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COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwnonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .
(Please see *Quotation* section below for further details)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see the *Copy Section* below, for the specifications).
 - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** GPW's annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the eGazette Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that the quotation number can only be used once to make a payment.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*.

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:

Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 248

24 MARCH 2017

REVISED TARRIFFS FOR SERVICES RENDERED IN TERMS OF THE SUB DIVISION OF AGRICULTURAL LAND ACT, ACT NO 70 OF 1970 AND CONSERVATION OF AGRICULTURAL RESOURCES ACT, ACT NO. 43 OF 1983**NOTICE FOR PUBLIC**

I, Senzeni Zokwana,, Minister of Agriculture, Forestry and Fisheries hereby give notice to all interested institutions, organizations and individuals on the revised tariffs for services rendered in terms of the Subdivision of Agricultural Land Act, Act no 70 of 1970 and Conservation of Agricultural Resources Act, Act no 43 of 1983.

Key revision includes:

Updating and new tariffs for the goods, services or supplies rendered under the two legislations being the Subdivision of Agricultural Land Act, Act no 70 of 1970 (SALA) and Conservation of Agricultural Resources Act, Act no 43 of 1983 (CARA).

1. Sub division of Agricultural Land Act, Act No. 70 of 1970 (SALA)

1.1 Appeal tariff applicable from 1 April 2017 is R 5 419.00 per appeal

2. Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) [CARA]

2.1 Appeal tariff applicable from 1 April 2017 is 1 063.00 per appeal.

For more information please contact the Executive Officer for Conservation of Agricultural Resources Act, Act No. 43 of 1983 (CARA) and Sub division of Agricultural Land Act, Act No. 70 of 1970 (SALA), using the details below: The Director: Land Use and Soil Management , Attention Ms R.L. Bosoga.

Post to: Private Bag X 120, Pretoria, 0001; or

Deliver To: 244 Delpen Building, Corner Annie Botha and Union Street, Riviera, Pretoria; or Enquiries in relation to Conservation of Agricultural Resources Act, Act No. 43 of 1983 (CARA), may be emailed to : MpumeN@daff.gov.za alternatively (012) 319 7567 and for the Sub division of Agricultural Land Act, Act No. 70 of 1970 (SALA) emailed to: MashuduMa@daff.gov.za alternatively (012) 319 7619.

DEPARTMENT OF ARTS AND CULTURE

NO. 249

24 MARCH 2017

SOUTH AFRICAN HERITAGE RESOURCES AGENCY

DECLARATION OF THE GRAVE OF MR CHRIS HANI, MEMORIAL SITE AND THE WALK OF REMEMBRANCE AS NATIONAL HERITAGE SITES

By virtue of the powers vested in the South African Heritage Resources Agency, in terms of section 27 (5) of the National Heritage Resources Act (No. 25 of 1999) SAHRA hereby declares the grave of Mr Chris Hani and the Chris Hani Memorial and Walk of Remembrance located in the Thomas Nkobi Memorial Garden, Boksburg; Ekurhuleni.

Statement of Significance

Chris Hani, was a well respected and revered leader of Umkhonto we Sizwe (MK), the South African Communist Party and senior ranking ANC official, who played an important role in liberation struggle and the negotiated transition for a free and democratic South Africa. He led the Luthuli Detachment in the Wankie Campaign and was instrumental in the drafting of the "Hani Memorandum: which ultimately led to the Morogoro Conference in 1969 which brought about strategic structural changes within the ANC. Chris Hani was a strong proponent of the peaceful negotiations after the unbanning of liberation movements and played a critical role in the MK abandoning the armed struggle. His assassination brought the country to the brink of civil war that led to Nelson Mandela's plea, in what is regarded as a "presidential" statement, for calm and for all South Africans to stand together in ensuring a peaceful transition. The tensions at the time hastened the CODESA negotiations and an agreement on a date for the first democratic elections. His gravesite and the Chris Hani Memorial and Walk of Remembrance commemorate his life, work and sacrifice and contribution to a free and a democratic South Africa; and mark a pivotal point in our history in which the leadership and commitment to peaceful transition was proved.

SCHEDULE OF SITES

Site Name	Cemetery Section	Grave Number	Cemetery	Province	Town	Municipality
Chris Hani Grave	Roman Catholic B	A1	Thomas Nkobi Memorial Park	Gauteng	Boksburg	City of Ekurhuleni

Site Name	Cemetery	Province	Town	Municipality	GPS Location	
					Latitude	Longitude
Chris Hani Memorial and Walk of Remembrance	Thomas Nkobi Memorial Park	Gauteng	Boksburg	City of Ekurhuleni	-26° 16' 44.99641" S	28° 13' 31.49331" E
					-26° 16' 45.34059" S	28° 13' 31.77179" E
					26° 16' 46.81458" S	28° 13' 25.46274" E
					-26° 16' 45.78612" S	28° 13' 25.19057" E

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 250

24 MARCH 2017

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)**INSTITUTIONAL STATUTE
UNIVERSITY OF PRETORIA**

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish amendment to the Institutional Statute of the University of Pretoria set out in the Schedule hereto.

**Dr BE Nzimande, MP****Minister of Higher Education and Training****Date:** 14/02/2017

MINISTER OF HIGHER EDUCATION AND TRAINING
HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997)
STATUTE OF THE UNIVERSITY OF PRETORIA

The Council of the University of Pretoria has amended the Statute of the University of Pretoria (Government Notice No. 262, as published in Government Gazette No. 35195 of 30 March 2012) as set out in the schedule hereto in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which is, in terms of section 33 of the said Act, hereby published with the approval of the Minister of Higher Education and Training and which comes into operation on the date of its publication.

SCHEDULE

To amend the current Statute for the University of Pretoria to give effect to a decision taken by the relevant governance structures of the University of Pretoria with a view of filling vacancies on Council.

STATUTE OF THE UNIVERSITY OF PRETORIA
AMENDMENT

Clause 48(7)(a) to (g) of Chapter 9 ["Convocation"] of the Statute of the University of Pretoria is hereby deleted and replaced *in toto* by clause 48(7) of Chapter 9 ["Convocation"], which reads as follows: "The appointment of members of the Convocation to Council shall take place in accordance with the procedure provided for in the Institutional Rules" from the date of the publication of this notice.

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 251

24 MARCH 2017

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)**INSTITUTIONAL STATUTE
SOL PLAATJE UNIVERSITY**

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish the Institutional Statute of the Sol Plaatje University set out in the Schedule hereto.

**Dr BE Nzimande, MP****Minister of Higher Education and Training****Date:**

14/02/2017

MINISTRY OF HIGHER EDUCATION AND TRAINING**HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)****STATUTE OF SOL PLAATJE UNIVERSITY**

The Council of the Sol Plaatje University has, after consultation with the Senate and the Institutional Forum, drafted the Statute set out in the Schedule hereto in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Higher Education and Training and which comes into operation on the date of its publication.

SCHEDULE

To introduce a new Statute for the Sol Plaatje University to give effect to any law relating to the Sol Plaatje University and to promote the effective and responsible management and governance of the University in respect of matters not expressly prescribed by any law.

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DEFINITIONS

1. Definitions

In this Statute any word or expression to which a meaning has been assigned by the Higher Education Act, 1997 (Act No 101 of 1997), as amended, has the meaning so assigned to it, and unless the context otherwise indicates:

“academic employee” means any person appointed to a teaching or research post at the University and any other employee designated as such by the Council;

“academic year” means that portion of a calendar year approved by the Council on the recommendation of the Senate, for the academic activities of the University;

“Act” means the Higher Education Act, 1997 (Act 101 of 1997), as amended;

“administrative and support employee” means any person appointed by the University to perform an administrative or support function, excluding academic employees;

“associate professor” means an academic employee or any other person given the status and title of associate professor by the University;

“Chancellor” means the person appointed as the titular head of the University in accordance with section 26 of the Act;

“charter” means a set of approved Rules describing the composition, mandate and functioning of a committee of the Council or the Senate;

“Convocation” means the body composed in accordance with paragraph 48 of this Statute;

“Council” means the body composed in accordance with paragraph 19 of this Statute;

“day” refers to working and/or calendar days;

“Dean” means a person appointed in accordance with this Statute and the Rules of the University for the appointment of senior members of staff;

“Department” means the national department responsible for Higher Education and Training;

“Deputy Vice-Chancellor” means a person appointed as such in accordance with this Statute and the Rules of the University and may include a person designated by the Council as the Senior Deputy Vice-Chancellor;

“due notice” means a written notice that notification has been dispatched by registered post or electronically to the last address registered with the University Registrar of the person concerned, at the commencement of the period of notice required;

“employee” means any person employed at the University;

“Executive Management” means the Management of the University consisting of the Vice-Chancellor and Principal, the Deputy Vice-Chancellor(s), the University Registrar and any other employee appointed as such by the Council;

“Executive Official(s)” means a person or persons appointed in accordance with this Statute and the Rules for the appointment of senior members of staff to assist the Vice-Chancellor and Principal in performing his or her duties in terms of the Act and this Statute, including but not limited to Deputy Vice-Chancellor(s), the University Registrar, Chief Operating Officer, Chief Financial Officer, Executive Directors, Deans or persons holding equivalent positions;

“expulsion” means the permanent expulsion of a student from the University and/or a residence of the University;

“functions” includes powers and duties;

“Institutional Forum” means the body composed in accordance with paragraph 41 of this Statute;

“Management Committee (MANCO)” means a committee comprising the Vice-Chancellor and Principal (Chairperson), the Deputy Vice-Chancellor(s), the University Registrar, the Chief Operating Officer, the Chief Financial Officer, the Executive Directors and additional members appointed to the committee by the Vice-Chancellor and Principal from the ranks of Executive Officials;

“Management” means the Executive Management of the University;

“members present” means the members present at a formal meeting, including the members allowed by the Chairperson to participate via video and teleconference;

“Minister” means the Minister responsible for Higher Education and Training;

“office-bearer” means a functionary provided for in the Act, including the Vice-Chancellor and Principal, the Deputy Vice-Chancellor(s) and the University Registrar;

“person with a disability” means a person with a disability as defined in the Employment Equity Act, 1998 (Act 55 of 1998), as amended;

“professor” means an academic employee or any other person who has been given the status and title of senior professor or professor by the University, excluding extraordinary and honorary professors;

“qualification” means any formal qualification registered on the respective sub-framework of the National Qualification Framework, including a degree, diploma or certificate;

“recognised union” means an employee organisation recognised by the University and registered in accordance with the Labour Relations Act, 1995 (Act 66 of 1995), as amended;

“Rules” means the Institutional Rules of the University approved by the Council in terms of section 32 of the Higher Education Act;

“semester” means one half of the academic year of the University;

“Senate” means the body composed in accordance with paragraph 30 of this Statute;

“SRC” and **“Student Representative Council”** means the body composed in accordance with paragraph 61 of this Statute;

“Statute” means this statute drafted as contemplated in section 32 of the Act;

“student” means a person officially registered as either a full-time or a part-time student at the University;

“suspension” means the temporary expulsion of a student from the University and/or from a residence of the University;

“the University” means the Sol Plaatje University;

“University Registrar” means the person appointed in accordance with this Statute and the Rules for the appointment of senior members of staff;

“urgent matter” means a matter, which has the potential to cause irreversible harm or prejudice to the University, its employees or students;

“Vice-Chancellor and Principal” means the Principal of the University as contemplated in section 30 of the Act appointed in accordance with this Statute and the Rules of the University.

CHAPTER 2

INSTITUTION

2. Name, Seat and Powers

- (1) The name of the University is “Sol Plaatje University” also officially referred to as “SPU”.
- (2) The seat of the University is: Luka Jantjie House, North Campus, Chapel Street, Kimberley, 8300, South Africa.
- (3) The official postal address of the University is: Sol Plaatje University, Private Bag 5008, Kimberley 8300, South Africa.
- (4) The University is established (Government Gazette No. 36771 of 23 August 2013) with a campus at Kimberley, situated within the Sol Plaatje Local Municipality, and conducts its academic activities within the area of jurisdiction of the Frances Baard District Municipality or its successors in title.
- (5) The Sol Plaatje University is a comprehensive tertiary educational institution established in terms of the Act and is a juristic person as contemplated in section 20(4) of the Act.
- (6) The University functions in accordance with the Act, the Statute and the Rules of the University.
- (7) The University may confer degrees and honorary degrees and award diplomas and certificates.
- (8) The University may receive monies, equipment or services of any sort from donors to assist the University in the execution of its mandate.

3. Language Policy

- (1) The language of tuition of the University is English, except where a particular language is taught, in which event that language is also used.
- (2) The languages of communication of the University are English and one or more of the local languages, depending on the nature of communication, the target groups and practicability.
- (3) The University is committed to promoting multilingualism and the development of the official languages of South Africa through its teaching and research programmes.

4. Composition of the University

- (1) The University consists of:
- (a) Employees and students
 - (b) All its property and assets
 - (c) The following structures:
 - (i) the Council and its committees
 - (ii) the Convocation
 - (iii) the Senate and its committees
 - (iv) such faculties, schools, academic departments and units as the Council may establish, after consultation with the Senate
 - (v) the Institutional Forum
 - (vi) the Student Representative Council
 - (vii) the Management Committee
 - (d) The following office-bearers:
 - (i) the Chancellor
 - (ii) the Vice-Chancellor and Principal
 - (iii) the Deputy Vice-Chancellor(s)
 - (iv) the University Registrar
 - (v) the Executive Official(s)
- (2) No vacancy in any of the offices as contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures as contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function, rights or privileges conferred by the Act or this Statute upon the University or the Council or the Senate, provided that no resolution of the Council or of the Senate will be valid unless passed at a meeting at which a quorum was present and the rules relating to any such meeting have materially been complied with.

5. General Provisions

- (1) Notwithstanding the provisions of this Statute, it is incumbent upon the Council, the Management, employees or any person authorised to take any action in terms of this Statute on behalf of the University to ensure that any administrative action contemplated, or taken, is lawful, reasonable and procedurally fair as prescribed by the Promotion of Administrative Justice Act, 2000, as amended, and that any person whose rights may be adversely affected by such action, receives access to the information required for the exercise or protection of such rights as prescribed by the Promotion of Access to Information Act, 2000, as amended.

- (2) Should any action taken in terms of this Statute have an adverse effect on the rights of any person, reasons for the action must be supplied to that person subject to the provisions of the Promotion of Administrative Justice Act, 2000, as amended.

CHAPTER 3

OFFICE BEARERS

CHANCELLOR

6. Functions of the Chancellor

- (1) The Chancellor is the titular head of the University with no executive powers.
- (2) The Chancellor confers all degrees and awards all diplomas and certificates on behalf of the University.
- (3) In the absence of the Chancellor, degrees will be conferred by the Vice- Chancellor and Principal or by a Deputy Vice-Chancellor; and diplomas and certificates will be awarded by officials designated by Council.
- (4) The Chancellor will perform such other functions as assigned to him or her by Council, subject to the provisions of subparagraph (1).

7. Election and Appointment of the Chancellor

- (1) The Chairperson of the Council, after consultation with the Vice-Chancellor and Principal, or, in his or her absence, the Vice-Chancellor and Principal must determine the date on which a meeting of the Council must be held for the purpose of electing a Chancellor, provided that such meeting must be held within 90 days after the Council is constituted or the office of Chancellor becomes vacant, whichever is applicable.
- (2) At least 40 working days before the date contemplated in subparagraph (1), the secretary to the Council must give due notice to every member of the Council of the date, place and time of the meeting contemplated in subparagraph (1) and must invite members of the Council and the Senate to submit nominations for the office of Chancellor on a form approved by the Vice-Chancellor and Principal, provided that any member is at liberty to supplement the information on the approved form by submission of additional information.
- (3) Any member of the Council or the Senate has the right to nominate a person, with his or her consent, for the office of Chancellor, provided that such nomination is seconded, in writing, by another member of the Council or the Senate.
- (4) The completed nominations must reach the secretary to the Council at least 21 days before the date of the meeting contemplated in subparagraph (1).

- (5) At least seven days before the date of the meeting contemplated in subparagraph (1), the secretary to the Council must give due notice to every member of the Council of the names and backgrounds of the duly nominated candidates.
- (6)
 - (a) The Chancellor must be elected to the office of Chancellor at a meeting of the Council by a majority of the members of the Council holding office on the date of the meeting; and
 - (b) The election of the Chancellor must be by secret ballot.
- (7) For the purpose of electing a Chancellor, the Chairperson of the Council has an ordinary vote and a casting vote in the event of an equality of votes.
- (8) Each member of the Council has only one vote during each ballot, provided that there must be successive rounds of voting as described in paragraph 7 (9) if no candidate gains a majority of votes as contemplated in subparagraph 6(a) in the first ballot.
- (9) In each successive round of voting, the candidate who gains the least support in the previous ballot is eliminated as a candidate.
- (10) After the Council has elected a Chancellor, the Chairperson of the Council must announce the name of the new Chancellor.

8. Term of Office

- (1) The Chancellor holds office for a period which is to be determined by the Council, but not exceeding five years, unless his or her term of office is terminated as contemplated in subparagraphs (3), (4) and (5).
- (2) A Chancellor may be re-elected, provided that a person may not serve as Chancellor for more than two consecutive terms.
- (3) The term of office of the Chancellor is terminated in the event of –
 - (a) expiry of term of office;
 - (b) death or incapacity;
 - (c) resignation; or
 - (d) removal from office by means of a resolution passed by at least two-thirds of the total number of serving members of the Council present at the meeting on account of misconduct, incapacity to carry out his or her official functions, or on account of any other reason recognised by law.
- (4) Removal of the Chancellor from office is subject to the processes and procedures prescribed by this Statute, the Rules and legal prescripts in general.

- (5) Without limiting the generality of subparagraph (4) the resolution contemplated in subparagraph (3)(d) may not be passed without prior notice to the Chancellor of the pending motion for his or her removal and the reasons therefor, and providing him or her with a reasonable opportunity to obtain assistance, to appear in person, and to present and dispute information and arguments.
- (6) If the office of Chancellor becomes vacant the Council must, as soon as possible, elect a new Chancellor in accordance with the provisions of paragraph 7.

VICE-CHANCELLOR AND PRINCIPAL

9. Status

The Vice-Chancellor and Principal of the University is *ex officio* the chief executive and accounting officer of the University and responsible for the management and administration of the institution as contemplated in the Act.

10. Functions of the Vice-Chancellor and Principal

- (1) The Vice-Chancellor and Principal is responsible for the management and administration of the University and has all the powers necessary to perform these functions.
- (2) The Vice-Chancellor and Principal is responsible for the discipline at the University.
- (3) Council must delegate to the Vice-Chancellor and Principal all the powers necessary to perform his or her functions.
- (4) The Vice-Chancellor and Principal may in turn, subject to the Rules and the approved delegation frameworks of the Council, delegate functions to other employees or the chairperson of any committee.
- (5) The Vice-Chancellor and Principal reports to the Council.
- (6) The Vice-Chancellor and Principal is, subject to charters of the respective committees, a member of all the committees of the Council and the Senate.
- (7) The Council may assign additional functions and grant additional powers and privileges to the Vice-Chancellor and Principal, subject to the provisions of section 68(2) of the Act.
- (8) When the Vice-Chancellor and Principal is absent or unable to carry out his or her functions, he or she may, subject to the Rules and in consultation with the Chairperson of the Council, delegate all or part of his or her functions to a member or members of Management, provided that in the event of a Vice-Chancellor and Principal being unable, for whatever reason, to delegate his or her functions, the Council may delegate said functions to a member or members of Management and/or decide on any other

appropriate measure.

- (9) The Vice-Chancellor and Principal performs the functions of the Chancellor if the Chancellor is unable, for whatever reason, to perform the functions of his or her office, or if the office of Chancellor becomes vacant.

11. Appointment of the Vice-Chancellor and Principal

- (1) When the post of Vice-Chancellor and Principal becomes vacant, the advertising of the post, the invitation for nominations of and applications by candidates, the search for suitable candidates, the applicable criteria for the short-listing of candidates and the interviewing and appointment processes take place in the manner determined by the Council and the Rules of the University, subject to section 31(1) of the Act.
- (2) The Council appoints the Vice-Chancellor and Principal, subject to the Rules and section 31(1) of the Act.
- (3) When the term of office of the Vice-Chancellor and Principal expires and he or she is available for appointment for a further term of office, the Council may on account of the proven sustainable good performance of the incumbent measured against agreed performance outcomes, decide to re-appoint the Vice-Chancellor and Principal for a further term of office only after consultation with the Senate and the Institutional Forum.
- (4) Nothing in subparagraphs (1) to (3) above prevents the Council from advertising or calling for nominations for the position of Vice-Chancellor and Principal. The incumbent may apply or be nominated, whichever is appropriate, for the position.

12. Term of Office

- (1) The Vice-Chancellor and Principal is appointed by the Council for a period not exceeding five years, provided that this term may, subject to paragraph 11, be renewed once for a further period not exceeding five years.
- (2) The term of Office of the Vice-Chancellor and Principal is terminated in the event of –
- (a) expiry of term of office;
 - (b) death or incapacity;
 - (c) resignation; or
 - (d) removal from office by the Council due to misconduct or any other reason recognised by law.
- (3) Removal of the Vice-Chancellor and Principal from office is subject to the processes and procedures prescribed by this Statute, the Rules and legal prescripts in general.

- (4) Without limiting the generality of subparagraph (3) the resolution contemplated in subparagraph (2)(d) may not be passed without prior notice to the Vice-Chancellor and Principal of the pending motion for his or her removal and the reasons therefor, and providing him or her with a reasonable opportunity to obtain assistance, to appear in person, and to present and dispute information and arguments.

DEPUTY VICE-CHANCELLOR(S), UNIVERSITY REGISTRAR AND EXECUTIVE OFFICIAL(S)

13. Duties

The Deputy Vice-Chancellor(s), the University Registrar and Executive Official(s) are responsible for assisting the Vice-Chancellor and Principal in performing his or her duties in terms of the Act and this Statute and have the powers, privileges, functions, duties and conditions of service as are determined by the Council, this Statute, the Rules as well as those delegated to them by the Vice-Chancellor and Principal.

14. Appointment and Terms of Office

- (1) The Deputy Vice-Chancellor(s), the University Registrar and Executive Official(s) are appointed in such a manner and for such periods as determined by the Council and the Rules.
- (2) Paragraph 12(2) to (4) applies with the necessary changes to the termination of the term of office of the Deputy Vice-Chancellor(s), University Registrar and Executive Official(s).

15. Vacancies

Whenever the office of a Deputy Vice-Chancellor, the University Registrar or an Executive Official becomes vacant, the Council appoints a successor in accordance with the procedures prescribed in the Rules.

16. University Registrar

- (1) The University Registrar is appointed by the Council and is, by virtue of his or her office, the secretary to the Council and the Senate and the committees of the Council and the Senate.
- (2) The University Registrar acts as returning officer at all meetings of the Council, the Senate and the Convocation.
- (3) The University Registrar is not a member of the Council.
- (4) In the absence of the University Registrar, his or her powers must be exercised and his or her functions performed by a person designated by the Vice-Chancellor and Principal.

- (5) The University Registrar may designate any other administrative staff member to assist him or her.
- (6) Employees designated in terms of subparagraph (5) will have the same fiduciary duties and obligations as the University Registrar.
- (7) The University Registrar provides administrative support to the governance structures of the University, which includes, but is not limited to –
 - (a) keeping the minutes of meetings of the Council and the Senate;
 - (b) keeping the minutes of the meetings of all committees of the Council and the Senate; and
 - (c) keeping a register of all resolutions adopted by the Council and the Senate, and providing access to the register to members of the Council and the Senate respectively.
- (8) The University Registrar is accountable through the office of the Vice-Chancellor and Principal to the Chairperson of the Council for his or her governance support responsibilities.
- (9) The Vice-Chancellor and Principal may assign additional functions and responsibilities to the University Registrar.

CHAPTER 4

COUNCIL

17. Functions

- (1) The Council governs the University subject to the provisions of the Act, any other applicable legislation and this Statute.
- (2) The Council must perform all the governance responsibilities imposed on it by the Act and this Statute.
- (3) Without detracting from the generality of subparagraph (2), the Council is responsible for laying down guidelines relating to –
 - (a) strategic governance;
 - (b) financial governance;
 - (c) the appointment and conditions of service of staff, subject to subparagraph (6) to (8);
 - (d) a positive academic atmosphere;
 - (e) matters regarding the discipline of staff and students;
 - (f) the language policy of the University with the concurrence of the Senate, as required by section 27(2) of the Act;
 - (g) the admission policies of the University after consultation with the Senate as required by section 37 (1) of the Act;
 - (h) the number of students who may be admitted to a specific programme as well as the method of selection;
 - (i) minimum requirements for admission and re-admission to the University;
 - (j) criteria for the exclusion of students who do not comply with the minimum academic and/or other criteria the University may prescribe; and
 - (k) the approval of the Rules of the University.
- (4) The Council may establish committees to assist it in carrying out its duties and may, subject to the provisions of the Act and this Statute, delegate appropriate functions to its committees.
- (5) The Council may, subject to the provisions of the Act and this Statute, delegate functions to the Vice-Chancellor and Principal, with the right to delegate further, subject to applicable University policy and the Council-approved delegation frameworks.
- (6) Subject to section 34 of the Act, the Council must:
 - (a) appoint employees of the University;

- (b) appoint persons whom the Council considers necessary to manage the University effectively in accordance with the Rules, and
 - (c) after consultation with the Senate or a committee of the Senate appoint and promote academic employees.
- (7) The Council may delegate its functions in terms of subparagraph (6)(b) to a committee of the Council, provided that the Council may not delegate the appointment of the Vice-Chancellor and Principal, the Deputy Vice-Chancellor(s) and the University Registrar.
- (8) The Council may delegate its functions in terms of subparagraph (6)(b) to a joint committee of the Council and the Senate, and/or the Vice-Chancellor and Principal.

18. Competence, Conduct and Conflict of Interest

- (1) In terms of section 27(7) of the Act, a member of the Council or a member of a committee of the Council –
- (a) must be a person with knowledge and experience relevant to the objects and governance of the University;
 - (b) must participate in the deliberations of the Council in the best interests of the University;
 - (c) must, before he or she assumes office, declare any business, commercial or financial activities undertaken for financial gain that may raise a conflict or a possible conflict of interest with the University;
 - (d) may not place himself or herself under any financial or other obligation to any individual or organisation that might seek to influence the performance of any function of the Council; and
 - (e)
 - (i) may not have a conflict of interest with the University;
 - (ii) may not have a direct or indirect financial, personal or other interest in any matter to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest with the University;
 - (iii) must, before the meeting and in writing, inform the chairperson of that meeting of any conflict or possible conflict of interest.
- (2) Each member of the Council must annually declare his or her financial interests and fiduciary roles, which include but are not limited to official and public offices, directorships of companies, memberships of close corporations and trusteeships, in a manner determined by the Council and in accordance with section 27(7E)(b) of the Act.
- (3) The Council must keep comprehensive records of all its activities as well as of all assets, liabilities, income, expenditure and other financial transactions as required by section 41(1) of the Act, and must report to the Minister as contemplated in section 41(2) of the Act.

- (4) The Council must, after consultation with the Management and the SRC, make provision in the Rules of the University for appropriate structures to advise the Council on the rendering of student services at the University.
- (5) The Council must report regularly on its activities and performance and that of its committees in accordance with its own Rules and the guidelines of the Department. It is incumbent upon the Council to inform employees and students of decisions of the Council affecting them.
- (6) The Council must in instances of substantial non-attendance of the Council meetings, with or without apology, by members representing specific constituencies, report such non-attendance to the relevant constituency.
- (7) No temporary vacancy impairs the capacity of the Council to perform its functions and responsibilities under the Act, this Statute and the Rules, provided that decisions of the Council will have effect only if they are taken in accordance with the prescripts set out in paragraph 24 under the heading "Meetings and meeting procedures of the Council".

19. Composition

- (1) The Council consists of -
 - (a) the Vice-Chancellor and Principal;
 - (b) one Deputy Vice-Chancellor;
 - (c) two members of the Senate, elected by the Senate;
 - (d) one academic employee, other than a member of the Senate, elected by the academic employees;
 - (e) one employee representing administrative and support staff who is not a member of the Senate, elected by the administrative and support staff;
 - (f) the President of the SRC and one other member of the SRC elected by the SRC;
 - (g) five persons appointed by the Minister in accordance with section 27(4)(c) of the Act;
 - (h) the President of the Convocation;
 - (i) one person appointed by the Sol Plaatje Local Municipality in consultation with the SPU Council;
 - (j) one person appointed by the Frances Baard District Municipality in consultation with the SPU Council; and
 - (k) not less than ten and not more than thirteen persons appointed by the Council on the basis of their experience and expertise with due regard to the national and regional interests of the University.
- (2) Council may at their discretion appoint non-voting members in respect of their expertise.

