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GOEWERMENTSKENNISGEWINGS

ADMINISTRASIE: VOLKSRAAD

DEPARTEMENT VAN ONDERWYS EN KULTUUR

No. R.688 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE STREEKRADE

Die Minister van Onderwys en Kultuur het kragtens artikels 19 en 112 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), en met die instemming van die Minister van Begroting en Plaaslike Bestuur, die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"Direkteur" 'n Direkteur van Onderwys in artikel 4 van die Wet bedoel;

"lid" 'n lid van 'n streekraad;

"rekenpligtige beampte" die rekenpligtige beampte van die Administrasie: Volksraad, in artikel 15 van die Skatkiswet, 1975 (Wet No. 66 van 1975) bedoel; en

"streekraad" 'n streekraad kragtens artikel 14 van die Wet ingestel.

GOVERNMENT NOTICES

ADMINISTRATION: HOUSE OF ASSEMBLY

DEPARTMENT OF EDUCATION AND CULTURE

No. R.688 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO REGIONAL COUNCILS

The Minister of Education and Culture has under sections 19 and 112 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), and with the concurrence of the Minister of the Budget and Local Government, made the regulations in the Schedule.

SCHEDULE

Definitions

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

"accounting officer" means the accounting officer of the Administration: House of Assembly, referred to in section 15 of the Exchequer Act, 1975 (Act No. 66 of 1975);

"Director" means a Director of Education referred to in section 4 of the Act;

"member" means a member of a regional council;

"regional council" means a regional council established under section 14 of the Act; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

SAMESTELLING VAN STREEKRADE

2. Die Minister stel die lede aan van 'n streekraad wat bestaan uit—

(a) die voorsitters van die skoolrade binne die betrokke streek; en

(b) vier persone in diens van die Departement deur die betrokke Direkteur benoem.

AMPSTERMYNE VAN LEDE VAN STREEKRADE

3. (1) Behoudens die bepalings van hierdie Regulasies, beklee 'n lid van 'n streekraad sy amp vir 'n termyn van drie jaar vanaf 'n datum deur die Minister bepaal as die datum waarop die lede van sodanige raad hulle amp aanvaar: Met dien verstande dat die Minister te eniger tyd 'n lid van sy amp kan onthef om redes deur hom as voldoende geag.

(2) Wanneer 'n streekraad kragtens artikel 14 (c) van die Wet ontbind word, stel die Minister 'n nuwe raad saam, en in so 'n geval beklee die lede daarvan hulle amp vir die onverstreke ampstermyne van die lede van die ontbinde raad.

(3) 'n Lid in regulasie 2 (a) bedoel ontruim sy amp *ipso facto* indien hy ophou om voorsitter van 'n skoolraad binne die betrokke streek te wees.

(4) Wanneer 'n lid van 'n streekraad deur die Minister van sy amp onthef word of sy amp om enige rede ontruim, stel die Minister, behoudens regulasie 2, iemand anders in die plek van sodanige lid aan vir die onverstreke gedeelte van laasgenoemde se ampstermyn.

AMPSBEKLEËRS

4. (1) Op die eerste vergadering van 'n streekraad verkies sodanige raad een van sy lede tot voorsitter en een van sy lede tot ondervoorsitter.

(2) Wanneer die amp van voorsitter of ondervoorsitter vakant raak, verkies 'n streekraad op die eerste vergadering nadat hierdie vakature ontstaan het, een van sy lede om daardie vakature vir die onverstreke ampstermyn van die vorige voorsitter of ondervoorsitter, na gelang van die geval, te vul.

(3) Die Direkteur wys een van die persone aangewys ingevolge regulasie 7, aan as sekretaris van die betrokke streekraad.

(4) Die sekretaris van 'n streekraad tree as voorsitter op by 'n verkiesing in subregulasie (1) bedoel, asook by 'n verkiesing in subregulasie (2) bedoel indien beide 'n voorsitter en 'n ondervoorsitter verkies moet word.

BEVOEGDHEDE EN PLIGTE VAN STREEKRADE

5. 'n Streekraad—

(a) verrig die pligte wat die Minister aan hom opdra en in die mate deur die Minister bepaal met betrekking tot—

(i) die voorsiening en onderhoud van terreine en geboue vir departementele onderwysinrigtings, met inbegrip van inrigtings behorende by sodanige onderwysinrigtings, en onderwyserswonings binne die betrokke streek; en

(ii) die instelling en sluiting van inrigtings in subparagraaf (i) beoog;

CONSTITUTION OF REGIONAL COUNCILS

2. The Minister shall appoint the members of a regional council which shall consist of—

(a) the chairmen of the school boards within the region concerned; and

(b) four persons in the service of the Department nominated by the Director concerned.

TERMS OF OFFICE OF MEMBERS OF REGIONAL COUNCILS

3. (1) Subject to the provisions of these Regulations, a member of a regional council shall hold his office for a term of three years from a date determined by the Minister as the date on which the members of such council shall assume office: Provided that the Minister may at any time remove a member from his office for reasons he may deem to be sufficient.

(2) Whenever a regional council is dissolved under section 14 (c) of the Act, the Minister shall constitute a new council, and in such case the members thereof shall hold office for the unexpired terms of office of the members of the dissolved council.

(3) A member referred to in regulation 2 (a) shall *ipso facto* vacate his office if he ceases to be chairman of a school board within the region concerned.

(4) Whenever a member of a regional council is removed from his office by the Minister or for any reason vacates his office, the Minister shall, subject to regulation 2, appoint another person in the stead of such member for the unexpired portion of the latter's term of office.

OFFICE BEARERS

4. (1) At the first meeting of a regional council such council shall elect one of its members as chairman and one of its members as vice-chairman.

(2) Whenever the office of chairman or vice-chairman becomes vacant, a regional council shall at the first meeting after this vacancy has occurred, elect one of its members to fill that vacancy for the unexpired term of office of the previous chairman or vice-chairman, as the case may be.

(3) The Director shall designate one of the persons designated in terms of regulation 7, as secretary of the regional council concerned.

(4) The secretary of a regional council shall preside at an election referred to in subregulation (1), and also at an election referred to in subregulation (2) if both a chairman and a vice-chairman have to be elected.

POWERS AND DUTIES OF REGIONAL COUNCILS

5. A regional council shall—

(a) perform such duties as the Minister may impose upon it and to the extent determined by the Minister relating to—

(i) the provision and maintenance of sites and buildings for departmental educational institutions, including institutions accessory to such educational institutions, and teachers' quarters within the region concerned; and

(ii) the establishment and closure of institutions referred to in subparagraph (i);

(b) betaal aan dié lede wat daarop geregtig is die toelaes kragtens artikel 18 van die Wet bepaal; en

(c) oefen die ander bevoegdhede uit of verrig die ander pligte wat die Wet of die Minister aan die streekraad verleen of opdra.

ADMINISTRASIE VAN SEKERE GELDE

6. (1) 'n Streekraad—

(a) beheer ooreenkomstig die voorskrifte van die rekenpligtige beampte alle gelde wat die streekraad ontvang, uitgesonderd gelde in subregulasie (2) bedoel; en

(b) hou ten opsigte van die gelde in paragraaf (a) beoog, sodanige boeke, aantekeninge en state as wat deur die rekenpligtige beampte vereis word.

(2) (a) 'n Streekraad kan, behoudens die bepalings van enige ander wet met betrekking tot trustgelde, en van paragraaf (b), 'n trust skep ten opsigte van gelde wat vir dié doel aan die streekraad geskenk of bemaak is.

(b) 'n Trustakte waarkragtens 'n trust in paragraaf (a) bedoel, geskep en geadministreer word, is onderworpe aan die goedkeuring van die Onderwyshoof.

AANWYSING VAN PERSONEEL

7. Die Direkteur wys dié persone in diens van die Departement wat hy nodig ag aan om die werk met betrekking tot die verrigting van die werksaamhede van 'n streekraad te verrig.

VERGADERINGS

8. (1) (a) Gewone vergaderings van 'n streekraad word minstens drie keer gedurende 'n jaar gehou.

(b) Die voorsitter bepaal die datum, tyd en plek van 'n gewone vergadering, en die sekretaris van 'n streekraad gee aan elke lid minstens 14 dae skriftelike kennis van elke sodanige vergadering.

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

(i) kan na goeddunke deur die voorsitter belê word; en

(ii) word deur die voorsitter belê, indien minstens een derde van die lede of die Direkteur skriftelik aldus versoek.

(b) Die sekretaris van 'n streekraad gee aan elke lid minstens sewe dae skriftelike kennis van enige buitengewone vergadering en vermeld daarin die sake ten opsigte waarvan die buitengewone vergadering belê is, en geen ander sake mag op sodanige vergadering behandel word nie.

(3) Die meerderheid van die lede van 'n streekraad ooreenkomstig regulasie 2 saamgestel, maak 'n kworum vir enige vergadering van die streekraad uit.

(4) 'n Streekraad bepaal sy eie reëls betreffende sy vergaderings en prosedures op daardie vergaderings.

NOTULES VAN VERRIGTINGE EN VERGADERINGS

9. (1) Die notule van die verrigtinge van elke vergadering van 'n streekraad of 'n komitee daarvan, na gelang van die geval, moet behoorlik gehou word en elke lid van die streekraad moet van 'n afskrif van sodanige notule voorsien word.

(b) pay to those members who are entitled thereto, the allowances determined under section 18 of the Act; and

(c) exercise such other powers or perform such other duties as the Act or the Minister may confer or impose upon the regional council.

ADMINISTRATION OF CERTAIN MONEYS

6. (1) A regional council shall—

(a) control in accordance with the directions of the accounting officer all moneys received by the regional council, excluding moneys referred to in subregulation (2); and

(b) in respect of the moneys contemplated in paragraph (a) keep such books, records and statements as may be required by the accounting officer.

(2) (a) A regional council may, subject to the provisions of any other law relating to trust moneys, and of paragraph (b), create a trust in respect of moneys donated or bequeathed for such purpose to the regional council.

(b) A deed of trust under which a trust referred to in paragraph (a) is created and administered, shall be subject to the approval of the Head of Education.

DESIGNATION OF STAFF

7. The Director shall designate such persons in the service of the Department as he may deem necessary to perform the work relating to the performance of the functions of a regional council.

MEETINGS

8. (1) (a) Ordinary meetings of a regional council shall be held at least three times during a year.

(b) The chairman shall determine the date, time and place of an ordinary meeting, and the secretary of a reginal council shall give at least 14 days' notice in writing to each member of every such meeting.

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

(i) may be convened by the chairman at his discretion; and

(ii) shall be convened by the chairman, if at least one-third of the members or the Director so requests in writing.

(b) The secretary of a regional council shall give at least seven days' notice in writing of any extraordinary meeting to each member and shall state therein the business in respect of which the meeting is convened, and no other business shall be dealt with at such a meeting.

(3) The majority of the members of a regional council constituted in accordance with regulation 2, shall constitute a quorum for any meeting of the regional council.

(4) A regional council shall determine its own rules relating to its meetings and procedures at those meetings.

MINUTES OF PROCEEDINGS OF MEETINGS

9. (1) The minutes of the proceedings of every meeting of a regional council or a committee thereof, as the case may be, shall be duly kept and every member of the regional council shall be provided with a copy of such minutes.

(2) Die notule van die verrigtinge van elke vergadering van 'n streekraad of 'n komitee daarvan—

(a) moet op die eersvolgende vergadering van die streekraad of die komitee daarvan, na gelang van die geval, vir goedkeuring voorgelê word; en

(b) moet te alle redelike tye ter insae lê van die lede, die Direkteur en iemand anders deur die Direkteur daartoe gemagtig.

AANTEKENINGE, STATISTIEK, OPGAWES EN VERSLAE

10. 'n Streekraad—

(a) hou sodanige aantekeninge en statistiek as wat die Direkteur vereis; en

(b) stel sodanige opgawes en verslae vir voorlegging aan die Direkteur op as wat die Direkteur vereis.

No. R.689 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE SKOOLRADE

Die Minister van Onderwys en Kultuur het kragtens artikels 19 en 112 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), en met die instemming van die Minister van Begroting en Plaaslike Bestuur, die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"bestuursraad" 'n bestuursraad van 'n openbare skool ingevolge artikel 15 van die Wet ingestel;

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"Direkteur" 'n Direkteur van Onderwys in artikel 4 van die Wet bedoel;

"kandidaat" 'n kandidaat vir 'n skoolraad;

"kiesbeampte" 'n kiesbeampte in regulasie 10 beoog;

"kieseenheid" 'n kieseenheid ingevolge regulasie 12 saamgestel;

"lid" 'n lid van 'n skoolraad;

"meerderheidsgroep" die meerderheidsgroep in regulasie 13 beoog;

"minderheidsgroep" die minderheidsgroep in regulasie 13 beoog;

"rekenpligtige beampte" die rekenpligtige beampte van die Administrasie: Volksraad in artikel 15 van die Skatkiswet, 1975 (Wet No. 66 van 1975) bedoel;

"sekretaris" 'n persoon in diens van die Departement wat ingevolge regulasie 9 aangewys is as die sekretaris van 'n skoolraad;

(2) The minutes of the proceedings of every meeting of a regional council or a committee thereof—

(a) shall be submitted for approval at the next ensuing meeting of the reginal council or the committee thereof, as the case may be; and

(b) shall at all reasonable times be open to inspection by the members, the Director and any other person authorized thereto by the Director.

RECORDS, STATISTICS, RETURNS AND REPORTS

10. A regional council shall—

(a) keep such records and statistics as may be required by the Director; and

(b) prepare such returns and reports for submission to the Director as may be required by the Director.

No. R.689 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO SCHOOL BOARDS

The Minister of Education and Culture has under sections 19 and 112 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), and with the concurrence of the Minister of the Budget and Local Government, made the regulations in the Schedule.

SCHEDULE

Definitions

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

"accounting officer" means the accounting officer of the Administration: House of Assembly, referred to in section 15 of the Exchequer Act, 1975 (Act No. 66 of 1975);

"candidate" means a candidate for a school board;

"Director" means a Director of Education referred to in section 4 of the Act;

"electoral unit" means an electoral unit constituted in terms of regulation 12;

"majority group" means the majority group referred to in regulation 13;

"management council" means a management council of a public school established in terms of section 15 of the Act;

"member" means a member of a school board;

"minority group" means the minority group referred to in regulation 13;

"presiding officer" means a presiding officer referred to in regulation 21 (3);

"regional council" means a regional council established under section 14 of the Act;

"returning officer" means a returning officer referred to in regulation 10;

"skoolraaddistrik" 'n distrik waarvoor 'n skoolraad ingestel is;

"streekraad" 'n streekraad kragtens artikel 14 van die Wet ingestel; en

"voorsittende beampte" 'n voorsittende beampte in regulasie 21 (3) bedoel.

SKOOLRADE REGSPERSONE

2. Elke skoolraad is 'n regspersoon onder die naam wat toegewys is aan die distrik waarvoor dit ingestel is: Met dien verstande dat 'n skoolraad nie bevoeg is om regsgedinge in te stel of te verdedig sonder die voorafverkreë skriftelike toestemming van die Onderwyshoof nie.

SAMESTELLING VAN SKOOLRADE

3. 'n Skoolraad bestaan uit minstens ses en hoogstens twaalf lede na gelang die Minister in elke geval bepaal.

KWALIFIKASIES VAN LEDE

4. Niemand word as 'n lid verkies, of kragtens regulsie 18 (9) (a) (ii) aangestel nie, indien hy—

(a) onder die ouderdom van 21 jaar is;

(b) in die diens van die Departement is;

(c) aan enige misdryf skuldig bevind is waarvoor hy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is, tensy amnestie of algemene grasie aan hom toegestaan is of die termyn van sy gevangenisstraf minstens drie jaar voor die datum van sy verkiesing of aanstelling verstryk het;

(d) in sy geestesvermoë gekrenk is en deur 'n bevoegde hof aldus verklaar is;

(e) 'n ongerehabiliteerde insolvent is;

(f) in die diens is van, of 'n geldelike belang het by, 'n private skool of 'n inrigting wat by sodanige private skool behoort of daarmee in verband staan; of

(g) nie 'n Suid-Afrikaanse burger is nie, tensy die Minister anders bepaal.

AMPSTERMYNE VAN LEDE VAN SKOOLRADE

5. (1) Behoudens die bepalings van hierdie Regulasies, beklee 'n lid sy amp vir 'n termyn van drie jaar vanaf 'n datum deur die Minister bepaal as die datum waarop die lede hulle amp aanvaar: Met dien verstande dat die Minister te eniger tyd 'n lid van sy amp kan onthef om redes deur hom as voldoende geag.

(2) (a) Wanneer die grense van 'n skoolraadsdistrik kragtens artikel 14 (c) van die Wet gewysig word, bly die lede van sodanige skoolraad, behoudens die bepalings van regulasie 6, in hulle amp aan vir die onverstreke gedeeltes van hulle ampstermyne.

(b) Indien die Minister die skoolraad kragtens artikel 14 (c) van die Wet ontbind en 'n nuwe skoolraad vir die veranderde distrik instel, beklee die lede van die nuwe skoolraad hulle amp vir die onverstreke ampstermyne van die lede van die ontbinde skoolraad.

"school board district" means a district for which a school board has been established;

"secretary" means a person employed by the Department designated in terms of regulation 9 as the secretary of a school board; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

SCHOOL BOARDS BODIES CORPORATE

2. Every school board shall be a body corporate under the name assigned to the district for which it was established: Provided that a school board shall not be competent to institute or defend legal proceedings without the prior written consent of the Head of Education.

CONSTITUTION OF SCHOOL BOARDS

3. A scool board shall consist of not less than 6 and not more than 12 members as the Minister may determine in each case.

QUALIFICATIONS OF MEMBERS

4. No person shall be elected, or appointed under regulation 18 (9) (a) (ii), as a member, if he—

(a) is under the age of 21 years;

(b) is in the service of the Department;

(c) has been convicted of any offence for which he has been sentenced to imprisonment without the option of a fine, unless he has received a grant of amnesty or general free pardon or the period of his imprisonment has expired at least three years prior to the date of his election or appointment;

(d) is of unsound mind and has been so declared by a competent court;

(e) is an unrehabilitated insolvent;

(f) is in the employ of, or has a pecuniary interest in, a private school or an institution accessory to such private school or connected therewith; or

(g) is not a South African citizen, unless the Minister determines otherwise.

TERMS OF OFFICE OF MEMBERS OF SCHOOL BOARDS

5. (1) Subject to the provisions of these Regulations, a member of a school board shall hold his office for a term of three years from a date determined by the Minister as the date on which the members shall assume office: Provided that the Minister may at any time remove a member from his office for reasons he may deem to be sufficient.

(2) (a) Whenever the boundaries of a school board district are changed under section 14 (c) of the Act, the members of such school board shall, subject to the provisions of regulation 6, continue to hold office for the unexpired portions of their terms of office.

(b) If the Minister dissolves the school board under section 14 (c) of the Act and establishes a new school board for the altered district, the members of the new school board shall hold office for the unexpired terms of office of the members of the dissolved school board.

(3) Ondanks die bepalings van subregulasie (1), maar behoudens die bepalings van regulasie 6, beklee die lede hulle amp tot 'n nuwe skoolraad saamgestel word.

ONTBINDING VAN SKOOLRADE

6. (1) Wanneer die getal lede om enige rede verminder tot onder die getal wat vir 'n kworum vereis word, word sodanige skoolraad geag ontbind te wees, en word 'n nuwe skoolraad, behoudens die bepalings van subregulasie (3), saamgestel.

(2) Wanneer die Minister oortuig is dat 'n skoolraad versuim het om enige van die pligte te verrig wat aan hom by die Wet of hierdie Regulasies opgelê is, kan hy die skoolraad gelas om sodanige pligte binne 'n tydperk wat hy bepaal, te verrig, en, indien die skoolraad versuim om sodanige pligte binne die bepaalde tydperk tot bevrediging van die Minister te verrig, kan die Minister by proklamasie in die *Staatskoerant* die skoolraad ontbind, en word 'n nuwe skoolraad, behoudens die bepalings van subregulasie (3), saamgestel.

(3) Geen nuwe skoolraad word ingevolge hierdie regulasie saamgestel nie, tensy die Minister oortuig is dat die datum van sodanige samestelling ten minste ses maande voor die datum van die eersvolgende algemene skoolraadsverkiesing sal wees.

(4) Gedurende die tydperk tussen die ontbinding van 'n skoolraad en die samestelling van 'n nuwe skoolraad, berus die bevoegdhede en pligte van die skoolraad by die Direkteur.

(5) Die lede van 'n nuwe skoolraad ingevolge hierdie regulasie saamgestel, beklee hulle amp vir die onverstreke ampstermyne van die lede van die ontbinde skoolraad.

BEVOEGDHEDE EN PLIGTE VAN SKOOLRADE

7. (1) 'n Skoolraad—

(a) adviseer die Direkteur met betrekking tot alle skoolgeboue en skoolterreine (met inbegrip van koshuisgeboue en koshuisterreine), onderwyserswonings, meubels en uitrusting van die Departement in sy distrik;

(b) adviseer die Direkteur of die betrokke streekraad, na gelang van die geval, met betrekking tot—

(i) die verkryging en vervreemding van skoolgeboue en skoolterreine (met inbegrip van koshuisgeboue en koshuisterreine);

(ii) die instelling en sluiting van skole en koshuise; en

(iii) enige ander skoolfasiliteite en koshuisfasiliteite in die betrokke skoolraadsdistrik;

(c) adviseer die Direkteur of die betrokke streekraad, na gelang van die geval, met betrekking tot die algemene skoolbehoeftes in sy distrik;

(d) gaan jaarliks die geouditeerde finansiële state van skole en koshuise na en adviseer die Direkteur of die betrokke streekraad, na gelang van die geval, daaroor;

(e) tree in eie naam op om gelde te verhaal wanneer ouers versuim om sodanige gelde te betaal;

(f) adviseer die Direkteur met betrekking tot vervoerskemas vir leerlinge, insluitende die roetes en tariewe;

(g) betaal aan dié lede wat daarop geregtig is die toelaes kragtens artikel 18 van die Wet bepaal;

(3) Notwithstanding the provisions of subregulation (1), but subject to the provisions of regulation 6, the members shall hold office until a new school board is constituted.

DISSOLUTION OF SCHOOL BOARDS

6. (1) Whenever for any reason the number of members decreases to below the number required for a quorum, such school board shall be deemed to have been dissolved, and a new school board shall, subject to the provisions of subregulations (3), be constituted.

(2) Whenever the Minister is satisfied that a school board has failed to perform any of the duties imposed upon it by the Act or these Regulations, he may direct the school board to perform such duties within such period as he may determine, and, if the school board fails to perform such duties within the determined period to the satisfaction of the Minister, the Minister may by proclamation in the *Gazette* dissolve the school board and a new school board shall, subject to the provisions of subregulation (3), be constituted.

(3) No new school board shall be constituted in terms of this regulation, unless the Minister is satisfied that the date of such constitution shall be at least six months prior to the date of the next ensuing general school board election.

(4) During the period between the dissolution of a school board and the constitution of a new school board, the powers and duties of the school board shall vest in the Director.

(5) The members of a new school board constituted in terms of this regulation, shall hold office for the unexpired terms of office of the members of the dissolved school board.

POWERS AND DUTIES OF SCHOOL BOARDS

7. (1) A school board shall—

(a) advise the Director relating to all school buildings and school grounds (including hostel buildings and hostel grounds), teachers' quarters, furniture and equipment of the Department in its district;

(b) advise the Director or the regional council concerned, as the case may be, relating to—

(i) the acquisition and alienation of school buildings and school grounds (including hostel buildings and hostel grounds);

(ii) the establishment and closure of schools and hostels; and

(iii) any other school facilities and hostel facilities in the school board district concerned;

(c) advise the Director or the regional council, concerned as the case may be, relating to the general school needs in its district;

(d) annually examine the audited financial statements of schools and hostels and advise the Director or the regional council concerned, as the case may be, thereon;

(e) proceed in its name to recover monies whenever parents fail to pay such monies;

(f) advise the Director relating to transport schemes for pupils, including routes and tariffs;

(g) pay to those members who are entitled thereto the fees and allowances determined under section 18 of the Act;

(h) oorweeg alle sake deur 'n bestuursraad, raad van bestuur of koshuisraad aan hom voorgelê en beslis oor sodanige sake of doen aanbevelings daaroor aan die Direkteur; en

(i) oefen die ander bevoegdhede uit of verrig die ander pligte wat die Wet of die Minister aan die skoolraad verleen of opdra.

(2) 'n Lid bemoei hom nie met die professionele werk van 'n onderwyser by die verrigting van sy ampspligte by 'n departementele onderwysinrigting nie.

ADMINISTRASIE VAN SEKERE GELDE

8. (1) 'n Skoolraad—

(a) beheer ooreenkomstig die voorskrifte van die rekenpligtige beampte alle gelde wat die skoolraad ontvang; en

(b) hou ten opsigte van die gelde in paragraaf (a) beoog, sodanige boeke, aantekeninge en state as wat deur die rekenpligtige beampte vereis word.

(2) Geen betaling word uit die gelde ontvang soos in subregulasie (1) beoog, gedoen nie, tensy die skoolraad sodanige betaling goedgekeur het.

AANWYSING VAN SKOOLRAADSPERSONEEL

9. Die Direkteur wys dié persone in diens van die Departement wat hy nodig ag aan om die werk met betrekking tot die verrigting van die werksaamhede van 'n skoolraad te verrig.

KIESBEAMPTES

10. (1) Vir die doeleindes van die verkiesing van lede—

(a) van 'n nuwe skoolraad, stel die Direkteur een van die persone aangewys ingevolge regulasie 9 aan as kiesbeampte; en

(b) van enige ander skoolraad, is die betrokke sekretaris of enige ander persoon deur die Direkteur aangestel, na gelang van die geval, die kiesbeampte.

(2) Wanneer die kiesbeampte om enige rede tydelik nie in staat is om as sodanig op te tree nie, kan die Direkteur een van die persone aangewys ingevolge regulasie 9 aanstel as kiesbeampte.

(3) 'n Kiesbeampte kan, in oorleg met die betrokke skoolhoofde, een of meer persone aangewys ingevolge regulasie 9 aanstel as verkiesingsbeamptes om met 'n verkiesing behulpsaam te wees.

DATUM VAN VERKIESINGS

11. (1) Behoudens die bepalings van subregulasie (2), moet die verkiesing van lede—

(a) in regulasie 10 (1) (a) beoog, gehou word binne drie maande nadat die Minister kragtens artikel 14 (b) of (c) van die Wet van die instelling van die skoolraad kennis gegee het, op 'n datum deur die Direkteur bepaal; en

(b) in regulasie 10 (1) (b) beoog, gehou word nie vroeër nie as twee maande voor, en nie later nie as drie maande na, die verstryking van die ampstermyne van die lede van die vorige skoolraad, op 'n datum deur die sekretaris in oorleg met die Direkteur bepaal.

(2) Die Minister kan 'n ander datum vir die hou van 'n verkiesing in subregulasie (1) beoog, bepaal, maar soda-

(h) consider all matters submitted to it by a management council, board of management or hostel council and decide on such matters or make recommendations thereon to the Director; and

(i) exercise such other powers or perform such other duties as the Act or the Minister may confer or impose upon the school board.

(2) A member shall not interfere with the professional work of a teacher in the performance of his official duties at a departmental educational institution.

ADMINISTRATION OF CERTAIN MONEYS

8. (1) A school board shall—

(a) control in accordance with the directions of the accounting officer all moneys received by the school board; and

(b) in respect of the moneys referred to in paragraph (a), keep such books, records and statements as may be required by the accounting officer.

(2) No payment shall be made out of the moneys received as contemplated in subsection (1), unless the school board has approved such payment.

DESIGNATION OF SCHOOL BOARD STAFF

9. The Director shall designate such persons in the service of the Department as he may deem necessary to perform the work relating to the performance of the functions of a school board.

RETURNING OFFICERS

10. (1) For the purposes of the election of members—

(a) of a new school board, the Director shall appoint one of the persons designated in terms of regulation 9 as returning officer; and

(b) of any other school board, the secretary concerned or any other person appointed by the Director, as the case may be, shall be the returning officer.

(2) Whenever the returning officer is for any reason temporarily unable to act as such, the Director may appoint one of the persons designated in terms of regulation 9 as returning officer.

(3) A returning officer may, in consultation with the principals concerned, appoint one or more persons designated in terms of regulation 9 as electoral officers to assist with an election.

DATE OF ELECTIONS

11. (1) Subject to the provisions of subregulation (2), the election of members—

(a) contemplated in regulation 10 (1) (a), shall be held within three months after the Minister has under section 14 (b) or (c) of the Act given notice of the establishment of a school board, on a date determined by the Director; and

(b) contemplated in regulation 10 (1) (b), shall be held not earlier than two months before, and not later than three months after, the expiry of the terms of office of the members of the previous school board, on a date determined by the secretary in consultation with the Director.

(2) The Minister may determine another date for the holding of an election contemplated in subregulation (1),

nige datum mag nie meer as 12 maande voor of na die datum ingevolge daardie subregulasie bepaal, wees nie.

SAMESTELLING VAN KIESEENHEDE

12. Vir die doeleindes van die verkiesing van elke lid stel die betrokke streekraad of, indien 'n streekraad nie ingestel is nie, die Direkteur, nadat aan die bepalings van regulasies 13 en 14 voldoen is, 'n kieseenheid ooreenkomstig regulasie 15 saam.

STAPPE WAT SAMESTELLING VAN KIESEENHEDE VOORAFGAAN

13. (1) Ten einde 'n kieseenheid in regulasie 12 beoog, saam te stel—

(a) moet 'n kwota verkry word deur die totale getal leerlinge ingeskryf by skole in die betrokke skoolraadsdistrik op 'n deur die Direkteur bepaalde dag in die skooljaar waarin 'n verkiesing gehou moet word, te deel deur die getal lede wat ooreenkomstig regulasie 3 vir die betrokke skoolraad verkies moet word; en

(b) moet uit die registers van alle skole in die betrokke skoolraadsdistrik op die dag in paragraaf (a) beoog, vasgestel word—

(i) die getal leerlinge wie se voertaal Afrikaans is; en

(ii) die getal leerlinge wie se voertaal Engels is.

(2) Die grootste van die twee getalle leerlinge ingevolge subregulasie (1) (b) vasgestel, heet die meerderheidsgroep, terwyl die kleinste getal leerlinge aldus vasgestel, die minderheidsgroep heet.

(3) Elke skool in die betrokke skoolraadsdistrik moet vir die doeleindes van hierdie regulasie deur die kiesbeampte geklassifiseer word; òf—

(a) as 'n Afrikaansmediumskool, waar al die leerlinge, of die meerderheid van leerlinge, op die dag in subregulasie (1) (a) beoog deur medium van Afrikaans onderrig word; òf

(b) as 'n Engelsmediumskool, waar al die leerlinge, of die meerderheid van leerlinge, op die dag in subregulasie (1) (a) beoog deur medium van Engels onderrig word.

(4) Indien in enige skool in 'n skoolraadsdistrik op die dag in subregulasie (1) (a) beoog, die getal leerlinge wat deur medium van Afrikaans onderrig word, gelyk is aan die getal leerlinge wat deur medium van Engels onderrig word, moet sodanige skool—

(a) waar die meerderheidsgroep in die betrokke skoolraadsdistrik Afrikaans is, geag word 'n Afrikaansmediumskool te wees; of

(b) waar die meerderheidsgroep in die betrokke skoolraadsdistrik Engels is, geag word 'n Engelsmediumskool te wees.

GETAL LEDE OM ELKE GROEP TE VERTEENWOORDIG

14. (1) Die getal lede wat verkies moet word—

(a) om die minderheidsgroep te verteenwoordig, word vasgestel deur die getal leerlinge in daardie groep deur die kwota in regulasie 13 (1) (a) beoog te deel en 'n breuk van meer as 0,5 in die antwoord as een hele te beskou; en

but such date shall not be more than 12 months before or after the date determined in terms of that subregulation.

CONSTITUTION OF ELECTORAL UNITS

12. For the purposes of the election of every member, the regional council concerned or, if a regional council has not been established, the Director shall, after having complied with the provisions of regulations 13 and 14, constitute an electoral unit in accordance with regulation 15.

STEPS PRECEDING CONSTITUTION OF ELECTORAL UNITS

13. (1) In order to constitute an electoral unit referred to in regulation 12—

(a) a quota shall be obtained by dividing the total number of pupils enrolled at schools in the school board district concerned, on a day determined by the Director in the school year in which an election is to be held, by the number of members to be elected in accordance with regulation 3 for the school board concerned; and

(b) from the registers of all schools in the school board district concerned on the day referred to in paragraph (a), shall be ascertained—

(i) the number of pupils whose medium of instruction is Afrikaans; and

(ii) the number of pupils whose medium of instruction is English.

(2) The greatest of the two numbers of pupils ascertained in terms of subregulation (1) (b), shall be known as the majority group, while the smallest number of pupils so ascertained, shall be known as the minority group.

(3) Every school in the school board district concerned shall for the purposes of this regulation be classified by the returning officer either—

(a) as an Afrikaans-medium school, where all the pupils, or the majority of pupils, are taught through the medium of Afrikaans on the day referred to in subregulation (1) (a); or

(b) as an English-medium school, where all the pupils, or the majority of pupils, are taught through the medium of English on the day referred to in subregulation (1) (a).

(4) If in any school in a school board district on the day referred to in subregulation (1) (a) the number of pupils taught through the medium of Afrikaans is equal to the number of pupils taught through the medium of English, such school shall—

(a) where the majority group in the school board district concerned is Afrikaans, be deemed to be an Afrikaans-medium school; or

(b) where the majority group in the school board district concerned is English, be deemed to be an English-medium school.

NUMBER OF MEMBERS TO REPRESENT EACH GROUP

14. (1) The number of members to be elected—

(a) to represent the minority group, shall be ascertained by dividing the number of pupils in that group by the quota contemplated in regulation 13 (1) (a), and a fraction of more than 0,5 in the answer shall be regarded as one whole; and

(b) om die meerderheidsgroep te verteenwoordig, word vasgestel deur die getal lede wat ingevolge paragraaf (a) vasgestel is om die minderheidsgroep te verteenwoordig af te trek van die getal lede wat ingevolge regulasie 3 vir die betrokke skoolraad bepaal is.

(2) Vir die doeleindes van regulasie 15 (1) (c) (ii) en (iii) moet 'n kwota—

(a) waar meer as een lid ingevolge subregulasie (1) (a) verkies moet word, verkry word deur die totale getal leerlinge in die minderheidsgroep te deel deur die getal lede wat aldus verkies moet word om daardie groep te verteenwoordig; en

(b) waar lede ingevolge subregulasie (1) (b) verkies moet word, verkry word deur die totale getal leerlinge in die meerderheidsgroep te deel deur die getal lede wat aldus verkies moet word om daardie groep te verteenwoordig.

WYSE WAAROP KIESEENHEDE SAAMGESTEL WORD

15. (1) Wanneer 'n streekraad of, indien 'n streekraad nie ingestel is nie, die Direkteur 'n kieseenheid saamstel, moet toegesien word—

(a) dat 'n kieseenheid bestaan uit òf 'n Afrikaansmediumskool of -skole en die Afrikaansmedium gedeelte van 'n parallelmediumskool of -skole, òf 'n Engelsmediumskool of -skole en die Engelsmedium gedeelte van 'n parallelmediumskool of -skole;

(b) dat 'n kieseenheid bestaande uit meer as een skool, sover moontlik bestaan uit skole wat die naaste aan mekaar in die betrokke skoolraadsdistrik geleë is; en

(c) dat die totale getal leerlinge ingeskryf by 'n skool of skole waaruit 'n kieseenheid bestaan, nie meer nie as 15 persent verskil van die kwota—

(i) in regulasie 13 (1) (a) beoog, waar geen lid of slegs een lid vir die minderheidsgroep verkies moet word;

(ii) in regulasie 14 (2) (a) beoog, waar meer as een lid vir die minderheidsgroep verkies moet word; en

(iii) in regulasie 14 (2) (b) beoog, waar lede vir die meerderheidsgroep verkies moet word:

Met dien verstande dat waar die betrokke streekraad of die Direkteur na gelang van die geval, nie in staat is om aan die bepalings van hierdie paragraaf te voldoen nie, bedoelde streekraad of Direkteur kan afwyk van enige sodanige kwota in die mate wat bedoelde streekraad of Direkteur onder die omstandighede dienstig ag.

(2) Wanneer daar ten opsigte van die minderheidsgroep nie voldoende Engels- of Afrikaansmediumskole, na gelang van die geval, is om 'n getal kieseenhede saam te stel wat gelyk is aan die getal lede wat deur sodanige groep verkies moet word nie, bepaal die betrokke streekraad of, indien 'n streekraad nie ingestel is nie, die Direkteur, watter kieseenheid vir die doeleindes van die verkiesing van meer as een lid saamgestel word.

(3) Wanneer 'n lid verkies moet word om 'n minderheidsgroep te verteenwoordig en daar geen Engels- of

(b) to represent the majority group, shall be ascertained by deducting the number of members ascertained in terms of paragraph (a) to represent the minority group from the number of members determined in terms of regulation 3 for the school board concerned.

(2) For the purposes of regulation 15 (1) (c) (ii) and (iii) a quota shall—

(a) where more than one member is to be elected in terms of subregulation (1) (a), be obtained by dividing the total number of pupils in the minority group by the number of members to be so elected to represent that group; and

(b) where members are to be elected in terms of subregulation (1) (b), be obtained by dividing the total number of pupils in the majority group by the number of members to be so elected to represent that group.

MANNER IN WHICH ELECTORAL UNITS ARE CONSTITUTED

15. (1) Whenever a regional council or, if a regional council has not been established, the Director constitutes an electoral unit, it shall be ensured—

(a) that an electoral unit shall consist of either an Afrikaans-medium school or schools and the Afrikaans-medium section of a parallel-medium school or schools, or an English-medium school or schools and the English-medium section of a parallel-medium school or schools;

(b) that an electoral unit consisting of more than one school, shall as far as possible consist of schools situated nearest to one another in the school board district concerned; and

(c) that the total number of pupils enrolled at a school or schools out of which an electoral unit consists, shall not differ more than 15 percent from the quota—

(i) contemplated in regulation 13 (1) (a), where no member or only one member is to be elected for the minority group;

(ii) contemplated in regulation 14 (2) (a), where more than one member is to be elected for the minority group; and

(iii) contemplated in regulation 14 (2) (b), where members are to be elected for the majority group:

Provided that where the regional council concerned or the Director, as the case may be, is unable to comply with the provisions of this paragraph, the said regional council or Director may depart from any such quota to the extent which the said regional council or Director may deem expedient in the circumstances.

(2) Whenever there are in respect of the minority group not sufficient English or Afrikaans-medium schools, as the case may be, to constitute a number of electoral units equal to the number of members to be elected by such group, the regional council or if a regional council has not been established, the Director, shall determine which electoral unit shall be constituted for the purposes of the election of more than one member.

(3) Whenever a member is to be elected to represent a minority group and there is no English or Afrikaans-

Afrikaansmediumskool, na gelang van die geval, vir sodanige minderheidsgroep in die betrokke skoolraadsdistrik is nie, moet 'n kieseenheid saamgestel word uit die ouers van leerlinge in die minderheidsgroep ingeskryf by skole in sodanige distrik.

(4) Die betrokke streekraad of, indien 'n streekraad nie ingestel is nie, die Direkteur ken 'n onderskeidingsnommer toe aan elke kieseenheid binne 'n skoolraadsdistrik.

SAMESTELLING VAN KIESKOLLEGES

16. (1) Vir elke kieseenheid, uitgesonderd 'n kieseenheid in regulasie 15 (3) beoog, moet, behoudens die bepalings van subregulasie (2), 'n getal afgevaardigdes ooreenkomstig subregulasie (3) verkies word, en sodanige afgevaardigdes vorm 'n kieskollege ten einde 'n lid te verkies of, in die geval van regulasie 15 (2), lede vir die betrokke skoolraad te verkies.

(2) Wanneer 'n kieseenheid slegs uit een skool bestaan, is die lede van die betrokke bestuursraad die afgevaardigdes van daardie kieseenheid.

(3) Wanneer 'n kieseenheid uit meer as een skool bestaan, verkies die bestuursraad van elke sodanige skool die getal afgevaardigdes (welke afgevaardigdes nie noodwendig lede van die bestuursraad hoef te wees nie) wat in die tweede kolom van die onderstaande tabel vermeld word teenoor die getal ingeskrewe leerlinge by daardie skool in die eerste kolom van daardie tabel vermeld:

Totale getal leerlinge by skool ingeskryf	Getal afgevaardigdes deur bestuursraad verkies te word
600 en meer	7
400 tot 599	6
300 tot 399	5
200 tot 299	4
100 tot 199	3
50 tot 99	2
minder as 50	1:

Met dien verstande dat niemand 'n afgevaardigde van meer as een bestuursraad mag wees nie.

(4) Die sekretaris van 'n bestuursraad vul ten opsigte van elke afgevaardigde 'n vorm soortgelyk aan vorm SV 1 van die Bylae in en oorhandig dit aan die afgevaardigde.

KENNISGEWING VAN VERGADERINGS VAN KIESKOLLEGES

17. (1) 'n Kiesbeampte bepaal 'n datum, tyd en plek vir die hou van 'n vergadering vir elke kieskollege in sy distrik.

(2) 'n Kiesbeampte stel die sekretaris van die bestuursraad en die skoolhoof van elke skool wat by 'n kieseenheid binne sy distrik ingesluit is, minstens 21 dae voor die datum van die vergadering in subregulasie (1) beoog, op 'n vorm soortgelyk aan vorm SV 2 van die Bylae in kennis van die datum, tyd en plek van sodanige vergadering, en elke sodanige sekretaris stel op sy beurt elke afgevaardigde minstens sewe dae voor die datum van die vergadering skriftelik van sodanige datum, tyd en plek in kennis: Met dien verstande dat waar daar geen sekretaris vir 'n bestuursraad is nie, die kiesbeampte elke afgevaardigde van die datum, tyd en plek van die vergadering van 'n kieskollege in kennis stel.

(3) Die meerderheid van die lede van 'n kieskollege ooreenkomstig regulasie 16 saamgestel, maak 'n kworum vir enige vergadering van die kieskollege uit.

medium school, as the case may be, for such minority group in the school board district concerned, an electoral unit shall be constituted from the parents of pupils in the minority group enrolled at schools in such district.

(4) The regional council concerned or, if a regional council has not been established, the Director shall allocate a distinctive number to each electoral unit within a school board district.

CONSTITUTION OF ELECTORAL COLLEGES

16. (1) For every electoral unit, excluding an electoral unit referred to in regulation 15 (3), a number of delegates shall, subject to the provisions of subregulation (2), be elected in accordance with subregulation (3), and such delegates shall form an electoral college in order to elect a member or, in the case of regulation 15 (2), to elect members for the school board concerned.

(2) Whenever an electoral unit consists of only one school, the members of the management council concerned shall be the delegates of that electoral unit.

(3) Whenever an electoral unit consists of more than one school, the management council of every such school shall elect the number of delegates (which delegates need not necessarily be members of the management council) mentioned in the second column of the following table opposite the number of pupils enrolled at the school mentioned in the first column of that table:

Total number of pupils enrolled at school	Number of delegates to be elected by management council
600 and more	7
400 to 599	6
300 to 399	5
200 to 299	4
100 to 199	3
50 to 99	2
fewer than 50	1:

Provided that no person shall be a delegate of more than one management council.

(4) The secretary of a management council shall in respect of every delegate complete a form similar to form SV 1 of the Schedule and hand it to the delegate.

NOTICE OF MEETINGS OF ELECTORAL COLLEGES

17. (1) A returning officer shall determine a date, time and place for the holding of a meeting for each electoral college in his district.

(2) A returning officer shall notify the secretary of the management council and the principal of every school included in an electoral unit within his district, at least 21 days prior to the date of the meeting referred to in subregulation (1), on a form similar to form SV 2 of the Schedule of the date, time and place of such meeting, and every such secretary shall in turn notify every delegate at least seven days prior to the date of the meeting in writing of such date, time and place: Provided that where there is no secretary for a management council, the returning officer shall notify every delegate of the date, time and place of the meeting of an electoral college.

(3) The majority of the members of an electoral college constituted in accordance with regulation 16, shall form a quorum for any meeting of the electoral college.

(4) Indien daar by 'n vergadering van 'n kieskollege nie 'n kworum aanwesig is nie, verdaag die kiesbeampte, behoudens die bepalings van regulasie 11, sodanige vergadering tot op 'n datum deur hom bepaal, en by die hervatte vergadering van die kieskollege, maak die teenwoordige afgevaardigdes 'n kworum uit.

PROSEDURE BY VERGADERINGS VAN KIESKOLLEGES

18. (1) 'n Kiesbeampte sit by 'n vergadering van 'n kieskollege voor.

(2) Aan die begin van 'n vergadering van 'n kieskollege moet die kiesbeampte—

(a) die aandag van die afgevaardigdes op die bepalings van regulasie 4 vestig;

(b) elke afgevaardigde versoek om aan hom sy vorm SV 1 te oorhandig; en

(c) om nominasies van kandidate vir die betrokke skoolraad vra.

(3) Niemand mag ten opsigte van meer as een kieskollege 'n kandidaat vir die betrokke skoolraad wees nie.

(4) Elke kandidaat moet op die vergadering van 'n kieskollege deur een afgevaardigde voorgestel en deur 'n ander afgevaardigde gesekondeer word op 'n vorm soortgelyk aan vorm SV 3 van die Bylae, wat voor die verstryking van die tyd of verlengde tyd in subregulasie (7) bedoel aan die kiesbeampte oorhandig moet word.

(5) Vir die doeleindes van subregulasie (4), mag 'n afgevaardigde nie meer kandidate nomineer of sekondeer as die getal lede wat ten opsigte van die betrokke kieseenheid vir die skoolraad verkies moet word nie.

(6) 'n Kandidaat kan sy toestemming tot nominasie te eniger tyd voor die verstryking van die tyd of verlengde tyd in subregulasie (7) bedoel, terugtrek.

(7) By 'n vergadering van 'n kieskollege word 30 minute vir die nominasie van kandidate toegelaat: Met dien verstande dat indien by die verstryking van die tyd 'n vorm SV 3 nog nie ten opsigte van enige kandidaat wat ingevolge subregulasie (4) voorgestel en gesekondeer is, ingevul is nie, die kiesbeampte 'n verdere tyd van hoogstens 30 minute vir dié doel kan toelaat.

(8) Wanneer 'n kiesbeampte om enige rede oortuig is dat 'n nominasievorm (SV 3) nie 'n geldige nominasie daarstel nie, verwerp hy die nominasie.

(9) Indien by die verstryking van die tyd of verlengde tyd in subregulasie (7) bedoel—

(a) 'n kleiner getal kandidate as die getal lede wat ten opsigte van die betrokke kieseenheid vir die skoolraad verkies moet word behoorlik genomineer is, of geen kandidaat genomineer is nie, moet 'n vergadering van 'n kieskollege opnuut ingevolge die bepalings van regulasie 17 en hierdie regulasie gehou word, en indien by sodanige vergadering—

(i) die getal kandidate wat behoorlik genomineer is steeds kleiner is as die getal lede wat aldus verkies moet word; of

(ii) geen kandidaat genomineer is nie,

verklaar 'n kiesbeampte onverwyld elke genomineerde kandidaat tot 'n behoorlik verkose lid van die betrokke skoolraad, in die woorde wat op vorm SV 4 van die Bylae voorkom, en die Minis-

(4) If at a meeting of an electoral college a quorum is not present, the returning officer shall, subject to the provisions of regulation 11, adjourn such meeting to a date determined by him, and at the resumed meeting of the electoral college the delegates present shall form a quorum.

PROCEDURE AT MEETINGS OF ELECTORAL COLLEGES

18. (1) A returning officer shall preside at a meeting of an electoral college.

(2) At the commencement of a meeting of an electoral college the returning officer shall—

(a) draw the attention of the delegates to the provisions of regulation 4;

(b) request every delegate to hand him his form SV 1; and

(c) call for nominations of candidates for the school board concerned.

(3) No person shall in respect of more than one electoral college be a candidate for the school board concerned.

(4) Every candidate shall at the meeting of an electoral college be proposed by one delegate and seconded by another delegate on a form similar to form SV 3 of the Schedule, which shall prior to the expiry of the time or extended time referred to in subregulation (7) be handed to the returning officer.

(5) For the purposes of subregulation (4), a delegate may not nominate or second more candidates than the number of members to be elected for the school board in respect of the electoral unit concerned.

(6) A candidate may at any time prior to the expiry of the time or extended time referred to in subregulation (7), withdraw his consent to nomination.

(7) At a meeting of an electoral college 30 minutes shall be allowed for the nomination of candidates: Provided that if at the expiry of the time a form SV 3 has not yet been completed in respect of any candidate proposed and seconded in terms of subregulation (4), the returning officer may allow a further time not exceeding 30 minutes for that purpose.

(8) Whenever a returning officer is for any reason satisfied that a nomination form (SV 3) does not constitute a valid nomination, he shall reject the nomination.

(9) If at the expiry of the time or extended time referred to in subregulation (7)—

(a) a smaller number of candidates than the number of members to be elected for the school board in respect of the electoral unit concerned have been duly nominated, or no candidate has been nominated, a meeting of an electoral college shall be held anew in terms of the provisions of regulation 17 and this regulation, and if at such meeting—

(i) the number of candidates duly nominated is still smaller than the number of members to be so elected; or

(ii) no candidate has been nominated,

a returning officer shall forthwith, in the words appearing on form SV 4 of the Schedule, declare every nominated candidate to be a duly elected member of the school board concerned, and the Minister shall thereafter appoint a person who in

ter stel daarna 'n persoon wat na sy oordeel geskik is, aan om enige vakature in die skoolraad te vul;

(b) slegs soveel kandidate behoorlik genomineer is as die getal lede wat ten opsigte van die betrokke kieseenheid vir die skoolraad verkies moet word, verklaar 'n kiesbeampte onverwyld elke sodanige kandidaat tot 'n behoorlik verkose lid van die betrokke skoolraad, in die woorde wat op vorm SV 4 van die Bylae voorkom; of

(c) meer kandidate behoorlik genomineer is as die getal lede wat ten opsigte van die betrokke kieseenheid vir die skoolraad verkies moet word, moet 'n stemming ooreenkomstig regulasie 19 gehou word.

(10) Wanneer 'n stemming ingevolge subregulasie (9) (c) gehou moet word, moet 'n kiesbeampte die name van kandidate wat behoorlik genomineer is, bekend maak ten einde 'n stemming te hou.

STEMMING DEUR AFGEVAARDIGDES

19. (1) 'n Kiesbeampte berei vooraf die nodige stembriewe in die vorm van vorm SV 10 van die Bylae vir 'n stemming voor.

(2) Elke stembrief ingevolge subregulasie (1) voorberei—

(a) het 'n amptelike merk van die kiesbeampte daarop en meld die getal kandidate vir wie gestem kan word; en

(b) het voldoende ruimte om 'n afgevaardigde in staat te stel om sy stem uit te bring deur die name van die kandidate van sy keuse op die stembrief te skryf.

(3) Alvorens stembriewe uitgereik word, moet 'n kiesbeampte die aandag van die afgevaardigdes op die volgende verstig—

(a) 'n stem word uitgebring deurdat die afgevaardigde persoonlik die name van die kandidate vir wie hy wil stem op die stembrief skryf;

(b) 'n afgevaardigde kan slegs vir soveel kandidate stem as die getal lede wat ten opsigte van die betrokke kieseenheid vir die skoolraad verkies moet word, maar hy het ten opsigte van enige kandidaat slegs een stem;

(c) in die geval van omstandighede in subregulasie (6) genoem, is 'n stembrief ongeldig;

(d) indien 'n stembrief bederf word kan die betrokke afgevaardigde dit aan die kiesbeampte oorhandig voor die telling van stemme, waarop die kiesbeampte, indien hy oortuig is dat die stembrief onopsetlik bederf is, 'n ander stembrief aan dié afgevaardigde kan uitreik; en

(e) nadat 'n afgevaardigde sy stem uitgebring het, moet hy sy stembrief so opvou dat die name van die kandidate nie gesien kan word nie, waarna hy die stembrief moet plaas in 'n houer wat vir daardie doel voorsien is.

(4) Nadat 'n kiesbeampte die aandag van die afgevaardigdes op die bepalings van subregulasie (3) gevestig het, reik hy een stembrief uit aan elke afgevaardigde wat aanwesig is.

(5) Nadat 'n afgevaardigde sy stem persoonlik uitgebring het, vou hy sy stembrief op die wyse in subregulasie (3) (e) beoog en plaas dit persoonlik in 'n houer wat deur 'n kiesbeampte vir hierdie doel voorsien is.

his opinion is suitable to fill any vacancy in the school board;

(b) only as many candidates as the number of members to be elected for the school board in respect of the electoral unit concerned have been duly nominated, a returning officer shall forthwith, in the words appearing on form SV 4 of the Schedule, declare every such candidate to be a duly elected member of the school board concerned; or

(c) more candidates have been duly nominated than the number of members to be elected for the school board in respect of the electoral unit concerned, a poll shall be held in accordance with regulation 19.

(10) Whenever a poll is to be held in terms of subregulation (9) (c), a returning officer shall announce the names of candidates duly nominated in order to hold a poll.

POLL BY DELEGATES

19. (1) A returning officer shall beforehand prepare the necessary ballot papers in the form of form SV 10 of the Schedule for a poll.

(2) Every ballot paper prepared in terms of subregulation (1)—

(a) shall have an official mark of the returning officer on it and shall state the number of candidates for whom may be voted; and

(b) shall have sufficient space to enable a delegate to record his vote by writing the names of the candidates of his choice on the ballot paper.

(3) Before ballot papers are issued a returning officer shall draw the attention of the delegates to the following—

(a) a vote is recorded in that the delegate personally writes the names of the candidates for whom he wishes to vote on the ballot paper;

(b) a delegate may only vote for as many candidates as the number of members to be elected for the school board in respect of the electoral unit concerned, but he shall in respect of any candidate have only one vote;

(c) in the case of circumstances mentioned in subregulation (6), a ballot paper shall be invalid;

(d) if a ballot paper is spoilt, the delegate concerned may hand it to the returning officer prior to the counting of votes, whereupon the returning officer may, if he is satisfied that the ballot paper was inadvertently spoilt, issue another ballot paper to such delegate; and

(e) after a delegate has recorded his vote, he shall fold his ballot paper in such a way that the names of the candidates cannot be seen, after which he shall place the ballot paper in a receptacle provided for that purpose.

(4) After a returning officer has drawn the attention of the delegates to the provisions of the subregulation (3), he shall issue one ballot paper to every delegate present.

(5) After a delegate has recorded his vote personally he shall fold his ballot paper in the manner contemplated in subregulation (3) (e) and personally place it in the receptacle provided by a returning officer for this purpose.

(6) Na afloop van 'n stemming en voor 'n telling van stemme, ondersoek 'n kiesbeampte die stembriewe in die teenwoordigheid van twee van die afgevaardigdes deur hom aangewys en enige van die kandidate wat aanwesig is, en 'n stembrief—

(a) waarop 'n amptelike merk van die kiesbeampte nie voorkom nie;

(b) waarop stemme uitgebring is vir meer kandidate as die getal lede wat ten opsigte van die betrokke kieseenheid vir die skoolraad verkies moet word, of waarop meer as een stem ten opsigte van enige kandidaat uitgebring is;

(c) wat enige ander merk, handtekening of skrif daarop het as die gedrukte besonderhede, die naam van die kandidaat in subregulasie (3) (a) beoog en die amptelike merk van die kiesbeampte; of

(d) wat so gemerk is dat dit onseker is vir watter kandidaat die afgevaardigde sy stem uitgebring het,

is ongeldig, en die kiesbeampte moet sodanige stembrief verwerp.

(7) Nadat 'n kiesbeampte aan die bepalings van subregulasie (6) voldoen het, gaan hy onverwyld voort met die telling van stemme, waarna hy 'n vorm soortgelyk aan vorm SV 8 van die Bylae invul en, in die woorde wat op daardie vorm voorkom, die uitslag van die stemming bekend maak en elke verkose kandidaat tot 'n behoorlik verkose lid van die betrokke skoolraad verklaar.

(8) Indien dit by 'n telling van stemme ingevolge subregulasie (7) blyk dat twee of meer kandidate wat nie almal verkies kan word nie, 'n gelyke getal stemme verkry het, moet 'n kiesbeampte die uitslag deur loting bepaal.

NOMINASIES VAN KANDIDATE DEUR OUERS

20. (1) 'n Kiesbeampte bepaal, in die geval waar regulasie 15 (3) van toepassing is, 'n datum, tyd en plek vir die hou van 'n vergadering van die ouers van leerlinge in daardie regulasie beoog om 'n kandidaat of kandidate ten opsigte van die betrokke kieseenheid vir die skoolraad te nomineer.

(2) 'n Kiesbeampte versoek die hoof van elke skool in regulasie 15 (3) bedoel minstens 14 dae voor die datum van 'n vergadering in subregulasie (1) beoog skriftelik—

(a) om 'n alfabetiese lys van die name van die ouers van leerlinge in regulasie 15 (3) bedoel met hul huisadresse op te stel, en om hom minstens 10 dae voor die datum van die vergadering in subregulasie (1) beoog van 'n afskrif daarvan te voorsien; en

(b) om elke ouer van leerlinge in regulasie 15 (3) bedoel op 'n vorm soortgelyk aan vorm SV 5 van die Bylae in kennis te stel van die datum, tyd en plek van die vergadering in subregulasie (1) beoog.

(3) 'n Kiesbeampte sit by 'n vergadering in subregulasie (1) beoog, voor en ten opsigte van so 'n vergadering is die bepalings van regulasie 18, uitgesonderd subregulasies (1) en (2) (b), *mutatis mutandis* van toepassing.

(4) Wanneer geregverdig weens die bestaan van spesiale omstandighede, kan die Direkteur toelaat dat van die bepalings van subregulasies (1), (2) en (3) afgewyk word in die mate wat hy dienstig ag.

STEMMING DEUR OUERS

21. (1) Indien, na afloop van 'n vergadering van ouers in regulasie 20 (1) beoog, meer kandidate behoorlik genomineer is as die getal lede wat ten opsigte van die be-

(6) After completion of a poll and prior to a counting of votes, a returning officer shall examine the ballot papers in the presence of two of the delegates designated by him and any of the candidates present, and a ballot paper—

(a) on which an official mark of the returning officer does not appear;

(b) on which votes are recorded for more candidates than the number of members to be elected for the school board in respect of the electoral unit concerned, or on which more than one vote is recorded in respect of any candidate;

(c) which has any mark, signature or writing thereon other than the printed particulars, the name of the candidate referred to in subregulation (3) (a) and the official mark of the returning officer; or

(d) which is so marked that it is uncertain for which candidate the delegate recorded his vote,

shall be invalid, and the returning officer shall reject such ballot paper.

(7) After a returning officer has complied with the provisions of subregulation (6), he shall proceed forthwith with the counting of votes, after which he shall complete a form similar to form SV 8 of the Schedule and, in the words appearing on that form, announce the result of the poll and declare every elected candidate to be a duly elected member of the school board concerned.

(8) If it appears upon a counting of votes in terms of subregulation 7, that two or more candidates who may not all be elected, obtained an equal number of votes, a returning officer shall determine the result by lot.

NOMINATIONS OF CANDIDATES BY PARENTS

20. (1) A returning officer shall, in the case where regulation 15 (3) applies, determine a date, time and place for the holding of a meeting of the parents of pupils referred to in that regulation to nominate a candidate or candidates for the school board in respect of the electoral unit concerned.

(2) A returning officer shall request the principal of every school referred to in regulation 15 (3) at least 14 days prior to the date of a meeting referred to in subregulation (1) in writing—

(a) to compile an alphabetical list of the names of parents of pupils referred to in regulation 15 (3) with their home addresses, and to provide him with a copy thereof at least 10 days prior to the date of the meeting referred to in subregulation (1); and

(b) to notify every parent of pupils referred to in regulation 15 (3) on a form similar to form SV 5 of the Schedule of the date, time and place of the meeting referred to in subregulation (1).

(3) A returning officer shall preside at a meeting referred to in subregulation (1) and in respect of such a meeting the provisions of regulation 18, excluding subregulations (1) and (2) (b), shall apply *mutatis mutandis*.

(4) Whenever justified as a result of the existence of special circumstances, the Director may allow that there may be deviated from the provisions of subregulations (1), (2) and (3) to the extent he may deem expendient.

POLL BY PARENTS

21. (1) If after completion of a meeting of parents referred to in regulation 20 (1), more candidates have been duly nominated than the number of members to be

trokke kieseenheid vir die skoolraad verkies moet word, moet 'n stemming by elke skool in regulasie 15 (3) bedoel, gehou word op die wyse in hierdie regulasie voorgeskryf.

(2) Vir die doeleindes van die hou van 'n stemming in subregulasie (1) beoog, bepaal 'n kiesbeampte 'n datum en tyd by elke skool in regulasie 15 (3) bedoel, en sodanige stemming vind op dieselfde datum en tyd by elke sodanige skool plaas.

(3) Die skoolhoof van elke skool waar 'n stemming ingevolge subregulasie (1) gehou moet word, word deur 'n kiesbeampte op 'n vorm soortgelyk aan vorm SV 6 van die Bylae aangestel as voorsittende beampte vir die doeleindes van daardie stemming.

(4) Nadat 'n datum, tyd en plek vir die hou van 'n stemming ingevolge subregulasie (2) bepaal is, moet 'n kiesbeampte—

(a) die nodige stembriewe vooraf voorberei, en elke sodanige stembrief—

(i) bevat 'n amptelike merk van die kiesbeampte en die volle naam, beroep en adres van elke kandidaat wat behoorlik genomineer is; en

(ii) het voldoende ruimte aan die regterkant van die naam van elke kandidaat om 'n ouer in staat te stel om sy stem uit te bring;

(b) elke voorsittende beampte op 'n vorm soorgelyk aan vorm SV 6 van die Bylae in kennis stel van die datum, tyd en plek van sodanige stemming;

(c) elke voorsittende beampte voorsien van die nodige stembriewe, 'n afskrif van hierdie Regulasies en enige ander benodigdhede vir die hou van die stemming; en

(d) ten opsigte van elke ouer wat geregtig is om te stem, 'n vorm soortgelyk aan vorm SV 7 van die Bylae behoorlik invul en dit aan die ouer besorg.

(5) By 'n stemming in subregulasie (1) beoog, het die voorsittend beampte—

(a) onder sy regstreekse toesig en beheer—

(i) die afskrif van die lys in regulasie 20 (2) (a) beoog;

(ii) die stembriewe in subregulasie (4) (a) beoog;

(iii) 'n amptelike stempel vir die merk van stembriewe; en

(iv) 'n houer vir gebruikte stembriewe; en

(b) 'n groot koevert waarin alle gebruikte stembriewe tesame met die afskrif van die lys in paragraaf (a) (i) beoog, na die sluiting van die stemming ingevolge subregulasie (12) geplaas moet word.

(6) By 'n stemming in subregulasie (1) beoog—

(a) bring 'n ouer sy stem persoonlik uit deur 'n kruisie aan die regterkant van die stembrief langs die name van die kandidate vir wie hy wil stem, aan te bring;

(b) kan 'n ouer, wanneer hy kinders in meer as een skool in die betrokke skoolraadsdistrik het, sy stem by enigeen van sodanige skole uitbring;

(c) kan 'n ouer vir slegs soveel kandidate stem as die getal lede wat ten opsigte van die betrokke kieseenheid vir die skoolraad verkies moet word, maar hy het ten opsigte van enige kandidaat slegs een stem; en

(d) kan 'n ouer, indien 'n stembrief bederf word, dit

elected for the school board in respect of the electoral unit concerned, a poll shall be held at every school referred to in regulation 15 (3) in the manner prescribed in this regulation.

