



**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. 1900.**

**8 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. 112 van 1992: Wysigingswet op Onderwys vir Kleurlinge (Raad van Verteenwoordigers), 1992.

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**STATE PRESIDENT'S OFFICE**

**No. 1900.**

**8 July 1992**

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

No. 112 of 1992: Coloured Persons Education Amendment Act (House of Representatives), 1992.

Wet No. 112, 1992

WYSIGINGSWET OP ONDERWYS VIR KLEURLINGE  
(RAAD VAN VERTEENWOORDIGERS), 1992**ALGEMENE VERDUIDELIKENDE NOTA:**

**[ ]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

**\_\_\_\_\_** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

**WET**

Tot wysiging van die Wet op Onderwys vir Kleurlinge, 1963, ten einde vir die diensstaat van sekere vakkundige poste en vir die aanstelling van persone in daardie poste voorsiening te maak; en 'n sekere uitdrukking te emendeer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 2 Julie 1992.)*

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

Wysiging van artikel 1 van Wet 47 van 1963, soos gewysig deur artikel 1 van Wet 76 van 1967, artikel 1 van Wet 53 van 1973, artikel 1 van Wet 29 van 1976, artikel 1 van Wet 95 van 1976, artikel 1 van Wet 15 van 1980, artikel 1 van Wet 85 van 1983 en artikel 1 van Wet 76 van 1985 5

1. Artikel 1 van die Wet op Onderwys vir Kleurlinge, 1963 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende omskrywing na die omskrywing van "tehuis" in te voeg:

"'vakkundige pos' 'n pos waarin 'n persoon kragtens hierdie Wet 10 aangestel, oorgeplaas of bevorder word om behulpsaam te wees met sekere vakkundige onderwysdienste, te wete beplannings-, vakadvies- en inspeksiedienste;"

**Vervanging van artikel 8 van Wet 47 van 1963**

2. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang: 15

**"Aanstelling, bevordering, verplasing en ontslag van personeel by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole, en van personeel in vakkundige poste**

8. (1) Ondanks andersluidende bepalings van enige ander wet word die diensstaat van 'n Staat-, nywerheid- of verbeteringskool, of 'n 20 Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie, of die diensstaat van vakkundige poste in die afdeling Onderwys van die Departement, deur die Minister bepaal, en wel op 'n grondslag wat hy van tyd tot tyd na oorlegpleging met die Minister van 25 **[Finansies]** Staatsbesteding en op aanbeveling van die Kommissie vir Administrasie vasstel.

(2) Ondanks andersluidende bepalings van enige ander wet, maar

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## 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.

## ACT

To amend the Coloured Persons Education Act, 1963, so as to make provision for the establishment of certain professional posts and for the appointment of persons in those posts; and to emend a certain expression; and to provide for matters connected therewith.

*(English text signed by the State President.)  
(Assented to 2 July 1992.)*

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

Amendment of section 1 of Act 47 of 1963, as amended by section 1 of Act 76 of 1967, section 1 of Act 53 of 1973, section 1 of Act 29 of 1976, section 1 of Act 95 of 1976, section 1 of Act 15 of 1980, section 1 of Act 85 of 1983 and section 1 of Act 76 of 1985

1. Section 1 of the Coloured Persons Education Act, 1963 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "primary school" of the following definition:
- 10     "professional post" means a post to which a person is appointed, transferred or promoted under this Act to assist in certain professional educational services, to wit planning, subject advisory and inspection services;"

## Substitution of section 8 of Act 47 of 1963

- 15     2. The following section is hereby substituted for section 8 of the principal Act:

**"Appointment, promotion, transfer and discharge of staff at State schools, schools of industries, reform schools and certain State-aided schools, and of staff in professional posts**

- 20     8. (1) Notwithstanding anything to the contrary contained in any other law the establishment of any State school, school of industries or reform school, or any State-aided school other than a State-aided vocational school, or the establishment of professional posts in the division of Education of the Department, shall be determined by the Minister, on such basis as he may fix from time to time after consultation with the Minister of **[Finance]** State Expenditure and on the recommendation of the Commission for Administration.

