



UNIE VAN SUID-AFRIKA
UNION OF SOUTH AFRICA

Staatskoerant Government Gazette

(As 'n Nuusblad by die Poskantoor Geregistreer)

(Registered at the Post Office as a Newspaper)

VOL. CLXXI.] PRYS 6d. PRETORIA, 27 MAART 1953. PRICE 6d. [No. 5045.

Alle Proklamasies, Goewerments- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linker-bohoek met 'n * gemerk.

All Proclamations, Government and General Notices published for the first time, are indicated by a * in the left-hand upper corner.

GOEWERMENTSKENNISGEWING.

Onderstaande Goewermentskennisgewing word vir algemene inligting gepubliseer:—

DEPARTEMENT VAN ONDERWYS, KUNS EN WETENSKAP.

* No. 671.] [27 Maart 1953.

Hierby word vir algemene inligting bekendgemaak dat dit Sy Edele die Minister van Onderwys, Kuns en Wetenskap behaag het om, ingevolge die bevoegdheid hom verleen by artikel *negentien* van die Hoger Onderwys Wet, 1923 (Wet No. 30 van 1923), die volgende regulasies uit te vaardig ter vervanging van Dele I tot IX en XI tot XIII van die regulasies wat by Goewermentskennisgewing No. 1116 van 9 Julie 1923, soos gewysig, afgekondig is.

REGULASIES VOORGESKRYF DEUR DIE MINISTER VAN ONDERWYS, KUNS EN WETENSKAP, TEN OPSIGTE VAN INRIGTINGS WAT DEUR DIE MINISTER KRAGTENS ARTIKEL *EEN* VAN DIE HOGER ONDERWIJS WET, 1923 (WET NO. 30 VAN 1923), TOT INSTELLINGS VIR HOËR ONDERWYS VERKLAAR IS.

DEEL I.

ALGEMEEN.

WOORDBEPALING.

1. Tensy dit strydig met die sinsverband in hierdie regulasies is, beteken—

- „Departement”, die Departement van Onderwys, Kuns en Wetenskap;
- „inrigting”, ’n inrigting wat deur die Minister kragtens artikel *een* van die Wet as instellings vir hoër onderwys verklaar is;
- „kollegekwartaal”, ’n kollegekwartaal wat deur die raad bepaal word;
- „kollegevakansie”, ’n tydperk wat tussen twee opeenvolgende kollegekwartale val;
- „lening”, ’n lening wat deur die Goewerneur-generaal behoudens die bepalinge van die Wet toegeken is;
- „Minister”, die Minister van Onderwys, Kuns en Wetenskap;
- „permanente werknemer”, ’n werknemer wat ’n betrekking op die vaste diensstaat beklee behalwe in ’n tydelike hoedanigheid of onder kontrak vir ’n vasgestelde tydperk;
- „personeel”, sowel permanente as tydelike werknemers in voltydse diens, uitgesonderd nie-blanke werknemers wat nie onderwyspersoneel is nie;
- „prinsipaal”, die prinsipaal, direkteur of ander werknemer in beheer van ’n inrigting;
- „raad”, die liggaam in beheer van enige verklaarde inrigting;

GOVERNMENT NOTICE.

The following Government Notice is published for general information:—

DEPARTMENT OF EDUCATION, ARTS AND SCIENCE.

* No. 671.] [27 March 1953.

It is hereby notified for general information that the Honourable the Minister for Education, Arts and Science, has been pleased to frame, by virtue of the power vested in him by section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), the following regulations in substitution for Chapters I to IX and XI to XIII of those published under Government Notice No. 1116 of the 9th July, 1923, as amended.

REGULATIONS PRESCRIBED BY THE MINISTER OF EDUCATION, ARTS AND SCIENCE IN RESPECT OF INSTITUTIONS DECLARED BY THE MINISTER IN TERMS OF SECTION *ONE* OF THE HIGHER EDUCATION ACT, 1923 (ACT NO. 30 OF 1923), TO BE PLACES OF HIGHER EDUCATION.

PART I.

GENERAL.

DEFINITIONS.

1. Unless inconsistent with the context in these regulations—

- “Act” means the Higher Education Act, 1923 (Act No. 30 of 1923), as amended from time to time;
- “college holidays” means a period intervening between two consecutive college terms;
- “college term” means a college term as determined by the council;
- “council” means the governing authority of any declared institution;
- “Department” means the Department of Education, Arts and Science;
- “employee” means a person employed full-time in a permanent or in a temporary capacity or on contract for a fixed period and includes the principal, director or officer in charge of an institution, as well as non-Europeans;
- “fixed establishment” means posts approved by the Minister in terms of regulation No. 1 of Part V of these regulations;
- “institution” means an institution declared by the Minister in terms of section *one* of the Act to be a place of higher education;
- “leave” means leave of absence from duty to an employee;
- “loan” means a loan granted by the Governor-General subject to the provisions of the Act;

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- „Sekretaris”, die Sekretaris van Onderwys, Kuns en Wetenskap;
 „sekretaris van die raad”, die persoon wat deur die raad aangestel is om die sekretariële pligte van die raad uit te voer;
 „vaste diensstaat”, die betrekkinge goedgekeur deur die Minister kragtens regulasie 1 van Deel V van hierdie regulasies;
 „verlof”, verlof aan ’n werknemer om van diens afwesig te wees;
 „werknemer”, ’n persoon wat voltyds in ’n permanente of tydelike hoedanigheid aangestel is of onder kontrak vir ’n vasgestelde tydperk in diens is, en dit sluit in die prinsipaal, direkteur of beamppte in beheer van ’n inrigting, sowel as nie-blankes;
 „Wet”, die Hoger Onderwys Wet, 1923 (Wet No. 30 van 1923), soos van tyd tot tyd gewysig.

UITSONDERINGS.

2. As daar, as gevolg van verloop deur ’n raad, na die mening van die Minister omstandighede is wat ’n uitsondering op die bepalinge van hierdie regulasies regverdig, kan hy so ’n geval na goeëdunke behandel.

DELEGASIE VAN BEVOEGDHEDE.

3. Die Minister kan enige van die bevoegdhede wat aan hom by hierdie regulasies verleen word, aan die Sekretaris of enige ander beamppte van die Departement van Onderwys, Kuns en Wetenskap deleger, en insgelyks kan die Sekretaris enige van die bevoegdhede wat aan hom by hierdie regulasies verleen word, aan ’n ander beamppte van die Departement deleger.

VERTOLKING VAN REGULASIES.

4. Alle sake betreffende die uitleg en krag van hierdie regulasies moet na die Sekretaris vir beslissing verwys word.

VERSTREKKING VAN INLIGTING DEUR ’N RAAD.

5. Die Sekretaris kan te eniger tyd eis dat ’n raad aan hom inligting verstrek wat hy nodig ag.

BEHOUD VAN BESTAANDE REGTE.

6. Ingevolge hierdie regulasies word geen werknemer van enige regte en voorregte ten opsigte van verlof, pensioen en uitdienstredingsouderdom wat voorheen deur hom geniet is, ontnem nie, maar so ’n werknemer kan kies om onder hierdie regulasies te val wat betref sodanige regte en voorregte vanaf die datum waarop hulle in werking tree en sodanige keuse word uitgeoefen binne ’n tydperk van ses maande vanaf vermelde datum.

VERDELING VAN KALENDERJAAR IN KOLLEGEKWARTALE.

7. Daar is vier kollegekwartale in elke kalenderjaar en die aanvangsdatum en die sluiting van sulke kwartale word deur die raad vasgestel.

DEEL II.

SKEMA VAN BESTUUR.

1. Daar word geag dat die skema van bestuur, waarvoor goedkeuring vóór die afkondiging nodig is, al die bepalinge van die Wet en van hierdie regulasies insluit: Met dien verstande dat die Minister kragtens die bevoegdhede aan hom verleen by artikel *negentien* van die Wet, regulasies wat alleen van toepassing is op ’n besondere inrigting en wat deel uitmaak van sy skema van bestuur, kan uitvaardig en sodanige regulasies is dan geldig ondanks enigiets wat hierdie regulasies mag bevat.
 2. Die skema tree in werking vanaf die datum waarop die verklaring in die *Staatskoerant* gepubliseer word of vanaf sodanige latere datum wat in die verklaring van goedkeuring van die Minister bepaal word.

DEEL III.

RADE.

1. (a) In die skema moet die konstitusie van die raad wat belas is met die bestuur en uitvoerende gesag van die inrigting, bepaal word en moet die gesag vasgestel word

“Minister” means the Minister of Education, Arts and Science;

“permanent employee” means an employee occupying a post on the fixed establishment otherwise than in a temporary capacity or under contract for a fixed period;

“principal” means the principal, director or other employee in charge of an institution;

“Secretary” means the Secretary for Education, Arts and Science;

“secretary of the council” means the person appointed by the council to perform the secretarial duties of the council;

“staff member” includes both permanent and temporary employees in full-time employment, but excludes non-Europeans other than teaching personnel.

EXCEPTIONS.

2. If on representations of a council the circumstances of a case in the opinion of the Minister justify a departure from the provisions of these regulations, that case may be dealt with by him as he may deem fit.

DELEGATION OF POWERS.

3. The Minister may delegate any of the powers vested in him by these regulations to the Secretary or any other officer of the Department of Education, Arts and Science, and similarly the Secretary may delegate any of the powers vested in him by these regulations to another officer of the Department.

INTERPRETATION OF REGULATIONS.

4. All questions regarding the interpretation and effect of these regulations shall be referred to the Secretary for decision.

FURNISHING OF INFORMATION BY A COUNCIL.

5. The Secretary may at any time call upon a council to furnish such information as he considers necessary.

RETENTION OF EXISTING RIGHTS.

6. These regulations shall not deprive any employee of any rights and privileges in respect of leave, pension and age of retirement previously enjoyed by him but such employee may elect to be governed by these regulations in respect of such rights and privileges as from the date of coming into operation thereof; such election to be made within six months from the aforementioned date.

DIVISION OF CALENDAR YEAR INTO COLLEGE TERMS.

7. There shall be four college terms in each calendar year, and the dates of commencement and termination of such terms shall be determined by the council.

PART II.

SCHEME OF GOVERNMENT.

1. The scheme of government, approval of which is necessary prior to the declaration, shall be deemed to include all provisions of the Act and of these regulations, provided that the Minister may, by virtue of the powers vested in him by section *nineteen* of the Act, make regulations applicable to a particular institution and included in its scheme of government, and such regulations shall be of effect notwithstanding anything contained in these regulations.

2. The scheme shall be of effect from the date of publication in the *Gazette* of the declaration or from such later date as may be prescribed in the Minister’s declaration of approval.

PART III.

COUNCILS.

1. (a) The scheme shall prescribe the constitution of the council, in which shall be vested the government and executive control of the institution, and shall indicate the

wat verantwoordelik is vir die uitoefening van die pligte van die raad gedurende enige tydperk van hoogstens drie maande voor die eerste vergadering van die raad. Bogenoemde gesag moet hoogstens twee maande nadat hy die skema goedgekeur het, die Minister in kennis stel van die name van persone wat tot lede van die raad benoem is, afgesien van dié wat deur die Minister aangestel sal word.

(b) Die raad kan, onderworpe aan die goedkeuring van die Minister, ere-lede van die raad kies; hulle is nie geregtig om in vergaderings van die raad te stem nie en beklee hul amp vir drie jaar of sodanige tydperk as wat die raad mag voorskryf.

2. (a) Elke aangestelde lid van die raad, tensy daar anders bepaal word, beklee sy amp vir 'n tydperk van drie jaar, vanaf die eerste dag van Januarie in die jaar van sy aanstelling.

(b) Die raad kan aan enige van sy lede verlof toestaan om afwesig te wees, maar wanneer so 'n tydperk van afwesigheid meer as ses maande is, versoek die raad die liggaam wat so 'n lid aanstel om vir die tydperk van sy afwesigheid 'n plaasvervanger te kies wat dieselfde magte het en onderworpe is aan dieselfde voorwaardes van aanstelling as die oorspronklike lid.

3. Drie maande voordat die ampstermyn van enige lid van die raad verstryk, moet die sekretaris van die raad die persoon of liggaam wat by magte is om sy opvolger te benoem, daarvan in kennis te stel. As die sekretaris van die raad nie betyds in kennis gestel word van die benoeming van 'n opvolger, voor die datum waarop die amp vakant word nie, stel die raad by sy volgende vergadering die Minister in kennis van die vakature en kan hy 'n aanbeveling maak. Die Minister kan dan 'n persoon benoem om die vakature te vul.

4. 'n Aangestelde lid van die raad kan sy amp neerlê deur die sekretaris van die raad skriftelik daarvan in kennis te stel; daar word geag dat hy sy amp neergelê het as hy sonder verlof van drie agtereenvolgende gewone raadsvergaderings afwesig is, of as hy insolvent word, of van 'n ernstige misdryf skuldig bevind word, of weens verstandelike of liggaamlike swakheid of siekte ongeschik word om sy ampspligte te vervul.

5. Binne veertien dae nadat hy kennis ontvang het dat 'n vakature in die raad ontstaan het, stel die sekretaris van die raad die persoon of liggaam wat vir die benoeming verantwoordelik is, daarvan in kennis, en die persoon of liggaam benoem dan 'n opvolger om die amp vir die onverstreke dienstermyn van sy voorganger te beklee. As 'n opvolger nie binne drie maande nadat kennis gegee is, benoem word nie, kan die Minister, op aanbeveling van die raad, 'n persoon benoem om die vakature te vul.

6. Die sekretaris van die raad stel die Minister in kennis van alle veranderinge in die lidmaatskap van die raad.

7. Die raad lê aan die Minister vir goedkeuring voor—

- (i) reëls waarin die prosedure op vergaderings van die raad, die wyse van aanstelling en bevoegdhede van komitees, en die finansiële reëlings van die inrigting voorgeskryf word;
- (ii) die samestelling van die studieraad en die bevoegdhede en werksaamhede wat aan die studieraad gedelegeer word;
- (iii) die name van persone wat voorgestel is om as ere- of assessorlede van die raad ingevolge artikel ses (2) van die Wet benoem te word;
- (iv) voorwaardes vir die toekenning deur die inrigting van sertifikate of diplomas;
- (v) enige skema vir die gesamentlike beheer deur die raad en 'n ander liggaam van 'n gedeelte van die werksaamhede van die inrigting;
- (vi) die name van die ouditeur of ouditeurs wat die jaarlikse finansiële state sal sertifiseer;
- (vii) sodanige ander sake wat volgens die regulasies spesifiek die Minister se goedkeuring vereis.

8. Die raad moet, vir die inligting van die Minister, 'n afskrif van die notule van sy vergaderings voorlê.

authority responsible for the exercise of the functions of the council during any period not exceeding three months prior to the first meeting of the council. The authority aforesaid shall, not more than two months after his approval of the scheme, inform the Minister of the names of persons appointed to be members of the council other than those to be appointed by the Minister.

(b) The council may, subject to the approval of the Minister, elect honorary members of council, who shall not be entitled to vote in meetings of council and shall hold office for three years or for such other period as may be determined by the council.

2. (a) Each appointed member of the council (unless otherwise provided) shall hold office for a period of three years beginning on the first day of January in the year of appointment.

(b) The council may grant leave of absence to any one of its members, but where such absence exceeds a period of six months, it shall request the body appointing such member to elect an alternate in his place during his leave of absence, who shall have the same powers and shall be subject to the same conditions of appointment as the original member.

3. Three months before the expiration of the period of office of any member of the council notice shall be given by the secretary of the council to the person or body entitled to appoint his successor. If the secretary of the council does not receive due advice of the appointment of a successor before the date when the office becomes vacant, the council shall at its next meeting report the vacancy to the Minister and may make a recommendation. The Minister may then appoint a person to fill the vacancy.

4. An appointed member of council may resign his office by letter addressed to the secretary of the council; he shall be deemed to have resigned his office if he be absent from three consecutive ordinary meetings of council without leave obtained, or if he become insolvent, or be convicted of a serious criminal offence, or become incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease.

5. Within fourteen days of the receipt of advice of the occurrence of a vacancy in the council the secretary of the council shall notify the vacancy to the person or body responsible for the appointment who shall appoint a successor to hold office during the unexpired portion of the period for which his predecessor was appointed. If a successor is not appointed within three months of this notification the Minister may on the recommendation of the council, appoint a person to fill the vacancy.

6. The secretary of the council shall report to the Minister all changes in the membership of the council.

7. The council shall submit for the approval of the Minister—

- (i) standing orders prescribing the procedure in council meetings, the method of appointment and powers of committees, and the financial arrangements of the institution;
- (ii) the constitution of the board of studies and the powers and functions delegated thereto;
- (iii) the names of persons proposed to be appointed as honorary or assessor members of council under section six (2) of the Act;
- (iv) conditions for any certificates or diplomas to be awarded by the institution;
- (v) any scheme for joint control by the council with another body of a portion of the work of the institution;
- (vi) the name of the auditor or auditors who will sign the annual financial statements;
- (vii) such other matters as are specifically indicated in these regulations as requiring the Minister's approval.

8. The council shall submit for the information of the Minister a copy of the records of its proceedings at meetings.

DEEL IV.

STUDIERADE.

1. 'n Studieraad bestaan uit die prinsipaal, wat as voorsitter optree, sodanige lede van die onderwyspersoneel as wat die raad mag bepaal, en twee persone wat nie lede van die voltydse onderwyspersoneel is nie en wat deur die raad uit sy lede benoem word.

2. Die bevoegdhede en werksaamhede van die studieraad word deur die raad, met die goedkeuring van die Minister, bepaal.

3. Die studieraad kies jaarliks hoogstens twee van sy eie lede om vir 'n tydperk van een jaar in die raad te dien.

DEEL V.

GOEDKEURING VAN DEPARTEMENTE, BETREK-
KINGS, AANSTELLING VAN PERSONEEL,
SALARISSKALE, ENS.INSTELLING VAN DEPARTEMENTE, SKEPPING VAN BETREK-
KINGS OP DIE VASTE DIENSTAAT, AANSTELLING EN
BEVORDERING VAN PERSONEEL.

1. (a) Die instelling deur die raad van enige departement in die inrigting is aan die goedkeuring van die Minister onderworpe.

(b) Die skepping deur die raad van 'n betrekking op die vaste diensstaat van 'n inrigting en die salarisskaal en toelaes aan so 'n betrekking verbonde, is aan die goedkeuring van die Minister onderworpe.

(c) Die aanstelling of bevordering van nie-blanke werknemers, uitgesonderd onderwyspersoneel, is aan die goedkeuring van die raad onderworpe, en dié van ander personeel aan die goedkeuring van die Sekretaris. Die raad kan sy bevoegdhede in hierdie opsig aan die prinsipaal oordra.

STATUS VAN PRINSIPAAL.

2. Die prinsipaal is die administratiewe en uitvoerende hoofbeampte van die inrigting en is ampshalwe lid van die raad.

PLIGTE VAN PRINSIPAAL.

3. Die prinsipaal van 'n inrigting is verantwoordelik aan die raad, onder andere, vir toesig oor en administrasie en organisasie van die inrigting, beheer oor en tug van ander personeel en die uitvoering van sodanige voorskrifte of reëls as wat die raad mag voorskryf.

KWALIFIKASIES VIR AANSTELLING IN ADMINISTRATIEWE,
KLERKLIKE EN ONDERWYSBETREKKINGS.

4. (a) Die Sekretaris kan van tyd tot tyd die kwalifikasies vir die aanstelling van persone in administratiewe, klerklike en onderwysbetrekkings op die vaste diensstaat van 'n inrigting voorskryf.

(b) 'n Persoon word nie in 'n permanente hoedanigheid aangestel nie, tensy hy in albei die amptelike landstale in 'n eksamen van 'n standaard soos in paragraaf (d) hieronder voorgeskryf, geslaag het. Die Sekretaris kan die permanente aanstelling van 'n persoon goedkeur wat nie sodanig gekwalifiseer is nie, maar so 'n persoon se salaris word nie verhoog bo die salaris wat deur hom na verstryking van 'n tydperk van drie jaar vanaf die datum van sy eerste aanstelling ontvang word nie, tensy en totdat hy in so 'n eksamen of eksamens geslaag het.

(c) 'n Persoon wat nie in albei die amptelike landstale gekwalifiseer is nie kan, nadat die vakature deur die betrokke inrigting in die pers geadverteer is, in 'n tydelike hoedanigheid of onder kontrak aangestel word as die Sekretaris tevrede is dat geen behoorlik gekwalifiseerde persoon vir aanstelling in die betrekking beskikbaar is nie.

(d) Die taalkwalifikasies vir die administratiewe, klerklike en onderwyspersoneel is soos volg:—

(i) *Betrekkings ten opsigte waarvan matrikulasie of hoër kwalifikasies verlang word:* Een amptelike landstaal moet met die Nasionale Senior Sertifikaat „A” (of erkende gelykwaardige) of hoër

PART IV.

BOARDS OF STUDIES.

1. The board of studies shall consist of the principal, who shall be chairman, such members of the teaching staff as shall be decided by the council, and two persons who are not members of the full-time teaching staff and are appointed by the council from among the members of the council.

2. The powers and functions of the board shall be decided by the council with the approval of the Minister.

3. The board of studies shall elect annually not more than two of its members to the council who shall hold office for a period of one year.

PART V.

APPROVAL OF DEPARTMENTS, POSTS, APPOINT-
MENT OF STAFF MEMBERS, SALARY SCALES,
ETC.CREATION OF DEPARTMENTS, POSTS ON FIXED ESTABLISH-
MENT, APPOINTMENT AND PROMOTION OF STAFF.

1. (a) The creation by the council of any department in the college shall be subject to the approval of the Minister.

(b) The creation by the council of a post on the fixed establishment of an institution and the salary scale and allowances attaching to such post shall be subject to the approval of the Minister.

(c) The appointment or promotion of non-European employees other than teaching personnel shall be subject to the approval of the council, and of other staff members to that of the Secretary. The council may delegate its powers in this connection to the principal.

STATUS OF PRINCIPAL.

2. The principal shall be the chief administrative and executive officer of the institution and he shall *ex officio* be a member of the council.

FUNCTIONS OF PRINCIPAL.

3. The principal of an institution shall be responsible to the council, *inter alia*, for the administration, supervision and organisation of the institution, control and discipline of other staff members, and the execution of such instructions or rules as may be prescribed by the council.

QUALIFICATIONS FOR APPOINTMENT TO ADMINISTRATIVE,
CLERICAL AND TEACHING POSTS.

4. (a) The Secretary may from time to time prescribe the qualifications for the appointment of persons to administrative, clerical and teaching posts on the fixed establishment of an institution.

(b) No person shall be appointed in a permanent capacity unless he has passed in both official languages at an examination of a standard prescribed in paragraph (d) below. The Secretary may approve the permanent appointment of a person who has not so qualified but such person shall not have his salary increased beyond that drawn by him at the expiry of a period of three years from the date of his first appointment unless and until he pass such examination or examinations.

(c) An appointment may be made in a temporary capacity or on contract of a person who is not qualified in both official languages if the Secretary is satisfied, after the vacancy has been advertised in the press, by the institution concerned, that no suitably qualified person is available for appointment thereto.

(d) The language qualifications for the administrative, clerical and teaching staff shall be—

(i) *posts for which matriculation and higher qualifications are required:* One official language to be of

standaard gelykstaande wees en die tweede amptelike landstaal met die Nasionale Senior Sertifikaat „B” (of erkende gelykwaardige) of hoër standaard;

- (ii) *betrekkings ten opsigte waarvan kwalifikasies laer as matrikulasie maar nie laer as Junior Sertifikaat nie aanvaar word:* Een amptelike landstaal moet met die Nasionale Junior Sertifikaat „A” (of erkende gelykwaardige) of hoër standaard gelykstaande wees en die tweede amptelike landstaal met die Nasionale Junior Sertifikaat „B” (of erkende gelykwaardige) of hoër standaard.

