

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1408.

28 June 1985

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

—No. 76 of 1985: Coloured Persons Education Amendment Act, 1985.

No. 1408.

28 Junie 1985

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

No. 76 van 1985: Wysigingswet op Onderwys vir Kleurlinge, 1985.

COLOURED PERSONS EDUCATION AMENDMENT ACT, 1985

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

To amend the Coloured Persons Education Act, 1963, so as to replace certain obsolete expressions and to adapt certain expressions in consequence of the assignment of the administration of the provisions of the said Act to the Minister of Education and Culture: House of Representatives; to provide for the establishment, erection and maintenance of schools of industries and reform schools for Coloured persons; to make further provision for compulsory school attendance by Coloured persons; and to provide for the tabling in the House of Representatives of the annual report of the Education Council for Coloured Persons; and to repeal certain provisions of the Children's Act, 1960, in so far as they relate to education for Coloured persons; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 19 June 1985.)*

**Amendment of
section 1 of
Act 47 of 1963,
as amended by
section 1 of
Act 76 of 1967,
section 1 of
Act 53 of 1973,
section 1 of
Act 29 of 1976,
section 1 of
Act 95 of 1976,
section 1 of
Act 15 of 1980
and section 1 of
Act 85 of 1983.**

1. Section 1 of the Coloured Persons Education Act, 1963
(hereinafter referred to as the principal Act), is hereby 5
amended—

- (a) by the insertion in subsection (1) after the definition of “agricultural school” of the following definition:
“‘college of education’ means, subject to the provisions of subsection (2), an institution for the education and training of student teachers who are Coloured persons and have passed the examination for the tenth standard or an equivalent examination;”;
- (b) by the substitution in subsection (1) for the definition of “Department” of the following definition:
“‘Department’ means **[Internal Affairs]** the Administration; House of Representatives;”;
- (c) by the substitution in subsection (1) for the definition of “Director-General” of the following definition:
“‘Director-General’ means the Director-General: **[Internal Affairs]**Administration; House of Representatives;”;
- (d) by the substitution in subsection (1) for the definition of “Minister” of the following definition:
“‘Minister’ means the Minister of **[Internal Affairs]** Education and Culture; House of Representatives;”;

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- (e) by the substitution in subsection (1) for the definition of "reform school" of the following definition:
 "reform school" means a reform school established or erected and maintained **[by the Minister]** under **[the provisions of the Children's Act, 1960 (Act No. 33 of 1960)]** section 3 for the reception, care and training of children sent thereto under the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983);";
- (f) by the substitution in subsection (1) for the definition of "school of industries" of the following definition:
 "school of industries" means a school of industries established or erected and maintained **[by the Minister]** under **[the provisions of the Children's Act, 1960 (Act No. 33 of 1960)]** section 3 for the reception, care, education and training of children sent or transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983);";
- (g) by the deletion in subsection (1) of the definitions of "training college" and "training school"; and
- (h) by the substitution in subsection (2) for the words "training college" of the words "college of education".

Amendment of section 3 of Act 47 of 1963, as amended by section 2 of Act 29 of 1976, section 2 of Act 15 of 1980 and section 2 of Act 85 of 1983.

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

- "(a) establish, erect and maintain **[training-colleges, training schools]** colleges of education, secondary schools, primary schools, pre-primary schools, agricultural schools, vocational schools, schools of industries, reform schools, special schools and homes";"

Amendment of section 23 of Act 47 of 1963, as substituted by section 8 of Act 85 of 1983.

3. Section 23 of the principal Act is hereby amended—

- (a) by the addition to subsection (1) of the following paragraph, the existing subsection becoming paragraph (a):
 "(b) Every Coloured person enrolled in a school contemplated in paragraph (a) shall attend that school regularly until the end of the school year for which he is so enrolled or, if he is transferred to any other school during that school year, he shall attend that other school regularly until the end of the said school year."; and
- (b) by the addition of the following subsection:
 "(3) Any person who gives to any Coloured person for whom school attendance is compulsory in terms of subsection (1) employment the performance of which prevents that Coloured person from attending regularly an appropriate school, shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding two months.".

Amendment of section 31 of Act 47 of 1963, as amended by section 13 of Act 92 of 1970.

4. Section 31 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
 "(b) Any advice tendered to the Minister by the aforesaid Education Council for Coloured Persons in the exercise of its functions under paragraph (a) shall be forwarded to the National **[Advisory]** Education Council established by section 4 of the National Education Policy Act, 1967 (Act No. 39 of 1967), for its information.";

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- (b) by the substitution for subsection (2) of the following subsection:

"(2) Any negotiations between the said council and the National [Advisory] Education Council [referred to in section two of the National Advisory Education Council Act, 1962 (Act No. 86 of 1962)] shall take place through the Ministers in question."; and

- (c) by the substitution for subsection (4) of the following subsection:

"(4) The Minister shall within 14 days after receipt of the annual report mentioned in subsection (3) lay a copy thereof, including any minority report, upon the Table in the House of Representatives if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ordinary session."

Repeal of certain provisions of Act 33 of 1960, and savings.

5. (1) Subject to the provisions of subsections (2) and (3), the provisions of the Children's Act, 1960, with regard to the establishment, erection and maintenance of schools of industries and reform schools for Coloured persons, in so far as the administration thereof has been assigned to the Minister of Education and Culture: House of Representatives, are hereby repealed.

(2) Every school of industries and reform school for Coloured persons established or erected or deemed to have been established or erected under any provision repealed in terms of subsection (1), and which are being maintained at the commencement of this Act, are deemed from such commencement to have been established or erected under the principal Act.

(3) Anything done under any provision repealed in terms of subsection (1) with regard to any school of industries or reform school for Coloured persons contemplated in subsection (2), is deemed to have been done under the corresponding provision of the principal Act.

Short title and commencement.

6. This Act is called the Coloured Persons Education Amendment Act, 1985, and the provisions of section 1 (1) (e) and (f) and section 5 come into operation at the commencement of the Child Care Act, 1983 (Act No. 74 of 1983).