(2) For the purposes of holding a poll referred to in subregulation (1), a returning officer shall determine a date and time at every school referred to in regulation 15 (3), and such poll shall take place on the same date and at the same time at every such school.

(3) The principal of very school where a poll is to be held in terms of subregulation (1), shall be appointed by a returning officer on a form similar to form SV 6 of the Schedule as presiding officer for the purposes of that poll.

(4) After a date, time and place for the holding of a poll have been determined in terms of subregulation (2), a returning officer shall—

(a) beforehand prepare the necessary ballot papers, and every such ballot paper—

(i) shall contain an official mark of the returning officer and the full name, occupation and address of every candidate duly nominated; and

(ii) shall have sufficient space on the right-hand side of the name of every candidate to enable a parent to record his vote;

(b) notify every presiding officer on a form similar to form SV 6 of the Schedule of the date, time and place of such poll;

(c) provide every presiding officer with the necessary ballot papers, a copy of these Regulations and any other requisites for the holding of the poll; and

(d) in respect of every parent entitled to vote, duly complete a form similar to form SV 7 of the Schedule and deliver it to the parent.

(5) At a poll contemplated in subregulation (1) the presiding officer shall have—

(a) under his immediate supervision and control—

(i) the copy of the list referred to in regulation 20 (2) (a);

(ii) the ballot papers referred to in subregulation (4) (a);

(iii) an official stamp for the marking of ballot papers; and

(iv) a receptacle for used ballot papers; and

(b) a large envelope in which all used ballot papers and the copy of the list referred to in paragraph (a) (i) shall be placed in terms of subregulation (12) after the closing of the poll.

(6) At a poll contemplated in subregulation (1)—

(a) a parent shall record his vote personally by placing a cross on the right-hand side of the ballot paper next to the names of the candidates for whom he wishes to vote;

(b) a parent may, whenever he has children in more than one school in the school board district concerned, record his vote at any one of such schools;

(c) a parent may only vote for as many candidates as the number of members to be elected for the school board in respect of the electoral unit concerned, but he shall in respect of any candidate have only one vote; and

(d) a parent may, if a ballot paper is spoilt, hand it to

aan 'n voorsittende beampte oorhandig wat, indien hy oortuig is dat die stembrief onopsetlik bederf is, 'n ander stembrief aan sodanige ouer kan uitreik.

(7) 'n Voorsittende beampte moet vasstel of elke persoon wat wil stem 'n ouer is wie se naam op die afskrif van die lys in subregulasie (5) (a) (i) beoog, voorkom.

(8) 'n Voorsittende beampte moet, nadat hy vasgestel het dat 'n persoon wat wil stem 'n ouer is soos in subregulasie (7) beoog, die naam van sodanige ouer skrap op die afskrif van die lys in subregulasie (5) (a) (i) beoog en 'n stembrief aan die ouer oorhandig.

(9) 'n Ouer bring onverwyld sy stem persoonlik uit en plaas sy stembrief in die houer in subregulasie (5) (a) (iv) bedoel.

(10) Indien 'n ouer weens blindheid of enige ander liggaamsgebrek nie in staat is om sy stem persoonlik uit te bring nie, bring 'n kiesbeampte op versoek van sodanige ouer, en in die teenwoordigheid van 'n getuie deur die betrokke ouer aangewys, 'n stem uit vir die kandidate deur die ouer aangedui.

(11) 'n Voorsittende beampte sluit die stemming sodra al die ouers wat aanwesig is hulle stemme uitgebring het of die tyd verstreke is.

(12) Onmiddellik na die sluiting van die stemming, plaas die betrokke voorsittende beampte alle gebruikte stembriewe en die afskrif van die lys in subregulasie (5) (a) (i) bedoel in die koevert in subregulasie (5) (b) bedoel, verseël die koevert en oorhandig dit tesame met 'n verslag oor die aantal bedorwe stembriewe aan die kiesbeampte of stuur dit per aangetekende pos aan hom.

(13) 'n Kiesbeampte maak geen koevert aan hom oorhandig of gestuur ingevolge subregulasie (12) oop voordat hy die koeverte van al die voorsittende beamptes ontvang het nie.

(14) (a) 'n Kiesbeampte begin binne 12 uur na die ontvangs van al die koeverte in subregulasie (13) bedoel met die telling van stemme, en hy laat slegs sy assistente en die kandidate of hul gemagtigde verteenwoordigers toe om by sodanige telling aanwesig te wees.

(b) Die bepalings van regulasie 19 (8) is *mutatis mutandis* van toepassing indien twee of meer kandidate 'n gelyke getal stemme verkry het.

(15) 'n Stembrief—

(a) waarop 'n amptelike merk van die kiesbeampte nie voorkom nie;

(b) waarop stemme uitgebring is vir meer kandidate as die getal lede wat ten opsigte van die betrokke kieseenheid vir die skoolraad verkies moet word, of waarop meer as een stem ten opsigte van enige kandidaat uitgebring is;

(c) wat enige ander merk, handtekening of skrif daarop het as die gedrukte besonderhede, 'n kruisie in subregulasie (6) (a) beoog en die amptelike merk van die kiesbeampte; of

(d) wat sonder 'n kruisie in subregulasie (6) (a) beoog, is of so gemerk is dat dit onseker is vir watter kandidaat of kandidate die ouer sy stem uitgebring het,

is ongeldig en die kiesbeampte moet sodanige stembrief verwerp.

a presiding officer who may, if he is satisfied that the ballot paper was inadvertently spoilt, issue another ballot paper to such parent.

(7) A presiding officer shall ascertain whether every person wishing to vote is a parent whose name appears on the copy of the list referred to in subregulation (5) (a) (i).

(8) A presiding officer shall, after having ascertained that a person wishing to vote is a parent as contemplated in subregulation (7), delete the name of such parent on the copy of the list referred to in subregulation (5) (a) (i), and hand a ballot paper to the parent.

(9) A parent shall forthwith record his vote personally and place his ballot paper in the receptacle referred to in subregulation (5) (a) (iv).

(10) If a parent is on account of blindness or any other physical defect unable to record his vote personally, a returning officer shall at the request of such parent, and in the presence of a witness designated by the parent concerned, record a vote for the candidates indicated by the parent.

(11) A presiding officer shall close the poll as soon as all the parents present have recorded their votes or the time has expired.

(12) Immediately after the closing of the poll, the presiding officer concerned shall place all used ballot papers and the copy of the list referred to in subregulation (5) (a) (i) in the envelope referred to in subregulation (5) (b), seal the envelope and hand it together with a report on the number of spoilt ballot papers to the returning officer or send it to him by registered post.

(13) A returning officer shall not open any envelope handed or sent to him in terms of subregulation (12) before having received the envelopes from all the presiding officers.

(14) (a) A returning officer shall within 12 hours after the receipt of all the envelopes referred to in subregulation (13) commence with the counting of votes, and he shall only allow his assistants and the candidates or their authorized representatives to be present at such counting.

(b) The provisions of regulation 19 (8) shall *mutatis mutandis* apply if two or more candidates obtained an equal number of votes.

(15) A ballot paper—

(a) on which an official mark of the returning officer does not appear;

(b) on which votes are recorded for more candidates than the number of members to be elected for the school board in respect of the electoral unit concerned, or on which more than one vote is recorded in respect of any candidate;

(c) which has any mark, signature or writing thereon other than the printed particulars, a cross contemplated in subregulation (6) (a) or the official mark of the returning officer; or

(d) which is without a cross contemplated in subregulation (6) (a), or is so marked that it is uncertain for which candidate or candidates the parent recorded his vote,

shall be invalid, and the returning officer shall reject such ballot paper.

AANKONDIGING VAN UITSLAE VAN STEMMING

22. Nadat die stemme ingevolge regulasie 21 (14) getel is, vul 'n kiesbeampte 'n vorm soortgelyk aan vorm SV 8 van die Bylae in en kondig hy, in die woorde wat op daardie vorm voorkom die uitslag van die stemming aan.

PROSEDURE NA VERKIESING

23. Na die aankondiging van die uitslag van 'n stemming ingevolge regulasie 19 (7) of 22 moet 'n kiesbeampte onverwyld—

(a) alle stembriewe (insluitende bedorwe stembriewe) en enige ander stukke wat by die verkiesing gebruik is, in 'n koevert plaas of 'n pakkie daarvan maak en die koevert of pakkie verseël en dit vir 'n tydperk van minstens 12 maande in veilige bewaring hou, en daarna sodanige koevert of pakkie vernietig; en

(b) 'n vorm soortgelyk aan vorm SV 9 van die Bylae invul en dit aan die Direkteur stuur.

ONKOSTES VAN AFGEVAARDIGDES

24. 'n Afgevaardigde wat 'n vergadering van 'n kieskollege bywoon, moet op 'n grondslag deur die Minister bepaal, vergoed word vir alle redelike uitgawes deur hom aangegaan om sodanige vergadering by te woon.

VERKLARING VAN VAKATURES

25. (1) Wanneer dit op 'n vergadering van 'n skoolraad tot die bevrediging van die voorsitter bewys word dat 'n lid—

(a) onderhewig geraak het aan enige diskwalifikasie in regulasie 4 (b), (c), (d), (e), (f) of (g) genoem;

(b) sonder die toestemming van die skoolraad van drie aftereenvolgende gewone vergaderings van sodanige raad afwesig was;

(c) enige salaris of honorarium of enige beloning, van watter aard ook al, bo en behalwe die toelaes wat ingevolge artikel 18 van die Wet deur die Minister bepaal is, in verband met sy dienste as lid ontvang het; of

(d) enige vergadering van die skoolraad, of enige komitee daarvan, bywoon of bygewoon het wanneer enige aangeleentheid waarin hy of sy gade 'n regstreekse of onregstreekse geldelike belang het, bespreek word of bespreek is, of oor enige sodanige aangeleentheid stem, of gestem het sonder om die betrokke belang te openbaar,

verklaar die voorsitter van die skoolraad onverwyld dat die amp van sodanige lid met ingang van die datum van die vergadering vakant geraak het, en die voorsitter stel sodanige lid en die Direkteur onverwyld per aantekende pos dienooreenkomstig in kennis.

(2) 'n Lid wie se amp ingevolge subregulasie (1) vakant verklaar is, kan binne 21 dae na die datum van die kennisgewing in daardie subregulasie beoog 'n skriftelike aansoek waarin die redes volledig uiteengesit word, deur die Direkteur by die Minister indien om die verklaring in subregulasie (1) beoog ter syde te stel.

ANNOUNCEMENT OF RESULTS OF POLL

22. After the votes have been counted in terms of regulation 21 (14) a returning officer shall complete a form similar to form SV 8 of the Schedule and, in the words appearing on that form, announce the result of the poll.

PROCEDURE AFTER ELECTION

23. After the announcement of the result of a poll in terms of regulation 19 (7) or 22 a returning officer shall forthwith—

(a) place all ballot papers (including spoilt ballot papers) and any other documents used at the election in an envelope or make a parcel thereof and seal the envelope or parcel and keep it for a period of at least 12 months in safe custody, and thereafter destroy such envelope and parcel; and

(b) complete a form similar to form SV 9 of the Schedule and send it to the Director.

EXPENSES OF DELEGATES

24. A delegate attending a meeting of an electoral college shall, on a basis determined by the Minister, be refunded all reasonable expenses incurred by him to attend such meeting.

DECLARATION OF VACANCY

25. (1) Whenever at a meeting of a school board it is proved to the satisfaction of the chairman that a member—

(a) has become subject to any disqualification mentioned in regulation 4 (b), (c), (d), (e), (f) or (g);

(b) has been absent from three consecutive ordinary meetings of the school board without the consent of such board;

(c) has received any salary or honorarium or any reward, of any nature whatsoever, in addition to the allowances determined by the Minister in terms of section 18 of the Act, in connection with his services as a member; or

(d) attends or has attended any meeting of the school board, or any committee thereof, whenever any matter in which he or his spouse has a direct or indirect pecuniary interest is discussed or has been discussed, or votes or has voted on any such matter without disclosing the interest concerned,

the chairman of the school board shall forthwith declare that the office of such member has with effect from the date of the meeting become vacant, and the chairman shall forthwith notify such member and the Director accordingly by registered post.

(2) A member whose office has been declared vacant in terms of subregulation (1) may within 21 days after the date of the notice contemplated in that subregulation lodge an application in writing, in which his reasons are fully stated, through the Director with the Minister to set aside the declaration referred to in subregulation (1).

(3) 'n Lid dien 'n afskrif van die aansoek in subregulasie (2) beoog by die voorsitter van die betrokke skoolraad in, wat aan die Minister sy redes verstrek vir die verklaring in subregulasie (1) beoog.

(4) Die Minister kan 'n verklaring in subregulasie (1) beoog ter syde stel na oorweging van die aansoek ingevolge subregulasie (2) ingedien en die redes ingevolge subregulasie (3) verstrek.

(5) Wanneer dit tot bevrediging van die Minister aan hom bewys word dat die bepalings van subregulasie (1) (a), (b), (c) of (d) op enige lid van toepassing is en sy amp nie ingevolge daardie subregulasie vakant verklaar is nie, kan die Minister met ingang van 'n datum deur hom bepaal die amp van só 'n lid vakant verklaar.

(6) Wanneer die Minister die amp van 'n lid ingevolge subregulasie (5) vakant verklaar het—

(a) stel hy die betrokke skoolraad asook sodanige lid skriftelik daarvan in kennis; en

(b) is die verklaring finaal.

TOEVALLIGE VAKATURES

26. (1) 'n Toevallige vakature ontstaan in 'n skoolraad wanneer—

(a) 'n lid bedank: Met dien verstande dat so 'n lid minstens een maand voor die datum waarop sy bedanking van krag word, skriftelik daarvan kennis gee aan die voorsitter van die betrokke skoolraad;

(b) 'n lid sterf;

(c) die Minister 'n lid ingevolge regulasie 5 (1) van sy amp onthef; of

(d) die amp van 'n lid—

(i) ingevolge regulasie 25 (1) vakant verklaar is: Met dien verstande dat wanneer die betrokke lid 'n aansoek kragtens regulasie 25 (2) ingedien het, 'n toevallige vakature slegs ontstaan indien die Minister sou weier om sodanige verklaring ter syde te stel; of

(ii) ingevolge regulasie 25 (5) vakant verklaar is.

(2) 'n Toevallige vakature word gevul op dieselfde wyse as dié waarop die lid in wie se amp die toevallige vakature ontstaan het, verkies is: Met dien verstande dat 'n streekraad of die Direkteur die wyse bepaal waarop 'n kieseenheid vir dié doel saamgestel moet word.

(3) 'n Lid wat ingevolge subregulasie (2) verkies is, beklee sy amp vir die onverstreke ampstermyn van sy voorganger.

VERKIESING VAN VOORSITTERS EN ONDERVOORSITTERS

27. (1) Op die eerste vergadering van 'n skoolraad verkies sodanige raad een van sy lede tot voorsitter en een van sy lede tot ondervoorsitter, en die sekretaris stel die Direkteur skriftelik daarvan in kennis.

(2) By 'n verkiesing in subregulasie (1) bedoel, tree die sekretaris as voorsitter op.

(3) A member shall lodge a copy of the application referred to in subregulation (2) with the chairman of the school board concerned, who shall furnish the Minister with his reasons for the declaration referred to in subregulation (1).

(4) The Minister may set aside a declaration referred to in subregulation (1) after having considered the application lodged in terms of subregulation (2) and the reasons furnished in terms of subregulation (3).

(5) Whenever it is proved to the satisfaction of the Minister that the provisions of subregulation (1) (a), (b), (c) or (d) have become applicable to any member and his office has not been declared vacant in terms of that subregulation, the Minister may with effect from a date determined by him declare the office of such a member vacant.

(6) Whenever the Minister has declared the office of a member vacant in terms of subregulation (5)—

(a) he shall notify the school board concerned as well as such member thereof in writing; and

(b) the declaration shall be final.

CASUAL VACANCIES

26. (1) A casual vacancy shall occur on a school board whenever—

(a) a member resigns: Provided that such a member shall at least one month prior to the date on which his resignation is to take effect, give written notice thereof to the chairman of the school board concerned;

(b) a member dies;

(c) the Minister removes a member from his office in terms of regulation 5 (1); or

(d) the office of a member—

(i) is declared vacant in terms of regulation 25 (1): Provided that whenever the member concerned has lodged an application under regulation 25 (2), a casual vacancy shall only occur if the Minister should refuse to set aside such declaration; or

(ii) is declared vacant in terms of regulation 25 (5).

(2) A casual vacancy shall be filled in the same manner as that in which the member in whose office the casual vacancy has occurred, was elected: Provided that a regional council or the Director shall determine the manner in which an electoral unit is to be constituted for that purpose.

(3) A member elected in terms of subregulation (2) shall hold his office for the unexpired period of office of his predecessor.

ELECTION OF CHAIRMEN AND VICE-CHAIRMEN

27. (1) At the first meeting of a school board such board shall elect one of its members as chairman and one of its members as vice-chairman, and the secretary shall notify the Director in writing thereof.

(2) At an election referred to in subregulation (1), the secretary shall be the chairman.

(3) 'n Voorsitter of ondervoorsitter van 'n skoolraad kan bedank deur skriftelik daarvan kennis te gee aan die sekretaris.

(4) Wanneer 'n vakature in die amp van voorsitter of ondervoorsitter om enige rede ontstaan, verkies die skoolraad op die eerste vergadering nadat daardie vakature ontstaan het, een van sy lede om die vakature te vul, en die sekretaris stel die Direkteur skriftelik daarvan in kennis.

VERGADERINGS

28. (1) 'n Gewone vegadering van 'n skoolraad word gehou op 'n datum, tyd en plek deur die voorsitter van die skoolraad bepaal en waarvan minstens sewe dae skriftelike kennis deur sodanige voorsitter aan elke lid gegee moet word.

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

(i) kan na goeddunke deur die voorsitter van 'n skoolraad belê word; en

(ii) moet deur sodanige voorsitter belê word, indien minstens een derde van die lede, die betrokke streekraad of die Direkteur skriftelik aldus versoek.

(b) Die voorsitter van 'n skoolraad gee aan elke lid minstens sewe dae skriftelike kennis van enige buitengewone vergadering en vermeld daarin die sake ten opsigte waarvan die buitengewone vergadering belê is, en geen ander sake mag op sodanige vergadering behandel word nie.

(3) 'n Onderwyskundige in diens van die Departement, 'n ministeriële verteenwoordiger aangestel kragtens artikel 28 van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), aan wie bevoegdhede met betrekking tot onderwys opgedra is, of, op uitnodiging van 'n skoolraad enige iemand anders, kan 'n vergadering van die skoolraad bywoon en aan die verrigtinge deelneem, maar sodanige onderwyskundige, verteenwoordiger of iemand anders het geen stem nie: Met dien verstande dat indien die skoolraad ingevolge subregulasie (7) in komitee gaan, geen sodanige onderwyskundige, verteenwoordiger of iemand anders sonder die toestemming van die skoolraad teenwoordig bly nie.

(4) Alle vergaderings van 'n skoolraad is vir die publiek toeganklik behalwe vergaderings van die skoolraad wat ingevolge subregulasie (7) in komitee gehou moet word.

(5) Die meerderheid van die lede van 'n skoolraad maak 'n kworum vir enige vergadering van die skoolraad uit.

(6) Onderworpe aan die bepalings van subregulasie (7) bepaal 'n skoolraad sy eie reëls betreffende sy vergaderings en prosedures op daardie vergaderings.

(7) 'n Skoolraad gaan in komitee wanneer hy op 'n vergadering enige saak wat na sy oordeel vertroulik is, moet behandel.

NOTULES VAN VERRIGTINGE VAN VERGADERINGS

29. (1) Die notule van die verrigtinge van elke vergadering van 'n skoolraad of 'n komitee daarvan, na gelang van die geval, moet behoorlik gehou word en elke lid moet van 'n afskrif van sodanige notule voorsien word.

(3) A chairman or vice-chairman of a school board may resign by giving written notice thereof to the secretary.

(4) Whenever a vacancy occurs in the office of chairman or vice-chairman for any reason, the school board shall at the first meeting after that vacancy has occurred, elect one of its members to fill the vacancy, and the secretary shall notify the Director in writing thereof.

MEETINGS

28. (1) An ordinary meeting of a school board shall be held on a date and at a time and place determined by the chairman of the school board, and of which at least seven days' written notice shall be given by such chairman to each member.

(2) (a) An extraordinary meeting of a school board—

(i) may be convened by the chairman of a school board at his discretion; and

(ii) shall be convened by such chairman, if at least one-third of the members, the regional council concerned or the Director so requests in writing.

(b) The chairman of a school board shall give at least seven days' notice in writing of any extraordinary meeting to each member and shall state therein the business in respect of which the extraordinary meeting is convened, and no other business shall be dealt with at such meeting.

(3) An educationist in the service of the Department, a ministerial representative appointed under section 28 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), to whom powers relating to education have been assigned, or, upon the invitation of a school board any other person, may attend a meeting of the school board and take part in the proceedings, but such educationist, representative or other person shall have no vote: Provided that should the school board go into committee in terms of subregulation (7) no such educationist, representative or other person shall remain present without the consent of the school board.

(4) All meetings of a school board shall be open to the public except meetings of the school board which in terms of subregulation (7) have to be held in committee.

(5) The majority of members of a school board shall constitute a quorum for any meeting of the school board.

(6) Subject to the provisions of subregulation (7), a school board shall determine its own rules relating to its meetings and procedures at those meetings.

(7) A school board shall go into committee whenever it has to deal at a meeting with any business which in its opinion is confidential.

MINUTES OF PROCEEDINGS OF MEETINGS

29. (1) The minutes of the proceedings of every meeting of a school board or a committee thereof, as the case may be, shall be duly kept, and every member of such board shall be provided with a copy of such minutes.

(2) Die notule van die verrigtinge van elke vergadering van 'n skoolraad of 'n komitee daarvan—

(a) moet op die eersvolgende vergadering van die skoolraad of die komitee daarvan, na gelang van die geval, vir goedkeuring voorgelê word; en

(b) moet, nadat sodanige notule ingevolge paragraaf (a) goedgekeur is, te alle redelike tye ter insae lê van die lede, die Direkteur en enige ander persoon wat na die oordeel van die sekretaris 'n belang daarby het.

(2) The minutes of the proceedings of every meeting of a school board or a committee thereof—

(a) shall be submitted for approval at the next ensuing meeting of the school board or the committee, as the case may be; and

(b) shall, after such minutes have been approved in terms of paragraph (a), at all reasonable times be open to inspection by the members, the Director and any other person who, in the opinion of the secretary has an interest therein.

SV 1

BYLAE

SKOOLRAADVERKIESING

BEWYS VAN VERKIESING AS AFGEVAARDIGDE

(Regulasie 16 (4) en 18 (2) (b))

Naam van skool .....

Kieseenheid No. .....

VERGADERING VAN KIESKOLLEGE

Hierby word gesertifiseer dat mnr/mev/mej

.....

ingevolge regulasie 16 van die Regulasies Betreffende Skoolrade as 'n afgevaardigde verkies is.

.....

Handtekening van Sekretaris van Bestuursraad

Amptelike stempel van skool

Aan: Die Kiesbeampte

Kieseenheid No. .....

Skoolraad vir die distrik .....

SV 2

SKOOLRAADVERKIESING

KENNISGEWING VAN VERGADERING VAN KIESKOLLEGE

(Regulasie 17 (2))

Kantoor van die Kiesbeampte

Skoolraad van .....

.....

.....

.....

Die Sekretaris

Bestuursraad van.....Skool

.....

.....

KIESKOLLEGE VIR KIESEENHEID NO. .....

Ek moet u ooreenkomstig die bepalings van die Regulasies Betreffende Skoolrade meedeel dat—

(a) 'n kieskollege ten opsigte van bogenoemde kieseenheid saamgestel moet word; en

(b) die skole waaruit bogenoemde kieseenheid bestaan en die getal afgevaardigdes waartoe elke bestuursraad van hierdie skole geregtig is, soos volg is:

Naam van skool	Getal afgevaardigdes

'n Vergadering van die afgevaardigdes van bogenoemde kieskollege wat te ..... gehou word, is belê vir .....: ..... op ..... (dag), die ..... (datum) van ..... (maand) 19..... ten einde ..... lid/lede vir die skoolraad van hierdie distrik te verkies.

Geliewe reëlings te tref om 'n vergadering van u bestuursraad te hou ten einde die getal afgevaardigdes waartoe u skool geregtig is, soos hierbo aangedui, te verkies en my te voorsien van 'n lys van hul name en huisadresse nie later nie as .....

Geliewe die voorbehoudsbepaling by regulasie 16 (3) van die Regulasies Betreffende Skoolrade asook die feit dat 'n verkose afgevaardigde nie noodwendig 'n lid van u bestuursraad hoef te wees nie, onder die aandag van u bestuursraad te bring.

Aangesien daar van elke afgevaardigde verlang word om bewys te lewer van sy verkiesing as afgevaardigde, sluit ek 'n aantal SV 1-vorms in. 'n Vorm moet ingevul en aan elke afgevaardigde oorhandig word.

Alle redelike onkoste van 'n afgevaardigde in verband met sy bywoning van 'n vergadering van die kieskollege sal vergoed word.

....

Datum Handtekening van Kiesbeampte

SV 1

SCHEDULE

SCHOOL BOARD ELECTION

PROOF OF ELECTION AS A DELEGATE

(Regulations 16 (4) and 18 (2) (b))

Name of school .....

Electoral Unit No. .....

MEETING OF ELECTORAL COLLEGE

This is to certify that Mr/Mrs/Miss

.....

has been elected as a delegate in terms of regulation 16 of the Regulations Relating to School Boards.

.....

Signature of Secretary of Management Council

Official stamp of school

To: The Returning Officer

Electoral Unit No. .....

School Board for the district of .....

SV 2

SCHOOL BOARD ELECTION

NOTICE OF MEETING OF ELECTORAL COLLEGE

(Regulation 17 (2))

Office of the Returning Officer

School Board of .....

.....

.....

.....

The Secretary

Management Council of ..... School

.....

.....

ELECTORAL COLLEGE FOR ELECTORAL UNIT NO. .....

I have to inform you in accordance with the provisions of the Regulations Relating to School Boards that—

(a) an electoral college is to be constituted in respect of the above-mentioned electoral unit; and

(b) the schools of which the above-mentioned electoral unit consists and the number of delegates to which each management council of these schools is entitled, are as follows:

Name of school	Number of delegates

A meeting of the delegates of the above-mentioned electoral college to be held at ....., has been convened for ..... on ..... (day), the ..... (date) of ..... (month) 19 ..... in order to elect ..... member(s) for the school board of this district.

Kindly arrange to hold a meeting of your management council in order to elect the number of delegates to which your school is entitled, as indicated above, and to furnish me with a list of their names and home addresses not later than .....

Kindly bring the proviso to regulation 16 (3) of the Regulations Relating to School Boards as well as the fact that an elected delegate need not necessarily be a member of your management council, to the notice of your management council.

As every delegate is required to furnish proof of his election as a delegate, I am enclosing a number of SV 1-forms. A form is to be completed and handed to every delegate.

All reasonable expenses of a delegate in connection with his attending a meeting of the electoral college will be refunded.

....

Date Signature of Returning Officer

SV 3

SKOOLRAADVERKIESING

NOMINASIE VAN KANDIDAAT VIR VERKIESING AS LID VAN DIE SKOOLRAAD VAN DIE DISTRIK

.....

(Regulasie 18 (4))

Kieseenheid No. .....

Vergadering op die .....(datum) van .....(maand) 19 .... gehou.

Ek, ...(volle naam)

stel hiermee mnr/mev/mej .....(volle naam)

van ..... (adres)

van beroep 'n .....
voor as kandidaat vir bogenoemde skoolraad.

.....
Handtekening van Voorsteller

Ek, ... (volle naam) sekondeer hierdie voorstel.

.....
Handtekening van Sekondant

Ek aanvaar hiermee die nominasie en verklaar dat—

(a) ek nie reeds as 'n kandidaat ten opsigte van 'n ander kieseenheid genomineer is nie; en

(b) ek na my beste wete en geloof ingevolge regulasie 4* bevoeg is om as lid van 'n skoolraad verkies te word.

.....
Handtekening van Kandidaat

Datum .....

*Regulasie 4 bepaal soos volg:

"Niemand word as 'n lid verkies of aangestel nie, indien hy—

(a) onder die ouderdom van 21 jaar is;

(b) in die diens van die Departement is;

(c) aan enige misdryf skuldig bevind is waarvoor hy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is, tensy amnestie of algemene grasie aan hom toegestaan is of die termyn van sy gevangenisstraf minstens drie jaar voor die datum van sy verkiesing of aanstelling verstryk het;

(d) in sy geestesvermoë gekrenk is en deur 'n bevoegde hof aldus verklaar is;

(e) 'n ongerehabiliteerde insolvent is;

(f) in die diens is van, of 'n geldelike belang het by, 'n private skool of 'n inrigting wat by sodanige private skool behoort of daarmee in verband staan; of

(g) nie 'n Suid-Afrikaanse burger is nie, tensy die Minister anders bepaal."

SV 3

SCHOOL BOARD ELECTION

NOMINATION OF CANDIDATE FOR ELECTION AS MEMBER OF THE SCHOOL BOARD OF THE DISTRICT OF

.....

(Regulation 18 (4))

Electoral Unit No.....

Meeting held on the.....(date) of.....(month) 19.....

I, ...(full name)

hereby propose Mr/Mrs/Miss.....(full name)

of.....(address),

by occupation a .....
as a candidate for the above-mentioned school board.

.....
Signature of Proposer

I, ...(full name) second this proposal.

.....
Signature of Seconder

I hereby accept this nomination and declare that—

(a) I have not already been nominated as a candidate in respect of another electoral unit; and

(b) I am to the best of my knowledge and belief qualified in terms of regulation 4* to be elected as a member of a school board.

.....
Signature of Candidate

Date .....

*Regulation 4 provides as follows:

"No person shall be elected or appointed as a member, if he—

(a) is under the age of 21 years;

(b) is in the service of the Department;

(c) has been convicted of any offence for which he has been sentenced to imprisonment without the option of a fine, unless he has received a grant of amnesty or general free pardon or the period of his imprisonment has expired at least three years prior to the date of his election or appointment;

(d) is of unsound mind and has been so declared by a competent court;

(e) is an unrehabilitated insolvent;

(f) is in the employ of, or has a pecuniary interest in, a private school or an institution accessory to such private school or connected therewith; or

(g) is not a South African citizen, unless the Minister determines otherwise."

SV 4

SKOOLRAADVERKIESING

VERKLARING TOT BEHOORLIK VERKOSE LID/LEDE

(Regulasie 18 (9) (a) en (b))

Ek, ..., synde die kiesbeampte vir die verkiesing van lede van die skoolraad vir die distrik . . . . . , verklaar hierby—

(a) dat ondergenoemde kandidaat/kandidate die enigste kandidaat/kandidate is wat op 'n vergadering van die kieskollege/ouers vir Kieseenheid No. . . . . gehou op . . . . . behoorlike genomineer is;

(b) dat die getal kandidate aldus genomineer, nie meer is nie as die getal lede wat ten opsigte van die betrokke kieseenheid vir die skoolraad verkies moet word; en

(c) dat hy/sy/hulle behoorlik verkies is tot lid/lede van die betrokke skoolraad.

Naam/Name van kandidaat/kandidate:

.....

.....

.....

.....

.....

.....

.....

.....

.....

....

Datum Handtekening van Kiesbeampte

SV 5

SKOOLRAADVERKIESING

KENNISGEWING VAN VERGADERING VAN OUERS OM 'N KANDIDAAT OF KANDIDATE TE NOMINEER VIR DIE VERKIESING VAN 'N LID OF LEDE VIR DIE SKOOLRAAD VAN DIE DISTRIK

.....

(Regulasie 20 (2) (b))

Kennisgewing geskied hiermee dat 'n vergadering van die ouers van leerlinge wat by die volgende skole in hierdie distrik op . . . . . ingeskryf is en wie se huistaal . . . . . is om . . . . . (tyd) op . . . . . (dag) die . . . . . (datum) van . . . . . (maand) 19 . . . . . te . . . . . (plek), gehou sal word met die doel om 'n kandidaat of kandidate te nomineer vir die verkiesing van . . . . . lid/lede vir die skoolraad van hierdie distrik:

.....

.....

Ingevolge regulasie 15 (3) van die Regulasies Betreffende Skoolrade maak sodanige ouers Kieseenheid No. . . . . binne hierdie distrik uit.

Nominasievorms is verkrygbaar by die hoof van enige van bogenoemde skole of by die kiesbeampte.

Plek..... .....

Handtekening van Kiesbeampte

Datum .....

SV 4

SCHOOL BOARD ELECTION

DECLARATION AS DULY ELECTED MEMBER(S)

(Regulations 18 (9) (a) and (b))

I, ..., being the returning officer for the election of members of the school board for the district of ....., do hereby declare—

(a) that the undermentioned candidate is/candidates are the only candidate/candidates duly nominated at a meeting of the electoral college/parents for Electoral Unit No. ..... held on ..... ;

(b) that the number of candidates so nominated, is not more than the number of members to be elected for the school board in respect of the electoral unit concerned; and

(c) that he/she/they has/have been duly elected as a member(s) of the school board concerned.

Name(s) of candidate(s):

.....

.....

.....

.....

.....

.....

.....

.....

.....

....

Date Signature of Returning Officer

SV 5

SCHOOL BOARD ELECTION

NOTICE OF MEETING OF PARENTS TO NOMINATE A CANDIDATE OR CANDIDATES FOR THE ELECTION OF A MEMBER OR MEMBERS FOR THE SCHOOL BOARD OF THE DISTRICT OF

.....

(Regulation 20 (2) (b))

Notice is hereby given that a meeting of the parents of pupils enrolled at the following schools in this district on ..... and whose home language is ..... will be held at ..... (time) on ..... (day) the ..... (date) of ..... (month) 19..... at ..... (place) for the purposes of nominating a candidate or candidates for the election of ..... member(s) for the school board of this district:

.....

.....

In terms of regulation 15 (3) of the Regulations Relating to School Boards such parents shall constitute Electoral Unit No. ..... within this district.

Nomination forms are obtainable from the principal of any of the above-mentioned schools or from the returning officer.

Place ....

Signature of Returning Officer

Date .....

SV 6

SKOOLRAADVERKIESING

(Regulasie 21 (3) en 4 (b))

Kantoor van die Kiesbeampte
Skoolraad van .....
.....
.....
.....

Die Hoof

.....Skool

VERKIESING VAN LEDE VAN SKOOLRAAD

1. Ek moet u meedeel dat 'n verkiesing van lede van bogenoemde skoolraad op ..... (datum) ingevolge die Regulasies Betreffende Skoolrade gehou sal word.

2. Aangesien die ouers van leerlinge wat 'n minderheidsgroep in hierdie distrik vorm, geregtig is om ..... lid/lede van die skoolraad te verkies, sal hierdie ouers Kieseenheid No ..... uitmaak, en 'n stemming sal gehou word by elkeen van die skole wat bygewoon word deur leerlinge wie se voertaal ..... is en wat op ..... by hierdie skole ingeskryf is.

3. U het reeds 'n lys van die ouers van leerlinge wat by u skool ingeskryf is, opgestel en daardie ouers is nou geregtig om te stem vir ..... van die kandidate wat behoorlik genomineer is vir die kieseenheid in paragraaf 2 genoem

4. 'n Stemming word op die datum in paragraaf 1 genoem by u skool gehou vanaf ..... tot ....., en u word hierby as die voorsittende beampte aangestel.

5. By die stemming moet u die prosedure volg wat in regulasie 21 van die Regulasies Betreffende Skoolrade, waarvan 'n afskrif aangeheg is, uiteengesit is.

6. Die name van die kandidate wat vir verkiesing vir Kieseenheid No. ..... genomineer is, verksyn op die ingeslote stembriewe. Die ander verkiesingsmateriaal wat u nodig mag hê, word ook ingesluit.

....
Datum Handtekening van Kiesbeampte

SV 6

SCHOOL BOARD ELECTION

(Regulation 21 (3) and 4 (b))

Office of the Returning Officer
School Board of .....
.....
.....
.....

The Principal

.....School

ELECTION OF MEMBERS OF SCHOOL BOARD

1. I have to inform you that an election of members of the abovementioned school board will be held on ..... (date) in terms of the Regulations Relating to School Boards.

2. As the parents of pupils forming a minority group in this district are entitled to elect ..... member(s) of the school board, these parents will constitute Electoral Unit No ..... and a poll will be held at each of the schools attended by pupils whose medium of instruction is ..... and who were enrolled at these schools on .....

3. You have already compiled a list of the parents of pupils enrolled at your school and those parents are now entitled to vote for ..... of the candidats who have been duly nominated for the electoral unit mentioned in paragraph 2.

4. A poll will be held on the date mentioned in paragraph 1 at your school from ..... to ....., and you are hereby appointed as the presiding officer.

5. At the poll you should follow the procedure set out in regulation 21 of the Regulations Relating to School Boards, a copy of which is attached.

6. The names of the candidates nominated for election in respect of Electoral Unit No ..... appear on the ballot papers enclosed. The other election material you may need, is also enclosed.

....
Date Signature of Returning Officer

SV 7

SKOOLRAADVERKIESING, 19 . . . . . .

(Regulasie 21 (4) (d))

KENNISGEWING AAN OUERS WAT GEREGTIG IS OM TE STEM VIR 'N LID/LEDE VAN DIE SKOOLRAAD VIR DIE DISTRIK

. . . . . .

KIESEENHEID NO. . . . . .

1. Kennis geskied hierby dat die volgende kandidate by 'n vergadering van ouers wat Kieseenheid No. . . . . binne hierdie skoolraadsdistrik uitmaak, behoorlik genomineer is:

(1) . . . . . .

(2) . . . . . .

(3) . . . . . .

(Volle name, adresse en beroepe van kandidate)

2. Aangesien u 'n ouer is van 'n leerling by 'n skool in hierdie distrik wie se voertaal . . . . . is, is u geregtig om vir . . . . . van die kandidate te stem. Indien u 'n kind in meer as een skool op die datum van die verkiesing het, kan u by enigeen van sodanige skole u stem uitbring.

3. Die stemming word gehou op . . . . . (datum) om . . . . . : . . . . . by die skool en die hoof van die skool wat as voorsittende beampte optree, sal aan u 'n amptelike stembrief oorhandig.

4. Wanneer u stem, moet u 'n kruisie aan die regterkant van die stembrief langs die naam van die kandidaat/kandidate vir wie u wil stem, aanbring.

5. Die kiesbeampte verwerp as ongeldig 'n stembrief—

(a) waarop 'n amptelike merk van die kiesbeampte nie voorkom nie;

(b) waarop stemme uitgebring is vir meer as . . . . . kandidaat/kandidate;

(c) waarop meer as een stem ten opsigte van enige kandidaat uitgebring is;

(d) wat enige ander merk, handtekening of skrif daarop het as die gedrukte besonderhede, 'n kruisie in paragraaf 4 beoog en die amptelike merk van die kiesbeampte; of

(e) wat sonder 'n kruisie is, of so gemerk is dat dit onseker is vir watter kandidaat u u stem uitgebring het.

6. Indien 'n stembrief bedorwe is, kan u dit aan die voorsittende beampte oorhandig wat 'n nuwe stembrief aan u kan uitreik.

7. Nadat u gestem het, moet u u stembrief plaas in die houer wat vir dié doel voorsien is.

8. Indien u weens blindheid of enige ander liggaamsgebrek nie in staat is om u stem persoonlik uit te bring nie, kan u die kiesbeampte versoek om u stem vir die kandidaat/kandidate van u keuse uit te bring.

. . . . . .

SV 7

SCHOOL BOARD ELECTION, 19 . . . . . .

(Regulations 21 (4) (d))

NOTICE TO PARENTS ENTITLED TO VOTE FOR A MEMBER/MEMBERS OF THE SCHOOL BOARD FOR THE DISTRICT OF

. . . . . .

ELECTORAL UNIT NO. . . . . .

1. Notice is hereby given that at a meeting of parents constituting Electoral Unit No. . . . . within this school board district, the following candidates have been duly nominated:

(1) . . . . . .

(2) . . . . . .

(3) . . . . . .

(Full names, addresses and occupations of candidates)

2. As you are a parent of a pupil at a school in this district whose medium of instruction is . . . . . , you are entitled to vote for . . . . . of the candidates. If you have a child at more than one school on the date of the election, you may record your vote at any one of such schools.

3. The poll will be held on . . . . . (date) at . . . . . : . . . . . at the school and the principal of the school who acts as presiding officer, will hand you an official ballot paper.

4. In voting, you should place a cross on the right-hand side of the ballot paper next to the name of the candidate(s) for whom you wish to vote.

5. The returning officer will reject as being invalid a ballot paper—

(a) on which an official mark of the returning officer does not appear;

(b) on which votes are recorded for more than . . . . . candidate(s);

(c) on which more than one vote is recorded in respect of any candidate;

(d) which has any mark, signature or writing thereon other than the printed particulars, a cross contemplated in paragraph 4 and the official mark of the returning officer; or

(e) which is without a cross, or is so marked that it is uncertain for which candidate you recorded your vote.

6. If a ballot paper is spoilt, you may hand it to the presiding officer who may issue a new ballot paper to you.

7. After voting, you should place your ballot paper in the receptacle provided for that purpose.

8. If on account of blindness or any other physical defect you are unable to record your vote personally, you may request the returning officer to record your vote for the candidate(s) of your choice.

. . . . . .

SV 8

SKOOLRAADVERKIESING

BEKENDMAKING EN UITSLAG VAN STEMMING

(Regulasie 19 (7) en (22))

Kieseenheid No. ..... vir die skoolraadsdistrik van .....

Ek, ..., synde die kiesbeampte vir bogenoemde skoolraadsverkiesing, verklaar hierby dat ek volgens wet die uitslag van die stemming gehou vir Kieseenheid No. ..... vasgestel het, en dat die stemme deur die onderskeie kandidate verkry soos volg is:

A .... stemme

B .... stemme

C .... stemme

*(en in 'n geval waar twee of meer kandidate 'n gelyke getal stemme gekry het, die volgende:

"en aangesien ..... 'n gelyke getal stemme verkry het, die uitslag deur loting vasgestel is en ten gunste van .....

..... is").

Ek verklaar derhalwe ..... tot behoorlike verkose lid/lede van die Skoolraad vir die distrik .....

.....
Handtekening van Kiesbeampte

Plek .....

Datum .....

*Skrap indien nie van toepassing nie.

SV 9

SKOOLRAADVERKIESING

(Regulasie 23 (b))

Kieseenheid No. ..... vir die skoolraad van die distrik .....

Die Direkteur

..... Onderwysdepartement

.....

.....

.....

UITSLAG VAN STEMMING

Ek moet rapporteer dat die uitslag van die stemming gehou vir bogenoemde kieseenheid soos volg is:

A .... stemme

B .... stemme

C .... stemme

en dat ek .....

..... behoorlik verkose verklaar het.

.....
Handtekening van Kiesbeampte

Datum .....

SV 8

SCHOOL BOARD ELECTION

ANNOUNCEMENT OF RESULT OF POLL

(Regulation 19 (7) and (22))

Electoral Unit No. . . . . for the school board district of .....

I, ..., being the returning officer for the above-mentioned school board election, do hereby declare that I have in accordance with law ascertained the result of the poll held for Electoral Unit No. . . . . , and that the votes obtained by the respective candidates are as follows:

A .... votes

B .... votes

C .... votes

*(and in a case where two or more candidates obtained an equal number of votes, the following:

"and as.....obtained an equal number of votes, the result of the election was ascertained by lot, in favour of..... .....")

I therefore declare.....to be duly elected member(s) of the school board for the district of.....

.....
Signature of Returning Officer

Place .....

Date .....

*Delete if not applicable.

SV 9

SCHOOL BOARD ELECTION

(Regulation 23 (b))

Electoral Unit No. . . . . for the school board of the district of .....

The Director

.....Education Department

.....

.....

.....

RESULT OF POLL

I have to report that the result of the poll held for the above-mentioned electoral unit is as follows:

A .... votes

B .... votes

C .... votes

and that I have declared .....

.....duly elected.

.....
Signature of Returning Officer

Date .....

SV 10

SKOOLRAADVERKIESING

(Regulasie 19 (1))

Stembriefie No . . . . . .

VERKIESING VAN SKOOLRAAD VIR DIE DISTRIK .....

KIESEENHEID NO. .....

U KAN VIR . . . . . KANDIDAAT/KANDIDATE STEM

Volle name van kandidaat/kandidate vir wie kieser wil stem:

.....

.....

.....

.....

.....

.....

.....

.....

SV 10

SCHOOL BOARD ELECTION

(Regulation 19 (1))

Ballot Paper No. . . . . .

ELECTION OF SCHOOL BOARD FOR THE DISTRICT OF . . . . . .

ELECTORAL UNIT NO. . . . . .

YOU MAY VOTE FOR . . . . . CANDIDATE/CANDIDATES

Full names of candidate/candidates for whom voter wishes to vote:

. . . . . .
. . . . . .
. . . . . .
. . . . . .
. . . . . .
. . . . . .
. . . . . .
. . . . . .

No. R.690 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE BESTUURSRADE VAN OPENBARE SKOLE, UITGESONDERD NYWERHEID- EN VERBETERINGSKOLE

Die Minister van Onderwys en Kultuur het kragtens artikels 19 en 112 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), en met die instemming van die Minister van Begroting en Plaaslike Bestuur, die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"Direkteur" 'n Direkteur van Onderwys in artikel 4 van die Wet bedoel;

"kiesbeampte", 'n kiesbeampte in regulasie 8 beoog;

"lid" 'n lid van die bestuursraad;

"nominasievorm" 'n nominasievorm soos in Bylae B uiteengesit;

"onderwyser" iemand wat ingevolge die Wet aangestel is om onderwys by 'n skool te gee; en

"skool" by die toepassing van hierdie Regulasies 'n openbare skool soos omskryf in artikel 1 van die Wet, uitgesonderd 'n nywerheid- en verbeteringskool.

SAMESTELLING VAN BESTUURSRAAD

2. (1) Behoudens subregulasie (4) bestaan 'n bestuursraad ingevolge artikel 15 (a) van die Wet vir 'n openbare skool ingestel, uit—

(a) die skoolhoof van die betrokke skool; en

(b) die getal lede, maar nie minder as vier en nie meer as twaalf nie, wat die Direkteur ten opsigte van die betrokke skool bepaal en behoudens subregulasies (2) en (3)—

(i) deur die ouers van leerlinge van die betrokke skool genomineer en ooreenkomstig regulasie 12 (4) (b) (i) tot verkose lede van die bestuursraad verklaar is; of

(ii) deur die ouers van leerlinge van die betrokke skool ooreenkomstig regulasie 13 verkies is,

op so 'n wyse dat die meerderheid van die lede aldus verkose verklaar of verkies, na gelang van die geval, ten tyde van die samestelling van die bestuursraad ouers van leerlinge van die betrokke skool is.

(2) In die geval van 'n skool in artikel 58 (c) van die Wet bedoel, moet die Direkteur die getal lede wat die minderheidstaalgroep in 'n bestuursraad moet verteenwoordig, bepaal.

(3) (a) Waar sekere liggame na die Minister se mening volgens bestaande tradisie inspraak in die samestelling van die bestuursraad van 'n skool het, kan die Minister op versoek van die Direkteur, toestemming aan so 'n skool verleen om by die sa-

No. R.690 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO MANAGEMENT COUNCILS OF PUBLIC SCHOOLS, EXCLUDING INDUSTRIAL AND REFORM SCHOOLS

The Minister of Education and Culture has under sections 19 and 112 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), and with the concurrence of the Minister of the Budget and Local Government, made the regulations in the Schedule.

SCHEDULE

Definitions

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

"Director" means a Director of Education referred to in section 4 of the Act;

"member" means a member of the management council;

"nomination form" means a nomination form as set out in Schedule B;

"returning officer" means a returning officer referred to in regulation 8;

"school" in the application of these Regulations means a public school as defined in section 1 of the Act, excluding an industrial and a reform school;

"teacher" means a person appointed in terms of the Act to teach at a school; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

CONSTITUTION OF A MANAGEMENT COUNCIL

2. (1) Subject to subregulation (4), a management council established for a public school in terms of section 15 (a) of the Act, shall consist of—

(a) the principal of the school concerned; and

(b) the number of members, but not less than four and not more than twelve, determined by the Director in respect of the school concerned and who, subject to subregulation (2) and (3), have been—

(i) nominated by the parents of pupils of the school concerned and declared elected members of the management council in accordance with regulation 12 (4) (b) (i); or

(ii) elected by the parents of pupils of the school concerned in accordance with regulation 13,

in such a way that the majority of the members so declared elected, or elected, as the case may be, shall, at the time of the constitution of the management council, be parents of pupils of the school concerned.

(2) In the case of a school referred to in section 58 (c) of the Act, the Director shall determine the number of members to represent the minority language group.

(3) (a) Where in the opinion of the Minister, certain bodies traditionally take part in the constitution of the management council of a school, the Minister may at the request of the Director, grant permission to such a school to deviate from the provis-

mestelling van sy bestuursraad van die bepalings van subregulasies (1) (b) en (2) af te wyk in die mate en op die voorwaardes deur die Minister bepaal: Met dien verstande dat die meerderheid van die lede ten tyde van die samestelling van die bestuursraad ouers van leerlinge van die betrokke skool moet wees.

(b) Die Minister kan die toestemming in paragraaf (a) bedoel te eniger tyd na goeddunke terugtrek en die bestuursraad kragtens paragraaf (a) saamgestel, ontbind, waarna 'n nuwe bestuursraad ooreenkomstig subregulasie (1) saamgestel word.

(4) Indien die Minister van mening is dat soveel ouers van leerlinge van 'n bepaalde skool so ver buite die onmiddellike omgewing van sodanige skool woonagtig is dat die verkiesing van 'n bestuursraad deur die ouers in subparagrawe (1) en (ii) van subregulasie (1) (b) bedoel nie prakties moontlik is nie, kan die Minister, ondanks die bepalings van subregulasie (1) en (2), die bestuursraad van sodanige skool volgens sy diskresie saamstel en die lede van bedoelde raad aanstel en die betrokke Direkteur van bedoelde aanstellings in kennis stel.

DISKWALIFIKASIES VAN LEDE VAN 'N BESTUURSRAAD

3. Iemand is onbevoeg om lid van 'n bestuursraad te wees indien hy—

(a) 'n minderjarige is;

(b) behoudens regulasie 2 (1) (a), 'n onderwyser in diens van die Departement is;

(c) in 'n ander hoedanigheid as dié van onderwyser in diens van die Departement is en nie die Direkteur se toestemming het om in 'n bestuursraad te dien nie;

(d) nie 'n Suid-Afrikaanse burger is nie, tensy die Minister hom bevoeg verklaar;

(e) te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is, tensy algehele kwytskelding aan hom verleen is of die termyn van sy gevangenisstraf minstens drie jaar voor die datum van sy verkiesing as lid van so 'n raad verstryk het;

(f) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is; of

(g) 'n ongerehabiliteerde insolvent is.

AMPSTERMYNE VAN LEDE VAN BESTUURSRADE

4. (1) Behoudens die bepalings van regulasies 5 en 21 beklee die lede van 'n bestuursraad hulle ampte vir 'n termyn en vanaf 'n datum, deur die Minister bepaal: Met dien verstande dat die Minister te eniger tyd 'n lid van sy amp kan onthef om redes deur hom as voldoende geag.

(2) Behoudens die voorbehoudsbepaling by subregulasie (1) en die bepalings van regulasies 5 en 21, beklee die lede van 'n bestuursraad ondanks die verstryking van hul ampstermyne bedoel in subregulasie (1), hul ampte tot 'n nuwe bestuursraad ooreenkomstig regulasie 2 saamgestel word.

ONTBINDING EN HERSAMESTELLING VAN BESTUURSRADE

5. (1) Wanneer die getal lede van 'n bestuursraad om enige rede minder as die kworum bedoel in regulasie 19 (5) word, word sodanige bestuursraad geag ontbind te

ions of subregulations (1) (b) and (2) in the constitution of its management council, to the extent and on the conditions determined by the Minister: Provided that the majority of the members shall be parents of pupils of the school concerned at the time of the constitution of the management council.

(b) The Minister may at any time, in his discretion, withdraw the permission referred to in paragraph (a) and dissolve the management council constituted under paragraph (a), whereupon a new management council shall be constituted in accordance with subregulation (1).

(4) If the Minister is of the opinion that so many parents of pupils of a certain school reside so far outside the immediate vicinity of such school that the election of a management council by the parents referred to in subparagraph (i) and (ii) of subregulation (1) (b) is not feasible, the Minister may, notwithstanding the provisions of subregulations (1) and (2), in his discretion constitute the management council of such school and appoint the members of such council, and notify the Director concerned of such appointments.

DISQUALIFICATIONS OF MEMBERS OF A MANAGEMENT COUNCIL

3. A person shall be incompetent to be a member of a management council if he—

(a) is a minor;

(b) is, subject to regulation 2 (1) (a), a teacher in the service of the Department;

(c) is in the service of the Department in a capacity other than that of a teacher and does not have the permission of the Director to serve on the management council;

(d) is not a South African citizen, unless the Minister declares him competent;

(e) has at any time been convicted of an offence for which he was sentenced to imprisonment without the option of a fine, unless he has received a free pardon or the period of his imprisonment has expired at least three years prior to the date of his election as a member of such council;

(f) is mentally ill and has been so declared by a competent court; or

(g) is an unrehabilitated insolvent.

TERMS OF OFFICE OF MEMBERS OF MANAGEMENT COUNCILS

4. (1) Subject to the provisions of regulations 5 and 21 the members of a management council shall hold office for a term and from a date, determined by the Minister: Provided that the Minister may at any time remove a member from office for reasons he deems to be sufficient.

(2) Subject to the proviso to subregulation (1) and the provisions of regulations 5 and 21, the members of a management council shall, notwithstanding the expiration of their terms of office referred to in subregulation (1), hold office until a new management council is constituted in accordance with regulation 2.

DISSOLUTION AND RECONSTITUTION OF MANAGEMENT COUNCILS

5. (1) Whenever for any reason the number of members of a management council falls below the quorum referred to in regulation 19 (5), such management council

wees en word 'n bestuursraad ooreenkomstig regulasie 2 hersaamgestel.

(2) Indien—

(a) slegs die helfte of minder van die lede wat by die samestelling van 'n bestuursraad verkies of ooreenkomstig regulasie 12 (4) (b) (i) verkose verklaar is, nog in enige stadium op die bestuursraad dien; of

(b) minstens 60 % van alle ouers wat kragtens regulasie 7 (1) geregtig is om by 'n verkiesing van lede van 'n bestuursraad van 'n skool te stem, by 'n ouervergadering wat met minstens 14 dae skriftelike kennisgewing wat aan bedoelde ouers per pos versend moet word of aan elke leerling oorhandig moet word met die mondelinge opdrag om dit aan sy ouers te oorhandig, vir dié doel belê is, ten gunste van 'n mosie van wantroue in die betrokke bestuursraad stem,

ontbind die Minister by kennisgewing in die *Staatskoerant* bedoelde bestuursraad vanaf 'n datum in die kennisgewing vermeld waarna 'n bestuursraad ooreenkomstig regulasie 2 hersaamgestel word.

(3) Die voorsitter van 'n bestuursraad moet 'n ouervergadering soos in subregulasie (2) (b) bedoel, belê binne 21 dae nadat hy skriftelik daartoe versoek is deur minstens 20% van die stemgeregtigde ouers in daardie subregulasie bedoel.

(4) Indien die Minister oortuig is dat 'n bestuursraad versuim het om enige van die pligte wat by die Wet of hierdie Regulasies aan hom opgelê is, te verrig, kan hy so 'n bestuursraad skriftelik gelas om sodanige pligte binne die tydperk in die lasgewing vermeld, te verrig, en indien die betrokke bestuursraad steeds versuim om sodanige pligte te verrig, of nie bedoelde pligte binne sodanige tydperk tot bevrediging van die Minister verrig nie, kan die Minister by kennisgewing in die *Staatskoerant* die bestuursraad ontbind vanaf 'n datum in die kennisgewing vermeld waarna 'n bestuursraad ooreenkomstig regulasie 2 hersaamgestel word.

(5) Die lede van 'n bestuursraad ooreenkomstig hierdie regulasie saamgelees met regulasie 2 hersaamgestel, beklee hulle ampte vir die onverstreke ampstermyne van die lede van die ontbinde bestuursraad.

STATUS, BEVOEGDHEDE EN WERKSAAMHEDE VAN BESTUURSRADE

6. (1) 'n Bestuursraad—

(a) is 'n regspersoon;

(b) is die amptelike mondstuk van die ouers van die leerlinge van 'n skool;

(c) bring sake wat na sy mening betrekking het op die welsyn van die betrokke skool onder die aandag van die betrokke Onderwysdepartement bedoel in artikel 3 van die Wet en maak aanbevelings in verband met sodanige sake;

(d) oefen algemene toesig uit oor die terrein, geboue, meubels en uitrusting van die betrokke skool;

(e) maak aanbevelings aan die Direkteur in verband met die aanstelling van onderwysers in permanente hoedanigheid;

(f) bepaal die skooldrag van leerlinge van die skool;

(g) adviseer die skoolraad oor vervoerskemas vir leerlinge van die skool;

shall be deemed to have been dissolved and a management council shall be reconstituted in accordance with regulation 2.

(2) If—

(a) at any stage only half or fewer of the members who, at the constitution of a management council were elected, or declared elected in accordance with regulation 12 (4) (b) (i), are still in office; or

(b) at least 60 % of all parents entitled to vote under regulation 7 (1) at the election of members of a management council of a school, should, at a parents' meeting convened for this purpose with at least fourteen days' prior written notice which shall be sent by post to such parents, or be handed to each pupil with the oral instruction to hand it to his parents, vote for a motion of no confidence in the management council concerned,

the Minister shall by notice in the *Gazette* dissolve such management council with effect from a date mentioned in the notice, whereupon a management council shall be reconstituted in accordance with regulation 2.

(3) The chairman of a management council shall convene a parents' meeting as contemplated in subregulation (2) (b), within 21 days after he has been requested thereto in writing by not less than 20% of the parents entitled to vote referred to in the subregulation.

(4) If the Minister is satisfied that a management council has failed to perform any of the duties imposed upon it by the Act or these Regulations, he may direct such management council in writing to perform such duties within the period mentioned in the direction, and if the management council concerned still fails to perform such duties or does not perform such duties within such period to the satisfaction of the Minister, the Minister may by notice in the *Gazette* dissolve the management council with effect from a date mentioned in the notice, whereafter a management council shall be reconstituted in accordance with regulation 2.

(5) The members of a management council reconstituted in accordance with this regulation read with regulation 2, shall hold office for the unexpired terms of office of the members of the dissolved management council.

STATUS, POWERS AND FUNCTIONS OF MANAGEMENT COUNCIL

6. (1) A management council—

(a) shall be a body corporate;

(b) shall be the official mouthpiece of the parents of the pupils of a school;

(c) shall bring to the notice of the education department concerned referred to in section 3 of the Act, matters which, in its opinion, concern the welfare of the school concerned, and shall make recommendations with regard to such matters;

(d) shall exercise general supervision over the grounds, buildings, furniture and equipment of the school concerned;

(e) shall make recommendations to the Director with regard to the appointment of teachers in a permanent capacity;

(f) shall determine the school wear of pupils of the school;

(g) shall advise the school board in regard to transport schemes for pupils of the school;

(h) maak aanbevelings aan die skoolhoof met betrekking tot—

(i) die daaglikse openings- en sluitingstye van die skool;

(ii) die buitemuurse bedrywighede van die skool;

(iii) die gedragskode vir leerlinge van die skool; en

(iv) die algemene voorkoms van leerlinge van die skool;

(i) doen minstens een keer per jaar by 'n ouervergadering of in 'n nuusbrief aan die ouers van leerlinge van die skool verslag oor sy werksaamhede; en

(j) oefen die ander bevoegdhede uit en verrig die ander werksaamhede wat die Wet of die Direkteur aan hom verleen of opdra.

(2) 'n Bestuursraad of 'n lid van 'n bestuursraad in sy hoedanigheid as lid van die bestuursraad, bemoei hom nie met die professionele werk van 'n onderwyser by die verrigting van sy pligte nie.

(3) Die werksaamhede van 'n bestuursraad ingevolge hierdie Regulasies word gedurende die tydperk—

(a) vanaf die instelling van 'n nuwe skool tot die samestelling van sy eerste bestuursraad; en

(b) vanaf die ontbinding van die bestuursraad van 'n skool tot die hersamestelling daarvan soos beoog in regulasie 5,

deur die betrokke skoolraad verrig.

STEMREG

7. (1) Elke ouer wat een of meer kinders as ingeskrewe leerlinge by 'n skool het, is geregtig om by 'n verkiesing van die lede van die bestuursraad vir daardie skool te stem.

(2) Iemand wat kragtens subregulasie (1) geregtig is om te stem, het een stem ten opsigte van elke kandidaat met 'n maksimum aantal stemme gelyk aan die getal lede wat ooreenkomstig regulasie 2 verkies moet word.

KIESBEAMPTE

8. (1) Die Direkteur wys die skoolhoof of die sekretaris van die skoolraad of 'n ander lid van die skoolraadspersoneel aan om as kiesbeampte vir die verkiesing van 'n bestuursraad op te tree.

(2) Die kiesbeampte kan een of meer amptenare in diens van die Departement, lede van die skoolraadspersoneel of skoolpersoneel aanstel om by 'n verkiesing as verkiesingsbeamptes behulpsaam te wees.

(3) Die kiesbeampte tree op as voorsitter van enige vergadering wat met die oog op 'n verkiesing van 'n bestuursraad gehou word.

DATUM, TYD EN PLEK VAN NOMINASIEVERGADERING

9. Die kiesbeampte bepaal 'n datum, tyd en plek vir 'n nominasievergadering wat gehou moet word—

(a) in die geval van 'n nuwe bestuursraad, nie later nie as 30 dae nadat die Minister 'n bestuursraad vir 'n skool ingestel het; of

(b) in die geval van 'n bestaande bestuursraad, nie vroeër nie as 30 dae voor, en nie later nie as 30

(h) shall make recommendations to the principal regarding—

(i) the daily opening and closing times of the school;

(ii) the extramural activities of the school;

(iii) the code of conduct for pupils of the school; and

(iv) the general appearance of pupils of the school;

(i) shall at least once per year at a parents' meeting or in a newsletter, report to the parents of pupils of the school on its activities; and

(j) shall exercise such other powers, or perform such other functions as the Act or the Director may confer upon it or assign to it.

(2) A managment council or a member of a management council in his capacity as a member of the management council, shall not interfere with the professional work of a teacher in the performance of his duties.

(3) The functions of a management council in terms of these Regulations shall during the period—

(a) from the establishment of a new school until the constitution of its first management council; and

(b) from the dissolution of the management council of a school until the reconstitution thereof as contemplated in regulation 5,

be performed by the school board concerned.

FRANCHISE

7. (1) Every parent having one or more children enrolled as pupils at a school, shall be entitled to vote at an election of the members of the management council of such school.

