

THE PROVINCE OF THE NORTHERN CAPE  
DIE PROVINSIE NOORD-KAAP

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**No. 347**

**GENERAL NOTICE • ALGEMENE KENNISGEWING**

**NOTICE 94 OF 1998**

**PUBLICATIONS OF THE NORTHERN CAPE  
SCHOOL EDUCATION AMENDMENT BILL, 1998  
(B11-98)**

It is notified for information and comment that the above-mentioned Bill is hereby published by the Northern Cape Provincial Legislature.

Any comments or remarks must be submitted to the Provincial Secretary, Northern Cape Legislature, Private Bag X5066, Kimberley, 8300, to reach him not later than **4 November 1998**.

**G. M. MASHOPE**

Provincial Secretary: Northern Cape Legislature

**KENNISGEWING 94 VAN 1998**

**PUBLIKASIE VAN DIE NOORD-KAAPSE WYSIGINGS-  
WETSONTWERP OP SKOOLONDERWYS, 1998  
(W11-98)**

Dit word vir algemene kennisname en kommentaar bekendgemaak dat bostaande Wetsontwerp hierby gepubliseer word deur die Noord-Kaapse Provinsiale Wetgewer.

Enige kommentaar of opmerkings moet gestuur word aan die Provinsiale Sekretaris, Noord-Kaapse Wetgewer, Privaatsak X5066, Kimberley, 8300, om hom nie later as **4 November 1998** te bereik nie.

**G. M. MASHOPE**

Provinsiale Sekretaris: Noord-Kaapse Wetgewer

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REPUBLIC OF SOUTH AFRICA

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## **NORTHERN CAPE PROVINCIAL SCHOOL EDUCATION AMENDMENT BILL, 1998**

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(As introduced)

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(MEC FOR EDUCATION, ARTS & CULTURE)

[B11-98]

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REPUBLIEK VAN SUID-AFRIKA

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## **NOORD-KAAPSE WYSIGINGSWETSONTWERP OP SKOOLONDERWYS, 1998**

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(Soos ingedien)

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(LUR VIR ONDERWYS, KUNS EN KULTUUR)

[W11-98]

**NORTHERN CAPE SCHOOL EDUCATION AMENDMENT BILL, 1998**

**EXPLANATORY MEMORANDUM**

The objects of the Bill is to give clear, unequivocal effect to the policy of the Northern Cape Provincial Government that public schools should be restructured and rationalised in order to give effect to the policy guidelines set out in the Act.

The Bill sets out the MEC's powers and the procedure for restructuring and rationalisation.

**GENERAL EXPLANATORY NOTE:**

- [            ] Words in bold type in square brackets indicate omissions from existing enactments.  
\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.
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**BILL**

To amend the Northern Cape School Education Act, No. 6 of 1996, to enable the Member of the Executive Council for Education, Training, Arts and Culture to restructure or rationalise public schools in order to promote and to apply the principles of school education policy and to provide for matters connected therewith.

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**B**E IT ENACTED by the Legislature of the Northern Cape Province, as follows:—

**Amendment of section 5 of Act No. 6 of 1996**

1. Section 5 of the Northern Cape School Education Act is hereby amended by the insertion of an additional subsection as follows:

- "(h) (i) Subject to the Constitution, the South African Schools Act, 84 of 1996 and the other provisions of this Act, the Member of the Executive Council, shall have the power to, where practicable, restructure or rationalise public schools in order to promote and apply the principles provided for in section 4(1).
- (ii) The Member of the Executive Council may not act under subsection (i) unless he or she has—
- (aa) given notice thereof and furnish reasons therefor in the *Provincial Gazette* and at least one newspaper circulating in the area where the intended conduct is being envisaged;
- (bb) granted a period of one month from the date of such notice for written representations by interested parties in respect of such intended conduct; and

- (cc) has conducted a public hearing on 2 weeks' notice in the said newspaper to enable the community to make representations to him or her in relation to such intended conduct; and
- (dd) given due consideration to representations thus received.
- (iii) The Member of the Executive Council must, when exercising a power in terms of subsection (i) after following the steps provided for in subsection (ii), give notice of the restructuring or rationalisation in the *Provincial Gazette* and at least one newspaper circulating in the area where the public schools concerned are situated.
- (iv) In exercising the power provided for in subsection (i), every learner must, where reasonably practicable, be granted access to instruction in the official language or languages of their choice.

