

ACT

To amend sections 15, 22, 25 and 27 of the Universities Act, 1955, in order to accord representation to the Department of Indian Affairs on the Joint Matriculation Board, to empower the Minister of National Education, in consultation with the Minister of Finance, to waive certain preferences and to grant subsidies to universities, and to provide for action on failure of the council of any university to comply with any condition subject to which a subsidy is paid; and to provide for other incidental matters.

*(Afrikaans text signed by the Acting State President.)
(Assented to 15th March, 1968.)*

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

Substitution of section 15 of Act 61 of 1955, as amended by section 3 of Act 82 of 1959, section 1 of Act 46 of 1961 and section 3 of Act 43 of 1965.

1. The following section is hereby substituted for section 15 of the Universities Act, 1955 (hereinafter referred to as the principal Act):

“Joint Matriculation Board.

15. (1) The joint matriculation board established by section 16 of the University of South Africa Act, 1916 (Act No. 12 of 1916), shall, notwithstanding the repeal of that section by section 29 of this Act, remain in existence as if this Act had not been passed, but shall be constituted as provided in this section.

(2) The Matriculation Board shall control and conduct the matriculation examination of the universities and shall, subject to the approval of the Minister, prescribe the conditions of exemption from such examination.

(3) The Matriculation Board shall consist of representatives of—

- (a) each university, appointed by the council of such university on the recommendation of its senate;
- (b) the Committee of Principals, appointed by such Committee;
- (c) the Department of Higher Education, the Department of Bantu Education, the Department of Coloured Affairs, the Department of Indian Affairs, the Education Department of each Province and the Education Department of the territory of South-West Africa; and
- (d) schools in the Republic and in the territory of South-West Africa preparing candidates for the said matriculation examination or an equivalent examination recognized by the Matriculation Board, appointed by the Minister from among the principals of such schools in each case on the recommendation of the head of the Department concerned or of any body of persons that, in the opinion of the Minister, is sufficiently representative of principals of private schools.

(4) The number of representatives appointed under each paragraph of subsection (3), their period of office and the manner of their appointment shall be prescribed by joint statute: Provided that so many representatives shall be appointed under subsection (3) (a) as will exceed the total number of all other representatives appointed.

(5) The Matriculation Board shall issue—

- (a) matriculation certificates to successful candidates at the said matriculation examination, who have attained such standards in such subjects as may be prescribed by the Matriculation Board and approved by the Minister;
- (b) full, conditional or partial certificates of exemption from the said matriculation examination to persons who have satisfied the conditions prescribed by the Matriculation Board and approved by the Minister;
- (c) school-leaving certificates to candidates who have satisfied such requirements at such examinations as the Matriculation Board may prescribe; and
- (d) certificates of success in individual subjects to candidates who have satisfied the requirements prescribed by the Matriculation Board.

(6) The expenditure incurred by the Matriculation Board in carrying out the provisions of this section shall be defrayed out of examination fees prescribed by the Matriculation Board, and such other fees as may be so prescribed for any certificate issued or information furnished in respect of any examination conducted by it or the result of any such examination and, if there be any deficiency, out of such funds as Parliament may provide for the purpose.

(7) The offices of the Matriculation Board shall be at such place as is prescribed by joint statute, and the clerical and other like duties of the Matriculation Board shall be discharged in manner likewise prescribed.

(8) The quorum and the procedure at meetings of the Matriculation Board, and the times and places at which such meetings shall be held, shall be as prescribed by the said Board.”

Substitution of section 22 of Act 61 of 1955, as amended by section 6 of Act 43 of 1965.

2. The following section is hereby substituted for section 22 of the principal Act:

“Conditions of loans. 22. (1) Every loan granted under section 20 (1) shall be subject to the conditions prescribed by the Treasury.

(2) Every such loan together with the interest due thereon shall, subject to any prior charge or hypothecation, be a charge upon all the property, movable or immovable, present or future, of the applicant council: Provided that the Minister may, in consultation with the Minister of Finance, at any time by writing under his hand waive any preference under this subsection in favour of the holder of any bond over such property, if he is satisfied that the value of the property is sufficient to cover the amount of the loan which has not been repaid, and the amount secured by such bond.

(3) The period within which any such loan and the interest thereon shall be repaid shall be determined by the Treasury before the granting of the loan, but the Treasury may from time to time extend any such period: Provided that every such loan together with the interest thereon shall be repaid within forty years from the date on which the first repayment in terms of section 23 shall be due, or

within the aggregate of the said period together with any period of suspension referred to in that section.”.

Substitution of section 25 of Act 61 of 1955, as amended by section 7 of Act 82 of 1959.

3. (1) The following section is hereby substituted for section 25 of the principal Act:

“Subsidies to universities.

25. The Minister, in consultation with the Minister of Finance, may out of moneys voted by Parliament for the purpose, grant subsidies to universities in respect of capital and normal recurrent expenditure for such purposes and on such basis and subject to such conditions as may, in respect of each university, be determined by the Minister and with due regard to the requirements of each university in relation to the general requirements of higher education in the Republic.”.

(2) Any grant-in-aid granted to any university under section 25 of the principal Act before the commencement of this Act shall, as from such commencement, be deemed to be a subsidy granted under the said section as substituted by subsection (1) of this section.

Substitution of section 27 of Act 61 of 1955.

4. The following section is hereby substituted for section 27 of the principal Act:

“Action on failure of council to comply with this Act or certain conditions.

27. (1) If any council fails to comply with any provision of this Act under which subsidies from moneys voted by Parliament are paid to universities or with any condition subject to which any such subsidy is paid to its university, the Minister may call upon such council to comply with the said provision or condition within a specified period.

(2) If such council thereafter fails to comply with the said provision or condition, the Minister may, notwithstanding anything to the contrary in any law contained, withhold payment of the whole or any portion of the subsidy voted by Parliament in respect of the university concerned: Provided that in each and every case where the whole or any portion of the subsidy voted by Parliament has been withheld by the Minister, he shall report the matter to Parliament together with his reasons for so withholding payment, within fourteen days of his having notified the university concerned of his intention so to withhold payment, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days of the commencement of the next ensuing ordinary session thereof.”.

Short title.

5. This Act shall be called the Universities Amendment Act, 1968.