(2) Any person who is under subregulation (1) entitled to vote, shall have one vote in respect of each candidate, with a maximum number of votes equal to the number of members to be elected in accordance with regulation 2.

RETURNING OFFICER

8. (1) The Director shall designate the principal or the secretary of the school board or another member of the school board staff to act as returning officer for the election of a management council.

(2) The returning officer may appoint one or more officers in the service of the Department, members of the school board staff or school staff, to assist at an election as electoral officers.

(3) The returning officer shall preside at any meeting held for the purposes of an election of a management council.

DATE, TIME AND PLACE OF NOMINATION MEETING

9. The returning officer shall determine a date, time and place for a nomination meeting which shall be held—

(a) in the case of a new management council, not later than 30 days after the Minister has established a management council for a school; or

(b) in the case of an existing management council, not earlier than 30 days prior to, and not later than 30

dae na, die verstryking van die ampstermyn van so 'n bestuursraad.

KENNISGEWING VAN 'N NOMINASIEVERGADERING

10. (1) Die kiesbeampte stel 'n kennisgewing van die nominasievergadering bedoel in regulasie 9 in die vorm van Bylae A op waarin die datum, tyd en plek van die vergadering en moontlike stemming aangedui word en voorsien die skoolhoof (indien die skoolhoof nie die kiesbeampte is nie) minstens 20 dae voor die datum van die nominasievergadering van 'n voldoende aantal afskrifte van sodanige kennisgewing sodat aan die bepalings van subregulasie (2) uitvoering gegee kan word.

(2) Die skoolhoof moet minstens 14 dae voor die datum van die nominasievergadering 'n afskrif van die kennisgewing in subregulasie (1) bedoel—

(a) aan elke leerling van die betrokke skool oorhandig met die mondelinge opdrag om dit aan sy ouers te oorhandig; of

(b) aan die ouers van elke sodanige leerling per pos versend, indien hy dit dienstig ag.

BESKIKBAARSTELLING VAN SKOOLREGISTER

11. Indien die skoolhoof nie die kiesbeampte is nie, stel hy die register wat die name en adresse van die ouers van leerlinge van die betrokke skool bevat aan die kiesbeampte beskikbaar vir kontroledoeleindes by die nominasievergadering en, indien nodig, by die stemming in regulasie 13 beoog.

NOMINASIES

12. (1) 'n Kandidaat kan deur 'n ouer van 'n leerling van die betrokke skool genomineer word—

(a) deur 'n nominasievorm wat behoorlik deur die voorsteller, sekondant en kandidaat voltooi is, nie meer nie as sewe dae, en nie minder nie as 24 uur, voor die aanvang van die nominasievergadering by die kiesbeampte in te dien; of

(b) deur iemand tydens die nominasievergadering as 'n lid van die bestuursraad voor te stel, mits 'n ander ouer die voorstel sekondeer en 'n nominasievorm wat behoorlik deur die voorsteller, die sekondant en, indien teenwoordig, die kandidaat voltooi is, binne die tyd in subregulasie (2) bedoel, by die kiesbeampte ingedien word.

(2) Die kiesbeampte bepaal die tyd wat tydens die nominasievergadering vir die nominasie van kandidate toegelaat sal word, en stel die vergadering daarvan in kennis.

(3) Na verstryking van die tyd in subregulasie (2) bedoel, oorweeg die kiesbeampte die nominasies en verwerp die nominasie van enige kandidaat wat—

(a) nie ooreenkomstig subregulasie (1) genomineer is nie;

(b) onbevoeg is soos in regulasie 3 bedoel; of

(c) in die geval van 'n nominasie in subregulasie (1) (b) bedoel, nie bedoelde nominasievorm voltooi het nie, tensy skriftelike bewys tot die bevrediging van die kiesbeampte voor die verstryking van die tyd in subregulasie (2) bedoel voorgelê word dat so 'n kandidaat bereid sal wees om as lid van die bestuursraad te dien,

days after, the expiry of the period of office of such management council.

NOTICE OF A NOMINATION MEETING

10. (1) The returning officer shall prepare a notice in the form of Schedule A, of the nomination meeting referred to in regulation 9, in which the date, time and place of the meeting and possible poll shall be stated and shall, at least 20 days prior to the date of the nomination meeting, provide the principal (if the principal is not the returning officer) with a sufficient number of copies of such notice in order that the provisions of subregulations (2) may be carried into effect.

(2) The principal shall at least 14 days prior to the date of the nomination meeting—

(a) hand a copy of the notice referred to in subregulation (1) to every pupil of the school concerned with the oral instruction to hand it to his parents; or

(b) send a copy of such notice to the parents by post, if he deems it expedient.

MAKING SCHOOL REGISTER AVAILABLE

11. If the principal is not the returning officer, he shall place the register containing the names and addresses of the parents of pupils of the school concerned, at the disposal of the returning officer for purposes of control at the nomination meeting and, if necessary, at the poll referred to in regulation 13.

NOMINATIONS

12. (1) A candidate may be nominated by a parent of a pupil of the school concerned—

(a) by lodging with the returning officer, not more than seven days, and not less than 24 hours, prior to the commencement of the nomination meeting, a nomination form duly completed by the proposer, seconder and candidate; or

(b) by proposing a person as a member of the management council during the nomination meeting, provided that another parent seconds the proposal and a nomination form duly completed by the proposer, the seconder and, if present, the candidate, is, within the time referred to in subregulation (2), lodged with the returning officer.

(2) The returning officer shall determine the time to be allowed for the nomination of candidates during the nomination meeting, and shall inform the meeting thereof.

(3) After the expiry of the time referred to in subregulation (2), the returning officer shall consider the nominations and reject the nomination of any candidate who—

(a) has not been nominated in accordance with subregulation (1);

(b) is incompetent as contemplated in regulation 3; or

(c) in the case of a nomination referred to in subregulation (1) (b), has not completed the said nomination form, unless written proof to the satisfaction of the returning officer is submitted before the expiry of the time referred to in subregulation (2), that such candidate will be willing to serve as a member of the management council,

en daarop maak die kiesbeampte die name van die kandidate wie se nominasie aanvaar is, bekend.

(4) (a) Indien—

(i) die totale getal kandidate wie se nominasies aanvaar is soos beoog in subregulasie (3) minder is as die getal lede wat ingevolge regulasie 2 (1) (b) ten opsigte van die betrokke bestuursraad bepaal is; of

(ii) die getal aldus aanvaarde kandidate wat ouers van leerlinge van die betrokke skool is, minder is as die getal van sodanige ouers wat vir die betrokke bestuursraad verkies moet word soos beoog in regulasie 2 (1) (b),

moet 'n nuwe vergadering ooreenkomstig die bepalings van hierdie Regulasies belê word waarop nuwe kandidate aldus genomineer kan word.

(b) Indien die getal aldus aanvaarde kandidate wat ouers van leerlinge van die betrokke skool is gelyk aan of meer is as die getal ouers wat vir die betrokke bestuursraad verkies moet word soos beoog in regulasie 2 (1) (b) en die totale getal aldus aanvaarde kandidate—

(i) gelyk is aan die getal lede wat ingevolge regulasie 2 (1) (b) ten opsigte van die betrokke bestuursraad bepaal is, verklaar die kiesbeampte elke aldus aanvaarde kandidaat tot 'n behoorlik verkose lid van die bestuursraad; of

(ii) meer is as die getal lede wat ingevolge regulasie 2 (1) (b) ten opsigte van die betrokke bestuursraad bepaal is, word 'n stemming ooreenkomstig regulasie 13 gehou.

STEMMING

13. (1) Die stemming bedoel in regulasie 12 (4) (b) (ii) word op die datum, tyd en plek ooreenkomstig regulasie 10 (1) bepaal, gehou.

(2) Die kiesbeampte reik aan elke ouer in regulasie 7 (1) bedoel wat sy stem wil uitbring, 'n stembrief waarop 'n amptelike merk of stempel voorkom, uit.

(3) Die kiesbeampte bepaal die vorm van sodanige stembrief op so 'n wyse dat die stembrief die ouer in staat stel om sy stem uit te bring—

(a) deur op die stembrief die name van die kandidate vir wie hy stem, te skryf; of

(b) deur op die stembrief 'n kruisie teenoor die name van die kandidate vir wie hy stem, te maak.

(4) 'n Ouer bedoel in subregulasie (2) bring sy stem op die stembrief beoog in subregulasie (3) uit: Met dien verstande dat indien so 'n ouer weens blindheid of 'n ander liggaamsgebrek nie in staat is om sy stem aldus uit te bring nie, die kiesbeampte, op versoek van bedoelde ouer en in die teenwoordigheid van 'n getuie deur die betrokke ouer benoem, die stem van sodanige ouer op die kandidaat of kandidate deur die betrokke ouer aangedui, op die stembrief beoog in subregulasie (3) uitbring.

(5) Die kiesbeampte verwerp 'n stembrief—

(a) waarop die amptelike merk of stempel in subregulasie (2) beoog, nie voorkom nie;

and thereupon the returning officer shall announce the names of the candidates whose nominations have been accepted.

(4) (a) If—

(i) the total number of candidates whose nominations have been accepted as contemplated in subregulation (3), is less than the number of members determined in terms of regulation 2 (1) (b) in respect of the management council concerned; or

(ii) the number of thus accepted candidates who are parents of pupils of the school concerned, is less than the number of such parents to be elected for the management council concerned as contemplated in regulation 2 (1) (b),

a new meeting at which new candidates may be nominated shall be convened in accordance with the provisions of these Regulations.

(b) If the number of thus accepted candidates who are parents of pupils of the school concerned is equal to or more than the number of parents to be elected for the management council concerned as contemplated in regulation 2 (1) (b), and the total number of thus accepted candidates—

(i) is equal to the number of members determined in terms of regulation 2 (1) (b) in respect of the management council concerned, the returning officer shall declare every thus accepted candidate to be a duly elected member of the management council; or

(ii) is more than the number of members determined in terms of regulation 2 (1) (b) in respect of the management council concerned, a poll shall be held in accordance with regulation 13.

POLL

13. (1) The poll referred to in regulation 12 (4) (b) (ii) shall be held on the date and at the time and the place determined in accordance with regulation 10 (1).

(2) The returning officer shall issue to every parent referred to in regulation 7 (1) who wishes to vote, a ballot paper on which an official mark or stamp appears.

(3) The returning officer shall determine the form of such ballot paper in such a manner that the ballot paper shall enable the parent to record his vote—

(a) by writing on the ballot paper the names of the candidates for whom he votes; or

(b) by making a cross on the ballot paper opposite the names of the candidates for whom he votes.

(4) A parent referred to in subregulation (2) shall record his vote on the ballot paper referred to in subregulation (3): Provided that if such parent is on account of blindness or any other physical defect unable thus to record his vote, the returning officer may, at the request of the said parent and in the presence of a witness named by the parent concerned, record the vote of such parent on the ballot paper referred to in subregulation (3) for the candidate or candidates indicated by the parent concerned.

(5) The returning officer shall reject a ballot paper—

(a) on which the official mark or stamp referred to in subregulation (2) does not appear;

(b) waarop meer stemme uitgebring is as die getal lede wat ooreenkomstig regulasie 2 verkies moet word; of

(c) wat so voltooi is dat dit volgens die oordeel van die kiesbeampte onseker is op watter kandidaat of kandidate 'n stem uitgebring is.

(6) Na die verwerping van die stembriewe in subregulasie (5) bedoel, moet die kiesbeampte—

(a) in die teenwoordigheid van elke kandidaat wat teenwoordig wil wees die stemme wat op elke kandidaat uitgebring is, tel; en

(b) uitgesonderd 'n bestuursraad in regulasie 2 (2) bedoel, die getal—

(i) ouers wat ingevolge regulasie 2 (1) (b) ten opsigte van die betrokke bestuursraad bepaal is, op wie die meeste stemme uitgebring is; en

(ii) oorblywende persone wat ingevolge regulasie 2 (1) (b) ten opsigte van die betrokke bestuursraad bepaal is, op wie die meeste stemme uitgebring is, ongeag of sodanige kandidate ouers is al dan nie,

tot behoorlik verkose lede van die betrokke bestuursraad verklaar en die getal stemme wat op elke kandidaat uitgebring is, vermeld.

(7) Waar die getal stemme wat op twee of meer kandiate uitgebring is, gelyk is en dit die uitslag van die stemming raak, stel die kiesbeampte die uitslag met betrekking tot bedoelde kandidate deur loting vas.

VERKIESING VAN BESTUURSRADE VAN PARALLELMEDIUMSKOLE

14. (1) Nadat die Direkteur ingevolge regulasie 2 (2) die getal lede wat die minderheidstaalgroep in 'n bestuursraad van 'n skool in artikel 58 (c) van die Wet bedoel, bepaal het, bepaal die kiesbeampte die getal lede wat die meerderheidstaalgroepe moet verteenwoordig deur die getal lede wat ingevolge regulasie 2 (2) bepaal is, af te trek van die getal lede wat ingevolge regulasie 2 (1) (b) ten opsigte van die betrokke skool bepaal is.

(2) 'n Afsonderlike verkiesing vir lede van 'n bestuursraad in subregulasie (1) bedoel moet ten opsigte van die lede wat elk van die twee taalgroepe moet verteenwoordig gehou word, en by sodanige verkiesing het slegs die ouers van leerlinge van die betrokke skool wat tot die betrokke taalgroep behoort, stemreg.

(3) Die bepalings van regulasies 9, 10, 11, 12 en 13 is *mutatis mutandis* van toepassing op 'n verkiesing in subregulasie (2) bedoel.

BESLISSING VAN KIESBEAMPTE

15. Die kiesbeampte beslis alle aangeleenthede wat met die nominasie van kandidate of stemming bedoel in regulasie 13 verband hou, en sy beslissing is finaal.

PROSEDURE NA VERKIESING VAN BESTUURSRAAD

16. Na die verkiesing van 'n bestuursraad moet die kiesbeampte—

(a) alle dokumente, met inbegrip van stembriewe, wat by so 'n verkiesing gebruik is in koeverte plaas en die koeverte verseël;

(b) on which more votes are recorded than the number of membrs to be elected in accordance with regulation 2; or

(c) which is completed in such a way that it is in the opinion of the returning officer uncertain for which candiate or candidates a vote was recorded.

(6) After the rejection of the ballot papers referred to in subregulation (5), the returning officer shall—

(a) in the presence of every candidate who wishes to be present, count the votes recorded for every candidate; and

(b) excluding a management council referred to in regulation 2 (2), declare—

(i) the number of parents determined in terms of regulation 2 (1) (b) in respect of the management council concerned, for whom the greatest number of votes have been recorded; and

(ii) the number of remaining persons determined in terms of regulation 2 (1) (b) in respect of the management council concerned, for whom the greatest number of votes have been recorded, irrespective of whether such candidates are parents or not,

to be duly elected members of the management council concerned and state the number of votes recorded for every candidate.

(7) Where the number of votes recorded for two or more candidates is equal and it affects the result of the poll, the returning officer shall ascertain the result with regard to the said candidates by lot.

ELECTION OF MANAGEMENT COUNCILS OF PARALLEL MEDIUM SCHOOLS

14. (1) After the Director has in terms of regulation 2 (2) determined the number of members to represent the minority language group in a management council of a school referred to in section 58 (c) of the Act, the returning officer shall determine the number of members to represent the majority language group by deducting the number of members determined in terms of regulation 2 (2), from the number of members determined in terms of regulation 2 (1) (b) in respect of the school concerned.

(2) A separate election for members of a mangement council referred to in subregulation (1) shall be held in respect of the members representing each of the two language groups, and at such election only the parents of pupils of the school concerned belonging to the language group concerned, shall be entitled to vote.

(3) The provisions of regulations 9, 10, 11, 12 and 13 shall *mutatis mutandis* apply to an election referred to in subregulation (2).

DECISION OF RETURNING OFFICER

15. The returning officer shall decide all matters connected with the nomination of candidates or the poll referred to in regulation 13, and his decision shall be final.

PROCEDURE AFTER ELECTION OF MANAGEMENT COUNCIL

16. After the election of a management council the returning officer shall—

(a) place all documents, including ballot papers, used at such election in envelopes and seal the envelopes;

(b) daardie koeverte in veilige bewaring hou vir 'n tydperk van minstens drie maande vanaf die datum van die verkiesing van die betrokke bestuursraad;

(c) elke verkose lid, met inbegrip van 'n lid in regulasie 12 (4) (b) (i) bedoel, skriftelik in kennis stel van sy verkiesing; en

(d) die skoolhoof (indien die skoolhoof nie die kiesbeampte is nie) en die betrokke skoolraad onverwyld skriftelik in kennis stel van die datum van die verkiesing en van die name en adresse van die persone wat tot lede verkies is met inbegrip van die name en die addresse van die prsone wat ooreenkomstig regulasie 12 (4) (b) (i) verkose verklaar is.

KENNISGEWING WAAR LEDE VAN BESTUURSRAAD AANGESTEL WORD

17. Die Direkteur moet die skoolhoof en die betrokke skoolraad onverwyld skriftelik in kennis stel van die name en adresse van die lede van 'n bestuursraad ingevolge regulasie 2 (4) aangestel nadat die Minister die betrokke Direkteur van die name en adresse van sodanige lede in kennis gestel het.

VERKIESING VAN AMPSBEKLEËRS

18. (1) Die skoolhoof belê die eerste vergadering van die bestuursraad—

(a) in die geval waar hy die kiesbeampte was, binne 14 dae na die verkiesing van die bestuursraad; of

(b) in ander gevalle, binne 14 dae na dat hy ooreenkomstig regulasie 16 (d) of 17, na gelang van die geval, van die name en adresse van die lede van die bestuursraad in kennis gestel is.

(2) Op die eerste vergadering van die bestuursraad—

(a) verkies so 'n raad die ampsbekleërs in artikel 16 (1) van die Wet bedoel: Met dien verstande dat die skoolhoof nie tot een van hierdie twee ampte verkies mag word nie; en

(b) benoem so 'n raad 'n lid van die administratiewe personeel van die betrokke skool as sekretaris sonder stemreg, of verkies hy uit sy geledere 'n sekretaris.

(3) Behoudens die bepalings van subregulasie (4), beklee die voorsitter en ondervoorsitter hul ampte vir 'n termyn van 12 maande vanaf die datum van hul verkiesing en kan na verstryking van genoemde termyn herkies word.

(4) Waar die amp van voorsitter of ondervoorsitter om enige rede vakant raak, verkies die bestuursraad op die eerste vergadering nadat daardie vakature ontstaan het, behoudens die bepalings van subregulasie (2) (a), een van sy lede om daardie vakature vir die onverstreke ampstermyn van sy voorganger te vul.

(5) Die skoolhoof sit voor by 'n verkiesing bedoel in subregulasie (2) (a), asook by 'n verkiesing bedoel in subregulasie (4) indien beide die ampte van voorsitter en ondervoorsitter vakant is.

(6) Die skoolhoof moet na 'n vergadering waarop enige ampsbekleër ooreenkomstig hierdie regulasie verkies of benoem is, die sekretaris van die betrokke skoolraad onverwyld skriftelik in kennis stel van die datum van die vergadering en van die naam, adres en amp van die persoon verkies of benoem.

(b) keep those envelopes in safe custody for a period of at least three months from the date of the election of the management council concerned;

(c) notify each elected member, including a member referred to in regulation 12 (4) (b) (i), in writing of his election;

(d) notify the principal (if the principal is not the returning officer) and school board concerned forthwith in writing of the date of the election and of the names and addresses of the persons declared elected in accordance with regulation 12 (4) (b) (i).

NOTICE WHERE MEMBERS OF MANAGEMENT COUNCIL ARE APPOINTED

17. The Director shall notify the principal and the school board concerned forthwith in writing of the names and addresses of the members of a management council appointed in terms of regulation 2 (4), after the Minister has notified the Director of the names and addresses of such members.

ELECTION OF OFFICE BEARERS

18. (1) The principal shall convene the first meeting of the management council—

(a) in the case where he was the returning officer, within 14 days after the election of the management council; or

(b) in other cases, within 14 days after he was notified in accordance with regulation 16 (d) or 17, as the case may be, of the names and addresses of the members of the management council.

(2) At the first meeting of the management council—

(a) such council shall elect the office bearers referred to in section 16 (1) of the Act: Provided that the principal shall not be elected to one of these two offices; and

(b) such council shall nominate a member of the administrative staff of the school concerned as secretary without the right to vote, or elect a secretary from its ranks.

(3) Subject to the provisions of subregulation (4), the chairman and vice-chairman shall remain in office for a term of 12 months from the date of their election and may after the expiry of the said term, be re-elected.

(4) Where for any reason the office of chairman or vice-chairman becomes vacant, the management council shall, subject to the provisions of subregulation (2) (a), at the first meeting after that vacancy has occurred, elect one of its members to fill that vacancy for the unexpired period of office of his predecessor.

(5) The principal shall preside at an election referred to in subregulation (2) (a), and also an election referred to in subregulation (4) if both the offices of chairman and vice-chairman are vacant.

(6) The principal shall, after a meeting at which any office bearer has been elected or nominated in accordance with this regulation, notify the secretary of the school board concerned forthwith in writing of the date of the meeting and of the name, address and office of the person elected or nominated.

VERGADERINGS VAN BESTUURSRADE

19. (1) 'n Bestuursraad vergader minstens een keer gedurende 'n skoolkwartaal.

(2) Die voorsitter van 'n bestuursraad bepaal die datum, tyd en plek van 'n vergadering en die sekretaris van so 'n raad stel elke lid minstens 14 dae voor sodanige vergadering skriftelik daarvan in kennis: Met dien verstande dat in die geval van 'n saak wat na die oordeel van die voorsitter van die bestuursraad spoedeisend hanteer moet word, minstens 24 uur kennis gegee kan word.

(3) Enigiemand kan op uitnodiging van die bestuursraad by 'n vergadering van so 'n raad teenwoordig wees en aan die besprekings deelneem, maar het nie stemreg nie en verlaat die vergadering wanneer die bestuursraad aldus besluit.

(4) 'n Bestuursraad kan vereis dat enige personeellid van die betrokke skool 'n vergadering van so 'n raad moet bywoon in verband met enige aangeleentheid wat op die werksaamhede van die bestuursraad betrekking het.

(5) Die meerderheid van die getal lede van 'n bestuursraad ooreenkomstig regulasie 2 saamgestel, maak n kworum vir enige vergadering van die bestuursraad uit.

(6) 'n Bestuursraad bepaal sy eie reëls betreffende sy vergaderings en prosedures op daardie vergaderings.

NOTULES VAN VERRIGTINGE VAN VERGADERINGS

20. (1) Die sekretaris van 'n bestuursraad hou notule van die verrigtinge van elke vergadering en voorsien die Direkteur, op sy versoek, van 'n afskrif van so 'n notule.

(2) Die notule van die verrigtinge van elke vergadering van 'n bestuursraad of komitee daarvan—

(a) moet op die eersvolgende vergadering van die bestuursraad of komitee daarvan, na gelang van die geval, vir goedkeuring voorgelê word; en

(b) moet te alle redelike tye ter insae lê van die lede en die Direkteur.

(3) By die ontbinding van 'n bestuursraad of die verstryking van sy ampstermyn moet alle notules en ander dokumente van so 'n raad of enige komitee daarvan aan die betrokke skoolhoof oorhandig word.

(4) By die sluiting van 'n skool moet die skoolhoof alle notules en ander dokumente van die bestuursraad of enige komitee daarvan by die betrokke skoolraadskantoor vir veilige bewaring inhandig.

TOEVALLIGE VAKATURES IN BESTUURSRADE

21. (1) 'n Toevallige vakature in 'n bestuursraad ontstaan indien 'n lid—

(a) bedank;

(b) te sterwe kom;

(c) sonder die toestemming van die bestuursraad van drie agtereenvolgende vergaderings afwesig is;

(d) onbevoeg word soos in regulasie 3 bedoel; of

(e) ingevolge regulasie 4 (1) van sy amp onthef is.

MEETINGS OF MANAGEMENT COUNCILS

19. (1) A management council shall meet at least once during a school quarter.

(2) The chairman of a management council shall determine the date, time and place of a meeting and the secretary of such council shall at least 14 days prior to such meeting, notify each member in writing thereof: Provided that in the case of a matter requiring urgent handling in the opinion of the chairman of the management council, at least 24 hours' notice may be given.

(3) Any person may on the invitation of the management council be present at a meeting of such council and take part in the discussion, but shall have no vote and shall leave the meeting when the management council so decides.

(4) A management council may require any staff member of the school concerned to attend a meeting of such council in connection with any matter relating to the functions of the management council.

(5) The majority of the number of members of a management council constituted in accordance with regulation 2, shall constitute a quorum for any meeting of the management council.

(6) A management council shall determine its own rules relating to its meetings and procedures at those meetings.

MINUTES OF PROCEEDINGS OF MEETINGS

20. (1) The secretary of a management council shall keep minutes of the proceedings of every meeting and shall provide the Director, at his request, with a copy of such minutes.

(2) The minutes of the proceedings of every meeting of a management council or committee thereof—

(a) shall at the next ensuing meeting of the management council or committee thereof, as the case may be, be submitted for approval; and

(b) shall at all reasonable times be open for inspection by the members and the Director.

(3) Upon the dissolution of a management council or the expiry of its term of office, all minutes and other documents of such council or any committee thereof shall be handed to the principal concerned.

(4) At the closure of a school the principal shall hand in all minutes and other documents of the management council or any committee thereof at the school board office concerned for safe-keeping.

CASUAL VACANCIES IN MANAGEMENT COUNCILS

21. (1) A casual vacancy shall occur in a management council if a member—

(a) resigns;

(b) dies;

(c) is absent from three consecutive meetings without the permission of the management council;

(d) becomes incompetent as contemplated in regulation 3; or

(e) was removed from office in terms of regulation 4 (1).

(2) Wanneer 'n toevallige vakature ontstaan—

(a) in die amp van 'n lid in regulasie 2 (4) beoog, stel die Minister onverwyld 'n bevoegde persoon aan; en

(b) in die amp van enige ander lid, moet die bestuursraad so 'n vakature by wyse van koöptering vul.

(3) 'n Lid wat ooreenkomstig subregulasie (2) aangestel of gekoöpteer is, beklee sy amp vir die oorblywende ampstermyn van sy voorganger.

(4) Waar 'n vakature gevul is—

(a) ooreenkomstig subregulasie (2) (a), moet die Direkteur nadat hy van bedoelde aanstelling in kennis gestel is deur die Minister; en

(b) ooreenkomstig subregulasie (2) (b), moet die sekretaris van die betrokke bestuursraad,

die betrokke skoolraad, en in die geval van 'n aanstelling bedoel in paragraaf (a), die skoolhoof, onverwyld skriftelik in kennis stel van die naam van die lid in wie sy amp die vakature ontstaan het en van die naam en adres van sy opvolger.

(2) Whenever a casual vacancy occurs—

(a) in the office of a member referred to in regulation 2 (4), the Minister shall forthwith appoint a competent person; and

(b) in the office of any other member, the management council shall fill such vacancy by means of co-option.

(3) A member appointed or co-opted in accordance with subregulation (2), shall remain in office for the unexpired term of office of his predecessor.

(4) Where a vacancy has been filled—

(a) in accordance with subregulation (2) (a), the Director shall, after he was notified of the said appointment by the Minister; and

(b) in accordance with subregulation (2) (b), the secretary of the management council concerned shall,

forthwith notify the school board concerned, and in the case of an appointment referred to in paragraph (a), the principal, in writing of the name of the member in whose office the vacancy has occurred and of the name and address of his successor.

BYLAE A

KENNISGEWING VAN NOMINASIEVERGADERING EN STEMMING

VERKIESING VAN LEDE VAN BESTUURSRAAD

(Regulasies 10 en 13)

NAAM VAN SKOOL: .....

Kennis geskied hiermee dat 'n vergadering vir die nominasie van kandidate vir die verkiesing van ..... lede van die bestuursraad vir bogenoemde skool, op ..... (datum) om .....:..... (tyd) by ..... (plek) gehou sal word.

'n Kandidaat kan ook genomineer word deur 'n nominasievorm, behoorlik voltooi deur die voorsteller, sekondant en kandidaat, nie meer nie as sewe dae, en nie minder nie as 24 uur, voor die aanvang van bogenoemde vergadering by die kiesbeampte in te dien.

Indien meer kandidate genomineer word as die getal lede wat verkies moet word, sal 'n stemming op ..... (datum) vanaf .....:..... tot .....:..... by ..... (plek) gehou word.

....
Datum Handtekening van kiesbeampte

Adres .....
.....
.....
.....

INLIGTING IN VERBAND MET VERKIESING

(Moet kennisgewing van nominasievergadering en stemming vergesel)

1. SAMESTELLING VAN BESTUURSRAAD

(a) Die bestuursraad bestaan uit—

(i) die skoolhoof; en

(ii) ..... lede verkies deur die ouers van leerlinge van die skool.

(b) Die meerderheid van die lede in paragraaf (a) (ii) beoog, moet ouers wees.

2. NOMINASIES

(a) Elke kandidaat moet deur 'n ouer voorgestel en deur 'n ander ouer gesekondeer word. 'n Ouer wat 'n kandidaat voorstel of sekondeer moet homself oortuig dat die kandidaat bevoeg is om tot lid verkies te word.

(b) 'n Nominasievorm moet ten opsigte van elke kandidaat voltooi word. Hierdie vorms is voor die vergadering van die skoolhoof verkrygbaar en sal ook by die vergadering beskikbaar wees.

3. DISKWALIFIKASIE VAN LEDE

'n Kandidaat is onbevoeg om 'n lid te wees indien hy—

(a) 'n minderjarige is;

(b) behalwe in die geval van die skoolhoof, 'n onderwyser in diens van die Departement is;

(c) in 'n ander hoedanigheid in diens van die Departement is en hy nie die Direkteur se toestemming het om in die bestuursraad te dien nie;

(d) nie 'n Suid-Afrikaanse burger is nie tensy die Minister hom bevoeg verklaar;

(e) aan enige misdryf skuldig bevind is waarvoor hy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is, tensy algehele kwytskelding aan hom verleen is of die termyn van sy gevangenisstraf minstens drie jaar voor die datum van sy verkiesing verstryk het;

(f) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is; of

(g) 'n ongerehabiliteerde insolvent is.

4. STEMREG

(a) Elke ouer van een of meer kinders op die register van 'n skool ten tye van die verkiesing van lede van 'n bestuursraad vir sodanige skool, is geregtig om by sodanige verkiesing te stem.

(b) Iemand wat nie die natuurlike ouer is nie, maar 'n persoon is in wie se bewaring een of meer kinders in paragraaf (a) beoog wettig geplaas is, is geregtig om by sodanige verkiesing te stem.

(c) Iemand wat geregtig is om te stem, het een stem ten opsigte van enige besondere kandidaat: Met dien verstande dat die totale getal stemme van so iemand nie die getal lede wat verkies moet word, oorskry nie.

SCHEDULE A

NOTICE OF NOMINATION MEETING AND POLL

ELECTION OF MEMBERS OF MANAGEMENT COUNCIL

(Regulations 10 and 13)

NAME OF SCHOOL: .....

Notice is hereby given that a meeting for the nomination of candidates for the election of ..... members of the management council for the abovementioned school, will be held on ..... (date) at ..... (time) at ..... (place).

A candidate may also be nominated by lodging with the returning officer, not more than seven days and not less than 24 hours prior to the commencement of the above meeting, a nomination form duly completed by the proposer, seconder and candidate.

If more candidates are nominated than the number of members to be elected, a poll will be held on ..... (date) from ..... to ..... at ..... (place).

..... Date

..... Signature of Returning Officer

Address .....

.....

.....

.....

INFORMATION IN CONNECTION WITH ELECTION

(To accompany notice of nomination meeting and poll)

1. CONSTITUTION OF MANAGEMENT COUNCIL

(a) The management council shall consist of—

(i) the principal; and

(ii) ..... members elected by the parents of pupils of the school.

(b) The majority of the members referred to in paragraph (a) (ii) shall be parents.

2. NOMINATIONS

(a) Each candidate shall be proposed by a parent and seconded by another parent. A parent who proposes or seconds a candidate shall satisfy himself that the candidate is qualified to be elected as member.

(b) A nomination form shall be completed in respect of every candidate. These forms are obtainable from the principal before the meeting and will also be available at the meeting.

3. DISQUALIFICATION OF MEMBERS

A candidate shall be incompetent to be a member if he—

(a) is a minor;

(b) except in the case of the principal, is a teacher in the service of the Department;

(c) is in the service of the Department in another capacity and does not have the permission of the Director to serve on the management council;

(d) is not a South African citizen, unless the Minister declares him competent;

(e) has been convicted of any offence for which he was sentenced to imprisonment without the option of a fine, unless he has received a free pardon or the period of his imprisonment has expired at least three years prior to the date of his election;

(f) is mentally ill and has been so declared by a competent court; or

(g) is an unrehabilitated insolvent.

4. FRANCHISE

(a) Every parent of one or more children on the roll of a school at the time of the election of members of a management council for such school, shall be entitled to vote at such election.

(b) A person who is not the natural parent but who is a person in whose custody one or more children referred to in paragraph (a) have been lawfully placed, is entitled to vote at such election.

(c) A person who is entitled to vote shall have one vote in respect of any particular candidate: Provided that the total number of votes of such person shall not exceed the number of members to be elected.

BYLAE B

NOMINASIEVORM

VERKIESING VAN LEDE VAN BESTUURSRAAD

(Regulasie 12)

NAAM VAN SKOOL: .....

VOORSTELLER:

Ek, ...
(volle naam)

van .....
(woonadres)

synde 'n ouer van 'n leerling van genoemde skool, stel hiermee .....

.....
(volle naam van kandidaat)

as lid van die bestuursraad van bogenoemde skool voor.

.....
Handtekening van Voorsteller

SEKONDANT:

Ek, ...
(volle naam)

van .....
(woonadres)

synde 'n ouer van 'n leerling van genoemde skool, sekondeer hiermee bogenoemde voorstel.

.....
Handtekening van Sekondant

KANDIDAAT:

Ek, ...
(volle naam)

van .....
(woonadres)

verklaar hierby dat ek—

(a) bogenoemde nominasie aanvaar; en

(b) nie onbevoeg is om 'n lid van 'n bestuursraad te wees nie soos bedoel in regulasie 3 van die Regulasies betreffende Bestuursrade van Openbare Skole, uitgesonder Nywerheid- en Verbeteringskole.

.....
Handtekening van Kandidaat

OF

(INDIEN OP NOMINASIEVERGADERING VOORGESTEL)

Ek, ...
(volle naam)

verklaar dat skriftelike bewys tot my bevrediging voorgelê is dat bogenoemde kandidaat—

(a) wat nie by die nominasievergadering teenwoordig is om die nominasievorm te voltooi nie, indien verkies, bereid sal wees om as lid van die bestuursraad te dien; en

(b) nie onbevoeg is om 'n lid van 'n bestuursraad te wees nie soos bedoel in regulasie 3 van die Regulasies betreffende Bestuursrade van Openbare Skole, uitgesonderd Nywerheid- en Verbeteringskole.

.....
Handtekening van Kiesbeampte

Kragens regulasie 12 (3) word hierdie nominasie *aanvaar/verwerp.

....
Datum Handtekening van Kiesbeampte

*Skrap wat nie van toepassing is nie.

SCHEDULE B

NOMINATION FORM

ELECTION OF MEMBERS OF MANAGEMENT COUNCIL

(Regulation 12)

NAME OF SCHOOL: .....

PROPOSER:

I, ...
(full name)

of .....
(residential address)

being a parent of a pupil of the above school, hereby propose .....

.....
(full name of candidate)

as a member of the management council of the above-mentioned school.

.....
Signature of Proposer

SECONDER:

I, ...
(full name)

of .....
(residential address)

being a parent of a pupil of the above school, hereby second the above-mentioned proposal.

.....
Signature of Seconder

CANDIDATE:

I, ...
(full name)

of .....
(residential address)

hereby declare that I—

(a) accept the above-mentioned nomination; and

(b) am not incompetent to be a member of a management council as contemplated in regulation 3 of the Regulations relating to Management Councils of Public Schools, excluding Industrial and Reform Schools.

.....
Signature of Candidate

OR

(IF PROPOSED AT NOMINATION MEETING)

I, ...
(full name)

declare that written proof to my satisfaction has been submitted that the above-mentioned candidate—

(a) who is not present at the nomination meeting to complete the nomination form, will, if elected, be willing to serve as a member of the management council; and

(b) is not incompetent to be a member of a management council as contemplated in regulation 3 of the Regulations relating to Management Councils of Public Schools, excluding Industrial and Reform Schools.

.....
Signature of Returning Officer

Under regulation 12 (3) this nomination is *accepted/rejected.

....
Date Signature of Returning Officer

*Delete whichever is not applicable.

No. R.691 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE RADE VAN BESTUUR VAN NYWERHEID- EN VERBETERINGSKOLE

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikels 16 en 19 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"Direkteur" 'n Direkteur van Onderwys in artikel 4 van die Wet bedoel;

"lid" 'n id van 'n raad;

"raad" by die toepassing van hierdie Regulasies, 'n raad van bestuur kragtens artikel 15 (b) van die Wet ingestel; en

"skool" by die toepassing van hierdie Regulasies, 'n nywerheid- of verbeteringskool, na gelang van die geval.

SAMESTELLING VAN RAAD

2. (1) Behoudens die bepalings van subregulasies (2) en (3) word die raad van 'n skool soos volg saamgestel—

(a) die skoolhoof van die betrokke skool;

(b) 'n kommissaris van kindersorg vir die distrik waarin die skool geleë is, op versoek van die Minister deur die Departement van Justisie aangewys;

(c) 'n maatskaplike werker van die Departement van Gesondheidsdienste en Welsyn, Administrasie: Volksraad, aangewys deur daardie Departement; en

(d) die getal lede, maar hoogstens sewe, deur die Minister ten opsigte van die betrokke skool bepaal, welke lede nie betrekkings by die betrokke skool mag beklee nie.

(2) Elke lid in subregulasie (1) bedoel word deur die Minister aangestel.

(3) Die lede in paragraaf (d) van subregulasie (1) bedoel, word aangestel uit 'n lys wat deur die Direkteur aan die Minister voorgelê word en waarin die name in voorkeurorde vervat is van minstens twee keer die getal persone wat aangestel moet word.

AMPSTERMYN

3. (1) 'n Lid beklee sy amp vir 'n termyn van drie jaar en kan by verstryking van sy ampstermyn weer aangestel word.

(2) Ondanks die bepalings van subregulasie (1) kan die Minister te eniger tyd 'n lid van sy amp onthef om redes wat hy as voldoende ag.

No. R.691 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO BOARDS OF MANAGEMENT OF INDUSTRIAL AND REFORM SCHOOLS

The Minister of Education and Culture has under section 112, read with sections 16 and 19 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), made the regulations in the Schedule.

SCHEDULE

Definitions

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

"board" in the application of these Regulations, means a board of management established under section 15 (b) of the Act;

"Director" means a Director of Education referred to in section 4 of the Act;

"member" means a member of a board;

"school" in the application of these Regulations, means an industrial or a reform school, as the case may be; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

CONSTITUTION OF BOARD

2. (1) Subject to the provisions of subregulations (2) and (3), the board of a school shall be constituted as follows—

(a) the principal of the school concerned;

(b) a commissioner for child welfare for the district in which the school is situated, designated by the Department of Justice at the request of the Minister;

(c) a social worker of the Department of Health Services and Welfare, Administration: House of Assembly, designated by that Department; and

(d) the number of members, but not more than seven, determined by the Minister in respect of the school concerned, which members shall not occupy posts at the school concerned.

(2) Every member referred to in subregulation (1) shall be appointed by the Minister.

(3) The members referred to in paragraph (d) of subregulation (1), shall be appointed from a list submitted to the Minister by the Director, containing the names in order of preference of at least twice the number of persons to be appointed.

TERM OF OFFICE

3. (1) A member shall hold office for a term of three years and may be re-appointed on the expiry of his term of office.

(2) Notwithstanding the provisions of subregulation (1), the Minister may at any time remove a member from office for reasons he deems to be sufficient.

TOEVALLIGE VAKATURES IN RAAD

4. (1) 'n Toevallige vakature in 'n raad ontstaan indien 'n lid—

(a) skriftelik bedank;

(b) te sterwe kom;

(c) sonder die toestemming van die raad van drie agtereenvolgende vergaderings van die raad afwesig is;

(d) ingevolge regulasie 3 (2) van sy amp onthef word; of

(e) 'n betrekking by die betrokke skool aanvaar, uitgesonderd dié van skoolhoof.

(2) 'n Toevallige vakature word aangevul op dieselfde wyse waarop die lid wat die amp tevore beklee het, aangestel is.

(3) 'n Persoon wat ingevolge subregulasie (2) aangestel is, beklee sy amp behoudens regulasie 3 (2) vir die onverstreke deel van die ampstermyn van sy voorganger.

AMPSBEKLEËRS VAN RAAD

5. (1) Op die eerste vergadering van 'n raad, verkies so 'n raad die ampsbekleërs in artikel 16 (1) van die Wet bedoel: Met dien verstande dat die skoolhoof nie as voorsitter of ondervoorsitter van die raad verkies mag word nie.

(2) Die voorsitter en ondervoorsitter beklee hul ampte behoudens die bepalings van subregulasie (3), vir 'n tydperk van 12 maande, mits sodanige tydperk nie langer is as die termyn waarvoor hy as lid aangestel is nie.

(3) Waar die amp van voorsitter of ondervoorsitter om enige rede vakant raak, verkies die raad op die eerste vergadering nadat daardie vakature ontstaan het, behoudens die bepalings van subregulasie (1), een van sy lede om daardie vakature vir die onverstreke ampstermyn van sy voorganger te vul.

(4) Die skoolhoof tree as voorsitter van die vergadering op tydens die verkiesing van 'n voorsitter.

(5) Die skoolhoof wys, met die instemming van die raad, 'n persoon in diens van die betrokke skool aan as sekretaris van die raad.

BEVOEGDHEDE EN PLIGTE VAN RAAD

6. (1) 'n Raad kan, met betrekking tot die skool waarvoor hy ingestel is, die Minister en Onderwyshoof van advies dien, en by hulle aanbevelings doen omtrent—

(a) die kursusse wat in daardie skool aangebied moet word;

(b) die bepaling, oprigting en gebruik van geboue deur daardie skool;

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

(d) ander aangeleenthede met betrekking tot daardie skool in die algemeen.

(2) 'n Raad oorweeg enige verslag van die skoolhoof oor leerlingsake en die skool in die algemeen, sowel as die departementele verslae wat die Onderwyshoof aan hom voorlê, en doen by die Onderwyshoof aanbevelings omtrent die aangeleenthede wat daaruit voortspruit

(3) 'n Raad kan iemand uit eie geledere aanwys om behoudens die bepalings van subregulasie (4) die skool te besoek en oor 'n saak wat die belange van die skool, die leerlinge of die personeel raak, skriftelik aan die raad

CASUAL VACANCIES ON BOARD

4. (1) A casual vacancy shall occur on a board if a member—

(a) resigns in writing;

(b) dies;

(c) is absent from three consecutive meetings of the board without the permission of the board;

(d) is removed from office in terms of regulation 3 (2); or

(e) accepts a post at the school concerned, excluding that of principal.

(2) A casual vacancy shall be filled in the same manner in which the member who previously held the office, was appointed.

(3) A person appointed in terms of subregulation (2), shall, subject to regulation 3 (2), hold office for the unexpired portion of the term of office of his predecessor.

OFFICE BEARERS OF BOARD

5. (1) At the first meeting of a board, such board shall elect the office bearers referred to in section 16 (1) of the Act: Provided that the principal shall not be elected as chairman or vice-chairman of the board.

(2) The chairman and vice-chairman shall, subject to the provisions of subregulation (3), hold office for a period of 12 months, provided that such period is not longer than the term for which he was appointed as member.

(3) Should the office of chairman or vice-chairman become vacant for any reason, the board shall at the first meeting after the vacancy has occurred, subject to the provisions of subregulation (1), elect one of its members to fill such vacancy for the unexpired term of office of his predecessor.

(4) The principal shall act as chairman of the meeting during the election of a chairman.

(5) The principal shall, with the concurrence of the board, designate a person in the service of the school concerned as secretary of the board.

POWERS AND DUTIES OF BOARD

6. (1) A board may, in respect of the school for which it was established, advise the Minister and the Head of Education, and make recommendations to them concerning—

(a) the courses that shall be offered at that school;

(b) the planning, erection and utilisation of buildings by that school;

(c) a matter referred to the board by the Minister or the Head of Education; and

(d) other matters concerning that school in general.

(2) A board shall consider any report of the principal conerning pupil matters and the school in general, as well as the departmental reports submitted to it by the Head of Education, and shall make recommendations to the Head of Education concerning matters arising therefrom.

(3) A board may designate a person from its own ranks to visit the school subject to the provisions of subregulation (4), and to report to the board in writing about any matter concerning the interests of the school,

verslag te doen, en so 'n verslag maak deel uit van die notule van die eersvolgene vergadering van die raad.

(4) 'n Lid mag nie in sy hoedanigheid as lid van die raad met die professionele werk van 'n lid van die personeel van die skool by die vervulling van sy pligte inmeng nie.

VERGADERINGS VAN RAAD

7. (1) (a) 'n Gewone vergadering van 'n raad word een keer elke skoolkwartaal gehou, tensy die raad bepaal dat vergaderings meer, of met die goedkeuring van die Direkteur, minder dikwels gehou moet word.

(b) so 'n vergadering word gehou op die datum, tyd en plek deur die voorsitter, of indien hy nie beskikbaar is nie, die ondervoorsitter van die raad bepaal.

(2) Die voorsitter, of indien hy nie beskikbaar is nie, die ondervoorsitter van die raad—

(a) kan uit eie beweging te enigertyd; en

(b) moet, indien daartoe gelas deur die Direkteur of skrifelik daarom versoek deur minstens 'n derde van die lede van die raad, binne sewe dae na ontvangs van so 'n lasgewing of versoek,

'n buitengewone vergadering belê om gehou te word op die datum, tyd en plek deur die voorsitter of ondervoorsitter, na gelang van die geval, bepaal.

(3) Die meerderheid van die lede van 'n raad soos ooreenkomstig regulasie 2 saamgestel, maak 'n kworum vir 'n vergadering van die raad uit.

(4) 'n Raad bepaal sy eie reëls betreffende sy vergaderings en prosedures op daardie vergaderings.

NOTULE VAN VERRIGTINGE VAN VERGADERING VAN RAAD

8. (1) Die sekretaris van 'n raad hou notule van die verrigtinge van elke vergadering.

(2) Die notule van die verrigtinge van elke vergadering—

(a) word op die eersvolgende vergadering vir goedkeuring voorgelê; en

(b) is op alle redelike tye ter insae van lede en die Direkteur.

(3) Die sekretaris van 'n raad lê 'n afskrif van die goedgekeurde notule van elke vergadering van die raad aan die Onderwyshoof voor.

No. R.692 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE BESTUURSLIGGAME VAN STAATSONDERSTEUNDE SKOLE

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikel 31 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), die regulasies in die Bylae uitgevaardig.

the pupils or the staff, and such report shall form part of the minutes of the next ensuing meeting of the board.

(4) A member shall not in his capacity as member of the board, interfere with the professional work of a staff member of the school in the performance of his duties.

MEETINGS OF BOARD

7. (1) (a) An ordinary meeting of a board shall be held once every school quarter, unless the board determines that meetings shall be held more often or, with the approval of the Director, less often.

(b) Such a meeting shall be held on the date and at the time and place determined by the chairman, or if he is not available, by the vice-chairman of the board.

(2) The chairman, or if he is not available, the vice-chairman of the board—

(a) may of his own accord at any time; and

(b) shall, if instructed thereto by the Director, or requested thereto in writing by at least a third of the members of the board, within seven days after receipt of such instruction or request, convene an extraordinary meeting to be held on the date and at the time and place determined by the chairman or vice-chairman, as the case may be.

(3) The majority of the members of a board as constituted in accordance with regulation 2, shall constitute a quorum for a meeting of the board.

(4) A board shall determine its own rules relating to its meetings and procedures at those meetings.

MINUTES OF PROCEEDINGS OF MEETING OF BOARD

8. (1) The secretary of a board shall keep the minutes of the proceedings of every meeting.

(2) The minutes of the proceedings of every meeting—

(a) shall be submitted for approval at the next ensuing meeting; and

(b) shall at all reasonable times be open to inspection by members and the Director.

(3) The secretary of a board shall submit a copy of the approved minutes of every meeting of the board to the Head of Education.

No. R.692 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO GOVERNING BODIES OF STATE-AIDED SCHOOLS

The Minister of Education and Culture has under section 112 read with section 31 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), made the regulations in the Schedule.

BYLAE

Woordomskrywing

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

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"Direkteur" 'n direkteur van Onderwys in artikel 4 van die Wet bedoel; en

"lid" 'n lid van die bestuursliggaam.

SAMESTELLING VAN 'N BESTUURSLIGGAAM

2. 'n Bestuursliggaam bestaan uit die getal lede wat die Minister bepaal, van wie—

(a) 'n getal wat die Minister bepaal, maar hoogstens tien, aangewys deur die verenigings of liggame wat die versorging van gestremde persone bevorder, onderneem of hulle daarvoor beywer en wat deur die Minister aangewys word; en

(b) die ander lede, wat minder as die helfte van die totale ledetal moet wees, deur die Minister aangestel.

WYSE VAN AANWYSING VAN LEDE VAN BESTUURSLIGGAME DEUR VERENIGINGS

3. 'n Vereniging of ander liggaam bedoel in regulasie 2 (a), wys na oorweging van 'n lys van name van kandidate deur lede van die vereniging of liggaam voorgestel, die getal lede kragtens genoemde regulasie bepaal aan, by wyse van—

(a) 'n geldige meerderheidsbesluit geneem ingevolge die konstitusie of huishoudelike reglement van sodanige vereniging of liggaam; of

(b) in 'n geval waar sodanige konstitusie of reglement nie daarvoor voorsiening maak nie, 'n meerderheidsbesluit van die lede van die vereniging of liggaam geneem op 'n vergadering wat vir dié doel belê word.

DISKWALIFIKASIE VAN LEDE VAN 'N BESTUURSLIGGAAM

4. 'n Persoon is onbevoeg om lid van 'n betuursliggaam te wees indien hy—

(a) minderjarig is;

(b) nie 'n Suid-Afrikaanse burger is nie, tensy die Minister hom bevoeg verklaar;

(c) aan enige misdryf skuldig bevind is waarvoor hy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is, tensy—

(i) algehele kwytskelding aan hom toegestaan is; of

(ii) die tydperk van sodanige gevangenisstraf minstens drie jaar voor die datum van sy aanwysing of aanstelling verstryk het;

(d) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is;

(e) 'n ongerehabiliteerde insolvent is;

(f) in diens van die Departement is en nie die Direkteur se toestemming het om lid van 'n bestuursliggaam te wees nie; of

(g) in diens van 'n staatsondersteunde skool is.

SCHEDULE

Definitions

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

"Director" means a Director of Education referred to in section 4 of the Act;

"member" means a member of the governing body; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

CONSTITUTION OF A GOVERNING BODY

2. A governing body shall consist of the number of members determined by the Minister, of whom—

(a) a number determined by the Minister, but not exceeding ten, designated by those associations or bodies which promote, undertake or are concerned with the care of handicapped persons and which are designated by the Minister; and

(b) the other members which shall be less than half the total membership, appointed by the Minister.

MANNER OF DESIGNATION OF MEMBERS OF GOVERNING BODIES BY ASSOCIATIONS

3. An association or other body referred to in regulation 2 (a) shall, after having considered a list of names of candidates proposed by members of the association or body, designate the number of members prescribed by the said regulation by means of—

(a) a valid majority decision taken in terms of the constitution or internal rules of order of the said association or body; or

(b) in a case where such constitution or internal rules of order do not provide therefor, a majority decision of the members of the association or body taken at a meeting convened for this purpose.

DISQUALIFICATION OF MEMBERS OF A GOVERNING BODY

4. A person shall be incompetent to serve as a member of a governing body if he—

(a) is a minor;

(b) is not a South African citizen, unless the Minister declares him competent;

(c) has been convicted of any offence for which he was sentenced to imprisonment without the option of a fine, unless—

(i) a free pardon was granted to him; or

(ii) the term of such imprisonment expired at least three years prior to the date of his designation or appointment;

(d) is mentally ill and has been so declared by a competent court;

(e) is an unrehabilitated insolvent;

(f) is in the employ of the Department, and does not have the permission of the Director to be a member of a governing body; or

(g) is in the employ of a state-aided school.

AMPSTERMYN VAN LEDE VAN BESTUURSLIGGAAM

5. (1) Behoudens die bepalings van hierdie Regulasies, beklee 'n lid van 'n bestuursliggaam sy amp vir die termyn deur die Minister bepaal.

(2) 'n Lid van 'n bestuursliggaam wie se ampstermyn verstryk het, kan weer aangewys of aangestel word.

(3) Ondanks die bepalings van subregulasie (1) kan 'n lid te eniger tyd van sy amp onthef word, in die geval van 'n lid in regulasie 2 (a) bedoel deur die vereniging of liggaam wat hom aangewys het en in die geval van 'n ander lid, deur die Minister, om redes wat deur die vereniging of liggaam of, na gelang van die geval, die Minister as voldoende geag word.

AMPSBEKLEËRS

6. (1) Die lede van 'n bestuursliggaam verkies op die eerste vergadering van die bestuursliggaam, en daarna wanneer dit nodig word, uit hulle geledere die ampsbekleërs in artikel 16 (1) van die Wet bedoel om vir 'n ampstermyn van een jaar vanaf die datum van verkiesing te dien en daarna herkiesbaar is: Met dien verstande dat die ampstermyn nie langer kan wees nie as die termyn waarvoor hulle aangewys of aangestel is as lede van die bestuursliggaam.

(2) Indien 'n voorsitter of 'n ondervoorsitter sy amp ontruim, word 'n ander voorsitter of ondervoorsitter, na gelang van die geval, verkies vir die onverstreke ampstermyn van sy voorganger.

(3) die skoolhoof van die betrokke staatsondersteunde skool, of iemand deur hom aangewys, tree as sekretaris van die bestuursliggaam op maar hy het nie stemreg nie.

TOEVALLIGE VAKATURES IN BESTUURSLIGGAAM

7. (1) 'n Toevallige vakature in 'n bestuursliggaam ontstaan wanneer 'n lid—

(a) skriftelik bedank;

(b) te sterwe kom;

(c) ingevolge regulasie 5 (3) van sy amp onthef is;

(d) sonder die toestemming van die bestuursliggaam van drie agtereenvolgende vergaderings afwesig is; of

(e) onbevoeg word soos bedoel in regulasie 4.

2. 'n Toevallige vakature word gevul op dieselfde wyse as dié waarop die lid wat die amp tevore beklee het, aangewys of aangestel is.

BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE VAN BESTUURSLIGGAAM

8. (1) 'n Bestuursliggaam beheer die eiendom van 'n staatsondersteunde skool en oefen, behoudens die bepalings van die Wet, beheer oor die staatsondersteunde skool en al sy werksaamhede uit: Met dien verstande dat 'n bestuursliggaam of 'n lid daarvan in sy hoedanigheid as lid, nie met die professionele werk van 'n personeellid by die vervulling van sy pligte mag inmeng nie.

(2) 'n Bestuursliggaam kan 'n komitee of komitees aanstel om hom te adviseer en om onderworpe aan die voorskrifte van die bestuursliggaam die werksaamhede te verrig wat die bestuursliggaam bepaal.

(3) 'n Bestuursliggaam kan persone wat nie lede van die bestuursliggaam is nie, as lede van 'n komitee in subregulasie (2) bedoel aanstel: Met dien verstande dat die

TERM OF OFFICE OF MEMBERS OF GOVERNING BODY

5. (1) Subject to the provisions of these Regulations, a member of a governing body shall hold office for the term determined by the Minister.

(2) A member of a governing body whose term of office has expired may be designated or appointed again.

(3) Notwithstanding the provisions of subregulation (1), a member may at any time be removed from office, in the case of a member referred to in regulation 2 (a) by the association or body which designated him and in the case of any other member, by the Minister, for reasons deemed to be sufficient by the association or body, or by the Minister, as the case may be.

OFFICE BEARERS

6. (1) The members of a governing body shall at the first meeting of the governing body, and subsequently when necessary, elect from their ranks the office bearers referred to in section 16 (1) of the Act, to serve for a team of office of one year from the date of election and may thereafter be re-elected: Provided that the said term of office shall not be longer than the term for which they were designated or appointed as members of the governing body.

(2) If a chairman or a vice-chairman vacates his office, another chairman or vice-chairman as the case may be, shall be elected for the unexpired term of office of his predecessor.

(3) The principal of the state-aided school concerned, or a person designated by him, shall act as secretary of the governing body, but he shall not have a vote.

CASUAL VACANCIES ON GOVERNING BODY

7 (1) A casual vacancy shall occur on a governing body whenever a member—

(a) resigns in writing;

(b) dies;

(c) was removed from office in terms of regulation 5 (3);

(d) is absent from three consecutive meetings without the permission of the governing body; or

(e) becomes incompetent as contemplated in regulation 4.

(2) A casual vacancy shall be filled in the same manner as that in which the member who previously held the office, was designated or appointed.

POWERS, FUNCTIONS AND DUTIES OF GOVERNING BODY

8. (1) A governing body shall manage the property of a state-aided school and shall, subject to the provisions of the Act, exercise control over the state-aided school and all its activities: Provided that a govrning body or a member thereof in his capacity as member, shall not interfere with the professional work of a member of staff in the performance of his duties.

(2) A governing body may appoint a committee or committees to advise it and, subject to the instructions of the said governing body, to perform such functions as the governing body may determine.

(3) A governing body may appoint to a committee referred to in subregulation (2), a person or persons who are not members of the governing body: Provided that

bestuursliggaam een van sy lede as voorsitter van sodanige komitee aanstel.

(4) 'n Bestuursliggaam kan 'n besluit van 'n komitee wysig of nietig verklaar.

VERGADERINGS VAN BESTUURSLIGGAAM

9. (1) Die sekretaris van 'n bestuursliggaam bepaal in oorleg met die voorsitter die datum, tyd en plek van 'n vergadering, en stel elke lid minstens sewe dae voor sodanige vergadering skriftelik daarvan in kennis sowel as van die sake wat behandel gaan word.

(2) Op 'n vergadering behandel 'n bestuursliggaam slegs sake waarvan daar ingevolge subregulasie (1) kennis gegee is en sake wat 'n lid met die goedkeuring van die vergadering opper.

(3) Enige persoon kan op uitnodiging van die bestuursliggaam by 'n vergadering van die bestuursliggaam teenwoordig wees en aan die besprekings deelneem, maar het nie stemreg nie, en verlaat die vergadering wanneer die bestuursliggaam aldus besluit.

(4) 'n Bestuursliggaam kan vereis dat enige personeellid verbonde aan die betrokke staatsondersteunde skool 'n vergadering moet bywoon vir die doeleindes van die bespreking van enige aangeleentheid wat onder die bevoegdhede van die bestuursliggaam ressorteer.

(5) Behoudens die bepalings van hierdie Regulasies, beslis die voorsitter van 'n bestuursliggaam oor die orde en prosedure van 'n vergadering en indien 'n lid teen so 'n beslissing beswaar maak, word die beslissing sonder verdere bespreking tot stemming gebring en die beslissing van die vergadering is afdoende.

KWORUM

10. 'n Derde van die lede van 'n bestuursliggaam, maar minstens drie lede, vorm 'n kworum vir die hou van 'n vergadering.

GRONDWET EN REGLEMENT VAN ORDE

11. 'n Bestuursliggaam stel sy eie grondwet en reglement van orde op en lê dit aan die Direkteur voor vir goedkeuring.

No. R.693 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE AANSTELLINGS EN DIENSVOORWAARDES VAN ONDERWYSERS IN DIENS BY DEPARTEMENTELE INRIGTINGS

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikels 67 en 68 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), en met die instemming van die Minister van Begroting en Plaaslike Bestuur, die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

the governing body shall appoint one of its members as chairman of such committee.

(4) A governing body may alter or invalidate any decision of a committee.

MEETINGS OF GOVERNING BODY

9. (1) The secretary of a governing body shall in consultation with its chairman determine the date, time and venue of any meeting, and shall notify each member at least seven days prior to such meeting in writing thereof and also of the matters that will be dealt with.

(2) At a meeting the governing body shall only deal with matters of which notice has been given in terms of subregulation (1), and matters raised by a member with the approval of the meeting.

(3) Any person may at the invitation of the governing body attend a meeting of the governing body and participate in its deliberations, but shall not have a vote, and shall recuse himself should the governing body so decide.

(4) A governing body may require any member of staff attached to the state-aided school concerned to attend a meeting for the purposes of the discussion of any matter which falls within the powers of the governing body.

(5) Subject to the provisions of these Regulations, the chairman of a governing body shall decide on the order and procedure of a meeting and should a member raise an objection to such decision, the decision shall without further discussion be voted upon and the decision of the meeting shall be final.

QUORUM

10. A third of the members of a governing body, but at least three members, shall form a quorum for the holding of a meeting.

CONSTITUTION AND STANDING ORDERS

11. A governing body shall draft its own constitution and standing orders and shall submit same to the Director for approval.

No. R.693 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO THE APPOINTMENT AND CONDITIONS OF SERVICE OF TEACHERS EMPLOYED AT DEPARTMENTAL INSTITUTIONS

The Minister of Education and Culture has under section 112 read with sections 67 and 68 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), and with the concurrence of the Minister of the Budget and Local Government, made the regulations in the Schedule.

SCHEDULE

Definitions

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

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"Direkteur" 'n Direkteur van Onderwys in artikel 4 van die Wet bedoel;

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

"Hoof van kantoor" die hoof van 'n departementele inrigting;

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

"kalenderjaar" die tydperk vanaf die eerste dag van Januarie tot die laaste dag van die eersvolgende Desember;

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

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

"maand" 'n tydperk wat strek van 'n dag van 'n maand tot en met die dag wat die dag voorafgaan wat numeries ooreenstem met daardie dag in die volgende maand;

"onderwyser" 'n persoon wat in 'n onderwyspos by 'n departementele inrigting aangestel, oorgeplaas of bevorder is;

"skoolkwartaal" een van die vier skoolkwartale in 'n jaar van die skoolkalender soos ingevolge artikel 6 (1) (g) van die Wet bepaal; en

"skoolvakansie" 'n tydperk tussen enige twee opeenvolgende skoolkwartale.

AANSTELLING IN 'N ONDERWYSPOS

2. (1) Niemand word in 'n onderwyspos aangestel hetsy in 'n permanente hoedanigheid, tydelik of op spesiale kontrak nie, tensy hy—

(a) oor 'n goedgekeurde kwalifikasie beskik; en

(b) geregistreer of voorwaardelik geregistreer is by die Federale Onderwysersraad deur die Minister ingevolge artikel 8B van die Wet op die Nasionale Onderwysbeleid, 1967 (Wet No. 39 van 1967) erken.

(2) Behoudens die bepalings van subregulasie (1) word niemand vir die eerste keer in 'n permanente hoedanigheid in 'n onderwyspos aangestel nie, tensy hy—

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

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

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

(3) Geen onderwyser word permanent in 'n bevorderingspos aangestel nie tensy hy die toets van bekwaamheid in beide amptelike tale soos deur die Direkteur bepaal geslaag het, of die Direkteur andersins oortuig het dat hy die verpligte standaard van bekwaamheid in beide amptelike tale bereik het.

