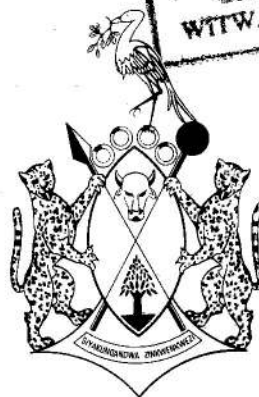


LAW

IRIPHABLIKI  
YECISKEI

REPUBLIC OF  
CISKEI



IGAZETHI  
YOBURHULUMENTE

GOVERNMENT  
GAZETTE

DIMBAZA PRINTERS — 45026

Price 30c

Umq. 21

eBISHO  
01/10/93

No. 113

Vol. 21

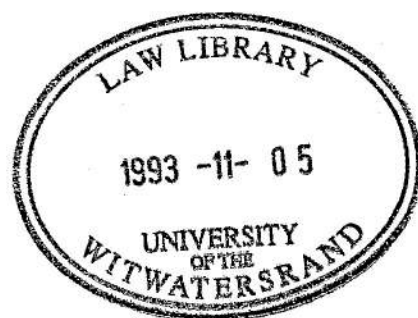
BISHO  
01/10/93

No. 113

DEPARTMENT OF HEALTH, WELFARE AND POPULATION DEVELOPMENT

GOVERNMENT NOTICE No. 84 OF 1993

Ciskeian Medical Council Staff Regulations on duties and conditions of Service.



# DEPARTMENT OF HEALTH, WELFARE AND POPULATION DEVELOPMENT

## GOVERNMENT NOTICE No. 84 OF 1993

The following Government Notice is published for general information:

### **CISKEIAN MEDICAL COUNCIL STAFF REGULATIONS ON DUTIES AND CONDITIONS OF SERVICE**

The Ciskeian Medical Council has, in terms of Act 36 of 1984 and with the approval of the Minister of Health made the regulations set out in the accompanying Schedule.

#### **SCHEDULE**

#### **CHAPTER 1**

#### **INTERPRETATION AND ADMINISTRATION**

- 1A.** In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act bears that meaning and "abroad" means outside Ciskei and also outside the area comprising of RSA and any country which previously formed part of the RSA;

"accommodation" means board and lodging and includes liquid refreshment, laundry charges, hotel levy on the said items or any combination thereof, but excluding alcoholic beverages, dry-cleaning and telephone charges except in the case of an officer or employee who is of or above the rank of Assistant Registrar or is equivalent rank and is representing the Registrar;

"adverse remark" means any written remark by a reporting officer or head of office which, read in its full context, is adverse and includes anything else in a report which the Council may indicate as adverse;

## GOVERNMENT NOTICE No. 84 OF 1993

**"appointment"** means the appointment of a person by a competent authority on the Council establishment;

**"breadwinner"** means an adult male family member or unmarried, divorced and widowed female who has dependent's or married females who's husband is permanently and medically disabled or earn lower income than his wife;

**"calendar month"** means the period extending from a day preceding the day corresponding numerically to that day in the following months, both days inclusive: Provided that in any month in which there is no such corresponding day, such period shall end on the last day of such month.

**"competent authority"** means the Executive Committee of the Council.

**"Council"** means the Ciskeian Medical Council established under Section 2 of the Health Professions and Related Health Practices Act, 1984 (Act No. 36 of 1984).

**"cycle"** means a period of three years reckoned from 1 January 1985 and each succeeding period of three years;

**"day of rest"** means -

- (a) a Sunday or a public holiday in the case of an officer or employee who normally does not work on such a day; or
- (b) in the case of an officer or employee who normally works on a Sunday or a public holiday such other day or days on which he is excused from duty to compensate him for the day or days so worked; or
- (c) a Saturday in the case of an officer or employee who normally observes a five-day working week;

**"dependant"** means a member of the household of an officer or employee, but excluding any servant;

**"equipment officer"** means an officer or employee of that rank or otherwise in charge of equipment;

**"executive committee"** means the executive committee established under section 10 of the Health Professions and Related Health Practices Act, 1984 (Act No. 36 of 1984).

**"expendable items"** means fuses and fuse wire, dry cell batteries, electric light bulbs, tubes for fluorescent lights, tap and valve washers, bath sink and washing-basin, plugs and chains, oil and gas-lamp wicks, mantles and chimney glasses and such other items of a similar nature as may be approved by the council;

**"head of office"** means the head of any branch, division, office or place of work in the council;

**"headquarters"** means the city, town or place where the principal duties of an officer or employee are required to be performed or which may be determined as his headquarters by the Registrar;

**"household"** means and includes -

- (a) the wife of an officer or employee, or, as the case may be,
- (b) the husband of a female officer or employee who is the only breadwinner of her family by reason of -
  - (i) the permanent medical disability of her spouse which prevents him from performing any remunerative work; and
  - (ii) the receipt by her spouse of an income from whatever source, which does not exceed the amount contemplated in paragraph (d); and
- (c) any child (including a lawfully adopted child) who is permanently resident with and necessarily dependant on the officer or employee: Provided that, if such a child studies at an institution for tertiary education, whether intramurally or extramurally, he may be deemed to be a member of the household, but only -

**GOVERNMENT NOTICE No. 84 OF 1993**

- (i) if he did not take up any permanent full-time employment (including any vocational training for which remuneration is paid) after leaving school, but excluding work during vacations or temporary full-time employment which he had taken up between his leaving school and the commencement of the academic year and had commenced his studies at such institution at the commencement of the academic year following upon the completion of his schooling; and
- (ii) until -
  - (aa) he attains the minimum post-school qualification (or minimum combination of post-school qualifications) which will enable him to take up employment in the field of study in which he originally intended to qualify himself; or
  - (bb) the expiry of the normal duration of the course, prescribed by the institution concerned, plus one academic year if it takes him longer than such prescribed period to attain the relevant qualifications as result of poor academic performance; or
  - (cc) he discontinues the relevant course of study; or
  - (dd) he changes his course of study;whichever of the said events occurs first; and
- (d) any relative of an officer or employee who is permanently resident with and necessarily dependent on him and whose income, from any source, does not exceed the sum of -
  - (i) the relevant maximum basic social pension prescribed by regulation under Social Pensions Act, 1976 (Act No. 9 of 1976); plus
  - (ii) the maximum allowance for a war veteran to whom a social pensions has been awarded; plus
  - (iii) the maximum allowance paid to a person as a result of a delayed application for a social pension: Provided that if the relative concerned is a social pensioner, any allowances other than those mentioned in subparagraphs (ii) and (iii), which he may receive in terms of the said regulations (such as for example as attendant's allowance) shall be disregarded for the purposes of this paragraph: Provided further that, where two relatives so reside with the officer or employee and are dependent on him and where the one relative would normally have been a dependent of the other relative (as, for instance, his father and mother), both such relatives shall be regarded as members of his household if half of their joint income, from whatever source, does not exceed the sum of the maximum basic social pension in question and the allowances contemplated in paragraphs (i) and (iii); and
- (e) not more than two servants (including nursemaids) employed in a full-time capacity by the officer or employee;

**"incremental month"** means the month during which the salary of an officer or employee may be increased in accordance with the scale which is applicable to him;

**"incremental period"** means the period of 12 calendar months or other approved period which must elapse in relation to any officer or employee before his salary may be increased in accordance with the salary scale applicable to him;

**"Minister"** means the Minister of Health;

**"night"** means the hours of the night between 20h00 and 6h00;

**"overtime duty"** means official duty performed;

- (a) (i) on a Sunday or a public holiday by an officer or employee who does not normally work on such a day; or
- (ii) by an officer or employee who normally works on a Sunday or a public holiday and who in compensation therefore is excused from duty on some other day, on such other day, or
- (b) on any working day by any officer or employee over and above the working week prescribed for him in Chapter 7.



## GOVERNMENT NOTICE No. 84 OF 1993

**"pay"** means the salary or wage normally payable to an officer or employee when on duty and includes, subject to the conditions on which it is payable, any allowance which does not form part of his salary or wage;

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

**"reporting officer"** means an officer who, as first party, completes a report in respect of another officer;

**"salary increment"** means the approved amount by which a salary may be increased according to the appropriate salary scale;

**"service"** means continuous full-time service in the council in whatever capacity;

**"subsistence allowance"** means payment designed to recompense an officer or employee in respect of reasonable expenses necessarily incurred by him on accommodation whilst absent from his headquarters on official duty, over and above his normal living expenses at his home;

**"Sunday"** includes -

- (a) a public holiday mentioned in Schedule 2 of the Public Holiday Act, 1981 (Act 3 of 1981); and
- (b) in the case of an officer or employee who normally works on a Sunday or public holiday, the days on which he is normally released from duty to make good for the days so worked;

**"the Act"** means the Health Professions and Related Health Practices Act, 1984 (Act No. 36 of 1984).

**"the Republic of Ciskei"** means the government of the Republic of Ciskei;

**"the RSA"** means the Republic of South Africa;

**"working week"** means the number of hours of service or duty which an officer or employee is required to complete in terms of regulation 7c in respect of the period extending from midnight on a Saturday night to midnight of the following Saturday night;

**"written communication"** means a report, other than a report in the form prescribed by the Council, which is submitted in respect of a particular officer or a report or a remark in regard to a particular event or incident in which an officer was involved.

### INTERPRETATION

- 1B. If doubt arises regarding the interpretation of any provision of these regulations, the matter shall be referred to the Registrar for his decision.

### DEPARTURE IN TIME OF WAR OR NATIONAL EMERGENCY

- 1C. If a state of war or national emergency arises, the Registrar may recommend a departure from the provisions of these regulations, either in general or in respect of a particular officer, employee or person or a particular class of officer, employee or person.

### DUTIES OF THE REGISTRAR

- 1D. (1) In addition to the functions or duties assigned to or imposed upon him by the Act and any other law the Registrar shall be responsible for the efficient management, control and the proper utilisation of staff.
- (2) A head of office is responsible to the officer or employee who exercises authority over him for the efficient management and administration of his office, branch, division, or place of work, as the case may be, including the proper utilisation of staff, the maintenance of discipline and the proper use and care of the council's property.

### DELEGATION OF THE POWERS OF THE REGISTRAR

- 1E. (1) If he deems it expedient for the efficient administration of the council and if the Executive Committee has so approved, the Registrar may delegate any power conferred upon him by any provision of these regulations to any other officer or employee on such conditions as he may determine.

## GOVERNMENT NOTICE No. 84 OF 1993

- (2) The Registrar may at any time revoke a delegation made in terms of this regulation.

### OFFICIAL CHANNELS OF COMMUNICATION

- 1F. (1) A request or communication from an officer or employee of the Council who is not the Registrar, in connection with any matter falling within the scope of the powers, function or duties shall be addressed to the Council's Registrar through the medium of the head of the office: Provided that an officer or employee may demand that such request or communication be submitted to the Executive Committee subject to the provisions of subregulation (2).
- (2) A request or communication to the Council, whether written or otherwise, from a government department or head of a government department in connection with any matter falling within the scope of the Councils' powers, functions or duties or which is to be submitted to the Council in terms of the proviso to subregulations (1), shall be addressed to the Registrar by or on behalf of the head department. Such request or communication shall not be addressed directly to the Council or to a member of the Council.

### OBEDIENCE

- 1G. (1) Subject to the provisions of subregulation (2) an officer or employee of the Council shall obey unconditionally a lawful instruction given to him by a person who is competent to do so.
- (2) An officer or employee of the Council may, after having carried out such instruction, demand that it be repeated in writing and he may submit for decision any complaint he may have in connection therewith, but subject to the provisions of regulation 1F.

### RESIDENTIAL ADDRESS AND TELEPHONE NUMBER

- 1H. (1) An officer or employee of the Council shall notify the head of the office of his residential address and home telephone number, if any, as well as any change thereof and the head of office shall make a record thereof and, in a register to be kept for the purpose.
- (2) The Registrar may on the recommendation of the Executive Committee and with the approval of the Council be provided with an official telephone at his residence and may be reimbursed the monthly rental and the cost of telephone calls on such conditions as the council have approved.

### PRIVATE FINANCIAL TRANSACTIONS

- 1I. (1) An officer or employee of the Council shall not become a party to any form of promissory note for compromising purposes: Provided that the council may consent in writing to a departure from the provisions of this subregulation if it has satisfied itself that the proposed transaction is being entered into for acceptable reasons not connected with speculation or gambling or any other improper dealing which may lead to the pecuniary embarrassment of the officer or employee concerned: Provided further that such consent shall not be given in respect of a transaction between two officers or between an officer and an employee or between two employees of the council.
- (2) An officer or employee of the council shall in no circumstances borrow money from a subordinate serving in the council.
- (3) If it is evident that an officer or employee is in debt to an unreasonable extent or if he becomes insolvent or if a judgment for debt has been obtained against him, he shall, if the Executive Committee so requires, furnish the Registrar with a detailed statement of all his liabilities, together with an explanation as to how such liabilities were incurred and how he proposes to liquidate them.

### LEGAL PROCEEDINGS FOR DEBT

- 1J. The granting of a judgment for the payment of a sum of money or of a sequestrated order against an officer or employee of the council shall forthwith be reported to the Registrar by-
- (a) the registrar or the clerk of the court concerned; and
- (b) the officer or employee concerned.

