

**Notice No 54**  
**Gazette 108**

PREMIER'S NOTICE

OFFICE OF THE PREMIER  
8 December 1995

**NO. 8 OF 1995: SCHOOL EDUCATION ACT (MPUMALANGA), 1995.**

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:

(English text signed by the Premier)  
(Assented to 28 November 1995)

To provide for the provision and control of education in schools, and matters connected therewith.

TABLE OF CONTENTS

	Sections
CHAPTER 1 Interpretation & Application	1 - 2
CHAPTER 2 Control of school education	3 - 8
CHAPTER 3 Schooling	9 - 22
CHAPTER 4 School governance	23 - 28
CHAPTER 5 Governance of education	29 - 43
CHAPTER 6 State schools	44 - 46
CHAPTER 7 State-aided schools	47 - 62
CHAPTER 8 Private schools	63 - 70
CHAPTER 9 Specialised education	71 - 78
CHAPTER 10 Educators	79 - 85
CHAPTER 11 Rural education	86 - 91

CHAPTER 12 Transitional provision 92 - 100

CHAPTER 13 General 101 - 107

BE IT ENACTED by the Provincial Legislature of the Mpumalanga Province, as follows:

## **CHAPTER 1 INTERPRETATION**

1. Definitions. In this Act, unless the context otherwise indicates -

**"centers of learning"** includes centers for the development and promotion of particular aptitudes of learners, and centers at which part-time classes are provided for education;

**"commencement date"** means the date fixed under section 107;

**"Constitution"** means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

**"Council"** means the Education and Training Council established in terms of section 29;

**"Department"** means the department in the administration of the Province responsible for education;

**"district council"** means a district education and training council established in terms of section 36(1);

**"district head"** means the officer of the Department responsible for the administration of education in a particular educational district;

**"education"** means instruction, teaching or training provided to learners in terms of this Act;

**"educational auxiliary service"** includes any service necessary to -

- (a) provide for the health and welfare of learners;
- (b) have learners transported;
- (c) supplement educational programmes; or
- (d) continue the activities of schools or centers of learning.

**"educational district"** means an educational district contemplated in section 6;

**"educator"** means a principal or any person who teaches, educates or trains learners or provides professional therapy at any school or centre of learning in terms of the Educators Employment Act;

**"Executive Council"** means the Executive Council of the Province as referred to in section 149 of the Constitution;

**"farm school"** means a state-aided school situated on a farm as contemplated in section 8(9) of the Education and Training Act, 1979 (Act No. 90 of 1979);

**"financial head"** means the Member of the Executive Council of the Province responsible for financial affairs;

**"first grade"** means that level which may be completed in the first year of school attendance contemplated in section 10(1);

**"governing body"** means a governing body for a public school, established under section 23 or deemed to be so established under section 93;

**"government department"** means a department in the national government or in any provincial government;

**"grade"** means that part of an educational programme in a school, or of any other educational programme which the Member of the Executive Council may deem to be equivalent, which a learner may complete in any one of the twelve school years;

**"Head of Department"** means the most senior official in the Department;

**"language policy"** of a public school, as contemplated in section 15, includes matters relating to -

(a) the language or languages in which learning and teaching take place;

(b) the language or languages which may be studied at the school;

(c) the language or languages in which the school communicates with educators, learners and parents of learners;

(d) the support the school offers to learners whose language of choice is not one in which learning and teaching take place at the school.

**"learner"** means any person receiving education in a school in terms of this Act;

**"main stakeholder"** means an organised body with direct and substantial interest in the administration of education in the Province;

**"Member of the Executive Council"** means the member of the Executive Council of the Province responsible for education;

**"model C school"** means a state-aided school as defined in the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988);

**"negotiating forum"** means the centralised negotiating forum established under section 100;

**"official language"** means a language referred to in section 3(1) of the Constitution or a sign language recognised under section 17;

**"ordinary school"** means a school other than a school for specialised education;

**"organised teaching profession"** means employee organisations as defined in the Educators Employment Act;

**"parent"** includes legal or de facto guardian;

**"peri-urban area"** means an area which is urban in nature but without any form of urban local authority and may include an area governed by a local area committee;

**"prescribed"** means prescribed by regulation;

**"principal"** means the person appointed to the post of principal at a school or a person acting in that post;

**"private school"** means a school other than a public school registered or deemed to be registered in terms of section 63(3) or 97 respectively;

**"Province"** means the Province of Mpumalanga referred to in section 124 of the Constitution;

**"Provincial Gazette"** means the Provincial Gazette of the Province of Mpumalanga;

**"Provincial Legislature"** means the legislative authority of the Province;

**"public school"** means a state school, a state-aided school, a school contemplated in section 99, a farm school and a school contemplated in Section 5(1) of the Education and Training Act, 1979 (Act No. 90 of 1979), including schools for specialised education;

**"religious policy"** of a public school, as contemplated in section 18, includes matter relating to -

(a) the amount, form and content of religious instruction classes offered at the school; and

(b) the religious practices which are conducted at the school.

**"rural area"** means any area that is not urban or peri-urban and may include an area governed by a district council or a local area committee;

**"school"** means any institution for the education of learners;

**"school for specialised education"** means a school providing primarily specialised education established under section 44;

**"specialised education"** means education of a specialised nature provided to address the needs of learners who -

(a) cannot benefit sufficiently from the teaching provided in the ordinary course of education;

(b) require specialised education to facilitate their adaptation in the community; or

(c) cannot attend an ordinary class in an ordinary school, because such attendance is not in their best interests or not in the best interests of the other learners in such class; and includes -

(i) the psychological, medical, dental, paramedical and therapeutic treatment of, including the performance of operations on such learners;

(ii) the provision of artificial medical aids and apparatus to such learners;

(iii) the care of such learners in a hospital, hostel or other institution;

(iv) the provision of transport, escort and such other services as may be necessary for such learners; and

(v) the provision of guidance to the parents of such learners including the parents of such learners who are not yet subject to compulsory school attendance, with a view to the instruction, teaching, training or treatment of such learners.

**"specialist council"** means a specialist advisory council established under section 41;

**"state school"** means a school established under section 44 or a school deemed so to be established in terms of section 60(1)(a), 69(1)(a), 94 or 96;

**"state-aided school"** means a school established, or declared to be a state-aided school under section 47, or deemed so to have been established or declared under section 98;

**"this Act"** includes regulations made under this Act and regulations contemplated in section 105(3);

**"treasury"** means the authority responsible for the financial affairs of the Province, as defined in section 1 of the Exchequer Act (Eastern Transvaal), 1994 (Act No. 1 of 1994).

**"urban area"** means a geographical area covered by an urban local authority which may include a town council, city council, and metropolitan council.

## **2. Application.**

Subject to the Constitution, this Act shall apply in relation to school education in the Province.

## **CHAPTER 2 CONTROL OF SCHOOL EDUCATION**

### **3. Control of education.**

As from the commencement date, school education in the Province shall, subject to the provisions of this Act, be controlled by the Department, acting in accordance with the policy determined by the Member of the Executive Council.

### **4. General principles of education policy.**

(1) The Member of the Executive Council shall, subject to the Constitution and to the provisions of this Act and any other law, determine school education policy in the Province within the framework of the following principles subject to limitations contemplated in Chapter 3 of the Constitution:

- (a) Every learner shall have the right to -
  - (i) basic education and every person shall have the right to equal access to schools and centres of learning;
  - (ii) instruction in the language of his or her choice where this is reasonably practicable.
- (b) No person shall be unfairly discriminated against by the Department, a state-aided school or a private school which receives a subsidy in terms of section 66;
- (c) There shall be a duty on the Department to -
  - (i) foster the advancement of persons or groups or categories of persons previously disadvantaged by unfair discrimination, in order to enable their full and equal enjoyment of educational rights;
  - (ii) combat sexual harassment at schools and centres of learning.
- (d) Every person shall have the right to -
  - (i) freedom of conscience, religion, thought, belief, opinion, speech and expression and the education process shall promote a culture of tolerance;
  - (ii) peaceful, unarmed assembly and demonstration and to freedom of association;
  - (iii) access to information held by the Department or by the governing body of a public school in so far as such information is required for the exercise or protection of his or her rights.
- (e) There shall be democratic and decentralised governance of schools and school education providing for the appropriate involvement of elected representatives of the main stakeholders in school education;
- (f) The structures of democratic governance of school education shall be constituted with due regard to the racial and gender demographics of the Province;
- (g) Education policy shall be aimed at -
  - (i) achieving cost efficient and effective use of educational

resources, eliminating wastage, inefficiency, maladministration and corruption;

(ii) improving the quality and availability of educational opportunities and resources to the people of the Province.

(h) The education process shall be aimed at fostering independent and critical thought.

(2) The principles set out in subsection (1) may be referred to by a court of law when interpreting any provision of this Act.

(3) The Member of the Executive Council shall by notice in the Provincial Gazette publish details of any steps he or she intends to take in terms of subsection (1).

(4) The Head of Department shall, after consultation with the Council, take such steps as may be necessary to implement the policy determined by the Member of the Executive Council.

## **5. Powers of Member of Executive Council.**

(1) In addition to the other powers assigned to him or her by this Act, the Member of the Executive Council may, out of moneys appropriated by the Provincial Legislature for this purpose and in order to further the objects of this Act -

(a) establish and maintain state schools;

(b) establish and subsidise state-aided schools;

(c) establish and maintain centres of learning;

(d) establish and maintain hostels, clinics, educators' quarters and other accessories connected to public schools;

(e) provide such equipment and erect such buildings as may be necessary or expedient for the administration of this Act;

(f) make provision for such educational auxiliary services as may be necessary; and

(g) provide, on such basis and subject to such conditions as he or she may determine, financial or other material aid or financial as well as other material aid to a learner admitted to a public school.



