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GOVERNMENT NOTICES

DEPARTMENT OF EDUCATION

No. 1 **6 January 1995**

PENINSULA TECHNIKON: STATUTES

TECHNIKON ACT, 1993

The Council of the Peninsula Technikon has, under section 18 of the Technikon Act, 1993 (Act No. 125 of 1993), with the approval of the Minister of Education, drafted the Statute in the Schedule:

SCHEDULE

PENINSULA TECHNIKON: STATUTES

1. Definitions

In this Schedule any word or expression to which a meaning has been assinged in the Act shall have that meaning unless the context otherwise indicates–

"Act" means the Technikons Act, 1993 (Act No. 125 of 1993);

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

"consultative forum" means a meeting of representatives from the various staff and student bodies at the Technikon;

"day of rest" means—

(a) in the case of an employee who normally does not work on such a day, a Sunday or public holiday; or

(b) in the case of an employee who normally works on a Sunday or a public holiday, such other day as he or she is normally releived from duty *in lieu* thereof;

GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN ONDERWYS

No. 1 **6 Januarie 1995**

TECHNIKON SKIEREILAND: STATUTE

WET OP TECHNIKONS, 1993

Die Raad van die Technikon Skiereiland het kragtens artikel 18 van die Wet op Technikons, 1993 (Wet No. 125 van 1993), met die goedkeuring van die Minister van Onderwys, die Statute in die Bylae opgestel:

BYLAE

TECHNIKON SKIEREILAND: STATUTE

1. Woordomskrywing

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

"adviserende forum" 'n vergadering van verteenwoordigers van die verskillende personeel en studente liggame van die Technikon;

"beëindiging van diens" alle kategorieë van diensbeëindiging soos in die Reëls omskryf;

"deeltydse werknemer" 'n werknemer wat benodig word om gedeeltelik uitvoering te gee aan die pligte van 'n besondere pos of om pligte te vervul wat nie 'n heeltydse werknemer benodig nie en wat óf 'n vaste tarief per uur betaal word óf as vergoeding 'n gedeelte van die salaris ontvang wat gewoonlik betaal word ooreenkomstig die betrokke skaal;

"**donor**" means any body or person who donates an aggregate amount in cash or kind of not less than R5 000 or who has undertake to donate such an amount to the Technikon in regular instalments over a period of not more than four years and who is not in arrears with his or her instalments;

"**employee**" means a person employed full-time or part-time in a permanent or temporary capacity at the Technikon and includes the Principal;

"**incremental period**" means a period of 12 months or any other approved period that must elapse in regard to any employee before his or her salary may be increased in accordance with the range applicable to him or her;

"**month**" means a period extending from a date in any one calendar month to the date preceding the corresponding date in the following calendar month, both dates inclusive;

"**part-time employee**" means an employee who is required in partial fulfilment of a particular position or to fulfill duties that do not require a full-time employee and who receives either a fixed rate per hour or a proportion of the salary normally paid in terms of the relevant scale;

"**permanent employee**" means a person appointed permanently at the Technikon by the Council and a person who is deemed to have been so appointed even though he or she may have been appointed—

(a) on probation; or

(b) in a post intended for a person of a rank higher or lower than his or her own rank;

"**recess period**" means the period between the closure of the Technikon in December and the reopening in January in a subsequent year;

"**salary increment**" means the approved amount by which a salary is increased in accordance with the appropriate scale;

"**sick leave cycle**" means a period of three calendar years reckoned from 1 January 1983 and each succeeding period of three years;

"**staff member**" includes both a permanent or temporaty employee in full-time employment of the Technikon;

"**Sunday**" means—

(a) in the case of an employee who does not normally work on such a day, also a public holiday mentioned in the Second Schedule to the Public Holidays Act, 1952 (Act No. 5 of 1952); or

"**donateur**" 'n liggaam of 'n persoon wat 'n globale bedrag in kontant of goed van nie minder nie as R5 000 aan die Technikon skenk of wat onderneem het om 'n bedrag van nie minder nie as R5 000 aan die Technikon te skenk in gereelde paaiemente oor 'n tydperk van nie meer as vier jaar en wie se paaiemente nie agterstallig is nie;

"**doserende onderwys- en navorsingspersoneel**" enige persoon wat 'n pos beklee wat die Raad beskou as 'n pos met akademiese status in die Technikon;

"**inkrementele periode**" 'n tydperk van 12 maande of enige ander goegekeurde tydperk wat ten opsigte van 'n werknemer moet verloop voordat sy of haar salaris verhoog kan word in ooreenstemming met die skaal wat op hom of haar van toepassing is;

"**kalendermaand**" 'n tydperk wat van die eerste tot en met die laaste dag van enige een van die 12 maande van een jaar strek, beide dae ingesluit;

"**maand**" 'n tydperk wat strek van 'n dag in 'n maand tot en met 'n dag wat die dag voorafgaan wat numeries ooreenstem met daardie dag in die volgende maand, beide dae insluit;

"**permanente werknemer**" 'n persoon wat deur die Raad permanent aangestel is by die Technikon of wat beskou word om as sodanig aangestel te wees selfs as so 'n persoon aangestel is—

(a) vir 'n proeftydperk; of

(b) in 'n pos bedoel vir 'n persoon met 'n rang hoër of laer as sy of haar eie;

"**personeellid**" 'n permamente of 'n tydelike werknemer wat heeltyds in die diens van die Technikon is;

"**reses**" 'n tydperk wat tussen die sluiting van die Technikon in Desember en die heropening in Januarie van 'n daaropvolgende jaar;

"**rusdag**"—

(a) in die geval van 'n werknemer wat gewoonlik nie op sodanige dag werk nie, 'n Sondag of 'n openbare vakansiedag; of

(b) in die geval van 'n werknemer wat gewoonlik op 'n Sondag of 'n openbare vakansiedag werk, sodanige ander dag as waarop hy of sy normaalweg van sy of haar pligte onthef word in die plek van 'n vakansiedag;

"**salarisverhoging**" die goedgekeurde bedrag waarmee 'n salaris verhoog word in ooreenstemming met die toepaslike skaal;

"**siekteverlof-siklus**" 'n tydperk van drie kalenderjare bereken vanaf 1 Januarie 1983 en elke daaropvolgende tydperk van drie jaar;

"**Sondag**"—

(a) in die geval van 'n werknemer wat nie gewoonlik op so 'n dag werk nie, ook 'n openbare vakansiedag soos bedoel in die Tweede Skedule tot die Wet op Openbare Vakansiedae, 1952 (Wet No. 5 van 1952); of

(b) in the case of an employee who normally works on a Sunday or on such public holiday or such other day, or any other day decreed by Council to be a technikon holiday, as the employee is normally relieved from duty *in lieu* thereof;

"teaching an research staff" means any person who occupies a post that the Council regards as a post with academic status in the Technikon;

"technikon day" means a day on which the Technikon is open to the public for business;

"technikon qualification" means a qualification that is certified by the Certification Council for technikon education;

"technikon vacation" means the period between two consecutive technikon terms;

"temporary employee" means an employee who is appointed for a fixed period or term in a position that it is assumed will cease to exist at the end of such fixed period or term;

"termination of service" means all the categories of termination as described in the Rules.

CHANCELLOR

2. Powers, privileges and functions

The Chancellor is the titular head of the Technikon and shall confer all certificates on behalf of the Technikon.

3. Term of office

(1) The Chancellor shall hold his or her office for a period of four (4) years unless he or she in writing tenders his or her resignation to the Council or for any reason vacates his or her office before the expiration of his or her term.

(2) The Chancellor may be removed from office by a resolution of at least seventy-five (75%) percent of all members of the Council on account of misconduct, incapacity to carry out his or her oficial duties or any other reason that the Council deems adequate.

4. Election

(1) The Chairperson of the Council or his or her plenipotentiary shall, subject to the provisions of subsections (6) and (7), determine the date on which a meeting of the Council is to be held for the purpose of electing a Chancellor: Provided that such a meeting shall be held within ninety (90) days after the office of the Chancellor becomes vacant.

(2) The secretary to the Council shall, at least two months but not more than four months prior to the expiry of the term of office of the Chancellor, give due notice to every member of the Council of the date, place and time of such a meeting and shall also invite each constituent body of the consultative forum to submit the names of a maximum of three (3) persons for the position of Chancellor. The consultative forum shall consider all the submissions and nominate three names for submission, together with a motivation on a

(b) in die geval van 'n werknemer wat gewoonlik op 'n Sondag of op sodanige openbare vakansiedag werk, sodanige ander dag, of enige dag wat deur die Raad tot 'n technikon-vakansiedag verklaar is waarop die werknemer gewoonlik van sy of haar pligte onthef word;

"technikon-dag" 'n dag waarop die Techikon vir die publiek oop is vir sake;

"technikon-kwalifikasies" kwalifikasies wat gesertifiseer is deur die sertifiseringsraad vir technikononderwys;

"technikon-vakansie" 'n tydperk tussen twee opeenvolgende technikon-kwartale;

"tydelike werknemer" 'n werknemer wat vir 'n bepaalde tydperk of termyn aangestel is in 'n posisie ten opsigte waarvan aangeneem word dat dit ten einde sal loop aan die einde van so 'n bepaalde tydperk of kwartaal;

"werknemer" 'n persoon wat heeltyds of deeltyds in 'n permanente of tydelike hoedanigheid in die diens van die Technikon is;

"Wet" die Wet op Technikons, 1993 (Wet No. 125 van 1993).

KANSELIER

2. Magte, voorregte en funksies

Die Kanselier is die titulêre hoof van die Technikon en sal alle sertifikate diplomas en grade namens die Technikon toeken.

3. Ampstermyn

(1) Die Kanselier beklee sy of haar amp vir 'n tydperk van vier (4) jaar tensy hy of sy voor die verstryking van sy of haar termyn sy of haar skriftelike bedanking by die Raad indien of hy of sy om enige rede die amp ontruim.

(2) Die Kanselier kan uit die amp verwyder word deur 'n besluit van minstens vyf en sewentig persent (75%) van die lede van die Raad as gevolg van wangedrag, onvermoë om sy of haar amptelike pligte uit te voer of weens enige ander rede wat deur die Raad as voldoende beskou word.

4. Verkiesing

(1) Die Voorsitter van die Raad, of sy of haar gevolmagtigde bepaal, behoudens die bepalings van subartikels (6) en (7), die datum waarop 'n vergadering van die Raad gehou sal word vir die verkiesing van 'n Kanselier: Met dien verstande dat so 'n vergadering gehou sal word binne negentig (90) dae nadat die amp van die Kanselier vakant geraak het.

(2) Die sekretaris van die Raad sal minstens twee maande, maar nie meer as vier maande nie, voor die verstryking van die ampstermyn van die Kanselier, kennis aan elke lid van die Raad gee van die datum, plek en tyd van so 'n vergadering en moet ook daarby 'n uitnodiging aan elke konstituerende liggaam van die adviserende forum rig om 'n maksimum van drie (3) nominasies vir die amp van Kanselier voor te lê. Die adviserende forum sal al die voorleggings oorweeg en drie name nomineer vir voorlegging, vergesel van 'n motivering op 'n vorm deur die Prinsipaal goedgekeur,

form approved by the Principal, to the Academic Board for consideration and submission to the Council: Provided that any member of the Council or the Academic Board shall be at liberty to supplement the information on the prescribed form by the submission of additional information.

(3) The completed documents for the nomination of candidates shall reach the secretary of the Council at least twenty-one (21) days before the date of the meeting.

(4) The secretary of the Council shall, within three (3) days after the closing date for nominations, give due notice to every member of the Council of the nominations received.

(5) No person shall be elected to the office of Chancellor unless he or she has been nominated, with his or her written consent, by the consultative forum.

(6) The Council shall elect a Chancellor by secret ballot and each member of the Council shall have only one (1) vote during each ballot.

(7) A candidate shall be elected to the office of Chancellor by at least seventy-five (75%) percent of the votes of all members of the Council present.

(8) A series of ballots shall be held if no candidate gains a seventy-five (75%) majority in the first ballot.

(9) In each successive round of balloting a candidate with the least support in the previous ballot shall be eliminated as candidate.

(10) If only two candidates remain, a majority vote shall decide the outcome.

(11) When the Chancellor has been elected, the name of such Chancellor shall be announced by the Chairperson of the Council.

5. Vacancy

If the office of Chancellor becomes vacant or the Chairperson of the Council receives the Chancellor's written resignation, the secretary of the Council shall, within fourteen (14) days of the occurrence of the vacancy or of the receipt of the resignation, as the case may be, give due notice to each member of the Council of such vacancy or resignation and call for nominees.

PRINCIPAL

6. Powers, privileges and functions

(1) The Principal shall, as Chief Executive and Academic Officer of the Technikon, exercise general supervision over the Technikon.

(2) The Principal shall be the Chairperson and Chief Executive Officer of the Academic Board, and *ex officio* a member of all committees of Council and of the Academic Board and of all Joint Committees of Council and the Academic Board.

(3) An Acting Principal shall be appointed by the Executive Committee of the Council for periods of absence of the Principal exceeding seven (7) days, other than periods of absence for normal leave purposes, but excluding periods of sick or special leave, and such an Acting Principal shall have the powers, privileges and functions of the Principal.

aan die Akademiese Raad in oorweging en voorlegging aan die Raad: Met dien verstande dat enige lid van die Raad, of van die Akademiese Raad vry is om 'n byvoegsel met addisionele inligting tot die voorgeskrewe vorm in te dien met voorlegging van name as hy of sy so verkies.

(3) Die voltooide dokumente vir die nominasies van kandidate moet die sekretaris van die Raad minstens een-en-twintig (21) dae voor die datum van die vergadering bereik.

(4) Die sekretaris van die Raad sal binne drie (3) dae na die sluitingsdatum van die nominasies behoorlik kennis gee aan elke lid van die Raad van die nominasies wat ontvang is.

(5) Geen persoon word tot die amp van Kanselier verkies nie tensy hy of sy met sy of haar geskrewe verlof deur die adviserende forum genomineer is.

(6) Die Raad verkies die Kanselier deur middel van geheime stembriewe en elke lid van die Raad het slegs een (1) stem by elke verkiesing.

(7) 'n Kandidaat word verkies tot die amp van Kanselier slegs indien die stemme van minstens vyf-en-sewentig persent (75%) van al die lede van die Raad teenwoodig op hom of haar verenig is.

(8) 'n Reeks stemmings word gehou indien een kandidaat 'n vyf-en-sewentig persent (75%) meerderheid in die eerste stemming behaal nie.

(9) In elke agtereenvolgende ronde van stemming word die kandidaat met die laagste stemmetal in die vorige stemming weggelaat as kandidaat.

(10) Indien net twee kandidate oorbly, word die uitslag deur 'n meerderheidstemtal bepaal.

(11) Wanneer die Kanselier verkies is, word die naam van sodanige Kanselier aangekondig deur die Voorsitter van die Raad.

5. Vakature

Indien die amp van die Kanselier vakant raak, of die Voorsitter van die Raad die kanselier se geskrewe bedanking ontvang, moet die Sekretaris van die Raad binne veertien (14) dae na die ontstaan van die vakature, of ontvangs van bedanking, wat ook al die geval mag wees, behoorlike kennis gee aan elke lid van die Raad van sodanige vakature of bedanking.

PRINSIPAAL

6. Magte, voorregte en funksies

(1) Die Prinsipaal, as hoof-uitvoerende gesag en akademiese amptenaar van die Technikon, moet algemene toesig uitoefen oor die Technikon.

(2) Die Prinsipaal is die Voorsitter en die Hoof Uitvoerende Beampte van die Akademiese Raad, en is *ex officio* 'n lid van alle komitees van die Raad, van die Akademiese Raad en alle Gesamentlike Komitees van die Raad en die Akademiese Raad.

(3) 'n Waarnemende Prinsipaal moet deur die Uitvoerende Komitee van die Raad aangestel word vir tye wanneer die Prinsipaal afwesig is vir meer as sewe (7) dae, behalwe tye van afwesigheid vir normale verlof, maar met uitsluiting van tye van siekte- of spesiale verlof, en sodanige Waarnemende Prinsipaal sal die magte, voorregte en funksies van die Prinsipaal hê.

7. Term of office

The term of office of the Principal shall expire at the normal retirement age of the academic staff of the Technikon: Provided that the Council may extend the appointment beyond such age limit by not more than five (5) years.

8. Election and appointment

(1) The Secretary of the Council shall, subject to the provisions of section 7, at least three (3) months before the retirement of the Principal or, if the office becomes vacant for any reason, within fourteen (14) days of the occurrence of the vacancy, give due written notice to every member of the Council of the vacancy.

(2) The Council shall establish a committee as contemplated in section 21 of the Act for selecting and appointing a new Principal.

(3) The Secretary of the Council shall *ex officio* be the secretary to the committee contemplated in subsection (2).

(4) The Secretary of the Council shall on instruction advertise the post of Principal in a national newspaper.

(5) The Secretary of the Council shall within five (5) days after the closing date for applications call a meeting of the special committee to finalize a shortlist of candidates for the office of the Principal and arrange for a personal interview with every candidate whose name appears on the shortlist.

(6) The committee shall, after it has held a personal interview with every candidate whose name appears on the shortlist, propose one candidate for appointment to the office of the Principal to the Council at an ordinary meeting of the Council: Provided that the names of all applicants and the shortlist shall also be submitted to the Council.

(7) The Council shall vote, by secret ballot, on the appointment of the proposed candidate to the office of the Principal and a simple majority shall carry the proposal.

(8) If a simple majority cannot be obtained, the Council shall vote, by secret ballot, for the candidates whose names appear on the shortlist.

(9) Each member of the Council shall have only one vote during each ballot.

(10) A series of ballots shall be held if no candidate gains a simple majority in the first ballot.

(11) In each successive round of balloting the candidate with the least support in the previous ballot shall be eliminated as candidate.

(12) The successful candidate shall be informed, in writing, by the Chairperson of the Council of his or her appointment.

(13) If no candidate is successful, the secretary shall re-advertise the post in a newspaper which is distributed nationally.

7. Ampstermyn

Die ampstermyn van die Prinsipaal sal verstryk op die normale aftrede-ouderdom van akademiese personeel van die Technikon: Met dien verstande dat die Raad die aanstelling mag verleng vir 'n tydperk van nie langer nie as vyf (5) jaar na sodanige ouderdomsperk bereik is.

8. Verkiesing en aanstelling

(1) Die sekretaris van die Raad moet, behoudens die bepalings van artikel 7, minstens drie (3) maande vóór die aftrede van die Prinsipaal, of indien die amp om ander rede vakant raak, binne veertien (14) dae vanaf die ontstaan van die vakature, skriftelike kennis van die vakature aan elke lid van die Raad gee.

(2) Die Raad stel 'n komitee soos bedoel in artikel 21 van die Wet in om 'n nuwe prinsipaal te verkies en aan te stel.

(3) Die Sekretaris van die Raad is *ex officio* die Sekretaris van die komitee in subartikel (2) bedoel.

(4) Die Sekretaris van die Raad moet, wanneer daar opdrag gegee, die pos van Prinsipaal adverteer in 'n nasionale koerant.

(5) Die Sekretaris van die Raad moet binne vyf (5) dae na die sluitingsdatum vir aansoeke 'n vergadering van die komitee byeenroep om 'n kortlys van kandidate vir die amp van Prinsipaal te finaliseer en 'n persoonlike onderhoud met elke kandidaat wie se naam op die kortlys verskyn te reël.

(6) Die komitee moet, nadat 'n persoonlike onderhoud met elke kandidaat wie se naam op die kortlys verskyn, gevoer is, een kandidaat voorstel vir die aanstelling tot die amp van Prinsipaal tot die Raad by 'n gewone vergadering van die Raad: Met dien verstande dat die name van alle applikante, en die kortlys, ook aan die Raad voorgelê moet word.

(7) Die Raad stem met geheime stembriewe vir die aanstelling van die voorgestelde kandidaat in die amp van Prinsipaal, en die voorstel moet met 'n gewone meerderheid aanvaar word.

(8) As 'n gewone meerderheid nie bereik kan word nie moet die Raad met geheime stembriewe stem vir die kandidate wie se name op die kortlys verskyn.

(9) Elke lid van die Raad het slegs een stem gedurende die stemming.

(10) As een kandidaat nie 'n gewone meerderheid kry in die eerste stemming nie moet daar 'n reeks stemmings wees.

(11) In elke opeenvolgende ronde van stemming sal die kandidaat met die minste ondersteuning in die vorige stemming uitgeskakel word as kandidaat.

(12) Die suksesvolle kandidaat moet skriftelik ingelig word van sy of haar aanstelling deur die voorsitter van die Raad.

(13) As geen kandidaat suksesvol is nie moet die sekretaris weer die pos in 'n koerant wat nasionaal versprei word, adverteer.

9. Vacancy

If the office of Principal becomes vacant or the Chairperson of the Council receives the Principal's written resignation, the Secretary of the Council shall, within fourteen (14) days of the occurance of the vacancy or of the receipt of the resignation, as the case may be, act in accordance with section 8.

10. Conditions of service

The conditions of service of the Principal shall be negotiated with the Principal by a committee of the Council appointed under section 21 of the Act.

VICE-PRINCIPALS

11. Appointment of vice-principals

(1) If the office of a vice-principal becomes vacant the same procedure, provided for the filling of the post of principal in paragraph 8 shall *mutatis mutandis* apply.

(2) The term of office of a vice-principal shall be determined by the Council at the time of the appointment of the vice-principal.

COUNCIL

12. Chairperson and Vice-Chairperson

(1) The members of Council shall, subject to section 16 (5) of the Act, elect from amongst its members a Chairperson and Vice-Chairperson who shall each hold office for a period of two (2) years, or for such shorter period as he or she may be a member of the Council.

(2) The election procedure shall be as follows:

(a) Nominations for Chairperson or Vice-Chairperson of the Council shall be given in writing to the Secretary to the Council;

(b) if more than one candidate is nominated as Chairperson or Vice-Chairperson, voting shall be by secret ballot and each member of the Council shall have only one (1) vote during a ballot;

(c) a candidate may be elected Chairperson or Vice-Chairperson of the Council only by at least a seventy-five percent (75%) majority of the members present at the meeting of the Council;

(d) a series of ballots shall be held if no candidate gains a seventy-five percent (75%) majority in the first ballot;

(e) in each successive round of balloting the candidate with the least support in the previous ballot shall be eliminated as candidate;

(f) if only two candidates remain, a majority vote shall decide the outcome.

(3) Whenever a vacancy in the office of Chairperson or Vice-Chairperson is about to occur by effluxion of time, the Secretary of the Council shall give notice thereof in writing to all members of the Council at least twenty-one (21) days before the last ordinary meeting of the Council before the expiration of such period of office is to be held and the Council shall, at that ordinary meeting, appoint a successor for a term of two (2) years from the date following the day on which the

9. Vakature

Indien die amp van Prinsipaal vakant word, of die Voorsitter van die Raad die Prinsipaal se skriftelik bedanking uit die pos ontvang, moet die Sekretaris binne veertien (14) dae vanaf die ontstaan van die vakature, of ontvangs van die bedanking, wat ookal die geval mag wees, optree ooreenkomstig artikel 8.

10. Diensvoorwaardes

Die diensvoorwaardes van die Prinsipaal sal onderhandel word met die Prinsipaal deur 'n komitee van die Raad kragtens artikel 21 van die Wet benoem.

VISEPRINSIPAAL

11. Aanstelling van viseprinsipaal

(1) Indien die amp van die viseprinsipaal vakant raak, geld dieselfde prosedure as vir die vul van die amp van prinsipaal in paragraaf 8 *mutatis mutandis.*

(2) Die ampstermyn van die viseprinsipaal word by die aanstelling van die viseprinsipaal deur die Raad bepaal.

RAAD

12. Voorsitter en Visevoorsitter

(1) Die lede van die Raad moet, kragtens artikel 16 (5) van die Wet, 'n Voorsitter en 'n Visevoorsitter kies uit die lede, welke persoon die amp vir twee (2) jaar of sodanige korter tyd as wat hy of sy lid van Raad bly beklee.

(2) Die verkiesingsprosedure is soos volg:

(a) Nominasies vir die Voorsitter of Visevoorsitter van die Raad moet skriftelik ingedien word by die Sekretaris;

(b) indien meer as een kandidaat vir Voorsitter of Visevoorsitter genomineer word, moet die stemming deur geheime stembriewe geskied en elke lid van die Raad het slegs een (1) stem gedurende 'n stemming;

(c) 'n kandidaat kan verkies word tot Voorsitter of Visevoorsitter van die Raad met ten minste 'n vyf-en-sewentig persent (75%) meerderheid van die lede teenwoordig by 'n vergadering van die Raad;

(d) 'n reeks stemmings moet gehou word indien sal wees as geen kandidaat 'n vyf-en-sewentig persent (75%) meerderheid kry tydens die eerste stemming nie;

(e) in elke opeenvolgende ronde van stemming word die kandidaat met die minste ondersteuning in die vorige stemming uitgeskakel as kandidaat;

(f) indien net twee kandidate oorbly, beslis 'n meerderheid stemme die uitslag.

(3) Indien 'n vakature vir die amp van Voorsitter of Visevoorsitter onstaan as gevolg van 'n voltooide dienstydperk gee die Sekretaris van die Raad minstens 21 dae voor die beoogde datum en die laaste gewone vergadering van die Raad voor die verstryking van die termyn van so 'n amp skriftelik kennis van die vakature aan al die lede van die Raad, en die Raad moet, by daardie gewone vergadering, 'n opvolger aanwys vir 'n tydperk van twee (2) jaar vanaf die datum wat volg op die datum waarop die vorige Voorsitter of

retiring Chairperson's or Vice-Chairperson's term expires: Provided that, if the Secretary is a candidate, the Council shall appoint a temporary Secretary until the new Chairperson is elected.

(4) The retiring Chairperson or Vice-Chairperson shall be eligible for re-election.

(5) If a vacancy occurs in the office of the Chairperson or Vice-Chairperson for any reason other than effluxion of time, the Secretary of the Council shall give notice thereof in writing to the members of the Council, and the Council shall, at its first ordinary meeting thereafter, which shall be held at least twenty-one (21) days after such notification, elect some other member as the Chairperson or the Vice-Chairperson, as the case may be, who shall hold office for the unexpired period of notice of his or her predecessor.

13. Secretary

(1) The Council shall appoint a Secretary of the Council.

(2) The Principal may assign any other administrative member of the staff to assist the Secretary or to act in his or her place.

(3) The Secretary shall act as electoral officer of the Council.

(4) The Secretary shall attend all meetings of the Council and may take part in discussions as well as vote if he or she is a member of the Council.

14. Meetings

(1) A quorum shall consist of that number of members which is the smallest whole number greater than half of the total number of members.

(2) The Secretary of the Council shall, at least ten (10) days before the date contemplated for a meeting, give notice in writing to each member of the Council, setting forth the business to be dealt with as well as the time and place of such a meeting.

(3) Notice of matters for consideration shall be submitted to the Secretary of the Council at least five (5) days before the date on which he or she is required to give notice of the meeting: Provided that a member may raise matters of an urgent nature at the meeting without previous notice if he or she procures the consent of at least seventy-five percent (75%) of the members present.

(4) An extraordinary meeting of the Council may be called by the Chairperson of the Council whenever he or; if she deems it necessary, and shall be called by him or her if requested to do so in writing by any five members, the object of the meeting being stated clearly in the request.

(5) No matters other than that for which an extraordinary meeting was called, shall be transacted at such meeting, except with the consent of the meeting granted on any unoppossed motion.

(6) The Council may invite persons who are not members to attend meetings and such persons may take part in the discussions but shall not vote.

Visevoorsitter se ampstermyn verstryk: Met dien verstande dat indien die Sekretaris 'n kandidaat is, die Raad 'n tydelike Sekretaris moet aanstel tot 'n nuwe Voorsitter verkies is.

(4) die uittredende Voorsitter of Visevoorsitter sal herkiesbaar wees.

(5) Indien 'n vakature ontstaan vir die amp van die Voorsitter of die Visevoorsitter om enige ander rede as die verstryking van die ampstermyn, gee die Sekretaris van die Raad skriftelik daarvan kennis aan die lede van die Raad, en die Raad moet by die eersvolgende gewone vergadering wat minstens een-en-twintig (21) dae na so 'n kennisgewing gehou moet word, 'n ander lid verkies as die Voorsitter of Visevoorsitter, wat die geval ook al mag wees, en die persoon beklee die amp in die onverstrykte deel van die termyn van sy of haar voorganger.

13. Sekretaris

(1) Die Raad moet 'n Sekretaris van die Raad aanwys.

(2) Die prinsipaal mag enige ander administratiewe personeellid aanwys om die Sekretaris by te staan of om in sy of haar plek waar te neem.

(3) Die Sekretaris sal optree as die verkiesingsbeampte van die Raad.

(4) Die Sekretaris moet al die vergaderings van die Raad bywoon, kan aan besprekings deelneem en mag ook stem as hy of sy 'n lid van die Raad is.

14. Vergaderings

(1) 'n Kworum bestaan uit daardie getal lede wat die kleinste heelgetal is wat groter as die helfte van die totale getal lede.

(2) Die Sekretaris van die Raad gee minstens tien (10) dae voor die beoogde datum van 'n gewone vergadering skriftelik kennis aan elke lid van die Raad, met vermelding van die sake wat behandel moet word, asook die tyd en plek van sodanige vergadering.

(3) Kennisgewing van sake vir oorweging moet aan die Sekretaris van die Raad voorgelê word minstens (5) dae voor die datum waarop hy of sy verplig word om kennis te gee van die vergadering: Met dien verstande dat 'n lid dringende sake mag voorlê by die vergadering sonder vooraf kennisgewing indien hy of sy die toestemming verkry van minstens vyf-en-sewentig persent (75%) van die lede teenwoordig.

(4) 'n Buitengewone vergadering van die Raad kan byeengeroep word deur die Voorsitter van die Raad indien hy of sy dit as noodsaaklik beskou, en moet deur hom of haar byeengeroep word indien hy of sy skriftelik daartoe versoek is deur enige vyf lede en die doel van die vergadering duidelik uiteengesit word in die versoek.

(5) Geen ander sake, as dit waarvoor die vergadering byeengeroep is, word by 'n buitengewone vergadering behandel nie, behalwe indien die vergadering daartoe toestem deur middel van 'n onbestrede mosie.

(6) Die Raad mag persone wat nie lede is nie toelaat om vergaderings by te woon en sodanige persone mag aan besprekings deelneem maar mag nie stem nie.

15. Minutes of Council meetings

(1) The Secretary of the Council shall keep minutes of each meeting of the Council and shall include such minutes in the agenda of the next meeting of the Council.

(2) The first act of an ordinary meeting of the Council, after it has been convened, shall be to read and confirm by the signature of the Chairperson the minutes of the last preceding ordinary meeting and of any extraordinary meeting held subsequently: Provided that an objection to the minutes shall be raised and dealt with before confirmation thereof: Provided further that the meeting may take the minutes as read if a copy thereof was sent to each member beforehand.

16. Register of resolutions of Council

The Secretary shall keep available to all members of the Council a complete register of all resolutions adopted by the Council.

17. Discussion of motions

(1) The Chairperson of the Council may allow members to speak more than once to a motion or amendment.

(2) A member may move that the matter under discussion be dealt with in committee and if such a motion is seconded, it shall be put to vote without further discussion and, if the motion is adopted, the Council shall immediately go into closed committee in which no minutes shall be taken.

(3) In such a committee a member may speak more than once on the subject under discussion.

(4) Once a resolution is adopted by a simple majority, only one resolution shall be recorded when Council comes out of committee.

(5) A motion or amendment shall be seconded and, if it is so directed by the Chairperson, a motion or amendment shall be in writing, and no motion or amendment shall be withdrawn without the consent of the proposer, the seconder and the meeting.

18. Voting

(1) Except as otherwise provided in this Statute all matters shall be decided upon by a simple majority of the members present.

(2) The Chairperson shall be a voting member of the meeting and if he or she desires to cast his or her ordinary vote he or she shall do so simultaneously with the general voting and not thereafter.

(3) In the event of a tie, other than described in subsection (4) the Chairperson shall, in addition to his or her ordinary vote, also have a casting vote: Provided that in the case of a vote by secret ballot he or she shall not have a casting vote.

(4) In the event of a tie in a ballot concerning persons, the issue shall be decided by lot.

(5) A tie in the votes shall mean that a motion is rejected unless the Chairperson use his or her casting vote.

15. Notules van Raadsvergadering

(1) Die Sekretaris van die Raad hou notule van elke vergadering van die Raad en sluit sodanige notule in by die agenda van die volgende Raadsvergadering.

(2) Die eerste taak van 'n gewone vergadering van die Raad, is om, nadat dit byeengeroep is, die notule van die vorige gewone vergadering en van enige buitengewone vergadering wat daarna gehou is te lees en deur die handtekening van die Voorsitter, te bevestig: Met dien verstande dat enige beswaar teen die notule by dié geleentheid geopper en afgehandel word voor die goedkeuring daarvan: Met dien verstande voorts dat die vergadering die notule as gelees kan beskou indien 'n afskrif daarvan vooraf aan elke lid gestuur is.

16. Register van besluite van Raad

Die Sekretaris moet 'n volledige register van alle Raadsbesluite wat aanvaar is beskikbaar hou vir alle Raadslede.

17. Bespreking van mosies

(1) Die Voorsitter van die Raad mag lede meer as een spreekbeurt gee om 'n mosie of amendement te bespreek.

(2) 'n Lid kan voorstel dat 'n saak onder bespreking in 'n komitee afgehandel word en as so 'n mosie gesekondeer word, moet sonder verdere bespreking daaroor gestem word en indien die mosie aanvaar word, moet die Raad onmiddellik in geslote komitee gaan en geen notule word hiervan gehou nie.

(3) In sodanige komitee mag 'n lid meer as een spreekbeurt geniet oor die onderhewige saak.

(4) Sodra 'n besluit met 'n gewone meerderheid aanvaar is, word slegs die besluit aangeteken wanneer die Raad uit komitee kom.

(5) 'n Mosie of amendement moet gesekondeer word, en indien die Voorsitter aldus gelas, moet 'n mosie of amendement skriftelik ingedien word, en geen mosie of amendement word teruggetrek sonder die toestemming van die voorsteller, die sekondant en die vergadering nie.

18. Stemming

(1) Behalwe indien in hierdie Statute ander bepaal, word alle sake besluit deur 'n gewone meerderheid van die stemme van die lede teenwoordig.

(2) Die Voorsitter is 'n stemhebbende lid van die vergadering en indien hy of sy so verkies, kan hy of sy sy of haar gewone stem uitbring tegelykertyd met die algemene stemming en nie daarna nie.

(3) In die geval van 'n staking van stemme, anders as beskryf in subartikel (4), het die Voorsitter bo en behalwe sy of haar gewone stem ook 'n beslissende stem: Met dien verstande dat hy of sy in die geval van 'n geheime stemming nie so 'n beslissende stem het nie.

(4) In geval van 'n staking van stemme in 'n verkiesing waar dit oor persone gaan word die saak beslis deur 'n loting.

(5) 'n Staking van stemme beteken dat 'n mosie verwerp is tensy die Voorsitter sy of haar beslissende stem gebruik.

(6) If members present during any vote on a motion abstain from voting, their abstentions shall be recorded.

(7) If it is so decided by the meeting, the number of members voting for or against any motion shall be recorded and, at the request of any member, the Chairperson shall direct that the vote of such member be recorded.

(8) Where at least seventy-five per cent (75%) of all the members of the Council have reached agreement on a matter referred to them by letter or by telegram by the Chairperson without convening a meeting, and have conveyed their resolution by letter or by telegram, such resolution shall be deemed to be a resolution of the Council and shall be recorded in the minutes of the next ordinary meeting.

(9) If a member of the Council is unable to attend a meeting, his or her views on any matter on the agenda concerned may be communicated to the meeting in writing but shall not count as a vote on the matter concerned by such a member.

(10) No member of the Council may participate in the discussion of, or vote on, a matter in which he or she has a direct pecuniary of financial or other material interest unless he or she first discloses the extent of his or her interest and obtains permission of the meeting to participate in the discussion or vote on the matter or both.

(11) If a member of the Council participates without the permission of the Council, in proceedings regarding a matter in which the member does have a pecuniary or financial or other material interest, voting by the Council on such a matter shall be invalid.

19. Ruling by Chairperson

The ruling of the Chairperson on any point of order or procedure shall be binding unless immediately challenged by a member of the Council, in which event such ruling shall be subjected without discussion, to a decision of the Council and such decision shall be final.

20. Framing, amending or rescinding of Statute or Rule

No motion to frame, amend or rescind a Statute or a Rule shall be of force and effect unless adopted by at least seventy-five per cent (75%) of the members present at the meeting.

21. Emergency meetings of Council

(1) An emergency meeting may be called by the Chairperson at any time: Provided that notice shall be given to members in any manner deemed expedient in the circumstances.

(2) Members of the Council shall be notified of the object of an emergency meeting and no business other than that of which members have been notified shall be transacted at such meeting.

(6) Indien teenwoordige lede nie aan 'n stemming vir 'n mosie deelneem nie, word hul weerhouding genotuleer.

(7) Indien die vergadering aldus besluit, word die getal stemme van lede vir of teen enige mosie genotuleer en op versoek van enige lid gelas die Voorsitter dat die stem van sodanige lid genotuleer word.

(8) Indien minstens vyf-en-sewentig persent (75%) van al die lede van die Raad eenstemmigheid bereik het oor 'n saak wat deur die Voorsitter per brief of per telegram na hulle verwys is sonder om 'n vergadering byeen te roep en hulle hul besluit per brief of per telegram aan hom oorgedra het, word sodanige besluit geag 'n besluit van die Raad te wees en word dit genotuleer in die notule van die eersvolgende gewone vergadering.

(9) Indien 'n lid van die Raad nie 'n vergadering kan bywoon nie, kan sy of haar mening oor enige saak op die agenda skriftelik aan die vergadering oorgedra word, maar so 'n verwittiging dien nie as 'n stem oor die betrokke aangeleentheid deur so 'n lid nie.

(10) Geen lid van die Raad mag deelneem aan bespreking of stem in 'n saak waarin hy of sy regstreekse geldelike of finansiële of ander materiële belang het nie, tensy of sy eers die mate van sy of haar belang daarin openbaar maak en die vergunning van die vergadering verkry om aan die bespreking deel te neem of te stem in die saak, of albei.

(11) Indien 'n lid van die Raad sonder die toestemming van die Raad deelneem aan die prosedure van die Raad met betrekking tot 'n saak waarin die lid wel 'n geldelike of finansiële of ander materiële belang het, sal stemming van die Raad oor so 'n saak ongeldig wees.

19. Beslissing deur Voorsitter

Die beslissing van die Voorsitter op enige punt van orde of prosedure-aangeleentheid is bindend tensy dit onmiddellik betwis word deur 'n lid in welke geval sodanige beslissing sonder bespreking vir die besluit van die vergadering voorgehou word welke besluit finaal is.