(2) Notwithstanding anything to the contrary contained in any

behoudens die bepalings van hierdie Wet, berus die bevoegdheid om iemand aan te stel in 'n pos wat inbegrepe is by die diensstaat van 'n Staat-, nywerheid- of verbeteringskool, of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie, of in 'n vakkundige pos wat inbegrepe is by die diensstaat van die afdeling Onderwys van die Departement, en om iemand wat so 'n pos beklee, te bevorder, te verplaas of te ontslaan, by die Minister.”.

### Vervanging van artikel 11 van Wet 47 van 1963

3. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Diensvoorwaardes van persone in diens by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole, en van persone in vakkundige poste**

11. (1) Ondanks andersluidende bepalings van enige ander wet, maar behoudens die bepalings van subartikels (2) en (3) van hierdie artikel, word die diensvoorwaardes, salarisskaal, toelaes en verlofvoorregte van persone (behalwe beamptes) in diens in 'n pos wat inbegrepe is by **[die]** 'n diensstaat **[van 'n Staat-, nywerheid- of verbeteringskool, of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie]** bedoel in artikel 8(1) deur die Minister na oorlegpleging met die Minister van **[Finansies]** Staatsbesteding en op aanbeveling van die Kommissie vir Administrasie bepaal of voorgeskryf.

(2) Die salaris, salarisskaal, toelaes en verlofvoorregte van iemand wat uit hoofde van die bepalings van subartikel (1) van artikel 9 geag word in 'n pos aangestel te wees ingevolge die bepalings van hierdie Wet, bly dieselfde asof hy aangebly het in die pos wat hy onmiddellik vóór die inwerkingtreding van hierdie Wet beklee het, tensy of totdat die Minister bepaal dat die bepalings van subartikels (1) en (3) van hierdie artikel ten opsigte van hom van toepassing is.

(3) Vanaf die datum waarop iemand ingevolge die bepalings van artikel 10 na die diens van die Departement oorgeplaas word, word sy salaris aangepas by die salarisskaal wat op sy pos van toepassing is, en wel op die kerf van daardie skaal wat die Minister bepaal.

(4) Behoudens die bepalings van hierdie Wet word die ononderbroke voltydse diens van iemand vermeld in artikel 10 by 'n Staatsondersteunde skool onmiddellik vóór die datum in daardie artikel vermeld, vir verlofdoeleindes geag diens by die Departement te wees: Met dien verstande dat siekte- en oplopende vakansieverlof waarop so iemand op genoemde datum geregtig is, geag word, onderworpe aan die voorwaardes wat die Minister op aanbeveling van die Kommissie vir Administrasie bepaal, verlof te wees wat ingevolge hierdie Wet verdien is.”.

### Vervanging van artikel 12 van Wet 47 van 1963

4. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Pensioenregte en aftredingsvoordele van persone in diens by Staatskole en sekere Staatsondersteunde skole, en van persone in vakkundige poste**

12. Ondanks andersluidende bepalings van enige ander wet, maar behoudens die bepalings van artikel 13, word iemand (behalwe 'n beampte) wat op 'n voltydse grondslag en in 'n permanente hoedanigheid in diens is by—

(a) 'n Staatskool; **[of]**

(b) 'n Staatsondersteunde skool, indien sy salaris ten volle deur die Departement betaal word; of

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other law but subject to the provisions of this Act, the power to appoint any person to any post included in the establishment of any State school, school of industries or reform school, or any State-aided school other than a State-aided vocational school, or in any professional post included in the establishment of the division of Education of the Department, and to promote, transfer or discharge any person occupying any such post, shall be vested in the Minister.”.

