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Government Notice

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DEPARTMENT OF GOVERNMENTAL AFFAIRS

DEPARTEMENT VAN OWERHEIDSAKE

No. 81 1985

No. 81 1985

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

The following Act, which has been adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985), is hereby published in terms of section 18 of that Proclamation:—

Die volgende Wet, wat ingevolge die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), deur die Nasionale Vergadering aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 18 van daardie Proklamasie:—

No. 9 of 1985: Academy Act, 1985

No. 9 van 1985: Akademiewet, 1985

Act No. 9, 1985

ACADEMY ACT, 1985

(Afrikaans text signed by the Administrator-General on 20 September 1985)

ACT

To reconstitute the Academy for Tertiary Education, established by Act 13 of 1980, with a greater degree of autonomy and under the name of "the Academy"; to extend its powers in order that it may organize portions as a university, college, technicon, institute, or similar body and that it may itself award degrees, diplomas and certificates; to provide for the management and control of its affairs; and to provide for incidental matters.

BE IT ENACTED by the National Assembly, as follows:-

Definitions.

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

- (i) "Academy" means the Academy originally established as the Academy for Tertiary Education by the Academy for Tertiary Education Act, 1980 (Act 13 of 1980), as now reconstituted by this Act under the name of "the Academy"; (i)
- (ii) "board of studies" means the board of studies of the Academy referred to in section 12; (x)
- (iii) "council" means the council of the Academy referred to in section 10; (v)
- (iv) "education or other institution" means the government, administration, department, university, private institution or other authority by which or under the control of which tertiary education or out of school training is provided or which in terms of any law is competent to provide such education and training; (iv)
- (v) "out of school training" means any course of vocational instruction and training which is intended for persons who are not subject to compulsory school attendance in terms of any law or who are exempted from compulsory school attendance; (ii)
- (vi) "rector" means the rector of the Academy appointed under section 8; (vii)
- (vii) "regulation" means a regulation made by the Cabinet in terms of section 39; (vi)

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(Afrikaanse teks deur die Administrateur-generaal onderteken op 20 September 1985)

WET

Om die Akademie vir Tersiêre Onderwys, ingestel by Wet 13 van 1980, her saam te stel met 'n groter mate van outonomie en met die naam "die Akademie"; om sy bevoegdhede uit te brei sodat hy gedeeltes as 'n universiteit, kollege, teknikon, instituut of soortgelyke liggaam kan organiseer en self grade, diplomas en sertifikate kan toeken; om voorsiening te maak vir die bestuur en beheer van sy sake; en om voorsiening te maak vir verbandhoudende aangeleenthede.

DAAR WORD BEPAAL deur die Nasionale Vergadering, soos volg:-

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken Woordomskrywing.

- (i) "Akademie" die Akademie oorspronklik ingestel as die Akademie vir Tersiêre Onderwys deur die Wet op die Akademie vir Tersiêre Onderwys, 1980 (Wet 13 van 1980), en soos nou deur hierdie Wet hersaamgestel met die naam "die Akademie"; (i)
- (ii) "buiteskoolse opleiding" enige kursus van beroepsonderig en -opleiding wat bedoel is vir persone wat nie aan skoolplig ingevolge die een of ander wet onderworpe is nie of wat van skoolplig vrygestel is; (v)
- (iii) "gebied" die gebied Suidwes-Afrika; (x)
- (iv) "onderwys- of ander instelling" die regering, administrasie, departement, universiteit, privaat instelling of ander owerheid waardeur of onder die beheer waarvan tersiêre onderwys of buiteskoolse opleiding verskaf word of wat ingevolge die een of ander wet bevoeg is om sodanige onderwys en opleiding te verskaf; (iv)
- (v) "raad" die raad van die Akademie in artikel 10 bedoel; (iii)
- (vi) "regulasie" 'n regulasie deur die Kabinet ingevolge artikel 39 uitgevaardig; (vii)
- (vii) "rektor" die rektor van die Akademie kragtens artikel 8 aangestel; (vi)

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(viii) "senate" means the senate of the Academy referred to in section 11; (viii)

(ix) "statute" means the statute of the Academy referred to in section 38 and the rules made under the statute; (ix)

(x) "territory" means the territory of South West Africa; (x)

(xi) "tertiary education" means any course of instruction or training, or instruction and training of a standard which is higher than the standard ordinarily required for an examination for the tenth standard or comparable equivalent thereof. (xi)

Academy to remain a body corporate but to undergo a change of name.

2. (1) (a) The Academy for Tertiary Education, established by section 2 of the Academy for Tertiary Education Act, 1980 (Act 13 of 1980), shall notwithstanding the repeal of the said Act remain in existence as a body corporate bearing the name of "the Academy."

(b) The Registrar of Companies shall make an entry in his registers of the said change of name.

(2) (a) All immovable and movable property of the Academy for Tertiary Education, established by section 2 of the Academy for Tertiary Education Act, 1980 (Act 13 of 1980), and every right and every obligation acquired by the said Academy for Tertiary Education, shall as from the commencement of this Act be the immovable or movable property, the right or the obligation of the Academy referred to in this Act.

(b) The Registrar of Deeds shall make an entry of the said change of name on each relevant title deed or registrable document in his possession or under his control.

Seat of Academy.

3. Windhoek shall be the seat of the Academy, but it may conduct its activities also at such other places as the Cabinet, on recommendation of the council, may approve.

Objects, constitution, rights, powers, privileges and duties of Academy.

4. (1) The Academy shall exist for such purposes, shall be so constituted, and shall have such rights, powers, privileges and duties as are provided for in this Act.

(2) The Academy may -

(a) in its own name sue or be sued in law;

(b) subject to the provisions of this Act, purchase or in any other manner acquire, possess, rent, let, sell, exchange or otherwise alienate movable and immovable property, grant

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- (viii) "senaat" die senaat van die Akademie in artikel 11 bedoel; (viii)
- (ix) "statuut" die statuut van die Akademie in artikel 38 bedoel en die reglemente kragtens die statuut uitgevaardig; (ix)
- (x) "studieraad" die studieraad van die Akademie in artikel 12 bedoel; (ii)
- (xi) "tersiêre onderwys" enige kursus van onderrig of opleiding, of onderrig en opleiding, van 'n peil wat hoër is as die peil wat gewoonlik vir 'n eksamen vir die tiende standaard, of vergelykbare ekwivalent daarvan, vereis word. (xi)
2. (1) (a) Die Akademie vir Tersiêre Onderwys, ingestel by artikel 2 van die Wet op die Akademie vir Tersiêre Onderwys, 1980 (Wet 13 van 1980), bly, ondanks die herroeping van bedoelde Wet, voortbestaan as 'n regspersoon met die naam "die Akademie".
- (b) Die Registrateur van Maatskappye teken bedoelde naamsverandering in sy registers aan.
- (2) (a) Alle onroerende en roerende eiendom van die Akademie vir Tersiêre Onderwys, ingestel by artikel 2 van die Wet op die Akademie vir Tersiêre Onderwys, 1980 (Wet 13 van 1980), en elke reg en elke verpligting verkry of aangegaan deur bedoelde Akademie vir Tersiêre Onderwys, is vanaf die inwerkingtreding van hierdie Wet die onroerende of roerende eiendom, die reg of die verpligting van die Akademie bedoel in hierdie Wet.
- (b) Die Registrateur van Aktes teken bedoelde naamsverandering op elke toepaslike titelakte of registreerbare stuk in sy besit of onder sy beheer aan.
3. Windhoek is die setel van die Akademie maar hy kan sy bedrywighede ook op die ander plekke uitoefen wat die Kabinet op aanbeveling van die raad bepaal.
4. (1) Die Akademie bestaan vir die doeleindes, is saamgestel op die wyse en het die regte, bevoegdhede, voorregte en pligte waarvoor in hierdie Wet voorsiening gemaak word.
- (2) Die Akademie kan -
- (a) in eie naam as eiser en verweerder in regte optree;
- (b) behoudens die bepalings van hierdie Wet, roerende en onroerende goed koop of op 'n ander wyse verkry, besit, huur, verhuur, verkoop, verruil of op 'n ander wyse vervreem, 'n

Akademie bly as 'n regspersoon voortbestaan maar ondergaan 'n naamsverandering.

Setel van Akademie.

Oogmerke. samestelling, regte, bevoegdhede, voorregte en pligte van Akadem.e.

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a real right or servitude on its property to anyone and invest, lend or borrow money: Provided that the Academy may not, without the prior approval of the Cabinet, borrow money or sell, exchange or in any way alienate the immovable property belonging to the Academy, or grant a real right or servitude thereon;

(c) perform any act that bodies corporate may in law perform.

Constitution of Academy.

5. The Academy shall consist of -

- (a) a chancellor;
- (b) a rector, who shall also be the vice-chancellor of the Academy;
- (c) a vice-rector or vice-rectors;
- (d) a council;
- (e) a senate;
- (f) a board of studies;
- (g) a convocation;
- (h) a registrar or registrars; and
- (i) the staff and students of the Academy.

