

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.



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[No. 6429

KAAPSTAD, 9 MEI 1979

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1001.

9 May 1979.

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

No. 40 of 1979: Indians Advanced Technical Education Amendment Act, 1979.

No. 1001.

9 Mei 1979.

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

No. 40 van 1979: Wysigingswet op Gevorderde Tegniese Onderwys vir Indiërs, 1979.

Act No. 40, 1979

INDIANS ADVANCED TECHNICAL EDUCATION AMENDMENT ACT,
1979.

GENERAL EXPLANATORY NOTE:

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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 Advanced Technical Education Act, 1968, in order to substitute the name "technikon" for the name "college for advanced technical education"; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 1 May 1979.)

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

Amendment of
section 1 of
Act 12 of 1968.

1. Section 1 of the Indians Advanced Technical Education Act, 1968 (hereinafter referred to as the principal Act), is hereby 5 amended—

- (a) by the deletion of the definition of "college";
- (b) by the substitution for the word "college", wherever it occurs in the section, of the word "technikon"; and
- (c) by the addition, after the definition of "Secretary", of 10 the following definition:—
"technikon" means an institution for advanced technical education established or deemed to have been established under this Act."

Amendment of
section 2 of
Act 12 of 1968.

2. Section 2 of the principal Act is hereby amended— 15

- (a) by the substitution for subsection (1) of the following subsection: 20
 "(1) The State President may, by proclamation in the *Gazette*, establish at any place a **[college for advanced technical education]** technikon for Indians."
- (b) by the substitution for subsection (2) of the following subsection: 25
 "(2) The functions of a **[college]** technikon shall be—
 (a) to provide—
 (i) such advanced technical education and training and such teacher training; and
 (ii) such secondary and other education on a full-time or part-time basis, as the Minister may approve; and 30
 (b) **[if it is the successor of the Technical College mentioned in section 4 or of any institution or continuation class referred to in section 5, to provide to full-time pupils, and for such period as the Minister may direct, such education as 35 defined in section 1 of the Indians Education Act, 1965 (Act No. 61 of 1965), as was provided by such Technical College, institution or con-**

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1979.

tinuation class immediately prior to the date on which such college came into existence] to establish, with the approval of the Minister, an institution for such education and training as the Minister may approve.”; and

- (c) by the substitution in subsection (3) for the word “college” of the word “technikon”.

Amendment of section 3 of Act 12 of 1968.

3. Section 3 of the principal Act is hereby amended by the substitution for the word “college”, wherever it occurs, of the word “technikon”.

Amendment of section 4 of Act 12 of 1968.

4. Section 4 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The M. L. Sultan Technical College shall as from the date of the commencement of the Indians Advanced Technical Education Amendment Act, 1979, be deemed to be a technikon established under this Act, and shall be known as the M. L. Sultan Technikon.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) As from the date of commencement of [this Act] the Indians Advanced Technical Education Amendment Act, 1979—

- [(a) the provisions of the Higher Education Act, 1923, and the Higher Education Financial Provision Act, 1931 (Act No. 27 of 1931), shall, subject to the provisions of section 12, cease to apply in respect of the Technical College;

- (b) the council of the Technical College in existence immediately prior to the said date shall cease to exist;]

- (c) every person employed by the council of the M. L. Sultan Technical College immediately prior to the said date shall become an employee of the [college] M. L. Sultan Technikon and [shall] be subject to the provisions of this Act;

- (d) all the property, movable or immovable, which immediately prior to the said date was vested in the council of the M. L. Sultan Technical College or [which, if this Act had not been passed, would have] accrued to [or vested in] that council, shall, without payment of transfer duty, stamp duty or other fees, accrue to or vest in the [college] M. L. Sultan Technikon subject to any charge with which the same may be burdened: Provided that all funds which immediately prior to the said date were vested in the council of the M. L. Sultan Technical College by trust, donation or bequest shall be applied by the [college] technikon in accordance with the conditions of the trust, donation or bequest;

- (e) the [college] M. L. Sultan Technikon shall assume and be liable for all lawful debts and liabilities of the council of the M. L. Sultan Technical College [of which it is the successor], subject to all lawful conditions under which those debts and liabilities were incurred.”; and

- (c) by the substitution for subsection (3) of the following subsection:

“(3) (a) A reference in any law or document to the M. L. Sultan Technical College or to the council of that College shall be deemed to be a reference to the M. L. Sultan Technikon or the council of that Technikon, as the case may be.

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(b) The registrar of deeds concerned shall, on application by the [said Technical College] M. L. Sultan Technikon, free of charge make such endorsements on any deed, bond or document filed or registered in his deeds registry and such entries in his registers as may be necessary to give effect to the provisions of subsection (2) of this section.” 5

Amendment of section 5 of Act 12 of 1968.