- (2) Subject to the provisions of this Act, the Member of the Executive Council may, after giving reasonable notice and furnishing reasons to all interested parties, close any centre of learning, hostel, clinic, educators' quarters or other accessories connected to schools or discontinue any educational auxiliary service referred to in subsection (1).
- (3) In order to further the objects of this Act, the Member of the Executive Council may enter into agreements with other government departments and with non-governmental organisations: Provided that no agreement placing financial obligations on the department shall be entered into without the concurrence of the financial head.
- (4) Subject to any norms and standards set by the appropriate national body, the Member of the Executive Council may certify or withdraw the certification of -
- (a) the syllabi of, and conditions for admission to, courses at any school or centre of learning;
  - (b) the content of, and conditions for admission to educational and training programmes at any school or centre of learning.
- (5) Subject to any norms and standards set by the appropriate national body, the Member of the Executive Council may accredit institutions providing courses and programmes for the training of educators and may withdraw the accreditation of any institution providing courses and programmes for the training of educators.
- (6) The Member of the Executive Council may determine the school calendar, school holidays, school religious holidays and the minimum length of the school day.
- (7) Different syllabi, conditions for admission, contents of educational and training programmes, school calendars, school holidays, school religious holidays and lengths of the school day may be certified or determined as the case may be, in respect of different schools or centres of learning.

## **6. Educational districts.**

The Member of the Executive Council may -

- (a) divide the area of the Province into educational districts, and each such district into educational circuits, for the purpose of the administration of matters relating to education in the Province; and
- (b) amend the boundaries of any educational district or of any educational

circuit.

## **7. Inquiry at instance of Member of Executive Council.**

- (1) If it is in the interests of education in the Province, the Member of the Executive Council may appoint any appropriate person to conduct an inquiry within written terms of reference.
- (2) A person who conducts an inquiry in terms of subsection (1) may -
  - (a) enter the grounds of any school or centre of learning at any reasonable time without prior notice of his or her intention to do so;
  - (b) if he or she has reason to believe that any person is able to give evidence on any matter relevant to the inquiry, direct that person to appear before him or her at a stated time and place to answer his or her questions;
  - (c) question, under oath or otherwise, any person referred to in paragraph (b);
  - (d) if he or she has reason to believe that any person is able to produce any article, document, book, video or audio recording relevant to the inquiry, order that person to deliver to him or her the article, document, book, video or audio recording concerned;
  - (e) examine any article, document, book, video or audio recording referred to in paragraph (d) if it may provide evidence of any offence or irregularity.
- (3) A person appointed under subsection (1) who is not in the full-time employment of the State may be paid, out of moneys appropriated for this purpose by the Provincial Legislature, such allowances as the Member of the Executive Council may, with the concurrence of the financial head, determine.
- (4) Any person who without just cause -
  - (a) hinders or obstructs a person conducting an inquiry in the performance of his or her functions under this section;
  - (b) fails to appear in accordance with a direction issued under subsection (2)(b), at the time and place in question;
  - (c) refuses to answer a question put to him or her under subsection (2)(c);

(d) deliberately gives a false answer to a question put to him or her under subsection (2)(c);

(e) fails to produce any article, document, book, video or audio recording as ordered under subsection (2)(d);

(f) prevents any other person from appearing in accordance with a direction issued under subsection (2)(b), at the time and place in question,

shall be guilty of an offence.

### **8. Submission of information.**

(1) The Head of Department may direct any person employed at any school or centre of learning in writing to submit to him or her, within the period mentioned in the direction, such information at the disposal of such person as he or she may reasonably require in connection with the affairs of the school or centre of learning.

(2) For the purposes of gathering information in connection with education in the Province, the Head of Department or any person authorised in writing by him or her shall have the same powers as a person who conducts an inquiry under section 7.

## **CHAPTER 3 SCHOOLING**

### **9. Admission to schools.**

(1) Subject to this Act, the Member of the Executive Council may make regulations as to the admission of learners to public schools.

(2) Admission requirements for public schools shall not unfairly discriminate on grounds of race, ethnic or social origin, colour, sexual orientation, religion, conscience, belief, culture or language.

### **10. Compulsory school attendance.**

(1) Attendance at school during school hours shall be compulsory for a learner from the first school day of the year in which he or she reaches the age of 7 years until -

(a) in the case of a learner with specialised education needs -

(i) the last school day of the year in which he or she reaches the age of 18 years;

- (ii) he or she has completed the specialised education programme he or she is following; or
  - (iii) he or she, in the opinion of the Head of Department, is ready to leave school; and
- (b) in the case of any other learner -
- (i) the last school day of the year in which he or she reaches the age of 15 years; or
  - (ii) the day on which he or she completes the ninth grade, whichever is the earlier.
- (2) (a) Notwithstanding the provisions of subsection (1), the Member of the Executive Council may, if the Department lacks the material or administrative resources to provide for compulsory school attendance in accordance with subsection (1), by notice in the Provincial Gazette provide that in the calendar year in which the notice is issued or in the following calendar year, compulsory school attendance shall not apply to learners who fall within age groups which are specified in the notice.
- (b) No notice referred to in paragraph (2)(a) above shall be valid unless it has been ratified by resolution of the Provincial Legislature: Provided that no such notice shall be issued after 31 December 1998.
- (3) Notwithstanding the provisions of subsection (1), the Member of the Executive Council may require that attendance at a school for specialised education during school hours shall be compulsory for any learner with specialised educational needs whose age is above 3 years, if he or she has reason to believe that it would be in the best interest of the learner concerned.
- (4) Notwithstanding the provisions of subsection (1), the Member of the Executive Council may exempt a learner, entirely, partially or conditionally, from compulsory school attendance if it is in the best interest of the learner.

## **11. Duties of principals relating to compulsory school attendance.**

- (1) Where a learner is repeatedly absent from school without reasonable cause, the principal or an educator designated by him or her shall consult jointly with the learner, his or her parents and an appropriate officer of the Department of Welfare, in order to reach an agreement on the appropriate

measures to remedy the problem.

- (2) Where it is impossible to reach an agreement contemplated in subsection (1) or where after reaching such an agreement there is no material improvement in the school attendance of the learner, the principal shall report the matter to the Head of Department.

## **12. Offences relating to compulsory school attendance.**

- (1) If a parent of any learner who is subject to compulsory school attendance in terms of section 10(1) fails, without reasonable cause and after a written warning by the Head of Department, to cause such learner to attend an appropriate school regularly, he or she shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months.
- (2) Any person who, during school hours, employs a learner who is subject to compulsory school attendance in terms of section 10(1), shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

## **13. Age requirements.**

- (1) The Member of the Executive Council may make regulations prescribing the age requirements in respect of the different categories of schools, grades and classes.
- (2) Notwithstanding the provisions of any regulations made under subsection (1), the Member of the Executive Council shall have the power to allow a learner to attend a school even if he or she does not satisfy the age requirements prescribed in respect of the school concerned.
- (3) No regulation made under subsection (1) may reduce below 21 years the age at which learners cease to be entitled to attend a school.

## **14. School fees.**

No learner shall be refused admission at a public school on the grounds that his or her school fees contemplated in sections 45 and 50 have not been paid.

## **15. Language policy of public schools.**

- (1) The language of education at a public school shall be determined by the district council of the school concerned in consultation with the Department, the governing body of the school concerned and subject to the approval of the Member of the Executive Council.

- (2) The language policy of a public school shall be developed within the framework of the following principles -
- (a) The education process shall aim at the development of a national democratic culture with respect for the country's diverse language communities.
  - (b) Within practical limits, a learner shall have the right to language choice in education.
  - (c) School language policy shall be designed to facilitate the maximum participation of learners in the learning process.
  - (d) Special measures shall be taken to enable a learner to become competent in the language of learning of his or her school, and where practicable, to enable learners to use his or her language of choice where it differs from the languages of learning of his or her school.
  - (e) School language policies shall be coordinated at a district level and shall take into account the availability of human and other resources.
  - (f) On completion of the ninth grade of education a learner should have acquired satisfactory levels of competence in at least two of the official languages.
  - (g) Special measures shall be taken to promote the status and use of official languages which have previously been neglected or discriminated against by education authorities in the Province.
  - (h) There shall be a duty on all public schools and on the Department to ensure that educators acquire the special skills necessary for teaching in a multilingual educational environment.
- (3) If, at any time, the Member of the Executive Council has reason to believe that the language policy of a public school does not comply with the principles set out in subsection (2), the Member of the Executive Council may, after consultation with the district council and the governing body of the school concerned, direct that the language policy of the school shall be reformulated in accordance with subsections (1) and (2).

## **16. Language and discrimination.**

- (1) Language competence testing shall not be used as an admission requirement to a public school.

- (2) Learners shall be encouraged to make use of the range of official languages.
- (3) No learner at a public school or a private school which receives a subsidy in terms of section 66 shall be punished for expressing himself or herself in a language which is not a language of learning of the school concerned.
- (4) (a) Every learner at a public school or a private school which receives a subsidy in terms of section 66 shall not be penalised for expressing himself or herself in a language which is not language of education of the school concerned.  
  
(b) The right contemplated in paragraph (4)(a) may be limited in circumstances where such limitation is reasonable and justifiable in an open and democratic society based on freedom and equality and committed to multilingualism.

### **17. Recognition of sign languages.**

- (1) The Member of the Executive Council may by notice in the Provincial Gazette recognise any sign language which is used by a significant proportion of people communicating in a sign language in the Province.
- (2) For the purpose of any prescribed matter related to school education in the Province, any sign language recognised under subsection (1) shall have the status of an official language.

### **18. Religious policy of public schools.**

The religious policy of a public school shall be developed within the framework of the following principles -

- (a) The education process shall aim at the development of a national democratic culture with respect for diverse cultural and religious traditions;
- (b) Freedom of religion shall be respected at all public schools.

### **19. Freedom of conscience.**

- (1) No person employed at -
  - (a) any public school shall attempt to indoctrinate learners into any particular belief or religion;
  - (b) any public school or private school shall in the course of his or her employment denigrate any religion.

