



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
Coloured and White Teachers at Schools for Coloureds**

Government Notice 54 of 1964

(OG 2546)

came into force 29 April 1964

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relating to the Conditions of Appointment and Service of Coloured and White Teachers at Schools for Coloureds were originally made in terms of section 117 of the Education Ordinance 27 of 1962, which was repealed by section 83 of the Education Act 16 of 2001.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

as amended by

Government Notice 112 of 1964 (OG 2573)

came into force on 1 August 1964

Government Notice 66 of 1966 (OG 2715)

came into force on 2 May 1966

ARRANGEMENT OF REGULATIONS

[Most of the individual regulations have no headings.]

SCHEDULE
REGULATIONS REPEALED

Definitions

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**Regulations on the Conditions of Appointment and Service of
Coloured and White Teachers at Schools for Coloureds**

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 otherwise indicates -

“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;

“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 24 consecutive hours;

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

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

“headquarters” means the town, village or place where the principal 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.

“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 in the following month;

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

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“vice-principal” means 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;

“uncertificated 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 XX 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, domestic or pet animals;

“salary incremental period” means a period of twelve calendar months or other 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.

Application of regulations

2. These regulations shall come into force on the 15th December, 1963, and shall be applicable to Coloureds and whites appointed on the permanent or temporary teaching staff of a state Coloured school and/or a recognised mission Coloured school and shall include Coloured 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.

Certain responsibilities of principals

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5. (1) A principal shall, in the case of a state school for Coloureds, 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 interest 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;
- (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 the post of which he is the incumbent, such application shall be deemed to be an application for transfer;
- (c) (i) the provisions of this regulation shall also apply in cases where a manager of a mission school applies for a transfer in respect of the teaching staff under his control;
- (ii) all applications for transfer shall be submitted by the manager concerned with his recommendations to the Department for final approval.

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

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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
755 gives	33
780 gives	34

(ii) *Primary schools.*

<i>Increase</i>	<i>Decrease.</i>
15 pupils gives 1 teacher	27 retains 2 teachers
30 pupils gives 2 teachers	60 retains 3 teachers
65 pupils gives 3 teachers	
105 pupils gives 4 teachers	100 retains 4 teachers
140 pupils gives 5 teachers	(No reduction scale for
175 pupils gives 6 teachers	schools with five or
210 pupils gives 7 teachers	more teachers.)
245 pupils gives 8 teachers	
280 pupils gives 9 teachers	
315 pupils gives 10 teachers	
350 pupils gives 11 teachers	

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385 pupils gives 12 teachers
 420 pupils gives 13 teachers
 455 pupils gives 14 teachers
 490 pupils gives 15 teachers
 525 pupils gives 16 teachers
 560 pupils gives 17 teachers
 595 pupils gives 18 teachers
 630 pupils gives 19 teachers
 655 pupils gives 20 teachers
 700 pupils gives 21 teachers

- (b) (i) The staff strength shall be determined according to the enrolment on the tenth school day of the first quarter of the year.
- (ii) If the enrolment on the tenth school day of the first 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 redundant posts may be obtained at any time during the first 10 school days of the first quarter, but on the tenth school day a return on the prescribed form shall be completed in every case and submitted to the Department for final approval.
- (iii) 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 any such 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 full-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.
- (iv) 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 from four to nine full-time teachers;
 - (cc) 30 or more in schools or divisions with ten or more full-time teachers.

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- (v) 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.
- (vi) 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;
- (iii) for primary schools with an enrolment of more than 400 pupils below the sixth standard:

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.*

Unless the Department is satisfied that there is good reason for not doing so, 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 school with a maintained enrolment of 150 pupils above standard V; this shall be in addition to the post mentioned in (i) above;
- (iii) one for a secondary school with a maintained enrolment of more than 100 pupils above the fifth standard;

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- (iv) one for a primary school or the primary division of a secondary or high school with a maintained enrolment of more than 150 pupils;
 - (v) 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 (e) of regulation *twenty*.
- (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 as set out in regulation *forty-one*.

Music teachers.

- (3) (a) Posts for the teaching of school music shall be created additional to the staff strength determined in accordance with subregulation (1).
- (b) One or more schools shall qualify for the creation of a post of music teacher if -
 - (i) the total enrolment in such school or schools is more than 150 pupils above standard II;
 - (ii) the school or schools have the necessary accommodation;
 - (iii) the school or schools have at their disposal the services of a teacher approved by the Department;
 - (iv) the number of pupils or intending pupils for instruction in music is sufficient for the appointment of such teacher on the following basis -
 - (aa) for at least 20 hours instruction a week - one full-time teacher;
 - (bb) for at least 36 hours instruction a week - one full-time and one part, time teacher;
 - (cc) for at least 45 hours instruction a week - two full-time teachers.
- (c) Where the number of hours of approved instruction in a school which has already qualified for a full-time teacher decreases to -
 - (i) less than 20 but more than 10 hours of approved instruction a week, such teacher shall be deemed to be a part-time teacher;
 - (ii) 10 hours or less of approved instruction a week, the post concerned shall be abolished.

