

Republic of South Africa

Republiek van Suid-Afrika



Government Gazette

Buitengewone Staatskoerant

(Registered at the Post Office as a Newspaper) (As 'n Nuusblad by die Poskantoor Geregistreer)

(REGULATION GAZETTE No. 262)

Price 10c Prys
Overseas 15c Oorsee
POST FREE — POSVRY

(REGULASIEKOERANT No. 262)

VOL. X.]

PRETORIA, 13 DECEMBER 1963.
13 DESEMBER

[No. 668.]

GOVERNMENT NOTICES.

DEPARTMENT OF BANTU EDUCATION.

No. R. 1950.] [13 December 1963.]

REGULATIONS REGARDING THE CONDITIONS OF APPOINTMENT, SERVICE AND DISCIPLINE OF WHITE TEACHERS ATTACHED TO GOVERNMENT BANTU SCHOOLS.

Under and by virtue of the powers vested in me by sub-sections (4) and (6) of section *ten* and section *fifteen* of the Bantu Education Act, 1953 (Act No. 47 of 1953), as amended, I, WILLEM ADRIAAN MAREE, Minister of Bantu Education, hereby make the regulations contained in the Schedule hereto in substitution for the regulations published under Government Notice No. 2583 of 30th December, 1955, as amended by Government Notices No. 856 of 17th June, 1960, and No. 37 of 12th January, 1962.

W. A. MAREE,
Minister of Bantu Education.

SCHEDULE.

DEFINITIONS.

1. In these regulations "the Act" shall mean the Bantu Education Act, 1953 (Act No. 47 of 1953), and unless the context otherwise indicates, any expression to which in that Act a meaning has been assigned shall have the meaning so assigned thereto, and—

- "assistant teacher" shall mean a White teacher appointed to teach in a Government Bantu school under the supervision of a principal;
- "cycle" shall mean a period of three years reckoned from the 1st January, 1962, and each subsequent period of three years;
- "fixed establishment" shall mean the posts in connection with a Government Bantu school approved by the Minister in terms of sub-section (1) of section *ten* of the Act.
- "Government Bantu School" shall mean a school established and maintained in terms of sub-section (1) of section *seven* of the Act or deemed to have been established in terms of sub-section (2) of section *seven* of the Act;
- "inspector" shall mean an Inspector of Bantu Education;
- "organiser of special subjects" shall mean a teacher in the employ of the Department who fulfils duties in connection with a number of schools as prescribed by the Secretary;
- "Pensions Act" shall mean the Government Service Pensions Act, 1955 (Act No. 58 of 1955);
- "principal" shall mean a White teacher who is in charge of a school and of its staff;

GOEWERMENSKENNISGEWINGS.

DEPARTEMENT VAN BANTOE-ONDERWYS.

No. R. 1950.] [13 Desember 1963.]

REGULASIES BETREFFENDE DIE AANSTELLINGS-, DIENS- EN TUGVOORWAARDES VAN BLANKE ONDERWYSERS VERBONDE AAN STAATSBANTOESKOLE.

Kragtens die bevoegdheid my verleen by subartikels (4) en (6) van artikel *tien* en artikel *vyftien* van die Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953), soos gewysig, vaardig ek, WILLEM ADRIAAN MAREE, Minister van Bantoe-onderwys, hierby die regulasies uit wat in die Bylae hiervan vervat is, ter vervanging van die regulasies afgekondig by Goewermenskennisgewing No. 2583 van 30 Desember 1955, soos gewysig by Goewermenskennisgewings No. 856 van 17 Junie 1960, en No. 37 van 12 Januarie 1962.

W. A. MAREE,
Minister van Bantoe-onderwys.

BYLAE.

WOORDOMSKRYWING.

1. In hierdie regulasies beteken „die Wet” die Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953), en tensy uit die samehang anders blyk, het elke uitdrukking waaraan in daardie Wet 'n betekenis geheg is, die betekenis aldus daaraan geheg, en beteken—

- „ambagsinstrukteur” enige Blanke lid van die onderwyspersoneel van 'n Staatsbantoeskool wat aangestel is om onderrig in 'n ambag te gee;
- „assistent-onderwyser” 'n Blanke onderwyser wat aangestel is om in 'n Staatsbantoeskool onderwys onder toesig van 'n prinsipaal te gee;
- „inspekteur” 'n Inspekteur van Bantoe-onderwys;
- „onderwyser” enige Blanke lid van die onderwyspersoneel van 'n Staatsbantoeskool en vir die toepassing van hierdie regulasies ook 'n prinsipaal, 'n vise-prinsipaal, 'n senior assistent-onderwyser, 'n assistent-onderwyser, 'n ambags-instrukteur, 'n organiseerder van spesiale vakke, 'n Blanke plaasvervanger en 'n tydelike Blanke assistent wat in diens geneem word in verband met Staatsbantoeskole;
- „organiseerder van spesiale vakke” 'n onderwyser in die diens van die Departement wat pligte in verband met 'n aantal skole vervul soos deur die Sekretaris bepaal;
- „Pensioenwet” die Regeringsdienspensioenwet, 1955 (Wet No. 58 van 1955);
- „prinsipaal” 'n Blanke onderwyser wat beheer het oor 'n skool en die personeel daarvan;

"salary incremental period" shall mean a period of twelve months that shall elapse in respect of any teacher before his salary may be increased in accordance with the scale applicable to him;

"school quarter" shall mean any one of the periods of any calendar year as determined from time to time by the Secretary in which instruction is given to pupils in a Government Bantu school;

"school holiday" shall mean the period falling between two consecutive school quarters;

"teacher" shall mean any White member of the teaching staff of a Government Bantu school and, for the purposes of these regulations, shall include a principal, a vice-principal, a senior assistant teacher, an assistant teacher, a trade instructor, an organiser of special subjects, a White *locum tenens* and a temporary White assistant employed in connection with Government Bantu schools;

"trade instructor" shall mean any White member of the teaching staff of a Government Bantu school appointed to give instruction in a trade;

CHAPTER I.

INTRODUCTION.

2. (1) The number, grading and classification of posts on the establishment of a Government Bantu school shall be determined on a basis laid down from time to time by the Minister in consultation with the Minister of Finance and on the recommendation of the Public Service Commission.

(2) A teacher who occupies a post which on reclassification is raised to a higher grade may not claim such regraded post as of right.

APPOINTMENTS AND PROMOTIONS.

3. (1) No person shall be appointed on probation or in a permanent capacity to a post or promoted unless he—

- (a) possesses the qualifications and has reached the age required for the particular post;
- (b) is a South African citizen;
- (c) is of good character;
- (d) is free from any mental or physical defect, disease or ailment which in the opinion of the Minister may possibly be detrimental to the proper performance of his duties, or may possibly cause him to retire before reaching the prescribed retirement age;
- (e) submits a medical certificate with which the Secretary is satisfied on the approved form;
- (f) has passed a written examination equivalent to the Matriculation Examination of the Joint Matriculation Board in the two official languages, one on the higher and one on the lower grade: Provided that—

- (i) the Minister may approve the permanent appointment of a person who does not possess such qualifications, but the salary of such a person shall not be raised above the salary which he receives after the expiry of three years after the date of his first appointment unless and until he has passed such an examination or such examinations,
- (ii) in the case of a trade instructor, on his first appointment the written examination in the two official languages shall be equivalent to at least Standard VI and his salary shall not be raised above a salary which he receives after the expiry of three years from the date of his first appointment unless and until he has passed a written examination in the two official languages equivalent to the Junior Certificate of the University of South Africa;

„salarisverhogingstydperk" 'n tydperk van twaalf maande wat met betrekking tot enige onderwyser moet verstryk voordat sy salaris volgens die skaal wat op hom van toepassing is, verhoog kan word;

„skoolkwartaal" enigeen van die tydperke in enige kalenderjaar soos van tyd tot tyd deur die Sekretaris bepaal waarin onderrig aan leerlinge in 'n Staatsbantoeskool gegee word;

„skoolvakansie" die tydperk tussen twee agtereenvolgende skoolkwartale;

„Staatsbantoeskool" 'n skool wat ooreenkomstig subartikel (1) van artikel sewe van die Wet ingestel en in stand gehou word of wat geag word ooreenkomstig subartikel (2) van artikel sewe van die Wet ingestel te gewees het.

„tydkring" 'n tydperk van drie jaar gereken vanaf 1 Januarie 1962, en elke daaropvolgende tydperk van drie jaar;

„vaste diensstaat" die betrekkings ten opsigte van 'n Staatsbantoeskool deur die Minister kragtens subartikel (1) van artikel tien van die Wet goedgekeur.

HOOFSTUK I.

INLEIDING.

2. (1) Die getal, gradering en indeling van poste op die diensstaat van 'n Staatsbantoeskool word bepaal op 'n basis wat van tyd tot tyd deur die Minister in oorleg met die Minister van Finansies en op aanbeveling van die Staatsdienskommissie neergelê is.

(2) 'n Onderwyser wat 'n pos beklee waarvan die graad by herindeling verhoog word, kan nie as 'n reg op so 'n hergradeerde pos aanspraak maak nie.

AANSTELLINGS EN BEVORDERINGS.

3. (1) Geen persoon word op proef of in 'n permanente hoedanigheid in 'n pos aangestel of daartoe bevorder nie tensy hy—

- (a) die kwalifikasies besit en die ouderdom bereik het wat vir die bepaalde pos vereis word;
- (b) 'n Suid-Afrikaanse burger is;
- (c) van goeie karakter is;
- (d) vry is van enige geestelike of liggaamlike gebrek, siekte of kwaal wat na die oordeel van die Minister moontlik afbreuk kan doen aan die behoorlike uitvoering van sy pligte, of moontlik die oorsaak kan wees dat hy moet aftree voor bereiking van die voorgeskrewe aftree-ouderdom;
- (e) 'n geneeskundige sertifikaat waarmee die Sekretaris tevrede is op die goedgekeurde vorm voorlê;
- (f) in 'n skriftelike eksamen gelykwaardig aan die Matrikulasie-eksamen van die Gemeenskaplike Matrikulasieraad, in die twee amptelike tale, een in die hoër en een in die laer graad, geslaag het:

Met dien verstande dat—

- (i) die Minister die permanente aanstelling van 'n persoon wat nie sodanige kwalifikasies besit nie kan goedkeur, maar sodanige persoon se salaris word nie verhoog bo die salaris wat hy na verstryking van drie jaar na die datum van sy eerste aanstelling ontvang nie tensy en totdat hy in sodanige eksamen of eksamens geslaag het,
- (ii) in die geval van 'n ambagsinstrukteur, by sy eerste aanstelling die skriftelike eksamen in die twee amptelike tale met minstens St. VI gelykstaan en sy salaris nie bo die salaris wat deur hom na verstryking van 'n tydperk van drie jaar vanaf die datum van sy eerste aanstelling ontvang word, verhoog word nie tensy en totdat hy in 'n skriftelike eksamen in die twee amptelike tale gelykstaande met die Junior Sertifikaat van die Universiteit van Suid-Afrika geslaag het;

(g) passes a test of competence in teaching in both official languages; Provided that—

- (i) such test shall be conducted in accordance with the directions of the Minister,
- (ii) such test shall correspond to the standard of teaching required of the teacher,
- (iii) the Minister may approve the permanent appointment of a person who has not passed a test of competence, but the salary of such person shall not be raised above the salary which he receives after the expiry of three years from the date of his first appointment unless and until he has passed such a test of competence,
- (iv) the Minister may accept in lieu of such test of competence any certificate of competence to teach in English and Afrikaans issued by the Department of Education, Arts and Science or by any provincial education department;

(h) submits a birth certificate or other acceptable proof of his date of birth.

(2) Notwithstanding the provisions of sub-regulation (1), a White teacher appointed in the service of the Department in terms of the regulations applicable to him immediately prior to the date of commencement of these regulations, shall be deemed to have been appointed in terms of these regulations: Provided that the salary of such teacher shall not be raised above the salary which he receives on the date upon which these regulations become applicable to him unless and until he complies with the requirements as prescribed by paragraphs (f) and (g) of sub-regulation (1).

(3) When a teaching post is to be filled the Minister shall transfer or promote a teacher who is already a member of the teaching staff or if the post cannot thus be satisfactorily filled, by a promotion or transfer, appoint a capable person from outside the teaching staff.

(4) When such an appointment is made by him, the Minister shall duly take into account the qualifications, relative merit, ability and suitability of the persons who are eligible for promotion, transfer or appointment.

APPOINTMENTS AND PROMOTIONS ON PROBATION.

Temporary or Part-time Appointments.

4. (1) The Minister may appoint any person in a temporary or part-time capacity or on contract for a specific period to an existing post to perform such duties as may be necessary for the execution of the functions of the Department.

(2) All appointments of a temporary or part-time nature may be terminated by written notice of twenty-four hours by either party.

Permanent Appointments and Promotions.

5. (1) All permanent appointments to the teaching staff shall be subject to a period of probation: Provided that the Minister may grant exemption from this condition in the case of a person who is in the full-time employment of—

- (a) a university or university college in the Republic of South Africa, or
- (b) a provincial education department, or
- (c) a Government department, or
- (d) an educational institution established or recognised as a State-aided school in terms of any Act administered by a Government department, or
- (e) the South African Railways, or
- (f) the Administration of South West Africa, or

(g) in 'n bevoegdheidstoets slaag om onderrig in albei amptelike tale te gee: Met dien verstande dat—

- (i) sodanige toets ooreenkomstig die voorskrifte van die Minister afgeneem word,
- (ii) sodanige toets ooreenstem met die standaard van onderrig wat van die onderwyser verlang word,
- (iii) die Minister die permanente aanstelling van 'n persoon wat nie in die bevoegdheidstoets geslaag het nie kan goedkeur, maar sodanige persoon se salaris word nie verhoog bo die salaris wat hy na verstryking van drie jaar na die datum van sy eerste aanstelling ontvang nie tensy en totdat hy in sodanige bevoegdheidstoets geslaag het,
- (iv) die Minister in plaas van so 'n bevoegdheidstoets enige sertifikaat van bevoegdheid om in Engels en Afrikaans onderrig te gee, wat uitgereik is deur die Departement van Onderwys, Kuns en Wetenskap of deur enige provinsiale onderwysdepartement, kan aanvaar;

(h) 'n geboortesertifikaat of ander aanneemlike bewys van die datum van sy geboorte indien.

(2) Nieteenstaande die bepalinge van subregulasie (1) word 'n Blanke onderwyser wat in diens van die Departement aangestel is kragtens die regulasies wat onmiddellik voor die inwerkingtreding van hierdie regulasies op hom van toepassing was, geag kragtens hierdie regulasies aangestel te gewees het: Met dien verstande dat die salaris van sodanige onderwyser nie verhoog word bo die salaris wat hy ontvang op die datum waarop hierdie regulasies op hom van toepassing word nie tensy en totdat hy voldoen aan die vereistes soos voorgeskryf by paragrawe (f) en (g) van subregulasie (1).

(3) By die vulling van 'n onderwyspos moet die Minister 'n onderwyser wat reeds lid van die onderwyspersoneel is, oorplaas of bevorder, of as die pos nie aldus op bevredigende wyse deur 'n oorplasing of bevordering gevul kan word nie, 'n geskikte persoon buite die onderwyspersoneel aanstel.

(4) Wanneer hy sodanige aanstelling doen, moet die Minister behoorlik rekening hou met die kwalifikasies, relatiewe verdienstelikheid, bekwaamheid en geskiktheid van die persone wat vir bevordering, oorplasing of aanstelling in aanmerking kom.

AANSTELLINGS EN BEVORDERINGS OP PROEF.

Tydlike of deeltydse aanstellings.

4. (1) Die Minister kan enige persoon in 'n bestaande pos in 'n tydelike of deeltydse hoedanigheid of op kontrak vir 'n bepaalde tyd aanstel om sodanige werk te verrig as wat nodig is vir die uitvoering van die Departement se werksaamhede.

(2) Alle aanstellings van 'n tydelike of deeltydse aard kan met skriftelike kennisgewing van vier-en-twintig uur deur die een of die ander party beëindig word.

Permanente aanstellings en bevorderings.

5. (1) Alle permanente aanstellings in die onderwyspersoneel is onderworpe aan 'n proeftydperk: Met dien verstande dat die Minister vrystelling van hierdie voorwaarde kan verleen in die geval van 'n persoon wat in voltijdse diens is van—

- (a) 'n universiteit of universiteitskollege in die Republiek van Suid-Afrika; of
- (b) 'n provinsiale onderwysdepartement; of
- (c) 'n staatsdepartement; of
- (d) 'n onderwysinrigting wat ingestel of as 'n staats-ondersteunde skool erken is kragtens 'n wet wat deur 'n staatsdepartement geadministreer word; of
- (e) die Suid-Afrikaanse Spoorweë; of
- (f) die Administrasie van Suidwes-Afrika; of

- (g) a provincial administration, and who was appointed in terms of a provincial ordinance,

and who is appointed or transferred to a post on the fixed establishment of a Government Bantu school without a break in his service.

(2) The period of probation shall be at least one year and not more than three years: Provided that the Minister may from time to time extend an appointment on probation for a period less than three years.

(3) The appointment of any person on probation shall not be confirmed unless the Minister is satisfied that during the period of probation such person has been diligent, that his conduct has been uniformly satisfactory and that he is in all respects suitable for confirmation of his appointment.

(4) The promotion of any teacher to a higher post may take place on probation for a period of twelve months if the Minister so determines: Provided that if a teacher who is serving on probation, is transferred or promoted to another post, a lesser period on probation in the new post may be recommended or authorised which together with the period of probation in the former post shall be not less than twelve months.

(5) Notwithstanding anything to the contrary contained in these regulations, any teacher who immediately prior to his promotion on probation, was a teacher in the employ of the Department, but not a teacher who was on probation, shall revert to the post previously held by him, or to a post of equal grading, and to the salary that he would have attained in his former post, if his promotion on probation be not confirmed.

(6) Notwithstanding anything to the contrary contained in these regulations, any teacher serving on probation may be discharged by the Minister from the service either, during the period of probation or at or after the expiry thereof—

- (a) by giving him one month's notice; or
- (b) forthwith, if his conduct is unsatisfactory.

APPOINTMENT OF SUBSTITUTE STAFF.

6. Whenever by reason of his absence or incapacity through illness or any other cause any teacher is unable to carry out the functions of his post, the Minister may appoint a suitable substitute in the place of such teacher and any person so appointed shall exercise the powers and perform the duties attaching to such post.

TRANSFER OF TEACHERS.

7. (1) Any teacher may, whenever the public interest or the interest of the Department so requires, be transferred from the school or office where he is employed, or post which he occupies, to any other school, office or post on the teaching establishment, or he may be transferred to a post of a lower grade: Provided that no transfer involving a reduction in the pensionable emoluments of such teacher shall take place without his consent: Provided further that any teacher who has been transferred to a post of a lower grade without a reduction in his pensionable emoluments, shall be appointed by the Minister in a grade which is appropriate to his salary as soon as a suitable vacancy occurs.

(2) The Minister may second any teacher with his own consent and on such conditions (apart from such conditions as prescribed by or under any law) as approved by the Minister in consultation with the Treasury, either for a specific service or period, to the service of any other department, Government or council, institution or body established by or under any other law, or any other body or person, and such teacher shall remain, whilst he is so seconded, subject to the laws which apply to White teachers in Government Bantu schools.

- (g) 'n provinsiale administrasie en wat ingevolge 'n provinsiale ordonnansie aangestel is,

en wat sonder onderbreking in sy diens aangestel word in of oorgeplaas word na 'n betrekking op die vaste diensstaat by 'n Staatsbantoeskool.

(2) Die proeftydperk moet minstens een jaar en hoogstens drie jaar wees: Met dien verstande dat 'n aanstelling op proef van minder as drie jaar van tyd tot tyd deur die Minister verleng kan word.

(3) Die aanstelling van 'n persoon op proef word nie bekragtig nie tensy die Minister oortuig is dat sodanige persoon gedurende die proeftydperk, ywerig was, dat sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die bekragtiging van sy aanstelling.

(4) Die bevordering van 'n onderwyser tot 'n hoër pos kan op proef geskied vir 'n tydperk van twaalf maande indien die Minister aldus besluit: Met dien verstande dat as 'n onderwyser wat diens op proef doen, oorgeplaas of bevorder word na 'n ander pos, 'n korter dienstryd op proef in die nuwe pos aanbeveel kan word of magtiging daartoe verleen kan word, wat, saam met die proeftyd in diens in die vorige pos minstens twaalf maande is.

(5) Ondanks andersluidende bepalings in hierdie regulasies vervat, keer 'n onderwyser wat onmiddellik voor sy bevordering op proef 'n onderwyser in die diens van die Departement was, maar nie 'n onderwyser op proef was nie, terug na die pos wat hy tevore beklee het, of na 'n pos van gelyke gradering, en na die salaris wat hy in sy vorige pos sou bereik het, as sy bevordering op proef nie bekragtig word nie.

(6) Ondanks andersluidende bepalings in hierdie regulasies vervat, kan 'n onderwyser wat op proef dien deur die Minister uit die diens ontslaan word hetsy gedurende die proeftydperk of by of na die verstryking daarvan—

- (a) deur hom een maand kennis te gee; of
- (b) onverwyld as sy gedrag onbevredigend is.

AANSTELLING VAN PLAASVERVANGENDE PERSONEEL.

6. Wanneer 'n onderwyser afwesig is of weens siekte, of om enige ander rede, nie in staat is om die funksies van sy pos uit te voer nie, kan die Minister 'n geskikte plaasvervanger in die plek van sodanige onderwyser aanstel en iemand wat aldus aangestel is, moet die bevoegdhede uitoefen en die pligte uitvoer wat aan die pos verbonde is.

OORPLASING VAN ONDERWYSERS.

7. (1) Elke onderwyser kan, wanneer die openbare belang of die belange van die Departement dit vereis, van die skool of kantoor waar hy werksaam is of van die betrekking wat hy beklee, na enige ander skool, kantoor of betrekking in die onderwyspersoneel oorgeplaas word, of hy kan na 'n betrekking van 'n laer graad oorgeplaas word: Met dien verstande dat 'n oorplasing wat 'n verlagings van sodanige onderwyser se pensioengewende besoldiging meebring, nie sonder sy toestemming mag plaasvind nie: Met dien verstande voorts dat 'n onderwyser wat sonder verlagings van sy pensioengewende besoldiging na 'n betrekking van 'n laer graad oorgeplaas is, deur die Minister vir diens in die graad, waarby sy salaris pas, aangestel moet word sodra 'n geskikte vakature voorkom.

(2) Die Minister kan 'n onderwyser met sy eie toestemming en op die voorwaardes (benewens die voorwaardes wat by of kragtens enige ander wet voorgeskryf word) wat die Minister in oorleg met die Tesourie goedkeur, hetsy vir 'n besondere diens of tydperk, sekondeer aan die diens van 'n ander departement, regering of van 'n raad, inrigting of liggaam wat by of kragtens enige ander wet ingestel is, of aan 'n ander liggaam of persoon, en sodanige onderwyser bly, terwyl hy aldus gesekondeer is, onderworpe aan die wette wat op Blanke onderwysers in Staatsbantoeskole van toepassing is.

SUBSISTENCE AND TRANSPORT ALLOWANCES, TRANSFER EXPENSES AND TRANSPORT PRIVILEGES.

8. Unless the Minister otherwise determines, the Public Service Regulations as published under Government Notice No. 2047 of 11th December, 1959, and any amendments thereof which are approved for this purpose by the Minister under and by virtue of section *ten* of the Act in respect of subsistence allowances, official journeys, transport, transfer expenses and transport privileges shall apply *mutatis mutandis* to teachers.

WHOLE TIME OF TEACHERS TO BE AT THE DISPOSAL OF THE DEPARTMENT.

9. (1) Unless the Minister otherwise determines, every teacher shall place the whole of his time at the disposal of the Department.

(2) No teacher shall, without the written consent of the Minister, perform remunerative work outside the service of the Department or engage himself to perform such work.

(3) No teacher may claim as of right additional remuneration in respect of the performance of any duty or work which does not form part of the curriculum if it is required of him by a person who has the authority thereto.

(4) Any teacher who, during or after school hours, on or off the school premises, is engaged in approved activities which do not form part of the curriculum but are connected with school matters, shall be deemed to be on duty.

(5) Any teacher shall be on duty at the school to which he is attached without any claim to additional remuneration on—

- (a) the working day immediately prior to the day on which the first school quarter commences;
- (b) the working day which immediately follows the day on which the second school quarter ends; and
- (c) the two working days which immediately follow the day on which the fourth school quarter ends:

Provided that the provisions of paragraph (a) shall not apply to a teacher who has been newly appointed to any school: Provided further that the provisions of paragraphs (b) and (c) shall apply only to a teacher whose services with the Department are not terminated at the end of the said school quarters.

ANY TEACHER SHALL RESIDE IN A HOSTEL IF THE SECRETARY SO REQUIRES.

10. If the Secretary so requires, any teacher shall reside in a hostel which is attached to any Government Bantu school, in which case he shall be subject to the regulations or rules applicable to such hostel.

CERTAIN SPECIFIC DUTIES OF A PRINCIPAL.

11. Any principal shall ensure that the buildings and site of his school are under proper care during school holidays and he shall at all times attend to the organisation and administrative work required for the proper functioning of his school.