- (2) (a) Every learner at a public school, or at a private school which receives a subsidy in terms of section 66, shall have the right not to attend religious education classes and religious practices at that school.
- (b) The right conferred by paragraph (a) on a learner at a private school which receives a subsidy in terms of section 66, may be limited where such limitation is justifiable in an open and democratic society based on freedom and equality and is necessary to preserve the religious character of the private school concerned.
- (c) No person employed at a public school or at a private school which receives a subsidy in terms of section 66 shall in any way discourage a learner from choosing not to attend religious education classes or religious practices at that school.
- (3) No person employed at a public school shall be obliged to, or in any way unduly influence a learner to participate in any of the religious education classes or religious practices at that school.

## **20. Control, expulsion, suspension and discipline of learners.**

- (1) No person shall administer corporal punishment to a learner at any public or private school.
- (2) Subject to subsection (1), the control, expulsion, suspension and punishment of learners at public schools and hostels shall be as prescribed.
- (3) Any person who intentionally or negligently contravenes subsection (1) shall be guilty of misconduct.

## **21. Rights of parents to information.**

- (1) Every parent shall have the right of access to any information held by the Department, a public school or a private school if such information concerns a learner who is his or her responsibility.
- (2) The right contemplated in subsection (1) shall not apply in circumstances where withholding access to the relevant information is reasonable and justifiable in an open and democratic society based on freedom and equality.

## **22. Duties of learners with respect to school property.**

- (1) Every learner at a public school shall take good care of the property of the school or of the Department which is placed at his or her disposal and shall



return it to his or her school at the end of the school year.

- (2) The parents of a learner at a public school shall be liable for any damage to or loss of school or Departmental property in respect of which the learner concerned is liable to the Department or to the school concerned.

## **CHAPTER 4 SCHOOL GOVERNANCE**

### **23. Governing bodies of public schools and hostels.**

- (1) For the purpose of promoting the participation of the people of the Province in the governance of public schools, the Member of the Executive Council shall establish a governing body for every such school.
- (2) The Member of the Executive Council may, instead of establishing a governing body for each of two or more public schools, establish one governing body for such schools: Provided that no single governing body shall have powers over a state school and a state-aided school.
- (3) If it is not expedient to place a hostel under the supervision of the governing body of a particular school, the Member of the Executive Council may establish a governing body for one or more of such hostels.

### **24. Composition of governing bodies.**

- (1) The principal of a public school or hostel shall be an ex officio member of the governing body of that school or hostel.
- (2) A majority of members of a governing body of a public school or hostel shall be parents of learners at that school or hostel.
- (3) The disabled community served by a public school for specialised education or hostel shall be represented on the governing body of that school or hostel.
- (4) Learners shall not be represented on the governing body of a public primary school or such hostel.
- (5) The Member of the Executive Council may make regulations as to the further composition of the governing bodies of public schools and hostels.
- (6) The regulations shall ensure that all main stakeholders in a public school or hostel receive adequate representation on the governing body of that school or hostel.

- (7) Regulations may exclude representatives of particular stakeholders on the governing body of a public school or hostel from participation in certain categories of school or hostel business provided that there is a reasonable basis for such exclusion.

## **25. Powers of governing bodies.**

- (1) The governing body of a public school or hostel shall be the official mouthpiece of the parents, educators and learners of the school on matters other than those relating to the professional administration of the school or hostel.
- (2) A governing body may describe itself as a governing body, a school board, a parents-teachers association or a parents-teachers-students association.
- (3) Within the framework of the following principles, the Member of the Executive Council shall make regulations setting out the powers of the governing body of a public school or hostel -
- (a) State involvement in school governance should be limited to the minimum level required for legal accountability;
  - (b) The powers of governing bodies should reflect their capacity to render an effective service;
  - (c) The professional administration of a school falls within the ambit of the principal and his or her staff.
- (4) Regulations made under subsection (3) may provide that different powers are given to different governing bodies or different categories of governing bodies as long as there is a reasonable and equitable basis for such allocation of different powers.

## **26. Capacity building of governing bodies.**

- (1) For the purposes of promoting efficiency and active participation in decentralised school and hostel governance, the Member of the Executive Council may institute courses and training programmes for the training of members of governing bodies.
- (2) The Member of the Executive Council may recommend that any governing body send members on particular courses or training programmes established in terms of subsection (1) and may, with the concurrence of the financial head, provide that the subsistence and travelling expenses of any such members relating to the attendance at such courses or training programmes shall be paid by the Department.

## **27. Inability of governing body to perform its functions.**

- (1) If a governing body of a public school or hostel is unable or unwilling to perform the functions allocated to it under this Act, the Member of the Executive Council may, after consultation with the governing body concerned, by notice in the Provincial Gazette dissolve the governing body, and may authorise one or more persons to exercise any or all of the powers of the governing body during a period, not longer than one year, set out in the notice.
- (2) The Member of the Executive Council may by notice in the Provincial Gazette curtail or extend the period authorised under subsection (1), but the period may not be extended for a period longer than one year from the date of the notice referred to in subsection (1).
- (3) A power exercised by a person or persons authorised under subsection (1), shall be deemed to have been exercised by the governing body concerned.
- (4) Within one year of the notice referred to in subsection (1), the Member of the Executive Council shall ensure that a new governing body of the school concerned is constituted in terms of this Act.

## **28. Regulations relating to governing bodies.**

The Member of the Executive Council may make regulations as to -

- (a) the qualifications for elections of, the terms of office of, and the vacation of office by, members of governing bodies, and the filing of incidental vacancies in governing bodies;
- (b) the manner of election, the powers and functions of officers of governing bodies;
- (c) the convening of, procedure and rules of, the quorum for, meetings of governing bodies and the keeping of minutes of such meetings;
- (d) the dissolution and reconstitution of governing bodies; and
- (e) the designation of persons employed by the Department to perform the work relating to the performance of the functions of governing bodies.

## **CHAPTER 5 DEMOCRATIC GOVERNANCE OF EDUCATION**

### **29. Establishment of Education and Training Council.**

- (1) The Member of the Executive Council shall, within six months of the commencement date, establish a body to be known as the Education and Training Council.
- (2) Every district council established under section 36 shall be represented on the Council.
- (3) Every specialist council established under section 41 shall be represented on the Council.
- (4) At the first meeting of the Council, the Council shall elect one of its members as the chairperson of the Council.
- (5) The administrative functions of the Council shall be performed by a person or persons employed by the Department.
- (6) A member of the Council, or a member of a committee established by the Council under section 34(1), who is not in the full-time employment of the State may be paid out of moneys appropriated for this purpose by the Provincial Legislature, such allowances as the Member of the Executive Council may, with the concurrence of the financial head, determine.
- (7) Subject to the provisions of this Act, the Member of the Executive Council may make regulations as to -
  - (a) the composition of the Council;
  - (b) the qualifications, terms of office of, and vacation of office by members of the Council, and the filling of vacancies; and
  - (c) the appointment and functions of an executive committee for the Council.

### **30. Head of Department reports to council.**

- (1) The Head of Department shall report quarterly, in writing, on the state of education in the Province to the executive committee of the Council.
- (2) The executive committee of the Council shall table every report of the Head of Department at the first meeting of the Council after the report was received.

### **31. General functions of Council.**

- (1) The Council shall -
  - (a) make recommendations to the Member of the Executive Council concerning legislation relating to education in the Province;
  - (b) make recommendations to the Member of the Executive Council on any matter regarding education in the Province referred to it by the Member of the Executive Council or which the Council wishes to bring to the attention of the Member of the Executive Council;
  - (c) perform such other functions as may be assigned to it by or under this Act, or any other law;
  - (d) determine its own rules regulating its meetings and procedures at such meetings.
- (2) No act of the Council shall be invalid merely on account of a vacancy on the Council.

### **32. Recommendations of the Council.**

If the Member of the Executive Council decides not to implement a recommendation made by the Council in terms of section 31 (1)(a) or (b) he or she shall provide the Council with written reasons for his or her decision.

### **33. Functions of Council with respect to legislation.**

- (1) No Bill relating to education in the Province shall be introduced in the Provincial Legislature unless it has been submitted to the Council for its comments at least 30 days before such introduction.
- (2) No regulations may be made by the Member of the Executive Council under this or any other Act unless a draft of such regulations has been submitted to the Council for its comments, and the Member of the Executive Council has given consideration to the comments of the Council on such a draft and has submitted to the Council his or her written response to such comments.
- (3) The provisions of subsections (1) and (2) shall not apply until the Council has been established under section 29.
- (4) The Council may delegate the power to comment contemplated in subsection (2), either generally or in specific cases to a committee of the Council established under section 34.

- (5) For the purposes of satisfying the requirements of subsection (2), the Member of the Executive Council may direct the relevant administrative officer of the Council to convene, on 10 days' notice, a special meeting of the Council, or of any committee of the Council to which the Council has delegated its powers over the regulations in question.
- (6) The provisions of subsection (2) shall not apply -
- (a) unless the comments contemplated in subsection (2), are forwarded to the Member of the Executive Council within 7 days of the meeting at which the Council or its committee considered the draft regulations;
  - (b) to any amendments to draft regulations made by the Member of the Executive Council after considering the comments of the Council on such draft regulations;
  - (c) in cases where the Member of the Executive Council certifies by notice in the Provincial Gazette in which the regulations are published, that there is so urgent a need for the regulations to be put in effect that the delay occasioned by the procedures of that subsection cannot be justified.
- (7) The Member of the Executive Council may not issue a notice under subsection (6)(c) unless he or she has issued a directive under subsection (5) in respect of the regulations in question.

### **34. Committees of Council.**

- (1) The Council may -
- (a) with the prior approval of the Member of the Executive Council, establish committees to assist it in the performance of its functions;
  - (b) delegate any of its functions to such a committee, but shall not be divested of such powers and may amend or rescind any decision of such a committee;
  - (c) dissolve any committee established under paragraph (a).
- (2) The composition of committees established under subsection (1) shall provide for adequate representation of educational districts within the Province.

