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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

VOL. 167]

CAPE TOWN, 9 MAY 1979

KAAPSTAD, 9 MEI 1979

[No. 6432

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1004.

9 May 1979.

No. 1004.

9 Mei 1979.

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

No. 43 of 1979: Advanced Technical Education Amendment Act, 1979.

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

No. 43 van 1979: Wysigingswet op Gevorderde Tegniese Onderwys, 1979.

Act No. 43, 1979

ADVANCED TECHNICAL EDUCATION AMENDMENT ACT, 1979.

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 Advanced Technical Education Act, 1967, in order to provide for the establishment of technikon; to substitute the word "technikon" for the words "college for advanced technical education"; and to provide for incidental matters.

*(Afrikaans 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 40 of 1967, as amended by section 3 of Act 69 of 1973.

1. Section 1 of the Advanced Technical Education Act, 1967 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the deletion of the definition of "college";
 - (b) by the substitution for the word "college", wherever it occurs, of the word "technikon"; and
 - (c) by the insertion after the definition of "Secretary" of the following definition:

10
"technikon means an institution for advanced technical education established or deemed to have been established under this Act."

Amendment of section 2 of Act 40 of 1967.

2. Section 2 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following 15 subsection:

“(1) The State President may, by proclamation in the Gazette, establish at any place a **[college for advanced technical education]** technikon.”;
 - (b) by the substitution for the words preceding paragraph 20 (a) of subsection (2) of the following words:

“(2) The functions of a **[college]** technikon shall be—”;
 - (c) by the substitution in paragraph (b) of subsection (2) for the words "such college" of the words "such technikon"; and
 - (d) by the substitution in subsection (3) for the word "college" of the word "technikon".

Amendment of sections 2A and 3 of Act 40 of 1967.

3. Sections 2A and 3 of the principal Act are hereby amended by the substitution for the word "college", wherever it occurs, of the word "technikon".

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Substitution of section 4 of Act 40 of 1967.

4. The following section is hereby substituted for section 4 of the principal Act:

“Certain colleges deemed to be technikons established under this Act.

4. (1) As from the date of commencement of the Advanced Technical Education Amendment Act, 1979—

(a) the colleges for advanced technical education known as the—

(i) Cape Technical College;

(ii) Pretoria Technical College;

(iii) Natal Technical College;

(iv) Witwatersrand Technical College;

(v) Vaal Triangle College for Advanced Technical Education;

(vi) Port Elizabeth College for Advanced Technical Education,

shall be deemed to be technikons established under this Act and shall, respectively, be called the—

(i) Cape Technikon;

(ii) Pretoria Technikon;

(iii) Natal Technikon;

(iv) Witwatersrand Technikon;

(v) Vaal Triangle Technikon;

(vi) Port Elizabeth Technikon;

(b) every person employed by the council of any of the said colleges immediately before the said date shall become an employee of the council of the technikon concerned;

(c) all the property, movable or immovable, which immediately before the said date was vested in the council of any of the said colleges shall, without payment of transfer duty, stamp duty or other fees, accrue to and vest in the technikon concerned, subject to any charge with which such property may be burdened: Provided that all funds which immediately before the said date were vested in any of the said colleges by trust, donation or bequest, shall be applied by the technikon concerned in accordance with the conditions of the trust, donation or bequest;

(d) any technikon shall assume and be liable for all lawful debts and liabilities of the council of the college of which it is the successor, subject to all lawful conditions under which those debts and liabilities were incurred.

(2) A registrar of deeds shall at the request in writing of any technikon substitute the name assigned to that technikon by subsection (1) for any former name of that technikon appearing in any title deed, document or record registered or kept in the deeds registry concerned.

(3) A reference in any law or document to a college for advanced technical education or to the council of such college shall be deemed to be a reference to a technikon or to the council of a technikon, respectively.”

Amendment of section 5 of Act 40 of 1967.

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

- (a) by the substitution in subsection (1) for the words “college for advanced technical education” of the word “technikon”;
- (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 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”

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of the word "technikon", and by the substitution in that subsection for the word "college", wherever it occurs, of the word "technikon".

Amendment of section 6 of Act 40 of 1967.

6. Section 6 of the principal Act is hereby amended by the substitution for the word "college", wherever it occurs, of the word "technikon". 5

Amendment of section 7 of Act 40 of 1967.

