POTCHEFSTROOMSE UNIVERSITEIT VIR CHRISTELIKE HOËR ONDERWYS (PRIVATE) ACT (HOUSE OF ASSEMBLY) NO. 80 OF 1993

[ASSENTED TO 23 JUNE, 1993]

[DATE OF COMMENCEMENT: 2 JULY, 1993]

(Afrikaans text signed by the State President)

PRIVATE ACT

To consolidate the laws providing for the establishment, constitution, rights, powers, privileges and duties of the Potchefstroomse Universiteit vir Christelike Hoër Onderwys; and to provide for matters incidental thereto.

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Schedule.

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Preamble.

WHEREAS the Potchefstroomse Universiteit vir Christelike Hoër Onderwys (hereinafter referred to as the University) was incorporated by the Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Act, 1950 (Act No. 19 of 1950) (hereinafter referred to as the principal Act):

WHEREAS the principal Act was amended by the University Laws Amendment Act, 1953 (Act No. 23 of 1953), the Universities Act, 1955 (Act No. 61 of 1955), the Potchefstroomse Universiteit vir Chirstelike Hoër Onderwys Amendment Act,

1966 (Act No. 49 of 1966), the Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Amendment Act, 1978 (Act No. 72 of 1978), the Universities Amendment Act, 1983 (Act No. 83 of 1983), the Universities, National Education Policy and Technikons Amendment Act, 1984 (Act No. 75 of 1984), the Universities Amendment Act (House of Assembly), 1989 (Act No. 64 of 1989), the Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Amendment Act (House of Assembley), 1992 (Act No. 108 of 1992), and Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Amendment Act (House of Assembley), 1993 (Act No. 64 of 1993):

AND WHEREAS it is expedient to consolidate the laws providing for the establishment, constitution, rights, powers, privileges and duties of the University, to rearrange the provisions and to modernize the text thereof, and to provide for matters incidental thereto:

1. Definitions.

In this Act, unless the context indicates otherwise Council means the Council of the University as constituted in accordance with this Act; dismissal means the permanent suspension from duties and dismissal from service of a member of staff; donor means any person who or body corporate which contributes by way of donation or donations of a minimum amount determined by the Council from time to time, in one or more sums to the funds of the University; Gereformeerde Kerke means the Gereformeerde Kerke in Suid-Afrika as they congregate in the National Synod in terms of section 50 of the Church Order of the said Churches; institutions includes institutes, bureaux, centres and clinics of the University; instruction includes.

(a) the formal instruction of students in a subject or subjects, whether such subject or subjects are taken for the purpose of obtaining a degree, diploma or certificate or not;

(b) tests, examinations, other forms of evaluation of the academic work of students and staff, and the appointment of promoters, supervisors, examiners and moderators; and

(c) curricula, study programmes and requirements for the obtaining of degrees, diplomas and certificates, and deciding whether a person complies with these requirements; joint statute means the joint statute and the joint regulations framed and in force in accordance with the Universities Act, 1955 (Act No. 61 of 1955); merit assessment means the result of an evaluation process by means of which the level and standard of the performance of instruction, research and community service duties and of other specific or general duties of a member of staff have been determined and which serves as a basis for promotion, merit awards, salary standstill or reduction of the remuneration package, post level or post grade of a member of staff; Minister means the Minister of Education and Culture: House of Assembly; original founders means the Gereformeerde Kerke in Suid-Afrika, of which the curators of the Teologiese Skool van die Gereformeerde Kerke in Suid-Afrika at Potchefstroom and their successors in office are the authorized agents; Principal means the Vice-Chancellor and

Principal of the University; regulations means the regulations of the University issued in terms of the statute and published in the year-book from time to time; Senate means the Senate of the University as constituted in accordance with this Act; staff means:

(a) all permanently or temporarily appointed academic staff under the control of the Council who have been appointed in the various faculties or institutes with an academic research commission or a commission aimed at the instruction of students for the purpose of obtaining a diploma or degree; and