## **GOVERNMENT NOTICE No. 84 OF 1993**

### **ACCEPTANCE OF GIFT, COMMISSION, FEE OR REWARD**

- 1K.** (1) An officer or employee of the council shall not without the permission of the Registrar or if he is the Registrar, without the permission of the Council, accept a gift of whatever nature offered to him by a member of the public by reason of his occupying or having occupied a particular office or post in the council.
- (2) An officer or employee of the council shall not accept or demand, in respect of the carrying out of or the failure to carry out his duties, any commission, fee or reward whether pecuniary or otherwise but not being the emoluments payable to him in respect of his duties, and shall forthwith report to the Registrar the offer of any such commission, fee or reward.

### **REPLYING TO QUESTION**

- 1L.** An officer or employee of the council shall reply explicitly to a lawful question put to him by a person who is competent to put such question: Provided that an officer or employee of the council shall not be obliged to furnish to a question a reply which may incriminate him.

### **CONSEQUENCES OF ACCEPTANCE OF NOMINATION AS CANDIDATE FOR ELECTION OR NOMINATION AS MEMBER OF THE NATIONAL ASSEMBLY**

- 1M.** If an officer or employee,
- (a) accepts nomination as candidate for election as a member of the National Assembly, or
  - (b) is nominated as a member of the National Assembly, he shall be deemed to have voluntarily resigned from the council with effect from the date on which he accepted such nomination as a candidate for election or was nominated as a member of the National Assembly, as the case may be.

### **NOTICE OF CHANGE IN MARITAL STATUS**

- 1N.** An officer or employee of the council shall provide the Registrar with documentary proof of-
- (a) marriage or any change in his or her marital status;
  - (b) an increase or decrease in the number of his or her dependants.

### **SECONDMENT OF AN OFFICER OR EMPLOYEE FROM A GOVERNMENT DEPARTMENT AND VICE VERSA**

- 1O.** The Registrar may on the recommendation of the Executive Committee and on such conditions as the council has determined request for secondment of an officer to the service of the council or otherwise as provided for in section 12(1) of the Act.

### **CONFIDENTIAL NATURE OF DOCUMENTS CONCERNING OFFICERS AND EMPLOYEES**

- 1P.** All documents, files and correspondence concerning any officer or employee of the council or anything done in terms of the Act or these regulations, which are the property of the Council are confidential and officers and employees of the Council or their legal representatives shall have no right of access thereto or inspection thereof: Provided that officers and employees of the council may be allowed access to and inspection of such of the aforesaid documents, files and correspondence as may be necessary for performance of their official duties.

### **REPORTS ON STAFF AND ADVERSE REMARKS**

- 1Q.** (1) Whenever the exigencies of the Council so demand or whenever the council so requires a report in a form prescribed by such authority shall be made by a reporting officer on any officer in respect of whom such report is required.
- (2) Subject to the provisions of subregulation (3), an officer in respect of whom a report has been completed in terms of subregulation (1) shall have no right of access thereto.
- (3) (a) An adverse remark contained in a report shall be communicated to the officer reported upon by the reporting officer in writing and its full context. The officer reported upon shall sign the written communication and return it to the reporting officer and, at the same time, submit to him in writing any representations that he may wish to make in the matter.

## GOVERNMENT NOTICE No. 84 OF 1993

- (b) Save as provided in paragraph (c), the foregoing provisions shall also apply to adverse remarks made in respect of an officer in any written communication, except that such remarks shall be brought to the notice of the officer by the head of office.
- (c) An adverse remark contained in the minutes of a meeting of a merit committee shall not be brought to the notice of any officer reported upon.
- (4) Notwithstanding the provisions of subregulation (3) the Registrar, or an officer authorised thereto by him, may approve that adverse remarks not be brought to the notice of an officer if he is of opinion that disclosure would not be in the interests of the council or, of the officer concerned: Provided that nothing herein contained shall be construed as prohibiting the council from directing that any adverse remarks be brought to the notice of an officer, either in writing or verbally.
- (5) If any person or body, who or which has to countersign or consider a report in respect of an officer, finds that no justification exists for an adverse remark appearing therein, the adverse remark shall be expunged therefrom and the officer concerned shall be advised in writing of the expunction if the adverse remark was brought to his notice. The advice of expunction shall thereafter form part of the report.
- (6) After a reporting officer has completed a report, it shall be submitted to the Registrar who shall transmit it to the Executive Committee together with any comments or remarks which he may wish to furnish, if the officer is employed permanently. The same procedure shall be followed by the Registrar in respect of any adverse remarks contained in a written communication.

### MEDICAL EXAMINATION AND IMMUNISATION

- 1R. (1) (a) The Registrar may, in consultation with the Executive Committee, direct that a particular officer or employee, or all the officers or employees of the council be subjected to a medical examination to determine whether any infection with a contagious or communicable disease has occurred or he may direct that an officer or employee and (on such conditions as may be approved by the council) a member of his household be immunised against a contagious or communicable disease in order to -
- (i) prevent an epidemic;
  - (ii) comply with any international health regulation; or
  - (iii) protect the person or persons concerned against infection with contagious or communicable diseases during a visit to or residence in a country where the danger of such infection exists: Provided that as far as possible, use shall be made of the services rendered by the Department of Health and provided further that an officer or employee who does not make use of medical services on the grounds of religion or conscientious objection may, on his application, be exempted from such examination or immunisation.
- (b) The expenditure arising from such examination or immunisation shall be met from the council's funds.
- (2) (a) The Registrar may at any time require that an officer or employee submit himself to examination by a registered medical practitioner or a medical board designated or constituted, by the Executive Committee. The expenditure incurred shall be met from the Council's funds.
- (b) The officer or employee who is to be examined, may, if he so desires, arrange at his own expense for his private medical practitioner to be present at the proceedings of the medical board.
- (c) The report of the medical board shall be in a form prescribed by the Council.

### SALARY INCREMENTS

- 1S. (1) Subject to the provisions of section 10(2) of the Act, the salary of an officer or employee shall be increased by one salary increment, within the limits of the scale applicable to him, after the completion by him of each incremental period and with effect from the first day of the incremental month of such officer or employee.



GOVERNMENT NOTICE No. 84 OF 1993

- (2) If the head of office issues a certificate in which he declares that the conduct of the officer or employee as to industry, discipline, punctuality or sobriety was not uniformly satisfactory during an incremental period or that he did not perform his work satisfactorily during such incremental period, the salary of such officer or employee shall not be increased as provided in subregulation (1): Provided that the Executive Committee may, at its discretion, approve that the salary of an officer or employee be increased as provided in subregulation (1) notwithstanding the issue of the aforesaid certificate.
- (3) If the salary of an officer is not increased as provided in subregulation (1) by reason of the issue of the certificate mentioned in subregulation (2) -
  - (a) the Registrar shall notify such officer or employee in writing of the reasons therefore and shall at the same time inform him that, on the expiry of a period which he shall specify and which shall not be longer than an incremental period, a salary increment may be granted by the Registrar subject to the approval of the Executive Committee if the head of office then certified that, during such period, the officer's or employee's work performance and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory; and
  - (b) the Council shall be advised accordingly in the case of such an officer.
- (4)
  - (a) If the period mentioned in subregulation 3(a) is shorter than an incremental period, the Registrar shall subject to the approval of the Executive Committee grant the officer or employee one salary date on which such period expired: Provided that such salary increment may be granted only if the head of the office issues a certificate in which he declares that the work performance of the officer or employee and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during such period.
  - (b) If an officer or employee has been granted a salary increment in terms of paragraph (a), the Registrar shall subject to the approval of the Executive Committee grant him a further salary increment after the expiry of an incremental period reckoned from the date on which his salary would have been increased in terms of subregulation (1) had such increase not been withheld in terms of subregulation (2): Provided that such salary increment may be granted only if the head of office issues a certificate in which he declares that the work performance of the officer or employee and his conduct in regard to the qualities mentioned in subregulation (2) continued to be satisfactory as from the date of the granting of the salary increment mentioned in paragraph (a) to the date preceding that on which a salary increment may be granted in terms of this paragraph: Provided further that the provisions of this paragraph shall not apply to an officer or employee if his salary is already equal to the maximum notch of the appropriate scale.
- (5) If an officer or employee is not granted a salary increment in terms of subregulation (4) (a) -
  - (a) such officer or employee shall again be notified in writing by the Registrar of the reasons therefore and again be informed that on the expiry of a specified period, which shall be equal to the difference between the period mentioned in subregulation (3)(a) and an incremental period, a salary increment may be granted by the Registrar subject to the approval of the Executive Committee on condition that the head of the office issues a certificate in which he declares that the work performance of the officer or employee and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during the specified period;
  - (b) the provisions of subregulation (3)(b) shall *mutatis mutandis* apply; and
  - (c) the Registrar shall subject to the approval of the Executive Committee grant the officer or employee two salary increments after the expiry of an incremental period reckoned from the date on which his salary would have been increased in terms of subregulation (1) if such increase has not been withheld in terms of subregulation (2): Provided that such salary increments may be granted only if the head of the office issues a certificate in which he declares that the work performance of the officer or employee and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during the specified period: Provided further that only one salary increment may be granted to such officer or employee if his salary is already equal to the penultimate notch of the appropriate scale.

## GOVERNMENT NOTICE No. 84 OF 1993

- (6) If the period contemplated in subregulation (3)(a) is equal to an incremental period, the Registrar shall subject to the approval of the Executive Committee grant the officer or employee two salary increments after the expiry of such period: Provided that such salary increments may be granted only if the head of the office issues a certificate in which he declares that the work performance of the officer or employee and his conduct in the regard to the qualities mentioned in subregulation (2) were satisfactory during such period: Provided further that such officer or employee may be already equal to the penultimate notch of the appropriate scale.
- (7) If an officer or employee is not granted a salary increment in terms of subregulation (14)(b), (5)(c) or (6) the provisions of subregulation (2), (3), (4), (5) and (6) shall *mutatis mutandis* again become operative.
- (8) Subject to the foregoing provisions of this regulation, the salary of an officer or employee to whom a salary increment has been granted in terms of subregulation (4)(b), (5)(c) or (6) shall, at the expiry of each further incremental period, be increased by one salary increment within the limits of the scale applicable to him.

### MISSING OFFICERS AND EMPLOYEES

- 1T. (1) If an officer or employee becomes missing and the Registrar is satisfied that his absence is the result of a hostile or criminal act, irrespective of whether or not he was performing his official duties at the time of his disappearance, or if an officer or employee disappears for any other reason and the Registrar is satisfied that his absence has arisen from the performance of his official duties, such officer or employee shall be deemed to be still employed from the time when such absence commenced until the day on which he again reports for duty or, in the opinion of the Registrar, should again have reported for duty, or the day on which a competent court issues an order whereby the death of such officer or employee is presumed.
- (2) The salary or wages and allowances accruing to an officer, or employee during the absence contemplated in subregulation (1), shall, subject to the provisions of subregulation (4), be paid -
  - (a) to his wife; or
  - (b) to his dependants, if he has no wife, or
  - (c) although he has a wife or other dependants, to any person who, in the opinion of the Registrar, is competent to receive and administer such salary or wages and allowances on behalf of his wife or dependants; or
  - (d) if he is unmarried and without dependants, to any person who was authorised by him to receive payment or any person who, in the opinion of the Registrar, is competent to receive and administer such salary or wages and allowances on behalf of the officer or employee concerned.
- (3) Payment of any salary or wages and allowances in terms of subregulation (2) shall for all purposes be deemed to be payment thereof to the officer or employee concerned, and an amount so paid shall not be recoverable by the Council from any person.
- (4) Notwithstanding the provisions of subregulation (2), the Registrar may subject to the approval of Executive Committee direct that only a portion of the salary or wages and allowances of an officer or employee be paid in terms of the said subregulation or that no portion thereof be so paid.

### PROCEDURE FOR DEALING WITH COMPLAINTS AND GRIEVANCES OF OFFICERS

- 1U. (1) (a) If an officer (hereinafter referred to as the complainant) is dissatisfied or discontented with any official act or omission he may raise the matter with his supervisor.
- (b) The supervisor shall without delay endeavour to determine the cause of the dissatisfaction or discontent.
- (c) After the supervisor has interviewed the complainant he shall, if it is in his power and within his competence to dispose of the dissatisfaction, take active steps in the matter within five working days.
- (d) A supervisor shall be obliged to listen to complaints about acts or omissions of his own which harm or the officers under his supervision or the interests of the council, as the case may be.