20. Opstel, wysiging en herroeping van statuut of beslissing

Geen mosie in verband met die opstel, wysiging of herroeping van 'n Statuut of beslissing is van krag tensy dit aanvaar word deur minstens vyf-en-sewentig persent (75%) van die lede teenwoordig by die vergadering nie.

21. Noodvergaderings van Raad

(1) 'n Noodvergadering kan te enige tyd deur die Voorsitter belê word: Met dien verstande dat lede kennis gegee word op enige wyse wat in daardie omstandighede as dienstig beskou word.

(2) Lede van die Raad moet van die doel van die noodvergadering in kennis gestel word en geen ander sake as dié waarvan lede in kennis gestel is, word by die vergadering afgehandel nie.

22. Number of meetings of Council

The Chairperson shall convene a meeting of the Council at the seat of the Technikon at least once in each term.

23. Executive Committee of Council

(1) The Council shall appoint an Executive Committee of the Council consisting of the following:

(a) The Chairperson;

(b) the Vice-Chairperson;

(c) the Principal;

(d) chairpersons of sub-committees of the Council.

(2) The Secretary of the Council shall *ex officio* be the Secretary of the Executive Committee of the Council.

24. Vacancies in Council by effluxion of time

Not less than ninety (90) days before the expiry of the period of office of a member of the Council the Secretary of the Council shall in writing give notice of such expiry to the body or person which elected or designated or nominated such member, in order that such body or person may fill such vacancy in accordance with the provisions of section 26.

25. Casual vacancies on Council

If a member of Council dies or resigns or vacates his or her office for any reason other than the effluxion of time, the secretary of the Council, shall, within thirty (30) days from the date on which such vacancy arose, in writing give notice of such vacancy to the body or person that elected or designated or nominated such member, in order that such body or person may fill such vacancy in accordance with the provisions of section 26.

26. Election of members of Council

(1) Not more than three (3) of the Vice-Principals of the Technikon shall at any one time serve on the Council: Provided that where more than three (3) Vice-Principals have been appointed to the staff of the Technikon, and a choice to be made amongst them to serve on the Council, the term of office of those chosen shall be three (3) or four (4) years: Provided further that, whenever it is necessary for Vice-Principals to be chosen to serve as members of the Council, three (3) of their number shall be determined by lot: Provided further that at the first appointment a system of fair rotation for subsequent cycles of membership shall be decided on by the Council.

(2) The Council shall submit to the Minister the names of persons who could serve the Council and the Technikon, from which the Minister shall make his or her choice.

(3) The Academic Board shall elect two members of the Board as members of the Council in the manner prescribed by the Rules of the Technikon.

(4) The Convocation of the Technikon shall elect one (1) member of the Convocation as a member to the Council in the manner prescribed by the Rules of the Technikon.

22. Aantal vergaderings van Raad

Die Voorsitter moet minstens een keer per kwartaal die Raad byeenroep by die setel van die Technikon.

23. Uitvoerende Komitee van Raad

(1) Die Raad sal 'n Uitvoerende Komitee van die Raad aanwys wat soos volg saamgestel is:

(a) Die Voorsitter;

(b) die Visevoorsitter;

(c) die Prinsipaal;

(d) voorsitters van subkomitees van die Raad.

(2) Die Sekretaris van die Raad is *ex officio* die Sekretaris van die Uitvoerende Komitee van die Raad.

24. Vakatures in Raad by verstryking van termyn

Die Sekretaris van die Raad gee minstens negentig (90) dae voor die verstryking van 'n ampstermyn van enige lid van die Raad skriftelike kennis van sodanige verstryking aan die liggaam of persoon wat so 'n lid verkies het of aangewys het of genomineer het sodat sodanige liggaam of persoon sodanige vakature kan vul ooreenkomstig die bepalings van artikel 26.

25. Toevallige vakature in Raad

Indien 'n lid van die Raad sou sterf of uittree of afstand doen van sy of haar amp vir enige ander rede as die verstryking van termyn, moet die sekretaris van die Raad binne dertig (30) dae vanaf die datum waarop die vakature ontstaan het skriftelik kennis gee van sodanige vakature aan die liggaam of persoon wat sodanige lid verkies of aangewys of genomineer het, sodat sodanige liggaam of persoon sodanige vakature kan vul ooreenkomstig die bepalings van artikel 26.

26. Verkiesing van lede van die Raad

(1) Nie meer as drie (3) van die Viseprinsipaals van die Technikon dien op een tydstip op die Raad nie: Met dien verstande dat waar meer as drie (3) Viseprinsipaals aangestel is op die personeel van die Technikon en 'n keuse tussen hulle vir diens in die Raad gemaak moet word die ampstermyn van die wat gekies word drie (3) of vier (4) jaar moet wees: Met dien verstande verder dat as dit nodig word om Viseprinsipaals te kies as lede van die Raad, drie van die getal deur loting aangewys sal word: Met dien verstande verder dat daar by die eerste aanwysing deur die Raad op 'n stelsel van regverdige rotasie besluit sal word vir daaropvolgende siklusse van lidmaatskap.

(2) Die Raad moet aan die Minister name voorlê van persone wat die Raad en die Technikon kan dien, uit welke geledere die Minister sy of haar keuse maak.

(3) Die Akademiese Raad moet twee (2) lede van die Akademiese Raad kies as lede van die Raad op die wyse wat bepaal word deur die Reëls van die Technikon.

(4) Die Konvokasie van die Technikon moet aan (1) lid van die Konvokasie as lid van die Raad verkies op die wyse wat bepaal word deur die Reëls van die Technikon.

(5) The Council in accordance with section 16 (2) (i) of the Act, shall appoint a maximum of ten (10) members of Council which shall include the following:

(a) One person chosen from the main religions;

(b) one person chosen from a body that represents the educational interests of Technikon students;

(c) one person chosen from a recognized organ of civil society;

(d) one person chosen by a major employee union;

(e) two persons chosen from commerce and industry;

(f) a registered student chosen by the Students' Representative Council;

(g) one person from a local authority;

(h) two persons chosen from professional bodies that serve the interest of the educational programmes of the Technikon.

27. Powers and duties of the Council

The Council shall administer the property of the Technikon and shall, subject to the provisions of the Act and this Statutes, have control of the Technikon and of all its affairs and activities.

28. Membership of Academic Board

Two (2) members of the Council shall serve as representatives of Council on the Academic Board.

29. Term of office of members of Council

The term of office of the members of the Council shall, except for the Principal, be for a period of four (4) years, unless otherwise specified in this Statute: Provided that a year shall commence on the first day of January.

ACADEMIC BOARD

30. Membership

The following persons shall be members of the Academic Board:

(a) The Principal, who is the chairperson;

(b) the Vice-Principals of the Technikon;

(c) the heads of such academic faculties and academic departments and any other person(s) as determined by Council on recommendation of the Academic Board;

(d) the librarian;

(e) the heads of such administrative departments and academic faculties and any other person as determined by Council on recommendation of the Academic Board;

(f) a member nominated by a recognised academic staff body;

(g) two members of Council referred to in section 28 who shall be elected by Council in a manner and for a period prescribed in the Rules;

(h) two students nominated by the Students' Representative Council.

(5) Die Raad sal 'n maksimum van tien (10) lede aanstel ooreenkomstig artikel 16 (2) (i) van die Wet, wat die volgende sal insluit:

(a) Een persoon wat gekies word uit die vernaamste godsdienstige gelowe;

(b) een persoon geksies uit 'n liggaam wat die opvoedkundige belange van Technikon-studente verteenwoordig;

(c) een persoon van 'n erkende orgaan van die burgerlike gemeenskap;

(d) een persoon gekies deur 'n belangrike wernemersvakbond;

(e) twee persone gekies uit die handel en nywerheid;

(f) 'n geregistreerde student wat gekies word deur die Verteenwoordigende Studenteraad;

(g) een persoon uit die plaaslike owerheid;

(h) twee persone gekies uit professionele liggame wat die belange van die opvoedkundige programme van die Technikon sal dien.

27. Magte en pligte van Raad

Die Raad moet die eiendom van die Technikon administreer en moet, ooreenkomstig die bepalings van die Wet en hierdie Statute, kontrole uitoefen oor die Technikon en oor al sy sake en aktiwiteite.

28. Lidmaatskap van Akademiese Raad

Twee (2) lede van die Raad dien as verteenwoordigers van die Raad op Akademiese Raad.

29. Ampstermyn van lede van die Raad

Die ampstermyn van die lede van die Raad moet, met uitsluiting van die Prinsipaal, vir 'n tydperk van vier (4) jaar duur, tensy anders gespesifiseer in die Statuut: Met dien verstande dat 'n jaar begin op die eerste dag van Januarie.

AKADEMIESE RAAD

30. Lidmaatskap

Die volgende persone is lede van die Akademiese Raad:

(a) Die Prinsipaal, wat die Voorsitter is;

(b) die Viseprinsipaal van die Technikon;

(c) die hoofde van sodanige akademiese fakulteite en akademiese departement en enige ander persoon (persone) soos bepaal deur die Raad op aanbeveling van die Akademiese Raad;

(d) die bibliotekaris;

(e) die hoofde van sodanige administratiewe departemente en akademiese fakulteite en enige ander persoon soos bepaal deur die Raad op aanbeveling van die Akademiese Raad;

(f) 'n lid genomineer deur 'n erkende akademiese personeelliggaam;

(g) twee lede van die Raad in artikel 28 bedoel wat deur die Raad verkies word op die wyse en vir 'n termyn soos bepaal in die Reëls;

(h) twee studente wat deur die Verteenwoordigende Studenteraad genomineer word.

JOINT COMMITTEES OF COUNCIL AND ACADEMIC BOARD

31. Nomination

The Council and the Academic Board may nominate committees, to be known as Joint Committees.

32. Constitution of Joint Committees

Joint Committees shall comprise such number of members as deemed necessary by the Council.

33. Manner of election

Members of Joint Committees shall be elected jointly by the Council and the Academic Board.

34. Functions

The Joint Commitees shall carry out functions that are common to the Academic Board and to the Council.

35. Procedures at meetings

(1) A quorum shall consist of that number of members which is the smallest whole number greater than half of the total number of members of that Joint Committee.

(2) The Secretary of a Joint Committee shall, at least ten (10) days before the date contemplated for a meeting, give notice in writing to each member of the Joint Commitee mentioning the business to be dealt with as well as the time and place of such a meeting.

(3) Notice of matters for consideration shall be submitted to the Secretary of the Joint Committee at least five (5) days before the date on which he or she is required to give notice of the meeting.

(4) No matters other than that for which the meeting was called, shall be transacted at such meeting, except with the consent of the meeting granted on an unopposed motion.

(5) The Joint Committee may permit persons who are not members to attend meetings and such persons may take part in the discussions but may not vote.

36. Minutes of Joint Committee meetings

(1) The Secretary of the Joint Committee shall keep minutes of each meeting and shall include such minutes in the agenda of the next meeting of the Joint Committee.

(2) The first act of an ordinary meeting of a Joint Committee, after it has been convened, shall be to read and confirm by the signature of the Chairperson the minutes of the last preceding ordinary meeting and of any extraordinary meeting held subsequently: Provided that an objection to the minutes shall be raised and dealt with before confirmation thereof: Provided further that the meeting may take the minutes as read if a copy thereof was sent to each member beforehand.

GESAMENTLIKE KOMITEES VAN TECHNIKON RAAD EN AKADEMIESE RAAD

31. Nominasies

Die Raad en die Akademiese Raad kan komitees nomineer wat as die Gesamentlike Komitees bekend sal staan.

32. Samestelling van die Gesamentlike Komitees

Gesamentlike Komitees bestaan uit soveel lede bestaan as wat deur die Raad as noodsaaklik beskou word.

33. Wyse van verkiesing

Lede van die Gesamentlike Komitees word verkies gesamentlik deur die Raad en die Akademiese Raad.

34. Funksies

Die Gesamentlike Komitees oefen die funksies uit wat die Akademiese Raad en die Raad gemeen het.

35. Vergaderingsprosedure

(1) 'n Kworum bestaan uit daardie getal lede wat die kleinste heelgetal is wat groter is as die helfte van die totale getal lede van die Gesamentlike Komitee.

(2) Die Sekretaris van die Gesamentlike Komitee gee minstens tien (10) dae voor die beoogde datum van 'n vergadering skriftelike kennis aan elke lid van die Gesamentlike Komitee met vermelding van die sake wat behandel moet word, asook die tyd en plek van sodanige vergadering.

(3) Kennisgewing van sake vir oorweging moet aan die Sekretaris van die Gesamentlike Komitee voorgelê word minstens vyf (5) dae voor die datum waarop dit van hom of haar vereis word om kennis te gee van die vergadering.

(4) Geen ander sake as dié waarvoor die vergadering byeengeroep is mag by so 'n vergadering behandel word nie, behalwe indien die vergadering daartoe toestem deur middel van 'n onbestrede mosie.

(5) Die Gesamentlike Komitee mag persone wat nie lede is nie toelaat om die vergaderings by te woon en sodanige persone mag aan besprekings deelneem maar mag nie stem nie.

36. Notules van die Gesamentlike Komiteevergaderings

(1) Die Sekretaris van die Gesamentlike Komitee hou notule van elke vergadering en sluit sodanige notule in by die agenda van die volgende vergadering van die Gesamentlike Komitee.

(2) Die eerste taak van 'n gewone vergadering van 'n Gesamentlike Komitee is om, nadat dit byeengeroep is, die notule van die vorige gewone vergadering en van enige buitengewone vergadering wat daarna gehou is te lees en deur die handtekening van die Voorsitter te bevestig: Met dien verstande dat enige beswaar teen die notule by die geleentheid geopper en afgehandel word vóór die goedkeuring daarvan: Met dien verstande voorts dat die vergadering die notule as gelees kan beskou word indien 'n afskrif daarvan vooraf aan elke lid gestuur is.

37. Register of resolutions of Joint Committee

The Secretary of a Joint Committee shall keep available for all members of such Joint Committee a complete register of resolutions adopted by that Joint Committee.

38. Dissolution of Joint Committee

A Joint Committee shall be dissolved by joint resolution of the Council and the Academic Board.

CONVOCATION

39. Name

The name of the Convocation shall be: The Convocation of the Peninsula Technikon.

CONDITIONS OF SERVICE

40. Conditions of service, salaries, leave privileges and pension rights of staff

The conditions of service, salaries, leave privileges and pension rights of staff employed by the Technikon are determined by the Rules of the Technikon in accordance with section 24 of the Act.

41. Promotion

An employee shall only be considered for promotion to a post of higher rank by Council on the recommendation of the Principal.

42. Transfer

An employee may only be transferred from the post in which he is employed to another post within the Technikon.

43. Temporary seconding

An employee may temporarily be required to perform duties other than those ordinarily entrusted to such employee in accordance with the Rules.

44. Termination of service

Termination of service of an employee of the Technikon shall be due to retirement, resignation, absence without leave, ill health, abolishment of post(s) or appointment not confirmed as contemplated in the Rules.

45. Discharge on grounds of misconduct

A permanent employee shall, in all cases of misconduct and incompetence as contemplated in the Rules, be subject to disciplinary procedures as set out in agreements with representative employee bodies.

46. DISCIPLINARY MEASURES APPLICABLE TO STUDENTS

(1) Matters concerning the disciplinary measures applicable to students not covered by this Statute or the Rules of the Technikon shall be handled in accordance with the provision of the Handbook of General Information of the Peninsula Technikon applicable to students: Provided that such Handbook be approved by the Council.

(2) Any changes to be existing disciplinary measures shall be approved by the Council after consultation with the recognised student body.

37. Register van besluit van Gesamentlike Komitee

Die Sekretaris van 'n Gesamentlike Komitee moet 'n volledige register van besluite wat deur daardie Gesamentlike Komitee aanvaar is, beskikbaar hou vir alle lede van sodanige Gesamentlike Komitee.

38. Ontbinding van Gesamentlike Komitee

'n Gesamentlike komitee ontbind by gesamentlike besluit van die Raad en die Akademiese Raad.

KONVOKASIE

39. Naam

Die naam van die Konvokasie sal wees: Die Konvokasie van die Technikon Skiereiland.

DIENSVOORWAARDES

40. Diensvoorwaardes, salarisse, verlofvoordele, en pensioenregte van personeel

Die diensvoorwaardes, salarisse, verlofvoordele en pensioenregte van personeel in die diens van die Technikon word bepaal deur die Reëls van die Technikon ooreenkomstig die bepalings van artikel 24 van die Wet.

41. Bevordering

'n Werknemer word slegs vir bevordering na 'n pos van hoër rang deur die Raad oorweeg op aanbeveling van die Prinsipaal.

42. Oorplasing

'n Werknemer word slegs oorgeplaas van die pos waarin hy of sy aangestel is na 'n ander pos in die Technikon.

43. Tydelike sekondering

Dit kan van 'n werknemer verwag word om tydelik pligte te vervul buiten dié wat gewoonlik aan so 'n werknemer toegewys word, ooreenkomstig die Reëls.

44. Beëindiging van diens

Beëindiging van diens van 'n werknemer van die Technikon sal die gevolg wees van aftrede, uittrede, afwesigheid sonder verlof, swak gesondheid, afskaffing van pos(te), of aanstelling nie bekragtig soos voorsien in die Reëls nie.

45. Ontslag op grond van wangedrag

'n Permanente werknemer is, in alle gevalle van wangedrag of onbevoegdheid soos beoog in die Reëls, onderworpe aan die dissiplinêre prosedures soos uiteengesit in ooreenkomste met verteenwoordigende werknemersliggame.

46. DISSIPLINÊRE MAATREËLS MET BETREKKING TOT STUDENTE

(1) Sake betreffende dissiplinêre maatreëls rakende studente wat nie gedek word in hierdie Statuut of die Reëls van die Technikon nie sal hanteer word ooreenkomstig die bepalings van die Handboek vir Algemene Inligting van die Technikon Skiereiland rakende studente: Met dien verstande dat hierdie Handboek goedgekeur word deur die Raad.

(2) Enige verandering aan bestaande dissiplinêre maatreëls moet deur die Raad goedgekeur word na konsultasie met die erkende studenteliggaam.

47. INTRODUCTION OF INSTRUCTIONAL PROGRAMME OR SUBDIVISION OF INSTRUCTIONAL PROGRAMME

The Council shall apply in writing to the Minister for the introduction of an instructional programme or subdivision of an instructional programme, in accordance with section 31 (1) of the Act, the Joint Statute, and Joint Rules.

AWARDING OF TECHNIKON QUALIFICATIONS

48. Congregation

(1) A meeting of the members of the Technikon to be known as a Congregation shall be held for the purpose of awarding qualifications.

(2) A Congregation of the Technikon shall be held at least once a year, at such time and place as may be determined by the Council on the recommendation of the Academic Board, and different Congregations may be held at different times and places.

(3) The members of the Council, the members of the academic staff, the persons to whom qualifications are to be awarded, and such other persons as the Principal may, on recommendation by the Academic Board determine, may be invited to a Congregation.

(4) A Congregation shall be presided over by the Chancellor or, in his absence, the Principal or, when both are absent, by a person designated by the Principal.

(5) The Principal shall determine at which Congregation a person is to be admitted to a qualification.

(6) The procedure and requirements for the awarding of qualifications, for academic dress and for all other matters relating to Congregations not provided for in this Statute, shall be as determined by the Principal on recommendation of the Academic Board and approved by the Council.

(7) No person shall be admitted to any technikon certificate other than an honorary degree, unless the Principal certifies that such person has satisfied all the requirements prescribed for such certificate.

(8) No person shall be entitled to any of the privileges attached to a technikon certificate until such technikon certificate has been conferred upon or awarded to him at a Congregation.

49. Technikon certificate *honoris causa*

(1) A written proposal to award a technikon certificate *honoris causa* shall be submitted to the Secretary of the Academic Board by a member of the Academic Board or a member of the Council.

(2) Every written proposal contemplated in subsection (1) shall be seconded by at least five (5) such members, and shall contain a detailed statement of the reasons for such a proposal.

47. INWERKINGTREDING VAN ONDERWYSPROGRAM OF ONDERAFDELING VAN ONDERWYSPROGRAM

Die Raad moet skriftelik aansoek doen by die Minister vir die inwerkingtreding van 'n onderwysprogram of 'n onderafdeling van 'n onderwysprogram kragtens artikel 31 (1) van die Wet, die Gesamentlike Statuut en die Gesamentlike Reëls.

TOEKENNING VAN TECHNIKON-KWALIFIKASIES

48. Kongregasie

(1) Vergadering van die lede van die Technikon wat bekend sal staan as die Kongregasie word gehou vir die doel van toekenning van kwalifikasies.

(2) 'n Kongregasie van die Technikon word minstens een keer per jaar gehou op die tyd en plek deur die Raad op aanbeveling van die Akademiese Raad bepaal, en verskillende Kongregasies kan op verskillende tye en plekke gehou word.

(3) Lede van die Raad, lede van die akademiese personeel, persone aan wie kwalifikasies toegeken word en sodanige ander persone as wat deur die Prinsipaal op aanbeveling van die Akademiese Raad bepaal mag word, kan na 'n Kongregasie genooi word.

(4) Die Kongregasie word gelei deur die Kanselier, of in sy afwesigheid, die Prinsipaal, of in die afwesigheid van albei, deur 'n persoon aangewys deur die Prinsipaal.

(5) Die Prinsipaal bepaal by watter Kongregasie 'n persoon toegelaat word tot 'n kwalifikasie.

(6) Die prosedure en vereistes vir die toekenning van kwalifikasies, vir akademiese drag, en alle sake wat verband hou met Kongregasies waarvoor nie in hierdie Statuut voorsiening gemaak word nie, is soos bepaal deur die Prinsipaal op aanbeveling van die Akademiese Raad en goedgekeur deur die Raad.

(7) Geen persoon word toegelaat tot enige technikon sertifikaat, behalwe 'n eregraad, tensy die Prinsipaal sertifiseer dat sodanige persoon voldoen het aan alle voorgeskrewe vereistes vir so 'n sertifikaat.

(8) Geen persoon kan aanspraak maak op enige voorregte verbonde aan 'n technikon-sertifikaat totdat sodanige sertifikaat toegeken of uitgereik is aan hom of haar by die Kongregasie nie.

49. Technikon-sertifikaat *honoris causa*

(1) 'n Voorstel om 'n technikon-sertifikaat *honoris causa* toe te ken word skriftelik aan die Sekretaris van die Akademiese Raad voorgelê deur 'n lid van die Akademiese Raad of die Raad.

(2) Elke skriftelike voorstel bedoel in subartikel (1) word gesekondeer deur minstens vyf (5) sodanige lede, en bevat 'n uitvoerige verklaring van die rede vir so 'n voorstel.

(3) The Secretary shall refer all such proposals to an honorary technikon certificate committee, which shall consist of at least five (5) members, elected by the Academic Board.

(4) The names of the persons recommended by the honorary technikon certificate committee referred to in subsection (3) shall be submitted to the Academic Board together with a detailed statement of the reasons for such recommendations.

(5) At its first meeting after receipt of recommendations of the committee referred to in subsection (3), the Academic Board shall, without discussion, vote by secret ballot on the persons recommended.

(6) A recommendation by the Academic Board for the conferment of an honorary technikon certificate shall be submitted to the Council at its next meeting thereafter: Provided that such recommendation shall not be made unless at least seventy-five percent (75%) of the members present voted in favour thereof.

(7) Voting within the Council on the confernment of an honorary technikon certificate shall be by secret ballot, and such certificate shall not be conferred, unless at least seventy-five percent (75%) of the members present voted in favour thereof.

No. 2 **6 January 1995**

PENINSULA TECHNIKON: RULES

TECHNIKONS ACT, 1993

The Council of the Peninsula Technikon has, under section 19 (1) of the Technikons Act, 1993 (Act No. 125 of 1993), with the approval of the Minister of Education drafted the Rules in the Schedule:

SCHEDULE

PENINSULA TECHNIKON: RULES

1. Definitions

In these Rules any word or expression to which a meaning has been assinged in the Act shall have that meaning unless the context otherwise indicates—

"the Act" means the Technikons Act, 1993 (Act No. 125 of 1993);

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

"day of rest" means—

(a) in the case of an employee who normally does not work on such a day, a Sunday or public holiday; or

(3) Die Sekretaris verwys al sodanige voorstelle na 'n ere-technikon-sertifikaatkomitee wat bestaan uit minstens vyf (5) lede verkies deur die Akademiese Raad.

(4) Die name van die persone wat aanbeveel word deur die komitee bedoel in subartikel (3) word aan die Akademiese Raad voorgelê, vergesel van 'n uitvoerige verklaring van die redes vir sodanige aanbevelings.

(5) By sy eerste vergadering na ontvangs van die aanbevelings van die komitee in subartikel (3) bedoel stem die Akademiese Raad sonder bespreking met geheime stembriewe vir die persone wat aanbeveel is.

(6) 'n Aanbeveling deur die Akademiese Raad vir die toekenning van 'n ere-technikon-sertifikaat word aan die Raad by sy daaropvolgende vergadering voorgelê: Met dien verstande dat sodanige aanbeveling nie gemaak sal word tensy minstens vyf-en-sewentig persent (75%) van die aanwesige lede ten gunste daarvan gestem het nie.

(7) Stemming in die raad vir die toekenning van 'n ere-technikon-sertifikaat geskied deur geheime stemming en sodanige sertifikaat word nie toegeken tensy minstens vyf-en-sewentig persent (75%) van die aanwesige lede ten gunste daarvan stem nie.

No. 2 **6 Januarie 1995**

TECHNIKON SKIEREILAND: REËLS

WET OP TECHNIKONS, 1993

Die Raad van die Technikon Skiereiland het kragtens artikel 19 (1) van die Wet op Technikons, 1993 (Wet No. 125 van 1993), met die goedkeuring van die Minister van Onderwys, die Reëls in die Bylae opgestel:

BYLAE

TECHNIKON SKIEREILAND: REËLS

1. Woordomskrywing

In hierdie Bylae het 'n woord of uitdrukking waaraan 'n betekenis geheg word deur die Wet op Technikons, Wet No. 125 van 1993, dieselfde betekenis, en tensy dit uit die verband anders blyk, beteken—

"deeltydse werknemer" 'n werknemer wat benodig word slegs om gedeeltelik uitvoering te gee aan die pligte van 'n besondere pos of om pligte te vervul wat nie 'n heeltydse werknemer benodig nie en wat óf 'n vaste tarief per uur betaal word óf as vergoeding 'n gedeelte van die salaris ontvang wat gewoonlik betaal word ooreenkomstig die betrokke skaal;

"die Wet" die Wet op Technikons, 1993 (Wet No. 125 van 1993);

(b) in the case of an employee who normally works on a Sunday or a public holiday, such other day as he or she is normally releived from duty *in lieu* thereof;

"donor" means any body or person who donates an aggregate amount in cash or kind of not less than R5 000 or who has undertake to donate such an amount to the Technikon in regular instalments over a period of not more than four years and who is not in arrears with his or her instalments;

"employee" means a person employed full-time or part-time in a permanent or temporary capacity at the Technikon and includes the Principal;

"incremental period" means a period of 12 months or any other approved period that must elapse in regard to any employee before his or her salary may be increased in accordance with the range applicable to him or her;

"month" means a period extending from a date in any one calendar month to the date preceding the corresponding date in the following calendar month, both dates inclusive;

"part-time employee" means an employee who is required only in partial fulfilment of a particular position or to fulfill duties that do not require a full-time employee and who receives either a fixed rate per hour or a proportion of the salary normally paid in terms of the relevant scale;

"permanent employee" means a person appointed permanently at the Technikon by the Council and a person who is deemed to have been so appointed even though he or she may have been appointed—

(a) on probation;

(b) in a post intended for a person of a rank higher or lower than his or her own rank;

"recess period" means the period between the closure of the Technikon in December and the reopening in January in a subsequent year;

"salary increment" means the approved amount by which a salary is increased in accordance with the appropriate scale;

"sick leave cycle" means a period of three calendar years reckoned from 1 January 1983 and each succeeding period of three years;

"staff member" includes both a permanent or temporary employee in full-time employment of the Technikon;

"Sunday" means—

(a) in the case of an employee who does not normally work on such a day, also a public holiday mentioned in the Second Schedule to the Public Holidays Act, 1952 (Act No. 5 of 1952); or

"donateur" enige liggaam of persoon wat 'n totale bedrag in geld of goed van nie minder nie as R5 000 aan die Technikon skenk, of wat onderneem het om 'n bedrag van nie minder nie as R5 000 aan die Technikon te skenk, in gereelde paaiemente oor 'n tydperk van nie meer as vier jaar nie en wie se paaiemente nie agterstallig is nie;

"doserende en navorsingspersoneel" enige persoon wat 'n pos beklee wat die Raad beskou as 'n pos met akademiese status in die Technikon;

"inkrementele tydperk" 'n tydperk van 12 maande of enige ander goedgekeurde tydperk wat ten opsigte van 'n werknemer moet verloop voordat sy of haar salaris verhoog mag word in ooreenstemming met die skaal wat op hom of haar van toepassing is;

"kalendermaand" 'n tydperk wat van die eerste tot en met die laaste dag van enige een van die 12 maande van 'n jaar strek, beide dae ingesluit;

"maand" 'n tydperk wat strek van 'n dag in 'n maand tot en met 'n dag wat die dag voorafgaan wat numeriek ooreenstem met daardie dag in die volgende maand, beide dae ingesluit;

"permanente werknemer" 'n persoon wat deur die Raad permanent aangestel is by die Technikon of wat beskou word as sodanig aangestel te wees selfs as so 'n persoon aangestel is—

(a) vir 'n proeftydperk;

(b) in 'n pos bedoel vir 'n persoon met 'n rang laer of hoër as sy of haar eie;

"personeellid" 'n permamente of 'n tydelike werknemer wat heeltyds in die diens van die Technikon is;

"rusdag"—

(a) in die geval van 'n werknemer wat nie gewoonlik op sodanige dag werk nie, 'n Sondag of 'n openbare vakansiedag; of

(b) in die geval van 'n werknemer wat gewoonlik op 'n Sondag of 'n openbare vakansiedag werk, sodanige ander dag as waarop hy of sy gewoonlik van sy pligte onthef word in die plek van 'n vakansiedag;

"salarisverhoging" die goedgekeurde bedrag waarmee 'n salaris verhoog word in ooreenstemming met die toepaslike skaal;

"siekteverlofsiklus" 'n tydperk van drie kalenderjare bereken vanaf 1 Januarie 1983 en elke daaropvolgende tydperk van drie jaar;

"Sondag"—

(a) in die geval van 'n werknemer wat nie gewoonlik op sodanige dag werk nie, ook 'n openbare vakansiedag soos bedoel in die Tweede Skedule tot die Wet op Openbare Vakansiedae, 1952 (Wet No. 5 van 1952); of

(b) in the case of an employee who normally works on a Sunday or on such public holiday or such other day, or any other day decreed by Council to be a Technikon holiday, as the employee is normally relieved from duty *in lieu* thereof;

"teaching and research staff" means any person who occupies a post that the Council regards as a post with academic status in the Technikon;

"technikon day" means a day on which the Technikon is open to the public for business;

"technikon vacation" means the period between two consecutive technikon terms;

"temporary employee" means an employee who is appointed for a fixed period or term in a position that it is assumed will cease to exist at the end of such fixed period or term.

ACADEMIC BOARD

2. Chairperson

The Principal shall be the Chairperson of the Academic Board.

3. Vice-Chairperson

(1) The Vice-Principal: Academic shall be the Vice-Chairperson of the Academic Board: Provided that in his absence any of the Vice-Principals shall act as Vice-Chairperson.

(2) If the Chairperson as well as any person who acts as the Vice-Chairperson are absent from any meeting of the Academic Board, the members present at such a meeting shall elect one of their number to preside thereat.

4. Secretary

(1) The Principal shall appoint a person to act as secretary of the Academic Board and of all committees and Joint Committees of the Academic Board: Provided that the Principal may assign any other administrative member of the staff to assist the secretary or to act in his or her place.

(2) The secretary shall act as electoral officer at all meetings of the Academic Board.

(3) The secretary shall attend all meetings of the Academic Board and may take part in discussions but shall not vote.

5. Meetings

(1) A quorum shall consist of that number of members which is the smallest whole number greater than half of the total number of members.

(2) The secretary to the Academic Board shall, at least ten (10) days before the date contemplated for a meeting, give notice in writing to each member of the Academic Board, setting forth the business to be dealt with as well as the time and place of such a meeting.

(b) in die geval van 'n werknemer wat gewoonlik werk op 'n Sondag of op sodanige openbare vakansiedag werk; sodanige ander dag, of enige dag wat deur die Raad tot 'n Technikon-vakansiedag verklaar is, waarop die werknemer gewoonlik van sy of haar pligte onthef word;

"technikon-dag" 'n dag waarop die Techikon vir die publiek oop is vir sake;

"technikon-vakansie" 'n tydperk tussen twee opeenvolgende technikon-kwartale;

"tydelike werknemer" 'n werknemer wat vir 'n bepaalde tydperk of termyn aangestel is in 'n posisie ten opsigte waarvan aangeneem word dat dit ten einde sal loop aan die einde van so 'n bepaalde tydperk of termyn;

"werknemer" 'n persoon wat heeltyds of deeltyds in 'n permanente of tydelike hoedanigheid in diens van die Technikon is.

AKADEMIESE RAAD

2. Voorsitter

Die Prinsipaal is die Voorsitter van die Akademiese Raad.

3. Visevoorsitter

(1) Die Viseprinsipaal: Akademies is die Visevoorsitter van die Akademiese Raad: Met dien verstande dat in sy afwesigheid enigeen van die Viseprinsipaals optree as die visevoorsitter.

(2) Indien die Voorsitter sowel as enige persoon wat as die Visevoorsitter optree, afwesig is van enige byeenkoms van die Akademiese Raad, kies die lede wat by die byeenkoms teenwoordig is een uit hulle geledere om as voorsitter op te tree.

4. Sekretaris

(1) Die Prinsipaal wys iemand aan om op te tree as sekretaris van die Akademiese Raad en van alle komitees of Gesamentlike Komitees daarvan: Met dien verstande dat die Prinsipaal enige ander administratiewe personeellid kan aanwys om die sekretaris behulpsaam te wees of in sy of haar plek waar te neem.

(2) Die sekretaris tree op as die kiesbeampte by alle vergaderings van die Akademiese Raad.

(3) Die sekretaris moet alle vergaderings van die Akademiese Raad bywoon, kan aan besprekings deelneem maar mag nie stem nie.

5. Vergaderings

(1) 'n Kworum bestaan uit daardie getal lede wat die kleinste heelgetal is wat groter is as die helfte van die totale getal lede.

(2) Die sekretaris van die Akademiese Raad gee minstens tien (10) dae voor die beoogde datum van enige vergadering skriftelike kennis aan elke lid van die Raad met vermelding van die sake wat behandel moet word, asook die tyd en plek van sodanige vergadering.

(3) Notice of matters for consideration shall be submitted to the secretary of the Academic Board at least five (5) days before the date on which he or she is required to give notice of the meeting: Provided that a member may raise matters of an urgent nature at the meeting without previous notice if he or she procures the consent of at least seventy-five per cent (75%) of the members present.

(4) An extraordinary meeting of the Academic Board may be called by the Chairperson of the Academic Board whenever he or she deems it necessary, and shall be called by him or her if requested to do so in writing by any ten (10) members, the object of the meeting being stated clearly in the request.

(5) No matters other than that for which an extraordinary meeting was called, shall be transacted at such meeting, except with the consent of the meeting granted on an unopposed motion.

(6) The Academic Board may invite persons who are not members to attend meetings and such persons may take part in the discussion but shall not vote.

6. Minutes of academic board meetings

(1) The secretary of the Academic Board shall keep minutes of each meeting of the Academic Board and shall include such minutes in the agenda of the next meeting of the Academic Board.

(2) The first act of an ordinary meeting of the Academic Board, after it has been convened, shall be to read and confirm by the signature of the Chairperson the minutes of the last preceding ordinary meeting and of any extraordinary meeting held subsequently: Provided that an objection to the minutes shall be raised and dealt with before confirmation thereof: Provided further that the meeting may take the minutes as read if a copy thereof was sent to each member beforehand.

7. Register of resolutions of Academic Board

(1) The secretary shall keep available to all members of the Academic Board a complete register of resolutions adopted by the Academic Board.

8. Discussion of motions

(1) The Chairperson of the Academic Board may allow members to speak more than once to a motion or amendment.

(2) A member may move that the matter under discussion be dealt with in committee and if such a motion is seconded, it shall be put to vote without further discussion and, if the motion is adopted, the Academic Board shall immediately go into closed committee in which no minutes shall be taken.

(3) A motion or amendment shall be seconded and, if it is so directed by the Chairperson, a motion or amendment shall be in writing, and no motion or amendment shall be withdrawn without the consent of the proposer, the seconder and the meeting.

(3) Kennisgewing van sake vir oorweging word by die sekretaris van die Akademiese Raad ingedien minstens vyf (5) dae voor die datum waarop dit van hom of haar vereis word om kennis te gee van die vergadering: Met dien verstande dat 'n lid dringende sake mag voorlê by die vergadering sonder vooraf kennisgewing indien hy of sy die toestemming verkry van minstens vyf-en-sewentig persent (75%) van die lede teenwoordig.

(4) 'n Buitengewone vergadering van die Akademiese Raad kan byeengeroep word deur die Voorsitter van die Akademiese Raad indien hy of sy dit as noodsaaklik beskou en moet deur hom of haar byeengeroep word indien hy of sy skriftelik daartoe versoek is deur enige tien (10) lede, en die doel van die vergadering duidelik uiteengesit word in die versoek.

(5) Geen ander sake as dié waarvoor die vergadering byeengeroep is, word by 'n buitengewone vergadering behandel nie, behalwe indien die vergadering daartoe toestem deur middel van 'n onbestrede mosie.

(6) Die Akademiese Raad mag persone wat nie lede is nie toelaat om vergaderings by te woon en sodanige persone kan aan besprekings deelneem maar mag nie stem nie.

6. Notules van vergaderings van Akademiese Raad

(1) Die sekretaris van die Akademiese Raad hou notule van elke vergadering van die Akademiese Raad en sluit sodanige notule in by die agenda van die volgende vergadering van die Akademiese Raad.

(2) Die eerste taak van 'n gewone vergadering van die Akademiese Raad is om, nadat dit byeengeroep is, die notule van die vorige gewone vergadering en van enige buitengewone vergadering wat daarna gehou is, te lees en deur die handtekening van die Voorsitter te bevestig: Met dien verstande dat enige beswaar teen die notule by dié geleentheid geopper en afgehandel word voor die goedkeuring daarvan: Met dien verstande voorts dat die vergadering die notule as gelees kan beskou indien 'n afskrif daarvan vooraf aan elke lid gestuur is.

