



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Agricultural Bank of Namibia Act 5 of 2003
section 69

Staff Regulations

Government Notice 585 of 1964
(RSA GG 772)

came into force on date of publication: 17 April 1964

The Staff Regulations were originally made in terms of section 69 of the Land Bank Act, 1944, which was repealed by the Agricultural Bank Act 5 of 2003. Pursuant to section 30(4) of the Agricultural Bank Act 5 of 2003, the Staff Regulations are deemed to have been made under that Act. This Government Notice states that the existing regulations are hereby repealed, it is deemed that the Staff Regulation passed under the Land Bank Proclamation 22 of 1935 are hereby repealed.

as amended by

Government Notice 147 of 1979 (OG 4004)

came into force on date of publication: 3 August 1979

Government Notice AG 172 of 1980 (OG 4315)

came into force on date of publication: 11 November 1980

Government Notice AG 72 of 1981 (OG 4487)

came into force on date of publication: 26 June 1981

Government Notice AG 124 of 1981 (OG 4522)

came into force on date of publication: 1 September 1981

Government Notice AG 33 of 1983 (OG 4743)

came into force on date of publication: 1 February 1983

Government Notice 152 of 1988 (OG 5600)

came into force on date of publication: 7 September 1988

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The existing regulations are hereby repealed and the following substituted there for -

LAND AND AGRICULTURAL BANK OF SOUTH WEST AFRICA

STAFF REGULATIONS

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CHAPTER I
DEFINITIONS

1. In these regulations; unless inconsistent with the context -

“Act” shall mean the Land Bank Act, 1944 (Act No. 13 of 1944), as amended;

[definition of “actuary” deleted by GN 152/1988]

“Bank” shall mean the Land and Agricultural Bank of South West Africa, as defined in section *two* of the Act;

[definition of “Bank” amended by GN 147/1979]

“Board” shall mean the Board of the Bank, constituted in accordance with section *four* of the Act;

“branch office” shall mean an office established for the purpose of conducting the business of the Bank in any area or areas designated by the Board in or outside the Territory;

[definition of “branch office” amended by GN 147/1979]

“Chairman” shall mean the Chairman of the Board appointed under section *four* of the Act, or any person lawfully acting in that capacity;

“child”, shall mean a son or daughter and shall include -

- (a) a posthumous child,
- (b) a step-child, and
- (c) an adopted child, on proof of adoption to the satisfaction of the Board;

[definition of “child” amended by GN 152/1988]

[definition of “contributions” deleted by GN 152/1988]

“dependant” shall, for the purpose of regulations 30 of Chapter V, mean, and in the order of preference as shown, namely -

- (a) a wife or widow or a husband or widower;
- (b) a child;
- (c) a father or mother;
- (d) a brother or sister or a half-brother or half-sister; or .
- (e) any other person whom the Board is satisfied was dependent on the member:

[definition of “dependant” amended by GN 147/1979 and GN 152/1988]

[definition of “eligible child” deleted by GN 152/1988]

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[definition of “eligible widow” deleted by GN 152/1988]

[definition of “employee” deleted by GN 152/1988]

“first appointment” shall mean the appointment whereby an official is first employed in the Bank, notwithstanding that his appointment was on a temporary basis, on probation or in a permanent capacity;

[definition of “Fund” amended by GN 147/1979, deleted by GN 152/1988]

[definition of “General Manager” deleted by GN 147/1979]

“General Manager” shall mean the General Manager of the Bank appointed under section *four bis* of the Act or any person lawfully acting in that capacity;

[definition of “General Manager” amended by GN 147/1979]

“Head Office” shall mean the office of the Bank at Windhoek at which the meetings of the Board are usually held;

[definition of “Head Office” amended by GN 147/1979]

“headquarters” shall mean the place where the principal duties of an official have to be performed or which the General Manager indicates to him as his headquarters;

[definition of “headquarters” amended by GN 147/1979]

“household” shall mean the wife and/or children of an official and/or a relative or relatives permanently residing with and dependent upon such official and may include domestic servants employed in a fulltime capacity by such official;

“member” shall mean any member of the Statutory Institutions Pension Fund established by section 2 of the Statutory Institutions Pensions Act, 1980 (Act 3 of 1980);

[definition of “member” substituted by GN 152/1988]

[definition of “Minister” deleted by GN 147/1979]

“motor transport” shall also mean a motor-car, motorcycle or motor-cycle and sidecar ;

“official” shall mean an officer or clerk appointed under section 14 of the Act and any other person employed by the Board for at least 24 hours per week: Provided that such official shall, for the purposes of Chapter VII, have completed twelve months' continuous service

[definition of “official” amended by GN 147/1979 and substituted by GN 152/1988]

[definition of “office and clerk” deleted by GN 152/1988]

[definition of “old fund” substituted by GN 147/1979 and deleted by GN 152/1988]

[definition of “pensionable age” deleted by GN 152/1988]

[definition of “pensionable emoluments” deleted by GN 152/1988]

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[definition of “pensionable service” deleted by GN 152/1988]

[definition of “pensioner” amended by GN 147/1979 and deleted by GN 152/1988]

“personal effects” shall, mean the movable property of an official and of his family and the effects connected with the household;

“salary” shall mean actual salary, exclusive of any allowances;

“section” shall mean such section of the Bank’s Head Office at Windhoek as the General Manager may, from time to time, establish;

[definition of “section” amended by GN 147/1979]

“service” shall mean the period of full-time continuous employment in the Bank, in whatever capacity, calculated from the date of the official’s first appointment, and shall include all periods of duly authorised leave enjoyed by him: Provided that a single period of leave without pay in excess of fifteen days shall not be included in service for the purpose of calculating vacation leave;

[definition of “special contribution” deleted by GN 147/1979]

[definition of “special pensioner” deleted by GN 147/1979]

“subsidised fare” shall mean forty per cent of the total railway fare, in addition to the full cost of any excess luggage, calculated in accordance with the provisions of Chapter VII;

“subsistence allowance” shall mean an allowance to cover reasonable expenses of an official in excess of his normal living expenditure while absent from his headquarters on duty;

“wife” shall, for the purpose of Chapter VII, mean the lawful wife of an official or pensioner or special pensioner.

Interpretation of the Regulations

2. All matters relating to the interpretation of any of these regulations shall be decided by the Board.

Matters for Consideration by the Board

3. All matters for consideration by the Board shall be submitted through the General Manager.

[regulation 3 amended by GN 147/1979]

Representations and Observance of Official Channels of Communication

4. (1) An official shall be entitled to make written representations to the Board on any matter affecting the Bank, but only through the General Manager.

[subregulation 4(1) amended by GN 147/1979]

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(2) (a) An official shall be entitled to make written representations on any matter affecting his position in the Bank, through the head of his section or manager of the relative branch office, to the General Manager for decision, with the right of appeal in writing to the Board.

[subregulation 2(a) amended by GN 147/1979]

(b) The Board may, in considering such appeal, require the official to appear in person before it.

(3) No official shall directly or indirectly make representations in connection with any matter affecting his position in the Bank, to the individual members of the Board.

CHAPTER II
APPOINTMENTS

1. Every candidate for employment in the Bank shall make application to the General Manager on a form prescribed by the Board.

[regulation 1 amended by GN 147/1979]

2. (1) The General Manager, whenever in his opinion an appointment is necessary, shall submit to the Board the names of suitable candidates for the appointment, with his recommendation.

[subregulation 2(1) amended by GN 147/1979]

(2) All appointments, except those of a temporary nature, shall be subject to the production of a declaration and certificate of medical fitness in a form prescribed by the Board. Such certificate shall be furnished at the expense of the candidate.

(3) Every official shall be required to complete a declaration of secrecy in a form prescribed by the Board.

3. A first appointment on the Bank's staff may be made on a permanent or temporary basis or on probation. The period of probation shall not be less than three months and not more than two years: Provided that an appointment on probation of less than two years may be extended, from time to time, on the recommendation of the General Manager: Provided further that the whole period of probation shall in no case exceed two years.

[regulation 3 amended by GN 147/1979]

Medical Examinations

4. (1) The Board may at any time require an official to submit himself to a medical examination by a registered medical practitioner.

(2) The Board may refer to the Secretary for Health any certificate or report of a medical examination for his advice in regard to matters referred to therein and may require an official to whom any such certificate or report relates to submit himself to further medical examination by a registered medical practitioner or medical board.