5. Section 5 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection: 10

“(1) The State President may, by proclamation in the Gazette, declare any institution established or subsidized under the Indians Education Act, 1965 (Act No. 61 of 1965), or any continuation class as defined in section 1 of that Act to be a [college for advanced technical education] technikon under the designation specified in the proclamation, with effect from the date fixed therein: Provided that no such declaration shall be made in respect of any university [or university college] established by or in terms of any Act of Parliament, or 20 in respect of any class conducted by any such university [or college].”;

(b) by the substitution in paragraph (a) of subsection (2) for the words “college for advanced technical education” of the word “technikon”, and by the substitution in 25 paragraph (d) of that subsection for the word “college” of the word “technikon”; and

(c) by the substitution in paragraph (a) of subsection (3) for the words “college for advanced technical education” of the word “technikon”, and by the substitution in that 30 subsection for the word “college”, wherever it occurs, of the word “technikon”.

Amendment of section 6 of Act 12 of 1968.

6. Section 6 of the principal Act is hereby amended by the substitution for the word “college”, wherever it occurs, of the word “technikon”. 35

Amendment of section 7 of Act 12 of 1968.

7. Section 7 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the word “college” of the word “technikon”; 40

(b) by the substitution for subsection (2) of the following subsection:

“(2) The person who immediately prior to the commencement of the Indians Advanced Technical Education Amendment Act, 1979, was the principal of the M. L. Sultan Technical College, shall be deemed to have been appointed in terms of subsection (1) of this section as the principal of the M. L. Sultan Technikon.”; and 45

(c) by the substitution in paragraph (a) of subsection (3) for the word “college”, wherever it occurs, of the word “technikon”. 50

Amendment of section 8 of Act 12 of 1968.

8. Section 8 of the principal Act is hereby amended—

(a) by the substitution in subsection (1), excepting in paragraph (f) of that subsection, for the word “college”, wherever it occurs, of the word “technikon”;

(b) by the substitution for paragraph (f) of subsection (1) of the following paragraph: 55

“(f) one person elected by the past students of the [college] technikon (including past students of the M. L. Sultan Technical College or of the institution or the continuation class of which the [college] 60 technikon is the successor) when the number of

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1979.

- such students has once reached the number of one hundred; and"; and
(c) by the substitution in subsection (10) for the word "college", wherever it occurs, of the word "technikon".

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Amendment of sections 9, 10 and 11 of Act 12 of 1968.

9. Sections 9, 10 and 11 of the principal Act are hereby amended by the substitution for the word "college", wherever it occurs, of the word "technikon".

Amendment of section 12 of Act 12 of 1968.

10. Section 12 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the word "college", where it occurs for the first time, of the word "technikon", and by the substitution in that subsection for the words "college for advanced technical education" of the word "technikon";
(b) by the substitution in subsection (2) for the word "college" of the word "technikon"; and
(c) by the deletion of subsections (3) and (4).

Amendment of section 13 of Act 12 of 1968.

11. Section 13 of the principal Act is hereby amended by the substitution for the word "college" of the word "technikon".

Amendment of section 14 of Act 12 of 1968.

12. Section 14 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Any department or course of study lawfully created at the M. L. Sultan Technical College or any institution or continuation class prior to the date as from which it is, in terms of section 4 (1) or 5 (2) (a), deemed to be a **college for advanced technical education** technikon established under this Act and which is in existence on that date, shall be deemed to have been created in accordance with the provisions of this section."

Amendment of sections 15, 16, 17, 18 and 19 of Act 12 of 1968.

13. Sections 15, 16, 17, 18 and 19 of the principal Act are hereby amended by the substitution for the word "college", wherever it occurs, of the word "technikon".

Amendment of section 20 of Act 12 of 1968.

14. Section 20 of the principal Act is hereby amended—

- (a) by the substitution, except in paragraph (e) thereof, for the word "college", wherever it occurs, of the word "technikon"; and
(b) by the deletion of paragraph (e).

Amendment of sections 22, 23, 25, 26, 27, 28, 29 and 30 of Act 12 of 1968.

15. Sections 22, 23, 25, 26, 27, 28, 29 and 30 of the principal Act are hereby amended by the substitution for the words "college" and "colleges", wherever they occur, of the words "technikon" and "technikons" respectively.

Substitution of long title of Act 12 of 1968.

16. The following long title is hereby substituted for the long title of the principal Act:

"To provide for the establishment of **colleges for advanced technical education** technikons for Indians, for the control, administration and regulation of such **colleges** technikons and for matters incidental thereto."

Short title.

17. This Act shall be called the Indians Advanced Technical Education Amendment Act, 1979.