**GOVERNMENT NOTICE No. 84 OF 1993**

- (e) If the supervisor finds that the dissatisfaction or discontent has arisen from a matter which is not in his power or within his competence to deal with, he shall, within five working days of the interview referred to in paragraph (c), inform the complainant of his right to make representations about the matter to higher authority.
  - (f) If the supervisor finds that the dissatisfaction or discontent has arisen from a matter which is in his power or within his competence to deal with, but he does not succeed in disposing of the complaint, he shall, if the complainant has notified him that he is still dissatisfied or discontented, inform the complainant within five (5) working days of the date of such notification of his right to make representations about the matter to higher authority.
  - (g) In the circumstances mentioned in paragraph (e) and (f) the supervisor shall give the complainant the assurance that such representatives will be accorded, objective consideration and that his right to make representation to higher authority will be recognised at all time if such representations are made through the correct official channels and in accordance with the procedure laid down in these regulations.
- (2) (a) If the complaint of a complainant concerns a matter which cannot be dealt with by his supervisor himself, or if he has a complaint about the supervisor himself, or if the circumstances contemplated in subregulation (1)(f) are present, he may direct his representations to the appropriate officer in the council's staff section or to any other competent officer specifically designed by the Registrar to deal with complaints and grievances.
- (b) the designated officer contemplated in paragraph (a) shall -
    - (i) act without delay as contemplated in subregulations (1) (b), (c), and (f) and not later than 10 working days after the receipt of such representations, refer the matter to an officer who is empowered to deal therewith as provided in the said subregulations; and
    - (ii) satisfy himself that the provisions of subregulation (1) (g) have been complied with and that the complainant has been fully informed of his right.
  - (c) If the designated officer contemplated in paragraph (a) or the officer to whom the representations have been referred in accordance with paragraph (b)(i) is not stationed at the same place as the complainant, the procedure laid down in subregulation (1) (b), (e), and (f) may be pursued by correspondence or through the agency of a local or other supervisor designated for the purpose by Registrar, in which case the periods prescribed in subregulations (1) (c), (e) and (f) may be extended by a maximum of 10 working days.
- (3) (a) If the complaint of the complainant cannot be disposed of to his satisfaction in accordance with the procedure laid down in subregulation (1) and (2) or within the periods specified therein, he may make written representations about the matter to the designated officer contemplated in subregulation (2)(a).
- (b) The written representations shall contain the following information -
    - (i) the name and rank of the complainant;
    - (ii) full details of the reasons for his dissatisfaction or discontent,
    - (iii) the nature of the steps already taken to dispose of the complaint and the outcome of such steps; and
    - (iv) statements by other persons or other evidence, if any, in support of the contention of the complainant.
  - (c) Within 10 working days of receiving the written representations, the designated officer contemplated in subregulation (2)(a) shall submit such representations together with any comments, explanations, statements or evidence that may be required, via the complainant's office or divisional head, to the Registrar.
  - (d) (i) On receipt of the representations the Registrar shall within 10 working days and in writing notify the complainant that an investigation is being made into his complaint and at the same time furnish him with the names of three officers who are not involved in the matter concerning which representations have been made, any one of whom may be chosen by the complainant to be designated by the Registrar to undertake the investigation.



**GOVERNMENT NOTICE No. 84 OF 1993**

- (ii) The complainant shall be obliged to exercise his right of choice within 10 working days of receiving such notification and he shall advise the Registrar of his choice in writing.
- (iii) If the complainant fails to exercise his right of choice, the Registrar may designate any one of the three officers mentioned in the notification to undertake the investigation.
- (iv) The Registrar shall ensure that statements by other persons and other evidence, if any, in support of the contentions of the complainant are furnished to the investigation officer and shall also specify the period within which the investigation shall be completed.
- (e) (i) The investigating officer shall commence his investigation within five working days after having been notified of his designation and shall complete the investigation within the period specified by the Registrar: Provided that the Registrar may extend such period.
- (ii) The investigating officer shall be entitled to peruse all the relevant official documents and files and to obtain from officers and employees any further information which he deems necessary for the purposes of the investigation.
- (iii) The investigating officer shall verbally or in writing request the complainant to furnish within a specified time any further information which he wishes to place before the investigating officer.
- (iv) The investigating officer shall keep detailed minutes of the investigation and of the evidence and information obtained during the investigation.
- (v) After the investigating officer has completed the investigation, he shall record his findings and submit them, together with the minutes of the investigation and his recommendations in the matter, to the Registrar within the period referred to in paragraph (e)(i).
- (f) (i) The Registrar shall refer the matter to the Executive Committee for a decision in regard to the matter and shall without delay advise the complainant of such decision in writing.
- (ii) If the Executive Committee decides that the complaint is without foundation or that for some reason the representations have to be rejected, the reasons for its decision shall be given to the complainant in as much detail as possible and the complainant shall further be informed of his right to demand that his representations be submitted to the council.
- (iii) All documents and evidence relating to the investigation and to the decisions taken in the matter shall be retained in a separate supplement to the complainant's personal file.
- (4) (a) If the complaint of a complainant cannot be disposed of to his satisfaction by the adoption of the procedures laid down in subregulation (3), the complainant may within ten (10) working days of receipt of the notification referred to in subregulation (3) (f)(i) demand in terms of regulation 1F(1) that all the documents relating to the complaint be submitted to the Council. Such demand shall be in writing and shall be submitted to the Registrar through the official channels within ten (10) working days.
- (b) Within ten (10) working days of receiving the demand the Registrar shall forward all the files and documents referred to in subparagraph (3)(f)(iii) to the council and advise the complainant that this has been done.
- (c) The Registrar shall transmit the said files and documents to the Council and the Council shall:
  - (i) consider the said files and documents and investigate the matter within a period to be determined by it;
  - (ii) advise the Registrar and the complainant accordingly through the official channels.
- (d) (i) The Council shall commence its investigation within five working days and shall complete its investigation within the period determined by it in terms of paragraph (c)(i).

## **GOVERNMENT NOTICE No. 84 OF 1993**

- (ii) If necessary the Council shall obtain verbally or in writing, further information from the complainant.
- (iii) The Council shall keep detailed minutes of the investigation and of the information obtained during the investigation.
- (iv) After the Council has investigated the complaint, it shall record its findings together with the minutes of the investigation, the evidence (if any) and its recommendations in the matter, within the period determined by it in terms of paragraph (c)(i).
- (e) On receipt of the documents referred to in paragraph (b) and, if further investigation has been ordered in terms of paragraph (c)(i), of the documents mentioned in paragraph (d)(iv), the Council shall decide on the representations and make a recommendation and thereafter the Registrar shall advise the complainant through the official channels that a recommendation has been made.

### **CHAPTER 2**

#### **2. ELIGIBILITY OF OFFICERS FOR APPOINTMENT, PROMOTION OR TRANSFER FOR THE FILLING OF POSTS AND TERMINATION OF SERVICES OF OFFICERS AND EMPLOYEES**

- 2A.** (1) Subject to the provisions of Section 8(2) of the Act the power to appoint or to promote any person to a post in the fixed establishment of the Council shall vest in the Executive Committee.
- (2) A person who desires to be considered for permanent appointment in a prescribed post in the Council shall apply therefore in a form prescribed by the Council.
- (3) The Registrar may, at his discretion, require that a person who desires to be considered for appointment in a capacity other than that mentioned in subregulation (1) shall apply therefore in the form mentioned in that subregulation.
- (4) The person contemplated in subregulation (1) shall with a view to his appointment, submit himself to a medical examination.
- (5) Before such person is examined by a medical practitioner he shall complete and sign a declaration in a form prescribed by the Council and the medical practitioner who conducted the examination shall after such examination report thereon in a form likewise prescribed by the Council.

#### **QUALIFICATIONS OF CANDIDATES FOR PERMANENT APPOINTMENT IN THE COUNCIL**

- 2B.** (1) No person shall be appointed as a clerk, unless he has passed the matriculation examination or an examination which, in the opinion of the Council, is equivalent to or higher than the matriculation examination.
- (2) The qualifications of candidates for appointment in posts other than those mentioned in subregulation (1) shall be as directed by the Council in accordance with section 10(2) of the Act.

#### **MINIMUM AGE ON APPOINTMENT**

- 3.** No person below the age of 16 years shall be appointed to a post on the fixed establishment of the Council unless he is in possession of a matriculation certificate or a certificate or a certificate which, in the opinion of the Council, is equivalent to or higher than the said certificate.

#### **2C. IN THE MAKING OF ANY APPOINTMENT OR THE FILLING OF ANY POST IN THE FIXED ESTABLISHMENT OF THE COUNCIL**

- (a) All the persons who are eligible for appointment, promotion or transfer as the case may be, shall be considered; and
- (b) Only the qualification, level of training, experience merit, efficiency and suitability of such persons shall be taken into account.

**GOVERNMENT NOTICE No. 84 OF 1993**

**APPOINTMENT ON PROBATION**

- 2D.** (1) The appointment of a person on the fixed establishment of the Council shall be on probation unless the Executive Committee otherwise directs.
- (2) The period of probation shall not be less than twelve calendar months: Provided that, where an officer on probation is transferred or promoted to a new post, the period of probation to which he is subject shall continue to apply: Provided further that there shall be added to every period of probation a period equal to the number of days' leave taken by the officer concerned during his probationary period or any extension thereof.
- (3) If the head of office certified that during the period of probation the officer concerned has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, the Registrar may, if the officer has complied with the conditions (if any) to which his appointment was subject, confirm such appointment: Provided that, if the appointment is not so confirmed, the Executive Committee may extend the period of probation or act as provided in subsection (4).
- (4) Notwithstanding anything in Chapter 2 E an officer appointed on probation may be discharged from the service of the Council by the Executive Committee either during or at or after expiry of his period of probation -
- (a) on one month's notice in writing; or
- (b) forthwith, if his conduct is unsatisfactory.

**DISCHARGE OF OFFICERS AND EMPLOYEES - (1) OFFICERS AND EMPLOYEES SHALL BE LIABLE TO BE DISCHARGED FROM THE SERVICE OF THE COUNCIL**

- 2E.** (a) on account of continued ill-health;
- (b) owing to the abolition of his post or any reduction in re-organisation or re-adjustment of branches, division or offices;
- (c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the Branch, division or office in which he is employed;
- (d) on account of his unfitness for his duties or his incapacity to carry them out efficiently;
- (e) on account of misconduct;
- (f) if, in the case of an officer appointed on probation, his appointment is not confirmed.
- (g) on account of misrepresentation of his position in relation to any condition for permanent appointment.
- (2) An officer who, without the permission head of his office, absent himself from his official duties for a period exceeding one calendar month shall be deemed to have been discharged from the service of the Council on account of misconduct with effect from the day immediately succeeding his last day of attendance at his place of duty: Provided that, if such officer assumes other employment, he shall be deemed to have been so discharged notwithstanding that the aforesaid period has not expired.
- (3) The services of an officer/employee may be terminated by giving him notice in writing of not less than one month or, if he is employed temporarily, not less than twenty four hours;
- (4) The power to discharge an officer or employee from the Council shall vest in the Council.

**PROCEDURE FOR THE DISCHARGE OF THE REGISTRAR**

**2F. 1 MISCONDUCT OF HEAD OF DEPARTMENT**

- (1) When a Registrar who is an officer is accused of misconduct, the Council shall report the matter to the Minister who may thereupon direct the Council to charge him with that misconduct and, if the Registrar denies the charge or fails or refuses to admit or to deny the charge, the Minister may appoint a person or persons to enquire into the charge.

## GOVERNMENT NOTICE No. 84 OF 1993

- (2) The provision of section 17 to 25, inclusive, shall apply *mutatis mutandis* in respect of any charge of misconduct preferred against a Registrar.

### 2F. 2. INEFFICIENT OFFICERS

- (1) If a Registrar is of the opinion that an officer in that department is unfit for his duties or incapable of carrying them out efficiently, the head of department shall, without delay (and, where the aforesaid report has been made to him, not later than one calendar month after the receipt thereof), report the matter to the Council.
- (2) Upon the receipt of such report as aforesaid the Council, may, appoint an officer to enquire into the matter and, in that event, the procedure prescribed in the foregoing provisions of this Chapter shall *mutatis mutandis* apply: Provided that the Minister may recommend that no further action be taken in the matter.

### 2F. 3. INCOMPETENT HEAD OF DEPARTMENT

If at any time the Council has reasonable grounds for believing that a Registrar is unfit for his duties or incapable of carrying them out efficiently, it shall forthwith report the matter to the Minister who may thereupon direct that an enquiry be conducted into the matter and that it be dealt with as contemplated in Section 2F2.

### 2F. 4. MISCONDUCT OF EMPLOYEE

- (1) An employee who render himself guilty of misconduct and who admits, or is in terms of Section K (1) otherwise deemed conclusively to be guilty of, such misconduct may, in lieu of being discharged from the Council, be ordered by the Council to pay a fine not exceeding four hundred rand, which fine shall be recovered from his emoluments in such monthly instalments as the Council shall determine.
- (2) Nothing in subsection (1) contained shall be construed as prohibiting or preventing the Council from directing that an enquiry be conducted into the alleged misconduct of an employee: Provided that, if the Council has so directed, the enquiry shall be conducted in accordance with the provisions of this Chapter as if the employee concerned were an officer.

