



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Standards Act 18 of 2005

section 35(2)

Regulations of the South African Bureau of Standards

Government Notice 514 of 1962

(RSA GG 213)

came into force on date of publication: 1 April 1962

The Regulations of the South African Bureau of Standards were originally made in terms of section 27 of the Standards Act 33 of 1962, which was repealed by the Standards Act 18 of 2005. Pursuant to section 35(2) of the Standards Act 18 of 2005, the Regulations of the South African Bureau of Standards are deemed to have been made under that Act.

as amended by

Government Notice 521 of 1968 (OG 2881)

came into force on date of publication: 1 May 1968

ARRANGEMENT OF REGULATIONS

[The individual regulation headings are reproduced as they appear in the *Official Gazette*.]

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PART I

Definitions

1. In these regulations, unless inconsistent with the context, the expression -

“officer” means any person appointed in terms of section twelve of the Act in a full-time or part-time capacity as a member of the staff of the council, or deemed to have been appointed a member of the staff of the council in terms of the said section twelve, and further, any person transferred to the service of the council in a full-time or part-time capacity in terms of section twelve of the Act;

“the Act” means the Standards Act, 1962 (Act No. 33 of 1962);

“calendar month” means a period running from the first day of any particular month up to and including the last day of the same month;

and any expression to which a meaning is assigned in the Act shall, when used in these regulations, have the same meaning unless the context indicates another meaning.

Termination of appointment of members of the council

2. A member of the council vacates his office -
 - (1) if he becomes insolvent or assigns his estate for the benefit of, or compromises with his creditors;
 - (2) if he becomes of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine;
 - (3) if he has absented himself without leave of the council from two consecutive ordinary meetings of the council;

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- (4) if he relinquishes his office by serving a written notice on the chairman of the council to that effect;
- (5) if otherwise than in the performance of his duties as a member of the council he communicates to any person confidential information relating to the activities of the council.

Minutes of meetings

3. (1) Minutes shall be kept of the proceedings of every meeting of the council and of such committees as the council may direct. Such minutes shall be submitted for confirmation at the next meeting of the council or the committee, as the case may be, and shall after confirmation be endorsed to that effect by the person acting as chairman at that meeting.

- (2) A copy of the minutes of every meeting of the council shall be sent to the Minister as soon as possible after the meeting.
- (3) The minutes of all meetings of the council and of such committees as the council may direct shall be sent to all members of the council as soon as possible after the meeting to which they relate.

PART II

Staff regulations

4. Officers are grouped in the following categories: -

- (1) Director, technical officers, liaison officers and information officers;

[The word “director” should not be capitalised; reproduced as per *Official Gazette*.]

- (2) administrative officers and clerical officers;
- (3) technical assistants;
- (4) such other persons as may be appointed in terms of these regulations.

Grades and salaries of officers

5. The grades and salary scales applicable to the officers are as determined by the council with the approval of the Minister.

Temporary officers

6. The council may appoint on a temporary basis and without membership of the Provident Fund, White and non-White staff such as messengers, cleaners, night-watchmen, unskilled laboratory assistants and other staff. These members of the staff are appointed at the salaries and on the conditions that the council stipulates.

Commencing salaries

7. An officer may, according to his experience and qualifications, be appointed at any appropriate notch of the applicable salary scale.

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Permanent officers

8. (1) Every appointment of an officer is subject to a probationary period of at least one year.

(2) At the expiry of the probationary period there shall be a formal confirmation of the appointment if it is to be continued.

(3) An officer may be appointed at any place and may be transferred from one section, office, or centre to any other section, office, or centre according to the exigencies of the council's service.

Termination of service

9. (1) One calendar month's notice of termination of service shall be given by or to all officers, including those serving on probation, except the director in whose case the notice shall be of three calendar months' duration.

(2) A notice terminating an appointment under these regulations shall be in writing and shall be served on the officer or on the council, as the case may be, personally or by registered post.

(3) If an appointment which has been confirmed is terminated by notice under this regulation, the officer concerned has the right to appeal to the Minister. Notice of appeal must be given by such officer to the council and the Minister within 14 days after the date of the notice terminating his appointment. The decision of the Minister on any such appeal is final.

(4) Notwithstanding anything to the contrary in this regulation the termination of employment of any non-White unskilled labourer is subject to 24 hours' notice by either party.

