



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

*Registered at the Post Office as a Newspaper*

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Selling price • Verkoopprijs  
(GST excluded/AVB uitgesluit)  
Local **80c** Plaaslik  
Other countries R1,10 Buitelands  
Post free • Posvry

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VOL. 312

CAPE TOWN, 28 JUNE 1991

No. 13335

KAAPSTAD, 28 JUNIE 1991

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1484.

28 June 1991

No. 1484.

28 Junie 1991

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

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

No. 90 of 1991: National Education Policy Amendment Act (House of Assembly), 1991

No. 90 van 1991: Wysigingswet op die Nasionale Onderwysbeleid (Volksraad), 1991

Act No. 90, 1991

NATIONAL EDUCATION POLICY AMENDMENT ACT  
(HOUSE OF ASSEMBLY), 1991

## GENERAL EXPLANATORY NOTE:

**[ ]** Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with a solid line indicate insertions in existing enactments.

## ACT

To amend the National Education Policy Act, 1967, so as to redefine certain expressions, to delete the definition of “public service”, and to define “executive director of education”; to delete the word “national” where it relates to the education policy, so as to make it clear that the policy determined under the Act is limited to certain schools and technical colleges; to state clearly that members of councils who are in the full-time employment of the State do not qualify for allowances; and to provide for the election of a vice-chairman of an education council and for his powers and functions; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)*  
*(Assented to 17 June 1991.)*

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

**Amendment of section 1 of Act 39 of 1967, as amended by section 1 of Act 73 of 1969, section 2 of Act 69 of 1973, section 1 of Act 92 of 1974, section 1 of Act 25 of 1978, section 1 of Act 25 of 1982, section 6 of Act 75 of 1984 and section 1 of Act 103 of 1986** 5

1. Section 1 of the National Education Policy Act, 1967 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of “executive committee” of the following definition: 10  
 “ ‘executive director of education’ means a person appointed as executive director in terms of the Public Service Act, 1984 (Act No. 111 of 1984), at the head office of the Department, and also the head of a provincial education department;”
- (b) by the substitution for the definition of “head of education” of the following definition: 15  
 “ ‘head of education’ means the head of the Department **[or a provincial education department]**;”
- (c) by the substitution for the definition of “organized parent community” of the following definition: 20

“ ‘organized parent community’ means the parent community as represented by the councils and committees **[which may be]** established by or under any law and the bodies and associations **[which may be]** recognized by the Minister or **[a]** the head of education or an executive director of education authorized thereto by the Minister;”;

(d) by the substitution for the definition of “organized teaching profession” of the following definition:

“ ‘organized teaching profession’ means the teaching profession as represented by the body recognized by the Minister in terms of section 8B, and with regard to a province, the teaching profession as represented by the bodies and associations in that province which **[may be]** are recognized by the Minister or **[a]** the head of education or an executive director of education authorized thereto by the Minister;”;

(e) by the substitution for the definition of “provincial education department” of the following definition:

“ ‘provincial education department’ means **[the]** an executive component **[of the Department responsible for education in a province]** referred to in section 3 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988);”;

(f) by the deletion of the definition of “public service”; and

(g) by the substitution for the definition of “school” of the following definition:

“ ‘school’ means any educational institution or that part of such an institution at which education, including pre-primary education, is provided, and which is maintained, managed and controlled or subsidized by the Department or a provincial education department or is registered with the Department as a private school, excluding a university, college of education, **[and]** technikon and technical college as defined in section 1 of the Technical Colleges Act, 1981 (Act No. 104 of 1981);”.

**Amendment of section 1A of Act 39 of 1967, as inserted by section 2 of Act 73 of 1969 and substituted by section 2 of Act 103 of 1986**

2. Section 1A of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding the proviso, of the following words:

“Subject to the provisions of subsection (2), section 2A of the Technikons **[(National Education)]** Act, 1967 (Act No. 40 of 1967), and section 28 of the Financial Relations Act, 1976 (Act No. 65 of 1976), the training of white persons as teachers for secondary schools may be provided at a university only.”.

**Amendment of section 1B of Act 39 of 1967, as inserted by section 2 of Act 73 of 1969 and amended by section 3 of Act 103 of 1986**

3. Section 1B of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) The **[heads]** head of education, the executive directors of education, the technikons and the universities shall take such steps as may be necessary to carry into effect the policy determined by the Minister in terms of subsection (1).”.