Classification of schools for salary purposes

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8. The classification of schools for the purpose of determining the salaries of principals shall be on the following basis:

- A. (i) *High and secondary schools -*
- | <i>Enrolment</i> | <i>Grade</i> |
|------------------|--------------|
| 400 and over | 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 by virtue of its maintained enrolment in standards above the fifth.
- B. *Primary schools -*
- | <i>Enrolment</i> | <i>Grade</i> |
|---------------------|--------------|
| 500 pupils and over | Group A |
| 400 - 499 | Group B |
| 300 - 399 | Group C |
| 200 - 299 | Group D |
| 100 - 199 | Group E |
| 50 - 99 | Group F |
| 20 - 49 | Group G |
| Under 20 | Group H |

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, after an average enrolment maintained for four consecutive quarters, be classified in a higher grade and the principal's salary shall be determined as prescribed in paragraphs (a) and (b) of regulation *twenty*.

Establishment or reclassification 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 indicated 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 a re-classified school is classified in a higher grade on the 1st April after the date of its establishment or reclassification 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

11. A teacher who has a recognised teacher's certificate obtained on the successful completion of a recognised training course or courses for teachers, shall be classified by the Department according to the qualification or qualifications possessed by such a teacher as follows -

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- (i) *Category (a)* -
Lower primary certificate for Coloured teachers
or third class teacher's certificate;
or third class teacher's certificate (junior);
or third class teacher's certificate (senior);
or approved equivalent qualifications.
- (ii) *Category (aa)* -
Higher primary certificate for Coloured teachers; or a qualification in category (a)
plus Senior Certificate;
or approved equivalent qualifications.
- (iii) *Category (b)* -
Lower primary certificate for Coloured teachers plus the completion of at least half
of the requirements of a university degree;
or higher primary certificate for Coloured teachers plus Senior Certificate;
or advanced primary certificate for Coloured teachers;
or approved equivalent qualifications.
- (iv) *Category (c)*:
Lower primary certificate for Coloured teachers plus a university degree;
or higher primary certificate for Coloured teachers plus Senior Certificate, plus the
completion of at least half the requirements for a university degree; or approved
equivalent qualifications.
- (v) *Category (d)* -
Higher primary certificate for Coloured teachers plus a university degree;
or advanced primary certificate for Coloured teachers plus a university degree;
or a university degree plus the successful completion of a one-year post-graduate
training course;
or approved equivalent qualifications.
- (vi) *Category (e)* -

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University degree plus the successful completion of two years of post-graduate training;

or approved equivalent qualifications.

(vii) *Category (f)* -

University degree plus the successful completion of three years of post-graduate training;

or approved equivalent qualifications.

12. (1) Coloureds who received their training as teachers at a native training school in South West Africa before the 31st December, 1958, shall for salary purposes be treated as if they had received their training at a Coloured teachers training institution.

(2) The qualifications of white teachers giving instruction at Coloured schools shall be calculated according to the number of years of training received after matriculation and such teacher shall be classified and remunerated according to the categories and salary scales applicable to Coloured teachers.

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* -

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

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) The salary of a certificated teacher studying for a baccalaureus degree shall be raised one category as soon as he has passed at least six of the required courses for the degree and two categories as soon as he has obtained the degree.

Re-classification because of qualifications

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

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

(2) The salary of a teacher re-classified in a higher category shall be increased on such classification by the same number of salary increment notches on the scale as the number of salary increment notches represented by the difference between the minimum of the scale on which he was remunerated immediately before his reclassification 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 out in regulation *eleven* shall be classified and remunerated by the Department as an uncertificated teacher.

(2) An un certificated 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 and 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.

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(3) An uncertificated Coloured teacher may, after he has gained sixteen years of recognised and satisfactory teaching experience, be recognised as a certificated teacher by the Department and such teacher shall then be remunerated according to the scale applicable to teachers classified in category (a) under regulation *eleven*: Provided that no service as an uncertificated teacher shall be recognised in the determination of the salary notch on the applicable salary scale and that such teacher shall be remunerated according to the initial notch of the salary scale concerned unless the salary he receives is higher than the initial notch in which case his salary notch shall be determined in accordance with the salary he then receives.

White teachers who are not South African nationals

18. (1) In order to qualify for permanent appointment a white 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 vice-principal of an educational institution unless such appointment has been approved by the Administrator.

