



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprijs • Selling price
(AVB uitgesluit/GST excluded)
Plaaslik **45c** Local
Buitelands 60c Other countries
Posvry • Post free

VOL. 255

KAAPSTAD, 24 SEPTEMBER 1986

No. 10458

CAPE TOWN, 24 SEPTEMBER 1986

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1969.

24 September 1986

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

—o. 104 van 1986: Wet op Private Skole (Volksraad), 1986.

No. 1969.

24 September 1986

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

No. 104 of 1986: Private Schools Act (House of Assembly), 1986.

ACT

To provide for the registration of, the control over, and the making of financial grants to, private schools, and for matters connected therewith.

*(English text signed by the State President.)
(Assented to 10 September 1986.)*

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

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

Definitions.

- (i) "Department" means the Department of Education and Culture; (ii)
- (ii) "education" means education for which a provincial education department is responsible, but does not include pre-primary education, vocational education or teacher training; (v)
- (iii) "education ordinance" means the Education Ordinance, 1956 (Ordinance No. 20 of 1956 of the Cape of Good Hope), the Special Education Ordinance, 1968 (Ordinance No. 25 of 1968 of the Cape of Good Hope), the Natal Education Ordinance, 1969 (Ordinance No. 46 of 1969), the Education Ordinance, 1953 (Ordinance No. 29 of 1953 of the Transvaal), the Special Education Ordinance, 1968 (Ordinance No. 20 of 1968 of the Transvaal), or the Education Ordinance, 1980 (Ordinance No. 12 of 1980 of the Orange Free State), and includes any regulation made thereunder; (vii)
- (iv) "Head of Education" means the head of the Department; (vi)
- (v) "Minister" means the Minister of Education and Culture; (iv)
- (vi) "prescribed" means prescribed by regulation; (xii)
- (vii) "private school" means any school other than a school maintained, managed and controlled by a provincial education department, but—
 - (a) does not include a church primary school, farm school or private special school or class mentioned in an education ordinance; and
 - (b) for the purposes of sections 2, 3, 4, 5 and 7, does not include a private school attended by less than twenty pupils; (viii)
- (viii) "provincial education department" means the executive component of the Department responsible for the instruction, teaching and training of white persons in a province; (ix)
- (ix) "regulation" means a regulation made under section 9 (1); (x)

PRIVATE SCHOOLS ACT (HOUSE OF ASSEMBLY), 1986

Act No. 104, 1986

- (x) "school" means any educational institution or any part of an educational institution at which education is provided to pupils; (xi)
- (xi) "this Act" includes a regulation; (iii)
- 5 (xii) "vocational education" means vocational education as defined in section 1 of the Educational Services Act, 1967 (Act No. 41 of 1967). (i)
2. No person shall maintain a private school unless that private school is registered in terms of this Act. Maintenance of private schools prohibited unless registered.
- 10 3. (1) Any person intending to maintain a private school shall apply to the Head of Education in writing for the registration of that private school. Applications for registration of private schools.
- (2) An applicant for the registration of a private school shall furnish such additional particulars in connection with his application as the Head of Education may require.
4. (1) The Head of Education may at his discretion grant or refuse an application referred to in section 3, but he shall not grant any application if he is of the opinion that the private school does not comply with the prescribed requirements. Consideration of applications for registration of private schools.
- 20 (2) If the Head of Education refuses an application referred to in section 3, he shall notify the applicant in writing of any such refusal and the reasons therefor.
5. (1) If the Head of Education grants an application referred to in section 3, he shall register the private school in question and issue to the applicant a registration certificate in such form as he may determine. Registration of private schools.
- 25 (2) The registration of a private school shall be subject to the prescribed conditions.
- (3) The registration of a private school in terms of this Act shall not exempt any person from any other duty in respect of registration in terms of any other law.
- 30 6. (1) A registered private school may annually on or before the prescribed date apply to the Head of Education in writing for the prescribed financial grant.
- (2) The Head of Education may at his discretion grant or refuse an application referred to in subsection (1), but he shall not grant any application if he is of the opinion that the registered private school does not comply with the prescribed requirements for the financial grant. Financial grants to registered private schools.
- 35 7. Any person who—
- (a) contravenes a provision of section 2, or manages or controls a private school not registered in terms of this Act; or
- (b) in or in connection with an application for the registration of a private school wilfully furnishes information or makes a statement which is false or misleading, Offences and penalties.
- 45 shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.
- 50 8. (1) Any person aggrieved by the refusal of an application by the Head of Education under section 4 (1), may in the prescribed manner and within the prescribed period appeal against any such refusal to the Minister. Appeal to Minister against refusal of application by Head of Education.
- (2) The Minister shall in the prescribed manner consider an appeal lodged with him in accordance with subsection (1), and may—
- (a) allow the appeal and grant the application in question; or
- (b) disallow the appeal.
- 60 (3) A decision taken by the Minister under subsection (2) (a) shall for the purposes of section 5 (1) be deemed to be a decision taken by the Head of Education.

PRIVATE SCHOOLS ACT (HOUSE OF ASSEMBLY), 1986

Act No. 104, 1986

9. (1) The Minister may make regulations as to— Regulations.
- (a) the admission of pupils to a registered private school;
 - (b) the admission of such pupils to examinations conducted by or under the supervision of a provincial education department;
 - (c) the appointment of teachers at a registered private school;
 - (d) the keeping of registers or other documents by a registered private school;
 - (e) the inspection of a registered private school and the examination of such registers or documents;
 - (f) the manner in which any financial grant, if the application therefor has been granted, shall be payable to a registered private school;
 - (g) the lapse or cancellation of the registration of a private school;
 - (h) any matter required or permitted by this Act to be prescribed by regulation; and
 - (i) in general, any matter which the Minister may consider necessary or expedient to prescribe in order that the objects of this Act may be achieved.
- (2) Different regulations may be made under subsection (1) in respect of different provincial education departments.
- (3) Regulations made under subsection (1) may—
- (a) prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of R4 000 or imprisonment for a period of two years; or
 - (b) be made with retrospective effect from a date not earlier than the date of commencement of this Act.
10. (1) The Head of Education may— Assignment of functions by Head of Education.
- (a) delegate to the head of a provincial education department any power conferred upon the Head of Education by this Act; or
 - (b) authorize any such head to perform any duty assigned to the Head of Education by this Act.
- (2) Any delegation under subsection (1) (a) shall not prevent the exercise of the relevant power by the Head of Education himself.
11. (1) Subject to the provisions of this section, any provision of an education ordinance shall cease to be of force in so far as it deals with any matter provided for in this Act. Exclusion of provisions of education ordinances.
- (2) Any private school registered in terms of any provision of an education ordinance which ceases to be of force by reason of subsection (1) shall be deemed to be registered in terms of section 5 (1) of this Act.
- (3) A reference in any education ordinance—
- (a) to a private school registered in terms of any provision which ceases to be of force by reason of subsection (1), shall, unless inconsistent with the context or otherwise clearly inappropriate, be construed as a reference to a private school situated in the relevant province and registered in terms of this Act;
 - (b) to such private school receiving grants-in-aid or subsidized or aided under any provision of that education ordinance, shall, unless inconsistent with the context or otherwise clearly inappropriate, be construed as a reference to a private school situated in the relevant province and to which any financial grant is made under this Act.
12. This Act shall be called the Private Schools Act (House of Assembly), 1986, and shall be deemed to have come into operation on 1 April 1986. Short title and commencement.