"approved qualification" means a degree, a diploma, a certificate or another qualification recognized by the Minister as a qualification for appointment in a teaching post;

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

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

"calendar year" means a period ranging from the first day of January to the last day of the following December;

"Director" means a Director of Education referred to in section 4 of the Act;

"head of office" means the head of a departmental institution;

"month" means a period extending from a day in a month up to the day preceding the day corresponding numerically to that day in the following month, both days inclusive;

"school holiday" means a period between any two consecutive school quarters;

"school quarter" means one of the four school quarters in a year of the school calendar as determined in terms of section 66 (1) (g) of the Act;

"teacher" means a person appointed, transferred or promoted to a teaching post at a departmental institution;

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988); and

"year" means a period of 12 months extending from a day in a year to the day preceding the day corresponding numerically to that day in the following year, both days inclusive.

APPOINTMENT TO A TEACHING POST

2. (1) No person shall be appointed to a teaching post either in a permanent capacity, temporarily or on special contract, unless he—

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

(b) is registered or conditionally registered with the Teachers' Federal Council recognized by the Minister in terms of section 8B of the National Education Policy Act, 1967 (Act No. 39 of 1967).

(2) Subject to the provisions of subregulation (1), no person shall be appointed to a teaching post in a permanent capacity for the first time, unless he—

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

(b) is of good character and medically fit;

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

(3) No teacher shall be appointed permanently to a promotion post unless he has passed the proficiency test in both official languages as determined by the Director, or he has otherwise convinced the Director that he has achieved the compulsory standard of proficiency in both official languages.

BEVORDERING VAN ONDERWYSER IN HOËR GEGRADEERDE POS

3. Ondanks andersluidende bepalings in hierdie Regulasies, kan die Minister, ingeval enige onderwyspos hoër gegradeer word, enige sodanige hoër gegradeerde onderwyspos vul vanaf die datum waarop die hoër gradering in werking tree of enige latere datum, deur tot sodanige onderwyspos die persoon te bevorder wat sodanige onderwyspos beklee het voordat dit hoër gegradeer was, mits sodanige persoon die minimum kwalifikasies soos deur die Onderwyshoof bepaal besit.

VULLING VAN VAKANTE POSTE DEUR ONDERWYSERS

4. (1) Wanneer 'n onderwyspos vakant word, kan enige onderwyser, ondanks andersluidende bepalings van hierdie Regulasies, met sy toestemming deur die Minister in sodanige vakante pos in 'n permanente hoedanigheid aangestel word.

(2) 'n Onderwyser—

(a) wie se permanente onderwyspos afgeskaf word of verval as gevolg van die vermindering, reorganisering of herindeling van personeel by die betrokke departementele inrigting; of

(b) wat in die aflospersoneel bedoel in artikel 67 (2) (a) van die Wet aangestel is,

kan, behoudens die bepalings van regulasie 2, met sy instemming deur die Minister in 'n vakante onderwyspos aangestel word.

(3) Ondanks andersluidende bepalings in hierdie Regulasies vervat kan die Minister enige persoon, behoudens die bepalings van regulasie 2 (1) (b), in 'n vakante onderwyspos in 'n tydelike hoedanigheid aanstel.

ONDERWYSER VIR EEN JAAR IN POS AAN TE BLY

5. Behoudens die bepalings van hierdie Regulasies, is 'n onderwyser wat 'n onderwyspos in 'n permanente hoedanigheid beklee, nie bevoeg vir aanstelling in 'n ander sodanige pos in 'n permanente hoedanigheid en met 'n gelykwaardige salaris nie, tot tyd en wyl sodanige onderwyser sodanige onderwyspos vir 'n tydperk van minstens een jaar beklee het tensy die Direkteur anders beslis.

OORPLASING VAN ONDERWYSERS

6. Die raad van 'n openbare skool waarheen 'n onderwyser wat in 'n permanente hoedanigheid in diens is ingevolge artikel 69 van die Wet oorgeplaas word, kan 'n aanbeveling doen voordat sodanige oorplasing gedoen word.

DATUM WAAROP SALARIS BEGIN EN EINDIG

7. 'n Onderwyser wat in die diens van die Departement aangestel of heraangestel word, is geregtig op salaris met ingang van die dag waarop hy diens aanvaar tot die dag waarop sy diens beëindig word: Met dien verstande dat—

(a) by diensaanvaarding—

(i) 'n onderwyser wat op die eerste dag van die skoolkwartaal diens aanvaar en vir minstens 30 dae na die datum van diensaanvaarding diens doen, geregtig op salaris is met ingang van die eerste dag van die kalendermaand waarin hy diens aanvaar het;

(ii) 'n onderwyser in subparagraaf (i) bedoel, indien sodanige skoolkwartaal binne dieselfde

PROMOTION OF A TEACHER TO AN UPGRADED POST

3. Notwithstanding anything to the contrary contained in these Regulations, the Minister may, subject to the provisions of subregulation (2), in the event of any teaching post being upgraded, fill any such upgraded teaching post from the date upon which the higher grading becomes effective or from any later date, by promoting to such a post the person who occupied such teaching post before it was upgraded, provided that such a person is in possession of the minimum qualifications as determined by the Head of Education.

FILLING OF VACANT POSTS BY TEACHERS

4. (1) Whenever a teaching post becomes vacant, any teacher may, notwithstanding anything to the contrary contained in these Regulations, with his consent be appointed in a permanent capacity by the Minister to such vacant post.

(2) A teacher—

(a) whose permanent teaching post is abolished or lapses as a result of a reduction in, reorganization or readjustment of the staff at the departmental institution concerned; or

(b) who is appointed to the relief staff referred to in section 67 (2) (a) of the Act,

may, subject to the provisions of regulation 2, with his consent be appointed to a vacant teaching post by the Minister.

(3) Notwithstanding anything to the contrary contained in these Regulations, the Minister may, subject to the provisions of regulation 2 (1) (b), appoint any person to a vacant teaching post in a temporary capacity.

TEACHER TO REMAIN IN POST FOR ONE YEAR

5. Subject to the provisions of these Regulations, a teacher who occupies a teaching post in a permanent capacity, shall not be competent for appointment to another such post in a permanent capacity and with equal remuneration, until such teacher has occupied such teaching post for a period of at least one year, unless the Director decides otherwise.

TRANSFER OF TEACHERS

6. The council of a public school to which a teacher employed in a permanent capacity is transferred in terms of section 69 of the Act, may make a recommendation before such transfer is made.

DATE ON WHICH SALARY COMMENCES AND ENDS

7. A teacher who is appointed or re-appointed in the service of the Department shall be entitled to salary as from the day of assumption of duty until the day upon which his service is terminated: Provided that—

(a) on assumption of duty—

(i) a teacher who assumes duty on the first day of the school quarter and who renders service for at least 30 days after the date of assumption of duty, shall be entitled to salary with effect from the first day of the calendar month in which he assumed duty;

(ii) a teacher referred to in subparagraph (i), if such a school quarter commences within the same calendar month in which the previous

kalendermaand begin as wat die voorafgaande skoolkwartaal gesluit het, salaris ontvang met ingang van die eerste dag wat volg op die sluitingsdatum van die voorafgaande skoolkwartaal;

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

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

(b) by dienseindiging—

(i) 'n onderwyser wat aangestel word tot en met die laaste dag van 'n skoolkwartaal en wat vir minstens 30 dae na die datum van diensaanvaarding diens gedoen het, behoudens die bepalings van subparagrawe (ii), (iii) en (iv), geregtig is op salaris tot en met die laaste dag van die kalendermaand waarin die skoolkwartaal sluit, ongeag hoe diens beëindig word;

(ii) 'n onderwyser wat bedank of wat deur die Departement ontslaan word en sodanige bedanking of ontslag nie as gevolg van enige dissiplinêre optrede teen sodanige onderwyser ingevolge die bepalings van die Wet is nie, en sodanige ontslag of bedanking in werking tree—

(aa) te eniger tyd gedurende 'n skoolkwartaal, sodanige onderwyser, behoudens die bepalings van subparagraaf (iii), salaris ontvang tot en met die laaste dag waarop sodanige onderwyser in diens was: Met dien verstande voorts dat 'n onderwyser wat vir minstens 30 dae na die datum van diensaanvaarding diens gedoen het, salaris tot en met die laaste dag van die kalendermaand waarin hy bedank het of ontslaan is, ontvang;

(bb) op die dag na die laaste dag van 'n skoolkwartaal, sodanige onderwyser salaris ontvang tot en met die laaste dag van die kalendermaand waarin sodanige skoolkwartaal gesluit het: Met dien verstande voorts dat as sodanige skoolkwartaal binne dieselfde kalendermaand sluit as die maand waarin die eersvolgende skoolkwartaal begin, sodanige onderwyser salaris ontvang het en met die laaste dag van die skoolkwartaal waarin hy aldus bedank het of ontslaan is;

(iii) 'n onderwyser wie se bedanking gedurende enige skoolvakansie of op die eerste skooldag vir onderwysers na sodanige skoolvakansie in werking tree, by die toepassing van hierdie regulasie geag word sy diens te beëindig het

school quarter closed, shall receive salary with effect from the first day following upon the closing date of the previous school quarter;

(iii) a teacher who assumes duty on the first working day of a calendar month falling within a school quarter, and who renders service for at least 30 days after the date of assumption of duty, shall be entitled to salary with effect from the first day of such calendar month; and

(iv) a teacher who, notwithstanding anything to the contrary contained in these Regulations, immediately after completion of his course of training or instruction as a teacher, is ordered or called up in terms of the Defence Act, 1957 (Act No. 44 of 1957), or in terms of the Police Act, 1958 (Act No. 7 of 1958), to render service or to undergo training, and to whom leave has been granted for such service or training, shall receive salary as if he has assumed duty on the first day of the school quarter immediately after completion of his course of training or instruction as a teacher; and

(b) on termination of service—

(i) a teacher who is appointed up to and including the last day of a school quarter and who has rendered services for at least 30 days after assumption of duty, shall, subject to the provisions of subparagraphs (ii), (iii) and (iv), be entitled to a salary up to and including the last day of the calendar month in which the school quarter closes, irrespective of how service is terminated;

(ii) a teacher who resigns or who is discharged by the Department and such resignation or discharge is not the result of any disciplinary action against such teacher in terms of the provisions of the Act, and such resignation or discharge takes effect—

(aa) at any time during a school quarter, such a teacher shall, subject to the provisions of subparagraph (iii), receive salary up to and including the last day on which such teacher was employed: Provided further that a teacher who has rendered service for at least 30 days after the assumption of duty, shall receive salary up to and including the last day of the calendar month in which he has resigned or was discharged;

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

(iii) a teacher whose resignation takes effect during any school vacation or on the first school-day for teachers following upon such school vacation, shall, in the application of this regu-

op die laaste dag van die kalendermaand waarin die vorige skoolkwartaal geëindig het; en

(iv) 'n onderwyser wie se dienste op enige datum ten einde loop omdat hy die aftredingsouderdom soos in regulasie 18 bepaal bereik het, salaris ontvang tot en met die dag net voor sodanige datum, tensy die dienste van sodanige onderwyser ingevolge regulasie 18 behou word tot na sodanige datum, en in dié geval ontvang hy salaris tot en met die laaste dag wat hy in die diens bly.

BESOLDIGING TYDENS SKOOLVAKANSIE

8. 'n Onderwyser wie se dienste beëindig word op die laaste dag van 'n skoolkwartaal en wat heraangestel word en binne die eerste vier skooldae vir onderwysers van die eersvolgende skoolkwartaal weer diens aanvaar, is ondanks die bepalings van regulasie 7 geregtig om salaris te ontvang ten opsigte van die tussenkomende skoolvakansie waarvoor hy nie alreeds salaris ontvang het nie: Met dien verstande dat indien sodanige onderwyser nie binne genoemde eerste vier skooldae diens aanvaar nie en daar aan hom verlof met besoldiging toegestaan is vir 'n tydperk wat sodanige vier dae insluit, hy geag sal word binne die eerste sodanige vier skooldae diens te aanvaar het.

BESOLDIGING VAN ONDERWYSER GESEKONDEER NA 'N ANDER POS

9. (1) 'n Onderwyser wat nie op die standaardsalarisskaal van 'n onderwyser besoldig word nie en wat op sy eie versoek na 'n ander onderwyspos gesekondeer word, ontvang, terwyl hy sodanige pos beklee, die salaris van 'n onderwyser wat 'n pos beklee waarop die standaardsalarisskaal van 'n onderwyser van toepassing is.

(2) 'n Onderwyser wat gesekondeer word na 'n onderwyspos van 'n hoër graad as dié van 'n onderwyser waarop die standaardsalarisskaal van toepassing is en vir 'n aaneenlopende tydperk van minstens 30 dae diens lewer in die hoër graad pos, ontvang 'n nie-pensioendraende toelae gelyk aan die verskil tussen die salaris waarop hy geregtig is en die salaris wat hy sou ontvang het indien hy sodanige pos in 'n permanente hoedanigheid sou beklee het, mits laasgenoemde salaris hoër is as die eersgenoemde.

FOUTIEWELIK TOEGESTANE BESOLDIGING

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

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

(a) onderbetaal is, moet 'n bedrag gelyk aan die bedrag van die onderbetaling aan hom betaal word,

lation be deemed to have terminated his service on the last day of the calendar month in which the previous school quarter ended; and

(iv) a teacher whose services terminate on any date by reason of his having reached the retiring age as determined in regulation 18, shall receive salary up to and including the day preceding such date, unless the services of such teacher are retained in terms of regulation 18 beyond such date, in which event he shall receive salary up to and including the last day on which he remains in service.

REMUNERATION DURING SCHOOL HOLIDAY

8. A teacher whose services are terminated on the last day of a school quarter and who is re-appointed and again assumes duty within the first four school days for teachers of the following school quarter, shall, notwithstanding the provisions of regulation 7, be entitled to receive salary in respect of the intervening school holiday for which he has not already received salary: Provided that if such a teacher does not assume duty within the said first four school days and he has been granted leave with pay for a period including such four days, he shall be deemed to have assumed duty within such first four school days.

REMUNERATION OF A TEACHER SECONDED TO ANOTHER POST

9. (1) A teacher who is not paid on the standard salary scale of a teacher and who is seconded to another teaching post at his own request shall, while occupying such post, receive the salary of a teacher who occupies a post to which the standard salary scale of a teacher is applicable.

(2) A teacher seconded to a teaching post of a higher grade than that of a teacher to which the standard salary scale is applicable and who renders service in such higher grade post for a continuous period of at least 30 days, shall receive a non-pensionable allowance equal to the difference between the salary to which he is entitled and the salary he would have received if he held such post in a permanent capacity, provided that the latter salary is higher than the former.

WRONGLY GRANTED REMUNERATION

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

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

(a) been underpaid, an amount equal to the amount of the underpayment shall be paid to him, and

en moet die ander voordeel wat hy nie ontvang het nie, vanaf 'n lopende datum aan hom toegeken word; of

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

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

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

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

ONGEMAGTIGDE BESOLDIGING

11. (1) (a) (i) Indien enige besoldiging, toelae of ander beloning deur 'n onderwyser in verband met die verrigting van sy werk in die Departement ontvang word anders as ooreenkomstig die bepalings van die Wet of hierdie Regulasies, of in stryd met die bepalings van artikel 100 (1) (b) van die Wet ontvang word, moet daardie onderwyser 'n bedrag gelyk aan die bedrag van daardie besoldiging, toelae of ander beloning in die Inkomsterekening: Volksraad stort, of waar dit nie uit geld bestaan nie, die waarde daarvan soos bepaal deur die Onderwyshoof, en indien hy dit nie doen nie, moet dit deur die Onderwyshoof deur middel van regsproses of op die ander wyse wat die Tesourie goedkeur, op hom verhaal en in die Inkomsterekening: Volksraad gestort word.

(ii) Die betrokke onderwyser kan teen so 'n bepaling deur die Onderwyshoof na die Minister appelleer, wat die bevel kan gee wat hy goeddink.

(iii) Die Tesourie kan op aanbeveling van die Onderwyshoof beslis dat die betrokke onderwyser die geheel of 'n gedeelte van die besoldiging, toelae of beloning kan behou.

(b) Indien 'n onderwyser na die oordeel van die Onderwyshoof enige besoldiging, toelae of ander beloning bedoel in paragraaf (a) ontvang het, en dit nog in sy besit of onder sy beheer is of ten behoewe van hom in die besit of onder die beheer van iemand anders is, of, indien dit geld is, in 'n depositonemende finansiële instelling gestort is op sy naam of op naam van iemand anders ten behoewe van hom, kan die Onderwyshoof die onderwyser of so iemand anders of die finansiële instelling skriftelik aansê om, in afwagting van die uitslag van geregtelike stappe vir die verhaal van daardie besoldiging, toelae of beloning of die waarde daarvan, nie daaroor te beskik nie, of, in-

that other benefit which he did not receive, shall be awarded to him as from a current date; or

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

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

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

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

UNAUTHORIZED REMUNERATION

11. (1) (a) (i) If any remuneration, allowance or other reward is received by a teacher in connection with the performance of his work in the Department otherwise than in accordance with the provisions of the Act or these Regulations, or is received contrary to the provisions of section 100 (1) (b) of the Act, that teacher shall pay into the Revenue Account: House of Assembly an amount equal to the amount of such remuneration, allowance or other reward, or, where it does not consist of money, the value thereof as determined by the Head of Education, and if he does not do so, it shall be recovered from him by the Head of Education by way of legal proceedings or in such other manner as the Treasury may approve, and be paid into the Revenue Account: House of Assembly.

(ii) The teacher concerned may appeal against such a determination by the Head of Education to the Minister, who may make such order as he may think fit.

(iii) The Treasury may on the recommendation of the Head of Education determine that the teacher concerned may retain the whole or a portion of the remuneration, allowance or reward.

(b) If in the opinion of the Head of Education a teacher has received any remuneration, allowance or other reward referred to in paragraph (a) and it is still in his possession or under his control or in the possession or under the control of any other person on his behalf, or, if it is money, has been deposited in any deposit-taking financial institution in his name or in the name of any other person on his behalf, the Head of Education may in writing require that teacher or that other person or that financial institution not to dispose thereof, or, if it is money, not to dispose of a corresponding sum of money, as the case may be, pending the outcome of any legal steps for the recovery of

dien dit geld is, nie oor 'n ooreenstemmende bedrag geld te beskik nie, na gelang van die geval.

(c) 'n Persoon of 'n finansiële instelling in paragraaf (b) bedoel wat 'n aansegging ingevolge daardie paragraaf nie nakom nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R3 000 of gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(2) (a) Behoudens die bepalings van paragraaf (b) moet enige salaris, toelae, geld, bonus of honorarium wat betaalbaar is ten opsigte van die dienste van 'n onderwyser wat ter beskikking gestel word van 'n Staatsdepartement of 'n ander regering of 'n raad, inrigting, liggaam of persoon in artikel 70 van die Wet bedoel, in die Inkomsterekening: Volksraad gestort word.

(b) Die Onderwyshoof kan onder omstandighede wat hy as buitengewoon beskou by die Tesourie aanbeveel dat daar aan die betrokke onderwyser uit die Inkomsterekening: Volksraad 'n bedrag betaal word wat gelyk is aan daardie salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan.

AANSTELLING OP PROEF

12. (1) (a) 'n Onderwyser wat op proef aangestel word, word vir 'n tydperk van minstens 12 maande as sulks aangestel, welke tydperk vir 'n verdere tydperk van hoogstens 24 maande verleng kan word.

(b) Die Minister kan goedkeur dat 'n oorplasing of bevordering ook op proef vir sodanige tydperk kan geskied: met dien verstande dat so 'n onderwyser na 'n ander pos oorgeplaas of bevorder kan word op proef vir 'n tydperk van minder as 12 maande indien daardie tydperk saam met die proeftyd in diens in die vorige pos, minstens 12 maande is.

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

(3) Indien die hoof van die kantoor sertifiseer dat 'n onderwyser gedurende sy proeftyd of verlengde proeftyd, ywerig was en sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die pos wat hy beklee, kan die Minister die aanstelling, oorplasing of bevordering bekragtig indien die onderwyser voldoen het aan al die voorwaardes waaraan sy aanstelling, oorplasing of bevordering onderworpe was.

BEWYS VAN HUWELIK OF VERANDERING VAN HUWELIKSTAAT

13. 'n Onderwyser moet binne 30 dae nadat hy in die huwelik getree het of nadat sy huwelikstaat verander het, skriftelike bewys daarvan aan die Departement voorlê.

SESSIE VAN EMOLUMENTE

14. Geen onderwyser mag sonder die skriftelike goedkeuring van die Onderwyshoof die reg op die geheel of 'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedeer nie.

ONGUNSTIGE OPMERKINGS OOR ONDERWYSERS

15. Enige ongunstige opmerking aangaande 'n onderwyser vervat in 'n skriftelike mededeling word deur die

that remuneration, allowance or reward or the value thereof.

(c) A person or financial institution contemplated in paragraph (b) who or which fails to comply with a requirement in terms of that paragraph, shall be guilty of an offence and liable on conviction to a fine not exceeding R3 000 or to imprisonment for a period not exceeding one year.

(2) (a) Subject to the provisions of paragraph (b), any salary, allowance, fee, bonus or honorarium which may be payable in respect of the services of a teacher who has been made available to a department of State or another government or a council, institution, body or person contemplated in section 70 of the Act, shall be paid into the Revenue Account: House of Assembly.

(b) In circumstances regarded by the Head of Education as exceptional, he may recommend to the Treasury the payment out of the Revenue Account: House of Assembly to the teacher concerned of an amount equal to that salary, allowance, fee, bonus or honorarium, or a portion thereof.

APPOINTMENT ON PROBATION

12. (1) (a) A teacher appointed on probation shall be so appointed for a period of at least 12 months, which period may be extended for a further period not exceeding 24 months.

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

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

(3) If the head of an office certifies that during his probation period or extended probation period, a teacher has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, the Minister may confirm the appointment, transfer or promotion if the teacher has complied with all the conditions to which his appointment, transfer or promotion was subject.

PROOF OF MARRIAGE OR CHANGE OF MARITAL STATUS

13. A teacher shall, within 30 days after entering into matrimony or after his marital status has changed, submit written proof thereof to the Department.

CESSION OF EMOLUMENTS

14. No teacher shall without the written approval of the Head of Education, cede the right to the whole or a part of any salary or allowance due to him.

UNFAVOURABLE REMARKS ABOUT TEACHERS

15. Any unfavourable remark concerning a teacher, contained in a written communication, shall in writing

hoof van die kantoor skriftelik en in sy volledige samehang onder die aandag gebring van die betrokke onderwyser, en sodanige onderwyser onderteken die skriftelike mededeling en besorg dit terug tesame met enige skriftelike vertoë wat hy wil voorlê: Met dien verstande dat die Onderwyshoof kan goedkeur dat ongunstige opmerkings nie onder die aandag van 'n onderwyser gebring word nie indien hy van oordeel is dat dit nie in die belang van die Departement of die onderwyser is nie.

MEDIESE HULP

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

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

(i) 'n onderwyser wat reeds die ouderdom van 65 jaar bereik het;

(ii) 'n onderwyser wat in 'n tydelike hoedanigheid aangestel is en wat nie lid van die Pensioenfonds vir Tydelike Werknemers is nie;

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

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

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

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

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

(a) moet 'n onderwyser wat—

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

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

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

and in its full context be brought to the notice of the teacher in question by the head of the office, and such teacher shall sign the written communication and return it together with any written representations he wishes to submit: Provided that the Head of Education may approve that unfavourable remarks not be brought to the attention of a teacher if in his judgement it is not in the interest of the Department or the teacher.

MEDICAL AID

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

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

(i) a teacher who has already reached the age of 65 years;

(ii) a teacher appointed in a temporary capacity and who is not a member of the Temporary Employees Pension Fund;

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

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

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

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

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

(a) a teacher shall—

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

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

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

(b) mag 'n onderwyser wat—

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

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

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

(c) is 'n ongetroude vroulike lid, in die lig van die bepalings van artikel 38 (2) van die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967), verplig om haar lidmaatskap van die Hulpvereniging te beëindig indien sy in die huwelik tree en haar eggenoot lid is van die Hulpvereniging of 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds, indien sy deur die reëls van sodanige ander vereniging of fonds as 'n afhanklike van haar eggenoot erken word, of indien sy uit hoofde van haar eggenoot se bekleding van 'n betrekking in die dienste op gratis mediese hulp of voordele geregtig is;

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

(e) kan die Minister 'n onderwyser wat in 'n permanente hoedanigheid aangestel is, individueel of as een van 'n groep van lidmaatskap of voortgesette lidmaatskap vrystel op grond van—

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

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

(4) Ledegeld moet maandeliks ooreenkomstig die toepaslike tarief van 'n persoon se salaris verhaal en aan die Hulpvereniging oorbetaal word.

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

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

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

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

(b) a teacher who—

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

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

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

(c) an unmarried female member is in the light of the provisions of section 38 (2) of the Medical Schemes Act, 1967 (Act No. 72 of 1967), compelled to terminate her membership of the Association if she marries and her husband is a member of the Association or any other medical aid association or medical aid fund or medical assistance fund and she is recognised as a dependant of her husband by the rules of such other association or fund, or if she is entitled to free medical aid or benefits by virtue of the position her husband occupies in the services;

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

(e) the Minister may exempt a teacher who has been appointed in a permanent capacity, individually or as one of a group, from membership or continued membership on the grounds of—

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

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

(4) Membership fees shall be monthly deducted from a person's salary at the appropriate rate and be paid to the Association.

(5) Any monies which may at any time be owing by a teacher to the Association and which he neglects to pay to the Association in terms of the provisions of the rules of the Association and after he has been requested in writing to do so by the Association, shall at the written request of the Association and with the approval of the Director—

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

(b) if his services (and consequently his membership of the Association) terminate for any reason, be recovered in full from any outstanding monies owing to him on termination of services, and be paid to the Association.

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

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

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

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

ONTSLAG VAN ONDERWYSER WEENS AFSKAFFING VAN SY POS, OF 'N VERMINDERING, REORGANISASIE OF HERINDELING VAN DIE PERSONEEL BY 'N DEPARTEMENTELE INRIGTING

17. Behoudens die bepalings van regulasie 4 (2), moet die Minister indien hy van voorneme is om 'n onderwyser ingevolge artikel 71 (1) (b) van die Wet uit sy diens te ontslaan, aan sodanige onderwyser een kalenderkwartaal skriftelike kennis van sodanige ontslag gee.

OUDERDOM VIR UITDIENSTREDING

18. (1) 'n Onderwyser het die reg om met pensioen af te tree en moet, behoudens die bepalings van subregulasie (2), aldus afgedank word wanneer hy die leeftyd van vyf-en-sestig jaar bereik het.

(2) Ondanks die bepalings van subregulasie (1), het 'n onderwyser wat by 'n ander departementele inrigting as 'n skool vir buitengewone onderwys, verbeteringskool of nywerheidskool in diens is, die reg om met pensioen af te tree of kan hy deur die Minister aldus afgedank word by of na bereiking van die leeftyd van sestig jaar, nadat skriftelike kennis van minstens drie maande deur sodanige onderwyser aan die Onderwyshoof of deur die Onderwyshoof aan die betrokke onderwyser gegee is: Met dien verstande dat 'n onderwyser wat by 'n openbare skool in diens is slegs aan die einde van 'n skoolkwartaal met pensioen kan aftree of aldus afgedank word.

VERLOF

19. Die verlofvoorregte van onderwysers is ooreenkomstig die algemene beleid soos kragtens artikel 2 van die Wet op die Nasionale Beleid vir Algemene Onderwyssake, 1984 (Wet No. 76 van 1984), bepaal.

VERBLYFTOELAE

20. Die bepalings van Staatsdiensregulasies D 1 tot D 10 uitgevaardig kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die betaling van verblyftoelae aan beamptes of werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op onderwysers in diens by departementele inrigtings: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie vir dié doel geag word 'n verwysing te wees na die goedkeuring van die Minister.

AMPTELIKE REISE EN VERVOER

21. Die bepalings van Staatsdiensregulasies E 1 tot E 11 uitgevaardig kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot amptelike reise en vervoer ten opsigte van beamptes of werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op onderwysers in diens by departementele inrigtings: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie

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

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

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

DISMISSAL OF A TEACHER ON ACCOUNT OF THE ABOLITION OF HIS POST OR A REDUCTION, REORGANISATION OR READJUSTMENT OF STAFF AT A DEPARTMENTAL INSTITUTION

17. Subject to the provisions of regulation 4 (2), the Minister shall, if he intends to discharge a teacher from service in terms of section 71 (1) (b) of the Act, give to such teacher one calendar quarter's written notice of such discharge.

RETIREMENT AGE

18. (1) A teacher shall be entitled to retire on pension, and shall, subject to the provisions of subregulation (2), be so retired on attaining the age of sixty-five years.

(2) Notwithstanding the provisions of subregulation (1), a teacher employed at a departmental institution other than a school for specialized education, a reform school or an industrial school, shall be entitled to retire on pension or may be so retired by the Minister on or after attaining the age of sixty years, after written notice of at least three months has been given by such teacher to the Head of Education or by the Head of Education to the teacher concerned: Provided that a teacher employed at a public school may only retire on pension or be so retired, at the end of a school quarter.

LEAVE

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

SUBSISTENCE ALLOWANCES

20. The provisions of Public Service Regulations D 1 to D 10 promulgated under the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning the payment of subsistence allowances to officers or employees in the Civil Service, shall *mutatis mutandis* apply to teachers employed at departmental institutions: Provided that a reference therein to a recommendation of the Commission shall for this purpose be deemed to be a reference to the approval of the Minister.

OFFICIAL JOURNEYS AND TRANSPORT

21. The provisions of Public Service Regulations E 1 to E 11 promulgated under the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning official journeys and transport in respect of officers or employees in the Civil Service shall *mutatis mutandis* apply to teachers employed at departmental institutions: Provided that a reference therein to a recommendation of the Commission, shall for this pur-

vir dié doel geag word 'n verwysing te wees na die goedkeuring van die Minister en 'n verwysing daarin na 'n Departementshoof geag word 'n verwysing te wees na die Onderwyshoof.

DIENSBONUS

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

WERKLOOSHEIDSVERSEKERING

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

TOEPASSING VAN ONGEVALLEWET, 1941 (WET NO. 30 VAN 1941)

24. Die bepalings van Hoofstuk D.XIII van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die toepassing van die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941), op beamptes en werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op onderwysers in diens by departementele inrigtings, behoudens die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941).

SUBSIDIESKEMA TEN OPSIGTE VAN BEHUISING

25. Die voorregte van onderwysers met betrekking tot behuisingsubsidie is ooreenkomstig die algemene beleid soos kragtens artikel 2 van die Wet op die Nasionale Beleid vir Algemene Onderwyssake, 1984 (Wet No. 76 van 1984), bepaal.

OORPLASINGSKOSTE EN VERVOERVOORREGTE BY EERSTE AANSTELLING EN BY DIENSBEËINDIGING EN DIE DOOD

26. (1) Die bepalings van Staatsdiensregulasies F.3 en F.5 uitgevaardig kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot oorplasingskoste en vervoervoorregte by eerste aanstelling, dienseindiging en die dood ten opsigte van beamptes en werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op onderwysers in diens by departementele inrigtings: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie vir dié doel geag word 'n verwysing te wees na die goedkeuring van die Minister en 'n verwysing daarin na die Departementshoof geag word 'n verwysing te wees na die Onderwyshoof.

pose be deemed to be a reference to the approval of the Minister, and a reference therein to a Head of Department shall be deemed to be a reference to the Head of Education.

SERVICE BONUS

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

UNEMPLOYMENT INSURANCE

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

APPLICATION OF THE WORKMEN'S COMPENSATION ACT, 1941 (ACT NO. 30 OF 1941)

24. The provisions of Chapter D.XIII of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration regarding the application of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), to officers and employees in the Public Service, shall *mutatis mutandis* apply to teachers employed at departmental institutions, subject to the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941).

SUBSIDY SCHEME IN RESPECT OF HOUSING

25. The privileges of teachers in respect of housing subsidy shall be in accordance with the general policy as determined under section 2 of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984).

TRANSFER COSTS AND TRANSPORT PRIVILEGES ON FIRST APPOINTMENT AND ON TERMINATION OF SERVICES AND DEATH

26. (1) The provisions of Public Service Regulations F. 3 and F. 5 promulgated under the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration regarding transfer costs and transport privileges on first appointment, termination of services and death in respect of officers and employees in the Public Service, shall *mutatis mutandis* apply to teachers employed at departmental institutions: Provided that a reference therein to a recommendation of the Commission shall for this purpose be deemed to be a reference to the approval of the Minister, and a reference therein to the Head of Department shall be deemed to be a reference to the Head of Education.

(2) Ondanks die bepalings van Staatsdiensregulasie F1.1 (b) word 'n onderwyser in diens by 'n departementele inrigting en wat aansoek doen vir aanstelling in 'n pos by 'n ander departementele inrigting en wat as sulks aangestel word, geag op staatskoste na daardie nuwe departementele inrigting oorgeplaas te wees indien die Onderwyshoof dit goedkeur en is hy geregtig op al die voordele wat by oorplasings op staatskoste aan onderwysers betaalbaar is.

(3) Die bepalings van Staatsdiensregulasies F1.1 (a), F1.2 (a) en (b), F1.3 (a), (b), (d), (e) en (f), F1.4 (a) en F1.4 (d) (i) is *mutatis mutandis* van toepassing ten opsigte van sy huishouding en persoonlike besittings wanneer—

(a) 'n onderwyser wat as lid van die aflospersoneel, van een pos na 'n ander in die loop van sy pligte gaan; of

(b) 'n onderwyser wat 'n pos in 'n permanente hoedanigheid beklee na 'n ander pos gesekondeer word.

VOLTYDSE STUDIEKURSUSSE

27. Die Onderwyshoof kan op die bedinge en voorwaardes wat hy bepaal 'n onderwyser magtig om 'n voltydse studiekursus deur die Onderwyshoof goedgekeur te volg en terwyl sodanige onderwyser sodanige kursus volg, word hy geag in 'n onderwyspos aan diens te wees.

No. R.694 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE AANSTELLINGS EN DIENSVOORWAARDES VAN PERSONE ANDERS AS ONDERWYSERS, AANGESTEL BY DEPARTEMENTELE INRIGTINGS

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikels 67 en 68 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), en met die instemming van die Minister van Begroting en Plaaslike Bestuur, die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"dag" 'n tydperk van 24 uur wat ooreenstem met 'n dag op die kalender;

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"Direkteur" 'n Direkteur van Onderwys in artikel 4 van die Wet bedoel;

"hoof van kantoor" die hoof van 'n departementele inrigting;

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

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

(2) Notwithstanding the provisions of Public Service Regulation F1.1 (b), a teacher employed at a departmental institution and who applies for appointment to a post at another departmental institution and who is appointed as such, shall be deemed to be transferred to such new departmental institution at State expense, if approved by the Head of Education, and he shall be entitled to all the privileges payable to teachers transferred at State expense.

(3) The provisions of Public Service Regulation F1.1 (a), F1.2 (a) and (b), F1.3 (a), (b), (d), (e) and (f), F1.4 (a) and F1.4 (d) (i), shall *mutatis mutandis* apply in respect of his household and personal possessions where—

(a) a teacher who as a member of the relief staff moves from one post to another, in the course of his duties; or

(b) a teacher occupying a post in a permanent capacity is seconded to another post.

FULL-TIME STUDY COURSES

27. The Head of Education may, on the terms and conditions he may determine, authorize a teacher to follow a full-time study course approved by the Head of Education and while such teacher follows such course he shall be deemed to be on duty in a teaching post.

No. R.694 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO THE APPOINTMENT AND CONDITIONS OF SERVICE OF PERSONS OTHER THAN TEACHERS, APPOINTED AT DEPARTMENTAL INSTITUTIONS

The Minister of Education and Culture has under section 112, read with sections 67 and 68 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), and with the concurrence of the Minister of the Budget and Local Government, made the regulations in the Schedule.

SCHEDULE

Definitions

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

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

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

"day" means a period of 24 hours corresponding with a day on the calendar;

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

"Director" means a Director of Education referred to in section 4 of the Act;

"employee" means a person employed at a depart-

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

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

"skoolkwartaal" een van die vier skoolkwartale in 'n jaar van die skoolkalender soos ingevolge artikel 6 (1) (g) van die Wet bepaal;

"skoolvakansie" 'n tydperk tussen enige twee opeenvolgende skoolkwartale;

"superintendent van onderwys" 'n persoon as sodanig aangestel ingevolge artikel 67 van die Wet;

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

"werknemer" 'n persoon in diens by 'n departementele inrigting in 'n ander pos as 'n onderwyspos en wat aangestel is kragtens die Wet of geag word daarkragtens aangestel te wees.

AANSTELLING IN 'N POS AS WERKNEMER

2. (1) 'n Persoon wat vir aanstelling as 'n werknemer in aanmerking wil kom, doen skriftelik by die hoof van die kantoor daarom aansoek.

(2) 'n Persoon wat vir 'n aanstelling in 'n permanente hoedanigheid in aanmerking wil kom, moet 'n verklaring op 'n vorm deur die Onderwyshoof voorsien invul en onderteken en indien die Onderwyshoof dit van hom vereis, hom aan 'n geneeskundige ondersoek onderwerp.

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

(4) Niemand word in 'n permanente hoedanigheid in 'n pos as werknemer aangestel nie, tensy hy—

(a) 'n Suid-Afrikaanse burger is;

(b) van goeie karakter en medies geskik is;

(c) oor die minimum kwalifikasies soos in die Personeeladministrasiestandaard vir die betrokke beroepsklas bepaal, beskik; en

(d) onder die ouderdom van 55 jaar is:

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

AANSTELLING OP PROEF

3. (1) (a) 'n Werknemer wat op proef aangestel word, word vir 'n tydperk van minstens 12 maande as sulks aangestel, welke tydperk vir 'n verdere tydperk van hoogstens 24 maande verleng kan word.

(b) Die Minister kan goedkeur dat 'n oorplasing of bevordering ook op proef vir sodanige tydperk kan geskied: Met dien verstande dat so 'n werknemer oorgeplaas kan word na of bevorder kan word tot 'n ander pos op proef vir 'n tydperk van minder as 12 maande mits daardie tydperk saam met die proeftydperk in die vorige pos, minstens 12 maande is.

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

mental institution in a post other than a teaching post and who is appointed in terms of the Act or who is deemed to be appointed in terms thereof;

"head of office" means the head of a departmental institution;

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

"school holiday" means a period between any two consecutive school quarters;

"school quarter" means one of the four school quarters in a year of the school calendar as determined in terms of section 6 (1) (g) of the Act;

"superintendent of education" means a person appointed as such in terms of section 67 of the Act;

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988); and

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

APPOINTMENT TO A POST AS AN EMPLOYEE

2. (1) Any person wishing to be considered for an appointment as an employee shall apply therefore in writing to the head of the office.

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

(3) The district surgeon or state medical officer who undertakes the medical examination of a person mentioned in subregulation (2), shall after the examination draw up a report thereon on a form determined by the Head of Education.

(4) No person shall be appointed to a post as employee in a permanent capacity unless he is—

(a) a South African citizen;

(b) of good character and medically fit;

(c) in possession of the minimum qualifications as determined in the Personnel Administration Standard for the occupational class concerned; and

(d) under the age of 55 years:

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

APPOINTMENT ON PROBATION

3. (1) (a) An employee appointed on probation shall be appointed as such for a period of at least 12 months, which period may be extended for a further period not exceeding 24 months.

(b) The Minister may approve that a transfer or a promotion may also be made on probation for such period: Provided that such employee may be transferred or promoted to another post on probation for a period of less than 12 months provided that such period, together with the probation served in the former post, shall total at least 12 months.

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

(3) Indien die hoof van die kantoor sertifiseer dat 'n werknemer gedurende sy proeftyd of verlengde proeftyd ywerig en deurgaans van bevredigende gedrag was en dat hy in alle opsigte geskik is vir die pos wat hy beklee, kan die Minister die aanstelling, oorplasing of bevordering bekragtig indien die werknemer voldoen het aan al die voorwaardes waaraan sy aanstelling, oorplasing of bevordering onderworpe was.

DIENSBEËINDIGING: DATUM WAAROP SALARIS EINDIG

4. (1) Indien 'n werknemer ingevolge artikel 73 (2) van die Wet kennis van sy bedanking gee, word hy betaal vir die volle kalendermaand waarvoor hy kennis gegee het, mits hy op elke dag wat nie 'n rusdag is nie in daardie kalendermaand, diens doen.

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

(3) Indien 'n werknemer ontslaan word om 'n rede bedoel in artikel 71 (1) (b) of (c) van die Wet, kry hy minstens een kalendermaand kennis van ontslag welke kennis ook op die eerste dag van bedoelde kalendermaand gegee kan word, en waar die eerste dag of dae van bedoelde kalendermaand op 'n rusdag of rusdae val, kan sodanige kennis ook op die eerste werksdag wat onmiddellik op daardie rusdag of rusdae volg, gegee word.

FOUTIEWELIK TOEGESTANE BESOLDIGING

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

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

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

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

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

(3) If the head of office certifies that during his probation period or extended probation period, an employee has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, the Minister may confirm the appointment, transfer or promotion if the employee has complied with all the conditions to which his appointment, transfer or promotion was subject.

TERMINATION OF SERVICE: DATE ON WHICH SALARY ENDS

4. (1) If an employee gives notice of his resignation in terms of section 73 (2) of the Act, he shall be paid for the full calendar month for which he has given notice, provided that he renders service on every day in that calendar month which is not a day of rest.

(2) If shorter notice of resignation than one calendar month is accepted of an employee, he shall be paid up to and including the last day on which he has actually rendered service.

(3) If an employee is discharged for a reason contemplated in section 71 (1) (b) or (c) of the Act, he shall receive at least one calendar month notice of discharge which notice may also be given on the first day of the calendar month in question, and where the first day or days of the calendar month in question, fall on a day of rest or on days of rest, such notice may also be given on the first working day following immediately on that day of rest or those days of rest.

WRONGLY GRANTED REMUNERATION

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

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

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

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

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

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

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

ONGEMAGTIGDE BESOLDIGING

6. (1) (a) (i) Indien enige besoldiging, toelae of ander beloning deur 'n werknemer in verband met die verrigting van sy werk in die Departement ontvang word anders as ooreenkomstig die bepalings van die Wet of hierdie Regulasies, of in stryd met die bepalings van artikel 100 (1) (b) van die Wet ontvang word, moet daardie werknemer 'n bedrag gelyk aan die bedrag van daardie besoldiging, toelae of ander beloning in die Inkomsterekening: Volksraad stort, of waar dit nie uit geld bestaan nie, die waarde daarvan soos bepaal deur die Onderwyshoof, en indien hy dit nie doen nie, moet dit deur die Onderwyshoof deur middel van regsproses of op die ander wyse wat die Tesourie goedkeur, op hom verhaal en in die Inkomsterekening: Volksraad gestort word.

(ii) Die betrokke werknemer kan teen so 'n bepaling deur die Onderwyshoof na die Minister appelleer, wat die bevel kan gee wat hy goeddink.

(iii) Die Tesourie kan op aanbeveling van die Onderwyshoof beslis dat die betrokke werknemer die geheel of 'n gedeelte van die besoldiging, toelae of beloning kan behou.

(b) Indien 'n werknemer na die oordeel van die Onderwyshoof enige besoldiging, toelae of ander beloning bedoel in paragraaf (a) ontvang het, en dit nog in sy besit of onder sy beheer is of ten behoewe van hom in die besit of onder die beheer van iemand anders is, of, indien dit geld is, in 'n depositonemende finansiële instelling gestort is op sy naam of op naam van iemand anders ten behoewe van hom, kan die Onderwyshoof die werknemer of so iemand anders of die finansiële instelling skriftelik aansê om, in afwagting van die uitslag van geregtelike stappe vir die verhaal van daardie besoldiging, toelae of beloning of die waarde daarvan, nie daaroor te beskik nie, of, indien dit geld is, nie oor 'n ooreenstemmende bedrag geld te beskik nie, na gelang van die geval.

(c) 'n Persoon of 'n finansiële instelling in paragraaf (b) bedoel wat 'n aansegging ingevolge daardie paragraaf nie nakom nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R3 000 of gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(2) (a) Behoudens die bepalings van paragraaf (b) moet enige salaris, toelae, geld, bonus of honorarium wat betaalbaar is ten opsigte van die dienste van 'n werknemer wat ter beskikking gestel word van 'n Staatsdepartement of 'n ander regering of 'n raad, inrigting, liggaam of persoon in artikel 70 van die Wet bedoel, in die Inkomsterekening: Volksraad gestort word.

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

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

UNAUTHORIZED REMUNERATION

6. (1) (a) (i) If any remuneration, allowance or other reward is received by an employee in connection with the performance of his work in the Department otherwise than in accordance with the provisions of the Act or these Regulations, or is received contrary to the provisions of section 100 (1) (b) of the Act, that employee shall pay into the Revenue Account: House of Assembly an amount equal to the amount of such remuneration, allowance or other reward, or, where it does not consist of money, the value thereof as determined by the Head of Education, and if he does not do so, it shall be recovered from him by the Head of Education by way of legal proceedings or in such other manner as the Treasury may approve, and be paid into the Revenue Account: House of Assembly.

(ii) The employee concerned may appeal against such a determination by the Head of the Education to the Minister who may make such order as he may think fit.

(iii) The Treasury may, on the recommendation of the Head of Education, determine that the employee concerned may retain the whole or a portion of the remuneration, allowance or reward.

(b) If in the opinion of the Head of Education an employee has received any remuneration, allowance or other reward referred to in paragraph (a) and it is still in his possession or under his control or in the possession or under the control of any other person on his behalf, or, if it is money, has been deposited in any deposit-taking financial institution in his name or in the name of any other person on his behalf, the Head of Education may in writing require that employee or that other person or that financial institution not to dispose thereof, or, if it is money, not to dispose of a corresponding sum of money, as the case may be, pending the outcome of any legal steps for the recovery of that remuneration, allowance or reward or the value thereof.

(c) A person or financial institution contemplated in paragraph (b) who or which fails to comply with a requirement in terms of that paragraph, is guilty of an offence and liable on conviction to a fine not exceeding R3 000 or to imprisonment for a period not exceeding one year.

(2) (a) Subject to the provisions of paragraph (b), any salary, allowance, fee, bonus or honorarium which may be payable in respect of the services of an employee who has been made available to a department of state or another government or a council, institution, body or person contemplated in section 70 of the Act, shall be paid into the Revenue Account: House of Assembly.

(b) Die Onderwyshoof kan onder omstandighede wat hy as buitengewoon beskou by die Tesourie aanbeveel dat daar aan die betrokke werknemer uit die Inkomsterekening: Volksraad 'n bedrag betaal word wat gelyk is aan daardie salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan.

ALGEMENE DIENSVOORWAARDES

BEWYS VAN HUWELIK OF VERANDERING VAN HUWELIKSTAAT

7. 'n Werknemer moet binne 30 dae nadat hy in die huwelik getree het of nadat sy huwelikstaat verander het, skriftelike bewys daarvan aan die Departement voorlê.

SESSIE VAN EMOLUMENTE

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

ONGUNSTIGE OPMERKINGS OOR WERKNEMERS

9. 'n Ongunstige opmerking vervat in 'n skriftelike mededeling oor 'n werknemer word deur die hoof van die kantoor skriftelik en in sy volledige samehang onder die aandag gebring van bedoelde werknemer wat die skriftelike mededeling onderteken en dit tesame met enige skriftelike vertoë wat hy wil voorlê terugbesorg: Met dien verstande dat die Onderwyshoof kan goedkeur dat ongunstige opmerkings nie onder die aandag van 'n werknemer gebring word nie indien hy van oordeel is dat dit nie in die belang van die Departement of die werknemer is nie.

MEDIESE HULP

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

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

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

(ii) 'n werknemer wat in 'n tydelike hoedanigheid aangestel is en wat nie lid van die Pensioenfonds vir Tydelike Werknemers is nie;

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

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

(b) indien die omstandighede van 'n getroude vrou in paragraaf (a) (iii) bedoel, of van haar eggenoot, om die een of ander rede sodanig verander dat sy nie meer as 'n afhanklike van haar eggenoot vir doeleindes van die Hulpvereniging of 'n ander mediese hulpvereniging of mediese hulpfonds of

(b) In circumstances regarded by the Head of Education as exceptional, he may recommend to the Treasury the payment out of the Revenue Account: House of Assembly to the employee concerned of an amount equal to that salary, allowance, fee, bonus or honorarium, or a portion thereof.

GENERAL CONDITIONS OF SERVICE

PROOF OF MARRIAGE OR CHANGE OF MARITAL STATUS

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

CESSION OF EMOLUMENTS

8. No employee shall, without the written approval of the Head of Education, cede the right to the whole or a part of any salary or allowance due to him.

ADVERSE REMARKS CONCERNING EMPLOYEES

9. Any adverse remark concerning an employee contained in a written communication, shall in writing and in its full context be brought to the notice of the employee in question by the head of the office, and such employee shall sign the written communication and return it together with any written representations he wishes to submit: Provided that the Head of Education may approve that adverse remarks not be brought to the notice of an employee if in his judgement it is not in the interests of the Department or the employee.

MEDICAL AID

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

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

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

(ii) an employee appointed in a temporary capacity and who is not a member of the Temporary Employees Pension Fund;

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

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

(b) if, for any reason whatsoever, a change occurs in the circumstances of a married woman contemplated in paragraph (a) (iii), or those of her husband, resulting in her no longer being recognised as a dependant of her husband for the purposes of the Association or any other medical aid associa-

mediese bystandsfonds erken word nie of op mediese hulp of voordele uit hoofde van haar eggenoot se bekleding van 'n bepaalde betrekking geregtig is nie, sy, behoudens die bepalings van paragraaf (a) (i) en (ii) en van subregulasie (3) (a) (ii), (b) (ii), (d) en (e), verplig is om lid van die Hulpvereniging te word met ingang van die datum wat volg op die dag waarop haar omstandighede aldus verander het.

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

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

(a) moet 'n werknemer wat—

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

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

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

(b) mag 'n werknemer wat—

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

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

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

(c) is 'n ongetroude vroulike lid in die lig van die bepalings van artikel 38 (2) van die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967), verplig om haar lidmaatskap van die Hulpvereniging te beëindig indien sy in die huwelik tree en haar eggenoot lid is van die Hulpvereniging of 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds, indien sy deur die reëls van sodanige ander vereniging of fonds as 'n afhanklike van haar eggenoot erken word, of indien sy uit hoofde van haar eggenoot se bekleding van 'n betrekking in die dienste op gratis mediese hulp of voordele geregtig is;

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

(e) kan die Minister 'n werknemer wat in 'n permanente hoedanigheid aangestel is, individueel of as een van 'n groep van lidmaatskap of voortgesette lidmaatskap vrystel op grond van—

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

tion or medical aid fund or medical assistance fund, or if she is not entitled to medical aid or benefits by virtue of the particular position which her husband occupies, she shall, subject to the provisions of paragraph (a) (i) and (ii), and of subregulation (3) (a) (ii), (b) (ii), (d) and (e), be compelled to become a member of the Association with effect from the date following the day on which her circumstances so changed.

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

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

(a) an employee shall—

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

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

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

(b) any employee who—

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

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

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

(c) an unmarried female member shall in the light of the provisions of section 38 (2) of the Medical Schemes Act, 1967 (Act No. 72 of 1967), be compelled to terminate her membership of the Association if she marries and her husband is a member of the Association or any other medical aid association or medical aid fund or medical assistance fund and she is recognised as a dependant of her husband by the rules of such other association or fund, or if she is entitled to free medical aid or benefits by virtue of the position her husband occupies in the services;

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

(e) the Minister may exempt an employee appointed in a permanent capacity, individually or as one of a group, from membership or continued membership on the grounds of—

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

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

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

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

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

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

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

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

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

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

VERLOF VAN WERKNEMERS

11. Die Onderwyshoof kan aan 'n werknemer verlof toestaan op die grondslag en onder die voorwaardes in hierdie Regulasies uiteengesit.

VERLOF 'N VERGUNNING

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

(2) Verlof kan nie as 'n reg geëis word nie en wanneer 'n werknemer die diens van die Departement verlaat, om watter rede ook al, verval sy verlof op die laaste dag waarop hy in diens was en kan hy nie eis dat die geldwaarde van verlof wat hy tot sy krediet het aan hom uitbetaal word nie.

(3) Indien 'n werknemer wat die diens van die Departement om watter rede ook al verlaat het, met of sonder onderbreking van diens in 'n permanente of tydelike hoedanigheid heraangestel word, word sodanige heraanstelling vir alle doeleindes van hierdie Regulasies as 'n nuwe aanstelling beskou.

HOFSAKE EN ONDERSOEKE: AFWESIGHEID VAN DIENS WAT NIE AS VERLOF AANGETEKEN HOEF TE WORD NIE

13. (1) 'n Werknemer word nie geag van diens afwesig te wees nie indien hy verskyn as—

(a) getuie in strafregtelike hofverrigtinge;

(b) getuie of verweerder in siviele hofverrigtinge (insluitende 'n egskeidingsaak); of

(c) getuie of gedaagde by 'n huurraadondersoek.

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

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

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

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

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

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

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

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

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

LEAVE OF EMPLOYEES

11. The Head of Education may grant leave to an employee on the basis and subject to the conditions set out in these Regulations.

LEAVE A PRIVILEGE

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

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

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

COURT CASES AND INVESTIGATIONS: ABSENCE FROM DUTY WHICH NEED NOT BE RECORDED AS LEAVE

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

(a) a witness in criminal court proceedings;

(b) a witness or defendant in civil court proceedings (including a divorce case); or

(c) a witness or defendant in a rent board investigation.

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

TOESTAAN EN INTREKKING VAN VERLOF: VERLOFAANSOEKVORMS EN VERLOFSTATE

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

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

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

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

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

(4) (a) Die Departement hou ten opsigte van elke werknemer 'n verlofstaat waarin alle afwesigheid van diens aangeteken word volgens die indeling in regulasie 17.

(b) Alle verlofaansoeke word vir oudit- en ander doeleindes bewaar in die kantoor waar die verlofstaat gehou word, en wel vir dié tydperk wat die Minister gelas.

VERVAL VAN TOEGESTANE VERLOF BY DIENSBEËINDIGING

15. (1) Sodra 'n werknemer kennis gee van bedanking verval enige toegestane verlof met betaling met ingang van die datum van die kennisgewing, of indien die kennisgewing nie gedateer is nie, vanaf die datum van ontvangs daarvan deur die hoof van die kantoor, en verlof aangevra of afwesigheid van diens na daardie datum word geag vakansieverlof sonder betaling te wees: Met dien verstande dat die bepalings van hierdie subregulasie—

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

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

(i) siekteverlof;

(ii) spesiale verlof met volle betaling wat kragtens regulasie 30 toegestaan word;

(iii) vakansieverlof wat kragtens regulasie 26 (2) toegestaan word; en

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

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

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

GRANTING AND WITHDRAWAL OF LEAVE: LEAVE APPLICATION FORMS AND LEAVE RECORDS

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

(b) Leave already granted may at any time be withdrawn by the Head of Education.

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

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

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

(4) (a) The Department shall keep a leave record in respect of each employee, in which all absence from duty shall be recorded in accordance with the classification contained in regulation 17.

(b) All applications for leave shall be filed for audit and other purposes, in the office where the leave record is kept, for such period as the Minister may direct.

LAPSE OF LEAVE GRANTED ON CESSATION OF SERVICES

15. (1) As soon as an employee gives notice of resignation, any leave with pay already granted shall lapse with effect from the date of notice, or if the notice is not dated, with effect from the date of receipt thereof by the head of office, and leave applied for or absence from duty after that date, shall be deemed to be vacation leave without pay: Provided that the provisions of this subregulation—

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

(b) shall not apply in respect of—

(i) sick leave;

(ii) special leave with full pay granted in terms of regulation 30;

(iii) vacation leave granted in terms of regulation 26 (2); and

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

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

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

BETALING VAN TOELAES, ENS. TYDENS VERLOF

16. Die voortsetting of staking van die betaling aan 'n werknemer van toelaes of ander besoldiging as sy salaris of loon en die aanspreeklikheid van 'n werknemer vir die betaling aan die Staat van gelde vir goedere of dienste deur die Staat gelewer gedurende tydperke van verlof, is onderworpe aan die bepalings van die regulasies wat daarop van toepassing is asook aan opdragte wat deur die Minister op aanbeveling van die Kommissie vir Administrasie daaromtrent uitgereik is.

INDELING VAN VERLOF

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

(a) vakansieverlof met volle betaling;

(b) vakansieverlof sonder betaling;

(c) siekteverlof met volle betaling;

(d) siekteverlof met halwe betaling;

(e) siekteverlof sonder betaling;

(f) spesiale siekteverlof met volle of verminderde betaling; en

(g) spesiale verlof met volle betaling.

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

(3) Behoudens die bepalings van regulasie 30 (1) (c) word ongemagtigde afwesigheid van diens, ongeag enige tugmaatreëls wat teen 'n werknemer geneem word, geag vakansieverlof sonder betaling te wees tensy die Onderwyshoof anders bepaal.

GROEPERING VAN WERKNEMERS VIR VERLOFDOELEINDES EN VERLOFVOORSIENING

18. (1) 'n Werknemer wat behoort tot 'n groep hieronder bedoel is geregtig op die aantal dae verlof van elke soort soos ten opsigte van die betrokke groep hieronder aangedui—

(a) Groep A—Mediese beamptes en tandartse.

Hierdie persone verrig nie diens gedurende skoolvakansies nie—

(i) vakansieverlof per jaar ..... 14 dae;

(ii) siekteverlof in elke tydkring met—

volle betaling ..... 90 dae; en

halwe betaling ..... 90 dae.

(b) Groep B—Blanke werknemers, uitgesondered dié wat in Groep A ingedeel is, wat in diens is by openbare skole, indien normaalweg nie van hulle verwag word om gedurende skoolvakansies wanneer onderrig opgeskort is, aan diens te bly nie—

(i) vakansieverlof per jaar ..... 12 dae;

(ii) nie-oplopende verlof gedurende skoolvakansies ..... hoogstens 70 dae per jaar;

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

PAYMENT OF ALLOWANCES, ETC, DURING LEAVE

16. The continuation or termination of payment to an employee of allowances or remuneration other than his salary or wage, and the liability of an employee for the payment to the State of moneys for goods delivered or services rendered by the State during periods of leave, shall be subject to the provisions of the regulations applying thereto, as well as directions issued thereon by the Minister on recommendation by the Commission for Administration.

CLASSIFICATION OF LEAVE

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

(a) vacation leave with full pay;

(b) vacation leave without pay;

(c) sick leave with full pay;

(d) sick leave with half pay;

(e) sick leave without pay;

(f) special sick leave with full or reduced pay; and

(g) special leave with full pay.

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

(3) Subject to the provisions of regulation 30 (1) (c), unauthorized absence from duty shall, irrespective of any disciplinary measures taken against an employee, be regarded as vacation leave without pay, unless the Head of Education determines otherwise.

CLASSIFICATION OF EMPLOYEES FOR LEAVE PURPOSES AND LEAVE PROVISION

18. (1) An employee belonging to a group referred to hereunder, shall be entitled to the number of days leave of each type as indicated hereunder in respect of the group concerned—

(a) Group A—Medical officers and dentists.

These persons shall not render services during school holidays—

(i) vacation leave per year ..... 14 days;

(ii) sick leave in every cycle with—

full pay ..... 90 days; and

half pay ..... 90 days.

(b) Group B—White employees, excluding those classified in Group A, who are employed at public schools, if it is normally not expected of them to remain on duty during school holidays when teaching is suspended—

(i) vacation leave per year ..... 12 days;

(ii) non-accumulative leave during school holidays ..... not exceeding 70 days per year;

(iii) siekteverlof in elke tydkring met—

volle betaling ..... 90 dae; en

halwe betaling ..... 90 dae.

(c) Groep C—Werknemers in Groep B bedoel, indien normaalweg van hulle verwag word om gedurende skoolvakansies aan diens te bly alhoewel onderrig opgeskort en die skole gesluit is—

(i) vakansieverlof per jaar ..... 36 dae;

(ii) siekteverlof in elke tydkring met—

volle betaling ..... 120 dae; en

halwe betaling ..... 120 dae:

Met dien verstande dat die vakansieverlof van 'n werknemer wat minder as 10 jaar diens voltooi het, slegs 30 dae per jaar is.

(d) Groep D—Nie-blanke werknemers wat in diens is by openbare skole, indien normaalweg van hulle verwag word om gedurende skoolvakansies aan diens te bly alhoewel onderrig opgeskort en die skole gesluit is, en wat—

(i) tien jaar of langer diens voltooi het—

(aa) vakansieverlof per jaar ..... 36 dae;

(bb) siekteverlof in elke tydkring met—

volle betaling ..... 120 dae; en

halwe betaling ..... 120 dae;

(ii) vyf jaar of langer, maar minder as 10 jaar diens voltooi het—

(aa) vakansieverlof per jaar ..... 30 dae;

(bb) siekteverlof in elke tydkring met—

volle betaling ..... 90 dae; en

halwe betaling ..... 90 dae; en

(iii) minder as 5 jaar diens voltooi het—

(aa) vakansieverlof per jaar ..... 24 dae;

(bb) siekteverlof in elke tydkring met—

volle betaling ..... 60 dae; en

halwe betaling ..... 60 dae.

(e) Groep E—Nie-blanke werknemers wat in diens is by openbare skole, indien normaalweg nie van hulle verwag word om gedurende skoolvakansies wanneer onderrig opgeskort is, aan diens te bly nie—

(i) vakansieverlof per jaar ..... 6 dae;

(ii) nie-oplopende verlof gedurende skoolvakansies ..... hoogstens 70 dae per jaar;

(iii) siekteverlof in elke tydkring met—

volle betaling ..... 60 dae; en

halwe betaling ..... 60 dae.

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

(3) Die vakansieverlof wat 'n werknemer op 1 Januarie van elke jaar tot sy krediet het, word in die verlofstaat aangeteken en by die aantekening van so 'n

(iii) sick leave in each cycle with—

full pay ..... 90 days; and

half pay ..... 90 days.

(c) Group C—Employees referred to in Group B, if it is normally expected of them to remain on duty during school holidays although teaching is suspended and schools are closed—

(i) vacation leave per year ..... 36 days;

(ii) sick leave in every cycle with—

full pay ..... 120 days; and

half pay ..... 120 days:

Provided that the vacation leave of an employee who has completed less than 10 years' service, shall be 30 days per year only.

(d) Group D—Non-White employees employed at public schools, if it is normally expected of them to remain on duty during school holidays although teaching is suspended and the schools are closed, and who have completed—

(i) ten years of service or longer—

(aa) vacation leave per year ..... 36 days;

(bb) sick leave in every cycle with—

full pay ..... 120 days; and

half pay ..... 120 days;

(ii) five years or longer but less than 10 years of service—

(aa) vacation leave per year ..... 30 days;

(bb) sick leave in every cycle with—

full pay ..... 90 days; and

half pay ..... 90 days; and

(iii) less than 5 years' service—

(aa) vacation leave per year ..... 24 days;

(bb) sick leave in every cycle with—

full pay ..... 60 days; and

half pay ..... 60 days.

(e) Group E—Non-white employees employed at public schools, if it is normally not expected of them to remain on duty during school holidays when teaching is suspended—

(i) vacation leave per year ..... 6 days;

(ii) non-accumulative leave during school holidays ..... not exceeding 70 days per year;

(iii) sick leave in each cycle with—

full pay ..... 60 days; and

half pay ..... 60 days.