VULLING VAN VAKATURES.

5. (a) Die volgende prosedure word gevolg in verband met die vulling van vakatures in alle inrigtings:—

- (i) *Betrekkings van senior lektor graad 1 en hoër, en administratiewe betrekkings van gelykstaande gradering.*—Alle betrekking wat onder bogenoemde kategorie ressorteer, word gelyktydig by alle inrigtings deur middel van ’n omsendbrief, en in die pers indien nodig, geadverteer.
- (ii) *Betrekkings van ’n graad laer as die in sub-paragraaf (i) hierbo omskryf.*—In geval ’n inrigting nie daarin slaag om bevoegde tweetalige kandidate te werf nie, kan hy na goeddunke die betrokke vakatures sowel in die pers as by ander erkende inrigtings adverteer.

(b) Afskrifte van die betrokke omsendbriewe en/of advertensies, tesame met ’n skedule waarin volledige besonderhede ten opsigte van elke applikant aangedui word, word ter skraging van ’n aanbeveling vir die aanstelling van ’n kandidaat in enige besondere betrekking, aan die Sekretaris gestuur.

ADVERTENSIE VAN VAKANTE BETREKKINGS BUITE DIE UNIE VAN SUID-AFRIKA.

6. Die advertensie van vakatures buite die Unie van Suid-Afrika is onderworpe aan die goedkeuring van die Sekretaris vooraf.

INDIENING VAN GENEESKUNDIGE EN ANDER SERTIFIKATE DEUR PERSONEELLEDE.

7. ’n Kandidaat vir ’n permanente aanstelling op die vaste diensstaat van ’n inrigting dien mediese en geboortesertifikate tot bevrediging van die raad in.

PROEFDIENS.

8. Die aanstelling van ’n permanente werknemer kan onderworpe gemaak word aan sodanige proefdiens tydperk as die raad mag vasstel, en die raad kan sodanige tydperk verleng.

BEÏNDIGING VAN PROEFDIENS.

9. Die raad kan die diens van ’n permanente werknemer te eniger tyd gedurende sy tydperk van proefdiens beëindig nadat hy ten minste een kalendermaand vooraf skriftelik van so ’n beëindiging in kennis gestel is.

BEÏNDIGING VAN DIENS DEUR ’N LID VAN DIE PERSONEEL.

10. (a) ’n Lid van die personeel kan sy aanstelling beëindig deur aan die raad deur middel van die prinsipaal van sy voorneme daarvan kennis te gee.

(b) Vir die toepassing van paragraaf (a) hiervan is die kennisgewing in die geval van ’n permanente werknemer wat ’n prinsipaal, vise-prinsipaal, of lid van die onderwyspersoneel is, van krag vanaf die einde van Junie of Desember, na gelang van die geval, en dit moet ingedien word voor of aan die einde van die voorafgaande kalenderkwartaal of die ooreenstemmende kollegekwartaal, watter datum ookal die laatste mag wees. In die geval van enige ander permanente werknemer, word kennis gegee voor of aan die einde van ’n kalendermaand sodat dit van krag kan word aan die einde van die volgende kalendermaand; met dien verstande dat die raad in elke geval korter kennisgewing kan aanvaar.

BEÏNDIGING VAN DIENS VAN TYDELIKE WERKNEMERS.

11. Tensy daar in sy dienskontrak anders bepaal word, kan die diens van ’n werknemer wie se indiensnemings-

the National Senior Certificate “A” (or recognised equivalent) or higher standard, and the second official language of the National Senior Certificate “B” (or recognised equivalent) or higher standard;

- (ii) *posts for which qualifications lower than matriculation but not lower than Junior Certificate are accepted:* One official language to be of the National Junior Certificate “A” (or recognised equivalent) or higher standard and the second official language of the National Junior Certificate “B” (or recognised equivalent) or higher standard.

FILLING OF VACANCIES.

5. (a) The following procedure shall be followed in the filling of vacancies at all institutions:—

- (i) *Posts of senior lecturer, grade 1 and higher, and administrative posts of equivalent grading.*—All posts falling in the above-mentioned category shall be advertised simultaneously among all institutions by means of a circular minute, and in the press if necessary.
- (ii) *Posts of grading lower than that described in sub-paragraph (i) above.*—In the event of an institution being unable to recruit suitable bilingual candidates it may, at its discretion, advertise the relative vacancies in the press as well as among other recognised institutions.

(b) Copies of the relative circular minute and/or advertisement, together with a schedule containing full particulars in respect of each applicant, must be submitted to the Secretary in support of a recommendation for the appointment of a candidate to any particular post.

ADVERTISING OF VACANCIES OUTSIDE THE UNION OF SOUTH AFRICA.

6. The advertising of vacancies outside the Union of South Africa shall be subject to the prior approval of the Secretary.

PRODUCTION OF MEDICAL AND OTHER CERTIFICATES BY STAFF MEMBERS.

7. A candidate for permanent appointment to the fixed establishment of an institution shall produce medical and birth certificates to the satisfaction of the council.

PROBATIONARY APPOINTMENT.

8. The appointment of a permanent employee may be made subject to such period of probationary service as may be determined by the council and it may extend such period.

TERMINATION OF PROBATIONARY SERVICE.

9. The council may terminate the services of a permanent employee at any time during his period of probationary service after having given him at least one calendar month's notice in writing of such termination.

TERMINATION OF SERVICE BY STAFF MEMBER.

10. (a) A staff member may terminate his appointment by notifying the council, through the principal, of his intention to do so.

(b) For the purposes of paragraph (a) hereof, the notice in the case of a permanent employee who is a principal, vice-principal or member of the teaching staff, shall take effect at the end of June or December as the case may be and shall be given not later than the end of the preceding calendar quarter or the corresponding college term, whichever may be the later date. In the case of any other permanent employee, the notice shall be given not later than the end of a calendar month to take effect at the end of the following calendar month; provided that in each case the council may accept shorter notice.

TERMINATION OF SERVICES OF TEMPORARY EMPLOYEES.

11. Unless his contract of employment provides otherwise, the services of an employee, whose conditions of

voorwaardes in 'n tydelike hoedanigheid onderworpe gemaak is aan die bepalings van hierdie regulasies, beëindig word deur 24 uur kennisgewing aan die kant van die raad of van die werknemer. So 'n kennisgewing kan te eniger tyd gedurende of aan die einde van 'n kalendermaand gegee word.

BEÏNDIGING DEUR RAAD VAN DIENS VAN PERSONEELLID EN SKORSING VAN DIENS.

12. (a) Behoudens die bepalings van paragraaf (c) hiervan, kan 'n raad ondanks die ontbreking van enige oorsaak vir ontslag onder paragraaf (b) van regulasie 13 van hierdie Deel vermeld, die aanstelling van 'n permanente werknemer in die geval van 'n prinsipaal, vise-prinsipaal, of lid van die onderwyspersoneel beëindig deur aan hom kennis te gee van die beëindiging van sy diens met ingang van die einde van Junie of Desember, na gelang van die geval, en sodanige kennisgewing moet geskied voor of aan die einde van die voorafgaande kalenderkwartaal of die ooreenstemmende kollegekwartaal, watter datum ookal die laaste mag wees, en in die geval van enige ander permanente werknemer, deur aan hom skriftelik drie kalendermaande kennis te gee van die beëindiging van sy diens.

(b) Ondanks andersluidende bepalings in hierdie regulasies vervat, kan die raad, onderworpe aan die bekrachtiging van die Sekretaris, 'n permanente werknemer teen wie die raad voornemens is om 'n klag van wangedrag ingevolge paragraaf (a) van regulasie 2 van Deel VII in te bring, van diens skors indien so 'n skorsing in belang van die inrigting geag word, maar so 'n permanente werknemer is op sy volle salaris en ander besoldiging geregtig vir die tydperk van skorsing tot tyd en wyl die kennisgewing van die klag aan hom oorhandig is. Na oorhandiging van die kennisgewing van die klag geld die bepalings van paragraaf (e) van regulasie 2 van Deel VII.

(c) (i) 'n Permanente werknemer wat nie op proef is nie, en wie se dienste beëindig staan te word, kan binne veertien dae na ontvangs van die kennisgewing van so 'n beëindiging of ontslag, by die Minister appél aanteken.

(ii) Die Minister kan na goeddunke die saak laat ondersoek.

(iii) Die Minister se beslissing oor die appél is finaal.

OUERDOM VAN UITDIENSTREDING EN ONTSLAG VAN PERSONEELLEDE.

13. (a) 'n Personeellid tree uit die diens van 'n inrigting aan die einde van die kalenderjaar waarin hy/sy die ouderdom van *sestig* jaar, in die geval van mans, en *vyf-en-vyftig* jaar, in die geval van vroue, bereik: Met dien verstande dat die raad deur middel van 'n spesiale besluit en onderworpe aan die goedkeuring van die Sekretaris, die dienste van enige personeellid na bereiking van hierdie ouderdom vir 'n verdere tydperk, hoogstens 'n jaar per keer, mag behou.

(b) Die diens van elke personeellid kan beëindig word—

(i) wanneer hy die ouderdomsgrens bereik of, in die geval van 'n vrou, as sy in die huwelik tree;

(ii) op grond van voortdurende swak gesondheid;

(iii) as gevolg van die afskaffing van sy betrekking of enige vermindering van of reorganisasie of herindelung van departemente of kantore van die inrigting;

(iv) op grond van onbekwaamheid;

(v) op grond van wangedrag soos in hierdie regulasies omskryf.

(c) Behoudens die bepalings van paragraaf (c) van regulasie 12 van hierdie Deel word die magte van ontslag ingevolge hierdie regulasie deur die raad uitgevoer.

AANVANGSALARIS EN ANDER BESOLDIGING.

14. (a) Geen aanstelling kan teen 'n hoër besoldiging as die minimum van die goedgekeurde skaal van 'n besondere betrekking gemaak word nie, behalwe met die goedkeuring van die Sekretaris.

(b) 'n Personeellid kan nie werk waarvoor hy vergoeding bo en behalwe sy normale besoldiging ontvang, binne of buite die inrigting aanneem of verrig sonder die toestemming van die raad nie.

employment in a temporary capacity have been made subject to the provisions of the regulations, may be terminated by the giving of 24 hours notice from either side; such notice may be given at any time during or at the end of a calendar month.

TERMINATION BY THE COUNCIL OF A STAFF MEMBER'S SERVICE AND SUSPENSION FROM DUTY.

12. (a) Subject to the provisions of paragraph (c) hereof, a council may, notwithstanding the absence of any cause for discharge under paragraph (b) of regulation No. 13 of this Part, terminate a permanent employee's appointment in the case of a principal, vice-principal or member of the teaching staff, by giving him notice of such termination to take effect at the end of June or December as the case may be and such notice shall be given not later than the end of the preceding calendar quarter or the corresponding college term, whichever may be the later date, and in the case of any other permanent employee, by giving him three calendar months notice, in writing, of the termination of his services.

(b) Notwithstanding anything to the contrary in these regulations, a council may, subject to confirmation by the Secretary, suspend from duty a permanent employee against whom it is intended to prefer a charge of misconduct in terms of paragraph (a) of regulation No. 2 of Part VII, if it considers such suspension necessary in the interests of the institution, but such permanent employee shall be entitled to receive his full salary and emoluments for such period of suspension, until the charge is delivered to him. After delivery of the charge the provisions of paragraph (e) of regulation No. 2 of Part VII will apply.

(c) (i) A permanent employee, other than a person on probation, whose services are to be terminated may, within fourteen days of receipt of notice of such termination or dismissal, appeal to the Minister.

(ii) The Minister may in his discretion cause the matter to be investigated.

(iii) The Minister's decision on the appeal shall be final.

RETIRING AGE AND DISCHARGE OF STAFF MEMBERS.

13. (a) A staff member shall retire from the service of an institution at the end of the calendar year during which he/she attains the age of *sixty* years in the case of males and *fifty-five* years in the case of females; provided that the council may by special resolution, and subject to the approval of the Secretary, retain the services of any staff member beyond this age for a further period not exceeding one year at a time.

(b) The service of every staff member is liable to be terminated—

(i) on account of attaining the retiring age or, in the case of a female, on her marriage;

(ii) on account of continued ill-health;

(iii) owing to abolition of his office or any reduction in or reorganisation or readjustment of departments or offices of the institution;

(iv) on account of inefficiency;

(v) on account of such misconduct as in these regulations described.

(c) The powers of discharge under this regulation shall, subject to the provisions of paragraph (c) of regulation No. 12 of this Part be exercisable by the council.

COMMENCING SALARY AND OTHER REMUNERATION.

14. (a) No appointment may be made at a higher rate of remuneration than the minimum of the approved scale for a particular post, except with the approval of the Secretary.

(b) No staff member shall perform or engage himself to perform work inside or outside the institution for which he will receive remuneration in addition to his normal emoluments without the permission of the council.

BETALING VAN SALARISVERHOGINGS.

(15) (a) 'n Raad kan salarisverhogings volgens skaal aan 'n personeellid toestaan na voltooiing van twaalf maande bevredigende diens wat bereken word vanaf die datum van aanstelling of vanaf die datum waarop die laaste verhoging toegestaan is, en gelang van die geval.

(b) 'n Personeellid kan nie die betaling van 'n salarisverhoging volgens skaal as 'n reg eis nie, en so 'n verhoging kan te eniger tyd teruggehou word as die personeellid versuim om sy pligte tot bevrediging van die raad uit te voer.

REIS-EN-VERBLYFTOELAES.

16. (a) Aan 'n personeellid wat in diens moet reis of 'n personeellid wat deur die raad aangestel is sonder 'n onderbreking in sy diens by sy oorpasing van 'n ander inrigting of 'n staatsdepartement, kan daar sodanige reis-en-verblyftoelae betaal word as wat die raad mag goedkeur.

(b) Wanneer 'n personeellid deur die raad gemagtig word om van sy private motorvervoer vir die doeleindes of diens van die inrigting gebruik te maak, word aan hom toelae betaal ten sodanige tariewe as wat deur die raad goedgekeur mag word.

WAARDEBEPALING VAN KWALIFIKASIES.

17. Akademiese, professionele of tegniese kwalifikasies word vir doeleindes van aanstelling en salaris erken op die grondslag soos deur die Sekretaris van tyd tot tyd bepaal word.

DIENSURE.

18. Diensure word van tyd tot tyd deur die raad bepaal.

DEEL VI.

VERLOF.

DEUR WIE VERLOF TOEGESTAAN MAG WORD.

1. (a) 'n Raad kan na goeë dunks aan 'n werknemer verlof toestaan, binne die perke wat in die regulasies in hierdie Deel voorgeskryf is; met dien verstande dat 'n raad aan 'n prinsipaal die bevoegdheid kan verleen om verlof aan sy werknemers toe te staan.

(b) As die omstandighede van 'n geval 'n afwyking van die bepalings van hierdie Deel regverdig, kan die raad verlof toestaan op voorwaardes wat die Sekretaris mag bepaal.

VERLOF WAT TOEGESTAAN IS, KAN INGETREK WORD.

2. (a) Verlof kan nie as 'n reg geëis word nie maar kan toegestaan word met inagneming van die behoeftes van die inrigting.

(b) 'n Raad kan verlof wat aan 'n werknemer toegestaan is, intrek as die behoeftes van die inrigting dit na sy mening vereis.

3. As 'n werknemer vóór die verstryking van gemagtigde verlof bedank of kennis van sy bedanking gee of ontslaan word, eindig enige verlof wat binne die tydperk van kennisgewing val, soos vereis by regulasie 10 van Deel V van hierdie regulasies, met ingang van die datum waarop kennis van bedanking gegee word of die datum van ontslag; met dien verstande dat die raad van hierdie regulasie kan afwyk in die geval van 'n werknemer wat bedank om in diens van 'n ander goedgekeurde inrigting te tree; met dien verstande voorts dat die raad aan 'n werknemer wat gedurende die betrokke tydperk van kennisgewing as gevolg van siekte nie sy pligte kan uitvoer nie, siekteverlof kan toestaan.

BETALING VAN TOELAES GEDURENDE VERLOF.

4. Die voortsetting of staking van die betaling van toelae of besoldiging bo en behalwe salaris word beheer deur voorskrifte uitgereik deur die Sekretaris in verband met die toestaan van sodanige toelae of besoldiging.

PAYMENT OF SALARY INCREMENTS.

15. (a) Salary increments according to scale may be granted to a staff member by the council after the completion of twelve months' satisfactory service, reckoned from the date of appointment or from the date of granting of the last increment, as the case may be.

(b) A staff member shall not be entitled to claim the payment of a salary increment according to scale as of right, and such increment may be withheld at any time if the staff member or employee fails to perform his duties to the satisfaction of the council.

TRAVELLING AND SUBSISTENCE ALLOWANCE.

16. (a) A staff member who is required to travel on duty, or a staff member appointed by a council without a break in service on transfer from another institution or a government department, may be paid such transport and subsistence allowances as may be approved by the council.

(b) When a staff member is authorised by the council to make use of his privately owned motor transport for institution purposes or service he shall be paid allowances at such rates as may be approved by the council.

EVALUATION OF QUALIFICATIONS.

17. Academic, professional and technical qualifications shall be recognised for appointment and salary purposes on the basis determined by the Secretary from time to time.

HOURS OF ATTENDANCE.

18. Hours of attendance shall be prescribed from time to time by the Council.

PART VI.

LEAVE.

BY WHOM LEAVE MAY BE GRANTED.

1. (a) A council may at its discretion grant leave of absence from duty to an employee, within the limits prescribed in the regulations in this Part; provided that a council may delegate authority to a principal to grant leave to its employees.

(b) If the circumstances of a case justify a departure from the provisions of this Part, the council may authorise leave on such terms as the Secretary may approve.

LEAVE GRANTED MAY BE WITHDRAWN.

2. (a) Leave shall not be claimable as of right, but may be granted subject to the exigencies of the institution.

(b) Leave granted to an employee may be withdrawn by the council, if in its opinion the exigencies of the institution so require.

3. If prior to the expiration of a period of authorised leave, an employee resigns or gives notice of resignation or is discharged, any leave falling within the period of notice required by regulation No. 10 of Part V of these regulations shall terminate from the date of notice of resignation, or the date of discharge; provided that the council may depart from this regulation in the case of resignation to join the service of another approved institution; provided further that the council may grant sick leave to an employee who during the period of notice referred to, becomes unable to perform his duties due to illness.

PAYMENTS OF ALLOWANCES DURING LEAVE.

4. The continuance or cessation of payment of allowances or emoluments additional to salary shall be governed by any directions issued by the Secretary in connection with the grant of such allowances or emoluments.

KLASSIFISERING VAN VERLOF.

5. (a) Verlof word soos volg geklassifiseer:—

- (i) Oplopende verlof met vol betaling;
- (ii) nie-oplopende verlof met vol betaling;
- (iii) vakansieverlof sonder betaling;
- (iv) siekteverlof met vol betaling;
- (v) siekteverlof met half-betaling;
- (vi) siekteverlof met half-betaling;
- (vii) spesiale siekteverlof;
- (viii) spesiale verlof met vol betaling;
- (ix) spesiale (studie-) verlof sonder betaling.

(b) Behalwe soos in paragraaf (a) (ix) van regulasie 19 van hierdie Deel bepaal, word alle ongemagtigde afwesighede van diens, ongeag enige ander tugmaatreëls wat teen 'n werknemer geneem mag word, geag vakansieverlof sonder betaling te wees, tensy die raad anders besluit.

VERLOFGROEPE.

6. (a) Tensy anders aangedui, word verlof met volle salaris deur die raad aan werknemers toegestaan op 'n grondslag wat nie ruimer as die volgende is nie:—

Groep I.

Prinsipaal, vise-prinsipaal, hoof van departement en ander onderwyspersoneel:—

Oplopende verlof: 15 dae per jaar bo en behalwe enige verlofkrediet ingevolge regulasie 9 van hierdie Deel.

Nie-oplopende verlof: Die tydperke gedurende welke onderrig gestaak word.

Siekteverlof: 90 dae met volle betaling en 90 dae met half-betaling in elke kringloop van drie jaar;

met dien verstande dat oplopende en siekteverlof vir een helfte van die tydperke hierbo voorgeskryf toegestaan kan word aan 'n persoon wat in 'n tydelike hoedanigheid aangestel is.

Groep II.

(i) *Permanente werknemers wat administratiewe, klerklike, tegniese, biblioteek-, en magasyn-betrekkings beklee:—*

(1) *personeel wat 'n basiese salaris van meer as £630 per jaar ontvang:—*

Oplopende verlof: 38 dae per jaar.

Siekteverlof: 120 dae met volle betaling en 120 dae met half-betaling in elke kringloop van drie jaar;

(2) *personeel wat 'n basiese salaris van £630 per jaar en minder ontvang:—*

Oplopende verlof: Personeel met 10 jaar diens of meer: 35 dae per jaar; personeel met minder as 10 jaar diens: 32 dae per jaar.

Siekteverlof: 120 dae met volle betaling en 120 dae met half-betaling in elke kringloop van drie jaar.

(ii) *Blanke koshuispersoneel:—*

Oplopende verlof: Geen.

Nie-oplopende verlof: Vir sulke tydperke gedurende kollegevakansies as wat die raad mag goedkeur.

Siekteverlof: 60 dae met volle betaling en 60 dae met half-betaling in elke kringloop van drie jaar.

(iii) *Nie-blanke werknemers, uitgesonderd onderwyspersoneel:—*

Oplopende en siekteverlof: Vir sulke tydperke as wat die raad mag goedkeur, maar wat nie die voorsiening onder groep III mag oorskry nie.

CLASSIFICATION OF LEAVE.

5. (a) Leave shall be classified as follows:—

- (i) Accumulative leave with full pay.
- (ii) Non-accumulative leave with full pay.
- (iii) Vacation leave without pay.
- (iv) Sick leave with full pay.
- (v) Sick leave with half pay.
- (vi) Sick leave without pay.
- (vii) Special sick leave.
- (viii) Special leave with full pay.
- (ix) Special (study) leave without pay.

(b) Except as provided for in paragraph (a) (ix) of regulation No. 19 of this Part, all unauthorised absences from duty shall, apart from any disciplinary steps which may be taken against an employee, be regarded as being vacation leave without pay, unless the council decides otherwise.

LEAVE GROUPS.

6. (a) Unless otherwise indicated the council may grant leave with full pay to employees on a basis not exceeding the following:—

Group I.

Principal, vice-principal, head of department and other teaching personnel:—

Accumulative Leave: 15 days per annum in addition to any leave credit under regulation No. 8 of this Part.

Non-accumulative Leave: The periods during which instruction is suspended.

Sick Leave: 90 days with full pay and 90 days with half pay in each cycle of three years.

Provided that a person employed in a temporary capacity may be granted accumulative and sick leave of one half of the periods prescribed above.

Group II.

(i) *Permanent employees occupying administrative, clerical, technical, library and stores posts.*

(1) *Persons in receipt of basic salaries in excess of £630 p.a.:—*

Accumulative Leave: 38 days per annum.

Sick Leave: 120 days with full pay and 120 days with half pay in each cycle of three years.

(2) *Persons in receipt of basic salaries of £630 p.a. and less:—*

Accumulative Leave: Persons with 10 years service or more: 35 days per annum; persons with less than 10 years service: 32 days per annum.

Sick Leave: 120 days with full pay and 120 days with half pay in each cycle of three years.

(ii) *European hostel staff:*

Accumulative Leave: Nil.

Non-accumulative Leave: For such periods during college vacations as may be approved by the council.

