



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Education Act 16 of 2001
section 81(5)

General Regulations

Government Notice 2464 of 1973

(RSA GG 4115)

came into force on 21 December 1973

The General Regulations were originally made in terms of section 36 of the Coloured Persons in South West Africa Education Act 63 of 1972, which was repealed by Education Act 16 of 2001. Pursuant to section 81(5) of the Education Act 16 of 2001, the General Regulations are deemed to have been made under that Act.

as amended by

Government Notice 8 of 1985 (GG 5122)

came into force on date of publication: 29 October 1985

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[Some of the individual regulations have no headings.]

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CHAPTER A
DEFINITIONS AND GENERAL

A1. In these regulations, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Coloured Persons in South-West Africa Education Act, 1972 (Act 63 of 1972), bears the meaning so assigned thereto, and -

“approved” means approved by the Secretary;

“average enrolment” means the daily average of the number of full-time pupils on the roll on school days during a school term;

“boarder” means a pupil who attends a school and who has been admitted to a Slate hostel in terms of regulation I14;

“cycle” means a period of three years calculated as from the date of commencement of these regulations and each succeeding period of three years;

“day of rest” means a Saturday, a Sunday or a public holiday;

“domestic rules” mean the rules for a State hostel framed in terms of regulation I2(5);

“established enrolment” means the average of the average enrolments for the four consecutive school terms ended on a date determined by the Secretary;

“household” means, with reference to a teacher -

- (a) his wife and a non-self-supporting child who is permanently resident with him;
- (b) a relative of his who is permanently resident with and necessarily dependent on him and whose income does not exceed the appropriate maximum amount prescribed by regulations promulgated under the Aged Persons Act, 1967 (Act 81 of 1967), as amended, excluding the attendant’s allowance payable in terms of section 2(c) of the said Act; and
- (c) not more than two servants (including nursemaids) employed in a full-time capacity by him;

“incremental month” means the month during which the salary of a teacher may be increased in accordance with the scale applicable to him;

“incremental period,” in regard to any teacher, means a period of 12 months which must elapse before his salary may be increased in accordance with the scale applicable to him;

“management” means the governing body of a college, school, home, class or hostel in respect of which grants-in-aid are paid in terms of section 4 of the Act or in respect of which a loan has been awarded in terms of the said section;

“manager” means the person recognised or appointed as such in terms of Chapter O of these regulations;

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“month” means a period extending from a date in any calendar month up to and including the date preceding the corresponding date in the next succeeding calendar month;

“parent” means the father or mother or legal guardian of a child;

“part-time teacher” means a person appointed in a teaching post on a part-time basis in a temporary capacity in terms of section 16 of the Act;

“pensionable age” means -

- (a) in the case of a teacher who is a member of the Government Service Pension Fund, the age at which he has the right to retire on pension and shall be retired on pension in terms of section 6 of the Government Service Pension Act, 1973 (Act 57 of 1973); and
- (b) in the case of a teacher who is a member of the pension fund for Non-White employees of the Government of the Republic, established by regulations made under the Government Non-White Employees Pensions Act, 1966 (Act 42 of 1966), the age at which or after which he may or shall be retired on pension or may or shall retire on pension in terms of the said regulations;

“principal” means the person in whom the control of a school is vested in terms of regulation B2(2);

“promotion post” means any post of principal and includes any post classified by the Secretary as a promotion post under regulation B3(2);

“recognised” means recognised by the Secretary;

“regional representative” means the officer of the Department in control of a regional office of the Department;

“salary” means the basic remuneration or wage normally payable to a teacher when on duty and includes allowances which are not normally included in the basic remuneration or wage;

“school” means -

- (a) a college or school established under section 3 of the Act or deemed in terms of such section or section 5 of the Act to have been established thereunder; or
- (b) a college or school, other than a vocational school or nursery school, in respect of which grants-in-aid are paid in terms of section 4 of the Act or in respect of which a loan has been awarded in terms of such section;

“school committee” means the committee constituted in terms of Chapter D of these regulations;

“school day” means any day of a school term on which pupils enrolled at a school must receive tuition in terms of regulation C14(2);

“school holiday” means the period between two successive school terms;

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“school term” means the period in a calendar quarter fixed as such in a calendar drawn up by the Secretary for a particular school or group of schools in respect of the calendar year in question;

“school year” means the period extending from the first school day in any calendar year up to and including the last school day in such calendar year;

“service” means, subject to the provisions of regulations B53 and B54 -

- (a) any period of recognised full-time work performed in or outside the Republic, including recognised part-time work as converted into full-time work by the Secretary, but excludes, in respect of work under the Department, all vacation and special leave without salary and in respect of any other work, all leave without salary; and
- (b) any period of recognised full-time service with the land, marine or air force or the merchant navy of the Republic or an ally of the Republic during any war in which the Republic was engaged as from the sixth day of September 1939, or may be engaged hereafter;

“State hostel” means a hostel established under section 3 of the Act or deemed in terms of such section to have been established thereunder;

“teacher” means a person appointed by the Minister in terms of section 10 of the Act, including a temporary teacher, whose full time is devoted to educational work in a school or schools or a continuation class;

“temporary teacher” means a teacher appointed in a teaching post on a full-time basis in a temporary capacity in terms of section 16 of the Act;

“the Act” means the Coloured Persons in South-West Africa Education Act, 1972(Act 63 of 1972);

“Treasury” means the Minister of Finance or an officer in the Department of Finance who is authorised by the said Minister to carry out the functions assigned to the Treasury by these regulations.

Application of Regulations

A2. Unless specifically otherwise provided, these regulations shall apply to all State schools, State hostels, teachers’ quarters, school clinics or any other accessories to a State school, as well as to State-aided schools, and to teachers employed at such schools, as well as to pupils admitted to such schools and hostels.

Delegation of Powers

A3. (1) Subject to the provisions of the Act, the Minister may delegate to the Secretary or any other officer of the Department any of the powers vested in him by these regulations; similarly, the Secretary may delegate any of the powers vested in him by these regulations to any other officer of the Department.

A3. (2) The Minister or the Secretary may at any time vary or cancel any delegation granted in terms of this regulation.

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Exceptional Cases

A4. When, in the opinion of the Minister, the circumstances of any case justify a departure from the provisions of these regulations, he may, subject to the provisions of the Act, deal with the case as he deem fit: Provided that no action taken in respect of any person in terms of this regulation may be detrimental to such person.

CHAPTER B
APPOINTMENT AND CONDITIONS OF SERVICE OF TEACHERS

B1. Except where special provision is made for part-time teachers, this Chapter shall apply to all teachers whose salaries are paid in full by the Department.

Control of Schools

B2. (1) Save with the approval of the Secretary, no person shall teach on a full-time or part-time basis in a school or part-time class.

B2. (2) The control of a school shall vest in the principal who shall supervise the general administration of the school, give guidance in connection with the instruction given in, and other activities of the school, and be directly responsible to the Secretary for the maintenance of discipline, efficient instruction and administration as well as the proper use and care of State property. He shall exercise general supervision of the activities of the other teachers at the school, the administrative, clerical and stores personnel and other non-teaching staff appointed or allocated to assist him in enforcing the provisions and complying with the requirements on any law, regulation, rule or instruction which is applicable to the school and, unless otherwise determined by the Secretary, he shall also give instruction.

B2. (3) "Every staff member at a school shall be under the control of the principal and shall, in addition to the instructions contained in the Act and these regulations and the duties normally attached to his post, also carry out duties in connection with invigilation during examinations, sports, organising of games, debating societies and all other activities affecting the proper administration and welfare of the school: Provided that he may, for reasons of conscience, decline to carry out any such additional duties, in which case he shall immediately submit his reasons in writing to the Secretary through the principal and school committee (or manager), and thereupon the Secretary may release him from such duties or direct him to carry out such duties. He shall furthermore be subject to any rules for the domestic control of the school issued by the principal.

B2. (4) The principal may require any teacher on the staff of the school to give instruction in any standard or in any subject: Provided that the approval of the Secretary shall be obtained for the employment of such teacher for a continuous period of one month or longer for duties not appropriate to his post or training.

B2. (5) The principal of a school shall be responsible for all stores and equipment of such school and if he will, with effect from a particular date and for any reason whatsoever, cease to be in control of such school, he shall in consultation with the person who will take over control of the said stores and equipment, complete a stock handing-over certificate on an approved form before such date, and the two persons concerned shall thereafter deal with such certificate in the manner prescribed by the Secretary.

Classification of Posts

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B3. (1) The Secretary shall classify one post in each school as that of principal, which shall be a promotion post, unless he is satisfied that there are good reasons for not so doing.

B3. (2) Posts, other than that of principal, shall depending on the designations applied to them from time to time, be classified by the Secretary as promotion posts or posts for entry grades, due regard being had to the establishment and basis determined and fixed in terms of section 8 of the Act.

B3. (3) The classification of posts as promotion posts in any school shall be determined by the established enrolment of such school or, in the case of a new school, the anticipated established enrolment as estimated by the Secretary.

Grading of Schools

B4. (1) Schools shall, for the purposes of the remuneration of the principal, be classified in grades in accordance with the approved grading scales with effect from the date of inauguration and thereafter with effect from 1 January of each calendar year, and the grade in which a school is so classified shall be determined by its established enrolment or, in the case of a new school, the anticipated established enrolment as estimated by the Secretary.

[The word “calendar” is misspelt in the above regulation,
reproduced as per *Official Gazette*.]

B4. (2) The Secretary may, with effect from a date determined by him, specially review the grading of a school when the enrolment in such school has increased or decreased considerably as a result of the provision of additional hostel or classroom accommodation at the school concerned or at another school, or as a result of the opening of another school in the vicinity or of any other special circumstances.

Recruitment and Advertising of Posts

B5. (1) Whenever a vacant teaching post is to be filled, the post shall be advertised as vacant in a manner determined by the Secretary, unless the Secretary is satisfied that there are good reasons for dispensing with such advertising, and all applications for such post shall be submitted to the regional representative on or before a closing date fixed by the Secretary.

B5. (2) After the closing date for the receipt of applications the regional representative shall submit the applications received to the school committee (or manager) concerned for consideration.

B5. (3) After consideration of the applications, in consultation with the principal concerned, the school committee (or manager) shall return all the applications to the regional representative and recommend, in order of preference, all the applications for the filling of the vacancy concerned: Provided that, should the school committee (or manager) not be prepared to recommend one or more of the applications, reasons shall be furnished in writing.

B5. (4) Except when a vacant post of principal is to be filled, the school committee (or manager) shall, together with any recommendation in terms of subregulation (3), submit to the regional representative the written substantiated recommendation of the principal concerned in regard to the filling of the vacant post should the principal so request.

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B5. (5) On receipt of the recommendations in terms of subregulations (3) and (4) or any reasons referred to in the proviso to subregulation (3)(if any), the Minister may -

- (i) appoint any of the applicants recommended to fill the vacancy; or
- (ii) decide not to appoint any of the applicants, in which case the Minister may direct that the school committee (or manager) submit, subject to the provisions of subregulation (4), any recommendation referred to in subregulation (3) in respect of all the applicants, if this has not been done, or that the provisions of subregulations (1), (2), (3) and (4) be complied with again and, in any case, should the recommendation then submitted by the school committee (or manager) not be acceptable to the Minister, he may determine how the vacancy shall be filled.

Fulfilment of Functions of School Committee (or Manager) by the Secretary

B6. The Secretary may require a school committee (or manager) to fulfil its functions in accordance with regulation B5, and should it/he refuse to comply with such requirement or fail to do so within a reasonable period, the Secretary may fulfil the functions of the school committee (or manager) concerned.

Applications for Posts and Appointments

B7. (1) Any person who wishes to be considered for appointment as a teacher, shall apply for such appointment on an approved form.

B7. (2) Any person who wishes to be considered for permanent appointment as a teacher shall complete an approved health questionnaire in his own handwriting, in which he shall furnish full particulars of abnormalities, diseases or ailments from which he is suffering or has suffered. Any person's fitness for permanent appointment in view of information furnished in the health questionnaire or in a medical report obtained in terms of subregulations (3) and (4), will be considered by the Secretary, due regard being had to the instructions and rules prescribed for the acceptance of health questionnaires or medical reports for the appointment of officers in the Public Service.

B7. (3) Notwithstanding the provisions of subregulation (2), any person who wishes to be considered for permanent appointment, may be required to undergo a medical examination by a district surgeon or a full-time State medical officer or any other medical practitioner should the Secretary so determine: Provided that the cost of such examination shall be paid by the Department: Provided further that, should the Secretary require a report from a specialist physician or any other report, the person shall bear the cost of such examination himself.

B7. (4) Before any person referred to in subregulation (3) is examined by a medical practitioner, he shall make a statement in connection with his state of health, and after the examination the medical practitioner who carried out the examination shall draw up a report in regard thereto.

[The word "practitioner" in the phrase
"the medical practitioner who carried out the examination"
is misspelt in the above regulation, reproduced as per *Official Gazette*.]

B7. (5) Any person referred to in regulation B15(2) or regulation B15(3)(b), may not be considered for permanent appointment as a teacher, unless the Minister decides otherwise.

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Working and residential Permits on Appointment

B8. (1) Any person who is recruited as a teacher from outside the borders of the territory shall not be employed if he is not in possession of a valid working or residential permit issued by the Administration of South-West Africa, unless he is exempted from such requirement.

B8. (2) Should such person, knowing that he is not in possession of a valid permit, travel to assume duty in the territory or incur any other expenses, the Department shall accept no liability for any expenses incurred by him if he be refused a permit at a later stage.

Appointments, Promotions and Transfers on Probation

B9. (1) Whenever a teacher's appointment, transfer or promotion is effected on probation, such appointment, transfer or promotion shall normally be approved for a period of 12 calendar months: Provided that, should a teacher be transferred or promoted to another post on probation while he is already serving a probationary period, it may be approved that the period which he has served on probation immediately prior to such transfer or promotion and the period which he has to serve on probation in his new post shall be not longer than 12 calendar months in all: Provided further that the transfer or promotion of a teacher, who is so transferred or promoted on probation, may be approved on probation in the new post for the full period of 12 calendar months.

B9. (2) If a principal, or in the case of a principal, an inspector of schools, certifies that during the period which a teacher has served on probation or during an extension thereof he has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he occupies, the Minister may confirm the appointment, transfer or promotion if the teacher has complied with all the conditions to which his appointment, transfer or promotion was subject.

B9. (3) If the Minister is not prepared to confirm the appointment, transfer or promotion of a teacher serving on probation, he may approve such appointment, transfer or promotion for a further period on probation.

B9. (4) Subject to the provisions of section 20 of the Act, the Minister may discharge a teacher serving on probation for any period, either during, on, or after the expiry of such period -

- (a) by giving him one calendar month's notice of the discharge; or
- (b) by summarily terminating his service if his conduct is unsatisfactory.

B9. (5) An appointment, transfer or promotion of a teacher on probation shall not be confirmed unless such teacher has produced a health questionnaire or a report by a medical practitioner as prescribed in regulation B7(2), (3) and (4), indicating that he is free from any mental or physical defect, disease or infirmity which is likely to interfere with the proper performance of his duties or necessitate his retirement from the service of the Department before he attains pensionable age: Provided that this provision shall not apply to a teacher who was employed by the Department in a permanent capacity immediately prior to such appointment, transfer or promotion, or who is a person referred to in section 17 of the Act who had been appointed in a permanent capacity in a teaching post or in the Public Service immediately prior to such appointment, transfer or promotion.

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Remuneration of Teachers

B10. (1) A teacher who has been engaged or is already employed in any school term, and who assumes duty on or is on duty from the first day of such school quarter and remains in service or is on duty up to and including the last day of such school term, shall be paid a salary as from the first day of the calendar quarter concerned up to and including the last day of such quarter.

B10. (2) A teacher employed in any school term for a period extending over at least half the number of school days in such school term shall be paid a salary -

- (a) if such employment commences on the first day of the school term, as from the first day of the calendar quarter concerned up to and including the last day on which he is so employed; or
- (b) if such employment terminates on the last day of the school term, as from the day on which such employment commences up to and including the last day of the calendar quarter concerned; or
- (c) if such employment does not commence on the first day of the school term or end on the last day of the school term, as from the day on which such employment commences up to and including the last day on which he is so employed.

B10. (3) A teacher employed in any school term for a period extending over less than half the number of school days in such school term, shall be paid a salary as from the day on which such employment commences up to and including the last day on which he is so employed, irrespective of whether such service commences on the first day of the school term or ends on the last day of the school term.

B10. (4) If a teacher resigns his post and his resignation takes effect during any school term, such teacher shall, if he has rendered service for less than half the number of school days in such school term, not be paid any salary in respect of the portion of the immediately preceding school holiday included in the calendar quarter concerned: Provided that this subregulation shall, notwithstanding anything to the contrary contained in these regulations, not apply to such teacher if he is appointed without a break in service on a full-time basis in a department, administration, institution or other body referred to in section 17 of the Act.

B10. (5) If a woman teacher gets married during any school term and renders service for less than half the number of school days in such school term, she shall not be paid any salary in respect of the portion of the immediately preceding school holiday included in the calendar quarter concerned.

B10. (6) Subject to the provisions of subregulation (5), a teacher who is discharged in terms of section 21 of the Act or regulation B9(4) or B70(2) and whose discharge takes effect during any calendar quarter, shall be paid a salary as from the first day of such calendar quarter up to and including the day of his discharge.

B10. (7) A temporary teacher -

- (a) who has been paid a salary up to and including the last day of any calendar quarter;
- (b) who is employed in the immediately ensuing school term for a period which includes at least half the number of school days in such school term; and

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(c) who assumes duty on the second, third or fourth school day of such school term;

may be granted vacation leave on full pay if he has such leave to his credit, or vacation leave without pay, in respect of the number of days by which his date of assumption of duty was delayed and such teacher shall be paid a salary as from the first day of the calendar quarter concerned.

B10. (8) Notwithstanding anything to the contrary in subregulations (2), (3), (4) and (5), a teacher referred to therein who is in employment during any period which includes a school holiday, may be paid a salary for such school holiday provided he has rendered compulsory service in terms of regulation B36(2).

Protection of Teacher’s Salary when Classification or Grading of a School is changed

B11. The salary of a teacher employed at a school shall not be reduced by reason of a change in the classification or grading of the school, but such teacher may, as soon as a suitable vacancy occurs, be transferred to a post with a grade appropriate to his salary scale.

Cession of Remuneration

B12. A teacher may not, without the approval of the Secretary, cede his salary or part thereof.

Additional Remuneration in Addition to approve Salary

B13. In addition to the salary and other remuneration, payable to him in accordance with these regulations, no salary, allowances, remuneration, bonus, gratuity, honorarium or privilege shall be paid or granted to a teacher from State funds without the approval of the Secretary given on the recommendation of the Public Service Commission: Provided that the provisions of this regulation shall not apply to any salary, allowances, remuneration, bonus, gratuity, honorarium, or privilege accruing to a teacher in terms of any Act, regulation or general instruction, and not being subject to such approval.