- (3) The Council members are elected or appointed in accordance with the provisions of paragraph 21 of this Statute, provided that members contemplated in subparagraphs (1) (g – k) may not be employees or registered students of the University and provided further that any person who has been a member of a council of a public higher education institution under circumstances contemplated in sections 49A (4) (a) and 49E of the Act and who is implicated in the report of the independent assessor contemplated in section 47 (1) (b) of the Act, is not eligible to serve as a member of the Council.
- (4) In accordance with the Act at least sixty per cent of the members of the Council shall be people who are not employees or students of the University.
- (5) When members are elected to or appointed on the Council, the constituency as identified in Section 27 of the Act, entitled to elect or appoint shall do so with due regard to suitable representation of race, gender and disability on the Council.
- (6) The Council may request the constituency contemplated in subparagraph (4) to take into account the competency requirements and the skills as determined by the Council.
- (7) The University Registrar is the secretary to the Council.

20. Term of Office

- (1) The Vice-Chancellor and Principal and the Deputy Vice-Chancellor are members of the Council for as long as they remain in office.
- (2) Members of the SRC remain members of the Council for the term of office determined by the SRC when they are elected, provided that membership ceases automatically when a student member ceases to be a registered student or a member of the SRC. The SRC President (*ex officio*) and one other member of the SRC, elected by the SRC, will serve on Council as members;
- (3) The term of office of all other members of the Council is four years, provided that the term of a member whose term of office has expired may, as an interim measure, be extended by the Council once off for a maximum period of six months should the Council be of the opinion that special circumstances so demand.
- (4) The term of office of members of the Council who are employees of the University, except that of the Vice-Chancellor and Principal and the Deputy Vice-Chancellor, is three years.
- (5) Members of the Council whose terms of office have expired may be re-elected or re-appointed, provided that members, excluding *ex officio* members, may not serve more than two consecutive terms.

- (6) A Council member's membership is terminated –
- (a) through expiry of term of office;
 - (b) upon death or incapacity;
 - (c) if the Council member fails to attend three consecutive ordinary meetings of the Council without the consent of the Chairperson of the Council;
 - (d) if the Council member is sequestered;
 - (e) if the Council member is found guilty of misconduct in accordance with the Code of Conduct determined by the rules;
 - (f) if a Council member, who is also a member of staff or a student of the University, is found guilty in terms of the Code of Conduct as contemplated in (6)(e) or found guilty of misconduct in terms of the Disciplinary Code of the University;
 - (g) if the Council member is elected or appointed by a particular constituency and the Council member's membership of, or association with the constituency as contemplated in Section 27 of the Act is terminated;
 - (h) if the Council rules that the continued membership of a member is undesirable due to a conflict of interest as determined by the Council;
 - (i) if the Council member becomes a patient in an institution for mental health on a continuous basis;
 - (j) if a Council member becomes an elected member of the local, provincial or national government; or
 - (k) if the Council member has transgressed the Council's Code of Conduct.
- (7) Paragraph 12(3) and (4) applies with the necessary changes to the termination of membership of a member of the Council in accordance with subparagraph (6)(c), (e), (f), (h) and (k).
- (8) Constituencies who appointed persons to the Council must be informed by the University Registrar of any termination in accordance with subparagraph (6)(c).
- (9) Apart from the Vice-Chancellor and Principal, Deputy Vice-Chancellor(s), representatives of the Senate, employee representatives and students appointed by the SRC to serve on the Council, no other member of the Council may be a permanent or temporary member of staff or a student of the University, and should this happen, such membership terminates automatically.
- (10) All Council members elected or appointed to the Council are entitled, at any time, to submit their resignations in writing to the Chairperson of the Council.

21. Election and Nomination Procedures

- (1) The Senate representatives on the Council must be elected in accordance with the procedure prescribed in paragraph 39 of this Statute.

- (2) The academic employees of the University shall elect one representative from their ranks to represent them on the Council in accordance with the following provisions and process:
- (a) Academic employees who are members of the Council in a different capacity shall not be eligible for election
 - (b) Only academic employees eligible to serve on the Council in accordance with the provisions of the Act and this Statute may be elected to represent the academic employees on the Council.
 - (c) The election must take place by secret ballot at a meeting of the academic employees convened by the University Registrar for that purpose, of which notice of at least 21 days must be given.
 - (d) The quorum for the meeting is forty per cent of the total number of academic employees.
 - (e) The candidate who obtains the majority of the votes of the members present at the meeting, shall be duly elected.
 - (f) If no candidate receives a majority of votes, successive rounds of voting shall take place.
 - (g) In each successive round of voting the candidate receiving the least number of votes will be eliminated as a candidate.
 - (h) After the academic employees have elected their representative, the University Registrar will announce the result of the election.
 - (i) Candidates for election must be duly nominated and nominations must reach the University Registrar at least 7 days before the date of the election, and no person may be elected unless he or she has been nominated in writing by at least two members of the academic employees and the nominee has consented to such nomination in writing.
 - (j) Nominations must be invited by the University Registrar as soon as a vacancy arises.
 - (k) The representative of the academic employees must vacate his or her position on the Council when his or her membership of the Council terminates in accordance with the provisions of the Act and this Statute, or in the event that he or she ceases to be an academic employee.
 - (l) Casual vacancies shall be filled as described in subparagraph (2)(a) to (j) for a full term of office.
 - (m) Subject to the provisions of paragraph 20(4), an academic employee whose term of office has expired, may be re-elected.
- (3) The administrative and support staff of the University shall elect one representative from their ranks to serve on the Council and the provisions of subparagraph (2) shall, with the necessary changes, be applicable to such election.

- (4) Student members on the Council shall be elected at a meeting of the SRC from the ranks of the SRC in accordance with the selection procedure of the SRC.
- (5) The members of the Council who are appointed to the Council on the basis of their expertise and experience, must be appointed by means of the following process controlled and supervised by the University Registrar:
 - (a) The University Registrar must place an advertisement in three national newspapers and on the University's website, inviting organisations, interest groups and individuals to nominate persons with expertise and experience, as determined by the Council, to serve on the Council, provided that the media invitation must include an invitation in at least one national newspaper circulating in the Northern Cape Province, and provided further that if a particular round of advertisements has, in the opinion of the Council, not elicited a satisfactory response, the process may be repeated.
 - (b) The Executive Committee of the Council must, with the assistance of the University Registrar, draw up a list of the most suitable for recommendation to the Council, provided that the names of all nominees will be tabled at the Council meeting.
 - (c) The required number of members of the Council must be elected at an ordinary or an extraordinary meeting of Council from the ranks of the nominees, after taking into consideration the recommendations of the Executive Committee of the Council.
- (6) Co-opted members of the Council are appointed on recommendation of the Executive Committee of the Council, provided that their membership is confirmed by the Council at an ordinary meeting.
- (7) The process for the appointment of Council members as contemplated in paragraphs 19(1)(c) to 19(1)(e), 19(1)(g) to 19(1)(k), shall be facilitated by the University Registrar in his or her capacity either as University Registrar or as secretary to the Council and the Senate.
- (8) The Deputy Vice-Chancellor contemplated in paragraph 19(1)(b) shall be the Deputy Vice-Chancellor responsible for teaching and research respectively, provided that in the event of these responsibilities vesting in a single person, the second Deputy Vice-Chancellor shall be appointed by the Vice-Chancellor and Principal from the ranks of the remaining incumbents.

22. Vacancies on the Council

- (1) Vacancies by passage of time: At least three months before the expiry of the term of office of any member of the Council, the secretary to the Council must give notice in writing to whoever appointed or elected such member to enable such person or body to

fill the vacancy in accordance with this Statute.

- (2) Casual vacancies are filled with the necessary changes in accordance with the processes described in paragraph 21 above.
- (3) The Council members elected or appointed to fill casual vacancies shall be elected for the full four-year term of office.

23. Chairperson and Deputy Chairperson of the Council

- (1) A Chairperson and Deputy Chairperson of the Council shall be elected at the first meeting of the Council constituted in accordance with this Statute and thereafter as and when it becomes necessary.
- (2) If a vacancy occurs in the position of Chairperson or the Deputy Chairperson of the Council:
 - (a) The Council shall elect a Chairperson and Deputy Chairperson from among its members, who are not employees or students of the University, and who will hold office for a period of four years, or for such shorter period as he or she may be a member of the Council.
 - (b) Nominations for the Chairperson or Deputy Chairperson of the Council must be given in writing to the secretary to the Council on or before a date determined by him or her.
 - (c) Each nomination must be signed by at least three members of the Council and countersigned by the nominee to denote his or her acceptance of the nomination.
 - (d) For the duration of the election of a Chairperson, the Vice-Chancellor and Principal acts as Chairperson of the meeting.
 - (e) If more than one candidate is nominated for one of the offices, voting takes place by secret ballot.
 - (f) A candidate may be elected to the office of Chairperson or Deputy Chairperson of the Council only by a majority of the members present at a meeting.
 - (g) If no candidate receives a majority of votes, successive rounds of voting take place. In each successive round of voting, the candidate receiving the least votes in the previous round of voting is eliminated as a candidate.
- (3) The Deputy Chairperson of the Council shall act as the Chairperson in the absence of the Chairperson and in the absence of both the Chairperson and the Deputy Chairperson the members present at the meeting shall elect a Chairperson from their own ranks to chair the meeting. While the Deputy Chairperson or another elected Council member acts as Chairperson, he or she is vested with all the powers and performs all the functions of the Chairperson of the Council.

24. Meetings and Meeting Procedures of the Council

- (1) The Chairperson of the Council, after consultation with the Vice-Chancellor and Principal, must convene a meeting of the Council at least twice in each semester at a time and place determined by the Chairperson.
- (2) Subject to the provisions of the Act and this Statute the Council must determine its own meeting procedures with due observance of accepted norms and practices of fair administrative process. Should circumstances necessitate it, the Chairperson of the Council may allow members to participate in all the activities of a formal meeting of the Council, including the voting, via video or teleconference.
- (3) Except as otherwise provided in this Statute, decisions of the Council are taken by a majority of votes of the members participating at the meeting.
- (4) Fifty per cent plus one of the serving members of the Council, including the members participating via video or teleconference, constitutes a quorum, provided that sixty per cent of the members constituting the quorum must be external members who are not students or employees of the University.
- (5) Subject to the provisions of paragraph 24(4), once a meeting constituted in accordance with this Statute is quorate, it remains quorate for as long as at least 80% of the number of members constituting a quorum are present at the meeting.
- (6) Should a quorum of members not be present at the start of a meeting, the majority of the members present may decide to continue with the discussion of the matters on the agenda and may refer urgent matters to the Executive Committee of the Council for a decision, provided that all other conclusions reached at such a meeting will have no effect unless submitted to and approved by a properly constituted meeting of the Council.
- (7) The Council may grant observer status to a person to attend a particular Council meeting or Council meetings in general, however, with the permission of Council that person may take part in the debates of the Council, but may not vote.
- (8) The ruling of the Chairperson on a point of order or procedure is binding unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting for a vote, the outcome of which is binding.
- (9) A member of the Council may not, without leave of the meeting, speak more than once on a motion or any amendment thereof, but the proposer of any motion or an amendment has the right of reply.

- (10) A motion or amendment must be seconded, and, if it is so directed by the Chairperson, be in writing, and no motion or amendment may be withdrawn without the consent of the proposer and the seconder.
- (11) At least seven days before the date of an ordinary meeting, the secretary to Council must give each member written notice of the date, time and place of such a meeting. This notice will be accompanied by an agenda with supporting documentation, as applicable.
- (12) An unintentional failure or omission to give notice in terms of a provision of this Statute to any person entitled to receive such notice, or to send the minutes of any meeting to any person entitled to receive such minutes, does not invalidate the proceedings in respect of which such notice is given or minutes are sent, provided that the failure or omission may not affect more than 10% of the persons involved.
- (13) Notice of any motion for consideration must be given in writing and must be lodged with the secretary to Council at least 21 days before the date of an ordinary meeting, provided that any matter of an urgent nature may, without prior notice, but, with the leave of the Chairperson and a majority of the members present, be considered at such a meeting.
- (14) Except as approved by a majority of members, no motion which has been rejected by the Council may be placed before it again within a period of six calendar months from the date of such rejection.
- (15) The secretary to Council must keep comprehensive minutes of each Council meeting.
- (16) The secretary to Council must keep a complete register of Council resolutions adopted and all members of the Council must have access to this register.
- (17) The first act of an ordinary meeting, after it has been constituted, must be to confirm by way of the signature of the Chairperson the correctness of the minutes of the previous meeting and of any special meeting, provided that objections to the minutes of a meeting must be raised and resolved before confirmation of the minutes.
- (18) The Chairperson of the Council has an ordinary vote and, in the event of an equality of votes, also a casting vote.
- (19) If it is so requested and decided by the meeting, the number of members voting for or against any motion must be recorded and at the request of any member the Chairperson must rule that the vote of the requesting member for or against a particular decision be recorded.
- (20) Subject to the provisions of subparagraph (4) with regard to external members of the Council, where two thirds of the serving members of the Council have reached an

agreement on a matter referred to them by letter, email, fax or via teleconference by the Chairperson and have conveyed their resolution by letter, email, fax or via teleconference, such a resolution will be equivalent to a resolution of the Council and must be recorded in the minutes of the following ordinary meeting.

- (21) The views of a member of the Council, who is unable to attend a formal meeting, either in person or via video or teleconference, may be submitted to the meeting in writing, but may not count as a vote on any matter decided at the meeting.
- (22) No member of the Council may participate in the discussion of, or vote on a matter in which he or she has a direct or indirect financial, personal or other interest and which entails or may entail a conflict or possible conflict of interest with the University.
- (23) A member of the Council must, in writing, inform the Chairperson before the meeting of a conflict or possible conflict of interest in any matter to be discussed at the meeting and is obliged to recuse him or herself from the meeting during the discussion of the matter and the voting thereon.
- (24) If a member of the Council participates in the proceedings and the voting of the Council in connection with a matter in which he or she has a direct or indirect financial, personal or other interest, the resolution of the Council on the matter is invalid.
- (25) A motion to amend or rescind a previous resolution of the Council must be carried by at least two-thirds of the members present.
- (26) A motion to approve, amend or repeal the Statute or a Rule of the University must be adopted by at least two thirds of the serving members of the Council.
- (27) Chairperson of the Council may, with at least seven days' notice, convene an extraordinary meeting of the Council notifying members of the matter(s) to be discussed. No other business may be discussed at such a meeting.
- (28) At the request of the Vice-Chancellor and Principal or at the written request of at least five members of the Council indicating the need for an extraordinary meeting and the matter(s) to be discussed, the Chairperson must convene an extraordinary meeting, provided that no other business may be discussed at such a meeting.
- (29) A special meeting may be called on an urgent matter by the Chairperson:
 - (a) after consultation with the Vice-Chancellor and Principal,
 - (b) provided that members of the Council be given at least 24 hours' notice of such a meeting; and
 - (c) members must be advised of the purpose of the meeting and no other business may be discussed at such a meeting.

25. Executive Committee of the Council

- (1) The Council must establish a Committee known as the Executive Committee of the Council, which consists of –
 - (a) the Chairperson of the Council;
 - (b) the Deputy Chairperson of the Council;
 - (c) the Vice-Chancellor and Principal; and
 - (d) all Chairpersons of the Committees of Council.
- (2) At the request of the Chairperson of the Executive Committee or a person acting in that capacity, the Deputy Chairperson of a Committee of Council may serve as a substitute member for an absent member of the Executive Committee.

26. Chairperson, Deputy Chairperson, Secretary and Meeting Procedures of the Executive Committee of the Council

- (1) The Chairperson of the Council will *ex officio* be the Chairperson of the Executive Committee of the Council and the Deputy Chairperson of the Council will *ex officio* be the Deputy Chairperson of the Executive Committee of the Council.
- (2) In the absence of the Chairperson, the Deputy Chairperson will act as the Chairperson and in the absence of both the Chairperson and the Deputy Chairperson the members present must elect a Chairperson from their own ranks to chair the meeting.
- (3) Four members of the Executive Committee constitute a quorum.
- (4) The Executive Committee must determine its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (5) The University Registrar will act as secretary to the Executive Committee of the Council.

27. Powers and Functions of the Executive Committee of the Council

- (1) When the Council is not in session, the Executive Committee of the Council assumes the authority of the Council and may perform the functions of the Council with regard to urgent matters and matters delegated to the Executive Committee by the Council.
- (2) The Executive Committee reports regularly to the Council on its decisions and actions, provided that all decisions and actions taken by the Executive Committee in terms of subparagraph (1) will be submitted to the next meeting of the Council for ratification
- (3) The Council must review the delegations to the Executive Committee of the Council at least every four years.
- (4) The University Registrar must keep a detailed consolidated record of all delegated powers as contemplated in subparagraph (1).
- (5) Except in instances where the Council decides differently, the recommendations of the

Senate and the committees of the Council must be submitted to the Executive Committee of the Council before submitting them to the Council and the Executive Committee of the Council may add its own recommendations to the Council for consideration.

- (6) The Executive Committee may refer any matter arising from the minutes of meetings contemplated in subparagraph (5) back to the Senate or any Council committee.
- (7) The Executive Committee may refer any matter which it deems necessary to the Senate or any Council committee.
- (8) In the event that the Executive Committee is unable to consider a matter requiring the urgent attention of the Council, before a meeting of the Council the Vice-Chancellor and Principal may submit such matter to the Council directly.
- (9) The Executive Committee deals with any other matter delegated to it by the Council.

28. Committees

- (1) Apart from the Executive Committee of the Council as contemplated in paragraph 25, the Council may establish any other committee as well as joint Council and Senate committees.
- (2) The Council must at least establish the following committees to advise the Executive Committee of the Council and the Council on the responsibilities of the Council: -
 - (a) a human resources committee,
 - (b) a remuneration committee,
 - (c) a finance and investment committee,
 - (d) an audit and risk committee,
 - (e) a planning of physical resources, infrastructure and information technology governance committee, and
 - (f) any other committee that the Council may deem necessary.
- (3) Each committee must have its own charter prescribing its composition, mandate, powers and duties. Charters approved by the Council will have the status of Rules as contemplated in section 29(4) of the Act.
- (4) Committees of the Council or joint committees of the Council and the Senate decide on matters within their mandates by a majority vote of the members present at a meeting, provided that the quorum for the meeting will be fifty per cent plus one of the members appointed to the committee.
- (5) The Council may appoint persons who are not members of the Council or the Senate to committees.

CHAPTER 5

SENATE

29. Functions

- (1) The Senate conducts its business under the supervision of the Council and is accountable to the Council for all academic matters as contemplated in section 28(1) of the Act, in particular teaching and learning, research and community engagement. The Senate submits reports to the Council on its activities.
- (2) The functions of the Senate include the following and are executed in accordance with the Rules of the University –
 - (a) academic planning and development;
 - (b) the regulation of all activities of the University in respect of teaching and learning, research and community engagement including –
 - (i) guidelines for the appointment and promotion of academic staff;
 - (ii) guidelines for the organisation, structures and administration of teaching and learning, research and community engagement at the University;
 - (iii) management and supervision of the assessment of students; and
 - (iv) quality assurance and promotion in respect of teaching and learning, research and community engagement.
 - (c) to submit recommendations to the Council on policies and procedures relating to, inter alia, the following matters –
 - (i) the establishment, amalgamation or closure of faculties, departments, institutes, bureaux, research units and centres;
 - (ii) the introduction or discontinuation of and changes to academic programmes, subjects, modules and related matters;
 - (iii) curricula for academic programmes and the content of subjects, modules and other components of academic programmes;
 - (iv) the admission policy of the University;
 - (v) the management, operation and development of the library;
 - (vi) the conferring of degrees and awarding of diplomas, certificates and other approved qualifications of the University, including honorary degrees and awards;
 - (vii) academic dress and graduation ceremonies;
 - (viii) organised student life, including student services and student discipline; and
 - (ix) the suitability for appointment of candidates for the positions of Vice-Chancellor and Principal, Deputy Vice-Chancellor(s) and other senior members of staff in accordance with the Rules of the University.

- (d) the execution of any other function the Council may assign or delegate to the Senate.

30. Composition of the Senate

- (1) The Senate consists of-
 - (a) the Vice-Chancellor and Principal (Chairperson);
 - (b) two external members of the Council elected by the Council;
 - (c) the Deputy Vice-Chancellor(s);
 - (d) the University Registrar;
 - (e) the Deans;
 - (f) the Deputy Deans, Professors, Associate Professors and Heads of Department;
 - (g) the Dean of Students or a person holding an equivalent position;
 - (h) one academic employee from each faculty with at least the status of a senior lecturer, elected by faculties in accordance with the process described in paragraph 32(2);
 - (i) Directors of centres, institutes or units with an academic function elected by the Senate;
 - (j) Directors, or persons holding equivalent positions, of departments and units with an academic support function elected by the Senate, including but not limited to:
 - (i) library services;
 - (ii) research support;
 - (iii) academic support;
 - (iv) quality assurance;
 - (k) the Chairperson of the Institutional Forum; and
 - (l) the President of the SRC and one other member of the SRC elected in accordance with the process described in paragraph 32(3).
- (2) The Vice-Chancellor and Principal may invite employees of the University or other individuals or groups to attend meetings of the Senate and to address the Senate on a particular matter.
- (3) When members are elected to the Senate, the body entitled to elect shall do so with due regard to suitable representation of race, gender and disability on the Senate.
- (4) Incidental vacancies in the category of elected members are to be filled for the remainder of the previous incumbent's term of office in accordance with the applicable Rules.

31. Term of Office of Members of the Senate

- (1) Members of the Senate serving on the Senate in an *ex officio* capacity are members for the duration of their respective terms of office.
- (2) The term of office of representatives of the SRC coincides with that of the SRC that appointed them.

- (3) A student representative serving more than one term on the SRC may be re-elected by the SRC to serve on the Senate for another term, provided that a student representative's membership lapses automatically when he or she is no longer a registered student or is found guilty of misconduct in terms of the Disciplinary Code of the University.
- (4) The term of office of all other members of the Senate is four years, upon the expiry of which members may be re-elected.
- (5) The membership of a member of the Senate elected by a specific interest group terminates automatically when the interest group formally at a meeting contemplated in paragraph 32 withdraws its support for such a member or when such member's association with the interest group, for whatever reason, comes to an end.

32. Election and Nomination Procedures

- (1) With the exception of the *ex officio* members of the Senate and the members appointed by the Senate, the University Registrar must facilitate the arrangements for the nomination and election of members in accordance with this Statute.
- (2) The University Registrar must arrange and administer the election of one academic staff member from each faculty in the following manner:
 - (a) Within a reasonable period before the election date as contemplated in paragraph 30(1)(h) of the Statute, the University Registrar must request the Dean(s) of the faculty(ies) involved to facilitate the election of one academic employee at a meeting of the faculty board to serve on the Senate for a period of four years.
 - (b) Faculty representatives must be academic employees who are not already members of the Senate.
 - (c) Faculties elect members to the Senate by means of a secret ballot and candidates obtaining a majority of the votes of the members present at the meeting are elected to the Senate.
 - (d) Candidates for election as faculty representatives must be duly nominated and nominations must reach the Dean of the faculty at least 14 days before the date of the meeting during which the election will take place, and no person may be elected unless he or she has been nominated in writing by at least two of the academic employees and has consented to such a nomination in writing.
 - (e) The Deans must submit the names of the elected members from their respective faculties to the University Registrar and the University Registrar must announce the results of the election(s).
 - (f) When a member contemplated in subparagraph (2) vacates his or her office, or becomes a member of the Senate in another capacity, the position must be filled in accordance with the procedures set out in subparagraphs (2)(a) to (e).

- (3) Student members of the Senate are elected at a properly constituted meeting of the SRC in accordance with the following provisions and process:
 - (a) The University Registrar notifies the President of the SRC whenever it is necessary for student representatives to be elected to the Senate, as contemplated in section 28(2)(f) of the Act and paragraph 30(1)(l) of the Statute.
 - (b) The SRC must elect two representatives to the Senate from its ranks by means of a secret ballot and members obtaining a majority of the votes of the members present at the meeting will be elected to the Senate.
 - (c) The president of the SRC submits the names of the members elected to the University Registrar.
 - (d) When a member contemplated in subparagraph (3) for any reason vacates his or her office, the provisions in subparagraphs (a) to (c) will apply.

33. Chairperson, Deputy Chairperson and Secretary

- (1) The Vice-Chancellor and Principal is the Chairperson of the Senate.
- (2) The Deputy Chairperson of the Senate is elected from the ranks of the Deputy Vice-Chancellors and the provisions of paragraph 23(2)(d) to (g) relating to the election of the Deputy Chairperson of the Council apply, with the necessary changes, to the election of the Deputy Chairperson of the Senate.
- (3) The Deputy Chairperson will hold office for two years and may be re-elected.
- (4) In the absence of the Chairperson, the Deputy Chairperson of the Senate will act as Chairperson and if both the Chairperson and the Deputy Chairperson are absent, the members present must elect a Chairperson from their ranks to chair the meeting.
- (5) If the office of Deputy Chairperson becomes vacant the Senate must elect a successor for a full term.
- (6) The University Registrar is the secretary to the Senate.
- (7) The secretary to the Senate must:
 - (a) act as secretary to all committees and joint committees of the Senate;
 - (b) keep the minutes of the meetings of the Senate and its committees and distribute copies of the minutes together with the agenda of the next meeting of the Senate to members; and
 - (c) keep a register of resolutions adopted by the Senate, the Executive Committee of the Senate and the Senate Committees and all members of these bodies must have access to this register.

- (8) The Vice-Chancellor and Principal may designate an employee to assist the University Registrar with his or her duties as the secretary to the Senate or to act in his or her place. Such designated employee will have the same fiduciary duties and obligations as the University Registrar.

34. Meetings of the Senate

- (1) The Chairperson must convene a meeting of the Senate at least twice in each semester and the Chairperson of the Senate may allow members of the Senate from the satellite campuses of the University to participate in all the activities of a formal meeting of the Senate, including the voting, via video or teleconference.
- (2) Fifty per cent plus one of the serving members of the Senate, including the members participating via video or teleconference, constitutes a quorum.
- (3) Should there be no quorum at the start of a meeting, the majority of the members present may decide to continue with the discussion of the matters on the agenda and may refer urgent matters to the Council or the Executive Committee of the Senate, as appropriate, for a decision.
- (4) Senate may grant observer status to a person to attend a particular Senate meeting or Senate meetings in general, however, with the permission of Senate that person may take part in the debates of the Senate, but may not vote.
- (5) The secretary to the Senate must notify each member of the Senate in writing of the date, time and venue of a meeting at least seven days before the meeting. Such notice must be accompanied by an agenda and supporting documentation as appropriate.
- (6) Members who wish to place additional matters for discussion on the agenda must submit such matters in writing to the secretary to the Senate at least 14 days before the date of the meeting as published in the official University calendar.
- (7) Urgent matters may be placed on the agenda for discussion or finalisation during a meeting with the approval of the majority of the members present at a meeting.
- (8) The first act of an ordinary meeting, after it has been constituted, must be to confirm by way of the signature of the Chairperson the correctness of the minutes of the previous meeting and of any special meeting, provided that objections to the minutes must be raised and resolved before confirmation of the minutes.
- (9) A member may not, without the leave of the Chairperson, speak more than once to a motion or any amendment thereof, but the proposer of any motion or an amendment has the right of reply.

