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# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1278.

29 Junie 1988

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

No. 70 van 1988: Wet op Onderwysaangeleenthede (Volksraad), 1988.

No. 1278.

29 June 1988

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

No. 70 of 1988: Education Affairs Act (House of Assembly), 1988.

# ACT

To provide for the provision and control of education in schools, and matters connected therewith.

*(English text signed by the State President.)  
(Assented to 21 June 1988.)*

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

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## CHAPTER 1

### APPLICATION OF ACT

#### Definitions

1. In this Act, unless the context indicates otherwise—
- 25 (i) "centre" means a centre established in terms of section 5 (1) (a); (xxvi)  
(ii) "compulsory school attendance" means the duty of a child to attend a school for the period contemplated in section 53; (xxix)

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- (iii) "council" means a school board or regional council established under section 14, or a management council, board of management or hostel council established under section 15; (xxiii)
- 5 (iv) "Department" means the Department of Education and Culture; (iii)
- (v) "departmental institution" means a centre, public school, hostel, office of a school board or an office of an executive component or the Department; (iv)
- (vi) "education" means instruction, teaching or training provided to White pupils in terms of this Act; (xii)
- 10 (vii) "executive component" means an executive component referred to in section 3; (xxxiv)
- (viii) "fixed date" means the date of commencement of this Act; (xxxv)
- (ix) "governing body" means a governing body referred to in section 31 (1); (i)
- 15 (x) "handicapped child" means a child who in the opinion of the Head of Education is able to benefit from a specialized education programme for handicapped children, but who deviates to such an extent from the majority of the children of his age in body, mind or behaviour that he—
- (a) cannot benefit sufficiently from the instruction provided in the ordinary course of education;
- 20 (b) needs specialized education to facilitate his adaptation in the community; or
- (c) should not attend an ordinary class in an ordinary school, because such attendance may be harmful to himself or to the other pupils in such a class; (v)
- 25 (xi) "Head of Education" means the Head of the Department; (xiii)
- (xii) "hostel" means a hostel established under section 5 (1) (b); (vii)
- (xiii) "industrial school" means a public school for the reception, care and education of children referred or transferred thereto under the Child Care Act, 1983 (Act No. 74 of 1983); (x)
- 30 (xiv) "investigating officer" means an investigating officer appointed in terms of section 74 (1) or 78 (1), as the case may be; (xi)
- (xv) "level" means that part of an educational programme in a primary school and secondary school, or of any other educational programme which the Head of Education may deem to be equivalent, which a pupil may complete within one school year; (xxxvii)
- 35 (xvi) "Minister" means the Minister of Education and Culture; (ix)
- (xvii) "parent", in relation to a child, means also a person in whose custody the child has been lawfully placed; (xvi)
- (xviii) "post" means a post created under section 66; (xvii)
- 40 (xix) "pre-primary school" means a public school for children of three years and older but who are not yet subject to compulsory school attendance; (xviii)
- (xx) "prescribed" means prescribed by regulation; (xxxviii)
- (xxi) "primary school" means a public school providing education up to but not exceeding the seventh level; (xix)
- 45 (xxii) "private pre-primary school" means a private pre-primary school registered or deemed to be registered in terms of section 25; (xx)
- (xxiii) "private school" means a private pre-primary school or a private school for specialized education, and for the purposes of paragraph (b) of the definition of "school" and sections 38, 39, 40 and 99, also a private school registered or deemed to be registered in terms of the Private Schools Act (House of Assembly), 1986 (Act No. 104 of 1986); (xxi)
- 50 (xxiv) "private school for specialized education" means a private school for specialized education registered or deemed to be registered in terms of section 25; (xxii)
- 55 (xxv) "public school" means a pre-primary school, primary school, secondary school, school for specialized education, industrial school or reform school established or deemed to be established under section 12; (xv)
- (xxvi) "pupil" means any person receiving education in a school in terms of this Act; (viii)
- 60 (xxvii) "reform school" means a public school for the reception, care and education of children referred 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); (xxxvi)

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- (xxviii) "regulation" means a regulation made under this Act; (xxiv)
- (xxix) "school" means a public school, private pre-primary school, private school for specialized education or state-aided school, except—
- 5 (a) in sections 51 and 52, where it means a pre-primary school, primary school or secondary school; or
- (b) in the definition of "compulsory school attendance" and sections 2, 11, 53, 54, 55, 57, 59, 60, 61 and 104, where it means a public school, private school or state-aided school; (xxvii)
- 10 (xxx) "school attendance officer" means a school attendance officer appointed under section 10 (1); (xxviii)
- (xxxi) "school board" means a school board established under section 14; (xxx)
- (xxxii) "secondary school" means a public school providing education from not lower than the eighth up to but not exceeding the twelfth level; (xxv)
- 15 (xxxiii) "specialized education" means education of a specialized nature provided to suit the needs of handicapped children, as well as—
- (a) the psychological, medical, dental, paramedical and therapeutic treatment of, including the performance of operations on, handicapped children;
- 20 (b) the provision of artificial medical aids and apparatus to handicapped children;
- (c) the care of handicapped children in a hospital, hostel or other institution;
- (d) the provision of transport, escort and such other services as the Minister may deem necessary to meet the needs of handicapped children; and
- 25 (e) the provision of guidance to the parents of handicapped children, including handicapped children who are not yet subject to compulsory school attendance, with a view to the instruction, teaching, training or treatment of such children; (ii)
- 30 (xxxiv) "state-aided school" means an educational institution declared or deemed to be declared to be a state-aided school under section 29; (xxxi)
- (xxxv) "subsidize" means subsidize by virtue of section 32; (xxxii)
- (xxxvi) "teaching post" means a post to which a person is appointed, transferred or promoted under this Act to—
- 35 (a) teach at a public school or a state-aided school; or
- (b) assist in the professional educational services or educational auxiliary services provided by or in the Department; (xiv)
- (xxxvii) "this Act" includes a regulation; (vi) and
- 40 (xxxviii) "Treasury" means the Treasury as referred to in paragraph (b) of the definition of "Treasury" in section 1(1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975). (xxxiii)

**Application of Act**

2. The provisions of this Act shall, subject to item 2 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), apply in relation to 45 education provided in schools.

**CHAPTER 2****EXECUTION OF ACT****Continuation of executive components**

3. The four executive components of the Department established in terms of the 50 assignment of the administration of the various provincial ordinances relating to education to the Minister under the provisions of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), and which are respectively known as the Cape Education Department, Natal Education Department, Orange Free State

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Education Department and Transvaal Education Department, shall, notwithstanding the repeal of those ordinances by this Act, continue to exist in respect of the four provinces for which they were established.

**Directors of Education**

5 4. (1) The Minister shall for each executive component designate an official in the public service as Director of Education, who, in respect of the executive component for which he is designated, shall perform the functions assigned to him by this Act, the Minister or the Head of Education.

(2) A Director of Education shall perform his functions under the control of the  
10 Head of Education.

(3) A person who occupied the office of Director of Education of an executive component immediately prior to the fixed date, shall from that date be deemed to have been designated as Director of Education for that executive component in terms of this section.

**15 General functions of Minister**

5. (1) In addition to the other functions assigned to the Minister by this Act, the Minister may, out of moneys appropriated by the House of Assembly for such purpose—

20 (a) establish and maintain such centres as he may deem necessary for the development and promotion of some or other aptitude of pupils;

(b) establish and maintain hostels for public schools;

(c) provide such equipment and erect such buildings as he may deem necessary or expedient for the administration of the provisions of this Act;

25 (d) make provision for such educational auxiliary services as he may deem necessary—

(i) to have pupils at public schools medically, psychologically and dentally examined under the prescribed circumstances;

(ii) to have pupils transported;

30 (iii) to supplement educational programmes; and

(iv) to continue the activities of public schools and centres; and

(e) provide, on the basis and in accordance with conditions determined by him, financial or other material aid or financial as well as other material aid to a pupil admitted to a public school, excluding a pre-primary school, or a state-aided school.

35 (2) The Minister may at any time close a centre or hostel or discontinue an educational auxiliary service, but if a hostel falls under the supervision of a management council or hostel council established under section 15 (c), it may only be closed after consultation with the council concerned.

40 (3) A centre for youth choirs and youth orchestras, or for the instruction of special subjects, established or founded under an ordinance repealed by this Act and which immediately prior to the fixed date was managed and controlled by the Department, shall from that date be deemed to be a centre established under this section.

**General functions of Head of Education**

45 6. (1) In addition to the other functions assigned to the Head of Education in terms of this Act, the Head of Education may—

(a) subject to the provisions of section 2 of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), approve educational programmes for pupils;

50 (b) approve educational and training programmes for handicapped children;

(c) determine the conditions for admission to such educational and training programmes, and the evaluation, by means of inspection or otherwise, of the effectiveness of the teaching and training provided in accordance therewith;

55 (d) approve courses for the provision of education, including specialized education;

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- (e) determine the conditions for admission to, and the syllabi of, such courses;
- (f) in respect of such courses—
- 5 (i) cause examinations to be conducted in accordance with the norms and standards prescribed under section 9 (1) of the South African Certification Council Act, 1986 (Act No. 85 of 1986); or
- (ii) cause the other examinations which he may determine, to be conducted, and cause certificates to be issued to pupils who passed those examinations; and
- 10 (g) determine the school calendar, school holidays and the length of the school day.
- (2) Different programmes, courses, school calendars, school holidays and lengths of the school day may be approved or determined, as the case may be, under subsection (1) in respect of different public schools and state-aided schools or public schools and state-aided schools in the various provinces.

**15 Department responsible for management and control of public schools and hostels**

7. Except in so far as this Act provides otherwise, the Department shall, subject to the control and instructions of the Minister, be responsible for the management and control of public schools and hostels.

**Submission of information by schools**

- 20 8. For the purposes of this Act the Head of Education may direct a principal of a school in writing to submit to him, within the period mentioned in the direction, such information as he may require in connection with the affairs of the school and as the school has available.

**Inspection of schools and hostels**

- 25 9. (1) The Head of Education may, either in general or in a specific case, authorize in writing a person employed by the Department to inspect a school or hostel.
- (2) A person authorized under subsection (1), may—
- (a) at any reasonable time and without prior notice enter upon the grounds of the school or hostel concerned;
- 30 (b) question under oath or otherwise any person who in his opinion may be able to furnish information on a matter to which this Act relates;
- (c) require of a person who has in his possession or custody or under his control a register, book or document on a matter to which this Act relates, to submit such a register, book or document to him;
- 35 (d) examine such a register, book or document or make an extract therefrom or a copy thereof, and require from any person an explanation under oath or otherwise of any entry therein; and
- (e) attach such a register, book or document as in his opinion may provide proof of an offence or irregularity.
- 40 (3) A person authorized under subsection (1) shall not conduct an inspection under this section, unless he is, while he is conducting that inspection, in possession of his written authorization referred to in that subsection, which shall be produced by him at the request of any person affected by that inspection.

**Appointment of school attendance officers**

- 45 10. (1) The Head of Education may appoint an official of the Department or such other person as he may deem fit, as a school attendance officer.
- (2) A school attendance officer shall be provided with a certificate declaring that he has been appointed as a school attendance officer under this section, and which is signed by the Head of Education.

**Functions of school attendance officers**

11. (1) In order to ensure that the provisions of this Act regarding compulsory school attendance are being complied with, a school attendance officer may—
- 5 (a) at any reasonable time enter upon any premises if he has reasonable grounds to suspect that a child who is subject to compulsory school attendance is on those premises;
- (b) question any person who in his opinion may be able to give information regarding such a child; and
- 10 (c) if he has reasonable grounds to suspect that such a child is absent without adequate reasons from the school he should be attending, arrest such a child, take him to that school and hand him over to the principal.
- (2) A school attendance officer shall not perform a function under this section, unless he is, while he is performing that function, in possession of his certificate referred to in section 10 (2), which shall be produced by him at the request of any 15 person affected by the performance of that function.