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

19. 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

20. *Salaries -*

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

(a) *Principals of high and secondary schools -*

<i>Grade</i>	<i>Men</i>	<i>Women</i>
A	R2440x80-2920	R1680x60-1800x80-2120
B	R2360x80-2840	R1620x60-1800x80-2040
C	R2280x80-2760	R1520x40-1560x60-1800x80-1960
D	R2200x80-2680	R1440x40-1560x60-1800-1880
E	R2120x80-2600	R1360x40-1560x60-1800

(b) *Primary schools -*

<i>Group</i>	<i>Men</i>	<i>Women</i>
A	R2280x80-2760	R1520x40-1560x60-1800x80-1960
B	R2200x80-2680	R1440x40-1560x60-1800-1880

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C	R2120x80-2600	R1360x40-1560x60-1800
D	Primary assistant's salary + 4 notches to a maximum of R2520.	Primary assistant's salary + 4 notches to a maximum of R1740.
E	Primary assistant's salary + 3 notches to a maximum of R2440.	Primary assistant's salary + 3 notches to a maximum of R1680.
Group F	Primary assistant's salary + 2 notches to a maximum of R2360.	Primary assistant's salary + 2 notches to a maximum of R1560.
Group G	Primary assistant's salary + 1 notch to a maximum of R2280.	Primary assistant's salary + 1 notch to a maximum of R1480.
Group H	Primary assistant's salary to a maximum of R2200.	Primary assistant's salary to a maximum of R1400.

(c) *Vice-principals -*

The salary of a vice-principal shall be as follows -

(i) *High and secondary schools -*

Men: R2120x80-2600

Women: R1360x40-1560x60-1800.

(ii) *Primary schools -*

The salary applicable to him according to his qualification as assistant teacher, increased by four notches throughout on the salary scale concerned: Provided that such salary shall not exceed in the case of men R2520 a year and in the case of women R1740 a year.

(d) *Certificated assistant teachers and music teachers -*

(i) *Primary assistants -*

	<i>Men</i>	<i>Women</i>
Category (a)	R780x60-1800	R680x40-1200
Category (aa)	R840x60-1800-1880	R720x40-1240
Category (b)	R960x60-1800x80-2040	R800x40-1320
Category (c)	R1020x60-1800x80-2120	R840x40-1360
Category (d)	R1140x60-1800x80-2200	R920x40-1400
Category (e)	R1260x60-1800x80-2280	R1000x40-1440
Category (f)	R1320x60-1800x80-2360	R1040x40-1480

(ii) *Secondary assistants -*

	<i>Men.</i>	<i>Women.</i>
Category (a)	R780x60-1800	R680x40-1200
Category (aa)	R840x60-1800-1880	R720x40-1240
Category (b)	R960x60-1800x80-2040	R800x40-1320
Category (c)	R1060x60-1800x80-2200	R880x40-1400
Category (d)	R1200x60-1800x80-2280	R960x40-1440
Category (e)	R1320x60-1800x80-2360	R1040x40-1480

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Category (f) R1380x60-1800x80-2440 R1080x40-1520

(e) *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 the salary scale applicable to him, which shall not be retained by him on transfer.

(f) *Scribe -*

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

(g) *Uncertificated music teachers -*

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

Men: R1020x60-1800x80-2100
Women: R840x40-1360

(ii) Licentiate (Performers)

U.P.L.M.	}	Men: RS40x60-1500x80-2040
L.R.A.M.		
L.R.S.M.		Women: R720x40-1320
A.R.C.M.		
A.R.A.M.		

Uncertificated teachers

21. The salaries and salary scales of uncertificated teachers shall be as follows -

<i>Qualifications:</i>	<i>Men:</i>	<i>Women</i>
Junior Certificate or lower	R660 (fixed)	R560 (fixed)
Junior Certificate plus 1 year's training	R720x60-1740	R640x40-1160
Senior Certificate	R780x60-1800	R680x40-1200
Senior Certificate plus 1 year	R840x60-1800-1880	R770x40-1240
Senior Certificate plus 2 years	R960x60-1800x80-2040	R800x40-1320
Senior Certificate plus 3 years	R1020x60-1800x80-2120	R840x40-1360
Senior Certificate plus 4 years	R1140x60-1800x80-2200	R920x40-1400

22. *Part-time assistant teachers -*

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

23. *Part-time music teachers -*

Part-time music teachers shall be remunerated as follows -

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- (a) For approved instruction above 15 hours but not more than 20 hours a week: four-fifths of the fulltime salary which would be applicable to him according to his qualifications.
- (b) For approved instruction above 10 hours but not more than 15 hours a week: three-fifths of the fulltime salary which would be applicable to him according to his qualifications.

Temporary teachers

24. 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.

25. *Overtime remuneration: Music teachers -*

If a full-time music teacher gives more than 25 hours of approved instruction, 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.