Sick Leave: 60 days with full pay and 60 days with half pay in each cycle of three years.

(iii) *Non-European employees other than teaching personnel:—*

Accumulative and Sick Leave: For such periods as may be approved by the council, but not exceeding the provision under group III.

GROEP III.

HUISHOUDELIKE EN TOESIGHOUDENDE PERSONEEL EN ANDER WERKNEMERS VIR WIE SPESIFIEKE VOOR-
SIENING NIE IN ENIGE ANDER GROEP GEMAAK IS NIE.

Diens.	Salaris hoogstens £120 per jaar.			Salaris meer as £120 maar hoogstens £240 per jaar.			Salaris meer as £240 per jaar.		
	Op- lopende verlof per jaar.	Siekteverlof in elke kringloop van drie jaar.		Op- lopende verlof per jaar.	Siekteverlof in elke kringloop van drie jaar.		Op- lopende verlof per jaar.	Siekteverlof in elke kringloop van drie jaar.	
		Met volle betaling.	Met half-betaling.		Met volle betaling.	Met half-betaling.		Met volle betaling.	Met half-betaling.
Vyftien jaar en meer.....	Dae. 24	Dae. 40	Dae. 40	Dae. 27	Dae. 60	Dae. 60	Dae. 30	Dae. 90	Dae. 90
Tien jaar en minder as vyftien jaar	21	30	30	24	40	40	27	70	70
Vyf jaar en minder as tien jaar..	18	20	20	21	30	30	24	50	50
Minder as vyf jaar.....	15	15	15	18	20	20	21	30	30

GROUP III.

DOMESTIC AND CARETAKING PERSONNEL AND OTHER EMPLOYEES IN RESPECT OF WHOM SPECIFIC PROVISION
IS NOT MADE IN ANY OTHER GROUP.

Service.	Salary Not Exceeding £120 per Annum.			Salary Over £120 but Not Exceeding £240 per Annum.			Salary Over £240 per Annum.		
	Accumulative Leave per Annum.	Sick Leave in Each Cycle of Three Years.		Accumulative Leave per Annum.	Sick Leave in Each Cycle of Three Years.		Accumulative Leave per Annum.	Sick Leave in Each Cycle of Three Years.	
		On Full Pay.	On Half Pay.		On Full Pay.	On Half Pay.		On Full Pay.	On Half Pay.
Fifteen years and over.....	Days. 24	Days. 40	Days. 40	Days. 27	Days. 60	Days. 60	Days. 30	Days. 90	Days. 90
Ten and under fifteen years....	21	30	30	24	40	40	27	70	70
Five and under ten years.....	18	20	20	21	30	30	24	50	50
Under Five years.....	15	15	15	18	20	20	21	30	30

(b) Aan 'n werknemer wat onder kontrak dien, word, tensy sy dienskontrak anders bepaal, verlof toegestaan ooreenkomstig hierdie regulasies, en sy groepering vir verlofdoeleindes word bepaal net soos dié van 'n vergelykbare permanente werknemer in die diens van 'n inrigting.

(c) Hierdie regulasies is van toepassing op werknemers wie se diensvoorwaardes vasgestel is in ooreenstemming met die bepalings van nywerheids- of dergelike ooreenkomste enkel in soverre as wat daar in die regulasies uitdruklik bepaal word dat hulle op genoemde werknemers van toepassing is.

(d) As 'n werknemer wat uit 'n permanente pos afgetree het sonder onderbreking van diens in 'n tydelike hoedanigheid heraangestel word, word so 'n aanstelling vir alle doeleindes van hierdie regulasies as 'n nuwe aanstelling beskou; vorige permanente diens tel nie as diens vir verlofdoeleindes nie, verlof wat opgehoop het verval by aftreding en die siekteverlofkringloop onder die nuwe verlofgroepering begin op die datum van heraanstelling.

BEVOEGDHEID OM TE VEREIS DAT VERLOF GENEEM WORD.

7. Behoudens die bepalings van regulasies 6, 12 en 13 van hierdie Deel kan die raad te eniger tyd eis dat 'n werknemer verlof wat hom toegeval het, neem.

SEKERE WERKNEMERS WAT GEDURENDE KOLLEGEVAKANSIES DIENS MOET DOEN EN VERLOFKREDIETE DAARVOOR.

8. (a) Die raad kan vereis dat 'n werknemer op diens moet wees gedurende enige kollegevakansie.

(b) As daar van 'n werknemer aan wie gewoonlik gedurende kollegevakansies nie-oplopende verlof toegestaan word, vereis word dat hy ingevolge paragraaf (a) hiervan vir 'n volle kollegevakansie of gedeelte daarvan diens moet doen, kan aan hom krediet verleen word vir 'n tydperk van oplopende verlof gelykstaande met een-helfte van die aantal dae wat hy op diens was; met dien verstande dat so 'n verlofkrediet nie een-en-twintig dae in enige kalenderjaar, of 'n eweredige aantal dae ten opsigte van 'n onvoltooide kalenderjaar waarin die dienste van

(b) An employee appointed under contract, shall, unless his service contract provides otherwise, be granted leave in accordance with these regulations and his grouping for leave purposes shall be determined in the same manner as that of a comparable permanent employee in the service of an institution.

(c) These regulations are applicable to employees whose service conditions are determined in accordance with the provisions of industrial or similar agreements only in so far as these regulations specifically provide that they are applicable to such employees.

(d) Where an employee who has retired from a permanent post is reappointed, without a break in service, in a temporary capacity, such reappointment shall be regarded as a new appointment for all purposes of these regulations; previous permanent service shall not count as service for leave purposes, accumulated leave shall lapse on retirement and the sick leave cycle under the new grouping shall commence on the date of reappointment.

POWER TO REQUIRE LEAVE TO BE TAKEN.

7. Subject to the provisions of regulations Nos. 6, 12 and 13 of this Part, an employee may be required by the council at any time to take such leave as may be due to him.

CERTAIN EMPLOYEES TO REMAIN ON DUTY DURING COLLEGE HOLIDAYS AND LEAVE CREDITS THEREFOR.

8. (a) The council may require an employee to remain on duty during any college holidays.

(b) If an employee who ordinarily is entitled to non-accumulative leave during college holidays, is required in terms of paragraph (a) hereof to remain on duty for the whole or portion of any college holidays, he may be credited with a period of accumulative leave equivalent to one half of the number of days during which he so remained on duty; provided that such credit shall not exceed twenty-one days in any calendar year, or a proportionate number of days in respect of an uncompleted

'n werknemer aanvang geneem het of beëindig is, oorskry nie; met dien verstande voorts dat geen verlofkrediet ten opsigte van deeltydse diens verrig, gegee word nie.

TOEVAL VAN NIE-OPLOPENDE VERLOF.

9. Nie-oplopende verlof word toegestaan vanaf die aanvang en vir die duur van die eerste kollegevakansie ná aanstelling van die betrokke werknemer, en daarna vir die duur van elke daaropvolgende kollegevakansie; met dien verstande dat as 'n persoon sonder onderbreking in sy diens vanaf die staatsdiens of van 'n provinsiale of spoorwegadministrasie, of die Administrasie van Suidwes-Afrika, of van 'n inrigting onder die beheer van die Departement van Onderwys, Kuns en Wetenskap as prinsipaal, vise-prinsipaal of op die onderwyspersoneel oorgeplaas of aangestel word, en as so 'n oorplasing of aanstelling in werking tree vanaf 'n datum wat binne 'n kollegevakansie-tydperk val, nie-oplopende verlof vanaf die datum van sy oorplasing of aanstelling, en wel vir die onverstreke deel van genoemde kollegevakansie aan so 'n persoon toegestaan kan word.

OPLOPENDE VERLOF: ALGEMEEN.

10. (a) Oplopende verlof, uitgesonderd oplopende verlof wat in regulasie 8 van hierdie Deel genoem word, word toegestaan op 'n eweredige grondslag volgens die tydperk van voltooië diens in elk van die groepe of onderafdelings van die groepe wat in regulasie 6 van hierdie Deel genoem word.

(b) Daar word geag dat Sondae en openbare feesdae wat binne 'n tydperk van oplopende verlof val, 'n deel van sodanige verlof is.

(c) 'n Werknemer word nie salaris of loon betaal ten opsigte van Sondae en openbare feesdae wat binne 'n tydperk van verlof sonder betaling val nie.

(d) 'n Sondag of openbare feesdag wat—

- (i) tussen 'n tydperk van spesiale verlof en 'n tydperk van oplopende verlof (of omgekeerd) val, word nie geag verlof te wees nie en word nie in die verlofregister as verlof aangeteken nie;
- (ii) tussen 'n tydperk van oplopende verlof en 'n tydperk van siekteverlof (of omgekeerd) val, word geag oplopende verlof te wees en word in die verlofregister as sulks aangeteken tensy die werknemer bevredigende bewys lewer dat hy werklik op die betrokke dag siek was en vir die dag siekteverlof toegestaan word, maar betaling van salaris of loon vir sodanige dag geskied slegs as die werknemer kragtens sy diensvoorwaardes op betaling vir die dag geregtig is;
- (iii) 'n tydperk van verlof sonder betaling onmiddellik voorafgaan of daarop volg, word nie geag verlof te wees nie en word nie in die verlofregister as verlof aangeteken nie tensy die werknemer aangesê word om op so 'n dag diens by te woon en hy in gebreke bly om dit te doen, in welke geval die dag as vakansieverlof sonder betaling aangeteken word;
- (iv) tussen 'n tydperk van spesiale verlof en 'n tydperk van siekteverlof (of omgekeerd) val, word nie geag verlof te wees nie en word nie in die verlofregister as verlof aangeteken nie.

11. (a) 'n Personeellid wat tot die verlofvoorregte van groep I van regulasie 6 van hierdie Deel toegelaat is, kan nie oplopende verlof vir minder as 'n volle kollegekwartaal neem voordat so 'n tydperk toegeval het en beskikbaar is nie; met dien verstande dat die raad in buitengewone omstandighede so 'n personeellid kan toelaat om sodanige oplopende verlof as wat hom toegeval het of 'n deel daarvan te eniger tyd te neem.

(b) Die aanvang en beëindiging van 'n tydperk van oplopende verlof wat toegestaan word aan 'n personeellid wat onder groep I geklassifiseer word, moet, tensy die raad andersins magtig, met onderskeidelik die aanvang en beëindiging van 'n kollegekwartaal saamval, en die totale ononderbroke tydperk van oplopende verlof strek nooit oor meer as twee kollegekwartale nie; met dien verstande dat die raad 'n redelike verlenging van sodanige verlof aan 'n personeellid wat weens oorsake buite sy beheer nie sy dienste kan aanvaar nie, kan toestaan as

calendar year in which the services of the employee commenced or terminated; provided further that no credit shall be given in respect of part-time duties performed.

ACCURAL OF NON-ACCUMULATIVE LEAVE.

9. Non-accumulative leave shall accrue from the commencement and for the duration of the first college holidays after appointment of the employee concerned, and thereafter for the duration of each succeeding college holiday; provided that if a person is transferred or appointed as a principal, vice-principal, or on the teaching personnel of an institution without a break in service from the public service or from a Provincial or Railway Administration, or the Administration of South West Africa, or from an institution under the control of the Department of Education, Arts and Science, and if such transfer or appointment is effected from a date falling within a period of college holidays, non-accumulative leave may be granted to such person from the date of his transfer or appointment and shall be for the unexpired portion of the said college holidays.

ACCUMULATIVE LEAVE.—GENERAL.

10. (a) Accumulative leave, other than accumulative leave mentioned in regulation No. 8 of this Part, shall accrue on a proportionate basis according to the period of completed service in each of the groups or subdivisions of the groups mentioned in regulation No. 6, of this Part.

(b) Sundays and public holidays falling within a period of accumulative leave shall be deemed to be part of such leave.

(c) An employee shall not be paid salary or wage in respect of Sundays and public holidays falling within a period of leave without pay.

(d) A Sunday or public holiday—

- (i) falling between a period of special leave and a period of accumulative leave (or vice versa) shall not be regarded as leave and shall not be recorded in the leave register as leave;
- (ii) falling between a period of accumulative leave and a period of sick leave (or vice versa) shall be regarded as accumulative leave and recorded in the leave register as such except if the employee produces satisfactory evidence that he was actually ill on that day and is granted sick leave for the day, but payment of salary or wage for such day may be effected only if the employee, in terms of his conditions of employment, is entitled to payment for such day;
- (iii) which immediately precedes or succeeds a period of leave without pay shall not be regarded as leave and shall not be recorded in the leave register as leave, unless the employee is called upon to attend for duty on such day and fails to do so in which case the day shall be recorded as vacation leave without pay;
- (iv) falling between a period of special leave and a period of sick leave (or vice versa) shall not be regarded as leave and shall not be recorded in the leave register as leave.

11. (a) Accumulative leave for less than one full college term shall not be taken by an employee who has been admitted to the leave privileges of group I of regulation No. 6, in this Part, until such period has accrued and is available; provided that in exceptional circumstances the council may authorise an employee to take such accumulative leave as may have accrued to him or a portion thereof at any time.

(b) The commencement and termination of a period of accumulative leave granted to an employee classified under group I shall, unless otherwise authorised by the council, coincide with the commencement and termination, respectively, of a college term, and the total continuous period of accumulative leave shall not at any time extend over more than two college terms; provided that the council may authorise a reasonable extension of such leave to an employee who is prevented from resum-

hy genoeg verlof tot sy beskikking het; met dien verstande voorts dat as 'n personeelid nie voldoende verlof tot sy beskikking het vir die verlangde verlenging van sy verlof nie, die tydperk van verlof verleen bo en behalwe die verlofkrediet as vakansieverlof sonder betaling beskou word.

12. Aan 'n werknemer wat tot die verlofvoorregte van groepe II of III van regulasie 6 van hierdie Deel toegelaat word, mag nie meer as 184 dae olopende verlof in die loop van 'n ononderbroke dienstydperk van agtien maande toegestaan word nie; met dien verstande dat die raad 'n redelike verlenging van sodanige verlof aan 'n werknemer wat weens oorsake buite sy beheer belet word om sy diens te hervat, kan toestaan as so 'n werknemer genoeg verlof tot sy beskikking het; met dien verstande voorts dat as 'n werknemer nie voldoende verlof tot sy beskikking het vir die verlangde verlenging van sy verlof nie, die tydperk van verlof verleen bo en behalwe die verlofkrediet as vakansieverlof sonder betaling beskou word.

SIEKTEVERLOF—ALGEMEEN.

13. (a) Siekteverlof van hoogstens die aantal dae soos neergelê in regulasie 6 van hierdie Deel, kan aan 'n werknemer toegestaan word nadat hy een maand diens voltooi het wat as diens vir verlofdoeleindes toegelaat word, en gedurende die loop van elke kringloop van drie jaar diens, bereken vanaf die datum waarop so 'n werknemer die eerste keer vir verlofvoorregte in aanmerking gekom het; met dien verstande dat vorige diens in die staatsdiens, 'n provinsiale of spoorwegadministrasie of die Administrasie van Suidwes-Afrika of 'n inrigting onder die beheer van die Departement van Onderwys, Kuns en Wetenskap, indien dit aaneenlopend was met diens in die betrokke inrigting, as diens vir die toepassing van hierdie paragraaf beskou word; met dien verstande voorts—

- (i) dat die driejarige kringloop aanvang neem vanaf die vasgestelde datum in die geval van 'n werknemer wie se siekteverlofkringloop bereken is op 'n ander grondslag as 'n driejarige grondslag vóór die vasgestelde datum;
- (ii) dat die toepassing van hierdie regulasies nie die loop van enige driejarige kringloop wat op die vasgestelde datum reeds in werking was, onderbreek nie;
- (iii) dat enige gevalle waar moeilikhede ondervind mag word by die berekening van siekteverlofkrediete ingevolge paragraaf (i) en (ii) hierbo na die Sekretaris vir beslissing verwys kan word.

(b) As aan 'n werknemer die maksimum-hoeveelheid siekteverlof waarvoor in hierdie regulasies voorsiening gemaak word, toegestaan is en hy, weens gesondheidsredes nog nie in staat is om sy dienste te hervat nie, kan die raad by die voorlegging aan hom van 'n bevredigende sertifikaat van 'n geregistreerde geneesheer, en as hy tevrede is dat die werknemer op die betrokke tydstip nie permanent ongeskik is vir die hervatting van sy normale pligte nie, na goedgekeurde verdere siekteverlof met half-betaling vir hoogstens 92 dae in enige besondere kringloop aan laasgenoemde toeken. Hierdie toekenning kan gedoen word ongeag of die werknemer olopende verlof ten goede het en ten opsigte van afsonderlike tydperke van afwesigheid. As die werknemer na die toekenning van hierdie bykomstige siekteverlof nog nie in staat is om sy dienste te hervat nie, mag geen verdere verlof ingevolge enigeen van die in paragraaf (a) van regulasie 5 van hierdie Deel gemelde hoofde ten opsigte van die betrokke afwesigheid, aan hom toegestaan word nie behalwe met goedkeuring van die Sekretaris.

(c) 'n Werknemer aan wie siekteverlof met half-betaling of sonder betaling toegestaan is, kan, as hy olopende verlof tot sy beskikking het, kies om siekteverlof deur olopende verlof te vervang; met dien verstande dat as bedoelde olopende verlof aan hom toegestaan is en hy ten opsigte daarvan betaling ontvang het dit nie weer in siekteverlof met half-betaling of sonder betaling omgesit mag word nie.

ing duty owing to causes outside his control, if he has sufficient leave to his credit; provided further that if an employee has not sufficient leave to his credit to cover the extension desired, any period of leave granted in excess of the leave credit shall be deemed vacation leave without pay.

12. An employee admitted to the leave privileges of groups II or III of regulation 6, of this Part, shall not be granted more than 184 days' accumulative leave in the course of any continuous period of service of eighteen months; provided that the council may authorise a reasonable extension of such leave to an employee who is prevented from resuming duty owing to causes outside his control, if such employee has sufficient leave to his credit; provided further that if such employee has not sufficient leave to his credit to cover the extension desired, any period of leave granted in excess of the leave credit shall be deemed vacation leave without pay.

SICK LEAVE—GENERAL.

13. (a) Sick leave not exceeding the number of days specified in regulation 6, of this Part, may be granted to an employee after the completion by him of one month's service admissible as service for leave purposes and during the course of each cycle of three years service, calculated from the date on which such employee first became eligible for leave privileges; provided that previous employment in the public service, a Provincial or Railway Administration, or the Administration of South West Africa or an institution under the control of the Department of Education, Arts and Science, if continuous with employment at the institution concerned, may be deemed to be service for the purpose of this paragraph; Provided further—

- (i) that the triennial cycle shall commence from the fixed date in the case of an employee whose sick leave cycle was calculated on other than a triennial basis prior to the fixed date;
- (ii) that the introduction of these regulations shall not interrupt the course of any triennial cycle which was in operation at the fixed date;
- (iii) that any cases of difficulty which may arise in the calculation of sick leave accruals under sub-paragraphs (i) and (ii) above may be referred to the Secretary for decision.

(b) If an employee, who has been granted the maximum amount of sick leave provided for in these regulations, not yet able, for health reasons, to resume his duties, the council, on the submission to it of a satisfactory certificate by a registered medical practitioner and if it is satisfied that the employee at that particular time is not permanently unfit to resume his normal duties, may, in its discretion, grant the employee further sick leave with half pay not exceeding 92 days in any one cycle. This grant may be made irrespective of whether the employee has accumulative leave to his credit and may be made in respect of separate periods of absence. If, after the grant to the employee of this additional sick leave, he is not yet capable of resuming his duties, he shall not be granted further leave under any of the heads mentioned in paragraph (a) of regulation 5 of this Part in respect of the absence concerned, except with the approval of the Secretary.

(c) An employee who has been granted sick leave on half pay or without pay, may, if he has accumulative leave to his credit, elect to substitute accumulative leave for such sick leave; provided that once the vacation leave referred to has been granted to him and he has received payment in respect thereof such leave may not be reconverted into sick leave with half pay or without pay.

(d) Ongebruikte siekteverlof wat vir 'n bepaalde kringloop voorgeskryf is, verval aan die einde van die betrokke kringloop en kan nie na die volgende kringloop oorgedra word nie.

ONDERBREKING VAN OPLOPENDE VERLOF DEUR SIEKTE-VERLOF.

14. As 'n werknemer aan wie oplopende verlof toegestaan is siek word nadat hy reeds sy diens verlaat het om met oplopende verlof te gaan, kan daardie gedeelte van bedoelde oplopende verlof waartydens hy siek was in siekteverlof omgeskep word as die werknemer 'n sertifikaat van 'n geregistreerde geneesheer [of 'n geregistreerde tandarts as paragraaf (c) van regulasie 15 van hierdie Deel op hom van toepassing is] in dien wat aan die vereistes neergelê in regulasie 15 van hierdie Deel voldoen en waarin ook gesertifiseer word dat hy weens sy siekte gedurende die betrokke tydperk binnenshuis gebly het en mits die nodige siekteverlof kräftens regulasie beskikbaar is. Oplopende verlof waartydens 'n werknemer nie binnenshuis gebly het nie en vakansieverlof sonder betaling, mag nie in siekteverlof omgeskep word nie.

SIEKTEVERLOF SLEGS VIR NOUKEURIG OMSKRYFDE SIKTES, ENS., EN VOORLEGGING VAN GENEESKUNDIGE SERTIFIKATE.

15. (a) As 'n werknemer weens siekte vir 'n aanlopende tydperk van langer as drie dae van diens afwesig is, kan siekteverlof aan hom toegestaan word slegs as hy 'n sertifikaat van 'n geregistreerde geneesheer [of 'n geregistreerde tandarts as paragraaf (c) hiervan op hom van toepassing is] waarin die aard van die siekte duidelik omskryf word, waarin verklaar word dat hy nie in staat is om sy ampspligte waar te neem nie en waarin aangedui word welke tydperk vir sy herstel nodig is, by die raad indien: Met dien verstande dat die raad na goëddunke kan eis dat 'n dergelike sertifikaat ook ten opsigte van tydperke van drie dae of minder ingedien word; met dien verstande voorts dat indien die raad daarvan oortuig is dat die werknemer se afwesigheid *bona fide* te wyte is aan siekte en dat daar goëie redes bestaan waarom 'n geneeskundige sertifikaat nie ingedien word nie, hy die werknemer van die indiening van die sertifikaat kan kwyt-skeld ten opsigte van siekteverlof van nie meer as 14 dae nie. Sodanige kwytskelding moet op die verlofaansoek geëndosseer word.

(b) Siekteverlof ten opsigte waarvan 'n sertifikaat, soos in paragraaf (a) hiervan omskryf word, nie ingedien word nie, mag slegs toegestaan word vir altesaam 10 dae gedurende enige kalenderjaar; enige verdere afwesighede moet as oplopende verlof aangeteken word en as die werknemer geen oplopende verlof tot sy krediet het nie, as vakansieverlof sonder betaling. Die bepalinge van hierdie paragraaf is nie van toepassing op tydperke van afwesigheid ten opsigte waarvan kwytskelding kräftens paragraaf (a) hiervan verleen is nie en sodanige tydperke word ook nie ingereken by die vasstelling van die 10 dae nie.

(c) As 'n werknemer se afwesigheid te wyte is aan 'n tandverswering, 'n kakebeenbreuk, akute Vincentbesmetting van die mond of komplikasies wat voortvloei uit die trek van tande, soos beenmurgontsteking, beenontsteking en sekondêre bloeding, kan 'n sertifikaat soos in paragraaf (a) hiervan omskryf en wat uitgereik word deur 'n geregistreerde tandarts vir die toepassing van daardie paragraaf aanvaar word. Ondanks die bepalinge van hierdie paragraaf kan die raad vereis dat 'n sertifikaat deur 'n geregistreerde geneesheer ingedien word aler hy siekteverlof toestaan.

