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UNIVERSITY COLLEGE
OF
FORT HARE

COMMENTS ON PROPOSED LEGISLATION
AFFECTING THE UNIVERSITY COLLEGE
OF FORT HARE

PUBLISHED BY
THE FORT HARE UNIVERSITY PRESS



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FORT HARE TRANSFER BILL, 1959

SECTION A. PREAMBLE

In protesting against this legislation Council and Senate stress that the College at Fort Hare has worked successfully and harmoniously for many years with the Union Department of Education. It is regretted, therefore, that the Government did not see its way to consult its Council when drastic changes were being considered.

Furthermore, the Council and the Senate of the University College of Fort Hare view with misgivings the proposals contained in the Fort Hare Transfer Bill, 1959, which empowers the Minister of Bantu Education to maintain, manage and control the College, including the selection of part of its staff and the determination of their conditions of service, and the selection and discipline of students. The College is in fact to be reduced from the status of an autonomous university institution to one closely controlled by the Government. This is particularly evident in regard to the proposed control of the Council, the Advisory Council, the Rector, the Senate, and the Advisory Senate, certain members of staff and students. Considering the prevailing system of co-operation, the dual Council and the dual Senate systems envisaged by the Bill are viewed with considerable disappointment. Apart from the practical difficulties inherent in their application, there would also be an unfavourable effect on the hitherto friendly relationship between European and non-European staff members.

We note that identical conditions are to apply to the new University Colleges as proposed under the Extension of University Education Bill of 1958. These Colleges do not yet exist. The University College of Fort Hare, on the other hand, has had forty-three years of experience, during which period it has developed from a high school to a University College. Under the 1955 Universities Act, and with the sanction of the present Government, Fort Hare was accorded the same rights and privileges as all other University Institutions in South Africa. Under the proposed University College of Fort Hare Transfer Bill, 1959, however, these rights and privileges are to be made dependent on a Minister and on a government-appointed Council.

We are convinced that to strengthen this university college which has proved its value would be the best way of using any public funds which may be available for Non-European University Education. We wish to stress the fact that the Commission on the University of South Africa (U.G.44, 1947) recommended the affiliation of Fort Hare with Rhodes University but agreed that the ultimate future of Fort Hare was independence and suggested that policy should be shaped towards its attainment. In the meantime we wish to affirm that the affiliation with Rhodes University has not only worked successfully, but has always been deeply appreciated.

Finally, we regard Fort Hare as a valuable experiment in race relations and we fear that, if the proposed Bill becomes law, the knowledge and experience being gained in this way may be seriously threatened.

SECTION B. GENERAL PRINCIPLES

1. We submitted written evidence on the 1957 Separate University Education Bill on October 16th, 1957, and gave verbal evidence to the Separate University Education Commission on 10th January, 1958.
2. A new Bill—The Extension of University Education Bill, 1958—was introduced in the House of Assembly on 14th August, 1958.
3. The University College of Fort Hare Transfer Bill was published in November 1958 and will be introduced by the Minister of Bantu Education during the 1959 Session of Parliament.
4. The Separate University Education Commission said that it found itself bound to accept the main features of the earlier Bill, and therefore ruled that evidence could not be received upon the main principle of compulsory separate university education for Europeans and non-Europeans. Part II of the Commission's report contains a defence of this principle.

As previously indicated in the evidence referred to in Paragraph 1 above, we do not accept that a compulsory rigid division between Europeans and non-Europeans in University education is either necessary or desirable. Nor is it practicable because neither Fort Hare nor the proposed non-European colleges could, in the foreseeable future, supply all the academic needs of non-Europeans.

5. Apart from these wider matters certain difficulties must be considered. One such problem is how these new Universities would recruit their staff, especially their African staff. Surely the practicable course would be to leave some Universities "open" for a period of at least ten years, so that staff could be trained in them for the proposed new colleges. Only a small number of African students manage to proceed overseas for university training.

We question the optimism with which the Commission looks forward to the establishment of these proposed colleges, equal in academic status to the existing European universities.

6. The report speaks encouragingly of non-European hopes and aspirations in the academic sphere, and it stresses the duty of the State to foster and encourage the realisation of those hopes. In our opinion the fulfilment of these aspirations may be threatened by such factors as the following:
 - (i) The control of the Colleges would be almost exclusively in the hands of the Government. The State will control
 - (a) the appointment of the Council, the Advisory Council, the Senate and the Advisory Senate;
 - (b) the selection and appointment of staff;
 - (c) the admission of students.
 - (ii) The Conscience Clause, whereby religious tests are barred at all the larger Universities of South Africa, and which were barred in the original Bill, is now omitted. Will this mean that the Minister can impose religious tests?

This emphasis on compulsion is not in the interests of University education nor is it compatible with University practice in South Africa.

7. Most questionable of all in our view are the proposals for two Councils and two Senates. There is to be a Council, presumably all European; and appointed by the Governor-General; there is to be an Advisory Council, for the time being presumably, all non-European. There is to be a Senate appointed by the Minister from the European staff; there is to be an Advisory Senate drawn presumably from the non-European staff and also appointed by the Minister. The notion

that Europeans and non-Europeans, even in a non-European college, could sit together either in Council or Senate is apparently unthinkable. Yet it is our daily experience at Fort Hare that Europeans and non-Europeans sit and work together in friendship and in harmony in the Senate and in Council which includes four Government representatives. The proposed dual Councils and Senates would reduce efficiency and create tensions.

8. One of the most controversial provisions of the Bill is the proposal to split up the Bantu university population between three so-called ethnic colleges, Xhosa, Zulu and Sotho. Apparently it will be compulsory, unless special exemption is granted, for a Zulu to attend only the Zulu College, and the staff, so the Commission hopes, will be mainly if not exclusively, Zulu professors and lecturers. Students from every section of the Bantu people in southern Africa come to Fort Hare where they live, work and play in harmony. There can be no objection to separate non-compulsory non-European colleges, but there can be no justification for the proposed compulsory ethnic division.
9. It is difficult to understand the attitude of the Government and the Commission towards Fort Hare. In this College the Commission could find all that they advocate a Bantu College should be. It gives to its students everything that the majority report would seem to desire for non-European intellectuals. Yet if the Commission's proposals, supplemented by the Fort Hare Transfer Bill, go through, then Fort Hare, instead of being encouraged, will be gravely weakened. Instead of continuing to enjoy a high academic status it is to be reduced to the status of one of these new ethnic colleges. All that has been built up through fifty years of devoted effort and very considerable public and private expenditure is in jeopardy.

**SECTION C. DETAILED COMMENTS ON THE FORT HARE TRANSFER BILL
1959**

PREAMBLE

There is nothing to indicate any reason for the proposed transfer of the control of the College other than expediency.

1. INTERPRETATION OF TERMS

No comment.

2. TRANSFER OF ASSETS AND LIABILITIES AND ASSIGNMENT OF MAINTENANCE, MANAGEMENT AND CONTROL OF UNIVERSITY COLLEGE OF FORT HARE

2.(1), 2.(2)(a) & 2.(2)(b). The proposal to put the College under the control of the Department of Bantu Education, which has had no experience of university education, would not seem to be in the best interests of staff and students in a university institution.

