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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION AND TRAINING

No. R. 1099

2 July 1993

THE EDUCATION AND TRAINING ACT, 1979

REGULATIONS REGARDING EDUCATORS
EMPLOYED BY THE DEPARTMENT OF EDUCA-
TION AND TRAINING AND BY GOVERNING BODIES
OF STATE-AIDED SCHOOLS

The Minister of Education and Training and of
National Housing has, in terms of section 44 of the
Education and Training Act, 1979 (Act No. 90 of 1979),
made the regulations contained in the Schedule.

SCHEDULE

DEFINITIONS

1. In these regulations any expression to which a
meaning has been assigned in the Education and
Training Act, 1979 (Act No. 90 of 1979), shall have the
meaning so assigned thereto and, unless the context
otherwise indicates—

“**area manager**” means an educator in the Depart-
ment who is in control of the education in an area
determined by the Minister in terms of section 2 (2)
of the Act;

“**authorised person**” means in the case of—

- an educator (excluding a principal) at a
school, the supervisor or principal of that
educator;
- a principal, other than a principal at a spe-
cial school, technical college, college of
education and a State-aided school, the
circuit inspector concerned;
- a principal at a special school, technical
college and college of education, the imme-
diate superior of that principal at the head
office of the Department;

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN ONDERWYS EN OPLEIDING

No. R. 1099

2 Julie 1993

DIE WET OP ONDERWYS EN OPLEIDING, 1979

REGULASIES BETREFFENDE OPVOEDERS IN
DIENS VAN DIE DEPARTEMENT VAN ONDERWYS
EN OPLEIDING EN VAN BESTUURSLIGGAME VAN
STAATSONDERSTEUNDE SKOLE

Die Minister van Onderwys en Opleiding en van
Nasionale Behuising het kragtens artikel 44 van die
Wet op Onderwys en Opleiding, 1979 (Wet No. 90 van
1979), die regulasies in die Bylae uitgevaardig.

BYLAE

WOORDOMSKRYWING

1. In hierdie regulasies het 'n woord of uitdrukking
waaraan daar in die Wet op Onderwys en Opleiding,
1979 (Wet No. 90 van 1979), 'n betekenis geheg word,
die betekenis aldus daaraan geheg, en tensy uit die
samehang anders blyk, beteken—

“**besoldiging**” die salarisse, lone, bonusse, besol-
digende toelaes, oortydbesoldiging betaalbaar en
ander diensvoordele toegeken aan opvoeders;

“**die Staatsdienspersoneelkode**” die Staats-
dienspersoneelkode bedoel in artikel 36 van die
Staatsdienswet, 1984 (Wet No. 111 van 1984);

“**die Staatsdiensregulasies**” die regulasies wat
kragtens artikel 35 van die Staatsdienswet, 1984,
uitgevaardig is;

“**die Wet**” die Wet op Onderwys en Opleiding, 1979
(Wet No. 90 van 1979);

“**gebiedsbestuurder**” 'n opvoeder in die Departe-
ment wat in beheer is van die onderwys in 'n
gebied wat ingevolge artikel 2 (2) van die Wet deur
die Minister bepaal is;

(d) a principal at a State-aided school, the governing body of that school;

(e) an educator at an office, the supervisor of that educator.

"circuit inspector" means an educator in the Department who is in control of the education in an inspection circuit determined by the Minister in terms of section 2 (2) of the Act;

"cycle", in relation to sick leave, means a period of three years calculated from 1 January 1980 and each succeeding period of three years: Provided that, in the case of an educator appointed at a school or office after 1 January 1980 whose date of appointment does not coincide with the commencement date of a cycle, the period of his service from the date of his appointment to the date of commencement of the following cycle shall for the purpose of these regulations be regarded as a full cycle;

"day of rest" means a Saturday, a Sunday or a public holiday;

"education department" means an education department instituted by or in terms of any law and also an education department of a self-governing territory;

"emoluments" means the salaries, wages, bonuses, remunerative allowances, remuneration for overtime and other service benefits awarded to educators;

"fixed establishment" means the educators' posts which are necessary for the normal and regular teaching requirements and which are determined in terms of sections 11 and 13 of the Act for public schools and offices and State-aided schools, respectively;

"inspector" means a circuit inspector or any other officer who is authorised in terms of section 33 (1) of the Act to carry out an inspection or investigation in respect of a matter referred to in that section and who for the purposes of these regulations is authorised by the Director-General to implement these regulations in respect of a particular school;

"month" means a period extending from the first to the last day of any one of the 12 months of the year, both days inclusive;

"quarter" means a period of three months commencing on 1 January, 1 April, 1 July and 1 October, respectively, of each year;

"salary increment" means the approved amount by which the salary of an educator may be increased in accordance with the salary scale which is applicable to him;

"salary incremental period" means a period of 12 months or any other period approved by the Minister which must elapse before an educator's salary may be increased in accordance with the salary scale applicable to him;

"school" means a public school and a State-aided school;

"gemagtigde persoon", in die geval van —

(a) 'n opvoeder (uitgesonderd 'n prinsipaal) by 'n skool, daardie opvoeder se toesighouer of prinsipaal;

(b) 'n prinsipaal, uitgesonderd 'n prinsipaal by 'n spesiale skool, tegniese kollege, onderwyskollege en Staatsondersteunde skool, die betrokke kringinspekteur;

(c) 'n prinsipaal by 'n spesiale skool, tegniese kollege en onderwyskollege, daardie prinsipaal se onmiddellike hoof by die hoofkantoor van die Departement;

(d) 'n prinsipaal by 'n Staatsondersteunde skool, die bestuursliggaam van daardie skool;

(e) 'n opvoeder by 'n kantoor, daardie opvoeder se toesighouer;

"inspekteur" 'n kringinspekteur of 'n ander beamppte wat ingevolge artikel 33 (1) van die Wet gemagtig is om 'n inspeksie te hou of 'n ondersoek te doen met betrekking tot 'n aangeleentheid in daardie artikel genoem en wat vir die doeleindes van hierdie regulasies deur die Direkteur-generaal daartoe gemagtig is om ten opsigte van 'n bepaalde skool uitvoering aan hierdie regulasies te gee;

"kringinspekteur" 'n opvoeder in die Departement wat in beheer is van die onderwys in 'n inspeksiekring wat ingevolge artikel 2 (2) van die Wet deur die Minister bepaal is;

"kwartaal" 'n tydperk van drie maande beginnende onderskeidelik op 1 Januarie, 1 April, 1 Julie en 1 Oktober van elke jaar;

"maand" 'n tydperk wat vanaf die eerste tot en met die laaste dag van enigeen van die 12 maande van die jaar strek;

"onderwysdepartement" 'n onderwysdepartement by of ingevolge wet ingestel en ook 'n onderwysdepartement van 'n selfregerende gebied;

"rusdag" 'n Saterdag, 'n Sondag of 'n openbare feesdag;

"salarisverhoging" die goedgekeurde bedrag waarmee die salaris van 'n opvoeder, volgens die salarisskaal wat op hom van toepassing is, verhoog kan word;

"salarisverhogingstydperk" 'n tydperk van 12 maande of 'n ander tydperk deur die Minister goedgekeur wat moet verstryk voordat 'n opvoeder se salaris, volgens die salarisskaal wat op hom van toepassing is, verhoog kan word;

"semester" enigeen van die twee dele waarin 'n jaar verdeel is en wat onderskeidelik op 1 Januarie en 1 Julie van elke jaar begin;

"skool" 'n openbare skool en 'n Staatsondersteunde skool;

"skooldag" enige dag in 'n skoolkwartaal, skoolsemester of termyn waarop onderrig gegee moet word aan leerlinge wat by 'n skool ingeskryf is;

"school day" means a day in a school quarter, school semester or term on which pupils enrolled at a school must be given tuition;

"school holiday" means a period between two consecutive school quarters, school semesters or terms during which tuition is suspended;

"school quarter" means any one of the four periods into which a school year is divided and which is stipulated as such in a school calendar for a particular category of schools;

"school semester" means any one of the two periods into which a school year is divided and which is stipulated as such in a school calendar for a particular category of schools;

"semester" means either one of the two periods into which a year is divided, commencing on 1 January and 1 July, respectively, of each year;

"term" means any one of the three terms into which a school year is divided and which is stipulated as such in a school calendar for a particular category of schools;

"the Act" means the Education and Training Act, 1979 (Act No. 90 of 1979);

"the Public Service Regulations" means the regulations made in terms of section 35 of the Public Service Act, 1984 (Act No. 111 of 1984);

"the Public Service Staff Code" means the Public Service Staff Code referred to in section 36 of the Public Service Act, 1984 (Act No. 111 of 1984); and

"working day" means a day, whether a school day or not, on which an educator must be on duty at the school or office to which he is attached.

APPLICATION OF THESE REGULATIONS

2. Unless specifically otherwise provided, these regulations shall apply to educators employed at public schools or offices and also to educators employed at State-aided schools in posts in respect of which subsidies are allocated by the State.

GENERAL CONDITIONS OF SERVICE

Duties of principal and educators at schools

3. (1) Each public or State-aided school shall be controlled by an educator called the principal.

(2) The principal shall, with regard to the school under his control, be responsible for—

- (a) effective functional, administrative, organisational and working processes;
- (b) guidance in connection with tuition and other activities;
- (c) the maintenance of discipline over the educators, staff and registered pupils;
- (d) the proper use and care of Government property;
- (e) the supervision of the activities of the educators and staff;

"skoolkwartaal" enigee van die vier dele waarin 'n skooljaar verdeel is en wat as sodanig in 'n skoolkalender vir 'n bepaalde kategorie skole vasgestel is;

"skoolsemester" enigee van die twee dele waarin 'n skooljaar verdeel is en wat as sodanig in 'n skoolkalender vir 'n bepaalde kategorie skole vasgestel is;

"skoolvakansie" 'n tydperk tussen twee opeenvolgende skoolkwartale, skoolsemesters of termynne waartydens onderrig opgeskort is;

"termyn" enigee van die drie termynne waarin 'n skooljaar verdeel is en wat as sodanig in 'n skoolkalender vir 'n bepaalde kategorie skole vasgestel is;

"tydkring", met betrekking tot siekteverlof, 'n tydperk van drie jaar gereken vanaf 1 Januarie 1980 en elke daaropvolgende tydperk van drie jaar: Met dien verstande dat in die geval van 'n opvoeder wat na 1 Januarie 1980 by 'n skool of kantoor aangestel is en wie se datum van aanstelling nie met die aanvangsdatum van 'n tydkring saamval nie, die tydperk van sy diens vanaf die datum van sy aanstelling tot die aanvangsdatum van die eersvolgende tydkring by die toepassing van hierdie regulasies as 'n volle tydkring beskou word;

"vaste diensstaat" die opvoedersposte wat vir die normale en gereelde onderrigvereistes nodig is en wat kragtens artikel 11 en 13 van die Wet vir onderskeidelik openbare skole en kantore en Staatsondersteunde skole bepaal is; en

"werkdag" 'n dag, hetsy 'n skooldag al dan nie, waarop 'n opvoeder by die skool of kantoor waaraan hy verbonde is, aan diens moet wees.

TOEPASSING VAN HIERDIE REGULASIES

2. Tensy uitdruklik anders bepaal is, is hierdie regulasies van toepassing op opvoeders in diens by openbare skole of kantore asook op opvoeders wat by Staatsondersteunde skole in diens is in poste ten opsigte waarvan subsidies deur die Staat toegeken word.

ALGEMENE DIENSVOORWAARDES

Pligte van prinsipaal en opvoeders by skole

3. (1) Elke openbare of Staatsondersteunde skool word beheer deur 'n opvoeder wat die prinsipaal genoem word.

(2) Die prinsipaal is ten opsigte van die skool waaroor hy beheer uitoefen, verantwoordelik vir—

- (a) doeltreffende funksionele, administratiewe, organisasie- en werkprosesse;
- (b) leidinggewing in verband met onderrig en ander aktiwiteite;
- (c) die handhawing van dissipline oor die opvoeders, personeel en ingeskrewe leerlinge;
- (d) die behoorlike gebruik en versorging van Staatseiendom;
- (e) die toesighouding oor die werksaamhede van die opvoeders en die personeel;

- (f) the prompt submission of returns which the Director-General may from time to time require; and
- (g) the performance of any other function which the Director-General may from time to time assign to principals in general or to him in particular.

(3) Each educator at a school shall be under the control of the principal and shall, in addition to complying with the requirements of the Act and these regulations and performing the duties normally assigned to his post, perform the duties in connection with supervision at a hostel, supervision during examinations, sports, the organisation of games, youth activities and debating societies and other functions which the principal may from time to time assign to him.

(4) Each educator at a school shall be subject to the rules which the principal may from time to time make for the internal control of the school.

Duties of educators employed at an office

4. An educator employed at an office shall execute the duties assigned to him from time to time by an authorised person.

Conditions under which a subsidy in respect of a post at a State-aided school may be granted

5. In addition to the conditions which the Minister determines with regard to the granting of subsidies in each specific case in terms of section 9 of the Act, the payment of a subsidy for the purposes of these regulations shall be subject to the following conditions:

- (a) A subsidy shall be payable only in respect of a post which has specifically been approved by the Minister on the establishment of a particular State-aided school for subsidy purposes.
- (b) The amount of the subsidy shall be determined in accordance with the emoluments of the person appointed to the post, as provided in terms of section 13 (1) (c) of the Act.
- (c) An educator in a post in respect of which a subsidy is paid shall—
 - (i) submit the returns required of him in terms of regulation 3 (2) (f) within 14 days after he has been requested to do so; and
 - (ii) strictly comply with the conditions of service and other provisions of these regulations that are applicable to him, and the governing body shall take the prescribed action against any educator who disregards or fails to comply with any of the conditions of service or provisions referred to.
- (d) The termination of service or absence from duty of an educator in a post for which a subsidy is paid shall be reported in writing to the Director-General by the governing body within 14 days, failing which any overpayment may be recovered from the governing body.
- (e) The governing body shall furnish within 14 days such information regarding the school, educators, officers, employees or pupils as the Director-General may from time to time require.

- (f) die stiptelike indiening van opgawes wat die Direkteur-generaal van tyd tot tyd vereis; en
- (g) die verrigting van enige ander werksaamheid wat die Direkteur-generaal van tyd tot tyd aan prinsipale in die algemeen of aan hom in die besonder opdra.

(3) Elke opvoeder by 'n skool staan onder beheer van die prinsipaal en voer benewens die voorskrifte van die Wet en hierdie regulasies en die pligte gewoonlik verbonde aan sy pos, ook die pligte uit in verband met die toesigdiens in 'n koshuis, toesig by eksamens, sport, organisasie van spele, jeugaktiwiteite en debatverenigings en ander werksaamhede wat die prinsipaal van tyd tot tyd aan hom opdra.

(4) Elke opvoeder by 'n skool is onderworpe aan die reëls wat die prinsipaal van die skool van tyd tot tyd vir die huishoudelike beheer oor die skool uitreik.

Pligte van opvoeders wat by kantore in diens is

4. 'n Opvoeder wat by 'n kantoor in diens is, moet die pligte uitvoer wat van tyd tot tyd deur 'n gemagtigde persoon aan hom opgedra word.

Voorwaardes waaronder 'n subsidie ten opsigte van 'n pos by 'n Staatsondersteunde skool toegeken kan word

5. Benewens die voorwaardes wat die Minister ten opsigte van die toekenning van subsidies in elke besondere geval ingevolge artikel 9 van die Wet bepaal, is die betaling van 'n subsidie vir die doeleindes van hierdie regulasies aan die volgende voorwaardes onderworpe:

- (a) 'n Subsidie is betaalbaar slegs ten opsigte van 'n pos wat spesifiek vir subsidiedoeleindes op die diensstaat van 'n bepaalde Staatsondersteunde skool deur die Minister goedgekeur is.
- (b) Die bedrag van die subsidie word vasgestel ooreenkomstig die besoldiging soos ingevolge artikel 13 (1) (c) van die Wet bepaal, van die persoon wat in die betrokke pos aangestel word.
- (c) 'n Opvoeder in 'n pos ten opsigte waarvan 'n subsidie betaal word, moet—
 - (i) die opgawes wat ingevolge regulasie 3 (2) (f) van hom vereis word, binne 14 dae nadat hy daartoe versoek is, indien; en
 - (ii) die diensvoorwaardes en ander bepalings in hierdie regulasies wat op hom van toepassing is, stiptelik nakom en die bestuursliggaam moet die voorgeskrewe stappe doen teen die opvoeder wat enige van bedoelde diensvoorwaardes of bepalings verontagsaam of nie nakom nie.
- (d) Die beëindiging van diens, of afwesigheid van diens, van 'n opvoeder in 'n pos ten opsigte waarvan 'n subsidie betaal word, moet binne 14 dae skriftelik deur die bestuursliggaam aan die Direkteur-generaal gerapporteer word, anders kan enige oorbetalings van die bestuursliggaam verhaal word.
- (e) Die bestuursliggaam moet die inligting met betrekking tot die skool, opvoeders, beamptes, werknemers of leerlinge wat die Direkteur-generaal van tyd tot tyd vereis, binne 14 dae verstrek.

Official channels of communication

6. (1) A request or communication from an educator in connection with a matter falling within the scope of the Department's powers or duties shall be directed to the Director-General via the authorised person.

(2) Notwithstanding subregulation (1) matters regarding the appointment, termination of service and leave privileges and enquiries about the salary of an educator employed at a State-aided school shall be referred to the Department by the principal of the school concerned on the recommendation of the governing body or by the governing body itself.

Notice of marital status

7. An educator must, within one calendar month after a change in his marital status, submit a certified copy of a marriage certificate, decree of divorce or death certificate, as the case may be, to the Director-General: Provided that the Director-General may in his discretion demand the submission of the original.

Cession of emoluments

8. An educator shall not assign, transfer or otherwise cede, pledge or hypothecate his emoluments or any part thereof without the written approval of the Director-General.

Confidential nature of documents concerning educators

9. (1) All documents, files and correspondence which relate to an educator or to anything that may be done in terms of the Act or these regulations and which are the property of the State, a school or an office shall be of a confidential nature and a member of the public, an educator or an officer or their legal representatives in an inquiry made in terms of the Act or these regulations shall not have the right of access thereto or inspection thereof.

(2) Notwithstanding the provisions of subregulation (1) educators and officers of the Department may be permitted such access to or inspection of the said documents, files or correspondence as may be necessary for the fulfilment of their official duties and educators shall be entitled to access to educational certificates and testimonials submitted by them.

(3) Subregulation (1) shall not be so interpreted as to prohibit an educator employed at a State-aided school or his legal representative from inspecting documents submitted as evidence at an inquiry into any misconduct by or inefficiency of such educator in terms of these regulations.

Acceptance of gifts, commission, money or reward

10. An educator shall not without the written permission of the Director-General accept a gift, pecuniary or otherwise, to which he is not lawfully entitled, offered to him by any person in respect of his performing his duties.

Amptelike kommunikasiekanale

6. (1) 'n Versoek of mededeling deur 'n opvoeder oor 'n aangeleentheid wat binne die bestek van die Departement se bevoegdhede of pligte val, moet via die gemagtigde persoon aan die Direkteur-generaal gerig word.

(2) Ondanks subregulasie (1) kan aangeleenthede betreffende die aanstelling, diensbeëindiging en verlof-voorregte, en navrae in verband met die salaris van 'n opvoeder in diens by 'n Staatsondersteunde skool, deur die prinsipaal van die betrokke skool op aanbeveling van die bestuursliggaam of deur die bestuursliggaam self na die Departement verwys word.

Kennisgewing van huwelikstaat

7. 'n Opvoeder moet binne een kalendermaand na die datum van 'n verandering in sy huwelikstaat 'n gewaarmerkte afskrif van 'n huweliksertifikaat, egskeidingsbevel of sterftesertifikaat, na gelang van die geval, aan die Direkteur-generaal voorlê: Met dien verstande dat die Direkteur-generaal na goeddunke die voorlegging van die oorspronklike kan vereis.

Afstaan van besoldiging

8. 'n Opvoeder mag nie sy besoldiging of 'n deel daarvan sonder die skriftelike toestemming van die Direkteur-generaal oormak, oordra of andersins sedgeer, verpand of verhipotekeer nie.

Vertroulike aard van dokumente rakende opvoeders

9. (1) Alle dokumente, lêers en korrespondensie wat betrekking het op 'n opvoeder of op enigiets wat kragtens die Wet of hierdie regulasies gedoen kan word en wat die eiendom van die Staat, 'n skool of 'n kantoor is, is vertroulik van aard en 'n lid van die publiek, 'n opvoeder of 'n beampde of hulle regsvertegenwoordiger by enige ondersoek wat kragtens die Wet of hierdie regulasies ingestel word, het nie die reg van toegang daartoe of insae daarin nie.

(2) Ondanks die bepaling van subregulasie (1) kan opvoeders en beamptes van die Departement toegelaat word om die toegang daartoe of insae in genoemde dokumente, lêers of korrespondensie te hê wat vir die verrigting van hulle amptelike pligte nodig is en is opvoeders geregtig om toegang tot opvoedkundige sertifikate en getuigskrifte wat deur hulle ingedien is, te hê.

(3) Subregulasie (1) word nie so uitgelê dat dit 'n opvoeder wat by 'n Staatsondersteunde skool in diens is of sy regsvertegenwoordiger verbied om stukke wat as getuieis voorgelê is by 'n ondersoek na wangedrag of onbekwaamheid van sodanige opvoeder ingevolge hierdie regulasies, in te sien nie.

Aanneem van geskenke, kommissie, geld of beloning

10. 'n Opvoeder mag nie sonder die skriftelike toestemming van die Direkteur-generaal 'n geskenk, geldelik of andersins, wat aan hom deur enigiemand ten opsigte van sy werksaamhede aangebied word en wat nie regtens verskuldig is nie, aanneem nie.

Replying to questions

11. An educator shall reply explicitly to a question concerning his duties and powers put to him by a person who is competent to put such question: Provided that an educator shall not be obliged to furnish a reply which may incriminate him under civil or criminal law.

Obedience

12. (1) Subject to the provisions of subregulation (2) an educator shall unconditionally obey a lawful instruction given to him, in writing or verbally, by an authorised person.

(2) An educator may, after having carried out a verbal instruction, demand that such instruction be confirmed in writing and he may, subject to the provisions of regulation 6, submit any complaint he may have in connection therewith to the authorised person for a decision.

Residential addresses and telephone numbers

13. An educator shall notify the authorised person of his residential address and telephone number, if any, and of any change thereof and the authorised person concerned shall keep a record thereof in a register which shall be kept for that purpose.

Remuneration for outside work

14. An application for permission to do other work as referred to in section 28 (1) (b) of the Act, as well as an application for approval to do outside work for remuneration and to keep the earnings, including earnings after the work has been completed, shall be made on a form approved for this purpose by the Director-General.

Private financial transactions

15. (1) An educator shall not become a party to any form of promissory note.

(2) Notwithstanding the provisions of subregulation (1) the Director-General may give his written consent to a departure from the provisions of that subregulation if he has satisfied himself by investigation that the proposed transaction is being entered into for acceptable reasons which have nothing to do with speculation, gambling or any improper dealing which may lead to the pecuniary embarrassment of the educator concerned.

(3) No consent shall be given in terms of subregulation (2) for a transaction between two educators or an educator and an officer or employee.

(4) An educator shall not borrow money from an educator or officer or employee with a lower post level or rank than himself and who is attached to the same school or office as himself.

(5) If it is evident that an educator has, as contemplated in section 22 (j) of the Act, become insolvent or reached a composition with his creditors, or has become involved in financial difficulties as contemplated in section 22 (k) of the Act, he shall, if the Director-General so requires, furnish the Director-General with a detailed and complete statement of his debts, together with an explanation as to how the debts have been incurred and how he proposes to settle them.

Beantwoording van vrae

11. 'n Opvoeder moet uitdruklik antwoord op 'n vraag in verband met sy pligte en bevoegdhede wat aan hom gestel word deur 'n persoon wat die bevoegdheid het om sodanige vraag te stel: Met dien verstande dat 'n opvoeder nie verplig is om 'n antwoord te verstrek wat hom privaatregtelik of strafregtelik sal inkrimineer nie.