Chancellor of Academy.

6. (1) The Chancellor of the Academy shall be elected by the council for a period of five years in the manner prescribed by the statute.

(2) If the office of chancellor becomes vacant, the council shall elect a new chancellor, who shall hold office for a period of five years, unless before the expiration of that period he dies or submits to the council his resignation in writing or is, at the request of the council, removed from office by the Cabinet for any reason which the Cabinet deems sufficient.

(3) The powers, privileges, functions and duties of the chancellor shall be as prescribed by the statute.

Vice chancellor of Academy.

7. The vice-chancellor of the Academy shall, in the absence of the chancellor or when the chancellor is unable to do so, perform all duties and functions appertaining to the office of chancellor, and shall also perform such other duties as are assigned to him by this Act or by the statute.

Rector of Academy.

8. The rector of the Academy shall, after consultation with the senate and the board of studies, be appointed by the council, and his powers and functions shall be prescribed by the statute: Provided that at least two-thirds of the votes at the meeting where a rector is to be appointed shall be in favour of the appointment.

Vice rector of Academy.

9. One or more vice-rectors may, after consultation with the senate and the board of studies, be appointed by the council and any vice-rector's powers and duties shall be as determined by the council.

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saaklike reg of serwituut op sy goed aan iemand verleen en geld belê, uitleen en leen: Met dien verstande dat die Akademie nie sonder die voorafverkreë goedkeuring van die Kabinet geld mag leen of onroerende goed wat aan die Akademie behoort mag verkoop, verruil, of op 'n ander wyse vervreem of 'n saaklike reg of serwituut daarop verleen nie;

- (c) enige ander handeling verrig wat regspersone regtens kan verrig.

5. Die Akademie bestaan uit -

Samestelling van Akademie.

- (a) 'n kanselier;
- (b) 'n rektor wat ook die vise-kanselier van die Akademie is;
- (c) 'n vise-rektor of vise-rektore;
- (d) 'n raad;
- (e) 'n senaat;
- (f) 'n studieraad;
- (g) 'n konvokasie;
- (h) 'n registrateur of registrateurs; en
- (i) die personeel en studente van die Akademie.

6. (1) Die kanselier van die Akademie word vir 'n tydperk van vyf jaar deur die raad gekies op die wyse deur die statuut voorgeskryf.

Kanselier van die Akademie.

(2) Indien die amp van kanselier vakant raak, kies die raad 'n nuwe kanselier wat sy amp vir 'n termyn van vyf jaar bekleed tensy hy voor die verstryking van die termyn sterf of skriftelik sy bedanking by die raad indien of op versoek van die raad deur die Kabinet afgesit word om 'n rede wat die Kabinet voldoende ag.

(3) Die bevoegdhede, voorregte, funksies en pligte van die kanselier is die wat die statuut voorskryf.

7. Die vise-kanselier van die Akademie vervul tydens die afwesigheid van die kanselier of wanneer die kanselier nie in staat is om dit te doen nie, al die pligte en funksies wat by die amp van kanselier behoort, en vervul ook die ander pligte wat deur hierdie Wet of die statuut aan hom opgedra word.

Vise-kanselier van die Akademie.

8. Die rektor van die Akademie word, na oorlegpleging met die senaat en die studieraad, deur die raad aangestel en sy bevoegdhede en funksies is dié wat die statuut voorskryf; Met dien verstande dat minstens twee-derdes van die stemme op die vergadering waar 'n rektor aangestel moet word ten gunste van die aanstelling moet wees.

Rektor van die Akademie.

9. Die raad kan een of meer vise-rektore, na oorlegpleging met die senaat en die studieraad, aanstel en sy of hulle bevoegdhede en pligte is soos die raad bepaal.

Vise-rektor van die Akademie.

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Council of Academy.

10. (1) Subject to the provisions of this Act the government and the executive authority of the Academy shall be vested in the council, which shall consist of -

- (a) the rector;
- (b) three persons appointed by the Cabinet;
- (c) one person designated by the council to represent the convocation;
- (d) one representative designated by the senate;
- (e) one representative designated by the board of studies;
- (f) one person designated by the municipality of Windhoek;
- (g) one person designated by the council to represent the donors;
- (h) two persons appointed by the Cabinet on the recommendation of the council.

(2) A member of the council, other than the rector, shall hold office for a period of three years but may, when his period of office has expired, again be appointed or, as the case may be, designated.

(3) A member of the council shall vacate his office -

(a) if he is convicted of an offence and sentenced to imprisonment without the option of a fine; or

(b) if he, by writing under his hand, addressed to the rector, resigns from his office as member; or

(c) if he is detained as a mentally ill person under any law; or

(d) if his appointment is withdrawn by the Cabinet or, as the case may be, the body who designated him.

(4) A casual vacancy in the council caused by the death of the vacation of office of any member, shall, with due regard to the provisions of subsection (1), be filled for the unexpired portion of the period of office of the member who has died or vacated his office.

(5) The council shall elect one of its members as chairman who shall hold his office as chairman for his period of office as member of the council but who, if he is again appointed or designated as member of the council, may again be elected as chairman.

(6) The chairman of the council shall preside at a meeting thereof, and if the chairman is absent from or does not preside at a meeting, the members present shall elect from among their number one to act as chairman at that meeting.

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10. (1) Behoudens die bepalings van hierdie Wet berus die bestuur en uitvoerende mag van die Akademie by die raad, wat bestaan uit -

Raad van die Akademie.

- (a) die rektor;
- (b) drie persone deur die Kabinet aangestel;
- (c) een persoon deur die raad aangewys om die konvokasie te verteenwoordig;
- (d) een verteenwoordiger deur die senaat aangewys;
- (e) een verteenwoordiger deur die studieraad aangewys;
- (f) een persoon deur die munisipaliteit van Windhoek aangewys;
- (g) een persoon deur die raad aangewys om die donateurs te verteenwoordig; en
- (h) twee persone deur die Kabinet aangestel op aanbeveling van die raad.

(2) 'n Lid van die raad, behalwe die rektor, beklee sy amp vir 'n tydperk van drie jaar, maar kan by die verstryking van sy amps-termyn weer aangestel of, na gelang van die geval, aangewys word.

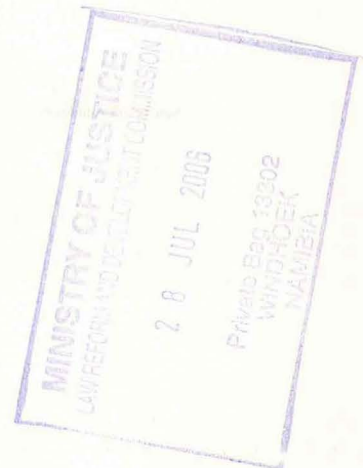
(3) 'n Lid van die raad ontruim sy amp -

- (a) indien hy aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word; of
- (b) indien hy, deur 'n bedankingsbrief deur hom onderteken en aan die rektor gerig, as lid bedank; of
- (c) indien hy ingevolge 'n wet as 'n geestesongestelde persoon aangehou word; of
- (d) indien sy aanstelling deur die Kabinet of, na gelang van die geval, die liggaam wat hom aangewys het, ingetrek word.

(4) 'n Toevallige vakature in die raad wat deur die dood of ampsontruiming van 'n lid ontstaan, word, met inagneming van die bepalings van subartikel (1), gevul vir die onverstreke gedeelte van die ampstermyn van die lid wat oorlede is of sy amp ontruim het.

(5) Die raad kies een van sy lede as voorsitter wat die amp van voorsitter beklee vir die tydperk van sy termyn as lid van die raad maar wat, indien hy weer as lid van die raad aangestel of aangewys word, weer as voorsitter verkies kan word.

(6) Die voorsitter van die raad sit voor op 'n vergadering daarvan, en indien die voorsitter van 'n vergadering afwesig is of nie voor sit nie, kies die aanwesige lede een uit hul geledere om op daardie vergadering as voorsitter waar te neem.



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(7) The quorum and the procedure of meetings of the council shall be prescribed by the statute.

(8) The council shall administer all the property of the Academy and, except as specifically provided in this Act, shall have the general control of the Academy and of all its affairs and functions and may, subject to the provisions of this Act, do anything which the Academy as such is by law authorized to do.

(9) The council may appoint committees of the council consisting of members of the council or of members of the council as well as other persons, and may delegate any of its powers and duties to a committee appointed from among its members or to any officer of the Academy.

(10) In appointing or designating, under subsection (1), any person as a member of the council preference shall be given to a person who is ordinarily resident in the territory and who is in possession of an identity document issued under section 3 of the Identification of Persons Act, 1979 (Act 2 of 1979).

Senate of Academy.

