

SAINT ANDREW'S COLLEGE GRAHAMSTOWN (PRIVATE) ACT 15 OF 1932
 [ASSENTED TO 17 MAY 1932] [DATE OF COMMENCEMENT: 19 MAY 1932]
(Signed by the Governor-General in English)

as amended by

Saint Andrew's College, Grahamstown, (Private) Amendment Act 82 of 1985

PRIVATE ACT

To amend the law relating to the Saint Andrew's College, Grahamstown.

Preamble

WHEREAS, by Act 20 of 1887 (Cape of Good Hope) the Saint Andrew's College Council, Grahamstown, was incorporated under the name or style of 'The Council of Saint Andrew's College' (hereinafter called 'the Council'), for the direction and management of the educational institution styled Saint Andrew's College (hereinafter called 'the College') on the basis of a Trust Deed in the said Act referred to (hereinafter called 'the Trust Deed');

AND WHEREAS, although section *three* of the said Act contemplated amendment of the said Trust Deed, neither the said Act nor the said Trust Deed made specific provision for such amendment:

AND WHEREAS, by the eighteenth clause of the said Trust Deed, it was provided as follows:-

'Eighteenth.--There shall be a Principal of the College who shall be a Clerk in Holy Orders of the Church of England or of one of the Churches in Communion with the same, holding a Licence from the Bishop of the Diocese; such Principal shall be appointed by the Council, subject to the approval of the Visitor.'

AND WHEREAS it is expedient that in future the title 'Headmaster' be used in place of the title 'Principal', and that in the choice of such Headmaster the said Council be not limited to a Clerk in Holy Orders, but be entitled, if the said Council so deem fit, subject to the approval of the Visitor, to appoint a layman:

AND WHEREAS it is expedient that provision be made for alteration of the said Trust Deed as occasion may require subject to certain provisions thereof being and remaining unalterable:

AND WHEREAS it is expedient to elucidate the provisions of this Act and of the Trust Deed by an Interpretation Clause:

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:-

1 Headmaster and Second Master

Wherever in the Trust Deed the terms 'Principal', 'Principalship' and 'Vice-Principal' occur, there shall be read in place thereof the terms 'Headmaster', 'Headmastership' and 'Second Master' respectively.

2 Substitution of new clause for clause 18 of Deed

The eighteenth clause of the Trust Deed is hereby repealed and the following new clause substituted therefor:-

'There shall be a Headmaster of the College who shall be appointed by the Council, subject to the approval of the Visitor and shall be either-

- (i) a Clerk in Holy Orders of the Church of the Province of Southern Africa or one of the Churches in Communion with the Church of the Province of Southern Africa who holds a licence from the Bishop of the Diocese of

- Grahamstown, or
- (ii) a layman who shall (a) make a solemn declaration that he is a Communicant of the Church of the Province of Southern Africa or of one of the Churches in Communion with the Church of the Province of Southern Africa and (b) holds a licence as Reader from the said Bishop.'

[S. 2 amended by s. 1 of Act 82 of 1985.]

3 Power of Council to amend Trust Deed

The Council may, by a majority of not less than two-thirds of the members present at any meeting specially called for the purpose, repeal, or amend any provision of the Trust Deed or add any provision thereto: Provided that-

- (a) notice of not less than one month be sent to each member of the Council, stating the object of the meeting, in which notice shall be set forth the provision to be repealed or amended and the amendment proposed and also any provision to be added to the provisions of the Trust Deed;
- (b) the power given by this section of repeal or amendment shall not be deemed to give the power to repeal or amend the eighteenth clause (as substituted by section *two* of this Act) or the clauses set forth in the First Schedule to this Act;
- (c) the third clause of the Trust Deed as set forth in the Second Schedule to this Act shall not be amended in such a manner as to abolish the requirements that at least two-thirds of the members of the Council shall be Communicants, the Chairman shall be a Communicant, and the remaining members shall be Christians and members in good standing of their respective churches.

[Para. (c) substituted by s. 2 of Act 82 of 1985.]

4 Interpretation of terms

Wherever in this Act or in the Trust Deed the following terms occur they shall bear the meaning herein set forth, namely:-

'**Communicant**' means a male person who shall have received the Holy Communion three times at least during the preceding year at the hands of a clergyman of the Church of the Province of Southern Africa or of one of the Churches in Communion with the Church of the Province of Southern Africa;

[Definition of 'Communicant' amended by s. 1 of Act 82 of 1985.]

