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No. 12477

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1118. 23 Mei 1990

No. 1118. 23 May 1990

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

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

No. 42 van 1990: Wysigingswet op Onderwys en Opleiding, 1990.

No. 42 of 1990: Education and Training Amendment Act, 1990.

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 Education and Training Act, 1979, so as to regulate the constitution of the governing body of a State-aided farm school; and to further regulate the procedure in cases of misconduct; and to provide for incidental matters.

*(English text signed by the Acting State President.)
(Assented to 15 May 1990.)*

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

Amendment of section 1 of Act 90 of 1979, as amended by section 1 of Act 52 of 1980, section 1 of Act 10 of 1981, section 28 of Act 27 of 1981, section 1 of Act 74 of 1984, section 19 of Act 3 of 1986, section 5 of Act 95 of 1987, section 9 of Act 31 of 1988 and section 1 of Act 35 of 1989

1. Section 1 of the Education and Training Act, 1979 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of “governing body” of the following definition:
- 10 “‘governing body’, in relation to any State-aided school or private school, means the owner, person or body managing such school in terms of section 8 (8) or (9);”:

Amendment of section 8 of Act 90 of 1979, as amended by section 5 of Act 74 of 1984, section 23 of Act 3 of 1986 and section 11 of Act 31 of 1988

- 15 2. Section 8 of the principal Act is hereby amended—
- (a) by the deletion of the second proviso to subsection (8); and
- (b) by the addition of the following subsection:
- “(9) Notwithstanding the provisions of subsection (8) the Minister may, in the case of a State-aided school situated on a farm, other than a special
- 20 school, after consultation with the owner, determine that the governing body that must manage such school, shall consist of the owner or his representative, who must be a person approved by the Director-General, and such parents of pupils enrolled at the school, as may be elected or determined in the prescribed manner: Provided that the governing body
- 25 shall not take any decision—
- (a) which will impose a financial burden or contractual liability on the owner, without the owner’s consent; or
- (b) which is in conflict with a condition imposed in terms of subsection (4).”.

EDUCATION AND TRAINING AMENDMENT ACT, 1990

Act No. 42, 1990

Amendment of section 23 of Act 90 of 1979, as amended by section 2 of Act 10 of 1981

3. Section 23 of the principal Act is hereby amended by the addition of the following proviso to subsection (27):

- 5 “Provided that this subsection shall not apply to a person who has been suspended without emoluments in terms of this section and who has assumed other employment with the permission of the Director-General, given in terms of section 28 (1) (b).”.

Short title

4. This Act shall be called the Education and Training Amendment Act, 1990.