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REGULASIES MET BETREKKING TOT OPENBARE OORDE ONDER DIE JURISDIKSIE VAN DIE RAAD VIR OPENBARE OORDE.

Ingevolge die bepalings van artikels 24 en 37 van die Ordonnansie op Openbare Oorde, 1969 (Ordonnansie 18 van 1969) maak die Administrateur hierby die regulasies soos in die Bylae hierby uitteengesit.

## BYLAE.

REGULASIES MET BETREKKING TOT OPENBARE OORDE ONDER DIE JURISDIKSIE VAN DIE RAAD VIR OPENBARE OORDE.

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Administrator's Notice 891

1 July, 1977

REGULATIONS IN RESPECT OF PUBLIC RESORTS UNDER THE JURISDICTION OF THE BOARD FOR PUBLIC RESORTS.

In terms of the provisions of sections 24 and 37 of the Public Resorts Ordinance, 1969 (Ordinance 18 of 1969) the Administrator hereby makes the regulations set out in the Schedule hereto.

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REGULATIONS IN RESPECT OF PUBLIC RESORTS UNDER THE JURISDICTION OF THE BOARD FOR PUBLIC RESORTS.

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### Woordomskrywings.

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken —

- (i) "amptelike kwartiere", enige perseel wat die eiendom is van, of gehuur word of andersins wettiglik geokkuper word deur die Raad, en wat aan die bekleer van enige bepaalde amp of pos vir bewoning deur sodanige bekleer toegewys is uit hoofde van sy bekleding van sodanige amp of pos, en sluit 'n gedeelte van, of 'n kamer in so 'n perseel in wat aldus toegewys is ten opsigte van die persoon aan wie dit aldus toegewys is; (x)
- (ii) "beamppe" 'n beamppe of werknemer ingevolge die bepaling van artikel 24(2) van die Ordonnansie aangestel; (xi)
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## PRELIMINARY.

### Definitions.

1. In these Regulations, unless the context otherwise indicates —

- (i) "calendar month" means a period from a day in one month to the day preceding the day corresponding numerically to that day in the next month, both days inclusive; (ix)
- (ii) "child" means a child of an officer (including a stepchild or a legally adopted child) who is under the age of 17 years, and who is entirely dependent on such officer and who resides permanently with such officer; (x)
- (iii) "cycle" means a period of 3 years calculated from 1 July, 1977 and each succeeding period of three years; (xvi)

- diens is en sluit toelaes wat nie by so 'n salaris of loon inbegrepe is nie in, maar met behoorlike inagneming van regulasies met betrekking tot en opdragte in verband met sodanige toelaes wat deur die Raad uitgereik is; (xiii)
- (iv) "Blanke persoon", 'n Blanke persoon soos in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950) omskryf; (xvi)
- (v) "diens", enige onafgebroke voltydse diens in enige hoedanigheid by die Raad; (xv)
- (vi) "hoofkwartier", die stad, dorp of plek waar die vernaamste werk van 'n beampete verrig word of verrig moet word, of wat deur die Directeur as sy hoofkwartier aangewys word;
- (vii) "hoof van kantoor", die beampete deur die Raad aangewys as hoof van 'n kantoor, tak, seksie of ander betrokke werkplek; (v)
- (viii) "huishouding",
- (a) die vrou en enige kind van 'n beampete; en/of
  - (b) 'n familielid van 'n beampete wat permanent by hom inwoon en noodsaaklikwys van hom afhanglik is en wie se inkomste nie die toepaslike maksimum bedrag wat voorgeskryf is by regulasies, afgekondig kragtens die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), uitgesonderd die toelae van 'n oppasser betaalbaar kragtens artikel 2(c) van genoemde Wet, oorskry nie; asook
  - (c) nie meer as twee bediendes (insluitende kinderoppassers) nie, wat in 'n voltydse hoedanigheid by die beampete in diens is; (vii)
- (ix) "kalendermaand", 'n tydperk wat strek van 'n dag in een maand of tot die dag wat die dag voorafgaan wat numeriek met daardie dag ooreenstem in die volgende maand, albei dae inbegrepe; (i)
- (x) "kind", die kind van 'n beampete (insluitende 'n stiefkind of 'n wettig aangename kind) wat onder die ouderdom van 17 jaar is en wat uitstuitlik van sodanige beampete afhanglik is en wat permanent by sodanige beampete inwoon; (ii)
- (xi) "maand", 'n tydperk wat strek van die eerste tot die laaste dag, albei dae inbegrepe, van enigeen van die twaalf maande van die jaar; (viii)
- (xii) "Nie-Blanke persoon", 'n persoon wat nie 'n Blanke persoon is nie; (ix)
- (xiii) "Ordonnansie", die Ordonnansie op Openbare Oorde 1969 (Ordonnansie 18 van 1969); (xii)
- (xiv) "persoonlike besittings", die röerende goed van 'n beampete en van sy huishouding wat normaalweg vir persoonlike gebruik aangewend word, met inbegrip van voertuie, maar uitgesonderd lewende hawe, huis- of troeteldiere; (xv)

- (iv) "day of rest" means —
- (a) a Sunday or a public holiday in the case of an officer who normally does not work on such a day; or
  - (b) such other day as he is normally relieved from duty in lieu thereof in the case of an officer who normally works on a Sunday or a public holiday; or
  - (c) a Saturday in the case of an officer who observes a full five-day working week;
- (v) "head of the office" means the officer designated by the Board as head of an office, branch, section or other place of work concerned; (vii)
- (vi) "headquarters" means the city, town or place where the principal duties of an officer are or have to be performed or which may be designated as his headquarters by the Director; (vi)
- (vii) "household" means —
- (a) the wife and any child of an officer; and/or
  - (b) a relative of an officer who is permanently resident with and necessarily dependent on him and whose income does not exceed the appropriate maximum amount prescribed by regulations promulgated in terms of the Aged Persons Act, 1967 (Act 81 of 1967), excluding the attendant's allowance payable in terms of section 2(c) of the said Act; as well as
  - (c) not more than two servants (including nursemaids) employed in a full-time capacity by the officer; (viii)
- (viii) "month" means a period from the first day to the last day, both days inclusive, of any of the twelve months of the year; (xi)
- (ix) "Non-White person" means a person who is not a White person; (xii)
- (x) "official quarters" means any premises being the property of, or leased or otherwise lawfully occupied by the Board, and allocated to the holder of any specific office or post for occupation by such holder by virtue of his holding such office or post, and includes a portion of or a room in such premises which has been so allocated in respect of the person to whom it has been so allocated; (i)
- (xi) "officer" means an officer or employee appointed in terms of the provisions of section 24(2) of the Ordinance; (ii)
- (xii) "Ordinance" means the Public Resorts Ordinance, 1969 (Ordinance 18 of 1969); (xiii)
- (xiii) "pay" means the salary or wage normally payable to an officer when he is in service and includes allowances not forming part of such salary or wage, due regard being had to regulations relating to and directions in connection with such allowances issued by the Board; (iii)

(xv) "rusdag", —

(a) 'n Sondag of 'n openbare feesdag in die geval van 'n beampete wat nie gewoonlik op sodanige dag werk nie; of

(b) sodanige ander dag wat hy gewoonlik in plaas daarvan van diens vrygestel is in die geval van 'n beampete wat gewoonlik werk op 'n Sondag of 'n openbare feesdag; of

(c) 'n Saterdag in die geval waarby die beampete 'n volle vyfdaag werkweek werk; (iv)

(xvi) "tydperk", 'n tydperk van drie jaar gereken van 1 Julie 1977 en elke daaropvolgende tydperk van drie jaar; (iii)

en enige ander woord of uitdrukking het die betekenis wat in die Ordonnansie daaraan geheg is.

## HOOFSTUK I.

### ALGEMENE DIENSVORWAARDES VAN DIE DIREKTEUR EN BEAMPTES VAN DIE RAAD.

#### Verantwoordelikheid van Direkteur en Hoofde van Kantore.

2.(1) Die Direkteur is aan die Raad verantwoordelik vir die handhawing van dissipline, doeltreffende administrasie en die behoorlike gebruik en versorging van die eiendom van die Raad en vir die nakoming van alle pligte deur die Raad ingevolge die bepalings van die Ordonnansie en hierdie Regulasies aan hom toegewys.

(2) Die hoof van 'n kantoor is aan die Direkteur verantwoordelik vir die handhawing van dissipline, doeltreffende administrasie en die behoorlike gebruik en versorging van die eiendom van die Raad in sy kantoor, tak, seksie of ander werkplek en vir die nakoming van alle pligte deur die Direkteur aan hom toegewys.

#### Delegasie van Bevoegdhede.

3.(1) Die Raad kan na goeddunke en op sodanige voorwaardes as wat hy bepaal, enige bevoegdheid aan hom ingevolge hierdie Regulasies verleen aan 'n lid van die Raad, die Direkteur of enige ander beampete van die Raad deleger.

(2) Die Direkteur kan na goeddunke en op sodanige voorwaardes as wat hy bepaal, enige bevoegdheid aan hom ingevolge hierdie Regulasies verleen, uitgesonnerd 'n bevoegdheid deur die Raad aan hom gedelegeer, aan enige beampete van die Raad deleger.

(3) Enige delegasie ingevolge subregulasies (1) en (2) verleen, kan te eniger tyd ingetrek word.

#### Dienswëe van Mededeling.

4.(1) Enige mededeling van 'n beampete wat vir die Raad of die Direkteur bedoel is, word deur bemiddeling van die hoof van sy kantoor aan die Direkteur voorgele.

(2) Enige aansoek of vertoe deur 'n beampete in verband met 'n saak wat sy posisie in die Raad se diens raak, word op dieselfde wyse aan die Direkteur voorgele en sodanige beampete kan eis dat sodanige aansoek of vertoe aan die Raad voorgele word, in welke geval die Direkteur sodanige aansoek of vertoe aan die Raad voorle.

(xiv) "personal effects" means the movable property of an officer and of his household which is normally applied to personal use, including vehicles but excluding livestock, domestic animals and pets; (xiv)

(xv) "service" means any continuous full-time service in any capacity with the Board; (v)

(xvi) "White person" means a White person as defined in section 1 of the Population Registration Act, 1950 (Act 30 of 1950); (iv)

and any other word or expression has the meaning assigned thereto in the Ordinance.

## CHAPTER I.

### GENERAL CONDITIONS OF SERVICE OF THE DIRECTOR AND OFFICERS OF THE BOARD.

#### Responsibility of Director and Heads of Offices.

2.(1) The Director shall be responsible to the Board for the maintenance of discipline, efficient administration and the proper use and care of the property of the Board and for the performance of all duties assigned to him by the Board in terms of the provisions of the Ordinance and these Regulations.

(2) The head of an office shall be responsible to the Director for the maintenance of discipline, efficient administration and the proper use and care of the property of the Board in his office, branch, section or other place of work and for the performance of all duties assigned to him by the Director.

#### Delegation of Powers.

3.(1) The Board may in its discretion and on such conditions as it may determine, delegate any power conferred on it by these Regulations to a member of the Board, the Director, or any other officer of the Board.

(2) The Director may in his discretion and on such conditions as he may determine, delegate any power conferred on him in terms of these Regulations, except a power delegated to him by the Board, to any officer of the Board.

(3) Any delegation in terms of subregulations (1) and (2) may be withdrawn at any time.

#### Official Channels of Communication.

4.(1) Any communication from an officer which is intended for the Board or the Director, shall be submitted through the head of his office to the Director.

(2) Any application or representations by an officer in connection with a matter which affects his position in the service of the Board, shall be submitted in like manner to the Director and such officer may demand that such application or representations be submitted to the Board, in which case the Director shall submit such application or representations to the Board.

**Gehoorsaamheid.**

5.(1) Behoudens die bepalings van subregulasie (2), moet 'n beamppte onvoorwaardelik 'n wettige bevel wat aan hom gegee is deur 'n persoon wat die bevoegdheid het om dit te gee, gehoorsaam.

(2) 'n Beamppte kan eis dat 'n in subregulasie (1) bedoelde bevel skriftelik herhaal word na gehoorsaming daarvan en hy kan behoudens die bepalings van regulasie 4, enige vertoë wat hy in verband daarmee wil rig, voorlê.

**Geldelike Transaksies.**

6.(1) Geen beamppte leen van 'n ondergeskikte geld nie.

(2) As dit blyk dat 'n beamppte in 'n onredelike mate in die skuld is, as hy insolvent raak of sy boedel afstaan ten behoeve van sy skuldeisers of as 'n vonnis weens skuld of 'n siviële gryselingsbevel teen hom in 'n gereghof verkry is, moet hy as die Direkteur dit versieg, 'n uitvoerige en volledige staat van sy skulde aan die Direkteur voorlê tesame met 'n verklaring van hoe die skuld aangegaan is en hoe hy van voorneme is om sodanige skulde te vereffen.

(3) 'n Beamppte rapporteer onverwyld aan die Direkteur die uitreiking van 'n prosesstuk weens skuld, siviële gryseling, vonnis of insolvensiededing, waarby sodanige beamppte die verweerde is, tesame met volledige besonderhede van die omstandighede wat tot die uitreiking van sodanige prosesstuk geleid het.

**Aanneem van Geskenke, Kommissie, Geld of Beloning.**

7. Geen beamppte mag enige geskenk, kommissie, geld of beloning geldelik of anders (wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie) ten opsigte van die nakoming of nie-nakoming van sy pligte, aanneem of eis nie, of versuim om aan die Raad die aanbod van so 'n geskenk, kommissie, geld of beloning te rapporteer nie.

**Beantwoording van Vrae.**

8. 'n Beamppte moet uitdruklik antwoord op 'n wettige vraag wat aan hom gestel is deur 'n persoon wat die bevoegdheid het om dit te stel: Met dien verstande dat 'n beamppte nie verplig is om op 'n vraag wat hom mag inkrimineer, te antwoord nie.

**Aanstelling, Oorplasing en Bevordering.**

9.(1) Die kwalifikasies en ander vereistes van 'n beamppte vir aanstelling in enige pos word deur die Raad bepaal.

(2) Die Raad kan 'n beamppte in enige pos aanstel —  
 (a) in 'n permanente hoedanigheid;  
 (b) in 'n permanente hoedanigheid op proef;  
 (c) in 'n tydelike hoedanigheid;  
 (d) op kontrak vir 'n bepaalde tydperk; or  
 (e) in 'n deeltydse hoedanigheid.

(3) Die Raad kan —

(a) enige beamppte na 'n ander pos in sy diens oorplaas; or  
 (b) enige beamppte na 'n hoër gegradeerde pos bevorder.

**Obedience.**

5.(1) Subject to the provisions of subregulation (2), an officer shall obey unconditionally a lawful order given to him by a person having authority to give it.

(2) An officer may, after complying therewith, demand that an order as contemplated in subregulation (1) be repeated in writing and he may, subject to the provisions of regulation 4, submit any representations he wishes to make in regard thereto.

**Financial Transactions.**

6.(1) No officer shall borrow money from a subordinate.

(2) If it is evident that an officer is in debt to an unreasonable extent, if he becomes insolvent or assigns his estate for the benefit of his creditors or if a judgment for debt or a decree of civil imprisonment has been obtained against him in a court of law, he shall, if the Director so requires, furnish the Director with a detailed and complete statement of his liabilities together with an explanation as to how the liabilities were incurred and how he proposes to liquidate such liabilities.

(3) An officer shall forthwith report to the Director the service of any process for debt, civil imprisonment, judgment or insolvency proceedings at which such officer is the defendant, together with full particulars of the circumstances which led to the service of such process.

**Acceptance of Gifts, Commission, Fee or Reward.**

7. No officer shall accept or demand any gift, commission, fee or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties) in respect of the performance or non-performance of his duties, nor fail to report to the Board the offer of such gift, commission, fee or reward.

**Replying to Questions.**

8. An officer shall reply explicitly to a lawful question put to him by a person having authority to do so: Provided that an officer shall not be compelled to furnish a reply to a question which may incriminate him.

**Appointment, Transfer and Promotion.**

9.(1) The qualifications and other requirements of an officer for appointment to any post shall be determined by the Board.

(2) The Board may appoint an officer to any post —  
 (a) in a permanent capacity;  
 (b) in a permanent capacity on probation;  
 (c) in a temporary capacity;  
 (d) on contract for a specified period; or  
 (e) in a part-time capacity.

(3) The Board may —

(a) transfer any officer to another post in its service; or  
 (b) promote any officer to a higher graded post.