Recognition of previous Service for Salary Purposes

B14. On production of acceptable documentary evidence of experience the Secretary may approve that such experience be counted as service for salary purposes to the extent and on the basis recommended by the Public Service Commission from time to time.

Recognition of Qualification for Salary Purposes

B15. (1) Teachers who hold recognised teaching qualifications shall be known as certificated teachers and shall be classified by the Secretary in the following categories according to the qualifications held by them -

| <i>Category</i> | <i>Qualification</i> |
|-----------------|---|
| (aa) | Junior Certificate plus thereafter two years’ recognized training or approved equivalent qualifications. |
| (a) | Matriculation Certificate plus thereafter one year recognised training or approved equivalent qualifications. |
| (b) | Matriculation Certificate plus thereafter two years’ recognised training or approved equivalent qualifications. |

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- (c) Matriculation Certificate plus thereafter three years' recognised training or approved equivalent qualifications.
- (d) Matriculation Certificate plus thereafter four years' recognised training or approved equivalent qualifications.
- (e) Matriculation Certificate plus thereafter five years' recognised training or approved equivalent qualifications.
- (f) Matriculation Certificate plus thereafter six years' recognised training or approved equivalent qualifications.

B15. (2) Teachers who do not hold recognised teaching qualifications for the purposes of subregulation (1) shall be known as uncertificated teachers and may, for salary purposes, also be classified by the Secretary in the categories described in subregulation (1), according to the qualifications held by them: Provided that, for administrative purposes, the letter "X" shall be inserted after the category in all such cases to indicate that such teacher is uncertificated. Uncertificated teachers who do not hold qualifications for classification in any of the categories referred to in subregulation (1), shall be classified by the Secretary in category "Za".

B15. (3) The Secretary shall assess the qualifications for the purposes of classification in one of the categories referred to in subregulation (1), and shall also determine, on the recommendation of the Public Service Commission, the qualifications a teacher should hold and what other requirements he must comply with in order to be considered for promotion to the various promotion posts.

Salary Increments

B16. (1) Subject to the provisions of subregulation (2), the salary of a teacher shall be increased by one salary increment within the limits of the scale applicable to him, after completion of each incremental period and with effect from the first day of such teacher's incremental month.

B16. (2) If the principal or an inspector of education issues a certificate in which he declares that a teacher's conduct in regard to industry, discipline, punctuality or sobriety was not uniformly satisfactory during an incremental period or that he did not perform his work uniformly satisfactorily during such incremental period, the salary of such teacher shall not be increased in terms of the provisions of subregulation (1): Provided that the Secretary may, notwithstanding such certificate, approve that the salary of a teacher be increased in terms of the provisions of subregulation (1).

B16. (3) If the salary of a teacher is not increased in terms of the provisions of subregulation (1) or of the proviso to subregulation (2) such teacher shall be notified in writing of the reasons therefore and shall be informed that at the expiry of a continuous period which shall be indicated but shall be not longer than an incremental period, a salary increment may be granted on condition that a certificate is issued by the principal or an inspector of education in which it is stated that the teacher's work performance and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during such period.

B16. (4) (a) If the period mentioned in subregulation (3) is shorter than an incremental period, the teacher shall be granted one salary increment with effect from the first day of the calendar month following the date on which such period expires, if such a certificate is issued by the principal or an inspector of education.

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(b) If a teacher has been granted a salary increment in terms of paragraph (a), he shall be granted a further salary increment after the expiry of an incremental period reckoned from the date on which his salary would have been increased in terms of subregulation (1) had such increase not been withheld in terms of subregulation (2): Provided that such salary increment shall be granted only if the principal or an inspector of education issues a certificate in which it is stated that the teacher's work performance and his conduct in regard to the qualities mentioned in subregulation (2) continued to be satisfactory from the date of the granting of the salary increment mentioned in paragraph (a) to the date preceding that on which a salary increment may be granted in terms of this paragraph: Provided further that the provisions of this paragraph shall not apply to a teacher who has already reached the maximum notch of the scale applicable to him.

B16. (5) If a teacher is not granted a salary increment in terms of subregulation (4)(a) -

- (a) such teacher shall be notified in writing of the reasons therefore and shall also be informed that at the expiry of a continuous period (to be indicated) which shall be equal to the difference between the period mentioned in subregulation (3) and an incremental period, a salary increment may be granted on condition that the principal or an inspector of education issues a certificate in which it is stated that the teacher's work performance and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during the continuous period mentioned;
- (b) such teacher shall be granted two salary increments after the expiry of an incremental period reckoned from the date on which his salary would have been increased in terms of subregulation (1) of such increase had not been withheld in terms of the provisions of subregulation (2): Provided that such salary increments shall be granted only if the principal or an inspector of education issues a certificate in which it is stated that the teacher's work performance and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during the continuous period mentioned in paragraph (a): Provided further that only one salary increment shall be granted to such teacher if such salary increment will take him to the maximum notch of the scale applicable to him.

B16. (6) If the period mentioned in subregulation (3) is equal to an incremental period, the teacher concerned shall be granted two salary increments after the expiry of such period: Provided that such salary increments shall be granted only if the principal or an inspector of schools issues a certificate in which it is stated that the teacher's work performance and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during such period: Provided further that such teacher shall be granted one salary increment only if such increment will take him to the maximum notch of the scale applicable to him.

B16. (7) If a teacher is not granted a salary increment in terms of subregulation (4)(b) or subregulation (5)(b) or subregulation (6), the provisions of subregulations (2), (3), (4), (5) and (6) shall *mutatis mutandis* become operative again.

B16. (8) Subject to the provisions of these regulations, the salary of a teacher to whom a salary increment has been granted in terms of subregulation (4)(b) or subregulation (5)(b) or subregulation (6), shall, at the expiry of each ensuing incremental period, be increased by one salary increment within the limits of the scale applicable to him.

Acceptance of Gifts, Commission, Money or Reward

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B17. (1) A teacher shall not, save with the consent of the Secretary, accept any gift, pecuniary or otherwise, offered to him by a member of the public by reason of his occupying or having occupied a particular office or post in the Department.

B17. (2) A teacher shall not, save with the consent of the Secretary, accept any commission, money or reward, pecuniary or otherwise (except his approved salary), offered him in respect of or for the discharge of his duties or neglect of his duties, and he shall not fail to report any such offer to the Secretary as soon as possible.

Private Financial Transactions

B18. (1) A teacher shall not become a party to any form of acknowledgment of debt for purposes of compromise: Provided that the Secretary may give his written consent to a departure from the provisions of this subregulation if he is satisfied that the proposed transaction is being entered into for acceptable reasons not connected with speculation, gambling or any other improper act which may involve the teacher concerned in pecuniary difficulties: Provided further that such consent shall not be given in respect of a transaction between two teachers or a teacher and an officer or an employee.

B18. (2) A teacher shall not borrow money from a subordinate attached to the same school as he is.

Legal Claims in Respect of Debt

B19. The issue of process for debt or to effect sequestration or for civil imprisonment in which a teacher is the defendant, shall immediately be reported to the Secretary by the teacher concerned, together with full particulars of the circumstances which led to the issue of such process.

Hours of Duty

B20. (1) A teacher is normally required to give 27 hours' instruction per week.

B20. (2) A teacher shall, during his official hours of duty, devote his full attention to the duties entrusted to him and shall not be absent from his class or place of work during his official hours of duty, save with the permission of the principal.

B20. (3) Where classes at a school are so arranged that a teacher does not give instruction for at least 27 hours per week, the Secretary may, in respect of the shortfall in hours of duty, require such teacher to give instruction in a part-time class, a double-shift class, or any other class attached to such school, or to perform other school duties allocated to him by the principal without receiving extra remuneration therefore.

B20. (4) A teacher shall not be entitled to claim extra remuneration in respect of any additional duties performed by or required of him, except as provided in regulation B21(1).

Additional Remuneration for Extra Duties

B21. (1) Where a teacher, with the approval of the Secretary, gives instruction in a school as well as in a part-time, double-shift or other class for hours which in the aggregate exceed the weekly hours of duty prescribed in regulation B20(1) he may, in respect of such additional hours of duty, receive additional remuneration at the rates applicable to such class.

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B21. (2) In calculating the total hours of duty per quarter in respect of which additional remuneration in accordance with subregulation (1) is payable, portions of an hour of 30 minutes or more shall be reckoned as one hour and periods of less than 30 minutes shall be disregarded: Provided that extra duty of less than 15 minutes on any particular day shall be disregarded.

Promotions

B22. (1) Whenever a promotion post is to be filled the provisions of regulation B5 shall apply.

B22. (2) The promotion of a teacher shall normally take effect as from the first day of the calendar quarter immediately following the calendar quarter in which the school committee (or manager) submits its/ his recommendation for the filling of the post.

[The word “calendar” is misspelt in the above regulation,
reproduced as per *Official Gazette*.]

B22. (3) When a teacher is promoted his salary shall be determined with due regard to the principles recommended by the Public Service Commission.

Transfer of Teachers

B23. (1) Unless the Minister considers it to be in the interest of the Department, or to be justifiable or necessary for any other reason, a teacher employed in a permanent capacity or serving a probationary period, shall not be transferred from the post he occupies to another post until he has had at least one year’s service in the post he occupies or until such time as his appointment has been confirmed.

B23. (2) The transfer of a teacher from one post to another shall be effected at State expense, unless the transfer is effected on the initiative of the teacher, in which case no expenditure incurred in connection therewith shall be met from State funds: Provided that the Minister may, in his discretion, approve that such transfer be effected, wholly or partly, at State expense, if he is satisfied that such transfer is in the interest of the Department or necessary for the health of the teacher or his wife or his child.

Transfer Costs, Transport Privileges, Official Journeys and Subsistence Allowances

B24. (1) Subject to the provisions of these regulations, the regulations made in terms of the Public Service Act, 1957 (Act 54 of 1957), as well as any interpretation, decision, ruling or instruction of the Public Service Commission with regard to the -

- (a) transport privileges on first appointment, discharge or death;
- (b) transfer costs;
- (c) official journeys and transport; and
- (d) subsistence allowances;

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of officers and employees in the Public Service shall *mutatis mutandis* be applicable to teachers: Provided that any reference to an officer or employee in those regulations shall be deemed to be a reference to a teacher in a permanent capacity and a temporary teacher, respectively.

B24. (2) Notwithstanding anything to the contrary contained in these regulations, a person who is not resident in South-West Africa and who is appointed in a permanent capacity as a teacher in the Department, shall be paid a subsistence allowance, in accordance with the prescribed tariff, from De Aar or any other place of entry into the Territory for the purpose of assuming duty, to his destination in respect of himself and the members of his household: Provided that, should such person be appointed in a temporary capacity as a teacher, a subsistence allowance from De Aar or the other place of entry into the Territory shall be paid in respect of himself only.

Repatriation Costs

B25. The Department shall, subject to the provisions of regulation B8(2), be responsible for transporting at State expense, a person referred to in regulation B8(1) who is required by the Administration of South-West Africa to leave the Territory for any reason whatsoever, to the border of the Territory or, if such person was not recruited from outside the borders of the Territory, to the place where he was recruited originally: Provided that only the transport expenses of himself, his household, and his personal effects not exceeding the maximum weight allowed, shall be payable.

Resignation of Teachers

B26. (1) Unless the Secretary, in exceptional cases, otherwise decides, a teacher who wishes to resign from the service of the Department shall submit his resignation with effect from the first day of a calendar quarter: Provided that he shall give written notice thereof not later than the first school day of the immediately preceding calendar quarter.

B26. (2) A woman teacher, who intends getting married or who resigns her post with the intention of getting married, shall notify the Secretary before her marriage, in writing, through the school committee (or manager) concerned, of such intended marriage.

Medical Examinations of Teachers

B27. (1) The Secretary may at any time require a teacher to be examined by a registered medical practitioner designated by him, or a medical board constituted by the Secretary for Health or an officer authorised thereto by him. The costs connected with such an examination shall be paid from State funds: Provided that the teacher who is to be examined may, if he so wishes, arrange, at his own expense, for his private medical practitioner to be present at the proceedings of a medical board.

B27. (2) The Secretary may prescribe the form in which the report of a medical board is to be submitted.

Housing Allowance

B28. (1) A teacher, excluding a married woman, who is resident in a recognised Coloured residential area and who is not provided with official housing, may be paid a housing allowance on the basis and at the tariffs determined from time to time by the Minister, in consultation with the Minister of Finance and on the recommendation of the Public Service Commission: Provided that -

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- (a) documentary evidence shall be produced of the teacher's marital state and the dates of birth of dependent children;
- (b) the rental value of the house concerned shall be determined by either the Department of Community Development or the magistrate of the district in which the residential area concerned is situated; and
- (c) the housing allowance which is paid shall not, in any case, exceed the actual amount of the rental or the rental value of the house, whichever amount is the lesser.

B28. (2) Subject to the provisions of subregulation (1), the Secretary may, at his own discretion, also pay a housing allowance to a teacher who occupies a house which is not situated in a recognised Coloured residential area.

Teachers' Allowances

B29. A teacher may, in addition to his basic remuneration or wage, be paid a teacher's allowance(s) as determined from time to time by the Minister, in consultation with the Minister of Finance and on the recommendation of the Public Service Commission.

LEAVE OF ABSENCE

Leave of Absence a Privilege

B30. (1) Leave of absence provided for in these regulations is a privilege and is granted only with due regard to the exigencies of the Department.

B30. (2) Leave cannot be claimed as a right and, subject to the provisions of regulation B57, no teacher may claim payment in respect of the cash value of leave standing to his credit.

Leave Application Forms, Granting and Withdrawal of Leave and Unauthorised Absences from Duty

B31. (1) (a) Application for leave shall be made in writing on an approved form.

(b) The form of the certificate of indisposition in support of an application for sick leave shall be prescribed by the Secretary.

B31. (2) (a) The granting of all leave of absence shall be subject to the approval of the Secretary.

(b) Leave already granted may at any time be with-drawn by the Secretary.

B31. (3) Except where a teacher is suspended from duty or is prevented by sudden illness or other unavoidable circumstances from remaining on or reporting for duty, he shall not leave or stay away from work until he has applied, in writing, for leave and has been advised that his application has been approved.

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B31. (4) (a) All unauthorised absences of a teacher shall, irrespective of any disciplinary action which may be taken against such teacher, be regarded as vacation leave without pay, unless the Secretary otherwise decides.

(b) The submission of a written application for leave, referred to in subregulation (1)(a), shall not be required in the case of unauthorised absences.

Leave Registers

B32. (1) The Department shall keep a leave register in respect of each teacher in which all absences from duty shall be recorded in accordance with the classification contained in regulation B33(1).

B32. (2) All applications for leave shall be filed for audit and other purposes in the office where the leave register is kept, for such period as the Public Service Commission may direct.

Classification of Leave of Absence

B33. (1) All absences from duty on leave are classified under one or more of the following heads -

- (a) Vacation leave on full pay.
- (b) Vacation leave on half pay.
- (c) Vacation leave without pay.
- (d) Sick leave on full pay.
- (e) Sick leave on half pay.
- (f) Sick leave without pay.
- (g) Special sick leave on full pay.
- (h) Special sick leave on reduced pay.
- (i) Special leave on full pay.
- (j) Special leave on conditions of pay as recommended by the Public Service Commission.

[Inconsistent use of punctuation and capitalisation in the above regulation, reproduced as per *Official Gazette*.]

B33. (2) The granting of leave under any one of the heads mentioned in subregulation (1) shall not affect the granting of leave under any of the other heads mentioned, except in so far as is specifically provided elsewhere in these regulations.

Absences from Duty which are not recorded as Leave - Court Cases, Inquiries and Attendance of Courses, Lectures, Meetings or Assemblies

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B34. In the following instances a teacher shall not be regarded as being absent from duty -

- (1) When he must appear -
 - (a) as a witness -
 - (i) in a criminal court case;
 - (ii) in a civil court case (including a divorce case);
 - (iii) before a commission or committee of inquiry appointed by the State;
 - (iv) at an inquest;
 - (v) at a rent board inquiry, except when he is the person who took the initiative in the rent board inquiry, in which case his absence from duty must be covered by the granting of vacation leave on full pay or without pay if he does not have such leave to his credit; or
 - (b) as defendant or co-defendant in a civil court case which arises out of his official duties and in which the State has a direct interest;
- (2) when he attends a course, lecture, meeting or assembly arranged by his own or any other Department and in respect of which the Secretary has granted him permission to attend such course, lecture, meeting or assembly in official time.

[Inconsistent use of capitalisation in the above regulation,
reproduced as per *Official Gazette*.]

School Holidays not part of Leave - Conditions of Payment in Cases of Leave on reduced Pay or without Pay

B35. (1) School holidays shall not be regarded as leave of any nature whatsoever.

B35. (2) Whenever a teacher is granted unpaid leave or leave on reduced pay during any school term for more than half the number of school days in such school term, he shall be paid as follows for the portions of the school holidays included in the calendar quarter concerned -

- (a) If he is absent as from the first day of such school term, he shall receive no salary or a reduced salary, as the case may be, for the preceding portion of the school holiday included in the calendar quarter concerned;

[Inconsistent use of capitalisation in the above regulation,
reproduced as per *Official Gazette*.]

- (b) if he is absent up to and including the last day of such school term, he shall receive no salary or a reduced salary, as the case may be, for the ensuing portion of the school holiday included in the calendar quarter concerned; and
- (c) if he is absent as from the first day of such school term up to and including the last day of such school term, he shall receive no salary or a reduced salary, as the case

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may be, for the portions of the school holidays included in the calendar quarter concerned.

B35. (3) Where any school holiday is preceded and followed by leave without pay or on reduced pay, and such leave is subject to the same conditions of pay, the teacher shall receive no salary or a reduced salary, as the case may be, for the school holiday concerned.

B35. (4) If the school holiday referred to in subregulation (3) is not preceded and followed by leave subject to the same conditions of pay, the case shall, notwithstanding anything to the contrary contained in subregulation (2), be dealt with as prescribed in paragraph (a), (b) or (c) of such subregulation.

B35. (5) If a teacher is ordered to report for duty during a school holiday or a portion thereof and fails to do so, he shall receive no salary for such school holiday or portion thereof, unless he has been prevented from so reporting for reasons acceptable to the Secretary.

Leave Provision

B36. (1) Teachers are classified as follows for the purposes of leave provision and, subject to regulation B53, the leave provision is as indicated below opposite each group -

Group A.—A teacher appointed under the Department or transferred to the Department on or after the date of commencement of these regulations:

Vacation leave per calendar year = 12 days.

