

**GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY ASSURANCE
ACT
NO. 58 OF 2001**

[\[View Regulation\]](#)

[ASSENTED TO 29 NOVEMBER, 2001]
[DATE OF COMMENCEMENT: 5 DECEMBER, 2001]

(English text signed by the President)

This Act has been updated to <i>Government Gazette</i> 34620 dated 19 September, 2011.
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as amended by

Education Laws Amendment Act, [No. 50 of 2002](#)

Education Laws Amendment Act, [No. 1 of 2004](#)

Education Laws Amendment Act, [No. 31 of 2007](#)

General and Further Education and Training Quality Assurance Amendment
Act, [No. 50 of 2008](#)

Basic Education Laws Amendment Act, [No. 15 of 2011](#)

ACT

To provide for the establishment, composition and functioning of the General and Further Education and Training Quality Assurance Council; to provide for quality assurance in general and further education and training; to provide for control over norms and standards of curriculum and assessment; to provide for the issue of certificates at the exit points; to provide for the conduct of assessment; to repeal the South African Certification Council Act, 1986; and to provide for matters connected therewith.

Preamble.

[Preamble deleted by [s. 1](#) of [Act No. 50 of 2008](#).]

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[Heading substituted by s. 11 of Act No. 50 of 2008.]

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

CHAPTER 1
DEFINITIONS, APPLICATION AND OBJECTS OF ACT

1. Definitions.—In this Act, unless the context indicates otherwise—

“accreditation” means accreditation by the Council in terms of this Act;

[Definition of [“accreditation”](#) substituted by [s. 2 \(a\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“assessment” means the process of identifying, gathering and interpreting information about a learner’s achievement in order to—

- (a) assist the learner’s development and improve the process of learning and teaching; and
- (b) evaluate and certify competence in order to ensure qualification credibility;

“assessment body” means a department of education or a body accredited by the Council as a body responsible for conducting external assessment;

[Definition of [“accreditation”](#) substituted by [s. 2 \(b\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“certificate” means a certificate contemplated in [section 17A \(6\)](#);

[Definition of [“certificate”](#) substituted by [s. 2 \(c\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“Council” means Umalusi, the Council for General and Further Education and Training Quality Assurance, established by [section 4](#);

[Definition of [“Council”](#) substituted by [s. 8](#) of [Act No. 1 of 2004](#).]

[Wording of Sections](#)

“department of education” means—

- (a) the Department of Basic Education, which is responsible for school education at national level;
- (b) a department responsible for school education in a province; or
- (c) the Department of Higher Education and Training, which is responsible for further education and training colleges and adult education and training centres at national level;

[Definition of “department of education” substituted by [s. 21 \(a\)](#) of [Act No. 15 of 2011](#).]

[Wording of Sections](#)

“Director-General”, in respect of functions relating to—

- (a) school education, means the Director-General: Basic Education; and
- (b) further education and training colleges and adult education and training centres, means the Director-General: Higher Education and Training;

[Definition of [“Director-General”](#) substituted by [s. 21 \(b\)](#) of [Act No. 15 of 2011](#).]

[Wording of Sections](#)

“Education and Training Quality Assurance Body”

[Definition of [“Education and Training Quality Assurance Body”](#) deleted by [s. 2 \(d\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“education institution” means an education institution contemplated in [section 2](#);

[Definition of [“education institution”](#) inserted by [s. 2 \(e\)](#) of [Act No. 50 of 2008](#).]