## **2. Short title and commencement**

This Act shall be called the Northern Cape School Education Amendment Act, 1998 and shall come into operation on date to be fixed by proclamation by the Premier of the Northern Cape in the *Provincial Gazette*".

**NOORD-KAAPSE WYSIGINGSWETSONTWERP SKOOLONDERWYS, 1998**

**VERDUIDELIKENDE MEMORANDUM**

Die oogmerke van die Wetsontwerp is om duidelike, ondubbelsinnige effek te gee aan die beleid van die Noord-Kaapse Provinsiale Regering dat openbare skole geherstruktureer en gerasionaliseer moet word, ten einde effek te gee aan die beleidsriglyne uiteengesit in die Wet.

Die Wetsontwerp sit die LUR se bevoegdhede en die prosedure vir herstrukturering en rasionalisasie uiteen.

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [            ]    Woorde in vetdruk tussen vierkantige hakies dui skappings uit bestaande verordenings aan.
- \_\_\_\_\_    Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

## WETSONTWERP

Om die Noord-Kaapse Wet op Skoolonderwys, No. 6 van 1996, te wysig, ten einde die Lid van die Uitvoerende Raad vir Onderwys, Opleiding, Kuns en Kultuur te magtig om openbare skole te herstruktureer of te rasionaliseer ten einde die beginsels van skoolonderwysbeleid te bevorder en toe te pas en om voorsiening te maak vir aangeleenthede in verband daarmee.

**D**IT WORD BEPAAL deur die Wetgewer van die Provinsie-Noord-Kaap as volg:

**Wysiging van Artikel 5 van Wet No. 6 van 1996**

1. Artikel 5 van die Noord-Kaapse Wet op Skoolonderwys word hiermee gewysig deur die invoeging van 'n verdere subartikel as volg:

- "(h) (i) Behoudens die Grondwet, die Suid-Afrikaanse Skolewet 84 van 1996 en die ander bepalings van hierdie Wet, het die Lid van die Uitvoerende Raad die bevoegdheid om, waar prakties uitvoerbaar, openbare skole te herstruktureer of te rasionaliseer ten einde die beginsels bedoel in artikel 4 (1) te bevorder en toe te pas.
- (ii) Die Lid van die Uitvoerende Raad kan nie kragtens subartikel (i) optree nie, tensy hy of sy—
- (aa) Daarvan kennis gegee het en redes daarvoor verskaf het in die Provinsiale Koerant en ten minste een nuusblad wat in die gebied sirkuleer waar die voorgename optrede beoog word;
- (bb) Vir 'n tydperk van een maand vanaf die datum van sodanige kennisgewing geleentheid gebied het vir skriftelike vertoë deur belanghebbendes in verband met sodanige voorgename optrede;

- (cc) 'n Openbare verhoor belê het met twee weke kennisgewing in die gamelde nuusblad, ten einde die gemeenskap in staat te stel om vertoë in verband met sodanige optrede tot hom of haar te rig; en
- (dd) enige vertoë wat aldus ontvang is, behoorlik oorweeg het.
- (iii) Die Lid van die Uitvoerende Raad moet, wanneer 'n bevoegdheid uitgeoefen word ingevolge subartikel (i) na uitvoering van die stappe bedoel in subartikel (ii), kennis gee van die herstrukturering of rasionalisasie in die *Provinsiale Koerant* en ten minste een nuusblad wat in die gebied van die betrokke openbare skole sirkuleer.
- (iv) By die uitoefening van die bevoegdheid bedoel in subartikel (i) moet, waar redelikerwys doenlik, toegang aan elke leerder gebied word tot onderrig in die amptelike taal of tale van hulle keuse.

## 2. Kort titel en Inwerkingtreding

Hierdie Wet staan bekend as die Noord-Kaapse Wysigingswet op Skoolonderwys, 1998, en tree in werking op 'n datum bepaal te word by proklamasie deur die Premier van die Noord-Kaap in die *Provinsiale Koerant*".

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