



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Education Act 16 of 2001
section 81(5)

**Regulations on the Conditions of Appointment and
Service of White Teachers**

Government Notice 53 of 1964
(OG 2546)
came into force on 29 April 1964

The Regulations relating to the Conditions of Appointment and Service of White Teachers were originally made in terms of section 117 of the Education Ordinance 27 of 1962, which was repealed by section 83 of the Education Act 16 of 2001.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 of Appointment and Service of White Teachers are deemed to have been made under that Act.

as amended by

Government Notice 112 of 1964 (OG 2573)
came into force on 15 December 1963: 1 August 1964
Government Notice 66 of 1966 (OG 2715)
came into force on 15 December 1963: 2 May 1966
Government Notice 110 of 1969 (OG 3020)
came into force on 14 August 1968: 16 September 1969

ARRANGEMENT OF REGULATIONS

[Most of the individual regulations have no headings.]

SCHEDULE I
REGULATIONS REPEALED

SCHEDULE II
SOUTH WEST AFRICA: EDUCATION DEPARTMENT

REGULATIONS
Education Act 16 of 2001

Regulations on the Conditions of Appointment and Service of White Teachers

Definitions

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

“retiring age” means the reaching by a teacher of the retiring age fixed under subsection (6) of section *forty-five* of the ordinance;

“official service” means service rendered on the instructions of the Department;

[The word “Department” above is misspelt,
reproduced as it appears in the *Official Gazette*.]

“official language” means Afrikaans and/or English;

“assistant teacher” means a teacher holding a post at an educational institution but who is not a principal;

“day” means a period of twenty-four consecutive hours;

“recognised teacher’s certificate” means a certificate referred to in regulations *eleven* and *twelve*;

“qualified artisan” means a person who can give proof of -

- (a) the successful completion of an approved apprenticeship or the passing of a trade test in the trade concerned as prescribed by the Apprenticeship Ordinance, 1938 (12 of 1938) or any amendment thereof or

[At the end of paragraph (a) should have been the insertion of a semicolon.]

- (b) the successful completion of an approved apprenticeship as prescribed by the Apprenticeship Act, 1944 (Act 37 of 1944) or the passing of a test for which a proficiency certificate has been issued by the Department of Labour under -

- (aa) the Soldiers and War Workers Employment Act, 1944, or

- (bb) the Training of Artisans Act, 1951.

[At the end of paragraphs (aa) and (bb) should have been the insertion of a semicolon.]

“accommodation” means lodging, bedding, meals, liquid refreshment (other than alcoholic drinks), washing and ironing of laundry (excluding dry-cleaning) or any combination of these items;

“headquarters” means the town, village or place where the main duties of a teacher are performed or which may be designated as his headquarters by the Department;

“principal” means a teacher appointed under subsection (3) of section *thirty* of the ordinance;

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“household” means -

- (a) the wife of a teacher and a child (including an adopted child) who is permanently resident with and necessarily dependent upon him;
- (b) a relative of a teacher who is permanently resident with him and necessarily dependent upon him and whose income does not exceed the maximum amount prescribed under paragraph (a) of subsection (1) of section *six* of the Old Age Pensions Ordinance, 1942 (13 of 1942) as amended, or an increase thereof;
- (c) not more than two servants (including children’s nurses) employed full-time by the teacher;

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

“month” means a period extending from one day of the month up to and including the day preceding the numerically corresponding date of the following month;

“chief medical inspector of schools” means a person appointed under subsection (1) of section *five* of the ordinance;

“vice-principal” a teacher appointed to a post of vice-principal as approved under paragraph (b) of subregulation (2) of regulation *seven*;

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

“uncertified teacher” means a person not having a recognised teacher’s certificate;

“ordinance” means the Education Ordinance, 1962 (27 of 1962);

“pensions proclamation” means the Teachers’ Pensions Proclamation, 1931, as amended, including the provisions of Chapter IX of the Education Proclamation, 1921 (55 of 1921);

“personal effects” means the movable goods of a teacher and of his household including vehicles, but excluding livestock or domestic or pet animals;

“salary incremental period” means a period of twelve calendar months or another period as determined by the Director which has to expire before any salary may be increased according to a prescribed scale;

“school quarter” means the school quarter determined according to the school calendar mentioned in paragraph (vii) of subsection (2) of section *four* of the ordinance;

“temporary teacher” means a teacher appointed under the provisions of subsection (1) of section *twenty-eight* of the ordinance;

“incremental month” means the month in which the salary of a teacher may be increased according to the prescribed scale applicable to him.

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Application of regulations

2. These regulations shall come into force on the 15th December, 1963, and shall be applicable to whites appointed as teachers in the service of the Department on the permanent or temporary teaching staff at white schools and shall include white teachers at state native training schools.

Registration for appointment as teacher and information to be given

3. Every person who wishes to be registered with the Department for appointment as a teacher shall submit to the Department proof of his qualifications for such appointment and shall furnish such further information to the Department as it may require for the purposes of the ordinance (or of the pensions proclamation).

Married women

4. A married woman may be appointed to the permanent teaching staff if the Administrator, after consideration of her financial circumstances, is satisfied that it is necessary for her to contribute to the maintenance of her husband or children or other dependants or is solely responsible for her own maintenance.

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

Certain responsibilities of principals

5. (1) A principal shall ensure that the buildings and grounds of the educational institution of which he is the principal are under adequate supervision during school vacation periods, and shall at all times attend to the organisation and administrative work required for the proper functioning of such institution to the satisfaction of the Department.

(2) 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.

(3) Any assistant teacher or vice-principal of an educational institution shall if called upon to do so by the principal, render such assistance to such principal as he may require for the purposes of carrying out the provisions of subregulation (2).

Transfer of teacher

6. Unless it is in the interests of the Department or unless for good reason the Department has so decided, no teacher on the permanent teaching staff shall be transferred from one post to another before he has completed at least one year in his first post: Provided that -

- (a) except where the Department directs such transfer no such transfer shall take place at public expense before such teacher has completed at least two years service in his previous post;

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- (b) where a teacher applies for appointment to an equivalent post, and such appointment is made within two years from the date of appointment to in the post held by him such application shall be deemed to be an application for transfer.

STAFF PROVISION

7. (1) The determination of the staff strength of schools under paragraph (vi) of subsection (2), of section *four* of the ordinance shall be by enrolment as follows -

- (a) *Teachers.*

- (i) At high schools, secondary schools and secondary divisions of primary schools -

Scale:

<i>Enrolment.</i>	<i>Staff</i>
20 gives	1
36 gives	2
52 gives	3
68 gives	4
84 gives	5
100 gives	6
116 gives	7
134 gives	8
156 gives	9
178 gives	10
200 gives	11
222 gives	12
244 gives	13
266 gives	14
293 gives	15
320 gives	16
347 gives	17
374 gives	18
402 gives	19
430 gives	20
455 gives	21
480 gives	22
505 gives	23
530 gives	24
555 gives	25
580 gives	26
605 gives	27
630 gives	28
655 gives	29
680 gives	30
705 gives	31
730 gives	32

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755 gives	33
780 gives	34

(ii) Primary schools -

<i>Increase:</i>		<i>Decrease:</i>	
15 pupils	gives 1 teacher	27 pupils	retains 2 teachers
30 "	" 2 "	55 pupils	retains 3 teachers
60 "	" 3 "	80 pupils	retains 4 teachers
85 "	" 4 "	(No reduction scale for schools with five or more teachers.)	
125 "	" 5 "		
160 "	" 6 "		
195 "	" 7 "		
230 "	" 8 "		
265 "	" 9 "		
300 "	" 10 "		
335 "	" 11 "		
370 "	" 12 "		
405 "	" 13 "		
440 "	" 14 "		
475 "	" 15 "		
510 "	" 16 "		
545 "	" 17 "		
580 "	" 18 "		
615 "	" 19 "		
650 "	" 20 "		

and so forth

- (b) (i) The minority and majority groups at parallel medium schools shall be regarded as separate units: Provided that in the determination of the staff strength in the case of primary schools the calculation shall begin with the minority group and the difference between the number of pupils for whom staff is allotted for such minority group and the actual enrolment shall be added to the enrolment of the next majority group for the calculation of the staff strength for that group and accordingly for the next majority group where there are three groups in a school.
- (ii) The staff strength shall be determined according to the enrolment on the tenth school day of the first quarter of the year.
- (iii) If the enrolment on the tenth school day of the first school quarter does not justify the existing number of posts the redundant post(s) shall be abolished immediately; if the enrolment entitles a school to an additional post the Director or another person duly authorised thereto by him may in his discretion create such post. Authorisation for the creation of an additional post or the abolition of a redundant post may be obtained at any time during the first 10 school days of the first quarter, but on the 10th school day a return on the prescribed form shall be completed in every case and submitted to the Department for final approval.

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[The word “redundant” is misspelt in the phrase “reduntant post”, reproduced as it appears in the *Official Gazette*.]

- (iv) At no other time during the year shall additional posts at high schools, secondary schools and the secondary divisions of primary schools be created unless the number of pupils required under the scale for every additional post is exceeded by -
 - (aa) 5 or more in schools or divisions with fewer than four full-time teachers;
 - (bb) 15 or more in schools or divisions with from four to nine fun-time teachers;
 - (cc) 30 or more in schools or divisions with ten or more full-time teachers and if additional posts are justified hereunder the Director or other person duly authorised thereto by him may approve the creation thereof.
- (v) at no other time during the year shall posts at any school be abolished unless the number of pupils required under the scale for the existing posts exceeds the actual enrolment by -
 - (aa) 5 or more in schools or divisions with fewer than four full-time teachers;
 - (bb) 15 or more in schools or divisions with four to nine full-time teachers;
 - (cc) 30 or more in schools or divisions with ten or more full-time teachers.
- (vi) Additional staff shall not be authorised during the fourth quarter of the year unless the enrolment has increased to such an extent that an additional post is imperative.
- (vii) The staff shall not be decreased during the year if a decrease will in the opinion of the Department affect the organisation of the school adversely.

(2) Within the framework of the staff strength as provided in subregulation (1) the following posts shall be approved at a school -

(a) *Principal:*

One post of principal at every school.