**CHAPTER 3****PUBLIC SCHOOLS****Establishment and maintenance of public schools**

12. (1) The Minister may, out of moneys appropriated for this purpose by the 20 House of Assembly, establish and maintain the following public schools, namely—
- (a) pre-primary schools;
- (b) primary schools;
- (c) secondary schools;
- 25 (d) schools for specialized education;
- (e) industrial schools; and
- (f) reform schools.
- (2) (a) (i) A provincial nursery school and pre-primary school or class;
- (ii) a primary school;
- 30 (iii) a high school, secondary school, agricultural high school, commercial high school, technical high school and vocational school;
- (iv) a school for specialized education, special school or class, clinic school and training centre for mentally retarded children;
- (v) an industrial school; or
- 35 (vi) a reform school,
- established, founded or classified in terms of a law repealed by this Act, or deemed to be established, founded or classified in terms of such a law, and which was controlled and managed by the Department immediately prior to the fixed date, shall with effect from that date be deemed to be a pre-primary school, a primary school, a secondary school, a school for specialized education, an industrial school or a reform school, respectively, 40 established under this section.
- (b) A junior high school and a secondary school established, founded or classified in terms of a law repealed by this Act or deemed to be established, founded or classified in terms of such a law, and which was controlled and managed by the Department immediately prior to the fixed date, shall from 45 that date—
- (i) if the junior high school and secondary school provided education up to but not exceeding the seventh level, be deemed to be a primary school; or
- 50 (ii) if that junior high school or secondary school provided education from not lower than the eighth up to but not exceeding the twelfth level, be deemed to be a secondary school, established under this section.

**Closure of public schools**

- 55 13. The Minister may, after consultation with the relevant council contemplated in section 15, if any, at any time close a public school.

## CHAPTER 4

## COUNCILS

**Establishment of regional councils and school boards**

14. The Minister may, by notice in the *Gazette*—
- 5 (a) divide a province into regions, determine the boundaries of each of those regions and establish a regional council for each of those regions;
- (b) divide such a region, or if such province has not been divided into regions, the province, into districts, determine the boundaries of each of those districts and establish a school board for each of those districts; and
- 10 (c) change the boundaries of such a region or district at any time and, should he deem it desirable, dissolve the regional council or school board concerned and establish a new regional council or school board with effect from a date mentioned in the notice.

**Establishment of councils for public schools and hostels**

- 15 15. The Minister shall—
- (a) establish a management council for a public school, excluding an industrial school and a reform school;
- (b) establish a board of management for an industrial school or a reform school; and
- 20 (c) if, in the opinion of the Minister, it is not expedient to place a hostel under the supervision of the management council of a particular public school, establish a hostel council for one or more of those hostels.

**Meetings of councils**

16. (1) A council shall elect from its number a chairman and vice-chairman, who  
25 shall each hold office for the prescribed period.
- (2) The vice-chairman may, if the chairman is absent or for any reason cannot act as chairman, perform the functions of the chairman.
- (3) In the absence of both the chairman and the vice-chairman from a meeting of a council the members present shall elect any person from their number to preside  
30 at that meeting.
- (4) The decision of the majority of the members of a council present at a meeting of that council, constitutes a decision of that council, and in the event of an equality of votes, the person presiding at the meeting shall, in addition to his deliberative vote, have a casting vote.
- 35 (5) No decision taken by a council or action taken on the authority of a council shall be invalid only by reason of the fact that a vacancy existed on that council, or because a person who was not entitled to sit as a member of that council sat on that council as such a member, at the time when the decision was taken or the action was authorized, if the decision was taken or the action was authorized by the majority of  
40 the members of the council who were then present and entitled to sit as members.

**Committees**

17. (1) A council may appoint one or more committees of that council, which, subject to the instructions of that council, shall perform such functions of the council as the council may determine.
- 45 (2) A committee of a council shall consist of one or more members of that council or, with the approval of the Minister, one or more other persons deemed suitable by that council, and that council may at any time dissolve or reconstitute the committee.
- (3) One of the members of a committee of a council shall be designated by that council as chairman of the committee.
- 50 (4) A council shall not be divested of a function which in terms of this section has been assigned to a committee of that council.

**Allowances to members of councils and committees**

18. The allowances payable to a member of a council, or a member of a committee of such a council, who is not in the full-time service of the State, when he is engaged



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in the business of that council, shall be determined by the Minister with the concurrence of the Minister of the Budget and Works.

**Regulations relating to councils**

19. The Minister may make regulations as to—
- 5 (a) the constitution, powers, duties and functions of councils;
  - (b) the qualifications for appointment, designation or election as, the terms of office of, and the vacation of their offices by, members of councils, and the filling of incidental vacancies in councils;
  - 10 (c) the election and powers of chairmen and vice-chairmen of councils;
  - (d) the convening of, the procedure and rules at, and the quorum for, meetings of councils and committees of councils and the keeping of minutes of such meetings;
  - (e) the dissolution and reconstitution of councils; and
  - 15 (f) the designation of persons in the service of the Department to perform the work relating to the performance of the functions of councils.

**Continuation of certain councils**

20. (1) A regional council, regional committee, school board, management council, control board, special committee, school committee, council for a training centre, advisory council, board of management and hostel committee established, constituted or founded in terms of a law repealed by this Act and which existed immediately prior to the fixed date—

- 25 (a) shall from that date proceed with the performance of its functions in respect of the relevant region, district, area, school or schools, training centre or hostel for which that council or committee was established, constituted or founded, as if this Act had not been passed; and
- (b) shall continue to exist, notwithstanding the repeal of the law concerned, until the date on which the term of office of the members of that council or committee expires or until the date on which the Minister dissolves the council or committee.

30 (2) Unless the Minister determines otherwise, the assets, liabilities, rights and obligations of a council or committee referred to in subsection (1) shall, on the expiry of the date contemplated in paragraph (b) of that subsection, vest in such council as the Minister under this Act may establish and designate as the successor of the first-mentioned council or committee.

**CHAPTER 5****PRIVATE SCHOOLS AND STATE-AIDED SCHOOLS****Prohibited acts unless registered as private pre-primary school**

21. No person shall for reward keep in his custody or under his control 20 or more children of three years or older but not yet subject to compulsory school attendance, unless he has been registered as a private pre-primary school in terms of this Act.

**Prohibited acts unless registered as private school for specialized education**

22. No person shall, except at a state-aided school, provide specialized education for reward, unless he has been registered as a private school for specialized education in terms of this Act.

**Application for registration**

23. (1) Any person who intends to register as a private pre-primary school or private school for specialized education, shall apply in writing to the Head of Education for such registration.

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(2) An applicant for such registration shall furnish such additional information in connection with his application as the Head of Education may require.

**Consideration of applications for registration**

24. (1) The Head of Education may at his discretion grant or refuse an application referred to in section 23, but he shall not grant an application if he is of the opinion that the applicant concerned does not comply with the prescribed requirements.

(2) If the Head of Education refuses an application referred to in section 23, he shall notify the applicant in writing of such refusal and the reasons therefor.

**Registration as private pre-primary schools and private schools for specialized education**

25. (1) If the Head of Education grants an application referred to in section 23, he shall register the applicant as a private pre-primary school or private school for specialized education, as the case may be, and issue a certificate of registration to the applicant in such form as he may determine.

15 (2) The registration as a private pre-primary school or private school for specialized education shall be subject to the prescribed conditions.

(3) The registration as a private pre-primary school or a private school for specialized education in terms of this Act shall not exempt any person from any other obligation in respect of registration in terms of any other law.

20 (4) A private nursery school or private pre-primary school registered in terms of a law repealed by this Act and which existed immediately prior to the fixed date, shall from that date be deemed to be a private pre-primary school registered in terms of this Act.

25 (5) A private special school and private training centre approved or registered under a law repealed by this Act or deemed to have been approved or registered under such a law, and which existed immediately prior to the fixed date, shall from that date be deemed to be registered as a private school for specialized education in terms of this Act.

**Subsidies to private pre-primary schools**

30 26. (1) A private pre-primary school may apply in writing to the Head of Education to be classified for subsidy purposes as a departmentally controlled pre-primary school.

35 (2) A private pre-primary school which has not been classified as contemplated in subsection (1) may annually on or prior to the prescribed date apply in writing to the Head of Education for a subsidy.

(3) The Head of Education may at his discretion grant or refuse an application referred to in subsection (1) or (2), but he shall not grant an application if he is of the opinion that the private pre-primary school does not comply with the prescribed conditions for subsidization or classification, as the case may be.

40 (4) As from the date on which an application for classification as contemplated in subsection (1) is granted under subsection (3), the persons employed in teaching posts at such departmentally controlled pre-primary school shall be deemed to be employed in teaching posts at a departmental institution.

45 (5) A provincially controlled nursery school or pre-primary school classified or maintained in terms of a law repealed by this Act and which existed immediately prior to the fixed date, shall from that date be deemed to be a departmentally controlled pre-primary school which has been classified in terms of this Act.

**Lapsing or withdrawal of registration**

50 27. The registration of a private pre-primary school and a private school for specialized education shall lapse or may be withdrawn under the prescribed circumstances.

**Appeal against refusal by Head of Education**

55 28. (1) A person who feels aggrieved by the refusal by the Head of Education of an application contemplated in section 23 may, within 30 days after receiving notice of such refusal, appeal in writing, setting out the grounds of appeal, against the refusal to the Minister.

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(2) The Minister shall consider an appeal referred to in subsection (1), and may confirm or set aside the decision of the Head of Education appealed against.

**Declaration of educational institutions as state-aided schools**

29. (1) In order to ensure the provision or the continued provision of specialized education at an educational institution other than a public school, the Minister may, by notice in the *Gazette*, declare such an institution to be a state-aided school with effect from a date mentioned in the notice.

(2) No educational institution shall be declared to be a state-aided school under subsection (1), except with the concurrence of the owner of that institution and the Minister of the Budget and Works.

(3) A state-aided school shall be managed and controlled in terms of this Act.

(4) An institution or part of an institution declared or deemed to have been declared to be a subsidized school or a state-aided training centre under any law repealed by this Act, and which existed immediately prior to the fixed date, shall with effect from that date be deemed to be declared a state-aided school under this section.

**Status and patrimonial power of state-aided schools**

30. (1) A state-aided school shall be a juristic person.

(2) A state-aided school shall not without the approval of the Minister let, sell or otherwise alienate its immovable property or grant to any person any real right therein or servitude thereon.

(3) A state-aided school shall appropriate money or other goods donated or bequeathed to or received in trust by that school, in accordance with the conditions of the donation, bequest or trust concerned.

**25 Management and control of state-aided schools**

31. (1) Subject to the provisions of this Act, the management, control and executive power of a state-aided school shall vest in its governing body.

(2) The provisions of sections 16 and 19 shall *mutatis mutandis* apply to a governing body.

**30 Subsidies to state-aided schools**

32. The Minister may, out of moneys appropriated for such purpose by the House of Assembly, grant a subsidy to a state-aided school on such basis and subject to such conditions as he may determine.

**Loans to state-aided schools**

35 33. (1) Subject to the provisions of this Act, the Minister may, with the concurrence of the Minister of the Budget and Works, out of moneys appropriated by the House of Assembly for such purpose, grant a loan to a state-aided school for—

40 (a) the erection of buildings and the acquisition of equipment of a permanent nature;

(b) the acquisition of land, including land on which buildings have been erected, or rights to or interests in land, and the payment of survey and transfer costs in connection with such acquisition;

45 (c) the payment of capital expenditure on the fencing and improvement of the land of the state-aided school; or

(d) the repayment of any loan, excluding a loan granted out of moneys appropriated by the House of Assembly, lawfully raised by such state-aided school, for any purpose mentioned in paragraph (a), (b) or (c).

(2) Any application by a state-aided school for a loan contemplated in subsection 50(1) shall be addressed in writing to the Head of Education and shall state the purpose of the loan.

(3) Upon receipt of any such application the Head of Education may call for such estimates, plans, specifications, reports, returns and other documents or information, and cause such inspections to be carried out, as he may consider necessary in order to determine whether the application should be granted.

#### 5 Repayment of loans by state-aided schools

34. (1) A loan granted by the Minister to a state-aided school in terms of section 33, together with interest due thereon at a rate determined by the Minister of Finance, shall be repaid within a period determined by the Treasury before the granting of the loan: Provided that the Treasury may extend such a period: Provided 10 further that such a loan together with the interest due thereon shall be repaid within a period of 40 years from the date determined by the Treasury in terms of subsection (2).

(2) The first repayment of an instalment of a loan referred to in subsection (1) shall be made on a date determined by the Treasury before the granting of the loan, which 15 date shall not be later than three years after the date on which the loan or first portion thereof was paid out.

(3) During the period from the date on which the loan referred to in subsection (1), or the first portion thereof, was paid out, to the date of the first repayment referred to in subsection (2), interest at a rate determined by the Minister of Finance 20 shall be payable on the loan or first portion thereof.

(4) The state-aided school to which a loan has been granted under section 33 shall, on the date of the first repayment referred to in subsection (2), and thereafter on the first day of January and on the first day of July in every year, repay instalments to the Treasury, and the instalments shall continue to be payable until the capital amount 25 of the loan together with interest due thereon has been repaid: Provided that the Treasury may, if in its opinion special circumstances exist, grant an extension of time in respect of the repayment of one or more of such instalments.