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(3) If the Board is satisfied by the report of such practitioner or medical board that the illness, disease, injury or condition of ill-health of an official was caused by his own misconduct or failure to take reasonable precautions, the cost of such further examination shall be borne by the official.

(4) Whenever it is necessary to constitute a medical board or appoint a specialist to examine an official, the Secretary for Health shall effect such constitution or appointment.

Promotions

5. (1) The Board shall not fill any vacancy or new post at a remuneration exceeding the approved commencing salary, other than by the promotion of an official of the Bank, unless the Board otherwise directs.

(2) The provisions of subregulation (1) of regulation 2 shall, *mutatis mutandis*, be observed in all cases of promotion.

(3) Whenever an official proceeds on leave and at the expiration of such period of leave retires in terms of regulation 7, 10, 11 or 12 of Chapter IV of these regulations, the Board may fill the vacant post of such official with effect from the date of commencement of his leave.

Acting Appointments

6. (1) Officials shall perform such additional duties as may be required of them by the Board without any extra remuneration and no official may claim additional 'remuneration in respect of extra or special duties devolving upon him or where he undertakes the duties of a superior during the absence of the latter on leave.

(2) The Board may, on the recommendation of the General Manager, authorise the payment of such additional remuneration as it deems fit to an official who, for a period of not less than three months' duration, shall have been required to act as head of a section or manager of a branch office and in so acting, to discharge duties that impose substantial additional responsibilities upon him.

[subregulation 6(2) amended by GN 147/1979]

(3) The Board may on the recommendation of the General Manager, authorise the payment of additional remuneration to an official.

[subregulation 6(3) amended by GN 147/1979]

Emoluments and Allowances

7. (1) The Board may, from time to time, on the recommendation of the General Manager, determine the salary payable to every official and may grant such increments to salary, such allowances and other remuneration to an official, as it deems fit.

[subregulation 7(1) amended by GN 147/1979]

(2) If any allowance is granted to an official in terms of subregulation (1) hereof in respect of his membership of a medical aid society approved by the Board such allowance may be paid direct to the society concerned.

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[subregulation (3) deleted by GN 152/1988]

Fees Earned by Officials Rendering Special Services

8. Where, on account of his professional, technical or other special qualifications, the services, of an official are placed by the Board temporarily at the disposal of a governmental administration or any public or private body to carry out a service of public interest, any fee, bonus or honorarium which the official may receive in respect of his work, shall be paid into the funds of the Bank: Provided that in special cases the Board may authorise the payment to that official, from the funds of the Bank, of a sum equivalent to the fee, bonus or honorarium aforesaid or such portion thereof as, in the opinion of the Board, may adequately meet the needs of the case.

Notice of Marriage and of Termination of Service

9. (1) Unless otherwise provided in these regulations, the period of notice of termination of service in the Bank shall reciprocally be -

- (a) in respect of officers and clerks (other than those employed on a temporary basis), head messengers and caretakers, thirty days; and
- (b) in respect of employees (other than head messengers and caretakers) and in respect of persons employed on a temporary basis, twenty-four hours.

Such notice shall take effect during or at the end of any calendar month.

(2)

[subregulation (2) deleted by AG 33/1983]

(3) Notwithstanding the provisions of the preceding sub-regulations of this regulation, the Board may accept a shorter period of notice than is otherwise required to be given by any official.

Acceptance of Nominations to Serve on other Bodies

10. (1) In the event of an official accepting a nomination or requisition as a candidate for election as a member of Parliament or of any provincial council or of any city, municipal or divisional council, he shall be deemed to have voluntarily resigned from the Bank's service with effect from the date on which he accepted such nomination or requisition.

(2) The Board may, however, grant permission to an official to accept nomination for election to and to serve on a health committee, a village management board, school committee or other local board: Provided that, in the event of any question arising between the Bank or the Government or any provincial administration or the Administration of South West Africa, and any such board or committee, any official, who may with the approval of the Board have been permitted to become a member of such committee or board, shall not take part in the discussion nor exercise any vote on that question.

Housing

11. The Board may on such conditions as it deems fit and out of funds of the Bank, advance to any official such monies to enable such official to purchase residential erf and to

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erect or have erected a dwelling or flat thereon for occupation by himself or his family or to erect or have erected a dwelling house or flat for occupation by himself or his family on a residential erf already owned by him or to purchase a dwelling or flat for occupation by himself or his family or to pay any monies owing in respect of such dwelling or flat or to pay the costs of improvements or repairs to such dwelling or flat.

[regulation 11 inserted by AG 172/1980]

CHAPTER III
HOURS OF ATTENDANCE AND OVERTIME

1. (1) The working hours of officers and clerks shall be prescribed by the Board from time to time: Provided that any officer or clerk shall, when required by an official under whose control or supervision he is placed, be in attendance at his office or on duty for any longer period than is prescribed, without having any claim to additional remuneration or overtime payment: Provided further that the Board may, on the recommendation of the General Manager, authorise payment for overtime work in whatever circumstances it deems fit.

[regulation 1(1) amended by GN 147/1979]

(2) The duties and hours of attendance of employees of the Bank shall be determined by the General Manager.

[regulation 1(2) amended by GN 147/1979]

Attendance Records

2. (1) Attendance records shall be kept at Head Office and at each branch office and every official shall record the times of his arrival and departure in such manner as the General Manager may, from time to time direct, unless exempted therefrom by the General Manager.

[regulation 2(1) amended by GN 147/1979]

(2) The attendance records shall be inspected at such times by -such officials as the General Manager may direct.

[regulation 2(2) amended by GN 147/1979]

Residential Addresses

3. The residential address and any change thereof, of every official shall, as soon as possible be recorded by him in a register provided for the purpose.

Duties of Heads of Sections and Managers of Branch Offices

4. (1) Heads of sections and managers of branch offices shall be responsible for the discipline, efficiency and the proper and economic administration of their respective sections and branch offices.

(2) It shall be the duty of all such officials to ensure that care and economy is exercised in the use and handling of bank property and, in the application of working methods, by the utilisation of the services of the staff under their control to the best advantage.

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(3) Heads of sections and managers of branch offices shall refer any question arising from the provisions of the a foregoing subregulations of this regulation to the General Manager for his decision.

[regulation 4(3) amended by GN 147/1979]

Obedience to Instructions

5. If any official has grounds for complaint arising out of any instructions given to him by an official in authority over him, he may at all times, after having complied with the instructions, report the matter through the official channel of communication to the General Manager for his decision.

[regulation 5 amended by GN 147/1979]

Discipline

6. An official shall be deemed to be guilty of a contravention of these regulations if he -

- (1) disobeys, disregards or makes wilful default in carrying out a lawful order given to him by an official having authority to give same or by word or conduct displays insubordination; or
- (2) is negligent or indolent in the discharge of his duties; or
- (3) is or becomes inefficient or incompetent in the discharge of his duties from causes within his own control; or
- (4) undertakes any private agency or work in any matter connected with the exercise or performance of his official duties; or
- (5) fails, during the hours of attendance, to discharge his duties or engages his attention on private affairs while on duty; or
- (6) leaves his office on private business during the hours of attendance, except with the permission of the head of his section or the manager of the branch office concerned; or
- (7) absents himself from his office or duty without leave or valid cause; or
- (8) fails to notify as soon as possible the head of his section or the manager of the branch office concerned, in the event of absence from his office for any cause without leave; or
- (9) develops habits of unpunctuality or irregularity in his attendance during the prescribed hours or fails to be in attendance at his office or on duty for any longer period than the prescribed hours, when required thereto in terms of regulation 1(1) of this Chapter; or
- (10) speaks at a public meeting or publicly comments or allows himself to be interviewed for purposes of publication or contributes anonymously or otherwise to newspapers or other publications on subjects concerning the policy, business or

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administration of the Bank or on subjects concerning public policy or matters of a political or official nature or matters relating to the administration of any State or Provincial Department, unless with the consent of the General Manager; or

[regulation 6(10) amended by GN 147/1979]

- (11) becomes a member of any political organisation or takes an active part in political activities; or
- (12) becomes a member of any organisation the objects whereof are to secure advantage to officials by the exercise of political or undue influence; or
- (13) attempts to secure intervention from political or out-side sources in relation to his position, transfer or emoluments in the Bank; or
- (14) discloses information acquired in the course of his duties, otherwise than in the discharge thereof; or
- (15) uses for any purpose, other than for the discharge of his official duties, information gained by or conveyed to him through his connection with the Bank, notwithstanding that he does not disclose such information; or
- (16) accepts or demands in respect of the performance of his duties any commission, fee or reward, pecuniary or otherwise (not being the emoluments or other remuneration payable to him by the Bank in respect of his duties) or fails to report to the General Manager the offer of any such commission, fee or reward; or

