

UNION OF SOUTH AFRICA.

University College of Fort Hare Transfer Bill.

(As amended in Select Committee.)

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.

(Introduced by the MINISTER OF BANTU EDUCATION.)

[A.B. 35—'59.]—[SELECT COMMITTEE.]

UNIE VAN SUID-AFRIKA.

Wetsontwerp op Oordrag van die Universiteitskollege Fort Hare.

(Soos in Gekose Komitee gewysig.)

WETSONTWERP

OM

Die instandhouding en bestuur van en beheer oor die Universiteitskollege van Fort Hare aan die Unieregering oor te dra, en om te dien einde sekere bates, regte, laste en verpligings van die raad van daardie Universiteitskollege aan bedoelde Regering oor te dra, voorsiening te maak vir die oorplasing van sekere persone in diens van die Universiteitskollege, vir die beskerming van sekere verlof- en pensioenvoordele, vir diensvoorwaardes, vir die toelating van sekere studente tot en hul onderrig aan daardie Universiteitskollege en vir aangeleenthede wat daarmee in verband staan.

(Ingedien deur die MINISTER VAN BANTOE-ONDERWYS.)

[VW. 35—'59.]—[GEKOSE KOMITEE.]

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.

(Introduced by the MINISTER OF BANTU EDUCATION.)

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 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:

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)

WETSONTWERP

Om die instandhouding en bestuur van en beheer oor die Universiteitskollege van Fort Hare aan die Unieregering oor te dra, en om te dien einde sekere bates, regte, laste en verpligtings van die raad van daardie Universiteitskollege aan bedoelde Regering oor te dra, voorsiening te maak vir die oorpasing van sekere persone in diens van die Universiteitskollege, vir die beskerming van sekere verlof- en pensioenvoordele, vir diensvoorwaardes, vir die toelating van sekere studente tot en hul onderrig aan daardie Universiteitskollege en vir aan-geleenthede wat daarmee in verband staan.

(Ingedien deur die MINISTER VAN BANTOE-ONDERWYS.)

NADEMAAL die Universiteitskollege van Fort Hare 'n ver-
klaarde instelling vir hoër onderwys ingevolge die bepalings
van die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923),
is:

5 EN NADEMAAL bedoelde Universiteitskollege in Maart 1951
ingevolge die bepalings van die Private Wet op Rhodes-
universiteit, 1949 (Wet No. 15 van 1949), met Rhodes-universi-
teit geaffilieer is:

10 EN NADEMAAL bedoelde Universiteitskollege as 'n universi-
teitsinrigting ingevolge die bepalings van die Wet op Universi-
teite, 1955 (Wet No. 61 van 1955), erken is:

15 EN NADEMAAL dit raadsaam is om die instandhouding en
bestuur van en beheer oor bedoelde Universiteitskollege aan
die Unieregering oor te dra en om te dien einde sekere bates,
15 regte, laste en verpligtings van die raad van daardie Universi-
teitskollege aan bedoelde Regering oor te dra:

20 EN NADEMAAL dit raadsaam is om voorsiening te maak vir
die oorpasing van sekere persone in die diens van die raad van
bedoelde Universiteitskollege, vir die beskerming van sekere
20 verlof- en pensioenregte en uitdienstredingsvoordele, vir diens-
voorwaardes en vir die erkenning vir sekere doeleindes van
ononderbroke voltydse diens by bedoelde raad:

25 EN NADEMAAL dit raadsaam is om voorsiening te maak vir
die toelating van sekere studente tot en hul onderrig aan
25 bedoelde Universiteitskollege:

EN NADEMAAL dit raadsaam is dat die Regering die beheer
oor alle koshuise verbonde aan bedoelde Universiteitskollege
oorneem:

30 EN NADEMAAL dit raadsaam is om vergoeding te betaal aan
sekere kerke ten opsigte van geboue wat hulle kragtens sekere
ooreenkomste vir die gebruik van bedoelde Universiteitskollege
opgerig het:

EN NADEMAAL dit raadsaam is om vir ander bykomstige aan-
geleenthede voorsiening te maak:

35 **WORD DIT DERHALWE BEPAAL** deur Haar Majesteit
die Koningin, die Senaat en die Volksraad van die Unie
van Suid-Afrika, soos volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie **Woordbepaling.**
Wet—

- 40 (i) „adviserende raad” die adviserende raad in artikel
nege bedoel; (i)
(ii) „adviserende senaat” die adviserende senaat in
artikel *elf* bedoel; (ii)
45 (iii) „Bantoe-onderwysrekening” die in artikel *twintig* van
die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956),
bedoelde rekening; (iii)
(iv) „Bantoe-persoon” 'n naturel soos in artikel *een* van
die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van
1950), omskryf; (iv)
50 (v) „bepaalde datum” die datum kragtens sub-artikel (1)
van artikel *twee* vasgestel; (xix)
(vi) „blanke” 'n blanke soos in artikel *een* van die Be-
volkingsregistrasiewet, 1950 (Wet No. 30 van 1950),
omskryf; (xxiv)
55 (vii) „die universiteitskollege” die Universiteitskollege van
Fort Hare; (xxi)
(viii) „hierdie Wet” ook 'n regulasie; (xxii)

- (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) 5
- (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 Social Welfare and Pensions or any officer in the Department of Social Welfare and Pensions authorized by him to perform any function assigned to the pensions office by this Act; (xiv) 10
- (xiv) "prescribed" means prescribed by regulation; (xxiv) 15
- (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) 20
- (xvii) "Secretary" means the Secretary for Bantu Education, and includes any Under-Secretary of the Department of Bantu Education; (xx)
- (xviii) "senate" means the senate referred to in section *ten*; (xxi) 25
- (xix) "specified date" means the date specified under subsection (1) of section *two*; (v)
- (xx) "State post" means any post on the establishment of the university college other than a council post; (xxii)
- (xxi) "the university college" means the University College of Fort Hare; (vii) 30
- (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) 35
- (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. 40

(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; 45
- (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; 50
- (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 shall be credited to the Bantu Education Account to be applied for the purposes of the university college or any other university college which may be established in its stead 60
- 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 75 80

- (ix) „kollegeraad” die kragtens die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923), ingestelde beherende gesag van die universiteitskollege; (v)
- (x) „Minister” die Minister van Bantoe-onderwys; (viii)
- 5 (xi) „nie-blanke” iemand wat nie ’n blanke is nie; (ix)
- (xii) „Pensioenfonds” die Unie-pensioenfonds ingestel by artikel twee van die Pensioenwet; (xi)
- (xiii) „pensioengewende verdienste” dieselfde as wat dit in artikel honderd-en-nege van die Pensioenwet beteken; (x)
- 10 (xiv) „pensioenkantoor” die Minister van Volkswelsyn en Pensioene of ’n amptenaar in die Departement van Volkswelsyn en Pensioene wat hy gemagtig het om ’n werksaamheid te verrig wat deur hierdie Wet aan die pensioenkantoor opgedra word; (xiii)
- 15 (xv) „Pensioenwet” die Regeringsdienspensioenwet, 1955 (Wet No. 58 van 1955); (xii)
- (xvi) „raad” die in artikel sewe bedoelde raad van die universiteitskollege; (vi)
- 20 (xvii) „raadspos” ’n pos op die diensstaat van die universiteitskollege wat deur die Minister ingeolge artikel vyf-en-twintig as ’n raadspos aangewys is; (vii)
- (xviii) „regulasie” enige regulasie uitgevaardig en van krag ingeolge hierdie Wet; (xv)
- 25 (xix) „Rhodes-universiteit” die universiteit ingestel by die Private Wet op Rhodes-universiteit, 1949 (Wet No. 15 van 1949); (xvi)
- (xx) „Sekretaris” die Sekretaris van Bantoe-onderwys, en ook ’n Ondersekretaris van die Departement van Bantoe-onderwys; (xvii)
- 30 (xxi) „senaat” die senaat in artikel tien bedoel; (xviii)
- (xxii) „Staatspos” ’n ander pos op die diensstaat van die universiteitskollege as ’n raadspos; (xx)
- (xxiii) „Universiteit van Suid-Afrika” die universiteit wat by die „Universiteit van Zuid-Afrika Wet, 1916” (Wet No. 12 van 1916), ingestel is; (xxiii)
- 35 (xxiv) „voorgeskryf” by regulasie voorgeskryf. (xiv)

2. (1) Die Goewerneur-generaal kan, by proklamasie in die *Staatskoerant*, die instandhouding en bestuur van en beheer oor die universiteitskollege aan die Minister opdra met ingang van ’n datum in die proklamasie bepaal.