(b) all permanently or temporarily appointed non-academic staff under the control of the Council who have been appointed in the various administrative or technical divisions or departments of the University or in faculties, institutes or bureaux as administrative, technical or auxiliary staff supporting the academy; statute, in contradistinction to the joint statute, means the statute of the University in force under section 17 of the Universities Act, 1955, and includes regulations made under the statute; suspension means the temporary suspension from duties and withdrawal of privileges of a member of staff; this Act includes the statute and the joint statute; trustees means the Administrative Bureau of the Gereformeerde Kerke in SuidAfrika; ?university means any of the several universities in the Republic of South Africa established by Acts of Parliament; University means the Potchefstroomse Universiteit vir Christelike Hoër Onderwys established by section 1 of the Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Act, 1950 (Act No. 19 of 1950); university activities includes education, research and community service activities and any act or activity in connection therewith or in support thereof; year-book means the official year-book of the University containing the regulations of the University and published by the University from time to time.

2. Purposes and structure of University.

The University shall exist for the purposes, shall be constituted in the manner and shall have the rights, powers, privileges and duties described in this Act.

3. Name, seat and sphere of activity of University.

The name of the University shall be the Potchefstroomse Universiteit vir Christelike Hoër Onderwys, and its seat shall be at Potchefstroom in the Province of the Transvaal: Provided that the University may conduct its academic and other university activities also in the municipal areas of Klerksdorp, Vereeniging and Vanderbijlpark and in the magisterial districts of Potchefstroom, Klerksdorp, Vereeniging and Vanderbijlpark and, with the approval of the Minister, at other places outside its seat: Provided futher that, if instruction in a specific subject is given within the seat of another university or at a place where the university activities of another university are conducted under the Act of that university or with the approval of the Minister, such instruction shall be given with the approval of that other university or the Minister, as the case may be.

4. Constitution and powers of University.

(1) The University is a body corporate and shall consist of:

- (a) a Chancellor;
- (b) a Vice-Chancellor, who is also the Principal;
- (c) a Vice-Principal or Vice-Principals;
- (d) a Council;
- (e) a Senate;
- (f) a Convocation; and
- (g) the staff and students of the University.

(2) Without prejudice to the generality of the powers of the University under subsection (1), the University shall, subject to the provisions of this Act, have power:

(a) to collect, invest, lend or borrow money;

(b) to purchase or otherwise acquire, or hold, let, hire, sell, exchange or otherwise alienate, or hypothecate, burden with a bond or servitude or otherwise deal with movable or immovable property of any kind; and

(c) to enter into any contract with any person or institution and to conduct any activities and undertakings for the benefit of the University, its staff and its students in order to promote, extend and support the mission and objectives in respect of which it is authorized under this or any other Act.

5. Chancellor of University.

(1) The Chancellor of the University shall be appointed by the Council in the manner prescribed by the statute.

(2) The powers, privileges, functions, period of office and duties of the Chancellor shall be as prescribed by the statute.

(3) Whenever a vacancy occurs in the office of Chancellor, a new Chancellor, shall be appointed by the Council in the manner prescribed by the statute.

6. Vice-Chancellor and Principal of University.

(1) The Vice-Chancellor and Principal of the University, shall be appointed by the Council in the manner prescribed by the statute.

(2) The powers, privileges, functions, period of office and duties of the Vice-Chancellor and Principal shall be as prescribed by the statute.

(3) Whenever a vacancy occurs in the office of Vice-Chancellor and Principal a new Vice-Chancellor and Principal shall be appointed by the Council in the manner prescribed by the statute.

(4) The Vice-Chancellor and Principal may delegate the powers, privileges, functions and duties which he has in terms of this Act, to the Vice-Principal, a Vice-Principal, a member of the Management Committee or a member of the Senate as prescribed by the statute.

(5) If the office of Vice-Chancellor and Principal is vacant or he is absent, his powers and privileges shall be exercised and his functions and duties shall be performed by the Vice-Principal, a Vice-Principal, a member of the Management Committee or a member of the Senate as prescribed by the statute.

7. Vice-Principal or Vice-Principals of University.

(1) The Vice-Principal of the University, shall be appointed by the Council.

(2) The Council may appoint more than one Vice-Principal.

(3) A Vice-Principal or Vice-Principals shall be appointed in the manner prescribed by the statute.