[regulation 6(16) amended by GN 147/1979]

- (17) except with the consent of the Board, accepts from any member or members of the public any gift of money or of any other article which is presented to him by reason of his occupying or having occupied a particular office or post in the Bank; or
- (18) conducts himself in a disgraceful, improper or un-becoming manner either in the discharge of his duties or in public or shows gross discourtesy to another official or to any member of the public; or
- (19) habitually uses to excess any intoxicant or stupefying drug; or
- (20) becomes insolvent or assigns his estate for the benefit of or compromises with his creditors or has a judgment for debt given against him by any court of law, unless he can show to the satisfaction of the Board that such insolvency, assignment, compromise or judgment has been occasioned by unavoidable misfortune; or
- (21) incurs debt to an extent which, in the opinion of the Board, is likely to cause pecuniary embarrassment or to be prejudicial to the proper performance of his duties; or
- (22) fails to disclose in writing, when at any time called upon by the General Manager to do so, the full amount of his debts; or

[regulation 6(22) amended by GN 147/1979]

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- (23) cedes the whole or any portion of his emoluments or stands surety for someone, whether such surety ship results in pecuniary embarrassment or not; or
- (24) misappropriates or improperly uses any property of the Bank in circumstances which do not constitute a criminal offence; or
- (25) makes an incorrect or false statement, knowing the same to be incorrect or false, whether with a view to obtaining any privilege or advantage in relation to his official position or for any other reason; or
- (26) is charged with any criminal offence even though acquitted therefrom, or
- (27) commits any grave act of immorality not amounting to a criminal offence; or
- (28) fails to answer categorically, when required to do so, any question lawfully put to him by the General Manager or any person deputed thereto by him, as to a matter in which it is alleged that there has been a contravention of these regulations: Provided that an official is not obliged to furnish a reply which may incriminate him.

[regulation 6(28) amended by GN 147/1979]

Contravention of Regulations

7. (1) An official who contravenes any of these regulations shall be deemed to be guilty of misconduct and, in the General Manager's discretion, may either -

- (a) be dealt with summarily as provided in regulation 8 hereunder; or
- (b) be charged by the General Manager with misconduct and be dealt with as provided in regulation 9 hereunder.

(2) An official against whom proceedings are about to be instituted in terms of the preceding sub-regulation of this regulation, shall not, without the General Manager's permission, absent himself from his office until such proceedings are completed.

[regulation 7 amended by GN 147/1979]

Summary Proceedings and Penalties

8. The Board, in considering any contravention of these regulations by an official referred to it by the General Manager in terms of paragraph (a) of subregulation (1) of regulation 7 above, may, on the recommendation of the General Manager, impose any one or more of the following penalties -

- (a) Caution and/or reprimand the official;
- (b) Impose a fine recoverable by deduction from his salary;
- (c) Postpone or curtail his leave for a fixed period;
- (d) Deprive him of any leave authorised or accrued to or accumulated by him or which may accrue to or be accumulated by him;

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- (e) Reduce his annual emoluments;
- (f) Reduce him in grade;
- (g) Withhold further increments to his emoluments;
- (h) Terminate his services;
- (i) call upon him to resign from the service of the Bank as from a date to be specified and if he fails to do so, he shall be deemed to have been discharged as from the specified date.

[regulation 8 amended by GN 147/1979]

Proceedings by Means of an Inquiry and Penalties

9. (1) An official who is charged with misconduct may be suspended temporarily from duty by the General Manager.

(2) An official who is suspended from duty shall not be entitled to receive any salary or other emoluments for the period of his suspension: Provided that the General Manager may, in his discretion, order the payment to the official of the whole or a portion of such salary or other emoluments.

(3) An order of suspension made under these regulations may be withdrawn by the General Manager at any stage of the proceedings, but such withdrawal shall, subject to the provisions of subregulation (5) hereof, in no way prejudice the prosecution of the charge.

(4) A copy of the charge shall forthwith be transmitted or be delivered personally to or left at the last known address of the official charged and shall require the official to transmit or deliver, within a reasonable and specified period, a written statement of admission or denial and, if the official so desires, an explanation in writing of the misconduct charged.

(5) If the General Manager is satisfied with the written explanation given by the official, whether or not it constitutes or is accompanied by an admission or denial of the charge, the General Manager may withdraw the charge and any order of suspension shall, thereupon, be deemed to be withdrawn and the proceedings against the official shall be at an end.

(6) If, after the expiry of the specified period, no statement of admission or denial or an explanation has, in terms of subregulation (4) hereof, been delivered by the official charged or if such statement has been delivered, but the charge has not been withdrawn by the General Manager in terms of subregulation (5) hereof, the matter shall thereupon be dealt with by the Board as hereinafter provided.

(7) In the case of an admission of the charge or failure to deliver an admission, denial or explanation as required in subregulation (4) hereof, it shall not be necessary for the Board to hold an inquiry and the Board may forthwith deal with the matter in terms of subregulation (11) hereof.

(8) Where an official is charged with a criminal offence in respect of which he has been convicted by a court of law, a certified copy of the record of the court shall be sufficient

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evidence of the commission by him of the offence charged, unless such conviction is set aside on appeal by a superior court.

(9) In the case of a denial of the charge, the Board itself, or if the Board so directs, the General Manager, the General Manager or such officials or other persons as may be deputed thereto by the Board, shall hold an inquiry and the official charged shall be entitled to be heard and to be present and to be represented at the inquiry and shall also be permitted to produce such evidence as he may think fit.

(10) If at an inquiry held in terms of subregulation (9) of this regulation it is found that the charge is not proved, the charge shall be dismissed and thereupon any order of suspension shall be deemed to be discharged as from the date of such order, but if it is found that the charge is proved, the matter shall be dealt with in terms of subregulation (11) hereof.

(11) The Board, upon consideration of the matter as to the action to be taken under this regulation, may discharge any order of suspension which may have been made and may further impose any one or more of the penalties provided for in regulation 8 of this chapter.

(12) The finding of the Board in respect of any charge under this regulation shall be final.

[regulation 9 amended by GN 147/1979]

CHAPTER IV
LAND BANK PENSION FUND

1. [subregulation (1) amended by GN 147/1979, deleted by GN 152/1988]
2. [regulation 2 substituted by AG 124/1981, deleted by GN 152/1988]
3. [regulation 3 deleted by GN 152/1988]
4. [regulation 4 amended by GN 147/1979, deleted by GN 152/1988]
5. [regulation 5 deleted by GN 152/1988]
6. [regulation 6 deleted by GN 152/1988]

Age of Retirement

7. (1) Subject to the provisions of subregulations (2), (3), (4) and (5), an official shall have the right to retire from service when he reaches the age of sixty years and shall be so retired on reaching the said age.

(2) Notwithstanding the provisions of subregulation (1) and subject to the provisions of subregulation (3), an official who has been in service prior to the date of commencement of these regulations shall have the right to retire from service on reaching the age of sixty-five

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years and shall be so retired on reaching the said age, provided such official shall inform the General Manager in writing at least three months prior to the date of reaching the age of sixty years, or such shorter period as the General Manager may accept at this discretion, of his intention to avail himself of the right granted by this subregulation.

(3) An official who has availed himself of the right granted by subregulation (2) may, notwithstanding the provisions of the said subregulation, retire from service at any time before he reaches the age of sixty five years, provided that he notifies the General Manager in writing at least three months prior to the date on which he intends to retire of such date.

(4) If it is in the interest of the Bank to retain any official in employment beyond the age at which, in accordance with subregulations (1) and (2), he shall be retired, he may, with his consent and subject to the approval of the Board, be so retained from time to time for any further period as mutually agreed upon.

(5) Any official may, on the recommendation of the General Manager, be compelled by the Board to retire from service on account of-

- (a) continued ill-health which, in the opinion of the Board, renders him permanently incapable of efficiently discharging his duties in the post occupied by him;
- (b) a reduction in or reorganisation or readjustment of staff or the abolition of his office or post in order to promote efficiency or economy in the Bank or on account of general retrenchment.

[regulation 7 substituted by GN 152/1988]

8.

[regulation 8 deleted by GN 152/1988]

9.

[regulation 9 deleted by GN 152/1988]

10.

[regulation 10 deleted by GN 152/1988]

11.

