

**Act No. 9, 1995 NORTHERN PROVINCE SCHOOL EDUCATION ACT,
1995**

PROVINCIAL NOTICE OFFICE OF THE PREMIER

No. 43

15 December 1995

THE NORTHERN PROVINCE SCHOOL EDUCATION ACT

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information: - No. 9 of 1995: Northern Province School Education Act, 1995.

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

(English text signed by the Premier)

(Assented to on 12 December 1995)

ARRANGEMENT OF SECTIONS

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CHAPTER 1

INTERPRETATION

Definitions and application

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

"Circuit council" means a circuit education and training council established in terms of section 37(1) (a); is commencement date" means the date fixed under section 106;

"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 30;

"department" means the department in the administration of the Province responsible for education; **Is education"** means instruction, teaching or training provided to learners in terms of this Act; **educational auxiliary service"** includes any service necessary-

(i) to provide for the health and welfare of learners;

(ii) to have learners transported;

(iii) to supplement educational programmes; or

(iv) to continue the activities of schools or centers of learning; **educational region"** means an educational region contemplated in section 37(1)(a); **educator"** means a principal or any person who teaches, educates or trains learners or provides professional therapy at any school or center of learning;

"Executive Council" means the Executive Council of the Province;

"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 who is responsible for financial affairs;

"first level" 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 24 or deemed to be so established under section 91; **government department"** means a department in the national government or in any provincial government;

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

"language policy" of a public school, as contemplated in section 16, includes matters relating to -

- (i) the language or languages in which learning and teaching take place;
- (ii) the language or languages which may be studied at the school;
- (iii) the language or languages in which the school communicates with educators, learners and parents of learners;
- (iv) 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;

"level" 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 one school year;

"Member of the Executive Council" means the member of the Executive Council to the Province who is responsible for matters relating to education; **"Is 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 99; **"official language"** means the language referred to in section 3(1) of the Constitution or a single language recognised under section 18;

"ordinary school" means a school other than a school for specialised education; **"parent"** includes guardian or in the absence of a parent or guardian, an adult person with whom the child resides and to whom the parent or guardian has entrusted in writing the custody or control of such child, or if the child has no parent or guardian, the adult

person with whom the child resides and who has actual custody or control of such child;

“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;

"Provincial Legislature" means the Provincial Legislature of the Province;

"public school" means a state school, a state aided school, a school contemplated in section 96 or a farm school;

"regional council" means a regional education and training council established in terms of section 37(1) (a);

"religious policy" of a public school as contemplated in section 19, includes matters relating to-

- (i) the amount, for and content of religious instruction classes offered at the school; and
- (ii) the religious practices which are conducted at the school;

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

"school attendance officer" means a school attendance officer appointed under section 11 or deemed so to have been appointed under section 90;

"school for specialised education" means a school providing primary specialised education;

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

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

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

(iii) should not 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-

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

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

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

(d) the provision of transport, escort and such other services as the Member of the Executive Council may deem necessary for such learners; and

(e) 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 38;

"state school" means a school established under section 41 or a school deemed so to be established in terms of section 57(1)(a), 66(1) (a) or 92;

"state-aided school" means a school established, or declared to be a state-aided school under section 44, or deemed so to have been established or declared under section 95;

"this Act" includes regulations made under this Act and regulations contemplated in section 104(3);

"Treasury" means the authority responsible for the financial affairs of the Province.

Application

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

CHAPTER 2

MEMBER OF THE EXECUTIVE COUNCIL AND DEPARTMENT

Control of school education in the Province

3. As from the commencement date, school education in the Province shall be controlled by the department, acting in accordance with the policy determined by the Member of the Executive Council.

Directive principles of school education policy

4. (1) The Member of the Executive Council shall determine school education policy in the Province within the framework of the following principles:

(a) Every person shall have the right to basic education and to equal access to schools and centers of learning.

(b) Every learner shall have the right to instruction in the language of his or her choice where this is reasonably practicable.

(c) No learner or educator shall be unfairly discriminated against by the department, a state-aided school or a private school which receives a subsidy in terms of section 63.

(d) There shall be a duty on the department to 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.

(e) There shall be a duty on the department to combat sexual harassment at schools and centers of learning.