(4) The powers, privileges, functions, duties and period of office of a Vice-Principal shall be as prescribed by the statute.

(5) If the office of a Vice-Principal becomes vacant or is to become vacant, the Council may appoint a new Vice-Principal in the manner prescribed by the statute.

8. Council of University.

(1) Subject to the provisions of this Act, the government and the executive authority and control of the University shall be vested in the Council, which shall consist of:

(a) four persons appointed by the Minister;

(b) three persons elected by the Convocation of the University in the manner prescribed by the statute;

(c) three persons appointed by the authorized agents of the original founders;

(d) two persons appointed by the trustees as long as the trustees contribute an amount of at least thirty thousand rand per annum or such other amount as may be determined by the Council from time to time, to the funds of the University;

(e) two members of the Senate elected by the Senate;

(f) the Vice-Chancellor and Principal and the Vice-Principal or Vice-Principals ex officio;

(g) two persons appointed from their number by the donors of the University in the manner determined by the Council; and

(h) other persons, not exceeding two in number, appointed by such bodies within the University as may be designated by the Council.

(2) (a) A member of the staff of the University shall not be eligible for election or appointment as a member of the Council, except under subsection (1) (b) and (e) of this section.

(b) The members of the Council shall hold office for the periods prescribed by the statute in each case.

(3) Whenever the period of office of any member of the Council has expired or is about to expire, his place shall be filled in the manner prescribed by the statute, subject to the provisions of subsection (1).

(4) Casual vacancies on the Council occasioned by death, resignation or other cause prescribed by the statute, shall be filled as therein required, subject to the provisions of subsection (1).

(5) The Council shall elect a chairman and a vice-chairman from its members who are not members of the staff of the University, in such manner and for such period as are prescribed by the statute: Provided that any meeting of the Council at which the chairman and the vice-chairman are not present, may elect another chairman for that meeting: Provided further that he too may not be a member of the staff of the University.

(6) The quorum and procedure at meetings of the Council shall be as prescribed by the statute. The place and the times at which, meetings of the Council shall be held, shall be determined from time to time by the Council.

(7) (a) The council shall administer all the property of the University.(b) The Council may make statutes, regulations or decisions providing for the establishment of:

(i) standing committees or ad hoc commissions of the Council and for the appointment of a person or persons as a member or members of such committees or commissions, whether he is a member or they are members of the Council or not: Provided that such committees or commissions may only make recommendations to the Council in respect of a matter or matters which the Council has assigned to them; and

(ii) Council committees consisting of a member or members of the Council appointed by it, and the Council may assign any of its powers or functions to such a Council committee.

(c) The Council may, subject to the provisions of this Act, appoint all such persons as its considers necessary for the efficient management of the University.

(d) The Council shall from time to time fix all University fees.

(e) The Council may, on the recommendation of the Senate

(i) determine what faculties, departments, institutes and bureaux are to be established, reduced or abolished, what degree and diploma courses shall be offered, and the designations of degrees and diplomas: Provided that the provisions of section 14 of the Universities Act, 1955 (Act No. 61 of 1955), shall be complied with;

(ii) appoint heads of departments after they have been elected by the Senate;

(iii) appoint a dean and, if necessary, one or more deputy deans in each faculty after they have been elected by the Senate;

(iv) award honorary doctors degrees;

(v) recognize student bodies at the University after their constitutions and members have been approved by the Senate; and

(vi) determine the conditions on which a study bursary or other grant at the disposal of the University is awarded or held and specify to whom such bursaries or grants are to be awarded.

9. Senate of University.

(1) There shall be a Senate of the University, consisting of:

(a) the Vice-Chancellor and Principal of the University, who shall be chairman;

(b) the Vice-Principal or Vice-Principals;

(c) the chairman of the Council and one additional member of the Council, chosen by it in the manner and for a period prescribed by the statute;

(d) the heads of such separate departments as are determined by the Council on the recommendation of the Senate;

(e) the directors and heads of such research and other institutes as are determined by the Council on the recommendation of the Senate;

(f) the head of the University Library;

(g) other members of the staff of the University who in accordance with section 9 or 10B of the Universities Act, 1955 (Act No. 61 of 1955), are declared to be members of the Senate by the Council; and

(h) registered students of the University, not exceeding three in number, appointed by such bodies within the University as may be designated by the Senate.

