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IMPORTANT NOTICE OF OFFICE RELOCATION**government
printing**Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICAPrivate Bag X85, PRETORIA, 0001 149 Bosman Street, PRETORIA
Tel: 012 748 6197, Website: www.gpwonline.co.za**URGENT NOTICE TO OUR VALUED CUSTOMERS: PUBLICATIONS
OFFICE'S RELOCATION HAS BEEN TEMPORARILY SUSPENDED.**

Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at Maureen.Toka@gpw.gov.za or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website www.gpwonline.co.za.

We apologise for any inconvenience this might have caused.

Issued by GPW Communications

For purposes of reference, all Proclamations, Government Notices, General Notices and Board Notices published are included in the following table of contents which thus forms a weekly index. Let yourself be guided by the gazette numbers in the righthand column:

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IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works* (GPW).

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as @gpw.gov.za

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **GOVERNMENT GAZETTE** **2020**

*The closing time is **15:00** sharp on the following days:*

- **24 December 2019**, Tuesday for the issue of Friday **03 January 2020**
- **03 January**, Friday for the issue of Friday **10 January 2020**
- **10 January**, Friday for the issue of Friday **17 January 2020**
- **17 January**, Friday for the issue of Friday **24 January 2020**
- **24 January**, Friday for the issue of Friday **31 January 2020**
- **31 February**, Friday for the issue of Friday **07 February 2020**
- **07 February**, Friday for the issue of Friday **14 February 2020**
- **14 February**, Friday for the issue of Friday **21 February 2020**
- **21 February**, Friday for the issue of Friday **28 February 2020**
- **28 February**, Friday for the issue of Friday **06 March 2020**
- **06 March**, Friday for the issue of Friday **13 March 2020**
- **13 March**, Thursday for the issue of Friday **20 March 2020**
- **20 March**, Friday for the issue of Friday **27 March 2020**
- **27 March**, Friday for the issue of Friday **03 April 2020**
- **02 April**, Thursday for the issue of Thursday **09 April 2020**
- **08 April**, Wednesday for the issue of Friday **17 April 2020**
- **17 April**, Friday for the issue of Friday **24 April 2020**
- **22 April**, Wednesday for the issue of Thursday **30 April 2020**
- **30 April**, Thursday for the issue of Friday **08 May 2020**
- **08 May**, Friday for the issue of Friday **15 May 2020**
- **15 May**, Friday for the issue of Friday **22 May 2020**
- **22 May**, Friday for the issue of Friday **29 May 2020**
- **29 May**, Friday for the issue of Friday **05 June 2020**
- **05 June**, Friday for the issue of Friday **12 June 2020**
- **11 June**, Thursday for the issue of Friday **19 June 2020**
- **19 June**, Friday for the issue of Friday **26 June 2020**
- **26 June**, Friday for the issue of Friday **03 July 2020**
- **03 July**, Friday for the issue of Friday **10 July 2020**
- **10 July**, Friday for the issue of Friday **17 July 2020**
- **17 July**, Friday for the issue of Friday **24 July 2020**
- **24 July**, Friday for the issue of Friday **31 July 2020**
- **31 July**, Thursday for the issue of Friday **07 August 2020**
- **06 August**, Thursday for the issue of Friday **14 August 2020**
- **14 August**, Friday for the issue of Friday **21 August 2020**
- **21 August**, Friday for the issue of Friday **28 August 2020**
- **28 August**, Friday for the issue of Friday **04 September 2020**
- **04 September**, Friday for the issue of Friday **11 September 2020**
- **11 September**, Friday for the issue of Friday **18 September 2020**
- **17 September**, Thursday for the issue of Friday **25 September 2020**
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- **20 November**, Friday for the issue of Friday **27 November 2020**
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- **04 December**, Friday for the issue of Friday **11 December 2020**
- **10 December**, Thursday for the issue of Friday **18 December 2020**
- **17 December**, Thursday for the issue of Friday **24 December 2020**
- **23 December**, Wednesday for the issue of Friday **31 December 2020**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

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 R1008.80 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	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

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 **R3026.32** 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.gpwonline.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, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working 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 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

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.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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.

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;
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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.

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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

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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.
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Physical Address:

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Pretoria

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Pretoria
0001

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Bank: ABSA Bosman Street
Account No.: 405 7114 016
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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

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 505

08 MAY 2020

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

I, Dr BE Nzimande, MP, Minister of Higher Education, Science and Technology, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish an amended Institutional Statute of the North-West University set out in the Schedule attached hereto.

**Dr BE Nzimande, MP****Minister of Higher Education, Science and Technology**

Date: 02/04/2020



STATUTE OF THE NORTH-WEST UNIVERSITY

(24 March 2017, Government Gazette 40711)

(amendments approved by Council on 22 November 2019)

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 Mahikeng Campus situated in Mahikeng, the Potchefstroom Campus in Potchefstroom and the Vanderbijlpark 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 79 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 responsible for 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, and such a member may serve a maximum of three terms, regardless of the category in which a person is elected, designated or appointed or whether any term follows immediately upon a previous term or not.
 - (b) The term of office of a member contemplated in paragraph (1)(f) is one year from the date of his or her designation, which is not deemed to be a term for the purposes of paragraph (a).
- (4) In the event of a member whose membership is terminated in terms of subparagraph (5), the period that such member served before the termination is deemed to have been a full term for the purposes of paragraph (3)(a).

- (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 (6) 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 (8), 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 (i), 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 institutional 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, by a majority vote of two thirds of the members present recorded by secret ballot, 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 and the evaluation as determined by the rules.

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, by a majority vote of the members present recorded by secret ballot, 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, and 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, by a majority vote of the members present recorded by secret ballot, 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 and 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, by a majority vote of the members present recorded by secret ballot, 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, by a majority vote of the members present recorded by secret ballot, appoint an executive director after complying with the procedures prescribed in the rules in respect of consultation with the vice-chancellor, the senate and the institutional forum and 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 deputy 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.

Discipline

- 71.(1) A student is subject to the disciplinary rules and procedures applied by the appropriate disciplinary bodies contemplated in paragraph 73 in accordance with the statute and the rules.
- (2) The vice-chancellor must at least once a year submit a report to the senate and the council on the disciplinary measures taken against students.

Misconduct

- 72. A student commits misconduct if –
 - (a) the conduct of the student is detrimental or may be detrimental to the good name, order, discipline or performance of the university;
 - (b) the student contravenes the statute, the rules, the constitution or the rules of a body within the university, or the law;
 - (c) the academic conduct of the student is dishonest;
 - (d) the student harasses or treats another person or group of persons violently or with hostility; or
 - (e) the student damages property or assets of the university.

Disciplinary bodies

- 73.(1) The vice-chancellor is the chief disciplinary officer of the university in respect of students.
- (2)
 - (a) The vice-chancellor must, after consultation with the senate, the SRC and the institutional forum, and in accordance with the statute and the rules, establish appropriate disciplinary bodies of the university and determine their authority, composition and procedures.
 - (b) The authority, composition and procedures of every disciplinary body must be published and made available on request.
- (3) Every disciplinary body must report all disciplinary action taken by it to the vice-chancellor.

Disciplinary procedures

- 74.(1) A complaint concerning an alleged misconduct by a student must be reported to the vice-chancellor or his or her delegate, who must deal with such complaint in accordance with the procedures referred to in paragraph 73(2).
- (2) A student charged with an alleged misconduct is entitled to a fair hearing by the appropriate disciplinary body, which conforms to the requirements of the Constitution and the law.

Sanctions

75. A disciplinary body may impose any of the sanctions provided for in the rules.

Appeals

76. A student found guilty of misconduct by a disciplinary body may appeal to the relevant appeal body against the finding or the sanction, or against both the finding and the sanction, in accordance with 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. 506

08 MAY 2020

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

I, Dr BE Nzimande, MP, Minister of Higher Education, Science and Technology, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish an amended Institutional Statute of the University of Fort Hare set out in the Schedule attached hereto.

**Dr BE Nzimande, MP****Minister of Higher Education, Science and Technology****Date:** 07/04/2020

STATUTE OF THE UNIVERSITY OF FORT HARE

The Administrator of the University of Fort Hare, acting as the Council of the University has, after consultation with Senate, the Students Representative Council and the Institutional Forum, made 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, Science and Technology and which comes into operation on the date of its publication.

SCHEDULE

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

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CHAPTER 1 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 Council;

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

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

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

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

"compliance officer" means the Registrar, who should inter alia monitor that the University does not contravene any legislation or regulations or rules which apply to its activities;

"Convocation" means the body composed following Chapter 7 of this Statute;

"Council" means the governing body of the University contemplated in section 27(4) of the Act and composed following paragraph 27 of this Statute;

"day" means a calendar day;

"Dean" means a person appointed as Dean 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;

"Deputy Vice-Chancellor" means a person appointed as Deputy Vice-Chancellor in accordance with this Statute and the Rules of the University for the appointment of senior members of staff;

"due notice" means a notice that has been given if written notification has been dispatched by registered post or electronically or hand-delivered to the last address registered with the Registrar of the person concerned, at the commencement of the period of notice required;

"employee" means an academic or an administrative or a support staff member who is appointed by the University in terms of its policies and rules;

"Executive Director(s)" means a person or persons appointed as Executive Director in accordance with this Statute and the Rules for the appointment of senior members of staff to assist the Vice-Chancellor in performing his or her duties in terms of the Act and this Statute;

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

"Fort Hare" means the University of Fort Hare;

"functions" includes powers and duties;

"good standing" means a person who is regarded as having complied with all his or her financial obligations towards the University after having completed his/her studies, or in the case of a student who is currently enrolled at the University, has made reasonable and satisfactory arrangements for the payment of his or her debt to the University, while not being subject to a disciplinary hearing or has been found guilty of a misconduct and sanctioned by the University;

"Institutional Forum" means the body contemplated in section 31 of the Act composed in accordance with paragraph 50 of this Statute;

"Institutional Rules" mean rules made by the University as contemplated in section 32 of the Act;

"Management Executive Committee (MANCO)" means a committee composed in terms of paragraph 21 of this Statute;

"Minister" means the Minister responsible for higher education;

"non-academic employee" means any employee at the University that is not an academic employee;

"office-bearer" means a functionary provided for in the Act, including the Chancellor, Vice-Chancellor, the Deputy Vice-Chancellor(s), Executive Director(s) and the Registrar;

"person with a disability or disabled" means any person (including a student) with a physical or mental impairment, which is long term or recurring, 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 and excludes emeritus, extraordinary, visiting, associate and honorary professors;

"qualification" means any formal qualification registered on the respective sub-framework and includes a degree, diploma or certificate as approved by the Senate and Council;

"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;

"relative" means a person as defined in the Higher Education Act 101 of 1997 as amended;

"Registrar" means the person appointed as Registrar in accordance with this Statute and the Rules for the appointment of senior members of staff;

"Rules" means the Institutional Rules of the University approved by 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 contemplated in section 28 of the Act composed in accordance with paragraph 41 of this Statute;

"senior management" means members of the Management Executive Committee, the Deans and any other person as decided by the Management Executive Committee;

"Spouse" means a person as defined in the Higher Education Act 101 of 1997, as amended;

"Statute" means this Statute 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;

"Student Representative Council (SRC)" means the body as contemplated in Section 35 of the Act and as set out in paragraph 73 of this Statute;

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

"the University" means the University of Fort Hare;

"urgent matter" means a matter which has a potential to cause irreversible harm or prejudice to the University or pressing matters compelling or requiring immediate action or attention from Council;

"Vice-Chancellor" means the chief executive and accounting officer of a public higher education institution;

"written notice" means any notice in writing and includes any notice sent as contemplated in the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), or any other applicable Act.