11. (1) The senate of the Academy shall consist of -

- (a) the rector, who shall be chairman;
- (b) the vice-rector or vice-rectors;
- (c) two members of the council (other than the rector) designated by the council;
- (d) all professors of the Academy;
- (e) other lecturers of the Academy who are deans of faculties, chairmen of curriculum groups or heads of departments for tertiary education, which are recognized by the council for the purpose of representation on the senate;
- (f) two members of the board of studies designated by the board of studies;
- (g) the head of the library;
- (h) representatives of other education institutions and such other persons as the council may, on the recommendation of the senate, designate.

(2) A member of the senate designated in terms of subsection (1)(c), (f) and (h) shall hold office for the period prescribed by the statute.

(3) Subject to financial control by the council, the organization and control over all the tertiary curricula, instruction, examinations and research of the Academy shall be vested in the senate in accordance with the rules to be framed by the senate, and the requirements for the obtaining of a degree or a tertiary diploma or certificate shall be determined by the council on the recommendation of the senate.

(4) The senate shall submit to the council from time to time -

- (a) reports upon its work;
- (b) recommendations as to matters it deems expedient;
- (c) recommendations as to any matters referred to it by the council.

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(7) Die kworum en prosedure op vergaderings van die raad, word deur die statuut voorgeskryf.

(8) Die raad beheer al die eiendom van die Akademie, en behalwe soos deur hierdie Wet in die besonder bepaal word, oefen hy algehele beheer uit oor die Akademie en al die sake en werksaamhede daarvan en kan behoudens die bepalings van hierdie Wet enigiets doen wat die Akademie as sodanig by wet gemagtig word om te doen.

(9) Die raad kan komitees van die raad instel wat uit raadslede of sowel uit raadslede as ander persone bestaan en hy kan enige van sy bevoegdhede en pligte deleger aan 'n komitee deur hom uit sy lede benoem of aan enige amptenaar van die Akademie.

(10) By die aanstelling of aanwysing van 'n persoon as lid van die raad kragtens subartikel (1) moet voorkeur gegee word aan 'n persoon wat sy gewone verblyf in die gebied het en wat in besit is van 'n identiteitsdokument kragtens artikel 3 van die Wet op Identifikasie van Persone, 1979 (Wet 2 van 1979), uitgereik.

11. (1) Die Senaat van die Akademie bestaan uit -

Senaat van Akademie.

- (a) die rektor, wat die voorsitter is;
- (b) die vise-rektor of vise-rektore;
- (c) twee lede van die raad (behalwe die rektor) wat deur die raad aangewys word;
- (d) alle professore van die Akademie;
- (e) ander lektore van die Akademie wat dekane van fakulteite, voorsitters van leerganggroepe of hoofde is van departemente vir tersiêre onderwys, wat deur die raad vir doeleindes van verteenwoordiging in die senaat erken word;
- (f) twee lede van die studieraad deur die studieraad aangewys;
- (g) die hoof van die biblioteek;
- (h) verteenwoordigers van ander onderwysinstellings en dié ander persone wat die raad op aanbeveling van die senaat mag aanwys.

(2) 'n Lid van die senaat ingevolge subartikel 1(c), (f) en (h) aangewys, beklee sy amp vir die termyn wat deur die statuut voorgeskryf word.

(3) Onderworpe aan die finansiële beheer van die raad berus die organisasie van en beheer oor al die tersiêre leerplanne, - onderrig, - eksamens en -navorsing van die Akademie by die senaat ooreenkomstig die reëls wat die senaat uitvaardig, en word die vereistes vir die verwerwing van 'n graad of 'n tersiêre diploma of sertifikaat deur die raad, op aanbeveling van die senaat, bepaal.

- (4) Die senaat moet van tyd tot tyd -
- (a) verslae oor sy werksaamhede;
 - (b) aanbevelings betreffende aangeleenthede wat hy dienstig ag; en
 - (c) aanbevelings betreffende aangeleenthede deur die raad na hom verwys,
- aan die raad voorlê.

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(5) (i) The quorum and procedure of meetings of the senate shall be prescribed by the statute.

(ii) The place and the time at which a particular meeting of the senate is to be held, shall be determined from time to time by the senate subject to the approval of the council: Provided that the place and the time at which the first meeting of the senate is to be held, shall be determined by the council.

(iii) If the rector is not present at a meeting of the senate or does not preside, the members present shall from among themselves elect a chairman for that meeting.

(6) There shall be an executive committee of the senate, which shall be constituted in the manner prescribed by the statute.

(7) When the senate is not in session the executive committee of the senate shall be vested with all the powers and duties of the senate, but subject to the statute and to any rules, instructions or resolutions which the senate may have made, given or passed.

(8) The senate may appoint committees of the senate consisting of members of the senate or of members of the senate as well as other persons, and may delegate any of its powers and duties to any such committee or any officer of the Academy.

(9) The provisions of section 10(10) shall apply *mutatis mutandis* in relation to the designation, under subsection (1)(f) and (h) of this section, of any person as a member of the senate.

Board of studies of Academy.

12. (1) The board of studies of the Academy shall consist of -

- (a) the rector, who shall be chairman;
- (b) the vice-rector or vice-rectors;
- (c) two members of the council (other than the rector) designated by the council;
- (d) the head of the section of the Academy which provides out of school training and the tutors of the Academy who are chairmen and heads of out of school training divisions and departments, which are recognized by the council for the purpose of representation on the board of studies;
- (e) two members of the senate designated by the senate;
- (f) the head of the library; and
- (g) such other persons as the council may, on the recommendation of the board of studies, designate.

(2) A member of the board of studies designated in terms of subsection (1)(c), (e) and (g) shall hold office for the period prescribed by the statute.

(3) Subject to the provisions of the National Education Act, 1980 (Act 30 of 1980) and the financial control by the council, the organization and control over out of school curricula, instruction, examinations and research shall be vested in the board of studies in accordance with the rules of the board of studies, and the requirements for the obtaining of a qualification in out of school training shall be determined by the council on the recommendation of the board of studies.

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- (5) (i) Die kworum en prosedure op vergaderings van die senaat, word deur die statuut voorgeskryf.
- (ii) Die plek waar en tyd wanneer 'n bepaalde vergadering van die senaat gehou moet word, word onderworpe aan goedkeuring van die raad, van tyd tot tyd deur die senaat bepaal: Met dien verstande dat die plek waar en die tyd wanneer die eerste vergadering van die senaat gehou moet word, deur die raad bepaal word.
- (iii) Indien die rektor nie op 'n vergadering van die senaat aanwesig is nie, of nie voorsit nie, kies die aanwesige lede uit eie geledere 'n voorsitter vir dié vergadering.
- (6) Daar is 'n uitvoerende komitee van die senaat wat saamgestel word op die wyse deur die statuut voorgeskryf.
- (7) Wanneer die senaat nie sitting hou nie, is die uitvoerende komitee van die senaat met al die magte en bevoegdhede van die senaat bekleed, maar onderworpe aan die statuut en aan die reëls, voorskrifte of besluite wat die senaat uitgevaardig, uitgereik of geneem het.
- (8) Die senaat kan komitees van die senaat instel wat uit senaatslede of sowel uit senaatslede as ander persone bestaan, en hy kan enige van sy bevoegdhede en pligte aan so 'n komitee of aan enige amptenaar van die Akademie deleger.
- (9) Die bepalinge van artikel 10(10) is *mutatis mutandis* van toepassing met betrekking tot die aanwysing van 'n persoon as lid van die senaat kragtens subartikel (1)(f) en (h) van hierdie artikel.

12. (1) Die studieraad van die Akademie bestaan uit -

Studieraad van die Akademie.

- (a) die rektor, wat die voorsitter is;
- (b) die vise-rektor of vise-rektore;
- (c) twee lede van die raad (behalwe die rektor) wat deur die raad aangewys word;
- (d) die hoof van die gedeelte van die Akademie wat buiteskoolse opleiding verskaf en die dosente van die Akademie wat voorsitters en hoofde is van buiteskoolse opleidingsafdelings en -departemente wat deur die raad vir doeleindes van verteenwoordiging in die studieraad erken word;
- (e) twee lede van die senaat deur die senaat aangewys;
- (f) die hoof van die biblioteek; en
- (g) die ander persone wat die raad op aanbeveling van die studieraad kan aanwys.
- (2) 'n Lid van die studieraad ingevolge subartikel (1)(c), (e) en (g) aangewys, bekleed sy amp vir die termyn wat deur die statuut voorgeskryf word.

(3) Behoudens die bepalinge van die Wet op Nasionale Onderwys, 1980 (Wet 30 van 1980) en onderworpe aan die finansiële beheer van die raad, berus die organisasie van en beheer oor al die buiteskoolse leerplanne, -onderrig, -eksamens en -navorsing by die studieraad ooreenkomstig die reëls van die studieraad, en word die vereistes vir die verwerwing van 'n kwalifikasie in buiteskoolse opleiding deur die raad op aanbeveling van die studieraad bepaal.

