



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Education Act 16 of 2001
section 81(5)

**Regulations on (1) the Conditions on which Native Community
Schools may be Subsidised or Granted Aid and (2) the
Conditions of Service of Teachers at Native Community
Schools and School Board Secretaries**

Government Notice 62 of 1964

(OG 2546)

came into force on 15 December 1963

The Regulations relating to the Conditions on which Native Community Schools may be Subsidised or Granted Aid and the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries were originally made in terms of section 117 of the Education Ordinance 27 of 1962, which was repealed by section 83 of the Education Act 16 of 2001. Pursuant to section 81(5) of the Education Act 16 of 2001, the Regulations relating to the Conditions on which Native Community Schools may be Subsidised or Granted Aid and the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries are deemed to have been made under that Act.

as amended by

Government Notice 112 of 1964 (OG 2573)

came into force on 1 August 1964

Government Notice 66 of 1966 (OG 2715)

came into force on 2 May 1966

ARRANGEMENT OF REGULATIONS

[The individual regulations have no headings.]

SCHEDULE

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

REGULATIONS REPEALED

Definitions

1. Any expression to which a meaning has been assigned in the ordinance shall have that meaning wherever it occurs in these regulations and unless the context indicates otherwise -

“officer” means an officer of either the Department of Education or the Department of Bantu Administration and Development;

“Department” means the Department of Education;

“Director” means the Director of Education;

“approved” means approved by the Department;

“Native community school” means any Native school established or maintained by any Native authority, Native council, tribe or community or by a regional, local or domestic council, board or other body and/or recognised and approved by the Administrator as a Native community school for the purposes of these regulations, and shall be classified as follows -

- (a) lower primary schools covering only the syllabuses for substandards A and B and standards I and II;
- (b) higher primary schools covering only the syllabuses for standards III, IV, V and VI;
- (c) combined higher and lower primary schools which can cover the syllabuses up to and including standard VI;
- (d) practising schools, attached to training schools which may cover the syllabuses up to and including standard VI and which provide practicing facilities to teacher students;

“inspector” means an inspector of Native education;

“calendar quarter” means a period of three consecutive months ending on the 31st March, 30th June, 30th September and 31st December of every year;

“calendar month” means the period from the first up to and including the last day of any one of the twelve months of the year;

“teacher” means any member of the teaching staff of a Native community school and for the purposes of these regulations shall include a principal and an assistant teacher, and “teaching post” and “post” have corresponding meanings;

“teaching experience” means any period of recognised service as a teacher or lecturer in an approved or recognised school, college, university, or as an inspector of schools, sub-inspector, supervisor or as a school board secretary under the Department, in respect of which satisfactory

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

proof has been given: Provided that all periods of leave except leave without salary shall be deemed to be experience;

“ordinance” means the Education Ordinance, 1962;

“school board” means a body established by the Administrator in terms of section *one hundred and six* of the ordinance for the purpose of establishing, controlling or maintaining two or more Native community schools and shall include for the purpose of these regulations a Native school committee, a Native committee board, or a manager appointed by the Administrator under the Regulations of School Committees, Committee Boards and School Boards for Native Community Schools, on which the powers and functions of a school board have been conferred;

“school quarter” means the period in any year as determined by the Director from time to time during which instruction shall be given to pupils in a Native community school;

“school holidays” means the period between two consecutive school quarters.

CONDITIONS ON WHICH NATIVE COMMUNITY SCHOOLS MAY BE SUBSIDISED OR AIDED

Subsidy in respect of salaries and allowances to teachers

2. (1) Subject to the provisions of section *one hundred and two* of the ordinance the Administrator may make money available which may, on application by a school board, be applied by the Department for the payment of a subsidy in respect of the salary and allowances attached to every approved teaching post under the control and management of the said school board.

