

No. 15, 1932.]

PRIVATE ACT

To amend the law relating to the Saint Andrew's College, Grahamstown.

Preamble.

WHEREAS, by Act No. 20 of 1887 (Cape of Good Hope) the Saint Andrew's College Council, Grahamstown, was incorporated under the name or style of "The Council of Saint Andrew's College" (hereinafter called "the Council"), for the direction and management of the educational institution styled Saint Andrew's College (hereinafter called "the College") on the basis of a Trust Deed in the said Act referred to (hereinafter called "the Trust Deed"):

AND WHEREAS, although section *three* of the said Act contemplated amendment of the said Trust Deed, neither the said Act nor the said Trust Deed made specific provision for such amendment:

AND WHEREAS, by the eighteenth clause of the said Trust Deed, it was provided as follows:—

"*Eighteenth.*—There shall be a Principal of the College who shall be a Clerk in Holy Orders of the Church of England or of one of the Churches in Communion with the same, holding a Licence from the Bishop of the Diocese; such Principal shall be appointed by the Council, subject to the approval of the Visitor".

AND WHEREAS it is expedient that in future the title "Headmaster" be used in place of the title "Principal," and that in the choice of such Headmaster the said Council be not limited to a Clerk in Holy Orders, but be entitled, if the said Council so deem fit, subject to the approval of the Visitor, to appoint a layman:

AND WHEREAS it is expedient that provision be made for alteration of the said Trust Deed as occasion may require subject to certain provisions thereof being and remaining unalterable:

AND WHEREAS it is expedient to elucidate the provisions of this Act and of the Trust Deed by an Interpretation Clause:

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Headmaster and Second Master.

1. Wherever in the Trust Deed the terms "Principal", "Principalship" and "Vice-Principal" occur, there shall be read in place thereof the terms "Headmaster", "Headmastership" and "Second Master" respectively.

Substitution of new clause for Clause 18 of Deed.

2. The eighteenth clause of the Trust Deed is hereby repealed and the following new clause substituted therefor:—

"There shall be a Headmaster of the College who shall be appointed by the Council, subject to the approval of the Visitor and shall be either—

(i) a Clerk in Holy Orders of the Church of England or of one of the Churches in Communion with the Church of England who holds a licence from the Bishop of the Diocese of Grahamstown, or

(ii) a layman who shall (a) make a solemn declaration that he is a Communicant of the Church of England or of one of the Churches in Communion with the Church of England and (b) hold a licence as Reader from the said Bishop".

Power of Council to amend Trust Deed.

3. The Council may, by a majority of not less than two-thirds of the members present at any meeting specially called for the purpose, repeal, or amend any provision of the Trust Deed or add any provision thereto: Provided that—

- (a) notice of not less than one month be sent to each member of the Council, stating the object of the meeting, in which notice shall be set forth the provision to be repealed or amended and the amendment proposed and also any provision to be added to the provisions of the Trust Deed;
- (b) the power given by this section of repeal or amendment shall not be deemed to give power to repeal or amend the eighteenth clause (as substituted by section two of this Act) or the clauses set forth in the First Schedule to this Act;
- (c) the third clause of the Trust Deed as set forth in the Second Schedule to this Act shall not be amended in such manner as to abolish the requirement that the members of the Council shall be Communicants.

Interpretation of terms.

4. Wherever in this Act or in the Trust Deed the following terms occur they shall bear the meaning herein set forth, namely:—

“Communicant” means a male person who shall have received the Holy Communion three times at least during the preceding year at the hands of a clergyman of the Church of England or of one of the Churches in Communion with the Church of England;

“Diocese” means the Diocese of Grahamstown.

Savings.

5. Nothing in this Act contained shall affect any existing rights or privileges of the Church of England or of any member thereof.

Short title.

6. This Act may be cited as the Saint Andrew's College, Grahamstown (Private) Act, 1932.

First Schedule.

FIRST. That the object of the said Saint Andrew's College shall be as heretofore, namely, to supply a liberal education, with religious instruction, in accordance with the principles of the Church of England.

SEVENTEENTH. That the Bishop of the Diocese for the time being shall be as heretofore, the Visitor of the College, and it shall be the duty of the said Council, and of the Headmaster, to receive with respectful attention any representations which the Visitor may make with a view to the efficiency of the College as a place of liberal and religious education.

NINETEENTH. Every Headmaster before entering upon his office shall sign a declaration, to be entered upon the Minute Book of the Council, to the following effect:—

“I, A.B., declare that I will always, to the best of my ability, discharge the duties of Headmaster of Saint Andrew's College, during the tenure of my office, and that if I am removed therefrom in accordance with the provisions of the Trust Deed of the said College, I will thereupon acquiesce in such removal and relinquish all claim to the Headmastership and its emoluments, and will deliver up to the Council, or as it may direct, all property of the College then in my possession or occupation”.

THIRTIETH. Should the Bishop of the Diocese at any time judicially revoke his licence granted to the Headmaster, such Headmaster shall, *ipso facto*, vacate his office and shall have no claim for salary after the date of such revocation.

Second Schedule.

THIRD. That the said Council shall consist of nine members, of whom four shall form a quorum, such members being Communicants of the Church of England, and resident within fifteen miles from Grahamstown.