(2) Vanaf die bepaalde datum—

- (a) is die kollegeraad onthef van alle regte, bevoegdhede, pligte en werksaamhede ten opsigte van die universiteitskollege;
- 45 (b) gaan alle bevoegdhede, pligte en werksaamhede deur of kragtens een of ander wetsbepaling aan die kollegeraad verleen, opgelê of toevertrou, oor op die Minister, en vir dié doel word ’n verwysing in so ’n wetsbepaling na die kollegeraad as ’n verwysing na die Minister uitgelê;
- 50 (c) gaan alle bates, laste, regte en verpligtings wat onmiddellik voor bedoelde datum aan die kollegeraad behoort of toegeval of op hom gerus het of wat, indien hierdie Wet nie ingevoer was nie, na daardie datum aan die kollegeraad sou behoort of toegeval of op hom sou gerus het, oor op die Regering van die Unie en word die Bantoe-onderwysrekening daarmee gekrediteer om aangewend te word vir die doeleindes van die universiteitskollege of enige ander universiteitskollege wat in sy plek ingestel mag word en geen hereregte, seëlregte of ander gelde of koste is in dié verband betaalbaar nie: Met dien verstande dat alle gelde wat aldus behoort of toegeval het of sou behoort of toegeval het uit hoofde van ’n trust, skenking of bemaking, ooreenkomstig die voorwaardes van die trust, skenking of bemaking aangewend moet word: Met dien verstande voorts dat die Minister, handelende in oorleg met die Minister van Finansies, uit gelde deur die Parlement uit die Bantoe-onderwysrekening vir die doel bewillig, aan die „Methodist Church of South Africa”, die „Church of the Province of South Africa” en die „Church of Scotland Trust” vergoeding moet betaal wat in die geval van elk van daardie kerke gelyk is aan die billike waarde van die geboue deur daardie kerk opgerig op enige grond wat hierby op die Regering van die Unie oorgaan, en bedoelde waarde word by ontstentenis van ooreenkoms tussen die Minister en die betrokke kerk by arbitrasie ooreenkomstig die
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Oordrag van bates en laste en opdrag van instandhouding en bestuur van en beheer oor Universiteitskollege van Fort Hare.

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 in writing by the Secretary prior to the said date: Provided that any such person may within [sixty] ninety days from the [said] date of such notification in writing notify the Secretary 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] ninety 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 at least ninety days 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

bepalings van die „Expropriation of Lands and Arbitration Clauses Proclamation, 1902” (Proklamasie No. 5 van 1902), van Transvaal bepaal; en

5 (d) neem die Minister beheer oor alle koshuise wat onmiddellik voor bedoelde datum aan die universiteitskollege verbonde was en verval enige ooreenkoms wat met betrekking tot die bestuur van en beheer oor bedoelde koshuise tussen die kollegeraad en enige van die in die tweede voorbehoudsbepaling by paragraaf

10 (c) genoemde kerke mag bestaan.
(3) Die Minister kan te eniger tyd na die bepaalde datum, by kennisgewing in die *Staatskoerant* die naam van die universiteitskollege verander.

15 (4) (a) Die koste verbonde aan die instandhouding en bestuur van en beheer oor die universiteitskollege ingevolge hierdie Wet word deur die Minister in oorleg met die Minister van Finansies betaal uit gelde wat die Parlement uit die Bantoe-onderwysrekening vir die doel bewillig.

20 (b) Die Minister kan, in oorleg met die Minister van Finansies, en onderworpe aan die voorwaardes en op die grondslag wat die Minister bepaal, uit gelde wat die Parlement uit die Bantoe-onderwysrekening bewillig, jaarliks die bedrae aan die raad betaal wat nodig is vir die uitvoering van sodanige werksaamhede as wat deur of kragtens hierdie Wet aan die raad toevertrou word.

30 3. (1) Elke persoon (behalwe 'n in sub-artikel (4) bedoelde persoon) wat onmiddellik voor die bepaalde datum in diens van die kollegeraad was, word, onderworpe aan die bepaling van hierdie Wet, vanaf daardie datum 'n werknemer op die diensstaat van die universiteitskollege en word geag in 'n Staatspos of 'n raadspos aangestel te wees al na deur die Minister bepaal en voor die bepaalde datum skriftelik deur die Sekretaris

35 aan bedoelde persoon bekend gemaak word: Met dien verstande dat so 'n persoon binne [sestig] negentig dae vanaf [daardie datum] die datum van sodanige bekendmaking die Sekretaris skriftelik van sy bedanking in kennis kan stel, en so 'n bedanking word by die toepassing van die wetsbepalings wat die pensioen- of voorsorgfondsregte van die betrokke persoon reël, geag 'n ontslag te wees weens die afskaffing van sy pos by verstryking van bedoelde tydperk van [sestig] negentig dae.

40 (2) Vanaf die bepaalde datum word die diensvoorwaardes, salarisskaal en toelaes en verlof- en ander voorregte van elke persoon wat ingevolge sub-artikel (1) 'n werknemer word, ooreenkomstig die bepaling van hierdie Wet gereël, en elke sodanige persoon word aangepas by die salarisskaal wat op sy pos van toepassing is, teen die kerf op daardie skaal wat deur die Minister goedgekeur word: Met dien verstande dat, behalwe

50 met sy eie toestemming of ooreenkomstig 'n wetsbepaling, die pensioengewende verdienste of die salaris of salarisskaal waarteen of waarvolgens so iemand onmiddellik voor bedoelde datum besoldig was, nie verminder mag word nie.

55 (3) Enige dissiplinêre stappe ten opsigte van wangedrag wat voor die bepaalde datum gepleeg is deur iemand wat ingevolge sub-artikel (1) 'n werknemer word, kan onder hierdie Wet voortgesit of ingestel word.

(4) Enige persoon wat onmiddellik voor die bepaalde datum in diens van die kollegeraad was, en wat ten minste negentig

60 dae voor daardie datum deur die Minister skriftelik in kennis gestel is dat hy nie ingevolge sub-artikel (1) 'n werknemer sou word nie, word geag weens die bereiking van die pensioenleeftyd afgedank te gewees het op die dag wat bedoelde datum onmiddellik voorafgegaan het en word by die toepassing van

65 enige wetsbepaling wat die toekenning van addisionele pensioen- of voorsorgfondsvoordele reël, geag vanaf 'n datum voor die eerste dag van Augustus 1949 'n lid van die betrokke voorsorgfonds en pensioenskema te geword het.

70 4. (1) Behoudens die bepaling van hierdie artikel—
(a) bly iemand wat ingevolge sub-artikel (1) van artikel drie 'n werknemer word, 'n lid van die toepaslike voorsorgfonds of pensioenskema ingevolge enige wetsbepaling wat in sy geval geld, asof hierdie Wet nie aangeneem was nie;

75 (b) word vanaf die bepaalde datum—
(i) enige bydraes wat ingevolge die regulasies wat die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings reël, deur die kollegeraad of uit die Gekonsolideerde Inkomstefonds aan die betrokke voorsorgfonds

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Oorplasing van sekere persone in diens van kollegeraad.

Beskerming van sekere pensioenregte en uitdientredingsvoordele.