- (2) The payment of such subsidy shall be subject to the following conditions -
- (a) salaries and allowances shall be payable only in respect of a teaching post approved by the Department and in respect of which the salary scale and allowances have been determined under these regulations;
 - (b) no teacher shall be appointed to a post without the Department’s approval;
 - (c) a teacher who on the date of commencement of these regulations is in the service of a school board and whose appointment as a teacher at a Native community school has not been approved by the Department before the said date shall not be kept in service in such post or any other approved post for a period longer than three months without the Department’s approval;
 - (d) unless the Department determines otherwise a teacher in an approved post shall be remunerated according to the salary scales and allowances applicable to the corresponding post in state Native schools as determined by the Administrator from time to time;
 - (e) the Department shall have the right to suspend the payment of salary and allowances to a teacher in the service of a school board from a date fixed by it if such teacher does not comply with the fixed instructions of the school board in respect of school hours, holidays, syllabuses, examinations, the medium of instruction, the admission of pupils and other matters relating to the work within

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

the class room in this connection. The Director may cause an inquiry to be instituted against the teacher concerned, or may act as he thinks fit;

- (f) where a teacher employed by a school board has committed a breach of the conditions of service of such school board or of its instructions, and the school board has knowingly failed to take the necessary action against the teacher the Department may suspend the payment of salary and allowances from a date determined by it or cause an inquiry to be instituted against the teacher concerned;
- (g) an inspector of Native education or any officer of the Department shall at all reasonable times have access to any Native community school or office under the control of a school board for the purposes of inspection, the examination of books, records and other documents, and for the execution of any other task imposed by the Director;
- (h) every school board shall keep the records and furnish the returns required by the Department;
- (i) the recommendation to terminate a teacher's service shall be reported immediately to the Department by the school board, otherwise any overpayment may be recovered from the school board;
- (j) a school board may, with the approval of the Director, establish a teaching post at a Native community school in respect of which no grant-in-aid under section *one hundred and two* of the ordinance shall be made;
- (k) a teacher shall be subject to any amendment or addition which may be made by the Administrator in connection with salaries and allowances attached to his post as well as in connection with his conditions of service;
- (l) the salary and allowances in respect of a teacher in the service of a school board may be suspended or reduced without assigning any reasons therefor: Provided that where the conditions of service of a school board require that a teacher appointed with the Department's approval shall be given at least one school quarter's notice of the termination of his service, such suspension of salary and allowances may only take place after notice of one school quarter.

Subsidies for other purposes

3. (1) Subsidies for purposes other than those specified in regulation *two*, which may be determined by the Administrator from time to time, may on application by a school board be paid to such school board by the Department.

- (2) Such subsidies shall be subject to the following conditions -
 - (a) the subsidies shall be expended for the purposes for which they were approved;
 - (b) the subsidies shall be dealt with according to the procedure laid down by the Department;
 - (c) the provisions of paragraph (g) and (h) of subregulation (2) of regulation *two* shall apply in respect of such subsidies.

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

CONDITION OF SERVICE OF TEACHERS AT NATIVE COMMUNITY SCHOOLS

Recruitment of teachers

4. The recruitment of a full-time or part-time teacher for an approved teaching post shall be the responsibility of the school committee and school board to which the management, control and supervision of the school have been, entrusted.

Appointments

5. (1) Unless specifically otherwise provided these regulations shall apply to all teachers employed at Native community schools.

(2) The appointment of every teacher at a Native community school shall be made by the school board in terms of the staff provision scales for lower and higher primary practising schools as provided by subregulations (3), (4), (5) and (6) of regulation *eight* of the Regulations on the Condition of Appointment and Service of Teachers in State Native Schools, Sub-inspectors, Supervisors and other Persons employed in connection with Native Education and shall be subject to the Department's approval.

(3) The appointment of a teacher shall be by written contract in a form approved by the Director and signed by the teacher and signed, on behalf of the school board controlling and managing such Native community school, by the chairman and secretary of the school board, or a manager where such manager performs the functions of a school board.

(4) A teacher already employed at a Native community school at the commencement of these regulations may continue his service at such school on condition that -

- (a) he informs the school board in writing within three months after the date of commencement of these regulations that he accepts the conditions of service laid down in these regulations; and
- (b) if he fails to notify the school board by the date as provided for in paragraph (a) he shall be deemed to have terminated his service at the school concerned from the end of the first full school quarter immediately following on the said date.

(5) A teacher employed at any school which becomes a Native community school after the commencement of these regulations may continue his service at such school on condition that -

- (a) he enters into the necessary contract as provided in subregulation (3) with the school board within a period fixed by the Director;
- (b) if he fails to enter into the necessary contract with the school board by the fixed date, he shall be deemed to have terminated his service at the school concerned from the end of the first school quarter immediately following the said date.

