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GOVERNMENT NOTICES

ADMINISTRATION: HOUSE OF ASSEMBLY

DEPARTMENT OF EDUCATION AND CULTURE

No. R. 900

26 April 1991

TECHNICAL COLLEGES ACT, 1981

REGULATIONS RELATING TO COLLEGE COUNCILS

The Minister of Education and Culture has under section 39 of the Technical Colleges Act, 1981 (Act No. 104 of 1981), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates—

“**chairman**” means the person elected in terms of regulation 4 (1) as the chairman of a college council;

“**member**” means a member of a college council referred to in section 6 of the Act; and

“**the Act**” means the Technical Colleges Act, 1981 (Act No. 104 of 1981).

Period of office of members and filling of vacancies

2. (1) Subject to the provisions of these Regulations, a member shall hold office for the period which the Minister determines at the time of such member's appointment: Provided that a member shall hold office for a period not exceeding four years.

(2) A member whose period of office has expired may be re-appointed.

GOEWERMENTSKENNISGEWINGS

ADMINISTRASIE: VOLKSRAAD

DEPARTEMENT VAN ONDERWYS EN KULTUUR

No. R. 900

26 April 1991

WET OP TEGNIESE KOLLEGES, 1981

REGULASIES BETREFFENDE KOLLEGE- RADE

Die Minister van Onderwys en Kultuur het kragtens artikel 39 van die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg word, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“**die Wet**” die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981);

“**lid**” 'n lid van 'n kollegeraad soos bedoel in artikel 6 van die Wet; en

“**voorsitter**” die persoon wat ingevolge regulasie 4 (1) as die voorsitter van 'n kollegeraad verkies is.

Ampstermyn van lede en vulling van vakatures

2. (1) Behoudens die bepalings van hierdie Regulasies, beklee 'n lid sy amp vir die tydperk wat die Minister ten tyde van die aanstelling van sodanige lid bepaal: Met dien verstande dat 'n lid sy amp vir 'n tydperk van hoogstens vier jaar beklee.

(2) 'n Lid wie se ampstermyn verstryk het, kan heraaangestel word.

(3) When a vacancy occurs in a council at the expiry of the term of office of a member, such member shall hold office until a person has been appointed in terms of section 6 (3) of the Act to fill that vacancy.

(4) If a member of a council vacates his office before the expiry of his term of office, the Minister may appoint a person as member to fill the vacancy for the unexpired portion of the previous member's period of office.

Vacating of office by members of councils

3. A member of a council shall vacate his office if—

(a) he is absent from three consecutive meetings of the council without the approval of the council;

(b) he is declared insolvent;

(c) he is found guilty of an offence involving dishonesty;

(d) he is found guilty of any offence for which he is sentenced to imprisonment without the option of a fine;

(e) he, as a result of mental or physical weakness or illness, becomes incompetent to perform his official duties;

(f) he is appointed in the full time service of the technical college of whose council he is a member;

(g) he submits his resignation in writing to the Minister and the Minister accepts his resignation;

(h) the Minister by written notice removes him from office for reasons which the Minister deems to be sufficient;

(i) he reaches the age of 70 years; or

(j) he is appointed in terms of section 6 (2) (b) of the Act and he breaks his connections with the body or organization contemplated in that section.

Election and term of office of chairman and vice-chairman

4. (1) A council shall elect from its members a chairman and vice-chairman: Provided that the principal of the technical college concerned shall not be elected to the office of chairman or vice-chairman.

(2) A chairman and vice-chairman shall hold their respective office for a period not exceeding one year: Provided that such period shall not be longer than the unexpired portion of such persons term of office as a member.

(3) When a member's term of office as chairman or vice-chairman expires, the council concerned shall elect from its members a chairman or vice-chairman, as the case may be.

(4) When a council has elected a chairman or a vice-chairman, the principal of the technical college concerned shall notify the Head of Education, in writing, of the name and address of the person elected as chairman or as vice-chairman, as the case may be.

(5) When a chairman is for any reason not able to perform his official duties, the vice-chairman of the council concerned shall perform those duties.

(3) Wanneer 'n vakature in 'n raad ontstaan by die verstryking van 'n lid se ampstermyn, beklee sodanige lid sy amp totdat iemand ingevolge artikel 6 (3) van die Wet aangestel word om daardie vakature te vul.

(4) Indien 'n lid van 'n raad sy amp ontruim voor die verstryking van sy ampstermyn kan die Minister 'n persoon as 'n lid aanstel om die vakature te vul vir die onverstreke gedeelte van die vorige lid se ampstermyn.

Ontruiming van amp deur lede van rade

3. 'n Lid van 'n raad ontruim sy amp indien—

(a) hy sonder die goedkeuring van die raad van drie agtereenvolgende vergaderings van die raad afwesig is;

(b) hy insolvent verklaar word;

(c) hy skuldig bevind word aan 'n misdryf waarby oneerlikheid betrokke is;

(d) hy aan enige misdryf skuldig bevind word waarvoor hy tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;

(e) hy as gevolg van 'n geestes- of liggaamlike swaakteit of siekte onbekwaam word om sy ampspligte na te kom;

(f) hy voltyds in diens van die tegniese kollege van wie se raad hy lid is, aangestel word;

(g) hy skriftelik sy bedanking by die Minister indien en sy bedanking deur die Minister aanvaar word;

(h) die Minister hom by skriftelike kennisgewing van sy amp onthef om redes deur die Minister as voldoende geag;

(i) hy die ouderdom van 70 jaar bereik; of

(j) hy ingevolge artikel 6 (2) (b) van die Wet aangestel is en hy sy verbintenis met die in daardie artikel bedoelde liggaam of organisasies verbreek.

Verkieping en ampstermyn van voorsitter en ondervoorsitter

4. (1) 'n Raad kies uit sy geledere 'n voorsitter en ondervoorsitter: Met dien verstande dat die prinsipaal van die betrokke tegniese kollege nie tot die amp van voorsitter of ondervoorsitter verkies mag word nie.

(2) 'n Voorsitter en ondervoorsitter beklee hul onderskeie ampte vir 'n tydperk van hoogstens een jaar: Met dien verstande dat sodanige tydperk nie langer mag wees nie as die onverstreke gedeelte van daardie persoon se ampstermyn as lid.

(3) Wanneer 'n lid se ampstermyn as voorsitter of ondervoorsitter verstryk, kies die betrokke raad uit sy geledere 'n voorstter of ondervoorsitter, na gelang van die geval.

(4) Wanneer 'n raad 'n voorsitter of ondervoorsitter verkies het, stel die prinsipaal van die betrokke tegniese kollege die Onderwyshef skriftelik in kennis van die naam en adres van die persoon wat as voorsitter of as ondervoorsitter verkies is, na gelang van die geval.

(5) Wanneer 'n voorsitter om enige rede nie in staat is om sy ampspligte te verrig nie, verrig die ondervoorsitter van die betrokke raad daardie pligte.

Meetings

5. (1) (a) The chairman shall fix the date, time and venue of every meeting of the council: Provided that a council shall hold at least three ordinary meetings per year.

(b) Subject to the provisions of paragraph (b) of subregulation (2), the chairman shall give written notice of a meeting to each member of a council and provide each member with the agenda for that meeting: Provided that such notice and agenda shall be so sent that it reaches a member at least 14 days before the date of that meeting.

(2) (a) An extraordinary meeting of a council—

(i) may at any time be convened by the chairman; and

(ii) shall be convened by the chairman when he is so directed by the Minister, or requested thereto in writing by at least one third of the members of the council concerned: Provided that such meeting shall be held within 14 days after receiving such direction or request.

(b) Notice to members of an extraordinary meeting of a council shall be given in such manner and at such time as determined by the chairman.

(3) (a) The chairman shall preside at every meeting of the council

(b) When the chairman is absent from a meeting of the council, the vice-chairman shall preside at that meeting.

(c) When the chairman as well as the vice-chairman is absent from a meeting of the council the members present shall elect a person from its members, excluding the principal of the technical college concerned, to preside at that meeting.

(4) (a) At an ordinary meeting of a council any matter in respect of which prior notice in accordance with the provisions of this regulation has been given to members and any other urgent matter raised by a member with the approval of the council, shall be dealt with.

(b) At an extraordinary meeting of a council no other matter than that in respect of which prior notice in accordance with the provisions of this regulation was given to members, shall be dealt with.

(5) (a) A motion or amendment submitted at a meeting of a council shall be seconded and, if the chairman so directs, also be put in writing.

(b) No motion or amendment shall be withdrawn without the consent of the council.

(c) Notice of submission of a motion which a member contemplates submitting shall be submitted in writing by such member to the principal of the technical college concerned at least 21 days prior to the date of the meeting of a council, unless the council unanimously approves a shorter period of notice.

Vergaderings

5. (1) (a) Die voorsitter bepaal die datum, tyd en plek van elke vergadering van die raad: Met dien verstande dat 'n raad minstens drie gewone vergaderings per jaar moet hou.

(b) Behoudens die bepalings van paragraaf (b) van subregulasie (2), gee die voorsitter aan elke lid skriftelik kennis van 'n vergadering van 'n raad en voorsien hy elke lid van die sakelys vir daardie vergadering: Met dien verstande dat sodanige kennisgewing en sakelys so uitgestuur word dat dit 'n lid minstens 14 dae voor die datum van daardie vergadering bereik.

(2) (a) 'n Buitengewone vergadering van 'n raad—

(i) kan te eniger tyd deur die voorsitter belê word; en

(ii) moet deur die voorsitter belê word wanneer hy deur die Minister daartoe gelas word, of wanneer hy deur minstens een derde van die lede van die betrokke raad skriftelik daarom versoek word: Met dien verstande dat so 'n vergadering moet plaasvind binne 14 dae na ontvangs van sodanige lasgewing of versoek.

(b) Kennisgewing van 'n buitengewone vergadering van 'n raad aan lede geskied op die wyse en sodanige tydstop deur die voorsitter bepaal.

(3) (a) Die voorsitter sit voor by elke vergadering van die raad.

(b) Wanneer die voorsitter afwesig is van 'n vergadering van 'n raad, sit die ondervoorsitter by daardie vergadering voor.

(c) Wanneer die voorsitter sowel as die ondervoorsitter afwesig is van 'n vergadering van die raad, kies die aanwesige lede iemand uit hul geledere, uitgesonderd die prinsipaal van die betrokke tegniese kollege, om by daardie vergadering voor te sit.

(4) (a) Op 'n gewone vergadering van 'n raad word enige saak ten opsigte waarvan daar ooreenkomstig die bepalings van hierdie regulasie vooraf aan lede kennis gegee is, en enige ander dringende saak wat 'n lid met die goedkeuring van die vergadering opper, behandel.

(b) Op 'n buitengewone vergadering van 'n raad word geen ander saak as dié ten opsigte waarvan daar ooreenkomstig die bepalings van hierdie regulasie vooraf aan lede kennis gegee is, behandel nie.

(5) (a) 'n Mosie of amendement wat by 'n vergadering van 'n raad ingedien word, word gesekondeer en indien die voorsitter daartoe opdrag gee, ook op skrif gestel.

(b) Geen mosie of amendement word sonder die toestemming van die raad teruggetrek nie.

(c) Kennis van indiening van 'n mosie word minstens 21 dae voor die datum van die vergadering van 'n raad waarop 'n lid beoog om daardie mosie in te dien, skriftelik deur daardie lid by die prinsipaal van die betrokke tegniese kollege ingedien, tensy die raad eenparig 'n korter tydperk van kennisgewing goedkeur.

(d) The number of members voting for or against a motion or amendment shall be noted in the minutes of a meeting of a council if the council so decides: Provided that a member may request that it be noted in the minutes whether such member voted for or against a specific motion or amendment, whereafter the chairman shall direct that such note be made.

(6) (a) A question of procedure and order at a meeting of a council shall be decided by the person presiding at that meeting.

(b) If a member of the council objects to a ruling given in terms of paragraph (a), the question shall immediately be put to the vote without further discussion.

(7) A member may propose that a matter under discussion at a meeting of a council be dealt with in committee, and if such proposal is seconded, the proposal shall be put to the vote without further discussion.

(8) When a member has a personal interest in a subject which is discussed at a meeting of a council, the chairman shall request the member concerned to leave that meeting for the duration of such discussion.

(9) The quorum for a meeting of a council shall be a majority of the total number of members of that council.

(10) (a) The decision of the majority of the members at a meeting of a council shall be the decision of the council.

(b) Each member present at a meeting of a council shall have one vote, and in the event of an equality of votes in respect of any matter, the person who presides at the meeting shall, in addition to his deliberative vote, have a casting vote.

(11) (a) The principal of a technical college shall keep minutes of the proceedings of every meeting of the council of which he is a member.

(b) The minutes of a meeting, including the minutes of an extraordinary meeting, shall be submitted by the principal for approval by the council at the next ensuing meeting of the council concerned.

(c) After approval by a council of the minutes of a meeting the chairman and the principal of the technical college concerned shall sign the minutes on the last page and initial any other pages thereof.

(d) Any amendments of minutes shall be noted in the minutes of the next meeting.

(e) The council may take the minutes of the previous meeting as read, provided that each member has been furnished with a copy thereof.

(f) Within 14 days after the conclusion of a meeting of a council, a copy of the minutes of that meeting shall be furnished by the principal to every member of the council as well as a copy of such minutes and of the agenda of that meeting to the Head of Education.

(d) Die getal lede wat vir of teen 'n mosie of amendement stem, word in die notule van 'n vergadering van 'n raad aangeteken indien die raad so besluit: Met dien verstande dat 'n lid mag versoek dat in die notule aangeteken word of sodanige lid vir of teen 'n bepaalde mosie of amendement gestem het, waarna die voorsitter gelas dat sodanige aantekening gemaak word.

(6) (a) 'n Vraag oor prosedure en orde by 'n vergadering van 'n raad word beslis deur die persoon wat by daardie vergadering voorsit.

(b) Indien 'n lid van die raad beswaar maak teen 'n beslissing gegee ingevolge paragraaf (a), word die vraag onmiddellik sonder verdere bespreking tot stemming gebring.

(7) 'n Lid mag voorstel dat 'n onderwerp onder bespreking op 'n vergadering van 'n raad in komitee behandel word, en indien sodanige voorstel gesekondeer word, word die voorstel sonder verdere bespreking tot stemming gebring.

(8) Wanneer 'n lid 'n persoonlike belang het by 'n onderwerp wat op 'n vergadering van 'n raad bespreek word, versoek die voorsitter die betrokke lid om daardie vergadering vir die duur van sodanige bespreking te verlaat.

(9) Die kworum vir 'n vergadering van 'n raad is 'n meerderheid van die totale getal van daardie raad se lede.

(10) (a) Die beslissing van die meerderheid van die lede by 'n vergadering van 'n raad is die beslissing van die raad.

(b) Elke lid wat by 'n vergadering van 'n raad aanwesig is, het een stem, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit 'n beslissende stem benevens sy beraadslagende stem.

(11) (a) Die prinsipaal van 'n tegniese kollege hou notule van die verrigtinge van elke vergadering van die raad waarvan hy lid is.

(b) Die notule van 'n vergadering insluitend die notule van 'n buitengewone vergadering, word op die eersvolgende vergadering van die betrokke raad deur die prinsipaal voorgelê vir goedkeuring deur die raad.

(c) Na goedkeuring van die notule van 'n vergadering deur 'n raad, onderteken die voorsitter en die prinsipaal van die betrokke tegniese kollege die notule op die laaste bladsy en parafeer hulle enige ander bladsye daarvan.

(d) Enige wysiging van 'n notule word in 'n daaropvolgende vergadering se notule aangeteken.

(e) Die raad kan die notule van die vorige vergadering van die raad as gelese beskou, mits 'n afskrif daarvan aan elke lid voorsien is.

(f) Binne 14 dae na afloop van 'n vergadering van 'n raad voorsien die prinsipaal elke lid van die raad van 'n afskrif van die notule van daardie vergadering en die Onderwyshoof van 'n afskrif van sodanige notule sowel as van die sakelys van daardie vergadering.

(12) The secretarial and administrative duties of the council of a college shall be performed by the principal of that college and the principal may designate an officer or employee to assist him.

Powers and functions of council

6. (1) A council shall advise and make recommendations to the Minister and the Head of Education regarding—

(a) the establishment of courses at the technical college;

(b) the planning, erection and use of facilities at the technical college;

(c) any matter which the Minister or the Head of Education refers to the council; and

(d) the welfare of the technical college and its students in general.

(2) A council shall consider—

(a) the reports of the principal of the technical college in regard to study council matters, staff matters, financial matters and physical facilities, and any other reports relating to the efficient management of a technical college; and

(b) the departmental inspection reports submitted to the council,

and shall make recommendations to the Head of Education regarding any matters arising therefrom.

(3) (a) A council may from time to time designate one of its members to visit the technical college and to report to the council in writing regarding a matter which in the opinion of the council affects the interests of that college, the students or the staff.

(b) A report referred to in paragraph (a) shall be included in the agenda of the first meeting of the council after the visit referred to in that paragraph.

No. R. 901

26 April 1991

TECHNICAL COLLEGES ACT, 1981

REGULATIONS RELATING TO THE APPOINTMENT AND CONDITIONS OF SERVICE OF OFFICERS AND EMPLOYEES EMPLOYED IN TEACHING POSTS AT TECHNICAL COLLEGES

The Minister of Education and Culture has under section 39, read with section 9 of the Technical Colleges Act, 1981 (Act No. 104 of 1981), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it and, unless the context otherwise indicates—

“**approved qualification**” means a degree, a diploma, a certificate or other qualification recognized by the Minister as a qualification for appointment in a teaching post;

(12) Die sekretariële en administratiewe werksaamhede van die raad van 'n kollege word deur die prinsipaal van daardie kollege verrig en die prinsipaal kan 'n beamppte of werknemer aanwys om hom behulpsaam te wees.

Bevoegdhede en pligte van raad

6. (1) 'n Raad adviseer en doen aanbevelings aan die Minister en die Onderwyshoof in verband met—

(a) die instelling van kursusse by die tegniese kollege;

(b) die beplanning, oprigting en gebruik van fasiliteite by die tegniese kollege;

(c) enige aangeleentheid wat die Minister of die Onderwyshoof na die raad verwys; en

(d) die welsyn van die tegniese kollege en sy studente in die algemeen.

(2) 'n Raad oorweeg—

(a) die verslae van die prinsipaal van die tegniese kollege met betrekking tot studieraadsaangeleenthede, personeelaangeleenthede, finansiële aangeleenthede en fisiese geriewe, en enige ander verslae wat betrekking het op die doeltreffende bestuur van die tegniese kollege; en

(b) die departementele inspeksieverslae wat aan die raad voorgelê word,

en doen aanbevelings aan die Onderwyshoof in verband met aangeleenthede wat daaruit voortspruit.

(3) (a) 'n Raad kan van tyd tot tyd een van sy lede aanwys om die tegniese kollege te besoek en aan die raad skriftelik verslag te doen in verband met 'n aangeleentheid wat na die raad se mening die belange van daardie kollege, die studente of die personeel aangaan.

(b) 'n Verslag in paragraaf (a) bedoel, word ingesluit in die sakelys van die eerste vergadering van die raad na die besoek in daardie paragraaf bedoel.

No. R. 901

26 April 1991

WET OP TEGNIESE KOLLEGES, 1981

REGULASIES BETREFFENDE AANSTELLING EN DIENSVORWAARDES VAN BEAMPTES EN WERKNEMERS IN DIENS IN ONDERWYSPOSTE BY TEGNIESE KOLLEGES

Die Minister van Onderwys en Kultuur het kragtens artikel 39 saamgelees met artikel 9 van die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg word, die betekenis aldus daaraan geheg, en tensy uit die samehang anders blyk, beteken—

“**beamppte**”, by die toepassing van hierdie Regulasies, 'n beamppte in diens in 'n onderwyspos by 'n tegniese kollege;

“**die Wet**” die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981);

"calendar month" means a period ranging from the first day up to and including the last day of any of the twelve months of a year;

"calendar quarter" means a period of three consecutive calendar months beginning respectively on the first day of January, April, July or October of any calendar year;

"calendar year" means the period ranging from the first day of January to the last day of the following December, both days inclusive;

"college" means a technical college as defined in section 1 of the Act;

"college holiday" means the period between any two consecutive college terms;

"college term" means the period fixed as such by the Head of Education for a particular college or a category of colleges for a particular calendar year;

"day of rest", in relation to an officer or employee, means any day on which he is exempted from duty;

"employee", in the application of these Regulations, means an employee employed in a teaching post at a technical college;

"incremental month" means the calendar month during which the salary of an officer or employee may be increased in terms of regulation 29;

"month" means a period extending from one day in a month up to and including the day preceding the first-mentioned day numerically in the following month;

"officer", in the application of these Regulations, means an officer employed in a teaching post at a technical college;

"personal effects" means the movable property of an officer or employee and of his household, including vehicles, but excluding livestock, domestic animals or pets;

"salary increment" means the amount by which the salary of an officer or employee may be increased according to the appropriate salary scale determined in terms of section 9 (4) (a) of the Act;

"salary incremental period" means a period of twelve calendar months, or the other period determined in terms of section 9 (4) (a) of the Act, which shall elapse, in regard to an officer or employee before his salary may be increased in terms of regulation 29;

"teaching post" means a post to which a person is appointed, transferred or promoted to perform post-school educational duties at a college;

"the Act" means the Technical Colleges Act, 1981 (Act No. 104 of 1981);

"working week" means the official period of service determined in terms of regulations 30 and 31, which an officer or employee is required to complete in respect of a period which extends from midnight between a Saturday and a Sunday to midnight between the following Saturday and Sunday; and

"year" means a period of 12 months extending from one day in a year up to and including the day preceding the first-mentioned day numerically in the following year.

"goedgekeurde kwalifikasie" 'n graad, diploma, sertifikaat of ander kwalifikasie wat deur die Minister erken word as 'n kwalifikasie vir aanstelling in 'n onderwyspos;

"jaar" 'n tydperk van 12 maande wat strek van een dag van 'n jaar tot en met die dag wat eersgenoemde dag numeries voorafgaan in die daaropvolgende jaar;

"kalenderjaar" die tydperk wat strek vanaf die eerste dag van Januarie tot die laaste dag van die eersvolgende Desember, beide dae inbegrepe;

"kalenderkwartaal" 'n tydperk van drie agtereenvolgende kalendermaande wat onderskeidelik op die eerste dag van Januarie, April, Julie of Oktober van enige kalenderjaar begin;

"kalendermaand" 'n tydperk van die eerste tot en met die laaste dag van enige van die twaalf maande van 'n jaar;

"kollege" 'n tegniese kollege soos omskryf in artikel 1 van die Wet;

"kollegetermyn" 'n tydperk wat as sodanig vasgestel is deur die Onderwyshoof vir 'n bepaalde kollege of 'n kategorie kolleges ten opsigte van 'n bepaalde kalenderjaar;

"kollegevakansie" 'n tydperk tussen enige twee opeenvolgende kollegetermyne;

"maand" 'n tydperk wat strek van een dag van 'n maand tot en met die dag wat eersgenoemde dag numeries voorafgaan in die daaropvolgende maand;

"onderwyspos" 'n pos waarin iemand aangestel, oorgeplaas of bevorder word om naskoolse onderwyspligte by 'n kollege te verrig;

"persoonlike besittings" die roerende goed van 'n beampte of werknemer en van sy huishouding, met inbegrip van voertuie, maar nie lewende hawe, huis- of troeteldiere nie;

"rusdag", met betrekking tot 'n beampte of werknemer, enige dag waarop hy van diens vrygestel is;

"salarisverhoging" die bedrag waarmee die salaris van 'n beampte of werknemer ooreenkomstig die toepaslike salarisskaal wat ingevolge artikel 9 (4) (a) van die Wet bepaal word, verhoog kan word;

"salarisverhogingstydperk" 'n tydperk van twaalf kalendermaande, of die ander tydperk wat ingevolge artikel 9 (4) (a) van die Wet bepaal word, en wat met betrekking tot 'n beampte of werknemer moet verstryk voordat sy salaris ingevolge regulasie 29 verhoog kan word;

"verhogingsmaand" die kalendermaand waarin die salaris van 'n beampte of werknemer ingevolge regulasie 29 verhoog kan word;

"werknemer", by die toepassing van hierdie Regulasies, 'n werknemer in diens in 'n onderwyspos by 'n tegniese kollege; en

"werkweek" die amptelike dienstyd ingevolge regulasie 30 en 31 bepaal, wat 'n beampte of werknemer moet voltooi ten opsigte van 'n tydperk wat strek vanaf middernag tussen 'n Saterdag en Sondag tot middernag tussen die daaropvolgende Saterdag en Sondag.

Appointment to a teaching post

2. (1) Any person wishing to be considered for an appointment to a teaching post at a college whether in a permanent or temporary capacity shall apply therefor in writing to the principal of the college concerned on a form provided by the council.

(2) Any person wishing to be considered for an appointment to a teaching post in a permanent capacity, shall complete and sign a statement on his condition of health on a form provided by the council and, if he is required by the council to do so, submit himself to a medical examination.

(3) The district surgeon or state medical officer who undertakes the medical examination of a person referred to in subregulation (2), shall after the examination draw up a report thereon on a form provided by the council.

(4) No person shall be appointed to a teaching post, whether in a permanent or temporary capacity or on special contract, unless he—

(a) is in possession of an approved qualification; and

(b) is registered or conditionally registered with the Teachers' Federal Council recognized by the Minister under Government Notice No. 2291 of 31 October 1986.

(5) Subject to the provisions of subregulation (4), no person shall be appointed to a teaching post in a permanent capacity for the first time, unless he—

(a) is a South African citizen, or is a citizen of a territory which formed part of the Republic of South Africa and which in terms of an Act of Parliament became an independent State;

(b) is of good character and is medically fit; and

(c) is under the age of 55 years: Provided that the Minister may in a particular case direct that a person of 55 years or older be appointed to a teaching post.

(6) No person shall be appointed permanently to a teaching promotion post unless he has passed a proficiency test as determined by the Head of Education in both official languages, or he has convinced the Head of Education that he has achieved the compulsory standard of proficiency in both official languages.

(7) Subject to the provisions of subregulation (4), a council may appoint any person to a vacant teaching post in a temporary capacity.

Person to remain in post for one year

3. Subject to the provisions of these Regulations, a person who occupies a teaching post in a permanent capacity, may not be appointed to another post with equal remuneration, unless such person has occupied such teaching post for a period of at least one year: Provided that the council may decide otherwise.

Appointment on probation to teaching post

4. (1) (a) Subject to the provisions of subregulation (2) an officer appointed on probation shall be appointed as such for a period of at least 12 months, which period may be extended for a further period not exceeding 24 months.

Aanstelling in 'n onderwyspos

2. (1) Iemand wat vir aanstelling in 'n onderwyspos, hetsy in 'n permanente of tydelike hoedanigheid, by 'n kollege in aanmerking wil kom, doen skriftelik by die prinsipaal van die betrokke kollege daarom aansoek op 'n vorm wat deur die raad voorsien word.

(2) Iemand wat vir aanstelling in 'n onderwyspos in 'n permanente hoedanigheid in aanmerking wil kom, vul 'n verklaring oor sy gesondheidstoestand op 'n vorm deur die raad voorsien, in en onderteken dit en indien die raad dit van hom vereis, onderwerp hy hom aan 'n geneeskundige ondersoek.

(3) Die distriksgeneesheer of staatsmediese beampte wat die geneeskundige ondersoek van 'n in subregulasie (2) bedoelde persoon waarneem, stel na die ondersoek 'n verslag daaroor op op 'n vorm deur die raad voorsien.

(4) Niemand word in 'n onderwyspos aangestel nie hetsy in 'n permanente of tydelike hoedanigheid, of op spesiale kontrak tensy hy—

(a) oor 'n goedgekeurde kwalifikasie beskik; en

(b) geregistreer of voorwaardelik geregistreer is by die Federale Onderwysersraad deur die Minister kragtens Goewermentskennisgewing No. 2291 van 31 Oktober 1986, erken.

(5) Behoudens die bepalings van subregulasie (4) word niemand vir die eerste keer in 'n permanente hoedanigheid in 'n onderwyspos aangestel nie, tensy hy—

(a) 'n Suid-Afrikaanse burger is, of 'n burger is van 'n gebied wat deel van die Republiek van Suid-Afrika uitgemaak het en wat ingevolge 'n Wet van die Parlement 'n onafhanklike Staat geword het;

(b) van goeie karakter is en medies geskik is; en

(c) onder die ouderdom van 55 jaar is: Met dien verstande dat die Minister in 'n bepaalde geval kan gelas dat iemand van 55 jaar of ouer in 'n onderwyspos aangestel word.

(6) Niemand word permanent in 'n onderwysbevorderingspos aangestel nie tensy hy 'n bekwaamheidstoets soos deur die Onderwyshoof bepaal in beide amptelike tale geslaag het, of die Onderwyshoof oortuig het dat hy die verpligte standaard van bekwaamheid in beide amptelike tale bereik het.

(7) Behoudens die bepalings van subregulasie (4) kan 'n raad enige persoon in 'n vakante onderwyspos in 'n tydelike hoedanigheid aanstel.

Persoon vir een jaar in pos aan te bly

3. Behoudens die bepalings van hierdie Regulasies, kan iemand wat 'n onderwyspos in 'n permanente hoedanigheid beklee, nie in 'n ander pos met 'n gelykwaardige salaris aangestel word nie, tensy so iemand sodanige onderwyspos vir 'n tydperk van minstens een jaar beklee het: Met dien verstande dat die raad anders kan beslis.

Aanstelling op proef in onderwyspos

4. (1) (a) Behoudens die bepalings van subregulasie (2), word 'n beampte wat op proef aangestel word, vir 'n tydperk van minstens twaalf maande aldus aangestel, welke tydperk vir 'n verdere tydperk van hoogstens 24 maande verleng kan word.

(b) The council may approve that a transfer or promotion on probation be made for the period referred to in paragraph (a): Provided that an officer may be transferred or promoted to another post on probation for a period of less than 12 months if such period, together with the probation period in the former post, shall total at least 12 months.

(2) The probation period of an officer shall be extended by the number of days leave taken by him during the probation period or an extension thereof: Provided that a college holiday shall not be considered as leave for the purposes of this subregulation.

(3) If the principal of a college certifies that an officer appointed, transferred or promoted on probation, is in all respects suitable for the post which he holds, the council concerned may confirm, subject to the provisions of subregulation (5) the appointment, transfer or promotion if the officer has complied with all the conditions to which his appointment, transfer or promotion was subject.

(4) If an appointment, transfer or promotion on probation is not confirmed the council concerned may—

(a) extend the period of probation; or

(b) in the case of a person who immediately prior to his transfer or promotion on probation was an officer, not being an officer on probation, revert him to the post previously held by him or place him in a post of equivalent grading as the post he previously held and grant him the salary which he would have received in the post he previously held had he not been transferred or promoted on probation.

(5) An appointment, transfer or promotion of an officer on probation shall not be confirmed in terms of subregulation (3) unless such officer submits a statement or certificate to the council which indicates that he is free from any mental or physical defect, disease or infirmity which is likely to interfere with the proper performance of his duties or make necessary his retirement from the service of a college before reaching the age for his retirement on pension: Provided that this provision shall not apply to an officer who has already previously submitted such a statement or certificate on his appointment in the Public Service or at a college, school, state-aided school or any other institution under the control of the Department and who is appointed, transferred or promoted without a break in service.

Date on which salary commences and ends

5. (1) An officer or employee who is appointed or re-appointed in the service of a college shall be entitled to salary as from the day of assumption of duty until the day upon which his service is terminated: Provided that—

(a) subject to the provisions of paragraph (b), an officer or employee who assumes duty on the first day of a college term and who renders service for at least 30 days after the date of assumption of duty, shall be entitled to salary with effect from the first day of the calendar month in which he assumed duty;

(b) Die raad kan goedkeur dat 'n oorplasing of bevordering op proef vir die tydperk in paragraaf (a) bedoel geskied: Met dien verstande dat 'n beampte vir 'n tydperk van minder as 12 maande op proef na 'n ander pos oorgeplaas of bevorder kan word indien sodanige tydperk saam met die proeftydperk in die vorige pos, minstens 12 maande is.

(2) Die proeftydperk van 'n beampte word verleng met die getal dae verlof wat hy gedurende die proeftydperk of 'n verlenging daarvan geneem het: Met dien verstande dat 'n kollegevakansie nie as verlof vir die doeleindes van hierdie subregulasie gereken word nie.

(3) Indien die prinsipaal van 'n kollege sertifiseer dat 'n beampte wat op proef aangestel, oorgeplaas of bevorder is, in alle opsigte geskik is vir die pos wat hy beklee, kan die betrokke raad behoudens die bepalinge van subregulasie (5) die aanstelling, oorplasing of bevordering bekragtig indien die beampte voldoen het aan al die voorwaardes waaraan sy aanstelling, oorplasing of bevordering onderworpe was.

(4) Indien 'n aanstelling, oorplasing of bevordering op proef nie bekragtig word nie, kan die betrokke raad—

(a) die proeftydperk verleng; of

(b) in die geval van iemand wat onmiddellik voor sy oorplasing of bevordering op proef 'n beampte was, maar wat nie 'n beampte op proef was nie, hom terugplaas na die pos wat hy tevore beklee het, of hom plaas in 'n pos van gelyke gradering as die pos wat hy tevore beklee het, en aan hom die salaris toeken wat hy in die pos wat hy tevore beklee het, sou ontvang het indien hy nie op proef oorgeplaas of bevorder was nie.

(5) 'n Aanstelling, oorplasing of bevordering van 'n beampte op proef word nie ingevolge subregulasie (3) bekragtig nie tensy sodanige beampte 'n verklaring of sertifikaat aan die raad voorlê wat aandui dat hy vry is van 'n verstandelike of liggaamsgebrek, siekte of swaakteit wat waarskynlik die behoorlike verrigting van sy pligte sal belemmer of sy aftrede uit die diens van 'n kollege nodig sal maak voordat hy die leeftyd vir sy uitdienstreding met pensioen bereik: Met dien verstande dat hierdie bepaling nie van toepassing is nie op 'n beampte wat reeds voorheen so 'n verklaring of sertifikaat voorgelê het by sy aanstelling in die Staatsdiens of aan 'n kollege, skool, staatsondersteunde skool of enige ander inrigting onder die beheer van die Departement en wat sonder onderbreking van diens aangestel, oorgeplaas of bevorder word.

Datum waarop salaris begin en eindig

5. (1) 'n Beampte of werknemer wat in die diens van 'n kollege aangestel of heraan gestel word, is geregtig op salaris met ingang van die dag waarop hy diens aanvaar tot die dag waarop sy diens beëindig word: Met dien verstande dat—

(a) behoudens die bepalinge van subparagraaf (b), 'n beampte of werknemer wat op die eerste dag van 'n kollegetermyn diens aanvaar en vir minstens 30 dae na die datum van diensaanvaarding diens doen, geregtig is op salaris met ingang van die eerste dag van die kalendermaand waarin hy diens aanvaar het;

(b) an officer or employee referred to in paragraph (a), if such a college term commences within the same calendar month in which the previous college term ended, shall receive salary —

(i) with effect from the day following the day on which the preceding college term ended; or

(ii) with effect from the day following the day on which his service at an educational institution under the control of an education department in the Republic of South Africa terminated, if he served in a teaching post up to the last day of the preceding school quarter or college term and was in the employ of that institution for not less than 30 days;

(c) an officer or employee who assumes duty on the first working day of a calendar month falling within a college term, and who renders service for at least 30 days after the date of assumption of duty, shall be entitled to salary with effect from the first day of such calendar month; and

(d) an officer or employee who, notwithstanding anything to the contrary contained in these Regulations, immediately after completion of his course of training or instruction, is ordered or called up in terms of the Defence Act, 1957 (Act No. 44 of 1957), or in terms of the Police Act, 1958 (Act No. 7 of 1958), to render service or to undergo training, and to whom leave has been granted for such service or training, shall be entitled to salary as if he has assumed duty in a teaching post on the first day of the college term immediately after completion of his course of training or instruction.

(2) An officer or employee who is appointed or re-appointed in the service of a college shall be entitled to salary to the day upon which his service is terminated: Provided that —

(a) an officer or employee who is appointed up to and including the last day of a college term and who has rendered service for at least 30 days after assumption of duty, shall, subject to the provisions of paragraphs (b), (c) and (d), be entitled to a salary up to and including the last day of the calendar month in which the college term ends, irrespective of how his employment is terminated;

(b) if an officer or employee who resigns or is discharged by the council and such resignation or discharge is not the result of any disciplinary action against such officer or employee in terms of the provisions of the Act, and such resignation or discharge takes effect —

(i) at any time during a college term, such an officer or employee shall, subject to the provisions of paragraph (c), receive salary up to and including the last day on which such officer or employee was employed: Provided further that an officer or employee who has rendered service for at least 30 days after the assumption of duty, shall receive salary up to and including the last day of the calendar month in which he has resigned or was discharged;

(b) 'n beampte of werknemer in paragraaf (a) bedoel, indien sodanige kollegetermyn binne dieselfde kalendermaand begin as wat die voorafgaande kollegetermyn geëindig het, salaris ontvang —

(i) met ingang van die dag wat volg op die dag waarop die voorafgaande kollegetermyn geëindig het; of

(ii) met ingang van die dag wat volg op die dag waarop sy diens by 'n opvoedkundige inrigting onder die beheer van 'n onderwysdepartement in die Republiek van Suid-Afrika geëindig het, indien hy tot die laaste dag van die voorafgaande skoolkwartaal of kollegetermyn in 'n onderwyspos diens gedoen het en minstens 30 dae in diens van daardie inrigting was;

(c) 'n beampte of werknemer wat op die eerste werkdag van 'n kalendermaand wat binne 'n kollegetermyn val, diens aanvaar en vir minstens 30 dae na die datum van diensaanvaarding diens doen, geregtig is op salaris met ingang van die eerste dag van sodanige kalendermaand; en

(d) 'n beampte of werknemer, wat ondanks andersluidende bepalings van hierdie Regulasies, onmiddellik na voltooiing van sy opleidings- of onderrigkursus, ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), of ingevolge die Polisiewet, 1958 (Wet No. 7 van 1958), aangesê of opgeroep word om diens te verrig of opleiding te ondergaan en aan wie verlof vir sodanige diens of opleiding toegestaan is, geregtig is op salaris asof hy op die eerste dag van die kollegetermyn onmiddellik na voltooiing van sy opleidings- of onderrigkursus diens in 'n onderwyspos aanvaar het.

(2) 'n Beampte of werknemer wat in diens van 'n kollege aangestel of heraangestel word, is geregtig op salaris tot die dag waarop sy diens beëindig word: Met dien verstande dat —

(a) 'n beampte of werknemer wat aangestel word tot en met die laaste dag van 'n kollegetermyn en wat vir minstens 30 dae na die datum van diensaanvaarding diens gedoen het, behoudens die bepalings van subparagrafe (b), (c) en (d), geregtig is op salaris tot en met die laaste dag van die kalendermaand waarin die kollegetermyn eindig, ongeag hoe sy diens beëindig word;

(b) indien 'n beampte of werknemer bedank of deur die raad ontslaan word en sodanige bedanking of ontslag nie as gevolg van enige dissiplinêre optrede teen sodanige beampte of werknemer ingevolge die bepalings van die Wet is nie, en sodanige ontslag of bedanking in werking tree —

(i) te eniger tyd gedurende 'n kollegetermyn, sodanige beampte of werknemer, behoudens die bepalings van paragraaf (c), salaris ontvang tot en met die laaste dag waarop sodanige beampte of werknemer in diens was: Met dien verstande voorts dat 'n beampte of werknemer wat ten minste 30 dae diens gelewer het na diensaanvaarding, salaris ontvang tot en met die laaste dag van die kalendermaand waarin hy bedank het of ontslaan is;

(ii) on the day following the last day of a college term, such officer or employee shall receive salary up to and including the last day of the calendar month in which such college term ended: Provided further that if such college term ends within the same calendar month as the month in which the following college term commences, such officer or employee shall receive salary up to and including the last day of the college term in which he has thus resigned or was discharged;

(c) An officer or employee whose resignation takes effect during any college holiday or on the first working day for officers or employees following upon such college holiday, shall, in the application of this regulation be deemed to have terminated his service on the last day of the calendar month in which the previous college term ended; and

(d) an officer or employee whose services terminate on any date by reason of his having reached the retiring age as determined in regulation 11 (1), shall receive salary up to and including the day preceding such date, unless the services of such officer or employee are retained in terms of regulation 12 beyond such date, in which event he shall receive salary up to and including the last day on which he remains in service.

Remuneration during college holiday

6. An officer or employee whose services are terminated on the last day of a college term and who is re-appointed and again assumes duty within the first four working days for officers or employees of the following college term, shall, notwithstanding the provisions of regulation 5, be entitled to receive salary in respect of the intervening college holiday for which he has not already received salary: Provided that if such officer or employee does not assume duty within the said first four working days and he has been granted leave with pay for a period including such four days, he shall be deemed to have assumed duty within such first four working days.

Wrongly granted remuneration

7. (1) If an incorrect salary or salary scale on appointment, transfer or promotion or an incorrect advancement of salary within the limits of the appropriate salary scale was awarded or granted to an officer or employee, or was awarded or granted at the correct notch or scale but at a time when or in circumstances under which it should not have been awarded or granted to him, the council shall correct the salary or salary scale of the officer or employee with effect from the date on which the incorrect salary, salary scale or salary advancement commenced, notwithstanding the fact that the officer or employee concerned was unaware that an error had been made in the case where the correction amounts to a reduction of his salary scale or salary.

(ii) op die dag na die laaste dag van 'n kollegetermyn, sodanige beampte of werknemer salaris ontvang tot en met die laaste dag van die kalendermaand waarin sodanige kollegetermyn geëindig het: Met dien verstande voorts dat as sodanige kollegetermyn binne dieselfde kalendermaand eindig as die maand waarin die eersvolgende kollegetermyn begin, sodanige beampte of werknemer salaris ontvang tot en met die laaste dag van die kollegetermyn waarin hy aldus bedank het of ontslaan is;

(c) 'n beampte of werknemer wie se bedanking gedurende enige kollegevakansie of op die eerste werksdag vir beamptes of werknemers na sodanige kollegevakansie in werking tree, by die toepassing van hierdie regulasie geag word sy diens te beëindig het op die laaste dag van die kalendermaand waarin die vorige kollegetermyn geëindig het; en

(d) 'n beampte of werknemer wie se dienste op enige datum ten einde loop omdat hy die uitdienstredings-ouderdom soos in regulasie 11 (1) bepaal, bereik het, salaris ontvang tot en met die dag net voor sodanige datum, tensy die dienste van sodanige beampte of werknemer ingevolge regulasie 12 behou word tot na sodanige datum, en in dié geval ontvang hy salaris tot en met die laaste dag wat hy in die diens bly.

Besoldiging tydens kollegevakansie

6. 'n Beampte of werknemer wie se dienste beëindig word op die laaste dag van 'n kollegetermyn en wat heraangestel word en binne die eerste vier werksdae vir beamptes of werknemers van die eersvolgende kollegetermyn weer diens aanvaar, is ondanks die bepalinge van regulasie 5 geregtig om salaris te ontvang ten opsigte van die tussenkomende kollegevakansie waarvoor hy nie alreeds salaris ontvang het nie: Met dien verstande dat indien sodanige beampte of werknemer nie binne genoemde eerste vier werksdae diens aanvaar nie en daar aan hom verlof met besoldiging toegestaan is vir 'n tydperk wat sodanige vier dae insluit, hy geag sal word binne die eerste sodanige vier werksdae diens te aanvaar het.

Foutiewelik toegestane besoldiging

7. (1) Indien 'n foutiewe salaris of salarisskaal by aanstelling, oorpasing of bevordering, of 'n foutiewe verhoging in salaris binne die perke van die toepaslike salarisskaal aan 'n beampte of werknemer toegeken of toegestaan is, of toegeken of toegestaan is teen die korrekte kerf of skaal maar op 'n tyd wanneer of in omstandighede waaronder dit nie aan hom toegeken of toegestaan behoort te gewees het nie, moet die raad die beampte of werknemer se salaris of salarisskaal regstel met ingang van die datum waarop die foutiewe salaris, salarisskaal of salarisverhoging in werking getree het, ondanks die feit dat die betrokke beampte of werknemer onbewus daarvan was dat 'n fout begaan is in die geval waar die regstelling neerkom op 'n verlaging van sy salarisskaal of salaris.

(2) If an officer or employee referred to in subregulation (1) has in respect of his salary, including any portion of any allowance or other remuneration or any other benefit calculated on his basic salary or salary scale, or awarded to him by reason of his basic salary—

(a) been underpaid, an amount equal to the amount of the underpayment shall be paid to him, and that other benefit which he did not receive, shall be awarded to him as from a current date; or

(b) been overpaid or received any such other benefit not due to him—

(i) an amount equal to the amount of the overpayment shall be recovered from him by way of the deduction from his salary of such instalments as may be determined by the council if he is in the service of the college, or, if he is not so in service, by way of a deduction from any moneys owing to him by the college, or by way of legal proceedings, or partly in the former manner and partly in the latter manner; and

(ii) that other benefit shall be discontinued or withdrawn as from a current date, but the officer or employee concerned shall be entitled to be compensated by the college for any patrimonial loss which he has suffered or will suffer as a result of that discontinuation or withdrawal.

(3) With the approval of the council concerned the amount of an overpayment to be recovered in terms of subregulation (2) (b) may be remitted in whole or in part.

Proof of marriage or change of marital status

8. An officer or employee shall, within 30 days after entering into matrimony or after his marital status has changed, submit written proof thereof to the council.

Cession of emoluments

9. No officer or employee shall without the written approval of the council, cede the right to the whole or a part of any salary or allowance due to him.

Medical aid

10. (1) An officer or employee (including an officer or employee on special contract) shall, subject to the provisions of subregulation (3), be compelled to become a member of the Public Service Medical Aid Association, hereinafter referred to as the Association, with effect from the date of his appointment: Provided that—

(a) the provisions of this regulation shall not apply to—

(i) an officer or employee who has already reached the age of 65 years;

(2) Indien 'n beampte of werknemer in subregulasie (1) bedoel ten opsigte van sy salaris, met in begrip van enige gedeelte van 'n toelae of ander besoldiging of enige ander voordeel wat op sy basiese salaris of salarisskaal bereken is of op grond van sy basiese salaris aan hom toegeken is—

(a) onderbetaal is, moet 'n bedrag gelyk aan die bedrag van die onderbetaling aan hom betaal word, en moet die ander voordeel wat hy nie ontvang het nie, vanaf 'n lopende datum aan hom toegeken word; of

(b) oorbetaal is, of so 'n ander voordeel ontvang het wat hom nie toekom nie—

(i) moet 'n bedrag gelyk aan die bedrag van die oorbetalings op hom verhaal word by wyse van die aftrekking van sy salaris van die paaielemente soos deur die raad bepaal indien hy in diens van die kollege is of, indien hy nie aldus in diens is nie by wyse van die aftrekking van enige bedrae wat die kollege aan hom verskuldig is, of by wyse van geregtelike stappe, of gedeeltelik op eersgenoemde en gedeeltelik op laasgenoemde wyse; en

(ii) moet daardie ander voordeel vanaf 'n lopende datum gestaak of ingetrek word, maar die betrokke beampte of werknemer het die reg om deur die kollege vergoed te word vir enige vermoënsregtelike skade wat hy as gevolg van daardie staking of intrekking gelyk het of sal ly.

(3) Met die goedkeuring van die betrokke raad kan die bedrag van 'n oorbetalings wat ingevolge subregulasie (2) (b) verhaal moet word geheel of gedeeltelik kwytgeskeld word.

Bewys van huwelik of verandering van huwelikstaats

8. 'n Beampte of werknemer moet binne 30 dae nadat hy in die huwelik getree het of nadat sy huwelikstaats verander het, skriftelike bewys daarvan aan die raad voorleë.

Sessie van emolumente

9. Geen beampte of werknemer mag sonder die skriftelike goedkeuring van die raad die reg op die geheel of 'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedgeer nie.

Mediese hulp

10. (1) 'n Beampte of werknemer (met inbegrip van 'n beampte of werknemer op spesiale kontrak) is, behoudens die bepalings van subregulasie (3), verplig om lid van die Mediese Hulpvereniging van Staatsamptenare, hierna die Hulpvereniging genoem, te word met ingang van die datum van sy aanstelling: Met dien verstande dat—

(a) die bepalings van hierdie regulasie nie van toepassing is nie op—

(i) 'n beampte of werknemer wat reeds die ouderdom van 65 jaar bereik het;

(ii) an employee who is not a member of the Temporary Employees Pension Fund;

(iii) a married woman whose husband is a member of the Association or any other medical aid association or medical aid fund or medical assistance fund, if she is recognised by the rules of such other association or fund as a dependant of her husband or if, by virtue of the position which her husband occupies in the services, she is entitled to free medical aid or benefits; and

(iv) an officer or employee who, by virtue of any full-time government service, is compelled to become and remain a member of any other medical aid association or medical aid fund or medical assistance fund or any other similar fund; and

(b) if, for any reason whatsoever, a change occurs in the circumstances of a married woman contemplated in paragraph (a) (iii), or those of her husband, resulting in her no longer being recognised as a dependant of her husband for the purposes of the Association or any other medical aid association or medical aid fund or medical assistance fund, or if she is not entitled to medical aid or benefits by virtue of the particular position which her husband occupies, she shall, subject to the provisions of paragraph (a) (i) and (ii), and of subregulation (3) (a) (ii), (b) (ii), (d) and (e), be compelled to become a member of the Association with effect from the date following the day on which her circumstances so changed.