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

- ten opsigte van 'n in paragraaf (a) bedoelde persoon betaalbaar sou gewees het as daardie persoon nie ingevolge sub-artikel (1) van artikel drie 'n werknemer geword het nie;
- 5 (ii) enige jaargeld of gratifikasie wat aan so iemand of 'n afhanklike van so iemand toegeken mag word benewens die voordele wat uit een of ander van bedoelde voorsorgfondse betaalbaar is, en enige bydrae wat ingevolge bedoelde regulasies deur die Regering tot so 'n jaargeld of gratifikasie
- 10 bygedra moet word; en
- (iii) enige jaargeld voor bedoelde datum deur die kollegeraad toegeken aan 'n werknemer wat uit sy diens getree het of aan 'n afhanklike van 'n
- 15 oorlede werknemer, en enige bedrag wat ingevolge bedoelde regulasies deur die Regering tot so 'n jaargeld bygedra moet word, betaal uit gelde wat die Parlement uit die Bantoe-
onderwysrekening vir daardie doel bewillig.
- 20 (2) Iemand op wie sub-artikel (1) van toepassing is en wat ingevolge die bepalings van sub-artikel (1) van artikel drie geag word in 'n Staatspos aangestel te wees en wat onmiddellik voor die bepaalde datum 'n lid van die voorsorgfonds en pensioenskema vir tegniese kolleges of die voorsorgfonds en pensioenskema vir universiteitsinrigtings was, kan, op die voorwaardes
- 25 wat die pensioenkantoor bepaal, binne ses maande na bedoelde datum of binne so 'n verdere tydperk as wat die pensioenkantoor onder buitengewone omstandighede mag toelaat, skriftelik kies om van alle verpligtings onder daardie voorsorgfonds en pensioenskema onthef te word en van alle regte en voorregte daar-
- 30 onder af te sien en om ooreenkomstig die bepalings van sub-artikel (1) van artikel dertien van die Pensioenwet 'n lid van die Pensioenfonds te word asof hy van die diens van die kollegeraad na 'n pos in Regeringsdiens oorgeplaas was: Met dien
- 35 verstande dat—
- (a) indien so iemand ingevolge hierdie sub-artikel kies om 'n lid van die Pensioenfonds te word, hy by die toepassing van sub-artikel (2) van artikel dertien van die Pensioenwet geag word te gekies het om sy vorige pensioengewende diens as pensioengewende diens
- 40 kragtens daardie Wet te beskou;
- (b) by die toepassing van sub-artikel (1) van artikel dertien van die Pensioenwet, so 'n oorplasing geag word te geskied het op die eerste dag van die maand wat onmiddellik op die maand volg waarin die keuse
- 45 gedoen word;
- (c) indien kragtens die regulasies wat die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings reël, 'n versekeringspolis aangeneem en die premies daarop betaal is as deel van die voorsiening wat vir so iemand gemaak is, die polis aan hom
- 50 teruggegee word of (indien hy dit verkies) namens hom vir kontant afgekoop kan word en die bedrag van die afkoopwaarde by die bedrag wat in bedoelde voorsorgfonds in sy krediet staan, bygevoeg word vir oorbetalings aan die Pensioenfonds; en
- 55 (d) indien die bedrag wat in bedoelde voorsorgfonds beskikbaar is vir betaling aan die Pensioenfonds meer of minder is as die bedrag wat deur bedoelde Pensioenfonds ten opsigte van so iemand se vorige pensioengewende diens benodig word, die oorskot aan so iemand betaal of die tekort in die verhoudings wat die pensioenkantoor bepaal deur so iemand en uit die Bantoe-
onderwysrekening aangesuiwer word.
- 65 (3) Ondanks andersluidende bepalings in die Pensioenwet vervat, word die bedrag ingevolge artikel dertien van daardie Wet bereken ten opsigte van enige vorige tydperk van pensioengewende diens van iemand wat 'n keuse ooreenkomstig sub-artikel (2) uitgeoefen het, vir die doeleindes van die Pensioenfonds gebaseer op die emolumente wat die pensioenkantoor
- 70 bepaal, en bedoelde emolumente word by die toepassing van daardie Wet geag die pensioengewende emolumente van daardie persoon te gewees het of, al na die geval, te wees.
- (4) Iemand op wie sub-artikel (2) van toepassing is en wat
- 75 onmiddellik voor die bepaalde datum 'n lid van die voorsorgfonds en pensioenskema vir tegniese kolleges was, kan, indien hy nie ingevolge daardie sub-artikel kies om lid van die Pensioenfonds te word nie, binne die tydperk van sestig dae wat volg onmiddellik na die verstryking van 'n tydperk van ses
- 80 maande vanaf die bepaalde datum, skriftelik kies om van alle verpligtings onder daardie skema onthef te word en van alle

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 firstmentioned date; 5
- (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; 10
- (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; 15
- (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 head of the Department of Social Welfare and Pensions and shall be accepted as part of the provision made for him under the regulations governing the university institutions provident fund; 20
- (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. 30

(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. 40

(6) For the purposes of this section— 45

“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; 50

“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. 60

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. 70

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; 75

regte en voorregte daaronder af te sien en 'n lid van die voorsorgfonds en pensioenskema vir universiteitsinrigtings te word, en indien hy aldus kies—

- 5 (a) hou hy vanaf 'n datum wat die pensioenkantoor vasstel, maar nie eerder as ses maande na die bepaalde datum nie, op om lid van die voorsorgfonds en pensioenskema vir tegniese kolleges te wees en word hy vanaf eersbedoelde datum lid van die voorsorgfonds en pensioenskema vir universiteitsinrigtings;
- 10 (b) hou hy op om tot die voorsorgfonds vir tegniese kolleges by te dra en begin hy tot die voorsorgfonds vir universiteitsinrigtings by te dra vanaf die datum aldus vasgestel;
- 15 (c) word enige bedrag wat in die voorsorgfonds vir tegniese kolleges tot sy krediet opgeloo het, na die voorsorgfonds vir universiteitsinrigtings tot sy krediet oorgedra;
- (d) bly enige versekeringspolis wat deel uitgemaak het van die voorsiening ingevolge die regulasies op die voorsorgfonds vir tegniese kolleges vir hom gemaak, in die bewaring van die hoof van die Departement van Volkswelsyn en Pensioene en word dit aangeneem as deel van die voorsiening ingevolge die regulasies op die voorsorgfonds vir universiteitsinrigtings vir hom gemaak;
- 25 (e) word hy, indien hy vanaf 'n datum voor die agt-entwintigste dag van April 1950 'n lid van die voorsorgfonds en pensioenskema vir tegniese kolleges geword het, vir die doeleindes van die voorsorgfonds en pensioenskema vir universiteitsinrigtings geag vanaf 'n datum voor daardie datum 'n lid van laasbedoelde skema te geword het.

(5) Iemand op wie sub-artikel (1) van toepassing is, en wat ingevolge die bepalings van sub-artikel (1) van artikel *drie* geword in 'n raadspas aangestel te wees, en wat onmiddellik voor 35 die bepaalde datum 'n lid van die voorsorgfonds en pensioenskema vir tegniese kolleges was, kan binne ses maande na bedoelde datum of binne die verdere tydperk wat die pensioenkantoor onder buitengewone omstandighede toelaat, skriftelik kies om van alle verpligtings onder bedoelde voorsorgfonds en 40 pensioenskema onthef te word en van alle regte en voorregte daaronder af te sien, en lid van die voorsorgfonds en pensioenskema vir universiteitsinrigtings te word, en indien hy aldus kies, is die bepalings van paragrawe (a), (b), (c), (d) en (e) van sub-artikel (4) *mutatis mutandis* op sy geval van toepassing.