(6) A school board may with the approval of the Administrator make a teacher's appointment subject to a condition of service for which no provision is made in these regulations, provided that such condition of service is not inconsistent with the conditions of service contained in these regulations.

DISCHARGE OR RESIGNATION

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

Unqualified or partly qualified teachers

6. The contract between the school board and an unqualified or partly qualified teacher may be terminated by the school board or the teacher on written notice of one month, and the school board shall notify the Department thereof immediately after notice of such termination of service has been given.

Married women

7. (1) The contract between the school board and a married woman teacher may be terminated by the school board or the teacher on written notice of one month and the school board shall notify the Department thereof immediately after notice of such termination of service has been given.

(2) The contract of a woman teacher may be terminated by the school board with effect from the first day of the calendar quarter following on the calendar quarter in which she marries, and the school board shall notify the Department thereof immediately after notice of such termination of service has been given.

Fully qualified teachers

8. The contract between the school board and a fully qualified teacher, except a married woman teacher, may be terminated by the school board subject to the approval of the Department or the teacher on written notice of one school quarter and in the latter case the school board shall notify the Department immediately thereof.

Transfers

9. (1) A school board may, subject to the approval of the Department, transfer a teacher from a school where he serves, with or without a reduction in emoluments, to another school falling under the control of the school board: Provided that the school board shall give the teacher concerned at least one school quarter's prior written notice of such transfer.

(2) If the teacher does not accept such transfer, the school board may, subject to the approval of the Department, regard the contract as terminated with effect from the end of the relative school quarter.

(3) Notwithstanding the provisions of subregulation (1) a transfer may be effected at shorter notice provided the written consent of the teacher has been obtained.

General provisions concerning termination of service or transfers

10. (1) The contract between the school board and a teacher may, with the consent of both parties, be terminated at shorter notice than that provided for in regulations 6, 7 and 8.

(2) For the purposes of regulations 6, 7, 8 and subregulation (1) of regulation 9 notice of one month shall be served not later than on the first day of the month and notice of one school quarter not later than during the first week of the school quarter.

(3) (a) A school board may suspend a teacher charged in a court with a criminal offence;

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

- (b) If the teacher charged is found not guilty by the court he shall be reinstated in his post and shall receive full emoluments for the period of his suspension.
- (c) If the teacher charged is found guilty by the court he shall not receive any emoluments for the period of suspension.

(4) The services of a teacher may, subject to confirmation by the Director, be summarily terminated by a school board if such teacher is found guilty by a court of a criminal offence which, in the opinion of the school board, makes him unfit for further service as a teacher.

Misconduct

- 11.** (1) A teacher in the service of a school board shall be guilty of misconduct if he -
- (a) disobeys, disregards or wilfully fails to carry out a lawful order given to him in his capacity as a teacher by any person or body having authority to give such order or by word or conduct displays insubordination or
 - (b) contravenes any provision of these regulations, is negligent or indolent in the discharge of his duties, or absents himself from his school without valid reason; or
 - (c) is or becomes inefficient or incompetent in the discharge of his duties from causes within his own control; or
 - (d) habitually uses to excess any intoxicant or drug, or commits any offence against good morals; or
 - (e) conducts himself in a disgraceful or improper manner or, while on duty, treats another teacher or any other person with gross discourtesy; or
 - (f) discloses confidential information obtained in the course of his duties otherwise than in the discharge thereof; or
 - (g) commits any criminal offence; or
 - (h) misappropriates or improperly uses property belonging to the school board or Department under circumstances which do not constitute a criminal offence; or
 - (i) with a view to obtaining any privilege or advantage in respect of his official position or duties, or to causing any injury or damage to the service of the school board or the Department or the Administration, makes a false or incorrect statement knowing it to be false or incorrect; or
 - (j) obtains or attempts to obtain intervention from any source to the advantage of his own, or the disadvantage of any other teacher's promotion, transfer or emoluments in the service of the school board: Provided that nothing herein contained shall preclude a teacher from attempting to obtain redress of grievances through the Director; or

