

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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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 1465.

6 July 1983

No. 1465.

6 Julie 1983

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

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

No. 85 of 1983: Coloured Persons Education Amendment Act, 1983.

No. 85 van 1983: Wysigingswet op Onderwys vir Kleurlinge, 1983.

Act No. 85, 1983

COLOURED PERSONS EDUCATION AMENDMENT ACT, 1983

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 Coloured Persons Education Act, 1963, relating to certain definitions; so as to make different provision regarding the kinds of schools which may be established under the said Act, the kinds of schools to which financial aid may be granted and the kinds of schools at which education may be provided for reward to Coloured persons; to provide that certain acts of certain persons employed at certain schools, in so far as those acts relate to the activities of unlawful organizations or political parties, constitute misconduct; to abolish the power of the Department of National Education and provincial administrations to institute courses and conduct examinations in terms of the said Act; to authorize the inspection of certain buildings; to make further provision in respect of compulsory school attendance for Coloured persons; to provide for the delegation of powers by the Director-General: Internal Affairs; to empower the Minister of Internal Affairs to make regulations as to the expulsion of pupils from certain schools and the inspection of certain buildings; to increase the fines which may be prescribed by regulation; to make provision for certain regulations to be made with retrospective effect; to repeal certain obsolete provisions; to substitute certain obsolete designations; and to substitute the long title of the said Act; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 27 June 1983.)

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 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 and section 1 of Act 15 of 1980.

1. Section 1 of the Coloured Persons Education Act, 1963 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution in subsection (1) for the definition of "Department" of the following definition:
 "'Department' means the Department of **[Coloured Affairs] Internal Affairs**";
 - (b) by the insertion in subsection (1) after the definition of "Department" of the following definition:
 "'Director-General' means the Director-General: Internal Affairs";
 - (c) by the deletion in subsection (1) of the definition of "junior secondary school";
 - (d) by the substitution in subsection (1) for the definition of "Minister" of the following definition:
 "'Minister' means the Minister of **[Coloured Affairs] Internal Affairs**";
 - (e) by the deletion in subsection (1) of the definition of "nursery school";

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- (f) by the insertion in subsection (1) after the definition of "officer" of the following definition:
 "'pre-primary school' means a school for the education of Coloured persons above the age of three years who have not yet attained the age at which regular attendance at an ordinary school is compulsory, and includes a class which is attached to an ordinary school in which Coloured persons receive education in the year preceding the year in which regular attendance by them at an ordinary school is compulsory;";
- (g) by the substitution in subsection (1) for the definition of "primary school" of the following definition:
 "'primary school' means a school for the education of Coloured persons up to [and including the fifth standard] such standard as the Director-General may in any particular case determine;";
- (h) by the insertion in subsection (1) after the definition of "school of industries" of the following definition:
 "'secondary school' means a school for the education of Coloured persons up to such standard, not exceeding the tenth standard, as the Director-General may in any particular case determine;";
- (i) by the deletion in subsection (1) of the definition of "Secretary"; and
- (j) by the deletion in subsection (1) of the definition of "senior secondary school".

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

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, [senior secondary schools, junior] secondary schools, primary schools, [nursery] pre-primary schools, agricultural schools, vocational schools, special schools and homes;"

Amendment of section 4 of Act 47 of 1963, as amended by section 2 of Act 76 of 1967.

3. Section 4 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
 "(1) Subject to the provisions of subsection (2), the Minister may out of moneys appropriated by Parliament for the purpose, make grants-in-aid and loans to the governing body of any college, school, home or continuation classes for the education of Coloured persons, including any [nursery] pre-primary school, or of any hostel for the accommodation of Coloured persons to whom education is provided."

Amendment of section 6 of Act 47 of 1963, as amended by section 2 of Act 53 of 1973.

4. Section 6 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 "No person shall, except at the State school, a State-aided school, a school of industries, [or] a reform school or a school which in terms of any law is registered as a private school with any other department of State or with a provincial administration and authorized to admit Coloured persons or through a correspondence college registered in terms of section 11 of the Correspondence Colleges Act, 1965 (Act No. 59 of 1965), provide for reward education to Coloured persons—"

Amendment of section 16 of Act 47 of 1963.

5. Section 16 of the principal Act is hereby amended—
 (a) by the substitution for paragraph (g) of the following paragraph:
 "(g) he is an office-bearer or officer or a member of any organization declared an unlawful organization in terms of any law;" and

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(b) by the insertion after paragraph (g) of the following paragraph:

“(gA) he makes use of his position in the Department to promote or to prejudice the interests of any political party, or presides or speaks at any public political meeting, or draws up or publishes or causes to be published any writing or delivers a public speech to promote or to prejudice the interests of any political party;”

Amendment of section 21 of Act 47 of 1963.

6. Section 21 of the principal Act is hereby amended by the deletion of subsection (4).

Amendment of section 22 of Act 47 of 1963.