- 45 (6) By die toepassing van hierdie artikel, beteken—
 „voorsorgfonds vir tegniese kolleges” die Voorsorgfonds vir Tegniese Kolleges ingestel ingevolge die regulasies uitgevaardig kragtens paragraaf (g) van sub-artikel (1) van artikel *negentien* van die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923), en beteken „voorsorgfonds en pensioenskema vir tegniese kolleges” die Voorsorgfonds en Pensioenskema vir Tegniese Kolleges ingevolge bedoelde regulasies ingestel;
- 55 „voorsorgfonds vir universiteitsinrigtings” die Voorsorgfonds vir Universiteitsinrigtings ingestel ingevolge die regulasies uitgevaardig kragtens paragraaf (g) van sub-artikel (1) van artikel *twaalf* van die „Wet tot Additionele Regeling van het Hoger Onderwijs, 1917” (Wet No. 20 van 1917), en beteken „voorsorgfonds en pensioenskema vir universiteitsinrigtings” die Voorsorgfonds en Pensioenskema vir Universiteitsinrigtings ingevolge bedoelde regulasies ingestel.

5. Behoudens die bepalings van hierdie Wet, word die on- 65 onderbroke voltydse diens by die kollegeraad van iemand in sub-artikel (1) van artikel *drie* bedoel, onmiddellik voor die bepaalde datum, vir verlofdoeleindes geag diens in 'n pos bedoel in artikel *vier-en-twintig* te wees: Met dien verstande dat, onderworpe aan die voorwaardes wat die Minister bepaal, 70 siekte- en oplopende vakansieverlof wat so iemand op daardie datum toekom, geag word verlof te wees wat ingevolge hierdie Wet toegeval het.

Sekere ononderbroke voltydse diens vir sekere doeleindes erken as diens ingevolge die bepalings van hierdie Wet.

6. Die universiteitskollege bestaan uit—

- 75 (a) 'n raad;
 (b) 'n adviserende raad;
 (c) 'n senaat;
 (d) 'n adviserende senaat;
 (e) die ander liggame wat die Minister na oorlegpleging met die raad van tyd tot tyd instel;

Samestelling van die universiteitskollege.

- (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 5
 (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 10 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 15 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 20 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 25 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 30 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 35 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. 40

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 45 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 50 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— 55
 (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 60 instruction of the several departments, lectures 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— 65
 (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 70 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 75 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)

- (f) 'n rektor; en
(g) die professore, lektore en studente van die universiteitskollege.

Raad.

- 5 7. (1) Die raad bestaan uit—
(a) die rektor *ex officio*; en
(b) minstens agt lede wat deur die Goewerneur-generaal aangestel word, van wie minstens vier aangestel word op grond van hul spesiale kennis van of verband met universiteitsaangeleenthede.
- 10 (2) Die lede van die raad beklee hul amp vir die tydperk wat voorgeskryf word en hulle kan weer aangestel word.
(3) Die Goewerneur-generaal wys een van die lede van die raad aan as voorsitter, wat daardie amp vir die voorgeskrewe tydperk beklee: Met dien verstande dat indien die voorsitter van enige raadsvergadering afwesig is, die aldaar aanwesige lede een uit hul midde moet kies om by daardie vergadering voor te sit.
(4) Die bevoegdhede, pligte, werksaamhede en prosedure by vergaderings van die raad en die toelaes van lede is soos voorgeskryf: Met dien verstande dat enige toelae betaalbaar aan 'n lid wat in die voltydse diens van die Staat is, ooreenkomstig die wetsbepalings wat sy diensvoorwaardes reël, moet wees.
(5) Indien 'n lid van die raad te sterwe kom of om enige rede sy amp ontruim voor die verstryking van sy ampstermyn, stel die Goewerneur-generaal 'n ander persoon in sy plek aan en 'n aldus aangestelde persoon beklee sy amp as lid van die raad vir die onverstreke deel van die ampstermyn van die lid wat gesterf of sy amp ontruim het.
(6) Die raad kan, in oorleg met die Minister, komitees van die raad instel, en die samestelling, bevoegdhede, werksaamhede en pligte van sodanige komitees is soos na oorlegpleging met die raad voorgeskryf.
- 15 8. Die raad is 'n regspersoon met ewigdurende regsopvolging en kan in sy eie naam as eiser en as verweerder in regte optree en alle handeling verrig wat nodig is vir die uitvoering van verrigting van die bevoegdhede, pligte en werksaamhede wat deur of kragtens hierdie Wet aan hom verleen of opgelê of toevertrou word of wat daarmee in verband staan of wat ingevolge hierdie Wet van tyd tot tyd deur die Minister aan hom gedelegeer word.
- 20 9. (1) Die adviserende raad bestaan uit minstens agt lede wat deur die Goewerneur-generaal aangestel word.
(2) Die Goewerneur-generaal wys een van die lede van die adviserende raad aan as voorsitter.
(3) Die voorsitter van die raad kan, en die rektor of sy verteenwoordiger moet vergaderings van die adviserende raad as raadgewers bywoon, maar is nie geregtig om te stem nie.
(4) Die ampstermyn en toelaes van lede en van die voorsitter en die bevoegdhede, pligte, werksaamhede en prosedure by vergaderings van die adviserende raad is soos na oorlegpleging met die raad voorgeskryf: Met dien verstande dat enige toelae betaalbaar aan 'n lid wat in die voltydse diens van die Staat is, ooreenkomstig die wetsbepalings wat sy diensvoorwaardes reël, moet wees.
- 25 10. (1) Die senaat bestaan uit—
(a) die rektor wat *ex officio* voorsitter is; en
(b) die professore en lektore van die universiteitskollege wat die Minister na oorlegpleging met die raad van tyd tot tyd vir dié doel aanwys.
- 30 (2) Die toesig oor en reëling van die tug en onderrig in die onderskeie departemente, voorlesings en klasse van die universiteitskollege berus by die senaat ooreenkomstig die wyse op aanbeveling van die raad voorgeskryf.
(3) Die senaat lê van tyd tot tyd aan die raad voor—
(a) verslae omtrent sy werksaamhede;
(b) aanbevelings wat die senaat dienstig ag omtrent aan-geleenthede van belang wat die universiteitskollege raak; en
(c) aanbevelings omtrent sake wat die raad na hom verwys.
- 35 (4) Behoudens die bepaling van hierdie Wet, sluit die werksaamhede van die senaat in die organisasie van en beheer oor die eksamens wat ingevolge artikel drie-en-twintig ingestel word.
(5) Die senaat kan met toestemming van die raad enige van die werksaamhede wat by sub-artikels (2), (3) en (4) aan hom opgedra word aan die adviserende senaat delegeer.
(6) Behoudens die bepaling van sub-artikels (2), (3) en (4)

Adviserend: raad.

Senaat.

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. 5

(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. 10

(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. 15

Appointment of rector.

12. The rector shall be appointed by the Minister and his powers, privileges, duties and functions shall be as prescribed. 20

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. 25

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— 30

- (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 prerequisite 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 35 40 45
- (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. 45

(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. 50

(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. 55

(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. 60

(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. 65

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. 70

is die ampstermyn van lede, bevoegdhe, pligte, werksaamhede en prosedure by vergaderings van die senaat soos na oorlegpleging met die raad voorgeskryf.