INSTRUCTIONS BY THE SECRETARY.

12. The Secretary may from time to time issue instructions to the teaching staff in connection with their attendance and the performance of their duties.

ACCEPTANCE OF GIFTS.

13. Except with the written permission of the Secretary, no teacher shall accept a gift, pecuniary or otherwise, offered to him by a member of the public by reason of his occupying or having occupied a particular post.

TERMINATION OF SERVICE.

- 14. (1) The services of any teacher may be terminated—
- (a) on his attaining the pensionable age as prescribed in the law governing his pension rights;

REIS- EN VERBLYFTOELAES, OORPLASINGSKOSTE EN VERVOERVOORREGTE.

8. Tensy die Minister anders bepaal, is die Staatsdiensregulasies soos afgekondig by Goewermmentskennisgewing No. 2047 van 11 Desember 1959 en enige wysigings daarvan wat kragtens artikel *tien* van die Wet vir die doel deur die Minister goedgekeur word ten opsigte van verblyftoelae, amptelike reise, vervoer, oorplasingskoste en vervoervoorregte *mutatis mutandis* van toepassing op onderwysers.

DIE VOLLE TYD VAN ONDERWYSERS IS TOT BESKIKKING VAN DIE DEPARTEMENT.

9. (1) Tensy die Minister anders bepaal, moet elke onderwyser al sy tyd tot beskikking van die Departement plaas.

(2) Geen onderwyser mag sonder die skriftelike toestemming van die Minister besoldigde werk buite die diens van die Departement doen of hom verbind om sulke werk te doen nie.

(3) Geen onderwyser kan as 'n reg aanspraak maak op ekstra besoldiging ten opsigte van die verrigting van enige plig of werk wat nie deel van die kurrikulum uitmaak as dit van hom vereis word deur 'n persoon wat die reg daartoe het nie.

(4) 'n Onderwyser wat gedurende of na skoolure, op die skoolterrein of daarvan af, besig is met goedgekeurde bedrywighede wat nie deel van die kurrikulum uitmaak nie, maar wat met skoolaangeleenthede in verband staan, word as op diens beskou.

(5) 'n Onderwyser moet by die skool waaraan hy verbonde is, op diens wees sonder aanspraak op ekstra besoldiging op—

- (a) die werkdag onmiddellik voor die dag waarop die eerste skoolkwartaal begin;
- (b) die werkdag wat onmiddellik volg op die dag waarop die tweede skoolkwartaal eindig; en
- (c) die twee werkdag wat onmiddellik volg op die dag waarop die vierde skoolkwartaal eindig:

Met dien verstande dat die bepalinge van paragraaf (a) nie van toepassing is op 'n onderwyser wat pas by 'n skool aangestel is nie: Met dien verstande voorts dat die bepalinge van paragrafe (b) en (c) van toepassing is slegs op 'n onderwyser wie se dienste by die Departement nie aan die einde van genoemde skoolkwartale beëindig word nie.

ONDERWYSER MOET IN 'N KOSHUIS INWOON INDIEN DIE SEKRETARIS DIT VEREIS.

10. Indien die Sekretaris die vereis, moet 'n onderwyser in 'n koshuis inwoon wat verbonde is aan enige Staatsbantoeskool en in dié geval is hy onderworpe aan die regulasies of reëls wat in sodanige koshuis van toepassing is.

SEKERE SPESIFIEKE PLIGTE VAN 'N PRINSIPAAL.

11. 'n Prinsipaal moet sorg dra dat die geboue en terrein van sy skool onder doeltreffende sorg is gedurende skoolvakansies en hy moet te alle tye aandag skenk aan die organisasie- en administrasiewerk vir die behoorlike funksionering van sy skool.

VOORSKRIFTE DEUR SEKRETARIS.

12. Die Sekretaris kan van tyd tot tyd voorskrifte uitreik aan die onderwyspersoneel in verband met hulle bywoning en die vervulling van hulle pligte.

AANNEMING VAN GESKENKE.

13. Behalwe met die skriftelike toestemming van die Sekretaris, mag geen onderwyser 'n geskenk, geldelik of anders, aanneem wat aan hom deur 'n lid van die publiek aangebied word uit hoofde van die besondere pos wat hy beklee of beklee het nie.

DIENSBEÏNDIGING.

14. (1) Die dienste van 'n onderwyser kan beëindig word—

- (a) by bereiking van die pensioenleefyd soos voorgeskryf in die wet wat sy pensioenregte reël;

- (b) in the case of any woman teacher, at the end of the quarter in which her marriage takes place;
- (c) on account of continued ill health;
- (d) owing to the abolition of his post or any reduction in, or reorganisation or readjustment of posts, or if his removal will facilitate the improvement of the organisation of posts or schools by which greater efficiency or economy may be effected;
- (e) on account of inefficiency as described in regulation 40;
- (f) on account of misconduct as described in regulation 38.

(2) Where the services of any teacher are terminated for any reason mentioned in paragraph (d) of sub-regulation (1) above, such termination shall take place by one school quarter's notice: Provided that such notice shall be given not later than the first seven days of such school quarter.

(3) Any teacher may terminate his services by giving written notice of one school quarter to the Department, or such shorter notice as may be acceptable to the Secretary.

(4) The services of any teacher serving in a temporary capacity may be terminated by the Minister on 24 hours' notice.

MINIMUM QUALIFICATIONS FOR APPOINTMENT.

15. The minimum qualifications required of any applicant for appointment in the service of the Department in the various grades of teaching shall be as determined from time to time by the Minister.

MARRIED WOMEN.

16. Any married woman may be appointed by the Minister in the service of the Department in a permanent capacity.

CHAPTER II.

LEAVE.

General.

17. (1) (a) Leave of absence provided for in these regulations, is a privilege and shall be granted only with due regard to the exigencies of the Department.

(b) Leave may not be claimed as of right and, when any teacher leaves the service of the Department, for whatever reason, he can not claim that the money value of the unused leave be paid to him.

(c) The provisions of these regulations shall not preclude the payment of leave gratuities under conditions recommended by the Public Service Commission and approved by Treasury.

(2) (a) Applications for leave shall be made in writing in a form approved by the Secretary.

(b) The form of the medical certificate which shall serve in support of any application for sick leave, shall also be approved by the Secretary.

(3) (a) The granting of all leave of absence shall be subject to the approval of the Secretary and the Secretary may delegate the power granted to him under and by virtue of this Chapter, to any other officer on the conditions determined by him.

(b) The Secretary may at any time withdraw any delegation granted under paragraph (a).

(c) Leave already granted may at any time be withdrawn by the Secretary.

- (b) in die geval van 'n onderwyseres, aan die einde van die kwartaal waarin sy in die huwelik tree;
- (c) op grond van voortdurende swak gesondheid;
- (d) weens afskaffing van sy pos of enige vermindering, of reorganisasie of heraanpassing van poste, of as sy verwydering bevorderlik is vir verbetering in die organisasie van poste of skole waardeur groter doeltreffendheid of besparing bewerkstellig kan word;
- (e) op grond van onbekwaamheid soos beskryf in regulasie 40;
- (f) op grond van wangedrag soos beskryf in regulasie 38.

(2) Wanneer die dienste van 'n onderwyser beëindig word om enige rede in paragraaf (d) van subregulasie (1) hierbo genoem, geskied dit met 'n skoolkwartaal kennisgewing: Met dien verstande dat sodanige kennisgewing nie later nie as gedurende die eerste sewe dae van sodanige skoolkwartaal gegee word.

(3) 'n Onderwyser kan sy dienste beëindig deur skriftelik kennis van een skoolkwartaal aan die Departement te gee of sodanige korter kennisgewing as wat vir die Sekretaris aanneemlik is.

(4) Die dienste van 'n onderwyser wat in 'n tydelike hoedanigheid dien, kan deur die Minister met 24 uur kennisgewing beëindig word.

MINIMUM KWALIFIKASIES VIR AANSTELLING.

15. Die minimum kwalifikasies wat van enige applikant vereis word vir aanstelling in die diens van die Departement in die verskillende onderwysrange, is soos van tyd tot tyd deur die Minister neergeleë.

GETROUDE VROUENS.

16. 'n Getroude vrou kan deur die Minister in die diens van die Departement aangestel word in 'n permanente hoedanigheid.

HOOFSTUK II.

VERLOF.

Algemeen.

17. (1) (a) Afwesigheidsverlof waarvoor in hierdie regulasies voorsiening gemaak word, is 'n vergunning en word toegestaan slegs met inagneming van die behoeftes van die Departement.

(b) Verlof kan nie as 'n reg geëis word nie en wanneer 'n onderwyser die diens van die Departement verlaat, om watter rede ook al, kan hy nie eis dat die geldwaarde van ongebruikte verlof aan hom uitbetaal word nie.

(c) Die bepalinge van hierdie regulasies verhoed nie die betaling van verlofgratifikasies onder voorwaardes deur die Staatsdienskommissie aanbeveel en deur die Tesourie goedgekeur nie.

(2) (a) Aansoeke om verlof moet skriftelik gedoen word in 'n vorm wat deur die Sekretaris goedgekeur is.

(b) Die vorm van die geneeskundige sertifikaat wat ter stawing van 'n aansoek om siekteverlof moet dien, moet ook deur die Sekretaris goedgekeur word.

(3) (a) Die toestaan van alle afwesigheidsverlof is onderworpe aan die goedkeuring van die Sekretaris en die Sekretaris kan die bevoegdhede kragtens hierdie hoofstuk aan hom verleen, aan enige ander beëmpte deleger op die voorwaardes wat hy bepaal.

(b) Die Sekretaris kan 'n delegasie wat kragtens paragraaf (a) verleen is, te eniger tyd intrek;

(c) Verlof reeds toegestaan, kan te eniger tyd deur die Sekretaris ingetrek word.

(4) (a) Except in the case where any teacher has been suspended from his duty or where any teacher owing to his sudden illness or owing to other circumstances which are acceptable to the Secretary, is prevented from remaining in his work or reporting for duty, he shall not leave his work or stay away from duty until he has applied, in writing, for leave and has been advised that the application for leave has been approved.

(b) Except as is provided for in paragraph (c) of this sub-regulation, all unauthorised absences from duty shall, irrespective of any disciplinary measures which may be taken against any teacher, be deemed as vacation leave without pay, unless the Secretary otherwise decides.

(c) When any teacher has been arrested or has to appear before a court on a charge of an offence and is subsequently acquitted or the charge is withdrawn, special leave with full pay shall be granted for the period which he was necessarily absent from duty.

(5) Part-time teachers shall not be granted leave under these regulations, except such leave as has been approved by the Minister.

CALCULATIONS OF LEAVE.

18. (1) In the calculation of any leave credit, fractions of a day shall be disregarded in the final result.

(2) Any leave shall commence on the first school day on which any teacher has been absent from duty and shall terminate on the last school day prior to the day on which such teacher resumes duty.

(3) Any public holiday, Saturday or Sunday which falls within any period of leave, shall be deemed to be part of such leave and be noted as such and when any public holiday, Saturday or Sunday falls between any period of vacation leave and any period of sick leave or *vice versa*, such day or days shall be noted as vacation leave unless proof is furnished that the teacher was actually ill on such day or days.

(4) When any teacher employed at any school has been absent on leave up to and including the last day of any school quarter and proceeds on leave as from the first day of the next school quarter, the school holiday shall not be deemed to be leave, except where such school holiday is preceded and succeeded by sick or vacation leave without pay in which case the school holiday shall be noted as vacation or sick leave without pay, as the case may be.

(5) If any teacher who retired from any permanent post or who resigned any permanent appointment, for whatever reason, is with or without a break in service, re-appointed in a temporary capacity, such re-appointment shall, for all purposes of these regulations, be deemed to be a new appointment.

(6) (a) All leave, of whatever nature, with full or partial pay, and vacation and sick leave without pay of altogether 15 days in any calendar month shall count for the purpose of the accrual of leave and, if the leave without pay exceeds the number of days mentioned herein—

- (i) such excess shall not be regarded as service for the purpose of the calculation of leave privileges, but shall protect the continuity of such teacher's service, and
- (ii) the provision in respect of sick leave with full pay and sick leave with half pay which applies to any teacher under sub-regulation (1) of regulation 28, be reduced by one thirty-sixth in respect of each such excess and this reduction shall be made in the provision for the cycle in which the excess took place or, if the available sick leave of the relative cycle has already been used, in the provision for the next cycle.

(4) (a) Behalwe in die geval waar 'n onderwyser in sy diens geskors is of waar 'n onderwyser weens sy skielike siekte of weens ander omstandighede wat vir die Sekretaris aanneemlik is, verhinder word om in sy werk aan te bly of hom vir diens aan te meld, mag hy nie sy werk verlaat of van diens wegbly voordat hy skriftelik om verlof aansoek gedoen het en in kennis gestel is dat die verlofaansoek goedgekeur is nie.

(b) Behalwe soos in paragraaf (c) van hierdie subregulasie bepaal word, word alle ongemagtigde afwesighede van diens, ongeag enige tugmaatreëls wat teen 'n onderwyser geneem mag word, geag vakansieverlof sonder betaling te wees, tensy die Sekretaris anders besluit.

(c) Wanneer 'n onderwyser in hegtenis geneem is of voor die hof moet verskyn op 'n aanklag van misdaad en later vrygespreek of die aanklag teruggetrek word, word spesiale verlof met volle betaling toegestaan vir die tydperk wat hy noodwendig van diens afwesig was.

(5) Aan deeltydse onderwysers mag geen verlof kragtens hierdie regulasies toegestaan word nie, behalwe dié verlof wat deur die Minister goedgekeur is.

VERLOFBEREKENINGS.

18. (1) By die berekening van 'n verloftegoed word breuke van 'n dag in die finale resultaat verontagsaam.

(2) Enige verlof begin op die eerste skooldag waarop 'n onderwyser van diens afwesig is en eindig op die laaste skooldag voor die dag waarop sodanige onderwyser weer diens aanvaar.

(3) 'n Openbare vakansiedag, Saterdag of Sondag wat binne 'n tydperk van verlof val, word beskou as deel van sodanige verlof en as sodanig aangeteken en waar 'n openbare vakansiedag, Saterdag of Sondag tussen 'n tydperk van vakansieverlof en 'n tydperk van siekteverlof of omgekeerd val, word dit as vakansieverlof aangeteken tensy bewys gelewer word dat die onderwyser werklik op sodanige dag of dae siek was.

(4) Wanneer 'n onderwyser in diens by 'n skool tot en met die laaste dag van 'n skoolkwartaal met verlof afwesig is en met ingang van die eerste dag van die eersvolgende skoolkwartaal met verlof gaan, word die skoolvakansie nie as verlof beskou nie, behalwe waar sodanige skoolvakansie voorafgegaan en gevolg word deur siekte- of vakansieverlof sonder betaling en in so 'n geval word die skoolvakansie as vakansie- of siekteverlof sonder betaling na gelang van die geval aangeteken.

(5) As 'n onderwyser wat uit 'n permanente pos afgetree het of wat 'n permanente betrekking neergelê het, om watter rede ook al, met of sonder onderbreking van diens in 'n tydelike hoedanigheid heraanstelling word, word so 'n heraanstelling vir alle doeleindes van hierdie regulasies as 'n nuwe aanstelling beskou.

(6) (a) Alle verlof, van watter aard ook al, met volle of gedeeltelike betaling, en vakansie- en siekteverlof sonder betaling van altesaam 15 dae in 'n kalendermaand, tel vir die doel van verlofaanwas en as die verlof sonder betaling die hierin gemelde getal dae oorskry, word—

- (i) sodanige oorskryding nie as diens vir die doeleindes van berekening van verlofvoordele gereken nie, maar beskerm die kontinuïteit van 'n onderwyser se diens, en
- (ii) die voorsiening ten opsigte van siekteverlof met volle betaling en siekteverlof met halwe betaling wat kragtens subregulasie (1) van regulasie 28 op 'n onderwyser van toepassing is, met een ses-entertigste ten opsigte van elke sodanige oorskryding verminder en hierdie vermindering word aangebring aan die voorsiening van die tydkring waarin die oorskryding voorkom, of as die beskikbare siekteverlof van die betrokke tydkring reeds gebruik is, aan die voorsiening vir die eersvolgende tydkring.

(b) Vacation leave which accrues under paragraph (a) during any period of vacation leave without pay or sick leave without pay shall not be granted to any teacher before he after his absence on vacation or sick leave without pay resumed duty and then only in respect of absences after such resumption of duty.

VACATION LEAVE.

19. (1) Subject to the provisions of sub-regulation (5) of regulation 18, any teacher shall be credited with accumulative leave (hereinafter referred to as vacation leave) at a rate of 12 days per annum for any period of unbroken service.

(2) The Secretary may, at his discretion require any teacher to remain on duty during any school holiday.

(3) Where any teacher is required to remain on duty in terms of sub-regulation (2), he may be credited with vacation leave equal to one half the number of days which he, during the school holidays remained on duty: Provided that he shall not be credited with more than twenty-one days' vacation leave in a calendar year or a proportional number of days in respect of an uncompleted calendar year in which the services of any teacher have commenced or have been terminated: Provided further that no leave credit shall be granted in respect of the performance of part-time service.

(4) Any application for vacation leave by a teacher shall reach the Department at least a school quarter before the date on which the leave, if granted shall commence.

(5) (a) Vacation leave shall be granted for only one or two full school quarters or one semester.

(b) The beginning and end of any period of vacation leave shall coincide with the first and last day, respectively, of any school quarter or, where the school year is divided into semesters, with the first day of the semester and the ensuing last day of the calendar quarter, respectively, or, with the first day of the calendar quarter and the ensuing last day of the semester, respectively.

(c) Notwithstanding anything to the contrary contained in these regulations, the Secretary may require any teacher to take the accumulative vacation leave which accrued to him, or any portion thereof, at any time.

(6) Vacation leave shall be granted with full pay: Provided that, where any teacher has sufficient vacation leave standing to his credit, he may, for the purpose of obtaining leave for two school quarters or a semester, convert such leave into leave with half pay on the basis of two days with half pay for each day with full pay.

(7) When a person who is in the full-time employment of—

- (a) a university or university college in the Republic of South Africa; or
- (b) a provincial education department; or
- (c) a Government department; or
- (d) an educational institution established or recognised as a State-aided school in terms of any Act administered by a Government department; or
- (e) the South African Railways; or
- (f) the Administration of South West Africa; or
- (g) a provincial administration, and who was appointed in terms of a provincial ordinance,

without a break in service, is appointed or transferred to a post in which these regulations become applicable to him, he shall retain, subject to the provisions of sub-regulation (5) of regulation 18, the accumulative vacation leave standing to his credit on the day prior to his appointment or transfer and, if such leave could have been taken only after the completion of a specified period of service and such period of service is uncompleted on

(b) Vakansieverlof wat kragtens paragraaf (a) aanwas gedurende 'n tydperk van vakansieverlof sonder betaling of siekteverlof sonder betaling mag nie aan 'n onderwyser toegestaan word voordat hy, na sy afwesigheid met vakansie- of siekteverlof sonder betaling, weer sy diens hervat het nie en dan slegs ten opsigte van afwesighede na sodaninge hervatting van diens.

VAKANSIEVERLOF.

19. (1) Behoudens die bepalings van subregulasie (5) van regulasie 18 word 'n onderwyser gekrediteer met oplopende verlof (hieronder vakansieverlof genoem) teen 12 dae per jaar vir enige tydperk van ononderbroke diens.

(2) Die Sekretaris kan na goeë dunde vereis dat 'n onderwyser gedurende enige skoolvakansie op diens bly.

(3) Waar 'n onderwyser ingevolge subregulasie (2) verplig word om op diens te bly, kan hy gekrediteer word met vakansieverlof gelyk aan die helfte van die getal dae wat hy gedurende skoolvakansies op diens gebly het: Met dien verstande dat hy nie met meer as een-en-twintig dae vakansieverlof in 'n kalenderjaar of 'n proporsioneel berekende getal dae ten opsigte van 'n onvoltooide kalenderjaar waarin die dienste van 'n onderwyser begin het of beëindig is, gekrediteer word nie: Met dien verstande voorts dat geen verlofkrediete ten opsigte van deeltydse diens verrig, toegeken word nie.

(4) Enige aansoek om vakansieverlof deur 'n onderwyser moet die Departement bereik minstens 'n skoolkwartaal voor die datum waarop die verlof, indien toegestaan, sal begin.

(5) (a) Vakansieverlof word slegs vir een of twee volle skoolkwartale of een semester toegestaan.

(b) Die begin en einde van 'n tydperk van vakansieverlof moet saamval met onderskeidelik die eerste en die laaste dag van 'n skoolkwartaal of, waar die skooljaar in semesters verdeel is, met onderskeidelik die eerste dag van die semester en die daaropvolgende laaste dag van die kalenderkwartaal of met onderskeidelik die eerste dag van die kalenderkwartaal en die daaropvolgende laaste dag van die semester.

(c) Ondanks andersluidende bepalings in hierdie regulasies vervat, kan die Sekretaris 'n onderwyser verplig om te eniger tyd die oplopende vakansieverlof wat hom toekom, of 'n gedeelte daarvan, te neem.

(6) Vakansieverlof word met volle besoldiging toegestaan: Met dien verstande dat, waar 'n onderwyser voldoende vakansieverlof tot sy krediet het, hy, met die doel om verlof vir twee skoolkwartale of 'n semester te kry, sodanige verlof kan omskep in verlof met half-besoldiging op die basis van twee dae met half-besoldiging vir elke dag met volle besoldiging.

(7) Wanneer iemand wat voltyds in diens is van—

- (a) 'n universiteit of universiteitskollege in die Republiek van Suid-Afrika; of
- (b) 'n provinsiale onderwysdepartement; of
- (c) 'n staatsdepartement; of
- (d) 'n onderwysinrigting wat ingestel is of as 'n Staats-ondersteunde skool erken is kragtens 'n wet wat deur 'n staatsdepartement geadministreer word; of
- (e) die Suid-Afrikaanse Spoorweë; of
- (f) die Administrasie van Suidwes-Afrika; of
- (g) 'n provinsiale administrasie, en wat ingevolge 'n provinsiale ordonnansie aangestel is; en

sonder 'n onderbreking van diens aangestel word in of oorgeplaas word na 'n pos waarin hierdie regulasies op hom van toepassing word, behou hy behoudens die bepalings van subregulasie (5) van regulasie 18 die oplopende vakansieverlof wat hy tot sy krediet gehad het op die dag voor sy aanstelling of oorpasing en as sodanige verlof slegs na die voltooiing van 'n vasgestelde dienstydyperk geneem sou kon word en sodanige dienstydyperk op

the day these regulations become applicable to him, the leave credit may be calculated in proportion to the portion of the relative period of service which he completed on the last-mentioned date and the leave concerned may be granted forthwith.

(8) Notwithstanding anything to the contrary contained in this regulation, special non-accumulative vacation leave with full pay of not more than 30 days in any calendar year shall be granted to any teacher who is required to remain on duty during school holidays and who does not occupy any post in any Government Bantu school.

SPECIAL LEAVE.

Study Purposes.

20. (1) When any teacher has completed five years' recognised teaching service, leave may be granted to him for such period as the Minister may determine, for the purpose of improving his qualifications as a teacher by taking an approved course of study.

(2) Such leave shall be granted without pay, except where any teacher has vacation leave standing to his credit, in which case he may request, notwithstanding provisions to the contrary contained in this Chapter, that the special leave be converted into vacation leave with full pay to the extent of the vacation leave standing to his credit, or with half pay on the basis of two days with half pay for each day with full pay standing to his credit.

Military Purposes.

21. (1) Special leave with full pay may be granted to any teacher—

(a) when as a member of the Active Citizen Force by virtue of the Defence Act, 1957 (Act No. 44 of 1957), or any regulation published thereunder, he is required to undergo continuous or non-continuous training, except in the case of his initial nine months' training period or if, as a ballotee, he receives his first period of military training at a military gymnasium, in which cases special leave with pay equal to the difference between his normal pay as teacher and the pay which he receives in terms of the Citizen Force Regulations may be granted to him: Provided that the provisions of this paragraph shall not apply when he is performing full-time service in lieu of peace-time training in terms of section twenty of the Defence Act, 1957 (Act No. 44 of 1957);

(b) When, as a member of the Citizen Force as defined above, with the approval of the Secretary, he voluntarily, or in pursuance of any special agreement between him and the Department of Defence in connection with his training over and above any training which he undergoes in accordance with the said Act, undertakes any continuous or non-continuous training or attends any instructional or qualifying course, provided the Officer Commanding the Command or South African Air Force Group concerned certifies that such training or course is necessary in the interest of the South African Defence Force;

(c) When, as a member of any Commando he is required in terms of the Defence Act, 1957 (Act No. 44 of 1957), or any regulation published thereunder, to attend training exercises or other annual training under and by virtue of section forty-four of the said Act, provided the Officer Commanding the Command concerned certifies that attendance at such training exercises or other annual training is in accordance with the provisions of the aforesaid regulations;

(d) When, as a member of any Commando, he attends any instructional or qualifying course, provided the Officer Commanding the Command concerned certifies that attendance at such course is necessary in the interest of the South African Defence Force;

die datum wat hierdie regulasies op hom van toepassing word, nog nie voltooi is nie, kan die verlofkrediet in verhouding tot die gedeelte van die betrokke dienstydperk wat hy op laasgenoemde datum voltooi het, bereken word en kan die betrokke verlof onmiddellik toegestaan word.