### Aanstelling op Proef.

10.(1) Enige aanstelling van 'n beampete ingevolge die bepalings van die Ordonnansie kan op proef gedoen word as die Direkteur, hetsy in die algemeen of in die besonder aldus bepaal, en sodanige proef is vir sodanige tydperk as wat die Direkteur vasstel.

(2) As die hoof van die kantoor waarin sodanige beampete werkzaam is, sertifiseer dat die betrokke beampete gedurende sodanige proeftyd ywerig en sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die pos wat hy beklee, kan die Direkteur, as die beampete voldoen het aan al die voorwaardes waaraan sy aanstelling onderworpe was, die aanstelling bekratig.

(3) As geen sertificaat aan die end van 'n proeftyd gegee word nie soos in subregulasie (2) beoog, kan die Direkteur daarna gelas dat —

(a) die proeftyd van die beampete vir sodanige verdere tydperk verleng word as wat hy mag bepaal; of

(b) die beampete uit die diens van die Raad ontslaan word.

(4) Die bepalings van subregulasies (2) en (3) is *mutatis mutandis* op enige verlengde proeftyd van toepassing.

(5) Die Direkteur kan, hetsy gedurende 'n proeftyd of na verstryking daarvan maar voordat 'n aanstelling op proef bekratig is, gelas dat 'n beampete uit die diens van die Raad ontslaan word —

(a) deur hom ten minste 30 dae kennis te gee; of

(b) onverwyld, as die gedrag van die beampete, na die mening van die Direkteur, onbevredigend was.

### Beëindiging van Diens.

11.(1) Die dienste van 'n beampete in 'n permanente hoedanigheid aangestel, word beëindig —

(a) by bereiking van die pensioengewende leeftyd soos deur die Raad in enige pensioenskema deur hom ingestel, bepaal;

(b) by bedanking of dood;

(c) as gevolg van voortdurende swak gesondheid wat gestaaf word deur sodanige geneeskundige getuenis as wat die Raad mag vereis;

(d) behoudens die bepalings van regulasies 12, 13, 15 en 16 by ontslag as gevolg van wangedrag of onbekwaamheid; of

(e) in die omstandighede genoem in regulasie 10(5).

(2) Die dienste van 'n beampete in 'n tydelike of 'n deeltydse hoedanigheid aangestel, word beëindig —

(a) by afdanking met minstens 24 uur kennisgewing; of

(b) by bedanking of dood.

(3) Die dienste van 'n beampete op kontrak aangestel, word beëindig soos daarin bepaal.

### Onbekwame Beampete.

12.(1)(a) As die hoof van die kantoor aan die Direkteur verslag doen dat enige beampete na sy mening ongeskik is vir sy pligte of nie instaat is om hulle doel-

### Appointment on Probation.

10.(1) Any appointment of an officer in terms of the provisions of the Ordinance, may be made on probation if the Director, either generally or specifically so determines, and such probation shall be for such period as the Director may determine.

(2) If the head of the office in which such officer is employed, certifies that during such period of probation the officer has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, the Director shall, if the officer has complied with all the conditions to which his appointment was subject, confirm the appointment.

(3) If no certificate is given as contemplated in sub-regulation (2) at the end of a period of probation, the Director may thereupon direct that —

(a) the period of probation of the officer be extended for such further period as he may determine; or  
(b) the officer be discharged from the service of the Board.

(4) The provisions of sub-regulations (2) and (3) shall apply *mutatis mutandis* to any extended period of probation.

(5) The Director may, either during the course of a period of probation or after the expiry thereof, but before an appointment on probation has been confirmed, direct that an officer shall be discharged from the service of the Board —

(a) by giving him at least 30 days notice; or  
(b) forthwith, if the conduct of such officer has, in the opinion of the Director, been unsatisfactory.

### Termination of Service.

11.(1) The services of an officer appointed in a permanent capacity shall be terminated —

(a) on attaining the pensionable age as determined by the Board in any pension scheme instituted by it;

(b) on resignation or death;

(c) as a result of continuous ill health supported by such medical evidence as the Board may require;

(d) subject to the provisions of regulations 12, 13, 15 and 16, on discharge as a result of inefficiency or misconduct; or

(e) in the circumstances referred to in regulation 10(5).

(2) The services of an officer appointed in a temporary or a part-time capacity shall be terminated —

(a) by discharge with at least 24 hours notice; or

(b) on resignation or death.

(3) The services of an officer appointed on contract, shall be terminated as provided therein.

### Inefficient Officer.

12.(1)(a) If the head of the office reports to the Director that any officer is, in his opinion, unsuitable for

treffend na te kom nie, kan die Directeur iemand aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(b) Die persoon aldus aangestel, het die bevoegdheid om —

- (i) enige persoon wie se getuienis ter sake skyn te wees vir die afhandeling van die onderwerp van die ondersoek, te dagvaar;
- (ii) enige persoon wat aldus gedagvaar is of wat verskyn om by sodanige ondersoek te getuig, 'n eed op te lê, of
- (iii) die voorlegging te beveel by sodanige ondersoek deur enige persoon van enige boek of dokument in sy besit of onder sy beheer, en wat op die onderwerp van sodanige ondersoek betrekking het.

(c) Iemand wat sonder redelike verskoning versuim om teenwoordig te wees ter gehoorsaming aan 'n dagvaarding of wat weier om 'n eed af te lê of wat versuim om na sy beste wete enige vraag aan hom gestel wat betrekking het op die ondersoek, volledig te beantwoord of wat wanheer dit vereis word, weier of versuim om enige sodanige boek of dokument, soos voorgelyf, voor te lê of wat enige persoon by die aflegging van sodanige getuienis as wat van hom vereis word, hinder of belemmer of intimideer, is —

- (i) in die geval van 'n beampete, skuldig aan wan gedrag en daar kan met hom ingevolge regulasie 15 gehandel word; en
- (ii) in die geval van enige ander persoon, skuldig aan 'n misdryf en by skuldig bevinding strafbaar met 'n boete van hoogstens R100 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens 3 maande:

Met dien verstande dat sodanige persoon nie verplig is om enige vraag wat hom aan 'n kriminele vervolging kan blootstel, te beantwoord nie.

(2) Die persoon wat die ondersoek moet instel, stel in oorleg met die Directeur die datum, tyd en plek van die ondersoek vas, en die Directeur gee aan die betrokke beampete redelike skriftelike kennis van die datum, tyd en plek aldus vasgestel en verstrek aan hom 'n skriftelike verklaring van die gronde waarop daar beweer word dat hy ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend na te kom nie.

(3) Die Directeur kan enige persoon magtig om die ondersoek, by te woon en om getuienis en argumente aan te voer ter stawing van die bewering in subregulasie (2) genoem en om enige persoon wat getuienis afgelê het ter weerlegging van daardie bewering, te kruis vra.

(4)(a) By die ondersoek het die betrokke beampete die reg om teenwoordig te wees en aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat as getuie opgeroep is ter stawing van die bewerings in subregulasie (2) genoem, te kruisvra, om enige boek of dokument wat as getuienis voorgelê is, te ondersoek, om self getuienis af te lê en om enige ander persoon as getuie op te roep.

(b) Die persoon wat die ondersoek instel, moet re kord hou van die verrigtinge by die ondersoek en van al die getuienis wat aldaar afgelê word.

his duties or incapable of performing them efficiently, the Director may appoint a person to inquire into the subject matter of that report.

(b) The person so appointed shall have the power to —

- (i) summon any person whose evidence appears to be material to the determination of the subject of the inquiry;
- (ii) administer an oath to any person so summoned or who appears to give evidence at such inquiry; or
- (iii) order the production at such inquiry by any person of any book or document in his possession or under his control and which is relevant to the subject of such inquiry.

(c) A person who without reasonable excuse fails to attend in obedience to a summons or who refuses to be sworn or who fails to answer fully to the best of his knowledge and belief any question put to him which is relevant to the inquiry or who, when required, refuses or fails to produce any such book or document aforesaid or who hinders or obstructs or intimidates any person in the giving of such evidence as may be required of him shall —

- (i) in the case of an officer, be guilty of misconduct and he may be dealt with in terms of Regulation 15; and
- (ii) in the case of any other person, be guilty of an offence and liable on conviction to a fine not exceeding R100 or, in default of payment, to imprisonment for a period not exceeding 3 months:

Provided that no such person shall be compelled to answer any question which may render him liable to a criminal prosecution.

(2) The person who is to hold the inquiry shall, in consultation with the Director, fix the date, time and place of the inquiry, and the Director shall give the officer concerned reasonable notice in writing of the date, time and place so fixed and shall furnish him with a written statement of the grounds on which it is alleged that he is unfitted for his duties or incapable of performing them efficiently.

(3) The Director may authorize any person to attend the inquiry and to adduce evidence and arguments in support of the allegations referred to in subregulation (2) and to cross-examine any person who has given evidence to rebut those allegations.

(4)(a) At the inquiry the officer concerned shall have the right to be present and to be heard, either personally or through a representative, to cross-examine any person called as a witness in support of the allegations referred to in subregulation (2), to inspect any book or document produced in evidence, to give evidence himself and to call any other person as a witness.

(b) The person holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) Die versium van die betrokke beampete om die ondersoek by te woon, hetsy persoonlik of deur 'n verteenwoordiger, maak die verrigtinge nie ongeldig nie.

(5) Na aloop van die ondersoek moet die persoon wat dit instel, bevind of die betrokke beampete ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend na te kom nie, die betrokke beampete van sy bevinding verwittig en die uitslag van die ondersoek aan die Direkteur rapporteer.

(6) As die persoon wat die ondersoek ingestel het, bevind het dat die betrokke beampete ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend na te kom nie, kan sodanige beampete binne 14 dae van die datum af waarop hy van die bevinding verwittig is, by die Raad teen daardie beslissing appelleer deur aan die persoon wat die ondersoek ingestel het, 'n skriftelike kennisgewing van appèl te gee waarin hy volledig die gronde waarop die appèl gebaseer word, moet uit-eensit.

(7) As die persoon wat die ondersoek ingestel het, bevind het dat die betrokke beampete ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend na te kom nie, moet hy die rekord van die verrigtinge by die ondersoek en enige dokumentêre getuienis wat aldaar toegelaat is, 'n skriftelike uiteenstelling van sy bevindings en sy redes daarvoor en enige opmerking oor die saak wat hy wil maak, deur die Direkteur aan die Raad stuur, en as kennis van appèl ingevolge die bepalings van subregulasie (6) gegee is, moet hy op dieselfde wyse die kennisgewing en gronde van appèl saam met genoemde rekord aanstuur en hy moet aan die betrokke beampete 'n afskrif van die redes vir sy bevinding verstrek.

(8) As die betrokke beampete binne 7 dae van die datum af waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die Direkteur aansoek doen om 'n afskrif van die rekord van die verrigtinge by die ondersoek, moet die Direkteur 'n afskrif aan hom verstrek.

(9) Die betrokke beampete kan binne 14 dae van die datum af waarop hy die afskrif van die rekord van die verrigtinge ontvang het, of as hy nie om 'n afskrif van die rekord aansoek gedoen het nie, binne 21 dae van die datum af waarop hy die afskrif van die redes vir die bevinding ontvang het, skriftelike vertoe ter stawing van sy appèl deur die Direkteur aan die Raad voorlê.

(10) As die betrokke beampete ingevolge die bepalings van subregulasie (6) geappelleer het, kan die Direkteur te eniger tyd voordat die Raad ingevolge subregulasie (12) 'n beslissing daaroor gegee het, enige vertoe wat hy wil rig ter stawing van die bevinding waarteen geappelleer is, aan die Raad voorlê, en hy moet 'n afskrif van sodanige vertoe aan die betrokke beampete verstrek.

(11)(a) Die betrokke beampete kan binne 14 dae van die datum af waarop hy 'n afskrif van die vertoe in subregulasie (10) genoem, ontvang het, enige skriftelike repliek wat hy op sodanige vertoe wil lewer, deur die Direkteur aan die Raad voorlê.

(b) Die Direkteur het geen reg om verdere vertoe in antwoord op sodanige repliek voor te lê nie, behalwe met verlof van die Raad.

(12)(a) Na oorweging van voormalde rekord en dokumente, kan die Raad die appèl in sy geheel of gedeeltelik toestaan en die bevinding tersyde stel of wysig of die appèl afwys en die bevinding in sy geheel of gedeeltelik bekratig, of kan die Raad, voordat hy tot

(c) The failure of the officer concerned to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

(5) At the conclusion of the inquiry, the person holding it shall find whether or not the officer concerned is unfitted for his duties or incapable of performing them efficiently, shall inform the officer concerned of his finding and shall report the result of the inquiry to the Director.

(6) If the person who held the inquiry has found that the officer concerned is unfitted for his duties or incapable of performing them efficiently, such officer may within 14 days as from the date upon which he was informed of the finding, appeal against that decision to the Board by giving the person who held the inquiry a written notice of appeal wherein he shall set forth fully the grounds upon which the appeal is based.

(7) If the person who held the inquiry has found that the officer concerned is unfitted for his duties or incapable of performing them efficiently, he shall forward to the Board, through the Director, the record of the proceedings at the inquiry and any documentary evidence admitted thereto, a written statement of his findings and his reasons therefor and any observation on the case which he may desire to make, and, if notice of appeal has been given in terms of subregulation (6), he shall in like manner forward with the said record the notice and grounds of appeal and shall furnish the officer concerned with a copy of the reasons for his finding.

(8) If the officer concerned applies to the Director for a copy of the record of the proceedings at the inquiry within 7 days as from the date upon which he for the finding, submit to the Board through the Director shall furnish him with a copy.

(9) The officer concerned may within 14 days from the date upon which he received the copy of the record of the proceedings or, if he did not apply for a copy of the record, within twenty-one days from the date upon which he received the copy of the reasons for the finding, submit to the Board through the Director, written representations in support of his appeal.

(10) If the officer concerned has appealed in terms of subregulation (6), the Director may at any time before the Board has given a decision thereon in terms of subregulation (12), submit to the Board any representations which he desires to make in support of the finding against which the appeal is brought, and he shall furnish a copy of such representations to the officer concerned.

(11)(a) The officer concerned may within 14 days after the date upon which he received a copy of the representations referred to in subregulation (10), submit to the Board, through the Director, any reply in writing he wish to make to such representations.

(b) The Director shall have no right to submit further representations in answer to such reply, except with the leave of the Board.

(12)(a) After consideration of the aforesaid record and documents, the Board may allow the appeal wholly or in part and set aside or alter the finding or dismiss the appeal and confirm the finding or dismiss the appeal and confirm the finding wholly or in part, or the

'n finale beslissing oor die appèl geraak, enige vraag in verband met die ondersoek na die persoon wat dit ingestel het, terugverwys en hom gelas om daaroor verslag te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding daaroor te geraak.

(b) As die Raad gelas dat 'n verdere ondersoek ingestel moet word, is die bepalings van paragrawe (b) en (c) van subregulasie (1) en die bepalings van subregulasies (2), (3), (4) en (5) *mutatis mutandis* van toepassing.

(13) Wanneer die Raad tot 'n finale beslissing oor 'n appèl geraak het, laat hy daardie beslissing skriftelik aan die betrokke beampete meedeel.

(14) As die persoon wat die ondersoek ingestel het, bevind het dat die betrokke beampete ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend na te kom nie en die betrokke beampete nie teen die bevinding soos hierbo bepaal, geappelleer het nie, of as hy aldus geappelleer het en sy appèl is, of in sy geheel of gedeeltelik, afgewys, kan die Raad bepaal —

- (a) dat geen verdere stappe in die saak gedoen word nie;
- (b) dat die betrokke beampete na 'n ander pos in die diens oorgeplaas word in dieselfde of in 'n laer graad met sodanige salaris op sodanige skaal as waartoe die Raad besluit;
- (c) dat sy salaris of graad of beide sy salaris en graad verlaag word in 'n bepaalde mate of dat sy jaarlikse verhoging vir sodanige tydperk teruggehou word as wat hy vasstel; of
- (d) dat hy ontslaan word of aangesê word om uit die diens te bedank van 'n datum af wat deur die Raad bepaal word: Met dien verstande dat as die betrokke beampete wat aangesê is om uit die diens te bedank, versuim om aldus te bedank, hy geag word daaruit ontslaan te gewees het met ingang van 'n datum wat deur die Raad vasgestel word.

#### Onbekwaamheid van Direkteur.

13.(1) As die Raad aan die Administrateur deur die Provinciale Sekretaris verslag doen dat, na sy mening die Direkteur onbekwaam is vir sy pligte of nie in staat is om hulle doeltreffend na te kom nie, kan die Administrateur iemand aanstel om ondersoek na die inhoud van daardie verslag te doen en die bepalings van regulasie 12(1)(b) en (c) is daarna *mutatis mutandis* van toepassing.