Pensioned teachers

26. (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.

Salary increases: Recognition of experience

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

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

(3) A teacher assuming duty under the Department and having previous non-teaching experience which may be 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 and that only non-teaching experience gained after the attainment of a recognised teacher's certificate may be recognised.

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(4) Periods of experience of less than one year as mentioned in subregulation (2) shall all be taken into account in the determination of a teacher's future incremental date save as is provided in subregulation (1) of regulation *twenty-nine*.

(5) 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 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.

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

Salary increments: progress on a scale

29. (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 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 direct, 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 such teacher one salary increment from the first day of the month following on the month in which the said period 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 the expiry of such salary incremental period calculated from the date on which his salary would have been increased if such increment had not been withheld.

30. Where the salary of a teacher is not increased under subregulation (1) of regulation *twenty-nine* such teacher shall be informed by the Director in writing of the reason therefor.

31. 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.

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

Method of payment of salary

33. (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) Where 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 such 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 up 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 up 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

34. 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.

35. 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.

36. If the services of a teacher in the Department terminate on any date because he has reached the prescribed retiring age such teacher 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.

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

38. 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

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

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

40. (1) A Coloured teacher who serves at a state native training school shall, in addition to the salary applicable to him according to his qualifications, receive an allowance of R100 a year.

(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.

41. (1) An assistant teacher appointed by the Department under paragraph (d) of subregulation (2) of regulation *seven* as a 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	R40 a year
100 -199	R64 a year
200 -299	R80 a year
300 -399	R96 a year
400 and over	R112 a year
(b) <i>Primary schools:</i>	
Under 100 pupils	nil
100 -199	R40 a year
200 -349	R64 a year
350 and over	R80 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 the basis of 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 receives an allowance mentioned in subregulation (1) above is absent on any leave of more than 30 days, such allowance shall lapse for the duration of his leave and shall be paid to his substitute.

Temporary non-pensionable allowances payable to certain teachers

42. A teacher who before the commencement of these regulations qualified for the payment of a personal non-pensionable allowance paid in lieu of the pre-consolidated cost of living allowance shall continue to receive such allowance: Provided that -

- (a) reduction or increase of the allowance on promotion or salary increase shall be on a basis as approved by the Department from time to time;
- (b) a teacher appointed in the service of the Department after the 31st December, 1962, shall not qualify for such allowance except in the case of a teacher who without a break in his service is appointed in the service of the Department from the service of another recognised educational institution and who was in receipt of such personal non-pensionable allowance at such educational institution.

SUBSISTENCE ALLOWANCES

Nature of Subsistence Allowances

43. 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

44. (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 a subsistence allowance at R1-40 a day by the Department.

(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 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 6c an hour.

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45. 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 180 days shall be deemed to begin from the date on which he resumes duty after such break.

46. (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; 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
- (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-four* shall apply.

47. 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 -

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

- (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" shall be excluded in the calculation of the amount which may be refunded;
- (c) amounts allowed in respect of the hiring 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

48. (1) A teacher not resident in South West Africa who is appointed to the permanent teaching staff of the Department shall, on his coming to South West Africa to assume duty, 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 for himself and every member

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of his household above the age of twelve 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 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.

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

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

Official journeys and transport

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

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

- (i) the maximum refundable amount in respect of portorage 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.

53. A teacher travelling on official service by train and his household shall be entitled to travel in the second class (reserved) or second class according as such teacher is a Coloured or a white: Provided that the servant of such teacher -

- (a) if a Coloured, shall travel in the second class (reserved);
- (b) if a native, shall travel in the third class if available, otherwise in the second class: Provided that a children's nurse having supervision over an infant may travel in the same class as the teacher's household.

54. 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 the packing and unpacking costs of such personal effects and the cost of packing material, if transport is by goods train or road

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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 to and from a store if the storage of personal effects has been authorised by the Director.

Transport on appointment

55. A teacher not resident in South West Africa who has been 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 his recruitment to his destination;
- (b) free transport of his personal effects from the place of his recruitment to the place where he assumes duty: Provided that in the case of a student at a university or college recruited while he is 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.

56. 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.

57. 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 up 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.

58. (1) In the case of an appointment under regulation *fifty-five* 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 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.

Transfer costs

59. (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-three*;
- (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 replacements 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 to his new post, 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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60. All claims for repayment of any expenses mentioned in regulation *fifty-nine* shall be submitted on a form prescribed by the Department and shall be properly substantiated by receipts or vouchers.

61. 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 on death of a teacher

62. (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-three*;
 - (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.

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

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63. The privileges mentioned in sub-paragraphs (i) and (ii) of paragraph (c) of subregulation (2) of regulation *sixty-two* shall also apply to the widow of a teacher who dies while he is in the service of the Department, irrespective of the period of service under the Department.