(2) An officer or employee who is compelled in terms of subregulation (1) to become a member of the Association, shall not voluntarily terminate his membership.

(3) Notwithstanding the provisions of subregulation (1) —

(a) an officer or employee shall —

(i) if he, as a pensioner, is already a member of the Association; or

(ii) if she is the widow of a deceased member of the Association and became a member of the Association in his place,

on appointment, not be reregistered as a member of the Association;

(b) an officer or employee who —

(i) is, as a pensioner, already a member of any other medical aid association or medical aid fund or medical assistance fund; or

(ii) is a widow and is already entitled to the benefits of any other medical aid association or medical aid fund or medical assistance fund by virtue of her deceased husband's membership of such association or fund,

may in the light of the provisions of section 38 of the Medical Schemes Act, 1967 (Act No. 72 of 1967), not be registered as a member of the Association;

(c) an unmarried female member shall in the light of the provisions of section 38 (2) of the Medical Schemes Act, 1967, be compelled to terminate her membership of the Association if she marries and her husband is a member of the Association or any other medical aid association or medical aid fund or medical

(ii) 'n werknemer wat nie lid van die Pensioenfonds vir Tydelike Werknemers is nie;

(iii) 'n getroude vrou wie se eggenoot lid is van die Hulpvereniging of 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds, as sy deur die reëls van sodanige ander vereniging of fonds as 'n afhanklike van haar eggenoot erken word, of as sy uit hoofde van haar eggenoot se bekleding van 'n betrekking in die dienste op gratis mediese hulp of voordele geregtig is; en

(iv) 'n beampte of werknemer wat uit hoofde van enige voltydse regeringsdiens verplig is om lid van 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds of enige ander soortgelyke fonds te word en te bly; en

(b) indien die omstandighede van 'n getroude vrou in paragraaf (a) (iii) bedoel, of van haar eggenoot, om die een of ander rede sodanig verander dat sy nie meer as 'n afhanklike van haar eggenoot vir doeleindes van die Hulpvereniging of 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds erken word nie of op mediese hulp of voordele uit hoofde van haar eggenoot se bekleding van 'n bepaalde betrekking geregtig is nie, sy, behoudens die bepalings van paragraaf (a) (i) en (ii) en van subregulasie (3) (a) (ii), (b) (ii), (d) en (e), verplig is om lid van die Hulpvereniging te word met ingang van die datum wat volg op die dag waarop haar omstandighede aldus verander het.

(2) 'n Beampte of werknemer wat ingevolge subregulasie (1) verplig is om lid te word van die Hulpvereniging, mag nie sy lidmaatskap vrywillig beëindig nie.

(3) Ondanks die bepalings van subregulasie (1) —

(a) moet 'n beampte of werknemer wat —

(i) as gepensioeneerde reeds lid is van die Hulpvereniging; of

(ii) 'n weduwee is van 'n afgestorwe lid van die Hulpvereniging en wat in sy plek lid van die Hulpvereniging geword het,

by aanstelling nie opnuut as lid van die Hulpvereniging ingeskryf word nie;

(b) mag 'n beampte of werknemer wat —

(i) as gepensioeneerde reeds lid is van 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds; of

(ii) 'n weduwee is wat reeds geregtig is op voordele van 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds uit hoofde van haar afgestorwe eggenoot se lidmaatskap van sodanige vereniging of fonds,

in die lig van die bepalings van artikel 38 van die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967), nie as lid van die Hulpvereniging ingeskryf word nie;

(c) is 'n ongetroude vroulike lid, in die lig van die bepalings van artikel 38 (2) van die Wet op Mediese Skemas, 1967, verplig om haar lidmaatskap van die Hulpvereniging te beëindig indien sy in die huwelik tree en haar eggenoot lid is van die Hulpvereniging of 'n ander mediese hulpvereniging of mediese hulpfonds of

assistance fund and she is recognised as a dependant of her husband by the rules of such other association or fund, or if she is entitled to free medical aid or benefits by virtue of the position her husband occupies in the services;

(d) an employee is not compelled to become a member of the Association if he elects in writing, within 30 days of the date of his appointment, not to become a member of the Association: Provided that an employee who has so elected, shall thereafter and for so long as he is an employee without a break in service, be debarred from membership of the Association; and

(e) the Minister may exempt an officer individually or as one of a group, from membership or continued membership on the grounds of—

(i) *bona fide* conscientious or religious objections which such officer as an individual may have against medical, dental, surgical or hospital treatment; or

(ii) medical aid or benefits to which a group of persons is entitled by virtue of their appointment in particular positions.

(4) Membership fees shall be monthly deducted from an officer's or employee's salary in accordance with the appropriate rate as prescribed from time to time, and paid to the Association.

(5) Any moneys which may at any time be owing by an officer or employee to the Association and which he neglects to pay to the Association in terms of the provisions of the rules of the Association and after he has been requested in writing to do so by the Association, shall at the written request of the Association and with the approval of the council concerned—

(a) be recovered from such officer's or employee's salary at a rate determined by the council, and be paid to the Association; or

(b) if such officer's or employee's services (and consequently his membership of the Association) terminate for any reason, be recovered in full from any outstanding moneys owing to him on termination of service, and be paid to the Association.

(6) In this regulation the expression "the services" means—

(a) the Permanent Force of the South African Defence Force referred to in section 9 of the Defence Act, 1957 (Act No. 44 of 1957);

(b) the South African Police referred to in the definition of "the Force" in section 1 of the Police Act, 1958 (Act No. 7 of 1958); and

(c) the Prisons Service established by section 2 (1) of the Prisons Act, 1959 (Act No. 8 of 1959).

mediese bystandsfonds, indien sy deur die reëls van sodanige ander vereniging of fonds as 'n afhanklike van haar eggenoot erken word, of indien sy uit hoofde van haar eggenoot se bekleding van 'n betrekking in die dienste op gratis mediese hulp of voordele geregtig is;

(d) is 'n werknemer nie verplig om lid van die Hulpvereniging te word nie indien hy binne 30 dae na die datum van sy aanstelling skriftelik kies om nie lid van die Hulpvereniging te word nie: Met dien verstande dat 'n werknemer wat aldus gekies het, daarna en vir solank as wat hy sonder onderbreking van diens 'n werknemer is, van lidmaatskap van die Hulpvereniging uitgesluit is; en

(e) kan die Minister 'n beampte individueel of as een van 'n groep van lidmaatskap of voortgesette lidmaatskap vrystel op grond van—

(i) *bona fide*-gewetensbesware of geloofsbesware wat sodanige beampte as individu teen geneeskundige, tandheelkundige, chirurgiese of hospitaalbehandeling het; of

(ii) mediese hulp of voordele waarop 'n groep persone uit hoofde van hulle aanstelling in bepaalde betrekkings geregtig is.

(4) Ledegeld moet maandeliks ooreenkomstig die van tyd tot tyd voorgeskrewe toepaslike tarief van 'n beampte of werknemer se salaris verhaal en aan die Hulpvereniging oorbetaal word.

(5) Enige gelde wat 'n beampte of werknemer te eniger tyd aan die Hulpvereniging verskuldig mag wees en wat hy versuim om ooreenkomstig die bepalinge van die Hulpvereniging se reëls en nadat hy skriftelik daartoe deur die Hulpvereniging versoek is, aan die Hulpvereniging te betaal, moet op skriftelike aanvraag van die Hulpvereniging en met die goedkeuring van die betrokke raad—

(a) van sodanige beampte of werknemer se salaris teen 'n koers deur die raad bepaal, verhaal en aan die Hulpvereniging oorbetaal word; of

(b) indien sodanige beampte of werknemer se dienste (en bygevolg sy lidmaatskap van die Hulpvereniging) om enige rede sou eindig, ten volle van enige uitstaande gelde wat by dienseindiging aan hom mag toekom, verhaal en aan die Hulpvereniging oorbetaal word.

(6) In hierdie regulasie beteken die uitdrukking "die dienste"—

(a) die Staande Mag van die Suid-Afrikaanse Weermag in artikel 9 van die Verdedigingswet, 1957 (Wet No. 44 van 1957), bedoel;

(b) die Suid-Afrikaanse Polisie in die omskrywing van "die Mag" in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958), bedoel; en

(c) die Gevangenisdiens by artikel 2 (1) van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), ingestel.

Retirement age

11. (1) An officer or employee shall be entitled to retire on pension, and shall, subject to the provisions of subregulation (2), be retired on pension with effect from the date on which he attains the age of 65 years.

(2) An officer or employee referred to in subregulation (1), who has been appointed to a teaching post at a college with effect from a date prior to 24 June 1955, or to whom the provisions of section 7 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), apply, shall be entitled at any time before or after attaining the age of 60 years in the case of a male officer or employee, or attaining the age of 55 years in the case of a female officer or employee, to notify the council in writing of his desire to retire on pension and—

(a) if he so gives notice at least three calendar months prior to the date on which he attains the said age, he shall be retired on pension with effect from the date on which he attains such age or, if he attains such age after the first day of a month, with effect from the first day of the month immediately following that month; or

(b) if he so gives notice but the notice is not given at least three calendar months prior to the date on which he attains the said age, he shall be retired on pension with effect from the first day of the fourth month after the month in which the said notice is received by the council.

Leave

12. The leave benefits of officers and employees shall be in accordance with the general policy as determined under section 2 of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984).

Travelling and subsistence allowance and transport costs

13. A council shall pay—

(a) to an officer or employee travelling and subsistence allowance in respect of a journey and absence from his headquarters connected with his activities in the service of the college;

(b) the transport costs within the boundaries of the Republic of South Africa of an officer or employee on his first appointment to a post at the college concerned, or on transfer;

(c) to an officer or employee on his discharge—

(i) for any reason referred to in section 6 of the Government Service Pension Act, 1973 (Act No. 57 of 1973);

(ii) on account of continuous ill-health;

(iii) on account of the abolition of his post or a reduction in, reorganization or readjustment of the staff at the college;

(iv) if for other reasons than his own incompetence or inability, his discharge will in the opinion of the council promote efficiency or economy at the college; or

Ouderdom vir uitdienstreding

11. (1) 'n Beampte of werknemer het die reg om met pensioen af te tree en word behoudens die bepalings van subregulasie (2), met pensioen afgedank met ingang van die datum waarop hy die leeftyd van 65 jaar bereik.

(2) 'n Beampte of werknemer in subregulasie (1) bedoel wat met ingang van 'n datum voor 24 Junie 1955 in 'n onderwyspos by 'n kollege aangestel is, of op wie die bepalings van artikel 7 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), van toepassing is, het die reg om te eniger tyd voor of na bereiking van, in die geval van 'n manlike beampte of werknemer, die leeftyd van 60 jaar of, in die geval van 'n vroulike beampte of werknemer, die leeftyd van 55 jaar, aan die raad skriftelik kennis te gee van sy begeerte om met pensioen af te tree, en—

(a) indien hy aldus kennis gee minstens drie kalendermaande voor die datum waarop hy bedoelde leeftyd bereik, word hy met pensioen afgedank met ingang van die datum waarop hy bedoelde leeftyd bereik of, indien hy bedoelde leeftyd na die eerste dag van 'n maand bereik, met ingang van die eerste dag van die maand wat onmiddellik op daardie maand volg; of

(b) indien hy aldus kennis gee maar die kennis nie minstens drie kalendermaande voor die datum waarop hy bedoelde leeftyd bereik, gegee word nie, word hy met pensioen afgedank met ingang van die eerste dag van die vierde maand na die maand waarin die bedoelde kennisgewing deur die raad ontvang word.

Verlof

12. Die verlofvoorregte van beamptes en werknemers is ooreenkomstig die algemene beleid soos kragtens artikel 2 van die Wet op die Nasionale Beleid vir Algemene Onderwysake, 1984 (Wet No. 76 van 1984), bepaal.

Reis- en verblyftoelae en vervoerkoste

13. 'n Raad betaal—

(a) aan 'n beampte of werknemer reis- en verblyftoelae ten opsigte van 'n reis en afwesigheid van sy hoofkwartier wat in verband met sy werksaamhede in diens van die kollege staan;

(b) die vervoerkoste binne die grense van die Republiek van Suid-Afrika van 'n beampte of werknemer by sy eerste aanstelling in 'n pos by die betrokke kollege, of by oorplasing;

(c) aan 'n beampte of werknemer by sy ontslag—

(i) om enige rede bedoel in artikel 6 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973);

(ii) weens voortdurende swak gesondheid;

(iii) weens die afskaffing van sy pos of 'n vermindering, reorganisasie of herindeling van die personeel by die kollege;

(iv) indien om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag na die oordeel van die raad doeltreffendheid of besuiniging by die kollege sal bevorder; of

(v) on account of incompetence for the duties attached to his post or inability to perform those duties in an efficient manner,

the costs involved in his own transport and that of his household and personal belongings within the boundaries of the Republic of South Africa, from his headquarters to his future residence, provided that such transport takes place within six months after the discharge unless the council decides otherwise; and

(d) to the household of an officer or employee who dies while he is in service, the costs involved in their personal transport and that of their personal belongings within the boundaries of the Republic of South Africa, from his headquarters to their future residence, provided that such transport takes place within six months after the death of the said officer or employee, unless the council decides otherwise,

mutatis mutandis in accordance with the provisions of Public Service Regulations D1 to D10 and E1 to E11, promulgated in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration regarding subsistence allowance, official journeys and transport in respect of officers or employees in the Civil Service: Provided that a reference therein to a recommendation of the Commission shall for this purpose be deemed to be a reference to the approval of the Minister, and a reference therein to the Head of a Department shall be deemed to be a reference to the Head of Education.

Service bonus

14. The provisions of Chapter D.X of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning the participation in the service bonus scheme by officers or employees in the Public Service, shall *mutatis mutandis* apply to officers and employees employed at a college: Provided that a reference therein to a recommendation of the Commission for Administration shall for the purpose of this regulation be deemed to be a reference to the approval of the Minister.

Unemployment insurance

15. The provisions of Chapter D.XI of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration regarding unemployment insurance of officers or employees in the Public Service, shall *mutatis mutandis* apply to officers and employees employed at a college, subject to the provisions of the Unemployment Insurance Act, 1966 (Act No. 30 of 1966).

Application of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941)

16. The provisions of Chapter D.XIII of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration regarding the application of

(v) weens ongeskiktheid vir die pligte wat aan sy pos verbonde is of onvermoë om daardie pligte op 'n bekwame wyse uit te voer,

die koste verbonde aan die vervoer binne die grense van die Republiek van Suid-Afrika, van homself, sy huishouding en persoonlike besittings vanaf sy hoofkwartier na sy toekomstige woonplek, mits sodanige vervoer binne ses maande na die ontslag geskied tensy die raad anders besluit; en

(d) aan die huishouding van 'n beampte of werknemer wat te sterwe kom terwyl hy in diens is, die koste verbonde aan hulle eie vervoer en dié van hulle persoonlike besittings, binne die grense van die Republiek van Suid-Afrika, vanaf sy hoofkwartier na hul toekomstige woonplek mits sodanige vervoer binne ses maande na die dood van die gemelde beampte of werknemer geskied tensy die raad anders besluit,

mutatis mutandis ooreenkomstig die bepalings van Staatsdiensregulasies D1 tot D10 en E1 tot E11, uitgevaardig kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot verblyfkoste, amptelike reise en vervoer ten opsigte van beamptes of werknemers in die Staatsdiens: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie vir dié doel geag word 'n verwysing te wees na die goedkeuring van die Minister, en 'n verwysing daarin na 'n Departementshoof geag word 'n verwysing te wees na die Onderwyshoof.

Diensbonus

14. Die bepalings van Hoofstuk D.X van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die deelname aan die diensbonusskema deur beamptes of werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op beamptes en werknemers in diens by 'n kollege: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie vir Administrasie vir die doel van hierdie regulasie geag word 'n verwysing te wees na die goedkeuring van die Minister.

Werkloosheidsversekering

15. Die bepalings van Hoofstuk D.XI van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot werkloosheidsversekering van beamptes of werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op beamptes en werknemers in diens by 'n kollege, behoudens die bepalings van die Werkloosheidsversekeringswet, 1966 (Wet No. 30 van 1966).

Toepassing van Ongevallewet, 1941 (Wet No. 30 van 1941)

16. Die bepalings van Hoofstuk D.XIII van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die

the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), to officers and employees in the Public Service, shall *mutatis mutandis* apply to officers and employees employed at a college, subject to the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941).

Subsidy scheme in respect of housing

17. The privileges of officers and employees in respect of housing subsidy shall be in accordance with the general policy as determined under section 2 of the National Policy for General Education Affairs Act, 1984.

Full-time study courses

18. The Head of Education may, after consultation with a council and on the terms and conditions he may determine, authorize an officer or employee to follow a full-time study course approved by the Head of Education, and while such an officer or employee follows such course he shall be deemed to be on duty in a teaching post.

Control over officers and employees

19. An officer or employee in the service of a college shall be under the control of the principal of the college concerned and shall, in addition to the duties ordinarily attached to his post, perform such duties in connection with supervision at a hostel, or invigilation at examinations or supervision of sport, the organisation of games, debating societies and such other matters as the principal may from time to time assign to him.

Official channels of communication

20. A request or communication from an officer or employee in connection with any matter falling within the scope of the Department's or a council's powers or duties, shall be submitted to the Head of Education or that council, as the case may be, through the principal of the college concerned.

Confidential nature of documents

21. All documents, files and correspondence which relate to anything which may be done in terms of the Act and are the property of a college are confidential and an officer or employee or his legal representative at any inquiry called for by the Minister or the council concerned shall not have the right of access thereto or inspection thereof: Provided that an officer or employee may be permitted such access to an inspection of such documents, files and correspondence as may be necessary for the performance of his official duties.

Appointment from the service of Government Departments, Administrations and institutions

22. When a person who is in the full-time employment of—

- (a) a Government Department (including the Department of Posts and Telecommunications);
- (b) a Provincial Administration;
- (c) the State Diggings; or
- (d) any other body or institution with a pension or provident fund administered by the Government,

toepassing van die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941), op beamptes en werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op beamptes en werknemers in diens by 'n kollege, behoudens die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941).

Subsidieskema ten opsigte van behuising

17. Die voorregte van beamptes en werknemers met betrekking tot behuisingssubsidie is ooreenkomstig die algemene beleid soos kragtens artikel 2 van die Wet op die Nasionale Beleid vir Algemene Onderwysake, 1984, bepaal.

Voltydse studiekursusse

18. Die Onderwyshoof kan na oorlegpleging met 'n raad en op die bedinge en voorwaardes wat hy bepaal, 'n beampte of werknemer magtig om 'n voltydse studiekursus deur die Onderwyshoof goedgekeur te volg, en terwyl sodanige beampte of werknemer sodanige kursus volg, word hy geag in 'n onderwyspos aan diens te wees.

Beheer oor beamptes en werknemers

19. 'n Beampte of werknemer in die diens van 'n kollege staan onder die beheer van die prinsipaal van die betrokke kollege en verrig, benewens die pligte gewoonlik verbonde aan sy pos, die pligte in verband met toesighouding in 'n koshuis of by eksamens of met sport, die organiseer van spele, debatsverenigings en sodanige ander aangeleenthede wat die prinsipaal van tyd tot tyd aan hom opdra.

Amptelike verbindingskanale

20. 'n Versoek of mededeling van 'n beampte of werknemer in verband met enige aangeleentheid wat binne die bestek van die Departement of 'n raad se bevoegdhede of pligte val, word deur bemiddeling van die prinsipaal van die betrokke kollege aan die Onderwyshoof of daardie raad, na gelang van die geval, voorgelê.

Vertroulike aard van dokumente

21. Alle dokumente, lêers en korrespondensie met betrekking tot enigiets wat kragtens die Wet gedoen kan word en wat die eiendom van 'n kollege is, is vertroulik van aard, en 'n beampte of werknemer of sy regsverteenwoordiger by 'n ondersoek wat deur die Minister, of deur die betrokke raad gelas is, het nie die reg op toegang daartoe of insae daarin nie: Met dien verstande dat 'n beampte of werknemer toegelaat kan word om dié toegang tot en insae in sodanige dokumente, lêers en korrespondensie te hê wat vir die verrigting van sy amptelike pligte nodig is.

Aanstelling uit diens van Staatsdepartemente, Administrasies en inrigtings

22. Wanneer iemand wat voltyds in diens is van—

- (a) 'n Staatsdepartement (met inbegrip van die Departement van Pos- en Telekommunikasiewese);
- (b) 'n Provinsiale Administrasie;
- (c) die Staatsdelwerye; of
- (d) 'n ander liggaam of inrigting wat 'n pensioen- of voorsorgfonds het wat deur die Staat geadministreer word,

is appointed in the service of a college without a break in service, such appointment shall, for the purposes of the payment of transport costs referred to in regulation 13, and for leave purposes, be deemed to be a transfer.

Acceptance of gifts

23. No officer or employee shall accept any gift, pecuniary or otherwise, offered to him by a member of the public by reason of his holding or having held a particular office or post at a college, without the permission of the council.

Performance of other work by persons employed at technical colleges

24. (1) An officer or employee—

(a) shall make all his time available to the college where he is employed;

(b) shall not without the consent of the council perform or bind himself to perform remunerative work outside his employment at the college; and

(c) may legally claim additional remuneration in respect of any official duty or work which he has been ordered by the principal or council to perform.

(2) The principal of a college may order an officer or employee temporarily to perform duties other than those ordinarily assigned to that officer or employee or which are appropriate to the grade, designation or classification of his post.

Residential addresses and telephone numbers

25. An officer or employee shall notify the principal of the college where he is employed of his residential address and of his telephone number at home, if he has a telephone at home, and any change of such address and telephone number and that principal shall enter these in a register which shall be kept for this purpose.

Private financial transactions

26. An officer or employee shall not borrow money from a subordinate serving at the same college.

Civil and political rights of persons employed at a college

27. (1) An officer or employee employed at a college—

(a) may be a member and serve in the management of a lawful political party;

(b) shall not express himself in public, in the public press or at a public meeting, on any matter, or in any manner, which may further or prejudice the interests of a political party or an organization with political aims, or which may embarrass the Department or college;

(c) shall not act as chairman at a public political meeting;

(d) may not publish a document under his name in furtherance or to the prejudice of the interests of a political party or an organization with political aims;

sonder onderbreking van diens aangestel word in die diens van 'n kollege, word sodanige aanstelling vir die doel van die betaling van vervoerkoste in regulasie 13 bedoel, en vir verlofdoeleindes, geag 'n oorplasing te wees.

Aanneem van geskenke

23. Geen beamppte of werknemer neem sonder die toestemming van die raad 'n geskenk, geldelik of anders, aan wat aan hom deur 'n lid van die publiek aangebied word uit hoofde daarvan dat hy 'n bepaalde amp of pos in 'n kollege beklee of beklee het nie.

Verrigting van ander werk deur persone in diens by tegniese kolleges

24. (1) 'n Beamppte of werknemer—

(a) moet al sy tyd tot beskikking stel van die kollege waar hy in diens is;

(b) mag nie sonder toestemming van die raad besoldigde werk buite sy diens by die kollege verrig of hom verbind om dit te verrig nie; en

(c) kan nie regtens aanspraak maak op bykomende besoldiging ten opsigte van enige amptelike diens of werk wat hy deur die prinsipaal of raad beveel is om te verrig nie.

(2) Die prinsipaal van 'n kollege kan 'n beamppte of werknemer beveel om tydelik ander pligte te verrig as die wat gewoonlik aan daardie beamppte of werknemer opgedra word of wat by die graad, benaming of indeling van sy pos pas.

Woonadresse en telefoonnommers

25. 'n Beamppte of werknemer stel die prinsipaal van die kollege waar hy in diens is in kennis van sy woonadres en van sy telefoonnommer tuis, indien hy 'n telefoon tuis het, en van enige verandering van sodanige adres en telefoonnommer, en daardie prinsipaal teken dit aan in 'n register wat vir die doel gehou word.

Private geldelike transaksies

26. 'n Beamppte of werknemer leen nie geld van 'n ondergeskikte wat aan dieselfde kollege verbonde is nie.

Burgerlike en politieke regte van persone in diens by kolleges

27. (1) 'n Beamppte of werknemer in diens by 'n kollege—

(a) kan lid wees en op die bestuur dien van 'n wettige politieke party;

(b) spreek hom nie in die openbaar, in die openbare pers of op 'n openbare vergadering uit oor enige aangeleentheid, of op 'n wyse, wat die belange van 'n politieke party of 'n organisasie met politieke oogmerke kan bevorder of benadeel, of wat die Departement of kollege in verleentheid kan stel nie;

(c) tree nie as voorsitter by 'n openbare politieke vergadering op nie;

(d) mag nie 'n geskrif onder sy naam publiseer ter bevordering of benadeling van die belange van 'n politieke party of 'n organisasie met politieke oogmerke nie;

(e) may with the prior permission of the council and subject to paragraphs (b), (c) and (d), become a member of any institution, council or other body established by or under any law: Provided that such permission shall be granted only if the council is of the opinion that the duties to be performed by the person concerned as a member of the institution, council or body concerned, will not interfere with the performance of his duties or work at the college: Provided further that such permission may at any time be withdrawn by the council, and in such a case the person concerned shall resign as a member of such institution, council or body concerned; and

(f) shall not display, circulate or distribute any notice, document, poster or other paper soliciting support for a political party or relating to the election or the opposition of the election of a person as a member of Parliament or of an institution, council or body referred to in paragraph (e), on the ground or sports grounds of a college or at a function of a college, and he shall not perform any other act relating to such election on such grounds or sports grounds or at any such function of a college.

(2) For the purposes of subregulation (1) the expression "public meeting" means any gathering, concourse or procession in, through or along any place of any number of persons, but excluding a meeting admittance to which is restricted to members only of the same group, party or movement.

Reports on staff and adverse remarks

28. (1) A report shall, as often as the Head of Education or the council concerned may require for the purposes of the Act, be completed and submitted by the principal, in respect of an officer or employee under his control.

(2) Subject to the provisions of subregulation (3) an officer or employee in respect of whom a report has been completed in terms of subregulation (1), shall not have access thereto.

(3) An adverse remark contained in a report referred to in subregulation (1) shall, in writing and in its full context, be communicated to such officer or employee by the principal concerned and the officer or employee reported upon shall sign the written communication and return it to the principal concerned, together with any representations, in writing, which he desires to submit: Provided that the Head of Education may, after consultation with the council concerned, consent to adverse remarks not being communicated to such officer or employee if he is of the opinion that it is not in the interests of the Department, the college concerned or such officer or employee.

(4) The provisions of subregulation (3) shall also apply to an adverse remark made in respect of an officer or employee in any other written communication: Provided that an adverse remark contained in the

(e) kan met die vooraf verkreeë toestemming van die raad en behoudens paragrafe (b), (c) en (d), 'n lid word van enige instelling, raad of ander liggaam wat by of kragtens wet ingestel is: Met dien verstande dat sodanige toestemming slegs verleen word indien die raad van oordeel is dat die pligte wat deur die betrokke persoon as lid van die betrokke instelling, raad of liggaam verrig moet word, nie met die verrigting van sy pligte of werk by die kollege sal inmeng nie: Met dien verstande voorts dat sodanige toestemming te eniger tyd deur die raad ingetrek kan word, en in so 'n geval moet die betrokke persoon as lid van die betrokke instelling, raad of liggaam bedank; en

(f) bring geen kennisgewing, dokument, biljet of ander stuk wat ondersteuning vir 'n politieke party uitlok of wat betrekking het op die verkiesing of die bestryding van die verkiesing van iemand as lid van die Parlement of van 'n instelling, raad of liggaam in paragraaf (e) bedoel, op die terrein of sportterrein van 'n kollege of by 'n funksie van 'n kollege aan nie, vertoon, versprei dit nie of deel dit nie uit nie, en verrig geen ander daad wat op sodanige verkiesing betrekking het, op so 'n terrein of sportterrein of by so 'n funksie van 'n kollege nie.

(2) By die toepassing van subregulasie (1) beteken die uitdrukking "openbare vergadering" enige byeenkoms, toeloop of optog in, deur of langs enige plek van enige aantal persone, maar uitgesonderd 'n byeenkoms waartoe toegang beperk is tot slegs lede van dieselfde groep, party of beweging.

Verslae oor personeel en ongunstige opmerkings

28. (1) 'n Verslag word so dikwels as wat die Onderwyshoof of die betrokke raad dit vir die doeleindes van die Wet vereis, deur die betrokke prinsipaal ten opsigte van 'n beampte of werknemer onder sy beheer opgestel en ingedien.

(2) Behoudens die bepalings van subregulasie (3) het 'n beampte of werknemer ten opsigte van wie 'n verslag ingevolge subregulasie (1) opgestel is, nie insae daarin nie.

(3) 'n Ongunstige opmerking vervat in 'n verslag in subregulasie (1) bedoel, word deur die betrokke prinsipaal, skriftelike en in sy volledige samehang aan die betrokke beampte of werknemer meegedeel, en die beampte of werknemer oor wie verslag gedoen is, onderteken die skriftelike mededeling en besorg dit terug aan die betrokke prinsipaal tesame met enige skriftelike verhoë wat hy wil voorlê: Met dien verstande dat die Onderwyshoof, na oorleg met die betrokke raad kan goedkeur dat ongunstige opmerkings nie aan sodanige beampte of werknemer meegedeel word nie, indien hy van oordeel is dat dit nie in die belang van die Departement, die betrokke kollege of sodanige beampte of werknemer is nie.

(4) Die bepalings van subregulasie (3) is ook van toepassing op 'n ongunstige opmerking wat ten opsigte van 'n beampte of werknemer in enige ander skriftelike mededeling gemaak word: Met dien verstande dat 'n

minutes of a meeting of a committee appointed for the purpose of merit assessment shall not be communicated to the officer or employee to whom the adverse remark refers.

(5) If a person who has to consider a report in respect of an officer or employee finds that no justification exists for an adverse remark appearing therein, such adverse remark shall be expunged from the report and such officer or employee shall be advised in writing of the expunction if the adverse remark has already been communicated to him, and such advice shall form part of that report.

Salary increments

29. (1) Subject to the provisions of subregulation (2), the salary of an officer or employee shall, after completion of each salary incremental period and with effect from the first day of such an officer's or employee's incremental month, be increased by one salary increment within the limits of the scale applicable to him.

(2) If the principal of a college issues a certificate in which he declares that an officer's or employee's conduct in regard to industry, discipline, punctuality or sobriety was not consistently satisfactory during a salary incremental period or that he did not perform his work consistently in a satisfactory manner during such salary incremental period, the salary of such an officer or employee shall not be increased in terms of the provisions of subregulation (1): Provided that, notwithstanding such certificate, the Minister may grant approval for the salary of an officer or employee to be so increased.

(3) If the salary of an officer or employee is not increased in terms of the provisions of subregulation (1), the Head of Education shall notify the principal concerned thereof, and the principal shall so inform the officer or employee concerned in writing as well as the reasons why his salary was not increased and that at the expiry of a determined continuous period, which shall not exceed a salary incremental period, a salary increment may be granted to him if a certificate is issued by the principal concerned in which he declares that the officer's or employee's work performance and his conduct in regard to the qualities referred to in subregulation (2) were satisfactory during such period.

(4) (a) If the period determined in terms of subregulation (3) is shorter than a salary incremental period, one salary increment shall at the issue of the certificate contemplated in that subregulation be granted to the officer or employee concerned with effect from the first day of the calendar month following the date on which such determined period expired.

(b) If an officer or employee has been granted a salary increment in terms of paragraph (a), a further salary increment shall be granted to him after the expiry of a salary incremental period reckoned from the

ongunstige opmerking wat vervat is in die notule van 'n vergadering van 'n komitee wat vir die doel van verdienstelikeheidsbepaling aangewys is, nie meegedeel word aan die beampte of werknemer op wie die ongunstige opmerking betrekking het nie.

(5) Indien iemand wat 'n verslag ten opsigte van 'n beampte of werknemer moet oorweeg, bevind dat daar nie regverdiging bestaan nie vir 'n ongunstige opmerking wat daarin voorkom, word die ongunstige opmerking uit die verslag geskrap en sodanige beampte of werknemer skriftelik van die skraping verwittig indien die ongunstige opmerking reeds aan hom meegedeel is, en sodanige verwittiging maak deel van daardie verslag uit.

Salarisverhogings

29. (1) Behoudens die bepalings van subregulasie (2) word die salaris van 'n beampte of werknemer na die voltooiing van elke salarisverhogingstydperk met een salarisverhoging binne die perke van die skaal wat op hom van toepassing is, verhoog met ingang van die eerste dag van sodanige beampte of werknemer se verhogingsmaand.

(2) Indien die prinsipaal van 'n kollege 'n sertifikaat uitreik waarin hy verklaar dat 'n beampte of werknemer se gedrag met betrekking tot ywer, dissipline, stiptheid of matigheid gedurende 'n salarisverhogingstydperk nie deurgaans bevredigend was nie of dat hy sy werk gedurende sodanige salarisverhogingstydperk nie deurgaans op 'n bevredigende wyse verrig het nie, word die salaris van sodanige beampte of werknemer nie ingevolge die bepalings van subregulasie (1) verhoog nie: Met dien verstande dat die Minister, ondanks sodanige sertifikaat dit kan goedkeur dat die salaris van 'n beampte of werknemer aldus verhoog word.

(3) Indien die salaris van 'n beampte of werknemer nie ingevolge die bepalings van subregulasie (1) verhoog word nie, stel die Onderwyshoof die betrokke prinsipaal daarvan in kennis, en die prinsipaal stel die betrokke beampte of werknemer skriftelik aldus in kennis asook van die redes waarom sy salaris nie verhoog is nie en dat 'n salarisverhoging by verstryking van 'n bepaalde aaneenlopende tydperk, wat nie langer as 'n salarisverhogingstydperk is nie, aan hom toegeken kan word indien 'n sertifikaat deur die betrokke prinsipaal uitgereik word waarin hy verklaar dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) bedoel gedurende sodanige tydperk bevredigend was.

(4) (a) Indien die tydperk ingevolge subregulasie (3) bepaal, korter is as 'n salarisverhogingstydperk, word een salarisverhoging by uitreiking van die sertifikaat in daardie subregulasie beoog aan die betrokke beampte of werknemer toegeken met ingang van die eerste dag van die kalendermaand wat volg op die datum waarop sodanige bepaalde tydperk verstryk.

(b) Indien 'n salarisverhoging ingevolge paragraaf (a) aan 'n beampte of werknemer toegeken is, word 'n verdere salarisverhoging aan hom toegeken na verstryking van 'n salarisverhogingstydperk gereken

date on which his salary would have been increased in terms of subregulation (1) if subregulation (2) was not applicable: Provided that—

(i) such salary increment shall be granted only if the principal concerned issues a certificate in which he declares that the officer's or employee's work performance and his conduct in regard to the qualities referred to in subregulation (2) continued to be satisfactory from the date of the granting of the salary increment in terms of paragraph (a) to the date preceding that on which a further salary increment may be granted in terms of this paragraph;

(ii) the provisions of this paragraph shall not apply to an officer or employee if his salary is already equal to the maximum notch of the scale applicable to him.

(5) If an officer or employee is not granted a salary increment in terms of subregulation (4) (a)—

(a) such officer or employee shall be notified in writing of the reasons therefor and that at the expiry of a continuous period equal to the difference between the period determined in terms of subregulation (3) and a salary incremental period, a salary increment may be granted if the principal concerned issues a certificate in which he declares that the officer's or employee's work performance and conduct in regard to the qualities referred to in subregulation (2) were satisfactory during the continuous period determined in terms of this paragraph; and

(b) two salary increments shall be granted to such officer or employee after the expiry of a salary incremental period reckoned from the date on which his salary would have been increased in terms of subregulation (1) if subregulation (2) was not applicable: Provided that—

(i) such salary increments shall be granted only if the principal concerned issues a certificate in which he declares that the officer's or employee's work performance and his conduct in regard to the qualities referred to in subregulation (2) were satisfactory during the continuous period determined in terms of paragraph (a);

(ii) only one salary increment shall be granted to such officer or employee if his salary is already equal to the penultimate notch of the scale applicable to him.

(6) If the period determined in terms of subregulation (3) is equal to a salary incremental period, two salary increments shall be granted to such officer or employee after the expiry of such period: Provided that—

(i) such salary increments shall be granted only if the principal concerned issues a certificate in which he declares that the officer's or employee's work performance and his conduct in regard to the qualities referred to in subregulation (2) were satisfactory during the period determined in terms of subregulation (3);

vanaf die datum waarop sy salaris ingevolge subregulasie (1) verhoog sou gewees het indien subregulasie (2) nie van toepassing was nie: Met dien verstande dat—

(i) sodanige salarisverhoging toegeken word slegs indien die betrokke prinsipaal 'n sertifikaat uitreik waarin hy verklaar dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) bedoel vanaf die datum van toekenning van die salarisverhoging ingevolge paragraaf (a) tot die datum wat die datum voorafgaan waarop 'n verdere salarisverhoging kragtens hierdie paragraaf toegeken kan word, steeds bevredigend was;

(ii) die bepalinge van hierdie paragraaf nie op 'n beampte of werknemer van toepassing is nie indien sy salaris reeds gelyk is aan die maksimum kerf van die skaal wat op hom van toepassing is.

(5) Indien 'n salarisverhoging nie ingevolge subregulasie (4) (a) aan 'n beampte of werknemer toegeken word nie—

(a) word sodanige beampte of werknemer skriftelik van die redes daarvoor in kennis gestel en dat 'n salarisverhoging by verstryking van 'n aaneenlopende tydperk gelykstaande aan die verskil tussen die tydperk ingevolge subregulasie (3) bepaal en 'n salarisverhogingstydperk, toegeken kan word indien 'n sertifikaat deur die betrokke prinsipaal uitgereik word waarin hy verklaar dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) bedoel bevredigend was gedurende die aaneenlopende tydperk ingevolge hierdie paragraaf bepaal; en

(b) word twee salarisverhogings aan sodanige beampte of werknemer toegeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy salaris ingevolge subregulasie (1) verhoog sou gewees het indien subregulasie (2) nie van toepassing was nie: Met dien verstande dat—

(i) sodanige salarisverhogings toegeken word slegs indien die betrokke prinsipaal 'n sertifikaat uitreik waarin hy verklaar dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) bedoel bevredigend was gedurende die aaneenlopende tydperk ingevolge paragraaf (a) bepaal;

(ii) net een salarisverhoging aan sodanige beampte of werknemer toegeken word indien sy salaris reeds gelyk is aan die voorlaaste kerf van die skaal wat op hom van toepassing is.

(6) Indien die tydperk ingevolge subregulasie (3) bepaal, gelyk is aan 'n salarisverhogingstydperk, word twee salarisverhogings aan sodanige beampte of werknemer toegeken na verstryking van sodanige tydperk: Met dien verstande dat—

(i) sodanige salarisverhogings toegeken word slegs indien die betrokke prinsipaal 'n sertifikaat uitreik waarin hy verklaar dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) bedoel bevredigend was gedurende die tydperk ingevolge subregulasie (3) bepaal;

(ii) such officer or employee shall be granted only one salary increment if his salary is already equal to the penultimate notch of the scale applicable to him.

(7) If an officer or employee is not granted a salary increment in terms of subregulation (4) (b), (5) (b) or (6), the provisions of subregulations (2), (3), (4), (5) and (6) shall *mutatis mutandis* be applicable.

(8) Subject to the provisions of this regulation, the salary of an officer or employee to whom a salary increment has been granted in terms of subregulation (4) (b), (5) (b) or (6) shall, at the expiry of each further salary incremental period, be increased by one salary increment within the limits of the scale applicable to him.

Hours of attendance

30. (1) Subject to the provisions of regulation 31, the principal of a college shall determine the official hours of attendance of officers and employees employed at that college and he shall ensure that they observe such hours.

(2) Notwithstanding the provisions of this regulation, the principal of a college may require an officer or employee employed at that college to perform official duty on any day of the week or at any time of the day or night or to attend at his normal place of work or elsewhere for the performance of such duty.

(3) An officer or employee of a college shall not without the permission of the principal of that college be absent from his office or place of work during his official hours of attendance and periods of overtime duty.

(4) The principal of a college shall determine—

(a) the meal break, of at least half a hour, of an officer or employee or any category of officers or employees of that college: Provided that a meal break falling within the official hours of attendance shall not be reckoned as official duty time for the completion of a working week; and

(b) the times during which the public shall have access to that college for official purposes.

(5) (a) If during the official hours of attendance an officer or employee is absent from duty as a result of leave granted in terms of these Regulations or as a result of other circumstances which are acceptable to the council, he shall, for the purposes of the completion of his working week, be deemed to have performed official duty during such absence.

(b) The official hours of attendance which have been determined for an officer or employee in respect of a particular day and which—

(i) fall on a public holiday, in the case of an officer or employee who does not usually work on such day; or

(ii) fall on some other day on which he is usually relieved of duty in lieu of such public holiday, in the case of an officer or employee who usually works on a public holiday,

shall be deemed to be official hours of attendance for the purposes of the completion of his working week.

(ii) net een salarisverhoging aan sodanige beampte of werknemer toegeken word indien sy salaris reeds gelyk is aan die voorlaaste kerf van die skaal wat op hom van toepassing is.

(7) Indien 'n salarisverhoging nie ingevolge subregulasie (4) (b), (5) (b) of (6) aan 'n beampte of werknemer toegeken word nie, is die bepalings van subregulasies (2), (3), (4), (5) en (6) *mutatis mutandis* van toepassing.

(8) Behoudens die bepalings van hierdie regulasie word die salaris van 'n beampte of werknemer aan wie 'n salarisverhoging ingevolge subregulasie (4) (b), (5) (b) of (6) toegeken is, by die verstryking van elke verdere salarisverhogingstydperk verhoog met een salarisverhoging binne die perke van die skaal wat op hom van toepassing is.

Diensure

30. (1) Behoudens die bepalings van regulasie 31, bepaal die prinsipaal van 'n kollege die amptelike diensure van beamptes en werknemers in diens by daardie kollege en sien hy toe dat hulle dit nakom.

(2) Ondanks die bepalings van hierdie regulasie, kan die prinsipaal van 'n kollege van 'n beampte of werknemer in diens by daardie kollege vereis om op enige dag van die week of enige tyd van die dag of nag amptelike diens te verrig of om by sy normale werkplek of elders aanwesig te wees vir die verrigting van sodanige diens.

(3) 'n Beampte of werknemer van 'n kollege is nie gedurende sy amptelike diensure en tydperke van oortyd diens sonder toestemming van die prinsipaal van daardie kollege, van sy kantoor of werkplek afwesig nie.

(4) Die prinsipaal van 'n kollege bepaal—

(a) die etenspouse, van minstens 'n halfuur, van 'n beampte of werknemer of enige kategorie beamptes of werknemers van daardie kollege: Met dien verstande dat 'n etenspouse wat binne die amptelike diensure val nie as amptelike dienstryd vir die voltooiing van 'n werkweek gereken word nie; en

(b) die tye waartydens die publiek vir amptelike doeleindes toegang tot daardie kollege het.

(5) (a) Indien 'n beampte of werknemer gedurende die amptelike diensure van diens afwesig is as gevolg van verlof toegestaan ingevolge hierdie Regulasies of weens ander omstandighede wat vir die raad aanneemlik is, word hy, vir die doeleindes van die voltooiing van sy werkweek, geag amptelike diens te verrig het gedurende sodanige afwesigheid.

(b) Die amptelike diensure wat ten opsigte van 'n bepaalde dag vir 'n beampte of werknemer bepaal is en wat—

(i) op 'n openbare vakansiedag val, in die geval van 'n beampte of werknemer wat gewoonlik nie op sodanige dag werk nie; of

(ii) op 'n ander dag val wat hy gewoonlik in plaas van sodanige openbare vakansiedag van diens vrygestel is, in die geval van 'n beampte of werknemer wat gewoonlik op 'n openbare vakansiedag werk,

word geag amptelike diensure te wees vir die doeleindes van die voltooiing van sy werkweek.

Minimum hours of instruction per week

31. (1) An officer or employee at a college shall give the minimum number of hours per week of instruction to students as determined by the Minister from time to time.

(2) Where classes are so arranged that an officer or employee at a college does not give the minimum number of hours per week of instruction to students as determined in terms of subregulation (1), he may, in respect of the shortfall, be required to give instruction to any class for part-time students attached to such college without receiving additional pay therefor.

(3) If an officer or employee gives instruction for periods which in the total exceeds the minimum number of hours per week determined in terms of subregulation (1), he may receive additional pay in respect of the hours which exceed the hours determined in terms of subregulation (1) on the basis of directions made known from time to time by the Head of Education by way of circulars, in accordance with the rate determined in respect of such classes in terms of section 9 (4) (a) of the Act.

(4) (a) In calculating the total number of hours of duty per college term in respect of which additional pay referred to in subregulation (3) shall be granted to an officer or employee, a period of 30 minutes or more shall be reckoned as an hour and a period of less than 30 minutes shall be disregarded: Provided that a period of less than 15 minutes instruction on any particular day shall be disregarded.

(b) An officer or employee shall, subject to the provisions of subregulation (3), not be entitled to claim additional pay in respect of any other instruction given by, or required of him.

Supervision duties

32. (1) If an officer or employee performs supervision duties in a hostel of a college, the principal concerned may require such officer or employee to reside in the hostel or the other official quarters designated by the principal.

(2) The Head of Education may in exceptional circumstances grant approval that a person, not being an officer or employee, be appointed to perform supervision duties in a hostel of a college.

(3) A person who performs supervision duties in a hostel of a college, may be granted remuneration on the basis determined by the Minister with the concurrence of the Minister of the Budget and Works.

(4) The number of persons who perform supervision duties in a hostel of a college, shall be determined by the council.

No. R. 902

26 April 1991

TECHNICAL COLLEGES ACT, 1981**REGULATIONS RELATING TO THE APPOINTMENT AND CONDITIONS OF SERVICE OF OFFICERS AND EMPLOYEES EMPLOYED IN POSTS OTHER THAN TEACHING POSTS AT TECHNICAL COLLEGES**

The Minister of Education and Culture has, under section 39 read with section 9 of the Technical Colleges Act, 1981 (Act No. 104 of 1981), made the regulations in the Schedule.

Minimum onderrigure per week

31. (1) 'n Beampte of werknemer by 'n kollege gee die minimum getal ure per week onderrig aan studente soos van tyd tot tyd deur die Minister bepaal.

(2) Waar klasse so gereël is dat 'n beampte of werknemer by 'n kollege nie die minimum getal ure per week onderrig aan studente gee soos ingevolge subregulasie (1) bepaal nie, kan van hom vereis word om ten opsigte van die tekort, onderrig sonder bykomende betaling te gee aan 'n klas vir deeltydse studente wat aan sodanige kollege verbonde is.

(3) Indien 'n beampte of werknemer by 'n kollege onderrig gee vir tydperke wat tesame meer is as die minimum getal ure per week soos ingevolge subregulasie (1) bepaal, kan hy ten opsigte van die ure wat meer is as dié ingevolge subregulasie (1) bepaal, bykomende betaling ontvang aan die hand van voorskrifte wat die Onderwyshoof van tyd tot tyd deur middel van omsendminute bekend maak, ooreenkomstig die tarief wat ingevolge artikel 9 (4) (a) van die Wet ten opsigte van sodanige klasse bepaal is.

(4) (a) By die berekening van die totale getal diensure per kollegetermyn ten opsigte waarvan bykomende betaling in subregulasie (3) bedoel aan 'n beampte of werknemer toegestaan word, word 'n tydperk van 30 minute of meer gereken as 'n uur en 'n tydperk van minder as 30 minute word buite rekening gelaat: Met dien verstande dat 'n tydperk van minder as 15 minute onderrig op 'n bepaalde dag buite rekening gelaat word.

(b) 'n Beampte of werknemer het, behoudens die bepalinge van subregulasie (3), geen aanspraak op bykomende betaling ten opsigte van enige ander onderrig wat deur hom gegee of van hom vereis word nie.

Toesigdiens

32. (1) Indien 'n beampte of werknemer toesigdiens doen in 'n koshuis van 'n kollege, kan die betrokke prinsipaal van sodanige beampte of werknemer vereis om in die koshuis of die ander amptelike huisvesting wat die prinsipaal aanwys, in te woon.

(2) Die Onderwyshoof kan in buitengewone omstandighede goedkeur dat iemand wat nie 'n beampte of werknemer is nie, aangestel word om toesigdiens in 'n koshuis van 'n kollege te doen.

(3) Aan iemand wat toesigdiens doen in 'n koshuis van 'n kollege, kan vergoeding toegeken word volgens grondslae bepaal deur die Minister met die instemming van die Minister van Begroting en Werke.