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";
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) Any person who, immediately prior to the date as from which any **Technical College**, college for advanced technical education, State-aided vocational school, or continuation class 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, was the principal or director of such **Technical College** college for advanced technical education, school or class shall be deemed to have been appointed in terms of subsection (1) of this section as the principal of the **college** technikon concerned.”; and
- (c) by the substitution in paragraph (a) of subsection (3) for the word "college", wherever it occurs, of the word "technikon". 25

Amendment of section 8 of Act 40 of 1967.

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

- (a) by the substitution in subsection (1), except 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:
- “(f) one person elected, in the manner prescribed by regulation, by such past students of the **college** technikon (including past students of the appropriate **Technical College** college for advanced technical education or of the State-aided vocational school or the continuation class of which the **college** technikon is the successor) as may be determined by regulation, when the number of such students has once reached the number of one hundred.”; and
- (c) by the substitution in subsection (8) for the word "college", wherever it occurs, of the word "technikon".

Amendment of sections 9 and 10 of Act 40 of 1967.

9. Sections 9 and 10 of the principal Act are hereby amended by the substitution for the word "college", wherever it occurs, of the word "technikon". 45

Amendment of section 11 of Act 40 of 1967.

10. Section 11 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words "college for advanced technical education" of the word "technikon";
- (b) by the substitution in subsections (1) and (2) for the word "college", wherever it occurs, of the word "technikon"; and
- (c) by the substitution for subsection (3) of the following subsection:
- “(3) For the purposes of subsection (2) and of the regulations governing the provident fund and pension scheme established under section 19 of the Higher Education Act, 1923 (Act No. 30 of 1923), a **college** technikon shall be deemed to be a technical college and a council shall be deemed to be a council as defined in such regulations.”. 60

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Amendment of section 12 of Act 40 of 1967.

11. Section 12 of the principal Act is hereby amended by the substitution for the word "college" of the word "technikon".

Amendment of section 13 of Act 40 of 1967.

12. Section 13 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 any **[Technical College]**, college for advanced technical education, State-aided vocational school, or continuation class before 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 14, 15, 16, 17 and 18 of Act 40 of 1967.

13. Sections 14, 15, 16, 17 and 18 of the principal Act are hereby amended by the substitution for the word "college", 15 wherever it occurs, of the word "technikon".

Amendment of section 19 of Act 40 of 1967.

14. Section 19 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 20

(b) by the substitution for paragraph (e) of the following paragraph:

"(e) the repayment of any loan (other than a loan out of moneys provided by Parliament for the purpose) lawfully raised for any purpose mentioned in any of the preceding paragraphs by the **[college]** technikon, or, where the **[college]** technikon concerned is the successor of any **[Technical College]** college for advanced technical education or of any State-aided vocational school or continuation class referred to in section 5, by the council or governing body of such **[Technical College]** college for advanced technical education, school or class."

Amendment of sections 21, 22, 24, 25, 26 and 27 of Act 40 of 1967.

15. Sections 21, 22, 24, 25, 26 and 27 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 section 28 of Act 40 of 1967.

16. The following section is hereby substituted for section 28 of the principal Act: 40

"Association of Colleges for Advanced Technical Education or any association established to advise Minister. 28. The Association of Colleges for Advanced Technical Education or an association established by the **[colleges]** technikons to take the place of such Association—

(a) shall advise the Minister on such matters relating to the **[colleges]** technikons as the Minister may refer to it; and

(b) may advise the Minister on any other matter of common interest to the **[colleges]** technikons in regard to which it considers it necessary to advise the Minister."

Substitution of section 29 of Act 40 of 1967.

17. The following section is hereby substituted for section 29 of the principal Act:

"Delegation of Minister's powers. 29. The Minister may delegate to the Secretary or to any other senior officer in the Department of **[Education, Arts and Science]** National Education any or all of the rights, duties, powers, authorities and functions conferred or imposed upon or entrusted to him by the proviso to section 3, the proviso to section

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10 (2), section 10 (3) (in so far as it relates to the determination of salaries), section 10 (4), section 12 (b), section 13 (1), **[and]** section 15 and section 16."

Amendment of section 31 of Act 40 of 1967.

18. Section 31 of the principal Act is hereby amended by the substitution for the word "college", wherever it occurs, of the word "technikon". 5

Substitution of long title of Act 40 of 1967.

19. The following long title is hereby substituted for the long title of the principal Act: 10
"To provide for the establishment of **[colleges for advanced technical education]** technikons, for their control, administration and regulation and for matters incidental thereto."

Short title.

20. This Act shall be called the Advanced Technical Education Amendment Act, 1979. 15