“employee” means any person who is in the full-time or part-time employ of the Council;

“exit point” means a point in general or further education and training at which a learner is required to demonstrate competence with a view to obtaining documentary proof of proficiency;

“external assessment” means any assessment conducted by an assessment body, the outcomes of which count towards the achievement of a qualification;

“financial year” means the period from 1 April in any year to 31 March in the following year;

“further education and training” means all learning and training programmes leading to qualifications on levels 2, 3 and 4 of the National Qualifications Framework;

[Definition of [“further education and training”](#) substituted by [s. 2 \(f\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“general and further education and training” means general education and training and further education and training;

“general education and training” means all learning and training programmes leading to a qualification on level 1 of the National Qualifications Framework;

[Definition of [“general education and training”](#) substituted by [s. 2 \(g\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“head of department” means the head of a department responsible for education in a province;

“internal assessment” means any assessment conducted by an education institution contemplated in [section 2](#), the outcomes of which count towards the achievement of a qualification;

[Definition of [“internal assessment”](#) substituted by [s. 2 \(h\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“learner” means any person receiving or obliged to receive education at any education institution contemplated in [section 2](#) within the general and further education and training sectors;

“Minister”, in respect of functions relating to—

(a)

school education, means the Minister of Basic Education; and

(b)

further education and training colleges and adult education and training centres, means the Minister of Higher Education and Training;

[Definition of [“Minister”](#) substituted by [s. 21 \(c\)](#) of [Act No. 15 of 2011](#).]

[Wording of Sections](#)

“moderation” means the process which ensures that assessment of the outcomes described in the National Qualifications Framework standards or qualifications is fair, valid and reliable and **“verification”** has the same meaning;

“moderator” means a person, body or organisation that ensures that the assessment of the outcomes described in National Qualifications Framework standards or qualifications is fair, valid and reliable;

“National Qualifications Framework” means the National Qualifications Framework contemplated in the National Qualifications Framework Act;

[Definition of [“National Qualifications Framework”](#) substituted by [s. 2 \(j\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“National Qualifications Framework Act” means the National Qualifications Framework Act, 2008;

[Definition of [“National Qualifications Framework Act”](#) inserted by [s. 2 \(j\)](#) of [Act No. 50 of 2008](#).]

“part qualification” means an assessed unit of learning that is registered on the National Qualifications Framework as part of a qualification;

[Definition of [“part qualification”](#) inserted by [s. 2 \(j\)](#) of [Act No. 50 of 2008](#).]

“private education institution” means an education institution which, in terms of a law referred to in [section 2](#), is an independent school, a private college or a private centre;

[Definition of [“private education institution”](#) inserted by [s. 2 \(j\)](#) of [Act No. 50 of 2008](#).]

“provider”

[Definition of [“provider”](#) deleted by [s. 2 \(k\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“qualification” means a qualification registered by the South African Qualifications Authority;

[Definition of [“qualification”](#) substituted by [s. 2 \(j\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“raw marks” means the actual marks or other quantifiable outcomes obtained by a learner before any adjustment of the marks is made by the Council;

“registrar” means the registrar of private colleges referred to in [section 27](#) of the Further Education and Training Colleges Act, 2006 ([Act No. 16 of 2006](#));

[Definition of [“registrar”](#) inserted by [s. 2 \(m\)](#) of [Act No. 50 of 2008](#).]

“SAQA” means the South African Qualifications Authority;

[Definition of [“SAQA”](#) inserted by [s. 2 \(m\)](#) of [Act No. 50 of 2008](#).]

“South African Qualifications Authority” means the South African Qualifications Authority established by the National Qualifications Framework Act;

[Definition of [“South African Qualifications Authority”](#) substituted by [s. 2 \(n\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“standard”

[Definition of [“standard”](#) deleted by [s. 2 \(o\)](#) of [Act No. 50 of 2008](#).]

[Wording of Sections](#)

“this Act” includes any regulation made under [section 27](#).