Other travelling privileges

64. After completion of one years 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 second class return railway 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 for 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 on 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

General

65. Any application for leave by a teacher shall be submitted through the principal of his school to the Department on a form approved by the Department: Provided that teachers at mission schools shall submit their applications on the prescribed form through the manager of the school to the Department.

66. If the circumstances at the school and other prevailing conditions allow the granting of leave, the Department may grant such leave as provided below: Provided that -

- (a) no leave except sick leave shall be granted to a teacher whose resignation of his post has been submitted and accepted;
- (b) subject to the provisos to subregulation (1) of regulation *ninety-one*, in cases where leave of any nature whatever of less than five school days is granted to a teacher, no remunerated substitute shall be appointed by the Department unless, as a result of such teacher's absence, circumstances arise which necessitate the appointment of a substitute.

67. (1) Leave of absence granted to a teacher may be withdrawn by the Department at any time if the interests of the school or the Department require it.

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(2) If, before the expiry of any period of duly granted leave of absence, the appointment of a teacher is terminated by the Department or at the request of the teacher, or if such teacher gives notice in respect of the termination of his appointment, or such teacher is dismissed or enters or undertakes to enter the service of any employer without obtaining the prior written consent of the Department, such leave shall be automatically withdrawn as from the date of the notice in respect of such termination of service or the date of such dismissal or the date on which the teacher enters such service.

(3) Subject to the provisions of regulation *ninety-four* any leave of absence other than vacation leave previously granted shall not necessarily affect the granting of any application for vacation leave.

(4) If a teacher has been granted any leave with full or reduced salary, which is in excess of that to which he is entitled under the provisions of these regulations, such excess leave may be deducted from any leave subsequently accruing to him if the Director is satisfied that such excess leave was granted in good faith: Provided that if the teacher resigns or his services are terminated before sufficient leave has accrued to him for the purpose of such deduction, such leave granted in excess shall be deemed to be an overpayment of salary which may be either reclaimed or, with proper authorisation, written off.

Vacation Leave

68. Any application by a teacher for vacation leave shall reach the Department not less than one calendar quarter before the date on which such leave, if granted, is to begin: Provided that in exceptional cases the Department may consider a shorter period than one calendar quarter.

69. If the services of a suitable substitute are found and the Department is satisfied that the interests of the school will not suffer as a result of the absence of a teacher, such teacher may, after every five years of unbroken service under the Department, be granted vacation leave of not more than one calendar quarter with full salary or two calendar quarters with half salary: Provided that, subject to the provisions of subsection (3) of section *fifty-nine* of the ordinance -

- (a) any period of leave without salary granted to a teacher under the provisions of these regulations shall not be deemed to be a break in the continuity of his service for the purpose of vacation leave;
- (b) not more than one teacher in any one school may be absent on vacation leave at one time unless the Department is satisfied that the efficiency of the instruction in such school shall not suffer thereby;
- (c) if, because of the exigencies of the service, a teacher is required to postpone his vacation leave or part thereof for a certain period after it has become due, Or if the Department is satisfied that a suitable substitute cannot be found, or if a teacher is prevented from taking his vacation leave when it becomes due because he is on military leave or, in cases approved by the Department, because of the absence on military leave of other teachers on the staff of the same school, the period necessary for such teacher to qualify for his next vacation leave may, in the discretion of the Department, be shortened by a corresponding period: Provided that -

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- (i) such shortened period in the case of a teacher who is compelled to postpone his vacation leave because a suitable substitute cannot be found, shall not be longer than two years, and
- (ii) the Department's prior written consent thereto shall be obtained.

70. A teacher who has to retire from the service of the Department under paragraphs (a) and (b) of subsection (1) of section *forty-five* of the ordinance and who qualifies under the provisions of the pensions proclamation for retirement on pension from the service of the Department, shall be granted vacation leave with full salary for one calendar quarter immediately after he has terminated his actual teaching duties or on the date on which his appointment under the provisions of paragraph (b) of regulation *seventy-four* or subregulation (3) of regulation *eighty-five* is terminated: Provided that if vacation leave is due to him under regulation *sixty-nine* two calendar quarters may be granted to him.

71. Where the service of a teacher under the Department follows immediately on his service as a teacher on the teaching staff of any other educational institution approved by the Department under such circumstances that his service may be regarded as unbroken any vacation leave credited to such teacher shall be recognised by the Department for vacation leave purposes as follows -

- (a) where a teacher's leave under the department from which he comes, is granted as a fixed period after a specified number of years of service, such leave shall be calculated on a *pro rata* basis in accordance with the number of years of unbroken service;
- (b) where a teacher's leave under the department from which he comes, is granted as a specified number of days a year, such total number of days of vacation leave shall be converted into years of service on the basis on which it is determined in this Department:

Provided that if such years of service terminate in the course of a calendar quarter, the teacher shall be entitled to vacation leave only from the first day of the calendar quarter following on that in which the period of service so calculated terminates.

