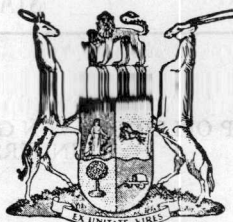




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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

Wet No. 63, 1974

WET OP OPLEIDING VAN GEESTELIK VERTRAAGDE
KINDERS, 1974.

WET

Om voorsiening te maak vir die opleiding van geestelik vertraagde kinders; vir die instelling, registrasie, instandhouding en bestuur van, beheer oor, en verlening van geldelike hulp aan, sentrums waar sodanige opleiding verskaf word; en vir aanleentehede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
Goedgekeur op 16 Oktober 1974.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woord-
omskrywings

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

- (i) „beampte” iemand wat ingevolge hierdie Wet vir diens op ’n vaste grondslag by ’n opleidingsentrum of ’n staatsondersteunde opleidingsentrum deur of met die goedkeuring van die Minister aangestel is, al is hy aangestel—
 - (a) op proef;
 - (b) in ’n pos bedoel vir iemand met ’n hoër of laer rang as sy eie rang; of
 - (c) in ’n pos wat bykomend is by die diensstaat van die opleidingsentrum of staatsondersteunde opleidingsentrum; (x)
- (ii) „bestuursliggaam” ’n in artikel 15 bedoelde liggaam; (vi)
- (iii) „Departement” die Departement van Nasionale Opvoeding; (iv)
- (iv) „geestelik vertraagde kind” ’n kind wat op grond van onopvoedbaarheid van skoolplig vrygestel is, maar wat na die oordeel van die Sekretaris opleibaar is en sal baat by ’n opleidingsprogram bedoel in artikel 25; (viii)
- (v) „hierdie Wet” ook die regulasies; (xvii)
- (vi) „kind” ’n blanke wat die ouderdom van 6 jaar, maar nog nie die ouderdom van 18 jaar nie, bereik het; (i)
- (vii) „Kommissie” die Staatsdienskommissie ingestel by artikel 4 (1) van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (ii)
- (viii) „Minister” die Minister van Nasionale Opvoeding; (ix)
- (ix) „opleiding” opleiding wat by die behoeftes van geestelik vertraagde kinders pas en ook—
 - (a) die versorging van sodanige kinders; en
 - (b) in verband daarmee, die beskikbaarstelling van geboue, koshuise en toerusting, die indiensneming

MENTALLY RETARDED CHILDREN'S TRAINING ACT, 1974.

Act No. 63, 1974

ACT

To provide for the training of mentally retarded children; for the establishment, registration, maintenance, administration and control of, and the rendering of financial aid to, centres where such training is provided; and for matters incidental thereto.

(English text signed by the State President.)

Assented to 16 October 1974.)

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

1. In this Act, unless the context otherwise indicates—

Definitions.

- (i) "child" means a white person who has attained the age of 6 years, but not yet the age of 18 years; (vi)
- (ii) "Commission" means the Public Service Commission established by section 4 (1) of the Public Service Act, 1957 (Act No. 54 of 1957); (vii)
- (iii) "council" means a council referred to in section 3 (1); (xii)
- (iv) "Department" means the Department of National Education; (iii)
- (v) "employee" means a person employed in a temporary capacity or under a kind of contract different from that usually entered into with officers, at a training centre or state-aided training centre in a post included in or additional to the establishment of such centre; (xx)
- (vi) "governing body" means a body referred to in section 15; (ii)
- (vii) "Government" means the Government of the Republic, but does not include a provincial administration, the administration of the territory of South West Africa, or the South African Railways and Harbours Administration; (xiii)
- (viii) "mentally retarded child" means a child who has been exempted from compulsory education on account of uneducability, but who in the opinion of the Secretary is trainable and will derive benefit from a training programme referred to in section 25; (iv)
- (ix) "Minister" means the Minister of National Education; (viii)
- (x) "officer" means a person appointed permanently in terms of this Act for service at a training centre or state-aided training centre by or with the approval of the Minister, although he may have been appointed—
 - (a) on probation;
 - (b) to a post intended for a person of a rank higher or lower than his own rank; or
 - (c) to a post additional to the establishment of such training centre or state-aided training centre; (i)
- (xi) "parent" means the father or the mother of a child born out of or legitimated by a marriage or, in the case of an illegitimate child, the mother of such child,

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nemende ouer, 'n testamentêre, benoemde of ge-assumeerde voog, en iemand aan wie 'n voogdybrief of brief van kuratele ingevolge 'n wet op die bereddering van boedels uitgereik is; (xi)

(xii) „raad” 'n in artikel 3 (1) bedoelde raad; (iii)

(xiii) „Regering” die Regering van die Republiek, maar nie ook 'n provinsiale administrasie, die administrasie van die gebied Suidwes-Afrika of die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens nie; (vii)

(xiv) „regulasie” 'n regulasie kragtens hierdie Wet uitgevaardig; (xiv)

(xv) „Sekretaris” die Sekretaris van Nasionale Opvoeding; (xv)

(xvi) „staatsdiens” die staatsdiens soos beskryf in artikel 3 van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (xiii)

(xvii) „staatsondersteunde opleidingsentrum” 'n inrigting of deel van 'n inrigting wat ingevolge artikel 13 (1) tot 'n staatsondersteunde opleidingsentrum verklaar is; (xvi)

(xviii) „Tesourie” die Minister van Finansies of iemand in die Departement van Finansies wat deur genoemde Minister gemagtig is om die werksaamhede wat hierdie Wet aan die Tesourie opdra, te verrig; (xx)

(xix) „voorgeskryf” by regulasie voorgeskryf; (xii)

(xx) „werknemer” iemand wat in 'n tydelike hoedanigheid of kragtens 'n ander soort kontrak as dié wat gewoonlik met beamptes aangegaan word, in diens is by 'n opleidingsentrum of 'n staatsondersteunde opleidingsentrum in 'n pos wat inbegrepe of bykomend is by die diensstaat van daardie sentrum. (v)

Instelling en
intrekking van
instelling van
opleidingsentrums
deur Minister.

2. (1) Die Minister kan, in oorleg met die Minister van Finansies en die Minister van Gesondheid, en uit geld wat die Parlement vir die doel bewillig het, by 'n inrigting vir swak-sinniges wat deur die Departement van Gesondheid in stand gehou, bestuur en beheer word, 'n opleidingsentrum instel, in stand hou en bestuur om opleiding aan geestelik vertraagde kinders te verskaf.

(2) Die Minister kan die instelling van 'n opleidingsentrum intrek maar, indien 'n raad ingevolge artikel 3 (1) vir die sentrum ingestel is, slegs na oorlegpleging met dié raad.

Rade vir
opleidingsentrums.

3. (1) Die Minister kan 'n raad vir 'n opleidingsentrum instel om die Minister en die Sekretaris van advies te dien aangaande dié aangeleenthede wat voorgeskryf is, en kan verteenwoordiging in so 'n raad aan iemand verleen.

(2) Die samestelling, werksaamhede, bevoegdhede en pligte, en die prosedure en kworum op vergaderings van 'n raad is soos voorgeskryf.

(3) (a) Die Minister stel die lede (met inbegrip van erelede) van 'n raad aan en wel vir die termyn en op die voorwaardes wat voorgeskryf word, en die bevoegdhede van sodanige erelede is soos voorgeskryf.

(b) Die Minister kan die aanstelling van 'n lid van 'n raad intrek, en kan 'n ander lid aanstel in die plek van 'n lid wie se aanstelling aldus ingetrek is.

(4) Geen besoldiging word aan 'n lid van 'n raad betaal nie, maar hy kan ten opsigte van 'n tydperk waarin hy met die sake van die raad besig is, en ten opsigte van 'n reis onderneem vir die doeleindes van dié sake, die verblyf- en reistoelae betaal word wat die Minister in oorleg met die Minister van Finansies bepaal: Met dien verstande dat 'n lid wat op 'n voltydse grondslag in diens van die Staat is, toelae ontvang ooreenkomstig die wetsbepalings wat sy diensvoorwaardes reël.

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and includes an adoptive parent or a testamentary, nominated or assumed guardian, or a person to whom letters of tutorship or curatorship have been issued in terms of any law relating to the administration of estates; (xi)

(xii) "prescribed" means prescribed by regulation; (xix)

(xiii) "public service" means the public service as described in section 3 of the Public Service Act, 1957 (Act No. 54 of 1957); (xvi)

(xiv) "regulation" means a regulation made under this Act; (xiv)

(xv) "Secretary" means the Secretary for National Education; (xv)

(xvi) "state-aided training centre" means an institution or part of an institution declared to be a state-aided training centre in terms of section 13 (1); (xvii)

(xvii) "this Act" includes the regulations; (v)

(xviii) "training" means training which suits the needs of mentally retarded children and includes—

(a) the care of such children; and

(b) in connection therewith, the making available of buildings, hostels and equipment, the employment of staff, the provision of transport and any other service which the Minister considers necessary; (ix)

(xix) "training centre" means a training centre referred to in section 2 (1); (x)

(xx) "Treasury" means the Minister of Finance or any person in the Department of Finance authorized by the said Minister to perform the functions assigned to the Treasury by this Act. (xviii)

2. (1) The Minister may, in consultation with the Minister of Finance and the Minister of Health, and at an institution for the mentally deficient, maintained, managed and controlled by the Department of Health, establish, maintain and manage a training centre out of moneys appropriated by Parliament for the purpose, in order to provide training for mentally retarded children. Establishment and disestablishment of training centres by Minister.

(2) The Minister may disestablish a training centre but, if a council has been established for such centre under section 3 (1), only after consultation with such council.

3. (1) The Minister may establish a council for a training centre to advise the Minister and the Secretary in regard to such matters as may be prescribed, and may accord representation on such council to any person. Councils for training centres.

(2) The constitution, functions, powers and duties, and the procedure and quorum at meetings of a council shall be as prescribed.

(3) (a) The members of a council (including honorary members) shall be appointed by the Minister for such period and subject to such conditions as may be prescribed, and the powers of such honorary members shall be as prescribed.

(b) The Minister may cancel the appointment of a member of a council, and may appoint another member in the place of a member whose appointment has been so cancelled.

(4) No remuneration shall be paid to a member of a council, but he may in respect of any period during which he is engaged upon the business of the council, and in respect of any journey undertaken for the purposes of such business, be paid such subsistence and travelling allowances as the Minister may determine in consultation with the Minister of Finance: Provided that a member who is in the full-time service of the State shall receive allowances in accordance with the laws governing his conditions of employment.

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Diensstate van,
en aanstelling,
salarisskale, ens.,
van persone in
diens by,
opleidingsentrums.

(5) Die persoon wat ingevolge hierdie Wet as hoof van 'n opleidingsentrum aangestel is, of 'n beamppte deur hom aangewys, is sekretaris van die betrokke raad, maar so 'n hoof is ten opsigte van al sy pligte slegs teenoor die Sekretaris verantwoordelik.

4. (1) Die diensstaat by 'n opleidingsentrum bestaan uit—
(a) die poste ingestel op 'n grondslag wat die Minister van tyd tot tyd op aanbeveling van die Kommissie en met die goedkeuring van die Tesourie bepaal; en
(b) die ander poste ten opsigte waarvan die Minister van oordeel is dat 'n grondslag nie bepaal kan word nie en wat hy van tyd tot tyd, op aanbeveling van die Kommissie en met die goedkeuring van die Tesourie, instel.
(2) Die salarisskale verbonde aan die poste waaruit die diensstaat by 'n opleidingsentrum bestaan, word deur die Minister op aanbeveling van die Kommissie en met die goedkeuring van die Tesourie bepaal.

(3) Die bevoegdheid om iemand by 'n opleidingsentrum aan te stel, en iemand aldus aangestel, te bevorder, oor te plaas of te ontslaan, berus, behoudens die bepalings van hierdie Wet, by die Minister.

Verlofvoorregte,
diensvoorwaardes,
ens., van persone
in diens by
opleidingsentrums.