Wording of Sections	x
def: accreditation of Act 58 of 2001 prior to amendment by Act 50 of 2008	
Wording of Sections	x
def: accreditation of Act 58 of 2001 prior to amendment by Act 50 of 2008	
Wording of Sections	x
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Wording of Sections	x
def: council of Act 58 of 2001 prior to amendment by Act 1 of 2004	
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Wording of Sections	x
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def: further education and training of Act 58 of 2001 prior to amendment by Act 50 of 2008	
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def: general education and training of Act 58 of 2001 prior to amendment by Act 50 of 2008	
Wording of Sections	x
def: internal assessment of Act 58 of 2001 prior to amendment by Act 50 of 2008	
Wording of Sections	x
def: Minister of Act 58 of 2001 prior to amendment by Act 15 of 2011	
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def: National Qualifications Framework of Act 58 of 2001 prior to amendment by Act 50 of 2008	
Wording of Sections	x
def: provider of Act 58 of 2001 prior to amendment by Act 50 of 2008	
Wording of Sections	x
def: qualification of Act 58 of 2001 prior to amendment by Act 50 of 2008	
Wording of Sections	x
def: South African Qualifications Authority of Act 58 of 2001 prior to amendment by Act 50 of 2008	
Wording of Sections	x
def: standard of Act 58 of 2001 prior to amendment by Act 50 of 2008	

2. Application of Act.—This Act applies to all education institutions which have been established, declared or registered under the—

- (a) South African Schools Act, 1996 ([Act No. 84 of 1996](#));
- (b) Further Education and Training Colleges Act, 2006 ([Act No. 16 of 2006](#)); or
- (c) Adult Basic Education and Training Act, 2000 ([Act No. 52 of 2000](#)).

[[S. 2](#) substituted by [s. 25](#) of [Act No. 31 of 2007](#).]

[Wording of Sections](#)

Wording of Sections	x
s 2 of Act 58 of 2001 prior to amendment by Act 31 of 2007	

3. Object of Act.—The object of the Act is to enhance the quality of general and further education and training.

[[S. 3](#) substituted by [s. 3](#) of [Act No. 50 of 2008](#).]
[Wording of Sections](#)

CHAPTER 2
ESTABLISHMENT AND FUNCTIONS OF COUNCIL
[Heading substituted by [s. 4](#) of [Act No. 50 of 2008](#).]

Wording of Sections	
s 3 of Act 58 of 2001 prior to amendment by Act 50 of 2008	X

4. Establishment of Council.—A juristic person to be known as Umalusi, the Council for General and Further Education and Training Quality Assurance is hereby established.

[[S. 4](#) substituted by [s. 9](#) of [Act No. 1 of 2004](#).]
[Wording of Sections](#)

Wording of Sections	
s 4 of Act 58 of 2001 prior to amendment by Act 1 of 2004	X

5.

[[S. 5](#) amended by [s. 31](#) of [Act No. 50 of 2002](#) and repealed by [s. 5](#) of [Act No. 50 of 2008](#).]
[Wording of Sections](#)

Wording of Sections	
s 5 of Act 58 of 2001 prior to amendment by Act 50 of 2002 s 5 of Act 58 of 2001 prior to amendment by Act 50 of 2008	X

6. Composition of Council.—(1) (a) The Council consists of 15 members appointed by the Minister in terms of [subsection \(5\)](#).

(b) The Minister must appoint one of the members as chairperson.

(2) In addition to the members contemplated in [subsection \(1\)](#), the chief executive officers of the following institutions are members by virtue of their office:

- (a) The Council;
- (b) the Council on Higher Education established by the Higher Education Act, 1997 ([Act No. 101 of 1997](#));
- (c) the Quality Council for Trades and Occupations contemplated in the National Qualification Framework Act; and
- (d) the SAQA.

[[Sub-s. \(2\)](#) substituted by [s. 6](#) of [Act No. 50 of 2008](#).]