(2) Die persoon wat die ondersoek moet instel, stel in oorleg met die Provinciale Sekretaris, die datum, tyd en plek van die ondersoek vas, en die Provinciale Sekretaris gee aan die Direkteur redelike skriftelike kennis van die datum, tyd en plek aldus vasgestel en verstrek aan hom 'n skriftelike verklaring van die gronde waarop daar beweer word dat hy ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend uit te voer nie.

(3) Die Provinciale Sekretaris kan enige persoon magtig om die ondersoek by te woon en om getuenis en argumente aan te voer ter stawing van die bewering in subregulasie (2) genoem en om enige persoon wat getuenis afgelê het ter weerlegging van daardie bewering, te kruisvraa.

(4)(a) By die ondersoek het die Direkteur die reg om teenwoordig te wees en aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon

Board may, before arriving at a final decision on the appeal, remit any questions in connection with the inquiry to the person who held it, and direct him to report thereon or to hold a further inquiry and arrive at a finding thereon.

(b) If the Board directs the holding of a further inquiry, the provisions of paragraphs (b) and (c) of sub-regulation (1) and the provisions of subregulations (2), (3), (4) and (5) shall apply *mutatis mutandis*.

(13) When the Board has arrived at a final decision on an appeal it shall cause that decision to be conveyed in writing to the officer concerned.

(14) If the person who held the inquiry has found that the officer concerned is unfitted for his duties or incapable of performing them efficiently and the officer concerned has not appealed against the finding as hereinbefore provided or, if he has so appealed and his appeal has been dismissed, either wholly or in part, the Board may determine —

- (a) that no further action be taken in the matter;
- (b) that the officer concerned be transferred to another post in the same or in a lower grade with such salary on such scale as the Board may decide;
- (c) that his salary or grade or both his salary and grade be reduced to a specified extent or that his annual increment be withheld for such period as it may determine; or
- (d) that he be discharged or be called upon to resign from the service as from a date to be specified by the Board: Provided that if the officer concerned has been called upon to resign from the service, fails so to resign, he shall be deemed to have been discharged therefrom as from a date to be specified by the Board.

#### Inefficiency of Director.

13.(1) If the Board reports to the Administrator, through the Provincial Secretary, that the Director is, in its opinion, unfitted for his duties or incapable of performing them efficiently, the Administrator may appoint a person to inquire into the subject matter of that report and thereupon the provisions of regulation 12(1)(b) and (c) shall apply *mutatis mutandis*.

(2) The person who is to hold the inquiry shall, in consultation with the Provincial Secretary, fix the date, time and place of the inquiry, and the Provincial Secretary shall give the Director reasonable notice in writing of the date, time and place so fixed and shall furnish him with a written statement of the grounds on which it is alleged that he is unfitted for his duties or incapable of performing them efficiently.

(3) The Provincial Secretary may authorize any person to attend the inquiry and to adduce evidence and arguments in support of the allegations referred to in subregulation (2) and to cross-examine any person who has given evidence to rebut those allegations.

(4)(a) At the inquiry the Director shall have the right to be present and to be heard, either personally or through a representative, to cross-examine any person

wat as getuie opgeroep is ter stawing van die bewerings in subartikel (2) genoem, te kruisvra om enige boek of dokument wat as getuienis voorgele is, te ondersoek, om self getuienis af te lê en om enige ander persoon as getuie op te roep.

(b) Die persoon wat die ondersoek instel, moet 'n rekord hou van die verrigtinge by die ondersoek en van al die getuienis wat aldaar afgelê word.

(c) Die versuim van die Direkteur om die ondersoek by te woon, het sy persoonlik of deur 'n verteenwoordiger, maak die verrigtinge nie ongeldig nie.

(5) Na afloop van die ondersoek moet die persoon wat dit instel, bevind of die Direkteur ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend na te kom nie, die Direkteur van sy bevinding verwittig en die uitslag van die ondersoek aan die Administrateur, deur die Provinciale Sekretaris, rapporteer.

(6) As die persoon wat die ondersoek ingestel het, bevind het dat die Direkteur ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend na te kom nie, kan die Direkteur binne 14 dae van die datum af waarop hy van die bevinding verwittig is, by die Administrateur teen daardie bevinding appelleer deur aan die persoon wat die ondersoek ingestel het, 'n skriftelike kennisgewing van appèl te gee waarin hy volledig die gronde waarop die appèl gebaseer word, moet uitteken.

(7) As die persoon wat die ondersoek ingestel het, bevind het dat die Direkteur ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend uit te voer nie, moet hy die rekord van die verrigtinge by die ondersoek en enige dokumentêre getuienis wat aldaar toegelaat is, 'n skriftelike uiteenstelling van sy bevinding en sy redes daarvoor en enige opmerking oor die saak wat hy wil maak, deur die Provinciale Sekretaris aan die Administrateur stuur, en as kennis van appèl ingevolge die bepalings van subregulasie (6) gegee is, moet hy op dieselfde wyse die kennisgewing en gronde van appèl saam met die rekord aanstuur en moet hy aan die Direkteur 'n afskrif van die redes vir sy bevinding verstrek.

(8) As die Direkteur binne 7 dae van die datum af waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die Provinciale Sekretaris aansoek doen om 'n afskrif van die rekord van die verrigtinge by die ondersoek, moet die Provinciale Sekretaris 'n afskrif aan hom verstrek.

(9) Die Direkteur kan binne 14 dae van die datum af waarop hy die afskrif van die rekord van die verrigtinge ontvang het, of as hy nie om 'n afskrif van die rekord aansoek gedoen het nie, binne 21 dae van die datum af waarop hy die afskrif van die redes vir die bevinding ontvang het, skriftelik vertoë ter stawing van sy appèl deur die Provinciale Sekretaris aan die Administrateur voorlê.

(10) As die Direkteur ingevolge die bepalings van subregulasie (6) geappelleer het, kan die Provinciale Sekretaris te eniger tyd voordat die Administrateur ingevolge subregulasie (12) 'n beslissing daaroor gegee het, enige vertoë wat hy wil rig ter stawing van die bevinding waarneem geappelleer is, aan die Administrateur voorlê; en hy moet 'n afskrif van sodanige vertoë aan die Direkteur verstrek.

(11)(a) Die Direkteur kan binne 14 dae van die datum af waarop hy 'n afskrif van die vertoë in subre-

called as a witness in support of the allegations referred to in subregulation (2), to inspect any book or document produced in evidence, to give evidence himself and to call any other person as a witness.

(b) The person holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) The failure of the Director to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

(5) At the conclusion of the inquiry, the person holding it shall find whether or not the Director is unfitted for his duties or incapable of performing them, efficiently, shall inform the Director of his finding and shall report the result of the inquiry to the Administrator, through the Provincial Secretary.

(6) If the person who held the inquiry has found that the Director is unfitted for his duties or incapable of performing them efficiently, the Director may within 14 days as from the date upon which he was informed of the finding, appeal against that finding to the Administrator by giving to the person who held the inquiry a written notice of appeal wherein he shall set forth fully the grounds upon which the appeal is based.

(7) If the person who held the inquiry has found that the Director is unfitted for his duties or incapable of performing them efficiently, he shall forward to the Administrator, through the Provincial Secretary, the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a written statement of his findings and his reasons therefor and any observation on the case which he may desire to make, and, if notice of appeal has been given in terms of subregulation (6), he shall in like manner forward with the record the notice and grounds of appeal and shall furnish the Director with a copy of the reasons for his finding.

(8) If the Director applies to the Provincial Secretary for a copy of the record of the proceedings at the inquiry within 7 days from the date upon which he received the copy reasons for the finding, the Provincial Secretary shall furnish him with a copy.

(9) The Director may within 14 days from the date upon which he received the copy of the record of the proceedings or, if he did not apply for a copy of the record, within 21 days from the date upon which he received the copy of the reasons for the finding, submit to the Administrator, through the Provincial Secretary, written representations in support of his appeal.

(10) If the Director has appealed in terms of subregulation (6), the Provincial Secretary may at any time before the Administrator has given a decision thereon in terms of subregulation (12), submit to the Administrator any representations which he desires to make in support of the finding against which the appeal is brought, and he shall furnish a copy of such representations to the Director.

(11)(a) The Director may within 14 days from the date upon which he received a copy of the representations referred to in subregulation (10), submit to the

gulasie (10) genoem, ontvang het, enige skriftelike repliek wat hy op sodanige vertoë wil lewer, deur die Proviniale Sekretaris aan die Administrateur voorlê.

(b) Die Proviniale Sekretaris het geen reg om verdere vertoë in antwoord op sodanige repliek voor te lê nie, behalwe met verlof van die Administrateur.

(12)(a) Na oorweging van voormalde rekord en dokumente, kan die Administrateur die 'appèl' in sy geheel of gedeeltelik toestaan en die bevinding tersyde stel of wysig of die appèl afwys en dier bevinding in sy geheel of gedeeltelik bekratig, of kan die Administrateur, voordat hy tot 'n finale beslissing oor die appèl geraak, enige vraag in verband met die ondersoek na die persoon wat dit ingestel het, terugverwys en hom gelas om daaroor verslag te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding daaroor te geraak.

(b) As die Administrateur gelas dat 'n verdere ondersoek ingestel moet word, is die bepalings van regulasie 12(1)(b), (1)(c), (2), (3), (4) en (5) *mutatis mutandis* van toepassing.

(13) Wanneer die Administrateur tot 'n finale beslissing oor 'n appèl geraak het, laat hy daardie beslissing skriftelik aan die Direkteur medeele.

(14) As die persoon wat die ondersoek ingestel het, bevind het dat die Direkteur ongeskik is vir sy pligte of nie in staat is om dit doeltreffend na te kom nie en die Direkteur nie teen die bevinding soos hierbo geval, geappelleer het nie, of as hy aldus geappelleer het en sy appèl is, of in sy geheel of gedeeltelik afgewys, kan die Administrateur bepaal dat —

- (a) geen verdere stappe in die saak gedoen word nie;
- (b) die Direkteur na 'n ander pos in die diens oorgeplaas word in dieselfde of 'n laer graad met sodanige salaris op sodanige skaal as waartoe die Administrateur besluit;
- (c) sy salaris of graad of beide sy salaris en graad verlaag word in 'n bepaalde mate of dat sy jaarlike verhoging vir sodanige tydperk teruggehou word as wat hy vasstel; of
- (d) hy ontslaan word of aangesê word om uit die diens te bedank van 'n datum af wat deur die Administrateur bepaal word: Met dien vertsande dat as die Direkteur wat aangesê is om uit die diens te bedank, versuim om aldus te bedank, hy geag word daaruit ontslaan te gewees het met ingang van 'n datum wat deur die Administrateur vasgestel word.

#### Omskrywing van Wangedrag

14. Die Direkteur of 'n beampte is aan wangedrag skuldig en daar kan met hom ooreenkomsdig die bepalings van regulasie 15 of 16 gehandel word as hy —

- (a) enige bepaling van die Ordonnansie of 'n regulasie daarkragtens gemaak, oortree of versuim om daar-aan te voldoen;
- (b) 'n daad wat nadelig is vir die administrasie, discipline of doeltreffendheid van die Raad doen, laat doen of toelaat of oogluikend toelaat dat dit gedoen word;
- (c) 'n wettige bevel wat aan hom gegee word deur 'n persoon wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, dit verontgaam of opsetlik versuim om dit uit te voer, of hom deur woord of gedrag aan insubordinansie skuldig maak;

Administrator, through the Provincial Secretary, any reply in writing he may wish to make to such representations.

(b) The Provincial Secretary shall have no right to submit further representations in answer to such reply, except with leave of the Administrator.

(12)(a) After consideration of the aforesaid record and documents, the Administrator may allow the appeal wholly or in part and set aside or alter the finding or dismiss the appeal and confirm the finding or dismiss the appeal and confirm the finding wholly or in part, or the Administrator may, before arriving at a final decision on the appeal, remit any question in connection with the inquiry to the person who held it, and direct him to report thereon or to hold a further inquiry and arrive at a finding thereon.

(b) If the Administrator directs the holding of a further inquiry the provisions of regulation 12(1)(b), (1)(c), (2), (3), (4) and (5) shall apply *mutatis mutandis*.

(13) When the Administrator has arrived at a final decision on an appeal he shall cause that decision to be conveyed in writing to the Director.

(14) If the person who held the inquiry has found that the Director is unfitted for his duties or incapable of performing them efficiently and the Director has not appealed against the finding as hereinbefore provided or, if he has so appealed and his appeal has been dismissed, either wholly or in part, the Administrator may determine that —

- (a) no further action be taken in the matter;
- (b) the Director be transferred to another post in the same or a lower grade with such salary on such scale as the Administrator may decide;
- (c) his salary or grade or both his salary and grade be reduced to a specified extent or that his annual increment be withheld for such period as he may determine; or
- (d) he be discharged or be called upon to resign as from a date to be specified by the Administrator: Provided that if the Director who has been called upon to resign fails so to resign, he shall be deemed to have been discharged as from a date to be specified by the Administrator.

#### Definition of Misconduct

14. The Director or an officer shall be guilty of misconduct and he may be dealt with in accordance with the provisions of regulation 15 or 16 if he —

- (a) contravenes or fails to comply with any provisions of the Ordinance or a regulation made thereunder;
- (b) does, or causes, or permits to be done, or connives at, an act which is prejudicial to the administration, discipline, or efficiency of the Board;
- (c) disobeys, disregards, or makes wilful default in carrying out a lawful order given to him by a person having authority to give the same, or by word or conduct displays insubordination;

- (d) nalatig of traag is in die vervulling van sy pligte;
- (e) sonder toestemming van die Raad, enige private agentskap of private werk in enige aangeleentheid in verband met die verrigting van sy amptelike werksaamhede of die nakoming van sy ampspligte onderneem;
- (f) hom op 'n skandelike, onbehoorlike of onbetaamlike wyse gedra, of terwyl hy diens doen, hom aan growwe onbeleefdheid teenoor enige persoon skuldig maak;
- (g) buitensporig gebruik maak van sterk drank of bedwelmende middels;
- (h) insolvent word of 'n akkoord met sy skuldeisers aangaan of as 'n bevel tot siviele gyseling deur enige gereghof teen hom gegee is, tensy daar bewys word dat sy insolvensie of akkoord of die gee van 'n bevel tot siviele gyseling teen hom deur onvermydelike teenspoed veroorsaak is;
- (i) in geldelike moeilikheid geraak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakkare oorsaak nie en nie nadelig is vir die getroue nakoming van sy pligte nie;
- (j) sonder dat hy eers toestemming van die Raad verkry het, inligting wat hy ingewin of waaraan hy gekom het as gevolg van sy werk in die diens, openbaar maak anders as in die vervulling van sy ampspligte of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy ampspligte, het sy hy sodanige inligting openbaar maak of nie;
- (k) sonder die goedkeuring van die Raad enige kommissie, geld of beloning, geldelik of anders (wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie) aanneem of dit eis ten opsigte van die nakoming van sy pligte of die versuim om sy pligte na te kom, of versuim om die aanbod van so 'n kommissie, geld of beloning te rapporteer.
- (l) hom enige eiendom van die Raad wederrechtlik toe-eien of onbehoorlike gebruik daarvan maak onder sodanige omstandighede dat sy daad nie 'n kriminele misdryf uitmaak nie;
- (m) 'n kriminele misdryf pleeg;
- (n) sonder verlof of geldige rede van sy kantoor of diens wegfly;
- (o) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of op die veroorsaking van nadeel of skade aan die Raad of 'n persoon in diens by die Raad, 'n valse of onjuiste verklaring doen, wetende dat dit vals of onjuis is.

#### **Procedure in geval van Wangedrag van Beampete.**

15.(1) Wanneer 'n beampete van wangedrag beskuldig word, kan die Direkteur hom skriftelik onder sy handtekening van daardie wangedrag aankla en te eniger tyd sodanige aanklag wysig of terugtrek.

(2) Die Direkteur moet die aanklag aan die betrokke beampete laat bestel.