7. Register van resolusies van die Akademiese Raad

Die sekretaris moet 'n volledige register van alle Akademiese Raadsbesluite wat aanvaar is beskikbaar hou vir alle lede van die Akademiese Raad.

8. Bespreking van mosies

(1) Die Voorsitter van die Akademiese Raad mag lede toelaat om meer as een keer oor 'n mosie of 'n amendement te praat.

(2) 'n Lid kan voorstel dat 'n saak onder bespreking in 'n komitee gehandel word en indien so 'n mosie gesekondeer word, en indien só 'n mosie gesekondeer word, moet sonder verdere bespreking daaroor gestem word en indien die mosie aanvaar word, moet die Akademiese Raad onmiddellik in geslote komitee gaan waarin geen notule gehou word nie.

(3) 'n Mosie of amendement moet gesekondeer word en, indien die Voorsitter aldus gelas, moet 'n mosie of amendement skriftelik ingedien word, en geen mosie of amendement word teruggetrek sonder die toestemming van die voorsteller, die sekondant en die vergadering nie.

9. Voting

(1) Except as otherwise provided in these Rules all matters shall be decided upon by a simple majority of the members present.

(2) The Chairperson shall be a voting member of the meeting and if he or she desires to cast his or her ordinary vote he or she shall do so simultaneously with the general voting and not thereafter.

(3) Subject to the provisions of subrule (4), in the event of a tie, the Chairperson shall, in addition to his or her ordinary vote, also have a casting vote: Provided that in the case of a vote by secret ballot he or she shall not have a casting vote.

(4) In the event of a tie in a ballot concerning persons, the issue shall be decided by lot.

(5) A tie in the votes shall mean that a motion is rejected unless the Chairperson to uses his or her casting vote.

(6) If members present during any vote on a motion abstain from voting, their abstentions shall be recorded.

(7) If it is so decided by the meeting, the number of members voting for or against any motion shall be recorded and, at the request of any member, the Chairperson shall direct that the vote of such member be recorded.

(8) Where at least seventy-five percent (75%) of all the members of the Academic Board have reached agreement on a matter referred to them by letter or by written communication from the Chairperson without convening a meeting, and have conveyed their resolution by written communication, such resolution shall be equivalent to a resolution of the Academic Board and shall be recorded in the minutes of the next ordinary meeting.

(9) If a member of the Academic Board is unable to attend a meeting, his or her views on any matter on the agenda concerned may be communicated to the meeting in writing but shall not count as a vote by such a member.

10. Ruling by the Chairperson

The ruling of the Chairperson on any point of order or procedure shall be binding unless immediately challenged by a member, in which event such ruling shall be subjected to a decision of the meeting without discussion and the decision shall be final.

11. Framing, amending or rescinding rules

No motion to frame, amend or rescind a rule shall be of force and effect unless adopted by at least seventy-five per cent (75%) of the members present at the meeting.

12. Emergency meetings of the Academic Board

(1) An emergency meeting may be called by the Chairperson at any time: Provided that notice shall be given to members in any manner deemed expedient in the circumstances.

9. Stemmery

(1) Behalwe indien in hierdie Reëls anders bepaal, word alle sake beslis deur 'n gewone meerderheid van die stemme van alle lede teenwoordig.

(2) Die Voorsitter is 'n stemhebbende lid van die vergadering en indien hy of sy verkies om sy of haar gewone stem uit te bring, doen hy of sy dit gelyktydig met die algemene stemming en nie daarna nie.

(3) Behoudens die bepaling van subreël (4) het die Voorsitter in die geval van 'n staking van stemme oor enige aangeleentheid by 'n vergadering, benewens sy of haar gewone stem, ook 'n beslissende stem: Met dien verstande dat in die geval van 'n geheime stemming hy of sy geen beslissende stem het nie.

(4) In geval van 'n staking van stemme in 'n verkiesing waar dit oor persone gaan, word die saak beslis deur loting.

(5) 'n Staking van stemme beteken dat 'n mosie verwerp is tensy die Voorsitter sy of haar beslissende stem gebruik.

(6) Indien teenwoordige lede nie aan 'n stemming deelneem nie, moet hul weerhouding genotuleer word.

(7) Indien die vergadering aldus besluit, word die getal stemme van lede vir of teen 'n mosie genotuleer, en op versoek van enige lid gelas die Voorsitter dat die stem van sodanige lid genotuleer word.

(8) Indien minstens vyf-en-sewentig persent (75%) van al die lede van die Akademiese Raad eenstemmigheid bereik het oor 'n saak wat deur die Voorsitter per geskrewe kommunikasie na hulle verwys is sonder om 'n vergadering byeen te roep en hulle hul besluit per geskrewe kommunikasie aan hom oorgedra het, word sodanige besluit geag 'n besluit van die Akademiese Raad te wees en word dit genotuleer in die notule van die eersvolgende gewone algemene vergadering.

(9) Indien 'n lid van die Akademiese Raad nie in staat is om 'n vergadering by te woon nie, kan sy of haar mening oor enige saak op die agenda skriftelik aan die vergadering oorgedra word, maar só 'n bevestiging dien nie as 'n stem oor die betrokke aangeleentheid deur sodanige lid nie.

10. Beslissing deur Voorsitter

Die beslissing van die Voorsitter op enige punt van orde of prosedure-aangeleentheid is bindend tensy dit onmiddellik deur 'n lid betwis word, in welke geval sodanige beslissing sonder bespreking aan 'n besluit van die vergadering onderwerp word, welke besluit finaal is.

11. Opstel, wysiging en herroeping van reëls

Geen mosie in verband met die opstel, wysiging of herroeping van 'n reël is van krag tensy dit aangeneem word deur minstens vyf-en-sewentig persent (75%) van die lede teenwoordig by 'n vergadering nie.

12. Noodvergaderings van Akademiese Raad

(1) 'n Noodvergadering kan te enige tyd deur die Voorsitter belê word: Met dien verstande dat lede kennis gegee word op die wyse wat onder die omstandighede dienstig beskou word.

(2) Members of the Academic Board shall be notified of the object of an emergency meeting and no business other than that of which members have been notified shall be transacted at such meeting.

13. Number of meetings of Academic Board

The Chairperson shall convene a meeting of the Academic Board at the seat of the Technikon at least once in each term.

14. Representations on Council

(1) Notice of the expiry of a term of office of members of the Council appointed by the Academic Board shall be given by the secretary of the Academic Board by including an item on the agenda of the ordinary meeting of the Academic Board preceding the last meeting of Council that takes place during the term of office of such members, to allow the Academic Board to elect successors.

(2) Nominations for the filling of the vacancies shall be given in writing to the secretary.

(3) If more than two (2) persons are nominated, voting shall be by secret ballot and each member of the Council shall have only one (1) vote during a ballot.

(4) A candidate shall be elected only by at least a seventy-five (75%) per cent majority of all the members of the Academic Board present.

(5) A series of ballots shall be held if no candidate gains a seventy-five per cent (75%) majority in the first ballot.

(6) In each successive round of balloting the candidate with the least support in the previous ballot shall be eliminated as candidate.

(7) Should a representative for any reason vacate his or her office before the expiry of his or her term of office, the Academic Board shall elect a new representative in accordance with the procedure mentioned above for the unexpired portion of such term of office.

15. Representatives of Council on Academic Board

(1) The term of office of the representatives shall be for two (2) years.

(2) The Council shall fill vacancies occuring amongst the representatives at the next ordinary meeting of Council following the occurrence of such vacancies and the members so nominated shall hold office for the unexpired period of office of his or her predecessor.

16. Termination of membership of employees serving on Council or Academic Board

Any member of Council who receives a salary or wage from the Technikon shall vacate his or her office on Council if—

(a) he or she is discharged, boarded, resigns or retires from the employ of the Technikon in whose Council he or she is a member; or

(2) Lede van die Akademiese Raad word van die doel van 'n noodvergadering in kennis gestel en geen ander sake as dié waarvan lede in kennis gestel is, word by sodanige vergadering behandel nie.

13. Getal vergaderings van Akademiese Raad

Die Voorsitter belê minstens een keer elke termyn 'n vergadering van die Akademiese Raad by die setel van die Technikon.

14. Verteenwoordigers in Raad van Technikon

(1) Kennisgewing van die verstryking van die ampstermyn van lede van die Raad deur die Akademiese Raad aangestel word deur die sekretaris van die Akademiese Raad gegee by wyse van die insluiting van 'n item tot dien effekte op die agenda van die gewone vergadering van die Akademiese Raad wat die laaste vergadering van die Raad wat plaasvind gedurende die ampstermyn van die betrokke lede, voorafgaan, ten einde die Akademiese Raad in staat te stel om opvolgers te kies.

(2) Nominasies om vakatures te vul word skriftelik aan die sekretaris verskaf.

(3) Indien meer as twee (2) persone genomineer word, word 'n geheime stemming gehou en elke lid van die Akademiese Raad het slegs een (1) stem by elke verkiesing.

(4) 'n Kandidaat word slegs verkies indien minstens vyf-en-sewentig persent (75%) van die stemme van al die lede van die Akademiese Raad teenwoordig op hom verenig is.

(5) 'n Reeks stemmings word gehou indien geen kandidaat 'n vyf-en-sewentig persent (75%) meerderheid met die eerste stemming behaal nie.

(6) In elke opeenvolgende stemming word die kandidaat met die laagste stemmetal in die vorige stemming as kandidaat uitgeskakel.

(7) Indien 'n verteenwoordiger om enige rede sy of haar pos ontruim voor die verstryking van sy of haar ampstydperk, kies die Akademiese Raad 'n nuwe verteenwoordiger in ooreenstemming met die prosedure hierbo uiteengesit vir die onverstreke deel van sodanige ampstermyn.

15. Verteenwoordigers van Raad in Akademiese Raad

(1) Die ampstermyn van die verteenwoordigers duur twee (2) jaar.

(2) Die Raad vul vakatures wat onder die verteenwoordigers ontstaan by die eerste gewone vergaderings van die Raad na die ontstaan van sodanige vakatures en die lede aldus genomineer beklee hul amp vir die onverstreke deel van die ampstermyn van hom of haar voorganger.

16. Beëindiging van lidmaatskap van werknemers wat dien in Raad of Akademiese Raad

Enige lid van die Raad wat 'n salaris of loon van die Technikon ontvang, ontruim sy of haar pos in die Raad indien—

(a) hy of sy ontslaan word, of uit diens van die Technikon in wie se Raad hy of sy 'n lid is, tree; of

(b) he or she is a member in terms of section 16 (2) (d) of the Act and he or she ceases to be a member of the Academic Board or the Academic Board terminates his or her membership of Council in a manner prescribed in the Rules.

17. Discipline applicable to members of staff

Matters concerning the discipline of staff in accordance with section 24 of the Act, not covered by the Statute or the Rules of the Technikon shall be handled in accordance with the Peninsula Technikon Disciplinary Policy, Code and Procedure applicable to members of staff: Provided that such Disciplinary Policy, Code and Procedure be approved by the Council.

18. Fees payable by students and staff

(1) Matters concerning the fees payable by students and staff in accordance with section 17 (2) (a) of the Act, not covered by the Statute or the Rules of the Technikon shall be handled in accordance with the Handbook of General Information of Peninsula Technikon applicable to students: Provided that such Handbook be approved by the Council.

(2) The Council determines all fees. Fees may be changed at any stage if necessitated by circumstances.

(3) All fees are payable on registration.

(4) Students who are more than thirty (30) days in arrears with the payment of outstanding fees, may be refused admission to lectures.

(5) If fees are outstanding a student may not be allowed to sit for examinations.

(6) In cases where students are in arrears with the payment of fees, the results of examinations may be withheld.

(7) Should amounts be in arrears on the date agreed for payment, interest may be charged on outstanding amounts.

(8) Students who have not paid all amounts owing for the previous year accounts may not be allowed to register for a new year or semester before the said amount has been settled in full.

CONVOCATION

19. Secretary

The Principal shall appoint a secretary of the Convocation.

20. Roll of Convocation

(1) The secretary of the Convocation shall keep the roll of the Convocation in which shall be recorded the names and addresses of all persons who are members of the Convocation.

(2) An address recorded in the roll shall be presumed to be the registered address of the persons concerned.

(3) It shall be the duty of every member of the Convocation to notify the secretary of any change of address.

(b) hy of sy 'n lid is ooreenkomstig artikel 16 (2) (d) van die Wet en hy of sy ophou om 'n lid te wees van die Akademiese Raad of as die Akademiese Raad sy lidmaatskap van die Raad beëindig op 'n wyse soos deur die Reëls bepaal.

17. Dissipline van toepassing op personeellede

Sake rakende die dissipline van personeellede ooreenkomstig artikel 24 van die Wet wat nie gedek word deur die Statuut of die Reëls van die Technikon nie word afgehandel ooreenkomstig die Technikon Skiereiland se Dissiplinêre Beleid, Kode en Prosedure van toepassig op personeellede: Met dien verstande dat sodanige Dissiplinêre Beleid, Kode en Prosedure goedgekeur word deur die Raad.

18. Gelde betaalbaar deur studente en personeel

(1) Sake rakende die gelde betaalbaar deur studente en personeel ingevolge artikel 17 (2) (a) van die Wet, wat nie gedek word deur die Statuut of die Reëls van die Technikon nie, word gehanteer soos bepaal in die Handboek van Algemene Inligting van die Technikon Skiereiland van toepassing op studente: Met dien verstande dat sodanige handboek deur die Raad goedgekeur word.

(2) Die Raad stel alle gelde vas. Gelde kan te eniger tyd, indien vereis deur omstandighede, verander word.

(3) Alle gelde is betaalbaar by registrasie.

(4) Studente wat meer as dertig (30) dae met die betaling van gelde agterstallig is, kan toegang tot lesings geweier word.

(5) Indien 'n student nog gelde verskuldig is, kan toestemming om eksamen af te lê, geweier word.

(6) Indien 'n student met die betaling van gelde agterstallig is, kan die uitslae van eksamens weerhou word.

(7) Indien bedrae agterstallig sou wees op 'n datum waarop vir betaling ooreengekom is, kan rente op die agterstallige bedrae gevorder word.

(8) Studente wat nie alle bedrae verskuldig ten opsigte van die vorige jaar betaal het nie, kan toestemming om vir die nuwe jaar of semester te registreer, geweier word totdat sodanige bedrae ten volle vereffen is.

KONVOKASIE

19. Sekretaris

Die Prinsipaal wys 'n sekretaris van die Konvokasie aan.

20. Rol van Konvokasie

(1) Die sekretaris van die Konvokasie hou 'n rol van die Konvokasie waarin die name en adresse van alle persone wat lid is van die Konvokasie opgeteken word.

(2) 'n Adres in die rol aangeteken word geag die geregistreerde adres van die betrokke persoon te wees.

(3) Dit is die plig van elke lid van die Konvokasie om die sekretaris van enige adresverandering in kennis te stel.

(4) The roll shall be *prima facie* proof that any person whose name appears thereon at the time of an election by the Convocation is entitled to vote at such election and that any person whose name does not appear thereon is not so entitled: Provided that the names of new diplomates or graduates of the Technikon shall be considered automatically included in the roll: Provided further that such automatic enrolment shall not relieve the new diplomate or graduate of the duty of registering his or her address with the secretary in accordance with subrule (3).

21. Membership of Convocation

The staff member responsible for the *alumni* of the Technikon is also a member of the Convocation.

22. Chairperson of Convocation

(1) The Chairperson of the Convocation shall be elected by the Convocation and shall hold office for a period of two (2) years from his or her election, subject to the provisions of subrule (3).

(2) The procedures for the election of the Chairperson of the Convocation shall be as follows:

(a) Nominations for the Chairperson of the Convocation shall be given in writing to the secretary.

(b) If more than one person is nominated, voting shall be by secret ballot and each member of the Convocation shall have only one (1) vote during a ballot.

(c) A candidate shall be elected by a majority of all the members of the Convocation present.

(d) There shall be a series of ballots if no candidate gains a majority of all the members present in the first ballot.

(e) In each successive round of balloting the candidate with the least support in the previous ballot shall be eliminated as candidate.

(3) Should the Chairperson for any reason vacate his or her office before the expiry of his or her term of office, the Convocation shall elect a new Chairperson in accordance with the procedure referred to in subrule (2) for the unexpired portion of such term of office.

(4) The Chairperson of the Convocation shall be the chairperson of all meetings of the Convocation: Provided that, in his or her absence, the members present shall under the guidance of the secretary elect a chairperson for that meeting from amongst their number.

23. Meetings of Convocation

(1) All meetings of the Convocation shall take place at the Technikon.

(2) The Convocation shall meeting at least once a year.

(4) Die rol is *prima facie* bewys daarvan dat elke persoon wie se naam daarin verskyn ten tyde van 'n kiesing deur die Konvokasie daarop geregtig is om in so 'n kiesing te stem en dat elke persoon wie se naam nie daarop verskyn nie, nie daarop geregtig is nie: Met dien verstande dat die name van nuwe gediplomeerdes of gegradueerdes van die Technikon beskou word as outomaties by die rol ingesluit te wees: Met dien verstande voorts dat sodanige outomatiese insluiting nie die nuwe gediplomeerde of gegradueerde onthef van sy of haar verpligting om sy of haar adres by die sekretaris te registreer ooreenkomstig subreël (3) nie.

21. Lidmaatskap van Konvokasie

Die personeellid verantwoordelik vir die *alumni* van die Technikon is ook 'n lid van die Konvokasie.

22. Voorsitter van Konvokasie

(1) Die Voorsitter van die Konvokasie word deur die Konvokasie gekies en beklee sy of haar pos vir 'n tydperk van twee (2) jaar vanaf sy of haar verkiesing, onderworpe aan die bepalings van subreël (3).

(2) Die prosedure by die verkiesing van die Voorsitter van die Konvokasie is soos volg:

(a) Nominasies vir die pos van Voorsitter van die Konvokasie word skriftelik by die Sekretaris ingehandig.

(b) Indien meer as een persoon genomineer word, word 'n geheime stemming gehou en elke lid van die Konvokasie het slegs een (1) stem gedurende 'n stemming.

(c) 'n Kandidaat word verkies deur 'n meerderheid van al die lede van die Konvokasie teenwoordig.

(d) 'n Reeks stemmings moet gehou word indien geen kandidaat 'n meerderheid van al die lede teenwoordig behaal met die eerste stemming nie.

(e) In elke agtereenvolgende rondte van stemming word die kandidaat wat met die vorige stemming die minste steun geniet het as kandidaat uitgeskakel.

(3) Indien 'n Voorsitter om enige rede sy of haar pos ontruim voor die verstryking van sy of haar dienstermyn, kies die Konvokasie 'n nuwe Voorsitter ooreenkomstig met die prosedure in subreël (2) uiteengesit vir die onverstreke deel van sodanige dienstermyn.

(4) Die Voorsitter van die Konvokasie tree op as voorsitter by alle byeenkomste van die Konvokasie: Met dien verstande dat in die afwesigheid van die Voorsitter die teenwoordige lede met die leiding van die sekretaris 'n voorsitter vir daardie byeenkoms uit hul geledere sal aanwys.

23. Vergaderings van Konvokasie

(1) Alle vergaderings van die Konvokasie vind plaas by die Technikon.

(2) Die Konvokasie kom ten minste een keer per jaar byeen.

(3) A meeting of the Convocation may be convened by the Chairperson at any time he or she deems it necessary, and shall be convened by the secretary within sixty (60) days after a written request signed by at least fifty (50) members is lodged with him or her.

(4) Matters for consideration at such meeting shall be stated in the form of special motions and no matters other than those stated in such request shall be discussed at such a meeting.

(5) Notice of a meeting of the Convocation with an agenda shall be sent to each member of the Convocation at least fourteen (14) days before the meeting.

(6) Fifty (50) members of the Convocation shall constitute a quorum at meetings: Provided that, in subrule (5) has been complied with the members present after the lapse of a period of ten (10) minutes shall constitute a quorum.

(7) The minutes of all meetings of the Convocation shall be sent to the Council and the Academic Board for their information.

24. Donors

(1) If it is necessary for donors to elect a person as a member of Council as contemplated in section 16 (2) (f) of the Act, the Secretary of the Council shall, by written notice posted at least 90 days before the date determined by him or her for the election of members of Council, invite such donors to nominate in writing a candidate to be elected a member of Council.

(2) A nomination shall be lodged with the Secretary of the Council at least 60 days before the date contemplated for the election: Provided that nominations from donors not residing in the Western Province shall be lodged at least 30 days before the contemplated date of the election.

(3) If the number of candidates is not greater than the number of vacancies, the Secretary of the Council shall forthwith declare such candidates to be duly elected.

(4) If more candidates are nominated than are to be elected, the Secretary of the Council shall, at least 30 days before the date contemplated for the section, post to the donors, ballot papers containing the names of all the candidates in alphabetical order.

(5) A donor shall be entitled to one vote plus an additional vote for every amount of R5 000 more than the amount of R5 000 which he or she has donated to the Technikon or undertaken to donate to the Technikon in regular instalments over a period of not more than four years from the date of the receipt of the first instalment of the payment of the donation.

(6) The maximum number of votes so gained shall be limited to 10 per donor: Provided that a donor shall only have one vote in terms of section 16 (2) (f) of the Act in respect of the donations made during the four years period immediately preceding an election.

(3) 'n Vergadering van die Konvokasie mag deur die Voorsitter byeengeroep word op enige tydstip waarop hy of sy dit nodig ag, en moet deur die sekretaris byeengeroep word binne sestig (60) dae vanaf sy ontvangs van 'n geskrewe versoek onderteken deur ten minste vyftig (50) lede.

(4) Sake vir oorweging by so 'n byeenkoms word vermeld by wyse van spesiale mosies en geen sake buiten dié vermeld in sodanige mosies word by so 'n vergadering bespreek nie.

(5) Kennisgewing van 'n vergadering van die Konvokasie met 'n agenda word minstens veertien (14) dae voor die vergadering aan elke lid van die Konvokasie gestuur.

(6) 'n Kworum word gevorm deur vyftig (50) lede van die Konvokasie: Met dien verstande dat, indien aan die bepalings van subreël (5) voldoen is, die lede wat teenwoordig is nadat 'n periode van tien (10) minute verstryk het, 'n kworum vorm.

(7) Die notules van alle vergaderings van die Konvokasie word ter inligting aan die Raad en die Akademiese Raad gestuur.

24. Donateurs

(1) Indien dit vir donateurs nodig is om 'n persoon as lid van die Raad te kies, soos bedoel in artikel 16 (2) (f) van die Wet, versoek die Sekretaris van die Raad deur middel van 'n geskrewe kennisgewing wat ten minste 90 dae voor die datum wat deur hom vasgestel is vir die verkiesing van lede van die Raad gepos is, sodanige donateurs om 'n geskrewe nominasie van 'n kandidaat vir kiesing tot lidmaatskap van die Raad in te dien.

(2) 'n Nominasie word by die Sekretaris van die Raad ingedien ten minste 60 dae voor die beoogde datum van die verkiesing: Met dien verstande dat nominasies van donateurs wat nie in die Westelike Provinsie woonagtig is nie ten minste 30 dae voor die beoogde datum van die verkiesing ingedien word.

(3) Indien die getal kandidate nie die getal vakatures te bowe gaan nie, verklaar die Sekretaris van die Raad sonder meer sodanige kandidate behoorlike verkose.

(4) Indien die getal kandidate genomineer die getal vakatures te bowe gaan, pos die Sekretaris van die Raad, ten minste 30 dae voor die beoogde datum van die verkiesing aan die donateurs stembriewe waarop die name van alle kandidate in alfabetiese volgorde verskyn.

(5) 'n Donateur is geregtig op een stem plus 'n addisionele stem vir elke R5 000 meer as die bedrag van R5 000 wat hy of sy aan die Technikon geskenk het of ten opsigte waarvan hy of sy 'n donasie aan die Technikon in gereëlde afbetalings oor 'n tydperk van nie meer as vier jaar vanaf die datum van ontvangs van die eerste afbetaling van die donasie onderneem het.

(6) Die maksimum-getal stemme wat op dié wyse verkry word, word beperk tot 10 per donateur: Met dien verstande dat 'n donateur net een stem ingevolge artikel 16 (2) (f) van die Wet sal hê, ten opsigte van donasies wat hy gemaak het gedurende die tydperk van vier jaar wat 'n verkiesing onmiddellik voorafgaan.

(7) A ballot paper shall be returned to the Secretary of the Council by registered post: Provided that a ballot paper received by the Secretary shall not be omitted from the tally solely by reason of the fact that it was not returned to the Secretary by registered post.

(8) A ballot paper that is received by the Secretary after the contemplated date of the donor referred to in subrule (1) shall be invalid.

(9) At any election the Secretary of the Council shall act as returning officer and shall be assistent by two scruitineers nominated by him or her.

(10) The Principal shall declare the person obtaining the highest number of votes to have been duly elected, and, in the event of an equality of votes, the result shall be determined by him or her in the presence of the two scrutineers.

GENERAL CONDITIONS OF EMPLOYMENT

25. Duties of employees

(1) The duties and hours of attendance of every employee of the Technikon shall, subject to rule 42, be determined by the Council following consultation and negotiation with the representative employee associations.

(2) The normal duties of academic staff shall include teaching and examining students, the promotion and development of knowledge in his or her particular field of study through research and publication, sharing in the control and administration of the department, participation in official activities of the Technikon directly related to his or her field of work, including those of the Academic Board and other committees to which he or she is appointed.

(3) The Council or the Principal may require an employee temporarily to perform duties other than those ordinarily entrusted to such employee: Provided that the employee has given his or her consent thereto.

26. Appointments and probation

(1) An appointment in a permanent capacity shall be preceded by an appointment on probation for a period of not more than 12 months.

(2) The transfer of an employee, with the employee's consent, shall be on probation for a period not exceeding six (6) months at a time.

(3) The immediate superior of an employee on probation shall be responsible for establishing, in consultation with such employee, the standards to be adhered to by the employee, and the criteria by which his or her performance are to be measured.

(4) A superior referred to in subrule (3) shall be responsible for monitoring the progress of the employee at regular intervals of not more than two (2) calendar months and offer such training as he or she deems necessary.

(7) Stembriewe word per geregistreerde pos aan die Sekretaris van die Raad terugbesorg: Met dien verstande dat 'n stembrief wat deur die Sekretaris ontvang is nie buite rekening gelaat word bloot vanwee die feit dat dit nie per geregistreerde pos aan die Sekretaris terugbesorg is nie.

(8) 'n Stembrief wat deur die Sekretaris ontvang word na die beoogde datum van die verkiesing is ongeldig.

(9) Met enige verkiesing tree die Sekretaris van die Raad op as kiesbeampte en word hy of sy bygestaan deur twee stemopnemers wat deur hom aangewys word.

(10) Die Prinsipaal verklaar die persoon wat die meeste stemme verkry het behoorlik verkies en, indien die stemme gelyk is, word die uitslag deur hom of haar bepaal deur loting in die teenwoordigheid van die twee stemopnemers.

ALGEMENE DIENSVOORWAARDES

25. Pligte van werknemers

(1) Behoudens die bepalings van reël 42 word die pligte en ure van aanwesigheid van elke werknemer van die Technikon bepaal deur die Raad na oorlegpleging en onderhandeling met verteenwoordigende werknemersverenigings.

(2) Die normale pligte van akademiese personeel sluit in die onderrig en eksaminering van studente, die bevordering en ontwikkeling van kennis van sy of haar besondere studieveld deur navorsing en publikasie, om behulpsaam te wees met die beheer en administrasie van die departement, deelname aan amptelike bedrywighede van die Technikon wat direk met sy of haar arbeidsveld in verband staan, met insluiting van dié van die Akademiese Raad of komitees waarin hy of sy aangestel word.

(3) Die Raad of die Prinsipaal kan van 'n werknemer verlang om tydelik ander pligte uit te voer as dié wat gewoonlik aan hom toevertrou is: Met dien verstande dat die pligte deel uitmaak van sy of haar se arbeidsveld en nie 'n minderwaardige posisie beklee in vergelyking met pligte wat voorheen deur die werknemer uitgevoer was, of gewoonlik aan hom of haar toevertrou is: Met dien voorts verstande dat die werknemer daartoe ingestem het.

26. Aanstelling en proeftyd

(1) 'n Aanstelling in 'n permanente hoedanigheid word voorafgegaan deur 'n proefaanstelling vir 'n tydperk van nie meer as twaalf (12) maande nie.

(2) Die oorplasing van 'n werknemer geskied, met sy goedkeuring, vir 'n proeftydperk van nie meer as ses (6) maande op 'n keer nie.

(3) Die onmiddellike hoof van 'n werknemer wat 'n proeftyd uitdien is daarvoor verantwoordelik om, in oorleg met sodanige werknemer, die standaarde te bepaal waarteen sy of haar prestasie gemeet sal word.

(4) 'n Hoof soos bedoel in subreël (3) is daarvoor verantwoordelik om die vordering van die werknemer te monitor met tussenposes van nie meer as twee (2) kalendermaande nie en die raadgewing en opleiding wat hy dienstig ag te verskaf.

(5) Reports of the employee's progress shall be submitted to his or her immediate superior concerned, only after the employee has been informed of the contents of such report and has been granted the opportunity to comments hereon.

(6) If the immediate superior of an employee certifies that the employee has complied with all the conditions to which his or her appointment, transfer or promotion were subject, the Council shall confirm the appointment, transfer or promotion.

(7) If the services of a permanent employee appointed on probation in accordance of subrule (1) is unsatisfactory and has not improved sufficiently after counselling or training contemplated in subrule (5), the Council may, on recommendation of the employee's immediate superior request that a hearing be held to investigate a charge of incompetency against the employee.

(8) If the committee conducting the inquiry finds that the employee has not performed satisfactorily and has not improved sufficiently after counselling or training contemplated in subrule (5), the committee may recommended that—

(a) the period of probation be extended; or

(b) the employee be discharged; or

(c) in the case of a person who, immediately prior to his or her probationary transfer or promotion, was a permanent employee of the Technikon, but who was not on probation permanent employee, he or she be transferred back to his or her former post or recommend to Council that he or she be placed in a post of equivalent grading and grant him or her the salary he or she would have attained in his or her former post.

27. Commencing date of salary

(1) An employee shall be paid a salary with effect from the date of appointment up to and including the date of the termination of his or her employment: Provided that assumption of duty may be at a later date.

(2) If a temporary employee who is appointed a full term or longer before the end of a technikon term or the last working day of a technikon year and is reappointed within four technikon days of the following technikon term or year, he or she shall be paid a salary in respect of the intervening period and his or her service shall be regarded as continuous.

28. Salary increments

The salary of an employee shall be increased by one salary increment, within the limits of the scale applicable to him, after completion of each incremental period and with effect from the first day of such employee's incremental month unless such employee has, in terms of agreed criteria, not performed satisfactorily, or, has been found guilty of gross misconduct during the year under review.

(5) Verslae oor die werknemer se vordering word deur sy of haar betrokke hoof ingedien, nadat die werknemer oor die inhoud van die verslag ingelig is en geleentheid gegun is om daaroor kommentaar te lewer.

(6) Indien die werknemer se onmiddellike hoof sertifiseer dat hy of sy voldoen het aan die voorwaardes waaraan sy of haar aanstelling, oorplasing of bevordering onderworpe was, bekragtig die Raad die aanstelling, oorplasing of bevordering.

(7) Indien die dienste van 'n permanente werknemer wat ooreenkomstig subreël (1) vir 'n proeftyd aangestel is onbevredigend is en nie voldoende verbeter het na raadgewing of opleiding soos beoog in subreël (5) nie, kan die Raad op aanbeveling van die werknemer se onmiddellike hoof, versoek dat 'n verhoor plaasvind ten einde 'n klag van onbevoegdheid teen die werknemer te ondersoek.

(8) Indien die komitee wat die ondersoek doen, bevind dat die werknemer nie bevredigend gepresteer het nie en nie genoegsaam verbeter het na raadgewing of opleiding soos bedoel in subreël (5) nie, kan die komitee aanbeveel dat—

(a) die proeftyd verleng word; of

(b) die werknemer ontslaan word; of

(c) in die geval van 'n persoon wat, onmiddellik voor sy of haar proef-oorplasing of bevordering, 'n permanente werknemer van die Technikon was maar wat nie 'n permanente werknemer op 'n proef was nie, hy of sy teruggeplaas word na sy of haar vorige pos of dat by die Raad aanbeveel word dat hy of sy geplaas word in 'n pos met 'n gradering wat daaraan gelykstaan en dat die salaris wat hy of sy in sy of haar vorige pos sou bereik het aan hom of haar betaal word.

27. Aanvangsdatum van salaris

(1) 'n Werknemer word 'n salaris betaal met ingang van die datum van aanstelling tot en met die beëindiging van sy of haar diens: Met dien verstande dat aanvaarding van diens op 'n later datum kan geskied.

(2) Indien 'n tydelike werknemer wat 'n volle termyn of langer voor die einde van 'n technikon-termyn of die laaste werkdag van 'n technikon-jaar aangestel word en binne vier technikondae van die volgende technikontermyn of -jaar heraangestel word, word hy of sy 'n salaris ten opsigte van die tussenperiode en word sy of haar diens beskou as aaneenlopend.

28. Salarisverhogings

Die salaris van 'n werknemer word verhoog met een salariskerf, binne die perke van die skaal wat op hom of haar van toepassing is, na die voltooiing van elke inkrementele tydperk, effektief vanaf die eerste dag van sodanige werknemer se inkrementele maand, tensy sodanige werknemer, met inagneming van die kriteria waarop ooreengekom is, nie bevredigend gepresteer het nie of in die jaar onder oorweging skuldig bevind is aan ernstige wangedrag.

29. Performance of other work by employees

Unless it is otherwise provided for in his or her employment contract, or approved by the Council, an employee may not—

(a) accept employment or work which would interfere with his or her Technikon duties, or, prevent him from being in attendance at the Technikon when so required;

(b) claim, accept or demand additional payment in respect of any official work that he or she is requested to do in terms of his or her employment relationship; and

(c) accept any gift offered to him by a member of the public by reason of his or her occupying or having occupied a particular office or post in the Technikon.

30. Pension rights and retirement benefits

(1) Membership of the Associated Institutions Pension Fund and the Temporary Employee's Pension Fund shall be compulsory for every permanent and temporary employees respectively, unless such employee has retained membership of the Government Service Pension Fund in terms of the conditions of a transfer from another institution.

(2) The Technikon shall be an associated institution for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), and shall for such purposes be deemed to have been declared in terms of section 10 of the Act to be such an institution as from the date on which it was established, as the case may be, the date as from which it is in terms of section 10 deemed to be a Technikon established under this Act.

(3) If a person who is in the full-time employment of a body or institution with a pension or provident fund administered by the Government, is appointed without a break in employment to a post on the establishment of the Technikon such appointment shall be regarded as a transfer for pension purposes.

31. Housing subsidies

All permanent employees whose spouses or common-law wife or husband are not already entitled to a housing allowance or subsidy, shall be entitled to a housing subsidy, the extent of which shall be subject to negotiation with employees or representative employee associations.

32. Payment of thirteenth cheque

During every year of service, an employees shall be entitled to receive a thirteenth (13th) cheque which shall be paid on a pro rata basis within the month of the employee's birthday or on such other date as is agreed with a representative employee body through negotiation.

33. Medical aid

(1) The Council may provide employees with medical aid cover.

29. Verrigting van ander werk deur werknemers

Tensy daarvoor in sy of haar indiensnemingskontrak voorsiening gemaak word of dit deur die Raad goedgekeur is, mag 'n werknemer nie—

(a) diens of werk aanvaar wat sy of haar pligte by die Technikon sal benadeel of hom of haar mag verhinder om by die Technikon teenwoordig te wees wanneer dit van hom of haar verlang word nie;

(b) addisionele vergoeding eis, aanvaar of ontvang ten opsigte van enige werk wat hy of sy ampshalwe, uit hoofde van sy of haar werknemersverhouding moet verrig nie; en

(c) enige geskenk aanvaar wat hom deur 'n lid van die publiek aangebied word as gevolg van sy of haar posisie of voormalige posisie as bekleder van 'n amp of pos aan die Technikon nie.

30. Pensioenregte en aftreevoordele

(1) Lidmaatskap van die Pensioenfonds vir Geassosieerde Inrigtings en die Pensioenfonds vir Tydelike Werknemers is verpligtend vir elke permanente en tydelike werknemer onderskeidelik, tensy sodanige werknemer sy of haar lidmaatskap van die Regeringsdienspensioenfonds behou het kragtens die voorwaardes van 'n oorplasing vanaf 'n ander inrigting.

(2) Vir die doeleindes van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), is die Technikon 'n geassosieerde inrigting en vir sodanige doeleindes word dit geag kragtens artikel 10 van die Wet tot sodanige inrigting verklaar te vanaf die datum waarop dit gestig is of, vanaf die datum van wanneer dit kragtens artikel 10 geag word as 'n Technikon wat onder hierdie Wet tot stand te gekom het, wat ook al die geval mag wees.

(3) Indien 'n persoon wat heeltyds in die diens van 'n liggaam of inrigting met 'n pensioen- of voorsorgfonds wat deur die Regering geadministreer word is, sonder 'n onderbreking in sy of haar diens in 'n pos op die diensstaat van die Technikon aangestel word, word sodanige aanstelling vir pensioendoeleindes beskou as 'n oorplasing.

31. Behuisingstoelaes

Permanente werknemers, wie se gades of gemeenregtelike vrou of man nie alreeds geregtig is op 'n behuisingstoelaag of subsidie nie is geregtig op 'n behuisingstoelaag, waarvan die omvang onderworpe is aan onderhandeling met werknemers of verteenwoordigende werknemersorganisasies.

32. Betaling van dertiende tjek

Gedurende elke jaar van diens is 'n werknemer geregtig op die ontvangs van 'n dertiende (13de) tjek wat op 'n pro rata-basis betaal word in die maand waarin die werknemer verjaar of op sodanige ander datum as waarop deur onderhandeling met 'n verteenwoordigende werknemersorganisasie ooreengekom is.

33. Mediese hulp

(1) Die Raad kan werknemers voorsien van mediese hulpdekking.

(2) The Council shall consult with and obtain the agreement of the employees on the type of medical cover, the medical aid supplier, tariff and fee subvention.

(3) If the Council should decide to provide medical aid cover for its employees, such medical aid cover shall be compulsory for any employees falling in the category of employees for whom medical aid cover is provided, and who do not already have medical aid cover which he or she is obliged to retain.

34. Confidential nature of documents concerning employees

(1) All documents, files and correspondence concerning anything which is done in terms of the Act concerning an employee is the property of the Technikon and shall be of a confidential nature: Provided that an employee or his or her legal representative shall have the right of access or inspection of his or her personal file and shall be permitted to make copies of relevant documents thereof for purposes any court case, tribunal hearing or inquiry arising out of his or her employment relationship with the Technikon: Provided further that any other employee may have access thereto solely in the execution of his or her official duties.