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(4) The board of studies shall submit to the council from time to time -

- (a) reports upon its work;
- (b) recommendations as to the matters pertaining to out of school training it deems expedient; and
- (c) recommendations as to any matters referred to it by the council.

(5) The quorum and procedure of meetings of the board of studies shall be prescribed by the statute.

(6) The place and the time at which any meeting of the board of studies shall be held, shall be determined from time to time by the board of studies, subject to the approval of the council: Provided that the place and time at which the first meeting of the board of studies is to be held, shall be determined by the council.

(7) There shall be a standing committee of the board of studies which shall be constituted in the manner prescribed by the statute.

(8) When the board of studies is not in session the standing committee of the board of studies shall be vested with all the powers and duties of the board of studies, but subject to the statute and to any rules, instructions or resolutions which the board of studies may have made, given or passed.

(9) The board of studies may appoint committees of the board of studies consisting of members of the board of studies or of members of the board of studies as well as other persons, and may delegate any of its powers and duties to any such committee or to any officer of the Academy.

Convocation of Academy.

13. (1) The convocation of the Academy shall consist of -

- (a) all persons who have obtained a tertiary qualification at the Academy, whether before or after the commencement of this Act; and
- (b) all members of the senate and the board of studies and all the other members of the permanent teaching staff:

Provided that if any person who by virtue of the provisions of paragraph (a) is or is about to become a member of the convocation, notifies the council in writing that he does not wish to remain or become such a member, he shall upon receipt of such notice by the council cease to be such a member or, as the case may be, shall not become such a member.

(2) Meetings of the convocation shall be convened and held in the manner prescribed by the statute and the convocation shall perform such functions, carry out such duties and exercise such powers as may likewise be prescribed.

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(4) Die studieraad moet van tyd tot tyd -

- (a) verslae oor sy werksaamhede;
- (b) aanbevelings insake die aangeleenthede met betrekking tot buiteskoolse opleiding wat hy dienstig ag; en
- (c) aanbevelings betreffende aangeleenthede wat die raad na hom verwys, aan die raad voorlê.

(5) Die kworum en prosedure op vergaderings van die studieraad word deur die statuut voorgeskrif.

(6) Die plek waar en tyd wanneer 'n bepaalde vergadering van die studieraad gehou moet word, word, onderworpe aan die goedkeuring van die raad, van tyd tot tyd deur die studieraad bepaal: Met dien verstande dat die plek waar en tyd wanneer die eerste vergadering van die studieraad gehou moet word, deur die raad bepaal word.

(7) Daar is 'n dagbestuur van die studieraad wat saamgestel word op die wyse deur die statuut voorgeskrif.

(8) Wanneer die studieraad nie sitting hou nie, is die dagbestuur van die studieraad met al die magte en bevoegdhede van die studieraad bekleed, maar onderworpe aan die statuut en aan die reëls, voorskrifte of besluite wat die studieraad uitgevaardig, uitgereik of geneem het.

(9) Die studieraad kan komitees van die studieraad instel wat uit studieraadslede of sowel uit studieraadslede as ander persone bestaan en hy kan enige van sy bevoegdhede en pligte aan so 'n komitee of aan enige amptenaar van die Akademie delegeer.

13. (1) Die konvokasie van die Akademie bestaan uit -

Konvokasie van die Akademie.

(a) al die persone wat 'n tersiêre kwalifikasie aan die Akademie behaal het, hetsy voor of na die inwerkingtreding van hierdie Wet; en

(b) alle lede van die senaat en studieraad en al die ander lede van die permanente doserende personeel:

Met dien verstande dat wanneer iemand wat ingevolge die bepalings van paragraaf (a) lid van die konvokasie is of staan te word, die raad skriftelik in kennis stel dat hy nie so 'n lid wil bly of word nie, hy by ontvangs van bedoelde kennisgewing deur die raad, ophou om so 'n lid te wees, of nie so 'n lid word nie, na gelang van die geval.

(2) Vergaderings van die konvokasie word belê en gehou op die wyse wat deur die statuut voorgeskrif word en die konvokasie verrig die werksaamhede, voer die pligte uit en oefen die bevoegdhede uit wat ingelyks voorgeskrif word.

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Appointment, promotion
and dismissal of staff.

14. (1) Every professor, director or lecturer shall be appointed, promoted or dismissed by the council after consultation with the executive committee of the senate.

(2) Every head or tutor of an out of school training division shall be appointed, promoted or dismissed by the council after consultation with the standing committee of the board of studies.

(3) The council may appoint, promote or dismiss such administrative staff as it deems expedient in the interest of the Academy.

(4) Any member of staff who has been appointed permanently on the establishment of the Academy and is dismissed by the council, shall have a right of appeal to the Cabinet, if notice of such appeal is given to the council and the Cabinet within fourteen days after receipt by such person of the notice of dismissal.

(5) In making any appointment under this section preference shall, in the case of persons who are considered for appointment who have equal qualifications, relative merit, efficiency and suitability, be given to any person who was born in the territory or who is ordinarily resident in the territory and is in possession of an identity document issued under section 3 of the Identification of Persons Act, 1979 (Act 2 of 1979).

Conditions of service of
staff.

15. The conditions of service, salary scales and allowances of members of the staff of the Academy shall be determined by the council, and may be varied by the council when the circumstances in its opinion so require.

Establishment of faculties,
curriculum groups, divi-
sions, departments and
subjects.

16. (1) (a) Subject to the provisions of subsection (4) there shall be such faculties, curriculum groups and departments for tertiary education at the Academy as may be determined by the council on the recommendation of the senate.

(b) The senate may, in respect of any faculty or curriculum group, establish a board and may entrust to any such board any functions which the senate itself is competent to perform.

(c) A board of a faculty or curriculum group shall be constituted in the manner prescribed by the statute.

(2) (a) Subject to the provisions of subsection (4) there shall be such out of school training divisions and departments at the Academy as may be determined by the council on the recommendation of the board of studies.

(b) The board of studies may, in respect of any out of school training division, establish a board and may entrust to any such divisional board any functions which the board of studies itself is competent to perform.

(c) A divisional board shall be constituted in the manner prescribed by the statute.

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14. (1) Elke professor, direkteur of lektor word deur die raad aangestel, bevorder of ontslaan na oorlegpleging met die uitvoerende komitee van die senaat.

Aanstelling, bevordering en ontslag van personeel.

(2) Elke hoof of dosent van 'n buiteskoolse opleidingsafdeling word deur die raad aangestel, bevorder of ontslaan na oorlegpleging met die dagbestuur van die studieraad.

(3) Die raad kan sodanige administratiewe personeel aanstel, bevorder of ontslaan as wat hy in belang van die Akademie dienstig ag.

(4) Enige personeel wat in 'n permanente hoedanigheid op die diensstaat van die Akademie aangestel is en deur die raad ontslaan word, het 'n reg van appèl na die Kabinet mits kennis van so 'n appèl gegee word aan die raad en die Kabinet binne veertien dae na ontvangs deur die betrokke persoon van die kennisgewing van ontslag.

(5) By die maak van 'n aanstelling kragtens hierdie artikel word daar, in die geval van persone wat vir aanstelling oorweeg word wat gelyke kwalifikasies, relatiewe verdienstelikheid, bekwaamheid en geskiktheid het, voorkeur gegee aan 'n persoon wat in die gebied gebore is of wat sy gewone verblyf in die gebied het en in besit is van 'n identiteitsdokument kragtens artikel 3 van die Wet op Identifikasie van Persone, 1979 (Wet 2 van 1979), uitgereik.

15. Die diensvoorwaardes, salarisskale en toelaes van personele van die Akademie word deur die raad bepaal, en kan deur die raad gewysig word as omstandighede na sy mening dit vereis.

Diensvoorwaardes van personeel.

16. (1) (a) Behoudens die bepalinge van subartikel (4) is daar aan die Akademie die fakulteite, leergangroepe en departemente vir tersiêre onderwys wat die raad op aanbeveling van die senaat kan bepaal.

Instelling van fakulteite, leergangroepe, afdelings, departemente en vakke.

(b) Die senaat kan ten opsigte van 'n fakulteit of leerganggroep 'n raad instel en kan aan so 'n raad enige van die werksaamhede opdra wat die senaat self kan verrig.

(c) 'n Fakulteitsraad of leerganggroep word saamgestel op die wyse wat die statuut voorskryf.

(2) (a) Behoudens die bepalinge van subartikel (4) is daar aan die Akademie die buiteskoolse opleidingsafdelings en departemente wat die raad op aanbeveling van die studieraad bepaal.

(b) Die studieraad kan ten opsigte van 'n buiteskoolse opleidingsafdeling 'n afdelingsraad instel en kan aan so 'n afdelingsraad enige van die werksaamhede opdra wat die studieraad self kan verrig.

(c) 'n Afdelingsraad word saamgestel op die wyse wat die statuut voorskryf.