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

(3) The vacation leave that an employee has to his credit on 1 January of each year, shall be recorded in the

krediet word enige gedeelte van 'n dag as een dag gereken.

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

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

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

tensy die bepalings van regulasie 12 (3) op hom van toepassing is.

VAKANSIEVERLOFAANWAS

19. Vakansieverlof, uitgesonderd vakansieverlof wat ingevolge regulasie 18 (2) tot 'n werknemer se krediet geplaas word, was aan ten opsigte van elke voltooide maand van diens en wel teen een-twaalfde van die voorsiening wat ingevolge regulasie 18 (1) op 'n werknemer van toepassing is.

SKOOLVAKANSIES: NIE DEEL VAN VERLOF NIE

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

RUSDAE

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

(a) 'n rusdag of twee of meer opeenvolgende rusdae wat in 'n tydperk van verlof val, geag word verlof te wees wat onder dieselfde hoof volgens die indeling in regulasie 17 (1) val as die verlof wat sodanige rusdag of rusdae voorafgaan en daarop volg;

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

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

TOESTAAN VAN VAKANSIEVERLOF

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

leave record and in the recording of such credit, any part of a day shall be regarded as being one full day.

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

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

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

unless the provisions of regulation 12 (3) apply to him.

ACCRUAL OF VACATION LEAVE

19. Vacation leave, excluding vacation leave credited to an employee in terms of regulation 18 (2), shall accrue in respect of each completed month of service at the rate of one twelfth of the leave provision which applies to an employee in terms of regulation 18 (1).

SCHOOL HOLIDAYS: NOT PART OF LEAVE

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

DAYS OF REST

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

(a) a day of rest or two or more consecutive days of rest falling within a period of leave, shall be regarded as leave falling under the same heading according to the classification in regulation 17 (1) as the leave preceding or following such day or days of rest;

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

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

GRANTING OF VACATION LEAVE

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

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

(3) Behoudens die beperkings wat deur regulasie 28 (3) opgelê word, kan die Onderwyshoof, indien 'n grondige rede na sy mening daarvoor bestaan, aan 'n werknemer wat nie vakansieverlof tot sy krediet het nie, vakansieverlof sonder betaling vir hoogstens 184 dae in 'n onafgebroke tydperk van 18 maande toestaan.

VAKANSIEVERLOF: WERKNEMERS AANGESTEL SONDER ONDERBREKING VANAF PROVINSIALE ADMINISTRASIE OF ANDER DIENS

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

(a) 'n staatsdepartement;

(b) die Suid-Afrikaanse Vervoerdienste;

(c) 'n provinsiale administrasie;

(d) die Administrasie van Suidwes-Afrika; of

(e) 'n liggaam of inrigting wat 'n pensioen- of voorsorgfonds het wat deur die Staat geadministreer word,

behou die oplopende vakansieverlof wat hy tot sy krediet gehad het op die laaste dag van sy diens by sy vorige werkgewer en die vorige diens ten opsigte waarvan die verlofkrediet oorgedra word tel as diens vir verlofdoeleindes.

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

VERLOF VIR STUDIEDOELEINDES

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

VERLOF VIR BEVALLINGSDOELEINDES

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

ALGEMENE BEPALINGS: SIEKTEVERLOF

26. (1) Siekteverlof val toe aan 'n werknemer op die eerste dag van 'n tydkring of op die datum van sy diensaanvaarding waar so 'n datum binne 'n tydkring val en met ingang van daardie dag kan die volle siekteverlof bedoel in regulasie 18 (1) vir die betrokke tydkring aan hom toegestaan word, mits aan die ander bepalings van hierdie Regulasies voldoen word: Met dien verstande dat aan geen werknemer siekteverlof met volle of halwe betaling toegestaan word voordat hy 30 dae diens voltooi het nie en dan slegs ten opsigte van afwesigheid na die voltooiing van die 30 dae diens.

(2) (a) Aan 'n werknemer kan op sy skriftelike aansoek, vakansieverlof wat hy tot sy krediet het, deur die Onderwyshoof toegestaan word in plaas

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

(3) Subject to the restrictions imposed by regulation 28 (3), the Head of Education may, if in his opinion good cause exists, therefore, grant to an employee who does not have vacation leave standing to his credit, vacation leave without pay not exceeding 184 days during an uninterrupted period of 18 months.

VACATION LEAVE: EMPLOYEES APPOINTED WITHOUT A BREAK OF SERVICE FROM PROVINCIAL ADMINISTRATION OR OTHER SERVICE

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

(a) a state department;

(b) the South African Transport Services;

(c) a provincial administration;

(d) the Administration of South West Africa; or

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

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

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

LEAVE FOR STUDY PURPOSES

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

LEAVE FOR CONFINEMENT PURPOSES

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

GENERAL PROVISIONS: SICK LEAVE

26. (1) Sick leave shall become due to an employee on the first day of a cycle or on the date of his assumption of duty where such a date falls within a cycle, and with effect from that day, the full sick leave referred to in regulation 18 (1) for the cycle concerned may be granted to him, on condition that the other provisions of these Regulations are complied with: Provided that sick leave with full or half pay shall not be granted to any employee before he has completed 30 days of service and then only in respect of absence after completion of the 30 days service.

(2) (a) Vacation leave standing to his credit may be granted by the Head of Education to an employee on his written application, instead of sick leave

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

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

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

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

(3) Indien 'n werknemer aan wie vakansieverlof met betaling toegestaan is, siek word terwyl hy met vakansieverlof is, kan daardie gedeelte van die vakansieverlof waartydens hy siek was, behoudens die bepalings van regulasie 27 (3) in siekteverlof omskep word mits sodanige werknemer binne 30 dae na verstruking van sy vakansieverlof, skriftelik om sodanige omskepping aansoek doen.

(4) Aan 'n werknemer wat sy vakansieverlofkrediet ingevolge regulasie 23 (1) behou, word gedurende die onverstreke gedeelte van die tydkring waarin hy aldus oorgeplaas is, siekteverlof met betaling toegestaan wat nie meer is nie as wat aan hom toegestaan sou gewees het indien al sy diens gedurende so 'n tydkring diens by die Departement was.

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

(6) (a) Indien aan 'n werknemer die maksimum getal dae siekteverlof met volle en halwe betaling toegestaan is waarvoor hy ingevolge regulasie 18 kwalifiseer en hy weens gesondheidsredes nie in staat is om sy pligte te hervat nie, kan die Onderwyshoof verdere siekteverlof met halwe betaling aan hom toeken vir hoogstens 92 dae in een tydkring indien sodanige werknemer—

(i) 'n sertifikaat bedoel in regulasie 27 (3) voorlê;

(ii) op die tydstip wanneer hy die sertifikaat in subparagraaf (i) bedoel voorlê, na die oordeel van die Onderwyshoof nie permanent ongeskik is vir die verrigting van sy normale pligte nie; en

(iii) nie vakansieverlof tot sy krediet het nie.

(b) Die toekenning van verdere siekteverlof met halwe betaling bedoel in paragraaf (a) kan gedoen word ten opsigte van afsonderlike tydperke van afwesigheid en ten opsigte van ongesteldhede van verskillende aard.

(7) Indien 'n werknemer gedurende een tydkring sonder onderbreking van diens—

(a) oorgaan na 'n groep bedoel in regulasie 18 (1) ten opsigte waarvan die siekteverlofvoorsiening minder gunstig is as dié wat voorheen op hom van toepassing was, behou hy vir die duur van daardie tydkring die siekteverlofvoorsiening wat voorheen op hom van toepassing was; of

(b) oorgaan na so 'n groep ten opsigte waarvan die siekteverlofvoorsiening gunstiger is as dié wat

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

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

(ii) the Head of Education is satisfied that at the stage when such application is submitted, such employee is not permanently unfit for the performance of his normal duties.

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

(3) If an employee to whom vacation leave with pay was granted becomes ill while he is on vacation leave, that part of the vacation leave during which he was ill may, subject to the provisions of regulation 27 (3) be converted into sick leave on condition that such employee shall within 30 days after expiry of the vacation leave, apply for such conversion in writing.

(4) Any employee who retains his vacation leave credit in terms of regulation 23 (1), shall, during the unexpired part of the cycle in which he has been so transferred, be granted sick leave with pay not exceeding that which would have been granted to him had all his service during such cycle been service with the Department.

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

(6) (a) If the maximum number of days sick leave with full and half pay for which he qualifies in terms of regulation 18, has been granted to an employee, and he is, due to reasons of health not able to resume his duties, the Head of Education may grant him further sick leave with half pay for a maximum of 92 days in one cycle if such employee—

(i) submits a certificate referred to in regulation 27 (3);

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

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

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

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

(a) passes to a group referred to in regulation 18 (1) in respect of which the sick leave provision is less favourable than that which previously applied to him, he shall, for the duration of that cycle, retain the sick leave provision which previously applied to him; or

(b) passes to such a group in respect of which the sick leave provision is more favourable than that which

voorheen op hom van toepassing was, verwerf hy onmiddellik die siekteverlofvoorsiening van die nuwe groep min enige betaalde siekteverlof wat hy reeds gedurende die betrokke tydkring gebruik het,

tensy die bepalings van regulasie 12 (3) op hom van toepassing is.

(8) Aan 'n werknemer wat minstens 10 jaar onafgebroke diens voltooi het en wat die maksimum getal dae siekteverlof met volle betaling geneem het wat ingevolge hierdie Regulasies aan hom toegestaan kan word, kan addisionele siekteverlof met volle betaling toegestaan word in die mate en op die voorwaardes wat die Minister goedkeur.

TOESTAAN VAN SIEKTEVERLOF

27. (1) Siekteverlof word net toegestaan in verband met 'n werknemer se afwesigheid van diens weens 'n siekte, ongesteldheid of besering wat nie te wyte is aan sy eie toedoen of gebrek aan behoorlike voorsorg nie.

(2) In verband met senuwee-aandoenings, slapeloosheid, swakte of dergelike minder goed omskrewe siektes of ongesteldhede, word siekteverlof toegestaan slegs as die Onderwyshoof oortuig is dat die werknemer se gesondheidstoestand—

(a) hom ongeskik maak vir sy werk; en

(b) nie voortvloei uit sy versuim om van vakansieverlof gebruik te maak nie.

(3) (a) Indien 'n werknemer weens siekte van diens afwesig is vir 'n aaneenlopende tydperk van langer as drie dae, kan siekteverlof met of sonder betaling aan hom toegeken word net as hy 'n sertifikaat van 'n geregistreerde geneesheer of 'n geregistreerde tandarts indien waarin—

(i) die aard van die siekte omskryf word;

(ii) verklaar word dat die betrokke werknemer nie in staat is om sy ampspligte te verrig nie; en

(iii) aangetoon word watter tydperk vir sy herstel nodig is.

(b) Die Onderwyshoof kan van 'n werknemer vereis dat 'n sertifikaat bedoel in paragraaf (a) ook ten opsigte van tydperke van drie dae of minder ingedien word.

(c) Indien 'n werknemer weens siekte van diens afwesig was en daar na die mening van die Onderwyshoof 'n aanvaarbare rede bestaan waarom 'n sertifikaat van ongesteldheid bedoel in paragraaf (a) nie ingedien is nie, kan die Onderwyshoof hom vrystel van die indiening van so 'n sertifikaat ten opsigte van 'n aaneenlopende tydperk van siekteverlof van nie langer nie as 14 dae, mits sodanige vrystelling op die werknemer se verlofaansoek aangeteken word.

(d) Behoudens die bepalings van paragraaf (c) kan siekteverlof met of sonder betaling ten opsigte waarvan 'n sertifikaat bedoel in paragraaf (a) nie ingedien is nie, toegestaan word vir 'n totaal van hoogstens 10 dae gedurende een kalenderjaar, en enige verdere afwesigheid word gedek deur die toestaan van vakansieverlof, of, as die betrokke werknemer geen vakansieverlof tot sy krediet het nie, van vakansieverlof sonder betaling.

(4) Ondanks die indiening van 'n sertifikaat bedoel in subregulasie (3) kan die Onderwyshoof weier om siekteverlof met betaling aan 'n werknemer toe te staan ten opprevious applied to him, he shall immediately acquire the sick leave provision of the new group less any paid sick leave which he has already utilised during the cycle concerned,

unless the provisions of regulation 12 (3) apply to him.

(8) An employee who has completed at least 10 years of uninterrupted service and who has utilised the maximum number of days sick leave with full pay which may, in terms of these Regulations, be granted to him, may be granted additional sick leave with full pay in the measure and subject to the conditions approved by the Minister.

GRANTING OF SICK LEAVE

27. (1) Sick leave shall only be granted in respect of an employee's absence from duty by reason of illness, indisposition or injury which is not imputable to his own doing or lack of proper precaution.

(2) In respect of affections of the nerves, sleeplessness, debility, or similar vaguely defined illnesses or indispositions, sick leave shall be granted only if the Head of Education is convinced that the employee's state of health—

(a) renders him unfit for his work; and

(b) does not result from his failure to utilise his vacation leave.

(3) (a) If an employee is absent from duty for an uninterrupted period of longer than three days, sick leave with or without pay may be granted to him only if he submits a certificate by a registered medical practitioner or a registered dentist in which—

(i) the nature of the illness is defined;

(ii) it is stated that the employee concerned is unable to perform his official duties; and

(iii) the period required for his recovery is stipulated.

(b) The Head of Education may require from an employee to submit a certificate referred to in paragraph (a) also in respect of periods of three days or less than three days.

(c) If an employee was absent from duty due to illness and in the opinion of the Head of Education an acceptable reason exists why a certificate of indisposition referred to in paragraph (a) has not been submitted, the Head of Education may exempt him from submitting such certificate in respect of an uninterrupted period of sick leave not exceeding 14 days, on condition that such exemption shall be recorded on the employee's application for leave.

(d) Subject to the provisions of paragraph (c), sick leave with or without pay in respect of which a certificate referred to in paragraph (a) has not been submitted, may be granted for a total of not more than 10 days during one calendar year, and any further absence shall be covered by the granting of vacation leave, or, if the employee concerned has no vacation leave to his credit, vacation leave without pay.

(4) Notwithstanding the submission of a certificate referred to in subregulation (3), the Head of Education may refuse to grant sick leave with pay to an employee in

sigte van enige afwesigheid van diens waarop die sertifikaat betrekking het, en in so 'n geval kan die Onderwyshoof bepaal dat die afwesigheid ongemagtig was waarna die bepalings van regulasie 17 (3) van toepassing is.

SIEKTEVERLOF SONDER BETALING

28. (1) Aan 'n werknemer wat al sy siekteverlof met betaling geneem het waarvoor in regulasie 18 voorsiening gemaak word, kan ondanks die bepalings van regulasie 26 (2) siekteverlof sonder betaling toegestaan word vir hoogstens 365 dae in een tydkring.

(2) Verlof ingevolge subregulasie (1) kan toegestaan word ondanks die feit dat addisionele siekteverlof met halwe betaling ingevolge regulasie 26 (6) aan die werknemer toegestaan is.

(3) Indien die maksimum getal dae siekteverlof sonder betaling waarvoor 'n werknemer ingevolge hierdie Regulasies kwalifiseer aan hom toegestaan is, word geen verdere verlof van watter aard ook al, gedurende die betrokke tydkring ten opsigte van sy afwesigheid weens siekte aan hom toegestaan nie behalwe met die goedkeuring van die Minister.

SPESIALE SIEKTEVERLOF

29. (1) Aan 'n werknemer wat van diens afwesig is weens 'n besering wat voortspruit uit 'n ongeval wat uit sy diens ontstaan het en in die loop daarvan plaasgevind het, of weens 'n siekte wat in die loop van en as gevolg van sy diens opgedoen is, kan—

(a) spesiale siekteverlof met volle betaling toegestaan word vir die tydperk wat hy nie geskik is om diens te verrig nie; of

(b) spesiale siekteverlof toegestaan word met besoldiging gelyk aan die verskil tussen volle betaling en die skadeloosstelling wat aan hom by wyse van periodieke uitkerings van sy maandelikse verdienste betaalbaar mag wees ingevolge die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941): Met dien verstande dat spesiale siekteverlof met betaling kragtens hierdie regulasie nie toegestaan word waar die ongeval deur 'n derde party veroorsaak is nie, tensy die werknemer òf die Staat magtig om in sy naam 'n eis teen die derde party vir skade deur hom gely, in te stel, òf onderneem om self 'n eis teen die derde party in te stel en om, uit enige bedrag wat verhaal mag word, die Staat te vergoed vir die skade deur hom gely as gevolg van die ongeval.

(2) Spesiale siekteverlof ingevolge hierdie regulasie word nie toegestaan nie indien die ongeval aan die ernstige en opsetlike wangedrag van die werknemer, soos omskryf in artikel 1 van die Ongevallewet, 1941, toe te skryf is.

(3) Die bepalings van regulasie 27 (3) is *mutatis mutandis* van toepassing op die toestaan van spesiale siekteverlof kragtens hierdie regulasie.

SPESIALE VERLOF MET VOLLE BETALING

30. (1) Spesiale verlof met volle betaling kan aan 'n werknemer toegestaan word—

(a) vir elke dag waarop hy 'n eksamen deur die Onderwyshoof goedgekeur aflê en een addisionele dag spesiale verlof met volle betaling kan toegestaan word vir elke dag waarop werklik eksamen afgelê word;

respect of any absence from duty to which the certificate refers and in such event the Head of Education may determine that the absence was unauthorized whereafter the provisions of regulation 17 (3) shall apply.

SICK LEAVE WITHOUT PAY

28. (1) An employee who has utilised all the sick leave with pay provided for in regulation 18, may, notwithstanding the provisions of regulation 26 (2), be granted sick leave without pay for not more than 365 days in one cycle.

(2) Leave in terms of subregulation (1) may be granted, notwithstanding the fact that additional sick leave with half pay has, in terms of regulation 26 (6), been granted to the employee.

(3) If the maximum number of days sick leave without pay for which an employee qualifies in terms of these Regulations, has been granted to him, no further leave of any kind whatsoever, shall be granted to him during the cycle concerned in respect of his absence due to illness, except with the approval of the Minister.

SPECIAL SICK LEAVE

29. (1) An employee who is absent from duty owing to an injury sustained in an accident arising from and in the course of his employment, or owing to an illness contracted in the course of and as a result of his employment, may be granted—

(a) special sick leave with full pay for the period during which he is unfit for duty; or

(b) special sick leave with pay equal to the difference between full pay and the compensation which may be payable to him by way of periodical payments of his monthly earnings in terms of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941): Provided that special sick leave with pay under these Regulations shall not be granted where the accident is caused by a third party, unless the employee either authorizes the State to institute a claim against the third party in his name for damages suffered by him, or undertakes himself to institute a claim against the third party, and to compensate the State for the damages suffered by it as a result of the accident, from any amount that may be recovered.

(2) Special sick leave in terms of this regulation shall not be granted if the accident can be attributed to the employee's own serious and wilful misconduct as defined in section 1 of the Workmen's Compensation Act, 1941.

(3) The provisions of regulation 27 (3) shall *mutatis mutandis* apply to the granting of special sick leave in terms of this regulation.

SPECIAL LEAVE WITH FULL PAY

30. (1) Special leave with full pay may be granted to an employee—

(a) for each day upon which he sits for an examination approved by the Head of Education, and one additional day special leave with full pay may be granted for each day on which the actual examination is written;

(b) vir die tydperk wat hy van diens afwesig is as gevolg van afsondering of isolasie op die intruksies van 'n geregistreerde geneesheer, waar hy in aanraking was met iemand wat 'n besmetlike of aansteeklike siekte opgedoen of vermoedelik opgedoen het;

(c) vir die tydperk wat hy van diens afwesig is omdat hy gevange geneem is in verband met of voor die hof moet verskyn op, 'n strafregtelike aanklag en hy later vrygespreek word of die aanklag teen hom teruggetrek word;

(d) (i) vir die tydperk wat hy as lid van die Burgermag kragtens die Verdedigingswet, 1957, onafgebroke of afgebroke militêre diens moet verrig, behalwe in die geval van sy aanvanklike tydperk van militêre diensplig in welke geval spesiale verlof met besoldiging gelyk aan die verskil tussen sy gewone salaris en die soldy wat hy kragtens die Burgermagregulasies ontvang, aan hom toegestaan kan word: Met dien verstande dat—

(aa) hierdie paragraaf nie van toepassing is nie indien sodanige werknemer vrywillige tydelike voltydse diens kragtens artikel 20 van die Verdedigingswet, 1957, verrig nie; en

(bb) 'n werknemer wat vir sy aanvanklike tydperk van militêre diensplig deur die Departement van Verdediging opgeroep word, 'n verbintenis met die Departement aangaan, volgens voorwaardes deur die Tesourie goedgekeur waarvolgens hy onderneem om die Departement te dien vir 'n tydperk gelykstaande aan minstens die tydperk waarvoor spesiale verlof ingevolge hierdie paragraaf aan hom toegestaan is;

(ii) vir die tydperk wat hy as lid van die Burgermag, kragtens die Verdedigingswet, 1957, met die toestemming van die Onderwyshoof vrywillig of as gevolg van 'n spesiale ooreenkoms tussen hom en die Departement van Verdediging in verband met sy militêre diens, bo en behalwe enige militêre diens wat hy ooreenkomstig genoemde Wet moet verrig, enige onafgebroke of afgebroke militêre diens verrig of 'n instruksie- of kwalifiserende kursus bywoon, mits die bevelvoerder van die betrokke kommandement of Suid-Afrikaanse Lugmaggroep sertifiseer dat die verrigting van sodanige militêre diens of die bywoning van sodanige kursus in belang van die Suid-Afrikaanse Weermag nodig is;

(iii) vir die tydperk wat hy as lid van 'n kommando kragtens die Verdedigingswet, 1957, militêre diens moet verrig of opleiding moet ontvang, mits die bevelvoerder van die betrokke kommandement sertifiseer dat die verrigting van sodanige diens of ontvangs van sodanige opleiding in ooreenstemming met die bepalings van bedoelde Wet is;

(iv) vir die tydperk wat hy as lid van 'n kommando 'n instruksie- of kwalifiserende kursus bywoon, mits die bevelvoerder van die betrokke kommandement sertifiseer dat die bywoning van sodanige kursus in belang van die Suid-Afrikaanse Weermag nodig is;

(v) vir die tydperk wat hy as lid van die Reserwe van Offisiere 'n herhalingsoefenkursus moet

(b) for the period that he is absent from duty owing to quarantine or isolation on the instructions of a registered medical practitioner where he has been in contact with a person who has or is suspected of having contracted a contagious or infectious disease;

(c) for the period that he is absent from duty because he has been arrested in connection with, or has to appear before a court of law on, a criminal charge, and he is subsequently acquitted or the case against him is withdrawn;

(d) (i) for the period that, as a member of the Citizen Force, he has under the Defence Act, 1957 to perform uninterrupted or interrupted compulsory military service, except in the case of his initial period of military service, in which case special leave with a remuneration equal to the difference between his normal salary and the pay which he receives in terms of the Civil Force Regulations, may be granted to him: Provided that—

(aa) this paragraph shall not apply if such employee performs voluntary temporary whole-time service under section 20 of the Defence Act, 1957; and

(bb) an employee who is called up for his initial period of military service by the Department of Defence, shall enter into an agreement with the Department, in accordance with conditions approved by the Treasury, in terms whereof he undertakes to serve the Department for a period equal to at least the period for which special leave, in terms of this paragraph has been granted to him;

(ii) for the period that he, as a member of the Citizen Force under the Defence Act, 1957, with the consent of the Head of Education, voluntarily or as a result of a special agreement between him and the Department of Defence regarding his military service over and above any military service which he is obliged to perform in terms of the said Act, renders any uninterrupted or interrupted military service, or attends an instructional or qualifying course, provided that the commanding officer of the command concerned or South African Air Force Group, certifies that the performance of such military service or the attendance of such course is necessary in the interests of the South African Defence Force;

(iii) for the period that he, as member of a commando under the Defence Act, 1957, is obliged to perform military service or to undergo training, provided that the commanding officer of the command concerned, certifies that the performance of such service or the receiving of such training is in accordance with the provisions of the said Act;

(iv) for the period that he, as a member of a commando, attends an instructional or qualifying course, provided that the commanding officer of the command concerned, certifies that attendance of such course is necessary in the interests of the South African Defence Force;

(v) for the period that he is a member of the Reserve of Officers, is obliged to attend a

bywoon of herhalingsopleiding moet ontvang ten einde sy bekwaamheid te behou, mits die Stafhoof van die betrokke Mag sertifiseer dat die bywoning van so 'n kursus of die ontvangs van sodanige opleiding in belang van die Suid-Afrikaanse Weermag nodig is;

(vi) vir die tydperk wat hy as lid van 'n afdeling van die Suid-Afrikaanse Weermag (behalwe as 'n lid van die Burgermag wat vrywillige tydelike voltydse diens kragtens artikel 20 van die Verdedigingswet, 1957, verrig), insluitende 'n kommando wat kragtens die Verdedigingswet, 1957, diens verrig of opleiding ontvang, opgeroep word kragtens die bepalings van Hoofstuk X van bedoelde Wet vir diens in verband met die voorkoming of onderdrukking van onluste of ander noodtoestande in die Republiek; of

(vii) vir die tydperk wat hy as lid van die Reserwepolisiemag kragtens die Polisiewet, 1958, voltydse opleiding ontvang, of 'n verpligte skietoefening bywoon of opgeroep word vir diens in verband met die voorkoming of onderdrukking van enige onlus of noodtoestand in die Republiek; of

(e) vir die tydperk wat hy deur 'n amateursportvereniging deur die Onderwyshoof goedgekeur gekies word om—

(i) Suid-Afrika by 'n internasionale sportwedstryd buite of binne die Republiek as deelnemer te verteenwoordig;

(ii) 'n span wat Suid-Afrika by 'n internasionale sportwedstryd buite die Republiek verteenwoordig, as afrigter of bestuurder te vergesel; of

(iii) 'n buitelandse nasionale span wat die Republiek besoek, as verteenwoordiger van die betrokke sportvereniging te vergesel.

(2) Spesiale verlof wat vir doeleindes van subregulasie (1) toegestaan word, kan 'n tydperk wat werklik en noodsaaklikerwys met reis deurgebring word vir doeleindes waarvoor die verlof toegestaan word, insluit.

VRYWILLIGE BEËINDIGING VAN VERLOF DEUR 'N WERKNEMER

31. 'n Werknemer wat diens wil hervat voor die verstryking van 'n tydperk van verlof wat ingevolge hierdie Regulasies aan hom toegestaan is, doen dit nie sonder die voorafverkreë goedkeuring van die Onderwyshoof nie.

OORTOEKENNING VAN VAKANSIEVERLOF

32. Indien daar aan 'n werknemer meer vakansieverlof met betaling toegestaan is as wat hy op daardie tydstip tot sy krediet gehad het, kan so 'n oortoekenning afgetrek word van vakansieverlof wat later aan hom toeval en indien so 'n werknemer bedank, of sy dienste beëindig word voordat voldoende vakansieverlof vir die doel van so 'n aftrekking aan hom toegeval het, word daardie gedeelte van die oortoekenning wat sy vakansieverlof aanwas op die laaste dag van sy diens oorskry, as 'n oorbetaling van sy salaris geag.

VAKANSIEVERLOF KRAGTENS DIE REGULASIES WAT HERROEP IS

33. Die uitvaardiging van hierdie Regulasies en die herroeping van die regulasies wat onmiddellik voor so 'n uitvaardiging van krag was, raak in geen opsig die aan-

refresher course or to undergo refresher training in order to maintain his proficiency, provided that the Head of Staff of the Force concerned, certifies that the attendance of such course or the receiving of such training is necessary in the interests of the South African Defence Force;

(vi) for the period that he, as a member of a division of the South African Defence Force (except as a member of the Citizen Force, rendering voluntary temporary whole-time service under section 20 of the Defence Act, 1957), including a commando which, under the Defence Act, 1957, renders service or undergoes training, is called up in terms of the provisions of Chapter X of the said Act for service in respect of the prevention or suppression of unrest or other emergency situations in the Republic; or

(vii) for the period that he, as a member of the Reserve Police Force, undergoes full-time training under the Police Act, 1958, or attends a compulsory shooting practice, or is called up for service in connection with the prevention or suppression of any unrest or emergency situation in the Republic; or

(e) for the period that he is selected by an amateur sports association approved by the Head of Education to—

(i) represent South Africa as a competitor at an international sporting event within or outside the Republic;

(ii) accompany a team representing South Africa at an international sporting event outside the Republic as coach or manager; or

(iii) accompany a foreign national team visiting the Republic, as representative of the sports association concerned.

(2) Special leave granted for purposes of subregulation (1), may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

VOLUNTARY TERMINATION OF LEAVE BY AN EMPLOYEE

31. An employee who wishes to resume service before the expiration of a period of leave granted to him in terms of these Regulations, shall not do so without prior approval of the Head of Education.

OVERGRANTING OF VACATION LEAVE

32. If an employee has been granted vacation leave with pay in excess of that standing to his credit at that stage, such overgrant may be deducted from vacation leave which subsequently accrues to him, and if such an 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 overgranting that exceeds his vacation leave accrual on the last day of his service, shall be deemed to be an overpayment of his salary.

VACATION LEAVE IN TERMS OF REPEALED REGULATIONS

33. The promulgation of these Regulations and the repeal of the regulations in force immediately prior to such promulgation, shall in no way affect the continuity of the

eenlopendheid van die vakansieverlofvoorregte van 'n werknemer wat onmiddellik voor die datum van inwerkingtreding van hierdie Regulasies in die diens was nie, en opgelope vakansieverlof bly staan tot die krediet van so 'n werknemer.

VERLOF WAT VIR VERLOFDOELEINDES TEL

34. (1) Alle verlof geneem, van watter aard ook al, met volle of gedeeltelike betaling, en vakansie- en siekteverlof sonder betaling van altesaam 15 dae per kalendermaand tel vir die doel van verlofaanwas as diens soos beoog in regulasie 18: Met dien verstande dat indien die getal dae verlof sonder betaling geneem die hierin gemelde dae oorskry—

(a) so 'n oorskryding nie as diens vir die doeleindes van regulasie 18 gereken word nie; en

(b) die voorsiening ten opsigte van siekteverlof met volle betaling en siekteverlof met halwe betaling wat ingevolge regulasie 18 (1) op 'n werknemer van toepassing is, met een ses-en-dertigste ten opsigte van elke maand waarin sodanige oorskryding plaasvind, verminder word en hierdie vermindering aangebring word aan die siekteverlofvoorsiening vir die tydkring waarin die oorskryding voorkom, of, as die beskikbare siekteverlof vir die betrokke tydkring reeds gebruik is, aan die voorsiening vir die eersvolgende tydkring.

(2) Vakansieverlof sonder betaling en siekteverlof sonder betaling tel as diens vir die vasstelling van die verlof waarop 'n werknemer ingevolge regulasie 18 (1) (c) en (d) geregtig is.

(3) Vakansieverlof wat kragtens regulasie 18 gelees met subregulasie (1) aanwas gedurende 'n tydperk van vakansieverlof sonder betaling of siekteverlof sonder betaling, word nie aan 'n werknemer toegestaan voordat hy, na sy afwesigheid met vakansie- of siekteverlof sonder betaling, sy dienste hervat het nie en dan slegs ten opsigte van afwesigheid na sodanige hervatting van diens.

VERLOF TEL VIR SALARISVERHOGINGSDOELEINDES

35. Alle verlof, van watter aard ook al, hetsy met of sonder betaling, tel as diens vir salarisverhogingsdoeleindes.

VERLOFGRATIFIKASIES

36. Aan 'n werknemer word 'n verlofgratifikasie betaal ooreenkomstig die grondslag wat van toepassing is op 'n persoon aangestel kragtens die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984).

VERLOF GEDURENDE SKOOLVAKANSIES: HUISMOEDER- EN VERPLEEGPERSONEEL EN ALGEMENE ASSISTENTE

37. (1) Indien 'n koshuis by 'n nywerheid- of verbeteringskool gedurende 'n skoolvakansie sluit en 'n werknemer wat lid van die huismoederpersoneel of verpleegpersoneel is se dienste as gevolg daarvan nie nodig is nie, word vakansieverlof aan hom toegestaan vir die duur van sodanige sluiting, en indien die verlof tot so 'n werknemer se krediet nie genoegsaam is om die duur van die sluiting te dek nie, word hy vir die tydperk waarmee die sluiting sy verlofkrediet oorskry, as aan diens beskou.

(2) Indien 'n werknemer wat as algemene assistent by 'n koshuis of skool in diens is se dienste nie gedurende 'n skoolvakansie benut kan word nie, word vakansieverlof aan hom toegestaan vir die duur van sodanige vakansie, en indien die verlof tot so 'n werknemer se krediet nie

vacation leave privileges of an employee who was in service immediately prior to the date of coming into force of these Regulations, and accumulated vacation leave shall remain to the credit of such employee.

LEAVE WHICH COUNTS FOR LEAVE PURPOSES

34. (1) All leave taken of whatever nature with full or partial pay, and vacation and sick leave without pay not exceeding a total of 15 days per calendar month, shall count for the purposes of leave accrual as service contemplated in regulation 18: Provided that if the number of days leave taken without pay exceeds the number of days mentioned herein—

(a) such excess shall not be regarded as service for the purposes of regulation 18; and

(b) the provision in respect of sick leave with full pay and sick leave with half pay which applies to an employee in terms of regulation 18 (1), shall be reduced by one thirty-sixth in respect of each month in which such excess takes place, which reduction shall be made from the sick leave provision for the cycle in which the excess occurs, or if the available sick leave for the cycle concerned has already been utilised, from the provision of the next succeeding cycle.

(2) Vacation leave without pay and sick leave without pay shall count as service for determining the leave to which an employee is entitled in terms of regulation 18 (1) (c) and (d).

(3) Vacation leave which under regulation 18 read with subregulation (1) accrues during a period of vacation leave without pay or sick leave without pay, shall not be granted to an employee until, after his absence with vacation or sick leave without pay, he has resumed duty, and then only in respect of absence after such resumption of duty.

LEAVE COUNTS FOR SALARY INCREMENTS

35. All leave, of whatever nature, whether with or without pay, shall count as service for the purposes of salary increments.

LEAVE GRATUITIES

36. A leave gratuity shall be paid to an employee in accordance with the basis which applies to a person appointed in terms of the provisions of the Public Service Act, 1984 (Act No. 111 of 1984).

LEAVE DURING SCHOOL HOLIDAYS: MATRONS' AND NURSING STAFF AND GENERAL ASSISTANTS

37. (1) If a hostel at an industrial or reform school closes during a school holiday and the services of an employee who is a member of the matrons' staff or nursing staff, are as a result thereof not required, vacation leave shall be granted to him for the duration of such closure, and if the leave standing to the credit of such employee is not sufficient to cover the duration of closure, he shall, for the period with which the closure exceeds his leave credit, be considered to be on duty.

(2) If the services of an employee who is employed as a general assistant at a hostel or school, can not be utilised during a school holiday, vacation leave shall be granted to him for the duration of such holiday, and if the leave standing to the credit of such an employee is

genoegsaam is om die duur van die skoolvakansie te dek nie kan die Direkteur goedkeur dat hy vir die tydperk waarmee die skoolvakansie sy verlofkrediet oorskry, as aan diens beskou word.

OUDERDOM VIR UITDIENSTREDING

38. (1) 'n Werknemer het die reg om met pensioen af te tree en moet behoudens die bepalings van subregulasie (2) aldus afgedank word wanneer hy die leeftyd van vyf-en-sestig jaar bereik het.

(2) Ondanks die bepalings van subregulasie (1) het 'n werknemer wat met ingang van 'n datum voor 24 Junie 1955 aangestel is, of 'n werknemer op wie die bepalings van artikel 7 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), van toepassing is, die reg om te eniger tyd voor of nadat hy, in die geval van 'n manlike werknemer, die leeftyd van 60 jaar of, in die geval van 'n vroulike werknemer, sy die leeftyd van 55 jaar bereik, skriftelik aan die Onderwyshoof kennis te gee van sy begeerte om verplig te word om uit die diens van die Departement af te tree, en word hy—

(a) indien die kennis gegee word minstens drie kalendermaande voor die datum waarop hy genoemde leeftyd bereik, aldus verplig om af te tree op die datum waarop hy die leeftyd bereik of, indien hy dit na die eerste dag van 'n maand bereik, op die eerste dag van die eersvolgende maand; of

(b) indien die kennis nie minstens drie kalendermaande voor die datum waarop hy genoemde leeftyd bereik, gegee word nie, aldus verplig om af te tree op die eerste dag van die vierde maand na die maand waarin die kennisgewing ontvang word.

VERBLYFTOELAE

39. Die bepalings van Staatsdiensregulasies D 1 tot D 10 uitgevaardig kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die betaling van verblyftoelae aan beamptes of werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op werknemers: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie vir Administrasie vir die doel van hierdie regulasie geag word 'n verwysing te wees na die goedkeuring van die Minister.

AMPTELIKE REISE EN VERVOER

40. Die bepalings van Staatsdiensregulasies E 1 tot E 11 uitgevaardig kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot amptelike reise en vervoer ten opsigte van beamptes of werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op werknemers: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie vir Administrasie vir die doel van hierdie regulasie geag word 'n verwysing te wees na die goedkeuring van die Minister.

DIENSBONUS

41. Die bepalings van Hoofstuk D.X van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die deelname aan die diensbonusskema deur beamptes of werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op werknemers: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie

not sufficient to cover the duration of the school holiday, the Director may approve that he be deemed to be on duty for the period by which the school holiday exceeds his leave credit.

RETIREMENT AGE

38. (1) An employee shall be entitled to retire on pension and shall, subject to the provisions of subregulation (2), be so retired on attaining the age of sixty-five years.

(2) Notwithstanding the provisions of subregulation (1), an employee who has been appointed with effect from a date prior to 24 June 1955, or an employee to whom the provisions of section 7 of the Government Service Pension Act, 1973 (Act No. 57 of 1973) apply, shall be entitled at any time before or after attaining the age of 60 years in the case of a male employee, or attaining the age of 55 years in the case of a female employee, to notify the Head of Education in writing of his desire to be compelled to retire from the service of the Department and shall—

(a) if the notice is given at least three calendar months prior to the date on which he attains the said age, be so compelled to retire on the date on which he attains such age or, if he attains it after the first day of a month, on the first day of the following month; or

(b) if the notice is not given at least three calendar months prior to the date on which he attains the said age, be so compelled to retire on the first day of the fourth month after the month in which the notice is received.

SUBSISTENCE ALLOWANCE

39. The provisions of Public Service Regulations D 1 to D 10, promulgated under the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning the payment of subsistence allowances to officers or employees in the Public Service, shall *mutatis mutandis* apply to employees: Provided that any reference therein to a recommendation of the Commission for Administration shall for the purpose of this regulation be deemed to be a reference to the approval of the Minister.

OFFICIAL JOURNEYS AND TRANSPORT

40. The provisions of Public Service Regulations E 1 to E 11 promulgated under the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning official journeys and transport in respect of officers or employees in the Public Service, shall *mutatis mutandis* apply to employees: Provided that a reference therein to a recommendation of the Commission for Administration shall, for the purpose of this regulation be deemed to be a reference to the approval of the Minister.

SERVICE BONUS

41. The provisions of Chapter D.X of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning the participation in the service bonus scheme by officers or employees in the Public Service, shall *mutatis mutandis* apply to employees: Provided that a reference therein to a recom-

vir Administrasie vir die doel van hierdie regulasie geag word 'n verwysing te wees na die goedkeuring van die Minister.

WERKLOOSHEIDSVERSEKERING

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

TOEPASSING VAN ONGEVALLEWET, 1941 (WET NO. 30 VAN 1941)

43. Die bepalings van Hoofstuk D.XIII van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die toepassing van die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941), op beamptes en werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op werknemers, behoudens die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941).

SUBSIDIESKEMA TEN OPSIGTE VAN BEHUISING

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

No. R.695 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE DIENSVOORWAARDES VAN ONDERWYSERS BY STAATSONDERSTEUNDE SKOLE

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikel 97 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), en met die instemming van die Minister van Begroting en Plaaslike Bestuur die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), of die Regulasies betreffende Aanstellings en Diensvoorwaardes van Onderwysers in diens by Departementele Inrigtings uitgevaardig kragtens voormelde Wet, geheg

mendation of the Commission for Administration shall, for the purpose of this regulation be deemed to be a reference to the approval of the Minister.

UNEMPLOYMENT INSURANCE

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

APPLICATION OF THE WORKMEN'S COMPENSATION ACT, 1941 (ACT NO. 30 OF 1941)

43. The provisions of Chapter D.XIII of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning the application of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941) to officers and employees in the Public Service, shall *mutatis mutandis* apply to employees, subject to the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941).

SUBSIDY SCHEME IN RESPECT OF HOUSING

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

No. R.695 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO THE CONDITIONS OF SERVICE OF TEACHERS AT STATE-AIDED SCHOOLS

The Minister of Education and Culture has under section 112 read with section 97 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), and with the concurrence of the Minister of the Budget and Local Government, made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these Regulations a word or expression to which a meaning has been assigned in the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), or the Regulations relating to the Appointment and Conditions of Service of Teachers employed at Departmental Institutions promulgated under the aforementioned Act,

is, daardie betekenis: Met dien verstande dat enige verwysing in genoemde Regulasies na 'n departementele inrigting by die toepassing van hierdie Regulasies geag word 'n verwysing na 'n staatsondersteunde skool te wees.

DATUM WAAROP SALARIS BEGIN EN EINDIG

2. (1) Die bepalings van regulasie 7 van die Regulasies betreffende Aanstellings en Diensvoorwaardes van Onderwysers in diens by Departementele Inrigtings is *mutatis mutandis* van toepassing op onderwysers in diens by staatsondersteunde skole.

(2) By die toepassing van die regulasie in subregulasie (1) bedoel, word 'n verwysing in genoemde regulasie na die Departement uitgelê as 'n verwysing na die betrokke staatsondersteunde skool.

BESOLDIGING TYDENS SKOOLVAKANSIES

3. Die bepalings van regulasie 8 van die Regulasies betreffende Aanstellings en Diensvoorwaardes van Onderwysers in diens by Departementele Inrigtings is *mutatis mutandis* van toepassing op onderwysers in diens by staatsondersteunde skole.

FOUTIEWELIK TOEGESTANE BESOLDIGING

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

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

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

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

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

(ii) moet daardie ander voordeel vanaf 'n lopende datum gestaak of ingetrek word, maar die betrokke onderwyser het die reg om deur die staatsondersteunde skool vergoed te word vir enige vermoënsregtelike skade wat hy as ge-

shall have the meaning so assigned to it: Provided that any reference in the said Regulations to a departmental institution, shall in the application of these Regulations be deemed to be a reference to a state-aided school.

DATE ON WHICH SALARY COMMENCES AND ENDS

2. (1) The provisions of regulation 7 of the Regulations relating to the Appointment and Conditions of Service of Teachers employed at Departmental Institutions, shall *mutatis mutandis* apply to teachers employed at state-aided schools.

(2) For the purposes of the regulation referred to in subregulation (1), a reference in the said regulation to the Department shall be construed as a reference to the state-aided school concerned.

REMUNERATION DURING SCHOOL HOLIDAYS

3. The provisions of regulation 8 of the Regulations relating to the Appointment and Conditions of Service of Teachers employed at Departmental Institutions, shall *mutatis mutandis* apply to teachers employed at state-aided schools.

WRONGLY GRANTED REMUNERATION

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

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

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

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

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

(ii) that other benefit shall be discontinued or withdrawn as from a current date, but the teacher concerned shall have the right to be compensated by the state-aided school for any patrimonial loss which he has suffered or will

volg van daardie staking of intrekking gely het of sal ly.

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

ONGEMAGTIGDE BESOLDIGING

5. (1) (a) Indien enige besoldiging, toelae of ander beloning deur 'n onderwyser in verband met die verrigting van sy werk by die staatsondersteunde skool ontvang word anders as ooreenkomstig die bepalings van die Wet of hierdie regulasies, of in stryd met die bepalings van artikel 100 (1) (b) van die Wet ontvang word, moet daardie onderwyser 'n bedrag gelyk aan die bedrag van daardie besoldiging, toelae of ander beloning aan die staatsondersteunde skool terugbetaal, of waar dit nie uit geld bestaan nie, die waarde daarvan soos bepaal deur die bestuursliggaam en indien hy dit nie doen nie, moet dit deur die bestuursliggaam by wyse van die aftrekking van sy salaris van die paaiement soos deur die bestuursliggaam bepaal of deur middel van regsproses, op hom verhaal word.

(b) Die betrokke onderwyser kan teen so 'n bepaling deur die bestuursliggaam na die Minister appelleer, wat die bevel kan gee wat hy goeddink.

(c) Die bestuursliggaam kan beslis dat die betrokke onderwyser die geheel of 'n gedeelte van die besoldiging, toelae of beloning kan behou.

(2) (a) Indien 'n onderwyser na die oordeel van die bestuursliggaam enige besoldiging, toelae of ander beloning bedoel in subregulasie (1) (a) ontvang het, en dit nog in sy besit of onder sy beheer is of ten behoewe van hom in besit of onder die beheer van iemand anders is, of, indien dit geld is, in 'n depositonemende finansiële instelling gestort is op sy naam of op naam van iemand anders ten behoewe van hom, kan die bestuursliggaam die onderwyser of so iemand anders of die finansiële instelling skriftelik aansê om, in afwagting van die uitslag van geregtelike stappe vir die verhaal van daardie besoldiging, toelae of beloning of die waarde daarvan, nie daaroor te beskik nie, of, indien dit geld is, nie oor 'n ooreenstemmende bedrag geld te beskik nie, na gelang van die geval.

(b) 'n Persoon of 'n finansiële instelling in paragraaf (a) bedoel wat 'n aansegging ingevolge daardie paragraaf nie nakom nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R3 000 of gevangenisstraf vir 'n tydperk van hoogstens een jaar.

BEWYS VAN HUWELIK OF VERANDERING VAN HUWELIKSTAAT

6. (1) Die bepalings van regulasie 13 van die Regulasies betreffende Aanstellings en Diensvoorwaardes van Onderwysers in diens by Departementele Inrigtings is *mutatis mutandis* van toepassing op onderwysers in diens by staatsondersteunde skole.

(2) By die toepassing van die regulasie in subregulasie (1) bedoel, word 'n verwysing in genoemde regulasie na die Departement uitgelê as 'n verwysing na die betrokke staatsondersteunde skool.

SESSIE VAN EMOLUMENTE

7. Geen onderwyser mag sonder die skriftelike goedkeuring van die bestuursliggaam die reg op die geheel of

suffer as a result of such discontinuation or withdrawal.

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

UNAUTHORIZED REMUNERATION

5. (1) (a) If any remuneration, allowance or other reward is received by a teacher in connection with the performance of his work at the state-aided school otherwise than in accordance with the provisions of the Act or these Regulations, or is received contrary to the provisions of section 100 (1) (b) of the Act, that teacher shall repay to the state-aided school an amount equal to the amount of such remuneration, allowance or other reward, or, where it does not consist of money, the value thereof as determined by the governing body, and if he does not do so, it shall be recovered from him by the governing body by the deduction from his salary of the instalments as determined by the governing body or by way of legal proceedings.

(b) The teacher concerned may appeal against such a determination by the governing body to the Minister, who may make such order as he may think fit.

(c) The governing body may determine that the teacher concerned may retain the wole or a portion of the remuneration, allowance or reward.

(2) (a) If in the opinion of the governing body a teacher has received any remuneration, allowance or other reward referred to in subregulation (1) (a) and it is still in his possession or under his control or in the possession or under the control of any other person on his behalf, or, if it is money, has been deposited in any deposit-taking financial institution in his name or in the name of any other person on his behalf, the governing body may in writing require that teacher or that other person or that financial institution not to dispose thereof, or, if it is money, not to dispose of a corresponding sum of money, as the case may be, pending the outcome of any legal steps for the recovery of that remuneration, allowance or reward or the value thereof.

(b) A person or financial institution referred to in paragraph (a) who or which fails to comply with a requirement in terms of that paragraph, shall be guilty of an offence and liable on conviction to a fine not exceeding R3 000 or to imprisonment for a period not exceeding one year.

PROOF OF MARRIAGE OR CHANGE OF MARITAL STATUS

6. (1) The provisions of regulation 13 of the Regulations relating to the Appointment and Conditions of Service of Teachers employed at Departmental Institutions, shall *mutatis mutandis* apply to teachers employed at state-aided schools.

(2) For the purposes of the regulation referred to in subregulation (1), a reference in the said regulation to the Department shall be construed as a reference to the state-aided school concerned.

CESSION OF EMOLUMENTS

7. No teacher shall without the written approval of the

'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedeer nie.

ONGUNSTIGE OPMERKINGS OOR ONDERWYSERS

8. Enige ongunstige opmerking vervat in 'n skriftelike mededeling oor 'n onderwyser word deur die hoof van 'n staatsondersteunde skool skriftelik en in sy volledige samehang onder die aandag gebring van bedoelde onderwyser wat die skriftelike mededeling onderteken en dit tesame met enige skriftelike vertoë wat hy wil voorlê terugbesorg: Met dien verstande dat die bestuursliggaam kan goedkeur dat ongunstige opmerkings nie onder die aandag van 'n onderwyser gebring word nie indien hy van oordeel is dat dit nie in die belang van die bestuursliggaam, die staatsondersteunde skool of die onderwyser is nie.

MEDIESE HULP

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

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

(i) 'n onderwyser wat reeds die ouderdom van 65 jaar bereik het;

(ii) 'n onderwyser wat in 'n tydelike hoedanigheid aangestel is en wat nie lid van die Pensioenfonds vir Tydelike Werknemers is nie; en

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

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

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

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

(a) moet 'n onderwyser wat—

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

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

governing body cede the right to the whole or a part of any salary or allowance due to him.

UNFAVOURABLE REMARKS ABOUT TEACHERS

8. Any unfavourable remark contained in a written communication concerning a teacher, shall in writing and in its full context be brought to the notice of the teacher in question by the principal of the state-aided school, and such teacher shall sign the written communication and return it together with any written representations he wishes to submit: Provided that the governing body may approve that unfavourable remarks not be brought to the attention of a teacher if in its judgement it is not in the interest of the governing body, the state-aided school or the teacher.

MEDICAL AID

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

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

(i) a teacher who has already reached the age of 65 years;

(ii) a teacher appointed in a temporary capacity and who is not a member of the Temporary Employees Fund; and

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

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

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

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

(a) a teacher shall—

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

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

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

(b) mag 'n onderwyser wat—

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

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

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

(c) is 'n ongetroude vroulike lid, in die lig van die bepalings van artikel 38 (2) van die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967), verplig om haar lidmaatskap van die Hulpvereniging te beëindig indien sy in die huwelik tree en haar eggenoot lid is van die Hulpvereniging of 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds, indien sy deur die reëls van sodanige ander vereniging of fonds as 'n afhanklike van haar eggenoot erken word, of indien sy uit hoofde van haar eggenoot se bekleding van 'n betrekking in die dienste op gratis mediese hulp of voordele geregtig is;

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

(e) kan die Minister 'n onderwyser wat in 'n permanente hoedanigheid aangestel is, individueel of as een van 'n groep van lidmaatskap of voortgesette lidmaatskap vrystel op grond van—

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

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

(4) Ledegeld moet maandeliks ooreenkomstig die toepaslike tarief van 'n persoon se salaris verhaal en aan die Hulpvereniging oorbetaal word.

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

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

(b) indien sy dienste (en bygevolg sy lidmaatskap van die Hulpvereniging) om enige rede sou eindig, ten volle van enige uitstaande gelde wat by diensein-

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

(b) a teacher who—

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

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

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

(c) an unmarried female member is in the light of the provisions of section 38 (2) of the Medical Schemes Act, 1967 (Act No. 72 of 1967), compelled to terminate her membership of the Association if she marries and her husband is a member of the Association or any other medical aid association or medical aid fund or medical assistance fund and she is recognised as a dependant of her husband by the rules of such other association or fund, or if she is entitled to free medical aid or benefits by virtue of the position her husband occupies in the services;

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

(e) the Minister may exempt a teacher who has been appointed in a permanent capacity, individually or as one of a group, from membership or continued membership on the grounds of—

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

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

(4) Membership fees shall be monthly deducted from a person's salary at the appropriate rate and be paid to the Association.

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

(a) be recovered from such teacher's salary at a rate determined by the governing body, and be paid to the Association; or

(b) if his services (and consequently his membership of the Association) terminate for any reason, be recovered in full from any outstanding moneys

diging aan hom mag toekom, verhaal en aan die Hulpvereniging oorbetaal word.

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

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

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

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

OUDERDOM VIR UITDIENSTREDING

10. 'n Onderwyser het die reg om met pensioen af te tree en moet aldus afgedank word wanneer hy die leeftyd van vyf-en-sestig jaar bereik het.

VERLOF

11. Die bepalings van regulasie 19 van die Regulasies betreffende Aanstellings en Diensvoorwaardes van Onderwysers in diens by Departementele Inrigtings is *mutatis mutandis* van toepassing op onderwysers in diens by staatsondersteunde skole: Met dien verstande dat 'n bestuursliggaam skriftelik kennis van enige verlof aan 'n onderwyser toegestaan, aan die betrokke Direkteur gee.

REIS- EN VERBLYFTOELAE EN VERVOERKOSTE

12. 'n Bestuursliggaam betaal—

(a) aan 'n onderwyser reis- en verblyftoelae ten opsigte van 'n reis en afwesigheid van sy hoofkwartier wat in verband met sy werksaamhede in diens van die staatsondersteunde skool staan;

(b) die vervoerkoste van 'n onderwyser by sy eerste aanstelling of oorplasing in 'n pos by die betrokke staatsondersteunde skool;

(c) aan 'n onderwyser by sy ontslag—

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

(ii) weens voortdurende swak gesondheid;

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

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

(v) behoudens die bepalings van artikel 74 saamgelees met artikel 98 van die Wet, weens ongeskiktheid vir die pligte wat aan sy pos verbonde is of onvermoë om daardie pligte op 'n bekwame wyse uit te voer,

die koste verbonde aan die vervoer van homself, sy huishouding en persoonlike besittings vanaf sy hoofkwartier na sy toekomstige woonplek; en

(d) aan die huishouding van 'n onderwyser wat te sterwe kom terwyl hy in diens is, die koste verbonde aan hulle eie vervoer en dié van hulle persoonlike

owing to him on termination of services, and be paid to the Association.

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

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

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

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

RETIREMENT AGE

10. A teacher shall be entitled to retire on pension and shall be so retired on attaining the age of sixty-five years.

LEAVE

11. The provisions of regulation 19 of the Regulations relating to the Appointment and Conditions of Service of Teachers employed at Departmental Institutions, shall *mutatis mutandis* apply to teachers employed at state-aided schools: Provided that a governing body shall give written notice to the Director concerned, of any leave granted to a teacher.

TRAVELLING AND SUBSISTENCE ALLOWANCE AND TRANSPORT COSTS

12. A governing body shall pay—

(a) to a teacher travelling and subsistence allowance in respect of a journey or absence from his headquarters connected with his activities in the service of the state-aided school;

(b) the transport costs of a teacher on his first appointment or transfer to a post at the state-aided school concerned;

(c) to a teacher on his discharge—

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

(ii) on account of continuous ill-health;

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

(iv) if, for reasons other than his own incompetence or inability, his discharge will in the opinion of the governing body promote efficiency or economy at the state-aided school; and

(v) subject to the provisions of section 74 read with section 98 of the Act, on account of incompetence for the duties attached to his post or inability to perform those duties in an efficient manner,

the costs involved in his own transport and that of his household and personal belongings from his headquarters to his future residence; and

(d) to the household of a teacher who dies while he is in service, the costs involved in their personal

besittings vanaf sy hoofkwartier na hul toekomstige woonplek,

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

DIENSBONUS

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

WERKLOOSHEIDSVERSEKERING

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

TOEPASSING VAN ONGEVALLEWET, 1941 (WET NO. 30 VAN 1941)

15. Die bepalings van Hoofstuk D.XIII van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die toepassing van die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941), op beamptes en werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op onderwysers in diens by staatsondersteunde skole, behoudens die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941).

SUBSIDIESKEMA TEN OPSIGTE VAN BEHUISING

16. Die voorregte van onderwysers met betrekking tot behuisingsubsidie is ooreenkomstig die algemene beleid soos kragtens artikel 2 van die Wet op die Nasionale Beleid vir Algemene Onderwyssake, 1984 (Wet No. 76 van 1984), bepaal.

VOLTYDSE STUDIEKURSUSSE

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

transport and that of their personal belongings from his headquarters to their future residence,

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

SERVICE BONUS

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

UNEMPLOYMENT INSURANCE

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

APPLICATION OF THE WORKMEN'S COMPENSATION ACT, 1941 (ACT NO. 30 OF 1941)

15. The provisions of Chapter D.XIII of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration regarding the application of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), to officers and employees in the Public Service, shall *mutatis mutandis* apply to teachers employed at state-aided schools, subject to the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941).

SUBSIDY SCHEME IN RESPECT OF HOUSING

16. The privileges of teachers in respect of housing subsidy shall be in accordance with the general policy as determined under section 2 of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984).

FULL-TIME STUDY COURSES

17. The Head of Education may, after consultation with the governing body and on the terms and conditions he may determine, authorize a teacher to follow a full-time study course approved by the Head of Education, and while such teacher follows such course he shall be deemed to be on duty in a teaching post.

No. R.696 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE DIENSVOORWAARDES VAN PERSONE ANDERS AS ONDERWYSERS, IN DIENS BY STAATSONDERSTEUNDE SKOLE

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikel 97 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), en met die instemming van die Minister van Begroting en Plaaslike Bestuur, die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), of die Regulasies betreffende Aanstellings en Diensvoorwaardes van Persone anders as Onderwysers, Aangestel by Departementele Inrigtings uitgevaardig kragtens voormelde Wet, geheg word, die betekenis aldus daaraan geheg: Met dien verstande dat 'n verwysing in die genoemde Regulasies na 'n departementele inrigting, by die toepassing van hierdie Regulasies geag word 'n verwysing na 'n staatsondersteunde skool te wees.

BEDANKING

2. (1) 'n Werknemer in 'n permanente hoedanigheid in diens by 'n staatsondersteunde skool kan uit sy diens bedank deur 'n kalendermaand skriftelike kennis te gee of dié korter kennisgewing wat die bestuursliggaam goedkeur.

(2) 'n Werknemer wat op proef of in 'n tydelike hoedanigheid by 'n staatsondersteunde skool in diens is, kan uit sy diens bedank deur 24 uur skriftelike kennis te gee.

(3) Indien 'n werknemer in diens by 'n staatsondersteunde skool—

(a) ingevolge die bepalings van die Kieswet, 1979 (Wet No. 45 van 1979), as 'n kandidaat vir die verkiesing van 'n lid van 'n Huis van die Parlement genomineer word; of

(b) ingevolge die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), as 'n lid van 'n Huis van die Parlement benoem of indirek verkies word, of as 'n lid van die Presidentsraad aangewys of aangestel word,

word hy, ondanks andersluidende bepalings van hierdie Regulasies, geag uit sy diens te bedank het met ingang van die dag waarop hy aldus genomineer, benoem, indirek verkies, aangewys of aangestel word, na gelang van die geval.

DATUM WAAROP SALARIS EINDIG

3. (1) Indien 'n werknemer ingevolge regulasie 2 (1) kennis van sy bedanking gee, word hy betaal vir die volle kalendermaand waarvoor hy kennis gegee het, mits hy op elke dag wat nie 'n rusdag is nie in daardie kalendermaand diens doen.

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

No. R.696 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO THE CONDITIONS OF SERVICE OF PERSONS OTHER THAN TEACHERS, EMPLOYED AT STATE-AIDED SCHOOLS

The Minister of Education and Culture has under section 112 read with section 97 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), and with the concurrence of the Minister of the Budget and Local Government, made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), or the Regulations relating to the Appointment and Conditions of Service of Persons other than Teachers, Appointed at Departmental Institutions promulgated under the aforementioned Act, shall have the meaning so assigned to it: Provided that a reference in the said Regulations to a departmental institution, shall in the application of these Regulations be deemed to be a reference to a state-aided school.

RESIGNATION

2. (1) An employee employed in a permanent capacity at a state-aided school, may resign from his service by giving written notice of one calendar month or such shorter notice as the governing body may approve.

(2) An employee on probation or employed in a temporary capacity at a state-aided school, may resign from his service by giving 24 hours' written notice.

(3) If an employee employed at a state-aided school—

(a) is in terms of the provisions of the Electoral Act, 1979 (Act No. 45 of 1979), nominated as a candidate for the election of a member of a House of Parliament; or

(b) is in terms of the provisions of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), nominated or elected indirectly as a member of a House of Parliament or designated or appointed as a member of the President's Council,

he shall, notwithstanding anything to the contrary contained in these Regulations, be deemed to have resigned from his service with effect from the day on which he is so nominated, indirectly elected, designated or appointed, as the case may be.

DATE ON WHICH SALARY ENDS

3. (1) If an employee gives notice of his resignation in terms of regulation 2 (1), he shall be paid for the full calendar month for which he has given notice, provided that he renders service on every day in that calendar month which is not a day of rest.

(2) If shorter notice of resignation than one calendar month is accepted of an employee, he shall be paid up to and including the last day on which he has actually rendered service.

FOUTIEWELIK TOEGESTANE BESOLDIGING

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

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

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

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

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

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

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

ONGEMAGTIGDE BESOLDIGING

5. (1) (a) Indien enige besoldiging, toelae of ander beloning deur 'n werknemer in verband met die verrigting van sy werk by die staatsondersteunde skool ontvang word anders as ooreenkomstig die bepalings van die Wet of hierdie Regulasies, of in stryd met die bepalings van artikel 100 (1) (b) van die Wet ontvang word, moet daardie werknemer 'n bedrag gelyk aan die bedrag van daardie besoldiging, toelae of ander beloning aan die staatsondersteunde skool terugbetaal, of waar dit nie uit geld bestaan nie, die waarde daarvan soos bepaal deur die betrokke bestuursliggaam, en indien hy dit nie doen nie, moet dit deur die bestuursliggaam by wyse van die aftrekking van sy salaris van die paaiemente soos deur die bestuursliggaam be-

WRONGLY GRANTED REMUNERATION

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

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

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

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

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

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

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

UNAUTHORIZED REMUNERATION

5. (1) (a) If any remuneration, allowance or other reward is received by an employee in connection with the performance of his work at the state-aided school otherwise than in accordance with the provisions of the Act or these Regulations, or is received contrary to the provisions of section 100 (1) (b) of the Act, that employee shall repay to the state-aided school an amount equal to the amount of such remuneration, allowance or other reward, or, where it does not consist of money, the value thereof as determined by the governing body concerned, and if he does not do so, it shall be recovered from him by the governing body by way of the deduction from his salary of such instalments

paal of deur middel van regsproses, op hom verhaal word.

(b) Die betrokke werknemer kan teen so 'n bepaling deur die bestuursliggaam na die Minister appelleer, wat die bevel kan gee wat hy goeddink.

(c) Die bestuursliggaam kan beslis dat die betrokke werknemer die geheel of 'n gedeelte van die besoldiging, toelae of beloning kan behou.