**Substitution of section 11 of Act 47 of 1963**

3. The following section is hereby substituted for section 11 of the principal Act:

**“Conditions of service of persons employed at State schools, schools of industries, reform schools and certain State-aided schools, and of persons in professional posts**

11. (1) Notwithstanding anything to the contrary contained in any other law but subject to the provisions of subsections (2) and (3) of this section, the conditions of service, salary scales, allowances and leave privileges of persons (other than officers) employed in any post included in **[the] an establishment [of a State school, school of industries or reform school, or a State-aided school other than a State-aided vocational school]** referred to in section 8(1) shall be determined or prescribed by the Minister after consultation with the Minister of **[Finance]** State Expenditure and on the recommendation of the Commission for Administration.

(2) The salary, salary scale, allowances and leave privileges of any person who is, by virtue of the provisions of subsection (1) of section 9, deemed to have been appointed to a post in terms of the provisions of this Act, shall remain the same as if he had continued occupying the post occupied by him immediately prior to the commencement of this Act, unless or until the Minister determines that the provisions of subsections (1) and (3) of this section shall apply in respect of him.

(3) As from the date on which a person is in terms of the provisions of section 10 transferred to the service of the Department, his salary shall be adjusted to the salary scale applicable to his post, at such notch on that scale as the Minister may determine.

(4) Subject to the provisions of this Act any continuous whole-time employment of any person referred to in section 10 at any State-aided school immediately prior to the date referred to in that section, shall, for leave purposes, be deemed to be employment in the service of the Department: Provided that any sick and accumulative vacation leave to which such person is entitled on that date shall, subject to such conditions as the Minister on the recommendation of the Commission for Administration may determine, be deemed to be leave earned in terms of this Act.”.

**45 Substitution of section 12 of Act 47 of 1963**

4. The following section is hereby substituted for section 12 of the principal Act:

**“Pension rights and retirement benefits of persons employed at State schools and certain State-aided schools, and of persons in professional posts**

12. Notwithstanding anything to the contrary contained in any other law but subject to the provisions of section 13, any person (other than an officer) employed on a whole-time basis and in a permanent capacity at—

- (a) a State school; **[or]**  
(b) a State-aided school, if his salary is paid in full by the Department; or

(c) die afdeling Onderwys van die Departement in 'n vakkundige pos, ten opsigte van pensioenregte en aftredingsvoordele behandel asof hy 'n pos beklee wat inbegrepe is by 'n afdeling van die Staatsdiens vermeld in paragraaf (a) van subartikel (1) van artikel 3 van die Staatsdienswet, 1957 (Wet No. 54 van 1957).". 5

#### Vervanging van artikel 14 van Wet 47 van 1963

5. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Verplasing en afstaan van sekere persone in diens by Staat-, nywerheid- of verbeteringskole en sekere Staatsondersteunde skole, en van persone in vakkundige poste** 10

14. (1) Iemand (behalwe 'n beampte) wat 'n pos beklee wat inbegrepe is by **[die] 'n diensstaat [van 'n Staat-, nywerheid- of verbeteringskool of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie]** bedoel in artikel 8(1) kan, behoudens die bepalings van subartikels (2) en (3), verplaas word van die pos waarin hy diens doen na enige ander pos in genoemde skool of enige ander sodanige skool, of in enige ander inrigting onder beheer van die Departement, hetsy dit ingevolge hierdie Wet of 'n ander wet ingestel is, en hetsy dit 'n verplasing na 'n pos met 'n laer graad is of nie. 15 20

(2) Indien 'n verplasing ingevolge subartikel (1) 'n vermindering van die betrokke persoon se pensioengewende verdienste vir die doeleindes van enige wet sal meebring, kan sodanige verplasing nie sonder sy toestemming geskied nie, tensy dit geskied ten gevolge van 'n verlaging van rang kragtens artikel 17 of 18. 25

(3) Indien iemand ingevolge subartikel (1) sonder vermindering van sy pensioengewende verdienste vir die doeleindes van enige wet, verplaas word na 'n pos met 'n graad laer as dié van die pos wat hy beklee het, moet hy, sodra 'n geskikte vakature ontstaan, weer verplaas word na 'n pos met 'n graad wat by sy salaris pas. 30