(8) Nieteenstaande andersluidende bepalings wat in hierdie regulasie vervat is, word aan enige onderwyser van wie vereis word om gedurende skoolvakansies op diens te bly, en nie 'n pos aan 'n Staatsbantoeskool beklee nie, spesiale nie-oplopende vakansieverlof met volle betaling van nie meer as 30 dae nie gedurende enige kalenderjaar toegestaan.

SPESIALE VERLOF.

Studiedoeleindes.

20. (1) Wanneer 'n onderwyser vyf jaar erkende onderwysdiens voltooi het, kan aan hom verlof toegestaan word vir sodanige tydperk as wat die Minister mag bepaal, met die doel om sy kwalifikasies as onderwyser te verbeter deur 'n goedgekeurde studiekursus te volg.

(2) Sodanige verlof word toegestaan sonder besoldiging uitgesonderd waar 'n onderwyser vakansieverlof tot sy krediet het, en in dié geval kan hy versoek, ondanks andersluidende bepalings in hierdie hoofstuk vervat, dat die spesiale verlof in vakansieverlof met volle besoldiging omgeskep word in die mate wat hy vakansieverlof tot sy krediet het, of met half-besoldiging op die basis van twee dae met half-besoldiging vir elke dag met volle besoldiging wat hy tot sy krediet het.

Militêre doeleindes.

21. (1) Spesiale verlof met volle besoldiging kan aan 'n onderwyser toegestaan word—

(a) wanneer hy as lid van die Aktiewe Burgermag kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957), of enige regulasie daarkragtens uitgevaardig, onafgebroke of afgebroke opleiding moet ondergaan, behalwe in die geval van sy aanvanklike opleidingstydperk van 9 maande of as hy as 'n löteling sy eerste tydperk van militêre opleiding by 'n militêre gimnasium ontvang, in watter gevalle spesiale verlof met salaris gelyk aan die verskil tussen sy gewone salaris as onderwyser en die soldy wat hy kragtens die burgermagregulasies ontvang, aan hom toegestaan kan word: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is as hy voltydse diens in plaas van vredes-tydse opleiding kragtens artikel twintig van die Verdedigingswet, 1957 (Wet No. 44 van 1957), verrig nie;

(b) wanneer hy as lid van die Burgermag soos hierbo omskryf met die toestemming van die Sekretaris vrywillig of as gevolg van enige spesiale ooreenkoms tussen hom en die Departement van Verdediging in verband met sy opleiding bo en behalwe enige opleiding wat hy ooreenkomstig genoemde Wet ondergaan, enige onafgebroke of afgebroke opleiding onderneem of 'n instruksie- of kwalifiserende kursus bywoon, mits die Bevelvoerder van die betrokke Kommandement of Suid-Afrikaanse Lugmaggroep sertifiseer dat sodanige opleiding of kursus nodig is in belang van die Suid-Afrikaanse Weermag;

(c) wanneer hy as lid van 'n Kommando kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957), of enige regulasie daarkragtens uitgevaardig, opleidingsoefeninge of ander jaarlikse opleiding kragtens artikel vier-en-veertig van genoemde Wet moet bywoon, mits die Bevelvoerder van die betrokke Kommandement sertifiseer dat bywoning van sodanige opleidingsoefeninge of ander jaarlikse opleiding in ooreenstemming met die bepalings van voormelde regulasies is;

(d) wanneer hy as lid van 'n Kommando 'n instruksie- of kwalifiserende kursus bywoon, mits die Bevelvoerder van die betrokke Kommandement sertifiseer dat bywoning van sodanige kursus nodig is in belang van die Suid-Afrikaanse Weermag;

- (e) When, as a member of the Reserve of Officers, he is required to attend any refresher course or undergo refresher training in order to maintain his proficiency, provided the relative Army, Air or Naval Chief of Staff certifies that such course or training is necessary in the interest of the South African Defence Force;
- (f) When, as a member of any section of the South African Defence Force (except any member of the Citizen Force who is performing full-time service in lieu of peace-time training under section *twenty* or is undergoing continuous training under section *twenty-three* of the Defence Act, 1957 (Act No. 44 of 1957), including any member of the Commando who is attending a training exercise or annual training in terms of section *forty-four* of the Defence Act, 1957 (Act No. 44 of 1957), he is called out under the provisions of Chapter X of the said Act for service in connection with the prevention or suppression of riots or other emergency in the Republic;
- (g) When, as a member of the Police Reserve under the Police Act, 1958 (Act No. 7 of 1958), or any regulation published thereunder he is called up for service in connection with the prevention or suppression of riots and other emergencies in the Republic.

(2) Special leave granted in terms of sub-regulation (1), may include any period actually and necessarily taken up by journeys for the purpose for which the leave is granted.

Examination Purposes.

22. (1) Special leave with full pay may be granted to any teacher in order to assist him to participate in any professional, academic or other examination approved by the Secretary.

(2) Special leave granted in terms of sub-regulation (1), may include any period actually and necessarily required to travel in connection with such examination.

Seperation or Isolation.

23. Special leave with full pay may be granted to any teacher when he is absent from duty as a result of separation or isolation by virtue of medical instructions where he was in contact with any person who has contracted, or is suspected of having contracted, an infectious or contagious disease and the granting of special leave under this regulation shall be subject to the submission of a certificate by a registered medical practitioner indicating the period of and cause for the isolation.

Continuity Leave.

24. Notwithstanding any thing to the contrary contained in these regulations, leave without pay may be granted to any teacher who was previously in the service of the Department, for the purpose of preserving the continuity of such teacher's service (to be known as continuity leave) from the first day following the date upon which he last received salary from the Department to the date preceding the date of assumption of duty in terms of such appointment if such period is not more than 90 days: Provided that the limitation of 90 days shall not apply where the period concerned is from the day immediately after the last day of any school quarter to the day immediately preceding the first day of the following quarter but one.

Exceptional Cases.

25. Where the Secretary considers it in the interest of the Department, he may grant to any teacher special leave without pay for such period as he may determine: Provided that such leave with pay may be granted only with the approval of the Minister.

- (e) wanneer hy as lid van die Reserwe van Offisiere 'n herhalingsoefenkursus moet bywoon of herhalingsopleiding moet ondergaan ten einde sy bekwaamheid te behou, mits die Stafhoof van die betrokke Landmag, Lugmag of Vlootmag sertifiseer dat sodanige kursus of opleiding nodig is in belang van die Suid-Afrikaanse Weermag;
- (f) wanneer hy as lid van enige afdeling van die Suid-Afrikaanse Weermag (behalwe 'n lid van die Burgermag wat voltydse diens in plaas van vredes-tydse opleiding kragtens artikel *twintig* verrig of onafgebroke opleiding kragtens artikel *drie-en-twintig* van die Verdedigingswet, 1957 (Wet No. 44 van 1957), met inbegrip van 'n lid van die Kommando wat opleidingsoefening of jaarlikse opleiding kragtens artikel *vier-en-veertig* van die Verdedigingswet, 1957 (Wet No. 44 van 1957), ondergaan, kragtens die bepalings van Hoofstuk X van genoemde Wet opgeroep word vir diens in verband met die voorkoming of onderdrukking van onluste of ander nood in die Republiek;
- (g) wanneer hy as lid van die Polisie-reserwemag kragtens die Polisiewet, 1958 (Wet No. 7 van 1958), of enige regulasie daarkragtens uitgevaardig, opgeroep word vir diens in verband met die voorkoming of onderdrukking van onluste en ander noodtoestande in die Republiek.

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

Eksamendoeleindes.

22. (1) Spesiale verlof met volle besoldiging kan aan 'n onderwyser toegestaan word ten einde hom in staat te stel om deel te neem aan 'n professionele, akademiese of ander eksamen wat die Sekretaris goedkeur.

(2) Spesiale verlof wat ingevolge subregulasie (1) toegestaan word, kan enige tydperk insluit wat werklik en noodsaaklikerwys nodig is om in verband met sodanige eksamen te reis.

Afsondering of isolasie.

23. Spesiale verlof met volle betaling kan aan 'n onderwyser toegestaan word wanneer hy van diens afwesig is as gevolg van afsondering of isolasie kragtens geneeskundige instruksies waar hy in aanraking was met 'n persoon wat 'n besmetlike of aansteeklike siekte opgedoen of vermoedelik opgedoen het, en die toestaan van spesiale verlof kragtens hierdie regulasie is onderworpe aan die indiening van 'n sertifikaat van 'n geregistreerde geneesheer wat die tydperk en oorsaak van afsondering aandui.

Kontinuiteitsverlof.

24. Ondanks andersluidende bepalings in hierdie regulasies vervat, kan aan 'n onderwyser wat voorheen in die diens van die Departement was verlof sonder besoldiging toegestaan word met die doel om die kontinuïteit van sodanige onderwyser se diens te behou (as kontinuïteitsverlof bekend te staan) van die eerste dag na die datum waarop hy die laaste keer salaris van die Departement ontvang het tot die datum voor die datum van diensaanvaarding ingevolge sodanige aanstelling indien sodanige tydperk hoogstens 90 dae is: Met dien verstande dat die beperking van 90 dae nie van toepassing is nie waar die betrokke tydperk strek van die dag onmiddellik na die laaste dag van 'n skoolkwartaal tot die dag onmiddellik voor die eerste dag van die volgende skoolkwartaal op een na.

Uitsonderlike gevalle.

25. Waar die Sekretaris meen dat dit in Departementele belang is, kan hy aan 'n onderwyser spesiale verlof sonder besoldiging toestaan vir sodanige tydperk as wat hy mag bepaal: Met dien verstande dat sodanige verlof met besoldiging alleen met die goedkeuring van die Minister toegestaan kan word.

LEAVE FOR URGENT PRIVATE AFFAIRS.

26. (1) Any teacher may be granted leave to attend to private affairs (to be known as leave for urgent private affairs).

(2) Leave for urgent private affairs shall be granted without pay: Provided that vacation leave with pay standing to such teacher's credit may be used for this purpose.

ACCOUCHEMENT LEAVE.

27. (1) A married woman teacher shall take leave for her accouchement (to be known as accouchement leave) for such period as the Secretary may determine but for at least a period of three months before the expected date of and six weeks after, such accouchement.

(2) At least one month's notice shall be given to the Secretary of the intention to take such leave and any such leave granted shall be leave without pay.

(3) Notwithstanding anything to the contrary contained in these regulations, any woman teacher may at her request, be granted vacation leave with full pay in lieu of any part of the accouchement leave to the extent of the vacation leave standing to such woman teacher's credit or with half pay on the basis of two days with half pay for each day with full pay standing to her credit.

SICK LEAVE.

28. (1) Sick leave may be granted to any teacher on account of his illness for 90 days at full pay and 90 days at half pay in each cycle and without pay for such further period as the Minister may determine.

(2) Sick leave shall accrue to any teacher on the first day of the cycle and with effect from that day the full provision for the cycle concerned may be granted to him if the other provisions of these regulations are complied with: Provided that no teacher may be granted sick leave with full or half pay until he has completed thirty days' service which counts as service for leave purposes and then only in respect of absences subsequent to the completion of such service.

(3) Any application for sick leave in respect of a continuous period of more than three days shall be supported by a satisfactory medical certificate from any registered medical practitioner and the Secretary may require that such medical certificate be furnished in support of any application for sick leave for any period of three days or less if he considers that circumstances warrant the submission thereof: Provided that, where the Secretary is satisfied that the absence of the teacher concerned is *bona fide* due to illness and, if he is further satisfied that there are sufficient reasons why a medical certificate was not submitted, he may, at his discretion, grant exemption from the submission of a medical certificate for a period not exceeding fourteen days.

(4) Where the Secretary granted exemption from the submission of a medical certificate in terms of sub-regulation (3), he shall endorse the application for leave accordingly.

(5) Sick leave shall not be granted to any teacher in respect of—

- (a) illness, indisposition or injury which is due to misconduct or failure to take a reasonable amount of care or precaution on the part of the teacher; or
- (b) neurasthenia, insomnia, debility or other similar ill-defined illness or indisposition, unless the Secretary is satisfied that—
 - (i) such teacher's state of health makes him unfit for his work;

VERLOF VIR DRINGENDE PRIVATE SAKE.

26. (1) Aan 'n onderwyser kan verlof toegestaan word om aandag te skenk aan private sake (as verlof vir dringende private sake bekend te staan).

(2) Verlof vir dringende private sake word sonder besoldiging toegestaan: Met dien verstande dat vakansieverlof met besoldiging wat die onderwyser tot sy krediet het, vir die doel aangewend kan word.

BEVALLINGSVERLOF.

27. (1) 'n Getroude onderwyseres moet verlof neem vir haar bevalling (as bevallingsverlof bekend te staan) vir sodanige tydperk as wat die Sekretaris mag bepaal maar vir minstens 'n tydperk van drie maande voor die verwagte datum van en ses weke na sodanige bevalling.

(2) Daar moet minstens een maand kennis aan die Sekretaris gegee word van die voorneme om sodanige-verlof te neem en enige sodanige verlof wat toegestaan word, is verlof sonder besoldiging.

(3) Ondanks andersluidende bepalings in hierdie regulasies vervat, kan aan 'n onderwyseres op haar versoek vakansieverlof met volle besoldiging toegestaan word, in die plek van enige gedeelte van die bevallingsverlof, in die mate wat sodanige onderwyseres vakansieverlof tot haar krediet het of met half-besoldiging op die basis van twee dae met half-besoldiging vir elke dag met volle besoldiging wat sy tot haar krediet het.

SIKTEVERLOF.

28. (1) Siekteverlof kan aan 'n onderwyser toegestaan word op grond van sy siekte vir 90 dae teen volle besoldiging en 90 dae teen halwe besoldiging in elke tydkring en sonder besoldiging vir sodanige verdere tydperk as wat die Minister vasstel.

(2) Siekteverlof val toe aan 'n onderwyser op die eerste dag van die tydkring en met ingang van daardie dag mag die volle voorsiening vir die betrokke tydkring aan hom toegestaan word mits aan die ander bepalings van hierdie regulasies voldoen word: Met dien verstande dat aan geen onderwyser siekteverlof met volle of halwe besoldiging toegestaan mag word nie voordat hy dertig dae diens, wat tel as diens vir verlofdoeleindes, voltooi het en dan slegs ten opsigte van afwesighede na die voltooiing van sodanige diens.

(3) Enige aansoek om siekteverlof ten opsigte van 'n ononderbroke tydperk van meer as drie dae moet gestaaf word deur 'n bevredigende geneeskundig sertifikaat van 'n geregistreerde geneesheer en die Sekretaris kan eis dat so 'n geneeskundige sertifikaat verstrekk word ter staving van enige aansoek om siekteverlof vir 'n tydperk van drie dae of minder indien hy meen dat omstandighede die verstrekking daarvan regverdig: Met dien verstande dat, waar die Sekretaris oortuig is dat die afwesigheid van die betrokke onderwyser *bona fide* te wyte is aan siekte en as hy verder oortuig is dat daar genoegsame redes bestaan waarom 'n geneeskundige sertifikaat nie ingedien is nie, kan hy na goedgekeurde vrystelling verleen van die voorlegging van 'n geneeskundige sertifikaat vir 'n tydperk van hoogstens veertien dae.

(4) Waar die Sekretaris vrystelling verleen het van die voorlegging van 'n geneeskundige sertifikaat ingevolge subregulasie (3), moet hy die verlofaansoek aldus endorseer.

(5) Siekteverlof word nie aan 'n onderwyser toegestaan nie ten opsigte van—

- (a) siekte, ongesteldheid of besering wat toe te skrywe is aan die onderwyser se wangedrag of gebrek aan 'n redelike mate van sorg of voorsorg; of
- (b) neurastenie, slaaploosheid, swakheid of ander dergelyke minder goed omskrywe siekte of ongesteldheid, tensy die Sekretaris oortuig is dat—
 - (i) sodanige onderwyser se gesondheidstoestand hom ongeskik maak vir sy werk,

- (ii) the condition in which he is in could not have been avoided by reasonable amount of care or precaution on his part or by the utilization of his vacation leave privileges.

(6) Notwithstanding anything to the contrary contained in these regulations, any teacher may at his request be granted in lieu of any portion of the sick leave which has been granted with half pay or without pay, vacation leave with full pay to the extent of such vacation leave standing to his credit or with half pay on the basis of two days with half pay for each day with full pay standing to his credit.

(7) Notwithstanding anything to the contrary contained in sub-regulation (1), any teacher, other than a teacher who receives climatic allowance and contracts malaria, who is absent from duty owing to any injury sustained in any accident arising out of and in the course of his duties or owing to any disease contracted in the course of and as a result of his duties, may be granted special sick leave with full pay for the period that he is unfit for such duties or, if the case falls under the Workmen's Compensation Act, 1941, as amended, special sick leave with pay equal to the difference between full pay and the compensation payable to him in terms of the said Act.

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

TERMINATION OF LEAVE ON RESIGNATION OR DISCHARGE.

29. If any teacher, prior to the expiration of a period of leave granted to him, should resign or be discharged from the service of the Department, such leave shall terminate on the date of the receipt of the notice of his resignation or on the date on which his discharge takes effect.

RESUMPTION OF DUTY BEFORE THE EXPIRATION OF LEAVE.

30. Any teacher who desires to resume duty before the expiration of any period of leave granted to him in terms of these regulations, shall not do so without the prior approval of the Secretary.

LEAVE IN TERMS OF PREVIOUS REGULATIONS.

31. The promulgation of these regulations and the repeal of the regulations which applied immediately before such promulgation, shall in no way affect the continuity of the accumulative vacation leave privileges of any teacher who, immediately prior to the date of the coming into operation of these regulations, was in the service, and accumulated vacation leave shall remain to the credit of such teacher.

LEAVE PRIVILEGES OF TEMPORARY TEACHERS.

32. Leave privileges as set out in these regulations, may be granted by the Secretary to any teacher appointed in a temporary capacity: Provided that any leave granted to such teacher shall be calculated on the basis of his continuous service.

CHAPTER III.

PROVISIONS RELATING TO ANY TEACHER WHO IS INDISPOSED.

COMPULSORY MEDICAL EXAMINATION.

33. (1) If the Secretary suspects that any teacher is indisposed he may, at any time, require that the teacher submit himself to an examination by any registered medical practitioner or any medical board constituted in a manner as prescribed in regulation 34, according to circumstances, and such a teacher shall submit himself to such examination.

- (ii) die toestand waarin hy verkeer nie deur 'n redelike mate van sorg of voorsorg van sy kant of deur gebruik van sy vakansieverlofvoorregte, vermy kon geword het nie.

(6) Ondanks andersluidende bepalings in hierdie regulasies vervat, kan daar aan 'n onderwyser, op sy versoek, in die plek van enige gedeelte van die siekteverlof wat met halwe besoldiging of sonder besoldiging toegestaan is, vakansieverlof met volle besoldiging toegestaan word in die mate van die vakansieverlof wat hy tot sy krediet het, of met halwe besoldiging op die basis van twee dae met halwe besoldiging vir elke dag met volle besoldiging wat hy tot sy krediet het.

(7) Ondanks andersluidende bepalings in subregulasie (1) vervat, kan aan 'n onderwyser, uitgesonderd 'n onderwyser wat klimaatstoelae ontvang en malaria opdoen, wat van diens afwesig is weens 'n besering opgedoen in 'n ongeluk wat voortvloei uit en in die loop van sy pligte of weens 'n siekte opgedoen in die loop en as gevolg van sy pligte, spesiale siekteverlof met volle besoldiging toegestaan word vir die tydperk wat hy onbevoeg is vir sodanige pligte, of, indien die geval onder die Ongevallewet, 1941, soos gewysig, ressorteer, spesiale siekteverlof met besoldiging gelyk aan die verskil tussen volle besoldiging en die vergoeding wat ingevolge genoemde Wet aan hom betaalbaar is.

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

BEEÏNDIGING VAN VERLOF BY BEDANKING OF ONTSLAG.

29. Indien 'n onderwyser voor die verstryking van 'n tydperk van verlof wat aan hom toegestaan is, bedank of uit die diens van die Departement ontslaan word, eindig sodanige verlof op die datum van die ontvangs van die kennisgewing van sy bedanking of op die datum waarop sy ontslag in werking tree.

HERVATTING VAN DIENS VOOR VERSTRYKING VAN VERLOF.

30. 'n Onderwyser wat diens wil hervat voor die verstryking van 'n tydperk van verlof wat ingevolge hierdie regulasies aan hom toegestaan is, mag dit nie sonder die voorafverkreë goedkeuring van die Sekretaris doen nie.

VERLOF INGEVOLGE VORIGE REGULASIES.

31. Die uitvaardiging van hierdie regulasies en die intrekking van die regulasies wat onmiddellik voor sodanige uitvaardiging van krag was, raak in geen opsig die aaneenlopendheid van die oplopende vakansieverlofvoorregte van 'n onderwyser wat onmiddellik voor die datum van inwerkingtreding van hierdie regulasies in diens was nie, en opgeloopte vakansieverlof bly staan tot die krediet van sodanige onderwyser.

VERLOFVOORREGTE VAN TYDELIKE ONDERWYSERS.

32. Verlofvoorregte soos in hierdie regulasies uiteengesit, kan deur die Sekretaris aan enige onderwyser wat in 'n tydelike hoedanigheid aangestel is, toegestaan word: Met dien verstande dat enige verlof aan sodanige onderwyser toegestaan, op die basis van sy ononderbroke diens bereken sal word.

HOOFSTUK III.

BEPALINGS BETREFFENDE 'N ONDERWYSER WAT ONGESTELD IS.

VERPLIGTE GENEESKUNDIGE ONDERSOEK.

33. (1) Indien die Sekretaris vermoed dat 'n onderwyser ongesteld is, kan hy te eniger tyd vereis dat die onderwyser hom moet onderwerp aan 'n ondersoek deur 'n geregistreerde geneesheer of 'n geneeskundige raad wat saamgestel is op 'n wyse soos in regulasie 34 voorgeskryf, na gelang van omstandighede, en so 'n onderwyser moet hom aan sodanige ondersoek onderwerp.

(2) The expenses in connection with any compulsory medical examination, shall be defrayed by the Department subject to the provisions of regulation 34.

CONSTITUTION OF A MEDICAL BOARD.

34. Any medical board shall consist of as many registered medical practitioners as the Secretary may nominate after consultation with the Secretary for Health, and the expenses in connection with the examination shall be defrayed from State funds: Provided that such teacher who is to be examined may, if he so desires, at his own expense arrange for his private medical practitioner to be present at the proceedings of any medical board.

EXAMINATION OF TEACHER.

35. (1) It shall be the duty of any registered medical practitioner or medical board who is required to examine any teacher in terms of regulation 33, to submit a comprehensive report on the health of such teacher to the Secretary.

(2) Such medical practitioner or medical board shall have the power, subject to the approval of the Secretary, to obtain such other professional advice as he may deem necessary in connection with the examination.

POWERS OF SECRETARY ON RECEIPT OF MEDICAL REPORT.

36. (1) On receipt of the report mentioned in sub-regulation (1) of regulation 35, the Secretary shall refer it to the Department of Health for advice and the Secretary may—

- (a) if it appears from the medical advice that a reasonable prospect exists that the teacher after any period of leave may perform his duties in a satisfactory manner, require that the teacher concerned take sick leave in terms of these regulations for such period or further period as he may determine, and receive during the period mentioned such medical treatment as the case may require; or
- (b) recommend to the Minister, subject to the provisions of the Pensions' Act, that the service of the teacher be terminated with effect from any date to be determined by the Minister, and the service of such teacher shall be deemed to have been terminated on account of ill health.

(2) When the Secretary is satisfied that any teacher failed or refused, during any period of sick leave, to undergo the treatment mentioned in paragraph (a) of sub-regulation (1), the Secretary may withdraw such leave and may recommend to the Minister that the service of such teacher be terminated forthwith.

TEACHER FAILING TO RESUME DUTY AFTER PERIOD OF SICK LEAVE.

37. (1) In the event of any teacher to whom sick leave has been granted under paragraph (a) of sub-regulation (1) of regulation 36, failing to resume duty at the expiry of such leave, his service with the Department shall be deemed to have terminated—

- (a) from the date on which the sick leave expired if it was sick leave with pay; or
- (b) from the date on which such leave, if without pay, was granted.

(2) The provisions of this regulation shall apply *mutatis mutandis* where sick leave without pay is preceded by sick leave with pay.

CHAPTER IV.

MISCONDUCT.

38. Any teacher shall be guilty of misconduct and may be dealt with in accordance with the provisions of these regulations, if he—

- (a) contravenes any provision of these regulations or fails to comply with any provision thereof with which it is his duty to comply; or

(2) Die onkoste verbonde aan 'n verpligte geneeskundige ondersoek word deur die Departement bestry behoudens die bepalings van regulasie 34.

SAMESTELLING VAN 'N GENEESKUNDIGE RAAD.

34. 'n Geneeskundige raad bestaan uit soveel geregistreerde geneesheer as wat die Sekretaris na oorlegpleging met die Sekretaris van Gesondheid aanwys en die koste verbonde aan die ondersoek word uit staatsfondse betaal: Met dien verstande dat die onderwyser wat ondersoek moet word, indien hy dit verlang, op eie koste kan reël dat sy private geneesheer by die verrigtinge van 'n geneeskundige raad teenwoordig kan wees.