### **35. Annual report of Council.**

- (1) The Council shall, before the 31st of March of each year, present the Member of the Executive Council with a report on its activities of the previous

calendar year.

- (2) After receiving the annual report of the Council, the Member of the Executive Council shall Table it in the Provincial Legislature within 14 days of the next day on which the Provincial Legislature is sifting.

### **36. Establishment of district education and training councils.**

- (1) The Member of the Executive Council may establish a district education and training council for each educational district in Province.
- (2) At the first meeting of a district council it shall elect one of its members as chairperson.
- (3) The administrative functions of a district council shall be performed by a person or persons employed by the Department.
- (4) A member of a district council, or a member of a committee established by a district council under section 40, who is not in the full-time employment of the State may be paid out of moneys appropriated for this purpose by the Provincial Legislature, such allowances as the Member of the Executive Council may, with the concurrence of the financial head, determine.
- (5) Subject to the provisions of this Act, the Member of the Executive Council may make regulations as to -
  - (a) the composition of a district council; and
  - (b) the qualifications and terms of office of, and the vacation of office by members of a district council, and the filling of vacancies.

### **37. District head reports to district council.**

A district head shall report quarterly, in writing, on the state of education in his or her district, to the district council of his or her district.

### **38. General functions of district council.**

- (1) A district council shall -
  - (a) make recommendations to the relevant district head on any matter regarding education in the district referred to it by the district head or which the district council wishes to bring to the attention of the district head;
  - (b) perform such other functions as may be assigned to it by or under this

Act or any other law;

(c) determine its own rules regulating its meetings and procedures at such meetings.

(2) No act of a district council shall be invalid merely on account of a vacancy on the district council.

### **39. Recommendations of district council.**

(1) The district head shall refer the recommendation of a district council to the appropriate authority within the Department.

(2) Where the Department decides not to implement the recommendation of a district council, it shall notify the district head of the reasons for its decision and the district head shall provide the district council with these reasons in writing.

### **40. Committees of district council.**

A district council may -

(a) with the prior approval of the Member of the Executive Council, establish committees to assist it in the performance of its functions;

(b) delegate any of its powers, to such committee, but shall not be divested of such powers, and may amend or rescind any decision of such a committee;

(c) dissolve any committee established under paragraph (a).

### **41. Establishment of specialist councils.**

(1) The Member of the Executive Council may, after consultation with the Council, establish specialist advisory councils to advise him or her on matters within specified terms of reference.

(2) The Member of the Executive Council may make regulations as to -

(a) the composition of a specialist council;

(b) the qualifications and term of office of members of a specialist council and the filling of vacancies on a specialist council; and

(c) the appointment and functions of an executive committee of a specialist council.



- (3) At the first meeting of a specialist council it shall elect one of its members as chairperson.
- (4) The administrative functions of a specialist council shall be performed by a person or persons employed by the Department.
- (5) A member of a specialist council who is not in the full-time employment of the State may be paid, out of moneys appropriated for this purpose by the Provincial Legislature, such allowances as the Member of the Executive Council may, with the concurrence of the financial head, determine.

#### **42. Powers and functions of specialist councils.**

- (1) A specialist council shall -
  - (a) make recommendations to the Member of the Executive Council concerning legislation relating to matters falling within its terms of reference;
  - (b) make recommendations to the Member of the Executive Council on any matter falling within its terms of reference referred to it by the Member of the Executive Council or which the specialist council wishes to bring to the attention of the Member of the Executive Council;
  - (c) perform such other functions as may be assigned to it by or under this Act or any other law;
  - (d) determine its own rules regulating its meetings and procedures at such meetings.
- (2) No act of a specialist council shall be invalid merely on account of a vacancy on the specialist council.

#### **43. Recommendations of specialist council.**

If the Member of the Executive Council decides not to implement a recommendation made by a specialist council in terms of section 42(1)(a) or (b), he or she shall provide the specialist council with written reasons for his or her decision.

### **CHAPTER 6 STATE SCHOOLS**

#### **44. Establishment and closure of state schools.**

- (1) The Member of the Executive Council may out of moneys appropriated by the Provincial Legislature for this purpose establish and maintain state

schools, including schools for specialised education.

- (2) If the Member of the Executive Council considers it necessary, he or she may, after consultation with the governing body of a state school, by notice in the Provincial Gazette declare that the state school concerned shall be closed from a date mentioned in such notice: Provided that such date shall not be less than 50 days after the date of the notice in the Provincial Gazette.
- (3) The notice contemplated in subsection (2) shall set out the reasons of the Member of the Executive Council for deciding to close the state school.
- (4) The governing body of a state school, a parent of a learner in the school concerned, or any other interested person, which is aggrieved by the decision of the Member of the Executive Council to close that school may, within 30 days after publication of the notice contemplated in subsection (2), appeal to the Executive Council, in writing, setting out the grounds of the appeal.
- (5) The Member of the Executive Council shall not take part in the deliberations of the Executive Council in respect of an appeal brought under subsection (4).
- (6) The Executive Council shall consider an appeal contemplated in subsection (4) and may confirm or set aside the decision of the Member of the Executive Council.
- (7) The Executive Council shall as soon as may be practicable -
  - (a) notify the appellant governing body of its decision; and
  - (b) provide the appellant governing body with written reasons for its decision.
- (8)
  - (a) If an appeal under subsection (4) is dismissed by the Executive Council, the state school shall be closed 30 days after the date on which the appellant governing body is notified of the decision of the Executive Council.
  - (b) If no such appeal has been lodged within the 30 days provided for in subsection (4) the state school shall be closed on the expiry of that 30 days.

#### **45. Schooling at state schools.**

- (1) All learners shall be entitled to be provided with an adequate standard of

free education from the first grade to the ninth grade at state schools.

(2) The Member of the Executive Council may -

(a) by notice in the Provincial Gazette determine school fees which shall be paid by parents of learners in respect of education at a grade higher than the ninth grade at any state school;

(b) by notice in the Provincial Gazette, determine boarding fees which shall be paid by parents of learners in respect of board provided to such learners at any state school.

(c) with the concurrence of the financial head, and subject to section 8 of the Constitution, exempt any learner or category of learners at a state school wholly or partly from the payment of fees determined under subsections (2)(a) and (2)(b).

(3) Different fees may be determined under subsection (2)(a) and (b) in respect of different categories of learners as long as there is a reasonable and equitable basis for such differentiation.

#### **46. School funds at state schools.**

(1) In order to supplement the standard of schooling provided in accordance with section 45, the governing body of a state school may establish a school fund and may solicit contributions to be paid into such school fund.

(2) All money received by a state school shall be paid into the school fund of the school concerned.

(3) The governing body of a state school shall, in accordance with the instructions issued by the Head of Department -

(a) keep records of money received and spent by the state school, and of the assets, liabilities and financial transactions of the state school; and

(b) as soon as practicable, but not later than 3 months after the end of each financial year, which shall be the last day of March in each year, draw up annual financial statements which indicate, with suitable particulars, money received and expenditure incurred by the state school during, and its assets and liabilities at the end of, the financial year concerned.

(4) The records and financial statements referred to in subsection (3) shall be audited by a person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), and

engaged as such in public practice, or another person appointed by the governing body and approved by the Member of the Executive Council.

- (5) A governing body shall within six months after the end of each financial year submit a copy of the annual financial statements, audited in terms of subsection (4), to the Head of Department.
- (6) Any parent of a learner at a state school and any educator employed at a state school shall be entitled, on request, to be furnished by the governing body with a copy of the latest audited financial statements of the school concerned.
- (7) Where there are insufficient amounts in the school fund of a state school to warrant the auditing of the financial statements of that school, the Member of the Executive Council may exempt the governing body of that school from complying with the provisions of subsections (4) to (6) on such conditions as he or she may determine.
- (8) The Member of the Executive Council may, at any time, withdraw any exemption he or she has granted in terms of subsection (7).

## **CHAPTER 7 STATE-AIDED SCHOOLS**

### **47. Declaration and establishment of state-aided schools.**

- (1) In order to ensure the provision or continued provision of education at a private school, the Member of the Executive Council may, by notice in the Provincial Gazette, declare such a school to be a state-aided school with effect from a date mentioned in the notice.
- (2) No private school shall be declared to be a state-aided school under subsection (1), except with the concurrence of the owner of that school and the financial head.
- (3) The Member of the Executive Council may, on such conditions as he or she may determine, declare a state school to be a state-aided school with effect from a date mentioned in the notice.
- (4) The Member of the Executive Council may establish a state-aided school.
- (5) A state-aided school shall be managed and controlled in terms of this Act.

### **48. Status and patrimonial power of state-aided schools.**

- (1) A state-aided

school shall -

- (a) be a juristic person;
- (b) not without the approval of the Member of the Executive Council let, sell or otherwise alienate its immovable property or grant to any person any real right therein or servitude thereon;
- (c) appropriate money or other goods donated or bequeathed to or received in trust by that school, in accordance with the conditions of the donation, bequest or trust concerned.

(2) For the purposes of the Rating of State Property Act, 1984 (Act No. 79 of 1984), a state-aided school shall be deemed to be a governmental institution as defined in section 1 (1) of that Act.

(3) The State shall be liable for the payment of rates which are levied by a local authority on the value of the immovable property of a state-aided school.

#### **49. Control of state-aided schools.**

Subject to the provisions of this Act, the control and executive authority of a state-aided school shall vest in its governing body.

#### **50. School fees at state-aided schools.**

- (1) The parent of a learner admitted to a state-aided school shall pay such school fees and, if such learner is provided with board, such boarding fees, as the governing body of the school or hostel, may determine.
- (2) Different fees may be determined in terms of subsection (1) in respect of different categories of learners as long as there is a reasonable and equitable basis for such differentiation.
- (3) The Member of the Executive Council may, with the concurrence of the governing body of the state-aided school concerned, exempt any learner or any category of learners at such school wholly or partly from the payment of fees determined under subsection (1).