### 2G. DEFINITION OF MISCONDUCT

- (1) An officer or an employee shall be guilty of misconduct if he -
- (a) contravenes any provision of these Regulations or fails to comply with any provision thereof with which it is his duty to comply; or
  - (b) does, or causes to be done, or connives at any act which is prejudicial to the administration, discipline or efficiency of any branch, division, office or institution of the Council.
  - (c) disobeys, disregard or makes wilful default in carrying out a lawful order given to him by a person having authority to give such order, or by word or conduct displays insubordination; or
  - (d) is negligent or indolent in the discharge of his duty; or
  - (e) undertakes, without the permission of the competent authority, any private agency or private work in any matter connected with the performance of his official duties;
  - (f) comments adversely in public on the administration of any branch, division, office or institution of the Council; or
  - (g) becomes a member, or takes part in the activities, or in any manner promotes the objects, of any organisation, or encourages disobedience to, resistance against or defiance of, any law; or
  - (h) attempts to secure intervention from Council members or outside sources in relation to his position or conditions of employment in the Council service: Provided that nothing herein contained shall be construed as prohibiting any officer from endeavouring to obtain redress of any grievance through the Council; or
  - (i) conducts himself in a disgraceful, improper or unbecoming manner, or, whilst on duty, is grossly discourteous to any person; or

GOVERNMENT NOTICE No. 84 OF 1993

- (j) uses intoxicating liquor excessively or uses any other dependence-producing substance; or
  - (k) at any time whilst he is on duty or at or near or in his place of employment -
    - (i) is under the influence of intoxicating liquor; or
    - (ii) has a blood alcohol content, expressed in grams per one hundred millilitres of blood, of not less than seventy milligrams (0.07 per cent);
  - (l) becomes insolvent, unless it is shown that his insolvency has been occasioned by unavowed misfortune;
  - (m) becomes pecuniary 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; or
  - (n) without the prior approval of his head of office, discloses otherwise than in the discharge of his official duties, information gained by or conveyed to him through his employment in the Council, or uses such information for any purpose other than the discharge of his official duties irrespective of whether or not he discloses such information; or
  - (o) without the prior approval of the competent authority accepts or demands in respect of the carrying out of, or the failure to carry out his duties, any commission, fee or reward pecuniary or otherwise (not being the emoluments payable to him in respect of his duties), or fails to report to his head of office or, if he is the head of office to the Executive Committee, the officer or any such commission, fee or reward; or
  - (p) misappropriates, improperly uses or loses any property of the Council under such circumstances that his act does not constitute a criminal offence; or
  - (q) commits a criminal offence; or
  - (r) absents himself from his office without leave or valid cause; or
  - (s) with a view of obtaining any privilege or advantage in relation to his official position or duties, or to causing prejudice or injury to Council, a branch, the Council in general or any member or members of the Council, makes a false or incorrect statement knowing it to be false or incorrect; or
  - (t) contravenes or fails to comply with any provision of the code of conduct.
- 2G. (2)** (a) A Registrar may require an officer or employee whom he suspects on reasonable ground to be guilty of misconduct as defined in subsection (1)(k)(i) or (ii) -
- (i) to breathe into the prescribed apparatus for such period as he may direct; or
  - (ii) to undergo examination by a district surgeon or other medical practitioner, including any blood test which such district surgeon or other medical practitioner may deem necessary in order to determine the alcohol content of the blood of such officer or employee; or
  - (iii) to breathe into the prescribed apparatus and to undergo the examination referred to in subparagraph (ii).
- (b) If -
- (i) any officer or employee fails or refuses to breathe into the prescribed apparatus or to undergo any examination when so required under paragraph (a), or
  - (ii) the prescribed apparatus records that the alcohol content of the blood of an officer or employee exceeds a limit specified by the Council by Proclamation in the Gazette in respect of that particular make of prescribed apparatus, such officer or employee shall be deemed conclusively to be guilty of misconduct as defined in subsection (1)(k)(i) and shall be dealt with as provided in the Regulations.
- (3) The provisions of Section 212(4) of the Criminal Procedure Act, 1977 (Act 51 of 1977) shall apply *mutatis mutandis* in relation to any enquiry into a charge of misconduct as defined in subsection (1)(k)(i) or (ii).



## GOVERNMENT NOTICE No. 84 OF 1993

- (4) Where, in any enquiry into a charge of misconduct as defined in subsection (1)(k)(i) or (ii), evidence is tendered of the analysis of a specimen of the blood of any person, it shall be presumed until the contrary is proved that any syringe used for obtaining such specimen and the receptacle in which such specimen was placed for dispatch to an analyst were free of any substance or contamination which could have affected the result of such analysis.

### **2H. Officer may be charged with misconduct -**

- (1) When an officer is accused of misconduct, his head of office or any officer in that office who has been authorised thereto by the head of office may, charge him in writing under his hand with that misconduct.
- (2) The officer who signed the charge shall cause it to be served on the officer charged.
- (3) The charge shall contain or shall be accompanied by a direction calling upon the officer charged to transmit or deliver, within a period specified in the direction (not being less than fourteen days) 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.

### **2I. Suspension of an officer from duty.**

- (1) Subject to the provisions of subsections (3) and (6), the head of office may at any time before or after an officer has been charged with misconduct, suspend such officer from duty: Provided that an officer shall be deemed to have been so suspended while he is or was serving a sentence or imprisonment which has not been set aside on appeal.
- (2) Any officer who has, or is deemed to have been suspended from duty under subsection (1) shall during his suspension not be entitled to any emoluments unless the Executive Committee has, in the case of any officer other than an officer who is serving a sentence of imprisonment, authorized the payment to him of the whole or any portion of his emoluments.
- (3) If no charge of misconduct is preferred and prosecuted against an officer under suspension within a reasonable time (not exceeding three calendar months), except in the case of an officer formally charged with corruption or any like offence involving the moneys or property, or the affairs or business, of the Council) such officer shall, if he is not in custody be allowed to resume duty in the post previously occupied by him or in some other post and shall be paid in full emoluments for the period of suspension.
- (4) The suspension from duty of any officer may at any time be withdrawn by the Council or head of office but, notwithstanding such withdrawal, proceedings on a charge of misconduct may be instituted against such officer under these Regulations.
- (5) An officer, who has been suspended from duty in terms of subsection (1) or against whom a charge of misconduct has been preferred under this Act and who resigns from the service of the Council or assumes other employment before such charge has been dealt with to finality, shall be deemed to have been discharged on account of misconduct with effect from a date to be specified by the competent authority unless, prior to the receipt of his notice of resignation or the date of his assumption of other employment, as the case may be, he had been notified that no charge would be preferred against him or that the charge against him had been withdrawn.
- (6) An officer shall be suspended from duty under subsection (1) only if the misconduct of which he is alleged to have been guilty is serious or if the circumstances are such that he should not be allowed to continue for the time being to perform any duty in the service of the Council.

### **2J. Admission of misconduct. — Any officer, who is charged with misconduct in terms of section 2H and who admits such charge, shall be deemed conclusively to be guilty of such misconduct and shall be dealt with as provided in section 20.**

### **2K. Misconduct where criminal proceedings instituted. -**

- (1) If the misconduct amounts to a criminal offence of which the officer or employee has been convicted by a court of law, it shall not be necessary to charge him with misconduct in terms of section 20 but he shall be deemed conclusively to be guilty of that misconduct and shall be dealt with as provided in section 20 unless the conviction has been set aside by a competent court or he has been granted a free pardon.

**GOVERNMENT NOTICE No. 84 OF 1993**

- (2) The acquittal of an officer by a court of law on a charge of a criminal offence shall not be a bar to proceedings against him under this Act on a charge of misconduct, notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the criminal charge on which he was acquitted or some other offence of which he might have been convicted at his trial on the said criminal charge.

**2L. Enquiry into charge of misconduct.**

- (1) If an officer who is charged with misconduct (hereinafter referred to as the defendant) denies the charge or fails or refuses to admit or to deny the charge, the Council shall, if in its opinion there is sufficient cause for further proceedings -
- (a) appoint an officer (hereinafter in this Act referred to as the investigating officer) to enquire into the charge; and
  - (b) authorise a competent person to attend 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.
- (2) The Registrar shall fix the time and place of the enquiry after consultation with the investigating officer and shall notify the defendant of the time and place so fixed.
- (3) At the enquiry -
- (a) the defendant shall have the right to be present and to be heard either personally or through a representative, to cross-examine any person called as a witness in support of the charge against him, to inspect any documents produced in evidence, to give evidence himself and to call other persons as witnesses;
  - (b) the investigating officer -
    - (i) may, before he hears any evidence, ask the defendant or his representative whether he wishes to make a statement indicating the basis of the defence and, for that purpose, may question the defendant in order to establish which of the allegations in the charge he admits or denies, and the investigating officer shall record any replies so received;
    - (ii) shall keep a record of the proceedings, and of all the evidence given, at the enquiry; and
    - (iii) shall administer an oath or affirmation to all persons called or otherwise giving evidence as witnesses;
  - (c) the provisions of the law relating to evidence and witnesses in criminal proceedings in a magistrate's court shall otherwise apply;
  - (d) any admission made by the defendant in reply to any question under paragraph (a) shall be admissible as evidence against him;
  - (e) the failure of the defendant to be present at any time, whether personally or by a representative, shall not invalidate the proceedings.
- (4) At the conclusion of the enquiry the investigating officer shall, subject to the provisions of subsection (5) -
- (a) find whether the defendant is guilty or not guilty of the alleged misconduct;
  - (b) inform the defendant of his finding;
  - (c) report the result of the enquiry to the Council; and
  - (d) if he has found the defendant guilty of misconduct, not later than fourteen days after making such finding -
    - (i) furnish the defendant or his representative with a written statement showing the facts which he found to be proved and the reasons for his finding; and
    - (ii) forward to the Registrar the record of the proceedings at the enquiry (including any documentary evidence admitted thereat) together with a copy of the written statement referred to in subparagraph (i) and any observations he might wish to make in the matter.



**GOVERNMENT NOTICE No. 84 OF 1993**

- (5) An officer who is found not guilty of misconduct shall, if at the time of such finding he is under suspension from duty, forthwith resume duty in his post and, unless the competent authority has directed otherwise, shall be paid his full emoluments for the period of his suspension.
- (6) If the investigating officer finds that the defendant is not guilty of misconduct he shall forward to the Registrar the record of the proceedings at the enquiry and all other documents in his possession relating to the enquiry.

**2M. Appeal against finding at enquiry.**

- (1) An officer found guilty of misconduct may, not later than fourteen days after the date on which he or his representative received the written statement referred to in section 2L(4)(d)(i) -
  - (a) lodge with the Council in writing an appeal against the finding of the investigating officer in which he shall set forth fully the grounds of the appeal; and
  - (b) if he so desires, make application to the Council for a copy of the record of the proceedings at the enquiry in question, in which event the Council shall, without delay, cause such copy to be furnished to him or to be furnished to him or to his representative.
- (2) An appellant may, not later than fourteen days after the date on which he or his representative, as the case may be, received the copy of the record of the proceedings of the enquiry or, if no application was made for such copy, not later than fourteen days after the date on which he lodged his appeal, submit to the Council written representations in support of his appeal.
- (3)
  - (a) The Council shall forward to the head of office concerned a copy of the record of the proceedings at the enquiry and other relevant documents, including a copy of the representations referred to in subsection (2) and the head of office may thereupon furnish the Council such observations as he may wish to make and shall at the same time cause a copy thereof to be delivered to the appellant.
  - (b) The appellant may, not later than fourteen days after the delivery to him of the observations of the head of department, submit to the Council and the head of office his reply thereto in writing.
  - (c) The head of office shall have no right to make any answer to such reply except with the leave of the Council.
- (4) The Council shall, after due consideration of the appeal, decide either to allow the appeal (whether wholly or in part) or dismiss the appeal.
- (5) The Council may, before arriving at a final decision on the appeal, remit any question in connection with the enquiry to the investigating officer and request him to report thereon or to hold such further enquiry (in accordance with the provisions *mutatis mutandis* of section 2L) as may be specified and to make a finding thereon.
- (6) The decision of the Council on the appeal shall be communicated to the head of the office of the appellant by the Secretary of the Council without delay.
- (7) If the appeal of an appellant who has been suspended from duty under section 2I has been allowed in its entirety, the appellant shall forthwith resume duty in his office and, unless the competent authority has directed otherwise, shall be paid his full emoluments for the period of his suspension.

**2N. Procedure to be followed when officer is deemed conclusively to be or is guilty of misconduct or his appeal is disallowed. - Where an officer -**

- (a) is, in terms of section 2G(2)(b) or 2K deemed conclusively to be guilty of misconduct, or
- (b) has, after the holding of an enquiry under section 2L been found guilty of misconduct and has not appealed against such finding or where he has so appealed but the appeal has been dismissed or allowed only in part, or allowed in part the head of his office shall forthwith cause to be furnished to the Council, all the information which is likely to have any bearing on the question of punishment, including information as to the previous behaviour or record of the officer or his ability to pay any fine without undue hardship to his dependants (if any.)

## GOVERNMENT NOTICE No. 84 OF 1993

### 20. Punishment for misconduct.

- (1) Subject to the provisions of subsection (2) the Executive Committee, shall after due consideration of any information furnished by a head of office under section 2N recommend to the competent authority -
  - (a) that the officer concerned be cautioned or reprimanded; or
  - (b) that the officer concerned be transferred to some other post or be employed additional to the fixed establishment; or
  - (c) that a fine not exceeding one thousand rand be imposed on the officer concerned; or
  - (d) that the salary or the grade, or both the salary and the grade, of the officer concerned be reduced to an extent recommended; or
  - (e) that the officer concerned be discharged, or be called upon to resign from the Council: Provided that it shall be competent for the Executive Committee to conjoin with the recommendation contemplated in paragraph (c) or (d) the recommendation in paragraph (b).
- (2) An officer, who is called upon to resign from the service of the Council and who fails or refuses to do so, shall be deemed to have been discharged from the public service as from a date to be determined by the competent authority.
- (3) The head of office shall cause the directions of the competent authority under this section to be carried out without delay.
- (4) If an officer who has been suspended from duty in terms of section 21, is dealt with as contemplated in Section 2.0 (1)(a), (b), (c) or (d), he shall forthwith assume duty in the post previously held by him or, as the case may be, the post or duties to which he has been transferred and if his salary has not been reduced, he shall, unless the competent authority has directed otherwise, be paid his full emoluments for the period of his suspension: Provided that if his salary has been reduced, the emoluments which may be payable to him for the period of his suspension shall be the emoluments of the lower grade: Provided further that if during his suspension emoluments in excess of the emoluments of the lower grade were paid to him in terms of the proviso to section 21 (2), he shall not be obliged to refund the excess.