(2) Any member of the Technikon staff who has confidential documents relating to employees, in his or her keeping, or, who receives confidential correspondence from existing or prospective employees, and who divulges anything matter contained therein to and unauthorized person, shall be guilty of a serious offence and subject to dismissal.

35. Obedience

(1) Subject to the provisions of an employee shall obey unconditionally any lawful and reasonable order given to him by a person who is authorised thereto.

(2) An employee may request that an order referred to in subrule be repeated in writing and he or she may request that the immediate superior of the person issuing such order, review the order, and should the employee still be dissatisfied, he or she may invoke the relevant steps of the Grievance Procedure.

36. Disciplinary and grievance procedures

(1) The Council shall, in consultation with the employees, set up and maintain a procedure to deal with discipline and grievances which employees may wish to raise.

(2) Any employee of the Technikon shall have free access to such procedures without hinderance or prejudice.

(3) No employee who invokes the Grievance Procedure and no other employee acting as representative of an aggrieved person shall be victimised or in any way treated differently to other employees because he or she has lodged a grievance or represented an aggrieved person.

(2) Die Raad raadpleeg werknemers en verkry hul instemming ten opsigte van die soort mediese dekking, die mediese hulp verskaffer, en geldelike steun met tariewe en fooie.

(3) Indien die Raad sou besluit om mediese-hulp dekking vir al sy werknemers te voorsien, is sodanige mediesehulp dekking verpligtend vir elke werknemer wat in die kategorie van werknemers waarvoor die mediese-hulp dekking voorsien word val, en wat nie alreeds oor mediese-hulp dekking beskik wat hy of sy verplig is om te behou nie.

34. Vertroulike aard van dokumente rakende werknemers

(1) Alle dokumente, lêers en korrespondensie aangaande enigiets wat gedoen is in ooreenstemming met die Wet rakende 'n werknemer die eiendom van die Technikon en is van 'n vertroulike aard: Met dien verstande dat 'n werknemer of sy of haar regsverteenwoordiger die reg van toegang of inspeksie het en toegelaat sal word om afdrukke van relevante dokumente te maak vir doeleindes van enige hofsaak, verhoor deur 'n tribunaal of 'n ondersoek wat voortspruit uit sy of haar werknemersverhouding met die Technikon: Met dien verstande voorts dat enige ander werknemer toegang daartoe kan hê slegs in die loop van die uitvoering van sy of haar amptelike pligte.

(2) Enige lid van die personeel van die Technikon wat vertroulike dokumente aangaande werknemers in sy of haar sorg het, of wat vertroulike briefwisseling ontvang van bestaande of voornemende werknemers, en wat enigiets wat daarin voorkom openbaar maak aan enige ongemagtigde persoon, is skuldig aan 'n ernstige oortreding en onderworpe aan ontslag.

35. Gehoorsaamheid

(1) Behoudens die bepalings van subreël (2) gehoorsaam 'n werknemer onvoorwaardelik enige wettige en redelike opdrag wat aan hom gegee word deur 'n persoon wat daartoe bevoeg is.

(2) 'n Werknemer kan versoek dat 'n bevel soos bedoel in skriftelik herhaal word en hy of sy kan versoek dat die onmiddellike hoof van die persoon wat die bevel uitreik die bevel hersien, en indien die werknemer nog steeds ontevrede is, kan hy hom beroep op die betrokke stappe in die Grieweprosedure.

36. Prosedure ten opsigte van dissipline en griewe

(1) Die Raad in oorleg met die werknemers, skep en handhaaf 'n prosedure om te handel met kwessies rakende dissipline en griewe wat werknemers wil opper.

(2) Elke werknemer van die Technikon het vrye toegang tot sodanige prosedures, sonder hindernis of vooroordeel.

(3) Geen werknemer wat hom beroep op die Grieweprosedure en geen ander werknemer wat optree as die verteenwoordiger van 'n gegriefde persoon word geviktimiseer of in enige opsig anders behandel as ander werknemers omdat hy of sy 'n grief aanhangig gemaak het of 'n gegriefde verteenwoordig nie.

(4) The procedure to deal with employees' discipline and grievances shall be as set out in agreements reached through negotiation with representative employee bodies.

37. Freedom of association and freedom from victimization

(1) Employees have the right to join an employees' association or trade union of their choice and no employee shall be treated differently to other employees, be denied benefits or promotion, or have his or her services terminated by reason of his or her membership of such association or trade union.

(2) If an employee has good reason to suspect that any treatment contemplated in subrule (1) above was the result of his or her membership of an association or trade union, the onus shall rest upon the Council or its designated executive to prove that such was not the case.

38. Reports on staff and adverse remarks

(1) The Council may require that a report be drafted and submitted by the Principal in respect of an employee under his or her control if there is good reason for such report to be drafted.

(2) If any adverse remark is made about an employee in any document which is intended to be kept in his or her personal file it must be brought to the attention of the employee concerned and he or she must be—

(a) required to sign the document in question; and

(b) be invited to respond thereto in writing.

(3) A document containing an adverse remark about the employee and the employee's representations must be countersigned by his or her immediate superior and filed in the employee's personal file: Provided that the immediate superior of the employee concerned may order the removal from the file of the adverse remark if he or she is of the opinion that the remark is not justified.

(4) The removal of an adverse remark from the employee's personal file must, in writing be brought to the attention of the employee concerned.

(5) Where an investigation is being made into the conduct of an employee and such investigation leads to a hearing in which the employee is charged with misconduct, the evidence gathered in the course of the investigation shall be confidential and may be divulged only to a person or persons involved in the hearing and to the employee or his or her representative.

(6) If the investigating does not lead to a charge of misconduct or if, at a subsequent hearing the employee is found not guilty, all information gathered during the investigation shall immediately be removed and destroyed.

(4) Die prosedure vir die behandeling van werknemers se dissipline en griewe is soos uiteengesit in ooreenkomste bereik deur onderhandelinge met verteenwoordigende werknemersliggame.

37. Vryheid van Assosiasie en Vryheid van Viktimisasie

(1) Werknemers het die reg om by 'n werknemersvereniging of vakunie van hul keuse aan te sluit en geen werknemer word anders as ander werknemers behandel of voordele of bevordering ontsê nie, en sy of haar dienste sal nie beëindig word as gevolg van sy of haar lidmaatskap van sodanige vereniging of vakunie nie.

(2) Indien 'n werknemer goeie rede het om te vermoed dat enige optrede soos bedoel in subreël (1) die gevolg is van sy of haar lidmaatskap van 'n vereniging of vakunie, is die onus op die Raad of sy aangewese uitvoerende beamptes om te bewys dat dit nie die geval is nie.

38. Verslae oor personeel en ongunstige opmerkings

(1) Die Raad kan verlang dat die Prinsipaal 'n verslag ten opsigte van 'n werknemer onder sy of haar beheer opstel en voorlê indien daar goeie rede bestaan om sodanige verslag op te stel.

(2) Indien enige ongunstige opmerking aangaande 'n werknemer gemaak word in enige dokument wat bestem is vir sy of haar persoonlike lêer, moet dit onder die aandag van die betrokke werknemer gebring word en hy of sy moet—

(a) gevra word om die betrokke dokument te onderteken; en

(b) genooi word om skriftelik daarop te reageer.

(3) 'n Dokument met 'n ongunstige opmerking aangaande 'n werknemer en die werknemer se vertoë moet mede-onderteken word deur sy of haar onmiddellike hoof en in die werknemer se persoonlike lêer geliasseer word: Met dien verstande dat die werknemer se onmiddellike hoof mag beveel dat die ongunstige opmerking van die lêer verwyder word indien hy van mening is dat die opmerking ongeregverdig is.

(4) Die verwydering van die ongunstige opmerking vanaf die werknemer se persoonlike lêer moet skriftelik onder die aandag van die betrokke werknemer gebring word.

(5) Wanneer ondersoek ingestel word ten opsigte van die gedrag van 'n werknemer en sodanige ondersoek lei tot 'n verhoor waarin die werknemer aangekla word van wangedrag, is alle getuienis in die loop van die ondersoek ingewin is vertroulik en mag dit slegs openbaar gemaak word aan 'n persoon of persone betrokke by die verhoor en aan die werknemer of sy of haar verteenwoordiger.

(6) Indien die ondersoek nie lei tot 'n klag van wangedrag nie, of indien die werknemer by 'n daaropvolgende verhoor onskuldig bevind word, word alle inligting tydens die ondersoek ingewin onmiddellik verwyder en vernietig.

39. Personal information

(1) An employee shall notify the Principal of the following:

(a) His or her residential address;

(b) his or her telephone number at home;

(c) any change in marital status;

(d) any change in his or her marital circumstances; and

(e) any change in his or her circumstances which could affect his or her medical aid contributions or the PAYE deductions made from his or her salary.

(2) The Principal shall cause such information to be recorded.

40. Participation in political and other activities

(1) An employee—

(a) shall not use his or her position or office to promote or prejudice the interests of a political party;

(b) who—

(i) in terms of the provisions of the Electoral Act, 1979 (Act No. 45 of 1979), is nominated as a candidate for the election as a member of a House of Parliament;

(ii) in terms of the provisions of the Republic of South Africa Constitution Act, 1993 (Act No. 200 of 1993), is nominated or is elected indirectly as a member of a House of Parliament; or

(iii) in terms of the Provincial Government Act, 1986 (Act No. 69 of 1986), is appointed to the executive committee of a province,

may, notwithstanding anything to the contrary in these Rules, be deemed to have resigned from his or her employment with effect from the day on which he or she is thus nominated, indirectly elected, designated or appointed, as the case may be: Provided that if such employee is not elected as contemplated he/she may again be appointed as an employee;

(c) shall not display, circulate or distribute a notice, document, bill or other paper which seeks support for a political party or which relates to the election or the opposition of the election of a person as a member of Parliament, and, anybody referred to in subrule (2) on the grounds, sports grounds or at a function of the Technikon, whether before, during or after Technikon hours, and he or she shall not perform any other act relating to such election on any such grounds, sports grounds or at any function of the Technikon.

39. Persoonlike inligting

(1) 'n Werknemer verstrek die volgende inligting aan die Prinsipaal:

(a) Sy of haar woonadres;

(b) sy of haar huistelefoonnommer;

(c) enige verandering in huwelikstatus;

(d) enige verandering in sy of haar huwelikstatus; en

(e) enige verandering in sy of haar huwelikstomstandighede wat 'n invloed mag hê op sy of haar mediese hulpbydraes of die LBS-aftrekkings van sy of haar salaris.

(2) Die Prinsipaal laat sodanige inligting aanteken.

40. Deelname aan politieke en ander bedrywighede

(1) 'n Werknemer—

(a) gebruik nie sy of haar posisie of amp om die belange van 'n politieke party te bevorder of te benadeel nie;

(b) wat—

(i) ooreenkomstig die bepalings van die Kieswet, 1979 (Wet No. 45 van 1979), genomineer word as kandidaat in 'n verkiesing van 'n Huis van die Parlement; of

(ii) ooreenkomstig die bepalinge van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), genomineer word of indirek verkies word tot lid van 'n Huis van die Parlement; of

(iii) ooreenkomstig die bepalinge van die Provinsiale Regeringwet, 1986 (Wet No. 69 van 1986), aangestel word in die Uitvoerende Komitee van 'n provinsie,

kan, nieteenstaande enigiets tot die teendeel in hierdie Reëls, geag word as uit sy of haar pos te bedank het en sodanige bedanking synde van krag vanaf die dag waarop hy of sy so genomineer is, indirek verkies is, wat ookal aangewys of aangestel is, soos die geval mag wees: Met dien verstande dat indien sodanige werknemer nie verkies word soos beoog nie hy of sy weer as 'n werknemer aangestel kan word;

(c) versprei nie 'n kennisgewing, dokument, biljet of ander stuk wat poog om steun vir 'n politieke party te werf of wat betrekking het op die verkiesing of teenkanting teen die verkiesing van 'n persoon as lid van die Parlement of enigiemand soos bedoel word in subreël (2) op die terrein, die sportterrein of by 'n funksie van die Technikon, hetsy dit voor, gedurende of na Technikonure is, en hy of sy sal geen handeling uitvoer wat betrekking het op sodanige verkiesing op sodanige terrein, sportterrein of by enige funksie van die Technikon nie.

(2) An employee shall not allow that his or her membership of any regional services council, city council, municipal council, village council, health committee, management committee or consultative committee, local authority, school board or hospital board or similar organizations in any way whatsoever interfere with his or her official duties.

(3) If any dispute arises between the Council and any body referred to in subrule (2) an employee who is a member of any such body shall not take part in the discussion of, or vote on, any such dispute.

41. Medical examination

Where an employee is absent for medical reasons on a regular basis, the Council may request such employee to present himself for medical examination by a registered medical practitioner. In the event of an employee refusing to present himself for such an examination and if the absenteeism continues, the Council may, after sufficient warning, decide to dismiss the employee on the grounds of incapacity.

42. Official hours of attendance and instruction

(1) The Principal shall, subject to negotiation with representative employee bodies, or, in their absence, subject to consultation with employees, determine the core hours of attendance of employees and shall ensure that they observe such hours.

(2) Notwithstanding any provisions to the contrary in these Rules, the Principal may require an employee to perform official duty on any working day of the week or at any time during the evening of a working day: Provided that such a requirement is reasonable and falls within the ambit of the employee's obligations: Provided further that the employee receives sufficient notice and has not made prior arrangements.

43. Working hours per week

The working hours of the different categories of employees of the Technikon shall be determined by Council after negotiation with representative employee bodies, or, in their absence, after consultation with employees.

44. Leave

(1) All absences from duty shall be classified as leave under one or more of the following headings:

(a) Vacation leave;
(b) accumulative leave;
(c) sick leave with full pay;
(d) sick leave with half pay;
(e) sick leave without pay;
(f) special sick leave with full pay;
(g) special sick leave with half pay;
(h) special sick leave without pay;
(i) special leave with full pay;
(j) special leave without pay.

(2) 'n Werknemer laat nie toe dat sy of haar lidmaatskap van enige streekdiensteraad, stadsraad, munisipale raad, dorpsraad, gesondheidskomitee, bestuurskomitee of raadplegende komitee, plaaslike owerheid, skoolraad of hospitaalraad of soortgelyke organisasie op enige wyse hoegenaamd met sy of haar amptelike pligte inmeng nie.

(3) Indien enige geskil ontstaan tussen die Raad en enige liggaam waarna verwys word in subreël (2) neem 'n werknemer wat 'n lid is van enige sodanige liggaam nie deel aan die bespreking of stem oor enige sodanige geskil nie.

41. Mediese ondersoek

Wanneer 'n werknemer gereeld om mediese redes afwesig is, kan die Raad sodanige werknemer versoek om hom aan te meld vir 'n mediese ondersoek deur 'n geregistreerde mediese praktisyn en indien 'n werknemer weier om hom vir sodanige ondersoek aan te meld en sy afwesigheid voortgaan kan die Raad, na voldoende waarskuwing, besluit om die werknemer te ontslaan op grond van onbekwaamheid.

42. Amptelike ure van bywoning en onderrig

(1) Die Prinsipaal bepaal, onderworpe aan onderhandelings met verteenwoordigende werknemersorganisasies, of, in hul afwesigheid, na raadpleging met werknemers, die kern ure van bywoning van werknemers en sien toe dat hulle daarby hou.

(2) Nieteenstaande enige bepalinge tot die teendeel in hierdie Reëls, kan die Prinsipaal van 'n werknemer verlang om amptelike pligte na te kom op enige werksdag van die week of op enige tyd gedurende die aand van 'n werksdag: Met dien verstande dat sodanige eis redelik is en binne die trefwydte van die werknemer se verpligtinge val: Met dien verstande voorts dat die werknemer voldoende kennis vooraf ontvang het en nie reeds ander reëlings getref het nie.

43. Werkure per week

Die verskillende kategorieë werknemers van die Technikon kom die getal werkure per week na wat bepaal is deur die Raad van die Technikon na onderhandeling met verteenwoordigende werknemersverenigings of, in hul afwesigheid, na raadpleging met werknemers.

44. Verlof

(1) Alle afwesigheid van die werk word geklassifiseer as verlof onder een of meer van die volgende hoofde:

(a) Vakansieverlof;
(b) oplopende verlof;
(c) siekteverlof met volle betaling;
(d) siekteverlof met halwe betaling;
(e) siekteverlof sonder betaling;
(f) spesiale siekteverlof met volle betaling;
(g) spesiale siekteverlof met halwe betaling;
(h) spesiale siekteverlof sonder betaling;
(i) spesiale verlof met volle betaling;
(j) spesiale verlof sonder betaling.

(2) All unauthorised absences from duty shall, apart from any disciplinary steps which may be taken against an employee, be deemed to be special leave without pay unless Council determines otherwise.

45. Grouping of employees for leave purposes

GROUP A

(1) ***Members of the teaching and research staff:***

(a) *Vacation leave with full pay:* Members of the teaching and research staff shall be entitled to leave during approved Technikon holidays for periods of not less than 42 but not more than 56 working days per year: Provided that the Council may, in special circumstances and taking into account the functions of specific staff, approve that such leave be taken in whole or in part during periods other than Technikon vacations.

(b) *Sick leave:* In each cycle with—

(i) full pay—90 days; and

(ii) half pay—90 days.

(c) *Accumulative leave:* Such leave shall accrue at a rate of 12 working days per annum with full pay: Provided that an employee shall not be entitled to accrue more than 365 days leave, and any accumulative leave in excess of the 365 days shall be forfeited by the employee without pay unless Council in its sole discretion decides otherwise.

GROUP B

(2) ***Members of administrative and auxiliary staff other than those provided for in Group C:***

(a) *Leave with full pay:* For such period as approved by the Council, not less than 30 and not exceeding 42 working days per annum including the recess period.

(b) *Sick leave:* In each cycle with—

(i) full pay—90 days; and

(ii) half pay—90 days.

(c) *Accumulative leave:* Such leave shall accrue at a rate of 10 working days per annum with full pay: Provided that an employee shall not be entitled to accrue more than 365 days leave and any leave in excess of the 365 days shall be forfeited by the employee without pay unless Council in its sole discretion decides otherwise.

GROUP C

(1) ***Members of the service worker staff component, except employees whose conditions of employment have been determined in accordance with the provisions of industrial or similar agreements, who are normally required to remain on duty during Technikon holidays although instruction is suspended and the Technikon is closed:***

(a) *Leave with full pay:* For such periods, as provided by the Council, on aggregate, not less than 20 and not exceeding 36 working days per annum including the recess period.

(2) Enige ongemagtigde afwesigheid van diens word, afgesien van enige dissiplinêre stappe wat teen 'n werknemer geneem mag word, beskou as spesiale verlof sonder betaling tensy die Raad anders besluit.

45. Indeling van werknemers vir verlofdoeleindes

GROEP A

(1) ***Lede van die onderrig- en navorsingspersoneel:***

(a) *Vakansieverlof met volle betaling:* Lede van die doserende en navorsingspersoneel is geregtig op verlof tydens die goedgekeurde Technikonvakansies vir tydperke van nie minder nie as 42 maar nie meer as 56 werkdae per jaar nie; met dien verstande dat die Raad van die Technikon in spesiale omstandighede en met inagname van die funksies van spesifieke personeellede kan goedkeur dat sodanige verlof in die geheel of gedeeltelik geneem word tydens tydperke buite Technikonvakansies.

(b) *Siekteverlof:* In elke siklus met—

(i) volle betaling—90 dae; en

(ii) halwe betaling—90 dae.

(c) *Oplopende verlof:* Sodanige verlof hoop op in 'n tempo van 12 werkdae met volle betaling per jaar: Met dien verstande dat 'n werknemer nie daarop geregtig is om meer as 365 dae op te hoop nie; en enige opgehoopte verlof wat 365 dae oorskry, word deur die werknemer sonder betaling verbeur, tensy die Raad in sy uitsluitlike diskresie anders besluit.

GROEP B

(2) ***Lede van die administratiewe en hulppersoneel behalwe dié waarvoor daar in Groep C voorsiening gemaak word:***

(a) *Verlof met volle betaling:* Vir sodanige tydperk as wat deur die Raad goedgekeur word, nie minder as 30 werkdae nie maar nie meer as 42 werkdae nie, insluitende die reses.

(b) *Siekteverlof:* In elke siklus met—

(i) volle betaling—90 dae; en

(ii) halwe betaling—90 dae.

(c) *Oplopende verlof:* Sodanige verlof hoop op in 'n tempo van 10 werkdae per jaar met volle betaling: Met dien verstande dat 'n werknemer nie daarop geregtig is om meer as 365 dae op te hoop nie en enige verlof wat 365 dae oorskry, word deur die werknemer sonder betaling verbeur, tensy die Raad in sy uitsluitlike diskresie, anders besluit.

GROEP C

(2) ***Lede van die dienste-personeelkomponent, behalwe werknemers wie se diensvoorwaardes vasgestel is in ooreenstemming met die bepalings van industriële of soortgelyke ooreenkomste, van wie gewoonlik verwag word dat hulle aan diens bly gedurende Technikonvakansies hoewel onderrig gestaak word en die Technikon gesluit is:***

(a) *Verlof met volle betaling:* Vir sodanige tydperk soos goedgekeur deur die Raad, in totaal nie minder nie as 20 en nie meer as 36 werkdae per jaar nie insluitend die reses.

(b) *Sick leave:* In each cycle with—

(i) full pay—90 days; and

(ii) half pay—90 days.

(c) *Accumulative leave:* Such leave shall accrue at a rate of five (5) working days per annum with full pay: Provided that an employee shall not be entitled to accrue more than 365 days leave (the equivalent of 12 calendar months) and any leave in excess of the 365 days shall be forfeited by the employee without pay unless Council in its sole discretion decides otherwise.

(4) Council shall cause each employee to be advised each year of the number of days of accumulative leave to his or her credit.

(5) Notwithstanding anything to the contrary in these Rules, special leave with or without pay may be granted to an employee by the Council.

(6) Accumulated leave standing to the credit of an employee at the end of the leave cycle each year shall be recorded in the leave register, and in recording such credit any part of a day shall be reckoned as one day.

(7) If any employee is transferred from one post to another and his or her transfer results in a change in his or her classification for leave purposes or if, for any reason other than his or her transfer, he or she passes from one leave group to another—

(a) he shall retain the accumulated leave credit which accrued during his or her employement in the previous group or groups;

(b) the leave privileges of the new group shall become applicable to him or her from the first day of the calendar month during which such transfer or passing becomes effective; and

(c) unused vacation leave for a particular calendar year shall lapse at the end of that calendar year and shall not be carried forward to the next calendar year.

46. Arrangement of leave

(1) All leave, except for vacation and sick leave, shall be granted with due regard to the exigencies of the Technikon.

(2) Leave cannot be claimed as a right when an employee terminates his or her employment with the Technikon for any reason whatsoever and his or her leave shall lapse on the last day of his or her employment and he or she cannot claim payment in respect of the cash value of leave standing to his or her credit: Provided that the provisions of this paragraph shall not preclude—

(a) the payment of leave gratuity;

(b) the reinstatement of a leave credit in respect of cases provided for in the Rules of a Technikon; or

(c) the payment of outstanding non-accumulative leave due to non-academic staff on a pro rata basis, excluding the recess period.

(b) *Siekteverlof:* In elke siklus met—

(i) volle betaling—90 dae; en

(ii) halwe betaling—90 dae.

(c) *Oplopende verlof:* Sodanige verlof hoop op in 'n tempo van vyf (5) werkdae per jaar met volle betaling: Met dien verstande dat 'n werknemer nie daarop geregtig is om meer as 365 dae verlof op te hoop nie en enige verlof wat 365 dae oorskry word deur die werknemer sonder betaling verbeur tensy die Raad in sy uitsluitlike diskresie anders besluit.

(4) Die Raad laat elke werknemer jaarliks in kennis stel van die getal dae opgehoopte verlof tot sy of haar krediet.

(5) Nieteenstaande enigiets tot die teendeel in hierdie Reëls, kan spesiale verlof met of sonder betaling aan 'n werknemer deur die Raad toegestaan word.

(6) Opgehoopte verlof wat tot die krediet van 'n werknemer staan aan die einde van 'n jaarlikse verlofsiklus word aangeteken in die verlofregister, en by die aantekening van sodanige verlofkrediet word enige deel van 'n dag beskou as 'n volle dag.

(7) Indien 'n werknemer oorgeplaas word van een pos na 'n ander en sodanige oorplasing 'n verandering in sy of haar klassifikasie vir verlofdoeleindes tot gevolg het of indien hy of sy oorgaan van een verlofgroep na 'n ander om enige ander rede as sy of haar oorplasing—

(a) behou hy of sy die opgehoopte verlofkrediet wat hom of haar toegeval het tydens sy of haar diens in die vorige groep of groepe; en

(b) is die verlofvoorregte van die nuwe groep op hom of haar van toepassing vanaf die eerste dag van die kalendermaand waarin sodanige oorplasing of oorgang van krag word; en

(c) verval ongebruikte vakansieverlof vir 'n besondere kalenderjaar aan die einde van daardie kalenderjaar en word dit nie oorgedra na die volgende kalenderjaar nie.

46. Reëling van verlof

(1) Alle verlof, behalwe vakansie- en siekteverlof, word toegestaan met inagneming van die behoeftes en omstandighede van die Technikon.

(2) Verlof kan nie geëis word as 'n reg wanneer 'n werknemer sy of haar diens by die Technikon beëindig om enige rede hoegenaamd nie en sy of haar verlof verval op die laaste dag van sy of haar diens en hy of sy kan nie betaling eis ten opsigte van die kontantwaarde van verlof wat tot sy of haar krediet staan nie: Met dien verstande dat die bepalings van hierdie paragraaf nie uitsluit dat—

(a) 'n verlofgratifikasie betaal word;

(b) verlofkrediet ten opsigte van gevalle waarvoor in die Reëls van die Technikon voorsiening gemaak word, herstel word; of

(c) betaling ten opsigte van agterstallige nie-oplopende verlof verskuldig aan nie-akademiese personeel gedoen word op 'n pro rata-basis, die reses uitgesluit.

47. Days of rest

A Saturday and days of rest shall not be deemed to be leave.

48. Granting and withdrawal of leave: Application forms and leave registers

(1) The granting of all leave shall be subject to the approval of the Council: Provided that the Council may delegate to the Principal or any other senior permanent employee the authority to grant leave to its employees.

(2) Leave already granted may on reasonable grounds be withdrawn by the Council.

(3) Except in the case where a permanent employee is suspended from duty or where an employee is prevented by his or her sudden illness as evidence by the submission in due course of a certificate of indisposition, as, required, subject to the provision of rule 64, or by other circumstances which are acceptable to Council, from remaining on or reporting for duty, he or she shall not leave or stay away from work until he/she has applied, in writing, for leave and has been advised that the leave application has been approved.

(4) Application for leave shall be made in writing in a form determined by the Council.

(5) The form of the certificate of indisposition shall be a standard sick certificate as approved by the Medical Association of South Africa.

(6) The Technikon shall keep a leave register in respect of each employee in which all absences from duty shall be recorded in accordance with the classification in rules 44 and 45.

(7) All applications for leave shall be filed for audit and other purposes in the office where the leave register is kept, for such period as the Council may direct.

49. Voluntary termination of leave by employee

An employee who wishes to assume duty before the expiry of a period of leave granted to him under these Rules, shall obtain the prior approval of the Principal.

50. Overgrant of leave

If an employee is granted leave with pay in excess of that provided for in the Rules, such overgrant may be deducted from such leave which subsequently accrues to him, provided that the Council is satisfied that the overgrant was made in good faith: Provided further that if such employee resigns or his or her employment is terminated before sufficient leave has accrued to him for the purpose of such deduction, that portion of the overgrant which has not yet been set off against his or her leave accrual on the last day of his/her employment shall be deemed to be an overpayment of salary which shall be recovered or written off with the approval of the Council.

51. Leave counts for the purpose of salary increments

All leave, of whatever nature shall count for the purpose of salary increments.

47. Rusdae

'n Saterdag en rusdae word nie beskou as verlof nie.

48. Toestaan en intrekking van verlof: Aansoekvorms en verlofregisters

(1) Die toestaan van alle verlof is onderhewig aan die goedkeuring van die Raad: Met dien verstande dat die Raad die gesag om verlof aan werknemers toe te staan aan die Prinsipaal of enige ander senior permanente werknemer kan delegeer.

(2) Verlof alreeds toegestaan mag op redelike gronde deur die Raad teruggetrek word.

(3) Behalwe in 'n geval waar 'n permanente werknemer uit sy amp geskors is of waar 'n werknemer deur sy of haar skielike siekte soos bewys, indien aldus vereis word, behoudens die bepalings van reël 64, deur die indiening mettertyd van 'n sertifikaat van ongesteldheid, of deur ander omstandighede wat vir die Raad aanvaarbaar is, verhinder word om aan diens te bly of hom of haar vir diens aan te meld, verlaat sal hy of sy nie sy diens of bly hy of sy nie van sy of haar werk weg voordat hy of sy skriftelik om verlof aansoek gedoen het en in kennis gestel is dat sy of haar verlofaansoek goedgekeur is nie.

(4) Aansoek om verlof word skriftelik gedoen, in 'n vorm wat deur die Raad bepaal word.

(5) Die vorm van die sertifikaat van ongesteldheid is 'n standaardsiekte-sertifikaat soos goedgekeur deur die Mediese Vereniging van Suid-Afrika.

(6) Die Technikon hou 'n verlofregister by ten opsigte van elke werknemer waarin elke afwesigheid van diens aangeteken word in ooreenstemming met die indeling in reëls 44 en 45.

(7) Elke aansoek om verlof word geliasseer vir oudit- en ander doeleindes in die kantoor waar die verlofregister gehou word, vir sodanige tydperk as wat die Raad mag aandui.

49. Vrywillige beëindiging van verlof deur werknemer

'n Werknemer wat sy pligte wil hervat voordat die verloftydperk wat onder hierdie Reëls aan hom toegeken is, verstryk het, moet vooraf die goedkeuring van die Prinsipaal daarvoor verkry.

50. Oortoekenning van verlof

Indien aan 'n werknemer verlof met betaling toegestaan word bo en behalwe dit waarvoor in hierdie Reëls voorsiening gemaak word, kan sodanige oortoekenning afgetrek word van verlof wat hom daarna toeval: Met dien verstande dat die Raad tevrede is dat die oortoekenning in goeie trou gemaak is: Met dien verstande voorts dat indien sodanige werknemer bedank of sy of haar diens beëindig word voordat genoeg verlof opgehoop het vir die doel van sodanige aftrekking, daardie deel van die oortoekenning wat nog nie van sy of haar opgehoopte verlof afgetrek kon word op die laaste dag van sy of haar diens nie, beskou sal word as 'n oorbetaling van salaris, wat verhaal word of met die goedkeuring van die Raad afgeskryf word.

51. Verlof tel vir salarisverhogingsdoeleindes

Alle verlof, van watter aard ook al, tel vir salarisverhogingsdoeleindes.

52. Absences from duty which need not be recorded as leave: Court cases and inquiries

(1) An employee shall not be deemed to be absent from duty when he or she appears as—

(a) a witness in a criminal court case;

(b) a witness or a party in a civil court case (including a divorce case); or

(c) a witness or party at a rent board inquiry.

(2) To each of the cases stated herein the supervisor must be informed timeously, of such extended absence.

53. Lapse of leave

(1) An employee shall not give effective notice of termination of services or retirement during any period of leave granted to him, and any leave, accumulative and non-accumulative, shall notwithstanding the provisions of rule 46 (2), be forfeited on resignation.

(2) An employee who has given notice of termination of services shall not be granted any further leave, except sick leave or special leave without pay.

(3) Where an employee reaches retirement age or gives notice of retirement, accumulative leave shall, for the purposes of conversion of leave credits to cash, accrue to him up to and including the last day of the month or term during which he or she retires.

(4) The period of employment of an employee shall not be extended in order to enable him to utilise leave which may have been granted to him.

(5) If an employee who has resigned or retired is reappointed such reappointment shall for the purposes of these rules be deemed to be a new appointment.

(6) The accumulative leave credit which a member of the teaching and research staff had on resignation or retirement may be reinstated by Council to a maximum of 184 days: Provided that—

(a) such maximum number of days shall be reduced by the number of days in respect of which a leave gratuity was paid; and

(b) no accumulative leave in terms of rule 56 shall be granted within two years of such reappointment.

54. Payment of allowances or remuneration during leave

The continuance or cessation of the payment to an employee of allowances or remuneration other than salary or wage and the liability of an employee for payment due to the Technikon in respect of goods supplied or services rendered by the Technikon during periods of leave, shall be subject to the provisions of the Rules applicable thereto or directions issued by the Council in connection therewith.

52. Afwesigheid van diens wat nie as verlof beskou hoef te word nie: Hofsake en ondersoeke

(1) 'n Werknemer word nie beskou as afwesig van diens nie indien hy of sy verskyn as—

(a) 'n getuie in 'n kriminele saak;

(b) 'n getuie of 'n party in 'n siviele saak (insluitend 'n egskeidingsaak); of

(c) 'n getuie of 'n party by 'n huurraadondersoek.

(2) Vir elk van die gevalle hierin vermeld moet die toesighouer vroegtydig van sodanige verlengde afwesigheid in kennis gestel word.

53. Verval van verlof

(1) 'n Werknemer kan nie geldige kennis van beëindiging van sy of haar diens of van aftrede gee tydens enige tydperk van verlof aan hom of haar toegestaan nie, en enige verlof, opgehoop of nie-opgehoop, word nieteenstaande die bepaling van by reël 46 (2), verbeur met bedanking.

(2) Geen verdere verlof word toegestaan aan 'n werknemer wat kennis gegee het van die beëindiging van sy of haar diens behalwe siekteverlof of spesiale verlof sonder betaling.

(3) Wanneer 'n werknemer die aftree-ouderdom bereik of kennis gee van aftrede moet oplopende verlof vir die doel van omskepping van verlofkrediet tot kontant, hom toeval tot en insluitend die laaste dag van die maand of kwartaal waarin hy of sy aftree.

(4) Die dienstydperk van 'n werknemer word nie verleng ten einde hom in staat te stel om verlof wat aan hom toegestaan is te gebruik nie.

(5) Indien 'n werknemer wat bedank of afgetree het, heraangestel word, word sodanige aanstelling vir die doel van hierdie Reëls beskou as 'n nuwe aanstelling.

(6) Die oplopende verlofkrediet waarop 'n lid van die onderrig- en navorsingspersoneel met sy of haar bedanking of aftrede geregtig was deur die Raad tot 'n maksimum van 184 dae herstel kan word: Met dien verstande dat—

(a) sodanige maksimum getal dae verminder word met die hoeveelheid dae ten opsigte waarvan 'n verlofgratifikasie betaal is; en

(b) geen oplopende verlof in ooreenstemming met die bepalings van reël 56 toegestaan word binne twee jaar van sodanige heraanstelling nie.

54. Betaling van toelaes of vergoeding gedurende verlof

Die voortsetting of staking van die betaling van toelaes of vergoeding buiten salaris of lone aan 'n werknemer en die aanspreeklikheid van 'n werknemer vir betaling aan die Technikon ten opsigte van goedere verskaf of dienste voorsien deur die Technikon gedurende verloftydperke, is onderhewig aan die bepalings van die Reëls daarop van toepassing of die voorskrifte in verband daarmee uitgereik deur die Raad.

55. Provision for allowances and service benefits during leave other than vacation leave

(1) The Council may refuse to pay any allowance, payable to an employee for doing a specific job, during periods of paid leave, other than vacation leave, granted to him.

(2) The Council may issue directions on the financial arrangements to be followed to provide for certain continuous service benefits to which an employee may be entitled during a period of unpaid leave, or leave with half pay, or a combination of unpaid leave, leave with half pay and paid leave.

56. Accrual of accumulative leave

(1) Accumulative leave shall accrue in respect of each completed calendar month of employment at the rate of one-twelfth of the provision applicable to an employee in terms of rule 45.

(2) An employee who is appointed in a full-time capacity without a break in employment and who before such appointment was in the employment of a State department, body or institution which has a pension or provident fund administered by the Government, shall retain the accumulative leave standing to his or her credit on the last day of his or her employment with his or her previous employer.

(3) For the purpose of subrule (2) any part of a day shall be reckoned as one day when the accumulative leave credit is credited to an employee on the date on which these Rules become applicable to him.

57. Leave which counts for leave accrual purposes

(1) All leave, of whatever nature, with full or half pay shall count for the purpose of leave accrual.

(2) Subject to the approval of the Council, leave of whatever nature, without salary shall count for the purpose of leave accrual.

(3) Leave which in terms of subrule (2) accrues during a period of leave without pay shall not be granted to an employee until he or she has resumed his or her duties after his or her absence of leave without pay, and then only in respect of absence after such resumption of duty.

58. Granting of accumulative leave

(1) The Council may at any time require an employee to take a portion of the whole of the accumulative leave standing to his or her credit: Provided that the maximum period of leave prescribed in subrule (2) and subrule (5) below shall not be exceeded.

(2) Accumulative leave shall not be granted to a member of the teaching and research staff for less than one full Technikon term and the total continuous period of such leave shall not extend over more than two Technikon terms: Provided that Council may, on recommendation of the Principal, grant accumulative leave for shorter or longer periods of time.

55. Voorsiening vir toelaes en diensvoordele gedurende verlof behalwe vakansieverlof

(1) Die Raad kan weier om enige toelae te betaal wat aan 'n werknemer betaalbaar is om 'n bepaalde taak te verrig, gedurende tydperke van betaalde verlof, buiten vakansieverlof, wat aan hom toegestaan is.

(2) Die Raad mag instruksies uitreik ten opsigte van die finansiële reëlings wat gevolg moet word ten einde voorsiening te maak vir bepaalde aaneenlopende diensvoordele waarop 'n werknemer geregtig mag wees gedurende 'n tydperk van onbetaalde verlof, verlof met halwe betaling, of 'n kombinasie van verlof sonder betaling, verlof met halwe betaling en betaalde verlof.

56. Toeval van oplopende verlof

(1) Oplopende verlof val 'n werknemer toe ten opsigte van elke voltooide kalendermaand van diens teen die tempo van een-twaalfde van die voorsiening wat van toepassing is op 'n werknemer ooreenkomstig reël 45.

(2) 'n Werknemer wat in 'n heeltydse hoedanigheid aangestel word sonder 'n onderbreking in diens en wat voor sodanige aanstelling in diens was van 'n staatsdepartement, -liggaam of -inrigting wat 'n pensioen- of voorsorgfonds het wat bestuur word deur die Regering, behou die oplopende verlof wat tot sy of haar krediet was op die laaste dag van sy diens by sy of haar vorige werkgewer.

(3) Vir die doeleindes van subreël (2) word enige deel van 'n dag gereken as een dag wanneer die oplopende verlofkrediet tot die krediet van 'n werknemer gereken word op die datum waarop hierdie Reëls op hom of haar van toepassing word.