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

- (k) without the Director's approval accepts or demands a commission, money or pecuniary or other award (not being emoluments payable to him in respect of his duties) for the discharge of his duties; or
 - (l) 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 court of law unless he can show that his insolvency, assignment, compromise or civil imprisonment has been occasioned by unavoidable misfortune; or
 - (m) becomes financially embarrassed if such financial embarrassment is occasioned by imprudence or other reprehensible cause and is prejudicial to the faithful discharge of his duties; or
 - (n) uses his position as teacher to encourage disobedience or resistance to the laws of the State; or
 - (o) propagates any idea or takes part in, or identifies himself with, any propaganda or activity or acts in a manner calculated to -
 - (i) cause or promote antagonism amongst any section of the population of the Territory against any other section of the population of the Territory, or
 - (ii) impede, obstruct or undermine the activities of the Administration or of any body controlling an educational institution; or
 - (p) does or causes or permits to be done, or connives at, any act which is prejudicial to the administration, discipline or efficiency of the Department or of a school board; or
 - (q) identifies himself actively with the election or nomination of members of the school board or Native authority or governing body or Native school committee or local Native or advisory council, if such teacher has not obtained the Director's prior approval to be nominated as a member of a Native advisory council or other local authority; or
 - (r) contributes to the press by interview or in any other manner or otherwise publishes a letter or article criticising, or making unfavourable comment on, the Department, any other state department, a school committee, a school board or Native authority or officer attached to any one of the bodies mentioned.
- (2) The school board may find the teacher not guilty or guilty -
- (a) after having held or caused to be held such investigation as it may deem fit; and
 - (b) after the teacher has been given the opportunity of presenting his case: Provided that no legal representation shall be allowed.
- (3) If the school board finds the teacher guilty it may, according to the circumstances, and in relation to the seriousness of the charge, decide that -
- (a) the teacher be reprimanded; or
 - (b) the teacher's emoluments be reduced for a period determined by the board; or

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

- (c) the teacher be immediately transferred to another post under the control of the school board, with or without reduction in emoluments; or
- (d) the teacher be suspended from duty for a fixed period without emoluments; or
- (e) the teacher be dismissed from his post with effect from a date determined by the school board.

(4) The school board's decision shall be submitted to the Director immediately for confirmation or other decision as he may decide.

LEAVE

Leave of absence

12. (1) Any leave standing to the credit of any teacher at the date of commencement of these regulations under the regulation in force up to the said date shall be retained by him as leave accrued under these regulations.

(2) Leave of absence of any kind whatever is a privilege and cannot be claimed as of right but may be granted by the school board subject to the exigencies of the service.

(3) Leave granted to a teacher may be cancelled at any time by the school board if the interests of the school require it. If, prior to the expiration of a period of duly authorised leave, a teacher resigns or is discharged, the leave shall automatically terminate on the date of notice or resignation or the date of discharge. If the notice of resignation is undated the leave shall automatically terminate on the date of receipt of such notice by the school board.

(4) All applications for leave shall be made in duplicate on a form approved by the Department.

(5) All leave granted by a school board to a teacher in respect of whom salary and allowances are paid by the Department -

- (a) shall be reported to the Department immediately; and
- (b) shall be subject to the approval of the Department.

(6) A teacher who wishes to resume duty before the expiration of a period of leave may do so only if no substitute has been appointed and after prior approval of the school board has been obtained.

Extraordinary leave

13. (1) Extraordinary leave with salary may, subject to the approval of the Department, be granted by the school board to a teacher -

- (a) when he sits for any examination approved by the Department; or
- (b) when he is absent from duty as a result of a criminal charge laid against him and he is acquitted or the charge is withdrawn, for the period that he was necessarily absent; or

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

- (c) when he is absent from duty as a result of isolation on medical instructions 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 extraordinary leave under this paragraph shall be subject to the submission of a certificate of a medical practitioner indicating the period of and the cause of isolation; or
- (d) for any other urgent or good reason: Provided that extraordinary leave granted under this paragraph, shall not exceed ten school days: Provided further that -
 - (a) the work of the absent teacher shall be done by the remaining teachers so that his absence entails no additional expense;
 - (b) the efficiency of the school's work shall not suffer appreciably thereby.

