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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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- (e) by the insertion after the definition of “public higher education institution” of the following definition:
 - “ **‘quality council’** has the meaning assigned to it in section 1 of the National Qualifications Framework Act, 2008;”;
- (f) by the substitution for paragraph (a) of the definition of “to provide higher education” of the following paragraph:
 - “(a) the registering of students for[—
 - (i) **complete qualifications at or above level 5 of the National Qualifications Framework as contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);** or
 - (ii) **such part of a qualification which meets the requirements of a unit standard as recognised by the South African Qualifications Authority at or above the level referred to in sub-paragraph (i)] higher education;”.**

Amendment of section 5 of Act 101 of 1997, as amended by section 1 of Act 38 of 2003

- 2. Section 5 of the principal Act is hereby amended—
 - (a) by the substitution in subsection (1)(f) for subparagraph (i) of the following subparagraph:
 - “(i) conferred on or assigned to it in terms of this Act or the National Qualifications Framework Act;”;
 - (b) by the substitution in subsection (2) for paragraph (a) of the following paragraph:
 - “(a) qualifications, quality promotion and quality assurance;”.

Substitution of section 7 of Act 101 of 1997, as amended by section 1 of Act 23 of 2001

- 3. (1) The following section is hereby substituted for section 7 of the principal Act:
 - “**Qualifications, quality promotion and quality assurance**
 - 7. (1) The CHE performs its functions in relation to qualifications, quality assurance and quality promotion—**
 - (a) in terms of this Act; and
 - (b) in its capacity as the quality council for higher education, in terms of the National Qualifications Framework Act.
 - (2) The CHE is responsible for the implementation of the HEQF.
 - (3) The CHE must establish the Higher Education Quality Committee as a permanent committee to perform the quality assurance and quality promotion functions of the CHE in terms of this Act and the National Qualifications Framework Act.
 - (4) The Higher Education Quality Committee may, with the concurrence of the CHE, establish committees to assist it in the performance of its functions.
 - (5) The CHE may charge fees for any service rendered by the Higher Education Quality Committee to any person, institution or organ of state.”.
 - (2) Despite the substitution of section 7 of the principal Act by subsection (1), the Higher Education Quality Committee that existed immediately prior to the commencement of this section continues to exist—
 - (a) as if it were established in terms of section 7(3) of the principal Act; and
 - (b) until a Higher Education Quality Committee is established in terms of section 7(3) of the principal Act.

Amendment of section 8 of Act 101 of 1997, as amended by section 2 of Act 23 of 2001 and section 2 of Act 63 of 2002

4. Section 8 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) The Minister must appoint [six] eight non-voting members of the CHE 5
nominated [respectively] by the Director-General, the Provincial Heads of
Education, the Director-General of the Department of [Arts, Culture,] Science and
Technology, the Director-General of the Department of Labour, the National
Research Foundation established in terms of the National Research Foundation
Act, 1998 (Act No. 23 of 1998), and the chief executive officers of SAQA and the 10
other quality councils, in their official capacities.”.

Amendment of section 53 of Act 101 of 1997, as amended by section 8 of Act 55 of 1999, section 7 of Act 54 of 2000 and section 16 of Act 23 of 2001

5. Section 53 of the principal Act is hereby amended by the substitution in subsection (1)(b) for subparagraph (ii) of the following subparagraph: 15

“(ii) will comply with the requirements of the [appropriate quality assurance body accredited by SAQA in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)] Higher Education Quality Committee; and”.

Amendment of section 69 of Act 101 of 1997 20

6. Section 69 of the principal Act is hereby amended by the deletion at the end of paragraph (d) of the word “and” and by the insertion of the following paragraphs:

“(dA) the composition, procedures and duration of any committee of the CHE;
(dB) the circumstances and manner in which fees for services contemplated in
section 7 must be paid; and”.

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Short title

7. This Act is called the Higher Education Amendment Act, 2008.