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GOVERNMENT GAZETTE

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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 2347. 6 November 1981.

No. 2347. 6 November 1981.

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

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

104 of 1981: Technical Colleges Act, 1981.

No. 104 van 1981: Wet op Tegnieuse Kolleges, 1981.

ACT

To provide for the establishment, maintenance, management and control of technical colleges; and for incidental matters.

*(English text signed by the State President.)
(Assented to 15 October 1981.)*

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

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "advisory council", in relation to a school, means a council established for a school under section 3 of the Educational Services Act, 1967 (Act No. 41 of 1967);
- (i) "college council" means a college council referred to in section 5 (a); (vii)
- (iii) "commission" means the Commission for Administration within the meaning of the Public Service Act, 1957 (Act No. 54 of 1957); (viii)
- (iv) "council", in relation to a technical college, means a college council; (xii)
- (v) "Director-General" means the Director-General: National Education; (iv)
- (vi) "employee", in relation to a technical college, means a person employed in a temporary capacity or under a kind of contract different from that usually entered into with officers, in the service of a technical college in a post included in or additional to the fixed establishment of such technical college; (xvii)
- (vii) "governing body", in relation to a subsidized school, means the body managing a subsidized school; (iii)
- (viii) "Minister" means the Minister of National Education; (ix)
- (ix) "officer", in relation to a technical college, means a person appointed to the service of a technical college permanently, although he may have been appointed—
 - (a) on probation;
 - (b) in a post intended for a person of a rank higher or lower than his own rank; or
 - (c) in a post additional to the fixed establishment of such technical college; (ii)
- (x) "post-school education" means instruction and training—
 - (a) provided with a view to the pursuance of a vocation or the development of a social or recreational skill; and
 - (b) primarily intended for persons who are not subject to compulsory school attendance in terms

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of a provision of any law or who were exempted from such a provision, but excluding education referred to in paragraph (a) or (d) of section 14 of the Financial Relations Act, 1976 (Act No. 65 of 1976), or provided by way of correspondence; (x)

- (xi) "prescribe" means prescribe by regulation; (xvi)
- (xii) "principal", in relation to a technical college, means a person appointed under section 7 (2) as the principal of a technical college; (vi) 10
- (xiii) "regulation" means a regulation made under section 39; (xiii)
- (xiv) "school" means a school established under section 2 of the Educational Services Act, 1967; (xiv)
- (xv) "subsidized school" means an institution declared a subsidized school under section 5 (1) of the Educational Services Act, 1967; (xi) 15
- (xvi) "technical college" means a technical college established under section 2 or a school or subsidized school declared a technical college under that section or a technical college which came into being in pursuance of the amalgamation of two or more technical colleges under section 34; (xv) 20
- (xvii) "this Act" includes the regulations. (v) 25

Establishment of, or declaration of certain institutions as, technical colleges.

2. (1) The Minister may, with the concurrence of the Minister of Finance, by notice in the *Gazette* and from a date mentioned in the notice—

- (a) establish a technical college at any place;
- (b) declare any school or subsidized school which provides or intends to provide post-school education a technical college. 30

(2) The Minister shall not declare a school or subsidized school under subsection (1) (b) a technical college except after consultation with the advisory council of such school, if any, or the governing body of such subsidized school, as the case may be. 35

(3) A technical college shall be a juristic person.

Functions of technical colleges.

3. The functions of a technical college shall be to provide post-school education in accordance with the directions of the Minister. 40

Proprietary capacity of technical colleges.

4. A technical college shall be capable in law of purchasing or otherwise acquiring, holding, hiring, letting, selling, exchanging or otherwise alienating any movable or immovable property, or granting to any person any real right in or servitude on its property, or of investing, lending or borrowing money: Provided that no technical college shall except with the approval of the Minister let for a period longer than one year or sell, exchange or otherwise alienate its immovable property or grant to any person any real right therein or servitude thereon or lend or borrow money. 50

Constitution of technical colleges.