#### **51. Consequences of declaration of private schools as state-aided school.**

- (1) As from the date on which a private school is declared to be a state-aided school under section 47(1) -
  - (a) there shall no longer vest in the previous owner any rights, powers,

duties or functions in respect of the school concerned;

(b) the rights and obligations of the owner, in connection with the school concerned, shall vest in the state-aided school itself;

(c) the ownership and control of movable and immovable property which immediately prior to that date vested in the previous owner and which relates to the school concerned, shall devolve upon the state-aided school unless otherwise agreed upon in terms of section 47(2);

(d) the administrative records and other documents which related to the school concerned, shall be transferred by the owner to the state-aided school;

(e) the control and executive power of the state-aided school concerned shall vest in its governing body which shall be constituted in accordance with sections 23 and 24.

(2) Immovable property devolving upon the state-aided school in terms of subsection (1)(c), shall be transferred to the state-aided school without payment of transfer duty, stamp duty or other money or costs, but subject to any existing right, encumbrance, duty or trust on or over that property.

(3) The officer in charge of a deeds office or other office where the immovable property referred to in subsection (1)(c) is registered, shall, on submission to him or her of the title deed concerned, make such endorsements on that title deed and such entries in his or her registers as may be required to register the transfer concerned.

(4) The declaration of a private school as a state-aided school shall not affect anything legally done by the owner concerned prior to the declaration.

(5) The State shall, in respect of the immovable property of a state-aided school, be liable for the payment of rates which are levied by a local authority on the value of immovable property within its area of jurisdiction.

## **52. Consequences of declaration of state school as state-aided school.**

(1) As from the date on which a state school is declared to be a state-aided school under section 47(3) -

(a) the ownership and control of movable and immovable property and all rights which immediately prior to that date vested in the State or the governing body concerned and which relate to the school concerned, shall devolve upon the state-aided school concerned on such terms and

conditions as the Member of the Executive Council with the concurrence of the financial head may determine: Provided that if at any subsequent time, immovable property so vested is in the opinion of the Member of the Executive Council not being utilised in the best interests of education in the Province, the Member of the Executive Council may direct that such immovable property shall revert to the State on payment of such compensation as is required by section 28(3) of the Constitution;

(b) the liabilities and obligations which immediately prior to that date vested in the State, shall vest in the state-aided school concerned;

(c) the administrative records and other documents which related to the state school, shall be transferred to such state-aided school; and

(d) the control and executive power of the state-aided school concerned shall vest in its governing body constituted in accordance with the provisions of sections 23 and 24.

(2) Immovable property devolving upon the state-aided school or reverting to the State in terms of subsection (1)(a), shall be transferred to the state-aided school or the State, as the case may be, without payment of transfer duty, stamp duty or other money or costs, but subject to any term or condition contemplated in subsection (1)(a) and any existing right, encumbrance, duty or trust on or over that property.

(3) The officer in charge of a deeds office or other office where the immovable property referred to in subsection (1)(a) is registered, shall, on submission to him or her of the title deed concerned, make such endorsements on that title deed and such entries in his or her registers, as may be required to register the transfer concerned.

(4) The declaration of a state school as a state-aided school shall not affect anything legally done by the State or the governing body prior to the declaration.

(5) Notwithstanding the provisions of subsection (1) the State shall, in respect of the immovable property of a state-aided school, remain liable for the payment of rates which are levied by a local authority on the value of immovable property within its area of jurisdiction.

### **53. Subsidies to state-aided schools.**

(1) The Member of the Executive Council may, out of moneys appropriated for this purpose by the Provincial Legislature, grant a subsidy to a state-aided school subject to such conditions as he or she may determine.

- (2) The Member of the Executive Council may impose different conditions in respect of subsidies granted under subsection (1) to different state-aided schools, as long as there is a reasonable and equitable basis for such differentiation.

#### **54. Loans to state-aided schools.**

- (1) Subject to the provisions of this Act, the Member of the Executive Council may, with the concurrence of the financial head, out of moneys appropriated state-aided school for -
- (a) the erection of buildings and the acquisition of equipment of a permanent nature;
  - (b) the acquisition of land, including land on which buildings have been erected, or rights to or interests in land, and the payment of survey and transfer costs in connection with such acquisition;
  - (c) the payment of capital expenditure on the fencing and improvement of the land of the state-aided school; or
  - (d) the repayment of any loan, excluding a loan granted out of moneys appropriated by the Provincial Legislature, lawfully raised by such state-aided school, for any purpose mentioned in paragraph (a), (b) or (c).
- (2) Any application by a state-aided school for a loan contemplated in subsection (1) shall be addressed in writing to the Head of Department and shall state the purpose of the loan.
- (3) Upon receipt of any such application the Head of Department may call for such estimates, plans, specifications, reports, returns and other documents or information, and cause such inspections to be carried out, as he or she may consider necessary in order to determine whether the application should be granted.

#### **55. Repayment of loans by state-aided schools.**

- (1) A loan granted by the Member of the Executive Council to a state-aided school in terms of section 54, together with interest due thereon at a rate determined by the financial head, shall be repaid within a period determined by the Treasury before the granting of the loan.
- (2) Subject to subsection (3) the Treasury may extend the period referred to in subsection (1).



- (3) A loan referred to in subsection (1) together with the interest due thereon shall be repaid within a period of 40 years from the date of first repayment referred to in subsection (4).
- (4) The first repayment of an instalment of a loan referred to in subsection (1) shall be made on a date determined by the Treasury before the granting of the loan, which date shall not be later than three years after the date on which the loan or first portion thereof was paid out.
- (5) During the period from the date on which the loan referred to in subsection (1), or the first portion thereof, was paid out, to the date of the first repayment referred to in subsection (4), interest at a rate determined by the financial head shall be payable on the loan or first portion thereof.
- (6) The state-aided school to which a loan has been granted under section 54 shall, on the date of the first repayment referred to in subsection (4), and thereafter on the first day of January and on the first day of July in every year, repay the loan in instalments to the Treasury, and the instalments shall continue to be payable until the capital amount of the loan together with interest due thereon has been repaid: Provided that the Treasury may, if special circumstances exist, grant an extension of time in respect of the repayment on one or more of such instalments.
- (7) The instalments of a loan referred to in this section shall each amount to one half of the annual payment required to redeem the capital amount of the loan, together with interest due thereon, within the period determined by the Treasury under subsection (1).

## **56. Security for repayment of loans.**

- (1) All the movable and immovable property of a state-aided school shall, from the date on which a loan or the first portion thereof is paid out under section 55 to the state-aided school concerned, and subject to any prior security or hypothecation, serve as security for the repayment of the amount due in respect of the loan, costs and interest.
- (2) The Member of the Executive Council may, with the concurrence of the financial head, at any time in writing waive the preference which is granted by virtue of subsection (1), in favour of the holder of a later bond over the immovable property of a state-aided school: Provided the sum of the amounts due in respect of the loan, costs and interest and the amount secured by the bond does not exceed the value of the movable and immovable property of the state-aided school.

## **57. Financial statements of state-aided schools.**

- (1) The financial year of a state-aided school shall end on the last day of March in each year.
- (2) The provisions of sections 46(3) to (6) shall apply mutatis mutandis to all state-aided schools and in such application any reference to a state school shall be construed as a reference to a state-aided school.

## **58. Failure to comply with conditions of subsidy.**

- (1) If a condition subject to which a subsidy was granted under section 53(1) has not been complied with, the Member of the Executive Council may -
  - (a) terminate or reduce the subsidy from a date determined by him or her; or
  - (b) by notice in the Provincial Gazette, with the concurrence of the financial head, withdraw the declaration under section 47(3) of a state school as a state-aided school from a date determined by him or her.
- (2) The Member of the Executive Council shall not take action under subsection (1) unless he or she has informed the governing body of the state-aided school of his or her intention so to act and the reasons therefor, and has granted the governing body concerned an opportunity to make representations to him or her relating to such action.

## **59. Declaration of state-aided school as state school.**

- (1) The Member of the Executive Council may, with the concurrence of the financial head, enter into an agreement with the governing body of a state-aided school in terms of which such a school is declared to be a state school.
- (2) If an agreement has been entered into under subsection (1), the Member of the Executive Council shall by notice in the Provincial Gazette declare the state-aided school concerned to be a state school with effect from a date mentioned in the notice.

## **60. Effect of declaration as state school or of withdrawal of declaration as state-aided school.**

- (1) As from the date mentioned in a notice contemplated in section 58(1)(b) or 59(2) -
  - (a) the school concerned shall cease to be a juristic person and shall be deemed to be a state school established under section 44(1);

- (b) the rights and obligations of the school concerned shall vest in the State;
- (c) the ownership and control of movable and immovable property which immediately prior to that date vested in the school concerned shall vest in the State; and
- (d) the governing body of the school concerned shall have the powers, duties and functions of a governing body of a state school.

- (2) Immovable property vested in the State in terms of subsection (1)(c), shall be transferred to the State without payment of transfer duty, stamp duty or any other money or costs, but subject to any existing right, encumbrance, duty or trust on or over that property.
- (3) The officer in charge of a deeds office or other office where the immovable property referred to in subsection (2) is registered, shall, on submission to him or her of the title deed concerned, make such endorsements on that title deed and such entries in the register of deeds as may be required to effect the transfer concerned.
- (4) Neither the declaration of a state-aided school as a state school nor the withdrawal of the declaration of a school as a state-aided school shall affect anything legally done by the school concerned, or by its governing body, prior to the declaration or withdrawal.

#### **61. Closure of state-aided schools.**

The provisions of section 44(2) to (8) shall apply mutatis mutandis to a state-aided school and in such application any reference to a state school shall be construed as a reference to a state-aided school.