(f) Every learner and educator shall have the right to freedom of conscience, religion, thought, belief, opinion, speech and expression and the education process shall

promote a culture of tolerance.

(g) Every learner and educator shall have the right to peaceful assembly and demonstration and shall have the right to freedom of association.

(h) Every person shall have the right of access to all information held by the department or the governing body of a school in so far as such information is required for the exercise or protection of his or her rights.

(i) There shall be democratic and decentralised governance of public schools and school education. The structures of democratic governance in school education should be constituted with due regard to the racial and gender demographics of the Province.

(k) Education policy shall be aimed at achieving cost efficient and effective use of educational resources, eliminating wastage, inefficiency, maladministration and corruption.

(l) Educational policy shall be aimed at improving the quality and availability of educational opportunities and resources to the people of the Province.

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

(n) Learners shall have the right to democratically elected bodies to advance and promote their interests.

(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 take such steps as may be necessary to implement the policy determined by the Member of the Executive Council.

General powers of Member of Executive Council

5. In addition to the other powers assigned to him or her by this Act, the Member of the Executive Council shall have the following powers:

(a) The Member of the Executive Council may out of money appropriated by the Provincial Legislature for this purpose and in order to further the objects of this Act-

(i) establish and maintain centres of learning;

(ii) establish and maintain hostels, clinics, educators' quarters and other accessories in connection with schools;

(iii) provide such equipment and erect such buildings as he or she may deem necessary or expedient for the administration of this Act;

(iv) make provision for such educational auxiliary services as he or she may deem necessary; and

(v) 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.

(b) 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 accessory in connection with schools or discontinue any educational auxiliary service referred to in paragraph (a).

(c) 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, but no agreement placing financial obligations on the department shall be entered into without the concurrence of the financial head.

(d) Subject to any norms and standards set by the appropriate national body, the Member of the Executive Council may certify, and withdraw the certification of -

(i) the syllabi of, and conditions for admission to, courses at any school or Centre of learning; and

(ii) the content of, and conditions for admission to, educational and training programmes at any school or centre of learning.

(e) 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 such institution.

(f) The Member of the Executive Council may determine the school calendar, school holidays, school religious holidays and the minimum length of the school day.

(g) 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 and centres of learning.

Inquiry at instance of Member of Executive Council

6. (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 as long as he or she has given to the person in charge of such school or Centre of learning reasonable prior notice of his or her intention to enter the grounds;

(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 that article, document, book, video or audio recording;

(e) examine and make copies of any document, book, video or audio recording referred to in paragraph (d); and

(f) attach any article, document, book, video or audio recording referred to in paragraph

(d) if, in his or her opinion, 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 money 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); or

(f) prevents any other person from appearing in accordance with a direction issued under subsection (2)(b), at the time and place in question, I shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

Submission of information

7. (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 and 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

Admission to public schools

8. (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, gender, sex, ethnic or social origin, colour, sexual orientation, disability, religion, conscience, belief, culture or language.

Age requirements

9. (1) The Member of the Executive Council may make regulations prescribing the age requirements in respect of different categories of schools and different levels of education.

(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.

Compulsory school attendance

10. (1) Attendance at a school during school hours shall be compulsory for

a person 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 person 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 person-

(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 level, 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 (a) shall be valid unless it has been ratified by resolution of the Provincial Legislature.

(c) No notice may be issued under paragraph (a) 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 specialized education during school hours shall be compulsory for any person with specialised educational needs whose age is greater than 3 years, if he or she has reason to believe that it would be in the best interests of the child 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 interests of the learner.

Appointment of school attendance officers

11. (1) The Head of Department may appoint school attendance officers and terminate the appointment of school attendance officers.

(2) A school attendance officer shall be provided with a certificate, signed by the Head of Department, declaring that he or she has been appointed as a school attendance officer under this section.

(3) A certificate provided under subsection (2) shall be in the form prescribed.

Functions of school attendance officers

12. (1) In order to ensure that compulsory school attendance is being complied with, a school attendance officer may, subject to subsections (2), (3), (4) and (5) -

(a) at any reasonable time during school hours enter upon and search any premises if he or she has reasonable grounds to believe that a person who is subject to compulsory school attendance is on those premises; and

(b) question any person who in his or her opinion may be able to give information regarding the absence from school of a person who is subject to compulsory school attendance.