ONDERSOEK VAN ONDERWYSER.

35. (1) Dit is die plig van 'n geregistreerde geneesheer, of geneeskundige raad, wat 'n onderwyser ingevolge regulasie 33 moet ondersoek, om 'n omvangryke verslag oor die gesondheid van so 'n onderwyser aan die Sekretaris te verstrek.

(2) Sodanige geneesheer, of geneeskundige raad, het die bevoegdheid om, onderworpe aan die goedkeuring van die Sekretaris, sodanige ander professionele advies in te win as wat hy in verband met die ondersoek nodig ag.

BEVOEGDHEID VAN SEKRETARIS BY ONTVANGS VAN GENEESKUNDIGE VERSLAG.

36. (1) By ontvangs van die verslag in subregulasie (1) van regulasie 35 genoem, verwys die Sekretaris dit vir advies na die Departement van Gesondheid en kan die Sekretaris—

- (a) indien dit uit die geneeskundige advies blyk dat daar 'n redelike vooruitsig bestaan dat die onderwyser na 'n tydperk van verlof sy pligte op doeltreffende wyse kan uitvoer, vereis dat die betrokke onderwyser siekteverlof ingevolge die bepalings van hierdie regulasies moet neem vir sodanige tydperk of verdere tydperk as wat hy bepaal en om gedurende bedoelde tydperk geneeskundige behandeling te ontvang, al na die vereistes van die geval; of
- (b) behoudens die bepalings van die Pensioenwet by die Minister aanbeveel dat die onderwyser se diens beëindig word met ingang van 'n datum deur die Minister bepaal te word, en sodanige onderwyser se diens word geag op grond van swak gesondheid beëindig te gewees het.

(2) Wanneer die Sekretaris oortuig is dat 'n onderwyser versuim of geweier het om gedurende 'n tydperk van siekteverlof die behandeling te ondergaan in paragraaf (a) van subregulasie (1) genoem, kan die Sekretaris sodanige verlof intrek en by die Minister aanbeveel dat die diens van die onderwyser onverwyld beëindig word.

ONDERWYSER WAT NA 'N TYDPERK VAN SIEKTEVERLOF IN GEBREKE BLY OM DIENS TE HERVAT.

37. (1) Ingeval 'n onderwyser aan wie siekteverlof toegestaan is kragtens paragraaf (a) van subregulasie (1) van regulasie 36 nie by die verstryking van sodanige verlof diens hervat nie, word sy diens by die Departement geag beëindig te wees—

- (a) vanaf die datum waarop die siekteverlof verstryk het indien dit siekteverlof met besoldiging was; of
- (b) vanaf die datum waarop sodanige verlof, indien sonder besoldiging, toegestaan is.

(2) Die bepalings van hierdie regulasie is *mutatis mutandis* van toepassing waar siekteverlof sonder besoldiging voorafgegaan word deur siekteverlof met besoldiging.

HOOFSTUK IV.

WANGEDRAG.

38. 'n Onderwyser is skuldig aan wangedrag en daar kan ooreenkomstig die bepalings van hierdie regulasies met hom gehandel word, as hy—

- (a) 'n bepaling van hierdie regulasies oortree of versuim om te voldoen aan 'n bepaling daarvan waaraan dit sy plig is om te voldoen; of

- (b) does, causes or permits to be done or connives at, any act which is prejudicial to the administration, discipline or efficiency of the department, his office or any Bantu school; or
- (c) disobeys, disregards or makes wilful default in carrying out any lawful order given to him by a person having the authority thereto, or by word or conduct displays insubordination; or
- (d) is negligent or indolent in the discharge of his official duties; or
- (e) without the consent of the Secretary, undertakes any private agency or private work in any matter connected with the performance of his official work or the performance of his official duties; or
- (f) publicly comments upon the administration of any Government department; or
- (g) attempts to secure intervention from political or external sources in connection with his position and conditions of service in the service of the Department: Provided that the provisions of this paragraph shall not preclude any teacher from endeavouring to obtain redress of any grievance through Parliament; or
- (h) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty, renders himself guilty of gross discourtesy to any person; or
- (i) uses intoxicants or stupefying drugs excessively; or
- (j) becomes insolvent or compromises with his creditors or has a decree of civil imprisonment made against him by any court of law, unless it is shown that his insolvency or composition or the making of a decree of civil imprisonment has been occasioned by unavoidable misfortune; or
- (k) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful performance of his official duties; or
- (l) without first having obtained the consent of the Secretary, discloses information gained by or conveyed to him as a result of his employment in the Department, otherwise than in the discharge of his official duties, or uses such information for any purpose other than for the performance of his official duties, regardless of whether or not he discloses such information; or
- (m) without the consent of the Secretary accepts any commission, fee or reward, pecuniary or otherwise (not being emoluments payable to him in respect of his official duties) or demands it in respect of the performance of his official duties or failure to perform his official duties or fails to report to the Secretary the offer of any such commission, fee or reward; or
- (n) misappropriates or improperly uses any property of the Government under such circumstances that his act does not constitute a criminal offence; or
- (o) is found guilty of any offence by any court of law; or
- (p) absents himself from his post or duty without leave or valid cause; or
- (q) with a view to obtaining any privilege or advantage in relation to his official position or duties, or to causing any prejudice or injury to the State or any Government department or any member of the Department, makes a false or incorrect statement knowing it to be false or incorrect.
- (b) 'n daad doen, laat doen of toelaat of oogluikend toelaat dat dit gedoen word wat nadelig is vir die administrasie, dissipline of doeltreffendheid van die Departement, sy kantoor of enige Bantoeskool; of
- (c) 'n wettige bevel wat hom gegee is deur iemand wat die bevoegdheid daartoe het, nie gehoorsaam nie, dit verontagsaam of opsetlik versuim om dit uit te voer, of deur woord of gedrag hom aan insubordinasie skuldig maak; of
- (d) nalatig of traag is in die vervulling van sy ampspligte; of
- (e) sonder die toestemming van die Sekretaris enige private agentskap of private werk in enige aangeleentheid in verband met die verrigting van sy amptelike werksaamhede of die uitvoering van sy ampspligte onderneem; of
- (f) hom in die openbaar uitlaat oor die administrasie van enige staatsdepartement; of
- (g) probeer om uit politieke of buitebronne ingryping in verband met sy posisie en diensvoorwaardes in diens van die Departement te verkry: Met dien verstande dat die bepalings van hierdie paragraaf nie 'n onderwyser verhoed om herstel van 'n grief deur bemiddeling van die Parlement te probeer verkry nie; of
- (h) hom op skandelijke, onbehoorlike of onbetaamlike wyse gedra, of terwyl hy diens doen, hom aan growwe onbeleefdheid teenoor 'n persoon skuldig maak; of
- (i) buitensporige gebruik maak van sterk drank of bedwelmende middels; of
- (j) insolvent word of 'n akkoord met sy skuldeisers aangaan of as 'n bevel tot siviele gyseling deur 'n geregshof teen hom gegee is, tensy daar bewys word dat sy insolvensie of akkoord of die gee van 'n bevel tot siviele gyseling teen hom deur onvermydelike teenspoed veroorsaak is; of
- (k) in geldelike moeilikheid beland, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakbare oorsaak nie en nie nadelig is vir die getroue uitvoering van sy ampspligte nie; of
- (l) sonder dat hy eers die toestemming van die Sekretaris verkry het, inligting wat hy ingewin of waaraan hy gekom het, as gevolg van sy werk in die Departement, openbaar maak anders as in die vervulling van sy ampspligte of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy ampspligte, hetsy hy sodanige inligting openbaar maak of nie; of
- (m) sonder die toestemming van die Sekretaris enige kommissie, geld of beloning, geldelik of anders (wat nie die besoldiging is wat ten opsigte van sy ampspligte aan hom betaalbaar is nie) aanneem of dit eis ten opsigte van die uitvoering van sy ampspligte of die versuim om sy ampspligte uit te voer, of versuim om aan die Sekretaris die aanbod van sodanige kommissie, geld of beloning te rapporteer; of
- (n) hom eiendom van die Regering wederregtelik toeëien of onbehoorlike gebruik daarvan maak onder sodanige omstandighede dat sy daad nie 'n kriminele misdryf uitmaak nie; of
- (o) deur 'n geregshof skuldig bevind word aan 'n misdryf; of
- (p) sonder verlof of geldige rede van sy pos of diens wegbly; of
- (q) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of op die veroorsaking van enige nadeel of skade aan die Staat of 'n staatsdepartement of 'n lid van die Departement, 'n valse of onjuiste verklaring doen, wetende dat dit vals of onjuis is.

PROCEDURE IN CASES OF MISCONDUCT.

39. (1) When any teacher is accused of misconduct, the Secretary or any officer of the Department authorised thereto by the Secretary, may charge him in writing under his hand with that misconduct.

(2) The officer who signed the charge shall cause it to be served on the teacher charged.

(3) The charge shall contain or shall be accompanied by a direction calling upon the teacher charged to send or deliver, within a reasonable period mentioned in the direction, to any person also mentioned therein, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charged.

(4) The Secretary or any officer specially authorised thereto for any particular case or in general, may at any time before or after such teacher is charged under this regulation, suspend such teacher from duty.

(5) Any teacher suspended from duty in terms of sub-regulation (4) shall not be entitled to any emoluments for the period of his suspension: Provided that the Minister may, at his discretion, order that the whole or any portion of his emoluments be paid to such teacher.

(6) If no charge in terms of this regulation is preferred against any teacher suspended from duty, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension.

(7) The Secretary or other officer who suspended the teacher may withdraw the suspension at any time, but notwithstanding the withdrawal of the suspension the proceedings on the charge of misconduct may be continued.

(8) If any teacher charged in terms of this regulation, admits the charge, it shall be deemed that he is guilty of the misconduct with which he has been charged and action shall be taken in accordance with sub-regulation 27.

(9) (a) If the teacher charged, denies the charge or fails to comply with the direction mentioned in sub-regulation (3), the Secretary shall appoint three persons to conduct an inquiry into the charge and one of the three persons shall be appointed by him as presiding officer.

(b) The Secretary may provide such clerical and other assistance as may from time to time become necessary for the inquiry.

(10) The presiding officer, in consultation with the officer who signed the charge, shall fix the time and place of the inquiry, and shall give the teacher so charged, reasonable notice, in writing, of the time and place so fixed.

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

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

(b) The presiding officer shall keep a record of the proceedings at the inquiry and of all the evidence given thereat.

(c) The failure of the teacher so charged to attend the inquiry, either personally or through a representative shall not invalidate the proceedings.

PROSEDURE IN GEVALLE VAN WANGEDRAG.

39. (1) Wanneer 'n onderwyser van wangedrag beskuldig word, kan die Sekretaris, of 'n amptenaar in die Departement wat deur die Sekretaris daartoe gemagtig is, hom skriftelik onder sy handtekening van daardie wangedrag aankla.

(2) Die amptenaar wat die aanklag onderteken het, moet dit aan die aangeklaagde onderwyser laat bestel.

(3) Die aanklag moet 'n aanseggings bevat of van 'n aanseggings vergesel gaan, waarby die aangeklaagde onderwyser aangesê word om binne 'n redelike tydperk wat in die aanseggings vermeld word aan 'n persoon wat ook daarin vermeld word, 'n skriftelike erkenning of ontkenning van die aanklag en as hy dit verlang 'n skriftelike verklaring van die wangedrag waarvan hy aangekla word, te stuur of by hom af te lewer.

(4) Die Sekretaris of enige amptenaar wat spesiaal in 'n besondere geval of in die algemeen daartoe gemagtig is, kan te eniger tyd voor of nadat die onderwyser kragtens hierdie regulasie aangekla is, die onderwyser in sy diens skors.

(5) 'n Onderwyser wat ingevolge subregulasie (4) in sy diens geskors is, is nie op enige besoldiging vir die tydperk van sy skorsing geregtig nie: Met dien verstande dat die Minister na goeë dunks kan gelas dat die geheel of 'n gedeelte van sy besoldiging aan sodanige onderwyser betaal word.

(6) As geen aanklag ingevolge hierdie regulasie teen 'n onderwyser wat in sy diens geskors is, ingebring word nie, word hy toegelaat om weer diens te aanvaar en word sy volle besoldiging vir die tydperk van sy skorsing aan hom betaal.

(7) Die Sekretaris of ander amptenaar wat die onderwyser geskors het, kan die skorsing te eniger tyd intrek, maar ondanks die intrekking van die skorsing kan die verrigtings in verband met die aanklag van wangedrag voortgesit word.

(8) As 'n onderwyser wat ingevolge hierdie regulasie aangekla is, die aanklag erken, word dit geag dat hy skuldig is aan die wangedrag waarvan hy aangekla is en word daar ooreenkomstig subregulasie (27) gehandel.

(9) (a) As die aangeklaagde onderwyser die aanklag ontken of versuim om te voldoen aan die aanseggings in subregulasie (3) genoem, wys die Sekretaris drie persone aan om ondersoek na die aanklag in te stel en een van die drie persone word deur hom as voorsittende beamppte aangewys.

(b) Die Sekretaris kan sodanige klerklike en ander hulp verskaf as wat van tyd tot tyd vir die ondersoek nodig mag blyk.

(10) Die voorsittende beamppte moet in oorleg met die amptenaar wat die klag onderteken het, die tyd en plek van die ondersoek vasstel, en moet aan die aangeklaagde onderwyser redelike skriftelike kennis gee van die tyd en plek aldus vasgestel.

(11) Die amptenaar wat die aanklag onderteken het, kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer en om enige persoon wat as getuie vir die verweer opgeroep is, onder kruisverhoor te neem.

(12) (a) By die ondersoek het die aangeklaagde onderwyser die reg om teenwoordig te wees en om aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat as getuie ter stawing van die aanklag opgeroep is, onder kruisverhoor te neem, om insae te hê in alle dokumente wat as getuienis voorgelê is, om self getuienis af te lê en ander persone as getuies op te roep.

(b) Die voorsittende beamppte moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê word.

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

(13) The acquittal or the conviction of any teacher by a court of law upon a charge of a criminal offence shall not be a bar to proceedings in terms of these regulations on a charge of misconduct, notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or another offence on which he might have been convicted on his trial on the said criminal charge.

(14) If the misconduct with which the teacher is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon identification of such teacher as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court.

(15) At the conclusion of the inquiry the persons holding it shall find whether the teacher charged is guilty or not guilty of the misconduct with which he has been charged and the presiding officer shall inform the teacher charged of their finding and shall report, in writing, the result of the inquiry to the Secretary.

(16) If the teacher charged is suspended from duty under sub-regulation (4) and he is found not guilty of the misconduct with which he has been charged, the said teacher shall be allowed forthwith to resume duty in his post and be paid his full emoluments for the period of his suspension.

(17) If the persons holding the inquiry find that the teacher charged is guilty of the misconduct with which he has been charged, the teacher concerned may, within fourteen days as from the date upon which he was informed of the finding, appeal therefrom to the Minister by giving the presiding officer a written notice of appeal wherein he shall set forth fully the grounds upon which the appeal is based.

(18) If the persons holding the inquiry have found the teacher charged guilty of the misconduct with which he has been charged, the record of the proceedings at the inquiry and any documentary evidence admitted thereat and a statement of the findings and the reasons therefor and any observations on the case shall be forwarded to the Secretary.

(19) If the teacher found guilty of misconduct has given notice of appeal in accordance with the provisions aforesaid as so applied, the presiding officer shall forward to the Secretary the appellant's notice and grounds of appeal together with the record and other documents referred to in sub-regulation (18), and shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(20) If the teacher who has been found guilty, within a period of fourteen days as from the date upon which he received a copy of the reasons for the finding, or, if he has not noted an appeal, within a period of twenty-one days of the date upon which he was informed of the finding, requests the Secretary for a copy of the record of the proceedings at the inquiry and of the documentary evidence admitted thereat, the Secretary shall provide him with such copies.

(21) The appellant may, within a period of fourteen days of the date upon which he received a copy of the record of the proceedings or if he did not apply for a copy of the record, within a period of twenty-one days of the date upon which he received a copy of the reasons for the finding, make representations in writing in support of his appeal to the Minister and such written representations shall be handed or posted to the Secretary.

(22) The Secretary shall submit the record of the proceedings at the inquiry, all documents in his possession connected with the inquiry or appeal and his recommendation thereon, to the Minister.

(13) Die vryspreking of die skuldigbevinding van 'n onderwyser deur 'n geregshof op 'n aanklag van 'n kriminele misdryf, belet nie dat stappe ingevolge hierdie regulasies op 'n aanklag van wangedrag teen hom ingestel word nie ondanks die feit dat die feite uiteengesit in die aanklag van wangedrag, as dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op bedoelde kriminele aanklag skuldig bevind kon geword het.

(14) As die wangedrag waarvan die onderwyser aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof, nadat bedoelde onderwyser geïdentifiseer is as die persoon wat in die notule genoem word, voldoende bewys dat hy bedoelde misdryf begaan het, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel is.

(15) Na afloop van die ondersoek moet die persone wat dit instel, bevind of die aangeklaagde onderwyser skuldig of onskuldig is aan die wangedrag waarvan hy aangekla is en moet die voorsittende beampte die aangeklaagde onderwyser van hul bevinding verwittig en aan die Sekretaris skriftelik verslag oor die uitslag van die ondersoek doen.

(16) As die aangeklaagde onderwyser ingevolge sub-regulasie (4) in sy diens geskors is en hy word onskuldig bevind aan die wangedrag waarvan hy aangekla is, moet bedoelde onderwyser toegelaat word om dadelik weer diens in sy pos te aanvaar en moet aan hom sy volle besoldiging vir die tydperk van sy skorsing betaal word.

(17) As die persone wat die ondersoek instel, die aangeklaagde onderwyser skuldig bevind aan die wangedrag waarvan hy aangekla is, kan die betrokke onderwyser binne veertien dae na die datum waarop hy van die bevinding verwittig is, by die Minister daarteen appelleer deur aan die voorsittende beampte skriftelik kennis van appèl te gee waarin hy volledig die gronde waarop die appèl gebaseer word, moet uiteensit.

(18) As die persone wat die ondersoek ingestel het, die aangeklaagde onderwyser skuldig bevind het aan die wangedrag waarvan hy aangekla is, moet die notule van die verrigtings by die ondersoek en enige dokumentêre getuienis wat aldaar toegelaat is en 'n uiteensetting van die bevindings en die redes daarvoor en enige opmerkings oor die saak, aan die Sekretaris gestuur word.

(19) As die onderwyser wat aan wangedrag skuldig bevind is, kennis van appèl ooreenkomstig voormelde bepaling, soos aldus toegepas, gegee het, moet die voorsittende beampte die appellant se kennisgewing en gronde van appèl saam met die notule en ander dokumente genoem in subregulasie (18), aan die Sekretaris stuur en 'n afskrif van die redes vir die bevinding waarteen die appèl aangeteken is, aan die appellant verstrek.

(20) Indien die onderwyser wat skuldig bevind is, binne 'n tydperk van veertien dae van die dag waarop hy 'n afskrif van die redes vir die beslissing ontvang het, of, as hy geen appèl aangeteken het nie, binne 'n tydperk van een-en-twintig dae vanaf die dag waarop hy van die beslissing verwittig is, die Sekretaris versoek om 'n afskrif van die notule van die verrigtinge by die ondersoek en van enige bewysstukke aldaar toegelaat, verstrek die Sekretaris aan hom sodanige afskrifte.

(21) Die appellant kan, binne 'n tydperk van veertien dae vanaf die dag waarop hy 'n afskrif van die notule van die verrigtinge ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 'n tydperk van een-en-twintig dae vanaf die dag waarop hy 'n afskrif van die redes vir die beslissing ontvang het, aan die Minister skriftelike verzoek ter ondersteuning van sy appèl voorlê en sodanige skriftelike verzoek moet aan die Sekretaris oorhandig of deur die pos gestuur word.

(22) Die Sekretaris lê die notule van die verrigtinge by die ondersoek, alle stukke in sy besit wat op die ondersoek of appèl betrekking het en sy aanbeveling daaromtrent aan die Minister voor.

(23) After considering the aforementioned record and documents, the Minister may allow the appeal wholly or in part and set aside or amend the finding, or dismiss the appeal and confirm, wholly or in part, the finding, or the Minister may, before coming to a final decision on the appeal, refer back any question in connection with the inquiry to the persons who held the inquiry and order them to report thereon, or to hold a further inquiry and to decide thereon.

(24) If the Minister ordered a further inquiry to be held the provisions of sub-regulations (1) to (12), both inclusive, shall apply to such further inquiry.

(25) When the Minister has arrived at a final decision on the appeal, his decision shall be conveyed in writing to the appellant.

(26) If the Minister allows the appeal of an appellant who has been suspended from duty, he shall be reinstated in his post and be paid his full emoluments for the period of his suspension.

(27) If the teacher charged, has admitted the charge in accordance with sub-regulation (8), or if the record and documents mentioned in sub-regulation (18) have, in terms of that sub-regulation, been forwarded to the Secretary, and no appeal has been noted against the finding, or if the Minister has dismissed the appeal wholly or in part, the Secretary may recommend to the Minister that—

- (a) the said teacher be cautioned or reprimanded; or
- (b) a fine not exceeding R100 be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Minister; or
- (c) his salary or grade or both his salary and his grade be reduced to an extent recommended; or
- (d) he be transferred to another post of equal or lower grade; or
- (e) he be discharged or be called upon to resign from the service of the Department as from a date determined by the Minister: Provided that—
 - (i) except where a recommendation is made under paragraph (e) the Minister shall not be precluded from making a decision under more than one of the foregoing paragraphs,
 - (ii) the Minister may postpone his decision for not more than twelve months, and
 - (iii) if a teacher who has been called upon to resign from the service of the Department fails so to resign he shall be deemed to have been discharged therefrom as from a date determined by the Minister.

(28) The Minister may act according to the recommendation of the Secretary or adopt any other course which the Secretary could lawfully have recommended under sub-regulation (27).

INEFFICIENT TEACHER.

40. (1) When any inspector, after an inspection of the work of a teacher, finds that such work is unsatisfactory and intends to make a report which may in his opinion result in steps being taken by the Secretary under sub-regulation (2), he shall, forthwith upon the conclusion of any such inspection—

- (a) furnish to such teacher the reasons why he finds his work to have been unsatisfactory; and
- (b) inform such teacher that he intends making such report;

and thereupon such teacher shall be entitled to submit, within a period of twenty-one days of the date upon which he was so informed, to the Secretary any explanation he may wish to offer.

(23) Na oorweging van voormelde notule en stukke, kan die Minister die appèl in sy geheel of gedeeltelik toestaan en die beslissing ter syde stel of wysig, of die appèl afwys en die beslissing in sy geheel of gedeeltelik bekragtig, of kan die Minister, voordat hy oor die appèl tot 'n finale beslissing geraak, die een of ander vraag in verband met die ondersoek terugverwys na die persone wat die ondersoek gehou het en hulle gelas om daaromtrent verslag te doen, of om 'n verdere ondersoek te hou en daaromtrent beslis.

(24) Indien die Minister die hou van 'n verdere ondersoek gelas het, is die bepalings van subregulasies (1) tot en met (12) van toepassing in verband met die verdere ondersoek.

(25) Wanneer die Minister oor die appèl tot 'n finale beslissing geraak het, word sy beslissing skriftelik aan die appellant meegedeel.

(26) Indien die Minister die appèl van 'n appellant wat in sy diens geskors is, toestaan, word hy in sy betrekking herstel en sy volle besoldiging vir die tydperk van sy skorsing betaal.

(27) Indien die aangeklaagde onderwyser die aanklag volgens subregulasie (8) erken het, of indien die notule en stukke in subregulasie (18) gemeld ingevolge daardie subregulasie aan die Sekretaris gestuur is, en daar geen appèl teen die beslissing aangeteken is nie, of indien die Minister die appèl in sy geheel of gedeeltelik afgewys het, kan die Sekretaris by die Minister aanbeveel dat—

- (a) bedoelde onderwyser gewaarsku of berispe word; of
- (b) 'n boete van hoogstens R100 hom opgelê word, en dié boete kan verhaal word deur aftrekking van sy besoldiging in die paaielemente wat deur die Minister vasgestel word; of
- (c) sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word;
- (d) hy na 'n ander pos van gelyke of laer graad oorgeplaas word; of
- (e) hy ontslaan of aangesê word om uit die diens van die Departement te bedank met ingang van 'n datum wat deur die Minister bepaal word: Met dien verstande dat—
 - (i) behalwe waar 'n aanbeveling kragtens paragraaf (e) gedoen word, die Minister nie belet word om 'n beslissing kragtens meer as een van die voorafgaande paragrawe te vel nie,
 - (ii) die Minister sy beslissing hoogstens vir twaalf maande kan uitstel, en
 - (iii) as 'n onderwyser wat aangesê is om uit die diens van die Departement te bedank, versuim om aldus te bedank, hy geag word daaruit ontslaan te gewees het met ingang van die datum wat deur die Minister bepaal is.

(28) Die Minister kan volgens die aanbeveling van die Sekretaris handel of enige ander weg inslaan wat die Sekretaris wettiglik ingevolge subregulasie (27) kon aanbeveel het.

ONBEKWAME ONDERWYSER.