5. A technical college shall consist of—

- (a) a college council;
- (b) a principal;
- (c) a board of studies (except where the Minister is of the opinion that the activities of the technical college do not justify the appointment of such a board); and 55
- (d) the staff and students.

College councils.

6. (1) The affairs of a technical college shall be managed and controlled by the college council, which shall, subject to the provisions of this Act, exercise and perform the powers and duties of the technical college. 60

(2) A college council shall have not less than seven and not more than fifteen members as may from time to time be determined by the Minister, and shall consist of— 65

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- (a) the principal of the technical college;
- (b) one member in respect of each body or organization recognized by the Minister as a body or organization interested in such technical college, who shall represent such a body or organization on the council; 5
- (c) one or more other members.

(3) The members of a college council, excluding the member referred to in subsection (2) (a), shall be appointed by the Minister: Provided that the Minister shall consult with a body or organization referred to in subsection (2) (b) before appointing 10 any person to represent such body or organization on the council.

- (4) (a) A college council may with the approval of the Minister delegate any power conferred upon it by or under this Act to the principal of the technical college 15 or authorize such principal to perform any duty assigned to a college council by or under this Act.
- (b) No delegation of a power under paragraph (a) shall prevent the exercise of the relevant power by the college council itself. 20

Principals of technical colleges.

7. (1) The principal of a technical college shall be the chief executive officer of the technical college and shall, subject to the control and directions of the college council, be responsible for carrying out the council's decisions.

(2) The principal of a technical college shall be appointed by 25 the college council with the approval of the Minister.

(3) Whenever the principal of a technical college is absent or is unable to perform his functions as principal or whenever the appointment of a principal is pending, the college council may appoint a member of the teaching staff of the technical college 30 to act as principal of the technical college during such absence or incapacity or until a principal is appointed.

Boards of studies.

8. (1) The board of studies of a technical college shall consist of—

- (a) the principal of the technical college, who shall be the 35 chairman of the board;
- (b) two other members of the college council designated by the council, who shall hold office during the council's pleasure;
- (c) such members of the teaching staff of the technical 40 college as the council may from time to time designate.

(2) The board of studies of a technical college—

- (a) shall exercise such powers of organization of and control over the instruction, training and discipline of the students at the technical college as are assigned to 45 it by the college council;
- (b) shall advise the college council in regard to any matter which the council may refer to it for its advice; and
- (c) may make such recommendations to the college council on academic matters of interest to the technical 50 college as it may deem expedient.

Staff of technical colleges.

9. (1) The establishment at any technical college shall consist of—

- (a) the posts in respect of which the Minister may determine a basis from time to time; and 55
- (b) the other posts in respect of which the Minister is of the opinion that no basis can be determined and which he may establish from time to time:

Provided that a college council may establish such posts as the Minister may designate from time to time. 60

(2) The power to appoint any person as an officer or employee in the service of a technical college or to promote, second, transfer or discharge an officer or employee shall, subject to the provisions of this Act, be vested in the college council: Provided

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that the appointment or promotion of persons to, or the discharge of persons holding, such posts as may be determined by the Minister shall be subject to his approval.

(3) No person shall be appointed under subsection (2) as an officer in the service of a technical college unless such person complies with such requirements as may be prescribed.

(4) (a) The conditions of service (including the conditions and circumstances under which officers or employees of a technical college may be required to become and to remain members of any medical aid scheme or medical benefit scheme) and leave privileges of officers and employees of a technical college shall be as prescribed, and the salaries, scales of salary and allowances of such officers and employees shall be determined by the Minister on the recommendation of the commission and with the concurrence of the Minister of Finance.

(b) The conditions of service, leave privileges, salaries, scales of salary and allowances may be different in respect of different technical colleges.

(5) The conditions on which a technical college may provide boarding or accommodation to its officers or employees shall be determined by the Minister with the concurrence of the Minister of Finance.

Pension rights and retirement benefits.

10. Notwithstanding anything to the contrary in any law contained, but subject to the provisions of section 20 (5), any officer or employee of a technical college shall in respect of pension and retirement benefits be dealt with as if—

(a) if he is an officer, he were employed in a post classified under a division of the public service referred to in section 3 (1) (a) (i) of the Public Service Act, 1957 (Act No. 54 of 1957); or

(b) if he is an employee, he were an employee of the Government.