CHAPTER 2 INSTITUTION

2. Name, seat and powers

- (1) The name of the University is the "University of Fort Hare" also officially referred to as "Fort Hare".
- (2) The seat of the University is in Alice, located in the geographic area of the Raymond Mhlaba Local Authority, Ring Road, 1 King William's Town Road, Alice, 5700.
- (3) The activities of the University are principally administered at its seat and at the two campuses in Bisho and East London.
- (4) The University of Fort Hare is a university established in terms of the Act and is a juristic person, as contemplated in section 20(4) of the Act.
- (5) The University functions in accordance with the Act, the Statute and the Institutional Rules of the University.
- (6) Notwithstanding subparagraph (5) the University may not, without the concurrence of the Minister, dispose of or alienate in any manner, any immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude thereon.
- (7) The University may award honorary degrees, degrees, diplomas and certificates in its own name as contemplated in section 65B and 65C of the Act and Chapter 11 of this Statute.
- (8) The University may withdraw and revoke a degree, diploma and certificate as contemplated in section 65BA of the Act and Chapter 11 of this Statute.

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 isiXhosa depending on the nature of communication and practicability.
- (3) The University is committed to promoting multilingualism and the academic development of the official languages of South Africa through its programmes.

4. Composition of the University

- (1) The University consists of:
 - (a) Staff and students
 - (b) All its property and assets
 - (c) The following bodies and structures:

- (i) Council and its committees;
 - (ii) Convocation (including the alumni association/s);
 - (iii) Senate and its committees;
 - (iv) Such faculties, academic departments, centres, institutes and units as well as support services as Council may establish;
 - (v) Institutional Forum;
 - (vi) Student Representative Council;
 - (vii) All Management Committees; and
 - (viii) such other structures that the Council may deem necessary.
- (d) The following office-bearers
- (i) Chancellor
 - (ii) Vice-Chancellor
 - (iii) Deputy Vice-Chancellor(s)
 - (iv) Registrar
 - (v) Executive Director(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 Council or Senate, provided that no resolution of Council or of Senate shall 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 Vice-Chancellor and Management Executive Committee, 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 on request to that person subject to the provisions of the Promotion of Administrative Justice Act, 2000, as amended.

CHAPTER 3 OFFICE BEARERS AND EXECUTIVE MANAGEMENT STRUCTURES

CHANCELLOR

6. Functions of Chancellor

- (1) The Chancellor shall be the titular head of the University and shall exercise no executive powers.
- (2) The Chancellor shall confer all degrees and award all diplomas and certificates in the name of the University.
- (3) In the absence of the Chancellor, degrees shall be conferred by the Vice-Chancellor or by one of the Deputy Vice-Chancellors; and diplomas and certificates shall be awarded by officials designated to do so by the Council.
- (4) The Chancellor performs such other functions as assigned to him or her by the Council.
- (5) The Chancellor must at all times, embody the aspirations and values of the University and actively advance the interest of the University.

7. Election and appointment of Chancellor

The Council elects the Chancellor in the manner prescribed in the Rules. The Rules determine the criteria applicable to candidates for the office of the chancellor.

8. Term of Office

- (1) The Chancellor holds office for a term not exceeding five years.
- (2) A Chancellor may be re-elected, provided that a person may not serve as Chancellor for more than two consecutive five-year terms.
- (3) The term of office of the Chancellor is terminated in the event of –
 - (a) expiry of the 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 (including a crime), incapacity to carry out his or her official functions, or on account of any other reason generally 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. 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.

- (5) If the office of Chancellor becomes vacant, the Council must, as soon as possible, elect a new Chancellor in accordance with the procedures prescribed in the Institutional Rules.

VICE-CHANCELLOR

9. Duties and Accountability

- (1) The Vice-Chancellor is
 - (a) chief executive and accounting officer of the University;
 - (b) the legal, administrative and academic head of the University;
 - (c) responsible for the management and administration of the University; and
 - (d) responsible for the overall performance of and discipline in the University.
- (2) The Vice-Chancellor reports and is accountable to the Council.
- (3) The Council shall delegate to the Vice-Chancellor all the powers necessary to perform his or her duties.
- (4) The Council may assign additional duties to the Vice-Chancellor.
- (5) By virtue of her/his office, the Vice-Chancellor is a member of all committees of the Council and the Senate, unless otherwise provided for in the Statute or the Rules.
- (6) In the absence of the Chancellor or when the office of Chancellor is vacant, the Vice-Chancellor may exercise any official duty of the Chancellor.
- (7) The Vice-Chancellor may delegate in terms of section 68 of the Act, any functions, duties and powers to a member of the Management Executive Committee, provided that the Vice-Chancellor is not divested of the responsibility for the performance of any such functions delegated to a member of the Management Executive Committee.
- (8) The Vice-Chancellor has a responsibility to inform the Senate, the University community and stakeholders of the University on the activities and performance of the University.

10. Appointment

- (1) The Vice-Chancellor shall be 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 with a sound academic track record; and
 - (d) with proven leadership and managerial abilities.
- (2) The Council appoints the Vice-Chancellor in accordance with a procedure determined by the Council and a duly constituted Selection Panel as approved by Council.
 - (3) Council must consider the advice of Senate and the Institutional Forum regarding the selection of the Vice-Chancellor.

11. Term of office

- (1) A Vice-Chancellor is appointed for an initial term of not more than five years.
- (2) A Vice-Chancellor may be appointed for an additional term of office of not more than five years, as determined by the Council, following a review process as contemplated in the Rules and after consultation with Senate and the Institutional Forum.
- (3) Council may, after following due process as set out in the Institutional Rules, discharge a Vice-Chancellor from office by a vote with the support of two thirds of all the members of the Council (excluding any vacancies on Council that may exist) on the following grounds:
 - (a) Serious misconduct
 - (b) Operational requirements
 - (c) Incapacity
 - (d) Persistent poor performance

12. Acting Vice-Chancellor

- (1) The Vice-Chancellor, after consultation with the chairperson of the Council, appoints an acting Vice-Chancellor for any period of absence of the Vice-Chancellor not exceeding 25 working days.
- (2) If the period of absence of the Vice-Chancellor exceeds 25 working days, the Executive Committee of the Council appoints an acting vice-chancellor for the period concerned.
- (3) If the Vice-Chancellor is unable to act and has not appointed an acting Vice-Chancellor in terms of subparagraph 12(1), the Executive Committee of the Council appoints an acting Vice-Chancellor for the period of absence of the Vice-Chancellor.
- (4) An acting Vice-Chancellor has the same duties, functions, powers and responsibilities as the Vice-Chancellor and is accountable to the Council and the Vice-Chancellor provided the latter is not under suspension by Council.

13. Vacancy

- (1) If the office of the Vice-Chancellor becomes vacant for whatever reason, the Council must appoint an acting Vice-Chancellor, from amongst the members of the Management Executive Committee, in accordance with the Rules and after consulting with Senate and Institutional Forum, to act as Vice-Chancellor until a new Vice-Chancellor takes up his or her

appointment. A successor must be appointed not later than a year after the vacancy arose.

- (2) An acting Vice-Chancellor will have the same duties, functions, powers and responsibilities as a Vice-Chancellor and will be accountable to the Council and should inform the Senate, the University community and the stakeholders of the University on the activities and performance of the University.
- (3) The appointment of an acting Vice-Chancellor should not exceed 12 continuous months.

DEPUTY VICE-CHANCELLOR(S)

14. Duties and accountability

- (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 academic, 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 and is responsible for assisting the Vice-Chancellor in the management and administration of the University;
- (3) Unless determined otherwise by the Council, the Deputy Vice-Chancellors are, by virtue of their offices, members of all committees of the Senate.

15. Appointment, term of office, vacation of office, Acting Deputy Vice-Chancellors and filling of vacancies

- (1) The Council must appoint each Deputy Vice-Chancellor after complying with the procedures prescribed in the Statute and 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 five 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 by Council as contemplated in subparagraph 15(5) below.
- (4) A Deputy Vice-Chancellor is eligible for re-appointment in accordance with the rules and may not serve for a cumulative total of more than ten years.
- (5) The Council may, after following due process as set out in the Institutional Rules, discharge a Deputy Vice-Chancellor from office by a vote with the support of 60% of all the members of the Council (excluding any vacancies on Council that may exist) on the following grounds:
 - (a) operational requirements;

- (b) serious misconduct;
 - (c) incapacity; or
 - (d) persistent poor performance
- (6) When the office of a Deputy Vice-Chancellor is vacant, a senior academic recommended by the Vice-Chancellor and approved by Council acts as Deputy Vice-Chancellor. The appointment should not exceed 12 continuous months.
- (7) When an Deputy Vice-Chancellor is temporarily absent or incapable of performing the duties of the Deputy Vice-Chancellor, the Vice-Chancellor appoints a senior staff member on the Management Executive Committee to act in the position of the Deputy Vice-Chancellor: Provided that if the Deputy Vice-Chancellor is absent for more than 25 working days, a person recommended by the Vice-Chancellor and approved by the Executive Committee of Council acts as the Deputy Vice-Chancellor
- (8) An Acting Deputy Vice-Chancellor has the same duties, functions, powers and responsibilities as the Deputy Vice-Chancellor unless determined otherwise by Council at the recommendation of the Vice-Chancellor. The Acting Deputy Vice-Chancellor is accountable to the Vice-Chancellor and the Council. No person should be in such an acting capacity for more than 12 continuous months.
- (9) At least six (6) months prior to the office of a Deputy Vice-Chancellor becoming vacant due to the effluxion of time, the Registrar must notify, in writing, 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

16. Duties and accountability

- (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 and the Senate and the compliance officer for the University and may participate in the discussions of the Council, the Senate, the Convocation 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.
- (4) Registrar is the custodian of the records, documents and information pertaining to the matters of management and governance of the University.

- (a) It is the Registrar's responsibility to ensure that proper records are kept especially in matters relating to academic records, minutes and resolutions of Council and Council Committees, Senate and Senate Committees and Management Committees.
 - (b) As custodian of the records of the institution, the Registrar also bears institutional responsibility for the Statute, Rules and policies of the University. The Registrar is responsible for ensuring their revision if necessary and informing the Chairperson of Council or Vice-Chancellor about the applicability and interpretation of the policies as appropriate.
- (5) As compliance officer of the University, the Registrar has direct access to the Chairperson of Council as well as the Chairperson of the Audit, Risk and Information Technology Committee of Council if he or she believes that a specific compliance matter in the University warrants it.
 - (6) The Registrar is obliged to prepare and submit bi-annual governance reports to Council, the Senate and the Institutional Forum which reports should deal with an overview of the status of each governance body as far as membership and activities are concerned, as well as the extent of general governance compliance and performance.
 - (7) The Registrar is responsible for providing all new members of the Council, Senate, Institutional Forum, heads of academic departments and heads of support units with a formal induction programme on institutional governance at the University.