(2) There shall be a vice-chairman of the Senate, who shall be appointed or elected in the manner prescribed by the statute.

(3) The power to supervise and make arrangements for the instruction, research, community service and discipline in the various faculties and departments of the University, is vested in the Senate in accordance with regulations made by the Senate and approved by the Council.

(4) The Senate shall submit to the Council from time to time:

(a) reports upon its work;

(b) such recommendations as may seem expedient to the Senate as to matters of interest affecting the University; and

(c) recommendations as to any matters referred to it by the Council.

(5) If a member of the Council chosen under paragraph (c) of subsection (1) dies or ceases to be a member of the Council or resigns from office as a member of the Senate, the members of the Council shall choose another from among their number to fill his place in the Senate.

(6) The quorum and procedure at meetings of the Senate shall be as prescribed by the statute. The place and the times at which, meetings of the Senate shall be held, shall be determined from time to time by the Senate. **10.** Committees of Senate, and subcommittes.

(1) The Senate may, by election, from time to time establish from among its members ad hoc committees and assign to any such committee any of its functions.

(2) The Council may on the recommendation of the Senate make statutes or regulations providing for the establishment of standing committees of the Senate and for the appointment as members of such committees of any persons, whether they are members of the Senate or not; and the Senate may assign to any such committee any of its functions.

(3) Any such committee may with the approval of the Senate delegate any function so assigned to it, to a subcommittee established by it from among its members or from among its members and any other persons.

11. Establishment of joint committees of Council and Senate.

The Council and the Senate, by resolution of each body, may for such purposes as they may deem expedient establish joint committees of the Council and the Senate, to which joint committees the Council may appoint members of the Council and the Senate may appoint members of the Senate.

12. Faculties.

At the University there shall be the faculties and departments, which, the Council may from time to time on the recommendation of the Senate, with the approval of the Minister and subject to the statute establish, and the Senate may delegate any of its functions and powers to such faculties.

13. Schools, colleges or institutions.

For the better carrying out of its functions the University shall have power to organize any portion of the University into a school or college or institution of the University and to set up for its government a board, delegacy or commission of the University, which, subject to the authority of the Council and the Senate, shall exercise such powers and receive such representation on the Senate as may in such case be determined by the statute.

14. Management Committee of University.

(1) There shall be a Management Committee of the University, consisting of

- (a) the Vice-Chancellor and Principal;
- (b) the Vice-Principal or Vice-Principals;

(c) the Registrar and, if there is more than one Registrar, as many Registrars as may be designated for this purpose by the Council; and

(d) such other senior officials of the University as may be designated by the Council from time to time.

(2) The Management Committee shall exercise the powers and perform the functions and duties assigned to it by the Vice-Chancellor and Principal, and

shall also serve as an advisory committee for the Vice-Chancellor and Principal in the exercise of his powers and the performance of his duties under this Act and the statute.

15. Convocation of University.

(1) The Convocation of the University shall consist of all persons whose names appear on the Convocation roll to be framed and kept by the Registrar.

(2) (a) The Vice-Chancellor and Principal, Vice-Principal or Vice-Principals, all permanently appointed academic staff, head of the University Library, Chief Directors and Registrars of the University, while holding office as such, shall be members of the Convocation ex officio and shall be entitled to have their names entered on the Convocation roll.

(b) Any other person employed by the University who, by resolution of the Council and of the Convocation, has been declared a member of the Convocation, shall during his period of office be a member of the Convocation ex officio and be entitled to have his name entered on the Convocation roll.

(3) Subject to the provisions of subsection (4), the following persons shall be entitled to have their names entered on the Convocation roll, namely

(a) all persons who immediately before the commencement of this Act were members of the Convocation of the University; and

(b) all persons who become graduates of the University.

(4) Before their names are entered on the Convocation roll, the persons mentioned in subsection (3) shall pay a fee prescribed by the statute.

(5) Meetings of the Convocation shall be summoned and held in the manner and for the purposes prescribed by the statute. The place and the times at which the meetings shall be held, shall be determined by the Council.