Application of certain provisions of Act 41 of 1967 to officers and employees.

11. The provisions of sections 27, 28, 29, 30, 31 and 33 (1), (2) and (3) of the Educational Services Act, 1967 (Act No. 41 of 1967), shall *mutatis mutandis* apply in respect of the officers and employees of a technical college, and in such application any reference to—

(a) the State, a school or a subsidized school or a department, office or institution of the Government shall be construed as a reference to a technical college;

(b) the Minister or the Director-General or a governing body shall be construed as a reference to the council of a technical college;

(c) an officer or employee employed at a school or subsidized school shall be construed as a reference to an officer or employee in the service of a technical college;

(d) an act which is or may be prejudicial to the Government, a department of State, the public service or the educational service shall be construed as a reference to an act which is or may be prejudicial to a technical college.

Transfer of officers and employees.

12. (1) A technical college may, at the request of any other technical college and with the approval of the Minister, transfer any officer or employee in its service, with the concurrence of such an officer or employee to the service of such other technical college.

(2) Any person transferred under subsection (1) shall as from the date of his transfer be appointed to a post established at such other technical college, on the conditions prescribed, and at the remuneration determined, for such post: Provided that—

(a) unless the person concerned agrees thereto in writing the said conditions and remuneration shall not be less favourable than the conditions and remuneration

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applicable to him as an officer or employee of the technical college from where he was transferred;

- (b) any sick or accumulative vacation leave which stood to the credit of such person immediately prior to his transfer shall be deemed to be leave earned by him in the service of the technical college to which he was transferred.

Secondment of officers and employees to the service of other persons.

13. (1) A technical college may with the approval of the Minister and on such conditions as the Minister may determine with the concurrence of the Minister of Finance, second any officer or employee in its service, with the consent of such an officer or employee for any particular period or for the performance of any particular work to the service of any other person: Provided that no such officer or employee shall be seconded to any department of State otherwise than on the recommendation of the commission.

(2) Any officer or employee of a technical college seconded under subsection (1) to the service of any other person shall remain subject to the provisions of a law applicable to him as an officer or employee of a technical college.

Admission of students.

14. (1) (a) The conditions of admission of any person as a student to a technical college and the fees payable by students shall be determined by the Director-General.
(b) No fees shall be determined by the Director-General under paragraph (a) otherwise than with the concurrence of the Treasury.

(2) A college council may at its discretion refuse the admission of any person as a student to a technical college, or withdraw the admission granted to a student: Provided that any such refusal or withdrawal shall be subject to appeal to the Director-General, whose decision shall be final.

Discipline.

15. A student at a technical college shall be subject to such disciplinary measures as may be determined by rules made by the council of such technical college.

Courses, departments and syllabuses.

16. (1) The council of a technical college shall not without the prior approval of the Minister establish a department or a course of instruction or training at the technical college.

(2) The syllabus of any course established under subsection (1) shall be determined by the college council with the approval of the Minister.

Medium of instruction.

17. The medium of instruction at a technical college shall be Afrikaans and English, and the circumstances in which instruction or training shall or may be given through the one or the other shall be determined by the college council with the approval of the Minister: Provided that where the proficiency of the teaching staff in the use of those two languages and the number of students concerned permit, the two languages shall as far as is practicable be used on an equal basis for that purpose.

Conduct of examinations and issue of diplomas and certificates.

18. (1) The provisions of section 13 of the Educational Services Act, 1967 (Act No. 41 of 1967), shall *mutatis mutandis* apply in respect of any course of instruction or training conducted at a technical college.

(2) Any person who commits an act or omission which constitutes an offence in terms of section 13 of the Educational Services Act, 1967, as applied by subsection (1) of this section, shall on conviction be liable to the same penalty as that which may be imposed under the said Act for such offence.

Inspection.