Wording of Sections

(3) The selection of members contemplated in [subsection \(1\)](#) must be undertaken in such a manner as to ensure, insofar as is practically possible, that—

- (a) the functions of the Council in terms of this Act are performed according to the highest professional standards;
- (b) the membership taken as a whole—
 - (i) is broadly representative of the general and further education and training sectors and related interests;
 - (ii) has thorough knowledge and understanding of general and further education and training;
 - (iii) appreciates the role of the general and further education and training system in reconstruction and development;
 - (iv) has known and attested commitment to the interests of general and further education and training;
 - (v) has knowledge and understanding of accreditation, assessment and certification of general and further education and training programmes;
 - (vi) has experience in statistics; and
 - (vii) has experience in the financial field; and
- (c) due attention is given to the representivity of the Council in terms of such relevant factors as race, gender and disability.

(4) The Minister must invite nominations for the appointment of the members contemplated in [subsection \(1\)](#) by notice in the *Gazette* and, in particular, must invite nominations from persons, role-players or organisations active or involved in general and further education and training.

(5) The Minister must consider the nominations and appoint the members with due regard to the criteria contemplated in [subsection \(3\)](#).

(6) Any member contemplated in [subsection \(1\)](#)—

- (a) holds office for a period not exceeding four years; and
- (b) may be re-appointed at the expiry of his or her term of office, but may not serve for more than two consecutive terms of office.

(7) The members contemplated in [subsection \(1\)](#) must elect one person as a deputy chairperson from amongst their number.

Wording of Sections

✕

s 6(2) of Act 58 of 2001 prior to amendment by [Act 50 of 2008](#)

7. Vacation of office and filling of vacancies.—(1) A member of the Council contemplated in [section 6 \(1\)](#) must vacate his or her office if he or she—

- (a) resigns by giving written notice to the chairperson, or in the case of the chairperson, to the Minister;
- (b) is absent from three consecutive meetings of the Council, without leave of the Council;
- (c) is declared insolvent, 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; or
- (d) is declared unable to manage his or her personal affairs by a court of law.

(2) The Minister may revoke the appointment of any member of the Council appointed in terms of [section 6 \(5\)](#) at any time before the expiry of his or her term of office, if there are sound reasons for doing so.

(3) If a member of the Council vacates his or her office or if his or her appointment is revoked in terms of [subsection \(2\)](#), the resultant vacancy must be filled by appointment in accordance with [section 6](#).

8. Committees of Council.—(1) (a) The Council may establish one or more committees which may perform such functions of the Council as the Council may determine.

(b) A committee established under [paragraph \(a\)](#) must perform its functions subject to the instructions of the Council.

(2) A committee may include a person who is not a member of the Council but the Council must give due regard to the criteria contemplated in [section 6 \(3\)](#) when it appoints such a person to a committee.

(3) The Council must appoint a member of the Council as chairperson of a committee.

(4) A member of a committee is appointed for such period as the Council may determine.

9. Meetings of Council and committees.—(1) The Council and its committees must meet at least twice a year at such times and places as the relevant chairperson may determine by notice in writing to the members concerned.

(2) The chairperson must convene a meeting of the Council—

- (a) within 14 days of the receipt of a written request signed by at least one third of the members of the Council; or
- (b) if requested by the Minister to convene a meeting.

(3) If the chairperson and deputy chairperson of the Council are absent from any meeting, the members present must appoint a person from among themselves to preside at that meeting.

(4) The Council must make rules relating to the procedure at meetings of the Council and its committees, including the quorum for such meetings, and any other matter necessary or expedient for the performance of the functions of the Council or its committees.

(5) The proceedings at a meeting of the Council or a committee are not invalid by reason only of the fact that a vacancy exists on the Council or committee, as the case may be, at the time of such meeting.

10. Allowances and remuneration of members of Council and committees.—Any member of the Council appointed in terms of [section 6 \(5\)](#) and any person appointed as a member of a committee in terms of [section 8 \(2\)](#) who is not in the full-time service of the State may, in respect of services rendered by him or her in connection with the affairs of the Council or a committee, as the case may be, be paid by the Council—

(a) such travelling, subsistence and other allowances; and

(b) in the case of the chairperson of the Council, such additional remuneration,

as the Minister, with the concurrence of the Minister of Finance, may determine.