40. (1) Wanneer 'n inspekteur, na 'n inspeksie van die werk van 'n onderwyser, bevind dat sodanige werk onbevredigend is en van voorneme is om 'n rapport uit te bring wat, na sy mening, tot gevolg kan hê dat stappe deur die Sekretaris ingevolge subregulasie (2) gedoen word, moet hy onverwyld na afloop van enige sodanige inspeksie—

- (a) die redes waarom hy sy werk onbevredigend bevind het aan sodanige onderwyser verstrek; en
- (b) sodanige onderwyser meedeel dat hy van voorneme is om sodanige rapport uit te bring;

en daarop is sodanige onderwyser geregtig om, binne 'n tydperk van een-en-twintig dae van die datum waarop hy aldus meegedeel is, enige verduideliking wat hy wil doen, aan die Sekretaris voor te lê.

(2) When the Secretary has received any report contemplated in sub-regulation (1) in respect of any teacher and the period therein referred to has expired, the Minister may cause provisional notice of the termination of such teacher's service to be given to him.

(3) (a) If the Minister has decided under sub-regulation (2) to cause such provisional notice to be forwarded, the Secretary shall cause a copy of the report referred to in sub-regulation (2) to be forwarded to the teacher concerned and shall at the same time inform him that a further inspection of his work will take place at any time after an interval of three months but not later than twelve months after the date of such notice: Provided that any teacher to whom provisional notice of the termination of his service has been forwarded, shall be entitled to submit within a period of thirty days of the date of such notice to claim that such further inspection be held by any inspector other than the one who made the report referred to in sub-regulation (2), if—

(i) such teacher be not a principal, and the principal is not in agreement with the report of the inspector on the merits of such teacher's work, or

(ii) such teacher occupies the post of principal.

(b) If any teacher has exercised his right under the proviso to paragraph (a), the Secretary shall nominate any inspector other than the one who made the first report, to hold such further inspection.

(4) After such further inspection has been held and after the Secretary has considered the resultant report (hereinafter referred to as the second report)—

(a) he may, if the second report in his opinion shows that the work of the teacher concerned is satisfactory, recommend to the Minister that the provisional notice referred to in sub-regulation (2) be withdrawn; or

(b) he may, if the second report shows any improvement in the work of the teacher, but states that such work in the opinion of the inspector is still not sufficiently efficient, submit the case to the Minister with a recommendation that—

(i) the teacher concerned be transferred to any other post of equal or lower grade, or

(ii) with due regard to the provisions of regulation (42) the annual increment of the teacher concerned be withheld for a specified period,

and after receipt and consideration of such recommendation, the Minister may grant his approval to such recommendation, or give such other directive as he may deem fit and thereafter the teacher concerned shall be dealt with in accordance with the approval or directive of the Minister, as the case may be;

(c) he shall, if the second report in his opinion shows that the work of the teacher is unsatisfactory, without the circumstances contemplated in paragraph (b) being present, submit the case to the Minister with a recommendation that the teacher concerned be dismissed from the service from a specified date and the Minister may, after consideration of the recommendation, order the dismissal of such teacher, or he may, at his discretion, impose any one of the penalties provided for in sub-paragraphs (i) or (ii) of paragraph (b); or

(d) he shall, if he is of the opinion that no steps under paragraph (b) should be taken, recommend to the Minister that such provisional notice be withdrawn.

(5) If any inspector at any time after any teacher has been dealt with in accordance with the provisions of sub-regulation (4), reports that the work of such teacher is again or still unsatisfactory, the Secretary shall submit

(2) Wanneer die Sekretaris 'n rapport in subregulasie (1) beoog ten opsigte van enige onderwyser ontvang het en die tydperk daarin genoem verstryk het, kan die Minister voorlopige kennis van die beëindiging van sodanige onderwyser se diens aan hom laat gee.

(3) (a) As die Minister besluit het om ingevolge sub-regulasie (2) sodanige voorlopige kennisgewing te laat stuur, laat die Sekretaris 'n afskrif van die rapport in subregulasie (2) genoem aan die betrokke onderwyser stuur en hom terselfdertyd meedeel dat 'n verdere inspeksie van sy werk te eniger tyd na verloop van minstens drie maande maar hoogstens twaalf maande na die datum van sodanige kennisgewing sal plaasvind: Met dien verstande dat 'n onderwyser aan wie voorlopige kennisgewing van die beëindiging van sy diens gestuur is, die reg het om binne 'n tydperk van dertig dae vanaf die datum van sodanige kennisgewing te eis dat sodanige verdere inspeksie gehou word deur 'n ander inspekteur as dié wat die in subregulasie (2) genoemde rapport uitgebring het, indien—

(i) sodanige onderwyser nie 'n prinsipaal is nie, en die prinsipaal nie saamstem met die rapport van die inspekteur oor die verdienste van sodanige onderwyser se werk nie, of

(ii) sodanige onderwyser die pos van prinsipaal beklee.

(b) As 'n onderwyser sy reg uitgeoefen het ingevolge die voorbehoudsbepaling by paragraaf (a), benoem die Sekretaris 'n ander inspekteur as dié wat die eerste rapport uitgebring het om sodanige verdere inspeksie te hou.

(4) Nadat sodanige verdere inspeksie gehou is en nadat die Sekretaris die rapport na aanleiding daarvan (hieronder die tweede rapport genoem) oorweeg het—

(a) kan hy, as die tweede rapport na sy mening aantoon dat die werk van die betrokke onderwyser bevredigend is, by die Minister aanbeveel dat die voorlopige kennisgewing in subregulasie (2) genoem, teruggetrek word; of

(b) kan hy, as die tweede rapport enige verbetering in die werk van die onderwyser aantoon, maar vermeld dat sodanige werk na die mening van die inspekteur nog nie doeltreffend genoeg is nie, die geval aan die Minister voorlê met 'n aanbeveling dat—

(i) die betrokke onderwyser na 'n ander pos van gelyke of laer graad oorgeplaas word, of

(ii) met inagneming van die bepaling van regulasie 42, die jaarlikse salarisverhoging van die betrokke onderwyser vir 'n bepaalde tyd teruggehou word,

en na ontvangs en oorweging van sodanige aanbeveling kan die Minister sy goedkeuring aan sodanige aanbeveling heg, of sodanige ander opdrag gee as wat hy mag goedvind, en daarna word met die betrokke onderwyser ooreenkomstig die Minister se goedkeuring of opdrag, na gelang van die geval, handel;

(c) moet hy, as die tweede rapport na sy mening aantoon dat die werk van die onderwyser onbevredigend is, sonder dat die omstandighede in paragraaf (b) beoog, teenwoordig is, die geval aan die Minister voorlê met 'n aanbeveling dat die betrokke onderwyser van 'n bepaalde datum af uit die diens ontslaan word en die Minister kan na oorweging van die aanbeveling gelas dat sodanige onderwyser aldus ontslaan word of hy kan na goedgevoel sodanige onderwyser enigeen van die strawwe waarvoor in subparagraaf (i) of (ii) van paragraaf (b) voorsiening gemaak is, opleë; of

(d) moet hy, indien hy van mening is dat geen stappe ingevolge paragraaf (b) gedoen moet word nie, by die Minister aanbeveel dat sodanige voorlopige kennisgewing teruggetrek word.

(5) As 'n inspekteur te eniger tyd nadat met 'n onderwyser ooreenkomstig die bepaling van subregulasie (4) gehandel is, rapporteer dat sodanige onderwyser se werk weer of nog steeds onbevredigend is, moet die Sekretaris

the case to the Minister with a recommendation that any of the penalties referred to in paragraph (b) or (c) of sub-regulation (4) be imposed on such teacher, and the Minister may impose any of those penalties.

CHAPTER V.

PROVISIONS CONCERNING THE REMUNERATION OF TEACHERS.

SALARIES OF TEACHERS.

41. Any teacher who, immediately prior to the date of the coming into operation of the Act, was in the employ of any provincial administration on the staff of any Government Bantu school as referred to in sub-section (2) of section seven of the Act, and was transferred to the service of the Department from the day which follows that day, shall be remunerated in accordance with salaries, salary scales and allowances as applicable from time to time to teachers who were appointed in the service of the Department on or after 1st January, 1954.

SALARY INCREMENTS.

42. (1) Subject to the provisions of sub-regulation (2) the salary of any teacher shall be increased by one salary increment within the limits of the scale applicable to him, after the completion of each salary incremental period and with effect from the first day of the incremental month of such teacher.

(2) If the principal or any other person who has been authorised thereto by the Secretary, issues a certificate in which it is declared that the conduct of any teacher as to industry, discipline, punctuality or sobriety was not uniformly satisfactory during a salary incremental period or that he did not perform his work uniformly satisfactorily during such salary incremental period, the salary of such teacher shall not be increased under the provisions of sub-regulation (1): Provided that the Secretary may, at his discretion, approve that the salary of any teacher be increased under the provisions of sub-regulation (1) notwithstanding that a certificate mentioned in this sub-regulation has been issued.

(3) If the salary of any teacher is not increased under the provisions of sub-regulation (1) or of the proviso to sub-regulation (2) on account of the issue of the certificate mentioned in sub-regulation (2), the Secretary shall notify such teacher, in writing, of the reasons therefor and also that at the expiry of a continuous period to be indicated and which shall not be longer than a salary incremental period, a salary increment may be granted by the Secretary on condition that a certificate is issued by the principal or any other person who has been authorised thereto by the Secretary, in which it is declared that the work performance and conduct of the teacher in regard to the qualities mentioned in sub-regulation (2) were satisfactory during such period.

(4) (a) If the period mentioned in sub-regulation (3) is shorter than a salary incremental period, the Secretary shall grant one salary increment to the teacher with effect from the first day of the month following the date upon which the period mentioned expired: Provided that such salary increment may be granted only if the principal or any other person who has been authorised thereto by the Secretary issues a certificate in which it is declared that the work performance and conduct of the teacher in regard to the qualities mentioned in sub-regulation (2) were satisfactory during such period.

(b) If a salary increment has been granted under paragraph (a) to any teacher, the Secretary shall grant him a further salary increment after the expiry of a salary incremental period reckoned from the date on which his salary would have been increased under sub-regulation (1)

die geval aan die Minister voorlê met 'n aanbeveling dat die een of ander straf in paragraaf (b) of (c) van sub-regulasie (4) genoem aan sodanige onderwyser opgelê word, en die Minister kan sodanige onderwyser enigeen van daardie strawwe oplê.

HOOFSTUK V.

BEPALINGS BETREFFENDE DIE BESOLDIGING VAN ONDERWYSERS.

SALARISSE VAN ONDERWYSERS.

41. 'n Onderwyser wat onmiddellik voor die datum van die inwerkingtreding van die Wet in diens was van 'n provinsiale administrasie in die personeel van 'n Staatsbantoeskool soos bedoel in subartikel (2) van artikel sewe van die Wet en vanaf die dag wat volg op daardie datum na die diens van die Departement oorgeplaas is, word besoldig ooreenkomstig die salarisse, salarisskale en toelae soos van tyd tot tyd van toepassing op onderwysers wat op of na 1 Januarie 1954 in die diens van die Departement aangestel is.

SALARISVERHOOGINGS.

42. (1) Behoudens die bepalings van subregulasie (2), word die salaris van 'n onderwyser verhoog met een salarisverhoging binne die perke van die skaal wat op hom van toepassing is, na die voltooiing van elke salarisverhogingstydperk en wel met ingang van die eerste dag van sodanige onderwyser se verhogingsmaand.

(2) As die prinsipaal of 'n ander persoon wat deur die Sekretaris daartoe gemagtig is 'n sertifikaat uitreik waarin verklaar word dat 'n onderwyser se gedrag met betrekking tot ywer, dissipline, presiesheid op tyd of matigheid gedurende 'n salarisverhogingstydperk nie deurgaans bevredigend was nie of dat sy werk gedurende sodanige salarisverhogingstydperk nie deurgaans op 'n bevredigende wyse verrig is nie, word die salaris van sodanige onderwyser nie kragtens die bepalings van subregulasie (1) verhoog nie: Met dien verstande dat die Sekretaris na goedgekeurde kan goedkeur dat die salaris van 'n onderwyser kragtens die bepalings van subregulasie (1) verhoog word nieetestaan dat 'n sertifikaat soos in hierdie subregulasie bedoel, uitgereik is.

(3) Indien die salaris van 'n onderwyser nie kragtens die bepalings van subregulasie (1) of van die voorbehoudsbepaling by subregulasie (2) verhoog word nie vanweë die uitreiking van 'n sertifikaat in subregulasie (2) genoem, word sodanige onderwyser deur die Sekretaris skriftelik verwittig van die redes daarvoor asook dat by verstryking van 'n aaneenlopende tydperk wat aangedui moet word en wat nie langer as 'n salarisverhogingstydperk is nie, 'n salarisverhoging deur die Sekretaris toegeken kan word op voorwaarde dat 'n sertifikaat deur die prinsipaal of 'n ander persoon wat deur die Sekretaris daartoe gemagtig is, uitgereik word waarin verklaar word dat die onderwyser se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) genoem gedurende sodanige tydperk bevredigend was.

(4) (a) Indien die tydperk in subregulasie (3) genoem korter is as 'n salarisverhogingstydperk, word een salarisverhoging deur die Sekretaris aan die onderwyser toegeken met ingang van die eerste dag van die maand wat volg op die datum waarop genoemde tydperk verstryk: Met dien verstande dat sodanige salarisverhoging toegeken kan word slegs as die prinsipaal of 'n ander persoon wat deur die Sekretaris daartoe gemagtig is, 'n sertifikaat uitreik waarin verklaar word dat die onderwyser se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) genoem gedurende sodanige tydperk bevredigend was.

(b) Indien 'n salarisverhoging kragtens paragraaf (a) aan 'n onderwyser toegeken is, word 'n verdere salarisverhoging deur die Sekretaris aan hom toegeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy salaris kragtens subregulasie (1) verhoog sou

had such increment not been withheld under sub-regulation (2): Provided that such salary increment may be granted only if the principal or any other person who has been authorised thereto by the Secretary issues a certificate in which it is declared that the work performance and conduct of the teacher in regard to the qualities mentioned in sub-regulation (2) continued to be satisfactory from the date of the granting of the salary increment mentioned in paragraph (a) to the date preceding that on which a salary increment may be granted under this paragraph: Provided further that the provisions of this paragraph shall not apply to any teacher if his salary is already equal to the maximum notch of the appropriate salary scale.

(5) If any salary increment in terms of paragraph (a) of sub-regulation (4) is not granted to any teacher—

(a) such teacher shall again be informed in writing by the Secretary of the reasons therefor as well as that at the expiry of a continuous period which must be indicated and which must be equal to the difference between the period mentioned in sub-regulation (3) and a salary incremental period, a salary increment may be granted by the Secretary on condition that the principal or any other person authorised thereto by the Secretary issues a certificate in which it is declared that the work performance and conduct of the teacher in regard to the qualities mentioned in sub-regulation (2) were satisfactory during the continuous period mentioned; and

(b) two salary increments shall be granted by the Secretary to such teacher after the expiry of any salary incremental period reckoned from the date on which his salary would have been increased in terms of sub-regulation (1) if such increment had not been withheld in terms of sub-regulation (2): Provided that such salary increments may be granted only if the principal or any other person authorised thereto by the Secretary issues a certificate in which it is declared that the work performance and conduct of the teacher in regard to the qualities mentioned in sub-regulation (2) were satisfactory during the continuous period mentioned in paragraph (a): Provided further that only one salary increment may be granted to such teacher if his salary is already equal to the second-last notch of the appropriate salary scale.

(6) If the period mentioned in paragraph (a) of sub-regulation (3) is equal to a salary incremental period, the Secretary shall grant two salary increments to such teacher after the expiry of such period: Provided that such salary increments may be granted only if the principal or any other person authorised thereto by the Secretary issues a certificate in which it is declared that the work performance and conduct of the teacher in regard to the qualities mentioned in sub-regulation (2) were satisfactory during such period: Provided further that only one salary increment may be granted to such teacher if his salary is already equal to the second-last notch of the appropriate scale.

(7) If a salary increment is not granted in terms of paragraph (b) of sub-regulation (4), paragraph (b) of sub-regulation (5) or sub-regulation (6) to any teacher, the provisions of sub-regulations (2), (3), (4), (5) and (6) shall *mutatis mutandis* become operative afresh.

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

gewees het as sodanige verhoging nie kragtens die bepalings van subregulasie (2) weerhou was nie: Met die verstande dat sodanige salarisverhoging toegeken kan word slegs as die prinsipaal of 'n ander persoon wat deur die Sekretaris daartoe gemagtig is 'n sertifikaat uitreik waarin verklaar word dat die onderwyser se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) genoem steeds bevredigend was vanaf die datum van toekenning van die salarisverhoging in paragraaf (a) genoem tot die datum voorafgaande dié waarop 'n salarisverhoging kragtens hierdie paragraaf toegeken kan word: Met dien verstande voorts dat die bepalings van hierdie paragraaf nie op 'n onderwyser van toepassing is nie as sy salaris reeds gelyk is aan die maksimum kerf van die toepaslike salarisskaal.

(5) Indien 'n salarisverhoging kragtens paragraaf (a) van subregulasie (4) nie aan 'n onderwyser toegeken word nie—

(a) word sodanige onderwyser weer eens deur die Sekretaris skriftelik verwittig van die redes daarvoor asook dat by verstryking van 'n aaneenlopende tydperk wat aangedui moet word en wat gelyk moet wees aan die verskil tussen die tydperk in subregulasie (3) genoem en 'n salarisverhogings-tydperk, 'n salarisverhoging deur die Sekretaris toegeken kan word op voorwaarde dat 'n sertifikaat deur die prinsipaal of 'n ander persoon wat deur die Sekretaris daartoe gemagtig is, uitgereik word waarin verklaar word dat die onderwyser se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) genoem bevredigend was gedurende genoemde aaneenlopende tydperk; en

(b) word twee salarisverhogings deur die Sekretaris aan sodanige onderwyser toegeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy salaris kragtens subregulasie (1) verhoog sou gewees het as sodanige verhoging nie kragtens die bepalings van subregulasie (2) weerhou was nie: Met dien verstande dat sodanige salarisverhogings toegeken kan word slegs as die prinsipaal of 'n ander persoon wat deur die Sekretaris daartoe gemagtig is, 'n sertifikaat uitreik waarin verklaar word dat die onderwyser se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) genoem bevredigend was gedurende die aaneenlopende tydperk in paragraaf (a) genoem: Met dien verstande voorts dat slegs een salarisverhoging aan sodanige onderwyser toegeken kan word as sy salaris reeds gelyk is aan die tweede laaste kerf van die toepaslike salarisskaal.

(6) Indien die tydperk in paragraaf (a) van subregulasie (3) genoem gelyk is aan 'n salarisverhogingstydperk, word twee salarisverhogings deur die Sekretaris aan sodanige onderwyser toegeken na verstryking van sodanige tydperk: Met dien verstande dat sodanige salarisverhogings toegeken kan word slegs as die prinsipaal of 'n ander persoon wat deur die Sekretaris daartoe gemagtig is, 'n sertifikaat uitreik waarin verklaar word dat die onderwyser se werkverrigting en gedrag met betrekking tot die eienskappe in subregulasie (2) genoem gedurende sodanige tydperk bevredigend was: Met dien verstande voorts dat slegs een salarisverhoging aan sodanige onderwyser toegeken kan word as sy salaris reeds gelyk is aan die tweede laaste kerf van die toepaslike salarisskaal.

(7) Indien 'n salarisverhoging nie kragtens paragraaf (b) van subregulasie (4), paragraaf (b) van subregulasie (5) of subregulasie (6) aan 'n onderwyser toegeken word nie, tree die bepalings van subregulasies (2), (3), (4), (5) en (6) *mutatis mutandis* opnuut in werking.

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

(9) The incremental date of any teacher in the employ of the Department on the coming into operation of these regulations, determined in accordance with any regulation repealed by these regulations, shall be deemed to be an incremental date determined in accordance with these regulations.

(10) Notwithstanding anything to the contrary contained in these regulations, salary increments shall be granted subject to any bar determined by the Minister.

(11) All leave, of whatever nature, either with or without pay, shall count for salary incremental purposes.

REMUNERATION OF ANY TEACHER ACTING AS PRINCIPAL.

43. When any teacher acts as principal for a period of not less than one school quarter, he shall be paid a non-pensionable allowance equal to the difference between the salary which he received immediately before he so acted and the salary which he would have received if he occupied such post in a permanent capacity if such latter salary is higher than the former salary: Provided that such allowance shall not exceed R100 per annum in the case of male teachers and R80 per annum in the case of woman teachers.

METHOD OF PAYMENT OF SALARY.

44. The salary of any teacher shall, in accordance with the provisions of these regulations, be paid monthly: Provided that, in respect of any teacher employed in a permanent capacity, the salary for the month of December may be paid together with the salary for the month of November if a school quarter ends within the month of December.

DATE ON WHICH SALARY COMMENCES AND ENDS.

45. (1) Any teacher who enters the service of the Department shall, subject to the provisions of these regulations, be entitled to salary as from the date on which he assumes duty until the day on which his services terminate.

(2) When the services of any teacher are terminated either by himself or by the Department and not as a result of disciplinary action taken against such teacher in terms of these regulations, and such termination takes effect—

(a) at any time during any school quarter, such teacher shall, subject to the provisions of sub-regulation (3), receive salary up to and including the last day on which such teacher actually taught;

(b) upon the day immediately after the last day of any school quarter, such teacher shall receive salary up to and including the last day of the calendar month in which such school quarter ended; Provided that, if such school quarter ends within the first month of any calendar quarter or if the succeeding school quarter commences within the same calendar month as such aforementioned school quarter ended, such teacher shall receive salary up to and including the last day of the school quarter in which his services are so terminated.

(3) When any teacher terminates his services with the Department of his own accord during any school holiday period or upon the first day after any such period, it shall be deemed that such teacher, for the purposes of this regulation, terminated his services as from the first day after the last day of the school quarter that preceded such school holiday period.

(4) When any teacher who occupies a post in the Department, is appointed to any other post in the Department, and a new salary scale becomes applicable to him, such new salary scale shall become applicable—

(9) Daar word geag dat die verhogingsdatum van enige onderwyser in die diens van die Departement by die inwerkingtreding van hierdie regulasies, bepaal ooreenkomstig enige regulasie by hierdie regulasies herroep, 'n verhogingsdatum is soos ingevolge hierdie regulasies bepaal.

(10) Ondanks andersluidende bepalings in hierdie regulasies vervat, word salarisverhogings toegeken onderworpe aan enige slagboom deur die Minister bepaal.

(11) Alle verlof, van watter aard ook al, hetsy met of sonder betaling, tel vir salarisverhogingsdoeleindes.

BESOLDIGING VAN 'N ONDERWYSER WAT AS PRINSIPAAL WAARNEEM.

43. Wanneer 'n onderwyser as prinsipaal waarneem vir 'n tydperk van minstens een skoolkwartaal, word aan hom 'n nie-pensioendraende toelae betaal gelyk aan die verskil tussen die salaris wat hy ontvang het onmiddellik voordat hy aldus waargeneem het en die salaris wat hy sou ontvang het indien hy sodanige pos in 'n permanente hoedanigheid beklee het as sodanige laasgenoemde salaris hoër is as die eersgenoemde salaris: Met dien verstande dat sodanige toelae nie R100 per jaar mag oorskry nie in die geval van onderwysers en R80 per jaar in die geval van onderwyseresse.

METODE VAN BETALING VAN SALARIS.

44. Die salaris van 'n onderwyser word, ooreenkomstig die bepalings van hierdie regulasies, maandeliks betaal: Met dien verstande dat, ten opsigte van 'n onderwyser in 'n permanente hoedanigheid in diens, die salaris vir die maand Desember tesame met die salaris vir die maand November betaal kan word indien 'n skoolkwartaal binne die maand Desember eindig.

DATUM WAAROP SALARIS BEGIN EN EINDIG.

45. (1) 'n Onderwyser wat tot die diens van die Departement toetree, is, behoudens die bepalings van hierdie regulasies, geregtig op salaris met ingang van die dag waarop hy diens aanvaar tot op die dag waarop sy diens eindig.

(2) Wanneer die dienste van 'n onderwyser deur homself of deur die Departement beëindig word en nie as gevolg van enige dissiplinêre optrede teen sodanige onderwyser ingevolge hierdie regulasies nie, en sodanige beëindiging tree in werking—

(a) te eniger tyd gedurende 'n skoolkwartaal, ontvang sodanige onderwyser, behoudens die bepalings van subregulasie (3), salaris tot en met die laaste dag waarop sodanige onderwyser werklik onderwys gegee het;

(b) op die dag onmiddellik na die laaste dag van 'n skoolkwartaal, ontvang sodanige onderwyser salaris tot en met die laaste dag van die kalendermaand waarin sodanige skoolkwartaal gesluit het: Met dien verstande dat, as sodanige skoolkwartaal binne die eerste maand van 'n kalenderkwartaal sluit of as die eersvolgende skoolkwartaal binne dieselfde kalendermaand begin as wat sodanige bovermelde skoolkwartaal geëindig het, sodanige onderwyser salaris ontvang tot en met die laaste dag van die skoolkwartaal waarin sy dienste aldus beëindig word.

(3) Wanneer 'n onderwyser sy diens by die Departement beëindig uit eie beweging, gedurende enige skoolvakansietydperk of op die eerste dag na enige sodanige tydperk, word daar geag dat sodanige onderwyser, vir die toepassing van hierdie regulasie, sy dienste beëindig het met ingang van die eerste dag na die laaste dag van die skoolkwartaal wat sodanige skoolvakansietyd voorafgegaan het.

