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GAZETTE NO 5043

The following Provincial Notices are published for general information.

J. H. A. BEUKES, DIRECTOR-GENERAL

**REGULATIONS RELATING TO THE EDUCATION COUNCIL FOR THE PROVINCE
OF THE WESTERN CAPE**

The Member of the Executive Council responsible for Education in the Province of the Western Cape has in terms of sections II and 73 of the Western Cape School Education Law, 1994 (Law No. 10 of 1994), and with the concurrence of the financial head, promulgated the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Law bears the meaning assigned to it and, unless the context otherwise indicates

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"the Law" means the Western Cape School Education Law, 1994 (Law No. 10 of 1994);

"education council" means an education council established by section I I of the Law.

Constitution of education council

2. (1) The number of persons to be designated as members of the education council concerned by the Head of Education in terms of section 11(1)(b) of the Law from his or her personnel shall be six.

(2) (a) The number of persons to be designated as members of the education council concerned by the Member of the Executive Council in respect of universities, technikons and colleges of education respectively in the province from nominations by the respective institutions in terms of section 11 (1)(c) of the Law shall be as indicated in the table below:

Number	Institutions
1	Universities
1	Technikons
1	Colleges of Education

(b) The type of institutions concerned as determined by subregulation (2)(a), shall, after mutual consultation, when so requested by the Head of Education, provide him/her with the names and particulars of at least two persons in order of preference, for each type of institution for submission to the Member of the Executive Council for designation of one person each in respect of universities, technikons and colleges of education.

(3) (a) The number of persons to be designated by the organised teaching profession in the province from its members in terms of section 11 (1)(d) of the Law as members of the education council shall be six.

(b) Each organised education body in the province must, when requested by the Head of Education, provide him/her with the names and particulars of at least two persons from their bodies for submission to the Member of the Executive Council for the

nomination of the prescribed number of members.

(4) (a) The number of persons to be designated by the organised parent community in the province from its members in terms of section 11(1)(e) of the Law as members of the education council concerned shall with regard to statutory councils and committees and recognised non-statutory bodies and associations, respectively, be as follows:

(a) Statutory councils and committees: 3

(b) Recognised non-statutory bodies and associations: 3

(b) The organised parent community referred to in subregulation (4)(a) must, when requested by the Head of Education, provide him/her with the names and particulars of at least six members in order of preference of statutory bodies and committees and at least six members in order of preference of recognised non-statutory bodies and associations for the nomination of the prescribed number of members. For this purpose the office-bearers of the statutory bodies and committees as well as the office-bearers of the recognised non-statutory bodies and associations in each of the three areas of the department must meet separately and each must nominate at least two persons in order of preference, provided that each of the three regions of the department is represented.

(5) (a) The number of representatives of private schools registered with the Department, to be designated by the Member of the Executive Council in terms of section 11 (1)(f) of the Law as members of the education council concerned, shall be one.

(b) Each representative body of private schools referred to in subregulation (5)(a) must, when requested by the Head of Education, provide him/her with the names and particulars of at least two persons in order of preference for submission to the Member of the Executive Council for the nomination of the prescribed number of members.

(6) (a) The number of representatives of state-subsidized schools in respect of the

province, to be designated by the Member of the Executive Council in terms of section 11(1)(g) of the Law as members of the education council concerned shall be one.

(b) Each representative body of state-subsidized schools referred to in subregulation (6)(a) must, when requested by the Head of Education, provide him/her with the names and particulars of at least two persons in order of preference for submission to the Member of the Executive Council for the nomination of the prescribed number of members.

(7) (a) The number of representatives of state-aided schools in respect of the province, to be designated by the Member of the Executive Council in terms of section 11(1)(h) of the Law as members of the education council concerned, shall be one.

(b) The state-aided schools concerned referred to in subregulation (7)(a) must, after joint consultation and when requested by the Head of Education, provide him/her with the names and particulars of at least two persons in order of preference for submission to the Member of the Executive Council for the nomination of the prescribed number of members.