19. The Minister may at any time cause an inspection to be made at a technical college in regard to any matter affecting—

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- (a) the maintenance, management or control of such technical college;
- (b) the admission or dismissal of students;
- (c) the instruction and training which are provided;
- (d) discipline; 5
- (e) the staff;
- (f) the land, buildings, equipment, stores and finances of such technical college,

and generally, in regard to such other matters as the Minister may deem expedient. 10

Effects of declaration of school as technical college.

20. (1) As from the date on which a school is declared a technical college under section 2 (1) (b)—

- (a) all the property of the State allocated for use or consumption for the purposes of such school shall devolve upon such technical college; 15
- (b) all funds or property controlled and administered on behalf of such school by the Director-General or the advisory council of such school under section 4 of the Educational Services Act, 1967 (Act No. 41 of 1967), shall devolve upon such technical college: Provided 20 that any funds and property which were received by virtue of a trust, donation or bequest shall after that date continue to be used in accordance with the conditions of such trust, donation or bequest;
- (c) the administrative records and other documents relating to such school and which the Minister may determine shall be transferred to such technical college; 25
- (d) any person who immediately before that date held an appointment under section 3 (3) of the Educational 30 Services Act, 1967, as a member of the advisory council of such school, shall be deemed to be appointed as a member of the college council of that technical college, and such a person shall hold office as a member of the college council until the college 35 council is constituted in accordance with the provisions of section 6 of this Act;
- (e) any person who immediately before the said date was the principal of such school, shall be deemed to be appointed under section 7 (2) as the principal of such 40 technical college;
- (f) any person who immediately before the said date was a pupil of such school shall become a student of such technical college;
- (g) any department or course of instruction or training 45 which immediately before the said date existed or was conducted at such school, shall be deemed to be established under section 16;
- (h) any person who immediately before the said date held a position in the service of the Government at such 50 school, other than a person referred to in paragraph (i), shall, subject to subsections (2), (3), (4) and (5), be transferred to the service of such technical college;
- (i) any person who immediately before the said date held a position under section 3 of the Public Service Act, 55 1957 (Act No. 54 of 1957), at such school and who on or before the said date elected by means of a written notice to the Director-General to remain in the public service, shall be deemed to be an officer seconded 60 under section 13 (6) of the said Act to the service of that technical college until he is transferred on the recommendation of the commission to a post in the public service.

(2) The conditions of service, salary scale, allowances and leave privileges of a person who is transferred in terms of subsection (1) (h) to the service of a technical college shall as from the date of his transfer be governed under section 9, and the salary of any such person shall be adjusted to the salary scale

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applicable to his post, at such notch on that scale as may be determined by the college council with the approval of the Minister: Provided that the salary or salary scale at or in accordance with which any such person was remunerated immediately prior to his transfer shall not be reduced, and such a person who is a member of the teaching staff shall not be placed in a lower category for salary purposes.

(3) Any disciplinary proceedings in respect of misconduct committed before the said date by any person transferred to the service of a technical college in terms of subsection (1) (h), may be continued or instituted by the college council as if such misconduct were committed after his transfer.

(4) Any continuous full-time service with the Government of any person transferred to the service of a technical college in terms of subsection (1) (h), shall for leave purposes be deemed to be service with such technical college: Provided that, subject to any condition which may be prescribed—

(a) any sick or accumulative vacation leave standing to the credit of such person on the date of his transfer shall be deemed to be leave earned by such person in the service of the technical college concerned;

(b) any privilege which would have accrued to such person or his dependants in respect of any payment for vacation leave standing to his credit on his retirement or death if he had not been transferred to the service of such technical college, shall be retained by him or them after such transfer:

(5) Notwithstanding the provisions of subsection (1)—

(a) any person referred to in paragraph (h) of that subsection shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law applicable to him immediately before the date of his transfer; and

(b) (i) any contribution which in terms of the regulations governing the provident fund and pension scheme established under section 19 (1) (g) of the Higher Education Act, 1923 (Act No. 30 of 1923), is payable in respect of any person referred to in paragraph (a) by his employer;

(ii) any annuity or gratuity which may be granted to such person in addition to the benefits payable from that provident fund or under that pension scheme and to which a contribution is approved in terms of the said regulations;

shall be paid out of moneys appropriated by Parliament for the purpose.