(4) Wanneer 'n onderwyser wat 'n pos in die Departement beklee, in 'n ander pos in die Departement aangestel word en 'n nuwe salarisskaal word op hom toegepas, word sodanige nuwe salarisskaal van toepassing—

(a) vanaf die datum van diensaanvaarding deur sodanige onderwyser waar sodanige aanstelling in werking tree op enige dag wat nie die eerste dag van 'n skoolkwartaal is nie; en

- (a) from the date of assumption of duty by such teacher where such appointment becomes effective on any day which is not the first day of a school quarter; and
- (b) from the first day of the calendar quarter in which such day falls when such appointment becomes effective from the first day of any school quarter: Provided that—
- if the preceding school quarter ended within such calendar quarter, salary shall be payable from the first day after the closing day of such preceding school quarter, and
 - if any such teacher assumes duty after the day upon which his appointment was to have taken effect and such late assumption of duty is not approved, salary shall be payable from the day upon which such teacher assumed duty.

(5) When the services of any teacher in the Department terminate on any date because he has reached the prescribed retiring age, he shall receive salary up to and including the day immediately before such date, unless his services are retained beyond such date, in which case he shall receive salary up to and including the last day on which he remains in the service of the Department during the period he is so retained.

(6) Notwithstanding anything to the contrary contained in these regulations, any teacher, who occupies any post in a permanent capacity in the Department and who is appointed or transferred to any other Government department of the Republic of South Africa or to any other education department of any province or the Administration of South West Africa, shall, if his services with the Department terminate at the end of any school quarter which ends during—

- any calendar quarter, receive salary from the Department up to and including the last day of such calendar quarter or up to and including the day immediately prior to the date of his assumption of duty in his new department, whichever is the earlier; or
- the first calendar month of any calendar quarter, receive salary up to and including the last day of such school quarter or the date immediately prior to the date of his assumption of duty in his new department, whichever is the earlier: Provided that, if he assumes duty in his new department prior to any date mentioned herein, he shall receive salary only up to and including the date immediately prior to the date of such assumption of duty.

(7) Notwithstanding anything to the contrary contained in this regulation, any teacher who is appointed in a permanent capacity in the service of the Department and who, immediately prior to such appointment was on the permanent staff of any other Government department of the Republic of South Africa or any other education department of any province or the Administration of South West Africa, shall receive salary from the day immediately after the date up to which he was paid by the department by which he was previously employed.

(8) When it is required of any teacher who up to and including the last day of any school quarter was in the service of the Department in a temporary capacity on any salary scale (whether the services of such teacher with the Department were after such date terminated or not) to assume duty in such service on any day within the first four school days of the succeeding school quarter, and he assumes duty on any such day or if leave with full or half pay has been granted to him for any period which includes such four days, such teacher shall be entitled to receive salary in respect of the intervening school holiday for which he has not already been paid.

(9) Any teacher who was employed as such up to and including the last day of any school quarter by any other Government department of the Republic of South Africa or any other education department of any province or the

(b) vanaf die eerste dag van die kalenderkwartaal waarin sodanige dag val wanneer sodanige aanstelling vanaf die eerste dag van enige skoolkwartaal in werking tree: Met dien verstande dat—

- indien die voorafgaande skoolkwartaal binne sodanige kalenderkwartaal geëindig het, salaris betaalbaar is vanaf die eerste dag na die sluitingsdag van sodanige voorafgaande skoolkwartaal, en
- indien enige sodanige onderwyser diens aanvaar na die dag waarop sy aanstelling in werking moes getree het en sodanige laat diensaanvaarding word nie goedgekeur nie salaris betaalbaar is van die dag waarop sodanige onderwyser diens aanvaar het.

(5) Wanneer die dienste van 'n onderwyser in die Departement op enige datum ten einde loop omdat hy die voorgeskrewe aftredingsouderdom bereik het, ontvang hy salaris tot en met die dag onmiddellik voor sodanige datum, tensy sy dienste behou word tot na sodanige datum, en in dié geval ontvang hy salaris tot en met die laaste dag wat hy in die diens van die Departement bly gedurende die tydperk wat hy aldus in diens gehou word.

(6) Ondanks andersluidende bepalings in hierdie regulasies vervat, ontvang 'n onderwyser wat 'n pos in 'n permanente hoedanigheid in die Departement beklee en wat in enige ander Staatsdepartement van die Republiek van Suid-Afrika of in enige ander onderwysdepartement van enige provinsie of die Administrasie van Suidwes-Afrika aangestel of daarheen oorgeplaas word, indien sy dienste by die Departement eindig aan die einde van 'n skoolkwartaal wat eindig gedurende—

- 'n kalenderkwartaal, salaris van die Departement tot en met die laaste dag van sodanige kalenderkwartaal of tot en met die dag onmiddellik voor die datum van sy diensaanvaarding in sy nuwe departement, naamlik die een wat die vroegste is; of
- die eerste kalendermaand van 'n kalenderkwartaal, salaris tot en met die laaste dag van sodanige skoolkwartaal of die datum onmiddellik voor die datum van sy diensaanvaarding in sy nuwe departement, naamlik die een wat die vroegste is: Met dien verstande dat, as hy diens in sy nuwe departement aanvaar voor enige datum hierin genoem, hy salaris ontvang slegs tot en met die datum onmiddellik voor die datum van sodanige diensaanvaarding.

(7) Ondanks andersluidende bepalings in hierdie regulasie vervat, ontvang 'n onderwyser wat in 'n permanente hoedanigheid in die diens van die Departement aangestel word en wat onmiddellik voor sodanige aanstelling in die permanente personeel van enige ander Staatsdepartement van die Republiek van Suid-Afrika of van die onderwysdepartement van enige provinsie of die Administrasie van Suidwes-Afrika was, salaris van die dag af onmiddellik na die datum tot wanneer hy deur die departement by wie hy voorheen in diens was, besoldig is.

(8) Wanneer daar van 'n onderwyser wat tot en met die laaste dag van 'n skoolkwartaal in 'n tydelike hoedanigheid op 'n salarisskaal in die diens van die Departement was (of sodanige onderwyser se dienste by die Departement na sodanige datum beëindig is of nie), vereis word om in sodanige diens werksaamhede te aanvaar op 'n dag binne die eerste vier skooldae van die eersvolgende skoolkwartaal, en hy aanvaar diens op enige sodanige dag of as daar aan hom verlof met volle of halwe besoldiging toegestaan is vir enige tydperk wat sodanige vier dae insluit, is sodanige onderwyser geregtig om salaris te ontvang ten opsigte van die tussenkomende skoolvakansie waarvoor hy nie alreeds besoldig is nie.

(9) 'n Onderwyser wat as sodanig tot en met die laaste dag van 'n skoolkwartaal in die diens van enige ander staatsdepartement van die Republiek van Suid-Afrika of enige ander onderwysdepartement van enige provinsie of

Administration of South West Africa, and who is appointed in a temporary capacity in the service of the Department on the first day of the next succeeding school quarter, shall be paid from the day which immediately succeeds the date up to which he was paid by the department by which he was previously employed.

CESSION OF EMOLUMENTS.

46. A teacher shall not cede the whole or any portion of his emoluments without the written permission of the Secretary.

PENSION MATTERS.

47. (1) Any teacher, excluding a teacher to whom sub-section (5) of section *ten* of the Act applies, and who has been or is appointed on probation or in a permanent capacity to the teaching staff, shall, for pension and retirement purposes, be deemed to be employed in a classified post in the Public Service.

(2) Any teacher to whom sub-regulation (5) of section *ten* of the Act applies, and who has been so appointed, may within ninety days after he is called upon by the Commissioner of Pensions to do so, elect to relinquish all the rights which he retained and to be exempted from the continued obligations under that sub-section and to become a member of the Public Service Pension Fund mentioned in section *two* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), and if he so elects, the provisions of sub-sections (2) and (3) of section *thirteen* of the said Government Service Pensions Act, 1955, shall apply as if he is a person who is liable to contribute to that fund.

CLIMATIC ALLOWANCES.

48. The provisions of the regulations and other instructions concerning the payment of climatic allowances to officers and employees of the Public Service of the Republic of South Africa shall apply *mutatis mutandis* to teachers.

NON-PENSIONABLE BONUSES.

49. Any teacher who at the date on which these regulations become applicable to him, had been granted a non-pensionable bonus for any special qualification under regulation No. 31 of Provincial Notice (Natal) No. 524 of 27th November, 1947, shall be deemed to have been granted such bonus under these regulations.

No. R. 1951.]

[13 December 1963.]

REGULATIONS REGARDING THE CONDITIONS OF APPOINTMENT, SERVICE, AND DISCIPLINE OF BANTU TEACHERS IN POSTS AT GOVERNMENT BANTU SCHOOLS, AND IN OTHER POSTS DESIGNATED BY THE MINISTER.

Under and by virtue of the powers vested in me by sub-section (6) of section *ten* and sub-section (1) of section *fifteen* of the Bantu Education Act, 1953 (Act No. 47 of 1953), as amended, I, WILLEM ADRIAAN MAREE, Minister of Bantu Education, hereby make the regulations contained in the Schedule hereto, in substitution for the regulations published under Government Notice No. 841 of 22nd April, 1955, as amended, and Government Notice No. 1991 of 20th December, 1957.

W. A. MAREE,
Minister of Bantu Education.

die Administrasie van Suidwes-Afrika was en wat op die eerste dag van die eersvolgende skoolkwartaal in 'n tydlike hoedanigheid in die diens van die Departement aangestel word, word besoldig vanaf die dag wat onmiddellik volg op die datum tot wanneer hy deur die Departement by wie hy voorheen in diens was, besoldig is.

AFSTAND VAN BESOLDIGING.

46. 'n Onderwyser mag nie sy hele of enige gedeelte van sy besoldiging sonder die skriftelike toestemming van die Sekretaris afstaan nie.

PENSIOENAANGELEENTHEDE.

47. (1) Enige onderwyser, uitgesonderd 'n onderwyser op wie subartikel (5) van artikel *tien* van die Wet van toepassing is, en wat op proef of in 'n permanente hoedanigheid in die onderwyspersoneel aangestel is of aangestel word, word vir pensioen- en aftredingsdoeleindes beskou asof hy in diens geneem is in 'n geklassifiseerde pos in die Staatsdiens.

(2) 'n Onderwyser op wie subartikel (5) van artikel *tien* van die Wet van toepassing is, en wat aldus aangestel is, kan binne negentig dae nadat hy deur die Kommissaris van Pensioene versoek is om dit te doen, kies om afstand te doen van al die regte wat hy het en om vrygestel te word van die voortgesette verpligtings kragtens daardie subartikel en om lid te word van die Staatsdienspensioenfonds genoem in artikel *twee* van die Regeringsdienspensioenwet, 1955 (Wet No. 58 van 1955), en indien hy aldus kies, is die bepalings van subartikels (2) en (3) van artikel *dertien* van genoemde Regeringsdienspensioenwet, 1955, van toepassing asof hy 'n persoon is wat verplig is om tot daardie fonds by te dra.

KLIMAATSTOELAE.

48. Die bepalings van die regulasies en ander voorskrifte betreffende die betaling van klimaatstoelae aan beamptes en werknemers van die Staatsdiens van die Republiek van Suid-Afrika is *mutatis mutandis* van toepassing op onderwysers.

NIE-PENSIOENDRAENDE BONUSSE.

49. 'n Onderwyser aan wie op die tydstip wanneer hierdie regulasies op hom van toepassing word 'n nie-pensioendraende bonus vir 'n spesiale kwalifikasie toegeken is kragtens regulasie No. 31 van Provinsiale Kennisgewing (Natal), No. 524 van 27 November 1947, word beskou asof sodanige bonus kragtens hierdie regulasies aan hom toegeken is.

No. R. 1951.]

[13 Desember 1963.]

REGULASIES BETREFFENDE DIE AANSTELLINGS-, DIENS-, EN TUGVOORWAARDES VAN BANTOE-ONDERWYSERS IN POSTE BY STAATSBANTOESKOLE EN IN ANDER POSTE DEUR DIE MINISTER AANGEWYS.

Kragtens die bevoegdheid my verleen by subartikel (6) van artikel *tien* en subartikel (1) van artikel *vyftien* van die Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953), soos gewysig, vaardig ek, WILLEM ADRIAAN MAREE, Minister van Bantoe-onderwys, hierby die regulasies uit wat in die Bylae hiervan vervat is, ter vervanging van die regulasies afgekondig by Goewermmentskennisgewing No. 841 van 22 April 1955, soos gewysig, en Goewermmentskennisgewing No. 1991 van 20 Desember 1957.

W. A. MAREE,
Minister van Bantoe-onderwys.

SCHEDULE.

DEFINITIONS.

1. In these regulations "the Act" shall mean the Bantu Education Act, 1953 (Act No. 47 of 1953), and unless inconsistent with the context, any expression to which in that Act a meaning has been assigned, shall have the meaning so assigned thereto, and—

"assistant teacher" shall mean a Bantu teacher who is appointed to teach in a Bantu school, under the supervision of a principal;

"calendar month" shall mean a period extending from the first up to and including the last day of any of the twelve months of the calendar year;

"calendar quarter" shall mean a period of three consecutive calendar months which ends on 31st March, 30th June, 30th September, and 31st December of any calendar year;

"Government Bantu School" shall mean a school established and maintained in accordance with paragraph (a) of sub-section (1) of section seven of the Act, or which is deemed to have been established in accordance with sub-section (2) of section seven of the Act;

"month" shall have the same meaning as calendar month;

"officer" shall mean an officer on the fixed establishment of the Department;

"principal" shall mean the teacher who has the control over a school and the teaching staff thereof;

"salary scale" shall mean also a salary at a fixed amount and any allowance excluding a climatic or a compensative allowance;

"school quarter" shall mean any one of the periods during any calendar year in which instruction is given to pupils in a Government Bantu school as determined from time to time by the Secretary;

"teacher" shall mean a Bantu member of the teaching staff of a Government Bantu School, and for the purposes of these regulations shall include a sub-inspector, a supervisor, a principal, a vice-principal, a test officer, a lecturer guide, an inspector's clerk, an assistant teacher and a Bantu *locum tenens*; and

"teaching post" and "post" shall have a corresponding meaning;

APPOINTMENT AND PROMOTIONS.

2. (1) No person shall be appointed or promoted in a permanent capacity as a teacher on the teaching establishment unless he is a South African citizen, possesses the qualifications and has attained the age laid down for the specific post.

(2) No person shall after the coming into operation of these regulations, be appointed as a teacher in a permanent capacity or on probation, unless he is of good character and is free from any mental or physical defect, disease or ailment which may in the opinion of the Secretary possibly be detrimental to the proper performance of his duties or may possibly cause him to retire before reaching the prescribed retirement age.

(3) A teacher who occupies a post the grade of which is raised on reclassification shall not as of right have a claim to such regraded post.

(4) The Minister may, on the first appointment of a teacher, require him to submit himself to a medical examination by a district surgeon or any other registered medical practitioner, and to submit a medical certificate on the approved form.

FILLING OF POSTS OF SUB-INSPECTOR, SUPERVISOR, PRINCIPAL AND VICE-PRINCIPAL.

3. (1) In order to fill a post of sub-inspector, supervisor, principal or vice-principal, the Minister shall—

(a) transfer or promote a teacher who is already a member of the teaching staff; or

(b) appoint a person from outside the teaching staff if in the opinion of the Minister the post cannot be filled satisfactorily by way of transfer or promotion of a teacher.

BYLAE.

WOORDOMSKRYWING.

1. In hierdie regulasies beteken „die Wet” die Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953), en tensy uit die samehang anders blyk, het elke uitdrukking waarvan in daardie Wet 'n betekenis geheg is, die betekenis aldus daaraan geheg, en beteken—

„assistent-onderwyser” 'n Bantoe-onderwyser wat aangestel is om in 'n Bantoeskool onderwys onder toesig van 'n prinsipaal te gee;

„beampte” 'n beampte op die vaste diensstaat van die Departement;

„kalenderkwartaal” 'n tydperk van drie agtereenvolgende kalendermaande wat op 31 Maart, 30 Junie, 30 September en 31 Desember van 'n kalenderjaar eindig;

„kalendermaand” 'n tydperk wat van die eerste tot en met die laaste dag van enigene van die twaalf maande van 'n kalenderjaar strek;

„maand” dieselfde as kalendermaand;

„onderwyser” 'n Bantoe lid van die onderwyspersoneel van 'n Staatsbantoeskool en vir die toepassing van hierdie regulasies ook 'n onderinspekteur, 'n opsiener, 'n prinsipaal, 'n vise-prinsipaal, 'n toetsafnemer, 'n lektorgids, 'n inspekteursklerk, 'n assistent-onderwyser en 'n Bantoe *locum tenens*; en „onderwyspos” en „pos” het 'n ooreenstemmende betekenis;

„prinsipaal” die onderwyser wat beheer het oor 'n skool en die onderwyspersoneel daarvan;

„salarisskaal” ook salaris teen 'n vaste bedrag en enige toelae uitgesonderd 'n klimaatstoelae of 'n vergoedende toelae;

„skoolkwartaal” enigene van die tydperke in enige kalenderjaar soos van tyd tot tyd deur die Sekretaris bepaal waarin onderrig aan leerlinge in 'n staatsbantoeskool gegee word; en

„Staatsbantoeskool” 'n skool wat ooreenkomstig paragraaf (a) van subartikel (1) van artikel sewe van die Wet ingestel en in stand gehou word of wat geag word ooreenkomstig subartikel (2) van artikel sewe van die Wet ingestel te gewees het.

AANSTELLINGS EN BEVORDERINGS.

2. (1) Geen persoon word in 'n permanente hoedanigheid as 'n onderwyser in die onderwyspersoneel aangestel of bevorder nie tensy hy 'n Suid-Afrikaanse burger is, die kwalifikasies besit en die ouderdom bereik het wat vir die bepaalde pos vereis word.

(2) Niemand mag na die inwerkingtreding van hierdie regulasies as 'n onderwyser in 'n permanente hoedanigheid of op proef aangestel word nie tensy hy van goeie karakter is en vry is van enige geestelike of liggaamlike gebrek, siekte of kwaal wat na die oordeel van die Sekretaris moontlik afbreuk kan doen aan die behoorlike uitvoering van sy pligte, of moontlik die oorsaak kan wees dat hy moet aftree voor bereiking van die voorgeskrewe aftredingsouderdom.

(3) 'n Onderwyser wat 'n pos beklee waarvan die graad by herindelung verhoog word, kan nie as 'n reg op so 'n hergradeerde pos aanspraak maak nie.

(4) By 'n eerste aanstelling kan die Minister vereis dat 'n onderwyser hom aan 'n mediese ondersoek deur 'n distriksgeneesheer of ander geregistreerde geneesheer onderwerp en 'n geneeskundige sertifikaat op 'n goedgekeurde vorm voorleë.

VULLING VAN POSTE VAN ONDERINSPEKTEUR, OPSIENER, PRINSIPAAL EN VISE-PRINSIPAAL.

3. (1) Ten einde 'n pos van onderinspekteur, opsiener, prinsipaal of vise-prinsipaal te vul, moet die Minister—

(a) 'n onderwyser wat reeds lid van die onderwyspersoneel is, oorplaas of bevorder; of

(b) 'n persoon van buite die onderwyspersoneel aanstel indien die pos na die mening van die Minister nie bevredigend gevul kan word by wyse van oorplasing of bevordering van 'n onderwyser nie.

(2) In making such appointment, the Minister shall have due regard to the qualifications, relative merit, ability and suitability of the persons who are eligible for promotion, transfer or appointment.

APPOINTMENT ON PROBATION.

4. (1) All permanent appointments shall be on probation.

(2) The period of probation shall be at least one year and not more than three years: Provided that an appointment on probation of less than three years may be extended from time to time by the Minister to a maximum period of three years.

(3) The probationary appointment of a teacher shall not be confirmed, unless the Minister is satisfied that during the probationary or extended probationary period such teacher was diligent, that his conduct was satisfactory throughout and that he is in all respects suitable for the confirmation of his appointment.

(4) Notwithstanding anything contained in these regulations, a teacher who is on probation may be dismissed from service by the Minister either during, or at the expiration of, or after, the probationary period—

- (a) on 30 days' notice; or
- (b) forthwith, if his conduct is not satisfactory.

APPOINTMENT OF SUBSTITUTE STAFF.

5. (1) When a teacher is unable to carry out the functions of his office or post, owing to absence or illness or any other cause, or when an office or post is vacant, the Minister may approve that a suitable person be appointed to act in the place of the absent or sick teacher, or in the vacant office or post, until the vacancy is filled, and any person who has been so appointed shall exercise the powers and carry out the duties attaching to such post.

(2) A teacher who acts in a higher post for a period of 30 days or longer, may be paid an allowance equal to the allowance he would have received if he had occupied the higher post permanently.

TEMPORARY OR PART-TIME APPOINTMENTS.

6. (1) The Minister may appoint any person in a temporary or part-time capacity or on contract against approved provision for a limited period to perform such work as is necessary for the execution of the Department's functions.

(2) All appointments of a temporary or part-time nature may be terminated on twenty-four hours' notice by either party.

TRANSFER OF TEACHERS.

7. Any teacher on the teaching establishment may whenever the public interest or the Department's interests so demand, be transferred from the school or office where he is employed, or from a position he occupies, to any other school, office or position on the teaching establishment, irrespective of whether the post to which he is transferred is of a lower grade or not: Provided that no transfer which involves a reduction of such teacher's emoluments, shall be made without his consent, except as provided for in regulation 15 or 16: Provided further that a teacher who has been transferred to a post of a lower grade without reduction in emoluments, shall be appointed to a post appropriate to his grade, as soon as a vacancy occurs.

WHOLE TIME OF TEACHERS TO BE AT DISPOSAL OF DEPARTMENT.

8. (1) Unless otherwise provided in the conditions of his appointment—

- (a) every teacher shall place the whole of his time at the disposal of the Department;

(2) Wanneer hy sodanige aanstelling doen, moet die Minister behoorlik rekening hou met die kwalifikasies, relatiewe verdienstelikheid, bekwaamheid en geskiktheid van die persone wat vir bevordering, oorpasing of aanstelling in aanmerking kom.

AANSTELLING OP PROEF.

4. (1) Alle permanente aanstellings geskied op proef.

(2) Die proeftydperk moet minstens een jaar en hoogstens drie jaar wees: Met dien verstande dat 'n aanstelling op proef van minder as drie jaar van tyd tot tyd deur die Minister verleng kan word tot 'n maksimum tydperk van drie jaar.

(3) Die proefaanstelling van 'n onderwyser word nie bekragtig nie tensy die Minister daarvan oortuig is dat sodanige onderwyser gedurende die proeftydperk of verlengde proeftydperk ywerig was, dat sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die bekragtiging van sy aanstelling.

(4) Ondanks enigiets wat in hierdie regulasies vervat is, kan 'n onderwyser wat op proef in diens is deur die Minister uit die diens ontslaan word hetsy gedurende of by of na die verstryking van die proeftydperk—

- (a) met 30 dae kennisgewing; of
- (b) onverwyld as sy gedrag onbevredigend is.

AANSTELLING VAN PLAASVERVANGENDE PERSONEEL.

5. (1) Wanneer 'n onderwyser weens afwesigheid of siekte of om enige ander rede nie in staat is om die funksies van sy amp of pos uit te voer nie, of wanneer 'n amp of pos vakant is, kan die Minister goedkeur dat 'n geskikte persoon aangestel word om in die plek van die afwesige of siek onderwyser of in die vakante amp of pos waar te neem totdat die vakature aangevul is en iemand wat aldus aangestel is, oefen die bevoegdhede en voer die pligte uit wat aan die pos verbonde is.

(2) Aan 'n onderwyser wat waarneem in 'n hoër pos vir 'n tydperk van 30 dae of langer kan 'n toelae betaal word gelyk aan die toelae wat hy sou gekry het indien hy die hoër pos permanent bekleed het.

TYDELIKE OF DEELTYDSE AANSTELLINGS.

6. (1) Die Minister kan enige persoon teen goedgekeurde voorsiening in 'n tydelike of deeltydse hoedanigheid of op kontrak vir 'n bepaalde tyd aanstel om sodanige werk te verrig as wat nodig is vir die uitvoering van die Departement se werksaamhede.

(2) Alle aanstellings van 'n tydelike of deeltydse aard kan met kennisgewing van vier-en-twintig uur deur die een of die ander party beëindig word.

OORPLASING VAN ONDERWYSERS.

7. Enige onderwyser in die onderwyspersoneel kan, wanneer die openbare belang of die belange van die Departement dit vereis, van die skool of kantoor waar hy in diens is, of uit 'n betrekking wat hy bekleed, na enige ander skool, kantoor of betrekking in die onderwyspersoneel oorgeplaas word, ongeag of die pos waarheen hy oorgeplaas word van 'n laer graad is of nie: Met dien verstande dat geen oorpasing wat 'n vermindering van sodanige onderwyser se besoldiging meebring, sonder sy toestemming mag geskied nie uitgesonderd soos bepaal in regulasie 15 of 16: Met dien verstande verder dat 'n onderwyser wat na 'n pos van 'n laer graad sonder vermindering van besoldiging oorgeplaas is, in 'n pos van gepaste gradering opgeneem moet word sodra 'n geskikte vakature ontstaan.