(2) The school board may at any time grant to any teacher extraordinary leave without salary for a period of not more than twelve months: Provided that such extraordinary leave shall preserve the continuity of service, but shall not itself be reckoned as service: Provided further that any such leave granted shall be reported to the Department immediately for confirmation.

Study leave for teachers in subsidised posts

14. (1) The Department may grant a teacher who has completed five years of continuous service at a Native school recognised by the Department, study leave for six months with half salary or one year with quarter salary: Provided that prior approval shall be obtained from the Department for the course he intends following, as well as for the educational institution where he intends following such course.

(2) The Department may grant a teacher who has completed ten years of continuous service at a Native school recognised by the Department, study leave for six months with full salary or one year with half salary or two years with quarter salary: Provided that prior approval shall be obtained from the Department for the course he intends following, as well as for the educational institution where he intends following such course.

(3) Study leave shall be granted on condition that the teacher devotes at least three years to teaching in South West Africa after its expiry.

(4) If a teacher has been granted the full period of study leave which may be granted under these regulations, no additional study leave shall be granted to him until he has completed a further continuous period of at least five years service: Provided that the Department may at any time grant a teacher study leave without salary for a specified period.

- (5) All periods of study leave granted with salary shall be reckoned as service.

Sick leave

15. (1) Subject to the approval of the Department sick leave shall be granted in the case of a properly defined illness, disease or injury, on submission of -

- (a) an application for sick leave on a form approved by the Department;
- (b) a medical certificate on the approved form, completed by a medical practitioner, where sick leave for a continuous period of more than three days is applied for:

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

Provided that in remote places where a medical practitioner is not easily reached the period of three days may on the recommendation of an inspector be extended to not more than fourteen days. The school board may in its discretion require the submission of such a certificate in respect of periods of less than three days.

(2) The school board may require the teacher concerned to submit, in addition to the certificate mentioned in subregulation (1) (b), a second medical certificate by a state medical or other medical officer, and to submit himself to a medical examination by a medical officer designated by the school board.

(3) Only in exceptional cases may sick leave be granted in respect of nervous complaints, insomnia, debility and similar diseases or illnesses and then only on production of a medical certificate giving full particulars.

[The word "insomnia" above is misspelt,
reproduced as it appears in the *Official Gazette*.]

(4) Sick leave shall not be granted in respect of absence occasioned by an illness, disease or injury resulting from failure to take reasonable precautions.

(5) Subject to the conditions imposed by these regulations sick leave may be granted to a teacher as follows -

- (a) within a cycle of five years calculated from the first day of his appointment under the Department, sick leave of not more than six months altogether of which three months shall be granted with full salary and three months with half salary;
- (b) during the second such period, full salary for four months and half salary for two months;
- (c) during the third such period, full salary for five months and half salary for one month; and
- (d) during the fourth and any subsequent cycle of five years full salary for six months:

Provided that in the calculation of such leave a month in case of doubt shall be deemed to contain thirty days: Provided further that school holidays falling within a period of sick leave with salary (full or half) shall not be reckoned as sick leave.

Provided further that any unused sick leave prescribed for a fixed cycle shall lapse at the end of the relative cycle and shall not be transferable to the next cycle.

[subregulation (5) amended by GN 112/1964]

(6) In exceptional cases the school board may grant sick leave without salary under the provisions of subregulation (2) of regulation *thirteen* over and above the maximum prescribed under subregulation (5).

(7) All periods of absence on approved sick leave with full or half salary shall be deemed to be service. Periods of absence on approved sick leave without salary shall not count as service but shall not be deemed to be breaks in service for the purpose of the retention of his post by the teacher concerned.

- (8) (a) If a teacher's absence is due to a dental abscess, jaw fracture, acute Vincent infection of the mouth or complications arising from the extraction of teeth,

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

such as osteomyelitis, osteitis, and secondary haemorrhage, a certificate as required by this regulation and issued by a practising dentist may be accepted;

- (b) a similar certificate issued by a practising dentist in respect of any other illness shall be accepted only with the consent of the chief medical inspector of schools or a competent officer authorised thereto by him;
- (c) notwithstanding the provisions of paragraphs (a) and (b) the Department may require a medical certificate to be submitted before considering the granting of sick leave.