Sick leave per cycle (as defined in regulation A1):

After completion of the following years of service

| | Number of days on full pay | Number of days of half pay |
|---------------------------------------|----------------------------|----------------------------|
| Less than 5 years | 90 | 90 |
| 5 years but less than 10 years | 95 | 95 |
| 10 years but less than 15 years | 100 | 100 |
| 15 years but less than 20 years | 105 | 105 |
| 20 years but less than 25 years | 110 | 110 |
| 25 years but less than 30 years | 115 | 115 |
| 30 years and longer | 120 | 120 |

Group B.—A teacher who was in the service of the Department immediately prior to the date of commencement of these regulations -

Vacation leave per calendar year = 14 days.

Sick leave per cycle—the same as that for Group A.

B36. (2) The Secretary may require a teacher to remain on duty during any school holiday: Provided that where a teacher is so required to remain on duty, he may be credited with vacation leave, in addition to the vacation have provided for in subregulation (1), equal to half the number of days on which he so remained on duty during a school holiday: Provided further

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that a teacher shall not be so credited with more than 24 days' vacation leave in any calendar year: Provided further that a teacher may request, within one month of his having so remained on duty, that he be credited with the number of days leave referred to in this subregulation, or that in lieu thereof he receive a non-pensionable cash payment calculated at one half of his basic annual remuneration or wage at the time of the performance of such duty, for a maximum period of 48 days' vacation duty in any calendar year: Provided further that the number of days vacation leave with which a teacher is credited in terms of this subregulation plus one half of the number of days in respect of which he receives a non-pensionable cash payment, shall in total not exceed 24 days in any calendar year.

VACATION LEAVE

Vacation Leave under the repealed Regulations

B37. (1) The promulgation of these regulations shall in no way affect the continuity for leave purposes of the service of a teacher who was in the service of the Department immediately prior to the date of commencement of these regulations and any vacation leave standing to such teacher's credit, shall be deemed to be leave credit in terms of these regulations: Provided that, if such teacher would have qualified for vacation leave only after the completion of a fixed period of service and such period has not yet been completed on the day immediately preceding the date of commencement of these regulations, his leave credit shall be calculated in proportion to the portion of the period of service completed by him on the said day: Provided further that in the calculation of such leave credit a school term or calendar quarter shall be deemed to be 70 days.

B37. (2) A teacher who was in the service of the Department in a permanent capacity immediately prior to the date of commencement of these regulations, shall be granted a vacation leave credit of 92 days with effect from such date in addition to any vacation leave with which he may be credited in terms of subregulation (1): Provided that the said leave credit of 92 days may only be utilised by the teacher during the last 12 months of his service preceding the date on which he is discharged on pension in terms of paragraph (a) or (b) of section 21(1) of the Act: Provided further that such leave credit may be utilised for the purposes of the payment of a leave gratuity in terms of regulation B57.

Accrual of Vacation Leave

B38. (1) Subject to the provisions of regulation B53, accumulative vacation leave, excluding accumulative vacation leave placed to a teacher's credit in terms of regulation B36 (2), shall accrue in respect of each completed calendar month of service at the rate of one twelfth of the provision applicable to any teacher under regulation B36(1).

B38. (2) The accumulative vacation leave which a teacher has on 1 January of each year, shall be recorded in the leave register, and in the recording of such credit any portion of a day shall be reckoned as one day.

Vacation Leave and Recognition of previous Service for Leave purposes: Persons in the Employ of any other Department, Administration or Institution who are Appointed under the Department

B39. (1) If any person referred to in section 17 of the Act is appointed as a teacher in the service of the Department without a break in service on a full-time basis, he shall, subject to the provisions of subregulation (2), be credited with the vacation leave which he had to his credit on the last day of his service with his previous employer, and all his previous recognised

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service shall be taken into account for leave purposes: Provided that, if such leave would have become available for utilisation only after the completion of a fixed period of service and such period of service has not yet been completed on the last day of such person's service with his previous employer, the leave credit shall, subject to the provisions of the last proviso at regulation B37(1), be calculated in proportion to the portion of the period of service which he has completed on the last-mentioned day.

B39. (2) (a) The vacation leave credit of any person referred to in subregulation (1) who has had a vacation leave provision of more than 36 days per calendar year during any period of his service in respect of which he is credited with vacation leave in terms of subregulation (1), shall be reduced by the number of days by which his vacation leave provision exceeded 36 days per calendar year in any period; and

(b) if any person who occupies a teaching post on a full-time basis in a recognised educational institution not mentioned in section 17 of the Act, is, on or after the date of commencement of these regulations, appointed on a full-time basis, as a teacher under the Department without a break in service, his vacation leave credit shall be calculated as though he had, during the period of his service at such educational institution, for vacation leave purposes been in the employ of the Department as a teacher who during such period had a vacation leave provision of 12 days per calendar year, and he shall be credited with vacation leave at 12 days per calendar year in respect of such period: Provided that all fully paid vacation leave granted to him during his period of service at such institution shall be deducted from the vacation leave with which he is so credited.

B39. (3) In the application of the provisions of this regulation any portion of a day shall be reckoned as one day.

Application for and Granting of Vacation Leave

B40. (1) Any application for vacation leave for one full school term or two consecutive school terms shall be made at least three months in advance.

B40. (2) Fully paid vacation leave shall not be granted to a teacher for less than one full school term, nor shall such continuous vacation leave on full pay be granted for more than two school terms: Provided that the date of commencement and the date of expiry of any period of vacation leave granted to a teacher shall coincide with the first and the last day, respectively, of a school term: Provided further that the Secretary may authorise a teacher to utilise at any time the vacation leave standing to his credit or a portion thereof: Provided further that, except on the recommendation of the Public Service Commission, no vacation leave on full pay shall be granted to a teacher for more than two school terms in any period of 18 months and that any absences which exceed this restriction during the said 18 months shall be covered by the granting of vacation leave without pay but with due regard to subregulation (4): Provided further that, for the purposes of this subregulation, vacation leave granted under regulation B47(6) shall not be taken into consideration.

B40. (3) A teacher who has sufficient vacation leave to his credit, excluding vacation leave which may be placed to his credit in terms of regulation B37(2), to enable him to utilise vacation leave for at least one school term, but who wishes to proceed on leave for two consecutive school terms, may apply in writing for the conversion of the vacation leave standing to his credit into vacation leave on half pay on the basis of two days on half pay for each day of vacation leave which he utilises for the purpose.

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B40. (4) Subject to the provisions of subregulation (2) and regulation B47.(5)(c), the Secretary may, if he is satisfied that sound reasons for doing so exist, grant a teacher who has no vacation leave to his credit, excluding vacation leave which may be placed to his credit in terms of regulation B37(2), vacation leave without pay not exceeding two school terms during any period of 18 months: provided that vacation leave without pay for more than two school terms may, in exceptional cases, be granted to a teacher during such period on the recommendation of the Public Service Commission.

B40. (5) Unless the provisions of subregulation (2) of regulation B31(4), B43(2) or B53(3) are applicable, all vacation leave standing to a teacher's credit, excluding that referred to in regulation B37(2), shall first be exhausted before vacation leave without pay may be granted to him.

B40. (6) The Secretary may at any time require a teacher to utilise the vacation leave standing to his credit or a portion thereof: Provided that the maximum period of leave prescribed in subregulation (2), shall not be exceeded: Provided further that the Secretary may not require a teacher to utilise the vacation leave which accrued to him in terms of regulation B37(2).

Overgranting of Vacation Leave

B41. If a teacher has been granted vacation leave on full pay in excess of that which stood to his credit at the time, such overgrant may be deducted from vacation leave which subsequently accrues to him: Provided that the Secretary is satisfied that the overgrant was made in good faith: Provided further that, if such teacher resigns or his services are terminated before sufficient vacation leave has accrued to him for the purpose of such deduction, that portion of the overgrant which exceeds his vacation leave credit on his last day of service shall be regarded as an overpayment of salary which shall be recovered or written off on competent authority.

Voluntary Termination of Leave

B42. A teacher who wishes to resume duty before the expiry of a period of leave granted to him in terms of these regulations, shall not do so before having obtained the prior approval of the Secretary.

Vacation Leave for Urgent Private Affairs

B43. (1) Notwithstanding anything to the contrary in these regulations but subject to the provisions of subregulation (2), vacation leave may be granted to a teacher for private affairs for a maximum period of 10 school days in any calendar year, if the Secretary is satisfied that such leave is urgently necessary.

B43. (2) Vacation leave granted in terms of subregulation (1), shall be with or without pay as the Secretary may determine: Provided that, if such leave is granted on full pay, it shall be limited to the number or days of vacation leave standing to the credit of the teacher concerned when such leave commences.

Vacation Leave to condone Break in Service in order to preserve the Continuity thereof

B44. (1) Notwithstanding anything to the contrary in these regulations but subject to the provisions of subregulation (2), a teacher who is appointed in the service of the Department and who previously served under the Department as a temporary teacher, and who has broken

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his service, may be granted vacation leave without pay for a period not exceeding 90 days as from the first day following the last day of service up to and including the day immediately preceding the day of his resumption of duty: Provided that the leave so granted may exceed 90 days where the break in service extends over a period which includes the school days of only one school term.

B44. (2) Vacation leave on full pay may be granted under subregulation (1) if the teacher concerned applies, in writing, within 30 days after he has resumed duty, for the granting of such leave, and if he has vacation leave to his credit, excluding vacation leave which may be placed to his credit under regulation B37(2): Provided that vacation leave on full pay granted in terms of this subregulation, may be granted for the full or for any portion of the period of the break in service to the extent to which the teacher has vacation leave to his credit or on half pay on the basis of two days on half pay for each day of vacation leave standing to his credit.

Vacation Leave for Accouchement

B45. A married woman teacher shall take vacation leave without pay for her accouchement for the period determined by the Secretary, but not less than a period of three months before the anticipated date thereof and six weeks after such accouchement: Provided that -

- (a) she shall apply for such leave at least one month prior to the commencement of such leave;
- (b) vacation leave on full pay may be granted to her if she applies in writing, within 30 days after she has resumed duty, for the granting of such leave, and if she has vacation leave standing to her credit, excluding vacation leave which may be placed to her credit in terms of regulation B37(2);
- (c) vacation leave on full pay granted in terms of paragraph (b) may be granted for the full or for any portion of the teacher's period of absence to the extent to which such teacher has vacation leave to her credit, or on half pay on the basis of two days on half pay for each day of vacation leave standing to her credit.

Vacation Leave for Study Purposes

B46. (1) Notwithstanding anything to the contrary in these regulations, vacation leave may be granted to a teacher who has completed at least five years', or in circumstances which the Secretary considers exceptional, less than five years' continuous satisfactory service under the Department, for purposes of approved study or training and for an approved period.

B46. (2) The vacation leave referred to in subregulation (1), shall be granted on full pay to the extent to which such teacher has vacation leave standing to his credit, excluding the credit in terms of regulation B37(2), or, on such teacher's written request, on half pay on the basis of two days on half pay for each day of vacation leave standing to his credit, and without pay for a period approved by the Secretary.

B46. (3) In respect of each day of vacation leave on full pay granted in terms of subregulation (2), one day's special leave on full pay or, on such teacher's written request, two days' special leave on half pay may be granted, or in respect of each day of vacation leave on half pay granted in terms of subregulation (2), one day's special leave on half pay may be granted: Provided that the granting of special leave in terms of this subregulation, shall be

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subject to such teacher's entering into an undertaking with the Department on the conditions recommended by the Public Service Commission and approved by the Treasury.

SICK LEAVE

General Provisions

B47. (1) Sick leave shall accrue to a teacher on the first day of a cycle and with effect from that day the full provision for the relative cycle may be granted to him if the other provisions of these regulations are complied with: Provided that no teacher shall be granted sick leave on full or half pay until he has had at least 30 days' service under the Department reckoned from the first school day on which he assumed duty and then only in respect of absences subsequent to the completion of such service.

B47. (2) If, as a result of the completion of the number of years' service referred to in regulation B36(1), a more favourable sick leave provision becomes applicable to a teacher during any cycle in which no break in service has occurred, he shall immediately be entitled to the more favourable sick leave provision: Provided that any sick leave on full pay utilised by him during the cycle concerned shall be deducted from the sick leave which may be granted to him in accordance with the more favourable provision.

B47. (3) Unused sick leave prescribed for a particular cycle shall lapse at the end of that cycle and shall not be carried forward to the next cycle.

B47. (4) If in any cycle a teacher who has been granted the maximum amount of sick leave provided for in these regulations is not yet able, for health reasons, to resume his duties, the Secretary may -

- (a) on the submission to him of a satisfactory certificate by a registered medical practitioner or a registered dentist; and
- (b) if he is satisfied that the teacher is, at that particular time, not permanently unfit to resume his duties as a teacher; and
- (c) if the teacher has no vacation leave to his credit, excluding vacation leave referred to in regulation B53(3) and the vacation leave placed to his credit in terms of regulation B37(2);

at his discretion, grant such teacher further sick leave on half pay not exceeding 70 days in the cycle concerned: Provided that such further sick leave may be granted in respect of separate periods of absence and in respect of various kinds of illnesses.

B47. (5) (a) If in any cycle a teacher has exhausted all his fully paid sick leave provided for in these regulations, he may, notwithstanding the provisions of subregulation (6), be granted sick leave without pay for a period not exceeding 280 days in the cycle concerned.

(b) Further sick leave may be granted in terms of paragraph (a), irrespective of whether the teacher has been granted sick leave on half pay in terms of subregulation (4).

(c) If a teacher has been granted the unpaid sick leave provided for in this subregulation, he shall not, during the cycle concerned, be granted any further leave, of any nature whatsoever, to cover his absence from duty owing to illness, except on the recommendation of the Public Service Commission.

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(d) The granting to a teacher of unpaid sick leave in terms of paragraph (a) shall be subject to the submission by him to the Secretary of a satisfactory certificate of indisposition in respect of each absence which exceeds three days.

(e) The provisions of regulation B48(4) and (5) shall apply in respect of absences not exceeding three days.

B47. (6) (a) A teacher may, on application in writing, be granted any vacation leave which he has to his credit, excluding vacation leave placed to his credit under regulation B37(2), in lieu of sick leave on half pay or sick leave without pay: Provided that -

- (i) such application is submitted not later than three months after he has resumed duty;
- (ii) the number of days vacation leave so granted shall not exceed 280 days in the aggregate in any cycle; and
- (iii) the Secretary is satisfied that the teacher concerned is not at that stage permanently unfit to continue his duties as a teacher.

(b) Once the vacation leave referred to has been granted to a teacher and he has been paid a salary in respect thereof, such leave shall not again be reconverted into sick leave on half pay or sick leave without pay.

B47. (7) (a) If a teacher to whom vacation leave has been granted becomes ill while he is on vacation leave, that portion of the vacation leave referred to in respect of which he submits a certificate by a registered medical practitioner or a registered dentist, which complies with the requirements prescribed in regulation B48(4), may be converted into sick leave, if sick leave under these regulations is still standing to such teacher's credit.

(b) Vacation leave without pay shall not be converted into sick leave.

Granting of Sick Leave

B48. (1) Sick leave shall be granted only in respect of a teacher's absence from duty owing to an illness, indisposition or injury not due to his misconduct or failure to take reasonable precautions.

B48. (2) Sick leave may be granted in respect of nervous complaints, insomnia, debility and similar ill-defined illnesses or indispositions only if the Secretary is satisfied that the applicant's state of health -

- (a) renders him unfit for the performance of his duties; and
- (b) is not due to his failure to take vacation leave.

B48. (3) (a) The Secretary may at any time require a teacher to undergo an examination by one or more registered medical practitioners designated by the Secretary.

(b) The expenses connected with such examination shall be met from State funds.

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B48. (4) (a) If a teacher is absent from duty for a continuous period of more than three days owing to illness, he may be granted sick leave only if he produces a certificate by a registered medical practitioner or a registered dentist which clearly describes the nature of the illness, which states that he is not capable of performing his official duties, and in which the period necessary for his recuperation is indicated.

(b) The Secretary may, at his discretion, require the submission of a similar certificate in respect of absences owing to illness for periods of three days or less.

(c) If the Secretary is satisfied that the absence of the teacher is bona fide due to illness and that there are good reasons for the non-submission of a certificate of indisposition, he may waive the submission of such certificate by the teacher in respect of sick leave for a continuous period not exceeding 14 days at a time. Such exemption shall be endorsed on the application for leave.

B48. (5) Sick leave, paid or unpaid, granted in respect of absences for periods of three days or less and in respect of which a certificate referred to in paragraph (a) of subregulation (4) has not been submitted, shall be granted only for an aggregate of 10 days in any calendar year, and any further absences owing to illness in the calendar year concerned shall be covered by the granting of vacation leave on full pay or, if the teacher has no vacation leave to his credit, of vacation leave without pay: Provided that the provisions of this subregulation shall not apply to periods of absence in respect of which exemption in terms of subregulation (4)(c) has been granted.

B48. (6) Notwithstanding the fact that a certificate as defined in subregulation (4)(a) has been submitted, the Secretary may, at his discretion, refuse to grant sick leave on full pay in respect of any absence from duty to which the certificate relates, and in such case the absence shall be regarded as unauthorised and the provisions of regulation B31(4) shall apply in respect thereof.

Special Sick Leave

B49. (1) In addition to any sick leave which may be granted under these regulations, a teacher who is absent from duty owing to an injury sustained in an accident arising out of and in the course of his duties or owing to a disease contracted in the course of and as a result of his duties, may be granted special sick leave on full pay for the period during which he is unfit to perform his official duties or, if the case falls within the scope of the Workmen's Compensation Act, 1941 (Act 30 of 1941), as amended, special sick leave on full pay less the amount of compensation payable to him in terms of the said Act.

B49. (2) Special sick leave in terms of this regulation shall not be granted if the Secretary is satisfied that the injury was sustained or the disease contracted as a result of any misconduct on the part the teacher or negligence or failure to take proper precautions.

B49. (3) The provisions of regulation B48(3), (4) and (5) shall apply *mutatis mutandis* to the granting of special sick leave under this regulation.

Special Leave on full Pay

B50. (1) Special leave on full pay may be granted to a teacher -

(a) for the purpose of sitting for any approved examination;

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- (b) when he is absent from duty as a result of segregation 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 that the granting of special leave under this paragraph shall be subject to the submission of a certificate by a registered medical practitioner indicating the period and cause of segregation or isolation;
- (c) when he is arrested or has to appear in court on a criminal charge and is subsequently acquitted or the charge withdrawn;
- (d) when he is selected by a recognised amateur sports association to -
 - (i) take part, as a member of an organised sports group, in a sports tour outside the Republic and the Territory, whether as a competitor, coach or manager; or
 - (ii) represent South Africa, and not merely a club or province, as a competitor, coach or manager at international sporting events within the Republic or the territory; or
 - (iii) accompany a foreign national team visiting the Republic or the territory, as a representative of the South African sports association organising the tour;
- (e) when, as a member of the Citizen Force, a Commando, the Reserve of Officers, the Permanent Force Reserve, the Citizen Force Reserve, the Commando Reserve or the National Reserve, or as a member of the Reserve Police Force, he is, in terms of the Defence Act, 1957 (Act 44 of 1957), or any regulation made thereunder, or the Police Act, 1958 (Act 7 of 1958), or any regulation made thereunder, as the case may be, instructed or called up to -
 - (i) undergo a medical examination with a view to service in the Citizen Force or Commandos; or
 - (ii) appear before a military selection board with a view to a commissioned appointment in the South African Permanent Force; or
 - (iii) attend a Command meeting in his capacity as commanding officer of a Commando; or
 - (iv) perform any military service or undergo training or attend a practice course, an instruction course or a qualifying course; or
 - (v) attend any procession or parade; or
 - (vi) perform service in connection with the prevention or suppression of any disturbance or other emergency in the Republic or the Territory:

[The word “commissioned” is misspelt in the above regulation, reproduced as per Official Gazette.]