- (10) A motion or an amendment thereto must be seconded and, if requested by the Chairperson, be in writing, and no motion or amendment may be withdrawn without the consent of the proposer and the seconder.
- (11) The ruling of the Chairperson on any matter of order or procedure is binding unless immediately challenged by a member, in which event the ruling must be submitted without discussion to the meeting for a vote, the outcome of which is binding.
- (12) Notice of a motion to amend or rescind a Rule, or to amend or rescind a previous resolution of the Senate, must be given at a meeting preceding the meeting at which the amendment or rescission is tabled, provided that no such notice is required if the proposal to amend or rescind a Rule or to amend or rescind a previous resolution of the Senate, as the case may be, has been made by a committee of the Senate and provided further the minutes of the meeting of the relevant committee were issued in time to have been received by the members of the Senate at least three working days before the meeting at which its recommendation is to be considered.
- (13) In the absence of a Senate resolution to the contrary, the Senate will reach its decisions through a majority vote by the members present.
- (14) Members will vote by a show of hands unless the Senate decides on voting in a particular matter by way of a secret ballot.
- (15) The Chairperson of the meeting will have an ordinary and a casting vote in the event of an equality of votes.
- (16) The Chairperson, with at least 24 hours' notice:
 - (a) May convene an extraordinary meeting of Senate notifying members of the matters to be discussed;
 - (b) if requested to do so by at least 25 members, must convene an extraordinary meeting, provided that:
 - i) the request is in writing;
 - ii) the matters for discussion are of an urgent nature; and
 - iii) no matter other than that of which notice was given may be discussed at an extraordinary meeting.

35. Executive Committee of the Senate

- (1) The Senate must establish an Executive Committee of the Senate, and the provisions of paragraph 34 will apply with the necessary changes to the meetings of such a committee.
- (2) The Executive Committee of the Senate consists of –
 - (a) the Vice-Chancellor and Principal (Chairperson);
 - (b) the Deputy Vice-Chancellor(s);

- (c) the Deans of the faculties;
 - (d) the Senate's representatives on the Council;
 - (e) two members of the Senate elected by the Senate from members serving in terms of subparagraph 30(1)(f); and
 - (f) the University Registrar.
- (3) The Vice-Chancellor and Principal may invite officials and staff of the University to attend meetings of the Executive Committee of the Senate and to address the Committee on a particular matter.

36. Meeting procedures of the Executive Committee of the Senate

- (1) The Executive Committee of the Senate must determine its own meeting procedures with due observance of generally-accepted norms and practices of fair administrative process. Should circumstances necessitate, the Chairperson of the Executive Committee of the Senate may allow members of the Committee from the satellite campuses of the University to participate in all the activities of a formal meeting of the Committee, including the voting, via video or teleconference.
- (2) Fifty per cent plus one of all the members of the Executive Committee of the Senate, including the members participating via video and teleconference, constitutes a quorum.
- (3) The Executive Committee of the Senate meets as determined by the Vice-Chancellor and Principal, but must meet before each meeting (except extraordinary meetings) of the Senate to co-ordinate and supervise the activities of the Senate committees and to consider reports from such committees with the view to preparing appropriate recommendations to the Senate for its consideration.
- (4) The Executive Committee of the Senate meets as necessary to decide on urgent academic matters and matters delegated to the Committee by the Senate.

37. Powers and functions of the Executive Committee of the Senate

- (1) When the Senate is not in session, the Executive Committee of the Senate assumes the authority of the Senate and performs the functions of the Senate with regard to urgent academic matters and matters delegated to the Executive Committee by the Senate.
- (2) The Executive Committee of the Senate reports regularly to the Senate on the decisions and actions of the Committee, provided that all decisions and actions taken by the Executive Committee of the Senate in terms of subparagraph (1) must be reported to the following meeting of the Senate for ratification. Any other decision, action or recommendation of the Executive Committee of the Senate must be ratified, amended or rejected by the Senate.

- (3) The Senate must revise the delegations to the Executive Committee of the Senate at least every four years.
- (4) The University Registrar must keep a detailed consolidated register of all delegated powers as contemplated in subparagraph (1) and all members of these bodies must have access to this register.
- (5) The Executive Committee of the Senate may further delegate the authority granted to it by the Senate as contemplated in subparagraph (1) to a committee of the Senate or to an individual, except in cases where this Statute or the Rules prescribe differently or the Senate has explicitly ruled against further delegation.

38. Committees of the Senate

- (1) The Senate may establish and prescribe the composition and functioning of committees to advise the Senate and the Executive Committee of the Senate, which may include committees with the following mandates:
 - (a) To advise the Senate on the execution of its mandate with regard to teaching and learning, research and community engagement;
 - (b) To advise the Senate on the appointment of academic employees;
 - (c) To plan, prepare and implement the academic time-table and related matters;
 - (d) To draft, amend and implement the Rules and policies pertaining to academic programmes (admissions, assessment, exclusions etc.), quality assurance, internationalisation and related matters;
 - (e) To deal with student discipline and codes of conduct; and
 - (f) To award prizes, grants etc.
- (2) Except where a member of the Senate acts *ex officio* as the Chairperson of a Senate Committee, the Senate will nominate and elect members and chairpersons of committees.
- (3) The Senate may, when appropriate, appoint a person who is not a member of the Senate or a member of staff to serve on a committee.
- (4) The Executive Committee of the Senate, in consultation with the respective committees, is responsible for the preparation of charters for the Senate Committees for approval by the Senate.
- (5) Each faculty must have a faculty board constituted in accordance with the Rules.
- (6) Faculty boards function as committees of the Senate.
- (7) The Dean of the faculty is the Chairperson of the faculty board *ex officio*.

- (8) A faculty board of a particular faculty consists of the academic employees appointed in that faculty with the rank of lecturer and higher as well as academic staff members of other faculties participating through the offering of modules and/or subjects in the academic programme(s) of that faculty nominated by their respective faculty boards.
- (9) The provisions of paragraphs 30(2), 31, 34(1) to (17) and 38(1) to (3) are, with the necessary changes, applicable to the composition and functioning of faculty boards.
- (10) Subject to the overriding authority of the Senate and the Council the functions of faculty boards include to:
 - (a) develop appropriate academic programmes, research focus areas and community engagement programmes and related policies for the faculties aligned with the strategic objectives of the University.
 - (b) develop and submit to the Senate or committees of the Senate faculty rules pertaining to their academic programme offering and subject contents, admission to such programmes, progress and completion requirements for students in the various programmes, assessment and examination criteria and outcomes, and related matters.
 - (c) determine the focus areas of postgraduate research programmes and enhance the relevance and quality thereof and submit to the Senate or a committee of the Senate, policies and strategies pertaining to postgraduate training, research, research capacity and infrastructure.
 - (d) develop appropriate community engagement projects as an integral part of the programme contents of its academic programmes in support of and aligned with institutional strategic imperatives.
 - (e) appoint and monitor the functioning of faculty committees.
 - (f) report regularly to the Senate on the activities of the faculty and its staff and the performance of its students.
 - (g) perform such other functions as Senate may assign to faculty boards.
- (11) In the absence of the Dean, the acting Dean or a Deputy Dean will act as the Chairperson, provided that if the Dean, Acting Dean and a Deputy Dean are all absent, the members present at the meeting of the faculty board must elect a Chairperson from its ranks to chair the meeting.
- (12) Each faculty may have an Advisory Committee appointed in accordance with the Rules.

39. Representatives of the Senate on the Council

- (1) The Senate must elect two representatives from its ranks to serve on the Council for a term of three years.

- (2) Members of the Senate who are members of the Council in a different capacity are not eligible for election.
- (3) Only members of the Senate eligible to serve on the Council in accordance with the provisions of the Act and this Statute may be elected to represent the Senate on the Council.
- (4) The University Registrar must notify all members of the Senate in writing of the need to elect a representative or representatives of the Senate to the Council at least seven days before a meeting of the Senate.
- (5) A person will be a candidate for election if he or she is nominated before or during a meeting of the Senate by at least two members, and indicates verbally or in writing, that he or she accepts the nomination.
- (6) The election must take place by means of a secret ballot and the candidate(s) receiving the support of the majority of the members present at the meeting shall be elected.
- (7) If no candidate receives a majority of votes, successive rounds of voting will take place.
- (8) In each successive round of voting the candidate receiving the least number of votes will be eliminated as a candidate.
- (9) After the Senate has elected its representatives, the names of the elected candidate(s) are announced by the Chairperson.
- (10) The representative of the Senate must vacate his or her position on the Council when his or her membership of the Council terminates in accordance with the provisions of the Act and this Statute or in the event that he or she ceases to be a member of the Senate.
- (11) Occasional vacancies must be filled as described in subparagraph (1) to (10) above with the necessary changes, for a full term of office.
- (12) Subject to the provisions of paragraph 20(4), members of the Senate whose terms of office on the Council have expired, may be re-elected.

CHAPTER 6

INSTITUTIONAL FORUM

40. Functions

- (1) In accordance with section 31(1) of the Act the Institutional Forum will advise the Council on the following matters affecting the University –
 - (a) the implementation of the Act and national policy on higher education;
 - (b) the formulation of race and gender equity policies;
 - (c) the suitability for appointment of candidates for senior management positions;
 - (d) codes of conduct;
 - (e) mediation and dispute resolution procedures; and
 - (f) the formulation of policy for fostering an institutional culture characterised by tolerance for diversity of opinion, respect for fundamental human rights and a positive intellectual and academic climate.
- (2) The advice given by the Institutional Forum must be submitted in writing by the Chairperson of the Institutional Forum to the Council via the office of the Vice-Chancellor and Principal.
- (3) The Institutional Forum must perform such additional functions as the Council may delegate or refer to it.
- (4) The Council may, after consultation with the Institutional Forum, revoke or amend the extended mandate of the Institutional Forum as determined in subparagraph

41. Composition

- (1) The Institutional Forum of the University as contemplated in section 31(2) of the Act consists of –
 - (a) two representatives of the Management Committee appointed by the Vice-Chancellor and Principal;
 - (b) two representatives of the Council, elected by the Council;
 - (c) two representatives of the Senate, elected by the Senate;
 - (d) two representatives of the academic employees elected by the academic employees;
 - (e) two representatives of administrative and support staff elected by the administrative and support staff;
 - (f) two representatives of women employed at the University elected by the female employees of the University;
 - (g) the President of the SRC and one other member of the SRC elected by the SRC;

- (h) one person (staff member or student) with a disability, elected by the employees and students with disabilities;
 - (i) two representatives of the recognised union(s) appointed by the union(s); and
 - (j) a maximum of three employee or student members, appointed by the Vice-Chancellor after consultation with the Institutional Forum –
 - (i) on the basis of their expertise and experience; or
 - (ii) in order to represent a specific interest group or groups on campus not already represented in the Institutional Forum.
- (2) A student or an employee who has been found guilty of serious misconduct by a disciplinary committee of the University may not be a member of the Institutional Forum.
- (3) When members are elected to the Institutional Forum, the body entitled to elect must do so with due regard to the suitable representation of race, gender and disability on the Forum.
- (4) The quorum for meetings of the Institutional Forum is fifty per cent plus one of the serving members. The quorum for meetings of constituencies to elect their representatives, as contemplated in subparagraph (1)(d) to (f) and (h) is twenty per cent of the total number of the members of the relevant constituency.

42. Term of Office

- (1) The term of office of members of the Institutional Forum is two years, with the exception of members appointed by the SRC and student members co-opted in terms of paragraph 41(1)(j).
- (2) The term of office of SRC student members shall correspond with the term of office of the SRC that appointed them.
- (3) The term of office of student members co-opted in accordance with paragraph 41(1)(j) will be for the academic year in which they are appointed.
- (4) A member may be re-elected, reappointed or co-opted, provided that he/she may not serve for more than two consecutive terms.

43. Election Procedures

- (1) The University Registrar will facilitate the processes in terms of which representatives contemplated in paragraph 41 must be appointed or elected by the various constituencies.
- (2) When members are elected or appointed as contemplated in paragraph 41 the body entitled to elect or appoint must do so in accordance with its own internal appointment or election procedures. All appointments to the Institutional Forum must be made with sensitivity for the gender and race profile of the Forum.

- (3) Representatives from union(s) must be elected from the ranks of the employees of the University by members of the trade union(s), provided that, should the University recognise more than one union, the representatives will be elected at a joint meeting of the recognised unions chaired by the University Registrar and provided further that none of the recognised unions will have more than one representative elected to the Institutional Forum.
- (4) Membership of the Institutional Forum terminates when a member –
 - (a) resigns;
 - (b) ceases to be an employee;
 - (c) is absent from three consecutive meetings of the Institutional Forum without, in the view of the Institutional Forum, a valid reason;
 - (d) is insolvent;
 - (e) is incapable of performing his or her functions;
 - (f) is found guilty of serious misconduct;
 - (g) is convicted of an offence and is sentenced to imprisonment without the option of a fine;
 - (h) deregisters as a student; or
 - (i) is elected or appointed by a specific interest group and the interest group at a formal meeting as contemplated in subparagraph (2) withdraws its support for such a member or when such a member's association with the interest group, for whatever reason, is suspended or comes to an end.
- (5) When a vacancy occurs, the secretary to the Institutional Forum must inform the University Registrar, who will request the constituency concerned to fill the vacancy in accordance with this Statute and perform any other duty imposed on him or her by this Statute. The term of office of such a member will be for a full term or the unexpired term of office of the previous incumbent, depending on the circumstances.

44. Chairperson, Deputy Chairperson and Secretary

- (1) The Institutional Forum must elect a Chairperson and a Deputy Chairperson from its ranks, provided that the Chairperson and Deputy Chairperson may not be from the same constituency.
- (2) The Chairperson of the Institutional Forum is an *ex officio* member of Senate as per paragraph 30(1)(k).
- (3) The term of office of the Chairperson and the Deputy Chairperson will be two years or of a lesser duration depending on their membership of the Institutional Forum.
- (4) If the office of the Chairperson or the Deputy Chairperson becomes vacant, the Institutional Forum will elect a successor at its next meeting for a full term.

- (5) The Chairperson of the Institutional Forum reports to the Institutional Forum the decision of Council on the advice submitted by the Institutional Forum to the Council.
- (6) The Institutional Forum will elect a secretary for the Forum, provided that the University Registrar or a staff member designated by him or her will assist the secretary in the execution of his or her tasks or act in his or her place.

45. Meetings of the Institutional Forum

- (1) The Chairperson must convene a meeting of the Institutional Forum at least twice in each semester.
- (2) Subject to the provisions of this Statute, the Institutional Forum must determine its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (3) A quorum consists of fifty per cent plus one of the total number of serving members of the Institutional Forum.
- (4) In the absence of the Chairperson the Deputy Chairperson acts as Chairperson and in the absence of both the Chairperson and the Deputy Chairperson, the members present at a meeting of the Institutional Forum elect a member to chair the meeting.
- (5) A written notice must be issued by the secretary to each member of the Institutional Forum at least seven days before any ordinary meeting, indicating the time, date and place of such meeting. Such notice must be accompanied by an agenda and supporting documentation as appropriate.
- (6) Members who wish to place additional matters on the agenda must send a written request in this regard to the secretary at least five days before the date of the meeting and must provide the secretary with the documentation the member wishes to submit to the Institutional Forum.
- (7) The secretary must keep the minutes of the meetings and a register of the decisions of the Institutional Forum and all members of the Institutional Forum must have access to this register.
- (8) The first act of an ordinary meeting, after it has been constituted, is to confirm by way of the signature of the Chairperson the correctness of the minutes of the preceding ordinary meeting and of any extraordinary meeting(s), provided that any objection to the minutes must be raised and resolved before such confirmation of the minutes.
- (9) A member may not, without the permission of the Chairperson, speak more than once to a motion or any amendment thereof, but the proposer of any motion or an amendment has the right of reply.

- (10) If it is so decided by the meeting, the number of votes for or against any motion must be recorded in the minutes, and at the request of any member, the Chairperson must direct that the vote of such member be recorded.
- (11) A motion or an amendment must be seconded and, if it is so directed by the Chairperson, be in writing, and no motion or amendment may be withdrawn without the consent of the proposer and seconder.
- (12) The ruling of the Chairperson on any matter of order or procedure is binding unless immediately challenged by a member, in which event such ruling shall without further discussion be submitted to the meeting for a vote, the outcome of which is binding.
- (13) The Chairperson may convene an extraordinary meeting with four days' notice, stating the reason for the urgent meeting and the matter(s) for discussion.
- (14) When requested by at least one fifth of the members of the Institutional Forum, the Chairperson must convene an extraordinary meeting, provided that the request is in writing and the matters for discussion are stated. Not less than 24 hours' notice must be given of such a meeting.
- (15) No matter other than that of which notice had been given may be considered.
 - (a) Subject to the provisions of paragraph 47 of this Statute, all matters must be decided by a majority of votes of the members present at the meeting;
 - (b) The Chairperson has an ordinary vote on every matter and, in the case of an equality of votes, also a casting vote; and
 - (c) Whenever the Chairperson so rules, voting must take place by means of a secret ballot.

46. Executive Committee of the Institutional Forum

- (1) The Institutional Forum will appoint an Executive Committee to control, manage and administer the Institutional Forum on a day to day basis.
- (2) The Executive Committee of the Institutional Forum is constituted as follows—
 - (a) the Chairperson of the Institutional Forum;
 - (b) the Deputy Chairperson of the Institutional Forum;
 - (c) three other members of which at least one must be a member of Senate and at least one a student, provided that no constituency may have more than one member on the Executive Committee; and
 - (d) the secretary to the Institutional Forum.
- (3) The Executive Committee of the Institutional Forum must determine its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.

- (4) The quorum for a meeting of the Executive Committee of the Institutional Forum is fifty per cent plus one of the serving members.
- (5) The term of office of the members referred to in subparagraph (2)(c) will correspond with their respective terms of office as members of the Institutional Forum but may not exceed two years. Members may be reappointed.
- (6) The Secretary assisted by the University Registrar, or a staff member designated by the University Registrar, will be responsible for the administrative services that the Executive Committee may require.

47. Decision-making

- (1) If at least 75 per cent of the members present at a meeting vote either in favour of or against a specific proposal, the Institutional Forum has taken a decision, provided that where the decision is to be taken on the suitability for appointment of a person in a senior management position at the University a decision by the majority of the members present will be the decision of the Institutional Forum.
- (2) In the event of the Institutional Forum members reaching no consensus on the matter discussed, the Executive Committee of the Institutional Forum, in conjunction with the members of the Institutional Forum, must compile a summary of the various opinions expressed at the Institutional Forum and submit the summary to the Council.

CHAPTER 7 CONVOCATION

48. Membership

- (1) The Convocation will consist of –
 - (a) all persons who have obtained a qualification from the University, as approved by the Senate and the Council;
 - (b) all the persons, other than persons referred to in subparagraph (c), who immediately before the commencement of this Statute were members of the Convocation of the University; and
 - (c) the Vice-Chancellor and the University Registrar as *ex officio* members.
- (2) The functions of the Convocation are to –
 - (a) facilitate liaison between the University and its former students and academic employees;
 - (b) create networks and canvass support for the strategic objectives of the University, and
 - (c) organise former students and academic staff members of the University with a view to facilitating representation of this constituency on appropriate governance structures.
- (3) The University Registrar of the University must keep the official roll of the Convocation (the members' list) and a member is required to register his or her name and address with the University Registrar and notify him or her of any change of address.
- (4) The official roll of the Convocation is conclusive evidence of membership of the Convocation and only a person whose name appears on the roll at the time of his or her claiming the right to vote as a member of the Convocation is entitled to do so.
- (5) The University Registrar must remove a member's name from the members' list as soon as practicable after notice of the death of a member.

49. President, Vice-President and Secretary of the Convocation

- (1) The President and the Vice-President of the Convocation are elected by the Convocation from among its ranks at a general meeting and hold office from the close of the meeting at which they are elected until the close of the next general meeting.
- (2) In case of death or resignation of a President, the Vice-President acts as President until a successor has been elected at the next general meeting of the Convocation.

- (3) The provisions of paragraph 23 relating to the election of the Chairperson and the Deputy Chairperson of the Council apply, with the necessary changes, to the election of a President and a Vice-President of the Convocation.
- (4) The Convocation must elect a secretary to the Convocation from among its members by means of a secret ballot and such person must obtain a majority of the votes of the members present at a meeting of the Convocation. The Vice-Chancellor and Principal may appoint an employee of the University to assist the secretary or to act in his or her place when necessary.
- (5) Employees of the University are not eligible as candidates for the position of President, Vice-President or Secretary of the Convocation.

50. Meetings and meeting procedures

- (1) The Convocation must hold at least one general meeting every three years.
- (2) The secretary must give due notice of such a meeting to every member at least eight weeks before the meeting.
- (3) Notice of any motion or matter for discussion at a meeting must be given to the secretary in writing one month before the date of the general meeting.
- (4) The President may with the approval of the meeting allow any motion of which due notice has not been given in terms of subparagraph (3) to be discussed and action to be taken thereon.
- (5) Extraordinary meetings of the Convocation may be called by the President at any time and must be called by the secretary on receipt of a written request signed by at least 100 members stating, in the form of specific motions, the matters to be considered at such a meeting. The meeting must be convened within two months of receipt of such request.
- (6) The secretary must give due notice of extraordinary meetings of the Convocation to each member at least 14 days before the day determined for such a meeting, stating the date, place and time of the meeting. The notice must be accompanied by an agenda and supporting documentation where applicable.
- (7) The Convocation must determine its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (8) The first act of each meeting after its constitution by the reading of the notice calling such meeting must be to confirm by way of the signature of the President the correctness of the minutes of the previous meeting and of any other meetings held subsequently, provided that any objections to the minutes must be raised and resolved before confirmation of the minutes.

- (9) A member may not without the leave of the meeting speak more than once to a motion or any amendment thereof, but the proposer of any motion or an amendment has the right of reply.
- (10) A motion or amendment must be seconded, and, if it is so directed by the President, be in writing and no motion or amendment may be withdrawn without the consent of the proposer and the seconder.
- (11) The ruling of the President on any matter of order or procedure is binding unless immediately challenged by a member, in which case it must be submitted without further discussion to the meeting for a vote, the outcome of which will be binding.

51. Executive Committee of the Convocation

- (1) The Executive Committee of the Convocation consists of the President, the Vice-President, the Secretary and a maximum of two additional members elected by the general meeting of the Convocation.
- (2) The Executive Committee of the Convocation meets at least once a semester to attend to the affairs of the Convocation in consultation with the University Management.
- (3) The provisions of paragraph 49 will, with the necessary changes, apply to the election, and arrangements in the case of death or resignation, of the additional members elected to the Executive Committee of the Convocation.
- (4) The Executive Committee of the Convocation determines its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (5) The Executive Committee of the Convocation is accountable to the general meeting of the Convocation and reports regularly on its activities between meetings.
- (6) Executive Officials of the University are not eligible to serve on the Executive Committee of the Convocation.

52. Quorum

- (1) Subject to the provisions of this Statute, 100 members form a quorum, but if a meeting is adjourned owing to failure to reach a quorum, a special meeting must be convened within eight weeks and the members present at such a meeting will be deemed to form a quorum.
- (2) Notwithstanding the failure to reach a quorum at a general meeting, the meeting may proceed with the election of office bearers and other formal business, provided that no decisions can be taken on motions put to such a meeting.
- (3) All matters must be decided by a majority of votes of the members present at the meeting.

- (4) The President has an ordinary vote on every matter and, in the case of an equality of votes, also a casting vote.
- (5) If it is so decided by the meeting, the number of votes for or against any motion must be recorded in the minutes, and at the request of any member the President must direct that the vote of such member be recorded.

53. Submission of Resolutions to the Council and the Senate

A copy of all resolutions and statements of the Convocation, duly certified by the President and by the secretary of the Convocation, must be sent to the Chairperson of the Council and to the Chairperson of the Senate for the information of the Council and the Senate.

CHAPTER 8

EMPLOYEES

54. Appointment

- (1) Subject to section 34 of the Act, the Council appoints employees according to the human resource policies and procedures of the University as approved by the Council from time to time.
- (2) An employee must in writing-
 - (a) before he or she assumes office, declare any business that may raise a conflict or possible conflict of interest with the University; and
 - (b) notify the University of any conflict or possible conflict of interest before the University procures any goods or services from the employee or an organisation within which the employee holds an interest.
- (3) An employee may not conduct business directly or indirectly with the University that entails or may entail a conflict of interest with the University unless the Council of the University is of the opinion that-
 - (a) the goods, product or service in question are unique;
 - (b) the supplier is a sole provider; and
 - (c) it is in the best interest of the University.
- (4) An employee may not on behalf of the University contract with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.
- (5) Contracting referred in subparagraph (4) relates to conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the employment relationship contemplated in subparagraph (1).

55. Conditions of Employment

The conditions of employment of employees, including the determination and review of remuneration, are approved by the Council in accordance with the relevant University policy subject to relevant labour legislation.

56. Evaluation

All employees of the University are subject to continuous evaluation of their performance in accordance with a performance management system as approved by the Council from time to time and such evaluation may, with the approval of the relevant committee of the Council, institutionally be tied to remuneration.

57. Employee Discipline

Subject to the provisions of the relevant labour legislation and codes of good practice employees of the University must subscribe to the institutional code of conduct, the disciplinary code and procedure and the grievance procedure as approved by the Council.

58. Representative employee organisations

The Council may enter into appropriate recognition agreements with registered labour unions and staff associations with a view to recognise such entities as representatives of staff in University processes determining conditions of employment and remuneration levels and adjustments thereto.

CHAPTER 9

STUDENTS

59. Admission and registration of students

- (1) A person may be permitted by the Council to register as a student only if he or she satisfies the legal requirements to study at the University and satisfies any other requirements that may be determined by the Council and the Senate. This includes requirements with regard to the admission of students from other universities and countries as well as the exemption from examinations and the recognition of credits.
- (2) Upon registration and signing of the official registration form, whether for a degree, diploma, certificate or for one or more subjects or modules of such degrees, diplomas or certificates, a student subscribes to the Rules of the University.
- (3) The University will inform students and staff of the Rules regarding admission through the appropriate University publications and the electronic media.
- (4) The requirements for admission of a student to the various faculties and academic entities are set out in the applicable faculty or University Rules, and may be amended by the Council after consultation with the Senate.
- (5) Specific admission requirements may be set for number-restricted courses or programmes.
- (6) A student is registered for one year at a time or for such shorter period as the Council may determine in general or in a particular case.
- (7) In order for a student to renew his or her registration after the expiry of the period as contemplated in subparagraph (6), the student is required to comply with the re-admission criteria as determined by the Senate and approved by the Council. The determination of criteria by the Senate takes place after consultation with the faculty boards.
- (8) The Senate may refuse to allow the renewal of the registration of a student if a student fails to meet the conditions as contemplated in subparagraph (7).
- (9) The criteria as contemplated in subparagraph (7) may include the payment of outstanding fees, minimum academic performance and compliance with approved codes of conduct.

60. Student organisations and activities

Subject to the provisions of the Act and this Statute, the Council may recognise student organisations and their activities at the University on such terms and conditions as may be determined by the Council from time to time, and the Council and the Vice-Chancellor and Principal may at any time, after furnishing reasons, withdraw such recognition.

61. Student Representative Council (SRC)

- (1) The Council of the University will recognise the Student Representative Council (SRC) and its subdivisions constituted in accordance with section 35 of the Act and the Rules as the representative bodies of students in student governance and related matters. The SRC constitution as approved by Council has the status of Rules of the University.
- (2) In matters that may affect them, the students of the University are represented by the SRC acting in accordance with its statutory mandate and the Rules.
- (3) Only students registered for an academic programme approved by the Senate and the Council may be elected as members of the SRC; provided that no student employed for 25 or more hours per week may serve as a member of the SRC; provided further that the Council may, on the recommendation of the Senate, prescribe a minimum academic status and performance standard for students to serve on the SRC.
- (4) No student who has been found guilty of contravening the Disciplinary Code or any other approved code of conduct of the University will be eligible to serve on the SRC and a serving member of the SRC found guilty of such a transgression will automatically vacate his or her position.
- (5) The SRC must be composed with due regard to suitable representation of race, gender and disability.
- (6) The election of SRC members must be democratic and transparent.
- (7) The term of office of the members of the SRC is one year from the date of their election.
- (8) The privileges of members of the SRC are determined by the Council and may be revoked by the Council.
- (9) The SRC is composed and functions in accordance with its Constitution and the provisions of this Statute and the Rules.
- (10) The SRC Constitution or any amendment thereof must be approved by the Council, after consultation with the SRC.
- (11) If the Council is of the opinion that the SRC is inoperative or unable to function properly, the Council may, after following due process {see paragraph 5(5) and (6)} and consulting the current SRC, if practicable,
 - (a) amend the SRC Constitution; or
 - (b) revoke the SRC Constitution and approve interim arrangements, subject to the provisions of the Act and the Statute, for the functioning of a Student Governance Structure; and
 - (c) initiate processes to have a new SRC Constitution drafted and/or a new SRC elected.