#### **62. Effects of closure of state-aided school.**

- (1) As from the date on which a state-aided school is closed all assets and liabilities of such school shall, subject to the conditions of a donation, bequest or trust contemplated in section 48(1)(c), vest in the State.
- (2) The Member of the Executive Council shall appoint a person to administer the affairs of the state-aided school concerned.
- (3) Immovable property vesting in the State by virtue of subsection (1) shall be transferred to the State without payment of transfer duty, stamp duty or other money or costs.

- (4) The officer in charge of a deeds registry or other office where the immovable property referred to in subsection (3) is registered, shall on submission to him or her of the title deed concerned, make the necessary endorsements on that title and entries in his or her registers.

## **CHAPTER 8 PRIVATE SCHOOLS**

### **63. Registration of private schools.**

- (1) No person shall establish, conduct or maintain a private school unless that private school is registered in terms of this Act.
- (2) No private school shall be registered unless it complies with the prescribed requirements.
- (3) Any person may apply in writing, in the prescribed form, to the Head of Department for the registration of a private school which he or she intends to establish, conduct or maintain.
- (4) An applicant for the registration of a private school shall furnish such particulars in connection with his or her application as the Head of Department may require.
- (5) The Head of Department may grant an application contemplated in subsection (3) if he or she is of the opinion that the prescribed requirements have been complied with.
- (6) If the Head of Department grants such application, he or she shall register the private school in question and issue to the applicant a registration certificate in such form as he or she may determine.
- (7) If the Head of Department refuses such application, he or she shall notify the applicant in writing of the refusal, and the reasons for the refusal.
- (8) An applicant who is aggrieved by the refusal of the Head of Department to grant his or her application brought under subsection (3) may, within 30 days after receiving notice of such refusal, appeal to the Member of the Executive Council, in writing, setting out the grounds of the appeal.
- (9) The Member of the Executive Council shall consider an appeal contemplated in subsection (8) and may confirm, vary or set aside the decision of the Head of Department.
- (10) The Member of the Executive Council shall as soon as may be practicable -

(a) Notify the appellant of his or her decision; and

(b) provide the appellant with written reasons for his or her decision.

(11) Any person who contravenes a provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year.

#### **64. Lapsing or withdrawal of registration of private schools.**

(1) The registration of a private school shall lapse under the prescribed circumstances.

(2) The registration of a private school may be withdrawn by the Head of Department under the prescribed circumstances.

(3) No withdrawal of the registration of a private school shall be valid unless

-

(a) the owner of such private school has been granted a reasonable opportunity to make written representations to the Head of Department giving reasons why the registration of the private school should not be withdrawn, prior to any decision to withdraw the registration of the private school;

(b) the owner of such private school has been furnished by the Head of Department with a notice of such withdrawal together with written reasons for his or her decision to withdraw the registration of the private school; and

(c) an appeal under subsection (4) has been dismissed or no such appeal has been lodged within the 30 days provided for.

(4) The owner of a private school who is aggrieved by the withdrawal of registration of his or her private school under subsection (2) may, within 30 days after receiving notice of such withdrawal, appeal to the Member of the Executive Council in writing, setting out the grounds of appeal against the withdrawal.

(5) The Member of the Executive Council shall consider an appeal contemplated in subsection (4) and may confirm, vary or set aside the decision of the Head of Department.

(6) The Member of the Executive Council shall as soon as may be reasonably practicable -

- (a) notify the appellant of his or her decision; and
- (b) provide the appellant with written reasons for his or her decision.

#### **65. Discrimination at private schools.**

Admission requirements for private schools shall not directly or indirectly discriminate unfairly on grounds of race, colour or social origin.

#### **66. Subsidies of private schools.**

- (1) A private school may annually, on or prior to the prescribed date, apply to the Head of Department in writing for the prescribed subsidy.
- (2) The Head of Department may grant or refuse an application referred to in subsection (1) but -
  - (a) no subsidy shall be granted to a private school which does not comply with the prescribed conditions for receiving a subsidy; and
  - (b) no subsidy shall be granted to a private school that is operated for profit.
- (3) If a condition subject to which a subsidy has been granted under subsection (2) has not been complied with, the Head of Department may terminate or reduce the subsidy from a date determined by him or her.
- (4) The Head of Department shall not terminate or reduce a subsidy under subsection (3) unless he or she has granted the owner of the private school concerned an opportunity to make written representations to him or her giving reasons why the subsidy should not be reduced or terminated as the case may be.

#### **67. Financial statements of private schools.**

- (1) The financial year of a private school shall end on the last day of March of each year.
- (2) The provisions of section 46(3) to (6) shall apply mutatis mutandis to all private schools receiving a subsidy in terms of section 66, and in such application any reference to -
  - (a) a state school shall be construed as a reference to a private school; and
  - (b) a governing body shall be construed as a reference to the owner of a

private school.

#### **68. Declaration of private school as state schools.**

- (1) The Member of the Executive Council may, with the concurrence of the financial head, enter into an agreement with the owner of a private school in terms of which the school concerned is declared to be a state school.
- (2) If an agreement has been entered into under subsection (1), the Member of the Executive Council may by notice in the Provincial Gazette declare the private school concerned to be a state school with effect from a date mentioned in the notice.

#### **69. Consequences of declaration as state school.**

- (1) As from the date mentioned in the notice contemplated in section 68(2) -
  - (a) the school concerned shall be deemed to be a state school established under section 44(1);
  - (b) the powers, duties, rights and obligations of the previous owner, in connection with the school concerned, shall vest in the State; and
  - (c) the ownership and control of movable and immovable property which immediately prior to that date vested in the owner concerned, and which relates to the school concerned, shall vest in the State, unless otherwise agreed upon in terms of section 68(1).
- (2) Immovable property vested in the State in terms of subsection (1)(c), shall be transferred to the State without payments of transfer duty, stamp or any other money or costs, but subject to any existing right, encumbrance, duty or trust on or over that property.
- (3) The officer in charge of a deeds office or other office where the immovable property referred to in subsection (2) is registered, shall on submission to him or her of the title deed concerned, make such endorsements on that title deed and such entries in the register of deeds as may be required to effect the transfer concerned.
- (4) The declaration of a private school to be a state school shall not affect anything legally done by the owner concerned prior to the declaration.

#### **70. Regulations relating to private schools.**

- (1) The Member of the Executive Council may make regulations as to -

(a) the admission of learners of a private school to examinations conducted by or under the supervision of the Department;

(b) the keeping of registers or other documents by a private school;

(c) the manner in which any subsidy shall be payable to a private school;  
And

(d) any other matter relating to private schools which shall or may be prescribed in terms of this Act.

(2) Different regulations may be made under subsection (1) in respect of different private schools.

## **CHAPTER 9 SPECIALISED EDUCATION**

### **71. Accommodation of learners with specialised education needs in ordinary schools.**

Every public school shall, as far as is reasonably possible, attempt to accommodate the specialised education needs of any learner who attends such school.

### **72. Admission of learners to schools for specialised education.**

(1) Subject to the provisions of any other law, the Head of Department may, at the request of the parent of a learner, approve that the learner be admitted to a school for specialised education.

(2) The Head of Department shall not grant his or her approval under subsection (1) unless -

(a) the learner concerned has specialised education needs; and

(b) those needs cannot be accommodated in an ordinary school which the learner concerned can attend.

(3) If the specialised education needs of a learner cannot be accommodated in the school which the learner currently attends, or is an applicant thereto, but can be accommodated at another ordinary school which the learner can attend, the Head of Department may direct that the learner be admitted to that ordinary school.

### **73. Assessments to identify learners with specialised education needs.**

If the Head of Department believes that a learner who is subject to compulsory school



attendance has specialised education needs which cannot be accommodated at the school which he or she attends, the Head of Department may, after consultation with the parent of the learner, arrange that the learner be assessed in order to determine whether he or she has such needs.

#### **74. Action in case of learners with specialised education needs.**

- (1) The Head of Department shall make the results of an assessment under section 73 available to, and discuss them with, the parent of the learner.
- (2) If the Head of Department, after satisfying the requirements of subsection (1), believes that the learner has specialised education needs which cannot be accommodated at the school which he or she attends, the Head of Department shall notify the parent of the learner in writing -
  - (a) that he or she has found that the learner has specialised education needs for which he or she should receive specialised education and of the reasons for this finding; and
  - (b) that the parent may within 30 days from the date of receipt of the notification, appeal to the Member of the Executive Council against the finding should he or she feel otherwise.
- (3) The Member of the Executive Council shall consider an appeal contemplated in subsection (1), and may confirm, vary or set aside the finding of the Head of Department.

#### **75. Placement of learners with specialised education needs.**

- (1) Unless -
  - (a) the parent of a learner found to have specialised education needs in terms of section 74, within the period determined by the Head of Department, takes such steps as the Head of Department, after consultation with the parent, determines as adequate to ensure that the learner receives suitable education or treatment; or
  - (b) the Head of Department at any time after that period is of the opinion that the learner is receiving suitable education or treatment, the Head of Department may after consultation with the parent designate a school for specialised education or an ordinary school capable of accommodating the learner's specialised education needs, at which the learner shall be placed.
- (2) If the Head of Department has designated a school under subsection (1) and the parent concerned fails to send the learner to that school within the

period determined by the Head of Department, the Head of Department may cause the learner to be taken to the school concerned.

- (3) If a learner is placed in terms of this section, the Department shall, from money appropriated for this purpose by the Provincial Legislature, on behalf of the parent of the learner concerned, pay to the school at which the learner has been placed, an amount equal to the increase in school fees for which the parent becomes liable because of such placement.

#### **76. Additional powers of children's court.**

- (1) A children's court may, in the case of a learner in respect of whom it has made an order in terms of section 15(1) of the Child Care Act, 1983 (Act No. 74 of 1983), direct that the case be referred to the Head of Department in order to determine whether the learner has specialised education needs.
- (2) If the Head of Department finds that a learner referred to him or her under subsection (1) has specialised education needs, the Head of Department may approve that the learner be admitted to a school for specialised education for the periods during which it provides specialised education.