2.(2)(c). In the proposed compensation to the Churches for their hostels it is not clear whether the "fair value" would represent the present value or the value which would result after the proposed change in control had been implemented.

2.(2)(d). This seems to imply that hitherto the College Council had no control over the hostels, whereas in actual fact the agreement between the churches and the Council gave the Council effective control over the appointment of warden of the hostel and the general administration. It appears that 2.(2)(d) will not give the proposed new College Council any greater control over the hostels than that which the present Council already enjoys.

2.(3). In view of the historical associations of Fort Hare and even more so in view of the traditions of the College, the name Fort Hare should be retained since it occupies a special place in the affections of many people—members of Council, Staff, former students, parents of students and the African public generally—who would be deeply distressed by any proposal to change the name of the College.

2.(4). It is very doubtful if the Bantu Education Account as already established will be able to meet the necessary expenditure, and additional funds for this purpose will have to be appropriated by Parliament. Yet it appears from this section that Parliament in its appropriation of funds for Fort Hare will be limited to the resources of the Bantu Education Account. It is suggested, therefore, that the words "from the Bantu Education Account" be deleted and replaced by the words "and credited to the Bantu Education Account."

3. TRANSFER OF CERTAIN PERSONS EMPLOYED BY COLLEGE COUNCIL

3.(1). No comment is possible until some indication is given as to the basis on which the Minister will determine the two kinds of posts—State posts and Council posts.

3.(2). No comment.

3.(3). The words "or instituted" should be deleted from the Bill.

There is also the question as to whether present members of staff will be allowed to retain the status, rights and privileges which have accrued.

3.(4). It is not clear from this subsection what the pension and provident fund rights of a member retired on superannuation would be and a clarification on this point was sought from the Commissioner of Pensions.

4. PENSION RIGHTS AND RETIREMENT BENEFITS OF PERSONS TRANSFERRED TO SERVICE OF GOVERNMENT

No comment.

5. CONTINUOUS WHOLE-TIME EMPLOYMENT RECOGNISED FOR CERTAIN PURPOSES AS EMPLOYMENT IN TERMS OF THIS ACT

No comment.

6. CONSTITUTION OF UNIVERSITY COLLEGE

6. (a), (b), (c), (d). Considering the prevailing system of co-operation the dual Council and the dual Senate systems envisaged by the Bill are viewed with considerable disappointment. Apart from the practical difficulties inherent in their application, there would also be an unfavourable effect on the hitherto friendly relationship between European and non-European staff members.

6.(e). It is not clear what is intended by "other bodies."

6. (f). No comment.

6. (g). Technicians, demonstrators and research fellows should be added. A further division, 6.(h), should be added to include administrative staff.

7. COUNCIL

7.(1). In terms of the Bill the Council shall consist of not less than eight members appointed by the Governor-General, with its powers, duties, functions, etc., as prescribed. Instead of the College being placed under the direction of an autonomous university council, on which the Government is represented and acting in all matters of importance subject to the approval of the Minister, the Council will be entirely government-appointed and government-directed. It is recommended that representation on the Council should include nominees of the Senate, past graduates of the College, and other universities. Provision should also be made for the inclusion of persons with specialised knowledge as well as representatives of the community which the College aims to serve.

7. (2). No comment.

7. (3). The chairman of the Council should be elected by the Council.

7. (4). The powers, duties, functions and procedure at meetings of Council should **not** be prescribed by the Minister, otherwise the Council would be deprived of normal and established university autonomy.

7. (5). No comment.

7. (6). Delete "in consultation with the Minister."

8. CORPORATE STATUS OF COUNCIL

No comment.

9. ADVISORY COUNCIL

See comments under 6.

10. SENATE

10.(1). In terms of the Bill the Senate will consist of the Rector, who shall be chairman ex officio, and such other professors and lecturers of the College as the Minister may appoint. In a university, however, the Senate is not appointed by the Minister. All Heads of Departments, normally Professors, automatically become members of Senate. Certain other members such as the Librarian

rian or a representative of the Lecturers' Association, or a representative of an affiliated institution may, with the approval of the Council, be accorded membership of Senate. In the new Bill it would appear that some professors or lecturers would be honoured by the Minister with membership of the Senate, while others would not be. The possibility of such an intolerable position in an academic institution should be obviated by an amendment of this section. The composition of the Senate should be more definitely specified in the Act and not left as vague as it is present, and it should conform with normal university practice.

10. (2). No comment.

10. (3). The functions, powers and duties of the Senate and the procedure at meetings should be laid down by the Senate itself as in every other university institution.

11. ADVISORY SENATE

See comments under 6.

12. APPOINTMENT OF RECTOR

It is suggested that in accordance with the present scheme of government the Rector should be appointed by the Council subject to the approval of the Minister.

13. ACQUISITION AND CONTROL OF STORES AND EQUIPMENT BY COUNCIL

It is suggested that this matter should be dealt with by regulation under Section 35.

14. FACULTIES AND DEPARTMENTS

This Section is acceptable provided that the Council of the university college is given the power to establish such faculties and departments, with ministerial approval, in accordance with current practice.

15. REGISTRATION AS A STUDENT

15.(1) (a). The prerequisites for admission to any course should be laid down by the responsible Council on the advice of the Senate and not by the Minister.

15.(1) (b). No comment.

15.(1) (c). The words "by the responsible Council" should be added.

15.(2). The words "by the Council" should be added.

15.(3). No comment.

15.(4). This should read "The Council may in its discretion. . . ." instead of "The Minister may in his discretion. . . ."

15.(5). We see no reason for such limitation especially in view of the small number of students.

16. REFUSAL OF ADMISSION AS STUDENT

The power to refuse admittance to any person should belong to the Council and not to the Minister.

17. DISCIPLINE

Delete all words after "prescribed" and add "by council."

18. RESIDENCE BY STUDENTS AT APPROVED PLACES OF RESIDENCE AND DETERMINATION OF PLACES AT WHICH INSTRUCTION SHALL BE GIVEN

No comment.

19. PROHIBITION OF ADMISSION OF WHITE PERSONS

The registration of white students should not be prohibited, but should be made dependent upon the approval of the Council of the College. To prohibit a white student from obtaining permission from the Council to study, say, Bantu languages or to do research in a specialised field, is an unnecessarily restrictive measure.

20. FINANCIAL AND OTHER ASSISTANCE TO BANTU STUDENTS

Owing to the relatively poor economic circumstances of non-white students, it will be necessary for ample provision to be made in the form of grants and for loans. The funds for this purpose in respect of Bantu students should not be made dependent upon the resources of the Bantu Education Account. Provision should also be made for the Council to accept private donations, for bursaries and other purposes.

21. EXAMINATIONS

21.(1). It is presumed that the first phrase is intended to envisage a full university status for Fort Hare. The present affiliation to Rhodes University could profitably continue for the time being. If, however, the University of South Africa is to be temporarily made the examining body, several important considerations arise.

In the first place, the University of South Africa is the statutory university for external students. The students of Fort Hare, however, would be internal students and their professors and lecturers would naturally claim the right to have a say in the framing of syllabuses, the appointment of examiners and the conduct of examinations, with at least as much freedom as was previously accorded to constituent colleges of the University of South Africa.