(4) Iemand vermeld in subartikel (1) kan, behoudens die bepalings van subartikel (5), deur die Minister op die voorwaardes wat die Minister na oorlegpleging met die Minister van **[Finansies] Staatsbesteding** bepaal, tydelik afgestaan word—

(a) op aanbeveling van die Kommissie vir Administrasie aan die diens van die Staat **[of die administrasie van die gebied Suidwes-Afrika of die diens van die Staat]** in 'n ander hoedanigheid; of 35  
(b) met sy eie toestemming, aan die diens van die regering van 'n ander land of van 'n persoon.

(5) Indien iemand aldus afgestaan word, raak dit nie die toepassing, ten opsigte van hom, van enige wet wat ten opsigte van hom van toepassing sou gewees het indien hy sy pos by die betrokke skool bly beklee het nie.”. 40

#### Vervanging van artikel 15 van Wet 47 van 1963

6. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang: 45

**“Ontslag van persone in diens by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole, en van persone in vakkundige poste**

15. (1) Iemand (behalwe 'n beampte) wat op 'n voltydse grondslag 'n pos beklee wat inbegrepe is by **[die] 'n diensstaat [van 'n Staat-, nywerheid- of verbeteringskool, of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie]** bedoel in artikel 8(1) kan deur die Minister ontslaan word— 50

(a) weens bereiking van die pensioenleeftyd soos bepaal by of ingevolge 'n wet wat ten opsigte van hom van toepassing is, indien hy nie iemand is vir wie subartikel (1) van artikel 13 geld nie; 55



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- (c) the division of Education of the Department in a professional post,  
shall in respect of pension rights and retirement benefits be dealt with as if he occupied a post included in a division of the public service referred to in paragraph (a) of subsection (1) of section 3 of the Public Service Act, 1957 (Act No. 54 of 1957).”.

**Substitution of section 14 of Act 47 of 1963**

5. The following section is hereby substituted for section 14 of the principal Act:

10       **“Transfer and secondment of certain persons employed at State schools, schools of industries, reform schools and certain State-aided schools, and of persons in professional posts**

15       **14.** (1) Any person (other than an officer) occupying a post included in **[the] an establishment [of a State school, school of industries or reform school, or a State-aided school other than a State-aided vocational school]** referred to in section 8(1) may, subject to the provisions of subsections (2) and (3), be transferred from the post in which he is employed to any other post at the said school or any other such school, or at any other institution under the control of the Department, whether established under this Act or any other law, and whether or not it is a transfer to a post of a lower grade.

20       (2) If a transfer in terms of subsection (1) will involve a reduction of the pensionable emoluments of the person in question for the purposes of any law, such transfer shall not be made without his consent, unless it is made in consequence of a reduction of rank under section 17 or 18.

25       (3) If a person is in terms of subsection (1) transferred, without a reduction of his pensionable emoluments for the purposes of any law, to a post of a grade lower than that of the post which he occupied, he shall, as soon as a suitable vacancy occurs, be re-transferred to a post of a grade appropriate to his salary.

30       (4) Any person referred to in subsection (1) may, subject to the provisions of subsection (5) and upon such conditions as the Minister after consultation with the Minister of **[Finance] State Expenditure** may determine, be seconded by the Minister—

35       (a) upon the recommendation of the Commission for Administration, to the service of the State **[or the administration of the territory of South-West Africa or the service of the State]** in any other capacity; or

40       (b) with his own consent, to the service of the government of any other country or of any person.

45       (5) If any person is so seconded such secondment shall not affect the application in respect of him of any law which would have applied in respect of him if he had continued occupying his post at the school in question.”.