#### **77. Transfer of learners with specialised education needs.**

The Head of Department may, after consultation with the parent of a learner attending a school for specialised education, transfer that learner to another school for specialised education.

#### **78. Exemption from attendance of school for specialised education.**

The Head of Department may, after consultation with the parent of a learner attending a school for specialised education, or an applicant thereto, exempt such learner from attendance at a school for specialised education if he or she is of the opinion that the learner should attend an ordinary school or should be placed in a care centre which accommodates his or her special needs.

### **CHAPTER 10 EDUCATORS**

#### **79. The employer of educators in the Province.**

- (1) The Department shall be the employer of all educators at state schools and all educators in posts at state-aided schools for which a subsidy in terms of section 53(1) must be utilised by virtue of the conditions imposed in terms of that section.
- (2) A state-aided school shall be the employer of any educator employed at that

school, other than an educator covered by subsection (1).

### **80. Equality of educators.**

- (1) In the appointment, promotion and remuneration of educators by the Department and by state-aided schools, there shall be no unfair discrimination based on race, age, gender, sex, disability, ethnic or social origin, colour, sexual orientation, religion, conscience, belief, culture or language.
- (2) In the appointment, promotion and remuneration of educators by the Department there shall be no unfair discrimination between or among educators who were employed by different departments recognised under laws repealed by this Act.
- (3) Subsections (1) and (2) shall not prevent the implementation of measures designed to assist educators who have been previously prejudiced by unfair discrimination in the context of their employment by the State.

### **81. Right of educators to information.**

- (1) Every educator shall have the right of access to all information held by the Department or by a state-aided school relating to his or her employment.
- (2) The right in subsection (1) shall not apply in circumstances where withholding access to the relevant information is reasonable and justifiable in an open and democratic society based on freedom and equality.

### **82. Political rights of educators.**

- (1) The freedom of association of all educators shall be respected by the Department and by state-aided schools.
- (2) Educators shall be entitled to be members of political parties.
- (3) A culture of tolerance shall be encouraged at all schools.

### **83. Responsibilities of educators.**

An educator shall -

- (a) promote the intellectual and personal development of learners;
- (b) instill in learners a desire to learn;
- (c) foster in learners a culture of human rights;

(d) act in a just and impartial manner in his or her dealings with learners;  
and

(e) take the appropriate measures to attain and maintain a high level of professionalism.

#### **84. Responsibilities of principals.**

(1) The principal of a school shall ensure that educational services of quality are provided in that school.

(2) The principal, after consultation with his or her staff, shall be responsible for the educational activities at a school, the professional administration of the school and the implementation of the policy by which the school is governed.

#### **85. Provincial educator policy.**

(1) Within the consultative and negotiating framework provided by law, the Member of the Executive Council shall be responsible for formulating provincial policy on -

(a) employment of educators;

(b) transfer and secondment of educators;

(c) assessment and promotion of educators;

(d) language requirements for entry into the teaching profession;

(e) registration of educators with the Department;

(f) design of educator development programmes;

(g) contracting for the provision of in-service education and training;

(h) allocation of funds for educator development;

(i) collection and publication of data relating to educator policy; and

(j) all other matters relating to provincial educators.

(2) The provincial policy contemplated in subsection (1) shall be formulated subject to national guidelines and the principles set out in section 4(1).

## **CHAPTER 11 SCHOOLS IN RURAL AREAS**

### **86. Continued existence of certain farm schools.**

Notwithstanding the repeal of the Education and Training Act (Act No. 90 of 1979) by this Act, a farm school which existed immediately prior to the commencement date shall, subject to the provisions of this Chapter, continue to exist as though that Act had not been repealed.

### **87. Access to farm schools.**

(1) The owner or occupier of land on which a farm school is situated shall not deny access to such school to any official of the Department performing duties at the school relating to his or her employment, any educator teaching at the school or any learner studying at the school.

(2) The owner or occupier of land over which access is reasonably required by an official, an educator or a learner for the purpose of travelling to a school shall not deny such official, educator or learner such access.

(3) Any person who knowingly contravenes a provision of subsection (1), (2) or (4) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months.

(4) Any person who as a condition for admission of a learner to a farm school, or as consideration for attending such school, requires such learner or his or her parent at any time to render any service, whether for remuneration or otherwise, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months.

### **88. Remuneration of educators at schools in rural areas.**

(1) An educator at a school situated in a rural area or a peri-urban area shall be entitled to the same remuneration and benefits as he or she would earn were he or she employed by the Department at a school in an urban area.

(2) Notwithstanding the provisions of section 80 the Member of the Executive Council may, with concurrence of the financial head, provide for the payment of supplementary remuneration and benefits to educators employed at schools in rural areas or peri-urban areas.

### **89. Adjustment of subsidies to farm schools.**

The Member of the Executive Council may, with the concurrence of the financial head, and after hearing the owner of a farm school and if it exists, the governing body of the

farm school concerned, adjust, alter or withdraw the aid given to the farm school concerned.

## **90. Declaration of farm schools to be state schools or state-aided schools.**

- (1) Subject to any other applicable law, the Member of the Executive Council may, after consultation with the owner of the farm school and the governing body of the farm school concerned, and with the agreement of the financial head, by notice in the Provincial Gazette, declare any farm school to be a state school or a state-aided school.
- (2) The owner of any farm school which is the subject of a declaration in terms of subsection (1) shall be paid by the State such compensation as is required by section 28(3) of the Constitution, in respect of any movable and immovable property which he or she owned immediately prior to such declaration and which vests in the State by virtue of the declaration.
- (3) The provisions of section 69 shall apply mutatis mutandis to the declaration of a farm school as a state school under subsection (1).
- (4) The provisions of section 51 shall apply mutatis mutandis to the declaration of a farm school as a state-aided school under subsection (1).
- (5) No transfer of property, movable or immovable, in terms of this section shall be regarded as an expropriation for the purpose of section 102 of this Act.

## **91. Closure of farm schools.**

- (1) The Member of the Executive Council may close any farm school if the conditions at such farm school constitute a material threat to the health or welfare of learners or educators at that school.
- (2) Any farm school closed under subsection (1) shall not remain closed unless adequate alternative provision has been made for the education of learners attending such school within a period of two weeks from the date of closure of the school.
- (3) The Member of the Executive Council may, with the consent of the governing body of any farm school, enter into an agreement with the owner of the farm school concerned which provides for the closure of the school on such terms and conditions as may be agreed upon.
- (4) No farm school shall be closed otherwise than in accordance with subsections (1) or (3).

## **CHAPTER 12 TRANSITIONAL PROVISIONS**

### **92. Transitional provisions relating to centres of learning and accessories.**

Any centre of learning, hostel, clinic, educator's quarters or other accessory connected to schools established or deemed to have been established under the provisions of an Act repealed by this Act and which existed immediately prior to the commencement date, shall be deemed to have been established in terms of this Act.

### **93. Transitional provisions relating to governing bodies.**

Any management council, board of management, local or domestic council, committee, board or other body for the control or management of a public school or hostel, established or deemed to have been established under the provisions of an Act repealed by this Act, and which existed immediately prior to the commencement date, shall be deemed to be a governing body established in terms of section 23.

### **94. Transitional provisions relating to state schools.**

A state school or a department school established or deemed to have been established under the provisions of an Act repealed by this Act and which existed immediately prior to the commencement date, shall be deemed to be a state school established under section 44(1).

### **95. Transitional provisions relating to public schools.**

- (1) Any public school, established or deemed to have been established under provisions of an Act repealed by this Act, shall, subject to the provisions of this Act, continue to exist as though that Act had not been repealed.
- (2) The governing body of a public school referred to in subsection 1 shall continue to exercise control over such school until such time that a new governing body has been established for the school in terms of this Act, at which point the first-mentioned governing body shall cease to have any rights, powers, or functions in respect of the school concerned.

### **96. Declaration of public schools to be state schools or state-aided schools.**

- (1) The Member of the Executive Council may, after consultation with the owner of a public school and the governing body of a public school, established in terms of section 5(1) of Act No. 90 of 1979, and with the agreement of the financial head, by notice in the Provincial Gazette, declare any such public school to be a state school or state-aided school.

- (2) The owner of any public school which is the subject of a declaration in terms of subsection (1) shall be paid by the State such compensation as may be required by the Constitution in respect of any movable and immovable property which he or she owned immediately prior to the declaration referred to in subsection (1) and which vested in the State by virtue of the declaration.
- (3) The provisions of section 69 shall apply mutatis mutandis to the declaration of a public school under subsection (1).
- (4) The provisions of section 51 shall apply mutatis mutandis to the declaration of a public school as a state-aided school under subsection (1).
- (5) No transfer of property, movable or immovable, in terms of this section shall be regarded as an expropriation for the purpose of section 102 of this Act.

#### **97. Transitional provisions relating to private schools.**

A private school registered or deemed to have been registered under the provisions of an Act repealed by this Act and which existed immediately prior to the commencement date, shall be deemed to be a private school registered in terms of section 63(6).

#### **98. Transitional provisions relating to model C schools.**

A model C school which existed immediately prior to the commencement date, shall be deemed to be a state school which has been declared to be a state-aided school in terms of section 47.

#### **99. Transitional provisions relating to state-aided schools.**

The provisions of sections 86 and 90 shall apply mutatis mutandis to a state-aided school, other than a model C school, which was established or deemed to have been established under a law repealed by this Act and which existed immediately prior to the commencement date.

#### **100. Negotiating forums.**

- (1) For the purpose of facilitating negotiations between the Department and governing bodies as contemplated in section 247(1) of the Constitution, the Member of the Executive Council may by notice in the Provincial Gazette establish a centralised negotiating forum at which negotiations over the alteration of the rights, powers and functions of such bodies shall take place.
- (2) The notice establishing the negotiating forum may provide that the



negotiating forum shall be divided into different chambers.