(5) The instalments of a loan referred to in this section shall each amount to one half of the annual payment required to redeem the capital amount of the loan, 30 together with interest due thereon, within the period determined by the Treasury under subsection (1).

#### Security for repayment of loans

35. (1) All the movable and immovable property of a state-aided school shall, from the date on which a loan or the first portion thereof is paid out under section 33 to 35 the state-aided school concerned, and subject to any prior security or hypothecation, serve as security for the repayment of the amount due in respect of the loan, costs and interest.

(2) The Minister may, with the concurrence of the Minister of the Budget and Works, at any time in writing waive the preference which is granted by virtue of 40 subsection (1), in favour of the holder of a later bond over the immovable property of a state-aided school, if he is of the opinion that the sum of the amounts due in respect of the loan, costs and interests and the amount secured by bond does not exceed the value of the movable and immovable property of the state-aided school.

#### Financial year, records and annual financial statements of state-aided schools

45 36. (1) The financial year of a state-aided school shall terminate on the last day of March in each year.

(2) The governing body of a state-aided school shall, in accordance with the instructions issued by the Head of Education—

50 (a) keep records of moneys received or spent by the state-aided school, and of the assets, liabilities and financial transactions of the state-aided school; and

(b) as soon as possible, but not later than three months after the end of each financial year, draw up annual financial statements which indicate with

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suitable particulars, moneys received and expenditure incurred by the state-aided school during, and its assets and liabilities at the end of, the financial year concerned.

(3) The records and annual financial statements referred to in subsection (2) shall be audited by a person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and appointed by the governing body.

(4) A governing body shall within six months after the end of each financial year submit a copy of the annual financial statements, audited in terms of subsection (3), to the Head of Education.

**Withdrawal of declaration as state-aided school**

37. If a condition under which a subsidy was granted under section 32 in the opinion of the Minister has not been complied with, he may at any time by notice in the *Gazette* withdraw the declaration of an educational institution as a state-aided school from a date determined by him: Provided that the Minister shall, before he withdraws such declaration, give the governing body of the state-aided school an opportunity to make representations to him in connection with the proposed withdrawal.

**Declaration of private schools and state-aided schools as public schools**

38. (1) The Minister may enter into an agreement with the owner of a private school or the governing body of a state-aided school in terms of which such a school is declared to be a public school.

(2) No agreement shall be entered into under subsection (1), except with the concurrence of the Minister of the Budget and Works.

(3) If an agreement has been entered into under subsection (1), the Minister may by notice in the *Gazette* declare the private school or state-aided school concerned, as the case may be, to be a public school with effect from a date mentioned in the notice.

**Consequences of declaration as public school**

39. (1) As from the date mentioned in the notice contemplated in section 38 (3)—  
(a) the school concerned shall be deemed to be a public school established under section 12;

(b) there shall no longer vest in the previous owner or governing body any rights, powers, duties or functions in respect of the school concerned;

(c) the rights obtained and obligations incurred by the owner or governing body concerned, for the purposes of or in connection with the school concerned, shall vest in the State; and

(d) the ownership and control of movable and immovable property which immediately prior to that date vested in the owner or governing body concerned, and which relates to the school concerned, shall vest in the State, unless otherwise agreed upon in terms of section 38 (1).

(2) Immovable property vested in the State in terms of subsection (1) (d), shall be transferred to the State without payment of transfer duty, stamp duty or any other moneys or costs, but subject to any existing right, encumbrance, duty or trust on or over that property.

(3) The officer in charge of a deeds office or other office where the immovable property referred to in subsection (2) is registered, shall, on submission to him of the title deed concerned, make such endorsements on that title deed and such entries in his register as may be required to effect the transfer concerned.

(4) The declaration of a private school or a state-aided school as a public school shall not affect anything legally done by the owner or governing body concerned prior to the declaration.

**Continued existence of church primary schools and farm schools**

40. Notwithstanding the repeal of any ordinance by this Act, a church primary

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school or farm school mentioned in such an ordinance and which existed immediately prior to the fixed date, shall continue to exist: Provided that—

- 5 (a) a church primary school or farm school shall, for the purposes of a provision of this Act, except a provision relating to the registration of, or the payment of a subsidy to, a private school, be deemed to be a private school;
- (b) the Minister may, with the concurrence of the Minister of the Budget and Works, adjust, alter or withdraw the aid given to a church primary school or the grant-in-aid paid to a farm school, as the case may be; and
- 10 (c) the Minister may enter into an agreement with the manager of a church primary school or the owner of a farm school which provides for the closure of the school concerned on such terms and conditions as may be agreed upon.

## CHAPTER 6

## 15 PUPILS

**Age requirements in respect of specialized education**

41. Except with the approval of the Head of Education—
- (a) a child shall not be admitted to a school for specialized education or state-aided school before he has reached the age of six years;
- 20 (b) a person shall not be admitted to a school for specialized education or state-aided school after he has reached the age of 19 years; and
- (c) a person shall not attend a school for specialized education or state-aided school after the end of the year in which he has reached the age of 21 years.

**Admission of handicapped children at request of parents**

- 25 42. (1) Subject to the provisions of section 49, the Head of Education may, at the request of the parent of a child, approve that the child be admitted to a school for specialized education or state-aided school.
- (2) The Head of Education shall not grant his approval under subsection (1), unless he is of the opinion that the child concerned is a handicapped child.

**30 Examinations to identify handicapped children**

43. (1) The Head of Education may cause a child who is subject to compulsory school attendance but is not attending a school for specialized education, state-aided school or private school for specialized education, and whom he suspects to be a handicapped child, to be examined in order to determine whether he is a handicapped child.

35 ped child.

(2) The Head of Education may direct the parent of a child referred to in subsection (1) in writing, to take the child within the period mentioned in the direction to the place so mentioned for the purposes of such an examination.

**Action in case of handicapped children**

- 40 44. (1) If the Head of Education, after an examination referred to in section 43 (1), finds that the child is a handicapped child, he shall notify the parent of the child in writing—
- (a) that he has found the child to be a handicapped child who should receive specialized education and his reasons therefor; and
- 45 (b) that the parent may within 30 days from the date of receipt of the notification appeal to the Minister against the finding.
- (2) The Minister shall consider an appeal contemplated in subsection (1), and may confirm or set aside the finding of the Head of Education appealed against.

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**Committal of handicapped children**

45. (1) Unless—

- 5 (a) the parent of a child found to be a handicapped child in terms of section 44, within the period determined by the Head of Education takes such steps as in the opinion of the Head of Education are adequate to ensure that the child receives suitable education or treatment; or
- (b) the Head of Education at any time after that period is of the opinion that the child is receiving suitable education or treatment,

the Head of Education may after consultation with the parent designate a school for 10 specialized education or state-aided school to which the child shall be sent.

(2) If the Head of Education has designated a school for specialized education or state-aided school under subsection (1) and the parent concerned fails to send the child to that school within the period determined by the Head of Education, the Head of Education may cause the child to be taken to the school concerned.

**15 Additional powers of children's court in relation to handicapped children**

46. (1) A children's court may, in the case of a child in respect of whom it has made an order in terms of section 15 (1) of the Child Care Act, 1983 (Act No. 74 of 1983), direct that the case be referred to the Head of Education in order to determine whether the child is a handicapped child.

20 (2) If the Head of Education finds that a child referred to him under subsection (1) is a handicapped child, the Head of Education may approve that the child be admitted to a school for specialized education or state-aided school for the periods during which specialized education is provided thereat.

**Transfer of handicapped children**

25 47. The Head of Education may, after consultation with the parent of a child attending a school for specialized education or state-aided school, transfer that child to another school for specialized education or state-aided school.

**Exemption from attendance of school for specialized education or state-aided school**

30 48. The Head of Education may exempt a child from the attendance of a school for specialized education or state-aided school if he is of the opinion that the child—

- (a) may benefit sufficiently from the instruction provided in the ordinary course of education; or
- (b) should attend an ordinary class in an ordinary school.

**Admission to public schools and state-aided schools**

35 49. Subject to the provisions of the Child Care Act, 1983 (Act No. 74 of 1983), the admission of persons to public schools and state-aided schools shall be subject to the prescribed conditions.

**Age requirements in respect of particular schools**

50. Except with the approval of the Head of Education—

- 40 (a) a child shall not be admitted to a pre-primary school before he has reached the age of three years;
- (b) a child shall not attend a pre-primary school after the end of the year in which he has reached the age of six years;
- 45 (c) a child shall not be admitted to a primary school—
- (i) if his birthday falls before the first day of July before the beginning of the year in which he reaches the age of six years; or
- (ii) in every other case, before the beginning of the year in which he reaches the age of seven years;

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- (d) a person shall not be admitted to a public school, excluding a school for specialized education, industrial school or reform school, after he has reached the age of 19 years; and
- 5 (e) a person shall not attend a public school, excluding a school for specialized education, industrial school or reform school, after the end of the year in which he has reached the age of 20 years.

**Areas for admission of children to particular schools**

51. When a school has been established or is to be established in the district of a school board, the Head of Education may after consultation with the school board  
10 determine a feeder area for the purposes of the admission of children to that school.

**Powers of school boards in relation to admission of children**

52. (1) If a feeder area has been determined under section 51 for the purposes of the admission of children to a school—
- 15 (a) no child whose parent resides within the feeder area shall, except with the approval of the school board concerned, attend a school outside that feeder area; and
- (b) the school board concerned may—
- 20 (i) refuse to admit to the school a child whose parent is not resident within that feeder area; or
- (ii) terminate such a child's attendance of the school, if the school board concerned is of the opinion that it is in the interest of such a child and the provision of education that such a child should attend a school outside that feeder area.
- (2) If a school board under—
- 25 (a) subsection (1) (a) refuses to grant approval that a child attend a school;
- (b) subsection (1) (b) (i) refuses to admit a child to a school; or
- (c) subsection (1) (b) (ii) terminates a child's attendance of a school,
- the school board shall notify the parent of the child in writing of such refusal or termination, and its reasons therefor, and the parent may within 30 days after he has  
30 been so notified, appeal in writing to the Head of Education against such refusal or termination.
- (3) The Head of Education shall in the prescribed manner consider an appeal noted with him in terms of subsection (2), and may confirm the decision of the school board or, if he is of the opinion that the circumstances are extraordinary, set aside  
35 the decision of the school board and direct that the child be admitted to the school concerned on such conditions as he may determine.
- (4) (a) Subject to paragraph (b) this section shall not apply in respect of a child admitted to a hostel.
- 40 (b) If the Head of Education is of the opinion that it is in the interest of the provision of education that this section should apply in respect of children admitted to a particular hostel, he may direct that this section shall so apply.

**Compulsory school attendance**

53. Subject to section 54 a child shall from the first school day of the year in which  
45 he reaches the age of seven years attend a school during the normal school hours—
- (a) in the case of a handicapped child—
- (i) until the last school day of the year in which he reaches the age of 18 years;
- 50 (ii) until he has completed the specialized education programme he is following; or
- (iii) until he, in the opinion of the Head of Education, is ready to leave the school and adapt to the outside world; and
- (b) in the case of any other child—
- 55 (i) until the last school day of the year in which he reaches the age of 16 years; or



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- (ii) until he has completed the twelfth level,  
whichever is the earlier.

**Exemption from compulsory school attendance**

54. The Head of Education may, either entirely or for such period and on such conditions as he may determine, exempt a child in writing from a provision of section 53, if—

- (a) he is of the opinion—
- (i) that the child is not yet ready to follow the educational programme concerned;
  - 10 (ii) that the child can derive no benefit or no further benefit from an educational programme at a school;
  - (iii) that the child is receiving suitable education or treatment at a place other than a school; or
  - 15 (iv) that the child, as a result of continuous ill-health, is not capable of attending a school;
- (b) the child has reached the age of 16 years and can obtain permanent employment;
- (c) the child is pregnant;
- (d) the child marries; or
- 20 (e) for any other reason it will be in the interest of the child to be so exempted.

**Determination of mother tongue**

55. (1) When a child is admitted to a school for the first time, the principal of the school shall ascertain in which official language the child is more proficient and shall then determine that that language shall be the mother tongue of the child.

25 (2) If in the opinion of that principal the child has equal command of both official languages, or cannot speak or understand either official language, the parent of the child may within the period determined by the principal choose which official language shall be determined by the principal as the mother tongue of the child.

(3) If the parent fails within that period to make such a choice, the principal shall

30 determine which official language shall be the mother tongue of the child.