Provided that this paragraph shall not be applicable if a teacher is so instructed or called up while he is performing voluntary full-time service in the Citizen Force in terms of section 20 of the Defence Act, 1957 (Act 44 of 1957): Provided further

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that in the case of his initial period of continuous compulsory military service as a member of the Citizen Force, only the difference between his salary and the pay he receives in terms of the Citizen Force Regulations published under Government Notice 1031 of 25 June 1926, as amended from time to time, may be paid to him, subject to the conditions approved by the Treasury on the recommendation of the Public Service Commission: Provided further that, after he has completed his compulsory military service, any voluntary further service in the Citizen Force, excluding voluntary full-time service in terms of section 20 of the Defence Act, 1957 (Act 44 of 1957), shall be undertaken only with the consent of Secretary: Provided further that the teacher submits acceptable written evidence by the military or police authority concerned of the necessity for his absence from duty;

- (f) when, as a member of the St John Ambulance Brigade, the South African Red Cross Society or the “Noodhulpliga”, he is selected and permitted to undergo a course of training at a military hospital in accordance with the provisions of paragraphs 11 and 12 of Chapter XV (B) of the Citizen Force Regulations referred to in paragraph (e), provided that the Director of Medical Services certifies in writing that he has been selected to undergo such training and that his attendance thereof is necessary and in the interest of the corps of which he is a member.

B50. (1) Special leave granted in terms of subregulation (1) may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

Days of Rest

B51. (1) A day of rest shall not be regarded as leave and shall not be recorded as such in the leave register: Provided that a day of rest, or two or more consecutive days of rest -

- (a) falling within a period of leave, shall be regarded as forming part of such leave where such day or days of rest are preceded and followed by leave of the same kind;
- (b) falling between a period of authorised vacation leave and a period of sick leave (or vice versa) shall be regarded as vacation leave on full pay, or vacation leave without pay if the teacher has no vacation leave standing to his credit, unless the teacher concerned produces evidence that he was actually ill on such day or days of rest, in which case it shall be regarded as sick leave;
- (c) falling between a period of authorised vacation or special leave and a period of unauthorised absence (or vice versa), shall be regarded as vacation leave on full pay, or vacation leave without pay if the teacher has no vacation leave standing to his credit;
- (d) falling between a period of authorised sick leave and a period of unauthorised absence (or vice versa), shall be regarded as vacation leave on full pay or vacation leave without pay if the teacher has no vacation leave standing to his credit, unless the teacher concerned produces evidence that he was actually ill on such day or days of rest, in which case it shall be regarded as sick leave.

B51. (2) If a teacher who is called upon to report for duty on a day of rest fails to do so, such day of rest shall be regarded as vacation leave without pay, unless he is prevented from so reporting for duty by circumstances which are acceptable to the Secretary.

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Payment of Allowances, etc., during Leave

B52. The continuance or cessation of the payment to a teacher of allowances or any other remuneration which is not normally included in basic remuneration or wage and the liability of a teacher for payments due to the State in respect of goods supplied or services rendered by the State during periods of leave shall be subject to the provisions of the regulations applicable thereto and directions issued from time to time by the Public Service Commission or the Treasury, or by the Treasury on the recommendation of the Public Service Commission, in connection therewith.

Leave Accrual during Leave, the Granting of such Leave and Leave which counts as Service for Purposes of sick Leave

B53. (1) All leave, of whatever nature, on full or reduced pay, as well as vacation and sick leave and school holidays without pay, not exceeding 15 days in the aggregate in any calendar month, shall count for the purpose of leave accrual.

B53. (2) If vacation leave and sick leave without pay and a school holiday without pay exceed the number of days referred to in subregulation (1) in any calendar month -

- (a) the calendar month concerned shall not be regarded as service for the purpose of leave accrual in terms of regulation B38(1); and
- (b) the provision in respect of sick leave on full pay and sick leave on half pay which applies to a teacher under regulation B36(1), shall be reduced by one thirty-sixth in respect of each calendar month in which such excess occurs, which reduction shall be made from the provision of the cycle in which the excess occurs, or, if the teacher has already fully utilised such provision, from the provision of the next succeeding cycle.

B53. (3) Vacation leave which, under subregulation (1), accrues during a period of vacation or sick leave without pay or during a school holiday without pay, shall not be granted to a teacher until he has, following such absence or such school holiday, resumed duty and then Only in respect of absences after such resumption of duty.

B53. (4) Vacation leave and sick leave without pay shall count as service for the purposes of the granting of sick leave to a teacher under regulation B36(1).

Leave counts for the Purposes of Salary Increments

B54. AH approved leave, of whatever nature, and school holidays, whether paid or unpaid, shall count for the purposes of salary increments.

Lapse of Granted Leave on Termination of Service

B55. (1) When a teacher gives notice of his intended resignation or a woman teacher gives notice of her intention to marry, any paid leave which may already have been granted to such person, shall be cancelled with effect from the date of such notice, or, if such notice is undated, as from the date of receipt thereof, and any absences from duty on or after the first-mentioned or last mentioned date, as the case may be, shall be regarded as vacation leave without pay: Provided that the provisions of this subregulation shall -

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- (a) apply only in respect of absences during the last 70 days of such person's service; and
- (b) not apply to -
 - (i) sick leave;
 - (ii) special leave granted under paragraph (b), (c) or (e) of regulation B50(1);
 - (iii) vacation leave granted under regulation B47(6); and
 - (iv) a temporary teacher whose letter of appointment contains a clause expressly providing that his services may be terminated on 24 hours' notice on either side, but who nevertheless gives more than 24 hours' notice of his intended resignation.

B55. (2) Notwithstanding anything to the contrary in subregulation (1), a person referred to therein may be granted vacation leave in terms of regulation B43 for a continuous period not exceeding five school days: Provided that, subject to the provisions of subregulation (1)(b), no leave on full pay shall be granted to such person during the last 30 days of his service, excluding school holidays.

B55. (3) (a) If a teacher's service is terminated for any reason other than that mentioned in subregulation (1), any leave which may have been granted to such teacher in respect of a period or periods which would have commenced after the date of termination of his service, shall be cancelled.

(b) A teacher's period of service shall not be extended in order to enable him to utilise leave which could have been granted to him had he been in service after such period.

Lapse of Vacation Leave on Termination of Service

B56. (1) If -

- (a) a teacher employed in a permanent capacity resigns his post or is discharged from the service of the Department for any reason whatsoever;
- (b) a temporary teacher resigns his post; or
- (c) the appointment of a temporary teacher is terminated for any reason whatsoever, except in cases where he is reappointed in a permanent capacity without a break in service -

all vacation leave standing to such teacher's credit shall lapse on the day immediately preceding the date on which such resignation, discharge or termination of services takes effect: Provided that the payment of a leave gratuity to a teacher who qualifies for such payment in terms of regulation B57, shall not be prohibited by this subregulation.

B56. (2) If a person referred to in -

- (a) subregulation (1)(a) or (b) is reappointed, with or without a break in service, in a permanent or temporary capacity; or

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- (b) subregulation (1)(c) -
- (i) is reappointed, with or without a break in service, in a temporary capacity; or
 - (ii) is reappointed, with a break in service, in a permanent capacity;

such reappointment shall be regarded as a new appointment for all purposes of these regulations and his previous service shall not count as service for leave purposes, and vacation leave which has lapsed in terms of subregulation (1) shall not be placed to his credit again.

Leave Gratuities

B57. A leave gratuity shall be paid to a teacher in accordance with the conditions and on the basis applicable to an officer appointed under the provisions of the Public Service Act, 1957 (Act 54 of 1957).

Vacation Savings Bonuses

B58. A vacation savings bonus shall be paid to teachers annually for as long as the Treasury makes funds available for this purpose, on the same basis as that applicable to officers and employees in the Public Service: Provided that where any instruction with regard to the payment of vacation savings bonuses to such officers and employees contains a reference to an officer, it shall be construed as a reference to a teacher employed in a permanent capacity, and where reference is made to an employee, as a reference to a temporary teacher.

Railway Concessions

B59. (1) After the completion of one year's continuous service under the Department a free second-class return train ticket may be issued to a teacher once in every calendar year from the station nearest to the school where he is employed to any station in the Territory or the Republic, for himself as well as every member of his household: Provided that, if such teacher or a member of his household visits the Republic and travels further than De Aar, he shall repay to the Department the cost of a second-class train ticket at Government rates from De Aar and back to De Aar: Provided further that no further free train ticket shall be issued to such teacher until such time as he has repaid the cost of the train ticket as set out in the foregoing proviso or has made arrangements acceptable to the Secretary for such repayment.

B59. (2) Any application for a free train ticket referred to in subregulation (1), should reach the regional representative at least three months before the date on which the journey will commence.

B59. (3) A married woman teacher does not qualify for a free train ticket in terms of subregulation (1) if her husband is a teacher who qualifies for the issuing of such a ticket in terms of the aforementioned subregulation.

B59. (4) In the case of a married woman teacher to whom subregulation (3) is not applicable, a free train ticket may, subject to the provisions of subregulation (1), be issued to her for herself only, unless she is the breadwinner of her household, in which case subregulation (1) shall, in its entirety, be applicable to her.

Official Quarters

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B60. The provisions of the regulations made under the Public Service Act, 1957 (Act 54 of 1957), as well as any interpretation, decision, ruling or instruction of the Public Service Commission in connection with official quarters, shall *mutatis mutandis* be applicable to all teachers with regard to the occupation of official quarters: Provided that the basis of the rental for official quarters shall be determined by the Secretary on the recommendation of the Public Service Commission.

Official Channels of Communication

B61. All representations which a teacher wishes to submit in connection with a matter falling within the scope of the Department's powers, functions or duties, shall be addressed to the Secretary through the principal (if he serves under a principal), school committee (or manager) and the regional representative: Provided that a teacher may demand that such representations be submitted to the Secretary.

Residential Addresses and Telephone Numbers

B62. A teacher shall notify his principal of his residential address and of his home telephone number, if any, and any change thereof, and the principal shall keep a record thereof in a register which shall be kept for this purpose.

Replying to Questions of Competent Persons

B63. A teacher shall reply explicitly to any legitimate question put to him by a person who is competent to put such question to him: Provided that a teacher is not compelled to give an answer to any question that may incriminate him.

Obedience

B64. (1) Subject to the provisions of subregulation (2), a teacher shall obey unconditionally any legitimate instruction given to him in writing or verbally by any person who is competent to do so.

B64. (2) A teacher may, after having carried out any verbal instruction referred to in subregulation (1), demand that such instruction be confirmed in writing and may submit for a decision, in the manner prescribed in regulation B61, any complaint he may have in connection therewith.

Confidential Nature of Documents concerning Teacher

B65. All documents, files and correspondence concerning teachers or anything which may be done in terms of the Act and these regulations and which are the property of the State, are of a confidential nature, and except where an inquiry is held under section 23 or 24 of the Act and a teacher or his representative has the right in terms of section 23(11)(a) of the Act to inspect documents produced in evidence, such teacher or his representative shall not have the right of access to or inspection of such documents, files or correspondence: Provided that a teacher may be permitted to have access to and to inspect such documents, files and correspondence if this is necessary for the performance of his official duties.

Reports on Teachers and adverse Remarks

B66. (1) A report shall, as frequently as the Secretary so requires, be completed and submitted by an inspector of education, a principal or another teacher in respect of each teacher.

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B66. (2) Subject to the provisions of subregulation (3), a teacher in respect of whom a report has been completed in terms of subregulation (1), shall not have the right of inspection thereof.

B66. (3) Any adverse remark contained in a report referred to in subregulation (1) shall be brought to the notice of the teacher concerned in writing, and in its full context, by the inspector of education, principal or other teacher who made the remark, and the teacher involved in the report shall sign the written communication and return it to the person concerned, together with any representations, in writing, which he wishes to submit in connection therewith: Provided that the Secretary may approve that an adverse remark referred to herein, be not brought to the notice of the teacher concerned if he is of the opinion that it is in the interest of the Department or the teacher not to do so: Provided further that any adverse remark contained in a confidential report for the purposes of merit assessment or in the minutes of a meeting of a committee designated for the purposes of merit assessment, shall not be brought to the notice of the teacher reported upon.

B66. (4) If the person who has to countersign or consider a report in respect of a teacher finds that no justification exists for the adverse remark appearing therein, the adverse remark shall be expunged therefrom and the teacher be advised in writing of the expunction thereof, if such remark has been brought to his notice in terms of subregulation (3), and such advice shall form part of the report.

Participation in Politics and other Activities

B67. A teacher -

- (a) shall not use his official position to further or prejudice the interests of any political party and shall not express his views on any party-political matter in the public press or at any public meeting: Provided that the expression "public meeting" shall mean any gathering, concourse, or procession in, through or along any place, of any number of persons having a common purpose, but does not include a meeting to which only members of one and the same group, party or movement may be admitted;
- (b) who seeks election in terms of section 25(4) of the Act or regulation B72(4) and who is not elected, may again be appointed as a teacher;
- (c) shall not post up, distribute or hand out any notice, document, poster or any other matter evoking support for any political party or relating to the election of or opposition to the election of any person as a member of Parliament, a Provincial Council, the Legislative Assembly of the Territory or the Coloured Persons Representative Council of the Republic of South Africa or a statutory committee, council, management or body referred to in section 25(1) of the Act or regulation B72(1), on any grounds, sports field or at any function of a school, whether before, during or after school hours, and he shall not commit any other act in connection with such election on such grounds, sports fields or at any such function of a school.

Staff Associations

B68. (1) A staff association shall, together with its application for recognition in terms of section 26 of the Act, submit a copy of its constitution for the information of the

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Minister, and should the Minister so require, also a list, in alphabetical order, of the names of all its members.

B68. (2) A staff association shall be recognised only if its members comprise at least 50 per cent of the total number of teachers: Provided that the Minister may withdraw the recognition of an association if, at any time after it has been recognised, the number of its members drops below the aforementioned percentage.

B68. (3) A teacher shall in no way be compelled or forced to become a member of any staff association.

B68. (4) A staff association shall not demand subscriptions from its members, unless such subscriptions or any increase thereof has been approved by the Minister.

B68. (5) The Minister shall have the right to appoint any person at any time to inspect the records of a recognised staff association in order to ascertain whether the conditions prescribed herein are complied with.

B68. (6) All communications to the Department or the Minister shall be signed by or on behalf of the secretary of the staff association concerned.

Part-time Teachers

B69. (1) A part-time teacher shall be remunerated for his services at the rates determined by the Minister from time to time after consultation with the Minister of Finance and on the recommendation of the Public Service-Commission.

B69. (2) A part-time teacher shall not be eligible for any leave on full pay and shall receive no remuneration during his absence from classes, whether it be for vacation or other purposes.

B69. (3) A part-time teacher may be discharged by the Minister summarily if in his opinion such person's service or conduct is unsatisfactory.

B69. (4) Where a part-time teacher is appointed in a full-time capacity as a teacher -

- (a) his part-time service shall not be taken into consideration for the purposes of the granting of leave to him as a full-time teacher;
- (b) any period of part-time service rendered by him may be recognised for salary purposes and if so recognised, such service shall be converted for this purpose into full-time service by reducing the part-time service proportionately according to the relation, as determined by the Secretary, between the time required to be devoted by such teacher to his duties during such part-time service and the time required to be devoted by a teacher to his duties during full-time service.

B69. (5) When a part-time teacher is appointed, he shall be appointed with effect from a date and for a period fixed by the Minister and subject to any conditions the Minister may stipulate.

Conditions of Appointment and Discharge of Temporary Teachers

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B70. (1) When a temporary teacher is appointed, he shall, subject to the provisions of this Chapter, be appointed with effect from a date and for a period fixed by the Minister and subject to any conditions the Minister may stipulate.

B70. (2) A temporary teacher may be discharged by the Minister summarily if in his opinion such teacher's service or conduct is unsatisfactory.

Acceptance by Temporary Teachers of other Employment or Remuneration

B71. (1) A temporary teacher -

- (a) shall, as far as is practicable, place all his time at the disposal of the school at which he is employed;
- (b) shall not, without the permission of the Minister, perform or bind himself to perform other remunerative work; and
- (c) shall not be entitled to additional remuneration in respect of any duty or work performed by him by order of a competent authority.

B71. (2) If a temporary teacher receives any remuneration or allowance otherwise than in terms or by virtue of the provisions of these regulations or any law, he shall pay it into the Consolidated Revenue Fund, and if he fails to do so, the Minister of Finance may recover it from him by means of legal proceedings or in such other manner as the said Minister may deem fit, and pay it into that fund.

Holding of Office by Temporary Teachers

B72. (1) A temporary teacher shall not be or become a member of any statutory committee, council, management or body without the consent of the Minister: Provided that the Minister may, at any time, withdraw such consent.

B72. (2) A temporary teacher shall not hold any office which, in the opinion of the Minister, may interfere with the performance of his duties in the service of the school concerned.

B72. (3) If a dispute arises between the State and a statutory committee, council, management or body referred to in subregulation (1), a temporary teacher who is a member of such committee, council, management or body shall not take part in the discussion or voting on that dispute.

B72. (4) If a temporary teacher seeks election as a member of Parliament, a Provincial Council, the Legislative Assembly of the territory, or the Coloured Persons Representative Council of the Republic of South Africa, he shall be deemed to have resigned from the service of the Department with effect from the date upon which, in accordance with the provisions of the Electoral Consolidation Act, 1946 (Act 46 of 1946), or of the said Act, read with the South-West Africa Affairs Amendment Act, 1949 (Act 23 of 1949), or the Coloured Persons Representative Council Act, 1964 (Act 49 of 1964), as the case may be, he was nominated a candidate for the election concerned.

ACTING ALLOWANCES

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B73. A teacher who, with the approval of the Secretary, occupies a post in an acting capacity for a continuous period of not less than one month in any school term, to which post a higher salary scale is attached than in the case of the post he normally occupies, shall be remunerated for such service by means of a non-pensionable acting allowance equal to the difference between the salary payable to him in the post he occupies and the salary which would have been payable to him had he been appointed to the higher post.