(2) Save as provided in subsection (4), a search referred to in subsection (1) (a) shall be conducted only under a search warrant issued by a magistrate, if it appears to such magistrate from information on oath that there are reasonable grounds for believing that a person who is subject to compulsory school attendance is present during school hours on any premises within his or her area of jurisdiction.

(3) A search warrant issued under subsection (2) shall authorize a school attendance

officer to enter and to search any premises identified in the warrant.

(4) A school attendance officer may without a search warrant search any premises for the purpose of establishing whether a person who is subject to compulsory school attendance is present on such premises during school hours-

(a) if the person in control of such premises consents to the search; or

(b) if he or she on reasonable grounds believes that-

(i) a search warrant will be issued to him or her under subsection (2) if he or she applies for such warrant; and

(ii) the delay in obtaining such warrant would defeat the object of the search.

(5) A school attendance officer shall not perform a function under this section, unless he or she is, while he or she is performing that function, in possession of his or her certificate referred to in section 11 (2) which shall be produced by him or her to any person affected by the performance of that function.

Duties of principals relating to school attendance

13. (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 Provincial department responsible for 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.

Offences relating to compulsory school attendance

14. (1) If a parent of any person 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 person 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 person 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.

(3) Any person who hinders or obstructs a school attendance officer in the performance of his or her functions under section 12 shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

School fees

15. No learner shall be refused admission at a public school on the grounds that his or her parent has not paid the school fees contemplated in section 42(1) or 47.

Language policy of public schools

16. (1) The language policy of a public school shall be made by the governing body of the school concerned after consultation with the department 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 should aim at the development of a national democratic culture of 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 should be designed to facilitate the maximum participation of

learners in the learning process.

(d) Special measures should be taken to enable a learner to become competent in the languages of learning of his or her school, and where practicable, to enable a learner 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 should be coordinated at a district or circuit level and should take into account the availability of human and material resources.

(f) On completion of the ninth level of education a learner should have acquired satisfactory standards of competence in at least two of the official languages.

(g) Special measures should 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 governing body of the school concerned, direct that the language policy of the school shall be reformulated in accordance with subsections (1) and (2).

Language and discrimination

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

(2) Learners at public schools 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 63 shall be disciplined for expressing himself or herself in a language which is not a language of learning of the school concerned.

Recognition of sign languages

18. (1) The Member of the Executive Council may by notice in the Provincial Gazette recognise any sign language which in his or her opinion is used by a significant proportion of people communicating in a sign language in the Province.

(2) For the purposes of any matter related to school education in the Province, any sign language recognised under subsection (1) shall have the status of an official language.

Religious policy of public schools

19. (1) The religious policy of a public school shall be made by the governing body of the school concerned after consultation with the department, and subject to the approval of the member of the Executive council.

(2) The religious policy of a public school shall be developed within the framework of the following principles:

(a) The education process should aim at the development of a national democratic culture of respect for our country's diverse cultural and religious traditions.

(b) Freedom of conscience and of religion shall be respected at all public schools.

(3) If, at any time, the Member of the Executive Council has reason to believe that the religious 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 governing body of the school concerned, direct that the religious policy of the school shall be reformulated in accordance with subsections (1) and (2).

Freedom of conscience

20. (1) No person employed at any public school shall attempt to indoctrinate learners into any particular belief or religion.

(2) No person employed at any public school or private school shall in the course of his or her employment denigrate any religion.

(3) Every learner at a public school, or at a private school which receives a subsidy in terms of section 63, shall have the right not to attend religious education classes and religious practices at that school.

(4) No person employed at a public school, or at a private school which receives a subsidy in terms of section 63, shall discourage a learner from choosing not to attend religious education classes or religious practices at that school.

(5) No person employed at a public school shall be obliged or in any way unduly influenced to participate in any of the religious education classes or religious practices at that school.

Control, expulsion, suspension and discipline of learners

21. (1) No person shall administer corporal punishment to a learner at any public school 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 an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

Rights of parents to information

22. (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 child.

(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.

Duties of learners, educators and parents with respect to public school property

23. (1) Every learner and educator at a public school shall take good care of the property of the school or of the department.

(2) 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.

(3) 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.

