



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

---

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

PRYS 40c PRICE  
Plus AVB/GST  
BUITELANDS 50c ABROAD  
POSVRY · POST FREE

---

Vol. 229

KAAPSTAD, 4 JULIE 1984

No. 9290

CAPE TOWN, 4 JULY 1984

---

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1359.

4 Julie 1984

No. 1359.

4 July 1984

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

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

■ No. 74 van 1984: Wysigingswet op Onderwys en Opleiding, 1984.

No. 74 of 1984: Education and Training Amendment Act, 1984.

## 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 do away with the difference between State schools and community schools; to replace a certain obsolete designation; to delete a certain obsolete provision; to determine certain limitations of times and other requirements in connection with the institution of legal proceedings; and to extend the power to make regulations; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)  
(Assented to 19 June 1984.)*

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

1. Section 1 of the Education and Training Act, 1979 (herein-  
after referred to as the principal Act), is hereby amended—
- 5 (a) by the deletion of the definition of "community school";
- (b) by the substitution for paragraph (e) of the definition of "education" of the following paragraph:
- 10 "(e) education provided in any **[nursery] pre-primary school**";
- (c) by the deletion of the definition of "nursery school";
- (d) by the insertion after the definition of "officer" of the following definition:
- 15 "'pre-primary school' means a school for the education of children of the age of three years and above but below the age at which they may be admitted to any school other than a pre-primary school;";
- (e) by the substitution for the definition of "private school" of the following definition:
- 20 "'private school' means a school other than a [State school, a community] public school or a State-aided school;";
- (f) by the insertion after the definition of "private school" of the following definition:
- 25 "'public school' means any school referred to in section 5 (1);";
- (g) by the substitution for the definition of "school" of the following definition:
- 30 "'school' means any school, special school, [nursery] pre-primary school, class, part-time class, night school, college, centre, institute or any other institution for the education of Black persons;"; and
- (h) by the deletion of the definition of "State school".
2. Section 4 of the principal Act is hereby amended by the de-  
35 letion of subsection (6).

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 and section 28 of Act 27 of 1981.

Amendment of section 4 of Act 90 of 1979, as amended by section 2 of Act 52 of 1980.

EDUCATION AND TRAINING AMENDMENT ACT, 1984

Act No. 74, 1984

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

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

“(a) pre-primary, primary and secondary schools;”;
- 5 (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
 

“(d) **[teachers training schools and]** colleges of education;”;
- 10 (c) by the substitution for subsection (2) of the following subsection:
 

“(2) **[State]** Public schools may be classified by the Minister in such categories or sections of schools as may be determined by him, and he may combine two or more such categories or sections in one school.”;
- 15 (d) by the deletion of subsection (3);
- (e) by the substitution for subsection (4) of the following subsection:
 

“(4) The Minister may at any time close or disestablish a **[State]** public school, but, if a council, committee, board or other body has been established for such school in terms of section 7, only after consultation with such council, committee, board or other body.”; and
- 20 (f) by the deletion of subsection (5).

Amendment of section 5 of Act 90 of 1979, as amended by section 29 of Act 27 of 1981.

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

Substitution of section 6 of Act 90 of 1979.

30 **6. Any school, including a nursery school, hostel, quarters for teachers and caretakers of school buildings, school clinic and any other appurtenance of a school, established or deemed to be established before the commencement of the Education and Training Amendment Act, 1984, under any provision of section 5 or 6 of this Act, shall be deemed to be established as a public school under the corresponding provision of section 5, as amended by section 3 of the said Education and Training Amendment Act, 1984, and anything done or deemed to be done before that commencement in terms of any provision of this Act in relation to a State school or a community school, shall be deemed to be done under the corresponding provision of this Act, as amended by the said Education and Training Amendment Act, 1984.”**

45 5. Section 8 of the principal Act is hereby amended by the substitution in subsection (1) for the words “State school or a community” of the word “public”.

Amendment of section 8 of Act 90 of 1979.

50 6. Section 10 of the principal Act is hereby amended by the substitution in subsection (3) for the words “State school established under section 5 or a community school established under section 6, as the Minister may determine” of the words “public school”.

Amendment of section 10 of Act 90 of 1979.

7. The following section is hereby substituted for section 11 of the principal Act:

Substitution of section 11 of Act 90 of 1979.