17. Appointment, term of office, vacation of office, Acting Registrar and filling of a vacancy

- (1) The Council must appoint the Registrar in terms of a resolution adopted by a majority of the members present, 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 appointee and must be fixed contractually, but may not be less than three years and not more than five 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 by Council as contemplated in subparagraph (5).
- (4) A Registrar is eligible for re-appointment in accordance with the rules and may not serve for a cumulative total of more than ten years.
- (5) The Council may, after following due process as set out in the Institutional Rules, discharge a Registrar from office with the support of 60% of all the members of the Council (excluding any vacancies on Council that may exist) on the following grounds:
 - (a) operational requirements;

- (b) serious misconduct;
 - (c) incapacity; or
 - (d) persistent poor performance
- (6) When the office of Registrar is vacant, a person designated by the Vice-Chancellor and approved by Council acts as Registrar.
- (7) When Registrar is temporarily absent or incapable of performing the duties of Registrar the Vice-Chancellor appoints a member of the Management Executive Committee to act as Registrar: Provided that if the Registrar is absent for more than 25 working days, a person recommended by the Vice-Chancellor and approved by the Executive Committee of 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) The appointment of an Acting Registrar should not exceed 12 continuous months.
- (10) At least six (6) months before the office of Registrar becoming vacant by effluxion of time, the Vice-Chancellor must in writing notify every member of the Council, the Senate and the Institutional Forum of the pending vacancy and the process to be followed to fill the vacancy.
- (11) If the office of Registrar becomes vacant for any other reason, the Vice-Chancellor 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 DIRECTOR(S)

18. Duties and accountability

- (1) The Vice-Chancellor may recommend that Council creates one or more position(s) of Executive Director(s) or disestablish such positions.
- (2) The Council will determine the specific managerial, administrative and supervisory functions of an Executive Director at the recommendation of the Vice-Chancellor;
- (3) An Executive Director is accountable to the Vice-Chancellor.

19. Appointment, term of office, vacation of office, Acting Executive Directors and filling of vacancies

- (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 five 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 by Council as contemplated in subparagraph (5).
- (4) An Executive Director is eligible for re-appointment in accordance with the Institutional Rules.
- (5) The Council may, after following due process as set out in the Institutional Rules, discharge an Executive Director from office by a vote with the support of 60% of all the members of the Council (excluding any vacancies on Council that may exist) on the following grounds:
 - (a) operational requirements;
 - (b) serious misconduct;
 - (c) incapacity; or
 - (d) persistent poor performance
- (6) When an Executive Director is temporarily absent or incapable of performing the duties of the Executive Director, the Vice-Chancellor appoints a member of the Management Executive Committee to act in the position of the Executive Director: Provided that if the Executive Director is absent for more than 25 working days, a person recommended by the Vice-Chancellor and approved by the Executive Committee of Council acts as the Executive Director.
- (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 the Executive of 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) The appointment of an acting Executive Director should not exceed 12 continuous months.
- (10) At least six (6) 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 may decide to appoint a new Executive Director or to disestablish the position;
- (11) 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: Provided that Council does not decide to disestablish the position.

MANAGEMENT EXECUTIVE COMMITTEE

20. Functions and powers

- (1) The Management Executive Committee assists the Vice-Chancellor in the management and administration of the University.
- (2) The Management Executive Committee under the leadership of the Vice-Chancellor –
 - (a) makes recommendations to the respective committees of the Council regarding all matters which are subject to the approval of the Council, or the committees of the Council;
 - (b) ensures that the University complies with all relevant laws and regulations;
 - (c) performs such other functions as may be determined by the Statute and the Institutional Rules.

21. Composition

- (1) The Management Executive Committee consists of –
 - (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Registrar;
 - (d) an Executive Director or Executive Directors as determined by the Vice-Chancellor after consultation with the Council; and
 - (e) such other members as recommended to Council by the Vice-Chancellor.
- (2) The Vice-Chancellor may invite persons, who are not members of the Management Executive Committee, to attend in an advisory capacity as and when necessary.

22. Chairperson and acting chairperson of the Management Executive Committee

- 1) The Vice-Chancellor acts as chairperson at the meetings of the Management Executive Committee.
- 2) In the absence of the Vice-Chancellor from any meeting of the Management Executive Committee, the Acting Vice-Chancellor will chair the meeting or, in the absence of an Acting Vice-Chancellor, a member of the Management Executive Committee designated by the Vice-Chancellor.

23. Secretary

The Registrar, or an employee designated by him or her, acts as secretary to the Management Executive Committee.

24. Committees

- (1) The Management Executive Committee establishes subcommittees to perform any of its functions.
- (2) The Management Executive Committee may, after consultation with the Senate, establish joint committees to perform functions that are common to the Management Executive Committee and the Senate.
- (3) The composition, functions, meetings procedure and dissolution of a committee contemplated in subparagraphs (1) and (2) are determined by the Institutional Rules.

25. Meetings and meetings procedure

The Institutional Rules determine the provisions regarding the meetings, meetings procedure and attendance of meetings of the Management Executive Committee as well as all other matters relating to the activities of the Management Executive Committee.

CHAPTER 4 COUNCIL

26. Functions and responsibilities

- (1) The Council -
 - (a) governs the University in accordance with its scope of authority as provided for in the Act, any other applicable legislation and this Statute and monitors compliance therewith;
 - (b) ensures good management of the University and is *inter alia* responsible for policy-making; the monitoring of the implementation of policies; the appointment of the Vice-Chancellor, Deputy Vice-Chancellors, Executive Directors and the Registrar; the establishment and disestablishment of faculties and academic departments and the determination of fees;
 - (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) is responsible for laying down guidelines and policy on staff matters including staff and student disciplinary matters;
 - (h) determines, in consultation with the Vice-Chancellor, the nature and scope of the University's social responsibilities;

- (i) protects the institutional autonomy of the University and the academic freedom of its employees while upholding public accountability, and deliberates on the nature and role of the University;
 - (j) approves the SRC Constitution after consultation with the SRC; and
 - (k) is accountable to the Minister in terms of the provisions of section 41 of the Act.
- (2) The Council's responsibilities include -
- (a) making or amending the Statute in accordance with sections 32 and 33 of the Act (a function that cannot be delegated);
 - (b) subject to section 34 of the Act, appointing employees whom the Council considers necessary to manage the University effectively and to fulfil the University's vision and mission. All appointments are made in line with the Act, this Statute and the human resource policies of the University: Provided that no person shall be appointed as an academic employee except after consultation with the Senate or a Senate committee mandated by Senate for this purpose.
 - (c) reviewing the institution's strategic plan and annual performance plan and targets, specifically in relation to the institution's annual budget, and other strategic plans such as academic and financial plans as well as risk management and other sustainability plans;
 - (d) approving the University's annual budget;
 - (e) entering into financial agreements and agreements for the construction of buildings in accordance with sections 40(2) and (3) of the Act;
 - (f) 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 academic admission policy of the University;
 - (g) determining with the approval of 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; the minimum requirements for readmission to study at the University; and to refuse such readmission to a student who fails to satisfy such minimum requirements for readmission; and
 - (ii) the language policy of the University.
- (3) The Council, after consultation with the Student Representative Council, shall make provision for and establish in accordance with the Institutional Rules of the University, a structure or

structures for advising the Council on the policy for support student services at the University.

- (4) The Council shall ensure that
 - (a) an external audit is conducted on an annual basis in accordance with accepted audit principles and standards and that the recommendations of the auditors are implemented
 - (b) comprehensive records of all Council and Council committees' proceedings are kept
 - (c) complete accounting records of all assets, liabilities, income, expenditure, and other financial transactions are kept as required by section 41(1) of the Act;
- (5) Council shall report to the Minister as contemplated in section 41(2) of the Act and must ensure compliance with the directives of the Minister.
- (6) 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.
- (7) The Council may, on such conditions it may determine, delegate any of its functions or powers to the Executive Committee of the Council, the Vice-Chancellor or any employee, the Management Executive Committee or any structure of the University, except for the powers set out in section 68(2) of the Act.
 - (a) All delegated functions and responsibilities will be reflected in a delegation framework which Council will review, and amend if necessary, on an annual basis but at least every two years;
 - (b) The delegation shall be writing.
- (8) The Council remains responsible and accountable for the performance and outcome of any delegated function.
- (9) Council shall adopt a framework governing fees for preparing for, and attending of Council and Council Committee meetings or engagements.
- (10) Council shall adopt a code of conduct to guide the contribution, behaviour and conduct of members of Council as provided for in s 27(7E)(a) of the Act and subparagraph 35(2) of this Statute.
- (11) Council must conduct a periodic external and internal performance assessment of all its structures and officers as provided for in the Rules.

27. Composition, Appointment and Eligibility Criteria

- (1) Subject to section 27 of the Act, as well as the transitional arrangements reflected in paragraph 82 of this Statute, the Council consists of:
 - (a) **External members**

- (i) five persons appointed by the Minister in accordance with section 27(4) (c) of the Act;
 - (ii) the President of the Convocation;
 - (iii) five members appointed on the basis of proven expertise and experience from appropriate sectors and professions, with a broad range of competencies in fields such as, but not limited to, management, education, business, finance, law, marketing and stakeholder relations, information technology and human resource management as indicated by the Council, elected according to the provisions of subparagraph 29(4) of this Statute and the Rules;
 - (iv) One member nominated by the Eastern Cape Provincial Government;
 - (v) One member nominated by the Eastern Cape Provincial Executive Committee of the South African Local Government Association;
 - (vi) One member from the donor community and nominated by the University of Fort Hare Foundation;
- (b) **Internal members**
- (i) the Vice-Chancellor;
 - (ii) one Deputy Vice-Chancellor nominated by the Management Executive Committee and appointed by the Council. The other members of the Management Executive Committee are required to attend Council meetings, but they have no voting rights;
 - (iii) two members of the Senate elected by Senate, who are not otherwise members of the Council, one of whom must be a dean;
 - (iv) one full-time academic employee not on Senate elected by the academic employees;
 - (v) one non-academic full-time employee elected by the non-academic employees;
 - (vi) two student representative elected by the Student Representative Council in accordance with the constitution of the Student Representative Council.

28. Requirements for members

- (1) At least sixty per cent of the Council members must be persons who are neither employees nor students of the University.
- (2) Members of the Council must be persons with knowledge and experience relevant to the objectives and governance of the University. The Registrar shall inform all entities that nominate or elect individuals to serve on Council of this specific requirement of the Act.
- (3) Apart from the Vice-Chancellor, Deputy Vice-Chancellors, representatives of Senate, employee representatives and the students appointed by the SRC to serve on Council, no

other member of Council shall be a permanent or temporary staff member or a student (undergraduate or postgraduate) of the University.

- (4) A person elected and appointed under subparagraph 27(1) (a) who becomes a student or an employee immediately ceases to be a member of the Council.
- (5) Any person who is not in good standing with the University shall not be eligible for appointment, reappointment or re-election as a member of the Council of the University.
- (6) No person may serve on the Council in more than one capacity.