5. (1) Behoudens die bepalings van hierdie Wet, word die verlofvoorregte, salarisse, salarisskale, toelaes en diensvoorwaardes van persone wat by 'n opleidingsentrum in diens is, deur die Minister op aanbeveling van die Kommissie bepaal: Met dien verstande dat die diensvoorwaardes en verlofvoorregte wat ten opsigte van beamptes en werknemers aldus bepaal is, voorgeskryf word: Met dien verstande voorts dat sodanige verlofvoorregte, salarisse, salarisskale, toelaes en diensvoorwaardes ten opsigte van verskillende persone verskillend kan wees.

(2) Die voorwaardes en omstandighede waaronder persone in diens by 'n opleidingsentrum verplig kan word om lede te word en te bly van 'n mediese hulpfonds of mediese hulpvereniging wat deur die Kommissie kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), erken word as 'n instelling waarvan beamptes en werknemers in die staatsdiens verplig is of kan word om lede te word en te bly, word voorgeskryf.

Indeling van
poste by
opleidingsentrums
as staatsdiensposte.

6. (1) Die Minister kan op aanbeveling van die Kommissie enige nie-doserende pos by 'n opleidingsentrum aanwys as 'n pos wat kragtens die bepalings van artikel 3 van die Staatsdienswet, 1957 (Wet No. 54 van 1957), as 'n pos in een van die afdelings van die staatsdiens ingedeel moet word.

(2) Die diensvoorwaardes van iemand wat in 'n aldus ingedeelde pos aangestel word, word gereël deur die wetsbepalings op die staatsdiens.

Pensioen- en
uitdienstredings-
voordele van
beamptes en
werknemers by
opleidingsentrums.

7. Ondanks andersluidende wetsbepalings word 'n beamppte of werknemer wat in diens is by 'n opleidingsentrum ten opsigte van pensioen- en uitdienstredingsvoordele behandel asof hy—

(i) indien hy 'n beamppte is, in diens was in 'n pos wat ingedeel is in 'n afdeling van die staatsdiens vermeld in artikel 3 (1) (a) (i) van die Staatsdienswet, 1957 (Wet No. 54 van 1957); of

(ii) indien hy 'n werknemer is, 'n werknemer van die Regering was.

Oorplasing en
afstaan van
beamptes en
werknemers by
opleidingsentrums.

8. (1) 'n Beamppte of werknemer in diens by 'n opleidingsentrum kan, met die goedkeuring van die Minister, oorgeplaas word van die pos waarin hy diens doen na enige ander pos in dieselfde of 'n ander opleidingsentrum, of in enige ander inrigting onder beheer van die Departement, hetsy die inrigting kragtens hierdie Wet of enige ander wet ingestel is, en hetsy so 'n oorplasing na 'n pos van 'n laer graad is al dan nie: Met

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(5) The person appointed under this Act as principal of a training centre, or an officer designated by him, shall be the secretary of the council in question, but such principal shall in respect of all his duties be responsible to the Secretary only.

4. (1) The establishment of any training centre shall consist of—

- (a) the posts established on a basis determined by the Minister from time to time on the recommendation of the Commission and with the approval of the Treasury; and
- (b) the other posts in respect of which the Minister is of the opinion that no basis can be determined and which he, on the recommendation of the Commission and with the approval of the Treasury, may establish from time to time.

Establishments of, and appointment, salary scales, etc., of persons in the employment of, training centres.

(2) The salary scales attaching to the posts on the establishment at a training centre shall be determined by the Minister on the recommendation of the Commission and with the approval of the Treasury.

(3) The power to appoint any person at a training centre, and to promote, transfer or discharge a person so appointed, shall, subject to the provisions of this Act, be vested in the Minister.

5. (1) Subject to the provisions of this Act, the leave privileges, salaries, salary scales, allowances and conditions of service of persons employed at a training centre, shall be determined by the Minister on the recommendation of the Commission: Provided that the conditions of service and leave privileges so determined in respect of officers and employees shall be prescribed: Provided further that such leave privileges, salaries, salary scales, allowances and conditions of service may differ in respect of different persons.

Leave privileges, conditions of service, etc., of persons employed at training centres.

(2) The conditions and circumstances under which persons employed at a training centre can be compelled to become and remain members of a medical aid fund or medical aid society recognized by the Commission in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as an institution of which officers and employees in the public service are or may be compelled to become and to remain members, shall be prescribed.

6. (1) The Minister may on the recommendation of the Commission designate any non-teaching post on the establishment of a training centre as a post which shall be classified under the provisions of section 3 of the Public Service Act, 1957 (Act No. 54 of 1957), as a post in one of the divisions of the public service.

Classification of posts at training centres as posts in the public service.

(2) The conditions of service of any person appointed to a post so classified, shall be governed by the laws regulating the public service.

7. Notwithstanding anything to the contrary in any law contained, any officer or employee who is employed at a training centre shall in respect of pension and retirement benefits be dealt with as if—

- (a) if he is an officer, he were employed in a post classified under a division of the public service referred to in section 3 (1) (a) (i) of the Public Service Act, 1957 (Act No. 54 of 1957); or
- (b) if he is an employee, he were an employee of the Government.

Pension and retirement benefits of officers and employees at training centres.

8. (1) Any officer or employee employed at a training centre may, with the approval of the Minister, be transferred from the post in which he is employed to any other post at the same or any other training centre, or at any other institution under the control of the Department, whether established under this Act or any other law, and whether or not such transfer is to a post of a lower grade: Provided that no transfer involving a reduction

Transfer and seconding of officers and employees at training centres.

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dien verstande dat 'n oorplasing wat 'n vermindering in so iemand se pensioengewende verdienste meebring nie sonder sy toestemming geskied nie, tensy die oorplasing geskied omdat die Minister sy rang verlaag het ingevolge artikel 10 (25) (a): Met dien verstande voorts dat 'n beampte wat na 'n pos met 'n laer graad sonder vermindering van sy pensioengewende verdienste oorgeplaas is, weer in 'n pos met 'n graad waarby sy salarisskaal pas, aangestel word sodra 'n geskikte vakature ontstaan.

(2) 'n Beampte of werknemer wat oorgeplaas is na 'n pos met 'n hoër graad as 'n graad wat by sy eie rang pas, is nie uit hoofde alleen van dié oorplasing en diens in daardie pos geregtig op die hoër salarisskaal wat op daardie pos van toepassing is nie.

(3) (a) 'n Beampte of werknemer wat by 'n opleidingsentrum in diens is, kan met die goedkeuring van die Minister tydelik afgestaan word, hetsy vir 'n besondere diens of vir 'n tydperk—

(i) aan die diens van 'n provinsiale administrasie, die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens, die Departement van Pos- en Telekommunikasiewese, die administrasie van die gebied Suidwes-Afrika of, op aanbeveling van die Kommissie, 'n ander staatsdepartement; of

(ii) met sy eie toestemming, aan die diens van 'n ander regering of iemand anders,

op die voorwaardes wat die Minister in oorleg met die Minister van Finansies bepaal, en so 'n beampte of werknemer bly, terwyl hy aldus afgestaan is, onderworpe aan die wetsbepalings wat op hom van toepassing was terwyl hy by daardie opleidingsentrum in diens was.

(b) Indien 'n beampte of werknemer tydelik ter beskikking van 'n ander regering, departement of administrasie, of iemand anders, ingevolge paragraaf (a) afgestaan word, word enige salaris, toelae, geld, bonus of honorarium wat ten opsigte van sy dienste betaalbaar is, in die Gekonsolideerde Inkomstefonds gestort: Met dien verstande dat die Minister onder omstandighede wat hy as buitengewoon beskou, in oorleg met die Minister van Finansies, kan goedkeur dat 'n bedrag wat gelyk is aan bedoelde salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan, aan die beampte of werknemer betaal word.

Wangedrag deur
beamptes in
diens by
opleidingsentrums.

9. 'n Beampte in diens by 'n opleidingsentrum is skuldig aan wangedrag en daar kan ooreenkomstig die bepalinge van artikel 10 met hom gehandel word, as hy—

(a) 'n bepaling van hierdie Wet wat hy moet nakom, oortree of versuim om daaraan te voldoen;

(b) 'n daad wat nadelig is vir die administrasie, dissipline of doeltreffendheid van 'n opleidingsentrum, departement, kantoor of inrigting van die Regering verrig of laat verrig, of toelaat dat dit verrig word;

(c) 'n wettige bevel wat aan hom gegee is nie gehoorsaam nie of verontagsaam, of opsetlik versuim om dit uit te voer, of deur woord of gedrag hom aan insubordinasie skuldig maak;

(d) nalatig of traag by die vervulling van sy pligte is;

(e) sonder die toestemming van die Minister 'n private agentskap of private werk onderneem in verband met 'n aangeleentheid wat in verband staan met die verrigting van sy amptelike werksaamhede of die uitvoering van sy ampspligte;

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in such person's pensionable emoluments shall be made without his consent, unless the transfer is in consequence of a reduction of rank imposed by the Minister under section 10 (25) (a): Provided further that an officer who has been transferred to a post of a lower grade without reduction of his pensionable emoluments, shall be reappointed to a post of a grade to which his salary is appropriate, as soon as a suitable vacancy occurs.

(2) An officer or an employee who has been transferred to a post of a grade higher than a grade to which his rank is appropriate, shall not, by reason only of such transfer and service in such post, be entitled to the higher salary applicable to that post.

(3) (a) An officer or employee who is employed at a training centre may, with the approval of the Minister, be seconded temporarily, either for a particular service or for a period of time—

(i) to the service of any provincial administration, the South African Railways and Harbours Administration, the Department of Posts and Telecommunications, the administration of the territory of South West Africa or, on the recommendation of the Commission, to any other department of State; or

(ii) with his own consent, to the service of any other government or any other person,

upon such conditions as may be determined by the Minister in consultation with the Minister of Finance, and such officer or employee shall, while so seconded, remain subject to the laws that applied to him while he was employed at that training centre.

(b) If the services of an officer or employee are in terms of paragraph (a) placed temporarily at the disposal of any other government, department or administration or of any other person, any salary, allowance, fee, bonus or honorarium which may be payable in respect of his services shall be paid into the Consolidated Revenue Fund: Provided that the Minister may, in circumstances which he regards as exceptional, in consultation with the Minister of Finance, approve the payment to the officer or employee of an amount equal to the said salary, allowance, fee, bonus or honorarium, or a portion thereof.

9. An officer employed at a training centre shall be guilty of misconduct and may be dealt with in accordance with the provisions of section 10, if he—

Misconduct by officers employed at training centres.

(a) contravenes or fails to comply with any provision of this Act, with which it is his duty to comply;

(b) does, or causes or permits to be done, any act which is prejudicial to the administration, discipline or efficiency of a training centre, or a department, office or institution of the government;

(c) disobeys, disregards or makes wilful default in carrying out a lawful order given to him, or by word or conduct displays insubordination;

(d) is negligent or indolent in the discharge of his duties;

(e) undertakes, without the permission of the Minister, any private agency or private work in connection with any matter connected with the performance of his official functions or the discharge of his official duties;

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- (f) in die openbaar ongunstige kritiek uitoefen op die administrasie van 'n staatsdepartement (met inbegrip van 'n provinsiale administrasie en die administrasie van die gebied Suidwes-Afrika);
- (g) deur middel van iemand wat nie in die diens van die Departement is nie probeer om ingryping in verband met sy posisie en diensvoorwaardes te verkry, tensy dit geskied om herstel van 'n grief deur bemiddeling van die Parlement te probeer verkry;
- (h) hom op 'n skandelige, onbehoorlike of onbetaamlike wyse gedra of, terwyl hy diens doen, hom aan growwe onbeleefdheid teenoor 'n ander persoon skuldig maak;
- (i) buitensporig gebruik maak van sterk drank of bedwelvende middels of, terwyl hy aan diens is of behoort te wees, onder die invloed van sterk drank of bedwelvende middels is in 'n mate wat tot nadeel strek van die Departement of van die doeltreffende verrigting van sy pligte, tensy daar bewys word dat dié gebruikmaking of toestand nie aan onbetaamlike gedrag of optrede van sy kant te wyte is nie;
- (j) insolvent word, of 'n akkoord met sy skuldeisers aangaan, of as 'n bevel tot siviele gyseling deur 'n geregs-hof teen hom uitgereik word, tensy daar bewys word dat sy insolvensie of die akkoord of die uitreiking van die bevel teen hom deur onvermydelike teenspoed veroorsaak is;
- (k) in geldelike moeilikheid raak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakbare oorsaak nie, en nie nadelig is vir die getroue uitvoering van sy pligte nie;
- (l) sonder dat hy eers die toestemming van die Sekretaris verkry het, inligting wat hy ingewin of bekom het as gevolg van sy werk by 'n opleidingsentrum of in die Departement, openbaar maak anders as by die vervulling van sy ampspligte, of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy ampspligte, hetsy hy sodanige inligting openbaar maak of nie;
- (m) enige kommissie, geld of ander beloning wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie, aanneem of eis ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer, of as hy versuim om die Sekretaris van die aanbod van sodanige kommissie, geld of beloning te verwittig;
- (n) hom eiendom van die Staat wederregtelik toeëien of op onbehoorlike wyse daarvan gebruik maak, en sodanige toeëiening of gebruikmaking nie 'n misdryf uitmaak nie;
- (o) 'n misdryf pleeg;
- (p) sonder verlof van sy opleidingsentrum of diens wegbly, tensy hy 'n geldige rede vir sy afwesigheid kan bewys;
- (q) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of op die veroorsaking van enige nadeel of skade aan die Regering of 'n staatsdepartement of die staatsdiens of die onderwysdiens of 'n lid van so 'n diens, 'n valse of onjuiste verklaring aflê terwyl hy weet dat dit vals of onjuis is; of
- (r) 'n bepaling van die reëls van die konstitusie van 'n mediese hulpfonds of mediese hulpvereniging waarvan hy ingevolge hierdie Wet verplig is om lid te wees, oortree, of versuim om te voldoen aan 'n bepaling van bedoelde reëls waaraan hy uit hoofde van sy lidmaatskap van sodanige mediese hulpfonds of mediese hulpvereniging moet voldoen.