### 2P. Retirement of officers.

- (1) Subject to the provisions of subsection (3) an officer shall have the right to retire from the Council and shall be so retired on the day on which he attains the age of sixty years.
- (2) Where an officer attains the age at which he has the right to retire from the service of the Council, or shall be retired, after the first day of the month he shall, for the purpose of the application of subsections (1), be deemed to have attained that age on the first day of the month immediately following that month.
- (3) An officer who has reached the age of fifty years may, subject in every case to the recommendation of the Executive Committee and with the approval of the Council, be retired from the service of the Council.

## CHAPTER 3

### APPLICABILITY TO LEAVE REGULATIONS

#### 3A. The provisions of this Chapter shall apply -

- (a) to officers and
- (b) full-time and part-time employees

### LEAVE OF ABSENCE IS A PRIVILEGE

- 3B. (1) Leave of absence provided for in these regulations is a privilege and shall be granted only with due regard to the exigencies of the Council.
- (2) Leave cannot be claimed as a right and when an officer or employee leaves the Council, for whatever reason, he cannot claim payment in respect of the cash value of any leave standing to his credit.

**GOVERNMENT NOTICE No. 84 OF 1993**

- (3) Nothing in this regulation contained shall be construed as prohibiting the payment of leave gratuities on such conditions as may be recommended by the Executive Committee and approved by the Council.

**LEAVE APPLICATION FORM, GRANTING AND WITHDRAWAL OF LEAVE AND UN-AUTHORISED ABSENCE FROM DUTY**

- 3C.** (1) (a) Application for leave shall be made in writing in a form prescribed by the Council.  
(b) A certificate of indisposition, which is to serve in support of an application for sick leave, shall likewise be in a form prescribed by the Council.
- (2) (a) The granting of any leave of absence shall be subject to approval by the Registrar: Provided that the granting of leave of absence to the Registrar shall be subject to the approval of the Executive Committee.  
(b) Leave already granted to an officer or employee may at any time be withdrawn by the Registrar or, in the case of leave granted to the Registrar, by the Executive Committee.
- (3) Except where an officer or employee is suspended from duty or where an officer or employee is prevented by his sudden illness or by other circumstances which are acceptable to the Registrar from remaining on or reporting away from work until he has applied in writing for leave and has been advised by the head of his office that the leave has been approved.
- (4) (a) Except as provided in regulation 3N(1)(c) any unauthorised absence from duty shall, notwithstanding any disciplinary action which may be taken against the officer or employee concerned be regarded as vacation leave without pay unless the Executive Committee has recommended otherwise.  
(b) The submission by an officer or employee of the written application for leave, referred to in subregulation (1)(a), shall not be a requisite in the case of unauthorised absence from duty.

**LEAVE REGISTER**

- 3D.** (1) (a) The Council shall keep a leave register in respect of each officer and employee, in which all absences from duty shall be recorded in accordance with the classification contained in regulation 3E(1).  
(b) All applications for leave shall for such period as the council may direct, be filed for audit and other purposes in each office where a leave register is kept.

**CLASSIFICATION OF LEAVE OF ABSENCE**

- 3E.** (1) All absences from duty on leave shall be classified under one or more of the following heads:
- (a) Vacation leave (accumulative) with full pay
  - (b) Vacation leave without pay
  - (c) Sick leave with full pay
  - (d) Sick leave with half pay
  - (e) Sick leave without pay
  - (f) Special sick leave with full pay
  - (g) Special sick leave with half pay
  - (h) Special sick leave without pay
  - (i) Special leave with full pay
  - (j) Special leave with conditions of pay as recommended by the Executive Committee.
  - (k) Maternity leave.
- (2) The granting of leave under any one of the heads mentioned in subregulation (1) shall not affect the granting of leave under any of the other heads therein mentioned, except in so far as is specifically provided elsewhere in these regulations.

**GROUPING OF OFFICERS AND EMPLOYEES FOR LEAVE PURPOSES AND LEAVE PROVISIONS**

- 3F.** With due regard to the provisions of regulations 3(1), 3G(2) and 3K(2), officers and employees shall, for the purposes of leave of absence, be classified in the undermentioned groups and be granted leave accordingly: Provided that paragraphs (a)(iii) and (a)(iv) and (b)(ii) and (b)(iii) shall apply to part-time employees who are normally on duty for not less than 4 hours and 45 minutes per day (or 4 hours per day if a six-day working week is observed).

**GOVERNMENT NOTICE No. 84 OF 1993**

**(a) Vacation leave (accumulative)**

Classification	Group	Accrual (days per annum)
(i) Officers who were appointed in the public service of the Republic of Ciskei prior to 1 July 1992 and who - were in the revised vacation leave Group 1A of the public service of that Republic .....	A	38
or upon completion of 15 years' service: were in the revised vacation leave Group 1B of the public service of the Republic of Ciskei until they have completed the appropriate period of service for inclusion in Group A above.....	B	36
or were in the revised vacation leave Group II of the public service of the Republic of Ciskei, until they have completed 10 years' service .....	C	30
(ii) Officers who were appointed in the Council on or after 1 July 1992 on completion of 10 years' service.....	B	36
until they have completed 10 years' service .....	C	30
(iii) Full-time and part-time employees who are temporary incumbents of classified posts in the Council and who have completed the following service:- Ten years or longer.....	B	36
Less than ten years .....	C	30
(iv) Full-time and part-time employees who are incumbents of non-classified posts in the council and who have completed the following service:___ Ten years or longer .....	B	36
Five years or longer, but less than 10 years .....	C	30
Less than five years .....	C	24

**GOVERNMENT NOTICE No. 84 OF 1993**

(b) Sick leave.

Classification	Group	Number of days in each cycle with	
		Full pay	Half pay
(i) All officers .....	A	120	120
(ii) Full-time and part-time employees who are temporary incumbents of classified posts in the council .....	A	120	120
(iii) Full-time and part-time employees who are incumbents of non-classified posts in the council and who have completed the following service:			
Ten years or longer .....	A	120	120
Five years or longer but less than ten years.....	B	90	90
Less than five years .....	C	60	60

**GENERAL PROVISIONS: VACATION LEAVE**

- 3G. (1) Subject to the provisions of regulation 3R(1), accumulative vacation leave, excluding accumulative vacation leave placed to the credit of an officer or employee in terms of regulation 3F(b)(ii), shall accrue in respect of each completed month of service at the rate of one-twelfth of the provision applicable to an officer or employee in terms of regulation 3F(a).
- (2) If an officer or employee is transferred from one post to another and his transfer results in a change in his classification for leave purposes or if, for any reason other than his transfer, he passes from one vacation leave group to another -
- he shall retain the accumulative vacation leave which accrued during his service in the previous group or groups; and
  - the accumulative vacation leave of the new group shall become applicable to him from the first day of the month during which such transfer or passing becomes effective unless the provisions in regulation 3U(2) apply to him.
- (3) The Registrar may at any time require an officer or employee, and the Executive Committee may at any time require the Registrar who is an officer, to take the whole or a portion of the vacation leave due to him: Provided that the maximum period of leave prescribed in subregulation (4) shall not be exceeded.
- (4) Except on the recommendation of the Executive Committee an officer or employee shall not be granted vacation leave in excess of 184 days in the aggregate in any period of 18 calendar months and any absence from duty for a longer period shall be covered by the granting of vacation leave without pay with due regard to the provisions of regulation 3J(1). For the purpose of this subregulation no account shall be taken of vacation leave granted in terms of regulation 3K(7)(a).
- (5) The accumulative vacation leave standing to the credit of an officer or employee on 1 January of each year shall be recorded in the leave register and in the recording of such credit any portion of a day shall be regarded as one day.



**OVERGRANT OF VACATION LEAVE**

- 3H.** If an officer or employee has been granted vacation leave with full pay in excess of his credit at the time, such overgrant may be deducted from vacation leave which subsequently accrues to him provided the Registrar is satisfied that the overgrant was made in good faith: Provided that, if such officer or employee resigns or his services are terminated before sufficient vacation leave has accrued to him for the purpose of such deduction, that portion of the overgrant which exceeds his vacation leave credit on his last day of service shall be regarded as an overpayment of salary which shall be recovered or otherwise written off under competent authority.

**VACATION LEAVE IN RESPECT OF PERSONS TRANSFERRED FROM OTHER SERVICES**

- 3I.** (1) The transfer of an officer or employee from the public service of the Republic of Ciskei to the council shall in no way affect the continuity of the accumulative vacation leave privileges of such an officer or employee who was transferred without a break in service and any accumulated vacation leave shall remain at the credit of such officer or employee.
- (2) The Executive Committee may recommend that a person who is in full time employment of an institution recognised by the council for the purposes of this regulation and who is transferred or appointed without a break in service to a post or position in which these regulations become applicable to him, shall retain the accumulative vacation leave standing to his credit on the day before his appointment or transfer, subject to the provisions of subregulation (3), and the previous service of such person in respect of which the leave credit is carried forward shall count as service for leave purposes: Provided that, if the appointment or transfer of such person is effected on a day other than the first day of a month, he shall retain the accumulative vacation leave which stood to his credit on the last day of the month preceding the month during which his appointment or transfer is effected, in which case these regulations shall become applicable to him on the first day of the month in which his appointment or transfer is effected: Provided further that, if such leave would have become available for utilisation only after the completion of a specified period of service and such period of service is uncompleted on the date in which these regulations become applicable to the officer or employee, the credit may be calculated in proportion to the part of the relative period of service which he has completed on the last-mentioned date and the leave concerned may be granted forthwith.
- (3) In the application of the provisions of regulation (2) any portion of a day shall be regarded as one day when the accumulated vacation leave is placed to the credit of an officer or employee on the date on which these regulations become applicable to him.

**VACATION LEAVE WITHOUT PAY**

- 3J.** (1) If sound reasons exist, the Registrar may at his discretion but subject to the limits imposed by regulation 3K(5)(c) grant an officer or employee, who has no vacation leave with pay to his credit, vacation leave without pay but not exceeding 184 days in the aggregate in any period of 18 calendar months. In exceptional cases the limitation imposed by this regulation may be waived if the Executive Committee has so recommended.
- (2) Unless the provisions of regulation 3C(3), 3G(4) and 3R(2) are to be applied, all vacation leave with full pay standing to the credit of an officer or employee shall first be exhausted before vacation leave without pay may be granted to him.

**GENERAL PROVISIONS: SICK LEAVE**

- 3K.** (1) Sick leave shall accrue to an officer or employee on the first day of a cycle and with effect from that day the full provision of the relative cycle may be granted to him if the other provisions of these regulations are complied with: Provided that no officer or employee shall be granted sick leave with full or half pay until he has completed 30 days' service reckoned from the date of his appointment and then only in respect of absences subsequent to the completion of such service.
- (2) If an officer or employee, during a cycle and without a break in service -
- (a) passes to a group in which the sick leave provision is less favourable than that formerly applicable to him, he shall for the duration of the relative cycle retain the sick leave provision formerly applicable to him; or

**GOVERNMENT NOTICE No. 84 OF 1993**

- (b) passes to a group in which the sick leave provision is more favourable than previously, he shall immediately acquire the sick leave provision of the new group, less any paid sick leave already used by him during the relative cycle, unless the provisions of regulation 3U(2) apply to him.
- (3) Unused sick leave prescribed for a particular cycle shall lapse at the end of that cycle and shall not be carried forward to the next cycle.
- (4) If an officer or employee, who has been granted the maximum amount of sick leave provided for in these regulations, is not yet able, for health reasons, to resume his duties, the Registrar may -
  - (a) on the submission to him of a satisfactory certificate by a registered medical practitioner or a registered dentist, and
  - (b) if he is satisfied that the officer or employee at that particular time is not permanently unfit to resume his normal duties, and
  - (c) if the officer or employee has not vacation leave to his credit, excluding vacation leave mentioned in regulation 3R(2),at his discretion grant such officer or employee further sick leave with full pay not exceeding 92 days in the aggregate in any one cycle. Such grant may be made in respect of separate periods of absence and in respect of different kinds of illness.
- (5) (a) If an officer or employee has used his paid sick leave period provided for in these regulations, he may notwithstanding the provisions of subregulation (7), be granted sick leave without pay not exceeding 365 days in the aggregate in any particular cycle.
  - (b) The grant of leave in terms of paragraph (a) may be made irrespective of whether the officer or employee has been granted additional sick leave with half pay in terms of subregulation (4).If an officer or employee has been granted the sick leave without pay provided for in this subregulation, he shall not during the particular cycle be granted any further leave of whatever nature to cover his absence from duty owing to illness, except on the recommendation of the Executive Committee.
- (6) (a) The granting to an officer or employee of sick leave without pay in terms of subregulation (5) shall be subject to the submission by him to the Registrar of a satisfactory certificate of indisposition in respect of each absence which exceeds three days.
  - (b) The provisions of regulations 3L(4)(b) and 3L(5) shall apply in respect of absence which does not exceed three days.
- (7) (a) An officer or employee may, on his application in writing be granted any vacation leave which he may have to his credit, in lieu of sick leave without pay; Provided that -
  - (i) such application is submitted not later than three calendar months after he has resumed duty;
  - (ii) the number of days vacation leave so granted shall not exceed 365 days in the aggregate in any cycle; and
  - (iii) the Registrar is satisfied that the officer or employee concerned is not then permanently unfit for the resumption of his normal duties.(b) Once the vacation leave referred to has been granted to an officer or employee and he has received payment in respect thereof, such leave shall not be reconverted into sick leave with half pay or without pay.
- (8) (a) if an officer or employee to whom vacation leave has been granted becomes ill after he has left his duties to proceed on vacation leave, that portion of the vacation leave for which he submits a certificate by a registered medical practitioner or a registered dentist complying with the requirements prescribed in regulation 3L may be converted into sick leave, if the requisite sick leave form is available in terms of these regulations.
  - (b) Vacation leave without pay shall not be converted into sick leave.