Secondly, Fort Hare would demand to be represented on the Council and Senate of the University of South Africa. Consequently the participation of non-white members of the staff of the College in the work of the University of South Africa will have to be considered.

21.(2). This is acceptable.

22. DEGREES, DIPLOMAS AND CERTIFICATES

In regard to the first sentence in this Section see comments in 21(1). The proviso to this Section is acceptable.

23. AWARD OF DIPLOMAS AND CERTIFICATES BY UNIVERSITY COLLEGE

No comment.

24. DETERMINATION OF ESTABLISHMENT

24.(1). The word " Council " should be substituted for " Minister."

24.(2). The word " Council " should be substituted in each case for " Minister."

25. CLASSIFICATION OF POSTS

As mentioned in 3(1) above no basis of selection is indicated and consequently no comment is possible.

26. APPOINTMENT OF STAFF

The word " Council " should be substituted for " Minister "

27. CONDITIONS OF SERVICE

The words " by Council " in line 2 should be added after " shall be as prescribed."

28. PENSION RIGHTS AND RETIREMENT BENEFITS

Pending clarification of the difference between State posts and Council Posts comment is not possible.

29. TRANSFER OF CERTAIN PERSONS EMPLOYED AT UNIVERSITY COLLEGE

If State Posts are to include academic personnel compulsory transfer from one institution to another is not conducive to sound academic work and should be excluded from the Bill.

30. DISCHARGE OF PERSONS PERMANENTLY APPOINTED

30.(1). The word "Minister" should be replaced by "Council."

30.(a) to 30(e). No comment.

30.(2)(c). Add "as framed by Council."

30.(3). No comment.

31. MISCONDUCT AND INEFFICIENT EMPLOYEES

31.(1). This section should be deleted and replaced by regulations framed by the Council.

31(2), 31(3), 31(4), 31(5). No comment.

32. LIMITATION ON ADMISSION OF NON-WHITE PERSONS TO UNIVERSITY COLLEGE

32.(1) & (2). The exclusion from Fort Hare of non-white students other than Bantu is contrary to the present policy and practice of the College.

33. FEES

The words "by Council" should be added after "prescribed," and the words "and shall be paid into the Bantu Education Account" should be deleted.

34. POST-GRADUATE TRAINING

No comment.

35. REGULATIONS

35.(1). This should be amended to read "The Council may make regulations not inconsistent with this Act, and submit these for approval to the Minister." Further, "Council" in all cases should be substituted for "Minister" throughout the whole Section.

35.(2). This section lends itself to unfair discrimination. The College has not discriminated between European and non-European applicants in respect of the appointments to academic posts. The best qualified applicant has been appointed at the salary attached to the particular post.

The proposed regulation appears to be intended to admit discrimination on the ground of race. If this is so intended the sub-section should be deleted.

36. DELEGATION OF MINISTER'S POWERS

No comment.

37. EXPROPRIATION OF LAND FOR PURPOSES OF UNIVERSITY COLLEGE

No comment.

38. PENALTIES

In view of the above recommendations this section should be deleted since an academic offence may result in criminal action.

39. REPEAL AND AMENDMENT OF LAWS

In view of the opinions already expressed above, the repeal of sub-section thirty-three of the Rhodes University (Private Act), 1949, and the proposed amendment of the Universities Act, 1955, are not supported at this stage.

40. SHORT TITLE

No comment.

SECTION D.

SUMMARY OF DECISIONS TAKEN BY UNIVERSITY COLLEGE OF FORT HARE ON PROPOSED LEGISLATION CONTAINED IN THE FOLLOWING BILLS :—

- (1) Separate University Education Bill, 1957 ;
- (2) University College of Fort Hare Transfer Bill, 1958 ;
- (3) Extension of University Education Bill, 1958 ;
- (4) University College of Fort Hare Transfer Bill, 1959 ;

Date :

- 1.8.56 The Governing Council of the University College of Fort Hare received a resolution from the Senate and resolved :
- (a) that the existing relationship of the College with the Department of Education, Arts and Science should be maintained :
 - (b) that the Minister for Education, Arts and Science should be requested to inform the Council of the recommendations and to allow Council to submit its views.
- 18.2.57 The Acting Principal reported to the Senate that the Vice-Chancellor had received official information that the Government intended to introduce " legislation to provide separate educational facilities of university standard for non-Europeans."
- 1.3.57 The Senate passed a resolution protesting at the lack of consultation between the Government and the College and reaffirming that the present system should be maintained.
- 15.3.57 The Governing Council received the Senate resolution. The Vice-Chancellor reported that Rhodes University had protested strongly against the intention of the Government to repeal Fort Hare's affiliation with Rhodes University. The Senate was requested to state clearly if it wished such affiliation to continue.
- 18.3.57 The Senate resolved that affiliation with Rhodes should continue.
- 22.3.57 The Senate resolved to reject the principles of the Separate University Education Bill, 1957.
- 26.3.57 The Executive Committee of the Governing Council expressed dismay at the proposals for Fort Hare contained in the Separate University Education Bill, 1957.
- 12.4.57 The Governing Council resolved to request the Minister for Education, Arts and Science to receive a deputation consisting of the Vice-Chancellor and Professor Olivier.
- 12.6.57 The Vice-Chancellor reported to the Governing Council on the interview with the Minister for Education, Arts and Science, at which " the Minister assured the delegation of the good intentions of the Government towards the College."
- 15.10.57 The Senate approved a memorandum (S/272) on the proposed legislation for submission to the Separate University Education Commission.
- 15.11.57 A copy of the University College of Fort Hare Transfer Bill, 1958 was deposited at the office of the Magistrate, Alice, during November 1957. The Governing Council reaffirmed the statement on policy drawn up by its Executive Committee on 26.3.57, and set up a Committee to examine the Bill and make representations to the Select Committee.

- 10.1.58 The Principal, Professor Matthews (former Acting-Principal) and Professor de Villiers appeared before the Separate University Education Commission in Cape Town. The Senate's report of 15.10.57 was discussed in detail. This report did not deal with the Fort Hare Transfer Bill, 1958.
- 28.5.58 Informal visit to Fort Hare of Parliamentary Commission on Separate University Education.
- 11.7.58 The Governing Council approved a Joint Council and Senate Executive Memorandum (S/292) on the University College of Fort Hare Transfer Bill, 1958, but decided to postpone consideration of Detailed Comments which had been drafted owing to possible changes in the Bill.
- 25.7.58 Memorandum (S/292) sent to the Minister for Education, Arts and Science and Minister for Native Affairs with request that a deputation should be received.
- 5.8.58 Reply from Minister of Native Affairs regretting that " it could not serve any good purpose to send a deputation to Ministers " to discuss the Fort Hare Bill.
- 11.8.58 Memorandum (S/292) accepted by Senate.
- 28.8.58 Senate informed by Principal that the University College of Fort Hare Transfer Bill, 1958, would be re-drafted to conform with the Extension of University Education Bill, 1958. It was agreed that the Memorandum should be rewritten to be applicable to the Extension of University Education Bill, 1958.
- 2.9.58 Revised Memorandum (S/424) on Extension of University Education Bill, 1958, accepted by Executive Committee of Governing Council and referred to Senate.
- 4.9.58 Memorandum (S/424) approved by Senate.
- 15.9.58 Memorandum (S/424) on Extension of University Education Bill, 1958, sent as a joint Council and Senate document to the Minister of Education, Arts and Science, the Minister of Native Affairs, all Members of Parliament and the Press.
- 20.11.58 Copy of Fort Hare University College Transfer Bill, 1959, deposited with the Magistrate, Alice.
- 11.12.58 Documents drawn up by the Legislative Committee of Senate consisting of (a) Preamble, (b) General Principles, and (c) Detailed Comments on the University College of Fort Hare Transfer Bill, 1959, were approved by the Senate Executive and submitted to Council Members for their approval.
- 18.12.58 Documents completed and arrangements made for publication.