CHAPTER C

**ADMISSION OF PERSONS TO, THE CONTROL OF PUPILS AT, AND THEIR
DISCHARGE FROM, STATE SCHOOLS AND STATE-AIDED SCHOOLS, AND THE
SUSPENSION OF, OR THE INFLICTION OR IMPOSITION OF OTHER PENALTIES ON
PUPILS OF SUCH SCHOOLS**

ADMISSION OF PUPILS

Who may be Admitted

C1. (1) A child who is a Coloured may be admitted to a school as a pupil.

C1. (2) Children who are not Coloureds may, where circumstances so require, be admitted to a school with the consent of the Minister.

Application for Admission

C2. Application for such admission to a school shall be made to the principal of a school by or on behalf of a parent or guardian, and the child on whose behalf application is made, shall be admitted if the principal is satisfied that the child may be admitted to the school in terms of regulation C1, that the necessary classroom accommodation is available, that the child is of the appropriate sex and has attained the required standard of proficiency for admission to the school.

Decision of School Committee or Manager

C3. Where the principal is satisfied that a child should not be admitted in terms of regulation C2, he shall submit the matter to the school committee (or manager) or, if the school has no school committee (or manager), to the regional representative for his decision, and such decision shall immediately on receipt thereof, be conveyed by the principal to the parent or guardian.

Parent has Right of Appeal

C4. A parent or guardian may appeal to the Secretary against a decision of a school committee (or manager) or regional representative whereby his child is refused admission to the school.

Point of Time of and Age on Admission

C5. (1) No child may be admitted to a school earlier than the year in which he attains the age of six years, provided such child does not attain the said age later than 30 June of the year of admission to the school: Provided that where there is not sufficient classroom accommodation at a school, preference of admission shall be given to a child who attains the age of seven years or more in the year of admission.

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C5. (2) No child shall be admitted to a school at any point of time other than the beginning of the first school term of a year except -

- (a) where the child has for health reasons or for other reasons approved by the Secretary not been able to attend school at the beginning of the said term, in which event such child may, on application, be admitted at a later stage during the said term; or
- (b) where a child is admitted in the course of the year on transfer from some other school.

Age of Admission up to and including the Sixth Standard

C6. No child above the age of 18 years may be admitted to or remain as a pupil in a standard lower than the seventh standard without the approval of the Secretary.

Evidence of Age of Pupils

C7. The Secretary, a school committee, a manager, or, if a school has no school committee or manager, the regional representative, shall require from a parent, guardian or other interested person a birth or baptismal certificate or, if this is not available, shall instruct such parent, guardian or other interested person to produce other satisfactory evidence in order to establish the age of the pupil.

Requirement for Admission to a Secondary Course

C8. No pupil, other than a pupil receiving instruction in a part-time or continuation class, shall be admitted to a secondary standard unless he has passed the standard immediately preceding it or unless an inspector of education has approved his admission as aforesaid.

Enrolment and Registration of Pupils at Schools

C9. (a) Every school shall keep, in a form approved by the Secretary, an admission register for the enrolment of pupils, an attendance register and a summary register, and it shall be the duty of the principal to ensure that particulars of pupils are entered in the admission register when such pupils are admitted and that the attendance registers are duly kept up to date.

(b) A medical report card shall, in a form approved by the Secretary, be kept in respect of every pupil.

C10. (1) The information given in the "Address" column of the admission register shall be reviewed by the principal in the third week of every school term.

C10. (2) Such reviewing of addresses shall also take place 14 days prior to an election of a school committee.

C11. The name of the parent or guardian of every pupil enrolled in any school who applied for such enrolment shall be entered in the admission register.

C12. (1) The attendance register shall be marked in ink daily, preferably within half-an-hour of the closing of the school for the day, and the time of marking must be clearly indicated on the class time-table.

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C12. (2) A pupil shall be marked present if he has attended school for at least one hour on that day.

C13. (1) In the event of a pupil being absent from school for more than 40 consecutive school days, his name shall be removed from the admission and attendance registers, unless the principal has been notified in writing that the said pupil is prevented from attending by illness and that he will return to the school on his recovery.

C13. (2) If a pupil whose name has been removed from the registers for any reason whatsoever, subsequently returns to school, his name shall be entered in the admission register and the original admission number shall be used.

School Calendar, School Attendance, School Days and School Hours

C14. (1) The Secretary shall determine and announce the school days and school terms for any calendar year.

C14. (2) Save in special circumstances approved by the Secretary, instruction shall be given at a school on five school days in each week of a school term up to a maximum of 27 hours per week: Provided that -

- (a) an inspector of education may direct that shorter hours of instruction, but not less than 25 hours per week, shall be given;
- (b) in respect of workshop and other practical training in connection with technical instruction at any school, the hours may be extended to 34 hours per week or any other maximum which the Secretary may determine;
- (c) in the case of substandards, formal instruction shall be given for at least 20 hours per week.

C14. (3) (a) On every school day 5½ hours of actual instruction shall normally be given to pupils from Standard 1 upwards, whilst pupils in the substandard shall receive formal instruction for at least four hours per school day: Provided that the services of any teacher who is thus set free for a part of the school day may be utilised elsewhere in the school as the principal may direct.

(b) Every school day shall include breaks of at least 5 minutes per hour of every school day: Provided that the breaks shall not be deemed to be part of such hour.

(c) The arrangement of school breaks and the opening and closing hours per school day shall be decided by the school committee or manager or if there is no school committee or manager, by the regional representative in consultation with the principal: Provided that any interested parent shall have the right of appeal to the Secretary in regard to the decision of the school committee, a manager or regional representative, as the case may be, and the final decision on the matter shall rest with the Secretary.

C14. (4) A school may close on the last day of the school term after three hours' instruction has been given.

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C14. (5) A principal of a school may, at his discretion, permit a pupil who is a candidate for the Senior Certificate Examination to study under supervision during school hours on the three days immediately preceding the day on which the pupil writes his first paper.

C14. (6) Principals may allow boarders to leave school before the last day of the school term in June and December if requested to do so by the local representative of the Railways Administration.

C14. (7) Pupils so exempted shall be marked absent in the attendance register on the day/days concerned.

C15. When a pupil is absent from school, the principal shall, as soon as possible, ascertain the reason for his absence and inquire whether the absent child has been withdrawn from the school or not.

C16. (1) The principal shall keep a record of all school days on which the attendance is less than 70 per cent of the enrolled pupils.

C16. (2) The cause of the low attendance shall be briefly recorded.

C17. (1) A school shall not be closed on any school day if the attendance is low owing to bad weather or other adverse conditions.

C17. (2) The teachers of a school shall remain at their posts even if no pupils are present on any particular school day.

C18. Where at any time a principal has good reason to believe that a pupil is not free from infection, or that a pupil has been exposed to infection, the principal shall carry out the duties imposed upon him in terms of the "Regulations regarding Exclusion from School on Account of Infectious Disease", made under the provisions of the Public Health Act 1919 (Act 36 of 1919), as amended.

Transfer of Pupils

C19. (1) The Secretary may transfer pupils from one State school to another State school if he is of the opinion that such transfer is desirable on account of the amalgamation of schools or a division of a school or any other reorganisation of school facilities.

C19. (2) Notice of the transfer of pupils under subregulation (1) shall be given by the principal in writing to the parents or guardians of such pupils.

C20. (a) The principal of the school attended by the pupil prior to his withdrawal shall complete a transfer form, as prescribed by the Secretary, in respect of each pupil leaving the school with a view to enrolling at another school.

(b) The transfer form referred to in paragraph (a) shall be delivered by the principal concerned to the parent or guardian of such pupil.

(c) The parent or guardian concerned shall hand the pupil's transfer form to the principal of such other school when admission is sought.

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(d) In the event of failure on the part of the parent or guardian to produce such transfer form, the principal shall immediately obtain such form from the school last attended by the child.

(e) The principal shall, in every case of withdrawal of a pupil, obtain the medical record card, if available, from the school last attended by the pupil.

School Books

C21. (a) Only books approved by the Secretary and in the languages determined by him shall be used in the primary and secondary standards in State and State-aided schools.

(b) No reference books may be obtained by a school without the approval of the Secretary.

(c) The Secretary may declare any library book in the possession of a school or acquired by a school to be unsuitable or undesirable and such books shall be handed over to the Secretary.

School Reports

C22. (1) The principal of a school shall, at least three times during every school year, issue a report on the conduct, attendance and progress of each pupil at such school.

C22. (2) The report shall be issued in the home language of the pupil and in the form determined by the Secretary, and shall be sent to the parent or guardian of the pupil.

Written Homework

C23. The performance of written homework shall be confined to pupils in the third and higher standards.

Infliction of Corporal Punishment on Pupils

C24. (1) Under no circumstances shall corporal punishment be inflicted upon any girl or any pupil in a part time class.

C24. (2) (a) Corporal punishment may be inflicted only in cases of serious misconduct upon boys attending classes up to and including the 10th standard in State and State-aided schools.

(b) Corporal punishment may be inflicted only by the principal, or by any other teacher in the presence of the principal after due inquiry.

(c) In no case shall corporal punishment be administered in the presence of other pupils, save in the case of joint offenders when corporal punishment may be administered to pupils in the presence of such other joint offenders.

(d) Corporal punishment may not be inflicted on the naked body and only on the buttocks with a suitable strap or cane and with due regard to the age and physical condition of the pupil, and then only in a moderate and reasonable manner and in no circumstances in such manner as to cause permanent bodily injury or disfigurement.

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C24. (3) The principal shall keep a register of all cases of corporal punishment inflicted, indicating the date and nature of the offence, the date and nature of the punishment inflicted and by whom the punishment was inflicted, and this register shall at all times be open for inspection by an inspector of education.

C24. (4) (a) In a State and State-aided hostel the superintendent of the hostel is empowered to inflict corporal punishment,

(b) The superintendent may delegate such powers to a resident staff member to be exercised in the presence of the superintendent, after due inquiry.

(c) The provisions of subregulations (1), (2)(a), (c) and (d) and (3) of this regulation shall also apply in the case of corporal punishment in hostels.

C24. (5) Punishment of whatever nature shall always be reasonable and just and shall, as far as possible, fit the offence that has been committed.

Suspension and Expulsion of Pupils at State and State Aided Schools (Except Training Colleges, Training Schools and State-Aided Special Schools)

C25. (1) Where the conduct of a pupil is such that in the opinion of the principal it would be prejudicial to the interests of the school to allow such pupil to continue attending school, the principal may suspend such pupil from doing so until the matter has been finalised, in which case the principal shall forthwith inform the parent or guardian concerned, in writing, of the reason for such suspension (except in the case of pupils in part-time classes), and immediately report such suspension to the school committee (or manager) concerned or the regional representative where there is no school committee (or manager), whereupon the school committee (or manager) or the regional representative, as the case may be, shall immediately institute an inquiry to decide whether the pupil should be reinstated or whether it should be recommended to the Secretary that the pupil be expelled.

C25. (2) Where serious misconduct on the part of a pupil has been brought directly to the notice of the school committee (or manager) or regional representative or the Secretary, the principal of the school may be directed by the school committee (or manager) or regional representative or the Secretary, as the case may be, to suspend such pupil, pending the result of the inquiry into the charge, whereupon the principal shall immediately inform the parent or guardian of the child in writing (except in the case of pupils in part-time classes), of the reason for such suspension.

C25. (3) If after the conclusion of an investigation by a school committee (or manager), or if there is no school committee or manager, the regional representative, in consultation with the principal, in connection with the reinstatement or expulsion of the pupil who was suspended, the school committee, manager or regional representative, as the case may be, is of the opinion that such pupil shall be expelled, such committee, manager or regional representative shall, within 14 days thereafter, report such recommendation to the Secretary, furnishing the relevant facts and considerations, as well as any difference of opinion on the part of the principal.

C25. (4) After considering the recommendation of the school committee, manager or regional representative, as the case may be, the Secretary shall make a decision regarding the re-admission or expulsion of the pupil concerned, and shall forthwith inform the school committee, manager or regional representative of his decision,

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C25. (5) A pupil suspended from attending school pending a decision as to whether he shall be reinstated or expelled shall not be admitted to any other school during the time that he is so suspended.

Ineducable Pupils

C26. (a) If the Secretary is of the opinion that a pupil is ineducable, he may direct that such pupil be excluded from a school on a date determined by him.

(b) If the Secretary is of the opinion that a pupil is a handicapped child, he may direct that such pupil be transferred to a special school on a date determined by him.

Payment and Remission of Tuition and other Fees

C27. (1) No fees shall be charged for the instruction of a pupil in any standard up to and including the 10th except pupils in part-time and continuation classes.

C27. (2) Fees at rates determined by the Minister from time to time, in consultation with the Minister of Finance, shall be charged for tuition in music, or in any other special subject which is not included in the ordinary courses of a school, or in a subject which is not offered by a pupil as part of the ordinary school course.

CHAPTER D

**SCHOOL COMMITTEES FOR STATE SCHOOLS AND STATE-AIDED SCHOOLS,
EXCLUDING THE FOLLOWING - TRAINING COLLEGES AND TRAINING SCHOOLS,
SPECIAL SCHOOLS, CONTINUATION CLASSES AND NURSERY SCHOOLS**

Constitution of School Committees

DI. (1) A school committee (hereinafter referred to in this Chapter as a “committee”) for a school, except a State-aided school, shall consist of five or seven members as the Minister may decide: Provided that the number of members may be altered by the Minister to another number as aforesaid when a new committee is to be constituted.

DI. (2) The members of a committee for a school shall be elected at a meeting, convened in terms of regulation D3(1), by the parents or guardians of pupils attending such school.

DI. (3) A school committee (hereinafter referred to in this Chapter as a “committee”) for a State-aided school shall consist of five members constituted as follows -

- (a) Three members elected by the parents or guardians of pupils attending such school;
- (b) two members appointed by the church authority or the missionary body or other persons who are responsible for the establishment or maintenance of the school: Provided that the said two members shall be chairman and vice-chairman of the committee as appointed by the said authority, body or persons.

[Inconsistent use of capitalisation in the above regulation,
reproduced as per *Official Gazette*.]

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D1. (4) The principal of a school or his deputy, in respect of which a committee has been constituted, shall act as secretary of the committee and may make recommendations and take part in discussions, but shall not have the right to vote at such meeting.

D1. (5) The Secretary or any other officer designated by him, in the case of a State school, or a manager recognised in terms of regulation O2(f), in the case of a State-aided school, shall perform the duties of a committee until such time as a committee shall be established or elected.

D1. (6) In the case of every school a committee shall be elected, or members of a committee appointed, within six months of the commencement of this regulation or the establishment of the school: Provided that the Minister may direct that for a period fixed by him, or for an indefinite period terminable at his discretion, the school shall have no committee.

D1. (7) Whenever parents of children attending a school fail to take advantage of an opportunity afforded them of electing members for the committee, a committee shall be appointed as directed by the Minister.

Period of Office of Committee

D1. (8) The period of office of a committee shall commence on the date on which the first meeting takes place and shall expire on the day immediately preceding the date which the first meeting of a committee, constituted in terms of the provisions of subregulation (9), will take place.

D1. (9) Not earlier than 30 days before, and not later than 30 days after, the expiry of a period of three years calculated from the date of the first meeting of a committee, or of a period during which, as directed by the Minister in accordance with subregulation (6), a school did not have a committee, as the case may be, the regional representative shall again afford parents an opportunity of electing members of the committee for the school.

ELECTION OF MEMBERS OF A COMMITTEE

Persons who may be elected Members of a Committee

D2. (1) Only a person who is a parent or guardian of a pupil or two or more pupils of a school, may be elected a member of the committee for such school: Provided that, if there are less than five voters in respect of any school, any other person, who is not disqualified in terms of regulation D2(2) and who resides in the magisterial district in which the school is situated or in an adjacent magisterial district, may be elected a member of the committee for the school concerned: Provided further that only one parent or guardian of a pupil or two or more pupils of a school may be elected a member of the committee of such school.

Disqualification from being elected a Member of a Committee

D2. (2) Notwithstanding the provisions of subregulation (1) a person who is a parent or guardian of a pupil or two or more pupils of a school, or any other person, shall be disqualified from being elected a member of the committee for the school concerned if he -

- (a) is an officer or employee in of the Government Service;
- (b) is the spouse of an officer, employee or teacher in the service of the school;

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- (c) is a person who, in terms of the Act or any other Act, has been discharged from his post on account of misconduct or unfitness for his duties or inability to perform such duties efficiently;
- (d) has been convicted of the crime of sabotage in terms of the General Law Amendment Act, 1962 (Act 76 of 1962);
- (e) has been convicted of any sexual offence or any offence involving dishonesty or violence in respect of a person (excluding common assault) or of any offence for which he was sentenced to imprisonment without the option of a fine;
- (f) is declared mentally deranged by a competent court;
- (g) uses intoxicants or stupefying drugs excessively;
- (h) is an unrehabilitated insolvent person;
- (i) is a person on whom a restriction has been imposed in terms of section 5(1) of the Suppression of Communism Act, 1950 (Act 44 of 1950):

Provided that any person lawfully elected to a committee of a school before the commencement of this amendment, shall remain a member of such committee until his period of office expires.

[regulation D2(2) substituted by GN 8/1985]

Who May Vote

D2. (3) Every person whose name appears in the admission register of the school as a parent or guardian of a pupil, and the spouse of such person, shall be entitled to vote at the election of the members of a committee for the school, which shall be elected in terms of these regulations.

PROCEDURE AT THE ELECTION OF COMMITTEES

Appointment of Returning Officer

D3. (1) Whenever parents or guardians are afforded an opportunity of electing a committee, the regional representative as returning officer, or any other person appointed by him as returning officer, shall conduct the election and call a meeting of parents or guardians who are voters: Provided that -

- (a) no person shall, as returning officer, conduct an election of a committee if he is a teacher at the school concerned or has any material interest in the result of the election;
- (b) the returning officer shall not be a candidate or a propose or seconded of a candidate; and
- (c) the returning officer shall be provided by the regional representative with a copy of these regulations.

Notice to Voters

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D3. (2) At least 14 days before the date of the meeting to elect the members of a committee which shall be elected (in this Chapter also referred to as an “election meeting”), the regional representative shall give notice of the meeting of voters by causing a notice in English and Afrikaans, in the approved form, to be posted up in a conspicuous place at the school concerned, and in any other suitable and prominent place.

Minimum Numbers of Voters necessary for Election

D3. (4) The minimum number of voters for the holding of the meeting shall be 20 per cent of the total number of voters, unless 20 per cent of the total is less than two, in which case the minimum number of voters shall be two.

Closing of Election Meeting

D3. (5) If, at the expiry of a period not exceeding 30 minutes after the time fixed for the commencement of the meeting, fewer voters are present than the minimum number of voters required, the returning officer shall close the meeting and the parents shall be deemed not to have taken advantage of the opportunity of electing members for a committee, and the provision of regulation D1(7) of these regulations shall apply.

PROCEDURE AT ELECTION MEETING

Returning Officer as Chairman

D4. (1) The returning officer shall preside at the meeting and no other person shall address the meeting.