(2) (a) Indien 'n onderwyser na die oordeel van die bestuursliggaam enige besoldiging, toelae of ander beloning bedoel in subregulasie (1) (a) ontvang het, en dit nog in sy besit of onder sy beheer is of ten behoewe van hom in die besit of onder die beheer van iemand anders is, of, indien dit geld is, in 'n depositonemende finansiële instelling gestort is op sy naam of op naam van iemand anders ten behoewe van hom, kan die bestuursliggaam die werknemer of so iemand anders of die finansiële instelling skriftelik aansê om, in afwagting van die uitslag van geregtelike stappe vir die verhaal van daardie besoldiging, toelae of beloning of die waarde daarvan, nie daaroor te beskik nie, of, indien dit geld is, nie oor 'n ooreenstemmende bedrag geld te beskik nie, na gelang van die geval.

(b) 'n Persoon of 'n finansiële instelling in paragraaf (a) bedoel wat 'n aansegging ingevolge daardie paragraaf nie nakom nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R3 000 of gevangenisstraf vir 'n tydperk van hoogstens een jaar.

ALGEMENE DIENSVOORWAARDES

BEWYS VAN HUWELIK OF VERANDERING VAN HUWELIKSTAAT

6. (1) Die bepalings van regulasie 7 van die Regulasies betreffende Aanstellings en Diensvoorwaardes van Persone anders as Onderwysers, Aangestel by Departementele Inrigtings is *mutatis mutandis* van toepassing op werknemers in diens by staatsondersteunde skole.

(2) By die toepassing van die regulasie in subregulasie (1) bedoel, word 'n verwysing in genoemde regulasie na die Departement uitgelê as 'n verwysing na die betrokke staatsondersteunde skool.

SESSIE VAN EMOLUMENTE

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

ONGUNSTIGE OPMERKINGS OOR WERKNEMERS

8. 'n Ongunstige opmerking vervat in 'n skriftelike mededeling oor 'n werknemer word deur die skoolhoof van die staatsondersteunde skool skriftelik en in sy volledige samehang onder die aandag gebring van bedoelde werknemer wat die skriftelike mededeling onderteken en dit tesame met enige skriftelike vertoë wat hy wil voorlê terugbesorg: Met dien verstande dat die bestuursliggaam kan goedkeur dat ongunstige opmerkings nie onder die aandag van 'n werknemer gebring word nie indien hy van oordeel is dat dit nie in die belang van die bestuursliggaam, die staatsondersteunde skool of die werknemer is nie.

as determined by the governing body or by way of legal proceedings.

(b) The employee concerned may appeal against such a determination by the governing body to the Minister, who may make such order as he may think fit.

(c) The governing body may determine that the employee concerned may retain the whole or a portion of the remuneration, allowance or reward.

(2) (a) If in the opinion of the governing body an employee has received any remuneration, allowance or other reward referred to in subregulation (1) (a), and it is still in his possession or under his control or in the possession or under the control of any other person on his behalf, or, if it is money, has been deposited in any deposit-taking financial institution in his name or in the name of any other person on his behalf, the governing body may in writing require that employee or that other person or that financial institution not to dispose thereof, or, if it is money, not to dispose of a corresponding sum of money, as the case may be, pending the outcome of any legal steps for the recovery of that remuneration, allowance or reward or the value thereof.

(b) A person or financial institution referred to in paragraph (a) who or which fails to comply with a requirement in terms of that paragraph, shall be guilty of an offence and liable on conviction to a fine not exceeding R3 000 or to imprisonment for a period not exceeding one year.

GENERAL CONDITIONS OF SERVICE

PROOF OF MARRIAGE OR CHANGE OF MARITAL STATUS

6. (1) The provisions of regulation 7 of the Regulations relating to the Appointment and Conditions of Service of Persons other than Teachers, Appointed at Departmental Institutions, shall *mutatis mutandis* apply to employees employed at state-aided schools.

(2) In the application of the regulation referred to in subregulation (1), a reference in the said regulation to the Department shall be construed as a reference to the state-aided school concerned.

CESSION OF EMOLUMENTS

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

ADVERSE REMARKS CONCERNING EMPLOYEES

8. Any adverse remark concerning an employee, contained in a written communication, shall in writing and in its full context be brought to the notice of the employee in question by the principal of the state-aided school, and such employee shall sign the written communication and return it together with any written representations he wishes to submit: Provided that the governing body may approve that adverse remarks not be brought to the notice of an employee if in its judgement it is not in the interests of the governing body, the state-aided school or the employee.

MEDIESE HULP

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

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

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

(ii) 'n werknemer wat in 'n tydelike hoedanigheid aangestel is en wat nie lid van die Pensioenfonds vir Tydelike Werknemers is nie; en

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

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

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

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

(a) moet 'n werknemer wat—

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

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

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

(b) mag 'n werknemer wat—

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

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

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

MEDICAL AID

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

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

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

(ii) an employee appointed in a temporary capacity and who is not a member of the Temporary Employees Pension Fund; and

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

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

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

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

(a) an employee shall—

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

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

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

(b) any employee who—

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

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

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

(c) is 'n ongetroude vroulike lid in die lig van die bepalings van artikel 38 (2) van die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967), verplig om haar lidmaatskap van die Hulpvereniging te beëindig indien sy in die huwelik tree en haar eggenoot lid is van die Hulpvereniging of 'n ander mediese hulpvereniging of mediese hulpfonds of mediese bystandsfonds, indien sy deur die reëls van sodanige ander vereniging of fonds as 'n afhanklike van haar eggenoot erken word, of indien sy uit hoofde van haar eggenoot se bekleding van 'n betrekking in die dienste op gratis mediese hulp of voordele geregtig is;

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

(e) kan die Minister 'n werknemer wat in 'n permanente hoedanigheid aangestel is, individueel of as een van 'n groep van lidmaatskap of voortgesette lidmaatskap vrystel op grond van—

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

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

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

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

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

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

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

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

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

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

(c) an unmarried female member shall in the light of the provisions of section 38 (2) of the Medical Schemes Act, 1967 (Act No. 72 of 1967), be compelled to terminate her membership of the Association if she marries and her husband is a member of the Association or any other medical aid association or medical aid fund or medical assistance fund and she is recognised as a dependant of her husband by the rules of such other association or fund, or if she is entitled to free medical aid or benefits by virtue of the position her husband occupies in the services;

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

(e) the Minister may exempt an employee appointed in a permanent capacity, individually or as one of a group, from membership or continued membership on the grounds of—

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

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

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

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

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

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

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

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

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

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

VERLOF VAN WERKNEMERS

10. (1) Die bepalings van regulasies 11 tot en met 35 van die Regulasies betreffende Aanstellings en Diensvoorwaardes van Persone anders as Onderwysers, Aangestel by Departementele Inrigtings is *mutatis mutandis* van toepassing op werknemers in diens by staatsondersteunde skole.

(2) By die toepassing van die regulasies in subregulasie (1) bedoel—

(a) word 'n verwysing in regulasies 11, 14, 17, 18, 21, 22, 26, 27, 30 en 31 van genoemde regulasies na die Onderwyshoof uitgelê as 'n verwysing na die voorsitter van die betrokke bestuursliggaam: Met dien verstande dat die toestaan van verlof aan 'n werknemer wie se salaris ten volle deur die Departement gesubsidieer word, onderworpe is aan die goedkeuring van die Onderwyshoof;

(b) word 'n verwysing in regulasie 14 van genoemde regulasies na die Minister uitgelê as 'n verwysing na die betrokke bestuursliggaam;

(c) word 'n verwysing in regulasies 12, 14, 26 en 30 van genoemde regulasies na die Departement uitgelê as 'n verwysing na die betrokke staatsondersteunde skool;

(d) word 'n verwysing in regulasie 15 van genoemde regulasies na die hoof van die kantoor uitgelê as 'n verwysing na die skoolhoof van die betrokke staatsondersteunde skool;

(e) word 'n verwysing in regulasie 18 van genoemde regulasies na 'n openbare skool uitgelê as 'n verwysing na 'n staatsondersteunde skool; en

(f) word 'n verwysing in regulasies 16 en 29 van genoemde regulasies na die Staat uitgelê as 'n verwysing na die betrokke staatsondersteunde skool.

VERLOFGRATIFIKASIES

11. Die bepalings van regulasie 36 van die Regulasies betreffende Aanstellings en Diensvoorwaardes van Persone anders as Onderwysers, Aangestel by Departementele Inrigtings is *mutatis mutandis* van toepassing op werknemers in diens by staatsondersteunde skole.

VERLOF GEDURENDE SKOOLVAKANSIES: ALGEMENE ASSISTENTE

12. (1) Die bepalings van regulasie 37 (2) van die Regulasies betreffende Aanstellings en Diensvoorwaardes van Persone anders as Onderwysers, Aangestel by Departementele Inrigtings is *mutatis mutandis* van toepassing op algemene assistente in diens by staatsondersteunde skole.

(2) By die toepassing van die regulasie in subregulasie (1) bedoel, word 'n verwysing in genoemde regulasie na die Direkteur uitgelê as 'n verwysing na die betrokke bestuursliggaam.

OUDERDOM VIR UITDIENSTREDING

13. (1) Die bepalings van regulasie 38 van die Regulasies betreffende Aanstelling en Diensvoorwaardes van Persone anders as Onderwysers, Aangestel by Departementele Inrigtings is *mutatis mutandis* van toepassing op werknemers in diens by staatsondersteunde skole.

(2) By die toepassing van die regulasie in subregulasie (1) bedoel, word 'n verwysing in genoemde regulasie—

(a) na die Onderwyshoof uitgelê as 'n verwysing na die betrokke bestuursliggaam; en

LEAVE OF EMPLOYEES

10. (1) The provisions of regulations 11 up to and including 35 of the Regulations relating to the Appointment and Conditions of Service of Persons other than Teachers, Appointed at Departmental Institutions, shall *mutatis mutandis* apply to employees employed at state-aided schools.

(2) In the application of the regulations referred to in subregulation (1)—

(a) a reference in regulations 11, 14, 17, 18, 21, 22, 26, 27, 30 and 31 of the said regulations to the Head of Education shall be construed as a reference to the chairman of the governing body concerned: Provided that the granting of leave to an employee whose salary is subsidized in full by the Department, shall be subject to the approval of the Head of Education;

(b) a reference in regulation 14 of the said regulations to the Minister shall be construed as a reference to the governing body concerned;

(c) a reference in regulations 12, 14, 26 and 30 of the said regulations to the Department shall be construed as a reference to the state-aided school concerned;

(d) a reference in regulation 15 of the said regulations to the head of the office shall be construed as a reference to the principal of the state-aided school concerned;

(e) a reference in regulation 18 of the said regulations to a public school shall be construed as a reference to a state-aided school; and

(f) a reference in regulations 16 and 29 of the said regulations to the State shall be construed as a reference to the state-aided school concerned.

LEAVE GRATUITIES

11. The provisions of regulation 36 of the Regulations relating to the Appointment and Conditions of Service of Persons other than Teachers, Appointed at Departmental Institutions, shall *mutatis mutandis* apply to employees employed at state-aided schools.

LEAVE DURING SCHOOL VACATIONS: GENERAL ASSISTANTS

12. (1) The provisions of regulation 37 (2) of the Regulations relating to the Appointment and Conditions of Service of Persons other than Teachers, Appointed at Departmental Institutions, shall *mutatis mutandis* apply to general assistants employed at state-aided schools.

(2) In the application of the regulation referred to in subregulation (1), a reference in the said regulation to the Director shall be construed as a reference to the governing body concerned.

RETIREMENT AGE

13. (1) The provisions of regulation 38 of the Regulations relating to the Appointment and Conditions of Service of Persons other than Teachers, Appointed at Departmental Institutions, shall *mutatis mutandis* apply to employees employed at state-aided schools.

(2) In the application of the regulation referred to in subregulation (1), a reference in the said regulation—

(a) to the Head of Education shall be construed as a reference to the governing body concerned; and

(b) na die Departement uitgelê as 'n verwysing na die betrokke staatsondersteunde skool.

REIS- EN VERBLYFTOELAE EN VERVOERKOSTE

14. 'n Bestuursliggaam betaal—

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

(b) die vervoerkoste van 'n werknemer by sy eerste aanstelling of oorplasing in 'n pos by die betrokke staatsondersteunde skool;

(c) aan 'n werknemer by sy ontslag—

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

(ii) weens voortdurende swak gesondheid;

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

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

(v) behoudens die bepalings van artikel 74 saamgelees met artikel 98 van die Wet, weens ongeskiktheid vir die pligte wat aan sy pos verbonde is of onvermoë om daardie pligte op 'n bekwame wyse uit te voer, die koste verbonde aan die vervoer van homself, sy huishouding en persoonlike besittings vanaf sy hoofkwartier na sy toekomstige woonplek; en

(d) aan die huishouding van 'n werknemer wat te sterwe kom terwyl hy in diens is, die koste verbonde aan hulle eie vervoer en dié van hulle persoonlike besittings vanaf sy hoofkwartier na hul toekomstige woonplek,

mutatis mutandis ooreenkomstig die bepalings van Staatsdiensregulasies D 1 tot D 10 en E 1 tot E 11 uitgevaardig kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), welke regulasies asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot verblyfkoste, amptelike reise en vervoer ten opsigte van beamptes of werknemers in die Staatsdiens: Met dien verstande dat 'n verwysing daarin na 'n aanbeveling van die Kommissie vir dié doel geag word 'n verwysing te wees na die goedkeuring van die Minister.

DIENSBONUS

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

(b) to the Department shall be construed as a reference to the state-aided school concerned.

TRAVELLING AND SUBSISTENCE ALLOWANCE AND TRANSPORT COSTS

14. A governing body shall pay—

(a) to an employee travelling and subsistence allowance in respect of travelling and absence from his headquarters in connection with his employment at the state-aided school;

(b) the transport costs of an employee on his first appointment or transfer to a post at the state-aided school concerned;

(c) to an employee on his discharge—

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

(ii) on account of continuous ill-health;

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

(iv) if, for reasons other than his own incompetence or inability, his discharge will in the opinion of the governing body promote efficiency or economy at the state-aided school; or

(v) subject to the provisions of section 74 read with section 98 of the Act, on account of incompetence for the duties attached to his post or inability to perform those duties in an efficient manner, any costs involved in his own transport and the transport of his household and his personal belongings from his headquarters to his future residence; and

(d) to the household of an employee who dies while he is in service, the costs involved in their personal transport and that of their personal belongings from his headquarters to their future residence,

mutatis mutandis in accordance with the provisions of Public Service Regulations D 1 to D 10 and E 1 to E 11, promulgated under the Public Service Act, 1984 (Act No. 111 of 1984), which Regulations as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning subsistence allowance, official journeys and transport in respect of officers or employees in the Civil Service: Provided that a reference therein to a recommendation of the Commission shall for this purpose be deemed to be a reference to the approval of the Minister.

SERVICE BONUS

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

WERKLOOSHEIDSVERSEKERING

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

TOEPASSING VAN ONGEVALLEWET, 1941 (WET NO. 30 VAN 1941)

17. Die bepalings van Hoofstuk D.XIII van die Staatsdienspersoneelkode uitgereik ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), asook enige interpretasie, beslissing, reëling of voorskrif deur die Kommissie vir Administrasie met betrekking tot die toepassing van die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941), op beamptes en werknemers in die Staatsdiens, is *mutatis mutandis* van toepassing op werknemers, behoudens die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941).

SUBSIDIESKEMA TEN OPSIGTE VAN BEHUISING

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

No. R.697 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE KOSHUISE INGESTEL VIR OPENBARE SKOLE

Die Minister van Onderwys en Kultuur het kragtens artikels 19 en 112 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), en met die instemming van die Minister van Begroting en Plaaslike Bestuur, die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"betrokke skool" die skool waarvoor 'n koshuis ingestel is of waaraan die koshuis ingevolge regulasie 2 (2) (a) toegewys is;

"dienswerker" 'n persoon wat ingevolge artikel 67 van die Wet in 'n pos van dienswerker aangestel is;

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

UNEMPLOYMENT INSURANCE

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

APPLICATION OF THE WORKMEN'S COMPENSATION ACT, 1941 (ACT NO. 30 OF 1941)

17. The provisions of Chapter D.XIII of the Public Service Personnel Code issued in terms of the Public Service Act, 1984 (Act No. 111 of 1984), as well as any interpretation, decision, ruling or direction by the Commission for Administration concerning the application of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), to officers and employees in the Public Service, shall *mutatis mutandis* apply to employees, subject to the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941).

SUBSIDY SCHEME IN RESPECT OF HOUSING

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

No. R.697 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO HOSTELS ESTABLISHED FOR PUBLIC SCHOOLS

The Minister of Education and Culture has under sections 19 and 112 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), and with the concurrence of the Minister of the Budget and Local Government, made the regulations in the Schedule.

SCHEDULE

Definitions

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

"admission committee" means a committee appointed in terms of regulation 33;

"boarder" means a person who enjoys full boarding and lodging in a hostel;

"boarding bursary" means a boarding bursary granted in terms of regulation 36;

"Direkteur" 'n Direkteur van Onderwys in artikel 4 van die Wet bedoel;

"hoof" met betrekking tot 'n koshuis of groep koshuise, die persoon aangestel in die pos van skoolhoof by die betrokke skool, of waar 'n ander onderwyser deur die Direkteur kragtens regulasie 13 (2) aangewys is om verantwoordelik te wees vir die direkte beheer oor die koshuis, sodanige onderwyser;

"huisvoog" 'n huisvoog ingevolge regulasie 19 aangestel;

"kosganger" 'n persoon wat volle losies en inwoning by 'n koshuis geniet;

"koshuiseenheid" die woonkwartiere van 'n koshuis wat as 'n aparte eenheid bedryf word;

"kwartaal" een van die vier skoolkwartale in 'n jaar van die skoolkalender soos ingevolge artikel 6 (1) (g) van die Wet bepaal;

"leerlingkosganger" 'n kosganger wat 'n leerling is;

"losiesbeurs" 'n beurs wat ingevolge regulasie 36 toegestaan is;

"losiesbeurskomitee" 'n losiesbeurskomitee saamgestel ingevolge regulasie 37;

"onderwyser" 'n persoon wat ingevolge die Wet in 'n onderwyspos aangestel is om onderwys aan 'n openbare skool te gee;

"raad" 'n raad van bestuur in artikel 15 (b) van die Wet bedoel in die geval van nywerheid- en verbeteringskole en 'n bestuursraad in artikel 15 (a) van die Wet bedoel in die geval van alle ander skole;

"senior huisvoog" 'n senior huisvoog ingevolge regulasie 15 aangestel;

"skool" by die toepassing van hierdie regulasies 'n openbare skool soos omskryf in artikel 1 van die Wet;

"superintendent van onderwys" 'n persoon wat ingevolge artikel 67 van die Wet as superintendent van onderwys aangestel is en onder wie se jurisdiksie 'n koshuis ressorteer; en

"toelatingskomitee" 'n komitee aangestel ingevolge regulasie 33.

SAMESTELLING VAN 'N KOSHUISRAAD

2. (1) 'n Koshuisraad kragtens artikel 15 (c) van die Wet vir een of meer koshuise ingestel, bestaan uit die volgende persone wat deur die Direkteur aangestel word:

(a) die hoof;

(b) twee lede van die raad van die betrokke skool deur sodanige raad aangewys;

(c) hoogstens vier ander persone deur die ouers van leerlingkosgangers aangewys op die wyse deur die Direkteur bepaal, van wie—

(i) minstens een 'n dame is; en

(ii) minstens twee ouers van leerlingkosgangers is; en

(d) hoogstens drie ander lede deur die Direkteur aangewys.

(2) Waar 'n koshuis vir twee of meer skole ingestel is—

(a) bepaal die Direkteur aan watter skool die koshuis vir die doeleindes van die samestelling van, en beheer deur, 'n koshuisraad toegewys word; en

"boarding bursary committee" means a boarding bursary committee constituted in terms of regulation 37;

"council" means a board of management referred to in section 15 (b) of the Act in the case of industrial and reform schools, and a management council referred to in section 15 (a) of the Act in the case of all other schools;

"Director" means a Director of Education referred to in section 4 of the Act;

"head" in relation to a hostel or group of hostels, means the person appointed in the post of principal at the school concerned, or where another teacher has been designated by the Director in terms of regulation 13 (2) to be responsible for the direct control of the hostel, such teacher;

"hostel unit" means the living quarters of a hostel which are operated as a separate unit;

"house warden" means a house warden appointed in terms of regulation 19;

"pupil boarder" means a boarder who is a pupil;

"quarter" means one of the four school quarters in a year of the school calendar as determined in terms of section 6 (1) (g) of the Act;

"school" in the application of these regulations, means a public school as defined in section 1 of the Act;

"school concerned" means the school for which a hostel has been established or to which the hostel has been allocated in terms of regulation 2 (2) (a);

"senior house warden" means a senior house warden appointed in terms of regulation 15;

"service worker" means a person appointed in a post of service worker in terms of section 67 of the Act;

"superintendent of education" means a person appointed as superintendent of education in terms of section 67 of the Act and under whose jurisdiction a hostel falls;

"teacher" means a person appointed in a teaching post in terms of the Act to teach at a public school; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

CONSTITUTION OF HOSTEL COUNCIL

2. (1) A hostel council established for one or more hostels under section 15 (c) of the Act, shall consist of the following persons who shall be appointed by the Director—

(a) the head;

(b) two members of the council of the school concerned designated by such council;

(c) not more than four other persons designated by the parents of pupil boarders in the manner determined by the Director, of whom—

(i) at least one shall be a woman; and

(ii) at least two shall be parents of pupil boarders; and

(d) a maximum of three other members designated by the Director.

(2) Where a hostel has been established for two or more schools—

(a) the Director shall determine to which school the hostel shall be allocated for the purposes of the constitution of, and control by, a hostel council; and

(b) is al die betrokke skoolhoofde wat nie die hoof is nie bykomend tot die lede in subregulasie (1) bedoel lede van die koshuisraad.

DISKWALIFIKASIES VAN LEDE VAN 'N KOSHUISRAAD

3. Iemand is onbevoeg om lid van 'n koshuisraad te wees as hy—

(a) 'n minderjarige is;

(b) behoudens die bepalings van regulasies 2 (1) (a) en 2 (2) (b), in diens van die Departement is en nie die goedkeuring van die Direkteur het om in sodanige raad te dien nie;

(c) nie 'n burger van die Republiek van Suid-Afrika is nie tensy die Onderwyshoof hom bevoeg verklaar;

(d) te eniger tyd skuldig bevind is of word aan 'n misdryf waarvoor hy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is of word, tensy volle grasie aan hom verleen is of sy termyn van gevangenisstraf minstens drie jaar voor die datum van aanstelling verstryk het;

(e) in sy geestesvermoë gekrenk is of word en deur 'n bevoegde hof aldus verklaar is of word; of

(f) 'n ongerehabiliteerde insolvent is of word.

AMPSTERMYN VAN LEDE VAN KOSHUISRAAD

4. 'n Lid van 'n koshuisraad beklee sy amp vir 'n termyn wat ooreenstem met die ampstermyn van die lede van die raad van die betrokke skool: Met dien verstande dat die Direkteur te eniger tyd 'n lid van sy amp kan onthef om redes wat hy as voldoende ag.

KWORUM VIR VERGADERING VAN 'N KOSHUISRAAD

5. Die meerderheid van die lede van 'n koshuisraad soos ingevolge regulasie 2 saamgestel, vorm 'n kworum vir enige vergadering van die koshuisraad.

ONTBINDING EN HERSAMESTELLING VAN 'N KOSHUISRAAD

6. Die Direkteur kan te eniger tyd in oorleg met die raad, om redes wat hy as voldoende ag, 'n koshuisraad ontbind en 'n nuwe koshuisraad ooreenkomstig die bepalings van regulasie 2 saamstel.

BEVOEGDHEDE, FUNKSIES EN PLIGTE VAN 'N KOSHUISRAAD

7. 'n Koshuisraad—

(a) is 'n regspersoon;

(b) vorm die bestuur van die betrokke koshuis;

(c) dien die Direkteur van advies oor alle sake wat die koshuis raak of wat die Direkteur na die koshuisraad verwys;

(d) oefen algemene toesig uit oor die terrein, geboue, meubels en uitrusting van die koshuis;

(e) kan kleiner herstelwerk aan koshuisgeboue laat doen;

(f) beheer en bestuur die bedryfsfonds bedoel in die Voorskrifte betreffende Losiesgelde ten opsigte van Koshuise verbonde aan Openbare Skole uitgesonderd Nywerheid- en Verbeteringskole, uitgereik ingevolge artikel 2 (1A) van die Skatkiswet, 1975 (Wet No. 66 van 1975), ooreenkomstig sodanige voorskrifte; en

(b) all the principals concerned not being the head shall, in addition to the members referred to in subregulation (1), be members of the hostel council.

DISQUALIFICATIONS OF MEMBERS OF HOSTEL COUNCIL

3. A person shall be incompetent to be a member of a hostel council if he—

(a) is a minor;

(b) subject to the provisions of regulations 2 (1) (a) and 2 (2) (b) is in the employment of the Department and does not have the Director's approval to serve on such council;

(c) is not a citizen of the Republic of South Africa, unless the Head of Education declares him competent;

(d) was or is at any time convicted of an offence for which he was or is sentenced to imprisonment without the option of a fine, unless he has received a free pardon or his period of imprisonment has expired at least three years prior to the date of his appointment;

(e) is or becomes of unsound mind and was or is so declared by a competent court; or

(f) is or becomes an unrehabilitated insolvent.

TERM OF OFFICE OF MEMBERS OF HOSTEL COUNCIL

4. A member of a hostel council shall hold office for a period which shall coincide with the term of office of the members of the council of the school concerned: Provided that the Director may at any time remove a member from office for reasons he deems to be sufficient.

QUORUM FOR MEETING OF HOSTEL COUNCIL

5. The majority of the members of a hostel council as constituted in terms of regulation 2, shall form a quorum for any meeting of the hostel council.

DISSOLUTION AND RECONSTITUTION OF HOSTEL COUNCIL

6. The Director may at any time, after consultation with the council, dissolve a hostel council for reasons he deems to be sufficient and constitute a new hostel council in accordance with the provisions of regulation 2.

POWERS, FUNCTIONS AND DUTIES OF HOSTEL COUNCIL

7. A hostel council—

(a) shall be a body corporate;

(b) shall form the management of the hostel concerned;

(c) shall advise the Director on all matters concerning the hostel, or referred to the hostel council by the Director;

(d) shall exercise general supervision over the grounds, buildings, furniture and equipment of the hostel;

(e) may have minor reparations affected to hostel buildings;

(f) shall control and manage the operating fund referred to in the Directions relating to Boarding Fees in respect of Hostels attached to Public Schools excluding Industrial and Reform Schools, issued in terms of section 2 (1A) of the Exchequer Act, 1975 (Act No. 66 of 1975), in accordance with such directions; and

(g) kan, wanneer die koshuisraad in verband met enige aangeleentheid binne sy bevoegdhede kragtens hierdie Regulasies, dit nodig ag—

(i) die hoof versoek om inligting aan die koshuisraad voor te lê;

(ii) enige van die lede van die koshuisraad benoem om in oorleg met die hoof, die koshuis te besoek;

(iii) 'n senior huisvoog versoek om die koshuisraad se vergaderings in 'n adviserende hoedanigheid by te woon; en

(iv) die superintendent van onderwys of 'n ander persoon in diens van die Departement versoek om inligting en advies aan die koshuisraad te verskaf.

KENNISGEWING VAN SAMESTELLING VAN KOSHUISRAAD

8. Sodra 'n koshuisraad ingevolge regulasie 2 saamgestel of ingevolge regulasie 6 hersaamgestel is, stel die Direkteur die hoof en die betrokke skoolraad onverwyld skriftelik in kennis van die name en adresse van die lede van die koshuisraad.

VERKIESING VAN AMPSBEKLEËRS VAN KOSHUISRAAD

9. (1) Sodra die hoof ingevolge die bepalings van regulasie 8 in kennis gestel is van die name en adresse van die lede van die koshuisraad, belê hy die eerste vergadering van die koshuisraad.

(2) Op die eerste vergadering van die koshuisraad verkies sodanige raad uit sy lede, uitgesonderd die hoof en die skoolhoofde in regulasie 2 (2) (b) bedoel, 'n voorsitter, 'n ondervoorsitter en 'n sekretaris.

(3) Die voorsitter, ondervoorsitter en sekretaris beklee hul ampte, behoudens die bepalings van subregulasie (4), vir 'n tydperk van 12 maande vanaf die datum van hul verkiesing en kan daarna herkies word.

(4) Wanneer die amp van voorsitter, ondervoorsitter of sekretaris om enige rede vakant raak, verkies die koshuisraad op die eerste vergadering nadat daardie vakature ontstaan het, behoudens die bepalings van subregulasie (2), een van sy lede om daardie vakature vir die onverstreke ampstermyn van sy voorganger te vul.

(5) Die hoof tree as voorsitter op tydens 'n vergadering van die koshuisraad waarop 'n voorsitter verkies moet word.

(6) Sodra 'n vergadering waarop enige ampsbekleër ingevolge hierdie regulasie verkies is, afgehandel is, stel die hoof die sekretaris van die betrokke skoolraad onverwyld skriftelik in kennis van die datum van die vergadering en van die naam, adres en amp van die persoon wat verkies is.

VERGADERINGS

10. (1) 'n Koshuisraad vergader minstens een keer gedurende 'n kwartaal.

(2) Die sekretaris van 'n koshuisraad bepaal in oorleg met die voorsitter die datum, tyd en plek van 'n vergadering en stel elke lid en die betrokke superintendent van onderwys minstens vyf dae voor sodanige vergadering daarvan in kennis.

(3) Die superintendent van onderwys kan by 'n vergadering teenwoordig wees en aan die besprekings deelneem, maar het nie stemreg nie, en verlaat die vergadering wanneer die koshuisraad aldus besluit.

(g) may, when the hostel council in respect of any matter within its powers under these regulations, deems it necessary—

(i) request the head to submit information to the hostel council;

(ii) nominate any of the members of the hostel council to visit the hostel in consultation with the head;

(iii) request a senior house warden to attend the meetings of the hostel council in an advisory capacity; and

(iv) request the superintendent of education or any other person in the employ of the Department to provide the hostel council with information and advice.

NOTICE OF CONSTITUTION OF HOSTEL COUNCIL

8. As soon as a hostel council has been constituted in terms of regulations 2 or reconstituted in terms of regulation 6, the Director shall forthwith notify the head and the school board concerned in writing of the names and addresses of the members of the hostel council.

ELECTION OF OFFICE BEARERS OF HOSTEL COUNCIL

9. (1) As soon as the head has been notified of the names and addresses of the members of the hostel council in terms of the provisions of regulation 8, he shall convene the first meeting of the hostel council.

(2) At the first meeting of the hostel council, such council shall from its members, excluding the head and the principals referred to in regulation 2 (2) (b), elect a chairman, a vice-chairman and a secretary.

(3) The chairman, vice-chairman and secretary shall, subject to the provisions of subregulation (4), hold office for a period of 12 months from the date of their election and may thereafter be re-elected.

(4) Whenever for any reason the office of chairman, vice-chairman or secretary becomes vacant, the hostel council shall at the first meeting after such vacancy has occurred, subject to the provisions of subregulation (2), elect one of its members to fill such vacancy for the unexpired term of office of his predecessor.

(5) The head shall preside at a meeting of a hostel council at which a chairman has to be elected.

(6) As soon as a meeting at which any office bearer has been elected in terms of this regulation is concluded, the head shall forthwith notify the secretary of the school board concerned in writing of the date of the meeting and the name, address and office of the person so elected.

MEETINGS

10. (1) A hostel council shall meet at least once during a quarter.

(2) The secretary of a hostel council shall in consultation with the chairman determine the date, time and place of a meeting, and shall notify each member and the superintendent of education concerned thereof, at least five days prior to such meeting.

(3) The superintendent of education may be present at a meeting and take part in the discussions, but does not have a vote, and shall leave the meeting whenever the hostel council so decides.

(4) 'n Koshuisraad kan deur bemiddeling van die hoof versoek dat enige personeellid van enige koshuis onder sy toesig 'n vergadering moet bywoon in verband met enige aangeleentheid wat onder die werksaamhede van die koshuisraad ressorteer.

(5) 'n Koshuisraad bepaal sy eie reëls betreffende sy vergaderings en prosedures by daardie vergaderings.

NOTULE VAN KOSHUISRAADVERGADERINGS

11. (1) Die sekretaris van 'n koshuisraad hou notule van die verrigtinge van elke vergadering en voorsien die Direkteur, indien hy aldus versoek, van 'n afskrif daarvan.

(2) Die notule van die verrigtinge van elke vergadering van 'n koshuisraad—

(a) word op die eersvolgende vergadering vir goedkeuring voorgelê en

(b) is ter insae van die lede en die Direkteur.

(3) By die ontbinding van 'n koshuisraad word alle notules en ander dokumente van sodanige koshuisraad aan die hoof oorhandig.

TOEVALLIGE VAKATURES IN 'N KOSHUISRAAD

12. (1) 'n Toevallige vakature in 'n koshuuisraad ontstaan indien 'n lid—

(a) bedank;

(b) te sterwe kom;

(c) sonder die toestemming van die koshuisraad van drie agtereenvolgende vergaderings afwesig is;

(d) onbevoeg word soos bedoel in regulasie 3; of

(e) ingevolge regulasie 4 van sy amp onthef is.

(2) Wanneer 'n toevallige vakature ontstaan in die amp van 'n lid van 'n koshuisraad, word sodanige vakature ooreenkomstig die bepalings van regulasie 2 gevul.

(3) 'n Lid wat 'n vakature in subregulasie (2) bedoel, vul, beklee sy amp vir die oorblywende amsptermyn van sy voorganger.

(4) Wanneer 'n vakature ingevolge subregulasie (2) gevul is, stel die Direkteur die betrokke skoolraad onverwyld skriftelik in kennis van die naam van die lid in wie se amp die vakature onstaan het en van die naam en adres van sy opvolger.

BEHEER OOR KOSHUIS

13. (1) Behoudens die bepalings van subregulasie (2) berus die direkte beheer oor 'n koshuis by die skoolhoof van die betrokke skool.

(2) Die Direkteur kan te eniger tyd, om redes wat hy voldoende ag, die skoolhoof onthef van die direkte beheer oor 'n koshuis en 'n ander onderwyser aanstel om verantwoordelik te wees vir die direkte beheer oor die koshuis, en om alle pligte verbonde aan die koshuis wat normaalweg deur die skoolhoof uitgevoer word, te behartig.

(3) Die Direkteur bepaal die bevoegdhede, werksaamhede en pligte van 'n hoof met betrekking tot 'n koshuis.

INWONINGSVOORWAARDES EN BESOLDIGING VAN DIE HOOF

14. (1) Die Direkteur kan van 'n hoof vereis om in 'n koshuis in te woon.

(4) A hostel council may by mediation of the head request that any member of staff of any hostel under its supervision, attend a meeting in regard to any matter which falls under the functions of the hostel council.

(5) A hostel council shall determine its own rules relating to its meetings and procedures at those meetings.

MINUTES OF HOSTEL COUNCIL MEETINGS

11. (1) The secretary of a hostel council shall keep minutes of the proceedings of every meeting and shall provide the Director with a copy thereof, if he so requests.

(2) The minutes of the proceedings of every meeting of a hostel council—

(a) shall be submitted for approval at the next ensuing meeting; and

(b) shall be open to inspection by the members and the Director.

(3) At the dissolution of a hostel council all minutes and other documents of such hostel council shall be handed to the head.

CASUAL VACANCIES IN A HOSTEL COUNCIL

12. (1) A casual vacancy in a hostel council shall occur if a member—

(a) resigns;

(b) dies;

(c) is absent from three consecutive meetings without the permission of the hostel council;

(d) becomes incompetent as contemplated in regulation 3; or

(e) has been removed from his office in terms of regulation 4.

(2) Whenever a casual vacancy occurs in the office of any member of a hostel council, such vacancy shall be filled in accordance with the provisions of regulation 2.

(3) A member filling a vacancy referred to in subregulation (2), shall hold office for the unexpired term of office of his predecessor.

(4) Whenever a vacancy is filled in terms of subregulation (2), the Director shall forthwith notify the school board concerned in writing of the name of the member in whose office the vacancy had occurred and of the name and address of his successor.

CONTROL OF HOSTEL

13. (1) Subject to the provision of subregulation (2), the direct control of a hostel shall vest in the principal of the school concerned.

(2) The Director may at any time, for reasons he deems sufficient, relieve the principal of the direct control of a hostel and appoint another teacher to be responsible for the direct control of the hostel, and to perform all the duties attached to the hostel which are normally performed by the principal.

(3) The Director shall determine the powers, functions and duties of the head in regard to a hostel.

CONDITIONS OF RESIDENCE AND REMUNERATION OF HEAD

14. (1) The Director may require a head to reside in a hostel.

(2) Die Minister met die instemming van die Minister van Begroting en Werke bepaal die inwoningsvoorwaardes en besoldiging van 'n hoof.

AANSTELLING VAN SENIOR HUISVOOGDE

15. (1) Die Direkteur stel 'n onderwyser vir elke koshuiseenheid as senior huisvoog aan: Met dien verstande dat indien 'n geskikte onderwyser nie beskikbaar is nie, die Direkteur 'n ander geskikte persoon kan aanstel.

(2) Waar 'n skoolhoof as senior huisvoog aangestel word, is sodanige aanstelling slegs vir een jaar van krag, dog jaarliks hernubaar.

(3) Vir 'n koshuiseenheid wat seuns en dogters as kosgangers het wat gesamentlik meer as 359 stel, kan 'n tweede senior huisvoog aangestel word.

AMPSTERMYN VAN SENIOR HUISVOOGDE

16. (1) Behoudens die bepalings van subregulasies (2) en (3), en van regulasie 15 (2), beklee 'n senior huisvoog sy amp vir 'n tydperk van drie jaar en kan daarna heraangestel word.

(2) Die Direkteur kan te eniger tyd om redes wat hy as voldoende ag, die aanstelling van 'n senior huisvoog beëindig.

(3) Wanneer 'n senior huisvoog nie langer in dié hoedanigheid kan dien nie versoek hy, minstens twee maande voor die einde van die laaste kwartaal waarin hy as sulks diens doen, die Direkteur Skriftelik via die koshuisraad om van hierdie amp onthef te word: Met dien verstande dat korter kennisgewing aanvaar mag word indien dit op aanbeveling van die hoof deur die Direkteur goedgekeur word.

BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE VAN DIE SENIOR HUISVOOG

17. (1) Die Direkteur bepaal die bevoegdhede, werksaamhede en pligte van 'n senior huisvoog.

(2) Die Direkteur kan van 'n senior huisvoog vereis om in die koshuiseenheid waarvoor hy aangestel is in te woon.

INWONINGSVOORWAARDES EN BESOLDIGING VAN SENIOR HUISVOOGDE

18. Die Minister met die instemming van die Minister van Begroting en Werke bepaal die inwoningsvoorwaardes en besoldiging van senior huisvoogde.

AANSTELLING VAN HUISVOOGDE

19. (1) Die hoof stel behoudens die bepalings van subregulasie (2) en regulasie 20 en met instemming van die koshuisraad huisvoogde aan.

(2) Persone wat nie onderwysers is nie mag slegs as huisvoogde aangestel word indien na die oordeel van die hoof geen geskikte onderwyser beskikbaar is nie.

KWOTAS VIR BEPALING VAN DIE GETAL HUISVOOGDE

20. (1) Die aantal huisvoogde van 'n koshuiseenheid word jaarliks bepaal op grond van die leerlingkosgangerinskrywing op 'n datum deur die Onderwyshoof bepaal.

(2) Die kwotas vir huisvoogde word deur die Onderwyshoof bepaal.

(3) Vir 'n gemengde koshuiseenheid word die getal seuns en meisies apart bereken vir doeleindes van die bepaling van die kwotas vir huisvoogde.

(2) The Minister shall with the concurrence of the Minister of the Budget and Local Government determine the conditions of residence and renumeration of a head.

APPOINTMENT OF SENIOR HOUSE WARDENS

15. (1) The Director shall appoint a teacher as senior house warden for each hostel unit: Provided that if no suitable teacher is available, the Director may appoint any other suitable person.

(2) Where a principal is appointed as senior house warden, such appointment shall be valid for one year only, but shall be annually renewable.

(3) For a hostel unit having both boys and girls as boarders who together number more than 359, a second senior house warden may be appointed.

TERM OF OFFICE OF SENIOR HOUSE WARDENS

16. (1) Subject to the provisions of subregulations (2) and (3), and of regulation 15 (2), a senior house warden shall hold office for a period of three years and may thereafter be reappointed.

(2) The Director may at any time for reasons he deems sufficient, terminate the appointment of a senior house warden.

(3) Whenever a senior house warden can no longer serve in that capacity, he may request the Director in writing, via the hostel council, at least two months before the end of the last quarter in which he serves as such, to relieve him of this office: Provided that shorter notice may be accepted if approved by the Director on the recommendation of the head.

POWERS, FUNCTIONS AND DUTIES OF THE SENIOR HOUSE WARDEN

17. (1) The Director shall determine the powers, functions and duties of a senior house warden.

(2) The Director may require a senior house warden to reside in the hostel unit for which he was appointed.

CONDITIONS OF RESIDENCE AND REMUNERATION OF SENIOR HOUSE WARDENS

18. The Minister shall with the concurrence of the Minister of the Budget and Local Government determine the conditions of residence and remuneration of senior house wardens.

APPOINTMENT OF HOUSE WARDENS

19. (1) The head shall, subject to the provisions of sub-regulation (2) and regulation 20, and with the concurrence of the hostel council, appoint house wardens.

(2) Persons who are not teachers shall only be appointed as house wardens if, in the opinion of the head, no suitable teacher is available.

QUOTAS FOR DETERMINING THE NUMBER OF HOUSE WARDENS

20. (1) The number of house wardens of a hostel unit shall annually be determined on account of the pupil boarder enrolment on a date determined by the Head of Education.

(2) The quotas for house wardens shall be determined by the Head of Education.

(3) For a mixed hostel unit the number of boys and girls shall be separately calculated for purposes of determining the quotas for house wardens.

(4) Vir die doeleindes van hierdie regulasie word leerlingkosgangers wat kinders van inwonende personeel is en by hul ouers in die koshuiseenheid inwoon, nie vir die bepaling van kwotas vir huisvoogde in ag geneem nie.

(5) Die hoof en senior huisvoog vorm nie deel van die kwota huisvoogde nie.

(6) Die kwotas soos bepaal in subregulasie (2) kan met die goedkeuring van die Direkteur oorskry word indien—

(a) daar geskikte akkommodasie vir die bykomende huisvoogde beskikbaar is; en

(b) die superintendent van onderwys die oorskryding van die kwota aanbeveel.

DIENSBEËINDIGING VAN HUISVOOGDE

21. (1) Die diens van 'n huisvoog kan beëindig word—

(a) deur die hoof—

(i) as die getal leerlingkosgangers tot so 'n mate daal dat die kwota vir huisvoogde verminder word;

(ii) op die skriftelike versoek van die betrokke huisvoog; of

(iii) op versoek van die koshuisraad; of

(b) deur die Direkteur volgens goeddunke.

(2) 'n Huisvoog kan minstens twee maande voor die einde van die laaste kwartaal waarin hy as sulks diens doen, die hoof skriftelik, via die koshuisraad versoek om van sy amp as huisvoog onthef te word: Met dien verstande dat korter kennisgewing aanvaar mag word indien omstandighede dit regverdig.

BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE VAN HUISVOOGDE

22. (1) Die Direkteur bepaal die bevoegdhede, werksaamhede en pligte van huisvoogde.

(2) Die Direkteur kan van 'n huisvoog vereis om in die koshuiseenheid waarvoor hy aangestel is in te woon.

INWONINGSVOORWAARDES EN BESOLDIGING VAN HUISVOOGDE

23. Die Minister met die instemming van die Minister van Begroting en Werke bepaal die inwoningsvoorwaardes en besoldiging van huisvoogde.

KWOTA POSTE VIR HUISMOEDERS

24. (1) Die kwota poste vir huismoeders vir 'n koshuiseenheid word deur die Minister bepaal.

(2) Vir die doeleindes van hierdie regulasie word leerlingkosgangers wat kinders van inwonende personeel is en by hul ouers in die koshuis inwoon nie vir die bepaling van kwotas in ag geneem nie.

BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE VAN HUISMOEDERS

25. (1) Die Direkteur bepaal die bevoegdhede, werksaamhede en pligte van huismoeders.

(2) Die Direkteur kan van 'n huismoeder vereis om in die koshuiseenheid waarvoor sy aangestel is in te woon.

INWONINGSVOORWAARDES VAN HUISMOEDERS

26. Die Direkteur bepaal die inwoningsvoorwaardes van huismoeders.

(4) For the purposes of this regulation pupil boarders who are the children of resident staff and reside in the hostel unit with their parents, shall not be taken into account for the determining of quotas for house wardens.

(5) The head and senior house warden shall not form part of the quota of house wardens.

(6) The quotas as determined in subregulation (2) may be exceeded with the approval of the Director if—

(a) suitable accommodation is available for the additional house wardens; and

(b) the superintendent of education recommends the exceeding of the quota.

TERMINATION OF SERVICE OF HOUSE WARDENS

21. (1) The service of a house warden may be terminated—

(a) by the head—

(i) if the number of pupil boarders decreases to such an extent that the quota for house wardens is reduced;

(ii) at the written request of the house warden concerned; or

(iii) at the request of the hostel council; or

(b) by the Director at his discretion.

(2) A house warden may at least two months prior to the end of the last quarter in which he functions as such, request the head via the hostel council in writing to be relieved of his office as house warden: Provided that shorter notice may be accepted if justified by the circumstances.

POWERS, FUNCTIONS AND DUTIES OF HOUSE WARDENS

22. (1) The Director shall determine the powers, functions and duties of house wardens.

(2) The Director may require a house warden to reside in the hostel unit for which he was appointed.

CONDITIONS OF RESIDENCE AND REMUNERATION OF HOUSE WARDENS

23. The Minister shall with the concurrence of the Minister of the Budget and Local Government determine the conditions of residence and remuneration of house wardens.

QUOTA OF POSTS FOR MATRONS

24. (1) The quota for posts for matrons for a hostel unit shall be determined by the Minister.

(2) For the purposes of this regulation, pupil boarders who are the children of resident staff and reside in the hostel with their parents, shall not be taken into account for the determining of quotas.

POWERS, FUNCTIONS AND DUTIES OF MATRONS

25. (1) The Director shall determine the powers, functions and duties of matrons.

(2) The Director may require a matron to reside in the hostel unit for which she was appointed.

CONDITIONS OF RESIDENCE OF MATRONS

26. The Director shall determine the conditions of residence of matrons.

AANWYS VAN KLERKLIKE HULP

27. Die hoof kan, indien hy dit nodig ag, persone aanwys om voltydse of deeltydse klerklike hulp aan senior huisvoogde te verleen, by gebreke waarvan die Direkteur ander reëlings kan tref.

KWOTA POSTE VIR DIENSWERKERS

28. Die kwota poste vir dienswerkers vir 'n koshuiseenheid word deur die Minister bepaal.

WERKSAAMHEDE EN PLIGTE VAN DIENSWERKERS

29. Die hoof bepaal die werksaamhede en pligte van dienswerkers.

INWONINGSVOORWAARDES VAN DIENSWERKERS

30. Die Direkteur bepaal die inwoningsvoorwaardes van dienswerkers.

KOSGANGERS

31. (1) Die Direkteur bepaal die getal kosgangers wat in 'n koshuiseenheid gehuisves mag word, en sodanige getal mag nie sonder skriftelike toestemming van die Direkteur oorskry word nie.

(2) Behalwe met die goedkeuring van die Direkteur, word geen persoon wat nie 'n leerling van die betrokke skool, of 'n personeellid van die betrokke koshuis, of die gade of kind van sodanige personeellid is, as kosganger tot 'n koshuis toegelaat nie.

TOELATING VAN LEERLINGKOSGANGERS

32. (1) Die toelating van leerlinge tot 'n koshuis word behoudens die bepalings van subregulasie (3)—

(a) deur die hoof met die instemming van die koshuisraad; of

(b) indien 'n toelatingskomitee ingevolge regulasie 33 aangestel is, deur sodanige komitee,

gedoen.

(2) 'n Ouer van 'n kind aan wie toelating tot 'n koshuis geweier is, kan na die Direkteur appelleer teen sodanige weiering en die Direkteur se beslissing is finaal.

(3) Die voorwaardes vir toelating van leerlinge tot 'n koshuis word deur die Direkteur bepaal.

SAMESTELLING VAN TOELATINGSKOMITEE

33. 'n Toelatingskomitee kan deur die Direkteur aangestel word om die toelating van leerlinge tot 'n koshuis te doen, en sodanige komitee bestaan uit—

(a) die hoof as voorsitter;

(b) 'n lid van die koshuisraad;

(c) 'n senior huisvoog van die betrokke koshuis; en

(d) in die geval van 'n koshuis verbonde aan 'n skool vir buitengewone onderwys vir leerlinge met epilepsie en vir liggaamlik gestremde leerlinge, die skoolsielkundige.

HUISHOUDELIKE REËLS

34. Huishoudelike reëls vir 'n koshuis word deur die hoof met die instemming van die koshuisraad opgestel en aan die superintendent van onderwys vir goedkeuring voorgelê.

DESIGNATION OF CLERICAL ASSISTANCE

27. The head may, if he deems it necessary, designate persons to render full-time or part-time clerical assistance to senior house wardens, failing which the Director may make other arrangements.

QUOTA OF POSTS FOR SERVICE WORKERS

28. The quota of posts for service workers shall be determined by the Minister.

FUNCTIONS AND DUTIES OF SERVICE WORKERS

29. The head shall determine the functions and duties of service workers.

CONDITIONS OF RESIDENCE OF SERVICE WORKERS

30. The Director shall determine the conditions of residence of service workers.

BOARDERS

31. (1) The Director shall determine the number of boarders to be accommodated in a hostel unit, and such number shall not be exceeded without the written consent of the Director.

(2) Except with the approval of the Director, no person who is not a pupil of the school concerned, or a staff member of the hostel concerned, or the spouse or child of such staff member, shall be admitted as a boarder to a hostel.

ADMISSION OF PUPIL BOARDERS

32. (1) The admission of pupils to a hostel shall, subject to the provisions of subregulation (3), be done—

(a) by the head with the concurrence of the hostel council; or

(b) if an admission committee has been appointed in terms of regulation 33, by such committee.

(2) A parent of a child to whom admission to a hostel has been refused may appeal to the Director against such refusal, and the decision of the Director shall be final.

(3) The conditions for admission of pupils to a hostel shall be determined by the Director.

CONSTITUTION OF ADMISSION COMMITTEE

33. An admission committee may be appointed by the Director to do the admission of pupils to a hostel, and such committee shall consist of—

(a) the head as chairman;

(b) a member of the hostel council;

(c) a senior house warden of the hostel concerned; and

(d) in the case of a hostel attached to a school for specialized education for pupils with epilepsy and for physically handicapped pupils, the school psychologist.

DOMESTIC RULES

34. Domestic rules for a hostel shall be framed by the head with the concurrence of the hostel council, and shall be submitted to the superintendent of education for approval.

TUG

35. (1) Deel II van die Regulasies uitgevaardig by Goewermentskennisgewing No. R. 1859 gedateer 29 November 1963, kragtens die Kinderwet, 1960 (Wet No. 33 van 1960), en wat ingevolge artikel 63 (2) van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), geag word kragtens laasgenoemde Wet uitgevaardig te wees, is *mutatis mutandis* van toepassing op koshuise ingestel vir nywerheid- en verbeteringskole.

(2) Die Regulasies betreffende Beheer, Skorsing en Uitsetting van Leerlinge uit, en die Toediening van ander Strawwe aan Leerlinge in, Openbare Skole (Uitgesonderd Nywerheid- en Verbeteringskole), Staatsondersteunde Skole en Koshuise, is *mutatis mutandis* van toepassing op alle koshuise ingestel vir openbare skole, uitgesonderd nywerheid- en verbeteringskole: Met dien verstande dat die senior huisvoog in die geval van lyfstraf in die plek van die skoolhoof optree.

LOSIESBEURSE

36. (1) Die Minister met die instemming van die Minister van Begroting en Werke kan, onderworpe aan die voorwaardes wat hy bepaal, 'n losiesbeurs toeken aan 'n leerling wie se ouer na die mening van die Minister nie finansieel in staat is om die volle, of enige gedeelte van die losiesgelde van die betrokke koshuis of ander losiesplek te betaal nie en wie se ouer—

(a) in die Republiek van Suid-Afrika woonagtig is; of

(b) normaalweg in die Republiek van Suid-Afrika woonagtig is maar weens werkverpligtinge tydelik in 'n ander land woonagtig is.

(2) Die bedrag van 'n losiesbeurs word bereken aan die hand van 'n formule wat deur die Onderwyshoof bepaal word.

LOSIESBEURSKOMITEE: SAMESTELLING EN FUNKSIES

37. (1) Die Minister kan 'n losiesbeurskomitee saamstel om aanbevelings te doen met betrekking tot die toekenning van losiesbeurse vir 'n koshuis.

(2) 'n Losiesbeurskomitee bestaan uit die volgende persone—

(a) die hoof as voorsitter;

(b) die sekretaris of 'n lid van die betrokke skoolraad;

(c) 'n lid van die koshuisraad, deur die koshuisraad aangewys; en

(d) in die geval van skole vir buitengewone onderwys vir leerlinge met epilepsie en vir liggaamlik gestremde leerlinge, die skoolsielkundige.

AANSOEKE OM LOSIESBEURSE

38. 'n Aansoek om 'n losiesbeurs moet jaarliks by die Direkteur op die vorm en op 'n tyd soos deur hom bepaal, ingedien word.

BETALING VAN LOSIESBEURSGELDE

39. Enige losiesbeurs wat kragtens regulasie 36 toegeken word, word aan die betrokke koshuis of ander losiesplek oorbetaal.

GEBRUIK VAN KOSHUISGEBOUE

40. Die raad van die betrokke skool kan na raadpleging van die koshuisraad, toestemming verleen vir die gebruik van koshuisgeboue vir ander doeleindes as koshuisdoeleindes.

DISCIPLINE

35. (1) Part II of the Regulations promulgated by Goverment Notice No. R. 1859 dated 29 November 1963, under the Children's Act, 1960 (Act No. 33 of 1960), and which in terms of section 63 (2) of the Child Care Act, 1983 (Act No. 74 of 1983), are deemed to have been made under the latter Act, shall *mutatis mutandis* apply to hostels established for industrial and reform schools.

(2) The Regulations relating to the Control, Suspension and Expulsion of Pupils from, and the Meting out of other Punishments to, Pupils attending Public Schools (excluding Industrial and Reform Schools), State-aided Schools and Hostels shall *mutatis mutandis* apply to all hostels established for public schools, excluding industrial and reform schools: Provided that the senior house warden shall act in place of the principal in the case of corporal punishment.

BOARDING BURSARIES

36. (1) The Minister may with the concurrence of the Minister of the Budget and Local Government, subject to the conditions he may determine, grant a boarding bursary to a pupil whose parent is, in the opinion of the Minister, financially unable to pay the full, or any portion of, the boarding fees of the hostel concerned or other lodgings, and whose parent—

(a) is resident in the Republic of South Africa; or

(b) is normally resident in the Republic of South Africa but is due to employment commitments temporarily resident in another country.

(2) The amount of boarding bursary shall be calculated on the basis of a formula determined by the Head of Education.

BOARDING BURSARY COMMITTEE: CONSTITUTION AND FUNCTIONS

37. (1) The Minister may constitute a boarding bursary committee to make recommendations in regard to the granting of boarding bursaries for a hostel.

(2) A boarding bursary committee shall consist of the following persons—

(a) the head as chairman;

(b) the secretary or a member of the school board concerned;

(c) a member of the hostel council, designated by the hostel council; and

(d) in the case of schools for specialized education for pupils with epilepsy and for physically handicapped pupils, the school psychologist.

APPLICATIONS FOR BOARDING BURSARIES

38. An application for a boarding bursary shall annually be submitted to the Director on the form and at a time determined by him.

PAYMENT OF BOARDING BURSARY MONIES

39. Any boarding bursary granted under regulation 36, shall be paid to the hostel concerned or other lodgings.

USE OF HOSTEL BUILDINGS

40. The council of the school concerned may after consultation with the hostel council grant permission for the use of hostel buildings for purposes other than hostel purposes.

VOERTUIE VIR AMPTELIKE GEBRUIK

41. Die Direkteur kan, waar hy dit nodig ag, 'n amptelike voertuig aan 'n koshuis toewys onderworpe aan voorwaardes wat hy bepaal.

SLUITING VAN KOSHUIS

42. (1) Wanneer 'n koshuis kragtens artikel 5 (2) van die Wet gesluit word, moet die koshuisraad—

(a) die boeke van die bedryfsfonds onverwyld laat afsluit en laat ouditeer; en

(b) die batige saldo, die boeke, alle tersaaklike dokumente, 'n voltooide finansiële staat en 'n inventaris van alle uitrusting, aan die betrokke skoolraad oorhandig.

(2) Die betrokke skoolraad moet die Direkteur van 'n eksemplaar van die finansiële staat voorsien en 'n aanbeveling doen in verband met die toekomstige gebruik van die bates.

(3) Die Direkteur lê die aanbeveling in subregulasie (2) beoog met sy kommentaar aan die Onderwyshoof voor, wat finaal daaroor besluit.

REGULASIES NIE VAN TOEPASSING OP NYWERHEID- EN VERBETERINGSKOLE NIE

43. Regulasies 13 (2), 15, 32, 33, 36, 37, 38 en 39 is nie van toepassing op koshuise ingestel vir Nywerheid- en Verbeteringskole nie.

RAAD VAN BETROKKE SKOOL

44. 'n Koshuis wat vir 'n skool ingestel is, staan onder toesig van die raad van die betrokke skool en sodanige raad verrig al die werksaamhede en vervul al die pligte met betrekking tot sodanige koshuis wat ingevolge hierdie Regulasies deur 'n koshuisraad verrig en vervul moet word, en word die raad by die toepassing van hierdie Regulasies, uigesonderd regulasies 2, 3, 4, 5, 6, 8, 9 en 12, geag 'n koshuisraad te wees.

No. R.698 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE DIE REGISTRASIE, KLASSIFIKASIE EN SUBSIDIËRING VAN PRIVATE PREPRIMÊRE SKOLE

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikels 24, 25, 26 en 27 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), en met die instemming van die Minister van Begroting en Plaaslike Bestuur, die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"beheerliggaam" met betrekking tot 'n private preprimêre skool die liggaam by wie die beheer en bestuur van die private preprimêre skool berus;

VEHICLES FOR OFFICIAL USE

41. The Director may, where he deems it necessary, assign an official vehicle to a hostel subject to the conditions determined by him.

CLOSURE OF HOSTEL

42. (1) When a hostel is closed in terms of section 5 (2) of the Act, the hostel council shall—

(a) forthwith cause the books of the operating fund to be balanced and audited; and

(b) hand over to the school board concerned the credit balance, the books, all relevant documentation, a completed financial statement and an inventory of all equipment.

(2) The school board concerned shall provide the Director with a copy of the financial statement and make a recommendation in regard to the future use of the assets.

(3) The Director shall submit the recommendation referred to in subregulation (2), together with his comments, to the Head of Education who shall make a final decision.

REGULATIONS NOT APPLICABLE TO INDUSTRIAL AND REFORM SCHOOLS

43. Regulations 13 (2), 15, 32, 33, 36, 37, 38 and 39 shall not apply to hostels established for industrial and reform schools.

COUNCIL OF SCHOOL CONCERNED

44. A hostel established for a school, shall be under the supervision of the council of the school concerned, and such council shall perform all the functions and discharge all the duties in regard to such hostel which shall in terms of these Regulations be performed and discharged by a hostel council, and such council shall in the application of these Regulations, excluding regulations 2, 3, 4, 5, 6, 8, 9 and 12, be deemed to be a hostel council.

No. R.698 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO THE REGISTRATION, CLASSIFICATION AND SUBSIDIZATION OF PRIVATE PRE-PRIMARY SCHOOLS

The Minister of Education and Culture has under section 112 read with sections 24, 25, 26 and 27 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), and with the concurrence of the Minister of the Budget and Local Government, made the regulations in the Schedule.

SCHEDULE

Definitions

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

"constitution" in relation to the governing body of a private pre-primary school, means a document styled a constitution, or having a corresponding or similar

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"eienaar" met betrekking tot 'n private preprimêre skool, die persoon aan wie die private preprimêre skool behoort en wat dit onderhou;

"grondwet" met betrekking tot die beheerliggaam van 'n private preprimêre skool, 'n dokument wat 'n grondwet heet, of wat 'n ooreenstemmende of soortgelyke benaming dra, en waarin die doelstellings, befondsing en bestuur van, en ander relevante aspekte met betrekking tot die beheer oor, 'n private preprimêre skool deur die beheerliggaam uiteengesit word;

"opvoedkundige program" 'n opvoedkundige program wat kragtens artikel 6 (1) (a) van die Wet deur die Onderwyshoof goedgekeur is; en

"subsidie" met betrekking tot 'n geregistreerde private preprimêre skool, die voorsiening van daardie hulpbronne deur die Onderwyshoof goedgekeur, aan so 'n skool.

VEREISTES EN VOORWAARDES VIR REGISTRASIE

2. (1) Die aansoeker om registrasie van 'n private preprimêre skool moet aan die volgende vereistes voldoen:

(a) Die aansoeker moet die Onderwyshoof oortuig dat dit redelikerwys verwag kan word dat 'n gemiddelde inskrywing van minstens 20 kinders vir elke skoolkwartaal gehandhaaf kan word.

(b) Aan die hoof van sodanige skool moet daar 'n onderwyser, wat bekend moet wees as die skoolhoof, staan, wat vir die organisasie van, die toesig oor, die gedrag by en die beheer oor sodanige skool verantwoordelik is.

(c) Die skoolgeboue en -terreine moet aan sodanige vereistes betreffende ruimte, ontwerp en geriewe voldoen as wat na die oordeel van die Onderwyshoof voldoende is.

(d) Die aansoeker moet die Onderwyshoof daarvan oortuig dat sodanige skool 'n bydrae sal lewer tot die voorsiening van preprimêre onderwys in die betrokke gebied.

(2) Die registrasie van 'n private preprimêre skool is onderworpe aan die volgende voorwaardes:

(a) Die minimum getal kinders in sodanige skool is 20.

(b) Behalwe met die goedkeuring van die Onderwyshoof, mag 'n kind—

(i) nie tot sodanige skool toegelaat word voordat hy die leeftyd van drie jaar bereik het nie; en

(ii) nie in sodanige skool aanbly na die laaste skooldag van die jaar waarin hy die leeftyd van ses jaar bereik het nie:

Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie ten opsigte van 'n kind wat ingevolge die bepalings van artikel 54 (a) van die Wet van verpligte skoolbesoek vrygestel is.

(c) 'n Gestremde kind mag nie sonder die goedkeuring van die Onderwyshoof tot sodanige skool toegelaat word nie.

(d) Die getal Blanke kinders wat sodanige skool bywoon, moet te alle tye 'n volstrekte meerderheid van die totale leerlingtal van die skool uitmaak.

name, in which the aims, funding and management of, and other relevant matters relating to the control of a private pre-primary school by the governing body are set out;

"educational programme" means an educational programme approved by the Head of Education under section 6 (1) (a) of the Act;

"governing body" in relation to a private pre-primary school, means the body in which the control and management of the private pre-primary school are vested;

"proprietor" in relation to a private pre-primary school, means the person who owns and maintains the private pre-primary school;

"subsidy" in relation to a registered private pre-primary school, means the provision to such school of those resources approved by the head of Education; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

CONDITIONS AND REQUIREMENTS FOR REGISTRATION

2. (1) The applicant for registration of a private pre-primary school, shall comply with the following requirements:

(a) The applicant shall satisfy the Head of Education that it can reasonably be expected that an average enrolment of at least 20 children for each school quarter can be maintained.