Provisions Relating to Ill-Health of Teacher: Compulsory Medical Examination

72. (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 himself 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.

73. (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.

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

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74. Whenever the Department receives a report referred to in regulation *seventy-three* 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.

75. 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 *seventy-four* he may cancel such leave and forthwith terminate the services of any such teacher under the Department.

76. Where a teacher who is on sick leave as referred to in regulation *seventy-four* 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 later date.

Sick Leave

77. (1) Sick leave shall be granted only in respect of a teacher's absence from duty because of illness, disease or injury not due to his misconduct or failure to take reasonable precautions.

(2) When a teacher is absent on leave without salary he shall not be granted sick leave with salary.

(3) For the purposes of regulation *seventy-two* the Department shall decide whether sick leave or extraordinary leave under regulation *ninety-two* shall be granted to such teacher.

78. In respect of nervous disorders, insomnia, debility and similarly ill-defined diseases or illnesses sick leave shall be granted only if the Department is satisfied that -

- (a) a teacher's state of health renders him unfit for his work;
- (b) the state in which a teacher finds himself could not have been avoided by the taking of reasonable care or precautions on the part of such teacher or by making use of his vacation leave privileges.

79. (1) Any application for sick leave in respect of an unbroken period of more than three days shall be supported by a medical certificate and the Department may require the submission of a medical certificate in support of any application for sick leave for a period of

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three days or less if it considers that the circumstances warrant the submission of such a certificate: Provided that where the Department is satisfied that the absence of the teacher concerned is due to illness and is further satisfied that there are sufficient reasons for the non-production of a medical certificate, it may, in its discretion, dispense with a medical certificate for a period not exceeding seven days: Provided further that such dispensation shall be endorsed on the application for leave.

(2) If the Department requires the submission of a medical certificate under subregulation (1) the costs attached to such a certificate shall be borne by the teacher.

(3) The Department may, in its discretion, refer any medical certificate or a certificate of a practising dentist or a report of a medical examination to the chief medical inspector of schools for his advice on the matters mentioned therein and may require the teacher to whom such certificate or report refers to submit himself to a further medical examination by the chief medical inspector of schools or a medical practitioner or a medical board. The costs of such further examination shall be borne by the teacher.

80. (1) If a teacher's absence is due to a dental abscess, jaw fracture, acute Vincent infection of the mouth or complications arising from the extraction of teeth, such as osteomyelitis, osteitis or secondary haemorrhage, a certificate as required under regulation *seventy-nine* and issued by a practising dentist may be accepted for the purpose of that regulation.

(2) A similar certificate issued by a practising dentist in respect of any other illness shall be accepted only with the consent of the chief medical inspector of schools or a competent officer authorised thereto by him.

(3) Notwithstanding the provisions of subregulations (1) and (2) the Department may require the submission of a medical certificate before considering the granting of sick leave.

81. A teacher who is absent from duty owing to an injury sustained in an accident arising out of and in the course of his service, or owing to a disease contracted in the course of and as a result of his service, may be granted sick leave with full salary for the period he is unfit for his usual 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 salary and the compensation payable to him under that Act by way of periodic payments of his monthly earnings: Provided that sick leave shall not be granted if the Department considers that the accident is to be ascribed to the teacher's serious and deliberate misconduct: Provided further that any sick leave granted under the provisions of this regulation shall be deemed to be special sick leave granted over and above sick leave as provided in regulation *eighty-three*.

82. 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 with half salary or without salary, vacation leave with full salary if he qualifies for such vacation leave: Provided that if such vacation leave has been granted to a teacher it shall not be reconverted into sick leave with half salary or without salary.

83. In addition to any period of sick leave granted under regulation *eighty-one* and subject to the conditions imposed by these regulations a teacher may be granted -

- (a) within a cycle of five years calculated from the first day of his appointment under the Department, sick leave of not more than six months altogether of which three months shall be granted with full salary and three months with half salary;

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- (b) during the second such period full salary for four months and half salary for two months;
- (c) during the third such period full salary for five months and half salary for one month; and
- (d) during the fourth and any succeeding cycle of five years full salary for six months: Provided that when calculating such leave a month in case of doubt shall be deemed to contain thirty days. Provided further that any unused sick leave prescribed for any fixed cycle shall lapse at the end of the relative cycle and shall not be transferable to the next cycle.

[paragraph (d) amended by GN 112/1964]

84. When calculating sick leave only periods of absence falling within school quarters or otherwise specially approved by the Department shall be taken into account: Provided that if sick leave with half salary is granted to a teacher the remuneration for periods not falling within school quarters or otherwise specially approved by the Department shall also be with half salary.