Lists of Parents or Guardians

D4. (2) The principal, or a staff member as his deputy, shall attend the meeting and make available to the chairman a list of the relevant parents or guardians and such school registers as may be required.

Decision concerning Voters and Nominees

D4. (3) A decision regarding the question -

- (a) whether a person is entitled to vote;
- (b) whether nominated candidates are parents or guardians of pupils attending the school;

shall be made by the chairman after consultation with the principal or his deputy.

Announcement of Instructions

D4. (4) Before proceeding with the election of members of the committee, the chairman shall read from the regulations -

- (a) who is entitled to vote;
- (b) how many votes each voter has;

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- (c) how nominating and voting shall be carried out;
- (d) who is disqualified from being elected a member.

Nomination and Election

D4. (5) (a) Immediately after the announcement referred to in subregulation (4) the chairman shall call for nominations of candidates.

(b) Every voter may, subject to the provisions of paragraph (c), nominate as many candidates as there are vacancies to be filled.

(c) Nomination shall take place orally at the meeting and every nomination proposal shall be duly seconded.

(d) A candidate so nominated shall consent to nomination in person or, if he is not present at the meeting, in an approved written statement handed to the chairman before nominations close.

- (e) The chairman shall not accept any nomination -
 - (i) if such nomination has not been made in accordance with paragraphs (a), (b), (c) and (d); or
 - (ii) if he is aware, or if it has been proved to his satisfaction, that the person nominated is not qualified for election as a member of the committee in terms of regulation D2(1) or (2) of these regulations.

(f) Nominations shall close as soon as the chairman has satisfied himself that no more nominations are forthcoming.

(g) After nominations have closed, the chairman shall not accept the withdrawal of any candidate who has been duly nominated.

D4. (6) If the number of persons nominated does not exceed the number of persons to be elected, the persons so nominated shall forthwith be declared by the chairman to be duly elected.

D4. (7) (a) If the number of persons nominated exceeds the number of persons to be elected, the chairman shall immediately after the closing of the nominations write down on a blackboard in letters plainly legible to the meeting, the names of all the persons nominated.

(b) Each person who is entitled to vote shall have one vote only in respect of each of the vacancies to be filled.

(c) The chairman shall request the voters present to elect the required number of members from the persons nominated by writing down the names, then and there, on an informal ballot paper: Provided that the chairman shall reject any ballot paper which -

- (i) contains more names of candidates than there are vacancies to be filled; or
- (ii) contains the name of a candidate who has not been nominated.

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(d) iterates may, orally and in private, make their choice known to the chairman who shall then write it down on a ballot paper as aforesaid.

(e) Where the number of votes cast for two or more candidates for the last place on the list of successful candidates is equal, a decision shall be reached by drawing lots.

Announcement of Election Results

D4. (8) (a) As soon as the chairman has ascertained the result of the voting -

(i) he shall announce such result to the meeting and shall further declare the candidates elected by the majority of votes to be duly elected;

(ii) he shall immediately provide the regional representative with the names and addresses of such elected members.

(b) The regional representative shall by letter inform each of the persons elected of his election, and shall provide the Secretary with a list of the names and addresses of the persons elected.

Ballot papers to be retained

D4. (9) All ballot papers, including those rejected, shall forthwith be forwarded by the relevant polling officer by certified post to the regional representative, who shall, for a period of at least three months, retain such ballot papers in a sealed envelope in safe-keeping.

Announcement of elected Committee Members

D4. (10) The regional representative shall immediately cause to be posted up in a conspicuous place at the school the names and addresses of the elected members of the committee.

Offences and Penalties

D5. Any person -

(a) who votes for a nominated candidate or who takes part in the nomination of a candidate, well knowing that he is not qualified to do so;

(b) who nominates as a candidate for election as a member of a school committee any person who, in terms of regulation D2(2), is not qualified to be elected as such, or who seconds such nomination, well knowing that such person is not so qualified;

(c) who, in terms of regulation D2(2), is not qualified to be elected a member of a school committee and who allows himself to be nominated as a candidate for election as such, well knowing that he is not so qualified;

shall be guilty of an offence and liable on conviction to a fine not exceeding R50 or to imprisonment for a period not exceeding three months.

Irregularity and Setting aside of Election

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D6. (1) An objection by a voter, as defined in subregulation D2(3), against any irregularity, error or non-compliance with the instructions in connection with the election of committee members shall, within 14 days of such election, be lodged, in writing, with the regional representative, who shall submit such objection to the Secretary who may -

- (a) if he considers that such irregularity, error or non-compliance is likely to have affected the result of the election -
 - (i) set aside all proceedings arising from and following such irregularity, and direct that they be carried out *de novo* at such times as he himself may determine; or
 - (ii) set aside all proceedings, and direct that the election be conducted *de novo* and that a meeting for the purpose of electing members of a committee be held on a day not later than a specified date; or
- (b) if he considers that such irregularity or error or non-compliance is not likely to have affected the result of the election, condone such irregularity or error or non-compliance, either unconditionally or subject to compliance with any conditions he may stipulate in regard to the performance of any act or thing omitted or constituting an irregularity, and thereupon such proceedings shall be deemed to be valid in accordance with the provisions of this Chapter.

D6. (2) (a) The Secretary may at any time, within a period of six months of the date of any election in terms of this Chapter, set aside such election if he is satisfied that there has been any irregularity in conducting such election.

(b) Where an election has been set aside in terms of paragraph (a), an election shall take place again on a date fixed by the Secretary.

(c) Notwithstanding the setting aside of any election in terms of paragraph (a), all acts performed by the committee concerned prior to such setting aside shall be deemed to be valid, unless such acts are considered by the Secretary to be inconsistent with the relevant provisions of this Chapter.

Meetings of Committees

D7. (1) The date, time and place of the first meeting of a newly constituted committee, shall be fixed by the regional representative: Provided that such date shall be not later than three weeks after the constitution of such committee: Provided further that the holding of the first meeting on a later date may be approved by the Secretariat if he is satisfied that there are sufficient reasons there for.

D7. (2) (a) At every meeting of a committee the date, time and place of its next meeting shall be decided upon: Provided that every committee shall meet at least once every school term unless the Secretary decides otherwise.

(b) The chairman of a committee may at any time convene a special meeting if in his opinion circumstances necessitate such meeting.

Quorum and Procedure at Committee Meetings

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D7. (3) A bare majority of the number of members of a committee shall form a quorum at meetings of the committee.

D7. (4) At the first meeting of a new committee, subject to the provisos of regulation D1(3)(b), such committee shall elect its own chairman and vice-chairman.

D7. (5) Every member of the committee has one vote whenever a decision or a ruling is put to the vote: Provided that in the event of a tie, the chairman or, in his absence, the vice-chairman, or if he is also absent, the member chosen to preside, shall, in addition to his deliberative vote, have a casting vote.

Minutes of Meetings

D7. (6) (a) Minutes of every meeting of a committee shall be kept by the Secretary thereof, who shall, upon request, furnish the regional representative with a copy of the minutes of any meeting specified by the regional representative.

(b) The minutes of committee meetings shall -be kept in a firmly bound book with fixed pages.

(c) he minutes of every meeting shall be submitted to the committee at its next ensuing meeting for confirmation.

Filling of Vacancies

D8. (1) The seat of a member on a committee shall be vacant if he -

(a) dies;

(b) resigns from the committee;

(c) at the time of election or appointment was, in the opinion of the Secretary, not qualified or subsequently becomes disqualified; or

(d) without first obtaining permission from the committee, failed to attend three consecutive ordinary meetings of the committee:

Provided that a person whose seat becomes vacant shall, unless he is disqualified, again be eligible for election or appointment to the committee.

D8. (2) When the seat of a member on a committee has become vacant because the member concerned has become disqualified, the Secretary shall declare his seat vacant.

D8. (3) Whenever a seat of a member on a committee becomes vacant the chairman shall at the following meeting make known that such vacancy has occurred and furnish the reason for such vacancy.

D8. (4) (a) If the remaining members are sufficient in number to form a quorum, the chairman shall ask the committee to elect, at such meeting or at the following meeting, by the majority of the votes of the members present, a person to fill such vacancy for the remainder of the period of office of the committee if the vacancy was caused by an elected member of the committee: Provided that in the event of any equality of votes cast for two or more candidates, the situation shall be resolved by lot: Provided further that if the vacancy was caused by a

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member referred to in regulation D1 (3), the relevant church authority, body or persons, as the case may be, shall fill the vacancy by means of a new appointment in terms of the said regulation.

(b) Immediately after a vacancy has been filled as such by election, the chairman of a committee shall notify the regional representative of the name of the member whose seat has become vacant and the name and address of the member elected to fill such vacancy, whereupon the regional representative shall notify such elected member, in writing, of his election as a member of the committee.

D8. (5) If the remaining members are insufficient to form a quorum -

- (a) the Minister shall, as soon as practicable, appoint the required number of persons to fill the vacancies for the remainder of the period of office of the committee: Provided that in the event of a committee constituted in terms of regulation D1 (3) the Minister shall request the church authority, missionary body or other persons responsible for the establishment or maintenance of such school, to fill any vacancy caused by the resignation or otherwise of a member of a committee who has been appointed by the said authority, body or other persons concerned;
- (b) the regional representative, in the case of a State school, and the manager, in the case of a State-aided school, if so instructed by the Secretary, shall perform the functions of a school committee in consultation with the remaining members of the committee, for the period in which a quorum does not exist.

D8. (6) If no members remain, the relevant school shall be deemed to have no committee and the regional representative shall perform the functions of a committee for the remainder of the period of office of the committee: Provided that if the remainder of the period of office exceeds 12 months, a new committee shall be constituted as laid down in this Chapter.

Powers and Functions of Committee

D9. The powers and functions of a committee shall be -

- (a) to make recommendations to the regional representative in connection with appointments to the staff of the school concerned;
- (b) to inquire into written complaints about the school or any member of its staff and to report thereon to the regional representative if it considers it necessary, in which case it shall submit to the regional representative its finding, together with the written complaint;
- (c) to recommend to the regional representative that an inquiry be instituted by the Secretary if, in the opinion of the committee, any member of the staff of the school -
 - (i) is, in terms of section 24 of the Act, incompetent to carry out his duties efficiently; or
 - (ii) has, on account of continued ill health or some physical or mental defect, become incapable of giving satisfactory instruction; or
 - (iii) is guilty of misconduct in terms of section 22 of the Act;

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- (d) to advise the regional representative on matters affecting the welfare of the school and to report to the regional representative on any such matter as he may refer to the committee;
- (e) to deal with the representations of parents and to submit such representations, together with its recommendation to the regional representative;
- (f) to bring to the notice of the regional representative any matter which in the opinion of the committee concerns the welfare or efficiency of its school; and
- (g) to exercise general supervision over the school: Provided that the extent and manner of such supervision may be determined from time to time by the Secretary.

Members of Committee do not receive Payment

D10. Besides an allowance granted to him by die Minister in terms of section 34 of the Act, no member of a committee shall receive any payment, direct or indirect, pecuniary or otherwise, for or in connection with his services as such member, and any member who accepts such payment shall be guilty of an offence and liable, on conviction, to a fine not exceeding R50 or to imprisonment for a period not exceeding three months.

Access to Books and Documents

D11. The Secretary, or any officer duly authorised thereto by him, shall have access at any time to the books, minutes and documents of a committee.

Dissolution of Committee

D12. (1) The Minister may dissolve a committee if he is of the opinion that -

- (a) owing to the amalgamation of schools or the division of a school or other reorganisation of school facilities, it is necessary to afford parents or guardians an opportunity for the election of members of a new committee or committees which will be properly representative of the parents or guardians of children attending the school or schools concerned after such reorganisation; or
- (b) such committee has, in the opinion of the Minister, failed to carry out its duties satisfactorily or has acted in a manner which is not in the best interests of the school concerned.

D12. (2) Where a committee has been dissolved under subregulation (1), it shall cease to function on a date to be fixed by the Minister.

D12. (3) During the period that a school, owing to the dissolution of its committee, has no committee the regional representative shall perform the functions of such committee for the remainder of the period that the dissolved committee would have been in office, or for such shorter period as the Minister may direct.

CHAPTER E**CLASSIFICATION OF STATE SCHOOLS**

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E1. In respect of a State school the Minister shall decide whether boys or girls, or both boys and girls, are to be enrolled therein and shall, for the curriculum of the school as a whole, determine the subjects to be taught and the highest and lowest standards, or, in the case of a school in which both boys and girls are enrolled, the respective curricula for boys and girls, depending on whether such school is a primary school, secondary school, high school, vocational school, special school, training college or training school.

E2. A secondary school with an established enrolment of not less than 60 pupils in the seventh and eighth standards combined may, subject to the approval of the Minister, be classified as a high school if the educational needs of the locality call for such classification.

E3. A primary school with an established enrolment of not less than 50 pupils in the fourth and fifth standards combined may, subject to the approval of the Minister, be classified as a secondary school if the educational needs of the locality call for such classification.

E4. If a primary school has, for each of two consecutive school quarters, failed to maintain an average attendance of at least 10 pupils, such school may be closed by the Minister.

E5. A high school or secondary school shall cease to be classified as such if the Minister is satisfied that the educational needs of the locality no longer call for such classification, and shall, from a date fixed by the Minister, be closed or classified as a school with a lower grading.

CHAPTER F

THE OFFICIAL LANGUAGES AS MEDIA OF INSTRUCTION AS WELL AS SUBJECTS TAUGHT IN STATE AND STATE-AIDED SCHOOLS AND RELIGIOUS INSTRUCTION IN STATE AND STATE AIDED SCHOOLS

Medium of Instruction

F1. (1) The medium of instruction of every pupil in a State school or Stated-aided school, up to and including the highest standard shall be either Afrikaans or English, depending on which of these he is more proficient in: Provided that, if a pupil knows both languages equally well according to the finding of the principal of the school, and subject to the approval of the inspector of education, the medium of instruction of such pupil shall be either Afrikaans or English, as the parent or guardian may choose, or, if the parent or guardian fails to exercise such right of choice, as the principal may decide,

F1. (2) If, in terms of subregulation (1), provision must be made in a school for the use of both Afrikaans and English as media of instruction, such provision shall be made -

- (a) by means of parallel classes in the standards up to and including the sixth standard, if in such standards the total number of pupils in each of the two language groups is at least 15, and by means of parallel classes in the seventh up to and including the tenth standard, if in any such standard the number of pupils in each of the two language groups is at least 10;
- (b) in cases not described in paragraph (a), by means of parallel classes if the existing organisation of the school so permits, and otherwise by using teachers qualified to employ both media in the same class.

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F1. (3) The Secretary may, in respect of any school, decide that only pupils whose medium of instruction is to be Afrikaans or only pupils whose medium of instruction is to be English shall be enrolled in such school.

F1. (4) The Secretary or an inspector of education may at any time enter and inspect any school for the purpose of ascertaining whether the provisions of this Chapter in connection with the medium of instruction are complied with, and an inspector of education shall, during his periodic visits to schools, ascertain whether the said provisions are being complied with and report to the Secretary any cases where this is not being done.

Afrikaans and English as Subjects of Instruction

F2. (1) Both Afrikaans and English shall be included in the subjects of instruction of every pupil in every standard of a school, unless the Minister otherwise directs.

F2. (2) (a) In teaching standards up to and including the sixth standard, the official language which is not the medium of instruction of the pupil, shall be employed as much as possible as a medium in the teaching of that language as a subject.

(b) In teaching standards from the seventh up to and including the 10th standard, the official language which is not the medium of instruction of the pupil shall be the sole medium in the teaching of that language as a subject.

RELIGIOUS INSTRUCTION

Religious Instruction in State Schools

F3. Every school shall be opened daily with the Lord's Prayer and/or another prayer, and with the reading of a portion from the Bible.

F4. In every school religious instruction in terms of the prescribed syllabus shall be given by one or more of the teachers and no person other than a member of the teaching staff of the school shall be allowed to give religious instruction at such school during school hours.

F5. Religious instruction in terms of regulation F4 shall be given within school hours and as far as possible at the beginning of the school day: Provided that -

- (a) in all standards up to and including the sixth standard, a total of at least 1½ hours per week shall be devoted to religious instruction;
- (b) in all standards from the seventh standard up to and including the 10th standard, 70 minutes per week in all shall be devoted to religious instruction;
- (c) the time devoted to religious instruction shall not include time given to devotions or Bible study circles.

F6. No specific doctrine or dogma which is distinctive of any particular religious denomination or sect shall be taught

F7. Notwithstanding anything contained in regulations F3 up to and including F6 -

- (a) no pupil whose parent or guardian has notified the principal of the school in writing of his desire that such pupil should not receive religious instruction, shall

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be compelled to receive such instruction, nor shall he be compelled to attend morning devotions, and a pupil so exempted from religious instruction shall in no way be penalised on account of such exemption;

- (b) no teacher shall be required to give, or to be present at the giving of, religious instruction if he has any conscientious objections thereto, and has obtained exemption from this duty from the Secretary.

F8. Regulations F4 up to and including F7, excluding paragraph (a) of regulation F7, shall not apply to training colleges and training schools: Provided that in such colleges and schools training shall be given in the method of religious instruction based on the aforesaid syllabus.

F9. Every inspector of education shall, when visiting schools, inquire whether the provisions of regulations F3 up to and including F8 are being complied with and report upon the matter to the Secretary.

Religious Instruction in State-aided Schools

F10. The manager or controlling body responsible for the management of such school shall determine the nature of the religious instruction to be given: Provided that such instruction shall be given in conformity with the provisions of regulation F5: Provided further that no pupil attending any such school shall be required to be present at the giving of such instruction if the parent of such pupil has expressed in writing to the manager or controlling body any conscientious objection to such instruction.

Disputes about Religious Instruction

F11. Any dispute between a school committee, management or manager of a school and a parent or guardian in regard to any matter connected with the giving of religious instruction in any school shall be submitted to the Secretary, whose decision shall be final.

CHAPTER G

**CONDUCTING EXAMINATIONS AND AWARDED DIPLOMAS AND CERTIFICATES
IN RESPECT OF COURSES INSTITUTED BY THE MINISTER UNDER SECTION 27 OF
THE ACT**

Enrolment

G1. (1) Any person desiring to enter for an examination to be conducted under section 27(3) of the Act, may do so if -

- (a) he has completed the course instituted under section 27(1) of the Act;
- (b) his principal declares that his conduct was satisfactory during the course;
- (c) he pays the examination fees, as laid down in section 27(4), on or before a date determined by the Secretary, or has been exempted from the payment thereof.

G1. (2) A candidate's entry for an examination shall be cancelled if, after the acceptance of the entry -

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- (a) he absents himself from the school or training institution which he is attending, without the permission of the principal concerned, for reasons unacceptable to the Secretary; or
- (b) he has been suspended or expelled in terms of regulation C25(1) or C25(3).