57. Verlof wat tel vir doeleindes van verlofophoping

(1) Alle verlof, van watter aard ook al, met volle of halwe betaling, tel vir die doel van verlofophoping.

(2) Onderworpe aan die goedkeuring van die Raad tel verlof sonder betaling, van watter aard ook al vir die doel van verlofophoping.

(3) Verlof wat ooreenkomstig die bepalings van subreël (2) oploop tydens 'n tydperk van verlof sonder betaling word nie aan 'n werknemer toegestaan voordat hy of sy sy of haar pligte hervat het na sy of haar afwesigheid met verlof sonder betaling nie, en dan ook slegs ten opsigte van afwesigheid na sodanige hervatting van sy of haar pligte.

58. Toestaan van oplopende verlof

(1) Die Raad kan te eniger tyd van 'n werknemer verwag om 'n deel of die geheel van die oplopende verlof te neem wat tot sy of haar krediet is: Met dien verstande dat die maksimum-tydperk van verlof voorgeskryf in subreëls (2) en (5) hieronder nie oorskry word nie.

(2) Oplopende verlof word nie aan 'n lid van die doserende of navorsingspersoneel toegestaan vir minder as een volle Technikon-termyn nie, en die totale aaneenlopende tydperk van sodanige verlof sal nie strek oor meer as twee Technikon-termyne nie: Met dien verstande dat die Raad op aanbeveling van die Prinsipaal, oplopende verlof vir langer of korter tydperke kan toeken.

(3) A member of the teaching and research staff who has at least one Technikon term accumulative leave standing to his or her credit and who desires to take leave for two Technikon terms, may apply in writing for the conversion of the accumulative leave standing to his or her credit into accumulative leave with half pay on the basis of two days with half pay for each day of accumulative leave to be utilised for this purpose: Provided that the dates of commencement shall coincide with the first and the last day, respectively, of a Technikon term: Provided further that Council may authorise a member of the teaching and research staff to take at any time such accumulative leave, or part thereof, as may have accrued to him.

(4) Accumulative and vacation leave with pay up to a maximum of 184 days (including rest days) in any period of 18 months may be granted to a member of the non-teaching staff, and subject to the provisions of subrule (5), any absence from duty in excess of this limit shall be covered by the granting of special leave without pay.

(5) Subject to the provisions of subrules (2) and (4) and rule 59, the Council may, if sound reasons exist, in a continuous period of 18 months grant an employee with no accumulative leave standing to his/her credit, special leave without pay not exceeding two Technikon terms if he or she is a member of the teaching and research staff and not exceeding 184 days if he or she is a member of the non-teaching staff.

59. Leave for study and research purposes

If accumulative leave standing to the credit of an employee is taken by such employee for purposes of study and research, the Council may, upon application by such employee and on submission by him of a satisfactory study and research programme, grant such employee an equal number of days special leave with full pay for the said purpose.

60. Leave for private affairs

Notwithstanding anything to the contrary in these Rules leave may be granted to an employee to enable him or her to attend to private affairs: Provided that such leave with full pay shall be limited to the number of days of accumulative leave standing to the credit of the employee concerned at the commencement of the leave.

61. Leave for confinement and adoption of a child

(1) Subject to the provisions of rule 45 an employee who is not entitled to any benefits under the Unemployment Insurance Act shall be entitled to 120 days leave of which 90 days will be paid leave for her confinement: Provided she has been in the employ of the Technikon for at least one year before the commencement of such leave.

(2) Council may, in addition, grant such an employee paid accumulative leave standing to her credit, accumulative leave with half pay on the basis of two days with half pay for each day of accumulative leave standing to her credit and unpaid special leave.

(3) 'n Lid van die doserende en navorsingspersoneel wat ten minste een Technikon-termyn se oplopende verlof tot sy of haar krediet het en wat verlang om verlof te neem vir 'n tydperk van twee Technikontermyne, kan skriftelik aansoek doen dat die oplopende verlof wat tot sy of haar krediet is, omgeskep word in oplopende verlof met halwe betaling op die basis van twee dae verlof teen halwe betaling vir elke dag van oplopende verlof wat vir dié doel aangewend sal word: Met dien verstande dat die aanvangsdatum saamval met die eerste en laaste dag, onderskeidelik van'n Technikonkwartaal: Met dien verstande voorts dat die Raad 'n lid van die doserende en navorsingspersoneel kan magtig om te eniger tyd sodanige oplopende verlof, of deel daarvan, te neem as wat hom reeds toegeval het.

(4) Oplopende en vakansieverlof met betaling tot 'n maksimum van 184 dae (rusdae ingeslote) in enige tydperk van 18 maande kan aan 'n lid van die nie-doserende personeel toegestaan word, en onderhewig aan die beperkings van subreël (5) word enige afwesigheid van diens wat hierdie perk oorskry, gedek deur die toekenning van spesiale verlof sonder betaling.

(5) Behoudens die bepalings van subreëls (2) en (4) en reël 59 kan die Raad, indien goeie redes daarvoor bestaan, in enige aaneenlopende tydperk van 18 maande aan 'n werknemer sonder oplopende verlof tot sy of haar krediet, spesiale verlof sonder betaling toestaan vir 'n tydperk van nie meer nie as twee Technikontermyne indien hy of sy 'n lid is van die doserende of navorsingspersoneel en vir nie meer as 184 dae nie indien hy of sy 'n lid is van die nie-doserende personeel.

59. Verlof vir studie- en navorsingsdoeleindes

Indien oplopende verlof wat tot die krediet van 'n werknemer is deur sodanige werknemer geneem word vir die doel van studie en navorsing, kan die Raad na ontvangs van 'n aansoek van sodanige werknemer en voorlegging deur hom van 'n bevredigende studie- en navorsingsprogram, aan sodanige werknemer 'n gelyke getal dae spesiale verlof met volle betaling vir genoemde doel toestaan.

60. Verlof vir private sake

Nieteenstaande enigiets tot die teendeel in hierdie Reëls, kan verlof aan 'n werknemer toegestaan word om na sy of haar private sake om te sien: Met dien verstande dat sodanige verlof met volle betaling beperk word tot die getal dae oplopende verlof wat daar tot die krediet van sodanige werknemer is met die aanvang van die verlof.

61. Verlof vir bevalling en aanneming van 'n kind

(1) Behoudens die bepalings van reël 45 is 'n werknemer wat nie geregtig is op voordele kragtens die Werkloosheidversekeringswet nie, geregtig op 120 dae verlof, waarvan 90 dae betaalde verlof is met die oog op haar bevalling: Met dien verstande dat sy in die diens van die Technikon was vir ten minste een jaar voor die aanvang van sodanige verlof.

(2) Die Raad kan daarbenewens ook aan sodanige werknemer betaalde oplopende verlof wat tot haar krediet is, oplopende verlof met halwe betaling op die basis van twee dae met halwe betaling vir elke dag oplopende verlof wat tot haar krediet is, en onbetaalde spesiale verlof, toestaan.

(3) An employee who wishes to take leave for confinement shall give at least one month's notice of the day on which the leave will commence.

(4) Confinement leave shall commence at least one month before the anticipated day of the birth.

(5) Subject to the provision of rule 45 a female employee who is not entitled to any benefits under the Unemployment Insurance Act and who adopts a child who is under two years of age shall be entitled to 61 days' leave with full salary.

(6) Subject to the provisions of rules 45 and 61 (1) to (4) an employee who is entitled to benefits under the Unemployment Insurance Act, shall be entitled to the following leave for her confinement:

(a) 120 days of which 90 days will be with full pay; or

(b) if an employee requires leave for a period in excess of 90 days' leave for such period as Council may determine: Provided that—

(i) during the first six months of such leave the employee shall be entitled to nine days' salary per month;

(ii) during the balance of such leave the employee shall be entitled to 38 days' paid leave;

(iii) any leave in excess of six months and 38 days shall be unpaid leave.

(7) Subject to the provisions of rules 45 and 61 (1) to (4) a employee who is entitled to benefits under the Unemployment Insurance Act, shall be entitled to the following leave if she adopts a child who is under two years of age:

(a) 61 days leave with full pay; or

(b) if an employee requires leave for a period in excess of 61 days, leave for such period as Council may determine: Provided that—

(i) during the first six months of such leave the employee shall be entitled to nine days' salary per month;

(ii) during the balance of such leave the employee shall be entitled to seven days' paid leave;

(iii) any leave in excess of six months and seven days shall be unpaid leave.

(8) A female employee who is not entitled to paid leave for confinement in terms of subrules (1) to (7) of rule 61 shall be entitled to take accumulative leave with full pay due to her or special leave without pay for such periods as Council may determine: Provided that she shall be entitled to at least 90 days leave, or, if she adopts a child under two years of age, to 61 days leave.

(3) 'n Werknemer wat begeer om verlof vir 'n bevalling te neem, gee ten minste een maand vooraf kennis van die datum waarop die verlof begin.

(4) Verlof vir 'n bevalling begin ten minste een maand voor die verwagte datum van die bevalling.

(5) Behoudens die bepalings van reël 45 is 'n vroulike werknemer wat nie geregtig is op enige voordele onder die Werkloosheidsversekeringswet nie, en wat 'n kind onder die ouderdom van twee jaar aanneem, geregtig op 61 dae verlof met volle salaris.

(6) Behoudens die bepalings van reël 45 en reël 61 (1) tot (4) is 'n werknemer wat geregtig is op voordele onder die Werkloosheidversekeringswet geregtig op die volgende verlof vir haar bevalling:

(a) 120 dae, waarvan 90 dae met volle betaling; of

(b) indien 'n werknemer verlof verlang vir 'n tydperk van meer as 90 dae, vir sodanige tydperk as wat die Raad mag bepaal: Met dien verstande dat—

(i) gedurende die eerste ses maande van sodanige verlof die werknemer geregtig is op nege dae salaris per maand;

(ii) gedurende die res van sodanige verlof die werknemer geregtig is op 38 dae betaalde verlof;

(iii) enige verlof wat ses maande en 38 dae oorskry onbetaalde verlof moet wees.

(7) Behoudens die bepalings van reëls 45 en 61 (1) tot (4) is 'n vroulike werknemer wat geregtig is op voordele onder die Werkloosheidversekeringswet geregtig op die volgende verlof indien sy 'n kind aanneem wat onder die ouderdom van twee jaar is:

(a) 61 dae verlof met volle betaling; of

(b) indien 'n werknemer verlof benodig vir 'n tydperk wat 61 dae oorskry, verlof vir sodanige tydperk as wat die Raad mag bepaal: Met dien verstande dat—

(i) gedurende die eerste ses maande van sodanige verlof die werknemer geregtig is op nege dae salaris per maand;

(ii) gedurende die res van sodanige verlof die werknemer geregtig is op sewe dae betaalde verlof;

(iii) enige verlof wat ses maande en sewe dae oorskry, onbetaalde verlof is.

(8) Enige vroulike werknemer wat nie geregtig is op betaalde verlof vir 'n bevalling ooreenkomstig die bepalings van subreëls (1) tot (7) van reël 61 nie, is daarop geregtig om opgehoopte verlof met volle salaris wat haar toekom of spesiale verlof sonder salaris te neem vir sodanige tydperke as wat die Raad mag besluit: Met dien verstande dat sy geregtig is op ten minste 90 dae verlof of, indien sy 'n kind onder die ouderdom van twee jaar aanneem, 61 dae verlof.

(9) An employee must take at least one month's leave before the anticipated date of birth and may take a further three months leave after the birth or stillbirth of a child provided that in total 90 days shall be paid for.

(10) If an employee has not accumulated sufficient leave to cover the additional month, she may take leave that may accrue to her in future.

(11) An employee referred to in this rule, except for employee adopting a child, must give at least three months' notice of the date on which the leave will commence.

(12) In the case of adoption, each case shall be treated on its merits.

62. Leave gratuity

Accumulated leave standing to the credit of an employee may, with the approval of the Council be taken in the form of leave by such employee, or otherwise, subject to the provisions of rule 45 be paid out to him or her on retirement in the form of a leave gratuity in accordance with the basis applicable to an officer or employee, appointed in terms of the Public Service Act, 1984 (Act No. 111 of 1984).

63. General provisions: Sick leave

(1) Sick leave shall accrue to an employee on the first day of a sick leave cycle or on the date of his or her assumption of duty where such date falls within a sick leave cycle, and with effect from that day the full provision of the relative cycle may be granted to him: Provided that the other provisions of these Rules are complied with.

(2) The day on which the employee first absented himself from duty owing to his or her indisposition or the day stated on the certificate of indisposition, whichever is the earlier shall be deemed to be the day on which sick leave has commenced.

(3) Where an employee has previously taken no sick leave or has not taken his or her full sick leave during previous sick leave cycles and such employee succumbs to an illness or mishap necessitating an extended period of absence, previously unused sick leave may be taken into account when calculating the period of paid sick leave to be granted to such employee.

(4) An employee may, on his or her written application, be granted accumulative leave standing to his or her credit *in lieu* of sick leave with half salary or sick leave without salary: Provided that such application is submitted not later than thirty (30) days after he or she has resumed duty: Provided further that—

(a) at the written request of an employee, such accumulative leave may be converted into accumulative leave with half salary on the basis of two days with half salary for each day of accumulative leave standing to his or her credit;

(9) 'n Werknemer moet ten minste een maand voor die verwagte datum van die bevalling verlof neem en mag 'n verdere drie maande verlof neem na die bevalling of die geboorte van 'n doodgebore kind: Met dien verstande dat vir 'n totaal van 90 dae betaal sal word.

(10) Indien 'n werknemer nie genoeg verlof opgehoop het om die addisionele maand te dek nie, mag sy die verlof neem wat haar in die toekoms mag toeval.

(11) 'n Werknemer in hierdie reël bedoel behalwe 'n werknemer wat 'n kind aanneem, moet minstens drie maande vooraf kennis gee van die datum waarop sodanige verlof 'n aanvang sal neem.

(12) In die geval van 'n aanneming word elke geval op sy eie meriete behandel.

62. Verlofgratifikasie

Opgehoopte verlof wat tot die krediet van 'n werknemer is, kan, met die goedkeuring van die Raad, deur sodanige werknemer in die vorm van verlof geneem word, of, behoudens die bepalings van reël 44, aan hom uitbetaal word in die vorm van 'n verlofgratifiksie in ooreenstemming met die grondslag wat van toepassing is op 'n beampte of werknemer wat aangestel is kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984).

63. Algemene voorwaardes: Siekteverlof

(1) Siekteverlof val 'n werknemer toe op die eerste dag van 'n siekteverlofsiklus of op die dag van sy of haar aanvaarding van diens waar so 'n dag binne die siekteverlofsiklus val, en met effek vanaf daardie dag kan die volle voorsiening wat in die betrokke siklus gemaak word aan hom toegeken word: Met dien verstande dat die ander bepalings van hierdie Reëls nagekom word.

(2) Die dag waarop die werknemer die eerste keer van die werk weggebly het as gevolg van sy of haar ongesteldheid of die dag wat op die sertifikaat van ongesteldheid verskyn, watter een ook al die eerste is, word geag die dag te wees waarop die verlof 'n aanvang geneem het.

(3) Waar 'n werknemer geen siekteverlof geneem het nie of nie sy of haar volle siekteverlof gedurende vorige verlofsiklusse geneem het nie, en sodanige werknemer swig voor 'n siekte of ongeval wat 'n lang afwesigheid noodsaak, kan voorheen ongebruikte siekteverlof in aanmerking geneem word wanneer die tydperk vir betaalde siekteverlof wat aan sodanige werknemer toegeken kan word, bereken word.

(4) Op die geskrewe versoek van 'n werknemer kan oplopende verlof wat tot sy of haar krediet staan in plaas van siekteverlof met halwe salaris of siekteverlof sonder salaris aan hom of haar toegeken word: Met dien verstande dat sodanige versoek ingedien word nie minder nie as dertig (30) dae nadat hy of sy diens hervat het: Met dien verstande voorts dat—

(a) op die geskrewe versoek van 'n werknemer, sodanige oplopende verlof omgeskep kan word in opgehoopte verlof met halwe salaris op die basis van twee dae met halwe salaris vir elke dag van opgehoope verlof wat tot sy of haar krediet staan;

(b) the Council is satisfied that the employee is at that stage not permanently unfit for the performance of his or her normal duties; and

(c) once such accumulative leave has been granted to an employee and he or she has received payment in respect thereof, it shall not be reconverted into sick leave with half salary or without salary.

(5) If an employee to whom accumulative leave with salary has been granted, takes ill while on accumulative leave, that part of accumulative leave during which he or she was ill shall, subject to the provisions of rule 64 (3) be converted into sick leave: Provided that an employee shall apply in writing for such conversion within thirty (30) days of the expiry of his or her accumulative leave.

(6) An employee who retains his or her accumulative leave credit in shall be granted sick leave with salary during the unexpired part of the cycle in which he or she was so transferred, which shall not exceed the sick leave which could have been granted to him, had the whole period of his or her employment during such cycle been employment at the Technikon.

(7) Notwithstanding the provisions of rule 45 and subject to the provisions of rule 64, a member of the staff may be granted, subsequent to the completion of nine (9) years' continuous employment and in every three cycles thereafter, additional sick leave up to a maximum of 90 days with full pay and 90 days with half pay on submission of a certificate referred to in rule 64 (2).

(8) Subject to the provisions of subrule (3), unused sick leave prescribed for any particular cycle shall lapse at the end of that cycle and shall not be carried forward to the next cycle.

(9) If an employee, who has been granted the maximum sick leave provided for in these conditions of employment, is unable, for reasons of health, to resume his or her duties, the Council may—

(a) on submission of a satisfactory certificate referred to in rule 64 (3);

(b) if such member at that time is not permanently unfit to perform his or her normal duties; and

(c) if such member has no long leave to his or her credit;

grant him further sick leave with half salary not exceeding ninety (90) days in any cycle: Provided that such grant may be made in respect of separate periods of absence and in respect of different kinds of illnesses.

64. Granting of sick leave

(1) Sick leave shall be granted only in respect of the absence from duty of an employee owing to an illness, indisposition or injury which is not caused wilfully.

(b) die Raad tevrede is dat die werknemer op daardie tydstip nie permanent ongeskik is om sy of haar normale pligte uit te voer nie; en

(c) indien sodanige oplopende verlof reeds aan 'n werknemer toegestaan is en hy of sy reeds betaling ten opsigte daarvan ontvang het, dit nie heromskep word in siekteverlof met halwe salaris of sonder salaris nie.

(5) Indien 'n werknemer aan wie oplopende verlof met salaris toegestaan is, siek word terwyl hy met sodanige verlof is, word daardie deel van die oplopende verlof waartydens hy sy siek was, behoudens die bepalings van reël 64 (3) omgeskep in siekteverlof: Met dien verstande dat die werknemer binne dertig (30) dae na die einde van sy oplopende verlof skriftelik om sodanige omskepping aansoek doen.

(6) Aan 'n werknemer wat sy of haar oplopende verlof krediet behou word siekteverlof met salaris gedurende die onverstreke tydperk van die siklus waarin hy so oorgeplaas is, wat nie die siekteverlof sal oorskry wat aan hom toegestaan sou kon word indien hy of sy die volle tydperk van sy of haar diens gedurende sodanige siklus verbonde aan die Technikon was nie.

(7) Nieteenstaande die bepaling van reël 45 en behoudens die bepalings van reël 64 kan aan 'n lid van die personeel na die voltooiing van nege (9) jaar se aaneenlopende diens en in elke drie siklusse daarna, addisionale siekteverlof tot 'n maksimum van 90 dae met volle betaling toegeken word en 90 dae met halwe betaling na indiening van die sertifikaat bedoel in reël 64 (3).

(8) Behoudens die bepalings van subreël (3) verval ongebruikte siekteverlof soos voorgeskryf vir enige bepaalde siklus aan die einde van daardie siklus en word dit nie oorgedra na die volgende siklus nie.

(9) Indien 'n werknemer wat reeds die maksimum tydperk van siekteverlof waarvoor daar in hierdie diensvoorwaardes voorsiening gemaak word, ontvang het, om gesondheidsredes nog steeds nie in staat is om sy of haar pligte te hervat nie, kan die Raad—

(a) by die voorlegging van 'n bevredigende sertifikaat soos bedoel in reël 64 (3);

(b) indien sodanige lid op daardie tydstip nie permanent ongeskik is om sy of haar normale pligte uit te voer nie; en

(c) indien sodanige lid geen lang verlof tot sy of haar krediet het nie,

aan hom of haar verdere siekteverlof met halwe salaris toeken vir 'n tydperk van nie meer as negentig (90) dae nie in enige siklus: Met dien verstande dat sodanige toekenning gemaak mag word ten opsigte van verskillende tydperke van afwesigheid en verskillende soorte siekte.

64. Toekenning van siekteverlof

(1) Siekteverlof word toegeken slegs ten opsigte van die afwesigheid van diens van 'n werknemer weens siekte, ongesteldheid of 'n besering wat nie opsetlik toegedien is nie.

(2) Sick leave shall be granted in respect of nervous complaints, insomnia, debility or similar ill-defined illness or indisposition only if the employee's state of health—

(a) incapacitates him from duty; and

(b) does not arise from his/her failure to take accumulative and vacation leave.

(3) If an employee is absent from duty for a continuous period exceeding three days owing to illness, he or she may be granted sick leave with salary only if he or she submits a certificate by a registered medical practitioner—

(a) describes the nature of the illness;

(b) states that he or she is not capable of performing his or her official duties; and

(c) indicates the period necessary for his or her recuperation.

(4) If the absence of an employee is due to illness and there are good reasons for the non-submission of a certificate in terms of subrule (3), the Council may exempt such employees from the submission of such certificate in respect of sick leave for a continuous period not exceeding fourteen (14) days.

(5) Exemption from the submission of a certificate in terms of subrule (3) shall be recorded on the application for leave.

(6) Subject to the provisions of subrule (5) sick leave with salary in respect of which a certificate as defined in this sub-paragraph is not submitted, shall be granted only for an aggregate not exceeding 10 days during any calendar year and further absences shall be covered by the granting of accumulative leave with salary or, if the employee has no accumulative leave or his or her credit, of leave without salary.

65. Sick leave without pay

Notwithstanding the provisions of rule 64, an employee who has used all his or her sick leave with salary provided for in these conditions of employment may be granted sick leave without salary not exceeding three hundred and sixty-five (365) days in any cycle.

66. Special sick leave

(1) An employee who is absent owing to an injury sustained in an accident arising out of and in the course of his or her duties or owing to a disease contracted in the course of and as result of his or her duties, may be granted special sick leave with full salary for the period he or she is incapacitated for his or her duties.

(2) Special sick leave shall not be granted if the accident is attributable to the serious and wilful misconduct of the employee as defined in the Workmen's Compensation Act, 1941 (Act No. 30 of 1941).

(3) The provisions of rule 64 (3) shall apply *mutatis mutandis* to the granting of special sick leave.

(2) Siekteverlof word toegestaan ten opsigte van senuwee-ineenstortinge, slaaploosheid, swakheid en dergelike vaag-omskrewe siekte of ongesteldheid slegs indien die werknemer se gesondheidstoestand—

(a) hom of haar ongeskik maak vir diens; en

(b) nie voortspruit uit sy of haar versuim om oplopende en vakansieverlof te neem nie.

(3) Indien 'n werknemer weens siekte van diens afwesig is vir 'n aaneenlopende tydperk wat drie dae oorskry, kan aan hom of haar siekteverlof met salaris toegestaan word slegs indien hy of sy 'n sertifikaat van 'n geregistreerde mediese praktisyn indien wat—

(a) die aard van die siekte beskryf;

(b) verklaar dat hy of sy nie in staat is om sy of haar amptelike pligte na te kom nie; en

(c) aandui watter tydperk nodig is vir sy of haar herstel.

(4) Indien die afwesigheid van 'n werknemer die gevolg is van siekte en daar goeie redes bestaan vir die nie-indiening van 'n sertifikaat in ooreenstemming met subreël (3) kan die Raad sodanige werknemer vrystel van die indiening van sodanige sertifikaat ten opsigte van siekteverlof met 'n aaneenlopende tydperk van nie meer as veertien (14) dae nie.

(5) Vrystelling van die indiening van 'n sertifikaat in ooreenstemming met die bepaling van subreël (3) moet op die verlofaansoek aangeteken word.

(6) Onderhewig aan die bepalings van subreël (5) word siekteverlof met salaris ten opsigte waarvan 'n sertifikaat soos beskryf in hierdie paragraaf nie ingedien is nie, net toegestaan vir 'n totaal van nie meer as tien (10) dae gedurende enige kalenderjaar nie, en verdere afwesigheid word gedek deur die toekenning van oplopende verlof met salaris of, indien die werknemer geen oplopende verlof tot sy of haar krediet het nie, verlof sonder salaris.

65. Siekteverlof sonder betaling

Nieteenstaande die bepalings van reël 64 kan aan 'n werknemer wat al sy of haar siekteverlof waarvoor in hierdie diensvoorwaardes voorsiening gemaak word, gebruik het, siekteverlof sonder salaris toegeken word vir 'n tydperk van hoogstens driehonderd vyf-en-sestig (365) dae in enige siklus.

66. Spesiale siekteverlof

(1) Spesiale siekteverlof met volle salaris kan aan 'n werknemer wat afwesig is as gevolg van 'n besering opgedoen in 'n ongeluk wat gebeur het weens en in die loop van sy of haar pligte of die gevolg is van 'n siekte opgedoen in die loop van en as gevolg van sy of haar pligte, toegestaan word vir die tydperk waarin hy of sy nie in staat is om sy of haar pligte uit te voer nie.

(2) Spesiale verlof word nie toegestaan nie indien die ongeluk die gevolg is van die ernstige en opsetlike wangedrag van die werknemer soos omskryf in die Ongevallewet, 1941 (Wet No. 30 van 1994).

(3) Die bepalings van reël 64 (3) is *mutatis mutandis* van toepassing op die toekenning van spesiale siekteverlof.

SPECIAL LEAVE

67. Special leave with full pay

(1) Special leave with full salary may be granted to an employee—

(a) for each day on which he or she writes an approved examination: Provided that one day's special leave with full pay may be granted in addition in respect of each day on which he or she actually does write an examination;

(b) if he or she attends an education or training programme intended to improve his or her ability to perform his or her duties approved by Council;

(c) if he or she is invited to speak or lecture on a programme or is so invited by another educational or business institution and when such speech or lectures promote the image of the Technikon, the academic development of the employee and that of his or her students;

(d) if an employee has lost through death his or her mother (in-law), father (in-law), a husband or wife (common-law), a child, brother, sister, or any other person in the discretion of the Principal, or, when any such person is seriously ill or hospitalized on account of a serious illness or accident;

(e) if the wife of an employee, during her pregnancy, experiences complications of such a nature that necessitate the presence or assistance of her husband who is an employee, or, when, after the birth of a child, the husband's presence or assistance is an absolute necessity;

(f) if he or she is absent from duty as a result of segregation or isolation or medical instructions where he or she was in contact with a person who has contracted, or is suspected of having contracted an infectious or contagious disease;

(g) if he or she is arrested or has to appear before court on a criminal charge and he or she is subsequently acquitted or the charge withdrawn;

(h) if he or she is required to perform continuous or non-continuous military, commando or police reserve service in which case special leave with salary equal to the difference between his or her normal salary and the salary which he or she receives in terms of the rules applicable to such military, commando or police reserve service may be granted to his or her by the Council;

(i) when he or she is selected by a recognised amateur sports association to—

(i) represent South Africa, as a competitor, at international sporting events;

SPESIALE VERLOF

67. Spesiale verlof met volle betaling

(1) Spesiale verlof met volle salaris word aan 'n werknemer toegeken—

(a) vir elke dag waarop hy of sy 'n goedgekeurde eksamen skryf: Met dien verstande dat een addisionele dag spesiale verlof met volle betaling toegestaan mag word ten opsigte van elke dag waarop hy of sy in werklikheid eksamen skryf;

(b) indien hy of sy 'n onderrig- of opleidingsprogram bywoon met die doel om sy of haar vermoë te verbeter om sy of haar pligte, soos goedgekeur deur die Raad, uit te voer;

(c) indien hy of sy uitgenooi word om te praat of 'n lesing te lewer of so uitgenooi word deur 'n ander opvoedkundige of sake-inrigting en wanneer sodanige praatjie of lesing die beeld van die Technikon, of die akademiese ontwikkeling van die werknemer en van sy of haar studente bevorder;

(d) indien 'n werknemer sy of haar moeder of skoonmoeder, vader of skoonvader of eggenoot of eggenote (gemeenregtelik), 'n kind, broer, suster, of enige ander persoon binne die diskresie van die Prinsipaal aan die dood afgestaan het, of wanneer enige sodanige persoon ernstig siek of gehospitaliseer is weens 'n ernstige siekte of ongeluk;

(e) indien die eggenote van 'n werknemer gedurende haar swangerskap komplikasies van so 'n aard ondervind wat die teenwoordigheid van haar eggenoot wat 'n werknemer is, noodsaak, of, wanneer die teenwoordigheid of hulp van die eggenoot na die geboorte van 'n kind absoluut noodsaaklik is;

(f) indien hy of sy afwesig is van diens as gevolg van segregasie, isolasie of mediese instruksie waar hy of sy in aanraking was met 'n persoon wat 'n aansteeklike of besmetlike siekte opgedoen het of van wie vermoed word dat hy of sy dit opgedoen het;

(g) indien hy of sy gearresteer is of in die hof moet verskyn op 'n kriminele aanklag en hy of sy daarna vrygespreek of die klag teruggetrek word;

(h) van hom of haar verwag word om aaneenlopende of nie-aaneenlopende militêre, kommando- of polisiereserwediens te verrig, in welke geval spesiale verlof met salaris gelyk aan die verskil tussen sy of haar gewone salaris en die salaris wat hy of sy ontvang kragtens die reëls wat van toepassing is op sodanige militêre, kommando- of polisiereserwediens deur die Raad aan hom of haar toegestaan kan word;

(i) indien hy of sy deur 'n erkende amateursportvereniging gekies word om—

(i) Suid-Afrika by internasionale sportbyeenkomste as 'n deelnemer te verteenwoordig;

(ii) accompany teams representing South Africa at international sporting events;

(iii) accompany any foreign national team visiting South Africa as a representative of the relevant sports association.

(2) Special leave granted in terms of subrule (1) may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

68. Termination of service due to retirement age have been reached

(1) The date of retirement of any employee of the Technikon who is a member of—

(a) the teaching and research staff shall be the first day of the term immediately following the date on which he or she attains the age of 60 years; and

(b) any other group of employees shall be the first day of the calendar month immediately following the calendar month in which he or she attains the age of 60 years.

(2) On application by an employee the Council may extend the employment of such an employee after his or her date of retirement for any period up to the first day of the calendar month immediately following the calendar month in which he or she attains the age of 65 years.

(3) An employee who was appointed before the first day of January 1956 and who on or after the said date in the case of a male attains the age of 65 years, or in the case of a female the age of 60 years, shall have the right to retire on pension—

(a) on the day on which he or she shall attain the said age, should he or she attain such age on the first day of any calendar month;

(b) on the first day of the calendar month immediately following the month in which he or she attains the said age should he or she attain such age after the first day of a calendar month;

(c) on the first day of any calendar month after the calendar month in which he or she attains such age: Provided that he or she shall give Council at least one calendar month's written notification of his or her intention to be retired on pension: Provided further that he/she shall retire not later than the first day of the calendar month immediately following the month in which he/she attains the age of 65 years.

(4) An employee who was appointed on or after the first day of January 1956, but before the date of the publication of these Rules, shall have the right to retain his or her retirement age of 65 years, in which case he or she shall retire on the first day of the calendar month immediately following the month in which he or she attains the age of 65 years: Provided that such

(ii) spanne van Suid-Afrika by internasionale sportbyeenkomste verteenwoordig te vergesel;

(iii) enige buitelandse nasionale span wat Suid-Afrika besoek te vergesel as 'n verteenwoordiger van die betrokke sportvereniging.

(2) Spesiale verlof ooreenkomstig die bepalings van subreël (1) mag enige tydperk insluit wat werklik en noodwendig bestee word aan reis vir die doel waarvoor die verlof toegeken is.

68. Beëindiging van diens as gevolg van bereiking van aftreeouderdom

(1) Die aftreedatum van 'n werknemer van die Technikon wat 'n lid is van—

(a) die doserende en navorsingspersoneel is die eerste dag van die kwartaal wat volg onmiddellik na die datum waarop hy of sy die ouderdom van 60 jaar bereik; en

(b) enige ander groep werknemers, is die eerste dag van die kalendermaand wat volg onmiddellik op die kalendermaand waarin hy of sy die ouderdom van 60 jaar bereik.

(2) Op versoek van 'n werknemer kan die Raad die diens van sodanige werknemer verleng na sy of haar aftreedatum vir enige tydperk tot die eerste dag van die kalendermaand wat volg onmiddellik na die kalendermaand waarin hy of sy die ouderdom van 65 jaar bereik.

(3) 'n Werknemer wat aangestel is voor die eerste dag van Januarie 1956 en wat op of na die betrokke datum die ouderdom van 65 jaar bereik in die geval van 'n man en 60 jaar in die geval van 'n vrou, het die reg om met pensioen af te tree—

(a) op die dag waarop hy of sy die betrokke ouderdom bereik, indien hy of sy sodanige ouderdom bereik op die eerste dag van enige kalendermaand;

(b) op die eerste dag van die kalendermaand onmiddellik na die maand waarin hy of sy die betrokke ouderdom bereik indien hy of sy sodanige ouderdom bereik na die eerste dag van die kalendermaand;

(c) op die eerste dag van enige kalendermaand na die kalendermaand waarin hy of sy sodanige ouderdom bereik: Met dien verstande dat hy of sy die Raad minstens een kalendermaand geskrewe kennis gee van sy of haar voorneme om met pensioen af te tree: Met dien verstande ook dat hy of sy aftree nie later nie as die kalendermaand wat volg onmiddellik op die maand waarin hy of sy die ouderdom van 65 jaar bereik.

(4) 'n Werknemer wat aangestel is op of na die eerste dag van Januarie 1956, maar voor die datum van publikasie van hierdie Reëls, het die reg om sy of haar aftreedatum van 65 jaar te behou, in welke geval hy of sy aftree op die eerste dag van die kalendermaand wat volg onmiddellik op die kalendermaand waarin hy of sy die ouderdom van 65 jaar bereik: Met

employee may also elect to retire on the first day of any calendar month after the calendar month in which he or she attains the age of 60 years: Provided further that he or she shall give Council at least three calendar months' written notification of his or her intention to retire.

(5) The Council may, notwithstanding anything to the contrary contained in subrules (1) to (4) retain the service of a permanent employee beyond the prescribed age of retirement for a further period not exceeding one year at a time.

69. Termination of service due to resignation

(1) An employee of the Technikon who desires to terminate his or her employment with the Technikon may do so by submitting a letter of resignation addressed to the Principal or his or her immediate superior.

(2) The final date of service rendered to the Technikon shall be in accordance with the general conditions as contemplated in these rules or in terms of any contract of appointment between the employee and the Technikon.

70. Termination of service due to absence without leave

A permanent employee who without approved leave absents himself from his or her official duties for a period of one (1) month or more, shall be deemed to have been discharged from his or her employment on account of misconduct with effect from the date immediately succeeding the last day on which he or she was in attendance at his or her place of duty: Provided that if such employee assumes other employment he or she shall be deemed to have been discharged as aforesaid notwithstanding that the said period has not yet expired: Provided further that if such employee reports for duty at any time after the expiry of the said period, he or she may, subject to the approval of Council, be re-instated in his or her former or any post or appointment in the employment of the Technikon on such conditions as Council may determine, and in that event the period of his or her absence from his or her official duties shall be deemed to be absence during which accumulation have accrued, on special leave without pay, or leave on such other conditions as the Council may determine.

71. Termination of service due to ill health

(1) An employee or the Council, may on recommendation of an employee's immediate superior, initiate procedures to terminate the services of that employee by reason of ill health.

(2) Taking account of the requisites of the employee's pension or provident fund and of any other benefit that may become due if the employee's services are terminated due to ill health, a panel of not less than three medical practitioners appointed by the Council shall examine the employee and submit a report to the Council on the said employee's fitness to continue his or her employment: Provided that the employee may appoint an additional medical practitioner of his or her choice to the panel.

dien verstande dat sodanige werknemer ook mag verkies om af te tree op die eerste dag van enige kalendermaand na die kalendermaand waarin hy of sy die ouderdom van 60 jaar bereik: Met dien verstande voorts dat hy of sy die Raad minstens drie maande skriftelike kennis sal gee van sy of haar voorneme om af te tree.

(5) Die Raad kan nieteenstaande enigiets tot die teendeel vervat in subreëls (1) to (4) die diens van 'n permanente werknemer behou na die voorgeskrewe aftreeouderdom vir 'n tydperk wat nie een jaar op 'n keer oorskry nie.

69. Beëindiging van diens as gevolg van bedanking

(1) 'n Werknemer van die Technikon wat begeer om sy of haar diens by die Technikon te beëindig kan dit doen deur die indiening van 'n bedankingsbrief gerig aan die Prinsipaal of aan sy of haar onmiddellike hoof.

(2) Die finale datum van diens wat aan die Technikon gelewer word, sal in ooreenstemming wees met die algemene voorwaardes soos bedoel in hierdie Reëls, of in ooreenstemming met eige aanstellingskontrak tussen die werknemer en die Technikon.

70. Beëindiging van diens as gevolg van afwesigheid sonder verlof

'n Werknemer wat sonder goedgekeurde verlof vir 'n tydperk van een (1) maand of meer van sy of haar amptelike pligte afwesig is, word beskou as uit sy of haar pos ontslaan te wees weens wangedrag, met ingang vanaf 'n datum wat onmiddellik volg op die datum waarop hy of sy die laaste keer in sy of haar werkplek aanwesig was: Met dien verstande dat indien die werknemer ander werk aanvaar hy of sy geag sal word aldus ontslaan te wees ten spyte daarvan dat die genoemde tydperk nog nie verstryk het nie: Met dien verstande voorts dat indien sodanige werknemer hom of haar aanmeld vir diens op enige tydstip nadat genoemde tydperk verstryk het, hy of sy, in die diskresie van die Raad, in sy of haar vroeëre pos in diens van die Technikon herstel kan word op die voorwaardes wat die Raad mag bepaal, en in daardie geval word die tydperk van sy afwesigheid van sy amptelike pligte beskou as afwesigheid waartydens oplopende verlof ophoop, met spesiale verlof sonder betaling, of verlof met sodanige ander voorwaardes as wat die Raad mag bepaal.

71. Beëindiging van diens as gevolg van swak gesondheid

(1) Op die aanbeveling van sy of haar onmiddellike hoof, kan 'n werknemer of die Raad, optrede inisieer om daardie werknemer se dienste te beëindig op grond van swak gesondheid.