Salary increments

10. (1) Annual salary increments within the approved scales of salary of the various grades of officers are not automatic but are based on merit.

(2) The council may, in cases of exceptional merit, grant more than one salary increment in a year.

Allowances

11. (1) *Cost-of-living Allowances* are payable to officers on the same basis and at the same rates as are from time to time payable in the Public Service.

(2) *Travelling and Subsistence Allowances.* -The rates of travelling and subsistence allowances payable to officers while absent from headquarters on the business of the council are determined from time to time by the council with the approval of the Minister.

(3) *Hospitality Allowances.* -The council may grant to the director a special hospitality allowance of R300 per year. Other senior officers shall be reimbursed for such hospitality expenses as they may have reasonably incurred in the interests of the council.

(4) *Responsibility Allowances.* -The council may, with the approval of the Minister, in special circumstances and for such periods as it may determine, grant to officers a non-

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pensionable responsibility allowance; provided that such allowance paid to an officer shall not exceed the amount of R360 per annum.

(5) *Other Allowances.* -Besides the above-mentioned allowances the council may from time to time with the approval of the Minister grant to specific officers or groups of officers such other special allowances as may be necessary in exceptional circumstances.

Leave of absence

12. (1) Leave of absence shall be granted as follows:-

- (a) In the case of the director, by the chairman of the council; the leave of the director shall be as for officers mentioned in regulation 4(1).
- (b) In the case of officers, by the director, or by an officer or officers appointed for that purpose by the director.

(2) Leave is granted subject to the exigencies of the council's service, and leave granted may at any time be amended by the director in the interests of the council's service.

(3) Officers listed in regulation 4(1) are granted 42 days vacation leave per annum on full pay. Nineteen days shall be taken consecutively within 15 months of the commencing date of each yearly cycle running from 1st January. The remaining 23 days may be taken non-consecutively and may be accumulated.

(4) Officers listed in regulations 4(2) and (3) may be granted vacation leave on full pay as follows: -

- (a) If a male officer and in receipt of an annual salary of R2,040 or more or if a female officer and in receipt of an annual salary of R 1,680 or more: Thirty-eight days per annum, of which 15 days shall be taken consecutively within 15 months of the commencing date of each yearly cycle running from 1st January. The remaining 23 days may be taken non-consecutively and may be accumulated.
- (b) If a male officer and in receipt of an annual salary of less than R2,040 or if a female officer and in receipt of an annual salary of less than R1,680: Thirty-four days per annum of which 12 days shall be taken consecutively within 15 months of the commencing date of each yearly cycle running from 1st January. The remaining 22 days may be taken non-consecutively and may be accumulated.

(5) Temporary White officers may be granted vacation leave on the same basis as the corresponding officers on the permanent staff. None of this leave shall, however, be accumulated, and all this vacation leave shall be taken within 15 months of the commencing date of each yearly cycle running from 1st January.

(6) The maximum vacation leave that may be accumulated shall be 184 days.

[subregulation (6) substituted by GN 521/1968]

(7) Accumulated vacation leave shall have no cash value upon termination of service with the Council, except when an officer—

- (a) dies;

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- (b) must retire because of poor health before reaching retirement age; or
- (c) reaches retirement age.

To such officer, or, in the case of his death, to such officer's spouse or in equal parts to or on behalf of a dependent minor children or to such officer's estate, a gratuity shall be paid equal to the cash value of the vacation leave standing to such officer's credit on the date of his death or retirement, to a maximum of 184 days. The gratuity shall be based on such officer's salary notch at death or retirement, together with non-pensionable allowances, if any, due to such officer on the date of his death or retirement.

[subregulation (7) substituted by GN 521/1968]

(8) If any of the public holidays. Good Friday, Day of the Covenant, Christmas Day or New Year's Day falls within any period of approved leave, the holiday is added to the leave period as a further period of leave of absence on full pay. Public holidays other than those mentioned above and Sundays that fall within any period of approved leave are regarded as included in the period of leave.

