

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 1840

4 March 2022

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)**AMENDED INSTITUTIONAL STATUTE OF THE
UNIVERSITY OF CAPE TOWN**

I, Dr Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation, in accordance with section 33(1) of the Higher Education Act, 1997 (Act No. 101 of 1997) hereby publish the amends to the Institutional Statute of the University of Cape Town set out in the Schedule hereto, which comes into operation on the date of publication hereof.

**Dr BE Nzimande, MP****Minister of Higher Education, Science and Innovation****Date:** 01/02/2022

AMENDMENTS TO THE STATUTE OF THE UNIVERSITY OF CAPE TOWN

The council of the University of Cape Town has made amendments to the Statute, set out in the schedule to this notice, in accordance with section 32 of the Higher Education Act 1997 (Act No. 101 of 1997) which is hereby published with the approval of the Minister of Higher Education, Science and Innovation in terms of section 33 of the said Act, and comes into operation on the date of this publication.

SCHEDULE

General explanatory note:

- [] words in bold in square brackets indicate omissions from existing enactments.
_____ Words underlined with a solid line indicate insertions in existing enactments.

1. In this schedule the expression “the Statute” means the Statute of the University of Cape Town as published under Government Gazette No. 42967, Government Notice No. 41 of 24 January 2020.

2. Substitute paragraph 16 with the following paragraph

16. Termination of membership and filling of vacancies

- (1) A member of the council vacates his or her position on the council if he or she –
- (a) resigns;
 - (b) dies;
 - (c) is absent from three consecutive ordinary meetings of the council without leave;
 - (d) is, or becomes, insolvent;
 - (e) is declared to be of unsound mind by a court of law;
 - (f) is removed from an office of trust by a court of law, or is convicted of an offence and sentenced to a term of imprisonment without the option of a fine by a court of law; or
 - (g) is otherwise disqualified in terms of the Rules.
- (1A) Members of council must participate in the deliberations of the council in the best interests of the University.
- (1B) Failure to act in the best interests of the University or behaviour that brings the University into disrepute may result in the removal from office of any member of council.
- (1C) The removal from office of a council member will be regulated by the procedures specified in council’s code of conduct contemplated in section 27(7E)(a) of the Act.
- (2) In the event of a vacancy through death or otherwise, the registrar must forthwith notify the authority or body that appointed or elected the member, requesting the authority or body to appoint or elect a successor.
- (2A) Notwithstanding the provisions of (2) above, any vacancy in the Council in respect of a member who held office in terms of paragraph 13(1)(l), 13(1)(m) or 13(1)(n) must be filled for the balance of that member’s term of office by the appointments committee.
- (3) The successor holds office for the unexpired term of office of the predecessor.
- (4) If 75 per cent or more of the members of the council resign at a meeting of the council, it is deemed that the council has resigned.
- (5) If the council resigns as contemplated in subparagraph (4), a new council must be constituted in terms of paragraphs 13 and 14, subject to sections 27(8) and (9) of the Act.

3. Substitute paragraph 40 with the following paragraph:

40. President of convocation and the Executive Committee of Convocation

- (1) There must be a president of the convocation who –
 - (a) is elected by the convocation from its members at an annual general meeting;
 - (b) holds office until the close of the second annual general meeting thereafter; and
 - (c) presides at all meetings of the convocation at which he or she is present.
- (2) If a vacancy occurs in the office of the president of the convocation, the vice-chancellor acts until the next annual general meeting which must elect a president to hold office until the close of the second annual general meeting thereafter.
- (3) There must be an executive committee of convocation
 - (a) whose terms of reference and composition are determined by the institutional rules;
 - (b) whose members are elected at the annual general meeting of the convocation; and
 - (c) whose members will hold office for a period of two years from the date of election until the close of the second annual general meeting thereafter. In the event of a vacancy in the executive committee occurring before the expiry of the term of office, the other members of the executive committee must co-opt a person to fill the vacancy for the remainder of the term of office.