85. (1) No teacher granted sick leave for a period of not less than 180 days in any cycle of five years as provided in regulation *eighty-three* shall be allowed to resume duty before he has been examined by the chief medical inspector of schools or medical practitioner or medical board appointed by the chief medical inspector of schools and unless in the opinion of the chief medical inspector of schools, medical practitioner or board, he will be able to perform his duties competently: Provided that in the case of a teacher serving on the temporary teaching staff the services of such teacher shall be deemed to be terminated on the day following the day on which his sick leave with salary expires: Provided further that if a teacher whose services are terminated under the previous proviso again applies for appointment in the service of the Department, such teacher shall provide proof to the satisfaction of the chief medical inspector of schools that he is free of any mental or physical defect, disease or debility which would probably impair the proper performance of his teaching duties.

(2) If the chief medical inspector of schools or a medical practitioner or medical board is of the opinion that such teacher has not yet recovered to such an extent that he will immediately be able to perform his duties competently but that there is a reasonable chance that such recovery will take place after a further period of leave, the Department may grant him extraordinary leave as provided in regulation *ninety-two*.

(3) If in the opinion of the chief medical inspector of schools or a medical practitioner or board there is no such prospect of ultimate recovery such teacher's appointment shall be terminated on the day following that on which his sick leave with salary expires: Provided that if such teacher qualifies for retirement on pension from the service of the Department, vacation leave under the provisions of regulation *seventy* shall be granted to him.

86. 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.

EXTRAORDINARY LEAVE WITH SALARY

Extraordinary Leave: Quarantine

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87. Extraordinary leave with full salary shall be granted to a teacher who is compelled to take leave because an infectious or contagious disease prevails amongst his family or in his place of residence or elsewhere: Provided that any application for such leave shall be accompanied by a certificate of the chief medical inspector of schools or a medical practitioner in which the reasons for such leave are clearly and fully stated: Provided further that such leave shall not be longer than the period necessary for the removal of the infection or contagion or for the disinfection of the teacher concerned.

Extraordinary leave: examinations

88. Extraordinary leave with full salary shall be granted to a teacher who is a candidate for any approved university or teacher's examination: Provided that such leave shall include any period actually and necessarily required for travelling in connection with such examination.

Extraordinary leave: accused in court case

89. Extraordinary leave with salary shall be granted to a teacher who has been taken into custody or who has to appear before the court on a criminal charge if he is acquitted or the charge is subsequently withdrawn.

Extraordinary leave: continuity of service

90. Extraordinary leave with full salary shall be granted to a teacher for the period between the first school day of any calendar quarter and the day on which such teacher assumes duty if the Department is satisfied that the teacher's failure to assume duty on the first school day of such calendar quarter is not due to his own fault.

Extraordinary leave: general

91. (1) Extraordinary leave with full salary may be granted to a teacher for any period or periods of altogether not more than ten school days in any calendar year if the Director is satisfied that such leave is urgently needed for any of the following purposes -

- (a) in the case of serious illness of a parent, grandparent, parent-in-law, child, spouse, brother, sister, brother-in-law or sister-in-law, to visit such sick person and/or in the case of death of one of the above, to attend the funeral;
- (b) to attend a short course of which the training may be of use to such teacher in his work;
- (c) to act as speaker at a teachers conference convened by the Department;
- (d) to attend meetings of the executive committee of a recognised teachers association of South West Africa: Provided that such a meeting shall not be held on a school day and the member concerned is not otherwise able to reach the place where the meeting is to be held in time;
- (e) to attend a meeting of a federal board of teachers associations as the representative of a recognised teachers association of South West Africa;
- (f) to take part in representative matches in connection with the kinds of sports practised at schools in South West Africa;

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- (g) any other absence from duty approved by the Director or not caused by the negligence of the teacher himself, such as railway and road delays due to washaways and rivers in flood;
- (h) to attend meetings of the Coloured Council and of a committee of such council as approved by the Local Authorities and Non-white Affairs Branch:

Provided that -

- (i) the work of the absent teacher shall be done by the remaining teachers so that his absence entails no additional expense for the Administration;
- (ii) the efficiency of the school's work shall not suffer appreciably thereby.

(2) Extraordinary leave with full or reduced salary may, with the approval of the Administrator and subject to any conditions he may impose, be granted to a teacher for the purpose of enabling such teacher to represent South Africa in the field of sports, education or culture outside the Republic of South Africa.

Extraordinary leave: leave without salary

92. (1) Extraordinary leave without salary may at any time be granted by the Department in its discretion to a teacher on the permanent teaching staff for a period of not more than twelve months: Provided that this period may be extended in the case of a teacher on the permanent teaching staff who is following or is about to follow an approved course of study.