Gehoorsaamheid

12. (1) Behoudens die bepalings van subregulasie (2) moet 'n opvoeder onvoorwaardelik 'n wettige skriftelike of mondelinge bevel gehoorsaam wat aan hom gegee word deur 'n gemagtigde persoon.

(2) 'n Opvoeder kan eis dat 'n mondelinge bevel skriftelik bevestig word nadat hy sodanige bevel gehoorsaam het en hy kan behoudens die bepalings van regulasie 6 'n klagte wat hy in verband daarmee het, aan die gemagtigde persoon vir 'n beslissing voorlê.

Woonadresse en telefoonnommers

13. 'n Opvoeder moet die gemagtigde persoon in kennis stel van sy woonadres en telefoonnommer as hy een het, en enige veranderinge daarvan, en die betrokke gemagtigde persoon moet daardie besonderhede aanteken in 'n register wat vir dié doel gehou word.

Besoldigde buitewerk

14. 'n Aansoek om toestemming vir die verrigting van ander werk bedoel in artikel 28 (1) (b) van die Wet asook 'n aansoek om goedkeuring om besoldigde buitewerk te kan verrig en om die inkomste daaruit verkry te behou, insluitende inkomste wat verkry word nadat die werk afgehandel is, geskied op 'n vorm vir dié doel deur die Direkteur-generaal goedgekeur.

Private geldelike transaksies

15. (1) 'n Opvoeder mag nie medepligtig wees aan enige vorm van skuldbewys nie.

(2) Ondanks die bepalings van subregulasie (1) kan die Direkteur-generaal skriftelik toestemming verleen dat daar van die bepalings van daardie subregulasie afgewyk word indien hy hom deur ondersoek daarvan vergewis het dat die voorgenome transaksie aangegaan word om aanneemlike redes wat niks te doen het met spekulasie, dobbelary of 'n onbehoorlike handeling wat die betrokke opvoeder in geldelike moeilikheid kan laat kom nie.

(3) Geen toestemming word kragtens subregulasie (2) ten opsigte van 'n transaksie tussen twee opvoeders of 'n opvoeder en 'n beamppte of werknemer verleen nie.

(4) 'n Opvoeder mag nie geld leen van 'n opvoeder of beamppte of werknemer wat 'n laer posvlak of rang as hyself beklee en wat aan dieselfde skool of kantoor as hy verbonde is nie.

(5) Indien dit blyk dat 'n opvoeder insolvent geword het of 'n akkoord met sy skuldeisers aangegaan het soos in artikel 22 (j) van die Wet bedoel, of in geldelike moeilikheid geraak het soos in artikel 22 (k) van die Wet bedoel, lê hy, indien die Direkteur-generaal dit vereis, 'n volledige staat van sy skulde tesame met 'n verklaring van hoe die skulde aangegaan is en hoe hy van voorneme is om sodanige skulde te vereffen, aan die Direkteur-generaal voor.

Legal proceedings for debt

16. The issuing of a process or court order on account of debt or of a judgment or sequestration proceedings in terms of the Insolvency Act, 1936 (Act No. 24 of 1936), in which an educator is the defendant shall, together with full particulars of the circumstances which led to the issuing of such process or court order, be reported within 14 days to the Director-General by the educator who is the defendant.

Participation in political and other related activities**17. An educator—**

- (a) shall not use his position of office to promote or prejudice the interests of a political party or political organisation;
- (b) shall not draw up, publish or have published a paper on a political issue;
- (c) shall not express himself in the public press or in public on political matters;
- (d) shall not display, circulate or distribute any notice, document, bill or other paper which seeks support for any political party or organisation or which relates to the election or the opposition of the election of a person as a member of Parliament, the legislative body of a self-governing territory or an independent state or a committee, council, board or body instituted by or in terms of any law in a school or office or on any grounds (including sports grounds) of a school or office or at any function of a school, whether before, during or after school hours or office hours; and
- (e) shall not perform any other act relating to an election mentioned in subregulation (1) (d) in any school or office or on such grounds or sports grounds or at any function of a school or office.

Reports on educators and adverse remarks

18. (1) A report, on a form approved by the Director-General, shall be drawn up and submitted to the Department by an authorised person in respect of any educator as often as the Director-General may require.

(2) Subject to the provisions of subregulation (3), an educator on whom a report has been drawn up in terms of subregulation (1) shall not have access to such report.

(3) Any adverse remark contained in a report referred to in subregulation (1) shall be brought to the notice of the educator concerned in writing and in its full context by the person who compiled the report.

(4) The educator referred to in subregulation (3) shall sign the said report and return it to the compiler thereof together with such representations, in writing, as he may desire to submit in respect thereof.

Regsvordering weens skuld

16. Indien 'n prosesstuk of hofbevel weens skuld, of 'n vonnis of sekwestrasieerrigtinge ingevolge die Insolvensiewet, 1936 (Wet No. 24 van 1936), waarby 'n opvoeder die verweerder is, uitgereik is, moet daardie uitreiking tesame met volledige besonderhede van die omstandighede wat tot die uitreiking van sodanige prosesstuk of hofbevel gelei het, binne 14 dae aan die Direkteur-generaal gerapporteer word deur die opvoeder wat die verweerder is.

Deelname aan politieke en ander verwante bedrywighede**17. 'n Opvoeder—**

- (a) mag nie van sy ampsofweg gebruik maak ten einde die belange van 'n politieke party of 'n politieke organisasie te bevorder of te benadeel nie;
- (b) mag nie 'n geskrif oor 'n politieke aangeleentheid opstel of publiseer of laat publiseer nie;
- (c) mag hom nie andersins in die openbare media of in die openbaar oor 'n politieke aangeleentheid uitlaat nie;
- (d) mag geen kennisgewing, dokument, biljet of ander stuk wat ondersteuning vir enige politieke party of organisasie uitlok of wat betrekking het op die verkiesing of die bestryding van die verkiesing van iemand tot lid van die Parlement, 'n wetgewende liggaam van 'n selfregerende gebied of 'n onafhanklike staat, of 'n komitee, raad, bestuur of liggaam wat by of ingevolge enige wet ingestel is in 'n skool of kantoor of op enige terrein (met inbegrip van 'n sportterrein) van 'n skool of kantoor, of by enige verrigtinge van 'n skool, hetsy voor, gedurende of na skoolure of kantoorure, aanbring, versprei of uitdeel nie; en
- (e) mag geen ander daad wat op 'n verkiesing bedoel in subregulasie (1) (d) betrekking het, in 'n skool of kantoor of op bedoelde terrein of sportterrein of by enige verrigting van 'n skool of kantoor verrig nie.

Verslae oor opvoeders en ongunstige opmerkings

18. (1) 'n Verslag op 'n vorm deur die Direkteur-generaal goedgekeur, moet so dikwels as wat die Direkteur-generaal vereis, ten opsigte van 'n opvoeder deur 'n gemagtigde persoon opgestel en by die Departement ingedien word.

(2) Behoudens die bepalinge van subregulasie (3) het 'n opvoeder nie insae in 'n verslag wat ingevolge subregulasie (1) oor hom opgestel is nie.

(3) Enige ongunstige opmerking wat in 'n verslag bedoel in subregulasie (1) vervat is, moet deur die opsteller van daardie verslag skriftelik en in sy volledige samehang onder die betrokke opvoeder se aandag gebring word.

(4) Die opvoeder vermeld in subregulasie (3) moet die bedoelde verslag onderteken en dit tesame met enige skriftelike verhoë wat hy in verband daarmee wil lewer, aan die opsteller daarvan besorg.

(5) The provisions of subregulations (1) to (4) shall also apply to adverse remarks made in respect of an educator in a written communication, except that such remarks shall be brought to the educator's attention by an authorised person.

(6) If it comes to the attention of the Director-General that an adverse remark is unjustified, the Director-General may at any time, if he deems fit, declare any adverse remark in connection with an educator which has been brought to the attention of the educator in terms of subregulation (3) null and void and in such a case the educator shall be notified in writing of the nullification thereof.

(7) Notwithstanding the provisions of subregulation (3), the Director-General may direct that the adverse remark shall not be brought to the notice of the educator concerned if he is of the opinion that it is not in the interests of the educator to do so.

APPOINTMENT, PROMOTION, TRANSFER AND TERMINATION OF SERVICE OF EDUCATORS

General

19. (1) Any person who wishes to be considered for appointment as an educator shall apply in writing on a form approved by the Director-General.

(2) Any person who wishes to be considered for permanent appointment as an educator shall fully complete a health questionnaire approved by the Director-General.

(3) The Minister may require a person who wishes to be considered for permanent appointment at a public school or office, and a governing body may require a person who wishes to be considered for such an appointment at a State-aided school, to undergo a medical examination (which may include a psychological examination) by a district surgeon or a full-time Government medical officer or any other medical practitioner, who shall submit a report on a form approved by the Director-General.

(4) The costs of an examination by such other medical practitioner referred to in subregulation (3) shall be borne by the Department.

(5) If a report from a specialist physician or any other medical report is required by the Minister or governing body, as the case may be, the person shall bear the costs of such examination himself.

Permanent appointments and promotions

20. (1) The appointment or promotion of an educator on probation shall not be confirmed in terms of section 19 (3) of the Act by the Minister, in the case of an educator employed at a public school or office, or by the governing body with the approval of the Minister, in the case of an educator employed at a State-aided school, unless—

- (a) the Minister, or the governing body with the approval of the Minister, as the case may be, is satisfied that such educator during the period of probation has been diligent, that his conduct has been uniformly satisfactory, that he is in all respects suitable for the post which he holds and that he has complied with all the conditions to which his appointment or promotion was subject; and

(5) Die bepalings van subregulasies (1) tot en met (4) is ook van toepassing op ongunstige opmerkings wat in 'n skriftelike mededeling ten opsigte van 'n opvoeder gemaak word, behalwe dat sodanige opmerkings deur 'n gemagtigde persoon onder die opvoeder se aandag gebring moet word.

(6) Indien dit onder die Direkteur-generaal se aandag kom dat 'n ongunstige opmerking ongegrond is, kan die Direkteur-generaal te eniger tyd na goeddunke enige ongunstige opmerking oor 'n opvoeder wat ingevolge subregulasie (3) onder die betrokke opvoeder se aandag gebring is nietig verklaar, en moet die betrokke opvoeder skriftelik van die nietigverklaring daarvan verwittig word.

(7) Ondanks die bepalings van subregulasie (3) kan die Direkteur-generaal gelas dat die ongunstige opmerking nie onder die aandag van die betrokke opvoeder gebring word nie indien hy van oordeel is dat dit nie in belang van die opvoeder is nie.

AANSTELLING, BEVORDERING, VERPLASING EN DIENSBEËINDIGING VAN OPVOEDERS

Algemeen

19. (1) Iemand wat vir 'n aanstelling as opvoeder in aanmerking wil kom, moet skriftelik daarom aansoek doen op 'n vorm soos deur die Direkteur-generaal goedgekeur.

(2) Iemand wat vir 'n vaste aanstelling as opvoeder in aanmerking wil kom, moet 'n gesondheidsvraelys soos deur die Direkteur-generaal goedgekeur, volledig invul.

(3) Die Minister kan van iemand wat vir 'n vaste aanstelling by 'n openbare skool of kantoor in aanmerking wil kom, en 'n bestuursliggaam kan van iemand wat vir so 'n aanstelling by 'n Staatsondersteunde skool in aanmerking wil kom, vereis dat hy hom aan 'n mediese ondersoek (wat 'n sielkundige ondersoek kan insluit) deur 'n distriksgeneesheer of 'n voltydse Staatsmediese beamppte of 'n ander geneesheer onderwerp, wat 'n verslag op 'n vorm soos deur die Direkteur-generaal goedgekeur, moet voorlê.

(4) Die koste van 'n ondersoek deur 'n ander geneesheer in subregulasie (3) bedoel, word deur die Departement gedra.

(5) Indien 'n internis se verslag of 'n ander mediese verslag deur die Minister of bestuursliggaam, na gelang van die geval, verlang word, moet die persoon self die koste van die ondersoek dra.

Vaste aanstellings en bevorderings

20. (1) Die aanstelling of bevordering van 'n opvoeder op proef word nie kragtens artikel 19 (3) van die Wet deur die Minister, in die geval van 'n opvoeder wat by 'n openbare skool of kantoor in diens is, of die bestuursliggaam met die goedkeuring van die Minister, in die geval van 'n opvoeder wat by 'n Staatsondersteunde skool in diens is, bekragtig nie tensy—

- (a) die Minister, of die bestuursliggaam met die goedkeuring van die Minister, na gelang van die geval, oortuig is dat genoemde opvoeder gedurende die proeftydperk ywerig was, dat sy gedrag deurgaans bevredigend was, dat hy in alle opsigte geskik is vir die pos wat hy beklee en dat hy voldoen het aan al die voorwaardes waaraan sy aanstelling of bevordering onderworpe was; en

- (b) the educator has submitted a health questionnaire or medical report by a medical practitioner as prescribed in regulation 19 (2) and (3), which indicates that he is free from any mental or physical defect, disease or infirmity which is likely to impede the proper performance of his duties or necessitate his retirement before he reaches the pensionable age: Provided that the Minister may exempt an educator who was employed in a permanent capacity at a public school or office or a person referred to in regulation 22 who was appointed in a permanent capacity in an educators' post or in a post in the Public Service immediately prior to such appointment or promotion from the obligation to submit such questionnaire or report.

(2) If a probationary promotion is not confirmed, an educator who immediately prior to his probationary promotion was an educator employed at a public school or office or at a State-aided school but was not an educator on probation shall revert to the post or post level formerly held by him or to a post of equivalent grading and to the salary he would have reached in his former post.

(3) Subject to the provisions of subregulation (2), an educator who is serving on probation may be discharged by the Minister or by the governing body with the approval of the Minister, as the case may be, either during or on or after the expiry of his probationary period—

- (a) by giving him one month's notice of the discharge; or
- (b) by summarily terminating his service if his conduct is unsatisfactory.

Appointment of substitute educators

21. If an educator is absent a suitable substitute may be appointed in the place of such educator for a period determined by the Minister and a person so appointed shall exercise the powers and perform the duties attached to the post.

Transfers

22. (1) If a person is in the full-time employment of—

- (a) a department as contemplated by the Public Service Act, 1984;
- (b) the Department of Posts and Telecommunications;
- (c) a university or any other educational institution in the Republic established by or in terms of any law;
- (d) a self-governing territory; or
- (e) a body or institution with a pension or provident fund administered by or for the Government;

and is appointed without a break in service to a post on the fixed establishment of a school or office, such appointment may, subject to the provisions of regulation 8 of the regulations made in terms of the Government Service Pension Act, 1973 (Act No. 57 of 1973), or regulation 7 of the regulations made in terms of the Temporary Employees Pension Fund Act, 1979 (Act No. 75 of 1979), as the case may be, be regarded as a transfer for pension purposes.

- (b) die opvoeder 'n gesondheidsvraelys of 'n verslag van 'n geneesheer soos voorgeskryf in regulasie 19 (2) en (3) voorgelê het, wat aandui dat hy vry is van enige verstandelike of liggaamlike gebrek, siekte of swakheid wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer of sy uitdienststreding sal noodsaak voordat hy die leeftyd vir uitdienststreding met pensioen bereik: Met dien verstande dat die Minister 'n opvoeder wat op 'n vaste grondslag in diens was by 'n openbare skool of kantoor of 'n persoon bedoel in regulasie 22 wat onmiddellik voor sodanige aanstelling of bevordering in 'n vaste hoedanigheid in 'n opvoederspos of in 'n pos in die Staatsdiens aangestel was, kan vrystel van die verpligting om bedoelde vraelys of verslag voor te lê.

(2) Indien 'n bevordering op proef nie bekragtig word nie, keer 'n opvoeder wat onmiddellik voor sy bevordering op proef 'n opvoeder in diens by 'n openbare skool of kantoor of 'n Staatsondersteunde skool was maar nie 'n opvoeder op proef was nie, terug na die pos of posvlak wat hy tevore beklee het of na 'n pos van gelyke gradering met dié van sy vorige pos en na die salaris wat hy in sy vorige pos sou bereik het.

(3) Behoudens die bepalings van subregulasie (2) kan 'n opvoeder wat op proef dien, deur die Minister of die bestuursliggaam met die goedkeuring van die Minister, na gelang van die geval, ontslaan word, hetsy gedurende of by of ná verstryking van sy proeftydperk—

- (a) deur hom een maand kennis te gee van die ontslag; of
- (b) deur sy dienste summier te beëindig as sy gedrag onbevredigend is.

Aanstelling van plaasvervangende opvoeders

21. Indien 'n opvoeder afwesig is, kan 'n geskikte plaasvervanger vir 'n tydperk deur die Minister bepaal, in die plek van genoemde opvoeder aangestel word en iemand wat aldus aangestel is, moet die bevoegdhede uitoefen en die pligte uitvoer wat aan die pos verbonde is.

Verplasings

22. (1) Indien iemand in 'n vaste hoedanigheid in diens is van—

- (a) 'n departement binne die bedoeling van die Staatsdienswet, 1984;
- (b) die Departement van Pos- en Telekommunikasiewese;
- (c) 'n universiteit of ander opvoedkundige inrigting in die Republiek wat by of kragtens 'n wet ingestel is; of
- (d) 'n selfregerende gebied; of
- (e) 'n liggaam of instelling wat 'n pensioen- of voorsorgfonds het wat deur of vir die Staat geadmistreer word;

en sonder onderbreking van diens aangestel word in 'n pos op die vaste diensstaat van 'n skool of kantoor, word so 'n aanstelling vir pensioendoeleindes behoudens die bepalings van regulasie 8 van die regulasies uitgevaardig kragtens die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), of regulasie 7 van die regulasies uitgevaardig kragtens die Wet op die Pensioenfonds vir Tydelike Werknemers, 1979 (Wet No. 75 van 1979), na gelang van die geval, geag 'n verplasing te wees.

(2) An educator who is employed at a State-aided school may be transferred by the governing body of that school to any other school under the control of the same governing body, whether such transfer is to a post of a lower grading or not, if the interests of the first or latter school so require.

(3) A transfer in terms of subregulation (2) which involves a reduction in such educator's pensionable emoluments shall not be made without his consent, unless the transfer takes place as a result of a reduction in the post level of that educator owing to his misconduct or incompetence.

(4) The governing body concerned shall notify the Director-General in writing within 14 days of the transfer of an educator in terms of subregulation (2).

Termination of service

23. (1) If the services of an educator employed at a public school or office are terminated in terms of section 21 (1) (b) or (c) of the Act or if the services of an educator employed at a State-aided school are terminated in terms of subregulation (2) (b) or (c), at least one school quarter's written notice of such termination shall be given and such notice shall reach the educator not later than the seventh day of the school quarter in question.

(2) An educator employed at a State-aided school may be discharged by the governing body of that school with the prior approval of the Minister—

- (a) on account of continued ill-health;
- (b) owing to the abolition of his post or a reduction in or reorganisation of the staff of such school;
- (c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy at the school in question;
- (d) subject to the provisions of regulation 60, on account of unfitness for his duties or incapacity to perform them efficiently;
- (e) subject to the provisions of regulation 59, on account of misconduct as defined in section 22 of the Act; or
- (f) if, in the case of an educator appointed on probation, his appointment is not confirmed.

(3) An educator appointed on a permanent basis at a State-aided school may terminate his services by giving one school quarter's notice in writing or such shorter notice as may be acceptable to the Minister: Provided that such shorter notice shall also be acceptable to the governing body.

(4) The services of an educator appointed at a State-aided school in a temporary or part-time capacity may be terminated by the governing body of such school with the prior approval of the Minister by giving 24 hours' notice in writing.

(2) 'n Opvoeder wat by 'n Staatsondersteunde skool in diens is, kan deur die bestuursliggaam van daardie skool verplaas word na 'n ander skool onder beheer van daardie bestuursliggaam, hetsy die verplasing na 'n pos met 'n laer gradering is al dan nie, indien die belange van eersgenoemde of laasgenoemde skool dit vereis.

(3) 'n Verplasing ingevolge subregulasie (2) wat 'n vermindering in die betrokke opvoeder se pensioengewende verdienste meebring, geskied nie sonder sy toestemming nie, tensy die verplasing as gevolg van 'n verlaging van posvlak na aanleiding van die wan-gedrag of onbekwaamheid van daardie opvoeder geskied.

(4) Die betrokke bestuursliggaam moet in die geval van 'n verplasing bedoel in subregulasie (2), die Direkteur-generaal binne 14 dae skriftelik in kennis stel van sodanige verplasing.

Diensbeëindiging

23. (1) Indien 'n opvoeder wat by 'n openbare skool of kantoor in diens is, kragtens artikel 21 (1) (b) of (c) van die Wet ontslaan word, of indien die dienste van 'n opvoeder wat by 'n Staatsondersteunde skool in diens is, ingevolge subregulasie (2) (b) of (c) beëindig word, geskied dit met minstens een skoolkwartaal skriftelike kennisgewing en moet so 'n kennisgewing die betrokke opvoeder nie later nie as die sewende dag van die betrokke skoolkwartaal bereik.

(2) 'n Opvoeder in diens by 'n Staatsondersteunde skool kan deur die bestuursliggaam van die betrokke skool met die voorafverkreë goedkeuring van die Minister ontslaan word—

- (a) weens voortdurende swak gesondheid;
- (b) weens die afskaffing van sy pos of vermindering of reorganisasie of herreëling van die personeel van die betrokke skool;
- (c) as, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag doeltreffendheid of besuiniging by die betrokke skool sal bevorder;
- (d) behoudens die bepalinge van regulasie 60, weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;
- (e) behoudens die bepalinge van regulasie 59, weens wangedrag soos omskryf in artikel 22 van die Wet; of
- (f) as, in die geval van 'n opvoeder wat op proef aangestel is, sy aanstelling nie bekragtig word nie.

(3) 'n Opvoeder by 'n Staatsondersteunde skool wat op 'n vaste grondslag aangestel is, kan sy diens beëindig deur een skoolkwartaal skriftelik kennis te gee of korter kennisgewing as dit vir die Minister aanneemlik is: Met dien verstande dat die korter kennisgewing ook vir die bestuursliggaam aanneemlik moet wees.

(4) Die dienste van 'n opvoeder wat in 'n tydelike of deeltydse hoedanigheid by 'n Staatsondersteunde skool aangestel is, kan deur die bestuursliggaam van die betrokke skool met die voorafverkreë goedkeuring van die Minister met 24 uur skriftelike kennisgewing beëindig word.

(5) At schools where a semester system or a three-term system has been approved in terms of section 36 of the Act, the meaning of the word "quarter" shall be assigned to the expression "school quarter" in these regulations.

Provisions concerning the medical fitness of an educator

24. (1) If the Minister is of the opinion that an educator's health is such as to render him unable to perform his functions efficiently, he may at any time assure himself of the fitness of such educator to proceed with his functions either by the submission of a certificate by a registered medical practitioner as the Minister may determine or by instructing the educator to undergo an examination by a district surgeon or by a board referred to in section 21 (4) of the Act, which district surgeon or board shall submit to the Director-General a report on his or its findings.

(2) An educator may arrange at his own expense for his private medical practitioner to be present at the proceedings of the board referred to in subregulation (1).

(3) The Director-General shall submit the report referred to in subregulation (1) to the Director-General of National Health and Population Development for a recommendation.

(4) If it appears from the evidence referred to in subregulation (1) or the recommendation referred to in subregulation (3) that a reasonable prospect exists that the educator after a period of leave will be able to perform his functions in an efficient manner, the Minister may require him to take sick leave in terms of the provisions of these regulations for such period or further period as the Minister may determine and to receive medical treatment during that period, as the case may require.

(5) An educator who fails or refuses to submit the evidence or to undergo the examination referred to in subregulation (1) shall be deemed to be guilty of misconduct as defined in section 22 (c) of the Act and may be dealt with in accordance with the provisions of section 23 of the Act, if employed at a public school or office, or in accordance with the provisions of regulation 59 if employed at a State-aided school.

Salary of educator: Date on which salary commences and terminates

25. (1) Subject to the provisions of subregulations (2), (3), (4), (5), (6), (7), (8) and (9) an educator shall be paid a salary with effect from the date on which he assumes duty up to and including the date on which his service terminates.