29. Election and Appointment of members to Council

- (1) The Senate members who serve on Council are elected in terms of the following process:
 - (a) The Senate shall elect two members from its ranks to serve as Council members for a term of four years: Provided that at least one of the said members is a faculty dean.
 - (b) Members who are already *ex officio* members of the Council shall not be considered as candidates.
 - (c) The Registrar shall notify all members of the Senate in writing of the election of a member or members of the Senate to serve on Council at least seven days before a Senate meeting.
 - (d) A person shall be a candidate if he or she is nominated during a Senate meeting by at least two persons and indicates verbally or in writing that he or she accepts the nomination.
 - (e) Members, whose terms of office have expired, may be re-elected or renominated as provided for in subparagraph 30(4).
 - (f) Where more than one member is nominated for a vacancy, the election shall be by secret ballot.
 - (g) If multiple candidates are nominated for a vacancy, and no candidate receives an absolute majority of votes of the Senate members present, successive rounds of voting are held.
 - (h) In each successive round of voting the candidate receiving the least number of votes is eliminated as a candidate until a candidate secures an absolute majority. In the final round of voting, when two candidates remain, the candidate with a simple majority is the successful candidate.
 - (i) After Senate has elected the members to serve on Council, their names are announced by the Chairperson.
- (2) Employee representatives on the Council shall be elected from the ranks of the academic and non-academic employees in accordance with a process facilitated by the Registrar consisting of the following

- (a) Within a reasonable period of time before a specific election date, the Registrar shall offer
 - (i) every academic employee the opportunity to nominate an academic employee to represent the academic staff on the Council; and
 - (ii) every non-academic employee the opportunity to nominate a non-academic employee to represent the non-academic staff on the Council.
 - (b) Each nominated candidate shall be seconded by at least ten employees (in the case of an academic nominee they must be academic employees and in the case of a non-academic nominee they must be non-academic employees) and the nominee shall indicate in writing to the Registrar that he or she accepts the nomination.
 - (c) On the closure of nominations, the Registrar shall arrange for an election in accordance with generally acceptable election procedures.
 - (d) Academic employees shall vote in respect of the vacancy to be filled by an academic employee and non-academic employees shall vote in respect of the vacancy to be filled by a non-academic employee.
 - (e) An election shall be valid only if at least 10 per cent of the academic employees or non-academic employees, as the case may be, participated in the election.
 - (f) The Registrar shall announce the results of the election as soon as possible after the conclusion of the election.
 - (g) The Registrar shall determine, after consultation with the Director of Human Resources, whether an employee of the University, or an employee of the University jointly appointed by the University and another body, qualifies as an academic or a non-academic employee.
 - (h) If an employee performs academic and non-academic tasks in accordance with his or her job description, that particular employee is considered to be an academic employee.
- (3) Student members on the Council shall be elected at an ordinary or a special meeting of the SRC from the ranks of the SRC in accordance with an election procedure as set out in the SRC Constitution. The process is facilitated by the Registrar.
- (4) The members of Council who are appointed to the Council on the basis of their expertise and experience shall be appointed by means of a process facilitated and supervised by the Registrar:
- (a) The Registrar shall place an advertisement in two national papers and on the University's website, inviting organisations, interest groups and individuals to nominate persons with the necessary expertise and experience as determined by the Council to serve on the Council: Provided that if, in the opinion of the Council, the advertisements fail to elicit a satisfactory response, the Council may request organisations or individuals to nominate additional persons.
 - (b) The Nominations and Governance Committee of Council, after consultation with the

Registrar, may draw up a list of the most suitable nominees based on their CVs for recommendation to Council: Provided that the names of all nominees and their CVs will be tabled at the Council meeting.

- (c) The members of Council who are appointed to the Council on the basis of their expertise and experience shall be elected at an ordinary or an extraordinary meeting of the Council from the ranks of the nominees, after taking into consideration the recommendations made by the Nominations and Governance Committee of Council.
 - (d) In electing members of Council as contemplated in subparagraph (5)(c), the Council shall take into account that, apart from the required expertise and experience of the individual candidates, it is also desirable to have a broad and balanced representation on the Council as far as gender is concerned.
- (5) The process for the appointment of Council members nominated by entities and individuals outside the University shall be facilitated by the Registrar.
 - (6) The process to be followed in the event of an incidental vacancy arising on the Council shall, with the necessary changes, be the same as described above.
 - (7) A new Council member who is elected or appointed to fill a vacancy shall be elected for a full term.

30. Term of office

- (1) The Vice-Chancellor is a member of Council for as long as he/she remains in office. The Deputy Vice-Chancellor nominated by the Management Executive Committee may, with the approval of Council, be rotated annually.
- (2) The term of office of the members of the SRC on Council corresponds with the term of office of the SRC that elected them.
- (3) The term of office of all other members of Council is four years, provided that a member whose term of office has expired may, as an interim measure, be extended by Council once-off for a maximum period of six months should Council believe that special circumstances so demand.
- (4) Members of 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.
- (5) A Council member's membership is terminated –
 - (a) when the term of office expires;
 - (b) upon death or incapacity;
 - (c) if the Council member fails to attend three consecutive ordinary meetings of Council without the consent of Council;
 - (d) if the Council member is sequestered;

- (e) if the Council member is found guilty of conduct that in the exclusive opinion of Council is of such a nature that the member's ability to exercise his or her fiduciary duties and obligations is compromised and that continued membership of Council is not desirable;
 - (f) if a Council member, who is also a member of staff or a student of the University, is found guilty of misconduct in terms of the Disciplinary Code of the University which, in the opinion of Council, is of such a serious nature that the member's continued membership of Council is not desirable;
 - (g) if the Council member is elected or appointed by a particular interest group and the Council member's membership of, or association with the interest group is terminated;
 - (h) if Council rules, after following due process, that the continued membership of a member is undesirable due to a conflict of interest;
 - (i) if the Council member has transgressed Council's Code of Conduct.
 - (j) if a person is disqualified in terms of the Act to serve on a Council, or if the member is declared a delinquent director or is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine.
- (6) Constituencies who appointed or nominated persons to Council shall be informed by the Registrar of any termination in accordance with subparagraph (5).
- (7) Apart from the Vice-Chancellor, Deputy Vice-Chancellors, Senate and employee elected members and the students appointed by the SRC to serve on Council, no other member of Council shall be a permanent or temporary member of staff or a student (undergraduate or postgraduate) of the University, and should this happen, such Council member's membership of Council terminates automatically.
- (8) All Council members elected or appointed to Council are entitled, at any time, to submit their resignations in writing to the Chairperson of Council. This does not apply to members that serve in Council *ex officio*.

31. Vacancies on the Council

- (1) Vacancies by passage of time: At least six (6) months before the expiry of the term of office of any member of Council, the secretary to 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) All vacancies must be filled in accordance with the processes described in the Statute and the Institutional Rules (where applicable).
- (3) A Council member elected or appointed to fill a vacancy shall be elected or nominated for the full four-year term of office, subject to subparagraph 30(3).

32. Election of Chairperson and Deputy Chairperson

- (1) The Council elects a Chairperson and a Vice-Chairperson for a term of two years from the ranks of its members who are not students or employees of the University.
- (2) The process and criteria of nomination and election of office-bearers shall be prescribed in and conducted in accordance of the rules.
- (3) Subject to the four-year period in paragraph 28(3) 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.
- (6) In the absence of the Chairperson and the Vice-Chairperson, the Council, under the chairpersonship of the Vice-Chancellor, elects one of its external members as Chairperson of the meeting.
- (7) If a vacancy occurs in the office of Chairperson or Vice-Chairperson for any reason, the filling of such vacancy shall be conducted in accordance with the rules.

33. Secretary to council

- (1) The Secretary to the Council is the Registrar as contemplated in section 26(4)(b) of the Act.
- (2) The Secretary acts as electoral and compliance officer at the meetings of the Council.
- (3) The Secretary attends all meetings of the Council and the Council committees and keeps all relevant documents of the Council.

34. Meetings

- (1) The Council has at least three ordinary meetings during each academic year.
- (2) The Registrar, as the secretary of Council, administers the formal aspects of meetings in accordance with the Institutional Statute, the Rules and in accordance with fair administrative process.
- (3) At least seven days before a meeting and at least three days before an extraordinary meeting of Council, the Registrar shall give each member of Council written notice of the date, time and place of the meeting, as well as an agenda and supporting documents, if any.
- (4) Members wishing to place additional matters on the agenda of an ordinary meeting shall send a written request in this regard to the Registrar and the Chairperson of Council at least nine days before the date of the meeting.
- (5) With the approval of a majority of members present, urgent matters may be placed on the

agenda during a meeting.

- (6) The Registrar shall keep comprehensive minutes of each Council meeting.
- (7) A Council meeting is quorate if
 - (a) the majority of the members of Council are present (not taking into consideration any vacancies): Provided that Council members participating by electronic means in terms of subparagraph (10) below are deemed to be present; and
 - (b) the majority of the members present (including those that participate by electronic means) is external members.
- (8) For every decision taken by Council, the Council meeting should be quorate as set out in subparagraph 34(7) above.
- (9) If there is no quorum present as set out in subparagraph 34(7) within 30 minutes after the scheduled time of the meeting or if members leave a quorate meeting with the result that the quorum is lost,
 - (a) the meeting is adjourned by the Chairperson to a date not more than ten (10) working days from the date of the meeting; the quorum-requirement in subparagraph 34(7) will also apply to the said adjourned meeting and every other meeting of the Council; or
 - (b) in the alternative to the continuation of the meeting at a later date, the Chairperson can rule that the proposals and submission that Council still have to deal with are to be circulated within ten (10) working days from the date of the non-quorate meeting via a round-robin process as is provided for in the Institutional Rules.
- (10) The Council shall take decisions
 - (a) by a majority of the members (including those members participating and voting by electronic means) who are present at a meeting that is quorate.
 - (b) in the case of a round-robin process, if the majority of all the members of Council (not taking into consideration any vacancies) support the proposal and at least 60% of the members eligible to vote is external members.
- (11) Members physically absent may participate in a meeting and vote by electronic means in accordance with the Rules.
- (12) The Chairperson of the Council or the Vice-Chancellor may call an extraordinary or emergency meeting in accordance with the Rules. If five ordinary members of the Council request an extraordinary meeting, the Chairperson must accede to the request and call for an extraordinary meeting.
- (13) 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.

35. Fiduciary duty and conflict of interest of members

- (1) A member of the Council stands in a fiduciary relationship to the University. Council is not a stakeholder body. Members vote according to their conscience and are under no obligation to report back on the activities of Council to the body that nominated or appointed them.
- (2) In accordance with 27(7E)(a) of the Act, the Council must, after consultation with the Institutional Forum, adopt a code of conduct to which all the members of Council, all the members of committees of Council, all persons attending meetings of the Council and all other persons who exercise functions of the Council in terms of the Act or in terms of delegated authority must subscribe in writing.
- (3) A member of the Council serves in an individual capacity and shall all times act in the best interest of the University, in good faith and with diligence, care and skill.
- (4) 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.
- (5) In the event that any member of a committee with delegated functions has a conflict or possible conflict of interest in respect of a matter to be considered, the committee may not consider or take a decision on the matter but must refer it to the Council for a decision, having noted the member's interest in the matter.
- (6) A member of the Council who has grounds to believe that another member did not comply with the provisions of subparagraphs 35(1), (2), (3) and (4) must inform the Council or relevant Council committee.