11. Appointment of Chief Executive Officer and staff.—(1) The Minister must appoint a Chief Executive Officer for the Council on the recommendation of the members of the Council appointed in terms of [section 6 \(5\)](#).

(2) If the Minister does not agree with a recommendation of the members of the Council, they must make another recommendation for consideration by the Minister.

(3) The Council must appoint such number of employees to assist the Council in the performance of its functions as it may deem necessary.

(4) Despite [subsection \(1\)](#), the Council is the employer of the Chief Executive Officer and employees and must determine their remuneration, allowances, subsidies and other conditions of service.

12. Functions of Chief Executive Officer.—The Chief Executive Officer—

(a) is responsible for the work in connection with the performance by the Council of its functions in terms of this Act;

(b) must assign responsibilities and supervise the employees of the Council;

(c) is the accounting officer to the Council charged with accounting for moneys received, payments made and movable property purchased by the Council in accordance with the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)); and

(d) must keep minutes of the proceedings and decisions of the Council.

13. Funds of Council.—(1) The funds of the Council consist of—

- (a) money appropriated by Parliament;
- (b) donations and contributions received by the Council;
- (c) money received by the Council in respect of fees charged for services;
- (d) interest received on investments referred to in [subsection \(5\)](#);
- (e) money obtained by way of loans, subject to [chapter 8](#) of the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)); and
- (f) any other income received by the Council.

(2) The Council—

- (a) must keep a record of all funds received and spent and of all assets, liabilities and financial transactions;
- (b) subject to [Chapter 6](#) of the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), and at such time and in such manner as the Minister may determine, must in each financial year submit a budget for the ensuing financial year to the Minister for his or her approval;
- (c) may in any financial year submit adjusted budgets to the Minister for his or her approval; and
- (d) may not incur any expenditure which exceeds the total amount approved in terms of [paragraphs \(b\) and \(c\)](#).

(3) If the Minister does not approve the budget of the Council, the Minister must require the Council to provide a revised budget to him or her within a specified period.

(4) Subject to the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), the funds contemplated in [subsection \(1\)](#) must be used by the Council in accordance with the approved budget.

(5) Subject to [subsection \(4\)](#) and the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), the Council may invest surplus funds.

14. Alienation and encumbrance of property.—The Council may not without the prior approval of the Minister, granted with the concurrence of the Minister of Finance—

- (a) let, sell, exchange or otherwise alienate its immovable property; or
- (b) as long as a guarantee in terms of [section 70](#) of the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), is in force in respect of any loan granted to the Council—

(i)

mortgage or otherwise encumber its immovable property acquired with money obtained by means of that loan; and

(ii)
let, sell, exchange or otherwise alienate, or hypothecate or otherwise encumber its movable property acquired with money obtained by means of that loan.

15. Audit and annual report.—(1) The statements of account and balance sheet of the Council must be audited at the end of each financial year by a person registered as an auditor in terms of the Auditing Profession Act, 2005 ([Act No. 26 of 2005](#)), and appointed by the Council with the approval of the Auditor-General.

[[Sub-s. \(1\)](#) substituted by [s. 26 of Act No. 31 of 2007](#).]

Wording of Sections

(2) The Council must not later than five months after the end of each financial year submit to the Minister an annual report in such form as the Minister may determine on the performance of its functions during that financial year, including an audited balance sheet and a statement of income and expenditure.

(3) The Minister must table the annual report, including the balance sheet and statement of income and expenditure referred to in [subsection \(2\)](#), in Parliament within one month after receipt thereof, if Parliament is then sitting, and if Parliament is not then sitting, within one month after the commencement of the next sitting.

Wording of Sections

X

[s 15\(1\)](#) of Act 58 of 2001 prior to amendment by [Act 31 of 2007](#)

16. Functions of Council.—(1) The Council performs its functions subject to—

(a)
the National Qualifications Framework Act; and

(b)
the National Education Policy Act, 1996 ([Act No. 27 of 1996](#)).