- (3) The notice establishing the negotiating forum shall -
  - (a) state a date, not less than 30 days from the date of the notice, on which the first meeting of the negotiating forum, or of each chamber of the negotiating forum, shall take place;
  - (b) state the place at which the first meeting of the negotiating forum, or of each chamber of the negotiating forum, shall take place;
  - (c) if the negotiating forum has been divided into chambers, state which governing bodies or categories of governing bodies will fall within the jurisdiction of each chamber; and
  - (d) state the manner in which governing bodies may be represented at meetings of the negotiating forum or of chambers of the negotiating forum.
- (4) The Member of the Executive Council may by notice in the Provincial Gazette make rules governing meetings of the negotiating forum or meetings of chambers of the negotiating forum.
- (5) All governing bodies shall be bound by any decision taken at a meeting of the negotiating forum.
- (6) Any governing body within the jurisdiction of a chamber of the negotiating forum shall be bound by any decision taken at a meeting of that chamber.

## **CHAPTER 13 GENERAL**

### **101. Indemnities.**

- (1) No contract shall exclude any liability of -
  - (a) the Department;
  - (b) a state-aided school;
  - (c) the owner of a private school;
  - (d) the owner of a farm school; or
  - (e) any person employed at any school,

to any learner or to his or her parent arising out of circumstances related to the education of the learner concerned.

(2) Any contractual provision which contravenes subsection (1) shall be invalid.

### **102. Expropriation.**

(1) The Member of the Executive Council may, if it is in the public interest to do so, expropriate land and any real rights in or over land for any purpose related to school education in the Province.

(2) The owner of any land or real rights in or over land expropriated in terms of subsection (1) shall be entitled to payment of such compensation in respect of such land or rights as is required by section 28(3) of the Constitution.

(3) The provisions of the Expropriation Act, 1975 (Act No. 63 of 1975), other than those relating to compensation, shall apply to any expropriation effected under this section.

### **103. Delegation of powers and assignment of functions.**

(1) The Member of the Executive Council may, subject to such conditions as he or she may determine -

(a) delegate any power conferred upon him or her under this Act, except the power to make regulations and the power to decide an appeal lodged with him or her in terms of this Act; and

(b) assign any of his or her functions in terms of this Act, to the Head of Department or a person employed by the Department.

(2) The Head of Department may, subject to such conditions as he or she may determine-

(a) delegate any of his or her powers under this Act or delegated to him or her in terms of subsection (1); and

(b) assign any of his or her functions in terms of this Act or assigned to him or her in terms of subsection (1), to a person employed by the Department.

(3) A delegation under subsection (1) or (2) shall not prevent the Member of the Executive Council or Head of Department, as the case may be, from exercising such power or performing such function, as the case may be, himself or herself.

#### **104. Limitation of proceedings.**

No legal proceedings shall be instituted against the State or a body or person in respect of an alleged act in terms of this Act or an alleged omission to do anything which in terms of this Act should have been done, unless the legal proceedings are instituted within a period of 12 months, after the date on which the plaintiff or the applicant became aware of the alleged act or omission, or after the date on which it could reasonably have been expected that the plaintiff or applicant would have become aware of the alleged act or omission, whichever date is the earlier.

#### **105. Regulations.**

- (1) The Member of the Executive Council may make regulations as to -
  - (a) any matter which shall or may be prescribed by regulation under this Act; and
  - (b) any other matter which may be necessary or expedient to prescribe in order to achieve the objects of this Act.
- (2) Regulations as to any fees or allowances payable by or to any person or relating to the control of money shall not be made without the concurrence of the financial head.
- (3) Different regulations may be made under subsection (1) in respect of different schools or different categories of schools as long as there is a reasonable and equitable basis for such differentiation.
- (4) Regulations made under subsection (1) may prescribe in respect of any contravention thereof or failure to comply therewith, a penalty of a fine or imprisonment not exceeding three months.

#### **106. Repeal of laws, and savings.**

- (1) Subject to the provisions of this section, the laws listed in column one of the Schedule are hereby repealed to the extent set out in column three of that Schedule and to the extent that they are of force in the Province.
- (2) Anything done or deemed to have been done in terms of a provision of a law repealed by subsection (1) and which may or shall be done in terms of this Act, shall be deemed to have been done in terms of the corresponding provisions of this Act.
- (3) All regulations, notices and directives made or issued under any law repealed by subsection (1) and which were in force immediately prior to the

commencement date shall, notwithstanding such repeal, remain in force except in so far as they are inconsistent with the provisions of this Act, until repealed, withdrawn or amended by the Member of the Executive Council by regulation, notice or directive in terms of this Act.

### 107. Short title and commencement.

This Act shall be called the School Education Act (Mpumalanga), 1995 and shall come into operation on a date fixed by the Premier by proclamation in the Provincial Gazette.

#### SCHEDULE

##### LAWS REPEALED

No. and year of law appeal	Title	Extent of
Act No. 47 of 1963 excluding and so to education	Coloured Persons Education Act, 1963	The whole, sections 1A, 26 28 to 31 except in far as it relates colleges of
Act No. 61 of 1965 excluding 26, in so to education colleges	Indians Education Act, 1965	The whole, sections 1B, 313, 28, 29, 31 and 33(1)(g), except far as it relates colleges of and technical
Act No. 60 of 1967	Indians Education Amendment Act, 1967	The whole
Act No. 76 of 1967	Coloured Persons Education Amendment Act, 1967	The whole
Act No. 92 of 1970	General Law Further Amendment Act, 1970	Section 13

Act No. 53 of 1973	Coloured Persons Education Amendment Act, 1973	The whole
Act No. 62 of 1973	General Law Amendment Act, 1973	Section 31
Act No. 6 of 1974	Lebowa Education Act, 1974	The whole
Act No. 94 of 1974	Second General Law Amendment Act, 1974	Section 39
No. and year of law appeal	Title	Extent of
-----		
Act No. 29 of 1976	Coloured Persons Education Amendment Act, 1976	The whole
Act No. 95 of 1976	Second Coloured Persons Education Amendment Act, 1976	The whole
Act No. 2 of 1979	Bophuthatswana National Education Act, 1979	The whole
Act No. 39 of 1979	Indians Education Amendment Act, 1979	The whole
Act No. 50 of 1979	Coloured Persons Education Amendment Act, 1979	The whole
Act No. 90 of 1979 excluding	Education and Training Act, 1979	The whole
in		sections 1A, 3, 4, 31, 32, 43 and 44(1)(h), except
relates		so far as it
colleges		to technical and colleges of education
Act No. 15 of 1980	Coloured Persons Education Amendment Act, 1980	The whole
Act No. 52 of 1980	Education and Training Amendment Act, 1980	The whole
Act No. 9 of 1981	Indians Education Amendment Act, 1981	The whole
Act No. 10 of 1981	Education and Training Amendment Act, 1981	The whole

No. and year of law appeal	Title	Extent of
Act No. 85 of 1983	Coloured Persons Education Amendment Act, 1983	The whole
Act No. 74 of 1984	Education and Training Amendment Act, 1984	The whole
Act No. 76 of 1984	National Policy for General Education Affairs Act, 1984	The whole
Act No. 78 of 1984	Indians Education Amendment Act, 1984	The whole
Act No. 64 of 1985	Indians Education Amendment Act (HD), 1985	The whole
Act No. 71 of 1985	Universities for Blacks, Technikons (Education and Training) and Education and Training Amendment Act, 1985	Section 36
Act No. 76 of 1985	Coloured Persons Education Amendment Act (HR), 1985	The whole
Act No. 3 of 1986	Universities and Technikons for Blacks, Tertiary Education (Education and Training) and Education and Training Amendment Act, 1986	Sections 19 to 25
Act No. 100 of 1986	Education Amendment Act (House of Delegates), 1986	Sections 1 to 7

No. and year of law appeal	Title	Extent of
Act No. 104 of 1986	Private Schools Act (House of Assembly), excluding section 1A 1986	The whole
Act No. 95 of 1987	Education Laws (Education and Training) Amendment Act, 1987	Sections 5 to 13
Act No. 31 of 1988	Education Laws (Education and Training) Amendment Act, 1988	Sections 9 to 18
Act No. 70 of 1988	Education Affairs Act (House of Assembly), excluding sections 3 and 65 1988	The whole
Act No. 35 of 1989	Education and Training Amendment Act, 1989	The whole

Act No. 42 of 1990	Education and Training Amendment Act, 1990	The whole
Act No. 60 of 1990	Private Schools Amendment Act (House of Assembly), 1990	The whole
Act No. 88 of 1991	Education Affairs Amendment Act (House of Assembly), 1991	The whole
Act No. 100 of 1991	Education and Training Amendment Act, 1991	The whole
Act No. 39 of 1992	Education Affairs Amendment Act (House of Assembly), 1992	The whole
No. and year of law appeal	Title	Extent of
-----		
Act No. 55 of 1992	Education and Training Amendment Act, 1992	The whole
Act No. 106 of 1992	Education and Training Second Amendment Act, 1992	The whole
Act No. 112 of 1992	Coloured Persons Education Amendment Act (House of Representatives), 1992	The whole
Act No. 113 of 1992	Coloured Persons Education Amendment Act (House of Representatives), 1992	The whole
Act No. 36 of 1993	Education Affairs Amendment Act (House of Assembly), 1993	The whole
Act No. 50 of 1993	Indians Education Amendment Act (House of Delegates), 1993	The whole
Act No. 132 of 1993	General Law Fourth Amendment Act, 1993	Section 15
Act No. 139 of 1993	Education Laws Amendment Act (House of Assembly), 1993	Section 1
Act No. 162 of 1993	Education Affairs Second Amendment Act (House of Assembly), 1993	The whole