36. Committees

- (1) The Council shall constitute –
 - (a) an Executive Committee;
 - (b) an Audit, Risk and Information Technology Committee;
 - (c) a Finance and Procurement Committee;
 - (d) a Human Resources and Remuneration Committee;
 - (e) a Strategic Planning and Resource Committee, a joint committee of Council and Senate;
 - (f) a Nomination and Governance Committee;

- (g) as well as joint committees of the Senate as agreed upon by the Council and the Senate; and other *ad hoc* 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 set out in the Charters of the respective committees and will have the status of Institutional Rules: Provided that the chairpersons of the standing committees of Council are elected from external Council members only.

37. Executive Committee

- (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 Executive Committee of Council.
- (2) The Executive Committee consists of the following members-
 - (a) the Chairperson of the Council;
 - (b) the Vice-Chairperson of the Council;
 - (c) the Vice-Chancellor;
 - (d) the Chairpersons of the standing committees of Council as contemplated in subparagraphs 36(1)(b); (c); (d); (e) and (f);
 - (e) the Deputy Vice-Chancellor as contemplated in subparagraph 27(1)(b)(ii); and
 - (f) One member of Senate from the two contemplated in subparagraph 27(1)(b)(iii) elected by Council.
- (3) The other members of the Management Executive Committee are invitees to the meetings of the Executive Committee but are not members of the committee: Provided that they may participate in deliberations but they may not vote.
- (4) The Vice-Chairperson of the Council is the Chairperson of the Executive Committee, and the Secretary of the Council is also the Secretary of the Executive Committee.

38. Other committees

- (1) The composition, election, terms of office, functions and procedures of Council committees and joint committees are as prescribed by the Institutional Statute, Rules and relevant approved charters.
- (2) The Chairperson of a Council committee or a Joint Council and Senate Committee may not be an employee or a student of the University.

CHAPTER 5 SENATE

39. Functions and accountability

- (1) The Senate is accountable to the Council for academic, research and community engagement activities as contemplated in section 28(1) of the Act.
- (2) The functions of the Senate are as follows:
 - (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) recommends to Council policy regarding admission, teaching, learning, assessment, research, quality assurance, community engagement and other matters that form part of its functions;
 - (e) determines guidelines for the appointment and promotion of academic employees, advises the Council in this regard, and makes recommendations on the appointment of academic and senior academic employees in terms of subsection 34(2) of the Act;
 - (f) submits recommendations to Council on the organisation of and structures for teaching, learning, research and community engagement;
 - (g) submits recommendations to Council on the introduction or suspension of degrees, diplomas, certificates, programmes, courses and subjects;
 - (h) determines the Rules for degrees, diplomas, certificates and other academic programmes;
 - (i) considers and approves recommendations from its committees, including Faculty Boards;
 - (j) ensures legal compliance in regard to academic matters;
 - (k) advises academic management structures on the management of matters relating to Senate functions;
 - (l) advises the Council on the Library and Information Services in regard to academic matters;
 - (m) 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;
 - (n) determines and submits recommendations to the Council on matters delegated or

entrusted to it by Council;

- (o) 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;
- (p) establishes committees to promote its functions;
- (q) 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;
- (r) advises the Council on the procedure for the appointment of the Vice-Chancellor, the Deputy Vice-Chancellors and the Registrar;
- (s) with the approval of Council determines
 - (i) the entrance requirements in respect of particular programmes;
 - (ii) the number of students who may be admitted for a particular programme and the manner of their selection;
 - (iii) the minimum requirements for readmission to study at the university.
 - (iv) the language policy of the University;
- (t) with the approval of Council, may refuse readmission to a student who fails to satisfy such minimum requirements for readmission as determined in subparagraph (s)(iii).
- (u) fulfils such other functions and tasks as determined by the Council or as described in the Rules.

40. Accountability and amendment

- (1) The Senate is accountable to Council.
- (2) Rules relating to the academic functions of the University, including the studies, instruction and examinations of students and research, may not be made, amended or repealed except with the concurrence of the Senate.
- (3) Disciplinary measures and disciplinary procedures relating to students, may not be made by Council except after consultation with the Senate and the Students' Representative Council.

41. Composition

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

- (d) Deans;
 - (e) Deputy Deans that are not otherwise professors;
 - (f) professors (permanent or appointed on a fixed-term contract for a period of at least three years) as defined in Chapter 1;
 - (g) heads of research entities approved by Council, at the recommendation of Senate, that are not otherwise professors as defined in Chapter 1;
 - (h) heads of substructures of Faculties approved by Council that are not otherwise professors as defined in Chapter 1;
 - (i) Executive Directors responsible for academic and research activities;
 - (j) two external members of the Council appointed by the Council; and
 - (k) six representatives of the Student Representative Council, elected by the Student Representative Council;
 - (l) two representatives of the administrative and support staff, elected by administrative and support staff;
 - (m) two representatives of the academic employees, elected by the academic employees; and
 - (n) the Chairperson of the Institutional Forum.
- (2) The following are permanent invitees to Senate (and not members):
- (a) Faculty managers; and
 - (b) such other functionaries as determined by the Chairperson from time to time.
- (3) The majority of the Senate members are academic employees.
- (4) Employee representatives on the Senate shall be elected from the ranks of the academic and administrative and support staff in accordance with a process facilitated by the Registrar consisting of the following
- (a) Within 21 days before a specific election date, the Registrar shall offer
 - (i) every academic employee the opportunity to nominate an academic employee to represent the academic employees on the Senate; and
 - (ii) every non-academic employee the opportunity to nominate a non-academic employee to represent the non-academic employees on the Senate.
 - (b) Each nominated candidate shall be seconded by at least ten employees (in the case of an academic nominee they must be academic employees and in the case of a non-academic nominee they must be non-academic employees) and the nominee shall indicate in writing to the Registrar that he or she accepts the nomination.

- (c) On the closure of nominations, the Registrar shall arrange for an election in accordance with generally acceptable election procedures.
- (d) Academic employees shall vote in respect of the vacancy to be filled by an academic employee and non-academic employees shall vote in respect of the vacancy to be filled by a non-academic employee.
- (e) An election shall be valid only if at least 10 per cent of the academic employees or non-academic employees, as the case may be, participated in the election.
- (f) The Registrar shall announce the results of the election as soon as possible after the conclusion of the election.
- (g) The Registrar shall determine, after consultation with the Director of Human Resources, whether an employee of the University, or an employee of the University jointly appointed by the University and another body, qualifies as an academic or a non-academic employee.
- (h) If an employee performs academic and non-academic tasks in accordance with his or her job description, that particular employee is considered to be an academic employee.

42. The fiduciary duty of members of Senate

- (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 its academic standing and acts in good faith, with the necessary diligence, care and skill.

43. Term of office of members

The terms of office of Senate members are as set out in the Institutional Rules.

44. Chairperson, Deputy Chairperson and Secretary

- (1) The Vice-Chancellor is the Chairperson of the Senate.
- (2) The Deputy Chairperson of Senate is elected from the ranks of the academic employees on Senate in accordance with the processes as set out in the Rules.
- (3) The Deputy Chairperson shall hold office for four (4) years and may be re-elected.
- (4) In the absence of the Chairperson, the Deputy Chairperson of Senate shall act as Chairperson and if both the Chairperson and the Deputy Chairperson are absent, the members present shall elect a Chairperson from their ranks to chair the meeting.
- (5) If the office of Deputy Chairperson becomes vacant Senate shall elect a successor for a full term.
- (6) The Registrar is the secretary to Senate.
- (7) The Secretary to Senate must-

- (a) act as secretary to all committees and joint committees of Senate: Provided that the Registrar is entitled to designate a staff member of the University to assist him or her with the compilation of the Agenda and the minutes;
 - (b) keep the minutes of the meetings of Senate and its committees and distribute copies of the minutes together with the agenda of the next meeting of Senate to members; and
 - (c) keep a register of resolutions adopted by Senate, the Executive Committee of Senate and Senate Committees and all members of these bodies must have access to this register.
- (8) The Vice-Chancellor may designate an employee to assist the Registrar with his or her duties as the secretary to the Senate or to act in his or her place. Such designated employee shall have the same fiduciary duties and obligations as the Registrar.

45. Meetings

- (1) The Senate has at least four ordinary meetings during each academic year.
- (2) The Secretary oversees meetings in accordance with the Rules.
- (3) The Senate determines its own procedures for meetings as reflected in the Rules and in accordance with fair administrative process.
- (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. For every decision the Senate take, the Senate should be quorate as set out in this subparagraph.
- (6) The Secretary of Senate must distribute the agenda and supporting documentation at least seven (7) days prior to the date of an ordinary meeting.

46. Committees

- (1) The Senate, in addition to an Executive Committee of Senate and Faculty Boards, may constitute other committees as it sees fit to assist in the performance of its duties.
- (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 Rules.

47. Executive Committee

- (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;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Registrar;
 - (d) Deans;
 - (e) four Senate members, in addition to the members listed in subparagraphs 47(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 subparagraphs (2)(a) to (d) above remain members of the Executive Committee by virtue of their office.
- (5) The term of office of Senate representatives on the Executive Committee in terms of subparagraphs (2)(e) and (2)(f) above is three years and these Senate representatives are eligible for one additional term of office if elected or appointed.

48. Faculty Boards

- (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 and the policies of the University;
 - (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) fulfil such other functions as the Rules and/or Senate may describe.
- (3) The composition of a Faculty Board is determined by Senate after consultation with the Faculty Board.
- (4) The Council appoints a Dean for every Faculty in accordance with the Rules approved by Council, who is accountable to the relevant Faculty Board, Senate, the Management Executive Committee and Council and fulfils the functions as described in the Rules.

- (5) The 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 6 INSTITUTIONAL FORUM

49. Functions

- (1) In accordance with section 31(1) of the Act, the Institutional Forum must advise 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 selection of candidates for senior management positions;
 - (d) codes of conduct;
 - (e) mediation and dispute resolution procedures;
 - (f) the formulation of policy for fostering an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning.
- (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 Registrar. The Registrar also provides a copy of the advice to the Vice-Chancellor.
- (3) If Council does not accept the Institutional Forum's advice, written reasons must be provided as prescribed by the Act.
- (4) The Institutional Forum must perform such additional functions as the Council may delegate or refer to it.
- (5) The Council may, after consultation with the Institutional Forum, revoke or amend the extended mandate of the Institutional Forum as determined in subparagraph (4).

50. 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 Executive Committee nominated by the Management Executive Committee;
 - (b) two representatives of the Council, elected by the Council of which at least one should be an external Council member;
 - (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) two representatives (one staff member and one student) of staff and students with disabilities, elected by the employees and students with disabilities: Provided that students vote for a student representing students with disabilities and staff vote for a staff member representing staff with disabilities, and if any individual qualifies to vote in both categories (staff and students) he or she votes in the staff category only;
 - (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) based on their expertise and experience; or
 - (ii) 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.

51. Term of Office

- (1) The term of office of members of the Institutional Forum is three years, except members appointed by the SRC as well as student members appointed in terms of subparagraph 50(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 any student appointed in accordance with subparagraph 50(1)(j) will be for the academic year in which he or she is appointed.
- (4) A member may be re-elected or reappointed provided that he/she may not serve for more than two consecutive terms.