UNION OF SOUTH AFRICA

UNIVERSITY COLLEGE OF FORT HARE TRANSFER BILL, 1959

BILL
TO

Assign the maintenance, management and control of the University College of Fort Hare to the Government of the Union, and to that end to transfer to the said Government certain assets, rights, liabilities and obligations of the Council of that University College, to provide for the transfer of certain persons employed at the University College, for the preservation of certain leave and pension benefits, for conditions of service, for the admission of certain students to and their instruction at that University College and for matters incidental thereto.

(To be introduced by the MINISTER OF BANTU EDUCATION.)

(C638-(1)-'59.)

WHEREAS the University College of Fort Hare is a declared institution of higher education in terms of the Higher Education Act, 1923 (Act No. 30 of 1923) :

AND WHEREAS the said University College became affiliated to the Rhodes University in March 1951, in terms of the Rhodes University (Private) Act, 1949 (Act No. 15 of 1949) :

AND WHEREAS the said University College has been recognized as a university institution in terms of the Universities Act, 1955 (Act No. 61 of 1955) :

AND WHEREAS it is expedient to assign the maintenance, control and management of the said University College in the Government of the Union and to that end to transfer to the said Government certain assets, rights, liabilities and obligations of the council of that University College :

AND WHEREAS it is expedient to provide for the transfer of certain persons employed by the council of the said University College, for the preservation of certain leave and pension rights and retirement benefits, for conditions of service and for the recognition for certain purposes of continuous whole-time employment with the said council :

AND WHEREAS it is expedient to make provision for the admission of certain students to and their instruction at the said University College :

AND WHEREAS it is expedient that the Government assume control of all hostels attached to the said University College :

AND WHEREAS it is expedient to compensate certain churches for buildings erected by them under certain agreements for the use of the said University College :

AND WHEREAS it is expedient to provide for other incidental matters :

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

INTERPRETATION OF TERMS

1. In this Act, unless the context otherwise indicates—

- (i) " advisory council " means the advisory council referred to in section *nine* ; (i)
- (ii) " advisory senate " means the advisory senate referred to in section *eleven* ; (ii)

- (iii) "Bantu Education Account" means the account referred to in section twenty of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956); (iii)
- (iv) "Bantu person" means a native as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950); (iv)
- (v) "college council" means the governing authority of the university college established under the Higher Education Act, 1923 (Act No. 30 of 1923); (ix)
- (vi) "council" means the council of the university college referred to in section *seven*; (xvi)
- (vii) "council post" means any post on the establishment of the university college designated by the Minister in terms of section *twenty-five* as a council post; (xvii)
- (viii) "Minister" means the Minister of Bantu Education; (x)
- (ix) "non-white person" means any person who is not a white person; (xi)
- (x) "pensionable emoluments" has the meaning assigned thereto in section *one hundred and nine* of the Pensions Act; (xiii)
- (xi) "Pension Fund" means the Union Pension Fund established in terms of section *two* of the Pensions Act; (xii)
- (xii) "Pensions Act" means the Government Service Pensions Act, 1955 (Act No. 58 of 1955); (xv)
- (xiii) "pensions office" means the Minister of Pensions or any officer in the Department of Pensions authorized by him to perform any function assigned to the pensions office by this Act; (xiv)
- (xiv) "prescribed" means prescribed by regulation; (xxiv)
- (xv) "regulation" means any regulation made and in force under this Act; (xviii)
- (xvi) "Rhodes University" means the university established by the Rhodes University (Private) Act, 1949 (Act No. 15 of 1949); (xix)
- (xvii) "Secretary" means the Secretary for Bantu Education, and includes any Under-Secretary of the Department of Bantu Education, any Director of Bantu Education and any Deputy Director of Bantu Education; (xx)
- (xviii) "senate" means the senate referred to in section *ten*; (xxi)
- (xix) "State post" means any post on the establishment of the university college other than a council post; (xxii)
- (xx) "specified date" means the date specified under sub-section (1) of section *two*; (v)
- (xxi) "the university college" means the University College of Fort Hare; (vii)
- (xxii) "this Act" includes any regulation; (viii)
- (xxiii) "University of South Africa" means the university established in terms of the University of South Africa Act, 1916 (Act No. 12 of 1916); (xxiii)
- (xxiv) "white person" means a white person as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950); (vi)

TRANSFER OF ASSETS AND LIABILITIES AND ASSIGNMENT OF MAINTENANCE, MANAGEMENT AND CONTROL OF UNIVERSITY COLLEGE OF FORT HARE

2. (1) The Governor-General may, by proclamation in the *Gazette*, assign the maintenance, management and control of the university college to the Minister with effect from a date specified in the proclamation.

(2) As from the specified date—

- (a) there shall cease to be vested in the college council any rights, powers, duties or functions in respect of the university college ;
- (b) all powers, duties and functions conferred or imposed upon or entrusted to the college council by or under any law, shall be vested in the Minister, and for that purpose any reference in any such law to the college council shall be construed as a reference to the Minister;
- (c) all assets, liabilities, rights and obligations which immediately prior to the said date were vested in or had accrued to or devolved upon the college council or which, if this Act had not been passed, would have vested in or accrued to or devolved upon the college council after that date shall be transferred to the Government of the Union and no transfer duty, stamp duty or other fees or charges shall be payable in connection, therewith : Provided that all moneys which were so vested or had so accrued or would have become so vested or would have so accrued by virtue of any trust, donation or bequest, shall be applied in accordance with the conditions of the trust, donation or bequest : Provided further that the Minister acting in consultation with the Minister of Finance shall pay out of moneys appropriated by Parliament for the purpose from the Bantu Education Account, to the Methodist Church of South Africa, the Church of the Province of South Africa and the Church of Scotland Trust such compensation as in the case of each of those churches is equal to the fair value of the buildings erected by that church upon any land which is hereby vested in the Government of the Union and such value shall, failing agreement between the Minister and the church concerned, be settled by arbitration in accordance with the provisions of the Expropriation of Lands and Arbitration Clauses Proclamation, 1902 (Proclamation No. 5 of 1902), of the Transvaal ; and
- (d) the Minister shall assume control of all hostels which immediately prior to that date were attached to the university college, and any existing agreement between the college council and any of the churches mentioned in the second proviso to paragraph (c) relating to the management and control of the said hostels shall lapse.