(4) Die raad bepaal die getal persone wat in 'n koshuis van 'n kollege toesigdiens doen.

No. R. 902

26 April 1991

WET OP TEGNIESE KOLLEGES, 1981**REGULASIES BETREFFENDE AANSTELLING EN DIENSVOORWAARDES VAN BEAMPTES EN WERKNEMERS IN DIENS IN ANDER POSTE AS ONDERWYSPORTE BY TEGNIESE KOLLEGES**

Die Minister van Onderwys en Kultuur het kragtens artikel 39 saamgelees met artikel 9 van die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981), die regulasies in die Bylae uitgevaardig.

SCHEDULE**Definitions**

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates—

“**calender month**” means a period ranging from the first day up to and including the last day of any of the 12 months of a year;

“**calendar quarter**” means a period of three consecutive calendar months beginning respectively on the first day of January, April, July or October of any calendar year;

“**calendar year**” means the period ranging from the first day of January to the last day of the following December, both days inclusive;

“**college**” means a technical college as defined in section 1 of the Act;

“**college holiday**” means the period between any two consecutive college terms;

“**college term**” means the period fixed as such by the Head of Education for a particular college or a category of colleges for a particular calendar year;

“**cycle**” means a period of three years reckoned from 1 January 1959, and each succeeding period of three years;

“**day**” means a period of 24 hours corresponding with a day on the calendar;

“**day of rest**” in relation to an officer or employee, means any day on which he is exempted from duty;

“**employee**” in the application of these Regulations means an employee employed at a college in a post other than a teaching post;

“**incremental month**” means the calendar month during which the salary of an officer or employee may be increased in terms of regulation 52;

“**month**” means a period extending from one day in a month up to and including the day preceding the first-mentioned day numerically in the following month;

“**officer**” in the application of these Regulations means an officer employed at a college in a post other than a teaching post;

“**salary increment**” means the amount by which the salary of an officer or employee may be increased according to the appropriate salary scale determined in terms of section 9 (4) (a) of the Act;

“**salary incremental period**” means a period of 12 calendar months or the other period determined in terms of section 9 (4) (a) of the Act, which shall elapse, in regard to an officer or employee before his salary may be increased in terms of regulation 52;

“**teaching post**” means a post to which a person is appointed, transferred or promoted to perform post-school educational duties at a college;

“**the Act**” means the Technical Colleges Act, 1981 (Act No. 104 of 1981);

BYLAE**Woordomskrywing**

1. In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“**beampte**” by die toepassing van hierdie Regulasies 'n beampte in diens by 'n kollege in 'n ander pos as 'n onderwyspos;

“**dag**” 'n tydperk van 24 uur wat ooreenstem met 'n dag op die kalender;

“**die Wet**” die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981);

“**jaar**” 'n tydperk van 12 maande wat strek van een dag van 'n jaar tot en met die dag wat eersgenoemde dag numeries voorafgaan in die daaropvolgende jaar;

“**kalenderjaar**” die tydperk wat strek van die eerste dag van Januarie tot die laaste dag van die eersvolgende Desember, beide dae inbegrepe;

“**kalenderkwartaal**” 'n tydperk van drie agtereenvolgende kalendermaande wat onderskeidelik op die eerste dag van Januarie, April, Julie of Oktober van enige kalenderjaar begin;

“**kalendermaand**” 'n tydperk wat strek van die eerste tot en met die laaste dag van enige van die 12 maande van 'n jaar;

“**kollege**” 'n tegniese kollege soos omskryf in artikel 1 van die Wet;

“**kollegetermyn**” 'n tydperk wat as sodanig vasgestel is deur die Onderwyshoof vir 'n bepaalde kollege of 'n kategorie kolleges ten opsigte van 'n bepaalde kalenderjaar;

“**kollegevakansie**” 'n tydperk tussen enige twee opeenvolgende kollegetermyne;

“**maand**” 'n tydperk wat strek van een dag van 'n maand tot en met die dag wat eersgenoemde dag numeries voorafgaan in die daaropvolgende maand;

“**onderwyspos**” 'n pos waarin iemand aangestel, oorgeplaas of bevorder word om naskoolse onderwyspligte by 'n kollege te vervul;

“**rusdag**” met betrekking tot 'n beampte of werknemer, enige dag waarop hy van diens vrygestel is;

“**salarisverhoging**” die bedrag waarmee die salaris van 'n beampte of werknemer volgens die toepaslike salarisskaal wat ingevolge artikel 9 (4) (a) van die Wet bepaal word, verhoog kan word;

“**salarisverhogingstydperk**” 'n tydperk van 12 kalendermaande of die ander tydperk wat ingevolge artikel 9 (4) (a) van die Wet bepaal word en wat met betrekking tot 'n beampte of werknemer moet verstryk voordat sy salaris ingevolge regulasie 52 verhoog kan word;

“**tydkring**” 'n tydperk van drie jaar gereken vanaf 1 Januarie 1959, en elke daaropvolgende tydperk van drie jaar;

“**verhogingsmaand**” die kalendermaand waarin die salaris van 'n beampte of werknemer ingevolge regulasie 52 verhoog kan word;

"year" means a period of 12 months extending from one day in a year up to and including the day preceding the first-mentioned day numerically in the following year; and

"working week" means the official period of service determined in terms of regulation 54, which an officer or employee is required to complete in respect of a period which extends from midnight between a Saturday and a Sunday to midnight between the following Saturday and Sunday.

Appointment to a post

2. (1) Any person wishing to be considered for an appointment, whether in a permanent or temporary capacity, as an officer or employee shall apply therefor in writing to the principal of the college concerned on a form provided by the council.

(2) A person wishing to be considered for an appointment as an officer, shall complete and sign a statement on his condition of health on a form provided by the council and, if he is required by the council to do so, submit himself to a medical examination.

(3) The district surgeon or state medical officer who undertakes the medical examination of a person referred to in subregulation (2), shall after the examination draw up a report thereon on a form provided by the council.

(4) No person shall be appointed as an officer unless he is—

- (a) a South African citizen;
- (b) of good character and medically fit;
- (c) in possession of the minimum qualifications as determined in the Personnel Administration Standard for the occupational class concerned; and
- (d) under the age of 55 years:

Provided that the Minister may approve that a person who is not a South Africa citizen, or who is 55 years or older, may be so appointed.

Appointment on probation

3. (1) (a) Subject to the provisions of subregulation (2) an officer appointed on probation shall be appointed as such for a period of at least 12 months, which period may be extended for a further period not exceeding 24 months.

(b) The council may approve that a transfer or promotion on probation be made for the period referred to in paragraph (a): Provided that an officer may be transferred or promoted to another post on probation for a period of less than 12 months if such period, together with the probation period in the former post, shall total at least 12 months.

(2) The probation period of an officer shall be extended by the number of days' leave, excluding college holidays to which he is entitled, taken by him during the probation period or an extension thereof.

(3) If the principal of a college certifies that an officer appointed, transferred or promoted on probation, is in all respects suitable for the post which he holds, the council concerned may confirm, subject to the provisions of subregulation (5), the appointment, transfer or promotion if the officer has complied with all the conditions to which his appointment, transfer or promotion was subject.

"werknemer" by die toepassing van hierdie Regulasies 'n werknemer in diens by 'n kollege in 'n ander pos as 'n onderwyspos; en

"werkweek" die amptelike dienstryd ingevolge regulasie 54 bepaal wat 'n beamppte of werknemer moet voltooi ten opsigte van 'n tydperk wat strek vanaf middernag tussen 'n Saterdag en Sondag tot middernag tussen die daaropvolgende Saterdag en Sondag.

Aanstelling in 'n pos

2. (1) Iemand wat vir aanstelling as 'n beamppte of werknemer in aanmerking wil kom, hetsy in 'n permanente of tydelike hoedanigheid, doen skriftelik by die prinsipaal van die betrokke kollege daarom aansoek op 'n vorm deur die raad voorsien.

(2) Iemand wat vir aanstelling as 'n beamppte in aanmerking wil kom, vul 'n verklaring oor sy gesondheidstoestand op 'n vorm deur die raad voorsien in, en onderteken dit en, indien die raad dit van hom vereis, onderwerp hy hom aan 'n geneeskundige ondersoek.

(3) Die distriksgeneesheer of staatsmediese beamppte wat 'n geneeskundige ondersoek van 'n in subregulasie (2) bedoelde persoon waarneem, stel na die ondersoek 'n verslag daaroor op, op 'n vorm deur die raad voorsien.

(4) Niemand word as 'n beamppte aangestel nie, tensy hy—

- (a) 'n Suid-Afrikaanse burger is;
- (b) van goeie karakter en medies geskik is;
- (c) oor die minimum kwalifikasies soos in die Personeeladministrasie standaard vir die betrokke beroepsklas bepaal, beskik; en
- (d) onder die ouderdom van 55 jaar is:

Met dien verstande dat die Minister kan goedkeur dat iemand wat nie 'n Suid-Afrikaanse burger is nie of 55 jaar of ouer is, aldus aangestel kan word.

Aanstelling op proef

3. (1) (a) Behoudens die bepalings van subregulasie (2), word 'n beamppte wat op proef aangestel word, vir 'n tydperk van minstens 12 maande aldus aangestel, welke tydperk vir 'n verdere tydperk van hoogstens 24 maande verleng kan word.

(b) Die raad kan goedkeur dat 'n oorplasing of bevordering op proef vir die tydperk in paragraaf (a) bedoel geskied: Met dien verstande dat 'n beamppte vir 'n tydperk van minder as 12 maande op proef oorgeplaas kan word na of bevorder kan word tot 'n ander pos indien daardie tydperk saam met die proeftydperk in die vorige pos, minstens 12 maande is.

(2) Die proeftydperk van 'n beamppte word verleng met die getal dae verlof, uitgesonderd kollegevakansies waarop hy geregtig is, wat hy gedurende die proeftyd of 'n verlenging daarvan geneem het.

(3) Indien die prinsipaal van 'n kollege sertifiseer dat 'n beamppte wat op proef aangestel, oorgeplaas of bevorder is, in alle opsigte geskik is vir die pos wat hy beklee, kan die betrokke raad behoudens die bepalings van subregulasie (5), die aanstelling, oorplasing of bevordering bekrachtig indien die beamppte voldoen het aan al die voorwaardes waaraan sy aanstelling, oorplasing of bevordering onderworpe was.

(4) If an appointment, transfer or promotion on probation is not confirmed the council concerned may—

(a) extend the period of probation; or

(b) in the case of a person who immediately prior to his transfer or promotion on probation was an officer, not being an officer on probation, revert him to the post previously held by him or place him in a post of equivalent grading as the post he previously held and grant him the salary which he would have received in the post he previously held had he not been transferred or promoted on probation.

(5) An appointment, transfer or promotion of an officer on probation shall not be confirmed in terms of subregulation (3) unless such officer submits a statement or certificate to the council which indicates that he is free from any mental or physical defect, disease or infirmity which is likely to interfere with the proper performance of his duties or make necessary his retirement from the service of a college before reaching the age for his retirement on pension: Provided that this provision shall not apply to an officer who has already previously submitted such a statement or certificate on his appointment in the Public Service or at a college, school, state-aided school or any other institution under the control of the Department and who is appointed, transferred or promoted without a break in service.

Date on which salary commences and ends

4. (1) An officer or employee who is appointed or re-appointed in the service of a college shall be entitled to salary as from the day of assumption of duty until the day upon which his service is terminated.

(2) If an officer gives notice in writing to the council of his resignation, he shall be paid for the full calendar month for which he has given notice, provided that he renders service on every day in that calendar month which is not a day of rest.

(3) If the council accepts shorter notice of resignation than a calendar month from an officer, he shall be paid up to and including the last day on which he actually rendered service.

(4) An employee shall be paid up to and including the last day on which he actually rendered service.

Wrongly granted remuneration

5. (1) If an incorrect salary or salary scale on appointment, transfer or promotion, or an incorrect advancement of salary within the limits of the appropriate salary scale was awarded or granted to an officer or employee, or was awarded or granted at the correct notch or scale, but at a time when, or in circumstances under which it should not have been awarded or granted to him, the council shall correct the salary or salary scale of the officer or employee with effect from the date on which the incorrect salary, salary scale of salary advancement commenced, notwithstanding the fact that the officer or employee concerned was unaware that an error had been made in the case where the correction amounts to a reduction of his salary scale or salary.

(4) Indien 'n aanstelling, oorplasing of bevordering op proef nie bekragtig word nie, kan die betrokke raad—

(a) die proeftydperk verleng; of

(b) in die geval van iemand wat onmiddellik voor sy oorplasing of bevordering op proef 'n beampte was, maar wat nie 'n beampte op proef was nie, hom terugplaas na die pos wat hy tevore beklee het, of hom plaas in 'n pos van gelyke gradering as die pos wat hy tevore beklee het, en aan hom die salaris toeken wat hy in die pos wat hy tevore beklee het, sou ontvang het indien hy nie op proef oorgeplaas of bevorder was nie.

(5) 'n Aanstelling, oorplasing of bevordering van 'n beampte op proef word nie ingevolge subregulasie (3) bekragtig nie tensy sodanige beampte 'n verklaring of sertifikaat aan die raad voorlê wat aandui dat hy vry is van 'n verstandelike of liggaamsgebrek, siekte of swakheid wat waarskynlik die behoorlike verrigting van sy pligte sal belemmer of sy aftrede uit die diens van 'n kollege nodig sal maak voordat hy die leeftyd vir sy uitdienstreding met pensioen bereik: Met dien verstande dat hierdie bepaling nie van toepassing is nie op 'n beampte wat reeds voorheen so 'n verklaring of sertifikaat voorgelê het by sy aanstelling in die Staatsdiens of aan 'n kollege, skool, staatsondersteunde skool of enige ander inrigting onder die beheer van die Departement en wat sonder onderbreking van diens aangestel, oorgeplaas of bevorder word.

Datum waarop salaris begin en eindig

4. (1) 'n Beampte of werknemer wat in die diens van 'n kollege aangestel of heraangestel word, is geregtig op salaris met ingang van die dag waarop hy diens aanvaar tot die dag waarop sy diens beëindig word.

(2) Indien 'n beampte skriftelik aan die raad kennis van sy bedanking gee, word hy betaal vir die volle kalendermaand waarvoor hy kennis gegee het, mits hy op elke dag wat nie 'n rusdag is nie in daardie kalendermaand diens doen.

(3) Indien die raad korter kennisgewing van bedanking as 'n kalendermaand van 'n beampte aanvaar, word hy betaal tot en met die laaste dag waarop hy werklik diens gedoen het.

(4) 'n Werknemer word betaal tot en met die laaste dag waarop hy werklik diens gedoen het.

Foutiewelik toegestane besoldiging

5. (1) Indien 'n foutiewe salaris of salarisskaal by aanstelling, oorplasing of bevordering, of 'n foutiewe verhoging in salaris binne die perke van die toepaslike salarisskaal aan 'n beampte of werknemer toegeken of toegestaan is, teen die korrekte kerf of skaal maar op 'n tyd wanneer of in omstandighede waaronder dit nie aan hom toegeken of toegestaan behoort te gewees het nie, moet die raad die beampte of werknemer se salaris of salarisskaal regstel met ingang van die datum waarop die foutiewe salaris, salarisskaal of salarisverhoging in werking getree het, ondanks die feit dat die betrokke beampte of werknemer onbewus daarvan was dat 'n fout begaan is in die geval waar die regstelling neerkom op 'n verlaging van sy salarisskaal of salaris.

(2) If an officer or employee referred to in subregulation (1) has in respect of his salary, including any portion of any allowance or other remuneration or any other benefit calculated on his basic salary or salary scale, or awarded to him by reason of his basic salary—

(a) been underpaid, an amount equal to the amount of the underpayment shall be paid to him, and that other benefit which he did not receive, shall be awarded to him as from a current date; or

(b) been overpaid or received any such other benefit not due to him—

(i) an amount equal to the amount of the overpayment shall be recovered from him by way of the deduction from his salary of such instalments as may be determined by the council if he is in the service of the college, or, if he is not so in service, by way of the deduction from any moneys owing to him by the college, or by way of legal proceedings, or partly in the former manner and partly in the latter manner; and

(ii) that other benefit shall be discontinued or withdrawn as from a current date, but the officer or employee concerned shall be entitled to be compensated by the college for any patrimonial loss which he has suffered or will suffer as a result of such discontinuation or withdrawal.

(3) With the approval of the council concerned the amount of an overpayment to be recovered in terms of subregulation (2) (b), may be remitted in whole or in part.

Proof of marriage or change of marital status

6. An officer or employee shall, within 30 days after entering into matrimony or after his marital status has changed, submit written proof thereof to the council.

Cession of emoluments

7. No officer or employee shall, without the written approval of the council, cede the right to the whole or a part of any salary or allowance due to him.

Medical aid

8. (1) An officer or employee shall, subject to the provisions of subregulation (3), be compelled to become a member of the Public Service Medical Aid Association, hereinafter referred to as the Association, with effect from the date of his appointment: Provided that—

(a) the provisions of this regulation shall not apply to—

(i) an officer or employee who has already reached the age of 65 years;

(ii) an employee who is not a member of the Temporary Employees Pension Fund;

(2) Indien 'n beampte of werknemer in subregulasie (1) bedoel ten opsigte van sy salaris, met inbegrip van enige gedeelte van 'n toelae of ander besoldiging of enige ander voordeel wat op sy basiese salaris of salarisskaal bereken is of op grond van sy basiese salaris aan hom toegeken is—

(a) onderbetaal is, moet 'n bedrag gelyk aan die bedrag van die onderbetaling aan hom betaal word, en moet die ander voordeel wat hy nie ontvang het nie, vanaf 'n lopende datum aan hom toegeken word; of

(b) oorbetaal is, of so 'n ander voordeel ontvang het wat hom nie toekom nie—

(i) moet 'n bedrag gelyk aan die bedrag van die oorbetalings op hom verhaal word by wyse van die aftrekking van sy salaris van die paaiemente soos deur die raad bepaal indien hy in diens van die kollege is of, indien hy nie aldus in diens is nie, by wyse van die aftrekking van enige bedrae wat deur die kollege aan hom verskuldig is, of by wyse van geregtelike stappe, of gedeeltelik op eersgenoemde en gedeeltelik op laasgenoemde wyse; en

(ii) moet daardie ander voordeel vanaf 'n lopende datum gestaak of ingetrek word, maar die betrokke beampte of werknemer het die reg om deur die kollege vergoed te word vir enige vermoënsregtelike skade wat hy as gevolg van daardie staking of intrekking gelyk het of sal ly.

(3) Met die goedkeuring van die betrokke raad kan die bedrag van 'n oorbetalings wat ingevolge subregulasie (2) (b) verhaal moet word geheel of gedeeltelik kwytgeskeld word.

Bewys van huwelik of verandering van huwelikstaats

6. 'n Beampte of werknemer moet binne 30 dae nadat hy in die huwelik getree het of nadat sy huwelikstaats verander het, skriftelike bewys daarvan aan die raad voorlê.

Sessie van emolumente

7. Geen beampte of werknemer mag sonder die skriftelike goedkeuring van die raad die reg op die geheel of 'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedeer nie.

Mediese hulp

8. (1) 'n Beampte of werknemer is, behoudens die bepalinge van subregulasie (3), verplig om lid van die Mediese Hulpvereniging van Staatsamptenare, hierna die Hulpvereniging genoem, te word met ingang van die datum van sy aanstelling: Met dien verstande dat—

(a) die bepalinge van hierdie regulasie nie van toepassing is nie op—

(i) 'n beampte of werknemer wat reeds die ouderdom van 65 jaar bereik het;

(ii) 'n werknemer wat nie lid van die Pensioenfonds vir Tydelike Werknemers is nie;

(iii) a married woman whose husband is a member of the Association or any other medical aid association or medical aid fund or medical assistance fund, if she is recognised by the rules of such other association or fund as a dependant of her husband or if, by virtue of the position which her husband occupies in the services, she is entitled to free medical aid or benefits; and

(iv) an officer or employee who, by virtue of any full-time government service, is compelled to become and remain a member of any other medical aid association or medical aid fund or medical assistance fund or any other similar fund; and

(b) if, for any reason whatsoever, a change occurs in the circumstances of a married woman contemplated in paragraph (a) (iii), or those of her husband, resulting in her no longer being recognised as a dependant of her husband for the purposes of the Association or any other medical aid association or medical aid fund or medical assistance fund, or if she is not entitled to medical aid or benefits by virtue of the particular position which her husband occupies, she shall, subject to the provisions of paragraph (a) (i) and (ii), and of subregulation (3) (a) (ii), (b) (ii), (d) and (e), be compelled to become a member of the Association with effect from the date following the day on which her circumstances so changed.

(2) An officer or employee who is compelled in terms of subregulation (1) to become a member of the Association, shall not voluntarily terminate his membership.

(3) Notwithstanding the provisions of subregulation (1) —

(a) an officer or employee shall —

(i) if he, as a pensioner, is already a member of the Association; or

(ii) if she is the widow of a deceased member of the Association and became a member of the Association in his stead,

on appointment, not be reregistered as a member of the Association;

(b) any officer or employee who —

(i) is, as a pensioner, already a member of any other medical aid association or medical aid fund or medical assistance fund; or

(ii) is a widow who is already entitled to the benefits of any other medical aid association or medical aid fund or medical assistance fund by virtue of her deceased husband's membership of such association or fund,

shall in the light of the provisions of section 38 of the Medical Schemes Act, 1967 (Act No. 72 of 1967), not be registered as a member of the Association;

(c) an unmarried female member shall in the light of the provisions of section 38 (2) of the Medical Schemes Act, 1967, be compelled to terminate her membership of the Association if she marries and her husband is a member of the Association or any other medical aid association or medical aid fund or medical assistance fund and she is recognised as a dependant of her husband by the rules of such other association or fund, or is she is entitled to free medical aid or benefits by virtue of the position her husband occupies in the services;

(iii) 'n getroude vrou wië se eggenoot lid is van die Hulpvereniging of 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds, as sy deur die reëls van sodanige ander vereniging of fonds as 'n afhanklike van haar eggenoot erken word, of as sy uit hoofde van haar eggenoot se bekleding van 'n betrekking in die dienste of gratis mediese hulp of voordele geregtig is; en

(iv) 'n beamppte of werknemer wat uit hoofde van enige volttydse regeringsdiens verplig is om lid van 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds of enige ander soortgelyke fonds te word en te bly; en

(b) indien die omstandighede van 'n getroude vrou in paragraaf (a) (iii) bedoel, of van haar eggenoot, om die een of ander rede sodanig verander dat sy nie meer as 'n afhanklike van haar eggenoot vir doeleindes van die Hulpvereniging of 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds erken word nie of op mediese hulp of voordele uit hoofde van haar eggenoot se bekleding van 'n bepaalde betrekking geregtig is nie, sy, behoudens die bepalings van paragraaf (a) (i) en (ii) en van subregulasie (3) (a) (ii), (b) (ii), (d) en (e), verplig is om lid van die Hulpvereniging te word met ingang van die datum wat volg op die dag waarop haar omstandighede aldus verander het.

(2) 'n Beamppte of werknemer wat ingevolge subregulasie (1) verplig is om lid te word van die Hulpvereniging, mag nie sy lidmaatskap vrywillig beëindig nie.

(3) Ondanks die bepalings van subregulasie (1) —

(a) moet 'n beamppte of werknemer wat —

(i) as gepensioeneerde reeds lid is van die Hulpvereniging; of

(ii) 'n weduwee is van 'n afgestorwe lid van die Hulpvereniging en wat in sy plek lid van die Hulpvereniging geword het,

by aanstelling nie opnuut as lid van die Hulpvereniging ingeskryf word nie;

(b) mag 'n beamppte of werknemer wat —

(i) as gepensioeneerde reeds lid is van 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds; of

(ii) 'n weduwee is wat reeds geregtig is op voordele van 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds uit hoofde van haar afgestorwe eggenoot se lidmaatskap van sodanige vereniging of fonds,

in die lig van die bepalings van artikel 38 van die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967), nie as lid van die Hulpvereniging ingeskryf word nie;

(c) is 'n ongetroude vroulike lid, in die lig van die bepalings van artikel 38 (2) van die Wet op Mediese Skemas, 1967, verplig om haar lidmaatskap van die Hulpvereniging te beëindig indien sy in die huwelik tree en haar eggenoot lid is van die Hulpvereniging of 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds, indien sy deur die reëls van sodanige ander vereniging of fonds as 'n afhanklike van haar eggenoot erken word, of indien sy uit hoofde van haar eggenoot se bekleding van 'n betrekking in die dienste op gratis mediese hulp of voordele geregtig is;

(d) an employee shall not be compelled to become a member of the Association if he elects in writing, within 30 days of the date of his appointment, not to become a member of the Association: Provided that an employee who has so elected, shall thereafter and for as long as he is an employee without a break in service, be debarred from membership of the Association; and

(e) the Minister may exempt an officer individually or as one of a group, from membership or continued membership on the grounds of—

(i) *bona fide* conscientious or religious objections which such officer as an individual may have against medical, dental, surgical or hospital treatment; or

(ii) medical aid or benefits to which a group of persons is entitled by virtue of their appointments in particular positions.

(4) Membership fees shall, in accordance with the appropriate rate prescribed from time to time, monthly be deducted from the officer's or employee's salary and be paid to the Association.

(5) Any moneys which may at any time be owing by an officer or employee to the Association and which he neglects to pay to the Association in terms of the provisions of the rules of the Association and after he has been requested in writing to do so by the Association, shall at the written request of the Association and with the approval of the council concerned—

(a) be recovered from such officer's or employee's salary at a rate determined by the council, and be paid to the Association; or

(b) if such officer's or employee's services (and consequently his membership of the Association) terminate for any reason, be recovered in full from any outstanding moneys owing to him on termination of service, and be paid to the Association.

(6) In this regulation the expression "the services" means—

(a) the Permanent Force of the South African Defence Force referred to in section 9 of the Defence Act, 1957 (Act No. 44 of 1957);

(b) the South African Police referred to in the definition of "the Force" in section 1 of the Police Act, 1958 (Act No. 7 of 1958); and

(c) the Prisons Service established by section 2 (1) of the Prisons Act, 1959 (Act No. 8 of 1959).

Leave of officers and employees

9. Leave may be granted by the council to an officer or employee on the basis and subject to the conditions set out in these Regulations.

Leave a privilege

10. (1) Leave provided for in these Regulations is a privilege and shall be granted with due regard for the needs of a college.

(d) is 'n werknemer nie verplig om lid van die Hulpvereniging te word nie indien hy binne 30 dae na die datum van sy aanstelling skriftelik kies om nie lid van die Hulpvereniging te word nie: Met dien verstande dat 'n werknemer wat aldus gekies het, daarna en vir solank as wat hy sonder onderbreking van diens 'n werknemer is, van lidmaatskap van die Hulpvereniging uitgesluit is; en

(e) kan die Minister 'n beampte individueel of as een van 'n groep van lidmaatskap of voortgesette lidmaatskap vrystel op grond van—

(i) *bona fide* gewetensbesware of geloofsbesware wat sodanige beampte as individu teen geneeskundige, tandheelkundige, chirurgiese of hospitaalbehandeling het; of

(ii) mediese hulp of voordele waarop 'n groep persone uit hoofde van hulle aanstelling in bepaalde betrekkinge geregtig is.

(4) Ledegeld moet maandeliks ooreenkomstig die van tyd tot tyd voorgeskrewe toepaslike tarief van 'n beampte of werknemer se salaris verhaal en aan die Hulpvereniging oorbetal word.

(5) Enige gelde wat 'n beampte of werknemer te eniger tyd aan die Hulpvereniging verskuldig mag wees en wat hy versuim om ooreenkomstig die bepaling van die Hulpvereniging se reëls en nadat hy skriftelik daartoe deur die Hulpvereniging versoek is, aan die Hulpvereniging te betaal, moet op skriftelike aanvraag van die Hulpvereniging en met die goedkeuring van die betrokke raad—

(a) van sodanige beampte of werknemer se salaris teen 'n koers deur die raad bepaal, verhaal en aan die Hulpvereniging oorbetal word; of

(b) indien sodanige beampte of werknemer se dienste (en bygevolg sy lidmaatskap van die Hulpvereniging) om enige rede sou eindig, ten volle van enige uitstaande gelde wat by dienseindiging aan hom mag toekom, verhaal en aan die Hulpvereniging oorbetal word.

(6) In hierdie regulasie beteken die uitdrukking "die dienste"—

(a) die Staande Mag van die Suid-Afrikaanse Weermag in artikel 9 van die Verdedigingswet, 1957 (Wet No. 44 van 1957) bedoel;

(b) die Suid-Afrikaanse Polisie in die omskrywing van "die Mag" in artikel 1 van die Polisie wet, 1958 (Wet No. 7 van 1958) bedoel; en

(c) die Gevangenisdiens by artikel 2 (1) van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), ingestel.

Verlof van beamptes en werknemers

9. Verlof kan deur die raad aan 'n beampte of werknemer toegestaan word op die grondslag en onder die voorwaardes in hierdie Regulasies uiteengesit.

Verlof 'n vergunning

10. (1) Verlof waarvoor in hierdie Regulasies voorsiening gemaak word, is 'n vergunning en word toegestaan met inagneming van die behoeftes van 'n kollege.

(2) Leave cannot be claimed as a right, and when an officer or employee leaves the service of a college for any reason whatsoever, all leave standing to his credit shall lapse on the last day on which he was in service and he cannot claim that the money value thereof be paid to him.

(3) If an officer or employee who has left the service of a college for any reason whatsoever, is reappointed as an officer or employee with or without interruption of service, such reappointment shall for the purposes of these Regulations be deemed to be a new appointment.

Court cases and investigations: Absence from duty which shall not be recorded as leave

11. (1) An officer or employee shall not be deemed absent from duty if he appears as—

- (a) a witness in criminal court proceedings;
- (b) a witness or defendant in civil court proceedings (including a divorce case); or
- (c) a witness or defendant in a rent board investigation.

(2) Whenever an officer or employee appears as plaintiff in civil court proceedings (including a divorce case), or as the person initiating a rent board investigation, his absence from duty shall be covered by the granting to him of vacation leave with or without payment, as the case may be.

Granting and withdrawal of leave: Leave application forms and leave records

12. (1) (a) The granting of all leave shall be subject to the approval of the Head of Education.

(b) Leave already granted may at any time be withdrawn by the council.

(2) (a) Application for leave shall be made in writing in a form determined by the Head of Education.

(b) The form of the certificate of indisposition which shall serve as confirmation of an application for sick leave, shall be determined by the Head of Education.

(3) Except in the event that an officer or employee is suspended from duty, or is prevented from remaining on or reporting for duty by his sudden illness or by other circumstances acceptable to the council, he shall not leave his service or stay away from service before he has applied for leave, and has been notified that the application for leave has been approved.

(4) (a) A college shall keep a leave record in respect of each officer and employee, in which all absence from duty shall be recorded in accordance with the classification in regulation 15.

(b) All applications for leave shall be filed for audit and other purposes, for such period as the Head of Education may direct.

Lapse of leave granted on termination of service

13. (1) As soon as an officer or employee gives notice of resignation, any leave with pay already granted shall lapse with effect from the date of notice, or if the notice is not dated, with effect from the date of

(2) Verlof word nie as 'n reg geëis nie en wanneer 'n beamppte of werknemer die diens van 'n kollege om watter rede ookal verlaat, vervall alle verlof wat hy tot sy krediet het op die laaste dag waarop hy in diens was en kan hy nie eis dat die geldwaarde daarvan aan hom uitbetaal word nie.

(3) Indien 'n beamppte of werknemer wat die diens van 'n kollege om watter rede ookal verlaat het, met of sonder onderbreking van diens as 'n beamppte of werknemer heraanstel word, word sodanige heraanstelling by die toepassing van hierdie Regulasies as 'n nuwe aanstelling beskou.

Hofsake en ondersoeke: Afwesigheid van diens wat nie as verlof aangeteken word nie

11. (1) 'n Beamppte of werknemer word nie geag van diens afwesig te wees nie indien hy verskyn as—

- (a) getuie in strafregtelike hofverrigtinge;
- (b) getuie of verweerder in siviele hofverrigtinge (insluitende 'n egskeidingsaak); of
- (c) getuie of gedaagde by 'n huurraadondersoek.

(2) Wanneer 'n beamppte of werknemer verskyn as eiser in siviele hofverrigtinge (insluitende 'n egskeidingsaak) of as persoon wat die inisiatief in 'n huurraadondersoek neem, word sy afwesigheid van diens gedek deur aan hom vakansieverlof met of sonder betaling, na gelang van die geval, toe te staan.

Toestaan en intrekking van verlof: Verlofaansoekvorms en verlofstate

12. (1) (a) Die toestaan van alle verlof is onderworpe aan die goedkeuring van die Onderwyshoof.

(b) Verlof reeds toegestaan kan te eniger tyd deur die raad ingetrek word.

(2) (a) Aansoek om verlof word skriftelik gedoen in 'n vorm deur die Onderwyshoof bepaal.

(b) Die vorm van die sertifikaat van ongesteldheid wat ter staving van 'n aansoek om siekteverlof dien, word deur die Onderwyshoof bepaal.

(3) Behalwe in die geval waar 'n beamppte of werknemer in sy diens geskors is of weens sy skielike siekte of weens ander omstandighede wat vir die raad aanneemlik is, verhinder word om in sy werk aan te bly of hom vir diens aan te meld, verlaat hy nie sy werk of bly hy nie van diens weg nie voordat hy om verlof aansoek gedoen het en hy in kennis gestel is dat die verlof aansoek goedgekeur is nie.

(4) (a) 'n Kollege hou ten opsigte van elke beamppte en werknemer 'n verlofstaat waarin alle afwesigheid van diens aangeteken word volgens die indeling in regulasie 15.

(b) Alle verlofaansoeke word vir oudit- en ander doeleindes bewaar en wel vir dié tydperk wat die Onderwyshoof gelas.

Verval van toegestane verlof by diensbeëindiging

13. (1) Sodra 'n beamppte of werknemer kennis gee van bedanking vervall enige toegestane verlof met betaling met ingang van die datum van die kennisgewing, of indien die kennisgewing nie gedateer is nie,

receipt thereof by the principal, and leave applied for or absence from duty after that date, shall be deemed to be vacation leave without pay: Provided that the provisions of this subregulation—

(a) shall apply only in respect of absence during the last cal of absence during the last calendar month of an officer's or employee's service;

(b) shall not apply in respect of—

(i) sick leave;

(ii) special leave with full pay granted under regulation 28;

(iii) vacation leave granted under regulation 24 (2); and

(iv) an officer or employee whose contract of service or letter of appointment contains a clause which expressly provides that his services may be terminated by 24 hours' notice given on either side, but who nevertheless gives more than 24 hours' notice of resignation.

(2) If the services of an officer or employee terminate for any other reason than that mentioned in subregulation (1), any leave of absence that may already have been granted at that stage for a period after the date of the termination of his services, shall lapse.

(3) The period of service of an officer or employee shall not be extended in order to enable him to utilise leave which may have been granted to him.

Payment of allowances, etc. during leave

14. The continuation or termination of payment to an officer or employee of allowances or other remuneration other than his salary or wage, and the liability of an officer or employee for the payment to a college of moneys for goods delivered or services rendered by the college during periods of leave, shall be subject to the directions issued thereon by the Minister with the concurrence of the Minister of the Budget and Works.

Classification of leave

15. (1) Absence from duty on leave shall be classified under one or more of the following heads:

- (a) Vacation leave with full pay;
- (b) vacation leave without pay;
- (c) sick leave with full pay;
- (d) sick leave with half pay;
- (e) sick leave without pay;
- (f) special sick leave with full or reduced pay; and
- (g) special leave with full pay.

(2) The granting of leave under any one of the heads mentioned in subregulation (1), shall not affect the granting of leave under any of the other said heads, except as specifically provided for elsewhere in these Regulations.

(3) Subject to the provisions of regulation 28 (1) (c), unauthorized absence from duty shall, irrespective of any disciplinary measures taken against an officer or employee, be regarded as vacation leave without pay, unless the council, with the concurrence of the Head of Education, determines otherwise.

vanaf die datum van ontvangs daarvan deur die prinsipaal, en verlof aangevra of afwesigheid van diens na daardie datum word geag vakansieverlof sonder betaling te wees: Met dien verstande dat die bepalings van hierdie subregulasie—

(a) net van toepassing is ten opsigte van afwesigheid gedurende die laaste kalendermaand van 'n beampte of werknemer se diens; en

(b) nie van toepassing is nie ten opsigte van—

(i) siekteverlof;

(ii) spesiale verlof met volle betaling wat kragtens regulasie 28 toegestaan word;

(iii) vakansieverlof wat kragtens regulasie 24 (2) toegestaan word; en

(iv) 'n beampte of werknemer wie se dienskontrak of aanstellingsbrief 'n klousule bevat wat uitdruklik bepaal dat sy dienste met wedersydse kennisgewing van 24 uur beëindig kan word, maar wat desnieteenstaande langer as 24 uur kennis van sy bedanking gee.

(2) Indien 'n beampte of werknemer se dienste om enige ander rede as dié in subregulasie (1) genoem, eindig, vervel enige afwesigheidsverlof wat op daardie tydperk reeds toegestaan mag wees vir 'n tydperk na die datum van sy diensbeëindiging.

(3) 'n Beampte of werknemer se diens tydperk word nie verleng nie ten einde hom in staat te stel om gebruik te maak van verlof wat aan hom toegestaan mag gewees het.

Betaling van toelaes, ens., tydens verlof

14. Die voortsetting of staking van die betaling aan 'n beampte of werknemer van toelaes of ander besoldiging as sy salaris of loon en die aanspreeklikheid van 'n beampte of werknemer vir die betaling aan 'n kollege van gelde vir goedere of dienste deur die kollege gelewer gedurende tydperke van verlof, is onderworpe aan die opdragte wat die Minister met die instemming van die Minister van Begroting en Werke daaromtrent uitgereik.

Indeling van verlof

15. (1) Afwesigheid van diens met verlof word onder een of meer van die volgende hoofde ingedeel:

- (a) Vakansieverlof met volle betaling;
- (b) vakansieverlof sonder betaling;
- (c) siekteverlof met volle betaling;
- (d) siekteverlof met halwe betaling;
- (e) siekteverlof sonder betaling;
- (f) spesiale siekteverlof met volle of verminderde betaling; en
- (g) spesiale verlof met volle betaling.

(2) Die toestaan van verlof onder enige een van die hoofde in subregulasie (1) genoem, beïnvloed nie die toestaan van verlof onder enige van die ander genoemde hoofde nie behalwe soos elders in hierdie Regulasies uitdruklik bepaal word.

(3) Behoudens die bepalings van regulasie 28 (1) (c) word ongemagtigde afwesigheid van diens, ongeag enige tugmaatreëls wat teen 'n beampte of werknemer geneem word, geag vakansieverlof sonder betaling te wees tensy die raad met die instemming van die Onderwysshoof anders bepaal.

Classification of officers and employees for leave purposes and leave provision

16. (1) An officer or employee belonging to a group referred to hereunder, shall be entitled to the number of days leave in respect of the group concerned as indicated hereunder:

(a) Group A—Administrative, clerical or stores staff.
Officers—

(i) vacation leave per year: 12 days;

(ii) non-accumulative leave during college holidays:
Not exceeding 70 days per year;

(iii) sick leave in each cycle with—
full pay: 90 days; and
half pay: 90 days.

Full-time and part-time employees—

(i) vacation leave per year: 6 days;

(ii) non-accumulative leave during college holidays:
Not exceeding 70 days per year;

(iii) sick leave in each cycle with—
full pay: 60 days; and
half pay: 60 days.

(b) Group B—Officers and employees excluding those classified in Group A and Group D, if it is normally not expected of them to remain on duty during college holidays when teaching is suspended—

(i) vacation leave per year: 10 days;

(ii) sick leave in each cycle with—
full pay: 90 days; and
half pay: 90 days.

(c) Group C—Officers and employees excluding those classified in Group A and Group D, who are in the service of colleges—

(i) where instruction is suspended during college holidays although the college is normally not closed; or

(ii) where they are normally expected to remain on duty during college holidays although instruction is suspended and the college is closed,
and who have completed—

(aa) 15 years or longer service—

(aaa) vacation leave per annum: 38 days;

(bbb) sick leave in each cycle with—
full pay: 120 days; and
half pay: 120 days;

(bb) 10 years or longer but less than 15 years service—

(aaa) vacation leave per annum: 36 days;

(bbb) sick leave in each cycle with—
full pay: 120 days; and
half pay: 120 days;

(cc) less than 10 years service—

(aaa) vacation leave per annum: 30 days;

Klassifikasie van beamptes en werknemers vir verlofdoeleindes en verlofvoorsiening

16. (1) 'n Beampte of werknemer wat behoort tot 'n groep hieronder bedoel, is geregtig op die aantal dae verlof soos ten opsigte van die betrokke groep hieronder aangedui:

(a) Groep A—Administratiewe, klerklike of voorradepersoneel.

Beamptes—

(i) vakansieverlof per jaar: 12 dae;

(ii) nie-oplopende verlof gedurende kollegevakansies: Hoogstens 70 dae per jaar;

(iii) siekteverlof in elke tydkring met—
volle betaling: 90 dae; en
halwe betaling: 90 dae.

Voltydse en deeltydse werknemers—

(i) vakansieverlof per jaar: 6 dae;

(ii) nie-oplopende verlof gedurende kollegevakansies: Hoogstens 70 dae per jaar;

(iii) siekteverlof in elke tydkring met—
volle betaling: 60 dae; en
halwe betaling: 60 dae.

(b) Groep B—Beamptes en werknemers, uitgesonderd die wat in Groep A en Groep D ingedeel is, indien normaalweg nie van hulle verwag word om gedurende kollegevakansies wanneer onderrig opgeskort is, aan diens te bly nie—

(i) vakansieverlof per jaar: 10 dae;

(ii) siekteverlof in elke tydkring met—
volle betaling: 90 dae; en
halwe betaling: 90 dae.

(c) Groep C—Beamptes en werknemers, uitgesonderd die wat in Groep A en Groep D ingedeel is, wat in diens is by kolleges—

(i) waar onderrig gedurende kollegevakansies opgeskort is alhoewel die kollege normaalweg nie gesluit is nie; of

(ii) waar normaalweg van hulle vereis word om gedurende kollegevakansies aan diens te bly alhoewel onderrig opgeskort en die kollege gesluit is,
en wat—

(aa) 15 jaar of langer diens voltooi het—

(aaa) vakansieverlof per jaar: 38 dae;

(bbb) siekteverlof in elke tydkring met—
volle betaling: 120 dae; en
halwe betaling: 120 dae;

(bb) 10 jaar of langer maar minder as 15 jaar diens voltooi het—

(aaa) vakansieverlof per jaar: 36 dae;

(bbb) siekteverlof in elke tydkring met—
volle betaling: 120 dae; en
halwe betaling: 120 dae;

(cc) minder as 10 jaar diens voltooi het—

(aaa) vakansieverlof per jaar: 30 dae;

(bbb) sick leave in each cycle with—
full pay: 120 days; and
half pay: 120 days;

(d) Group D—Officers and employees employed as general assistants who have completed—

(i) 20 years of service or longer—

(aa) vacation leave per year: 30 days;

(bb) sick leave in every cycle with—

full pay: 90 days; and

half pay: 90 days;

(ii) 15 years or longer but less than 20 years of service—

(aa) vacation leave per year: 30 days;

(bb) sick leave in every cycle with—

full pay: 60 days; and

half pay: 60 days;

(iii) 10 years or longer but less than 15 years of service—

(aa) vacation leave per year: 24 days;

(bb) sick leave in every cycle with—

full pay: 60 days; and

half pay: 60 days.

(iv) 5 years or longer but less than 10 years of service—

(aa) vacation leave per year: 18 days;

(bb) sick leave in each cycle with—

full pay: 30 days; and

half pay: 30 days; and

(v) less than 5 years service—

(aa) vacation leave per year: 18 days;

(bb) sick leave in each cycle with—

full pay: 15 days; and

half pay: 15 days.

(2) The council may require an officer or employee who does not normally render service during a college holiday, to remain on duty during any college holiday and in such case the officer or employee shall be credited with vacation leave, over and above that referred to in subregulation (1), equal to half the number of days on which he has remained on duty during a college holiday, to a maximum of 24 days vacation leave in a calendar year.

(3) The vacation leave that an officer or employee has to his credit on 1 January of each year, shall be recorded in the leave record and in the recording of such credit, any part of a day shall be regarded as being one day.

(4) If an officer or employee is transferred from one post to another post and his transfer results in a change in his classification for leave purposes referred to in subregulation (1), or, if his classification for purposes of leave changes for any other reason—

(a) such officer or employee shall retain the vacation leave credit accrued during his period of service as member of the previous group; and

(bbb) siekteverlof in elke tydkring met—
volle betaling: 120 dae; en
halwe betaling: 120 dae;

(d) Groep D—Beampies en werknemers wat in diens is as algemene assistente en wat—

(i) 20 jaar of langer diens voltooi het—

(aa) vakansieverlof per jaar: 30 dae;

(bb) siekteverlof in elke tydkring met—

volle betaling: 90 dae; en

halwe betaling: 90 dae;

(ii) 15 jaar of langer, maar minder as 20 jaar diens voltooi het—

(aa) vakansieverlof per jaar: 30 dae;

(bb) siekteverlof in elke tydkring met—

volle betaling: 60 dae; en

halwe betaling: 60 dae;

(iii) 10 jaar of langer, maar minder as 15 jaar diens voltooi het—

(aa) vakansieverlof per jaar: 24 dae;

(bb) siekteverlof in elke tydkring met—

volle betaling: 60 dae; en

halwe betaling: 60 dae;

(iv) 5 jaar of langer, maar minder as 10 jaar diens voltooi het—

(aa) vakansieverlof per jaar: 18 dae;

(bb) siekteverlof in elke tydkring met—

volle betaling: 30 dae; en

halwe betaling: 30 dae; en

(v) minder as 5 jaar diens voltooi het—

(aa) vakansieverlof per jaar: 18 dae;

(bb) siekteverlof in elke tydkring met—

volle betaling: 15 dae; en

halwe betaling: 15 dae.

(2) Die raad kan vereis dat 'n beampte of werknemer wat normaalweg nie gedurende 'n kollegevakansie diens doen nie, gedurende enige kollegevakansie aan diens bly en in so 'n geval word die beampte en werknemer gekrediteer met vakansieverlof, bo en behalwe die in subregulasie (1) bedoel, gelykstaande aan die helfte van die getal dae wat hy gedurende 'n kollegevakansie aan diens gebly het, tot 'n maksimum van 24 dae vakansieverlof per kalenderjaar.

(3) Die vakansieverlof wat 'n beampte of werknemer op 1 Januarie van elke jaar tot sy krediet het, word in die verlofstaat aangeteken en by die aantekening van so 'n krediet, word enige gedeelte van 'n dag as een dag gereken.

(4) Indien 'n beampte of werknemer van een pos na 'n ander pos oorgeplaas word en sy oorplasing 'n verandering van sy indeling bedoel in subregulasie (1) vir verlofdoeleindes meebring of as sy indeling vir verlofdoeleindes om enige ander rede verander—

(a) behou sodanige beampte of werknemer die vakansieverlofkrediet wat gedurende sy dienstydperk as lid van die vorige groep aangewas het; en

(b) the vacation leave provision of the new group shall become applicable to him as from the first day of the calendar month during which such transfer or change becomes effective.

Accrual of vacation leave

17. Vacation leave, excluding vacation leave credited to an officer or employee in terms of regulation 16 (2), shall accrue in respect of each completed month of service at the rate of one twelfth of the leave provision which applies to an officer or employee in terms of regulation 16 (1).

College holidays: Not part of leave

18. When an officer or employee who normally does not render service during a college holiday, remains absent on leave until and including the last day of a college term, and takes leave with effect from the beginning of the following college term, the intervening college holiday shall not be regarded as leave: Provided that where such leave is sick leave without pay or vacation leave without pay, such officer or employee shall not be paid for that college holiday.

Days of rest

19. A day of rest shall not be regarded as leave and shall not be recorded as such in the leave record: Provided that—

(a) a day of rest or two or more consecutive days of rest falling within a period of leave, shall be regarded as leave falling under the same heading according to the classification in regulation 16 (1) as the leave preceding or following such day or days of rest;

(b) a day of rest or two or more consecutive days of rest falling between a period of vacation leave or a period during which teaching is suspended and a period of sick leave (or *vice versa*), shall be regarded as vacation leave, unless the officer or employee concerned produces proof that he was ill on such day or days of rest; and

(c) if an officer or employee is instructed by the principal to report for duty on a day of rest and he fails to do so, such a day of rest shall be regarded as vacation leave without pay, unless he is prevented from reporting for duty by circumstances acceptable to the council.

Granting of vacation leave

20. (1) The council may at any time require that an officer or employee take part or the whole of the vacation leave due to him: Provided that the maximum period of leave prescribed in subregulation (2), shall not be exceeded.

(2) Vacation leave with pay not exceeding 184 days, may be granted to an officer or employee during any uninterrupted period of 18 months, and, subject to subregulation (3), any absence from duty exceeding this maximum, shall be covered by the granting of vacation leave without pay.