(9) The yearly cycle of all officers runs from 1st January. The vacation leave which may be granted during and in respect of a period of service preceding the first full yearly cycle of an officer shall be calculated on the basis of the number of full calendar months falling within such a period of service, any resultant fraction to be omitted. This leave may be taken non-consecutively and may be accumulated. If any officer is not able to take his vacation leave within the prescribed period of 15 months owing to the exigencies of the council's service, the leave may, with the approval of the director or, in the case of the director, with the approval of the chairman of the council, be carried forward into the next cycle.

(10) No vacation leave shall be granted during his last month of service to an officer who has resigned from the service of the council.

(11) Officers who are incapacitated through illness and are thus not able to carry out their duties may be granted sick leave. The granting of any sick leave in excess of three days is subject to the submission of a satisfactory medical certificate. The director may require that a medical certificate be submitted in support of an application for sick leave for a period of three days or less if, in his opinion, such a step is justified by the circumstances.

(12) Permanent officers may be granted sick leave for a period of 120 days on full pay and an additional period of 120 days on half-pay in each cycle of three years. The three-yearly sick leave cycle of such an officer runs from the date of appointment of that officer.

(13) Officers employed on a temporary or casual basis may be granted sick leave for a maximum period of 40 days on full pay and an additional period of 40 days on half-pay in each cycle of one year. The first yearly sick leave cycle of such an officer runs from the date of appointment of that officer.

(14) An officer may, in addition to the sick leave described in sub-regulations (12) and (13) of this regulation be granted special sick leave on full pay during the period of his incapacitation for work where such incapacitation is the result of an accident arising out of and in the course of his employment and involving personal injury or illness', provided that, where the injury or illness is such as to entitle the officer to compensation under the Workmen's Compensation Act, 1941, or any amendment thereof, or any other Act passed in substitution

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therefor, he may be granted special sick leave with pay at a rate equal to the difference between his full salary or wage and the compensation payable to him under the Workmen's Compensation Act, 1941, or any amendment thereof, or any other Act passed in substitution therefor

(15) (a) Special leave of absence may, subject to such conditions as the council may determine, be granted to an officer for the following purposes: -

- (i) When he is sitting for an examination held within the Republic of South Africa by a university, or any other examination specially approved by the council;
- (ii) when an officer has been isolated or segregated under medical instructions because a member of his household has contracted an infectious or contagious disease;
- (iii) when as a citizen of the Republic of South Africa he is undertaking compulsory service.

(b) Special leave of absence may be granted at any time for study or any other purpose approved by the council, for such period and upon such conditions in regard to salary as the council may decide.

(c) Temporary non-White employees may be granted leave as follows:-

Vacation leave: Ten working days per annum.

Sick leave: Ten working days per annum.

Age of retirement

13. (1) An officer retires from the council's service at the end of the calendar year in which he reaches the age of 60 years.

(2) The appointment of an officer who has reached the retiring age may be renewed by the council for such further period as it may deem fit, but such period shall not extend beyond the thirty-first day of December of the calendar year in which such officer attains the age of sixty-five years; provided that the officer concerned shall have the right to elect, in writing, not later than 60 days after his superannuation date, as defined in the regulations of the Provident Fund and Pension Scheme for University Institutions, as published in Government Notice No. 1134 of 19th May, 1950, as amended, to terminate his membership of the Provident Fund with effect from such superannuation date when he shall be entitled to a full benefit.

Obedience to instructions

14. Every officer shall obey unconditionally every lawful instruction given to him by an officer who has the necessary authority to give such an instruction. If an officer to whom such instruction is given considers that he has grounds for complaint arising out of such instruction, he may ask the superior officer to repeat the instruction in writing and after he has carried out the instruction he may report his complaint to the head of his section or office, who shall thereupon submit the matter for decision to the director.

Residential addresses of officers

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15. The residential address, and any change thereof, of every officer shall be notified by him to the officer under whose immediate control or supervision he is placed, and shall be recorded in the section or office in which he is serving.

Hours of attendance

16. (1) Officers shall observe such regular hours of attendance at their offices on working days as the director shall direct.

(2) The head of every section or office shall be responsible for the observance by the officers under his control of the hours of attendance prescribed under this regulation.

(3) Notwithstanding anything to the contrary in this regulation, every officer shall when required by the director or by an officer who has the necessary authority to give such an instruction attend at his office or be on duty at times other than and in addition to the prescribed hours and, if so required, shall have no claim to additional remuneration or overtime payment, unless his employment is governed by other special conditions or regulations as to overtime payment.