(4) If the principal is unable to determine the mother tongue of a child in terms of this section, he shall refer the case to a person designated by the Head of Education, either in general or for a particular case, who then, after an investigation of the language ability of the child, shall determine which official language shall be the

35 mother tongue of the child.

(5) A person designated by the Head of Education under subsection (4) may, at any time after an investigation into the language ability of a child, withdraw the determination made by a principal in terms of this section and determine that the other official language shall be the mother tongue of the child.

40 (6) If a principal of a school or a person designated by the Head of Education under subsection (4) has determined the mother tongue of a child in terms of this section, that principal or person, as the case may be, shall notify the parent concerned of such a determination in writing.

**Appeal against determination of mother tongue**

45 56. (1) If the parent of a child feels aggrieved by a determination of the mother tongue of the child in terms of section 55, that parent may, within 30 days after the date on which he was notified of the determination, appeal in writing against that determination to the Head of Education, who may confirm or set aside that determination and determine that the other official language shall be the mother

50 tongue of the child.

(2) The Head of Education shall notify in writing a parent who appealed to him of his decision on the appeal.

(3) If the parent of a child feels aggrieved by a decision of the Head of Education on an appeal in terms of subsection (1), that parent may, within 30 days after the date

55 on which he was notified of that decision, appeal in writing against that decision

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to the Minister, who may confirm or set aside that decision and determine that the other official language shall be the mother tongue of the child, and his determination shall be final.

**Medium of instruction in schools**

- 5 57. (1) The official language which in terms of sections 55 and 56 has been determined as the mother tongue of a child, shall be—
- (a) in the case of a handicapped child, the medium of instruction for the child in the school until he leaves the school; and
  - (b) in the case of any other child, the medium of instruction for the child in the school up to and including the ninth level:
- 10 Provided that until such time as the mother tongue of a child has been determined in terms of sections 55 and 56, the official language chosen by the parent of the child, or in the absence of such a choice, designated by the principal of the school, shall be the medium of instruction for the child.
- 15 (2) In respect of the tenth, eleventh and twelfth levels in a school the parent of a child referred to in subsection (1) (b) may choose which official language shall be the medium of instruction for his child: Provided that if the parent fails to exercise such choice, the medium of instruction for such child shall remain the same as it was on the ninth level.

**20 Designation of public schools with particular media of instruction**

58. The Minister may at any time designate a public school as a public school—
- (a) in which Afrikaans shall be the medium of instruction for all pupils;
  - (b) in which English shall be the medium of instruction for all pupils; or
  - (c) in which the medium of instruction shall be Afrikaans for some pupils, and English for others.
- 25

**Official languages as subjects in schools**

59. (1) On each level the official language determined in terms of sections 55 and 56 as the mother tongue of a child, shall be offered to him as a subject in the school.
- (2) From the level determined on educational grounds by the Head of Education, the official language not being such mother tongue of a child shall be offered to him as a subject in the school.
- (3) In the instruction of the official language referred to in subsection (2), that language shall as far as practicable be the medium of instruction.
- 30

**Medium of instruction for foreign languages as subjects**

- 35 60. In the instruction of a foreign language as a subject in a school, the official language determined in terms of sections 55 and 56 as the mother tongue of a child shall be the medium of instruction until the child concerned has, in the opinion of the principal, made such progress in the foreign language that it can be used as the medium of instruction.

**40 Exemption from provisions relating to teaching in official languages**

61. The Minister may in respect of a child of a parent who is not a South African citizen, exempt a school or principal in writing from sections 55, 57, 59 and 60 to such an extent and on such conditions as the Minister may determine.

**Religion in public schools**

- 45 62. (1) In every public school there shall daily be a religious ceremony which shall consist of the reading of a portion from the Bible and the saying of a prayer.
- (2) (a) Bible instruction shall be offered as a subject on all levels in public schools, and the time to be devoted thereto may be determined by the Head of Education.

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- (b) Except with the approval of the Head of Education, no Bible instruction shall be given during ordinary school hours in public schools by a person other than a person in a teaching post on the establishment of the public school concerned.
- 5 (3) No doctrine or dogma which is peculiar to a particular denomination or sect shall be instructed or promoted at a public school during school hours.
- (4) If a parent of a child attending a public school requests the principal in writing that the child be exempted from attending religious ceremonies or Bible instruction, that principal shall exempt the child accordingly.

**10 Physical education programme for public schools**

63. (1) A pupil attending a public school shall be obliged to participate in such physical education programme as may be approved by the Head of Education, unless the pupil is exempted from such participation under the prescribed circumstances.
- (2) Different physical education programmes may in terms of subsection (1) be  
15 approved in respect of different public schools.

**Control, expulsion, suspension and discipline of pupils**

64. The control of pupils at, and their expulsion from, public schools, state-aided schools and hostels, and the suspension of, or meting out of other punishments to, those pupils, shall be as prescribed.

**20 Exclusion of provisions of Workmen's Compensation Act, 1941**

65. No pupil at a public school, state-aided school or centre shall for the purposes of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), be deemed to be a workman or other person entitled to payment of compensation or any other benefit under the said Act.

25

**CHAPTER 7****STAFF****Establishments of departmental institutions**

66. Notwithstanding anything to the contrary contained in any other law, the establishment at a departmental institution shall consist of—
- 30 (a) the posts in respect of which the Minister may determine a basis; and  
(b) the other posts in respect of which the Minister is of the opinion that a basis cannot be determined,  
and which he may create.

**Appointment and promotion of staff**

- 35 67. (1) The power to appoint a person to a post created under section 66 or to promote a person occupying such a post shall, subject to the provisions of this Act, vest in the Minister.
- (2) A person who is to be appointed by virtue of subsection (1) may be  
appointed—
- 40 (a) in a permanent capacity, including the permanent relief staff, whether on probation or not; or  
(b) temporarily or on special contract, whether in a full-time or part-time capacity.
- (3) An appointment or promotion referred to in this section shall be made in such  
45 manner and subject to such conditions as may be prescribed or determined by the Minister.
- (4) A person appointed in terms of any law repealed by this Act and who immediately prior to the fixed date was employed at a centre, hostel, school or auxiliary service deemed to have been established or provided in terms of this Act,  
50 or at an office of an executive component or the Department, shall from that date

be deemed to have been appointed in terms of this Act to the appropriate post incorporated in the establishment of the departmental institution concerned.

#### Conditions of service of persons employed at departmental institutions

68. (1) Notwithstanding anything to the contrary contained in any other law, but 5 subject to the provisions of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), and subsection (2)—

- (a) the salaries, salary scales and allowances of persons employed at departmental institutions shall be determined by the Minister; and
  - (b) the other conditions of service and service benefits of those persons shall be 10 prescribed by the Minister.
- (2) (a) The conditions of service subject to which a person referred to in section 67 (4) was serving immediately prior to the fixed date, shall not be affected to his detriment, and no such condition of service shall after that date be 15 construed or applied in a way that is less favourable to the person concerned than the way in which it was construed or applied immediately prior to that date.
- (b) Any disciplinary proceedings instituted or aimed at such a person in terms of a law repealed by this Act in respect of misconduct which he allegedly 20 committed prior to the fixed date, shall be disposed of as if the repeal had not taken place.

#### Transfer and secondment of persons employed at departmental institutions

69. (1) Subject to the provisions of this section, a person employed at a departmental institution may be transferred by the Minister from the post in which he serves to any other post at the same or any other departmental institution, 25 irrespective of whether such other post is of a lower or higher grade.

(2) (a) The salary and salary scale of a person employed at a departmental institution shall not as a result of a transfer in terms of subsection (1), be reduced without his consent.

(b) Paragraph (a) shall not apply in respect of a person employed in a 30 permanent capacity at a departmental institution who is transferred as a result of disciplinary action taken against him in terms of this Act.

(3) A person employed in a permanent capacity at a departmental institution and who in terms of subsection (1) is transferred to, or is employed in, a post of a lower or higher grading than the grade appropriate to his rank may, subject to section 67 35 (3), be transferred to a post with a grading appropriate to his rank as soon as a suitable vacancy arises.

(4) A person employed at a departmental institution and who in terms of subsection (1) is transferred to a post with a higher grading than the grade appropriate to his rank or who is employed in a post which has been regraded to or 40 transformed into a post of a higher grading than the grade appropriate to his rank, shall not, only by virtue of that transfer or employment, as the case may be, be entitled to the higher salary or salary scale applicable to such a post.

(5) The Minister may second a person employed in a permanent capacity in a teaching post to another teaching post for such period as he may deem expedient.

#### 45 Making available of staff

70. (1) A person employed at a departmental institution may with his consent be made available to a department of State or another government or a council, institution, body or person, for a particular service or for a fixed period and on such conditions, in addition to those prescribed by any law, as the Minister may 50 determine.

(2) Such a person shall remain subject to the provisions of this Act while he is so made available.

#### Discharge of persons employed at departmental institutions

71. (1) A person employed in a permanent capacity at a departmental institution may be discharged from his service by the Minister—
- (a) on account of continuous ill-health;
  - (b) on account of the abolition of his post or a reduction in, reorganization or readjustment of the staff at the departmental institution;
  - (c) if, for reasons other than his own incompetence or inability, his discharge will in the opinion of the Minister promote efficiency or economy at the departmental institution;
  - (d) subject to this Act, on account of incompetence for the duties attached to his post or inability to perform those duties in an efficient manner;
  - (e) subject to this Act, on account of misconduct;
  - (f) if he was appointed to the post concerned on the ground of a misrepresentation made by him in relation to any condition for appointment in a permanent capacity; or
  - (g) if his name has been recorded in the consolidated list referred to in section 16 (1) of the Internal Security Act, 1982 (Act No. 74 of 1982).
- (2) If a person referred to in subsection (1)—
- (a) has been discharged under paragraph (f) of that subsection, he shall be deemed to have been discharged under paragraph (e) of that subsection; and
  - (b) has been discharged under paragraph (g) of that subsection, he shall be deemed to have been discharged under paragraph (d) of that subsection.
- (3) (a) When it is suspected on reasonable grounds that a person referred to in subsection (1), is on account of continuous ill-health unable to perform his duties, the Head of Education may appoint a team of examiners of at least two medical practitioners to examine such person at the expense of the Department and to report on his condition of health: Provided that such person shall be entitled to nominate a medical practitioner of his choice at his own expense as a member of such team of examiners.
- (b) If the Minister, after consideration of a report contemplated in paragraph (a), is satisfied that the person is on account of continuous ill-health as contemplated in subsection (1) (a) unable to perform his duties, he may discharge the person from his service.
  - (c) If a person refuses or fails to subject himself to an examination contemplated in paragraph (a) when instructed to do so by the Head of Education, the Minister may discharge him from his service, in which case it shall be deemed that he has been discharged on account of misconduct.
  - (d) If a person referred to in subsection (1) applies for discharge from his service on account of continuous ill-health, paragraphs (a), (b) and (c) shall *mutatis mutandis* apply.
- (4) If in the opinion of the Minister it is not desirable to confirm the appointment, transfer or promotion of a person on probation the Minister may, notwithstanding anything to the contrary contained in this Act, but subject to subsection (5)—
- (a) extend the probationary period of the person; or
  - (b) discharge the person from his service at a departmental institution, whether during, at or after the lapse of the probationary period or any extension thereof—
    - (i) by giving him one month's written notice; or
    - (ii) if his conduct or performance in the opinion of the Minister is unsatisfactory, without prior notice.
- (5) A person who is employed in a permanent capacity at a departmental institution but not on probation, and whose transfer or promotion on probation is not confirmed, shall be transferred to the post which he previously occupied, or to a post of equal grading, and shall receive the salary he would have received in his previous post had he not been transferred or promoted on probation.

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(6) The Minister may discharge from his service a person employed in a temporary capacity at a departmental institution by giving him 24 hours' written notice.

**Certain persons deemed to be discharged on account of misconduct**

72. (1) A person employed in a permanent capacity at a departmental institution  
5 and who—

(a) is absent from his service for a period of more than 30 consecutive days without the consent of the Head of Education;

(b) while he is absent from his work without such consent, assumes duty in another position;

10 (c) while suspended from his service under section 95, resigns or assumes duty in another position; or

(d) while a charge of misconduct against him in terms of this Act has not yet been disposed of, resigns or assumes duty in another position,

15 shall, unless the Minister directs otherwise, be deemed to have been discharged on account of misconduct, in the case where—

(i) paragraph (a) or (b) is applicable, with effect from the date following immediately upon the last day on which he was present to render his service; or

20 (ii) paragraph (c) or (d) is applicable, with effect from the date on which he resigns or assumes duty in another position, as the case may be.