52. Election Procedures

- (1) The nomination, election and appointment of members nominated or appointed by a specific body (Management Executive Committee, Senate, Council, etc.) or another entity are as determined by each constituency or as regulated in the Rules.
- (2) Employee representatives (representing academic staff and administrative and support staff) on the Institutional Forum shall be elected from the ranks of the academic employees and

the ranks of the administrative and support staff in accordance with a process facilitated by the Registrar consisting of the following:

- (a) Within 21 days before a specific election date, the Registrar shall offer
 - (i) every academic employee the opportunity to nominate an academic employee to represent the academic staff on the Institutional Forum; and
 - (ii) every non-academic employee the opportunity to nominate a non-academic employee to represent the administrative and support staff on the Institutional Forum.
 - (b) Each nominated candidate shall be seconded by at least ten employees (in the case of an academic nominee they must be academic employees and in the case of a non-academic employee they must be non-academic employees) and the nominee shall indicate in writing to the Registrar that he or she accepts the nomination.
 - (c) On the closure of nominations, the Registrar shall arrange for an election in accordance with generally acceptable election procedures.
 - (d) Academic employees shall vote in respect of the vacancy to be filled by an academic employee and non-academic employees shall vote in respect of the vacancy to be filled by a non-academic employee.
 - (e) An election shall be valid only if at least 10 per cent of the academic employees or non-academic employees, as the case may be, participated in the election.
 - (f) The Registrar shall announce the results of the election as soon as possible after the conclusion of the election.
 - (g) The Registrar shall determine, after consultation with the Director of Human Resources, whether an employee of the University, or an employee of the University jointly appointed by the University and another body, qualifies as an academic or a non-academic employee.
 - (h) If an employee performs academic and non-academic tasks in accordance with his or her job description, that particular employee is considered to be an academic employee.
- (3) The process set out in subparagraph (4) above apply, with the necessary changes being made, to the election of the
- (a) two representatives of women employed at the University elected by the female employees of the University;
 - (b) two representatives of the staff and students with disabilities, elected by the employees and students with disabilities.
- (4) A staff member or student may qualify to vote in more than one of the categories of membership set out above (if he or she complies with the requirements of the said categories).

- (5) When members are elected to the Institutional Forum, the body entitled to elect or to nominate must do so with due regard to the suitable representation of gender.

53. Termination of membership

- (1) Membership of the Institutional Forum terminates when a member –
- (a) resigns;
 - (b) ceases to be an employee or a student;
 - (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) is elected or appointed by a specific interest group and the interest group at a formal meeting of the interest group 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.
- (2) 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 the unexpired term of office of the previous incumbent.

54. 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 subparagraph 41(1)(n).
- (3) The term of office of the Chairperson and the Deputy Chairperson will be three 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.
- (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 the Registrar will assist the secretary in the

execution of his or her tasks or act in his or her place if the position is vacant.

55. Meetings of the Institutional Forum

- (1) The Chairperson must convene a meeting of the Institutional Forum at least twice in each semester. The dates for meetings is set out in the University Calendar.
- (2) Subject to the provisions of this Statute and the Rules, the Institutional Forum must determine its 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 (excluding vacancies) 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 Registrar 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 Chairperson or the Vice-Chancellor may convene an extraordinary meeting with four days' notice, stating the reason for the urgent meeting and the matter(s) for discussion.
- (9) 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.
- (10) No matter other than that of which notice had been given can be discussed at a meeting.
- (11) The Chairperson has an deliberative vote on every matter and, in the case of an equality of votes, also a casting vote; and
- (12) Whenever the Chairperson so rules, voting must take place by means of a secret ballot.

56. Executive Committee of the Institutional Forum

- (1) The Institutional Forum will appoint an Executive Committee to manage and administer the business of 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 serving on the Executive Committee elected by the Institutional Forum; and
 - (d) the secretary to the Institutional Forum.
- (3) The Executive Committee of the Institutional Forum must determine its meeting procedures with due observance of generally accepted norms, practices of fair administrative process and the Rules.
- (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 three 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.

57. 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 on the advice to be provided to Council.
- (2) In the event of the Institutional Forum members do not reach a decision as set out in subparagraph (1), the Chairperson of the Institutional Forum, with the assistance of the Secretary 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

58. Membership and Functions

- (1) The Convocation shall consist of–
- (a) all persons who have obtained a degree or a diploma from the University, as approved by Senate and 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, the Deputy Vice-Chancellor(s), the Executive Director(s), the Registrar, the Deans, the academic employees on the staff establishment of the University, professors emeriti, and such other persons as Council may determine.
- (2) The functions of the Convocation are to-
- (a) advise and facilitate liaison between the University and its former students;
 - (b) create networks, including Alumni Chapters and canvass support for the strategic objectives of the University, and
 - (c) organise members of the Convocation with a view to facilitating representation of this constituency on appropriate governance structures as determined in the Statute and the Rules.
- (3) The 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 Registrar in order to appear on the official roll 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 Registrar must remove a member's name from the members' list as soon as practicable after notice of the resignation or death of a member.

59. President, Vice-President, Secretary of the Convocation and members of the Executive Committee of the Convocation

- (1) The President and the Vice-President of the Convocation are elected in accordance with the Rules by the Convocation from among its ranks for a period of four (4) years.
- (2) In case the position of the President becomes vacant, the Vice-President acts as President until a successor has been elected in terms of this statute and the rules
- (3) The Convocation must elect a secretary to the Convocation from among its ranks for a period of four years. The Vice-Chancellor may appoint an employee of the University to assist the secretary or to act in his or her place when necessary. If there is no Secretary, the Registrar acts as secretary of the Convocation.
- (4) The Convocation must elect three additional members from amongst its ranks to serve on the Executive Committee of the Convocation.
- (5) The process for the election of the President, the Vice-President and the Secretary of the Convocation as well as the three additional members to serve on the Executive Committee of the Convocation will be determined in the Rules: Provided that the Rules must make provision for Convocation members to vote electronically to broaden member participation.
- (6) Employees and students of the university are not eligible as candidates for the President or Vice-President of the Convocation.

- (7) The term of office of the Secretary of the Convocation as well as the three additional members referred to in subparagraph (4) above is four (4) years.

60. Meetings and meeting procedures

- (1) The Convocation must hold at least one general meeting every four (4) years.
- (2) The Secretary must give due notice of such a meeting to every member at least eight weeks before a 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 or the Vice-Chancellor at any time and must be called by the secretary on receipt of a written request signed by at least one hundred (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 (2) months of receipt of such request.
- (6) The secretary must give due notice of extraordinary meetings of the Convocation to each member at least fourteen (14) days before the day determined for such a meeting, stating the date, place and time of the meeting. The notice shall be accompanied by an agenda and supporting documentation where applicable.
- (7) The Convocation shall determine its meeting procedures with due observance of generally accepted norms and practices of fair administrative process and the Rules.

61. Executive Committee of the Convocation

- (1) The Executive Committee of the Convocation consists of the President, the Vice-President, the Secretary and the three (3) additional members as set out in paragraph 59.
- (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 Management Executive Committee of the University.
- (3) The provisions of paragraph 59 will, with the necessary changes, apply to the election, and arrangements in the case of death or resignation of members elected to the Executive Committee of the Convocation.
- (4) The Executive Committee of the Convocation determines its 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) Members of the Management Executive Committee of the University are not eligible to serve

on the Executive Committee of the Convocation.

62. Quorum for a Meeting of the Convocation

- (1) One hundred (100) Convocation members form a quorum.
- (2) If a meeting is adjourned owing to failure to reach a quorum, the meeting must be reconvened within eight weeks. The members present at such a meeting will be deemed to form a quorum.
- (3) No decisions can be taken on motions put to a non-quorate meeting.
- (4) If a meeting is quorate, all matters must be decided by a majority of votes of the members present at the meeting.
- (5) The President has an deliberative vote on every matter and, in the case of an equality of votes, also a casting vote.
- (6) 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.

63. Submission of resolutions to Council and 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 Council and the Chairperson of Senate for the information of Council and Senate.

CHAPTER 8 DONORS

64. Donors

The University may receive monies, equipment or services of any sort from donors to assist the University in providing quality education.

65. Qualification as donor

- (1) Any person or entity, who is not an organ of state or a representative thereof and who has made a particular donation to the University, shall be deemed to be a donor, provided that if a donation is made by a juristic person, the representative of such juristic person shall represent the donor.
- (2) If the donation referred to in subparagraph (1), whether in the form of money, either in one sum or in a number of lesser sums, or as property, either in one asset or a number of assets, or as money and property together, is more than an amount as fixed by Council from time to time, the donor will qualify as a benefactor of the University and will be recognised by the University community as set out in the Rules.
- (3) The Registrar is obliged to keep a register of the name and addresses of all individuals and legal entities that qualify as donors of the University.

CHAPTER 9 EMPLOYEES

66. Appointment

- (1) Subject to section 34 of the Act, Council appoints employees according to the human resource policies and procedures of the University as approved by Council from time to time.
- (2) An employee must in writing-
 - (a) before he or she take up an offer of employment, and yearly thereafter, declare any business that may raise a conflict or possible conflict of interest with the University as is provided for in the Act; and
 - (b) notify the University of any conflict or potential 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 to 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).
- (6) No academic employee can be appointed in the University without consulting Senate or a committee of Senate as designated by Senate.

67. Conditions of employment

The terms 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 applicable labour legislation.

68. Evaluation

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

69. Employee discipline

Subject to the provisions of the relevant labour legislation and codes of good practice all employees (full time or part-time, permanent, temporary or contract work) of the University shall subscribe to the institutional code of conduct, the disciplinary code and procedure and the grievance procedure as approved by Council.

70. Representative employee organisations

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

CHAPTER 10 STUDENTS**71. Admission and registration of students**

- (1) A person may be permitted by University to register as a student only if he or she satisfies the requirements that may be determined by Council and Senate. This includes requirements with regard to the admission of students from other universities as well as the exemption from examinations and the recognition of credits.
- (2) Upon registration, 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 shall 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 policies, and may be amended by Council after consultation with Senate.
- (5) Specific admission requirements may be set for number-restricted courses or programmes.
- (6) A student is only registered for one year at a time or such shorter period as 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 Council. The determination of criteria by the Council takes place in consultation with the Senate.
- (8) Senate or a committee of 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.

72. Student organisations and activities

Subject to the provisions of the Act and this Statute, Council may recognise student organisations and their activities at the University on such terms and conditions as may be determined by Council from time to time, and Council may at any time, after furnishing reasons, withdraw such recognition. The Council can delegate its powers in this regard to the Vice-Chancellor or another manager or structure in the University.

73. Student Representative Council (SRC)

- (1) The Council of the University shall 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 matters that relate to student governance. 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 Senate and Council may be elected as members of the SRC; provided that no student employed for twenty-five (25) or more hours per week may serve as a member of 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 shall be eligible to serve on the SRC and a serving member of the SRC found guilty of such a transgression shall automatically vacate his or her position.
- (5) In determining its membership and in framing its Constitution, the SRC must take cognisance of the ideal that it should be representative of the University of Fort Hare student community, specifically with regard to gender and persons with disabilities.
- (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 Council and may be revoked by 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 Council, after consultation with the SRC.
- (11) If the SRC is inoperative or unable to function properly, Council may, subject to the rules: revoke the SRC Constitution and/or make interim arrangements for the functioning of the SRC; and/or initiate a process to have a new SRC Constitution drafted and/or a new SRC elected.

