

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 558 Cape Town

14 December 2011

No. 34865

THE PRESIDENCY

No. 1061

14 December 2011

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

No. 21 of 2011: Higher Education Laws Amendment Act, 2011.



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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 12 December 2011)

ACT

To amend the Higher Education Act, 1997, so as to regulate the conduct of members of the council, members of committees of the council and employees of a public higher education institution engaging in business with the relevant public higher education institution; and to adjust the period within which an independent assessor appointed by the Minister must finalise an investigation; to amend the National Student Financial Aid Scheme Act, 1999, so as to empower the Minister to intervene in the case of poor or non- performance or maladministration by the board of the National Student Financial Aid Scheme; to provide for the dissolution of the board, as well as the procedure for such dissolution; to provide for the appointment of an administrator to temporarily take over the management, governance and administration of the board; and to repeal the provisions placing an obligation on the employer of a borrower to make deductions from the remuneration of the borrower; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 27 of Act 101 of 1997, as amended by section 8 of Act 23 of 2001 and section 7 of Act 63 of 2002

1. Section 27 of the Higher Education Act, 1997, is hereby amended— 5
- (a) by the substitution for subsection (7) of the following subsection:
- “(7) [**The members**] A member of a council or a member of a committee of a council—
- (a) must be [**persons**] a person with knowledge and experience relevant to the objects and governance of the public higher 10 education institution concerned; [**and**]
- (b) must participate in the deliberations of the council in the best interests of the public higher education institution concerned;
- (c) must, before he or she assumes office, declare any business, commercial or financial activities undertaken for financial gain that 15 may raise a conflict or a possible conflict of interest with the public higher education institution concerned;
- (d) may not place himself or herself under any financial or other obligation to any individual or organisation that might seek to influence the performance of any function of the council; and
- (e) (i) may not have a conflict of interest with the public higher 20 education institution concerned;