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- (f) publicly comments adversely upon the administration of any department of State (including a provincial administration and the administration of the territory of South West Africa);
- (g) attempts to secure intervention, through any person not in the employment of the Department, in relation to his position and conditions of service, unless it is done in an endeavour to obtain redress of any grievance through Parliament;
- (h) conducts himself in a disgraceful, improper or unbecoming manner, or, whilst on duty, is grossly discourteous to any other person;
- (i) uses intoxicants or stupefying drugs excessively, or, whilst he is or should be on duty, is under the influence of intoxicants or stupefying drugs to an extent which is prejudicial to the Department or to the efficient performance of his duties, unless it is proved that such use or condition is not due to any improper conduct or action on his part;
- (j) becomes insolvent or compromises with his creditors, or if a decree of civil imprisonment is made against him by any court of law, unless it is shown that his insolvency or such composition or the making of such decree against him has been occasioned by unavoidable misfortune;
- (k) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause, and is not prejudicial to the faithful performance of his duties;
- (l) without first having obtained the permission of the Secretary, discloses, otherwise than in the discharge of his official duties, information gathered or obtained by him through his employment at a training centre or in the Department, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information;
- (m) accepts or demands in respect of the discharge of or the failure to discharge his duties any commission, fee, or other reward, not being the emoluments payable to him in respect of his duties, or fails to report to the Secretary the offer of any such commission, fee or reward;
- (n) misappropriates or improperly uses any property of the State and such misappropriation or use does not constitute an offence;
- (o) commits an offence;
- (p) absents himself from his training centre or duty without leave, unless he can prove a valid cause for his absence;
- (q) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to the Government or a department of State or the public service or the educational service or a member of such service, makes a false or incorrect statement, knowing it to be false or incorrect; or
- (r) contravenes any provision of the rules of the constitution of a medical aid fund or medical aid society of which he is required to be a member in terms of this Act or fails to comply with any provision of the said rules with which it is his duty to comply by virtue of his membership of such medical aid fund or medical aid society.

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Prosedure in
geval van
wangedrag deur
beampes in
diens by
opleidingsentrums.

10. (1) Indien 'n beampte wat by 'n opleidingsentrum in diens is, beskuldig word van wangedrag soos in artikel 9 omskryf, kan die Sekretaris of iemand deur die Sekretaris daartoe gemagtig, hom skriftelik onder sy handtekening van daardie wangedrag aankla.

(2) Die persoon wat die aanklag onderteken het, moet dit aan die aangeklaagde bestel ooreenkomstig die bepalings van artikel 12.

(3) Die aanklag moet 'n aanseggings bevat of met 'n aanseggings gepaard gaan, waarby die aangeklaagde aangesê word om binne 'n tydperk wat in die aanseggings vermeld word en redelik moet wees, 'n skriftelike erkenning of ontkenning van die aanklag en, indien hy dit verlang, 'n skriftelike verduideliking van die wangedrag waarvan hy aangekla word, aan iemand insgelyks vermeld, te stuur of te oorhandig.

(4) Die Minister of, indien daartoe deur die Minister in die algemeen of in 'n besondere geval gemagtig, die Sekretaris of 'n ander beampte in die Departement, kan iemand wat beskuldig word van wangedrag in sy diens skors, hetsy hy van wangedrag ooreenkomstig hierdie artikel aangekla is al dan nie.

(5) Die Minister of die ander persoon wat iemand ingevolge subartikel (4) geskors het, kan die skorsing te eniger tyd intrek, maar die intrekking van die skorsing raak geen verrigtings in verband met die beskuldiging van wangedrag nie.

(6) Iemand wat ingevolge subartikel (4) in sy diens geskors is, is nie op enige besoldiging ten opsigte van die tydperk van sy skorsing geregtig nie: Met dien verstande dat die Minister kan gelas dat aan so iemand sy volle besoldiging of 'n gedeelte daarvan betaal word.

(7) As geen aanklag kragtens hierdie artikel bestel word nie teen iemand wat aldus in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat, en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(8) (a) Indien die aangeklaagde die aanklag erken, word hy geag ingevolge hierdie artikel skuldig bevind te wees aan die wangedrag waarvan hy aangekla is.

(b) Indien die aangeklaagde die aanklag ontken of versuim om te voldoen aan die aanseggings vermeld in subartikel (3), stel die Sekretaris iemand aan om ondersoek na die aanklag in te stel.

(9) (a) Die persoon wat die ondersoek instel, moet, in oorleg met die persoon wat die aanklag onderteken het, die tyd en plek van die ondersoek vasstel, en die persoon wat die aanklag onderteken het, moet die aangeklaagde redelike skriftelike kennis gee van die tyd en plek aldus vasgestel: Met dien verstande dat die Sekretaris die ondersoek kan uitstel indien goeie redes daarvoor bestaan.

(b) Die reg met betrekking tot getuies en getuienis wat geld in verband met strafsake in 'n landdroshof, geld *mutatis mutandis* vir die doeleindes van en by so 'n ondersoek: Met dien verstande dat dagvaardings om die aanwesigheid van getuies daarby te verkry, uitgereik moet word deur die persoon wat ingevolge subartikel (8) (b) die ondersoek moet instel.

(10) Die persoon wat die aanklag onderteken het, kan iemand magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer, en om iemand wat as getuie vir die verweer opgeroep is, onder kruisverhoor te neem.

(11) (a) By die ondersoek kan die aangeklaagde teenwoordig wees, het hy die reg om, persoonlik of deur 'n verteenwoordiger, aangehoor te word, iemand wat as getuie ter stawing van die aanklag opgeroep is, onder kruisverhoor te neem, stukke wat as getuienis voorgelê is, in te sien, ander persone as getuies op te roep, en kan hy self getuienis aflê.

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10. (1) If an officer employed at a training centre is accused of misconduct as defined in section 9, the Secretary or any person authorized thereto by the Secretary may charge him in writing under his hand with that misconduct. Procedure in case of misconduct by officers employed at training centres.

(2) The person who signed the charge shall serve it upon the person charged in accordance with the provisions of section 12.

(3) The charge shall contain or shall be accompanied by a direction calling upon the person charged to transmit or deliver, within a period which is to be specified in such direction and is to be reasonable, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charged.

(4) The Minister or, if authorized thereto by the Minister either generally or in a particular case, the Secretary or any other officer in the Department, may suspend from duty any person accused of misconduct, whether or not such person has been charged with misconduct in terms of this section.

(5) The Minister or the other person who suspended any person in terms of subsection (4), may at any time cancel the suspension, but the cancellation of the suspension shall not affect any proceedings in connection with the charge of misconduct.

(6) A person who has been suspended from duty in terms of subsection (4), shall not be entitled to any emoluments in respect of the period of his suspension: Provided that the Minister may order payment to the said person of the whole or a portion of his emoluments.

(7) If no charge under this section is preferred against a person who has been so suspended from duty, he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(8) (a) If the person charged admits the charge, he shall be deemed to have been found guilty in terms of this section of the misconduct with which he has been charged.

(b) If the person charged denies the charge or fails to comply with the direction mentioned in subsection (3), the Secretary shall appoint a person to enquire into the charge.

(9) (a) The person who is to hold the enquiry shall, in consultation with the person who signed the charge, fix the time and place of the enquiry, and the person who signed the charge shall give the person charged reasonable written notice of the time and place so fixed: Provided that the Secretary shall have the power to postpone the enquiry on good cause shown.

(b) The law relating to witnesses and evidence which applies in connection with criminal cases in a magistrate's court, shall apply *mutatis mutandis* for the purposes of and at any such enquiry: Provided that subpoenas to procure the attendance of witnesses thereat, shall be issued by the person who, in terms of subsection (8) (b), is to hold the enquiry.

(10) The person who signed the charge may authorize any person to be present at the enquiry and to adduce evidence and arguments in support of the charge, and to cross-examine any person called as a witness for the defence.

(11) (a) At the enquiry the person charged may be present, shall have the right to be heard, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence and to call other persons as witnesses, either personally or by a representative, and may give evidence himself.

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(b) Die versuim van die aangeklaagde om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees, maak nie die verrigtinge ongeldig nie.

(c) Die persoon wat die ondersoek instel, moet notule hou van die verrigtinge by die ondersoek en van die getuienis wat daarby afgelê word.

(12) Indien die wangedrag waarvan iemand aangekla word, die pleeg van 'n misdryf behels en bewys word dat hy deur 'n geregshof daaraan skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof *prima facie*-bewys dat hy daardie misdryf gepleeg het.

(13) Die persoon wat die ondersoek instel, moet na afloop daarvan beslis of die aangeklaagde skuldig of onskuldig is aan die wangedrag waarvan hy aangekla is, en hom en die Sekretaris van sy beslissing verwittig.

(14) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde onskuldig is aan die wangedrag waarvan hy aangekla is en die aangeklaagde ingevolge subartikel (4) in sy diens geskors is, word hy toegelaat om so spoedig doenlik sy diens te hervat en word sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal, vir sover dit nie reeds gedoen is nie.

(15) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, kan die aangeklaagde binne veertien dae ná die datum waarop hy van die bevinding verwittig is, na die Minister appelleer deur aan die persoon wat die ondersoek ingestel het 'n skriftelike kennisgewing van appèl te oorhandig of te pos, waarin die gronde waarop die appèl gebaseer is, volledig uiteengesit word.

(16) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, moet hy—

(a) ná verstryking van die tydperk vermeld in subartikel (15), aan die Sekretaris stuur—

(i) die notule van die verrigtinge by die ondersoek;

(ii) die dokumentêre bewysstukke wat daarby toegelaat is;

(iii) 'n uiteensetting van sy bevinding en sy redes daarvoor;

(iv) enige opmerkings wat hy oor die saak wil maak; en

(v) indien teen sy bevinding ingevolge subartikel (15) geappelleer is, die kennisgewing van appèl; en

(b) indien daar aldus teen sy bevinding geappelleer is, aan die appellant 'n afskrif van sy redes vir die bevinding verstrek.

(17) Indien die appellant binne sewe dae na die datum waarop 'n afskrif van die redes vir die bevinding aan hom verstrek is, by die Sekretaris aansoek doen om 'n afskrif van die notule van die verrigtinge by die ondersoek en die dokumentêre bewysstukke wat daarby toegelaat is, moet die Sekretaris dit aan hom verstrek.