[regulation 11 deleted by GN 152/1988]

12.

[regulation 12 deleted by GN 152/1988]

13.

[regulation 13 deleted by GN 152/1988]

14.

[regulation 14 deleted by GN 152/1988]

15.

[regulation 15 deleted by GN 152/1988]

16.

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- 17. [regulation 16 deleted by GN 152/1988]
- 18. [regulation 17 deleted by GN 152/1988]
- 19. [regulation 18 deleted by GN 152/1988]
- 20. [regulation 19 deleted by GN 152/1988]
- 21. [regulation 20 deleted by GN 152/1988]
- 21. [regulation 21 amended by GN 147/1979, deleted by AG 33/1983]
- 22. [regulation 22 deleted by GN 152/1988]
- 23. [regulation 23 deleted by GN 152/1988]
- 24. [regulation 24 deleted by GN 147/1979]
- 25. [regulation 25 deleted by GN 152/1988]
- 26. [Regulation 26 amended by AG 124/1981, deleted by GN 152/1988]
- 27. [regulation 27 deleted by GN 152/1988]
- 28. [regulation 28 deleted by GN 152/1988]
- 29. [regulation 29 deleted by GN 152/1988]
- 30. [regulation 30 deleted by GN 152/1988]
- 31. [regulation 31 deleted by GN 152/1988]
- 32. [regulation 32 deleted by GN 152/1988]
- 33. [regulation 33 deleted by GN 152/1988]
- 34.

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[regulation 34 deleted by GN 152/1988]

35.

[regulation 35 deleted by GN 152/1988]

36.

[regulation 36 deleted by GN 152/1988]

37.

[regulation 37 deleted by GN 152/1988]

38.

[regulation 38 amended by GN 147/1979, deleted by GN 152/1988]

39.

[regulation 39 deleted by GN 152/1988]

40.

[regulation 40 deleted by GN 152/1988]

41.

[regulation 41 amended by GN 147/1979, deleted by GN 152/1988]

42.

[regulation 42 deleted by GN 152/1988]

CHAPTER V
LEAVE OF ABSENCE

1. (1) Leave in terms of these regulations, which has accrued to or has been accumulated by or the enjoyment of which may have been authorised to an official, may not be claimed as a right.

(2) All leave shall be enjoyed subject to the exigencies of the Bank's service and may be withdrawn, curtailed or postponed, at any time, by the General Manager if, in his opinion, the interests of the Bank so require.

(3) No leave shall be enjoyed by an official unless his duties can be performed during his absence without increased expenditure from the Bank's funds: Provided that the Board may, in special circumstances authorise the incurrence of increased expenditure for such purpose.

(4) Subject to subregulations (1) to (3) of this regulation, the General Manager may, at any time, require an official to proceed on leave.

[regulation 1 amended by GN 147/1979]

Application for Leave

2. (1) Every official shall, before the end of each calendar year, advise the head of his section or manager of the branch office concerned of the period for which he desires to enjoy leave during the ensuing calendar year. The dates between which leave may so be enjoyed shall be determined by the General Manager, the General Manager or by the officials specially deputed thereto by the General Manager.

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(2) Leave of absence from duty under these regulations shall be authorised only after written application has been made on a form prescribed by the Board. The General Manager may, in his discretion, dispense with this requirement. In the event of absence owing to sudden illness or unavoidable circumstances, notice thereof shall be given as soon as possible to the head of the section or manager of the branch office concerned.

(3) Applications for occasional and vacation leave shall be submitted to the General Manager, the General Manager or to the officials specially deputed thereto by the General Manager, in sufficient time, prior to the commencement of the leave, to allow of the completion of the necessary arrangements for the performance of the official's duties during his absence and the official shall not relinquish his duties until he has been advised that such arrangements have been completed and the leave applied for has been duly authorised.

[regulation 2 amended by GN 147/1979]

Authorisation of Leave

3. Except where otherwise provided, all leave shall be authorised by the General Manager, the General Manager or by the officials specially deputed thereto by the General Manager.

[regulation 3 amended by GN 147/1979]

Leave Authorised in Error

4. In the event of leave having been erroneously but in good faith authorised and enjoyed by an official, in excess of the periods permissible under these regulations, such excess leave may, with the approval of the General Manager or the General Manager, be deducted from any leave which may subsequently accrue to or be accumulated by such official.

[regulation 4 amended by GN 147/1979]

Leave Register

5. A leave register shall be kept containing full particulars of all leave enjoyed and all leave which may be authorised. Forms of application for leave, with the relative authorisations endorsed thereon, shall be preserved for purposes of record and audit.

Resumption of Duty

6. If an official, who has been absent on leave, fails to resume duty at the expiration of such leave, the fact shall be reported to the General Manager by the head of the section or manager of the branch office concerned.

[regulation 6 amended by GN 147/1979]

Classification of Officials

7. Except as may be otherwise specifically provided for in these regulations, all officials shall, for the purposes of the granting of leave, be classified under the following groups:

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- (a) Group I: All officials whose annual income, including allowances, are equal to or less than the amount determined by the Board from time to time for this group for purposes of this regulation.
- (b) Group II: All officials whose annual income, including allowances, are equal to or less than the amount determined by the Board from time to time for this group, which amount shall be in excess of the amount thus determined by the Board for Group I.
- (c) Group III: All officials whose annual income, including allowances, are equal to or less than the amount determined by the Board from time to time for this group, which amount shall be in excess of the amount thus determined by the Board for Group II.

[regulation 7 substituted by GN 152/1988]

Classification of Leave

8. All leave of absence shall be classified under the following headings -

- (a) Occasional leave.
- (b) Vacation leave.
- (c) Sick leave.
- (d) Special leave.
- (e) Leave without pay.
- (f) Leave for acknowledgement of long service

[regulation 8 substituted by GN 152/1988]

9. Except as is otherwise specially provided in this chapter, the enjoyment, accrual or accumulation of any one kind of leave shall not affect the enjoyment, accrual or accumulation of any other kind of leave, nor shall the transfer of an official from one group to another affect the leave accrued to or accumulated or enjoyed by or which could, in terms of this chapter, have been enjoyed by that official in the group from which he has been transferred: Provided that such leave shall be enjoyed before any further leave is enjoyed under the group to which he has been transferred.

(a) Occasional Leave

10. (1) Occasional leave shall not be accumulated and may be enjoyed by an official, on full pay, during any one calendar year -

- (a) for periods not exceeding, in aggregate, the number of days specified in the schedule to this chapter in respect of the group in which the official is classified, or
- (b) for periods not exceeding, in aggregate, a proportionate number of the days so specified in the schedule, calculated in accordance with the period during that

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calendar year served in the group from the date of his first appointment or from the date of his transfer into the group, as the case may be:

Provided that no official, who is transferred from one group to another, shall enjoy, in any one calendar year, a greater number of days of occasional leave than he could have enjoyed had he served the whole of that calendar year in the group to which he has been transferred.

(2) Subject to the provisions of subregulation (1) of this regulation and to the provisions of regulation 29 of this chapter, the full period of occasional leave may be authorised and be enjoyed by an official at the commencement of any one calendar year.

11. Unenjoyed occasional leave at the end of any calendar year shall lapse.

12. Sundays and any day on which the Bank is officially closed, shall not be reckoned in any period of occasional leave enjoyed.

13. If occasional and vacation leave are enjoyed in conjunction in any one calendar year, the occasional leave shall be taken in a continuous period either before or after the vacation leave.

(b) *Vacation Leave*

14. Vacation leave, on full pay, shall be accumulative and shall accrue as prescribed in the schedule to this chapter, for a period proportionate to the official's period of service in the group in which he is classified, calculated from the date of his first appointment or from the date of his transfer into the group, as the case may be.

15. Vacation leave shall not be enjoyed until, in the case of an official employed on a temporary basis, he shall have completed six months' service from the date of his first appointment and, in the case of any other official, twelve months' service from the date of his first appointment.

16. (1) Sundays and any day on which the Bank is officially closed, falling within a period of vacation leave, shall be regarded as vacation leave, notwithstanding that such period of leave may extend from one calendar year into another.

(2) In the event of Sundays and/or any day *on* which the Bank is officially closed, falling at the beginning or at the end of a period of vacation leave, or in the event of one or more such days falling consecutively between a period of vacation or occasional leave and a period of sick leave (or vice versa), it shall not be regarded as vacation leave.