11. (1) Die adviserende senaat bestaan uit die professore en 5 lektore van die universiteitskollege wat die Minister na oorlegpleging met die raad van tyd tot tyd vir dié doel aanwys. Adviserende senaat.
- (2) Die rektor wys na oorlegpleging met die raad een van die lede van die adviserende senaat aan as voorsitter.
- (3) Die rektor moet die vergaderings van die adviserende 10 senaat as raadgewer bywoon, maar is nie geregtig om te stem nie, en wanneer die rektor 'n vergadering van die adviserende senaat nie kan bywoon nie, moet hy 'n ander lid van die senaat aanwys om daardie vergadering in sy plek by te woon.
- (4) Behoudens die bepalings van sub-artikel (5) van artikel 15 *tien*, is die ampstermyn van die voorsitter en lede en die bevoegdhe, pligte, werksaamhede en prosedure by vergaderings van die adviserende senaat soos na oorlegpleging met die raad voorgeskryf.
12. Die rektor word deur die Minister aangestel en sy 20 bevoegdhe, voorregte, pligte en werksaamhede is soos voorgeskryf. Aanstelling van rektor.
13. (1) Die raad kan op die wyse en op die voorwaardes deur 25 die Minister bepaal, sodanige voorrade en uitrusting vir die gebruik van die universiteitskollege verkry as wat insgelyks bepaal word. Verkryging en beheer van voorrade en uitrusting deur raad.
- (2) Die beheer wat oor bedoelde voorrade en uitrusting deur die raad uitgeoefen moet word, is soos die Minister bepaal.
14. Daar kan aan die universiteitskollege sodanige fakulteite 30 en departemente ingestel word as wat van tyd tot tyd na oorlegpleging met die raad voorgeskryf word. Fakulteite en departemente.
15. (1) Niemand mag as 'n gematrikuleerde student aan die 35 universiteitskollege ingeskryf word nie, tensy— Inskrywing as student.
- (a) hy die matrikulasiesertifikaat uitgereik deur die 40 Matrikulasieraad ingestel kragtens sub-artikel (1) van artikel *vyftien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), verwerf het, of na die oordeel van die Matrikulasieraad aan die voorwaardes van vrystelling van die matrikulasie-eksamen voldoen het en 'n sertifikaat te dien effekte verkry het: Met dien 45 verstande dat die Minister op aanbeveling van die raad daarbenewens die behaling van 'n vermelde standaard in vermelde vakke by die matrikulasie-eksamen of by 'n eksamen wat deur die Matrikulasieraad vir dié doel erken word, as 'n voorvereiste vir 50 toelating tot enige besondere kursus aan die universiteitskollege kan voorskryf; of
- (b) hy 'n gegradueerde van 'n universiteit is of tot die status van 'n gegradueerde deur 'n universiteit toegelaat is; en
- (c) hy voldoen het aan die ander voorwaardes wat voor- 55 geskryf word.
- (2) Elke persoon wat as 'n student van die universiteitskollege ingeskryf word, moet solank hy 'n student daarvan bly, sy inskrywing jaarliks hernieu en moet ten opsigte van sodanige 60 hernuwing aan die voorgeskrewe voorwaardes voldoen.
- (3) Toestemming om sy inskrywing as student van die universiteitskollege te hernieu, kan deur die raad geweier word aan 'n student van die universiteitskollege wat nie aan die minimum 65 studievereistes voldoen nie.
- (4) Die Minister kan na oorlegpleging met die raad, die 60 aantal studente wat toegelaat kan word om vir 'n kursus in te skryf, na goeddunke beperk.
- (5) Die Minister kan die toelating van Bantoe-persone tot die universiteitskollege beperk tot persone van een of meer groepe soos hy bepaal, maar kan in 'n bepaalde geval aan 'n Bantoe- 65 persoon van enige ander groep toestemming verleen om die universiteitskollege by te woon.
16. Die Minister kan die toelating van enige persoon wat 70 aansoek doen om toelating as student van die universiteitskollege weier indien hy dit in die belang van die universiteitskollege beskou om dit te doen. Weiering van toelating as student.
17. 'n Student van die universiteitskollege is onderworpe 70 aan sodanige tugbepalings as wat na oorlegpleging met die raad voorgeskryf word. Tug.

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. 5

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 o 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. 10

(2) Any moneys recovered in respect of a loan or bursary granted to a Bantu student under sub-section (1) shall be paid into the Bantu Education Account. 15

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. 20

(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. 25

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. 30

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— 40

(a) determine the curricula;

(b) prepare students for examinations;

(c) conduct examinations; and

(d) institute and award diplomas and certificates, 45

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— 50

(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 after consultation with the council 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 after consultation with the council 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. 55 60

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.] 70

may

may

until a date to be determined by the Minister in consultation with that University.

18. (1) Die raad kan vereis dat 'n student gedurende die tydperke wanneer die universiteitskollege aan die gang is by 'n verblyfplek inwoon wat vir die doel deur die raad goedgekeur is. Verbyfplekke en plekke waar studente onderrig ontvang.
- (2) Die raad kan die plek onder beheer van die universiteits-5 kollege bepaal waar 'n student onderrig moet ontvang.
19. Geen blanke mag hom by die universiteitskollege as student laat inskryf of dit as student bywoon nie. Verbod op toelating van blankes.
20. (1) Die Minister kan uit gelde wat die Parlement uit die Bantoe-onderwysrekening vir dié doel bewillig, en onderworpe 10 aan die voorwaardes wat in oorleg met die Minister van Finansies voorgeskryf word, aan enige Bantoe-student die geldelike of ander materiële hulp verleen wat hy bepaal. Finansiële en ander bystand aan Bantoe-studente.
- (2) Gelde wat ingevorder word ten opsigte van 'n lening of beurs kragtens sub-artikel (1) aan 'n Bantoe-student toegestaan 15 word in die Bantoe-onderwysrekening inbetaal.
21. (1) Totdat die Parlement anders by wet bepaal, is die eksamens van die universiteitskollege vir grade, diplomas en sertifikate, die eksamens van die Universiteit van Suid-Afrika. Eksamens.
- (2) Ondanks andersluidende wetsbepalings, moet iemand wat 20 op die bepaalde datum as student van die universiteitskollege ingeskryf is of wat aldus ingeskryf was vir die akademiese jaar wat daardie datum onmiddellik voorafgegaan het, aan die universiteitskollege voorberei word vir die eksamens van die Rhodes-universiteit waarvoor hy aldus ingeskryf is of was.
- 25 22. Totdat die Parlement anders by wet bepaal, is die grade, diplomas en sertifikate waarvoor studente aan die universiteitskollege voorberei kan word, dié van die Universiteit van Suid-Afrika: Met dien verstande dat iemand wat op die bepaalde datum as 'n student van die universiteitskollege ingeskryf is of 30 wat vir die akademiese jaar wat bedoelde datum voorafgegaan het aldus ingeskryf was, aan die universiteitskollege voorberei moet word vir die graad, diploma of sertifikaat van die Rhodes-universiteit waarvoor hy aldus ingeskryf is of was, en die Rhodes-universiteit word hierby gemagtig om so 'n graad, 35 diploma of sertifikaat aan so iemand toe te ken asof hierdie Wet nie aangeneem was nie. Grade, diplomas en sertifikate.
23. Ondanks die bepalinge van artikels *een-en-twintig* en *twee-en-twintig* kan die universiteitskollege met goedkeuring van die Minister— Toekenning van diplomas en sertifikate deur die universiteitskollege.
- 40 (a) die leerplanne bepaal;
(b) studente voorberei vir eksamens;
(c) eksamens afneem; en
(d) diplomas en sertifikate instel en toeken,
in enige voorgeskrewe vak of kursus van onderrig en opleiding
45 waarin die Universiteit van Suid-Afrika nie diplomas of sertifikate uitreik nie.
24. Die diensstaat by die universiteitskollege word deur die Minister bepaal en die poste aldaar word ingedeel as— Bepaling van diensstaat.
- 50 (a) poste vir die doserende personeel;
(b) poste vir die administratiewe en klerklike personeel; en
(c) die ander poste wat die Minister nodig ag.
25. Die Minister kan na oorlegpleging met die raad enige pos op die diensstaat van die universiteitskollege as 'n raadspos 55 aangewys is nie, is 'n Staatspos: Met dien verstande dat die Minister te eniger tyd na oorlegpleging met die raad 'n Staatspos in 'n raadspos of 'n raadspos in 'n Staatspos kan omskep, onderworpe, in die geval van 'n pos wat dan deur iemand geokkupeer word, aan die instemming van die persoon wat dit 60 beklee. Indeling van poste.
- [26. Die bevoegdheid om 'n persoon in diens in 'n Staatspos by die universiteitskollege aan te stel, te bevorder of te ontslaan, berus by die Minister wat enige van of al die bedoelde bevoegdhede kan deleger aan die Sekretaris of 'n beampte wat in die 65 algemeen of spesiaal in 'n besondere geval deur die Minister daartoe gemagtig word, en die bevoegdheid om 'n persoon in diens in 'n raadspos by die universiteitskollege aan te stel, te bevorder of te ontslaan, berus by die raad: Met dien verstande dat enige aanstelling, bevordering of ontslag deur die raad aan 70 die Minister se goedkeuring onderworpe is.] Aanstelling van personeel.