(2) Met inagneming van die vereistes van die werknemer se pensioenfonds of voorsorgfonds en enige ander voordeel wat die werknemer mag toeval indien sy dienste weens swak gesondheid beëindig word, ondersoek 'n paneel van nie minder nie as drie mediese praktisyns wat deur die Raad aangewys is, die werknemer en doen verslag aan die Raad aangaande sodanige werknemer se geskiktheid om die uitvoering van sy pligte voort te sit: Met dien verstande dat die werknemer 'n addisionele mediese praktisyn van sy of haar eie keuse tot die paneel kan toevoeg.

(3) The employee's service with the Technikon may be terminated by the Council if the report contemplated in subrule (2) indicates that the employee is permanently unfit to perform the services he or she was appointed to perform and declares that such unfitness was not due to the employee's own fault.

72. Termination of service due to abolishment of post

The services of a permanent member of the staff may be terminated by the Council due to the abolition of his or her post, or due to a reduction in or reorganisation or readjustment of the staff of the Technikon: Provided that—

(a) such abolition, reduction, reorganisation or readjustment, takes place in consultation with a representative employee body or with the employee concerned;

(b) an investigation is held by the Principal, or a senior officer of the Technikon nominated by him, or an outside consultant appointed for the purpose, into the financial, resource and other implications of such abolition, reduction in or reorganisation or readjustment of the staff;

(c) the investigating officer contemplated in paragraph (b) submits to the Council a detailed report of his or her investigation in which he or she makes a recommendation to that effect;

(d) the Council is satisfied that the abolition of the post, reduction in or reorganisation or readjustment of the staff is in the best interests of the Technikon;

(e) a transfer of the employee to another suitable post within the Technikon is not feasible or is not acceptable to the employee;

(f) such member is given no less than six months notice of the abolition of the post; and

(g) the principles of natural justice applicable to retrenchments and redundancy are observed.

73. Notice periods and terminating date of salary

(1) Unless the Council in an exceptional case otherwise approves, an employee who is a member of the teaching and research staff, shall resign his or her post only with effect from the date following the end of a calendar quarter or the end of the corresponding Technikon term, whichever may be the later date: Provided that he or she shall give notice thereof not later than the first day of the Technikon term concerned.

(2) If a member of the teaching and research staff resigns or is discharged for any reason other than misconduct, or unfitness or incompetence and his or her employment terminated as a result thereof—

(a) at any time during a Technikon term, he or she shall be paid salary up to and including the last day on which he or she actually rendered service; and

(3) Die werknemer se diens by die Technikon kan beëindig word indien die verslag waarna in subreël (2) verwys word, aandui dat die werknemer permanent ongeskik is om die pligte uit te voer waarvoor hy of sy aangestel is en verklaar dat sodanige ongeskiktheid nie die gevolg is van die werknemer se eie optrede nie.

72. Beëindiging van diens as gevolg van afskaffing van pos

Die dienste van 'n permanente lid van die personeel kan deur die Raad beëindig word as gevolg van die afskaffing van sy of haar pos of 'n vermindering, herorganisasie of herrangskikking van die personeel van die Technikon: Met dien verstande dat—

(a) sodanige afskaffing, vermindering herorganisasie of herrangskikking, plaasvind in oorleg met 'n verteenwoordigende werknemersorganisasie of met die betrokke werknemer;

(b) ondersoek ingestel word deur die Prinsipaal, of 'n senior amptenaar van die Technikon deur hom aangewys, of 'n konsultant van buite wat spesiaal vir die doel aangestel is, na die finansiële, bronne- en ander implikasies van sodanige afskaffing, vermindering, herorganisasie of herrangskikking van personeel;

(c) die ondersoekbeampte in paragraaf (b) bedoel 'n gedetailleerde verslag van sy of haar ondersoek by die Raad indien waarin hy of sy 'n voorstel tot dien effekte maak;

(d) die Raad tevrede is dat die afskaffing van die pos, vermindering, reorganisasie of herrangskikking van die personeel in die beste belang van die Technikon is;

(e) die oorplasing van die werknemer na 'n ander geskikte pos binne die Technikon nie moontlik is nie, of nie vir die werknemer aanvaarbaar is nie;

(f) sodanige personeellid ten minste ses maande kennis van die afskaffing van sy pos gegee word; en

(g) die beginsels van natuurlike geregtigheid van toepassing op die afskaffing en die oortolligheid van poste nagekom word.

73. Kennisgewingsperiode en afsluitdatum van salaris

(1) Tensy die Raad in 'n buitengewone geval 'n ander handelwyse goedkeur, bedank 'n werknemer wat 'n lid is van die doserende of navorsingspersoneel uit sy of haar pos slegs met effek vanaf die datum wat volg op die einde van 'n kalenderkwartaal of die einde van die ooreenstemmende Technikon-termyn, watter datum ook al die laatste is: Met dien verstande dat hy of sy kennis daarvan gee nie later nie as die eerste dag van die betrokke Technikon-termyn.

(2) Indien 'n lid van die doserende of navorsingspersoneel bedank of ontslaan word om enige rede behalwe wangedrag, ongeskiktheid of onbekwaamheid en sy of haar diens as gevolg daarvan beëindig word—

(a) te eniger tyd gedurende 'n Technikon-termyn, word hy of sy 'n salaris betaal tot en met die laaste dag waarop hy of sy werklik diens gelewer het; en

(b) with effect from the day immediately following the last day of a Technikon term, he or she shall be paid salary up to and including the last day of the calendar month in which such Technikon term ended: Provided that if such Technikon term ends within the same calendar month as the month in which the next Technikon term commences, he or she shall be paid salary up to and including the last day of the Technikon term in which his or her employment so terminates: Provided further that a member of the teaching and research staff who is discharged shall receive at least a Techinkon's term's notice of his or her discharge: Provided further that should the last Technikon term end during November of a calendar year, he or she shall be remunerated up to and including the last day of the calendar year concerned.

(3) Unless otherwise provided in the terms of his or her appointment, or the Council in an exceptional case otherwise decides, a permanent employee who is a member of the non-teaching staff, shall give at least one calendar month's notice of his or her intention to resign his or her post: Provided that such notice may also be given on the first working day of such calendar month: Provided further that where the first day or the first day as well as the following day or days of such calendar month falls on a day of rest or days or rest, such notices may also be given in the first working day immediately following such day of rest or days of rest.

(4) If such employee so gives notice he or she shall be paid for the full calendar month, irrespective of whether it ends on a day of rest or on a day during which instruction is suspended: Provided that he or she remains in employment up to and including the last day he or she is required to serve in such calendar month.

(5) If notice of resignation shorther than a calendar month is accepted in the case of an employee who is a member of the non-teaching staff he or she shall be paid up to and including the last day on which he or she actually rendered service.

74. Misconduct and incompetence

A permanent employee shall be subject to disciplinary procedures if he or she is alleged to have—

(a) contravened or failed to comply with a provision of the Act or Statute, or a rule relating to the Technkon with which it is his or her duty to comply;

(b) disobeyed, disregarded or made wilful default disobeyed, disregarded or made wilful default in carrying out a reasonble, lawful order given to him by a person authorized to do so, or by word or conduct displays gross insubordination;

(c) been grossly negligent or indolent in the discharge of his or her duties;

(b) met ingang van die dag wat volg onmiddellik op die laaste dag van die Technikon-termyn, word hy of sy 'n salaris betaal tot en met die laaste dag van die kalendermaand waarin sodanige Technikon-termyn geëindig het: Met dien verstande dat indien sodanige Technikon-termyn eindig binne dieselfde maand as die maand waarin die volgende Technikon-termyn 'n aanvang neem, hy of sy 'n salaris betaal word tot en met die laaste dag van die Technikon-termyn waarin sy of haar diens so tot 'n einde kom: Met dien verstande voorts dat 'n lid van die doserende en navorsingspersoneel wat ontslaan word ten minste een Technikon-termyn kennis van sy of haar ontslag ontvang: Met dien verstande verder dat indien 'n Technikon-termyn eindig gedurende November van 'n kalenderjaar, hy of sy besoldig word tot en met die laaste dag van die betrokke kalenderjaar.

(3) Tensy anders bepaal in die voorwaardes van sy of haar aanstelling, of die Raad in 'n uitsonderlike geval anders besluit, gee 'n permanente werknemer wat 'n lid is van die nie-doserende personeel minstens een kalendermaand kennis van sy of haar voorneme om uit sy of haar pos te bedank: Met dien verstande dat kennis ook gegee kan word op die eerste werksdag van sodanige kalendermaand: Met dien verstande voorts dat waar die eerste dag of die eerste dag sowel as die volgende dag of dae van sodanige kalendermaand val op 'n rusdag of rusdae sodanige kennis ook gegee kan word op die eerste dag wat onmiddellik op sodanige rusdag of rusdae volg.

(4) Indien sodanige werknemer kennis gee, word hy of sy betaal vir die volle kalendermaand, ongeag of dit eindig op 'n rusdag of waarop onderrig nie plaasvind nie: Met dien verstande dat hy of sy aan diens bly tot en met die laaste dag van sodanige kalendermaand waarop van hom verwag word om aan diens te bly.

(5) Indien kennis van bedanking van minder as een kalendermaand aanvaar word in die geval van 'n werknemer wat 'n lid is van die nie-doserende personeel word hy of sy betaal tot en met die laaste dag waarop hy of sy werklik diens gelewer het.

74. Wangedrag en onbekwaamheid

'n Permanente werknemer is onderhewig aan dissiplinêre prosedures indien beweer word dat hy of sy—

(a) 'n bepaling van die Wet of Statuut, of 'n reël met betrekking tot die Technikon waaraan hy of sy verplig is om hom of haar te onderwerp, oortree het of versuim het om dit na te kom;

(b) 'n redelike wettige bevel, gegee deur 'n persoon wat by magte is om dit te doen, nie gehoorsaam het nie of dit verontagsaam het of opsetlik versuim het in die uitvoering daarvan, of wat deur woord of daad ernstige ongehoorsaamheid aan die dag gelê het nie;

(c) erg nalatig of traag was in die uitvoering van sy of haar pligte;

(d) contravened the provisions of rule 29;

(e) attempted to secured intervention, through any person not in the employ of the Technikon, in relation to his or her position and conditions of employment, unless it is done to obtain redress of any grievance;

(f) conducted by him- or herself in a disgraceful, improper or unbecoming manner while on duty;

(g) used intoxicants or stupefying drugs to the extent that he or she is unable to perform his or her duties, or, while he or she should be on duty, is under the influence of intoxicants or stupefying drugs;

(h) accepted or demanded in respect of the discharge of or the failure to discharge his or her duties, any commission, fee or other reward, not being the emoluments payable to him in respect of his or her duties, or failed to report the offer of any such commission, fee or reward;

(i) misappropriated or improperly used any property of the Technikon or failed to take proper care of such property under his or her supervision and control and such misappropriation or use does not constitute an offence;

(j) been guilty of an offence which renders him unsuitable for the post in which he or she is employed;

(k) absented himself from the Technikon or his or her duties without leave for a shorter period than that referred to in rule 70 unless he or she show good cause for his or her absence;

(l) with a view to obtaining any privilege or advantage, in relation to his or her official position or his or her duties, or is causing prejudice or injury to the Technikon or educational service of a member of such service, made a false or incorrect statement, knowing it to be false or incorrect;

(m) contravened any provision of the rules of the constitution of a medical aid fund or medical aid society of which he or she is required to be a member in terms of the Rules or fails to comply with any provision of the said rules with which it is his or her duty to comply by virtue of his or her membership of such medical aid fund or medical aid scheme;

(n) contravened any rule pertaining to the housing subsidy scheme;

(o) been incompetent or failed to fulfil the duties attached to his or her post in an efficient manner.

(d) die bepalings van reël 29 oortree het;

(e) gepoog het om deur middel van enige persoon nie in diens van die Technikon nie, inmenging te bewerkstellig ten opsigte van sy of haar posisie en diensvoorwaardes, tensy dit gedoen is om die regstelling van 'n grief te bewerkstellig;

(f) homself op 'n skandelike, onbehoorlike of onbetaamlike manier gedra het terwyl hy of sy aan diens was;

(g) bedwelmende of verdowingsmiddels gebruik in dié mate dat hy of sy onbekwaam is om sy of haar pligte na te kom of indien hy of sy aan diens is of behoor te wees, onder die invloed is van bedwelmende of verdowingsmiddels;

(h) ten opsigte van die uitvoering of die nie-uitvoering van sy of haar pligte enige kommissie, fooi of ander vergoeding ontvang of geëis het wat nie die besoldiging is wat aan hom betaalbaar is ten opsigte van sy of haar pligte nie, of nagelaat het om die aanbod van sodanige kommissie, fooi of beloning te rapporteer;

(i) enige eiendom van die Technikon wanaangewend het of op onbehoorlike wyse gebruik het of nagelaat het om behoorlik daarvoor te sorg terwyl sodanige eiendom onder sy of haar sorg en beheer was, indiën sodanige wanaanwending of misbruik nie as sulks 'n oortreding is nie;

(j) skuldig was aan 'n oortreding wat hom of haar ongeskik maak vir die pos wat hy of sy beklee;

(k) sonder verlof van die Technikon van sy of haar pligte afwesig was vir 'n korter tydperk as waarna in reël 70 verwys word tensy hy of sy 'n geldige rede vir sy of haar afwesigheid kan verstrek;

(l) 'n vals of onjuiste verklaring gemaak het met die wete dat dit vals of onjuis is met die oog daarop om 'n voorreg of voordeel te verkry met betrekking tot sy of haar amptelike posisie en sy of haar pligte of indien hy of sy die Technikon of opvoedkundige diens of 'n lid van sodanige diens benadeel het;

(m) enige bepalings van die reëls vervat in die grondwet van 'n mediese hulpfonds of mediese hulpvereniging waaraan hy kragtens die Reëls moet behoort, oortree het of versuim het om enige bepaling van sodanige reëls na te kom wat hy verplig is om na te kom uit hoofde van sy lidmaatskap van sodanige mediese hulpfonds of mediese hulpvereniging;

(n) enige reël met betrekking tot die behuisingssubsidieskema oortree het;

(o) onbekwaam was of in gebreke gebly het om die pligte verbonde aan sy of haar pos op 'n doeltreffende wyse uit te voer.

75. Procedure in the case of misconduct and incompetency

If an employee is accused of misconduct or incompetency as set out in rule 74 the Disciplinary Procedures as set out in agreements negotiated with representative employee bodies shall be followed.

76. Examinations

Matters concerning examinations not covered by these Rules of the Technikon shall be handled in accordance with the applicable separate Examination Regulations of Peninsula Technikon: Provided that such Examination Regulations be approved by the Council.

77. Daily management of the Technikon

Matters about the daily management of the Technikon not included in these Rules, are contained in the separate Policy and Procedural Manual of the Technikon: Provided that the separate Policy and Procedural Manual be approved by the Principal.

75. Prosedure met betrekking tot wangedrag of onbekwaamheid

Indien 'n werknemer beskuldig word van wangedrag of onbekwaamheid soos uiteengesit in reël 74 word die Dissiplinêre Prosedures soos uiteengesit in ooreenkomste met verteenwoordigende werknemersliggame nagevolg.

76. Eksamens

Sake rakende eksamens wat nie deur hierdie Reëls gedek word nie, word gehanteer ooreenkomstig die toepaslike afsonderlike Eksamenregulasies van die Technikon Skiereiland: Met dien verstande dat sodanige Eksamenregulasies deur die Raad goedgekeur word.

77. Daaglikse bestuur van die Technikon

Sake rakende die daaglikse bestuur van die Technikon wat nie in hierdie Reëls vervat is nie, word benadeel in die afsonderlike Beleids- en Prosedurehandleiding van die Technikon: Met dien verstande dat die afsonderlike Beleids- en Prosedurehandleiding goedgekeur word deur die Prinsipaal.

STATUTE OF M L SULTAN TECHNIKON

No. 3 **6 January 1995**

The Council of the M L Sultan Technikon has under of section 18 (1) of the Technikon Act, 1993 (Act No. 125 of 1993), with the approval of the Minister of Education, drafted the following Statute:

CHAPTER I

DEFINITIONS

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

"academic year" means that portion of a calendar year approved by the Council on the recommendation of the Academic Board for the academic activities of the Technikon;

"Act" means the Technikons Act, 1993 (Act No. 125 of 1993);

"chancellor" meand the chancellor of the Technikon referred to in section 14 of the Act;

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

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

"day of rest" means—

(a) a Sunday or a public holiday in the case of an employee who normally does not work on such a day; or

(b) such other day as he is normally relieved from duty *in lieu* thereof in the case of an employee who normally works on a Sunday or a public holiday;

"employee" means a person employed full-time or part-time in a permanent or temporary capacity at the Technikon;

"he" and other words refering to the masculine gender also refer to the feminine gender;

"permanent employee" means a person appointed permanently at the Technikon by the Council, or who is deemed to have been so appointed, even though he may have been appointed—

(a) on probation;

(b) to a post intended for a person of a rank higher or lower than his own rank; or

(c) to a post additional to the fixed establishment of a Technikon;

"salary" means the salary or wage normally payable to an employee when he is in the service of the Technikon and includes any allowances payable to such employee;

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

"Technikon" in this Statute means the M L Sultan Technikon;

"technikon holiday" means the period between two consecutive Technikon terms, or such other days as the Council may declare to be technikon holidays;

"technikon term" means a period determined as such by the Council.

CHAPTER II

GENERAL PROVISIONS

2. (1) Whenever for any purpose in terms of a provision of this Statute a quorum or a majority of votes is required to be a certain numerical fraction and it happens in any particular case that the quorum or majority is not an integral number, the next greater integral number shall be held to constitute the required quorum or majority.

(2) Accidental failure or omission to give notice to any person entitled to receive such notice, or to send the minutes of any meeting to any person entitled to receive them, in terms of a provision of this Statute shall not invalidate the relevant proceedings.

CHAPTER III

CHANCELLOR

Election of chancellor

3. (1) The chairperson of the council or, in his absence, the principal shall, determine the date on which a meeting of the council shall be held for the purpose of electing a chancellor: Provided that such meeting shall be held within 90 days after the office of chancellor becomes vacant.

(2) At least 40 days before the date determined in terms of subparagraph (1), the secretary to the Council shall give notice in writing to every member of the Council of the date, place and time of the meeting, and shall invite such members to submit nominations for the office of chancellor on a form approved by the council: Provided that any member shall be free to supplement the information on the approved form by the submission of additional information.

(3) A member of the Council shall not be eligible for election as chancellor.

(4) A nomination referred to in subparagraph (2) shall contain the signatures of at least two members and the written acceptance of the nomination by the nominee.

(5) The completed nomination forms referred to in subparagraph (2) shall reach the secretary to the council at least 21 days before the date of the meeting determined in terms of subparagraph (1).

(6) At least seven days before the date of such meeting the secretary to the council shall give notice in writing to every member of the council of the names and particulars of the nominated candidates.

(7) (a) The chancellor shall be elected at a meeting of the council by a majority of the total number of the members of the council actually holding office on the date of the meeting.

(b) The election of the chancellor shall be by secret ballot.

(c) If no candidate receives a majority referred to in subparagraph (a) successive rounds of voting shall be held with the candidate receiving the least votes being eliminated at every round.

(8) Each member of the Council shall have only one vote during any ballot.

(9) After the council has elected a chancellor, the name of such chancellor shall be announced by the vice-chancellor.

Powers, functions and period of office

4.(1) The chancellor shall be the titular head of the Technikon and shall subject to the Certification Council for Technikon Education Act, 1986 (Act No. 88 of 1986), award all technikon certificates on behalf of the Technikon.

(2) The chancellor shall hold office for a period of four years but may be re-elected.

Vacancy by effluxion of time

5. 60 days before the office of chancellor becomes vacant by effluxion of time the secretary shall notify each member of the council thereof and the council thereupon elect a new chancellor in accordance with the provisions of paragraph 3.

Casual vacancy

6. If the office of chancellor becomes vacant for any reason other than effluxion of time the provisions of paragraph 3 shall *mutatis mutandis* apply.

CHAPTER IV

PRINCIPAL

Election and appointment

7. (1) The Secretary to the Council shall, at least six (6) months before the term of office of the Principal expires or as soon as possible after a vacancy in the office of Principal occurs for a reason other than effluxion of time, inform the Council of such expiry of vacancy.

(2) A special committee shall be appointed by the Council for purposes of nominating a candidate and recommending his appointment to the Council after consultation with the Academic Board.

(3) The special committee shall have not more than nine (9) members and no less than five (5) members: Provided that candidates for the vacancy shall not be members of the special committee.

(4) The composision of the special committee shall be as the Council may from time to time determine.

(5) The Secretary to the Council shall, on instruction of the special committee place an advert for the post of Principal in a national newspaper.

(6) As soon as possible after the closing date of the application as mentioned in the advert, a meeting of the special committee shall be called with the purpose to compile a short list of candidates for the office of the Principal and to arrange for personal interviews with such candidates.

(7) The special committee shall, after having held personal interviews with all such candidates, propose one candidate for recommendation to the Council for appointment to the office of the Principal: Provided that the names of all applicants shall also be submitted to the Council.

(8) (a) The Council shall vote by secret ballot, on the appointment of the recommended candidate to the office of the Principal and a two-thirds majority of the votes will carry the proposal.

(b) If a candidate does not receive a two-thirds majority vote, the Council shall vote by secret ballot on all the shortlisted candidates.

(c) If no candidate receives a two-thirds majority vote, successive rounds of voting shall be held.

(d) In each round of voting the candidate receiving the least votes shall be eliminated.

(9) The Chairman of the Council shall appoint in writing the successful candidate.

Term of office of the Principal

8. (1) The Principal shall hold office until—

(a) he reaches the retirement age fixed for the retirement of academic staff or the Technikon; or

(b) the termination of his employment contract according to the terms of the contract; or

(c) the termination of his employment contract in terms of this Statute.

(2) Whenever for any reason the office of Principal becomes vacant, a successor shall be elected and appointed by Council, in a manner prescribed in paragraph 7, and Council shall appoint an Acting Principal until such successor assumes office.

(3) An Acting Principal may be appointed by Council, after consultation with the Academic Board, for any period during which the Principal is absent.

Powers and Functions of the Principal

9. (1) The Principal shall, as chief executive officer and vice-chancellor of the Technikon, excercise general supervision over the Technikon and be directly responsible to the council.

(2) The Principal shall be an ex-officio member of all committees of Council and of the Academic Board, and of all joint committees of Council and the Academic Board.

(3) The Acting Principal shall have the powers and functions of the Principal.

CHAPTER V

COUNCIL

Number of persons serving on the Council

10. The Council shall consist of twenty-five (25) members.

Membership of Council

11. The number of persons contemplated in section 16 (2) (g) of the Act shall be a maximum of twelve (12) and such persons shall be designated by the council.

Term of office of members of council

12. (1) A member of the council, excluding those referred to in subparagraph (2) and (3) and paragraph 13 shall hold office, subject to the provisions of clause 8 of the Joint Statute, for a period of four years: Provided that the date of appointment shall commence on the first day of April irrespective of the actual date of appointment.

(2) The Principal referred to in section 16 (2) (a) of the Act shall hold office for the duration of his appointment.

(3) Members of the Council elected in terms of section 16 (2) (d) of the Act shall hold office for two years: Provided that at the first election after the commencement of this Act, one member as decided by lot shall hold office for a period of one year: Provided further that when such members cease to be members of the Academic Board, they shall cease to be members of the Council.

Vice-Principals

13. The Vice-Principals of the Technikon serving on Council in terms of section 16 (2) (b) of the Act shall not be more than three (3) at any one time: Provided that where more than three (3) Vice-Principals have been appointed to the staff of the Technikon, and a selection amongst them to serve on Council becomes necessary, the terms of office of those selected shall be four (4) years: Provided further that whenever it is necessary for Vice-Principals to be selected to serve as members of Council, three (3) of their number shall be determined by lot: Provided further that at the first selection a system of fair rotation be decided on by Council for subsequent cycles of membership.

Filling of casual vacancies in the Council

14. (a) If a vacancy occurs in the council such vacancy shall be filled in the same manner in which the member who previously held the office was appointed or elected.

(b) A person appointed or elected in terms of subparagraph (a) shall hold office for the unexpired portion of the term of office of his predecessor.

Election of the Chairperson and other office bearers of the Council

15. (1) The Council shall at its first meeting and thereafter when it becomes necessary elect from among its members a Chairperson and Vice-Chairperson of the Council who shall each hold office for a period of two years or for such shorter period as he may be a member of Council.

(2) If neither the Chairperson nor the Vice-Chairperson is present at a meeting of the Council, the members present shall elect one of their number to preside at that meeting.

Secretary

16. (1) The Principal shall appoint an employee as secretary to the Council and of all committees and joint committees of the Council and may assign a member of the administrative staff to assist the secretary in the execution of his duties.

(2) The secretary shall act as electoral officer at all meetings of the Council.

(3) The secretary shall attend all meetings of the Council but may not take part in discussions or vote.

Vacancy in post of office bearers

17. If a vacancy occurs in the office of chairperson or vice-chairperson for any reason such vacancy shall be filled in the same manner in which the office bearer who previously held the office, was elected or appointed and a person to elected or appointed shall hold office for the unexpired portion of the term of office of his predecessor.

The quorum for and procedure at meetings of the Council

18. The quorum for meetings of the Council shall be at least one-half of the members of the Council.

Notice of meeting

19. (1) At least seven days before the date determined by the council for an ordinary meeting the secretary shall give due notice to each member of all the matters to be dealt with at such meeting and shall state the time and place of such meeting.

(2) The Council may invite persons who are not members to attend meetings: Provided that such persons may take part in the discussions but may not vote.

(3) Notice of any motion for consideration shall be given in writing and be lodged with the secretary at least 14 days before the date of an ordinary meeting: Provided that any matter of an urgent nature may, without prior notice, with the leave of the chairperson and a majority of the members present, be considered at such meeting.

Amendment or rescission of previous decision

20. Any motion to amend or rescind a previous resolution of the Council shall be carried by at least two thirds of the members holding office on the date of voting: Provided that if the date of voting is more than one year after the date of the previous resolution, such motion shall be carried by a simple majority.

Minutes and motions

21. (1) At every ordinary meeting of the Council the minutes of the last preceding ordinary meeting and of any special meeting held subsequently shall to be read and confirmed by the sinature of the chairperson: Provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the Council: Provided further that objections to the minutes of a meeting shall be raised and decided before confirmation of the minutes.

(2) A member of the Council shall not, without the leave of the meeting, speak more than once on a motion or an amendment thereof, but the proposer of a motion or an amendment shall have a right of reply.

(3) A motion or an amendment thereto shall be seconded and, if so directed by the chairperson, shall be submitted in writing.

(4) A motion or an amendment thereto that has been seconded shall not be withdrawn without the consent of the meeting.

Voting

22. (1) The Secretary to the Council shall act as electoral officer at all meetings of the Council.

(2) Except as otherwise provided in this Statute all matters shall be decided by a simple majority of all members present.

(3) Except where otherwise provided in this Statute, the chairperson shall on any matter have a deliberative vote and, in the event of any equality of votes, also a casting vote.

(4) If so decided by the meeting, the number of members voting for or against any motion shall be recorded in the minutes and, at the request of any member, the chairperson shall direct that the vote of such member be likewise recorded.

(5) Where at least two thirds of the members of the council have reached agreement on a matter referred to them by the chairperson by letter or telefax without convening a meeting, and have conveyed their resolution by letter or telegram, such resolution shall be deemed to have been taken at a meeting of the council and shall be recorded in the minutes of the next ordinary meeting.

(6) The views of a member of the council who is unable to attend a meeting may be submitted to the meeting in writing, but shall not count as a vote of such member.

Rulings

23. The ruling of the chairperson on a point of order or procedure shall be binding, unless immediately challenged by a member, in which event such ruling shall be submitted without discussion to the meeting, whose decision shall be final.

Ordinary meetings

24. An ordinary meeting of the council shall be held at the Technikon at least once every four (4) months on dates and times specified by a resolution of Council.

Annual general meeting

25. An annual general meeting shall be held on a date specified by resolution of council to transact the following business:

(a) Chairperson's Report;

(b) Principal's Report;

(c) audited Annual Financial Statements;

(d) appoint office bearers;

(e) appoint members to Committees and Joint Committees;

(f) appoint delegates to represent Technikon Council at meetings;

(g) appoint auditors to the Technikon;

(h) other competent business.

Special and Emergency meetings

26. (1) A special meeting may be called by the chairperson at any time, or shall be called by him at the request in writing of not fewer than five members, the object of the meeting being stated in the request.

(2) Not less than five days' notice of a special meeting shall be given.

(3) Subject to any exceptions approved by the chairperson and the majority of the members present, no business other than that of which notice was given shall be transacted at such meeting.

(4) An emergency meeting may be called by the chairperson at any time: Provided that members shall be given not less than 24 hours' notice of such meeting: Provided further that notice of such meeting may be given in any manner deemed convenient by the chairperson in the circumstances.

(5) The object of the meeting shall be stated to members, and no business other than that stated, shall be transacted at such meeting.

Interests of members

27. (1) A member of the council shall not vote on, or take part in, the discussion of any matter in which he has a direct financial or other economic or personal interest, unless he first discloses the nature and extent of his interest and procures the consent of the meeting to take part in the discussion or to vote.

(2) If a member of Council participates without the Council's permission, in proceedings of the Council in connection with a matter in which the member does have a direct financial or other economic or personal interest, voting by the Council on such a matter shall be invalid.

Drafting, amendding or repeal of Statute

28. (1) A motion of draft, amend or repeal a provision of the Statute shall be decided by at least two thirds of the members present at a meeting of the council.

(2) The drafting, amending or rescinding of a Statute shall be subject to the provisions of section 18 of the Act.

CHAPTER VI

COMPOSITION OF THE ACADEMIC BOARD

Membership

29. (1) The members of the Academic Board referred to in section 20 (1) (b) and (c) of the Act, shall be as follows:

(a) The Vice-Principal: Academic (Secretary);

(b) all other Vice-Principals;

(c) the registrar;

(d) all academic staff with a minimum of the post level of associate of director;

(e) the heads of Academic Support Departments:

- ▷ Library and Media Services;
- ▷ Centre for Tertiary Education;
- ▷ Student Development;
- ▷ Student Counselling;

(f) two employees designated by the employees in a manner determined by council;

(g) the administrativer Head in control of Examinations; and

(h) two members of the Council not in the employee of the Technikon.

CHAPTER VII

CONVOCATION OF THE TECHNIKON

30. The Convocation of the Technikon shall be known as the M L Sultan Technikon Convocation.

CHAPTER VIII

PROMOTIONER, TRANSFER SECONDMENT AND TERMINATION OF SERVICE

Promotion

31. (1) The requirments for promotion of an employee shall be determined by the Council and the power to promote an employee vests with the Council.

(2) Notwithstanding the provisions of subparagraph (1), the Council may at its discretion, appoint persons if in the opinion of Council, such an appointment would be in the interests of the Technikon.

Transfer of employee

32. An employee may with his consent, be transferred from the post in which he is employed to any other post on the establishment of the Technikon: Provided that no transfer involving a reduction in such employee's pensionable salary shall be made without his consent, unless the transfer is in consequence of a reduction of rank in terms of paragraph 39 (13).

Temporary seconding

33. An employee may be seconded to serve in an acting capacity in a rank similar or higher than his present rank and if such secondment exceeds a continuous period of thirty (30) days, a non-pensionable allowance as determined by the Council, is payable.

TERMINATION OF SERVICE

Termination of service: Terminating date of salary

34. (1) Unless the Council in an exceptional case approves otherwise, a permanent employee who is a member of the academic staff, shall resign his post only with effect from the date following the end of a calendar quarter or the end of the corresponding technikon term, whichever may be the later date: Provided that he shall give notice thereof not later than the first day of the technikon term concerned.

(2) If a member of the academic staff resigns or is discharged for any reason other than misconduct, as defined in paragraph 38 or inefficiency or incompetence or ill health referred to in paragraphs 41 and 43 and his services terminate as a result thereof—

(a) at any time during a technikon term, he shall be paid a salary up to and including the last day on which he actually rendered service;

(b) with effect from the day immediately following the last day of a technikon term, he shall be paid salary up to and including the last day of the calender month in which such technikon term ended: Provided that a member of the academic staff who is discharged in terms of paragraph 35 (1) (e) shall receive at least a technikon term's notice of his discharge: Provided further that should the last technikon term end during November of a calender year, he shall be paid a salary up to and including the last day of the calender year concerned.

(3) (a) Unless otherwise provided in terms of his appointment or, the council in an exceptional case approves otherwise, a permanent employee who is a member of the non-academic staff, shall give at least one calender month's notice of his intention to resign his post: Provided that such notice may also be given on the first day of such calender month: Provided further that where the first day or the first day as well as the following day or days of such calender month falls on a day of rest or days of rest, such notice may also be given on the first working day immediately following such day of rest or days of rest.

(b) If a permanent employee who is a member of the non-academic staff gives notice as contemplated in paragraph (a) he shall be paid for the full calendar month, irrespective of whether it ends on a day of rest or on a day during which instruction is suspended, provided that he remains in service up to and including the last day he is required to serve in such calender month.

(4) If notice is resignation shorter than a calender month is accepted in the case of an employee who is a member of the non-academic staff he shall be paid up to and including the last day on which he actually rendered service.

(5) If a permanent employee who is a member of the non-academic staff is discharged for a reason other than a reason referred to in paragraph 35 (1) (e) he shall receive at least one calender month's notice of discharge: Provided that such notice shall be given on the first day of such calender month: Provided further that where the first day or the first day as well as the following day or days of such calendar month falls on a day of rest or days of rest, such notice may also be given on the first working day immediately following such day of rest or days of rest.

(6) (a) Unless his contract of employment determines otherwise, the service of a full-time temporary or part-time employee may be terminated on 24 hours written notice from either side and such notice may be given at any time.

(b) If such temporary employee gives notice as indicatated in subparagraph (3) (a), he shall be paid until the end of such calendar month irrespective of whether it ends on a day of rest or on a day during which instruction is suspended, provided that he remains in service up to the last day he is required to serve in such calendar month.

Termination of service of permanent employees

35. (1) The services of a permanent employee may be terminated by the Council—

(a) on the employee having reached his retirement age, referred to in paragraph 36;

(b) on receipt of a written notice of resignation addressed to the Principal from the employee;

(c) on account of continuous ill-health;

(d) owing to the abolition of his post or any reduction in or re-organisation or readjustment of the staff of a technikon in terms of paragraph 44;

(e) if, for reason other than his own inefficiency or incompetence, his discharge will promote efficiency or economy in the Technikon;

(f) on account of misconduct, as defined in paragraph 38;

(g) if, in the case of a an appointment on probation, such appointment is not confirmed.

(2) (a) A permanent employee, including a person on probation, whose services are to be terminated on account of one or more of the reasons referred to in subparagraph (1) may, within 14 days of receipt of notice of such termination of service, appeal to the Council.

(b) The Council shall cause the matter to be put before a hearing and Council's decision on the appeal shall be final.

Retirement age

36. (a) The date of retirement of an employee shall be the first day of the calendar month immediately following the calendar month in which he attains the age of 60 years.

(b) On application by an employee the council may extend the service of such employee after his date of retirement for any period up to the first day of the calendar month immediately following the calendar month in which he attains the age of 65 years.

(c) An employee who was apointed before the first day of January 1956 and who on or after the said date in the case of a male attains the age of 60 years, or in the case of a female the age of 55 years, shall have the right to be retired on pension—

(i) on the day on which he attains the said age should he attain such age on the first day of any calendar month;

(ii) on the first day of the calendar month immediately following the calendar month in which he attains the said age should he attain such age after the first day of the calendar month; or

(iii) on the first day of any calendar month after the calendar month in which he attains such age:

provided that he shall give the Council at least one calendar month's written notification of his intention to be retired on pension: Provided further that he shall be retired not later than the first day of the calendar month immediately following the calendar month in which he attains the age of 65 years.

(d) An employee who was appointed on or after the first day of January 1956, but before 16 June 1989, shall have the right to retain his retirement age of 65 years, in which case he shall be retired on the first day of the calendar month immediately following the calendar month in which he attains the age of 65 years: Provided that such employee may also elect to retire on the first day of any calendar month after the calendar month in which he attains the age of 60 years: Provided further that he shall give the Council at least three calendar months' written notification of his intention so to retire.

(e) The Council may, notwithstanding anything to the contrary contained in subparagraphs (a), (b), (c), (d), retain the service of a permanent employee beyond the prescribed age of retirement for a further period not exceeding one year at a time.

Pension rights and retirement benefits

37. (1) Until such time as the council has elected a pension fund as contemplated in section 25 of the Act the Technikon shall be deemed to be an associated institution for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), and shall for such purposes be deemed to have been declared in terms of section 4 of the aforesaid Act to be such an institution as from the date on which it is established in terms of section 4 (1) or, as the case may be, the date as from which it is in terms of section 4 (3) of the fund Act deemed to be a technikon established under the said Act.

(2) Notwithstanding anything to the contrary in any law contained but subject to the provisions of section 4 (3) and 4 (4) of the Associated Institutions Pension Fund Act, 1963, any person who, in terms of section 4 (1) of that Act, becomes an employee of a technikon shall retain all rights and privileges acquired by him and remain subject to all the obligations incurred by him for pension purposes under any pension law to which he was subject on the day immediately preceding the date on which he so becomes such an employee and such law (including any amendment thereof made after the commencement of this Act) shall for such purposes continue to apply to and in respect of such person.

(3) For the purposes of section 4 (2) of the Associated Institutions Pension Fund Act, 1963 and of the regulations governing the provident fund and pension scheme established under section 19 of the Higher Education Act, 1923 (Act No. 30 of 1923), a technikon shall be deemed to be a technical college and a Council shall be deemed to be a Council as defined in such regulations.

(4) Nothing in section 4 (2) of the Associated Institutions Pension Fund Act, 1963 contained shall be construed as debarring any person to whom that subsection applies from becoming a member of the pension fund established in terms of the Associated Institutions Pension Fund Act, 1963, in accordance with the provisions of the regulations made under that Act, if he is a member of the provident fund and pension scheme established under section 19 of the Higher Education Act, 1923, or a contributor to a fund referred to in section 2 (1), (2) or (3) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965).

(5) If a person who is in the full-time employment of a body or institution with a pension or provident fund administered by the Government, is apointed without a break in employment to a post on the fixed establishment of a technikon such apointment shall be regarded as a transfer for pension purposes.