17. Notwithstanding anything to the contrary contained in these regulations, an official may not be absent on vacation leave or vacation and occasional leave combined, for a longer continuous period than the maximum specified in the schedule to this chapter, in-respect of the group in which he is classified: Provided that the General Manager or the General Manager may authorise an extension of leave to an official for such further period as he deems fit: Provided further that, if an official has not accumulated sufficient, vacation leave to cover such extension of leave, the excess leave shall be recorded as leave without pay.

[regulation 17 amended by GN 147/1979]

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18. The enjoyment of a portion only of the total vacation leave accumulated by an official shall not prevent enjoyment of the balance of such leave being authorised at a convenient later date.

(c) *Sick Leave*

19. Subject to the provisions of regulations 20 and 21 of this chapter, sick leave may be taken by an official, during the course of each cycle of three years' service calculated from the date of his first appointment, for periods -

- (a) not exceeding, in aggregate, the number of days specified in the schedule to this chapter, with pay at the rates so specified, in respect of the group in which he is classified, or
- (b) not exceeding, in aggregate, a proportionate number of the days and at the rates so specified in the schedule, calculated in accordance with the period, during the course of such cycle of three years, served in the group from the date of his first appointment or from the date of his transfer into the group, as the case may be.

20. (1) If, on the expiration of the maximum period of sick leave authorised in terms of the preceding regulation, the official is still incapacitated by ill-health from performing his duties efficiently and satisfactorily, the General Manager may, in his discretion and subject to the production of satisfactory medical evidence to the effect that further sick leave is necessary, authorise an extension of sick leave on half-pay for a period not exceeding three months.

(2) If, at the expiration of such extended period of sick leave, the official is, on medical advice, still unfit to resume duty and if the official is not retired for one or more of the reasons envisaged in subregulation (5)(a) or (b) of regulation 7 of Chapter IV of these regulations, the Board may, in its discretion, grant such further period or periods of sick leave on half-pay as it deems fit.

[regulation 20 amended by GN 147/1979 and GN 152/1988]

21. Notwithstanding anything to the contrary contained in these regulations, the Board may, in special circumstances, either before or after the enjoyment of any period of sick leave on half-pay authorised in terms of these regulations, in its discretion and upon being satisfied by medical evidence that an official who has exhausted all his sick leave on full pay as specified in these regulations, is unable, by reason of continued ill-health, satisfactorily to perform his duties, authorise the enjoyment of additional sick leave on full pay: Provided that such additional sick leave shall be enjoyed in a continuous period of such duration as the Board deems reasonable and necessary for his recovery.

22. (1) Unless the General Manager otherwise determines, every application for sick leave in excess of three days shall be supported by a certificate, in such form as the Board deems fit, signed by a registered medical practitioner, or dentist, as the case may be, certifying whether the official is or is not capable of discharging his duties and what period of sick leave is deemed necessary and indispensable for the official's recovery and/or recuperation.

(2) The General Manager may, in his discretion, require that such a certificate be furnished in respect of a period of sick leave of three days or less.

[regulation 22 amended by GN 147/1979]

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23. (1) Sick leave shall be authorised only in respect of the absence from duty of an official owing to an illness, indisposition or injury not due to his misconduct or failure to take reasonable precautions.

(2) Sick leave may be granted in respect of nervous complaints, insomnia, debility and similar vaguely-defined illnesses or indispositions only if the General Manager is satisfied that the official's state of health -

- (a) renders him unfit for duty; and
- (b) does not arise from failure on his part to take vacation leave.

(3) A period of convalescence following after and continuous with a period of duly authorised sick leave, may be recorded as sick leave, notwithstanding that the official may, during such period of convalescence, not be confined indoors nor be prevented from taking normal recreation.

[regulation 23 amended by GN 147/1979]

24. (1) The General Manager may, in his discretion, sanction the conversion of any authorised period of sick leave on half-pay into a corresponding period of vacation or occasional leave.

(2) In the event of an official to whom vacation or occasional leave has been granted, becoming ill after he has left his post to proceed on vacation or occasional leave, the General Manager may, subject to the provisions or regulations 22 and 23' of this chapter, agree to the conversion of that portion of vacation or occasional leave during which the official was indisposed,' into sick leave, provided the necessary sick leave is available in terms of this chapter.

[regulation 24 amended by GN 147/1979]

25. Nothing to the contrary in these regulations contained shall preclude the retirement of an official from the Bank's service for one or more of the reasons envisaged in subregulation (5)(a) or (b) of regulation 7 of Chapter IV of these regulations, before the maximum or any other period of sick leave has been enjoyed by him under these regulations.

[regulation 25 amended by GN 152/1988]

(d) *Special Leave*

26. (1) Special leave on full pay, in addition to other leave prescribed in this chapter, may be authorised to an official -

- (a) when he writes any examination of a recognized university within the Territory or any other examination approved by the Board;

[paragraph (a) amended by GN 147/1979]

- (b) when he is absent from duty as a result of being placed in quarantine or isolation on medical instructions where he was in contact with a person who has contracted, or is suspected of having-contracted, an infectious or contagious disease: Provided

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that a certificate by a registered medical practitioner is submitted indicating the period of and reason for isolation;

- (c) for the purpose of serving on any jury or appearing as a duly subpoenaed witness before any court of law or other competent authority: Provided that any jury, witness or other fees earned by the official shall, unless the General Manager otherwise directs, be paid to the Bank;
- (d) for the purpose of undergoing any obligatory peace-time military, air force or naval training, as may be required under any law;
- (e) for the purpose of undergoing any non-obligatory military, air force or naval training approved by the Board;
- (f) in special circumstances not envisaged in paragraphs (a), (b), (c), (d) and (e), for such period and for such purposes as the Board may deem fit.

(2) Leave authorised under sub-regulation (1) of this regulation may include any periods actually and necessarily spent in travelling to or from an official's destination.

[regulation 26 amended by GN 147/1979]

(e) *Leave Without Pay*

27. (1) Leave of absence, without pay, may be authorised in exceptional circumstances for such period and for such purposes as the General Manager may deem fit: Provided that no single period of leave without pay in excess of three months shall be authorised, except with the approval of the Board.

(2) No single period of leave without pay in excess of fifteen days shall be deemed to be service for the purpose of calculating vacation leave under these regulations.

[regulation 27 amended by GN 147/1979]

Leave for acknowledgement of long service

27A. When an official has completed at least twenty years continuous service, acknowledgement shall be granted to such official by the granting of additional accumulative leave to such official on the following basis:

- (a) thirty days leave with effect from the first day of the month following the date on which such official has completed at least twenty years continuous service; and
- (b) an additional ten days leave for each additional period of five years continuous service which such official has completed after the period referred to in paragraph (a):

Provided that such continuous period of service shall be calculated from the date of appointment of such official in the former Land and Agricultural Bank of South West Africa referred to in the Land Bank Proclamation, 1935 (Proclamation 22 of 1935), or the former Land and Agricultural Bank of South Africa referred to in the Land Bank Amendment Act, 1969 (Act 31 of 1969), or the Land and Agricultural Bank of South West Africa referred to in the Land and Agricultural Bank of South West Africa Proclamation, 1979 (Proclamation 147 of 1979).

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[regulation 27A inserted by GN 152/1988]

Special Cases

28. In cases not specifically provided for in this chapter or where the application of the provisions of the regulations in this chapter would, in the Board's opinion, cause undue hardship or not be in the national interests, the Board may authorise such leave as it may deem fit and upon such terms as it considers reasonable.

Suspension, Resignation or Discharge of an Official

29. If an official is suspended or resigns or is discharged from the service of the Bank, no leave shall accrue to or be accumulated by or be enjoyed by such official, with effect from the date of suspension or the date of notice of his resignation or the date of his discharge, notwithstanding that any period of leave may have been authorised prior to that date: Provided, however, that if an official tenders his notice of resignation from the service of the Bank on a date prior to the date upon which such notice is by these regulations required to be given, the provisions of this regulation shall apply only with effect from the date upon which such notice should have been given.

Benefits on Death or Retirement

30. (1) Should any official die while in service, the Board may pay the cash value of the vacation leave accumulated by him but not utilised at the date of his death and of which the cash value had not previously been paid to him at his written request, to any one or more of his dependants referred to in regulation 1 and in the order of preference therein mentioned, or, failing such dependants, to his estate, unless such official has requested the General Manager in writing that, with the approval of the Board, payment be made -

- (a) in any other order of preference as therein mentioned; or
- (b) to any other person substituted as a nominee.