Effects of declaration of subsidized school as technical college.

21. (1) As from the date on which a subsidized school declared a technical college under section 2 (1) (b)—

(a) all assets, rights, liabilities and obligations of such subsidized school and the governing body of such subsidized school shall devolve upon such technical college: Provided that any funds and property which were received by virtue of a trust, donation or bequest shall after that date continue to be used in accordance with the conditions of such trust, donation or bequest;

(b) any person who immediately before that date held an appointment as a member of the governing body of such subsidized school, shall be deemed to be appointed as a member of the college council of such technical college, and such person shall hold office as a member of the college council until the college council is constituted in accordance with the provisions of section 6;

(c) any person who immediately before the said date was the principal of such subsidized school, shall be deemed to be appointed under section 7 (2) as the principal of such technical college;

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(d) any department or any course of instruction or training which immediately before the said date existed or was conducted at such subsidized school, shall be deemed to be established under section 16.

(2) The conditions of service, salary scale, allowances and leave privileges of a person who by virtue of subsection (1) (a) became an officer or employee of a technical college shall be governed under section 9, and the salary of any such person shall be adjusted to the salary scale applicable to his post, at such notch on that scale as may be determined by the college council with the approval of the Minister: Provided that the salary or salary scale at or in accordance with which any such person was remunerated immediately before the said date shall not be reduced.

(3) Any continuous full-time service with the governing body of the said subsidized school of any person who by virtue of subsection (1) (a) became an officer or employee of a technical college, shall for leave purposes be deemed to be service with such technical college: Provided that subject to any condition which may be prescribed any sick or accumulative vacation leave standing to the credit of such person on the said date, shall be deemed to be leave earned by such person in the service of the technical college.

(4) Any disciplinary proceedings in respect of misconduct committed before the said date by any person who by virtue of subsection (1) (a) became an officer or employee of a technical college, may be continued or instituted by the college council as if such misconduct were committed after the said date.

Registration of certain immovable property in name of technical colleges.

22. (1) The registrar of deeds concerned shall on submission to him of a certificate by the Minister that immovable property described in such certificate had devolved upon a technical college in terms of section 20 or 21, make such entries or endorsements in or on any relevant register, title deed or other document in his office or laid before him as he may deem necessary so as to register such immovable property in the name of such technical college.

(2) No transfer duty, stamp duty, office or other fees shall be payable in respect of a registration contemplated in subsection (1).

Purposes for which loans may be granted to technical colleges out of moneys voted by Parliament.

23. The Minister may subject to the provisions of this Act and with the concurrence of the Minister of Finance, out of moneys voted by Parliament for the purpose, grant loans to a technical college for any one or more of the following purposes, namely—

- (a) the erection of buildings or the purchase, construction or installation of fittings or fixtures;
- (b) the acquisition of land (including land on which any building has been erected) or rights on or interests in land, and for the payment of costs in connection with any survey or transfer of land or the registration of land or rights on land;
- (c) the fencing or improvement of any land belonging to the technical college;
- (d) the purchase of movables of a capital nature; or
- (e) the repayment of any money borrowed by the technical college, or where such technical college is the successor to any subsidized school, by the governing body of such subsidized school, from any person other than the State for a purpose mentioned in paragraph (a), (b), (c) or (d).

Applications for loans.

24. (1) Every application for a loan referred to in section 23 shall be submitted in writing to the Director-General and shall clearly state the purpose of the proposed loan.

(2) On receipt of any such application the Director-General may call for such estimates, plans, specifications, reports, returns and other information, and may cause such inspection to be made, as he may deem necessary.

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Conditions of loans.

25. (1) Every loan granted under section 23 shall be subject to such conditions as may be determined by the Treasury.