MISCONDUCT AND INEFFICIENCY

Definition of misconduct

38. An employee shall be guilty of misconduct if he—

(a) contravenes or fails to comply with a provision of the Act, Statute or any Rule relating to the Technikon with which it is his duty to comply;

(b) does, or causes or permits to be done, or connives at, an act which is prejudicial to the administration, discipline or efficiency of the Technikon;

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

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

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

(f) sexually harasses any employee or student of the Technikon;

(g) while on duty, or on Technikon premises, is under the influence of intoxicants or stupefying drugs to an extent which is prejudicial to the Technikon or to the efficient performance of his duties, unless it is proved that it is not due to any improper conduct or action on his part;

(h) discloses, otherwise than in the discharge of his official duties, information gathered or obtained by him through his employment at the Technikon, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information: Provided that an employee of the Technikon may publish, academic papers or articles in any journal;

(i) accepts or demands in espect of the discharge of or the failure to discharge his duties any commission, fee or other reward, not being the salary payable to him in respect of his duties;

(j) misappropriates or improperly uses any property of the Technikon or fails to take proper care of such property under this supervision and control;

(k) absents himself from the Technikon or duty without leave unless he can prove a valid cause for his absence; and

(l) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or is causing prejudice or injury to the Technikon or educational service or a member of such service, wilfully makes a false or incorrect statement.

Procedure in case of misconduct

39. (1) If an employee is accused of misconduct, as defined in paragraph 38 the Principal, or a person authorosed by the Principal, shal as prosecutor charge him in writing under his hand with the misconduct.

(2) The prosecutor shall serve the charge of misconduct upon the accused by causing it to be delivered or sent by registered letter to him, or to be left at his place of residence or last known place of residence.

(3) The charge shall contain or shall be accompanied by a direction calling upon the accused to transmit or deliver, within 21 days from the date of the charge, to the council, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charges.

(4) (a) The Principal, or a person authorised by him, may suspend with full emoluments from duty, an employee accused of misconduct as defined in paragraph 38.

(b) If no charge under subparagraph (1) is preferred against a person who has been suspended from duty, he shall be allowed to resume duty as soon as is practicable.

(5) The prosecutor may, at anytime, withdraw a charge of misconduct.

(6) (a) If the accused admits the charge, he shall be deemed to have been found guilty of the misconduct with which he has been charges.

(b) If the accused denies the charge or fails to comply with the direction mentioned in subparagraph (3), the Council shall appoint a person referred to in subparagraph (c) to inquire into the charge: Provided that where the accused finds the presiding officer unacceptable, he shall furnish valid reasons to the Principal within five days of being informed of the name of the Presiding Officer: Provided further that if the Principal agrees that the accused has valid reasons to doubt that the presiding officer appointed to hear the charge of misconduct is entirely neutral and impartial, he may request the council to appoint another person to enquire into the charge.

(c) A person appointed by the Council (hereinafter referred to as the presiding officer) shall preside over the proceedings during the inquiry: Provided that at the request of the presiding officer no more than two assessors may be appointed by the Council to assist him in the execution of his duties.

(7) (a) The presiding officer shall, ater consultation with the accused and prosecutor, fix the time, date and place of the inquiry, and shall give reasonable notice thereof to all whose presence at required at the inquiry: Provided that the presiding officer may postpone the inquiry on good cause shown.

(b) The inquiry shall be conducted in such a manner that it meets the fair procedural requirements established by the industrial court.

(c) The presiding officer shall base his findings of guilty or not guilty on a balance of probabilities.

(8) The prosecutor shall attend the inquiry and adduce evidence and arguments in support of the charge and may cross-examine any person called as a witness for the defence.

(9) (a) The accused shall have the following rights regarding the disciplinary charge against him:

(i) The right to be told (and given in writing) the nature of the misconduct;

(ii) the right to call witnesses and to cross-examine witnesses;

(iii) the right to an interpreter to interpret proceedings;

(iv) the right to representation;

(v) the right to be given adequate notice prior to the inquiry;

(vi) the right to state a case in defence;

(vii) the right to a finding;

(viii) the right to represent mitigating circumstances after being found guilty, but before a punishment is imposed;

(ix) the right to appeal;

(x) the right to protection against victimization regarding any statements or allegations made or actions taken during a disciplinary hearing, as well as victimization on the grounds of membership to any organisation or union.

(b) The failure of the accused to be present at the inquiry, without valid reasons either personally or through a represenative, shall not invalidate the proceedings, and the inquiry will then be conducted in absentia and the documentation will reflect this.

(c) The presiding officer shall keep a record of the proceedings at the inquiry and of the evidence given and all documents admitted at the inquiry.

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

(11) (a) The Presiding Officer shall, after evidence has been given and the case argued find the accused guilty or not guilty of the misconduct with which he has been charged.

(b) If the verdict is one of guilty, the accused shall be given an opportunity to lead evidence in mitigation.

(c) If the presiding officer finds the accused guilty as contemplated in subparagraph (a), the presiding officer shall submit to the Principal—

(i) the record of the proceedings referred to in subparagraph (9) (c);

(ii) a written exposition of his finding and the reasons thereof;

(iii) any aggravating or mitigating circumstances he may have found; and

(iv) his recommendation in relation to the sentence which should be imposed.

(12) If the accused is found not guilty of the misconduct with which he was charged and he was suspended from duty he shall be allowed to resume duty as soon as practicable.

(13) If the accused is found guilty of misconduct, the Principal may having regard to the documents referred to in subparagraph (11) (c)—

(a) caution and reprimand him;

(b) issue him with a warning or final warning that a recurrence of the misconduct will result in summary dismissal;

(c) suspend him without pay for a specified period, with his consent and as an alternative to dismissal;

(d) discharge him;

(e) order that he submit himself to medical treatment, psychlogical or psychiatric counselling or treatment for alcohol or drug abuse;

(f) transfer him to some other post in the Technikon, or

(g) reduce his rank:

Provided that, except for subparagraph (d), more than one of the sentences indicated above may be imposed.

(14) If an accused is discharged under subparagraph (13), the discharge shall take effect on a date fixed by the Council.

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

(16) An employee who is aggrieved by his conviction or sentence may lodge an appeal within seven (7) days of the day on which he received notice of his conviction and sentence to the Council against the conviction and sentence or both.

(17) The appeal contemplated in subparagraph (16) shall be lodged in writing with the secretary of the Council setting out fully the grounds on which the appeal is based.

(18) The appeal contemplated in subparagraph (16) shall be heard as soon as possible by a person appointed for this purpose by the Council.

(19) The person referred to in subparagraph (18) may after consideration of the documents relating to the appeal, uphold or dismiss the appeal.

(20) The cost regarding the appeal shall be borne by the Technikon.

Misconduct by Principal

40. (a) If the Principal is accused of misconduct the provisions of paragraph 39 shall *mutatis mutandis* apply.

(b) For the purposes of the paragraph referred to in subparagraph (a) a reference in the said paragraph to the Principal shall be construed as a reference to the chairman to the council.

Investigation into a charge of inefficiency or incompetence

41. (1) If an employee is accused that he is incompetent or incapable of performing the duties attached to his post, the Principal may designate a person as investigating officer in writing to conduct any inquiry into the matter and to collect evidence in order to determine whether there are grounds for an inquiry with regard to incompetence or incapacity and to furnish the Principal with a report in this regard.

(2) After receipt of the report referred to in subparagraph (1) the Principal may—

(a) direct that no steps be taken against the employee concerned;

(b) direct that the employee concerned receive appropriate counselling or undergo corrective and training programmes; or

(c) direct that the employee concerned be charged with incompetence or incapacity in which case the provisions of paragraph 39 [excluding subparagraph (13)] shall *mutatis mutandis* be applicable.

(3) If the employee concerned is found to be incompetent or incapable of performing the duties attached to his post, the Principal may direct—

(a) that the employee concerned be transferred to another post in the Technikon;

(b) that his salary or rank, or his salary as well as his rank be reduced to the extent determined by the Principal;

(c) that action be taken against him in terms of subparagraph (a) as well as subparagraph (b); or

(d) that he be discharged from his service with effect from a date determined by the Principal.

Termination of service owing to absence without leave

42. A permanent employee who without approved leave, absents himself from his official duties for a period exceeding one month, shall be deemed to have been discharged from his employment on account of misconduct with effect from the date immediately following the last day on which he was in attendance at his place of duty: Provided that if such employee assumes other employment he shall be deemed to have been discharged as aforesaid notwithstanding that the said period has not yet expired: Provided further that if such employee reports for duty at any time after the expiry of the said period, he may subject to the approval of the Council, be reinstated in his former or any other post or appointment in the service of the Technikon, on such conditions as the Council may determine, and in that event the period of his absence from his official duties shall be deemed to be absence on special leave without pay, or leave on such other conditions as the Council may determine.

Termination of service due to ill health

43. (1) An employee or Council, on recommendation of an employee's immediate superior, may initiate procedures to terminate the services of such employee on the grounds of ill health.

(2) Taking account of the requisites of the employee's pension or provident fund and of any other benefit that may become due if the employee's services are terminated due to ill health, a panel of not less than three medical practitioners nominated by Council shall examine the employee and submit a report to Council on the said employee's fitness to continue his employment: Provided that the employee may nominate an additional medical practitioner of his choice to the panel at his own cost.

(3) The employee's service with the Technikon may be terminated by Council if the report contemplated in subparagraph (2) indicates that the employee is permanently unfit to perform the services he was appointed to and declares that such unfitness was not due to the employee's default.

Termination of service due to abolishment of post

44. The services of an employee may be terminated by Council due to the abolition of his post, or due to a reduction in or reorganisation or readjustment of the staff of the Technikon as contemplated in paragraph 35 (1) (d): Provided that—

(a) an investigation is held by the Principal, or a senior employee of the Technikon nominated by him, or a consultant appointed for the purpose, into the financial, resource and other implications of such abolition, reduction in or reorganisation or readjustment of the staff;

(b) the investigating officer contemplated in subparagraph (a), shall submit to Council a detailed report of the investigation in which he makes a recommendation in regard to the abolition of the post, reduction in or reorganisation or readjustment in the staff;

(c) if Council is satisfied that the abolition of the post, reduction in or reorganisation or readjustment of the staff is in the best interest of the Technikon; and

(d) a transfer of the employee to another suitable post within the Technikon is not feasible or is not acceptable to the employee.

Termination of service due to appointment not confirmed

45. If the services of a permanent employee appointed on probation, is unsatisfactory, his services may be terminated by Council in a manner contemplated in paragraph 5 (4) of the Rules.

Rules of the M L Sultan Technikon

No. 4 **6 January 1995**

The Council of the M L Sultan Technikon has under Section 19 (1) of the Technikons Act, 1993 (Act No. 125 of 1993), with the approval of the Minister of Education drafted the following Rules.

DEFINITIONS

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

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

"cycle" means a period of three calendar years reckoned from 1 January 1983 and each succeeding period of three calendar years;

"donor" means any body or person that donates a minimum amount of R5 000 in cash or kind to the Technikon, or who has undertaken to donate this amount to the Technikon in instalments over a period of not more than four years and who is not in arears with his;

"employee" means a person employed full-time or part-time in a permanent or temporary capacity at the Technikon;

"he" and other words refering to the masculine gender also refer to the feminine gender;

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

"month" means a period extending from a date in any one calendar month to the date preceding the corresponding date in the following calendar month, both dates inclusive;

"technikon" in these rules the M L Sultan Technikon;

"technikon holiday" means the period between two consecutive terms;

"technikon term" means a period determined as such by the Council; and;

"the Act" means the Technikons Act, 1993 (Act No. 125 of 1993).

COUNCIL OF THE TECHNIKON

Manner of election of members by the Academic Board

2. (1) Whenever it is necessary for the Academic Board to elect two persons as members of Council, as contemplated in section 16 (2) (d) of the Act, the following procedure shall be followed:

(a) Nominations of candidates shall be made by letter signed by two members as well as the nominee and addressed to the secretary of the Academic Board.

(b) If more than two (2) candidates are nominated, voting shall be by secret ballot.

(c) A candidate shall be elected by at least a two thirds majority of all the members of the Academic Board present.

(d) Each member of the Academic Board shall have only one (1) vote during each ballot: Provided that there shall be a series of ballots if no candidate gains a two thirds majority in the first ballot.

(e) In each successive round of voting the candidate with the least support in the previous ballot shall be eleminated as candidate.

Manner of election of member by the Convocation

3. (1) Whenever it is necessary for the Convocation to elect one of its members as a member of Council as contemplated in section 16 (2) (e) of the Act, an electoral officer designated by Council shall, by written notice or any other form of public notice determined by Council, posted or published at least 90 days before the date determined by him for the election of members of Council, invite members of the Convocation to nominate in writing a candidate to be elected a member of Council.

(2) A nomination referred to in subrule (1) shall be lodged with the electoral officer at least 60 days before the date determined for the election.

(3) Each nomination shall be signed by at least five members of the Convocation and counter- signed by the nominee to denote his acceptance of the nomination.

(4) If the number of candidates is not greater than the number of vacancies, the electoral officer shall forthwith declare such candidate to be duly elected.

(5) (a) If more candidates are nominated than are to be elected, the electoral officer shall, at least 30 days before the date determined for the election, post to the members of the Convocation ballot papers containing in alphabetical order the names of all the candidates.

(b) A member of the Convocation is entitled to one vote.

(c) A ballot paper shall be returned to the electoral officer by post or by hand delivery.

(d) A ballot paper which is received by the electoral officer after the date determined for the election shall be invalid.

(6) At any election the elctoral officer shall act as returning officer and shall be assisted by two scrutineers nominated by the Principal.

(7) The electoral officer shall declare the person obtaining the highest number of votes to have been duly elected, and, in the event of an equality of votes, the result shall be determined by lot by him in the presence of the two scrutineers referred to in subrule (6).

Manner of election of members by donors

4. (1) Whenever it is necessary for donors to elect members to represent such donors in the Council as contemplated in section 16 (2) (f) of the Act, the Principal shall, by written notice posted at least 90 days before the date determined by him for the election of members of Council, invite such donors to nominate in writing a candidate to be elected a member of Council.

(2) A nomination shall be lodged with the Principal at least 60 days before the date determined for the election.

(3) If the number of candidates nominated is not greater than the number of vacancies, the Principal shall forthwith declare such candidates to be duly elected.

(4) If more candidates are nominated than are to be elected, the Principal shall, at least 30 days before the date determined for the election, post to the donors, ballot papers containing the names of all the candidates in alphabetical order.

(5) A donor shall be entitled to one vote plus an additional vote for every completed amount of R5 000 over R5 000 donated to the Technikon or the donation of which to a Technikon in regular instalments over a period of not more than four years has been undertaken: Provided that such period of four years shall commence on the date of the receipt of the first instalment or the payment of the donation and the maximum number of votes so gained shall be limited to 25 per donor: Provided further that a donor shall only have a vote in respect of the donations made during the four year period immediately preceding an election.

(6) (a) A ballot paper shall be returned to the Principal by post or by hand delivery.

(b) A ballot paper which is received by the Principal after the date determined for the election shall be invalid.

(7) At any election the Principal shall act as returning officer and shall be assisted by two scrutineers nominated by Council.

(8) The Principal shall declare the person obtaining the highest number of votes to have been duly elected, and, in the event of an equality of votes, the result shall be determined by lot by him in the presence of the two scrutineers referred to in subrule (7).

Appointment of employees by Council

5. (1) No person shall be appointed, transferred or promoted to a post as a permanent employee, whether on probation or otherwise, unless such person—

(a) satisfies the qualification requirements as approved by the Council; and

(b) can, on request, furnish proof to the satisfaction of the Council that he is free from any disease or physical or mental defect which could interfere with the proper performance of his duties at the Technikon or could necessitate his retirement from the staff of the Technikon before he reaches the retirement age contemplated in paragraph 36 of the Statute.

(2) (a) The initial appointment of a person as a permanent employee shall be subject to a period of probation of not less than 12 months.

(b) The promotion or transfer of a permanent employee to another post shall not be subject to a period of probation unless the Council determines a probation period in a particular case.

(3) If the principal certifies that during the period of probation or extended probation the permanent employee concerned has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, the Council may, if the employee has complied with all the conditions to which his appointment, transfer or promotion was subject, confirm the appointment, transfer or promotion.

(4) If the confirmation of a probationary appointment, transfer or promotion is not recommended by the Principal, the Council shall call for written submissions from the principal and from the permanent employee concerned and shall, after an inquiry—

(a) extend the period of probation; or

(b) in the case of an employee who immediately prior to his probationary transfer or promotion, was a permanent employee of the Technikon, but who was not a permanent employee on probation, transfer him back to his former post or place him in a post of equivalent grading on the salary which he would have earned in is former post; or

(c) terminate the appointment.

(5) Save in respect of a person contemplated in subrule (4) (b), the Council may, after an inquiry, discharge a permanent employee serving on probation—

(a) by giving him a calendar month's written notice; or

(b) forthwith, if his conduct or service is unsatisfactory.

Appointment from the services of Government departments, administrations and institutions

6. If a person who is in the full-time employment of a department, body or institution with a pension or provident fund administered by the Government is appointed without a break on service to a post on the fixed establishment of the technikon, such appointment shall be regarded as a transfer for the payment of transfer expenses.

Assumption of duty: Commencing date of salary

7. (1) A employee shall be paid salary with effect from the date of assumption of duty up to and including the date of the termination of his service: Provided that—

(a) subject to the provisions of paragraph (b), a person who assumes duty on the first day of a technikon term and who renders service for not less than 30 days after the date of assumption of duty, shall be paid salary with effect from the first day of the calendar month in which he assumed duty; and

(b) if a technikon term commences within the same calendar month as the preceding technikon term ended, such employee shall be paid a salary—

(i) with effect from the first day following the date on which the preceding technikon term ended; or

(ii) with effect from the day following the date of the termination of his service under any other Technikon or education department, if he served as a member of the staff up to the last day of the preceding technikon term and was in the employ of that Technikon or education department for at least 30 days.

(2) If a person who was in the employment of a Technikon in a temporary capacity up to and including the last day of a technikon term, is reappointed with effect from a date within the first four (4) working days of the following Technikon term and he assumes duty on any such date, he shall be paid a salary in respect of the intervening technikon holidays and his service shall be regarded as continuous: Provided that he shall be granted accumulated leave with full pay to the extent available or special leave without pay for the period between his last day of service at the end of the previous technikon term and his date of assumption of duty during the following technikon term.

Salary increments

8. (1) Subject to the provisions of subrule (2) and on the written recommendation of the principal, the salary of an employee shall be increased automatically by one salary increment, within the limits of the scale applicable to him, after completion of each incremental period and with effect from the first day of such employee's incremental month.

(2) If the principal, refuses to furnish a recommendation referred to in subrule (1) on the grounds that the employee's conduct as to industry, discipline, punctuality or sobriety was not uniformly satisfactory during an incremental period or that he did not perform his work uniformly satisfactorily during such incremental period the salary of such employee shall not be increased in terms of the provisions of subrule (1): Provided that notwithstanding refusal of the principal to furnish a recommendation, the Council may approve that the salary of an employee be increased in terms of the provisions of subrule (1).

(3) If the salary of an employee is not increased in terms of the provisions of subrule (1) or of the proviso to subrule (2) such employee shall be notified by the Council in writing of the reasons therefor as well as that at the expiry of a continuous period to be indicated which shall be not longer than an incremental period, a salary increment may be granted by the Council on condition that the principal furnishes a recommendation referred to in subrule (1) on the grounds that the employee's work performance and his conduct in regard to the qualities mentioned in subrule (2) were satisfactory during such period.

(4) (a) If the period referred in subrule (3) is shorter than an incremental period and such recommendation is furnished by the principal, one salary increment shall be granted to the employee by the Council with effect from the first day of the calendar month following the date on which such period expired.

(b) If an employee has been granted a salary increment in terms of subrule (4) (a), a further salary increment shall be granted to him by the Council after the expiry of an incremental period reckoned from the date on which his salary would have been increased in terms of subrule (1) had such increase not been withheld in terms of subrule (2): Provided that such salary increment may be granted only if the principal furnishes a recommendation on the grounds that the employee's work performance and his conduct in regard to the qualities mentioned in subrule (2), continued to be satisfactory from the date of the granting of the salary increment mentioned in subrule (4) (a) to the date preceding that on which a salary increment may be granted in terms of this subrule: Provided further that the provisions of this subrule shall not apply to an employee if his salary is already equal to the maximum notch of the scale applicable to him.

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

(a) such employee shall be notified by the Council in writing of the reasons thereof as well as that at the expiry of a continuous period to be indicated which shall be equal to the difference between the period referred to in subrule (3) and an incremental period, a salary increment may be granted by the Council on condition that the principal furnishes a recommendation that the employee's work performance and his conduct in regard to the qualities mentioned in subrule (2) where satisfactory during such continuous period; and

(b) two salary increments shall be granted by the Council to such employee after the expiry of an incremental period reckoned from the date on which his salary would have been increased in terms of the provisions of subrule (2): Provided that such salary increments may be granted only if the principal furnishes a recommendation that the employee's work performance and his conduct in regard to the qualities mentioned in subrule (2) were satisfactory during the continuous period referred to in subrule (5) (a): Provided further that only one salary increment may be granted to the employee if his salary is already equal to the penultimate notch of the scale applicable to him.

(6) If the period referred to in subrule (3) is equal to an incremental period, two salary increments shall be granted by the Council to such employee after the expiry of such period: Provided that such salary increments shall be granted only if the principal furnishes a recommendation that the employee's work performance and his conduct in regard to the qualities mentioned in subrule (2) were satisfactory during the continuous period referred to in subrule (4) (a): Provided further that such employee shall be granted only one salary increment if his salary is already equal to the penultimate notch of the scale applicable to him.

(7) If an employee is not granted a salary increment in terms of subrules (4) (b), 5 (b) or (6), the provisions of subrules (2), (3), (4), (5) and (6) shall apply *mutatis mutandis*.

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

Performance of other work by employees

9. Unless it is otherwise provided for in his condition of service—

(a) every employee shall place the whole of his time at the disposal of the Technikon;

(b) no employee may claim as of right additional remuneration in respect of any official duty or work performed voluntarily outside normal working hours which he is expected by competent authority to perform.

Acceptance of gifts, commission, money or reward

10. (1) An employee shall not accept without the permission of the Council a gift, pecuniary or otherwise, offered to him by a member of the public by reason of his occupying or having occupied a particular office or post in the Technikon.

(2) An employee shall not accept or demand in respect of the carrying out of or failure to carry out his duties, any commission, fee or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties) or shall not fail to report to the Council the offer of such commission, fee or reward: Provided that in an exceptional case, the Council may approve the acceptance of such commission, fee or reward.

Medical aid

11. (1) Council may provide employees with medical aid cover.

(2) Such membership shall commence from the first day of the calendar month immediately following the calendar month in which an employee assumes duty.

(3) Notwithstanding the provisions of subrule (1), an employee shall not be obliged to become a member of the said medical aid fund or medical aid society.

Confidential nature of documents concerning employees

12. All documents, files and correspondence concerning anything which may be done in terms of the Act the statute or these rules, which is the property of the Technikon, shall be of a confidential nature: Provided that an employee or his legal representative shall have the right of access to or inspection of his personal file under supervision of an authorised person and shall be permitted to make copies of documents thereof: Provided further that any other authorised employee may have access thereto for the execution of his official duties.

Reports on staff and adverse remarks

13. (1) Council may request a report in respect of any employee.

(2) Subject to the provisions of subrule (3), an employee in respect of whom a report has been completed in terms of subrule (1), shall not have access thereto: Provided that this subrule shall not apply in the case where an inquiry has been directed in terms of paragraph 39 or 40 of the Statute.

(3) An adverse remark contained in a report shall be brought to the notice of the employee concerned in writing and in its full context by the principal or any other employee, and the employee reported upon shall sign the written report and return it, together with any representations, in writing, which he desires to submit: Provided that such report shall be countersign by the principal or person who compiled by report.

(4) If the person who countersigns a report in respect of an employee, finds that no justification exists for an adverse remark appearing therein, the adverse remark shall be expunged from the report and such employee shall be advised in writing of the expunction if the adverse remark has already been brought to his notice and such advice of expunction shall form part of the report.

Residential address and telephone numbers

14. An employee shall notify the principal of his residential address and of his telephone number at home (if he has a telephone) and any change thereof, and the principal shall keep a record thereof in a register which shall be kept for this purpose.

Change in marital status

15. An employee shall give Council notice in writing of any change in marital status.

Participation in political and other activities

16. (a) An employee shall ensure that his membership of any regional services council, city council, municipal council, village council, health committee, management committee or consultative committee, local authority, school board or hospital board shall in no way whatsoever interfere with his official duties.

(b) If any dispute arises between the Council and any body referred to in paragraph (a), an employee who is a member of any such body shall not take part in the discussion of or vote on any such dispute.

Examination by a medical board

17. The Council may require an employee to submit himself to an examination by a medical board consisting of one or more registered medical practitioners appointed by the Council and expenditure connected with the examination shall be borne by the Council: Provided that the employee who is to be examined may arrange at his own expense for his private medical practitioner to be present at the proceedings.

Official hours of attendance and instructions: General provisions

18. (1) The principal shall, subject to the provisions of rule 19, ensure that employees observe official hours of attendance as approved by the Council.

(2) (a) Notwithstanding any provisions to the contrary contained in these rules, the principal may require an employee to perform official duty on any day of the week or at any time during the day or night or to attend at his normal place of work or elsewhere for such duty.

(b) Subject to the approval of the Council, an employee shall be conpensated for services rendered in excess of his maximum working hours.

(c) The principal may request a full-time lecturer to lecture to part-time classes.

(3) An employee—

(a) shall, during his official hours of attendance and periods of overtime duty, give his full attention to the duties entrusted to him; and

(b) shall not without the consent of the principal or a person authorised by the principal, be absent from his office or place of work during his official hours of attendance and periods of overtime duty.

(4) (a) If an employee, during the official hours of attendance, is absent from duty as a result of leave granted in terms of these rules or as a result of other circumstances which are acceptable to the Council, he shall, for the purposes of the completion of his working week, be deemed to have been on duty during such absence.

(b) The official hours of attendance which have been determined for an employee in respect of a particular day and which—

(i) fall on a public holiday, in the case of an employee who does not normally work on such day; or

(ii) fall on such other day on which he may be normally relieved from duty in lieu thereof, in the case of an employee who normally works on a public holiday.

shall be reckoned for the purposes of the completion of his working week.

Working hours per week

19. The different categories of employees of the Technikon shall observe the number of working hours per week as approved by the Council.

LEAVE AND LEAVE GRATUITIES

Classification of leave

20. (1) All absences from duty on leave shall be classified under one or more of the following headings:

(a) Vacation leave;

(b) Accumulative leave;

(c) Sick leave with full pay;

(d) Sick leave with half pay;

(e) Sick leave without pay;

(f) Special sick leave with full pay;

(g) Special leave with full pay;

(h) Special leave without pay.

(2) All unauthorised absences from duty shall, apart from any disciplinary steps which may be taken against an employee, be deemed to be special leave without pay unless the Council determines otherwise.

Classification of employees for leave purposes

21. (1) Employees shall, for the purposes of leave provisions, be classified in the undermentioned groups and shall be granted leave accordingly:

GROUP A

Members of the academic staff

(2) (a) *Vacation leave with full pay:* For periods as approved by the Council during technikon holidays of not less than 42 days but not more than 56 days per annum: Provided that—

(i) a member of the academic staff may be required to perform duties of an academic nature essential to the academic integrity of the Technikon during such academic recesses;

(ii) members of the academic staff may, taking into account their functions and any agreement with such employee, and with the approval of the Council take such leave in whole or in part during periods other than technikon holiday.

(b) *Sick leave:* In each cycle with—

(i) full pay—90 days; and

(ii) half pay—90 days.

(c) *Accumulative leave:* Such leave shall accrue at a rate of 15 days per annum with full pay.

GROUP B

Members of the non-academic staff

(3) (a) *Vacation leave with full pay:* Such periods, as approved by the Council, which shall not be less than 26 days per annum or more than 42 days per annum.

(b) *Sick leave:* In each cycle with—

(i) full pay—90 days; and

(ii) half pay—90 days.

(c) *Accumulative leave:* Such leave shall accrue at a rate of 15 days per annum with full pay.

Leave privilege

22. (1) The leave provided for in these rules is granted with due regard to the exigencies of the Technikon.

(2) When an employee leaves the service of the Technikon for any reason whatsoever his leave shall lapse on the last day of his service and he cannot claim payment in respect of the cash value of leave standing to his credit: Provided that the provisions of this rule shall not preclude—

(a) the payment of a leave gratuity in terms of rule 23; and

(b) the reinstatement of a leave credit upon the reappointment of a former employee.

Leave gratuities

23. The total number of days of accumulative leave standing to the credit of an employee may, with the approval of the Council, be taken in the form of leave by such employee or may upon retirement or discharge or resignation be converted into monetary value and paid out to him in the form of a leave gratuity.

Court cases, inquiries and hearings: Absences from duty which need not be recorded as leave

24. An employee's absence from duty shall not be regarded as leave where he attends as—

(i) a witness in a criminal court case;

(ii) a witness, applicant, plaintiff, respondent or defendant in any civil court case;

(iii) a witness, applicant or respondent at an inquiry conducted by a statutory body or other official hearing; and

(iv) serves as a member of a Committee/Commission of Inquiry appointed by a recognised Statutory Body:

Provided that proof of such attendance is submitted either before or immediately after attending such court case, inquiry or hearing as the case may be.

Granting and withdrawal of leave: Leave application forms and leave registers

25. (1) (a) The granting of all leave shall be subject to the approval of the Council: Provided that a Council may delegate to the principal, or any other senior permanent employee, the authority to grant leave to its employees.

(b) Leave already granted may at any time be deferred by the Council under exceptional circumstances.

(2) Except in the case where an employee is suspended from duty or where an employee is prevented by his sudden illness, or by other circumstances which are acceptable to the Council, from remaining on or reporting for duty, he shall not leave or stay away from work until he has applied, in writing, for leave and has been advised that the leave application has been approved.

(3) (a) Application for leave shall be made in writing in a form approved by the Council.

(b) The form of the certificate of indisposition which is to serve in support of an application for sick leave, shall, subject to the provisions of subparagraph (a), be determined by the Council.

(4) (a) The Council shall keep a leave register in respect of each employee in which all absences from duty shall be recorded in accordance with the classification in rule 20.

(b) All applications for leave shall be filed for audit and other purposes in the office where the leave register is kept for such period as the Council may direct.

Lapse of leave on retirement

26. (1) Immediately an employee gives notice of resignation any leave with pay granted shall lapse with effect from the date of such notice, or, if the notice is undated, from the date the notification is received by the principal and leave applied for or absence from duty thereafter shall be deemed to be special leave without pay: Provided that the Council may depart from this rule in the case of an employee who resigns to join the service of another Technikon or institution approved by the Council: Provided further that the provisions of this subrule shall—

(a) apply only in respect of absences during an employee's last 30 days of service; and

(b) not apply to—

(i) sick leave;

(ii) special leave granted in terms of rule 20;

(iii) accumulative leave granted in terms of rule 33 (1); and

(iv) a full-time temporary or part-time employee whose contract of service or letter of appointment contains a clause expressly providing that his services may be terminated on 24 hours' notice on either side but who nevertheless gives more than 24 hours' notice of resignation.

(2) If an employee retires, any leave granted to him shall lapse on the day immediately preceding that on which such retirement becomes effective or on the date determined in terms of subrule (1) if that subrule applies to him.

(3) The period of service of an employee shall not be extended in order to enable him to utilise leave which may have been granted to him.

(4) If an employee who has resigned or retired is reappointed, such reappointment shall for the purposes of these rules be deemed to be a new appointment: Provided that the accumulative leave credit which an employee had on resignation or retirement may be reinstated to a maximum of 184 days: Provided further that—

(a) such maximum number of days shall be reduced by the number of days in respect to which a leave gratuity was paid; and

(b) no accumulative leave in terms of rule 33 (2) (a) shall be granted within two years of such reappointment.

Day of rest

27. A day of rest shall not be deemed to be leave and shall not be recorded as such in the leave register: Provided that—

(a) a day of rest, or two or more consecutive days of rest, falling, within a period of leave, shall be deemed to be leave which falls under the same heading according to the classification as the leave which precedes rule 20 (1) and succeeds such day of rest or days of rest; and

(b) a day of rest, or two or more consecutive days of rest, falling between a period of leave or a period during which instruction is suspended and a period of sick leave (or *vice versa*) shall be deemed to be leave as the case may be, unless the employee concerned produces evidence that he was actually ill on such day or days of rest.

Voluntary termination of leave by an employee

28. An employee who wishes to assume duty before the expiry of a period of leave granted to him under these rules, shall not do so before having obtained the prior approval of the principal.

Overgrant of leave

29. If an employee is granted leave with pay in excess of that provided for in these rules such overgrant may be deducted from such leave which subsequently accrues to him: Provided that if such employee resigns or his services are terminated before sufficient leave has accrued to him for the purpose of such deduction, that portion of the overgrant which has not yet been set off against his leave accrual on the last day of his service shall be deemed to be an overpayment of salary which shall be recovered or written off at the discretion of Council.

Leave counts for the purpose of salary increments

30. All leave of whatever nature, whether full pay or half pay or without pay, shall count for the purpose of salary increments.

Accrual of accumulative leave

31. (1) Accumulative leave shall accrue in respect of each completed calendar month of service at the rate of one-twelfth of the provision applicable to an employee in terms of rule 21.

(2) An employee who is appointed in a full-time capacity without a break in service and who before such appointment was in the service of a State Department, body or institution, shall retain the accumulative leave standing to his credit on the last day of his service with his previous employer.

(3) For the purposes of subrule (1) any part of a day shall be reckoned as one day when the accumulative leave credit is placed to the credit of an employee.

Leave which counts for leave purpose

32. (1) All leave, of whatever nature, with full or half pay shall count as service for the purpose of leave accrual.

(2) Subject to the approval of the Council, leave of whatever nature without pay shall count as service for the purpose of leave accrual.

(3) Leave which in terms of subrule (2) accrues during a period of leave without pay shall not be granted to an employee until he has resumed his duties after his absence of leave without pay, and then only in respect of absence after such resumption of duty.

Granting of accumulative leave

33. (1) The Council may at any time require an employee to take a portion or the whole of the accumulative leave standing to his credit: Provided that the maximum period of leave prescribed in subrules (2) and (3) shall not be exceeded.

(2) (a) Accumulative leave shall not be granted to a member of the academic staff for less than one full technikon term: Provided that the council may on the recommendation of the principal, grant accumulative leave to such employees for shorter periods of time.

(b) A member of the academic staff who has at least one technikon term accumulative leave standing to his credit and who desires to take leave for two technikon terms, may apply in writing for the conversion of the accumulative leave standing to his credit into special leave with half pay on the basis of two days special leave with half pay for each day of accumulative leave he utilises for this purpose: Provided that the dates of commencement and termination of any period of accumulative leave granted to such member shall coincide with the first and the last day, respectively, of the Technikon term.

Leave for study and research purposes

34. (1) If accumulative leave standing to the credit of a member of the academic staff is taken by such employee for purposes of study and research, the Council may upon application by such employee and on submission by him of a study and research programme approved by the council, grant such employee an equal number of days special leave with full pay for the said purpose.

(2) A member of the non-academic staff may be granted study leave on the basis determined by the council.

Leave for private affairs

35. Notwithstanding anything to the contrary in these rules leave may be granted to an employee to enable him to attend to private affairs: Provided that such leave with full pay shall be limited to the number of days of accumulative leave standing to the credit of the employee concerned at the commencement of the leave.

Maternity leave

36. (1) A female employee (regardless of marital status) shall qualify for granting of special leave with full pay for confinement purposes or adoption of a child on the following basis:

(a) A maximum of 84 days special leave with full pay may be granted per confinement or legal adoption of a child who is under two years of age.

(b) In the case of an adoption, proof of adoption must be submitted with the leave application.

(c) A qualifying period of 12 months uninterrupted service must be completed before the employee concerned may be granted special leave with full pay for confinement purposes, provided that an employee with service shorter than 12 months may be granted such leave on a *pro rata* basis.

Paternity leave for purposes of confinement

37. A male employee shall qualify for two days special leave with full pay per confinement of his wife.

Leave for continuity of service

38. Notwithstanding anything to the contrary contained in these rules, an employee who is appointed in the service of the Technikon and who was previously employed by the Technikon in a temporary capacity, may be granted special leave without pay not exceeding 90 days, for the purpose of preserving the continuity of his service, from the first day following the date of the termination of his temporary service to the date preceding the date of assumption of duty pursuant to such appointment: Provided that the limitation of 90 days shall not apply where the period during which he was not in service, extends from the day following the last day of a technikon term to the day preceding the first day of a technikon term after a full technikon term has lapsed.

General provisions: Sick leave

39. (1) Sick leave shall accrue to an employee on the first day of a cycle or on the date of his assumption of duty where such date falls within a cycle, and with effect from that day the full provision of the relative cycle may be granted to him: Provided the other provisions of these rules are complied with: Provided further that no employee shall be granted sicke leave with full or half pay until he has completed 30 days' service and then only in respect of absences subsequent to the completion of such service.

(2) A employee may, on his written application, be granted accumulative leave standing to his credit in lieu of sick leave with half pay or sick leave without pay: Provided that such application is submitted not later than 30 days after he has resumed duty: Provided further that—

(a) the Council is satisfied that the employee is at that stage not permanently unfit for the performance of his normal duties; and

(b) once such leave has been granted to an employee and he has received payment in respect thereof, it shall not be reconverted into sick leave with half pay or without pay.

(3) If an employee to whom accumulative or vacation leave has been granted, takes ill while on such leave, that part of the leave during which he was ill may, subject to the provisions of rule 40 (2) be converted into sick leave: Provided that an employee shall apply in writing for such conversion within 30 days of the expiry of such leave.

(4) An employee who retains his accumultive leave credit in terms of rule 31 (2) shall be granted sick leave during the unexpired part of the cycle in which he was so transferred, which shall not exceed the sick leave which could have been granted to him, had the whole period of his service during such cycle been service at the Technikon.

(5) Subject to rule 40 (2), an employee may be granted, subsequent to the completion of nine years' continuous service and in every three cycles thereafter, additional sick leave up to a maximum of 90 days with full pay and 90 days with half pay on submission of a certificate referred to in rule 40 (2) (a).

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

(7) An employee, who has completed at least 21 years' continuous service and who used all the sick leave with full pay which may be granted in terms of these rules, may be granted additional sick leave with full pay to such extent and on such conditions as the Council may determine.

Granting of sick leave

40. (1) Sick leave shall be granted only in respect of the absence from duty of an employee owing to illness, indisposition or injury.

(2) (a) If an employee is absent from duty for a continuous period exceeding three days owing to illness, he may be granted sick leave with or without pay only if he submits a certificate by a registered medical practitioner or a registered dentist which—

(i) describes the nature of the illness;

(ii) states that he is not capable of performing his official duties; and

(iii) indicates the period necessary for his recuperation.

(b) The Principal may require an employee to submit a certificate referred to in subparagraph (a) in respect of periods of three days or less.