(18) Die appellant kan, indien hy 'n aansoek ingevolge subartikel (17) gedoen het, binne veertien dae ná die datum waarop die betrokke afskrif aan hom verstrek is of, indien hy nie aldus aansoek gedoen het nie, binne een-en-twintig dae ná die datum waarop die afskrif van die redes vir die bevinding aan hom verstrek is, skriftelike verstoë ter stawing van sy appèl aan die Sekretaris voorlê, en die Sekretaris moet na ontvangs daarvan of, indien hy geen sodanige verstoë binne die voorgeskrewe tydperk ontvang het nie, ná verstryking van dié tydperk, die notule van die verrigtinge by die ondersoek, die ander stukke in sy besit wat op die ondersoek of appèl betrekking het, en sy aanbeveling omtrent die appèl, aan die Minister voorlê.

(19) Ná oorweging van die betrokke notule en ander stukke kan die Minister die appèl geheel en al of ten dele toestaan en die bevinding ter syde stel of wysig, die appèl van die hand wys en

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(b) The failure of the person charged to be present at the enquiry, either personally or by a representative, shall not invalidate the proceedings.

(c) The person holding the enquiry shall keep a record of the proceedings at the enquiry and of the evidence given thereat.

(12) If the misconduct with which any person is charged, constitutes the commission of an offence and it is proved that he has been convicted thereof by a court of law, a certified copy of the record of his trial and conviction by that court shall be *prima facie* evidence of the commission by him of that offence.

(13) The person holding the enquiry shall after the conclusion thereof decide whether the person charged is guilty or not guilty of the misconduct with which he has been charged, and inform him and the Secretary of his decision.

(14) If the person holding the enquiry finds that the person charged is not guilty of the misconduct with which he has been charged and the person charged was suspended from duty in terms of subsection (4), he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(15) If the person holding the enquiry finds that the person charged is guilty of the misconduct with which he has been charged, the person charged may within fourteen days after the date on which he was informed of the finding, appeal to the Minister by delivering or posting to the person who held the enquiry a written notice of appeal setting forth fully the grounds on which the appeal is based.

(16) If the person holding the enquiry finds that the person charged is guilty of the misconduct with which he has been charged, he shall—

(a) after expiry of the period referred to in subsection (15), forward to the Secretary—

- (i) the record of the proceedings at the enquiry;
- (ii) the documentary evidence admitted thereat;
- (iii) a statement of his finding and his reasons therefor;
- (iv) any observations which he may wish to make on the case; and
- (v) if there is an appeal from his finding in terms of subsection (15), the notice of appeal; and

(b) if there is such an appeal against his finding, furnish the appellant with a copy of his reasons for the finding.

(17) If the appellant applies to the Secretary for a copy of the record of the proceedings at the enquiry and of the documentary evidence admitted thereat, within seven days after the date upon which he was furnished with a copy of the reasons for the finding, the Secretary shall furnish him with it.

(18) The appellant may, if he has made an application in terms of subsection (17), within fourteen days after the date upon which he was furnished with the copy in question or, if he did not make such an application, within twenty-one days after the date upon which he was furnished with the copy of the reasons for the finding, submit to the Secretary written representations in support of his appeal, and the Secretary shall after receipt thereof or, if he did not receive such representations within the prescribed period, after the expiry of such period, submit to the Minister the record of the proceedings at the enquiry, the other documents in his possession which relate to the enquiry or appeal, and his recommendation concerning the appeal.

(19) After consideration of the record and other documents in question the Minister may allow the appeal in whole or in part and set aside or vary the finding, dismiss the appeal and

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die bevinding bekragtig, of, voordat hy 'n finale beslissing oor die appèl neem, 'n aangeleentheid in verband met die ondersoek terugverwys na die persoon wat die ondersoek ingestel het, en hom gelas om verslag daaroor te doen of verdere ondersoek in te stel en 'n bevinding daaroor te doen.

(20) Indien die Minister gelas dat verdere ondersoek ingestel word, is die bepalinge van subartikels (9), (10) en (11) *mutatis mutandis* ten opsigte daarvan van toepassing.

(21) Indien die Minister tot 'n finale beslissing oor die appèl gekom het, moet hy die beslissing skriftelik meedeel aan die appellant en die Sekretaris.

(22) Indien die Minister die appèl toestaan en die appellant ingevolge subartikel (4) in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(23) Indien die aangeklaagde die aanklag van wangedrag erken het soos in subartikel (3) beoog, of indien hy aan wangedrag skuldig bevind is ingevolge subartikel (13) en nie binne die voorgeskrewe tydperk daarteen geappelleer het nie, of daarteen geappelleer het en die appèl geheel en al of ten dele van die hand gewys is ingevolge hierdie artikel, moet die Sekretaris behoudens die bepalinge van subartikel (24), by die Minister aanbeveel dat—

- (a) die aangeklaagde gewaarsku of berispe word;
- (b) die aangeklaagde 'n boete van hoogstens tweehonderd rand opgelê word;
- (c) die aangeklaagde na 'n ander pos oorgeplaas word;
- (d) die aangeklaagde se besoldiging of rang of sowel sy besoldiging as sy rang verlaag word; of
- (e) die aangeklaagde uit die diens van sy werkgewer ontslaan word of aangesê word om daaruit te bedank.

(24) (a) Behalwe wanneer die Sekretaris 'n aanbeveling kragtens paragraaf (a) of (e) van subartikel (23) doen, kan hy 'n aanbeveling kragtens meer as een van die ander paragrawe van daardie subartikel doen.

(b) Die Sekretaris kan die doen van 'n aanbeveling kragtens subartikel (23) vir 'n tydperk van hoogstens twaalf maande uitstel.

(25) (a) Die Minister kan volgens die aanbeveling van die Sekretaris bedoel in subartikel (23) handel, of enigiets anders doen wat hy sou kon gedoen het indien die Sekretaris dit ingevolge daardie subartikel aanbeveel het.

(b) Indien iemand ingevolge hierdie subartikel 'n boete opgelê word, kan dié boete verhaal word deur dit van sy besoldiging af te trek in die paaielemente wat die Minister bepaal.

(c) Indien die Minister iemand ingevolge hierdie subartikel ontslaan, tree die ontslag in werking op 'n datum wat die Minister bepaal.

(d) Indien die Minister ingevolge hierdie subartikel iemand aansê om uit die diens van sy werkgewer te bedank en so iemand versuim om aldus te bedank met ingang van 'n datum wat die Minister bepaal, word hy geag uit dié diens ingevolge hierdie subartikel ontslaan te wees met ingang van daardie datum.

(26) Indien iemand ingevolge subartikel (4) in sy diens geskors is en die Minister met hom handel soos in paragraaf (a), (b), (c) of (d) van subartikel (23) beoog, of die Sekretaris ooreenkomstig subartikel (24) (b) die doen van 'n aanbeveling uitstel, moet so iemand so spoedig doenlik toegelaat word om diens in 'n gepaste pos te hervat, en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word vir sover dit nie reeds gedoen is nie: Met dien verstande dat indien so iemand se besoldiging of rang verlaag word soos beoog in subartikel (23) (d), sy besoldiging ten opsigte van die tydperk

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confirm the finding, or, before taking a final decision on the appeal, remit any matter in connection with the enquiry to the person who held the enquiry and direct him to report thereon or to hold a further enquiry and to make a finding thereon.

(20) If the Minister has directed that a further enquiry be held, the provisions of subsections (9), (10) and (11) shall apply *mutatis mutandis* in respect thereof.

(21) If the Minister has arrived at a final decision on the appeal, he shall convey that decision in writing to the appellant and the Secretary.

(22) If the Minister allows the appeal and the appellant has been suspended from duty in terms of subsection (4), he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(23) If the person charged has admitted the charge of misconduct as is contemplated in subsection (3), or if he has been found guilty of misconduct in terms of subsection (13) and has not appealed therefrom within the period prescribed, or has appealed therefrom and the appeal has been dismissed wholly or in part in terms of this section, the Secretary shall, subject to the provisions of subsection (24), recommend to the Minister that—

- (a) the person charged be cautioned or reprimanded;
- (b) a fine, not exceeding two hundred rand, be imposed upon the person charged;
- (c) the person charged be transferred to another post;
- (d) the emoluments or rank or both the emoluments and rank of the person charged be reduced; or
- (e) the person charged be discharged from the service of his employer or be called upon to resign therefrom.

(24) (a) Except where the Secretary makes a recommendation under paragraph (a) or (e) of subsection (23), he may make a recommendation under more than one of the other paragraphs of that subsection.

(b) The Secretary may postpone for a period not exceeding twelve months the making of a recommendation under subsection (23).

(25) (a) The Minister may act in accordance with the recommendation of the Secretary contemplated in subsection (23), or take any other action which he could have taken if the Secretary had recommended it in terms of that subsection.

(b) If a fine is imposed upon any person in terms of this subsection, such fine may be recovered by deducting it from his emoluments in such instalments as the Minister may determine.

(c) If the Minister discharges any person in terms of this subsection, the discharge shall take effect on a date fixed by the Minister.

(d) If the Minister in terms of this subsection calls upon any person to resign from the service of his employer and such person fails so to resign with effect from a date fixed by the Minister, he shall be deemed to have been discharged in terms of this subsection from service with effect from that date.

(26) If any person has been suspended from duty in terms of subsection (4) and the Minister deals with him in a manner contemplated in paragraph (a), (b), (c) or (d) of subsection (23), or the Secretary postpones a recommendation in terms of subsection (24) (b), such person shall be allowed to resume duty in an appropriate post as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already: Provided that if the emoluments or rank of such person is reduced as is contemplated in subsection (23) (d), his emoluments in respect of the period of his suspension

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van sy skorsing bereken word op die grondslag van die verlaagde besoldiging of rang, na gelang van die geval: Met dien verstande voorts dat indien ten opsigte van die tydperk van sy skorsing reeds 'n hoër besoldiging aan hom ingevolge subartikel (6) betaal is as die besoldiging aldus bereken, hy nie verplig is om die verskil terug te betaal nie.

(27) Indien iemand wat ingevolge hierdie artikel geskors of van wangedrag aangekla is, uit die diens van sy werkgewer bedank of ander werk aanvaar voordat die toepaslike aanklag van wangedrag kragtens hierdie artikel afgehandel is, word hy geag weens wangedrag uit dié diens ontslaan te wees met ingang van 'n datum wat die Minister bepaal tensy, voordat sy kennisgewing van bedanking ontvang is of hy die ander werk aanvaar het, hy in kennis gestel is dat hy nie van wangedrag aangekla sal word nie of, na gelang van die geval, dat die aanklag van wangedrag teen hom teruggetrek is.

(28) Die feit dat iemand deur 'n geregshof skuldig of onskuldig aan die pleeg van 'n misdryf bevind is, belet nie dat stappe teen so iemand ingevolge hierdie artikel gedoen word nie.

Optrede in die
geval van
onbekwame beamptes
in diens by
opleidingsentrums.

11. (1) Indien beweer word dat 'n beampte in diens by 'n opleidingsentrum ongeskik is vir die pligte wat aan sy pos verbonde is, of nie in staat is om daardie pligte op bekwame wyse uit te voer nie weens oorsake wat buite sy beheer is en nie aan die uitvoering van sy pligte in die diens van die Departement of die betrokke opleidingsentrum toe te skryf is nie, kan die Sekretaris iemand aanstel om ondersoek na die bewering in te stel.

(2) Die bepalinge van subartikels (9), (10), (11), (13), (15) tot en met (21), en (23), en paragrawe (a) en (c) van subartikel (25) van artikel 10 is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek bedoel in subartikel (1) en die beampte ten opsigte van wie die bewering gedoen is: Met dien verstande dat by die toepassing van genoemde subartikel (23) die Sekretaris slegs kan aanbeveel dat die betrokke beampte uit die diens van die Departement ontslaan word of dat sy rang verlaag word en, indien sy besoldiging meer is as die maksimum vir die verlaagde rang, dat die besoldiging tot dié maksimum verminder word.

Wyse van
bestelling van
sekere stukke.