(2) Every such loan together with the interest due thereon shall, subject to any prior charge or hypothecation, be a charge upon all the property, movable or immovable, present or future, of the technical college concerned: Provided that the Minister, with the concurrence of the Minister of Finance, may at any time by writing under his hand waive any preference under this subsection in favour of the holder of any bond over such property, if he is satisfied that the value of the property is sufficient to cover the amount of the loan which has not been repaid and the amount secured by such bond.

(3) The period within which any such loan and the interest thereon shall be repaid shall be determined by the Treasury before the granting of the loan, but the Treasury may from time to time extend any such period: Provided that every such loan together with the interest thereon shall be repaid within forty years from the date on which the first repayment in terms of section 26 shall be due, or within the aggregate of the said period together with any period of suspension referred to in that section.

Repayment of loans.

26. (1) A technical college to which a loan has been granted under section 23, shall pay to the Treasury on the first day of January and on the first day of July in every year one half of the annual payment required to redeem the principal moneys advanced, together with interest thereon at such rate as the Treasury may determine, and the sums so payable shall continue to be payable until all the moneys lent from time to time, together with the interest thereon, have been repaid.

(2) The first payment shall be made on such date (not being later than three years after the loan or the first instalment of the loan was paid) as the Treasury may determine: Provided that during any such time as elapses between the date when the first instalment was paid and the date so determined by the Treasury, interest at the aforesaid rate per annum on any such instalment shall be payable by the technical college to the Treasury: Provided further that the Treasury may, in special circumstances, from time to time suspend, in respect of any particular year, any such annual payment in redemption of the principal moneys advanced.

Donations by local authorities to technical colleges.

27. Notwithstanding anything to the contrary in any law contained, a local authority may, subject to the approval of the executive committee of the province concerned, donate land, money or any other thing to a technical college.

Subsidies to technical colleges.

28. The Minister may, with the concurrence of the Minister of Finance, out of moneys voted by Parliament for the purpose, grant subsidies to a technical college for such purposes and on such basis and subject to such conditions as may be determined by the Minister.

Action on failure of technical college to comply with conditions subject to which subsidy has been paid.

29. (1) If any technical college fails to comply with any condition subject to which any subsidy has under section 28 been paid to it, the Minister may call upon such technical college to comply with that condition within a fixed period.

(2) If such technical college thereafter fails to comply with the said condition, the Minister may, notwithstanding anything to the contrary in any law contained, withhold payment of the whole or any portion of the subsidy voted by Parliament in respect of that technical college: Provided that where the whole or any portion of the subsidy voted by Parliament is withheld by the Minister, he shall report the matter to the House of Assembly together with his reasons for so withholding payment, within fourteen days of his having notified the technical college concerned of his intention so to withhold payment, if the House

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of Assembly is then in ordinary session, or, if the House of Assembly is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session.

Bookkeeping.

30. (1) The principal of a technical college shall be the accounting officer of that technical college, and shall as such be charged with the responsibility of accounting for all the moneys received by the technical college and all the payments made by the technical college. 5

(2) The principal of a technical college shall keep such accounting records as are necessary to reflect the transactions and financial state of affairs of the technical college. 10

(3) The Minister may issue instructions to the principal of a technical college with respect to the system of bookkeeping and accounting to be followed by him in the performance of his functions in terms of this section and section 31. 15

Annual financial statements.

31. (1) The principal of a technical college shall in respect of each financial year of the technical college make out financial statements in both official languages of the Republic, cause such statements to be audited and within six months after the end of that financial year submit copies of the audited statements to the college council and to the Director-General. 20

(2) The financial statements referred to in subsection (1) shall consist of—

- (a) a balance sheet dealing with the assets and liabilities of the technical college; 25
- (b) an income statement or any similar financial statement dealing with the income and the expenditure (including any losses) of the technical college; and
- (c) any other statements as may be prescribed.

Auditing.

32. (1) The accounting records and annual financial statements of a technical college shall be audited annually by a person appointed by the council for such purpose. 30

(2) No person shall be appointed under subsection (1) unless he is registered in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), as an accountant and auditor and engaged in public practice. 35

Financial year.

33. The financial year of a technical college shall be a year terminating on the last day of December.

Amalgamation of technical colleges.