(2) To an official who retires from service shall be paid the cash value of any accumulated vacation leave not utilised by him on the date of his retirement.

(3) The amount of the cash value of accumulated vacation leave to be paid in terms of this regulation, shall be calculated by using the following formula -

$A \times B/365 =$ amount of the cash value, where A represents the sum of the basic annual salary of the staff member and allowances forming part thereof as at the date of death or retirement, as the case may be, and B represents the number of days in respect of which the cash value may be paid in terms of this regulation.

[regulation 30 amended by GN 147/1979 and substituted by GN 152/1988]

SCHEDULE

[Schedule substituted by GN 152/1988]

Group I (referred to in regulation 7 of this Chapter):

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Vacation	24 days per annum
Maximum continuous period of absence permissible under regulation 17 of this Chapter	180 days
Sick leave	120 days per cycle at full pay
	120 days per cycle at half pay

Group II (referred to in regulation 7 of this Chapter):

Occasional leave	12 days per annum
Vacation leave	24 days per annum
Maximum continuous period of absence permissible under regulation 17 of this Chapter	180 days
Sick leave	120 days per cycle at full pay
	120 days per cycle at half pay

Group III (referred to in regulation 7 of this Chapter):

Occasional leave	12 days per annum
Vacation leave	26 days per annum
Maximum continuous period of absence permissible under regulation 17 of this Chapter	180 days
Sick leave	120 days per cycle at full pay
	120 days per cycle at half pay.

CHAPTER VI
SUBSISTENCE AND TRANSPORT

(a) *Subsistence*

1. (1) Except in so far as is otherwise provided in this chapter, an allowance for subsistence may be paid to an official, according to the category in which he is classified in Schedule A of this chapter and at the rates therein prescribed, while he is necessarily absent on duty from his headquarters, subject to the following -

- (a) For each completed hour in excess of twenty-four or multiple of twenty-four hours: one twenty-fourth of the daily rate;
- (b) for less than twenty-four hours: one twenty-fourth of the daily rate for each completed hour.

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(2) An official shall not be paid subsistence allowance in respect of any period of time spent on board ship, nor shall any allowance be granted for liquor or extras consumed during such period. The official may, however, be reimbursed any reasonable expenditure actually and necessarily incurred by him on account of steward's fees on board ship, subject to a maximum refund of R10 per voyage.

2. An official who proceeds on leave of any description during any period for which he is receiving an allowance for subsistence in terms of regulation 1 of this chapter, shall cease to draw such allowance for the period of his absence on leave, unless the General Manager otherwise directs.

[regulation 2 amended by GN 147/1979]

(b) *Transport*

Means of Transport and Rates of Allowances

3. (1) An official travelling on duty shall, whenever practicable, perform his journey by rail, steamer, road motor transport service or any other public conveyance, also by air transport when the General Manager deems it advisable, and such official shall be reimbursed in respect of the cost of conveying himself and a moderate amount of personal luggage, including all reasonable expenditure incurred in connection with incidental charges, such as taxi-cabs, airways, motor transport, boat hire, porter age, landing and shipping fees or other petty expenses.

(2) Notwithstanding that it may be practicable to perform a journey by the aforementioned means of transport, an official may, entirely at his own risk in so far as this stipulation is not contrary to the provisions of the Workmen's Compensation Act, 1941, travel by private motor transport or other private conveyance: Provided that he satisfy the General Manager that he is adequately insured against all claims which may be made against him or the Bank, in the event of accident or any other circumstance whatsoever: Provided further that such official may be reimbursed for the journey to the extent of his own fare only, calculated according to the cost by rail or other public conveyance over the most economical route available and at the class prescribed by the General Manager, plus two and one-half cents a mile for each passenger, being a member of his household but not for an infant under the age of twelve months: Provided further that an official designated by the General Manager to conduct inspections of the Bank's records and accounts at Head Office and at branch offices, shall not be reimbursed for the conveyance of any passenger other than an official.

(3) The General Manager, the General Manager or an official specially deputed thereto by the General Manager, may authorise the use, for the Bank's purposes on occasional journeys, of an official's privately owned motor transport against payment of such allowances as the Board prescribes: Provided that the official and his motor transport are adequately insured against all claims which may be made against him or the Bank, in the event of accident or any other circumstance whatsoever.

(4) An official who is required to perform a journey on duty, who is unable to travel by the transport mentioned in subregulations (1) and (2) of this regulation, shall requisition on the Government Garage or the transport contractors, where such exist, for the hire of such transport as may be required for the performance of the journey or, in the event of such requisition being impracticable, shall himself, when time permits, call for informal tenders or quotations and hire the transport at the most reasonable rates obtainable.

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(5) The Board may, on such conditions as it deems fit, make such financial arrangements as may be necessary to enable an official to purchase and maintain motor transport mainly for official purposes.

[regulation 3 amended by GN 147/1979]

Travelling by Rail, Air or Ship

4. (1) An official travelling by rail, air or ship shall obtain, before commencing his journey, a warrant from the Bank to enable him to secure the necessary ticket.

(2) An official travelling by rail, air or ship, either between places in South Africa or between South Africa and other countries, shall be entitled to travel by the class prescribed by the General Manager.

(3) The General Manager may authorise the sole use by one or more officials of a railway coupé or compartment.

[regulation 4 amended by GN 147/1979]

Travelling to be done Expeditiously

5. (1) An official shall be required to travel as rapidly as possible and subject to the provisions of regulation 3 hereof, by the shortest available route, as circumstances permit.

(2) It shall be the duty of an official to explain in the certificate supporting his claim for reimbursement of his travelling expenses, the cause of any detour or delay.

(3) In the event of an official travelling by a route requiring a longer time or involving greater cost for transport than the General Manager considers necessary, the allowances may be reduced to those which would have been payable if the requirements of subregulation (1) of this regulation had been observed.

[regulation 5 amended by GN 147/1979]

Transport on First Appointment

6. (1) The provisions of regulations 3 up to and including 5 of this Chapter shall in relation to a person who is residing in the territory of South West Africa or the Republic of South Africa at his appointment in the service of the Bank, *mutatis mutandis* apply in respect of journeys undertaken by such person and his family from the place where he is so residing to the place where he assumes duty.

[subregulation (1) amended by GN 147/1979, substituted by AG 72/1981]

(2) The provisions of regulations 8 and 9 of this Chapter shall, in relation to a person who is residing in the territory of South West Africa or the Republic of South Africa at his appointment in the service of the Bank, *mutatis mutandis* apply in respect of the subsistence of such person and his household.

[subregulation (2) substituted by AG 72/1981]

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(3) (a) The provisions of regulation 10 of this Chapter shall, in relation to a person who is residing in the territory of South West Africa or the Republic of South Africa at his appointment in the service of the Bank, *mutatis mutandis* apply in respect of the transport of his household and personal effects.

(b) If an employee referred to in paragraph (a) leaves the service of the Bank within 2 years after the date on which he assumes duty with the Bank, he shall repay to the Bank a portion of the amount paid out by the Bank in terms of paragraph (a) in respect of the transfer of his personal and house-hold effects, which portion shall be calculated according to the formula

$$x = \frac{24 - a}{24} \times b$$

in which -

- (i) x represents the amount of the portion to be repaid
- (ii) a represents the number of completed months for which such employee was in the service of the bank
- (iii) b represents the amount by the Bank in terms of paragraph (a) in respect of the transfer of the personal and household effects of such employee

[subregulation (3) inserted by AG 72/1981]

Benefits on Death or Retirement (Transport)

7. (1) In the event of the death of an official who has had not less than ten years' pensionable service, the cost of the transfer of his household and personal effects from the place at which he was employed at the date of his death, to the place, being within the Territory where his household wishes to reside shall, subject to the provisions of subregulations (3) and (4) hereof, be paid by the Bank: Provided that application for such benefit shall be made by the widow or person acting for the deceased's household within 90 days of the official's death, unless the Board otherwise directs.

[subregulation (1) amended by GN 147/1979]

(2) In the event of the retirement of an official who has had not less than ten years' pensionable service, for the reasons set out in regulation 7, 10, 11 or 12 of Chapter IV of these regulations, the cost of transporting himself, his household and personal effects from the place at which he is thus retired, to the place, being within the Territory, where he wishes to reside shall, subject to the provisions of sub-regulations (3) and (4) hereof, be paid by the Bank: Provided that the official shall, unless the Board otherwise directs, apply for such transport benefit not later than 90 days after the date of his retirement.