12. Waar daar by artikel 10 of 11 bepaal word—

- (a) dat enige kennisgewing, verklaring of ander dokument aan iemand gegee, verstrek of bestel moet word, of dat enige aangeleentheid skriftelik aan iemand meegedeel moet of kan word, kan die kennisgewing, verklaring, dokument of stuk per aangetekende brief aan hom gestuur word, of aan hom persoonlik oorhandig word, of gelaat word by die plek waar hy, sover bekend, laas gewoon het; of
- (b) dat iemand van 'n beslissing of bevinding verwittig moet word, kan hy mondeling daarvan verwittig word, of deur middel van 'n geskrif wat per aangetekende brief aan hom gestuur word, of aan hom persoonlik oorhandig word, of gelaat word by die plek waar hy, sover bekend, laas gewoon het.

Verklaring van
inrigtings tot
staatsondersteunde
opleidingsentrums,
en intrekking
daarvan.

13. (1) Die Minister kan 'n inrigting of deel van 'n inrigting wat nie 'n opleidingsentrum is nie, en wat opleiding aan geestelik vertraagde kinders verskaf of wil verskaf, tot 'n staatsondersteunde opleidingsentrum verklaar, en hy kan, op die grondslag en onderworpe aan die voorwaardes wat hy in oorleg met die Minister van Finansies bepaal, aan so 'n sentrum 'n subsidie betaal uit geld wat die Parlement vir daardie doel bewillig het.

(2) Die Minister kan, indien 'n voorwaarde waarop 'n subsidie betaal is na sy oordeel nie nagekom is nie, te eniger tyd die verklaring van 'n inrigting of deel van 'n inrigting tot

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shall be calculated on the basis of the reduced emoluments or rank, as the case may be: Provided further that if in respect of the period of his suspension emoluments in excess of the emoluments so calculated have already been paid to him in terms of subsection (6), he shall not be obliged to refund the excess.

(27) If any person who has been suspended or charged with misconduct in terms of this section, resigns from the service of his employer or assumes other employment before the appropriate charge of misconduct has been disposed of under this section, he shall be deemed to have been discharged on account of misconduct from such service with effect from a date fixed by the Minister, unless, prior to the receipt of his notification of resignation or his assumption of other employment, he was notified that he would not be charged with misconduct or, as the case may be, that the charge of misconduct against him had been withdrawn.

(28) The fact that a person has been convicted or acquitted by a court of law of the commission of an offence, shall not preclude the taking of any steps in terms of this section against such person.

11. (1) If it is alleged that any officer employed at a training centre is unfit for, or is incapable of performing efficiently, the duties attaching to his post from causes not within his control and not attributable to the performance of his duties in the employment of the Department or the training centre in question, the Secretary may appoint a person to enquire into the allegation.

Action in the case of inefficient persons employed at training centres.

(2) The provisions of subsections (9), (10), (11), (13), (15) to (21) inclusive, and (23), and paragraphs (a) and (c) of subsection (25) of section 10 shall apply *mutatis mutandis* in respect of any enquiry referred to in subsection (1) and the officer in respect of whom the allegation was made: Provided that in the application of the said subsection (23) the Secretary shall only have the power to recommend that the officer concerned be discharged from the service of the Department or that his rank be reduced and, if his emoluments are more than the maximum for the reduced rank, such emoluments be reduced to that maximum.

12. Whenever by section 10 or 11 it is provided that—

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

Manner of service of certain documents.

13. (1) The Minister may declare an institution or part of an institution not being a training centre, which provides or is desirous of providing training to mentally retarded children, to be a state-aided training centre, and he may out of moneys appropriated by Parliament for the purpose pay to such centre a subsidy on the basis and subject to the conditions he may determine in consultation with the Minister of Finance.

Declaration of institutions to be state-aided training centres, and withdrawal thereof.

(2) If it appears to the Minister that a condition subject to which a subsidy is paid has not been complied with, the Minister may at any time withdraw the declaration of an institution or

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'n staatsondersteunde opleidingsentrum vanaf 'n datum deur hom bepaal, intrek: Met dien verstande dat die Minister, alvorens hy 'n verklaring aldus intrek, die bestuursliggaam van die betrokke sentrum 'n geleentheid moet gee om vertoë tot hom te rig in verband met die voorgenome intrekking.

Regspersoonlikheid, bevoegdheid, en beperking op sekere beskikings oor onroerende goed van staatsondersteunde opleidingsentrums.

14. (1) 'n Staatsondersteunde opleidingsentrum is 'n regspersoon en kan, behoudens die bepalings van hierdie Wet, in sy eie naam as eiser en verweerder in regte optree, roerende en onroerende goed koop of op 'n ander wyse verkry, besit, huur, verhuur, verruil, verkoop of op 'n ander wyse vervreem, 'n saaklike reg op sy goed aan iemand verleen, geld belê, leen en uitleen.

(2) Die onroerende goed van 'n staatsondersteunde opleidingsentrum word slegs met die vooraf verkreeë goedkeuring van die Minister verhuur, verruil, verkoop of op 'n ander wyse vervreem, of met 'n saaklike reg beswaar: Met dien verstande dat die goedkeuring van die Minister nie vereis word nie vir 'n verhuring van so 'n sentrum se onroerende goed vir 'n tydperk van hoogstens drie jaar.

Bestuursliggame van staatsondersteunde opleidingsentrums.

15. Behoudens die bepalings van hierdie Wet, berus die bestuur en uitvoerende mag van 'n staatsondersteunde opleidingsentrum by sy bestuursliggaam wat bestaan uit die getal lede wat die Minister bepaal, van wie—

(a) 'n getal lede wat die Minister bepaal, maar hoogstens tien, op die voorgeskrewe wyse benoem word deur dié geestesgesondheidsverenigings of ander liggame wat die versorging van geestelik vertraagde persone bevorder, onderneem, of hulle daarvoor beywer, wat die Minister aanwys; en

(b) die ander lede deur die Minister aangestel word: Met dien verstande dat die lede deur die Minister aangestel minder as die helfte van die totale ledetal is.

Geldigheid van handeling of besluite van bestuursliggame.

16. Behoudens die bepalings van hierdie Wet, is geen handeling of besluit van die bestuursliggaam van 'n staatsondersteunde opleidingsentrum ongeldig nie slegs vanweë die feit dat nie al die lede van die bestuursliggaam aanwesig was op die vergadering waarop die besluit geneem is nie, of dat 'n vakature op die bestuursliggaam bestaan het ten tyde van die verrigting van die betrokke handeling.

Lenings aan bestuursliggame deur Minister.

17. (1) Behoudens die bepalings van hierdie Wet, kan die Minister in oorleg met die Minister van Finansies, en onderworpe aan die voorwaardes wat die Tesourie stel, uit gelde deur die Parlement vir dié doel bewillig, lenings aan 'n bestuursliggaam toestaan vir—

(a) die oprigting van geboue en die verkryging van toerusting van 'n permanente aard;

(b) die verkryging van grond (met inbegrip van grond waarop geboue opgerig is), of regte op of belange in grond, en die bestryding van onkoste in verband met opmeting en transport;

(c) die bestryding van kapitaaluitgawes aan die omheining en verbetering van grond wat aan so 'n bestuursliggaam behoort;

(d) die terugbetaling van 'n lening (behalwe 'n lening toegestaan uit gelde deur die Parlement vir die doel bewillig) deur so 'n bestuursliggaam wettiglik aangegaan vir 'n doel in paragraaf (a), (b) of (c) vermeld.

(2) 'n Aansoek deur 'n bestuursliggaam om die toestaan van 'n lening kragtens subartikel (1) word skriftelik aan die Sekretaris gerig, en moet die doel van die lening vermeld.

(3) By ontvangs van so 'n aansoek kan die Sekretaris die begrotings, planne, spesifikasies, verslae, opgawes en ander

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part of an institution as a state-aided training centre as from a date determined by him: Provided that before the Minister so withdraws such declaration, the governing body of the centre in question shall be given an opportunity by the Minister of making representations to him in connection with the proposed withdrawal.

14. (1) A state-aided training centre shall be a body corporate and, subject to the provisions of this Act, capable in law of suing and being sued under its own name, of purchasing or otherwise acquiring, holding, hiring, letting, exchanging, selling, or otherwise alienating any movable or immovable property, or granting to any person a real right in its property, and of investing, lending and borrowing money.

Juristic personality, powers and restriction on certain dispositions of immovable property of state-aided training centres.

(2) The immovable property of a state-aided centre shall only be leased, exchanged, sold or otherwise alienated, or encumbered with a real right, with the prior approval of the Minister: Provided that the approval of the Minister shall not be required for the letting of the immovable property of such centre for a period not exceeding three years.

15. Subject to the provisions of this Act, the management and executive authority of a state-aided training centre shall be vested in its governing body which shall consist of the number of members determined by the Minister, of whom—

Governing bodies of state-aided training centres.

(a) a number of members determined by the Minister, but not exceeding ten, shall be nominated in the prescribed manner by the mental health societies or other bodies which promote, undertake or are concerned with the care of mentally retarded children, designated by the Minister;

(b) the other members shall be appointed by the Minister: Provided that the members appointed by the Minister shall be less than half the total membership.

16. Subject to the provisions of this Act, no act or decision of the governing body of a state-aided training centre shall be invalid only by reason of the fact that not all the members of the governing body were present at the meeting at which the decision was taken, or that a vacancy existed on the governing body at the time of performance of the act in question.

Validity of acts and decisions of governing bodies.

17. (1) Subject to the provisions of this Act, the Minister may, in consultation with the Minister of Finance and subject to the conditions stipulated by the Treasury, grant loans out of moneys appropriated by Parliament for the purpose to a governing body for—

Loans to governing bodies by Minister.

(a) the erection of buildings and the acquisition of equipment of a permanent nature;

(b) the acquisition of land (including land on which any buildings have been erected) or rights to or interests in land, and the payment of costs in connection with any survey and transfer;

(c) the payment of the capital outlay on the fencing and improvement of any land vested in such governing body;

(d) the repayment of any loan (other than a loan granted out of moneys appropriated by Parliament for the purpose) lawfully raised by such governing body for any purpose mentioned in paragraph (a), (b) or (c).

(2) Any application by a governing body for the grant of a loan under subsection (1) shall be addressed in writing to the Secretary, and shall state the purpose of the loan.

(3) Upon receipt of any such application the Secretary may call for such estimates, plans, specifications, reports, returns and

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stukke of inligting aanvra, en die inspeksies laat uitvoer, wat hy nodig ag om te bepaal of die aansoek toegestaan behoort te word.

Terugbetaling van lenings deur bestuursliggame, en sekuriteit.

18. (1) 'n Lening deur die Minister ingevolge artikel 17 (1) aan 'n bestuursliggaam toegestaan, tesame met rente (teen 'n koers deur die Tesourie bepaal) daarop verskuldig, moet terugbetaal word binne die tydperk wat die Tesourie, voordat die lening toegestaan is, bepaal het: Met dien verstande dat die Tesourie so 'n tydperk van tyd tot tyd kan verleng: Met dien verstande voorts dat so 'n lening tesame met rente daarop verskuldig, binne 'n tydperk van 40 jaar vanaf die datum wat die Tesourie ingevolge subartikel (2) bepaal, terugbetaal moet word.

(2) Die eerste terugbetaling van 'n paalement van 'n lening in subartikel (1) bedoel, geskied op 'n datum wat die Tesourie bepaal, wat nie later as 3 jaar na die datum waarop die lening of die eerste gedeelte daarvan uitbetaal is, mag wees nie.

(3) Gedurende die tydperk vanaf die uitbetaling van 'n lening in subartikel (1) bedoel, of die eerste gedeelte daarvan, tot die datum van terugbetaling in subartikel (2) bedoel, is rente teen 'n koers wat die Tesourie bepaal op die lening of eerste gedeelte daarvan betaalbaar.

(4) Die bestuursliggaam aan wie 'n lening toegestaan is, moet vanaf die datum van terugbetaling in subartikel (2) bedoel, aan die Sekretaris op die eerste dag van Januarie en op die eerste dag van Julie van elke jaar verdere paalemente terugbetaal, en die paalemente bly betaalbaar totdat die kapitaalbedrag van die lening en rente daarop verskuldig, terugbetaal is: Met dien verstande dat die Tesourie van tyd tot tyd in buitengewone omstandighede uitstel kan verleen ten opsigte van die terugbetaling van een of meer sodanige paalemente.