Confinements

16. A married woman teacher who becomes aware of her pregnancy shall leave the service of the school board for at least -

- (a) six weeks before the expected date of the confinement;
- (b) six weeks after the date of such confinement.

Teacher's time to be entirely at the disposal of the school board

17. (1) Unless the school board with the approval of the Director determines otherwise -

- (a) every teacher shall place his time entirely at the disposal of the school board;
- (b) no teacher shall perform or engage himself to perform remunerative work outside the service of the school board without the school board's permission in writing;
- (c) no teacher may as of right claim additional remuneration in respect of any extra-curricular duty or work which he is instructed to do by a competent authority.

(2) A teacher who during or after school hours is engaged in approved school activities on the school grounds or elsewhere which do not constitute part of the curriculum, shall be regarded as being on duty.

Duties of principals

18. (1) The principal of every Native community school shall maintain a leave register as prescribed by the Department and shall note all absences of any teacher therein.

(2) Every absence of a teacher shall be reported by the principal to the school board on the prescribed form.

(3) A principal shall, unless prevented from doing so by circumstances beyond his control, be in attendance at the educational institution of which he is the principal, for as many days before the first day of any school quarter as may be necessary for the proper functioning of such institution: Provided that all principals shall be so in attendance at least one day (except a Sunday) immediately before such first day.

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

(4) The principal shall submit to the Department quarterly returns as required by it every quarter within seven days after the closing date of his school.

Responsibilities of teachers

19. (1) A teacher's responsibilities shall not be restricted to the performance of his duties within the school hours and on the school premises. When required to do so by the principal he shall do his proper share in connection with the organisation and supervision of the school library, sports, excursions, youth movements and other school activities.

(2) The principal and every teacher shall be responsible for the discipline of the school and shall ensure that the pupils under their care are clean and neat.

(3) The school board may require a teacher to reside in a school hostel or within reasonable proximity of the school.

Salary increases: recognition of service

20. (1) A teacher assuming duty under the Department who has no recognised teaching experience shall begin at the minimum salary on the salary scale applicable to him according to his qualifications.

(2) A teacher assuming duty under the Department who has recognised teaching experience, shall begin at such salary on the salary scale applicable to him according to his qualifications as has been determined after such teacher has been granted one salary notch for every completed year of such satisfactory experience (whether consecutive or not) for which documentary proof has been submitted, on the salary scale applicable to him at the time of such experience.

(3) Periods of experience of less than one year as referred to in subregulation (2) shall all be taken into account in the determination of a teacher's future incremental date, save as is provided in subregulation (1) of regulation *nineteen*.

(4) A teacher who on or after the 1st April, 1954, but before the 31st March, 1959, was in the service of the Department in a temporary capacity for periods of less than a full year, may receive recognition for consecutive periods of *three* months or a full school quarter or longer but for not more than one salary incremental period. In respect of periods of service of *three* months or consecutive school quarters after the 31st March, 1959, all such periods of service shall be taken into account for salary purposes.

21. All matters relating to the adjustment of salaries for which no definite provision has been made, shall be determined by the Director whose decision shall be final.

Salary increments: progress on a scale

22. (1) Subject to the provisions of subregulation (2) a teacher's salary may be increased by one notch increment on the salary scale applicable to him after completion of every salary incremental period in such a manner that a salary increment payable in any calendar month before the 16th day of such month, shall be payable from the beginning of such month and a salary increment payable in any calendar month after the 15th day of such month, shall be payable from the beginning of the following calendar month.

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

(2) Annual salary increments may be granted by the Department in accordance with the salary scale applicable in every case if a satisfactory report by an inspector of a Native school is submitted on the relative teacher's -

- (a) zeal;
- (b) discipline;
- (c) punctuality;
- (d) competence; and
- (e) conduct.

(3) No annual increment may be claimed as of right.

(4) If an authorised officer of the Department issues a certificate stating that a teacher did not perform the duties attached to his post competently during the immediately preceding salary incremental period, the Director may reject or accept such certificate and if, after such further investigation as he may conduct, he accepts such certificate, the salary of such teacher shall not be increased under the provisions of subregulation (1) and the Director shall decide for which period such an increment shall be withheld.