**GRANTING OF SICK LEAVE**

- 3L.** (1) Sick leave shall be granted only in respect of the absence from duty of an officer or employee owing to an illness, indisposition or injury not due to his misconduct or failure to take reasonable precautions.
- (2) Sick leave may be granted in respect of nervous complaints, insomnia, debility and any similar ill-defined illness or indisposition only if the Registrar is satisfied that the applicant's state of health -
- (a) incapacitates him for duty; and
  - (b) does not arise from his failure to take vacation leave.
- (3) (a) The Registrar may at any time require an officer or employee to submit to an examination by one or more registered medical practitioners or registered dentists nominated by the Executive Committee.
- (b) The expenses in connection with such an examination shall be met from the Council's funds.
- (4) (a) If an officer or employee is absent from duty for a continuous period of more than three days owing to illness, he may be granted sick leave only if he furnishes the Registrar with a certificate by a registered medical practitioner or a registered dentist which clearly describes the nature of the illness, states that the officer or employee is not capable of performing his official duties and indicates the period necessary for his recuperation.
- (b) The Registrar may at his discretion require any officer or employee to submit a similar certificate in respect of absence from duty for a period of three days or less.
- (c) If the Registrar is satisfied that the absence of the officer or employee is in fact and in truth due to illness and that there are good reasons for the non-submission of a certificate of indisposition, he may waive the submission of such certificate by the officer or employee in respect of sick leave for an unbroken period not exceeding 14 days: Provided that such exemption shall be endorsed on the leave application.
- (5) Sick leave, with or without pay, in respect of which a certificate referred in subregulation (4) is not submitted, may be granted only for an aggregate of 10 days during any year ending on 31 December and any further absences shall be covered by the granting of vacation leave with full pay or, if the officer or employee has no vacation leave to his credit, vacation leave without pay. The provisions of this subregulation shall not apply to periods of absence in respect of which exemption in terms of subregulation (4)(c) has been granted and such periods shall not be taken into account in the determination of the said period of 10 days.
- (6) Notwithstanding the submission by an officer or employee of a certificate as contemplated in subregulation (4) the Registrar may at his discretion refuse to grant sick leave with pay in respect of any absence from duty to which such certificate relates and in that case the absence shall be regarded as unauthorised and the provisions of regulation 3C(4) shall apply.

**SPECIAL SICK LEAVE**

- 3M.** (1) An officer or employee, who is absent from duty owing to an injury sustained in an accident arising out of and in the course of his employment or owing to a disease contracted in the course and as a result of his duties, may be granted special sick leave with full pay for the periods he is incapacitated for his normal duties or, if the case fall within the scope of the Workmen's Compensation Act, 1982 (Act 11 of 1982), special sick leave with pay equal to the difference between full pay and the compensation payable to him in terms of that act in the form of periodical payments: Provided that special sick leave with pay in terms of this regulation shall not be granted where the accident was caused by a third party, unless the officer or employee concerned either authorises the Council to bring a claim in his name against the third party for damages suffered by him or undertakes himself to bring a claim against the third party and to, recompense the Council for damages suffered by it, as a result of the accident, from any amount that may be recovered from the third party.

## GOVERNMENT NOTICE No. 84 OF 1993

- (2) Special sick leave in terms of this regulation shall not be granted if the Registrar is of opinion that the accident is attributed to the serious and wilful misconduct of the officer or employee.
- (3) The provisions of regulation 3L(3), 3L(4) and 3L(5) shall apply *mutatis mutandis* to the granting of special sick leave.

### SPECIAL LEAVE WITH FULL PAY

- 3N. (1)** Special leave with full pay may be granted to an officer or employee -
- (a) when he sits for any examination prescribed by the Act, any examination of a recognised university whether within or outside Ciskei, and any other examination acceptable to the council.
  - (b) when he is absent from duty as a result of segregation or isolation on medical instructions for having been in contact with a person who has contracted, or is suspected of having contracted, a communicable disease: Provided that the granting of special leave under this paragraph shall be subject to the submission of a certificate by a registered medical practitioner indicating the period of and the reason for the segregation or isolation:
  - (c) when he is arrested or has to appear before a court on a criminal charge and he is subsequently acquitted or the charge is withdrawn:
  - (d) when he is selected by a recognised amateur sports' association -
    - (i) to take part, as a member of an organised sports' group, in a sports' tour outside Ciskei whether as a competitor, coach or manager; or
    - (ii) to represent the Republic of Ciskei as a competitor, coach or manager at any international sporting event; or
    - (iii) to accompany a foreign national team visiting Ciskei as a representative of the Ciskeian sports' association organising the tour; or
  - (e) When he serves as a referee, an official or a judge at an organised amateur sports' meeting at international level, whether within or outside Ciskei.
- (2) Special leave granted to an officer or employee in terms of subregulation (1) may include any period actually and necessarily utilised by him in travelling for the purpose for which the leave is granted.
- (3) All female officers and employees regardless of marital status who have completed continuous service of not less than 12 months may be granted 84 days special leave in respect of each confinement for not more than 3 confinements. Such special leave may commence before or after confinement but should be continuous with the confinement period.

### 30. LEAVE FOR STUDY PURPOSES

Leave may be granted to an officer or employee for study purposes on the basis and subject to the conditions approved by the Council on the recommendation of the Executive Committee.

### DAYS OF REST

- 3P. (1)** A day of rest shall be regarded as leave and shall not be recorded as such in the leave register: Provided that a day of rest, or two or more consecutive days of rest -
- (a) falling within a period of leave, shall be regarded as leave falling under the same heading (according to the classification in regulation 3E(1) as the leave which precedes and succeeds such day or days of rest;
  - (b) falling between a period of authorised vacation or a period of sick leave (or *vice versa*) shall be regarded as vacation leave, unless the officer or employee concerned produces proof that he was actually ill on such day or days of rest, in which case it shall be regarded as sick leave;
  - (c) falling between a period of authorised vacation or special leave and a period of unauthorised vacation leave (or *vice versa*), shall be regarded as vacation leave with full pay, if available, or else vacation leave without pay;

## GOVERNMENT NOTICE No. 84 OF 1993

- (d) falling between a period of sick leave and a period of unauthorised vacation leave (or *vice versa*), shall be regarded as vacation leave with full pay, if available, or else vacation leave without pay, unless the officer or employee concerned produces evidence that he was actually ill on such day or days of rest, in which case it shall be regarded as a sick leave.
- (2) If an officer or employee who is called upon to report for duty on a day of rest fails to do so, such day of rest shall be regarded as vacation leave without pay, unless he was prevented from reporting for duty by circumstances which are accepted as valid by the Registrar.
- (3) An officer or employee shall not be paid his salary or wage in respect of a day of rest unless he is entitled to payment for the days in terms of his conditions of service.

### PAYMENT OF ALLOWANCES, ETC., DURING LEAVE

- 3Q.** The continuance or cessation of the payment to an officer or employee of any allowance or remuneration other than salary or wage and the liability of an officer or employee for payments due to the Council in respect of goods supplied or services rendered by the Council during periods of leave shall be governed by the regulations applicable thereto and any directions issued by the Council.

### LEAVE WHICH COUNTS FOR LEAVE PURPOSES

- 3R.** (1) All leave of whatever nature with full or part pay, and vacation or sick leave without pay not exceeding 15 days in the aggregate in a month, shall count for the purpose of leave accrual. If the leave without pay exceeds the number of days mentioned herein:
- (a) the month in which such excess occurs, shall not be regarded as service for the purposes of regulation 3G(1); and
  - (b) the provision in respect of sick leave with full pay and sick leave with half pay, which applies to an officer or employee in terms of regulation 3(F), shall be reduced by one thirty-sixth in respect of each month in which such excess occurs, which reduction shall be made from the provision of the cycle in which the excess occurs or, if the available sick leave for the relative cycle has already been used, from the provision of the next succeeding cycle.
- (2) Vacation leave, which in terms of subregulation (1) accrued during a period of vacation leave without pay or sick leave without pay, shall not be granted to an officer or employee until he has resumed his duties after his absence on vacation or sick leave without pay and then only in respect of absences after such resumption of duty.
- (3) Vacation leave without pay and sick leave without pay shall count as service for the purpose of determining the leave group under regulation 3F of any officer or employer.

### LEAVE COUNTS FOR PURPOSE OF SALARY INCREMENTS

- 3S.** All leave of whatever nature, whether with or without pay shall count as service for the purpose of salary increments, unless the council directs otherwise.

### LAPSE OF GRANTED LEAVE ON TERMINATION OF SERVICE

- 3T.** (1) If an officer or employee gives notice of resignation, any leave with pay, which at the time may already have been granted for a period or periods on or after the date of such notice, or if the notice is undated on or after the date of receipt of the notification by the Registrar, shall lapse forthwith and any absences from duty on or after the said date shall be regarded as vacation leave without pay: Provided that the provisions of this subregulation shall:
- (a) apply only in respect of absences during the last 30 days of service of an officer or employee; and
  - (b) not apply -
    - (i) to sick leave;
    - (ii) to special leave granted in terms of regulation 3N(1)(b) or (c);
    - (iii) to vacation leave granted in terms of regulation 3N(7); or

## GOVERNMENT NOTICE No. 84 OF 1993

- (iv) to an employee whose contract of service or letter of appointment contains a clause expressly providing that his services may be terminated on 24 hours notice of resignation.
- (2) (a) If for any reason other than that mentioned in subregulation (1) the services of an officer or employee terminate, any leave of absence which at that time may already have been granted to him for a period or periods after the date of termination of his services shall lapse.
- (b) The period of service of an officer or employee may not be extended so as to enable him to utilise leave which may have been granted to him.

### LAPSE OF ACCUMULATED LEAVE ON TERMINATION OF SERVICE

#### 3U. (1) If -

- (a) an officer retires from a post or relinquishes a permanent appointment or if his permanent appointment is terminated for any reason whatsoever or
- (b) an employee relinquishes a temporary appointment or if his temporary appointment is terminated for any reason whatsoever, except in the case of an employee appointed in a permanent capacity without a break in service,

any accumulated leave standing to his credit on the date on which his services terminate shall lapse, subject to the provisions of regulation 3B(3).

#### (2) If -

- (a) a person referred to in subregulation (1)(a) is reappointed, with or without a break in service, in a permanent or temporary capacity, or
- (b) a person referred to in subregulation (1)(b)
  - (i) is reappointed, with or without a break in service, in a temporary capacity, or
  - (ii) is reappointed, after a break in service, in a permanent capacity.

such reappointment shall be regarded as a new appointment in all respects and such person's previous service shall not count as service for leave purposes nor shall accumulated leave which has lapsed in terms of subregulation (1) be placed to his credit.

### EXCEPTIONAL CASES

- 3V. (a) If circumstances arise which justify a departure from any provisions of this Chapter, the Registrar may grant leave to an officer or employee or to any particular class of officer or employee on such conditions as the executive committee may recommend.
- (b) The Executive Committee may also, at its discretion prescribe special leave privileges for an officer or employee or any particular class of officer or employee and may further make recommendations in connection with leave matters which are not covered by these regulations or will result in a departure from the provisions of these regulations.

## CHAPTER 4

### SUBSISTENCE AND SPECIAL ALLOWANCES

#### DAILY RATES OF SUBSISTENCE ALLOWANCE

- 4A. (1) Subject to the provisions of regulation 4B and save where other provision is made elsewhere in this Chapter or unless accommodation is provided or subsistence allowance is otherwise paid by the Council or where an officer or employee during his absence from his headquarters stays at home, the Registrar may pay to an officer or employee who is necessarily absent from his headquarters for a period of 24 hours or longer on official duty in Ciskei or elsewhere other than abroad, including travelling time, subsistence allowance at the rate approved from time to time by the Council on the recommendation of the Executive Committee.
- (2) Save where other provision is made elsewhere in this Chapter or unless accommodation is provided or subsistence allowance is otherwise paid by the Council, the Registrar may reimburse an officer or employee, who is absent from his normal place of work and his home for a period of less than 24 hours on official duty in Ciskei or elsewhere other than abroad, reasonable expenditure actually and necessarily incurred by him on accommodation.

## **GOVERNMENT NOTICE No. 84 OF 1993**

- (3) The Registrar may pay to an officer or employee who is absent from his headquarters on official duty and who sojourns abroad in connection therewith the special allowances, or refund to him expenditure on accommodation, at rates and in accordance with directions approved from time to time by the Council on the recommendation of the Executive Committee.