(4) Every learner shall-

- (a) promote a culture of tolerance and respect for the human rights of others;
- (b) promote a culture of learning and teaching; and
- (c) promote respect for school property.

CHAPTER 4

PUBLIC SCHOOL GOVERNANCE

Governing bodies of public schools and hostels

24. (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, in the opinion of the Member of the Executive Council, 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.

Composition of governing bodies

25. (1) The principal of a public school shall ex officio be a member of the governing body of that school.

(2) A majority of members of a governing body of a public school shall be parents of learners at that school.

(3) The disabled community served by a public school for specialized education shall be represented on the governing body of that school.

(4) Educators at a public school shall be represented on the governing body of that

school.

(5) Learners shall be entitled to be represented only on the governing body of a public school which provides education at a level higher than the seventh level.

(6) (a) The member of the Executive Council may make regulations as to the further composition of the governing bodies of public schools and hostels.

(b) Regulations may exclude certain categories of representatives on the governing body of a public school from participation in certain categories of school business as long as there is a reasonable basis for such exclusion.

Powers of governing bodies

26. (1) The governing body of a public school shall be the official mouthpiece of the parents of learners, the educators and the learners of the school on matters other than those relating to the professional administration of the school.

(2) The Member of the Executive Council shall make regulations setting out the powers of the governing body of a public school within the framework of the following principles:

(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 effective service.

(c) The professional administration of a school falls within the ambit of the principal and his or her staff.

(3) Regulations made under subsection (3) may allocate different powers 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.

Capacity building of governing bodies

27. (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 financial head, approve 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.

Inability of governing body to perform its functions

28. (1) If a governing body of a public school, in the reasonable opinion of the Member of the Executive Council is unable 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 authorize two 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 authorized under subsection (1), but the period may not be extended so that it is longer than one year.

(3) A power exercised by persons authorized 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.

Regulations relating to governing bodies

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

- (a) the qualifications for election of, the terms of office of, and the vacation of office by, members of governing bodies, and the filling of incidental vacancies in governing bodies;
- (b) the manner of election, and the powers and functions, of office of governing bodies;
- (c) the convening of, procedure and rules at, and quorum for meetings of governing bodies and the keeping of minutes of such meetings;
- (d) the 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

Establishment of Education and Training Council

30. (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) At the first meeting of the Council, the Council shall elect one of its members as the chairperson of the Council.

(3) The administrative functions of the Council shall be performed by a person or persons employed by the department.

(4) A member of the Council, or a member of a committee established by the Council under section 35(1), who is not in the full-time employment of the State may be paid, out of money 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 the Council;

(b) the qualifications and terms of office of, and the vacation of offices by members of the Council, and the filling of vacancies; and

(c) the appointment and functions of an executive committee for the Council.

Head of Department reports to Council

31. (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.

General functions of Council

32. (1) The Council shall make recommendations to the Member of the Executive Council concerning the provision of legislation relating to education

in the Province.

(2) The Council shall 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.

(3) The Council shall perform such other functions as may be assigned to it by or under this Act, or any other law.

(4) The Council shall determine its own rules regulating its meetings and procedures at such meetings.

(5) No act of the Council shall be invalid merely on account of a vacancy on the Council.

Recommendations of Council

33. If the Member of the Executive Council decides not to implement a recommendation made by the Council in terms of section 32(1) or (2), he or she shall provide the Council with written reasons for his or her decision.

Functions of Council with respect to legislation

34. (1) No Bill relating to education in the Province shall be introduced in the Provincial Legislature unless it has been submitted to the Council at least 30 days before such introduction.

(2) No regulations may be made by the Member of the Executive Council under this 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 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 30.

(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 35.

(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) Unless the comments contemplated in subsection (2) are forwarded to the Member of the Executive Council within seven days of the meeting at which the Council or its committee considered the draft regulations, the Member of the Executive Council may make the regulations concerned without considering or responding to such comments.

(7) The provisions of subsection (2) shall not apply-

(a) to any amendments to draft regulations made by the Member of the Executive Council after considering the comments of the Council or its committee on such draft regulations; or

(b) in cases where the Member of the Executive Council certifies, in the notice in the Provincial Gazette in which the regulations are published, that he or she has reason to believe 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.

(8) The Member of the Executive Council may not issue a notice under subsection (7)(b) unless he or she has informed the chairperson of the Council of his or her

intention to do so.