(d) Ondanks die indiening van 'n sertifikaat soos in paragrawe (a) en (c) hiervan omskryf, kan die raad na goëddunke weier om siekteverlof met betaling toe te staan ten opsigte van enige afwesigheid van diens waarop die sertifikaat betrekking het, en so 'n afwesigheid word as ongemagtig beskou en is aan die bepalinge van paragraaf (b) van regulasie 5 van hierdie Deel onderworpe.

(e) Siekteverlof word alleen toegestaan ten opsigte van 'n ongesteldheid, siekte, of letsel wat nie toe te skryf is aan die applikant se wangedrag of gebrek aan behoorlike voorsorg van sy kant nie.

(d) Unused sick leave prescribed for a particular cycle shall lapse at the end of that cycle and may not be carried forward to the next cycle.

INTERRUPTION OF ACCUMULATIVE LEAVE BY SICK LEAVE.

14. In the event of an employee, to whom accumulative leave has been granted, becoming ill after he has left his duties to proceed on accumulative leave, that period of accumulative leave during which he was indisposed, may be converted into sick leave on the production of a certificate by a registered medical practitioner (or a registered dentist if paragraph (c) of regulation 15 of this Part is applicable to him) which complies with the requirements stipulated in regulation No. 15 of this Part and in which is certified that he was, as a result of the illness, confined indoors during the period concerned and provided the necessary sick leave is available in terms of the regulations. Accumulative leave during which an employee was not confined indoors and vacation leave without pay may not be converted into sick leave.

SICK LEAVE FOR WELL-DEFINED ILLNESS, ETC., ONLY AND PRODUCTION OF MEDICAL CERTIFICATE.

15. (a) If an employee is absent from duty on account of illness for a continuous period of more than three days he may be granted sick leave only if he furnishes the council with a certificate by a registered medical practitioner (or a registered dentist if paragraph (c) hereof is applicable to him) which clearly describes the nature of the illness, which states that he is not capable of performing his official duties and in which is indicated the period necessary for his recuperation; provided that the council, in its discretion, may require the submission of a similar certificate in respect of periods of three days or less: Provided further that if the council is convinced that the absence of the employee is *bona fide* due to illness and that there are good reasons for the non-production of a medical certificate it may waive the requirement of a medical certificate in respect of sick leave not exceeding 14 days. Such exemption shall be endorsed on the leave application.

(b) Sick leave, in respect of which a certificate as defined in paragraph (a) hereof is not submitted, may be granted only for an aggregate of 10 days during any calendar year; any further absences shall be covered by the grant of accumulative leave and, if the employee has no accumulative leave to his credit, of vacation leave without pay. The provisions of this paragraph are not applicable to periods of absence in respect of which exemption in terms of paragraph (a) hereof has been granted and neither are such periods taken into consideration in the determination of the 10 days.

(c) If an employee's absence is attributable to a dental abscess, a fracture of the jaw, acute Vincent infection of the mouth or complications following dental extractions such as osteomyelitis, osteitis and secondary haemorrhage, a certificate as defined in paragraph (a) hereof and issued by a registered dentist may be accepted for the purpose of that paragraph. Notwithstanding the provisions of this paragraph the council may require that a certificate by a registered medical practitioner be submitted before sick leave is granted by it.

(d) Notwithstanding the submission of a certificate as defined in paragraphs (a) and (c) hereof a council may, in its discretion, refuse to grant sick leave with pay in respect of any absence from duty to which the certificate relates, and such absence shall be regarded as unauthorised and subject to the provisions of paragraph (b) of regulation 5 of this Part.

(e) Sick leave may only be granted in respect of some illness, disease, or injury not due to misconduct or failure to take reasonable care or precautions on the part of the applicant.

(f) Ten opsigte van senuwee-aandoenings, slaaploosheid, swakte of dergelike minder goed omskryfde siekte of ongesteldheid word geen siekteverlof toegestaan nie, tensy daar tot bevrediging van die raad uitgemaak word dat—

- (i) die applikant se gesondheidstoestand hom ongeskik maak vir sy werk;
- (ii) die toestand waarin hy verkeer nie vermy kon word deur redelike voorsorg van sy kant of deur gebruikmaak van ander beskikbare geriewe met betrekking tot verlof nie.

(g) Die raad kan te eniger tyd eis dat 'n werknemer hom onderwerp aan 'n ondersoek deur 'n geneeskundige praktisyn of geneeskundige raad. Die onkoste van so 'n ondersoek word deur die raad betaal.

SPEZIALE SIEKTEVERLOF.

16. Aan 'n werknemer wat by die verrigting van sy ampspligte 'n besering of siekte opdoen, kan spesiale siekteverlof met volle betaling toegestaan word vir die tydperk wat hy nie in staat is om te werk nie; met dien verstande dat in gevalle waar so 'n besering of siekte sodanig is dat dit hom geregtig maak tot skadeloosstelling kragtens die Ongevalwet, 1941, sodanige verlof vir voormelde tydperk aan hom toegestaan word teen 'n betaling gelyk aan die verskil tussen sy volle salaris of loon en die skadeloosstelling wat aan hom kragtens genoemde Wet betaalbaar is. Spesiale siekteverlof kragtens hierdie regulasie word nie toegestaan as die raad van oordeel is dat die ongeval aan die ernstige en opsetlike wangedrag van die werknemer toe te skryf is nie.

SIEKTEVERLOF VIR BEVALLING.

17. Afwesigheid vir die doel van 'n bevalling in die geval van 'n vroulike werknemer kom nie in aanmerking vir siekteverlof met of sonder betaling nie. Vakansieverlof sonder betaling vir 'n aaneenlopende tydperk van hoogstens ses maande kan egter toegestaan word. 'n Werkneemster kan kies om enige oplopende verlof wat tot haar beskikking is vir gemelde doel te neem in plaas van vakansieverlof sonder betaling. Vakansieverlof sonder betaling wat ooreenkomstig hierdie regulasie toegestaan word, is onderworpe aan die bepalinge van regulasies No. 23 en 24 van hierdie Deel.

ONTSLAG VAN WERKNEMER AS GEVOLG VAN SWAK GESONDHEID VOOR DIE VERSTRYKING VAN SIEKTEVERLOF.

18. Niks in hierdie regulasies belet die raad om die diens van 'n werknemer te beëindig weens swak gesondheid voordat 'n tydperk van toelaatbare siekteverlof toegestaan is nie.

SPEZIALE VERLOF.

19. (a) Benewens ander verlof wat ooreenkomstig hierdie regulasies toelaatbaar is, kan spesiale verlof met vol betaling aan 'n werknemer toegestaan word—

- (i) om 'n universiteits- of ander eksamen wat binne die Unie afgeneem en deur die raad goedgekeur word, te skryf;
- (ii) wanneer hy van diens afwesig is as gevolg van afsondering of isolasie kragtens geneeskundige insruksies waar hy in aanraking was met 'n persoon wat 'n besmetlike of aansteeklike siekte opgedoen of vermoedelik opgedoen het: Die toestaan van spesiale verlof onder hierdie paragraaf is onderworpe aan die indiening van 'n sertifikaat van 'n geregistreerde geneesheer wat die tydperk en oorsaak van afsondering aandui;
- (iii) wanneer hy as lid van die Aktiewe Burgermag kragtens die Zuid Afrika Verdedigings Wet, 1912, soos gewysig, of enige regulasie daarkragtens uitgevaardig onafgebroke of afgebroke opleiding moet ondergaan, behalwe as hy onafgebroke opleiding kragtens artikel *ses bis* van die Zuid-Afrika Verdedigings Wet Wysigings Wet 1922, ondergaan of voltydse diens kragtens artikel *negentien* van die Zuid Afrika Verdedigings Wet, 1912, soos gewysig, in plaas van die vredestrydse opleiding verrig;

(f) No sick leave shall be granted in respect of neurasthenia, insomnia, debility, or other similar ill-defined disease or condition of ill-health, unless it is established to the satisfaction of the council that—

- (i) the applicant is not in a fit state of health to perform his duties;
- (ii) the condition could not have been avoided by the taking of reasonable care or precautions on the part of the applicant, or by the utilisation of the other facilities available to him in regard to leave.

(g) The council may at any time require an employee to submit himself for examination by a medical practitioner or medical board. The cost involved in such examination to be borne by the council.

SPECIAL SICK LEAVE.

16. An employee who sustains an injury or contracts an illness in the course of the performance of his official duties, may be granted special sick leave on full pay for the period of his incapacitation for work; provided that where such injury or illness is such as to entitle him to compensation under the Workmen's Compensation Act, 1941, he may be granted such leave for that period with pay at a rate equal to the difference between his full salary or wage and the compensation payable to him under that Act. Special sick leave in terms of this regulation shall not be granted if the council is of opinion that the accident is attributable to the serious and wilful misconduct of the employee.

SICK LEAVE FOR CONFINEMENT.

17. Absences from duty for the purpose of confinement in the case of a female employee may not be covered by the grant of sick leave with or without pay. Vacation leave without pay, for a continuous period not exceeding six months may, however, be granted. An employee may elect to take any accumulative leave standing to her credit in lieu of leave without pay, for the purpose indicated.

Vacation leave without pay granted in terms of this regulation will be subject to the provisions of regulations Nos. 23 and 24 of this Part.

DISCHARGE OF EMPLOYEES ON GROUNDS OF ILL-HEALTH BEFORE EXPIRY OF SICK LEAVE.

18. Nothing in these regulations contained shall preclude the termination of the service of an employee on the grounds of ill-health before any period of sick leave allowable has been granted.

SPECIAL LEAVE.

19. (a) Special leave with full pay may be granted to an employee—

- (i) when he writes any university or other examination held within the Union and approved by the council.
- (ii) when he is absent from duty as a result of segregation or isolation on medical instructions where he was in contact with a person who has contracted, or is suspected of having contracted, an infectious or contagious disease; the grant of special leave under this sub-paragraph is subject to the submission of a certificate of a registered medical practitioner indicating the period of and reason for isolation;
- (iii) when, as a member of the Active Citizen Force, he is required, in terms of the South Africa Defence Act, 1912, as amended, or any regulation made thereunder, to undergo continuous or non-continuous training, except when he is undergoing continuous training in terms of section *six bis* of the South Africa Defence Act Amendment Act, 1922, or performing whole-time service in lieu of peace-time training in terms of section *nineteen* of the South Africa Defence Act, 1912, as amended.

- (iv) wanneer hy as lid van die Aktiewe Burgermag, soos hierbo omskryf, vrywillig of as gevolg van enige spesiale ooreenkoms tussen hom en die Departement van Verdediging in verband met sy opleiding, bo en behalwe enige opleiding wat hy ooreenkomstig genoemde Wet moet ondergaan, enige onafgebroke of afgebroke opleiding ondergaan of 'n instruksie- of kwalifiserende kursus bywoon, mits die bevelvoerende offisier van die betrokke kommandement sertifiseer dat sodanige opleiding of kursus nodig is in belang van die Unie-verdedigingsmag;
- (v) wanneer hy as lid van 'n skietkommando kragtens regulasies uitgevaardig ingevolge die Zuid Afrika Verdedigings Wet, 1912, soos gewysig, 'n amptelike skietoefening moet bywoon, mits die betrokke leërstafoffisier dat bywoning van sodanige skietoefening in ooreenstemming met die bepalings van voormelde regulasies is;
- (vi) wanneer hy as lid van 'n skietkommando 'n instruksie- of kwalifiserende kursus bywoon, mits die betrokke leërstafoffisier sertifiseer dat bywoning van sodanige kursus nodig is in belang van die Unie-verdedigingsmag;
- (vii) wanneer hy as lid van die reserwe van offisiere 'n herhalingsoefenkursus moet bywoon of herhalingsopleiding moet ondergaan ten einde sy bevoegdheid te behou, mits die stafoffisier van die betrokke landmag, lugmag of vloot- en mariniersmag sertifiseer dat sodanige kursus of opleiding nodig is in belang van die Unie-verdedigingsmag;
- (viii) wanneer hy as lid van enige afdeling van die Unie-verdedigingsmagte (behalwe 'n lid van die Aktiewe Burgermag wat onafgebroke opleiding kragtens artikel *ses bis* van die Zuid-Afrika Verdedigings Wet Wysigings Wet, 1922, ondergaan of voltydse diens kragtens artikel *negentien* van die Zuid Afrika Verdedigings Wet, 1912, soos gewysig, in plaas van vredestrydse opleiding verrig) kragtens artikel *nege-en-sewentig* van die Zuid Afrika Verdedigings Wet, 1912, soos gewysig, opgeroep word vir diens in verband met die voorkoming of onderdrukking van onluste in die Unie;
- (ix) wanneer hy van diens afwesig is as gevolg van gevangenneming op 'n aanklag van misdaad en later vrygespreek word of die aanklag teruggetrek word, vir die tydperk van gevangenneming.
- (x) vir die doel om 'n onderwys- of vakansiekursus by te woon; met dien verstande dat—
 - (1) die raad so 'n kursus erken; en
 - (2) spesiale verlof wat toegestaan word, beperk word tot die tydperk wat nodig is vir die afwesigheid van diens, uitgesonderd tydperke waarvoor nie-oplopende verlof toegestaan word.

(b) Spesiale verlof toegestaan ooreenkomstig paragraaf (a) hiervan kan insluit enige tydperk werklik en noodsaaklikerwys in beslag geneem deur reis vir die doeleindes waarvoor die verlof toegestaan word.

(c) Die bepalings van paragraaf (a) (iii) tot (viii) hiervan is van toepassing op werknemers wie se diensvoorwaardes in ooreenstemming met die bepalings van nywerheids- en dergelijke ooreenkomste vasgestel is.

VERLOF VERKEERDELIK TOEGESTAAN.

20. As verlof bo en behalwe dié wat ingevolge hierdie regulasies toelaatbaar is, per abuis maar te goedertrou aan 'n werknemer toegestaan word, word dit afgetrek van die oplopende verlof wat hom daarna mag toeval.

VERLOF SONDER BETALING.

21. (a) Vakansieverlof sonder betaling vir hoogstens 184 dae altesaam gedurende enige ononderbroke diens-tydperk van agtien maande kan in sodanige omstandighede en vir sodanige doeleindes as wat die raad mag goedkeur, toegestaan word.

(b) Spesiale verlof sonder betaling vir die doel van studies wat die raad mag goedkeur, kan vir 'n tydperk van hoogstens twaalf maande toegestaan word.

- (iv) when, as a member of the Active Citizen Force as defined above, he voluntarily, or in pursuance of a special agreement between him and the Department of Defence relating to his training, undertakes any continuous or non-continuous training or attends an instructional or qualifying course over and above any training to which he is liable in terms of the said Act; provided the officer commanding the relative command certifies that such training or course is necessary in the interest of the Union Defence Forces;
- (v) when, as a member of a rifle commando, he is required in terms of regulations made under the South Africa Defence Act, 1912, as amended, to attend an official musketry practice; provided that the relative army chief of staff certifies that attendance at such musketry practice is in accordance with the provisions of the aforesaid regulations;
- (vi) when, as a member of a rifle commando, he attends an instructional or qualifying course; provided that the relative army chief of staff certifies that attendance at such course is necessary in the interest of the Union Defence Forces;
- (vii) when as a member of the reserve of officers, he is required to attend a refresher course or undergo refresher training in order to maintain his proficiency; provided that the relative army, air or naval and marine chief of staff, certifies that such course or training is necessary in the interest of the Union Defence Forces;
- (viii) when, as a member of any portion of the Union Defence Forces (except a member of the Active Citizen Force who is undergoing continuous training in terms of section *six bis* of the South Africa Defence Act Amendment Act, 1922, or performing whole-time service in lieu of peace-time training in terms of section *nineteen* of the South Africa Defence Act, 1912, as amended), he is called out in terms of section *seventy-nine* of the South Africa Defence Act, 1912, as amended, for service in the prevention or suppression of disorder in the Union;
- (ix) when he is absent from service as a result of his arrest on a criminal charge and he is subsequently acquitted or the charge withdrawn, for the period of detention;
- (x) for the purpose of attending any course of instruction or vacation course; provided that—
 - (1) such course shall be recognised by the council; and
 - (2) special leave granted shall be limited to the period necessary for absence from duty, exclusive of periods for which non-accumulative leave is granted.

(b) Special leave granted in terms of paragraph (a) hereof may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

(c) The provisions of paragraph (a) (iii) to (viii) hereof are applicable to employees whose service conditions have been determined in accordance with the provisions of industrial and other agreements.

LEAVE ERRONEOUSLY GRANTED.

20. Leave granted in error, but in good faith, to an employee in excess of the period permissible under these regulations, shall be deducted from accumulative leave which may subsequently accrue to him.

LEAVE WITHOUT PAY.

21. (a) Vacation leave without pay not exceeding 184 days in the aggregate during a continuous period of eighteen months service may be granted in such circumstances and for such purposes as the council may approve.

(b) Special leave without pay for the purpose of studies approved by the council may be granted for a period not exceeding twelve months.

VERLOFKREDIETE TEN OPSIGTE VAN VORIGE DIENS.

22. (a) Verlof wat aan 'n werknemer toegeval het kragtens enige wet, ordonnansie, regulasies of diensvoorwaardes wat deur die Sekretaris erken word en wat nie op die datum van inwerkingtreding van hierdie regulasies geneem is nie, word tot sy beskikking geplaas, en dit word as verlof ooreenkomstig hierdie regulasies beskou.

(b) Opgelope verlof wat 'n werknemer toeval op grond daarvan dat hy onder 'n groep van regulasie 6 van hierdie Deel geklassifiseer is, bly tot sy beskikking as hy na 'n ander groep oorgeplaas word.

(c) Verlof wat toegeval het aan 'n werknemer wat sonder 'n onderbreking in diens vanuit die staatsdiens, 'n provinsiale of spoorwegadministrasie, of die Administrasie van Suidwes-Afrika, of 'n inrigting onder die beheer van die Departement van Onderwys, Kuns en Wetenskap na 'n inrigting oorgeplaas of in 'n inrigting aangestel is, kan, met die goedkeuring van die raad, ná so 'n oorpasing tot die beskikking van so 'n werknemer geplaas word en as opgelope verlof ooreenkomstig hierdie regulasies beskou word.

(d) As 'n werknemer vóór die inwerkingtreding van hierdie regulasies by 'n inrigting werksaam was en as die verlofvoorregte ten opsigte van sodanige dienstdynerk nie deur enige wet, ordonnansie, regulasies of diensvoorwaardes wat deur die Sekretaris erken word, beheer is nie, kan so 'n werknemer met sodanige verlof ten opsigte van sodanige diens as wat die Sekretaris mag goedkeur, gekrediteer word.

(e) As 'n werknemer in paragraaf (a) en (c) hiervan vermeld, ten opsigte van 'n bepaalde dienstdynerk verlof verdien ooreenkomstig die voorwaardes of regulasies wat op hom van toepassing was vóór die datum waarop hy ooreenkomstig hierdie regulasies vir verlofkrediete in aanmerking gekom het, kan daar aan hom 'n eweredige verlofkrediet ten opsigte van die voltooië gedeelte van so 'n bepaalde tydperk toegestaan word.

VERLOF SONDER BETALING WAT AS DIENS VIR VERLOF-DOELEINDES TEL.

23. (a) Vakansieverlof sonder betaling van hoogstens 30 dae in 'n kalenderjaar en siekteverlof sonder betaling van hoogstens 120 dae in 'n werknemer se siekteverlof-kringloop tel vir die doel van verlofkrediet; as die verlof sonder betaling die hierinvermelde getal dae oorskry, word die verlofvoorsiening wat kragtens regulasie 6 van hierdie Deel op hom van toepassing is, verminder na die verhouding van die bedoelde oorskryding teenoor een jaar in die geval van oplopende verlof en teenoor drie jaar in die geval van siekteverlof. In die geval van siekteverlof word die vermindering aangebring in die siekteverlofvoorsiening van die kringloop waarin die verlof sonder betaling geneem is, of as die beskikbare siekteverlof van die betrokke kringloop reeds gebruik is, in die voorsiening vir die eersvolgende kringloop.

(b) Oplopende verlof wat kragtens paragraaf (a) hiervan toeval gedurende 'n tydperk van vakansieverlof sonder betaling, of siekteverlof sonder betaling of albei, mag nie aan 'n beampte of werknemer toegestaan word voordat hy, na sy afwesigheid met vakansie- of siekteverlof sonder betaling, weer sy dienste hervat het nie.

(c) Vakansieverlof sonder betaling en siekteverlof sonder betaling tel as diens by die indeling van 'n werknemer by 'n verlofgroep kragtens groepe II (i) (2) en III van paragraaf (a) van regulasie 6 van hierdie Deel.

VERLOF WAT VIR VERHOOGINGSDOELEINDES GEREKEN WORD.

24. (a) Afwesigheid met studieverlof sonder betaling toegestaan ooreenkomstig paragraaf (b) van regulasie 21 van hierdie Deel, en verlof sonder betaling wat in die geval van siekteverlof 120 dae en in die geval van vakansieverlof 30 dae nie oorskry nie, gereken vanaf die datum van die vorige salarisverhoging, en verlof met betaling tel vir salarisverhogingsdoeleindes as diens.

Alle afwesigheid met verlof sonder betaling bo die getalle dae hierbo vermeld het die gevolg dat 'n werknemer se volgende salarisverhoging met 'n gelyke aantal dae uitgestel word, en die datum waarop hierdie verhoging toegestaan word, bepaal die nuwe salarisverhogingsdatum.

LEAVE CREDITS IN RESPECT OF PREVIOUS CONTINUOUS SERVICE.

22. (a) Leave which accrued to an employee in terms of any Act, Ordinance, regulations or conditions of service recognised by the Secretary, and not taken prior to the fixed date shall be placed to his credit and treated as leave under these regulations.

(b) Accumulated leave due to an employee by virtue of his being classified under a group in regulation No. 6, of this Part shall remain to the credit of such employee if transferred to another group.

(c) Leave which may have accrued to an employee who has been transferred or appointed to an institution without a break in service from the public service, a Provincial or Railway Administration, or the Administration of South West Africa, or an institution under the control of the Department of Education, Arts and Science and not taken prior to the date of such transfer or appointment, may, with the approval of the council, be placed to the credit of such employee after the transfer and may be treated as accumulative leave under these regulations.

(d) If an employee has been employed at an institution prior to the introduction of these regulations, and if the leave privileges in respect of such period of service were not governed by any Act, Ordinance, regulation or conditions of service recognized by the Secretary, such employee may be credited with such leave in respect of such service as the Secretary may approve.

(e) If an employee referred to in paragraphs (a) and (c) hereof was eligible for leave, in terms of the conditions or regulations applicable to him prior to the date on which he became eligible for leave in terms of these regulations, in respect of a definite period of service, he may be granted a proportional leave credit in respect of the completed portion of such definite period.

LEAVE WITHOUT PAY WHICH COUNTS AS SERVICE FOR LEAVE PURPOSES.

23. (a) Vacation leave without pay not exceeding 30 days in a calendar year and sick leave without pay not exceeding 120 days in an employee's sick leave cycle shall count for the purpose of leave accrual; if the leave without pay exceeds the number of days mentioned herein, the leave provision applicable to him in terms of regulation No. 6 shall be reduced in proportion to the relative excess against one year in the case of accumulative leave and against three years in the case of sick leave. In the case of sick leave the reduction shall be made in the sick leave provision of the cycle in which the leave without pay is taken, or, if the available sick leave for the relative cycle has already been taken, in the provision for the next succeeding cycle.