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(3) Subject to the provisions of subsection (4) instruction in such tertiary education and out of school training subjects shall be given at the Academy as is determined by the council on the recommendation of the senate or the board of studies, as the case may be.

(4) The prior approval of the Cabinet shall be obtained for the establishment of faculties, curriculum groups, divisions, departments and subjects, for which authorization in terms of a provision of the law had not been given by the time this Act came into operation.

Examinations.

17. (1) Every examination of the Academy in a subject for tertiary education or, subject to the provisions of subsection (3) of section 12, out of school training shall be conducted under the control of, subject to the conditions and at the places determined by the senate or the board of studies, as the case may be.

(2) The Academy may conduct any examination or test determined from time to time by the Cabinet.

Degrees, diplomas and certificates.

18. (1) The Academy may, subject to the provisions of this Act and the statute and with prior approval of the Cabinet for the institution thereof, confer all degrees and diplomas that it may deem expedient to confer.

(2) The designation of a specific degree or diploma shall be that approved by the Cabinet.

(3) Save as is provided by section 19, no degree or diploma shall be conferred by the Academy upon any person who has not attained, in an examination or other test, the prescribed standard of proficiency.

(4) Subject to the provisions of this Act, the Academy may grant a certificate to any person who has pursued a course of study provided by the Academy or to any other person who in its opinion possesses the qualifications for such a certificate.

Degrees *honoris causa*.

19. (1) Subject to the provisions of the statute, the Academy may on the resolution of the council and on the recommendation of the senate and without examination, confer a degree of doctor *honoris causa* in any faculty upon any person whom the council may deem worthy of such degree.

(2) The holder of a degree that has been conferred *honoris causa* shall not, by the fact that he has been admitted thereto, be entitled to practise any profession.

Admission to equivalent status and recognition of qualifications.

20. Subject to the provisions of the statute the council may -

(a) on the recommendation of the senate admit a graduate of any university to a status in the Academy equivalent to that which he possesses in such university; and

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(3) Behoudens die bepalinge van subartikel (4) word aan die Akademie in die tersiêre onderwys- en buiteskoolse opleidingsvakke onderrig gegee wat die raad op aanbeveling van die senaat of die studieraad, na gelang van die geval, bepaal.

(4) Goedkeuring moet vooraf van die Kabinet verkry word vir die instelling van fakulteite, leerganggroepe, afdelings, departemente en vakke waarvoor daar nie voor die inwerkingtreding van hierdie Wet magtiging uit hoofde van 'n wetsbepaling gegee is nie.

17. (1) Elke eksamen van die Akademie in 'n vak wat vir tersiêre onderwys of, behoudens die bepalinge van subartikel (3) van artikel 12, vir buiteskoolse opleiding aangebied word, word afge- neem onder beheer van, onderworpe aan die voorwaardes en op die plekke wat die senaat of die studieraad, na gelang van die geval, bepaal.

Eksamens.

(2) Die Akademie kan enige eksamen of toets afneem wat die Kabinet van tyd tot tyd bepaal.

18. (1) Die Akademie kan, behoudens die bepalinge van hierdie Wet en die statuut en met die voorafgoedkeuring van die Kabinet vir die instelling daarvan, al die grade en diplomas toeken waarvan hy die toekenning dienstig ag.

Grade, diplomas en sertifikate.

(2) Die naam van 'n bepaalde graad of diploma moet deur die Kabinet goedgekeur word.

(3) Behalwe soos by artikel 19 bepaal word, mag geen graad of diploma aan iemand toegeken word wat nie in 'n eksamen of ander toets die voorgeskrewe peil van bekwaamheid bereik het nie.

(4) Behoudens die bepalinge van hierdie Wet kan die Akademie 'n sertifikaat aan enigiemand verleen wat 'n studiekursus gevolg het wat die Akademie aanbied of aan enigiemand anders wat na sy oordeel die kwalifikasies vir so 'n sertifikaat besit.

19. (1) Behoudens die bepalinge van die statuut kan die Akademie by besluit van die raad op aanbeveling van die senaat, en sonder eksamen, 'n doktorsgraad in enige fakulteit *honoris causa* toeken aan iemand wat die raad so 'n graad waardig ag.

Grade *honoris causa*.

(2) Iemand aan wie 'n graad *honoris causa* toegeken is, is nie op grond van die toekenning daarvan geregtig om 'n beroep uit te oefen nie.

20. Behoudens die bepalinge van die statuut kan die raad -

Toelating tot gelyke status en erkenning van kwalifikasies.

(a) op die aanbeveling van die senaat 'n gegradueerde van 'n universiteit tot 'n status aan die Akademie toelaat wat gelykstaan met die wat hy aan die universiteit besit; en

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- (b) allow any person who has, at any institution which the senate or the board of studies, as the case may be, regards as having the required status, passed a tertiary education or out of school training examination, deemed by the senate or the board of studies, as the case may be, to be equivalent to the examinations prescribed for a degree, diploma or certificate of the Academy, to continue his studies at the Academy.

Registration as student.

21. (1) No person shall be registered as a student at the Academy to receive tertiary education unless he -

- (a) has obtained the matriculation, school leaving or other certificate or other qualification prescribed by the Cabinet by regulation; or
- (b) is a graduate of a university recognised by the senate; and
- (c) has complied with the other prescribed requirements.

(2) No person shall be registered as a student at the Academy to receive out of school training unless he has complied with -

- (a) the minimum requirements for admission which may be prescribed by the Cabinet by regulation; and
- (b) the other prescribed requirements.

(3) Every person who registers as a student of the Academy shall be registered for one year of study or for such shorter period as the council may in general or in a particular case determine, and after the expiry of such year of study or period that person shall, if he wishes to remain a student of the Academy, renew his registration.

(4) Every person who registers as a student of the Academy shall pay the fees prescribed by the council.

(5) Subject to the provisions of this Act the Council may -

- (a) after consultation with the senate or the board of studies, as the case may be, prescribe minimum requirements of study for the purpose of the renewal of the registration of a person as a student of the Academy;
- (b) refuse permission to a student who fails to satisfy the minimum requirements of study so prescribed to renew his registration.

(6) The council may, after consultation with the senate or the board of studies, as the case may be, limit the number of students who may be permitted to register for a course in tertiary education or out of school training, in which case the senate or the board of studies, as the case may be, may select from among the persons qualified to proceed to such course, those who shall be permitted to register therefor.

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- (b) iemand wat aan enige inrigting wat deur die senaat of die studieraad, na gelang daarvan of dit 'n tersiêre onderwys of buiteskoolse opleidingskwalifikasie is, geag word die nodige status te besit, in eksamens geslaag het wat volgens die oordeel van die senaat of die studieraad, na gelang van die geval, gelykstaan met die eksamens wat vir 'n graad, diploma of sertifikaat van die Akademie voorgeskryf word, toelaat om sy studie aan die Akademie voort te sit.

21. (1) Niemand word as student aan die Akademie ingeskryf om tersiêre onderwys te ontvang nie, tensy hy -

Inskrywing as student.

- (a) die matrikulasië-, skoolleind- of ander sertifikaat of ander kwalifikasie wat die Kabinet by regulasie voorgeskryf het, verwerf het; of
- (b) 'n gegradueerde van 'n universiteit deur die senaat erken is; en
- (c) aan die ander voorgeskrewe vereistes voldoen.

(2) Niemand word as student aan die Akademie ingeskryf om buiteskoolse opleiding te ontvang nie, tensy hy voldoen aan -

- (a) die minimum toelatingsvereistes wat deur die Kabinet by regulasie voorgeskryf kan word; en
- (b) die ander voorgeskrewe vereistes.

(3) Elke persoon wat as student by die Akademie inskryf, word ingeskryf vir een studiejaar of die korter tydperk wat die raad in die algemeen of in 'n besondere geval bepaal, en na verstryking van die bedoelde studiejaar of tydperk moet daardie persoon, indien hy student van die Akademie wil bly, sy inskrywing vernuwe.

(4) Elke persoon wat by die Akademie as student inskryf moet die gelde wat die raad voorskryf, betaal.

(5) Behoudens die bepalings van hierdie Wet kan die raad -

- (a) na oorleg met die senaat of die studieraad, soos die geval mag wees, minimum studievereistes voorskryf vir die doel van die vernuwning van 'n persoon se inskrywing as student van die Akademie;
- (b) aan 'n student wat nie daarin slaag om aan die aldus voorgeskrewe minimum studievereistes te voldoen nie, toestemming weier om sy inskrywing te vernuwe.

(6) Die raad kan, na oorleg met die senaat of die studieraad, soos die geval mag wees, die aantal studente wat toegelaat moet word om vir 'n kursus in tersiêre onderwys of buiteskoolse opleiding in te skryf, beperk, in welke geval die senaat of die studieraad, na gelang van die geval, uit die persone wat bevoeg is om tot die kursus toe te tree, diegene kan uitkies wat toegelaat mag word om daarvoor in te skryf.