(2) The Council is the quality council for general and further education and training as contemplated in the National Qualifications Framework Act and has the functions contemplated in [section 27](#) of that Act.

(3) The Council is responsible for the sub-framework for general and further education and training of the National Qualifications Framework determined by the Minister in terms of section 8 (2) (e) of the National Qualifications Framework Act.

(4) The Council, with the approval of the Minister, may assume its functions progressively, depending on its capacity.

(5) The Council must perform any function consistent with this Act that the Minister may determine.

[[S. 16](#) substituted by [s. 7 of Act No. 50 of 2008](#).]

Wording of Sections

CHAPTER 2A
ASSESSMENT

[Heading inserted by [s. 8 of Act No. 50 of 2008](#).]

Wording of Sections

x

s 16 of Act 58 of 2001 prior to amendment by [Act 50 of 2008](#)

17. Internal assessment that forms part of final assessment.—(1) The Council may issue directives for internal assessment to ensure the reliability of assessment outcomes.

(2) The directives contemplated in [subsection \(1\)](#) must include measures for verification.

(3) Assessment bodies must monitor the implementation of the Council's directives and report any irregularity without delay to the Council in writing, as well as the steps taken to deal with the irregularity.

17A. External assessment.—(1) The Council must assure the quality of assessment at exit points.

(2) (a) The Council must develop policy for the accreditation of assessment bodies other than departments of education and must submit it to the Minister for approval.

(b) The Minister must make regulations in which the policy for accreditation is set out.

(c) The Council must accredit an assessment body in accordance with the regulations contemplated in [paragraph \(b\)](#).

(3) The Council must perform the external moderation of assessment of all assessment bodies and education institutions.

(4) The Council may adjust raw marks during the standardisation process.

(5) The Council must, with the concurrence of the Director-General and after consultation with the relevant assessment body or education institution, approve the publication of the results of learners if the Council is satisfied that the assessment body or education institution has—

(i)
conducted the assessment free from any irregularity that may jeopardise the integrity of the assessment or its outcomes;

(ii)
complied with the requirements prescribed by the Council for conducting assessments;

(iii)
applied the standards prescribed by the Council which a learner is required to comply with in order to obtain a certificate; and

(iv)
complied with every other condition determined by the Council.

(6) The Council must issue certificates to learners who have achieved qualifications or part qualifications.

[[S. 17A](#) inserted by [s. 9](#) of [Act No. 50 of 2008](#).]

18. Functions of assessment body with regard to external assessment.—In respect of an external assessment and subject to policy determined by the Minister in terms of this Act, an assessment body—

(a)

must take adequate measures to combat irregularities at assessment and marking centres and must take adequate security measures to ensure the confidentiality and integrity of the assessments;

- (b) must ensure that assessment is representative of the prescribed subject matter;
- (c) must ensure that assessment is moderated by at least one competent internal moderator appointed by the assessment body;
- (d) must submit assessment material to an external moderator for confirmation that the material conforms to the required standards;
- (e) must ensure that a sample of the assessment scripts or other assessment is moderated by an external moderator appointed by the Council;
- (f) must schedule a particular assessment session for a stipulated date and time on the assessment time-table;
- (g) must supply the Council on or before a date, and in the form, determined by the Council with a mark or other record as required for each assessment undertaken;
- (h) must without delay and in writing supply the Council and the Director-General with full details of any irregularity that occurred in respect of such assessment and the steps taken to deal with the irregularity;
- (i) must publish the results of the assessment after obtaining the approval of the Council; and
- (j) may recommend to the Council during the standardisation process that raw marks be adjusted.

[S. 18 amended by s. 10 of [Act No. 50 of 2008](#).]