(3) Die aanklag moet 'n aansegging bevat of 'van 'n aansegging vergesel gaan waarby die betrokke beampete aangesê word om binne 'n redelike tydperk wat in die

- (d) is negligent or indolent in the discharge of his duties;
- (e) undertakes without the permission of the Board, any private agency or private work in any matter connected with the performance of his official functions or the performance of his official duties;
- (f) conducts himself in a disgraceful, improper or unbecoming manner or, whilst on duty, is grossly discourteous to any person;
- (g) uses intoxicants or stupefying drugs excessively;
- (h) becomes insolvent or comprises with his creditors or has a decree of civil imprisonment made against him by any court or law; unless it is shown that his insolvency or composition or the making of a decree of civil imprisonment against him has been occasioned by unavoidable misfortune;
- (i) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause, and is not prejudicial to the faithful performance of his duties;
- (j) without first having obtained the permission of the Board discloses, otherwise than in the discharge of his official duties, information gained by or conveyed to him through his employment in the service, or uses such information for any purpose other than the discharge of his official duties, whether or not he discloses such information;
- (k) accepts without the approval of the Board or demands in respect of the performance of or the failure to perform his duties, any commission, fee or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties), or fails to report the offer of any such commission, fee or reward;
- (l) misappropriates or improperly uses any property of the Board under such circumstances that his act does not constitute a criminal offence;
- (m) commits a criminal offence;
- (n) absents himself from his office or duty without leave or valid cause; or
- (o) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to the Board, or a person in the service of the Board, makes a false or incorrect statement knowing it to be false or incorrect.

#### **Procedure in case of Misconduct of an Officer.**

15.(1) When an officer is accused of misconduct, the Director may charge him in writing under his hand with that misconduct and may at any time amend or withdraw such charge.

(2) The Director shall cause the charge to be served upon the officer concerned.

(3) The charge shall contain or shall be accompanied by a direction calling upon the officer concerned to transmit or deliver, within a reasonable period specified

aanseggings vermeld word, aan 'n persoon wat insgelyks vermeld word, 'n skriftelike erkenning of ontkenning van die aanklag en, as hy dit verlang 'n skriftelike verklaring van die wangedrag waarvan hy aangekla word, te stuur of by hom af te lewer.

(4) Die Direkteur kan te eniger tyd voor of nadat die betrokke beampete kragtens subregulasie (1) aangekla is; die beampete in sy diens skors.

(5) Die betrokke beampete wat ingevolge subregulasie (4) in sy diens geskors is, is nie op enige emolumente vir die tydperk van sy skorsing geregtig nie: Met dien vertstands dat die Raad, na goeddunke, kan gelaas dat die geheel of 'n gedeelte van sy emolumente aan die betrokke beampete betaal word.

(6) As geen aanklag ingevolge hierdie regulasie teen die beampete wat in sy diens geskors is, ingebring word nie of as 'n aanklag teen die betrokke beampete teruggetrek word, word hy toegelaat om weer diens te aanvaar en word sy volle emolumente vir die tydperk van sy skorsing aan hom betaal.

(7) Die Direkteur kan die skorsing te eniger tyd intrek, maar ondanks die intrekking van die skorsing, kan die verrigtinge in verband met die aanklag van wangedrag voortgesit word.

(8) As die betrokke beampete wat ingevolge die bepalings van hierdie regulasie aangekla is, die aanklag erken, word hy geag skuldig te wees aan die wangedrag waarvan hy aangekla is.

(9) As die betrokke beampete die aanklag ontken of versuim om aan 'n aanseggings in subregulasie (3) genoem, te voldoen; stel die Direkteur 'n persoon aan wat na sy mening daarvoor bevoeg is, om ondersoek na die aanklag in te stel.

(10) Die persoon wat aangestel is om die ondersoek in te stel, kan —

- (a) enige persoon dagvaar wie se getuienis ter saké skyf te wees vir die afhandeling van die onderwerp van die ondersoek;
- (b) enige persoon wat aldus gedagvaar is of wat verskyn om by sodanige ondersoek te getuig, 'n eed ople;
- (c) die voorlegging beveel by sodanige ondersoek deur enige persoon van enige boek of dokument in sy besit of onder sy beheer en wat op die onderwerp van sodanige ondersoek betrekking het.

(11) Iemand wat sonder redelike verskoning versuim om teenwoordig te wees ter gehoorsaming aan 'n dagvaarding of wat weier om 'n eed af te lê of wat versuim om na sy beste wete enige vraag aan hom gestel wat op die ondersoek betrekking het, volledig te beantwoord' of wat, wanneer dit vereis word, weier of versuim om enige sodanige boek of dokument, soos voorgemeld, voor te lê of wat enige persoon by die alegging van sodanige getuenis as wat van hom vereis word, hinder of belemmer of intimideer, is —

- (a) in die geval van 'n beampete, skuldig aan wanagedrag en daar kan teen hom ingevolge hierdie regulasie opgetree word; en
- (b) in die geval van enige ander persoon, skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of, by wanbetaling, met gevangenistraf vir 'n tydperk van hoogstens 3 maande:

in the direction, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charged.

(4) The Director may at any time before or after the officer concerned has been charged under subregulation (1), suspend the officer concerned from duty.

(5) The officer concerned who has been suspended from duty in terms of subregulation (4), shall not be entitled to any emoluments for the period of his suspension: Provided that the Board may, in its discretion, order payment to the officer concerned of the whole or portion of his emoluments.

(6) If no charge under this regulation is preferred against the officer concerned who has been suspended from duty or if a charge against the officer concerned is withdrawn, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension.

(7) The Director may at any time cancel the suspension, but notwithstanding the cancellation of the suspension, the proceedings on the charge of misconduct may be continued.

(8) If the officer concerned who has been charged in terms of this regulation admits the charge, he shall be deemed to be guilty of the misconduct with which he has been charged.

(9) If the officer concerned denies the charge, or fails to comply with a direction referred to in subregulation (3) the Director shall appoint a person who, in his opinion, is qualified therefor, to inquire into the charge.

(10) The person appointed to hold the inquiry may —

- (a) summon any person whose evidence appears to be material to the determination of the subject of the inquiry;
- (b) administer an oath to any person so summoned or who appears to give evidence at such inquiry;
- (c) order the production at such inquiry by any person of any book or document in his possession or under his control and which is relevant to the subject of such inquiry.

(11) A person who without reasonable excuse fails to attend in obedience to a summons, or who refuses to be sworn, or who fails to answer fully to the best of his knowledge and belief any question put to him which is relevant to the inquiry, or who, when required, refuses or fails to produce any such book or document aforesaid, or who hinders or obstructs or intimidates any person in the giving of such evidence as may be required of him, shall —

- (a) in the case of an officer, be guilty of misconduct and he may be dealt with in terms of this regulation; and
- (b) in the case of any other person, be guilty of an offence and liable on conviction to a fine not exceeding R100 or in default of payment, to imprisonment for a period not exceeding 3 months:

Met dien verstande dat niemand verplig is om enige vraag wat hom aan 'n kriminele aanklag kan blootstel, te beantwoord nie.

(12) Die persoon wat die ondersoek moet instel, stel in oorleg met die Direkteur die datum, tyd en plek van die ondersoek vas; en die Direkteur moet die betrokke beampete redelike skriftelike kennis gee van die datum, tyd en plek wat aldus vasgestel is.

(13) Die Direkteur kan 'n persoon magtig om die ondersoek by te woon en om getuenis en argumente aan te voer ter stawing van die aanklag en om enige persoon wat as 'n getuie vir die verdediging opgeroep word, te kruisvra.

(14)(a) By die ondersoek het die betrokke beampete die reg om teenwoordig te wees en om aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat as getuie ter stawing van die aanklag opgeroep is, te kruisvra, om enige boek of dokument wat as getuenis voorgelê word, te ondersoek, om self getuenis af te lê en om enige ander persoon as getuie op te roep.

(b) Die persoon wat die ondersoek instel, moet rekord hou van die verrigtinge by die ondersoek en van al die getuenis wat aldaar afgelê is.

(c) Die versuim van die betrokke beampete om die ondersoek by te woon, hetsy persoonlik of deur 'n verteenwoordiger, maak die verrigtinge nie ongeldig nie.

(15) Die vryspreking of die skuldigbevinding van die betrokke beampete deur 'n gereghof op 'n aanklag van 'n kriminele misdryf, belet nie dat stappe ingevolge hierdie artikel op 'n aanklag van wangedrag teen hom gedoen word nie, ondanks die feit dat die feite uiteengesit in die aanklag van wangedrag, as dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op voorafgaande kriminele aanklag skuldig bevind kon geword het.

(16) As die wangedrag waarvan die betrokke beampete aangekla word, neerkom op 'n misdryf waaraan hy deur 'n gereghof skuldig bevind is, is 'n gewaarmerkte afskrif van die rekord van sy verhoor en skuldigbevinding deur daardie hof, nadat die betrokke beampete geïdentifiseer is as die persoon wat in sodanige rekord van verrigtinge genoem is, voldoende bewys dat hy skuldig is aan sodanige misdryf, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel is: Met dien verstande dat die betrokke beampete die reg het om getuenis aan te voer dat hy in werklikheid verkeerdelik skuldig bevind is of dat hy nie aan sodanige misdryf skuldig was nie.

(17) Ná afloop van die ondersoek moet die persoon wat dit instel, bevind of die betrokke beampete skuldig is of nie skuldig is aan die wangedrag waarvan hy aangekla is nie, die betrokke beampete van sy bevinding verwittig en aan die Raad oor die uitslag van die ondersoek verslag doen.

(18) As die betrokke beampete ingevolge subregulasie (4) in sy diens geskors is en die persoon wat die ondersoek instel, bevind dat hy onskuldig is aan die wangedrag waarvan hy aangekla is, moet die betrokke beampete toegelaat word om dadelik weer diens te aanvaar en moet aan hom sy volle emoluments vir die tydperk van sy skorsing betaal word.

Provided that no person shall be compelled to answer any question which may render him liable to a criminal charge.

(12) The person who is to hold the inquiry shall, in consultation with the Director, fix the date, time and place of the inquiry; and the Director shall give the officer concerned reasonable notice in writing of the date, time and place so fixed.

(13) The Director may authorize a person to attend the inquiry, and to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.

(14)(a) At the inquiry the officer concerned shall have the right to be present and to be heard, either personally or through a representative, to cross-examine any person called as a witness in support of the charge, to inspect any book or document produced in evidence, to give evidence himself and to call any other person as a witness.

(b) The person holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) The failure of the officer concerned to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

(15) The acquittal or the conviction of the officer concerned by a court of law upon a charge of a criminal offence, shall not be a bar to proceedings against him in terms of this regulation on a charge of misconduct, notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or another offence on which he might have been convicted at his trial on the said criminal charge.

(16) If the misconduct with which the officer concerned is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and condition by that court shall, upon the identification of the officer concerned as the person referred to in such record of proceedings, be sufficient proof of the commission by him of such offence, unless the conviction or finding has been set aside by a superior court: Provided that it shall be competent for the officer concerned to adduce evidence that he was in fact wrongly convicted, or that he was not guilty of such offence.

(17) At the conclusion of the inquiry, the person holding it shall find whether the officer concerned is guilty or not guilty of the misconduct with which he has been charged, shall inform the officer concerned of his finding, and shall report the result of the inquiry to the Board.

(18) If the officer concerned is under suspension from duty in terms of subregulation (4) and the person holding the inquiry finds that he is not guilty of the misconduct with which he has been charged, the officer concerned shall be allowed forthwith to resume duty and be paid his full emoluments for the period of his suspension.

(19) As die persoon wat die ondersoek instel die betrokke beampete skuldig bevind het aan die wangedrag waarvan hy aangekla is, is die bepalings van regulasie 12(6) *mutatis mutandis* van toepassing.

(20) As die persoon wat die ondersoek ingestel het die betrokke beampete skuldig bevind het aan die wangedrag waarvan hy aangekla is, moet hy die rekord van die verrigtinge by die ondersoek en enige dokumentêre getuenis aldaar toegelaat, 'n uiteenstelling van sy bevinding en sy redes daarvoor en enige opmerkings oor die saak wat hy wil maak deur die Direkteur aan die Raad stuur.

(21) As die beampete wat aan wangedrag skuldig bevind is, kennis van appèl ooreenkomsdig die voormalde bepalings gegee het, moet die persoon wat die ondersoek ingestel het, saam met die rekord en ander dokumente in subregulasie (20) genoem, die appellant se kennisgewing en gronde van appèl deur die Direkteur aan die Raad stuur, en 'n afskrif van die redes vir die bevinding waarteen die appèl aangeteken is, aan die appellant verstrek.

(22) As kennis van appèl ooreenkomsdig die voormalde bepalings gegee is, is die bepalings van subregulasies (8) tot en met (13), albei ingesluit, van regulasie 12 *mutatis mutandis* van toepassing.

(23) As die Raad die appellant wat in sy diens geskors is, toestaan, moet hy onverwyd toegelaat word om weer sy diens te aanvaar en moet aan hom sy volle emoluments vir die tydperk van sy skorsing betaal word.

(24) As die betrokke beampete die aanklag ingevolge subregulasie (8) erken of versium om aan die aanseging in subregulasie (3) genoem, te voldoen, of as geen appèl aangeteken is teen die bevinding van die persoon wat die ondersoek ingestel het ingevolge hierdie regulasie nie, of as 'n appèl aldus aangeteken is en die Raad sodanige appèl, in sy geheel of gedeeltelik, afgewys het, verwys die Raad die saak na die Direkteur saam met die rekord van die verrigtinge by die ondersoek en alle dokumente in sy besit wat op die ondersoek of die appèl betrekking het en die Direkteur kan dan by die Raad aanbeveel —

- (a) dat genoemde beampete gewaarsku of berispe word;
- (b) dat 'n boete van hoogstens R400 hom opgelê word, welke boete verhaal kan word deur aftrekking van sy emoluments en sodanige paaimeente as wat die Direkteur vasstel;
- (c) dat hy na 'n ander pos in die diens oorgeplaas word in dieselfde of 'n laer graad met sodanige salaris op sodanige skaal as waartoe die Raad besluit;
- (d) dat sy salaris of graad of beide sy salaris en graad in 'n bepaalde mate verlaag word of dat sy jaarlikse verhoging teruggehou word vir sodanige tydperk as wat die Raad vasstel; of
- (e) dat hy ontslaan of aangesê word om uit die diens van die Raad te bedank met ingang van 'n datum wat deur die Raad vasgestel word:

Met dien verstande dat —

- (i) enige boete in paragraaf (b) genoem, verhaal kan word deur aftrekking van die emoluments van die betrokke beampete in sodanige paaimeente as wat die Direkteur bepaal;

(19) If the person holding the inquiry has found the officer concerned guilty of the misconduct with which he has been charged, the provisions of regulation 12(6) shall apply *mutatis mutandis*.

(20) If the person who held the inquiry has found the officer concerned guilty of the misconduct with which he has been charged, he shall forward to the Board, through the Director, the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a statement of his findings and his reasons therefor and any observations on the case which he may desire to make.

(21) If the officer found guilty of misconduct has given notice of appeal in accordance with the provisions aforesaid, the person who held the inquiry shall forward to the Board, through the Director, the record and other documents referred to in subregulation (20), the appellant's notice and grounds of appeal and shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(22) If notice of appeal has been given in accordance with the provisions aforesaid, the provisions of subregulations (8) to (13), both inclusive, of regulation 12 shall apply *mutatis mutandis*.

(23) If the Board allows the appeal of an appellant who was suspended from duty, he shall forthwith be allowed to resume his duties and be paid his full emoluments for the period of his suspension.

(24) If the officer concerned admits the charge in terms of subregulation (8) or fails to comply with the direction referred to in subregulation (3), or if no appeal was noted against the finding of the person who held the inquiry in terms of this regulation, or if an appeal was noted and the Board has dismissed such appeal, wholly or in part, the Board shall refer the matter to the Director together with the record of the proceedings at the inquiry and all documents in his possession which relate to the inquiry or to the appeal and the Director may then recommend to the Board —

- (a) that the said officer be cautioned or reprimanded;
- (b) that a fine not exceeding R400 be imposed upon him which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Director;
- (c) that he be transferred to another post in the service in the same or a lower grade with such salary on such scale as the Board may decide;
- (d) that his salary or grade or both his salary and grade be reduced to a specified extent or that his annual increment be withheld for such period as the Board may determine; or
- (e) that he be discharged or be called upon to resign from the service of the Board as from a date to be specified by the Board:

Provided that —

- (i) any fine referred to in paragraph (b) may be recovered by deduction from the emoluments of the officer concerned in such instalments as the Director may determine;

(ii) behalwe wanneer 'n aanbeveling kragtens paraaf (e) gedoen word, die Direkteur nie belet word om 'n aanbeveling kragtens meer as een van die voorafgaande paragrawe te doen nie; en

(iii) die Direkteur die doen van 'n aanbeveling vir 'n tydperk van hoogstens 12 maande kan uitset.