**Substitution of section 15 of Act 47 of 1963**

6. The following section is hereby substituted for section 15 of the principal Act:

50       **“Discharge of persons employed at State schools, schools of industries, reform schools and certain State-aided schools, and of persons in professional posts**

55       **15.** (1) Any person (other than an officer) occupying on a whole-time basis a post included in **[the] an establishment [of a State school, school of industries or reform school, or a State-aided school other than a State-aided vocational school]** referred to in section 8(1), may be discharged by the Minister—

(a) on account of attaining the pensionable age as fixed by or in terms of any law which applies in respect of him, if he is not a person to whom subsection (1) of section 13 applies;

- (b) weens voortdurende swak gesondheid;
  - (c) weens die afskaffing van sy pos of 'n vermindering, reorganisasie of herindeling van die personeel van die betrokke skool;
  - (d) behoudens die bepalings van artikel 18, weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer; 5
  - (e) indien, om ander redes as dié in paragraaf (d) vermeld, sy ontslag, volgens die oordeel van die Minister, doeltreffendheid of besuiniging by die betrokke skool sal bevorder;
  - (f) behoudens die bepalings van artikel 17, weens wangedrag soos omskryf in artikel 16; 10
  - (g) in die geval van 'n vrouspersoon, indien sy in die huwelik tree.
- (2) Iemand vermeld in subartikel (1) wat sonder verlof van die Direkteur-generaal of die hoof of bestuursliggaam van die betrokke skool—
- (a) vir langer as 'n maand van sy diens afwesig is; of 15
  - (b) van sy diens afwesig is en ander werk aanvaar het, word, behoudens die bepalings van subartikel (3), geag ingevolge subartikel (1) weens wangedrag ontslaan te wees, en wel met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy diens verrig het. 20
- (3) Indien iemand vermeld in paragraaf (a) van subartikel (2) hom te eniger tyd na verstryking van die tydperk vermeld in genoemde paragraaf vir diens aanmeld, kan die Minister op die voorwaardes deur hom bepaal, so iemand in sy vorige pos herstel of in 'n ander pos vermeld in subartikel (1) aanstel, en in so 'n geval word die tydperk 25 van afwesigheid van diens geag afwesigheid te wees met vakansieverlof sonder betaling of verlof op die ander voorwaardes wat die Minister bepaal.”.

#### Vervanging van artikel 18 van Wet 47 van 1963

7. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang: 30

**“Optrede in die geval van onbekwame persone in diens by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole, en onbekwame persone in vakkundige poste**

18. (1) Indien beweer word dat iemand vermeld in subartikel (1) van artikel 15 ongeskik is vir die pligte wat aan sy betrekking verbonde is of nie in staat is om daardie pligte op bekwame wyse uit te voer nie weens oorsake wat buite sy eie beheer is en nie aan die uitvoering van sy pligte in die diens van die Departement of die betrokke skool toe te skryf is nie, kan die Direkteur-generaal iemand aanstel om ondersoek na die bewering in te stel. 35 40

(2) Die bepalings van subartikels (9), (10), (11), (13), (15) tot en met (21), en (23), paragraawe (a) en (c) van subartikel (25) en paragraaf (a) van subartikel (29) van artikel 17 is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek vermeld in subartikel (1) en die persoon ten opsigte van wie die bewering gedoen is: Met dien verstande dat by die toepassing van genoemde subartikel (23) die Direkteur-generaal slegs kan aanbeveel dat die betrokke persoon uit die diens van sy werkgewer ontslaan word of dat sy rang verlaag en sy besoldiging tot die maksimum vir die verlaagde rang verminder word.”. 45 50

#### Vervanging van artikel 19 van Wet 47 van 1963

8. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Bevoegdheid van persone in diens by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole, en van persone in vakkundige poste, ten opsigte van aanvaarding van ander werk of vergoeding** 55



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- (b) on account of continued ill-health;  
 (c) on account of the abolition of his post or a reduction, reorganization or rearrangement of the staff of the school in question;  
 (d) subject to the provisions of section 18, on account of unfitness for his duties or incapacity to perform them efficiently;  
 (e) if for reasons other than those referred to in paragraph (d), his discharge will, in the opinion of the Minister, promote efficiency or economy in the school in question;  
 (f) subject to the provisions of section 17, on account of misconduct as defined in section 16;  
 (g) in the case of a female, if she marries.