(2) Extraordinary leave without salary may be granted by the Department to a teacher when he is the plaintiff in a civil court case, including a divorce case or is the person taking the initiative in a rent board investigation.

93. Notwithstanding anything in these regulations contained a temporary teacher may be granted an aggregate of not more than three months extraordinary leave without salary in every calendar year if the Department is satisfied that such leave is urgently needed: Provided that extraordinary leave without salary may be granted under the provisions of subregulation (1) of regulation *ninety-two* to a temporary teacher following or about to follow an approved course of study.

[regulation 93 amended by GN 112/1964]

Extraordinary leave: for purposes of study

94. In addition to any study leave without salary as provided for in regulation *ninety-two* a teacher on the permanent teaching staff may, after five years of unbroken service, when such teacher becomes eligible for vacation leave under regulation *sixty-nine* be granted study leave for six months with full salary or one year with half salary or two years with quarter salary if he forfeits the said vacation leave: Provided that a teacher may let his vacation leave accumulate for not more than ten years unbroken service and thereafter forfeit it for study leave of one year with full salary or one year with half salary and six months with full salary or two years with half salary: Provided further that -

- (a) the teacher shall undertake in writing on a form approved by the Department to make his services available to the Department for not less than 3 years after the

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expiry of the study leave, in default of which he may be held liable, on conditions determined by the Department, for the refund of any salary and/or allowance paid to him during such period of leave;

- (b) study leave may be granted from the beginning of the school year in which he becomes entitled to vacation leave under regulation *sixty-nine* if such vacation leave period falls within the study leave period and the period of service for the calculation of his next vacation leave extends from the date on which he resumes duty after the expiry of the period of study leave granted;
- (c) before study leave to a teacher may be considered: he shall give proof that -
 - (i) a university or training institution is prepared to accept him as a student for a course aimed at the improvement of his teacher's qualifications and which is subject to the approval of the Department;
 - (ii) such university or training institution is prepared to furnish progress reports as required in paragraph (d);
- (d) such teacher being absent on study leave shall after the first three months of such study and subsequently after every six months of such study submit to the Department progress reports issued by his university or training institution;
- (e) if a teacher without good reason fails to submit progress reports as prescribed in paragraph (d) or if such progress reports do not satisfy the Department, any study leave granted under this regulation may be cancelled forthwith, in which case he shall forfeit the balance of his vacation leave;
- (f) if a teacher whose leave has been cancelled, prefers to continue with his studies the Department may grant such teacher leave without salary under the provisions of subregulation (1) of regulation *ninety-two*;
- (g) if such teacher is not successful in his studies on the expiry of his study leave or within the next five years, he shall forfeit the vacation leave accruing to him after such period of five years and shall qualify for his next vacation leave only after ten years of service as from the expiry of his study leave;
- (h) if, after the expiry of such study leave, a teacher's service is for any reason whatever terminated by the Department, he may be held liable on conditions stipulated by the Department for the refund of any salary and/or allowances paid to him during such period of study leave.

Confinements

95. A married woman teacher who becomes aware of her pregnancy shall leave the service of the Department for at least -

- (a) the calendar quarter before the expected date of confinement;
- (b) the calendar quarter in which the confinement is to take place; and
- (c) the calendar quarter following immediately on that in which the confinement took place.

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Interpretation of regulations

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

Deviations in time of war or national emergency

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

[Inconsistent use of punctuation in regulations,
reproduced as it appears in the *Official Gazette*.]

Departure from regulations

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

[regulation 98 and heading above it inserted by GN 66/1966]

SCHEDULE
REGULATIONS REPEALED

<i>Number and date of Government Notice.</i>	<i>Extent of repeal.</i>
159 of 19th November, 1921	Regulations 42-46 (inclusive)
129 of 13th September, 1926	Regulation 6
129 of 13th September, 1926	Regulations 15-17 (inclusive)
127 of 19th September, 1934	Regulation 28
57 of 6th April, 1937	Regulation 32
200 of 1st December, 1939	Regulations 33-36 (inclusive)
124 of 15th July, 1943	Regulation 41
91 of 15th April, 1944	Regulations 45-50 (inclusive)
132 of 1st June, 1944	Regulation 42
191 of 16th June, 1947	Regulation 3
191 of 16th June, 1947	Regulations 5-8 (inclusive)
73 of 15th March, 1950	Regulations 15(2)
239 of 3rd October, 1950	Regulations 1-4 (inclusive)
335 of 15th November, 1952	Regulation 9
98 of 1st April, 1953	Regulation 16 <i>bis</i>
118 of 1st April, 1953	Regulation 31
80 of 1st April, 1955	Regulations 1-2 (inclusive)
265 of 1st December, 1959	Regulation 15
5 of 2nd January, 1960	Regulation 9