62. Student Discipline

- (1) Registered students are subject to the disciplinary measures and procedures applicable to students as determined by this Statute and the Rules.
- (2) The disciplinary measures and provisions applicable to students as described in the Rules and contemplated by section 36 of the Act, may be changed by the Council after consultation with the Senate and the SRC as provided for in section 32(2)(d) of the Act.
- (3) If the Vice-Chancellor and Principal, who is the chief disciplinary officer of the University, is of the opinion that the circumstances of a specific case warrant it, he or she may perform some or all of the actions performed by the University Registrar in terms of the Disciplinary Code or, alternatively, he or she may delegate the authority to perform these functions to another employee or an independent external person.
- (4) The definition of misconduct, the composition of the various disciplinary committees and their duties, the procedures followed during a disciplinary hearing and the various penalties that may be imposed, as well as the lodging of an appeal will be set out in the Rules and made available to all students.
- (5) Where a student has been found guilty of misconduct and the disciplinary measure applied by the University leads to suspension or termination of his or her studies at the University and/or expulsion from a University residence, the student concerned forfeits all claims to a refund or a rebate on fees paid or payable to the University.

63. Fees

- (1) The Council determines, after consultation with the Executive Management and the SRC, the fees, levies and fines payable by students to the University.
- (2) The Council determines the conditions for admission to examinations and registration at the University for students owing the University outstanding fees, levies or fines.
- (3) The Council will defer the issuing of a certificate pertaining to a degree, diploma, certificate or qualification until the payment of outstanding fees, levies, fines or any other amount due and payable to the University.

CHAPTER 10

MANAGEMENT COMMITTEE (MANCO)

64. Management Committee (MANCO)

- (1) The MANCO is a consultative and advisory committee assisting the Vice-Chancellor and Principal in the planning and execution of the management and administration of the University in accordance with this Statute and the Rules.
- (2) The Vice-Chancellor and Principal is the Chairperson of the MANCO.
- (3) The MANCO must determine its own meeting procedures with due observance of the accepted norms and practices of fair administrative process.
- (4) The advice of the MANCO takes effect only after written confirmation thereof by the Vice-Chancellor and Principal, who may reject or amend it.
- (5) The Vice-Chancellor and Principal may invite individuals who are not members of the MANCO to attend meetings of the MANCO.

CHAPTER 11

DEGREES, DIPLOMAS AND CERTIFICATES

65. Degrees, Diplomas and Certificates

- (1) Subject to the provisions of the Act and this Statute, the University may confer the degrees and award the diplomas and certificates in accordance with approved qualifications.
- (2) Subject to the provisions of this Statute no degree, diploma or certificate may be conferred or awarded by the University upon any person who has not attained, through the assessment processes of the University, the prescribed standard of proficiency.
- (3) Subject to the provisions of subparagraph (4), the Council may, in consultation with the Senate, withdraw and revoke any degree, diploma, certificate or qualification that was awarded:
 - (a) on the basis of a material error on the part of the University, provided that such withdrawal and revocation may only take place within a period not exceeding two years after the conferment; or
 - (b) as the result of a fraudulent or dishonest act by the recipient in connection with the obtaining of such degree, diploma, certificate or qualification.
- (4)
 - (a) Prior to the Council withdrawing and revoking the conferment of a degree, diploma, certificate or qualification, the recipient must be:
 - (i) informed of the fact that a withdrawal and revocation is being considered;
 - (ii) provided with relevant information justifying the intention of the Council; and
 - (iii) provided with an opportunity to obtain assistance and to represent and dispute information and arguments and to make representations.
 - (b) In the event that the withdrawal and revocation relates to circumstances contemplated in subparagraph (3)(b), the University must report the matter for criminal investigation.
- (5) The Council may withhold the conferment of a degree, diploma, certificate or qualification pending the outcome of disciplinary proceedings against the recipient.

66. Honorary Degrees

- (1) The University may, by resolution of the Council and the Senate and without examination, confer an honorary doctorate it deems appropriate upon any person whom the University may deem worthy of such a degree, provided that the holder of such a degree which has been conferred *honoris causa*, will not, by virtue of the fact that he or she has been admitted thereto, be entitled to practise any profession.

- (2) A proposal to confer an honorary degree must be submitted in writing to the University Registrar by a member of the Council, the Senate or the Convocation. Such proposal must be seconded by at least five members of the relevant constituency, must be in writing and must reach the University Registrar on or before the date published in the University calendar, accompanied by a detailed statement indicating the reasons for the proposed conferment.
- (3) The University Registrar must refer such proposals to the Honorary Degrees Committee of the Senate, which consists of the Vice-Chancellor and Principal (chairperson), Deputy Vice-Chancellor(s), Deans of the faculties, members of the Council on the Senate and three members of the Senate appointed by the Senate.
- (4) The names of the candidates recommended by the Honorary Degrees Committee must be submitted to the Senate, accompanied by the *curriculum vitae* ("CV") of the candidates and an appropriate statement describing the reasons for the proposal.
- (5) Senate must vote by way of a secret ballot on the conferment or not of an honorary degree on the candidate.
- (6) The chairperson of the Senate has an ordinary vote on each resolution and, in the case of an equality of votes, a casting vote.
- (7) The name(s) of the candidate(s) who obtained an ordinary majority of the votes of the members of the Senate present at the meeting must be submitted to the Council.
- (8) The Council must vote by way of a secret ballot on the candidate(s) recommended by the Senate, provided that the Council will not consider any proposal not recommended by the Senate.
- (9) The honorary degree will be awarded to the candidate who has obtained a majority vote of the members of the Council present at a meeting of the Council, provided that no posthumous nominations will be accepted.

67. Congregation and conferring of degrees and awarding of diplomas and certificates

- (1) Degrees are conferred and diplomas and certificates awarded at a congregation (meeting) of the University.
- (2) A congregation is presided over by the Chancellor or, in his or her absence, the Vice-Chancellor and Principal, or in his or her absence, a Deputy Vice-Chancellor.
- (3) A congregation must be held at least once a year at such a time and place as may be determined by the Vice-Chancellor and Principal on the recommendation of the Senate.

- (4) The procedure for the presentation of candidates, the conferring of degrees, the awarding of diplomas and certificates, the wearing of academic dress and all other matters regarding congregations not provided for in this Statute, will be as determined by the Senate and approved by the Council.
- (5) No person may receive a degree, diploma or certificate, other than an honorary degree, unless the Senate or a committee of the Senate certifies that such person has satisfied all the requirements for such a degree, diploma or certificate.

CHAPTER 12

TRANSITIONAL PROVISIONS

68. Transitional Provisions

- (1) Persons holding an office in terms of the Standard Institutional Statute published in the Government Gazette no 2365 of 27 March 2002 are deemed to hold office under the corresponding provisions of this Statute, unless it is inconsistent with the Act or this Statute, provided that the terms of office of such persons will be determined in accordance with the provisions of this Statute and will commence on the effective date of this Statute, except for the representatives of the SRC on the Council, the Senate and the Institutional Forum, whose term of office will remain the same as that of the SRC that elected them.
- (2) Notwithstanding the provisions of this Statute, at the first meeting of the Council constituted in accordance with paragraph 19(1) of this Statute it must be decided by lot which eight of the members of the Council who are not students or employees of the University hold office for an initial period of three years.
- (3) Notwithstanding the provisions of the Standard Institutional Statute and this Statute, at the last meeting of the Council constituted in terms of paragraph 9(1) of the Standard Institutional Statute it must be decided by lot which members of the Council, who served in terms of paragraph 9(1)(e), (g), (h) and (i) of the Standard Institutional Statute, and who declared their availability to serve in the Council constituted in terms of this Statute, will serve in the Council in terms of paragraph 19(1)(d), (e), (h) and (k).
- (4) Members of the Council constituted in terms of paragraph 9(1) of the Standard Institutional Statute not elected by lot to serve in the Council, as contemplated in subparagraph (3), may serve in the Council as co-opted members, with voting rights, for the remainder of their terms of office, provided that the total number of voting members of the Council may not exceed thirty. Should the membership of the Council as a result of the membership of the co-opted members exceed thirty, it must be decided by lot which of the co-opted members will enjoy voting rights.
- (5) Any constituent part of the University which existed immediately prior to the publication of this Statute continues to exist and function in terms of this Statute, should it be necessary, until the day prior to the day when a new structure, reconstituted in terms of this Statute, becomes functional.

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 252

24 MARCH 2017

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)**INSTITUTIONAL STATUTE: NORTH WEST UNIVERSITY**

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997), hereby publish the Institutional Statute of the North West University set out in the Schedule hereto.



Dr BE Nzimande, MP

Minister of Higher Education and Training

Date:

4/02/2017



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YUNIBESITI YA BOKONE-BOPHIRIMA
NOORDWES-UNIVERSITEIT
INSTITUTIONAL OFFICE

STATUTE OF THE NORTH-WEST UNIVERSITY

PREAMBLE

WHEREAS THE NORTH-WEST UNIVERSITY

- is duly established in terms of the Higher Education Act, 1997;

AND WHEREAS THE NORTH-WEST UNIVERSITY

- is a unitary multi-campus institution;
- is driven by the values underlying the Constitution, in particular relating to human dignity, equality and freedom;
- has its own identity, institutional culture and ethos based on its unity and values in pursuit of fostering engaged and caring staff and students by ethics in all endeavours, academic integrity, academic freedom and freedom of scientific research, responsibility, accountability, fairness and transparency as well as by embracing diversity;
- promotes unity in diversity by inculcating tolerance of and respect for all perspectives and belief systems thereby ensuring a suitable environment for education, learning, research and community service;

AND WHEREAS THE NORTH-WEST UNIVERSITY

- is committed to be an internationally recognised university in Africa, distinguished for engaged scholarship, academic excellence, social responsiveness, and an ethic of care;
- aims to excel in innovative learning and teaching and pioneering research, thereby benefitting society through knowledge;
- is committed to the development of a comprehensive range of academic, professional, vocational and general programmes addressing societal needs;
- is responsive to the well-being of its staff, students and the wider community through optimal interaction, capacity building and sound management practices;

NOW, THEREFORE, THE COUNCIL OF THE NORTH-WEST UNIVERSITY MAKES THIS STATUTE, AS FOLLOWS:

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CHAPTER 1

DEFINITIONS AND INTERPRETATION

Definitions

1. In this statute, unless the context indicates otherwise any word or phrase has the meaning ascribed thereto by the Act, and –

“academic director” means a person appointed in terms of paragraphs 61 and 62;

“academic employee” means any employee appointed as a professor, associate professor, senior lecturer, lecturer or junior lecturer, or otherwise designated as such by the council, primarily to perform tasks regarding academic functions, namely teaching-learning, research and implementation of expertise;

“academic unit” means a school or research entity established to perform functions pertaining to teaching-learning, research, academic evaluation and implementation of expertise;

“Act” means the Higher Education Act, 1997 (Act No 101 of 1997);

“alumni” means all persons who have been conferred a degree or have been awarded a diploma or certificate from the university or its predecessors;

“annual university calendar” means a calendar with the dates of official university events in a particular calendar year, approved by the council and published annually by the registrar;

“campus” means the Mafikeng Campus situated in Mahikeng, the Potchefstroom Campus in Potchefstroom and the Vaal Triangle Campus in Vanderbijlpark, and such other location as may be determined by the council and approved by the Minister in terms of section 65A(2) of the Act;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“convocation” means the association of alumni of the university referred to in paragraphs 30 and 31 and established in accordance with section 26(2)(g) of the Act;

“council” means the council of the university established by paragraph 4(1) in accordance with sections 26(2)(a) and 27 of the Act;

“deputy dean” means a person appointed in terms of paragraphs 59 and 60;

“deputy vice-chancellor” means a person appointed in terms of paragraphs 51 and 52;

“donor” means a person referred to in paragraph 35(1);

“employees” means the academic and support employees of the university contemplated in paragraphs 65 to 69, whether appointed on a permanent, temporary or fixed term basis;

“executive dean” means a person appointed in terms of paragraphs 57 and 59;

“executive director” means a person appointed in terms of paragraphs 55 and 56;

“faculty” means an academic management structure established in terms of paragraphs 7(1)(e) and 14(1)(c);

“faculty board” means a senate standing committee established in terms of paragraph 20;

“institutional forum” means the institutional forum of the university established in terms of paragraph 22 in accordance with sections 26(2)(f) and 31 of the Act;

“honorary award” means an award awarded by the university in terms of paragraph 78 and includes an honorary degree, chancellor’s medal or any other award by means of which a person or entity is honoured;

“management committee” means the committee established in terms of paragraph 63(1);

“Minister” means the Minister of Higher Education and Training;

“qualification” means any formal qualification registered on the respective sub-framework and includes a degree, diploma or certificate;

“registrar” means the person referred to in section 26(4)(b) of the Act and paragraph 53, appointed in terms of paragraph 54;

“rules” means the rules made by the council in terms of section 32(1)(b) of the Act to give effect to the statute;

“SCC” means a Students’ Campus Council provided for in paragraphs 26-29;

“senate” means the senate provided for in section 26(2)(b) of the Act and established by paragraph 13;

“short learning programme” means any intervention through teaching and learning of which the details are not listed on the NWU Programme Qualification Mix as a formal academic programme or qualification, that is offered for free or for a fee or other form of compensation, or for which an NWU certificate or other form of recognition bearing the emblem of the NWU is issued;

“SRC” means the Students’ Representative Council provided for in paragraphs 26-29;

“student” means a person admitted and registered as a student to attain a qualification;

“support employees” means all employees other than academic employees;

“trade union” means a trade union registered in terms of section 96 of the Labour Relations Act, 1995 (Act No 66 of 1995);

“university” means the North-West University or NWU;

“vice-chancellor” means the principal, and chief executive and accounting officer of the university appointed in terms of paragraphs 42, 44 and 45, who is the principal of the university as provided for in sections 26(2)(c) and 30 of the Act;

“vice-principal” means the person appointed in terms of paragraph 50(1) in accordance with section 26(2)(d) of the Act;

“yearbook of the university” means the document annually published by the university, containing the General Academic Rules and the Faculty Rules of all faculties and any other information regarding the university and the faculties useful for prospective and current students, academic and administrative employees and management.

Interpretation and application

2. This statute must be interpreted and applied in the spirit of and subject to the Constitution and the Act.

CHAPTER 2

GOVERNANCE AND OTHER STRUCTURES

Name, seat and status of university

- 3.(1) The name of the university is the *North-West University* in English, *Noordwes-Universiteit* in Afrikaans and *Yunibesiti ya Bokone-Bophirima* in Setswana.
- (2) The seat of the university is Potchefstroom, with campuses at Mahikeng, Potchefstroom, Vanderbijlpark, and such other locations as may be determined by the council and approved by the Minister.

COUNCIL

Establishment and composition

- 4.(1) The council of the university that governs the university, is composed of –
- (a) the vice-chancellor;
 - (b) the vice-principal;
 - (c) three persons elected by the senate in accordance with paragraph 5;
 - (d) two persons elected by the academic employees in accordance with paragraph 5;
 - (e) two persons elected by the support employees in accordance with paragraph 5;
 - (f) three students designated by the SRC in accordance with paragraph 5;
 - (g) five persons appointed by the Minister;
 - (h) three persons not being employees of the university elected by the board of donors;
 - (i) four persons elected by the convocation in accordance with paragraph 5;
 - (j) three persons from among community leaders, in accordance with the rules; and
 - (k) three persons who are not employees of the university, appointed by the council in its discretion for their specific expertise
- (2) In addition to the requirements of section 27 of the Act –
- (a) a member must be a person with knowledge and experience relevant to the objects and governance of the university;
 - (b) members of the council and of a council committee must perform their functions in the best interests of the university.
 - (c) due sensitivity to race, gender and disability must be observed in the election, designation and appointment of members;
 - (d) no person may serve on the council in more than one capacity.
- (3) (a) The term of office of a member contemplated in paragraphs (1)(c), (d), (e), (g), (h), (i), (j) and (k) is three years from the date of their election, designation or appointment.
- (b) The term of office of a member contemplated in paragraph (1)(f) is one year from the date of his or her designation.
- (4) A person whose membership has lapsed through the effluxion of time is eligible for re-election, re-designation or re-appointment for one further consecutive term.
- (5) Membership of the council terminates if a member –
- (a) resigns in writing to the chairperson;
 - (b) where applicable, ceases to be an employee of the university;

- (c) is absent from three ordinary consecutive meetings of the council without prior apology having been made to and formally accepted by the council;
 - (d) is declared insolvent by a court of law;
 - (e) is convicted of any offence involving dishonesty or for which the sentence is imprisonment without the option of a fine;
 - (f) becomes incapacitated, or his/her continued membership is deemed improper after a due process in accordance with the prescribed code of conduct, taking into consideration the provisions of the Promotion of Administrative Justice Act 3 of 2000;
 - (g) is a member in terms of paragraph 4(1)(c), (d), (e), (f), (h) or (i) and ceases to be a member of the body that designated or elected the member;
 - (h) is found guilty of contravening a code of conduct or the rules in disciplinary proceedings against the member by the council, and the council confirms a recommendation by the disciplinary committee to terminate membership; or
 - (i) becomes a member of the council of another institution of higher learning, or is employed in a managerial capacity by another institution of higher learning.
- (6) At least three months prior to the expiry of the term of office of a member, or as soon as is reasonably possible when the membership of a member is terminated for any reason prior to the expiry of the term of office, the registrar must give notice in writing of the vacancy to the council and to the body who elected, appointed or designated the member.
- (7) A member who fills a vacancy occurring before the expiry of the term of office concerned is elected, appointed or designated for a full term.

Election of members

5. (1) When a vacancy occurs in the membership of the component of the council referred to in paragraph 4(1)(c), (d), (e), (f) or (i) occurring by the effluxion of time, the registrar must timeously, as determined by the rules pertaining to the body or grouping concerned, in writing inform each member of such body or grouping entitled to participate in the election of members of the council of the vacancy.
- (2) To qualify for election, a candidate must be a member of the body or grouping concerned and must be nominated on a form prescribed by the registrar and must be signed by the nominee and at least two persons entitled to vote in the election.
- (3) The nomination form must be submitted to the registrar before the expiry of a period determined in the rules pertaining to the body or grouping concerned.
- (4) The registrar must as soon as is practical after the expiry of the period for nominations inform each member of the relevant body or grouping in writing of all the valid nominations.
- (5) At the first following ordinary meeting of the body or grouping concerned, the vacancy or vacancies must be filled by means of an election by secret ballot in a procedure determined by the rules pertaining to the body or grouping concerned.
- (6) If, due to the nature or composition of the body or grouping concerned, or due to particular circumstances, it is not possible or if it is impracticable for the members of such body or grouping entitled to vote in an election of a member of the council to gather in a formal meeting for such an election, the vacancy or vacancies must be filled by secret ballot in a secure election process provided for in the rules and managed electronically under the supervision of the registrar.

- (7) The need to follow the procedure contemplated in subparagraph (7) must be determined by the chairperson of the council on the advice of the registrar and after consultation with the chairperson of the body or grouping concerned.
- (8) In the event of the termination of the membership of an elected member of the council before expiry of the term of office, the registrar must cause an election to be held to fill the vacancy as soon as possible.
- (9) For the filling of a vacancy referred to in subparagraph (9), the provisions of subparagraphs (1) to (8) apply with the necessary changes.

Chairperson and deputy chairperson

- 6.(1) The council elects by secret ballot a chairperson and a deputy chairperson from among the members contemplated in paragraph 4(1)(g) to (k).
- (2) The chairperson and deputy chairperson hold their respective offices for a period of three years, and may be re-elected for one consecutive period of three years in accordance with the rules.
- (3) When the office of chairperson or deputy chairperson becomes vacant by the effluxion of time, the registrar must give notice thereof at the penultimate meeting of the council during the term of office concerned, and the council elects a successor at the subsequent ordinary meeting.
- (4) When the office of chairperson or deputy chairperson becomes vacant for any reason other than the effluxion of time, the registrar must notify each member of the council thereof in writing, and the council must elect a successor at its next meeting.

Functions and powers

- 7.(1) The council governs the university in accordance with the Act, this statute and the rules, and may –
 - (a) make and amend the statute;
 - (b) approve and adopt the strategic and performance plans of the university;
 - (c) make rules and determine the university's policies and procedures;
 - (d) monitor operational performance and management and oversee risk management;
 - (e) establish academic structures and units, including faculties, on the recommendation of the senate; and
 - (f) establish other entities and structures subject to the recommendation of the vice-chancellor and, where applicable, the senate.
- (2) The council must establish an audit, risk and compliance committee, a remuneration committee and a finance committee, and may establish additional committees deemed necessary for the performance of its functions, including joint committees with the senate.
- (3) Any provision of the statute applicable to a member of the council, including the codes of conduct contemplated in section 27(7E) of the Act, applies with the necessary changes to a member of a council committee who is not a member of the council.
- (4) Subject to subparagraph (5) and paragraph 81, the council may delegate any of its functions to a committee established in subparagraph (2) and may delegate any of its powers to any structure, employee or body of the university, but remains responsible for the exercise and the performance of the functions so delegated
- (5)
 - (a) The council may not delegate any of the following functions –
 - (i) the establishment, restructuring or disestablishment of faculties;

- (ii) the appointment of the vice-chancellor and members of the management committee, as well as the internal auditor;
 - (iii) the modification of such general conditions of service or terms of appointment of the employees as may have been prescribed by the council;
 - (iv) the approval of the annual budget of the university;
 - (v) the adoption of the unaudited mid-year financial statements and the audited financial statements
 - (vi) the determination of the fees to be paid by students;
 - (vii) the making or amendment of the statute;
 - (viii) the power to obtain a loan or overdraft on behalf of the university;
 - (ix) the decision to embark on the construction of a permanent building or other immovable infrastructural development; and
 - (x) the purchase of immovable property or entering into the long-term lease of immovable property.
- (6) The language policy of the university determined by council in accordance with section 27(2) of the Act, must be flexible and functional, and must redress language imbalances of the past and promote multilingualism, access, integration and a sense of belonging.
- (7) The council appoints or delegates the appointment of the employees of the university in accordance with the rules, it determines the conditions of employment, privileges and functions and disciplinary measures applicable to employees; and, in accordance with the rules, the council determines that no one is authorised to appoint a person reporting directly to such a person.
- (8) The council, after consultation with the SRC, must provide for a suitable structure to advise the council on the policy for student support services within the NWU.

Meetings

- 8.(1) The council must meet at least four times per year in accordance with the annual university calendar at a time and place determined by the council.
- (2) At least 14 calendar days before the date determined for an ordinary meeting, the registrar must notify each member in writing of the time and the place where the meeting is to be held and of the details of all matters to be dealt with at the meeting.
- (3) The chairperson may at any time convene an extraordinary meeting for a particular purpose, and must convene an extraordinary meeting at the written request of at least five members stating the purpose of the meeting.
- (4) Subparagraph (2) applies with the necessary changes to the convening of an extraordinary meeting.
- (5) At the request of the vice-chancellor or a council member, and by agreement with the chairperson, any other person may attend a meeting of the council.

Quorum

- 9.(1) The quorum for a meeting of the council is fifty percent plus one of the members of the council
- (2) If for any reason there is no quorum present, the meeting is adjourned after one hour to a date not more than 14 calendar days later, at which meeting the members present form a quorum.

- (3) The registrar must promptly give each member notice of the date, time and place of the meeting contemplated in subparagraph (2).

Decisions and procedures at meetings

- 10.(1) The council takes decisions by a majority of votes of members present, each member having one vote, but in the event of a parity of votes, the chairperson may exercise a casting vote, except for the purposes of electing a chancellor.
- (2) The council otherwise determines the procedures for its meetings in accordance with the rules.

Executive committee

- 11.(1) There is an executive committee of the council consisting of the chairperson of the council as the chairperson of the executive committee, the deputy chairperson of the council as the deputy chairperson of the executive committee, the vice-chancellor, the vice-principal, and two other members elected by the council who are not employees or students.
- (2) The council elects three members of the council as alternate members for any of the members of the executive committee and in the absence of any regular member, the designated alternate member acts as a member of the executive committee.
- (3) The executive committee may dispose of any urgent business between meetings on behalf of the council, but the council at its first ensuing ordinary meeting must review, and where applicable, confirm all business so disposed of.

Election of member of council to senate

- 12.(1) The council elects a member who is not an employee of the university to serve in accordance with section 28(2)(e) of the Act as a member of the senate for a period not exceeding two years.
- (2) The provisions of paragraph 5 apply, with the necessary changes, to the election of a member of the council to the senate.

SENATE

Establishment and composition

- 13.(1) There is a senate composed of –
- (a) the vice-chancellor;
 - (b) the vice-principal;
 - (c) the deputy vice-chancellors;
 - (d) the registrar;
 - (e) the executive directors
 - (f) the executive deans;
 - (g) the deputy deans
 - (h) thirty-two academic employees elected by the academic employees in faculties in accordance with the rules;
 - (i) two employees elected by the support employees from among their members;
 - (j) four students, whom one must be the SRC chairperson, and one each from the respective SCCs.

- (k) the chairperson of the council, or his or her delegate, and one other council member elected by the council in accordance with paragraph 12;
 - (l) eight academic employees co-opted by the senate on the recommendation of the senate standing committees, in accordance with the rules, to improve representation in respect of junior academic employees, race, gender and disability.
- (2) Six employees respectively responsible for research and teaching-learning support, library services, quality enhancement, globalisation and IT services attend senate meetings as observers.
- (3) Membership of the senate terminates if a member –
- (a) resigns in writing to the chairperson;
 - (b) ceases to be an employee of the university;
 - (c) is absent from three consecutive meetings of the senate without prior apology having been made to and accepted by the chairperson;
 - (d) is declared insolvent by a court of law;
 - (e) is convicted of any offence involving dishonesty or for which the sentence is imprisonment without the option of a fine;
 - (f) becomes incapacitated, or his/her continued membership is deemed improper after a due process in accordance with the prescribed code of conduct, taking into consideration the provisions of the Promotion of Administrative Justice Act 3 of 2000;
 - (g) is a member in terms of subparagraph (1)(h) to (l) and ceases to be a member of the body that designated or elected the member;
 - (h) is found guilty of contravening an applicable code of conduct or the rules in disciplinary proceedings against the member in terms of paragraph 68, and the senate confirms a recommendation by a disciplinary committee to terminate membership.
- (4) The provisions of paragraph 5 apply, with the necessary changes, to the election of the members of the senate referred to in subparagraphs 1(h) to (k).

Functions, authority and accountability

14.(1) The general functions of the senate are–

- (a) to regulate all learning, teaching, research and academic support functions;
 - (b) to advise the council in respect of policies and rules concerning all academic matters; and
 - (c) to advise the council on the formation and reconfiguration of faculties and other relevant academic structures to ensure administrative and academic coherence, efficiency, effectiveness and sustainable quality.
- (2) Subject to the approval of the council the senate may adopt, amend and repeal rules in respect of programmes, qualifications, modules or assessments and moderation, but may do so only after taking into account the advice of the senate standing committee(s) concerned.
- (3) The senate may by resolution delegate any function to a member or committee of the senate, including any senate standing committee, but remains responsible for and must review and confirm the exercise and the performance of the functions so delegated.
- (4) The senate must consent to rules concerning matters within its authority made by the council.

Meetings

- 15.(1) The senate must meet at least twice per semester in accordance with the annual university calendar at a time and place determined by the senate.
- (2) At least seven days prior to a meeting, the registrar must notify each member in writing of the time and place of the meeting and the matters to be dealt with at the meeting.
- (3) The registrar must give written notice to each member at least 14 calendar days prior to a meeting at which the senate will consider the adoption, amendment or repeal of rules in respect of which the senate has authority.
- (4) The chairperson may at any time convene an extraordinary meeting for a particular purpose, and must convene an extraordinary meeting at the written request of at least one third of all the members, stating the purpose of the meeting.
- (5) Subparagraph (2) applies with the necessary changes to the convening of an extraordinary meeting.
- (6) The vice-chancellor is the chairperson of the senate and in the absence of the vice-chancellor the vice-principal acts as chairperson.
- (7) In the absence of both the vice-chancellor and the vice-principal, the senate must elect a chairperson for the meeting from among its members.

Quorum

- 16.(1) The quorum for a meeting of the senate is fifty percent plus one of the members of the senate.
- (2) If for any reason there is no quorum, the meeting is adjourned after one hour to a date not more than 14 calendar days later, at which meeting the members present form a quorum.
- (3) The registrar must promptly give each member notice of the date, time and place of the meeting contemplated in subparagraph (2).

Decisions and procedures at meetings

- 17.(1) The senate takes decisions by a majority of votes of members present, each member having one vote, but in the event of a parity of votes, the chairperson may exercise a casting vote.
- (2) The senate determines the procedures for its meetings in accordance with the rules.