74. Student discipline

- (1) Registered students are subject to the disciplinary measures and procedures applicable to students as determined by this Statute and the Rules in accordance with section 36 of the Act.
- (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 Council after consultation with Senate and the SRC as provided for in section 32(2)(d) of the Act.
- (3) If the Vice-Chancellor, 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 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 shall be set out in the Rules and made available to all students on the University Web or otherwise.
- (5) Where a student has been found guilty of misconduct and the disciplinary measure applied by the University leads to his or her suspension or his or her expulsion, the student concerned shall forfeit all claims to a refund or a rebate on fees paid or payable to the University.

75. Fees

- (1) Council determines, after consultation with the SRC, the fees, levies and fines payable by students to the University.
- (2) Council shall determine the conditions for admission to examinations and registration at the University, as well as the awarding of or conferral of qualifications to students owing the University fees, levies or fines.

76. Bursaries and loans

Council shall determine the policy and procedure for the application for, as well as award and repayment of internal bursaries and loans.

CHAPTER 11 DEGREES, DIPLOMAS AND CERTIFICATES

77. 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 provision of this Statute, no degree, diploma or certificate shall be conferred or awarded by the University upon any person who has not attained, through the assessment processes of the University as required by Senate, the prescribed standard of proficiency.
- (3) The University may in accordance with the provisions of section 65BA of the Act withdraw any degree, diploma or certificate as provided for in the Act.

78. Honorary degrees

- (1) The University may, by resolution of Council and Senate and without examination, confer an honorary doctorate it deems appropriate upon any person in any faculty whom the University may deem worthy of such a degree in terms section 65C of the Act.
- (2) No holder of a degree which has been conferred *honoris causa* shall, on the basis of the honorary degree on its own, be entitled to practice any profession.
- (3) A proposal to confer an honorary degree must be submitted in writing to the Registrar by a member of Council, 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 Registrar on or before the date published in the University calendar, accompanied by a detailed statement indicating the reasons for the proposed conferment.
- (4) The Registrar must refer such proposals to the Honorary Degrees Committee, which consists of the Vice-Chancellor, Deputy Vice-Chancellor, Deans, members of Council on Senate and three members of Senate appointed by Senate.
- (5) The names of the candidates recommended by the Honorary Degrees Committee shall be submitted to Senate, accompanied by the curriculum vitae ("CV") of the candidates and an appropriate statement describing the reasons for the proposal.
- (6) Without discussion of the candidates or their CVs, Senate shall vote by way of a secret ballot on the conferment or not of an honorary degree on the candidate.
- (7) The chairperson of Senate shall have an ordinary vote on each resolution and, in the case of an equality of votes, a casting vote.
- (8) The name(s) of the candidate(s) who obtained an ordinary majority of the votes of the members of Senate present at the meeting shall be submitted to Council.
- (9) Without discussing the candidate, Council shall vote by way of a secret ballot on the candidate(s) recommended by Senate, provided that Council shall not discuss the candidates or their CVs or consider any proposal not supported by Senate.
- (10) The honorary degree shall be awarded to the candidate who has obtained a majority vote of the members of Council present at a meeting of Council, provided that no posthumous

nominations will be accepted.

79. 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 constituted in a manner prescribed by the Council, and is presided over by the Chancellor or, in his or her absence, the Vice-Chancellor, 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 on the recommendation of 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, shall be as determined by Senate and approved by Council.
- (5) No person shall receive a degree, diploma or certificate, other than an honorary degree, unless Senate or a committee of Senate certifies that such person has satisfied all the requirements for such a degree, diploma or certificate as required by section 65B of the Act.

CHAPTER 12 GENERAL AND TRANSITIONAL PROVISIONS

80. Amendment of Statute

- (1) Any proposal for the drafting, amendment or repeal of any provision of this Statute must be made in accordance with the provisions of section 32(2) of the Act.
- (2) A proposal contemplated in subparagraph (1) is of force and effect only if adopted by two-thirds of all the members present at a meeting of the council.

81. Repeal of previous Statute

The Statute applicable to the University of Fort Hare as published in Government Gazette No. 35784 in Government Notice No. 1088 of 29 November 2010, is hereby repealed with effect from the date on which this Statute comes into operation.

82. Transitional provisions

- (1) Persons holding an office in terms of the Statute that existed prior to the commencement of this Statute are deemed to hold office under the corresponding provisions of this Statute unless it is inconsistent with the Act or this Statute, in which case the term of office will be terminated with immediate effect.
- (2) 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.

- (3) As a transitional measure, the Administrator has the competence and the authority to take any appropriate steps to ensure the implementation of the Act, this Statute, any Institutional Rules, the reconstituting of the Council after the gazetting of this Statute and the authority to appoint the five external members of Council as provided for in subparagraph 27(a)(iii) above. Once the Council of the University of Fort Hare as set out in this Statute is constituted and operational, the Council shall have the power and authority to implement the provisions of the Act, the Statute and the Institutional Rules.
- (4) Rules in force prior to the commencement of this Statute continue to apply until replaced by any provision of this Statute, or any rule that may be made in terms of this Statute.
- (5) Any action, including a delegation of powers and functions to any functionary, committee or body, taken in terms of the Statute that existed prior to the commencement of this Statute is deemed to have been taken in terms of the corresponding provision of this Statute. Where there is no corresponding provision, such action will be referred to the Administrator until a new Council is constituted in terms of this Statute.
- (6) There shall be no interruption in the legal personality of the University as it existed before and after the coming into operation of this Statute.
- (7) Nothing in this Statute shall prevent the University from exercising its rights and duties that the University against any person or entity or which any person or entity had against the University prior to the coming into operation of this Statute, except as expressly provided for herein.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NOTICE 257 OF 2020



Block A | 4th Floor | Meintjiesplein Building | 536 Francis Baard Street | Arcadia
Private Bag X935 | Pretoria | 0001
Tel: 012 341 1115 | Fax: 012 341 1811/1911
<http://www.namc.co.za>

NEWS STATEMENT BY THE NATIONAL AGRICULTURAL MARKETING COUNCIL

**APPLICATION FOR THE CONTINUATION OF A STATUTORY MEASURE:
INDUSTRY LEVIES ON WHEAT, BARLEY AND OATS IN TERMS OF THE MARKETING OF
AGRICULTURAL PRODUCTS ACT, 1996, (ACT NO 47 OF 1996), AS AMENDED**

**INVITATION TO DIRECTLY AFFECTED GROUPS IN THE WINTER CEREAL INDUSTRY TO
FORWARD COMMENTS REGARDING THE REQUEST FROM THE WHEAT FORUM**

On 1 April 2020, the National Agricultural Marketing Council (NAMC) received a request from the Wheat Forum, that the Minister of Agriculture, Land Reform and Rural Development, in terms of section 15 of the Marketing of Agricultural Products Act (MAP Act), establish the following statutory levy (VAT excluded) for the different winter cereal commodities, to be collected and administered by the Winter Cereal Trust, for a period of four years:

Commodity	Period	Amount (Excluding VAT)
Wheat	1/10/2020 to 30/09/2024	R 14.50 per metric ton
Barley	1/10/2020 to 30/09/2024	R 14.50 per metric ton
Oats	1/10/2020 to 30/09/2024	R 6,00 per metric ton

Separate accounts will be administered in respect of levies collected on the above-mentioned commodities.

This request was unanimously decided on by the Wheat Forum members on the recommendation of the Wheat Forum Steering Committee, on behalf of the directly affected groups in the winter cereal industry.

The proposed levies will be utilised for the funding of information (as performed by the SA Grains Information Services (SAGIS)), quality and grading (as performed by the SA Grain Laboratory), transformation, administration, capacity building, research, the Supply & Demand Estimates Committee, and pre-breeding research (that provides building blocks for breeding).

Statutory levies have been imposed over the past years on wheat, barley and oats to provide financial support for research projects, generic market information and to assist with the development of emerging farmers of winter cereals in South Africa. The current statutory measure regarding levies on wheat and barley, as promulgated by Government Notice No. 40318 of 30 September 2016, that currently amounts to R12/ton (excl VAT) on wheat and R5/ton (excl VAT) on barley, will expire on 30 September 2020.

Council Members: Mr. H. Prinsloo (Acting Chairperson), Ms. F. Mkile, Mr. H. Mohane, Mr. B. Mokgatlhe, Ms. N. Mokose, Prof. D. Rangaka and Mr. G. Schutte

Industry consensus and certain conditions:

According to the applicant, the industry value chain is no longer comfortable with the Winter Cereal Trust as administrator of statutory levies in its current format. It was reported to the Forum that decisions by the Trust are often taken on the basis of a majority vote, without the decisions being aligned to the requirements and needs of the industry as a whole. For this reason, the Forum members unanimously agreed to submit an application for the continuation of the statutory levies, but that it is to be administered by a revised Winter Cereal Trust. The revisions that are required encompass three amendments to the Trust Deed.

This resulted in the unanimous decision by the Forum members to apply for the continuation of the statutory levies, but to submit the application on the explicit condition that the Trustees are to be instructed to submit to the Master of the High Court the following Trust Deed amendments and to implement such amendments prior to the commencement date of the new levy period:

- (i) to reduce the number of Trustees, which represent the Minister of Agriculture, to three instead of the current six;
- (ii) to delete the provision allowing the Chairperson of the Board to have a casting vote; and
- (iii) to insert a provision that the Chairperson of the Board shall always be elected from the ranks of the Trustees that represent the industry value chain.

The industry consensus regarding the continuation of the levies and the administration thereof by the Winter Cereal Trust is absolutely dependent on the above condition. Should this condition not be accepted, the Forum will regard the application to be null and void and will explore alternative structures for the administration of the levies or other options for securing the funding required for vital industry functions. Should the condition be accepted, it will be required by each nominating constituency to instruct its representative Trustee(s) to adhere to the condition, which implies the filing and implementation of the required amendments to the Trust Deed before 1 October 2020.

The Forum members further reached consensus that, should this conditional application be approved as submitted, the Winter Cereal Trust will endeavor to annually utilise at least 25% of the net levies recovered for transformation projects within the winter cereals industry.

Business Plan:

The income by means of the proposed levies is based on an expected success rate of 95% in the collection of levies. It is budgeted that an average total income of R49.2 million, of which R44.2 million would be from the wheat levy, could be collected in the next four years, depending on the crop size.

The Wheat Forum agreed that the utilisation of statutory funds to support research functions, is based on the following:

- Projects that are to be supported must be demand-driven;
- All applications must be evaluated by a technical committee, which will make recommendations to the Board of Trustees;
- All funds collected during a financial year will be made available for utilisation during that financial year;

- Funds will be allocated to various fields of research on the basis of a model accepted by the winter cereal industry. Provision is made for the following categories:
 - non-breeding related projects;
 - public good;
 - capacity building.

The guidelines of the NAMC regarding the utilisation of statutory levy funds, which currently stipulate that at least 20% of levies collected should be used for transformation projects, were taken into account.