[subregulation (2) amended by GN 147/1979]

(3) The costs of transfer envisaged in subregulations (1) and (2) above, shall, in all respects *mutatis mutandis* be subject to the same conditions and limitations as are prescribed in the regulations in this chapter: Provided that -

- (a) household shall not, for the purpose of this regulation, include a servant;

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- (b) no allowance for subsistence or porter age shall be paid in respect of any person eligible for the benefits prescribed in this regulation;
- (c) no expenditure shall be met in respect of the cost of warehousing personal effects;
- (d) unless the Board otherwise directs, the cost of transport from the railhead to the warehouse or place of residence at the centre to which the household of a deceased official or the official and his household are removed, shall be limited 'to the cost of transport for a distance not exceeding 15 miles.

(4) In cases where no rail transport facilities exist or where the cost of rail transport will be more than the cost of transport by road, the General Manager may authorise transport by road, as also for any other reasons which he may deem fit.

[regulation 7 amended by GN 147/1979]*(c) Subsistence and Transport of Officials on Transfer or Removal*

8. (1) An official who is transferred or removed from one office to another at the instance of the Bank, may be granted a subsistence allowance at the rates and on the conditions prescribed in regulation 1 of this chapter, but only for the period necessarily occupied in travelling from one office to the other: Provided that where the official-travels by motor transport or other private conveyance, in terms of subregulation (2) of regulation 3 of this chapter, he shall not be paid a subsistence allowance for a longer period than he would have taken ' had he travelled by the means of conveyance prescribed in subregulation (1) of regulation 3 of this chapter, unless the General Manager otherwise directs.

(2) In addition to the subsistence allowance mentioned in subregulation (1) of this regulation, there shall be paid to an official who, at the date of being advised of his transfer or removal maintained a household in a house or in a flat at or (in the opinion of the General Manager) in the vicinity of the place from which he is transferred or removed, a special monthly auxiliary allowance at the rates specified hereunder, from the hour and date of his arrival at the place to which he is transferred or removed to the hour and date on which he again maintains a household in a house or in a flat at such place or (in the General Manager's opinion) in the vicinity thereof -

- (a) To a married official R30 per month of 30 days;
- (b) In respect of each child of an official under the age of eighteen years, permanently residing with and solely dependent upon him, R10 per month of 30 days: Provided that the General Manager may, in his discretion, authorise payment of the auxiliary allowance in respect of a child of eighteen years of age but not over the age of twenty-four years, who is pursuing his studies on a full-time basis or in respect of any other child who, through mental or physical incapacity or for any other valid reason, is solely dependent upon the official;
- (c) In respect of each person who, in the discretion of the General Manager, is solely dependent upon and permanently residing with the official, R10 per month of 30 days;
- (d) To an unmarried official, R15 per month of 30 days: Provided that such monthly auxiliary allowance shall be payable in any event for one month of 30 days, and thereafter on a *pro rata* basis for a maximum period of 90 days.

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(3) An official who qualifies for the auxiliary allowance in terms of subregulation (2) of this regulation and who within 90 days after having become attached to an office and before again maintaining a household in a house or in a flat at such place, is again transferred or removed on one or more occasions, shall be paid the auxiliary allowance provided for in subregulation (2) of this regulation in respect of each such transfer or removal.

[regulation 8 amended by GN 147/1979]

9. (1) An official who is transferred or removed from one office to another at the instance of the Bank and who maintains, at the date of being advised of his transfer or removal or who maintained within 180 days prior to that date, a household in a house or in a flat at or (in the opinion of the General Manager) in the vicinity of the place from which he is transferred or removed, shall be paid an allowance of one hundred rand upon again maintaining a household in a house or in a flat at or (in the opinion of the General Manager) in the vicinity of the place to which he is transferred or removed and no further reimbursement shall be granted to him in respect of such transfer or removal or in respect of any other expenditure incidental thereto, except the allowances and reimbursements provided for in this chapter: Provided that an official who, within twelve months and before again maintaining a household in a house or in a flat at or (in the opinion of the General Manager) in the vicinity of the place to which he is transferred or removed, is again transferred or removed on one or more occasions, shall be paid the allowance upon again maintaining a household in a house or in a flat at or (in the opinion of the General Manager) in the vicinity of a place to which he is transferred or removed.

(2) An official who is transferred or removed from one office to another at the instance of the Bank and who is not so maintaining or who has not so maintained a household in a house or in a flat as provided in subregulation (1) of this regulation, shall be granted an allowance in respect of forfeiture of rent or of board and lodging, for a period not exceeding one month, or to cover any other expense incidental to his transfer or removal, on production of satisfactory evidence that the expense could not have been avoided by him.

(3) An official who is transferred or removed from one office to another at the instance of the Bank and whose transfer is changed or cancelled, shall be granted an allowance to cover any reasonable expense which he may have incurred in connection with his original transfer or removal in respect of forfeiture of deposit or rent, or board and lodging, for a period not exceeding one month, or to cover any other reasonable expense occasioned by such change or cancellation of the transfer or removal, on production of satisfactory evidence that the expense could not have been avoided by him.

[regulation 9 amended by GN 147/1979]

10. An official who is transferred or removed from one office to another at the instance of the Bank, may, in addition to receiving the subsistence and transport allowance provided under these regulations, be granted, in respect of the removal of his household and personal effects, the privileges prescribed in Schedule B: Provided that any claim for reimbursement of expenses is supported by properly certified and completed vouchers.

11. No expenses in connection with the transfer or removal of a person employed on a temporary basis shall be paid by the Bank, unless the specific and prior authority of the General Manager has been obtained.

[regulation 11 amended by GN 147/1979]

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(d) *General*

Officials Travelling Abroad on Duty

12. An official travelling on duty abroad may be paid subsistence allowance in accordance with the rates prescribed by the Board. The class of fare and means of transport used shall be in accordance with the terms of these regulations.

Claims

13. All claims for reimbursement of subsistence and transport expenses shall be submitted in a form prescribed by the Board.

Special Allowances, Enhancements and Reductions

14. (1) Special subsistence, transport and other allowances may be paid at such rates and on such terms as the Board deems fit, in respect of particular duties performed by an official or to meet the requirements of particular classes of officials or exceptional conditions of service or in any other circumstances not provided for in this chapter.

(2) The allowances prescribed in the regulations of and in the schedules to this chapter may, from time to time, be enhanced by the Board whenever, in its opinion, circumstances justify such being done, or they may be reduced to an amount which the Board considers to be commensurate with the expenditure actually and necessarily incurred by an official.

(3) A married official whose duties require his attendance at Cape Town for any period during any session of Parliament may be granted such subsistence allowance and free conveyance in respect of his wife, children, domestic servants and weight of excess luggage, as the case may be, as he would be entitled to if he were transferred or removed in accordance with the provisions of these regulations. Such an official may further be reimbursed so much of the expenditure incurred by him in the conveyance by rail of one motor vehicle from his headquarters to Cape Town and return as the Board on the recommendation of the General Manager may approve.

[regulation 14 amended by GN 147/1979]

Applicability of Regulations

15. (Bantu, Indians and Coloureds.) The provisions of the regulations in this Chapter may, *mutatis mutandis*, be applied in the case of an official who, whilst absent on leave of any description, is instructed-, before the expiration of such leave, to assume duty at a place or office other than at his former headquarters.

SCHEDULE A

DAILY RATES OF SUBSISTENCE ALLOWANCES FOR EACH COMPLETED DAY OF TWENTY-FOUR HOURS CALCULATED FROM THE TIME AN OFFICIAL LEAVES HIS HEADQUARTERS UNTIL HIS RETURN THERETO.

(a) In respect of officers and clerks and other European employees:

	<i>Salary.</i>	<i>Daily Rate.</i>
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Up to R2.280 per annum	3.50
Over R2,280 to R4,302 per annum	4.50
R4,303 to R6,053 per annum	5.00
R6,054 and over per annum	5.50

(b) In respect of Bantu, Indians and Coloureds:

Such rates as may from time to time be determined by the Board.

SCHEDULE B

[Schedule B amended by GN 147/1979]

(a) ALLOWANCES FOR SUBSISTENCE PAYABLE, IN ACCORDANCE WITH THE PROVISIONS OF THESE REGULATIONS, IN RESPECT OF AN OFFICIAL'S HOUSEHOLD FOR THE PERIOD NECESSARILY OCCUPIED IN TRAVELLING FROM ONE OFFICE TO ANOTHER.