(25) Die Raad kan volgens die aanbeveling van die Direkteur handel of enige ander weg inslaan wat hy wettiglik ingevolge subregulasie (24) kon aanbeveel het.

(26) As die beampete wat aangesê is om uit die diens te bedank, versuim om aldus te bedank, word hy geag daaruit ontslaan te gewees het met ingang van 'n datum wat deur die Raad vasgestel word.

(27) As daar met die beampete, wat ingevolge die bepalings van subregulasie (4) in sy diens geskors is, gehandel word ooreenkomsdig die bepalings van paraaf (a), (b) of (d) van subregulasie (24) of van paraaf (iii) van die voorbehoudsbepaling by daardie subregulasie moet hy onverwyld toegelaat word om weer diens te aanvaar en as daar met hom ooreenkomsdig die bepalings van paraaf (c) van subregulasie (24) gehandel word, moet hy so gou doenlik toegelaat word om diens te aanvaar in die pos waarna hy oorgeplaas word, en, in enige sodanige geval, moet sy volle emolumente vir die tydperk van sy skorsing aan hom betaal word. Met dien verstande dat as sy graad ingevolge genoemde paraaf (c) of (d) verlaag word, hy so gou doenlik toegelaat moet word om diens in 'n pos van die verlaagde graad te aanvaar, en aan hom vir die tydperk van sodanige skorsing, die emolumente van daardie pos betaal word, maar as hoér emolumente as die emolumente van daardie pos aan hom ingevolge subregulasie (5) betaal is, hy nie verplig is om die verskil terug te betaal nie.

(28) Die betrokke beampete wat ingevolge subregulasie (4) in sy diens geskorsk is of teen wie daar 'n aanklag ingevolge hierdie regulasie hangende is, en wat uit die diens bedank of wat, tensy toestemming van die Raad vers daartoe verkry is, ander werk aanvaar voordat sodanige aanklag ooreenkomsdig die bepalings van hierdie artikel finaal afgehandel is, word geag weens wangedrag ontslaan te gewees het met ingang van 'n datum wat deur die Raad vasgestel word.

#### Wangedrag van Direkteur.

16.(1) As die Direkteur van wangedrag beskuldig word, kan die Raad die saak aan die Administrateur rapporteer wat die Raad kan aansê om hom van daardie wangedrag aan te kla en as 'n ondersoek nodig word kragtens regulasie 15(9), soos van toepassing gemaak by subregulasie (2) van hierdie regulasie, kan die Administrateur 'n persoon of persone aanstel om 'n ondersoek in te stel.

(2) Die bepalings van subregulasies (2) tot (28), insluitend, van regulasie 15 is *mutatis mutandis* van toepassing op enige verrigtings wat volg op 'n aanseggings kragtens subregulasie (1) van hierdie regulasie en vir die doeleindes van sodanige toepassing word elke verwysing na die Direkteur in subregulasies (2), (4), (7), (9), (12), (13), (20), (21), (24) en (25) geag 'n verwysing te wees na die Raad, na die betrokke beampete in subregulasies (2), (3), (4), (5), (6), (8), (9), (11a), (12), (14), (15), (16), (17), (18), (19), (20), (21), (24), (26), (27) en (28) geag 'n verwysing te wees na die Direkteur en na die Raad in subregulasies (5), (17), (20), (21), (23),

(ii) except when a recommendation is made under paragraph (e), the Director shall not be precluded from making a recommendation under more than one of the foregoing paragraphs; and

(iii) the Director may postpone, for a period not exceeding 12 months, the making of a recommendation.

(25) The Board may adopt the course recommended by the Director or any other course which he could lawfully have recommended under subregulation (24).

(26) If the officer who has been called upon to resign fails so to resign, he shall be deemed to have been discharged as from a date to be specified by the Board.

(27) If the officer who has been suspended from duty in terms of subregulation (4) is dealt with in accordance with the provisions of paragraph (a), (b) or (d) of subregulation (24) or of paragraph (iii) of the proviso to that subregulation, he shall forthwith be allowed to resume duty and, if he is dealt with in accordance with the provisions of paragraph (c) of subregulation (24), he shall as soon as practicable be allowed to assume duty in the post to which he is transferred, and in any such case he shall be paid his full emoluments for the period of his suspension: Provided that, if his grade is reduced in terms of the said paragraph (c) or (d) he shall, as soon as practicable be allowed to assume duty in a post in the reduced grade and be paid the emoluments of that post, for the period of suspension, but if emoluments in excess of the emoluments of that post were paid to him under subregulation (5), he shall not be obliged to refund the excess.

(28) The officer concerned who is under suspension from duty in terms of subregulation (4) or against whom a charge is pending under this regulation and who resigns from the service or who, unless the consent of the Board thereto has first been obtained, assumes other employment before such charge has been dealt with to finality in accordance with the provisions of this regulation, shall be deemed to have been discharged on account of misconduct with effect from a date to be specified by the Board.

#### Misconduct of Director.

16.(1) If the Director is accused of misconduct the Board may report the matter to the Administrator who may direct the Board to charge him with that misconduct and if an inquiry becomes necessary under regulation 15(9), as applied by subregulation (2) of this regulation, the Administrator may appoint a person or persons to hold an inquiry.

(2) The provisions of subregulations (2) to (28) inclusive of regulation 15 shall apply *mutatis mutandis* to any proceedings following upon a direction under subregulation (1) of this regulation and for the purposes of such application every reference in subregulations (2), (4), (7), (9), (12), (13), (20), (21), (24) and (25) to the Director shall be construed as a reference to the Board, in subregulations (2), (3), (4), (5), (6), (8), (9), (11a), (12), (14), (15), (16), (17), (18), (19), (20), (21), (24), (26), (27) and (28) to the officer concerned shall be construed as a reference to the Director and in subregulations (5), (17), (20), (21), (23), (24), (25), (26) and

(24), (25), (26) en (28) geag 'n verwysing te wees na die Administrateur.

**Wyse waarop Kennisgewings of Inligting gegee of verstrek kan word.**

17. Wanneer daar ingvolge regulasies 12, 13, 15 of 16 bepaal word —

- (a) dat enige kennisgewing, verklaring of ander dokument aan enige persoon gegee of verstrek of bestel moet word of dat enige aangeleenthed skriftelik aan enige persoon meegedeel moet of kan word, kan die kennisgewing, verklaring, dokument of geskrif per aangetekende of gesertifiseerde pos aan hom gestuur word of aan hom afgelewer word of by sy laaste bekende woonplek gelaat word; of
- (b) dat enige persoon van 'n beslissing of bevinding verwittig moet word; kan hy mondeling of per geskrif wat per aangetekende of gesertifiseerde pos gestuur word of aan hom afgelewer word of by sy laaste bekende woonplek gelaat word, daarvan verwittig word.

**Vakansieverlof.**

18.(1) Uitgesonderd waar 'n beampte se verlof deur 'n nywerheids- of dergelike ooreenkoms gereël is, kan aan 'n beampte, behoudens die bepalings van hierdie Regulasies en behoudens die behoeftes van die diens, vakansieverlof met volle betaling toegestaan word.

(2) Elke aansoek om vakansieverlof word op 'n vorm deur die Raad bepaal, ingediend.

(3) Vakansieverlof word in die geval van die Direkteur deur die Raad en in die geval van enige ander beampte deur die Direkteur goedgekeur.

(4) Vakansieverlof wat reeds goedgekeur is, kan te eniger tyd ingetrek word.

(5) Vakansieverlof is oplopend en was aan soos volg:

	<i>Aanwas (dae per voltooide diens- jaar).</i>
(a) Voltydse Blanke beampte wat onderstaande diens voltooi het:	
Tien jaar of langer ... ... ... ... ...	36
Minder as tien jaar ... ... ... ...	30
(b) Tydelike Blanke beampte wat onderstaande diens voltooi het:	
Tien jaar of langer ... ... ... ...	36
Vyf jaar of langer maar minder as tien jaar ... ... ... ...	30
Miner as vyf jaar ... ... ... ...	24
(c) Nic-Blanke beampte wat onderstaande diens voltooi het:	
Tien jaar of langer ... ... ... ...	36
Vyf jaar of langer maar minder as tien jaar ... ... ... ...	30
Minder as vyf jaar ... ... ... ...	24
(d) Deeltydse beampte wat minstens $4\frac{1}{2}$ uur per	

(28) any reference to the Board shall be construed as a reference to the Administrator.

**Manner in which Notices or Information may be given or Furnished.**

17. Whenever in terms of regulation 12, 13, 15 or 16 it is provided —

- (a) that any notice, statement or other document, is to be given or furnished to or served upon any person or that any matter is to be or may be conveyed to any person in writing, the notice, statement, document or writing may be sent to him by registered or certified post or be delivered to him or left at his last-known place of residence; or
- (b) that any person is to be informed of any decision or finding, he may be informed thereof verbally or in writing sent to him by registered or certified post or delivered to him or left at his last-known place of residence.

**Vacation Leave.**

18.(1) Except where the leave of an officer is regulated by an industrial or similar agreement, vacation leave on full pay may, subject to the provisions of these regulations and subject to the exigencies of the service, be granted to an officer.

(2) Every application for vacation leave shall be submitted on a form determined by the Board.

(3) Vacation leave shall be approved in the case of the Director by the Board and in the case of an officer by the Director.

(4) Vacation leave already granted may be withdrawn at any time.

(5) Vacation leave shall be accumulative and shall accrue as follows:

	<i>Accrual (days per completed year of service).</i>
(a) Full-time White officer who have completed the following service:	
Ten years or longer ... ... ... ...	36
Less than ten years ... ... ... ...	30
(b) Temporary White officer who have completed the following service:	
Ten years or longer ... ... ... ...	36
Five years or longer, but less than ten years	30
Less than five years ... ... ... ...	24
(c) Non-White officer, who have completed the following service:	
Ten years or longer ... ... ... ...	36
Five years or longer, but less than ten years	30
Less than five years ... ... ... ...	24
(d) Part-time officer who is on duty for at least $4\frac{1}{2}$ hours per day in a 5-day working	

dag vir 'n 5-daagse werkweek of 4 uur per dag in 'n 6-daagse werkweek, op diens is 12.

(6). Alle goedgekeurde vakansieverlof word op 'n verlofstaat wat die Raad ten opsigte van elke beampete hou, aangeteken en enige vakansieverlof wat op 1 Maart van elke jaar tot die krediet van 'n beampete staan, word insgelyks op sodanige verlofstaat aangeteken.

(7) By die uitdienstreding, afdanking of dood van 'n beampete word die kontantwaarde van enige vakansieverlof wat op die datum van sy uitdienstreding, afdanking of dood tot sy krediet staan tot 'n maksimum van 365 dae aan sodanige beampete of aan sy afhanklikes of sy boedel, soos die Raad mag bepaal, betaal, bereken volgens sy besöldiging op sodanige datum.

(8) Tensy die Direkteur anders bepaal, moet alle vakansieverlof voor die aanvang daarvan goedgekeur word en enige afwesigheid sonder sodanige goedkeuring of bo die getal dae vakansieverlof wat tot 'n beampte se krediet staan, is vakansieverlof sonder salaris.

(9) Alle rusdae wat binne 'n tydperk van vakansieverlof of tussen twee andersins aanenlopende tydperke van vakansieverlof val, tel as vakansieverlof.

## Siekteverlof.

19.(1) Alle afwesighede weens siekte wat drie dae oor-skry moet gedek word deur 'n vir die Raad aanvaarbare sertifikaat van 'n geregistreerde geneesheer of geregistreerde tandarts. Met dien verstande dat die Raad die voorlegging van sodanige sertifikaat vir afwesighede van drie dae en minder kan eis.

(2) Alle aansoeke om siekteverlof moet op 'n vorm deur die Raad goedgekeur, ingedien word en word, in die geval van die Direkteur, deur die Raad en, in die geval van enige beampete, deur die Direkteur goedgekeur.

(3) Siekteverlof val toe aan 'n beamppte op die eerste dag van 'n tydkring, en met ingang van daardie dag kan, behoudens die bepalings van hierdie Regulasies, die volle voorsiening aan hom toegestaan word: Met dien verstande dat geen siekterverlof met volle of met halwe betaling binne die eerste dertig dae van 'n beamppte se diens aan hom toegestaan kan word nie.

(4) Toegestane vakansieverlof of deel daarvan, uitgesonderd vakansieverlof sonder salaris, kan by indiening van 'n aanvaarbare sertifikaat soos in subregulasie (1) bedoel, in siekteverlof omskep word mits die nodige siekteverlof beskikbaar is.

(5) Mits 'n beampete voldoendé vakansieverlof tot sy krediet het, kan sodanige vakansieverlof op sy skrifte-like versoek aan hom toegestaan word in die plek van siekteverlof met halwe betaling of sonder betaling of om 'n tydperk van afwesigheid weens siekte bo die voor-siening vir siekteverlof met volle of met halwe betaling te dek: Met dién verstande dat voordat sodanige vakansieverlof toegestaan word, dic Raad homself oortuig dat die beampete by verstryking van sodanige verlof in staat sal wees om sy dienste te hervat.

(6) Geen siekteverlof word toegestaan ten opsigte van afwesigheid van diens weens siekte, ongesteldheid of besering wat te wyte is aan. 'n Beample se wangedrag of gebrek aan behoorlike voorsorg nie.

(7) Die Raad kan te eniger tyd eis dat 'n beambte hom onderwerp aan 'n ondersoek deur een of meer geregistreerde geneesherre deur die Raad aangewys en in

... week or 4 hours per day in a 6-day working week ...

(6) All approved vacation leave shall be entered on a leave record which the Board shall maintain for each officer and any vacation leave standing to the credit of an officer on 1 March of each year shall likewise be entered on such record.

(7) On the retirement, termination of service or death of an officer the cash value of any vacation leave standing to his credit on the date of his retirement, termination of service or death to a maximum of 365 days shall be paid to such officer or to such of his dependants or to his estate, as the Board may determine, calculated in accordance with his salary on such date.

(8) Unless the Director determines otherwise, all vacation leave shall be approved before the commencement thereof, and any absence without such approval or in excess of the number of days vacation leave standing to the credit of an officer, shall be vacation leave without pay.

(9) All days of rest falling within a period of vacation leave or between two otherwise continuous periods of vacation leave, shall count as vacation leave.

### Sick Leave.

19.(1) All absences due to illness in excess of three days, shall be covered by a certificate acceptable to the Board from a registered medical practitioner or registered dentist: Provided that the Board may require the submission of such certificate for absences of three days and less.

(2) All applications for sick leave shall be submitted on a form approved by the Board and shall be approved in the case of the Director, by the Board, and in the case of any officer, by the Director.

(3) Sick-leave shall accrue to an officer on the first day of a cycle and, subject to the provisions of these Regulations, the full accrual may be granted to him with effect from that day: Provided that no sick leave on full or half pay may be granted to him during the first thirty days of service of an officer.

(4) Approved vacation leave or part thereof, except vacation leave without pay, may on submission of an acceptable certificate as contemplated in subregulation (1), be converted into sick leave where the required sick leave is available.

(5) Provided an officer has sufficient vacation leave to his credit, such vacation leave may, on his written application, be granted to him in the place of sick leave on half pay or without pay or to cover a period of absence due to illness in excess of the provision of sick leave with full pay or half pay: Provided that before granting such vacation leave the Board shall satisfy itself that the officer will on completion of such leave be able to resume his duties.

(6) No sick leave shall be granted in respect of absence from duty through illness, indisposition or injury occasioned by the misconduct or lack of proper care of the officer.

(7) The Board may at any time require an officer to submit himself to an examination by one or more registered medical practitioners appointed by the Board

sodanige geval betaal die Raad enige koste verbonde aan sodanige ondersoek.

(8) Behoudens die bepalings van die Ongevallewet, 1941, kan spesiale siekterlof, wat nie van die beampete se siekterlofovorsiening afgetrek word nie, aan 'n beampete toegestaan word vir afwesighede weens 'n beseiring wat in die loop van sy amptelike diens opgedoen is en wat nie aan sy nalatigheid of gebrek aan voorborg te wye is nie.