(c) If the absence of an employee is due to illness and there are good reasons for the non-submission of a certificate in terms of subparagraph (a), the Principal may exempt such employee from the submission of such certificate in respect of sick leave for a continuous period not exceeding 10 days.

(d) Exemption from the submission of a certificate in terms of subparagraph (c) shall be recorded on the application for leave.

(e) Subject to the provisions of subparagraph (c), sick leave with or without pay in respect of which a certificate as defined in this subrule is not submitted, shall be granted only for an aggregate not exceeding 10 days during any calendar year and further absences shall be covered by the granting of accumulative leave or, if the employee has no accumulative leave to his credit, of special leave without pay.

(3) Nothwithstanding the submission of a certificate referred to in subrule (2), the Council may refuse to grant sick leave with pay in respect of any absence from duty to which the certificate relates, in which case the Council may determine that the absence was unauthorised and the provisions of rule 20 (2) shall apply.

Sick leave without pay

41. (1) Notwithstanding the provisions of rule 40 (3), an employee who has used all his sick leave with pay provided for in these rules, may be granted sick leave without pay.

(2) Leave may be granted in terms of subrule (1) notwithstanding that additional sick leave with half pay has been granted in terms of rule 39 (5).

Special sick leave

42. (1) An employee who is absent owing to an injury sustained in an accident arising out of and in the course of his duties or owing to a disease contracted in the course of and as a result of his duties, shall be granted special sick leave with full pay for the period he is incapacitated for his duties, or, special sick leave with full pay equal to the difference between full pay and the compensation payable to him in the form of periodical payments of his monthly earnings, if his case falls within the scope of the Workmen's Compensation Act, 1941.

(2) Special sick leave in terms of this rule shall not be granted if the accident is attributable to serious and wilful misconduct as defined in the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993).

(3) The provisions of rule 40 (2 shall apply *mutatis mutandis* to the granting of special sick leave.

Special leave with full pay and without pay

43. (1) Special leave with full pay may be granted to an employee—

(a) for each day on which he writes an approved examination: Provided that one day's special leave with full pay may be granted additionally in respect of each day on which he actually does an examination;

(b) 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;

(c) when he is arrested or has to appear in court on a criminal charge and he is subsequently acquitted or the charge withdrawn;

(d) when he is required to perform compulsory military service in terms of applicable legislation;

(e) if he attends an education or training programme approved by the Principal;

(f) when he is selected by a recognised amateur sports association to—

(i) represent South Africa as a competitor at national or international sporting events;

(ii) accompany teams representing South Africa at national or international sporting events as coach or manager; or

(iii) accompany any foreign national team visiting South Africa as a representative of the relevant sports association; and

(g) for staff exchange programmes and secondments on such conditions as deterimed by Council.

(2) Special leave granted in terms of subrule (1) may include a period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

(3) Notwithstanding anything to the contrary contained in these rules, the council may, if sound reason therefore exists, grant an employee with no accumulative leave standing to his credit special leave without pay, for such period as the council determines.

Fees

44. The fees payable by students and resident employees shall be as determined by the Council.

ACADEMIC BOARD

Election of Council members to serve on Academic Board

45. (1) Whenever it is necessary for the Council to elect members to serve on the Academic Board, as contemplated in section 20 (1) (c) of the Act, such election shall take place at the Annual General Meeting of the Council.

(2) Nominations shall be called for at the Annual General Meeting, and each nomination shall be seconded by at least two members and each nominee shall indicate his acceptance of the nomination: Provided that such nominee is not employed by the Technikon.

(3) If the number of candidates nominated in terms of subrule (2) is not greater than the number of vacancies, the Chairperson to the Council shall forthwith declare such candidates to be duly elected.

(4) If there are more candidates nominated than are to be elected, voting shall take place by secret ballot.

(5) Ballot papers containing the names of all the nominated candidates shall be handed to each member of the Council.

(6) Each member of the Council shall be entitled to one vote.

(7) The Secretary to Council shall act as returning officer.

(8) The Secretary to Council shall declare the persons obtaining the highest number of votes to have been duly elected and, in the event of an equality of votes, the result shall be determined by lot.

(9) The persons so elected shall hold office until the following Annual General Meeting, and may be re-elected.

Chairperson

46. (1) The Principal shall be the Chairperson of the Academic Board.

(2) The Vice-Principal (Academic) shall act as Chairperson of the Academic Board in the absence of the Chairperson.

(3) If the Chairperson as well as the Vice-Principal: Academic is absent from any meeting of the Academic Board, the members present at such a meeting shall elect one of their number to preside thereat.

Secretary

47. (1) The Vice-Principal: Academic shall act as the secretary to the Academic Board and of all committees and joint committees of the Academic Board: Provided that the Principal may assign any other employee to assist the secretary or to act in his place.

(2) The secretary shall act as electoral officer at all meetings of the Academic Board.

Emergency meetings of the Academic Board

48. An emergency meeting may be called by the Chairperson at any time: Provided that members shall be given not less than twenty-four (24) hours' notice of such a meeting: Provided further that notice may be given in any manner deemed expedient in the circumstances.

Number of meetings of the Academic Board

49. The Chairperson shall convene a meeting of the Academic Board at least once in each technikon term at the seat of the Technikon.

The quorum

50. A quorum shall be a simple majority of the members of the Academic Board.

Voting

51. (1) Each member of the Academic Board including the Chairperson is entitled to one vote and voting may be by means of voice, show of hands or by secret ballot at the discretion of the meeting.

(2) (a) In the case of equality in votes the Chairperson shall be entitled to a casting vote which he may use at his discretion.

(b) A motion shall be deemed to be carried if it obtains a simple majority.

(c) Voting by proxy is not permitted.

Notice of meeting

52. At least seven days before the date for an ordinary meeting the secretary shall give due notice to each member of all the matters to be dealt with at such meeting and shall state the time and place of such meeting.

Notice of motion

53. Notice of any motion for consideration shall be given in writing and be lodged with the secretary at least ten days before the date of an ordinary meeting: Provided that any motion of an urgent nature may, without prior notice, with the leave of the chairperson and a majority of the members present, be considered at such meeting.

Amendment or rescission of previous decision

54. Any motion to amend or rescind a previous resolution of the Academic Board shall be carried by at least two thirds of the members present at the meeting on the date of voting.

Minutes

55. At every ordinary meeting of the Academic Board, the minutes of the last preceding ordinary meeting and of any special meeting held subsequently shall be read and confirmed by the signature of the chairperson: Provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the Council: Provided further that objections to the minutes of a meeting shall be raised and decided before confirmation of the minutes.

Discussion of motions

56. (1) A member of the Academic Board shall not, without the leave of the meeting, speak more than once to a motion or an amendment thereof, but the proposer of a motion or an amendment shall have a right of reply.

(2) A motion or an amendment thereto shall be seconded and, if so directed by the chairperson, shall be submitted in writing.

(3) A motion or an amendment thereto that has been seconded shall not be withdrawn without the consent of the meeting.

Rules

57. The ruling of the chairperson on a point of order or procedure shall be binding, unless immediately challenged by a member, in which event such ruling shall be submitted without discussion to the meeting, whose decision shall be final.

CONVOCATION OF THE TECHNIKON

Secretary

58. The Principal shall appoint a Secretary of the Convocation.

Roll of the Convocation

59. (1) The Secretary of the Convocation shall keep the roll of the Convocation in which shall be recorded the names and addresses of all persons who are members of the Convocation.

(2) An address recorded in the roll shall be deemed to be the registered address of the person concerned.

(3) It shall be the duty of every member of the Convocation to notify the Secretary of any change of address.

(4) The roll shall be *prima facie* proof that any person whose name appears thereon at the time of an election of the Convocation is entitled to vote as such election and that any person whose name does not appear thereon is not so entitled: Provided that the names of new diplomandi or graduates of the Technikon shall be deemed to be automatically included in the roll: Provided further that such automatic enrolment shall not relieve the new diplomandi or graduates of the duty of registering their addresses with the Secretary in accordance with subparagraph (3).

Chairperson of the Convocation

60. (1) The Chairperson of the Convocation shall be elected by the Convocation and shall hold office for a period of two years from his/her election, subject to the provisions of subrule (3).

(2) The procedures for the election of the Chairperson of the Convocation shall be as follows:

(a) Nominations for the Chairperson of the Convocation shall be given in writing to the Secretary;

(b) if more than one person is nominated, voting shall be by secret ballot;

(c) a candidate shall be elected by a simple majority of all the members of the Convocation present.

(3) Should the Chairperson for any reason vacate his office prior to the expiry of his term of office, the Convocation shall elect a new Chairperson in accordance with the procedure referred to in subrule (2) for the unexpired period of such term of office.

(4) The Chairperson of the Convocation shall be the Chairperson of all meetings of the Convocation: Provided that, in his absence, the members present shall, under the guidance of the Secretary of the Convocation, elect a Chairperson for that meeting from amongst their number.

Meetings of the Convocation

61. (1) All meetings of the Convocation shall take place at the place of the Technikon: Provided that if it is not possible, the Chairperson and Secretary may decide on another venue for the meeting.

(2) The Convocation shall meet at least once a year.

(3) A meeting of the Convocation may be convened by the Chairperson at any time if he deems it necessary, and shall be convened by the Secretary within 60 days after a written request, signed by at least 50 members, has been lodged with him: Provided that the matters for consideration at such meeting shall be stated in the form of special motions and that no matters, other than those stated in such a request, shall be discussed at such a meeting.

(4) Notice of a meeting of the Convocation and an agenda shall be sent to each member of the Convocation at least 14 days before the meeting.

(5) 50 members of the Convocation shall constitute a quorum at meetings: Provided that, the members present after the elapse of a period of 10 minutes shall constitute a quorum.

(6) The procedures at meetings of the Convocation shall be *mutatis mutandis* the same as the meetings of Council, as prescribed in paragraphs 20 to 23 of the Statute.

(7) The minutes of all meetings of the Convocation shall be sent to the Council and the Academic Board for their information.

Constitution of the Students' Representative Council

62. (1) The Students' Representative Council shall consist of at least 10 and not more than 13 members.

(2) The constitution shall be as follows:

(a) A President who shall be a full-time student.

(b) A Vice-President who shall be a full-time student.

(c) Joint Secretaries who shall be full-time students.

(d) A Treasurer who shall be a full-time student.

(e) 8 members of which—

(i) six (6) shall be full-time students; and

(ii) two (2) shall be part-time students.

(3) No Students' Representative Council member shall hold more than one post on the Students' Representative Council.

Eligibility for membership of the Students' Representative Council

63. (a) No person shall be eligible for membership of the Students Representative Council unless he is registered as a *bona fide* full-time student of the Technikon.

(b) The qualification of being a full-time student shall not apply to members referred to in rule 62 (2) (e) (ii).

Elections

64. (1) (a) Candidates for election as members of the Students' Representative Council shall be nominated by at least five students and counter signed by the nominee.

(b) Only those students who are eligible for election as contemplated in rule 63 may nominate a candidate.

(c) The Outgoing Students' Representative Council shall nominate an Electoral Committee consisting of a Chief Electoral Officer and five Electoral Officers to conduct the election of members of the Students' Representative Council in accordance with subrule (3).

(d) The Electoral Committee shall call for nominations for members to the Students' Representative Council in the manner determined by such Committee.

(e) Nominations must be lodged with the Electoral Committee within five days of nominations being called for and no nominations shall be accepted after 16h00 on the fifth day of nomination.

(f) Nomination shall be made on a form determined by the Electoral Committee, and shall be duly signed by the students referred to in paragraph (a).

(g) A student shall not be entitled to nominate more than two candidates for election to the Students' Representative Council.

(h) The name of the candidate, together with the name of the students who nominated such candidate, shall be displayed on the official notice board within one (1) day of the closing time for nominations and shall remain on display for a period of three days, excluding the day on which such names are first displayed.

(i) If more than thirteen (13) nominations are received, an election shall be held.

(j) An election shall be conducted by secret ballot.

(k) If more than nine (9) but less than fourteen (14) nominations are received, these candidates shall be declared elected by the Chief Electoral Officer.

(l) If less than ten (10) nominations are received, the Chief Electoral Officer shall declare such nominations to be null and void and shall call for fresh nominations.

(m) If a vacancy occurs in the membership of the Student Representative Council the provisions of paragraphs (a) to (e) shall *mutatis mutandis* apply.

(2) (a) Each *bona fide* registered student is entitled to vote.

(b) Voting shall be in person and there shall be no voting by proxy or by post.

(c) A maximum voting period of three days shall be allowed for the elections.

(d) Only such ballot papers as are provided by the Electoral Committee shall be used during voting.

(e) At the time of the closing of the poll the Chief Electoral Officer or duly appointed assistants shall be on hand to remove the sealed ballot boxes.

(f) Votes shall be counted on the final day of voting and must be counted by or in the presence of the Electoral Committee: Provided that all candidates are entitled to be present when the votes are counted.

(g) Except as provided in paragraph (h) the following ballot papers shall be rejected as spoilt:

(i) Signed papers;

(ii) papers with more votes than each voter is entitled to;

(iii) if the ballot paper has been defaced in any way;

(iv) if the same voter has voted more than once in a single election, in which case all his papers shall be rejected;

(v) if a voter has used a ballot paper other than that supplied by the Electoral Committee.

(h) A voter having spoilt a ballot paper before it is placed in the ballot box shall, on notifying the Chief Electoral Officer in writing while the election is in progress, be permitted to substitute a valid ballot paper for a spoilt one.

(3) (a) Elections for members of the Students' Representative Council shall take place during the first technikon term of every year.

(b) The Students' Representative Council shall determine the date of elections and shall give ten (10) days notice in writing thereof on the official notice boards.

(c) The Electoral Committee shall—

(i) supervise and have complete control over all Students' Representative Council elections;

(ii) determine the hours and place of voting convenient to both part-time and full-time students;

(iii) draw up a voter's list from the register of the Technikon, of all the students who are entitled to vote in terms of subrule (2) (a);

(iv) make available to all students entitled thereto the necessary nomination forms at central and convenient places at least ten (10) days before the date of the election;

(v) receive all nominations which must be handed in within five (5) days of nominations being called for;

(vi) draw up a ballot paper containing the names of the nominated candidates and shall at a central place make available to each student entitled to vote, one ballot paper, at the same time crossing his name off the voter's list mentioned in subparagraph (iii): Provided that each student who is eligible to vote shall submit an identification of himself in the form of a valid identity document.

(d) (i) The result of the election shall be signed by the Chief Electoral Officer and shall be posted on the official notice boards within one (1) day after the completion of the count.

(ii) The ballot papers shall be kept for seven (7) days after the election of the Students' Representative Council and shall be open for inspection during that period, after which they shall be destroyed, subject to paragraph (e).

(e) Any objection in respect of an election shall be in writing and shall reach the Chief Electoral Officer within one (1) day of the declaration of the results and the decision of the Electoral Committee regarding any objection shall be final.

(f) The newly elected Students' Representative Council shall, by ballot, elect the Executive Committee.

(4) (a) A by-election shall be held in the following circumstances:

(i) If there is a tie of votes for the 13th candidate after the election: Provided that in such by-election there shall be no new nominations.

(ii) Vacancies in the Students' Representative Council shall be filed by a by-election: Provided that vacancies occurring after the first semester but before the General Election need not be filled.

(iii) In the case of resignation of all the members of the Students' Representative Council a by-election shall be conducted by a Committee elected at a mass meeting of the students specially convened for this purpose.

(b) By-elections shall *mutatis mutandis* be conducted subject to the same rules as those governing a general election.

Term of office

65. The term of office of the Students' Representative Council shall commence on the date of it being elected and shall not continue beyond the first technikon term of the following year.

Functions and privileges

66. (1) The Students' Representative Council, functioning as a non-racial, non-sectarian and non-sexist body, shall—

(a) supervise and control full-time and part-time students' affairs;

(b) represent the students as a whole in all matters concerning their interests;

(c) be the parent and governing body to which all students' clubs, societies, organisations or the like and standing committees shall be responsible and shall have the right to recognise such clubs, societies, organisations or the like and standing committees and to withdraw such recognition;

(d) control all student publications;

(e) have the right to make press statements;

(f) (i) elect standing committees and officials;

(ii) standing Committees shall be directly responsible to the Students' Representative Council and shall submit annual reports thereto;

(g) appoint such student committees and student officials from the student body not otherwise specified in these rules in order to assist it in the fulfilment of its objects;

(h) convene a mass or special mass meeting of students whenever it deems it necessary: Provided that such meetings shall be subject to approval of the Principal;

(i) draw up standing orders and rules and regulations for the procedure of its business, the proper exercise of its powers and the effective carrying out of its functions;

(j) represent the students on and affiliate to any organisation not forbidden by law, with whose objects the students are in agreement, by resolution of a mass meeting or special mass meeting of students;

(k) be the ruling body in all matters pertaining to meetings, collections and petitions organised by students and shall control the use of the name of the Technikon by the students;

(l) oganise money and other collections for a purpose which the general student body approves;

(m) have control of an freedom in inviting guest speakers on subjects which the Students' Representative Council deems fit, at venues ordinarily used for such purposes: Provided that where in the opinion of the Council or Principal, such activity will disrupt the smooth running of the Technikon, there shall be consultation between the Students' Representative Council and a duly appointed sub-committee of Council: Provided further that the Students' Representative Council shall have the right to appeal to Council against any decision taken by the sub-committee;

(n) carry out any resolution passed by the general student body;

(o) where invited by the Chairman of the Disciplinary Committee send one (1) Students' Representative Council representative to disciplinary hearings conducted by the Technikon where the students are involved;

(p) allocate and disburse such money as is required by indigent and needy students as the Students' Representative Council may define from time to time for the furtherance of their studies.

(2) The Students' Representative Council as a student body may—

(a) constitute and *ad hoc* court, from amongst its members, when requested to do so by the Disciplinary committee to try any student facing disciplinary action;

(b) defray legal expenses, grant financial assistance to any student club, society or organisation involved in litigation, provided that such club or society was acting in a representative capacity and with the authority of the Students' Representative Council.

(3) The Students' Representative Council shall—

(a) hold and keep an account of all monies due to the Students' Representative Council from the Students' Representative Council's funds;

(b) hold and keep an account of all other monies paid over to it by the Technikon or by any other organisation or person;

(c) allocate or disburse such funds in the interest of the students and make grants to approved clubs and societies;

(d) obtain and review, at the end of each financial year, the budgets and detailed accounts of Income and Expenditure of the past financial year.

(4) The Students' Representative Council shall—

(a) be the official representative student body and shall be consulted on all matters which may affect the student body as a whole; and

(b) be funded by the Technikon in accordance with an annual budget approved by Council on recommendation of the Students' Representative Council.

DEPARTMENT OF WATER AFFAIRS AND FORESTRY

No. 7 **6 January 1995**

NOTICE IN TERMS OF SECTION 9A OF THE WATER ACT, 1956

RESTRICTION ON THE ABSTRACTION AND USE FOR IRRIGATION PURPOSES OF PUBLIC WATER FROM THE UMLAAS RIVER AND ITS TRIBUTARIES WITHIN THE BOUNDARIES OF THE UMLAAS IRRIGATION DISTRICT

1. By virtue of the powers vested in me by section 9A of the Water Act, 1956 (Act No. 54 of 1956), I, Kader Asmal, in my capacity as Minister of Water Affairs and Forestry—

   (a) do hereby declare that a severe water shortage exists in respect of the Umlaas River and its tributaries within the boundaries of the Umlaas Irrigation District; and

   (b) do hereby restrict the abstraction and use of water from the Umlaas River and its tributaries within the boundaries of the Umlaas Irrigation District for irrigation purposes to the volume of water required for the application of 2,5 millimetres of water per hectare of scheduled area per week.

2. The aforesaid restriction shall not apply to the abstraction of water from private dams situated on tributaries of the Umlaas River and in which no water abstracted from the Umlaas River is stored.

3. I hereby delegate in terms of section 165 of the said Act to the Regional Director: Natal of the Department of Water Affairs and Forestry, the

DEPARTEMENT VAN WATERWESE EN BOSBOU

No. 7 **6 Januarie 1995**

KENNISGEWING KRAGTENS ARTIKEL 9A VAN DIE WATERWET, 1956

BEPERKING OP DIE UITNEEM EN GEBRUIK VIR BESPROEIINGSDOELEINDES VAN OPENBARE WATER UIT DIE UMLAASRIVIER EN SY SYTAKKE BINNE DIE GRENSE VAN DIE UMLAAS-BESPROEIINGSDISTRIK

1. Kragtens die bevoegdheid my verleen by artikel 9A van die Waterwet, 1956 (Wet No. 54 van 1956), verklaar ek, Kader Asmal, in my hoedanigheid van Minister van Waterwese en Bosbou, hierby—

   (a) dat 'n ernstige waternood bestaan ten opsigte van die Umlaas en sy sytakke binne die grense van die Umlaas-besproeiingsdistrik; en

   (b) beperk ek hiermee die onttrekking en die gebruik van water uit die Umlaasrivier en sy sytakke binne die grense van die Umlaas-besproeiingsdistrik vir besproeiingsdoeleindes tot die hoeveelheid water nodig vir die aanwending van 2,5 millimeter water per hektaar van die ingelyste oppervlakte per week.

2. Die bogenoemde beperking geld nie ten opsigte van die onttrekking van water uit privaat damme wat in sytakke van die Umlaasrivier geleë is en wat nie water opgaar wat uit die Umlaasrivier onttrek is nie.

3. Ek delegeer hierby kragtens artikel 165 van genoemde Wet aan die Streekdirekteur: Natal van die Departement van Waterwese en Bosbou

power to by notice in the *Government Gazette,* with due regard to a deterioration or improvement in the availability of water in the said rivers—

(i) amend the envisaged restriction in general or in respect of any particular area or person or as the case may be, to lift it indefinitely, in which case this notice shall be deemed to have been revoked by me; or

(ii) temporarily take over the operation of any privately owned water work by means of which water to which this notice applies, is abstracted, impounded, stored, supplied or used for irrigation purposes and to cause the operation of such water work to be undertaken in accordance with his directions by any person instructed in writing thereto by him.

K. ASMAL,
Minister of Water Affairs and Forestry.

GENERAL NOTICES

NOTICE 7 OF 1995

DEPARTMENT OF LABOUR

LABOUR RELATIONS ACT, 1956

APPLICATION FOR REGISTRATION OF A TRADE UNION

I, Hendrik Christiaan Slabbert, Industrial Registrar, do hereby, in terms of section 4 (2) of the Labour Relations Act, 1956, give notice that an application for registration as a trade union has been received from the United Farm and Allied Workers' Union of South Africa.

Particulars of the application are reflected in the subjoined table.

Any registered trade union which objects to the application is invited to lodge its objection in writing with me, c/o the Department of Labour, 123A Manpower Building, 215 Schoeman Street, Pretoria (postal address: Private Bag X117, Pretoria, 0001), within one month of the date of publication of this notice.

TABLE

Name of trade union: United Farm and Allied Workers' Union of South Africa.

Date on which application was lodged: 3 October 1994.

Interests and areas in respect of which application is made: Farming undertaking in the Magisterial Districts of Bethal, Delmas, Ermelo, Highveld Ridge, Kriel, Middelburg (Tvl) and Witbank.

For the purposes hereof—

"Farming undertaking" means the undertaking in which employers and their employees are associated for the purpose of undertaking a farming activity;

die bevoegdheid om by kennisgewing van die *Staatskoerant* met behoorlike inagneming van 'n verswakking of verbetering in die beskikbaarheid van water in die genoemde riviere—

(i) die beoogde beperking in die algemeen of ten opsigte van enige gebied of persoon te wysig of na gelang van die geval dit onbepaald op te hef, in welke geval hierdie kennisgewing geag word deur my herroep te wees; of

(ii) tydelik die bedryf oor te neem van enige waterwerke in private besit deur middel waarvan water waarop hierdie kennisgewing betrekking het, vir besproeiingsdoeleindes onttrek, opgedam, opgegaar, voorsien of gebruik word, en om die bedryf van sodanige waterwerke te laat onderneem in ooreenstemming met sy voorskrifte deur enige persoon wat skriftelik deur hom daartoe gelas word.

K. ASMAL,
Minister van Waterwese en Bosbou.

ALGEMENE KENNISGEWINGS

KENNISGEWING 7 VAN 1995

DEPARTEMENT VAN ARBEID

WET OP ARBEIDSVERHOUDINGE, 1956

AANSOEK OM REGISTRASIE VAN 'N VAKVERENIGING

Ek, Hendrik Christiaan Slabbert, Nywerheidsregistrateur, maak ingevolge artikel 4 (2) van die Wet op Arbeidsverhoudinge, 1956, hierby bekend dat 'n aansoek om registrasie as 'n vakvereniging ontvang is van die United Farm and Allied Workers' Union of South Africa.

Besonderhede van die aansoek word in die onderstaande tabel verstrek.

Enige geregistreerde vakvereniging wat teen die aansoek beswaar maak, word versoek om binne een maand na die datum van publikasie van hierdie kennisgewing sy beswaar skriftelik by my in te dien, p.a. die Departement van Arbeid, Mannekraggebou 123A, Schoemanstraat 215, Pretoria (posadres: Privaat Sak X117, Pretoria, 0001).

TABEL

Naam van vakvereniging: United Farm and Allied Workers' Union of South Africa.

Datum waarop aansoek ingedien is: 3 Oktober 1994.

Belange en gebiede ten opsigte waarvan aansoek gedoen word: Die Boerderyonderneming in die landdrosdistrikte Bethal, Delmas, Ermelo, Hoëveldrif, Kriel, Middelburg (Tvl.) en Witbank.

Vir die doeleindes hiervan beteken—

"Boerderyonderneming" die onderneming waarin werkgewers en hul werknemers met mekaar geassosieer is met die doel om 'n boerderybedrywigheid te onderneem;

"farming activity" means any activity on a farm in connection with agriculture, including stockbreeding, horticulture and forestry; and

"farm" includes fresh water and sea water in so far as farming activities are carried on therein or thereon.

Postal address of applicant: P.O. Box 4869, Witbank, 1035.

Office address of applicant: Room 509, Nedbank Centre, President Street, Witbank.

Attention is drawn to the following requirements of section 4 of the Act:

(a) The representativeness of any trade union which objects to the application shall in terms of section 4 (4) be determined on the facts as they existed at the date on which the application was lodged and, as far as membership is concerned, only members who were in good standing in terms of section 1 (2) of the Act as at the aforesaid date shall be taken into consideration.

(b) The procedure laid down in section 4 (2) must be followed in connection with any objection lodged.

H. C. SLABBERT,

Industrial Registrar.

(6 January 1995)

"boerderybedrywigheid" enige bedrywigheid op 'n plaas in verband met die landbou, met inbegrip van veeteelt, tuinbou en bosbou; en

"plaas" ook vars water en seewater vir sover boerderybedrywighede daarin of daarop beoefen word.

Posadres van applikant: Posbus 4869, Witbank, 1035.

Kantooradres van applikant: Kamer 509, Nedbank Sentrum, Presidentstraat, Witbank.

Die aandag word gevestig op onderstaande vereistes van artikel 4 van die Wet:

(a) Die mate waarin 'n beswaarmakende vakvereniging verteenwoordigend is, word ingevolge artikel 4 (4) bepaal volgens die feite soos hulle bestaan het op die datum waarop die aansoek ingedien is, en wat die lidmaatskap betref, word alleen lede wat ingevolge artikel 1 (2) van die Wet op voormelde datum volwaardige lede was, in aanmerking geneem.

(b) Die prosedure voorgeskryf by artikel 4 (2) moet gevolg word in verband met 'n beswaar wat ingedien word.

H. C. SLABBERT,

Nywerheidsregistrateur.

(6 Januarie 1995)

NOTICE 9 OF 1995

CENTRAL STATISTICAL SERVICE

THE ACTING HEAD: CENTRAL STATISTICAL SERVICE notifies for general information that the Consumer Price Index is as follows:

Consumer Price Index, all items (Base 1990 = 100)

November 1994 = 162,8.

(6 January 1995)

KENNISGEWING 9 VAN 1995

SENTRALE STATISTIEKDIENS

DIE WAARNEMENDE HOOF: SENTRALE STATISTIEKDIENS maak vir algemene inligting bekend dat die Verbruikersprysindeks soos volg is:

Verbruikersprys, alle items (Basis 1990 = 100)

November 1994 = 162,8.

(6 Januarie 1995)

NOTICE 10 OF 1995

DEPARTMENT OF TRADE AND INDUSTRY

BUSINESS PRACTICES COMMITTEE

HARMFUL BUSINESS PRACTICES ACT, 1988

In terms of the provisions of section 8 (4) of the Harmful Business Practices Act, 1988 (Act No. 71 of 1988), notice is herewith given that the Business Practices Committee intends undertaking an investigation in terms of section 8 (1) (a) of the said Act into the business practices of Sun Telemarketing Promotions CC, Gideon Frederick Pitout (Id No. 5910185070005), Filipe Pombo (Id No. 6409225040085), Gee & Dee Marketing, Glenton Bruce Mitchell (Id No. 580811 5102015), Marlon Kurt Beck (Id No. 7110085083087), and any employee, agent or representative of the said businesses.

Any person may within a period of twenty-one (21) days from the date of this notice make written representations regarding the above-mentioned investigation to: The Secretary, Business Practices Committee, Private Bag X84, Pretoria, 0001. Tel. 012-3109579, Mrs J. M. van der Merwe. [Ref. H101/20/10/27(94).]

(6 January 1995)

KENNISGEWING 10 VAN 1995

DEPARTEMENT VAN HANDEL EN NYWERHEID

SAKEPRAKTYKEKOMITEE

WET OP SKADELIKE SAKEPRAKTYKE, 1988

Ingevolge die bepalings van artikel 8 (4) van die Wet op Skadelike Sakepraktyke, 1988 (Wet No. 71 van 1988), word hiermee vir algemene inligting bekendgemaak dat die Sakepraktykekomitee van voorneme is om kragtens artikel 8 (1) (a) van gemelde Wet ondersoek in te stel na die sakepraktyke van Sun Telemarketing Promotions CC, Gideon Frederick Pitout (Id No. 5910185070005), Filipe Pombo (Id No. 640922 5040085), Gee & Dee Marketing, Glenton Bruce Mitchell (Id No. 5808115102015), Marlon Kurt Beck (Id No. 7110085083087), en enige werknemer, agent of verteenwoordiger van genoemde ondernemings.

Enige persoon kan binne een-en-twintig (21) dae vanaf die datum van hierdie kennisgewing enige skriftelike vertoë oor bogenoemde ondersoek rig aan: Die Sekretaris, Sakepraktykekomitee, Privaatsak X84, Pretoria, 0001. Tel. 012-3109579, mev. J. M. van der Merwe. [Verw. H101/20/10/27(94).]

(6 Januarie 1995)

NOTICE 11 OF 1995

MEAT BOARD

PRICES FOR DRESSED CARCASES OF SLAUGHTER ANIMALS FOR 1995

It is hereby notified for general information that the Meat Board referred to in section 6 of the Meat Scheme published by Government Notice No. R. 237 of 7 February 1991, has under section 39 of the said Scheme—

(a) determined that there will be no floor prices tenable for pigs for the period 1 January 1995 until 30 June 1995;

(b) determined that the said determination shall come into operation on 1 January 1995.

P. D. KEMPEN,
General Manager.

(6 January 1995)

KENNISGEWING 11 VAN 1995

VLEISRAAD

PRYSE VIR GEDRESSEERDE KARKASSE VAN SLAGVEE VIR 1995

Hiermee word vir algemene inligting bekendgemaak dat die Vleisraad bedoel in artikel 6 van die Vleisskema gepubliseer by Goewermentskennisgewing No. R. 237 van 7 Februarie 1991 kragtens artikel 39 van genoemde Skema—

(a) bepaal het dat daar vir die periode 1 Januarie 1995 tot 30 Junie 1995 geen vloerpryse vir varke sal geld nie;

(b) bepaal het dat genoemde bepaling op 1 Januarie 1995 in werking tree.

P. D. KEMPEN,
Hoofbestuurder.

(6 Januarie 1995)

NOTICE 14 OF 1995

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

CORRECTION NOTICE

It is hereby published for general information that General Notice 1353 of 1994, published in *Government Gazette* No. 16151 of 9 December 1994, is to be corrected as follows:

In the English version, the date at the end of the last paragraph should have read **"21 January 1995"** and not "21 January 1994".

(6 January 1995)

KENNISGEWING 14 VAN 1995

DEPARTEMENT VAN LANDBOU

WET OP LANDBOUPRODUKSTANDAARDE, 1990 (WET No. 119 VAN 1990)

VERBETERINGSKENNISGEWING

Hiermee word vir algemene inligting bekendgemaak dat Algemene Kennisgewing 1353 van 1994, gepubliseer in *Staatskoerant* No. 16151 van 9 Desember 1994, soos volg verbeter word:

In die Engelse weergawe, moet die datum ten einde die laaste paragraaf **"21 Januarie 1995"** en nie "21 January 1994" wees nie.

(6 Januarie 1995)

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RP 49/1994—Department of Agriculture: Annual Report, 1 April 1992 to 31 March 1993. ISBN 0-621-15529-2. Local **R17,00;** other countries **R18,60.**

RP 59/1994—Department of Public Works: Annual Report, 1993. ISBN 0-7970-2968-0. Local **R12,41;** other countries **R13,60.**

RP 75/1994—Department of Water Affairs and Forestry: Annual Report, 1992/93. ISBN 0-621-16069-5. Local **R34,88;** other countries **R38,30.**

RP 83/1994—Financial Services Board: Registrar of Unit Trust Companies: Report for the year ended 31 December 1992. ISBN 0-621-16176-4. Local **R42,72;** other countries **R46,80.**

RP 85/1994—Report of the Auditor-General on the Appropriation and Miscellaneous Accounts of the Administration: House of Delegates for 1992–93. ISBN 0-621-16178-0. Local **R7,81;** other countries **R8,60.**

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RP 141/1994—Board on Tariffs and Trade: Annual Report, 1993, Report No. 3442. ISBN 0-621-16260-4. Local **R4,10;** other countries **R4,50.**

RP 149/1994—South African Communication Service: Annual Report, 1993. ISBN 0-621-16272-8. Local **R14,83;** other countries **R16,30.**

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RP 171/1994—Ombudsman Report in terms of section 5 (1) of the Ombudsman Act, 1979 (Act No. 118 of 1979). Report No. 2. ISBN 0-621-16319-8. Local **R2,07;** other countries **R2,30.**

MISCELLANEOUS REPORTS

WPF—'94—White Paper: Memorandum by the Minister of Public Works, setting out Particulars of the Building Programme for 1994/95 in respect of Program 3. ISBN 0-621-16316-3. Local **R3,31;** other countries **R3,60.**

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Patentjoernaal September 1994 Volume 27, No. 9. ISSN 0-031-286X. Plaaslik **R1,14;** buitelands **R1,25.**

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.

2. For the period 1 October 1994 to 30 September 1995, English is to be placed FIRST.

3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.

4. ***It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.***

—————oOo—————

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.

2. Vir die tydperk 1 Oktober 1994 tot 30 September 1995 word Engels EERSTE geplaas.

3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.

4. ***Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.***

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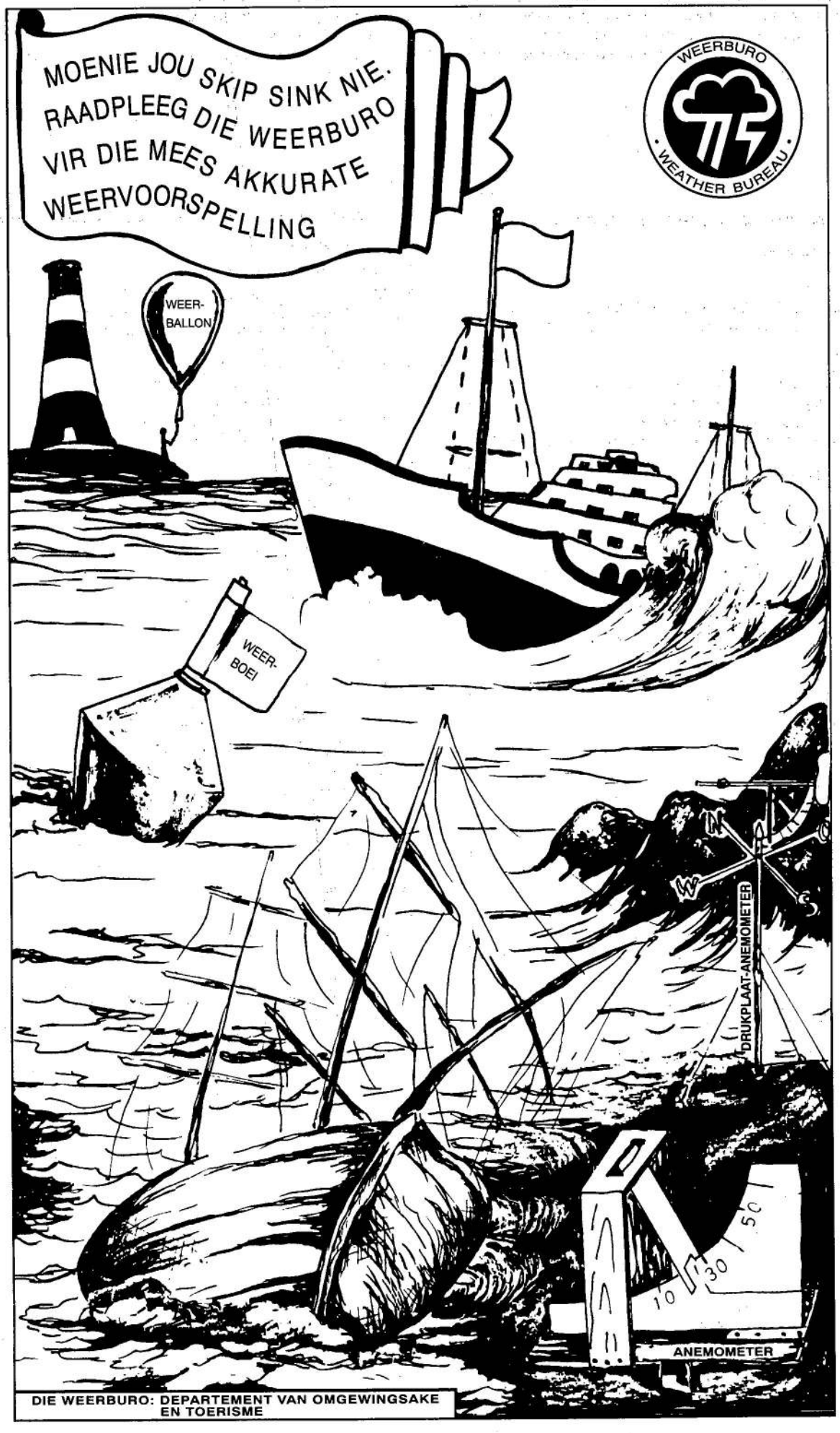
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