### **MAXIMUM PERIOD IN RESPECT OF WHICH SUBSISTENCE ALLOWANCE IS PAYABLE AND HOURLY RATES**

- 4B. (1) Save where special provision is made elsewhere in this Chapter, the subsistence allowances mentioned in regulation 4A may be paid to an officer or employee during periods of absence from his headquarters for a continuous period not exceeding six calendar months in the same town or place. The time taken up by the journey of the officer or employee to and from his destination shall be disregarded in the calculation of the period of six calendar months and, for the purposes of this subregulation, the continuity of the period of sojourn of such officer or employee at the same town or place shall not be regarded as having been interrupted by any absences, for any reason whatsoever, of less than one calendar month.
- (2) In respect of every full hour of absence in excess 24 hours or a multiple of 24 hours the Registrar may pay to an officer or employee the subsistence allowance mentioned in subregulation 4A(1) at the rates approved from time to time by the Council on the recommendation of the Executive Committee or the subsistence allowance, or special allowance prescribed in this Chapter, excluding the subsistence allowance mentioned in regulation 4A(1), at the rate of one twenty-fourth of the daily rate of such allowance.

### **4C. PAYMENT OF SUBSISTENCE ALLOWANCE ON APPOINTMENT**

Subsistence allowance shall not be paid to a person on his first appointment in the Council in respect of his journey to the place where he is required to assume duty.

### **EXCEPTIONAL CASES**

- 4D. If circumstances arise which justify a departure from any provisions of this Chapter, the Registrar may pay to an officer or employee or to a particular class of officer or employee such subsistence, or special allowance as the council may approve on the recommendation of the Executive Committee.

### **4E. FORM FOR SUBSISTENCE OF CLAIMS**

Application for the payment of subsistence or special allowance prescribed in items of this Chapter shall be made in a form prescribed by the Council.

## **OFFICIAL TRAVELLING AND TRANSPORT**

### **ECONOMY AND CONTROL**

- 5A. (1) All official journeys shall be approved by the Registrar or an officer designated by him who shall ensure that they are necessary and in the interests of the Council.
- (2) An officer or employee shall, subject to the provisions of regulation 5C, be obliged to undertake an official journey by the most economical means with due regard to available means of transport, routes, duration and all other items of expenditure applicable in the circumstances.
- (3) In any case in which an officer or employee does not comply with regulations 5A(2) the reasons for non-compliance shall be furnished by the officer or employee in writing and such explanation shall be attached to the form mentioned in regulation 5J.
- (4) If an officer or employee has travelled in a manner which has resulted in greater transport expenditure or which has taken a longer period of time than was necessary -
- (a) the registrar shall limit the amount payable to him in reimbursement of his travelling expenses to what it would have been if he had observed the provisions of regulation 5A(2);
  - (b) the officer or employee shall refund the expenditure unnecessarily incurred if he has travelled by means of Council owned motor transport; and
  - (c) each working day, by which the normal travelling time has been exceeded, shall be covered by leave of absence in accordance with Chapter 3.



## GOVERNMENT NOTICE No. 84 OF 1993

### TRANSPORT EXPENSES

- 5B. Subject to the provisions of this Chapter and any other conditions which the Council may have approved on the recommendation of the Executive Committee, the Registrar may reimburse an officer or employee, who is required to travel on official duty, the cost of conveying himself and his necessary personal luggage, as well as reasonable expenditure incurred by him in connection with taxi hire (if Council owned or contract transport is not available) portorage, gratuities, landing or shipping fees and other incidental services.

### MEANS OF TRANSPORT TO BE USED

- 5C. (1) If an officer or employee has to travel on official duty he shall be obliged to use any available public transport and if public transport is not available or the use thereof is impractical, he shall use the Council motor transport or, if none of these means of transport is available, he shall make the best and most economical transport arrangements, including the use of private transport: Provided that, in cases where private motor transport or council's motor transport is used, provisos (a) and (b) or regulation 5C(2) shall *mutatis mutandis* apply.
- (2) Notwithstanding the provisions of regulation 5C(2), the Registrar may authorise an officer or employee to undertake an official journey or part thereof by any means of transport, irrespective of whether or not it is possible to undertake the journey by other means of transport, if the Registrar is satisfied that the interest of the council will be better served thereby or if it is necessary in the interests of the officer's or employee's health or that of a member of his household (excluding a servant) who travels at the expense of the council in which case the Registrar may at his discretion require the submission of a supporting medical certificate: Provided that -
- (a) in the case of frequent or regular travelling by privately owner motor transport, the prior approval of the Executive Committee shall have been obtained; and
- (b) in the event of use being made of council's motor transport, the distance so covered shall be regarded as having been travelled on official duty.
- (3) Notwithstanding anything to the contrary elsewhere in this Chapter contained -
- (a) the Registrar or any other officer or employee, with a salary higher than the maximum notch of the salary scale attaching to a post of Senior Administrative Officer and equivalent rank may at his discretion undertake an official journey by any means of transport if it is in the interest of the Council to do so: Provided that in the event of use being made in this respect of council's motor transport, the distance so covered shall be regarded as having been travelled on official duty.
- (b) any officer or employee, other than an officer or employee referred to in paragraph (a), may at his discretion use privately owned transport or travel by air or by boat to undertake an official journey subject to such conditions as may have been prescribed by the Council on the recommendation of the Executive Committee and provided that -
- (i) privately owned transport shall be used at own risk, in so far as such is not in conflict with the provisions of the Workmen's Compensation Act, 1982 or of any other law; and
- (ii) such means of transport shall not be used on official duty instead of allocated Council owned motor transport.
- (4) Members of the household of an officer or employee who are conveyed at the expense of the Council may if they accompany him, use the means of transport and travel in the same class as the officer or employee concerned and shall be regarded for this purpose as official passengers: Provided that when they do not accompany him, the provisions of regulation 5C(3) and 5D(3) shall apply *mutatis mutandis* to such members in so far as the choice or means of transport and classes in which they may travel are concerned.
- (5) A servant of an officer or employee, who is conveyed at the Council's expense, may use the same means of transport and travel in the same class as the officer or employee.

### CLASS OF TRAVEL BY TRAIN, BOAT, AIR OR BUS ANY MEANS OF PUBLIC TRANSPORT

- 5D. (1) An officer or employee, who is required to undertake an official journey by train, by boat or by air, may travel in the following class:
- (a) by train -

## GOVERNMENT NOTICE No. 84 OF 1993

- (i) anywhere other than abroad -
  - (aa) officers: First class;
  - (bb) employees who are temporary incumbents of classified posts in the council: First class;
  - (cc) employees who are incumbents of non-classified posts in the council: Second class or, if not available, first class;
- (ii) abroad:
  - in the class considered by the Registrar to be in keeping with the officers' or employee's status, with due regard to the class by which persons of a comparable status travel in the country concerned,
- (b) by boat - First class: Provided that if that class is divided into various grades the officer or employees shall travel in the cheapest grade;
- (c) by air -
  - (i) anywhere other than abroad: Standard service;
  - (ii) proceeding or returning from abroad: Economy class;
  - (iii) in or between countries abroad: In the class which is considered by the Registrar to be in keeping with the status of the officer or employee with due regard to the class by which persons of a comparable status travel in or between the countries concerned.
- (d) by bus -
  - (i) anywhere other than abroad
    - (aa) officers: First class
    - (bb) employees who are temporary incumbents of classified posts in the Council: First class
    - (cc) employees who are incumbents of non classified posts in the Council: Second class or, if not available, first class
  - (ii) abroad:
    - in the class considered by the Registrar to be in keeping with the officer's or employee's status, with due regard to the class by which persons of a comparable status level in the country concerned;
- (2) Notwithstanding the provisions of regulation 5D(1) the Registrar may, if he is satisfied that it is in the interest of the Council authorise an officer or employee to travel in a more expensive class than that prescribed in sub-regulation (1).
- (3) Notwithstanding anything in this Chapter contained
  - (a) the Registrar or any other officer or employee with a salary higher than the maximum notch of the salary scale attaching to a post of chief administrative officer may, at his discretion but subject to the proviso to regulation 5C(3)(a) travel in any class or grade if it is in the interest of the Council to do so and
  - (b) an officer or employee other than an officer or employee referred to in paragraph (a) may, at his discretion, travel in any class, provided that the expenditure to be met from the Council's funds is restricted to the amount which would have been payable had the officer or employee travelled in the class prescribed in sub-regulation (1).

## COUNCIL OWNED MOTOR TRANSPORT

- 5E.** (1) If the Registrar is satisfied that the interest of Council will be best served thereby, he may on the recommendation of the Executive Committee and notwithstanding anything to the contrary in this Chapter contained require an officer or employee whose duties necessitate frequent or regular travelling on official duty to utilise such Council owned motor transport as may be deemed necessary for the efficient performance of his duties; or
- (2) Any dispute arising from the application of the provisions of regulations 5E(1) shall be referred to the Executive Committee for its decision.



**GOVERNMENT NOTICE No. 84 OF 1993**

**AMOUNTS AND ALLOWANCES PAYABLE FOR THE VOLUNTARY USE OF PRIVATELY-OWNED OR PUBLIC TRANSPORT.**

- 5F.** The Registrar may pay the following to an officer or employee who, in terms of regulation 5C(1), 5C(2) or 5C(3) use privately owned transport or a means of public transport other than the prescribed means of transport for the performance of an official journey:
- (a) In the case of privately-owned transport which is used in terms of regulations 5C(1) 5C(2) or 5C(3)(a): The appropriate allowance in respect of privately owned motor transport, at a ratio prescribed by the Council.
  - (b) In the case of privately-owned transport or a means of public transport which is used in terms of regulation 5C(3)(b): An amount equal to what it would have cost the Council had the officer or employee and any official passenger accompanying him travelled by prescribed means of public transport (inclusive of the expenditure which would have been defrayed from the Council's fund to convey him and any passenger to and from the point of departure or arrival by means of public transport) or in the absence of such means of public transport by any other means of transport in terms of regulation 5A(2): Provided that -
    - (i) reimbursement for the use of privately-owned motor transport instead of Council owned motor transport shall not exceed the allowances mentioned in paragraph (a); and
    - (ii) expenditure incidental to journeys by public transport such as portage (at railway stations and airports), surcharges on coupes and baggage room fees (where applicable) shall be disregarded for the purposes of this paragraph.
  - (c) In the case of other means of private transport: The amounts or allowances approved by the Council.

**TRAVELLING PRIVILEGES ON SELECTION, APPOINTMENT, TERMINATION OR SERVICE OR DEATH**

- 5G.** (1) The Registrar may grant a person, who is resident in Ciskei and who is a candidate for appointment or promotion to a post in the Council, such travelling privileges as the Council may approve, in order to enable him to report for an interview.
- (2) In cases where the local recruitment of suitable candidates is not possible, the Registrar may grant a person who is not resident abroad and who is appointed or promoted to a post in the Council or as an employee, travelling privileges at the Council's expense for himself and the members of his household from the place where he is recruited or the place where he is resident, whichever is the case, to the place where he is required to assume duty on the same conditions concerning means of transport and classes of travel as those prescribed in this Chapter for comparable officers and employees.
- (3) The Registrar may grant a person, who resides abroad and who is appointed to a post mentioned in the regulation such travelling privileges at the Council's expense in respect of himself and the members of his household as the Council may approve.
- (4) The Registrar may grant an officer or employee, who on termination of service qualifies for the benefits, prescribed in Chapter 6 and his household if any, travelling privileges at the Council's expense from his place of residence to the place within or outside Ciskei (but not abroad) where he and his household (if any) intend to reside, on the conditions concerning the means of transport and classes of travel prescribed in this Chapter.

**FORM FOR THE SUBMISSION OF CLAIMS**

- 5H.** Claims for the reimbursement of transport expenses payable in terms of this Chapter shall be made in a form approved by the Council.

**EXCEPTIONAL CASES**

- 5I.** If circumstances arise which justify a departure from any provision of this Chapter, the Council may approve or prescribe official travelling by such manner or means of transport or the payment of such compensation, expense or allowance or the granting of such travelling privileges as it may have recommended.

**TRANSFER EXPENDITURE AND TRANSPORT FACILITIES ON FIRST APPOINTMENT AND ON TERMINATION OF SERVICE OR DEATH**

**TRANSFER OF OFFICERS AND EMPLOYEES**

- 6A. (a) Subject to the provisions of this Chapter, an officer or employee transferred in terms of section 10(2) of the Act may be so transferred and he and his household and personal effects moved from the government service or any other institution to the Council and *vice versa* at the Council's expense.
- (b) If an officer or employee is transferred at his own request no expenditure in connection with such transfer shall be met from the Council's Fund and any absence from duty as a result of such transfer shall be covered by the granting of leave in terms of Chapter 3: Provided that the provisions of this paragraph shall not apply if the Registrar in consultation with the Executive Committee is satisfied that the transfer of the officer or employee -
- (i) is in the interest of the Council; or
  - (ii) is necessary in the interests of the health of the officer or employee or that of his wife or child including an adopted child.
- (c) In the circumstances contemplated in paragraph (b)(ii) the Registrar may at his discretion require the submission of a supporting medical certificate.