(9) Siekterlof kan aan 'n beampete in elke tydkring soos volg toegestaan word:

	Dae.	Days.	with full pay.	with half pay.
	met volle betaling	met halwe betaling		
(a) Voltydse Blanke beampete	120	120		
(b) Tydelike Blanke beampete wat onderstaande diens voltooi het: Tien jaar of langer	120	120		
Vyf jaar of langer maar minder as tien jaar	90	90		
Minder as vyf jaar	60	60		
(c) Nie-Blanke beampete wat onderstaande diens voltooi het: Tien jaar of langer	120	120		
Vyf jaar of langer maar minder as tien jaar	90	90		
Minder as vyf jaar	60	60		
(d) Deeltydse beampete wat minstens $4\frac{1}{2}$ uur per dag in 'n 5-dagse werkweek of 4 uur per dag in 'n 6-dagse werkweek op diens is	15	15		

(10) Siekterlofovorsiening verval aan die einde van elke tydkring en by die uitdienstreding, afdanking of dood van 'n beampete.

#### Spesiale Verlof.

20. Spesiale verlof met volle betaling of gedeeltelike betaling kan aan 'n beampete toegestaan word —

- (a) wanneer hy 'n eksamen van 'n erkende universiteit binne die Republiek óf enige ander eksamen wat die Raad vir die doel van spesiale verlof goedkeur, afle;
- (b) wanneer hy van diens afwesig is as gevolg van afsondering of isolasie kragtens geneeskundige instruksies as gevolg van aanraking met 'n persoon wat 'n besmetlike of aansteeklike siekte, opgedoen of vermoedelik opgedoen het; en
- (c) wanneer hy as lid van enige tak of afdeling van die S.A. Weermag, die S.A. Polisie Reservé of Burgerlike Beskermingsdiens afgebroke of onafgebroke opleiding ondergaan of opgeroep is vir diens in verband met die voorkoming of onderdrukking van onluste of 'n ander noodtoestand.

#### Buitengewone Gevalle.

21.(1) As daar omstandighede ontstaan wat na die mening van die Raad, 'n afwyking van die bepalings van regulasies 18 tot 20 insluitend regverdig, kan die Raad

and in such case the Board shall pay any costs attached to such examination.

(8) Subject to the provisions of the Workmen's Compensation Act, 1941, special sick leave, which shall not be deducted from the sick leave accrual of the officer, may be granted to an officer for absences due to an injury received in the course of his duty and which was not occasioned by his negligence or lack of care.

(9) Sick leave may be granted to an officer in each cycle as follows:

	Days.	with full pay.	with half pay.
(a) Full-time White officer	120	120	
(b) Temporary White officer who completed the following service: Ten years or longer	120	120	
Five years or longer, but less than ten years	90	90	
Less than five years	60	60	
(c) Non-White officer who have completed the following service: Ten years or longer	120	120	
Five years or longer, but less than ten years	90	90	
Less than five years	60	60	
(d) Part-time officer who is on duty for at least $4\frac{1}{2}$ hours per day in a 5-day working week or 4 hours per day in a 6-day working week	15	15	

(10) Sick leave accrual lapses at the end of each cycle and on the retirement, termination of service or death of an officer.

#### Special Leave.

20. Special leave with full pay or part may be granted to an officer —

- (a) when writing an examination of a recognized university in the Republic or any other examination which the Board may approve for the purpose of special leave;
- (b) when he is absent from duty as a result of segregation or isolation on medical instructions as a result of contact with a person who has contracted or presumably contracted a contagious or infectious disease; and
- (c) when he undergoes continuous or non-continuous training or is called up for service in connection with the prevention or suppression of disorder or other emergency as a member of any branch or section of the South African Defence Force, South African Police Reserve or Civil Defence Service.

#### Exceptional Cases.

21.(1) In the event of circumstances arising which in the opinion of the Board justify a departure from the provisions of regulations 18 to 20 inclusive, the Board

aan die Direkteur of 'n beampte of klas van beampies verlof toestaan op sodanige voorwaarde as wat die Administrateur mag bepaal.

(2) Die Administrateur kan ook, na goeddunke, spesiale verlofvoordele vir die Direkteur of 'n beampte of klas van beampies goedkeur.

#### Verblyftoelae.

22.(1) Die Raad kan aan 'n beampte wat in amptelike diens van sy hoofkwartier afwesig is, sodanige verblyftoelae as wat die Raad mag bepaal, betaal om die redelike uitgawes aan verblyf weg van sy hoofkwartier te dek.

(2) Die Raad kan verskillende tariewe vir verskillende klasse beampies bepaal.

(3) Alle eise vir die betaling van verblyftoelae word op 'n vorm deur die Raad bepaal, ingedien en alle betalings word deur die Direkteur goedgekeur.

#### Amptelike Reise en Vervoer.

23.(1) Alle amptelike reise moet deur die Direkteur, wat toesien dat dit noodsaaklik en in belang van die Raad is, goedgekeur word.

(2) Behoudens die bepalings van hierdie Regulasies, kan die Raad aan 'n beampte van wie dit vereis word dat hy in amptelike diens moet reis, die koste verbonde aan vervoer van hom en sy noodsaaklike persoonlike besittings, asook redelike uitgawes wat in verband met huurmotors, kruiersloon en ander bykomende dienste aangegaan is, terugbetaal.

(3) Tensy gebruik gemaak word van amptelike vervoer van die Raad, moet 'n beampte wat in amptelike diens reis, sy reis per trein of spoorwegbus (insluitende 'n luukse spoorwegbus as 'n goedkoper vervoermiddel nie beskikbaar is nie) aflê. Indien die reis nie per trein of spoorwegbus afgelê kan word nie, moet die beampte met die goedkoopste beskikbare openbare vervoermiddel reis. Geen amptelike reis mag per vliegtuig afgelê word nie tensy die goedkeuring van die Raad verkry is.

(4) In buitengewone gevalle kan die Raad 'n beampte magtig om 'n amptelike reis met private vervoer af te lê as die Raad daarvan oortuig is dat sy belang beter daardeur bevorder sal word, ongeag of dit moontlik is om die reis met ander vervoermiddels af te lê.

(5) Ondanks andersluidende bepalings van hierdie Regulasies, kan 'n beampte, na goeddunke, sy private motorvervoer gebruik om 'n amptelike reis af te lê: Met dien verstande dat hy met sodanige motorvervoer op sy eie risiko reis vir sover hierdie bepaling nie strydig met die bepalings van die Ongevallewet, 1941 is nie.

(6) 'n Beampte wat in amptelike diens per trein moet reis, reis in die klas deur die Raad bepaal.

(7) Die Raad kan aan 'n beampte wat private vervoer kragtens die bepalings van subregulasië (4) gebruik om 'n amptelike reis af te lê, 'n kilometer- en passasierstoelae soos deur die Raad bepaal, betaal.

(8) In die geval van motorvervoer wat kragtens die bepalings van subregulasië (5) gebruik word, kan die Raad 'n bedrag gelyk aan wat dit sou gekos het as die beampte en enige amptelike passasiers wat hom vergezel —

(a) van spoorwegorders voorsien was; en

(b) van ander openbare vervoermiddels gebruik gemaak het, betaal:

may grant leave to the Director or an officer or class of officers on such conditions as the Administrator may approve.

(2) The Administrator may also, in his discretion, approve special leave privileges for the Director or an officer or class of officers.

#### Subsistence Allowance.

22.(1) The Board may pay to an officer who is absent from his headquarters on official duty, such subsistence allowance to cover reasonable expenditure on subsistence away from his headquarters as the Board may determine.

(2) The Board may determine different rates for different classes of officers.

(3) All claims for payment of subsistence allowances shall be made on a form determined by the Board and all payments shall be approved by the Director.

#### Official Travelling and Transport.

23.(1) All official travelling shall be approved by the Director who shall ensure that it is necessary and in the interest of the Board.

(2) Subject to the provisions of these Regulations, the Board may refund to an officer who is required to travel on official duty, the expenses for the transport of himself and his necessary personal effects as well as reasonable expenditure incurred in connection with taxis, portage and other additional services.

(3) Except where use is made of official transport of the Board, an officer travelling on official duty shall undertake his journey by train or railway bus (including a luxury railway bus if a cheaper method of transport is not available). If the journey cannot be undertaken by train or railway bus, the officer shall travel by the cheapest available public transport. No official journey shall be undertaken by aircraft unless the approval of the Board has been obtained.

(4) In exceptional circumstances the Board may authorize an officer to undertake an official journey by private transport if the Board is convinced that its interests will be best served thereby, irrespective of the possibility of undertaking the journey by other means of transport.

(5) Notwithstanding anything to the contrary in these regulations, an officer may in his discretion use his private motor transport to undertake an official journey: Provided that he travels with such motor transport at his own risk in so far as this provision is not contrary to the provisions of the Workmen's Compensation Act, 1941.

(6) An officer travelling on official duty by train, shall travel in the class determined by the Board.

(7) The Board may pay to an officer who uses private transport to undertake an official journey in terms of the provisions of subregulation (5), a kilometre and passenger allowance as determined by the Board.

(8) In the case of motor transport used in terms of the provisions of subregulation (5), the Board may pay an amount equal to the amount it would have cost if the officer and any official passengers accompanying him —

(a) had been provided with rail warrants; or

(b) had made use of other public means of transport;

Met dien verstande dat uitgawes aan kruiersloon by spoorwegstasies en ander bykomstige vervoerdienste buite rekening gelaat word vir die toepassing van hierdie subregulasie.

(9) Aansoeke om die vergoeding van vervoeruitgawes moet gedoen word op 'n vorm wat deur die Raad goedgekeur is.

(10)(a) Ondanks andersluidende bepalings in hierdie Regulasies vervat, kan die Raad, indien hy oortuig is dat dit in die belang van die Raad sou wees, van 'n beampte wie se pligte die blywende of gereelde gebruik van 'n motorvoertuig noodsaaklik maak, vereis om gesubsidieerde motorvervoer vir die verrigting van sy pligte aan te hou, as die gebruik van die Raad se vervoer, na die mening van die Raad, onprakties of ongerade is.

(b) Die Raad kan, met die goedkeuring van die Administrateur, die voorwaardes waarop gesubsidieerde motorvervoer aangeskaf en aangehou word en die toeslaes wat in verband met die gebruik van sodanige vervoer betaal word, bepaal.

#### Oorplasing van Beampte.

24.(1)(a) Behoudens die bepalings van hierdie Regulasie, kan 'n beampte oorgeplaas word en hy en sy huishouding en persoonlike besittings op die Raad se koste van een hoofkwartier na 'n ander vervoer word.

(b) As 'n beampte op eie versoek oorgeplaas word, word geen uitgawe in verband daarvan deur die Raad se geldende gedek nie en enige afwesigheid van diens as gevolg van sodanige oorplasing moet deur die toestaan van verlof kragtens die bepalings van hierdie Regulasies gedek word: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie as die Raad daarvan oortuig is dat sodanige oorplasing —

- (i) in die belang van die Raad is; of
- (ii) noodsaaklik is in die belang van die gesondheid van die beampte of van sy vrou of kind, in welke geval die Raad, na goeddunke, kan vereis dat 'n stawende geneeskundige sertifikaat ingediend word.

(2) Die onderstaande voorwaardes is van toepassing op die vervoer van een hoofkwartier na 'n ander van die huishouding en persoonlike besittings van 'n beampte wat ingevolge die bepalings van subregulasie (1)(a) oorgeplaas word:

- (a) Die Raad kan aan 'n beampte verblyftoeleae teen die volle tarief wat op hom van toepassing is, betaal ten opsigte van elke lid van sy huishouding wat twaalf jaar oud of ouer is, en teen die helfte van sodanige tarief ten opsigte van elke ander lid, vir die tydperk wat die reis van een hoofkwartier na 'n ander noodwendig in beslag neem, maar uitgesonderd die geval van 'n bediende ten opsigte van wie die Raad redelike bestaansuitgawes wat werkelik en noodwendig aangegaan is, kan terugbetaal.
- (b) (i) 'n Lid van die huishouding, uitgesonderd 'n bediende, kan in dieselfde klas op die spoorweë reis as dié waarin die beampte reis.
- (ii) 'n Bediende wat 'n Blanke persoon is, kan tweede klas en enige ander bediende derde klas op die spoorweë reis; 'n kinderoppasser wat toesig oor 'n swigeling moet hou kan in dieselfde klas as die beampte reis.

Provided that expenditure or portage at railway stations and other incidental transport services shall in the application of this subregulation, not be taken into account.

(9) Applications for the reimbursement of transport expenses shall be made on a form approved by the Board.

(10)(a) Notwithstanding anything to the contrary contained in these regulations, the Board may, if it is satisfied that it would be in the interest of the Board, require an officer whose duties necessitate the frequent or regular use of a motor vehicle, to maintain subsidized motor transport for the execution of his duties if, in the opinion of the Board, the use of the Board's transport is impractical or inadvisable.

(b) The Board may, with the approval of the Administrator, determine the conditions governing the acquisition and maintenance of subsidized motor transport and the allowances payable in connection with the use of such transport.

#### Transfer of Officer.

24.(1)(a) Subject to the provisions of this Regulation, an officer may be transferred and he and his household and personal effects shall be moved from one headquarters to another at the expense of the Board.

(b) If an officer is transferred at his own request, no expenditure in connection therewith shall be met from the funds of the Board and any absence from duty as a result of such transfer shall be covered by the granting of leave in terms of the provisions of these Regulations: Provided that the provisions of this paragraph shall not apply if the Board is satisfied that such transfer is —

- (i) in the interest of the Board; or
- (ii) necessary in the interest of the health of the officer or of his wife or child, in which case the Board may, in its discretion, require the submission of a supporting medical certificate.

(2) The following conditions shall apply to the removal from one headquarters to another of the household and personal effects of an officer transferred in terms of the provisions of subregulation (1)(a):

- (a) The Board may pay an officer a subsistence allowance at the full rate applicable to himself in respect of every member of his household who is 12 years of age or older and at half of such rate in respect of each other member, for the period necessarily spent in travelling from one headquarters to another, except in the case of a servant, in respect of whom the Board shall refund reasonable living expenses actually and necessarily incurred.
- (b) (i) A member of the household, excluding a servant, may travel in the same class by rail as that in which the officer travels.
- (ii) A servant who is a White person may travel second class and any other servant third class by rail; a nursemaid in charge of a baby in arms may travel in the same class as the officer.