Executive committee of senate

- 18.(1) There is an executive committee of the senate consisting of –
- (a) the vice-chancellor;
 - (b) the vice-principal;
 - (c) the chairperson of the council or the member of the council contemplated in paragraph 12;
 - (d) the deputy vice-chancellors;
 - (e) the executive deans;
 - (f) one of the three members of the senate referred to in paragraph 4(1)(c) elected by the senate;
 - (g) the chairperson of the SRC; and

- (h) the registrar.
- (2) The vice-chancellor may invite any of those members of the management committee who do not have sitting on the executive committee to attend a meeting of the executive committee.
- (3) The vice-chancellor is the chairperson of the executive committee. In the absence of the vice-chancellor the vice-principal acts as chairperson.
- (4) If both the vice-chancellor and the vice-principal are absent from a meeting, the executive committee must elect from among its members a chairperson for the meeting concerned.
- (5) Between meetings of the senate the executive committee may exercise any power and perform any function of the senate.
- (6) The executive committee must inform the senate of all actions and decisions taken on behalf of the senate and the senate at its next ensuing meeting must review and, where applicable, confirm all actions or decisions taken by the executive committee on behalf of the senate.
- (7)
 - (a) The quorum for a meeting of the executive committee is fifty percent plus one of all the members of the executive committee.
 - (b) If for any reason there is no quorum, the meeting is adjourned after one hour to a date not more than 14 calendar days later, at which meeting the members present form a quorum.
- (8) The registrar must promptly give each member notice of the date, time and place of the meeting contemplated in subparagraph (7).

Senate standing committees

- 19.(1) The senate may establish senate standing committees to perform the tasks assigned to them by the senate, and may establish joint committees with the council or any other body of the university.
- (2) The senate standing committees must be constituted in accordance with the rules.
- (3) Paragraphs 16 and 17 apply with the necessary changes to a meeting of a senate standing committee.

FACULTY BOARDS

Establishment, functions and composition

- 20.(1) For each faculty the senate establishes a standing committee of the senate known as a faculty board.
- (2) The faculty board -
 - (a) is accountable to the senate for the monitoring and the oversight of teaching programmes, learning components of programmes, assessment and moderation, research, community engagement and implementation of expertise of the faculty;
 - (b) must make proposals to the senate for rules prescribing the requirements for each degree, diploma and certificate offered in the faculty, including the requirements for admission and readmission of students;
 - (c) may advise the executive dean of the faculty on all learning, teaching, research, academic support and student matters pertaining to a faculty, as well as appropriate quality-assurance measures;
 - (d) must perform all other functions as the senate delegates or assigns to it; and

- (e) may by resolution establish committees of the faculty, and may appoint as members of such committees any people whether they are members of the faculty board or not.
- (3) The senate determines the composition of a faculty board in order to enable it to optimally perform the functions referred to in subparagraph (2).

Meetings and procedures

- 21.(1)** A faculty board must meet at least twice per semester at the times determined in the annual university calendar.
- (2) The executive dean may convene an extraordinary meeting of the faculty board, and must do so at the written request of at least one third of the members of the faculty board.
 - (3) The executive dean of a faculty board is the chairperson of that faculty board.
 - (4) In the absence of the executive dean, a deputy dean, acts as chairperson for the meeting concerned. If there is no deputy dean, or the deputy dean is also absent, the members of a faculty board must elect from among their members a chairperson for that meeting.
 - (5)
 - (a) The quorum for a meeting of a faculty board is fifty percent plus one of all the members.
 - (b) If for any reason there is no quorum, the meeting is adjourned after one hour to a date not more than 14 calendar days later, at which meeting the members present form a quorum.
 - (c) The registrar must promptly give each member notice of the date, time and place of the meeting contemplated in subparagraph (b).
 - (6) A faculty board takes decisions by a majority of votes of members present, each member having one vote. In the event of an equality of votes, the chairperson may exercise a casting vote.
 - (7) A faculty board determines the procedures for its meetings in accordance with the rules.

INSTITUTIONAL FORUM

Establishment and composition

22.(1) There is an institutional forum as contemplated in section 31 of the Act, known as the institutional forum of the North-West University, which consists of –

- (a) one member of the council designated by council for a term of three years;
- (b) the vice-chancellor or any other member of the management committee designated by the vice-chancellor;
- (c) three members of the senate elected from among its members for a term of three years;
- (d) three members of the permanent academic employees elected in accordance with the rules for a term of three years;
- (e) four members from among the employees of the university who are members of recognised trade unions, designated by the trade union(s) for a term of three years;
- (f) three persons elected from among the support employees for a term of three years;

- (g) six students designated for a term of one year from among the members of the SRC;
 - (h) two persons designated by the president of the convocation for a term of three years;
 - (i) not more than two persons co-opted from time to time by the institutional forum to perform specialised tasks related to the functions contemplated in paragraph 23(1)(a) to (g).
- (2) The provisions of paragraph 5 apply, with the necessary changes, to the election of the members of the institutional forum referred to in subparagraphs (1)(a),(c),(d) and (f).
 - (3) The chairperson, the deputy chairperson and the secretary must be elected annually at the first meeting of the particular year from among the members contemplated in subparagraphs (1)(c) to (j), and they form the executive committee of the institutional forum.
 - (4) The members of the institutional forum contemplated in subparagraphs (1)(c) to (g) must be designated with sensitivity for race, gender, disability and the nature of the university as a multi-campus institution.
 - (5) A person may serve on the institutional forum for not more than two consecutive terms.
 - (6) Membership of the institutional forum terminates if the member concerned –
 - (a) resigns in writing to the chairperson;
 - (b) ceases to be an employee or student respectively of the university;
 - (c) is absent from three consecutive ordinary meetings without prior apology having been made to and formally accepted by the chairperson;
 - (d) is declared insolvent by a court of law;
 - (e) is convicted of any offence involving dishonesty or for which the sentence is imprisonment without the option of a fine;
 - (f) becomes incapacitated, or his/her continued membership is deemed improper after a due process in accordance with the prescribed code of conduct, taking into consideration the provisions of the Promotion of Administrative Justice Act 3 of 2000;
 - (g) ceases to be a member of the body which designated or elected the member;
 - (h) is found guilty of contravening an applicable code of conduct in disciplinary proceedings against the member, and the institutional forum confirms the recommendation by the disciplinary committee to terminate membership.

Functions

- 23.(1) The forum advises the council on matters affecting the university, including –
 - (a) the implementation of the Act and the national policy on higher education;
 - (b) the selection of candidates for appointment as vice-chancellor and members of the management committee in accordance with the rules;
 - (c) policy on equity in respect of race, gender and disability;
 - (d) codes of conduct;
 - (e) dispute resolution processes and procedures;
 - (f) the management of cultural diversity across the university;

- (g) the fostering of a university culture that promotes tolerance and respect for human rights and creates an environment conducive to learning, teaching and research.
- (2) The institutional forum must perform such other functions as the council may determine from time to time.

Meetings and procedures

- 24.(1) The institutional forum meets at least four times per year, at a time and place determined by the institutional forum in accordance with the annual university calendar.
- (2) In the absence of the chairperson, the deputy chairperson acts as chairperson of the institutional forum. If the deputy chairperson is also absent, the members of the institutional forum must elect from among their members a chairperson for that meeting.
- (3)
 - (a) The institutional forum determines its rules of procedure by a majority vote of the total number of members.
 - (b) The council must approve the rules of procedure of the institutional forum and must include the rules of procedure in the rules of the university.

Committees and substructures

- 25.(1) The institutional forum may establish technical and standing committees, chaired by members of the institutional forum, and stakeholders who are not members of the institutional forum may be co-opted to such committees.
- (2) The technical and standing committees of the institutional forum function under the control and in support of the activities of the institutional forum.

STUDENTS' REPRESENTATIVE COUNCIL

Establishment and composition

- 26.(1) The North-West University Students' Representative Council (SRC) is established as a structure of the university in accordance with section 26(2)(e) of the Act.
- (2) The SRC is composed of fifteen members designated in accordance with the rules.
- (3) The rules must provide for the election of a Students' Campus Council (SCC) on each campus.
- (4) The SCCs are accountable to the SRC.
- (5) The SCCs are represented in the SRC in proportion to the number of students qualified to elect each SCC.
- (6) The formula for the determination of the proportion referred to in subparagraph (5) must be provided for in the rules.

Functions

- 27.(1) The SRC coordinates organised student life at the university.
- (2) Members of the SRC are designated annually in terms of the SRC Constitution to serve on the council in accordance with paragraph 4(1)(f), and to serve on the senate in accordance with paragraph 13(1)(j).
- (3) The SRC represents the interests of the students of the university as determined by the rules in consultations done in accordance with the requirements of sections 27(3) and 32(2)(c) and (d) of the Act and paragraph 73(2)(a) of the statute.

SRC Constitution

- 28.(1) Within the framework of the rules, the SRC must adopt a constitution in terms of which the functions and duties of the office-bearers of the SRC and the SCCs, and the procedures, accountability and operation of the SRC and the SCCs are laid down.
- (2) The constitution of the SRC must be approved by the council after consultation with the senate.

Intervention

- 29.(1) The council must make rules to ensure the continued performance of the functions of the SRC and its constituent components to regulate intervention, after consultation with the management committee of the university and the SRC, if the SRC or any of its constituent components cannot or does not perform any of its functions provided for in the constitution of the SRC, the rules, this statute or the Act.
- (2) The rules may provide for appropriate intervention, including, but not limited to the suspension of the SRC or any of its constituent components or their functions or office-bearers, subject to such conditions as the council may impose.
- (3) The rules must provide for the regular review by the council of an intervention for the purposes of the normalisation of the performance of the functions of the SRC.

CONVOCATION**Establishment and constitution of convocation**

- 30.(1) There is a North-West University Convocation.
- (2) The council must, with the concurrence of the convocation, approve a constitution for the convocation.
- (3) The convocation may establish its own structures in accordance with its constitution, and may enter into suitable structural arrangements with other bodies within or outside the university, to achieve its objective.

Objective and functions

- 31.(1) The objective of the convocation is to establish and develop mutually beneficial relationships between the university and its alumni in order to promote the welfare of the university and present and future members of the convocation.
- (2) In order to achieve its objective, the convocation may –
- (a) elect members to the council in accordance with paragraph 32(1);
 - (b) establish an association of alumni of the university;
 - (c) support other university structures focusing on promoting professional educational, social and other relationships between the university and alumni and between groups of alumni;
 - (d) consider any matter of interest to the university and to alumni, and convey any resolution to the university governance structures or the general public;
 - (e) maintain a database of members of the convocation in order to enhance communication and information dissemination between members and the university, and maintain the voters' roll for the election of council members.

Membership and right to vote

- 32.(1) Every graduate of the university or its predecessors is eligible for membership of the convocation, to be nominated for election as a member of the council, and to vote in an election of council members in accordance with paragraph 5.
- (2) Every diplomate and permanent staff member, present or past, of the university or its predecessors is eligible for membership of the convocation in terms of subparagraph (3).
- (3) In its constitution, the convocation may define types of membership in addition to those referred to in subparagraphs (1) and (2), and may determine the rights and privileges pertaining to such other types of membership.
- (4) A member may participate in the proceedings, activities or elections which, in terms of the constitution of the convocation, is open to that member's type of membership, as reflected in the convocation roll, if –
- (a) the member's personal particulars, valid postal address, and the other communication channels determined from time to time in terms of the constitution of the convocation have been furnished to the registrar; and
- (b) the member has deposited the prescribed membership fee, as determined by the council on the recommendation of the convocation, into a bank account of the convocation.

President and executive committee

- 33.(1) At a general meeting, the convocation must elect from among its members a president, a deputy president and the other officials determined by the constitution of the convocation to form an executive committee with the president and the deputy president.
- (2) (a) The term of office of the president, the deputy president and the other members of the executive committee is three years from the conclusion of the meeting at which the election takes place.
- (b) If no meeting of the convocation is held in the third year of the term of office, the current term of office is extended until after the conclusion of the next meeting of the convocation.
- (3) In the event of a vacancy in the executive committee occurring before the expiry of the term of office, the other members of the executive committee must co-opt a person to fill the vacancy for the remainder of the term of office.
- (4) The president may from time to time recommend that the convocation establishes committees consisting of members of the convocation to perform specific functions as directed by the convocation.

Meetings

- 34.(1) As determined by the constitution of the convocation, a general meeting must be convened by the president at least once every three years at the seat of the university or another place determined by the president, taking into account the multi-campus nature of the university.
- (2) (a) The president is the chairperson of a meeting of the convocation.
- (b) In the absence of the president, the deputy president acts as chairperson of the convocation. If the deputy president is also absent, the members of the convocation present must elect from among their members a chairperson for that meeting.

- (3) The types of meetings, rules of convening, quorum requirements, agendas, and procedures for meetings of the convocation and the executive committee, and liaison with other bodies of the university and the general public must be determined by the constitution of the convocation.
- (4) The convocation and another university structure responsible for liaison with individual alumni or groups of alumni may meet at any time after consultation with the executive committee of the North-West University alumni association.
- (5) At a meeting, the convocation may discuss any matter of interest to the university or to alumni, including a matter which the council refers to the convocation for advice, and the president of the convocation must convey the opinion of the convocation to the council.
- (6) A copy of the resolutions of the convocation, and a notification of the other matters determined by the convocation, certified by the president and the registrar, must be forwarded to the chairperson of the council for the information of the council and to the vice-chancellor for the information of the senate, and must be recorded by the registrar.

DONORS

Recognition and functioning

- 35.(1) The council may recognise as donors persons who have during the preceding two years made donations to the university which the council considers to be significant.
- (2) The registrar must maintain an official list of the donors of the university, recording the name and postal address of every donor recognised by the council.
 - (a) Donors may establish a board of donors of not more than ten persons designated by the donors in accordance with the rules.
 - (b) The council may designate not more than three employees to serve on the board of donors.
- (3) The board of donors may offer advice to the vice-chancellor or the council on matters of interest to the university or the donors, at their own initiative or on invitation.
- (4) The board of donors elects a chairperson from among its members, and the registrar acts as the secretary to the board of donors.
- (5) A corporate donor may be represented by any person designated in writing by such donor.
- (6) At any given time the list of donors of the University serves as conclusive proof of the names and addresses of persons who are entitled to nominate, in accordance with the rules, persons for election by the board of donors, of the members of council contemplated in paragraph 4(1)(h).

CHAPTER 3

OFFICE BEARERS OF UNIVERSITY

CHANCELLOR

Duties

- 36.(1) There is a chancellor who is the titular head of the university
- (2) All qualifications awarded by the university in accordance with subparagraph 78(1) are formally conferred by the chancellor in the name of the university.

Requirements

37. A candidate for the office of chancellor must be a fit and proper person for the office.

Nomination and election

- 38.(1) Any person from the categories of persons represented in the institutional forum may nominate a candidate for the office of chancellor on the nomination form prescribed by and made available by the registrar.
- (2) (a) The proposer, the nominee and at least five seconders must sign a nomination form. The proposer must submit the completed form to the registrar. No person may sign more than one nomination form, either as proposer or seconder.
- (b) The registrar must compile a list of all the nominations received and must forthwith submit the list of nominations to the executive committee of the council.
- (3) The executive committee of the council must consider the list and must submit not more than three names from the list to the council for decision.
- (4) Members of council may add names to the list of nominations put before the council in terms of subparagraph (3) and those additional persons are duly nominated.
- (5) The registrar must inform every member of the council of all nominations received in terms of subparagraphs (2), (3) and (4) at least ten days prior to the meeting at which the election of the chancellor will take place.
- (6) The chancellor is elected in a secret ballot by a majority of votes of the members of the council present at an ordinary meeting of the council or at a meeting specially convened for that purpose.

Term of office

39. The term of office of the chancellor is five years, and an incumbent chancellor is eligible for re-election for one further consecutive term.

Vacation of office

- 40.(1) The council may discharge the chancellor from office by a two-thirds majority vote of all the members of the council.

Filling of vacancy

- 41.(1) At least three months before the office of chancellor becomes vacant by the effluxion of time the registrar must notify every member of the council, and the council must elect a new chancellor as soon as practicable in accordance with paragraph 38.
- (2) If the office of chancellor becomes vacant for any other reason, the registrar must notify every member, and the council must elect a new chancellor as soon as practicable in accordance with paragraph 40.

PRINCIPAL AND VICE-CHANCELLOR**Duties and accountability**

- 42.(1) There is a principal also referred to as the vice-chancellor who is the chief executive and accounting officer of the university responsible for its management and administration.

- (2) The vice-chancellor may by virtue of the office perform any duty of the chancellor when the office of chancellor is vacant or the chancellor is absent or incapable of performing the duties of chancellor.
- (3) The vice-chancellor may in writing delegate any duty, function, power or responsibility attached to the office to a member of the management committee or to any other suitable staff member.
- (4) The vice-chancellor is accountable to the council in respect of the duties, functions, powers and responsibilities attached to the office.
- (5) The vice-chancellor is a member of all committees of the council and the senate, except of the Audit, Risk and Compliance committee of council.

Requirements

- 43** A candidate for the office of vice-chancellor must be a fit and proper person capable and suitably qualified and experienced for the office.

Appointment

- 44.(1)** The council must appoint the vice-chancellor at an ordinary meeting or at a meeting specially convened for that purpose, after complying with the procedure as prescribed in the rules concerning consultation with the senate and the institutional forum, as well as the evaluation as determined by the rules.
- (2) If the council is not unanimous about the appointment, a secret ballot must be held, the outcome of which is determined by a majority of votes of the members present.

Term of office

- 45.(1)** The term of office of the vice-chancellor must be determined by the council after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (2) A vice-chancellor may be appointed for one further consecutive term.

Vacation of office

- 46.(1)** The vice-chancellor's term of office terminates by the effluxion of time in terms of the employment contract, or if the vice-chancellor resigns from office or is discharged from office.
- (2) The council may discharge the vice-chancellor from office by a vote with a majority of two thirds of all the members of the council.
- (3) The council may discharge the vice-chancellor on the grounds of –
- (a) serious misconduct; or
 - (b) incapacity.

Filling of vacancy

- 47.(1)** At least three months before the office of vice-chancellor becomes vacant by the effluxion of time, the registrar must notify every member of the council, the senate and the institutional forum.
- (2) If the office of vice-chancellor becomes vacant for any other reason, the registrar must notify in writing every member of the council, the senate and the institutional forum, and the council appoints a new vice-chancellor as soon as is practicable in terms of paragraph 44.

Acting vice-chancellor

- 48.(1) When the office of vice-chancellor is vacant or the vice-chancellor is absent or incapable of performing the duties of vice-chancellor, the vice-principal acts as vice-chancellor.
- (2) If the vice-principal cannot act as vice-chancellor, another person appointed in terms of paragraph 51 acts as vice-chancellor.
- (3) An acting vice-chancellor has the same duties, functions, powers and responsibilities as the vice-chancellor and is accountable to the council.

VICE-PRINCIPAL**Duties and accountability**

- 49.(1) There is a vice-principal who performs the specific managerial, administrative and supervisory duties and responsibilities which the vice-chancellor may assign or delegate to the office.
- (2) The vice-principal is accountable to the vice-chancellor.

Appointment, term of office, vacation of office and filling of vacancy

- 50.(1) The council must appoint the vice-principal after complying with the procedures prescribed in the rules in respect of consultation with the vice-chancellor, the senate and the institutional forum, as well as the evaluation required by the rules.
- (2) Paragraphs 45, 46 and 47 in respect of the term of office, the vacation of office and the filling of a vacancy apply with the necessary changes to the office of vice-principal.

DEPUTY VICE-CHANCELLORS**Duties and accountability**

- 51.(1) There are one or more deputy vice-chancellors as the council may determine from time to time to whom the vice-chancellor may entrust specific managerial, administrative and supervisory functions, including the operational oversight of a campus, where appropriate.
- (2) A deputy vice-chancellor is accountable to the vice-chancellor.

Appointment, term of office, vacation of office, acting deputy vice-chancellors and filling of vacancies

- 52.(1) The council must appoint each deputy vice-chancellor after complying with the procedures prescribed in the rules in respect of consultation with the vice-chancellor, the senate and the institutional forum, as well as the evaluation required by the rules.
- (2) The term of office of a deputy vice-chancellor must be determined by the council after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (3) A deputy vice-chancellor's term of office terminates by the effluxion of time in terms of the employment contract, or if the deputy vice-chancellor resigns from office or is discharged from office.
- (4) A deputy vice-chancellor is eligible for re-appointment in accordance with the rules.
- (5) The council may discharge a deputy vice-chancellor from office by a vote with a majority of two thirds of all the members of the council.
- (6) The council may discharge the deputy vice-chancellor on the grounds of –

- (a) operational requirements;
 - (b) serious misconduct; or
 - (c) incapacity.
- (7) When the office of a deputy vice-chancellor is vacant or a deputy vice-chancellor is absent or incapable of performing the duties of deputy vice-chancellor, a person designated by the vice-chancellor and approved by council, acts as deputy vice-chancellor.
- (8) An acting deputy vice-chancellor has the same duties, functions, powers and responsibilities as the deputy vice-chancellor and is accountable to the vice-chancellor and the council.
- (9) At least three months prior to the office of a deputy vice-chancellor becomes vacant by the effluxion of time, the registrar must in writing notify every member of the council, the senate and the institutional forum, and the council must appoint a new deputy vice-chancellor in accordance with subparagraph (1).
- (10) If the office of a deputy vice-chancellor becomes vacant for any other reason, the registrar must in writing notify every member of the council, the senate and the institutional forum, and the council must appoint a new deputy vice-chancellor in accordance with subparagraph (1) as soon as is practicable.

REGISTRAR

Duties and accountability

- 53.(1) There is a registrar who performs all the duties and functions assigned to the office by the statute and the rules, to whom the council may assign specific duties and responsibilities, and to whom the vice-chancellor may entrust specific managerial, administrative and supervisory functions.
- (2) The registrar is the secretary to the council, the senate, the convocation and the board of donors, and may participate in the discussions of the council, the senate, the convocation and the board of donors, but may vote only in the senate.
- (3) The registrar is accountable to the vice-chancellor, and in respect of the duties and functions performed in respect of a particular body, to that body.

Appointment, term of office, vacation of office, acting registrar and filling of vacancy

- 54.(1) The council must appoint the registrar by a resolution adopted by a majority of the members, after complying with the procedures prescribed in the rules in respect of consultation with the vice-chancellor, the senate, the institutional forum and the evaluation required by the rules.
- (2) The term of office of the registrar must be determined by the council after consultation with the incumbent appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (3) The registrar's term of office terminates by the effluxion of time in terms of the employment contract, or if the registrar resigns from office or is discharged from office.
- (4) The registrar is eligible for re-appointment in accordance with the rules.
- (5) The council may discharge the registrar from office by a vote with a majority of two thirds of all the members of the council.
- (6) The council may discharge the registrar on the grounds of –
- (a) serious misconduct; or

- (b) incapacity.
- (7) When the office of registrar is vacant or the registrar is absent or incapable of performing the duties of registrar, a person designated by the vice-chancellor and approved by council acts as registrar.
 - (8) An acting registrar has the same duties, functions, powers and responsibilities as the registrar and is accountable to the vice-chancellor, and the council.
 - (9) At least three months prior to the office of registrar becoming vacant by effluxion of time, the registrar must in writing notify every member of the council, the senate and the institutional forum, and the council must appoint a new registrar in accordance with subparagraph (1).
 - (10) If the office of registrar becomes vacant for any other reason, the registrar must notify every member of the council, the senate and the institutional forum, and the council must appoint a new registrar in accordance with subparagraph (1) as soon as is practicable.

EXECUTIVE DIRECTORS

Duties and accountability

- 55.(1) There are one or more executive directors as determined by the council to whom the vice-chancellor may entrust specific managerial, administrative and supervisory functions.
- (2) An executive director is accountable to the vice-chancellor.

Appointment, term of office, vacation of office, acting executive directors and filling of vacancies

- 56.(1) The council must appoint an executive director by a resolution adopted by a majority of the members, after complying with the procedures prescribed in the rules in respect of consultation with the vice-chancellor, the senate and the institutional forum, as well as the evaluation required by the rules.
- (2) The term of office of an executive director must be determined by the council after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (3) An executive director's term of office terminates by the effluxion of time in terms of the employment contract, or if the executive director resigns from office or is discharged from office.
- (4) An executive director is eligible for re-appointment in accordance with the rules.
- (5) The council may discharge an executive director from office by a vote with a majority of two thirds of all the members of the council.
- (6) The council may discharge an executive director on the grounds of –
 - (a) operational requirements;
 - (b) serious misconduct; or
 - (c) incapacity.
- (7) When the office of an executive director is vacant or the executive director is absent or incapable of performing the duties of executive director, a person designated by the vice-chancellor and approved by council acts as executive director.
- (8) An acting executive director has the same duties, functions, powers and responsibilities as the relevant executive director and is accountable to the vice-chancellor, and the council.

- (9) At least three months before the office of the relevant executive director becomes vacant by effluxion of time, the registrar must in writing notify every member of the council, the senate and the institutional forum, and the council must appoint a new executive director in accordance with subparagraph (1).
- (10) If the office of an executive director becomes vacant for any other reason, the registrar must notify every member of the council, the senate and the institutional forum, and the council must appoint a new executive director in accordance with subparagraph (1) as soon as is practicable.

EXECUTIVE DEANS

Duties and accountability

- 57.(1) An executive dean is the executive head of a faculty and is responsible for the management and administration of the faculty.
- (2) The vice-chancellor designates a deputy vice-chancellor to whom an executive dean is accountable.

Appointment, term of office, vacation of office, acting executive deans and filling of vacancies

- 58.(1) The vice-chancellor must appoint an executive dean after complying with the procedures prescribed in the rules in respect of consultation with the responsible deputy vice-chancellor, the senate, the relevant faculty board, the institutional forum, and the evaluation required by the rules.
- (2) The term of office of an executive dean must be determined by the vice-chancellor after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (3) An executive dean's term of office terminates by the effluxion of time in terms of the employment contract or if the executive dean resigns from office or is discharged from office.
- (4) An executive dean is eligible for re-appointment in accordance with the rules.
- (5) When the office of an executive dean is vacant or the executive dean is absent or incapable of performing the duties of executive dean, a deputy dean, if applicable, or a person designated by the vice-chancellor acts as executive dean.
- (6) An acting executive dean has the same duties, functions, powers and responsibilities as the relevant executive dean and is accountable to the responsible deputy vice-chancellor.
- (7) An executive dean may be discharged on the grounds of –
 - (a) operational requirements;
 - (b) serious misconduct; or
 - (c) incapacity.

DEPUTY DEANS

Duties and accountability

- 59. There are one or more deputy deans for each faculty as the council may determine from time to time to whom the executive dean may assign specific managerial, administrative and supervisory functions.

Appointment, term of office, vacation of office, acting executive deans and filling of vacancies

- 60.(1) The deputy vice-chancellor must appoint a deputy dean after complying with the procedures prescribed in the rules in respect of consultation with the responsible executive dean, the senate, the relevant faculty board, the institutional forum, and the evaluation required by the rules.
- (2) The term of office of a deputy dean must be determined by the deputy vice-chancellor after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (3) A deputy dean's term of office terminates by the effluxion of time in terms of the employment contract or if the deputy dean resigns from office or is discharged from office.
- (4) A deputy dean is eligible for re-appointment in accordance with the rules.
- (5) When the office of a deputy dean is vacant or the executive dean is absent or incapable of performing the duties of deputy dean, a person designated by the deputy vice-chancellor acts as deputy dean.
- (6) An acting deputy dean has the same duties, functions, powers and responsibilities as the relevant deputy dean and is accountable to the responsible executive dean
- (7) A deputy dean may be discharged on the grounds of –
- (a) operational requirements;
 - (b) serious misconduct; or
 - (c) incapacity.

ACADEMIC DIRECTORS**Duties and accountability**

61. An academic director is responsible for the management and administration of an academic unit, and may, where appropriate, delegate or assign functions to deputy academic directors at the different campuses.

Appointment

- 62.(1) The responsible executive dean may appoint an academic director in each academic unit after complying with the consultation and evaluation procedure prescribed by the rules.
- (2) The term of office of an academic director must be determined by the relevant executive dean after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years
- (3) An academic director is eligible for re-appointment in accordance with the rules.
- (4) The responsible executive dean may designate another suitable person to perform the functions of the office during the absence of an academic director.
- (5) An academic director may be discharged on the grounds of –
- (a) operational requirements;
 - (b) serious misconduct; or
 - (c) incapacity.