(5) Die paalemente van 'n lening in hierdie artikel bedoel, bedra elk die helfte van die jaarlikse bedrag vereis om die kapitaalsom van die lening tesame met rente daarop verskuldig, binne die tydperk wat die Tesourie ingevolge subartikel (1) bepaal het, af te los.

(6) Al die roerende en onroerende eiendom van 'n staats-ondersteunde opleidingsentrum is vanaf die datum van uitbetaling van die lening of die eerste gedeelte daarvan aan die betrokke bestuursliggaam, behoudens die voorrang van 'n vroeëre las of verband, onderworpe aan 'n las ten gunste van die Minister as sekuriteit vir die terugbetaling van die bedrag wat ten opsigte van die lening, koste en rente verskuldig is: Met dien verstande dat die Minister in oorleg met die Minister van Finansies te eniger tyd skriftelik van die voorrang wat genoemde las kragtens hierdie subartikel verleen, met betrekking tot die geheel of 'n gedeelte van die beswaarde eiendom kan afstand doen ten gunste van 'n ander verband, hetsy geregistreer al dan nie, indien hy oortuig is dat die waarde van die eiendom voldoende is om die bedrag wat ten opsigte van die lening, koste en rente verskuldig is, en die bedrag deur daardie verband versekureer, te dek.

Dienstate van, en aanstelling, salarisskale, diensvoorwaardes, ens., van persone in diens by, staatsondersteunde opleidingsentrums.

19. (1) Die diensstaat by 'n staatsondersteunde opleidingsentrum bestaan uit—

- (a) die poste ingestel op 'n grondslag wat die Minister van tyd tot tyd vasstel; en
- (b) die ander poste ten opsigte waarvan die Minister van oordeel is dat 'n grondslag nie vasgestel kan word nie en wat hy van tyd tot tyd instel.

(2) Die salarisskale verbonde aan die poste waaruit die diensstaat by 'n sentrum in subartikel (1) bedoel, bestaan, word deur die Minister in oorleg met die Minister van Finansies bepaal.

(3) (a) Die bevoegdheid om iemand by 'n staatsondersteunde opleidingsentrum aan te stel, iemand aldus aangestel te bevorder, oor te plaas, te ontslaan of aan hom

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other documents or information, and cause such inspections to be made, as he may consider necessary for the purpose of determining whether the application should be granted.

18. (1) A loan granted by the Minister to a governing body under section 17 (1), together with interest (at a rate determined by the Treasury) due thereon, shall be repaid within a period determined before the granting of the loan, by the Treasury: Provided that the Treasury may from time to time extend any such period: Provided further that such loan together with interest due thereon, shall be repaid within a period of 40 years from the date determined by the Treasury in terms of subsection (2).

Repayment of loans by governing bodies and security.

(2) The first repayment of an instalment of a loan referred to in subsection (1) shall be made on such date as the Treasury may determine, not being later than 3 years after the date on which the loan or the first portion thereof was paid out.

(3) During the period between the date on which the loan referred to in subsection (1), or the first portion thereof, was paid out, and the date of repayment referred to in subsection (2), interest at a rate determined by the Treasury shall be payable on such loan or first portion thereof.

(4) The governing body to which a loan has been granted shall, as from the date of repayment referred to in subsection (2) repay to the Secretary on the first day of January and on the first day of July in every year further instalments, and the instalments so payable shall continue to be payable until the capital amount of the loan together with interest due thereon, has been repaid: Provided that the Treasury may, in special circumstances, from time to time grant an extension of time in respect of the repayment of one or more of such instalments.

(5) The instalments of a loan referred to in this section shall each amount to one half of the annual payment required to redeem the capital amount of the loan advanced, together with interest due thereon, within the period determined by the Treasury in terms of subsection (1).

(6) The movable and immovable property of a state-aided training centre shall, with effect from the date on which a loan or the first portion thereof is paid out to the governing body concerned, and subject to the preference of any prior charge or hypothecation, be subject to a charge in favour of the Minister as security for the repayment of the amount payable in respect of the loan, costs and interest: Provided that the Minister may, in consultation with the Minister of Finance, at any time by writing under his hand waive the preference which such charge gives in terms of this subsection in respect of the whole or a portion of the property burdened, in favour of any other bond, whether registered or not, if he is satisfied that the value of the property is sufficient to cover the amount payable in respect of the loan, costs and interest, and the amount secured by such bond.

19. (1) The establishment of any state-aided training centre shall consist of—

- (a) the posts established on a basis determined by the Minister from time to time; and
- (b) the other posts in respect of which the Minister is of the opinion that no basis can be determined and which he may establish from time to time.

Establishments of, and appointment, salary scales, conditions of service, etc., of persons employed at, state-aided training centres.

(2) The salary scales attaching to the posts on the establishment at a centre referred to in subsection (1), shall be determined by the Minister in consultation with the Minister of Finance.

(3) (a) The power to appoint any person at a state-aided training centre, to promote, transfer and to discharge such person, or to grant leave of absence to him, shall

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afwesigheidsverlof toe te staan, berus by die betrokke bestuursliggaam, onderworpe in elke geval aan die voorafverkreeë goedkeuring van die Minister.

- (b) Indien 'n bestuursliggaam na die oordeel van die Minister in gebreke bly om binne 'n redelike tydperk 'n pos op die diensstaat van die betrokke sentrum op geskikte wyse te vul, en die versuim na die oordeel van die Minister tot nadeel strek van die sentrum, kan die Minister 'n persoon in so 'n pos aanstel, en sodanige aanstelling word geag ingevolge paragraaf (a) deur die betrokke bestuursliggaam gedoen te wees.

(4) Die salarisse, salarisskale en toelaes van persone wat in diens is by 'n staatsondersteunde opleidingsentrum word deur die Minister in oorleg met die Minister van Finansies bepaal, en die verlofvoorregte en ander diensvoorwaardes van dié persone word voorgeskryf.

(5) Die voorwaardes en omstandighede waaronder persone in diens by 'n staatsondersteunde opleidingsentrum verplig kan word om lede te word en te bly van 'n mediese hulpfonds of mediese hulpvereniging wat deur die Kommissie kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), erken word as 'n instelling waarvan beamptes en werknemers in die staatsdiens verplig is of kan word om lede te word en te bly, word voorgeskryf.

(6) Die Minister bepaal die voorwaardes met betrekking tot die verskaffing van losies en huisvesting deur die betrokke bestuursliggaam aan beamptes en werknemers in diens by 'n staatsondersteunde opleidingsentrum, asook die voorwaardes met betrekking tot die bewoning van sodanige huisvesting.

Toepassing van artikel 7 onder sekere omstandighede op beamptes en werknemers by staatsondersteunde opleidingsentrums.

20. Die bepalinge van artikel 7 is *mutatis mutandis* van toepassing op 'n beampte of werknemer in diens by 'n staatsondersteunde opleidingsentrum indien die Minister 'n subsidie ten opsigte van die hele salaris van so 'n beampte of werknemer ingevolge artikel 13 (1) betaal.

Verrigting van ander werk deur beamptes en werknemers.

21. (1) Tensy in sy diensvoorwaardes anders bepaal word—

- (a) moet 'n beampte of werknemer al sy tyd ter beskikking stel van die opleidingsentrum of staatsondersteunde opleidingsentrum waar hy in diens is;
- (b) mag 'n beampte of werknemer nie sonder die toestemming van die Sekretaris besoldigde werk buite sy werk in die diens van so 'n sentrum verrig of hom verbind om dit te verrig nie; en
- (c) kan geen beampte of werknemer regtens aanspraak maak op bykomende betaling ten opsigte van enige amptelike diens of werk wat hy deur 'n bevoegde owerheid aangesê word om te verrig nie.

(2) Die Sekretaris, die hoof van 'n opleidingsentrum, of 'n bestuursliggaam kan 'n beampte of werknemer onder sy beheer aansê om tydelik ander pligte te verrig as die wat gewoonlik aan so 'n beampte of werknemer opgedra word, of wat by die graad, benaming of indeling van sy pos pas.

(3) Besoldiging of 'n toelae wat 'n beampte of werknemer ontvang anders as ooreenkomstig die bepalinge van hierdie Wet, of 'n ander wet, of 'n goedkeuring van die Sekretaris om die geheel of 'n gedeelte daarvan te behou, moet deur so 'n beampte of werknemer in die Gekonsolideerde Inkomstefonds gestort word, en as hy versuim om dit te doen, word dit deur die Tesourie deur middel van geregtelike stappe of op die ander wyse wat die Tesourie goedvind, op hom verhaal en in daardie fonds gestort.

Ontslag van beamptes.

22. (1) 'n Beampte kan deur die Minister ontslaan word—

- (a) weens voortdurende swak gesondheid;
- (b) weens die afskaffing van sy pos of vermindering of reorganisasie of herreëling van die personeel van 'n opleidingsentrum of staatsondersteunde opleidingsentrum;

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be vested in the governing body concerned subject in each case to the prior approval of the Minister.

- (b) If in the opinion of the Minister a governing body fails to fill suitably within a reasonable period a post on the establishment of a state-aided training centre, and such failure, in the opinion of the Minister, is prejudicial to such centre, the Minister may appoint a person to such post, and such appointment shall be deemed to have been made by the governing body concerned in terms of paragraph (a).

(4) The salaries, salary scales and allowances of persons employed at a state-aided training centre shall be determined by the Minister in consultation with the Minister of Finance, and the leave privileges and other conditions of service of such persons shall be prescribed.

(5) The conditions and circumstances under which persons employed at a state-aided training centre can be compelled to become and remain members of a medical aid fund or medical aid society recognized by the Commission in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as an institution of which officers and employees in the public service are or may be compelled to become and to remain members, shall be prescribed.

(6) The conditions relating to the provision of board and quarters by the governing body concerned to officers and employees employed at a state-aided training centre, and relating to the occupation of such quarters, shall be determined by the Minister.

20. The provisions of section 7 shall apply *mutatis mutandis* to an officer or employee who is employed at a state-aided training centre, if the Minister pays a subsidy in respect of the whole of the salary of such person in terms of section 13 (1).

Application of section 7 in certain circumstances to officers and employees at state-aided training centres.

21. (1) Unless it is otherwise provided in his conditions of service—

Performance of other work by officers and employees.

- (a) every officer or employee shall place the whole of his time at the disposal of the training centre or state-aided training centre at which he is employed;
- (b) no officer shall perform or engage himself to perform remunerative work outside his employment at such centre without the permission of the Secretary; and
- (c) no officer or employee may claim as of right additional remuneration in respect of any official duty or work which he is required by competent authority to perform.

(2) The Secretary, the principal of a training centre, or a governing body may require any officer or employee under his or its control temporarily to perform duties other than those ordinarily assigned to such officer or employee, or appropriate to the grade, designation or classification of his post.

(3) Any remuneration or allowance received by an officer or employee otherwise than in accordance with the provisions of this Act, or any other law, or an approval by the Secretary for the retention of the whole or a portion thereof, shall be paid by such officer or employee into the Consolidated Revenue Fund, and if he fails to do so, it shall be recovered from him by the Treasury by legal proceedings or in such other manner as the Treasury may think fit, and be paid into that fund.

22. (1) Any officer may be discharged by the Minister—

Discharge of officers.

- (a) on account of continued ill-health;
- (b) owing to the abolition of his post or any reduction in or reorganization or readjustment of the staff of a training centre or a state-aided training centre;

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- (c) as, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag doeltreffendheid of besuiniging in die opleidingsentrum of staatsondersteunde opleidingsentrum waar hy in diens is, sal bevorder;
- (d) weens wangedrag;
- (e) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;
- (f) as, in die geval van 'n beampte wat op proef aangestel is, sy aanstelling nie bekragtig word nie; en
- (g) in die geval van 'n vroulike beampte, weens haar huwelik.