(b) word die nuwe groep se vakansieverlofvoorsiening op hom van toepassing vanaf die eerste dag van die kalendermaand waarin so 'n oorpasing of verandering van krag word.

Vakansieverlofaanwas

17. Vakansieverlof, uitgesonderd vakansieverlof wat ingevolge regulasie 16 (2) tot 'n beamppte of werknemer se krediet geplaas word, was aan ten opsigte van elke voltooide maand van diens teen een twaalfde van die voorsiening wat ingevolge regulasie 16 (1) op 'n beamppte of werknemer van toepassing is.

Kollegevakansies: Nie deel van verlof nie

18. Wanneer 'n beamppte of werknemer wat normaalweg nie gedurende 'n kollegevakansie diens verrig nie tot en met die laaste dag van 'n kollegetermyn met verlof afwesig is en met ingang van die daaropvolgende kollegetermyn met verlof gaan, word die tussenkomende kollegevakansie nie as verlof gereken nie: Met dien verstande dat waar sodanige verlof siekteverlof sonder betaling of vakansieverlof sonder betaling is, so 'n beamppte of werknemer nie vir daardie kollegevakansie betaling ontvang nie.

Rusdae

19. 'n Rusdag word nie geag verlof te wees nie en word nie in die verlofstaat as sodanig aangeteken nie: Met dien verstande dat—

(a) 'n rusdag of twee of meer opeenvolgende rusdae wat in 'n tydperk van verlof val, geag word verlof te wees wat onder dieselfde hoof volgens die indeling in regulasie 16 (1) val as die verlof wat sodanige rusdag of rusdae voorafgaan en daarop volg;

(b) 'n rusdag of twee of meer opeenvolgende rusdae wat tussen 'n tydperk van vakansieverlof of 'n tydperk waartydens onderrig opgeskort is en 'n tydperk van siekteverlof (of omgekeerd) val, geag word vakansieverlof te wees, tensy die betrokke beamppte of werknemer bewys lewer dat hy op so 'n rusdag of rusdae siek was; en

(c) indien 'n beamppte of werknemer deur die prinsipaal aangesê word om hom op 'n rusdag vir diens aan te meld en hy in gebreke bly om dit te doen, so 'n rusdag geag word vakansieverlof sonder betaling te wees, tensy hy weens omstandighede wat vir die raad aanneemlik is, verhinder word om hom vir diens aan te meld.

Toestaan van vakansieverlof

20. (1) Die raad kan te eniger tyd vereis dat 'n beamppte of werknemer 'n gedeelte of die geheel van die vakansieverlof wat hom toekom, neem: Met dien verstande dat die maksimum tydperk van verlof wat in subregulasie (2) voorgeskryf word, nie oorskry word nie.

(2) Vakansieverlof met betaling tot hoogstens 184 dae kan in enige onafgebroke tydperk van 18 maande aan 'n beamppte of werknemer toegestaan word en behoudens subregulasie (3), word enige afwesigheid van diens wat hierdie maksimum oorskry, gedek deur die toestaan van vakansieverlof sonder betaling.

(3) Subject to regulation 26 (3), the council may, if in its opinion sound reason exists therefore, grant to an officer or employee who does not have vacation leave standing to his credit, vacation leave without pay not exceeding 184 days during an uninterrupted period of 18 months.

Vacation leave: Officers or employees appointed without a break of service from Provincial Administration or other service

21. (1) A person who is, without a break of service, appointed as an officer or employee and who was before such appointment in the service of—

(a) a state department;

(b) a Provincial Administration; or

(c) a body or institution which has a pension fund or provident fund administered by the State,

shall retain the accumulative vacation leave which he had to his credit on the last day of service with his previous employer, and his previous service in respect of which the leave credit is carried over shall be regarded as service for leave purposes.

(2) In the application of subregulation (1), any part of a day shall be regarded as a full day when the accumulated vacation leave credit is placed to the credit of an officer or employee on the date on which these Regulations become applicable to him.

Leave for study purposes

22. The provisions of regulation C15 of the Public Service Regulations made under the Public Service Act, 1984 (Act No. 111 of 1984), shall *mutatis mutandis* apply to an officer or employee.

Leave for confinement purposes

23. The provisions of Chapter D.II/III/6 and D.II/IV/8 of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), shall *mutatis mutandis* apply to female officers or employees.

General provisions: Sick leave

24. (1) Sick leave shall become due to an officer or employee on the first day of a cycle or on the date of his assumption of duty where such a date falls within a cycle, and with effect from that day, the full sick leave referred to in regulation 16 (1) for the cycle concerned may be granted to him, on condition that the other provisions of these Regulations are complied with: Provided that sick leave with full or half pay shall not be granted to any officer or employee before he has completed 30 days of service and then only in respect of absence after completion of the 30 days service.

(2) (a) Vacation leave standing to his credit may be granted by the council to an officer or employee on his written application, instead of sick leave with half pay or

(3) Behoudens regulasie 26 (3) kan die raad, indien 'n grondige rede na sy mening daarvoor bestaan, aan 'n beampte of werknemer wat nie vakansieverlof tot sy krediet het nie, vakansieverlof sonder betaling vir hoogstens 184 dae in 'n onafgebroke tydperk van 18 maande toestaan.

Vakansieverlof: Beamptes of werknemers aangestel sonder onderbreking van diens vanaf Provinsiale Administrasie of ander diens

21. (1) Iemand wat sonder onderbreking van diens as 'n beampte of werknemer aangestel word en wat voor so 'n aanstelling in diens was van—

(a) 'n staatsdepartement;

(b) 'n Provinsiale Administrasie; of

(c) 'n liggaam of inrigting wat 'n pensioen- of voorsorgfonds het wat deur die Staat geadministreer word, behou die oplopende vakansieverlof wat hy tot sy krediet gehad het op die laaste dag van sy diens by sy vorige werkgever en die vorige diens ten opsigte waarvan die verlofkrediet oorgedra word, word as diens vir verlofdoeleindes geag.

(2) By die toepassing van subregulasie (1) word enige gedeelte van 'n dag as een dag gereken wanneer die opgelope vakansieverlofkrediet tot 'n beampte of werknemer se krediet geplaas word op die datum waarop hierdie Regulasies op hom van toepassing word.

Verlof vir studiedoeleindes

22. Die bepalings van regulasie C15 van die Staatsdiensregulasies uitgevaardig kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), is *mutatis mutandis* op 'n beampte of werknemer van toepassing.

Verlof vir bevallingsdoeleindes

23. Die bepalings van Hoofstuk D.II/III/6 en D.II/IV/8 van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), is *mutatis mutandis* op vroulike beamptes en werknemers van toepassing.

Algemene bepalings: Siekteverlof

24. (1) Siekteverlof val toe aan 'n beampte of werknemer op die eerste dag van 'n tydkring of op die datum van sy diensaanvaarding waar so 'n datum binne 'n tydkring val, en met ingang van daardie dag kan die volle siekteverlof bedoel in regulasie 16 (1) vir die betrokke tydkring aan hom toegestaan word, mits aan die ander bepalings van hierdie Regulasies voldoen word: Met dien verstande dat aan geen beampte of werknemer siekteverlof met volle of halwe betaling toegestaan word voordat hy 30 dae diens voltooi het nie en dan slegs ten opsigte van afwesigheid na die voltooiing van die 30 dae diens.

(2) (a) Aan 'n beampte of werknemer kan, op sy skriftelike aansoek, vakansieverlof wat hy tot sy krediet het, deur die raad toegestaan word in plaas van siekte-

sick leave without pay, on condition that such an application shall be submitted not later than three months after he has resumed duty after his illness: Provided that—

(i) the number of days vacation leave so granted to an officer or employee, shall not exceed 365 days in one cycle; and

(ii) the council is convinced that at the stage when such application is submitted, such officer or employee is not permanently unfit for the performance of his normal duties.

(b) If vacation leave is granted to an officer or employee under paragraph (a) and he has received payment in respect thereof, it shall not again be converted to sick leave with half pay or without pay.

(3) If an officer or employee to whom vacation leave with pay was granted, becomes ill while he is on vacation leave, that part of the vacation leave during which he was ill may, subject to the provisions of regulation 25 (3), be converted into sick leave on condition that such officer or employee shall within 30 days after expiry of the vacation leave, apply for such conversion in writing.

(4) An officer or employee who retains his vacation leave credit in terms of regulation 21 (1), shall, during the unexpired part of the cycle in which he has been so transferred, be granted sick leave with pay not exceeding that which would have been granted to him had all his service during such cycle been service at a college.

(5) Unutilised sick leave prescribed for a particular cycle, shall lapse at the end of that cycle and shall not be carried over to any following cycle.

(6) (a) If the maximum number of days sick leave with full and half pay for which he qualifies in terms of regulation 16, has been granted to an officer or employee, and he is, due to reasons of health not able to resume his duties, the council may grant him further sick leave with half pay for a maximum of 92 days in one cycle if such officer or employee—

(i) submits a certificate referred to in regulation 25 (3);

(ii) at the stage when he submits the certificate referred to in subparagraph (i), in the opinion of the council is not permanently unfit for the normal performance of his duties; and

(iii) does not have vacation leave to his credit.

(b) The granting of further sick leave with half pay referred to in paragraph (a) may be made in respect of separate periods of absence and in respect of indispositions of varying nature.

(7) If an officer or employee during one cycle without a break in service—

(a) passes to a group referred to in regulation 16 (1) in respect of which the sick leave provision is less favourable than that which previously applied to him, he shall, for the duration of that cycle, retain the sick leave provision which previously applied to him; or

verlof met halwe betaling of siekteverlof sonder betaling, op voorwaarde dat so 'n aansoek nie later nie as drie maande nadat hy diens na sy siekte hervat het, ingedien word: Met dien verstande dat—

(i) die getal dae vakansieverlof wat aldus aan 'n beamppte of werknemer toegestaan word, nie 365 dae in een tydkring oorskry nie; en

(ii) die raad oortuig is dat so 'n beamppte of werknemer op die tydstip wanneer sodanige aansoek ingedien word nie permanent ongeskik vir die verrigting van sy normale pligte is nie.

(b) Indien vakansieverlof kragtens paragraaf (a) aan 'n beamppte of werknemer toegestaan is en hy ten opsigte daarvan betaling ontvang het, word dit nie weer in siekteverlof met halwe betaling of sonder betaling omskep nie.

(3) Indien 'n beamppte of werknemer aan wie vakansieverlof met betaling toegestaan is, siek word terwyl hy met vakansieverlof is, kan daardie gedeelte van die vakansieverlof waartydens hy siek was, behoudens die bepalinge van regulasie 25 (3), in siekteverlof omskep word op voorwaarde dat sodanige beamppte of werknemer binne 30 dae na verstryking van sy vakansieverlof, skriftelik om sodanige omskepping aansoek doen.

(4) Aan 'n beamppte of werknemer wat sy vakansieverlofkrediet ingevolge regulasie 21 (1) behou, word gedurende die onverstreke gedeelte van die tydkring waarin hy aldus oorgeplaas is, siekteverlof met betaling toegestaan wat nie meer is nie as wat aan hom toegestaan sou gewees het indien al sy diens gedurende so 'n tydkring diens by 'n kollege was.

(5) Ongebruikte siekteverlof wat vir 'n bepaalde tydkring voorgeskryf is, verval aan die einde van daardie tydkring en word nie na enige daaropvolgende tydkring oorgedra nie.

(6) (a) Indien aan 'n beamppte of werknemer die maksimum getal dae siekteverlof met volle en halwe betaling toegestaan is waarvoor hy ingevolge regulasie 16 kwalifiseer en hy weens gesondheidsredes nie in staat is om sy pligte te hervat nie, kan die raad verdere siekteverlof met halwe betaling aan hom toeken vir hoogstens 92 dae in een tydkring indien sodanige beamppte of werknemer—

(i) 'n sertifikaat bedoel in regulasie 25 (3) voorlê;

(ii) op die tydstip wanneer hy die sertifikaat in subparagraaf (i) bedoel voorlê, na die oordeel van die raad nie permanent ongeskik is vir die verrigting van sy normale pligte nie; en

(iii) nie vakansieverlof tot sy krediet het nie.

(b) Die toekenning van verdere siekteverlof met halwe betaling bedoel in paragraaf (a) kan gedoen word ten opsigte van afsonderlike tydperke van afwesigheid en ten opsigte van ongesteldhede van verskillende aard.

(7) Indien 'n beamppte of werknemer gedurende een tydkring sonder onderbreking van diens—

(a) oorgaan na 'n groep bedoel in regulasie 16 (1) ten opsigte waarvan die siekteverlofvoorsiening minder gunstig is as die wat voorheen op hom van toepassing was, behou hy vir die duur van daardie tydkring die siekteverlofvoorsiening wat voorheen op hom van toepassing was; of

(b) passes to such a group in respect of which the sick leave provision is more favourable than that which previously applied to him, he shall immediately acquire the sick leave provision of the new group less any paid sick leave which he has already utilised during the cycle concerned.

(8) An officer or employee who has completed at least 10 years of uninterrupted service and who has utilised the maximum number of days sick leave with full pay which may, in terms of these Regulations, be granted to him, may be granted additional sick leave with full pay in the measure and subject to the conditions approved by the Minister.

Granting of sick leave

25. (1) Sick leave shall only be granted in respect of an officer's or employee's absence from duty by reason of an illness, indisposition or injury which is not imputable to his own doing or lack of proper precaution.

(2) In respect of affections of the nerves, sleeplessness, debility, or similar vaguely defined illnesses or indispositions, sick leave shall be granted only if the council is convinced that the officer's or employee's state of health—

- (a) renders him unfit for his work; and
- (b) does not result from his failure to utilise his vacation leave.

(3) (a) If an officer or employee is absent from duty due to illness for an uninterrupted period of longer than three days, sick leave with or without pay may be granted to him only if he submits a certificate by a registered medical practitioner or a registered dentist in which—

- (i) the nature of the illness is defined;
- (ii) it is stated that the officer or employee concerned is unable to perform his official duties; and
- (iii) the period required for his recovery is stipulated.

(b) The council may require from an officer or employee to submit a certificate referred to in paragraph (a) also in respect of periods of three days or less than three days.

(c) If an officer or employee was absent from duty due to illness and in the opinion of the council an acceptable reason exists why a certificate of indisposition referred to in paragraph (a) has not been submitted, the council may exempt him from submitting such certificate in respect of an uninterrupted period of sick leave not exceeding 14 days, on condition that such exemption shall be recorded on the officer's or employee's application for leave.

(d) Subject to the provisions of paragraph (c), sick leave with or without pay in respect of which a certificate referred to in paragraph (a) has not been submitted, may be granted for a total not exceeding 10 days during one calendar year, and any further absence shall be covered by the granting of vacation leave, or, if the officer or employee concerned has no vacation leave to his credit, vacation leave without pay.

(b) oorgaan na so 'n groep ten opsigte waarvan die siekteverlofvoorsiening gunstiger is as dié wat voorheen op hom van toepassing was, verwerf hy onmiddellik die siekteverlofvoorsiening van die nuwe groep min enige betaalde siekteverlof wat hy reeds gedurende die betrokke tydkring gebruik het.

(8) Aan 'n beampte of werknemer wat minstens 10 jaar onafgebroke diens voltooi het en wat die maksimum getal dae siekteverlof met volle betaling geneem het wat ingevolge hierdie Regulasies aan hom toegestaan kan word, kan addisionele siekteverlof met volle betaling toegestaan word in die mate en op die voorwaardes wat die Minister goedkeur.

Toestaan van siekteverlof

25. (1) Siekteverlof word net toegestaan in verband met 'n beampte of werknemer se afwesigheid van diens weens 'n siekte, ongesteldheid of besering wat nie te wyte is aan sy eie toedoen of gebrek aan behoorlike voorsorg nie.

(2) Siekteverlof in verband met senuwee-aandoenings, slapeloosheid, swakte of dergelike minder goed omskrewe siektes of ongesteldhede, word toegestaan slegs as die raad oortuig is dat die beampte of werknemer se gesondheidstoestand—

- (a) hom ongeskik maak vir sy werk; en
- (b) nie voortvloei uit sy versuim om vakansieverlof te neem nie.

(3) (a) Indien 'n beampte of werknemer weens siekte van diens afwesig is vir 'n aaneenlopende tydperk van langer as drie dae, kan siekteverlof met of sonder betaling aan hom toegeken word slegs as hy 'n sertifikaat van 'n geregistreerde geneesheer of 'n geregistreerde tandarts indien waarin—

- (i) die aard van die siekte omskryf word;
- (ii) verklaar word dat die betrokke beampte of werknemer nie in staat is om sy ampspilte te verrig nie; en
- (iii) aangetoon word watter tydperk vir sy herstel nodig is.

(b) Die raad kan van 'n beampte of werknemer vereis dat 'n sertifikaat bedoel in paragraaf (a) ook ten opsigte van tydperke van drie dae of minder ingedien word.

(c) Indien 'n beampte of werknemer weens siekte van diens afwesig was en daar na die mening van die raad 'n aanvaarbare rede bestaan waarom 'n sertifikaat van ongesteldheid bedoel in paragraaf (a) nie ingedien is nie, kan die raad hom vrystel van die indiening van so 'n sertifikaat ten opsigte van 'n aaneenlopende tydperk van siekteverlof van nie langer nie as 14 dae, op voorwaarde dat sodanige vrystelling op die beampte of werknemer se verlofaansoek aangeteken word.

(d) Behoudens die bepalings van paragraaf (c) kan siekteverlof met of sonder betaling ten opsigte waarvan 'n sertifikaat bedoel in paragraaf (a) nie ingedien is nie, toegestaan word vir 'n totaal van hoogstens 10 dae gedurende een kalenderjaar, en enige verdere afwesigheid word gedek deur die toestaan van vakansieverlof, of, as die betrokke beampte of werknemer geen vakansieverlof tot sy krediet het nie, van vakansieverlof sonder betaling.

(4) Notwithstanding the submission of a certificate referred to in subregulation (3), the council may refuse to grant sick leave with pay to an officer or employee in respect of any absence from duty to which the certificate refers, and in such event the council may determine that the absence was unauthorized whereafter the provisions of regulation 15 (3) shall apply.

Sick leave without pay

26. (1) An officer or employee who has utilised all the sick leave with pay provided for in regulation 16, may, notwithstanding the provisions of regulation 24 (2), be granted sick leave without pay for not exceeding 365 days in one cycle.

(2) Leave in terms of subregulation (1) may be granted, notwithstanding the fact that additional sick leave with half pay has, in terms of regulation 24 (6), been granted to the officer or employee.

(3) If the maximum number of days sick leave without pay for which an officer or employee qualifies in terms of these Regulations, has been granted to him, no further leave of any kind whatsoever, shall be granted to him during the cycle concerned in respect of his absence due to illness, except with the approval of the Minister.

Special sick leave

27. (1) Notwithstanding anything to the contrary contained in these Regulations, a council may grant an officer or employee who is absent from duty owing to an injury sustained in an accident arising from and in the course of his employment, or owing to an illness contracted in the course of and as a result of his employment—

(a) special sick leave with full pay for the period during which he is unfit for duty; or

(b) special sick leave with pay equal to the difference between full pay and the compensation which may be payable to him by way of periodical payments of his monthly earnings in terms of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941): Provided that special sick leave with pay under this regulation shall not be granted where the accident is caused by a third party, unless the officer or employee either authorizes the college to institute a claim against the third party in his name for damages suffered by him, or undertakes himself to institute a claim against the third party, and to compensate the college for the damages suffered by it as a result of the accident, from any amount that may be recovered.

(2) Special sick leave in terms of this regulation shall not be granted if the accident can be attributed to the officer's or employee's own serious and wilful misconduct as defined in section 1 of the Workmen's Compensation Act, 1941.

(3) The provisions of regulation 25 (3) shall *mutatis mutandis* apply to the granting of special sick leave under of this regulation.

(4) Ondanks die indiening van 'n sertifikaat in subregulasie (3) bedoel, kan die raad weier om siekteverlof met betaling aan 'n beampte of werknemer toe te staan ten opsigte van enige afwesigheid van diens waarop die sertifikaat betrekking het, en in so 'n geval kan die raad bepaal dat die afwesigheid ongemagtig was waarna die bepalings van regulasie 15 (3) van toepassing is.

Siekteverlof sonder betaling

26. (1) Aan 'n beampte of werknemer wat al sy siekteverlof met betaling geneem het waarvoor in regulasie 16 voorsiening gemaak word, kan ondanks die bepalings van regulasie 24 (2) siekteverlof sonder betaling toegestaan word vir hoogstens 365 dae in een tydkring.

(2) Verlof ingevolge subregulasie (1) kan toegestaan word ondanks die feit dat addisionele siekteverlof met halwe betaling ingevolge regulasie 24 (6) aan die beampte of werknemer toegestaan is.

(3) Indien die maksimum getal dae siekteverlof sonder betaling waarvoor 'n beampte of werknemer ingevolge hierdie Regulasies kwalifiseer aan hom toegestaan is, word geen verdere verlof, van watter aard ook al, gedurende die betrokke tydkring ten opsigte van sy afwesigheid weens siekte aan hom toegestaan nie behalwe met die goedkeuring van die Minister.

Spesiale siekteverlof

27. (1) Ondanks andersluidende bepalings van hierdie Regulasies kan die raad aan 'n beampte of werknemer wat van diens afwesig is weens 'n besering wat voortspruit uit 'n ongeval wat uit sy diens ontstaan het en in die loop daarvan plaasgevind het, of weens 'n siekte wat in die loop van en as gevolg van sy diens opgedoen is—

(a) spesiale siekteverlof met volle betaling toegestaan word vir die tydperk wat hy nie geskik is om diens te verrig nie; of

(b) spesiale siekteverlof toegestaan word met besoldiging gelyk aan die verskil tussen volle betaling en die skadeloosstelling wat aan hom by wyse van periodieke uitkerings van sy maandelikse verdienste betaalbaar kan wees ingevolge die bepalings van die Ongevalwet, 1941 (Wet No. 30 van 1941): Met dien verstande dat spesiale siekteverlof met betaling kragtens hierdie regulasie nie toegestaan word waar die ongeval deur 'n derde party veroorsaak is nie, tensy die beampte of werknemer of die kollege magtig om in sy naam 'n eis teen die derde party vir skade deur hom gely, in te stel, of onderneem om self 'n eis teen die derde party in te stel en om, uit enige bedrag wat verhaal mag word, die kollege te vergoed vir die skade deur hom gely as gevolg van die ongeval.

(2) Spesiale siekteverlof ingevolge hierdie regulasie word nie toegestaan nie indien die ongeval aan die ernstige en opsetlike wangedrag van die beampte of werknemer, soos omskryf in artikel 1 van die Ongevalwet, 1941, toe te skryf is.

(3) Die bepalings van regulasie 25 (3) is *mutatis mutandis* van toepassing op die toestaan van spesiale siekteverlof kragtens hierdie regulasie.

Special leave with full pay

28. (1) Special leave with full pay may be granted by the council to an officer or employee—

(a) for each day upon which he writes an examination approved by the Head of Education, and one additional day special leave with full pay may be granted, in addition to the day on which such examination is written;

(b) for the period that he is absent from duty owing to quarantine or isolation on the instructions of a registered medical practitioner where he has been in contact with a person who has or is suspected of having contracted a contagious or infectious disease;

(c) for the period that he is absent from duty because he has been arrested in connection with, or has to appear before a court of law on a criminal charge, and he is subsequently acquitted or the case against him is withdrawn;

(d) (i) for the period that, as a member of the Citizen Force, he has under the Defence Act, 1957, to perform uninterrupted or interrupted compulsory military service, except in the case of his initial period of military service in which case special leave with a remuneration equal to the difference between his normal salary and the pay which he receives in terms of the Civil Force Regulations, may be granted to him: Provided that—

(aa) this paragraph shall not apply if such officer or employee performs voluntary temporary whole-time service under section 20 of the Defence Act, 1957; and

(bb) an officer or employee who is called up for his initial period of military service by the Department of Defence, shall enter into an agreement with the college, on the conditions approved by the Head of Education, in terms whereof he undertakes to serve the college for a period equal to at least the period for which special leave in terms of this paragraph has been granted to him;

(ii) for the period that he, as a member of the Citizen Force under the Defence Act, 1957, with the consent of the council, voluntarily or as a result of a special agreement between him and the Department of Defence regarding his military service over and above any military service which he is obliged to perform in terms of the said Act, renders any uninterrupted or interrupted military service, or attends an instructional or qualifying course, provided that the commanding officer of the command concerned or South African Air Force Group, certifies that the performance of such military service or the attendance of such course is necessary in the interests of the South African Defence Force;

(iii) for the period that he, as member of a commando under the Defence Act, 1957, is obliged to perform military service or to undergo training, provided that the commanding officer of the command concerned, certifies that the performance of such service or the receiving of such training is in accordance with the provisions of the said Act;

Spesiale verlof met volle betaling

28. (1) Spesiale verlof met volle betaling kan deur die raad aan 'n beampte of werknemer toegestaan word—

(a) vir elke dag waarop hy 'n eksamen deur die Onderwyshoof goedgekeur, aflê en een addisionele dag spesiale verlof met volle betaling kan toegestaan word bo en behalwe die dag waarop sodanige eksamen afgelê word;

(b) vir die tydperk wat hy van diens afwesig is as gevolg van afsondering of isolasie op die instruksies van 'n geregistreerde geneesheer, waar hy in aanraking was met iemand wat 'n besmetlike of aansteeklike siekte opgedoen of vermoedelik opgedoen het;

(c) vir die tydperk wat hy van diens afwesig is omdat hy gevange geneem is in verband met of voor die hof moet verskyn op 'n strafregtelike aanklag waarvan hy later vrygespreek word of wat teen hom teruggetrek word;

(d) (i) vir die tydperk wat hy as lid van die Burgermag kragtens die Verdedigingswet, 1957, onafgebroke of afgebroke verpligte militêre diens moet verrig, behalwe in die geval van sy aanvanklike tydperk van militêre diensplig in welke geval spesiale verlof met besoldiging gelyk aan die verskil tussen sy gewone salaris en die soldy wat hy kragtens die Burgermagregulasies ontvang, aan hom toegestaan kan word: Met dien verstande dat—

(aa) hierdie paragraaf nie van toepassing is nie indien sodanige beampte of werknemer vrywillige tydelike voltydse diens kragtens artikel 20 van die Verdedigingswet, 1957, verrig nie; en

(bb) 'n beampte of werknemer wat vir sy aanvanklike tydperk van militêre diensplig deur die Departement van Verdediging opgeroep word, 'n verbintenis met die kollege aangaan, op die voorwaardes deur die Onderwyshoof goedgekeur, waarvolgens hy onderneem om die kollege te dien vir 'n tydperk gelykstaande aan minstens die tydperk waarvoor spesiale verlof ingevolge hierdie paragraaf aan hom toegestaan is;

(ii) vir die tydperk wat hy as lid van die Burgermag kragtens die Verdedigingswet, 1957, met die toestemming van die raad vrywillig of as gevolg van 'n spesiale ooreenkoms tussen hom en die Departement van Verdediging in verband met sy militêre diens, bo en behalwe enige militêre diens wat hy ooreenkomstig genoemde Wet moet verrig, enige onafgebroke of afgebroke militêre diens verrig of 'n instruksie- of kwalifiserende kursus bywoon, mits die bevelvoerder van die betrokke kommandement of Suid-Afrikaanse Lugmaggroep sertifiseer dat die verrigting van sodanige militêre diens of die bywoning van sodanige kursus in belang van die Suid-Afrikaanse Weermag nodig is;

(iii) vir die tydperk wat hy as lid van 'n kommando kragtens die Verdedigingswet, 1957, militêre diens moet verrig of opleiding moet ontvang, mits die bevelvoerder van die betrokke kommandement sertifiseer dat die verrigting van sodanige diens of ontvangs van sodanige opleiding in ooreenstemming met die bepalinge van bedoelde Wet is;

(iv) for the period that he, as a member of a commando, attends an instructional or qualifying course, provided that the commanding officer of the command concerned, certifies that attendance of such course is in the interests of the South African Defence Force;

(v) for the period that he, as a member of the Reserve of Officers, is obliged to attend a refresher course or to undergo refresher training in order to maintain his proficiency, provided that the Head of Staff of the force concerned, certifies that the attendance of such course or the receiving of such training is in the interests of the South African Defence Force;

(vi) for the period that he, as a member of a division of the South African Defence Force (except as a member of the Citizen Force rendering voluntary temporary whole-time service under section 20 of the Defence Act, 1957), including a commando which, under the Defence Act, 1957, renders service or undergoes training, is called up under the provisions of Chapter X of the said Act for service in respect of the prevention or suppression of unrest or other emergency situations in the Republic of South Africa; or

(vii) for the period that he, as a member of the Reserve Police Force, undergoes full-time training under the Police Act, 1958, or attends a compulsory shooting practice, or is called up for service in connection with the prevention or suppression of any unrest or emergency situation in the Republic of South Africa; or

(e) for the period that he is selected by an amateur sports association approved by the Head of Education to—

(i) represent South Africa as a competitor at an international sporting event within or outside the Republic of South Africa;

(ii) accompany a team representing South Africa at an international sporting event outside the Republic of South Africa as coach or manager; or

(iii) accompany a foreign national team visiting the Republic of South Africa, as representative of the sports association concerned.

(2) Special leave granted for purposes of subregulation (1), may include the travelling time actually and necessarily occupied for the purpose for which the leave is granted.

Voluntary termination of leave

29. An officer or employee who wishes to resume service before the expiration of a period of leave granted to him in terms of these Regulations, shall not do so without prior approval of the council.

Overgranting of vacation leave

30. If an officer or employee has been granted vacation leave with pay in excess of that standing to his credit, the vacation leave granted in excess may be deducted from vacation leave which subsequently accrues to him, and if such officer or employee resigns,

(iv) vir die tydperk wat hy as lid van 'n kommando 'n instruksie- of kwalifiserende kursus bywoon, mits die bevelvoerder van die betrokke kommandement sertifiseer dat die bywoning van sodanige kursus in belang van die Suid-Afrikaanse Weermag is;

(v) vir die tydperk wat hy as lid van die Reserwe van Offisiere 'n herhalingsoefenkursus moet bywoon of herhalingsopleiding moet ontvang ten einde sy bekwaamheid te behou, mits die Stafhoof van die betrokke mag sertifiseer dat die bywoning van so 'n kursus of die ontvangs van sodanige opleiding in belang van die Suid-Afrikaanse Weermag is;

(vi) vir die tydperk wat hy as lid van 'n afdeling van die Suid-Afrikaanse Weermag (behalwe as 'n lid van die Burgermag wat vrywillige tydelike voltydse diens kragtens artikel 20 van die Verdedigingswet, 1957, verrig), insluitende 'n kommando wat kragtens die Verdedigingswet, 1957, diens verrig of opleiding ontvang, opgeroep word kragtens die bepaling van Hoofstuk X van bedoelde Wet vir diens in verband met die voorkoming of onderdrukking van onluste of ander noodtoestande in die Republiek van Suid-Afrika; of

(vii) vir die tydperk wat hy as lid van die Reserwepolisiermag kragtens die Polisie wet, 1958, voltydse opleiding ontvang, of 'n verpligte skietoefening bywoon of opgeroep word vir diens in verband met die voorkoming of onderdrukking van enige onluste of noodtoestand in die Republiek van Suid-Afrika; of

(e) vir die tydperk wat hy deur 'n amateursportvereniging deur die Onderwyshoof goedgekeur gekies word om—

(i) Suid-Afrika by 'n internasionale sportwedstryd buite of binne die Republiek van Suid-Afrika as deelnemer te verteenwoordig;

(ii) 'n span wat Suid-Afrika by 'n internasionale sportwedstryd buite die Republiek van Suid-Afrika verteenwoordig, as afrigter of bestuurder te vergesel; of

(iii) 'n buitelandse nasionale span wat die Republiek van Suid-Afrika besoek, as verteenwoordiger van die betrokke sportvereniging te vergesel.

(2) Spesiale verlof wat vir doeleindes van subregulasie (1) toegestaan word, kan die reistydperk insluit wat werklik en noodsaaklikerwys in beslag geneem word vir die doel waarvoor die verlof toegestaan word.

Vrywillige beëindiging van verlof

29. 'n Beampte of werknemer wat diens wil hervat voor die verstryking van 'n tydperk van verlof wat ingevolge hierdie Regulasies aan hom toegestaan is, doen dit nie sonder die voorafverkreë goedkeuring van die raad nie.

Oortoekening van vakansieverlof

30. Indien daar aan 'n beampte of werknemer meer vakansieverlof met betaling toegestaan is as wat hy tot sy krediet het, die vakansieverlof wat te veel toegeken is, afgetrek kan word van vakansieverlof wat later aan hom toeval, en indien so 'n beampte of werknemer

or his services are terminated before he has sufficient vacation leave to his credit for the purpose of such deduction, that person by which the vacation leave that was overgranted exceeds his vacation leave accrual on the last day of his service, shall be deemed to be an overpayment of his salary.

Leave which counts for leave purposes

31. (1) All leave taken of whatever nature with full or partial pay, and vacation and sick leave taken without pay not exceeding a total of 15 days per calendar month, shall be deemed to be service for the purposes of leave accrual as contemplated in regulation 16: Provided that if the number of days leave taken without pay exceeds the said 15 days—

(a) the number of days leave without pay by which the said 15 days are exceeded shall not be deemed to be service for the purposes of regulation 16; and

(b) the provision in respect of sick leave with full pay and sick leave with half pay which applies to an officer or employee in terms of regulation 16 (1), shall be reduced by one thirty-sixth in respect of each month in which such excess takes place, which reduction shall be made from the sick leave provision for the cycle in which the excess occurs, or if the available sick leave for the cycle concerned has already been utilised, from the provision of the next succeeding cycle.

(2) Vacation leave without pay and sick leave without pay shall be deemed to be service for determining the leave to which an officer or employee is entitled in terms of regulation 16 (1) (c) and (d).

(3) Vacation leave which under regulation 17 read with subregulation (1) accrues during a period of vacation leave without pay or sick leave without pay, shall not be granted to and officer or employee until, after his absence with vacation or sick leave without pay, he has resumed duty, and then only in respect of absence after such resumption of duty.

Leave counts for salary increments

32. All leave, of whatever nature, whether with or without pay, shall be deemed to be service for the purposes of salary increments.

Leave gratuities

33. A leave gratuity shall be paid to an officer or employee in accordance with the basis which applies to a person appointed under the provisions of the Public Service Act, 1984 (Act No. 111 of 1984).

Matrons: Sick-leave during confinement

34. Notwithstanding the provisions of regulation 23, a member of the matronstaff who is the wife of a member of the staff, and who serves with him as hostel parents, may be granted sick-leave for the purpose of a confinement, including a period before and after confinement, within the limits of these Regulations and on such basis and such conditions as the Minister may determine.

bedank of sy dienste beëindig word voordat hy vol-doende vakansieverlof vir die doel van so 'n aftrekking tot sy krediet het, word daardie gedeelte waarmee die vakansieverlof wat te veel toegeken is en wat sy vakansieverlofaanwas op die laaste dag van sy diens oorskry, geag 'n oorbetalings van sy salaris te wees.

Verlof wat vir verlofdoeleindes tel

31. (1) Alle verlof van watter aard ook al, met volle of gedeeltelike betaling geneem, en vakansie- en siekteverlof van hoogstens 15 dae per kalendermaand sonder betaling geneem, word geag diens te wees vir die doel van verlofaanwas soos in regulasie 16 beoog: Met dien verstande dat indien die getal dae verlof sonder betaling geneem bedoelde 15 dae oorskry—

(a) die getal dae verlof sonder betaling waarmee bedoelde 15 dae oorskry word nie geag word diens vir die doeleindes van regulasie 16 te wees nie; en

(b) die voorsiening ten opsigte van siekteverlof met volle betaling en siekteverlof met halwe betaling wat ingevolge regulasie 16 (1) op 'n beampte of werknemer van toepassing is, met een ses-en-dertigste ten opsigte van elke maand waarin sodanige oorskryding plaasvind, verminder word en hierdie vermindering aangebring word aan die siekteverlofvoorsiening vir die tydkring waarin die oorskryding voorkom, of, as die beskikbare siekteverlof vir die betrokke tydkring reeds gebruik is, aan die voorsiening vir die eersvolgende tydkring.

(2) Vakansieverlof sonder betaling en siekteverlof sonder betaling word geag diens te wees vir die vasstelling van die verlof waarop 'n beampte of werknemer ingevolge regulasie 16 (1) (c) en (d) geregtig is.

(3) Vakansieverlof wat kragtens regulasie 17 gelees met subregulasie (1) aanwas gedurende 'n tydperk van vakansieverlof sonder betaling of siekteverlof sonder betaling, word nie aan 'n beampte of werknemer toegestaan voordat hy, na sy afwesigheid met vakansie- of siekteverlof sonder betaling, sy dienste hervat het nie en dan slegs ten opsigte van afwesigheid na sodanige hervatting van diens.

Verlof tel vir salarisverhogingsdoeleindes

32. Alle verlof, van watter aard ook al, hetsy met of sonder betaling, word geag diens vir salarisverhogingsdoeleindes te wees.

Verlofgratifikasies

33. Aan 'n beampte of werknemer word 'n verlofgratifikasie betaal ooreenkomstig die grondslag wat van toepassing is op 'n persoon aangestel kragtens die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984).

Huismoeders: Siekteverlof tydens bevalling

34. Ondanks die bepalings van regulasie 23 kan 'n lid van die huismoederpersoneel wat 'n vrou van 'n personeellid is en wat saam met hom as koshuisouers diens doen, siekteverlof vir die doel van 'n bevalling, insluitende 'n tydperk voor en na sodanige bevalling, toegestaan word binne die perke van hierdie Regulasies en volgens die grondslag en voorwaardes wat die Minister bepaal.

Leave during college holidays

35. If the services of an employee who is employed as a general assistant at a college, can not be utilised during a college holiday, vacation leave shall be granted to him for the duration of such holiday, and if the leave standing to the credit of such employee is not sufficient to cover the duration of the college holiday, he shall be deemed to be on duty for the period by which the college holiday exceeds his leave credit.

Retirement age

36. (1) An officer or employee shall be entitled to retire on pension and shall, subject to the provisions of subregulation (2), be retired on pension on attaining the age of 65 years.

(2) Notwithstanding the provisions of subregulation (1), an officer or employee who has been appointed with effect from a date prior to 24 June 1955, or to whom provisions of section 7 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), apply, shall be entitled at any time before or after attaining the age of 60 years in the case of a male officer or employee, or attaining the age of 55 years in the case of a female officer or employee, to notify the council in writing of his desire to retire on pension, and shall—

(a) if he so gives notice at least three calendar months prior to the date on which he attains the said age, be retired on pension with effect from the date on which he attains such age or, if he attains such age after the first day of a month, with effect from the first day of the following month; or

(b) if he so gives notice but the notice is not given at least three calendar months prior to the date on which he attains such age, be retired on pension on the first day of the fourth month after the month in which such notice is received by the council.

Travelling and subsistence allowance and transport costs

37. A council shall pay—

(a) to an officer or employee travelling and subsistence allowance in respect of a journey and absence from his headquarters connected with his activities in the service of the college;

(b) the transport costs within the boundaries of the Republic of South Africa of an officer or employee on his first appointment to a post at the college concerned, or on transfer;

(c) to an officer or employee on his discharge—

(i) for any reason referred to in section 6 of the Government Service Pension Act, 1973 (Act No. 57 of 1973);

(ii) on account of continuous ill-health;

(iii) on account of the abolition of his post or a reduction in, reorganization or readjustment of the staff at the college;

Verlof gedurende kollejevakansies

35. Indien die dienste van 'n werknemer wat as algemene assistent by 'n kollege in diens is nie gedurende 'n kollejevakansie benut kan word nie, word vakansieverlof aan hom toegestaan vir die duur van sodanige vakansie, en indien die verlof tot so 'n werknemer se krediet nie genoegsaam is om die duur van die kollejevakansie te dek nie word hy vir die tydperk waarmee die kollejevakansie sy verlofkrediet oorskry, geag aan diens te wees.

Ouderdom vir uitdienststeding

36. (1) 'n Beampte of werknemer het die reg om met pensioen af te tree en word hy behoudens die bepalinge van subregulasie (2), met pensioen afgedank wanneer hy die leeftyd van 65 jaar bereik het.

(2) Ondanks die bepalinge van subregulasie (1) het 'n beampte of werknemer wat met ingang van 'n datum voor 24 Junie 1955 aangestel is, of op wie die bepalinge van artikel 7 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), van toepassing is, die reg om te eniger tyd voor of nadat hy, in die geval van 'n manlike beampte of werknemer, die leeftyd van 60 jaar of, in die geval van 'n vroulike beampte of werknemer, die leeftyd van 55 jaar bereik, skriftelik aan die raad kennis te gee van sy begerte om met pensioen af te tree, en word hy—

(a) indien hy aldus kennis gee minstens drie kalendermaande voor die datum waarop hy genoemde leeftyd bereik, met pensioen afgedank met ingang van die datum waarop hy bedoelde leeftyd bereik of, indien hy bedoelde leeftyd na die eerste dag van 'n maand bereik, met ingang van die eerste dag van die eersvolgende maand; of

(b) indien hy aldus kennis gee maar die kennis nie minstens drie kalendermaande voor die datum waarop hy bedoelde leeftyd bereik, gegee word nie, met pensioen afgedank op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing deur die raad ontvang word.

Reis- en verblyftoeleae en vervoerkoste

37. 'n Raad betaal—

(a) aan 'n beampte of werknemer reis- en verblyftoeleae ten opsigte van 'n reis en afwesigheid van sy hoofkwartier wat in verband met sy werksaamhede in diens van die kollege staan;

(b) die vervoerkoste binne die grense van die Republiek van Suid-Afrika van 'n beampte of werknemer by sy eerste aanstelling in 'n pos by die betrokke kollege, of by oorpasing;

(c) aan 'n beampte of werknemer by sy ontslag—

(i) om enige rede bedoel in artikel 6 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973);

(ii) weens voortdurende swak gesondheid;

(iii) weens die afskaffing van sy pos of 'n vermindering, reorganisasie of herindeling van personeel by die kollege;

(iv) if for other reasons than his own incompetence or inability, his discharge will in the opinion of the council promote efficiency or economy at the college; or

(v) on account of incompetence for the duties attached to his post or inability to perform those duties in an efficient manner,

the costs involved in his own transport and that of his household and personal belongings within the boundaries of the Republic of South Africa, from his headquarters to his future residence, provided that such transport takes place within six months after the discharge unless the council decides otherwise; and

(d) to the household of an officer or employee who dies while he is in service, the costs involved in their personal transport and that of their personal belongings within the boundaries of the Republic of South Africa, from his headquarters to their future residence, provided that such transport takes place within six months after the death of the said officer or employee unless the council decides otherwise,

mutatis mutandis in accordance with the provisions of Public Service Regulations D1 to D10 and E1 to E11, promulgated under the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration regarding subsistence allowance, official journeys and transport in respect of officers or employees in the Civil Service: Provided that a reference therein to a recommendation of the Commission for Administration shall for this purpose be deemed to be a reference to the approval of the Minister, and a reference therein to the Head of a Department shall be deemed to be a reference to the Head of Education.

Service bonus

38. The provisions of Chapter D.X of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning the participation in the service bonus scheme by officers or employees in the Public Service, shall *mutatis mutandis* apply to officers or employees employed at a college: Provided that a reference therein to a recommendation of the Commission for Administration shall, for the purpose of this regulation be deemed to be a reference to the approval of the Minister.

Unemployment insurance

39. The provisions of Chapter D.XI of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning unemployment insurance of officers or employees in the Public Service, shall *mutatis mutandis* apply to officers and employees employed at a college, subject to the provisions of the Unemployment Insurance Act, 1966 (Act No. 30 of 1966).

(iv) indien om ander redes as sy eie ongeskiktheid of om vermoë, sy ontslag na die oordeel van die raad doeltreffendheid of besuiniging by die kollege sal bevorder; of

(v) weens ongeskiktheid vir die pligte wat aan sy pos verbonde is of onvermoë om daardie pligte op bekwame wyse uit te voer,

die koste verbonde aan die vervoer binne die grense van die Republiek van Suid-Afrika, van homself, sy huishouding en persoonlike besittings vanaf sy hoofkwartier na sy toekomstige woonplek, mits sodanige vervoer binne ses maande na die ontslag geskied tensy die raad anders besluit; en

(d) aan die huishouding van 'n beampte of werknemer wat te sterwe kom terwyl hy in diens is, die koste verbonde aan hulle eie vervoer en dié van hulle persoonlike besittings, binne die grense van die Republiek van Suid-Afrika, vanaf sy hoofkwartier na hul toekomstige woonplek, mits sodanige vervoer binne ses maande na die dood van die gemelde beampte of werknemer geskied tensy die raad anders besluit,

mutatis mutandis ooreenkomstig die bepalings van Staatsdiensregulasies D1 tot D10 en E1 tot E11, uitgevaardig kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot verblyf-koste, amptelike reise en vervoer ten opsigte van beamptes of werknemers in die Staatsdiens: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie vir Administrasie vir dié doel geag word 'n verwysing te wees na die goedkeuring van die Minister, en 'n verwysing daarin na 'n Departementshoof geag word 'n verwysing te wees na die Onderwys-hoof.

Diensbonus

38. Die bepalings van Hoofstuk D.X van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die deelname aan die diensbonus-skema deur beamptes of werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op beamptes en werknemers in diens by 'n kollege: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie vir Administrasie vir die doel van hierdie regulasie geag word 'n verwysing te wees na die goedkeuring van die Minister.

Werkloosheidsversekering

39. Die bepalings van Hoofstuk D.XI van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot werkloosheidsversekering van beamptes of werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op beamptes en werknemers in diens by 'n kollege, behoudens die bepalings van die Werkloosheidsversekeringswet, 1966 (Wet No. 30 van 1966).

Application of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941)

40. The provisions of Chapter D.XIII of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning the application of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), to officers and employees in the Public Service, shall *mutatis mutandis* apply to officers and employees employed at a college, subject to the provisions of the Workmen's Compensation Act, 1941.

Subsidy scheme in respect of housing

41. The provisions of Chapter D.XX of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning the subsidy scheme in respect of housing for officers and employees in the Public Service, shall *mutatis mutandis* apply to officers and employees employed at a college: Provided that a reference therein to a recommendation of the Commission for Administration shall, for the purpose of this regulation be deemed to be a reference to the approval of the Minister.

Control over officers and employees

42. An officer or employee employed at a college shall be under the control of the principal of the college concerned and shall, in addition to the duties ordinarily attached to his post, perform such duties in connection with supervision at a hostel, or invigilation at examinations or supervision of sport, the organisation of games, and such other matters as the principal may from time to time assign to him.

Official channels of communication

43. A request or communication from an officer or employee in connection with any matter falling within the scope of the Department's or a council's powers or duties shall be submitted to the Head of Education or that council, as the case may be, through the principal of the college concerned.

Confidential nature of documents

44. All documents, files and correspondence which relate to anything which may be done under the Act and which are the property of a college are confidential and an officer or employee or his legal representative at any investigation called for by the Minister or the council concerned shall not have the right of access thereto or inspection thereof: Provided that an officer or employee may be permitted access to and inspection of such documents, files and correspondence as may be necessary for the performance of his official duties.

Toepassing van Ongevalwet, 1941 (Wet No. 30 van 1941)

40. Die bepalings van Hoofstuk D.XIII van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die toepassing van die bepalings van die Ongevalwet, 1941 (Wet No. 30 van 1941), op beamptes en werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op beamptes en werknemers in diens by 'n kollege, behoudens die bepalings van die Ongevalwet, 1941.

Subsidieskema ten opsigte van behuising

41. Die bepalings van Hoofstuk D.XX van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die subsidieskema ten opsigte van behuising van beamptes en werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op beamptes en werknemers in diens by 'n kollege: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie vir Administrasie vir die doel van hierdie regulasie geag word 'n verwysing te wees na die goedkeuring van die Minister.

Beheer oor beamptes en werknemers

42. 'n Beampte of werknemer in diens by 'n kollege staan onder die beheer van die prinsipaal van die betrokke kollege en verrig, benewens die pligte gewoonlik verbonde aan sy pos, die pligte in verband met toesighouding in 'n koshuis of by eksamens of met sport, die organiseer van spele en sodanige ander aangeleenthede wat die prinsipaal van tyd tot tyd aan hom opdra.

Amptelike verbindingskanale

43. 'n Versoek of mededeling van 'n beampte of werknemer in verband met enige aangeleentheid wat binne die bestek van die Departement of 'n raad se bevoegdhede of pligte val, word deur bemiddeling van die prinsipaal van die betrokke kollege aan die Onderwyshoof of daardie raad, na gelang van die geval, voorgelê.