DIE VOLLE TYD VAN ONDERWYSERS MOET TOT BESIKKING VAN DIE DEPARTEMENT WEES.

8. (1) Tensy anders bepaal in die voorwaardes van sy aanstelling—

- (a) moet elke onderwyser al sy tyd tot beskikking van die Departement plaas;

- (b) no teacher shall perform or engage himself to perform remunerative work outside the service of the Department without the written permission of the Minister;
- (c) no teacher may claim as of right additional remuneration in respect of the performance of any extra-curricular duty or work which he is required by competent authority to perform.

(2) A teacher shall be on duty at the school to which he is attached, without any claim to extra remuneration on—

- (a) the working day immediately prior to the day on which the first school quarter commences;
- (b) the working day immediately following the day on which the second school quarter ends; and
- (c) the two working days immediately following the day on which the fourth school quarter ends:

Provided that the provisions of paragraph (a) shall not apply to a teacher who is newly appointed: Provided further that the provisions of paragraphs (b) and (c) shall apply only to a teacher whose services with the Department are not terminated at the end of the said school quarters.

TEACHERS' EMOLUMENTS.

9. (1) Teachers shall be remunerated according to the salary scales laid down by the Minister under the provisions of sub-section (6) of section *ten* of the Act.

(2) A teacher shall on appointment be paid the minimum of the salary scale applicable to him, except where he has teaching or other experience recognised by the Secretary, in which case he shall be paid a higher commencing salary calculated on the basis of one notch on the relative salary scale for each completed year of such experience, whether continuous or not.

(3) A teacher shall be paid with effect from the day on which he assumes duty until the day on which his service terminates unless the Minister approves otherwise.

(4) Notwithstanding the provisions of sub-regulation (3) a teacher who serves for a continuous period which is more than half a school quarter, and whose services are terminated may be remunerated up to and including the last day of the calendar month during which his service terminates, provided that he serves up to and including the last school day or working day of such month, as the case may be.

(5) If the service of a teacher who occupies a post in the Department or a post in respect of which a grant-in-aid is paid by the Department, terminates after he has occupied such post for a continuous period which is more than half a school quarter, and he is re-appointed as from the first succeeding school or working day after such termination to a post in the Department or to a post in respect of which a grant-in-aid is paid by the Department, he may be remunerated for the interim period notwithstanding the provisions of sub-regulations (3) and (4).

(6) The provisions of sub-regulations (4) and (5) shall not apply to a teacher who is appointed only to relieve another teacher during the latter's absence from duty.

(7) An annual salary increment shall be granted to a teacher within his applicable salary scale, except where his conduct in regard to diligence, discipline, accuracy on time, or sobriety, or his work during the incremental period has not been satisfactory throughout.

(8) Where an annual increment is granted, the incremental date of a teacher appointed on a date from the first up to and including the fifteenth day of a month shall be the first day of that month and that of a teacher appointed on a date from the sixteenth up to and including the last day of a month, the first day of the following month.

(b) mag geen onderwyser sonder die skriftelike toestemming van die Minister besoldigde werk buite die diens van die Departement doen of hom verbind om sulke werk te doen nie;

(c) mag geen onderwyser as 'n reg aanspraak maak op ekstra besoldiging ten opsigte van die verrigting van enige plig of werk wat nie deel van die kurrikulum uitmaak nie wat aan hom opgedra is deur iemand wat die reg daartoe het.

(2) 'n Onderwyser moet by die skool waaraan hy verbonde is, op diens wees sonder aanspraak op ekstra besoldiging op—

- (a) die werkdag onmiddellik voor die dag waarop die eerste skoolkwartaal begin;
- (b) die werkdag wat onmiddellik volg op die dag waarop die tweede skoolkwartaal eindig; en
- (c) die twee werkdag wat onmiddellik volg op die dag waarop die vierde skoolkwartaal eindig;

Met dien verstande dat die bepalinge van paragraaf (a) nie van toepassing is op 'n onderwyser wat pas aangestel is nie: Met dien verstande voorts dat die bepalinge van paragrafe (b) en (c) van toepassing is slegs op 'n onderwyser wie se dienste by die Departement nie aan die einde van genoemde skoolkwartale beëindig word nie.

BESOLDIGING VAN ONDERWYSERS.

9. (1) Onderwysers word besoldig volgens die salarisskaal wat deur die Minister ingevolge die bepalinge van subartikel (6) van artikel *tien* van die Wet bepaal is.

(2) 'n Onderwyser word by aanstelling salaris betaal teen die minimum van die salarisskaal wat op hom van toepassing is, behalwe as hy onderwys- of ander ondervinding het wat deur die Sekretaris erken word, in watter geval aan hom 'n hoër aanvangsalaris betaal word bereken op die basis van een kerf op die betrokke skaal vir elke voltooide jaar van sodanige ondervinding, hetsy onderbroke of nie.

(3) 'n Onderwyser word besoldig met ingang van die dag waarop hy diens aanvaar tot op die dag waarop sy diens eindig tensy die Minister anders goedkeur.

(4) Ondanks die bepalinge van subregulasie (3) kan 'n onderwyser wat vir 'n aaneenlopende tydperk, wat meer is as die helfte van 'n skoolkwartaal, diens gedoen het en wie se diens eindig, besoldig word tot en met die laaste dag van die kalendermaand waarin sy diens eindig, mits hy diens doen tot en met die laaste skooldag of werkdag, na gelang van die geval, in sodanige maand.

(5) Indien die diens van 'n onderwyser wat 'n pos beklee in die Departement of 'n pos ten opsigte waarvan die Departement 'n hulptoekenning betaal, eindig nadat hy sodanige pos beklee het vir 'n aaneenlopende tydperk wat meer as die helfte van 'n skoolkwartaal is en hy weer met ingang van die eersvolgende skooldag of werkdag na sodanige beëindiging aangestel word in 'n pos in die Departement of in 'n pos ten opsigte waarvan 'n hulptoekenning deur die Departement betaal word, kan hy ondanks die bepalinge van subregulasies (3) en (4), vir die tussenkommende tydperk besoldig word.

(6) Die bepalinge van subregulasie (4) en (5) is nie van toepassing op 'n onderwyser wat aangestel is slegs om 'n ander onderwyser tydens laasgenoemde se afwesigheid van diens af te los nie.

(7) 'n Jaarlikse salarisverhoging word aan 'n onderwyser binne sy toepaslike salarisskaal toegeken, behalwe in 'n geval waar sy gedrag met betrekking tot ywer, dissipline, presiesheid op tyd of matigheid of sy werk gedurende sy salarisverhogingstydperk nie deurgaans bevredigend was nie.

(8) Indien 'n jaarlikse salarisverhoging toegestaan word, is die verhogingsdatum van 'n onderwyser wat op 'n datum vanaf die eerste dag tot en met die vyftiende dag van 'n maand aangestel is, die eerste dag van daardie maand en dié van 'n onderwyser wat op 'n datum vanaf die ses-tiende dag tot en met die laaste dag van 'n maand aangestel is, die eerste dag van die volgende maand.

(9) Leave without pay, except study leave, shall not count as service for purposes of salary increments, and the incremental date of a teacher shall be extended by the period or periods of such leave.

(10) Subject to the provisions of regulations 15 and 16, the salary of a teacher shall not be reduced without his consent, and he may not be placed on a lower salary scale unless he agrees thereto, or unless the Minister has ordered a general reduction in the salaries of the whole teaching staff.

CESSION OF SALARIES.

10. No teacher shall have the right to cede his salary or allowances or any part thereof without the approval of the Secretary.

DISCHARGE OF TEACHERS.

11. (1) The services of a teacher may be terminated—

- (a) on his reaching the age of 60 years in the case of male teachers and of 55 years in the case of women teachers;
- (b) in the case of a woman teacher, at the end of the school quarter in which her marriage takes place;
- (c) on account of continued ill-health;
- (d) owing to the abolition of his post or to any reduction in, or reorganisation or readjustment of the staff of the school, or if his removal will facilitate the improvement of the organisation of the school, by which greater efficiency or economy may be effected;
- (e) on account of inefficiency in the execution of his duties, subject, however, to the provisions of regulation 16;
- (f) on account of misconduct as described in regulation 12;
- (g) on three months' notice if the Minister is of the opinion that the continued employment of the teacher is not in the interests of the Department;
- (h) if he is found guilty by a court of law of a criminal charge, which in the opinion of the Minister renders him unsuitable for further service.

(2) A teacher may terminate his services by giving written notice of one school quarter, or such shorter notice as may be acceptable to the Secretary.

MISCONDUCT.

12. A teacher shall be guilty of misconduct, and action may be taken against him under the provisions of these regulations, if he—

- (a) refuses to obey, or disregards or wilfully fails to carry out a lawful order given to him by a person having authority to give such order, or by word or conduct commits insubordination; or
- (b) is negligent, indolent or dishonest in the execution of his duties or absents himself from his work without valid reason; or
- (c) conducts himself in a disgraceful, improper or unbecoming manner, or while on duty treats with gross discourtesy a member of the public or an officer or a teacher; or
- (d) is inefficient or incompetent in the execution of his duties from causes within his own control; or
- (e) transgresses against good morals or makes excessive use of intoxicating liquor or drugs, or during school hours or when he is on duty otherwise, shows signs of having taken intoxicants or drugs to such a degree as to be likely to cause offence; or
- (f) is found guilty by a court of law of a criminal offence which in the opinion of the Secretary makes him unsuitable to continue his services as a teacher; or

(9) Verlof sonder betaling, uitgesonderd studieverlof, tel nie as diens vir salarisverhogingsdoeleindes nie en die verhogingsdatum van 'n onderwyser moet verskuif word met die tydperk of tydperke van sodanige verlof.

(10) Behoudens die bepalings van regulasies 15 en 16 mag die salaris van 'n onderwyser nie sonder sy toestemming verminder word nie en mag hy nie op 'n laer salarisskaal geplaas word nie tensy hy daartoe instem of die Minister 'n algemene vermindering van salarisse vir die hele onderwyspersoneel gelas.

AFSTAND VAN SALARIS.

10. Geen onderwyser het die reg om sy salaris of toelaes of enige gedeelte daarvan sonder die goedkeuring van die Sekretaris af te staan nie.

ONTSLAG VAN ONDERWYSERS.

11. (1) Die dienste van 'n onderwyser kan beëindig word—

- (a) by bereiking van die ouderdom van 60 jaar in die geval van onderwysers en van 55 jaar in die geval van onderwyseresse;
- (b) in die geval van 'n onderwyseres, aan die einde van die skoolkwartaal waarin sy in die huwelik tree;
- (c) op grond van voortdurende swak gesondheid;
- (d) weens afskaffing van sy pos of enige vermindering in of herorganisasie of heraanpassing van die personeel van die skool, of as sy verwydering bevorderlik sal wees vir die verbetering van die organisasie van die skool waardeur groter doeltreffendheid of besparing bewerkstellig kan word;
- (e) op grond van onbekwaamheid in die uitvoering van sy pligte maar behoudens die bepalings van regulasie 16;
- (f) op grond van wangedrag soos beskryf in regulasie 12;
- (g) met drie maande kennisgewing indien die Minister van mening is dat die indienshouding van die onderwyser nie in die belang van die Departement is nie;
- (h) indien hy deur 'n geregshof skuldig bevind word aan 'n kriminele misdryf wat hom na die mening van die Minister vir verdere diens ongeskik maak.

(2) 'n Onderwyser kan sy dienste beëindig deur een skoolkwartaal skriftelik kennis te gee of sodanige korter kennisgewing as wat vir die Sekretaris aanneemlik is.

WANGEDRAG.

12. 'n Onderwyser is skuldig aan wangedrag en daar kan ooreenkomstig die bepalings van hierdie regulasies met hom gehandel word, as hy—

- (a) weier om 'n regmatige bevel aan hom gegee deur iemand wat die reg het om dit te gee, te gehoorsaam of so 'n bevel verontagsaam of opsetlik versuim om dit uit te voer of deur woord of gedrag insubordinasie pleeg; of
- (b) nalatig, traag of oneerlik is in die uitvoering van sy pligte of van sy werk sonder geldige rede wegbly; of
- (c) hom op 'n skandelijke, onbehoorlike of onbetaamlike wyse gedra of terwyl hy op diens is hom uiters onbeleef betoon teenoor 'n beampte of onderwyser of lid van die publiek; of
- (d) ongeskik of onbekwaam in die uitvoering van sy pligte is ten gevolge van oorsake binne sy beheer; of
- (e) hom teen die goeie sedes vergryp of oormatige gebruik maak van bedwelmende drank of verdowingsmiddels, of gedurende skoolure of wanneer hy andersins op diens is, blyke daarvan toon dat hy bedwelmende drank of 'n verdowingsmiddel in so 'n mate gebruik het dat dit aanstoot kan gee; of
- (f) deur 'n geregshof skuldig bevind word aan 'n kriminele misdryf wat na die mening van die Sekretaris hom ongeskik maak om met sy dienste as onderwyser voort te gaan; of

- (g) misappropriates or improperly uses property or funds of the State or any Bantu school in circumstances not constituting a criminal offence; or
- (h) encourages disobedience or resistance to the laws of the State through his acts or behaviour; or
- (i) identifies himself actively with a political party or body or actively participates in political matters, or in the nomination or election of members of a school board, or Bantu authority or governing body or school committee, or urban Bantu council: Provided that the Secretary may grant permission to a teacher to be appointed, elected or selected as a member of an urban Bantu council or other local authority; or
- (j) engages for remuneration or profit in any work outside his service as a teacher, which in the opinion of the Secretary is prejudicial to the proper performance of his duties or his position as a teacher; or
- (k) makes an incorrect or false statement knowing it to be incorrect or false, with the object of obtaining any privilege or advantage in connection with his official position or duties, or to cause prejudice against a State Department or the State or to do harm to the Department; or
- (l) contributes to the press by interview or any other manner, or otherwise publishes a letter or article criticising his senior officers or the policy of the Department; or
- (m) otherwise behaves or acts or fails to act in a manner which in the opinion of the Secretary is prejudicial to his position as a teacher whether or not such behaviour, action or failure to act is defined in these regulations.

CHARGE OF MISCONDUCT.

13. (1) When a teacher is accused of misconduct the Secretary may charge him in writing with such misconduct.

(2) (a) If the Secretary decides to charge a teacher with misconduct, the charge shall be sent to the teacher by registered letter or delivered to him or left at his last-known place of residence, and such charge shall contain or be accompanied by an order whereby the teacher is requested to send or deliver to the Secretary, within a time specified in the order, a written admission or denial of the charge, and, if he so desires, a written explanation of the misconduct with which he is charged.

(b) If the teacher admits the charge, he shall be deemed to be guilty of the misconduct with which he is charged, and the matter shall be dealt with in accordance with the provisions of regulation 15, as if the teacher has been found guilty.

(c) If the teacher denies the charge or fails to comply with the aforementioned order, the Secretary shall appoint not more than three persons, of whom one shall be designated as chairman, to investigate and report on the charge.

(3) The Secretary may suspend a teacher from service at any time before or after the teacher has been charged in terms of this regulation.

(4) A teacher who is suspended from service, shall not be entitled to any emoluments for the period of suspension, except as provided for in paragraph (a) of sub-regulation (2) of regulation 15, unless the charge against him is withdrawn: Provided that the Minister may order that the teacher be paid the whole or part of his emoluments: Provided further that the Secretary may at any time withdraw such suspension, but such withdrawal shall in no way affect the continuation of the charge.

PROCEDURE AT AN INQUIRY.

14. (1) The Secretary may appoint any person to attend the inquiry for the purpose of leading evidence in support of the charge.

- (g) hom enige eiendom of fondse van die Staat of enige Bantoeskool wederregtelik toeëien of onbehoorlike gebruik daarvan maak in omstandighede waar dit nie 'n kriminele misdryf is nie; of
- (h) deur sy optrede of gedrag ongehoorsaamheid of verzet teen die wette van die Staat aanmoedig; of
- (i) hom aktief vereenselwig met 'n politieke party of liggaam, of aktief deelneem aan politieke sake of in die verkiesing of benoeming van die lede van 'n skoolraad of Bantoe-owerheid of beherende liggaam of skoolkomitee of stedelike Bantoeraad: Met dien verstande dat die Sekretaris toestemming aan 'n onderwyser kan verleen om as lid van 'n stedelike Bantoeraad of ander plaaslike owerheid aangestel, gekies of verkies te word; of
- (j) vir loon of wins buite sy betrekking as onderwyser werk doen wat volgens die oordeel van die Sekretaris nadelig is vir die behoorlike verrigting van sy pligte of vir sy posisie as onderwys; of
- (k) met die doel om 'n voorreg of voordeel met betrekking tot sy amptelike posisie of pligte te verkry of om vooroordeel teen 'n Staatsdepartement of die Staat te veroorsaak of die Departement te benadeel, 'n onjuiste of valse verklaring aflê wetende dat dit onjuis of vals is; of
- (l) 'n bydrae vir die pers lewer by wyse van onderhoude of op 'n ander manier of anders 'n brief of artikel publiseer waarin kritiek gelewer word op sy meerdere amptenare of die beleid van die Departement;
- (m) hom andersins gedra of handel of versuim om te handel op 'n wyse wat volgens die oordeel van die Sekretaris nadelig is vir sy posisie as onderwyser afgesien daarvan of sodanige gedrag, handeling of versuim om te handel in hierdie regulasies omskryf word of nie.

AANKLAG WEENS WANGEDRAG.

13. (1) Wanneer 'n onderwyser beskuldig word van wangedrag kan die Sekretaris hom skriftelik van daardie wangedrag aankla.

(2) (a) Indien die Sekretaris besluit om 'n onderwyser weens wangedrag aan te kla, moet die aanklag per pos in 'n geregistreerde brief aan die onderwyser gestuur of aan hom afgelewer of by sy laaste bekende woonplek gelaat word en sodanige aanklag moet 'n opdrag bevat of van 'n opdrag vergesel gaan waarby die onderwyser versoek word om binne 'n tydperk genoem in die opdrag, 'n skriftelike erkenning of ontkenning van die aanklag en, as hy dit verkies, 'n skriftelike verduideliking van die wangedrag waarvan hy aangekla is aan die Sekretaris te stuur of by hom in te dien.

(b) As die onderwyser die aanklag erken, word hy skuldig geag aan die wangedrag waarvan hy aangekla is en die saak moet behandel word ooreenkomstig die bepalinge van regulasie 15 asof die onderwyser skuldig bevind is.

(c) As die onderwyser die aanklag ontken of versuim om voornoemde opdrag na te kom, moet die Sekretaris hoogstens drie persone waarvan een as voorsitter aangewys moet word, aanstel om die aanklag te ondersoek en verslag daaroor te doen.

(3) Die Sekretaris kan te eniger tyd voor of nadat die onderwyser kragtens hierdie regulasie aangekla is, die onderwyser in sy diens skors.

(4) 'n Onderwyser wat in sy diens geskors is, is nie geregtig op enige besoldiging vir die tydperk van sy skorsing nie uitgesonderd soos in paragraaf (a) van sub-regulasie (2) van regulasie 15 bepaal, tensy die aanklag teen hom teruggetrek word: Met dien verstande dat die Minister kan gelas dat aan die onderwyser die geheel of 'n gedeelte van sy besoldiging betaal moet word: Met dien verstande verder dat die Sekretaris te eniger tyd die skorsing kan intrek, maar sodanige intrekking raak geensins die voortsetting van die aanklag nie.

PROSEDURE BY 'N ONDERSOEK.

14. (1) Die Sekretaris kan enige persoon aanstel om die ondersoek by te woon met die doel om getuienis ter staving van die aanklag aan te voer.

(2) The accused teacher shall be entitled to be heard personally at the inquiry, to cross-examine any witness, to have access to any documents submitted as evidence, to give evidence personally and to call any other person to give evidence on his behalf.

(3) The person or persons holding the inquiry shall keep written minutes of the proceedings at the inquiry and of all evidence given thereat.

(4) If the accused teacher fails to attend the inquiry, such failure shall be regarded as an unconditional admission by the teacher that he is guilty of the misconduct with which he is charged, and in such case no inquiry will be necessary: Provided that if a written explanation is submitted by the teacher to the person or persons holding the inquiry, in which a reason for his absence is given, which is acceptable to the Secretary, the inquiry shall be regarded as postponed, and resumed on a date fixed by the Secretary, and if the accused teacher gives illness as a reason for his failure to appear at the inquiry, his written statement shall be accompanied by a certificate issued by a registered medical practitioner.

(5) No legal representation shall be allowed at the inquiry.

CONCLUSION OF INQUIRY.

15. (1) After completion of the inquiry the person or persons who conducted the inquiry, shall inform the accused teacher of the findings, and without delay transmit to the Secretary the report on the inquiry and any documentary evidence admitted thereat, a statement of the finding and the reasons therefor.

(2) After consideration of the report and the evidence the Minister may—

- (a) find the teacher not guilty and if he has been suspended, reinstate him in his post, and in such case his full emoluments shall be paid to him for the period of suspension;
- (b) find the teacher guilty and—
 - (i) caution or reprimand him, or
 - (ii) reduce his emoluments or his grade, or both his emoluments and his grade, to the extent and from a date which the Minister may deem fit, or
 - (iii) transfer him to another post with retention of his full emoluments and grade, or with a reduction in his emoluments only, or with a reduction in his emoluments as well as his grade, or
 - (iv) dismiss him from the service of the Department.

INCOMPETENT TEACHERS.

16. (1) If on the grounds of information received by him, the Secretary is of the opinion that a teacher is incompetent in the execution of his duties through causes beyond his control, he shall accordingly inform the teacher in writing, and request him to admit or deny the charge in writing.

(2) The teacher shall either admit or deny his incompetence; if he denies that he is incompetent an inquiry shall *mutatis mutandis* be held in terms of regulations 13, 14 and 15.

(3) If the teacher admits his incompetence, or after consideration of the report of the person or board who held the inquiry, the Minister may—

- (a) appoint the teacher to a post of a lower grade and allow him to retain his existing emoluments; or
- (b) appoint him to a post of a lower grade and reduce his salary to the extent and from a date which the Minister deems fit; or
- (c) dismiss him from the service of the Department.

(2) Die aangeklaagde onderwyser is geregtig om by die ondersoek persoonlik gehoor te word, om enige getuie onder kruis verhoor te neem, om insae te hê in enige dokumente wat as getuienis voorgelê is, om self getuienis af te lê en om enige ander persoon op te roep om getuienis vir hom af te lê.

(3) Die persoon of persone wat die ondersoek hou, moet skriftelike aantekening hou van die verrigtings by die ondersoek en van alle getuienis wat daarby afgelê word.

(4) Indien die aangeklaagde onderwyser versuim om by die ondersoek teenwoordig te wees, moet sodanige versuim beskou word as 'n onvoorwaardelike erkenning deur die onderwyser dat hy skuldig is aan die wangedrag waarvan hy aangekla is en dan is 'n ondersoek nie nodig nie: Met dien verstande dat as 'n skriftelike verklaring deur die onderwyser voorgelê word aan die persoon of persone wat die ondersoek instel waarin 'n rede gegee word vir sy afwesigheid wat vir die Sekretaris aanneemlik is, word die ondersoek as uitgestel beskou en hervat op 'n datum wat die Sekretaris moet vasstel en indien die aangeklaagde onderwyser siekte aanvoer as die rede vir sy versuim om by die ondersoek te verskyn, moet sy skriftelike verklaring vergesel gaan van 'n sertifikaat wat deur 'n geregiastreerde geneesheer uitgereik is.

(5) Geen regsverteenvoerding word by die ondersoek toegelaat nie.

EINDE VAN ONDERSOEK.

15. (1) Na voltooiing van die ondersoek moet die persoon of persone wat die ondersoek waargeneem het, die aangeklaagde onderwyser van die bevinding verwittig en sonder versuim die verslag van die ondersoek en enige dokumentêre bewysstukke wat daarby toegelaat is, 'n verklaring van die bevinding en die redes daarvoor, aan die Sekretaris stuur.

(2) Na oorweging van die verslag en die getuienis kan die Minister—

- (a) die onderwyser onskuldig bevind en, indien hy geskors was, hom in sy pos herstel, en in hierdie geval word sy volle besoldiging vir die tydperk van skorsing aan hom betaal;
- (b) die onderwyser skuldig bevind en—
 - (i) hom waarsku of berispe, of
 - (ii) sy besoldiging verminder of sy rang verlaag of beide sy besoldiging verminder en rang verlaag en wel in die mate en vanaf 'n datum wat die Minister goedvind, of
 - (iii) hom oërplaas na 'n ander pos met behoud van sy volle besoldiging en graad of net met vermindering van sy besoldiging of met vermindering van besoldiging sowel as verlaging van sy graad, of
 - (iv) hom uit die diens van die Departement ontslaan.

ONBEKWAME ONDERWYSERS.

16. (1) Indien die Sekretaris op grond van inligting wat hy ontvang van mening is dat 'n onderwyser om redes buite sy beheer onbekwaam in die uitvoering van sy pligte is, moet hy die onderwyser dienooreenkomstig skriftelik in kennis stel en hom versoek om skriftelik te verklaar of hy die klag erken of ontken.