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(7) Subject to the provisions of this Act with regard to the prohibition of race and religious tests, the council may refuse admittance to any student who applied for admission should it consider it to be in the interest of the Academy to do so, and the council shall not be obliged to give a reason for any such refusal.

Discipline of students.

22. Every student of the Academy shall be subject to such disciplinary provisions as are prescribed by the statute.

Residence and place of instruction.

23. (1) The council may require a student to reside, except during vacation periods of the Academy, at a particular place of residence approved for the purpose by the council.

(2) The council may determine at which place under the control of the Academy, a student shall receive instruction.

Mediums of instruction.

24. The mediums of instruction at the Academy shall be Afrikaans and English, and the circumstances in which instruction shall or may be given in the one or the other shall be determined by the council.

Race or Religious tests.

25. No test whatever of his race or religious belief shall be imposed on any person as a condition for his becoming or continuing to be a student or member of the staff of the Academy, or of his holding any office or receiving any emolument or exercising any privilege therein, nor shall any preference be given to, or advantage be withheld from, any person on the ground of his race or religious belief.

University, college, technicon.

26. For the better carrying out of its functions, the Academy shall have the power to organize any portion of the Academy into a university, college, technicon, institute or similar body and to make provision for the government and administration thereof, subject to the authority of the council and the senate or the board of studies.

Students' representative council.

27. (1) The students' representative council shall be elected by the students of the Academy.

(2) The composition, mode of election, tenure of office, powers, privileges, functions and duties of the students' representative council shall be prescribed by the council.

(3) The council may dissolve the students' representative council should it regard such step to be in the interests of the Academy.

Agreements.

28. The council shall have the power to enter, with the approval of the Cabinet, into agreements with education or other institutions within or outside the territory, with a view to the better carrying out of its functions.

Donations.

29. (1) The council may receive money or property by way of donation and apply the donation as it deems fit.

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(7) Behoudens die bepalings van hierdie Wet met betrekking tot die verbod op ras- en godsdiensttoetse, het die raad die reg om, indien hy dit in belang van die Akademie beskou, die toelating van enige student wat daarom aansoek doen, te weier en is die raad nie verplig om 'n rede vir so 'n weiering te verskaf nie.

22. 'n Student van die Akademie is onderhewig aan die tugbepalings wat in die statuut voorgeskryf word.

Tug van studente.

23. (1) Die raad kan van 'n student verlang dat hy, behalwe gedurende Akademievakansietydperke, by 'n bepaalde verblyfplek inwoon wat vir die doel deur die raad goedgekeur is.

Inwoning en plek van onderrig.

(2) Die raad kan bepaal op watter plek onder beheer van die Akademie 'n student onderrig moet ontvang.

24. Die voertale van die Akademie is Afrikaans en Engels en die omstandighede waaronder onderrig deur middel van die een of die ander moet of kan geskied, word deur die raad bepaal.

Voertale.

25. Niemand mag aan enige toets aangaande sy ras of godsdienstige oortuiging onderwerp word nie as 'n voorwaarde om 'n student of personeellid van die Akademie te word of te bly, of om daarin 'n amp te beklee, besoldiging te ontvang of voorreg uit te oefen, en niemand mag op grond van sy ras- of godsdienstige oortuiging bevoorreg of te kort gedoen word nie.

Ras- of godsdiensttoets.

26. Die Akademie is bevoeg om, ter beter uitvoering van sy werksaamhede, gedeeltes van die Akademie as 'n universiteit, kollege, technikon, instituut, of soortgelyke liggaam te organiseer en om voorsiening vir die bestuur en administrasie daarvan te maak, onderworpe aan die gesag van die raad en die senaat of die studieraad.

Universiteit, kollege, technikon.

27. (1) Die verteenwoordigende studenteraad word deur die studente van die Akademie gekies.

Verteenwoordigende Studenteraad.

(2) Die samestelling, wyse van verkiesing, dienstyd, bevoegdhede, voorregte, funksies en pligte van die verteenwoordigende studenteraad word deur die raad bepaal.

(3) Die raad kan, indien hy dit in belang van die Akademie ag, 'n verteenwoordigende studenteraad ontbind.

28. Die raad het die bevoegdheid om met die goedkeuring van die Kabinet ooreenkomste met onderwys- of ander instellings binne of buite die gebied aan te gaan met die oog op die beter uitvoering van sy taak.

Ooreenkomste.

29. (1) Die raad mag geld of goedere as geskenk ontvang en die geskenk na goeddunke aanwend.

Skenkings.

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(2) A donation made to the Academy subject to conditions, shall only be accepted by the council with the prior approval of the Cabinet.

Financial and other assistance to students.

30. The Cabinet may, out of monies appropriated by the National Assembly for such purpose and subject to such conditions as the Cabinet may determine, grant to a student of the Academy such financial or other material assistance as it may deem fit.

Guarantees by Cabinet.

31. The Cabinet may guarantee for such period and on such conditions as it may determine, the payment of interest on, and the principal of, any amount borrowed or raised or to be borrowed or raised by the Academy, and the charges connected therewith.

Subsidies to Academy.

32. The Cabinet may out of monies appropriated by the National Assembly for such purpose, grant subsidies to the Academy for such purposes and on such basis and subject to such conditions as the Cabinet may determine.

Loans to Academy.

33. The Cabinet may, subject to the conditions it may determine, grant loans to the Academy out of monies appropriated by the National Assembly for the purpose, -

(a) for the erection of buildings and the acquisition of equipment of a permanent nature;

(b) for the acquisition of immovable property, including rights therein or thereto, and the defrayment of costs connected with the survey and transfer thereof;

(c) for the defrayment of the capital outlay on the fencing and improvement of immovable property vested in the Academy;

(d) for the purchase of movable goods of a capital nature; and

(e) for the payment of any other loan raised by the Academy for any purpose mentioned in paragraph (a), (b), (c) or (d) of this section.

Repayment of loans and security.

34. (1) Any loan granted by the Cabinet in terms of section 33, together with interest thereon (if any), shall be repaid within the period determined by the Cabinet at the time of the granting of the loan or from time to time thereafter: Provided that such loan and interest shall be repaid within a period of not more than forty years from the date referred to in subsection (2).

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(2) Die raad mag 'n skenking wat onderworpe aan voorwaardes aan die Akademie gemaak word, slegs met die voorafverkreë goedkeuring van die Kabinet ontvang.

30. Die Kabinet kan, uit gelde wat die Nasionale Vergadering vir dié doel bewillig en onderworpe aan die voorwaardes wat die Kabinet bepaal, aan 'n student van die Akademie die finansiële of ander materiële hulp verleen wat die Kabinet goedvind.

Finansiële en ander hulp
aan studente.

31. Die Kabinet kan vir die tydperk en op die voorwaardes wat hy bepaal, betaling van die rente op en van die hoofsom van 'n bedrag wat deur die Akademie geleen of opgeneem is of geleen of opgeneem staan te word, en die koste daaraan verbonde, waarborg.

Waarborge deur Kabinet.

32. Die Kabinet kan uit gelde wat die Nasionale Vergadering vir die doel bewillig aan die Akademie subsidies betaal vir die doeleindes en op grondslag en onderworpe aan die voorwaardes wat die Kabinet bepaal.

Subsidies aan Akademie.

33. Die Kabinet kan op die voorwaardes wat hy bepaal uit gelde wat die Nasionale Vergadering vir die doel bewillig lenings aan die Akademie toestaan -

Lenings aan Akademie.

(a) vir die oprigting van geboue en die verkryging van toerusting van 'n permanente aard;

(b) vir die verkryging van onroerende goed, met inbegrip van regte daarin of daaroor, en die bestryding van koste verbonde aan die opmeting en oordrag daarvan;

(c) vir die bestryding van kapitaal-uitgawes aan die omheining en verbetering van onroerende goed wat aan die Akademie behoort;

(d) die aankoop van roerende goed van 'n kapitale aard; en

(e) vir die terugbetaling van 'n ander lening deur die Akademie aangegaan vir 'n doel in paragraaf (a), (b), (c) of (d) van hierdie artikel vermeld.

34. (1) 'n Lening deur die Kabinet ingevolge artikel 33 toegestaan, tesame met die rente daarop (indien daar is), moet terugbetaal word binne die tydperk wat hy ten tyde van die toestaan van die lening bepaal of daarna van tyd tot tyd bepaal: Met dien verstande dat sodanige lening en rente binne 'n tydperk van hoogstens veertig jaar vanaf die datum in subartikel (2) bedoel, terugbetaal moet word.

Terugbetalings van lenings
en sekuriteit.

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(2) The first repayment of an instalment of a loan referred to in subsection (1) shall be made on such date as the Cabinet may determine, not being later than three years after the date on which the loan or the first portion thereof was paid out.