Levy funds are required to partly compensate for the diminished funds for research and also to make provision for new research projects to be funded. The envisaged budget for the first year (2020/21) is as follows:

	R
Administration	3 734 108
Commission payable to levy collectors	1 230 201
Information	3 159 552
Transformation	12 302 008
Research (excluding breeding)	28 782 163
Total	49 208 032

Directly affected groups:

The categories of directly affected groups, which would probably be affected by the new proposed statutory levies, are those groups of persons who are party to the production, purchasing and processing of winter cereals, as well as to the consumption of winter cereal products in the Republic of South Africa.

The support for the proposed statutory measure on winter cereals by the different categories of directly affected groups in the winter cereal industry, as represented on the Wheat Forum, is evidenced by the unanimous resolution adopted in this regard by the Forum.

The proposed statutory levies will apply to the whole of the Republic of South Africa in order to have a uniform system of levies, without the discrimination that would exist on requiring levies in certain areas and not in others.

Invitation to comment:

As the proposed statutory levies are consistent with the objectives of the Marketing of Agricultural Products Act, the NAMC is investigating the level of support for this specific statutory levy application.

Directly affected groups in the winter cereal industry are kindly requested to submit any comments or objections regarding the proposed statutory levies with conditions, to the NAMC per e-mail to lizettem@namc.co.za on or before 22 May 2020, to enable the Council to formulate its recommendation to the Minister in this regard.

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 258 OF 2020****COMPETITION TRIBUNAL
NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rules 34(b)(ii) and 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following mergers:

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM147Jan20	Unitrans Automotive (Pty) Ltd	Cedar Isle Auto (Pty) Ltd	31/03/2020	Approved
LM160Feb20	Stanlib Infrastructure Yield Fund (Pty) Ltd	AFGRI Grain Silo Company (Pty) Ltd	31/03/2020	Approved
LM162Mar20	Volvo Financial Services Southern Africa (Pty) Ltd	Volvo Financial Services Southern Africa (Pty) Ltd	31/03/2020	Approved
LM165Mar20	AMDEC Investment (Pty) Ltd	Westbrook Residential Development (Pty) Ltd	31/03/2020	Approved
LM168Mar20	Synchronized Logistical Solutions (Pty) Ltd T/A Insync Solutions	QPLAS (Pty) Ltd	31/03/2020	Approved
LM150Feb20	Unitrans Automotive (Pty) Ltd	Whitehouse Motors (Pty) Ltd	08/04/2020	Approved

**The Chairperson
Competition Tribunal**

DEPARTMENT OF PUBLIC WORKS

NOTICE 259 OF 2020

PUBLICATION OF FEES AND CHARGES FOR SOUTH AFRICAN COUNCIL FOR THE PROPERTY VALUERS PROFESSION: ACT NO. 47 OF 2000: SECTION 12(1): EFFECTIVE 1 APRIL 2020

1. **Application Fee (VAT Inclusive and Non- refundable)**

- (a) R1265 for all categories of registration, i.e., Professional Valuer (Pr Val), Professional Associated Valuer (Pr AVal), Candidate Valuer (Ca Val), Single Residential Property Assessor and Candidate Single Residential Property Assessor (CSRPA" and "SRPA");
- (b) Additional R1000 for all International/ Foreign registrations-All categories of registration;
- (c) R12555 for Recognition of Prior Learning (RPL); and
- (d) R6555 for new Specified category, i.e., Plant and Equipment (PE).

2. **Registration Fee (VAT Inclusive)**

- (a) Professional Valuer R2485 (50% non- refundable)
- (b) Professional Associated Valuer R2385 (50% non- refundable)
- (c) Candidate (both Ca Val and CSRPA) R1165 (50% non- refundable)
- (d) Single Residential Property Assessor and Specified Cat R2385 (50% non-refundable)

3. **Annual Fee (VAT Inclusive)****Non Refundable (Neither as a whole nor in part)**

Registration Category	Fee payable by 30 June 2020	Fee payable from 01 July to 30 September 2020	Fee payable from 01 October to 30 November 2020
Pr Val	3840	4340	4670
Pr AVal & SRPA	3550	4010	4320
Ca Val registered >5 years	3310	3740	4020
Ca Val registered ≤5 years	1240	1400	1500

Note: Registration will be suspended if no payment is received by 30 November 2020. If payment is still not received by 31 March 2021 registration will be cancelled and a new application plus 4X Annual fee will be payable.

4. **Admission & Supplementary Exam Fee (VAT Incl) (50% refundable up to 14 days before exam)**

- (a) Professional Valuer R3145
- (b) Professional Associated Valuer and SRPA R3035

5. **Other Fees and Charges (Applicable until amended)**

- (a) Administration Fee (Re-registration) R945
- (b) Appeal- Disciplinary hearing {Section 12(1)(i)} R15000
- (b) Appeal {Section 25(1) of the PVP Act No. 47 of 2000} R9500
- (d) Assessing Application for PAIA & Furnishing Reasons R2500 basic charge plus R50 per page
- (e) Audio recording No transcript; only CD or USB @ R250
- (f) Duplicate Certificate R1265
- (g) Examination- Marking and Invigilating R774 (Invigilating fee/ day & Marking 2 scripts/hour or Moderating 4 scripts/hour)
- (h) Examination Refresher session R1215
- (i) Extracts from Register ≤5 persons R0, R20 pp from the 6th person
- (j) Postage fee (certificate and card) R100
- (k) Practical Examination and Interview (SRPA) R2825
- (l) Practical Workschool 4-5 days; 2d(SRPA); 1d; Non-RP R7500; R3700; R1750; R1850(NRP); 8500
- (m) Remarking of script and Viewing of script R1845 and R3735
- (n) Validation of CET event and recognition of provider CET for various events- www.sacpvp.co.za
- (o) Witness Fee- including appearance time R3870, travel time & expense @ R4.50/km

Registrar (SACPVP)

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 260 OF 2020

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

CUSTOMS TARIFF APPLICATIONSLIST 05/2020

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following applications concerning the Customs Tariff. Any objection to or comments on these representations should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001. Attention is drawn to the fact that the rate of duty mentioned in these applications is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

CONFIDENTIAL INFORMATION

The submission of confidential information to the Commission in connection with customs tariff applications is governed by section 3 of the Tariff Investigations Regulations, which regulations can be found on ITAC's website at <http://www.itac.org.za/documents/R.397.pdf>.

These regulations require that if any information is considered to be confidential, then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the regulations are strictly applicable and require parties to indicate:

- ❑ Each instance where confidential information has been omitted and the reasons for confidentiality;*
- ❑ A summary of the confidential information which permits other interested parties a reasonable understanding of the substance of the confidential information; and*
- ❑ In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.*

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless clearly indicated to be confidential, will be made available to other interested parties.

The Commission will disregard any information indicated to be confidential that is not accompanied by a proper non-confidential summary or the aforementioned reasons.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due).

Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

1. INCREASE IN THE RATE OF CUSTOMS DUTY ON:

“Foot operated grease gun, classifiable under tariff subheading 8479.89.90, by way of creating an additional 8-digit tariff subheading from free of duty to 10% *ad valorem*”.

APPLICANT:

Gurtech (Pty) Ltd

P. O Box 225

Howick

3290

Enquiries: ITAC Ref: 26/2019. Enquires: Ms. Mukeliwe Manyoni/Ms. Lavhelesani Mulaudzi/Ms. Lufuno Maliaga. Tel: 012 394 3676/1678/3835. E-mail at mmanyoni@itac.org.za/ lmulaudzi@itac.org.za/ lmaliaga@itac.org.za

REASONS FOR THE APPLICATION:

- The applicant is the only manufacturer of foot-operated grease guns in the SACU Region. Gurtech, through its sourcing strategy, supports the growth and sustainability of intermediate manufacturers of its input products;
- Since the patent to manufacture the subject product lapsed, international manufacturers of lubrication equipment copied the Gurtech foot operated grease gun and are aggressively targeting the Gurtech client base;
- The domestic industry is experiencing decreased sales volumes, revenue, and production. This is negatively affecting the industry's ability to retain employment; and
- An increase in the rate of customs duty will enable the applicant to retain domestic volumes, increase capacity utilisation and improve sustainability of industries manufacturing inputs products.

PUBLICATION PERIOD:

Written representations must be submitted within **four (4) weeks** from the date of this notice.

2. INCREASE IN THE GENERAL RATE OF CUSTOMS DUTY ON:

“Tubes, pipes and hollow profiles, seamless, of iron (excluding cast iron) or steel, classifiable under tariff subheadings 7304.19.90, 7304.23.90, 7304.29.90, and 7304.39.35, from 10% *ad valorem* to 15% *ad valorem*”.

APPLICANT:

Hall Longmore Holdings (Pty) Ltd

Private Bag X 024

Wadeville

Germiston

1422

Enquiries: ITAC Ref: 28/2019. Mr. Njabulo Mahlalela/Ms. Lufuno Maliaga. Tel: 012 394 3684/3835. E-mail: nmaahlalela@itac.org.za/lmaliaga@itac.org.za.

REASONS FOR THE APPLICATION:

- Imported seamless tubes and pipes of equivalent diameters to domestically manufactured welded tubes and pipes compete directly for market share in many applications;
- The increasing levels of imports of seamless tubes since 2012, coupled with the decreasing price levels at which these are being imported, has put the viability of the SACU industry manufacturing welded tubes and pipes at risk;
- There is an anomaly in the tariff structure across the value chain, wherein the upstream raw material (hot rolled steel) enjoys the same level of tariff protection as the downstream final product (welded tubes and pipes), thereby putting the downstream industry at a competitive disadvantage;
- The tariff increase requested will prevent imports from entering the country at impermissible low prices; and
- An increase in the general rate of customs duty on the subject products will protect the domestic industry manufacturing welded tubes and pipes against the fierce competition of low-priced imports.

PUBLICATION PERIOD:

Written representations must be submitted within **four (4) weeks** from the date of this notice.

3. INCREASE IN THE GENERAL RATE OF CUSTOMS DUTY ON:

“Certain cylindrical primary cells and primary batteries (excluding those of a height not exceeding 7 mm), of a diameter exceeding 19 mm, classifiable under tariff subheadings 8506.10.25 and 8506.80, from 10% *ad valorem* to 20% *ad valorem*”.

APPLICANT:

Eveready (Pty) Ltd

P.O. Box 3191

North End

Port Elizabeth

6056

Enquiries: ITAC Ref: 30/2019, Enquires: Mr. Tshepiso Sejamoholo/Ms. Pateka Busika/Ms. Lufuno Maliaga. Tel: 012 394 1605/3595/3835. E-mail:

tsejamohlo@itac.org.za/pbusika@itac.org.za/lmaliaga@itac.org.za

REASONS FOR THE APPLICATION:

As motivation for the application, the applicant cited, *inter alia*, the following:

- Following the closures of SAFT South Africa (Pty) Ltd and Chloride SA (Pty) Ltd, Eveready is the only known manufacturer of the zinc-chloride batteries in the SACU region;
- Eveready is facing strong competition from low-priced imported zinc-carbon and alkaline batteries that compete directly with locally manufactured products;
- These have had a negative impact on Eveready's sales volume, production volumes and capacity utilisation during the period of investigation; and

- Tariff support will enable the domestic industry to compete and as a result increase sales volumes, market shares, and employment opportunities in the Eastern Cape Province.

PUBLICATION PERIOD:

Written representations must be submitted **within four (4) weeks** from the date of this notice.

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