UNIVERSITY MANAGEMENT COMMITTEE**Establishment and composition**

- 63.(1) There is a university management committee composed of the vice-chancellor, who is the chairperson, the vice-principal, the deputy vice-chancellors, the registrar and the executive directors.
- (2) The vice-chancellor may invite any other person to attend a meeting of the management committee.

Functions

- 64.(1) The university management committee assists the vice-chancellor in the implementation of strategy, and the planning and execution of the management, administration and supervision of the university, in accordance with the rules and policies.
- (2) The university management committee may establish committees and other substructures across the university and at campus level to assist the management committee in performing its functions.

**CHAPTER 4
EMPLOYEES****Appointment**

- 65.(1) The council must appoint academic and support employees in accordance with the applicable legislation and the employment policies of the university, subject to the availability of financial resources.
- (2) An academic employee must be appointed after consultation with the senate.
- (3) Upon appointment and thereafter annually in accordance with the Act and the rules, every employee must declare possible conflicts of interest emanating from financial interests and fiduciary roles.
- (4) An academic employee who is offered an appointment in a management position is entitled to a contractual stipulation, subject to such conditions as may be agreed upon, pertaining to the return or not to an academic position on the termination of the contract.
- (5) Employees may be discharged on the grounds of –
- (a) operational requirements;
 - (b) serious misconduct; or
 - (c) incapacity.

Remuneration

66. The council must determine the salaries and other forms of remuneration of employees, and other terms and conditions of employment, in accordance with the remuneration and employment policies and procedures of the university.

Evaluation

67. Employees are subject to continual performance appraisal in terms of the policies and procedures of the university.

Discipline

- 68.(1) Employees are subject to the discipline of the council in respect of all forms of misconduct or neglect of duty as provided in the applicable disciplinary codes, rules and procedures.
- (2) The council must exercise discipline in accordance with the relevant legislation and the rules, policies and procedures determined by the council from time to time.
- (3) The council may delegate its disciplinary functions to the vice-chancellor or a person or body recommended by the vice-chancellor.

Trade unions

- 69.(1) The council may enter into agreements with trade unions, and recognise registered trade unions for the purposes of consultations and negotiations with regard to terms and conditions of employment and related matters in accordance with the relevant labour and employment legislation.
- (2) The council must implement the agreements on terms and conditions of employment in respect of all the employees provided for in that agreement.

CHAPTER 5

STUDENTS

Admission and registration

- 70.(1) In order to be a student of the university, a person must have been admitted to the university and must have been registered for a programme leading to the attainment of a qualification.
- (2) The council may determine, with the approval of the senate, the maximum number of students that may be registered for an academic programme.
- (3) The council may prescribe, with the approval of the senate, selection tests or a particular standard of academic competence as further admission requirements for studies at the university.
- (4) A student who is admitted to and registered at the university continues to be a student of the university for the duration of the academic programme, or until the time the student or the university terminates the registration in accordance with the rules.
- (5) In order to continue with studies at the university, a returning student who has been admitted and registered at the university must report annually in accordance with the rules.
- (6) A student whose studies have been interrupted for a year or longer must apply anew for admission in order to be reregistered.
- (7) The council may set requirements for the readmission of a student and may refuse to allow readmission unless such requirements are met.
- (8) A person who demonstrates the intention to be associated with the university as a student is subject to the rules.

CHAPTER 6

QUALIFICATIONS AND AWARDS

Requirements

- 77.(1) The NWU may award the degrees, the diplomas and the certificates determined by the council from time to time on the recommendation of the senate, and which have been approved, accredited and registered for the university in accordance with the Act and other applicable legislation, and which are contained in the rules of the university.
- (2) The council, with the concurrence of the senate, may revoke a degree or withdraw a diploma or certificate obtained through plagiarism, theft, fraud, bribery or any other dishonest or unlawful act.

Conferring and awarding qualifications

- 78.(1) A meeting of the members of the university, known as the congregation, must be convened at least once a year for the purpose of conferring degrees and awarding diplomas and certificates.
- (2) The senate determines the time, place and manner for convening a congregation with the approval of the council.
- (3) The chancellor or the vice-chancellor or, if both are absent, the vice-principal or a member of the senate, chairs the congregation.
- (4) A degree may not be conferred, or diploma awarded, upon any person unless the senate is satisfied that all the requirements for the degree, diploma or certificate have been met.
- (5) A person is not entitled to the privileges of a degree, diploma or certificate until the degree has been conferred, or diploma or certificate been awarded at a congregation.
- (6) A degree may be conferred or diploma or certificate awarded in the absence of the graduate or diplomate, or posthumously.
- (7) An official original certificate verifying the award and conferral at a congregation of a qualification is issued once only.
- (8) Despite subparagraph (7), the certificate may, upon written request and after payment of a fee determined by the senate, be mailed to the student if the degree was conferred or the diploma awarded in the absence of the student in terms of subparagraph (6).
- (9) If a student has met the requirements for a degree or diploma and the degree or diploma certificate has not yet been issued, or if a degree or diploma certificate has been lost, the registrar may issue, at the written request of the student and after payment of a fee determined by the senate, a document stating that the student has met the requirements for the degree or diploma and that the certificate will be issued on a certain date, or that it had already been issued on a previous date.
- (10) The registrar may issue a complete official academic record, including a certificate of conduct, or proof of subjects passed, to a student upon written request and after payment of a fee determined by the senate.
- (11) The senate determines the procedure for the presentation of the persons receiving degrees or diplomas at a congregation, the conferral of a degree and awarding of a diploma in the absence of a student, academic attire and all other matters relating to the congregation, and for which the statute or the rules do not provide.

- (12) The registrar may issue a certificate in respect of a short learning programme offered by the university to a candidate who has met the requirements in the format, on the occasion, and in the manner determined for that purpose by the rules and in accordance with the annual university calendar.

Honorary degrees and awards

- 79.(1) The council may award an honorary degree or a chancellor's medal or any other honour in accordance with the rules.
- (2) Honorary awards recommended by any university structures are subject to final approval by the council in accordance with the rules.

CHAPTER 7 GENERAL

Rules

- 80.(1) Rules made by the council in terms of paragraph 7(1)(c) and in accordance with section 32 of the Act have legal force upon their publication in accordance with subparagraph (2).
- (2) The registrar must promptly publish, in the most expeditious manner, rules made by council.
- (3) The manner and form in which the rules can be accessed and obtained must be made known in the yearbook of the university.

Delegations

81. Any entity, structure or person to whom a power or function is delegated in accordance with this statute, may sub-delegate such power or function only in terms of an authority contained in the delegation itself or otherwise with the prior approval of the entity, structure or person on whom the power or function was originally conferred.

Transitional provisions

- 82.(1) Anything done, commenced, instituted or in the process of being finalised under the Statute of the North-West University referred to in Government Notice No 795 of 8 August 2005 and published in Government Gazette No 27872 of 8 August 2005, before this statute came into operation, is deemed to have been done, commenced, instituted or in the process of being finalised under the corresponding provision of this statute.
- (2) The council, the senate, the institutional forum, the faculty boards, the SRC and SCCs, the convocation, and other bodies and functionaries provided for in this statute that existed prior to the commencement of the statute, continue to exist and exercise the powers and perform the functions which they have exercised and performed prior to the commencement of the statute, but they must fully comply with the provisions of this statute within 12 months after its commencement.
- (3) The rules made by the council existing at the commencement of the statute continue to apply until they are replaced or repealed.

Amendment of statute

83.(1) The council may amend this statute by a two-thirds majority of all its members.

(2) A proposal for the amendment of the statute may only be tabled if written notice was given by the registrar to all the members of the council at least 14 calendar days before the meeting at which the proposal is to be introduced, unless a two-thirds majority of the members present vote in favour of disposing with the requirement of prior notice.

Repeal of statute

84. The Statute of the North-West University referred to in Government Notice No 795 of 8 August 2005 and published in Government Gazette No 27872 of 8 August 2005 is repealed from the date mentioned in the Government Gazette notice referred to in paragraph 85.

Commencement

85. The statute comes into effect on the date mentioned in the relevant notice in the Government Gazette.

End

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 253

24 MARCH 2017

**SECTION 41B (4) OF THE CONTINUING EDUCATION AND TRAINING ACT,
2006 (ACT NO.16 OF 2006)
CALL FOR COMMENTS ON THE DRAFT NATIONAL POLICY ON
VERIFICATION OF ENROLMENTS AND STAFF IN THE COMMUNITY
EDUCATION AND TRAINING COLLEGES**

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education and Training, in terms of the Continuing Education and Training Act, 2006 (Act No.16 of 2006), hereby invite public comments on the *Draft National Policy on Verification of Enrolments and Staff in the Community Education and Training Colleges*.

The Draft National Policy on Verification of Enrolments and Staff in the Community Education and Training Colleges aims to:

- a. Establish a verification system for the authenticity of enrolled students and appointed staff in the CET colleges.
- b. Ensure that enrolled students, appointed staff and learning sites are identified; and
- c. Monitor the level of access and evaluation of the through-put in the CET colleges.

All interested persons and organisations are invited to comment on the *Draft National Policy on Verification of Enrolments and Staff* in writing and direct their comments to:

The Director-General, Private Bag X174, Pretoria, 0001, for Attention: The Acting Deputy Director-General, Dr EB Mahlobo, email: Mahlobo.b@dhet.gov.za or by fax to 012 324 2059.

Kindly provide name, address, telephone number, fax number and email address of the person or organisation when submitting comments.

A copy of the draft policy is available on the website of the Department at www.dhet.gov.za. Hard copies will also be made available for collection in Room 631, Department of Higher Education and Training, 123 Francis Baard Street, Pretoria, on request.

The comments on the *Draft National Policy on Verification of Enrolments and Staff in the Community Education and Training Colleges* should reach the Department within 21 calendar days after publication of this Notice



Dr BE Nzimande, MP
Minister of Higher Education and Training

Date: 07/02/2017

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 254

24 MARCH 2017

**SECTION 41 B OF THE CONTINUING EDUCATION AND TRAINING ACT, 2006
(ACT NO.16 OF 2006)****CALL FOR PUBLIC COMMENTS ON THE DRAFT POLICY FRAMEWORK FOR
THE DEVELOPMENT OF ADMISSION POLICIES BY COMMUNITY
EDUCATION AND TRAINING COLLEGES**

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education and Training, in terms of the Continuing Education and Training Act, 2006, (Act No.16 of 2006), hereby invite public comments on the draft *Policy Framework for the Development of Admission Policies by Community Education and Training Colleges*.

The draft *Policy Framework for Development of Admission Policies by Community Education and Training Colleges* aims to ensure effectiveness, efficiency and a positive impact of the Department's CET Programme 6 on adult and out-of-school youth.

All interested persons and organisations are invited to comment on the draft *Policy Framework for the Development of Admission Policies by Community Education and Training Colleges* in writing and direct their comments to:

The Director-General, Private Bag X174, Pretoria, 0001, for Attention: The Acting Deputy Director-General, Dr EB Mahlobo, email: Mahlobo.B@dhet.gov.za or by fax to 012 3242059.

Kindly provide the name, telephone number, fax number and email address of the person or organisation when submitting comments.

A copy of the draft policy framework is available on the website of the Department at www.dhet.gov.za. Hard copies will also be made available for collection in Room 631, Department of Higher Education and Training, 123 Francis Baard Street, Pretoria, on request.

The comments on the draft *Policy Framework for the Development of Admission Policies by Community Education and Training Colleges* should reach the Department within 21 calendar days after the publication of this Notice.



Dr BE Nzimande, MP
Minister of Higher Education and Training

Date:

07/03/2017

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 255

24 MARCH 2017

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)**INSTITUTIONAL STATUTE: UNIVERSITY OF JOHANNESBURG**

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997), hereby publish the Institutional Statute of the University of Johannesburg set out in the Schedule hereto.



Dr BE Nzimande, MP

Minister of Higher Education and Training

Date: 10/03/2017

AMENDMENTS TO THE STATUTE OF THE UNIVERSITY OF JOHANNESBURG

The Council of the University of Johannesburg has made amendments to the Statute, set out in the schedule to this notice, in accordance with section 32 of the Higher Education Act 101 of 1997 (as amended) which is hereby published with the approval of the Minister of Higher Education and Training in terms of section 33 of the said Act, and comes into operation upon its promulgation.

SCHEDULE

To introduce a Statute for the University of Johannesburg, to give effect to the Higher Education Act 101 of 1997 (as amended) and to promote the effective governance and management of the University in respect of matters not prescribed by any law.

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CHAPTER 1 DEFINITIONS

1. In this Statute, any word or expression to which a meaning has been assigned by the Higher Education Act 101 of 1997 (as amended) has the meaning so assigned to it, and, unless the context otherwise indicates -

"Act" means the Higher Education Act 101 of 1997 (as amended);

"academic employee" means any person appointed to teach or to do research at the University on such conditions as determined by the Council and any other employee designated as such by the Council;

"Adjunct Professor" means a title reserved for permanent and fixed-term employees primarily employed in a support division (or in a support capacity in a Faculty) who – a) may render academic services to a Faculty as a secondary activity; b) adds academic value to a Faculty; c) engage in activities that go beyond occasional mentoring and engagement in research projects and seminars; provided that such employees are appointed to teach and/or do research in a Faculty on a part-time basis;

"alumni" means all persons who have obtained a state-subsidised qualification from the University or its predecessors;

"Associate Professor" means a title below the level of Professor, conferred by the University on an employee who has demonstrated ability to produce and disseminate knowledge at a high level of scholarship recognized by the community of scholars within his/her academic discipline or set of academic disciplines;

"Chancellor" means the titular head of the University;

"Convocation" means the body established in terms of section 26(2)(g) of the Act;

"Council" means the governing body of the University of Johannesburg, established in terms of section 26(2)(a) of the Act;

"Deputy Vice-Chancellor" means an employee appointed in terms of paragraph 5e and on whom the Council may bestow an appropriate functional job title;

"Distinguished Research Associate" means an individual with specialist high-level expertise who participates in clearly-defined teaching-and-learning and/or research activities of a Faculty as a result of a close working relationship with one or more academic employees of the University, but who may not have a physical presence at the University;

"donor" means a natural or juristic person who has made a donation to the

University that in the opinion of the Council warrants recognition as a donor;

"Emeritus professor" is a title conferred on a retired professor (or associate professor) by the University as approved by Senate;

"employee" means any person employed by the University;

"Executive Dean" means a person appointed as head of a Faculty or structure equivalent in status, designated by the Council;

"Executive Director" means a person appointed to perform managerial, administrative and supervisory functions in a division of the University;

"Faculty" means the primary academic structure for a planned cluster of academic learning and research programmes and qualifications, its substructures as approved by Council and the employees who perform functions in the academic structure; Council may approve an alternative expression for "Faculty";

"Faculty Board" means a body that governs a Faculty and regulates its activities;

"Fellow" means a person who is appointed and remunerated by a Faculty for any period between three months and three years with the specific mandate to participate in clearly defined teaching-and-learning or research activities of the Faculty, and whose association with the Faculty is aimed at producing outcomes for the Faculty that enhances the academic reputation of the University;

"Fellowship" means a status bestowed by the University on an individual, as a mark of academic distinction;

"Honorary professor" means a title conferred by the University on a person who, on the basis of proven knowledge and demonstrated insight, is recognized as a leading expert in a particular academic discipline by scholars in that discipline and who, by his/her association with the University, adds prestige to the institution's pursuit of scholarship;

"Institutional Forum" means the Institutional Forum established in terms of section 26(2)(f) of the Act;

"Interim Student Council" means the interim student governance structure appointed by Council to advise senior management on student matters in the absence or disfunctionality of the Student Representative Council;

"Management Executive Committee" means the management committee of the University in accordance with paragraphs 46 to 49 of the Statute;

"non-academic employee" means an employee who is not appointed to teach or to do research;

“Professor” means a title conferred by the University on a person who has demonstrated ability to produce and disseminate knowledge at the highest level of scholarship recognized by the community of scholars within his/her academic discipline or set of academic disciplines;

“qualification” means any formal qualification registered on the respective sub-framework and includes a degree, diploma or certificate;

“recognised union” means a trade union formally recognised by the Council of the University as having sufficient representativity to bargain collectively on behalf of its members;

“Rules” means the institutional rules, policies, disciplinary measures and discipline provisions, and codes of conduct issued by the Council, the Senate or any other body or functionary authorised to do so by the Council, within the University;

“Senate” means the statutory body of the University responsible for academic matters as established in terms of section 28 of the Act, and regulates all teaching, learning, assessment, research and other academic functions of the University.

“senior management” means the members of the Management Executive Committee, the Executive Deans and Executive Directors;

“Statute” means the Statute of the University of Johannesburg;

“student” means a person registered at the University for a qualification;

“Student Representative Council” means the University Student Representative Council established in terms of section 35 of the Act and regulated by its Constitution;

“University” means the University of Johannesburg and “UJ” will have a commensurate meaning;

“Visiting professor” means a title conferred by the University on a person who a) is external to the University and/or external to the Faculty in which the appointment is being made; b) has specialist high-level expertise in a particular academic discipline, commensurate with the level of scholarship expected of an associate professor or professor; c) is appointed to share his/her expertise by means of part-time teaching activities and/or participation in a research project.

CHAPTER 2 THE UNIVERSITY

Name

2. The name of the University is University of Johannesburg, and also known as:
- (a) Universiteit van Johannesburg;
 - (b) Nyuvesiyase Johannesburg;
 - (c) Yunibesithiya Johannesburg.

Status

3. The University is a juristic person. The University exists and functions in terms of the Constitution of the Republic of South Africa, 1996, the Higher Education Act (Act No. 101 of 1997), as well as the Statute and Rules of the University and applicable law.

Seat

4. The seat of the University is in the Metropolitan Area of Johannesburg, Auckland Park Kingsway Campus, Gauteng Province.

Composition

5. The University consists of the –
- (a) Council;
 - (b) Senate;
 - (c) Chancellor;
 - (d) Vice-Chancellor and Principal;
 - (e) One or more Deputy Vice-Chancellors;
 - (f) Registrar;
 - (g) Executive Deans;
 - (h) Executive Directors;
 - (i) Management Executive Committee;
 - (j) Institutional Forum;
 - (k) Student Representative Council;
 - (l) Faculties;
 - (m) Employees;
 - (n) Students;

- (o) Convocation; and
- (p) Such other positions, structures and offices as may be determined by the Council or the Statute.

Vision, Mission and Values

6. The University's vision, mission and values are reflected in the University's strategic plan.

Promotion of Multilingualism

7. (1) The University promotes multilingualism and designates Northern Sotho (Sesotho sa Leboa), English, Zulu (IsiZulu) and Afrikaans as its primary languages for academic, administrative, communication and marketing purposes, to the extent that is reasonably practicable.
- (2) The languages referred to in (1) above are used in a manner provided for by a Senate- and Council-approved Language Policy.

CHAPTER 3 GOVERNANCE STRUCTURES

COUNCIL

Functions

8. (1) The Council-
 - (a) governs the University in accordance with its scope of authority as provided for in the Act;
 - (b) ensures good management of the University;
 - (c) adopts the University's vision, mission and values, and monitors the realisation thereof;
 - (d) is responsible for sustaining the University's reputation and financial health, and the well-being of its employees and students;
 - (e) is responsible for establishing and maintaining high standards of academic conduct and probity in concurrence with the Senate;
 - (f) is responsible for adopting and monitoring financial and non-financial performance measures related to the University's strategic objectives;
 - (g) determines, in consultation with the Vice-Chancellor and Principal, the nature and scope of the University's social responsibilities;
 - (h) protects the institutional autonomy of the University and the academic freedom of its employees, and deliberates on the nature and role of the University;

- (i) approves the SRC Constitution after consultation with the SRC; and
 - (j) is accountable to the Minister in terms of the provisions of section 41 of the Act.
- (2) The Council's responsibilities in paragraph 8(1) include -
 - (a) making or amending the Statute as contemplated in sections 32 and 33 of the Act, and making or amending Rules for the University in consultation with the structures and offices affected by such Rules and amendments;
 - (b) appointing all employees of the University, subject to the provision in paragraph 60;
 - (c) approving the University's annual budget;
 - (d) entering into financial agreements and agreements for the construction of buildings in accordance with sections 40(2) and (3) of the Act.
 - (e) determining after consultation with Senate –
 - (i) what academic structures are required and what the functions of each structure are in order to ensure efficient governance;
 - (ii) the appointment of academic employees;
 - (iii) the student admission policy of the University;
 - (f) determining in consultation with Senate –
 - (i) the entrance requirements for particular higher education programmes, the number of students who may be admitted for a particular higher education programme, the way in which to select/place students and the minimum requirements for readmission to study at the University; and
 - (ii) the language policy of the University.
- (3) The Council establishes Council committees and joint Council and Senate committees, including the approval of concomitant charters, to perform any of its functions and may appoint persons, who are not members of Council, as co-opted members of its committees as it deems fit.
- (4) The Council may delegate selected functions or powers to the Executive Committee of the Council, the Vice-Chancellor and Principal or any employee, the Management Executive Committee or any structure of the University.
- (5) The Council remains responsible and accountable for the performance and outcome of any delegated function.
- (6) Notwithstanding the Council's general responsibilities, the management

CONTINUES ON PAGE 130 - PART 2



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PART 2 OF 2

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and functioning of the University are the responsibility of the Vice-Chancellor and Principal and the senior management of the University.

Composition

9. (1) Subject to section 27 of the Act, as well as the transitional arrangements reflected in paragraph 83 of this Statute, the Council consists of:

(a) External members

- (i) five persons appointed by the Minister;
- (ii) two members of the Convocation: the President of the Convocation and one other member of the Convocation;
- (iii) six members representing appropriate sectors and professions and with a broad range of competencies in fields such as, but not limited to, education, business, finance, law, marketing, information technology and human resource management as indicated by the Council, elected according to the Rules;
- (iv) co-opted members as the Council deems fit, subject to section 27(4) of the Act;

(b) Internal members

- (i) the Vice-Chancellor and Principal;
 - (ii) one Deputy Vice Chancellor, contemplated in paragraph 5(e) recommended by the Management Executive Committee and appointed by Council;
 - (iii) two members of the Senate who are not otherwise members of the Council, elected by the Senate;
 - (iv) one permanent full time academic employee not on Senate elected by the permanent academic employees;
 - (v) one non-academic permanent full time employees elected by the permanent non-academic employees;
 - (vi) two student representatives elected by the Student Representative Council in accordance with the constitution of the Student Representative Council.
- (2) At least sixty per cent of the Council members must be persons who are neither employees nor students of the University.
- (3) Members of the Council must be persons with knowledge and experience relevant to the objectives and governance of the University.
- (4) Members of the Council are elected and appointed according to the Rules.

- (5) No employee and no student may be elected or hold appointment under subparagraphs 9(1)(a).
- (6) A person elected and appointed under subparagraphs 9(1)(a) who becomes a student or an employee forthwith ceases to be a member of the Council.

Term of office

10. (1) The term of office of members of the Council is five years, except -
- (a) members referred to in paragraph 9(1)(b)(i) and (ii) who serve by virtue of their office; and
 - (b) members elected by the Student Representative Council in terms of paragraph 9(1)(b)(vi) remain members of the Council for the term determined by the Student Representative Council when they are elected, provided that:
 - (i) no member of the Student Representative Council is a member of the Council for a term exceeding three years; and
 - (ii) that membership ceases automatically when a student member ceases to be a member of the Student Representative Council or a registered student.
- (2) Members of Council referred to in paragraph 9(1)(a) may serve in exceptional circumstances, and following a review process as contemplated in the Rules, for more than two consecutive terms as a Council member.
- (3) The Council may, upon expiry of the term of office of a member contemplated in subparagraph 9(1)(a), co-opt such person as a member of the Council with voting rights for a period not exceeding six months for purposes of ensuring –
- (i) continued compliance of the Council's composition with the Act and this Statute; and/or
 - (ii) continuity in the performance of the Council during such period.

Termination of membership and vacancies

11. (1) A Council member resigns by giving written notice to the Secretary of the Council.
- (2) A member of the Council ceases to be a member and must be informed thereof by the Secretary of the Council, when –
- (a) the member is absent from three consecutive ordinary meetings without valid reason and without the Council's leave;

- (b) the member is convicted of an offence for which the sentence is imprisonment without the option of a fine or committed an offence that, the Council, on reasonable and justifiable grounds, considers to render such member unfit to be a member;
 - (c) the member becomes incapacitated or her/his continued membership is deemed improper after a due process in accordance with prescribed code of conduct, taking into consideration the provisions of the Promotion of Administrative Justice Act 3 of 2000;
 - (d) the member becomes disqualified to act as a director in terms of the legislation regulating the governance of companies or is removed from an office of trust by a court of law or similar tribunal or forum;
 - (e) members referred to in paragraph 9(1)(a) cease to be members when such a person registers as a student or becomes an employee.
- (3) Members referred to in paragraph 9(1)(b) cease to be members on resignation or retirement from their position in the University.
 - (4) The Council is entitled to suspend any member if it deems such suspension appropriate.
 - (5) Vacancies as a result of death, resignation or other causes must be filled in the same manner in which they were originally filled according to the Rules.
 - (6) A person who fills a vacancy as envisaged in paragraph 11(5) holds office for the unexpired period of her/his predecessor's term of office.

Office-bearers

- 12. (1) The Council elects a Chairperson and a Vice-Chairperson for a term not exceeding five years from the ranks of its members who are not students or employees of the University.
- (2) Eligibility of the Chairperson and Vice-Chairperson of Council is in accordance with paragraph 9(1), 9(3).
- (3) Subject to the five-year period in paragraph 12(1), a Chairperson or a Vice-Chairperson holds office only for the duration of her/his term of office.
- (4) A Chairperson or Vice-Chairperson vacates the office of Chairperson or Vice-Chairperson before the expiry date of the term, if she/he ceases to be a member of the Council.
- (5) The Chairperson and Vice-Chairperson are eligible for re-election as determined by Council.
- (6) In the absence of the Chairperson and the Vice-Chairperson, the Council elects one of its external members as Chairperson of a meeting.

- (7) The Registrar is the Secretary, electoral and compliance officer of the Council.

Meetings

13. (1) The Council has at least four ordinary meetings during each academic year.
- (2) The Secretary administers meetings in accordance with the Rules.
- (3) The Council determines its own procedure for meetings in accordance with the Rules in this regard and as reflected in the Charter for the Council.
- (4) A Council meeting is quorate if the majority of the members are present.
- (5) Members physically absent may participate in a meeting and vote by electronic means in accordance with the Rules.
- (6) The Chairperson of the Council may call an extraordinary or emergency meeting in accordance with the Rules.
- (7) The Council may decide to invite persons who are not members to attend meetings, provided that -
- (a) they may participate in deliberations;
 - (b) they may not vote; and
 - (c) their attendance complies with the Rules.

Fiduciary duty and conflict of interest of members

14. (1) A member of the Council stands in a fiduciary relationship to the University.
- (2) A member of the Council promotes the interests of the University and acts in good faith and trust and with care and skill.
- (3) If a member of the Council has a direct or indirect personal, financial or other interest in a matter to be discussed at a Council or Council committee meeting, and which entails or may entail a conflict or possible conflict of interest, she/he -
- (a) declares the interest to the Council or Council committee once the meeting has been constituted and before any business is transacted; and
 - (b) recuses herself/himself (in consultation with the Chairperson) from the meeting during the discussion of the particular matter, decision-making and from voting thereon.
- (4) A member of the Council who has grounds to believe that another member did not comply with the provisions of paragraphs 14(1), (2) or (3) must

inform the Council or Council committee.

Ruling by Chairperson

15. The ruling of the Chairperson on any point of order or procedure is binding, subject to clarification, unless immediately challenged by a member, in which event such ruling must be submitted without discussion for a decision by the meeting, which decision is final.

Committees

16. (1) The Council constitutes -
- (a) an Executive Committee;
 - (b) an Audit and Risk Committee;
 - (c) a Finance Committee;
 - (d) a Human Resources Committee;
 - (e) a Planning and Resources Committee;
 - (f) joint committees of the Council and the Senate as agreed upon by the Council and the Senate; and
 - (g) other committees which the Council deems necessary.
- (2) Except as otherwise provided in the Statute, the composition, election, terms of office, functions and procedures of Council committees are as provided for in the Rules.