(3) The movable and immovable property of the Academy shall, with effect from the date on which such loan or the first portion thereof is paid out to the Academy, and subject to the preference of any prior charge or hypothecation, be subject to a charge in favour of the Cabinet as security for the payment of the amount payable in respect of the loan, interest and costs: Provided that the Cabinet may at any time in writing waive the preference which the said charge is given under this subsection in relation to the whole or a portion of the property burdened in favour of any other charge or bond, whether registered or not, if he is satisfied that the value of the property is sufficient to cover the amount payable in respect of the loan, interest and costs and the amount secured by such charge or bond.

Records and information.

35. The council shall cause true and correct records to be kept of all its proceedings and true and correct accounts of all monies received and paid by or on behalf of the Academy, and shall once in every year and at the time and in the manner prescribed by the Cabinet by regulation, submit to the Cabinet, in respect of the preceding year, a report of its proceedings and the management of the Academy, together with a duly audited statement of revenue and expenditure, and a balance sheet, and shall further furnish the Cabinet with any additional information required by it in regard to the administration and finances of the Academy.

Vacancies not to affect powers.

36. No vacancy in the office of chancellor or vice-chancellor of the Academy or deficiency in the number of members of the council, the senate or the board of studies shall impair or affect the corporate existence of the Academy or any powers, rights or privileges conferred by this Act upon the Academy, the council, the senate or the board of studies: Provided that no resolution of the council, the senate or the board of studies shall be valid unless passed at a meeting whereat a quorum was present and unless all provisions of the statute relating to any such meeting have in all other respects been complied with.

Failure by council.

37. (1) If the council fails to comply with any provision of this Act under which subsidies are paid to the Academy or with any condition subject to which any such subsidy is paid, the Cabinet may call upon the council to comply with the said provision or condition within a specified period.

(2) If the council thereafter fails to comply with the said provision or condition, the Cabinet may, notwithstanding anything to the contrary in any law contained, withhold payment of the whole or any portion of the subsidy voted in respect of the Academy.

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(2) Die eerste terugbetaling van 'n paalement van 'n lening in subartikel (1) bedoel, moet geskied op die datum wat die Kabinet bepaal, wat nie later as drie jaar na die datum waarop die lening of die eerste gedeelte daarvan uitbetaal is, mag wees nie.

(3) Al die roerende en onroerende goed van die Akademie is vanaf die datum van uitbetaling van bedoelde lening of die eerste gedeelte daarvan aan die Akademie, behoudens die voorrang van 'n vroeëre las of verband, onderworpe aan 'n las ten gunste van die Kabinet as sekuriteit vir die terugbetaling van die bedrag wat ten opsigte van die lening, rente en koste verskuldig is: Met dien verstande dat die Kabinet te eniger tyd skriftelik van die voorrang wat genoemde las kragtens hierdie subartikel verleen, met betrekking tot die geheel of 'n gedeelte van die beswaarde goed kan afstand doen ten gunste van 'n ander las of verband, hetsy geregistreer al dan nie, indien hy oortuig is dat die waarde van die goed voldoende is om die bedrag wat ten opsigte van die lening, rente en koste verskuldig is, en die bedrag deur daardie las of verband versekureer, te dek.

35. Die raad moet juiste aantekeninge van al sy verrigtings hou en behoorlik laat boekhou van alle gelde deur of ten behoeve van die Akademie ontvang en uitbetaal, en moet eenkeer elke jaar op 'n tyd en wyse deur die Kabinet by regulasie voorgeskryf, 'n verslag van sy verrigtings en van die bestuur van die Akademie, tesame met 'n behoorlike geouditeerde staat van inkomste en uitgawe en 'n balansstaat ten opsigte van die voorafgaande jaar aan die Kabinet voorlê, en moet die Kabinet voorts voorsien van enige bykomstige inligting deur hom vereis insake die beheer en die finansies van die Akademie.

Aantekeninge en inligting.

36. Geen vakature in die amp van kanselier of vise-kanselier van die Akademie, of tekort in die ledetal van die raad, senaat of studieraad maak inbreuk op of raak die regspersoonlikheid van die Akademie of die bevoegdhede, regte of voorregte wat deur hierdie Wet aan die Akademie, die raad, die senaat of die studieraad verleen word nie: Met dien verstande dat geen besluit van die raad, senaat of studieraad geldig is nie tensy dit geneem is op 'n vergadering waar 'n kworum teenwoordig was en alle bepalings van die statuut wat op so 'n vergadering betrekking het, in alle ander opsigte nagekom is.

Vakatures raak nie bevoegdhede.

37. (1) Indien die raad in gebreke bly om te voldoen aan 'n bepaling van hierdie Wet ingevolge waarvan subsidies aan die Akademie betaal word of aan 'n voorwaarde onderworpe waaraan so 'n subsidie betaal word, kan die Kabinet die raad aansê om binne 'n vasgestelde termyn aan bedoelde bepaling of voorwaarde te voldoen.

Versuim van raad.

(2) Indien die raad daarna in gebreke bly om aan bedoelde bepaling of voorwaarde te voldoen, kan die Kabinet, ondanks andersluidende wetsbepalings, die subsidie wat ten opsigte van die Akademie bewillig is of 'n deel daarvan weerhou.

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Statute and rules

38. (1) The council shall have the power to -

- (a) frame a statute for giving effect to any provision of this Act, and for the general government and functioning of the Academy in relation to matters not specifically prescribed by any law; and
- (b) to frame rules for the better carrying out of such statute: Provided that -
 - (i) statutes and rules dealing with the composition of the senate or the board of studies shall not be framed, amended, added to or repealed except on the recommendation of the senate or the board of studies, as the case may be; and
 - (ii) statutes and rules dealing with the studies, instruction, examinations and discipline of students of the Academy, shall not be framed, amended, added to or repealed except after consultation with the senate in the case of tertiary education, and the board of studies in the case of out of school training.

(2) A statute which the council has framed under this section shall be submitted to the Cabinet for approval, and if approved by it shall have force and effect on publication thereof in the *Official Gazette*.

Regulations by Cabinet.

39. The Cabinet may make regulations which are not inconsistent with this Act in relation to -

- (a) the granting of bursaries and loans to students out of such monies as the National Assembly may specially vote for the purpose;
- (b) the records and accounts to be kept by the council, the manner in which they are to be kept and the reports and returns to be rendered by the council;
- (c) the form of any application or notice or other document required under this Act;
- (d) the matriculation, school leaving or other certificate or other qualification which a person should obtain in order to be allowed to register for tertiary education at the Academy;
- (e) the minimum requirements with which a person should comply in order to be allowed to register for out of school training at the Academy;
- (f) any matter which under this Act it is empowered or required to prescribe by regulation; and

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38. (1) Die raad is bevoeg om -

Statuut en reglemente.

(a) 'n statuut op te stel om uitvoering te gee aan enige bepaling van hierdie Wet en in verband met die algemene bestuur en funksionering van die Akademie met betrekking tot aangeleenthede wat nie deur enige wetsbepaling uitdruklik voorgeskryf word nie; en

(b) reglemente op te stel, om sodanige statuut meer doeltreffend ten uitvoer te lê: Met dien verstande dat -

(i) statute en reglemente wat betrekking het op die samestelling van die senaat of die studieraad nie opgestel, gewysig, aangevul of herroep mag word nie dan alleen op aanbeveling van die senaat of studieraad, soos die geval mag wees; en

(ii) statute en reglemente wat betrekking het op die studies, onderrig, eksamens en tug van studente van die Akademie, nie opgestel, gewysig, aangevul of herroep mag word nie dan alleen na oorleg met die senaat in die geval van tersiêre onderwys, en die studieraad in die geval van buiteskoolse opleiding.

(2) 'n Statuut wat die raad kragtens hierdie artikel opgestel het, word aan die Kabinet vir sy goedkeuring voorgelê en indien dit deur hom goedgekeur word, word dit van krag by afkondiging in die *Offisiële Koerant*.

39. Die Kabinet kan regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig met betrekking tot -

Regulasies deur Kabinet.

(a) die toekenning, uit gelde wat die Nasionale Vergadering spesiaal vir die doel bewillig, van studiebeurse en lenings aan studente;

(b) die aantekening en rekenings wat deur die raad gehou moet word, die wyse waarop hulle gehou moet word en die verslae en opgawes wat deur die raad verstrekk moet word;

(c) die vorm van enige aansoek of kennisgewing of ander ingevolge hierdie Wet vereiste dokument;

(d) die matrikulasie-, skoleind- of ander sertifikaat of ander kwalifikasie wat 'n persoon moet verwerf ten einde toegelaat te word om vir tersiêre onderwys by die Akademie in te skryf;

(e) die minimumvereistes waaraan 'n persoon moet voldoen ten einde toegelaat te word om vir buiteskoolse onderwys by die Akademie in te skryf;

(f) enige aangeleentheid wat hy kragtens hierdie Wet by regulasie kan of moet voorskryf; en

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- (g) generally, any matter which it considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

Offences.