(2) If a person who in terms of paragraph (a) or (b) of subsection (1) is deemed to have been discharged, reports for duty at any time, the Minister may, notwithstanding anything to the contrary contained in this Act, reinstate him in his former or any other post on such conditions as the Minister may determine, and in such an event  
25 the period of his absence from duty shall be deemed to be absence on vacation leave without pay or leave on such other conditions as the Minister may determine.

**Resignation of persons employed at departmental institutions**

73. (1) A person employed at a departmental institution in a permanent capacity in a teaching post, may resign from his service by giving written notice of one  
30 calendar or school quarter or such shorter notice as the Head of Education may approve.

(2) A person employed at a departmental institution in a permanent capacity in a post other than a teaching post, may resign from his service by giving written notice of one calendar month or such shorter notice as the Head of Education may approve.

35 (3) A person on probation or employed in a temporary capacity at a departmental institution, may resign from his service by giving 24 hours' written notice.

(4) If a person employed at a departmental institution—

(a) is in terms of the provisions of the Electoral Act, 1979 (Act No. 45 of 1979), nominated as a candidate for the election of a member of a House of  
40 Parliament; or

(b) is in terms of the provisions of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), nominated or elected indirectly as a member of a House of Parliament or designated or appointed as a member of the President's Council,

45 he shall, notwithstanding anything to the contrary contained in this Act, be deemed to have resigned from his service with effect from the day on which he is so nominated, indirectly elected, designated or appointed, as the case may be.

(5) If the name of a person employed in a teaching post is struck off the register referred to in section 8B (4) of the National Education Policy Act, 1967 (Act No. 39  
50 of 1967), he shall, notwithstanding anything to the contrary contained in this Act, be deemed to have resigned from his post with effect from the date following immediately upon the day on which his name was so struck off.

**Investigation into inefficiency of persons employed at departmental institutions**

74. (1) If it is alleged that a person employed in a permanent capacity at a  
55 departmental institution is incompetent, or is unable to perform the duties attached

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to his post in an efficient manner, the Head of Education may in writing appoint a person as an investigating officer to institute an investigation into the allegation.

- (2) (a) An investigating officer who institutes an investigation contemplated in subsection (1), shall on request produce proof of his appointment to the person concerned.
- (b) Such an investigation shall be instituted in the prescribed manner.
- (c) After the conclusion of the investigation, the investigating officer shall submit to the Head of Education any documents obtained during the investigation and a report on the investigation.
- (3) If, after consideration of the report referred to in subsection (2) (c), the Head of Education is of the opinion that there is no truth in the allegations made against the person concerned, he shall in writing notify the person accordingly.
- (4) (a) If, after consideration of the report contemplated in subsection (2) (c), the Head of Education is of the opinion that there is truth in the allegations made against the person concerned, he may in the prescribed manner serve a notice, together with a copy of the report, on the person concerned in which that person—
- (i) is notified that further action in terms of this Act is being considered against him; and
- (ii) is requested to submit, should he so desire, within 21 days after receipt of such notice, his written comment on the report to the Head of Education.
- (b) If comment contemplated in paragraph (a) (ii) is submitted to the Head of Education, he may refer it to the investigating officer concerned.
- (c) The investigating officer shall submit any remarks he may wish to make in connection with such comment, to the Head of Education.
- (5) After consideration of the documents referred to in subsection (4), the Head of Education may in the prescribed manner send a notice to the person concerned in which that person is informed—
- (a) that he, in the opinion of the Head of Education, is incompetent or is unable to perform the duties attached to his post in an efficient manner; or
- (b) that a further investigation regarding his competence or efficiency to perform those duties will be instituted at any time during the period which extends from three months after the date of the notice until one year after the date, and that person is requested, should he so desire, to indicate in writing within 30 days after receipt of such notice, whether he wishes the further investigation to be instituted by an investigating officer other than the investigating officer who instituted the original investigation.
- (6) (a) During the period mentioned in subsection (5) (b) the Head of Education may, with due consideration of the written indication contemplated in that subsection, appoint in writing an investigating officer to institute the further investigation.
- (b) The provisions of subsections (2) and (3) shall *mutatis mutandis* apply in respect of a further investigation contemplated in paragraph (a).

## 45 Action against inefficient persons employed at departmental institutions

75. (1) After consideration of the documents relating to an investigation contemplated in section 74 (1) or a further investigation contemplated in section 74 (6), the Head of Education may—

- (a) if he still is of the opinion that the person concerned is incompetent or is unable to perform the duties attached to his post in an efficient manner, recommend to the Minister—
- (i) that no further action be taken;
- (ii) that the person concerned be transferred to another post;
- (iii) that his salary or rank, or his salary as well as his rank, be reduced to the extent recommended;
- (iv) that action be taken against him in terms of subparagraph (ii) as well as subparagraph (iii); or
- (v) that he be discharged from his service with effect from a date determined by the Minister; or
- (b) if he is of the opinion that since the start of the investigation concerned an improvement has taken place in respect of the competence or efficiency of the person concerned to perform the duties attached to his post, but that he

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has not yet reached the required standard of competence or efficiency, recommend to the Minister that he be dealt with in terms of paragraph (a) (i), (ii), (iii) or (iv).

(2) The Head of Education shall submit to the Minister the documents relating to an investigation referred to in section 74 (1) and a further investigation referred to in section 74 (6), if any, together with his recommendation in terms of subsection (1), and the Minister may act according to the recommendation of the Head of Education or according to any other recommendation which could have been made under subsection (1) (a).

**10 Definition of misconduct**

76. (1) Any person employed at a departmental institution shall be guilty of misconduct if he—

- (a) contravenes or fails to comply with any provision of this Act or any law relating to education, or encourages disobedience or resistance to an Act of Parliament;
- (b) performs, or causes or permits to be performed, or connives at, any act which is prejudicial to the administration, discipline or efficiency of a department, office or institution of the State;
- (c) disobeys, disregards or makes wilful default in carrying out a lawful order given to him, or by word or conduct makes himself guilty of insubordination;
- (d) is negligent or indolent in the performance of his duties;
- (e) undertakes, without the permission of the Head of Education, any private agency or private work in relation to a matter connected with the performance of his official duties;
- (f) publicly criticizes the administration of any State department;
- (g) attempts through a person not in the employ of the State or a recognized staff association, to secure intervention in connection with his official position or conditions of service, unless it is done to obtain redress of any grievance through the House of Assembly;
- (h) conducts himself in a disgraceful, improper or unbecoming manner, or while on duty is guilty of gross discourteousness;
- (i) uses intoxicating liquor or stupefying drugs excessively;
- (j) is under the influence of intoxicating liquor or stupefying drugs during the official working hours;
- (k) becomes subject to an order of sequestration of his estate or becomes financially embarrassed, unless it is shown that the insolvency or embarrassment has been caused by unavoidable adversity;
- (l) without the prior permission of the Head of Education, discloses otherwise than in the performance of his official duties information gathered or obtained by him as a result of his employment in the Department, or uses such information for any purpose other than for the performance of his official duties, whether or not he discloses such information;
- (m) without the permission of the Head of Education, accepts or demands in respect of the performance of or the failure to perform his duties, any commission, fee or other reward to which he is not entitled by virtue of his office, or fails to report to the Head of Education the offer of any such commission, fee or reward;
- (n) appropriates for himself any property of the State, or makes use thereof in an improper manner, under circumstances not amounting to an offence;
- (o) commits an offence;
- (p) is absent from his office or duty without leave or a valid reason;
- (q) with a view to obtaining any privilege or advantage in connection with his official position or duties, or to causing any prejudice or damage to the State, or a department or an employee thereof, makes a false or incorrect statement knowing it to be false or incorrect;
- (r) contravenes or fails to comply with a rule of the constitution of a medical aid scheme, or aid society, of which he is a member; or
- (s) uses his position to promote or prejudice private or sectional political objectives.

(2) The acquittal or conviction of a person employed at a departmental institution by a court of law of an offence, shall not prohibit steps in terms of this Act on



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a charge of misconduct from being taken against him, although the facts set out in the charge of misconduct, should they be proven, would constitute the offence of which he was so acquitted or convicted or any other offence of which he could have been convicted at his trial on a charge of the first-mentioned offence.

- 5 (3) If the misconduct with which a person is charged, amounts to an offence of which he was convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, after he has been identified as the person who according to the record was convicted, be sufficient proof that he committed that offence unless—
- 10 (a) the conviction has been set aside by a competent court of law; or  
(b) the person proves that he was in fact wrongfully convicted.

**Charge of misconduct against persons employed in posts other than teaching posts**

77. (1) Whenever a person employed at a departmental institution in a post other than a teaching post is accused of misconduct, the Head of Education may in writing  
15 charge him with that misconduct.

(2) A charge of misconduct shall in the prescribed manner be served on the person charged, and the charge shall be accompanied by a request that the person charged, within 21 days after the charge has been served on him, submit to the Head of Education a written admission or denial of the charge and, should he so prefer, a  
20 written explanation in connection with the charge.

(3) The Head of Education may at any time withdraw a charge of misconduct.

(4) If the person charged admits the charge, he shall for the purposes of section 83 be deemed to have been convicted of the misconduct with which he was charged on the date on which the Head of Education received the admission.

**25 Inquiry into misconduct of persons employed in posts other than teaching posts**

78. (1) If a person charged with misconduct in terms of section 77 (1) denies the charge or fails to comply with the request mentioned in subsection (2) of that section, the Head of Education shall appoint a person as an investigating officer to inquire into the charge.

- 30 (2) The investigating officer shall after consultation with the Head of Education fix the time and venue of the inquiry, and the Head of Education shall give the person charged 14 days' written notice of the time and place so fixed.

**Powers of investigating officer in respect of inquiry**

79. (1) For the purposes of an inquiry contemplated in section 78, an investigating  
35 officer may—

- (a) subpoena to appear before him any person who in his opinion is able to furnish information of material importance concerning the charge being inquired into or who is suspected of having in his possession or care or under his control a book, document or thing that may have a bearing on  
40 that charge;
- (b) call and administer an oath to, or take an affirmation from, any person who is present at the inquiry and who was or could have been subpoenaed in terms of paragraph (a); and
- (c) question any person called in terms of paragraph (b), or request him to  
45 submit a book, document or thing referred to in paragraph (a).
- (2) A subpoena of any person to appear before the investigating officer shall be in the prescribed form and shall be served on that person in the prescribed manner.
- (3) The legal rules relating to privilege obtaining in the case of a person who has been subpoenaed to give evidence before a court of law or to submit a document or  
50 thing, shall apply in respect of the questioning or request referred to in subsection (1) (c).

**Procedure at inquiry**

80. (1) The Head of Education may authorize a person to attend an inquiry

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contemplated in section 78, to adduce evidence and arguments in support of the charge and to cross-examine a person who gave evidence in rebuttal of the charge.

(2) At such an inquiry the person charged shall have the right to be present, to be assisted or represented by another person, to give evidence and, either personally or  
5 through a representative—

(a) to be heard;

(b) to call witnesses;

(c) to cross-examine a person called as a witness in support of the charge; and

(d) to inspect documents submitted in evidence.

10 (3) The failure of the person charged to attend the inquiry shall not invalidate the proceedings.

(4) The investigating officer shall keep a record of the proceedings and of the evidence given.

**Finding of investigating officer**

15 81. (1) After the conclusion of an inquiry contemplated in section 78, the investigating officer shall find the person charged guilty or not guilty of the misconduct with which he was charged.

(2) The investigating officer shall—

(a) in the prescribed manner notify the person charged of his finding and, if the  
20 person charged has been found guilty, his reasons therefor; and

(b) submit to the Head of Education—

(i) the record of the proceedings, including all evidence given and all documents admitted at the inquiry;

(ii) a written exposition of his finding and his reasons therefor; and

25 (iii) any remarks he may wish to make in connection with the inquiry.

**Appeal by persons employed in posts other than teaching posts**

82. (1) If a person charged is found guilty of misconduct in terms of section 81, he shall have the right to appeal to the Minister against that finding.

(2) The procedure for the noting of such an appeal shall be as prescribed.

**30 Action against persons found guilty of misconduct**

83. (1) If a person employed in a post other than a teaching post is found guilty of misconduct and does not appeal, or if he appeals and his appeal is dismissed as a whole or in part, the Head of Education may, having regard to the documents relating to the inquiry and, where applicable, to the appeal, recommend to the  
35 Minister—

(a) that he be warned or reprimanded;

(b) that a fine not exceeding R2 000 be imposed on him;

(c) that he be transferred to another post;

40 (d) that his salary or rank, or his salary and rank, be reduced to the extent recommended; or

(e) that he be discharged, or called upon to resign, with effect from a date determined by the Minister.

