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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1436.

29 Junie 1990

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

No. 60 van 1990: Wysigingswet op Private Skole (Volksraad), 1990.

No. 1436.

29 June 1990

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

No. 60 of 1990: Private Schools Amendment Act (House of Assembly), 1990.

PRIVATE SCHOOLS AMENDMENT ACT (HOUSE OF ASSEMBLY),
1990

Act No. 60, 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 Private Schools Act (House of Assembly), 1986, so as to bring certain definitions and certain provisions into line with the wording of the Education Affairs Act (House of Assembly), 1988; and to redefine the prohibition of unregistered private schools; and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 21 June 1990.)

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

Amendment of section 1 of Act 104 of 1986

1. Section 1 of the Private Schools Act (House of Assembly), 1986 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of “education” of the following definition:

“‘education’ means education provided in terms of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), but does not include pre-primary education or specialized education;”

(b) by the insertion of the following definition after the definition of “education ordinance”:

“‘executive component’ means an executive component as defined in section 1 of the Education Affairs Act (House of Assembly), 1988;”

(c) by the substitution for the definition of “private school” of the following definition:

“‘private school’ means any school other than—

- (a) (i) a public school;
(ii) a state-aided school;
(iii) a private school for specialized education;
(iv) a private pre-primary school, as defined in section 1 of the Education Affairs Act (House of Assembly), 1988; and
(b) a church primary school or farm school mentioned in section 40 of that Act;”

(d) by the deletion of the definition of “provincial education department”;

(e) by the insertion after the definition of “school” of the following definition:

“‘specialized education’ means specialized education as defined in section 1 of the Education Affairs Act (House of Assembly), 1988;” and

(f) by the deletion of the definition of “vocational education”.

PRIVATE SCHOOLS AMENDMENT ACT (HOUSE OF ASSEMBLY),
1990

Act No. 60, 1990

Substitution of section 2 of Act 104 of 1986

2. The following section is hereby substituted for section 2 of the principal Act:

“Establishment, conduct or maintenance of private schools prohibited unless registered

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2. No person shall establish, conduct or maintain a private school unless that private school is registered in terms of this Act.”.

Amendment of section 3 of Act 104 of 1986

3. Section 3 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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“(1) Any person intending to establish, conduct or maintain a private school shall apply to the Head of Education in writing for the registration of that private school.”.

Substitution of section 6 of Act 104 of 1986

4. The following section is hereby substituted for section 6 of the principal Act:

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“Subsidies to registered private schools

6. (1) A registered private school may annually on or before the prescribed date apply to the Head of Education in writing for the prescribed **[financial grant]** subsidy.

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(2) The Head of Education may at his discretion grant or refuse an application referred to in subsection (1), but he shall not grant any application if he is of the opinion that the registered private school does not comply with the prescribed requirements for the **[financial grant]** subsidy.”.

Amendment of section 7 of Act 104 of 1986

25 5. Section 7 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) contravenes a provision of section 2 **[or manages or controls a private school not registered in terms of this Act]; or**”.

Amendment of section 9 of Act 104 of 1986

30 6. Section 9 of the principal Act is hereby amended—

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

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“(b) the admission of such pupils to examinations conducted by or under the supervision of **[a provincial education department]** an executive component.”;

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

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“(f) the manner in which any **[financial grant]** subsidy, if the application therefor has been granted, shall be payable to a registered private school.”; and

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

“(2) Different regulations may be made under subsection (1) in respect of different **[provincial education departments]** executive components.”.

PRIVATE SCHOOLS AMENDMENT ACT (HOUSE OF ASSEMBLY), Act No. 60, 1990
1990

Amendment of section 10 of Act 104 of 1986

7. Section 10 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

5 “(a) delegate to the head of [a provincial education department] an executive component any power conferred upon the Head of Education by this Act; or”.

Short title

8. This Act shall be called the Private Schools Amendment Act (House of Assembly), 1990.