(b) At the head of such school there shall be a teacher, known as the principal, who shall be responsible for the organisation and supervision of, the conduct at and the control of such school.

(c) The school buildings and grounds shall comply with such requirements in respect of space, design and facilities as are in the opinion of the Head of Education sufficient.

(d) The applicant must satisfy the Head of Education that such school will make a contribution to the provision of pre-primary education in the area concerned.

(2) The registration of a private pre-primary school shall be subject to the following conditions:

(a) The minimum number of pupils in such school shall be 20.

(b) Except with the approval of the Head of Education, a child shall—

(i) not be admitted to such school before he has reached the age of three years; and

(ii) not remain in such school after the last school day of the year in which he has reached the age of six years:

Provided that the provisions of this paragraph shall not apply in respect of a child who has been exempted from compulsory school attendance in terms of the provisions of section 54 (a) of the Act.

(c) A handicapped child shall not be admitted to such school without the approval of the Head of Education.

(d) The number of White children attending such school shall at all times be an absolute majority of the total pupil enrolment of the school.

(e) Die onderwyshoof bepaal die maksimum getal kinders wat tot sodanige skool toegelaat mag word volgens die skoolgeboue en -terreine in subregulasie (1) (c) bedoel.

(f) Die eienaar of die beheerliggaam van sodanige skool moet toesien dat—

(i) die gemiddelde duur van 'n skooldag en die minimum getal skooldae per kalenderjaar, voldoen aan die voorskrifte van die Onderwyshoof; en

(ii) opvoedkundige programme vir kinders in sodanige skool aangebied word.

(g) Die eienaar of beheerliggaam van sodanige skool moet—

(i) 'n register van leerlinge wat tot die skool toegelaat word en 'n daaglikse bywoningsregister van die kinders wat sodanige skool bywoon byhou op die wyse wat die Onderwyshoof bepaal;

(ii) 'n register hou van die onderwysers wat by sodanige skool in diens is en van die ander personeel wat by die opvoedkundige program betrokke is, in welke register die persone se name, registrasienommers (indien enige), kwalifikasies en besoldiging aangeteken moet word op die wyse wat die Onderwyshoof bepaal;

(iii) die Onderwyshoof of 'n beampte deur hom gemagtig, toelaat om die registers te eniger tyd na te gaan; en

(iv) sodanige ander rekords hou as wat die Onderwyshoof van tyd tot tyd in die algemeen of in 'n bepaalde geval bepaal.

(h) Geen persoon wat nie aan die minimum vereistes voldoen nie wat kragtens artikel 8B (4) van die Wet op die Nasionale Onderwysbeleid, 1967 (Wet No. 39 van 1967), voorgeskryf is vir registrasie as onderwyser by die daarin vermelde liggaam, mag as onderwyser aan sodanige skool in diens geneem word nie tensy die Onderwyshoof die indiensneming goedkeur: Met dien verstande dat voorgaande bepalings van hierdie paragraaf nie geld nie ten opsigte van enige persoon wat op die datum van inwerkingtreding van hierdie Regulasies as onderwyser aan 'n private preprimêre skool werksaam is, tensy hy na daardie datum ophou om as onderwyser aan sodanige skool werksaam te wees, en daarna verlang om weer as 'n onderwyser in diens geneem te word by enige private preprimêre skool.

(i) Die aanstelling van enige onderwyser, asook van enige ander personeel wat by die opvoedkundige program betrokke is, word deur die eienaar of beheerliggaam gedoen, en die eienaar of beheerliggaam moet die Onderwyshoof van sodanige aanstelling in kennis stel en 'n uiteensetting gee van die betrokke persoon se kwalifikasies en ondervinding.

(3) Indien 'n private preprimêre skool in artikel 25 (4) van die Wet bedoel, op die datum van eerste publikasie van hierdie Regulasies nie aan 'n registrasievereiste of -voorwaarde vermeld in subregulasie (1) of (2) voldoen nie, kan die Minister 'n tydperk bepaal waarbinne aan sodanige vereiste of voorwaarde voldoen moet word.

(4) Indien enige sodanige skool na verstryking van 'n tydperk in subregulasie (3) bedoel, nie aan 'n bedoelde

(e) The Head of Education shall determine the maximum number of children who may be admitted to such school, on the basis of the school buildings and grounds referred to in subregulation (1) (c).

(f) The proprietor or the governing body of such school shall ensure that—

(i) the average duration of a school day and the minimum number of school days per calendar year comply with the directions of the Head of Education; and

(ii) educational programmes are offered to children in such school.

(g) The proprietor or the governing body of such school shall—

(i) keep a register of pupils admitted to the school and a daily attendance register of the children attending such school, in the manner determined by the Head of Education;

(ii) keep a register of the teachers employed at such school and of the other staff members involved with the educational programme, in which register the names, registration numbers (if any), qualifications and remuneration of the persons shall be recorded in the manner determined by the Head of Education;

(iii) permit the Head of Education or an official authorized by him, to inspect the registers at any time; and

(iv) keep such other records as the Head of Education may from time to time determine in general or in any particular case.

(h) No person who does not meet the minimum requirements prescribed under section 8B (4) of the National Education Policy Act, 1967 (Act No. 39 of 1967), for registration as a teacher with the body mentioned therein shall be employed as a teacher at such school unless the Head of Education approves the employment: Provided that the aforegoing provisions of this paragraph shall not apply in respect of any person who is employed as a teacher at a private pre-primary school at the date of coming into operation of these Regulations, unless he ceases to be employed as a teacher at such school after that date and thereafter wishes to again be employed as a teacher at any private pre-primary school.

(i) The appointment of any teacher as well as any other staff involved with the educational programme, shall be done by the proprietor or governing body, and the proprietor or governing body shall notify the Head of Education of such appointment and give an exposition of the qualifications and experience of the person concerned.

(3) If any private pre-primary school referred to in section 25 (4) of the Act does not meet any registration requirement or condition in subregulation (1) or (2) on the date of first publication of these Regulations, the Minister may determine a period of time within which such requirement or condition shall be complied with.

(4) If any such school after expiry of a period referred to in subregulation (3) does not comply with the said re-

vereiste of voorwaarde voldoen nie, kan die Minister die registrasie van sodanige skool intrek of, indien daar na die oordeel van die Minister goeie redes daarvoor bestaan, 'n verdere tydperk vir voldoening aan die vereiste of voorwaarde bepaal, by verstryking van welke verdere tydperk die Minister die registrasie van die skool kan intrek indien daar steeds nie aan die vereiste of voorwaarde voldoen word nie.

KLASSIFIKASIE AS DEPARTEMENTEELBEHEERDE PREPRIMÊRE SKOOL

3. (1) 'n Private preprimêre skool wat ingevolge artikel 26 (1) van die Wet wil aansoek doen om vir subsidiedoeleindes as 'n departementeelbeheerde preprimêre skool geklassifiseer te word, moet sy aansoek aan die Onderwyshoof rig op die aansoekvorm wat vir die doel deur die Onderwyshoof voorsien word.

(2) Indien 'n aansoek in subregulasie (1) bedoel toegestaan is, bly die klassifikasie van die betrokke skool as departementeelbeheerde preprimêre skool van krag totdat dit kragtens hierdie Regulasies verval of ingetrek word, of totdat die betrokke skool aansoek doen vir deklassifikasie.

(3) Die vereistes vir klassifikasie van 'n private preprimêre skool as 'n departementeelbeheerde preprimêre skool soos beoog in artikel 26 (3) van die Wet is dat—

(a) hoogstens een-derde van die lede van die beheerliggaam van die skool deur die Minister aangestel word en die ander lede deur die ouers van leerlinge van die skool verkies word;

(b) die skool sonder winsmotief in stand gehou word;

(c) die skool die leerlinge in die skoolgeboue en op die skoolterrein akkommodeer op 'n wyse wat na die oordeel van die Onderwyshoof bevredigend is;

(d) die skool aan al die onderwyskundige vereistes wat deur die Onderwyshoof bepaal word voldoen;

(e) die leerlinggemeenskapsamestelling van die skool sal wees soos deur die Onderwyshoof bepaal; en

(f) die grondwet van die beheerliggaam van die skool deur die Onderwyshoof goedgekeur word.

(4) Die aantal private preprimêre skole wat as departementeelbeheerde preprimêre skole geklassifiseer kan word is onderworpe aan die bedrag wat van tyd tot tyd deur die Volksraad vir dié doel bewillig word.

(5) Die klassifikasie van 'n private preprimêre skool as 'n departementeelbeheerde preprimêre skool verval as die betrokke skool se registrasie ingevolge regulasie 5 verval of ingetrek word.

(6) (a) Indien 'n private preprimêre skool wat as 'n departementeelbeheerde preprimêre skool geklassifiseer is op enige stadium nie meer aan 'n registrasievereiste of voorwaarde in regulasie 2 vermeld of 'n vereiste of voorwaarde vir klassifikasie in hierdie regulasie vermeld, voldoen nie, moet die Onderwyshoof die beheerliggaam skriftelik daarvan in kennis stel met vermelding van die vereiste of voorwaarde waaraan nie voldoen word nie en met die opdrag aan die beheerliggaam om sodanige vereiste of voorwaarde na te kom binne 'n tydperk deur die Onderwyshoof bepaal en in die kennisgewing vermeld.

(b) Indien sodanige skool na verstryking van die tydperk in paragraaf (a) bedoel, nog nie aan die betrokke vereiste of voorwaarde voldoen nie kan die Onderwyshoof die betrokke skool se klassifikasie

quirement or condition, the Minister may withdraw the registration of such school or, if in the opinion of the Minister there is sufficient cause, determine a further period for compliance with the requirement or condition, at the expiry of which further period the Minister may withdraw the registration of the school if the requirement or condition has still not been complied with.

CLASSIFICATION AS DEPARTMENTALLY CONTROLLED PRE-PRIMARY SCHOOL

3. (1) A private pre-primary school wishing to apply in terms of section 26 (1) of the Act to be classified for subsidy purposes as a departmentally controlled pre-primary school, shall address its application to the Head of Education on the application form provided by the Head of Education for this purpose.

(2) If an application referred to in subregulation (1) has been granted, the classification of the school concerned as departmentally controlled pre-primary school shall remain effective until it lapses or is withdrawn in terms of these Regulations, or until the school concerned applies for declassification.

(3) The requirements for classification of a private pre-primary school as a departmentally controlled pre-primary school as contemplated in section 26 (3) of the Act are that—

(a) not more than one third of the members of the governing body of the school shall be appointed by the Minister and the other members shall be elected by the parents of pupils of the school;

(b) the school is maintained without a profit motive;

(c) the school accommodates the pupils in the school buildings and on the school grounds in a manner which is in the opinion of the Head of Education satisfactory;

(d) the school complies with all the educational requirements as determined by the Head of Education;

(e) the pupil community composition of the school will be as determined by the Head of Education; and

(f) the constitution of the governing body of the school is approved by the Head of Education.

(4) The number of private pre-primary schools that may be classified as departmentally controlled pre-primary schools shall be subject to the amount appropriated by the House of Assembly for this purpose from time to time.

(5) The classification of a private pre-primary school as a departmentally controlled pre-primary school shall lapse if the registration of the school concerned lapses or is withdrawn in terms of regulation 5.

(6) (a) If a private pre-primary school which has been classified as a departmentally controlled pre-primary school, at any time no longer complies with a registration requirement or condition referred to in regulation 2, or a requirement or condition for classification referred to in this regulation, the Head of Education shall notify the governing body thereof in writing, stating the requirement or condition which is not being complied with and instructing the governing body to satisfy such requirement or condition within a period determined by the Head of Education and stated in the notice.

(b) If such school after expiry of the period referred to in paragraph (a) still does not comply with the requirement or condition concerned, the Head of Education may withdraw the classification of the

as 'n departementeelbeheerde preprimêre skool intrek.

(7) 'n Private preprimêre skool wat kragtens hierdie Regulasies as 'n departementeelbeheerde preprimêre skool geklassifiseer is, moet jaarliks 'n geouditeerde finansiële verslag van die skool by die Onderwyshoof indien.

BETALING VAN SUBSIDIE

4. (1) 'n Aansoek om 'n subsidie moet jaarliks voor of op 31 Maart by die betrokke provinsiale onderwysdepartement ingedien word.

(2) 'n Private preprimêre skool kan in aanmerking kom vir die toekenning van 'n subsidie indien die betrokke skool aan die volgende vereistes en voorwaardes voldoen, naamlik dat—

(a) sodanige private preprimêre skool in stand gehou word sonder 'n winsmotief;

(b) alle permanente en tydelike onderwysers van sodanige skool oor 'n erkende professionele kwalifikasie beskik;

(c) daar minstens een onderwyser vir elke 25 kinders wat sodanige skool bywoon, sal wees, en een addisionele onderwyser vir enige oorblywende getal kinders wat nie 'n veelvoud van 25 is nie;

(d) die vergoedingspakket van die onderwyspersoneel verbonde aan sodanige skool op so 'n wyse bepaal word dat dit volgens die oordeel van die Onderwyshoof nie gunstiger is nie as die van onderwyspersoneel in diens in poste van dieselfde graad en kategorie in die Departement;

(e) die skoolgeboue en terreine van sodanige skool aan die vereistes wat deur die Onderwyshoof bepaal word, voldoen;

(f) die skool aan al die opvoedkundige vereistes wat deur die Onderwyshoof bepaal word, voldoen;

(g) jaarliks 'n geouditeerde finansiële verslag van sodanige skool by die Onderwyshoof ingedien word;

(h) enige subsidie van die Departement ontvang deur die betrokke skool in 'n bank- of bougenootskaprekening in die naam van sodanige skool gestort word; en

(i) die grondwet van die beheerliggaam van die skool deur die Onderwyshoof goedgekeur word.

(3) Die subsidie word op 'n jaarlikse grondslag goedgekeur en die betaling daarvan geskied kwartaalliks en terugwerkend.

(4) Na die goedkeuring van 'n subsidie moet sodanige skool die eisvorm wat vir dié doel voorsien word aan die einde van elke kwartaal by die betrokke provinsiale onderwysdepartement indien.

(5) Wanneer die persentasie skoolbesoek onder 70 persent daal, sal die bedrag van die subsidie na verhouding verminder.

(6) Indien 'n private preprimêre skool waaraan 'n subsidie toegeken is op enige stadium in die loop van die betrokke finansiële jaar nie langer aan 'n registrasievereiste of -voorwaarde vermeld in regulasie 2 of 'n vereiste vir die toekenning van 'n subsidie vermeld in subregulasie (2) voldoen nie, moet die Onderwyshoof die eienaar of beheerliggaam skriftelik daarvan in kennis stel met vermelding van die vereiste of voorwaarde waaraan nie voldoen word nie en met die opdrag aan die eienaar of beheerliggaam om sodanige vereiste of voorwaarde na te

school concerned as a departmentally controlled pre-primary school.

(7) A private pre-primary school classified in terms of these Regulations as a departmentally controlled pre-primary school, shall annually submit to the Head of Education an audited financial report of the school.

PAYMENT OF SUBSIDY

4. (1) An application for a subsidy shall be submitted annually on or before 31 March to the provincial education department concerned.

(2) A private pre-primary school may be considered for a subsidy if the school concerned meets the following requirements and conditions, namely that—

(a) such private pre-primary school is maintained without a profit motive;

(b) all permanent and temporary teachers of such school shall possess a recognized professional qualification;

(c) there shall be at least one teacher for every 25 children attending such school, and one additional teacher for any remaining number of children not being a multiple of 25;

(d) The renumeration package of the teaching staff attached to such school is determined in such a manner that it is, in the opinion of the Head of Education, not more favourable than that of teaching staff employed in posts of the same grade and category in the Department;

(e) the school buildings and grounds of such school meet the requirements determined by the Head of Education:

(f) the school complies with all the educational requirements determined by the Head of Education:

(g) an audited financial report of such school is annually submitted to the Head of Education;

(h) any subsidy received from the Department is paid into a bank or building society account by the school concerned in the name of such school; and

(i) the constitution of the governing body of the school is approved by the Head of Education.

(3) The subsidy shall be approved on an annual basis and payment thereof shall be made retroactively each quarter.

(4) After the approval of a subsidy such school shall, at the end of each quarter submit to the provincial education department concerned the claim form which is provided for this purpose.

(5) Whenever the percentage school attendance falls to under 70 per cent, the amount of the subsidy shall decrease proportionately.

(6) If a private pre-primary school to which a subsidy has been granted, at any time during the financial year concerned no longer complies with any registration requirement or condition mentioned in regulation 2, or a requirement for the grant of a subsidy mentioned in subregulation (2), the Head of Education shall notify the proprietor or governing body thereof in writing, stating the requirement or condition which is not being complied with and instructing the proprietor or governing body to satisfy such requirement or condition within a period de-

kom binne 'n tydperk deur die Onderwyshoof bepaal en in die kennisgewing vermeld.

(7) Indien sodanige skool na verstryking van die tydperk in subregulasie (6) bedoel, steeds nie aan die betrokke vereiste of voorwaarde voldoen nie, verval die subsidie.

(8) 'n Subsidie is slegs betaalbaar ten opsigte van die Blanke leerlinge.

(9) Iemand wat in of in verband met 'n aansoek om 'n subsidie aan 'n geregistreerde private preprimêre skool, opsetlik inligting verstrek of opsetlik 'n verklaring doen wat vals of misleidend is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

(10) Die aantal geregistreerde private preprimêre skole wat 'n subsidie bedoel in subregulasie (1) kan ontvang, is afhanklik van die beskikbare bedrag wat deur die Volksraad van tyd tot tyd vir dié doel bewillig word.

VERVAL EN INTREKKING VAN REGISTRASIE VAN PRIVATE PREPRIMÊRE SKOLE

5. (1) Die registrasie van 'n private preprimêre skool verval wanneer, volgens 'n berekening deur die Onderwyshoof gedoen, die gemiddelde getal leerlinge wat by daardie skool ingeskryf is vir twee agtereenvolgende skoolkwartale in 'n bepaalde kalenderjaar, minder is as die minimum kragtens regulasie 2 (2) (a) voorgeskryf.

(2) (a) Die Minister kan die registrasie van 'n private preprimêre skool, behoudens die bepalings van paragraaf (b), intrek indien hy op redelike gronde daarvan oortuig is dat daar nie aan 'n registrasievereiste of -voorwaarde bedoel in regulasie 2 voldoen is nie, of dat sodanige skool op 'n wyse of in omstandighede bestuur of in stand gehou word wat na sy oordeel nadelig kan wees vir die liggaamlike, verstandelike of geestelike welsyn van die leerlinge wat sodanige skool bywoon.

(b) Voordat die Minister kragtens paragraaf (a) die registrasie van 'n private preprimêre skool intrek, moet hy in 'n skriftelike kennisgewing gerig aan die eienaar of beheerliggaam van sodanige skool—

(i) die eienaar of beheerliggaam in kennis stel van die voorgenome intrekking;

(ii) die redes vir die voorgenome intrekking verstrek; en

(iii) die eienaar of beheerliggaam 'n geleentheid gee om binne die tydperk in die kennisgewing vermeld, aan die vermelde vereistes en voorwaardes te voldoen.

(c) Indien die eienaar of beheerliggaam versuim om binne die tydperk beoog in paragraaf (b) (iii) aan bedoelde vereistes of voorwaardes te voldoen, kan die Minister die registrasie van die betrokke skool intrek met ingang van 'n datum deur hom bepaal.

(3) Indien die registrasie van 'n private preprimêre skool ingetrek is, kan die eienaar of beheerliggaam opnuut om registrasie aansoek doen nadat hy die nodige stappe gedoen het om te verseker dat aan die betrokke registrasievereistes of -voorwaardes voldoen word, of dat die omstandighede bedoel in subregulasie (2) (a) verbeter het of uit die weg geruim is, na gelang van die geval.

termined by the Head of Education and stated in the notice.

(7) If after the expiration of the period referred to in subregulation (6) such school still does not comply with the requirement or condition in question, the subsidy shall lapse.

(8) A subsidy shall be payable only in respect of the White pupils.

(9) Any person who in or in connection with an application for a subsidy to a registered private pre-primary school, wilfully furnishes information or makes a statement which is false or misleading, shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding two years.

(10) The number of registered private pre-primary schools which may receive a subsidy referred to in subregulation (1), is dependant on the available amount appropriated by the House of Assembly for this purpose from time to time.

LAPSING AND WITHDRAWAL OF REGISTRATION OF PRIVATE PRE-PRIMARY SCHOOLS

5. (1) The registration of a private pre-primary school shall lapse if, according to a calculation made by the Head of Education, the average number of pupils enrolled at that school for two consecutive school quarters in a specific calendar year, is less than the minimum prescribed under regulation 2 (2) (a).

(2) (a) The Minister may, subject to the provisions of paragraph (b), withdraw the registration of a private pre-primary school if he is on reasonable grounds convinced that a registration requirement or condition referred to in regulation 2 is not complied with, or that such school is managed or maintained in a manner which, and under circumstances that could in his opinion, be harmful to the physical, intellectual or spiritual well-being of the pupils attending such school.

(b) Before withdrawing the registration of a private pre-primary school under paragraph (a), the Minister shall in a written notice addressed to the proprietor or governing body of such school—

(i) notify the proprietor or the governing body of the proposed withdrawal;

(ii) furnish the reasons for the proposed withdrawal; and

(iii) afford the proprietor or governing body the opportunity, within the period specified in the notice, to comply with the said requirements and conditions.

(c) If the proprietor or governing body fails to comply with the said requirements or conditions within the time referred to in paragraph (b) (iii), the Minister may withdraw the registration of the school concerned with effect from a date determined by him.

(3) If the registration of a private pre-primary school is withdrawn, the proprietor or governing body may reapply for registration after having taken the necessary steps to ensure that the relevant registration requirements or conditions are complied with, or that the circumstances referred to in subregulation (2) (a) are improved or eliminated, as the case may be.

No. R.699 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE DIE REGISTRASIE VAN PRIVATE SKOLE VIR BUITENGEWONE ONDERWYS

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikels 24, 25 en 27 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"beheerliggaam" met betrekking tot 'n private skool vir buitengewone onderwys, die liggaam by wie die beheer en bestuur van die private skool vir buitengewone onderwys berus;

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"eienaar" met betrekking tot 'n private skool vir buitengewone onderwys, die persoon aan wie die private skool vir buitengewone onderwys behoort en wat dit onderhou; en

"primêre gestremdheid" daardie enkele gestremdheid wat volgens mediese, psigologiese en opvoedkundige evaluering die grootste invloed op die wordingsgang van die kind kan uitoefen, en wat bepalend is vir die tipe buitengewone onderwys wat die kind behoort te ontvang.

VEREISTES EN VOORWAARDES VIR REGISTRASIE

2. (1) Die aansoeker om die registrasie van 'n private skool vir buitengewone onderwys moet aan die volgende vereistes voldoen:

(a) Die aansoeker moet die Onderwyshoof daarvan oortuig dat dit redelikerwys verwag kan word dat die gemiddelde getal kinders wat gedurende die eerste 12 maande na registrasie by die betrokke private skool vir buitengewone onderwys toegelaat sal word, nie minder sal wees nie as die minimum getal kinders bedoel in subregulasie (2) (a).

(b) Die aansoeker moet die name van die lede van die beheerliggaam, met vermelding van enige kennis of ervaring wat sodanige lede met betrekking tot gestremdhede of gestremde persone het, aan die Onderwyshoof vir goedkeuring voorlê.

(c) Aan die hoof van sodanige skool moet daar 'n onderwyser, wat bekend moet wees as die skoolhoof, staan, wat vir die organisasie van, die toesig oor, die gedrag by en die beheer oor sodanige skool verantwoordelik is.

(d) Die skoolgeboue en -terreine moet aan sodanige vereistes betreffende ruimte, ontwerp en geriewe voldoen as wat na die oordeel van die Onderwyshoof voldoende en geskik vir die aanbieding van buitengewone onderwys is.

(e) Die aansoeker moet die Onderwyshoof daarvan oortuig dat sodanige skool 'n bydrae sal lewer tot

No. R.699 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO THE REGISTRATION OF PRIVATE SCHOOLS FOR SPECIALIZED EDUCATION

The Minister of Education and Culture has under section 112 read with sections 24, 25 and 27 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), made the regulations in the Schedule.

SCHEDULE

Definitions

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

"governing body" in relation to a private school for specialized education, means the body in which the control and management of the private school for specialized education is vested;

"primary handicap" means that single handicap which has the most important influence on the child's development according to medical, psychological and educational evaluation and which determines which type of specialized education the child should receive;

"proprietor" in relation to a private school for specialized education, means the person who owns and maintains the private school for specialized education; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

CONDITIONS AND REQUIREMENTS FOR REGISTRATION

2. (1) The applicant for registration of a private school for specialized education shall comply with the following requirements:

(a) The applicant shall satisfy the Head of Education that it can reasonably be expected that the average number of children who will be admitted to the private school for specialized education in question during the first 12 months after registration, will not be less than the minimum number of pupils referred to in subregulation (2) (a).

(b) The applicant shall submit the names of the members of the governing body, with mention of any knowledge or experience that such members may have in regard to handicaps or handicapped persons, to the Head of Education.

(c) At the head of such school there shall be a teacher, known as the principal, who shall be responsible for the organisation and supervision of, the conduct at and the control of such school.

(d) The school buildings and grounds shall comply with such requirements in respect of space, design and facilities as are in the opinion of the Head of Education sufficient and suitable for the provision of specialized education.

(e) The applicant shall satisfy the Head of Education that such school will make a contribution to the

die voorsiening van buitengewone onderwys in 'n bepaalde gebied.

(2) Die registrasie van 'n private skool vir buitengewone onderwys is onderworpe aan die volgende voorwaardes:

(a) Die toegelate getal kinders met 'n bepaalde primêre gestremdheid in sodanige skool mag op geen stadium minder of meer wees nie as die getalle onderskeidelik deur die Onderwyshoof bepaal volgens die skoolgeboue en -terreine in subregulasie (1) (d) bedoel.

(b) Behalwe met die goedkeuring van die Onderwyshoof, mag 'n kind—

(i) nie tot sodanige skool toegelaat word nie voordat hy die leeftyd van ses jaar bereik het; en

(ii) nie in sodanige skool aanbly na die laaste skooldag van die jaar waarin hy die leeftyd van 21 jaar bereik het nie.

(c) Geen kind wat nie 'n gestremde kind is nie, word tot sodanige skool toegelaat nie, en die Onderwyshoof kan 'n leerling wat tot sodanige skool toegelaat is en wat hy vermoed nie 'n gestremde kind is nie, laat ondersoek ten einde vas te stel of hy 'n gestremde kind is.

(d) Slegs kinders met die primêre gestremdheid waarvoor die skool geregistreer is mag tot daardie skool toegelaat word.

(e) Die getal Blanke kinders wat sodanige skool bywoon, moet te alle tye 'n volstrekte meerderheid van die totale leerlingtal van die skool uitmaak.

(f) Geen persoon wat nie aan die minimum vereistes voldoen nie wat kragtens artikel 8B (4) van die Wet op die Nasionale Onderwysbeleid, 1967 (Wet No. 39 van 1967), voorgeskryf is vir registrasie as onderwyser by die daarin vermelde liggaam, mag as onderwyser aan sodanige skool in diens geneem word nie tensy die Onderwyshoof die indiensneming goedkeur: Met dien verstande dat voorgaande bepalings van hierdie paragraaf nie geld nie ten opsigte van enige persoon wat op die datum van inwerkingtreding van hierdie Regulasies as onderwyser aan 'n private skool vir buitengewone onderwys werksaam is, tensy hy na daardie datum ophou om as onderwyser aan sodanige skool werksaam te wees en daarna verlang om weer as 'n onderwyser in diens geneem te word by enige private skool vir buitengewone onderwys.

(g) Die eienaar of beheerliggaam van sodanige skool moet die Onderwyshoof van die aanstelling van elke onderwyser by sodanige skool in kennis stel en 'n uiteensetting gee van die betrokke onderwyser se kwalifikasies en ondervinding.

(h) Die eienaar of die beheerliggaam van sodanige skool moet toesien dat—

(i) die gemiddelde duur van 'n skooldag en die minimum getal skooldae per kalenderjaar voldoen aan die voorskrifte van die Onderwyshoof;

(ii) die opvoedkundige en opleidingsprogramme wat vir leerlinge in sodanige skool aangebied word in ooreenstemming is met dié wat die Onderwyshoof vir die betrokke tipe private skool vir buitengewone onderwys goedgekeur het; en

provision of specialized education in a specific area.

(2) The registration of a private school for specialized education shall be subject to the following conditions:

(a) The number of pupils with a certain primary handicap admitted to such school, may at no stage be less or more than the numbers respectively determined by the Head of Education in accordance with the school buildings and grounds contemplated in subregulation (1) (d).

(b) Except with the approval of the Head of Education, a child shall—

(i) not be admitted to such school before he has reached the age of six years; and

(ii) not remain in such school after the last school day of the year in which he has reached the age of 21 years.

(c) No child who is not a handicapped child, shall be admitted to such school and the Head of Education may cause any pupil who has been admitted to such school and whom he suspects not to be a handicapped child, to be examined in order to determine whether he is a handicapped child.

(d) Only children with the primary handicap for which the school is registered may be admitted to that school.

(e) The number of White children attending such school shall at all times be an absolute majority of the total pupil enrolment of the school.

(f) No person who does not meet the minimum requirements prescribed under section 8 B (4) of the National Education Policy Act, 1967 (Act No. 39 of 1967), for registration as a teacher with the body mentioned therein, shall be employed as a teacher at such school unless the Head of Education approves the employment: Provided that the aforegoing provisions of this paragraph shall not apply in respect of any person who is employed as a teacher at a private school for specialized education at the date of coming into operation of these Regulations, unless he ceases to be employed as a teacher at such school after that date and thereafter wishes to be employed again as a teacher at any private school for specialized education.

(g) The proprietor or governing body of such school shall notify the Head of Education of the appointment of every teacher at such school and give an exposition of the qualifications and experience of the teacher concerned.

(h) The proprietor or the governing body of such school shall ensure that—

(i) the average duration of a school day and the minimum number of school days per calendar year comply with the directions of the Head of Education;

(ii) the educational and training programmes offered to pupils in such school, shall be in accordance with those approved by the Head of Education for the type of private school for specialized education concerned; and

(iii) toereikende fasiliteite, apparatuur en toerusting asook mediese- en opvoedkundige hulpdienste soos deur die Onderwyshoof bepaal beskikbaar is, om in die behoeftes van die opvoedkundige- of opleidingsprogram en dié van elke gestremde kind in daardie skool te voorsien.

(i) Die eienaar of beheerliggaam van sodanige skool moet—

(i) 'n register van leerlinge tot die skool toegelaat en 'n daaglikse bywoningsregister van die leerlinge wat sodanige skool bywoon byhou op die wyse wat die Onderwyshoof bepaal;

(ii) 'n register van die onderwysers in diens by sodanige skool hou op die wyse wat die Onderwyshoof bepaal, waarin hulle name, registrasienommers, kwalifikasies en besoldiging aangeteken word;

(iii) die Onderwyshoof of 'n beampte deur hom gemagtig, toelaat om die registers te eniger tyd na te gaan;

(iv) die Onderwyshoof van enige inligting uit die registers wat hy verlang, voorsien; en

(v) sodanige ander rekords hou as wat die Onderwyshoof van tyd tot tyd in die algemeen of in 'n bepaalde geval bepaal.

(3) Indien 'n private skool in artikel 25 (5) van die Wet bedoel, op die datum van eerste publikasie van hierdie Regulasies nie aan 'n registrasievereiste of -voorwaarde vermeld in subregulasie (1) of (2) voldoen nie, kan die Minister 'n tydperk bepaal waarbinne aan sodanige vereiste of voorwaarde voldoen moet word.

(4) Indien enige sodanige skool na verstryking van 'n tydperk in subregulasie (3) bedoel, nie aan bedoelde vereiste of voorwaarde voldoen nie, kan die Minister die registrasie van sodanige skool intrek of, indien daar na die oordeel van die Minister goeie redes daarvoor bestaan, 'n verdere tydperk vir voldoening aan die vereiste of voorwaarde bepaal, by verstryking van welke verdere tydperk die Minister die registrasie van die skool kan intrek indien daar nog nie aan die vereiste of voorwaarde voldoen is nie.

VERVAL EN INTREKKING VAN REGISTRASIE VAN PRIVATE SKOOL VIR BUITENGEWONE ONDERWYS

3. (1) Die registrasie van 'n private skool vir buitengewone onderwys verval wanneer, volgens 'n berekening deur die Onderwyshoof gedoen, die gemiddelde getal leerlinge wat by daardie skool ingeskryf is vir twee agtereenvolgende skoolkwartale in 'n bepaalde kalenderjaar minder is as die minimum getal kragtens regulasie 2 (2) (a) deur die Onderwyshoof bepaal.

(2) (a) Die Minister kan die registrasie van 'n private skool vir buitengewone onderwys, behoudens die bepalings van paragraaf (b), intrek indien hy op redelike gronde daarvan oortuig is dat daar nie aan 'n registrasievereiste of -voorwaarde bedoel in regulasie 2 voldoen is nie, of dat sodanige skool op 'n wyse of in omstandighede bestuur of in stand gehou word wat na sy oordeel nadelig kan wees vir die liggaamlike, verstandelike of geestelike welsyn van die leerlinge wat sodanige skool bywoon.

(b) Voordat die Minister kragtens paragraaf (a) die registrasie van 'n private skool vir buitengewone onderwys intrek, moet hy in 'n skriftelike kennis-

(iii) adequate facilities, apparatus and equipment, as well as medical and educational auxiliary services as determined by the Head of Education are available in order to meet the demands of the educational or training programme and the needs of every handicapped child in that school.

(i) The proprietor or the governing body of such school shall—

(i) keep a register of pupils admitted to the school and a daily attendance register of the pupils attending such school in the manner determined by the Head of Education;

(ii) keep a register of the teachers employed at such school in the manner determined by the Head of Education, in which their names, registration numbers, qualifications and remuneration are recorded;

(iii) permit the Head of Education or an official authorized by him, to inspect the registers at any time;

(iv) furnish the Head of Education with any information contained in the registers that he may require; and

(v) keep such other records as the Head of Education may from time to time determine in general or in any particular case.

(3) If a private school referred to in section 25 (5) of the Act does not meet any registration requirement or condition mentioned in subregulation (1) or (2) on the date of first publication of these Regulations, the Minister may determine a period of time within which such requirement or condition shall be complied with.

(4) If any such school after expiry of a period referred to in subregulation (3) does not comply with the said requirement or condition, the Minister may withdraw the registration of such school or, if in the opinion of the Minister there is sufficient cause, determine a further period for compliance with the requirement or condition, at the expiry of which further period the Minister may withdraw the registration of the school if the requirement or condition has not yet been complied with.

LAPSING AND WITHDRAWAL OF REGISTRATION OF PRIVATE SCHOOL FOR SPECIALIZED EDUCATION

3. (1) The registration of a private school for specialized education shall lapse if, according to a calculation made by the Head of Education, the average number of pupils enrolled at that school for two consecutive school quarters in a specific calendar year is less than the minimum number determined by the Head of Education under regulation 2 (2) (a).

(2) (a) The Minister may, subject to the provisions of paragraph (b), withdraw the registration of a private school for specialized education if he is on reasonable grounds convinced that a registration requirement or condition referred to in regulation 2 is not complied with, or that such school is managed or maintained in a manner which, and under circumstances that could in his opinion, be harmful to the physical, intellectual or spiritual well-being of the pupils attending such school.

(b) Before withdrawing the registration of a private school for specialized education under paragraph (a), the Minister shall in a written notice ad-

gewing gerig aan die eienaar of beheerliggaam van sodanige skool—

(i) die eienaar of beheerliggaam in kennis stel van die voorgenome intrekking;

(ii) die redes vir die voorgenome intrekking verstrek; en

(iii) die eienaar of beheerliggaam 'n geleentheid gee om binne die tydperk in die kennisgewing vermeld aan die daarin vermelde vereistes en voorwaardes te voldoen.

(c) Indien die eienaar of beheerliggaam versuim om binne die tydperk beoog in paragraaf (b) (iii) aan bedoelde vereistes of voorwaardes te voldoen, kan die Minister die registrasie van die betrokke skool intrek met ingang van 'n datum deur hom bepaal.

(3) Indien die registrasie van 'n private skool vir buitengewone onderwys ingetrek is, kan die eienaar of beheerliggaam opnuut om registrasie aansoek doen nadat hy die nodige stappe gedoen het om te verseker dat aan die betrokke registrasievereistes of -voorwaardes voldoen word, of dat die omstandighede bedoel in subregulasie (2) (a) verbeter of uit die weg geruim is, na gelang van die geval.

No. R.700 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE ONDERSOEKE NA ONBEKWAAMHEID EN WANGEDRAG EN AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN

Die Minister van Onderwys en Kultuur het kragtens artikel 112 (1) (g) saamgelees met artikels 74 (2) (b), 74 (4) (a), 74 (5), 77 (2), 79 (2), 81 (2) (a), 82, 91 en 92 (4) van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"appèlraad" die appèlraad aangestel kragtens artikel 92 (1) van die Wet;

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988); en

"voorsitter" die voorsitter van die raad van ondersoek ingestel kragtens artikel 89 van die Wet.

ONDERSOEKE NA ONGESKIKTHEID OF ONBEKWAAMHEID

2. (1) Die wyse waarop 'n ondersoek beoog in artikel 74 (1) van die Wet ingestel word, is dat—

(a) die ondersoekbeampte die persoon teen wie 'n bewering van ongeskiktheid of onbekwaamheid gemaak is, en waar van toepassing, die onderwysersvereniging in artikel 84 (3) van die Wet bedoel, skriftelik daarvan in kennis stel en daarop het die betrokke persoon die reg—

dressed to the proprietor or governing body of such school—

(i) notify the proprietor or the governing body of the proposed withdrawal;

(ii) furnish the reasons for the proposed withdrawal; and

(iii) afford the proprietor or governing body an opportunity, within the period specified in the notice, to comply with the requirements and conditions mentioned therein.

(c) If the proprietor or governing body fails to comply with the said requirements or conditions within the time referred to in paragraph (b) (iii), the Minister may withdraw the registration of the school concerned with effect from a date determined by him.

(3) If the registration of a private school for specialized education has been withdrawn, the proprietor or governing body may reapply for registration after having taken the necessary steps to ensure that the relevant registration requirements or conditions are complied with, or that the circumstances referred to in subregulation (2) (a) are improved or eliminated, as the case may be.

No. R.700 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO INVESTIGATIONS INTO INEFFICIENCY AND MISCONDUCT AND MATTERS RELATING THERETO

The Minister of Education and Culture has under section 112 (1) (g) read with sections 74 (2) (b), 74 (4) (a), 74 (5), 77 (2), 79 (2), 81 (2) (a), 82, 91 and 92 (4) of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), made the regulations in the Schedule.

SCHEDULE

Definitions

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

"board of appeal" means the board of appeal appointed under section 92 (1) of the Act;

"chairman" means the chairman of the board of inquiry established under section 89 of the Act; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

INVESTIGATIONS INTO INCOMPETENCE OR INEFFICIENCY

2. (1) The manner in which an investigation referred to in section 74 (1) of the Act shall be instituted, is that—

(a) the investigating officer shall notify the person against whom an allegation of incompetence or inefficiency has been made, and where applicable, the teachers' association contemplated in section 84 (3) of the Act, in writing thereof, and thereupon the person concerned shall be entitled—

(i) op 'n skriftelike uiteensetting van die gronde waarop beweer word dat hy ongeskik is of nie in staat is om die pligte verbonde aan sy pos op 'n bekwame wyse uit te voer nie; en

(ii) om by die ondersoek teenwoordig te wees, om deur 'n ander persoon bygestaan of verteenwoordig te word, om getuienis af te lê en hetsy persoonlik of deur 'n verteenwoordiger—

(aa) om aangehoor te word;

(bb) om getuies op te roep;

(cc) om iemand wat as getuie opgeroep is ter stawing van genoemde bewerings, onder kruisverhoor te neem; en

(dd) om insae te hê in, en afskrifte op eie koste te verkry van, stukke wat as getuienis voorgelê is;

(b) die ondersoekbeampte die tyd en plek van die ondersoek vasstel en aan die betrokke persoon minstens 14 dae skriftelike kennis gee van die tyd en die plek aldus vasgestel;

(c) die Onderwyshoof 'n persoon kan magtig om die ondersoek by te woon, om getuienis en argumente ter stawing van die in artikel 74 (1) van die Wet bedoelde bewerings aan te voer en om 'n persoon wat getuienis ter weerlegging van daardie bewerings afgelê het onder kruisverhoor te neem; en

(d) die ondersoekbeampte notule moet hou van die verrigtinge by die ondersoek en van die getuienis wat aldaar afgelê word.

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

VORM VAN DAGVAARDING OM VOOR ONDERSOEKBEAMPTE TE VERSKYN

3. 'n Dagvaarding in artikel 79 (2) van die Wet bedoel om voor 'n ondersoekbeampte te verskyn, is in die vorm van Aanhangsel A.

PROSEDURE VIR AANTEKENING VAN APPÈL DEUR PERSONE IN DIENS IN ANDER POSTE AS ONDERWYSPOSTE

4. (1) (a) Indien 'n persoon in diens in 'n ander pos as 'n onderwyspos kragtens artikel 82 (1) van die Wet teen sy skuldigbevinding aan wangedrag na die Minister wil appelleer moet sodanige persoon binne 30 dae na die datum waarop hy skriftelik van die bevinding en die redes daarvoor verwitting is kragtens artikel 81 (2) van die Wet, aan die ondersoekbeampte skriftelik kennis van appèl gee met 'n volledige uiteensetting van die gronde waarop hy sy appèl baseer.

(b) By ontvangs van die kennisgewing in paragraaf (a) bedoel moet die ondersoekbeampte die kennisgewing en gronde van appèl aan die Onderwyshoof stuur, wat gemelde dokumente tesame met alle dokumente in artikel 81 (2) (b) van die Wet bedoel, aan die Minister moet voorlê.

(c) Die ondersoekbeampte moet indien die appellant binne 14 dae na die datum waarop hy 'n afskrif van die redes vir die bevinding ontvang het by die ondersoekbeampte om 'n afskrif van die notule van die verrigtinge by die ondersoek aansoek doen, so 'n afskrif aan hom verstrek.

(i) to a written exposition of the grounds upon which it is alleged that he is incompetent or unable to perform the duties attached to his post in an efficient manner; and

(ii) to be present at the investigation, to be assisted or represented by another person, to give evidence and, either personally or through a representative—

(aa) to be heard;

(bb) to call witnesses;

(cc) to cross-examine a person called as a witness in support of the said allegations; and

(dd) to inspect, and at his own expense to obtain copies of, documents submitted in evidence;

(b) the investigating officer shall determine the time and place of the inquiry and shall give the person concerned at least 14 days notice in writing of the time and place thus determined;

(c) the Head of Education may authorize any person to attend the inquiry and to adduce evidence and arguments in support of the said allegations referred to in section 74 (1) of the Act, and to cross-examine a person who has given evidence in rebuttal of those allegations; and

(d) the investigating officer shall keep a record of the proceedings at the inquiry and of the evidence given thereat.

(2) The failure of the person concerned to attend the inquiry, either personally or through a representative, shall not invalidate the proceedings.

FORM OF SUBPOENA TO APPEAR BEFORE THE INVESTIGATING OFFICER

3. A subpoena referred to in section 79 (2) of the Act to appear before an investigating officer, shall be in the form of Annexure A.

PROCEDURE FOR THE NOTING OF AN APPEAL BY PERSONS EMPLOYED IN POSTS OTHER THAN TEACHING POSTS

4. (1) (a) If a person employed in a post other than a teaching post wishes to appeal to the Minister under section 82 (1) of the Act, against his conviction of misconduct, such person shall, within 30 days from the date upon which he was notified under section 81 (2) of the Act of the finding and reasons therefor in writing, give written notice of appeal to the investigating officer, setting forth fully the grounds upon which his appeal is based.

(b) On receipt of the notice referred to in paragraph (a), the investigating officer shall forward to the Head of Education the notice and grounds of appeal, who shall submit to the Minister the said documents together with all the documents contemplated in section 81 (2) (b) of the Act.

(c) The investigating officer shall, if the appellant applies to the investigating officer for a copy of the record of the proceedings at the inquiry within 14 days from the date upon which he received a copy of the reasons for the finding, furnish him with such a copy.

(d) Die appellant kan binne 14 dae na die datum waarop hy die afskrif van die notule van die verrigtinge ontvang het, of indien hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 21 dae na die datum waarop hy kennis van appèl gegee het, skriftelike vertoë aan die Minister rig ter stawing van sy appèl.

(e) Die Minister stuur 'n afskrif van die appellant se vertoë aan die ondersoekbeampte.

(f) Die ondersoekbeampte kan binne 14 dae na die datum waarop hy die afskrif van die vertoë ontvang het, enige kommentaar op die vertoë wat hy wil lewer ter stawing van die bevinding waarteen die appèl aangeteken is, tot die Minister rig, en die Minister moet 'n afskrif van bedoelde kommentaar aan die appellant verstrek.

(g) Die appellant kan binne 14 dae na die datum waarop hy 'n afskrif van die ondersoekbeampte se kommentaar ontvang het, enige skriftelik repliek wat hy op die kommentaar wil lewer, aan die Minister stuur.

(h) Die Minister verstrek 'n afskrif van bedoelde repliek aan die ondersoekbeampte maar die ondersoekbeampte het behalwe met verlof van die Minister, nie die reg om verdere kommentaar in antwoord op bedoelde repliek voor te lê nie.

(i) Na oorweging van al die tersaaklike dokumente kan die Minister die appèl in sy geheel of gedeeltelik handhaaf en die bevinding tersyde stel of wysig, of die appèl afwys en die bevinding in sy geheel of gedeeltelik bekragtig.

(j) Wanneer die Minister tot 'n beslissing oor 'n appèl geraak het, deel hy daardie beslissing skriftelik aan die appellant en die Onderwyshoof mee.

(2) Die Onderwyshoof kan op skriftelike aansoek van die appellant of die ondersoekbeampte die tydperke beoog in subregulasie (1) verleng.

PROSEDURE VIR AANTEKENING VAN APPÈL DEUR PERSONE IN DIENS IN ONDERWYSPOSTE BY DEPARTEMENTELE INRIGTINGS

5. (1) (a) Indien 'n persoon in diens in 'n onderwyspos by 'n departementele inrigting kragtens artikel 91 van die Wet teen sy skuldigbevinding op 'n aanklag van wangedrag wil appelleer moet sodanige persoon binne 30 dae na die datum waarop hy skriftelik deur die voorsitter van die bevinding in kennis gestel is, aan die Onderwyshoof skriftelik kennis van appèl gee met 'n volledige uiteensetting van die grond waarop hy sy appèl baseer.

(b) By ontvangs van die kennisgewing in paragraaf (a) bedoel met die Onderwyshoof die kennisgewing en gronde van appèl aan die voorsitter voorlê, en aan die appellant 'n afskrif verstrek van die redes vir die bevinding waarteen appèl aangeteken is.

(c) Indien die appellant binne 14 dae na die datum waarop hy 'n afskrif van die redes vir die bevinding ontvang het by die Onderwyshoof om 'n afskrif van die notule van die verrigtinge by die ondersoek aansoek doen, verstrek die Onderwyshoof so 'n afskrif aan hom.

(d) Die appellant kan binne 14 dae na die datum waarop hy die afskrif van die notule van die verrigtinge ontvang het, of indien hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 21

(d) The appellant may, within 14 days from the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within 21 days from the date upon which he gave notice of appeal, address to the Minister written representations in support of his appeal.

(e) The Minister shall forward to the investigating officer a copy of the appellant's representations.

(f) The investigating officer may, within 14 days from the date upon which he received the copy of the representations, submit to the Minister any comments on the representations he wishes to offer in support of the finding against which the appeal is brought, and the Minister shall furnish the appellant with a copy of such comments.

(g) The appellant may, within 14 days from the date upon which he received a copy of the investigating officer's comments, forward to the Minister any reply in writing he wishes to make to such comments.

(h) The Minister shall furnish the investigating officer with a copy of such reply, but the investigating officer shall not be entitled to submit further comments in answer to such reply, except with the permission of the Minister.

(i) After consideration of all the relevant documentation, the Minister may allow the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding wholly or in part.

(j) When the Minister has arrived at a decision on an appeal, that decision shall be conveyed in writing to the appellant and the Head of Education.

(2) The Head of Education may, at the written request of the appellant or the investigating officer, extend the periods referred to in subregulation (1).

PROCEDURE FOR THE NOTING OF AN APPEAL BY PERSONS EMPLOYED IN TEACHING POSTS AT DEPARTMENTAL INSTITUTIONS.

5. (1) (a) If a person employed in a teaching post at a departmental institution wishes to appeal under section 91 of the Act, against his conviction on a charge of misconduct, such person shall, within 30 days from the date upon which he was notified by the chairman of the finding in writing, give written notice of appeal to the Head of Education setting forth fully the grounds upon which his appeal is based.

(b) On receipt of the notice referred to in paragraph (a), the Head of Education shall submit to the chairman the notice and grounds of appeal, and furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(c) If the appellant applies to the Head of Education for a copy of the record of the proceedings at the inquiry within 14 days from the date upon which he received a copy of the reasons for the finding, the Head of Education shall furnish him with such a copy.

(d) The appellant may, within 14 days from the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within 21 days from the date upon

dae na die datum waarop hy kennis van appèl gegee het, skriftelike vertoë aan die Onderwyshoof rig ter stawing appèl.

(e) Die Onderwyshoof stuur 'n afskrif van die appellant se vertoë aan die voorsitter.

(f) Die voorsitter kan, binne 14 dae na die datum waarop hy die afskrif van die vertoë ontvang het, enige kommentaar op die vertoë wat hy wil lewer ter stawing van die bevinding waarteen die appèl aangeteken is, tot die Onderwyshoof rig en die Onderwyshoof moet 'n afskrif van bedoelde kommentaar aan die appellant verstrek.

(g) Die appellant kan binne 14 dae na die datum waarop hy 'n afskrif van die voorsitter se kommentaar ontvang het, enige skriftelike repliek wat hy op die kommentaar wil lewer, aan die Onderwyshoof stuur.

(h) Die Onderwyshoof verstrek 'n afskrif van bedoelde repliek aan die voorsitter maar die voorsitter het behalwe met verlof van die Onderwyshoof, nie die reg om verdere kommentaar in antwoord op bedoelde repliek voor te lê nie.

(2) By ontvangs van die repliek bedoel in paragraaf (g) (as daar is) of by verstryking van die tydperk vir repliek, moet die Onderwyshoof die kennisgewing en gronde van appèl tesame met alle dokumente in artikel 90 (2) van die Wet bedoel, aan die Minister voorlê.

(3) Die Onderwyshoof moet binne 14 dae na die datum waarop 'n appèlraad kragtens artikel 92 van die Wet aangestel is die stukke bedoel in artikel 92 (3) van die Wet, aan die voorsitter van die appèlraad voorlê.

(4) Die Onderwyshoof kan op skriftelike aansoek van die appellant of die voorsitter die tydperke in subregulasies (1) en (3) verleng.

BEVOEGDHEDE VAN APPÈLRAAD EN PROSEDURE BY VERHOOR VAN APPÈL

6. (1) Die voorsitter van die appèlraad moet binne 30 dae na die datum waarop hy die stukke bedoel in artikel 92 (3) van die Wet ontvang het, in oorleg met die Onderwyshoof, die datum, tyd en plek van die appèl vasstel en die Onderwyshoof moet die appellant en die voorsitter minstens 14 dae skriftelike kennis gee van die datum, tyd en plek aldus vasgestel.

(2) By die verhoor van die appèl het die appellant en die voorsitter die reg om teenwoordig te wees, om deur 'n ander persoon bygestaan of verteenwoordig te word en om, hetsy persoonlik of deur 'n verteenwoordiger die appèl op grond van die stukke voor die appèlraad te beredeneer.

(3) (a) Die appèlraad kan, indien hy dit nodig ag, bykomende getuienis aanhoor en kan vir die doel enige persoon dagvaar om by die verhoor van die appèl teenwoordig te wees en om enige boek, stuk of saak in sy besit, bewaring of onder sy beheer wat op die betrokke verhoor betrekking kan hê, aan die appèlraad voor te lê en om, nadat aan hom 'n eed opgelê of van hom 'n bevestiging afgeneem is, getuienis ter stawing of weerlegging van die bewerings vervat in die betrokke aanklag van wangedrag af te lê.

(b) Die appellant en die voorsitter kan, hetsy persoonlik of deur 'n verteenwoordiger enige persoon wat kragtens paragraaf (a) getuienis aflê, onder kruisverhoor neem.

which he gave notice of appeal, address to the Head of Education written representations in support of his appeal.

(e) The Head of Education shall forward to the chairman a copy of the appellant's representations.

(f) The chairman may, within 14 days from the date upon which he received the copy of the representations, submit to the Head of Education any comments on the representations he wishes to offer in support of the finding against which the appeal is brought, and the Head of Education shall furnish the appellant with a copy of such comments.

(g) The appellant may, within 14 days from the date upon which he received a copy of the chairman's comments, forward to the Head of Education any reply in writing he wishes to make to such comments.

(h) The Head of Education shall furnish the chairman with a copy of such reply, but the chairman shall not be entitled to submit further comments in answer to such reply, except with permission of the Head of Education.

(2) On receipt of the reply referred to in paragraph (g) (if any), or on expiry of the period for reply, the Head of Education shall submit to the Minister the notice and the grounds of appeal together with all the documents referred to in section 90 (2) of the Act.

(3) The Head of Education shall, within 14 days from the date upon which a board of appeal has been appointed under section 92 of the Act, submit to the chairman of the board, the documents referred to in section 92 (3) of the Act.

(4) The Head of Education may at the written request of the appellant or the chairman, extend the periods in subregulations (1) and (3).

POWERS OF THE BOARD OF APPEAL AND PROCEDURE AT THE HEARING OF AN APPEAL

6. (1) The chairman of the board of appeal shall, within 30 days from the date upon which he received the documents referred to in section 92 (3) of the Act, in consultation with the Head of Education, determine the date, time and place of the appeal and the Head of Education shall give the appellant and the chairman at least 14 days' notice in writing of the date, time and place thus determined.

(2) At the hearing of the appeal the appellant and the chairman shall be entitled to be present, to be assisted or represented by another person and to argue, either personally or through a representative, the appeal on the basis of the documents before the board of appeal.

(3) (a) The board of appeal may, if it should deem it necessary, hear additional evidence and may for that purpose, subpoena any person to be present at the hearing of the appeal and to present to the board of appeal any book, document or thing that may have a bearing on the hearing concerned, and, after an oath has been administered to him or an affirmation has been taken from him, to give evidence in support or rebuttal of the allegations contained in the charge of misconduct concerned.

(b) The appellant and the chairman may, either personally or through a representative, cross-examine any person giving evidence under paragraph (a).

(4) 'n Dagvaarding om voor die appèlraad te verskyn soos in subregulasie (3) beoog, is in die vorm van Aanhangsel B.

(5) Iemand wat behoorlik kragtens subregulasie (3) gedagvaar is en wat—

(a) sonder voldoende rede versuim om—

(i) op die tyd en plek in die dagvaarding vermeld, te verskyn; of

(ii) by die verhoor van die appèl teenwoordig te bly totdat hy van verdere bywoning verskoon word;

(b) weier om beëdig te word of 'n bevestiging te doen as getuie; of

(c) sonder voldoende rede versuim om—

(i) 'n vraag wat wettig aan hom gestel word, volledig en bevredigend te beantwoord; of

(ii) 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer voor te lê soos wettig versoek,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000, of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met sowel sodanige boete as sodanige gevangenisstraf.

(6) Die appèlraad moet 'n verslag hou van die verrigtinge by die verhoor van die appèl en van al die argumente en getuienis aldaar gevoer en afgelê.

(7) Na oorweging van al die stukke voor die appèlraad en na die aanhoor van argumente en getuienis beoog in subregulasies (2) en (3), kan die raad 'n aanbeveling doen aan die Minister kragtens die bepalings van artikel 92 (5) van die Wet.

WYSE WAAROP DOKUMENTASIE KRAGTENS DIE WET BESTEL WORD

7. (1) Enige kennisgewing, dagvaarding of ander dokument wat kragtens die bepalings van die Wet aan 'n persoon bestel of gestuur moet word, kan per geregistreerde brief aan sodanige persoon gestuur word of aan hom afgelewer of by sy jongste bekende woonadres gelaat word.

(2) 'n Persoon wat van 'n beslissing of bevinding verwittig moet word, moet per geregistreerde brief wat aan sodanige persoon gestuur word of aan hom afgelewer word of by sy jongste bekende woonadres gelaat word, daarvan verwittig word.

(4) A subpoena to appear before the board of appeal as contemplated in subregulation (3), shall be in the form of Annexure B.

(5) Any person who has been duly subpoenaed under subregulation (3), and who—

(a) without sufficient cause fails to—

(i) appear at the time and place mentioned in the subpoena; or

(ii) remain present at the hearing of the appeal until he is excused from further attendance;

(b) refuses to be sworn or to make an affirmation as a witness; or

(c) without sufficient cause fails to—

(i) answer in full and satisfactorily any question lawfully put to him; or

(ii) submit any book, document or thing in his possession or custody or under his control, as lawfully requested,

shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000, or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

(6) The board of appeal shall keep a record of the proceedings at the hearing of the appeal and of all the arguments and evidence advanced and given thereat.

(7) After consideration of all the documents before the board of appeal, and after the hearing of arguments and evidence referred to in subregulations (2) and (3), the board may make a recommendation to the Minister under the provisions of section 92 (5) of the Act.

MANNER OF SERVICE OF DOCUMENTS UNDER THE ACT

7. (1) Any notice, subpoena or other documents which is to be served upon or sent to any person under the provisions of the Act, may be sent by registered letter to such person, or be delivered to him or left at his last known residential address.

(2) Any person who has to be informed of any decision or finding, shall be informed thereof by registered letter sent to such person or delivered to him or left at his last known residential address.

AANHANGSEL A

DAGVAARDING BEDOEL IN ARTIKEL 79 (2) VAN DIE WET OP ONDERWYSAANGELEENTHEDE, 1988 OM VOOR 'N ONDERSOEKBEAMPTE TE VERSKYN

AAN .....
.....
(Naam en woonadres van gedagvaarde persoon)

Hierby word u gedagvaar om persoonlik op die ..... dag van ..... 19 ....., om ..... (tyd) te ..... (plek), te verskyn voor .....
(naam van ondersoekbeampte), aangestel as ondersoekbeampte kragtens artikel 78 (1) van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), met die doel om getuienis af te lê aangaande die volgende aanklag van wangedrag: .....
.....
.....
.....
en om die volgende boek, stuk of saak in u besit of bewaring of onder u beheer en wat op die aanklag betrekking het, voor te lê: .....
.....
.....
.....
(vermeld die betrokke boek, stuk of saak indien van toepassing)

Gegee onder my hand op hede die ..... dag van ..... 19 .....

ONDERSOEKBEAMPTE

AANHANGSEL B

DAGVAARDING BEDOEL IN REGULASIE 6 OM VOOR DIE APPÈLRAAD TE VERSKYN

AAN .....
.....
(Naam en woonadres van gedagvaarde persoon)

Hierby word u gedagvaar om persoonlik op die ..... dag van ..... 19 ....., om ..... (tyd) te .....
(plek), te verskyn voor die Appèlraad, aangestel kragtens artikel 92 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), met die doel om getuienis af te lê aangaande die volgende aanklag van wangedrag: .....
.....
.....
en om die volgende boek, stuk of saak in u besit of bewaring of onder u beheer en wat op die aanklag betrekking het, voor te lê: .....
.....
.....
.....
(vermeld die betrokke boek, stuk of saak indien van toepassing)

Gegee onder my hand op hede die ..... dag van ..... 19 .....

VOORSITTER VAN APPÈLRAAD

ANNEXURE A

SUBPOENA REFERRED TO IN SECTION 79 (2) OF THE EDUCATION AFFAIRS ACT, 1988 TO APPEAR BEFORE AN INVESTIGATING OFFICER

TO .....
.....
(Name and residential address of subpoenaed person)

You are hereby subpoenaed to appear personally on the ..... day of ..... 19 ....., at ..... (time) at ..... (place), before .....
.....
(name of investigating officer), appointed as investigating officer under section 78 (1) of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), for the purpose of giving evidence regarding the following charge of misconduct:
.....
.....
.....
and to submit the following book, document or thing in your possession or care or under your control, and which has a bearing on the charge: .....
.....
.....
(specify the book, document or thing concerned if applicable)

Given under my hand this ..... day of ..... 19 .....

INVESTIGATING OFFICER

ANNEXURE B

SUBPOENA REFERRED TO IN REGULATION 6 TO APPEAR BEFORE THE BOARD OF APPEAL

TO .....
.....
(Name and residential address of subpoenaed person)

You are hereby subpoenaed to appear personally on the ..... day of ..... 19 ....., at ..... (time) at ..... (place), before the Board of Appeal, appointed under section 92 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), for the purpose of giving evidence regarding the following charge of misconduct: .....
.....
.....
and to submit the following book, document or thing in your possession or care or under your control, and which has a bearing on the charge: .....
.....
.....
(specify the book, document or thing concerned if applicable)

Given under my hand this ..... day of ..... 19 .....

CHAIRMAN OF THE BOARD OF APPEAL

No. R.701 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE APPÈL TEEN BESLISSING VAN SKOOLRAAD INGEVOLGE ARTIKEL 52 VAN DIE WET

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikel 52 (3) van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), die regulasies in die Bylae, uitgevaardig.

BYLAE

Woordomskrywing

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

"appellant" 'n persoon wat ingevolge artikel 52 (2) van die Wet na die Onderwyshoof appelleer; en

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988).

OORWEGING VAN APPÈL

2. (a) Die Onderwyshoof kan ter oorweging van die appèl in artikel 52 (2) van die Wet bedoel—

(i) indien die kennisgewing van appèl nie die gronde waarop die appèl gebaseer is vermeld nie, die appellant versoek om hom binne 30 dae na ontvangs van die versoek skriftelik van sodanige gronde te voorsien; en

(ii) die betrokke skoolraad versoek om hom binne 30 dae na ontvangs van die versoek skriftelik te voorsien van die redes vir die beslissing waarteen appèl aangeteken is, asook van enige verdere inligting deur die Onderwyshoof verlang.

(b) (i) Na ontvangs van die gronde, redes en inligting in paragraaf (a) bedoel, moet die Onderwyshoof al die inligting waaroor hy beskik en wat op die appèl betrekking het, oorweeg en daarna sy beslissing gee.

(ii) Indien die appellant versuim om die Onderwyshoof van sy gronde van appèl in paragraaf (a) (i) bedoel, te voorsien binne die tydperk in daardie paragraaf genoem, kan die Onderwyshoof die appèl oorweeg en daaroor beslis sonder sodanige gronde van appèl.

(c) Die Onderwyshoof moet die appellant en die skoolraad onverwyld skriftelik van sy beslissing in paragraaf (b) bedoel in kennis stel.

No. R.702 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE SKOOL- EN KOSHUISFONDSE VIR OPENBARE SKOLE

Die Minister van Onderwys en Kultuur het kragtens artikel 112 van die Wet op Onderwysaangeleenthede

No. R.701 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO APPEAL AGAINST DECISION OF SCHOOL BOARD IN TERMS OF SECTION 52 OF THE ACT

The Minister of Education and Culture has under section 112 read with section 52 (3) of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), made the regulations in the Schedule.