(3) The Minister may at any time after the specified date, by notice in the *Gazette*, change the name of the university college.

- (4) (a) The expenses involved in the maintenance, management and control of the university college under this Act shall be defrayed by the Minister in consultation with the Minister of Finance out of moneys appropriated by Parliament for the purpose from the Bantu Education Account.
- (b) The Minister may, in consultation with the Minister of Finance, and subject to such conditions and on such basis as the Minister may determine, out of moneys appropriated by Parliament out of the Bantu Education Account, pay to the council annually such amounts as are necessary for carrying out such functions as may be entrusted to it by or under this Act.

TRANSFER OF CERTAIN PERSONS EMPLOYED BY COLLEGE COUNCIL

3. (1) Every person (other than a person referred to in sub-section (4)) who immediately prior to the specified date was in the employ of the college council, shall, with effect from that date, and subject to the provisions of this Act, become an employee on the establishment of the university college and shall be deemed to have been appointed to a State post or a council post as may be determined by the Minister

and notified to such person prior to the said date : Provided that any such person may within sixty days from the said date in writing notify the Secretary for Bantu Education of his resignation, and any such resignation shall for the purposes of the laws governing the pension or provident fund rights of the person concerned be deemed to be a discharge owing to the abolition of his post at the expiration of the aforementioned period of sixty days.

(2) As from the specified date the conditions of service, scale of salary and allowances and leave and other privileges of every person who becomes an employee in terms of sub-section (1), shall be governed by the provisions of this Act, and every such person shall be adjusted to the scale of salary applicable to his post at such notch on that scale as may be approved by the Minister : Provided that except with his own consent or in accordance with the provisions of any law, the pensionable emoluments or the salary or scale of salary at or in accordance with which any such person was remunerated immediately prior to the said date, shall not be reduced.

(3) Any disciplinary proceedings in respect of misconduct committed before the specified date by any person who becomes an employee in terms of sub-section (1) may be continued or instituted under this Act.

(4) Any person who immediately prior to the specified date was in the employ of the college council, and who prior to that date was notified in writing by the Minister that he would not become an employee in terms of sub-section (1), shall be deemed to have been retired on superannuation on the day which immediately preceded the said date, and shall for the purposes of any law regulating the grant of any additional pension or provident fund benefits be deemed to have become a member of the provident fund and pension scheme concerned as from a date prior to the first day of August, 1949.

PRESERVATION OF CERTAIN PENSION RIGHTS AND RETIREMENT BENEFITS

4. (1) Subject to the provisions of this section—

(a) any person who becomes an employee in terms of sub-section (1) of section *three*, shall remain a member of the appropriate provident fund or pension scheme under any law applicable to his case as if this Act had not been passed ;

(b) as from the specified date—

(i) any contributions which in terms of the regulations governing the technical colleges provident fund or the university institutions provident fund, would have been payable by the college council or from the Consolidated Revenue Fund to the provident fund concerned in respect of any person mentioned in paragraph (a), if that person had not become an employee in terms of sub-section (1) of section *three* ;

(ii) any annuity or gratuity which may be granted to such a person or a dependant of such a person in addition to the benefits payable from either of the said provident funds, and any contribution which in terms of the said regulations is payable by the Government towards such annuity or gratuity ; and

(iii) any annuity awarded prior to the said date by the College council to an employee retired from its service or to a dependant of a deceased employee, and any contribution payable by the Government towards such annuity in terms of the said regulations,

shall be paid out of moneys appropriated by Parliament for the purpose from the Bantu Education Account.

(2) Any person to whom sub-section (1) applies, who under the provisions of sub-section (1) of section *three* is deemed to have been appointed to a State post and who immediately prior to the specified date

was a member of the technical colleges provident fund and pension scheme or the university institutions provident fund and pension scheme, may on such conditions as the pensions office may determine, elect in writing, within six months after the said date, or within such further period as the pensions office may in special circumstances allow, to be released from all obligations and to relinquish all rights and privileges under such provident fund and pension scheme and to become a member of the Pension Fund in accordance with the provisions of sub-section (1) of section *thirteen* of the Pensions Act, as if he had been transferred from the service of the college council to a post in the service of the Government :
Provided that—

- (a) if such person elects in terms of this sub-section to become a member of the Pension Fund, he shall for the purposes of sub-section (2) of section *thirteen* of the Pensions Act be deemed to have elected to count his past pensionable service as pensionable service under that Act ;
- (b) for the purposes of sub-section (1) of section *thirteen* of the Pensions Act, such transfer shall be deemed to have taken place on the first day of the month immediately following the month in which the election is made ;
- (c) if under the regulations governing the technical colleges provident fund or the university institutions provident fund a policy of insurance has been accepted and the premiums thereon have been paid as part of the provision made for such person, the policy shall be returned to him or may at his option be surrendered on his behalf for cash and the amount of the surrender value added to the amount standing to his credit in the said provident fund for payment into the Pension Fund ; and
- (d) if the amount available in the said provident fund for payment to the Pension Fund is more or less than the amount which is required by such Pension Fund in respect of such person's past pensionable service, the excess shall be paid to such person or the deficit shall be made good by such person and out of the Bantu Education Account in such proportions as the pensions office may determine.

(3) Notwithstanding anything to the contrary in the Pensions Act contained, the amount computed in terms of section *thirteen* of that Act in respect of any period of past pensionable service of a person who has made an election in terms of sub-section (2) shall for the purposes of the Pension Fund be based on such emoluments as the pensions office may determine and such emoluments shall for the purpose of the said Act be deemed to have been or to be, as the case may be, the pensionable emoluments of that person.

(4) Any person to whom sub-section (2) applies and who immediately prior to the specified date was a member of the technical colleges provident fund and pension scheme, may, if he does not under that sub-section elect to become a member of the Pension Fund, within the period of sixty days immediately succeeding the date of expiration of a period of six months after the specified date, elect in writing to be released from all obligations and to relinquish all rights and privileges under that scheme and to become a member of the university institutions provident fund and pension scheme, and if he so elects—

- (a) his membership of the technical colleges provident fund and pension scheme shall cease as from a date to be determined by the pensions office, but not earlier than six months after the specified date, and he shall become a member of the university institutions provident fund and pension scheme as from the first mentioned date ;
- (b) his contributions to the technical colleges provident fund shall cease and contributions to the university institutions provident fund shall commence from the date so determined ;
- (c) any amount accrued to his credit in the technical colleges provident fund shall be transferred to his credit in the university institutions provident fund ;

- (d) any policy of insurance which formed part of the provision made for him in terms of the regulations governing the technical colleges provident fund shall remain in the custody of the Commissioner of Pensions and shall be accepted as part of the provision made for him under the regulations governing the university institutions provident fund ;
 - (e) he shall, if he became a member of the technical colleges provident fund and pension scheme from a date prior to the twenty-eighth day of April, 1950, be deemed for purposes of the university institutions provident fund and pension scheme to have become a member of the latter scheme from a date prior to that date.
- (5) Any person to whom sub-section (1) applies, who under the provisions of sub-section (1) of section *three* is deemed to have been appointed to a council post and who immediately prior to the specified date was a member of the technical colleges provident fund and pension scheme, may elect in writing, within six months after the said date or within such further period as the pensions office may in special circumstances allow, to be released from all obligations and to relinquish all rights and privileges under such provident fund and pension scheme and to become a member of the university institutions provident fund and pension scheme, and if he so elects the provisions of paragraphs (a), (b), (c), (d) and (e) of sub-section (4) shall apply *mutatis mutandis* to his case.
- (6) For the purposes of this section—
- “ technical colleges provident fund ” means the Technical Colleges Provident Fund established under the regulations made in terms of paragraph (g) of sub-section (1) of section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), and “ technical colleges provident fund and pension scheme ” means the Provident Fund and Pension Scheme for Technical Colleges established under the said regulations ;
 - “ university institutions provident fund ” means the University Institutions Provident Fund established under the regulations made in terms of paragraph (g) of sub-section (1) of section *twelve* of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), and “ university institutions provident fund and pension scheme ” means the Provident Fund and Pension Scheme for University Institutions established under the said regulations.