(b) *Vice-principal:*

One post of vice-principal at a school satisfying the following requirements -

- (i) for *ad hoc* secondary and high schools with an enrolment of more than 200 pupils above standard V;
- (ii) for secondary and high schools with primary divisions where there is a total enrolment of more than 300 pupils;

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- (iii) for a special school for senior pupils with an enrolment of more than 100 pupils;
- (iv) for a state native training school with an enrolment of more than 150 pupils;
- (v) for primary schools with an enrolment of more than 400 pupils;

Provided that no such post shall be created unless the Department has at its disposal the services of a teacher who in its opinion is suitable for appointment to such post: Provided further that if a school does not maintain the required enrolment for a period of four consecutive quarters, the post of vice-principal may be abolished and its incumbent either transferred to another school in the same capacity or appointed to the same or any other school as an assistant teacher retaining his higher salary.

(c) *Assistant teacher, special grade.*

Posts of assistant teacher, special grade shall be approved for schools on the following basis and the incumbents of such posts shall perform such special duties as the principal, with the approval of the Department, may from time to time determine -

- (i) one for co-educational high schools (of the opposite sex to that of the principal);
- (ii) one for a high or secondary school with an enrolment of more than 100 pupils above the fifth standard;
- (iii) one for a primary school or the primary division of a secondary or high school with an enrolment of more than 150 pupils;
- (iv) one additional assistant teacher, special grade, in cases where a post of vice-principal is vacant or where a vice-principal has to act as principal for a period longer than three calendar months: Provided that an assistant teacher, special grade, appointed under the provisions of this subregulation shall be entitled to the remuneration payable to assistant teachers, special grade, under the provisions of paragraph (g) of regulation *twenty-one*.

(d) *Scribe.*

To alleviate the clerical burdens of principals the Department may, at the request of the principal, appoint a scribe from the staff of the school concerned on the basis and at the remuneration set out in regulation *forty-two*.

(e) *Senior organiser:*

Where more than one organiser of a special subject has been appointed, one organiser shall be classified as senior organiser at additional remuneration under paragraph (e) of regulation *twenty-one*: Provided that where only one person has been or is appointed as organiser of a special subject he shall first complete four years service as ordinary organiser before becoming eligible for the post of senior organiser and being remunerated as such.

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600 and over	Special
400-599	Group A
200-399	Group B
100-199	Group C
50-99	Group D
49 and under	Group E

- (ii) A high or secondary school which has a primary division with a maintained enrolment of at least 150 pupils shall be classified in the next higher grade than that to which the school concerned is entitled to be classified on the basis of its maintained enrolment in standards above the fifth.

B. *Special schools for senior pupils.*

A special school for senior pupils shall be classified in the next higher group than the grade to which the school concerned is entitled to be classified on the basis of its maintained enrolment in accordance with the classification for high and secondary schools.

C. *State native training school:*

<i>Enrolment.</i>	<i>Grade.</i>
500 and over	Special
150-499	Group A
75-149	Group B
74 and under	Group C

D. *Primary schools:*

<i>Enrolment.</i>	<i>Grade.</i>
600 and over	Special
400-599	Group A
300-399	Group B
100-299	Group C
50-99	Group D
20-49	Group E

9. (1) On the 1st April of every year the classification of high, secondary and primary schools shall be reconsidered and if any school has not maintained the required average enrolment to justify its rank for four consecutive quarters the principal's salary shall be determined under subsection (3) of section *thirty-seven* of the ordinance.

(2) Subject to the provisions of regulation *ten* a school shall be classified in a higher grade on the date mentioned in subregulation (1) after an average enrolment maintained for four consecutive quarters and the principal's salary shall be determined as prescribed in paragraphs (a), (b) and (c) of regulation *twenty-one*.

Establishment or re-classification of schools

10. When a new school is established or when a school is re-classified as a high, secondary or primary school the placing of such school in one of the grades mentioned in regulation *eight* above shall be determined by the Department in accordance with the expected maintained enrolment as estimated by the Department: Provided that if a newly established or re-classified school is classified in a higher grade on the 1st April after the date of its establishment or re-classification in accordance with its maintained enrolment the principal's salary shall be determined in accordance with the new classification.

Classification of teachers in categories according to qualifications

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11. A teacher who has a recognised teacher's certificate obtained either as a result of an examination before or in the year 1925 or on the successful completion of a recognised training course or courses for teachers which was or were begun before or in the year 1928, shall be classified by the Department according to the qualification or qualifications possessed by such a teacher as follows -

- (i) *Category (a)* -
Lower primary teacher's certificate or third class teacher's certificate or approved equivalent professional qualification.
- (ii) *Category (b)* -
Lower primary teacher's certificate and Matriculation Certificate, or third class teacher's certificate and Matriculation Certificate or elementary kindergarten certificate or approved equivalent qualifications as proof of satisfactory completion of appropriate courses of study extending one year beyond those set out in category (a).
- (iii) *Category (c)* -
Higher primary teacher's certificate or second class teacher's certificate or higher kindergarten certificate or third class teacher's certificate and intermediate certificate or approved equivalent qualifications.
- (iv) *Category (d)* -
Lower secondary teacher's certificate or third class teacher's certificate and a university degree or approved equivalent qualifications as proof of satisfactory completion of appropriate courses of study extending one year beyond those set out in category (c).
- (v) *Category (e)* -
First class or second class teacher's certificate and a university degree or approved equivalent qualifications.
- (vi) *Category (f)* -
Higher secondary teacher's certificate or approved equivalent qualifications as proof of the satisfactory completion of appropriate courses of study extending two years beyond those set out in category (d).

12. A teacher who has a recognised teacher's certificate obtained on the successful completion of a recognised teacher's training course or courses begun in or after the year 1929 shall be classified by the Department according to the qualification or qualifications possessed by such a teacher as follows -

- (i) *Category (a)* -
A recognised teacher's certificate of a lower standard than the primary teacher's certificate of the Cape Department of Education.
- (ii) *Category (b)* -
Primary teacher's certificate of the Cape Department of Education or approved equivalent qualification.
- (iii) *Category (c)* -

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Higher primary teacher's certificate of the Cape Education Department or approved equivalent qualification.

- (iv) *Category (d) -*
 A recognised secondary teacher's certificate or other recognised qualification or qualifications as proof of the successful completion of approved study and training courses extending over a minimum of four years above the standard of the Cape Senior or equivalent certificate.
- (v) *Category (e) -*
 A recognised higher secondary teacher's certificate or other recognised qualification or qualifications as proof of the successful completion of approved study and training courses extending over a minimum of five years above the standard of the Cape Senior Certificate.
- (vi) *Category (f) -*
 Recognised qualifications as proof of the successful completion of recognised study and training courses extending over a minimum of six years above the standard of the Cape Senior or equivalent certificate.

13. The category of an assistant teacher in the service of the Department at the commencement of these regulations shall be deemed to be a category in accordance with these regulations.

Classification of music teachers

- 14.** (1) Music teachers shall be classified as follows -
- (a) B.Mus. (4 years training) plus teacher's certificate - category (d).
 - (b) Teacher's diploma in music (Universities of Cape Town and of Stellenbosch) - category (c).
 - (c) Licentiate (teachers) in two or more of the following: Piano, violin and singing (organ not recognised) - category (c).
 - (d) Licentiate (Teachers) -

U.T.L.M.	}	category (b)
L.R.A.M.		
L.R.S.M.		
A.R.C.M.		
A.R.A.M.		
 - (e) Licentiate (teachers) L.T.C.L. - category (a)
 - (f) The Department may recognise any other qualifications than those mentioned above if it considers them equivalent to any of those mentioned above.
- (2) *Uncertificated music teachers:*

A music teacher who is not fully qualified and cannot be classified in any of the categories mentioned in subregulation (1) shall be remunerated in terms of paragraph (k) of regulation *twenty-one* of these regulations.

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Recognition of qualifications

15. (1) A baccalaureus degree shall be recognised if -

- (a) at least six of its courses consist of school subjects or subjects recognised by the Department; and
- (b) at least one subject was taken on a three year basis or two on a two year basis.

(2) A second baccalaureus degree shall be recognised for salary increase purposes if it includes a new school subject on a three year basis or two new school subjects on a two year basis, and if at least two-thirds of the courses were taken in new subjects.

(3) (a) The classification of a non-graduate teacher having only a teacher's qualification and who is classified in category (b) or (c) shall on completion of at least six of the courses of an approved baccalaureus degree, at least half of which must be courses in school subjects or subjects which the Department recognises, be raised to category (c) or (d)(i), as the case may be, and on completion of the full degree to category (d)(ii).

(b) The classification of a non-graduate teacher having only teacher's qualifications and who is classified in category (d)(i) under regulation *twenty-one* shall be raised to category (d)(ii) on completion of a full degree.

(c) The classification of a non-graduate teacher having only teacher's qualifications who obtains a degree and submits documentary proof thereof only on completion of the full degree shall be raised only to category (d)(ii).

(d) A teacher having a recognised baccalaureus degree with teacher's qualifications who obtains a second recognised baccalaureus degree, whether externally or internally, shall on obtaining such full degree, be classified in category (e)(i).

(e) A teacher with a recognised baccalaureus degree/degrees with teacher's qualifications who obtains an honours or master's degree shall on obtaining such qualification, be classified in category (e)(ii).

(f) A teacher with a recognised baccalaureus degree/degrees with teacher's qualifications who obtains an honours degree as well as a master's degree shall on obtaining the master's degree be classified in category (f)(i).

(4) For the purposes of subregulation (3) the B.Ed. degree will be considered an honours degree.

(5) A non-graduate teacher with teacher's qualifications only is not eligible for classification in any category higher than category (d)(i).

Reclassification because of qualifications

16. (1) A teacher classified in one of the categories mentioned in regulations *eleven*, *twelve*, *fourteen* and *fifteen* may, if the Department considers that his qualifications justify it, be reclassified in a higher category from a date determined by the Department.

(2) The salary of a teacher re-classified in a higher category shall be increased on such re-classification by the same number of salary increment notches on the scale as the number of

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salary increment notches represented by the difference between the minimum of the scale on which he was remunerated immediately before his re-classification and the minimum of the scale applicable to the higher category and he shall be eligible for a salary increase on the new scale on the date on which he would normally have received a salary increment if he had remained in his previous category: Provided that the salary increase date of a teacher who was at the maximum of his scale before re-classification in a higher category shall be calculated from the date of such re-classification: Provided further that a teacher shall not receive a salary increase higher than that necessary for putting him at the maximum of the new scale.