SCHEDULE

Definitions

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

"appellant" means a person who appeals to the Head of Education in terms of section 52 (2) of the Act; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

CONSIDERATION OF APPEAL

2. (a) The Head of Education may for consideration of the appeal referred to in section 52 (2) of the Act—

(i) if the notice of appeal does not state the grounds on which the appeal is based, request the appellant to provide him with such grounds in writing within 30 days after receipt of the request; and

(ii) request the school board concerned to provide him in writing with the reasons for the decision against which the appeal was noted, as well as any further information required by the Head of Education, within 30 days after receipt of the request.

(b) (i) After receipt of the grounds, reasons and information referred to in paragraph (a), the Head of Education shall consider all the information at his disposal which relates to the appeal, and shall thereafter render his decision.

(ii) If the appellant fails to provide the Head of Education with his grounds of appeal referred to in paragraph (a) (i) within the period mentioned in that paragraph, the Head of Education may consider and decide the appeal without such grounds of appeal.

(c) The Head of Education shall forthwith notify the appellant and the school board in writing of his decision referred to in paragraph (b).

No. R.702 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO SCHOOLS AND HOSTEL FUNDS FOR PUBLIC SCHOOLS

The Minister of Education and Culture has under section 112 of the Education Affairs Act (House of As-

(Volksraad), 1988 (Wet No. 70 van 1988), en met die instemming van die Minister van Begroting en Plaaslike Bestuur, die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"fonds" 'n skoolfonds of 'n koshuisfonds kragtens artikel 101 van die Wet ingestel;

"raad" by die toepassing van hierdie Regulasies 'n bestuursraad in artikel 15 (a) van die Wet en 'n raad van bestuur in artikel 15 (b) van die Wet bedoel, na gelang van die geval; en

"skool" by die toepassing van hierdie Regulasies 'n openbare skool soos omskryf in artikel 1 van die Wet.

BYDRAES EN INSAMELING

2. (1) Die bedrag van die bydraes in artikel 101 (2) (a) van die Wet beoog, word deur die raad bepaal.

(2) Geen persoon, organisasie of liggaam samel bydraes in die naam van of ten behoewe van 'n skool, koshuis of fonds in sonder die skriftelike toestemming van die skoolhoof nie.

SLUITING VAN SKOOL OF KOSHUIS

3. (1) Wanneer 'n skool of 'n koshuis gesluit word, besluit die raad voor die sluiting in oorleg met die betrokke superintendent van onderwys onder wie se jurisdiksie die skool ressorteer, na watter fonds die gelde en die meubels, uitrusting en ander items uitsluitlik met geld uit sodanige fonds aangekoop, of aan sodanige skool of koshuis geskenk, oorgeplaas moet word.

(2) Nadat 'n skool of koshuis permanent gesluit is, bepaal die Direkteur die wyse waarop uitvoering gegee moet word aan 'n besluit in subregulasie (1) beoog, en enige koste in verband daarmee aangegaan word teen die saldo van die fonds in rekening gebring.

(3) Die items in subregulasie (1) beoog, word as 'n geskenk aan die fonds waarheen dit oorgeplaas word beskou.

FUNKSIES TE VERVUL DEUR KOSHUISRAAD

4. Indien 'n koshuisraad kragtens artikel 15 van die Wet ingestel is en saamgestel is soos beoog in die Regulasies betreffende Koshuise ingestel vir Openbare Skole, verrig daardie koshuisraad ten opsigte van die koshuisfonds die funksies wat die raad ingevolge die bepalings van hierdie Regulasies ten opsigte van die skoolfonds verrig.

sembly), 1988 (Act No. 70 of 1988), and with the concurrence of the Minister of the Budget and Local Government, made the regulations in the Schedule.

SCHEDULE

Definitions

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

"council" in the application of these Regulations means a management council referred to in section 15 (a) of the Act and a board of management referred to in section 15 (b) of the Act, as the case may be;

"fund" means a school fund or a hostel fund established under section 101 of the Act;

"school" in the application of these Regulations means a public school as defined in section 1 of the Act; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

CONTRIBUTIONS AND COLLECTION

2. (1) The amount of the contributions contemplated in section 101 (2) (a) of the Act, shall be determined by the council.

(2) No person, organization or body shall collect contributions in the name of or on behalf of a school, hostel or fund without the written consent of the principal.

CLOSURE OF SCHOOL OR HOSTEL

3. (1) When a school or hostel is to be closed, the council shall, before the closure, in consultation with the superintendent of education concerned under whose jurisdiction the school falls, decide to which fund the moneys, and the furniture, equipment and other items purchased solely with money out of such fund, or donated to such school or hostel, shall be transferred.

(2) After a school or hostel has been permanently closed, the Director shall determine the manner in which effect is to be given to a decision contemplated in subregulation (1), and any costs incurred in connection therewith shall be charged against the balance of the fund.

(3) The items referred to in subregulation (1) shall be deemed to be a donation to the fund to which it is transferred.

FUNCTIONS TO BE PERFORMED BY HOSTEL COUNCIL

4. If a hostel council has been established under section 15 of the Act, and constituted as contemplated in the Regulations relating to Hostels established for Public Schools, such hostel council shall with regard to the hostel fund perform the functions which the council performs with regard to the school fund in terms of the provisions of these Regulations.

No. R.703 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE VOORWAARDES VIR TOELATING VAN LEERLINGE TOT OPENBARE SKOLE (UITGESONDERD NYWERHEID- EN VERBETERINGSKOLE) EN STAATSONDERSTEUNDE SKOLE

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikels 49 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"Direkteur" 'n Direkteur van Onderwys in artikel 4 van die Wet bedoel;

"hospitaalskool" 'n openbare skool waarin onderwys verskaf word aan leerlinge wat pasiënte in hospitale is;

"immigrante-kind" 'n kind van wie geeneen van die ouers 'n Suid-Afrikaanse burger is nie maar wie se wettige voog van voorneme is om Suid-Afrikaanse burgerskap te verkry en korter as vyf jaar in die Republiek van Suid-Afrika woon;

"skool" by die toepassing van hierdie Regulasies 'n openbare skool soos omskryf in artikel 1 van die Wet (uitgesonderd 'n nywerheid- en verbeteringskool) en 'n staatsondersteunde skool;

"skoolgelde" onderrig- en losiesgelde soos ingevolge artikel 102 van die Wet bepaal;

"studiepermit" 'n permit aan 'n vreemde kind uitgereik kragtens artikel 5 van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), waarin toestemming aan sodanige kind verleen word om in die Republiek van Suid-Afrika te studeer;

"superintendent van onderwys" 'n persoon as superintendent van onderwys aangestel ingevolge artikel 67 van die Wet;

"toelatingsregister" 'n register waarin alle toelatings tot 'n skool ingeskryf word; en

"vreemde kind" 'n kind, uitgesonderd 'n immigrante-kind, van wie geeneen van die ouers 'n Suid-Afrikaanse burger is nie.

VEREISTES VIR TOELATING VAN PERSONE TOT SKOLE

2. (1) Aansoek om die toelating van 'n kind tot 'n skool moet deur die ouer by die skoolhoof gedoen word, en sodanige aansoek word, behoudens die bepalings van artikel 52 van die Wet, slegs toegestaan indien die skoolhoof oortuig is dat—

(a) die kind voldoen aan die ouderdomsvereistes vir toelating tot die betrokke skool bedoel in artikels 41 en 50 van die Wet (na gelang van die geval), en

No. R.703 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO THE CONDITIONS OF ADMISSION OF PUPILS TO PUBLIC SCHOOLS (EXCLUDING INDUSTRIAL AND REFORM SCHOOLS) AND STATE-AIDED SCHOOLS

The Minister of Education and Culture has under section 112 read with section 49 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), made the regulations in the Schedule.

SCHEDULE

Definitions

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

"alien child" means a child, excluding an immigrant child, of whom neither of the parents is a South African citizen;

"Director" means a Director of Education referred to in section 4 of the Act;

"hospital school" means a public school in which education is provided to pupils who are patients in hospitals;

"immigrant child" means a child of whom neither of the parents is a South African citizen but whose lawful guardian intends to obtain South African citizenship and has been resident in the Republic of South Africa for a period shorter than five years;

"register of admission" means a register wherein all admissions to the school shall be entered;

"school" in the application of these Regulations means a public school as defined in section 1 of the Act (excluding an industrial and a reform school) and a state-aided school;

"school fees" means tuition and boarding fees as determined in terms of section 102 of the Act;

"study permit" means a permit issued to an alien child in terms of section 5 of the Aliens Act, 1937 (Act No. 1 of 1937), wherein permission is granted to such child to study in the Republic of South Africa;

"superintendent of education" means a person appointed as superintendent of education in terms of section 67 of the Act; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

REQUIREMENTS FOR THE ADMISSION OF PERSONS TO SCHOOLS

2. (1) Application for the admission of a child to a school shall be made by the parent to the principal, and such application shall, subject to the provisions of section 52 of the Act, only be granted if the principal is satisfied that—

(a) the child complies with the age requirements for admission to the school concerned referred to in sections 41 and 50 of the Act (as the case may be),

van die geslag is van die leerlinge wat tot die betrokke skool toegelaat word;

(b) die kind oor die vereiste prestasiepeil vir toelating tot die betrokke skool beskik;

(c) die voertaal van die kind, soos bedoel in artikel 57 van die Wet, 'n voertaal in die betrokke skool is; en

(d) in die geval van 'n skool vir buitengewone onderwys, die kind 'n gestremde kind is wat aan die besondere vorm van gestremdheid ly waaraan kinders ly wat tot die betrokke skool vir buitengewone onderwys toegelaat word.

(2) (a) As die skoolhoof rede het om te vermoed dat 'n leerling in stryd met die bepalings van die Wet of hierdie Regulasies tot die skool toegelaat is of dat die toelating van 'n kind in stryd met die bepalings van die Wet of hierdie Regulasies sal wees en die Minister nie anders beslis het nie, moet die skoolhoof die ouer versoek om dokumentasie wat die aanbly van die kind in die skool, of sy toelating daartoe, na gelang van die geval, regverdig, voor te lê.

(b) Indien dit op grond van 'n ondersoek na die voorgelegde dokumente beoog in paragraaf (a) blyk dat die aanbly van 'n kind in, of sy toelating tot, 'n skool na gelang van die geval, in stryd met die Wet of hierdie Regulasies is of sal wees, moet die skoolhoof sonder versuim die ouer van sodanige kind skriftelik verwittig dat die toelating van die kind teruggetrek of geweier word, na gelang van die geval.

TOELATING VAN VREEMDE KINDERS TOT SKOLE IN DIE REPUBLIEK VAN SUID-AFRIKA

3. Behoudens regulasie 2 kan die skoolhoof 'n vreemde kind tot die skool toelaat mits—

(a) die kind in besit van 'n studiepermit is;

(b) akkommodasie beskikbaar is;

(c) die leerlinge vir wie die skool ingestel is nie benadeel sal word nie; en

(d) die vereiste skoolgelde kwartaalliks vooruit betaal word.

TOELATING VAN IMMIGRANTE-KINDERS

4. Indien dit uit 'n aansoek om toelating van 'n immigrante-kind tot 'n skool blyk dat die kind nie aan die vereistes van regulasie 2 voldoen nie, word sodanige aansoek na die Onderwyshoof verwys vir oorweging en 'n beslissing.

WEIERING OM 'N KIND TOT 'N SKOOL TOE TE LAAT

5. (1) Tensy die Direkteur anders gelas kan die skoolhoof die toelating van 'n kind wat uit enige ander skool uitgesit is, weier.

(2) Die volgende besonderhede moet deur die skoolhoof aangeteken word met betrekking tot elke aansoek om toelating van 'n kind wat geweier is—

(a) die datum van die aansoek;

(b) die naam en adres van die applikant;

(c) die naam van die betrokke kind; en

(d) die rede vir die weiering van die aansoek.

(3) 'n Ouer wat hom veronreg voel oor 'n beslissing van die skoolhoof met betrekking tot die toelating van sy

and is of the sex of the pupils who are admitted to the school concerned;

(b) the child has attained the required level of performance for admission to the school concerned;

(c) the medium of instruction of the child referred to in section 57 of the Act, is a medium of instruction in the school concerned; and

(d) in the case of a school for specialized education, the child is a handicapped child suffering from the particular constraint from which children who are admitted to the school for specialized education concerned, suffer.

(2) (a) If the principal has reason to suspect that a pupil has been admitted to the school contrary to the provisions of the Act or these Regulations, or that the admission of a child will be contrary to the provisions of the Act or these Regulations and the Minister has not decided otherwise, the principal shall request the parent to submit documentation justifying the remaining of the child in the school, or his admission thereto, as the case may be.

(b) If, as a result of an examination of the documentation referred to in paragraph (a), it appears that the remaining of a child in, or his admission to, a school, as the case may be, is or will be contrary to the Act or these Regulations, the principal shall forthwith notify the parent of such child in writing that the admission of the child is withdrawn or refused, as the case may be.

ADMISSION OF ALIEN CHILDREN TO SCHOOLS IN THE REPUBLIC OF SOUTH AFRICA

3. Subject to regulation 2 the principal may admit an alien child to a school provided that—

(a) the child is in possession of a study permit;

(b) accommodation is available;

(c) the pupils for whom the school was established, will not be adversely affected; and

(d) the required school fees are paid quarterly in advance.

ADMISSION OF IMMIGRANT CHILDREN

4. If it appears from an application for admission of an immigrant child to a school, that the child does not comply with the requirements of regulation 2, such application shall be referred to the Head of Education for consideration and a decision.

REFUSAL TO ADMIT A CHILD TO A SCHOOL

5. (1) Unless the Director directs otherwise, the principal may refuse the admission of a child who was expelled from any other school.

(2) The following particulars shall be recorded by the principal in respect of each application for the admission of a child which was refused—

(a) the date of the application;

(b) the name and address of the applicant;

(c) the name of the child concerned; and

(d) the reason for the refusal of the application.

(3) Any parent feeling aggrieved by a decision of the principal in regard to the admission of his child, may,

kind, kan binne 30 dae nadat hy van die skoolhoof se beslissing in kennis gestel is, skriftelik na die Onderwyshoof appelleer met vermelding van redes vir die appèl, en die beslissing van die Onderwyshoof is afdoende.

TOELATINGSREGISTER EN REGISTERS VIR DAAGLIKSE SKOOLBESOEK

6. (1) Alle toelatings van leerlinge tot 'n skool moet in 'n toelatingsregister ingeskryf word wat die besonderhede soos deur die Direkteur bepaal, bevat.

(2) Inskrywing in die toelatingsregister moet teen 'n gesaghebbende geboortebewys van die betrokke leerling gekontroleer word.

(3) 'n Skoolhoof moet toesien dat 'n daaglikse register van skoolbesoek vir elke klas bygehou word.

(4) Gevalle van ongereelde skoolbesoek word deur 'n skoolhoof aan die skoolbesoekbeampte gerapporteer.

(5) Die skoolraadsekretaris en skoolbesoekbeamptes het insae in die toelatingsregister en skoolbesoekregisters.

LEERLINGE IN HOSPITAALSKOLE

7. (1) Die name van leerlinge in hospitaalskole word op die registers van die skool waar hulle toegelaat en ingeskryf is, gehou.

(2) Sodra 'n leerling uit die hospitaal ontslaan word, stel die skoolhoof van die hospitaalskool die skoolhoof van die skool waartoe die leerling toegelaat is daarvan in kennis.

AMPTELIKE INSKRYWING

8. (1) Slegs leerlinge wat op 'n dag deur die Onderwyshoof bepaal werklik by 'n skool teenwoordig is, asook leerlinge wat op dié dag om 'n geldige rede van die betrokke skool afwesig is, word op dié dag geag by die betrokke skool ingeskryf te wees.

(2) Leerlinge wat die vorige jaar by 'n skool ingeskryf was en wat nog nie teen die dag in subregulasie (1) bedoel by die skool opgedaag het nie, word nie bygereken nie, tensy die skoolhoof in besit van skriftelike bewys is dat hulle wel na die betrokke skool sal terugkeer.

DEELTYDSE LEERLINGE

9. Behalwe in gevalle waar leerlinge op die voorwaardes wat die skoolhoof bepaal hertoegelaat word met die doel om Senior Sertifikaat Eksamens oor te skryf, mag geen deeltydse leerlinge tot 'n skool toegelaat word sonder die toestemming van die Direkteur nie.

No. R.704 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE BEHEER VAN LEERLING BY, SKORSING EN UITSETTING VAN LEERLINGE UIT, EN DIE TOEDIENING VAN ANDER STRAWWE AAN LEERLINGE IN, OPENBARE SKOLE (UITGESONDERD NYWERHEID- EN VERBETERINGSKOLE) STAATSONDERSTEUNDE SKOLE EN KOSHUISE

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikel 64 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), die regulasies in die Bylae uitgevaardig.

within 30 days after he has been notified of the principal's decision, appeal to the Head of Education in writing, stating the reasons for the appeal, and the decision of the Head of Education shall be conclusive.

REGISTER OF ADMISSION AND REGISTERS OF DAILY SCHOOL ATTENDANCE

6. (1) All admissions of pupils to a school shall be recorded in a register of admission which shall contain particulars as determined by the Director.

(2) Entries in the register of admission shall be verified against an authoritative proof of birth of the pupil concerned.

(3) A principal shall ensure that a daily register of school attendance shall be kept up to date for each class.

(4) Cases of irregular school attendance shall be reported by a principal to the school attendance officer.

(5) The secretary of the school board and school attendance officers shall have access to the register of admission and school attendance registers.

PUPILS AT HOSPITAL SCHOOLS

7. (1) The names of pupils at hospital schools shall remain in the registers of the schools where they are admitted and enrolled.

(2) As soon as a pupil is discharged from hospital, the principal of the hospital school shall notify the principal of the school to which the pupil is admitted thereof.

OFFICIAL ENROLMENT

8. (1) Only pupils who are actually present at a school on a day determined by the Head of Education, as well as pupils who are on such day absent from the school concerned for a valid reason, shall on such day be deemed to be enrolled at the school concerned.

(2) Pupils who were enrolled at a school the previous year and who have not yet attended school by the day referred to in subregulation (1), shall not be included unless the principal is in possession of written proof that they will return to the school concerned.

PART-TIME PUPILS

9. Except in cases where pupils are re-admitted on the conditions determined by the principal in order to rewrite Senior Certificate Examinations, no part-time pupils shall be admitted to a school without the permission of the Director.

No. R.704 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO THE CONTROL OF PUPILS AT, SUSPENSION AND EXPULSION OF PUPILS FROM, AND THE METING OUT OF OTHER PUNISHMENTS TO PUPILS IN, PUBLIC SCHOOLS (EXCLUDING INDUSTRIAL AND REFORM SCHOOLS), STATE-AIDED SCHOOLS AND HOSTELS

The Minister of Education and Culture has under section 112 read with sections 64 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), made the regulations in the Schedule.

BYLAE

Woordomskrywing

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

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"Direkteur" 'n Direkteur van Onderwys in artikel 4 van die Wet bedoel;

"raad" die bestuursraad in die geval van 'n openbare skool en die bestuursliggaam in die geval van 'n staatsondersteunde skool;

"skorsing" die tydelike verbod op 'n leerling om 'n bepaalde openbare skool, staatsondersteunde skool of koshuis, na gelang van die geval, by te woon;

"superintendent van onderwys", in persoon aangestel as superintendent van onderwys kragtens artikel 67 van die Wet, onder wie se jurisdiksie die skool val; en

"uitsetting" die permanente verbod op 'n leerling om 'n openbare skool, staatsondersteunde skool of koshuis, na gelang van die geval, by te woon.

TOEPASSING VAN REGULASIES

2. (1) Hierdie Regulasies is van toepassing op openbare skole (uitgesonderd nywerheid- en verbeteringskole), staatsondersteunde skole en koshuise.

(2) By die toepassing van hierdie Regulasies op 'n staatsondersteunde skool word 'n verwysing na die Direkteur of die superintendent van onderwys uitgelê as 'n verwysing na die betrokke bestuursliggaam.

SKOOLREËLS

3. (1) Behoudens die bepalings van hierdie Regulasies moet 'n skoolhoof, na oorleg met die betrokke raad, huishoudelike reëls vir die beheer van leerlinge in die betrokke skool of koshuis opstel.

(2) Die reëls in subregulasie (1) bedoel, moet—

(a) vir straf weens oortreding daarvan voorsiening maak;

(b) deur die superintendent van onderwys goedgekeur word; en

(c) skriftelik aan leerlinge en hulle ouers bekend gemaak word.

(3) Enige persoon wat 'n leerling van 'n skool of koshuis verbied, of op enige wyse doelbewus verhinder, om 'n huishoudelike reël wat ingevolge hierdie regulasie opgestel en in sodanige skool of koshuis van toepassing is, na te kom, is aan 'n misdryf skuldig en in die geval van 'n eerste skuldigbevinding strafbaar met 'n boete van hoogstens R50 of gevangenisstraf vir 'n tydperk van hoogstens 30 dae, en, in die geval van 'n tweede of verdere skuldigbevinding, met 'n boete van hoogstens R100 of gevangenisstraf vir 'n tydperk van hoogstens 60 dae.

LYFSTRAF

4. (1) Lyfstraf mag slegs—

(a) weens pligsversuim of ongehoorsaamheid, weerspannigheid, opsetlike beskadiging van eiendom, diefstal, oneerlikheid, leuentaal, aanranding, afknouery, onwelvoeglikheid, stokkiesdraai of enige ander wangedrag van 'n ernstige aard;

SCHEDULE

Definitions

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

"council" means the management council in the case of a public school and the governing body in the case of a state-aided school;

"Director" means a Director of Education referred to in section 4 of the Act;

"expulsion" means the permanent prohibition of a pupil to attend a public school, state-aided school or hostel, as the case may be;

"superintendent of education" means a person appointed as superintendent of education under section 67 of the Act, under whose jurisdiction the school falls;

"suspension" means the temporary prohibition of a pupil to attend a particular public school, state-aided school or hostel, as the case may be; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

APPLICATION OF REGULATIONS

2. (1) These Regulations shall apply to public schools (excluding industrial and reform schools), state-aided schools and hostels.

(2) In the application of these Regulations to a state-aided school, a reference to the Director or the superintendent of education shall be construed as a reference to the governing body concerned.

SCHOOL RULES

3. (1) Subject to the provisions of these Regulations a principal shall, after consultation with the council concerned, draft domestic rules for the control of pupils in the school or hostel concerned.

(2) The rules referred to in subregulation (1), shall—

(a) make provision for punishment for the contravention thereof;

(b) be approved by the superintendent of education; and

(c) be made known in writing to the pupils and their parents.

(2) Any person who prohibits, or deliberately prevents a pupil of a school or hostel from complying with a domestic rule made in terms of this regulation and which applies in such school or hostel, shall be guilty of an offence and in the case of a first conviction be liable to a fine not exceeding R50 or to imprisonment for a period not exceeding 30 days, and, in the case of a second or further conviction, to a fine not exceeding R100 or to imprisonment for a period not exceeding 60 days.

CORPORAL PUNISHMENT

4. (1) Corporal punishment shall be administered to pupils only—

(a) on account of neglect of duty or disobedience, recalcitrance, wilful damage to property, theft, dishonesty, lying, assault, bullying, indecency, truancy or any other misconduct of a serious nature;

(b) nadat die skuld van die leerling tot bevrediging van die skoolhoof bewys is in 'n volledige ondersoek waartydens die leerling 'n geleentheid moet kry om sy saak te stel;

(c) deur die skoolhoof of 'n skriftelik deur hom daartoe gemagtigde persoon, of deur 'n ander onderwyser in die teenwoordigheid van die skoolhoof of genoemde gemagtigde persoon;

(d) in die skoolhoof se kantoor of 'n plek deur hom aangewys, of indien die skoolhoof afwesig is, in die kantoor van die onderwyser in beheer van die skool of 'n plek deur hom aangewys;

(e) op die sitvlak wat met gewone kleding bedek is, met 'n rottang of gladde lat en tot 'n maksimum van vyf houe; en

(f) met inagneming van die ouderdom en fisiese toestand van die leerling,

aan leerlinge toegedien word.

(2) Lyfstraf mag nie—

(a) aan leerlinge in preprimêre skole, leerlinge in vlakke een tot drie of vroulike leerlinge;

(b) aan gestremde leerlinge sonder die toestemming van 'n mediese beampte; of

(c) in die teenwoordigheid van ander leerlinge,

toegedien word nie.

(3) In elke geval waar lyfstraf toegedien is, moet die skoolhoof die naam en ouderdom van die betrokke leerling, die rede vir die straf, die aantal houe toegedien, die datum waarop en die naam van die persoon deur wie die straf toegedien is in 'n strafregister aanteken, en hierdie register moet te alle tye vir inspeksie deur die superintendent van onderwys beskikbaar wees.

SKORSING

5. (1) Behoudens die bepalings van subregulasies (2) en (3) kan 'n skoolhoof, na oorleg met die superintendent van onderwys, hangende 'n beslissing soos in regulasie 6 beoog, die skorsing van 'n leerling beveel indien daardie leerling—

(a) se taalgebruik of gedrag na die mening van die skoolhoof van so 'n aard is dat dit die handhawing van 'n behoorlike peil van sedelike gedrag, dissipline of sosiale welsyn in sodanige skool in gevaar stel;

(b) na die mening van die skoolhoof 'n laakbare daad begaan het; of

(c) (i) behoudens 'n vrystelling beoog in artikel 62 (4) van die Wet, weier om die godsdienspligtighede of Bybelonderrig wat deur die Onderwyshoof goedgekeur of bepaal is by te woon; of

(ii) behoudens 'n vrystelling beoog in artikel 63 (1) van die Wet, weier om aan die liggaamlike opvoedingsprogram wat deur die Onderwyshoof goedgekeur is, deel te neem.

(2) (a) Wanneer 'n skoolhoof die skorsing van 'n leerling kragtens subregulasies (1) (a) of (1) (b) oorweeg, word al die wesenlike feite wat ter sake is gedurende 'n onderhoud aan die betrokke leerling en sy ouer gestel om hulle in staat te stel om vertoë te rig waarom die leerling nie geskors behoort te word nie: Met dien verstande dat in dringende gevalle die skoolhoof 'n leerling summier kan

(b) after the guilt of the pupil had been proved to the satisfaction of the principal in a full enquiry during which the pupil shall be afforded the opportunity to state his case;

(c) by the principal or by a person authorized thereto by him in writing, or by another teacher in the presence of the principal or the said authorized person;

(d) in the office of the principal or a place indicated by him, or, in the absence of the principal, in the office of the teacher in control of the school or a place indicated by him;

(e) on the buttocks covered with normal attire, with a cane or smooth switch and to a maximum of five strokes; and

(f) with consideration of the age and physical condition of the pupil.

(2) Corporal punishment shall not be administered—

(a) to pupils in pre-primary schools, pupils in levels one to three or female pupils;

(b) to handicapped pupils without the permission of a medical officer; or

(c) in the presence of other pupils.

(3) In every case where corporal punishment was administered, the principal shall record in a punishment register the name and age of the pupil concerned, the reason for the punishment, the number of strokes inflicted, the date upon which and the name of the person by whom the punishment was administered, and this register shall at all times be available for inspection by the superintendent of education.

SUSPENSION

5. (1) Subject to the provisions of subregulations (2) and (3) a principal may, after consultation with the superintendent of education, order the suspension of a pupil pending a decision as contemplated in regulation 6, if—

(a) in the opinion of the principal, the language and conduct of such pupil is of such a nature as to endanger the maintenance of a proper standard of moral conduct, discipline or social well-being in such school;

(b) in the opinon of the principal, such pupil has committed a reprehensible act; or

(c) (i) subject to an exemption referred to in section 62 (4) of the Act, such pupil refuses to attend the religious ceremonies or Bible instruction approved or determined by the Head of Education; or

(ii) subject to an exemption referred to in section 63 (1) of the Act, such pupil refuses to participate in the physical education programme approved by the Head of Education.

(2) (a) Whenever a principal considers the suspension of a pupil under subregulations (1) (a) or (1) (b), all the material facts which are relevant shall be put to the pupil concerned and his parent during an interview in order to enable them to make representations why the pupil should not be suspended: Provided that in urgent cases the principal

skors sonder om vooraf met die leerling en sy ouer 'n onderhoud te voer.

(b) Indien die skoolhoof na oorweging van die vertoë in paragraaf (a) bedoel, besluit om die skorsing te beveel, moet hy daardie vertoë by sy verslag in paragraaf (c) (ii) beoog, insluit.

(c) Wanneer die skoolhoof besluit om die skorsing van 'n leerling kragtens subregulasies (1) (a) of (1) (b) te beveel—

(i) verwittig hy die leerling en stel sy ouer skriftelik van sy besluit in kennis; en

(ii) lê hy 'n volledige verslag oor die aangeleentheid aan die Direkteur voor.

(3) (a) Wanneer 'n skoolhoof die skorsing van 'n leerling kragtens subregulasie (1) (c) oorweeg, moet die skoolhoof die leerling en sy ouer die geleentheid bied om redes aan te voer waarom die leerling weier om die betrokke godsdiensplegtighede of Bybelonderrig by te woon of aan die betrokke liggaamlike opvoedingsprogram deel te neem, na gelang van die geval.

(b) Indien die skoolhoof nie met die redes in paragraaf (a) tevrede is nie, moet hy die leerling en sy ouer skriftelik waarsku dat die leerling vanaf die datum in die waarskuwing vermeld geskors gaan word indien hy nie die betrokke godsdiensplegtighede of Bybelonderrig bywoon of aan die betrokke liggaamlike opvoedingsprogram deelneem nie, na gelang van die geval.

(c) Indien nie aan sy waarskuwing soos bedoel in paragraaf (b) gehoor gegee is nie, stel die skoolhoof die ouer skriftelik daarvan in kennis dat die leerling vanaf 'n bepaalde datum geskors is, in welke geval die bepalings van subregulasie (2) (c) (ii) *mutatis mutandis* van toepassing is.

UITSETTING

6. (1) Na oorweging van die verslag in regulasie 5 (2) (c) (ii) of 5 (3) (c) beoog beslis die Direkteur of 'n leerling wat deur die skoolhoof geskors is—

(a) uit die betrokke skool uitgesit moet word of toegelaat moet word om weer die skool by te woon op die voorwaardes wat die Direkteur bepaal; of

(b) indien hy uit 'n openbare skool geskors is—

(i) permanent uit sekere openbare skole deur die Direkteur bepaal, uitgesluit moet word; of

(ii) permanent uit alle openbare skole uitgesluit moet word.

(2) 'n Leerling wat nie skoolpligtig is nie, kan deur die skoolhoof, met die voorafverkreë goedkeuring van die Direkteur, uit 'n skool uitgesit word as hy sodanige skool ongereeld besoek sonder om redes wat vir die skoolhoof aanneemlik is vir sy ongereelde besoek te gee: Met dien verstande dat 'n skoolhoof nie stappe ingevolge hierdie subregulasie doen nie alvorens hy die leerling en sy ouer skriftelik gewaarsku het dat die leerling uitgesit sal word indien hy weer sonder sodanige rede van die skool afwesig is.

(3) 'n Ouer wat hom veronreg voel oor 'n beslissing van 'n skoolhoof ingevolge subregulasie (2) kan hom deur die superintendent van onderwys beroep op die Direkteur wat òf sodanige beslissing bekragtig òf dit ter syde stel, en die Direkteur se beslissing is afdoende.

may summarily suspend the pupil without interviewing the pupil and his parent beforehand.

(b) If the principal after consideration of the representations referred to in paragraph (a), decides to order the suspension, he shall include those representations in his report referred to in paragraph (c) (ii).

(c) Whenever the principal decides to order the suspension of a pupil under subregulations (1) (a) or (1) (b), he shall—

(i) inform the pupil and notify the parent in writing of his decision; and

(ii) submit a full report on the matter to the Director.

(3) (a) Whenever a principal considers the suspension of a pupil under subregulation (1) (c), the principal shall afford the pupil and his parent the opportunity to show cause why the pupil refuses to attend the religious ceremonies or Bible instruction concerned, or to participate in the physical education programme concerned, as the case may be.

(b) If the principal is not satisfied with the reasons referred to in paragraph (a), he shall warn the pupil and his parent in writing that the pupil will be suspended from the date mentioned in the warning if he does not attend the religious ceremonies or Bible instruction concerned, or participate in the physical education programme concerned, as the case may be.

(c) If his warning referred to in paragraph (b), is not heeded, the principal shall notify the parent in writing that the pupil concerned is suspended with effect from a particular date, in which case the provisions of subregulation (2) (c) (ii) shall *mutatis mutandis* apply.

EXPULSION

6. (1) After consideration of the report referred to in regulation 5 (2) (c) (ii) or 5 (3) (c), the Director shall decide whether a pupil who has been suspended by the principal—

(a) shall be expelled from the school concerned, or shall be allowed again to attend the school subject to the conditions determined by the Director; or

(b) if he was suspended from a public school—

(i) shall be excluded from certain public schools determined by the Director; or

(ii) shall be excluded from all public schools.

(2) A pupil who is not subject to compulsory school attendance, may be expelled from a school by the principal with the prior approval of the Director, if he attends such school irregularly without furnishing reasons acceptable to such principal for his irregular attendance: Provided that a principal shall not take steps in terms of this subregulation, without previously having warned the pupil and his parent in writing that the pupil will be expelled if he is again without such reason absent from the school.

(3) A parent who feels aggrieved by a decision of a principal in terms of subregulation (2) may appeal through the superintendent of education to the Director who may either ratify such decision or set it aside, and the Director's decision shall be final.

SKORSING EN UITSETTING UIT KOSHUIS

7. (1) Die bepalings van regulasies 5 en 6 is *mutatis mutandis* van toepassing op die skorsing en uitsetting van 'n leerling uit 'n koshuis.

(2) Indien 'n leerling wat in 'n koshuis inwoon, geskors of uitgesit is uit 'n skool waaraan die koshuis verbonde is, word hy geag ook uit daardie koshuis geskors of uitgesit te wees.

(3) 'n Leerling kan uit die koshuis geskors of uitgesit word, sonder dat hy uit die skool waaraan die koshuis verbonde is, geskors of uitgesit word tensy die Direkteur anders beslis.

No. R.705 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE DIE GEBRUIK VAN SKOOLFASILITEITE BY OPENBARE SKOLE (UITGESONDERD NYWERHEID- EN VERBETERINGSKOLE) ANDERS AS VIR ONDERWYSDOELEINDES

Die Minister van Onderwys en Kultuur het kragtens artikel 112 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), en met die instemming van die Minister van Begroting en Plaaslike Bestuur, die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"bestuursraad" die bestuursraad kragtens artikel 15 (a) van die Wet vir 'n openbare skool ingestel;

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988);

"Direkteur" 'n Direkteur van Onderwys in artikel 4 van die Wet bedoel;

"onderwysdoeleindes" die doeleindes van die skoolprogram asook vergaderings van plaaslike organisasies wat na die oordeel van die skoolhoof in die belang en tot welsyn van die skool optree;

"skool" by die toepassing van hierdie Regulasies 'n openbare skool soos omskryf in artikel 1 van die Wet, uitgesonderd 'n nywerheid- en verbeteringskool;

"skoolfasiliteite" die geboue, gronde, meubels en toerusting van 'n skool of koshuis van die Departement; en

"skoolprogram" alle aktiwiteite wat deur die skoolhoof goedgekeur is vir die onderrig van leerlinge van die betrokke skool.

AANSOEK OM GEBRUIK

2. Iemand (hierna die applikant genoem) wat skoolfasiliteite vir 'n ander doel as onderwysdoeleindes wil gebruik, moet minstens een maand voor die datum waarop die skoolfasiliteite benodig word 'n aansoek op 'n vorm deur die Direkteur voorsien by die skoolhoof indien vir voorlegging aan die bestuursraad.

SUSPENSION AND EXPULSION FROM HOSTEL

7. (1) The provisions of regulations 5 and 6 shall *mutatis mutandis* apply to the suspension and expulsion of a pupil from a hostel.

(2) If a pupil residing in a hostel, is suspended or expelled from a school to which the hostel is attached, he shall be deemed to be suspended or expelled from that hostel as well.

(3) A pupil may be suspended or expelled from a hostel, without being suspended or expelled from the school to which the hostel is attached, unless the Director decides otherwise.

No. R.705 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO THE USE OF SCHOOL FACILITIES AT PUBLIC SCHOOLS (EXCLUDING INDUSTRIAL AND REFORM SCHOOLS) FOR PURPOSES OTHER THAN EDUCATIONAL PURPOSES

The Minister of Education and Culture has under section 112 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), and with the concurrence of the Minister of the Budget and Local Government made the regulations in the Schedule.

SCHEDULE

Definitions

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

"Director" means a Director of Education referred to in section 4 of the Act;

"educational purposes" means the purposes of the school programme as well as meetings of local organisations which in the opinion of the principal act in the interest and to the benefit of the school;

"management council" means the management council established for a public school under section 15 (a) of the Act;

"school" in the application of these Regulations means a public school as defined in section 1 of the Act, excluding an industrial school and a reform school;

"school facilities" means the buildings, grounds, furniture and equipment of a school or hostel of the Department;

"school programme" means all activities approved by the principal for the teaching of pupils of the school concerned; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

APPLICATION FOR USE

2. A person (hereinafter referred to as the applicant) who wishes to use school facilities for a purpose other than educational purposes, shall, at least one month prior to the date on which the school facilities are required, hand in to the principal for submission to the management council, an application on a form provided by the Director.

OORWEGING VAN AANSOEK

3. (1) 'n Bestuursraad oorweeg elke aansoek om gebruik van skoolfasiliteite wat ingevolge regulasie 2 aan hom voorgelê word en kan sodanige aansoek weier of toestaan op die voorwaardes en teen betaling van die gelde wat hy behoudens die bepalings van artikel 31 (3) van die Skatkiswet, 1975 (Wet No. 66 van 1975), bepaal.

(2) 'n Bestuursraad stel die applikant skriftelik in kennis van die uitslag van sy aansoek en indien dit toegestaan is, van die voorwaardes waaronder die aansoek toegestaan is en van die gelde betaalbaar.

(3) 'n Applikant wie se aansoek kragtens subregulasie (1) toegestaan word, moet, indien daartoe versoek deur die bestuursraad, 'n alle risiko versekeringspolis uitneem vir die tydperk waarvoor die skoolfasiliteite benodig word, vir 'n bedrag deur die bestuursraad bepaal en sodanige polis aan die bestuursraad sedeer.

(4) 'n Applikant wie se aansoek toegestaan is, mag nie die skoolfasiliteite gebruik nie tensy hy die voorwaardes in subregulasie (2) bedoel skriftelik aanvaar het, die gelde, indien enige, betaal het en die polis bedoel in subregulasie (3) uitgeneem het, indien van toepassing.

(5) Met die gelde betaal kragtens subregulasie (4) word deur die bestuursraad ooreenkomstig die bepalings van artikel 2 van die Skatkiswet, 1975 gehandel.

(6) (a) Indien 'n aansoek om die gebruik van skoolfasiliteite deur die bestuursraad geweier word, kan die applikant teen sodanige weiering na die Direkteur appelleer, en die Direkteur kan die appèl handhaaf of van die hand wys en sy beslissing is afdoende.

(b) Indien die appèl gehandhaaf word is die bepalings van subregulasie (2) *mutatis mutandis* op die Direkteur van toepassing asof hy die bestuursraad is wat die aansoek toegestaan het.

NIE-NAKOMING VAN VOORWAARDES

4. Die bestuursraad moet enige nie-nakoming deur 'n applikant van voorwaardes bedoel in regulasie 3 (2) en enige skade wat as gevolg van die gebruik van die skoolfasiliteite aangerig is, onverwyld aan die Onderwyshoof rapporteer wat die stappe kan doen wat hy nodig ag.

BESTEK VAN REGULASIES

5. (1) Hierdie Regulasies geld ook vir skoolfasiliteite wat vir onderwysdoeleindes deur die Departement gehuur word vir sover die gebruik vir ander doeleindes nie strydig met die bepalings van die betrokke huurkontrak is nie.

(2) Vergaderings van ouers in verband met aangeleenthede rakende die skool, byeenkomste in verband met skoolfunksies en vergaderings van onderwysers en ouerverenigings wat kragtens artikel 1 van die Wet op die Nasionale Onderwysbeleid, 1967 (Wet No. 39 van 1967), erken word, word by die toepassing van hierdie Regulasies geag byeenkomste vir onderwysdoeleindes te wees.

CONSIDERATION OF APPLICATION

3. (1) A management council shall consider every application for the use of school facilities submitted to it in terms of regulation 2, and may either refuse such application, or grant it on the conditions and against payment of the moneys determined by it subject to the provisions of section 31 (3) of the Exchequer Act, 1975 (Act No. 66 of 1975).

(2) A management council shall notify the applicant in writing of the result of his application, and if granted, of the conditions under which the application was granted and of the moneys payable.

(3) An applicant whose application is granted under subregulation (1), shall, if requested thereto by the management council, take out an all risks insurance policy for the period for which the school facilities are required, for an amount determined by the management council, and cede such policy to the management council.

(4) An applicant whose application has been granted, may not use the school facilities unless he has accepted the conditions referred to in subregulation (2) in writing, has paid the moneys, if any, and has taken out the policy referred to in subregulation (3), if applicable.

(5) The moneys paid under subregulation (4) shall be dealt with by the management council in accordance with the provisions of section 2 of the Exchequer Act, 1975.

(6) (a) If an application for the use of school facilities is refused by the management council, the applicant may appeal to the Director against such refusal, and the Director may either grant or dismiss the appeal and his decision shall be final.

(b) If the appeal is granted, the provisions of subregulation (2) shall *mutatis mutandis* apply to the director as if he is the management council that has granted the application.

NON-COMPLIANCE WITH CONDITIONS

4. The management council shall forthwith report any non-compliance by an applicant with conditions referred to in regulation 3 (2), and any damage caused as a result of the use of the school facilities to the Head of Education who may take the steps he deems necessary.

SCOPE OF REGULATIONS

5. (1) These Regulations shall also apply to school facilities hired by the Department for educational purposes, in so far as the use for other purposes is not contrary to the provisions of the agreement of lease concerned.

(2) Meetings of parents in regard to matters concerning the school, gatherings in regard to school functions, and meetings of teachers and parent associations recognized under section 1 of the National Education Policy Act, 1967 (Act No. 39 of 1967), shall, in the application of these Regulations, be deemed to be gatherings for educational purposes.

No. R.706 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE OMSTANDIGHEDE WAARONDER LEERLINGE VRYGESTEL WORD VAN DEELNAME AAN DIE LIGGAAMLIKE OPVOEDINGSPROGRAM

Die Minister van Onderwys en Kultuur het kragtens artikel 112 saamgelees met artikel 63 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), die regulasies in die Bylae uitgevardig.

BYLAE

Woordomskrywing

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

"die wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988); en

"skoolhoof" 'n persoon wat ingevolge artikel 67 van die Wet in die pos van skoolhoof by 'n skool aangestel is.

OMSTANDIGHEDE WAARONDER 'N LEERLING VAN DEELNAME AAN DIE LIGGAAMLIKE OPVOEDINGSPROGRAM VRYGESTEL IS

2. 'n Leerling wat 'n openbare skool bywoon, is onder die volgende omstandighede van deelname aan die liggaamlike opvoedingsprogram wat die Onderwyshoof goedkeur, vrygestel—

(a) indien 'n mediese praktisyn gesertifiseer het dat die leerling permanent of tydelik ongeskik vir sodanige deelname is;

(b) indien die leerling 'n ooglopende fisiese gebrek het wat deelname aan sodanige program tydelik of permanent onmoontlik maak; of

(c) indien 'n ouer van die leerling skriftelik aanvoer dat hy van oordeel is dat sodanige deelname 'n nadelige uitwerking op die geestelike of liggaamlike welsyn van die leerling sal hê.

ALGEMEEN

3. (1) Indien die skoolhoof nie van dieselfde oordeel as die ouer in regulasie 2 (c) bedoel is nie, moet hy die ouer van die leerling raadpleeg en, indien hy dit nodig ag, moet hy die ouer versoek om 'n mediese praktisyn te raadpleeg met die oog op die sertifisering dat die leerling geskik is vir deelname aan die liggaamlike opvoedingsprogram.

(2) Die vrystelling in regulasie 2 (c) beoog, verval vanaf 'n datum waarop die mediese praktisyn sertifiseer dat die leerling wel geskik vir sodanige deelname is.

No. R.706 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO THE CIRCUMSTANCES UNDER WHICH PUPILS ARE EXEMPTED FROM PARTICIPATION IN THE PHYSICAL EDUCATION PROGRAMME

The Minister of Education and Culture has under section 112 read with section 63 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), made the regulations in the Schedule.

SCHEDULE

Definitions

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

"principal" means a person appointed in terms of section 67 of the Act to the post of principal at a school; and

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

CIRCUMSTANCES UNDER WHICH A PUPIL IS EXEMPTED FROM PARTICIPATION IN THE PHYSICAL EDUCATION PROGRAMME

2. A pupil attending a public school, shall under the following circumstances be exempted from participation in the physical education programme approved by the Head of Education—

(a) if a medical practitioner has certified that the pupil is permanently or temporarily unfit for such participation;

(b) if the pupil has an obvious physical disability which renders participation in such programme temporarily or permanently impossible; or

(c) if a parent of the child states in writing that he is of the opinion that such participation will have a detrimental effect on the spiritual or physical well-being of the pupil.

GENERAL

3. (1) If the principal is not of the same opinion as the parent referred to in regulation 2 (c), he shall consult the parent of the pupil and, if he deems it necessary, he shall request the parent to consult a medical practitioner with a view to certifying that the pupil is fit for participation in the physical education programme.

(2) The exemption referred to in regulation 2 (c), shall lapse with effect from a date on which the medical practitioner certifies that the pupil is fit for such participation.

No. R.707 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

REGULASIES BETREFFENDE MEDIESE, SIELKUNDIGE EN TANDHEELKUNDIGE ONDERSOEKE VAN LEERLINGE BY OPENBARE SKOLE

Die Minister van Onderwys en Kultuur het kragtens artikel 5 (1) (d) (i) saamgelees met artikel 112 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

"die Wet" die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988).

ONDERSOEK VAN LEERLINGE

2. (1) Indien 'n skoolhoof van oordeel is dat die liggaamlike of geestestoestand van 'n leerling dit vereis kan hy gelas dat sodanige leerling medies, sielkundig of tandheelkundig ondersoek word deur 'n persoon deur die Direkteur daartoe gemagtig.

(2) Dit is die plig van 'n ouer om die bywoning af te dwing van enige leerling by enige ondersoek in subparagraaf (1) bedoel.

MISDRYWE EN STRAWWE

3. Iemand wat in gebreke bly om te voldoen aan 'n bepaling van regulasie 2 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R500 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

No. R.707 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REGULATIONS RELATING TO MEDICAL, PSYCHOLOGICAL AND DENTAL EXAMINATIONS OF PUPILS AT PUBLIC SCHOOLS

The Minister of Education and Culture has under section 5 (1) (d) (i) read with section 112 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), made the regulations in the Schedule.

SCHEDULE

Definitions

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

"the Act" means the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

EXAMINATION OF PUPILS

2. (1) If a principal is of the opinion that the physical or mental condition of a pupil requires it, he may order that such pupil be medically, psychologically or dentally examined by a person authorized thereto by the Director.

(2) It shall be the duty of a parent to enforce the attendance of any pupil at any examination referred to in subregulation (1).

OFFENCES AND PENALTIES

3. Any person failing to comply with any provision of regulation 2 shall be guilty of an offence and liable on conviction to a fine not exceeding R500, or to imprisonment for a period not exceeding three months.

No. R.708 **30 Maart 1990**

WET OP ONDERWYSAANGELEENTHEDE (VOLKSRAAD), 1988

HERROEPING VAN REGULASIES, PROKLAMASIES, KENNISGEWINGS EN VOORSKRIFTE

Die Minister van Onderwys en Kultuur het kragtens artikel 111 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), die regulasies, proklamasies, kennisgewings en voorskrifte in die Bylae herroep.

No. R.708 **30 March 1990**

EDUCATION AFFAIRS ACT (HOUSE OF ASSEMBLY), 1988

REPEAL OF REGULATIONS, PROCLAMATIONS, NOTICES AND INSTRUCTIONS

The Minister of Education and Culture has under section 111 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), repealed the regulations, proclamations, notices and instructions in the Schedule.

BYLAE

1. Regulasies uitgevaardig kragtens die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), soos vervat in:

Administrateurskennisgewing No.	*Gedateer*
961	31 Oktober 1951
35	21 Januarie 1953
660	30 September 1959
386	13 Junie 1962

2. Regulasies uitgevaardig kragtens die Onderwysordonnansie, 1953 (Ordonnansie No. 29 van 1953) (Transvaal), soos vervat in:

Administrateurskennisgewing No.	*Gedateer*
1053	23 Desember 1953
1054	23 Desember 1953
797	15 September 1954
923	20 Oktober 1954
1022	17 November 1954
1116	22 Desember 1954
26	19 Januarie 1955
99	9 Februarie 1955
117	16 Februarie 1955
524	4 Julie 1956
833	9 Oktober 1956
897	14 November 1956
154	5 Maart 1958
155	5 Maart 1958
283	7 Mei 1958
557	13 Augustus 1958
880	26 November 1958
44	21 Januarie 1959
782	4 November 1959
20	13 Januarie 1960
211	16 Maart 1960
246	30 Maart 1960
618	17 Augustus 1960
980	21 Desember 1960
112	5 Februarie 1961
343	10 Mei 1961
466	21 Junie 1961
846	24 November 1961
896	29 November 1961
912	13 Desember 1961
919	13 Desember 1961
88	7 Februarie 1962
218	28 Maart 1962
219	28 Maart 1962
294	9 Mei 1962
416	27 Junie 1962
592	5 September 1962
593	5 September 1962
594	5 September 1962
477	24 Julie 1963
621	9 Oktober 1963
240	25 Maart 1964
666	19 Augustus 1964
888	2 Desember 1964
282	5 Mei 1965
313	12 Mei 1965
468	7 Julie 1965
8	12 Januarie 1966
214	23 Maart 1966
845	2 November 1966
1061	28 Desember 1966
347	26 April 1967
609	19 Julie 1967
624	19 Julie 1967
625	19 Julie 1967
636	26 Julie 1967
942	8 November 1967
467	1 Mei 1968
962	18 September 1968
966	18 September 1968
967	18 September 1968
991	25 September 1968
1158	20 November 1968
348	2 April 1969
614	11 Junie 1969
1028	17 September 1969
1031	17 September 1969
1445	24 Desember 1969
1471	31 Desember 1969
373	8 April 1970
470	29 April 1970
523	13 Mei 1970
845	5 Augustus 1970

SCHEDULE

1. Regulations promulgated under the Special Education Act, 1948 (Act No. 9 of 1948), as contained in:

Administrator's Notice No.	*Dated*
961	31 October 1951
35	21 January 1953
660	30 September 1959
386	13 June 1962

2. Regulations promulgated under the Education Ordinance, 1953 (Ordinance No. 29 of 1953) (Transvaal), as contained in:

Administrator's Notice No.	*Dated*
1053	23 December 1953
1054	23 December 1953
797	15 September 1954
923	20 October 1954
1022	17 November 1954
1116	22 December 1954
26	19 January 1955
99	9 February 1955
117	16 February 1955
524	4 July 1956
833	9 October 1956
897	14 November 1956
154	5 March 1958
155	5 March 1958
283	7 May 1958
557	13 August 1958
880	26 November 1958
44	21 January 1959
782	4 November 1959
20	13 January 1960
211	16 March 1960
246	30 March 1960
618	17 August 1960
980	21 December 1960
112	5 February 1961
343	10 May 1961
466	21 June 1961
846	24 November 1961
896	29 November 1961
912	13 December 1961
919	13 December 1961
88	7 February 1962
218	28 March 1962
219	28 March 1962
294	9 May 1962
416	27 June 1962
592	5 September 1962
593	5 September 1962
594	5 September 1962
477	24 July 1963
621	9 October 1963
240	25 March 1964
666	19 August 1964
888	2 December 1964
282	5 May 1965
313	12 May 1965
468	7 July 1965
8	12 January 1966
214	23 March 1966
845	2 November 1966
1061	28 December 1966
347	26 April 1967
609	19 July 1967
624	19 July 1967
625	19 July 1967
636	26 July 1967
942	8 November 1967
467	1 May 1968
962	18 September 1968
966	18 September 1968
967	18 September 1968
991	25 September 1968
1158	20 November 1968
348	2 April 1969
614	11 June 1969
1028	17 September 1969
1031	17 September 1969
1445	24 December 1969
1471	31 December 1969
373	8 April 1970
470	29 April 1970
523	13 May 1970
845	5 August 1970

Administrateurskennisgewing No.	*Gedateer*
1112	30 September 1970
1355	18 November 1970
469	14 April 1971
470	14 April 1971
891	7 Julie 1971
1508	3 November 1971
1603	17 November 1971
1750	8 Desember 1971
1069	5 Julie 1972
1357	9 Augustus 1972
1359	9 Augustus 1972
1738	4 Oktober 1972
2005	15 November 1972
2154	6 Desember 1972
7	3 Januarie 1973
718	2 Mei 1973
1576	3 Oktober 1973
534	3 April 1974
1633	17 September 1975
643	19 Mei 1976
1054	25 Augustus 1976
1057	25 Augustus 1976
490	20 April 1977
1072	3 Augustus 1977
965	8 September 1978
322	21 Maart 1979
629	20 Junie 1979
347	25 Maart 1981
1424	17 Julie 1985
1425	17 Julie 1985
2391	30 Oktober 1985
551	26 Maart 1986

3. Regulasies uitgevaardig kragtens die Ordonnansie op Onderwys, 1980 (Ordonnansie No. 12 van 1980) (Oranje-Vrystaat), soos vervat in:

Administrateurskennisgewing No.	*Gedateer*
310	18 November 1981
6	4 Januarie 1985

4. Regulasies uitgevaardig kragtens die Ordonnansie op Algemene Dienste, 1965 (Ordonnansie No. 4 van 1965) (Oranje-Vrystaat), soos vervat in:

Administrateurskennisgewing No.	*Gedateer*
154	18 September 1974
193	13 Augustus 1976
234	2 September 1977

5. Regulasies uitgevaardig kragtens die Natalse Onderwys-ordonnansie, 1942 (Ordonnansie No. 23 van 1942), soos vervat in:

Provinsiale Kennisgewing No.	*Gedateer*
394	30 September 1965

6. Regulasies uitgevaardig kragtens die Natalse Onderwys-ordonnansie, 1969 (Ordonnansie No. 46 van 1969), soos vervat in:

Provinsiale Kennisgewing No.	*Gedateer*
554	15 Oktober 1970
328	6 Julie 1972
456	28 September 1972
285	24 Mei 1973
350	25 Julie 1974
572	2 Desember 1976
187	26 April 1979
36	29 Januarie 1981
193	7 Mei 1981
154	1 April 1982
157	1 April 1982
8	13 Januarie 1983
101	16 Februarie 1984
370	19 Julie 1984
373	19 Julie 1984
581	8 November 1984
589	15 November 1984
634	29 November 1984
82	28 Februarie 1985
163	17 Mei 1985
219	20 Junie 1985
290	8 Augustus 1985
292	8 Augustus 1985
294	8 Augustus 1985
469	21 November 1985
153	27 Maart 1986

Administrator's Notice No.	*Dated*
1112	30 September 1970
1355	18 November 1970
469	14 April 1971
470	14 April 1971
891	7 July 1971
1508	3 November 1971
1603	17 November 1971
1750	8 December 1971
1069	5 July 1972
1357	9 August 1972
1359	9 August 1972
1738	4 October 1972
2005	15 November 1972
2154	6 December 1972
7	3 January 1973
718	2 May 1973
1576	3 October 1973
534	3 April 1974
1633	17 September 1975
643	19 May 1976
1054	25 August 1976
1057	25 August 1976
490	20 April 1977
1072	3 August 1977
965	8 September 1978
322	21 March 1979
629	20 June 1979
347	25 March 1981
1424	17 July 1985
1425	17 July 1985
2391	30 October 1985
551	26 March 1986

3. Regulations promulgated under the Education Ordinance, 1980 (Ordinance No. 12 of 1980) (Orange Free State), as contained in:

Administrator's Notice No.	*Dated*
310	18 November 1981
6	4 January 1985

4. Regulations promulgated under the General Services Ordinance, 1965 (Ordinance No. 4 of 1965) (Orange Free State), as contained in:

Administrator's Notice No.	*Dated*
154	18 September 1974
193	13 August 1976
234	2 September 1977

5. Regulations promulgated under the Natal Education Ordinance, 1942 (Ordinance No. 23 of 1942), as contained in:

Provincial Notice No.	*Dated*
394	30 September 1965

6. Regulations promulgated under the Natal Education Ordinance, 1969 (Ordinance No. 46 of 1969), as contained in:

Provincial Notice No.	*Dated*
554	15 October 1970
328	6 July 1972
456	28 September 1972
285	24 May 1973
350	25 July 1974
572	2 December 1976
187	26 April 1979
36	29 January 1981
193	7 May 1981
154	1 April 1982
157	1 April 1982
8	13 January 1983
101	16 February 1984
370	19 July 1984
373	19 July 1984
581	8 November 1984
589	15 November 1984
634	29 November 1984
82	28 February 1985
163	17 May 1985
219	20 June 1985
290	8 August 1985
292	8 August 1985
294	8 August 1985
469	21 November 1985
153	27 March 1986

7. Regulasies uitgevaardig kragtens die Ordonnansie op die Natalse Provinsiale Algemene Diens, 1958 (Ordonnansie No. 16 van 1958), soos vervat in:

Provinsiale Kennisgewing No.	*Gedateer*
171	7 April 1972
270	6 Junie 1974

8. Regulasies uitgevaardig kragtens die Onderwysordonnansie, 1956 (Ordonnansie No. 20 van 1956) (Kaap), soos vervat in:

Provinsiale Kennisgewing No.	*Gedateer*
459	2 Augustus 1957
920	31 Desember 1959
916	23 Desember 1960
292	24 April 1964
584	24 Julie 1970
858	23 Oktober 1970
388	16 April 1971
420	23 April 1971
835	10 September 1971
173	18 Februarie 1972
281	24 Maart 1972
13	12 Januarie 1973
689	17 Augustus 1973
786	14 September 1973
884	19 Oktober 1973
1010	18 Oktober 1974
1036	26 September 1975
777	23 Julie 1976
960	27 Augustus 1976
1224	23 Desember 1976
328	31 Maart 1978
445	5 Mei 1978
22	12 Januarie 1979
268	13 Maart 1979
855	30 November 1979
412	18 April 1980
799	24 Oktober 1980
31	29 Januarie 1982
735	16 November 1984
253	26 April 1985

9. Proklamasies uitgevaardig kragtens die Onderwysordonnansie, 1956 (Ordonnansie No. 20 van 1956) (Kaap), soos vervat in:

Proklamasie No.	Gedateer
168 of 1984	28 September 1984

10. Reëls uitgevaardig kragtens die Onderwysordonnansie, 1956 (Ordonnansie No. 20 van 1956) (Kaap), soos vervat in:

Onderwysgaset No.	*Gedateer*
14	27 Julie 1972
5	8 Maart 1973
10	21 Junie 1973
5	17 April 1975
5	22 April 1976
4	22 Februarie 1979
10	23 Augustus 1979
14	5 November 1981
10	26 Augustus 1982
11	23 September 1982
13	21 Oktober 1982
8	28 Julie 1983

Provinsiale Kennisgewing No.	*Gedateer*
501	13 Julie 1979
650	26 September 1979

11. Regulasies uitgevaardig kragtens die Ordonnansie op Provinsiale Diens, 1982 (Ordonnansie No. 9 van 1982) (Kaap), soos vervat in:

Provinsiale Kennisgewing No.	*Gedateer*
761	31 Desember 1982
221	4 April 1985
640	20 September 1985
872	20 Desember 1985

7. Regulations promulgated under the Natal Provincial General Service Ordinance, 1958 (Ordinance No. 16 of 1958), as contained in:

Provincial Notice No.	*Dated*
171	7 April 1972
270	6 June 1974

8. Regulations promulgated under the Education Ordinance, 1956 (Ordinace No. 20 of 1956) (Cape), as contained in:

Provincial Notice No.	*Dated*
459	2 August 1957
920	31 December 1959
916	23 December 1960
292	24 April 1964
584	24 July 1970
858	23 October 1970
388	16 April 1971
420	23 April 1971
835	10 September 1971
173	18 February 1972
281	24 March 1972
13	12 January 1973
689	17 August 1973
786	14 September 1973
884	19 October 1973
1010	18 October 1974
1036	26 September 1975
777	23 July 1976
960	27 August 1976
1224	23 December 1976
328	31 March 1978
445	5 May 1978
22	12 January 1979
268	13 March 1979
855	30 November 1979
412	18 April 1980
799	24 October 1980
31	29 January 1982
735	16 November 1984
253	26 April 1985

9. Proclamations promulgated under the Education Ordinance, 1956 (Ordinance No. 20 of 1956) (Cape), as contained in:

Proclamation No.	*Dated*
168 of 1984	28 September 1984

10. Rules promulgated under the Education Ordinance, 1956 (Ordinance No. 20 of 1956) (Cape), as contained in:

Education Gazette No.	*Dated*
14	27 July 1972
5	8 March 1973
10	21 June 1973
5	17 April 1975
5	22 April 1976
4	22 February 1979
10	23 August 1979
14	5 November 1981
10	26 August 1982
11	23 September 1982
13	21 October 1982
8	28 July 1983

Provincial Notice No.	*Dated*
501	13 July 1979
650	26 September 1979

11. Regulations promulgated under the Provincial Service Ordinance, 1982 (Ordinance No. 9 of 1982) (Cape), as contained in:

Provincial Notice No.	*Dated*
761	31 December 1982
221	4 April 1985
640	20 September 1985
872	20 December 1985

12. Regulasies uitgevaardig kragtens die Wet op Onderwysdienste, 1967 (Wet No. 41 van 1967), soos vervat in:

Goewermentskennisgewing No.	*Gedateer*
R. 2414	31 Desember 1968
R. 1078	3 Julie 1970
R. 2084	27 November 1970
R. 52	15 Januarie 1971
R. 1430	18 Augustus 1972
R. 1527	30 Augustus 1974
R. 1166	9 Junie 1978
R. 875	27 April 1979
R. 2106	30 September 1983

13. Regulasies uitgevaardig kragtens die Wet op Opleiding van Geestelik Vertraagde Kinders, 1974 (Wet No. 63 van 1974), soos vervat in:

Goewermentskennisgewing No.	*Gedateer*
R. 761	18 April 1975
R. 1469	20 Augustus 1976
R. 876	27 April 1979

12. Regulations promulgated under the Educational Services Act, 1967 (Act No. 41 of 1967), as contained in:

Government Notice No.	*Dated*
R. 2414	31 December 1968
R. 1078	3 July 1970
R. 2084	27 November 1970
R. 52	15 January 1971
R. 1430	18 August 1972
R. 1527	30 August 1974
R. 1166	9 June 1978
R. 875	27 April 1979
R. 2106	30 September 1983

13. Regulations promulgated under the Mentally Retarded Children's Training Act, 1974 (Act No. 63 of 1974), as contained in:

Government Notice No.	*Dated*
R. 761	18 April 1975
R. 1469	20 August 1976
R. 876	27 April 1979

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