(2) An educator who renders service at a school from the first working day up to and including the last working day of a school quarter shall be paid a salary with effect from the first day of the school quarter in question up to and including the last day of such school quarter, provided that the school quarter in question falls within only one quarter.

(3) An educator who renders service at an office from the first working day up to and including the last working day of a month shall be paid a salary with effect from the first day of the month in question up to and including the last day of such month.

(5) By skole waar 'n semester- of 'n drietermynstel sel kragtens artikel 36 van die Wet goedgekeur is, word in hierdie regulasie aan die woord "skoolkwartaal" die betekenis van "kwartaal" geheg.

Bepalings betreffende die mediese geskiktheid van 'n opvoeder

24. (1) Indien die Minister van oordeel is dat 'n opvoeder se gesondheidstoestand van so 'n aard is dat hy nie in staat is om sy werksaamhede doeltreffend te verrig nie, kan hy homself te eniger tyd vergewis van die geskiktheid van die opvoeder om met sy werksaamhede voort te gaan, hetsy deur die voorlegging van 'n sertifikaat deur 'n geregistreerde geneesheer soos deur die Minister bepaal of deur te gelas dat die opvoeder ondersoek word deur 'n distriksgeneesheer of deur 'n raad bedoel in artikel 21 (4) van die Wet, wat 'n verslag oor sy bevindinge aan die Direkteur-generaal moet voorlê.

(2) 'n Opvoeder kan op eie koste reël dat sy private geneesheer by die verrigtinge van die raad in subregulasie (1) bedoel teenwoordig is.

(3) Die verslag in subregulasie (1) bedoel, moet deur die Direkteur-generaal aan die Direkteur-generaal van Nasionale Gesondheid en Bevolkingsontwikkeling voorgelê word vir 'n aanbeveling.

(4) Indien dit uit die bewyse in subregulasie (1) bedoel of die aanbeveling in subregulasie (3) bedoel, blyk dat daar 'n redelike vooruitsig bestaan dat die opvoeder na 'n tydperk van verlof sy werksaamhede op doeltreffende wyse sal kan uitvoer, kan die Minister vereis dat hy siekteverlof ingevolge die bepalings van hierdie regulasies neem vir die tydperk of verdere tydperk wat die Minister bepaal en dat hy gedurende bedoelde tydperk geneeskundige behandeling ontvang, na gelang van die omstandighede van die geval.

(5) 'n Opvoeder wat versuim of weier om die bewyse voor te lê of die ondersoek te ondergaan wat in subregulasie (1) bedoel word, maak hom skuldig aan wan gedrag soos in artikel 22 (c) van die Wet omskryf en daar kan met hom gehandel word ooreenkomstig die bepalings van artikel 23 van die Wet, as hy by 'n openbare skool of kantoor in diens is of ooreenkomstig die bepalings van regulasie 59 as hy by 'n Staatsondersteunde skool in diens is.

Salaris van opvoeder: Datum waarop salaris begin en eindig

25. (1) Behoudens die bepalings van subregulasies (2), (3), (4), (5), (6), (7), (8) en (9) word die salaris van 'n opvoeder betaal met ingang van die datum waarop hy diens aanvaar tot en met die datum waarop sy diens eindig.

(2) Aan 'n opvoeder wat diens doen by 'n skool vanaf die eerste werkdag tot en met die laaste werkdag van 'n skoolkwartaal, word salaris betaal vanaf die eerste dag van die betrokke skoolkwartaal tot en met die laaste dag van daardie skoolkwartaal, mits die betrokke skoolkwartaal binne slegs een kwartaal val.

(3) Aan 'n opvoeder wat diens doen by 'n kantoor vanaf die eerste werkdag tot en met die laaste werkdag van 'n maand, word salaris betaal vanaf die eerste dag van die betrokke maand tot en met die laaste dag van die betrokke maand.

(4) Subject to the provisions of subregulations (5) and (6) an educator employed at a school who is appointed during any school quarter and who renders service for a continuous period of at least 30 days during such school quarter shall be paid a salary—

- (a) if such service begins on the first working day of the school quarter, from the first day of the month in which he assumes duty up to and including the last day he is so in service; or
- (b) if such service terminates on the last working day of the school quarter, from the day such service begins up to and including the last day of the month concerned; or
- (c) if such service does not begin on the first working day of the school quarter and also does not terminate on the last working day of the school quarter, from the day such service begins up to and including the last day he is so in service.

(5) If a school quarter commences within the same month in which the preceding school quarter ends, salary shall be paid under the circumstances referred to in subregulation (4) (a)—

- (a) with effect from the first day following the closing date of the preceding school quarter; or
- (b) with effect from the day following the date on which the services of the educator concerned terminated under any other education department if he so served as an educator at a school for a continuous period of at least 30 days, including the last working day of the preceding school quarter.

(6) If a school quarter ends within the same month in which the following school quarter commences, salary shall, under the circumstances referred to in subregulation (4) (b), be paid up to and including the last working day of the school quarter in which the service of the educator concerned terminates at a school.

(7) An educator employed at a school who is appointed during any school quarter and who renders service for a period of less than 30 days during such school quarter shall be paid a salary from the day on which such service begins up to and including the last day the educator is so in service, irrespective of whether such service begins on the first working day of the school quarter or terminates on the last working day of the school quarter: Provided that, if he renders service up to and including the last working day of the said school quarter and renders service as from the first working day of the following school quarter for a continuous period of at least 30 days, he shall be paid a salary for the intervening holiday period.

(8) Notwithstanding the provisions of subregulation (1) a person referred to in regulation 22 who is appointed as an educator on a full-time basis at a school without a break in service may be paid salary with effect from the day immediately following the date up to which he was paid by his former employer: Provided that the Minister may approve that this subregulation apply also to a person who is appointed as an educator at a school on a permanent basis without a break in service after full-time service on a permanent basis at an educational institution which is not mentioned in regulation 22 but which is recognised by the Minister for this purpose.

(4) Behoudens die bepalings van subregulasies (5) en (6) word aan 'n opvoeder in diens by 'n skool wat in enige skoolkwartaal aangestel word en vir 'n tydperk van minstens 30 dae ononderbroke in die betrokke skoolkwartaal diens doen, salaris betaal—

- (a) as sy diens op die eerste werkdag van die skoolkwartaal begin, vanaf die eerste dag van die betrokke maand waarin hy diens aanvaar tot en met die laaste dag waarop hy aldus in diens is; of
- (b) as sy diens op die laaste werkdag van die skoolkwartaal eindig, vanaf die dag waarop sy diens begin tot en met die laaste dag van die betrokke maand; of
- (c) as sy diens nie op die eerste werkdag van die skoolkwartaal begin nie en ook nie op die laaste werkdag van die skoolkwartaal eindig nie, vanaf die dag waarop sy diens begin tot en met die laaste dag waarop hy aldus in diens is.

(5) Indien 'n skoolkwartaal binne dieselfde maand begin as dié waarin die voorafgaande skoolkwartaal eindig, word onder die omstandighede bedoel in subregulasie (4) (a), salaris betaal—

- (a) met ingang van die eerste dag wat volg op die sluitingsdatum van die voorafgaande skoolkwartaal; of
- (b) met ingang van die dag wat volg op die datum waarop die betrokke opvoeder se diens onder 'n ander onderwysdepartement geëindig het, indien hy aldus minstens 30 dae, met inbegrip van die laaste werkdag van die voorafgaande skoolkwartaal, ononderbroke diens as opvoeder by 'n skool gedoen het.

(6) Indien 'n skoolkwartaal binne dieselfde maand eindig as dié waarin die eersvolgende skoolkwartaal begin, word onder die omstandighede bedoel in subregulasie (4) (b), salaris betaal tot en met die laaste werkdag van die skoolkwartaal waarin die betrokke opvoeder se diens by 'n skool eindig.

(7) Aan 'n opvoeder in diens by 'n skool wat in enige skoolkwartaal aangestel word en diens doen vir 'n tydperk van minder as 30 dae in die betrokke skoolkwartaal, word salaris betaal vanaf die dag waarop sy diens begin tot en met die laaste dag waarop hy aldus in diens is, ongeag of die diens op die eerste werkdag van die skoolkwartaal begin of op die laaste werkdag van die skoolkwartaal eindig: Met dien verstande dat, indien hy tot en met die laaste werkdag van die betrokke skoolkwartaal diens doen en vanaf die eerste werkdag van die eersvolgende skoolkwartaal vir 'n aaneenlopende tydperk van minstens 30 dae diens doen, salaris vir die tussenkomende vakansietydperk aan hom betaal word.

(8) Ondanks die bepalings van subregulasie (1) kan aan iemand bedoel in regulasie 22 wat sonder diensonderbreking op 'n voltijdse grondslag as opvoeder in diens by 'n skool aangestel word, salaris betaal word met ingang van die dag onmiddellik na die datum tot wanneer hy deur sy vorige werkgewer besoldig is: Met dien verstande dat die Minister kan goedkeur dat hierdie subregulasie ook van toepassing is op iemand wat sonder diensonderbreking op 'n voltijdse grondslag as opvoeder by 'n skool aangestel word na voltijdse diens in 'n vaste hoedanigheid by 'n opvoedkundige instelling wat nie in regulasie 22 vermeld word nie maar deur die Minister vir hierdie doel erken word.

(9) An educator employed at a school who is appointed during any school quarter and who renders service for a continuous period of at least 30 days during such school quarter, if such service terminates on the last working day of the last school quarter of the year concerned, shall be paid a salary up to and including the last day of such year.

(10) Notwithstanding the provisions of subregulation (4) (a) a person who has been appointed as an educator at a school in a permanent capacity and who, immediately after the completion of his course of training or instruction as an educator is called up by the South African Defence Force for his initial period of compulsory military service and is therefore unable to assume duty on the first working day of a school quarter and to whom leave could have been granted in terms of regulation 44 (1) had he already assumed duty, shall be paid a salary as if he had assumed duty on the first working day of the school quarter.

(11) In the application of this regulation in cases where a school year has been divided into two school semesters or three terms instead of into four school quarters, a reference to "school quarter" shall be interpreted as a reference to a school semester or term, as the case may be.

26. An educator employed at an office who resigns and gives at least one month's notice shall be paid a salary for the day of rest or successive days of rest with which a month ends, provided that he is usually paid for days of rest and provided the educator remains in service until the last working day of the month.

Salary increments

27. (1) Subject to the provisions of subregulation (2) the salary of an educator shall be increased by one salary increment within the limits of the salary scale applicable to him after completion of each salary incremental period and with effect from the first day of his incremental month.

(2) If an authorised person issues a certificate in which it is declared that the conduct of an educator in terms of industry, discipline, punctuality and sobriety has not been uniformly satisfactory during a salary incremental period or that he has not performed his work uniformly satisfactorily during a salary incremental period, the salary of such an educator shall not be increased in terms of subregulation (1): Provided that the Director-General may grant approval for the salary of an educator to be increased in terms of subregulation (1) irrespective of whether a certificate referred to in this subregulation has been issued.

(3) If the salary of an educator is not increased in terms of subregulation (1) or the proviso to subregulation (2) on account of the issuing of a certificate referred to in subregulation (2), such educator shall be notified by the Director-General in writing of the reasons therefor and also that on the expiry of a continuous period to be indicated but which shall not exceed a salary incremental period, a salary increment may be granted on condition that a certificate is issued by an authorised person in which it is declared that the conduct and work of the educator referred to in subregulation (2) were satisfactory during such period.

(9) Aan 'n opvoeder in diens by 'n skool wat in enige skoolkwartaal aangestel word en vir 'n tydperk van minstens 30 dae ononderbroke in die betrokke skoolkwartaal diens doen, as daardie diens eindig op die laaste werkdag van die laaste skoolkwartaal van die betrokke jaar, word salaris betaal tot en met die laaste dag van genoemde jaar.

(10) Ondanks die bepalings van subregulasie (4) (a) word aan iemand wat in 'n vaste hoedanigheid as opvoeder in diens by 'n skool aangestel is en wat onmiddellik na voltooiing van sy opleidings- of onder- rigprogram as opvoeder deur die Suid-Afrikaanse Weermag opgeroep word vir sy aanvanklike tydperk van verpligte militêre diens en gevolglik nie in staat is om op die eerste werkdag van 'n skoolkwartaal diens te aanvaar nie en aan wie verlof ingevolge regulasie 44 (1) toegestaan sou kon word indien hy reeds diens aanvaar het, salaris betaal asof hy op die eerste werkdag van die skoolkwartaal diens aanvaar het.

(11) By die toepassing van hierdie regulasie, waar 'n skooljaar in twee skoolsemesters of in drie termynen in plaas van vier skoolkwartale ingedeel is, word 'n verwysing na "skoolkwartaal" uitgelê as 'n verwysing na 'n skoolsemester of 'n termyn, na gelang van die geval.

26. Aan 'n opvoeder in diens by 'n kantoor wat bedank en wat minstens 'n maand kennis gee, word salaris betaal vir die rusdag of opeenvolgende rusdae waarmee 'n maand eindig mits hy normaalweg vir rusdae betaal word en hy in diens bly tot en met die laaste werkdag van die maand.

Salarisverhogings

27. (1) Behoudens die bepalings van subregulasie (2) word die salaris van 'n opvoeder na voltooiing van elke salarisverhogingstydperk met ingang van die eerste dag van sy verhogingsmaand verhoog met een salarisverhoging binne die perke van die salarisskaal wat op hom van toepassing is.

(2) Indien 'n gemagtigde persoon 'n sertifikaat uitreik waarin verklaar word dat 'n opvoeder se gedrag met betrekking tot ywer, dissipline, stiptheid en matigheid gedurende 'n salarisverhogingstydperk nie deurgaans op 'n bevredigende wyse verrig is nie, word die salaris van die betrokke opvoeder nie ingevolge subregulasie (1) verhoog nie: Met dien verstande dat die Direkteur-generaal kan goedkeur dat die salaris van 'n opvoeder ingevolge subregulasie (1) verhoog word ongeag of 'n sertifikaat in hierdie subregulasie bedoel, uitgereik is.

(3) Indien die salaris van 'n opvoeder nie ingevolge subregulasie (1) of die voorbehoudsbepaling by subregulasie (2) verhoog word nie vanweë die uitreiking van 'n sertifikaat in subregulasie (2) bedoel, word so 'n opvoeder skriftelik deur die Direkteur-generaal verwittig van die redes daarvoor asook dat, by verstryking van 'n aaneenlopende tydperk wat aangedui moet word maar wat nie langer as 'n salarisverhogingstydperk is nie, 'n salarisverhoging toegeken kan word op voorwaarde dat 'n sertifikaat deur 'n gemagtigde persoon uitgereik word waarin verklaar word dat die opvoeder se gedrag en werk in subregulasie (2) genoem, gedurende die gemelde tydperk bevredigend was.

(4) (a) If the period mentioned in subregulation (3) is shorter than a salary incremental period, one salary increment shall be granted to the educator with effect from the first day of the month following the date on which the period mentioned expires: Provided that such salary increment may be granted only if the authorised person issues a certificate in which it is declared that the conduct and work of the educator referred to in subregulation (2) were satisfactory during such period.

(b) If a salary increment has been granted to an educator in terms of paragraph (a), a further salary increment shall be granted to him after the expiry of a salary incremental period reckoned from the date on which his salary would have been increased in terms of subregulation (1) had such increment not been withheld in terms of subregulation (2).

(c) The salary increment referred to in paragraph (b) may be granted only if an authorised person issues a certificate in which it is declared that the conduct and work of the educator referred to in subregulation (2) continued to be satisfactory from the date of the granting of the salary increment mentioned in paragraph (a) to the date immediately prior to that on which a salary increment may be granted in terms of this paragraph.

(d) The provisions of paragraphs (b) and (c) shall not apply to an educator if his salary is already equal to the maximum notch of the salary scale applicable to him.

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

- (a) such educator shall be notified in writing by the Director-General of the reasons therefor and also that, on the expiry of a continuous period to be indicated and which shall be equal to the difference between the period mentioned in subregulation (3) and a salary incremental period, a salary increment may be granted on condition that an authorised person issues a certificate in which it is declared that the conduct and work of the educator referred to in subregulation (2) were satisfactory during the continuous period mentioned;
- (b) two salary increments shall be granted to such educator by the Director-General after the expiry of a salary incremental period reckoned from the date on which his salary would have been increased in terms of subregulation (1) if such increment had not been withheld in terms of subregulation (2);
- (c) the salary increments referred to in paragraph (b) may be granted only if an authorised person issues a certificate in which it is declared that the conduct and work of the educator referred to in subregulation (2) were satisfactory during the continuous period mentioned in paragraph (a); and
- (d) only one salary increment may be granted to such educator in terms of paragraphs (b) and (c) if his salary is already equal to the penultimate notch of the salary scale applicable to him.

(4) (a) Indien die tydperk in subregulasie (3) genoem, korter is as 'n salarisverhogingstydperk, word een salarisverhoging aan die opvoeder toegeken met ingang van die eerste dag van die maand wat volg op die datum waarop gemelde tydperk verstryk: Met dien verstande dat die salarisverhoging toegeken kan word slegs indien 'n gemagtigde persoon 'n sertifikaat uitreik waarin verklaar word dat die opvoeder se gedrag en werk in subregulasie (2) genoem, gedurende gemelde tydperk bevredigend was.

(b) Indien 'n salarisverhoging ingevolge paragraaf (a) aan 'n opvoeder toegeken is, word 'n verdere salarisverhoging aan hom toegeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy salaris ingevolge subregulasie (1) verhoog sou gewees het as gemelde verhoging nie ingevolge subregulasie (2) weerhou was nie.

(c) Die salarisverhoging in paragraaf (b) bedoel, kan toegeken word slegs indien 'n gemagtigde persoon 'n sertifikaat uitreik waarin verklaar word dat die opvoeder se gedrag en werk in subregulasie (2) genoem, steeds bevredigend was vanaf die datum van toekenning van die salarisverhoging in paragraaf (a) genoem tot die datum onmiddellik voor dié waarop 'n salarisverhoging ingevolge hierdie paragraaf toegeken kan word.

(d) Die bepalings van paragrawe (b) en (c) is nie op 'n opvoeder van toepassing nie indien sy salaris reeds gelyk is aan die maksimum kerf van die salarisskaal wat op hom van toepassing is.

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

- (a) word genoemde opvoeder skriftelik deur die Direkteur-generaal verwittig van die redes daarvoor asook dat by verstryking van 'n aaneenlopende tydperk, wat aangedui moet word en wat gelyk moet wees aan die verskil tussen die tydperk in subregulasie (3) genoem en 'n salarisverhogingstydperk, 'n salarisverhoging toegeken kan word op voorwaarde dat 'n sertifikaat deur 'n gemagtigde persoon uitgereik word waarin verklaar word dat die opvoeder se gedrag en werk in subregulasie (2) genoem, gedurende genoemde aaneenlopende tydperk bevredigend was;
- (b) word twee salarisverhogings deur die Direkteur-generaal aan so 'n opvoeder toegeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy salaris ingevolge subregulasie (1) verhoog sou gewees het as die verhoging nie ingevolge subregulasie (2) weerhou was nie;
- (c) kan die salarisverhogings in paragraaf (b) genoem, toegeken word slegs indien 'n gemagtigde persoon 'n sertifikaat uitreik waarin verklaar word dat die opvoeder se gedrag en werk in subregulasie (2) genoem, gedurende die aaneenlopende tydperk in paragraaf (a) genoem, bevredigend was; en
- (d) kan slegs een salarisverhoging ingevolge die bepalings van paragrawe (b) en (c) aan so 'n opvoeder toegeken word indien sy salaris reeds gelyk is aan die tweede laaste kerf van die salarisskaal wat op hom van toepassing is.

(6) (a) If the period mentioned in subregulation (3) is equal to a salary incremental period, two salary increments shall be granted to such educator after the expiry of such period.

(b) The salary increments referred to in paragraph (a) may be granted only if an authorised person issues a certificate in which it is declared that the conduct and work of the educator referred to in subregulation (2) were satisfactory during such period.

(c) Only one salary increment may be granted to such educator in terms of paragraphs (a) and (b) if his salary is already equal to the penultimate notch of the salary scale applicable to him.

(7) If an educator is not granted a salary increment in terms of subregulation (4) (b), (c), (d), (5) (b), (c), (d) or (6), the provisions of subregulations (2), (3), (4), (5) and (6) shall once again become operative.

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

LEAVE OF ABSENCE

Leave of absence a privilege

28. (1) The leave of absence provided for in regulation 30 shall be a privilege and shall be granted only with due regard to the requirements of the Department or school or office or of the governing body concerned.

(2) When the services of an educator terminate for whatever reason, all his leave credit shall lapse on his last day of service and he cannot claim payment of the cash value of leave to his credit: Provided that the payment of a leave gratuity in terms of regulation 54 shall not be precluded by this regulation.

Leave application forms, granting and withdrawal of leave

29. (1) Application for leave shall be made on a form approved by the Director-General and shall be subject to his approval and he may at any time withdraw leave already granted.

(2) An educator, except an educator who has been suspended from duty or who is by sudden illness or other unavoidable circumstances prevented from remaining on or reporting for duty, shall not leave or stay away from work until he has applied for leave in writing and has been advised that his application has been approved.

Absence from duty to be recorded as leave

30. Leave of absence from duty by an educator shall be classified under one or more of the following categories:

- (a) Vacation leave;
- (b) sick leave;
- (c) special sick leave;

(6) (a) Indien die tydperk in subregulasie (3) genoem, gelyk is aan 'n salarisverhogingstydperk, word twee salarisverhogings aan die opvoeder toegeken na verstryking van genoemde tydperk.

(b) Die salarisverhogings in paragraaf (a) genoem, kan toegeken word slegs indien 'n gemagtigde persoon 'n sertifikaat uitreik waarin verklaar word dat die opvoeder se gedrag en werk in subregulasie (2) genoem, gedurende genoemde tydperk bevredigend was.

(c) Slegs een salarisverhoging kan ingevolge die bepalings van paragrawe (a) en (b) aan so 'n opvoeder toegeken word indien sy salaris reeds gelyk is aan die tweede laaste kerf van die salarisskaal wat op hom van toepassing is.

(7) Indien 'n salarisverhoging nie ingevolge subregulasie (4) (b), (c) of (d), (5) (b), (c), of (d) of (6) aan 'n opvoeder toegeken word nie, tree die bepalings van subregulasies (2), (3), (4), (5) en (6) opnuut in werking.

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

AFWESIGHEIDSVERLOF

Afwesigheidsverlof 'n vergunning

28. (1) Die verlof bedoel in regulasie 30, is 'n vergunning en word toegestaan met inagneming van die behoeftes van die Departement of skool of kantoor of die betrokke bestuursliggaam.

(2) Wanneer 'n opvoeder die diens om watter rede ook al verlaat, verval sy verlofkrediet op die laaste dag waarop hy in diens was en kan hy nie eis dat die geldwaarde van ongebruikte verlofkrediet aan hom uitbetaal word nie: Met dien verstande dat die betaling van 'n verlofgratifikasie ingevolge regulasie 54 nie deur hierdie regulasie belet word nie.

Verlofaansoekvorms, toestaan en intrekking van verlof

29. (1) 'n Aansoek om afwesigheidsverlof word gedoen op 'n vorm wat deur die Direkteur-generaal goedgekeur is en is aan sy goedkeuring onderworpe en kan te eniger tyd deur hom ingetrek word.

(2) 'n Opvoeder, behalwe 'n opvoeder wat geskors is of weens sy skielike siekte of ander onvermydelike omstandighede verhinder word om in sy werk aan te bly of hom vir diens aan te meld, verlaat nie sy werk of bly nie van diens weg nie alvorens hy skriftelik om verlof aansoek gedoen het en in kennis gestel is dat sy aansoek goedgekeur is.

Afwesigheid van diens wat as verlof aangeteken word

30. Die afwesigheid van diens met verlof van 'n opvoeder word onder een of meer van die volgende hoofde ingedeel:

- (a) Vakansieverlof;
- (b) siekteverlof;
- (c) spesiale siekte verlof;

- (d) special leave for study purposes;
- (e) special leave for military training;
- (f) special leave for examination purposes;
- (g) special leave for quarantine purposes;
- (h) special leave for participating in sporting and cultural events;
- (i) special leave for urgent private affairs;
- (j) special leave for accouchement;
- (k) special leave for continuity of service; and
- (l) special leave in extraordinary circumstances.