Committees of Council

35. (1) The Council may, with the prior approval of the Member of the Executive Council, establish committees to assist it in the performance of its functions.

(2) The Council may assign any of its functions to such a committee, but shall not be divested of such functions and may amend or rescind any decision of such a committee.

(3) The Council may dissolve any committee established under sub-section (1).

Annual report of Council

36. (1) The Council shall before the end of December of each year, present the Member of the Executive Council with a report on its activities of that 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.

Establishment of Regional Education and Training Councils

37. (1) The Member of the Executive Council may, by notice in the Provincial Gazette-

(a) divide the area of the Province into educational regions, and establish regional education and training councils for each educational region or educational; and

(b) amend the boundaries of any educational region and if it is in the interests of education in the Province, dissolve a regional council and establish a new regional council in its place with effect from a date mentioned in the notice.

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

(a) the composition of regional councils;

- (b) the functions of regional councils;
- (c) the qualifications and terms of office, and the vacation of office by members of regional councils, and the filling of vacancies;
- (d) the appointment and functions of executive committees of regional councils; and
- (e) the rules regulating meetings of regional councils and procedures at such meetings.

(3) The administrative functions of a regional council shall be performed by a person or persons employed by the department.

Establishment of specialist councils

38. (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 money 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.

Powers and functions of specialist councils

39. (1) A specialist council shall make recommendations to the Member of the Executive Council concerning legislation relating to matters falling within its terms of reference.

(2) A specialist council shall 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.

(3) A specialist council shall perform such other functions as may be assigned to it by or under this Act or any other law.

(4) A specialist council shall determine its own rules regulating its meetings and procedures at such meetings.

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

Recommendations of specialist council

40. If the Member of the Executive Council decides not to implement a recommendation made by a specialist council in terms of section 39(1) or (2), he or she shall provide the specialist council with written reasons for his or her decision.

CHAPTER 6

STATE SCHOOLS

Establishment and closure of state schools

41. (1) The Member of the Executive Council may out of money appropriated by the Provincial Legislature for this purpose establish and maintain state schools.

(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.

(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 which is aggrieved by the decision of the Member of the Executive Council to close that school may, within 30 days after receiving a notice contemplated in subsection (2), appeal to the Executive Council, in writing, setting out the ground of the appeal.

(5) The Member of the Executive Council shall not take part in the deliberations or 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 with written reasons for 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 those 30 days.

(9) The owner of the land on which a state school is situated shall not without the prior approval of the Member of the Executive Council let, sell or otherwise alienate such land or grant to any person any real right therein or servitude thereon, if such alienation or granting of such real right or servitude may detrimentally effect the continued provision of schooling at the state school concerned.

Schooling at state schools

42. (1) The Member of the Executive Council may by notice in the Provincial Gazette determine school fees to be paid by parents of learners in respect of education at any state school.

(2) The Member of the Executive Council may, by notice in the Provincial Gazette, determine boarding fees to be paid by parents of learners in respect of board provided to such learners at any state school.

(3) Different fees may be determined under subsections (1) and (2) in respect of different categories of learners, as long as there is a reasonable and equitable basis for such differentiation.

(4) The Member of the Executive Council may, with the concurrence of the financial head, exempt any learner or category of learners at a state school wholly or partly from the payment of fees determined under subsections (1) and (2). School funds at state schools

43. (1) The governing body of a state school shall establish a school fund and may solicit contributions to be paid into such school fund.

(2) All money received by 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 three 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), or another person approved by the Member of the Executive Council, and appointed by the governing body.

(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.

(5) 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 the Member of the Executive Council is of the opinion that there are insufficient amounts in the school fund of a state school to warrant the auditing of the financial statements of that school, he or she 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

Declaration and establishment of state-aided schools

44. (1) In order to ensure the provision or the 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.

Status and patrimonial power of state-aided schools

45. (1) A state-aided school shall be a juristic person.

(2) A state-aided school shall 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.

(3) A state-aided school shall 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.

(4) (a) 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.

(b) 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.

Control of state-aided schools

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

School fees at state-aided schools

47. (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 state-aided school wholly or partly from the payment of fees determined under subsection (1).

