. 33 of 1960)]** section 3 for the reception, care and training of children sent thereto under the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983);";
- 25 (e) by the substitution in subsection (1) for the definition of "school of industries" of the following definition:
 "school of industries" means a school of industries es-

Amendment of section 1 of Act 61 of 1965, as amended by section 1 of Act 39 of 1979 and section 1 of Act 78 of 1984.

EDUCATION AMENDMENT ACT (HOUSE OF DELEGATES), 1986

Act No. 100, 1986

- 5 tablished or erected and maintained [by the Minister] under [the provisions of the Children's Act, 1960 (Act No. 33 of 1960)] section 3 for the reception, care and training of children sent or transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983);"; and
- (f) by the deletion in subsection (1) of the definition of "Secretary".
- 10 2. The following section is hereby inserted in the principal Act after section 1:
- "Application of Act. 1A. The application of this Act shall be effected subject to the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), and any other general law as contemplated in item 2 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983)."
- 15
3. Section 3 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- 20 "(a) establish, erect and maintain colleges of education, technical colleges, secondary schools, primary schools, agricultural schools, vocational schools, special schools, pre-primary schools, schools of industries, reform schools and homes;".
4. Section 19 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:
- 25 "(4) Any person referred to in subsection (1) who in terms of the provisions of the Electoral Act for Indians, 1977 (Act No. 122 of 1977), is nominated as a candidate for the election of members of the **[South African Indian Council] House of Delegates**, shall be deemed to have relinquished his post on the date on which he is so nominated."
- 30
5. Section 23 of the principal Act is hereby amended by the addition of the following subsection:
- 35 "(4) Any person who gives to any other person for whom school attendance is compulsory in terms of subsection (1) employment the performance of which prevents that other person from attending regularly an appropriate school, shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding two months."
- 40
6. Section 33 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- 45 "(b) as to the establishment, erection, maintenance, management and control of State schools and hostels, schools of industries, reform schools, teachers' quarters, school clinics and any other accessories in connection with such schools;".
7. The principal Act is hereby amended—
- 50 (a) by the substitution for the expression "Secretary", wherever it occurs, of the expression "Director-General";
- (b) by the substitution for the expression "Minister of Finance", wherever it occurs, of the expression "Minister of the Budget";
- 55 (c) by the substitution for the expression "Public Service Commission", wherever it occurs, of the expression "Commission for Administration"; and

Insertion of section 1A in Act 61 of 1965.

Amendment of section 3 of Act 61 of 1965, as amended by section 2 of Act 39 of 1979 and section 2 of Act 78 of 1984.

Amendment of section 19 of Act 61 of 1965, as amended by section 12 of Act 39 of 1979.

Amendment of section 23 of Act 61 of 1965, as amended by section 31 of Act 62 of 1973.

Amendment of section 33 of Act 61 of 1965, as amended by section 3 of Act 9 of 1981 and section 4 of Act 78 of 1984.

Substitution of certain expressions in Act 61 of 1965.

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(d) by the substitution for the expression "Parliament", wherever it occurs, of the expression "House of Delegates".

8. (1) Subject to the provisions of subsections (2) and (3), the provisions of the Children's Act, 1960, with regard to the establishment, maintenance and management of schools of industries and reform schools as contemplated in the Schedule to the Child Care Act, 1983 (Act No. 74 of 1983), in so far as the administration thereof has been assigned to the Minister of Education and Culture, are hereby repealed.

Repeal of certain provisions of Act 33 of 1960, and savings.

(2) Every school of industries and reform school established or erected or deemed to have been established or erected under any provision repealed in terms of subsection (1), and which are being maintained at the commencement of this Act, shall be deemed from such commencement to have been established or erected under the principal Act.

(3) Anything done under any provision repealed in terms of subsection (1) with regard to any school of industries or reform school contemplated in subsection (2), shall be deemed to have been done under the corresponding provision of the principal Act.

9. This Act shall be called the Education Amendment Act (House of Delegates), 1986, and the provisions of sections 1 (1) (d) and (e) and 8 shall come into operation at the commencement of the Child Care Act, 1983 (Act No. 74 of 1983).

Short title and commencement.