(5) If the period for which a teacher's salary increment has been withheld, is shorter than a salary incremental period, the Director may, on the expiry of such shorter period, grant such teacher one salary increment from the first day of the month following on that in which the said period expires: Provided that the Director may grant such teacher a further salary increment after the expiry of a salary incremental period calculated from the date on which his salary would have been increased if it had not been withheld.

(6) If the period for which a teacher's salary increment has been withheld, covers a salary incremental period the Director may grant such teacher two salary increments after the expiry of such salary incremental period calculated from the date on which his salary would have been increased if such increment had not been withheld.

23. Where the salary of a teacher is not increased under subregulation (1) of regulation *nineteen* such teacher shall be informed by the Department in writing of the reasons therefor.

24. Where for any reason a teacher has been granted more than *thirty* days leave without salary, his first salary increment becoming payable after the beginning of such leave shall be postponed for a period equal to such leave and the future salary incremental date shall be the original salary incremental date extended by the number of days of leave without salary which was granted to him.

Method of payment of salary

25. (1) The salary of a teacher on the permanent teaching staff for the month of December may be paid together with the salary for the month of November if a school quarter ends before or on the 30th November; if such school quarter ends after the 30th November the salary may be paid on the last school day of such calendar quarter.

(2) (a) If a teacher dies while he is in the service of the Department, his salary shall be paid up to the day of his death, unless he has performed the duties of his post up to the last

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

school day of the calendar quarter in the course of which he dies, in which case his salary shall be paid up to the last day of that calendar quarter, or, unless he has been granted leave, not being sick leave or study leave for any period extending beyond his death, in which case his salary shall be paid to the day on which such period of leave ends: Provided that if such leave extends to the last school day of the calendar quarter, his salary shall be paid to the last day of the calendar quarter.

(b) When a teacher dies while absent on study leave, his salary shall be paid only up to and including the date of his death.

Period for which salary is paid

26. Where a teacher terminates his service under the Department of his own accord, during any school holiday, period or on the first school day after any such period, such teacher shall, for the purposes of these regulations be deemed to have performed the duties attached to his post up to the last school day of the previous school quarter and his appointment shall date and his salary shall be paid up to the last day of the calendar quarter in which such school quarter falls.

27. A teacher shall be remunerated with effect from the day of assumption of duty until the day of termination thereof: Provided that -

- (a) where a full-time teacher assumes duty on the first day of any school quarter such teacher shall be remunerated from the first day of that calendar quarter if he has performed the duties attached to his post for at least half of that calendar quarter; and
- (b) where a teacher teaches for a continuous period greater than the half of a school quarter and such period runs to the last school day of the school quarter he shall be remunerated to the last day of the calendar quarter.

Retiring age

28. (1) The services of a teacher under a school board shall be deemed to be terminated -

- (a) in the case of a male teacher on the last day of the year during which he attains the age of 63 years; and
- (b) in the case of a woman teacher on the last day of the year during which she attains the age of 58 years: Provided that the Director may -
 - (i) on the written recommendation of the school board concerned, and
 - (ii) on the recommendation of an inspector of Native education, and
 - (iii) on the submission of a satisfactory medical certificate,

extend the appointment of such teacher from year to year for a total period not exceeding five years.

Travelling privileges

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

29. After completion of one year's continuous service under the Department and thereafter once in every calendar year, at a time determined by the Department, a teacher shall be entitled to a free second class return rail ticket from the station nearest to the school where he is in service to any station within the Territory for himself and for every member of his household living with him and being fully dependent on him, and for a full-time children's nurse if there is a child under 2 years of age in the household: Provided that -

- (a) such teacher is not entitled to a free rail warrant under any other authorisation;
- (b) if such teacher is married and the husband or wife, as the case may be, is also a teacher, to whom the provisions of these regulations apply and who can avail himself or herself of them, such teacher shall not be entitled to another free rail warrant;
- (c) subject to the provisions of paragraph (b) a married woman who does not qualify under regulation *four* for appointment to the permanent teaching staff shall be entitled to a free rail warrant for herself only;
- (d) in the case of a teacher who marries in the course of a year and whose wife has already received a free rail warrant under any other authorisation by the Administration in that year, no further free rail warrant in respect of his wife shall be issued for that year.

SCHOOL BOARD SECRETARIES

Conditions of appointment and service

30. The school board shall recommend a qualified person to be appointed and remunerated by the Department as a part-time or full-time secretary of the school board.