(b) Accumulative leave which in terms of paragraph (a) hereof accrues during a period of vacation leave without pay or sick leave without pay, or both, may not be granted to an employee until he has resumed his duties after his absence with vacation or sick leave without pay.

(c) Vacation leave without pay and sick leave without pay shall count as service for the purpose of determining an employee's leave group under group II (i) (2) and group III of paragraph (a) of regulation No. 6 of this Part.

LEAVE WHICH COUNTS FOR INCREMENTAL PURPOSES.

24. (a) Absence on study leave without pay granted in accordance with paragraph (b) of regulation No. 21 of this Part and leave without pay not exceeding in the aggregate one hundred and twenty days in the case of sick leave, or thirty days in the case of other leave, calculated from the date of the last increment, and leave with pay shall be deemed to be service for the purposes of salary increments. All absences on leave without pay in excess of the numbers of days mentioned above shall have the effect that an employee's next salary increment shall be postponed by an equal number of days and the date on which this increment is granted shall determine the new incremental date.

(b) Met inagneming van die bepalings van paragraaf (a) hiervan kan 'n nuwe verhogingsdatum binne 'n tydperk van verlof sonder betaling vasgestel word, maar die voordeel van die verlof sonder betaling wat tel vir salarisverhogingsdoeleindes vervat in paragraaf (a) hiervan, kan net eenmaal toegepas word ten opsigte van 'n aanlopende tydperk van verlof sonder betaling (siekteverlof sowel as vakansieverlof) wat oor meer as een verhogings-tydperk strek.

OPLOPENDE EN SIEKTEVERLOF: KOLLEGEVAKANSIES WAT DEEL DAARVAN UITMAAK.

25. (a) Wanneer 'n werknemer wat gewoonlik gedurende kollegevakansies vir nie-oplopende verlof in aanmerking kom tot en met die laaste dag van 'n kollegekwartaal met siekteverlof is en daarna oplopende verlof kry vanaf die eerste dag van die daaropvolgende kollegekwartaal, word die tydperk van die kollegevakansie wat tussenin kom as nie-oplopende verlof geag; met dien verstande dat, as daar aan so 'n werknemer siekteverlof sonder betaling tot en met die laaste dag van die kollegekwartaal toegestaan word, en hy oplopende verlof kry vanaf die eerste dag van die daaropvolgende kollegekwartaal, die tydperk van die kollegevakansie wat tussenin kom as siekteverlof sonder betaling vir die tydperk wat deur die geneeskundige sertifikaat gedek word en as vakansieverlof sonder betaling vir die res van die tydperk geag word; met dien verstande voorts dat die werknemer kan kies om oplopende verlof te neem, as hy dit tot sy beskikking het, in plaas van verlof sonder betaling.

(b) As 'n werknemer wat gewoonlik gedurende kollegevakansies vir nie-oplopende verlof in aanmerking kom, tot en met die laaste dag van 'n kollegekwartaal met oplopende verlof is en daarna vanaf die eerste dag van die daaropvolgende kollegekwartaal met siekteverlof gaan, word die tydperk van die kollegevakansie wat tussenin kom as nie-oplopende verlof geag.

26. (a) Wanneer 'n werknemer wat gewoonlik gedurende kollegevakansies vir nie-oplopende verlof in aanmerking kom, vir die hele of 'n deel van 'n kwartaal met siekteverlof is, of met verlof sonder betaling afwesig is vir 'n tydperk van hoogstens die helfte van 'n skoolkwartaal en nie in staat is om sy pligte voor die einde van daardie kwartaal te hervat nie, is die datum waarop die siekteverlof of die verlof sonder betaling verstryk, na gelang van die geval, die laaste dag van die kwartaal; met dien verstande dat as die werknemer nie in staat is om sy pligte aan die begin van die volgende kwartaal te hervat nie, die tydperk van siekteverlof of verlof sonder betaling, na gelang van die geval, met inbegrip van die skoolvakansie, verleng word tot en met die dag vóór die dag waarop die werknemer sy pligte hervat.

(b) Wanneer 'n werknemer wat gewoonlik gedurende die kollegevakansies vir nie-oplopende verlof in aanmerking kom, vir 'n tydperk wat langer is as die helfte van 'n kollegekwartaal met vakansieverlof sonder betaling afwesig is, word sodanige verlof sonder betaling *ipso facto* vir die res van die kollegekwartaal, indien daar so 'n res is, en vir die tydperk van die kollegevakansie wat daarop volg, verleng tot en met die dag vóór die openingsdag van die volgende kwartaal, of tot die dag vóór die dag waarop die werknemer sy pligte hervat, watter datum ook al die laatste is.

AANSOEK OM VERLOF.

27. (a) Verlof ingevolge hierdie regulasies, uitgesonderd nie-oplopende verlof waarvoor in groepe I en II van regulasie 6 van hierdie Deel voorsiening gemaak word, word toegestaan slegs nadat die werknemer skriftelik in die vorm wat die raad goedgekeur het, daarom aansoek gedoen het.

(b) Behalwe in die geval waar 'n werknemer weens sy skielike siekte verhinder word om op sy werk aan te bly of hom vir diens aan te meld mag hy nie sy werk verlaat of van diens wegbly voordat hy skriftelik om verlof aansoek gedoen het en hy deur die raad in kennis gestel is dat die verlofaansoek goedgekeur is nie.

(b) With due regard to the provisions of paragraph (a) hereof a new incremental date may be determined within a period of leave without pay but the benefit of the leave without pay, which counts for the purpose of salary increments contained in paragraph (a) hereof may be applied once only in respect of a continuous period of leave without pay (sick leave as well as vacation leave) extending over more than one incremental year.

ACCUMULATIVE AND SICK LEAVE.—COLLEGE HOLIDAYS FORMING PART OF.

25. (a) When an employee who is ordinarily eligible for non-accumulative leave during the college holidays, is absent on sick leave up to and including the last day of a college term, and thereafter proceeds on accumulative leave as from the first day of the next succeeding college term, the period of the college holidays intervening shall be deemed as non-accumulative leave: Provided that, should such employee have been granted sick leave without pay up to and including the last day of the college term and proceed on accumulative leave as from the first day of the next succeeding college term, the period of the intervening college holidays shall be deemed sick leave without pay for the period covered by the medical certificate, and as vacation leave without pay for the balance of the period; provided further that the employee may elect to take accumulative leave, if he has such leave to his credit, instead of leave without pay.

(b) When an employee who is ordinarily eligible for non-accumulative leave during the college holidays, is absent on accumulative leave up to and including the last day of a college term, and thereafter proceeds on sick leave from the first day of the next succeeding college term, the period of the college holidays intervening shall be deemed non-accumulative leave:

26. (a) When an employee who is ordinarily eligible for non-accumulative leave during the college holidays is absent on sick leave for the whole or any portion of a term or is absent on leave without pay for a period of not more than half a college term, and is unable to resume duty before the end of that term, the date of the expiry of the sick leave, or leave without pay, as the case may be, shall be the last day of the term: Provided that if the employee is unable to resume duty at the commencement of the following term the period of sick leave, or leave without pay, as the case may be, shall be extended through the college holidays up to and including the day preceding that on which the employee resumes duty.

(b) When an employee who is ordinarily eligible for non-accumulative leave during the college holidays is absent on vacation leave without pay for a period of more than half a college term, such leave without pay shall *ipso facto* be extended through the remainder of the college term, if there is such remainder, and through the college holidays following thereon up to and including the day preceding the opening day of the following term or the day preceding that on which the employee resumes duty, whichever is the later.

LEAVE—APPLICATION FOR.

27. (a) Leave under these regulations, other than non-accumulative leave provided for in groups I and II, of regulation No. 6, shall be granted only after written application has been made by the employee in a form approved by the council.

(b) Except in a case where an employee is prevented by sudden illness from remaining on or reporting for duty, he may not leave or stay away from work until he has applied in writing for leave and has been advised by the council that the leave application has been approved.

VERLOFREGISTER.

28. (a) Elke inrigting hou 'n verlofregister aan en verlof wat ooreenkomstig hierdie regulasies toegestaan word, uitgesonderd nie-oplopende verlof waarvoor daar in groepe I en II van regulasie 6 van hierdie Deel voorsiening gemaak word, word in daardie register aangeteken.

(b) 'n Afskrif van elke aansoek om verlof, met die goedkeuring daarop aangeteken, word vir registrasiedoeleindes by die betrokke inrigting gebêre.

(c) Oplopende verlof wat met goedkeuring kragtens regulasie 8 van hierdie Deel toeval, word in genoemde register aangeteken en die goedkeuring word ter skraging van so 'n kredietinskrywing vir registrasiedoeleindes gebêre.

29. As die diens van 'n werknemer om enige redes in paragrawe (b) (i), (ii), (iii) of (iv) van regulasie 13 van Deel V van hierdie regulasies aangedui beëindig word of as hy sterf terwyl hy in diens van die raad is, kan die raad, onderworpe aan sulke voorwaardes as wat die Sekretaris mag voorskryf, die kontantwaarde van enige oplopende verlof wat hy tot sy krediet gehad het op die datum waarop sy diens beëindig is of hy gesterf het, na gelang van die geval, aan hom of sy afhanklikes betaal.

DEEL VII.

TUG.

1. (a) Daar word geag dat enige werknemer wat, na die mening van die raad—

- (i) 'n wettige bevel aan hom gegee deur iemand wat daartoe bevoeg is, nie gehoorsaam nie, veronagzaam of opsetlik nie uitvoer nie, of deur woord of gedrag insubordinasie pleeg; of
- (ii) nalatig of traag is by die vervulling van sy pligte; of
- (iii) 'n handeling wat tot nadeel strek van die administrasie, tug of doeltreffendheid van die inrigting, verrig, laat verrig of die verrigting daarvan toelaat; of
- (iv) sonder magtiging voorgeskryf in paragraaf (b) van regulasie 14 van Deel V van hierdie regulasies enige private agentskap of werksaamhede onderneem in sake wat in verband staan met die uitoefening of vervulling van sy dienspligte; of
- (v) enige regulasie wat op die inrigting betrekking het of enige bevel van die raad oortree; of
- (vi) in die openbaar deelneem aan politieke sake of in die openbaar kritiek uitoefen aangaande die administrasie van die inrigting of die Departement; of
- (vii) hom op skandelijke, onbehoorlike of onbetaamlike wyse gedra, of verslaaf is aan buitensporige gebruik van bedwelmende drank of verdowende middels; of
- (viii) insolvent word of sy boedel afstaan ten behoeve van sy skuldeisers of met hulle 'n akkoord aangaan, of teen wie 'n vonnis van siviele gyseling deur 'n geregshof gegee word, tensy hy kan aantoon dat sy insolvensie, boedelafstand, akkoord of siviele gyseling veroorsaak was deur onvermydelike teenspoed; of
- (ix) anders as by die vervulling van sy pligte inligting deur hom in die loop van sy diens verkry, bekendmaak of gebruik; met dien verstande dat enige werknemer van 'n inrigting met of sonder vergoeding artikels in enige tydskrif kan publiseer (mits sodanige artikel vooraf deur die voorsitter en twee lede van die raad goedgekeur is); of
- (x) sonder die goedkeuring van die raad fooie of beloning van geldelike of ander aard, in verband met die uitoefening van sy pligte, aanneem; of
- (xi) homself inrigtingseiendom wederregtelik toeëien of misbruik, of versuim om enige sodanige eiendom onder sy toesig en beheer behoorlik te versorg; of
- (xii) 'n ernstige misdryf begaan; of
- (xiii) van diens wegbly sonder verlof of gegronde rede, hom aan wangedrag skuldig gemaak het.

2. (a) 'n Permanente personeelid wat, na bewering, hom aan wangedrag soos in regulasie 1 van hierdie Deel

LEAVE REGISTER.

28. (a) A leave register shall be kept by each institution, and the grant of leave in terms of these regulations, except the non-accumulative leave provided for in groups I and II of regulation No. 6 of this Part, shall be recorded in such register.

(b) A copy of each application for leave, with the approval endorsed thereon, shall be filed for record purposes at the institution concerned.

(c) An accrual of accumulative leave approved in terms of regulation No. 8 of this Part shall be recorded in the said register, and the approval shall be filed for record purposes in support of such credit entry.

29. If the services of an employee are terminated for any reason described in paragraphs (b) (i), (ii), (iii) or (iv) of regulation No. 13 of Part V of these regulations, or dies while in the service of the council, the council may pay to him or to his dependants, subject to such conditions as the Secretary may prescribe, the cash value of any accumulative leave standing to his credit at the date of termination of employment or death, as the case may be.

PART VII.

DISCIPLINE.

1. (a) Any employee who in the opinion of the council—

- (i) disobeys or disregards or makes wilful default in carrying out a lawful order of his superior, or who by word or conduct displays insubordination; or
- (ii) is negligent or indolent in the discharge of his duty; or
- (iii) does, or causes or permits to be done, or connives at, any act which is prejudicial to the administration, discipline or efficiency of the institution; or
- (iv) undertakes, without the authority prescribed in paragraph (b) of regulation No. 14 of Part V of these regulations, any private agency or work in any matter connected with the exercise or performance of his official duties; or
- (v) contravenes any regulation relating to the institution or any instructions of the council; or
- (vi) takes any public part in political matters or publicly comments on the administration of the institution or the Department; or
- (vii) conducts himself in a disgraceful, improper or unbecoming manner, or indulges in the excessive use of intoxicants or stupefying drugs; or
- (viii) becomes insolvent or assigns his estate for the benefit of or compromises with his creditors, or has a decree of civil imprisonment made against him by any court of law unless he can shew that his insolvency, assignment, composition or civil imprisonment has been occasioned by unavoidable misfortune; or
- (ix) discloses or uses otherwise than for the discharge of his duties information acquired in the course thereof; provided that any employee of the institution may publish, with or without remuneration, papers or articles in any journal (such paper, article or journal having been approved by the chairman and two members of the council prior to publication); or
- (x) accepts without the approval of the council fees or rewards, pecuniary or otherwise, in respect of the performance of his duties; or
- (xi) misappropriates or misuses property belonging to or in possession of the institution, or fails to take proper care of any such property while in his charge or under his control; or
- (xii) commits a serious criminal offence; or
- (xiii) absents himself from duty without leave or valid cause.

shall be deemed to have been guilty of misconduct.

2. (a) A permanent staff member alleged to be guilty of misconduct as defined in regulation 1 of this Part may

omskryf, skuldig gemaak het, kan deur die voorsitter, of indien daartoe gemagtig, die prinsipaal, skriftelik daarvan aangekla word.

(b) Die persoon wat die aanklag onderteken het, laat dit deur die pos in 'n aangetekende brief aan die aangeklaagde stuur of laat dit aan hom oorhandig.

(c) Die aanklag bevat, of gaan vergesel van, 'n aanseggings aan die aangeklaagde om binne 'n redelike, in die aanseggings vasgestelde, termyn 'n skriftelike erkenning of ontkenning van die aanklag en, as hy wil, ook 'n skriftelike verklaring van die ten laste gelegde wangedrag aan 'n in die aanseggings vermelde persoon te stuur of te oorhandig.

(d) Enige personeel wat kragtens hierdie regulasies aangekla word, kan deur die voorsitter of die prinsipaal, indien daartoe deur die voorsitter gemagtig, tydelik van sy diens geskors word. So 'n skorsing kan te eniger tyd ingetrek word sonder dat sodanige intrekking inbreuk op die afhandeling van die aanklag maak.

(e) 'n Personeel wat soos vermeld van sy diens geskors is, is nie geregtig op enige besoldiging gedurende sy skorsing nie; met dien verstande dat die raad, as hy dit wenslik ag, kan gelas dat aan die bedoelde persoon sy hele besoldiging of 'n deel daarvan uitbetaal moet word.

(f) As die aangeklaagde personeel die klag ontken of in gebreke bly om gevolg te gee aan die aanseggings bedoel in subparagraaf (c), stel die raad 'n persoon of persone aan om die aanklag te ondersoek op 'n tyd en plek soos die raad mag bepaal en waarvan die aangeklaagde redelike kennis vooraf moet ontvang.

(g) Die persoon wat die aanklag onderteken, kan enigiemand magtig om die ondersoek by te woon en die aanklag deur bewyse en argumente te staaf en iemand wat as verdedigingsgetuie opgeroep is, onder kruisverhoor te neem.

(h) By die ondersoek kan die aangeklaagde personeel teenwoordig wees en persoonlik of by gemagtigde sy saak voordra, iemand wat opgeroep is as getuie ter staving van die aanklag onder kruisverhoor neem, 'n as bewysstuk voorgelegde dokument besigtig, self getuienis aflê en iemand anders as getuie oproep. Die persoon wat die ondersoek hou, notuleer die verrigtings by die ondersoek en alle daarby aangevoerde getuienis. As die aangeklaagde in gebreke bly om die ondersoek by te woon, maak so 'n afwesigheid nie die verrigtinge ongeldig nie.

(j) As die in die aanklag vermelde wangedrag 'n misdryf uitmaak waarvan 'n geregshof die aangeklaagde skuldig bevind het, strek 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof tot voldoende bewys dat hy daardie misdryf gepleeg het, tensy aan hom grasië verleen is of tensy die skuldigbevinding deur 'n hoërhof tersyde gestel is; met dien verstande dat dit die aangeklaagde personeel vrystaan om getuienis aan te voer dat hy inderdaad ten onregte skuldig bevind is.

(k) Aan die einde van die ondersoek beslis die ondersoeker of die aangeklaagde personeel skuldig of onskuldig is aan die wangedrag wat hom ten laste gelê is en verwittig die aangeklaagde van sy beslissing. Hy moet die raad in kennis stel van die uitslag van die ondersoek.

(l) As die aangeklaagde personeel die aanklag erken of skuldig bevind is, kan die raad soos volg met hom handel:—

- (i) Hom summier uit die diens van die inrigting ontslaan; of
- (ii) hom behoortlik waarsku; of
- (iii) hom berispe; of
- (iv) sy graad of sy salaris binne sy bestaande graad verlaag.

(m) Indien die aanklag soos bewys enige geldelike verlies of verlies aan eiendom van die inrigting deur diefstal, bedrog of enige oneerlikheid aan die kant van die personeel openbaar, kan die raad die bedrag van die verlies wat deur die inrigting gely is, soos gesertifiseer deur die voorsitter in oorleg met die ouditeure van die raad, van enige gelde wat aan hom betaalbaar is, aftrek.

(n) As die aangeklaagde personeel in sy diens geskors is en die persoon wat die ondersoek gehou het, beslis

be charged therewith in writing by the chairman, or, if delegated thereto, by the principal.

(b) The person who signed the charge shall cause it to be sent by post in a registered letter or to be delivered to the staff member charged.

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

(d) Any staff member charged under this regulation may be suspended temporarily from duty by the chairman or the principal if delegated thereto by the chairman. Such order of suspension may be withdrawn at any time without prejudice to the prosecution of the charge.

(e) A staff member who has been suspended from duty as aforesaid shall not be entitled to any emoluments for the period of his suspension; provided that the council, in its discretion, may order payment to such staff member of the whole or a portion of his emoluments.

(f) If the staff member charged denies the charge or fails to comply with the direction mentioned in paragraph (c) the council shall appoint a person or persons to investigate the charge at a time and place to be determined by the council and of which the accused shall receive reasonable notice.

(g) The person who signed the charge may authorise any person to attend the enquiry and to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.

(h) At the enquiry the staff member charged may be present and be heard either personally or by a representative, cross-examine any person called as a witness in support of the charge, inspect any document produced in evidence, give evidence himself and call any other person as a witness. The person holding the enquiry shall keep a record of the proceedings at the enquiry and of all evidence given thereat. The failure of the staff member charged to attend the enquiry shall not invalidate the proceedings.

(j) If the misconduct with which the staff member is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall be of sufficient proof of the commission by him of such offence unless he has been pardoned or the conviction has been set aside by a superior court; provided that it shall be competent for the staff member charged to adduce evidence that he was in fact wrongly convicted.

(k) At the conclusion of the enquiry the person holding it shall find whether the staff member charged is guilty or not guilty of the misconduct with which he was charged and shall inform the staff member charged of his finding. He shall report the result of the enquiry to the council.

(l) If the staff member charged admits guilt or has been proved guilty the council shall, with the approval of the Secretary, deal with such staff member in the following manner:—

- (i) Summarily dismiss him from the service of the institution; or
- (ii) suitably caution him; or
- (iii) reprimand him; or
- (iv) reduce him in grading or reduce his salary within his existing grade.

(m) Should the charge as proved disclose any loss of moneys or property to the institution through theft, fraud or any dishonesty on the part of the staff member, the council may deduct from any moneys payable to him the amount of the loss certified by the chairman in consultation with the auditors of the council to have been sustained by the institution.

(n) If the staff member charged was suspended from duty and the person holding the enquiry finds that he is

dat hy nie aan die hom ten laste gelegde wangedrag skuldig is nie, word die aangeklaagde in sy pos herstel en ontvang hy sy volle besoldiging vir die tydperk van sy skorsing.

(o) 'n Personeellid wat aan voornoemde wangedrag skuldig bevind is, kan binne 'n termyn van veertien dae vanaf die datum waarop hy van die beslissing verwittig is, daarteen na die Minister appelleer, en die beslissing van die Minister daaromtrent is finaal.

3. Die raad of, indien daartoe deur die raad gemagtig die prinsipaal, kan met 'n tydelike, nie-blanke of deeltydse werknemer wat na sy mening skuldig is aan wangedrag of onbekwaamheid soos volg handel:—

- (i) Hom summier uit die diens van die inrigting ontslaan; of
- (ii) hom behoorlik waarsku; of
- (iii) hom berispe.

DEEL VIII.

ONBEKWAME PERMANENTE PERSONEELLEDE.

1. Indien te eniger tyd beweer word dat 'n permanente personeellid nie in staat is om sy werksaamhede in sy betrekking of pos op 'n bekwame wyse te verrig nie, kan die raad die betrokke personeellid daarvan skriftelik in kennis stel en 'n persoon of persone benoem om 'n ondersoek na die bewering in te stel.

2. Die persoon wat die ondersoek moet hou, bepaal 'n tyd en plek vir die ondersoek, en die raad of die prinsipaal, indien hy daartoe deur die raad gemagtig word, verstrek aan die betrokke personeellid 'n skriftelike mededeling van die redes waarom hy na bewering nie in staat is om sy werksaamhede in sy betrekking of pos op bekwame wyse te verrig nie.

3. Die raad kan enige persoon magtig om die ondersoek by te woon ten einde bewyse en argumente aan te voer ter stawing van die bewering en om enige persoon wat ter stawing van die bewering getuie is af te lê, onder kruisverhoor te neem.

4. By die ondersoek kan die betrokke personeellid teenwoordig wees en persoonlik of deur 'n gemagtigde sy saak voordra, persone wat opgeroep is om getuie is ter stawing van die bewering af te lê onder kruisverhoor neem, alle as getuie is voorgelegde stukke insien, self getuie is af te lê en ander persone as getuies oproep. Die persoon wat die ondersoek hou, notuleer die verrigtings by die ondersoek en alle daarby aangevoerde getuie is. Indien die betrokke aangeklaagde personeellid in gebreke bly om die ondersoek by te woon, word die verrigtings nie daardeur ongedig nie.

5. Aan die einde van die ondersoek beslis die persoon wat die ondersoek hou of die betrokke personeellid nie in staat is om sy werksaamhede in sy betrekking of pos op bekwame wyse te verrig nie, en verwittig hy die betrokke personeellid van sy beslissing en stel daarna die raad in kennis van die uitslag van sy ondersoek.