**Substitution of section 2 of Act 39 of 1967, as amended by section 3 of Act 73 of 1969, section 3 of Act 92 of 1974, section 3 of Act 25 of 1982 and section 5 of Act 103 of 1986**

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

**“Determination of education policy**

2. (1) The Minister may, after consultation with the education councils, the Committee, the body recognized in terms of section 8B(1) and the organized parent community, from time to time determine the **[general]** policy which is to be pursued in respect of education in schools and technical colleges as defined in section 1 of the Technical Colleges Act, 1981 (Act No. 104 of 1981), within the framework of the following principles, namely, that—

- (a) the education in schools maintained, managed and controlled by the Department (including provincial education departments) shall have a Christian character, but that the religious conviction of the parents and the pupils shall be respected in regard to religious instruction and religious ceremonies; 5
- (b) the education shall have a broad national character;
- (c) the mother tongue, if it is English or Afrikaans, shall be the medium of instruction, with gradual equitable adjustment to this principle of any existing practice at variance therewith;
- (d) requirements as to school attendance and compulsory education shall be uniform; 10
- (e) education **[(including books and stationery)]** may be provided free of charge in schools maintained, managed and controlled by the Department (including a provincial education department) to pupils whose parents reside in the Republic or are South African citizens (other than such categories of pre-primary, primary and secondary pupils as the Minister may determine, pupils receiving instruction on a part-time basis and apprentices); 15
- (f) education shall be provided in accordance with the ability and aptitude of and interest shown by the pupil, and the needs of the country, and that appropriate guidance shall, with due regard thereto, be furnished to pupils; 20
- (g) co-ordination, on a national basis, of syllabuses, courses and examination standards and research, investigation and planning in the field of education shall be effected, regard being had to the advisability of maintaining such diversity as the circumstances may require; 25
- (h) the organized parent community shall be given a place in the education system;
- (i) the organized teaching profession shall be consulted when planning for purposes of education; and 30
- (j) conditions of service and salary scales of teachers shall be uniform.
- (2) (a) The education councils shall take such steps as may be necessary to carry into effect the policy so determined by the Minister.
- (b) If the Minister is satisfied that such policy is not being carried out by an education council, he may in respect of such education council make such regulations by notice in the *Gazette* and issue such directions as may be necessary to give effect thereto. 35
- (c) If the provisions of any ordinance or any regulation or direction in terms of an ordinance are in conflict with any regulation made or direction issued in terms of paragraph (b), the last-mentioned regulation or direction shall prevail. 40
- (d) A regulation referred to in paragraph (b) may provide for penalties for a contravention thereof or failure to comply therewith.
- (3) Notice of any steps taken by the Minister in terms of subsection (1) shall be given by notice published in the *Gazette*.” 45

**Amendment of section 4 of Act 39 of 1967, as substituted by section 7 of Act 103 of 1986**

5. Section 4 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 50

“(2) Members of the council who are not in the full-time [members] employment of the [public service] State may be paid, from moneys appropriated by the House of Assembly for such purpose, such allowances as the Minister with the concurrence of the Minister of the Budget may determine.”. 55

**Amendment of section 5 of Act 39 of 1967, as substituted by section 9 of Act 103 of 1986**

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

(a) by the substitution for subsection (2) of the following subsection:

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“(2) The Minister shall nominate a chairman for each education council from its members and every such education council shall elect one of its other members as vice-chairman.”;

- (b) by the insertion after subsection (2) of the following subsection:

“(2A) Whenever the chairman of an education council is absent or is unable to perform his functions as chairman, the vice-chairman shall act as chairman, and while he is so acting, the vice-chairman shall have all the powers and perform all the functions of the chairman.”;

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

“(4) A member of an education council who is not **[a]** in the full-time [member] employment of the [public service] State may be paid, out of moneys appropriated for such purpose by the House of Assembly, such allowances as the Minister with the concurrence of the Minister of the Budget may determine.”.

**Amendment of section 6 of Act 39 of 1967, as substituted by section 10 of Act 103 of 1986** 15

7. Section 6 of the principal Act is hereby amended—

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

“(1) There shall be a Committee of Heads of Education **[(in this section referred to as the Committee)]**, consisting of the **[heads]** head of education and the executive directors of education and of which the **[Head of the Department]** head of education shall be chairman.”; and

- (b) by the substitution for paragraph (e) of subsection (4) of the following paragraph:

“(e) A member of a subcommittee who is not **[a]** in the full-time [member] employment of the [public service] State may be paid, out of moneys appropriated for such purpose by the House of Assembly, such allowances as the Minister with the concurrence of the Minister of the Budget may determine.”.

**Substitution of word in Act 39 of 1967** 30

8. The principal Act is hereby amended by the substitution in the Afrikaans text for the word “pre-primêre”, wherever it occurs, of the word “preprimêre”.

**Substitution of long title of Act 39 of 1967, as substituted by section 15 of Act 103 of 1986**

9. The following long title is hereby substituted for the long title of the principal Act: 35

“ACT

To confer upon the Minister of Education and Culture certain powers in respect of the **[general]** policy to be pursued in providing education to white persons in certain schools and technical colleges; to regulate certain aspects of the training of white persons as teachers; to confer upon the said Minister certain powers in respect of the policy to be pursued in connection therewith, and in respect of certain other matters in connection therewith; to provide for the constitution of an *ad hoc* council; to establish an education council for each provincial education department; and to make provision for the recognition of a body for the organized teaching profession, and for **[other]** matters incidental thereto.”. 40 45

**Substitution of section 10 of Act 39 of 1967**

10. The following section is hereby substituted for section 10 of the principal Act: 50

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**“Short title**

10. This Act shall be called the **[National] Education Policy Act, 1967 [and shall come into operation on a date fixed by the State President by proclamation in the Gazette].”**

**Short title**

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11. This Act shall be called the National Education Policy Amendment Act (House of Assembly), 1991.