(6) The Convocation may discuss any matter relating to the University, including matters, which may be referred to it by the Council, and may convey its opinion thereon to the Council.

16. Registrars and other senior officials.

(1) The Council may appoint one or more Registrars, a Dean for Student Affairs and other senior officials for the University and define the functions, powers and duties of any such officials.

(2) The appointment of persons to any of the offices mentioned in subsection (1), shall be made in accordance with the provisions of the statute.

17. Appointment, merit assessment, dismissal and suspension of staff.(1) All academic staff are appointed on a temporary or permanent basis by the Council on the recommendation of the Executive Committee of the Senate and in

accordance with the provisions of the statute. All non-acadademic staff are appointed on a temporary or permanent basis by the Council on the recommendation of the Vice-Chancellor and Principal and in accordance with the provisions of the statute. Any member of staff who is so appointed, shall be subject to continual merit assessment and to the disciplinary provisions prescribed in the statute or by rules made by the Council.

(2) The Council shall appoint disciplinary committees for staff as provided in the statute. These committees may suspend or dismiss any member of the staff of the University for the reasons and in the manner prescribed by the statute. The Council may also grant the power to suspend a member of staff to the Vice-Chancellor and Principal: Provided that, subject to the provisions of section 13 of the Universities Act, 1955 (Act No. 61 of 1955), a member of staff may in accordance with the provisions of the statute appeal to the Council against any finding of a disciplinary committee and the appeal shall be handled in the manner prescribed in the statute: Provided further that when a member of the Senate is dismissed, notice of such dismissal shall be given to the Senate.

18. Degrees, diplomas and certificates.

(1) The University shall have the power, subject to the provisions of this Act and the statute, to confer the degrees of bachelor, master and doctor in any faculty established in terms of section 15, and all such other degrees as it may deem expedient to confer. The designation of any degree or diploma in any faculty shall be promulgated by regulation and shall, after official approval, be published in the year-book of the University.

(2) Save as provided by sections 19 and 21, no degree shall be conferred by the University upon any person who has not attended the University as a student for such period as may in each case be prescribed by the statute and who has not proved in an examination or other test to have attained the standard of proficiency prescribed by the Senate.

(3) The University may, subject to the provisions of this Act, grant a diploma or certificate to any person who has pursued a course of study provided by the University or to any other person deemed by it to possess the qualifications for such a diploma or certificate.

19. Admission of students and application of disciplinary provisions, rules and regulations.

(1) Subject to the provisions of section 11 of the Universities Act, 1955 (Act No. 61 of 1955), a person shall be admitted as a student to the University on the ground of academic considerations: Provided that the Council may from time to time, on the recommendation of the Senate, over and above the statutory requirements for the admission of students for degree or diploma studies as set out in the regulations, determine additional requirements for admission as contemplated in the statute.

(2) A person shall officially become a registered student of the University upon completion and signing of the prescribed registration form, payment of the registration fee as fixed by the Council and acceptance of the application by the University. Registration as a student shall be valid for one academic year only and shall be renewed annually.

(3) The signature on the prescribed registration form of a person, who enrols as a student, shall be deemed to be full acceptance by him of the disciplinary provisions, rules and regulations of the University.

20. Degrees honoris causa.

Subject to the provisions of the statute, the University may, on the resolution of the Council and the Senate, and without examination, confer a degree honoris causa of master or doctor in any faculty upon any person who has rendered distinguished services in South Africa in the advancement of arts, theology, science, jurisprudence, education or any other branch of learning, or upon any person whom the University may, on the resolution of the Council and the Senate, deem worthy of such a degree: Provided that the holder of such a degree which has been conferred honoris causa shall not, by the fact that he has been admitted thereto, be entitled to practise any profession.

21. Cancellation of registration of student.

The Senate may cancel the registration of a student at any time and thus terminate his study if in any particular semester or year of study he fails to comply with the requirements set by the Senate in respect of tests, examinations or any other work or in respect of the attendance of classes.