(2) Any person referred to in subsection (1) who without the permission of the Director-General or the head or the governing body of the school in question—

- (a) is absent from duty for a period exceeding one month; or  
 (b) is absent from duty and has accepted other employment,  
 shall, subject to the provisions of subsection (3), be deemed to have been discharged on account of misconduct in terms of subsection (1) with effect from the date immediately succeeding the last day on which he was on duty.

(3) If any person referred to in paragraph (a) of subsection (2) reports for duty at any time after the expiry of the period referred to in the said paragraph, the Minister may, on such conditions as he may determine, reinstate such person in his former post or appoint him to any other post referred to in subsection (1), and in that event the period of absence from duty shall be deemed to have been absence on vacation leave without pay or leave on such other conditions as the Minister may determine.”.

**Substitution of section 18 of Act 47 of 1963**

30 7. The following section is hereby substituted for section 18 of the principal Act:

**“Action in the case of persons employed at State schools, schools of industries, reform schools and certain State-aided schools, and of persons in professional posts, who are inefficient**

35 18. (1) If it is alleged that any person referred to in subsection (1) of section 15 is unfit for, or is incapable of performing efficiently, the duties attached to his post from causes not within his control and not attributable to the performance of his duties in the employment of the Department or the school in question, the Director-General may  
 40 appoint a person to enquire into the allegation.

(2) The provisions of subsections (9), (10), (11), (13), (15) to (21), inclusive, and (23), paragraphs (a) and (c) of subsection (25) and paragraph (a) of subsection (29) of section 17 shall *mutatis mutandis* apply in respect of any enquiry referred to in subsection (1) and the person in respect of whom the allegation was made:  
 45 Provided that in the application of the said subsection (23) the Director-General shall only have the power to recommend that the person in question be discharged from the service of his employer or that his grade be reduced and his emoluments be reduced to the  
 50 maximum for the reduced grade.”.

**Substitution of section 19 of Act 47 of 1963**

8. The following section is hereby substituted for section 19 of the principal Act:

55 **“Powers of persons employed at State schools, schools of industries, reform schools and certain State-aided schools, and of persons in professional posts, in respect of acceptance of other employment or remuneration**

**19. (1) Iemand vermeld in subartikel (1) van artikel 15—**

- (a) moet sover doenlik al sy tyd ter beskikking stel van die skool waarby hy in diens is;
- (b) mag nie sonder die toestemming van die Direkteur-generaal of iemand wat met magtiging van die Direkteur-generaal handel, ander besoldigde werk verrig of hom verbind om sodanige werk te verrig nie; en
- (c) kan nie aanspraak maak op bykomende besoldiging ten opsigte van enige diens of werk wat hy verrig op las van 'n bevoegde gesag nie.

(2) Indien iemand vermeld in subartikel (1) enige besoldiging of toelae ontvang anders as ingevolge of uit hoofde van die bepalings van hierdie Wet of 'n ander wet, moet hy dit in die Gekonsolideerde Inkomstefonds stort, en indien hy versuim om dit te doen, kan die Minister van **[Finansies]** Staatsbesteding dit deur middel van geregtelike stappe of op die ander wyse wat dié Minister goedvind, op hom verhaal en in daardie fonds stort.”.

**Wysiging van artikel 34 van Wet 47 van 1963, soos gewysig deur artikel 4 van Wet 76 van 1967, artikel 4 van Wet 53 van 1973, artikel 39 van Wet 94 van 1974 en artikel 10 van Wet 85 van 1983**

**9.** Artikel 34 van die Hoofwet word hierby gewysig deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:

- “(g) betreffende die aanstelling van persone vir diens by Staat-, nywerheid- en verbeteringskole, en Staatsondersteunde skole wat nie Staatsondersteunde beroepskole is nie, en van persone in vakkundige poste, en die gradering, besoldiging, bevordering, verplasing, ontslag, tug, gedrag, bevoegdhede, pligte, diensure, verlofvoorregte en ander diensvoorwaardes van, en die bewoning van kwartiere vir onderwysers deur, en die betaling van reis-, verblyf- en ander toelaes en vergoeding vir diens buite die voorgeskrewe diensure aan, sodanige persone en persone wat geag word ingevolge hierdie Wet aangestel te wees;”.