Uncertificated teachers

17. (1) A teacher who cannot be classified in any one of the categories set forth in regulations *eleven* and *twelve* shall be classified and remunerated by the Department as an uncertificated teacher.

(2) An uncertificated teacher shall receive no salary increment for the first four years of his term of service, but as soon as he obtains a recognised teacher's certificate all his experience shall be taken into account in the determination of his salary notch: Provided that the term of service of four years need not be continuous, but shall consist of full years: Provided further that the incremental term of four years may be shortened by the period, if any, of full years for which he received recognition of previous experience.

Instructors

18. (1) An instructor need not necessarily have a recognised teacher's certificate but shall meet and satisfy the qualifications of, and requirements for, a qualified artisan.

(2) An instructor shall be considered to have a recognised teacher's certificate if he has any of the following certificates -

- (a) a trades instructor's certificate;
- (b) a National Technical Teacher's Certificate;
- (c) an ordinary primary or secondary teacher's certificate.

Teachers who are not South African nationals

19. (1) In order to qualify for permanent appointment a teacher who is not a South African national shall within four years after appointment -

- (a) pass in one official language in the higher grade (matriculation standard), and
- (b) in the second official language satisfy the Department by way of an oral test that he has a good comprehension of such language.

(2) No such teacher may, however, be appointed to the permanent teaching staff of the Department unless the approval of the Administrator has been obtained.

(3) No teacher who is not a South African national shall be eligible for appointment as a superintendent or a vice-principal of an educational institution unless such appointment has been approved by the Administrator.

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(4) No teacher who is not a South African national may be appointed permanently as a principal.

20. The value of any qualification for which no provision exists in these regulations or about which there is doubt shall be determined by the Director and his decision shall be final.

Salaries, salary increases and allowances

21. Salaries.

The following salary scales are applicable to the persons mentioned herein -

(a) *Principals of high or secondary schools.*

Grade.	Salary.	
	Men.	Women
Special	R4650 (fixed)	R4200 (fixed)
Grade A	R4500 (fixed)	R4080 (fixed)
Grade B	R4350 (fixed)	R3960 (fixed)
Grade C	R4200 (fixed)	R3840 (fixed)
Grade D	R4080 (fixed)	R3720 (fixed)
Grade E	R3960 (fixed)	R3600 (fixed)

(b) *White principals of State native training schools.*

Special	R4650 (fixed)	R4200 (fixed)
Grade A	R4500 (fixed)	R4080 (fixed)
Grade B	R4350 (fixed)	R3960 (fixed)
Grade C	R4200 (fixed)	R3840 (fixed)

(c) *Principals of primary schools.*

Special	R4350 (fixed)	R3960 (fixed)
Grade A	R4200 (fixed)	R3720 (fixed)
Grade B	R3960 (fixed)	R3480 (fixed)
Grade C	Assistant teacher's salary + 4 notches to maximum R3720	Assistant teacher's salary + 4 notches to maximum R3240
Grade D	Assistant teacher's salary + 3 notches to maximum R3480	Assistant teacher's salary + 3 notches to maximum R3000
Grade E	Assistant teacher's salary + 2 notches to maximum R3240	Assistant teacher's salary + 2 notches to maximum R2760

(d) *Vice-principals* (including those for special schools for senior pupils and State native training schools).

<i>Rank of School</i>	<i>Men Scale</i>	<i>Women Scale</i>
High special	R4200 (fixed)	R3720 (fixed)
High A	R4080 (fixed)	R3600 (fixed)

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High B	R3960 (fixed)	R3480 (fixed)
Primary special	Assistant teacher's salary + 4 notches to maximum R3840	Assistant teacher's salary + 4 notches to maximum R3360
Primary A	Assistant teacher's salary + 4 notches to maximum R3720	Assistant teacher's salary + 4 notches to maximum R3240

(e) *Organisers and guidance officers.*

- (i) Chief school guidance officer - R4650 (fixed)
- (ii) *Organisers:*
Men: R4350 (fixed) *Women:* R3960 (fixed)
- (iii) (a) Head: Native R2400x120-2880/
 Languages Bureau: R3000x120-4200x150-4500
- (b) Assistant Head: Native R2400x120-2880/
 Languages Bureau: R3000x120-4200-4350

[subparagraph (iii) amended by GN 112/1964]

- (iv) *Senior organisers:*
Men: R4500 (fixed) *Women:* R4080 (fixed)
- (v) *School guidance officers and clinician:*
 MEN:
Category: *Scale:*
- (d) with recognised university degree R2280x120-4200
- (e) (i) without recognised Hons. or M. degree R2280x120-4200
 (ii) with recognised Hons. or M. degree R2520x120-4200
- (f) (i) without recognised D. degree R2520x120-4200
 (ii) with recognised D. degree R2760x120-4200
- WOMEN:
Category: *Scale:*
- (d) with recognised university degree R1944x84-2280
x120-3720
- (e) (i) without recognised Hons. or M. degree R1944x84-2280
x120-3720
 (ii) with recognised Hons. or M. degree R2112x84-2280
x120-3720
- (f) (i) without recognised D. degree R2112x84-2280
x120-3720
 (ii) with recognised D-degree R2280x120-3720

(f) *Certificated assistant teachers and music teachers:*

- MEN:
Category: *Scale:*
- (a) R1206x102-1920
x120-2760
- (b) R1308x102-1920

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		x120-2880
(c)		R1512x102-1920 x120-3000
(d)	(i) without recognised university degree	R1716x102-1920 x120-3360
	(ii) with recognised university degree	R1920x120-3360
(e)	(i) without recognised Hons. or M. degree	R1920x120-3600
	(ii) with recognised Hons. or M. degree	R2160x120-3600
(f)	(i) without recognised D. degree	R2160x120-3840
	(ii) with recognised D. degree	R2400x120-3840

WOMEN:

Category:

Scale:

(a)		R1020x60-1440 x84-2280
(b)		R1140x60-1440 x84-2280 x120-2400
(c)		R1320x60-1440 x84-2280 x120-2520
(d)	(i) without recognised university degree	R1440x84-2280 x120-2880
	(ii) with recognised university degree	R1692x84-2280 x120-2880
(e)	(i) without recognised Hons. or M. degree	R1692x84-2280 x120-3120
	(ii) with recognised Hons. or M. degree	R1860x84-2280 x120-3120
(f)	(i) without recognised D. degree	R1860x84-2280 x120-3360
	(ii) with recognised D. degree	R2028x84-2280 x120-3360

(g) *Assistant teacher special grade.*

A teacher appointed by the Department as an assistant teacher, special grade, shall receive the salary of an assistant teacher plus additional remuneration equal to one notch increment throughout on his appropriate salary scale which he shall not retain on transfer to a post of ordinary assistant teacher.

(h) *Scribe.*

An assistant teacher appointed by the Department as a scribe shall receive, in addition to his salary as assistant teacher, a non-pensionable allowance on the basis set out in regulation *forty-two*.

(i) An assistant teacher, excluding a vice-principal, or an instructor attached to an opportunity class or who serves at a special school shall receive the salary of an assistant teacher or an instructor plus additional remuneration equal to one notch increment on the appropriate salary scale for as long as he does the work attached to a special school: Provided that an assistant teacher or an instructor attached to an

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opportunity class or who serves at a special school on the date of commencement of these regulations shall receive additional pensionable remuneration of R120 a year in the case of men and R80 a year in the case of women provided it is not less than the additional remuneration provided for in this subparagraph, for the duration of his/her current appointment.

(j) Instructors who are -

(i) *Certificated teachers* -

The same scales as those applicable to assistant teachers as set out in paragraph (f);

(ii) *Uncertificated teachers* but who are qualified artisans: R1308x102-1920x120-2880.

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

(k) *Uncertificated music teachers*:

(i) B.Mus. (3 years) (without teacher's qualifications)

Men: R1512x102-1920x120-3000

Women: R1320x60-1440x84-2280x120-2520

(ii) B.Mus. (4 years):

Men: R1716x102-1920x120-3360.

Women: R1440x84-2280x120-2880.

(iii) Licentiate (Performers)

U.P.L.M.	} <i>Men:</i> R1308x102-1920x120-2880	
L.R.A.M.		
L.R.S.M.		} <i>Women:</i> R1140x60-1440x84-2280x120-2400
A.R.C.M.		
A.R.A.M.		

22. *Uncertificated teachers* -

(1) *Failed in professional examinations* -

	<i>Men:</i>	<i>Women:</i>
Failed P.T.C.	R1206x102-1920x120-2880	R1080x60-1440x84-2280x120-2400
Failed L.S.E.D.	R1410x102-1920x120-3000	R1260x60-1440x84-2280x120-2520
H.P.E.D. (failed P.T.C.)	R1410x102-1920x120-3000	R1260x60-1440x84-2280x120-2520

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A recognised baccalaureus degree (failed S.E.D.)	R1818x102-1920 x120-3360	R1608x84-2280x120-2880
B.Sc. (Agriculture) an Hons. degree or an M. degree (failed S.E.D.)	R2040x120-3600	R1776x84-2280x120-3120

(2) *Academic training only -*

<i>Qualifications.</i>	<i>Men.</i>	<i>Women.</i>
Lower than Senior Certificate	R900 (fixed)	R840 (fixed)
Senior Certificate	R1002 (fixed)	R960 (fixed)
Senior Certificate plus 1 year	R1206x102-1920x120-2760	R1020x60-1440x84-2280
Senior Certificate plus 2 years	R1308x102-1920x120-2880	R1140x60-1440x84-2280x120-2400
Senior Certificate plus 3 years	R1512x102-1920x120-3000	R1320x60-1440x84-2280x120-2520.
Senior Certificate plus 4 years	R1716x102-1920x120-3360	R1440x84-2280x120-2880
Senior Certificate plus 5 years	R1920x120-3600	R1692x84-2280x120-3120

23. *Part-time assistant teachers -*

The salaries of part-time assistant teachers shall be as determined from time to time by the Director.

24. *Part-time music teachers -*

Part-time music teachers shall be remunerated as follows -

- (1) For approved instruction above 15 but not more than 20 hours per week: *four-fifths* of the full-time salary applicable to him in accordance with his qualifications.
- (2) For approved instruction above 10 but not more than 15 hours per week: *three-fifths* of the full-time salary applicable to him in accordance with his qualifications.