26. (1) 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 in respect of any State post classified under paragraph (b) or (c) of section *twenty-four* to the Secretary: 5
 Provided that the appointment, promotion or discharge of any person employed in a State post classified under paragraph (a) of section *twenty-four* shall take place only after consultation with the council: Provided further that in respect of any State post classified under paragraph (b) or (c) of section *twenty-four*, and designated by the Minister any such appointment, promotion or discharge may be effected by an officer of his Department deputed thereto, either generally or specially in a particular case, by the Minister. 10

(2) The power to appoint, promote or discharge any person employed at the university college in a council post shall be vested in the council: Provided that every appointment, promotion or discharge by the council shall be subject to the approval of the Minister. 15

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, allowances and leave and other privileges of persons appointed to council posts shall be as determined by the council with the approval of the Minister. 20 25

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] classified in a division of the public service referred to in sub-paragraph (i) of paragraph (a) of sub-section (1) of section three of the Public Service Act, 1957 (Act No. 54 of 1957). 30 35

(2) Subject to the provisions 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. 40 45

(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). 50

(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. 55

(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. 60

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. 65 70 75

26. (1) Die bevoegdheid om 'n persoon wat by die universiteitskollege in 'n Staatspos in diens geneem word of is, aan te stel, te bevorder, of te ontslaan, berus by die Minister, wat enige van of al die bedoelde bevoegdhede ten opsigte van 'n Staatspos wat onder paragraaf (b) of (c) van artikel vier-en-twintig ingedeel is, aan die Sekretaris kan delegeer: Met dien verstande dat die aanstelling, bevordering of ontslag van 'n persoon wat in diens geneem word of is in 'n Staatspos wat onder paragraaf (a) van artikel vier-en-twintig ingedeel is, alleen na oorlegpleging met die raad geskied: Met dien verstande voorts dat met betrekking tot enige Staatspos wat onder paragraaf (b) of (c) van artikel vier-en-twintig ingedeel is en wat deur die Minister aangewys word, so 'n aanstelling, bevordering of ontslag bewerkstellig kan word deur 'n beampte van sy Departement wat òf in die algemeen òf spesiaal in 'n besondere geval deur die Minister daartoe gemagtig is.

(2) Die bevoegdheid om 'n persoon wat by die universiteitskollege in 'n raadspos in diens geneem word of is, aan te stel, te bevorder of te ontslaan, berus by die raad: Met dien verstande dat elke aanstelling, bevordering of ontslag deur die raad aan die Minister se goedkeuring onderworpe is.

27. Die diensvoorwaardes en verlof- en ander voorregte van persone wat vas of tydelik in Staatsposte aangestel is of word, is soos voorgeskryf, en hul salarisskale en toelaes is soos deur die Minister na oorlegpleging met die Staatsdienskommissie bepaal, en die diensvoorwaardes, salaris, salarisskale, toelaes en verlof- en ander voorregte van persone wat in raadsposte aangestel is of word, is soos deur die raad met die goedkeuring van die Minister bepaal.

Diensvoorwaardes.

28. (1) Iemand wat in 'n Staatspos vas aangestel is, word ten opsigte van pensioenregte en uitdienstredingsvoordele behandel asof hy [in 'n pos in die Staatsdiens aangestel is] aangestel is in 'n pos wat by 'n in sub-paragraaf (i) van paragraaf (a) van sub-artikel (1) van artikel drie van die Staatsdienswet, 1957 (Wet No. 54 van 1957), bedoelde afdeling van die Staatsdiens ingedeel is.

Pensioenregte en uitdienstredingsvoordele.

(2) Iemand wat 'n raadspos voltyds beklee en wie se aanstelling vir dié doel deur die Minister goedgekeur is, word, behoudens die bepalinge van artikel vier, lid van en dra by tot die voorsorgfonds en pensioenskema kragtens een of ander wet ingestel vir lede van die personeel van universiteite, op dieselfde wyse en onderworpe aan dieselfde voorwaardes asof hy lid is van die doserende of administratiewe personeel van 'n universiteit soos in artikel een van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), omskryf, en die universiteitskollege word vir alle doeleindes van bedoelde voorsorgfonds en pensioenskema beskou as 'n universiteit soos aldus omskryf.

(3) Die raad word vir alle doeleindes van bedoelde voorsorgfonds en pensioenskema geag 'n raad te wees soos omskryf in artikel een van die Wet op Universiteite, 1955 (Wet No. 61 van 1955).

(4) Ondanks andersluidende bepalinge in die regulasies vervat wat die in sub-artikel (2) bedoelde voorsorgfonds en pensioenskema reël, word enige bedrag wat ingevolge daardie regulasies deur die raad of uit die Gekonsolideerde Inkomstefonds betaalbaar sou gewees het ten opsigte van die bekleër van 'n raadspos aan die universiteitskollege uit die Bantoe-ondersrekening betaal.

(5) Ondanks die bepalinge van sub-artikels (1) en (2), word met die bekleër van 'n pos wat kragtens artikel vyf-en-twintig omgeskep is, ten opsigte van pensioenregte en uitdienstredingsvoordele gehandel asof daardie pos nie aldus omgeskep was nie.

29. Elke persoon wat in 'n Staatspos diens doen, kan van daardie pos oorgeplaas word na enige ander Staatspos by die universiteitskollege of by enige ander universiteitskollege ingestel vir nie-blanke persone, hetsy die oorpasing na 'n Staatspos van 'n laer graad is al dan nie; maar so iemand se pensioengewende verdienste word nie sonder sy toestemming verminder nie, tensy die oorpasing geskied as gevolg van 'n degradering wat kragtens die Staatsdienswet, 1957, soos by sub-artikel (1) van artikel een-en-dertig toegepas, opgelê word, en so iemand wat sonder vermindering van pensioengewende verdienste na 'n Staatspos van 'n laer graad oorgeplaas is, moet na 'n Staatspos van die graad wat by sy salaris pas, oorgeplaas word sodra 'n geskikte vakature ontstaan.

Oorpasing van sekere persone by universiteitskollege in diens.

Discharge of
persons
permanently
appointed.

30. (1) Any person appointed permanently to a State post may subject to the provisions of the first proviso to sub-section (1) of section *twenty-six* be discharged by the Minister—

- (a) on account of attaining the pensionable age;
- (b) in the case of a female member of the staff, on account of her marriage; 5
- (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; 10
- (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*. 15

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

- (a) on account of attaining the pensionable age; 20
- (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 purposes of this section, "pensionable age" 25 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 30 35
- (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] the superannuation date as defined in those regulations is attained. 40

(4) Notwithstanding anything to the contrary contained in the preceding sub-sections of this section or in section *twenty-six* of the Pensions Act, but subject to the provisions of sub-section (5) of this section and sub-section (4) of section *twenty-six* of the Pensions Act, any person who immediately prior to the twenty-fourth day of June 1955, was a member of a scheme referred to in paragraph (b) or (c) of sub-section (3) and who elects in terms of sub-section (2) of section *four* to become a member of the Pension Fund, shall have the right to retire on pension and shall be so retired— 50

- (a) on attaining the age of sixty-one years if he was born before the first day of January, 1900; 55
- (b) on attaining the age of sixty-three years, if he was born on or after the first day of January, 1900, but before the first day of January, 1903;
- (c) on attaining the age of sixty-five years if he was born on or after the first day of January, 1903, 60

and such age shall for the purposes of Part C of Chapter I of the Pensions Act be deemed to be his pensionable age.