22. Admission of students ad eundem gradum for special courses of study and to a degree.

A person who has graduated in another university or who is able to give satisfactory evidence of his academic abilities may, notwithstanding anything contained in this Act, be specially exempted by the Committee of Principals under section 7 (1) (e) of the Universities Act, 1955 (Act No. 61 of 1955), from the conditions of compliance with the requirements prescribed for admission to study for a degree under section 7 (1) (d) of the said Act and may be admitted as a student to courses of special study and research at the University and may obtain a degree or diploma under different conditions from those applicable to ordinary students. Such conditions shall be prescribed by the regulations as published in the year-book.

23. Discipline. A student of the University shall be subject to such disciplinary provisions as the statute or rules made by the Council may prescribe.

24. Power to require students to reside at approved places of residence and to determine place where students shall receive instruction.

(1) The Council may require a student to reside for the periods during which the University is not closed for student vacations, at a place of residence approved for the purpose by the Council.

(2) The Council shall have the right to determine the place where a student shall receive instruction.

25. Maintenance of Christian character of University without application of test as to membership of specific church, and language medium of University.

(1) In appointing academic and non-academic staff, the Council shall ensure that the Christian historical character of the University is maintained: Provided that no test with regard to membership of a specific church shall be applied to any person as a condition of his becoming or continuing to be a member of the academic or non-academic staff at the University, or of his holding any office or receiving any emolument or exercising any privilege therein.

(2) No person shall be prevented on the ground of his religious belief from becoming or continuing to be a student of the University or from obtaining or holding a degree or diploma.

(3) The language medium of the University is Afrikaans: Provided that other languages may be used for instruction where such use is, in the opinion of the Senate, necessary for effective instruction.

26. Restriction on alienation of immovable property. Immovable property vested in the University shall not be sold, hypothecated, leased or otherwise disposed of without the approval of the Minister.

27. Vacancies not to affect powers of University or its Council or Senate.

No vacancy in the office of Chancellor or Vice-Chancellor and Principal of the University nor any deficiency in the number of members of the Council or of the Senate shall impair or affect the corporate existence of the University or any powers, rights or privileges conferred by this Act upon the University, the Council or the Senate: Provided that no resolution of the Council or of the Senate shall be valid unless passed at a meeting at which a quorum was present and the provisions of the statute relating to any such meeting have in all other respects been complied with.

28. Repeal of laws, and savings.

(1) Subject to the provisions of subsections (2) and (3), the laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Anything done under any provision of a law repealed by subsection (1), shall be deemed to have been done under the corresponding provision of this Act.

(3) Any provision which immediately before the commencement of this Act applied in relation to the University or to any person by virtue of any law repealed by subsection (1), but which is not re-enacted by this Act, shall continue to apply in relation to the University or to that person, as the case may be, as if such law had not been repealed.

29. Short title.

This Act shall be called the Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Act (House of Assembly), 1993. Schedule

LAWS REPEALED

Act No. 19 of 1950 - Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Act, 1950 - The whole.

Act No. 23 of 1953 - University Laws Amendment Act, 1953 - So much of section 2 as relates to the Potchefstroomse Universiteit vir Christelike Hoër Onderwys.

Act No. 61 of 1955 - Universities Act, 1955 - So much of section 29 and the Schedule as relates to the Potchefstroomse Universiteit vir Christelike Hoër Onderwys.

Act No. 49 of 1966 - Potchefstroomse Universiteit vir Christelike Hoër Onderwys Amendment Act, 1966 - The whole.

Act No. 72 of 1978 - Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Amendment Act, 1978 - The whole.

Act No. 83 of 1983 - Universities Amendment Act, 1983 - So much of section 10 and the Schedule as relates to the Potchefstroomse Universiteit vir Christelike Hoër Onderwys.

Act No. 75 of 1984 - Universities, National Education Policy and Technikons Amendment Act, 1984 - So much of section 11 and the Schedule as relates to the Potchefstroomse Universiteit vir Christelike Hoër Onderwys.

Act No. 64 of 1989 - Universities Amendment Act (House of Assembly), 1989 - Sections 5 and 6.

Act No. 108 of 1992 - Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Amendment Act (House of Assembly), 1992 - The whole.

Act No. 64 of 1993 - Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Amendment Act (House of Assembly), 1993 - The whole.