25. *Temporary teachers -*

A teacher taken temporarily into service shall receive a salary in accordance with the salary scales laid down in these regulations which are applicable to him according to his qualifications.

26. *Overtime remuneration: Music teachers -*

If a full-time music teacher gives more than 25 hours of approved instruction per week, he shall, for every hour of approved instruction above 25 hours per week, be paid the fees of one music pupil per quarter: Provided that such teacher shall in no case receive overtime remuneration in respect of more than *ten* hours per week.

27. *Pensioned teachers -*

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- (1) If a teacher retires on pension as principal of a school and thereafter fills a temporary post as assistant teacher, his salary shall be calculated as if all his teaching experience were that of an assistant teacher.
- (2) Subject to the provisions of subregulation (1) where applicable, a pensioned teacher who thereafter temporarily fills a post as principal of a school shall be remunerated in accordance with the grade of the school to which he is appointed.

28. *Salary increases: Recognition of experience.*

- (1) A teacher assuming duty under the Department who has no recognised teaching or other experience begins at the minimum salary of the salary scale applicable to him according to his qualifications.
- (2) A teacher, other than an instructor, assuming duty under the Department and having recognised teaching experience begins 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) A teacher other than an instructor assuming duty under the Department and having previous non-teaching experience which is recognised by the Department, 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 two years of such non-teaching experience (whether consecutive or not) for which documentary proof has been submitted, on the salary scale which would have been applicable to him according to his qualifications at the time of such experience: Provided that such recognition shall not exceed six increments.
- (4) The salary of a qualified artisan appointed as instructor in the service of the Department shall be determined as follows -
 - (a) if his previous experience includes any experience as instructor, one salary notch in respect of every completed year of such experience including experience as instructor for which documentary proof has been submitted, shall be granted to him on the salary scale which would have been applicable to him at the time of such experience:
 - (b) if his previous experience does not include experience as instructor one salary notch in respect of every completed two years of such previous experience for which documentary evidence has been submitted, shall be granted on the salary scale which would have been applicable to him at the time of such experience.
- (5) Periods of experience of less than one year as mentioned in subregulation (2) or paragraph (a) of subregulation (4) shall be taken into account in the determination of a teacher's future incremental date save as is provided in subregulation (1) of regulation *thirty*.

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(6) 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 service of three months or of 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.

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

SALARY INCREMENTS - PROGRESS ON A SCALE

30. (1) Subject to the provisions of subregulation (2) the salary of a teacher may be increased by one notch increment on the salary scale applicable to him after the 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 that 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.

(2) If an authorised officer of the Department issues a certificate stating that a teacher's conduct as to industry, discipline, punctuality or sobriety was not uniformly satisfactory during a salary incremental period, or that he did not perform the duties attached to his post satisfactorily during such salary incremental period, the Director may reject or accept such certificate, and if, after such further investigation as he may institute, 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.

(3) 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 the teacher one salary increment from the first day of the month following on that in which the period mentioned expires: Provided that the Director may grant a further salary increment to such teacher 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.

(4) 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 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.

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

32. 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.

33. Any additional remuneration which a teacher may receive by way of a notch increase on the salary scale applicable to him, shall be considered pensionable.

METHOD OF PAYMENT OF SALARY

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34. (1) A teacher's salary shall be paid monthly: Provided that in respect of a teacher on the permanent teaching staff the salary 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) If a teacher is outside the Territory and outside the borders of the Republic of South Africa on the last day of a calendar month, no salary shall be paid to **illegible** teacher unless he has lodged with the Accountant a certificate signed by him in respect of the last day of any calendar month declaring that he was alive on that day.

(3) (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 school day of the calendar quarter in which he died, 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) If a teacher dies while absent on study leave, his salary shall be paid up to and including the date of his death only, unless such salary is less than the salary he would have received if he had been absent for one calendar quarter on vacation leave with full salary and in that case the difference between the salary already paid out and the full salary for one calendar quarter shall be paid out to his next of kin at the end of the calendar quarter in which a teacher dies.

PERIOD FOR WHICH SALARY IS PAID

35. If a teacher terminates his service under the Department of his own accord during any school vacation or on the first school day after any such vacation 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.

36. If a teacher occupying a post in the Department is appointed to another post in the Department and another salary or salary scale becomes applicable to such teacher, the Department shall determine the date on which such other salary or salary scale shall be applicable to such teacher as well as the date of his assumption of duty in the other post.

37. If the services of a teacher in the Department terminate on any date because he has reached the prescribed retiring age he shall receive a salary up to and including the day immediately before such date unless the services of such teacher are retained under the provisions of subsection (2) of section *forty-five* of the ordinance, until after such date, in which case he shall receive a 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 in service.

38. A teacher shall not cede the whole or any part of his emoluments without the written permission of the Department.

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39. Notwithstanding the provisions of these regulations any amount owed by a teacher for any reason whatever to the Administration including the amount of any deficit, loss or damage because of an unlawful act by such teacher may be recovered by way of set-off of any moneys payable to him under these regulations.

ALLOWANCES

40. Any allowance payable to a teacher under regulations *forty-one*, *forty-two* and *forty-three* shall -

- (a) be determined by the Administrator from time to time on the recommendation of the Department;
- (b) be deemed to be non-pensionable.

TEACHER'S ALLOWANCE

41. (1) A teacher having a recognised teacher's certificate as set out in regulations *eleven* and *twelve* shall receive in addition to the salary applicable to him in accordance with his qualifications a special allowance of R200 a year irrespective of his marital status and whether his appointment is permanent or temporary.

(2) If a teacher who receives an allowance as mentioned in subregulation (1) above is absent on any leave payment of such allowance shall be made on the same basis as that on which his salary is calculated.

42. (1) An assistant teacher appointed by the Department under paragraph (d) of subregulation (2) of regulation *seven* as scribe shall in addition to his salary as assistant teacher receive an allowance on the basis set out below -

(a) <i>High and secondary schools:</i>	<i>Allowance</i>
Under 50 pupils	nil
50-99	R50 a year
100-199	R80 a year
200-299	R100 a year
300-399	R120 a year
400 and over	R140 a year
(b) <i>Primary schools:</i>	
Under 100 pupils	nil
100-199	R50 a year
200-349	R80 a year
350 and over	R100 a year

Scribes at high and secondary schools with primary pupils shall be entitled to an amount equal to the sum of (a) and (b) above.

The number of pupils on which a scribe's allowance is calculated shall be the same as that on which the principal's salary is calculated and the amount of the allowance shall be determined annually on the 1st April.

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(2) If a scribe who is in receipt of an allowance as mentioned in subregulation (1) above is absent on any leave of more than 30 days, such allowance to him shall lapse for the duration of his leave and be paid to his substitute.

43. (1) An instructor not having a recognised teacher's certificate shall, in addition to his salary as instructor and the notch increment provided for in paragraph (i) of regulation *twenty-one* receive a special allowance of R120 a year.

(2) If an instructor who is in receipt of an allowance as mentioned in subregulation (1) is absent on any leave, payment of such allowance shall be made on the same basis as that on which his salary is calculated according to circumstances.

Temporary non-pensionable allowances payable to certain teachers

44. (1) A temporary non-pensionable allowance which would have been payable to a teacher from the 1st April 1963, if this regulation had not come into force, shall on the granting of a salary increment be reduced as follows -

- (i) where the scale increments are R60 a year, the allowance shall be decreased by an amount equal to one-third of the increase in the basic salary as a result of such increments;
- (ii) where the scale increments are more than R60 a year, the allowance shall be decreased by an amount equal to one half of the increase in the basic salary as a result of such increments.

(2) The payment of the temporary non-pensionable allowance payable to a teacher under subregulation (1) shall be suspended immediately if the personal circumstances of such teacher have changed to such an extent that if cost of living allowances had still been payable to teachers on the basis in operation immediately before the 1st April, 1958, such cost of living allowance would have been reduced or stopped.

SUBSISTENCE ALLOWANCES

NATURE OF SUBSISTENCE ALLOWANCES

45. Any subsistence allowance or additional subsistence allowance provided for in these regulations is intended to compensate a teacher who, while he is absent from his headquarters on official service, necessarily incurs reasonable expenses for accommodation which because of his absence are additional to his normal cost of living.

TARIFFS OF SUBSISTENCE ALLOWANCES

46. (1) Unless otherwise provided for in these regulations or elsewhere, or unless a teacher stays in a state institution or at his house during his absence from his headquarters, a teacher who is necessarily absent from his headquarters on official service for a period of 24 hours or longer including travelling time and irrespective of the nature of the means of transport may, subject to the provisions of subregulation (3) be paid subsistence allowance by the Department according to the following tariffs -

- (a) not more than R4 a day in the case of a teacher whose pensionable salary and allowances are equal to or more than R3840 a year but less than R5850 a year;

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[paragraph (a) substituted by GN 112/1964]

- (b) not more than R3-50 a day in the case of a teacher whose pensionable salary and allowances are equal to or higher than R2280 a year but less than R3840;

[paragraph (b) substituted by GN 112/1964]

- (c) not more than R3-10 a day in the case of a teacher whose pensionable salary and allowances are less than R2280 a year.

(2) Unless otherwise provided for in these regulations or elsewhere, the Department may refund a teacher who is necessarily absent from his headquarters on official service for a period of less than 24 hours, reasonable expenses actually and necessarily incurred for accommodation not exceeding a full day's subsistence allowance.

(3) Unless otherwise provided for in these regulations or elsewhere, the Department may pay a teacher for periods during which he is absent from his headquarters on official service a subsistence allowance as follows -

- (a) for a continuous period of not more than 180 days in the same town, village or place, the full subsistence allowance applicable to him under this regulation for every full day of 24 hours;
- (b) if the period mentioned in subregulation (3)(a) includes a portion of a day, for every full hour of such portion of a day at the following tariffs -
 - (i) if the daily tariff of the subsistence allowance is not more than R4: not more than 17c an hour;
 - (ii) if the daily tariff of the subsistence allowance is not more than R3-50: not more than 15c an hour;

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

- (iii) if the daily tariff of the subsistence allowance is not more than R3-10: not more than 13c an hour.

47. The duration of a teacher's journey to and from his destination shall be disregarded in the calculation of the period of 180 days and for the purposes of this regulation the continuity of a period of sojourn in the same town, village or place shall not be deemed to be broken by an absence, for whatever reason of less than one calendar month: Provided that if such teacher has thus broken his sojourn for a period of more than one calendar month, the period of 1:80 days shall be deemed to begin from the date on which he resumes duty after such break.