Absence from duty not to be recorded as leave

31. An educator shall be deemed not to be absent from duty if he—

- (a) must appear as a witness—
 - (i) in criminal proceedings;
 - (ii) in civil proceedings [including a divorce case and a case before a court instituted in terms of the Small Claims Courts Act, 1984 (Act No. 61 of 1984), and a court instituted in terms of the Short Process Courts and Mediation in Certain Civil Cases Act, 1991 (Act No. 103 of 1991)];
 - (iii) military court proceedings;
 - (iv) in misconduct proceedings or in a misconduct investigation in terms of any law;
 - (v) at inquest proceedings;
 - (vi) at rent board proceedings except when such educator is the person who, in respect of such appearance, submitted a written complaint;
 - (vii) before a commission appointed by the State President or before any committee or institution instituted by or in terms of any act;
- (b) appears as defendant or co-defendant in civil proceedings arising from his official duties and in which the State or any statutory body or institution has a direct interest;
- (c) must appear in any court on a criminal charge and the offence he is charged with is withdrawn or if he is acquitted of such offence on the merits of the case;
- (d) with the approval of the Director-General—
 - (i) attends an instruction course or a lecture or has undertaken undergraduate or post-graduate studies;
 - (ii) attends an instruction course that is presented by a department as contemplated by the Public Service Act, 1984;
 - (iii) attends an instruction course under the National Survival Plan that is presented by the Civil Defence Section;

- (d) spesiale verlof vir studiedoeleindes;
- (e) spesiale verlof vir militêre opleiding;
- (f) spesiale verlof vir eksamendoeleindes;
- (g) spesiale verlof vir kwarantandyndoeleindes;
- (h) spesiale verlof vir deelname aan sport- en kultuurgeleenthede;
- (i) spesiale verlof vir dringende private sake;
- (j) spesiale verlof vir bevalling;
- (k) spesiale verlof ter wille van dienskontinuiteit; en
- (l) spesiale verlof vir buitengewone omstandighede.

Afwesigheid van diens wat nie as verlof aangeteken word nie

31. 'n Opvoeder word geag nie van diens afwesig te wees nie indien hy—

- (a) 'n getuie is—
 - (i) by strafregtelike verrigtinge;
 - (ii) by siviele verrigtinge [insluitende 'n egskeidingsgeding en 'n geding voor 'n hof ingestel kragtens die Wet op Howe vir Klein Eise, 1984 (Wet No. 61 van 1984), en 'n hof ingestel kragtens die Wet op Howe vir Kort Proses en Bemiddeling in Sekere Siviele Sake, 1991 (Wet No. 103 van 1991)];
 - (iii) by militêre hofverrigtinge;
 - (iv) by wangedragverrigtinge of 'n wangedragondersoek ingevolge die een of ander wet;
 - (v) by 'n geregtelike doodsondersoek;
 - (vi) by huurraadverrigtinge, behalwe as die betrokke opvoeder die persoon is wat met betrekking tot daardie verskyning 'n skriftelike klag ingedien het;
 - (vii) voor 'n kommissie deur die Staatspresident aangestel of voor enige komitee of instelling wat by of kragtens enige wet ingestel is;
- (b) 'n verweerder of medeverweerder in siviele verrigtinge is wat uit sy ampspligte voortspruit waarby die Staat of enige statutêre liggaam of instelling 'n direkte belang het;
- (c) in enige hof strafregtelik teregstaan en die ten laste gelegde misdryf teruggetrek word of indien hy op daardie misdryf op die meriete van die saak vrygespreek word;
- (d) met die goedkeuring van die Direkteur-generaal—
 - (i) 'n onderrigprogram of 'n lesing bywoon of voor- of na-graadse studies onderneem;
 - (ii) 'n onderrigprogram bywoon wat deur 'n departement binne die bedoeling van die Staatsdienswet, 1984, aangebied word;
 - (iii) 'n onderrigprogram onder die Nasionale Oorlewingsplan bywoon wat deur die Afdeling Burgerlike Beskerming aangebied word;

- (iv) does practical work or does practice teaching to comply with the requirements for a formal qualification offered by a recognised tertiary or post-secondary educational institution;
- (v) serves on a military selection board and performs the functions of such selection board; or
- (vi) in the interest of the Department or the organised teaching profession participates in any other activity or performs any other function.

Leave credit and leave computation: Educators employed at schools

32. (1) The leave credit of an educator employed at a school shall increase by 12/365 of a day for every full day that the educator is in the service of the Department or governing body: Provided that no leave credit shall be earned for days on which the educator is absent on leave without pay.

(2) An educator employed at a school who is required by the Director-General to perform duty during any period of a school holiday shall be credited, in addition to the leave credit referred to in subregulation (1), with half the number of days on which he was expected to perform such duty: Provided that—

- (a) such credit shall not exceed 24 days in any calendar year; and
- (b) such educator may within 90 days of the performance of such duty apply for the additional leave credit to be converted into a non-pensionable cash payment in accordance with the formula $A \times B / 365$, where "A" represents the number of additional days of leave credit and "B" represents the basic annual salary plus any pensionable allowance of such educator at the time of the performance of such duty during a school holiday.

(3) In any computation of leave contemplated in these regulations, fractions of a day thus obtained shall be transferrable to a subsequent leave computation.

(4) Where the services of an educator employed at a school terminate and he is reappointed after a break in service, his service prior to such appointment shall not be taken into account for leave purposes: Provided that the Director-General may, notwithstanding the provisions of regulation 28 (2), restore the leave credit of such educator to a maximum of 184 days.

(5) A person who is appointed as an educator at a school in the service of the Department or of the governing body of a State-aided school without a break in service, and who prior to such an appointment held a post of educator in the Department or another education department or in the service of the governing body of another State-aided school, shall retain the leave which was to his credit on the last day of his service with the Department or his previous department or governing body as leave credit in terms of these regulations, and such previous service shall be taken into account as service for the purposes of leave.

- (iv) praktiese werk verrig of proefonderwys gee ten einde aan die vereistes van 'n formele kwalifikasie aangebied aan 'n erkende tersiêre of nasekondêre onderwysinrigting te voldoen;
- (v) as 'n lid van 'n militêre keurraad werksaamhede van daardie keurraad verrig; of
- (vi) in belang van die Departement of die georganiseerde onderwysprofessie aan enige ander aktiwiteit deelneem of 'n werksaamheid verrig.

Verlofkrediet en verlofberekening: Opvoeders wat by skole in diens is

32. (1) Die verlofkrediet van 'n opvoeder wat by 'n skool in diens is, vermeerder met 12/365 van 'n dag vir elke volle dag wat die opvoeder in diens van die Departement of bestuursliggaam is: Met dien verstande dat geen verlofkrediet vir dae waarop die opvoeder met verlof sonder salaris afwesig is, verdien word nie.

(2) 'n Opvoeder wat by 'n skool in diens is en wat deur die Direkteur-generaal aangesê is om gedurende enige tydperk van 'n skoolvakansie diens te doen, word bykomend tot die verlofkrediet in subregulasie (1) bedoel, gekrediteer met die helfte van die getal dae waarop van hom verwag is om aldus diens te doen: Met dien verstande dat—

- (a) hoogstens 24 dae in 'n kalenderjaar aldus gekrediteer mag word; en
- (b) so 'n opvoeder binne 90 dae na die verrigting van sodanige diens kan versoek dat die bykomende verlofkrediet omskep word in 'n nie-pensioengewende kontantbetaling in ooreenstemming met die formule $A \times B / 365$, in welke formule "A" die getal dae bykomende verlofkrediet verteenwoordig en "B" die basiese jaarlikse salaris plus enige pensioengewende toelae van die betrokke opvoeder ten tyde van die verrigting van diens gedurende die skoolvakansie verteenwoordig.

(3) By enige berekening van verlof in hierdie regulasie bedoel, is breuke van 'n dag aldus verkry, oordraagbaar na 'n volgende verlofberekening.

(4) Indien die diens van 'n opvoeder wat by 'n skool in diens is eindig en hy na 'n onderbreking van diens weer aangestel word, word sy diens voor sodanige aanstelling vir verlofdoeleindes nie in aanmerking geneem nie: Met dien verstande dat die Direkteur-generaal ondanks die bepalings van regulasie 28 (2) die verlofkrediet van die betrokke opvoeder tot 'n maksimum van 184 dae kan herstel.

(5) Iemand wat sonder onderbreking van diens as 'n opvoeder by 'n skool in diens van die Departement of in die diens van die bestuursliggaam van 'n Staatsondersteunde skool aangestel word en wat voor die aanstelling 'n opvoederspos in die Departement of 'n ander onderwysdepartement of in die diens van 'n ander bestuursliggaam van 'n ander Staatsondersteunde skool beklee het, behou die verlofkrediet wat hy op die laaste dag van sy diens by die Departement of sy vorige departement of bestuursliggaam gehad het, as verlofkrediet ingevolge hierdie regulasies en die vorige diens tel as diens vir verlofdoeleindes.

(6) A person who is appointed as an educator at a school in the service of the Department or of a governing body without a break in service, and who prior to such appointment was employed by any department as contemplated by the Public Service Act, 1984, (excluding an education department) of the Republic or by any department of a self-governing territory, the Department of Posts and Telecommunications or any body or institution having a pension or provident fund administered by or for the State, shall retain the leave which he has to his credit on the last day of his service with his previous employer, calculated at a maximum of 36 days per annum, reduced by the number of days of leave already granted: Provided that—

- (a) where a person who has immediately prior to such appointment held a post at a school, college, technikon or university which is not attached to an education department and of which the pension or provident fund is administered by or for the State, the leave credit of that person shall be calculated for leave purposes as if he had served the Department for the period he was employed by such school, college, technikon or university; and
- (b) the previous service contemplated in this sub-regulation shall be calculated as service for leave purposes.

**Leave credit and leave computation:
Educators employed at offices**

33. (1) The leave credit of an educator employed at an office who continues to render service in periods when teaching at schools is suspended shall increase as hereinafter set out for every day that the educator is employed by the Department:

- (a) If appointed before 1 July 1966, 38/365 of a day;
- (b) if appointed on or after 1 July 1966—
 - (i) up to 10 years of completed service—30/365 of a day;
 - (ii) after 10 years of completed service—36/365 of a day;

Provided that no leave credit shall be granted for days on which the educator is absent on leave without pay.

(2) The leave credit of an educator who is employed at an office and who has inspecting or subject advisory services with regard to education as part of his duties and who during periods when education is suspended cannot continue in full with his normal duties but who can still be expected during such periods when education is suspended to do office work, shall be increased by 26/365 of a day for every full day the educator is in the service of the Department: Provided that no leave credit shall be granted for the days the educator is on leave without pay: Provided further that—

- (a) if the educator concerned does duty during periods of non-accumulative leave, a further one day of accumulative vacation leave shall be granted to him for every two days he does duty;

(6) Iemand wat sonder onderbreking van diens as 'n opvoeder by 'n skool in diens van die Departement of 'n bestuursliggaam aangestel word en wat voor die aanstelling in diens was van enige departement binne die bedoeling van die Staatsdienswet, 1984, (uitgesonderd 'n onderwysdepartement) van die Republiek of 'n departement van 'n selfregerende gebied, die Departement van Pos- en Telekommunikasiewese of enige liggaam of inrigting wat 'n pensioen- of voorsorgfonds het wat deur of vir die Staat geadministreer word, behou die verlofkrediet wat hy op die laaste dag van sy diens by sy vorige werkgever gehad het, bereken teen 'n maksimum van 36 dae per jaar verminder met die getal dae verlof wat reeds toegestaan is: Met dien verstande dat—

- (a) in die geval van 'n persoon wat onmiddellik voor die betrokke aanstelling 'n pos beklee het aan 'n skool, kollege, technikon of universiteit wat nie aan 'n onderwysdepartement verbonde is nie en waarvan die pensioen- of voorsorgfonds deur of vir die Staat geadministreer word, sy verlofkrediet vir verlofdoeleindes bereken word asof hy in die tydperk van sy diens by genoemde skool, kollege, technikon of universiteit diens by die Departement gedoen het; en
- (b) die vorige diens in hierdie subregulasie bedoel, as diens vir verlofdoeleindes tel.

**Verlofkrediet en verlofberekening: Opvoeders
wat by kantore in diens is**

33. (1) Die verlofkrediet van 'n opvoeder wat by 'n kantoor in diens is en voortgaan met dienslewering gedurende tydperke waartydens onderrig in skole opgeskort word, vermeerder soos hieronder bepaal vir elke dag wat die opvoeder in diens van die Departement is:

- (a) Indien aangestel voor 1 Julie 1966, 38/365 van 'n dag;
- (b) indien aangestel op of na 1 Julie 1966—
 - (i) tot 10 jaar voltooide diens—30/365 van 'n dag;
 - (ii) na 10 jaar voltooide diens—36/365 van 'n dag;

Met dien verstande dat geen verlofkrediet vir dae waarop die opvoeder met verlof sonder salaris afwesig is, verdien word nie.

(2) Die verlofkrediet van 'n opvoeder wat by 'n kantoor in diens is en wat inspekterende of vakadvise-rende dienste met betrekking tot onderrig as deel van sy pligte het en wat gedurende tydperke waartydens onderrig opgeskort word nie ten volle met sy normale pligte kan voortgaan nie maar van wie daar nogtans verwag kan word om tydens bedoelde tydperke waartydens onderrig opgeskort is, kantoorwerk te verrig, vermeerder met 26/365 van 'n dag vir elke volle dag wat die opvoeder in die diens van die Departement is: Met dien verstande dat geen verlofkrediet vir die dae waarop die opvoeder met verlof sonder salaris afwesig is, verdien word nie: Met dien verstande voorts dat—

- (a) indien die betrokke gedurende tydperke van nie-oplopende verlof diens doen, 'n verdere een dag oplopende vakansieverlof tot sy krediet geplaas word ten opsigte van elke twee dae wat hy aldus diens doen;

- (b) in the case of persons whose vacation leave earning was 36 days per year on 1 January 1982, the total cumulative vacation leave earning may not exceed 36 days per year ending on 31 December; and
- (c) if a person has a period of less than one year of service in any specific year ending on 31 December, the number of days of non-accumulative leave during school holidays that may be granted in that year shall be determined on the basis of one day of non-accumulative leave for every 15 full days on duty.
- (3) In any computation of leave referred to in these regulations, a fraction of a day may be carried over to a subsequent leave computation.
- (4) Where the service of an educator employed at an office terminates and he is reappointed after a break in service, his service prior to such appointment shall not be taken into consideration for leave purposes: Provided that the Director-General may, notwithstanding the provisions of regulation 28 (2), reinstate the leave credit of such educator to a maximum of 184 days.
- (5) A person who is employed at an office of the Department as an educator without a break in service and who prior to such appointment held a post of educator in the Department or another education department shall retain the leave which was to his credit in terms of these regulations on the last day of his service with the Department or his previous department, and such previous service shall be taken into account as service for purposes of leave.
- (6) A person who is appointed as an educator at an office in the service of the Department without a break in service, and who prior to such appointment was in the service of any department as contemplated by the Public Service Act, 1984, (excluding an education department) of the Republic, or of any department of a self-governing territory, the Department of Posts and Telecommunications or any body or institution having a pension or provident fund administered by or for the State, shall retain the leave credit which he has to his credit on the last day of his service with his previous employer, calculated at a maximum of 36 days per annum reduced by the number of days of leave already granted: Provided that—
- (a) in the case of a person who immediately prior to such appointment held a post at a school, college, technikon or university which is not attached to an education department and of which the pension or provident fund is administered by or for the State, the leave credit of such person shall be calculated for leave purposes as if he had served the Department for the period he was employed by such school, college, technikon or university; and
- (b) the previous service referred to in this subregulation shall be taken into account as service for purposes of leave.
- (b) die totale oplopbare vakansieverlofverdienste in die geval van persone wie se vakansieverlofverdienste op 1 Januarie 1982 36 dae per jaar was, nie 36 dae per jaar eindigende op 31 Desember mag oorskry nie; en
- (c) indien 'n persoon in 'n bepaalde jaar, eindigende op 31 Desember, 'n korter dienstydsperk as een jaar het, die getal dae nie-oplopende verlof wat gedurende skoolvakansies in daardie jaar toegeken kan word, bepaal moet word op die grondslag van een dag nie-oplopende verlof ten opsigte van elke 15 volle dae aan diens.
- (3) By enige berekening van verlof in hierdie regulasies bedoel, is breuke van 'n dag aldus verkry, oordraagbaar na 'n volgende verlofberekening.
- (4) Waar die diens van 'n opvoeder wat by 'n kantoor in diens is eindig en hy na 'n onderbreking van diens weer aangestel word, word sy diens voor sodanige aanstelling vir verlofdoeleindes nie in aanmerking geneem nie: Met dien verstande dat die Direkteur-generaal ondanks die bepalings van regulasie 28 (2) die verlofkrediet van die betrokke opvoeder tot 'n maksimum van 184 dae kan herstel.
- (5) Iemand wat sonder onderbreking van diens as 'n opvoeder by 'n kantoor in die diens van die Departement aangestel word en wat voor die aanstelling 'n opvoederspos in die Departement of 'n ander onderwysdepartement beklee het, behou die verlofkrediet wat hy op die laaste dag van sy diens by die Departement of sy vorige departement gehad het, as die verlofkrediet ingevolge hierdie regulasies en die vorige diens tel as diens vir verlofdoeleindes.
- (6) Iemand wat sonder onderbreking van diens as 'n opvoeder by 'n kantoor in die diens van die Departement aangestel word en wat voor die aanstelling in diens was van enige departement binne die bedoeling van die Staatsdienswet, 1984, (uitgesonderd 'n onderwysdepartement) van die Republiek of 'n departement van 'n selfregerende gebied, die Departement van Pos- en Telekommunikasiewese of enige liggaam of inrigting wat 'n pensioen- of voorsorgfonds het wat deur of vir die Staat geadministreer word, behou die verlofkrediet wat hy op die laaste dag van sy diens by sy vorige werkgever gehad het, bereken teen 'n maksimum van 36 dae per jaar verminder met die getal dae verlof wat reeds toegestaan is: Met dien verstande dat—
- (a) in die geval van 'n persoon wat onmiddellik voor die betrokke aanstelling 'n pos beklee het aan 'n skool, kollege, technikon of universiteit wat nie aan 'n onderwysdepartement verbonde is nie en waarvan die pensioen- of voorsorgfonds deur of vir die Staat geadministreer word, sy verlofkrediet vir verlofdoeleindes bereken word asof hy in die tydperk van sy diens by genoemde skool, kollege, technikon of universiteit diens by die Departement gedoen het; en
- (b) die vorige diens in hierdie subregulasie bedoel, as diens vir verlofdoeleindes tel.

**General leave measures:
Educators employed at schools**

34. (1) In the case of an educator employed at a school any period of leave shall commence on the first day on which such educator is absent from duty and shall terminate on the last school day immediately preceding the day on which such educator must resume duty.

**Algemene verlofmaatreëls:
Opvoeders wat by skole in diens is**

34. (1) Ten opsigte van 'n opvoeder wat by 'n skool in diens is, neem enige tydperk van verlof 'n aanvang op die eerste dag waarop sodanige opvoeder van diens afwesig is en eindig dit op die laaste skooldag onmiddellik voor die dag waarop die opvoeder diens moet hervat.

(2) A school holiday that falls within a period of leave of the same type that is granted to an educator employed at a school shall not be deemed to form part of such leave: Provided that where such holiday falls within a period of leave of the same kind, the conditions of remuneration for such holiday shall be the same as the conditions of remuneration for the last school day that immediately precedes such holiday.

(3) If an educator employed at a school is told to report for duty during a school holiday or part thereof and he fails to do so, he shall be paid no salary for such school holiday or part thereof unless he was prevented from so reporting for duty for valid reasons which he can prove.

(4) A public holiday, Saturday or Sunday which falls within a period of leave or a school holiday which falls within a period of leave granted without pay shall be deemed to form part of such leave and shall be reckoned as such: Provided that where a public holiday, Saturday, Sunday or school holiday falls between two different kinds of leave, and such day or days and such leave form a continuous period, any such day or days shall not be reckoned as leave.

(5) An educator employed at a school who wishes to assume duty before a period of leave granted to him in terms of these regulations has expired shall not do so before having obtained prior approval from the Director-General: Provided that in the case of an educator attached to a State-aided school approval shall also be obtained from the governing body.

(6) If an educator employed at a school is in good faith granted more leave on full or half pay than that for which he qualifies at that particular stage in terms of these regulations, and such educator utilises such excess leave, the leave granted in excess may be deducted from leave which subsequently accrues to him: Provided that, in the event of the educator resigning or his services being terminated before sufficient leave credit has accrued to him for the purpose of such deduction, that portion granted in excess which exceeds his leave credit on the last day of his service shall be regarded as an overpayment of salary which shall either be recovered or written off in terms of section 34 of the Exchequer Act, 1975 (Act No. 66 of 1975).

(7) If an educator employed at a school gives notice of his resignation any leave on pay already granted to him shall be withdrawn with effect from the date of such notification or with effect from the date it is received and absence from duty on or after the first or last mentioned date, as the case may be, shall be treated as vacation leave without pay.

(8) Subregulation (7) is—

- (a) applicable only to absences during the last 30 days of an educator's service; and
- (b) not applicable to—
 - (i) sick leave;
 - (ii) special leave granted in terms of regulations 44 (1) and 47;

(2) 'n Skoolvakansie wat binne 'n tydperk van verlof van dieselfde soort val wat aan 'n opvoeder wat by 'n skool in diens is toegestaan is, word nie as deel van genoemde verlof beskou nie: Met dien verstande dat waar die betrokke vakansie binne 'n tydperk van verlof van dieselfde soort val, die betalingsvoorwaardes vir sodanige vakansie dieselfde is as die betalingsvoorwaardes vir die laaste skooldag wat die vakansie onmiddellik voorafgaan.

(3) Indien 'n opvoeder wat by 'n skool in diens is aangesê word om hom gedurende 'n skoolvakansie of 'n gedeelte daarvan vir diens aan te meld en in gebreke bly om dit te doen, ontvang hy vir genoemde skoolvakansie of gedeelte daarvan geen salaris nie tensy hy om geldige redes wat hy kan bewys, verhinder is om hom aldus vir diens aan te meld.

(4) 'n Openbare feesdag, Saterdag of Sondag wat binne 'n tydperk van verlof val of 'n skoolvakansie wat binne 'n tydperk van verlof sonder salaris val, word as deel van die tydperk van verlof beskou en as dieselfde gereken: Met dien verstande dat waar 'n openbare feesdag, Saterdag, Sondag of skoolvakansie tussen twee verskillende soorte verlof val en die dag of dae en die betrokke verlof 'n aaneenlopende tydperk uitmaak, enige dag of dae nie as verlof gereken word nie.

(5) 'n Opvoeder wat by 'n skool in diens is en wat diens wil aanvaar voor die verstryking van 'n tydperk van verlof wat ingevolge hierdie regulasies aan hom toegestaan is, mag dit nie sonder voorafverkreë goedkeuring van die Direkteur-generaal doen nie: Met dien verstande dat in die geval van 'n opvoeder wat aan 'n Staatsondersteunde skool verbonde is, die goedkeuring van die bestuursliggaam ook verkry moet word.

(6) As daar te goeder trou meer verlof met volle of halwe salaris aan 'n opvoeder wat by 'n skool in diens is toegestaan en deur hom gebruik is as waarop hy op daardie tydstop ingevolge hierdie regulasies geregtig was, kan die oortoekeening afgetrek word van verlofkrediet wat hom later toeval: Met dien verstande dat as die opvoeder bedank of sy diens beëindig word voordat voldoende verlofkrediet vir die doel van die aftrekking aan hom toegeval het, die gedeelte van die oortoekeening wat sy verlofkrediet op die laaste dag van sy diens oorskry, as 'n oorbetalings van salaris beskou word wat ingevolge artikel 34 van die Skatkiswet, 1975 (Wet No. 66 van 1975), óf teruggevorder óf afgeskryf moet word.