(5) A person to whom sub-section (4) applies shall have the right at any time before or after attaining in the case of a male the age of sixty years or in the case of a female the age of fifty-five years, to give written notification to the Secretary of his wish to be retired on pension, and if he gives such notification he shall— 65

- (a) if such notification is given at least three months prior to the date on which he attains the said age, he be so retired on attaining that age; or 70
- (b) if such notification is not given at least three months prior to the date on which he attains the said age,

30. (1) Iemand wat in 'n Staatspos vas aangestel is, kan behoudens die bepalinge van die eerste voorbehoudsbepaling by sub-artikel (1) van artikel *ses-en-twintig* deur die Minister ontslaan word—

Ontslag van persone wat vas aangestel is.

- 5 [(a) wanneer hy die pensioenleeftyd bereik;]
 (a) weens bereiking van die pensioenleeftyd;
 (b) in die geval van 'n vroulike lid van die personeel, weens haar huwelik;
 (c) weens aanhoudende swak gesondheid;
 10 (d) weens die afskaffing van sy pos of enige vermindering in of herorganisasie of heraanpassing van die personeel van die universiteitskollege;
 (e) indien sy ontslag na die oordeel van die Minister verbeterings in die organisasie van die universiteitskollege sal vergemaklik waardeur groter doeltreffendheid of besparing bewerkstellig sal word; of
 15 (f) ingevolge die bepalinge van die Staatsdienswet, 1957, soos by sub-artikel (1) van artikel *een-en-dertig* toegepas.
- 20 (2) Iemand wat in 'n raadspos vas aangestel is, kan deur die raad met goedkeuring van die Minister ontslaan word—
 [(a) wanneer hy die pensioenleeftyd bereik;]
 (a) weens bereiking van die pensioenleeftyd;
 (b) in die geval van 'n vroulike lid van die personeel, weens haar huwelik; of
 25 (c) ingevolge die diensvoorwaardes wat sy aanstelling reël.
- (3) By die toepassing van hierdie artikel beteken „pensioenleeftyd”—
 30 (a) in die geval van 'n lid van die Pensioenfonds, die pensioenleeftyd soos in artikel *een-en-twintig* van die Pensioenwet omskryf;
 (b) in die geval van 'n lid van die voorsorgfonds en pensioenskema ingestel ingevolge die regulasies uitgevaardig kragtens artikel *negentien* van die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923), die leeftyd waarop die pensioendatum, soos in daardie regulasies omskryf, bereik word; en
 35 (c) in die geval van 'n lid van die voorsorgfonds en pensioenskema waarvoor voorsiening gemaak word in die regulasies wat kragtens artikel *negentien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), uitgevaardig of ooreenkomstig artikel *nege-en-twintig* van daardie Wet van krag is, die leeftyd waarop [daardie lid volgens bedoelde regulasies moet aftree of verplig kan word om af te tree] die pensioendatum soos in daardie regulasies omskryf, bereik word.
- 40 (4) Ondanks andersluidende bepalinge van die voorafgaande sub-artikels van hierdie artikel of van artikel *ses-en-twintig* van die Pensioenwet, maar behoudens die bepalinge van sub-artikel (5) van hierdie artikel en sub-artikel (4) van artikel *ses-en-twintig* van die Pensioenwet, het enige persoon wat onmiddellik voor die vier-en-twintigste dag van Junie 1955 'n lid was van 'n skema in paragraaf (b) of (c) van sub-artikel (3) bedoel en wat kragtens die bepalinge van sub-artikel (2) van 55 artikel *vier* kies om lid te word van die Pensioenfonds, die reg om met pensioen af te tree en word hy afgedank met pensioen—
 (a) by bereiking van die ouderdom van een-en-sestig jaar as hy voor die eerste dag van Januarie 1900 gebore is;
 60 (b) by bereiking van die ouderdom van drie-en-sestig jaar, as hy op of na die eerste dag van Januarie 1900 maar voor die eerste dag van Januarie 1903 gebore is;
 (c) by bereiking van die ouderdom van vyf-en-sestig jaar, as hy op of na die eerste dag van Januarie 1903 65 gebore is,
 en bedoelde ouderdom word by die toepassing van Deel C van Hoofstuk I van die Pensioenwet geag sy pensioenleeftyd te wees.
- (5) 'n Persoon op wie sub-artikel (4) van toepassing is, het 70 die reg om te eniger tyd voor of na bereiking van die ouderdom van sestig jaar in die geval van manlikes of die ouderdom van vyf-en-vyftig jaar in die geval van vroulikes, die Sekretaris skriftelik kennis te gee van sy begeerte om met pensioen af te tree, en indien hy aldus kennis gee moet hy—
 75 (a) indien kennis aldus gegee word ten minste drie maande voor die datum waarop hy die genoemde ouderdom bereik, by bereiking van daardie ouderdom met pensioen afgedank word; of
 (b) indien nie ten minste drie maande voor die datum 80 waarop hy die genoemde ouderdom bereik, aldus

be so retired on the first day of the fourth month following the month in which such notification is received.

(6) Any person who retires or is retired in terms of sub-section (4) or (5) shall for the purposes of paragraph (a) of sub-section (1) of section *twenty-seven* and sub-section (1) of section *twenty-eight* of the Pensions Act be deemed to retire or to be retired in terms of section *twenty-six* of that Act, and any reference in the Pensions Act to sub-section (3) of section *twenty-six* of that Act shall be deemed to include a reference to sub-section (5) of this section.

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] a staff member who is alleged to be inefficient or whose conduct is alleged to be unsatisfactory shall be as 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 or omitted to do 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 or such further enquiry as he may consider necessary 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 the 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—

kennis gegee word nie, aldus afgedank word op die eerste dag van die vierde maand na die maand waarin die kennisgewing ontvang word.

- 5 (6) Enige persoon wat kragtens die bepalings van sub-artikel (4) of (5) aftree of afgedank word, word by die toepassing van paragraaf (a) van sub-artikel (1) van artikel *sewe-en-twintig* en sub-artikel (1) van artikel *agt-en-twintig* van die Pensioenwet geag af te tree of afgedank te wees ingevolge artikel *ses-en-twintig* van daardie Wet, en enige verwysing in die Pensioenwet na sub-artikel (3) van artikel *ses-en-twintig* van daardie Wet word geag 'n verwysing na sub-artikel (5) van hierdie artikel in te sluit.

- 15 31. (1) Die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957), met betrekking tot wangedrag en onbekwame beamptes is *mutatis mutandis* van toepassing ten opsigte van elke persoon wat vas in 'n Staatspos aangestel is asof hy 'n beampte in die Staatsdiens is. Wangedrag en onbekwame personeel.

- 20 (2) Ten opsigte van elke persoon wat vas in 'n raadspos aangestel is, word in die geval van 'n [onbekwame personeellid of 'n personeellid wie se gedrag onbevredigend is] personeellid wat beweer word onbekwaam te wees of wie se gedrag beweer word onbevredigend te wees, gehandel soos bepaal in die diensvoorwaardes soos deur die raad vasgestel en deur die Minister goedgekeur.

- 25 (3) Indien volgens die oordeel van die Minister 'n persoon op wie sub-artikel (2) van toepassing is, 'n handeling verrig het of versuim het om 'n handeling te verrig wat hom ingevolge sy diensvoorwaardes aan 'n aanklag van wangedrag of onbekwaamheid sou blootstel, en die raad versuim om, binne 'n 30 tydperk van een maand nadat die Minister die raad skriftelik versoek het om sulks te doen, ooreenkomstig die diensvoorwaardes van daardie persoon sy optrede te ondersoek en gepaste stappe na aanleiding van die bevindings by die ondersoek te doen, kan die Minister die raad gelas om so 'n ondersoek te 35 'n verdere ondersoek as wat hy nodig ag in te stel en om die notule van die ondersoek en 'n verslag van die stappe wat die raad ingevolge die bevindings by die ondersoek van plan is om te doen, aan hom voor te lê.

- 40 (4) By ontvangs van die in sub-artikel (3) bedoelde notule en verslag, kan die Minister die voorgenome stappe van die raad goedkeur of die raad gelas om die ander stappe te doen wat die raad regtens teen die betrokke persoon kan doen, en die raad moet daarop bedoelde stappe doen.