48. (1) If a teacher during a period of absence from his headquarters on official service stays in a state institution, no subsistence allowance in respect of the period of his sojourn there shall be paid to him. Instead the Department may -

- (a) refund a teacher the prescribed visitor's fee at such institution if he has already paid it to the institution; or
- (b) pay such fee to the institution if the teacher has not paid such fee; and

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- (c) pay a special allowance of 25c a day to a teacher to cover additional expenses.
- (2) The provisions of subregulation (1) shall not apply to any teacher who -
 - (a) stays at a state institution but is absent from his headquarters for a period shorter than 24 hours; or
 - (b) visits a state institution but is not wholly or partly accommodated in such institution, in which case the provisions of regulation *forty-six* shall apply.

49. If the subsistence allowance prescribed in or under the provisions of these regulations is insufficient to cover the expenses which a teacher has to incur above his normal living expenses when absent from his headquarters on official service, the Department may refund him the difference between the amount payable in subsistence allowance in respect of the whole continuous period of such teacher's absence from his headquarters and the reasonable expenses he actually and necessarily incurs for accommodation in respect of such period, on condition that -

- (a) the claim in question is substantiated by receipts or other vouchers or, in case such proof is not available, by a written statement;
- (b) items not covered in the definition of "accommodation" in the definitions shall be excluded in the calculation of the amount which may be refunded;
- (c) amounts allowed in respect of the hire of bedding on a train shall be limited to the cost of a bedding ticket obtainable from the ticket and reservation office of the South African Railways - the cost of luxury bedding and special mattresses being disallowed.

PAYMENT OF SUBSISTENCE ALLOWANCE ON APPOINTMENT

50. (1) A teacher not resident in South West Africa, other than teachers mentioned in subregulation (4), who is appointed to the permanent teaching staff of the Department shall, on his coming to South West Africa to assume duty, be paid subsistence allowance' from De Aar, the port or other place of entry into the Territory, to his destination according to the prescribed tariff for himself and every member of his household above the age of 12 years and at half the prescribed tariff for every other member of his household.

(2) A teacher resident in South West Africa who is appointed to the permanent or temporary teaching staff of the Department shall not be paid any subsistence allowance from his home to his destination.

(3) A teacher not resident in South West Africa, other than teachers mentioned in subregulation (4), who accepts a temporary appointment (including a relief appointment) in South West Africa, shall be paid a subsistence allowance from De Aar, the port or other place of entry into the Territory to his destination according to the prescribed tariff in respect of himself only.

[The word "destination" is misspelt in the phrase "to his distination", reproduced as it appears in the *Official Gazette*.]

(4) A teacher resident outside the borders of the Territory and the Republic of South Africa shall, on his appointment under the Department, whether permanently or temporarily, be

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paid a subsistence allowance from the port or place of entry into the Republic of South Africa or the Territory to his destination in accordance with the prescribed tariff for himself and each member of his household above the age of 12 years and at half the prescribed tariff for every other member of his household.

51. Application for the payment of the subsistence allowances prescribed in or under the provisions of these regulations, shall be made on a form approved by the Department.

52. If circumstances should arise justifying a departure from the provisions of these regulations the Department may pay a teacher such subsistence allowance as the Administrator may in his discretion determine.

OFFICIAL JOURNEYS AND TRANSPORT

53. All official journeys undertaken by a teacher shall be subject to the approval of the Department.

54. A teacher required to travel on official service may be refunded all reasonable expenses incurred in connection with taxis, portage and other necessary incidental services: Provided that -

- (i) the maximum refundable amount in respect of portage on his arrival and his departure shall be as follows -
 - (a) teacher only - 20c
 - (b) teacher and his household - 40c
 - (c) household only - 20c;
- (ii) when changing from one train to another: a uniform tariff of 20c for the transfer of the luggage to a compartment.

55. A teacher travelling by train on official service and his household shall be entitled to travel in the first class: Provided that the servant of such teacher -

- (a) if a Coloured shall travel in the second class if available, otherwise in the first class; and
- (b) if a native, shall travel in the third class if available, otherwise in the second class:

Provided further that a children's nurse having supervision over a child under two years of age may travel in the same class as the teacher's household.

56. The free transport of personal effects shall be limited to a maximum of 14,000 lbs. gross weight including the weight of vehicles and shall include packing and unpacking costs of such personal effects and the cost of packing materials, if transport is by goods train or road motor service of the S. A. Railways or another public or Government means of transport or if transport by one of the said means of transport is impossible or impracticable or more expensive, the Director may in his discretion approve the use of another means of transport: Provided that such transport shall include the conveyance of such personal effects from the home to the nearest railway station and vice versa, and from and to a store if the storage of personal effects has been authorised by the Director.

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TRANSPORT ON APPOINTMENT

57. A teacher not resident in South West Africa, other than teachers provided for in regulation *sixty*, appointed to the permanent teaching staff of the Department shall, on coming to South West Africa to assume duty, be granted -

- (a) free transport for himself and his household from the place of recruitment to his destination;
- (b) free transport of his personal effects from the place where he was recruited to the place where he assumes duty: Provided that in the case of a student at a university or college recruited while studying transport shall be paid from his parental home to the place where he assumes duty, unless the Department decides otherwise: Provided further that if such teacher resigns or his services are terminated as a result of unsatisfactory service within twelve calendar months from the date of his assumption of duty, he shall refund the cost incurred in respect of the transport of his household and personal effects from the place of recruitment to De Aar or place of entry.

58. A teacher resident in South West Africa who is appointed to the permanent teaching staff of the Department shall be granted -

- (a) free transport for himself and his household;
- (b) free transport of his personal effects from his place of residence to the place where he assumes duty: Provided that if such teacher resigns or his appointment is terminated because of unsatisfactory service within twelve calendar months from the date of his assumption of duty, he shall refund the costs incurred in respect of the transport of his household and personal effects from the place of his recruitment.

59. A teacher appointed to the temporary teaching staff of the Department (including relief appointments) shall be granted -

- (a) free transport for himself;
- (b) free transport by rail of his personal effects to a maximum of 450 lbs.;
- (c) subject to the approval of the Director, free transport for himself and of his personal effects as provided in paragraph (b) back to his place of residence.

60. A teacher resident beyond the borders of the Territory and the Republic of South Africa shall, on appointment under the Department, whether in a permanent or temporary capacity, be granted transport for himself, his household and his personal effects as may be approved by the Administrator from time to time.

61. (1) In the case of an appointment under regulation *fifty-seven* at least three written tenders shall be obtained for the transport by road, if desired for the packing and unpacking, and the loading and unloading of personal effects and the lowest tender shall be accepted: Provided that the Department may authorise the acceptance of a higher tender if it is satisfied that there are adequate reasons for the rejection of the lowest tender.

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(2) Packing material which has been paid for out of public funds shall be relinquished to the Works Branch: Provided that if the said Branch should indicate that the material is not required, it may be sold by public auction or to the teacher or to any other person at a price determined by the Department: Provided further that the Department may, after consultation with the Works Branch, keep such packing material for the subsequent use of a teacher who is being transferred.

[The word “relinquished” above is misspelt,
reproduced as it appears in the *Official Gazette*.]

TRANSFER COSTS

62. (1) A teacher who is transferred from one school within the Territory to another at the direction of the Department and not solely at his own request, shall be granted -

- (a) free transport for himself and his household in the class prescribed by regulation *fifty-five*;
- (b) free transport of his personal effects.
- (c) subsistence allowance according to the prescribed tariff for himself and every member of his household above the age of twelve years and at half the prescribed tariff for every other member of his household.

[Paragraph (c) inserted by GN 112/1964, the full stop at the
end of paragraph (b) should be changed to a semicolon.]

(2) Subject to such limitations and conditions as may be approved by the Director the following expenses may be met from public funds -

- (a) the cost of repairs to, or replacement of, personal effects damaged in transit;
- (b) the cost of disconnecting and connecting and altering domestic electrical appliances;
- (c) an amount of not more than fifty rand in respect of depreciation of personal effects and to cover expenses arising from such transfer, except those provided for elsewhere in these regulations: Provided that the Department may in its discretion pay a smaller amount if in its opinion the circumstances do not justify the payment of an amount of fifty rand;
- (d) the amount actually and necessarily spent on lodgings or hotel accommodation at his original post for not more than 7 days, because such teacher is compelled to stay in a hotel or boarding house while his furniture and effects are being packed or moved to his new headquarters;
- (e) the amount actually and necessarily spent on lodgings or hotel accommodation at his new post for not more than 7 days because such teacher is compelled to stay in a hotel or boarding house while his furniture and effects are being unpacked or moved from his old post to the new one, or while he is looking for a house or flat;
- (f) the expenses necessarily incurred as a result of his transfer in connection with the replacement of number plates for one private motor vehicle: Provided that the maximum amount shall be two rand per set of number plates.

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63. All claims for the refund of any expenses mentioned in regulation *sixty-two* shall be submitted on a form prescribed by the Department and shall be properly substantiated by receipts or vouchers.

64. The transport of a motor vehicle at public cost shall be subject to the conditions that -

- (a) the Department shall accept no liability for the loss of, or any damage to, the vehicle during its transport;
- (b) it shall be conveyed by goods train at a tariff approved by the Department; and
- (c) no additional costs, such as the cost of hiring a tarpaulin, the loading and unloading of the vehicle, wages, tips and parking pending the teacher's arrival at his destination shall be paid by the Department.

**TRANSPORT PRIVILEGES ON TERMINATION OF
SERVICE AND DEATH OF A TEACHER**

65. (1) Notwithstanding any provisions in these regulations a teacher who has been dismissed from the service of the Department or who has of his own accord terminated his service under the Department shall have no claim against the Administration for travelling costs in respect of his journey from the place where he has been dismissed or has terminated his services.