- (c) (i) Oorgewigbagasie tot hoogstens 200 kg kan per passasierstrein vervoer word.
- (ii) Persoonlike besittings tot hoogstens 6 500 kg kan per goederetrein of per padmotordiens van die Suid-Afrikaanse Spoerweë of ander openbare vervoermiddel, van een hoofkwartier na 'n ander en van die woning na die spoorwegstasie en omgekeerd, en na en van 'n pakhuis as opbergings van die persoonlike besittings kragtens die bepalings van paragraaf (e) gemaatig is, vervoer word: Met dien verstande dat as vervoer met een van gemelde vervoermiddels nie moontlik of doenlik is nie, of duurder is, die Raad die gebruik van enige ander vervoermiddel kan goedkeur.
- (iii) Die voorgeskrewe massa sluit die massa van enige voertuig in.
- (d) Verpakkingskoste (insluitende die koste van verpakkingsmateriaal) en uitpakkingskoste ten opsigte van persoonlike besittings binne die voorgeskrewe massabeperking kan uit die Raad se gelde bestry word.
- (e) In uitsonderlike gevalle kan die Raad goedkeur dat 'n beampte se persoonlike besittings binne die voorgeskrewe massabeperking, vir 'n tydperk van hoogstens ses kalendermaande of by sy vorige of sy huidige hoofkwartier op die Raad se koste geberg word.
- (f) Behoudens sodanige beperkings en voorwaardes as wat die Raad goedkeur, kan die volgende uitgawes uit die Raad se gelde bestry word:
- (i) die koste van herstel of vervanging van persoonlike besittings wat in transito beskadig is;
  - (ii) die koste van ontkoppeling, aankoppeling en verandering van elektriese huishoudelike toestelle; en
  - (iii) die koste verbonden aan die aankoop van noodsaaklike skoolboeké en skool uniform vir 'n kind of ander afhanglike.
- (g) As 'n beampte wat 'n huis of woonstel wat hy self ten volle of gedeeltelik gemeubileer het, by of in die omgewing van die hoofkwartier waarvandaan hy oorgeplaas word, bewoon het, sy persoonlike besittings, insluitende sy meubels, laat opberg of na 'n huis of woonstel by of in die omgewing van die hoofkwartier waarheen, hy oorgeplaas word, verskuif, kan die Raad aan hom 'n bedrag van R100 betaal ten opsigte van waardevermindering van persoonlike besittings en ter dekking van uitgawes wat uit sy oorplasing voortspruit, uitgesonderd dié waarvoor elders in hierdie Regulasies voorsiening gemaak word: Met dien verstande dat die Raad na goedgunke, 'n kleiner bedrag kan betaal indien die omstandighede na sy mening nie die betaling van 'n bedrag van R100 regverdig nie.
- (3) Die Raad kan die volgende aan 'n beampte wat kragtens die bepalings van subregulasie (1)(a) oorgeplaas is, terugbetaal:
- (a) Die bedrag wat werklik en noodwendig aan huur of losies en bediendeloop by die oorspronklike hoofkwartier uitgegee en verbeur is weens kort kennisgewing van oorplasing, mits daar ook uitgawes aan huur of losies en bediendeloop by die hoofkwartier waarheen hy oorgeplaas is, gelykydig aangegaan is.
- (c) (i) Excess luggage up to a maximum of 200 kg may be transported by passenger train.
- (ii) Personal effects up to a maximum of 6 500 kg may be transported by goods train or the road motor service of the South African Railways or other public transport, from one headquarters to another and from the residence to the railway station and vice versa, and to and from a warehouse if storage of the personal effects has been authorized in terms of the provisions of paragraph (e): Provided that if transport by one of the said means of transport is not possible or feasible or is more expensive, the Board may authorize the use of any other transport.
- (iii) The prescribed mass includes the mass of any vehicle.
- (d) Packing costs (including the cost of packing material) and the cost of unpacking of personal effects within the prescribed mass limit may be met from the funds of the Board.
- (e) In exceptional cases the Board may approve the storage at the expense of the Board of the personal effects of an officer within the prescribed mass limit, for a maximum period of six calendar months either at his previous or present headquarters.
- (f) Subject to such limitations and conditions as the Board may approve, the following costs may be met from the funds of the Board:
- (i) the cost of repairs to or replacement of personal effects damaged in transit;
  - (ii) the cost of disconnecting, reconnecting and altering electrical domestic appliances; and
  - (iii) the costs connected with the purchase or essential school books and school uniform for a child or other dependant.
- (g) If an officer who occupied a house or flat, wholly or partly furnished by himself, at or in the vicinity of the headquarters from which he is transferred, stores his personal effects, including his furniture, or removes such effects to a house or flat at or in the vicinity of the headquarters to which he is transferred, the Board may pay to him an amount of R100 in respect of depreciation of personal effects and to meet expenses arising from his transfer, other than those for which provision is made elsewhere in these Regulations: Provided that the Board may in its discretion pay a lesser amount if it considers that the circumstances do not justify payment of an amount of R100.
- (3) The Board may refund the following to an officer who has been transferred in terms of the provisions of subregulation (1)(a):
- (a) The amount actually and necessarily expended on rent or board and lodging and servant's wages at the original headquarters and forfeited on account of short notice of transfer, provided expenditure on rent or board and lodging and servant's wages was simultaneously incurred at the headquarters to which he has been transferred.

- (b) Dié bedrag wat hoogstens 7 dae lank werklik en noodwendig aan losies of hotelakkommadasie by die vorige hoofkwartier uitgegee is as die beampete verplig was om in 'n losieshuis of hotel tuis te gaan of privaat te loseer terwyl sy meubels en persoonlike besittings ingepak of na die huidige hoofkwartier vervoer word.
- (c) Die bedrag wat werklik en noodwendig aan losies of hotelakkommadasie by die huidige hoofkwartier uitgegee is deurdat die beampete verplig was om vir 'n tydperk van hoogstens 7 dae in 'n losieshuis of hotel tuis te gaan of privaat te loseer terwyl sy meubels en besittings uitgepak of van die vorige hoofkwartier vervoer word, of terwyl hy op soek na 'n huis of woonstel was.
- (d) (i) Die verskil tussen die normale bestaansuitgawes bestaande uit huur, belastings, water, ligte, brandstof, voedsel en bediendeloon en die abnormale uitgawes werklik en noodwendig deur 'n beampete by sy huidige hoofkwartier aangegaan deurdat hy verplig was om vir 'n tydperk van langer as 7 dae in 'n losieshuis of hotel tuis te gaan of privaat te loseer terwyl sy meubels en besittings uitgepak of van die vorige hoofkwartier vervoer word of terwyl hy op soek na 'n huis of woonstel was: Met dien verstande dat geen eis vir abnormale bestaansuitgawes ten opsigte van 'n tydperk van langer as twee kalendermaande oorweeg word nie.
- (ii) Eise om die terugbetaling van abnormale bestaansuitgawes moet skriftelik in die vorm wat deur die Raad goedkeur is, ingedien word.
- (e) Uitgawes wat noodwendig aangegaan is met die herregistrasie van en die vervanging van nommerplate op een private motorvoertuig.
- (f) Telefoonhuur op 'n pro rata-grondslag ten opsigte van die tydperk wat hy as gevolg van sy oorplasing die telefoon nie kon gebruik nie: Met dien verstande dat telefoonhuur wat op die poswese verhaalbaar is, nie aldus terugbetaal word nie.
- (4)(a) Skriftelike tenders moet verkry word vir die verpakking en uitpakking en laai en aflaai en die vervoer van persoonlike besittings en die laagste tender moet aangeneem word: Met dien verstande dat die Direkteur die aanvaarding van 'n hoër tender kan magtig as hy daarvan oortuig is dat daar voldoende redes vir die verwering van die laagste tender is.
- (b) Verpakkingsmateriaal wat uit die Raad se geld betaal is, moet per openbare veiling verkoop word, of aan die betrokke beampete of aan enige ander persoon verkoop word teen 'n prys waartoe die Directeur besluit: Met dien verstande dat die Raad sodanige verpakkingsmateriaal vir eie gebruik kan behou.
- (c) Die vervoer van 'n motorvoertuig op die Raad se koste is onderworpe aan die voorwaardes dat
- die Raad geen aanspreeklikheid aanvaar vir die verliese van of skade aan die motorvoertuig tydens die vervoer daarvan nie; en
  - dit per goederetren vervoer word teen 'n tarief wat deur die Raad goedkeur is.
- (5) Die voordele voorgeskryf by subregulasië (3) en (4) is slegs van toepassing as die beampete sy huishouding en persoonlike besittings binne twee kalendermaande vanaf die datum waarop sy oorplasing van krag
- (b) The amount actually and necessarily expended on board and lodging or hotel accommodation at the previous headquarters for a maximum of 7 days if the officer was compelled to reside in a boarding house or hotel or to board privately while his furniture and personal effects were being packed or transported to the present headquarters.
- (c) The amount actually and necessarily expended on board and lodging or hotel accommodation at the present headquarters for a maximum of 7 days if the officer was compelled to reside in a boarding house or hotel or to board privately while his furniture and effects were being unpacked or transported from the previous headquarters or while he was looking for a flat or house.
- (d) (i) The difference between the normal living expenses consisting of rent, rates, water, light, fuel, food and servant's wages and the abnormal expenditure actually and necessarily incurred by an officer at his present headquarters if he was compelled to reside in a boarding house or hotel or to board privately for a period in excess of 7 days while his furniture and effects were being unpacked or transported from the previous headquarters or while he was looking for a house or flat: Provided that no claim for abnormal living expenses for a period in excess of two calendar months shall be considered.
- (ii) Claims for the refund of abnormal living expenses shall be submitted in writing in the form approved by the Board.
- (e) Expenditure necessarily incurred on the re-registration of and the replacement of registration plates on one private motor vehicle.
- (f) Telephone rental on a pro rata basis in respect of the period during which, as a result of his transfer, he could not use the telephone: Provided that telephone rental which may be recovered from the postal authorities shall not be so refunded.
- (4)(a) Written tenders shall be obtained for the packing and unpacking, loading and unloading and transport of personal effects and the lowest tender shall be accepted: Provided that the Director may authorize the acceptance of a higher tender if he is satisfied that sufficient grounds exist for the rejection of the lowest tender.
- (b) Packing material paid for from the funds of the Board shall be sold by public auction or to the officer concerned or to any other person at a price decided by the Director: Provided that the Board may retain such packing material for its own use.
- (c) The conveyance of a motor vehicle at the Board's expense shall be subject to the conditions that
- the Board accepts no responsibility for the loss of or any damage to the motor vehicle during the conveyance thereof; and
  - it shall be conveyed by goods train at a rate approved by the Board.
- (5) The benefits prescribed in subregulations (3) and (4) shall only apply if the officer transfers his household and personal effects within two calendar months

word, oorplaas, tensy toestemming vir die uitstel van oorplasing van sy huishouding of persoonlike besittings van die Direkteur verkry is.

#### Vervoer by Eerste Aanstelling.

**25.(1)** Op voorwaardes betreffende vervoermiddels en reisklasse wat ooreenstem met dié wat vir beampies by oorplasing voorgeskryf is, kan die Raad goedkeur dat aan 'n persoon wat in die Republiek of in die gebied van Suidwes-Afrika woonagtig is en wat in die Raad se diens aangestel word, kosteloze vervoer vir homself toegestaan word van die plek waar hy gewerf is tot by die plek waar hy aangesê is om diens te aanvaar. Vir die toepassing van hierdie subregulasie sluit vervoer in vervoer per taxi tussen die woning en die op- of afklimplek van die openbare vervoermiddel waarmee die reis onderneem word.

**(2)(a)** Behoudens die bepalings van paragraaf (b), kan die huishouding en persoonlike besitting van 'n in subregulasie (1) bedoelde persoon met die goedkeuring van die Raad, op die Raad se koste vervoer word van die plek waar hy gewerf is tot by die plek waar hy aangesê is om diens te aanvaar op die grondslag van toepassing op 'n oorgeplaaste beampte soos bepaal in regulasies 24(1)(a), 2(b), (c) en (d), (5) en (6).

(b) As 'n persoon wie se huishouding en persoonlike besittings kragtens die bepalings van paragraaf (a) vervoer is, bedank of as sy dienste as gevolg van onbevredigende diens beëindig word binne ses kalendermaande van die datum van sy diensaanvaarding af, moet hy die koste van sodanige vervoer aan die Raad terugbetaal.

(3) Tensy die Raad anders besluit, is die bepalings van subregulasie (1) *mutatis mutandis* van toepassing op 'n persoon wat binne of buite die Republiek en die gebied van Suidwes-Afrika woonagtig is en wat vir 'n beperkte tydperk op kontrak aangestel word of wat buite die Republiek en die gebied van Suidwes-Afrika woonagtig is en wat in die Raad se diens aangestel word, mits hy, voor sy vertrek om die aanstelling te aanvaar, 'n dienskontrak aangegaan het in die vorm deur die Raad goedgekeur.

#### Vervoervoorregte by Diensbeëindiging en Dood.

**26.(1)** Behoudens die bepalings van subregulasie (2) kan die Raad goedkeur dat —

- (a) aan 'n beampte wat weens bereiking van die pensioenleeftyd afgedank word; of
- (b) aan 'n beampte wie se dienste eindig op gronde wat vir die toepassing van hierdie regulasie deur die Raad goedgekeur is,

en wat minstens 10 jaar diens voltooi het, vervoer vir hom, sy huishouding en persoonlike besittings na 'n plek in die Republiek of in die gebied van Suidwes-Afrika waar hy begerig is om te woon, op die Raad se koste toegestaan word, behoudens sodanige beperkings en voorwaardes wat die Raad goedkeur.

(2) In die geval van 'n beampte wat te sterwe kom terwyl hy in die diens van die Raad is of uit die diens ontslaan word as gevolg van voortdurende swak gesondheid wat nie deur sy eie versuim veroorsaak is nie, kan die voordele waaroor voorsiening in subregulasie (1) gemaak word aan hom (of aan sy huishouing in die geval van sy dood) toegestaan word, mits die beampte minstens 10 jaar diens sou voltooi het by bereiking van die ouderdom van 65 jaar as hy nie te sterwe gekom het nie of aldus ontslaan is nie.

of the date on which his transfer takes effect unless authority to postpone the transfer of his household and personal effects has been obtained from the Director.

#### Transport on First Appointment.

**25.(1)** On conditions relating to transport and classes of travel corresponding to those prescribed for officers on transfer, the Board may approve that a person residing in the Republic or in the territory of South West Africa who is appointed to the service of the Board, be granted free transport for himself from the place where he was recruited to the place where he has been instructed to assume duty. For the purposes of this subregulation transport includes transport by taxi between the residence and the boarding and alighting points of the public transport by which the journey is undertaken.

**(2)(a)** Subject to the provisions of paragraph (b), the household and personal effects of a person contemplated in subregulation (1), may, with the approval of the Board, be conveyed at the Board's expense from the place where he was recruited to the place where he has been instructed to assume duty on the basis applicable to a transferred officer as provided for in regulations 24(1)(a), (2)(b), (c) and (d), (5) and (6).

(b) If a person whose household and personal effects have been transported in terms of the provisions of paragraph (a), resigns or if his services are terminated as a result of unsatisfactory service within 6 calendar months of the date of his assumption of duty, he shall refund the cost of such transport to the Board.

(3) Unless the Board decides otherwise, the provisions of subregulation (1) shall apply *mutatis mutandis* to a person residing inside or outside the Republic and the territory of South-West Africa who is appointed for a limited period on contract or who resides outside the Republic and the territory of South West Africa who is appointed in the service of the Board, provided he has, before his departure to take up the appointment, entered into a service contract in the form approved by the Board.

#### Transport Facilities on Termination of Service or Death.

**26.(1)** Subject to the provisions of subregulation (2), the Board may approve that —

- (a) an officer who is retired on reaching the pensionable age; or
- (b) an officer whose services terminate on grounds approved by the Board for the purposes of this regulation,

and who has completed at least 10 years service, be granted transport at the Board's expense for himself, his household and personal effects to a place in the Republic or the territory of South West Africa where he desires to reside, subject to such limitations and conditions as the Board may approve.

(2) In the case of an officer who dies while in the service of the Board or is discharged from such service owing to continued ill-health not occasioned by his own default, the benefits provided for in subregulation (1) may be granted to him (or to his household in the event of his death), provided the officer would have completed at least 10 years service on attaining the age of 65 years had he not died or been so discharged.

**Buitengewone Gevalle.**

27. As daar omstandighede ontstaan wat 'n afwyking van die bepalings van regulasies 24, 25 en 26 regverdig, kan die Raad die voorwaardes betreffende oörplasingskoste en vervoervoorrechte, wat hy goeddink, goedkeur.

**Amptelike Kwartiere.**

28.(1) Die Raad kan van enige beampete vereis om amptelike kwartiere deur die Raad voorsien teen sodanige huur as wat die Raad van tyd tot tyd mag bepaal, te bewoon.

(2) Wanneer 'n beampete weier of versuim om amptelike kwartiere wat ingevolge subregulasie (1) aan hom toegewys is, te bewoon, kan die Raad sodanige beampete vir die huur van sodanige kwartiere aanspreeklik hou totdat sodanige kwartiere aan 'n ander persoon verhuur is of 'andersins' daaroor beskik is.

(3) Alle huur verskuldig ten opsigte van amptelike kwartiere word deur die Raad van 'n beampete se salaris afgetrek.

(4) In dié geval van die afsterwe van 'n huurder kan enige lid van sy familie wat by hom woon tydens sodanige afsterwe, sonder om "huurgeld" te betaal, in die amptelike kwartiere aanbly tot aan die einde van die maand wat volg op die maand waarin hy gesterf het.

**Waarnmerk en Verly van Dokumente.**

29.(1) Enige dokument, afskrif of uittreksel wat deur die Raad gewaarmerk moet word, is voldoende gewaarmerk as dit geteken is deur 'n lid van die Raad en 'n beampete wat albei behoorlik daartoe gemagtig is by besluit van die Raad.

(2) Enige kontrak, stuk of dokument wat die Raad wettiglik kan aangaan of verly, is behoorlik aangegaan of verly as dit namens die Raad geteken is deur die Voorsitter en die Direkteur.

**HOOFSTUK II.****BEHEER OOR OPENBARE OORDE ONDER DIE JURISDIKSIE VAN DIE RAAD VIR OPENBARE OORDE****Woordomskrywing.**

30. Vir die doeleindes van hierdie Hoofstuk beteken "gemagtigde beampete" met betrekking tot enige aangeleentheid 'n beampete wat deur die Raad hetsy in die algemeen hetsy in die besonder, gemagtig is om enige bevoegdheid uit te oefen of enige plig na te kom met betrekking tot sodanige aangeleentheid.

**Toegang Tot en Verblyf in 'n Openbare Oord.**

31.(1) 'n Openbare oord is vir besoekers oop op sodanige tye as wat die Raad mag bepaal: Met dien verstande dat verskillende tye vir verskillende oorde bepaal kan word.