CERTAIN CONTINUOUS WHOLE-TIME EMPLOYMENT RECOGNIZED FOR CERTAIN PURPOSES AS EMPLOYMENT IN TERMS OF THIS ACT

5. Subject to the provisions of this Act, the continuous whole-time service with the college council of any person referred to in sub-section (1) of section *three*, immediately prior to the specified date, shall for leave purposes be deemed to be service in a post referred to in section *twenty-four* : Provided that sick and accumulative vacation leave standing to the credit of such person at that date shall, subject to such conditions as the Minister may determine, be deemed to be leave accrued in terms of this Act.

CONSTITUTION OF THE UNIVERSITY COLLEGE

6. The university college shall consist of—
- (a) a council ;
 - (b) an advisory council ;
 - (c) a senate ;
 - (d) an advisory senate ;
 - (e) such other bodies as the Minister, after consultation with the council, may from time to time establish ;

- (f) a rector ; and
- (g) the professors, lecturers and students of the university college.

COUNCIL

7. (1) The council shall consist of—

- (a) the rector *ex officio* ; and
- (b) not less than eight members to be appointed by the Governor-General, at least four of whom shall be appointed on the ground of their special knowledge of or connection with university affairs.

(2) The members of the council shall hold office for the period prescribed and shall be eligible for re-appointment.

(3) The Governor-General shall designate one of the members of the council as chairman who shall hold office as such for the period prescribed : Provided that if the chairman is not present at any meeting of the council the members present at such meeting shall elect one of their number to preside at such meeting.

(4) The powers, duties, functions and procedure at meetings of the council and the allowances of members shall be as prescribed : Provided that any allowance payable to any member who is in the whole time employment of the State shall be in accordance with the laws governing the conditions of his employment.

(5) If any member of the council dies or for any reason vacates office before the expiry of his period of office, the Governor-General shall appoint another person in his place, and any person so appointed shall hold office as a member of the council for the unexpired portion of the period of office of the member who has died or vacated office.

(6) The council may in consultation with the Minister establish committees of the council, and the constitution, powers, functions and duties of such committees shall be as prescribed after consultation with the council.

CORPORATE STATUS OF COUNCIL

8. The council shall be a body corporate with perpetual succession, capable of suing and being sued in its own name and of performing all such acts as are necessary for or incidental to the carrying out or the performance of the powers, duties and functions conferred or imposed upon or entrusted to it by or under this Act or which may in terms of this Act from time to time be delegated to it by the Minister.

ADVISORY COUNCIL

9. (1) The advisory council shall consist of not less than eight members to be appointed by the Governor-General.

(2) The Governor-General shall designate one of the members of the advisory council as chairman.

(3) The chairman of the council may, and the rector or his representative shall attend meetings of the advisory council as advisers but shall not be entitled to vote.

(4) The term of office and allowances of members and of the chairman and the powers, duties, functions and procedure at meetings of the advisory council shall be as prescribed after consultation with the council : Provided that any allowance payable to any member who is in the whole-time employment of the State shall be in accordance with the laws governing the conditions of his employment.

SENATE

10. (1) The senate shall consist of—
- (a) the rector who shall be *ex officio* chairman ; and
 - (b) such professors and lecturers of the university college as the Minister, after consultation with the council, may from time to time designate for the purpose.
- (2) The superintendence and regulation of the discipline and instruction of the several departments, lecturers and classes of the university college shall be vested in the senate in accordance with the manner prescribed on the recommendation of the council.
- (3) The senate shall from time to time submit to the council—
- (a) reports upon its work ;
 - (b) such recommendations as may seem expedient to the senate as to any matters of importance affecting the university college ; and
 - (c) recommendations on any matters referred to it by the council.
- (4) Subject to the provisions of this Act, the functions of the senate shall include the organization and control of examinations instituted in terms of section *twenty-three*.
- (5) The senate may, with the consent of the council, delegate to the advisory senate any of the functions entrusted to it by sub-sections (2), (3) and (4).
- (6) Subject to the provisions of sub-sections (2), (3) and (4) the term of office of members, powers, duties, functions and procedure at meetings of the senate shall be as prescribed after consultation with the council.

ADVISORY SENATE

11. (1) The advisory senate shall consist of such professors and lecturers of the university college as the Minister, after consultation with the council, may from time to time designate for the purpose.
- (2) The rector shall designate, after consultation with the council, one of the members of the advisory senate as chairman.
- (3) The rector shall attend the meetings of the advisory senate as an adviser but shall not have the right to vote, and whenever the rector is unable to attend any meeting of the advisory senate, he shall depute another member of the senate to attend that meeting in his stead.
- (4) Subject to the provisions of sub-section (5) of section *ten*, the term of office of the chairman and members and the powers, duties, functions and procedure at meetings of the advisory senate shall be as prescribed after consultation with the council.

APPOINTMENT OF RECTOR

12. The rector shall be appointed by the Minister and his powers, privileges, duties and functions shall be as prescribed.

ACQUISITION AND CONTROL OF STORES AND EQUIPMENT BY COUNCIL

13. (1) The council may in such manner and on such conditions as may be determined by the Minister, acquire for the use of the university college such stores and equipment as may be so determined.
- (2) The control to be exercised over such stores and equipment by the council shall be as determined by the Minister.

FACULTIES AND DEPARTMENTS

14. There may be established at the university college such faculties and departments as may from time to time be prescribed after consultation with the council.

REGISTRATION AS A STUDENT

15. (1) No person shall be registered as a matriculated student at the university college unless—
- (a) he has obtained the matriculation certificate issued by the Matriculation Board established under sub-section (1) of section *fifteen* of the Universities Act, 1955 (Act No. 61 of 1955), or has in the opinion of the Matriculation Board satisfied the conditions of exemption from the matriculation examination and has obtained a certificate to that effect: Provided that the Minister may on the recommendation of the council, in addition prescribe as a pre-requisite to admission to any particular course at the university college, the attaining of a specified standard in specified subjects at the matriculation examination or at an examination recognized for the purpose by the Matriculation Board; or
 - (b) he is a graduate of a university or has been admitted by a university to the status of graduate; and
 - (c) he has complied with such other conditions as may be prescribed.
- (2) Every person registered as a student of the university college shall renew his registration annually so long as he continues to be a student thereof and shall in respect of such renewal comply with such conditions as may be prescribed.
- (3) A student of the university college who fails to satisfy the minimum requirements of study may be refused permission by the council to renew his registration as a student of the university college.
- (4) The Minister may, after consultation with the council, in his discretion limit the number of students who may be permitted to register for any course.
- (5) The Minister may limit the admission of Bantu persons to the university college, to persons of one or more groups as he may determine, but may in any particular case grant permission to any Bantu person of any other group to attend the university college.