- (2) Provision is made, however, that a teacher who -
 - (a) entered the service of the Department on or before the 30th June, 1960, and, after at least ten years unbroken service in the Territory, resigns to accept a post under an education department or under the Department of Education, Arts and Science in the Republic of South Africa and in respect of whom the receiving department does not bear any costs in connection with the transport of himself, his household and the packing and transport of his personal effects; or
 - (b) retires on pension; or
 - (c) terminates his service under the Department because he is required to do so on the grounds of ill-health not caused through his own fault or because of the abolition of his post or the reorganisation of the staff on which he was appointed,

may, provided he applies within six calendar months after the date of the termination of his service, be granted the following privileges -

- (i) free transport for himself and his household to any place in the Territory or the Republic of South Africa where he wishes to live, in the class prescribed by regulation *fifty-five*;
- (ii) free packing and transport of his personal effects from his place of residence to any place in the Territory or the Republic of South Africa: Provided that the total cost of such packing and transport shall not exceed the cost of packing and transport by rail from the railway station nearest to his place of residence to De Aar.

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66. The privileges mentioned in subparagraphs (i) and (ii) of paragraph (c) of subregulation (2) of regulation *sixty-five* shall also apply to the widow of a teacher who dies while in the service of the Department, irrespective of the period of service of such teacher under the Department.

OTHER TRAVELLING PRIVILEGES

67. After completion of one year's unbroken 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 first-class return rail ticket from the station nearest to the school where he is in service to any station within the Territory or to De Aar for himself and every member of his household and a full-time children's nurse if there is a child under two 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 this regulation 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 for appointment to the permanent teaching staff under regulation *four* 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 in that year under any other authorisation by the Administration no further free rail warrant shall be issued for that year in respect of his wife.

LEAVE

Application for leave

68. (1) Every application for leave shall be submitted to the Department and any such application by a teacher who does not hold a post of principal, shall be so submitted through the principal of the relative educational institution or head of the educational ancillary service.

(2) Leave granted in terms of these regulations, may at any time be cancelled by the Department if it is of the opinion that the exigencies of the Department require such action.

[Regulation 68 substituted by GN 110/1969]

Leave Computations

69. (1) In any computation of leave for the purposes of these regulations, fractions of a day shall be transferable to any subsequent leave computation.

(2) A school vacation falling within a period of leave granted to a teacher, excluding a teacher who is employed during all school vacations, shall not be regarded as forming part of such leave: Provided that -

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- (a) where such school vacation falls within a period of leave of the same kind, excluding leave for urgent private affairs, the conditions of pay for such school vacation shall be the same as the conditions of pay for the last school day immediately preceding such school vacation;
- (b) where such school vacation falls within a period of leave for urgent private affairs, the conditions of pay for such school vacation shall be as determined by the Department;
- (c) a school vacation falling within a period of leave granted to a teacher who is employed during all school vacations, shall be regarded as forming part of such leave and be taken into account as such.

(3) Subject to the provisions of subregulation (2) any leave shall commence on the first day on which a teacher is absent from duty and shall terminate on the last school day, and, in the case of a teacher who is employed during all school vacations, on the last working day preceding the day on which such teacher resumes duty.

(4) A public holiday, Saturday or Sunday falling within a period of leave, or a school vacation falling within a period of leave granted without pay in terms of regulation 75, shall be regarded as forming part of such leave and be taken into account as such: Provided that where a public holiday, Saturday or Sunday falls between two different kinds of leave, and such day or days and leave form a continuous period, any such day or days shall not be regarded as leave.

(5) Where the services of a teacher terminate and such teacher is reappointed with a break in his service, his service prior to such reappointment shall not be counted for leave purposes: Provided that -

- (a) the vacation leave credit of such teacher may be re-established to a maximum of 184 days;
- (b) such maximum number of days shall be decreased by the number of days in lieu of which a leave gratuity in terms of regulation 84 was paid;
- (c) no vacation leave shall be granted in terms of regulation 70 (4) within two years after such re-appointment.

[regulation 69 substituted by GN 110/1969]

Vacation Leave

70. (1) (a) A teacher, excluding a teacher referred to in subregulation (8), shall be credited with leave, hereafter referred to as vacation leave, at a rate of *12 days per annum* for any period of service under the Department.

(b) For the computation of the leave credit of a teacher in the service of the Department on the fixed date, all previous service under the Department shall be taken into consideration and for every calendar quarter's vacation leave granted to the teacher, his total period of service shall be reduced by five years. For the remaining years of service, he will be credited with 12 days leave per annum: Provided that this regulation shall not be applicable to teachers who have reached the pensionable age and have retired.

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(2) A teacher, excluding a teacher referred to in subregulation (8) *who is required by the Department to be on duty during any period of a school vacation*, shall be credited in addition to vacation leave referred to in subregulation (1), with one half of the number of days on which he actually executed such duty, but not exceeding a maximum of 24 days additional vacation leave in any calendar year: Provided that such teacher may apply within one month of the execution of such duty that he be credited with such additional leave or that such leave be converted into a non-pensionable cash payment equal to his basic annual salary plus a teacher's allowance for a corresponding period at the time of the execution of such duty.

(3) Any application by a teacher, excluding a teacher referred to in subregulation (8), for vacation leave shall reach the Department not less than a full school term before the date on which the leave, if granted, would commence.

(4) No teacher, excluding a teacher referred to in subregulation (8), shall be granted any vacation leave for a period which is either less than one school term, or two school terms or more than two school terms.

(5) Vacation leave shall be with full pay: Provided that where a teacher has at least one school term's vacation leave to his credit, he may, for the purpose of obtaining leave for two school terms, convert any vacation leave standing to his credit, to leave with half pay on the basis of two days with half pay for each day with full pay.

(6) A person who is appointed as a teacher in the service of the Department and who immediately prior to such appointment held a teaching post in the Department or the Department of Higher Education or the Education Department of any one of the other provinces, shall retain as leave under these regulations, the vacation leave standing to his credit on the last day of his service with his Department or his previous Department.

(7) A person who is appointed in a permanent capacity as a teacher in the service of the Department and who, immediately prior to such appointment -

- (a) was employed in a permanent capacity by any Department of the Republic, the South African Railways and Harbours Administration, a Provincial Administration, the South West Africa Administration or a body or institution having a pension or provident fund administered by the State, shall retain the vacation leave standing to his credit on the last day of his service with his previous employer: Provided that where the vacation leave accrual exceeded 36 days per annum, the vacation leave credit in respect of service with his previous employer shall be calculated at a rate of 36 days per annum: Provided further that such credit be reduced by the number of days vacation leave already granted; or
- (b) held a post at a school, college or university not attached to any of the institutions mentioned in subregulation (6) and of which the pension or provident fund is administered by the State, his vacation leave credit shall be calculated for vacation leave purposes as though he served the Department for the period he was employed by such school, college or university: Provided that such credit be reduced by the number of days vacation leave already granted.

(8) A teacher holding a post not attached to an educational institution or who is seconded to such post and who is required to be on duty during all school vacations, shall be credited with 36 days vacation leave per annum for any period of continuous service in such post: Provided that a teacher appointed in or seconded to such post prior to the fourteenth day of

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August, 1968, shall be credited with 38 days vacation leave per annum for any period of continuous service in such post.

[regulation 70 substituted by GN 110/1969]*Special leave: For study purposes*

71. (1) Special leave may be granted to a teacher who has completed at least five years' continuous satisfactory service with the Department for such course of study and such period as the Department may approve.

(2) Leave, as contemplated in subregulation (1), shall be granted to a teacher with full pay to the extent that such teacher has vacation leave to his credit or, on such teacher's written request, with half pay on the basis of two days with half pay for each day with full pay standing to his credit, and without pay for such period as the Department may determine.

(3) In respect of each day granted with full pay in terms of subregulation (2), one additional day special leave with full pay, or on such teacher's written request, two additional days special leave with half pay may be granted, or in respect of each day granted with half pay in terms of subregulation (2), one additional day special leave with half pay may be granted: Provided that not more than one half of such period of study leave is debited as vacation leave: Provided further that where leave is granted in terms of this subregulation, such teacher enters into an agreement as in Schedule II to these regulations, with the Department.

(4) Notwithstanding anything to the contrary contained in this regulation, a teacher who has completed less than five years' satisfactory continuous service with the Department, may be granted special leave without pay for such course of study and such period as the Department may determine: Provided that on the written request of such teacher, special leave with full pay may be granted to the extent that such teacher has vacation leave 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: Provided further that such special leave shall be debited against such teacher's vacation leave credit.

[regulation 71 substituted by GN 110/1969]*Special leave: Military training*

- 72.** (1) Special leave with full pay may be granted to a teacher -
- (a) (i) when such teacher, appointed in a permanent capacity, as a member of the Citizen Force is required, in terms of the Defence Act, 1957, or any regulations made thereunder, to undergo continuous or non-continuous training: Provided that the provisions of this subregulation are not applicable when such teacher is performing full-time service in lieu of training in terms of section 20 or, continuous training in terms of any provision of the Defence Act, 1957;
 - (ii) when such teacher is called up for his initial compulsory military training period by the Department of Defence in terms of any provision of the Defence Act, 1957: Provided that such teacher shall receive pay equal to the difference between his normal salary as a teacher and the pay which he receives in terms of the Citizen Force Regulations: Provided further that such teacher enters into an agreement with the Department in the form of Schedule III to these regulations.

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- (b) when, as a member of the Citizen Force as defined in paragraph (a), he voluntarily, or in pursuance of a special agreement between him and the Department of Defence relating to his training and with the permission of the Department, undertakes any continuous or non-continuous training or attends an instructional or qualifying course over and above any training to which he is liable in terms of the said Act, provided the Officer Commanding the respective Command or Air Force group certifies that such training or course is necessary in the interests of the South African Defence Force;
 - (c) when, as a member of a Commando, he is required in terms of the said Act, or any regulations made thereunder, to attend training exercises or other annual training in terms of section 44 of the said Act, provided that the Officer Commanding the respective Command 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 a Commando, he attends an instructional or qualifying course, provided the Officer Commanding the respective Command certifies that attendance at such course is necessary in the interests of the South African Defence Force;
 - (e) when, as a member of the Reserve of Officers, he is required to attend a refresher course or undergo refresher training in order to maintain his proficiency, provided that the relative Army, Air or Naval Chief of Staff certifies that such course or training is necessary in the interests of the South African Defence Force;
 - (f) when, as a member of any section of the South African Defence Force (except a member of the Citizen Force who is performing full-time service in lieu of peace-time training in terms of section 20 or is undergoing continuous training in terms of any provision of the said Act), including a member of the Commando who is attending a training exercise or annual training in terms of section 44 of the said Act, he is called up in terms of the provisions of Chapter X of the said Act, for service in the prevention or suppression of disorder or other emergency in the Republic and South West Africa;
 - (g) when, as a member of the Reserve Police Force, he is called up in terms of the Police Act, 1958 or any regulations made thereunder, for full-time training, attendance at compulsory rifle practice necessitating his absence from duty for one or more full school days or service in the prevention or suppression of disorders and other emergencies in the Republic and South West Africa.
- (2) Special leave granted in terms of subregulation (1) may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

[regulation 72 substituted by GN 110/1969]

Special leave: Examinations

73. (1) Special leave with full pay may be granted to a teacher for each day on which he sits as a candidate at any approved examination: Provided that one additional day special leave with full pay may be granted for each day such teacher actually sits for the examination.