6. As daar beslis word dat die betrokke personeellid nie in staat is om sy werksaamhede in sy betrekking of pos op bekwame wyse te verrig nie weens oorsake buite sy eie beheer en wat nie te wyte is aan die uitvoering van sy amptelike pligte nie, kan die raad met die goedkeuring van die Sekretaris—

- (i) hom uit die diens van die inrigting ontslaan; of
- (ii) hom in 'n betrekking van 'n laer graad aanstel en sy jaarlikse besoldiging verminder.

7. 'n Personeellid oor wie daar beslis is dat hy nie in staat is om sy werksaamhede in sy betrekking of pos op bekwame wyse te verrig nie, kan binne 'n termyn van veertien dae vanaf die datum waarop hy van so 'n beslissing verwittig is, daarteen na die Minister appelleer, en die Minister se beslissing daaromtrent is finaal.

DEEL IX.

INSPEKSIE.

1. Van tyd tot tyd kan die Minister inspeksie van die geboue en gronde, administrasie en instruksie aan 'n inrigting laat hou en tekortkominge in verband hiermee

not guilty of the misconduct with which he was charged, the said staff member shall be re-instated in his post and paid his full emoluments for the period of his suspension.

(o) A staff member who has been found guilty of misconduct as aforesaid may, within a period of fourteen days from the date on which he was informed of the finding, appeal to the Minister against such finding and the Minister's decision thereon shall be final.

3. The council, or if delegated thereto by the council, the principal may deal with a temporary, non-European or part-time employee who in its or his opinion is guilty of misconduct or inefficiency, in the following manner:—

- (i) Summarily dismiss him from the service of the institution; or
- (ii) suitably caution him; or
- (iii) reprimand him.

PART VIII.

INEFFICIENT PERMANENT STAFF MEMBERS.

1. If at any time it is alleged that a permanent staff member is incapable of performing efficiently the duties of his office or post, the council may advise the staff member concerned of the allegation, in writing, and may appoint a person or persons, to enquire into the allegation.

2. The person who is to hold the enquiry shall determine the time and place of such enquiry and the council or the principal if delegated thereto by the council, shall furnish the staff member concerned with a written statement of the grounds on which it is alleged that he is incapable of performing efficiently the duties of his office or post.

3. The council may authorise any person to attend the enquiry and to adduce evidence and arguments in support of the allegation and to cross-examine any person called as a witness in support of the allegation.

4. At the enquiry the staff member concerned may be present and be heard either personally or by a representative, cross-examine any person called as a witness in support of the allegation, inspect any document produced in evidence, give evidence himself and call any other person as a witness. The person holding the enquiry shall keep a record of the proceedings at the enquiry and of all evidence given thereat. The failure of the staff member charged to attend the enquiry shall not invalidate the proceedings.

5. At the conclusion of the enquiry the person holding it shall find whether the staff member concerned is incapable of performing efficiently the duties of his office or post, shall inform the staff member concerned of his finding and shall report the result to the council.

6. If the staff member concerned has been found incapable of performing efficiently the duties of his office or post from causes not within his own control, and not attributable to the performance of his official duties the council may, with the approval of the Secretary—

- (a) discharge him from the service of the institution; or
- (b) appoint him to a post of a lower grade and reduce his annual emoluments.

7. A staff member who has been found to be incapable of performing efficiently the duties of his office or post, may, within a period of fourteen days from the date on which he was informed of the finding, appeal to the Minister against such finding and the Minister's decision thereon shall be final.

PART IX.

INSPECTION.

1. The Minister may from time to time cause an inspection to be made of the premises, administration, and instruction of an institution and may require defects in

laat herstel as 'n voorwaarde van die hulptoelae wat geheel of gedeeltelik teruggehou kan word totdat hy tevrede is dat behoorlike stappe gedoen is om aan sy vereistes te voldoen.

DEEL X

VOORSORGFONDS- EN PENSIOENSKEMA VIR TEGNIËSE KOLLEGES.

(Wat as Skole vir Hoër Onderwys ingevolge Wet 30 van 1923 verklaar is.)

Die volgende regulasies van hierdie Deel wat deur die Minister kragtens paragraaf (g) van subartikel (1) van artikel *negentien* van die Hoger Onderwys Wet, 1923, (Wet No. 30 van 1923) vasgestel, is by Goewermentskennigsgewing No. 977 van 28 April 1950 soos gewysig by Goewermentskennigsgewing No. 1756 van 13 Julie 1951, afgekondig:—

WOORDBEPALING.

34. Tensy dit strydig met die sinsverband in hierdie deel is, beteken—

- „bykomende bydraes”, enige bydraes wat deur 'n lid gedoen word benewens dié wat hy ingevolge subparagraaf (1) van paragraaf 35 moet doen;
- „goedgekeurde betrekking”, 'n betrekking aan 'n tegniese kollege, waarvan die skepping deur die Minister goedgekeur is;
- „goedgekeurde diens”, diens wat deur die Minister vir die doeleindes van die skema goedgekeur is;
- „Kommissaris”, die Kommissaris van Pensioene;
- „raad”, die bestuursliggaam van die betrokke tegniese kollege;
- „afhanklike”, met betrekking tot 'n lid—

(a) die weduwee, minderjarige kind of minderjarige stiefkind van so 'n lid, of

(b) enige ander persoon wat ten dele of in die geheel van die lid vir onderhoud afhanklik is;

„vasgestelde dag”, die eerste dag van Augustus 1949;

„volle voordeel” —

(a) die bedrag wat in die fonds tot 'n lid se krediet staan ná byvoeging, ingevolge subparagraaf (2) van paragraaf 41, van die laaste diwidend vóór die beëindiging van sy lidmaatskap; plus

(b) enige bydraes deur of ten opsigte van die lid gedoen ná die datum wat vir die berekening van die bedrag ingevolge (a) vasgestel is, min enige versekeringspremies wat ook ná daardie datum uitbetaal is; plus

(c) die opbrengs van enige versekeringspolis wat ingevolge subparagraaf (6) van paragraaf 43 bygevoeg word ná die datum in (b) genoem; plus

(d) enige bedrag wat van 'n ander fonds ingevolge paragraaf 39 ontvang word ná die datum in (b) genoem; plus

(e) rente teen die koers van vier persent per jaar op die bedrae by (a), (b), (c) en (d) genoem, wat ingevolge subparagraaf (2) (b) van paragraaf 41 bereken word; plus

(f) enige lopende versekeringspolis wat ingevolge paragraaf 43 aangeneem is;

„fonds”, die voorsorgsfonds vir tegniese kolleges waarvan daar in paragraaf 35 verwys word;

„lid”, 'n beampte wat met die goedkeuring van die Minister tot die fonds toegelaat is;

„nie-bydraer”, 'n beampte wie se lidmaatskap ten einde geloop het maar wat ingevolge subparagraaf (1) of (4) van paragraaf 44 gekies het om verder aan die skema deel te neem sonder dat daar verdere bydraes deur of ten behoeve van hom gedoen word, welke deelname hom geregtig maak op die byvoeging, op die gewone wyse, van rente of diwidende op sy voordeel in die fonds;

„beampte”, 'n persoon wat vóór sy pensioendatum op 'n voltydse grondslag tot 'n goedgekeurde pos aangestel is, en sluit in—

these respects to be remedied as a condition of the grant-in-aid, of which the whole or part may be withheld until he is satisfied that proper steps have been taken to meet his requirements.

PART X.

PROVIDENT FUND AND PENSION SCHEME FOR TECHNICAL COLLEGES.

(Declared as Places of Higher Education in terms of Act No. 30 of 1923.)

The following regulations in this Part made by the Minister in terms of sub-section (1) (g) of section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), were promulgated by Government Notice No. 977 of the 28th April, 1950, as amended by Government Notice No. 1756 of the 13th July, 1951.

DEFINITIONS.

34. In this part, unless inconsistent with the context—

“additional contributions” mean any contributions made by a member in excess of those required to be made by him in terms of sub-paragraph (1) of paragraph 35;

“approved post” means a post in a technical college, the creation of which was approved of by the Minister;

“approved service” means service approved of by the Minister for the purposes of the scheme;

“Commissioner” means the Commissioner of Pensions;

“council” means the governing body of the technical college concerned;

“dependant” means, in relation to a member—

(a) the widow, minor child or minor stepchild of such member; or

(b) any other person partially or totally dependent on such member for maintenance;

“fixed date” means the first day of August, 1949;

“full benefit” means—

(a) the amount in the fund standing to a member's credit after the addition, in terms of sub-paragraph (2) of paragraph 41, of the last dividend preceding the termination of his membership; plus

(b) any contributions made by and in respect of the member subsequent to the date determined for the calculation of the amount in terms of (a), less any assurance premiums paid out after that date; plus

(c) the proceeds of any policy of assurance added in terms of sub-paragraph (6) of paragraph 43, subsequent to the date mentioned in (b); plus

(d) any amount received from another fund in terms of paragraph 39, subsequent to the date mentioned in (b); plus

(e) interest at the rate of four per cent. per annum on the amounts mentioned at (a), (b), (c) and (d), calculated in terms of sub-paragraph (2) (b), of paragraph 41; plus

(f) any current policy of assurance accepted in terms of paragraph 43;

“fund” means the technical colleges provident fund referred to in paragraph 35;

“member” means an officer admitted with the approval of the Minister to the fund;

“non-contributor” means an officer whose membership terminated but who elected, in terms of sub-paragraph (1) or (4) of paragraph 44, to continue with participation in the scheme without further contributions being made by or in respect of him, such participation to entitle him to the addition, in the ordinary way, of interest or dividends on his benefit in the fund;

“officer” means a person appointed on a full-time basis before his superannuation date to an approved post, and includes—

- (a) iemand wat op proef vir 'n bepaalde termyn vóór vaste aanstelling in diens geneem word; of
- (b) met die toestemming van die Minister en op die versoek van 'n raad, iemand wat tydelik aangestel is;

„deelname”, die deelname aan die skema deur 'n nie-bydraer na beëindiging van sy lidmaatskap;

„salaris”, met betrekking tot 'n lid, die jaarlikse salaris of loon of vergoeding volgens 'n skaal wat vir die doeleindes van die skema deur die Minister goedgekeur is, vir die betrekking waarin hy aangestel is, met uitsluiting van enige bykomende toelae in kontant of *in natura*; met dien verstande dat, as die werklike salaris nie op 'n jaarlikse tarief of grondslag is nie, die jaarlikse ekwivalent daarvan tot die naaste pond bepaal word;

„skema”, die skema waarvoor daar in hierdie regulasies voorsiening gemaak word;

„pensioendatum”, die einde van die kalenderjaar waarin 'n vroulike lid vyf-en-vyftig jaar, of 'n manlike lid sestig jaar oud word; met dien verstande dat, in die geval van 'n lid wat reeds die ouderdom van vyf-en-vyftig in die geval van 'n vrou, of sestig jaar in die geval van 'n man, vóór die een-en-dertigste dag van Desember 1948 bereik het, en wat ná daardie datum met haar of sy bydraes voortgegaan het, die pensioendatum die een-en-dertigste dag van Desember 1949 is.

BYDRAES.

35. (1) Daar is 'n voorsorgfonds, wat die voorsorgfonds vir tegniese kolleges genoem word, waartoe 'n lid bydra, vanaf die vasgestelde dag of die datum van sy toelating tot die skema, watter een ookal die latere mag wees, en vir die duur van sy lidmaatskap, teen die koers van sewe persent per jaar van sy salaris op die eerste dag van April, of op die dag van sy toelating tot die fonds in die geval van die eerste bydrae, behoudens die bepalings van subparagraaf (3) en van paragraaf 38.

(2) Ten aansien van elke lid word daar uit gelde in die Gekonsolideerde Inkomstefonds wat vir dié doel van tyd tot tyd deur die Parlement bewillig word, 'n bydrae gedoen wat gelykstaan aan 'n driekwart, en doen die raad 'n bydrae wat gelykstaan aan 'n kwart, van daardie lid se bydraes.

(3) Die bydraes ingevolge subparagrafe (1) en (2) word vooruit deur die Kommissaris in die fonds betaal in drie gelyke paalemente op die eerste dag van April, Augustus en Desember van elke jaar; met dien verstande dat—

- (a) die jaarlikse bydraes van die lid en die raad bereken word vir die termyn vanaf die eerste dag van April tot die een-en-dertigste dag van Maart daaropvolgend, en verhaal kan word op enige regeringstockenning of subsidie wat aan die raad betaalbaar is, of op die spesiale rekening vir rade waarvoor daar in paragraaf 40 voorsiening gemaak word;
- (b) die raad die bedrag van die lid se bydraes op hom kan verhaal by wyse van sodanige aftrekkings van sy salaris as wat die raad gerieflik mag vind;
- (c) in die geval van 'n lid wat ná die eerste dag van April in enige boekjaar toegelaat word, die bedrag van die eerste bydraes ingevolge subparagrafe (1) en (2) bereken word vir die termyn vanaf die datum van toelating tot die een-en-dertigste dag van Maart daaropvolgend, en dat dit in die fonds betaal word in sulke paalemente en op sulke datums as wat die Kommissaris mag vasstel;
- (d) by die beëindiging van lidmaatskap in die loop van 'n termyn ten opsigte waarvan die proporsionele bydraes ten behoeve van die lid en die raad vooruit in die fonds betaal is, die gedeelte van daardie bydraes wat te veel betaal is ten opsigte van die termyn vanaf die datum van sodanige beëindiging tot aan die einde van die termyn wat deur die paalement gedek word, aan die raad uit die fonds terugbetaal word; en
- (e) die bydraes deur of ten behoeve van 'n lid nie onderbreek of opgehef word nie tydens 'n termyn

- (a) a person appointed on probation for a specified period prior to permanent appointment; or
- (b) with the permission of the Minister and at the request of a council, a person appointed temporarily;

“participation” means participation in the scheme by a non-contributor after termination of membership;

“salary” in relation to a member means the annual salary or wage or remuneration according to a scale approved for the purposes of the scheme by the Minister for the post to which he is appointed, excluding any additional allowances in cash or in kind; provided that if the actual salary be not on an annual rate or basis, its annual equivalent shall be determined to the nearest pound;

“scheme” means the scheme provided for by these regulations;

“superannuation date” means the end of the calendar year in which a female member attains the age of fifty-five years or in which a male member attains the age of sixty years; provided that in the case of a member who had already reached the age of fifty-five years in the case of a female or sixty years in the case of a male before the thirty-first day of December, 1948, and who continued with her or his contributions beyond that date, the superannuation date shall be the thirty-first day of December, 1949.

CONTRIBUTIONS.

35. (1) There shall be a provident fund, called the technical college provident fund, to which a member shall contribute as from the fixed date or the date of his admission to the scheme, whichever be the later, and for the duration of his membership, at the rate of seven per cent per annum of his salary as at the first day of April, or as at the date of his admission to the fund in the case of the first contribution, subject to the provisions of sub-paragraph (3) and of paragraph 38.

(2) In respect of each member, there shall be paid from moneys in the Consolidated Revenue Fund voted by Parliament for this purpose from time to time a contribution equal to three-fourths, and the council concerned shall contribute an amount equal to one-fourth, of such member's contribution.

(3) The contributions in terms of sub-paragraphs (1) and (2) shall be paid by the Commissioner into the fund in advance in three equal instalments on the first day of April, August and December of each year; provided that—

- (a) the annual contributions of the member and the council shall be calculated for the period from the first day of April to the thirty-first day of March following, and may be recovered from any government grant or subsidy payable to the council, or from the special councils account provided for in paragraph 40;
- (b) the council may recover from the member the amount of his contributions by such deductions from his salary as the council may deem convenient;
- (c) in the case of a member admitted after the first day of April of any financial year, the amount of the first contributions in terms of sub-paragraphs (1) and (2) shall be calculated for the period as from the date of admission to the thirty-first day of March following, and shall be paid into the fund in such instalments and on such dates as the Commissioner may determine;
- (d) on the termination of a membership in the course of a period in respect of which the proportionate contributions on behalf of the member and the council were paid in advance into the fund, the portion of such contributions overpaid in respect of the period as from the date of such termination to the end of the period covered by the instalment, shall be refunded to the council from the fund; and
- (e) the contributions by and on behalf of a member shall not be interrupted or suspended during a

- van verlof wat daardie lid sonder betaling neem, of tydens 'n termyn waarvoor hy sonder betaling in sy diens opgeskort word, behalwe met die goedkeuring van die Kommissaris.

(4) Iemand wat onafgebroke diens by 'n raad gehad het onmiddellik vóór die dag waarop hy 'n lid word, het die keuse om by te dra ten opsigte van enige tydperk van sodanige onafgebroke diens wat deur die Kommissaris goedgekeur word, en moet die keuse skriftelik doen binne negentig dae vanaf die datum waarop hy deur 'n raad daartoe aangesê word.

BYKOMENDE BYDRAES.

36. Met ingang vanaf die vasgestelde dag word 'n lid nie toegelaat om bykomende bydraes tot die fonds te doen benewens dié dat in subparagraaf (1) van paragraaf 35 genoem word nie; met dien verstande dat indien so 'n lid vóór die vasgestelde dag gekies het om bykomende bydraes te doen ten einde die jaarlikse premies op versekeringspolisse ingevolge subparagraaf (1) van paragraaf 43 te betaal, hy toegelaat moet word om met sodanige bykomende bydraes voort te gaan; met dien verstande voorts dat die jaarlikse bedrag van daardie bykomende bydraes plus die bydraes wat ingevolge paragraaf 35 betaalbaar is, in geen geval die jaarlikse bedrag van daardie bykomende bydraes plus die bydraes wat onmiddellik vóór die vasgestelde dag deur of ten opsigte van die lid gedoen is, oorskry nie.

LIDMAATSKAP.

37. Behoudens die bepalings van paragraaf 38, is lidmaatskap van die fonds verpligtend vir alle beamptes wat nog nie die pensioendatum bereik het nie, met die uitsondering van die volgende wat nie toegelaat word nie:

- beamptes wat nog bydraes doen ingevolge die bepalings van die Wet op Pensioene en 'n Fonds vir Onderwysers, 1887 (Wet No. 43 van 1887 (Kaap); of
- beamptes wat verkies om die reg tot 'n gratifikasie by aftrede ingevolge Wet No. 13 van 1910 (O.R.K.) te behou.

TOEPASSING VAN NUWE REGULASIES OP LEDE.

38. (1) 'n Lid wat vóór die vasgestelde dag tot die fonds toegelaat is, kan kies, binne negentig dae vanaf die datum waarop hy deur 'n raad versoek word om sulks te doen, om aan hierdie regulasies onderworpe te wees.

(2) Behoudens die bepalings van paragraaf 35, word hierdie regulasies op 'n lid wat ingevolge subparagraaf (1) gekies het, ten opsigte van die hele termyn van sy lidmaatskap of deelname toegepas; met dien verstande dat by die beëindiging van die lidmaatskap of deelname, die voordeel betaalbaar in geen geval minder mag wees nie as die voordeel wat onder dergelike omstandighede betaalbaar en ingevolge die regulasies wat vóór die vasgestelde dag van krag was, bereken sou gewees het.

(3) 'n Lid wat nie ingevolge subparagraaf (1) kies nie, bly nog onderworpe aan die regulasies wat vóór die vasgestelde dag van krag was, en daardie regulasies word in dié mate as nog van krag geag.

(4) Die bepalings van subparagraawe (1), (2) en (3) is van toepassing op—

- iemand wat op die vasgestelde dag of daarna maar vóór die agt-en-twintigste dag van April 1950 'n lid geword het, mits hy nog 'n lid is wanneer hy die keuse kragtens subparagraaf (1) doen; en
- iemand wat onmiddellik vóór die vasgestelde dag 'n lid was en wat afgetree het of afgedank is weens bereiking van die pensioendatum of weens gesondheidsredes op daardie dag of daarna maar vóór die agt-en-twintigste dag van April 1950.

OORPLASINGS VANAF ANDER FONDSE.

39. 'n Lid wat onmiddellik vóór sy toelating tot hierdie skema lid was van 'n ander pensioen- of voorsorgfondsskema wat deur die Minister erken word, mag skriftelik kies, binne 'n termyn van dertig dae vanaf die datum waarop hy deur die raad gevra word om sulks te doen, om sodanige deel van sy verstreke diens as wat deur die Minister as pensioendiens erken word, te reken as diens vir

period of leave taken by such member without pay, or during a period of his suspension from duty without pay, except with the approval of the Commissioner.

(4) Any person who has had continuous employment with a council immediately prior to the date upon which he becomes a member shall be given the option of contributing in respect of any period of such continuous employment approved by the Commissioner and shall exercise such option in writing within ninety days of the date on which he is called upon by a council to do so.

ADDITIONAL CONTRIBUTIONS.

36. As from the fixed date, a member shall not be permitted to make additional contributions to the fund apart from those mentioned in sub-paragraph (1) of paragraph 35; provided that where such member elected, prior to the fixed date, to make additional contributions to meet the annual premiums on policies of assurance in terms of sub-paragraph (1) of paragraph 43, he shall be permitted to continue with such additional contributions; provided further that the annual amount of such additional contributions plus the contributions payable in terms of paragraph 35 shall in no case exceed the annual amount of the additional contributions plus the contributions made by or in respect of the member immediately prior to the fixed date.

MEMBERSHIP.

37. Subject to the provisions of paragraph 38, membership of the fund shall be compulsory for all officers who have not reached the superannuation date, except for the following who shall not be admitted:—

- Officers contributing in terms of the Teachers' Pension and Fund Act, 1887 (Act No. 43 of 1887 (Cape); or
- officers electing to retain the right to a gratuity in terms of Act No. 13 of 1910 (O.R.C.).

APPLICATION OF NEW REGULATIONS TO MEMBERS.

38. (1) A member admitted to the fund prior to the fixed date may elect, within ninety days from the date of his being called upon by a council to do so, to be governed by these regulations.

(2) Subject to the provisions of paragraph 35, these regulations shall be applied to a member who made an election in terms of sub-paragraph (1), in respect of the entire period of his membership or participation; Provided that on the termination of membership or participation, the benefits payable shall in no case be less than the benefits which would have been payable in similar circumstances and calculated in terms of the regulations in force prior to the fixed date.

(3) A member who does not elect in terms of sub-paragraph (1), shall remain subject to the regulations which were in force prior to the fixed date, and those regulations shall to that extent be deemed to be still in force.

(4) The provisions of sub-paragraphs (1), (2) and (3) shall apply to—

- any person who became a member on or after the fixed date but prior to the twenty-eighth day of April, 1950, provided he is still a member on the date on which he makes an election in terms of sub-paragraph (1); and
- any person who was a member immediately prior to the fixed date and who retired or was retired on grounds of superannuation or ill-health on or after that date but before the twenty-eighth day of April 1950.

TRANSFERS FROM OTHER FUNDS.

39. A member who immediately before admission to this scheme was a member of another pension or provident fund recognized by the Minister, may elect, in writing, within a period of thirty days from the date of his being called upon by the council to do so, to reckon such portion of his past service as may be recognized by the Minister as pensionable service, as service for the purposes of this

die doeleindes van hierdie skema, in welke geval enige bedrag wat vir oorplasing uit sodanige ander fonds beskikbaar is, tot sy krediet in hierdie fonds also oorgeplaas word; met dien verstande dat die oorplasing vanaf die vorige betrekking tot die tegniese kollege sonder onderbreking van diens geskied, of, behoudens enige bepaling in enige ander wet, met die minste onderbreking wat die Minister onder die omstandighede noodsaaklik en redelik ag.

SPEZIALE REKENING VIR RADE.

40. Met die goedkeuring van die Minister kan 'n raad in 'n rekening, wat die spesiale rekening vir rade genoem word, bydraes stort wat van tyd tot tyd nodig mag wees om enige aanspreeklikheid wat daardie raad in verband met hierdie skema aangaan, te dek.

