



# Government Gazette

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## **THE PRESIDENCY**

No. 1286

27 November 2008

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

**No. 39 of 2008: Higher Education Amendment Act, 2008.**



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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 25 November 2008.)

## ACT

To amend the Higher Education Act, 1997, so as to make it consistent with the National Qualifications Framework Act, 2008; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 101 of 1997, as amended by section 1 of Act 55 of 1999, section 1 of Act 54 of 2000 and section 1 of Act 63 of 2002**

1. Section 1 of the Higher Education Act, 1997 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of “grade 12” of the following definition:
 

“**‘HEQF’** means the Higher Education Qualifications Framework;”;
- (b) by the substitution for the definition of “higher education” of the following definition:
 

“**‘higher education’** means all learning programmes leading to **[qualifications higher than grade 12 or its equivalent in terms of the National Qualifications Framework as contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), and includes tertiary education as contemplated in Schedule 4 of the Constitution]** a qualification that meets the requirements of the HEQF;”;
- (c) by the insertion after the definition of “higher education institution” of the following definition:
 

“**‘Higher Education Qualifications Framework’** means the policy on higher education—

  - (a) determined and published by the Minister in terms of section 3; and
  - (b) referred to in section 7(b) of the National Qualifications Framework Act as the sub-framework for higher education;”;
  - (d) by the insertion after the definition of “Minister” of the following definitions:
 

“**‘National Qualifications Framework’** means the National Qualifications Framework contemplated in the National Qualifications Framework Act;

**‘National Qualifications Framework Act’** means the National Qualifications Framework Act, 2008;”;