Vertroulike aard van dokumente

44. Alle dokumente, lêers en korrespondensie wat betrekking het op enigiets wat kragtens die Wet gedoen kan word en wat die eiendom van 'n kollege is, is vertroulik van aard, en 'n beampte of werknemer of sy regsvertegenwoordiger by 'n ondersoek wat deur die Minister, of deur die betrokke raad gelas is, het nie die reg op toegang daartoe of insae daarin nie: Met dien verstande dat 'n beampte of werknemer toegelaat kan word om toegang tot en insae in sodanige dokumente, lêers en korrespondensie te hê wat vir die verrigting van sy amptelike pligte nodig is.

Appointment from the service of state departments, administrations or institutions

45. The appointment at a college of a person referred to in regulation 21, shall for the purposes of the payment of transport costs referred to in regulation 37, be deemed to be a transfer.

Acceptance of gifts

46. Save with the permission of the council, no officer or employee shall accept any gift, pecuniary or otherwise, offered to him by a member of the public by reason of his holding or having held a particular office or post at a college.

Performance of other work by officers and employees

47. (1) An officer or employee—

(a) shall make all his time available to the college where he is employed;

(b) shall not without the consent of the council perform or bind himself to perform remunerative work outside his employment at the college; and

(c) may not claim additional remuneration in respect of any official duty or work which he has been ordered by the principal or council to perform.

(2) The principal of a college may order an officer or employee temporarily to perform duties other than those ordinarily assigned to that officer or employee or which are appropriate to the grade, designation or classification of his post.

Residential addresses and telephone numbers

48. An officer or employee shall notify the principal of the college where he is employed of his residential address and of his telephone number at home, if he has a telephone at home, and any change thereof, and the principal shall enter it in a register which shall be kept for this purpose.

Private financial transactions

49. An officer or employee shall not borrow money from a sub-ordinate serving in the same college.

Civil and political rights of officers and employees

50. (1) An officer or employee employed at a college—

(a) may be a member and serve in the management of a lawful political party;

(b) shall not express himself in public, in the public press or at a public meeting, on any matter, or in any manner, which may further or prejudice the interests of a political party or an organisation with political aims, or which may embarrass the Department or college;

(c) shall not act as chairman at a public political meeting;

Aanstelling uit diens van staatsdepartemente, administrasies of inrigtings

45. Die aanstelling by 'n kollege van 'n persoon in regulasie 21 bedoel, word vir die doeleindes van die betaling van vervoerkoste in regulasie 37 bedoel, geag 'n oorplasing te wees.

Aanneem van geskenke

46. Geen beamppte of werknemer neem sonder die toestemming van die raad 'n geskenk, geldelik of anders, aan wat aan hom deur 'n lid van die publiek aangebied word uit hoofde daarvan dat hy 'n bepaalde amp of pos in 'n kollege beklee of beklee het nie.

Verrigting van ander werk deur beamptes en werknemers

47. (1) 'n Beamppte of werknemer—

(a) moet al sy tyd ter beskikking stel van die kollege waar hy in diens is;

(b) mag nie sonder toestemming van die raad besoldigde werk buite sy diens by die kollege verrig of hom verbind om dit te verrig nie; en

(c) kan nie aanspraak maak op bykomende besoldiging ten opsigte van enige amptelike diens of werk wat hy deur die prinsipaal of raad beveel is om te verrig nie.

(2) Die prinsipaal van 'n kollege kan 'n beamppte of werknemer beveel om tydelik ander pligte te verrig as dié wat gewoonlik aan daardie beamppte of werknemer opgedra word of wat by die graad, benaming of indeling van sy pos pas.

Woonadresse en telefoonnommers

48. 'n Beamppte of werknemer stel die prinsipaal van die kollege waar hy in diens is in kennis van sy woonadres en van sy telefoonnommer tuis, indien hy 'n telefoon tuis het, en enige verandering daarvan, en die prinsipaal teken dit aan in 'n register wat vir dié doel gehou word.

Private geldelike transaksies

49. 'n Beamppte of werknemer leen nie geld van 'n ondergeskikte wat in dieselfde kollege dien nie.

Burgerlike en politieke regte van beamptes en werknemers

50. (1) 'n Beamppte of werknemer in diens by 'n kollege—

(a) kan lid wees en op die bestuur dien van 'n wettige politieke party;

(b) spreek hom nie in die openbaar, in die openbare pers of op 'n openbare vergadering uit oor enige aangeleentheid, of op 'n wyse, wat die belange van 'n politieke party of 'n organisasie met politieke oogmerke kan bevorder of benadeel, of wat die Departement of kollege in verleentheid kan stel nie;

(c) tree nie as voorsitter by 'n openbare politieke vergadering op nie;

(d) shall not publish a document under his name in furtherance or to the prejudice of the interests of a political party or an organization with political aims;

(e) may with the prior permission of the council and subject to paragraphs (b), (c) and (d), become a member of any institution, council or other body established by or under any law: Provided that such permission—

(i) shall be granted only if the council is of the opinion that the duties to be performed by the officer or employee concerned as a member of the institution, council or body concerned, will not interfere with the performance of his duties or work at the college;

(ii) may at any time be withdrawn by the council, and in such a case the officer or employee concerned shall resign as a member of such institution, council or body concerned; and

(f) shall not display, circulate or distribute any notice, document, bill or other paper in support of a political party or relating to the election or the opposition of the election of a person as a member of Parliament or of an institution, council or body referred to in paragraph (e), on the grounds or sports grounds of a college or at a function of a college, and he shall not perform any other act relating to such election or on such grounds or sports grounds or at any such function of a college.

(2) For the purposes of subregulation (1) the expression "public meeting" means any gathering, concourse or procession in, through or along any place of any number of persons, but excluding a meeting, admittance to which is restricted to members only of the same group, party or movement.

Reports on staff and adverse remarks

51. (1) A report shall, as often as the Head of Education or the council concerned may require for the purposes of the Act, be completed and submitted by the principal in respect of an officer or employee under his control.

(2) Subject to the provisions of subregulation (3) an officer or employee in respect of whom a report has been completed in terms of subregulation (1), shall not have access thereto.

(3) An adverse remark contained in a report referred to in subregulation (1) shall, in writing and in its full context, be communicated to such officer or employee by the principal concerned, and the officer or employee reported upon shall sign the written communication and return it to the principal concerned, together with any representation in writing, which he desires to submit: Provided that the Head of Education may, after consultation with the council concerned, approve that adverse remarks shall not be communicated to such officer or employee if he is of the opinion that it is not in the interests of the Department, the college concerned or such officer or employee.

(d) mag nie 'n geskrif onder sy naam publiseer ter bevordering of benadeling van die belange van 'n politieke party of 'n organisasie met politieke oogmerke nie;

(e) kan met die vooraf verkreeë toestemming van die raad en behoudens paragrawe (b), (c) en (d), 'n lid word van enige instelling, raad of ander liggaam wat by of kragtens wet ingestel is: Met dien verstande dat sodanige toestemming—

(i) slegs verleen word indien die raad van oordeel is dat die pligte wat deur die betrokke beampte of werknemer as lid van die betrokke instelling, raad of liggaam verrig moet word, nie met die verrigting van sy pligte of werk by die kollege sal inmeng nie;

(ii) te eniger tyd deur die raad ingetrek kan word, en in so 'n geval moet die betrokke beampte of werknemer as lid van die betrokke instelling, raad of liggaam bedank; en

(f) bring geen kennisgewing, dokument, biljet of ander stuk ter ondersteuning van 'n politieke party of wat betrekking het op die verkiesing of die bestryding van die verkiesing van iemand as lid van die Parlement of van 'n instelling, raad of liggaam in paragraaf (e) bedoel, op die terrein of sportterrein van 'n kollege of by 'n funksie van 'n kollege aan nie, versprei dit nie of deel dit nie uit nie, en verrig geen ander daad wat op sodanige verkiesing betrekking het, op so 'n terrein of sportterrein of by so 'n funksie van 'n kollege nie.

(2) By die toepassing van subregulasie (1) beteken die uitdrukking "openbare vergadering" enige byeenkoms, toeloop of optog in, deur of langs enige plek van enige aantal persone, maar uitgesonderd 'n byeenkoms waartoe toegang beperk is tot slegs lede van dieselfde groep, party of beweging.

Verslae oor personeel en ongunstige opmerkings

51. (1) 'n Verslag word so dikwels as wat die Onderwyshoof of die betrokke raad dit vir die doeleindes van die Wet vereis, deur die prinsipaal ten opsigte van 'n beampte of werknemer onder sy beheer opgestel en ingedien.

(2) Behoudens die bepalings van subregulasie (3) het 'n beampte of werknemer ten opsigte van wie 'n verslag ingevolge subregulasie (1) opgestel is, nie insae daarin nie.

(3) 'n Ongunstige opmerking vervat in 'n verslag in subregulasie (1) bedoel, word deur die betrokke prinsipaal skriftelik en in sy volledige samehang aan die betrokke beampte of werknemer meegedeel, en die beampte of werknemer ten opsigte van wie verslag gedoen is, onderteken die skriftelike mededeling en besorg dit terug aan die betrokke prinsipaal tesame met enige skriftelike verhoë wat hy wil voorlê: Met dien verstande dat die Onderwyshoof, na oorleg met die betrokke raad kan goedkeur dat ongunstige opmerkings nie aan sodanige beampte of werknemer meegedeel word nie, indien hy van oordeel is dat dit nie in die belang van die Departement, die betrokke kollege of sodanige beampte of werknemer is nie.

(4) The provisions of subregulation (3) shall also apply to an adverse remark made in respect of an officer or employee in any other written communication: Provided that an adverse remark contained in the minutes of a meeting of a committee appointed for the purpose of merit assessment shall not be communicated to an officer or employee to whom the adverse remark refers.

(5) If a person who has to consider a report in respect of an officer or employee finds that no justification exists for an adverse remark appearing therein, such adverse remark shall be expunged from the report and such officer or employee shall be advised in writing of the expunction if the adverse remark has already been communicated to him and such advice shall form part of that report.

Salary increments

52. (1) Subject to the provisions of subregulation (2), the salary of an officer or employee shall, after completion of each salary incremental period and with effect from the first day of such officer's or employee's incremental month, be increased by one salary increment within the limits of the scale applicable to him.

(2) If the principal of a college issues a certificate in which he declares that the officer's or employee's conduct in regard to industry, discipline, punctuality or sobriety was not consistently satisfactory during an incremental period or that he did not perform his work consistently satisfactory during such incremental period, the salary of such officer or employee shall not be increased in terms of the provisions of subregulation (1): Provided that, notwithstanding such certificate, the Minister may approve that the salary of an officer or employee be so increased.

(3) If the salary of an officer or employee is not increased in terms of the provisions of subregulation (1), the Head of Education shall notify the principal concerned thereof and the principal shall inform the officer or employee concerned, in writing, together with the reasons why his salary is not increased and that, at the expiry of a determined continuous period, which period shall not exceed an incremental period, a salary increment may be granted, if a certificate is issued by the principal concerned in which he declares that the officer's or employee's work performance and his conduct in regard to the qualities referred to in subregulation (2) were satisfactory during such determined period.

(4) (a) If the period determined in terms of subregulation (3) is shorter than an incremental period, one salary increment shall at the issuing of the certificate referred to in that subregulation, be granted to the officer or employee concerned with effect from the first day of the calendar month following the date on which such determined period expires.

(4) Die bepalings van subregulasie (3) is ook van toepassing op 'n ongunstige opmerking wat ten opsigte van 'n beampte of werknemer in enige ander skriftelike mededeling gemaak word: Met dien verstande dat 'n ongunstige opmerking wat vervat is in die notule van 'n vergadering van 'n komitee wat vir die doel van verdienstelikeheidsbepaling aangewys is, nie meege-deel word aan die beampte of werknemer op wie die ongunstige opmerking betrekking het nie.

(5) Indien iemand wat 'n verslag ten opsigte van 'n beampte of werknemer moet oorweeg, bevind dat daar nie regverdiging bestaan vir 'n ongunstige opmerking wat daarin voorkom nie, word die ongunstige opmerking uit die verslag geskrap en sodanige beampte of werknemer skriftelik van die skapping verwittig indien die ongunstige opmerking reeds aan hom meegedeel is, en sodanige verwittiging maak deel van daardie verslag uit.

Salarisverhogings

52. (1) Behoudens die bepalings van subregulasie (2) word die salaris van 'n beampte of werknemer na die voltooiing van elke salarisverhogingstydperk met een salarisverhoging binne die perke van die skaal wat op hom van toepassing is, verhoog met ingang van die eerste dag van sodanige beampte of werknemer se verhogingsmaand.

(2) Indien die prinsipaal van 'n kollege 'n sertifikaat uitreik waarin hy verklaar dat 'n beampte of werknemer se gedrag met betrekking tot ywer, dissipline, stiptheid of matigheid gedurende 'n salarisverhogingstydperk nie deurgaans bevredigend was nie of dat hy sy werk gedurende sodanige salarisverhogingstydperk nie deurgaans op 'n bevredigende wyse verrig het nie, word die salaris van sodanige beampte of werknemer nie ingevolge die bepalings van subregulasie (1) verhoog nie: Met dien verstande dat die Minister, ondanks sodanige sertifikaat kan goedkeur dat die salaris van 'n beampte of werknemer aldus verhoog word.

(3) Indien die salaris van 'n beampte of werknemer nie ingevolge die bepalings van subregulasie (1) verhoog word nie, stel die Onderwyshoof die betrokke prinsipaal daarvan in kennis, en die prinsipaal stel die betrokke beampte of werknemer skriftelik aldus in kennis tesame met die redes waarom sy salaris nie verhoog is nie en dat 'n salarisverhoging by verstryking van 'n bepaalde aaneenlopende tydperk wat nie langer as 'n salarisverhogingstydperk is nie, toegeken kan word, indien 'n sertifikaat deur die betrokke prinsipaal uitgereik word waarin hy verklaar dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) bedoel gedurende sodanige bepaalde tydperk bevredigend was.

(4) (a) Indien die tydperk ingevolge subregulasie (3) bepaal, korter is as 'n salarisverhogingstydperk, word een salarisverhoging by die uitreiking van die sertifikaat in daardie subregulasie bedoel aan die betrokke beampte of werknemer toegeken met ingang van die eerste dag van die kalendermaand wat volg op die datum waarop sodanige bepaalde tydperk verstryk.

(b) If an officer or employee has been granted a salary increment in terms of paragraph (a), a further salary increment shall be granted to him after the expiry of an incremental period reckoned from the date on which his salary would have been increased in terms of subregulation (1) if subregulation (2) had not been applicable: Provided that—

(i) such further salary increment may be granted only if the principal concerned issues a certificate in which he declares that the officer's or employee's work performance and his conduct in regard to the qualities referred to in subregulation (2) continued to be satisfactory from the date of the granting of the salary increment in terms of paragraph (a) to the date preceding that on which a salary increment may be granted in terms of this paragraph;

(ii) the provisions of this paragraph shall not apply to an officer or employee if his salary is already equal to the maximum notch of the scale applicable to him.

(5) If an officer or employee is not granted a salary increment in terms of subregulation (4) (a)—

(a) such officer or employee shall be notified in writing of the reasons therefor and that a salary increment may, at the expiry of a determined continuous period equal to the difference between the period determined in terms of subregulation (3) and an incremental period, be granted if the principal concerned issues a certificate in which he declares that the officer's or employee's work performance and his conduct in regard to the qualities referred to in subregulation (2) were satisfactory during the continuous period determined in terms of this paragraph; and

(b) two salary increments shall be granted to such officer or employee after the expiry of an incremental period reckoned from the date on which his salary would have been increased in terms of subregulation (1) if subregulation (2) had not been applicable: Provided that—

(i) such salary increments are granted only if the principal concerned issues a certificate in which he declares that the officer's or employee's work performance and his conduct in regard to the qualities referred to in subregulation (2) were satisfactory during the continuous period determined in terms of paragraph (a);

(ii) only one salary increment shall be granted to such officer or employee if his salary is already equal to the penultimate notch of the scale applicable to him.

(6) If the period determined in terms of subregulation (3) is equal to an incremental period, two salary increments shall be granted to such officer or employee after the expiry of such period: Provided that—

(i) such salary increments are granted only if the principal concerned issues a certificate in which he declares that the officer's or employee's work performance and his conduct in regard to the qualities referred to in subregulation (2) were satisfactory during the period determined in terms of subregulation (3);

(b) Indien 'n salarisverhoging ingevolge paragraaf (a) aan 'n beampte of werknemer toegeken is, word 'n verdere salarisverhoging aan hom toegeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy salaris ingevolge subregulasie (1) verhoog sou gewees het indien subregulasie (2) nie van toepassing was nie: Met dien verstande dat—

(i) sodanige verdere salarisverhoging toegeken word slegs indien die betrokke prinsipaal 'n sertifikaat uitreik waarin hy verklaar dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) bedoel vanaf die datum van toekenning van die salarisverhoging ingevolge paragraaf (a) tot die datum wat die datum voorafgaan waarop 'n salarisverhoging kragtens hierdie paragraaf toegeken kan word, steeds bevredigend was;

(ii) die bepalinge van hierdie paragraaf nie op 'n beampte of werknemer van toepassing is nie indien sy salaris reeds gelyk is aan die maksimum kerf van die skaal wat op hom van toepassing is.

(5) Indien 'n salarisverhoging nie ingevolge subregulasie (4) (a) aan 'n beampte of werknemer toegeken word nie—

(a) word sodanige beampte of werknemer skriftelik van die redes daarvoor in kennis gestel en dat 'n salarisverhoging by verstryking van 'n bepaalde aaneenlopende tydperk gelystaande aan die verskil tussen die tydperk ingevolge subregulasie (3) bepaal en 'n salarisverhogingstydperk, toegeken kan word indien 'n sertifikaat deur die betrokke prinsipaal uitgereik word waarin hy verklaar dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) bedoel, bevredigend was gedurende die aaneenlopende tydperk ingevolge hierdie paragraaf bepaal; en

(b) word twee salarisverhogings aan sodanige beampte of werknemer toegeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy salaris ingevolge subregulasie (1) verhoog sou gewees het, indien subregulasie (2) nie van toepassing was nie: Met dien verstande dat—

(i) sodanige salarisverhogings toegeken word slegs indien die betrokke prinsipaal 'n sertifikaat uitreik waarin hy verklaar dat die beampte of werknemer se werkverrigting en gedrag, met betrekking tot die eienskappe in subregulasie (2) bedoel, bevredigend was gedurende die aaneenlopende tydperk ingevolge paragraaf (a) bepaal;

(ii) net een salarisverhoging aan sodanige beampte of werknemer toegeken word indien sy salaris reeds gelyk is aan die voorlaaste kerf van die skaal wat op hom van toepassing is.

(6) Indien die tydperk ingevolge subregulasie (3) bepaal, gelyk is aan 'n salarisverhogingstydperk, word twee salarisverhogings aan sodanige beampte of werknemer toegeken na verstryking van sodanige tydperk: Met dien verstande dat—

(i) sodanige salarisverhogings toegeken word slegs indien die betrokke prinsipaal 'n sertifikaat uitreik waarin hy verklaar dat die beampte of werknemer se werkverrigting en gedrag, met betrekking tot die eienskappe in subregulasie (2) bedoel, bevredigend was gedurende die tydperk ingevolge subregulasie (3) bepaal;

(ii) such officer or employee shall be granted only one salary increment if his salary is already equal to the penultimate notch of the scale applicable to him.

(7) If an officer or employee is not granted a salary increment in terms of subregulation (4) (b), (5) (b) or (6) the provisions of subregulations (2), (3), (4), (5) and (6) shall *mutatis mutandis* apply.

(8) Subject to the provisions of these Regulations, the salary of an officer or employee to whom a salary increment has been granted in terms of subregulation (4) (b), (5) (b) or (6) shall, at the expiry of each further incremental period, be increased by one salary increment within the limits of the scale applicable to him.

Official hours of attendance

53. (1) Subject to the provisions of regulation 54, the principal of a college shall determine the official hours of attendance of officers and employees of the college concerned and he shall ensure that they observe such hours.

(2) Notwithstanding the provisions of this regulation, the principal of a college may require an officer or employee of the college concerned to perform official duty on any day of the week or at any time during the day or night or to attend at his normal place of work or elsewhere for such duty.

(3) An officer or employee of a college shall not without the permission of the principal of the college concerned be absent from his office or place of work during his official hours of attendance and periods of overtime duty.

(4) The principal of a college shall determine—

(a) the meal break, of at least half an hour, of an officer or employee or any category of officer's or employee's of that college: Provided that a meal break falling within the official hours of attendance shall not be deemed to be official duty time for the completion of a working week; and

(b) the times during which the public shall have access to that college for official purposes.

(5) (a) If an officer or employee is absent from duty during the official hours of attendance as result of leave granted in terms of these Regulations or as a result of other circumstances which are acceptable to the council, he shall, for the purposes of the completion of his working week, be deemed to have performed official duty during such absence.

(b) The official hours of attendance which have been determined for an officer or employee in respect of a particular day and which—

(i) fall on a public holiday, in the case of an officer or employee who does not usually work on such day; or

(ii) fall on some other day on which he is usually relieved of duty in lieu thereof, in the case of an officer or employee who usually works on a public holiday, shall be deemed to be official hours of attendance for the purposes of the completion of his working week.

(ii) net een salarisverhoging aan sodanige beampte of werknemer toegeken word indien sy salaris reeds gelyk is aan die voorlaaste kerf van die skaal wat op hom van toepassing is.

(7) Indien 'n salarisverhoging nie ingevolge subregulasie (4) (b), (5) (b) of (6) aan 'n beampte of werknemer toegeken word nie, is die bepalings van subregulasies (2), (3), (4), (5) en (6) *mutatis mutandis* van toepassing.

(8) Behoudens die bepalings van hierdie Regulasies word die salaris van 'n beampte of werknemer aan wie 'n salarisverhoging ingevolge subregulasie (4) (b), (5) (b) of (6) toegeken is, by die verstryking van elke verdere salarisverhogingstydperk verhoog met een salarisverhoging binne die perke van die skaal wat op hom van toepassing is.

Amptelike diensure

53. (1) Behoudens die bepalings van regulasie 54, bepaal die prinsipaal van 'n kollege die amptelike diensure van beamptes en werknemers van die betrokke kollege en sien hy toe dat hulle dit nakom.

(2) Ondanks die bepalings van hierdie regulasie, kan die prinsipaal van 'n kollege van 'n beampte of werknemer van die betrokke kollege vereis om op enige dag van die week of enige tyd van die dag of nag amptelike diens te verrig of om by sy normale werkplek of elders aanwesig te wees vir sodanige diens.

(3) 'n Beampte of werknemer van 'n kollege is nie gedurende sy amptelike diensure en tydperke van oortyd diens sonder toestemming van die prinsipaal van die betrokke kollege, van sy kantoor of werkplek afwesig nie.

(4) Die prinsipaal van 'n kollege bepaal—

(a) die etenspouse, van minstens 'n halfuur, van 'n beampte of werknemer of enige kategorie beamptes of werknemers van daardie kollege: Met dien verstande dat 'n etenspouse wat binne die amptelike diensure val nie geag word amptelike diens tyd vir die voltooiing van 'n werkweek te wees nie; en

(b) die tye waartydens die publiek vir amptelike doeleindes toegang tot daardie kollege het.

(5) (a) Indien 'n beampte of werknemer gedurende die amptelike diensure van diens afwesig is as gevolg van verlof toegestaan ingevolge hierdie Regulasies of weens ander omstandighede wat vir die raad aanneemlik is, word hy, vir die doeleindes van die voltooiing van sy werkweek, geag amptelike diens te verrig het gedurende sodanige afwesigheid.

(b) Die amptelike diensure wat ten opsigte van 'n bepaalde dag vir 'n beampte of werknemer bepaal is en wat—

(i) op openbare vakansiedag val, in die geval van 'n beampte of werknemer wat gewoonlik nie op sodanige dag werk nie; of

(ii) op 'n ander dag val wat hy gewoonlik in plaas van sodanige openbare vakansiedag van diens vrygestel is, in die geval van 'n beampte of werknemer wat gewoonlik op 'n openbare vakansiedag werk, word geag amptelike diensure vir die doeleindes van die voltooiing van sy werkweek te wees.

Working week

54. An officer or employee attached to—

- (a) full-time administrative, clerical and stores staff shall have a working week of 40 hours;
- (b) part-time administrative, clerical and stores staff shall have a working week of 23 $\frac{1}{4}$ hours;
- (c) housemother staff shall have a working week of 40 hours; and
- (d) other staff shall have a working week of 40 hours.

Overtime duty and overtime remuneration

55. If required by the principal of a college, an officer or employee shall perform overtime duty, and overtime remuneration in respect of such overtime duty may not be claimed as a right: Provided that in exceptional circumstances the Minister may, with the concurrence of the Minister of the Budget and Works, pay overtime remuneration to an officer or employee in respect of overtime duty, at the rates applicable in the Public Service.

Supervision duties

56. (1) If an officer or employee performs supervision duties in a hostel of a college, the principal concerned may require such officer or employee to reside in the hostel or the other official quarters assigned by the principal.

(2) The Head of Education may in exceptional circumstances, grant approval for a person not being an officer or employee, to be appointed to perform supervision duties in a hostel of a college.

(3) A person who performs supervision duties in a hostel of a college may be granted remuneration on the basis determined by the Minister with the concurrence of the Minister of the Budget and Works.

(4) The number of persons who perform supervision duties in a hostel of a college, shall be determined by the council.

Repeal of regulations and savings

57. (1) Subject to the provisions of subregulation (2) the Regulations published under Government Notice No. R. 1198 of 10 June 1983 are hereby repealed.

(2) Anything done or deemed to have been done in terms of the provisions of the Regulations repealed by subregulation (1) or of any law repealed by the Act, and which may or shall be done in terms of these Regulations, shall be deemed to have been done in terms of the corresponding provision of these Regulations.

Werkweek

54. 'n Beampte of werknemer verbonde aan—

- (a) voltydse administratiewe, klerklike en voorrade-personeel het 'n werkweek van 40 uur;
- (b) deeltydse administratiewe, klerklike en voorrade-personeel het 'n werkweek van 23 $\frac{1}{4}$ uur;
- (c) huismoederpersoneel het 'n werkweek van 40 uur; en
- (d) ander personeel het 'n werkweek van 40 uur.

Oortyddiens en oortydbesoldiging

55. Indien die prinsipaal van 'n kollege dit van hom vereis, verrig 'n beampte of werknemer oortyddiens en kan oortydbesoldiging ten opsigte van sodanige oortyddiens nie as 'n reg geëis word nie: Met dien verstande dat die Minister onder buitengewone omstandighede met die instemming van die Minister van Begroting en Werke, oortydbesoldiging teen die tariewe wat in die Staatsdiens geld, aan 'n beampte of werknemer ten opsigte van oortyddiens kan betaal.

Toesigdiens

56. (1) Indien 'n beampte of werknemer toesigdiens doen in 'n koshuis van 'n kollege, kan die betrokke prinsipaal van sodanige beampte of werknemer vereis om in die koshuis of die ander amptelike huisvesting wat die prinsipaal aanwys, in te woon.

(2) Die Onderwyshoof kan in buitengewone omstandighede goedkeur dat iemand wat nie 'n beampte of werknemer is nie, aangestel word om toesigdiens in 'n koshuis van 'n kollege te doen.

(3) Aan iemand wat toesigdiens doen in 'n koshuis van 'n kollege, kan vergoeding toegeken word volgens 'n grondslag bepaal deur die Minister met die instemming van die Minister van Begroting en Werke.

(4) Die raad bepaal die getal persone wat in 'n koshuis van 'n kollege toesigdiens doen.

Herroeping van regulasies en voorbehoud

57. (1) Behoudens die bepalings van subregulasie (2) word die Regulasies afgekondig by Goewermentskennisgewing No. R. 1198 van 10 Junie 1983 hierby herroep.

(2) Enigiets gedoen of wat geag word gedoen te gewees het ingevolge die bepalings van die Regulasies deur subregulasie (1) herroep of van enige wet deur die Wet herroep, en wat ingevolge hierdie Regulasies gedoen kan of moet word, word geag ingevolge die ooreenstemmende bepaling van hierdie Regulasies gedoen te gewees het.

No. R. 903

26 April 1991

TECHNICAL COLLEGES ACT, 1981**REGULATIONS RELATING TO DISCHARGE, RESIGNATION, MISCONDUCT AND INEFFICIENCY OF OFFICERS AND EMPLOYEES EMPLOYED AT TECHNICAL COLLEGES**

The Minister of Education and Culture has under section 39 read with section 9 of the Technical Colleges Act (Act No. 104 of 1981), made the regulations in the Schedule.

No. R. 903

26 April 1991

WET OP TEGNIESE KOLLEGES, 1981**REGULASIES BETREFFENDE ONTSLAG, BEDANKING, WANGEDRAG EN ONBEKWAAMHEID VAN BEAMPTES EN WERKNEMERS IN DIENS BY TEGNIESE KOLLEGES**

Die Minister van Onderwys en Kultuur het kragtens artikel 39 saamgelees met artikel 9 van die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981), die regulasies in die Bylae uitgevaardig.

SCHEDULE**Definitions**

1. In these Regulations, a word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates—

“**appellant**” means a person who appeals to the Minister in terms of regulation 13 or 22, as the case may be;

“**board of appeal**” means the board of appeal appointed under regulation 23;

“**calendar month**” means a period ranging from the first day up to and including the last day of any of the 12 months of a year;

“**calendar quarter**” means a period of three consecutive calendar months beginning respectively on the first day of January, April, July or October of any calendar year.

“**chairman**” means the chairman of a board of investigation appointed under regulation 20 (1);

“**college term**” means a period fixed as such by the Head of Education for a particular technical college or a category of technical colleges for a particular calendar year;

“**day**” means a period of 24 hours corresponding with a day on the calendar;

“**employee**” in the application of these Regulations means an employee who is not employed in a teaching post;

“**investigating committee**” means a committee referred to in regulation 15 (1) (b);

“**investigating officer**” means an investigating officer appointed in terms of regulation 5 (1) or 9 (1), as the case may be;

“**teaching post**” means a post to which an officer is appointed, transferred or promoted to provide post-school education at a technical college; and

“**the Act**” means the Technical Colleges Act, 1981 (Act No. 104 of 1981).

Discharge of officers and employees

2. (1) An officer may be discharged from the service of a technical college by the council—

(a) on account of continuous ill-health;

(b) on account of the abolition of his post or a reduction in, reorganization or readjustment of the staff at the technical college: Provided that in the case of an officer employed in a teaching post, by giving him one calendar quarter's written notice, and in the case of an officer employed in a post other than a teaching post, by giving him one calendar month's written notice;

(c) if, for reasons other than his own incompetence or inability, his discharge will in the opinion of the council promote efficiency or economy at the technical college;

(d) on account of incompetence for the duties attached to his post or inability to perform those duties in an efficient manner;

(e) on account of misconduct; or

BYLAE**Woordomskrywing**

1. In hierdie Regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“**appellant**” iemand wat kragtens regulasie 13 of 22, na gelang van die geval, na die Minister appelleer;

“**appèlraad**” 'n appèlraad aangestel kragtens regulasie 23;

“**dag**” 'n tydperk van 24 uur wat ooreenstem met 'n dag op die kalender;

“**die Wet**” die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981);

“**kalenderkwartaal**” 'n tydperk van drie agtereenvolgende kalendermaande wat onderskeidelik op die eerste dag van Januarie, April, Julie of Oktober van enige kalenderjaar begin;

“**kalendermaand**” 'n tydperk wat strek van die eerste tot en met die laaste dag van enige van die 12 maande van 'n jaar;

“**kollegetermyn**” 'n tydperk wat as sodanig vasgestel is deur die Onderwyshoof vir 'n bepaalde tegniese kollege of 'n kategorie tegniese kolleges ten opsigte van 'n bepaalde kalenderjaar;

“**ondersoekbeampte**” 'n ondersoekbeampte ingevolge regulasie 5 (1) of 9 (1) (na gelang van die geval) aangestel;

“**ondersoekkomitee**” 'n komitee in regulasie 15 (1) (b) bedoel;

“**onderwyspos**” 'n pos waarin 'n beampte aangestel, oorgeplaas of bevorder is om naskoolse onderwyspligte by 'n tegniese kollege te verrig;

“**voorsitter**” die voorsitter van die raad van ondersoek aangestel kragtens regulasie 20 (1); en

“**werknemer**” by die toepassing van hierdie Regulasies 'n werknemer wat nie in 'n onderwyspos in diens is nie.

Ontslag van beamptes en werknemers

2. (1) 'n Beampte kan deur die raad uit die diens van 'n tegniese kollege ontslaan word—

(a) weens voortdurende swak gesondheid;

(b) weens die afskaffing van sy pos of 'n vermindering, reorganisasie of herindeling van die personeel by die tegniese kollege: Met dien verstande dat in die geval van 'n beampte in diens in 'n onderwyspos, deur aan hom een kalenderkwartaal skriftelike kennisgewing te gee, en in die geval van 'n beampte in diens in 'n ander pos as 'n onderwyspos, deur aan hom een kalendermaand skriftelike kennisgewing te gee;

(c) indien, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag na die oordeel van die raad doeltreffendheid of besuiniging by die tegniese kollege sal bevorder;

(d) weens ongeskiktheid vir die pligte wat aan sy pos verbonde is of onvermoë om daardie pligte op 'n bekwame wyse uit te voer;

(e) weens wangedrag; of

(f) if his name has been recorded in the consolidated list referred to in section 16 (1) of the Internal Security Act, 1982 (Act No. 74 of 1982).

(2) If an officer is discharged under subregulation (1) (f) he shall be deemed to have been discharged under subregulation (1) (d).

(3) (a) When it is suspected by the Head of Education on reasonable grounds that an officer is on account of continuous ill-health unable to perform his duties, or when an officer applies for discharge from his service on account of continuous ill-health, the Head of Education may after consultation with the council appoint a team of examiners of at least two medical practitioners to examine the officer at the expense of the Department and to report on his condition of health: Provided that the officer shall be entitled to nominate a medical practitioner of his choice at his own expense as a member of such team of examiners.

(b) If the council, after consideration of the report contemplated in paragraph (a), is satisfied that the officer is on account of continuous ill-health referred to in subregulation (1) (a) unable to perform his duties, it may discharge the officer from his service.

(c) If an officer refuses or fails to subject himself to an examination referred to in paragraph (a) when instructed to do so by the council, the council may discharge him from his service, in which case it shall be deemed that he has been discharged on account of misconduct.

(4) If in the opinion of the council it is not desirable to confirm the appointment or promotion of an officer on probation, the council may, notwithstanding anything to the contrary contained in these Regulations, but subject to subregulation (5) —

(a) extend the period of probation of the officer: or

(b) discharge the officer from his service at the technical college, whether during, at or after the expiry of the period of probation or any extension thereof —

(i) by giving him one calendar month's written notice; or

(ii) without prior notice, if his conduct or performance in the opinion of the council is unsatisfactory.

(5) An officer who is not appointed on probation, and whose transfer or promotion on probation is not confirmed, shall be transferred to the post which he previously occupied, or to a post of equal grading, and shall receive the salary he would have received in his previous post had he not been transferred or promoted on probation.

(6) The council may discharge an employee from his service by giving him 24 hours written notice.

Certain officers deemed to be discharged on account of misconduct

3. (1) An officer who —

(a) is absent from his service for a period of more than 30 consecutive days without the consent of the council;

(b) while he is absent from his service, assumes duty in another position;

(f) indien sy naam opgeneem is in die gekonsolideerde lys in artikel 16 (1) van die Wet op Binnelandse Veiligheid, 1982 (Wet No. 74 van 1982), bedoel.

(2) Indien 'n beampte kragtens subregulasie (1) (f) ontslaan word, word hy geag kragtens subregulasie (1) (d) ontslaan te wees.

(3) (a) Wanneer daar op redelike gronde deur die Onderwyshoof vermoed word dat 'n beampte weens voortdurende swak gesondheid nie sy pligte kan uitvoer nie, of wanneer 'n beampte aansoek doen om ontslag uit sy diens weens voortdurende swak gesondheid, kan die Onderwyshoof na oorleg met die raad 'n ondersoekspan van minstens twee geneeshere aanstel om die beampte op die koste van die Departement te ondersoek en verslag oor sy gesondheidstoestand te doen: Met dien verstande dat die beampte geregtig is om 'n geneesheer van sy eie keuse op sy eie koste as lid van die ondersoekspan te benoem.

(b) Indien die raad, na oorweging van die verslag in paragraaf (a) beoog, oortuig is dat die beampte weens voortdurende swak gesondheid soos bedoel in subregulasie (1) (a) nie sy pligte kan uitvoer nie, kan hy die beampte uit sy diens ontslaan.

(c) Indien 'n beampte weier of versuim om hom aan 'n ondersoek in paragraaf (a) beoog te onderwerp wanneer hy daartoe deur die raad aangesê is, kan die raad hom uit sy diens ontslaan, in welke geval daar geag word dat hy weens wangedrag ontslaan is.

(4) Indien dit na die oordeel van die raad nie wenslik is om die aanstelling of bevordering van 'n beampte op proef, te bekragtig nie, kan die raad, ondanks andersluidende bepalinge van hierdie Regulasies, maar behoudens subregulasie (5) —

(a) die proeftyd van die beampte verleng; of

(b) die beampte uit sy diens by 'n tegniese kollege ontslaan, hetsy gedurende, by of na verstryking van die proeftyd of enige verlenging daarvan —

(i) deur hom een kalendermaand skriftelik kennis te gee; of

(ii) sonder voorafkennisgewing indien sy gedrag of werkverrigting na die oordeel van die raad onbevredigend is.

(5) 'n Beampte wat nie op proef aangestel is nie, en wie se oorplasing of bevordering op proef nie bekragtig word nie, word oorgeplaas na die pos wat hy voorheen beklee het, of na 'n pos van gelyke gradering, en ontvang die salaris wat hy in sy vorige pos sou ontvang het indien hy nie op proef oorgeplaas of bevorder was nie.

(6) 'n Raad kan 'n werknemer uit sy diens ontslaan deur aan hom 24 uur skriftelik kennis te gee.

Sekere beamptes geag weens wangedrag ontslaan te wees

3. (1) 'n Beampte wat —

(a) sonder die toestemming van die raad vir 'n tydperk van meer as 30 opeenvolgende dae van sy diens afwesig is;

(b) diens in 'n ander betrekking aanvaar terwyl hy van sy diens afwesig is;

(c) while suspended from his service under regulation 26, resigns or assumes duty in another position; or

(d) while a charge of misconduct against him under these Regulations has not yet been disposed of, resigns or assumes duty in another position, shall—

(i) in the application of paragraph (a) or (b), with effect from the date following immediately upon the last day on which he was present at his place of service; or

(ii) in the application of paragraph (c) or (d), with effect from the date on which he resigns or assumes duty in another position, as the case may be,

be deemed to have been discharged from his service, unless the council directs otherwise.

(2) If an officer who under subregulation (1) (a) or (b) is deemed to have been discharged, reports for duty at any time, the council may, notwithstanding anything to the contrary contained in these Regulations, reinstate him in his former or any other post on such conditions as the council may determine, and in such an event the period of his absence from duty shall be deemed to be absence on vacation leave without pay or leave on such other conditions as the council may determine.

Resignation of officers and employees

4. (1) An officer in a teaching post at a technical college, may resign from his service by giving written notice of three calendar months or the shorter period as the council may approve.

(2) An officer in a post other than a teaching post at a technical college, may resign from his service by giving written notice of one calendar month or the shorter period as the council may approve.

(3) An employee may resign from his service by giving 24 hours' written notice.

(4) An officer or employee who—

(a) is under the provisions of the Electoral Act, 1979 (Act No. 45 of 1979), nominated as a candidate for the election of a member of a House of Parliament; or

(b) is under the provisions of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), nominated or elected indirectly as a member of a House of Parliament or designated or appointed as a member of the President's Council,

shall, notwithstanding anything to the contrary contained in these Regulations, be deemed to have resigned from his service with effect from the day on which he is so nominated, indirectly elected, designated or appointed, as the case may be.

(5) If the name of an officer in a teaching post is struck off the register mentioned in regulation 2 of the Regulations Relating to the Teachers Federal Council promulgated by Government Notice No. R. 2290 of October 31, 1986, he shall, notwithstanding anything to the contrary contained in these Regulations, be deemed to have resigned from his service with effect from the date following immediately upon the day on which his name was so struck off.

(c) bedank of diens in 'n ander betrekking aanvaar terwyl hy kragtens regulasie 26 in sy diens geskors is; of

(d) bedank of diens in 'n ander betrekking aanvaar terwyl 'n aanklag van wangedrag kragtens hierdie Regulasies nog nie teen hom afgehandel is nie, word—

(i) by die toepassing van paragraaf (a) of (b) met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was; of

(ii) by die toepassing van paragraaf (c) of (d) met ingang van die datum waarop hy bedank of diens in 'n ander betrekking aanvaar, na gelang van die geval, geag weens wangedrag uit sy diens ontslaan te wees, tensy die raad anders gelas.

(2) Indien 'n beamppte wat kragtens subregulasie (1) (a) of (b) geag word ontslaan te wees hom te eniger tyd vir diens aanmeld, kan die raad hom ondanks andersluidende bepalings van hierdie Regulasies in sy vorige of 'n ander pos herstel op die voorwaardes wat die raad bepaal, en in so 'n geval word die tydperk van sy afwesigheid van diens geag afwesigheid met vakansieverlof sonder besoldiging te wees of verlof op die voorwaardes wat die raad bepaal.

Bedanking van beamptes en werknemers

4. (1) 'n Beamppte in 'n onderwyspos by 'n tegniese kollege kan uit sy diens bedank deur drie kalendermaande, of dié korter tydperk wat die raad goedkeur, skriftelik kennis te gee.

(2) 'n Beamppte in 'n ander pos as 'n onderwyspos by 'n tegniese kollege kan uit sy diens bedank deur een kalendermaand, of dié korter tydperk wat die raad goedkeur, skriftelik kennis te gee.

(3) 'n Werknemer kan uit sy diens bedank deur 24 uur skriftelik kennis te gee.

(4) 'n Beamppte of werknemer wat—

(a) kragtens die bepalings van die Kieswet, 1979 (Wet No. 45 van 1979), as 'n kandidaat vir die verkiesing van 'n lid van 'n Huis van die Parlement genomineer word; of

(b) kragtens die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), as 'n lid van 'n Huis van die Parlement benoem of indirek verkies word, of as 'n lid van die Presidentsraad aangewys of aangestel word,

word, ondanks andersluidende bepalings van hierdie Regulasies, geag uit sy diens te bedank het met ingang van die dag waarop hy aldus genomineer, benoem, indirek verkies, aangewys of aangestel word, na gelang van die geval.

(5) Indien 'n beamppte in 'n onderwyspos se naam geskrap word in die register vermeld in regulasie 2 van die Regulasies met betrekking tot die Federale Onderwysersraad afgekondig by Goewermentskennisgewing No. R. 2290 van 31 Oktober 1986, word hy, ondanks andersluidende bepalings van hierdie Regulasies, geag uit sy diens te bedank het met ingang van die datum wat onmiddellik volg op die dag waarop sy naam aldus geskrap word.

Investigation into inefficiency of an officer

5. (1) If it is alleged that an officer is incompetent, or is unable to perform his duties in an efficient manner, the council shall, in consultation with the Head of Education, appoint a person, in writing, as an investigating officer to institute an investigation into the allegation.

(2) The investigation officer who institutes an investigation contemplated in subregulation (1), shall on request produce proof of his appointment.

(3) The provisions of regulation 10 shall *mutatis mutandis* apply to an investigating officer.

(4) The investigating officer shall, after consultation with the council and the Head of Education, determine the date, time and venue of the investigation and notify the officer concerned and the teachers association contemplated in regulation 15 (3), in writing, at least 14 days before such date, thereof.

(5) After the officer concerned has been notified in accordance with subregulation (4), he shall have the right—

(a) to a written exposition of the grounds upon which it is alleged that he is incompetent or unable to perform his duties in an efficient manner; and

(b) to be present at the investigation, to be assisted or represented by another person, to give evidence and, either personally or through a representative—

(i) to be heard;

(ii) to call witnesses;

(iii) to cross-examine a person called as a witness in support of the said allegations; and

(iv) to inspect and at his own expense to obtain copies of documents submitted in evidence.

(6) The council may in consultation with the Head of Education authorize a person to attend the investigation and to adduce evidence and arguments in support of the allegations referred to in subregulation (1) and to cross-examine a person who has given evidence in rebuttal of those allegations.

(7) The investigating officer shall keep a record of the proceedings at the investigation.

(8) The failure of the officer concerned to attend the investigation either personally or through a representative, shall not invalidate the proceedings.

(9) After the conclusion of the investigation, the investigating officer shall submit to the council the record of the proceedings and any documents handed in during the investigation together with his report on the investigation.

(10) (a) If, after consideration of the report referred to in subregulation (9), the council is of the opinion that the allegations made against the officer concerned—

(i) are unfounded, the council shall in writing notify him accordingly;

Onderzoek na onbekwaamheid van 'n beampte

5. (1) Indien beweer word dat 'n beampte ongeskik is of nie in staat is om sy pligte op 'n bekwame wyse uit te voer nie, moet die raad in oorleg met die Onderwyshoof iemand skriftelik as 'n ondersoek-beampte aanstel om ondersoek na die bewering in te stel.

(2) Die ondersoekbeampte wat 'n ondersoek in subregulasie (1) beoog instel, moet op versoek bewys van sy aanstelling toon.

(3) Die bepalinge van regulasie 10 is *mutatis mutandis* van toepassing op 'n ondersoekbeampte.

(4) Die ondersoekbeampte moet na oorleg met die raad en die Onderwyshoof die datum, tyd en plek van die ondersoek vasstel en aan die betrokke beampte en die onderwysersvereniging in regulasie 15 (3) beoog minstens 14 dae voor sodanige datum skriftelike kennis daarvan gee.

(5) Nadat die betrokke beampte ooreenkomstig subregulasie (4) in kennis gestel is, het hy die reg—

(a) op 'n skriftelike uiteensetting van die gronde waarop beweer word dat hy ongeskik is of nie in staat is om sy pligte op 'n bekwame wyse uit te voer nie; en

(b) om by die ondersoek teenwoordig te wees, om deur 'n ander persoon bygestaan of verteenwoordig te word, om getuienis af te lê en om, hetsy persoonlik of deur 'n verteenwoordiger—

(i) aangehoor te word;

(ii) getuies op te roep;

(iii) iemand wat as getuie opgeroep is ter staving van genoemde bewerings, onder kruisverhoor te neem; en

(iv) insae te hê in en afskrifte op eie koste te verkry van stukke wat as getuienis voorgelê is.

(6) Die raad kan in oorleg met die Onderwyshoof iemand magtig om die ondersoek by te woon, om getuienis en argumente ter staving van dié in subregulasie (1) bedoelde bewerings aan te voer en om iemand wat getuienis ter weerlegging van daardie bewerings afgelê het onder kruisverhoor te neem.

(7) Die ondersoekbeampte hou notule van die verrigtinge by die ondersoek.

(8) Die versuim van die betrokke beampte om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees, maak nie die verrigtinge ongeldig nie.

(9) Na afloop van die ondersoek moet die ondersoekbeampte die notule van die verrigtinge en enige stukke wat tydens die ondersoek ingehandig is, saam met sy verslag oor die ondersoek aan die raad voorlê.

(10) (a) Indien die raad na oorweging van die verslag in subregulasie (9) bedoel, van oordeel is dat die bewerings teen die betrokke beampte—

(i) ongegrond is, moet die raad hom skriftelik dienoreenkomstig in kennis stel;

(ii) are well-founded, the council shall serve a notice, together with a copy of the report, on him in which he—

(aa) is notified that further action in terms of these Regulations is being considered against him; and

(bb) is afforded the opportunity to submit, within 21 days after receipt of the notice, his written comment on the report to the council.

(b) Comment submitted under subparagraph (ii) (bb) shall be referred by the council, to the investigating officer.

(c) The investigating officer shall submit the remarks he may wish to make in connection with such comment, to the council.

(11) After consideration of the documents referred to in subregulations (9) and (10) the council shall send a notice to the officer concerned in which he is informed—

(a) that he, in the opinion of the council, is incompetent or is unable to perform his duties in an efficient manner; or

(b) that a further investigation regarding his competence or efficiency to perform his duties will be instituted at any time during the period which extends from three months after the date of the notice until one year after that date, and is afforded the opportunity to indicate in writing within 30 days after receipt of the notice, whether he wishes the further investigation to be instituted by another investigating officer.

(12) (a) The council may in consultation with the Head of Education, appoint in writing another investigating officer to institute the further investigation referred to in subregulation (11) (b).

(b) The provisions of subregulations (2), (3), (4), (5), (6), (7), (8), (9) and (11) (a) shall *mutatis mutandis* apply in respect of a further investigation referred to in subregulation (11) (b).

Action against inefficient officer

6. (1) After the officer has been notified in accordance with regulation 5 (11) (a), the council may—

(a) decide to take no further action against the officer;

(b) warn or reprimand the officer;

(c) transfer the officer to another post;

(d) reduce the officer's salary or rank, or his salary as well as his rank, to the extent decided by the council;

(e) act against the officer under paragraph (b) as well as paragraph (c); or

(f) discharge the officer from his service with effect from a date determined by the council.