(2) 'n Beampte wat sonder verlof van die Sekretaris of 'n ander persoon wat bevoeg is om afwesigheidsverlof toe te staan, vir 'n tydperk van meer as 'n maand van sy ampspligte wegbly, word geag weens wangedrag uit sy diens ontslaan te wees met ingang van die dag wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was: Met dien verstande dat indien so 'n beampte ander werk aanvaar, hy geag word ontslaan te wees soos voormeld, nieteenstaande dat bedoelde tydperk nog nie verstryk het nie: Met dien verstande voorts dat indien so 'n beampte hom te eniger tyd na die verstryking van bedoelde tydperk vir diens aanmeld, hy onderworpe aan die goedkeuring van die Minister in sy vorige of 'n ander pos of betrekking in die diens van die Departement of die betrokke bestuursliggaam, na gelang van die geval, herstel kan word op die voorwaardes wat die Minister bepaal, en in so 'n geval word die tydperk van sy afwesigheid van sy ampspligte geag afwesigheid met vakansieverlof sonder betaling, of verlof op die ander voorwaardes wat die Minister bepaal, te wees.

Toepassing van artikels 9, 10, 11 en 12 op beamptes by staatsondersteunde opleidingsentrums.

23. Die bepalinge van artikels 9 tot en met 12 is *mutatis mutandis* van toepassing met betrekking tot 'n beampte in diens by 'n staatsondersteunde opleidingsentrum: Met dien verstande dat die bevoegdhede wat kragtens gemelde bepalinge by die Sekretaris berus, by sodanige toepassing by die betrokke bestuursliggaam berus wat so 'n bevoegdheid deur middel van sy voorsitter uitoefen: Met dien verstande voorts dat die verwysing in artikel 9 (b) na 'n daad wat nadelig is, en in artikel 9 (g) na die aflê van 'n verklaring met die oog op die veroorsaking van nadeel of skade, by sodanige toepassing geag word 'n verwysing te wees na 'n daad wat nadelig is of, na gelang van die geval, die aflegging van 'n verklaring wat nadeel of skade kan veroorsaak, slegs vir of aan die betrokke bestuursliggaam of sentrum.

Inspeksies.

24. Die Sekretaris of iemand deur hom daartoe gemagtig, kan te eniger tyd 'n opleidingsentrum of staatsondersteunde opleidingsentrum inspekteer met betrekking tot enige aangeleentheid rakende—

- (a) die administrasie en tug;
- (b) die toelating van geestelik vertraagde kinders en die opleiding wat verskaf word;
- (c) die behoefte aan personeel;
- (d) die uitrusting, voorrade en finansies,

en in die algemeen, met betrekking tot die ander aangeleenthede wat die Sekretaris nodig of dienstig ag.

Opleidingsprogramme.

25. (1) Die Minister kan 'n opleidingsprogram vir die opleiding van geestelik vertraagde kinders by 'n opleidingsentrum of staatsondersteunde opleidingsentrum instel of afskaf.

- (2) (a) Die Minister bepaal die voorwaardes betreffende toelating tot 'n opleidingsprogram bedoel in subartikel (1), en die toets, by wyse van inspeksie of andersins, van die doelmatigheid van die opleiding wat volgens so 'n program verskaf word.
- (b) Die voorwaardes bedoel in paragraaf (a) kan tot een of meer opleidingsprogramme beperk word, en die Minister kan verskillende voorwaardes vir verskillende opleidingsprogramme bepaal.

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- (c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the training centre or state-aided training centre at which he is employed;
- (d) on account of misconduct;
- (e) on account of unfitness for his duties, or incapacity to carry them out efficiently;
- (f) if, in the case of an officer appointed on probation, his appointment is not confirmed; and
- (g) in the case of a female officer, on account of her marriage.

(2) An officer who absents himself from his official duties for a period exceeding one month without the permission of the Secretary or any other person competent to grant leave, shall be deemed to have been discharged from his employment on account of misconduct with effect from the date immediately succeeding the last day on which he was in attendance at his place of duty: Provided that if such officer assumes other employment he shall be deemed to have been discharged as aforesaid notwithstanding that the said period has not yet expired: Provided further that if such officer reports for duty at any time after the expiry of the said period, he may, subject to the approval of the Minister, be reinstated in his former or any other post or appointment in the service of the Department or the governing body concerned, as the case may be, on such conditions as the Minister may determine, and in that event the period of his absence from his official duties shall be deemed to be absence on vacation leave without pay, or leave on such other conditions as the Minister may determine.

23. The provisions of sections 9 to 12 inclusive shall apply *mutatis mutandis* to an officer employed at a state-aided training centre: Provided that the powers vested in the Secretary under the said provisions shall in such application vest in the governing body concerned and shall be exercised by it through its chairman: Provided further that the reference in section 9 (b) to any act which is prejudicial, and in section 9 (q) to the making of a statement with a view to causing prejudice or injury, shall in such application be deemed to be a reference to any act which is prejudicial, or, as the case may be, to the making of a statement which may cause prejudice or injury, only to the governing body or centre concerned.

Application of sections 9, 10, 11 and 12 to officers at state-aided training centres.

24. The Secretary or a person authorized thereto by him may at any time inspect a training centre or state-aided training centre in regard to any matter affecting—

Inspections.

- (a) administration and discipline;
 - (b) the admission of mentally retarded children and the training provided;
 - (c) requirements as to staff;
 - (d) equipment, stores and finances,
- and generally in regard to such other matters as the Secretary may deem necessary or expedient.

25. (1) The Minister may establish or disestablish a training programme for the training of mentally retarded children at a training centre or state-aided training centre.

Training programmes.

(2) (a) The Minister shall determine the conditions regarding admission to a training programme referred to in subsection (1), and the testing, by means of inspection or otherwise, of the efficacy of the training provided under such programme.

(b) The conditions referred to in paragraph (a) may be limited to one or more training programmes, and the Minister may determine different conditions for different training programmes.

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Toelating tot opleidingsentrums en staatsondersteunde opleidingsentrums, en intrekking daarvan.

26. (1) Die Sekretaris bepaal van tyd tot tyd die voorwaardes van toelating van 'n geestelik vertraagde kind tot 'n opleidingsentrum of 'n staatsondersteunde opleidingsentrum, en verskillende voorwaardes kan aldus ten opsigte van verskillende sentrums bepaal word.

(2) Die Sekretaris kan die toelating van 'n geestelik vertraagde kind tot 'n opleidingsentrum of staatsondersteunde opleidingsentrum weier, of 'n toelating wat verleen is, intrek.

Bevoegdhede van Sekretaris met betrekking tot geestelik vertraagde kinders wat nie opleiding ondergaan nie.

27. (1) Die Sekretaris kan 'n kind wat nie 'n opleidingsentrum, 'n staatsondersteunde opleidingsentrum of 'n private opleidingsentrum wat ingevolge artikel 34 geregistreer is, bywoon nie en wat, na hy vermoed, 'n geestelik vertraagde kind is, laat ondersoek om te bepaal of hy 'n geestelik vertraagde kind is.

(2) Die Sekretaris kan die ouer van so 'n kind opdrag gee om die kind vir die doeleindes van so 'n ondersoek na 'n bepaalde plek te bring.

(3) As die Sekretaris na so 'n ondersoek bevind dat die kind 'n geestelik vertraagde kind is, stel hy die ouer in kennis—

(a) dat hy bevind dat die kind 'n geestelik vertraagde kind is en opleiding behoort te ontvang;

(b) dat die ouer binne dertig dae vanaf die datum van die kennisgewing teen die bevinding na die Minister kan appelleer, en dat die beslissing van die Minister by die appèl afdoende is.

(4) Die Sekretaris kan, tensy sy bevinding in subartikel (3) vermeld op appèl ter syde gestel is, of die betrokke ouer binne die tydperk wat die Sekretaris bepaal het, die stappe gedoen het wat die Sekretaris bepaal het om opleiding vir die betrokke kind te laat verskaf, na oorlegpleging met die ouer bepaal na watter opleidingsentrum of staatsondersteunde opleidingsentrum die kind gestuur moet word.

(5) Indien die Sekretaris 'n bepaling ingevolge subartikel (4) gedoen het, en die ouer versuim om die kind na die betrokke opleidingsentrum of staatsondersteunde opleidingsentrum te stuur binne die tydperk wat die Sekretaris bepaal, kan die Sekretaris die kind na die betrokke sentrum laat neem.

Vrywillige bywoning deur sekere kinders van opleidingsentrums of staatsondersteunde opleidingsentrums.

28. (1) Die Sekretaris kan op versoek van 'n ouer of iemand anders in wie se sorg 'n kind is, goedkeur dat so 'n kind, indien hy na die oordeel van die Sekretaris 'n geestelik vertraagde kind is, vrywillig tot 'n opleidingsentrum of staatsondersteunde opleidingsentrum toegelaat word.

(2) Ondanks die bepalinge van hierdie Wet, kan die Sekretaris op versoek van 'n ouer of iemand anders in wie se sorg 'n kind onder die ouderdom van ses jaar is, goedkeur dat die kind vrywillig tot 'n opleidingsentrum of staatsondersteunde opleidingsentrum toegelaat word, indien so 'n toelating na die mening van die Sekretaris geregverdig is.

Vrystelling van bywoning en ontslag van sekere kinders deur Sekretaris.

29. As die Sekretaris van oordeel is dat dit nie meer noodsaaklik of wenslik is dat 'n kind bedoel in artikel 27 of 28, wat 'n opleidingsentrum of staatsondersteunde opleidingsentrum bywoon, langer sodanige sentrum bywoon nie, kan hy daardie kind van bywoning van die betrokke sentrum vrystel, of uit die sentrum ontslaan.

Bevoegdhede van Kinderhof en Sekretaris ten opsigte van sekere kinders.

30. (1) 'n Kinderhof kan in die geval van 'n kind ten opsigte waarvan hy 'n bevel ingevolge artikel 31 (1) van die Kinderwet, 1960 (Wet No. 33 van 1960), uitgereik het, gelas dat die geval na die Sekretaris verwys word om te bepaal of die kind 'n geestelik vertraagde kind is.

(2) Indien die Sekretaris bepaal dat die kind 'n geestelik vertraagde kind is, kan hy gelas dat die kind in 'n opleidingsentrum of staatsondersteunde opleidingsentrum opgeneem word vir die tydperke waarin opleiding daarin verskaf word.

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26. (1) The conditions of admission of a mentally retarded child to a training centre or a state-aided training centre shall from time to time be determined by the Secretary, who may determine different conditions in respect of different centres.

Admission to training centres and state-aided training centres, and withdrawal thereof.

(2) The Secretary may refuse the admission of a mentally retarded child to a training centre or state-aided training centre, or withdraw any admission which has been granted.

27. (1) The Secretary may cause a child who does not attend a training centre, a state-aided training centre, or a private training centre registered in terms of section 34, and whom he suspects of being a mentally retarded child, to be examined in order to determine whether he is a mentally retarded child.

Powers of Secretary with regard to mentally retarded children who do not receive training.

(2) The Secretary may instruct a parent of such child to bring the child for the purposes of such examination to a specified place.

(3) If the Secretary after such examination finds that the child is a mentally retarded child he shall notify the parent—

(a) that he has found that the child is a mentally retarded child and should receive training;

(b) that the parent may within thirty days of the date of the notification appeal to the Minister against such finding, and that the decision of the Minister on such appeal is final.

(4) The Secretary may, unless his finding referred to in subsection (3) is reversed on appeal or the parent concerned has, within the period determined by the Secretary, taken such steps as determined by the Secretary to cause training to be provided to such child, determine, after consultation with the parent, to which training centre or state-aided training centre the child is to be sent.

(5) If the Secretary has made a determination in terms of subsection (4) and the parent fails to send the child to the training centre or state-aided training centre in question within a period fixed by the Secretary, the Secretary may cause the child to be taken to such centre.

28. (1) The Secretary may at the request of a parent or any other person in whose care the child is, approve of a child who, in his opinion, is a mentally retarded child, being admitted voluntarily to a training centre or state-aided training centre.

Voluntary attendance of training centres or state-aided training centres by certain children.

(2) Notwithstanding the provisions of this Act, the Secretary may, at the request of a parent or any other person in whose care a child under the age of six years is, approve of the voluntary admission of such child to a training centre or state-aided training centre, if it is justified in his opinion.

29. If the Secretary is of the opinion that it is no longer necessary or desirable for a child referred to in section 27 or 28 who attends a training centre or state-aided training centre, further to attend such centre, he may exempt that child from attending the centre in question, or discharge such child from that centre.