G1. (3) The Secretary may, at his discretion, accept a late entry from any person on payment of a penalty as laid down in section 27(4) of the Act.

G1. (4) The Secretary may refuse a person permission to sit for an examination and deny him access to an examination room, should he be unable to furnish proof that his entry is valid.

Examination Fees

G2. Fees and tariffs payable by candidates, or the exemption or remission thereof, and the issuing of diplomas or certificates are determined under section 27(4) of the Act by the Minister in consultation with the Minister of Finance.

Examination Instructions and Rules

G3. (1) A candidate is subject to the examination rules laid down by the Secretary, as well as all instructions which the Secretary issues or conveys to him through the invigilator.

G3. (2) Any candidate who fails to comply with the rules or instructions referred to in subregulation (1) or whose conduct has a disturbing effect upon the other candidates and who, after having been warned by the invigilator, repeatedly contravenes the rules and instructions, may be denied access to the examination room by the invigilator and deprived by the Secretary of the right of sitting for the examination at that time or during that session.

G3. (3) The Secretary may declare the examination results of a candidate null and void if -

- (a) he has taken into the examination room, or has had in his possession while in the examination room, any book, memorandum, note, annotation, writing or paper whatever, with the exception of the examination time-table issued to him by the Secretary, or any writing materials issued to him by the invigilator, as directed by the Secretary;
- (b) during the course of the examination he has assisted or attempted to assist another candidate or has obtained or attempted to obtain assistance from another candidate or any other person or has in any manner communicated or attempted to communicate with another candidate;
- (c) any other person has impersonated him at the examination;
- (d) he has obtained information before the commencement of, or during, the examination regarding the contents of any paper set for the examination.

G3. (4) If the examination results of a candidate are declared null and void, the Secretary may debar the candidate from sitting for the examination again for a period of one or two years, and should the candidate's results be declared null and void for a second time, the

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Secretary may debar him from sitting for the examination for a period exceeding two years, or permanently.

Re-marking of Examination Scripts

G4. Any candidate who fails a written examination or does not attain the required standard, may apply to the Secretary -

- (a) to have his examination scripts remarked; or
- (b) to have his marks for an individual subject or subjects and his aggregate verified:

Provided that the Secretary's decision regarding the remarking and verifying of marks shall be final.

Issue of Certificates/Diplomas

G5. (1) The Minister shall cause a certificate or diploma, without erasure or alteration, to be issued to a candidate who has complied with the requirements for a pass in any course at a departmental examination, and such certificate or diploma shall be invalid because of any erasure or alteration thereon.

G5. (2) The Secretary may recall, impound and retain any certificate which was issued erroneously or which has been altered without authority.

G5. (3) The Secretary may issue a certificate or diploma to a candidate by virtue of his class performance if he was prevented from sitting for an examination through illness or for any other reason acceptable to the Secretary.

G5. (4) A certified statement may be issued by the Secretary to any person whose original certificate or diploma has been lost, destroyed or damaged, or altered without authority: Provided that -

- (i) the Secretary may require the applicant to make a sworn statement to the effect that his certificate or diploma has been lost, destroyed or damaged, or has been recalled in terms of subregulation 5(2);
- (ii) only one certified statement shall be issued.

Examiners and Moderators

G6. (1) The Secretary may appoint an examiner or a moderator for each examination subject and may at any time terminate such appointment as he thinks fit,

G6. (2) Examiners and moderators shall be remunerated in accordance with a scale determined by the Minister in consultation with the Minister of Finance.

Advisory Boards and Committees

G7. The Secretary may appoint an advisory examinations board or committee to report on and make recommendations regarding the following matters and may also dissolve such board and committee -

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- (a) Courses and syllabuses;
- (b) rules for conducting examinations;
- (c) conditions for the awarding of certificates;
- (d) any other relevant matter in connection with which their views, advice or assistance may be required.

Rules and Instructions

G8. The Secretary may frame rules and issue instructions in connection with -

- (a) the location of examination centres;
- (b) the submission, alteration and transfer of entries;
- (c) the appointment and duties of invigilators;
- (d) the handling of examination papers, memoranda of marking and examination scripts;
- (e) supervision of candidates, conducting examinations, and examination procedure;
- (f) instructions for observance by candidates during an examination;
- (g) the recognition of passes in individual subjects;
- (h) the awarding of marks and the re-marking of examination scripts;
- (i) inspection of examination centres during examinations;
- (j) duties of examiners and moderators;
- (k) the publication of handbooks containing regulations, rules and particulars of courses and syllabuses;

and any other matter regarding the conducting of examinations which may be considered necessary and for which no specific provision is made in these regulations: Provided that such matters shall not contain anything contrary to the Act or regulations.

CHAPTER H

INSPECTION OF STATE AND STATE-AIDED SCHOOLS, STATE HOSTELS AND STATE-AIDED HOSTELS IN RESPECT OF HEALTH, TEACHERS' QUARTERS AND PSYCHOLOGICAL CLINICS

H1. (1) The Secretary, an Inspector of education or any other officer authorised thereto by the Secretary, may inspect and report on any State school, State-aided school, part-time class or continuation class, or any appurtenance to such schools and classes and may, for this purpose, enter any such school or class at all reasonable times, inspect the state of the buildings, grounds and equipment, and the organisation, content and methods of instruction, ascertain the progress of the pupils who are being taught and inquire generally into the

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efficiency of the school or class, and may call for such information as he may require in order to report adequately on these matters.

H1. (2) Inspections of primary schools by inspectors of education shall be carried out annually, and in the case of any other class or school referred to in subregulation (1), inspections shall take place at least every two years, and reports on such inspections shall be submitted to the Secretary.

H1. (3) All inspection reports shall be treated as confidential documents.

Inspection of State Hostels, Teachers' Quarters and Psychological Clinics

H2. The Secretary, an inspector of education, any other officer or person authorised thereto by the Secretary, may inspect and report on any State hostel, teachers' quarters, psychological clinics established for State schools or State-aided schools, or any appurtenance of such institutions established by the Department, and may for this purpose, enter any State hostel, teachers' quarters, psychological clinics or appurtenance of such institutions at any reasonable time, inspect the condition of the buildings, grounds and equipment of State hostels, teachers' quarters, psychological clinics and investigate the superintending of the accommodation, feeding and care of the boarders or of the hostel staff, and inquire generally into the manner in which the institution is being managed, and may call for such information as he may require in order to report adequately on these matters.

Medical and Psychological Inspections at State Schools, State-aided Schools, State Hostels and State-aided Hostels

H3. (1) All State schools, State-aided schools, State hostels and State-aided hostels may be inspected by a competent person in respect of the health or psychological condition of pupils and staff at such schools and hostels and the general hygienic conditions prevailing at the institution concerned.

H3. (2) A person referred to in subregulation (1) may enter an institution mentioned therein at all reasonable times and ask any person for information in regard to the inspection which he deems necessary.

H3. (3) An inspection in terms of subregulation (1) shall include an investigation into -

- (a) the physical and mental condition of any pupil if there is reason to presume that it may be a source of danger to other pupils to allow such pupil to continue attending school or to reside in the hostel;
- (b) the mental or physical condition or behaviour of a pupil who may, with reason, be believed to be handicapped;
- (c) the physical and mental condition of any teacher, officer or employee if there is reason to presume that his continued employment may be a source of danger to the pupils, teachers, officers or employees.

H3. (4) A teacher, officer or employee referred to in subregulation 3(3)(c) may be represented at the examination by his personal medical adviser.

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H3. (5) If as a result of an examination referred to in subregulation (1) it is found that the state of health of any pupil, teacher, officer or employee is such that it may constitute a source of danger to other pupils, teachers, officers or employees, the Secretary may exclude such pupil, teacher, officer or employee from the school or hostel in question for a specific period until the health of such pupil, teacher, officer or employee is satisfactorily restored or remedied.

H3. (6) A principal or superintendent, as the case may be, shall make available a room and, if the authorised inspecting officer so requires also the services of a member of the staff of the said principal's school or the hostel concerned for the purpose of an inspection as referred to in subregulation (1).

H3. (7) If, upon such inspection, any school or hostel is found to be in an unsatisfactory sanitary condition the Secretary may order such alterations to be made or such steps to be taken as will remedy the defect, and if this be not done within the time prescribed by the Secretary, or in any case if the competent officer referred to in subregulation (1) reports that there is grave risk attached to keeping the school or hostel open, the Secretary may order such school or hostel to be closed until the defect is remedied to the satisfaction of the Secretary.

H3. (8) The principal, any competent officer or person referred to in subregulation (1), as well as a teacher (the latter with the permission of the principal) or the relevant superintendent or his assignee shall be empowered to examine any pupil in a school or hostel referred to in subregulation (1) for the purpose of establishing the degree of cleanliness of the premises, and also whether such pupil is infested with vermin or nits (vermin eggs): Provided that no male person shall, for any reason whatever, examine a female pupil, unless the mother of such pupil, or, if she cannot be present, the mother of another pupil of such school or a female member of the school or hostel staff is present: Provided further that such examination shall, as far as possible, be carried out under such conditions as will prevent any case of infestation being made public.

H3. (9) If at any examination it is found that a pupil is in fact infested with vermin or nits, a competent officer or person referred to in subregulation (1) and the principal concerned shall be entitled to exclude such infested person from the school or hostel in order to enable the pupil to be properly disinfested.

H3. (10) The parent or guardian of a pupil referred to in subregulation (8), as well as the relevant school committee (or manager), shall be notified as soon as possible by the principal or superintendent, as the case may be, of the pupil's infestation and exclusion from the school or hostel.

H3. (11) As soon as a pupil has been satisfactorily disinfested he shall be re-admitted to the school or hostel.

H3. (12) The principal or superintendent, as the case may be, shall, on the form approved by the Secretary, send a notice to the parent or guardian of every pupil who has to undergo a medical examination, indicating the date, time and place of such examination, and urging the parent, guardian or supervisory officer or the person with whom the pupil resides, to see to it that the said pupil presents himself for such examination.

H3. (13) A competent person referred to in subregulation (1) or a principal or superintendent may direct that any pupil suffering from an infection be excluded from the school or hostel for a specific period.

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H3. (14) The principal or superintendent, as the case may be, who is in doubt about the state of health of a pupil, teacher or employee or the hygienic conditions at a State school, State hostel, State-aided school or State aided hostel, may call in a person approved by the Secretary to conduct an investigation and give an opinion on the matter.

H3. (15) Any person so approved, may with the approval of the Secretary, call in a psychiatrist, psychologist, ear, nose and throat specialist, ophthalmologist, physician or other medical specialist to examine a pupil or teacher in order to obtain the diagnosis and opinion of such specialist.

CHAPTER I**ESTABLISHMENT, ERECTION, MAINTENANCE AND MANAGEMENT OF STATE
HOSTELS****Establishment, Erection and Maintenance**

I1. (1) The establishment, erection and maintenance of hostels in connection with State schools shall be subject to section 3 of the Act.

I1. (2) A hostel so established, erected and maintained, is hereinafter referred to as a State hostel.

Management and Control of a State Hostel

I2. (1) A State hostel shall be under the control of a superintendent who -

- (a) is the principal of the State school in respect of which the hostel has been established and erected or deemed to have been established or erected; or
- (b) is the principal, appointed by the Secretary, of one of the State schools in respect of which the hostel has been established and erected or deemed to have been established or erected; unless the Secretary appoints any other person superintendent.

I2. (2) In respect of a State hostel supervision shall be exercised by a member or members of the staff of the school concerned or by a person or persons appointed by the Secretary.

I2. (3) Members of the staff of a State hostel shall be those persons appointed by the Secretary from time to time.

I2. (4) The incurring of expenditure with regard to a State hostel and the supervision at such hostel, as determined by the Secretary, shall be under the control of a hostel committee which shall advise the Secretary on matters regarding the institution or shall report on any matter concerning the institution which is referred to the committee by the Secretary.

I2. (5) Domestic rules for a State hostel which are not inconsistent with these regulations shall be drawn up by the hostel committee concerned, with the approval of the Secretary.

Staff Quarters

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I3. The accommodation of staff in a State hostel shall be subject to the conditions determined by the Secretary after Consultation with the Public Service Commission or the Secretary for Community Development, as the case may be, and in consultation with the Minister of Finance.

Payment for Board and Lodging by Resident Staff, their Dependants or Casual Visitors

I4. Subject to the conditions referred to in regulation I3, any person who is not a pupil of the school concerned may not, without the approval of the Secretary, reside in a State hostel and shall pay boarding and other fees laid down by the Minister in respect of such hostel in consultation with the Minister of Finance.

Remuneration of Superintendents and Persons who undertake Supervisory Duties, and their Powers and Duties

I5. A superintendent and any person who undertakes supervisory duties in a State hostel in terms of regulation I2(2), shall be remunerated for their services on the basis determined by the Minister in consultation with the Minister of Finance.

I6. The powers and duties of the superintendent of a State hostel and of any person who, in terms of regulation I2(2), undertakes supervisory duties in a State hostel shall be determined by the Secretary.

HOSTEL COMMITTEE

Composition

I7. A hostel committee (hereinafter referred in this Chapter as a “committee”) for a State hostel shall consist of -

- (a) four members appointed by the Secretary;
- (b) one member nominated by the school committee of the State school or member nominated by each of the school committees of the State schools in respect of which the hostel has been established and erected;
- (c) the principal of the State school or every State school in respect of which the hostel has been established and erected;
- (d) the superintendent of a hostel who is not also the principal of the school.

Meetings

I8. (1) Meetings of any committee shall be held at least once every school term at such times and places as the chairman thereof may determine.

I8. (2) A copy of the minutes of the proceedings shall be submitted to the regional representative within 10 days of the date of the meeting.

Chairman and Secretary

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I9. (1) At its first meeting the committee shall elect from the members appointed by the Secretary a chairman and a vice-chairman, who shall act as chairman in the absence of the chairman.

I9. (2) The secretary of a committee shall be the principal of the school in connection with which the hostel has been established, or if more than one principal serves on the committee in terms of paragraph (c) of regulation I7, the principal elected by the members of the committee.

Quorum

I10. A bare majority of the number of members of a committee shall constitute a quorum at meetings of the committee.

Right to Vote

I11. (a) The principal and the superintendent shall not be entitled to vote when a committee prepares to vote on any matter.

(b) The chairman shall, in addition to his deliberative vote, have a casting vote.

Term of Office

I12. A committee shall be constituted every three years.

Vacancies and Dissolutions

I13. (1) If a vacancy on a committee occurs, it shall be filled in accordance with the appropriate provision of regulation 17.

I13. (2) If, in the opinion of the Secretary, a committee is incompetent, or if as a result of the number of vacancies on the committee the remaining members are insufficient to form a quorum, the committee shall be dissolved by him and the regional representative shall perform the functions of the committee for the period during which there is no committee.

PUPILS IN HOSTELS

Admission, Expulsion, Withdrawal and Punishment

I14. (1) Application for the admission of a pupil to a State hostel shall, at the beginning of each school year, be made on a form approved by the Secretary, to the principal of the school which such pupil attends.

I14. (2) The superintendent and the principal concerned shall consider and decide on any application for admission to a State hostel and where unanimity regarding admission is not reached, the application shall be referred to the hostel committee for a final decision thereon.

I14. (3) Preference shall be given to applications for admission of pupils -

(a) whose parents reside more than five kilometres, by the shortest route, from the nearest suitable school and who cannot be conveyed daily to and from school;

(b) who are high school pupils:

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Provided that a pupil who does not qualify for admission on the foregoing grounds but who is unable to attend the nearest school on account of ill health or any other handicap, or for reasons deemed adequate by the Secretary, shall be granted admission to a hostel.

I14. (4) A parent or guardian whose child has been refused admission to a hostel may appeal to the Secretary against such refusal and the Secretary may, after an inquiry, direct that the child be admitted to the hostel concerned.

I14. (5) A parent or guardian shall give at least one term's prior notice, in writing, of the withdrawal of his child from a State hostel, except when, in the opinion of the Secretary, there are sound reasons for shorter notice.

I14. (6) A boarder at a State hostel, who disregards the domestic rules, or whose behaviour is such that, in the opinion of the committee concerned, it is detrimental to the effective management of the hostel, may, on the recommendation of the committee, be expelled from the hostel by the Secretary, in which case the Secretary shall forthwith inform the parent or guardian of such boarder, in writing, of his expulsion and the reasons therefor.

I14. (7) The provisions of regulation C24(4) shall *mutatis mutandis* apply in respect of the infliction of corporal punishment in any State hostel.

DETERMINATION, PAYMENT, REBATES ON AND EXEMPTION FROM BOARDING
FEES

I15. (1) In respect of every boarder at a State hostel there shall be payable in terms of section 31(1) of the Act, such boarding fees as the Minister, in consultation with the Minister of Finance, under the said section may determine.

I15. (2) The Minister may, in consultation with the Minister of Finance and in terms of section 31(2) of the Act, grant full or partial exemption from the payment of fees as determined, as he may deem fit.

I15. (3) Boarding fees of boarders at State hostels for a specific school term are payable, in accordance with section 31(1) of the Act, during such term.

I15. (4) In the case of the non-payment of boarding fees at the end of any school term the Secretary may direct that the continued admission of a boarder to a State hostel, as from the beginning of the next school term, be refused until such time as the arrear fees have been paid.

I15. (5) Rebates on boarding fees may be granted by the Secretary, on the following basis, in respect of absence from a State hostel as a result of illness or for other reasons acceptable to the Secretary -

- (a) For an unbroken period of less than 15 days no rebate on boarding fees shall be allowed.
- (b) For an unbroken period of more than 15 days but less than a full term a rebate is allowed, which is calculated as follows -

$$\frac{\text{Number of days absent}}{\text{Number of hostel days during}} \times \text{Boarding fees payable by}$$

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school term parent/guardian per term

- (c) For absence for a full term a full rebate shall be granted.

[Inconsistent use of capitalisation in the above regulation,
reproduced as per *Official Gazette*.]

I15. (6) A parent or guardian who fails to give notice, in terms of regulation 114(5), of the withdrawal of his child for whose support he is responsible and who has failed to obtain permission from the Secretary to give shorter notice, shall be responsible for the full boarding fees payable for the term in respect of which notice should have been given.

Hostel Rules

I16. The Secretary may prescribe rules for hostels concerning -

- (a) diet scales;
- (b) duties and functions of domestic staff;
- (c) supervision and disciplinary measures;
- (d) tenders for and control over requisites and equipment;
- (e) admission, exclusion, expulsion and withdrawal of pupils;
- (f) accommodation of persons other than pupils;
- (g) reports of hostel committees on financial and administrative matters;
- (h) any matter which, in his opinion, is essential to control effectively the general management of the hostel.