Executive Committee

17. (1) The functions of the Executive Committee of the Council are determined by the Council, defined in the Rules and reflected in the Charter for the Council Executive Committee.
- (2) The Executive Committee consists of-
- (a) the Chairperson of the Council;
 - (b) the Vice-Chairperson of the Council;
 - (c) the Vice-Chancellor and Principal;
 - (d) the Chairpersons of the standing committees of Council as contemplated in paragraph 16(1)(b), (c), (d) and (e);
 - (e) the Deputy Vice Chancellor as contemplated in paragraph 9(1)(b)(ii);
 - (f) the other members of the Management Executive Committee are

invitees.

- (3) The Chairperson of the Council is also the Chairperson of the Executive Committee, and the Secretary of the Council is also the Secretary of the Executive Committee.

Other committees

18. (1) The composition, election, terms of office, functions and procedures of Council committees and joint committees are as prescribed by the Rules and relevant approved charters.
- (2) The Chairperson of the Council may not be the Chairperson of a committee other than the Executive Committee, unless the Council decides otherwise.
- (3) The Chairperson of a Council committee may not be an employee or a student of the University.

SENATE

Functions

19. (1) The Senate-
- (a) provides academic leadership and debates matters of academic principle;
 - (b) promotes an institutional culture of high academic and ethical standards;
 - (c) ensures the academic quality of programmes, research and community engagement activities;
 - (d) determines and recommends to the Council policy regarding admission, teaching, learning, assessment, research, quality assurance, community engagement and other matters that form part of its functions;
 - (e) co-determines with the Council the language policy of the University;
 - (f) determines guidelines for the appointment and promotion of academic employees, advises the Council in this regard, and makes recommendations on the appointment of academic employees in terms of subsection 34(2) of the Act and paragraph 8(2)(b), 8(2)(e)(ii) and 60 of this Statute;
 - (g) determines and submits recommendations to the Council on the organisation of and structures for teaching, learning, research and community engagement;
 - (h) determines and submits recommendations to the Council on the introduction or suspension of degrees, diplomas, certificates, programmes, courses and subjects;
 - (i) determines the Rules for degrees, diplomas, certificates and other academic programmes;
 - (j) considers and approves recommendations from its committees, including Faculty Boards;
 - (k) ensures legal compliance in regard to academic matters;

- (l) advises academic management structures on the management of matters relating to Senate functions;
- (m) advises the Council on the Library and Information Services in regard to academic matters;
- (n) determines and recommends to the Council matters related to academic development and support services, professional specialist services for students, student discipline, the constitution of the University Student Representative Council, and other student matters of an academic or academic-related nature;
- (o) determines and submits recommendations to the Council on matters delegated or entrusted to it by the Council;
- (p) submits to the Council such reports on its work as may be required by the Council, and submits at its own discretion other recommendations to the Council in respect of other academic-related matters affecting the University;
- (q) establishes committees to promote its functions;
- (r) may delegate any of its powers and functions to its Executive Committee or any other Senate committee, member or members of the Senate, or an official of the University, but remains responsible and accountable for powers and functions so delegated;
- (s) may advise the Council on the procedure for the appointment of the Vice-Chancellor and Principal, the Deputy Vice-Chancellors and Registrar;
- (t) decides on matters delegated by the Council to the Senate, including:
 - (i) admission requirements in respect of academic programmes;
 - (ii) the number of students who may be admitted for a particular programme, the criteria applicable and the way in which they are selected;
 - (iii) requirements for admission to study, termination of study and re-registration; and
 - (iv) student discipline;
- (u) fulfills such other functions and tasks as determined by the Council or as described in the Rules.

Accountability

20. The Senate is accountable to the Council.

21. Composition

- (1) The Senate consists of the -
 - (a) Vice-Chancellor and Principal (Chairperson);
 - (b) Deputy Vice-Chancellors;

- (c) Registrar;
 - (d) Executive Deans;
 - (e) Vice-Deans that are not otherwise full professors;
 - (f) full professors (permanent or appointed on a fixed term contract for a period of at least three years);
 - (g) heads of research centres that are not otherwise full professors;
 - (h) heads of substructures of Faculties approved by Council that are not otherwise full professors;
 - (i) Executive Directors responsible for academic and research activities, determined by the Senate from time to time;
 - (j) two external members of the Council appointed by the Council; and
 - (k) two representatives of the Student Representative Council, elected by the Student Representative Council.
- (2) The following are permanent invitees to Senate (and not members):
- (i) heads of Faculty administration; and
 - (ii) such other functionaries as determined by the Chairperson from time to time.
- (3) Such additional members are determined by the Senate from time to time.
- (4) The majority of the Senate members are senior academic employees.

Fiduciary duty of members of Senate

22. (1) A member of Senate stands in a fiduciary relationship to the University.
- (2) A member of Senate promotes the interests of the University and acts in good faith and with care and skill.

Term of office of members

23. The term of office of Senate members, and the manner of filling vacancies, are as set out in the Rules and approved Charter for the Senate.

Office-bearers

24. (1) The Vice-Chancellor and Principal is the Chairperson of the Senate.
- (2) In the absence of the Chairperson, the acting Vice-Chancellor and Principal acts as the Chairperson of Senate.
- (3) The Registrar or in her/his absence, the acting Registrar is the Secretary of the Senate.
- (4) When both the Chairperson and acting Vice-Chancellor and Principal are

absent from a meeting of the Senate, the members present at such meeting elect one of their members to preside.

Meetings

25. (1) The Senate has at least four ordinary meetings during each academic year.
- (2) The Secretary administers meetings in accordance with the Rules.
- (3) The Senate determines its own procedures for meetings as reflected in the Charter for the Senate, which form part of the Rules.
- (4) The Chairperson of the Senate may call an extraordinary or emergency meeting in accordance with the Rules.
- (5) The Senate is quorate if at least forty per cent of the members (excluding those members who have been granted official travel, research or sabbatical leave of absence) are present and remain present during the transacting of business and decision-making.

Committees

26. (1) The Senate constitutes -
- (a) an Executive Committee of the Senate;
- (b) a Faculty Board for each Faculty; and
- (c) other Senate committees as it deems necessary.
- (2) Except as otherwise provided in the Statute, the composition, election, terms of office, functions and procedures of Senate committees are as reflected in the Charter for the Senate and prescribed in the Rules.

Executive Committee

27. (1) The functions of the Executive Committee of the Senate are determined by Senate, defined in the Rules and reflected in the Charter for the Executive Committee of Senate. The functions include the appointment (on behalf of Senate) of Honorary Professors (subject to the concurrence by Council), Adjunct Professors, Fellows, Distinguished Research Associates and Visiting Professors.
- (2) The Executive Committee consists of -
- (a) the Vice-Chancellor and Principal;
- (b) the Deputy Vice-Chancellors;
- (c) the Registrar;

- (d) Executive Deans;
 - (e) four Senate members, in addition to the members listed in paragraphs 31(2)(a) to (d), elected by the Senate; and
 - (f) Additional members as determined by the Senate from time to time and reflected in the Charter approved by the Senate.
- (3) The Chairperson of the Senate is also the Chairperson of the Executive Committee.
 - (4) The members listed in paragraphs 31(2)(a) to (d) remain members of the Executive Committee by virtue of their office.
 - (5) The term of office of Senate representatives on the Executive Committee is three years and these Senate representatives are eligible for one additional term of office.

Faculty Boards

28. (1) The Faculty Board of every Faculty is a standing committee of the Senate.
- (2) A Faculty Board -
- (a) governs and regulates the activities of the Faculty in accordance with the Rules;
 - (b) considers and recommends to the Senate the Academic programmes (both subsidised and non-subsidised) offered by Faculties;
 - (c) promotes research in the Faculty;
 - (d) submits recommendations to the Senate on matters that affect the Faculty as well as matters referred to it by the Senate;
 - (e) appoints subcommittees of the Faculty Board; and
 - (f) fulfills such other functions as the Rules may describe.
- (3) The composition of a Faculty Board is determined by the Senate on recommendation of a Faculty Board.
- (4) The Council appoints an Executive Dean for every Faculty in accordance with the Rules approved by the Council, who is accountable to the relevant Faculty Board and fulfills the functions as described in the Rules.
- (5) The Executive Dean of a Faculty is the Chairperson of the relevant Faculty Board.
- (6) Membership of Faculty Boards, terms of office, meeting procedures and

other matters relating to Faculties are reflected in the Rules and approved Charter.

CHAPTER 4 OFFICE-BEARERS AND MANAGEMENT STRUCTURES

CHANCELLOR

Functions

29. (1) The Chancellor is the titular head of the University with no executive powers.
- (2) The Chancellor confers all University degrees and awards all diplomas and certificates in the name of the University.
- (3) The Chancellor constitutes and dissolves congregations of the University.
- (4) The Chancellor performs such other functions on behalf of the University as assigned to her/him by the Council or as requested by the Vice-Chancellor and Principal and approved by the Council.
- (5) The Chancellor must at all times embody the aspirations and values of the University and actively advance the interests of the University.
- (6) In the absence of the Chancellor, the Vice-Chancellor and Principal performs the functions of the Chancellor, and in the absence of the Vice-Chancellor and Principal, the functions will be performed by a Deputy Vice-Chancellor or other University functionary appointed by the Vice-Chancellor.

Election

30. (1) The Chancellor is a person –
- (a) who must not be disqualified to act as a director in accordance with the legislation regulating the governance of companies;
 - (b) with knowledge and experience relevant to the objectives and governance of the University;
 - (c) who is appropriately academically qualified.
- (2) The Chancellor is elected by the Council and appointed at a Council meeting.
- (3) The Chairperson of the Council, or, in the absence of the Chairperson, the

- Vice-Chancellor and Principal, determines the date, time and venue for a meeting of the Council to elect a Chancellor.
- (4) The election date must be a date before the date on which the Chancellor's term of office expires or, in the case of a vacancy for any other reason, at the latest within sixty days of the date on which the vacancy occurred.
 - (5) The Secretary of the Council gives the Council members a minimum of thirty-five days' written notice of the intended election meeting.
 - (6) The Secretary of the Council invites Council members, employees and students of the University, and members of the Convocation to submit nominations for the office of Chancellor.
 - (7) Nominations must reach the Council Secretary at least twenty days before the date of the Council's election meeting.
 - (8) Nominations must be made on an official nomination form of the University and must be signed by the proposer and seconded by at least three other members from the proposer's constituency contemplated in paragraph 34 (7).
 - (9) Nominations must include the written consent of the nominee and her/his curriculum vitae.
 - (10) A special meeting of the Institutional Forum must be held after the closing date for nominations to consider the nominations and to advise the Council.
 - (11) At least ten days before the Council's meeting for the election of a Chancellor, the Secretary informs the Council members in writing of the names of the nominated candidates, as well as of the advice of the Institutional Forum.
 - (12) The Council may add names to the list of nominated candidates.
 - (13) The election occurs by way of secret ballot.
 - (14) A candidate is elected by a majority of the members present, as prescribed in the Rules for Council meetings.
 - (15) If no candidate receives a majority of votes, successive ballots are held, and in each successive ballot the candidate receiving the fewest votes is eliminated as a candidate.
 - (16) In the event of multiple candidates and the absence of a majority vote, the candidate with the least number of votes in a ballot or subsequent ballots will be eliminated until a majority is obtained.

- (17) The Council Chairperson announces the name of the elected Chancellor immediately after the election.

Term of office

31. (1) The Chancellor's term of office is five years.
- (2) A person may not be elected as Chancellor for more than two consecutive terms of office.
- (3) Before her/his term of office expires, a Chancellor may resign in writing or be relieved of her/his office by the Council on reasonable grounds as described in the Rules, provided that at least two thirds of the Council members vote for such a decision.
- (4) A Chancellor may only be removed from office by the Council after she/he has been given the opportunity to answer to the reasons provided by Council for such removal.

Accountability

32. The Chancellor is accountable to the Council.

VICE-CHANCELLOR AND PRINCIPAL

Functions

33. (1) The Vice-Chancellor and Principal is:
- (a) the principal, chief executive and accounting officer of the University; and
- (b) the legal, administrative and academic head of the University.
- (2) The Vice-Chancellor and Principal reports to the Council.
- (3) The Council may assign additional duties to the Vice-Chancellor and Principal.
- (4) By virtue of her/his office, the Vice-Chancellor and Principal is a member of all committees of the Council and the Senate, unless Council decides otherwise.
- (5) In the absence of the Chancellor or when the office of Chancellor is vacant, the Vice-Chancellor and Principal may exercise any official duty of the Chancellor.

- (6) The Vice-Chancellor and Principal may delegate any functions, duties and powers to a member of the Management Executive Committee, provided that the Vice-Chancellor and Principal is not divested of the responsibility for the performance of any such functions delegated to a member of the Management Executive Committee.

Appointment

34. (1) The Vice-Chancellor and Principal is a person:
- (a) who must not be disqualified to act as a director in accordance with the legislation regulating the governance of companies;
 - (b) with knowledge and experience relevant to the objectives and governance of the University; and
 - (c) who is appropriately academically qualified.
- (2) The Vice-Chancellor and Principal is appointed by the Council in accordance with a procedure determined by the Council and a duly constituted Selection Panel as approved by Council (which *inter alia* includes the Chairperson of Council and the Chairperson of the Human Resource Committee of Council).
- (3) Council must consider the advise of the Institutional Forum regarding the selection of the Vice-Chancellor and Principal.
- (4) A candidate is elected by a majority of the members of Council present as prescribed in the Rules for Council meetings.
- (5) If no candidate receives a majority of votes, successive ballots are held, and in each successive ballot the candidate receiving the fewest/lowest votes is eliminated as a candidate.
- (6) In the event of multiple candidates and the absence of a majority vote, the candidate with the least number of votes in a ballot or subsequent ballots are eliminated until a majority is obtained. The Council Chairperson announces the name of the elected Vice-Chancellor and Principal immediately after the election.

Term of office

35. (1) A Vice-Chancellor and Principal is appointed for a period of five years.
- (2) A Vice-Chancellor and Principal may be appointed for more than one term of office, as determined by the Council, following a review process as contemplated in the Rules.
- (3) The Vice-Chancellor and Principal may be removed from her/his position by the Council before her/his term of office expires if -

- (a) she/he is convicted of an offence that, in the opinion of the Council, renders the Vice-Chancellor and Principal unfit to perform her/his duties; and
- (b) in the opinion of the Council, the Vice-Chancellor and Principal becomes incapacitated or her/his continued principalship is deemed improper.

Accountability

36. The Vice-Chancellor and Principal is accountable to the Council and has a reporting responsibility to the Senate and the University community.

Acting Vice-Chancellor and Principal

37. (1) In the absence of the Vice-Chancellor and Principal, the Vice-Chancellor and Principal appoints an acting Vice-Chancellor and Principal.
- (2) An acting Vice-Chancellor and Principal has the same responsibilities, powers and functions as the Vice-Chancellor and Principal.
- (3) An acting Vice-Chancellor and Principal is accountable to the Vice Chancellor and to the Council when applicable.

Vacancy

38. (1) If the office of the Vice-Chancellor and Principal becomes vacant for whatever reason, the Council must appoint an acting Vice-Chancellor and Principal, after consulting with Senate and Institutional forum, to act as Vice-Chancellor and Principal until such time as a new Vice-Chancellor and Principal takes up his or her appointment. A successor must be appointed not later than a year after the vacancy arose.
- (2) If a vacancy arises as a result of the Council resolution to terminate the contract of Vice-Chancellor and Principal, such a resolution must be passed at a meeting of the Council by a majority vote consisting of not less than 75% and after consultation with the Senate and the Institutional Forum.

DEPUTY VICE-CHANCELLORS AND REGISTRAR

Functions

39. (1) Deputy Vice-Chancellors and the Registrar assist the Vice-Chancellor and Principal with the management, administration, supervision and control of the University.
- (2) Deputy Vice-Chancellors and the Registrar are responsible for the portfolios and functions allocated to them by the Vice-Chancellor and

Principal and approved by the Council.

- (3) When a Deputy Vice-Chancellor or Registrar is absent or the position is vacant, the Vice-Chancellor appoints an official to perform her/his duties.

Appointment

40. Deputy Vice-Chancellors, the Registrar, and other officers, are appointed by the Council, at its sole discretion, according to the procedure prescribed in the Rules and in accordance with criteria for appointment described in the Rules, with specific executive and managerial responsibilities.

Term of office

41. The terms of office of the Deputy Vice-Chancellors and the Registrar are determined by the Council and described in the Rules.

Accountability

42. Deputy Vice-Chancellors and the Registrar are accountable to the Vice-Chancellor and Principal.

EXECUTIVE DEANS AND EXECUTIVE DIRECTORS

Functions

43. The functions of Executive Deans and Executive Directors are determined by the Council and stipulated in the Rules.

Appointment and term of office

44. Executive Deans and Executive Directors are appointed by the Council for terms as determined by the Council.

Accountability

45. Executive Deans and Executive Directors are accountable to the relevant Deputy Vice-Chancellor in terms of portfolios, and to the Vice-Chancellor and Principal.

MANAGEMENT EXECUTIVE COMMITTEE

Functions

46. (1) The Management Executive Committee assists the Vice-Chancellor and Principal in the planning, management, administration, supervision and control of the University.
- (2) The Management Executive Committee may delegate some of its functions

but remains responsible and accountable for the performance and outcome of any delegated function.

Composition

47. (1) The Management Executive Committee consists of the:
- (a) Vice-Chancellor and Principal;
 - (b) Deputy Vice-Chancellors;
 - (c) Registrar;
 - (d) Any other functionary of the University may from time to time be co-opted as a member of the Management Executive Committee for a specific period, purpose or meeting.
- (2) The Vice-Chancellor and Principal is the Chairperson of the Management Executive Committee.

Meetings

48. (1) The Vice-Chancellor and Principal convenes the meetings of the Management Executive Committee and determines its business in consultation with the members of the Management Executive Committee.
- (2) The Management Executive Committee determines its delegation of authority, subcommittees and procedures for meetings in accordance with the accepted principles relating to the conduct of meetings.
- (3) Any employee of the University may be invited to attend a specific meeting of the Management Executive Committee for purposes of consultation and to make an input on a specific matter or matters.
- (4) The Registrar, or an employee approved by the Management Executive Committee, acts as Secretary of meetings of the Management Executive Committee.
- (5) In the absence of the Vice-Chancellor and Principal, a member of the Management Executive Committee appointed by the Vice-Chancellor and Principal, acts as Chairperson of a specific meeting or meetings of the Management Executive Committee.

Accountability

49. The Management Executive Committee is responsible and accountable to the University Council and has a reporting responsibility to the University community.

CHAPTER 5

INSTITUTIONAL FORUM

Status and Role

50. The Institutional Forum advises the Council on matters that affect the University.

Functions

51. (1) The Institutional Forum gives advice particularly on the following matters -
- (a) the implementation of the Higher Education Act;
 - (b) the national higher education policy;
 - (c) policies on equity regarding race and gender and matters relating to transformation;
 - (d) the selection and appointment of candidates for senior management positions (as defined in the Act); codes of conduct, and mediation and dispute resolution procedures;
 - (e) the fostering of an institutional culture that promotes tolerance and respect for human rights and a positive academic environment for learning, teaching, research and community engagement;
 - (f) the language policy of the University;
 - (g) amendments to the Statute; and
 - (h) any other issue that affects the University.
- (2) In addition to its advisory function as stated in paragraph 55, the Institutional Forum –
- (a) carries out such functions as determined by the Council after consultation with the Institutional Forum;
 - (b) provides the Council with written advice on matters affecting the University;
 - (c) considers feedback by the Council on recommendations of the Institutional Forum not accepted by Council.

Accountability

52. The Institutional Forum is accountable to the Council, which recognises its advisory role.

Composition

53. (1) The Institutional Forum consists of -
- (a) two members representing the Management Executive Committee;

- (b) one member representing the senior management who is responsible for industrial relations and employment conditions at the University;
- (c) two members of the Council, elected by the Council, who are not employees or students of the University, one of which is a Convocation representative on Council;
- (d) one member representing the senior management who is responsible for student affairs;
- (e) two members of the Senate, elected by the Senate;
- (f) two members elected from the ranks of the full-time permanent academic employees not being members of the Senate, elected by the permanent academic employees not being members of the Senate;
- (g) two members elected from the ranks of the permanent non-academic employees (which members should be representative of different occupational categories of non-academic employees of the University), elected by the permanent non-academic employees;
- (h) two students, elected by the University Student Representative Council;
- (i) two members each of each recognised trade union who are permanent employees, elected by the trade union;
- (j) one member representing employees with disabilities, who is a permanent employee, selected by such permanent employees from their ranks;
- (k) such additional members as the Institutional Forum may determine from time to time, up to a maximum of two, to ensure that the Forum can fulfill its functions.

Nomination/election of members

54. The nomination, election and appointment of members are as determined by each constituency or as regulated in the Rules.

Terms of office of members

55. (1) Terms of office of Institutional Forum members are in principle four years, or such shorter term as the representative still represents her/his constituency or as determined by the Council.
- (2) Except for members mentioned in paragraph 53(1)(a), (b), (c) and (d), no member may serve on the Institutional Forum for more than two consecutive terms.

Vacancies

56. (1) The Secretary of the Institutional Forum communicates a vacancy in the

Institutional Forum to the person or body who elected or appointed the member.

- (2) A vacancy must be filled within twelve weeks after the Secretary receives notification or becomes aware of such vacancy.

Office-bearers

57. (1) The Chairperson is a member of the Management Executive Committee and is appointed by Council as the Chairperson of the Institutional Forum.
- (2) The Registrar appoints the Secretary of the Institutional Forum.
- (3) When the Chairperson is absent from a meeting of the Institutional Forum, the Chairperson appoints a person to act as Chairperson, and when no such appointment has been made, the members present at such meeting elect one of their number to preside.

Meetings

58. (1) The Institutional Forum decides the number of meetings of the Forum.
- (2) There must be at least four meetings a year.
- (3) The Chairperson may convene an extraordinary or emergency meeting by giving notice of such meeting and the agenda thereof.
- (4) An extraordinary or emergency meeting must be convened by the Chairperson if at least thirty per cent of the members of the Institutional Forum request such meeting, where such request is in writing and the relevance of the matters to be discussed is regarded by the Chairperson to be sufficiently motivated.
- (5) At least seven days' notice of an extraordinary or emergency meeting must be given, except with the unanimous consent of the meeting.
- (6) No business other than that which the extraordinary or emergency meeting was called for may be transacted at such meeting.
- (7) Subject to the provisions of the Statute and Rules, the Institutional Forum determines its own procedure for meetings in accordance with the accepted principles relating to the conduct of meetings.
- (8) The Institutional Forum is quorate if at least forty per cent of its members are present.
- (9) A quorum must be in attendance when any decision is taken.

Task teams and committees

59. (1) If necessary, the Institutional Forum may establish committees or task teams for specific projects or purposes, and it may co-opt a maximum of three persons to a committee in respect of any specific project.

- (2) Except as otherwise provided in the Statute, the composition, manner of election, terms of office, functions and meeting procedures of task teams and committees are as prescribed in the Rules.

CHAPTER 6

EMPLOYEES

Appointment

60. (1) The Council appoints employees in accordance with the Human Resources Policy as determined in the Rules.
- (2) With the exception of the Vice-Chancellor and Principal, Deputy Vice-Chancellors, Registrar, Executive Deans and Executive Directors, the appointment of academic and non-academic employees at different levels occurs in terms of delegations as approved by the Council and prescribed by the Rules.
- (3) The Institutional Forum advises the Council on the selection of senior management.

Conditions of employment

61. (1) The conditions of employment, including the remuneration policy are determined by the Council and regulated in the Rules.
- (2) The Council may amend the conditions of employment from time to time, subject to the provisions of paragraph 61(3).
- (3) A negotiating team mandated by the Management Executive Committee must enter into discussions, negotiations and agreements on remuneration and related employment conditions with representative employees' organisations in accordance with relevant labour legislation, and make recommendations to the Council for approval.

Evaluation

62. All employees of the University are subject to performance review in the performance of their duties.

Discipline

63. Employees are subject to discipline in respect of misconduct and neglect, in accordance with the University's disciplinary code and procedures prescribed in the Rules.

Promotion

64. Promotion of employees is considered in terms of the relevant stipulations in the

Rules.

Accountability

65. Employees are accountable to their relevant line managers or as determined by the Statute.

CHAPTER 7 STUDENT GOVERNANCE AND OTHER STUDENT- RELATED AFFAIRS

STUDENT REPRESENTATIVE COUNCIL

Role

66. (1) The Student Representative Council functions in terms of a constitution approved by the Council on recommendation of the Student Representative Council and the Senate. In the absence of a Student Representative Council, the Council may appoint an Interim Student Representative Council.
- (2) The Student Representative Council in particular -
- (a) represents the student community and acts in its interests with regard to relevant academic and non-academic matters;
 - (b) supports and upholds the vision, mission, values and goals of the University;
 - (c) liaises with the Council, the Senate, the Vice-Chancellor and Principal and the Management Executive Committee, Student Representative Councils of other institutions and the general public;
 - (d) promotes student participation in student affairs; and
 - (e) promotes academic diligence and excellence among students.

Accountability

67. The Student Representative Council is accountable to the Vice-Chancellor and Principal, the Council and the student body/community.

Task teams and committees

68. (1) If necessary, the Student Representative Council may establish committees or task teams for specific projects or purposes.
- (2) Except as otherwise provided in the Statute, the composition, manner of election, terms of office, functions and meeting procedures of task teams and committees are as prescribed in the Rules.

INTERIM STUDENT REPRESENTATIVE COUNCIL

Role

69. The Interim Student Representative Council advises the senior management on student related matters in the absence of the Student Representative Council, until such time that the Student Representative Council has been elected and constituted.

Accountability

70. The Interim Student Representative Council is accountable to the Vice-Chancellor and Principal, the Council and the student body/community.

OTHER STUDENT-RELATED AFFAIRS: ADMISSION, REGISTRATION AND DISCIPLINE

Admission and registration

71. (1) A person may register as a student of the University if she/he satisfies the legal requirements and any other requirements for admission determined by the Council and specified by the Senate.
- (2) The Council may change the requirements for admission of students on recommendation of the Senate.
- (3) The Senate may determine the number of students who may register for a specific programme in accordance with the University Enrolment Plan.
- (4) A student is registered for one academic year or for such shorter term as the Senate may determine in general or in a particular case.
- (5) After expiry of an academic year or such shorter period as contemplated in paragraph 75(4), a student is required, in order to continue with studies at the University, to comply with any conditions set by the University and to register again.
- (6) The University may refuse to allow the renewal of registration if a student fails to meet the conditions contemplated in paragraph 71(1).
- (7) The conditions contemplated in paragraph 71(1) may include the payment of fees.
- (8) A person who completes and signs the official registration form subjects herself/himself to the Rules.

Termination of registration

72. (1) A student's registration may be terminated immediately if -
- (a) she/he fails to submit the required certificates and documentation after having received reasonable notice to do so;

- (b) she/he fails to pay the prescribed fees by the deadlines;
 - (c) she/he does not make satisfactory progress as prescribed in the Rules; or
 - (d) if disciplinary measures in a specific case include a decision to this effect.
- (2) If a student's registration is not terminated in circumstances contemplated in paragraph 72(1)(b), the University is nevertheless exempted from its obligations towards the student while the prescribed fees remain unpaid.

Discipline

73. (1) A student commits a transgression if she/he contravenes any of the Rules or disregards any reasonable instruction of a body or employee who is entitled to issue such an instruction.
- (2) Disciplinary measures applicable to students are approved by the Council and set out in the Rules.
- (3) The Vice-Chancellor and Principal reports to the Senate and the Council once a year on disciplinary actions taken against students in the past year.

CHAPTER 8

QUALIFICATIONS, HONORARY DEGREES AND TITLES AND COUNCIL AWARDS

Degrees, diplomas and certificates

74. The University confers degrees and awards diplomas and certificates, which reflect approved state-subsidised or non-subsidised programmes in terms of section 65(B) of the Act, on or to -
- (1) persons who were registered students at the University for the period prescribed by the Rules;
 - (2) who complied with the requirements of the qualification and achieved the standards prescribed by the Rules; and who have otherwise complied with the Act and the Rules.

Honorary degrees and titles and Council awards

75. (1) The University confers honorary degrees in terms of the provisions of section 65(C) of the Act.
- (2) Honorary degrees and titles are conferred when approved by Council following consultation with Senate and Council awards are made in accordance with the prescribed Rules.