Exemption from attendance and discharge of certain children by Secretary.

30. (1) A children's court may in the case of a child in respect of whom it has made an order in terms of section 31 (1) of the Children's Act, 1960 (Act No. 33 of 1960), order that the case be referred to the Secretary to determine whether the child is a mentally retarded child.

Powers of children's court and Secretary regarding certain children.

(2) If the Secretary determines that the child is a mentally retarded child he may direct that the child be admitted to a training centre or state-aided training centre for the periods during which training is provided thereat.

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Bywoning van opleidingsentrums of staatsondersteunde opleidingsentrums deur persone ouer as 18 jaar.

31. Ondanks andersluidende bepalings in hierdie Wet, mag iemand wat na die oordeel van die Sekretaris 'n geestelik vertraagde persoon is, 'n opleidingsentrum of staatsondersteunde opleidingsentrum bywoon nadat hy die leeftyd van 18 jaar bereik het: Met dien verstande dat niemand sonder die goedkeuring van die Sekretaris sodanige sentrum mag bywoon na die einde van die kalenderjaar waarin hy die leeftyd van 21 jaar bereik het nie.

Oorplasing van een sentrum na 'n ander.

32. Die Sekretaris kan na oorlegpleging met die betrokke ouer, 'n kind wat 'n opleidingsentrum of staatsondersteunde opleidingsentrum bywoon na 'n ander opleidingsentrum of staatsondersteunde opleidingsentrum oorplaas.

Nie-toepassing van Wet 30 van 1941 op kinders wat opleiding ondergaan.

33. Geen geestelik vertraagde kind aan 'n opleidingsentrum of 'n staatsondersteunde opleidingsentrum word by die toepassing van die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941), geag 'n werksman of ander persoon wat op betaling van skadeloosstelling of 'n ander geldelike voordeel uit hoofde daarvan geregtig is, te wees nie.

Registrasie en inspeksie van private opleidingsentrums en intrekking van registrasie.

34. (1) Niemand mag, by 'n ander sentrum as 'n opleidingsentrum of 'n staatsondersteunde opleidingsentrum, opleiding aan geestelik vertraagde kinders verskaf nie tensy so 'n sentrum deur die Departement as 'n private opleidingsentrum geregistreer is.

(2) Die registrasie van 'n private opleidingsentrum geskied na goeddunke van die Minister en onderworpe aan die voorwaardes wat die Minister van tyd tot tyd bepaal: Met dien verstande dat by die bepaling van voorwaardes met betrekking tot godsdiensoonderrig by so 'n sentrum, die geloofsoortuiging van die ouers en die kinders in aanmerking geneem moet word.

(3) Die Sekretaris kan te eniger tyd so 'n geregistreerde private opleidingsentrum laat inspekteer deur iemand deur hom daartoe gemagtig.

(4) Die Minister kan te eniger tyd, indien, na dit hom voorkom, die voorwaardes waarop 'n private opleidingsentrum geregistreer is, nie nagekom word nie, die registrasie van daardie sentrum intrek vanaf 'n datum deur hom bepaal.

Oordrag van bevoegdhe, pligte of werksaamhede van Minister en Sekretaris.

35. (1) Die Minister kan 'n bevoegdheid, plig of werksaamheid wat by artikels 4 (2), 5 (1) (vir sover dit betrekking het op die bepaling van salarisse), 8 (1) en (3) (a), 17 (1), 19 (4) (vir sover dit betrekking het op die bepaling van salarisse) en (6), 22 (1) (a), (f) en (g), 25 en 34 (2) aan hom verleen of opgedra word, aan die Sekretaris of 'n ander persoon in die Departement of aan 'n bestuursliggaam oordra.

(2) Die Sekretaris kan 'n bevoegdheid, plig of werksaamheid wat by artikels 17 (3), 21 (1) (b) en (2), 26, 28, 29, 31 en 32 aan hom verleen of opgedra word, aan 'n ander persoon in die Departement oordra.

Strafbepalings.

36. (1) Iemand wat—

(a) opleiding aan geestelik vertraagde kinders verskaf anders as by 'n opleidingsentrum, 'n staatsondersteunde opleidingsentrum, of 'n private opleidingsentrum geregistreer ingevolge artikel 34; of

(b) 'n persoon wat 'n private opleidingsentrum geregistreer kragtens artikel 34, inspekteer, by die uitvoering van sy pligte belemmer of hinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

(2) Iemand wat 'n kind bedoel in artikel 27 of 28 wat nie ingevolge hierdie Wet van bywoning van die betrokke opleidingsentrum of staatsondersteunde opleidingsentrum vrygestel of daaruit ontslaan is nie, uit so 'n sentrum verwyder, is aan 'n

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31. Notwithstanding anything to the contrary in this Act, a person who in the opinion of the Secretary is a mentally retarded person, may attend a training centre or state-aided training centre after having attained the age of eighteen years: Provided that no person shall without the approval of the Secretary attend such centre after the end of the calendar year in which he attains the age of twenty-one years.

Attendance of training centres or state-aided training centres by persons over the age of 18 years.

32. The Secretary may, after consultation with the parent concerned, transfer a child attending a training centre or state-aided training centre to any other training centre or state-aided training centre.

Transfer from one centre to another.

33. No mentally retarded child at a training centre or a state-aided training centre shall, for the purposes of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), be deemed to be a workman or other person entitled to payment of compensation or any other financial benefit thereunder.

Non-application of Act 30 of 1941 to children receiving training.

34. (1) No person shall provide training to mentally retarded children at a centre other than a training centre or a state-aided training centre, unless such centre has been registered by the Department as a private training centre.

Registration and inspection of private centres, and cancellation of registration.

(2) The registration of a private training centre shall be in the discretion of the Minister, and subject to such conditions as the Minister may from time to time determine: Provided that in imposing conditions relating to religious instruction at such centre, the religious convictions of the parents and the children shall be taken into consideration.

(3) The Secretary may at any time cause a private training centre to be inspected by a person authorized thereto by him.

(4) If at any time it appears to the Minister that the conditions subject to which a private training centre was registered are not being complied with, the Minister may cancel the registration of such centre as from a date determined by him.

35. (1) The Minister may delegate any power, duty or function conferred upon or assigned to him by section 4 (2), 5 (1) (in so far as it relates to the determination of salaries), 8 (1) and (3) (a), 17 (1), 19 (4) (in so far as it relates to the determination of salaries) and (6), 22 (1) (a), (f) and (g), 25, and 34 (2), to the Secretary or any person in the Department or to any governing body.

Delegation of powers, duties and functions of Minister and Secretary.

(2) The Secretary may delegate any power, duty or function conferred upon or assigned to him by section 17 (3), 21 (1) (b) and (2), 26, 28, 29, 31 and 32, to any other person in the Department.

36. (1) Any person who—

Penal provisions.

(a) provides training to mentally retarded children otherwise than at a training centre, a state-aided training centre, or a private training centre registered in terms of section 34, or

(b) obstructs or hinders a person who inspects a private training centre registered in terms of section 34, in the execution of his duties,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months.

(2) Any person who removes from the training centre or state-aided training centre in question a child referred to in section 27 or 28 who has not in terms of this Act been exempted from attending or been discharged from such centre, shall be

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misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Regulasies.

37. (1) Die Minister kan regulasies uitvaardig met betrekking tot—

- (a) die instandhouding, bestuur, beheer, en intrekking van die instelling, van opleidingsentrums;
- (b) die aanstellingsvoorwaardes, ampstermyn en diensbeëindiging van lede van rade, en die samestelling, werksaamhede, bevoegdhede en pligte en die prosedure en kworum op vergaderings van rade, en die aangeleenthede bedoel in artikel 3 (1) waaroor rade die Minister en die Sekretaris van advies kan dien;
- (c) die aanstelling, aanstellingsvoorwaardes, ampstermyn en diensbeëindiging van die lede van bestuursliggame, en die werksaamhede, bevoegdhede en pligte, en die prosedure en kworum op vergaderings van bestuursliggame;
- (d) die aanstelling, oorplasing, ontslag, tug, gedrag, bevoegdhede, pligte, verlofvoorregte en ander diensvoorwaardes (met inbegrip van voorwaardes betreffende die bewoning van amptelike kwartiere) van beamp-tes en werknemers;
- (e) die beheer en tug van geestelik vertraagde kinders terwyl hulle opleiding ondergaan aan opleidingsentrums en staatsondersteunde opleidingsentrums;
- (f) die omstandighede waaronder geneeskundige ondersoeke by die toepassing van 'n bepaling van hierdie Wet vereis word;
- (g) enige aangeleentheid wat kragtens hierdie Wet voorgeskryf kan of moet word; en
- (h) in die algemeen, alle aangeleenthede ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te verwesenlik.

(2) Regulasies wat Staatsinkomste of -uitgawes raak, word slegs in oorleg met die Minister van Finansies uitgevaardig.

(3) Die regulasies kan voorsiening maak vir strawwe ten aansien van 'n oortreding daarvan of versuim om daaraan te voldoen, wat 'n boete van vyftig rand of gevangenisstraf vir 'n tydperk van drie maande nie te bowe gaan nie.

Kort titel en inwerkingtreding.

38. Hierdie Wet heet die Wet op Opleiding van Geestelik Vertraagde Kinders, 1974, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

MENTALLY RETARDED CHILDREN'S TRAINING ACT, 1974. Act No. 63, 1974

guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months.

37. (1) The Minister may make regulations as to— Regulations.

- (a) the maintenance, management, control, and disestablishment of training centres;
- (b) the conditions of appointment, period of office and termination of the appointment of members of councils, and the constitution, functions, powers and duties and the procedure and quorum at meetings of councils, and the matters contemplated in section 3 (1) regarding which councils may advise the Minister and the Secretary;
- (c) the appointment, conditions of appointment, period of office and termination of the appointment of the members of governing bodies, and the functions, powers and duties, and the procedure and quorum at meetings of governing bodies;
- (d) the appointment, transfer, discharge, discipline, conduct, powers, duties, leave privileges and other conditions of service (including conditions relating to the occupation of official quarters) of officers and employees;
- (e) the control and discipline of mentally retarded children receiving training at training centres and state-aided training centres;
- (f) the circumstances in which medical examinations are required for the purposes of any provision of this Act;
- (g) any matter which under this Act is required or permitted to be prescribed;
- (h) generally, all matters in respect of which he considers it necessary or expedient to make regulations in order that the objects of this Act may be achieved.

(2) Regulations affecting State revenue or expenditure shall be made only in consultation with the Minister of Finance.

(3) The regulations may provide for penalties in respect of any contravention thereof or failure to comply therewith, not exceeding a fine of fifty rand or imprisonment for a period of three months.

38. This Act shall be called the Mentally Retarded Children's Training Act, 1974, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

MENTALLY RETARDED CHILDREN'S TRAINING ACT, 1974

guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months.

Regulations.

37. (1) The Minister may make regulations as to—

(a) the maintenance, management, control, and disestablishment of training centres;

(b) the conditions of appointment, period of office and termination of the appointment of members of councils, and the constitution, functions, powers and duties and the procedure and quorum of meetings of councils, and the matters contained in section 3 (1) regarding which councils may advise the Minister and the Secretary;

(c) the appointment, conditions of appointment, period of office and termination of the appointment of the members of governing bodies, and the functions, powers and duties, and the procedure and quorum of meetings of governing bodies;

(d) the appointment, transfer, discharge, discipline, conduct, powers, duties, leave privileges and other conditions of service (including conditions relating to the occupation of official quarters) of officers and employees;

(e) the control and discipline of mentally retarded children receiving training at training centres and state-aided training centres;

(f) the circumstances in which medical examinations are required for the purpose of any provision of this Act; any matter which under this Act is required or permitted to be prescribed;

(g) generally, all matters in respect of which he considers it necessary or expedient to make regulations in order that the objects of this Act may be achieved.

(2) Regulations affecting State revenue or expenditure shall be made only in consultation with the Minister of Finance.

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38. This Act shall be called the Mentally Retarded Children's Training Act, 1974, and shall come into operation on a date to be fixed by the State President by proclamation in the Gazette.