In respect of each person over the age of twelve years, the full daily rate; and in respect of each person of twelve years, of age and under, one-half of the daily rate; calculated according to the official's classification, salary and rate of allowance as prescribed in Schedule A: Provided that reasonable out-of-pocket expenses only shall be refunded in the case of a domestic servant.

(b) RAIL FACILITIES.

Salary of the official concerned.	Class by which members of an official's household other than servants are entitled to travel.	Number of servants entitled to transport and class by which they shall travel.	Weight of excess luggage an official (including his household) is allowed to transport by passenger train.	Weight of personal effects an official (including his household)-is allowed to transport by goods train.
Up to R2,280 per annum	The same as that sanctioned for the official	One servant Class III, unless otherwise directed by the General Manager in his discretion Nursemaids in charge of babies in arms may be granted a warrant to travel by the same class as other members of the official's household	Not exceeding 300 lb. gross weight	Not exceeding 10,000 lb. gross weight.
Over R2,280 per annum	As above	Two servants, otherwise as above	Not exceeding 450 lb. gross weight	Not exceeding 14,000 lb. gross weight.

(c) ITEMS OF EXPENDITURE INCIDENTAL TO TRANSFER OR REMOVAL WHICH MAY BE PAID TO AN OFFICIAL FROM THE BANK'S FUNDS SUBJECT TO THE PRODUCTION OF SUPPORTING VOUCHERS.

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(i) Cost of packing (including cases, straw, sacking, etc.) and unpacking of personal effects as also reasonable expenses in connection with the loading and unloading of private motor transport (including the hiring of tarpaulins and the purchasing of ropes, etc.).

(ii) Cost of warehousing personal effects for a period not exceeding three months, unless extended by the General Manager for a further period of three months or part thereof.

(iii) Cost of conveying personal effects to and from a warehouse, and by train or other conveyance from one office to another or between a railway station and dwelling at or (in the opinion of the General Manager) in the vicinity of the place to which the official has been transferred or removed.

(d) FURTHER REQUIREMENTS.

(i) The General Manager shall, whenever practicable, give timely notice of impending transfer to the official concerned.

(ii) Informal tenders shall be obtained from local firms or tradesmen for the packing and unpacking of personal effects and the acceptance, by the official, of the lowest tender shall be approved by the General Manager, unless the General Manager is satisfied that adequate reasons exist for its non-acceptance.

(iii) The charge for transporting any motor transport or other vehicle shall be calculated at a rate not exceeding that at which the household furniture of the official is transported. The Board may, in special circumstances, exclude the weight of motor transport from the weight of personal effects allowed to be transported in terms of this schedule.

(iv) The removal and transfer of personal effects, shall be undertaken at railway risk or, where road or other means of transport are employed, shall be adequately covered by insurance at the Bank's expense. The Board may, however, in its discretion, reimburse an official for the cost of repairs to or replacement of personal effects damaged or lost in transit.

(v) No liability will be admitted by the Bank for damage to or loss of personal effects of an official, whilst such personal effects are in storage.

(vi) Packing material paid for out of the Bank's funds shall, after completion of a transfer, be disposed of for account of the Bank.

CHAPTER VII
SUBSIDISED FARES FOR HOLIDAY PURPOSES

1. Except as is in this Chapter, expressly otherwise provided for, the Board may authorise the payment by the Bank of a subsidy on travelling expenses in respect of a return or circular journey by rail within the borders of the Territory and the Republic of South Africa for an uninterrupted journey by rail from the point of departure and return, undertaken or to be undertaken by an official, wife or child as defined for the purposes of this Chapter, not more than once per calendar year, in the class as determined by the General Manager.

[regulation 1 amended by GN 147/1979 and GN 152/1988, substituted by AG 172/1980]

Restrictions on Journeys

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2. (1) A subsidised fare shall be payable for bona fide annual holiday purposes only and shall be confined to continuous return or circular-tour railway journeys, commencing and terminating, unless the General Manager otherwise directs, at the railway station which serves the place at which the official is employed or is resident while in-employment or at which the wife or child is resident, as the case may be.

(2) The breaking of a railway journey in circumstances ordinarily allowed by the South African Railways Administration under its regulations relating to rail travel, shall not be regarded as an interruption of an otherwise continuous or circular-tour railway journey for the purpose of paying the subsidised fare.

[regulation 2 amended by GN 147/1979 and 152/1988]

3. The subsidised fare shall not be payable -
- (a) in any one calendar year for more than one railway journey in each direction over the same rail system during the course of any return or circular-tour railway journey;
 - (b) in respect of any extra cost of travel occasioned by travelling on limited or express railway trains to which special charges by the South African Railways Administration may apply, such extra cost, over and above the subsidised fare based on the fare applicable at the time to travelling by public conveyance, being borne by the official, wife or child, as the case may be;
 - (c) in respect of any extra cost involved in the special booking of railway accommodation for the exclusive or private use of the official, wife or child.

[regulation 3 amended by 152/1988]

Restrictions as to Persons

4. The subsidised fare shall be payable in respect of -
- (a) a wife permanently residing with her husband;
 - (b) a child of an official under the age of eighteen years permanently residing with and solely dependent upon such official: Provided that the General Manager may, in his discretion, authorise payment of the subsidised fare in respect of a child of eighteen years of age but not over the age of twenty-four years who is pursuing his studies, or in respect of any other child who, through mental or physical incapacity or for any other valid reason acceptable to the Board, is solely dependent upon such official;
 - (c) any other person permanently residing with and solely dependent upon an official and in respect of whom the General Manager, in his discretion, authorises payment of the subsidised fare.

[regulation 4 amended by GN 147/1979, substituted by GN 152/1988]

Newly Married Wives

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5. The subsidised fare may be paid in respect of a newly married wife of an official, who has married at a place away from his headquarters, for a single journey from the railway station serving the place of marriage to the official's headquarters: Provided that such subsidised fare shall be regarded as the wife's annual holiday subsidised fare for the calendar year in which the marriage took place and may, if desired, but subject to the provisions of these regulations, include a holiday railway journey undertaken at the same time.

Luggage

6. An official, wife or child shall be allowed to take with him double the weight of free luggage ordinarily allowed by the South African Railways Administration, according to the class travelled and the full cost of such excess weight of luggage up to the above limit, shall form part of the subsidised fare in the manner envisaged in the definition of the term "subsidised fare".

[regulation 6 amended by 152/1988]

Journeys by Motor or other Means of Conveyance Instead of Rail Transport

7. Notwithstanding anything to the contrary in this chapter, an official, wife or child who, for bona fide annual holiday purposes, undertakes a journey, within the Territory, by means of motor transport or other means of conveyance instead of by available railway facilities as envisaged in these regulations, may, in the General Manager's discretion, be granted once in any calendar year, the same subsidised fare as would otherwise have been payable had the official, wife or child as the case may be, travelled by available rail transport, calculated in accordance with the provisions of these regulations, but excluding any cost of excess weight of luggage as envisaged in regulation 6: Provided that where such official, wife or child has used rail transport for the conveyance of luggage, the cost of such conveyance may be included in the subsidised fare, but not exceeding the cost which would have been incurred in terms of regulation 6, if the journey had been undertaken by rail.

[regulation 7 amended by GN 147/1979 and GN 152/1988]

Change of Circumstances Affecting Journey

8. Whenever, through circumstances beyond the control of the official, wife or child, a railway journey -

- (a) cannot be undertaken at all; or
- (b) cannot be completed as booked; or
- (c) requires to be extended; or
- (d) requires exceeding the cost of rail tickets; or
- (e) involves any extra charges or costs which would not otherwise have been incurred;

the General Manager shall, in his discretion, determine whether or not a subsidised fare may be paid and, if payable, in what manner and to what extent or if need be, in respect of which particular calendar year the journey is to rank, if at all.

[regulation 8 amended by GN 147/1979 and GN 152/1988]

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Calculation and Payment of Subsidised Fare

9. The General Manager shall, from time to time, determine the manner in which the subsidised fare is to be calculated and to whom and when payment thereof is to be effected and shall call for such evidence and do such acts, as he deems fit, in order to carry out the provisions of this chapter effectively.

[regulation 9 amended by GN 147/1979]

Special Powers of the Board

- 10.** The Board may, in its discretion -
- (a) authorise payment of the subsidised fare for holiday purposes in such special circumstances as it considers justifiable;
 - (b) from time to time whenever it considers circumstances justify such being done, determine an amount or percentage by which the subsidised fare for holiday purposes may be enhanced or reduced, as the case may be.