(8) The person who is designated by the Member of the Executive Council in terms of section 11(1)(i) of the Law as a member of the education council concerned, may be so designated from a list containing the names of two persons submitted by the Head of Education: Provided that the names of the persons submitted shall be involved in schools for specialized education.

(9) The person who is designated by the Member of the Executive Council in terms of section 11(1)(j) of the Law as a member of the education council concerned, may be so designated from a list containing the names of two persons submitted by the Head of Education: Provided that the names submitted shall be involved in technical colleges.

(10) (a) The number of persons to be designated by the organised trade, industry,

agriculture and labour in the province from its members in terms of section 11(1)(k) of the Law as members of the education council concerned, shall be as follows:

Trade : 1
Industry : 1
Agriculture : 1
Labour : 1

(b) the organised trade, industry, agriculture and labour in the province must each, when requested by the Head of Education, provide him/her with the names and particulars of at least two persons from their members in order of preference for submission to the Member of the Executive Council for the nomination of the prescribed number of members.

(11) The number of persons to be designated by the Member of the Executive Council in terms of section 11(1)(1) of the Law as members of the education council, shall be four.

Disqualifications of members of the education council

3. No person shall be nominated or designated as a member of the education council -

(a) if he has been convicted of any offence and sentenced in respect thereof to imprisonment without the option of a fine, unless

(i) amnesty or total pardon has been granted to him; or

(ii) the period of such imprisonment has expired at least three years before the date of his designation or nomination;

(b) if he is of unsound mind and has been so declared by an order of court;

(c) if he is an unrehabilitated insolvent or has been declared insolvent;

(d) if he is not a South African citizen;

(e) if he is under the age of 21 years; or

(f) if he is not resident in the province.

Term of office of members of the education council

4. (1) A member of the education council shall hold office for a period of three years from a date which shall be determined by the Member of the Executive Council as the date on which the members of such council shall assume office.

(2) The Member of the Executive Council may at any time remove a member of the education council from office for reasons deemed sufficient by him/her.

(3) Notwithstanding the provisions of subregulation (1), the Member of the Executive Council may extend the terms of office of members for a period not exceeding one year.

Casual vacancies in the education council

5. (1) A casual vacancy in the education council shall occur when -

(a) a member resigns: Provided that such a member shall, if at all possible, given written notice thereof to the chairman of the education council at least one month before the date on which his resignation takes effect;

(b) a member dies;

(c) a member is absent from three consecutive ordinary meetings of the education council without the permission of the council;and

(d) a member is removed from office in terms of regulation 4(2).

(2) The chairman of the education council shall, at the next ensuing ordinary meeting of the education council after a casual vacancy has occurred, declare that the office of such a member has become vacant as from the date of the meeting.

(3) A casual vacancy shall be filled in the same manner as, that in which the member in whose office the casual vacancy has occurred was nominated or designated.

(4) A person nominated or designated by virtue of subregulation (3) shall hold office for the unexpired period of office of his predecessor.

Quorum for a meeting of the education council

6. At least one more than the half of the members form a quorum at a meeting.

Executive committee for the education council

7. (1) An executive committee for the education council shall consist of -

(a) the chairman of the education council (ex officio);

(b) the Head of Education (ex officio); and

(c) not less than three and not more than five persons appointed by the education council from its members, of whom at least one shall be a representative of the organised teaching profession and at least one a representative of the organised parent community.

(2) A casual vacancy in the executive committee in the office of a member referred to in subregulation (1)(c) shall be filled in the same manner as that in which the member in whose office the casual vacancy has occurred was appointed.

(3) The Executive Committee shall, execute all matters on behalf of the Council, when the Council, is not in session.

(4) (a) Immediately after every meeting of the Executive Committee the minutes of such meeting shall be sent by registered post to each member of the Council and if no objection to the minutes is raised by such members, who are not members of the Executive Committee within 21 days of the despatch of such minutes, such members shall be deemed to have approved all the resolutions of the Executive Committee taken at that meeting.

(b) A member of the Council, who is not a member of the Executive Committee, shall raise his/her objections in writing and the Head of Education shall submit the minutes and the objections to the Minister who shall direct that the resolution be put into effect or that the matter be reconsidered at the next meeting of the full Council.