Wording of Sections

Wording of Sections

✕

s 18 of Act 58 of 2001 prior to amendment by [Act 50 of 2008](#)

19. Duty of Council to report irregularities to Director-General.—The Council must report any irregularity which may jeopardise the integrity of an assessment or its outcome to the Director-General.

20. Functions of Minister and Director-General with regard to external assessment.—

(1) The Director-General must—

- (a) promote the integrity of the external assessment system;
- (b)

monitor the conduct of the Council and assessment bodies; and

- (c) inform the Minister of any irregularity reported in terms of [section 19](#).
- (2) The Minister may institute an investigation into any irregularity contemplated in [subsection \(1\) \(c\)](#).

21. Cancellation of certificates.—(1) The Council may refuse to issue a certificate if a substantial irregularity has occurred in relation to an external assessment.

(2) The Council may cancel a certificate that has been issued to a learner if on investigation the Council found that the learner has not met the requirements for the qualification.

(3) The Council may by notice in writing direct a learner whose certificate has been cancelled to return the certificate to the Council within three weeks after such notice.

(4) Any person who fails to comply with such notice is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

CHAPTER 3
QUALITY ASSURANCE OF PRIVATE EDUCATION INSTITUTIONS
[Heading substituted by [s. 11](#) of [Act No. 50 of 2008](#).]

PART 1
PUBLIC PROVIDERS

22.

[Part 1 repealed by [s. 12](#) of [Act No. 50 of 2008](#).]

PART 2

.

[Heading deleted by [s. 13](#) of [Act No. 50 of 2008](#).]

23. Quality assurance of private education institutions.—(1) The Council must develop policy and criteria for quality assurance of private education institutions.

(2) Any institution that is required to register as—

- (a) an independent school in terms of the South African Schools Act, 1996 ([Act No. 84 of 1996](#));
- (b) a private college for further education and training in terms of the Further Education and Training Colleges Act, 2006 ([Act No. 16 of 2006](#)); or
- (c) a private centre in terms of the Adult Basic Education and Training Act, 2000 ([Act No. 52 of 2000](#)),

must comply with the policy and criteria contemplated in [subsection \(1\)](#).

[[S. 23](#) substituted by [s. 14](#) of [Act No. 50 of 2008](#).]

Wording of Sections

Wording of Sections



s 23 of Act 58 of 2001 prior to amendment by [Act 50 of 2008](#)

24. Notification of accredited programmes.—(1) The Council must within 14 days of accrediting programmes in terms of the policy contemplated in [section 23](#)—

- (a) in the case of a private college contemplated in [section 23 \(2\) \(b\)](#), notify the registrar; and
- (b) in the case of an independent school or a private centre contemplated in [section 23 \(2\) \(a\)](#) or [\(c\)](#), the relevant head of department.

(2) The notification must indicate if any conditions are attached to the accreditation and the nature thereof.

[[S. 24](#) substituted by [s. 14](#) of [Act No. 50 of 2008](#).]

Wording of Sections

Wording of Sections



s 24 of Act 58 of 2001 prior to amendment by [Act 50 of 2008](#)

25. Failure to comply with policy.—(1) The Council must monitor private education institutions to ensure compliance with the policy contemplated in [section 23 \(1\)](#).

[[Sub-s. \(1\)](#) substituted by [s. 15](#) of [Act No. 50 of 2008](#).]

Wording of Sections

(2) If a private education institution fails to comply with the policy, the Council must—

- (a) notify such private education institution in writing and set out the nature and extent of the failure; and
- (b) determine a reasonable period within which the private education institution must comply with the policy.

[[Sub-s. \(2\)](#) substituted by [s. 15](#) of [Act No. 50 of 2008](#).]

Wording of Sections

(3) At the expiry of the period contemplated in [subsection \(2\) \(b\)](#), the Council—

- (a) must evaluate the steps taken by the private education institution to comply with the policy and take into account any submissions made by the education institution; and
- (b) may affirm the accreditation of the private education institution or withdraw the accreditation as from a date specified by the Council.