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(2) Special leave granted in terms of subregulation (1) may include any period actually and necessarily required for travelling in connection with such examination.

[regulation 73 amended by GN 112/1964 and substituted by GN 110/1969]

Special leave: Quarantine

74. (1) When a teacher is compelled to take leave on account of the existence of infectious or contagious disease in his family or at his place of residence or elsewhere, special leave with full pay may be granted to such teacher.

(2) Any application for such leave shall be accompanied by the certificate of a medical practitioner wherein shall be stated the reasons necessitating such leave.

(3) Such leave shall not exceed the period required for removal from contagion or infection or for the disinfection.

[regulation 74 substituted by GN 110/1969]

Special leave: Extraordinary

75. Where, in the opinion of the Department circumstances justify it, a teacher may be granted special leave for such purpose and for such period as may be determined, and such leave shall be without pay unless the Administrator otherwise directs.

[regulation 75 substituted by GN 110/1969]

Extraordinary leave for urgent private affairs

76. (1) A 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 with or without pay as the Department may determine: Provided that such leave with pay shall not be granted in excess of the vacation leave standing to the credit of the teacher concerned and shall be set off against such vacation leave.

(3) Leave with full pay may be granted to a teacher during the serious illness or death of a wife/husband, own child, father or mother: Provided that the sum total of such period or periods of leave shall not exceed ten school days in any calendar year.

[regulation 76 substituted by GN 110/1969]

Extraordinary accouchement leave

77. (1) A married woman teacher shall be obliged to take leave on account of her accouchement (to be known as accouchement leave) for such period as the Department may determine, but not less than a period of three months before the anticipated date thereof and six weeks after such accouchement.

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

(3) Notwithstanding anything to the contrary contained in these regulations, a teacher may at her request, be granted in lieu of any portion of accouchement leave, vacation leave with

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full pay to the extent that such teacher has vacation leave standing to her credit or with half pay on the basis of two days with half pay for each day with full pay standing to her credit.

[regulation 77 substituted by GN 110/1969]

Sick leave

78. (1) Sick leave shall accrue to a teacher on the first day of a cycle, and with effect from that day the full provision of the cycle may be granted to him subject to the provisions of this regulation: Provided that no teacher may be granted sick leave with full or half pay until he has completed 30 days' continuous service, and then only in respect of absences subsequent to the completion of such service.

(2) A cycle referred to in subregulation (1) means a period of three years calculated from 1 January, 1959 and each ensuing period of three years thereafter: Provided that a teacher in the service of the Department on the fixed date shall not be entitled to sick leave in terms of this regulation for any period prior to the fixed date: Provided further that in the case of a teacher appointed after 1 January 1959 and whose date of appointment does not coincide with the commencing date of a cycle, the period of his service from date of appointment to the commencing date of the next cycle, shall, for the purpose of these regulations, be deemed to be a full cycle.

(3) A teacher, excluding a teacher referred to in subregulation (5), may be granted leave on account of his illness for 90 days with full pay and 90 days with half pay in the first cycle in which such teacher renders service, which number of days sick leave shall increase, subsequent to the completion of each cycle by three days with full pay and three days with half pay until a maximum of 120 days with full pay and 120 days with half pay has been reached: Provided that -

- (a) such teacher may be granted sick leave for such further period without pay as the Department may determine;
- (b) when a teacher who has retained his vacation leave credit as set out in regulation 70 (6) and who has been appointed as a teacher in the service of the Department, shall retain the commencing date of his cycle in his previous department as the commencing date of his cycle in terms of this regulation;
- (c) a teacher referred to in paragraph (b) shall not be granted more sick leave with pay during the unexpired period of the cycle in which he has thus been transferred than would have been granted, had all his service during such cycle been service in the Department.

(4) Notwithstanding anything to the contrary contained in subregulation (3), additional sick leave may, subsequent to the completion of nine years' continuous service and in every three cycles thereafter, on the recommendation of a registered medical practitioner or a registered dentist, be granted to a teacher, excluding a teacher referred to in subregulation (5), to a maximum of 90 days with full pay and 90 days with half pay.

(5) Notwithstanding anything to the contrary contained in this regulation, a teacher who is employed fulltime during all school vacations may, subject to the provisions of subregulation (1), be granted sick leave for 120 days with full pay and 120 days with half pay in each cycle.

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(6) If a teacher referred to in subregulation (5) to whom has been granted the maximum amount of sick leave provided for in these regulations, is not yet able, for health reasons, to resume his duties, the Department -

- (a) on the submission of a satisfactory certificate by a registered medical practitioner or a registered dentist; and
- (b) if it is satisfied that such teacher at that particular time is not permanently unfit to resume his normal duties; and
- (c) if the teacher has no vacation leave to his credit;

may at its discretion, grant such teacher further sick leave with half pay not exceeding 92 days in any one cycle in respect of separate periods of absence and in respect of different kinds of illnesses.

(7) Any application for sick leave in respect of a continuous period of more than three days shall be supported by a certificate of indisposition, and the Department may require a certificate to be furnished in support of any application for sick leave for a period of three days or less if it considers that the circumstances warrant the furnishing of such a certificate: Provided that -

- (a) where in exceptional circumstances, the Department is satisfied that the absence of a teacher is *bona fide* due to sickness and is further satisfied that there are sufficient reasons why a certificate of indisposition is not submitted, it may, in its discretion, dispense with the submission of such certificate for a period not exceeding fourteen days;
- (b) sick leave in respect of which a certificate as defined in this subregulation, has not been submitted. may be granted only for an aggregate of 10 days during any calendar year;

[The full stop after the word “submitted” should be changed to a comma, reproduced as it appears in the *Official Gazette*.]

- (c) any further absences shall be covered by the grant of extraordinary leave for urgent private affairs with pay, or, if the teacher concerned has no vacation leave to his credit, by extraordinary leave for urgent private affairs without pay;
- (d) the provisions of paragraphs (b) and (c) shall not apply to any period of absence in respect of which exemption in terms of this subregulation was granted.

(8) Sick leave shall not be granted to a teacher in respect of -

- (a) illness, disease or injury due to misconduct or failure to take reasonable care or precautions on the part of such teacher; or
- (b) neurasthenia, insomnia, debility or other similar ill-defined disease or condition of ill-health, unless it is established to the satisfaction of the Department that -
 - (i) such teacher is not in a fit state of health to perform his duties; and

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- (ii) the condition could not have been avoided by the taking of reasonable care or precautions on the part of such teacher or by the utilization of the facilities available to him in regard to vacation leave.

(9) Where any sick leave is granted to a teacher, the date from which such leave shall be deemed to have commenced and the date on which it shall be deemed to have ended, shall, subject to the medical requirements of the case, be as determined by the Department which may, in determining the period of such leave, take into consideration the interests of any school, college or institution affected by the grant thereof.

(10) Notwithstanding anything to the contrary contained in these regulations, a teacher may, at his request, be granted, in lieu of any portion of sick leave granted with half pay or without pay, vacation leave with full pay to the extent of 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.

(11) In the event of a teacher becoming ill whilst he is on vacation leave, the period for which he was ill, may, subject to the provisions of subregulation (7), be converted into sick leave if such period of illness exceeds seven days and such teacher applies in writing within 30 days after the expiry of his vacation leave for such conversion.

(12) Notwithstanding anything to the contrary contained in subregulation (1), a teacher who is absent from duty owing to an injury sustained in an accident arising out of and in the course of his duties or owing to a disease contracted in the course of and as a result of his duties, may be granted special sick leave with full pay for the period he is incapacitated for such duties, or, if the case falls within the scope of the Workmen's Compensation Act, 1941, as amended, sick leave with remuneration equal to the difference between full pay and the compensation payable to him in terms of that Act: Provided that such leave shall not interfere with sick leave which may be granted in terms of any cycle.

(13) Notwithstanding the submission of a certificate as defined in subregulation (7), the Department may, in its discretion, refuse to grant sick leave with pay in respect of any absence from duty to which the certificate relates, and such absence shall, without prejudice to any disciplinary action which may be taken against such teacher, be regarded as extraordinary leave for urgent private affairs without pay.

[regulation 78 substituted by GN 110/1969]

Lapse of leave on termination of service

79. Leave cannot be claimed as of right, and when a teacher leaves the service for any reason whatsoever, his leave shall lapse on the last day on which he was on duty and he cannot claim payment in respect of the cash value of leave not utilized: Provided that the payment of a leave gratuity in terms of the provisions of regulations 83 and 84 is not precluded by this regulation.

[regulation 79 substituted by GN 110/1969]

Voluntary termination of leave by teacher

80. A teacher who wishes to assume duty before the expiration of a period of leave granted to him under these regulations, shall not do so before having obtained the prior approval of the Department.

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[regulation 80 substituted by GN 110/1969]

Leave granted in error

81. In the event of a teacher being granted in good faith vacation leave with full or half pay and utilized by him in excess of that for which he qualified at that stage in terms of these regulations, such over-grant may be deducted from vacation leave which subsequently accrues to him: Provided that in the event of the teacher resigning or his services being terminated before sufficient vacation leave has accrued to him for the purpose of such deduction, the portion of the over-grant which has not yet been set off against his vacation leave accrual on his last day of service, shall be regarded as an overpayment of salary.

[regulation 81 substituted by GN 110/1969]

Leave under previous regulations

82. In respect of a teacher who was in the service of the Department when these regulations came into force -

- (a) the vacation leave standing to the credit of such teacher shall be deemed to be a credit under these regulations;
- (b) leave granted to such teacher in terms of the previous regulations for a period which expires after the fixed date, shall be deemed to be leave granted lawfully.