Consequences of declaration of private school as state-aided school

48. (1) As from the date on which a private school is declared to be a state-aided school under section 44(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 previous 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 44(2);

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

(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 24 and 25.

(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 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.

Consequences of declaration of state school as state-aided school

49. (1) As from the date on which a state school is declared to be a state-aided school under section 44(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 24 and 25.

(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.

Subsidies to state-aided schools

50. (1) The Member of the Executive Council may, out of money 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 different conditions.

Loans to state-aided schools

51. (1) Subject to the provisions of this Act, the Member of the Executive Council may, with the concurrence of the financial head, out of money appropriated by the Provincial Legislature for this purpose, grant a loan to a 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 money 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.

Repayment of loans by state-aided schools

52. (1) A loan granted by the Member of the Executive Council to a state-aided school in terms of section 51, together with interest due thereon at a rate determined by the financial head, shall be repaid within a period determined before the granting of the loan by the Treasury.

(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 51 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 in its opinion, 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).

Security for repayment of loans

53. (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 51 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, if he or she is of the opinion that 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.

Financial statements of state-aided schools

54. (1) The financial year of a state-aided school shall end on the last day of March in each year.

(2) The provisions of section 43(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.

Failure to comply with conditions of subsidy

55. (1) If a condition subject to which a subsidy was granted under section 50(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 44(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.

Declaration of state-aided school as state school

56. (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 may 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.

Effect of declaration as state school or of withdrawal of declaration as state-aided school

57. (1) As from the date mentioned in a notice contemplated in section 55(1)(b) or 56(2)

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- (a) the school concerned shall cease to be a juristic person and shall be deemed to be a state school established under section 41 (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.

Closure of state-aided schools

58. The provisions of sections 41(2) to (8) shall apply mutatis mutandis to the closure of 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.

Effects of closure of state-aided school

59. (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 41 (3), 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 in terms 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 deed and entries in his or her registers.

CHAPTER 8

PRIVATE SCHOOLS

Registration of private school

60. (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 refuse 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.

Lapsing or withdrawal of registration of private schools

61. (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 an 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 practicable-

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

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

Discrimination at private schools

62. Admission requirements for private schools shall not directly or indirectly discriminate unfairly on grounds of race.

Subsidies to registered private schools

63. (1) A registered 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 no subsidy shall be granted to a private school -

(a) which does not comply with the prescribed conditions for receiving a subsidy; or

(b) that is operated for profit unless the Member of the Executive Council has consented to the grant of such subsidy.

(3) If, in the opinion of the Head of Department, 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.

Financial statements of private schools

64. (1) The financial year of a private school shall end on the last day of March of each year.

(2) The provisions of sections 43(3) to (6) shall apply mutatis mutandis to all private schools 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.

Declaration of private schools as state schools

65. (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.

Consequences of declaration as state school

66. (1) As from the date mentioned in the notice contemplated in section 65(2)-

(a) the school concerned shall be deemed to be a state school established under section 41 (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 65(1).

(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) 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.

Regulations relating to registered private schools

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

- (a) the admission of learners of a registered private school to examinations conducted by or under the supervision of the department;
- (b) the keeping of registers or other documents by a registered private school;
- (c) the manner in which any subsidy shall be payable to a registered private school; and
- (d) any other matter relating to registered 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 registered private schools.

CHAPTER 9

SPECIALISED EDUCATION

Accommodation of learners with specialised education needs in ordinary schools

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

Admission of learners to schools for specialised education

69. (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) he or she is of the opinion that 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, 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.

Assessments to identify learners with specialised education needs

70. 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 parents of the learner, arrange that the learner be assessed in order to determine whether he or she has such needs.

Action in case of learners with specialised education needs

71. (1) The Head of Department shall make the results of an assessment under section 70 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 specialized education needs for which he or she should receive specialized 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.

(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.

Placement of learners with specialised education needs

72. (1) Unless-

(a) the parent of a learner found to have specialised education needs in terms of section 71, 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 or accommodating the learner's specialized 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.

Additional powers of children's court

73. (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 public school for specialised education for the periods during which it provides specialised education.

Transfer of learners with specialised education needs

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

Exemption from attendance of school for specialised education

75. The Head of Department may, after consultation with the parent of a learner attending a public school for specialised education, exempt such learner from attendance at a school for specialised education if he or she is of the opinion that it is in the best interests of the learner that he or she should be so exempted.