40. Any person who does not have the authority to do so when this Act comes into operation and who -

- (a) establishes or conducts an institution that has not been established by or under any law, under a name that includes the word "university", "technicon" or "academy";
- (b) is not an educational institution established by or under any law and without the authority of the council -
 - (i) in any way makes it known or pretends to any other person that he -
 - (aa) can confer the degree of bachelor, honours bachelor, master or doctor; or
 - (bb) can offer any course of study or part thereof of which the content or standard is similar to the content or standard of a course of study offered at the Academy, or which shall entitle the person who has followed such a course or part thereof to the granting of a degree or a diploma; or
 - (ii) confers a degree of bachelor, honours bachelor, master or doctor or performs an act purporting to be the conferment of such a degree; or
- (c) without the authority of the Academy, performs any act which purports to have been done by or on behalf of the Academy,

shall be guilty of an offence and on conviction liable to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Repeal of act.

41. (1) Subject to the provisions of subsection (2), the Academy for Tertiary Education Act, 1980 (Act 13 of 1980), is hereby repealed.

(2) Any regulation, rule, notice, order, prohibition, authority, agreement, approval, appointment, exemption or document promulgated, issued, made, done, published, imposed, concluded, given or granted or any other action performed in terms of the provisions of the Act which is repealed by subsection (1), shall, if it is not contrary to the provisions of this Act, be deemed to have been promulgated, issued, made, done, published, imposed, concluded, given, granted or performed in terms of the corresponding provisions of this Act.

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- (g) in die algemeen, enige aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verseker.

40. Iemand wat by inwerkingtreding van hierdie Wet nie die magtiging daartoe het nie en wat -

Misdrywe.

- (a) 'n inrigting wat nie by of kragtens die een of ander wet ingestel is nie, instel of bestuur onder 'n naam wat die woord "universiteit", "technikon" of "akademie" insluit;

- (b) nie 'n by of kragtens die een of ander wet ingestelde onderwysinrigting is nie en sonder die magtiging van die raad -

- (i) op enige wyse bekend maak of aan iemand anders voorgee dat hy -

- (aa) die graad baccalaureus, honneurs-baccalaureus, magister of doktor kan toeken; of

- (bb) 'n studiekursus of deel daarvan kan aanbied waarvan die inhoud of standaard soortgelyk is aan die inhoud van standaard van 'n studiekursus wat aan die Akademie aangebied word, of wat die persoon wat so 'n kursus of deel daarvan gevolg het, geregtig sal maak op die verlening van 'n graad of 'n diploma; of

- (ii) 'n graad van baccalaureus, honneurs-baccalaureus, magister of doktor toeken of 'n handeling verrig wat voorgee om die toekenning van so 'n graad te wees; of

- (c) sonder die magtiging van die Akademie 'n handeling verrig wat oënskynlik deur of namens die Akademie verrig is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens een duisend rand of met gevangenisstraf van hoogstens ses maande, of met daardie boete sowel as daardie gevangenisstraf.

41. (1) Behoudens die bepalings van subartikel (2) word die Wet op die Akademie vir Tersiêre Onderwys, 1980 (Wet 13 van 1980), hierby herroep.

Herroeping van wet.

(2) Enige regulasie, reglement, reël, kennisgewing, bevel, verbod, magtiging, ooreenkoms, goedkeuring, aanstelling, vrystelling, of dokument uitgevaardig, uitgereik, gemaak, gedoen, afgekondig, opgelê, aangegaan, gegee of verleen en enige ander handeling verrig ingevolge die bepalings van die Wet wat by subartikel (1) herroep word, word, indien dit nie in stryd met die bepalings van hierdie Wet is nie, geag uitgevaardig, uitgereik, gemaak, gedoen, afgekondig, opgelê, aangegaan, gegee, verleen of verrig te wees ingevolge die ooreenstemmende bepalings van hierdie Wet.

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Transitional provisions.

42. (1) The rector of the Academy for Tertiary Education, appointed under section 10 of the Academy for Tertiary Education Act, 1980 (Act 13 of 1980), shall, as from the commencement of this Act, temporarily act as rector of the Academy until such time as the council has, under section 8 of this Act, appointed a rector and he, if he is not the same person as the first-mentioned rector, commences duty in the post of rector of the Academy.

(2) Any vice-rector of the Academy for Tertiary Education, appointed under section 5(1)(c) of the Academy for Tertiary Education Act, 1980 (Act 13 of 1980), shall, as from the commencement of this Act, be deemed to have been appointed to such post under section 9 of this Act.

(3) Notwithstanding the repeal of the Academy for Tertiary Education Act, 1980 (Act 13 of 1980), the council of the Academy for Tertiary Education, established by section 7 of the said Act, shall continue to exist until such time as the council, established by section 10 of this Act, commences functioning, and the first-mentioned council shall have the power, either before or after the commencement of this Act, -

(a) without either the recommendation of, or consultation with, the senate and the board of studies, to frame a statute for the Academy in terms of section 38 of this Act, submit such statute to the Cabinet for approval, and, if so approved, promulgate it by notice in the *Official Gazette*;

(b) to perform the acts which the council of the Academy may perform under section 10(1)(c), (g) and (h) of this Act;

(c) to determine the place and time at which the first meeting of the council referred to in section 10 is to be held; and

(d) to perform any other act which may be necessary to enable the council established by this Act to commence functioning.

(4) Notwithstanding the repeal of the Academy for Tertiary Education Act, 1980 (Act 13 of 1980), the board of studies of the Academy for Tertiary Education, established by section 9 of the said Act, shall continue to exist until such time as the board of studies, established by section 12 of this Act, commences functioning, and the first-mentioned board of studies shall have the power to perform all the duties and to exercise all the functions and powers which are in this Act conferred on the senate and on the board of studies.

Short title and commencement.

43. (1) This Act shall be called the Academy Act, 1985, and shall come into operation on a date determined by the Administrator-General by proclamation in the *Official Gazette*.

(2) Different dates may be determined under subsection (1) in respect of different provisions of this Act.

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42. (1) Die rektor van die Akademie vir Tersiêre Onderwys, aangestel kragtens artikel 10 van die Wet op die Akademie vir Tersiêre Onderwys, 1980 (Wet 13 van 1980), neem vanaf die inwerkingtreding van hierdie Wet tydelik in die pos van rektor van die Akademie waar totdat die raad, kragtens artikel 8 van hierdie Wet, 'n rektor aanstel en hy, indien hy 'n ander persoon as die eersgenoemde rektor is, in die pos van rektor van die Akademie diens aanvaar.

Oorgangsbepalings.

(2) 'n Vise-rektor van die Akademie vir Tersiêre Onderwys, aangestel kragtens artikel 5(1)(c) van die Wet op die Akademie vir Tersiêre Onderwys, 1980 (Wet 13 van 1980), word vanaf die inwerkingtreding van hierdie Wet geag kragtens artikel 9 van hierdie Wet in sodanige pos aangestel te wees.

(3) Ondanks die herroeping van die Wet op die Akademie vir Tersiêre Onderwys, 1980 (Wet 13 van 1980), bly die raad van die Akademie vir Tersiêre Onderwys, ingestel by artikel 7 van bedoelde Wet, voortbestaan totdat die raad, ingestel by artikel 10 van hierdie Wet, begin funksioneer, en is eersgenoemde raad bevoeg om, hetsy voor die inwerkingtreding van hierdie Wet, hetsy daarna, -

- (a) sonder die aanbeveling van of oorlegpleging met die senaat en die studieraad 'n statuut vir die Akademie ingevolge artikel 38 van hierdie Wet op te stel, aan die Kabinet vir goedkeuring voor te lê en by kennisgewing in die *Offisiële Koerant* te laat afkondig indien aldus goedgekeur;
- (b) die handelinge te verrig wat die raad van die Akademie kragtens artikel 10(1)(c), (g) en (h) van hierdie Wet kan verrig;
- (c) die plek waar en die tyd wanneer die eerste vergadering van die raad bedoel in artikel 10 gehou moet word, te bepaal; en
- (d) enige ander handeling te verrig wat nodig mag wees om die raad ingestel by hierdie Wet in staat te stel om te begin funksioneer.

(4) Ondanks die herroeping van die Wet op die Akademie vir Tersiêre Onderwys, 1980 (Wet 13 van 1980), bly die studieraad van die Akademie vir Tersiêre Onderwys, ingestel by artikel 9 van bedoelde Wet, voortbestaan totdat die studieraad, ingestel by artikel 12 van hierdie Wet, begin funksioneer, en is eersgenoemde studieraad bevoeg om al die pligte te verrig en al die funksies en bevoegdhede uit te oefen wat in hierdie Wet aan die senaat en aan die studieraad opgedra word.

43. (1) Hierdie Wet heet die Akademiewet, 1985, en tree in werking op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.

Kort titel en inwerking-treding.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalinge van hierdie Wet bepaal word.