**Vervanging van uitdrukking in Wet 47 van 1963**

**10.** Die Hoofwet word hierby gewysig deur die uitdrukking “Minister van Finansies”, waar dit ook al voorkom, deur die uitdrukking “Minister van Staatsbesteding” te vervang.

**Oorgangsbepaling**

**11.** Persone wat onmiddellik voor die inwerkingtreding van hierdie Wet kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), in poste aangestel was wat ingevolge die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), vakkundige poste is, word geag ingevolge artikel 8(2) van laasgenoemde Wet, met behoud van hul besoldiging, toelaes en ander voordele, in daardie poste aangestel te wees, en die diensstaat van sodanige poste word geag ingevolge artikel 8(1) van die Wet op Onderwys vir Kleurlinge, 1963, vasgestel te wees.

**Kort titel en inwerkingtreding**

**12.** Hierdie Wet heet die Wysigingswet op Onderwys vir Kleurlinge (Raad van Verteenwoordigers), 1992, en word geag op 1 Januarie 1992 in werking te getree het.

COLOURED PERSONS EDUCATION AMENDMENT ACT  
(HOUSE OF REPRESENTATIVES), 1992

Act No. 112, 1992

19. (1) Any person referred to in subsection (1) of section 15—
- (a) shall, as far as is practicable, place the whole of his time at the disposal of the school at which he is employed;
  - (b) shall not, without the permission of the Director-General or a person acting on the authority of the Director-General, perform or bind himself to perform other remunerative work; and
  - (c) shall not have the right to claim additional remuneration in respect of any duty or work performed by him by order of a competent authority.
- (2) If any person referred to in subsection (1) receives any remuneration or allowance otherwise than in terms or by virtue of the provisions of this Act or any other law, he shall pay it into the Consolidated Revenue Fund, and if he fails to do so, the Minister of **[Finance]** State Expenditure may recover it from him by legal proceedings or in such other manner as the said Minister may deem fit, and pay it into that fund.”.

**Amendment of section 34 of Act 47 of 1963, as amended by section 4 of Act 76 of 1967, section 4 of Act 53 of 1973, section 39 of Act 94 of 1974 and section 10 of Act 85 of 1983**

9. Section 34 of the principal Act is hereby amended by the substitution for paragraph (g) of subsection (1) of the following paragraph:
- “(g) as to the appointment of persons for duty at State schools, schools of industries and reform schools, and State-aided schools other than State-aided vocational schools, and of persons in professional posts, and the grading, remuneration, promotion, transfer, discharge, discipline, behaviour, powers, duties, hours of attendance, leave privileges and other conditions of service of, and the occupation of teachers’ quarters by, and the payment of travelling, subsistence and other allowances and remuneration for services outside the prescribed hours of attendance to, such persons and persons deemed to be appointed in terms of this Act;”.

**Substitution of expression in Act 47 of 1963**

10. The principal Act is hereby amended by the substitution for the expression “Minister of Finance”, wherever it occurs, of the expression “Minister of State Expenditure”.

**Transitional provision**

11. Persons appointed to posts under the Public Service Act, 1984 (Act No. 111 of 1984), immediately prior to the commencement of this Act, which are professional posts in terms of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), shall be deemed to be appointed to those posts in terms of section 8(2) of the last-mentioned Act, retaining their remuneration, allowances and other benefits, and the establishment of such posts shall be deemed to be determined in terms of section 8(1) of the Coloured Persons Education Act, 1963.

**Short title and commencement**

12. This Act shall be called the Coloured Persons Education Amendment Act (House of Representatives), 1992, and shall be deemed to have come into operation on 1 January 1992.