'**Diocese**' means the Diocese of Grahamstown.

5 Savings

Nothing in this Act contained shall affect the existing rights or privileges of the Church of the Province of Southern Africa or of any member thereof.

[S. 5 amended by s. 1 of Act 82 of 1985.]

6 Short title

This Act may be cited as the Saint Andrew's College Grahamstown (Private) Act, 1932.

First Schedule

[First Schedule amended by s. 1 of Act 82 of 1985.]

FIRST. That the object of the said Saint Andrew's College shall be as heretofore, namely, to supply a liberal education, with religious instruction, in accordance with the principles of the Church of the Province of Southern Africa.

SEVENTEENTH. That the Bishop of the Diocese for the time being shall be as heretofore, the Visitor of the College, and it shall be the duty of the said Council, and of the Headmaster, to receive with respectful attention any representations which the Visitor may make with a view to the efficiency of the College as a place of liberal and religious education.

NINETEENTH. Every Headmaster before entering upon his office shall sign a declaration, to be entered upon the Minute Book of the Council, to the following effect:

'I, A.B., declare that I will always, to the best of my ability, discharge the duties of Headmaster of Saint Andrew's College, during the tenure of my office, and that if I am removed therefrom in accordance with the provisions of the Trust Deed of the said College; I will thereupon acquiesce in such removal and relinquish all claim to the Headmastership and its emoluments, and will deliver up to the Council, or as it may direct, all property of the College then in my possession or occupation.'

THIRTIETH. Should the Bishop of the Diocese at any time judicially revoke his licence granted to the Headmaster, such Headmaster shall, *ipso facto*, vacate his office and shall have no claim for salary after the date of such revocation.

Second Schedule

[Second Schedule amended by s. 3 of Act 82 of 1985.]

THIRD. (1) The said Council shall consist of fifteen elected members, of whom at least seven shall be resident within two hundred kilometres of Grahamstown, and one member nominated by the Administrator of the Province of the Cape of Good Hope during such time as the said College is in receipt of a subsidy from the Cape Provincial Administration.

(2) Five elected members of the Council shall form a quorum.

(3) At least two-thirds of all the members of the Council, both elected and nominated, shall be Communicants, the Chairman shall be a Communicant, and the remaining members shall be Christians and members in good standing of their respective churches.

(4) The Council may appoint an alternate to any elected member of the Council not resident within the magisterial district of Albany.

(5) At least two-thirds of such alternates shall be Communicants and the remaining alternates shall be Christians and members in good standing of their respective churches.

(6) Such alternates shall be entitled to receive copies of all minutes, reports and other documents submitted to the Council from time to time and to attend any meeting of the Council and to participate therein, but shall only be entitled to vote at such a meeting if their respective principals are not present at the meeting when a vote is taken.

SAINT ANDREW'S COLLEGE, GRAHAMSTOWN, (PRIVATE) AMENDMENT ACT 82 OF 1985

[ASSENTED TO 12 JULY 1985]

[DATE OF COMMENCEMENT: 24 JULY 1985]

(English text signed by the State President)

PRIVATE ACT

To amend the Saint Andrew's College Grahamstown (Private) Act, 1932.

Preamble

WHEREAS for the better administration of Saint Andrew's College,

Grahamstown, it is expedient to amend the Saint Andrew's College Grahamstown (Private) Act, 1932 (Act 15 of 1932) (hereinafter referred to as the principal Act), so as to-

- (a) substitute the words 'Church of the Province of Southern Africa' for the words 'Church of England';
- (b) alter the requirements relative to members of the Council; and
- (c) alter the composition of the Council:

BE IT THEREFORE ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:-

1 Substitution for 'Church of England' of 'Church of the Province of Southern Africa' in Act 15 of 1932

The principal Act is hereby amended by the substitution, in the eighteenth clause of the Trust Deed as substituted by section 2 of the principal Act and in sections 4 and 5 and the First Schedule, for the words 'Church of England', wherever they occur, of the words 'Church of the Province of Southern Africa'.

2 Amends section 3 of the Saint Andrew's College Grahamstown (Private) Act 15 of 1932, by substituting paragraph (c).

3 Substitutes the third clause in the Trust Deed and in the Second Schedule to the Saint Andrew's College Grahamstown (Private) Act 15 of 1932.

4 Short title

This Act shall be called the Saint Andrew's College, Grahamstown, (Private) Amendment Act, 1985.