DIWIDENDREKENING.

41. (1) Daar is 'n diwidendrekening van die fonds waarin daar gestort word—

- (a) rente op geld wat ingevolge die bepalings van paragraaf 42 belê word;
- (b) kommissie wat ontvang word ten opsigte van lewensversekeringspremies wat ingevolge die bepalings van paragraaf 43 betaalbaar is;
- (c) die verskil, as daar een is, tussen die bedrag van die volle voordeel wat 'n lid of nie-bydraer tot sy krediet het, en die bedrag wat by die beëindiging van sy lidmaatskap of deelname, al na gelang van die geval, aan hom betaal word;
- (d) die bedrag wat op die vasgestelde dag gedeponeer was in die gelykmakingsrekening wat ingestel is ingevolge die regulasies wat toe van krag was; en
- (e) sodanige bedrag as wat uit die Gekonsolideerde Inkomsterekening nodig is, indien daar nie uit die diwidendrekening 'n diwidend teen vier persent, soos kragtens subparagraaf (2) vereis word, voorsien kan word nie.

(2) Geld op die diwidendrekening word gebruik om—

- (a) teen die een-en-dertigste dag van Maart van elke jaar 'n lid of nie-bydraer te krediteer met 'n diwidend teen 'n koers van nie minder as vier persent nie, bereken op die bedrag wat op daardie datum tot sy krediet staan; met dien verstande dat die diwidendkoers ooreenkomstig die bedrag wat in die diwidendrekening beskikbaar is, deur die Minister bepaal word en 'n veelvoud van 'n halfpersent moet wees; met dien verstande voorts dat diwidende op 'n bedrag wat ingevolge paragraaf 39 oorgeplaas is, of op die opbrengs van polisse wat uitgeneem is ingevolge die bepalings van die regulasies wat voor die vasgestelde dag van krag was en vóór die beëindiging van lidmaatskap of deelname verval, bereken word vanaf die datum waarop sodanige bedrae in die fonds ontvang is;
- (b) elke lid of nie-bydraer met rente teen die koers van vier persent te krediteer op die bedrag wat tot sy krediet in die fonds staan op die datum wanneer die laaste diwidend verklaar word, vir die termyn tussen die datum van daardie verklaring en die datum waarop die voordeel uitbetaal word; en
- (c) 'n diwidend teen die koers van hoogstens vier persent op enige gelde in die spesiale rekening vir rade te verskaf.

BELEGGINGS.

42. (1) Alle bedrae wat ingevolge die bepalings van hierdie regulasies ontvang word, word by die Kommissaris inbetaal.

(2) Sodanige deel van die aldus inbetaalde bedrae as wat nie vir lopende gebruik nodig is nie, word by die Openbare Skuldkommissarisse gedeponeer, en behoudens die bepalings van die Openbare Schuld Kommissarissen Wet, 1911, belê die Kommissarisse enige balans wat van tyd tot tyd beskikbaar is, in die effekte wat in subparagraaf (3) vermeld word.

(3) Geld wat ingevolge subparagraaf (2) ná die vasgestelde datum gedeponeer is, kan deur die Goewerneur-generaal geleen word, en die Tesourie kan ingeskrewe

scheme, in which case any amount in such other fund available for transfer shall be so transferred to his credit in this fund; provided that the transfer from the previous employment to the technical college be effected without break in the continuity of service, or, subject to any provision in any other law contained, with the minimum break considered necessary and reasonable by the Minister in the circumstances.

SPECIAL COUNCILS ACCOUNT.

40. A council may, with the approval of the Minister, pay into an account, to be termed the special councils account, such amounts as may from time to time be necessary to cover any liability incurred by such council in connection with this scheme.

DIVIDEND ACCOUNT.

41. (1) There shall be a dividend account of the fund into which shall be paid—

- (a) interest earned on money invested in terms of paragraph 42;
- (b) commission received in respect of life assurance premiums payable in terms of paragraph 43;
- (c) the difference, if any, between the amount of full benefit standing to the credit of a member or non-contributor and the amount paid to him on the termination of his membership or participation, as the case may be;
- (d) such amount as on the fixed date was standing to the credit of the equalization account established under the regulations then in force; and
- (e) such sum as may be required from the Consolidated Revenue Account if the dividend account should be unable to provide a dividend at the rate of four per cent, as required in terms of sub-paragraph (2).

(2) Money in the dividend account shall be used for the purpose of—

- (a) crediting each member or non-contributor as at the thirty-first day of March in each year with a dividend at a rate of not less than four per cent, calculated on the amount standing to his credit on that date; provided that the rate of dividend shall be determined by the Minister according to the amount available in the dividend account and shall be a multiple of one-half per cent; provided further that dividends on an account transferred in terms of paragraph 39, or on the proceeds of policies effected in terms of the regulations in force prior to the fixed date and maturing prior to the termination of membership or participation, shall be calculated as from the date such sums were received into the fund;
- (b) crediting each member or non-contributor with interest at the rate of four per cent on the amount standing to his credit in the fund at the date of the declaration of the last dividend, for the period intervening between the date of such declaration and the date of payment of the benefit; and
- (c) providing a dividend at the rate of not exceeding four per cent on the moneys in the special councils account.

INVESTMENTS.

42. (1) All amounts received in terms of these regulations shall be lodged with the Commissioner.

(2) Such portion of the amounts so lodged as is not required for current purposes shall be deposited with the Public Debt Commissioners, and, subject to the provisions of the Public Debt Commissioners Act, 1911, the Commissioners shall invest any such balance as may be available from time to time in the stock mentioned in sub-paragraph (3).

(3) Any money deposited in terms of sub-paragraph (2) after the fixed date, may be borrowed by the Governor-General, and the Treasury may issue inscribed stock

effekte daarvoor uitgee ooreenkomstig die bepalings van die Algemene Leninge Konsolidatie en Wijzigings Wet, 1917 (Wet No. 22 van 1917); met dien verstande dat sodanige effekte—

- (a) teen die koers van vier persent per jaar rente dra wat halfjaarliks op die een-en-dertigste dag van Maart en die dertigste dag van September elke jaar betaalbaar is;
- (b) teen pari uitgegee word;
- (c) nie oordraagbaar is nie, behalwe teen pari aan 'n pensioenfonds wat deur 'n provinsiale administrasie of 'n staatsdepartement van die Unie geadministreer word; en
- (d) op die tye wat die Tesourie bepaal, afgelos kan word.

VERSEKERINGSPOLISSE.

43. (1) 'n Lid kan kies, behoudens goedkeuring deur die Kommissaris, dat al die bydraes wat hyself doen, of 'n deel daarvan, aangewend word vir die betaling van jaarlikse premies op 'n uitkeringsversekeringspolis wat vóór of op die ouderdom van sestig jaar verval; met dien verstande dat—

- (a) so 'n versekering aangegaan word by 'n maatskappy wat deur die Minister goedgekeur word;
- (b) die jaarlikse premie deur die Kommissaris betaalbaar is uit die bedrag wat die beampte op die eerste dag van April, Augustus of Desember in die fonds tot sy krediet het, en op daardie datums betaal word; en
- (c) 'n versekering aldus aangegaan nie sonder die toestemming van die Kommissaris enigerwys gekanselleer, gestaak of verander word nie.

(2) 'n Lid kan, wanneer hy tot lidmaatskap toegelaat word, 'n bestaande uitkeringspolis wat vóór of op die ouderdom van sestig verval, aanbied en indien so 'n polis aangeneem word, word daar geag dat daar aan die bepalings van subparagraaf (1) voldoen is.

(3) Daar word in die geval van versekeringspolisse wat vóór die vasgestelde datum aangeneem is, geag dat hulle aan die bepalings van subparagraaf (1) voldoen.

(4) 'n Versekeringspolis wat ingevolge subparagraaf (1), (2) of (3) uitgeneem of aangeneem is, word aan die Kommissaris oorgelê en bly in sy besit tydens die duur van lidmaatskap of deelname; met dien verstande dat dit slegs aan die lid of nie-bydraer, of sy verteenwoordiger, by beëindiging van lidmaatskap of deelname, al na gelang van die geval, teruggegee word by terugbetaling van enige bedrag wat deur die Kommissaris ten aansien van versekeringspremies betaal is en wat meer is as die bedrag wat ingevolge paragraaf 44 of 45 aan die lid of nie-bydraer betaalbaar sou gewees het.

(5) 'n Bonus of 'n ander voordeel wat ten opsigte van 'n lewensversekeringspolis wat ingevolge hierdie paragraaf erken word, aan 'n lid of nie-bydraer toeval, is nie gedurende sy lidmaatskap of deelname, na gelang van die geval, aan hom betaalbaar nie.

(6) Indien 'n versekeringspolis wat ingevolge hierdie regulasie erken is, vóór die beëindiging van lidmaatskap of deelname verval, word die opbrengs van die polis tot die krediet van die lid of nie-bydraer, na gelang van die geval, in die fonds inbetaal.

(7) Indien 'n lid vóór die vasgestelde dag gekies het dat bydraes, benewens die bydraes wat hy self doen, vir die betaling van die jaarlikse premies op versekeringspolisse ingevolge subparagraaf (1) aangewend word, word daar voortgegaan met die aanwending van sodanige bydraes vir die betaling van sodanige jaarlikse premies; met dien verstande dat daar geen groter bedrag uit die bydraes wat deur of ten behoeve van so 'n lid gedoen word, ten aansien van sodanige premies betaal word as wat onmiddellik vóór die vasgestelde dag betaal is nie, en enige saldo van die bydraes ná die betaling van sodanige premies, bly in die fonds.

BEËINDIGING VAN LIDMAATSKAP: GEWONE VOORDELE BETAALBAAR.

44. Lidmaatskap van die fonds loop ten einde—

- (1) by die lid se pensioendatum, wanneer hy geregtig word op 'n volle voordeel; met dien verstande

therefor in accordance with the provisions of the General Loans Consolidation and Amendment Act, 1917 (Act No. 22 of 1917); provided that such stock—

- (a) shall bear interest at the rate of four per cent per annum, payable half-yearly on the thirty-first day of March and on the thirtieth day of September in each year;
- (b) shall be issued at par;
- (c) shall not be transferable, except at par to any pension fund administered by a provincial administration or by a department of state of the Union; and
- (d) may be redeemed at such times as the Treasury may determine.

ASSURANCE POLICIES.

43. (1) A member may elect, subject to the approval of the Commissioner, that the whole or part of the contributions made by himself shall be applied to the payment of the annual premiums on an endowment assurance policy maturing before or at the age of sixty; provided that—

- (a) such assurance shall be effected with a company approved of by the Minister;
- (b) the annual premium shall be payable by the Commissioner from the amount in the fund standing to the credit of the officer on the first day of April, August or December, and shall be paid on those dates; and
- (c) an assurance so effected shall not be cancelled or discontinued or changed in any way without the permission of the Commissioner.

(2) A member may, on his admission to membership, offer an existing endowment assurance policy maturing before or at the age of sixty, and if such policy be accepted, it shall be deemed that the provisions of sub-paragraph (1) have been complied with.

(3) Assurance policies accepted prior to the fixed date shall be deemed to satisfy the provisions of sub-paragraph (1).

(4) During membership or participation, any policy of assurance effected or accepted under sub-paragraph (1), (2) or (3) shall be submitted to and remain in the possession of the Commissioner; provided that it shall only be surrendered to the member or non-contributor, or his representative, on termination of membership or participation, as the case may be, on repayment of any amount paid by the Commissioner in respect of premiums on policies, in excess of the amount that would have been payable to the member or non-contributor under paragraph 44 or 45.

(5) A bonus or other benefit accruing on any policy of assurance recognized under this paragraph, shall not be payable to the member or non-contributor during the continuance of his membership or participation, as the case may be.

(6) If a policy of assurance recognized under this paragraph should mature before the termination of membership or participation, the proceeds of the said policy shall be paid into the fund to the credit of the member or non-contributor, as the case may be.

(7) If a member elected, prior to the fixed date, to have the contributions, apart from the contributions made by himself, applied to the payment of the annual premiums on policies of assurance in terms of sub-paragraph (1), such contributions shall continue to be applied to the payment of such premiums; provided that no greater amount shall be paid out of the contributions made by or in respect of such member by way of such premiums, than was being paid immediately prior to the fixed date, and any balance of such contributions after the payment of such premiums shall remain in the fund.

TERMINATION OF MEMBERSHIP: ORDINARY BENEFITS PAYABLE.

44. Membership of the fund shall terminate—

- (1) on the member's superannuation date when he shall be entitled to a full benefit; provided that such

dat so 'n lid skriftelik kan kies, nie later nie as sestig dae na die genoemde datum, om met deelname aan die skema daarna voort te gaan as 'n nie-bydraer, vir sodanige verdere aaneenlopende termyn as waarmee die raad sy aanstelling mag verleng;

(2) by die vrywillige aftrede of bedanking (maar nie weens gesondheidsredes nie), van 'n lid vóór sy pensioendatum, wanneer hy geregtig word op die totaal van enige bykomende bydraes wat hyself gedoen het, met diwidende of rente daarop, plus—

(a) as hy vir vyf jaar of minder lid was, 'n bedrag wat gelykstaan aan die helfte van die som van die volgende:—

(i) die bedrag (uitgesonderd enige bykomende bydraes of rente of diwidende daarop), tot sy krediet in die fonds na die byvoeging, ingevolge subparagraaf (2) (a) van paragraaf 41, van die laaste diwidend wat die beëindiging van lidmaatskap voorafgaan, plus

(ii) enige bydraes wat deur of ten behoeve van die lid gedoen word, of die opbrengs van enige versekeringspolis wat ingevolge subparagraaf (6) van paragraaf 43 bygevoeg word, ná die datum wat vir die berekening van die bedrag ingevolge (i) vasgestel is, min enige versekeringspremies wat ook ná daardie datum uitbetaal is; plus

(iii) rente wat ingevolge subparagraaf (2) (b) van paragraaf 41 bereken word op die bedrae by (i) en (ii) vermeld; plus

(iv) die totaal van enige premies wat deur die fonds ten behoeve van die lid op 'n versekeringspolis betaal is; plus

(v) enige diwidende of rente wat op die byklousule (iv) vermelde premies sou toegeval het as hulle in die fonds sou gebly en nie uitbetaal sou gewees het nie; of

(b) as hy vir meer as vyf jaar lid was, op 'n bedrag wat gelykstaan aan vyftig persent van 'n som soos by klousule (a) bereken, plus twee persent van daardie som vir elke voltooide jaar bo vyf jaar, maar altesaam nie meer as 'n volle voordeel nie;

met dien verstande dat, as 'n versekeringspolis ten behoeve van die lid deur die fonds uitgeneem is, die voordeel wat aan hom betaalbaar is, verminder word met 'n ingevolge klousules (a) (iv) en (v) berekende bedrag, in die plek waarvan die polis aan hom oorhandig word;

(3) by die lid se ontslag, of aftrede of bedanking ten einde ontslag te vermy, of wanneer hy versoek word om also af te tree of te bedank ten einde ontslag te vermy, wanneer hy geregtig word—

(a) op 'n ingevolge subparagraaf (2) berekende bedrag asof hy vrywillig afgetree of bedank het; of

(b) as die Minister na oorlegpleging met die raad meen dat ernstige wangedrag die rede vir die ontslag of aftrede of bedanking gevorm het, op sodanige kleiner bedrag as wat die Minister mag bepaal maar wat nie minder as sy eie bydraes is nie; met dien verstande dat die Minister mag goedkeur dat skade wat 'n raad ly as gevolg van bedrog of oneerlikheid wat so 'n lid pleeg, in die geheel of gedeeltelik op die deur die Minister bepaalde bedrag verhaal mag word;

(4) by die lid se oorpasing na of aanstelling regstreeks in 'n betrekking wat onderworpe is aan 'n ander pensioenfonds of -skema wat deur die staat of 'n provinsiale administrasie of die Administrasie van die Gebied van Suidwes-Afrika of die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens geadministreer word, wanneer die lid kan kies (met dien verstande dat daar geen onder-

member may elect in writing not later than sixty days after such date to continue with his participation in the scheme thereafter as a non-contributor for such further continuous period as the council may extend his appointment;

(2) on the member's voluntary retirement or resignation (not on account of ill-health) before his superannuation date, when he shall be entitled to the total of any additional contributions made by himself, with dividends or interest thereon, plus—

(a) if he has been a member for five years or less, an amount equal to half the sum of the following:—

(i) the amount in the fund (excluding any additional contributions or interest or dividends thereon), standing to his credit after the addition, in terms of sub-paragraph (2) (a) of paragraph 41, of the last dividend preceding the termination of his membership; plus

(ii) any contributions made by and in respect of the member, or the proceeds of any policy of assurance added in terms of sub-paragraph (6) of paragraph 43, subsequent to the date determined for the calculation of the amount in terms of (i), less any assurance premiums paid out after such date; plus

(iii) interest on the amounts mentioned at (i) and (ii), calculated in terms of sub-paragraph (2) (b) of paragraph 41; plus

(iv) the total of any premiums paid by the fund on behalf of the member in respect of a policy of assurance; plus

(v) any dividends or interest that would have accrued on the premiums mentioned in (iv), had they remained in the fund and not been paid out; or

(b) if he has been a member for more than five years, to an amount equal to fifty per cent, plus two per cent for every completed year of service more than five years, of the sum calculated in terms of clause (a), but in all not exceeding a full benefit;

provided that, if a policy of assurance should have been taken out by the fund on behalf of the member, the benefit payable to him shall be reduced by an amount calculated in terms of clauses (a) (iv) and (v), in lieu of which the policy shall be handed over to him;

(3) on the member's discharge, or retirement or resignation to avoid discharge, or on his being called upon to retire or resign to avoid discharge, when he shall be entitled to—

(a) an amount calculated in terms of sub-paragraph (2) as if he retired or resigned voluntarily; or

(b) if the Minister be of opinion after consultation with the council that serious misconduct constituted the reason for the discharge or retirement or resignation, any such lesser amount as the Minister may determine, but not being less than his own contributions; provided that the Minister may authorize the recovery from such amount as determined by the Minister, of the whole or part of any loss sustained by a council as a result of fraud or dishonesty committed by him;

(4) on the member's transfer or appointment directly to a post which is subject to another pension fund or scheme administered by the government or a provincial administration or the Administration of the Territory of South West Africa, or the Administration of the South African Railways and Harbours, when the member may elect (provided that there be no break in the continuity of his

breking van diens is nie, of slegs so 'n onderbreking as wat die Minister, behoudens enige bepaling in enige ander wet, onder die omstandighede redelik en noodsaaklik ag), binne dertig dae vanaf die datum waarop die nuwe werkgewer of die raad hom versoek om sulks te doen, en behoudens die bepalings van artikel *ses-en-veertig* van die Wysigingswet op die Pensioenwette, 1943 (Wet No. 33 van 1943) en van artikel *tien* van die Finansiewet, 1947 (Wet No. 48 van 1947)—

- (a) om sy voordeel uit die skema te trek en om ingevolge subparagraaf (2) behandel te word asof hy vrywillig afgetree het; of
- (b) om sy voordeel behalwe 'n versekeringspolis in die skema as 'n nie-bydraer tot by sy kragtens hierdie skema vasgestelde pensioendatum te behou, of tot by die vroeëre beëindiging van sy aanstelling in die diens waarheen hy also oorgeplaas is; of
- (c) om sy voordeel in die fonds na die pensioen-fonds of skema wat aan die nuwe pos kleef, oor te plaas as dit toelaatbaar is; met dien verstande dat—
 - (i) sodanige oorpasing van voordeel geskied in die uiterste mate wat onder die nuwe fonds of skema toelaatbaar is;
 - (ii) as slegs 'n deel van die volle voordeel na die nuwe fonds of skema oorgeplaas kan word, die verskil tussen die volle voordeel en die deel wat oorgeplaas word, aan die lid terugbetaal word;
 - (iii) as 'n deel van sy voordeel enigerwys vir die betaling van versekeringspremies gebruik is, die oordraagbare bedrag verminder word met die vasgestelde waarde van die betrokke versekeringspolisse, synde 'n bedrag wat gelykstaan aan die totaal van enige premies wat deur die fonds op daardie polisse betaal is, plus diwidende of rente wat op die gewone wyse bygevoeg sou gewees het as daardie premies in die fonds gebly het.

As 'n lid versuim om ingevolge (a), (b) of (c) te kies, dan word daar geag dat hy ingevolge (a) gekies het, en indien die lid ingevolge (b) kies, word, ondanks die bepalings van subparagraaf (4) van paragraaf 43 en behoudens enige voorwaardes wat die Kommissaris mag stel, 'n versekeringspolis aan hom oorgedra;

- (5) by die lid se dood, wanneer daar betaalbaar word—
 - (a) sy volle voordeel aan 'n afhanklike wat sy weduwee of minderjarige kind of minderjarige stiefkind is; of
 - (b) aan 'n ander afhanklike, 'n bedrag wat die Minister bepaal, en wat nie meer as 'n volle voordeel is nie maar ook nie minder nie as die kleinste bedrag wat die lid ingevolge subparagraaf (2) sou kon ontvang; of
 - (c) aan sy boedel as daar geen afhanklike is nie, 'n bedrag wat gelykstaan aan die totaal van sy eie bydraes, tesame met diwidende of rente daarop; met dien verstande dat—
 - (i) die Minister in oorleg met die raad kan voorskryf op welke wyse 'n voordeel aan 'n afhanklike betaal moet word;
 - (ii) as daar meer as een afhanklike is, die Kommissaris in oorleg met die raad kan voorskryf in welke verhouding die voordeel tussen hulle verdeel moet word; en
 - (iii) as die opbrengs van 'n polis wat by die lid se dood verval, 'n deel van sy krediet in die fonds sou word ten einde die voordeel betaalbaar te bereken nie, die voordeel dan gebaseer word op die lid se werklike krediet in die fonds, uitgesonderd die premies wat op die versekeringspolis betaal is;

service, or only such break as the Minister may deem necessary and reasonable in the circumstances, subject to any provision in any other law contained), within thirty days of being called upon to do so by the new employer or the council, and subject to the provisions of section *forty-six* of the Pension Laws Amendment Act, 1943 (Act No. 33 of 1943) and of section *ten* of the Finance Act, 1947 (Act No. 48 of 1947)—

- (a) to withdraw his benefits from the scheme and to be dealt with in terms of sub-paragraph (2) as if he retired voluntarily; or
- (b) to retain his benefit other than a policy of insurance in the scheme as a non-contributor until the date of his superannuation under this scheme, or until the prior termination of his employment in the service to which he was so transferred; or
- (c) to transfer his benefit in the fund to the pension fund or scheme attaching to the new post, if permissible; provided that—
 - (i) such transfer of benefit shall be to the maximum extent permissible under the new fund or scheme;
 - (ii) if only a portion of the full benefit be transferable to the new fund or scheme, the member shall be refunded with an amount equal to the difference between the full benefit and the portion transferred; and
 - (iii) if a portion of his benefit was used in any way for the payment of assurance premiums, the amount transferable shall be reduced by the assessed value of the relative assurance policies, being an amount equal to the total of any premiums paid by the fund in respect of such policies, plus dividends or interest that would have been added in the ordinary way had those premiums remained in the fund.