55 **11. (1) The teaching establishment at any [State] public school shall be determined by the Minister on a basis to be laid down from time to time with the concurrence of the Minister of Finance and on the recommendation of the [Public Service] Commission for Administration.**

60 **(2) The power of appointment, promotion or discharge of teachers in [State] public schools shall, subject to the provisions of this Act, vest in the Minister.”**

“Establishment of, and appointment, promotion and discharge of teachers in, public schools.

EDUCATION AND TRAINING AMENDMENT ACT, 1984

Act No. 74, 1984

8. Section 12 of the principal Act is hereby repealed. Repeal of section 12 of Act 90 of 1979, as amended by section 4 of Act 52 of 1980.
9. Section 17 of the principal Act is hereby amended by the deletion of subsection (5). Amendment of section 17 of Act 90 of 1979.
10. Section 19 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: Amendment of section 19 of Act 90 of 1979, as amended by section 7 of Act 52 of 1980.
- “**[Subject to the provisions of sections 11 (3), 12 (3) and 13 (3)]** No person shall be appointed in a permanent capacity to a post included in the teaching establishment of a **[State school, community] public school** or State-aided school, unless—”.
11. Section 20 of the principal Act is hereby amended by the deletion of the expression “12”. Amendment of section 20 of Act 90 of 1979, as amended by section 8 of Act 52 of 1980.
12. The following section is hereby substituted for section 34 of the principal Act: Substitution of section 34 of Act 90 of 1979.
- 34.** The admission of persons to **[State schools, community] public schools** and State-aided schools shall take place in the prescribed circumstances and subject to the prescribed conditions, and any person so admitted to any such school may be **[discharged therefrom] suspended or expelled from such school** in the prescribed circumstances.”.
13. The following section is hereby inserted in the principal Act after section 42: Insertion of section 42A in Act 90 of 1979.
- 42A. (1)** No legal proceedings of whatever nature shall be instituted against the Minister, a governing body, a teacher or any person in the employment of the State (hereinafter referred to as the debtor) in respect of anything done or omitted in pursuance of this Act—
- (a) unless a notice in writing of such proceedings, in which the facts on which the cause of action is based are set out, has, within six calendar months as from the date on which the cause of action arose, been served on the debtor by delivering it to him or by sending it to him by registered post;
- (b) before the expiration of a period of 30 days as from the date on which the notice referred to in paragraph (a) was served on the debtor;
- (c) after the expiry of a period of 12 calendar months as from the date on which the cause of action arose.
- (2) For the purposes of subsection (1) any legal proceedings shall be deemed to be instituted on the date on which the summons or other process by which such proceedings are commenced has been served on the debtor.”.
14. Section 44 of the principal Act is hereby amended— Amendment of section 44 of Act 90 of 1979.
- (a) by the substitution for paragraph (e) of subsection (1) of the following paragraph:
- “**(e)** as to the making of grants-in-aid or subsidies and loans to the **[owners or] governing bodies of State-aided schools and private schools** and the circum-

## EDUCATION AND TRAINING AMENDMENT ACT, 1984

Act No. 74, 1984

stances in which grants-in-aid, subsidies or loans may be terminated, reduced or withdrawn;”;

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

5 “(f) relating to the control and treatment of pupils at [State schools, community] public schools and State-aided schools, and any hostel attached to such schools, [and] the suspension of, or the imposition or infliction of other punishment upon, pupils at such schools, and their expulsion therefrom;”;

10

(c) by the substitution for paragraph (r) of subsection (1) of the following paragraph:

15 “(r) as to the control and management of, the admission of pupils to, and the requirements for appointment of teachers at, State-aided [nursery] pre-primary schools;”.

15. The principal Act is hereby amended—

20 (a) by the substitution for the words “State schools and community schools”, “State schools” and “State schools, community schools”, wherever they occur, of the words “public schools”; and

25 (b) by the substitution for the words “community school”, “State school or a community school”, “State school or community school”, “State school, community school” (except in section 18 (2)) and “State school, a community school”, wherever they occur, of the words “public school”.

Substitution  
of certain  
words in  
Act 90 of 1979.

30 16. This Act shall be called the Education and Training Amendment Act, 1984, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Short title and  
commencement.