31. (1) For salary purposes school board secretaries shall be classified as set out below. The grade of the post shall depend upon the number of teachers in the School board area concerned -

Grade I	1 to 40 teachers (part-time post)
Grade II	41 to 90 teachers (full-time post)
Grade III	91 to 140 teachers (full-time post)
Grade IV	141 and more teachers (full-time post)

(2) The remuneration of a school board secretary classified as Grade I shall be according to the time he has to devote to the work, and in accordance with the table given below -

<i>Number of teachers per school:</i>	<i>Hours of work per week:</i>
1 to 2	1 hour per school
3 to 15	2 hours per school
6 to 10	3 hours per school
11 to 15	4½ hours per school
16 to 20	6 hours per school
21 to 30	8 hours per school
31 to 40	10 hours per school

The remuneration shall be forty-five cents an hour.

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

[subregulation (2) amended by GN 112/1964]

(3) A full-time school board secretary shall be remunerated according to his qualifications at the same rate as an assistant teacher at a higher primary school: Provided that he shall receive a school board secretary's allowance in addition to the salary and allowance mentioned as follows -

School board secretary grade II	R 180 a year
School board secretary grade III	R 216 a year
School board secretary grade IV	R 252 a year

[subregulation (3) amended by GN 112/1964]

Vacation leave

32. (1) (a) A school board secretary shall not be entitled to ordinary school holidays.

(b) The school board may grant a school board secretary 30 days vacation leave a year of which a maximum of 15 days may accumulate up to a maximum of 60 days.

(c) Such leave shall accrue in respect of every completed month of service at one-twelfth of the provision of 30 days.

(2) Sick leave as provided in regulation *fifteen* of these regulations shall *mutatis mutandis* apply to school board secretaries.

(3) Study leave may be granted by the Department to a school board secretary under the provisions of regulation *fourteen* of these regulations.

(4) Extraordinary leave with or without salary may be granted to a school board secretary under the provisions of regulation *thirteen* of these regulations: Provided that no extraordinary leave may be granted under paragraph (d) of subregulation (1) of regulation *thirteen*.

Application of these regulations to school board secretaries

33. Unless the Administrator determines otherwise all other provisions contained in these regulations shall, in so far as they relate to teachers, also be applicable to school board secretaries.

Interpretation of the regulations

34. If there should be any doubt as to the interpretation of the provisions of these regulations the Director shall decide thereon and such decision shall be final.

Deviations in time of war or national emergency

35. If a state of war or national emergency arises the Administrator may approve a deviation from the provisions of these regulations.

Departure from regulations

REGULATIONS
Education Act 16 of 2001

Regulations on (1) the Conditions on which Native Community Schools may be Subsidised or Granted Aid and (2) the Conditions of Service of Teachers at Native Community Schools and School Board Secretaries

36. If circumstances arise which justify a departure from the provisions of these regulations the Administrator may in his discretion authorise such departure.

[regulation 36 and heading above it inserted by GN 66/1966]

Commencement of regulations

37. These regulations shall come into force on the 15th December, 1963.

[regulation 36 renumbered to 37 by GN 66 of 1966]

SCHEDULE
REGULATIONS REPEALED

<i>Number and date of Government Notice.</i>	<i>Extent of repeal.</i>
129 of 13th September, 1926	Regulation 6
129 of 13th September, 1926	Regulations 15-17 (inclusive)
57 of 6th April, 1937	Regulation 32
200 of 1st December, 1939	Regulations 34-36 (inclusive)
122 of 15th August, 1941	Regulation 40
91 of 15th April, 1944	Regulations 45-50 (inclusive)
191 of 16th June, 1947	Regulations 4-8 (inclusive)
103 of 1st April, 1950	Regulation 17
239 of 3rd October, 1950	Regulations 1-4 (inclusive)
6 of 2nd January, 1951	Regulation 16(1)(a)
377 of 15th December, 1952	Regulation 17
98 of 1st April, 1953	Regulation 16 <i>bis</i>
199 of 1st July, 1953	Regulation 16(1)(a)
81 of 1st April, 1955	Regulation 16

[These regulations are reproduced as per *Official Gazette* with inconsistent punctuation]