(7) Indien 'n opvoeder wat by 'n skool in diens is kennis van bedanking gee, word verlof met salaris wat reeds aan hom toegestaan is, ingetrek met ingang van die datum van die kennisgewing of met ingang van die datum van ontvangs daarvan en word afwesighede van diens op of na eersgenoemde of laasgenoemde datum, na gelang van die geval, geag vakansieverlof sonder salaris te wees.

(8) Subregulasie (7) is—

- (a) van toepassing slegs ten opsigte van afwesighede gedurende die laaste 30 dae van 'n opvoeder se diens; en
- (b) nie van toepassing nie—
 - (i) op siekteverlof;
 - (ii) op spesiale verlof wat ingevolge regulasies 44 (1) en 47 toegestaan word;

- (iii) vacation leave granted in terms of regulation 39 (4); and
- (iv) an educator appointed in a temporary capacity in terms of section 20 of the Act, who gives more than 24 hours notice of resignation, although he—
 - (aa) in the case of an educator at a public school, in terms of section 21 (6) of the Act,
 - (bb) in the case of an educator at a State-aided school, in terms of his letter of appointment,

is obliged to give only 24 hours notice of resignation.

(9) (a) If the services of an educator employed at a school are terminated for a reason other than that mentioned in subregulation (7), leave granted to him in respect of a period or periods which would have commenced on a date after the termination of his services shall be withdrawn.

(b) The period of service of an educator employed at a school may not be extended in order to enable him to utilise leave which could have been granted to him if he were still in service after the period in question.

General leave measures: Educators employed at offices

35. (1) In the case of an educator employed at an office any period of leave shall commence on the first day on which the educator is absent from duty and shall terminate on the last day of work immediately preceding the day on which such educator is to resume duty.

(2) A public holiday, Saturday or Sunday which falls within a period of leave shall be deemed to form part of such leave and shall be reckoned as such: Provided that where a public holiday, Saturday or Sunday falls between two different kinds of leave, and such day or days and such leave form a continuous period, any such day or days shall not be reckoned as leave.

(3) An educator employed at an office who wishes to assume duty before the period of leave granted to him in terms of these regulations has expired shall not do so before he has obtained prior approval from the Director-General.

(4) If an educator employed at an office is in good faith granted more leave on full or half pay than that for which he qualifies at that particular stage in terms of these regulations, and such educator utilises such excess leave, the leave granted in excess may be deducted from leave which subsequently accrues to him: Provided that, in the event of an educator resigning or his services being terminated before sufficient leave credit has accrued to him for the purpose of such deduction, that portion granted in excess which exceeds his leave credit on the last day of his service shall be regarded as an overpayment of salary which shall either be recovered or written off in terms of section 34 of the Exchequer Act, 1975.

(iii) op vakansieverlof wat ingevolge regulasie 39 (4) toegestaan word; en

(iv) op 'n opvoeder kragtens artikel 20 van die Wet aangestel in 'n tydelike hoedanigheid, wat langer as 24 uur kennis van bedanking gee, alhoewel hy—

(aa) in die geval van 'n opvoeder by 'n openbare skool, ingevolge artikel 21 (6) van die Wet,

(bb) in die geval van 'n opvoeder by 'n Staatsondersteunde skool, ingevolge sy aanstellingsbrief,

slegs 24 uur kennis van bedanking hoef te gee.

(9) (a) Indien 'n opvoeder wat by 'n skool in diens is se dienste eindig om 'n ander rede as dié in subregulasie (7) genoem, word verlof ingetrek wat aan hom toegestaan is ten opsigte van 'n tydperk of tydperke wat ná die datum waarop sy dienste eindig, 'n aanvang sou neem.

(b) 'n Opvoeder wat by 'n skool in diens is, se dienstydsperk mag nie verleng word ten einde hom in staat te stel om verlof te benut wat aan hom toegestaan sou kon word indien hy na bedoelde tydperk in diens was nie.

Algemene verlofmaatreëls: Opvoeders wat by kantore in diens is

35. (1) Ten opsigte van 'n opvoeder wat by 'n kantoor in diens is, neem enige tydperk van verlof 'n aanvang op die eerste dag waarop die opvoeder van diens afwesig is en eindig dit op die laaste werkdag onmiddellik voor die dag waarop die betrokke opvoeder diens moet hervat.

(2) 'n Openbare feesdag, Saterdag of Sondag wat binne 'n tydperk van verlof val, word as deel van die tydperk van verlof beskou en so gereken: Met dien verstande dat waar 'n openbare feesdag, Saterdag of Sondag tussen twee verskillende soorte verlof val en die dag of dae en die verlof 'n aaneenlopende tydperk uitmaak, die dag of dae nie as verlof gereken word nie.

(3) 'n Opvoeder wat by 'n kantoor in diens is en wat diens wil aanvaar voor die verstryking van 'n tydperk van verlof wat ingevolge hierdie regulasies aan hom toegestaan is, mag dit nie sonder voorafverkreë goedkeuring van die Direkteur-generaal doen nie.

(4) As daar te goeder trou meer verlof met volle of halwe salaris aan 'n opvoeder wat by 'n kantoor in diens is toegestaan en deur hom gebruik is as waarop hy op daardie tydstip ingevolge hierdie regulasies geregtig was, kan die oortoekenning afgetrek word van verlofkrediet wat hom later toeval: Met dien verstande dat as die opvoeder bedank of sy diens beëindig word voordat voldoende verlofkrediet vir die doel van die aftrekking aan hom toegeval het, die gedeelte van die oortoekenning wat sy verlofkrediet op die laaste dag van sy diens oorskry, as 'n oorbetaling van salaris beskou word wat ingevolge artikel 34 van die Skatkiswet, 1975, óf teruggevorder óf afgeskryf moet word.

Discharge owing to unauthorised absence from duty: Educators employed at State-aided schools

36. (1) An educator employed full-time at a State-aided school who, without leave approved in terms of regulation 29 (2) —

- (a) is absent from duty for a period exceeding 14 days; or
- (b) is absent from duty and has accepted other work,

may be discharged by the governing body of such school of its own accord but subject to the provisions of section 13 (1) of the Act, or at the request of the Minister, with effect from the day immediately following the last day that such educator was on duty.

(2) If an educator referred to in paragraph (a) of subregulation (1) has been discharged by the governing body with the approval of the Minister and reports for duty at any time after the period mentioned in the said paragraph has expired, but within a period of three months from the last day on which he was on duty, the governing body may with the approval of the Minister and on such conditions as the Minister may determine, reinstate the educator in employment, and in such case the period of absence shall be deemed to have been absence on vacation leave without pay unless otherwise determined by the Minister.

Vacation leave: Educators employed at schools

37. (1) Subject to subregulation (4) vacation leave may be granted to an educator employed at a school for a period determined by the Minister if such educator has the necessary leave to his credit for the period concerned: Provided that —

- (a) an application for vacation leave by an educator is received by the Minister at least 90 days before the date on which the vacation leave commences: Provided further that the Minister may also approve applications on shorter notice;
- (b) a maximum of 180 days or two consecutive school quarters (whichever is the greater) and a minimum of 10 consecutive school days are granted; and
- (c) in exceptional cases, the Minister may approve periods other than those prescribed in paragraph (b).

(2) Vacation leave on full pay shall be granted to an educator employed at a school: Provided that a period of vacation leave on full pay may be converted into vacation leave on half pay on the basis of two days on half pay for each day on full pay.

(3) The Minister may at any time require an educator employed at a school to take part or all of the leave credit at his disposal as vacation leave: Provided that the maximum period of leave prescribed in paragraph (1) (b) shall not be exceeded.

(4) Where the services of an educator employed at a school terminate and he is reappointed after an interruption of service with his leave credit restored in terms of regulation 32 (4), no vacation leave from the restored leave credit shall be granted to him within two years after such appointment.

Ontslag as gevolg van ongemagtigde afwesigheid van diens: Opvoeders in diens by Staats-ondersteunde skole

36. (1) Die bestuursliggaam van 'n Staats-ondersteunde skool kan uit eie beweging maar behoudens die bepalings van artikel 13 (1) van die Wet of op versoek van die Minister 'n opvoeder wat heeltyds in diens is by daardie skool wat sonder verlof wat ingevolge regulasie 29 (2) goedgekeur is —

- (a) meer as 14 dae van diens afwesig is; of
- (b) van diens afwesig is en ander werk aanvaar het, ontslaan met ingang van die dag wat onmiddellik volg op die laaste dag waarop hy diens verrig het.

(2) Indien 'n opvoeder in paragraaf (a) van subregulasie (1) bedoel deur die bestuursliggaam met die goedkeuring van die Minister ontslaan is en hom te eniger tyd na verstryking van die tydperk vermeld in genoemde paragraaf vir diens aanmeld, maar binne 'n tydperk van drie maande vanaf die laaste dag waarop hy diens verrig het, kan die bestuursliggaam met die instemming van die Minister en op die voorwaardes deur die Minister bepaal, die opvoeder in diens herstel en in so 'n geval word die tydperk van afwesigheid, tensy die Minister anders bepaal, geag afwesigheid met vakansieverlof sonder salaris te wees.

Vakansieverlof: Opvoeders wat by skole in diens is

37. (1) Ten opsigte van 'n opvoeder wat by 'n skool in diens is, kan daar behoudens subregulasie (4) vakansieverlof toegestaan word vir 'n tydperk wat die Minister bepaal, mits sodanige opvoeder oor die nodige verlofkrediet vir die betrokke tydperk beskik: Met dien verstande dat —

- (a) 'n aansoek om vakansieverlof deur 'n opvoeder die Minister minstens 90 dae voor die datum waarop die vakansieverlof 'n aanvang neem, bereik: Met dien verstande voorts dat die Minister ook aansoeke op korter kennisgewing mag goedkeur;
- (b) 'n maksimum van 180 dae of twee opeenvolgende skoolkwartale (watter ook al die langste is) en 'n minimum van 10 aaneenlopende skool-dae toegestaan word; en
- (c) die Minister in uitsonderlike gevalle ander tydperke as dié by paragraaf (b) voorgeskryf, kan goedkeur.

(2) Vakansieverlof met volle salaris word aan 'n opvoeder wat by 'n skool in diens is toegestaan: Met dien verstande dat 'n tydperk van vakansieverlof met volle salaris omskep kan word in vakansieverlof met halwe salaris op die basis van twee dae met halwe salaris vir elke dag met volle salaris.

(3) Die Minister kan te eniger tyd vereis dat 'n opvoeder wat by 'n skool in diens is, 'n gedeelte van of al die verlofkrediet tot sy beskikking as vakansieverlof neem: Met dien verstande dat die maksimum tydperk van verlof by subregulasie (1) (b) voorgeskryf, nie oorskry word nie.

(4) Waar die diens van 'n opvoeder wat by 'n skool in diens is eindig en hy na onderbreking van diens weer aangestel word met die herstel van verlofkrediet kragtens regulasie 32 (4), mag hy binne twee jaar na sodanige aanstelling geen vakansieverlof uit die herstelde verlofkrediet toegestaan word nie.

Vacation leave: Educators employed at offices

38. (1) Vacation leave may be granted to an educator employed at an office for a period determined by the Minister, provided such educator has the necessary leave to his credit for the period concerned.

(2) Vacation leave on full pay may be granted to an educator employed at an office: Provided that any period of vacation leave on full pay may be converted into vacation leave on half pay on the basis of two days on half pay for each day on full pay.

(3) The Minister may at any time require an educator employed at an office to take part or all of the leave credit at the educator's disposal as vacation leave.

Sick leave: General provisions

39. (1) An application by an educator for sick leave for a continuous period of more than four days shall be supported by a certificate from a registered medical practitioner or a registered dentist: Provided that—

- (a) the Minister may require that such medical certificate be submitted in support of any application for sick leave for a period of four days or less if he is of the opinion that circumstances warrant the submission of such certificate;
- (b) if the Minister is satisfied that in exceptional cases an educator's absence for a continuous period not exceeding 14 days during any calendar year and for which a medical certificate is not submitted is *bona fide* owing to illness and if he is further satisfied that there are sufficient reasons for not submitting a medical certificate, he may at his discretion, grant exemption from the requirement to submit a medical certificate;
- (c) sick leave granted for an absence of four days or less and for which a medical certificate is not submitted may not exceed a total of 10 days during any calendar year; and
- (d) any further absence for which a medical certificate is not submitted shall be covered by granting special leave for urgent private affairs in accordance with the provisions of regulation 49.

(2) Sick leave shall not be granted to an educator for—

- (a) any illness, indisposition or injury owing to their misconduct or negligence of the educator or his failure to take reasonable precautions; or
- (b) neurasthenia, insomnia, or any other similar ill-defined disease or condition of ill-health, unless the Minister is satisfied that—
 - (i) such educator is not in a fit state of health to perform his duties; and
 - (ii) the condition of such educator is not the result of misconduct or negligence on the part of the educator or of his failure to take reasonable precautions.

Vakansieverlof: Opvoeders wat by kantore in diens is

38. (1) Vakansieverlof kan aan 'n opvoeder wat by 'n kantoor in diens is toegestaan word vir 'n tydperk wat die Minister bepaal, mits sodanige opvoeder oor die nodige verlofkrediet vir die betrokke tydperk beskik.

(2) Vakansieverlof met volle salaris kan aan 'n opvoeder wat by 'n kantoor in diens is toegestaan word: Met dien verstande dat 'n tydperk van vakansieverlof met volle salaris omskep kan word in vakansieverlof met halwe salaris op die basis van twee dae met halwe salaris vir elke dag met volle salaris.

(3) Die Minister kan te eniger tyd vereis dat 'n opvoeder wat by 'n kantoor in diens is 'n gedeelte van of al die verlofkrediet tot sy beskikking as vakansieverlof neem.

Siekteverlof: Algemene bepalings

39. (1) 'n Aansoek van 'n opvoeder om siekteverlof ten opsigte van 'n aaneenlopende tydperk van meer as vier dae moet gestaaf word deur 'n sertifikaat van 'n geregistreerde geneesheer of 'n geregistreerde tandarts: Met dien verstande dat—

- (a) die Minister kan eis dat so 'n mediese sertifikaat voorgelê word ter staving van enige aansoek om siekteverlof vir 'n tydperk van vier dae of minder indien hy van oordeel is dat omstandighede die voorlegging van so 'n sertifikaat regverdig;
- (b) indien die Minister oortuig is dat in uitsonderlike gevalle 'n opvoeder se afwesigheid vir 'n aaneenlopende tydperk van hoogstens 14 dae gedurende enige kalenderjaar en waarvoor 'n mediese sertifikaat nie ingedien is nie, *bona fide* te wyte is aan siekte en indien hy voorts oortuig is dat daar genoegsame redes bestaan waarom 'n mediese sertifikaat nie ingedien is nie, hy na goeddunke vrystelling van die indiening van 'n mediese sertifikaat kan verleen;
- (c) siekteverlof wat ten opsigte van afwesighede van vier dae of minder toegestaan word en waarvoor 'n mediese sertifikaat nie ingedien is nie, nie 'n totaal van 10 dae gedurende enige kalenderjaar mag oorskry nie; en
- (d) enige verdere afwesigheid waarvoor 'n mediese sertifikaat nie ingedien is nie, gedek moet word deur die toestaan van spesiale verlof vir dringende private sake ooreenkomstig die bepalings van regulasie 49.

(2) Siekteverlof word nie aan 'n opvoeder toegestaan nie ten opsigte van—

- (a) enige siekte, ongesteldheid of besering wat toe te skrywe is aan die opvoeder se wangedrag, nalatigheid of versuim om redelike voorsorg te tref; of
- (b) neurastenie, slaaploosheid of dergelike minder goed omskrewe siekte of ongesteldheid, tensy die Minister oortuig is dat—
 - (i) sodanige opvoeder se gesondheidstoestand hom ongeskik maak vir sy werk; en
 - (ii) die toestand waarin sodanige opvoeder verkeer, nie te wyte is aan daardie opvoeder se wangedrag, nalatigheid of versuim om redelike voorsorg te tref nie.

(3) Where any sick leave is granted to an educator, the date on which such leave is deemed to have commenced and the date on which it is deemed to have ended shall be the dates determined by the Minister, who may in determining the period of such leave take into consideration the medical requirements of the case and the interests of any school, institution or office affected by the granting thereof.

(4) Notwithstanding the provisions of regulations 40 (2) and 41 (2) an educator may, at his written request, be granted vacation leave in lieu of any portion of sick leave granted on half pay or without pay: Provided that sick leave on half pay may be combined with vacation leave on half pay upon the request of the educator.

(5) In the event of an educator becoming ill while he is on vacation leave, the period during which he was ill may, subject to the provisions of subregulation (1), be converted into sick leave provided such educator applies for such concession in writing within 30 days after resumption of service.

(6) Notwithstanding the submission of a certificate referred to in subregulation (1) the Minister may, on the grounds of further medical advice, refuse to grant sick leave with pay for any absence from duty to which the certificate relates, and such absence shall be deemed, in terms of regulation 49, to be special leave for urgent private affairs.

(7) Whenever the Minister has reason to suspect that the state of health of an educator is such that he is unfit to perform his duties as an educator in a satisfactory manner, the Minister may call upon him to be examined on a particular date at the expense of the State, by a medical practitioner nominated by the Minister, and whenever the Minister is satisfied that an educator is, owing to ill-health (including any mental or physical disability), unable to perform his duties as an educator satisfactorily, he may order such educator to take sick leave for a specific period.

Sick leave: Educators employed at schools

40. (1) Sick leave shall accrue to an educator employed at a school on the first day of a cycle, and with effect from that day the full provisions of the cycle concerned may be granted to him subject to the provisions of subregulation (2): Provided that unused sick leave prescribed for a particular cycle shall lapse at the end of that cycle and shall not be carried forward to the next cycle.

(2) An educator employed at a school may be granted sick leave on account of his illness for 90 days on full pay and 90 days on half pay in the first cycle in which such educator renders service, which number of days of sick leave shall, after the completion of each cycle, be increased by three days on full pay and three days on half pay up to a maximum of 120 days on full pay and 120 days on half pay: Provided that—

- (a) such educator may be granted sick leave without pay for any further period which the Minister may determine;

(3) Waar enige siekteverlof aan 'n opvoeder toegestaan word, is die datum waarop die verlof geag word te begin het en die datum waarop dit geag word te geëindig het, die datums bepaal deur die Minister, wat by die vasstelling van die tydperk van die verlof die geneeskundige vereistes van die geval en die belange van enige skool, inrigting of kantoor wat deur die toestaan daarvan geraak word, in aanmerking kan neem.

(4) Ondanks die bepalings van regulasies 40 (2) en 41 (2) kan daar aan 'n opvoeder op sy skriftelike versoek, in die plek van enige gedeelte van siekteverlof wat met halwe salaris of sonder salaris toegestaan is, vakansieverlof toegestaan word: Met dien verstande dat siekteverlof met halwe salaris gekombineer kan word met vakansieverlof met halwe salaris indien 'n opvoeder aldus versoek.

(5) Indien 'n opvoeder siek word terwyl hy met vakansieverlof is, kan die tydperk waarin hy siek was, behoudens die bepalings van subregulasie (1), in siekteverlof omskep word, indien sodanige opvoeder binne 30 dae na dienshervatting skriftelik om die omskepping in siekteverlof aansoek doen.

(6) Ondanks die indiening van 'n sertifikaat in subregulasie (1) bedoel, kan die Minister, op grond van verdere mediese advies, weier om siekteverlof met salaris aan 'n opvoeder toe te staan ten opsigte van enige afwesigheid van diens waarop die sertifikaat betrekking het, en sodanige afwesigheid word as spesiale verlof vir dringende private sake beskou ooreenkomstig die bepalings van regulasie 49.

(7) Wanneer die Minister rede het om te vermoed dat die gesondheidstoestand van 'n opvoeder sodanig is dat dit hom ongeskik maak om sy pligte as opvoeder op bevredigende wyse uit te voer, kan die Minister hom aansê om op 'n bepaalde datum op Staatskoste ondersoek te word deur 'n geneesheer wat deur die Minister benoem word, en wanneer die Minister oortuig is dat die betrokke opvoeder weens swak gesondheid (met inbegrip van enige geestelike of liggaamlike gebrek) nie in staat is om sy pligte as opvoeder op bevredigende wyse uit te voer nie, kan hy die opvoeder aansê om vir 'n bepaalde tydperk siekteverlof te neem.

Siekteverlof: Opvoeders wat by skole in diens is

40. (1) Siekteverlof kom 'n opvoeder wat by 'n skool in diens is toe op die eerste dag van 'n tydkring, en met ingang van daardie dag kan, behoudens die bepalings van subregulasie (2), die volle voorsiening vir die betrokke tydkring aan hom toegestaan word: Met dien verstande dat ongebruikte siekteverlof wat vir 'n bepaalde tydkring voorgeskryf is, aan die einde van die betrokke tydkring verval en nie na die volgende tydkring oorgedra word nie.

(2) Aan 'n opvoeder wat by 'n skool in diens is, kan weens sy siekte siekteverlof toegestaan word van 90 dae met volle salaris en 90 dae met halwe salaris in die eerste tydkring waarin sodanige opvoeder diens doen, en hierdie getal dae siekteverlof word na voltooiing van elke tydkring vermeerder met drie dae met volle salaris en drie dae met halwe salaris tot 'n maksimum van 120 dae met volle salaris en 120 dae met halwe salaris: Met dien verstande dat—

- (a) aan sodanige opvoeder siekteverlof sonder salaris toegestaan kan word vir enige verdere tydperk wat die Minister bepaal;

- (b) where an educator retains his leave credit in terms of regulation 32 (5) and is appointed as an educator in the service of the Department or the governing body of a State-aided school, the date of commencement of his cycle in his previous department shall be regarded as the date of commencement of his cycle in terms of this regulation; and
 - (c) an educator referred to in paragraph (b) shall not be granted further sick leave on pay during the unexpired period of the cycle in which he has thus been appointed in terms of regulation 32 (5) than that which could have been granted had all his service during such cycle been with the Department or governing body.
- (3) Notwithstanding anything to the contrary contained in subregulation (2) additional sick leave may, after the completion of nine years of continuous service and up to and including the end of the cycle in which the nine-year period expires and in every three cycles after that, on the recommendation of a registered medical practitioner or a registered dentist, be granted to an educator employed at a school up to a maximum of 90 days on full pay and 90 days on half pay: Provided that the additional sick leave on full pay shall follow immediately upon the sick leave on full pay referred to in subregulation (2).

Sick leave: Educators employed at offices

41. (1) Sick leave shall accrue to an educator employed at an office on the first day of a cycle, and with effect from that day the full provision of the cycle concerned may be granted to him subject to the provisions of subregulation (2): Provided that unused sick leave prescribed for a particular cycle shall lapse at the end of that cycle and shall not be carried forward to the next cycle.

(2) An educator employed at an office may be granted sick leave on account of his illness for 120 days on full pay and 120 days on half pay for every cycle in which such educator has done duty: Provided that—

- (a) such educator may be granted sick leave without pay for any further period which the Minister may determine;
- (b) where an educator employed at an office retains his leave credit in terms of regulation 33 (4) and is appointed as an educator in the service of the Department, the date of commencement of his cycle in his previous department shall be regarded as the date of commencement of his cycle in terms of the provisions of this regulation; and
- (c) an educator referred to in paragraph (b) shall not be granted further sick leave with pay during the unexpired period of the cycle in which he has been so appointed in terms of regulation 33 (4) than that which could have been granted had all his service during such cycle been with the Department.

(b) in die geval van 'n opvoeder wat sy verlofkrediet ingevolge regulasie 32 (5) behou en wat as opvoeder in die diens van die Departement of 'n bestuursliggaam van 'n Staatsondersteunde skool aangestel word, die aanvangsdatum van sy tydkring in sy vorige departement beskou word as die aanvangsdatum van sy tydkring ingevolge die bepalings van hierdie regulasie; en

(c) aan 'n opvoeder in paragraaf (b) bedoel, nie meer siekteverlof met salaris gedurende die onverstreke tydperk van die tydkring waarin hy aldus kragtens regulasie 32 (5) aangestel is, toegestaan mag word nie as wat aan hom toegestaan kon word indien al sy diens gedurende sodanige tydkring diens by die Departement of bestuursliggaam was.