45 (2) (a) Except where a recommendation is made under paragraph (e) of subsection (1), the Head of Education may make a recommendation under more than one of the paragraphs of that subsection.

(b) The Head of Education may postpone the making of a recommendation for a period not exceeding 12 months after the date of the finding.

(c) If a person called upon to resign with effect from a certain date fails so to resign, he shall be deemed to have been discharged on account of  
50 misconduct with effect from that date.

(d) A fine imposed in terms of subsection (1) (b) may be recovered by deducting from the salary of the person concerned such instalments as the Minister may determine.

55 (3) The Head of Education shall submit the documents relating to the inquiry and, where applicable, to the appeal, together with his recommendations under subsec-

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tion (1), to the Minister, and the Minister may act according to the recommendation of the Head of Education, or according to any other recommendation which may be made under subsection (1).

**Action in case of misconduct by persons employed in teaching posts**

5 84. (1) When a person employed in a teaching post is accused of misconduct the Head of Education may—

- (a) in writing charge the person concerned with misconduct; or
- (b) appoint a committee consisting of one or more persons in the employ of the Department (hereinafter referred to as the committee) to institute a preliminary investigation into the accusation.

10 (2) The committee shall notify the accused person of the nature of the accusation or allegation being investigated against him, and afford him the opportunity to answer thereto, either personally or by means of a representative, should he so prefer.

15 (3) Before a preliminary investigation is started, the committee shall notify the teachers' association recognized in terms of section 1 of the National Education Policy Act, 1967 (Act No. 39 of 1967), and of which the accused person is a member, if any, of the proposed preliminary investigation.

**Investigation by committee**

20 85. The provisions of sections 79 and 80 shall *mutatis mutandis* apply to a preliminary investigation referred to in section 84, and for such purposes a reference in sections 79 and 80 to the investigating officer shall be construed as a reference to a committee or, should it be incompatible with the context or clearly inappropriate, to the chairman of that committee.

**25 Recommendation of committee**

86. After the conclusion of a preliminary investigation the committee shall provide the Head of Education with a complete report, together with its recommendations on the question whether there is any truth in the accusation made against the accused person.

**30 Closing of case without charge**

87. If, after consideration of the committee's report and recommendations, the Head of Education is of the opinion that there is no truth in the accusation made against the accused person, he shall consider the matter closed and inform that person and the teachers' association referred to in section 84 (3) accordingly.

**35 Charge of misconduct against persons employed in teaching posts**

88. (1) If the Head of Education, after consideration of the committee's report and recommendations, is of the opinion that there is truth in the accusation made against a person, he may in writing charge that person with misconduct.

40 (2) A charge of misconduct contemplated in subsection (1) or section 84 (1) (a) shall in the prescribed manner be served on the person charged, and the charge shall be accompanied by a request that the person charged, within 21 days after the charge has been served on him, submit to the Head of Education a written admission or denial of the charge and, should he so prefer, a written explanation in connection  
45 with the charge.

(3) The Head of Education may at any time withdraw a charge of misconduct.

(4) If a person is charged with misconduct, the Head of Education shall in writing notify the teachers' association referred to in section 84 (3) thereof and of the nature of the charge.

50 (5) If a person charged in terms of section 84 (1) (a) or subsection (1) admits the charge, he shall for the purposes of section 93 be deemed to have been found guilty

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of the misconduct with which he was charged, on the date on which the Head of Education received the admission.

**Board of inquiry**

89. (1) If a person who is charged in terms of section 84 (1) (a) or section 88 (1) 5 denies the charge or fails to comply with the request referred to in section 88 (2), the Head of Education shall appoint a board of inquiry consisting of a chairman and two other persons, one of whom shall be nominated by the teachers' association referred to in section 84 (3), to inquire into the charge.

(2) The chairman of the board of inquiry shall, after consultation with the Head of 10 Education, fix the time and venue of the inquiry, and the Head of Education shall give the person charged 14 days' written notice of the time and place so fixed.

(3) The provisions of sections 79 and 80 shall *mutatis mutandis* apply to an inquiry 15 contemplated in subsection (1), and for such purposes a reference in those sections to an investigating officer shall be construed as a reference to a board of inquiry or, should it be incompatible with the context or clearly inappropriate, to the chairman of that board.

**Finding of board of inquiry**

90. (1) After the conclusion of the inquiry contemplated in section 89 (1), the 20 board of inquiry shall by majority decision find the person charged guilty or not guilty of the misconduct with which he was charged, and the chairman shall within 30 days thereafter notify the person charged of the finding of the board of inquiry and report the outcome of the inquiry to the Head of Education.

(2) If the board of inquiry finds a person charged guilty of the misconduct with 25 which he was charged, the chairman shall submit to the Head of Education—

- (a) the record of the proceedings, including all evidence given and all documents 25 admitted at the inquiry;
- (b) a written exposition of the finding of the board of inquiry and the reasons therefor;
- (c) any comments the board of inquiry wants to make in connection with the 30 inquiry; and
- (d) the recommendation of the board of inquiry in relation to the punishment which should be imposed in terms of section 93.

**Appeal by persons employed in teaching posts at departmental institutions**

91. (1) If a person charged is found guilty on a charge of misconduct in terms of 35 section 90, he may appeal against the finding to the Minister.

(2) The procedure for the noting of such an appeal shall be as prescribed.

**Board of appeal**

92. (1) The Minister shall, within 30 days after an appeal has been noted with him 40 in terms of section 91, appoint a board of appeal to hear the appeal.

(2) The board of appeal shall be constituted as follows—

- (a) one member appointed by the Minister, who shall act as chairman;
- (b) one member nominated by the Head of Education; and
- (c) one member nominated by the Teachers' Federal Council recognized by 45 the Minister in terms of section 8B of the National Education Policy Act, 1967 (Act No. 39 of 1967): Provided that, if the said Teachers' Federal Council fails to nominate such a member within a reasonable time, the Minister shall appoint the member:

Provided that no person who served on the board of inquiry that found the 50 appelliant guilty shall be a member of the board of appeal concerned.

(3) The Head of Education shall submit all the documents relating to the appeal to the board of appeal.

(4) The powers of the board of appeal, the procedure at the hearing of an appeal and the manner in which a record of the proceedings shall be held, shall be as prescribed.

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(5) The board of appeal may after consideration of the documents, by majority decision make a recommendation to the Minister, and the Minister may uphold or dismiss the appeal.

**Action against persons employed in teaching posts who have been found guilty of misconduct**

93. The provisions of section 83 shall *mutatis mutandis* apply to a person employed in a teaching post who has been found guilty of misconduct.

**Submission of records of inquiries to Teachers' Federal Council**

94. The Head of Education shall, in each case where in terms of this Act a punishment other than a warning or a reprimand was imposed on a person employed in a teaching post, submit the record of the inquiry, including all documents and evidence relating to the inquiry, to the Teachers' Federal Council referred to in section 92 (2) (c).

**Suspension of persons employed in terms of this Act**

15 95. (1) The Minister may at any time, before or after a person employed in a permanent capacity in terms of this Act is charged with misconduct, suspend him from service.

(2) A person suspended from service in terms of subsection (1) shall not be entitled to any remuneration for the period of his suspension, except in so far as the Minister 20 may otherwise direct.

(3) A person suspended from service in terms of subsection (1) shall immediately be permitted to resume duty and shall be remunerated in full for the period of his suspension—

25 (a) if he is not charged with misconduct within a period of 12 months after the date of his suspension;

(b) if he is found not guilty on the charge concerned;

(c) if he appeals against the finding that he is guilty on the charge concerned, and the appeal is upheld; or

(d) if a punishment referred to in section 83 (1) (a) or (b) is imposed upon him.

30 (4) The Minister may at any time withdraw the suspension of a person contemplated in subsection (1), but the withdrawal shall not prohibit such person from being charged with misconduct under this Act.

**Civil and political rights of persons employed in terms of this Act**

35 96. (1) Subject to the provisions of section 76 (1) (s) a person employed in terms of this Act, may—

(a) be a member and serve in the management of a lawful political party;

(b) not express himself in public, in the public press or at a public meeting, on any matter, or in any manner, which may further or prejudice the interests of a political party or an organization with political aims, or which may embarrass the Department;

40 (c) not act as chairman at a public political meeting;

(d) not publish a document under his name in furtherance or to the prejudice of the interests of a political party or an organization with political aims; and

45 (e) with the prior permission of the Head of Education and subject to paragraphs (b), (c) and (d), become a member of any institution, council or other body established by or under any law: Provided that such permission shall be granted only if the Head of Education is of the opinion that the duties to be performed by the person concerned as a member of the 50 institution, council or body concerned, will not interfere with the performance of his duties or work at the departmental institution: Provided further that such permission may at any time be withdrawn by the Head of Education, and in such a case the person concerned shall resign as a member of such institution, council or body concerned.

55 (2) For the purposes of subsection (1) the expression "public meeting" means any gathering, concourse or procession in, through or along any place of any number of

persons, but excluding a meeting admittance to which is restricted to members only of the same group, party or movement.

#### Establishments of and appointments at state-aided schools

97. (1) Subject to the provisions of subsections (2) and (3)—
- 5 (a) the establishment at a state-aided school shall be determined by the Minister on the basis which he, with the concurrence of the Minister of the Budget and Works, may determine; and
- (b) the power to appoint, promote or discharge any person at a state-aided school shall vest in the governing body, subject to the prior approval of the
- 10 Minister.
- (2) (a) Subject to the provisions of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984)—
- (i) the salaries, salary scales and allowances of persons appointed to a subsidized post under subsection (1) (b) shall be determined by the
- 15 Minister; and
- (ii) the leave privileges and other conditions of service of those persons shall be as prescribed.
- (b) Different salaries, salary scales, allowances and conditions of service may in terms of paragraph (a) be determined or prescribed, as the case may be, in
- 20 respect of different posts.
- (3) If—
- (a) a governing body fails to fill suitably a vacancy in a subsidized post at a state-aided school within a period deemed reasonable by the Minister; and
- (b) the Minister is of the opinion that such failure is to the disadvantage of the
- 25 state-aided school,
- the Minister may appoint a person to that post, and such appointment shall be deemed to have been made under subsection (1) (b).
- (4) Notwithstanding anything to the contrary contained in this Act, a person employed in a subsidized post at a state-aided school shall, for the purposes of the
- 30 Workmen's Compensation Act, 1941 (Act No. 30 of 1941), be deemed to be a workman in the employ of the State.

#### Inefficiency and misconduct of staff of state-aided schools

98. (1) The provisions of sections 74 to 76 shall *mutatis mutandis* apply in respect of a person appointed to a subsidized teaching or administrative post at a state-aided
- 35 school.
- (2) The provisions of sections 77 to 83 shall *mutatis mutandis* apply in respect of a person appointed to a subsidized administrative post at a state-aided school.
- (3) The provisions of sections 84 to 94 shall *mutatis mutandis* apply in respect of a person appointed to a subsidized teaching post at a state-aided school.
- 40 (4) For the purposes of the sections referred to in subsections (1), (2) and (3)—
- (a) a reference in the said sections to the Head of Education shall be construed as a reference to the chairman of the governing body concerned;
- (b) a reference in the said sections to the Minister shall be construed as a reference to the governing body concerned; and
- 45 (c) a reference in section 76 (1) to the State, a State department or the Department shall be construed also as a reference to the state-aided school concerned.
- (5) For the purposes of—
- (a) section 75, the chairman shall not make a recommendation to his governing
- 50 body under subsection (1) (a) (ii) and (iv) of that section;
- (b) section 83, the chairman shall not make a recommendation to his governing body under subsection (1) (c) of that section; and
- (c) sections 75 and 83, the governing body shall not discharge a person or request him to resign from his service without the prior permission of the
- 55 Minister.

#### Transfer of persons employed by private and state-aided schools

99. (1) A person who immediately prior to the date contemplated in section 38 (3)

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was employed by the private school or state-aided school concerned, shall, unless otherwise agreed upon under section 38 (1), be transferred to and appointed in the service of the Department with effect from that date.

