Government Notice

DEPARTMENT OF HIGHER EDUCATION AND TRAINING
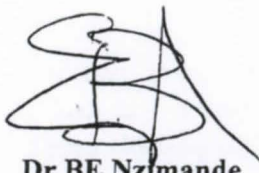
No. 784

10 October 2014

HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997)

INCORPORATION OF THE LOWVELD COLLEGE OF AGRICULTURE MBOMBELA CAMPUS INTO THE UNIVERSITY OF MPUMALANGA

I, Bonginkosi Emanuel Nzimande, MP, Minister of Higher Education and Training, in terms of section 24 (1) read with section 21 (1) (b) and (3) (a) (iii) of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, and after consulting the Council on Higher Education and performing the actions prescribed in section 23 (2) of the Higher Education Act, as amended, hereby incorporate the Mbombela campus of the Lowveld College of Agriculture into the University of Mpumalanga. The date of the incorporation and the transitional arrangements required to ensure the effective implementation of the incorporation process are set out in the Schedule hereto.

Dr BE Nzimande

Minister of Higher Education and Training

Date: 03|10|2014

SCHEDULE

The date of the incorporation

1 January 2015

Conditions and transitional arrangements

CONTRACTS OF EMPLOYMENT

1. In accordance with the provisions of the Higher Education Act, as amended (see section 23 (2A) to (2C)), and fair labour practices it is herewith determined that –

- The contracts of employment between the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (DARDLEA) on behalf of the Mpumalanga Province (the old employer) with regard to the employees deployed full time at the Lowveld College of Agriculture (LCA) be transferred to the University of Mpumalanga (UMP) (the new employer) on 1 January 2015;

- Any subsequent redeployment of an employee as a consequence of the incorporation by the UMP is subject to applicable labour legislation;

- All the rights and obligations between DARDLEA and its employees at the time of the incorporation continue in force as if they were the rights and obligations between the UMP and each employee and anything done before the incorporation by or in relation to DARDLEA is considered to have been done or in relation to the UMP;

- The incorporation does not interrupt the DARDLEA employee's continuity of employment; and

- DARDLEA and UMP in consultation with the affected employees and their recognised representative bodies reach an agreement on or before the date of incorporation with the concurrence of the Minister with regard to the possible transfer of the contracts, and the terms and conditions applicable to such transfers, of employees of DARDLEA partially deployed to deliver services at the LCA Campus and of employees deployed at the Marapyane Campus of the LCA for the delivery of the Diploma in Agriculture.

DISCIPLINE AND RULES: EMPLOYEES AND STUDENTS

2. In accordance with the provisions of the Higher Education Act, as amended (see sections 23 (2D) to (2F)) it is herewith determined that:

- Employees and students of DARDLEA and the LCA (including the affected students at the Marapyane Campus of the LCA), respectively, affected by this Notice are subject to the disciplinary codes and rules of the UMP as from 1 January 2015, provided that if any enquiry into the incapacity or any proceedings in respect of a

charge of misconduct had been instituted or commenced against any employee or student before the date of the incorporation, such enquiry or proceedings continue in terms of the codes and rules applicable at DARDLEA;

- The incorporation does not affect the liability of any person to be disciplined for, prosecuted for, convicted of and sentenced for any offence or misconduct; and

- Until the UMP has made disciplinary codes or rules, the disciplinary codes and rules of DARDLEA are applicable to the employees and students affected by this Notice.

ACADEMIC PROGRAMMES

3. In accordance with the provisions of the Higher Education Act, as amended (see section 23 (2H) (i) and (ii))it is herewith determined that:

    - UMP shall continue with all the Council on Higher Education (CHE) accredited diploma programmes offered by the DARDLEA through the LCA Mbombela campus and the Campus of the LCA at Marapyane immediately before the date of incorporation, until such programmes and rules are amended or discontinued by the council of the UMP.

    - UMP shall award the Diploma in Agriculture, currently offered by the LCA, to students enrolled for the Diploma on 31 December 2014 and who comply with the requirements for the Diploma after the date of incorporation in its own name, with reference to the fact that the student receiving the Diploma was also registered at the LCA before incorporation.

LAND TRANSFERS

4. The portions of land identified in Annexure 1 of the Record of Intention attached to Government Gazette No. 36772 of 22 August 2013 Vol. 578, which stated Record of Intention is signed jointly by the Minister of Higher Education and Training, the Minister of Public Works and the Premier of the Mpumalanga Province, will be transferred into the ownership of the UMP in accordance with the established land disposal processes of the Government and the provisions of section 22 (2) to (4) and (6) of the Higher Education Act, as amended.

OCCUPATION AND DEVELOPMENT RIGHTS

5. Until the processes of land transfer are concluded, the UMP is authorised to take occupation and to develop the land detailed in this Annexure 1 as if it were the owner. These envisaged development activities include, but are not restricted to sections 5.1, 5.2 and 5.3 of the Record of Intention as stated in section 4 above.

FUNDS

6. In accordance with the provisions of the Higher Education Act, as amended (see section 22 (5)), all funds which, immediately prior to the 1 January 2015 were vested in the DARDLEA on behalf of the LCA or the academic programme of the LCA offered at the Marapyane Campus, as contemplated in paragraph 3 above, by virtue of a trust, donation or bequest must be transferred to the UMP and applied by UMP in accordance with the trust donation or bequest, as the case may be. The funds referred to in this section 6 exclude funds allocated for the annual operating expenses of these campuses.