- 45 (5) 'n Verslag van enige stappe wat ingevolge sub-artikel (4) gedoen is, moet binne dertig dae daarna deur die Minister in albei Huise van die Parlement ter Tafel gelê word as die Parlement dan sit, of as die Parlement nie dan sit nie, binne dertig dae na die aanvang van sy eersvolgende sitting.

- 50 32. (1) Vanaf 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal— Beperking op toelating van nie-blankes tot die universiteitskollege.

- 55 (a) mag geen nie-blanke (behalwe 'n Bantoe-persoon) wat nie as 'n student van die universiteitskollege vir die onmiddellik voorafgaande akademiese jaar ingeskryf was nie, hom sonder toestemming van die Minister by die universiteitskollege as 'n student laat inskryf of dit bywoon nie;

- 60 (b) mag geen nie-blanke (behalwe 'n Bantoe-persoon) hom as student by die universiteitskollege laat inskryf of dit bywoon nie, behalwe om 'n studie- of opleidingskursus te voltooi vir 'n graad, diploma of sertifikaat waarvoor hy op daardie datum aan die universiteitskollege ingeskryf is of ten opsigte van die onmiddellik voorafgaande akademiese jaar aldus ingeskryf was.

- 65 (2) Verskillende datums kan vir die doeleindes van paragrafe (a) en (b) van sub-artikel (1) bepaal word.

33. Die gelde betaalbaar aan die universiteitskollege is soos voorgeskryf en word in die Bantoe-onderwysrekening inbetaal. Gelde.

- 70 34. Die Minister kan, in oorleg met die Minister van Finansies, uit gelde wat die Parlement uit die Bantoe-onderwysrekening vir dié doel bewillig, geldelike en ander reëlings tref, insluitende die aanstelling van tydelike of deeltydse personeel, vir die na-graadse opleiding van 'n Bantoe-student ook op 'n ander plek as by die universiteitskollege. Na-graadse opleiding.

- 75 35. (1) Die Minister kan regulasies uitvaardig met betrekking tot— Regulasies.

- (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; 5
- (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 10 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 15 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; 20
- (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 25 at, and the discharge of students from the university college;
- (j) financial and other material assistance to students;
- (k) the appointment, grading, promotion, transfer, discharge, discipline, conduct, powers, duties, hours of 30 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; 35
- (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*; 40
- (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 45 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 50 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 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*. 55

(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*. 60

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 65 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 70 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.

- (a) die instandhouding en bestuur van en beheer oor die universiteitskollege en die oordrag van sodanige instandhouding, bestuur en beheer aan die Minister;
- 5 (b) die bevoegdhe, pligte en werksaamhede van die raad, adviserende raad, senaat, adviserende senaat en komitees van die raad;
- (c) die samestelling van komitees van die raad;
- 10 (d) die toelaes betaalbaar aan lede van die raad en die adviserende raad: Met dien verstande dat sodanige regulasies uitgevaardig word in oorleg met die Minister van Finansies;
- (e) die ampstermyn van lede en die prosedure by vergaderings van die raad, adviserende raad, senaat en adviserende senaat;
- 15 (f) die samestelling, ampstermyn en toelaes van lede, werksaamhede, bevoegdhe, pligte en prosedure by vergaderings van 'n liggaam kragtens paragraaf (e) van artikel *ses* ingestel: Met dien verstande dat die regulasies met betrekking tot die toelaes uitgevaardig word in oorleg met die Minister van Finansies;
- 20 (g) die voorwaardes vir die registrasie van studente en klas-, losies- en ander gelde;
- (h) die fakulteite en departemente en kursusse van onderrig en opleiding aan die universiteitskollege;
- 25 (i) die toelating van studente tot, die beheer van studente aan en die ontslag van studente uit die universiteitskollege;
- (j) geldelike en ander materiële hulp aan studente;
- 30 (k) die aanstelling, gradering, bevordering, oorplasing, ontslag, tug, gedrag, bevoegdhe, pligte, diensure, verlof- en ander voorregte, en die diensvoorwaardes, met inbegrip van die bewoning van amptelike wonings, van persone wat in Staatsposte vas, tydelik of deelyds in die personeel van die universiteitskollege aangestel is;
- 35 (l) die omstandighede waaronder mediese ondersoek vereis word by die toepassing van enige besondere bepaling van hierdie Wet;
- (m) die instelling en toekenning van diplomas en sertifikate ingevolge artikel *drie-en-twintig*;
- 40 (n) enige aangeleentheid wat kragtens hierdie Wet voorgeskryf moet of kan word;
- (o) oor die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doeleindes van hierdie Wet te verwesenlik, en die algemeenheid van die bevoegdheid by hierdie paragraaf verleen, word nie deur die bepalings van die voorafgaande paragraawe beperk nie.
- (2) Verskillende regulasies kan ten opsigte van verskillende
- 50 persone of groepe of klasse persone of rasse in diens uitgevaardig word.
36. (1) Die Minister kan aan die Sekretaris of aan enige ander beampste in sy Departement enige van of al die regte, pligte, bevoegdhe, magte en werksaamhede kragtens die
- 55 voorbehoudsbepaling by artikel *vyf*, sub-artikel (4) van artikel *vyftien*, artikel *twintig* of *nege-en-twintig*, of paragraaf (a) of (b) van sub-artikel (1) van artikel *dertig* aan hom verleen of opgelê of toevertrou, delegeer.
- (2) Die Minister kan aan die raad enige van of al die regte,
- 60 pligte, bevoegdhe, magte en werksaamhede kragtens paragraaf (b) van sub-artikel (2) van artikel *twee*, artikel *twaalf*, sub-artikel (4) van artikel *vyftien* of artikel *sestien* aan hom verleen of opgelê of toevertrou, delegeer.
37. Die Minister kan in oorleg met die Minister van Finansies
- 65 enige grond wat vir of in verband met die universiteitskollege benodig word, onteien, en die „Expropriation of Lands and Arbitration Clauses Proclamation, 1902” (Proklamasie No. 5 van 1902), van Transvaal, is *mutatis mutandis* ten opsigte van so 'n onteiening van toepassing.
- 70 38. Iemand wat 'n bepaling van artikel *negentien* of *twee-entertig* oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande.
- 75 39. (1) Die wette in die Bylae by hierdie Wet vermeld, word hierby gewysig vir sover in die derde kolom van daardie Bylae aangedui.

Delegasie van bevoegdhe van Minister.

Onteining van grond vir doeleindes van universiteitskollege.

Strafbepalings.

Herroeping en wysiging van wette.

(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.

ACTS 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 sub-section (1) 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 <i>twenty</i> after the expression "Bantu Education Act, 1953 (Act No. 47 of 1953)" of the expression "and of the Fort Hare University College Transfer Act, 1959".

(2) Die herroeping van sub-artikel (1) van artikel *drie-en-dertig* van die Private Wet op Rhodes-universiteit, 1949 (Wet No. 15 van 1949), en die wysiging van artikel *een* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), tree op die 5 bepaalde datum in werking.

40. Hierdie Wet heet die Wet op Oordrag van die Universi- Kort titel. teitskollege Fort Hare, 1959.

Bylae.

WETTE GEWYSIG.

No. en jaar van wet.	Kort titel.	In hoeverre gewysig.
Wet No. 15 van 1949.	Die Private Wet op Rhodes-universiteit, 1949.	Deur sub-artikel (1) van artikel <i>drie-en-dertig</i> te herroep.
Wet No. 61 van 1955.	Die Wet op Universiteite, 1955.	Deur in die woordomskriving van „universiteit” in artikel <i>een</i> die woorde „en ook die Universiteitskollege van Fort Hare” te skrap.
Wet No. 23 van 1956.	Die Skatkis- en Ouditwet, 1956.	Deur in artikel <i>twintig</i> na die uitdrukking „Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953)”, die uitdrukking „en die Wet op Oordrag van die Universiteitskollege Fort Hare, 1959” in te voeg.

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