If the member should fail to elect in terms of (a), (b) or (c), he shall be deemed to have elected in terms of (a); and if the member should elect in terms of (b), any policy of assurance shall, notwithstanding the provisions of sub-paragraph (4) of paragraph 43 and subject to such conditions as the Commissioner may determine, be transferred to him;

- (5) on the member's death, when there shall be payable—
 - (a) his full benefit to a dependant who is his widow or minor child or minor stepchild; or
 - (b) to another dependant, such an amount as the Minister may determine, being not more than a full benefit but not less than the least amount the member might have received in terms of sub-paragraph (2); or
 - (c) to his estate, if there be no dependant, an amount equal to the total of his own contributions together with dividends or interest; provided that—
 - (i) the Minister, in consultation with the council, may prescribe in what manner a benefit shall be paid to a dependant;
 - (ii) if there be more than one dependant, the Commissioner, in consultation with the council concerned, may prescribe in what proportions the benefit payable shall be divided between them; and
 - (iii) if the proceeds of a policy of assurance maturing on the death of the member, should not become part of the member's credit in the fund for the purpose of determining the benefit payable, such benefit shall be based on the member's actual credit in the fund, excluding premiums paid in respect of the policy of assurance;

- (6) by die bedanking van 'n lid met die doel om na ander opvoedkundige diens te gaan wat deur die Minister erken word maar wat nie binne die bestek van subparagraaf (4) val nie, wanneer hy op 'n volle voordeel geregtig word;
- (7) by die beëindiging van lidmaatskap onder 'n omstandigheid wat nie by subparagrafe (1) tot (6) genoem is nie, wanneer 'n volle voordeel betaalbaar word;
- (8) in die geval van 'n lid wat nog op proef dien, by engeen van die by subparagrafe (1) tot (7) genoemde omstandighede, wanneer 'n bedrag wat gelykstaan aan sy eie bedraes, sonder rente of diwidende, aan hom betaalbaar word, of aan sy afhanklike of boedel, na gelang van die geval; met dien verstande dat daar geag word dat 'n lid nie op proef diens doen nie indien hy vóór sy aanstelling op proef reeds tot die fonds of tot 'n ander pensioen- of voorsorgfonds bygedra het uit hoofde van sy permanente diens in 'n betrekking, en indien sy voordeel ten opsigte van daardie vorige diens na die fonds oorgeplaas is of daarin gebly het.

**BEËINDIGING VAN DEELNAME DEUR 'N NIE-BYDRAER:
VOORDEEL BETAALBAAR.**

45. (1) In die geval van 'n nie-bydraer wie se voordeel ingevolge sub-paragraaf (1) van paragraaf 44 by beëindiging van lidmaatskap vasgestel is, word sy volle voordeel aan hom, of aan sy afhanklike of boedel, al na gelang van die geval, betaal by die beëindiging van sy deelname, om watter rede ookal.

(2) In die geval van 'n nie-bydraer wat ingevolge sub-paragraaf (4) (b) van paragraaf 44 kies om sy voordeel in die fonds te hou, word hy geregtig, by beëindiging van sy aanstelling in die diens waarheen hy oorgeplaas is (by aftrede op pensioen of om enige ander rede), op 'n bedrag wat gelykstaan aan die voordeel waarop hy geregtig sou gewees het op die datum waarop hy nie-bydraer geword het as hy op daardie datum sy lidmaatskap finaal en om dieselfde rede beëindig het, plus rente en diwidende wat in die loop van die termyn van sy deelname bygevoeg is.

BYKOMENDE JAARGELD OF GRATIFIKASIE.

46. (1) Benewens enige ander voordele wat ingevolge hierdie skema betaalbaar is, kan 'n raad by die Kommissaris aansoek doen om 'n regeringsbydrae tot 'n jaargeld of tot 'n gratifikasie—

- (a) in die geval van 'n lid wat vóór die vasgestelde dag tot die fonds toegelaat is, by sy dood of pensioendatum, of aftrede om gesondheidsredes; of
- (b) in die geval van 'n lid wat ná die vasgestelde dag toegelaat is, by sy aftrede om gesondheidsredes wat nie aan sy eie skuld te wyte is nie,

ten gunste van so 'n lid of sy afhanklike, en die Minister kan die betaling van so 'n ingevolge sub-paragraaf (2) of (3) berekende bydrae goedkeur, behoudens enige voorwaardes wat hy mag opleë; met dien verstande dat—

- (i) daardie regeringsbydrae nie die bedrag van die raad se bydrae oorskry nie;
- (ii) as die lid ná sy pensioendatum in die diens van die raad aanbly, die bydrae soos op daardie datum bereken, eers by finale beëindiging van sodanige diens betaalbaar word.

(2) Die bedrag van die regeringsbydrae tot 'n jaargeld, indien dit deur die Minister ingevolge die bepalings van sub-paragraaf (1) goedgekeur word, is nie meer nie as die verskil tussen—

- (a) 'n jaargeld wat die lid sou kon koop met die totale bedrag wat deur die staat (met inbegrip van rente of diwidende) ingevolge paragraaf 35 tot by die beëindiging van die lidmaatskap bygedra is, en wat bereken word volgens die formule:

$$\frac{a}{b},$$

waarin a = totaal van regeringsbydraes (met inbegrip van rente of diwidende), en

- (6) on the member's resignation in order to take up other educational service recognized by the Minister but not falling within the scope of sub-paragraph (4), when he shall be entitled to a full benefit;
- (7) on the termination of membership in a circumstance not enumerated under sub-paragraphs (1) to (6), when a full benefit shall be payable; and
- (8) in the case of a member still serving on probation, on any of the events enumerated in sub-paragraphs (1) to (7), when an amount equal to his own contributions, without interest or dividends, shall be payable to him, or to his dependant or estate, as the case may be; provided that he shall be deemed not to be serving on probation, if, prior to his appointment on probation he already contributed to the fund or to some other pension or provident fund by virtue of his permanent service in a post, and if his benefit in respect of such previous service was transferred to or remained in the fund.

**TERMINATION OF PARTICIPATION BY NON-CONTRIBUTOR:
BENEFIT PAYABLE.**

45. (1) In the case of a non-contributor whose benefit was determined in terms of sub-paragraph (1) of paragraph 44 on termination of membership, his full benefit shall be paid to him, or to his dependant or estate, as the case may be, on termination of his participation, for whatever reason.

(2) In the case of a non-contributor who elects to retain his benefit in the fund in terms of sub-paragraph (4) (b) of paragraph 44, he shall be entitled, on termination of his appointment in the service to which he was transferred (on superannuation or for any other reason), to an amount equal to the benefit to which he would have been entitled at the date of his becoming a non-contributor, had he at that date finally terminated his membership for the same reason, plus interest or dividends added in the course of the period of participation.

ADDITIONAL ANNUITY OR GRATUITY.

46. (1) In addition to any other benefits payable under this scheme, a council may apply to the Commissioner for a contribution by the government towards an annuity or gratuity—

- (a) in the case of a member who was admitted to the fund prior to the fixed date, on his death or superannuation date, or retirement on the ground of ill-health; or
- (b) in the case of a member who was admitted after the fixed date, on his retirement, on the ground of ill-health not due to his own fault,

on behalf of such member or his dependant, and the Minister may authorize, subject to such conditions as he may determine, the payment of such a contribution, calculated in terms of sub-paragraph (2) or (3); provided that—

- (i) such government contribution shall not exceed the amount of the council's contribution;
- (ii) if the member continue in the service of the council after his superannuation date, the contribution as calculated at that date shall only become payable on the final termination of such service.

(2) The amount of the government contribution towards an annuity, if authorized by the Minister in terms of sub-paragraph (1), shall not exceed the difference between—

- (a) an annuity which the member could purchase with the total amount contributed by the government (including interest or dividends thereon) in terms of paragraph 35 up to termination of membership, which shall be calculated according to the formula—

$$\frac{a}{b},$$

in which a = total of government contributions (including interest or dividends thereon), and

b = die bedrag waarmee £1 jaargeld gekoop kon word, vasgestel volgens tabelle deur 'n aktuaris verstrekte en deur die Minister goedgekeur; met dien verstande dat daardie tabelle minstens elke tien jaar deur 'n aktuaris nagesien word; en

- (b) 'n jaargeld wat beskou word as die maksimum wat deur die regering voorsien kon word, en wat bereken word volgens die formule:

$$\frac{£c \times d}{100},$$

waarin c = die lid se salaris by beëindiging van sy lidmaatskap, maar nie meer as £1,200 nie; en

d = die termyn van diens in jare (enige termyn van maande meer as die laaste voltooidde jaar moet tot 'n breuk van 'n jaar herlei word deur die aantal maande, bereken tot die naaste maand, deur 12 te deel).

- (3) Die waarde van die regeringsbydrae tot 'n gratifikasie wat gelykstaan aan sy bydrae tot 'n jaargeld wat ingevolge subparagraaf (2) bereken word, word vasgestel volgens die formule—

$$£e \times f,$$

waarin e = die bedrag van die regeringsbydrae tot 'n jaargeld ingevolge subparagraaf (2), en

f = 'n faktor verkry uit tabelle deur 'n aktuaris verstrekte en deur die Minister goedgekeur; met dien verstande dat daardie tabelle minstens elke tien jaar deur 'n aktuaris nagesien word.

ADMINISTRASIE.

47. Alle uitgawe in verband met die administrasie van die skema vorm 'n las teen die Gekonsolideerde Inkomstefonds.

VOORDELE MAG AAN ANDER PERSONE AS LID UITBETAAL WORD.

48. Indien die Minister na oorlegpleging met die raad daarvan oortuig is dat dit om enige rede onwenslik is om die hele voordeel by die beëindiging van 'n lid se lidmaatskap of van 'n nie-bydraer se deelname aan hom of aan sy afhanklike uit te betaal, kan hy gelas dat die voordeel in maandelikse paaiemente of andersins aan die lid of nie-bydraer betaal word, of dat dit aan iemand anders betaal word op sulke voorwaardes betreffende die administrasie daarvan ten behoeve van die lid of nie-bydraer of die afhanklike, as wat die Minister bepaal.

VOORDELE MAG NIE GESEDEER OF IN BESLAG GENEEM WORD NIE.

49. Geen voordeel, of reg daarop, mag oorgemaak, oorgedra of andersins gesedeer, of verpand of met verband beswaar word nie; ook is so 'n voordeel, of bydrae wat deur of ten behoeve van 'n lid of nie-bydraer gedoen is, nie vatbaar vir beslag kragtens 'n uitspraak of 'n bevel van 'n geregshof of vir enige vorm van tenuitvoerlegging van so 'n uitspraak of bevel nie.

VERTOLKING.

50. Die Minister se beslissing is afdoende op enige vraag wat met betrekking tot die betekenis van hierdie regulasies ontstaan.

DELEGASIE VAN BEVOEGDHEDE.

51. Die Minister kan enige van die bevoegdhede wat aan hom deur hierdie regulasies verleen word, of aan die Kommissaris of aan die Sekretaris van Onderwys, Kuns en Wetenskap deleger; met dien verstande dat 'n lid na die Minister kan appelleer teen enige handeling of beslissing van die genoemde Kommissaris of Sekretaris ingevolge so 'n gedelegeerde bevoegdheid.

b = an amount which could purchase £1 of annuity assessed in accordance with tables furnished by an actuary and approved of by the Minister: provided that these tables be revised by an actuary at least every ten years; and

- (b) an annuity which shall be deemed the maximum which could be provided by the government, and which shall be calculated according to the formula—

$$\frac{£c \times d}{100},$$

in which c = the member's salary on the termination of membership, but not exceeding £1,200; and

d = the period of service in years (any period of months in excess of the last completed year to be reduced to a fraction of a year by dividing by 12 the number of months, reckoned to the nearest month).

- (3) The value of the government contribution towards a gratuity equivalent to a contribution towards an annuity in terms of sub-paragraph (2), shall be calculated according to the formula—

$$£e \times f,$$

in which e = the amount of the government contribution towards an annuity in terms of sub-paragraph (2); and

f = a factor obtained from tables furnished by an actuary and approved of by the Minister: Provided that these tables be revised by an actuary at least every ten years.

ADMINISTRATION.

47. All expenditure in connection with the administration of the scheme shall form a charge against the Consolidated Revenue Fund.

BENEFITS MAY BE PAID TO OTHER PERSONS THAN THE MEMBER HIMSELF.

48. If the Minister after consultation with the council should be satisfied that it is undesirable for any reason to pay the whole benefit to a member or his dependant upon the termination of his membership, or to a non-contributor or his dependant upon termination of his participation, he may order that such benefit be paid in monthly instalments or otherwise to such member or non-contributor or dependant, or that it be paid to some other person under such conditions as to its administration for the benefit of such member or non-contributor or dependant as the Minister may determine.

BENEFITS NOT CEDABLE OR SUBJECT TO EXECUTION.

49. No benefit or right to a benefit shall be capable of being assigned, transferred or otherwise ceded, or of being pledged or hypothecated; nor shall such benefit or any contributions made by or on behalf of a member or non-contributor be liable to be attached or subjected to any form of execution under a judgment or order of a court of law.

INTERPRETATION.

50. On any question as to the meaning of any of these regulations, the Minister's decision shall be final.

DELEGATION OF POWERS.

51. The Minister may delegate any of the powers conferred on him by these regulations, to the Commissioner or to the Secretary for Education, Arts and Science; provided that a member may appeal to the Minister against any action or decision of the said Commissioner or Secretary in terms of such delegated authority.

DEEL XI.

VOLTYDSE INSTRUKSIEKURSUSSE, KLASGELDE EN TOELATINGSVEREISTES VIR STUDENTE.

1. Geen voltydse kursus mag ingestel word sonder die goedkeuring van die Sekretaris vooraf nie.
2. Die tarief van klasgelde betaalbaar mag nie verhoog word sonder die goedkeuring van die Sekretaris vooraf nie.
3. Van tyd tot tyd kan die Sekretaris sodanige toelatingsvereistes vir voltydse studente as wat hy goedgevind, voorskryf.

DEEL XII.

BEURSE EN LENINGS.

1. Die Minister kan uit fondse wat jaarliks deur die Parlement bewillig word, 'n bedrag beskikbaar stel vir die toekenning, na goeddunke van die Departement, van beurse en lenings aan studente wat kursusse aan verklaarde inrigtings volg.
2. (a) Sodanige lenings kan slegs gemaak word aan studente wat opleiding as onderwysers ontvang met die doel om 'n onderwysers- of instruktorsertifikaat of -diploma te verwerf.
- (b) Sodanige beurse kan alleen aan studente toegeken word wat sodanige kursusse as wat die Sekretaris mag goedkeur, volg.
3. Lenings of beurse wat kragtens regulasies 2 toegeken word, oorskry nie die bedrag wat die Sekretaris in oorleg met die Tesourie mag vasstel nie.
4. Geen lening of beurs word aan 'n student toegeken:—
 - (i) as hy, na die mening van die Departement, nie geldelike steun nodig het om sy studies voort te sit nie;
 - (ii) wat nie bevredigende bewys lewer van aanpassingsvermoë en in die algemeen van verdienstelikheid en goeie gedrag nie.
5. Lenings en beurse word gewoonlik vir 'n kalenderjaar toegestaan en kan van jaar tot jaar hernu word onderworpe aan bevredigende rapporte van vordering en goeie gedrag. 'n Lening of beurs kan te eniger tyd teruggehou word as die ywer, gedrag of vordering van die houër daarvan onbevredigend is.
6. (a) 'n Student aan wie 'n lening toegestaan word kragtens paragraaf (a) van regulasie 2 van hierdie Deel moet 'n ooreenkoms onderteken in die vorm soos deur die Departement verlang, waarin hy onderneem om die volle bedrag van die lening gedurende sodanige tydperk en in sulke paaiemente as wat die Departement mag voorskryf, terug te betaal.
- (b) Rente teen sodanige koers as wat deur die Tesourie vasgestel word, is betaalbaar op die totale waarde van die lening vanaf die dag waarop die student in diens van die Departement of enige ander werkgewer tree.
- (c) Die Departement kan vereis dat 'n student aan wie 'n lening kragtens paragraaf (a) van regulasie 2 van hierdie Deel toegestaan is, onverwyld die volle bedrag wat volgens die ooreenkoms vermeld in paragraaf (a) hiervan nog verskuldig is, plus 5 persent rente per jaar, plus die bedrag van die beurs kragtens paragraaf (b) van regulasie 2 van hierdie Deel toegestaan, terugbetaal:—
 - (i) As hy sonder grondige rede in gebreke bly om binne 'n redelike tydperk sy kursus te voltooi; of
 - (ii) as hy, nadat hy sy kursus voltooi het, en nadat hy as 'n onderwyser of instrukteur in 'n inrigting onder die beheer van die Departement aangestel is, in gebreke bly om aaneenlopende diens in sodanige hoedanigheid te doen vir 'n tydperk wat ten minste solank duur as die duur van die kursus waarvoor die lening toegestaan was; of
 - (iii) as hy, nadat 'n pos as onderwyser of instrukteur in die Departement binne 'n redelike tydperk vóór of na die voltooiing van die kursus aan hom aangebied word, weier om so 'n aanstelling te aanvaar

PART XI.

FULL-TIME COURSES OF INSTRUCTION, CLASS FEES AND CONDITIONS OF ADMISSION OF STUDENTS.

1. No full-time course shall be instituted without the prior approval of the Secretary.
2. The rate of class fees payable shall not be increased without the prior approval of the Secretary.
3. The Secretary may from time to time prescribe such conditions in regard to the admission of full-time students as he may deem fit.

PART XII.

BURSARIES AND LOANS.

1. The Minister may, out of funds provided by Parliament annually, make an amount available for the granting at the discretion of the Department, of bursaries and loans to students following courses at declared institutions.
2. (a) Such loans may be made only to students undergoing training as teachers with a view to obtaining a teachers' or instructors' certificate or diploma.
- (b) Such bursaries may be awarded only to students following such courses as the Secretary may approve.
3. Loans or bursaries granted under Regulation 2 shall not exceed such amounts as may be determined by the Secretary in consultation with the Treasury.
4. No loan or bursary shall be granted to a student:—
 - (i) If in the opinion of the Department he is not in need of pecuniary assistance to be able to prosecute his studies;
 - (ii) who does not produce satisfactory proof of habits of application and generally of merit and good conduct.
5. Loans and bursaries shall ordinarily be granted for a calendar year and subject to satisfactory reports of progress and good conduct, may be renewed from year to year. A loan or bursary may be withdrawn at any time if the diligence, behaviour or progress of the holder is unsatisfactory.
6. (a) A student to whom a loan is granted in terms of paragraph (a) of regulation No. 2 of this Part shall sign an agreement in the form required by the Department, undertaking to repay the full amount of the loan during such period and in such instalments as may be determined by the Department.
- (b) Interest at such rate as may be determined by the Treasury, shall be payable on the total value of the loan from the day on which the student assumes duty in the service of the Department or of any other employer.
- (c) The Department may call upon a student to whom a loan has been granted in terms of paragraph (a) of regulation No. 2 of this Part forthwith to repay the full amount still due in terms of the agreement mentioned in paragraph (a) hereof plus 5 per cent per annum interest, plus the amount of any bursary granted in terms of paragraph (b) of regulation No. 2 of this Part—
 - (i) if, without sufficient cause he fails within a reasonable time to complete his course; or
 - (ii) if, having completed his course, and having been appointed as a teacher or instructor in an institution under the control of the Department, he fails to serve continuously in such capacity for a period at least as long as the duration of the course for which the loan was granted; or
 - (iii) if, having been offered a post as a teacher or instructor in the Department within a reasonable time before or after the completion of the course, he refuses to accept such appointment or accepts

of 'n betrekking by 'n ander werkgewer aanvaar sonder dat hy eers die goedkeuring van die Departement daartoe verkry het.

(d) Vir die toepassing van hierdie regulasie word 'n huwelik nie beskou as 'n redelike grond vir versuim om die kursus te voltooi of om 'n pos te aanvaar of om in diens vir die tydperk soos ooreengekom aan te bly nie, en, in die geval van vroue, hetsy hulle studente of onderwyseresse of instruktises is, word 'n huwelik, voordat terugbetaling van die bedrag van die lening geskied het, as kontrakbreuk beskou.

7. Die Departement kan, in enige geval waar die omstandighede dit na sy mening regverdig, aan 'n student op versoek vryskelding van of wysiging van die voorwaardes van die ooreenkoms, in regulasie 6 van hierdie Deel genoem, verleen.

DEEL XIII.

VERSLAE EN REKENINGE.

1. Die raad moet vir elke kalenderjaar voor of op 31 Maart in die daaropvolgende jaar 'n verslag oor die werksaamhede van 'n inrigting, vergesel van 'n geouditeerde finansiële staat, aan die Minister verstrek.

Die finansiële staat moet 'n balansstaat soos op 31 Desember en 'n inkomste- en uitgawerekening vir die jaar insluit.

Die Minister kan 'n vorm vir hierdie rekening voorskryf en 'n sertifikaat van 'n ouditeur vir die nakoming van die regulasies vereis.

DEEL XIV.

LENINGS EN VERSEKERING VAN EIENDOM.

1. Die raad moet alle geboue en ander eiendom wat aan verlies deur brand blootgestel is, by 'n deur die Sekretaris goedgekeurde maatskappy of maatskappye teen brandverlies verseker en verseker hou, en in die geval van eiendom waarop 'n spesiale verband is as gevolg van 'n lening kragtens die Wet toegestaan, moet so 'n polis of polisse as 'n addisionele waarborg vir die lening behoorlik aan die Regering afgestaan word.

2. Alle transaksies vir die verkryging van eiendom en vir die oprigting van geboue en vir die uitvoering van die werk waarvoor 'n staatslening kragtens die Wet toegestaan is, moet tot bevrediging van die Minister aangegaan word.

3. Die Minister kan sodanige instruksies as wat hy nodig of wenslik mag ag, betreffende die prosedure wat vir 'n aansoek om en ander reëlings in verband met enige lening gevolg moet word, uitvaardig.

4. Alle geboue en ander waarborge wat gegee is in verband met enige lening ingevolge die Wet, moet tot bevrediging van die Minister of sy verteenwoordiger in stand en goeie staat van herstel gehou word.

5. Geen staatslening word toegestaan in verband met 'n tehuis wat nie onder die raad van die inrigting staan nie.

DEEL XV.

1. Hierdie regulasies tree in werking op 1 April 1953.

a post with an employer other than the Department, without first having obtained the permission of the latter.

(d) For the purposes of this regulation marriage shall not be regarded as a reasonable cause for failure to complete the course or to accept a post or to continue in employment for the period agreed upon, and, in the case of women, whether they be students or teachers or instructresses, marriage before repayment of the full amount of the loan shall constitute a breach of contract.

7. The Department may at the request of the student grant exemption from or modify the terms of the agreement referred to in regulation No. 6 of this Part in any case where in its opinion the circumstances justify such exemption or modification.

PART XIII.

REPORT AND ACCOUNTS.

1. The Council shall present to the Minister a report on the work of the institution for each calendar year not later than 31st March in the following year, accompanied by an audited financial statement for the same period.

The financial statement shall include a balance sheet as at 31st December and an income and expenditure account for the year.

The Minister may prescribe a form for this account and may require an auditor's certificate of the observance of any regulation.

PART XIV.

LOANS AND INSURANCE OF PROPERTY.

1. The Council shall insure and keep insured against loss by fire with an insurance company or companies approved by the Secretary all buildings and any other property liable to loss by fire, and, in the case of property specially mortgaged under any loan granted under the Act, shall duly cede such policy or policies to the Government as collateral security for the loan.

2. All transactions for the acquisition of property and for the erection of buildings, and for the carrying out of work which are the subject of a Government loan under the Act, shall be to the satisfaction of the Minister.

3. The Minister may issue such instructions as he may deem necessary or desirable as to the procedure to be followed in regard to the application for and other arrangements in connection with any loan.

4. The council shall maintain and keep in good repair to the satisfaction of the Minister or his representative all buildings and other security given in respect of any loan under the Act.

5. No Government loan shall be granted in respect of any hostel not vested in the council of the institution.

PART XV.

1. These regulations shall come into operation on the 1st April, 1953.

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