(2) If the council is of the opinion that since the start of the investigation referred to in regulation 5 (1) an improvement has taken place in respect of the officer's competence or efficiency for his duties, but that the improvement is not sufficient, the council may act in accordance with subregulation (1) (a), (b), (c), (d) or (e).

(ii) gegrond is, moet die raad 'n kennisgewing, tesame met 'n afskrif van die verslag, aan hom bestel waarin hy—

(aa) verwittig word dat verdere optrede ingevolge hierdie Regulasies teen hom oorweeg word; en

(bb) die geleentheid gebied word om binne 21 dae na ontvangs van die kennisgewing sy skriftelike kommentaar oor die verslag aan die raad voor te lê.

(b) Kommentaar kragtens subparagraaf (ii) (bb) voorgelê moet deur die raad na die ondersoekbeampte verwys word.

(c) Die ondersoekbeampte lê die opmerkings wat hy in verband met sodanige kommentaar wil maak, aan die raad voor.

(11) Na oorweging van die stukke in subregulasies (9) en (10) bedoel, moet die raad 'n kennisgewing aan die betrokke beampte bestel waarin hy verwittig word—

(a) dat hy na die oordeel van die raad ongeskik is of nie in staat is om sy pligte op 'n bekwame wyse uit te voer nie; of

(b) dat 'n verdere ondersoek betreffende sy geskiktheid of bekwaamheid om sy pligte uit te voer te eniger tyd gedurende die tydperk wat strek vanaf drie maande na die datum van kennisgewing tot een jaar na daardie datum ingestel sal word, en die geleentheid gebied word om binne 30 dae na ontvangs van die kennisgewing skriftelik aan te dui of hy verlang dat die verdere ondersoek deur 'n ander ondersoekbeampte ingestel moet word.

(12) (a) Die raad kan in oorleg met die Onderwyshoof 'n ander ondersoekbeampte skriftelik aanstel om die verdere ondersoek in subregulasie (11) (b) bedoel in te stel.

(b) Die bepalinge van subregulasies (2), (3), (4), (5), (6), (7), (8), (9) en (11) (a) is *mutatis mutandis* van toepassing ten opsigte van 'n verdere ondersoek in subregulasie (11) (b) bedoel.

Optrede teen onbekwame beampte

6. (1) Nadat die beampte ooreenkomstig regulasie (5) (11) (a) verwittig is, kan die raad—

(a) besluit om geen verdere stappe teen die beampte te doen nie;

(b) die beampte waarsku of berispe;

(c) die beampte na 'n ander pos oorplaas;

(d) die beampte se salaris of rang, of sy salaris sowel as sy rang, verlaag in die mate wat die raad besluit;

(e) teen die beampte kragtens paragraaf (b) sowel as paragraaf (c) optree; of

(f) die beampte uit sy diens ontslaan met ingang van 'n datum wat deur die raad bepaal word.

(2) Indien die raad van oordeel is dat daar sedert die instel van die ondersoek bedoel in regulasie 5 (1) 'n verbetering ingetree het ten opsigte van die beampte se geskiktheid of bekwaamheid vir sy pligte, maar dat die verbetering nie genoegsaam is nie, kan die raad ooreenkomstig subregulasie (1) (a), (b), (c), (d) of (e) optree.

(3) An officer against whom the council has acted under subregulations (1) or (2) may appeal to the Minister against such action.

(4) The provisions of regulation 28 shall *mutatis mutandis* apply to an appeal referred to in subregulation (3).

Misconduct

7. (1) An officer shall be guilty of misconduct if he—

(a) contravenes or fails to comply with a provision of the Act, or encourages disobedience or resistance to an Act of Parliament;

(b) performs, or causes or permits to be performed, or connives at, any act which is prejudicial to the administration, discipline or efficiency of a college, a department, an office or an institution of the State;

(c) disobeys, disregards or makes wilful default in carrying out lawful order given to him, or by word or conduct makes himself guilty of insubordination;

(d) is negligent or indolent in the performance of his duties;

(e) undertakes, without permission of the council, any private agency or private work in relation to a matter connected with the performance of his official duties;

(f) publicly expresses himself to the detriment of the administration of the Department;

(g) attempts through a person not in the service of the State or recognized staff association, to secure intervention in connection with his official position or conditions of service, unless it is done to obtain redress of any grievance through Parliament;

(h) conducts himself in a disgraceful, improper or unbecoming manner, or while on duty is guilty of gross discourteousness to another person;

(i) uses intoxicating liquor or stupefying drugs excessively;

(j) is under the influence of intoxicating liquor or stupefying drugs during his official working hours;

(k) becomes insolvent or becomes financially embarrassed, unless it is shown that the insolvency or embarrassment has been caused by unavoidable adversity;

(l) without the prior permission of the council, discloses otherwise than in the performance of his official duties information gathered or obtained by him as a result of his employment, or uses the information for any purpose other than for the performance of his official duties, whether or not he discloses such information.

(m) without the permission of the council, accepts or demands in respect of the performance of or the failure to perform his duties, any commission, money or monetary or other reward to which he is not entitled by virtue of his office, or fails to report to the council the offer of any such commission, money or reward;

(3) 'n Beampste teen wie die raad kragtens subregulasie (1) of (2) opgetree het, kan teen sodanige optrede na die Minister appelleer.

(4) Die bepalings van regulasie 28 is *mutatis mutandis* van toepassing op 'n appèl in subregulasie (3) bedoel.

Wangedrag

7. (1) 'n Beampste is aan wangedrag skuldig indien hy—

(a) 'n bepaling van die Wet oortree of versuim om daaraan te voldoen, of ongehoorsaamheid aan of verset teen 'n Wet van die Parlement aanmoedig;

(b) 'n daad wat tot nadeel strek van die administrasie, dissipline of doeltreffendheid van 'n kollege, 'n departement, 'n kantoor of 'n inrigting van die Staat, verrig, laat verrig, of toelaat of oogluikend toelaat dat dit verrig word;

(c) 'n wettige bevel aan hom gegee nie gehoorsaam nie, dit verontagsaam of opsetlik versuim om dit uit te voer, of deur woord of gedrag hom aan insubordinasie skuldig maak;

(d) nalatig of traag is by die uitvoering van sy pligte;

(e) sonder toestemming van die raad enige private agentskap of private werk te onderneem met betrekking tot 'n aangeleentheid wat met die uitvoering van sy ampspligte in verband staan;

(f) hom in die openbaar ten nadele van die administrasie van die Departement uitlaat;

(g) deur middel van iemand wat nie in die diens van die Staat of 'n erkende personeelvereniging is nie probeer om ingryping in verband met sy amptelike posisie of diensvoorwaardes te verkry, tensy dit gedoen word om herstel van 'n grief deur bemiddeling van die Parlement te verkry;

(h) hom op 'n skandelijke, onbehoorlike of onbetaamlike wyse gedra of, terwyl hy aan diens is, hom aan growwe onbeleefdheid teenoor iemand anders skuldig maak;

(i) buitensporig van sterk drank of bedwelmende middels gebruik maak;

(j) gedurende sy amptelike diensure onder die invloed van sterk drank of bedwelmende middels is;

(k) insolvent word of in geldelike verleentheid raak, tensy daar bewys word dat die insolvensie of geldelike verleentheid deur onvermydelike teenspoed veroorsaak is;

(l) sonder die vooraf verkreeë toestemming van die raad, inligting wat hy ingewin of bekom het as gevolg van sy diens, openbaar maak anders as in die uitvoering van sy ampspligte, of die inligting vir 'n ander doel as vir die uitvoering van sy ampspligte gebruik, hetsy hy die inligting openbaar maak al dan nie;

(m) sonder toestemming van die raad enige kommissie, geld of geldelike of ander beloning, waarop hy uit hoofde van sy amp nie geregtig is nie, aanneem of eis ten opsigte van die uitvoering van sy ampspligte, of die versuim om dit uit te voer, of versuim om die aanbod van enige sodanige kommissie, geld of beloning aan die raad te rapporteer;

(n) unlawfully appropriates for himself any property of the council, or makes use thereof in an improper manner, under circumstances not amounting to an offence;

(o) commits an offence;

(p) is absent from his office or duty without leave or a valid reason;

(q) with a view to obtaining any privilege or advantage in connection with his official position or his duties, or to causing any prejudice or damage to a college, the State, or a department or an employee thereof, makes a false or incorrect statement knowing it to be false or incorrect;

(r) makes an intentional misrepresentation with regard to a condition for his appointment at a college; or

(s) uses his position to promote or prejudice private or sectional political objectives.

(2) The acquittal or conviction of an officer by a court of law of an offence, shall not prohibit steps in terms of these Regulations, on a charge of misconduct from being taken against him, although the facts set out in the charge of misconduct, should they be proven, would constitute the offence of which he was so acquitted or convicted or any other offence of which he could have been convicted at his trial on a charge of the first-mentioned offence.

(3) If the misconduct with which an officer is charged, amounts to the committal of an offence of which he was convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall be *prima facie* proof that he committed that offence, unless—

(a) the conviction has been set aside by a competent court of law; or

(b) the person proves that he was in fact wrongfully convicted.

Charge of misconduct against officer in post other than teaching post

8. (1) Whenever an officer in a post other than a teaching post is accused of misconduct, the council may in writing charge him with that misconduct.

(2) A charge of misconduct shall be served on the officer charged, together with a written request that the officer charged, within 21 days after the charge has been served on him, submit to the council a written admission or denial of the charge and, should he so prefer, a written explanation in connection with the charge.

(3) The council may at any time withdraw a charge of misconduct against an officer.

(4) If the officer charged admits that he is guilty of the charge of misconduct, he shall be deemed to have been convicted of the misconduct with which he was charged on the date on which the council received the admission.

(n) hom enige eiendom van die raad wederregtelik toe-eien, of onbehoorlik gebruik daarvan maak in omstandighede wat nie op 'n misdryf neerkom nie;

(o) 'n misdryf pleeg;

(p) sonder verlof of geldige rede van sy kantoor of diens afwesig is;

(q) met die oog op die verkryging van enige voorreg of voordeel in verband met sy amptelike posisie of sy pligte, of op die veroorsaking van enige nadeel of skade aan 'n kollege, die Staat of 'n departement of werknemer daarvan, 'n valse of onjuiste verklaring aflê in die wete dat dit vals of onjuis is;

(r) 'n opsetlike wanvoorstelling maak met betrekking tot 'n voorwaarde vir sy aanstelling by 'n kollege; of

(s) sy posisie gebruik om private of seksionele politieke oogmerke te bevorder of te benadeel.

(2) Die vryspreking van of skuldigbevinding aan 'n misdryf van 'n beamppte deur 'n geregshof belet nie dat stappe ingevolge hierdie Regulasies of 'n aanklag van wangedrag teen hom gedoen word nie, al sou die feite uiteengesit in die aanklag van wangedrag, indien dit bewys sou word, die misdryf uitmaak waarvan hy aldus vrygespreek of waaraan hy skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op aanklag van eersgenoemde misdryf skuldig bevind kon gewees het.

(3) Indien die wangedrag waarvan 'n beamppte aangekla word, die pleging van 'n misdryf is waaraan hy deur 'n geregshof skuldig bevind is, is 'n gewaarmerkte afskrif van die oorkonde van sy verhoor en skuldigbevinding deur daardie hof *prima facie*-bewys dat hy daardie misdryf gepleeg het, tensy—

(a) die skuldigbevinding deur 'n bevoegde geregshof tersyde gestel is; of

(b) die persoon bewys dat hy in werklikheid verkeerdlik skuldig bevind is.

Aanklag van wangedrag teen beamppte in ander pos as onderwyspos

8. (1) Wanneer 'n beamppte in 'n ander pos as 'n onderwyspos van wangedrag beskuldig word, kan die raad hom skriftelik van daardie wangedrag aankla.

(2) 'n Aanklag van wangedrag word aan die aangeklaagde beamppte bestel tesame met 'n skriftelike versoek dat die aangeklaagde beamppte binne 21 dae nadat die aanklag aan hom bestel is 'n skriftelike erkenning of ontkenning van die aanklag en, sou hy aldus verkies, 'n skriftelike verduideliking in verband met die aanklag aan die raad voorlê.

(3) Die raad kan te eniger tyd 'n aanklag van wangedrag teen 'n beamppte terugtrek.

(4) Indien die aangeklaagde beamppte erken dat hy aan die aanklag van wangedrag skuldig is, word hy geag aan die wangedrag waarvan hy aangekla is, skuldig bevind te wees op die datum waarop die raad die erkenning ontvang het.

Inquiry into misconduct of officer in post other than teaching post

9. (1) If an officer charged with misconduct under regulation 8 (1) denies the charge or fails to comply with the request referred to in regulation 8 (2), the council in consultation with the Head of Education shall appoint a person as an investigating officer to inquire into the charge.

(2) The investigation officer shall after consultation with the council and the Head of Education fix the date, time and venue of the investigation and shall give the officer charged at least 14 days' written notice of the date, time and venue so fixed.

Powers of investigating officer in respect of investigation

10. (1) An investigating officer may —

(a) subpoena to appear before him any person who in his opinion is able to furnish information of material importance concerning a charge under regulation 8 (1) or who is suspected of having in his possession or care or under his control a book, document or thing that may have a bearing on that charge;

(b) call and administer an oath to, or take an affirmation from, a person who is present at an investigation under regulation 9 (1) and who was subpoenaed in terms of paragraph (a); or

(c) question any person called under paragraph (b), or request him to submit a book, document or thing referred to in paragraph (a).

(2) A subpoena of any person to appear before the investigating officer, shall be in the form of Schedule A.

(3) The legal rules relating to privilege obtaining in the case of a person who has been subpoenaed to give evidence before a court of law or to submit a document or thing, shall apply in respect of the questioning or request referred to in subregulation (1) (c).

Procedure at investigation

11. (1) The council may in consultation with the Head of Education authorize a person to attend an investigation referred to in regulation 9, to adduce evidence and arguments in support of the charge and to cross-examine a person who gave evidence in rebuttal of the charge.

(2) At the investigation the officer charged shall have the right to be present, to be assisted or represented by another person, to give evidence and, either personally or through a representative —

(a) to be heard;

(b) to call witnesses;

(c) to cross-examine a person called as a witness in support of the charge; and

(d) to inspect and to obtain at his own cost copies of documents submitted in evidence.

(3) The failure of the officer charged to attend the investigation shall not invalidate the proceedings.

(4) The investigating officer shall keep a record of the proceedings and of the evidence given.

Onderzoek na wangedrag van beampte in ander pos as onderwyspos

9. (1) Indien 'n beampte wat kragtens regulasie 8 (1) van wangedrag aangekla word, die aanklag ontken of versuim om te voldoen aan die versoek in regulasie 8 (2) bedoel, moet die raad in oorleg met die Onderwyshoof iemand as ondersoekbeampte aanstel om ondersoek na die aanklag in te stel.

(2) Die ondersoekbeampte moet na oorleg met die raad en die Onderwyshoof die datum, tyd en plek van die ondersoek vasstel, en gee aan die aangeklaagde beampte minstens 14 dae skriftelike kennis van die datum, tyd en plek wat aldus vasgestel is.

Bevoegdheid van ondersoekbeampte ten opsigte van ondersoek

10. (1) 'n Onderzoekbeampte kan —

(a) iemand wat na sy oordeel inligting van wesenlike belang kan verstrek in verband met 'n aanklag kragtens regulasie 8 (1), of wat vermoed word 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer te hê wat op daardie aanklag betrekking kan hê, dagvaar om voor hom te verskyn;

(b) iemand wat by 'n ondersoek kragtens regulasie 9 (1) teenwoordig is en kragtens paragraaf (a) gedagvaar is, oproep en hom 'n eed oplê of van hom 'n bevestiging afneem; en

(c) iemand wat kragtens paragraaf (b) opgeroep is, ondervra of versoek om 'n boek, stuk of saak bedoel in paragraaf (a) voor te lê.

(2) 'n Dagvaarding aan iemand om voor die ondersoekbeampte te verskyn, moet in die vorm van Bylae A wees.

(3) Die regsreëls met betrekking tot privilegie wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n geregshof getuie af te lê of 'n stuk of saak voor te lê, is van toepassing ten opsigte van die ondervraging of versoek in subregulasie (1) (c) bedoel.

Prosedure by ondersoek

11. (1) Die raad kan in oorleg met die Onderwyshoof iemand magtig om 'n ondersoek in regulasie 9 bedoel by te woon, om getuie en argumente ter staving van die aanklag aan te voer en om iemand wat getuie ter weerlegging van die aanklag afgelê het onder kruisverhoor te neem.

(2) By die ondersoek het die aangeklaagde beampte die reg om teenwoordig te wees, deur 'n ander persoon bygestaan of verteenwoordig te word, getuie af te lê en, hetsy persoonlik of deur 'n verteenwoordiger —

(a) aangehoor te word;

(b) getuies op te roep;

(c) iemand wat as getuie opgeroep is ter staving van die aanklag, onder kruisverhoor te neem; en

(d) insae te hê in en afskrifte op eie koste te verkry van stukke wat as getuie voorgelê is.

(3) Die versuim van die aangeklaagde beampte om die ondersoek by te woon, maak nie die verrigtinge ongeldig nie.

(4) Die ondersoekbeampte hou notule van die verrigtinge en van die getuie wat afgelê word.

Finding of investigating officer

12. (1) After the conclusion of an investigation referred to in regulation 9, the investigating officer shall find the officer charged guilty or not guilty of the misconduct with which he was charged.

(2) The investigating officer shall after the officer charged has been found guilty or not guilty in accordance with subregulation (1) —

(a) notify the officer charged of his finding and, if the officer charged has been found guilty, his reasons therefor; and

(b) submit to the council —

(i) the record of the proceedings, and evidence given together with the documents produced at the investigation;

(ii) a written exposition of his finding and the reasons therefor; and

(iii) the remarks he may wish to make in connection with the investigation.

Appeal by officer in post other than teaching post

13. (1) An officer found guilty of misconduct under regulation 12, may appeal to the Minister against that finding.

(2) The procedure in regard to such appeal is as prescribed in regulation 28.

Action against officer found guilty of misconduct

14. (1) If an officer in a post other than a teaching post is found guilty of misconduct and has not appealed against the finding or if he has appealed and his appeal is dismissed as a whole or in part, the council may, having regard to the documents relating to the investigation and, where applicable, to the appeal —

(a) warn or reprimand the officer;

(b) impose a fine on the officer not exceeding R2 000;

(c) transfer the officer to another post;

(d) reduce the officer's salary or rank, or his salary and rank; or

(e) discharge the officer or call upon him to resign with effect from a date determined by the council.

(2) (a) Except where action is taken under paragraph (e) of subregulation (1), the council may act under more than one of the paragraphs of that subregulation.

(b) The council may postpone action in terms of subregulation (1) for a period not exceeding 12 months after the date of the finding.

(c) If an officer called upon to resign with effect from a certain date fails so to resign, he shall be deemed to have been discharged on account of misconduct with effect from that date.

(d) A fine imposed under subregulation (1) (b) may be recovered by deducting it from the salary of the officer in such instalments as the council may determine.

Bevinding van ondersoekbeampte

12. (1) Die ondersoekbeampte moet na afloop van 'n ondersoek in regulasie 9 bedoel die aangeklaagde beampte skuldig of onskuldig bevind aan die wangedrag waarvan hy aangekla is.

(2) Die ondersoekbeampte moet na die aangeklaagde beampte ooreenkomstig subregulasie (1) skuldig of onskuldig bevind is —

(a) die aangeklaagde beampte van sy bevinding verwittig en, indien die aangeklaagde beampte skuldig bevind is, sy redes daarvoor; en

(b) lê —

(i) die notule van die verrigtinge en getuienis wat afgelê is tesame met die stukke wat by die ondersoek voorgelê is;

(ii) 'n skriftelike uiteensetting van sy bevinding en die redes daarvoor; en

(iii) die opmerkings wat hy in verband met die ondersoek wil maak, aan die raad voor.

Appel deur beampte in ander pos as onderwyspos

13. (1) 'n Beampte wat kragtens regulasie 12 aan wangedrag skuldig bevind is, kan teen daardie bevinding na die Minister appelleer.

(2) Die prosedure met betrekking tot so 'n appel is soos in regulasie 28 voorgeskryf.

Optrede teen beampte wat aan wangedrag skuldig bevind is

14. (1) Indien 'n beampte in 'n ander pos as 'n onderwyspos skuldig bevind is aan wangedrag en nie teen die bevinding geappelleer het nie, of indien hy geappelleer het en sy appel in die geheel of gedeeltelik van die hand gewys is, kan die raad met inagneming van die stukke wat op die ondersoek, en waar toepaslik, op die appel betrekking het, die beampte —

(a) waarsku of berispe;

(b) 'n boete van hoogstens R2 000 oplê;

(c) na 'n ander pos oorplaas;

(d) se salaris of rang, of sy salaris sowel as sy rang, verlaag; of

(e) ontslaan, of aansê om te bedank, met ingang van 'n datum wat deur die raad bepaal word.

(2) (a) Behalwe waar kragtens paragraaf (e) van subregulasie (1) opgetree word, kan die raad kragtens meer as een van die paragrawe van daardie subregulasie optree.

(b) Die raad kan optrede kragtens subregulasie (1) uitstel vir 'n tydperk van hoogstens 12 maande na die datum van die bevinding.

(c) Indien 'n beampte wat aangesê is om met ingang van 'n bepaalde datum te bedank, versuim om aldus te bedank, word hy geag met ingang van daardie datum weens wangedrag ontslaan te wees.

(d) 'n Boete wat kragtens subregulasie (1) (b) opgelê is, kan verhaal word deur dit, in sodanige paaielemente wat die raad bepaal, van die salaris van die beampte af te trek.

Action in case of misconduct by officer employed in teaching post

15. (1) When an officer employed in a teaching post is accused of misconduct the council may—

- (a) in writing charge the officer with misconduct; or
- (b) in consultation with the Head of Education designate one or more of its members and one or more officers of the Department as an investigating committee to institute a preliminary investigation into the accusation.

(2) The investigating committee shall notify the accused officer of the nature of the accusation or allegation being investigated against him, and afford him the opportunity to answer thereto, either personally or by means of a representative, should he so prefer.

(3) Before a preliminary investigation is started, the investigating committee shall notify the teachers' association recognized under the definition of "organized teaching profession" as contained in section 1 of the National Education Policy Act, 1967 (Act No. 39 of 1967), and of which the officer concerned is a member, if any, of the proposed preliminary investigation.

Investigation by committee

16. The provisions of regulations 10 and 11 shall *mutatis mutandis* apply to a preliminary investigation referred to in regulation 15, and for such purposes a reference in those regulations to the investigating officer shall be construed as a reference to an investigating committee or, should it be incompatible with the context or clearly inappropriate, to the chairman of the investigating committee.

Recommendation of committee

17. After the conclusion of a preliminary investigation the investigating committee shall provide the council with a complete report, together with its recommendation on the question whether the accusation made against the accused officer is well-founded.

Closing of case without charge

18. If, after consideration of the investigating committee's report and recommendation, the council is of the opinion that the accusation made against the accused officer is unfounded, the case shall be considered closed and the officer and the teachers' association referred to in regulation 15 (3) shall be informed accordingly.

Charge of misconduct against officer employed in teaching post

19. (1) If the council, after consideration of the investigating committee's report and recommendation, is of the opinion that the accusation made against the officer charged is well-founded, it may in writing charge that officer with misconduct.

Optrede in geval van wangedrag deur beampte in diens in onderwyspos

15. (1) Wanneer 'n beampte in diens in 'n onderwyspos beskuldig word van wangedrag kan die raad—

- (a) die beampte skriftelik van wangedrag aankla; of
- (b) in oorleg met die Onderwyshoof een of meer van sy lede en een of meer beamptes van die Departement as 'n ondersoekkomitee aanwys om 'n voorlopige ondersoek na die beskuldiging in te stel.

(2) Die ondersoekkomitee moet die beskuldigde beampte in kennis stel van die aard van die beskuldiging of aantyging wat teen hom ondersoek word, en hom die geleentheid bied om, hetsy persoonlik of deur middel van 'n verteenwoordiger, daarop te antwoord indien hy dit sou verkies.

(3) Voordat 'n voorlopige ondersoek begin word, moet die ondersoekkomitee die onderwysersvereniging wat kragtens die omskrywing van "georganiseerde onderwysprofessie" soos vervat in artikel 1 van die Wet op die Nasionale Onderwysbeleid, 1967 (Wet No. 39 van 1967), erken word en waarvan die betrokke beampte 'n lid is, indien enige, van die voorgename voorlopige ondersoek in kennis stel.

Ondersoek deur komitee

16. Die bepalings van regulasies 10 en 11 is *mutatis mutandis* van toepassing op 'n voorlopige ondersoek in regulasie 15 bedoel, en by sodanige toepassing word 'n verwysing in daardie regulasies na die ondersoekbeampte uitgelê as 'n verwysing na 'n ondersoekkomitee of, indien dit onbestaanbaar met die samehang of duidelik onvanpas is, na die voorsitter van die ondersoekkomitee.

Aanbeveling van komitee

17. Die ondersoekkomitee moet na afloop van 'n voorlopige ondersoek die raad van 'n volledige verslag voorsien, tesame met sy aanbeveling oor die vraag of die beskuldiging wat teen die beskuldigde beampte gemaak is, gegrond is.

Afhandeling van saak sonder aanklag

18. Indien die raad, na oorweging van die ondersoekkomitee se verslag en aanbeveling, van oordeel is dat die beskuldiging teen die beskuldigde beampte ongegrond is, word die saak as afgehandel beskou en word die beampte en die onderwysersvereniging in regulasie 15 (3) bedoel, dienooreenkomstig in kennis gestel.

Aanklag van wangedrag teen beampte in diens in onderwyspos

19. (1) Indien die raad, na oorweging van die ondersoekkomitee se verslag en aanbeveling, van oordeel is dat die beskuldiging teen die beskuldigde beampte gegrond is, kan hy daardie beampte skriftelik van wangedrag aankla.

(2) A charge of misconduct under subregulation (1) or regulation 15 (1) (a) shall be served on the officer charged, together with a request in writing that the officer charged within 21 days after the charge has been served on him, submit to the council a written admission or denial of the charge and, if he desires, a written explanation in connection with the charge.

(3) The council may at any time withdraw a charge of misconduct against the officer.

(4) If an officer is charged with misconduct, the council shall in writing notify the teachers' association referred to in regulation 15 (3) thereof and of the nature of the charge.

(5) If the officer charged admits that he is guilty of the charge, he shall be deemed to have been found guilty of the misconduct with which he was charged, on the date on which the council received the admission.

Board of investigation

20. (1) If an officer who is charged with misconduct under regulation 15 (1) (a) or regulation 19 (1) denies the charge or fails to comply with the request referred to in regulation 19 (2), the council shall appoint a board of investigation consisting of a chairman and two other persons, one of whom shall be nominated by the Head of Education and one by the teachers' association referred to in regulation 15 (3), to investigate the charge.

(2) The chairman of the board of investigation shall, in consultation with the council, fix the date, time and venue of the investigation, and shall give the officer charged at least 14 days' written notice of the date, time and venue so fixed.

(3) The provisions of regulations 10 and 11 shall *mutatis mutandis* apply to an investigation referred to in subregulation (1), and for such purposes a reference in those regulations to an investigating officer shall be construed as a reference to a board of investigation or, should it be incompatible with the context or clearly inappropriate, to the chairman of the board of investigation.

Finding of board of investigation

21. (1) After the conclusion of the investigation referred to in regulation 20 (1), the board of investigation shall by majority decision find the officer charged guilty or not guilty of the misconduct with which he was charged, and the chairman shall within 30 days after the finding notify the officer charged and the council of the finding.

(2) If the board of investigation finds an officer charged guilty of the misconduct with which he was charged, the chairman shall submit to the council—

(a) the record of the proceedings, and evidence given, together with the documents admitted at the investigation;

(b) a written exposition of the finding of the board of investigation and the reasons therefor;

(2) 'n Aanklag van wangedrag kragtens subregulasie (1) of regulasie 15 (1) (a) word aan die aangeklaagde beampte bestel tesame met 'n skriftelike versoek dat die aangeklaagde beampte binne 21 dae nadat die aanklag aan hom bestel is 'n skriftelike erkenning of ontkenning van die aanklag en, indien hy dit verlang, 'n skriftelike verduideliking in verband met die aanklag aan die raad voorlê

(3) Die raad kan te eniger tyd 'n aanklag van wangedrag teen 'n beampte terugtrek.

(4) Indien 'n beampte van wangedrag aangekla word, stel die raad die onderwysersvereniging in regulasie 15 (3) bedoel, skriftelik in kennis daarvan en van die aard van die aanklag.

(5) Indien die aangeklaagde beampte erken dat hy aan die aanklag skuldig is, word hy geag aan die wangedrag waarvan hy aangekla is, skuldig bevind te wees op die datum waarop die raad die erkenning ontvang het.

Raad van ondersoek

20. (1) Indien 'n beampte wat kragtens regulasie 15 (1) (a) of regulasie 19 (1) van wangedrag aangekla word, die aanklag ontken of versuim om te voldoen aan die versoek in regulasie 19 (2) bedoel, moet die raad 'n raad van ondersoek bestaande uit 'n voorsitter en twee ander persone, waarvan een deur die Onderwyshoof en een deur die onderwysersvereniging in regulasie 15 (3) bedoel, benoem word, aanstel om ondersoek na die aanklag in te stel.

(2) Die voorsitter van die raad van ondersoek moet in oorleg met die raad die datum, tyd en plek van die ondersoek vasstel, en gee aan die aangeklaagde beampte minstens 14 dae skriftelike kennis van die datum, tyd en plek wat aldus vasgestel is.

(3) Die bepalinge van regulasies 10 en 11 is *mutatis mutandis* van toepassing op 'n ondersoek in subregulasie (1) bedoel, en by sodanige toepassing word 'n verwysing in daardie regulasies na die ondersoek-beampte uitgelê as 'n verwysing na 'n raad van ondersoek of, indien dit onbestaanbaar met die samehang of duidelik onvanpas is, na die voorsitter van die raad van ondersoek.

Bevinding van raad van ondersoek

21. (1) Na afloop van die ondersoek in regulasie 20 (1) bedoel, moet die raad van ondersoek by meerderheidsbesluit die aangeklaagde beampte skuldig of onskuldig bevind aan die wangedrag waarvan hy aangekla is, en die voorsitter moet binne 30 dae na die bevinding die aangeklaagde beampte en die raad van bevinding in kennis stel.

(2) Indien die raad van ondersoek die aangeklaagde beampte skuldig bevind aan die wangedrag waarvan hy aangekla is, moet die voorsitter—

(a) die notule van die verrigtinge en getuienis wat afgelê is tesame met die stukke wat by die ondersoek voorgelê is;

(b) 'n skriftelike uiteensetting van die raad van ondersoek se bevinding en die redes daarvoor;

(c) the comments the board of investigation wants to make in connection with the investigation; and

(d) the recommendation of the board of investigation in relation to the punishment which should be imposed under regulation 24.

Appeal by officer employed in teaching post at technical college

22. (1) An officer found guilty on a charge of misconduct under regulation 21, may appeal against that finding to the Minister.

(2) The procedure in regard to such an appeal shall be as prescribed in regulation 29.

Board of appeal

23. (1) The Minister shall, within 30 days after an appeal has been noted with him under regulation 22, appoint a board of appeal to hear the appeal.

(2) A board of appeal shall consist of—

(a) one member appointed by the Minister, who shall act as chairman;

(b) one member nominated by the Head of Education;

(c) one member nominated by the Teachers' Federal Council recognized by the Minister under Government Notice No. 2291 of 31 October 1986: Provided that, if the said Teachers' Federal Council fails to nominate a member within a reasonable time, the Minister shall appoint the member; and

(d) one member nominated by the committee of Technical College Principals referred to in section 36 of the Act:

Provided that a person who was a member of the board of investigation that found the appellant guilty shall not be nominated or appointed as a member of the board of appeal concerned.

(3) The council shall submit all the documents relating to the appeal to the board of appeal.

(4) The powers of the board of appeal, the procedure at the hearing of an appeal and the manner in which a record of the proceedings shall be kept, shall be as prescribed in regulation 30.

(5) The board of appeal may after consideration of the documents, by majority decision make a recommendation to the Minister, and the Minister may uphold or dismiss the appeal.

Action against officer employed in teaching post who has been found guilty of misconduct

24. The provisions of regulation 14 shall *mutatis mutandis* apply to an officer employed in a teaching post who has been found guilty of misconduct.

Submission of record of investigation to Teachers' Federal Council

25. The council shall, in each case where under these Regulations a punishment other than a warning or a reprimand was imposed on an officer employed in a teaching post, submit the record of the investigation, including all documents and evidence relating to the investigation, to the Teachers' Federal Council referred to in regulation 23 (2) (c).

(c) die opmerkings wat die raad van ondersoek in verband met die ondersoek wil maak; en

(d) die raad van ondersoek se aanbeveling met betrekking tot die straf wat kragtens regulasie 24 opgelê behoort te word, aan die raad voorlê.

Appel deur beampte in diens in onderwyspos by tegniese kollege

22. (1) 'n Beampte wat kragtens regulasie 21 aan wangedrag skuldig bevind is, kan teen daardie bevinding na die Minister appelleer.

(2) Die prosedure met betrekking tot so 'n appel is soos in regulasie 29 voorgeskryf.

Appelraad

23. (1) Die Minister stel binne 30 dae nadat 'n appel kragtens regulasie 22 by hom aangeteken is, 'n appelraad aan om die appel te verhoor.

(2) 'n Appelraad bestaan uit—

(a) een lid deur die Minister aangestel wat as voorsitter optree;

(b) een lid deur die Onderwyshoof benoem;

(c) een lid benoem deur die Federale Onderwysersraad deur die Minister kragtens Goewermentskennisgewing No. 2291 van 31 Oktober 1986, erken: Met dien verstande dat indien genoemde Federale Onderwysersraad in gebreke bly om binne 'n redelike tyd 'n lid te benoem, die Minister die lid aanstel; en

(d) een lid benoem deur die Komitee van Tegniese Kollegehoofde bedoel in artikel 36 van die Wet:

Met dien verstande dat iemand wat lid was van die raad van ondersoek wat die appellant skuldig bevind het, nie as lid van die betrokke appelraad aangestel of benoem word nie.

(3) Die raad moet al die stukke wat op die appel betrekking het aan die appelraad voorlê.

(4) Die bevoegdheid van die appelraad, die prosedure by die verhoor van 'n appel en die wyse waarop die notule van die verrigtinge gehou moet word, is soos in regulasie 30 voorgeskryf.

(5) Die appelraad kan na oorweging van die stukke by meerderheidsbesluit 'n aanbeveling doen aan die Minister, en die Minister kan die appel handhaaf of van die hand wys.

Optrede teen beampte in diens in onderwyspos wat aan wangedrag skuldig bevind is

24. Die bepalinge van regulasie 14 is *mutatis mutandis* van toepassing op 'n beampte in diens in 'n onderwyspos wat aan wangedrag skuldig bevind is.

Voorlegging van verslag van ondersoek aan Federale Onderwysersraad

25. Die raad moet in elke geval waar kragtens hierdie Regulasies 'n ander straf as 'n waarskuwing of 'n berisping 'n beampte in diens in 'n onderwyspos opgelê is, die notule van die ondersoek, tesame met die dokumente, stukke en getuienis wat op die ondersoek betrekking het, aan die Federale Onderwysersraad in regulasie 23 (2) (c) bedoel, voorlê.

Suspension of officer employed at technical college

26. (1) A council may at any time, before or after an officer is charged with misconduct, suspend him from service.

(2) Subject to subregulation (3), an officer suspended from service under subregulation (1), shall not be entitled to any remuneration for the period of his suspension, unless the council otherwise directs.

(3) An officer suspended from service under subregulation (1) shall immediately be permitted to resume duty and shall be remunerated in full for the period of his suspension if—

(a) he is not charged with misconduct within a period of 12 months after the date of his suspension;

(b) he is found not guilty on the charge concerned;

(c) he appeals against his conviction on the charge concerned, and the appeal is upheld; or

(d) a punishment referred to in regulation 14 (1) (a) or (b) is imposed upon him.

(4) The council may at any time withdraw the suspension of an officer, but the withdrawal shall not prohibit such officer from being charged with misconduct under these Regulations.

Manner of service of documents under these regulations

27. (1) A notice, subpoena or other document which is to be served upon or sent to person under the provisions of these Regulations, shall be sent by registered letter to such person, or be delivered to him or left at his last known residential address.

(2) An officer or body who has to be informed of any decision or finding, shall be so informed thereof by registered letter sent to him, or delivered to him or left at his last known residential address.

Procedure in regard to appeal by officer employed in post other than teaching post

28. (1) (a) If an officer employed in a post other than a teaching post wishes to appeal to the Minister under regulation 13 against his conviction on a charge of misconduct, he shall, within 30 days from the date upon which he was notified under regulation 12 (2) (a), give written notice of appeal to the investigating officer, together with a complete exposition of the grounds of his appeal.

(b) The investigating officer shall, immediately after receipt thereof, submit the notice and grounds of appeal to the council, who shall immediately after receipt thereof submit it, together with the documents referred to in regulation 12 (2) (b), to the Minister.

Skorsing van beamppte in diens by tegniese kollege

26. (1) 'n Raad kan te eniger tyd voordat of nadat 'n beamppte van wangedrag aangekla word, hom in sy diens skors.

(2) Behoudens subregulasie (3) is 'n beamppte wat kragtens subregulasie (1) in sy diens geskors is, nie op enige besoldiging vir die tydperk van sy skorsing geregtig nie, tensy die raad anders gelas.

(3) 'n Beamppte wat kragtens subregulasie (1) in sy diens geskors is, word onverwyld toegelaat om weer diens te aanvaar en word sy volle besoldiging vir die tydperk van sy skorsing betaal indien—

(a) hy nie binne 'n tydperk van 12 maande na die datum van sy skorsing van wangedrag aangekla word nie;

(b) hy onskuldig bevind word op die betrokke aanklag;

(c) hy teen sy skuldigbevinding op die betrokke aanklag appelleer en die appèl gehandhaaf word; of

(d) 'n straf bedoel in regulasie 14 (1) (a) of (b) hom opgelê word.

(4) Die raad kan te eniger tyd die skorsing van 'n beamppte intrek, maar die intrekking belet nie dat sodanige beamppte kragtens hierdie Regulasies van wangedrag aangekla word nie.

Wyse waarop dokumente kragtens hierdie regulasies bestel word

27. (1) 'n Kennisgewing, dagvaarding of ander dokument wat kragtens die bepalings van hierdie Regulasies aan iemand bestel of gestuur moet word, word per geregistreerde brief aan so iemand gestuur, of aan hom afgelewer of by sy jongste bekende woonadres gelaat.

(2) 'n Beamppte of liggaam wat van 'n beslissing of bevinding verwittig moet word, moet per geregistreerde brief wat aan hom gestuur word, of aan hom afgelewer word of by sy jongste bekende woonadres gelaat word, aldus verwittig word.

Prosedure met betrekking tot appèl deur beamppte in diens in ander pos as onderwyspos

28. (1) (a) Indien 'n beamppte in diens in 'n ander pos as 'n onderwyspos kragtens regulasie 13 teen sy skuldigbevinding op 'n aanklag aan wangedrag na die Minister wil appelleer, moet hy binne 30 dae na die datum waarop hy kragtens regulasie 12 (2) (a) in kennis gestel is, aan die ondersoekbeamppte skriftelik kennis van appèl gee tesame met 'n volledige uiteensetting van die gronde vir sy appèl.

(b) Die ondersoekbeamppte moet die kennisgewing en gronde van appèl onverwyld na ontvangs daarvan aan die raad voorlê wat dit onverwyld na ontvangs daarvan tesame met die dokumente in regulasie 12 (2) (b) bedoel, aan die Minister moet voorlê.

(c) The investigating officer shall, if the appellant applies for a copy of the record of the proceedings at the investigation, within 14 days from the date on which he is notified under regulation 12 (2) (a), furnish him with such a copy.

(d) The appellant 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 gave notice of appeal, address to the Minister written representations in support of his appeal.

(e) The Minister shall forward to the investigating officer a copy of the appellant's representations.

(f) The investigating officer may, within 14 days from the date upon which he received the copy of the representations, submit to the Minister the comments on the representations he wishes to offer in support of the finding against which the appeal is brought, and the Minister shall furnish the appellant with a copy of the comments.

(g) The appellant may, within 14 days from the date upon which he received a copy of the investigating officer's comments, forward to the Minister the reply, in writing, he wishes to make to such comments.

(h) The Minister shall furnish the investigating officer with a copy of such reply, and the investigating officer shall not comment thereon except with the permission of the Minister.

(i) After consideration of all the relevant documents the Minister may allow the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding wholly or in part.

(j) The Minister shall inform the appellant and the council in writing of his decision under paragraph (1).

(2) The council may, at the written request of the appellant or the investigating officer, extend a period prescribed in subregulation (1).

Procedure in regard to appeal by officer employed in teaching post at technical college

29. (1) (a) If an officer employed in a teaching post wishes to appeal to the Minister under regulation 22 against his conviction on a charge of misconduct, he shall, within 30 days from the date upon which he was notified under regulation 21 (1), give written notice of appeal to the council together with a complete exposition of the grounds of his appeal.

(b) The council shall immediately after receipt thereof submit to the chairman the notice and grounds of appeal, and furnish the appellant with a copy of the reasons for the conviction against which the appeal is noted.

(c) The council shall if the appellant applies for a copy of the record of the proceedings at the investigation within 14 days from the date upon which he received a copy of the reasons for his conviction, furnish him with such a copy.

(c) Die ondersoekbeampte moet, indien die appellant binne 14 dae na die datum waarop hy kragtens regulasie 12 (2) (a) verwittig is om 'n afskrif van die notule van die verrigtinge by die ondersoek aansoek doen, so 'n afskrif aan hom verstrek.

(d) Die appellant kan binne 14 dae na die datum waarop hy die afskrif van die notule van die verrigtinge ontvang het, of indien hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 21 dae na die datum waarop hy kennis van appèl gegee het, skriftelike vertoë ter stawing van sy appèl aan die Minister rig.

(e) Die Minister stuur 'n afskrif van die appellant se vertoë aan die ondersoekbeampte.

(f) Die ondersoekbeampte kan binne 14 dae na die datum waarop hy die afskrif van die vertoë ontvang het, die kommentaar op die vertoë wat hy ter stawing van die bevinding waarteen appèl aangeteken is wil lewer, tot die Minister rig, en die Minister moet 'n afskrif van die kommentaar aan die appellant verstrek.

(g) Die appellant kan binne 14 dae na die datum waarop hy 'n afskrif van die ondersoekbeampte se kommentaar ontvang het, die skriftelike repliek wat hy op die kommentaar wil lewer, aan die Minister stuur.

(h) Die Minister verstrek 'n afskrif van bedoelde repliek aan die ondersoekbeampte en die ondersoekbeampte lewer nie kommentaar daarop nie behalwe met verlof van die Minister.

(i) Na oorweging van al die tersaaklike dokumente kan die Minister die appèl in sy geheel of gedeeltelik handhaaf en die bevinding tersyde stel of wysig, of die appèl afwys en die bevinding in sy geheel of gedeeltelik bekrachtig.

(j) Die Minister verwittig die appellant en die raad skriftelik van sy beslissing kragtens paragraaf (i).

(2) Die raad kan op skriftelike aansoek van die appellant of die ondersoekbeampte 'n tydperk in subregulasie (1) voorgeskryf, verleng.

Prosedure met betrekking tot appèl deur beampte in diens in onderwyspos by tegniese kollege

29. (1) (a) Indien 'n beampte in diens in 'n onderwyspos kragtens regulasie 22 teen sy skuldigbevinding op 'n aanklag van wangedrag na die Minister wil appelleer moet hy binne 30 dae na die datum waarop hy kragtens regulasie 21 (1) in kennis gestel is, aan die raad skriftelik kennis van appèl gee tesame met 'n volledige uiteensetting van die gronde vir sy appèl.

(b) Die raad moet die kennisgewing en gronde van appèl onverwyld na ontvangs daarvan aan die voorsitter voorlê en aan die appellant 'n afskrif van die redes vir die skuldigbevinding waarteen appèl aangeteken is, verstrek.

(c) Die raad moet, indien die appellant binne 14 dae na die datum waarop hy 'n afskrif van die redes vir sy skuldigbevinding ontvang het, om 'n afskrif van die notule van die verrigtinge by die ondersoek aansoek doen, so 'n afskrif aan hom verstrek.

(d) The appellant 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 gave notice of appeal, address to the council written representations in support of his appeal.

(e) The council shall forward to the chairman of the board of investigation a copy of the appellant's representations.

(f) The chairman of the board of investigation may, within 14 days from the date upon which he received the copy of the appellant's representations, submit to the council the comments in support of the conviction against which the appeal is noted, and the council shall furnish the appellant with a copy of such comments.

(g) The appellant may, within 14 days from the date upon which he received a copy of the comments of the chairman of the board of investigation, forward to the council the reply, in writing, he wishes to make to such comments.

(h) The council shall furnish the chairman of the board of investigation with a copy of such reply, and the chairman shall not comment thereon, except with permission of the council.

(2) On receipt of the reply referred to in paragraph (g), or on expiry of the period within which the appellant may reply, the council shall submit to the Minister a copy of the notice and the grounds of appeal together with copies of the documents referred to in regulation 21 (2).

(3) The council shall, within 14 days from the date upon which a board of appeal has been appointed under regulation 23 (1), submit to the chairman of the board of appeal, the documents referred to in subregulation (2).

(4) The council may at the written request of the appellant or the chairman of the board of investigation, extend the period prescribed in subregulation (1) and (3).

Powers of the board of appeal and procedure at the hearing of an appeal

30. (1) The chairman of the board of appeal shall, within 30 days from the date upon which he received the documents referred to in regulation 29 (3), in consultation with the council, determine the date, time and venue of the appeal and the council shall give the appellant and the chairman of the board of investigation at least 14 days' notice in writing of the date, time and venue thus determined.

(2) At the hearing of the appeal the appellant and the chairman of the board of investigation shall be entitled to be present, to be assisted or represented by another person and to argue, either personally or through a representative, the appeal before the board of appeal.

(3) (a) The board of appeal may, if it deems it necessary, hear additional evidence and may for that purpose, subpoena any person to be present at the hearing of the appeal and to present to the board of appeal any book, document or thing that may have a bearing

(d) Die appellant kan binne 14 dae na die datum waarop hy die afskrif van die notule van die verrigtinge ontvang het, of indien hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 21 dae na die datum waarop hy kennis van appèl gegee het, skriftelike vertoë ter staving van sy appèl aan die raad rig.

(e) Die raad stuur 'n afskrif van die appellant se vertoë aan die voorsitter van die raad van ondersoek.

(f) Die voorsitter van die raad van ondersoek kan binne 14 dae na die datum waarop hy die afskrif van die appellant se vertoë ontvang het, die kommentaar ter staving van die skuldigbevinding waarteen appèl aangeteken is, tot die raad rig en die raad moet 'n afskrif van bedoelde kommentaar aan die appellant verstrek.

(g) Die appellant kan binne 14 dae na die datum waarop hy 'n afskrif van die voorsitter van die raad van ondersoek se kommentaar ontvang het, skriftelike repliek wat hy op die kommentaar wil lewer, aan die raad stuur.

(h) Die raad verstrek 'n afskrif van bedoelde repliek aan die voorsitter van die raad van ondersoek en die voorsitter lewer nie kommentaar daarop nie behalwe met verlof van die raad.

(2) By ontvangs van die repliek bedoel in paragraaf (g) of by verstryking van die tydperk waarbinne die appellant repliek kan lewer, moet die raad 'n afskrif van die kennisgewing en gronde van appèl tesame met afskrifte van die dokumente in regulasie 21 (2) bedoel, aan die Minister voorlê.

(3) Die raad moet binne 14 dae na die datum waarop 'n appèlraad kragtens regulasie 23 (1) aangestel is, die stukke in subregulasie (2) bedoel, aan die voorsitter van die appèlraad voorlê.

(4) Die raad kan op skriftelike aansoek van die appellant of die voorsitter van die raad van ondersoek 'n tydperk in subregulasie (1) en (3) voorgeskryf, verleng.

Bevoegdhede van appèlraad en prosedure by verhoor van appèl

30. (1) Die voorsitter van die appèlraad moet binne 30 dae na die datum waarop hy die stukke in regulasie 29 (3) bedoel, ontvang het, in oorleg met die raad die datum, tyd en plek van die appèl vasstel en die raad moet die appellant en die voorsitter van die raad van ondersoek minstens 14 dae skriftelike kennis gee van die datum, tyd en plek aldus vasgestel.

(2) By die verhoor van die appèl het die appellant en die voorsitter van die raad van ondersoek die reg om teenwoordig te wees, deur 'n ander persoon bygestaan of verteenwoordig te word en, hetsy persoonlik of deur 'n verteenwoordiger die appèl voor die appèlraad ter bereedeneer.

(3) (a) Die appèlraad kan, indien hy dit nodig ag, bykomende getuienis aanhoor en kan vir die doel enige persoon dagvaar om by die verhoor van die appèl teenwoordig te wees en om enige boek, stuk of

on the hearing concerned, and, after an oath has been administered to him or an affirmation has been taken from him, to give evidence in support or rebuttal of the allegations contained in the charge of misconduct concerned.