7. Section 22 of the principal Act is hereby amended—

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

“(1) The [Secretary] Director-General or any officer authorized thereto by the [Secretary] Director-General may inspect any State school or any State-aided school, State-aided hostel, or any hostel, teachers' quarters, school clinic or other accessories established or erected or deemed to have been established or erected under section 3 (1) (c), or enquire into any matter relating to any such school, hostel, quarters, clinic or other accessories, and may require the head of or any other person employed at such school, hostel, quarters, clinic or other accessories to furnish him with such information at the disposal of such head or person as, in his opinion, may be necessary for the exercise of his powers and the performance of his functions and duties in terms of this Act.”; and

(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“Any person who [inspects any school] conducts an inspection or holds an enquiry in terms of subsection (1) may—”.

Substitution of section 23 of Act 47 of 1963.

8. The following section is hereby substituted for section 23 of the principal Act:

“Compulsory school attendance:

23. (1) If the Minister is satisfied that sufficient and suitable school accommodation is available he may by notice in the *Gazette* declare that regular attendance at such kind of [State school or State-aided] school as may be specified in such notice shall, to such extent and under such circumstances as may be so specified, be compulsory for every Coloured person belonging to [an age group and resident in an area] a category or class so specified.

(2) If a parent or the guardian or the person having the custody or charge of any person who by virtue of the provisions of subsection (1) is required to attend a school regularly, after a period of six months from the date of the notice referred to in that subsection fails, without reasonable cause and after a written warning by the Department, to cause such person to attend an appropriate school regularly, he shall be guilty of an offence and liable on conviction to a fine not exceeding [ten rand] R25 or to imprisonment for a period not exceeding one month on conviction of a first offence or to a fine not exceeding [forty rand] R100 or to imprisonment for a period not exceeding two months on conviction of a second or subsequent offence.”.

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Substitution of section 33 of Act 47 of 1963.

9. The following section is hereby substituted for section 33 of the principal Act:

“Delegation of powers. 33. (1) The Minister may delegate, either generally or in any particular case, any power conferred upon him by this Act, other than the powers conferred upon him by sections 23 and 34, to the [Secretary] Director-General or any other officer in the Department. 5

(2) The Director-General may delegate, either generally or in any particular case, any power conferred upon him by this Act to any other officer in the Department.” 10

Amendment of section 34 of Act 47 of 1963, as amended by section 4 of Act 76 of 1967, section 4 of Act 53 of 1973 and section 39 of Act 94 of 1974.

10. (1) Section 34 of the principal Act is hereby amended—

(a) by the substitution for paragraph (e) of subsection (1) of the following paragraph: 15

“(e) as to the admission of persons to, the control of pupils at, and their discharge from, State schools and State-aided schools, and the suspension or expulsion of, or the imposition or infliction of other punishments upon, pupils at such schools.”; 20

(b) by the substitution for paragraph (m) of subsection (1) of the following paragraph: 20

“(m) as to the inspection of State schools, schools of industries, reform schools and State-aided schools, of hostels, teachers’ quarters, school clinics and other accessories established, erected, maintained or used in connection with such schools, and of pupils at such schools;” 25

(c) by the substitution for subsection (5) of the following subsection: 30

“(5) Regulations made in terms of subsection (1) may prescribe in respect of any contravention thereof or failure to comply therewith, a penalty of a fine not exceeding [twenty rand] R100 or imprisonment for a period not exceeding one month.”; and 35

(d) by the addition of the following subsection: 35

“(7) Regulations as to any fees or allowances payable to any person may be made with retrospective effect.”

(2) Subsection (1) (d) shall be deemed to have come into operation on 1 April 1964. 40

Repeal of sections 35 and 36 of Act 47 of 1963.

11. Sections 35 and 36 of the principal Act are hereby repealed.

Substitution of certain designations in Act 47 of 1963.

12. The principal Act is hereby amended—

(a) by the substitution for the word “Secretary”, wherever it occurs, of the word “Director-General”; and 45

(b) by the substitution for the words “Public Service Commission”, wherever they occur, of the words “Commission for Administration”.

Substitution of long title of Act 47 of 1963.

13. The following long title is hereby substituted for the long title of the principal Act: 50

“To provide for the control of education for Coloured Persons by the Department of [Coloured Affairs] Internal Affairs; to amend [the Special Education Act, 1948, the Vocational Education Act, 1955, and] the Republic of South Africa Constitution Act, 1961; and to provide for 55 matters incidental thereto.”

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Short title and commencement.

14. (1) This Act shall be called the Coloured Persons Education Amendment Act, 1983.**(2) The provisions of sections 1 (e) and (f), 2 (in so far as it relates to nursery schools and pre-primary schools) and 3 shall be deemed to have come into operation on the date of commencement of the Coloured Persons Education Amendment Act, 1980 (Act No. 15 of 1980).** 5