



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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# GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1789.

3 Julie 1992

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 106 van 1992: Tweede Wysigingswet op Onderwys en Opleiding, 1992.

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STATE PRESIDENT'S OFFICE

No. 1789.

3 July 1992

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

No. 106 of 1992: Education and Training Second Amendment Act, 1992.

**ALGEMENE VERDUIDELIKENDE NOTA:**

Woorde met 'n volstreep daaronder, dui invoegings in  
bestaande verordeninge aan.

**WET**

Tot wysiging van die Wet op Onderwys en Opleiding, 1979, ten einde die  
uitdienstreding van sekere opvoeders verder te reël; en om voorsiening te maak vir  
aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)*  
*(Goedgekeur op 18 Junie 1992.)*

**D**AAR WORD BEPAAL deur die Staatspresident en die Parlement van die  
Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 13 van Wet 90 van 1979, soos gewysig deur artikel 5 van Wet  
52 van 1980**

1. Artikel 13 van die Wet op Onderwys en Opleiding, 1979, word hierby gewysig 5  
deur die volgende subartikel by te voeg:

- “(7) Ondanks die bepalings van subartikel (6), of andersluidende  
bepalings van die een of ander wet, word die dienste van 'n opvoeder by 'n  
Staatsondersteunde skool wat—
- (a) permanent in diens is in 'n pos ten opsigte waarvan 'n subsidie deur die 10  
Staat betaal word;
  - (b) lid is van die Regeringsdienspensioenwets, 1973 (Wet No. 57 van 1973), of van die  
Pensioenwets vir Tydelike Werknemers ingestel by artikel 3 van die  
Wet op die Pensioenwets vir Tydelike Werknemers, 1979 (Wet No. 75 15  
van 1979); en
  - (c) minstens 10 jaar aaneenlopende pensioengewende diens voltooi het,  
geag deur die bestuursliggaam beëindig te wees te eniger tyd nadat hy die  
ouderdom van 50 jaar bereik het, mits sodanige opvoeder die betrokke  
bestuursliggaam minstens drie kalendermaande skriftelik kennis gee van sy 20  
voorneme om met pensioen uit diens te tree.”.

**Wysiging van artikel 21 van Wet 90 van 1979, soos gewysig deur artikel 9 van Wet  
52 van 1980 en artikel 9 van Wet 95 van 1987**

2. Artikel 21 van die Wet op Onderwys en Opleiding, 1979, word hierby gewysig 25  
deur die volgende subartikel by te voeg:

- “(8) Ondanks die bepalings van subartikel (7), of andersluidende  
bepalings van die een of ander wet, word die dienste van 'n opvoeder by 'n  
openbare skool of by 'n kantoor wat—
- (a) in 'n vaste hoedanigheid aangestel is;
  - (b) lid is van die Regeringsdienspensioenwets, 1973 (Wet No. 57 van 1973), of van die 30  
Pensioenwets vir Tydelike Werknemers ingestel by artikel 3 van die  
Wet op die Pensioenwets vir Tydelike Werknemers, 1979 (Wet No. 75  
van 1979); en

**GENERAL EXPLANATORY NOTE:**

Words underlined with a solid line indicate insertions in existing enactments.

# ACT

To amend the Education and Training Act, 1979, so as to further regulate the retirement of certain educators; and to provide for matters connected therewith.

*(English text signed by the State President.)  
(Assented to 18 June 1992.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 13 of Act 90 of 1979, as amended by section 5 of Act 52 of 1980**

- 5    1. Section 13 of the Education and Training Act, 1979, is hereby amended by the addition of the following subsection:

“(7) Notwithstanding the provisions of subsection (6), or anything to the contrary in any other law contained, the services of an educator at a State-aided school who—

- 10    (a) is employed in a permanent capacity in a post in respect of which a subsidy is paid by the State;
- 15    (b) is a member of the Government Service Pension Fund established by section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), or of the Temporary Employees Pension Fund established by section 3 of the Temporary Employees Pension Fund Act, 1979 (Act No. 75 of 1979); and
- 20    (c) has completed at least 10 years' continuous pensionable service, shall be deemed to have been terminated by the governing body at any time after he reaches the age of 50 years, provided that such educator shall give at least three calendar months' written notice of his intention to retire on pension to the governing body concerned.”.

**Amendment of section 21 of Act 90 of 1979, as amended by section 9 of Act 52 of 1980 and section 9 of Act 95 of 1987**

- 25    2. Section 21 of the Education and Training Act, 1979, is hereby amended by the addition of the following subsection:

“(8) Notwithstanding the provisions of subsection (7), or anything to the contrary in any other law contained, the services of an educator at a public school or at an office who—

- 30    (a) is appointed in a permanent capacity;
- (b) is a member of the Government Service Pension Fund established by section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), or of the Temporary Employees Pension Fund established by section 3 of the Temporary Employees Pension Fund Act, 1979 (Act No. 75 of 1979); and

(c) minstens 10 jaar aaneenlopende pensioengewende diens voltooi het, geag deur die Departement beëindig te wees te eniger tyd nadat hy die ouderdom van 50 jaar bereik het, mits sodanige opvoeder die Departement minstens drie kalendermaande skriftelik kennis gee van sy voorneme om met pensioen uit diens te tree."

5

**Kort titel en inwerkingtreding**

3. Hierdie Wet heet die Tweede Wysigingswetsontwerp op Onderwys en Opleiding, 1992, en tree in werking op dieselfde datum as artikel 1(b) en (d) van die Wysigingswet op Onderwys en Opleiding, 1992 (Wet No. 55 van 1992).

EDUCATION AND TRAINING SECOND AMENDMENT  
ACT, 1992

Act No. 106, 1992

- (c) has completed at least 10 years' continuous pensionable service, shall be deemed to have been terminated by the Department at any time after he reaches the age of 50 years, provided that such educator shall give at least three calendar months' written notice of his intention to retire on pension to the Department.".
- 5

**Short title and commencement**

3. This Act shall be called the Education and Training Second Amendment Bill, 1992, and shall come into operation on the same date as section (1)(a) and (c) of the Education and Training Amendment Act, 1992 (Act No. 55 of 1992).