CHAPTER 10 EDUCATORS

The employer of educators at public schools

76. (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 50(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).

Equality of educators at public schools

77. (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 of 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.

Right of educators to information at public schools

78. (1) Every educator employed by the department or a State- aided school shall have the right of access to all information held by the department or 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.

Political rights of educators at public schools

79. (1) The freedom of association of all educators shall be respected by the department and by state-aided schools.

(2) Educators at public schools shall be entitled to be members of political parties.

(3) A culture of tolerance shall be encouraged at all public schools.

(4) No educator employed at a public school shall use his or her position as an educator, to advance or to attempt to advance the interests of any political party.

Responsibilities of educators

80. (1) An educator shall-

(a) endeavour to promote the intellectual and personal development of learners;

(b) endeavour to promote a culture of learning and teaching;

(c) endeavour to 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.

Responsibilities of principals

81. (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.

(3) The principal shall promote a culture of learning and teaching in his or her school.

(4) The principal shall promote a high standard of professionalism and management at his or her school.

Provincial educator policy

82. (1) 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 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 FARM SCHOOLS

Continued existence of certain farm schools

83. Notwithstanding the repeal of the Education and Training Act, 1979 (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.

Access to farm schools

84. (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 purposes of travelling to a farm school shall not deny such official, educator or learner such access.

(3) Any person who knowingly contravenes a provision of subsection (1) or (2) 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.

Remuneration of educators at schools in rural areas

85. (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) The Member of the Executive Council may, with the 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.

Adjustment of subsidies to farm schools

86. The Member of the Executive Council may, with the concurrence of the financial head, and after hearing the owner of a farm school the governing body of the farm school concerned, adjust, alter or withdraw the aid given to the farm school concerned.

Declaration of farm schools to be state schools or state- aided schools

87. (1) The Member of the Executive Council may, after consultation with the owner of a 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 under 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 66 shall apply mutatis mutandis to the declaration of a farm school as a state school under subsection (1).

(4) The provisions of section 48 shall apply mutatis mutandis to the declaration of a farm school as a state-aided school under subsection (1).

Closure of farm schools

88. (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 concurrence 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 subsection (1) or (3).

CHAPTER 12

TRANSITIONAL PROVISIONS

Transitional provisions relating to centres of learning and accessories

89. Any centre of learning, hostel, clinic, educators' quarters or other accessory in connection with 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 section 5(a).

Transitional provisions relating to school attendance officers

90. Any school attendance officer appointed or deemed to have been appointed under the provisions of an Act repealed by this Act, and who held an appointment immediately prior to the commencement date, shall be deemed to have been appointed under section 11.

Transitional provisions relating to governing bodies

91. (1) Any management council, board or 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 24.

(2) At the end of the term of office of a body referred to in subsection (1) it shall be replaced with a governing body constituted in terms of sections 24 and 25.

(3) Notwithstanding any other provision of the Act, but subject to subsections (4) and (5), a body referred to in subsection (1) or a governing body which succeeds it in terms of subsection (2), shall continue to exercise whatever rights, powers and functions the body referred to in subsection (1) exercised on 27 April 1994.

(4) No right, power or function contemplated in subsection (3) may be exercised in a manner which conflicts with any provision of Chapter 3 of the Constitution.

(5) The rights, powers and functions contemplated in subsection (3) may be altered by law after negotiations contemplated in section 99 over such alterations have taken place.

Transitional provisions relating to state schools

92. A state school or a departmental 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 41 (1).

Transitional provisions relating to government schools

93. A government 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 41 (1).

Transitional provisions relating to private schools

94. A private school registered or approved or deemed to have been registered or approved 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 60(6).

Transitional provisions relating to model C schools

95. 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 44(3).

Transitional provisions relating to state-aided schools

96. The provisions of sections 83 and 87 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.

Transitional provisions relating to aided schools

97. An aided school registered or approved or deemed to have been registered or approved 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 60(6).

Transitional provisions relating to community schools

98. A community 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 41 (1).

Negotiating forums

99. (1) For the purposes 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 chambers of the negotiating forum.

(4) The Member of the Executive Council may by notice in the Provincial Gazette make rules regulating meetings of the negotiating forum or chambers of the negotiating forum.