REFUSAL OF ADMISSION AS STUDENT

16. The Minister may refuse admittance to any person who applies for admission as a student of the university college if he considers it to be in the interests of the university college to do so.

DISCIPLINE

17. A student of the university college shall be subject to such disciplinary provisions as may be prescribed after consultation with the council.

PLACES OF RESIDENCE AND INSTRUCTION FOR STUDENTS

18. (1) The council may require a student to reside for the periods during which the university college is in session, at a place of residence approved for the purpose by it.

(2) The council may determine at which place under the control of the university college a student shall attend for the purpose of receiving instruction.

PROHIBITION ON ADMISSION OF WHITE PERSONS

19. No white person shall register with or attend the university college as a student.

FINANCIAL AND OTHER ASSISTANCE TO BANTU STUDENTS

20. (1) The Minister may out of moneys appropriated by Parliament out of the Bantu Education Account for the purpose, and subject to such conditions as may be prescribed in consultation with the Minister of Finance, grant to any Bantu student such financial or other material assistance as he may determine.

(2) Any moneys recovered in respect of a loan or bursary granted to a Bantu student under subsection (1) shall be paid into the Bantu Education Account.

EXAMINATIONS

21. (1) Until Parliament otherwise provides by law, the examinations of the university college for degrees, diplomas and certificates shall be the examinations of the University of South Africa.

(2) Notwithstanding anything to the contrary in any law contained, any person who is registered as a student of the university college on the specified date or who was so registered for the academic year which immediately preceded that date, shall be prepared at the university college, for the examinations of the Rhodes University for which he is or was so registered.

DEGREES, DIPLOMAS AND CERTIFICATES

22. The degrees, diplomas and certificates for which students at the university college may be prepared shall, until Parliament otherwise provides by law, be those of the University of South Africa : Provided that any person who is registered as a student of the university college on the specified date or who was so registered for the academic year which preceded the said date, shall be prepared at the university college for the degree, diploma or certificate of the Rhodes University for which he is or was so registered, and the Rhodes University is hereby empowered to confer any such degree, diploma or certificate upon any such person as if this Act had not been passed.

AWARD OF DIPLOMAS AND CERTIFICATES BY UNIVERSITY COLLEGE

23. Notwithstanding the provisions of sections *twenty-one* and *twenty-two*, the university college may, with the approval of the Minister—

- (a) determine the curricula ;
- (b) prepare students for examinations ;
- (c) conduct examinations ; and
- (d) institute and award diplomas and certificates,

in any prescribed subject or course of instruction and training in which the University of South Africa does not issue diplomas or certificates.

DETERMINATION OF ESTABLISHMENT

24. The establishment at the university college shall be determined by the Minister and the posts thereat shall be classified as—

- (a) posts for the teaching staff ;
- (b) posts for the administrative and clerical staff ; and
- (c) such other posts as the Minister may deem necessary.

CLASSIFICATION OF POSTS

25. The Minister may designate any post on the establishment of the university college as a council post, and every post on such establishment which has not been so designated shall be a State post :

Provided that the Minister may at any time convert a State post into a council post or a council post into a State post, subject, in the case of a post for the time being occupied by any person, to the concurrence of the incumbent thereof.

APPOINTMENT OF STAFF

26. The power to appoint, promote or discharge any person employed at the university college in a State post shall be vested in the Minister who may delegate any or all of the said powers to the Secretary or any officer deputed thereto by the Minister either generally or specially in a particular case, and the power to appoint, promote or discharge persons employed at the university college in council posts shall be vested in the council: Provided that all appointments, promotions and discharges by the council shall be subject to the approval of the Minister.

CONDITIONS OF SERVICE

27. The conditions of service and leave and other privileges of all persons appointed permanently or temporarily to State posts shall be as prescribed and their scales of salary and allowances shall be as determined by the Minister after consultation with the Public Service Commission, and the conditions of service, salary, scales of salary and leave and other privileges of persons appointed to council posts shall be as determined by the council with the approval of the Minister.

PENSION RIGHTS AND RETIREMENT BENEFITS

28. (1) Any person appointed permanently to a State post shall in respect of pension rights and retirement benefits be dealt with as if he were appointed to a post in the public service.

(2) Subject to the provision of section *four*, any person occupying a council post who is employed full time and whose appointment has been approved by the Minister for the purpose shall become a member of and contribute to the provident fund and pension scheme established under any law for members of the staffs of universities, in the same manner and subject to the same conditions as if he were a member of the teaching or administrative staff of a university as defined in section one of the Universities Act, 1955 (Act No. 61 of 1955), and the university college shall for all purposes of the said provident fund and pension scheme be regarded as a university as so defined.

(3) The council shall for all purposes of the said provident fund and pension scheme be deemed to be a council as defined in section *one* of the Universities Act, 1955 (Act No. 61 of 1955).

(4) Notwithstanding anything contained in the regulations governing the provident fund and pension scheme referred to in sub-section (2), any amount which would in terms of such regulations have been payable by the council or from the Consolidated Revenue Fund in respect of the incumbent of a council post at the university college shall be paid from the Bantu Education Account.

(5) Notwithstanding the provisions of sub-sections (1) and (2), the incumbent of a post which has been converted in terms of section *twenty-five* shall in respect of pension rights and retirement benefits be dealt with as if that post had not been so converted.

TRANSFER OF CERTAIN PERSONS EMPLOYED AT UNIVERSITY COLLEGE

29. Every person employed in a State post may be transferred from such post to any other State post at the university college or at any other university college established for non-white persons, whether or not such transfer is to a State post of a lower grade, but no such person shall suffer any reduction in his pensionable emoluments without his consent, unless the transfer is in consequence of a degradation imposed under the Public Service Act, 1957, as applied by sub-section (1) of section *thirty-one*, and any

such person who has been transferred to a State post of a lower grade without reduction of pensionable emoluments shall be transferred to a State post of the grade to which his salary is appropriate as soon as a suitable vacancy occurs.

DISCHARGE OF PERSONS PERMANENTLY APPOINTED

30. (1) Any person appointed permanently to a State post may be discharged by the Minister—

- (a) on attaining the pensionable age ;
- (b) in the case of a female member of the staff, on account of her marriage ;
- (c) on account of continued ill-health ;
- (d) owing to the abolition of his post or to any reduction in or re-organization or re-adjustment of the staff of the university college ;
- (e) if in the opinion of the Minister his discharge will facilitate improvements in the organization of the university college by which greater efficiency or economy will be effected ; or
- (f) under the provisions of the Public Service Act, 1957, as applied by sub-section (1) of section *thirty-one*.