(3) Ondanks andersluidende bepalings in subregulasie (2) vervat, kan daar, na voltooiing van nege jaar aaneenlopende diens en tot en met die einde van die tydkring waarin die nege jaar verstryk en in elke drie tydkringe daarna, aan 'n opvoeder wat by 'n skool in diens is, op aanbeveling van 'n geregistreerde geneesheer of 'n geregistreerde tandarts, bykomende siekteverlof van hoogstens 90 dae met volle salaris en hoogstens 90 dae met halwe salaris toegestaan word: Met dien verstande dat die bykomende siekteverlof met volle salaris direk op die siekteverlof met volle salaris bedoel in subregulasie (2) volg.

Siekteverlof: Opvoeders wat by kantore in diens is

41. (1) Siekteverlof kom 'n opvoeder wat by 'n kantoor in diens is toe op die eerste dag van 'n tydkring, en met ingang van daardie dag kan, behoudens die bepalings van subregulasie (2), die volle voorsiening vir die betrokke tydkring aan hom toegestaan word: Met dien verstande dat ongebruikte siekteverlof wat vir 'n bepaalde tydkring voorgeskryf is, aan die einde van die betrokke tydkring verval en nie na die volgende tydkring oorgedra word nie.

(2) Aan 'n opvoeder wat by 'n kantoor in diens is, kan weens sy siekte siekteverlof toegestaan word van 120 dae met volle salaris en 120 dae met halwe salaris in elke tydkring waarin sodanige opvoeder diens doen: Met dien verstande dat—

- (a) aan sodanige opvoeder siekteverlof sonder salaris toegestaan kan word vir enige verdere tydperk wat die Minister bepaal;
- (b) in die geval van 'n opvoeder wat by 'n kantoor in diens is en wat sy verlofkrediet ingevolge regulasie 33 (4) behou en wat as opvoeder in die diens van die Departement aangestel word, die aanvangsdatum van sy tydkring in sy vorige departement beskou word as die aanvangsdatum van sy tydkring ingevolge die bepalings van hierdie regulasie; en
- (c) aan 'n opvoeder in paragraaf (b) bedoel, nie meer siekteverlof met salaris gedurende die onverstreke tydperk van die tydkring waarin hy aldus kragtens regulasie 33 (4) aangestel is, toegestaan mag word nie as wat aan hom toegestaan kon word indien al sy diens gedurende so 'n tydperk diens by die Departement was.

(3) An educator employed at an office who has completed at least 10 years of uninterrupted service and who owing to long-standing ill health has used all the sick leave on full pay which could be granted to him in terms of subregulation (2), may be granted additional sick leave on full pay equal to his basic sick leave provision on full pay under the following conditions:

- (a) The additional sick leave on full pay shall be granted for the entire remaining period of service of the educator, and not per cycle.
- (b) If the educator does not use all the additional sick leave on full pay within a cycle, the balance thereof shall remain to the credit of the educator for use in the next or ensuing cycles.
- (c) The additional sick leave on full pay shall be granted to the educator as soon as he has used all the regular sick leave on full pay which in terms of subregulation (2) was available during a cycle and before any ordinary sick leave on half pay is granted to him.
- (d) When additional sick leave on full pay is granted to an educator it shall be noted on the leave sheet that such leave is granted in terms of the provisions of this subregulation.

Special sick leave

42. Notwithstanding anything to the contrary contained in regulation 40 (1) or 41 (1), as the case may be, an educator who is absent from duty owing to an injury sustained in an accident arising out of or in the course of performing his duties, or owing to an illness contracted in the course of or as a result of performing his duties as an educator, may be granted special sick leave on full pay for the period during which he cannot perform such duties as a result of incapacity, or, if the case falls within the scope of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), may be granted special sick leave on full pay equal to the difference between full pay and the compensation payable to him in terms of that Act: Provided that—

- (a) such leave shall not affect sick leave which may be granted in terms of any cycle; and
- (b) the absence from duty referred to in this regulation shall not be attributable to misconduct or negligence or failure by the educator to take reasonable precautions.

Special leave for study purposes

43. (1) Special leave may be granted to an educator for a course of study, for a period approved by the Minister, on the following basis: For each day of vacation leave on full pay which an educator uses for study, one additional day of special leave for study purposes on full pay, or on the educator's written request, two additional days of special leave for study purposes on half pay, and for each day of vacation leave on half pay which an educator uses for study purposes, one additional day of special leave for study purposes on half pay may be granted.

(3) Aan 'n opvoeder wat by 'n kantoor in diens is en wat minstens 10 jaar ononderbroke diens voltooi het en wat weens langdurige siekte al die siekteverlof met volle salaris opgebruik het wat kragtens subregulasie (2) aan hom toegestaan kan word, kan addisionele siekteverlof met volle salaris gelyk aan sy basiese siekteverlofvoorsiening met volle salaris soos in subregulasie (2) bepaal toegestaan word op die voorwaardes hieronder uiteengesit:

- (a) Die addisionele siekteverlof met volle salaris word toegestaan vir die opvoeder se hele oorblywende dienstermyn, en nie per tydkring nie.
- (b) Indien die opvoeder nie al die addisionele siekteverlof met volle salaris binne 'n tydkring opgebruik nie, bly die balans daarvan tot die opvoeder se krediet vir gebruik in die daaropvolgende of latere tydkringe.
- (c) Die addisionele siekteverlof met volle salaris moet aan die opvoeder toegestaan word sodra hy al sy gewone siekteverlof met volle salaris wat kragtens subregulasie (2) in 'n tydkring beskikbaar was, opgebruik het en voordat enige gewone siekteverlof met halwe salaris aan hom toegestaan word.
- (d) Wanneer addisionele siekteverlof met volle salaris aan die opvoeder toegestaan word, moet daar in die verlofstaat aantekening daarvan gemaak word dat die verlof ooreenkomstig die bepalings van hierdie subregulasie toegestaan is.

Spesiale siekteverlof

42. Ondanks andersluidende bepalings vervat in regulasies 40 (1) en 41 (1), na gelang van die geval, kan aan 'n opvoeder wat van diens afwesig is weens 'n besering opgedoen in 'n ongeluk voortvloeiend uit of in die loop van die uitvoering van sy pligte as opvoeder, of weens 'n siekte opgedoen in die loop van of as gevolg van die uitvoering van sy pligte, spesiale siekteverlof met volle salaris toegestaan word vir die tydperk wat hy onbevoeg is vir sodanige pligte, of indien die geval onder die Ongevallewet, 1941 (Wet No. 30 van 1941), ressorteer, spesiale siekteverlof met salaris gelyk aan die verskil tussen volle salaris en die vergoeding wat ingevolge genoemde wet aan hom betaalbaar is: Met dien verstande dat—

- (a) genoemde verlof nie siekteverlof wat kragtens 'n tydkring toegestaan kan word, aantas nie; en
- (b) die afwesigheid van diens in hierdie regulasie bedoel nie toe te skryf moet wees aan die opvoeder se wangedrag, nalatigheid of versuim om redelike voorsorg te tref nie.

Spesiale verlof vir studiedoeleindes

43. (1) Spesiale verlof kan aan 'n opvoeder toegestaan word vir 'n studiekursus en vir 'n tydperk wat die Minister goedkeur en wel op die volgende basis: Ten opsigte van elke dag vakansieverlof met volle salaris wat 'n opvoeder vir studie gebruik, kan een addisionele dag spesiale verlof vir studiedoeleindes met volle salaris of, op die opvoeder se skriftelike versoek twee addisionele dae spesiale verlof vir studiedoeleindes met halwe salaris toegestaan word, en ten opsigte van elke dag vakansieverlof met halwe salaris wat 'n opvoeder vir studie gebruik, kan een addisionele dag spesiale verlof vir studiedoeleindes met halwe salaris toegestaan word.

(2) If special leave for study purposes is granted to an educator in terms of subregulation (1), the Minister may call for periodic progress reports in respect of the educator's studies and such educator shall enter into an agreement with the Department, in a form approved by the Director-General, in terms of which he undertakes to serve the Department immediately after completion of the period of special leave for study purposes for a period (hereinafter referred to as the service period) equal to at least the period for which special leave for study purposes on full pay has been granted to him or for a period (the service period) equal to half the period for which special leave for study purposes on half pay has been granted, as the case may be: Provided that if leave without pay has been granted to him during his service period, his service period shall be extended by the number of days for which leave without pay has been granted to him.

(3) Special leave for study purposes shall not be deducted from the leave credit of the educator.

Special leave for military training

44. (1) Special leave for military training may be granted to an educator on full pay when such educator is required, in terms of the Defence Act, 1957 (Act No. 44 of 1957), or any regulation published thereunder, or in terms of the Police Act, 1958 (Act No. 7 of 1958), or any regulation published thereunder, to undergo continuous or interrupted training or so to do service, except in the case of his initial continuous compulsory national service, in which case special leave for military training shall be granted and his salary reduced by an amount determined by the Treasury from time to time in due consideration of the circumstances of individual educators.

(2) An educator who is called up by the South African Defence Force for his initial continuous compulsory national service, or who receives home front training, shall enter into an agreement with the Department, in a form approved by the Director-General, in terms of which he undertakes to serve the Department for a period equal to the period for which special leave for military training is granted to him.

(3) The educator shall submit written proof from the South African Defence Force or the South African Police Force that he is required to undergo training or to do service.

(4) Special leave for military training granted in terms of subregulation (1) may include any period actually and necessarily taken up in travelling for the purpose for which the leave is granted.

(5) Special leave for military training shall not be deducted from the leave credit of the educator.

(2) Indien spesiale verlof vir studiedoeleindes kragtens subregulasie (1) aan 'n opvoeder toegestaan word, kan die Minister periodiek vorderingsverslae oor die opvoeder se studies vereis en moet die betrokke opvoeder 'n ooreenkoms in 'n vorm soos deur die Direkteur-generaal goedgekeur, met die Departement aangaan, waarby hy onderneem om die Departement onmiddellik na verstryking van die tydperk van spesiale verlof vir studiedoeleindes te dien vir 'n tydperk (hierna die dienstydkperk genoem) gelykstaande met minstens die tydperk waarvoor spesiale verlof vir studiedoeleindes met volle salaris aan hom toegestaan is, of vir 'n tydperk (die dienstydkperk) gelykstaande met die helfte van die tydperk waarvoor spesiale verlof vir studiedoeleindes met halwe salaris toegestaan is, na gelang van die geval: Met dien verstande dat indien verlof sonder salaris gedurende sy dienstydkperk aan hom toegestaan word, sy dienstydkperk met die aantal dae waarvoor verlof sonder salaris aan hom toegestaan is, verleng word.

(3) Spesiale verlof vir studiedoeleindes word nie teen die opvoeder se verlofkrediet verreken nie.

Spesiale verlof vir militêre opleiding

44. (1) Spesiale verlof vir militêre opleiding kan met volle salaris aan 'n opvoeder toegestaan word wanneer so 'n opvoeder ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), of enige regulasie daarkragtens uitgevaardig, of ingevolge die Polisiewet, 1958 (Wet No. 7 van 1958), of enige regulasie daarkragtens uitgevaardig, ononderbroke of onderbroke opleiding moet ondergaan of aldus diens moet verrig, behalwe in die geval van sy aanvanklike onderbroke verpligte nasionale diensplig, in welke geval spesiale verlof vir militêre opleiding toegestaan moet word en sy salaris verminder moet word met die bedrag wat van tyd tot tyd deur die Tesourie, met inagneming van afsonderlike opvoeders se omstandighede, bepaal word.

(2) 'n Opvoeder wat vir sy aanvanklike ononderbroke verpligte nasionale diensplig deur die Suid-Afrikaanse Weermag opgeroep word of tuisfrontopleiding ontvang, moet 'n ooreenkoms in 'n vorm soos deur die Direkteur-generaal goedgekeur, met die Departement aangaan, waarby hy onderneem om die Departement te dien vir 'n tydperk gelykstaande met die tydperk waarvoor spesiale verlof vir militêre opleiding aan hom toegestaan is.

(3) Die opvoeder moet skriftelike bewys van die Suid-Afrikaanse Weermag of die Suid-Afrikaanse Polisie voorlê dat hy opleiding moet ondergaan of diens moet verrig.

(4) Spesiale verlof vir militêre opleiding wat ingevolge subregulasie (1) toegestaan word, kan enige tydperk insluit wat werklik en noodsaaklikerwys in beslag geneem word deur reise afgelê vir die doel waarvoor die verlof toegestaan word.

(5) Spesiale verlof vir militêre opleiding word nie teen die opvoeder se verlofkrediet verreken nie.

**Special leave for examination purposes:
Educators employed at schools**

45. (1) An educator employed at a school may be granted special leave on full pay for examination purposes for each day on which such educator sits as a candidate for an examination approved for this purpose by the Minister, and in addition one additional day of special leave on full pay for examination purposes may be granted for each day such educator actually sits for the examination, which additional day or days shall be taken before the last school day on which he writes the examination.

(2) Over and above the special leave for examination purposes referred to in subregulation (1), the Minister may, once only, grant continuous special leave for examination purposes for a maximum period of 16 school days to an educator employed at a school who has to sit for an examination in final year subjects towards the completion of a first degree or diploma approved for this purpose by the Minister.

(3) Special leave for examination purposes granted in terms of subregulation (1) may include any period actually and necessarily required for travelling in connection with such examination.

(4) Special leave for examination purposes shall not be deducted from the leave credit of an educator employed at a school.

**Special leave for examination purposes:
Educators employed at offices**

46. (1) The provisions of regulation 45, with the exception of subregulation (2), shall apply *mutatis mutandis* to an educator employed at an office.

(2) Over and above the special leave for examination purposes referred to in subregulation (1), the Minister may, once only, grant continuous special leave for examination purposes for a maximum period of 16 working days to an educator employed at an office who has to sit for an examination in final year subjects towards the completion of a first degree or diploma approved for this purpose by the Minister.

Special leave for quarantine purposes

47. (1) Where the Minister in consultation with the Minister of National Health is of the opinion that an educator is suffering from or has been exposed to a contagious or notifiable disease as contemplated by section 1 of the Health Act, 1977 (Act No. 63 of 1977), the Minister may grant special leave on full pay for quarantine purposes to such educator.

(2) Any application for leave referred to in subregulation (1) shall be accompanied by a certificate from a registered medical practitioner stating the period of quarantine as well as the reasons necessitating such leave.

(3) Leave for quarantine purposes shall not exceed the period required for removal of the contagion or infection or for disinfection.

(4) Special leave for quarantine purposes shall not be deducted from the leave credit of the educator.

**Spesiale verlof vir eksamendoeleindes:
Opvoeders wat by skole in diens is**

45. (1) Ten opsigte van 'n opvoeder wat by 'n skool in diens is, kan spesiale verlof vir eksamendoeleindes met volle salaris aan sodanige opvoeder toegestaan word vir elke dag waarop hy as 'n kandidaat 'n eksamen vir dié doel deur die Minister goedgekeur aflê, en daarbenewens kan een addisionele dag spesiale verlof vir eksamendoeleindes met volle salaris toegestaan word vir elke dag waarop die betrokke opvoeder werklik eksamen aflê, welke addisionele dag of dae voor die laaste skooldag waarop hy eksamen aflê, geneem moet word.

(2) Die Minister kan bo en behalwe die spesiale verlof vir eksamendoeleindes in subregulasie (1) bedoel, eenmalig aan 'n opvoeder wat by 'n skool in diens is en wat 'n eksamen in finalejaarsvakke ter voltooiing van 'n eerste graad of diploma vir dié doel deur die Minister goedgekeur moet aflê, aaneenlopende spesiale verlof vir eksamendoeleindes vir 'n maksimum tydperk van 16 skooldae toestaan.

(3) Spesiale verlof vir eksamendoeleindes wat kragtens subregulasie (1) toegestaan word, kan enige tydperk insluit wat werklik en noodsaaklikerwys vereis word om in verband met die eksamen te reis.

(4) Spesiale verlof vir eksamendoeleindes word nie teen die opvoeder wat by 'n skool in diens is se verlofkrediet verreken nie.

**Spesiale verlof vir eksamendoeleindes:
Opvoeders wat by kantore in diens is**

46. (1) Die bepalinge van regulasie 45, met uitsondering van subregulasie (2), is *mutatis mutandis* van toepassing op opvoeders wat by kantore in diens is.

(2) Die Minister kan bo en behalwe die spesiale verlof vir eksamendoeleindes in subregulasie (1) bedoel eenmalig aan 'n opvoeder wat by 'n kantoor in diens is en wat 'n eksamen in finalejaarsvakke ter voltooiing van 'n eerste graad of diploma vir dié doel deur die Minister goedgekeur moet aflê, aaneenlopende spesiale verlof vir eksamendoeleindes vir 'n maksimum tydperk van 16 werkdae toestaan.

Spesiale verlof vir kwarantyn-doeleindes

47. (1) Waar die Minister in oorleg met die Minister van Nasionale Gesondheid van oordeel is dat 'n opvoeder aan 'n oordraagbare of aanmeldbare siekte binne die bedoeling van artikel 1 van die Wet op Gesondheid, 1977 (Wet No. 63 van 1977), ly of daaraan blootgestel is, kan die Minister verlof vir kwarantyn-doeleindes met volle salaris aan die opvoeder toestaan.

(2) Enige aansoek om verlof in subregulasie (1) bedoel moet vergesel gaan van 'n sertifikaat van 'n geregistreerde geneesheer waarin die tydperk van kwarantyn asook die redes waarom sodanige verlof nodig is, vermeld word.

(3) Verlof vir kwarantyn-doeleindes mag nie vir 'n langer tydperk wees as dié wat nodig is vir die verwydering van die besmetting of aansteeking of vir ontsmetting nie.

(4) Spesiale verlof vir kwarantyn-doeleindes word nie teen die opvoeder se verlofkrediet verreken nie.

Special leave for participating in sporting and cultural events

48. (1) Special leave on full pay for participating in sporting and cultural events may be granted with the approval of the Minister, without such leave being deducted from the leave credit of an educator, when an educator—

- (a) is selected by an amateur sports body or a cultural institution recognised by the Minister for this purpose—
 - (i) to take part as a competitor, coach or manager in a sports or cultural event beyond the borders of the Republic; or
 - (ii) to represent the country, province or region at an international, national, provincial or regional sports or cultural event within the Republic; or
 - (iii) to accompany a group or an individual from outside the country who is visiting the Republic, as a representative of such sports body or cultural institution; or
 - (iv) to attend international conferences or meetings of international sports bodies or cultural institutions; or
- (b) acts as a referee, official, adjudicator or course leader at a sports or cultural event at an international level within or outside the Republic; or
- (c) as an individual is selected or invited to take part, or on his own initiative takes part in a sports or cultural event at an international or national level within or outside the Republic.

Special leave for urgent private affairs

49. (1) With the approval of the Minister, special leave for urgent private affairs may be granted to an educator to attend to private affairs.

(2) Special leave for urgent private affairs shall be on full pay if the educator has the necessary vacation leave to his credit and shall be deducted from such leave credit or shall be without pay if the educator no longer has any vacation leave to his credit.

Special leave for accouchement purposes

50. (1) Special leave on full pay for accouchement purposes (including the adoption of a child) may be granted to a married woman educator on the following basis and shall not be deducted from the educator's leave credit:

- (a) A maximum of 84 days (including weekends and public holidays that fall within this period) of special leave on full pay may be granted per accouchement or adoption of a child, as the case may be.
- (b) The educator shall have completed 12 months of uninterrupted service.
- (c) Prior service rendered at institutions mentioned in regulation 33 (5) and (6) shall be taken into account for the purposes of paragraph (b) if there has been no interruption in service.

Spesiale verlof vir deelname aan sport- en kultuurgeleenthede

48. (1) Met die goedkeuring van die Minister kan spesiale verlof vir deelname aan sport- en kultuurgeleenthede met volle salaris, sonder dat die verlof teen 'n opvoeder se verlofkrediet verreken word, toegestaan word wanneer die opvoeder—

- (a) deur 'n amateursportliggaam of 'n kultuurliggaam deur die Minister vir hierdie doel erken, gekies word om—
 - (i) as deelnemer, afrigter of bestuurder aan 'n sport- of kultuurgeleentheid buite die Republiek mee te doen; of
 - (ii) die land, provinsie of streek by 'n internasionale, nasionale, provinsiale of streek-sport- of kultuurgeleentheid binne die Republiek te verteenwoordig; of
 - (iii) 'n groep of 'n individu uit die buiteland wat die Republiek besoek, as verteenwoordiger van die genoemde sportliggaam of kultuurliggaam te vergesel; of
 - (iv) internasionale konferensies of vergaderings van internasionale sportliggame of kultuurliggame by te woon; of
- (b) as skeidsregter, beamppte, beoordelaar of kursusleier by 'n sport- of kultuurgeleentheid op internasionale vlak binne of buite die Republiek optree; of
- (c) as 'n individu, wat gekies of uitgenooi is of op eie inisiatief, aan 'n sport- of kultuurgeleentheid op internasionale of nasionale vlak binne of buite die Republiek deelneem.

Spesiale verlof vir dringende private sake

49. (1) Met die goedkeuring van die Minister kan aan 'n opvoeder spesiale verlof vir dringende private sake toegestaan word om aandag te skenk aan private sake.

(2) Spesiale verlof vir dringende private sake is met volle salaris indien die opvoeder oor die nodige vakansieverlofkrediet beskik en word teen genoemde verlofkrediet verreken of is sonder salaris indien die opvoeder nie meer oor enige vakansieverlofkrediet beskik nie.

Spesiale verlof vir bevallingsdoeleindes

50. (1) Spesiale verlof met volle salaris vir bevallingsdoeleindes (waarby die aanneming van 'n kind ingesluit is), kan op die volgende grondslag aan 'n getroude vroulike opvoeder toegestaan word en word nie teen die opvoeder se verlofkrediet verreken nie:

- (a) 'n Maksimum van 84 dae (wat naweke en openbare feesdae wat in so 'n tydperk val insluit) spesiale verlof met volle salaris kan per bevaling of aanneming van 'n kind, na gelang van die geval, toegestaan word.
- (b) Die opvoeder moet 12 maande ononderbroke diens voltooi het.
- (c) Vorige diens gelewer by instellings in regulasie 33 (5) en (6) genoem, word vir die doeleindes van paragraaf (b) in ag geneem mits daar nie 'n onderbreking van diens plaasgevind het nie.