34. (1) The Minister may by notice in the *Gazette*, and from a date mentioned in the notice, amalgamate two or more technical colleges to form a single technical college. 40

(2) A notice referred to in subsection (1) may contain provisions so as effectively to accomplish the amalgamation of the technical colleges concerned.

(3) A technical college which came into being in pursuance of an amalgamation under subsection (1) shall be a juristic person and for all purposes be deemed to be a continuation of the technical colleges out of which it came into being. 45

Closing of technical colleges.

35. (1) The Minister may by notice in the *Gazette*, and from a date mentioned in the notice, close a technical college if he is of the opinion that— 50

- (a) the need for the instruction and training provided for by such technical college no longer exists;
- (b) the continued existence of such technical college is undesirable; or 55
- (c) such technical college is unreasonably refusing to comply with a condition subject to which a subsidy was paid to it under section 28.

(2) The Minister shall not close a technical college under subsection (1) except after consultation with the council of such technical college. 60

(3) As from the date on which a technical college is closed it shall cease to be a juristic person and all assets and liabilities of such technical college shall devolve upon a person designated by the Minister as the liquidator of such assets and liabilities. 65

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(4) The liquidator referred to in subsection (3) shall wind up the assets and liabilities in question in such a manner as he may, subject to the directions of the Minister, deem just and equitable.

(5) The remaining assets of a closed technical college after all the debts have been paid, shall be disposed of in a manner determined by the Minister with the concurrence of the Minister of Finance. 5

Association of technical colleges.

36. (1) There shall be an association with the name the Association of Technical Colleges. 10

(2) Every technical college shall be a member of the association.

(3) The functions of the association shall be to—

(a) advise the Minister or the Director-General on such matters regarding technical colleges as the Minister or the Director-General may refer to it; 15

(b) advise the Minister or the Director-General on any other matter of common interest to technical colleges in regard to which it considers it necessary to advise the Minister or the Director-General. 20

(4) The association shall function in accordance with a constitution to be drawn up and as may be amended from time to time by the members with the approval of the Minister.

(5) The work incidental to the carrying out of the functions of the association shall be performed by such officers or employees of a technical college as may be designated by the association with the concurrence of that technical college. 25

Compulsory school attendance.

37. A technical college shall for the purposes of any law relating to compulsory school attendance be deemed to be a school within the meaning of such law, and any person who is in terms of such law obliged to attend school and who regularly and on a full-time basis attends a technical college shall be deemed to comply with all the requirements relating to such compulsory school attendance. 30

Delegation.

38. (1) The Minister may delegate any power conferred upon him by section 5, 6 (2), 7 (2), 9 (1), (2), (4) (a) or (5), 12 (1), 13 (1), 16, 18 (1), 19, 20 (1) (c) or (2), 21 (2), 22 (1), 30 (3) or 36 (4) to the Director-General or any other officer in the Department of National Education or to a college council. 35

(2) The Director-General may delegate a power conferred upon him by section 14 to any officer in the said Department. 40

(3) No delegation of a power under subsection (1) or (2) shall prevent the exercise of the relevant power by the Minister or the Director-General, as the case may be, himself.

Regulations.

39. (1) The Minister may make regulations as to— 45

(a) any matter which is required or permitted to be prescribed;

(b) the election or appointment and the period of office of a chairman and a vice-chairman of a college council, the period of office of the members of a college council and the filling of vacancies in a college council; 50

(c) the person by whom and the manner in which meetings of a college council or a board of study shall be convened, the procedure to be followed at such meetings (including the quorum); the procedure to be followed in the event of an equality of votes and the keeping of minutes in respect of such meetings; 55

(d) the powers and duties of college councils or boards of study;

(e) any other matter the regulation of which is in the opinion of the Minister necessary or desirable for the effective carrying out of the provisions of this Act. 60

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(2) Different regulations may under subsection (1) be made in respect of different technical colleges or different categories of technical colleges.

Short title and commencement.

40. This Act shall be called the Technical Colleges Act, 1981, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.