(2) Any person appointed permanently to a council post may be discharged by the council, with the approval of the Minister—

- (a) on attaining the pensionable age ;
- (b) in the case of a female member of the staff, on account of her marriage ; or
- (c) in terms of the conditions of service governing his appointment.

(3) For the purpose of this section, " pensionable age " means—

- (a) in the case of a member of the Pension Fund, the pensionable age as defined in section *twenty-one* of the Pensions Act ;
- (b) in the case of a member of the provident fund and pension scheme established under the regulations made in terms of section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), the age at which the superannuation date as defined in those regulations is attained ; and
- (c) in the case of a member of the provident fund and pension scheme provided for in the regulations made under section *nineteen* of the Universities Act, 1955 (Act No. 61 of 1955), or in force in terms of section *twenty-nine* of that Act, the age at which such member is or may be required to retire in terms of those regulations.

MISCONDUCT AND INEFFICIENT EMPLOYEES

31. (1) The provisions of the Public Service Act, 1957 (Act No. 54 of 1957), relating to misconduct and inefficient officers shall *mutatis mutandis* apply in respect of every person appointed permanently to a State post as if he were an officer in the public service.

(2) In respect of every person appointed permanently to a council post, the procedure to be adopted in the case of an inefficient staff member or a staff member whose conduct is unsatisfactory, shall be provided in the conditions of service as determined by the council and approved by the Minister.

(3) If in the opinion of the Minister any person to whom sub-section (2) applies, has committed any act which would render him liable to a charge of misconduct or inefficiency in terms of his conditions of service, and the council fails, within a period of one month after having been requested in writing

by the Minister to do so, to institute an enquiry into the conduct of the person concerned in accordance with his conditions of service and to take appropriate steps on the findings arising out of the enquiry, the Minister may direct the council to institute such an enquiry and to submit to him the record of the enquiry and a report on the action contemplated by the council on the findings at such enquiry.

(4) On receipt of the record and report referred to in sub-section (3), the Minister may approve the action contemplated by the council or direct the council to take such other steps as the council may lawfully take against the person concerned, and the council shall thereupon take such steps.

(5) A report of any action which has been taken in terms of sub-section (4) shall be laid by the Minister upon the Tables of both Houses of Parliament within thirty days thereafter if Parliament is then in session, or if Parliament is not then in session, within thirty days after commencement of its next ensuing session.

LIMITATION ON ADMISSION OF NON-WHITE PERSONS TO UNIVERSITY COLLEGE

32. (1) As from a date to be fixed by the Governor-General by proclamation in the Gazette—

- (a) no non-white person (other than a Bantu person) who was not registered as a student of the university college for the immediately preceding academic year, shall register with or attend the university college as a student without the consent of the Minister ;
- (b) no non-white person (other than a Bantu person) shall register with or attend the university college as a student except for the purpose of completing a course of study or training for a degree, diploma or certificate for which he is registered with the university college at that date or was so registered in respect of the immediately preceding academic year.

(2) Different dates may be fixed for the purposes of paragraphs (a) and (b) of sub-section (1).

FEES

33. The fees payable to the university college, shall be as prescribed and shall be paid into the Bantu Education Account.

POST-GRADUATE TRAINING

34. The Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament from the Bantu Education Account for the purpose, make financial and other arrangements, including the appointment of temporary or part-time staff, for the post-graduate training of any Bantu student also at a place other than at the university college.

REGULATIONS

35. (1) The Minister may make regulations as to—

- (a) the maintenance, management and control of the university college and the transfer of such maintenance, management and control to the Minister ;
- (b) the powers, duties and functions of the council, advisory council, senate, advisory senate and committees of the council ;
- (c) the constitution of committees of the council ;
- (d) the allowances payable to members of the council and the advisory council : Provided that such regulations shall be made in consultation with the Minister of Finance ;
- (e) the term of office of members and the procedure at meetings of the council, advisory council, senate and advisory senate ;

- (f) the constitution, term of office and allowances of members, functions, powers, duties and procedure at meetings of a body established under paragraph (e) of section *six* : Provided that the regulations in regard to the allowances shall be made in consultation with the Minister of Finance ;
- (g) the conditions for the registration of students, and tuition, boarding and other fees ;
- (h) the faculties and departments and the courses of instruction and training at the university college ;
- (i) the admission of students to, the control of students at, and the discharge of students from the university college ;
- (j) the financial and other material assistance to students ;
- (k) the appointment, grading, promotion, transfer, discharge, discipline, conduct, powers, duties, hours of attendance, leave and other privileges, and the conditions of service, including the occupation of official quarters, of persons appointed to State posts permanently, temporarily or part-time on the staff of the university college ;
- (l) the circumstances in which medical examinations shall be required for the purposes of any particular provision of this Act ;
- (m) the institution and award of diplomas and certificates in terms of section *twenty-three* ;
- (n) any matter which by this Act is required or permitted to be prescribed ;
- (o) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved, the generality of the power conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made in respect of different persons or groups of classes of persons or races employed.

DELEGATION OF MINISTER'S POWERS

36. (1) The Minister may delegate to the Secretary or to any other officer in his Department, any or all of the rights, duties, powers, authorities and functions conferred or imposed upon or entrusted to him by the proviso to sub-section (1) of section *five*, sub-section (4) of section *fifteen*, section *twenty* or *twenty-nine* or paragraph (a) or (b) of sub-section (1) of section *thirty*.

(2) The Minister may delegate to the council any or all of the rights, duties, powers, authorities and functions conferred or imposed upon or entrusted to him by paragraph (b) of sub-section (2) of section *two*, section *twelve*, sub-section (4) of section *fifteen* or section *sixteen*.

EXPROPRIATION OF LAND FOR PURPOSES OF UNIVERSITY COLLEGE

37. The Minister may in consultation with the Minister of Finance expropriate any land required for or in connection with the university college, and the Expropriation of Lands and Arbitration Clauses Proclamation, 1902 (Proclamation No. 5 of 1902), of the Transvaal, shall *mutatis mutandis* apply in respect of any such expropriation.

PENALTIES

38. Any person who contravenes any provision of section *nineteen* or *thirty-two* shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months.

AMENDMENT OF LAWS

39. (1) The laws mentioned in the Schedule are hereby amended to the extent set forth in the third column of that Schedule.

(2) The repeal of sub-section (1) of section *thirty-three* of the Rhodes University (Private) Act, 1949 (Act No. 15 of 1949), and the amendment of section *one* of the Universities Act, 1955 (Act No. 61 of 1955), shall take effect on the specified date.

SHORT TITLE

40. This Act shall be called the University College of Fort Hare Transfer Act, 1959.

SCHEDULE
ACT AMENDED

No. and year of law	Short title	Extent of amendment
Act No. 15 of 1949	The Rhodes University (Private) Act, 1949.	By the repeal of section <i>thirty-three</i>
Act No. 61 of 1955	The Universities Act, 1955	By the deletion in the definition of "University" in section <i>one</i> of the words "and includes the University College of Fort Hare."
Act No. 23 of 1956	The Exchequer and Audit Act, 1956	By the insertion in section twenty after the expression "Bantu Education Act, 1953 (Act No. 27 of 1953)" of the expression "and of the Fort Hare University College Transfer Act, 1959."