- (d) In applying paragraph (c), the previous temporary or permanent service of an educator who terminated her permanent or temporary appointment and has been appointed without any interruption in service shall be taken into account.
- (e) The special leave referred to in this regulation may be granted, subject to the provisions of paragraph (i), to an educator for not more than two accouchements or adoptions, as the case may be.
- (f) The special leave may be taken before or after the accouchement, but it shall be uninterrupted and continuous with the accouchement in all cases and it may also be continuous with periods of sick leave or any other type of leave.
- (g) Subject to the provisions of paragraph (h), special leave may not be converted, in part or as a whole, into any other type of leave after it has commenced.
- (h) Sick leave for absences from duty owing to a miscarriage, a still-birth or the termination of a pregnancy on medical advice may be granted in accordance with regulations 39, 40 or 41, as the case may be, before a period of special leave commences.
- (i) If the miscarriage, still-birth or termination of pregnancy referred to in paragraph (h) occurs after such a period of special leave has commenced, the said special leave for the period up to the miscarriage, still-birth or termination of pregnancy shall not be taken into account for the purposes of the restriction contained in paragraph (e).
- (j) Sick leave may be granted in accordance with the provisions of regulations 39, 40 or 41, as the case may be, for absences from duty from the date of the miscarriage, still-birth or termination of pregnancy referred to in paragraph (h).
- (2) If a woman educator does not qualify for the leave in terms of subregulation (1), the following provisions shall apply to her:
- (a) Special leave or accouchement shall be without pay.
- (b) Her absence from duty owing to her accouchement shall not be covered by sick leave, but on the written request of such educator, through the granting of her available vacation leave on full pay, and thereafter vacation leave without pay for the period approved by the Minister.
- (c) Sick leave may however be granted to her in accordance with regulations 39, 40 or 41, as the case may be—
- (i) during a period of pregnancy but not for any absence immediately prior to the accouchement and continuous with the absence of accouchement; and
- (d) By die toepassing van paragraaf (c) word 'n opvoeder wat haar permanente of tydelike diens beëindig het en sonder onderbreking van diens aangestel word, se vorige permanente of tydelike diens in ag geneem.
- (e) Die spesiale verlof in hierdie regulasie bedoel, kan, behoudens die bepalings van paragraaf (i), vir hoogstens twee bevallings of aannemings, na gelang van die geval, per opvoeder toegestaan word.
- (f) Die spesiale verlof kan voor of na die bevalling benut word, maar moet, na gelang van die geval, ononderbroke en aaneenlopend met die bevalling wees en voorts kan dit ook aaneenlopend met tydperke van siekte of enige ander soort verlof benut word.
- (g) Die spesiale verlof mag, behoudens die bepalings van paragraaf (h), nie gedeeltelik of in geheel in enige ander soort verlof omskep word nadat dit 'n aanvang geneem het nie.
- (h) Siekteverlof ooreenkomstig regulasie 39, 40 of 41, na gelang van die geval, mag ten opsigte van afwesighede van diens as gevolg van 'n miskraam, 'n doodgeboorte of beëindiging van swangerskap op mediese advies voordat 'n tydperk van spesiale verlof 'n aanvang neem, toegestaan word.
- (i) Indien die miskraam, doodgeboorte of beëindiging van swangerskap in paragraaf (h) bedoel, plaasvind nadat sodanige tydperk van spesiale verlof 'n aanvang geneem het, word bedoelde spesiale verlof vir die tydperk tot voor die miskraam, doodgeboorte of beëindiging van swangerskap nie in berekening gebring vir die doeleindes van die beperking in paragraaf (e) vervat nie.
- (j) Vir afwesighede van diens vanaf die datum van miskraam, doodgeboorte of beëindiging van swangerskap in paragraaf (h) bedoel kan siekteverlof ooreenkomstig die bepalings van regulasies 39, 40 of 41, na gelang van die geval, toegestaan word.
- (2) Indien 'n vroulike opvoeder nie vir die verlof ingevolge subregulasie (1) kwalifiseer nie, is die volgende bepalings op sodanige opvoeder van toepassing:
- (a) Spesiale verlof vir bevalling is sonder salaris.
- (b) Haar afwesigheid van diens as gevolg van haar bevalling mag nie deur siekteverlof gedek word nie, maar, op sodanige opvoeder se skriftelike versoek, deur die toestaan van haar beskikbare vakansieverlof met volle salaris en daarna vakansieverlof sonder salaris vir die tydperk soos deur die Minister goedgekeur.
- (c) Siekteverlof kan egter ooreenkomstig regulasie 39, 40 of 41, na gelang van die geval, aan haar toegestaan word—
- (i) gedurende 'n tydperk van swangerskap, maar nie ten opsigte van enige afwesigheid wat die bevalling onmiddellik voorafgaan en aaneenlopend met die bevallingsafwesigheid is nie; of

- (ii) for absences from duty owing to a miscarriage, still-birth or termination of pregnancy on medical advice.

(3) (a) A married woman educator employed at a school may apply for special leave for accouchement and such application shall be submitted at least 90 days prior to the expected date of her accouchement.

(b) Special leave for accouchement shall normally be granted to a married woman educator employed at a school as from 60 days prior to the expected date of accouchement: Provided that, in due consideration of the circumstances at the school concerned and the state of health of the applicant, the Minister may approve a shorter or a longer period.

(c) Special leave for accouchement for a married woman educator employed at a school shall terminate 90 days after the date of accouchement: Provided that, in due consideration of the circumstances at the school concerned and the circumstances of the applicant, the Minister may approve a shorter or a longer period.

(d) If the period of special leave for accouchement granted to an educator in terms of subregulations (1) and (3) exceeds 84 days, vacation leave on full pay to the extent that the educator has vacation leave to her credit, followed by vacation leave without pay, may be granted on the written request of the educator for the period in excess of 84 days.

(4) If the Minister is of the opinion that extraordinary circumstances exist, he may grant special leave for accouchement purposes to a woman educator employed at a school.

***Special leave or the sake of continuity of service:
Educators employed at schools***

51. (1) Special leave without pay for a maximum of 120 days may be granted to an educator employed at a school who is appointed in the service in the Department or governing body of a State-aided school and who was previously employed as an educator by the Department or another education department or a governing body for the purpose of retaining the continuity of such educator's service.

(2) The special leave referred to in subregulation (1) shall commence on the day immediately following the date on which such educator last received pay from his previous education department or governing body and shall expire on the day preceding the date of assumption of duty with the Department of governing body in terms of such appointment.

(3) The limitation of 120 days referred to in subregulation (1) shall not apply in cases where the period concerned extends from the day immediately following the last day of a school quarter to the day immediately preceding the first day of the school quarter after a full school quarter has elapsed.

- (ii) ten opsigte van afwesighede van diens as gevolg van 'n miskraam, 'n doodgeboorte of beëindiging van swangerskap op mediese advies.

(3) (a) 'n Getroude vroulike opvoeder wat by 'n skool in diens is, kan vir haar bevalling aansoek doen om spesiale verlof en sodanige aansoek moet ingedien word minstens 90 dae voor die verwagte datum van haar bevalling.

(b) Spesiale verlof vir bevalling word aan 'n getroude vroulike opvoeder wat by 'n skool in diens is toegestaan vanaf 60 dae voor die datum van die verwagte bevalling: Met dien verstande dat, met inagneming van die omstandighede by die betrokke skool asook die gesondheidstoestand van die aansoeker, die Minister 'n korter of langer tydperk kan goedkeur.

(c) Spesiale verlof vir bevalling aan 'n getroude vroulike opvoeder wat by 'n skool in diens is eindig 90 dae na die datum van die bevalling: Met dien verstande dat, met inagneming van die omstandighede by die betrokke skool asook die omstandighede van die aansoeker, die Minister 'n korter of langer tydperk kan goedkeur.

(d) Indien die tydperk van spesiale verlof vir bevalling wat ingevolge subregulasies (1) en (3) aan 'n opvoeder in diens by 'n skool toegestaan is 84 dae oorskry, word op die skriftelike versoek van die opvoeder vakansieverlof met volle salaris in die mate wat die opvoeder vakansieverlof tot haar krediet het, en daarna vakansieverlof sonder salaris vir die tydperk in oorskryding van 84 dae toegestaan.

(4) Die Minister kan, waar daar na sy mening buitengewone omstandighede is, spesiale verlof vir bevallingsdoeleindes aan 'n vroulike opvoeder wat by 'n skool in diens is, toestaan.

***Spesiale verlof ter wille van dienskontinuiteit:
Opvoeders wat by skole in diens is***

51. (1) Aan 'n opvoeder wat by 'n skool in diens is en wat in die diens van die Departement of 'n bestuursliggaam van 'n Staatsondersteunde skool aangestel word en wat voorheen by die Departement of 'n ander onderwysdepartement of 'n bestuursliggaam as opvoeder in diens was, kan spesiale verlof sonder salaris vir 'n tydperk van hoogstens 120 dae toegestaan word vir die doel om die kontinuiteit van sodanige opvoeder se dienste te behou.

(2) Die spesiale verlof in subregulasie (1) genoem neem 'n aanvang op die eerste dag na die datum waarop sodanige opvoeder die laaste keer deur sy vorige onderwysdepartement of bestuursliggaam besoldig is en verstryk op die dag voor die datum van diensaanvaarding by die Departement of bestuursliggaam ingevolge sodanige aanstelling.

(3) Die beperking van 120 dae in subregulasie (1) bedoel, is nie van toepassing nie waar die betrokke tydperk strek van die dag onmiddellik na die laaste dag van 'n skoolkwartaal tot die dag onmiddellik voor die eerste dag van die skoolkwartaal nadat een volle skoolkwartaal verloop het.

**Special leave for the sake of continuity of service:
Educators employed at offices**

52. (1) Special leave without pay to a maximum of 120 days may be granted to an educator employed at an office who is appointed in the service of the Department and who was previously employed as an educator by the Department or another education department for the purpose of retaining the continuity of such educator's service.

(2) The special leave referred to in subregulation (1) shall commence on the day immediately following the date on which such educator last received pay from his previous education department and shall expire on the day preceding the date of assumption of duty with the Department in terms of such appointment.

Special leave in extraordinary circumstances

53. (1) Subject to the provisions of section 21 (2) (a) of the Act or regulation 36 of these regulations, unauthorised absence by an educator, notwithstanding any disciplinary measures which may be taken against him, shall be regarded as special leave in extraordinary circumstances and such leave shall be without pay unless the Minister in a specific case determines otherwise with due allowance for valid reasons as contemplated in section 22 (p) of the Act.

(2) If, in the opinion of the Minister, circumstances justify it, he may grant an educator special leave in extraordinary circumstances for any purpose or for any period he may determine, and such leave shall be without pay unless the Minister determines otherwise.

(3) Special leave in extraordinary circumstances shall not be deducted from the leave credit of the educator.

Leave gratuities

54. A leave gratuity, calculated as set out in regulations 55 and 56, may be paid—

- (a) to an educator whose service terminates as a result of retirement on pension: Provided that the voluntary resignation of an educator appointed in a temporary capacity in terms of section 20 of the Act on or after attaining the age of 60 years shall also be regarded as retirement on pension;
- (b) to an educator as a result of termination of service on account of—
 - (i) ill-health that is not caused through the misconduct or negligence of the educator or his failure to take reasonable precautions, or owing to diminishing powers;
 - (ii) redundancy, abolition of a post or reorganisation;
 - (iii) incompetence that is not caused through an educator's own fault; or
 - (iv) the expiry of an educator's period of service or his voluntary resignation according to the provisions of an agreement as contemplated in section 20 of the Act;

**Spesiale verlof ter wille van dienskontinuiteit:
Opvoeders wat by kantore in diens is**

52. (1) Aan 'n opvoeder wat by 'n kantoor in diens is en wat in die diens van die Departement aangestel word en wat voorheen by die Departement of 'n ander onderwysdepartement as opvoeder in diens was, kan spesiale verlof sonder salaris vir 'n tydperk van hoogstens 120 dae toegestaan word vir die doel om die kontinuiteit van sodanige opvoeder se dienste te behou.

(2) Die spesiale verlof in subregulasie (1) genoem neem 'n aanvang op die eerste dag na die datum waarop sodanige opvoeder die laaste keer deur sy vorige onderwysdepartement besoldig is en verstryk op die dag voor die datum van diensaanvaarding by die Departement ingevolge sodanige aanstelling.

Spesiale verlof in buitengewone omstandighede

53. (1) Behoudens die bepalings van artikel 21 (2) (a) van die Wet of regulasie 36 van hierdie regulasies word ongemagtigde afwesigheid van 'n opvoeder, ongeag enige tugmaatreëls wat teen hom toegepas word, geag spesiale verlof in buitengewone omstandighede te wees, en sulke verlof is sonder salaris tensy die Minister ten opsigte van 'n spesifieke geval met inagneming van 'n geldige rede in artikel 22 (p) van die Wet bedoel, anders bepaal.

(2) Indien die Minister van oordeel is dat omstandighede dit regverdig, kan hy aan 'n opvoeder spesiale verlof in buitengewone omstandighede toestaan vir enige doel en vir enige tydperk wat hy bepaal, en sulke verlof is sonder salaris, tensy die Minister anders bepaal.

(3) Spesiale verlof in buitengewone omstandighede word nie teen die opvoeder se verlofkrediet verreken nie.

Verlofgratifikasies

54. 'n Verlofgratifikasie, bereken soos in regulasies 55 en 56 uiteengesit, kan betaal word—

- (a) aan 'n opvoeder wie se diens eindig as gevolg van uitdienstreding met pensioen: Met dien verstande dat die vrywillige bedanking van 'n opvoeder aangestel in 'n tydelike hoedanigheid kragtens artikel 20 van die Wet by of na bereiking van die leeftyd van 60 jaar ook as uitdienstreding met pensioen beskou word;
- (b) aan 'n opvoeder ten gevolge van diensbeëindiging weens—
 - (i) swak gesondheid wat nie toe te skryf is aan die opvoeder se wangedrag, nalatigheid of versuim om redelike voorsorg te tref nie of as gevolg van afnemende kragte;
 - (ii) oortolligheid, afskaffing van 'n pos of reorganisasie;
 - (iii) onbekwaamheid nie deur eie toedoen veroorsaak nie; of
 - (iv) die verstryking van die dienstydsperk of die vrywillige bedanking van die opvoeder ooreenkomstig die bepalings van 'n ooreenkoms in artikel 20 van die Wet bedoel;

- (c) on the termination of the service of an educator appointed in a temporary capacity in terms of section 20 of the Act, after having completed at least five years of uninterrupted satisfactory service, unless special leave for the sake of continuity of service may be granted;
- (d) to an educator serving in a permanent capacity, at his written request, where such educator has the option of retiring on pension before attaining the compulsory retirement age and does not retire before attaining such age; and
- (e) when an educator dies, to the following person, persons or the estate in the following order of precedence:
 - (i) The widow or widower of such educator;
 - (ii) the fully dependent children, including a stepchild or a lawfully adopted child, in equal shares;
 - (iii) a dependent parent or parents; and
 - (iv) the estate of the deceased.

Calculation of the number of days which may be converted into a leave gratuity

55. (1) A leave gratuity shall be payable to an educator whose service terminates in the circumstances set out in regulation 54 (a), (b) or (e), calculated against the total number of days of leave he has to his credit at the termination of his service.

(2) A leave gratuity up to a maximum of 184 days shall be payable to an educator referred to in regulation 54 (c) or (d).

(3) Any leave credit over and above the number of days for which a leave gratuity is paid shall be retained by the educator.

Calculation of the amount of the leave gratuity

56. The amount of the leave gratuity payable to an educator shall be calculated in terms of the number of days of leave that may be converted into the gratuity and at a rate equal to the total of the educator's basic salary plus any pensionable allowance payable on the date on which such gratuity is payable.

Payment of leave gratuity

57. If an educator has applied for the payment of a leave gratuity and such gratuity has been paid to him, he shall not be allowed to refund such gratuity and apply again for one at a later stage.

Payment of allowances during leave

58. The payment of an allowance for acting in a higher post or performing duties in a hostel which is not included in the salary of an educator, may be suspended by the Minister during periods of leave.

- (c) by die diensbeëindiging van 'n opvoeder aangestel in 'n tydelike hoedanigheid kragtens artikel 20 van die Wet, na voltooiing van minstens vyf jaar ononderbroke bevredigende diens, tensy spesiale verlof ter wille van dienskontinuiteit toegestaan kan word;
- (d) aan 'n opvoeder wat in 'n permanente hoedanigheid in diens is, op sy skriftelike versoek, indien sodanige opvoeder die keuse het om voor bereiking van die verpligte uitdienstredingsleeftyd met pensioen uit diens te tree en nie voor bereiking van sodanige leeftyd uit diens tree nie; en
- (e) waar 'n opvoeder te sterwe kom, aan die volgende persoon, persone of boedel in die volgende orde van voorrang:
 - (i) Die weduwee of wewenaar van die opvoeder;
 - (ii) die ten volle afhanklike kinders, met inbegrip van 'n stiefkind of 'n wettig aangenome kind, in gelyke dele;
 - (iii) 'n afhanklike ouer of ouers, en
 - (iv) die boedel van die oorledene.

Berekening van getal dae wat in 'n verlofgratifikasie omskep kan word

55. (1) 'n Verlofgratifikasie, bereken teen die totale getal dae wat hy by sy diensbeëindiging as verlofkrediet het, is betaalbaar indien 'n opvoeder se diens eindig in die omstandighede in regulasie 54 (a), (b) of (e) uiteengesit.

(2) Verlofgratifikasie tot 'n maksimum van 184 dae is betaalbaar aan 'n opvoeder bedoel in regulasie 54 (c) of (d).

(3) Verlofkrediet bo en behalwe die getal dae ten opsigte waarvan verlofgratifikasie uitbetaal word, word deur 'n opvoeder behou.

Berekening van bedrag van verlofgratifikasie

56. Die bedrag van die verlofgratifikasie betaalbaar aan 'n opvoeder word bereken ten opsigte van die getal dae verlof wat in die gratifikasie omskep kan word en teen 'n tarief gelyk aan die totaal van die opvoeder se basiese salaris plus enige pensioengewende toelae op die datum waarop sodanige verlofgratifikasie betaalbaar is.

Betaling van verlofgratifikasie

57. Indien 'n opvoeder om die betaling van 'n verlofgratifikasie aansoek gedoen het en die betrokke gratifikasie aan hom betaal is, word hy nie toegelaat om sodanige gratifikasie terug te betaal en op 'n later tydstop weer daarom aansoek te doen nie.

Betaling van toelae tydens verlof

58. Die betaling van 'n toelae aan 'n opvoeder, vir waarneming in 'n hoër pos of werkverrigting by 'n koshuis, wat nie by sy salaris inbegrepe is nie, kan tydens tydperke van verlof deur die Minister gestaak word.

MISCONDUCT AND INEFFICIENCY***Procedure in cases of misconduct by educators at State-aided schools***

59. (1) If an educator employed at a State-aided school is accused of misconduct as defined in section 22 of the Act, the governing body of such school may charge him in writing with that misconduct.

(2) The governing body shall serve the charge upon the person charged by causing it to be delivered to him or sent to him by registered letter or to be left at his place of residence or last known place of residence.

(3) The Director-General may order that an educator be charged with the misconduct he is accused of if the governing body has decided not to charge him with that misconduct.

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

(5) The governing body may suspend from duty an educator accused of misconduct as defined in section 22 of the Act, whether or not such educator has been charged with misconduct.

(6) The governing body may at any time cancel the suspension but the cancellation of the suspension shall not affect any proceedings in connection with the charge of misconduct.

(7) An educator who has been suspended from duty in terms of subregulation (5) shall not be entitled to any emoluments in respect of the period of his suspension: Provided that the Minister, on the recommendation of the governing body, may approve payment to said educator of the whole or a portion of his emoluments during the period of his suspension.

(8) If no charge under this regulation is preferred against an educator who has been so suspended from duty, or if he has been found not guilty of the misconduct he is charged with, he shall be paid his emoluments in respect of the period of his suspension in so far as this has not been done already.

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

(b) If the person charged denies the charge or fails to comply with the direction mentioned in subregulation (4), the governing body shall appoint a person to inquire into the charge.

(c) Notwithstanding the provisions of paragraph (b) the Director-General may, with the approval of the governing body, appoint such person on behalf of the governing body.

WANGEDRAG EN ONBEKWAAMHEID***Prosedure in gevalle van wangedrag deur opvoeders by Staatsondersteunde skole***

59. (1) Indien 'n opvoeder in diens by 'n Staatsondersteunde skool beskuldig word van wangedrag soos in artikel 22 van die Wet bedoel, kan die bestuursliggaam van die betrokke skool hom skriftelik van daardie wangedrag aankla.

(2) Die bestuursliggaam moet die aanklag aan die aangeklaagde beteken deur dit aan hom te laat oorhandig of per aangetekende brief te stuur of dit te laat afgee by sy woonplek of die plek waar, sover bekend, hy laas gewoon het.

(3) Die Direkteur-generaal kan gelas dat die opvoeder van wangedrag waarvan hy beskuldig word, aangekla word indien die bestuursliggaam besluit het om hom nie aldus aan te kla nie.

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

(5) Die bestuursliggaam kan 'n opvoeder wat beskuldig word van wangedrag soos in artikel 22 van die Wet bedoel, in sy diens skors, hetsy hy van wangedrag aangekla is of nie.

(6) Die bestuursliggaam kan die skorsing te eniger tyd intrek, maar die intrekking van die skorsing raak geen verrigtings in verband met die beskuldiging van wangedrag nie.

(7) 'n Opvoeder wat ingevolge subregulasie (5) geskors is, is op geen besoldiging ten opsigte van die tydperk van sy skorsing geregtig nie: Met dien verstande dat indien die bestuursliggaam so aanbeveel, die Minister kan goedkeur dat aan sodanige opvoeder sy volle besoldiging of 'n gedeelte daarvan vir die tydperk van sy skorsing aan hom betaal word.

(8) As geen aanklag kragtens hierdie regulasie ingebring word nie teen 'n opvoeder wat aldus in sy diens geskors is of onskuldig bevind word indien hy van wangedrag aangekla word, moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word vir sover dit nie reeds gedoen is nie.

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

(b) Indien die aangeklaagde die aanklag van wangedrag ontken of versuim om te voldoen aan die aanseggings vermeld in subregulasie (4), moet die bestuursliggaam iemand aanstel om ondersoek na die aanklag in te stel.

(c) Ondanks die bepalings van paragraaf (b) kan die Direkteur-generaal met die instemming van die bestuursliggaam so iemand namens die bestuursliggaam aanstel.

(10) (a) The person who is to hold the inquiry shall in consultation with the governing body fix the time and place of the inquiry, and the governing body shall give the person charged reasonable written notice of the time and place so fixed.

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

(11) (a) The governing body may authorise any person to be present at the inquiry and to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.

(b) Notwithstanding the provisions of paragraph (a) the Director-General, with the approval of the governing body, may authorise a person on behalf of the governing body to perform the duties mentioned in the said paragraph.

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

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

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

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

(14) (a) The person holding the inquiry shall after the conclusion thereof without delay submit to the governing body the record of the proceedings at the inquiry and a statement of his findings and recommendations and the governing body shall subsequently decide whether the person charged is guilty or not guilty of the misconduct with which he has been charged.

(b) The governing body shall without delay inform the person charged of the decision it has reached.

(15) If the governing body finds that the person charged is not guilty of the misconduct with which he has been charged and the person charged was suspended from duty in terms of subregulation (5), he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as this has not been done already.

(10) (a) Die persoon wat die ondersoek moet instel, moet in oorleg met die bestuursliggaam die tyd en plek van die ondersoek vasstel, en die bestuursliggaam moet die aangeklaagde redelike skriftelike kennis gee van die tyd en plek aldus vasgestel.

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

(11) (a) Die bestuursliggaam kan iemand magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter staving van die aanklag aan te voer, en om iemand wat as getuie vir die verweer opgeroep is, onder kruisverhoor te neem.

(b) Ondanks die bepalings van paragraaf (a) kan die Direkteur-generaal met die instemming van die bestuursliggaam iemand namens die bestuursliggaam magtig om die werksaamhede in genoemde paragraaf vermeld te verrig.

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

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

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

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

(14) (a) Die persoon wat die ondersoek instel, moet na afloop van die ondersoek onverwyld die notule en 'n uiteensetting van sy bevindinge en aanbevelings aan die bestuursliggaam voorlê en die bestuursliggaam moet vervolgens besluit of die aangeklaagde skuldig of onskuldig is aan die wangedrag waarvan hy aangekla word.

(b) Die bestuursliggaam moet die aangeklaagde onverwyld van sy beslissing verwittig.

(15) Indien die bestuursliggaam bevind dat die aangeklaagde onskuldig is aan die wangedrag waarvan hy aangekla is en die aangeklaagde ingevolge subregulasie (5) in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word vir sover dit nie reeds gedoen is nie.

(16) If the governing body finds that the person charged is guilty of the misconduct with which he has been charged, the person charged may within 14 days after the date on which he was informed of the finding appeal to the Minister by delivering or posting to the person who held the inquiry a written notice of appeal setting forth fully the grounds of appeal.

(17) If the governing body finds that the person charged is guilty of the misconduct with which he has been charged, it shall—

(a) after expiry of the period referred to in subregulation (16), forward to the Minister—

- (i) the record of the proceedings at the inquiry;
- (ii) the documentary evidence admitted thereat;
- (iii) a statement of its finding and its reasons therefor;
- (iv) any observations which it may wish to make on the case; and
- (v) if there is an appeal from its finding in terms of subregulation (16), the notice of appeal; and

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

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

(19) The appellant may, if he made an application in terms of subregulation (18) within 14 days after the date upon which he was furnished with the copy in question or, if he did not make such an application, within 21 days after the date upon which he was furnished with the copy of the reasons for the finding, submit to the Minister written representations in support of his appeal.