[[Sub-s. \(3\)](#) substituted by [s. 15](#) of [Act No. 50 of 2008](#).]

Wording of Sections

(4) Before the Council withdraws an accreditation, it must notify the head of the department or registrar concerned, as the case may be, contemplated in [section 24 \(1\)](#) of its intention to withdraw the accreditation and of the date of the intended withdrawal.

CHAPTER 4
GENERAL

Wording of Sections	x
s 25(1) of Act 58 of 2001 prior to amendment by Act 50 of 2008	
Wording of Sections	x
s 25(2) of Act 58 of 2001 prior to amendment by Act 50 of 2008	
Wording of Sections	x
s 25(3) of Act 58 of 2001 prior to amendment by Act 50 of 2008	

26. Information to be provided to and by Council.—(1) Every provider and every assessment body must provide the Council with such information as the Council may reasonably require for the performance of its functions in terms of this Act.

(2) The Council must on request provide such information as may be reasonably required by any provider or body contemplated in [subsection \(1\)](#).

27. Regulations.—The Minister may make regulations regarding any matter which may or must be prescribed by regulation in terms of this Act, and any matter which it is necessary or expedient to prescribe in order to achieve the objects of this Act.

28. Delegation of powers and assignment of duties.—(1) The Council may, on such conditions as it may determine, delegate any of its powers and assign any of its duties in terms of this Act to any of its committees or any other appropriate body capable of exercising such power or performing such duty.

(2) The Council may delegate any quality promotion and quality assurance which may be performed in terms of this Act to any appropriate Education and Training Quality Assurance Body.

(3) A delegation or assignment under [subsection \(1\)](#) or [\(2\)](#)—

(a) must be in writing; and

(b) does not prevent the Council from exercising any power or performing any duty so delegated or assigned.

29. Repeal of laws, savings and transitional arrangements.—(1) Subject to this section, the South African Certification Council Act, 1986 ([Act No. 85 of 1986](#)), the South African Certification Council Amendment Act, 1992 ([Act No. 89 of 1992](#)), [section 65](#) of the General Law Third Amendment Act, 1993 ([Act No. 129 of 1993](#)), and [sections 1, 2 and 3](#) of the Education Laws Amendment Act, 1999 ([Act No. 48 of 1999](#)), are hereby repealed.

(2) The South African Certification Council established by [section 2](#) of the South African Certification Council Act, 1986 ([Act No. 85 of 1986](#)), continues to perform the functions which it performed prior to the commencement of this Act but ceases to exist on the day immediately before the date of the first meeting of the Council, and all rights, obligations, assets and liabilities acquired or

incurred by the South African Certification Council immediately vest in the Council and the Council must be regarded as having acquired or incurred such rights, obligations, assets and liabilities in terms of this Act.

(3) Any regulations made or anything done under any provision of any law repealed by [subsection \(1\)](#) must be regarded as having been made or done under the corresponding provision of this Act.

(4) (a) Existing agreements of employment between the South African Certification Council and its employees on the date contemplated in [subsection \(2\)](#) must be regarded as agreements entered into between those employees and the Council, and continue to exist subject to applicable labour laws.

(b) The employees contemplated in [paragraph \(a\)](#) must be regarded as having been serving continuously under the same employer without interruption.

Repealed Act	X
Act 85 of 1986 has been repealed by s 29(1) of Act 58 of 2001	
Repealed Act	X
Act 89 of 1992 has been repealed by s 29(1) of Act 58 of 2001	
Repealed Act	X
Act 89 of 1992 has been repealed by s 29(1) of Act 58 of 2001	
Repealed Act	X
Act 85 of 1986 has been repealed by s 29(1) of Act 58 of 2001	
Repealed Act	X
Act 85 of 1986 has been repealed by s 29(1) of Act 58 of 2001	

30. Short title.—This Act is called the General and Further Education and Training Quality Assurance Act, 2001.