Attention to duty

17. (1) An officer shall during the hours of attendance devote himself to the discharge of his duties, and shall not allow his attention to be engaged upon private affairs.

(2) No officer shall leave his office on private business during the hours of attendance except with the permission of the head of his section or office.

Unpunctuality and irregularity

18. An officer who develops habits of unpunctuality or irregularity in his attendance during the prescribed hours or who fails to be in attendance at his office or on duty for any longer period as provided in sub-regulation (3) of regulation 16 shall be guilty of a contravention of these regulations.

Remunerative work outside the council's service

19. An officer shall not at any time perform or undertake to perform any private work for financial reward without the permission of the council. In exceptional cases the council may permit such work and make such arrangements in regard to the fees or other reward payable to the officer as it may think fit.

Dismissal of officers by the council

20. (1) Notwithstanding anything to the contrary in these regulations the council may after due enquiry terminate an officer's appointment either summarily or on such notice as the council may deem expedient in the circumstances if the officer contravenes any provisions of these regulations or if he -

- (a) disobeys, disregards or makes wilful default in carrying out a lawful order given to him by a person having authority to give such an order, or by word or conduct displays insubordination;
- (b) is negligent or indolent in the discharge of his duties;

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- (c) is or becomes inefficient or incompetent for the discharge of his duties;
- (d) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty shows gross discourtesy to another officer or to any member of the public;
- (e) is addicted to excessive use of intoxicants or stupefying drugs;
- (f) becomes insolvent or assigns his estate for the benefit of, or compromises with his creditors, or has a decree of civil imprisonment made against him by any court of law, unless he can show that his insolvency or the assignment of his estate or the compromise with his creditors or his imprisonment has been occasioned by unavoidable misfortune;
- (g) becomes peculiarly embarrassed, if such pecuniary embarrassment is occasioned by imprudence or other reprehensible cause and is prejudicial to the faithful performance of his duty;
- (h) unlawfully appropriates or under circumstances which do not constitute a criminal offence misuses any property of the council;
- (i) commits a criminal offence;
- (j) absents himself from his office or duty without leave or valid cause;
- (k) with a view to obtaining any privilege or advantage in relation to his official position or his duties or to causing prejudice or injury to the council makes an incorrect or false statement knowing the same to be incorrect or false;
- (l) improperly communicates otherwise than in the performance of his duties as an officer of the council, to any person, any confidential information relating to the work and activities of the council; or
- (m) by his conduct or his published writings damages the council's repute.

(2) Notwithstanding anything to the contrary in these regulations the council may, in the case of misconduct which, in the opinion of the council, is not of a serious nature, after due enquiry find the officer not guilty and dismiss the charge or find him guilty and either caution or reprimand him. The findings of the council shall be communicated to the officer in writing.

(3) Notwithstanding anything to the contrary in these regulations the council may, in the case of misconduct which, in the opinion of the council, is of a serious nature, after due enquiry -

- (a) caution or reprimand the officer concerned; *or*
- (b) cancel the award of increments for a stated period of years; *or*
- (c) reduce the officer in grade; *or*
- (d) discharge the officer or call upon him to give notice of resignation on a specified date, the officer being deemed to have been discharged on the specified date if he

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fails to submit a resignation. The findings of the council shall be communicated to the officer in writing.

(4) The officer alleged to be guilty of misconduct may if he so desires require the charge against him of misconduct to be formulated in writing.

(5) If the officer denies the charge he shall be afforded the opportunity of being heard personally or through a representative in his own defence.

(6) An officer whose appointment is terminated by the council in terms of sub-regulation (1) shall have the right to appeal to the Minister, provided notice of intention to appeal is given to the council and the Minister within 14 days of the receipt of the notice terminating his appointment. The Minister's decision shall be final.

(7) Pending the decision of the council under sub-regulation (1), the director may, if he deems it expedient, after consultation with the chairman of the council, suspend from duty any officer accused of any contravention under that sub-regulation, and may at any time cancel the suspension.

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

(9) If an officer is under suspension from duty under sub-regulation (7) but is not thereafter dismissed or called upon to resign or reduced in grade by the council in terms of sub-regulation (3), he shall be reinstated in the post which he held at the time of his suspension and shall be paid the full emoluments for the period of his suspension.