(20) After consideration of such record and other documents the Minister may allow the appeal wholly or in part and set aside or vary the finding, may dismiss the appeal and confirm the finding, or, before arriving at a final decision on the appeal, may remit any matter in connection with the inquiry to the person who held the inquiry and direct him to report thereon or to hold a further inquiry and to arrive at a finding thereon.

(21) If the Minister has directed that a further inquiry be held, the provisions of subregulations (10), (11) and (12) shall apply thereto.

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

(23) If the Minister allows the appeal and the appellant has been suspended from duty in terms of subregulation (5), he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as this has not been done already.

(16) Indien die bestuursliggaam bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, kan die aangeklaagde binne 14 dae na die datum waarop hy van die bevinding verwittig is, na die Minister appelleer deur aan die persoon wat die ondersoek ingestel het, 'n skriftelike kennisgewing van die appèl te oorhandig of te pos waarin die appèlgronde volledig uiteengesit word.

(17) Indien die bestuursliggaam bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, moet hy—

(a) na verskyning van die tydperk vermeld in subregulasie (16), aan die Minister stuur—

- (i) die notule van die verrigtings by die ondersoek;
- (ii) die dokumentêre bewysstukke wat daarby toegelaat is;
- (iii) 'n uiteensetting van sy bevinding en sy redes daarvoor;
- (iv) enige opmerkings wat hy oor die saak wil maak; en
- (v) indien teen sy bevindings ingevolge subregulasie (16) geappelleer is, die kennisgewing van appèl; en

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

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

(19) Die appellant kan, indien hy 'n aansoek ingevolge subregulasie (18) gedoen het binne 14 dae na die datum waarop die betrokke afskrif aan hom verstrek is, of, indien hy nie aldus aansoek gedoen het nie, binne 21 dae na die datum waarop die afskrif van die redes vir die bevinding aan hom verstrek is, skriftelike verhoë ter stawing van sy appèl aan die Minister voorleë.

(20) Na oorweging van sodanige notule en ander stukke kan die Minister die appèl geheel en al of ten dele toestaan en die bevinding tersyde stel of wysig, die appèl van die hand wys en die bevindings bekragtig, of, voordat hy tot 'n finale beslissing oor die appèl kom, enige aangeleentheid in verband met die ondersoek terugverwys na die persoon wat die ondersoek ingestel het en hom gelas om verslag daaroor te doen of nadere ondersoek in te stel en 'n bevinding daaroor te doen.

(21) Indien die Minister gelas dat nadere ondersoek ingestel word, is die bepalings van subregulasies (10), (11) en (12) ten opsigte daarvan van toepassing.

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

(23) Indien die Minister die appèl toestaan en die appellant ingevolge subregulasie (5) in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word vir sover dit nie reeds gedoen is nie.

(24) If the person charged has admitted the charge of misconduct as contemplated in subregulation (9) (a), or if he has been found guilty of misconduct in terms of subregulation (14) (a) and has not appealed against it within the fixed period, or has appealed against it and the appeal has been dismissed wholly or in part in terms of this regulation, the governing body shall, subject to the provisions of subregulation (25), recommend to the Minister that—

- (a) the person charged be cautioned or reprimanded;
- (b) a fine, not exceeding R2 000, be imposed upon the person charged;
- (c) the emoluments or post level or both the emoluments and the post level of the person charged be reduced;
- (d) the Minister in terms of section 13 (1) (b) of the Act approve that the person charged be discharged by the governing body with effect from a date determined by the Minister; or
- (e) the meting out of suitable punishment in terms of this subregulation be postponed for a period not exceeding 12 months.

(25) Except where the governing body makes a recommendation in terms of subregulation (24) (d), it may make a recommendation in terms of more than one paragraph of that subregulation.

(26) The Minister may act in accordance with the recommendation of the governing body in terms of subregulation (24) or take any other action [except an action referred to in subregulation (24) (d)] which he may have taken had the governing body recommended such action in terms of that subregulation.

(27) The governing body shall inform the educator in question in writing of the decision of the Minister.

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

(29) If any person has been suspended from duty in terms of subregulation (5) and the Minister deals with him in a manner contemplated in paragraphs (a), (b), (c) or (e) of subregulation (24), such person shall be allowed to resume duty in an appropriate post as soon as practicable and shall be paid his emoluments in respect of the period of his suspension in so far as this has not been done already: Provided that if the emoluments or post level of such person is reduced as contemplated in subregulation 24 (c), his emoluments in respect of the period of his suspension shall be calculated on the basis of the reduced emoluments or post level, as the case may be: Provided further that if in respect of the period of his suspension emoluments in excess of the emoluments so calculated have already been paid to him in terms of subregulation (7), he shall not be obliged to refund the excess.

(30) If any person who has been suspended or charged with misconduct in terms of this regulation resigns from the service of the governing body or assumes other employment before the relevant charge of misconduct has been disposed of under this regulation, he shall be deemed to have been discharged from

(24) Indien die aangeklaagde die aanklag van wangedrag erken het soos in subregulasie (9) (a) beoog, of indien hy aan wangedrag skuldig bevind is ingevolge subregulasie (14) (a) en nie binne die vastgestelde tydperk daarteen geappelleer het nie of daarteen geappelleer het en die appèl geheel en al of ten dele van die hand gewys is ingevolge hierdie regulasie, moet die bestuursliggaam behoudens die bepalinge van subregulasie (25) by die Minister aanbeveel dat—

- (a) die aangeklaagde gewaarsku of berispe word;
- (b) die aangeklaagde 'n boete van hoogstens R2 000 opgelê word;
- (c) die aangeklaagde se besoldiging of posvlak of sy besoldiging sowel as sy posvlak verlaag word;
- (d) die Minister ingevolge artikel 13 (1) (b) van die Wet goedkeuring verleen dat die aangeklaagde deur die bestuursliggaam ontslaan word met ingang van 'n datum deur die Minister bepaal; of
- (e) strafoplegging ingevolge hierdie subregulasie vir 'n tydperk van hoogstens 12 maande uitgestel word.

(25) Behalwe waar die bestuursliggaam 'n aanbeveling ingevolge subregulasie (24) (d) doen, kan hy 'n aanbeveling kragtens meer as een van die ander paragrafe van daardie subregulasie doen.

(26) Die Minister kan volgens die aanbeveling van die bestuursliggaam ingevolge subregulasie (24) handel of enigiets anders [behalwe 'n handeling in subregulasie (24) (d) bedoel] doen wat hy sou kon gedoen het indien die bestuursliggaam dit ingevolge daardie subregulasie aanbeveel het.

(27) Die bestuursliggaam moet die betrokke opvoeder skriftelik van die Minister se beslissing verwittig.

(28) Indien 'n opvoeder ingevolge hierdie subregulasie 'n boete opgelê word, kan dié boete verhaal word deur dit van sy besoldiging af te trek in die paaieimente wat die Minister bepaal.

(29) Indien iemand ingevolge subregulasie (5) in sy diens geskors is en die Minister met hom handel soos in paragraaf (a), (b), (c) of (e) van subregulasie (24) beoog, moet so iemand so spoedig doenlik toegelaat word om diens in so 'n gepaste pos te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word vir sover dit nie reeds gedoen is nie: Met dien verstande dat indien so iemand se besoldiging of posvlak verlaag word soos beoog in subregulasie (24) (c), sy besoldiging ten opsigte van die tydperk van sy skorsing bereken word op die grondslag van die verlaagde besoldiging of posvlak, na gelang van die geval: Met dien verstande voorts dat indien ten opsigte van die tydperk van sy skorsing reeds 'n hoër besoldiging aan hom ingevolge subregulasie (7) betaal is as die besoldiging aldus bereken, hy nie verplig is om die verskil terug te betaal nie.

(30) Indien iemand wat ingevolge hierdie regulasie geskors of van wangedrag aangekla is, uit die diens van die bestuursliggaam bedank of ander werk aanvaar voordat die toepaslike aanklag van wangedrag kragtens hierdie artikel afgehandel is, word hy geag weens wangedrag uit sodanige diens ontslaan te wees

such service on account of misconduct with effect from a date fixed by the Minister, unless before the receipt of his notification of resignation or his assumption of other employment he was notified that he would not be charged with misconduct, or, as the case may be, that the charge of misconduct against him had been withdrawn: Provided that this subregulation shall not apply to a person who has been suspended without emoluments in terms of this regulation and who has assumed other employment with the permission of the Director-General, given in terms of section 28 (1) (b).

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

Procedure in cases of inefficiency at State-aided schools

60. (1) If it is alleged that an educator employed at a State-aided school is unfit for or incapable of performing efficiently the duties attached to his post for reasons not within his control and not attributable to the performance of his duties in the employment of the governing body concerned, the Director-General may, after consultation with or at the request of the governing body concerned, appoint a person to inquire into the allegation.

(2) The provisions of regulation 59 (10), (11), (12), (14), (16) up to and including (22) and (24) and (26) shall apply *mutatis mutandis* in terms of an inquiry referred to in subregulation (1) and to the educator against whom the allegation was made: Provided that, in the application of the said subregulation (24) of the said regulation, the governing body may only recommend that the educator in question be discharged from the service of the governing body or that his post level be reduced and, if his emoluments are more than the maximum for the reduced post level, that such emoluments be reduced to that maximum.

OFFICIAL DUTY, ATTENDANCE REGISTERS AND MEDICAL AID SCHEME

Official duty

61. (1) An educator shall be on official duty—

(a) in the case of an educator at a school—

- (i) during the service periods laid down in the school timetable which reflects the curriculum or the times approved by the Director-General for the school; and
- (ii) during the times in which such other activities, which do not constitute part of the school timetable, but are related to school affairs, take place; and

(b) in the case of an educator at an office, during the times approved by the Director-General for the office.

(2) An educator shall, during his official duty, give his full attention to the duties entrusted to him and shall not without the consent of the authorised person be absent from his school, class or office during his hours of official duty.

met ingang van 'n datum wat die Minister bepaal, tensy, voordat sy kennisgewing van bedanking ontvang is of hy die ander werk aanvaar het, hy in kennis gestel is dat hy nie van wangedrag aangekla sal word nie of, na gelang van die geval, dat die aanklag van wangedrag teen hom teruggetrek is: Met dien verstande dat hierdie subregulasie nie van toepassing is nie op iemand wat ingevolge hierdie subregulasie sonder besoldiging geskors is en wat met die toestemming van die Direkteur-generaal ingevolge artikel 28 (1) (b) van die Wet verleen, ander werk aanvaar het.

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

Prosedure in gevalle van onbekwaamheid by Staatsondersteunde skole

60. (1) Indien beweer word dat 'n opvoeder in diens by 'n Staatsondersteunde skool ongeskik is vir die pligte wat aan sy pos verbonde is of nie in staat is om daardie pligte op bekwame wyse uit te voer nie weens oorsake wat buite sy beheer is en nie aan die uitvoering van sy pligte in die diens van die betrokke bestuursliggaam of die betrokke skool toe te skryf is nie, kan die Direkteur-generaal, na oorlegpleging met of op versoek van die bestuursliggaam, iemand aanstel om ondersoek na die bewering in te stel.

(2) Die bepalinge van regulasie 59 (10), (11), (12), (14), (16) tot en met (22) en (24) en (26) is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek bedoel in subregulasie (1) en die opvoeder ten opsigte van wie die bewering gedoen is: Met dien verstande dat by die toepassing van genoemde subregulasie (24) van daardie regulasie die bestuursliggaam slegs kan aanbeveel dat die betrokke opvoeder uit die diens van die bestuursliggaam ontslaan word of dat sy posvlak verlaag word en, indien sy besoldiging meer is as die maksimum vir die verlaagde posvlak, daardie besoldiging tot daardie maksimum verminder word.

AMPTELIKE DIENS, BYWONINGSREGISTERS EN MEDIESE HULPSKEMA

Amptelike diens

61. (1) 'n Opvoeder is op amptelike diens—

(a) in die geval van 'n opvoeder by 'n skool—

- (i) gedurende die dienstye neergelê in die skoolrooster wat beslag gee aan die kurrikulum of die tye wat die Direkteur-generaal vir die skool goedgekeur het; en
- (ii) gedurende die tye waarbinne dié ander aktiwiteite wat nie deel van die skoolrooster uitmaak nie maar wat met skoolaangeleenthede verband hou, plaasvind; en

(b) in die geval van 'n opvoeder by 'n kantoor, gedurende die tye wat die Direkteur-generaal vir die kantoor goedgekeur het.

(2) 'n Opvoeder moet gedurende amptelike diens sy volle aandag wy aan die pligte wat aan hom toevertrou is en mag nie sonder die toestemming van die gemagtigde persoon gedurende sy amptelike diens van sy skool, klas of kantoor afwesig wees nie.

Attendance registers

62. The Minister may determine that an attendance register be kept in which an educator shall record the time of his arrival at and departure from his school or office.

Medical aid scheme

63. An educator shall, from a date and under the conditions determined by the Director-General, become a member and remain a member of a medical aid fund or medical aid association approved by the Director-General and the Director-General may exempt certain groups of educators from compulsory membership.

EDUCATORS' QUARTERS, HOME OWNERS' ALLOWANCES, RESETTLEMENT EXPENDITURE, TRANSPORT PRIVILEGES ON APPOINTMENT, DISCHARGE OR DEATH, OFFICIAL TRAVELLING AND TRANSPORT AND SUBSISTENCE ALLOWANCES

Basis of renting: Occupation of educators' quarters

64. The provisions contained in Chapter H of the Public Service Regulations pertaining to the occupation of official quarters by officers and employees in the Public Service which were in force on the date of commencement of these regulations shall apply *mutatis mutandis* to an educator who occupies educators' quarters: Provided that a reference in the first-mentioned regulations to an officer or an employee shall be deemed to be a reference to an educator employed in a permanent capacity and an educator employed in a temporary capacity, respectively.

Resettlement expenditure and transport privileges on appointment, discharge and death

65. (1) The provisions contained in Chapter F of the Public Service Regulations and the departmental policy issued in terms of regulation F3.1 of the said regulations pertaining to resettlement expenditure shall apply to an educator transferred in terms of section 16 of the Act.

(2) If an educator is transferred at his own request, no expenditure incurred in connection therewith shall be met from State funds: Provided that the Minister may grant approval for such transfer to be effected at State expense if he is satisfied that the transfer of such an educator is in the interests of the Department or necessary for the health of the educator or his wife or his child, in which case the Minister may require that a supporting medical certificate be submitted.

(3) In those cases where it is not possible to recruit a suitable candidate locally for a vacant post at a public school or office or a State-aided special school and a person is appointed from elsewhere as an educator, the Minister may grant transport at State expense for such educator and his household and personal effects on the basis laid down for a transferred educator, as contained in Chapter F of the Public Service Regulations.

Bywoningsregisters

62. Die Minister kan bepaal dat 'n bywoningsregister gehou word waarin 'n opvoeder sy tyd van aankoms by en vertrek vanaf sy skool of kantoor moet aanteken.

Mediese hulpskema

63. 'n Opvoeder is vanaf 'n datum en onder die voorwaardes en omstandighede wat die Direkteur-generaal beplan, verplig om lid te word en te bly van 'n mediese hulpfonds of mediese hulpvereniging deur die Direkteur-generaal goedgekeur en die Direkteur-generaal kan bepaalde groepe opvoeders van verpligte lidmaatskap vrystel.

OPVOEDERSKWARTIERE, HUISEIENAARSTOELAE, HERVESTIGINGSKOSTE, VERVOERVOORREGTE BY AANSTELLING, ONTSLAG EN DIE DOOD, AMPTELIKE REISE EN VERVOER EN VERBLYFTOELAES

Huurgrondslag: Bewoning van opvoederskwartiere

64. Die voorskrifte vervat in Hoofstuk H van die Staatsdiensregulasies met betrekking tot die bewoning van amptelike kwartiere deur beampptes en werknemers in die Staatsdiens, wat op die datum van die inwerkingtreding van hierdie regulasies van krag is, is *mutatis mutandis* van toepassing op 'n opvoeder wat opvoederskwartiere bewoon: Met dien verstande dat 'n verwysing in eersgenoemde regulasies na 'n beampte of 'n werknemer geag word 'n verwysing te wees na onderskeidelik 'n opvoeder wat in 'n vaste hoedanigheid in diens is en 'n opvoeder wat in 'n tydelike hoedanigheid in diens is.

Hervestigingskoste en vervoervoorregte by aanstelling, ontslag en die dood

65. (1) Die voorskrifte vervat in Hoofstuk F van die Staatsdiensregulasies asook departementele beleid uitgevaardig kragtens regulasie F3.1 van genoemde Staatsdiensregulasies met betrekking tot hervestigingskoste is van toepassing op 'n opvoeder wat ingevolge artikel 16 van die Wet verplaas word.

(2) As 'n opvoeder op eie versoek verplaas word, mag geen uitgawe in verband daarmee uit Staatsgelde gedek word nie: Met dien verstande dat die Minister kan goedkeur dat sodanige verplasing op Staatskoste geskied indien hy daarvan oortuig is dat die betrokke opvoeder se verplasing in belang van die Departement is of noodsaaklik is vir sy gesondheid of die gesondheid van sy vrou of sy kind, in welke geval die Minister kan vereis dat 'n stawende geneeskundige sertifikaat ingedien word.

(3) In gevalle waar dit nie moontlik is om 'n geskikte kandidaat vir 'n vakante pos in 'n openbare skool of kantoor of 'n Staatsondersteunde spesiale skool plaaslik te werf nie en iemand van elders as opvoeder aangestel word, kan die Minister vervoer op Staatskoste vir die betrokke opvoeder en sy huishouding toestaan en sy persoonlike besittings vervoer op die grondslag neergelê vir 'n verplaaste opvoeder, soos in Hoofstuk F van die Staatsdiensregulasies vervat.

(4) Expenditure incurred in transporting an educator employed at a public school or office, his household and personal effects on his discharge (except discharge as a result of misconduct or inefficiency) or his death may be met from State funds.

(5) (a) The provisions contained in Chapter F of the Public Service Regulations pertaining to transport privileges on appointment, discharge or death, resettlement expenditure and official journeys and transport of officers and employees in the Public Service that were in force on the date of commencement of these regulations shall apply *mutatis mutandis* to an educator at a public school or office.

(b) A reference to an officer or employee in the Public Service Regulations referred to in paragraph (a) shall be deemed to be a reference to an educator employed in a permanent capacity and an educator employed in a temporary capacity, respectively.

(6) The resettlement expenditure of an educator transferred in terms of regulation 22 (2) may be met from State funds if the Minister is of the opinion that such transfer is in the interests of education and provided that the governing body has obtained in advance the approval of the Minister for such transfer.

Official travelling and transport and subsistence allowances

66. The provisions contained in Chapter E of the Public Service Regulations pertaining to official travelling and transport and subsistence allowances for officers and employees in the Public Service that were in force on the date of commencement of these regulations shall apply *mutatis mutandis* to an educator: Provided that a reference in the first-mentioned regulations to an officer or an employee shall be deemed to be a reference to an educator employed in a permanent capacity and an educator employed in a temporary capacity, respectively.

STAFF OTHER THAN EDUCATORS AT SCHOOLS

67. A person occupying a post referred to in section 29 of the Act shall for disciplinary purposes be under the authority of the principal of the school concerned.

PART-TIME TEMPORARY EDUCATORS

68. An educator appointed on a part-time basis in a temporary capacity shall not be eligible for any leave on pay and shall receive no remuneration during his absence from service, whether for vacation or other purposes.

MISCELLANEOUS PROVISIONS

Recognition of long service

69. Treasury approval TM 20/35 dated 2 December 1988 in respect of the system of long service recognition in the Public Service shall apply *mutatis mutandis* to educators.

SHORT TITLE

70. These regulations shall be called the **Regulations regarding Educators Employed by the Department of Education and Training and by Governing Bodies of State-aided Schools, 1993.**

(4) Die uitgawe verbonde aan die vervoer van 'n opvoeder by 'n openbare skool of kantoor, sy huis-houding en persoonlike besittings by sy ontslag (behalwe ontslag weens wangedrag of onbekwaamheid) of oorlye kan uit Staatsfondse bestry word.

(5) (a) Die voorskrifte vervat in Hoofstuk F van die Staatsdiensregulasies met betrekking tot die vervoer-voorregte by aanstelling, ontslag of dood, hervestigingskoste, en amptelike reise en vervoer van beamptes en werknemers in die Staatsdiens, wat op die datum van inwerkingtreding van hierdie regulasies bestaan het, is *mutatis mutandis* van toepassing op 'n opvoeder by 'n openbare skool of kantoor.

(b) 'n Verwysing na 'n beampte of werknemer in die Staatsdiensregulasies in paragraaf (a) bedoel, word geag 'n verwysing te wees na onderskeidelik 'n opvoeder wat in 'n vaste hoedanigheid in diens is en 'n opvoeder wat in 'n tydelike hoedanigheid in diens is.

(6) Die hervestigingskoste van 'n opvoeder wat in-gevolge regulasie 22 (2) verplaas word, kan uit Staatsfondse betaal word indien die Minister van oordeel is dat so 'n verplasing in belang van die onderwys is en mits die bestuursliggaam vooraf die goedkeuring van die Minister vir so 'n verplasing verkry het.

Amptelike reise en vervoer- en verblyftoelees

66. Die voorskrifte vervat in Hoofstuk E van die Staatsdiensregulasies met betrekking tot amptelike reise en vervoer- en verblyftoelees van beamptes en werknemers in die Staatsdiens, wat op die datum van inwerkingtreding van hierdie regulasies bestaan het, is *mutatis mutandis* van toepassing op 'n opvoeder: Met dien verstande dat 'n verwysing in eersgenoemde regulasies na 'n beampte of 'n werknemer geag word 'n verwysing te wees na onderskeidelik 'n opvoeder wat in 'n vaste hoedanigheid in diens is en 'n opvoeder wat in 'n tydelike hoedanigheid in diens is.

ANDER PERSONEEL AS OPVOEDERS BY SKOLE

67. 'n Persoon wat 'n pos beklee in artikel 29 van die Wet bedoel, is vir dissiplinêre doeleindes onder die gesag van die prinsipaal van die betrokke skool.

DEELTYDSE TYDELIKE OPVOEDERS

68. 'n Opvoeder op 'n deeltydse grondslag in 'n tydelike hoedanigheid aangestel, kom nie vir verlof met salaris in aanmerking nie en ontvang gedurende sy afwesigheid van diens, hetsy vir vakansie- of ander doeleindes, geen salaris nie.

DIVERSE BEPALINGS

Langdienserkenning

69. Tesouriegoedkeuring TM 20/35 gedateer 2 Desember 1988 met betrekking tot die stelsel van langdienserkenning in die Staatsdiens is *mutatis mutandis* op opvoeders van toepassing.

KORT TITEL

70. Hierdie regulasies heet die **Regulasies betreffende Opvoeders in Diens van die Departement van Onderwys en Opleiding en van Bestuursliggame van Staatsondersteunde Skole, 1993.**

IMPORTANT ANNOUNCEMENT

Closing times PRIOR TO PUBLIC HOLIDAYS for

LEGAL NOTICES
GOVERNMENT NOTICES **1993**

The closing time is 15:00 sharp on the following days:

- ▶ **31 March**, Wednesday, for the issue of Thursday **8 April**
- ▶ **7 April**, Wednesday, for the issue of Friday **16 April**
- ▶ **13 May**, Thursday, for the issue of Friday **21 May**
- ▶ **9 December**, Thursday, for the issue of Friday **17 December**

Late notices will be published in the subsequent issue. If, under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye VOOR VAKANSIEDAE vir

WETLIKE KENNISGEWINGS
GOEWERMENSKENNISGEWINGS **1993**

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **31 Maart**, Woensdag, vir die uitgawe van Donderdag **8 April**
- ▶ **7 April**, Woensdag, vir die uitgawe van Vrydag **16 April**
- ▶ **13 Mei**, Donderdag, vir die uitgawe van Vrydag **21 Mei**
- ▶ **9 Desember**, Donderdag, vir die uitgawe van Vrydag **17 Desember**

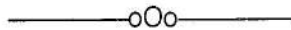
Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

IMPORTANT!!

Placing of languages: *Government Gazettes*

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1992 to 30 September 1993, English is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*



BELANGRIK!!

Plasing van tale: *Staatskoerante*

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1992 tot 30 September 1993 word Engels EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

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