(b) The appellant and the chairman of the board of investigation may, either personally or through a representative, cross-examine a person giving evidence under paragraph (a).

(4) A subpoena to appear before a board of appeal, shall be in the form of Schedule B.

(5) The board of appeal shall keep a record of the proceedings at the hearing of the appeal and of all the arguments and evidence.

(6) After consideration of all the documents before the board of appeal, and after the hearing of arguments and evidence referred to in subregulations (2) and (3), the board of appeal may make a recommendation to the Minister under the provisions of regulation 23 (5).

Offences and penalties

31. Any person who has been subpoenaed under regulation 10, regulation 20 (3) read with regulation 10, or regulation 30 (3), and who—

(a) fails to—

(i) appear at the date, time and venue mentioned in the subpoena; or

(ii) remain present at the investigation until he is excused from further attendance; or

(iii) to answer to a question put to him; or

(iv) submit any book, document or thing in his possession or custody or under his control; or

(b) refuses to be sworn or to make an affirmation as a witness;

shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000, or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

SCHEDULE A

SUBPOENA UNDER REGULATION 10 TO APPEAR BEFORE AN INVESTIGATION OFFICER

To:

(Name and residential address of subpoenaed person)

You are hereby subpoenaed to appear personally on the day of 19....., at (time) at (venue), before.....

(name of investigating officer), appointed as investigating officer under regulation 9 (1) of the Regulations Relating to Discharge, Resignation, Misconduct and Inefficiency of Officers and Employees Employed at Technical Colleges, for the purpose of giving evidence regarding the following charge of misconduct.....

saak in sy besit, bewaring of onder sy beheer wat op die betrokke verhoor betrekking kan hê, aan die appèlraad voor te lê en om nadat aan hom 'n eed opgelê of van hom 'n bevestiging afgeneem is, getuienis ter staving of weerlegging van die bewerings in die betrokke aanklag van wangedrag vervat, af te lê.

(b) Die appellant en die voorsitter van die raad van ondersoek kan, hetsy persoonlik of deur 'n verteenwoordiger iemand wat kragtens paragraaf (a) getuienis aflê, onder kruisverhoor neem.

(4) 'n Dagvaarding om voor 'n appèlraad te verskyn moet in die vorm van Bylae B wees.

(5) Die appèlraad moet notule hou van die verrigtinge by die verhoor van die appèl en van al die argumente en getuienis.

(6) Na oorweging van al die stukke voor die appèlraad en na die aanhoor van argumente en getuienis bedoel in subregulasies (2) en (3), kan die appèlraad 'n aanbeveling doen aan die Minister kragtens die bepalinge van regulasie 23 (5).

Misdrywe en strawwe

31. Iemand wat kragtens regulasie 10, regulasie 20 (3) saamgelees met regulasie 10, of regulasie 30 (3) gedagvaar is en wat—

(a) versuim om—

(i) op die datum, tyd en plek in die dagvaarding vermeld, te verskyn; of

(ii) by die ondersoek teenwoordig te bly totdat hy van verdere bywoning verskoon word; of

(iii) te antwoord op 'n vraag wat aan hom gestel word; of

(iv) 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer voor te lê; of

(b) weier om beëdig te word, of 'n bevestiging te doen as 'n getuie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000, of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met sowel sodanige boete as sodanige gevangenisstraf.

BYLAE A

DAGVAARDING KRAGTENS REGULASIE 10 OM VOOR 'N ONDERSOEKBEAMPTTE TE VERSKYN

Aan:

(Naam en woonadres van gedagvaarde persoon)

Hierby word u gedagvaar om persoonlik op die

..... dag van 19....., om (tyd)

te (plek), te verskyn voor.....

..... (naam van ondersoekbeampte), aangestel as ondersoekbeampte kragtens regulasie 9 (1) van die Regulasies betreffende die ontslag, bedanking, wangedrag en onbekwaamheid van beamptes en werknemers in diens by tegniese kolleges, met die doel om getuienis af te lê aangaande die volgende aanklag van wangedrag.....

and to submit the following book, document or thing in your possession or care or under your control, and which has bearing on the charge:

(specify the book, document or thing concerned if applicable)

Given under my hand this day of
19.....

Investigating Officer

SCHEDULE B

SUBPOENA UNDER REGULATION 30 (4) TO APPEAR BEFORE A BOARD OF APPEAL

To:

(Name and residential address of subpoenaed person)

You are hereby subpoenaed to appear personally on the
day of 19.....
at (time) at (venue), before the
Board of Appeal, appointed under regulation 23 (1) of the
Regulations Relating to Discharge, Resignation, Misconduct
and Inefficiency of Officers and Employees Employed at
Technical Colleges, for the purpose of giving evidence
regarding the following charge of misconduct

and to submit the following book, document or thing in your possession or care or under your control, and which has a bearing on the charge:

(specify the book, document or thing concerned if applicable)

Given under my hand this day of
19.....

Chairman of the Board of Appeal

No. R. 904

26 April 1991

TECHNICAL COLLEGES ACT, 1981

REGULATIONS RELATING TO EXAMINATION MATTERS

The Minister of Education and Culture has under section 39 of the Technical Colleges Act, 1981 (Act No. 104 of 1981), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates—

“**candidate**” means a person who writes or intends to write an examination which is conducted in respect of a course offered at a college;

en om die volgende boek, stuk of saak in u besit of bewaring of onder u beheer en wat op die aanklag betrekking het, voor te lê:

(vermeld die betrokke boek, stuk of saak indien van toepassing)

Gegee onder my hand op hede die
dag van 19.....

Ondersoekbeampte

BYLAE B

DAGVAARDING KRAGTENS REGULASIE 30 (4) OM VOOR 'N APPELRAAD TE VERSKYN

Aan:

(Naam en woonadres van gedagvaarde persoon)

Hierby word u gedagvaar om persoonlik op die
dag van 19.....
om (tyd) te (plek),
te verskyn voor die Appèlraad, aangestel kragtens regulasie
23 (1) van die Regulasies betreffende die ontslag, bedan-
king, wangedrag en onbekwaamheid van beamptes en werk-
nemers in diens by tegniese kolleges, met die doel om
getuienis af te lê aangaande die volgende aanklag van wan-
gedrag:

en om die volgende boek, stuk of saak in u besit of bewaring of onder u beheer en wat op die aanklag betrekking het, voor te lê:

(vermeld die betrokke boek, stuk of saak indien van toepassing)

Gegee onder my hand op hede die
dag van 19.....

Voorsitter van die Appèlraad

No. R. 904

26 April 1991

WET OP TEGNIESE KOLLEGES, 1981

REGULASIES BETREFFENDE EKSAMENAANGE- LEENTHEDE

Die Minister van Onderwys en Kultuur het kragtens artikel 39 van die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg word, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“**die Wet**” die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981);

"college" means a technical college as defined in section 1 of the Act;

"examination fees" means the fees referred to in regulation 6;

"examination centre" means a centre referred to in regulation 2;

"invigilator" means a person who has been appointed by the local secretary to supervise and exercise control in the room where an examination is conducted, or a local secretary in the event that he exercises such function himself;

"local secretary" means a person who has been appointed by the Head of Education to administer matters concerning the conduct of examinations at an examination centre: Provided that a principal of a college shall be deemed to have been appointed as the local secretary; and

"the Act" means the Technical Colleges Act, 1981 (Act No. 104 of 1981).

Examination centres and local secretaries

2. (1) A college and the centre designated from time to time by the Head of Education, shall be an examination centre.

(2) A local secretary shall, in addition to any specific duties assigned to him in these Regulations, be responsible for the control and orderly administration of an examination conducted at the examination centre, including the receipt, safe keeping and handling of the examination papers and examination material.

(3) The local secretary of an examination centre, which is not a college, shall be remunerated for his services as determined by the Minister with the concurrence of the Minister of the Budget.

Duties of invigilators and rules at the conduct of examinations

3. (1) The Head of Education shall provide examination papers in separately sealed envelopes for each subject in which an examination is conducted at an examination centre, to the local secretary of that examination centre.

(2) The local secretary or his assignee shall hand over the envelope with the examination papers in respect of the subject in which the examination is to be conducted on the date indicated in the examination time-table referred to in regulation 4, as the date on which the examination in that subject is to be conducted, to the invigilator.

(3) (a) Subject to paragraphs (b) and (c), the invigilator shall—

(i) open the envelope referred to in subregulation (2) in the presence of the candidates for the examination concerned;

(ii) hand over the examination papers contained in the envelope to the candidates; and

(iii) ensure that the candidates write the examination.

"eksamengelde" die gelde in regulasie 6 bedoel;

"eksamensentrum" 'n sentrum in regulasie 2 bedoel;

"kandidaat" iemand wat 'n eksamen wat afgeneem word ten opsigte van 'n kursus wat by 'n kollege aangebied word, aflê of van voorneme is om dit af te lê;

"kollege" 'n tegniese kollege soos omskryf in artikel 1 van die Wet;

"opsiener" iemand wat deur die plaaslike sekretaris aangestel is om toesig te hou en beheer uit te oefen in 'n lokaal waar 'n eksamen afgeneem word, of 'n plaaslike sekretaris in die geval waar hy sodanige funksie self verrig; en

"plaaslike sekretaris" iemand wat deur die Onderwyshoof aangestel is om aangeleenthede betreffende die afneem van eksamens by 'n eksamensentrum te administreer: Met dien verstande dat die prinsipaal van 'n kollege geag word as plaaslike sekretaris aangestel te wees.

Eksamensentrums en plaaslike sekretarisse

2. (1) 'n Kollege en die sentrum van tyd tot tyd deur die Onderwyshoof aangewys, is 'n eksamensentrum.

(2) 'n Plaaslike sekretaris is benewens enige spesifieke pligte wat in hierdie Regulasies aan hom opgedra word, verantwoordelik vir die beheer oor en die ordelike administrasie van 'n eksamen wat by die eksamensentrum afgeneem word, met inbegrip van die ontvangs en veilige bewaring en hantering van eksamenvraestelle en eksamenmateriaal.

(3) Die plaaslike sekretaris van 'n eksamensentrum, wat nie 'n kollege is nie, ontvang vergoeding vir sy dienste soos bepaal deur die Minister met die instemming van die Minister van Begroting.

Pligte van opsieners en reëls by die afneem van eksamens

3. (1) Die Onderwyshoof moet vir elke vak waarin eksamen by 'n eksamensentrum afgeneem word, eksamenvraestelle in afsonderlike verseëelde koeverte aan die plaaslike sekretaris van daardie eksamensentrum voorsien.

(2) Die plaaslike sekretaris of sy gemagtigde oorhandig die koevert met eksamenvraestelle ten opsigte van 'n vak waarin eksamen afgeneem word aan die opsiener op die datum wat in die eksamenrooster bedoel in regulasie 4, aangedui word as die datum waarop eksamen in daardie vak afgeneem word.

(3) (a) Behoudens paragrawe (b) en (c) moet die opsiener—

(i) die koevert in subregulasie (2) bedoel in die teenwoordigheid van die kandidate vir die betrokke eksamen oopmaak;

(ii) die eksamenvraestelle in die koevert aan die kandidate oorhandig; en

(iii) toesien dat die kandidate die eksamen aflê.

(b) If the invigilator suspects that the envelope referred to in subregulation (2) has already been opened or tampered with, he shall—

(i) notify the local secretary immediately accordingly;

(ii) open the envelope in the presence of the candidates for the examination concerned at another place as the place where it presumably was opened or tampered with, without revealing his suspicion to them;

(iii) hand the examination papers contained in the envelope to the candidates;

(iv) ensure that the candidates write the examination; and

(v) hand the envelope to the local secretary.

(c) The local secretary shall after the conclusion of the examination, send the envelope which was handed to him in terms of paragraph (b) (v) together with his report thereon to the Department.

(4) Before any candidate is permitted to enter an examination room, the invigilator shall ensure that any diagram, map, drawing, note or any other material relating to the subject in which the examination is conducted is removed from the walls and doors and from the examination room, and ensure that any text-book or unused paper is neither on or in a desk in the examination room nor in the changing rooms used by the candidates.

(5) (a) The invigilator shall ensure that the candidates take their seats in the examination room at such distance from each other, so that one candidate can in no manner communicate with another candidate and that every candidate can be seen by the invigilator.

(b) When an examination is conducted in different subjects at the same time in the same examination room, the invigilator shall ensure that a candidate who writes an examination in one subject is not seated in front of, behind or nearby a candidate who writes an examination in the same subject.

(6) The date and time determined in the examination time-table, for an examination, shall be strictly adhered to by candidates and departures from the examination time-table shall not be permitted without the permission of the Head of Education.

(7) (a) A candidate shall be seated in the examination room 15 minutes before the commencement of the examination, and shall thereafter comply with the requirements of paragraph (d).

(b) An invigilator shall be present in the examination room from the time that it is open for the candidates until the examination has been completed in all respects.

(c) A candidate shall be permitted to enter the examination room after the commencement of an examination only in circumstances that are exceptional in the opinion of the invigilator and only with the permission of the invigilator: Provided that no candidate shall be permitted to enter the examination room after an hour has elapsed since the time fixed for the commencement of the examination.

(b) Indien die opsiener vermoed dat die koevert in subregulasie (2) bedoel, reeds oopgemaak of mee gepeuter is, moet hy—

(i) die plaaslike sekretaris onverwyld dienooreenkomstig in kennis stel;

(ii) sonder om sy vermoede aan die kandidate vir die betrokke eksamen te laat blyk, die koevert in hul teenwoordigheid oopmaak op 'n ander plek as die plek waar dit vermoedelik oopgemaak of mee gepeuter is;

(iii) die eksamenvraestelle in die koevert aan die kandidate oorhandig;

(iv) toesien dat die kandidate die eksamen aflê; en

(v) die koevert aan die plaaslike sekretaris oorhandig.

(c) Die plaaslike sekretaris moet na afloop van die eksamen die koevert wat ingevolge paragraaf (b) (v) aan hom oorhandig is tesame met sy verslag daaroor aan die Departement stuur.

(4) Voordat 'n kandidaat tot 'n eksamenlokaal toegelaat word, sorg die opsiener dat enige figuur, landkaart, tekening, aantekening of ander materiaal wat op die vak waarin eksamen afgeneem word, betrekking het, van die mure en deure van en uit die eksamenlokaal verwyder is, en verseker hy dat enige teksboek of ongebruikte papier nie op of in 'n skryftafel in die eksamenlokaal of in die kleedkamers wat kandidate gebruik, is nie.

(5) (a) Die opsiener sien toe dat kandidate op só 'n afstand van mekaar hulle sitplekke in die eksamenlokaal inneem dat een kandidaat op geen wyse met 'n ander kandidaat kan kommunikeer nie en dat elke kandidaat deur die opsiener gesien kan word.

(b) Wanneer eksamen in verskillende vakke op dieselfde tyd in 'n eksamenlokaal afgeneem word, moet die opsiener toesien dat 'n kandidaat wat eksamen in een vak aflê nie sitplek inneem voor, agter of naby 'n kandidaat wat eksamen in dieselfde vak aflê nie.

(6) Die datum en tyd wat vir 'n eksamen in die eksamenrooster bepaal is, moet stiptelik deur kandidate nagekom word, en afwykings van die eksamenrooster geskied nie sonder die toestemming van die Onderwyshoof nie.

(7) (a) 'n Kandidaat moet 15 minute voor die aanvang van 'n eksamen sy sitplek in die eksamenlokaal inneem, en moet daarna aan die vereistes van paragraaf (d) voldoen.

(b) 'n Opsiener moet in die eksamenlokaal teenwoordig wees vanaf die tyd waarop dit vir kandidate oopgestel word totdat die eksamen in alle opsigte afgehandel is.

(c) 'n Kandidaat word slegs in omstandighede wat na die oordeel van die opsiener buitengewoon is, en met die toestemming van die opsiener, na die aanvang van 'n eksamen tot die eksamenlokaal toegelaat: Met dien verstande dat geen kandidaat tot die eksamenlokaal toegelaat word nadat 'n uur van die vasgestelde aanvangstyd van die eksamen verstryk het nie.

(d) Subject to the provisions of paragraph (h), a candidate shall not leave the examination room until an hour has elapsed since the time fixed for commencement of the examination, nor during the last fifteen minutes of the time fixed for the duration of the examination.

(e) A candidate shall present the admission pass supplied by the Department to him for a particular examination, as well as his official identity document, driver's licence, passport or the other proof of his identity regarded as sufficient by the invigilator, to the invigilator on his admission to the examination room concerned.

(f) During the conduct of an examination only candidates who entered for the examination, the invigilator and the local secretary or a person authorised by the local secretary or the Head of Education, shall be present in the examination room concerned.

(g) A person who is not concerned at the examination in an official capacity shall leave the examination room before the sealed envelopes containing the examination papers are opened, and shall not enter the examination room during the conduct of the examination.

(h) In case where in the opinion of the invigilator an emergency arises, a candidate may temporarily leave the examination room with the permission of such invigilator.

(i) No smoking shall be permitted in a room where an examination is being conducted.

(8) (a) After the blank examination answer books have been distributed to the candidates, and before the writing of the examination commences, the invigilator shall read the following words, both in Afrikaans and English, to the candidates:

"Examination shall be conducted in the following subjects:." (The invigilator shall then announce the actual subjects, grades and standards, e.g. . . . English First Language, HG, 1st Paper; National Senior Certificate, Geography SG, 2nd Paper; National Senior Certificate.) "Candidates who have not entered for these subjects and candidates on whose admission pass the subjects I have announced do not appear, shall now leave the examination room. Candidates shall read the instructions on the cover of the examination answer book, and on the examination paper, if applicable, carefully and comply therewith."

(b) No explanation of the examination questions may be asked or given.

(c) As soon as a candidate has handed in his examination answer book, he shall leave the examination room: Provided that a candidate shall not be allowed to leave the examination room before one hour has elapsed since the time fixed for commencement of that examination.

(d) Candidates shall not in an examination room aid or attempt to aid another candidate, obtain or attempt to obtain aid from anyone, communicate or attempt to communicate with anyone.

(e) A candidate shall not cause a disturbance or conduct himself in an improper or unseemly manner in the examination room.

(d) Behoudens die bepalings van paragraaf (h), verlaat 'n kandidaat nie die eksamenlokaal voordat 'n uur van die vasgestelde aanvangstyd van die eksamen verstryk het nie, of gedurende die laaste 15 minute van die vasgestelde tyd vir die duur van die eksamen nie.

(e) 'n Kandidaat moet die toelatingsbewys wat vir 'n bepaalde eksamen deur die Departement aan hom uitgereik is, sowel as sy amptelike identiteitsdokument, rybewys, paspoort of 'n ander bewys van sy identiteit wat die opsiener voldoende ag, by sy toelating tot die eksamenlokaal aan die opsiener toon.

(f) Gedurende die afneem van 'n eksamen mag slegs kandidate wat vir die eksamen ingeskrif het, die opsiener en die plaaslike sekretaris of iemand wat deur die plaaslike sekretaris of die Onderwyshef gemagtig is, in die betrokke eksamenlokaal aanwesig wees.

(g) Iemand wat nie in 'n amptelike hoedanigheid by die eksamen betrokke is nie, moet die eksamenlokaal verlaat voordat die verseelde koeverte met eksamen-vraestelle daarin oopgemaak word en mag nie gedurende die afneem van die eksamen die eksamenlokaal binne kom nie.

(h) 'n Kandidaat mag, indien 'n noodgeval na die oordeel van die opsiener ontstaan, met die goedkeuring van sodanige opsiener, die eksamenlokaal tydelik verlaat.

(i) Daar mag nie in 'n lokaal tydens die afneem van 'n eksamen gerook word nie.

(8) (a) Nadat die blanko eksamenantwoordboeke aan kandidate uitgedeel is, en voordat daar met die aflê van die eksamen begin word, lees die opsiener die volgende woorde in Afrikaans sowel as Engels aan die kandidate voor:

"Eksamen word in die volgende vakke afgeneem:." (Die opsiener moet hier die werklike vakke, grade en standers aankondig, bv. . . . Engels Eerste Taal HG, 1e Vraestel; Nasionale Senior Sertifikaat, Aardrykskunde SG, 2de Vraestel; Nasionale Senior Sertifikaat.) "Kandidate wat nie vir hierdie vakke ingeskrif is nie en kandidate op wie se toelatingsbewys die vakke wat ek aangekondig het nie voorkom nie, moet nou die eksamenlokaal verlaat. Kandidate moet die voorskrifte op die omslag van die eksamenantwoordboek en op die eksamenvraestel, indien van toepassing, sorgvuldig lees en nakom."

(b) Geen verduideliking van eksamenvrae mag gevra of gegee word nie.

(c) Wanneer 'n kandidaat sy eksamenantwoordboek ingelewer het, verlaat hy die eksamenlokaal: Met dien verstande dat 'n kandidaat nie toegelaat sal word om die eksamenlokaal te verlaat alvorens een uur, vanaf die vasgestelde aanvangstyd van daardie eksamen, verstryk het nie.

(d) 'n Kandidaat mag nie in 'n eksamenlokaal 'n ander kandidaat help of poog om hom te help nie, hulp van iemand verkry of poog om hulp te verkry nie, met iemand in verbinding tree of poog om met iemand in verbinding te tree nie.

(e) 'n Kandidaat veroorsaak nie 'n steurnis nie of gedra hom nie op 'n onbehoorlike of onbetaamlike wyse in die eksamenlokaal nie.

(f) A candidate shall comply with an instruction or directive of the invigilator.

(g) Unless the local secretary determines otherwise in respect of an examination, no candidate shall have a book, memorandum, note, map, photograph or other document or paper including unused paper pertaining to the examination subject, with the exception of that which is supplied and his admission pass, in his possession while he is in the examination room: Provided that pocket calculators and other aids pertaining to the examination paper may be used in examinations except in cases where a prohibition on the use thereof appears on the examination papers.

(h) All aids and examination answer books that were distributed to a candidate, shall be handed in before he leaves the examination room.

(9) The following special provisions shall be complied with in connection with Shorthand and Snelskrif examinations:

(a) Only a reader who has been appointed by the local secretary may be used to read an examination paper in Shorthand and Snelskrif, comprising of an exercise part and a part that must be taken down by candidates, to candidates.

(b) After the provisions of subregulation (8) (a) have been complied with, the reader shall read the instructions which appear on the cover of the examination paper, to candidates.

(c) The invigilator shall hand the examination paper referred to in paragraph (a) to the reader in the presence of the candidates, at least 15 minutes before the commencement of the examination, in order to enable him to acquaint himself with the contents thereof.

(d) Only candidates who have entered for the examination paper concerned, shall be present in the examination room and notwithstanding anything to the contrary contained in these Regulations, no candidate shall be permitted to enter the examination room after the reading of the exercise part in the paper, has commenced.

(e) When the reader is acquainted with the contents of the paper, he shall read the exercise part to the candidates, and after a pause, which is indicated on the examination paper, has elapsed, the reader shall read the part of the examination paper which has to be taken down to the candidates.

(f) The invigilator shall check on a copy of the examination paper whether the reader reads the examination paper correctly and according to the time indicated on the examination paper.

(g) The reader as well as the invigilator shall check the time referred to in paragraph (f) with a stop watch.

(h) If the reader reads such examination paper incorrectly, the invigilator shall, after the reader has finished reading the examination paper, point out the mistakes to the reader and the reader shall indicate the corrections, orally to the candidates.

(i) Only the information, which is, in the opinion of the invigilator in consultation with the reader, sufficient to enable a candidate to find the place in his answer where the correction of a reading mistake shall be effected, shall be given to the candidates by the reader.

(f) 'n Kandidaat moet 'n voorskrif of opdrag van die opsiener nakom.

(g) Tensy die plaaslike sekretaris andersins ten opsigte van 'n eksamen bepaal, mag 'n kandidaat geen boek, memorandum, aantekening, kaart, foto of ander dokument of papier, met inbegrip van ongebruikte papier wat op die eksamenvak betrekking het, behalwe die wat verskaf is en sy toelatingsbewys, in sy besit hê terwyl hy in die eksamenlokaal is nie: Met dien verstande dat sakrekenaars en ander hulpmiddels wat op die eksamenvraestel betrekking het by eksamens gebruik mag word, behalwe in gevalle waar 'n verbod op die gebruik daarvan op eksamenvraestelle verskyn.

(h) Alle hulpmiddels en eksamenantwoordboeke wat aan 'n kandidaat uitgereik is, moet deur hom ingelewer word voordat hy die eksamenlokaal verlaat.

(9) Die volgende spesiale bepalings word in verband met Shorthand- en Snelskrifeksamens nagekom:

(a) Slegs 'n leser wat deur die plaaslike sekretaris aangestel is om 'n Shorthand- en Snelskrifeksamenvraestel wat bestaan uit 'n oefengedeelte en 'n gedeelte wat deur kandidate afgeneem moet word, aan kandidate voor te lees, mag gebruik word.

(b) Nadat aan die bepalings van subregulasie (8) (a) voldoen is, lees die leser die voorskrifte wat op die voorblad van die eksamenvraestel voorkom aan kandidate voor.

(c) Die opsiener oorhandig die eksamenvraestel, in paragraaf (a) bedoel, minstens 15 minute voor die aanvang van die eksamen in die teenwoordigheid van die kandidate aan die leser ten einde hom in staat te stel om met die inhoud daarvan vertrou te raak.

(d) Slegs kandidate wat vir die betrokke eksamenvraestel ingeskryf het, mag in die eksamenlokaal teenwoordig wees en nieteenstaande andersluidende bepalings van hierdie Regulasies, word geen kandidaat na aanvang van die lees van die oefenstuk in die vraestel, toegelaat om die eksamenlokaal binne te gaan nie.

(e) Wanneer die leser vertrou is met die inhoud van die vraestel, lees hy die oefenstuk aan die kandidate voor, en nadat 'n pouse wat op die eksamenvraestel aangedui is, verloop het, lees die leser die gedeelte van die eksamenvraestel wat afgeneem moet word, aan die kandidate voor.

(f) Die opsiener kontroleer op 'n afskrif van die eksamenvraestel of die leser die eksamenvraestel korrek en volgens die tyd wat op die eksamenvraestel aangedui word, lees.

(g) Die leser sowel as die opsiener moet die tyd in paragraaf (f) bedoel met 'n stophorlosie kontroleer.

(h) Indien die leser sodanige eksamenvraestel foutief lees, moet die opsiener, nadat die leser die eksamenvraestel klaar gelees het, die foute aan die leser uitwys en die leser moet die verbeterings mondeling aan die kandidate aandui.

(i) Slegs die inligting wat na die oordeel van die opsiener in oorleg met die leser, voldoende is ten einde 'n kandidaat in staat te stel om die plek in sy antwoord te vind waar die verbetering van 'n leesfout aangebring moet word, word deur die leser aan die kandidate gegee.

(j) If the reader does not read in accordance with the time referred to in paragraph (f), the invigilator shall after the reader has finished reading, bring it to the reader's attention and submit a report indicating the actual time which the reader read to the local secretary.

(k) When a reader stops reading the examination paper as a result of a disturbance, he shall continue reading again after the disturbance has ended: Provided that the invigilator and the reader shall in consultation with each other decide where in the examination paper the disturbance occurred, so that the reader can commence reading from that place again.

(l) After the reader has read the examination paper, he shall leave the examination room, and a candidate shall be given a period indicated on the examination paper to check his answer undisturbed.

(m) After the provisions of paragraph (1) have been complied with, each candidate shall transcribe his answer in Shorthand and Snelskrif in long hand in an answer book: Provided that a candidate may elect not to transcribe his answer in long hand, in which event he may leave the examination room after he has handed his answer in Shorthand and Snelskrif as well as his answer book to the invigilator.

(n) All copies of the examination paper and each candidate's answer in Shorthand and Snelskrif and his answer book shall remain in the examination room under the supervision of the invigilator.

(o) Subject to the provisions of paragraph (h) of subregulation (7), a candidate shall not leave the room where the transcription referred to in paragraph (m) is being done until the time allocated for such transcription, as indicated in the examination paper, has elapsed.

(p) After the time allocated for the transcription referred to in paragraph (o) has expired, a candidate shall hand his answer in Shorthand and Snelskrif as well as his answer book in which the transcription in long hand is contained, to the invigilator.

(q) A candidate's answer and answer book referred to in paragraph (p) shall, at the end of the examination be arranged in sequence of candidates' examination numbers.

(r) A candidate shall enter for a Shorthand and Snelskrif examination in accordance with the instructions issued by the Head of Education from time to time.

(10) (a) During an examination the invigilator shall ensure that each candidate complies with the examination instructions.

(b) The invigilator shall move about continually in the examination room without disturbing the candidates, during the conduct of an examination.

(c) The invigilator shall not by his conduct create the opportunity for a candidate to contravene any examination instruction.

(d) Notwithstanding anything to the contrary contained in these Regulations the invigilator and reader shall not move about in the examination room during the conducting of Typing, Snelskrif and Shorthand examinations.

(j) Indien die leser nie volgens die tyd in paragraaf (f) bedoel, lees nie, moet die opsiener, nadat die leser klaar gelees het, die leser se aandag daarop vestig en 'n verslag wat die werklike tyd wat die leser gelees het aandui, aan die plaaslike sekretaris voorlê.

(k) Wanneer 'n leser as gevolg van 'n steuring ophou om die eksamen vraestel te lees, gaan hy weer voort om te lees nadat die steuring opgehou het: Met dien verstande dat die opsiener en leser met mekaar oorleg moet pleeg ten einde te bepaal waar in die eksamen vraestel die steuring plaasgevind het, sodat die leser weer van daardie plek af kan begin lees.

(l) Nadat die leser die eksamen vraestel gelees het, verlaat hy die eksamen lokaal en word 'n kandidaat vir 'n tyd wat op die eksamen vraestel aangedui is toegelaat om ongesteurd sy antwoord na te gaan.

(m) Nadat aan die bepalings van paragraaf (1) voldoen is, moet elke kandidaat sy antwoord wat hy in Shorthand en Snelskrif afgeneem het, in langhand in 'n antwoordboek terugskryf: Met dien verstande dat 'n kandidaat kan verkies om nie sy antwoord in langhand terug te skryf nie, in welke geval hy die eksamen lokaal mag verlaat nadat hy sy antwoord in Shorthand en Snelskrif, sowel as sy antwoordboek, aan die opsiener oorhandig het.

(n) Alle eksemplare van die eksamen vraestel en elke kandidaat se antwoord in Shorthand en Snelskrif en sy antwoordboek moet in die eksamen lokaal onder toesig van die opsiener bly.

(o) Behoudens die bepalings van paragraaf (h) van subregulasie (7) mag 'n kandidaat nie die lokaal waar terugskrywing in paragraaf (m) bedoel, gedoen word, verlaat voordat die tyd wat vir sodanige terugskrywing toegelaat word en soos in die eksamen vraestel aangedui is, verstreke is nie.

(p) Na verstryking van die tyd vir terugskrywing in paragraaf (o) bedoel, oorhandig 'n kandidaat sy antwoord in Shorthand en Snelskrif sowel as sy antwoordboek waarin die langhand terugskrywing vervat is, aan die opsiener.

(q) 'n Kandidaat se antwoord en antwoordboek, in paragraaf (p) bedoel, moet na afloop van die eksamen in kandidaat se eksamen nommervolgorde gerangskik word.

(r) 'n Kandidaat skryf in vir 'n Shorthand- en Snelskrif eksamen ooreenkomstig die voorskrifte wat van tyd tot tyd deur die Onderwyshoof uitgereik word.

(10) (a) Gedurende 'n eksamen moet die opsiener toesien dat elke kandidaat die eksamen voorskrifte nakom.

(b) Die opsiener moet gedurende die afneem van 'n eksamen voortdurend in die eksamen lokaal rondbeweeg sonder om kandidaat te steur.

(c) Die opsiener mag nie deur sy optrede vir 'n kandidaat die geleentheid skep om enige eksamen voorskrif te oortree nie.

(d) By die afneem van Tik-, Snelskrif- en Shorthand eksamens mag die opsiener en leser ondanks andersluidende bepalings van hierdie Regulasies, nie in die eksamen lokaal rondbeweeg nie.

(e) An invigilator shall not leave the examination room during an examination unless he is relieved by another invigilator.

(11) (a) An additional examination answer book and other stationery supplied by the Department shall on request by a candidate be issued to him by the invigilator, after the invigilator has ascertained that such additional material is necessary and in the case of the issue of an additional examination answer book the invigilator shall make a note on the invigilator's report against the examination number of a candidate to whom more than one answer book has been issued in order to ensure that that candidate hands in all the examination answer books issued to him at the end of the examination.

(b) Subject to the provisions of these Regulations, a candidate shall only use a pen that writes with black or blue ink for writing in the examination answer book in an examination.

(12) An invigilator shall not—

(a) effect an amendment to an examination paper without the prior consent of the Head of Education;

(b) give a copy of an examination paper to someone else than a candidate for the examination concerned before the examination concerned has been concluded.

(13) (a) As soon as an invigilator has ascertained that a candidate has contravened any of the instructions referred to in regulation 3 he shall—

(i) confiscate the candidate's examination answer book and any other unauthorised material which the candidate has in his possession;

(ii) take away the examination answer book from the candidate which he used up to that point and the invigilator shall endorse the outside of the cover with the words "answer book confiscated at ... (time)";

(iii) supply the candidate with another examination answer book and endorse the outside of the cover thereof with the words "new answer book issued at ... (time)";

(iv) inform the candidate—

(aa) that the fact that he may continue with the examination is not a condonation of the candidate's contravention;

(bb) that he will report the incident to the Department; and

(cc) to make a written declaration on the matter at the conclusion of the examination to him: Provided that if the candidate refuses to make such declaration, the invigilator shall make a note to that effect on the form "Special Report concerning Examination Papers".

(b) The invigilator may confiscate the examination answer book of, and expel from the examination room, a candidate who, after a warning by the invigilator to him, continues causing a disturbance or persists in contravening any other provision of regulation 3.

(e) 'n Opsier verlaat nie die eksamenlokaal gedurende 'n eksamen nie, tensy hy deur 'n ander opsier afgelos word.

(11) (a) 'n Addisionele eksamenantwoordboek en ander skryfbehoeftes wat die Departement voorsien, word op versoek van 'n kandidaat deur die opsier aan hom uitgereik nadat die opsier homself daarvan vergewis het dat sodanige addisionele materiaal nodig is, en in die geval van die uitreiking van 'n addisionele eksamenantwoordboek maak die opsier 'n aantekening op die opsiersverslag teenoor die eksamenommer van 'n kandidaat aan wie meer as een antwoordboek uitgereik is, ten einde te verseker dat daardie kandidaat by die afloop van die eksamen al die eksamenantwoordboeke wat aan hom uitgereik is, indien.

(b) Behoudens die bepalings van hierdie Regulasies mag 'n kandidaat in 'n eksamen in die eksamenantwoordboeke slegs 'n pen wat met swart of blou ink skryf, gebruik.

(12) 'n Opsier mag nie—

(a) sonder die voorafgaande goedkeuring van die Onderwyshef 'n wysiging in 'n eksamenvraestel aanbring nie;

(b) 'n eksemplaar van 'n eksamenvraestel aan iemand anders as 'n kandidaat vir die betrokke eksamen, gee alvorens die betrokke eksamen afge-loop het nie.

(13) (a) Sodra 'n opsier hom daarvan vergewis het dat 'n kandidaat enige van die voorskrifte in regulasie 3 bedoel oortree het—

(i) lê hy beslag op die kandidaat se eksamenantwoordboek en op enige ander ongemagtigde materiaal wat die kandidaat in sy besit het;

(ii) ontnem hy die kandidaat van die eksamenantwoordboek wat hy tot op daardie stadium gebruik het, en endosseer die opsier die buitekant van die omslag daarvan met die woorde "beslag gelê op antwoordboek om ... (tyd)";

(iii) voorsien hy die kandidaat van 'n ander eksamenantwoordboek en endosseer hy die buitekant van die omslag daarvan met die woorde "Nuwe boek uitgereik om ... (tyd)";

(iv) deel hy die kandidaat mee—

(aa) dat die feit dat hy met die eksamen mag voortgaan, nie 'n kondonering van die kandidaat se oortreding is nie;

(bb) dat hy die voorval aan die Departement sal rapporteer; en

(cc) dat die kandidaat na afloop van die eksamen 'n geskrewe verklaring aan hom oor die aangeleentheid moet aflê: Met dien verstande dat indien die kandidaat weier om so 'n verklaring af te lê, die opsier 'n aantekening tot die effek op die vorm "Spesiale Verslag insake Eksamenvraestelle" moet maak.

(b) Die opsier kan 'n kandidaat wat, na 'n waarskuwing deur die opsier aan hom gerig, voortgaan om 'n steurnis in die eksamenlokaal te veroorsaak of volhard in die oortreding van enige ander bepaling van regulasie 3, van sy eksamenantwoordboek ontnem en hom die eksamenlokaal belet.

(c) The invigilator shall hand the examination answer books and declaration referred to in paragraphs (a) and (b), together with his comprehensive report on the matter concerned on the form "Special Report concerning Examination Papers" to the local secretary.

(d) The local secretary concerned shall send the documents referred to in paragraphs (c), together with his comments, if any, to the Head of Education.

(14) (a) An invigilator may with the consent of the local secretary in circumstances which, in the invigilator's opinion, is an emergency or in circumstances for which no provision has been made in this regulation, depart from the provisions of regulation 3: Provided that if the local secretary is not available the invigilator may act as he deems fit.

(b) If an invigilator has acted in accordance with the provisions of paragraph (a), he shall submit a report on the emergency to the local secretary, and the local secretary shall send a copy of such report to the Head of Education.

(15) (a) The invigilator shall ensure that a candidate's examination number, which appears on his admission pass, appears at the top of each examination answer book and at the top of each loose sheet of paper used by that candidate during the examination.

(b) The completed examination answer books shall in the case of Typing be replaced in the envelope or cover.

(c) When a candidate has used more than one examination answer book, the second and subsequent book shall be placed inside the first book by the invigilator.

(d) After an examination has been concluded, the invigilator shall collect all examination answer books, arrange them per subject and per grade in numerical order according to the examination numbers of the candidates and compare them with the examination numbers appearing on the "Invigilator's Certificate and Consignment Note", enter the examination numbers of absent candidates thereon and, after all the required information has been entered thereon, the invigilator shall sign the "Invigilator's Certificate and Consignment Note".

(e) The invigilator shall hand the examination answer books, together with the "Invigilator's Certificate and Consignment Note", to the local secretary, who shall send it to the examiner in the subject concerned without delay.

(f) No person except the examiner concerned and where applicable the moderator and Head of Education shall have access to the examination answer books or have them in his possession.

(g) The invigilator shall collect all the aids that were handed to candidates and return them, together with all unused examination material, to the local secretary.

(c) Die opsiener moet die eksamenantwoordboeke en verklaring in paragrawe (a) en (b) bedoel, tesame met sy volledige verslag oor die betrokke voorval wat op die vorm "Spesiale Verslag insake Eksamenvraestelle" ingevul moet word, by die plaaslike sekretaris indien.

(d) Die betrokke plaaslike sekretaris stuur die stukke in paragraaf (c) bedoel, tesame met sy kommentaar, indien enige, aan die Onderwyshoof.

(14) (a) 'n Opsiener kan met die goedkeuring van die plaaslike sekretaris, in omstandighede wat na die opsiener se oordeel 'n noodgeval is, of in omstandighede waarvoor nie in hierdie regulasie voorsiening gemaak is nie, van die bepalings van regulasie 3 afwyk: Met dien verstande dat indien die plaaslike sekretaris nie beskikbaar is nie, die opsiener na eie goeddunke kan handel.

(b) Indien 'n opsiener ooreenkomstig die bepalings van paragraaf (a) gehandel het, dien hy 'n verslag oor die noodgeval by die plaaslike sekretaris in en stuur die plaaslike sekretaris 'n afskrif van sodanige verslag aan die Onderwyshoof.

(15) (a) Die opsiener sien toe dat 'n kandidaat se eksamennummer wat op sy toelatingsbewys verskyn, bo-aan elke eksamenantwoordboek en bo-aan elke los vel papier wat deur daardie kandidaat gedurende die eksamen gebruik is, aangebring is.

(b) Die voltooid eksamenantwoordboeke moet, in die geval van Tik, in die koevert of omslag teruggeplaas word.

(c) Wanneer 'n kandidaat meer as een eksamenantwoordboek gebruik het, moet die tweede en daaropvolgende boek deur die opsiener in die eerste boek geplaas word.

(d) Na afloop van 'n eksamen moet die opsiener alle eksamenantwoordboeke insamel, numeries per vak en per graad volgens die eksamennummers van kandidaat rangskik; met die eksamennummers op die "Sertifikaat van Opsiener en Versendingsbrief" vergelyk, die eksamennummers van afwesige kandidaat daarop invul, en nadat al die vereiste besonderhede daarop ingevul is, die "Sertifikaat van Opsiener en Versendingsbrief" onderteken.

(e) Die opsiener oorhandig die eksamenantwoordboeke, tesame met die "Sertifikaat van Opsiener en Versendingsbrief", aan die plaaslike sekretaris wat dit onverwyld aan die eksaminator van die betrokke vak stuur.

(f) Niemand, behalwe die betrokke eksaminator en, waar van toepassing die moderator en Onderwyshoof, mag insae in die eksamenantwoordboeke verkry of dit in sy besit hê nie.

(g) Die opsiener neem die hulpmiddels wat aan kandidaat uitgereik is, terug en besorg dit, tesame met alle ongebruikte eksamenmateriaal, aan die plaaslike sekretaris.

Dates and times for conduct of examinations and examination time-table

4. (1) Examinations shall be conducted during February, April, June, July/August and November of each year in accordance with an examination time-table, on the dates and at the times approved by the Head of Education.

(2) An examination time-table shall be made known to candidates by the local secretary by affixing it to a notice board at each examination centre, before the end of September of the year preceding the year in which an examination is conducted.

Language medium for answering examination papers

5. (1) An examination paper in which the knowledge and content of, or proficiency in, a specific language is tested, shall be answered in that specific language.

(2) An examination paper other than that referred to in subregulation (1) shall be answered either in Afrikaans or in English.

Examination fees

6. (1) The Minister shall, in consultation with the Treasury, from time to time determine the fees which a candidate has to pay in respect of an examination.

(2) Examination fees shall, subject to the provisions of regulation 7 (1) (b), be payable on application for entry for an examination: Provided that such examination fees may be included in the tuition or course fees of a student of a college.

(3) If an error concerning an entry for an examination has been made in good faith, the Head of Education or the college if a candidate is registered as a student at that college, may authorise the refund of examination fees paid by the candidate concerned.

(4) At least 12 months before the commencement of the amendment of any examination fees, the Head of Education shall make such examination fees known to local secretaries of examination centres in a manner which he deems fit.

Entering for examination

7. (1) A candidate applies for entry for an examination by—

(a) applying therefore on the form that has been supplied by the Head of Education;

(b) submitting the completed application form referred to in paragraph (a), together with the necessary examination fees, except if he has been exempted from paying such fees by the Head of Education or such fees have been included in his tuition or course fees, to the local secretary of the examination centre where the candidate must sit for the examination before or on—

(i) 20 January in the case of a supplementary examination which is conducted in February in respect of the National Senior Certificate;

(ii) 10 February in the case of an examination which is conducted in April in respect of N1 to N6 (Engineering Studies);

Datums en tye vir afneem van eksamens en eksamenrooster

4. (1) Eksamens word gedurende Februarie, April, Junie, Julie/Augustus en November van elke jaar ooreenkomstig 'n eksamenrooster afgeneem op die datums en tye wat deur die Onderwyshoof goedgekeur is.

(2) 'n Eksamenrooster word deur die plaaslike sekretaris aan kandidate bekend gestel deur dit by elke eksamensentrum op 'n kennisgewingbord aan te bring, voor die einde van September van die jaar wat die jaar waarin 'n eksamen afgeneem word, voorafgaan.

Taalmedium by beantwoording van eksamenvraestelle

5. (1) 'n Eksamenvraestel waarin die kennis en inhoud van, of die vaardigheid in 'n spesifieke taal getoets word, word in daardie spesifieke taal beantwoord.

(2) 'n Eksamenvraestel anders as dié bedoel in subregulasie (1) word of in Afrikaans of in Engels beantwoord.

Eksamengelde

6. (1) Die Minister bepaal, van tyd tot tyd, in oorleg met die Tesourie, die gelde wat 'n kandidaat ten opsigte van 'n eksamen moet betaal.

(2) Eksamengelde is behoudens die bepalings van regulasie 7 (1) (b) betaalbaar by aansoek om inskrywing vir 'n eksamen: Met dien verstande dat sodanige eksamengelde, by die klas- of kursusgelde van 'n student van 'n kollege ingesluit kan word.

(3) Indien 'n fout te goeder trou met 'n inskrywing vir 'n eksamen begaan is, kan die Onderwyshoof of 'n kollege in die geval waar 'n kandidaat as student by daardie kollege geregistreer is, die terugbetaling van eksamengelde wat deur die betrokke kandidaat betaal is, magtig.

(4) Die Onderwyshoof maak minstens 12 maande voor die inwerkingtreding van enige wysiging van eksamengelde, op 'n wyse wat hy dienstig ag, sodanige eksamengelde aan plaaslike sekretarisse van eksamensentrums bekend.

Inskrywing vir eksamen

7. (1) 'n Kandidaat doen aansoek om inskrywing vir 'n eksamen deur—

(a) op die vorm wat deur die Onderwyshoof daarvoor voorsien is, aansoek te doen;

(b) die voltooië aansoekvorm, in paragraaf (a) bedoel, tesame met die nodige eksamengelde, tensy hy deur die Onderwyshoof van die betaling van sodanige gelde vrygestel is of sodanige gelde by sy klas- of kursusgelde ingesluit is, aan die plaaslike sekretaris van die eksamensentrum waar die kandidaat die eksamen moet aflê voor te lê voor of op—

(i) 20 Januarie in die geval van 'n aanvullende eksamen wat in Februarie afgeneem word ten opsigte van die Nasionale Senior Sertifikaat;

(ii) 10 Februarie in die geval van 'n eksamen wat in April afgeneem word ten opsigte van N1 tot N6 (Ingenieurstudies);

(iii) 20 March in the case of an examination which is conducted in June in respect of—

- (aa) all semester courses on N1 to N6 level; and
- (bb) the Certificate of Competency for Engineers;

(iv) 5 June in the case of an examination conducted in July/August in respect of N1 to N6 (Engineering Studies);

(v) 30 April in the case of an examination conducted in November in respect of—

- (aa) the National Standard 8 Certificate; and
- (bb) the National Senior Certificate;

(vi) 10 August in the case of an examination conducted in November in respect of all semester courses on N1 to N6 level;

(vii) 25 September in the case of an examination conducted in November in respect of—

- (aa) N1 to N6 (Engineering Studies); and
- (bb) the Certificate of Competency for Engineers;

Provided that if a date mentioned herein falls on a Saturday, Sunday or public holiday, such application form and examination fees, if any, shall be handed to the local secretary on or before the last working day preceeding that Saturday, Sunday or public holiday, as the case may be.

(2) A candidate shall not—

(a) enter simultaneously for the examination in more than one grade or level of the same subject, unless approval therefor has been granted by the Head of Education, and if a local secretary has accepted the entry of a candidate contrary herewith and that candidate has passed the examination in more than one grade or level in the same subject, the Head of Education may cancel the candidate's examination entry retrospectively, notwithstanding the fact that he was admitted to such examination and that he passed it, and the Head of Education may refuse to recognise such examination and to issue a certificate;

(b) be permitted to enter for an examination in any subject of a N-course unless he has attended the required course for admission to such subject of a N-course at a college or a correspondence college as defined in section 1 of the Correspondence Colleges Act, 1965 (Act No. 59 of 1965), which has approval to offer the subject: Provided that a candidate shall enter for such examination within a period of two years after having attended such course.

(3) A local secretary shall not accept a candidate's examination entry before any penalty imposed in terms of regulation 14 in respect of such candidate has expired and if a local secretary accepts such entry, the Head of Education may reject that entry and any examination fees paid in respect thereof shall be refunded to the candidate.

(iii) 20 Maart in die geval van 'n eksamen wat in Junie afgeneem word ten opsigte van—

- (aa) alle semesterkursusse op N1 tot N6-vlak; en
- (bb) die Sertifikaat van Bevoegdheid vir Ingenieurs;

(iv) 5 Junie in die geval van 'n eksamen wat in Julie/Augustus afgeneem word ten opsigte van N1 tot N6 (Ingenieurstudies);

(v) 30 April in die geval van 'n eksamen wat in November afgeneem word ten opsigte van—

- (aa) die Nasionale Standard 8-Sertifikaat; en
- (bb) die Nasionale Senior Sertifikaat;

(vi) 10 Augustus in die geval van 'n eksamen wat in November afgeneem word ten opsigte van alle semesterkursusse op die N1 tot N6-vlak;

(vii) 25 September in die geval van 'n eksamen wat in November afgeneem word ten opsigte van—

- (aa) N1 tot N6 (Ingenieurstudies); en
- (bb) die Sertifikaat van Bevoegdheid vir Ingenieurs;

Met dien verstande dat indien 'n hierin gemelde datum op 'n Saterdag, Sondag of openbare vakansiedag val, sodanige aansoekvorm en eksamengelde, as daar is, voor of op die laaste werkdag wat daardie Saterdag, Sondag of openbare vakansiedag—na gelang van die geval—voorafgaan, aan die plaaslike sekretaris oorhandig moet word.