(2) A person transferred and appointed under subsection (1), shall be appointed on the conditions of service applicable to persons in the service of the Department: Provided that—

- (a) his salary shall not without his consent be reduced as a result of such transfer and appointment;
- 10 (b) for the purposes of the said conditions of service, his service at the private school or state-aided school, as the case may be, shall be deemed to be service in the Department;
- (c) sick or vacation leave credit obtained by him as a result of his continuous service at the private school or state-aided school, as the case may be, shall be deemed, subject to the conditions determined by the Minister, to have  
15 been obtained by him as a result of his service in the Department;
- (d) if he was employed by a private school, he may choose, within six months after the date contemplated in section 38 (3), to remain a member of the pension fund of which he was a member while employed by the private  
20 school or, subject to such conditions as the Minister of National Health and Population Development may determine, to become a member of the pension fund of which persons employed by the Department are members; and
- 25 (e) any disciplinary proceedings instituted against or aimed at him in respect of misconduct or unseemly behaviour which he allegedly committed prior to the said date, shall be disposed of as if the private school or state-aided school, as the case may be, had not been declared to be a public school.

**Performance of other work by persons employed at departmental institutions and state-aided schools**

100. (1) Unless his conditions of service provide otherwise—
- 30 (a) a person employed in terms of this Act shall make all his time available to the departmental institution or state-aided school where he is employed;
  - (b) a person employed in terms of this Act at a departmental institution or state-aided school shall not without the consent of the Head of Education or governing body, as the case may be, perform or bind himself to perform  
35 remunerative work outside his employment at the departmental institution or state-aided school; and
  - (c) no person employed in terms of this Act at a departmental institution or state-aided school, may legally claim additional remuneration in respect of any official duty or work which he has been ordered by a competent  
40 authority to perform.
- (2) The Head of Education, governing body or principal of a state-aided school or public school may order any person employed in terms of this Act at a departmental institution, state-aided school or public school, as the case may be, temporarily to perform duties other than those ordinarily assigned to that person or which are  
45 appropriate to the grade, designation or classification of his post.

## CHAPTER 8

## MISCELLANEOUS

**Establishment and control of school and hostel funds**

101. (1) The Head of Education may establish a school fund for a public school and  
50 a hostel fund for a hostel to—
- (a) provide such amenities or promote such activities for that public school or hostel, as the case may be, as he may deem necessary in the general interest of the public school or hostel; and
  - 55 (b) promote the educational interests of the pupils of that school or hostel, as the case may be:

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Provided that all contributions to such a fund shall be voluntary.

- (2) Into a school or hostel fund established under subsection (1) shall be paid—
- (a) school or hostel fund contributions collected in the prescribed manner;
  - (b) interest earned on investments; and
- 5 (c) moneys which the public school or hostel receives from any other source.
- (3) A school or hostel fund established under subsection (1) shall be controlled and managed by the council of the public school or hostel concerned, as the case may be, and the moneys in the school or hostel fund shall be accounted for and dealt with as contemplated in section 2 (1A) of the Exchequer and Audit Act, 1975 (Act No. 10 66 of 1975).
- (4) Any school fund or trust fund established in terms of a law repealed by this Act, shall be deemed to be a school fund established in terms of this section, and any hostel fund established in terms of a law repealed by this Act, shall be deemed to be a hostel fund established in terms of this section.

**15 Tuition and boarding fees**

102. (1) The parent of a pupil admitted to a public school or centre, shall pay such tuition fees as the Minister, with the concurrence of the Minister of the Budget and Works, may determine.
- (2) The parent of a pupil admitted to a hostel shall pay such fees as the Minister, 20 with the concurrence of the Minister of the Budget and Works, may determine.
- (3) (a) Different tuition fees may be determined in terms of subsection (1) in respect of different public schools and centres, and different boarding fees may be determined in terms of subsection (2) in respect of different hostels.
- (b) The Minister may, with the concurrence of the Minister of the Budget and 25 Works, exempt any pupil or category of pupils in whole or in part from the payment of any such fees.

**Offences relating to provision of pre-primary and specialized education**

103. Any person who contravenes a prohibition contained in section 21 or 22 shall be guilty of an offence.

**30 Offences relating to compulsory school attendance**

104. (1) If the parent of a child who is subject to compulsory school attendance without sufficient cause fails to send the child to school regularly, that parent shall be guilty of an offence.
- (2) Any person who—
- 35 (a) during the normal school hours—
    - (i) makes use of the services of a child who is subject to compulsory school attendance for any work, whether for reward or otherwise;
    - (ii) without sufficient cause prevents or discourages such a child from attending school; or
    - 40 (iii) harbours or conceals such a child;
  - (b) fails to comply with a direction issued under section 43 (2); or
  - (c) removes a handicapped child who attends a school for specialized education or a state-aided school and who is not exempted under this Act from such attendance, from such a school,
  - 45 shall be guilty of an offence.

**Offences relating to functions of particular persons**

105. Any person who—
- 50 (a) hinders or obstructs a person authorized in terms of section 9 (1) or appointed in terms of section 74 (1) or 78 (1), or a school attendance officer, in the performance of his functions in terms of this Act;



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- (b) refuses or fails to comply with a requirement set or a request made by a person referred to in paragraph (a) in the performance of his functions in terms of this Act;
- 5 (c) refuses or fails to answer to the best of his ability a question put to him by a person referred to in paragraph (a) in the performance of his functions in terms of this Act;
- (d) deliberately furnishes false or misleading information to a person referred to in paragraph (a);
- 10 (e) has been duly subpoenaed under section 79 (1) (a), or that section as applied by section 85 or 89 (3), and who without sufficient cause fails to—  
 (i) appear at the time and place mentioned in the subpoena; or  
 (ii) remain present at the inquiry until he is excused from further attendance;
- 15 (f) has been called under section 79 (1) (b), or that section as applied by section 85 or 89 (3), and who refuses to be sworn or to make an affirmation as a witness; or
- (g) without sufficient cause fails to—  
 (i) answer in full and satisfactorily any question lawfully put to him under section 79 (1) (c), or that section as applied by section 85 or 89 (3); or  
 20 (ii) submit any book, document or thing in his possession or custody or under his control as lawfully requested under section 79 (1) (c), or that section as applied by section 85 or 89 (3),  
 shall be guilty of an offence.

**Penalties**

- 25 106. Any person convicted of an offence in terms of this Act shall be liable—  
 (a) in the case of an offence referred to in section 103, to a fine not exceeding R4 000, or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment;
- 30 (b) in the case of an offence referred to in section 104 (1) and (2) (a) and (c), to a fine not exceeding R2 000, or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment; and
- (c) in the case of an offence referred to in sections 104 (2) (b) and 105, to a fine not exceeding R1 000, or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

**35 Delegation of powers**

107. (1) The Minister may, subject to such conditions as he may determine, delegate any of his powers under this Act, except the power to make regulations, and assign any of his duties in terms of this Act, to the Head of Education or a person employed by the Department.
- 40 (2) The Head of Education may, subject to such conditions as he may determine, delegate any of his powers under this Act or delegated to him in terms of subsection (1), or assign any of his duties in terms of this Act or assigned to him in terms of subsection (1), to a person employed by the Department.
- (3) A Director of Education may delegate any of the powers delegated to him in 45 terms of subsection (1) or (2), and assign any of the duties assigned to him in terms of subsection (1) or (2), to a person employed by the Department.
- (4) A delegation under subsection (1), (2) or (3) shall not prevent the Minister, Head of Education or Director of Education, as the case may be, from exercising such power or performing such duty, as the case may be, himself.

**50 Limitation of legal proceedings**

108. (1) No legal proceedings shall be instituted against the State or a body or person in respect of an alleged act in terms of this Act or an alleged omission to do

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anything which in terms of this Act should have been done, unless the legal proceedings are instituted within a period of 12 months after the date on which the plaintiff or the applicant became aware of the alleged act or omission, or after the date on which it could reasonably have been expected that the plaintiff or applicant would have become aware of the alleged act or omission, whichever date is the earlier.

(2) Legal proceedings contemplated in subsection (1) shall not be instituted within a period of one month after the date upon which a written notice of the intention to institute those proceedings has been served on the defendant or respondent.

10 (3) A written notice referred to in subsection (2) shall contain such particulars as may be necessary to identify the alleged act or omission.

**Transfer of immovable property vesting in trustees to State**

109. (1) The ownership and control of all immovable property which immediately prior to the fixed date vested in the educational trustees mentioned in an ordinance 15 repealed by this Act shall, from that date, vest in the State.

(2) The immovable property vesting in the State in terms of subsection (1) shall be transferred to the State without payment of transfer duty, stamp duty or any other fees or costs, but subject to any existing right, obligation or trust on or over that property.

20 (3) The officer in charge of a deeds office or other office where immovable property referred to in subsection (2) is registered, shall, on the submission to him of the title deed concerned, make such endorsements on that title deed and such entries in his registers as may be necessary to effect the transfer concerned.

(4) The ownership and control of any immovable property which on the fixed date 25 vests for school purposes in a council, committee, person or persons as trustees, shall remain vested in such trustees: Provided that such trustees may at any time transfer that immovable property to the State.

**Indemnity against loss or damage**

110. The State or any school attendance officer shall not be liable for any loss or 30 damage caused by or arising from any action taken by a school attendance officer under this Act.

**Proclamations, notices and regulations in force on fixed date**

111. All regulations made and all proclamations, notices and instructions promulgated or issued under any law repealed by this Act, and which are in force 35 immediately prior to the fixed date, shall, notwithstanding such repeal, remain in force, except in so far as they are incompatible or in conflict with this Act, until they are repealed, withdrawn or amended by regulation made under this Act.

**Regulations**

112. (1) The Minister may make regulations which are not inconsistent with any 40 law, as to—

(a) the management and control of educational auxiliary services, centres, hostels, public schools and state-aided schools, and the control over the immovable property and equipment of the Department;

45 (b) (i) the conducting of examinations referred to in section 6 (1) (f), the entering of candidates for those examinations, the conduct and discipline of candidates prior to, during and after those examinations, and the issue of certificates referred to in that section;

50 (ii) the appointment, conduct, discipline, powers, duties and functions of examiners, moderators, invigilators and other persons whose services are necessary in connection with the conducting of those examinations; and

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- (iii) the admission of pupils of a private school to examinations conducted by the Department;
- (c) (i) the payment of subsidies or loans granted to private pre-primary schools or state-aided schools under this Act, and the circumstances under which such subsidies or loans may be discontinued or reduced;
- 5 (ii) the receipt and use of funds or other goods by hostels and public schools, and the books, records and statements to be kept in connection therewith by the bodies or persons mentioned in the regulations; and
- 10 (iii) the manner in which such books, records and statements are to be kept, the auditing thereof and the returns and reports to be submitted in connection therewith;
- (d) cadet training at schools;
- (e) (i) the advertising of posts at departmental institutions;
- 15 (ii) the establishment, constitution, powers, duties and functions of selection boards to recommend persons for appointment to teaching posts in respect of the executive components for which they are established;
- (iii) the qualifications for appointment as, the term of office of, and the vacation of office as, members or temporary members of a selection board, and the filling of casual vacancies in a selection board;
- 20 (iv) the appointment of a chairman or an acting chairman of a selection board; and
- (v) the convening of, the procedure at and the quorum for meetings of a selection board, and the manner in which decisions shall be taken by such a selection board;
- 25 (f) (i) the recovery of any reward, allowance or remuneration received in an irregular manner by any person employed at a departmental institution or state-aided school;
- (ii) the recovery of any portion of an allowance or salary paid in error to such a person, or the discontinuance or withdrawal of any other benefit awarded in error; and
- 30 (iii) the payment or award of any portion of an allowance or salary or any other benefit erroneously withheld from such a person;
- (g) any matter which shall or may be prescribed by regulation under this Act;
- 35 and
- (h) in general, any matter which the Minister may deem necessary or expedient to prescribe in order to achieve the objects of this Act, and the generality of this paragraph shall not be limited by the preceding paragraphs.

(2) The Minister shall make no regulation relating to any moneys or allowances payable to or by any person, or relating to the control of money, except with the concurrence of the Minister of the Budget and Works.

(3) Different regulations may be made under subsection (1) in respect of different schools.

(4) A regulation made under subsection (1) may, for a contravention thereof or a failure to comply therewith, prescribe a penalty not exceeding a fine of R4 000 or imprisonment for a period of two years.

#### Repeal of laws, and savings

113. (1) Subject to the provisions of section 111 and of subsection (2), the laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column of the Schedule.

(2) Anything done or deemed to have been done in terms of a provision of a law repealed by subsection (1) and which may or shall be done in terms of this Act, shall be deemed to have been done in terms of the corresponding provision of this Act.