**TRANSPORT ON SELECTION AND APPOINTMENT**

- 6B. (1) A person who is resident elsewhere than abroad and who is a candidate for appointment or promotion to a post on the fixed establishment of the Council may be granted such transport facilities for the purposes of a personal interview as the Executive Committee may have approved.
- (2) (a) The Registrar may, on the conditions relating to means of transport and class of travel similar to those prescribed in Chapter 5 for officers and employees, approve that a person residing elsewhere than abroad and who is appointed to a post referred to in subregulation (1) or an employee in any case in which the local recruitment of suitable candidates is not possible, be granted free transport for himself from the place where he is recruited to the place where he is required to assume duty.
- (b) For the purposes of this regulation "transport" includes conveyance by Council owned transport or contract transport at the place of recruitment as well as at the place of appointment or, if such transport is not available, conveyance by taxi between the place of residence and the place of boarding of or alighting from the means of public transport by which the journey is undertaken.
- (3) (a) Subject to the provisions of paragraph (b), the household and personal effects of a person mentioned in subregulation (2) may with the approval of the Executive Committee be conveyed at the Council's expense from the place where the person is recruited to the place where he is required to assume duty, on the basis laid down in regulations 6A(a) for an officer or employee on transfer.
- (b) If a person, whose household and personal effects have been conveyed as contemplated in paragraph (a) resigns or if his services are terminated as a result of unsatisfactory service within six calendar months of the date of his assumption of duty, he shall be obliged to refund the expenditure incurred in respect of his household and personal effects.

**TRANSPORT FACILITIES ON TERMINATION OF SERVICE OR DEATH**

- 6C. (1) Subject to the provisions of subregulation (2) the Registrar may approve that an officer or employee, whose services terminate on grounds approved for the purposes of this regulation by the Executive Committee and who has completed or would have completed not less than 10 years' service on attainment of the age of 60 years, be granted conveyance at the Council's expense for himself, his household and personal effects to a place in Ciskei where he intends to reside, subject to such limitations and conditions as the Council may approve.
- (2) The provisions of regulation 5G(4) shall apply *mutatis mutandis* to an officer or employee referred to in subregulation (1) or his household: Provided that members of the household of such officer or employee may be regarded as official passengers for the purpose of regulation 5(F).

## GOVERNMENT NOTICE No. 84 OF 1993

### EXCEPTIONAL CASES

- 6D. If circumstances arise which justify a departure from any provision of this Chapter the Council may approve such provisions relating to transfer expenses and transport facilities on selection and appointment and on termination of service or death.

### CHAPTER 7

#### OFFICIAL HOURS OF ATTENDANCE, ATTENDANCE REGISTER, WORKING WEEK AND OVERTIME REMUNERATION

- 7A. (1) Notwithstanding anything elsewhere in this Chapter contained, the head of the office may require an officer or employee to perform official duty on any day of the week or at any time during the day or night or to attend at his normal place or work or at any other place for duty.
- (2) The Council shall determine the meal break of an officer or employee or any particular class of officer or employee: Provided that a meal break falling within the official hours of attendance prescribed in terms of the provisions of this Chapter shall not be reckoned as part of the time required for the completion of the working week.
- (3) The Registrar shall determine the times within the official hours of attendance prescribed in terms of this Chapter during which the public shall have access to the Council's offices or places of work under his control for the purpose of official business.
- (4) An officer or employee -
- (a) shall, during the official hours of attendance, give his full and undivided attention to the duties entrusted to him; and
  - (b) shall not, without the consent of the head of his office, be absent from his office or place of work during the official hours of attendance.

#### ATTENDANCE REGISTERS

- 7B. (1) The head of each office shall be responsible for the observance by the officers and employees under his control of the prescribed hours of attendance.
- (2) The head of office shall cause to be kept an attendance register in which an officer or employee shall personally record the time of his arrival at and the time of his departure from his place of work: Provided that the provision of this subregulation shall not apply in respect of -
- (a) an officer or employee who is remunerated in accordance with a salary scale the maximum notch of which exceeds the maximum notch of the salary scale to a post of Senior Administrative Officer, or
  - (b) an officer or employee who serves under circumstances which, in the opinion of the Registrar, render the keeping of record of his attendance impracticable or undesirable, provided that in the case of such an officer or employee the Registrar shall make such other arrangements as will ensure that such officer or employee observes the prescribed hours of attendance.
- (3) The attendance register shall be entrusted by the head of the office to the personal custody of a particular officer or employee, whose duty it shall be -
- (a) to ensure that the attendance register is accessible to members of the staff, for the purposes mentioned in subregulation (2), only during such limited periods at the commencement and conclusion of the day's duties as may be indicated by the head of office;
  - (b) to ensure that only the actual times of arrival and departure are recorded in the register by the officers and employees mentioned in subregulation (2);
  - (c) to examine the entries made in the attendance register by such officers and employees and submit such register daily for inspection by the head of office or any other officer delegated for that purpose of such head;
  - (d) to report any irregularity to such inspector; and
  - (e) to ensure that the recorded absence of any officer or employee is validated by the granting of leave of absence of whatever nature.

## GOVERNMENT NOTICE No. 84 OF 1993

### WORKING WEEKS

- 7C. (1) Subject to the provisions of regulation 7A the Council shall decide, with due regard to the public interest which officers and employees, or classes or groups of officers or employees, sections, branches or offices shall observe a five-day working week or otherwise, and he may prescribe different working classes or groups of officers and employees, or for individuals within such classes or groups, or for sections branches or offices.
- (2) The following minimum hours of attendance shall be observed by officers and employees: officers and employees who perform duties during a working week of 5 days: 40 hours of attendance per week.
- (3) The number of hours of absence from official duty of any officer or employee -
- (a) during authorised leave of absence, or
  - (b) on a public holiday or on such other day on which he is normally excused from duty for having worked on a public holiday, or
  - (c) for any other reason which is acceptable to the Registrar,
- shall, for the purpose of these regulations, be deemed to be hours of his working week.

### OVERTIME DUTY AND OVERTIME REMUNERATION

- 7D. (1) If the head of office or any officer or employee requires him in terms of regulation 7A(1) to perform overtime duty, that is to say duty outside the official hours of attendance prescribed for him under this Chapter, no overtime remuneration shall be claimable as of right in respect of such overtime duty: Provided that the Council may approve that the Registrar pay to an officer or employee a non-pensionable allowance in respect of overtime duty, on such conditions as may have been recommended by the Executive Committee.
- (2) Notwithstanding the provisions of subregulation (1), the Registrar may pay a non-pensionable allowance to officers and employees who perform unavoidable overtime duty in any section or branch of any office indicated and approved by the Council.
- (3) Subject to the provision of subregulations (4) and (7) the non-pensionable overtime allowance contemplated in this Chapter shall be at the following rate:
- (a) in respect of overtime duty on a Sunday: Double the hourly equivalent of the annual pensionable emoluments of the officer or employee concerned, or
  - (b) in respect of overtime duty on a day other than a Sunday: One and a one-third times the hourly equivalent of the annual pensionable emoluments of the officer or employee concerned.
- (4) Overtime shall not be paid at a rate higher than the rate calculated on the maximum notch of the salary scale attaching to a post of Senior Administrative Officer.
- (5) In the calculation of the overtime duty performed by an officer or employee -
- (a) a period of overtime duty of shorter duration than 15 minutes, which is continuous with the official hours of attendance prescribed for the officer or employee concerned under this Chapter, shall be ignored:
  - (b) a period of overtime duty of shorter duration than one hour, which is not continuous with the official hours of attendance prescribed for the officer or employee concerned under this Chapter, shall be reckoned as one hour:
  - (c) one hour shall be added to the period of overtime duty in each case where the officer or employee is -
    - (i) notified of overtime duty, or
    - (ii) informed that overtime, of which he had been notified but for which he has not yet reported had been cancelled,later than 18h00 on the previous day or after the close of the period of duty immediately preceding the period of overtime duty, whichever may be the later: and
  - (d) the full period of overtime duty of which the officer or employee has been notified, to a maximum of two hours, shall be added to the extra duty in respect of overtime duty which had been cancelled but for which such officer or employee had reported because he was not notified beforehand of the cancellation.

## **GOVERNMENT NOTICE No. 84 OF 1993**

- (6) In the calculation of the overtime duty performed by an officer or employee over the period of a working week, and subject to the provisions of paragraph (b) of sub-regulation (5), part of an hour in each total which is calculated at a separate tariff shall be -
  - (a) ignored if it is less than half an hour; or
  - (b) reckoned as one hour if it is half an hour or longer.
- (7) Overtime allowance in respect of overtime duty performed during the night shall be calculated at the rate prescribed for overtime duty on a Sunday in regulation 7D(3).
- (8) An officer or employee shall give his full attention to the duties entrusted to him during periods of overtime duty and shall not, without the consent of his supervisor absent himself from his office or place of work during such periods.

### **COMMUTED OVERTIME ALLOWANCE**

- 7E. Notwithstanding anything elsewhere in this Chapter contained, the Council may, in any case where the payment of overtime allowance at hourly rates is impracticable or undesirable approve that the Registrar pay to an officer or employee who is eligible for the payment of overtime allowance, commuted overtime allowance.

### **EXCEPTIONAL CASES**

- 7F. Notwithstanding the foregoing provisions of this Chapter -
  - (a) a Registrar may require any officer or employee or any particular class of officer or employee to observe such official hours of attendance or working week as the Council may have approved.
  - (b) the Council may, on the recommendation of the Executive Committee, approve the payment of overtime allowance at a rate or on conditions different from the rates or conditions here in before prescribed.
  - (c) the Council may, in relation to the keeping of attendance registers and the recording of the time of arrival at or departure from work of any officer or employee or any particular class of officer or employee, recommend such exceptions or exemptions or such conditions, as it may deem expedient.

## **CHAPTER 8**

### **100% HOUSING LOAN AND SUBSIDY SCHEME**

- 8.1 In order to qualify for a housing subsidy an officer or employee must:
  - (a) have completed at least 12 months satisfactory service and his probationary appointment must have been confirmed,
  - (b) be a member of a pension fund,
  - (c) have completed at least four years service if he is 21 years of age;
  - (d) have completed at least three years service if he is 22 years of age;
  - (e) have completed at least two years service if he is 23 years of age;
  - (f) have completed at least one year service if he is 24 years of age;
  - (g) be a Ciskeian citizen.
- 8.2 The 10 per cent deposit which is guaranteed by the Government shall be based on the amount of pension contributions which the officer or employee will have accrued in the pension fund.
- 8.3 No housing subsidy will be granted to officers and employees who are 50 years of age and above.
- 8.4 The property should not be sold before the expiry of 5 years from the date of registration in one's name.
- 8.5 The maximum period for the repayment of a housing loan shall not exceed 30 years.
- 8.6 The rate of interest payable by the borrower will be the rate determined from time to time by the financial institution from which Ciskei Public Servants can borrow money for housing.



**GOVERNMENT NOTICE No. 84 OF 1993**

- 8.7** The maximum housing loan obtainable shall be determined by the office of the Central Personnel Administration basing such maximum loan on particulars received from Departments. The particulars shall include the certificate of income and the amount of pension contributions of the officer or employee concerned as at the time of application for a housing loan.
- 8.8** The rates of housing subsidy on the loan interest shall be those as determined by the Secretary-General from time to time.
- 8.9** On termination of services of an officer or employee, of whatever nature, the Government shall stop immediately subsidising him in respect of the loan.
- 8.10** If, at the time of termination of service, the obligation to pay the 10 per cent deposit still exists, such amounts shall be recovered from the officer's or employee's pension contributions.
- 8.11** Any further changes to the provisions of this chapter in the Public Sector will apply *mutatis mutandis*.

OKUQULATHIWEYO			CONTENTS		
<i>Isaziso sika-</i>	<i>Inani</i>	<i>Inani le</i>	<i>Govt.</i>	<i>Page</i>	<i>Gazette</i>
<i>Rhulumente No.</i>	<i>leKhasi</i>	<i>Gazethi</i>	<i>Notice No.</i>	<i>No.</i>	<i>No.</i>
<b>84</b>		<b>113</b>	<b>84</b>		<b>113</b>
DEPARTMENT OF HEALTH WELFARE & POPULATION DEVELOPMENT			DEPARTMENT OF HEALTH WELFARE & POPULATION DEVELOPMENT		
Government Notice No. 84 of 1993			Government Notice No. 84 of 1993		
Ciskeian Medical Council Staff Regulations on duties and conditions of service			Ciskeian Medical Council Staff Regulations on duties and conditions of service		

## NOTICE

The Ciskei Government Gazette Index provides quick and easy access to notices in the Government Gazettes. By means of a direct subject indexing the retrieval of information on any subject is facilitated. Subjects are arranged alphabetically and subdivisions within each subject range from the general to the specific. Thus the user may either be directed to an individual notice or obtain an overview of existing legislation on a particular subject.

The series of Indexes for the Ciskei Government Gazettes consists of a cumulative edition covering the period, 1972-1981, and annual volumes commencing in 1982.

*The index is available from:*

**Publication Section**

**The State Library**

**PO Box 397**

**PRETORIA**

**0001**

**Contact Person:**

**Mrs C.M. Henning**

**Tel. (012) 386-1661**

*The price of publication is:*

1972-1981.....R10,50

1982.....7,50

1983.....7,50

1984.....7,50

1984/85.....30,00

1986.....25,00

1987.....36,00

} plus G.S.T., postage and  
handling charges

It is issued in a hard cover and microfiche editions of the Index are available at the same price as the printed ones.