[regulation 82 substituted by GN 110/1969]

Leave gratuities

- 83.** (1) A leave gratuity, calculated as set out in regulation 84, may be paid -
- (a) on his written request not more than five years before reaching the pensionable age, to a teacher in the service of the Department in a permanent capacity who has completed at least five years of continuous service;
 - (b) to a teacher who retires in terms of section 45 (1) (b) or (c) of the Education Ordinance, 1962, or who retires on pension before reaching the pensionable age;
 - (c) to a woman teacher, excluding a woman teacher to whom a leave gratuity in terms of paragraph (a) was paid, who, after having completed at least five years' continuous satisfactory full-time service, resigns in contemplation of marriage and marries within 90 days of her last day of service or who is discharged as a result of her marriage: Provided that such teacher shall be deemed to have completed five years' continuous satisfactory full-time service if she so served for a period covering all the school terms contained in five years;
 - (d) where a teacher dies, to the person or persons in the following order of preference:
 - (i) widow or widower;
 - (ii) dependent children and step children in equal shares; or
 - (iii) dependent parent or parents:

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Provided that if there are no such person or persons, the gratuity be paid into the estate of the deceased;

- (e) to a teacher in service in a temporary capacity whose services terminate after having completed at least five years' satisfactory full-time temporary service: Provided that in calculating the five year period, a full school term shall be deemed to be three months.

(2) Vacation leave credit exceeding the number of days in respect of which a gratuity in terms of regulation 84 (1) (a) has been paid, shall be retained by a teacher.

(3) A further leave gratuity, calculated as set out in regulation 84, may be paid to a teacher to whom a leave gratuity in terms of subregulation (1) (a) has already been paid or is still payable, and whose services remain continuous to -

- (a) his retirement or
- (b) the date of his death,

and in the latter case, such gratuity shall be paid to the person or persons mentioned in subregulation (1) (d).

[regulation 83 substituted by GN 110/1969]

84. (1) The maximum vacation leave in respect of which -

- (a) a leave gratuity may be paid in terms of regulation 83 (1), is 184 days; and
- (b) the further leave gratuity may be paid in terms of regulation 83 (3), is 90 days: Provided that the number of 90 days shall be reduced by 18 days per annum on a pro rata basis in respect of the period calculated from the date of retirement up to and including the date on which such teacher reaches the pensionable age, where such man or woman retires before reaching the pensionable age, and provided further that in the case of a teacher who is employed during all school vacations, the number of 90 days be further reduced by -

- (i) the number of days vacation leave granted with pay to such teacher in excess of his total accrual during the period following on the earliest date on which such teacher could have retired on pension to the date of retirement: Provided that in the case of a woman teacher who retires with a pension as defined and provided for in the Education Ordinance, 1962, (Ordinance 27 of 1962), from a date after reaching the pensionable age, the provisions of this paragraph shall apply only in respect of the last five years of her service; and
- (ii) the number of days vacation leave granted with pay to such teacher in excess of his annual accrual during the year immediately preceding his retirement.

(2) Vacation leave granted in terms of regulation 78 (10), shall not be regarded as vacation leave in excess in calculating the gratuity mentioned in subregulation (1).

(3) Subject to the provisions of subregulation (1), the amount of the leave gratuity shall be calculated in respect of the number of days vacation leave which a teacher has to his

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credit on the date of payment of the gratuity and at a rate equal to the total of his basic annual salary plus any pensionable allowance, including teachers' allowance, and the personal non-pensionable allowance paid as a remainder of cost of living allowance, payable in respect of the post he occupied on the date of the payment of such gratuity.

[regulation 84 substituted by GN 110/1969]

PROVISIONS RELATING TO ILL-HEALTH OF TEACHER

Compulsory medical Examination

85. (1) The Department may at any time require a teacher whom it presumes to be suffering from ill-health or who is subject to such repeated bouts of illness as to make the Department doubtful whether he is capable of rendering further competent service to the Department, to submit himself to an examination by the chief medical inspector of schools or a medical practitioner or a medical board designated by the chief medical inspector of schools and any such teacher shall submit himself to such examination.

(2) If a teacher fails or refuses to submit to an examination contemplated in subregulation (1) the Department may make a decision in respect of such teacher as if such examination had taken place.

[regulation 85, previously 75, renumbered by GN 110/1969]

86. (1) It shall be the duty of the chief medical inspector of schools to submit to the Department a comprehensive report on the health of any teacher who has been examined on instructions from the Department.

(2) The chief medical inspector of schools may obtain such other professional advice as he may deem necessary in connection with such examination.

[regulation 86, previously 76, renumbered by GN 110/1969]

87. Whenever the Department receives a report referred to in regulation *eighty-six*, it may, subject to the provisions of the pensions proclamation -

- (a) if in the opinion of the chief medical inspector of schools there is a reasonable prospect of the teacher being able, after a period of leave, to perform his duties satisfactorily, require the teacher concerned to take sick leave under the provisions of these regulations for such period or further period as it may determine and to undergo during such period such medical treatment as the circumstances of the case may require; or
- (b) terminate such teacher's services under the Department from a date to be determined by it.

[regulation 87, previously 77, renumbered and amended by GN 110/1969]

88. When the Director is satisfied that any teacher has failed or refused to undergo during a period of sick leave the treatment referred to in regulation *eighty-seven* he may cancel such leave or cancel such leave and forthwith terminate the service of any such teacher under the Department.

[regulation 88, previously 78, renumbered and amended by GN 110/1969]

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89. Where a teacher who is on sick leave as referred to in regulation *eighty-seven* does not resume duty on the expiry of such leave period, his service under the Department shall be deemed to have terminated on the day following on the day on which such teacher received any salary from the Department or from the date on which such leave, if without salary, was granted, whichever is the latter date.

[regulation 89, previously 79, renumbered and amended by GN 110/1969]

90. Nothing in these regulations contained shall prevent the Director from terminating a teacher's appointment by reason of ill-health before the maximum or any period of sick leave has been granted.

[regulation 90, previously 89, renumbered by GN 110/1969]

INTERPRETATION OF REGULATIONS

91. If doubt arises as to the interpretation of the provisions of these regulations the Director shall decide thereon and such decision shall be final.

[regulation 91, previously 100, renumbered by GN 110/1969]

DEVIATIONS IN TIME OF WAR OR NATIONAL EMERGENCY

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

[regulation 92, previously 101, renumbered by GN 110/1969]

DEPARTURE FROM REGULATIONS

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

[regulation 93, previously 102 inserted by GN 66/1966, renumbered by GN 110/1969]

SCHEDULE I
REGULATIONS REPEALED

<i>No. and Date of Government Notice.</i>	<i>Extent of Repeal.</i>
159 of 19th November, 1921	Regulations 47-50 (inclusive)
129 of 13th September, 1926	Regulations 6-10 (inclusive)
55 of 7th April, 1928	Regulation 7
66 of 20th April, 1928	Regulations 19-20 (inclusive)
61 of 7th May, 1931	Regulations 25-26 (inclusive)
127 of 19th September, 1934	Regulation 28
127 of 19th September, 1934	Regulation 31
124 of 15th July, 1943	Regulation 41
132 of 1st June, 1944	Regulation 42
13 of 15th January, 1945	Regulation 14 <i>bis</i>
191 of 16th June, 1947	Regulation 2
281 of 15th October, 1949	Regulation 14 <i>bis</i> (2)

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267 of 1st November, 1950.	Regulation 7
335 of 15th November, 1952	Regulation 9
99 of 1st April, 1953	Regulations 1-6 (inclusive)
118 of 1st April, 1953	Regulation 31
232 of 1st August, 1953	Regulation 7
300 of 1st October, 1953	Regulations 2A and 5
79 of 1st April, 1955	Regulations 1-3 (inclusive)
266 of 1st December, 1955	Regulations 1-2 (inclusive)
5 of 2nd January, 1960	Regulation 9
16 of 15th January, 1960	Regulation 3
227 of 1st December, 1960	Regulation 1

SCHEDULE II

[Schedule II substituted by GN 110/1969]

(REGULATION 71(3))

AGREEMENT

I undertake, if required to do so by the S.W.A. Education department, immediately after expiry of the period of special leave for study purposes granted to me for the period from to in terms of regulation 71 (3) of the Regulations on the Conditions of Appointment and Service of White Teachers as published by Government Notice 53 dated 29 April, 1964, to serve the said Department as a teacher (hereinafter referred to as my service obligation) for a continuous period equal to the period for which such special leave as granted to me, viz. days.

I hereby declare that I understand that authorized leave of absence with full or part pay shall normally count as service in fulfillment of my service obligation and that if I am granted leave of absence without pay, or if I am absent from duty without permission before I have met my service obligation, such obligation shall be extended by a number of days equal to the period(s) of such leave which was granted and/or the periods that I was absent from duty without permission.

I further undertake, should I in anyway fail, except through my death, to comply fully with this undertaking, irrespective of whether such failure be a result of discharge by the said department on grounds of misconduct, to refund to the said Department on demand, the full remuneration and vacation savings bonus which I received during the above-mentioned period.

Signed at on this the day of
 19

.....
 Signature of Teacher.

Witnesses:

1.
2.

SCHEDULE III

[Schedule III inserted by GN 110/1969]

(REGULATION 72(1)(a))

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AGREEMENT

I..... undertake, if required to do so by the Department, immediately on completion of my initial period of compulsory military training from to to assume duty as a teacher in the S.W.A. Education Department and to serve the said Department (hereinafter referred to as my service obligation) for a continuous period equal to the period of special leave granted to me viz. days.

I hereby declare that I understand that authorized leave of absence with full or part pay shall normally count as service in fulfillment of my service obligation and that if I am granted leave of absence without pay, or if I am absent from duty without permission before I have met my service obligation, such obligation shall be extended by a number of days equal to the period(s) of such leave which was granted and/or the period(s) that I was absent from duty without permission.

I further undertake, should I in any way fail, except through my death, to comply fully with this undertaking, irrespective of whether such failure be a result of discharge by the said Department on grounds of misconduct, to refund to the said Department on demand, the full remuneration and vacation savings bonus which I received during the above-mentioned period.

Signed at on this the day of
19

.....
Signature of Teacher.

Witnesses:

- 1.
- 2.

Aided by (in the case of a minor)

.....
Signature of parent or guardian.

Witnesses:

- 1.
- 2.