CHAPTER 13

GENERAL

Indemnities

100. (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 contrary to subsection (1) shall be invalid.

Expropriation

101. (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 (Act No. 63 of 1975), other than those relating to the quantification of compensation, shall apply to any expropriation effected under this section. Delegation of powers and assignment of duties

102. (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 duties 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) (a); and

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

(3) A delegation or assignment 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 duty, as the case may be, himself or herself.

Limitation of proceedings

103. 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.

Regulations

104. (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 matter which the Member of the Executive Council may deem necessary or expedient to prescribed 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.

Repeal of laws, and savings

105. (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 provision 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.

Short title and commencement

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

SCHOOL EDUCATION SCHEDULE OF LAWS TO BE REPEALED

No. and year of law	Title	Extent of repeal
Act No. 47 of 1963 26	Coloured Persons Education Act, excluding 1963 except in so far as it relates to Colleges of Education and Technical Colleges.	The whole, sections 1 A, and 28 to 31,
Act No. 61 of 1965 sections 28,	Indians Education Act, 1965 except in so far as it relates to Technical Colleges and Colleges of Education.	The whole, excluding 1 B, 3B, 26, 29, 31 and 33(1)(g),
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 Act, 1973 Act No.	General Law Further Amendment	Section 13.

53 of 1973	Coloured Persons Education Amendment Act, 1973	The whole.
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No. and year of law repeal	Title	Extent of
Act No. 62 of 1973	General Law Amendment Act, 1973	Section 31.
Act No. 6 of 1974	Lebowa Education Act	The whole.
Act No. 94 of 1974	Second General Law Amendment	The whole.
Act, 1974 Act No.29 of 1976	Coloured Persons Education Amendment Act, 1976	The whole.
Act No. 95 of 1976	Second Coloured Persons Educa- tion Amendment Act, 1976	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 3, 4,	Education and Training Act, 1979 excluding except in so far as it relates to Technical Colleges and Colleges of Education.	The whole sections 1 A, 31, 32, 43 and 44(1) (h),

No. and year of law repeal	Title	Extent of
Act No. 15 of 1980	Coloured Persons Education Amendment Act, 1980	The whole.
Act No. 52 of 1980	Education and Training Amendment	The whole.
Act, 1981 Act No.10 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. 78 of 1984	Indians Education Amendment Act, 1984	The whole.

Act No. 64 of 1985	Indians Education Amendment Act, 1985	The whole.
Act No. 71 of 1985	Universities for Blacks, Technikons (Education and Training) and Education and Training Amendment Act, 1985	Section 36.

No. and year of law repeal	Title	Extent of

Act No. 76 of 1985	Coloured Persons Education I Amendment Act, 1985	The whole.
Act No. 3 of 1986 24.	Universities and Technikons for Blacks, Tertiary Education (Education and Training) and Education and Training Amendment Act, 1986	Sections 19 to 24.
Act No. 100 of 1986	Education Amendment Act (House excluding of Delegates), 1986	The whole, section A1.

No. and year of law repeal	Title	Extent of

Act No. 95 of 1987 13.	Education Laws (Education and Training) Amendment Act, 1987	Sections 5 to 13.
Act No. 31 of 1988 18.	Education Laws (Education and Training) Amendment Act, 1988	Sections 9 to 18.
Act No. 70 of 1988 65.	Education Affairs Act (House of excluding Assembly), 1988	The whole, sections 3 and 65.
Act No. 35 of 1989	Education and Training Amendment Act, 1989	The whole.
Act No. 11 of 1990	Gazankulu Education Act, 1990	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.

No. and year of law repeal	Title	Extent of
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.
Act No. 55 of 1992	Education and Training Amendment Act, 1992	The whole.
Act No. 106 of 1992	Education and Training Second Amendment, 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 Second Amendment Act (House of Representatives), 1992	The whole.
Act No. 114 of 1992	Indians Education Amendment Act (House of Delegates),	The whole.

No. and year of law repeal	Title	Extent of
No. 114 of 1992	Proclamation No.12 of Education Proclamation Act, 1993	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 Assembly), 1993	The whole.
Act No. 132 of 1993	General Law Fourth Amendment	Section 15.
Act, 1993 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.