(2) Die onderwyser moet sy bekwaamheid of erken of ontken; indien hy ontken dat hy onbekwaam is, moet 'n ondersoek, *mutatis mutandis*, ingevolge die bepalings van regulasies 13, 14 en 15 gehou word.

(3) As die onderwyser sy onbekwaamheid erken, of na oorweging van die verslag van die persoon of raad wat die ondersoek gehou het, kan die Minister—

- (a) die onderwyser in 'n pos van 'n laer graad aanstel en hom toelaat om sy bestaande besoldiging te behou; of
- (b) hom in 'n pos van 'n laer graad aanstel en sy salaris verminder en wel in die mate en vanaf 'n datum wat die Minister goedvind; of
- (c) hom uit die diens van die Departement ontslaan.

LEAVE.

17. (1) Any leave standing to the credit of any teacher under the regulations in force at the time of the coming into operation of these regulations shall be placed to his credit as leave accrued under these regulations.

(2) Leave of any type cannot be claimed as of right, but may be granted by the Secretary with due regard to the exigencies of the Department: Provided that the Secretary may demand that a teacher shall at any time take part of or all the vacation leave standing to his credit.

(3) When a teacher leaves the service of the Department, he cannot claim that the money value of unused leave be paid to him: Provided that this stipulation shall not prevent the payment of leave gratuity under conditions approved by the Treasury on the recommendation of the Public Service Commission.

(4) If sound reasons exist, the Secretary may grant vacation leave without pay to a teacher but not more than 92 days during any calendar year.

(5) Except as provided in paragraph (b) of sub-regulation (1) of regulation 18, all unauthorised absences from duty shall be regarded as vacation leave without pay, irrespective of any disciplinary steps taken against a teacher, unless the Secretary decides otherwise.

(6) Where a period of leave without pay is preceded by a school vacation, such leave shall be calculated with effect from the first day of the calendar quarter in which such leave commences, unless the immediately preceding school quarter ends during the said calendar quarter in which case leave shall be calculated with effect from the day following the day on which the preceding school quarter ends and when a period of leave without pay expires immediately prior to a school vacation, it shall be calculated to the end of the calendar quarter in which such leave expires unless the next school quarter commences during such calendar quarter, in which case the leave shall be calculated to the day immediately prior to the day on which such school quarter commences.

(7) (a) Notwithstanding any provision to the contrary contained in these regulations a teacher who is normally required to remain on duty during school holidays may be granted leave as follows:—

- (i) *Sub-inspector*.—18 days per year accumulative vacation leave with full pay; 17 days per year non-accumulative leave with full pay;
- (ii) *Supervisor*.—16 days per year accumulative vacation leave with full pay; 16 days per year non-accumulative leave with full pay;
- (iii) *Other Teachers*.—15 days per year accumulative vacation leave with full pay; 15 days per year non-accumulative leave with full pay.

(b) The accumulative leave which may be granted in terms of paragraph (a), shall accumulate in respect of each completed calendar month of service at one-twelfth of the applicable provision, and non-accumulative leave shall accrue with effect from the first day of each calendar year: Provided that on the first appointment of a teacher, where the date of appointment does not coincide with the first day of a calendar year, the non-accumulative leave shall accrue on the date of appointment, and in respect of that calendar year only a *pro rata* part of the applicable non-accumulative leave provision may be granted.

(8) Leave granted to a teacher may be withdrawn at any time by the Secretary if the interests of the Department so required, and if a teacher resigns or is dismissed prior to the expiration of the period of duly authorised leave the

VERLOF.

17. (1) Alle verlof wat 'n onderwyser by die inwerking-treding van hierdie regulasies tot sy krediet het ingevolge die regulasies wat tot op daardie datum van toepassing was, word aan hom gekrediteer as opgelope verlof ooreenkomstig hierdie regulasies.

(2) Verlof van watter aard ook al kan nie as 'n reg geëis word nie, maar kan deur die Sekretaris met inagneming van die vereistes van die diens van die Departement toegestaan word: Met dien verstande dat die Sekretaris kan eis dat 'n onderwyser te eniger tyd 'n gedeelte of die geheel van die vakansieverlof wat hom toekom, neem.

(3) Wanneer 'n onderwyser die diens van die Departement verlaat, kan hy nie eis dat die geldwaarde van ongebruikte verlof aan hom uitbetaal word nie: Met dien verstande dat hierdie bepaling nie die betaling van verlof-gratifikasie onder voorwaardes deur die Tesourie op aanbeveling van die Staatsdienskommissie goedgekeur, verhoed nie.

(4) As gegronde redes daarvoor bestaan, kan die Sekretaris aan 'n onderwyser vakansieverlof sonder betaling toestaan, maar vir nie langer as 92 dae gedurende enige kalenderjaar nie.

(5) Behalwe soos in paragraaf (b) van subregulasie (1) van regulasie 18 bepaal word, word alle ongemagtigde afwesighede van diens ongeag enige tugmaatreëls wat teen 'n onderwyser geneem mag word, geag vakansieverlof sonder betaling te wees, tensy die Sekretaris anders beslis.

(6) Waar 'n tydperk van verlof sonder betaling deur 'n skoolvakansie voorgesien word, word sodanige verlof bereken met ingang van die eerste dag van die kalenderkwartaal waarin sodanige verlof 'n aanvang neem, tensy die onmiddellik voorafgaande skoolkwartaal gedurende bedoelde kalenderkwartaal eindig, en in dié geval word die verlof bereken met ingang van die dag wat volg op die dag waarop die voorafgaande skoolkwartaal geëindig het en waar 'n tydperk van verlof sonder betaling eindig onmiddellik voor 'n skoolvakansie word dit bereken tot aan die einde van die kalenderkwartaal waarin sodanige verlof eindig tensy die eersvolgende skoolkwartaal gedurende sodanige kalenderkwartaal 'n aanvang neem en in dié geval word nie verlof bereken tot die dag onmiddellik voor die dag waarop sodanige skoolkwartaal 'n aanvang neem.

(7) (a) Ondanks andersluidende bepalings in hierdie regulasies vervat, word aan 'n onderwyser van wie normaalweg vereis word om gedurende skoolvakansies op diens te bly, verlof soos volg toegestaan—

- (i) *Onderinspekteur*.—Oplopende vakansieverlof met volle betaling 18 dae per jaar; nie-oplopende verlof met volle betaling 17 dae per jaar;
- (ii) *Opsiener*.—Oplopende vakansieverlof met volle betaling 16 dae per jaar; nie-oplopende verlof met volle betaling 16 dae per jaar;
- (iii) *Ander onderwysers*.—Oplopende vakansieverlof met volle betaling 15 dae per jaar; nie-oplopende verlof met volle betaling 15 dae per jaar.

(b) Die oplopende verlof wat kragtens paragraaf (a) toegestaan kan word, was aan ten opsigte van elke voltooide kalendermaand diens en wel teen een-twaalfde van die toepaslike voorsiening en nie-oplopende verlof val toe met ingang van die eerste dag van elke kalenderjaar: Met dien verstande dat by die eerste aanstelling van 'n onderwyser waar die datum van aanstelling nie ooreenkom met die eerste dag van 'n kalenderjaar nie, die nie-oplopende verlof toeval op die datum van aanstelling en ten opsigte van daardie kalenderjaar kan slegs 'n *pro rata*-gedeelte van die toepaslike nie-oplopende verlof voorsiening toegestaan word.

(8) Verlof wat aan 'n onderwyser toegestaan is, kan te eniger tyd deur die Sekretaris ingetrek word as die belange van die Departement dit vereis en indien 'n onderwyser voor die verstryking van behoorlik goedgekeurde verlof

leave shall automatically terminate on the date of notice of resignation or the date of discharge, and if the notice of resignation is undated, the leave shall automatically terminate on the date of receipt of such notice by the Department.

(9) All applications for leave shall be made on a form approved by the Secretary.

(10) Where a medical certificate in support of an application for sick leave is required, it shall be submitted in a form approved by the Secretary.

SPECIAL LEAVE.

18. (1) Special leave with full pay may be granted to a teacher by the Secretary for any period or periods of absence—

- (a) for the purpose of taking part as a candidate in any examination approved by the Secretary; or
- (b) if he was absent from duty as a result of his arrest and detention on a criminal charge and he is subsequently acquitted or the charge is withdrawn; or
- (c) for any other acceptable reason: Provided that special leave granted in terms of this paragraph shall not exceed seven days in any calendar year: Provided further that the provisions of this paragraph shall not apply to a teacher referred to in sub-regulation (7) of regulation 17; or
- (d) when a teacher is absent from duty as a result of isolation on medical instruction if he has been in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease; the granting of special leave in terms of this paragraph shall be subject to the submission of a certificate of a registered medical practitioner in which the period and the cause of isolating shall be indicated.

(2) The Secretary may at any time grant special leave without pay to a teacher for a period not exceeding twelve months for the purpose of condoning a break in service: Provided that such special leave shall preserve the continuity of service but shall not be reckoned as service.

STUDY LEAVE.

19. (1) A teacher who has completed five years' continuous service, may be granted leave of absence without pay for study purposes, for a period not exceeding twelve months, provided arrangements are made to the satisfaction of the Secretary for the performance of the duties of such teacher during his absence.

(2) All periods of study leave granted shall count as service.

(3) If a teacher has been granted the full period of study leave under these regulations no further study leave shall be granted to him until he has completed a further continuous period of at least five years' service.

SICK LEAVE.

20. (1) Sick leave may be granted only in connection with a teacher's absence from duty as a result of illness, indisposition or injury which is not due to his misconduct or lack of proper precaution.

(2) In regard to nervous complaints, insomnia, debility and similar ill-defined illnesses or indispositions, sick leave shall be granted only if the Secretary is convinced that the applicants' state of health renders him unfit for his work.

(3) (a) The Secretary may at any time require a teacher to submit himself to an examination by one or more registered medical practitioners designated by the Secretary;

bedank of ontslaan word, eindig die verlof outomaties op die datum van kennisgewing van bedanking of die datum van ontslag en as die kennisgewing van bedanking ongedateer is, eindig die verlof outomaties op die datum waarop die Departement sodanige kennisgewing ontvang.

(9) Alle aansoeke om verlof moet gedoen word op 'n vorm deur die Sekretaris goedgekeur.

(10) Waar 'n mediese sertifikaat ter ondersteuning van 'n aansoek om siekteverlof vereis word, moet dit verstrek word in die vorm soos deur die Sekretaris goedgekeur.

SPESIALE VERLOF.

18. (1) Spesiale verlof met volle salaris kan deur die Sekretaris aan 'n onderwyser vir enige tydperk of tydperke van afwesigheid toegestaan word—

- (a) met die doel om as kandidaat deel te neem aan enige eksamen wat deur die Sekretaris goedgekeur is; of
- (b) as hy afwesig was van diens weens sy inhegtenisneming en aanhouding op 'n kriminele aanklag en hy later daaryn vrygespreek of die aanklag teruggetrek word; of
- (c) om enige ander aanneemlike rede: Met dien verstande dat spesiale verlof toegestaan ingevolge hierdie paragraaf nie sewe dae in 'n kalenderjaar mag oorskry nie: Met dien verstande voorts dat die bepalinge van hierdie paragraaf nie van toepassing is op 'n onderwyser in subregulasie (7) van regulasie 17 genoem nie; of
- (d) wanneer hy van diens afwesig is weens afsondering op grond van geneeskundige instruksies as hy in aanraking was met 'n persoon wat 'n besmetlike of aansteeklike siekte opgedoen of vermoedelik opgedoen het; die toestaan van spesiale verlof ingevolge hierdie paragraaf is onderworpe aan die indiening van 'n sertifikaat van 'n geregistreerde geneesheer waarin die oorsaak en tydperk van afsondering genoem word.

(2) Die Sekretaris kan te eniger tyd spesiale verlof sonder salaris vir 'n tydperk van hoogstens twaalf maande aan 'n onderwyser toestaan vir die kondonering van 'n diensonderbreking: Met dien verstande dat sodanige spesiale verlof die kontinuïteit van diens bewaar maar nie as diens gereken mag word nie.

STUDIEVERLOF.

19. (1) Aan 'n onderwyser wat vyf jaar aaneenlopende diens het, kan verlof van afwesigheid sonder salaris vir studiedoeleindes vir 'n tydperk van hoogstens twaalf maande toegestaan word, mits reëlins tot tevredenheid van die Sekretaris getref is vir die nakoming van die pligte van sodanige onderwyser gedurende sy afwesigheid.

(2) Alle tydperke van studieverlof wat toegestaan word, word as diens gereken.

(3) As aan 'n onderwyser die volle tydperk van studieverlof ingevolge hierdie regulasies toegestaan is, mag geen verdere studieverlof aan hom toegestaan word alvorens hy 'n verdere aaneenlopende tydperk van minstens vyf jaar diens voltooi het nie.

SIEKTEVERLOF.

20. (1) Siekteverlof word toegestaan slegs in verband met 'n onderwyser se afwesigheid van diens weens 'n siekte, ongesteldheid of besering wat nie te wyte is aan sy wangedrag of gebrek aan behoorlike voorsorg nie.

(2) In verband met senuwee-aandoenings, slaaploosheid, swakte en dergelike minder goedomskrewe siektes of ongesteldhede word siekteverlof toegestaan slegs as die Sekretaris oortuig is dat die applikant se gesondheidstoestand hom ongeskik maak vir sy werk.

(3) (a) Die Sekretaris kan te eniger tyd eis dat 'n onderwyser hom onderwerp aan 'n ondersoek deur een of meer geregistreerde geneesheer deur die Sekretaris aangewys;

(b) the expenses in connection with such examination shall be paid out of State funds.

(4) (a) If a teacher is absent from duty on account of illness for a continuous period of more than three days, he may be granted sick leave only if he submits to the Secretary a certificate of a registered medical practitioner [or a registered dentist if sub-regulation (9) applies to him], which clearly defines the nature of the illness, which states that he is unable to carry out his official duties, and which indicates the period necessary for recovery.

(b) Notwithstanding the preceding provisions, the Secretary may at his discretion also require a similar certificate to be submitted in respect of periods of three days or less.

(c) If the Secretary is satisfied that the teacher's absence is *bona fide* due to illness and that acceptable reasons exist why a medical certificate was not submitted, he may exempt the teacher from submitting the certificate in respect of a continuous period of sick leave of not more than fourteen days, and such exemption shall be endorsed on the leave form.

(5) Sick leave may be granted on full pay for 90 days and on half pay for 90 days in each cycle of five years' continuous service and, in the case of a teacher who is entitled to school holidays, school holidays, which coincide with a period of sick leave with pay (full or half), shall not be reckoned as sick leave, and during the first five years' continuous service, available sick leave shall be calculated in proportion to the period of completed service.

(6) In extraordinary cases the Secretary may grant sick leave without pay for not more than 90 days in any cycle above the maximum periods prescribed by sub-regulation (5).

(7) All periods of sick leave granted with full pay or half pay shall be regarded as service and periods of sick leave without pay granted to a teacher, shall not count as service, but shall not be regarded as a break in service.

(8) Sick leave granted to a married woman teacher as a result of her confinement shall be without pay, and shall be taken from at least six weeks prior to the expected date of confinement until at least six weeks after the actual date of confinement, and at least one month's notice shall be given to the Secretary of the intention to take such leave, and such notice shall be accompanied by a certificate by a registered medical practitioner indicating the expected date of confinement.

(9) If a teacher's absence is attributed to a serious condition of his teeth, the Secretary may accept a certificate signed by a registered dentist instead of a certificate of a registered medical practitioner.

(10) A teacher may be granted vacation leave standing to his credit in lieu of sick leave with half pay or without pay, provided his application is submitted in writing not later than thirty days after he has resumed duty.

TEACHERS' RESPONSIBILITIES.

21. (1) A principal's or an assistant teacher's responsibilities shall not wholly be confined to the execution of his duties during school hours and to the school premises, and when a principal so requires, the assistant teacher shall take his reasonable share in the organisation and supervision of school libraries, sports, excursions, youth movements and other activities connected with the school.

(2) Both the principal and an assistant teacher may be held responsible for the discipline and cleanliness of the children under their care.

(b) die onkoste verbonde aan so 'n ondersoek word uit staatsfondse betaal.

(4) (a) As 'n onderwyser weens siekte van diens afwesig is vir 'n aaneenlopende tydperk van langer as drie dae, kan siekteverlof aan hom toegeken word slegs as hy 'n sertifikaat van 'n geregistreerde geneesheer [of 'n geregistreerde tandarts as subregulasie (9) op hom van toepassing is] by die Sekretaris indien wat duidelik die aard van die siekte omskryf, wat verklaar dat hy nie in staat is om sy ampspligte waar te neem nie en wat aantoon watter tydperk vir sy herstel nodig is.

(b) Ondanks die voorafgaande bepalings kan die Sekretaris na goeie dinge eis dat 'n dergelike sertifikaat ook ten opsigte van tydperke van drie dae of minder ingedien word.

(c) Indien die Sekretaris daarvan oortuig is dat die onderwyser se afwesigheid *bona fide* te wyte is aan siekte en dat daar aanneemlike redes bestaan waarom 'n geneeskundige sertifikaat nie ingedien is nie, kan hy die onderwyser van die indiening van die sertifikaat vrystel ten opsigte van 'n aaneenlopende tydperk van siekteverlof van nie langer as veertien dae nie en sodanige vrystelling moet op die verlofvorm geëndosseer word.

(5) Siekteverlof kan met volle salaris toegestaan word vir 90 dae en met halfsalaris vir 90 dae in elke tydkring van vyf jaar aaneenlopende diens en in die geval van 'n onderwyser wat geregtig is op skoolvakansies word skoolvakansies wat saamval met 'n tydperk van siekteverlof met salaris (vol of half), nie as siekteverlof gereken nie, en gedurende die eerste vyf jaar aaneenlopende diens word die beskikbare siekteverlof in verhouding tot die tydperk van voltooide diens bereken.

(6) In buitengewone gevalle kan die Sekretaris siekteverlof sonder salaris toestaan bo die maksimum tydperke wat by subregulasie (5) voorgeskryf word maar hoogstens 90 dae in enige tydkring.

(7) Alle tydperk van toegestane siekteverlof met volle salaris of met halfsalaris word as diens beskou en tydperke van siekteverlof sonder salaris aan 'n onderwyser toegestaan, word nie as diens gereken nie, maar word nie as 'n diensonderbreking beskou nie.

(8) Siekteverlof toegestaan aan 'n getroude onderwyseres weens haar bevalling is sonder salaris, en moet geneem word van minstens ses weke voor die verwagte datum van die bevalling en tot minstens ses weke na die werklike datum van die bevalling en minstens een maand kennisgewing moet aan die Sekretaris gegee word van die voorneme om sodanige verlof te neem en sodanige kennisgewing moet vergesel gaan van 'n sertifikaat deur 'n geregistreerde geneesheer wat die verwagte datum van bevalling aandui.

(9) Indien 'n onderwyser se afwesigheid toegeskryf word aan 'n ernstige toestand van sy tande kan die Sekretaris 'n sertifikaat wat deur 'n geregistreerde tandarts onderteken is, in plaas van 'n sertifikaat van 'n geregistreerde geneesheer aanneem.

(10) Aan 'n onderwyser kan in plaas van siekteverlof met halwe of sonder betaling, vakansieverlof wat hy tot sy krediet het toegestaan word, mits sy aansoek skriftelik nie later nie as dertig dae nadat hy diens hervat het, ingedien word.

VERANTWOORDELIKHEDE VAN ONDERWYSERS.

21. (1) 'n Prinsipaal of 'n assistent-onderwyser se verantwoordelikhede is nie geheel en al beperk tot die uitvoering van sy pligte gedurende skoolure en op die skoolperseel nie en wanneer die prinsipaal dit van 'n assistent-onderwyser vereis, moet hy sy billike aandeel neem in die organisasie van en die toesig oor skoolbiblioteke, sport, uitstappies, jeugbewegings en ander bedrywighede wat met die skool in verband staan.

(2) Beide die prinsipaal en 'n assistent-onderwyser kan verantwoordelik gehou word vir die dissipline en sindelikhede van die kinders onder sy sorg.

(3) The Secretary may require a principal or assistant teacher to reside in a recognised hostel attached to the school, or within reasonable proximity of the school and the distance between the school and a teacher's residence shall not be an excuse for him not to participate in the extra-mural activities of the school.

TRAVELLING AND SUBSISTENCE ALLOWANCES, TRANSFER, COSTS AND TRANSPORT PRIVILEGES.

22. The Public Service Regulations as published by Government Notice No. 2047 of 11th December, 1959, and any amendment thereof which has been approved by the Minister for the purpose in terms of section ten of the Act in respect of subsistence allowances, official journeys, transport, transfer costs and transport privileges of persons in the Public Service shall *mutatis mutandis* apply to teachers.

DELEGATION.

23. The Secretary may delegate any of the powers conferred on him under these regulations, to any officer of the Department on such conditions as he may determine and he may at any time amend or withdraw any delegation given by him under this regulation.

PENSION RIGHTS AND RETIREMENT BENEFITS.

24. (1) A teacher who on the coming into operation of these regulations contributes to any pension, retirement or provident fund administered by a provincial administration, and who continues his service at a Government Bantu school, shall retain his rights and obligations under any law governing such pension, retirement or provident fund, and shall continue to contribute to the provincial administration concerned in respect of such fund, and the Secretary shall contribute in respect of each such teacher, to such fund an amount equal to that which the provincial administration would have contributed if the Act had not come into force.

(2) A teacher who, after the date of application of these regulations, is appointed as a member of the staff of a Government Bantu school, shall not be permitted to contribute to any pension, retirement or provident fund which is administered by a provincial administration.

(3) Notwithstanding the provisions of sub-regulation (2), a Bantu teacher whose pension, retirement or provident fund benefits are protected in terms of the regulations governing the conditions under which Bantu community schools may be subsidised or granted assistance (Government Notice No. R. 1289 of 17th August, 1962), or the regulations governing the approval of State-aided Native schools and the conditions under which grants-in-aid may be granted (Government Notice No. R. 2106 of 21st December, 1962), shall retain such pension, retirement or provident fund benefits, if without a break in his service he assumes duty in a Government Bantu school, and the provisions of sub-regulation (1) shall apply to him.

(3) Die Sekretaris kan van 'n prinsipaal of assistent-onderwyser vereis om by 'n erkende koshuis verbonde aan die skool, of redelik naby die skool, te woon en die afstand tussen die skool en 'n onderwyser se woning is nie vir hom 'n verskoning om nie aan buitemuurse bedrywighede van die skool deel te neem nie.

REIS- EN VERBLYFTOELAES, OORPLASINGSKOSTE EN VERVOERVOORREGTE.

22. Die Staatsdiensregulasies soos afgekondig by Goewermentskennisgewing No. 2047 van 11 Desember 1959 en enige wysiging daarvan wat kragtens artikel tien van die Wet vir die doel deur die Minister goedgekeur word ten opsigte van verblyftoelaes, amptelike reise, vervoer, oorplasingskoste en vervoervoorregte van persone in die Staatsdiens, is *mutatis mutandis* van toepassing op onderwysers.

DELEGASIE.

23. Die Sekretaris kan enige van die bevoegdhede kragtens hierdie regulasies aan hom verleen, aan enige ander beampte van die Departement deleger op die voorwaardes wat hy bepaal en hy kan 'n delegasie wat kragtens hierdie regulasie verleen is, te eniger tyd wysig of intrek.

PENSIOENREGTE EN UITDIENSTREDINGSVOORDELE.

24. (1) 'n Onderwyser wat by die inwerkingtreding van hierdie regulasies bydra tot 'n pensioen-, uitdienstredings- of voorsieningsfonds deur 'n provinsiale administrasie geadministreer, en wat by 'n Staatsbantoeskool in diens aanbly, behou sy regte en verpligtings ingevolge enige wet wat op sodanige pensioen-, uitdienstredings-, of voorsieningsfonds van toepassing is, en moet aanhou om tot die betrokke provinsiale administrasie ten opsigte van sodanige fonds by te dra, en die Sekretaris moet ten opsigte van elke sodanige onderwyser 'n bedrag tot sodanige fonds bydra gelyk aan die bedrag wat die provinsiale administrasie sou bygedra het indien die Wet nie van krag geword het nie.

(2) 'n Onderwyser wat na die datum van toepassing van hierdie regulasies as lid van die personeel van 'n Staatsbantoeskool aangestel word, word nie toegelaat om by te dra tot enige pensioen-, uitdienstredings- of voorsieningsfonds wat deur 'n provinsiale administrasie geadministreer word nie.

(3) Ondanks die bepalings van subregulasie (2) behou 'n Bantoe-onderwyser wie se pensioen-, uitdienstredings- of voorsieningsfondsvoordele beskerm word kragtens die regulasies betreffende die voorwaardes waaronder Bantoe-gemeenskapskole gesubsidieer of bystand verleen kan word (Goewermentskennisgewing No. R. 1289 van 17 Augustus 1962), of die regulasies betreffende die goedkeuring van Staatsondersteunde Naturelleskole en die voorwaardes waaronder hulpptoekennings toegestaan kan word (Goewermentskennisgewing No. R. 2106 van 21 Desember 1962), sodanige pensioen-, uitdienstredings- of voorsieningsfondsvoordele as hy sonder onderbreking van sy diens in 'n Staatsbantoeskool diens aanvaar, en die bepalings van subregulasie (1) is op hom van toepassing.

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