(2) Dic tye waartydens enige gerief binne 'n openbare oord vir besoekers toeganklik is, is soos deur 'n gemagtigde beampete bepaal: Met dien verstande dat verskillende tye vir verskillende geriewe en verskillende oorde bepaal kan word.

(3) Niemand mag 'n openbare oord binneklaan of verlaat op 'n ander plek as die wat deur die Raad met 'n toepaslike kennisgewing aangewys is nie.

**Exceptional Cases.**

27. If circumstances arise which justify a departure from the provisions of regulations 24, 25 and 26, the Board may approve such conditions relating to such transfer expenses and transport facilities as it may deem fit.

**Official Quarters.**

28.(1) The Board may require any officer to occupy official quarters provided by the Board at such rental as the Board may from time to time determine.

(2) Whenever an officer refuses or fails to occupy official quarters allocated to him in terms of subregulation (1), the Board may hold such officer liable for the rent of such quarters until such quarters have been let to any other person or otherwise disposed of.

(3) All rent due in respect of 'official' quarters shall be deducted from the salary of an officer.

(4) In the event of the death of a tenant, any member of his family living with him at the time of such death, may remain in occupation of the official quarters free of rent until the end of the month which follows the month in which he died.

**Authentication and Execution of Documents.**

29.(1) Any document, copy or extract which has to be authenticated by the Board, shall be sufficiently authenticated if it is signed by a member of the Board and an officer, both of whom shall be duly authorized thereto by resolution of the Board.

(2) Any contract, instrument or document which the Board may legally enter or execute, shall be properly entered or executed if it is signed on behalf of the Board by the Chairman and the Director.

**CHAPTER II.****CONTROL OF PUBLIC RESORTS UNDER THE JURISDICTION OF THE BOARD FOR PUBLIC RESORTS.****Definition.**

30. For the purposes of this Chapter, "authorized officer", in relation to any matter, means an officer authorized by the Board either generally or specifically, to exercise any right or to perform any duty in relation to such matter.

**Admission to and Sojourn in a Public Resort.**

31.(1) A public resort shall be opened for visitors at such times as the Board may determine: Provided that different times may be determined for different resorts.

(2) The times during which any facility within a public resort shall be available to visitors, shall be determined by an authorized officer: Provided that different times may be determined for different facilities and different resorts.

(3) No person shall enter or leave a public resort at any place other than a place indicated by the Board by an appropriate notice.

(4) 'n Gemagtigde beamppte kan na goeddunke enige deel van 'n openbare oord vir die publiek sluit en niemand gaan sonder die toestemming van sodanige beamppte sodanige geslote deel binne nie.

#### Gesondheidsaangeleenthede.

32.(1) Niemand mag in 'n openbare oord —

- (a) enige vullis of artikel weggooi op 'n ander wyse as om dit in 'n houer of plek wat daarvoor bedoel is, te plaas nie;
- (b) op enige wyse die water in enige bad, swembad, dam, rivier of waterloop besoedel nie;
- (c) in enige bad of swembad gaan nie terwyl hy aan 'n huis- of besmetlike siekte of oop wond ly; of
- (d) enige handeling verrig wat die gesondheid van besoekers aan die oord kan benadeel nie.

#### Byeenkomste en Optogte.

33. Uitgesonderd met die toestemming van 'n gemagtigde beamppte en op sodanige voorwaarde as wat hy mag bepaal, mag niemand in 'n openbare oord —

- (a) 'n openbare vermaaklikheid reël of gee nie;
- (b) geld vir enige doel van die publiek insamel nie;
- (c) enige pamphlet, boek, strooibiljet of enige ander gedrukte of geskrewe werk versprei nie;
- (d) enige vergadering reël, hou of toespreek nie;
- (e) 'n saamtrek of optog reël of hou nie; of
- (f) handel dryf nie.

#### Verkeersaangeleenthede.

34.(1) Die Raad kan ten opsigte van enige pad of gedeelte van 'n pad binne 'n openbare oord, deur middel van 'n toepaslike kennisgewing —

- (a) 'n spoedbeperking instel; en
- (b) parkering of stilhou verbied of beperk.

(2) Die Raad kan ten opsigte van enige openbare oord of gedeelte daarvan, die toegang daartoe van enige klas motorvoertuig wat 'n versperring kan veroorsaak of 'n hindernis kan wees, verbied.

(3) Niemand mag in 'n openbare oord 'n motorvoertuig bestuur op sodanige wyse dat hy die veiligheid en gerief van ander besoekers aan die oord bedreig of belemmer nie.

#### Vliegtuig.

35. Niemand mag met enige vliegtuig in 'n openbare oord land of opstyg, behalwe op of van 'n landingsterrein wat vir die doel aangewys is nie.

#### Veiligheid, Rus en Orde.

36. Niemand mag in 'n openbare oord —

- (a) opsetlik enige voorwerp wat ook al binne sodanige oord beskadig of ontsier nie;
- (b) 'n vuur aansteek nie, behalwe op 'n plek wat vir daardie doel opsygeset en aangewys is;
- (c) enige brandende of smeulende voorwerp by 'n plek weggooi waar dit 'n brand kan veroorsaak nie;

(4) An authorized officer may in his discretion close any portion of a public resort to the public and no person shall without the permission of such officer, enter such closed portion.

#### Health Matters.

32.(1) No person shall in a public resort —

- (a) discard any refuse or article otherwise than by placing it in a receptacle or place intended therefor;
- (b) in any way pollute the water in any bath, swimming bath, dam, river or watercourse;
- (c) enter any bath or swimming bath while suffering from skin disease or contagious disease or open wound; or
- (d) do anything which may adversely affect the health of visitors to such resort.

#### Gatherings and Processions.

33. Except with the permission of an authorized officer and on such conditions as he may determine, no person shall in a public resort —

- (a) arrange or give any public entertainment;
- (b) collect money from the public for any purpose;
- (c) distribute any pamphlet, book, handbill or any other printed or written matter;
- (d) arrange, hold or address any meeting;
- (e) arrange or hold any gathering or procession; or
- (f) carry on any trade.

#### Traffic Matters.

34.(1) The Board may in respect of any road or portion of a road, in a public resort, by means of an appropriate notice —

- (a) institute a speed limit; and
- (b) prohibit or limit parking or stopping.

(2) The Board may in respect of any public resort or portion thereof, prohibit the entry therein of any class of motor vehicle which may cause an obstruction or be a nuisance.

(3) No person may drive a motor vehicle in a public resort in such a manner that he endangers or hinders the safety and comfort of other visitors to the resort.

#### Aircraft.

35. No person shall land or take off with any aircraft in a public resort except on or from a landing ground set apart for that purpose.

#### Safety, Peace and Order.

36. No person shall in a public resort —

- (a) wilfully damage or deface any object whatsoever within such resort;
- (b) light a fire, other than a place set aside and designated for that purpose;
- (c) discard any burning or smouldering object at a place where it may cause a fire;

- (d) enige rots, klip of voorwerp van enige berg, koppie, skuinste, krans of wal gooi of afrol nie;
- (e) enige boom, plant, struik, gewas of blom uittrek, pluk of beskadig nie;
- (f) enige wilde dier of voël dood, wond of molesteer nie;
- (g) hom op 'n onbehoorlike, onfatsoenlike of onbetaamlike wyse gedra nie;
- (h) 'n steurnis veroorsaak; of
- (i) enigets doen wat na die mening van 'n gemagte beampete die veiligheid, rus en orde kan verstoor nie.

#### Biblioteke en Leeskamers.

37.(1) In hierdie regulasie beteken —

“boek” ook enige biblioteekmateriaal, tydskrif, dokument, drukwerk, nuusblad, film, prent of plaat;

“bibliotekaris” die persoon deur die Raad aangestel vir die uitvoering van beheer oor en die bestuur van die biblioteek en sluit enigiemand in wat namens hom optree;

“biblioteek” 'n biblioteek of leeskamer deur die Raad kragtens artikel 28(1)(i) van die Ordonnansie ingestel;

“lid” enige persoon wie se naam op die lys van lede verskyn wat deur die bibliotekaris gehou word;

“Transvaalse Provinciale Biblioteek” die Transvaalse Provinciale Biblioteek ingestel ingevolge die Ordonnansie op die Transvaalse Provinciale Biblioteekdiens, 1951 (Ordonnansie 16 van 1951).

(2) Die Raad kan —

- (a) huishoudelike reëls vir 'n biblioteek by 'n openbare oord maak met inagneming van plaaslike omstandighede;
- (b) die biblioteek oop stel vir soveel uur per week as wat hy bepaal;
- (c) enige persoon wat tydelik of permanent in 'n openbare oord woonagtig is as 'n persoon toelaat indien sodanige persoon skrifstelk onderneem om hom by die bepalings van hierdie regulasie en die huishoudelike reëls van die biblioteek deur die Raad gemaak, te hou.

(3)(a) Aansoek om lidmaatskap word gedoen op 'n vorm wat deur die Raad vir die doel bepaal is en waarop die aansoeker —

- (i) sy volle naam en identiteitsnommer;
- (ii) sy permanente woonadres;
- (iii) sy tydelike adres binne die oord;
- (iv) die nommer van sy kwitansie vir huisvesting in die oord;
- (v) die registrasienommer van sy voertuig;
- (vi) 'n getekende onderneming om hom aan die bepalings van hierdie regulasie en die huishoudelike reëls van die biblioteek, te onderwerp, moet invul.

(b) Die Raad reik 'n lidmaatskapkaart aan 'n lid uit waarvolgens hy gemagtig word om die getal boeke op

- (d) throw or roll any rock, stone or object from any mountain, hill, incline, cliff or bank;
- (e) uproot, pick or damage any tree, plant, shrub, growth or flower;
- (f) kill, wound or molest any wild animal or bird;
- (g) conduct himself in an improper, unbecoming or offensive manner;
- (h) create a disturbance; or
- (i) do anything which in the opinion of an authorized officer may disturb the safety, peace and order.

#### Libraries and Reading Rooms.

37.(1) In this regulation —

“book” includes any library material, magazine, document, printed matter, newspaper, film, picture or record;

“librarian” means the person appointed by the Board to exercise control over and for the management of the library and includes any person acting on his behalf;

“library” means a library or reading room instituted by the Board in terms of section 28(1)(i) of the Ordinance;

“member” means any person whose name appears on a list of members kept by the librarian;

“Transvaal Provincial Library” means the Transvaal Provincial Library established in terms of the Transvaal Provincial Library Service Ordinance, 1951 (Ordinance 16 of 1951).

(2) The Board may —

- (a) make domestic rules for a library in a public resort having due regard to local circumstances;
- (b) keep the library open for so many hours per week as it may determine;
- (c) admit any person as a member who is temporarily or permanently resident in a public resort if such person undertakes in writing to abide by the provisions of this regulation and the domestic rules of the library made by the Board.

(3)(a) Application for membership shall be made on a form determined for the purpose by the Board and on which the applicant shall enter —

- (i) his full name and identity number;
- (ii) his permanent residential address;
- (iii) his temporary address in the resort;
- (iv) the number of his receipt for accommodation in the resort;
- (v) the registration number of his vehicle;
- (vi) a signed undertaking to abide by the provisions of this Regulation and the domestic rules of the library.

(b) The Board shall issue a membership card to a member in terms of which he may borrow from the

'n keer soos wat die Raad mag bepaal, uit die biblioteek teleen.

(c) 'n Lidmaatskapkaart bly geldig vir die tydperk van 'n lid se huisvesting of verblyf binne die openbare oord en aan die einde van daardie tydperk word dit as gekanselleer geag: Met dien verstande dat lidmaatskap te eniger tyd ingetrek kan word indien 'n lid die bepaling van hierdie regulasie of die huishoudelike reëls van die biblioteek oortree.

(d) 'n Lid is aanspreeklik vir die boeke wat hy geleent het en voordat hy die oord verlaat moet hy alle boeke wat hy aldus geleent het aan die biblioteek terugbesorg.

(e) Indien hy in hierdie opsig in gebreke bly, kan die Raad betaling vir die waarde van enige boek wat nie terugbesorg is nie, eis.

(4) Niemand mag in besit wees van enige boek wat die eiendom van die biblioteek is nie tensy dit by vertoning van 'n lidmaatskapkaart geleent is nie.

(5)(a) 'n Lid wat 'n boek uit die biblioteek leen, moet vasstel of sodanige boek beskadig is en, indien wel, vestig hy die bibliotekaris se aandag daarop.

(b) Indien by die terugbesorging van 'n voorheen onbeskadigde boek aan die biblioteek, gevind word dat sodanige boek beskadig is, kan die Raad die waarde daarvan of 'n bedrag ter vergoeding van die skade van die lid wat die boek laaste uit die biblioteek geneem het, verhaal.

(c) Die bibliotekaris kan enige beskadigde boek op 'n plek wat vir die doel daargestel is, plaas en leen nie so 'n boek uit nie.

(d) Indien 'n boek verlore raak of beskadig word terwyl dit in besit van 'n lid is, is sodanige lid aanspreeklik vir die betaling aan die Raad van die aankooprys daarvan of 'n bedrag ter dekking van die skade daarvan soos deur die Raad bepaal.

(e) 'n Verlore of beskadigde boek bly die eiendom van die Raad nieteenstaande die feit dat die aankooprys daarvan of die bedrag van die skade wat daaraan veroorsaak is, aan die Raad betaal is.

(6) Voordat 'n lid die oord verlaat, besorg hy alle boeke deur hom geleent, terug en behoudens die bepaling van subregulasie (5)(b) en (d), reik die bibliotekaris 'n klaringsbewys aan sodanige lid uit, wat op aanvraag aan die hekwag getoon moet word.

(7) Enige persoon kan kosteloos toegang tot 'n leeskamer geniet en is geregtig om enige boeke daarin te lees maar, uitgesondert wanneer hy as lid van die biblioteek geregistreer is, mag hy geen boek uit sodanige leeskamer verwijder nie.

#### Algemene Strafbepaling.

38. Enige persoon wat die bepaling van enige van die regulasies in hierdie Hoofstuk vervat, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of gevangenisstraf vir 'n tydperk van hoogstens 3 maande of met beide sodanige boete en sodanige gevangenisstraf.

library the number books at a time as the Board may determine.

(c) A membership card shall be valid for the period of a member's accommodation or stay in the public resort and at the end of such period shall be deemed to be cancelled: Provided that membership may be terminated at any time if a member contravenes the provisions of this Regulation or the domestic rules of the library.

(d) A member shall be responsible for the books borrowed by him and before leaving the resort he shall return all books so borrowed to the library.

(e) Should he default in this respect, the Board may demand payment for the value of any books not returned.

(4) No person shall be in possession of a book which is the property of the library unless it was borrowed on production of a membership card.

(5)(a) A member borrowing a book from the library shall ascertain whether such book has been damaged and, if so, draw the attention of the librarian thereto.

(b) If on the return to the library of a previously undamaged book, such book is found to be damaged, the Board may recover the value of the book or an amount to cover the damage from the member who last borrowed the book from the library.

(c) The librarian shall keep any damaged book in a place set aside for this purpose and shall not lend such book to a member.

(d) If a book is lost or damaged while in the possession of a member, such member shall be responsible for payment to the Board of the purchase price thereof or for an amount to cover the damage as determined by the Board.

(e) A lost or damaged book remains the property of the Board notwithstanding the fact that the purchase price thereof or the amount of the damage, has been paid to the Board.

(6) Before leaving the resort, a member shall return all books borrowed by him and the librarian shall, subject to the provisions of subregulation (5)(b) and (d) issue to such member a clearance certificate which shall be shown on demand to the gatekeeper.

(7) Any person may have free access to a reading room and may read any books therein but, except when registered as a member of the library, may not remove any book from such reading room.

#### General Penalty Clause:

38. Any person who contravenes or fails to comply with the provisions of any of the regulations contained in this Chapter, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding 3 months or to both such fine and such imprisonment.

**Herroeping van Bestaande Regulasies.**

39. Die Regulasies op die Raad van Kuratore vir Warmbadplase afgekondig by Administrateurskennisgewing 634 van 18 Oktober 1939, soos gewysig, word hierby herroep.

**Datum van Inwerkingtreding.**

40. Hierdie Regulasies tree op 1 Julie 1977 in werking.

TW.7-3

**Repeal of Existing Regulations.**

39. The Mineral Baths Board of Trustees Regulations, published under Administrator's Notice 634 of 18 October 1939, as amended, are hereby repealed.

**Date of Commencement.**

40. These Regulations shall come into operation on 1 July, 1977.

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