(2) 'n Kandidaat mag nie—

(a) gelyktydig vir die eksamen in meer as een graad of vlak van dieselfde vak inskryf nie, tensy goedkeuring daarvoor deur die Onderwyshoof verleen is, en indien 'n plaaslike sekretaris die inskrywing van 'n kandidaat in stryd hiermee aanvaar en daardie kandidaat die eksamen in meer as een graad of vlak van dieselfde vak met sukses aflê, kan die Onderwyshoof die kandidaat se eksameninskrywing met terugwerkende krag kanselleer, ongeag die feit dat hy tot sodanige eksamen toegelaat is en dit met sukses afgelê het, en kan die Onderwyshoof weier om sodanige eksamen te erken en om 'n sertifikaat uit te reik;

(b) vir 'n eksamen in enige vak van 'n N-kursus inskryf nie tensy hy die vereiste kursus vir toelating tot sodanige vak van 'n N-kursus aan 'n kollege of 'n korrespondensiekollege, soos omskryf in artikel 1 van die Wet op Korrespondensiekolleges, 1965 (Wet No. 59 van 1965), wat goedkeuring het om die betrokke vak aan te bied, deurloop het nie: Met dien verstande dat 'n kandidaat binne 'n tydperk van twee jaar nadat hy sodanige kursus deurloop het, vir sodanige eksamen moet inskryf.

(3) 'n Plaaslike sekretaris aanvaar nie die eksameninskrywing van 'n kandidaat alvorens enige straf wat ingevolge regulasie 14 ten opsigte van so 'n kandidaat opgelê is, verstryk het nie, en indien 'n plaaslike sekretaris wel so 'n inskrywing aanvaar, kan die Onderwyshoof daardie inskrywing verwerp en enige eksamengelde wat ten opsigte daarvan betaal is, aan die kandidaat terugbetaal.

(4) The amendment of an examination entry shall not be permitted after the dates as indicated in paragraph (b) of subregulation (1), except with the approval of the Head of Education or a person assigned by him for this purpose.

(5) The Head of Education shall issue an admission pass, on which the name of the candidate concerned and examination number, the subjects in which examination is to be written by him, the examination centre where such examination is to be conducted, and the dates and times of such examination shall be stated explicitly, to a candidate whose examination entry has been accepted by the local secretary.

(6) In addition to any other requirements laid down in these Regulations, a candidate who has entered for the supplementary examination in respect of the National Senior Certificate which is conducted in February shall also comply with the following requirements:

(a) Such candidate must have written an examination in a preceding November examination in the subject in respect of which the supplementary examination is conducted and he must have obtained a minimum of 30% in such examination.

(b) Such candidate may enter for not more than three subjects referred to in paragraph (a) and then only if he can obtain a National Senior Certificate if he passes such three subjects.

(7) A candidate who was prevented by illness from writing an examination in the preceding November examination and who submits, to the local secretary within 30 days of the date on which he should have written the examination, a medical certificate issued by a registered medical practitioner, may enter and write the examination in the subject or subjects in which he was unable to write the examination on the specified dates, which dates shall be mentioned on the medical certificate, and which are conducted in the supplementary examination for the National Senior Certificate during the following February.

(8) A candidate who obtained 34% or more in a subject or subjects in a preceding November examination for the National Senior Certificate and who desires to improve his marks in that subject or subjects, may enter for a supplementary examination, referred to in subregulation (1) (b) (i) in that subject or subjects only if a certificate from a specific university, technikon or other tertiary institution is submitted, in which it shall be confirmed that a specific percentage in that subject or subjects is necessary for admission to the course concerned offered at that tertiary institution.

Writing of examination by handicapped candidate

8. The Head of Education may, at the request of a candidate who is physically disabled or handicapped and if he is of the opinion that such disability or handicap may prejudice that candidate in the writing of his examination—

(1) grant to such candidate additional time for the writing of his examination not exceeding 15 minutes per hour per examination paper;

(4) Die wysiging van 'n eksameninskrywing na die datums soos aangedui in paragraaf (b) van subregulasie (1) word nie toegelaat nie, behalwe met die goedkeuring van die Onderwyshoof of 'n persoon wat vir hierdie doel deur hom aangewys is.

(5) Die Onderwyshoof reik aan 'n kandidaat wie se eksameninskrywing deur die plaaslike sekretaris aanvaar is, 'n toelatingsbewys uit waarop die betrokke kandidaat se naam en eksamennommer, die vakke waarin eksamen deur hom afgelê word, die eksamensentrum waar sodanige eksamen afgeneem word, en die datums en tye van sodanige eksamen, uitdruklik vermeld word.

(6) 'n Kandidaat wat vir die aanvullende eksamen ten opsigte van die Nasionale Senior Sertifikaat wat in Februarie afgeneem word, ingeskryf is, moet benevens enige ander vereistes in hierdie Regulasies gestel, ook aan die volgende vereistes voldoen:

(a) So 'n kandidaat moes in 'n voorafgaande November-eksamen eksamen afgelê het in die vak ten opsigte waarvan die aanvullende eksamen afgeneem word, en hy moes minstens 30% in sodanige eksamen behaal het.

(b) So 'n kandidaat mag vir hoogstens drie vakke in paragraaf (a) bedoel, inskryf en dan slegs as hy 'n Nasionale Senior Sertifikaat kan verwerf indien hy in sodanige drie vakke slaag.

(7) 'n Kandidaat wat gedurende die voorafgaande November-eksamen weens siekte verhoed is om 'n eksamen af te lê en wat 'n mediese sertifikaat, uitgereik deur 'n geregistreerde mediese praktisin, binne 30 dae vanaf die datum waarop hy die eksamen moes aflê, aan die plaaslike sekretaris voorlê, kan vir die vak of vakke, waarin hy op bepaalde datums nie die eksamen kon aflê nie en welke datums in die mediese sertifikaat vermeld moet wees, wat in die aanvullende eksamen vir die Nasionale Senior Sertifikaat en wat tydens die daaropvolgende Februarie afgeneem word, inskryf en eksamen aflê.

(8) 'n Kandidaat wat 34% of meer in 'n vak of vakke in 'n voorafgaande November-eksamen vir die Nasionale Senior Sertifikaat verwerf het en wat sy punte in daardie vak of vakke wil verbeter, kan vir 'n aanvullende eksamen, bedoel in subregulasie (1) (b) (i) in daardie vak of vakke inskryf slegs as 'n sertifikaat van 'n bepaalde universiteit, technikon, of ander tersiêre inrigting voorgelê word waarin bevestig word dat 'n bepaalde persentasie in daardie vak of vakke nodig is vir toelating tot die betrokke kursus aangebied by daardie tersiêre inrigting.

Aflê van eksamen deur gestremde kandidaat

8. Die Onderwyshoof kan op versoek van 'n kandidaat wat 'n fisiese gebrek het of wat gestrem is en indien hy van oordeel is dat sodanige gebrek of gestremdheid daardie kandidaat in die aflê van sy eksamen kan benadeel—

(1) aan so 'n kandidaat addisionele tyd vir die aflê van sy eksamen toelaat van hoogstens 15 minute per uur per eksamenvraestel;

(2) approve that assistance be given to such candidate or that an aid may be used by him during the writing of his examination,

if—

(a) the candidate submits his request to the Head of Education at least 30 days before the commencement of the examination concerned;

(b) the local secretary of the examination centre where the examination concerned is written is able to meet the particular needs of the candidate; and

(c) the Head of Education has ascertained that the candidate will not as a result of the granting of the said request receive an unfair advantage over other candidates.

Transferring of examination entries

9. The Head of Education may in a case which in his opinion is exceptional, approve that a candidate writes an examination in a particular subject or subjects at another examination centre as the examination centre where he entered for that examination if—

(a) the candidate completes an application on the form "Application for Transfer of Examination Entry", and the local secretary concerned signs the application form and forwards it to the Department;

(b) the application referred to in paragraph (a) reaches the Department fourteen days before the commencement of the examinations conducted in April, June, July/August or November respectively; and

(c) the application referred to in paragraph (a) is accompanied by a written declaration in which the candidate sets out the reasons for his application and, in the case where application is made because the candidate has been transferred by his employer, by a declaration by his employer in which the transfer is confirmed.

Announcement of examination results

10. The Head of Education shall send the examination results together with a statement of results in subjects after conclusion of an examination to the local secretary concerned, who shall affix the examination results on a notice board at the examination centre and issue the statement of results in subjects to the candidates concerned.

Re-marking of examination answer books and checking of marks

11. (1) A candidate who has not satisfied the pass requirements in an examination which the Head of Education determines in respect of the subject concerned, and is of the opinion that he satisfied such pass requirement, or that he achieved a higher mark in an examination in a subject or subjects as the mark awarded to him in such examination, may apply to the Head of Education through the local secretary to have his examination answer book remarked, or to have the marks awarded to him checked: Provided that where—

(a) the pass requirement concerned is 50%, such candidate shall have obtained at least 40% in the examination in the subject concerned;

(2) goedkeur dat hulp verleen word aan so 'n kandidaat of dat 'n hulpmiddel deur hom gebruik word tydens die aflê van sy eksamen,

indien—

(a) die kandidaat sy versoek minstens 30 dae voor die aanvang van die betrokke eksamen aan die Onderwyshoof voorlê;

(b) die plaaslike sekretaris van die eksamensentrum waar die betrokke eksamen afgelê word in die besondere behoeftes van die kandidaat kan voorsien; en

(c) die Onderwyshoof hom vergewis het dat die kandidaat nie as gevolg van die toestaan van die gemelde versoek bo ander kandidate onregverdig bevoordeel word nie.

Oorplasing van eksameninskrywings

9. Die Onderwyshoof kan in 'n geval wat na sy oordeel uitsonderlik is, goedkeur dat 'n kandidaat 'n eksamen in 'n bepaalde vak of vakke by 'n ander eksamensentrum aflê as die eksamensentrum waar hy vir daardie eksamen ingeskryf het indien—

(a) die kandidaat 'n aansoek op die vorm "Aansoek om oorplasing van Eksameninskrywing" voltooi, en die betrokke plaaslike sekretaris die aansoekvorm onderteken en dit aan die Departement versend;

(b) die aansoek in paragraaf (a) bedoel die Departement veertien dae voor die aanvang van die eksamens wat onderskeidelik in April, Junie, Julie/Augustus of November afgeneem word, bereik; en

(c) die aansoek in paragraaf (a) bedoel, vergesel is van 'n skriftelike verklaring waarin die kandidaat die redes vir sy aansoek uiteensit en, in die geval waar aansoek gedoen word omdat die kandidaat deur sy werkgever verplaas is, ook vergesel is van 'n verklaring deur sy werkgever waarin die verplasing bevestig word.

Bekendmaking van eksamenuitslae

10. Die Onderwyshoof stuur die eksamenuitslae tesame met 'n staat van uitslae in vakke na afloop van 'n eksamen aan die betrokke plaaslike sekretaris wat die eksamenuitslae op 'n kennisgewingbord by die eksamensentrum aanbring en die staat van uitslae in vakke aan die betrokke kandidate uitreik.

Hernasien van eksamenantwoordboeke en kontroliering van punte

11. (1) 'n Kandidaat wat in 'n eksamen nie aan die slaagvereistes voldoen het nie en van mening is dat hy wel aan sodanige slaagvereistes wat die Onderwyshoof ten opsigte van die betrokke vak bepaal, voldoen het of wat van mening is dat hy 'n hoër punt in 'n eksamen in 'n vak of vakke behaal het as die punt wat in sodanige eksamen aan hom toegeken is, kan deur die plaaslike sekretaris by die Onderwyshoof aansoek doen om sy eksamenantwoordboek te laat hernasien of om die punte aan hom toegeken, te laat kontroleer: Met dien verstande dat waar—

(a) die betrokke slaagvereiste 50% is, sodanige kandidaat minstens 40% in die eksamen in die betrokke vak moet behaal;

(b) the pass requirement concerned is 40%, such candidate shall have obtained at least 30% in the examination in the subject concerned; and

(c) the pass requirement concerned is 33½ %, such candidate shall have obtained at least 25% in the examination in the subject concerned.

(2) The Minister shall, in consultation with the Treasury, from time to time determine the fees which a candidate shall pay in respect of the remark of his examination answer books.

(3) An application referred to in subregulation (1), shall reach the Head of Education within 30 days after the examination results in respect of the subject concerned have been made known in accordance with the provisions of regulation 10 and shall be accompanied by the remark fees referred to in subregulation (2).

Issue of diplomas, certificates, and statements of results in subjects

12. (1) A diploma or certificate referred to in section 18 of the Act shall be issued free of charge without any marks or signs of erasure or alteration or of any attempted erasure or alteration, to a candidate who has passed an examination conducted in terms of these Regulations.

(2) The Head of Education may on payment of the fees as determined by the Minister in consultation with the Treasury, from time to time—

(a) withdraw and cancel a certificate or diploma which has been produced to him by the person to whom it was issued and, which in the opinion of the Head of Education has been damaged, by drawing two parallel lines across it with the word "cancelled" between them, and to replace it with a diploma or certificate, in the form determined by him, and on which the same particulars are inserted as those which appeared on the original diploma or certificate;

(b) replace a diploma or certificate in respect of which the person to whom it was issued claims that it—

- (i) has been damaged;
- (ii) has been destroyed;
- (iii) is lost,

whether such diploma or certificate can be produced or not, with a diploma or certificate, in the form determined by him, and on which the same particulars are inserted as those which appeared on the original diploma or certificate: Provided that the Head of Education shall withdraw and cancel a damaged diploma or certificate produced to him by drawing two parallel lines across it with the word "cancelled" between them;

(c) replace a lost or damaged statement of results in subjects on application of a candidate to whom it was issued.

(3) Anyone who falsifies a diploma, a certificate or a statement of results in subjects shall be guilty of an offence and on conviction be liable to a fine not exceeding R500 or to imprisonment for a period not exceeding six months.

(b) die betrokke slaagvereiste 40% is, sodanige kandidaat minstens 30% in die eksamen in die betrokke vak moet behaal; en

(c) die betrokke slaagvereiste 33½ % is, sodanige kandidaat minstens 25% in die eksamen in die betrokke vak moet behaal.

(2) Die Minister bepaal, van tyd tot tyd, in oorleg met die Tesourie, die gelde wat 'n kandidaat ten opsigte van die hernasien van sy eksamenantwoordboeke moet betaal.

(3) 'n Aansoek in subregulasie (1) bedoel, moet die Onderwyshoof bereik binne 30 dae nadat die eksamenuitslag ten opsigte van die betrokke vak ooreenkomstig die bepalings van regulasie 10 bekend gemaak is, en moet vergesel wees van die hersien-gelde in subregulasie (2) bedoel.

Uitreiking van diplomas, sertifikate en state van uitslae in vakke

12. (1) 'n Diploma of sertifikaat in artikel 18 van die Wet bedoel, word, sonder enige merke of tekens van uitwissing of verandering of van poging tot uitwissing of verandering, gratis uitgereik aan 'n kandidaat wat in 'n eksamen ingevolge hierdie Regulasies afgeneem, geslaag het.

(2) Die Onderwyshoof kan teen betaling van die gelde soos deur die Minister, van tyd tot tyd in oorleg met die Tesourie bepaal—

(a) 'n diploma of sertifikaat wat aan hom getoon word deur die persoon aan wie dit uitgereik is en na die Onderwyshoof se oordeel beskadig is, intrek en kanselleer deur twee parallelle strepe met die woord "gekanselleer" daartussen daarop aan te bring, en dit vervang deur 'n diploma of sertifikaat in die vorm wat hy bepaal en daarop dieselfde gegewens as dié wat op die oorspronklike diploma of sertifikaat verskyn het, aan te bring;

(b) 'n diploma of sertifikaat, ten opsigte waarvan die persoon aan wie dit uitgereik is, beweer dat dit—

- (i) beskadig is;
- (ii) vernietig is;
- (iii) verlore is,

hetsy sodanige diploma of sertifikaat, getoon kan word al dan nie, te vervang deur 'n diploma of sertifikaat in die vorm wat hy bepaal en daarop dieselfde gegewens as dié wat op die oorspronklike diploma of sertifikaat verskyn het, aan te bring: Met dien verstande dat die Onderwyshoof 'n beskadigde diploma of sertifikaat wat aan hom getoon word, intrek en kanselleer deur twee parallelle strepe met die woord "gekanselleer" daartussen daarop aan te bring;

(c) 'n verlore of beskadigde staat van uitslae in vakke op aansoek van 'n kandidaat aan wie dit uitgereik is, vervang.

(3) Iemand wat 'n diploma, 'n sertifikaat of 'n staat van uitslae in vakke vervals, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R500 of met gevangenisstraf van hoogstens ses maande.

Exemption or recognition of subjects

13. (1) Exemption from the writing of an examination in a subject may be granted to a candidate by the Head of Education on application of a college on the ground of a subject passed in a formal course referred to in section 16 of the Act, if the candidate intends following another formal course, in respect of—

(a) the subjects for which the candidate did not obtain a diploma or certificate; or

(b) not more than 50% of the subjects on the N1, N2, N3, N4, N5 or N6 levels required for a diploma or certificate, on account of the subjects of a diploma or certificate already obtained by the candidate:

Provided that the contents of the syllabus of the subject for which exemption from the writing of an examination is required, in the opinion of the Head of Education sufficiently corresponds with the contents of the syllabus of the subject which the candidate has passed.

(2) The Head of Education may, on application of a college recognise a subject which a candidate has passed at another examining body as that referred to in section 1 of the South African Certification Council Act, 1986 (Act No. 85 of 1986), for the obtaining of a diploma or certificate: Provided that the contents of the syllabus of the subject for which recognition is required, in the opinion of the Head of Education sufficiently corresponds with the contents of the syllabus of the subject which the candidate has passed: Provided further that the candidate shall write and pass the examination in at least 50% of the subjects required on the N1, N2, N3, N4, N5 and N6 levels for the diploma or certificate he wishes to obtain.

Irregularities and disciplinary measures

14. (1) Any person who, in connection with an examination—

(a) gives or agrees to give or offers any gift or consideration to any other person, or accepts or obtains or agrees to accept or attempts to obtain from any other person for himself or for any other person, any gift or consideration, as an inducement or reward for the commission of any act calculated to obtain for or confer upon any person any unfair advantage;

(b) commits any act calculated to obtain for or confer upon any person any unfair advantage; or

(c) contravenes or fails to comply with any regulation relating to such examination;

shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months.

(2) A candidate who—

(a) unless authorised by these Regulations, or by a provision in an examination paper, in which he writes an examination, takes into an examination room, or has in his possession, after the examination paper has been handed out, any book, memorandum, note, sketch, map, film, non-permissible material or any other document as the documents referred to in regulation 3 (7) (e); or

Vrystelling of erkenning van vakke

13. (1) Vrystelling van die aflê van 'n eksamen in 'n vak kan op aansoek van 'n kollege aan 'n kandidaat deur die Onderwyshoof verleen word op grond van 'n vak geslaag in 'n formele kursus in artikel 16 van die Wet bedoel, indien die kandidaat van voorneme is om 'n ander formele kursus te volg ten opsigte van—

(a) die vakke waarvoor die kandidaat nie 'n diploma of sertifikaat verwerf het nie; of

(b) hoogstens 50% van die vakke wat op die N1-, N2-, N3-, N4-, N5- of N6-vlakke vir 'n diploma of sertifikaat vereis word, op grond van die vakke van 'n sertifikaat of diploma wat die kandidaat reeds verwerf het:

Met dien verstande dat die inhoud van die sillabus van die vak waarvoor vrystelling vir die aflê van 'n eksamen verlang word, na die oordeel van die Onderwyshoof voldoende ooreenstem met die inhoud van die sillabus van die vak wat die kandidaat geslaag het.

(2) Die Onderwyshoof kan op aansoek van 'n kollege 'n vak wat 'n kandidaat by 'n ander eksamineringsinstansie, as dié in artikel 1 van die Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986 (Wet No. 85 van 1986) bedoel, geslaag het, erken vir die verwerwing van 'n diploma of sertifikaat: Met dien verstande dat die inhoud van die sillabus van die vak waarvoor erkenning verlang word, na die oordeel van die Onderwyshoof voldoende ooreenstem met die inhoud van die sillabus van die vak wat die kandidaat geslaag het: Met dien verstande voorts dat die kandidaat in minstens 50% van die vakke wat op die N1-, N2-, N3-, N4-, N5- of N6-vlakke vereis word vir 'n diploma of sertifikaat wat hy wil verwerf, eksamen moet aflê en slaag.

Onreëlmatighede en strafmaatreëls

14. (1) Iemand wat in verband met 'n eksamen—

(a) 'n geskenk of vergoeding gee of toestem of aanbied om dit te gee aan iemand anders, of van iemand anders 'n geskenk of vergoeding aanneem of verkry of toestem om dit aan te neem of poog om dit te verkry vir homself of vir iemand anders, as aanspooring of beloning vir die verrigting van 'n handeling wat bereken is om vir of aan iemand 'n onregverdige voordeel te verkry of te verleen;

(b) 'n handeling verrig wat bereken is om vir of aan iemand 'n onregverdige voordeel te verkry of te verleen; of

(c) 'n regulasie met betrekking tot sodanige eksamen oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(2) 'n Kandidaat wat—

(a) tensy deur hierdie Regulasies of 'n bepaling in 'n eksamenvraestel waarin hy eksamen aflê daartoe gemagtig, 'n boek, memorandum, aantekening, skets, kaart, film, ontoelaatbare toerusting of enige ander dokument as die dokumente in regulasie 3 (7) (e) bedoel in 'n eksamenlokaal inneem of in sy besit het nadat die eksamenvraestel uitgedeel is; of

(b) aids or attempts to aid another candidate, obtains or attempts to obtain help, or communicates or attempts to communicate with another person other than the invigilator, the local secretary or a person who has been authorized to be present in the examination room by the local secretary or the Head of Education while in the examination room; or

(c) disregards these Regulations and, after he has been warned by the invigilator, continues to do so; or

(d) in the opinion of the invigilator creates a disturbance in the examination room or behaves in an improper or an unseemly manner and refuses to stop such disturbance or improper or unseemly behaviour after he has been warned by the invigilator; or

(e) disregards the instructions of the invigilator and, after he has been warned by the invigilator, continues to disregard such instructions,

commits an irregularity.

(3) (a) The invigilator shall bring the irregularity referred to in subregulation (2) immediately to the attention of the local secretary concerned.

(b) The local secretary shall offer the candidate concerned the opportunity to make representations whether in writing or orally in the presence of the invigilator and if the local secretary, after considering the facts, finds that such irregularity has been committed he may—

(i) request the candidate to leave the examination room, confiscate his examination answer book and note the date and exact time of confiscation thereof; or

(ii) allow the candidate to continue with the examination, in which case another examination answer book with the date and exact time of issue noted thereon shall be issued to him.

(c) The local secretary shall whether he finds that an irregularity has been committed or not, after the examination concerned submit his own report, together with a report of the invigilator and the candidate's written representation or, in the case of his verbal representations, a written account thereof, and any other statement or exhibit, to the Head of Education who may confirm or set aside the finding of the local secretary, and if the Head of Education sets aside the finding of the local secretary, the provisions of subregulation (5) shall *mutatis mutandis* apply to the candidate concerned.

(4) If the Head of Education is convinced that a candidate has gained an unfair advantage in that—

(a) the contents of an examination paper which relates to an examination for which the candidate has entered, has become known to him in some or other way prior to the date and time indicated on the examination time-table;

(b) someone else has represented himself as the candidate at the examination for which the candidate is entered; or

(b) 'n ander kandidaat help of poog om hom te help, hulp verkry of poog om hulp te verkry of in verbinding tree of poog om in verbinding te tree met 'n ander persoon as die opsiener, plaaslike sekretaris of iemand wat deur die plaaslike sekretaris of die Onderwyshoof gemagtig is om in die eksamenlokaal aanwesig te wees, terwyl hy in die eksamenlokaal is; of

(c) hierdie Regulasies verontagsaam, en voortgaan om dit te doen nadat hy deur die opsiener gewaarsku is; of

(d) na die oordeel van die opsiener 'n steurnis in die eksamenlokaal veroorsaak of hom op 'n onbehoorlike of onbetaamlike wyse gedra en weier om, nadat hy deur die opsiener gewaarsku is, bedoelde steurnis, onbehoorlike of onbetaamlike gedrag te staak; of

(e) die opdragte van die opsiener verontagsaam en nadat hy deur die opsiener gewaarsku is, voortgaan om sodanige opdragte te verontagsaam,

pleeg 'n onreëlmatigheid.

(3) (a) Die opsiener moet die onreëlmatigheid in subregulasie (2) bedoel onmiddellik onder die aandag van die betrokke plaaslike sekretaris bring.

(b) Die plaaslike sekretaris moet die betrokke kandidaat die geleentheid bied om verhoë, hetsy skriftelik of mondeling in die teenwoordigheid van die opsiener, te rig en indien die plaaslike sekretaris, na oorweging van al die feite, bevind dat sodanige onreëlmatigheid gepleeg is, kan hy die kandidaat—

(i) versoek om die eksamenlokaal te verlaat, op sy eksamenantwoordboek beslag lê en die datum en presiese tyd van beslaglegging daarop aanteken; of

(ii) toelaat om met die eksamen voort te gaan, in welke geval 'n ander eksamenantwoordboek met die datum en presiese tyd van uitreiking daarop aangeteken, aan hom uitgereik word.

(c) Die plaaslike sekretaris moet, ongeag of hy bevind dat 'n onreëlmatigheid gepleeg is al dan nie, na afloop van die betrokke eksamen sy verslag tesame met 'n verslag van die opsiener en die kandidaat se skriftelike verhoë of, in die geval van sy mondelinge verhoë, 'n skriftelike weergawe daarvan en enige ander verklaring of bewysstuk aan die Onderwyshoof voorlê, wat die bevinding van die plaaslike sekretaris kan bevestig of ter syde stel en indien die Onderwyshoof die plaaslike sekretaris se bevinding ter syde stel, is die bepalinge van subregulasie (5) *mutatis mutandis* op die betrokke kandidaat van toepassing.

(4) Indien die Onderwyshoof oortuig is dat 'n kandidaat onregmatige voordeel verkry het deurdat—

(a) die inhoud van 'n eksamenvraestel wat betrekking het op 'n eksamen waarvoor die kandidaat ingeskryf is op die een of ander wyse aan hom bekend geword het voor die datum en tyd aangedui in die eksamenrooster;

(b) iemand anders hom by die eksamen waarvoor die kandidaat ingeskryf is, as die kandidaat voorgedoen het; of

(c) the provisions of regulation 3 have been contravened,

the Head of Education may—

(i) forbid the candidate from entering the examination room or, if he is already in the examination room, forbid him to write the examination;

(ii) refuse to recognise the result that the candidate obtained in the examination;

(iii) order the withdrawal of any success in a subject with which the candidate has been credited in the examination concerned; or

(iv) refuse the candidate concerned admission to an examination for a period of 11 months.

(5) The Head of Education may require a candidate referred to in subregulation (4) (c) (i), to repeat the examination in the subject concerned either entirely or in part on the date, and at a time and place, determined by him.

Unauthorised possession of examination papers

15. (1) No person other than the local secretary shall have in his possession, an examination paper on a date prior to that approved in terms of an examination time-table for the conduct of an examination, and no person shall buy, sell, reproduce or in any manner copy or allow to be copied or distribute such examination paper.

(2) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months.

Suspension or expulsion from a college

16. If a candidate is suspended or expelled from a college the Head of Education may—

(a) refuse to recognize the result that the candidate concerned obtained in a specific subject;

(b) forbid the candidate to write an examination; or

(c) order that any success in a subject with which the candidate concerned has been credited, be withdrawn, whereupon the provisions of regulation 14 (5) shall come into operation.

Examination answer books and material required for the writing of examinations

17. (1) The Head of Education shall supply a candidate who writes an examination with an examination answer book and any other material which is essential for the writing of the examination, free of charge.

(2) Unless the Head of Education decides otherwise in a particular case, an examination shall be written in an examination answer book and a candidate shall use only the material supplied to him in terms of subregulation (1) for the writing of an examination.

(3) All examination answer books and material used for or at the conduct of an examination shall be the property of the Department and such examination answer books shall be retained by the Head of Education for a period of 12 months after the date on which the result of the examination concerned, was announced.

(c) die bepalings van regulasie 3 oortree is,

kan die Onderwyshoof—

(i) die kandidaat verbied om die eksamenlokaal binne te gaan of om, as hy reeds in die eksamenlokaal is, verbied om eksamen af te lê;

(ii) weier om die uitslag deur die kandidaat in die eksamen behaal, te erken;

(iii) gelas dat enige sukses in 'n vak waarmee die kandidaat by die betrokke eksamen gekrediteer is, ingetrek word; en

(iv) die betrokke kandidaat toelating tot 'n eksamen vir 'n tydperk van 11 maande weier.

(5) Die Onderwyshoof kan vereis dat 'n kandidaat bedoel in subregulasie (4) (c) (i) die eksamen in 'n betrokke vak in die geheel of gedeeltelik herhaal op die datum, tyd en plek wat hy bepaal.

Ongemagtigde besit van eksamenvraestelle

15. (1) Niemand, uitgesonderd 'n plaaslike sekretaris, mag voor die datum wat ingevolge 'n eksamenrooster vir die afneem van 'n eksamen goedgekeur is, 'n eksamenvraestel in sy besit hê nie, en geen persoon mag sodanige eksamenvraestel koop, verkoop, reproduseer of op enige wyse kopieë daarvan maak of toelaat dat dit gemaak word of dit versprei nie.

(2) Iemand wat die bepalings van subregulasie (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Skorsing of uitsetting uit 'n kollege

16. Indien 'n kandidaat uit 'n kollege geskors of uitgesit is, kan die Onderwyshoof—

(a) weier om die uitslag wat die betrokke kandidaat in 'n bepaalde vak behaal het, te erken;

(b) die kandidaat verbied om 'n eksamen af te lê; en

(c) gelas dat enige sukses in 'n vak waarmee die betrokke kandidaat gekrediteer is, ingetrek word, waarop die bepalings van regulasie 14 (5) in werking tree.

Eksamenantwoordboeke en materiaal vereis by die aflê van eksamens

17. (1) Die Onderwyshoof voorsien 'n kandidaat wat 'n eksamen aflê, gratis van 'n eksamenantwoordboek en van enige ander materiaal wat vir die aflê van die eksamen noodsaaklik is.

(2) Tensy die Onderwyshoof in 'n besondere geval anders besluit, word 'n eksamen in 'n eksamenantwoordboek afgelê en gebruik 'n kandidaat slegs die materiaal wat ingevolge subregulasie (1) aan hom vir die aflê van 'n eksamen voorsien is.

(3) Alle eksamenantwoordboeke en materiaal wat gebruik is vir of by die afneem van 'n eksamen, is die eiendom van die Departement en sodanige eksamenantwoordboeke word deur die Onderwyshoof bewaar vir 'n tydperk van 12 maande na die datum waarop die uitslag van die betrokke eksamen bekend gemaak is.

(4) (a) An examination answer book containing the answers of a candidate, that has been handed in for marking by an examiner or moderator, shall not be made available to someone else and no person shall be allowed to peruse it without the permission of the Head of Education.

(b) A blank examination answer book shall only be made available in the examination room to a candidate who writes an examination.

(c) An examination answer book, whether blank or containing answers of a candidate shall not be removed from the examination room by a candidate.

Discretionary powers

18. Subject to the provisions of these Regulations the Head of Education may exercise his discretion in respect of examination matters in circumstances which are justified in his opinion.

Examiners and moderators

19. (1) The Head of Education may—

(a) appoint an examiner subject to the conditions as he may deem fit to—

(i) set draft examination papers in the different subjects in which examination is conducted;

(ii) mark examination answer books; and

(iii) award marks to candidates for the subjects in which they wrote the examination;

(b) appoint a moderator subject to the conditions as he may deem fit to—

(i) moderate draft examination papers;

(ii) moderate examination answer books in respect of an examination and evaluate the marks that have been awarded to a candidate by the examiner; and

(iii) undertake the re-marking of examination answer books;

(c) appoint an assistant examiner subject to the conditions as he may deem fit to mark examination answer books or to conduct practical examinations;

(d) enter into general or specific agreements with an examiner or a moderator for the efficient administration of the examinations;

(e) terminate the services of an examiner or a moderator at any time without providing reasons for such termination; and

(f) amend or substitute the conditions of appointment referred to in paragraphs (a), (b) and (c), with the exception of remuneration, at any time.

(4) (a) 'n Eksamenantwoordboek wat die antwoorde van 'n kandidaat bevat en wat ingedien is vir nasiening deur 'n eksaminator of moderator, word nie tot die beskikking van enigiemand anders gestel nie, en niemand mag, sonder die toestemming van die Onderwyshoof, insae daarin hê nie.

(b) 'n Blanko eksamenantwoordboek word slegs aan 'n kandidaat wat eksamen aflê, beskikbaar gestel in die eksamenlokaal.

(c) 'n Eksamenantwoordboek, hetsy blanko of met die antwoorde van 'n kandidaat daarin, word nie deur 'n kandidaat uit die eksamenlokaal verwyder nie.

Diskresionêre bevoegdheid

18. Behoudens die bepalings van hierdie Regulasies kan die Onderwyshoof in gevalle waar dit na sy mening geregverdig is, sy diskresie uitoefen ten opsigte van eksamenaangeleenthede.

Eksaminator en moderator

19. (1) Die Onderwyshoof kan—

(a) 'n eksaminator onderworpe aan die voorwaardes wat hy goeddink, aanstel om—

(i) konsepeksamenvraestelle vir die verskillende vakke waarin eksamen afgeneem word, op te stel;

(ii) eksamenantwoordboeke na te sien; en

(iii) punte aan kandidate vir die vakke waarin hulle eksamen afgelê het, toe te ken;

(b) 'n moderator onderworpe aan die voorwaardes wat hy goeddink, aanstel om—

(i) konsepeksamenvraestelle te modereer;

(ii) eksamenantwoordboeke ten opsigte van 'n eksamen te modereer en die punte wat deur die eksaminator aan 'n kandidaat toegeken is, te evalueer; en

(iii) die hernasien van eksamenantwoordboeke te onderneem;

(c) 'n assistent-eksaminator onderworpe aan die voorwaardes wat hy goeddink, aanstel om eksamenantwoordboeke na te sien of om praktiese eksamens af te neem;

(d) algemene of bepaalde ooreenkomste vir die doeltreffende administrasie van eksamens met 'n eksaminator of 'n moderator aangaan;

(e) die dienste van 'n eksaminator of 'n moderator te eniger tyd beëindig sonder om die redes vir sodanige beëindiging te verstrek; en

(f) die voorwaardes van aanstelling in paragrafe (a), (b) en (c) bedoel, behalwe die vergoeding, te eniger tyd wysig of vervang.

No. R. 905

26 April 1991

TECHNICAL COLLEGES ACT, 1981

REGULATIONS RELATING TO REQUIREMENTS FOR APPLICATION FOR REGISTRATION AND CONDITIONS FOR REGISTRATION OF PRIVATE TECHNICAL COLLEGES

The Minister of Education and Culture has under section 39 read with section 36A of the Technical Colleges Act, 1981 (Act No. 104 of 1981), made the regulations in the Schedule.

No. R. 905

26 April 1991

WET OP TEGNIESE KOLLEGES, 1981

REGULASIES BETREFFENDE VEREISTES VIR AANSOEK OM REGISTRASIE EN VOORWAARDES VIR REGISTRASIE VAN PRIVATE TEGNIESE KOLLEGES

Die Minister van Onderwys en Kultuur het kragtens artikel 39 saamgelees met artikel 36A van die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981), die regulasies in die Bylae uitgevaardig.

SCHEDULE**Definitions**

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates—

“**examining body**” means an examining body as defined in section 1 of the South African Certification Council Act, 1986 (Act No. 85 of 1986);

“**examining centre**” means all technical colleges as well as all other centres as determined from time to time by the Head of Education;

“**proprietor**”, in relation to a private technical college, means the person who owns and maintains the private technical college;

“**teaching post**” means a post to which a person is appointed, transferred or promoted to perform educational duties at a private technical college; and

“**the Act**” means the Technical Colleges Act, 1981 (Act No. 104 of 1981).

Requirements for application for registration

2. For an application for registration of a private technical college it is required that—

(a) at the head of such college there shall be a principal, who shall be responsible for the organisation and supervision of, the conduct at and the control of that college;

(b) written proof, issued by a local authority, is submitted to the Head of Education, which certifies that the college buildings comply with the requirements contained in The Code of Practice for the Application of the National Building Regulations in respect of Educational Institutions, SABS 0400-1987, as published by Notice No. 2227 of October 9, 1987; and

(c) the college is solvent in the opinion of the Head of Education.

Conditions of registration

3. A private technical college shall be registered on condition that—

(a) the following particulars regarding such college are furnished annually on or before March 1, by the principal of the college to the Head of Education—

(i) the total number of enrolled students of the college for the preceeding calendar year and the number of such students belonging to each of the different population groups;

(ii) a list of names of all the persons employed in a teaching post at the college who presented formal courses during the preceeding calendar year as well as all the qualifications of such persons, and the actual number of years teaching experience of each such person;

(iii) the street and postal address of the head office of the college and if the college has more than one campus, the street and postal addresses of each of the campuses;

BYLAE**Woordomskrywing**

1. In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg word, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“**die Wet**” die Wet op Tegnieëse Kolleges, 1981 (Wet No. 104 van 1981);

“**eienaar**”, met betrekking tot 'n private tegnieëse kollege, iemand aan wie die private tegnieëse kollege behoort en wat dit onderhou;

“**eksamensentrum**” alle tegnieëse kolleges asook alle ander sentrums soos van tyd tot tyd deur die Onderwyshoof bepaal;

“**eksamineringsinstansie**” 'n eksamineringsinstansie soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986 (Wet No. 85 van 1986); en

“**onderwyspos**” 'n pos waarin iemand aangestel, oorgeplaas of bevorder word om onderwyspligte by 'n private tegnieëse kollege te vervul.

Vereistes vir aansoek om registrasie

2. Vir 'n aansoek om registrasie van 'n private tegnieëse kollege word vereis dat—

(a) aan die hoof van sodanige kollege 'n prinsipaal is wat vir die organisasie van, die toesig oor, die gedrag by en die beheer oor daardie kollege verantwoordelik is;

(b) 'n skriftelike bewys, uitgereik deur 'n plaaslike owerheid, wat sertifiseer dat die kollegegeboue voldoen aan die vereistes vervat in die Gebruikskode vir die Toepassing van die Nasionale Bouregulasies ten opsigte van Opvoedkundige Inrigtings, SABS 0400-1987, soos gepubliseer by Kennisgewing No. 2227 van 9 Oktober 1987, by die Onderwyshoof ingedien word; en

(c) die kollege na die oordeel van die Onderwyshoof solvent is.

Voorwaardes van registrasie

3. 'n Private tegnieëse kollege word geregistreer op voorwaarde dat—

(a) die volgende besonderhede betreffende sodanige kollege jaarliks voor of op 1 Maart deur die prinsipaal van die kollege aan die Onderwyshoof verstrekkend word—

(i) die totale getal ingeskrewe studente van die kollege vir die voorafgaande kalenderjaar en die getal van sodanige studente behorende tot elk van die verskillende bevolkingsgroepe;

(ii) 'n lys van name van al die persone in diens in onderwysposte by die kollege wat gedurende die voorafgaande kalenderjaar formele kursusse aangebied het asook al die kwalifikasies van sodanige persone en die werklike aantal jare onderwyservaring van elke sodanige persoon;

(iii) die straat- en posadres van die hoofkantoor van die kollege en, indien die kollege meer as een kampus het, die straat- en posadresse van elk van die kampusse;

(iv) a list of all the courses which the college presented the preceeding calendar year; and

(v) any other particulars which the Head of Education may require;

(b) the minimum number of White students enrolled at the college shall be more than 20;

(c) if such college intends to offer a formal course of study or training contemplated in section 16 of the Act, the principal of such college shall apply in writing to the Head of Education for permission to offer such course;

(d) the Head of Education shall determine the maximum number of students to be admitted to such college, regard being had to the space and design of the buildings and facilities at such college;

(e) no post-school education shall be offered by such college unless the proprietor of that college is in possession of a registration certificate referred to in section 36A (5) of the Act in respect of the college concerned;

(f) before a person is enrolled as a student of such college, the following information shall be furnished to such person in writing—

(i) an exposition of the total amount payable to such college;

(ii) the conditions of payment of the amount referred to in subparagraph (i);

(iii) the name and address of the examining body in respect of a course of study or training referred to in paragraph (c); and

(iv) the address of the examining centre concerned;

(g) such college shall not make misleading or unjust claims regarding the efficiency of the instruction offered by that college;

(h) such college shall not guarantee success in an examination;

(i) a result attained by a student of such college in a public examination shall not be advertised unless the date of the examination in which the result was attained appears conspicuously in the advertisement;

(j) a prospectus or other reading matter in which information regarding such college or a course presented by the college appears, shall contain the following words in a conspicuous place:

“registered by the Department of Education and Culture, Administration: House of Assembly, as a private technical college in terms of the provisions of section 36A of the Technical Colleges Act, 1981 (Act No. 104 of 1981)”;

(k) such college does not make use of a testimonial in favour of that college purporting to have been given by a student, unless the original testimonial is available and the testimonial was not issued by the student at the request of the college; and

(l) no person shall be employed in a teaching post in respect of a formal course of study or training referred to in paragraph (c), at such technical college, unless such person meets the minimum requirements prescribed in terms of section 8B (4) of the National Education Policy Act, 1967 (Act No. 39 of 1967), for registration as a teacher.

(iv) 'n lys van al die kursusse wat die kollege die voorafgaande kalenderjaar aangebied het; en

(v) enige ander besonderhede wat die Onderwyshoof mag vereis;

(b) die minimum getal Blanke studente wat by die kollege ingeskryf is, meer as 20 is;

(c) indien sodanige kollege van voorneme is om 'n formele onderrig- of opleidingskursus in artikel 16 van die Wet bedoel aan te bied, die prinsipaal van sodanige kollege skriftelik by die Onderwyshoof aansoek doen om toestemming om die betrokke kursus aan te bied;

(d) die Onderwyshoof, met inagneming van die ruimte en ontwerp van die geboue en geriewe by sodanige kollege, die maksimum getal studente wat tot sodanige kollege toegelaat mag word, bepaal;

(e) geen naskoolse onderwys deur sodanige kollege aangebied word nie tensy die eienaar van daardie kollege in besit is van 'n registrasiesertifikaat bedoel in artikel 36A (5) van die Wet ten opsigte van die betrokke kollege;

(f) voordat iemand as student by sodanige kollege ingeskryf word, die volgende inligting skriftelik aan so iemand verskaf moet word—

(i) 'n uiteensetting van die totale bedrag betaalbaar aan sodanige kollege;

(ii) die voorwaardes van betaling van die bedrag in subparagraaf (i) bedoel;

(iii) die naam en adres van die eksamineringsinstansie ten opsigte van 'n onderrig- en opleidingskursus in paragraaf (c) bedoel; en

(iv) die adres van die betrokke eksamensentrum;

(g) sodanige kollege nie 'n misleidende of onjuiste aanspraak maak aangaande die doeltreffendheid van die onderrig wat deur daardie kollege aangebied word nie;

(h) sodanige kollege nie sukses in 'n eksamen waarborg nie;

(i) 'n resultaat deur 'n student van sodanige kollege in 'n openbare eksamen behaal, nie geadverteer word nie tensy die datum van die eksamen waarin die resultaat behaal is ooglopend in die advertensie verskyn;

(j) 'n prospektus of ander leesstof waarin inligting aangaande sodanige kollege of 'n kursus wat deur daardie kollege aangebied word, verskyn, op 'n ooglopende plek die volgende woorde bevat:

“Geregistreer deur die Departement van Onderwys en Kultuur, Administrasie: Volksraad as 'n private tegniese kollege ingevolge die bepalings van artikel 36A van die Wet op Tegniese Kolleges, 1981 (Wet No. 104 van 1981)”;

(k) sodanige kollege nie gebruik maak van 'n getuigskrif ten gunste van daardie kollege wat voorgee dat dit deur 'n student gegee is nie, tensy die oorspronklike getuigskrif beskikbaar is en die getuigskrif nie op versoek van die kollege deur die student gegee is nie; en

(l) niemand in 'n onderwyspos ten opsigte van 'n formele onderrig- of opleidingskursus in paragraaf (c) bedoel by sodanige kollege in diens geneem word nie tensy so iemand aan die minimum vereistes wat ingevolge artikel 8B (4) van die Wet op die Nasionale Onderwysbeleid, 1967 (Wet No. 39 van 1967) voorgeskryf is vir registrasie as onderwyser, voldoen nie.

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1990 to 30 September 1991, English is to be placed **FIRST**.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

—oOo—

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1990 tot 30 September 1991 word Engels **EERSTE** geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

Keep South Africa clean!



Hou Suid-Afrika skoon!

IMPORTANT ANNOUNCEMENT

Closing Times

- (1) APPLICATIONS FOR LIQUOR LICENCES
- (2) APPLICATIONS FOR REMOVAL OF LICENCES

Notice is hereby given that notices are to be submitted for acceptance on the Friday, two calendar weeks before date of publication.

The closing time is **15:00** sharp on the following days:

- ▷ **23 November 1990**, for the issue of Friday **7 December 1990**.
- ▷ **18 December 1990**, for the issue of Friday **4 January 1991**.
- ▷ **18 January 1991**, for the issue of Friday **1 February 1991**.
- ▷ **15 February 1991**, for the issue of Friday **1 March 1991**.
- ▷ **20 March 1991**, for the issue of Friday **5 April 1991**.
- ▷ **18 April 1991**, for the issue of Friday **3 May 1991**.

Note: Late notices will be placed in the subsequent issue.

Information will be reflected exactly as furnished on Form 2 and Form 28 of prospective applicant.

BELANGRIKE AANKONDIGING

Sluitingstye

- (1) AANSOEKE OM DRANKLISENSIES
- (2) AANSOEKE OM VERPLASINGS VAN LISENSIES

Hiermee word bekendgemaak dat kennisgewings vir aanname die Vrydag, twee kalenderweke voor datum van publikasie, ingedien moet word.

Die sluitingstyd is stiptelik **15:00** op die volgende dae:

- ▷ **23 November 1990**, vir die uitgawe van Vrydag **7 Desember 1990**.
- ▷ **18 Desember 1990**, vir die uitgawe van Vrydag **4 Januarie 1991**.
- ▷ **18 Januarie 1991**, vir die uitgawe van Vrydag **1 Februarie 1991**.
- ▷ **15 Februarie 1991**, vir die uitgawe van Vrydag **1 Maart 1991**.
- ▷ **20 Maart 1991**, vir die uitgawe van Vrydag **5 April 1991**.
- ▷ **18 April 1991**, vir die uitgawe van Vrydag **3 Mei 1991**.

L. W.: Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word.

Gegewens word presies weergegee soos verstrek op Vorm 2 en Vorm 28 van voornemende aansoeker.

CONTENTS			INHOUD		
No.		Page No.	No.		Bladsy No.
GOVERNMENT NOTICES			GOEWERMENSKENNISGEWINGS		
Administration: House of Assembly			Administrasie: Volksraad		
<i>Government Notices</i>			<i>Goewermenskennisgewings</i>		
R. 900	Technical Colleges Act (104/1981): Regulations relating to college councils.....	1	R. 900	Wet op Tegniese Kolleges (104/1981): Regulasies betreffende kollegerade	1
R. 901	do.: Regulations relating to the appointment and conditions of service of officers and employees employed in teaching posts at technical colleges	5	R. 901	do.: Regulasies betreffende aanstelling en diensvoorwaardes van beampptes en werknemers in diens in onderwysposte by tegniese kolleges	5
R. 902	do.: Regulations relating to the appointment and conditions of service of officers and employees in posts other than teaching posts at technical colleges	22	R. 902	do.: Regulasies betreffende aanstelling en diensvoorwaardes van beampptes en werknemers in diens in ander poste as onderwysposte by tegniese kolleges	22
R. 903	do.: Regulations relating to discharge, resignation, misconduct and inefficiency of officers and employees at technical colleges	49	R. 903	do.: Regulasies betreffende ontslag, bedanking, wangedrag en onbekwaamheid van beampptes en werknemers in diens by tegniese kolleges	49
R. 904	do.: Regulations relating to examination matters	66	R. 904	do.: Regulasies betreffende eksamen-aangeleenthede	66
R. 905	do.: Regulations relating to requirements for application for registration and conditions for registration of private technical colleges	82	R. 905	do.: Regulasies betreffende vereistes vir aansoek om registrasie en voorwaardes vir registrasie van private tegniese kolleges	82