#### Short title and commencement

55 114. This Act shall be called the Education Affairs Act (House of Assembly), 1988, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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## Schedule

## LAWS REPEALED

Number and year of law	Title	Extent of repeal
Act No. 33 of 1960	Children's Act, 1960	In so far as it relates to the establishment, maintenance and management of schools of industries and reform schools
Act No. 41 of 1967	Educational Services Act, 1967	The whole, excluding section 13, and also section 15 in so far as it relates to private colleges
Act No. 24 of 1969	Educational Services Amendment Act, 1969	The whole
Act No. 60 of 1972	Educational Services Amendment Act, 1972	The whole, excluding section 1
Act No. 69 of 1973	Education Laws Amendment Act, 1973	Sections 7 to 14
Act No. 63 of 1974	Mentally Retarded Children's Training Act, 1974	The whole
Act No. 52 of 1977	Educational Services Amendment Act, 1977	The whole
Act No. 11 of 1981	Culture and Education Laws Amendment Act, 1981	Sections 10 and 11
Act No. 16 of 1982	Educational Services Amendment Act, 1982	The whole, excluding sections 4 and 5
Act No. 28 of 1983	Education and Culture Laws Amendment Act, 1983	Section 5
Act No. 6 of 1984	Education and Heraldry Laws Amendment Act, 1984	Sections 3, 4 and 5
Ordinance 20 of 1956 (Cape)	Education Ordinance, 1956	The whole (except in so far as it relates to the establishment and maintenance of training colleges for the training of European student teachers), excluding Part C (Chapters 11 to 16)
Ordinance 3 of 1957 (Cape)	Education Amendment Ordinance, 1957	The whole
Ordinance 5 of 1959 (Cape)	Education Amendment Ordinance, 1959	The whole
Ordinance 6 of 1959 (Cape)	Dwelling Loans Guarantee Ordinance, 1959	The whole, in so far as it relates to personnel under the control of the Director of the executive component of the Department of Education and Culture, Administration: House of Assembly, responsible for White school education in the Province of the Cape of Good Hope
Ordinance 18 of 1959 (Cape)	Education Further Amendment Ordinance, 1959	The whole
Ordinance 18 of 1960 (Cape)	Decimal Coinage Ordinance, 1960	Section 17
Ordinance 21 of 1960 (Cape)	Nurses' and Teachers' Pensions Amendment Ordinance, 1960	Sections 9 and 10
Ordinance 10 of 1961 (Cape)	Education Amendment Ordinance, 1961	The whole
Ordinance 20 of 1962 (Cape)	Education Amendment Ordinance, 1962	The whole
Ordinance 3 of 1963 (Cape)	Education Amendment Ordinance, 1963	The whole
Ordinance 4 of 1964 (Cape)	Pensions Amendment Ordinance, 1964	Section 3
Ordinance 8 of 1964 (Cape)	Education Amendment Ordinance, 1964	The whole
Ordinance 15 of 1964 (Cape)	Education Further Amendment Ordinance, 1964	The whole
Ordinance 9 of 1965 (Cape)	Education Amendment Ordinance, 1965	The whole
Ordinance 14 of 1966 (Cape)	Education Amendment Ordinance, 1966	The whole
Ordinance 11 of 1967 (Cape)	Education Amendment Ordinance, 1967	The whole

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Number and year of law	Title	Extent of repeal
Ordinance 18 of 1967 (Cape)	Medical Aid Ordinance, 1967	The whole, in so far as it relates to personnel under the control of the Director of the executive component of the Department of Education and Culture, Administration: House of Assembly, responsible for White school education in the Province of the Cape of Good Hope
Ordinance 23 of 1968 (Cape)	Education Amendment Ordinance, 1968	The whole
Ordinance 25 of 1968 (Cape)	Special Education Ordinance, 1968	The whole
Ordinance 5 of 1969 (Cape)	Education Amendment Ordinance, 1969	The whole
Ordinance 22 of 1969 (Cape)	Education Further Amendment Ordinance, 1969	The whole
Ordinance 5 of 1970 (Cape)	Education Amendment Ordinance, 1970	The whole
Ordinance 30 of 1970 (Cape)	Education and School Board Service Amendment Ordinance, 1970	The whole
Ordinance 10 of 1971 (Cape)	Education and School Board Service Amendment Ordinance, 1971	The whole
Ordinance 9 of 1972 (Cape)	Education Amendment Ordinance, 1972	The whole, excluding section 2
Ordinance 16 of 1973 (Cape)	Education and Special Education Amendment Ordinance, 1973	The whole, excluding sections 10 and 17
Ordinance 13 of 1974 (Cape)	Education and School Board Service Amendment Ordinance, 1974	The whole
Ordinance 14 of 1975 (Cape)	Education and School Board Service Amendment Ordinance, 1975	The whole
Ordinance 5 of 1977 (Cape)	Education Amendment Ordinance, 1977	The whole
Ordinance 8 of 1978 (Cape)	Education Amendment Ordinance, 1978	The whole, excluding section 1
Ordinance 15 of 1979 (Cape)	Education Amendment Ordinance, 1979	The whole
Ordinance 11 of 1980 (Cape)	Education Amendment Ordinance, 1980	The whole
Ordinance 9 of 1982 (Cape)	Provincial Service Ordinance, 1982	The whole, in so far as it relates to personnel under the control of the Director of the executive component of the Department of Education and Culture, Administration: House of Assembly, responsible for White school education in the Province of the Cape of Good Hope
Ordinance 18 of 1982 (Cape)	Education Amendment Ordinance, 1982	The whole
Ordinance 11 of 1983 (Cape)	Education Amendment Ordinance, 1983	The whole
Ordinance 5 of 1984 (Cape)	Education Amendment Ordinance, 1984	The whole
Ordinance 16 of 1984 (Cape)	Education Second Amendment Ordinance, 1984	The whole
Ordinance 17 of 1984 (Cape)	Education Third Amendment Ordinance, 1984	The whole
Ordinance 3 of 1985 (Cape)	Education Amendment Ordinance, 1985	The whole
Proclamation R54 of 1986	Assignment of Administration of Certain Laws of the Province of the Cape of Good Hope to the Minister of Education and Culture (House of Assembly)	Schedule 2
Ordinance 6 of 1941 (Natal)	Free Education (Military Service) Ordinance, 1941	The whole

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Number and year of law	Title	Extent of repeal
Ordinance 16 of 1958 (Natal)	Natal Provincial General Service Ordinance, 1958	The whole, in so far as it relates to persons employed thereunder for the purposes of the executive component of the Department of Education and Culture, Administration: House of Assembly, responsible for White school education in the Province of Natal
Ordinance 46 of 1969 (Natal)	Natal Education Ordinance, 1969	The whole (except in so far as it relates to the establishment, maintenance, management and control of teacher training colleges)
Ordinance 27 of 1970 (Natal)	Natal Education Amendment Ordinance, 1970	The whole
Ordinance 48 of 1971 (Natal)	Natal Education Amendment Ordinance, 1971	The whole
Ordinance 35 of 1973 (Natal)	Natal Education Amendment Ordinance, 1973	The whole
Ordinance 33 of 1974 (Natal)	Natal Education Amendment Ordinance, 1974	The whole
Ordinance 9 of 1975 (Natal)	Free Education (Military Service) Amendment Ordinance, 1975	The whole
Ordinance 9 of 1978 (Natal)	East Griqualand-Natal Incorporation Ordinance, 1978	Chapter VIII
Ordinance 17 of 1978 (Natal)	Natal Education Amendment Ordinance, 1978	The whole
Ordinance 4 of 1979 (Natal)	Natal Education Amendment Ordinance, 1979	The whole
Ordinance 7 of 1981 (Natal)	Natal Education Amendment Ordinance, 1981	The whole
Ordinance 34 of 1983 (Natal)	Natal Education Amendment Ordinance, 1983	The whole
Ordinance 10 of 1984 (Natal)	Natal Education Amendment Ordinance, 1984	The whole
Ordinance 14 of 1985 (Natal)	Natal Education Amendment Ordinance, 1985	The whole
Ordinance 25 of 1985 (Natal)	Natal Education Second Amendment Ordinance, 1985	The whole, excluding section 1
Ordinance 33 of 1985 (Natal)	Natal Education Third Amendment Ordinance, 1985	The whole
Proclamation R56 of 1986	Assignment of Administration of Certain Laws of the Province of Natal to the Minister of Education and Culture (House of Assembly)	Schedule 2
Ordinance 4 of 1965 (Orange Free State)	General Services Ordinance, 1965	The whole, in so far as it relates to persons employed thereunder for the purposes of the executive component of the Department of Education and Culture, Administration: House of Assembly, responsible for White school education in the Province of the Orange Free State
Ordinance 12 of 1980 (Orange Free State)	Education Ordinance, 1980	The whole (except in so far as it relates to the establishment, maintenance, management and control of teachers' colleges)
Ordinance 6 of 1984 (Orange Free State)	Education Amendment Ordinance, 1984	The whole
Ordinance 13 of 1984 (Orange Free State)	Education Second Amendment Ordinance, 1984	The whole
Proclamation R53 of 1986	Assignment of Administration of Certain Laws of the Province of the Orange Free State to the Minister of Education and Culture (House of Assembly)	Schedule 2

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Number and year of law	Title	Extent of repeal
Ordinance 29 of 1953 (Transvaal)	Education Ordinance, 1953	The whole (except in so far as it relates to the establishment, maintenance, management and control of teachers' training colleges), excluding Chapter XIA
Ordinance 6 of 1955 (Transvaal)	Education Amendment Ordinance, 1955	The whole
Ordinance 19 of 1955 (Transvaal)	Education Further Amendment Ordinance, 1955	The whole
Ordinance 21 of 1955 (Transvaal)	Education Third Amendment Ordinance, 1955	The whole
Ordinance 11 of 1956 (Transvaal)	Education Amendment Ordinance, 1956	The whole
Ordinance 13 of 1957 (Transvaal)	Education Amendment Ordinance, 1957	The whole
Ordinance 18 of 1958 (Transvaal)	Education Amendment Ordinance, 1958	The whole
Ordinance 8 of 1959 (Transvaal)	Education Amendment Ordinance, 1959	The whole
Ordinance 31 of 1959 (Transvaal)	Education Further Amendment Ordinance, 1959	The whole
Ordinance 30 of 1960 (Transvaal)	Education Amendment Ordinance, 1960	The whole
Ordinance 34 of 1960 (Transvaal)	Education Further Amendment Ordinance, 1960	The whole
Ordinance 20 of 1961 (Transvaal)	Education Amendment Ordinance, 1961	The whole
Ordinance 17 of 1963 (Transvaal)	Education Amendment Ordinance, 1963	The whole
Ordinance 20 of 1968 (Transvaal)	Special Education Ordinance, 1968	The whole
Ordinance 17 of 1969 (Transvaal)	Education Amendment Ordinance, 1969	The whole
Ordinance 14 of 1971 (Transvaal)	Education Amendment Ordinance, 1971	The whole
Ordinance 5 of 1972 (Transvaal)	Education Amendment Ordinance, 1972	The whole
Ordinance 16 of 1974 (Transvaal)	Education Amendment Ordinance, 1974	The whole
Ordinance 10 of 1975 (Transvaal)	Education Amendment Ordinance, 1975	The whole
Ordinance 8 of 1976 (Transvaal)	Special Education Amendment Ordinance, 1976	The whole
Ordinance 10 of 1976 (Transvaal)	Education Amendment Ordinance, 1976	The whole
Ordinance 12 of 1977 (Transvaal)	Education Amendment Ordinance, 1977	The whole
Ordinance 13 of 1978 (Transvaal)	Education Amendment Ordinance, 1978	The whole
Ordinance 13 of 1979 (Transvaal)	Education Amendment Ordinance, 1979	The whole
Ordinance 16 of 1980 (Transvaal)	Education Amendment Ordinance, 1980	The whole, excluding sections 1 and 7
Ordinance 20 of 1981 (Transvaal)	Education Amendment Ordinance, 1981	The whole
Ordinance 14 of 1983 (Transvaal)	Education Amendment Ordinance, 1983	The whole, excluding section 22
Ordinance 5 of 1984 (Transvaal)	Education Amendment Ordinance, 1984	The whole
Ordinance 10 of 1984 (Transvaal)	Education Amendment Ordinance, 1984	The whole
Ordinance 22 of 1984 (Transvaal)	Education Second Amendment Ordinance, 1984	The whole
Ordinance 6 of 1986 (Transvaal)	Education Amendment Ordinance, 1986	The whole
Proclamation R55 of 1986	Assignment of Administration of Certain Laws of the Province of Transvaal to the Minister of Education and Culture (House of Assembly)	Schedule 2