CHAPTER 9

CONVOCATION AND DONORS

CONVOCATION

Role and objectives

76. (1) The Convocation may state its opinion upon any matter relating the University, including matters referred to it by the Council, the Senate or the Institutional Forum.
- (2) The Convocation elects two persons from its members to serve on Council in accordance with paragraph 9(1)(a)(ii).
- (3) The Convocation, in cooperation with the Registrar, maintains a database of its members in order to promote communication between the University and members, and which serves as a voters' roll for the election of Council members and other suitable purposes.

Membership

77. (1) Membership of the Convocation consists of -
- (a) alumni;
 - (b) the Vice-Chancellor and Principal, the Deputy Vice-Chancellors and Registrar of the University;
 - (c) permanent academic employees of the University; and
 - (d) retired permanent academic employees of the University.

Office-bearers

78. (1) The Convocation elects from its members a President who acts as Chairperson of its meetings and holds office for a period as determined in the constitution of the Convocation.

Executive Committee

79. The Convocation elects from its ranks, in addition to its President, such other officials to its Executive Committee as determined by its constitution, which forms part of the Rules.

Meetings and elections

80. Requirements and arrangements concerning meetings and elections of the Convocation are stipulated in the Convocation's constitution, which forms part of the Rules.

DONORS

81. The University may receive monies, property, equipment or any other form of asset from donors to assist the University in providing quality education, research and community service.
82. The University recognises and registers donors as determined in the Rules.

CHAPTER 10

TRANSITIONAL ARRANGEMENTS

Arrangements

83. (1) The Statute of the University of Johannesburg promulgated in Government Notice No 561, Government Gazette No 35192 of 30 March 2012 is hereby repealed with effect from the date on which this Statute comes into operation.
- (2) The Council has the power and the duty to take measures to implement the provisions of this Statute and accompanying Rules as soon as is practicable after promulgation of this Statute.
- (3) Anything done under any provision of the Standard Institutional Statute that was applicable to the University prior to the promulgation of this Statute is regarded to have been done under the corresponding provision of this Statute.
- (4) Persons who occupied posts, and structures that existed immediately prior to the approval and promulgation of this Statute, will continue to occupy those posts, and the structures will continue to exist, unless the post or structure is affected by the provisions of this Statute and/or Council decisions in accordance therewith. Any changes to posts or structures thus brought about by the Statute are subject to the Act and applicable labour law.
- (5) The University's Rules that were in force prior to the promulgation of this Statute will continue to apply until amended or replaced.
- (6) Notwithstanding paragraph 83(3) and (4), the term of office for members of structures or for persons in specific posts will expire at the time originally specified.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF LABOUR

NOTICE 234 OF 2017

NOTICE OF FEBRUARY 2017

PLEASE FIND SET OUT BELOW A LIST OF BARGAINING COUNCILS THAT HAVE BEEN ACCREDITED BY THE CCMA IN TERMS OF THE PROVISIONS OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED) FOR CONCILIATIONS AND/ OR ARBITRATIONS AND/ OR INQUIRY BY ARBITRATOR, WITH THE TERMS OF ACCREDITATION ATTACHED FOR THE PERIOD 01 FEBRUARY 2017 TO THE 31 AUGUST 2019.

BARGAINING COUNCILS ACCREDITED TO CONDUCT CONCILIATIONS AND ARBITRATIONS, SUBJECT TO CONDITIONS WHERE APPLICABLE

Name of Council	Accredited Functions
<u>PRIVATE SECTOR BARGAINING COUNCILS</u>	
Motor Industry Bargaining Council	To be accredited for conciliations and arbitrations (including Inquiry by Arbitrator) from 01 April 2016 until 30 August 2019 on condition that the Collective Agreement is extended to non-parties and that sections 198 and 198A to 198C-matters are allocated to only those part-time Commissioners who have been successfully trained by the CCMA on section 198 and its insertions.
National Bargaining Council for the Road Freight and Logistics Industry	To be accredited for conciliations and arbitrations (including Inquiry by Arbitrator) from 01 March 2017 until 28 February 2019 on condition that sections 198 and 198A to 198C-matters are allocated to only those part-time Commissioners who have been successfully trained by the CCMA on section 198 and its insertions.

PUBLIC SECTOR BARGAINING COUNCILS**Education Labour Relations Council**

To be accredited for conciliations and arbitrations (including Inquiry by Arbitrator) from **01 February 2017** until **31 January 2018** on condition that all performance efficiencies are monitored and improved upon and that sections 198 and 198A to 198C-matters are allocated to only those part-time Commissioners who have been successfully trained by the CCMA on section 198 and its insertions.

TERMS OF ACCREDITATION FOR CONCILIATION, ARBITRATION AND INQUIRY BY ARBITRATOR

1. SCOPE OF ACCREDITATION:

Herewith categories of disputes for which Councils are eligible to apply for accreditation.

COUNCILS ARE ACCREDITED TO PERFORM THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS:

Unfair dismissal disputes	- Section 191
Unfair Labour practice	- Section 191
Mutual Interest disputes	- Section 64
Interpretation of Collective Agreement disputes	- Section 24 (1)
Essential Services disputes	- Section 74
Inquiry by Arbitrator	- Section 188A
Temporary Employment Service	- Section 198, 198A, 198B, 198C and 198D
Disputes about Interpretation and Application of Chapter 2	- Section 9

COUNCILS MAY NOT SEEK ACCREDITATION FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS REGARDING DISPUTES OVER THE FOLLOWING (see FOOTNOTE 11 of SECTION 51):

Organisational rights (sections 16, 21 and 22);

Collective Agreements where the agreement does not provide for a dispute resolution procedure or the procedure is inoperative or any party frustrates the resolution of disputes (section 24(2) to (5));

Agency shops and closed shops (section 24(6) and (7) and section 26(11);

Determinations made by the Minister in respect of proposals made by a Statutory Council (section 45);

The interpretation and application of Collective Agreements of a Council whose registration has been cancelled (section 61(5) to (8));

Demarcation of sectors and areas of Councils (section 62);

The Interpretation or application of Part C (Bargaining Councils), Part D (Bargaining Councils in the Public Service), Part E (Statutory Councils) and Part F (General Provisions concerning Councils) (Section 63);

Picketing (section 69(8) to 10);

Proposals which are the subject of joint-decision making in a workplace forum (section 86);

Disclosure of information to workplace forums (section 89);

Interpretation or Application of the provisions of Chapter 5 of the LRA which deals with workplace forums (section 94);

Enforcement of the Collective Agreements by Bargaining Councils (section 33A) and;

Enforcement of arbitration awards in terms of section 143. Only the Director of the CCMA, unless the power has been delegated to a CCMA Senior Commissioner may certify awards as if it were an order of the Labour Court;

Facilitating mass retrenchment disputes section 189(A).

2. POWERS OF ACCREDITATION:

Only those persons who are accredited by the CCMA, or are part-time Commissioners appointed by the Governing Body of the Commission in the terms of section 117 (2) of the Labour Relations Act, may perform the accredited functions of the council for the Council.

The following provisions of the LRA, as amended apply to Councils accredited for conciliation and arbitration:

- (a) For the purpose of this paragraph any reference in Part C of Chapter VII of the LRA to:
 - “Commission” must be read as a reference to the Council;
 - “Commissioner” must be read as a reference to a conciliator or arbitrator appointed by the Council.
 - “Director” must be read as a reference to the Secretary of the Council.
- (b) The provisions of the sections contained in Part C of Chapter VII (section 127(6)) of the LRA shall apply to the Council in the performance of its accredited functions subject to the Council's Constitution and/or Collective Agreements. For the purpose of this sub-paragraph the following applies:
 - (i) The provisions of section 133 to 136;
 - (ii) The provisions of section 138 to 142, S142A, S143, S144 and S145;
 - (iii) The provisions of section 146 unless the Collective Agreement of the Council provides that the Arbitration Act, Act 42 of 1965 applies to any arbitration conducted under its accredited function and which Collective Agreement is binding on the parties to the disputes; and
 - (iv) The provisions of section 148.

3. EXTENSION OF ACCREDITATION:

Despite the expiry of the period of accreditation as stated in the Certificate of Accreditation, the Council may continue to perform its accredited functions in respect of any dispute referred to it during the period of accreditation, but not yet resolved by the time the period expires, until the dispute is resolved either through conciliation or arbitration.

4. TRANSGRESSION OF TERMS OF ACCREDITATION:

If the accredited Council fails to comply with the terms of accreditation, the Governing Body of the CCMA may revoke accreditation. In terms of section 130 of the LRA, as amended the Governing Body of the CCMA may withdraw accreditation after having given reasonable notice of withdrawal.

5. AMENDMENT OF ACCREDITATION:

An Accredited Council may apply to the Governing Body of the CCMA in terms of section 129 of the LRA to amend its accreditation.

**NON-GOVERNMENTAL ORGANIZATION
NOTICE 235 OF 2017**

SRI/17/17
RAS/GS
31 January 2017

SOUTH AFRICAN SUGAR ASSOCIATION

**AMENDMENT TO NOTICE UNDER CLAUSES 77 AND 78 OF THE SUGAR INDUSTRY
AGREEMENT, 2000, PUBLISHED IN GOVERNMENT GAZETTE NUMBER 21600:
29 SEPTEMBER 2000: NOTICE 3425 OF 2000**

Notice is hereby given by the South African Sugar Association, in terms of Clause 78 of the Sugar Industry Agreement, 2000, that paragraph (3)(c) and (3)(d) of the Notice Under Clauses 77 and 78 of the Sugar Industry Agreement, 2000, published in Government Gazette No. 21600 dated 29 September 2000 as Notice 3425 of 2000, is hereby replaced with the following:

- (3)(c) If the pest Longhorn beetle (Cerambycid) is found in sugarcane within a grower's land, the following measures shall be taken or caused to be taken by the grower concerned:
- (i) In the event of a heavy infestation as determined by the Committee on the land concerned the crop shall be harvested and the crop sent to the mill by a date determined by the Committee in consultation with the Mill Group Board, where after and by a date specified by the Committee the crop shall be eradicated by ploughing the infested stools such that the entire crop is killed and all evidence of the pest is eliminated. Thereafter, a minimum fallow period of at least one year shall be enforced or until the pest has been completely destroyed.
 - (ii) In the event of light infestations as determined by the Committee, the grower shall remove or cause to remove infested stools from the field or apply a registered insecticide to the field or parts of the field as directed by the Committee.

South African Sugarcane Research Institute is a division of the South African Sugar Association



- iii) No grower shall sell or otherwise use any sugarcane infested with *Cerambycid* (longhorn beetle) as seedcane unless remedial measures as specified from time to time by the Committee have been applied and approved by the Biosecurity Officer. Where heavy infestations, as determined by the Committee are encountered on a particular farm, the Committee may, at its discretion prohibit the movement of any sugarcane intended to be used as seedcane from the property, irrespective of whether remedial measures have been applied.
- (3)(d) If a disease is found in sugar cane on a grower's land, unless the Committee is satisfied that the level of infestation is such that it does not constitute a hazard, the following measures shall be taken or caused to be taken by the grower concerned:
- (i) In respect of smut all diseased cane and stools shall be removed and destroyed within a period described by the Committee, which shall also prescribe the period during which the affected field or fields shall remain fallow in order to allow all volunteers of the diseased crop to be removed and destroyed by the grower concerned, Only disease-free seedcane of duly approved varieties recommended by the Committee may thereafter be planted on the land concerned.
 - (ii) In respect of mosaic all diseased cane and stools shall be removed and destroyed within a period prescribed by the Committee, which shall also prescribe the period during which the affected field or fields shall remain fallow in order to allow all volunteers of the diseased crop to be removed and destroyed by the grower concerned. Only disease-free seedcane of duly approved varieties recommended by the Committee may thereafter be planted on such land.
 - (iii) In respect of leaf scald, in the case of sporadic infestation, affected stools shall be removed and destroyed, In the case of heavy infestation, all diseased cane and stools shall be removed and destroyed, In every case the Committee shall determine the degree of infestation and the action which shall be taken and shall prescribe the periods within which the required action shall be performed and, in the case of heavy infestation, the period during which affected fields or parts thereof shall remain fallow in order to allow all volunteers of the diseased crop to be removed and destroyed by the grower concerned, Only disease-free

seedcane of duly approved varieties recommended by the Committee may thereafter be planted on the land concerned.

- (iv) In respect of RSD diseased cane may not be used as seedcane unless the cane concerned is treated in every case in accordance with methods specified by the Committee, which shall also prescribe the period during which affected fields shall remain fallow in order to allow all volunteers of the diseased crop to be removed and destroyed by the grower concerned, The Committee shall determine any preventive treatment to be applied by seedcane producers in order to control the disease in seedcane.
 - (v) In respect of yellow leaf syndrome all diseased cane and stools shall be removed and destroyed within a period prescribed by the Committee, which shall also prescribe the period during which the effected field or fields shall remain fallow in order to allow all volunteers of the diseased crop to be removed and destroyed by the grower concerned. Only disease-free seedcane of duly approved varieties recommended by the Committee may thereafter be planted on such land.
- (3)(e) If a grower fails, within the period prescribed by the Committee, to carry out any measures required to be taken by that grower, the Committee shall have the power to declare the whole of that grower's land, or any specified portion thereof to be quarantined for such period or periods as may be determined by it.

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 236 OF 2017

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SCHEDULE 1: ISSUE OF NEW STANDARDS

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 11158:2017/ ISO 11158:2009	<i>Lubricants, industrial oils and related products (class L) – Family H (hydraulic systems) – Specifications for categories HH, HL, HM, HV and HG.</i> Specifies the minimum requirements for new mineral oil hydraulic fluids and is intended for hydraulic systems, particularly for hydrostatic hydraulic fluid power application.
SANS 11925-2:2017/ ISO 11925-2:2010	<i>Reaction to fire tests – Ignitability of products subjected to direct impingement of flame – Part 2: Single-flame source test.</i> Specifies a method of test for determining the ignitability of products by direct small flame impingement under zero impressed irradiance using vertically oriented test specimens.
SANS 17258:2017/ ISO 17258:2015	<i>Statistical methods – Six Sigma – Basic criteria underlying benchmarking for Six Sigma in organisations.</i> Describes a methodology for establishing the level of quality, performance, and productivity of processes, products, and services in accordance with Six Sigma principles.
SANS 50081-20:2017/ EN 81-20:2014	<i>Safety rules for the construction and installation of lifts – Lifts for the transport of persons and goods – Part 20: Passenger and goods passenger lifts.</i> Specifies the safety rules for permanently installed new passenger or goods passenger lifts, with traction, positive or hydraulic drive, serving defined landing levels, having a car designed for the transportation of persons or persons and goods, suspended by ropes, chains or jacks and moving between guide rails inclined not more than 15° to the vertical.
SANS 62733:2017/ IEC 62733:2015	<i>Programmable components in electronic lamp controlgear – General and safety requirement.</i> Provides general and safety requirements for programmable components used in products covered by IEC 61347 (published in South Africa as an identical adoption under the designation SANS 61347).
SATS 62056-9-1:2017/ IEC/TS 62056-9-1:2016	<i>Electricity metering data exchange – The DLMS/COSEM suite – Part 9-1: Communication profile using web-services to access a DLMS/COSEM server via a COSEM Access Service (CAS).</i> Defines how DLMS/COSEM servers can be accessed from a COSEM Access Client via an intermediate COSEM Access Service (CAS) providing Web services.
SATS 13830:2017/ ISO/TS 13830:2013	<i>Nanotechnologies – Guidance on voluntary labelling for consumer products containing manufactured nano-objects.</i> Provides guidance on the contents of voluntary labels for consumer products containing manufactured nano-objects (PCMNO).

SCHEDULE 2: AMENDMENT OF EXISTING STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 382:2017/ ASTM D 1068:2015 (E.d 2.0)	<i>Standard test methods for iron in water.</i> Covers the determination of total iron, dissolved iron and ferrous iron in water using atomic absorption, atomic absorption-graphite furnace and photometric bathophenanthroline test methods.
SANS 449:2017/ (E.d 4.3)	<i>The manufacture of soft drinks and soft drink concentrates. Consolidated edition incorporating amendment No. 3.</i> Amended to update the requirements for the determination of chemical compounds, and to delete the subclause on the determination of the cyclamate content.
SANS 959-2-4:2017/ NRS 052-2-4:2012 (E.d 1.1)	<i>Photovoltaic systems for use in individual homes, schools and clinics – Part 2-4: Test procedures for main components – Inverters. Consolidated edition incorporating amendment No. 1.</i> Amended to change the designation "SANS 959-2-4/NRS 052-2-4" to read "SANS 959-2-4", to delete the note to the normative references clause, and to update referenced standards.
SANS 1083:2017/ (E.d 2.5)	<i>Aggregates from natural sources – Aggregates for concrete. Consolidated edition incorporating amendment No. 5.</i> Amended to correct the table on coarse aggregate for concrete, and to add notes on quality verification and on tests and guidance.

Standard No. and year	Title, scope and purport
SANS 1387 SET:2017/ (E.d 3.3)	<i>Woven cotton and similar apparel fabrics – Parts 1 - 11. Consolidated edition incorporating amendment No. 3.</i> Amended to include the requirements for liquid repellent finish and resistance to penetration by liquids, and to update normative references in part 4.
SANS 1411-5:2017/ (E.d 3.3)	<i>Materials of insulated electric cables and flexible cords – Part 5: Halogen-free, flame-retardant materials. Consolidated edition incorporating amendment No. 3.</i> Amended to update referenced standards.
SANS 1524-4:2017/ NRS 009-4:2012 (E.d 1.1)	<i>Electricity payment systems – Part 4: Payment electricity meter cards. Consolidated edition incorporating amendment No. 1.</i> Amended to change the designation "SANS 1524-4/NRS 009-4" to read "SANS 1524-4", to update the table on meter data on cards and to update the foreword accordingly, to delete the footnote on token technology code, and to delete the note and the footnote on algorithm codes.
SANS 1574-4:2017/ (E.d 1.2)	<i>Electric flexible cables with solid extruded dielectric insulation – Part 4: Rubber-insulated cables for domestic, office and similar environments (cords). Consolidated edition incorporating amendment No. 2.</i> Amended to update referenced standards.
SANS 2076:2017/ ISO 2076:2013 (E.d. 3.0)	<i>Textiles – Man-made fibres – Generic names.</i> Lists the generic names used to designate the different categories of manmade fibres, based on a main polymer, currently manufactured on an industrial scale for textile and other purposes, together with the distinguishing attributes that characterize them.
SANS 3000-2-1:2017/ (E.d 2.0)	<i>Railway safety management – Part 2-1: Requirements for systemic engineering and operational safety standards - Electrical distribution and overhead traction systems.</i> Covers the minimum requirements for Electrical Distribution and Overhead Traction Systems (ED & OHTS) within the railway reserve.
SANS 6094:2017/ (E.d 2.1)	<i>Stock remedies – Efficacy of chemicals against tick larvae. Consolidated edition incorporating amendment No. 1.</i> Amended to update the note to filter paper.
SANS 6097:2017/ (E.d 2.1)	<i>Stock remedies – Stripping rate of cattle tickicides in spray races</i> Consolidated edition incorporating amendment No. 1. Amended to update the foreword, and to modify the requirements for equipment and materials, and the procedure.
SANS 10094:2017 (E.d 5.0)	<i>The use of high-strength friction-grip bolts.</i> Applies to the assembly and inspection of preloaded bolts (bolts tightened to develop a high tensile force in the fastener) and friction-grip joints (joints in which preloaded bolts are used to clamp the connected parts together with enough force to ensure the transfer across the joint, by friction alone, of all forces in the plane of the parts) in structural steelwork.
SANS 10108:2017 (E.d 6.1)	<i>The classification of hazardous locations and the selection of equipment for use in such locations. Consolidated edition incorporating amendment No. 1.</i> Amended to update the foreword and a referenced standard.
SANS 10160-4:2017 (E.d. 2.0)	<i>Basis of structural design and actions for buildings and industrial structures – Part 4: Seismic actions and general requirements for buildings.</i> Provides strategies and rules for the design of buildings subject to earthquake actions primarily to safeguard against major catastrophic structural failures and loss of life, not to prevent damage or to maintain function.
SANS 10242-1:2017/ (E.d 2.1)	<i>The rewinding and refurbishing of rotating electrical machines Part 1: Low-voltage three-phase induction motors. Consolidated edition incorporating amendment No. 1.</i> Amended to update referenced standards, to modify the requirements for photographic records, to add a requirement for inspection, to update the requirements for inspection of mechanical components for wear and damage, to modify the requirements for balancing, to delete reference to SABS, to update the table on class of insulation materials, to move reference to legislation to the foreword, and to modify the requirements for current at no load, efficiency, and marking.
SANS 13528:2017/ ISO 13528:2015 (E.d. 2.0)	<i>Statistical methods for use in proficiency testing by interlaboratory comparison.</i> Provides detailed descriptions of statistical methods for proficiency testing providers to use to design proficiency testing schemes and to analyse the data obtained from those schemes.
SANS 19109:2017/ ISO 19109:2015 (E.d. 2.0)	<i>Geographic information – Rules for application schema.</i> Defines rules for creating and documenting application schemas, including principles for the definition of features.
SANS 19761:2017/ ISO/IEC 19761:2011 (E.d. 2.0)	<i>Software engineering – COSMIC: a functional size measurement method.</i> Specifies the set of definitions, conventions and activities of the COSMIC functional size measurement method.
SANS 60079-0:2012/ IEC 60079-0:2011 (E.d. 5.0)	<i>Explosive atmospheres – Part 0: Equipment – General requirements.</i> Specifies the general requirements for construction, testing and marking of electrical equipment and Ex Components intended for use in explosive atmospheres. Corrigendum (loose amendment 2016). Corrected to replace a requirement for plastic materials and elastomers.
SANS 60079-18:2017/ IEC 60079-18:2014 (E.d. 4.0)	<i>Explosive atmospheres – Part 18: Equipment protection by encapsulation "m".</i> Gives the specific requirements for the construction, testing and marking of electrical equipment, parts of electrical equipment and Ex components with the type of protection encapsulation "m" intended for use in explosive gas atmospheres or explosive dust atmospheres.

Standard No. and year	Title, scope and purport
SANS 60079-29-2:2017/ IEC 60079-29-2:2015 (E.d. 2.0)	<i>Explosive atmospheres – Part 29-2: Gas detectors – Selection, installation, use and maintenance of detectors for flammable gases and oxygen.</i> Gives guidance on and recommended practice for the selection, installation, safe use and maintenance of electrically operated Group II equipment intended for use in industrial and commercial safety applications and Group I equipment in underground coal mines for the detection and measurement of flammable gases complying with the requirements of IEC 60079-29-1 (published in South Africa as an identical adoption under the designation SANS 60079-29-1) or IEC 60079-29-4 (published in South Africa as an identical adoption under the designation SANS 60079-29-4).

SCHEDULE 3: WITHDRAWAL OF STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
ARP 1717:2010	<i>Guide to the regulatory requirements for the approval of detonators, initiators and initiation systems used in mining and civil blasting applications.</i>
ARP 24156:2009: ISO/ TR 24156:2008	<i>Guidelines for using UML notation in terminology work.</i>
SANS 10280:2001	<i>Overhead power lines for conditions prevailing in South Africa.</i>
SANS 61117:2006	<i>A method for assessing the short-circuit withstand strength of partially type-tested assemblies (PTTA).</i>

SCHEDULE 4: ESTABLISHMENT OR DISBANDMENT OF TECHNICAL COMMITTEES

In terms of section 4(2) (l) the SABS has established the following technical committees:

Technical Committee No.:	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to rose.masha@sabs.co.za for more information.

SCHEDULE 5: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents have being considered withdrawn.

NONE

SCHEDULE 6: ADDRESSES OF SABS OFFICES

The addresses of offices of the South African Bureau of Standards where copies of standards mentioned in this notice can be obtained, are as follows:

1. Gauteng head office, 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.
2. Western Cape Regional Office, SABS, Liesbeek Park Way, Rosebank, PO Box 615, Rondebosch 7701.
3. Eastern Cape Regional Office, SABS, 30 Kipling Road, cor. Diaz and Kipling Roads, Port Elizabeth, PO Box 3013, North End 6056.
4. KwaZulu-Natal Regional Office, SABS, 15 Garth Road, Waterfall Park, Durban, PO Box 30087, Mayville 4058.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 46 OF 2017



National Agricultural
Marketing Council
Promoting market access for South African agriculture

APPLICATION FOR AN AMENDMENT TO STATUTORY MEASURES IMPLEMENTED IN TERMS OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996, (ACT NO 47 OF 1996), (MAP ACT) AS AMENDED

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INVITATION TO DIRECTLY AFFECTED GROUPS IN THE MAIZE AND WHEAT INDUSTRIES TO FORWARD COMMENTS REGARDING THE REQUEST FROM GRAIN SA FOR THE AMENDMENT OF THE EXISTING STATUTORY MEASURES RELATING TO RECORDS AND RETURNS IN RESPECT OF IMPORTS AND EXPORTS OF MAIZE AND WHEAT

The current statutory measures in terms of Section 18 of the MAP Act, administered by the South African Grain Information Service (SAGIS), include the following:

Records and weekly returns on maize and/or wheat imports and/or exports:

Each end-consumer, importer, storer, exporter and processor of maize and/or wheat shall keep complete records for each week (Saturday to Friday) in respect of maize and/or wheat imported or exported by him, and submit to SAGIS an accurate return in respect of physical exports and imports that realised during the past week. These shall also include any person, e.g. a producer, agent, trader, transporter etc. who acts in the capacity of the aforementioned persons.

This statutory measure was implemented on 4 June 2008, continued on 9 September 2011 to lapse on 30 April 2016, and on 25 November 2015, the Minister again approved the continuation of the statutory measures, to lapse on 30 April 2020.

Although actual and physical imports and exports are hereby weekly recorded by SAGIS, intentions to trade and future stock movements that are already contracted, are not included.

On 6 March 2017, the National Agricultural Marketing Council (NAMC) received a request from Grain SA for the amendment of the existing statutory measures, namely to include the 'weekly declaration of import and export contracts booked for and from South Africa'.

MOTIVATION BY THE APPLICANT:

South Africa declares import and export data on a statutory and historical basis and it is working very well. We do however have a gap in our grain information system, being that the local data declared does not stipulate exports or imports that have already been contracted and designated for and from South Africa. Previously, various stakeholders agreed that the import and export reporting will take place by providing voluntary information to the Supply and Demand Estimates Committee of the NAMC. However, this process does not facilitate free market functionality, since this reporting is only for the end of the marketing year period while not all the relevant role players are providing the information. Continued progressive reporting of contracting is not timely and is of high importance in order for the market to react on trade contracts and the implications in terms of changes in supply and demand. This will not only assist the market to react on a free market basis, but would also assist in terms of policy governance. Last year, due to the drought, large imports were needed and government was under pressure to make decisions regarding trade regulations. Unfortunately, not all the information regarding possible imports was available and that made the decisions very difficult and prolonged the whole process. The uncertainty regarding trade possibilities created a lot of confusion in the market as well.

The information to be obtained with the proposed amendment of the existing statutory measure can also assist the South African Revenue Services (SARS) as well as SAGIS in terms of audits of trade figures. This kind of information is crucial for food security purposes. Due to the fact that in time progressive reporting of trade is not available, the risk in a surplus year is that the country can export too much which will have a direct impact on food prices. If the information is available the market can facilitate the process of price movements, which is a direct function of a free market system. All of this information is available, but only to a few big traders and port elevator owners. The withholding of this information from the rest of the market is uncompetitive in nature and not in the public interest.

For example, in the 2011/12 and 2013/14 maize marketing years total exports were above average but the ending stocks were also below average, which indicated that too much exports took place for that marketing years and that the free market did not facilitate the process, as a result of the absence of information on booked exports (but not physically shipped). In terms of wheat this was a similar case for imports within the 2015/16 marketing season, where there were above average imports as well as above average ending stocks levels.

The objective of this request for the amendment of statutory measures relating to import and export information is to stabilise the grains and oilseeds markets by reducing price volatility by disseminating correct, timely and transparent information to all market participants.

INVITATION FOR COMMENTS:

As the proposed amendment to existing statutory measures is consistent with the objectives of the MAP Act, the NAMC is investigating the possible implementation of the proposed amendment, in order to make a recommendation to the Minister.

Directly affected groups in the maize and wheat industries are kindly requested to submit comments or objections regarding the proposed amendment to the NAMC in writing (fax 012 341 1911 or e-mail lizettem@namc.co.za) on or before 7 April 2017, to enable the Council to formulate its recommendation to the Minister in this regard.

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