CHAPTER J

STATE-AIDED HOSTELS

**CONDITIONS SUBJECT TO WHICH GRANTS-IN-AID ARE AWARDED IN RESPECT OF
HOSTELS**

Application for Grants-in-aid

J1. An application by the management of a hostel for the award of a grant-in-aid in terms of section 4 of the Act shall be accompanied by a return which reflects the following particulars -

- (a) The name of the school or schools whose pupils are provided with accommodation in the hostel;
- (b) the number of pupils who can be admitted to the hostel;
- (c) the names and qualifications of the persons appointed superintendent and supervisory staff members by the management of the hostel.

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[Inconsistent use of capitalisation in the above regulation,
reproduced as per *Official Gazette*.]

Conditions for payment of Grants-in-aid

J2. The payment by the Secretary of a grant-in-aid awarded to the management of a hostel, in respect of pupils who are accommodated in such hostel, is subject to the condition that -

- (a) a return, on the form specified by the Secretary, containing particulars of such pupils as the Secretary requires shall be submitted to him not later than 14 days after the end of the school term concerned;
- (b) only persons of school-going age enrolled as pupils at a State school or State-aided school and resident in the hostel concerned shall be eligible for the grant-in-aid;
- (c) the provisions of regulation H3 in respect of medical and psychological inspections in connection with such pupils, and the hostel staff shall *mutatis mutandis* be applicable and be complied with.

CHAPTER K

PART-TIME CLASSES

Establishment of Part-time Classes

K1. (1) Whenever there is a demand for educational facilities for persons in any particular centre who are not subject to compulsory education, the Minister may establish part-time classes -

- (a) which need not be self-supporting; or
- (b) in respect of which the class fees approximately cover the salaries and allowances of the teaching staff for such classes; for the purpose of providing the education referred to in section 27 of the Act.

K1. (2) Whenever the Minister is of opinion that the continuation of part-time classes is no longer warranted because of a decrease in the number of pupils or for some other reason, he may abolish such classes.

Control of part-time classes

K2. (1) Whenever the Minister has established a part-time class, he shall assign the control thereof to the principal or his duly authorised representative of a State or State-aided school.

K2. (2) For the purposes of this Chapter such part-time classes shall be controlled and managed as if they formed part of such State or State-aided school.

Tuition Fees

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K3. The fees payable in respect of a course to provide for the education referred to in regulation K1(1), or a part-time class mentioned in regulation K1, and exemption from the payment of such fees shall be determined by the Minister in consultation with the Minister of Finance.

Admission of Pupils

K4. (1) Application for admission as a part-time pupil to any class referred to in regulation K1, shall be made on a form approved by the Secretary.

K4. (2) Part-time pupils shall be admitted only at the commencement of a course or class, unless the Secretary otherwise determines, according to special circumstances.

CHAPTER L

CONTINUATION CLASSES

CONDITIONS UNDER WHICH GRANTS-IN-AID ARE PAYABLE IN RESPECT OF CONTINUATION CLASSES AND OTHER MATTERS INCIDENTAL THERETO

Application for Grants-in-Aid

L1. The application by the governing body of a continuation class for a grant-in-aid in terms of section 4 of the Act must be accompanied by a statement containing the following particulars -

- (a) The number of pupils who may and who wish to attend the class;
- (b) the subjects to be offered and the number of pupils who will take each subject;
- (c) the names and qualifications of persons who are prepared to serve as secretary or principal or secretary and principal of the class and as members of the teaching staff, and the names of their employers;
- (d) a statement of estimated receipts and payments in a form, approved by the Secretary, for the period ending 31 December of the first year.

Conditions for the Making of Grants-in-Aid

L2. (1) The making of a grant-in-aid to a continuation class shall be subject to the condition that -

- (a) there shall be an average enrolment of at least 12 pupils, who do not attend any other school on a full-time basis and who are not subject to compulsory school attendance;
- (b) there shall be a minimum of six pupils enrolled in each class instituted: Provided that where less than six are so enrolled, small class units may be grouped under one teacher;
- (c) the classes shall not be instituted and maintained either wholly or partly for private profit;

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- (d) the classes shall be placed under the control of a local committee, hereinafter in this Chapter referred to as a committee, constituted as provided in subregulation L4(1) and (2);
- (e) the committee shall keep books and registers submit reports and returns and perform such other duties as are prescribed in this Chapter or which are required by the Secretary from time to time;
- (f) the staff employed at such classes shall be remunerated in accordance with rates determined by the Minister;
- (g) tuition fees shall be paid in accordance with rates determined by the Minister in consultation with the Minister; of Finance;
- (h) the secretary or the principal, or the secretary and the principal, of the classes shall perform the duties as are prescribed in this Chapter.

L2. (2) Where any committee fails to comply with any provision of this Chapter or any condition attaching to the payment of the grant in respect of classes which has been placed under his control in terms of subregulation (1)(d), or fails to comply with any direction given by the Secretary in connection with the classes, the Minister may withhold payment of the whole or any portion of the grant-in-aid payable.

Payment of Grants-in-Aid

L3. If the Minister has awarded a grant-in-aid in terms of section 4(2) of the Act in respect of a continuation class, on the basis that it includes -

- (a) the full salaries and allowances of the staff appointed in terms of the Act;
- (b) the difference between other approved expenditure and tuition fees referred to in regulation L2(1)(g) and other revenue in respect of the courses approved by the Minister;

the Secretary shall pay the governing body of the continuation class the amount of such salaries, grants and difference.

Committee for Continuation Classes

L4. (1) A committee, consisting of not less than three members representative of local bodies or institutions, shall be established by the governing body of continuation classes to assume financial as well as administrative responsibility for the classes.

L4. (2) The Minister may appoint up to two members to a committee.

L4. (3) Members appointed by the Minister shall serve on a committee for a period of three years or for such other period as the Minister may approve.

L4. (4) The committee shall furnish the Secretary annually with a return containing particulars of the name, address status and profession of each member of the committee not appointed by the Minister.

Constitution of Committee

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L5. (1) A committee shall draw up a written constitution to be approved by the Secretary, setting out its powers, functions, and procedure at meetings and including such other provisions as the Secretary may require.

L5. (2) The committee shall be a body corporate in terms of its constitution.

Duties of Committee

L6. (1) The main duties of the committee of a continuation class shall be -

- (a) the recommendation of a suitable person or persons for appointment as principal or secretary or as principal and secretary of the classes;
- (b) the acquisition of suitable accommodation for the classes;
- (c) the submission to the Secretary of recommendations regarding tuition fees payable by pupils;
- (d) the purchase of the necessary school materials and equipment;
- (e) supervision over, and management of, the financial affairs and administration of the classes;
- (f) the collection of funds from the public in aid of the classes;
- (g) the submission of recommendations to the Secretary regarding the appointment, remuneration and discharge of staff;
- (h) the appointment of an auditor and the determination of his remuneration; and
- (i) the submission to the Secretary of estimates of revenue and expenditure.

L6. (2) (a) Proper minutes of proceedings at all committee meetings shall be kept by the committee in a suitable book.

(b) A copy of the minutes of each meeting shall, immediately after confirmation thereof, be transmitted to the Secretary.

Matters to be Approved by Secretary

L7. The committee of a continuation class shall obtain the approval of the Secretary in respect of -

- (a) the appointment of a principal or secretary or of a principal and a secretary and an auditor;
- (b) the appointment of full-time staff;
- (c) the purchase of stores, equipment and permanent assets, unless approved in the estimates for the financial year in question; and
- (d) the collection of tuition fees referred to in regulation L2(1)(g).

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Duties of Principal and Secretary

L8. (1) The principal of a continuation class -

- (a) shall exercise supervision and control over the instruction and general administration and activities of the classes and shall be responsible to the committee;
- (b) shall ensure, on the instructions of the committee, that the provisions of regulations L7, L9(1) up to and including L9(3) and L14(1) up to and including L.14(4) are observed and that any other instructions by the committee are carried out.

L8. (2) The Secretary of a continuation class shall perform such of the duties referred to in subregulation (1) as the principal, or if there is no principal, the committee may assign to him.

Committee Shall Keep Registers

L9. (1) The committee of a continuation class shall keep an annual register containing the following particulars in respect of pupils enrolled -

- (a) Name of each pupil;
- (b) date of birth (or if unknown, the estimated age);
- (c) date of admission;
- (d) standard passed prior to admission;
- (e) home address;
- (f) name and address of employer;
- (g) date of leaving the classes;
- (h) courses completed or examinations passed in individual subjects; and
- (i) tuition fees due and paid.

**[Inconsistent use of capitalisation in the above regulation,
reproduced as per *Official Gazette*.]**

L9. (2) A separate register indicating attendance, scheme of work, and work done each week and a record of homework done and marks allotted shall be kept by the committee in respect of each class.

L9. (3) School terms according to the school calendar approved by the Secretary shall as far as possible be adhered to by the committee.

Pupils to Supply Own Books, etc.

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L10. The committee shall see to it that textbooks, prescribed books, drawing instruments and stationery are not supplied to pupils out of class funds.

Class Hours

L11. The committee shall see to it that pupils shall not be permitted to attend classes for more than eight hours per week without the prior approval of the Secretary.

Financial Books and Procedure

L12. (1) The committee of a continuation class shall keep a cash book, in which all moneys received, including tuition fees, donations, departmental grants, etc., as well as all payments made, are entered.

L12. (2) The committee shall balance the cash book at least once every three months and reconcile the balance in the bank, according to the cash book, with the actual amount in the bank, according to the latest bank statement.

L12. (3) (a) A formal receipt showing the date and particulars of each amount received, whether in cash or by cheque, money order or postal order, shall be made out and a carbon copy thereof kept for record purposes.

(b) Receipts issued for moneys received shall be numbered in numerical order.

(c) Vouchers, consisting of the invoice or account of every firm concerned, the receipt of every firm concerned, the paid cheque and the order (if an order was issued by the committee to the firm), shall be kept in support of the payments and shall be numbered and filed in numerical order.

L12. (4) (a) The committee shall open a bank account in the name of the committee and shall deposit therein all moneys received.

(b) Cheques shall be signed by at least two persons authorised thereto by the committee, and the counterfoils of cheques shall contain full particulars regarding each payment.

L12. (5) (a) Petty cash not exceeding R6 for the payment of small amounts may be advanced by the committee to the secretary of the classes.

(b) The secretary of the classes shall keep a petty cash book in which he shall enter particulars of all advances and payments.

(c) Vouchers in support of payments shall wherever possible, be obtained and filed.

Stores

L13. (1) (i) A proper inventory or stock register shall be kept in respect of all property of the committee of a continuation class including furniture, books, materials and equipment purchased, indicating the date of purchase, the cost, and the date of and reason for the write-off.

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- (ii) No furniture, books, material or equipment, etc shall be written off in such stock registers or inventories unless the committee has obtained the approval of the Secretary.

L13. (2) Such committee shall see to it that all such property, other than expendable stores, shall be stamped or otherwise indelibly marked in a suitable manner to indicate the inventory number and ownership of the committee.

L13. (3) The Department shall not supply stock registers, receipt books, record books, stationery and other requisites to continuation classes and a committee shall purchase its own stock and make provision there for in its estimates.

Returns to be submitted

L14. (1) The following returns shall be furnished by the committee of a continuation class to the Secretary, on a form approved by him, at the times stated in each case, but not later than one month after the closing date of the school term in question -

- (a) At the end of each term -
 - (i) quarterly return and a class time-table;
 - (ii) quarterly return of teaching staff employed;
 - (iii) quarterly statement of tuition fees due and paid.
- (b) Statement of receipts and payments -
 - (i) for the first and second terms combined -at the end of the second term;
 - (ii) for the third term only, at the end of the third term;
 - (iii) for the full year, 1 January to 31 December, at the end of the fourth term, properly audited and certified correct by the auditor, together with his report, if any.
- (c) An audited inventory of assets as at 31 December of each year, showing the date of purchase and the purchase price of each asset and assets written off during the year and a reference to the Secretary's authority for such write-off.
- (d) An audited statement as at 31 December of each year showing -
 - (i) class fees unpaid to date;
 - (ii) salaries and other accounts unpaid to date;
 - (iii) State grants for current year not yet received;
 - (iv) cash on hand;
 - (v) cash in the bank, supported by a bank certificate and a statement reconciling the bank balance in the cash book with the actual balance in the bank.

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[Inconsistent use of capitalisation in the above regulation,
reproduced as per *Official Gazette*.]

L14. (2) The auditor shall state his name, occupation and qualifications, business address and professional status.

L14. (3) Receipts and payments accounts shall be accompanied by a bank certificate indicating the bank balance and a reconciliation statement in respect of balances as per cash book and per bank statement.

L14. (4) Estimates of revenue and expenditure for the ensuing financial year shall be submitted to the Secretary on a form approved by him, not later than 31 August of each year.

Payment of Grant-in-Aid

L15. (1) A grant-in-aid to a committee shall be payable in four instalments the first payment of which shall be made as soon as possible after 1 April and the remaining ones on receipt of the prescribed returns and statements.

L15. (2) In the case of a newly established class, the first payment shall be made as soon as possible after the establishment of such class.

Withdrawal of Grant-in-Aid

L16. (1) The Minister may cancel the payment of a grant-in-aid to a continuation class without giving reasons.

L16. (2) Whenever the committee of a continuation class is notified that the grant-in-aid to its classes has been withdrawn -

- (a) it shall, after payment of liabilities, forward the balance of funds on hand and the cash book, bank statements, a list of assets and other accounting records to the Secretary, with an indication where such assets are kept;
- (b) all assets shall become the property of the State and the Secretary may dispose thereof as he deems fit or transfer them or place them in safe-keeping.

CHAPTER M

PRIVATE SCHOOLS

Application for Registration of a Private School

M1. Application for the registration of a private school in terms of section 6 of the Act shall be made to the Secretary on a form approved by him and submitted to the regional representative.

M2. If the Secretary grants such application, such private school shall be registered with the Department, particulars of the applicant and the school being entered in a register by the Secretary, whereupon a registration certificate, in such form as the Secretary deems fit, shall be issued to such applicant.

Requirements a Private School must comply with

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M3. The situation, equipment and construction of the room or rooms in which instruction is given at a private school, referred to in section 6 of the Act, shall be approved by the Secretary.

Conditions governing the Management of Private Schools

M4. (1) The -

- (a) appointment of teaching staff;
- (b) approval of the curriculum and syllabi and any deviation from such curriculum and syllabi;
- (c) revision of the school calendar yearly or otherwise;
- (d) number of hours for instruction;
- (e) class fees payable;

are subject to the approval of the Secretary.

M4. (2) Registers shall be kept in respect of -

- (a) teachers employed at such school and their qualifications;
- (b) the enrolment and attendance of pupils, as well as their dates of birth.

M4. (3) In addition to the registers referred to in subregulation (2) such other documents as the Secretary may require from time to time shall be kept and maintained.

M4. (4) The registers and documents referred to in subregulations (2) and (3) shall be submitted to the Secretary for inspection whenever he may require them.

M4. (5) The person who manages a private school shall, at least once a year, submit to the Secretary a certificate, signed by an inspector of education, to the effect that the school complies with the prescribed requirements and functions effectively.

Cancellation of Registration

M5. (1) If the Secretary has reason to believe that the manner in which a private school, registered in terms of regulation M2, is being maintained or managed, or that instruction given therein is ineffective or may be detrimental to the physical, mental or moral welfare of the pupils attending such school, or is contrary to the provisions of this Chapter, he may, by written notice, addressed to the person who manages such school, instruct such person to rectify any matter mentioned in such notice within the period stated therein.

M5. (2) If the person to whom a written notice has been addressed in terms of subregulation (1), refuses or fails to rectify within the stipulated period any matter mentioned in such notice, to the satisfaction of the Secretary, the Secretary may, on further written notice to the person cancel the registration of such school with effect from a date mentioned in such further notice.

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Inspection of Private Schools

M6. (1) Whenever the management of a private school makes a written request for an inquiry or an ordinary inspection of such school, the Secretary may cause such inquiry or inspection to be carried out, issue a report and refer it to such management.

M6. (2) The Secretary, an inspector of education or other officer authorised thereto by the Secretary, may visit and inspect any private school for the purpose of ascertaining the condition of such school, including the premises, furniture and equipment, the efficiency of the instruction given and the manner in which the school is being managed.

CHAPTER N

NURSERY SCHOOLS

Grants-in-aid and Loans

N1. The award of a grant-in-aid or loan in respect of a nursery school by the Minister in consultation with the Minister of Finance, in terms of section 4 of the Act, is subject to the conditions prescribed in this Chapter.

Statute

N2. The statute of such institution, which shall provide for a corporate status, shall be submitted to the Minister for approval.

Financial Interest of Management

N3. The management concerned, or any member of the management, may not have any financial interest in such School and the school or part thereof may not be established and maintained for private gain.

Enrolment and Age Group of Pupils

N4. (1) The payment by the Secretary of a grant-in-aid awarded to a nursery school, is subject to an average attendance per school term of 10 pupils falling within the age group referred to in regulation N4(2).

N4. (2) Only pupils on the register of a nursery school between the ages of two and six years, which ages shall be attained on or before 30 June of the year concerned, are considered in estimating an allowance.

Suspension or Withdrawal of Grant-in-aid

N5. (1) The Minister may withhold the said grant-in-aid in part or in full, until such time as any shortcomings of an institution have been remedied to his satisfaction.

N5. (2) The Minister may withdraw a grant-in-aid made in terms of this Chapter if he is of the opinion that there is no longer any need for the nursery school in question.

Staff

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N6. The employment of teaching staff by the governing body of a nursery school is subject to the approval of the Minister.

Inspection

N7. The Secretary, an inspector of education or any other officer appointed by the Secretary, may at all reasonable times enter a nursery school in respect of which the management has applied for a grant-in-aid or in respect of which a grant-in-aid is being paid in terms of the Act and these regulations, and inspect the condition of the buildings and school premises, the organisation and methods and standard of instruction, institute a general investigation into the efficiency of the nursery school, and call for such returns or information in respect of the nursery school as he may deem necessary for such investigation.

Registers and Returns

N8. (1) The management of a nursery school shall keep a register containing particulars in respect of every pupil, as required by the Secretary.

N8. (2) A return reflecting the average quarterly attendance shall be submitted to the Secretary not later than 14 days after the last day of the school term concerned.

Medium of Instruction

N9. The medium of instruction at a recognised nursery school, referred to in regulation N1, shall be the home language of each pupil, in which he shall be addressed.

CHAPTER O

GRANTS-IN-AID TO STATE-AIDED SCHOOLS (EXCLUDING STATE-AIDED SPECIAL SCHOOLS AND CONTINUATION CLASSES)

Application for Grants-in-aid

O1. An application for the allocation of a grant-in-aid in respect of a State-aided school shall be submitted to the regional representative on the form approved by the Secretary, together with particulars as determined by the latter.

Conditions for the Making of Grants-in-aid

O2. The making of a grant-in-aid in respect of a school under section 4 of the Act is subject to -

- (a) adequate proof that the educational needs of the locality justify the existence of such school;
- (b) adequate proof that an average attendance per school terra of at least 10 pupils is being maintained;
- (c) adequate proof of the availability of accommodation suitable for the purpose of effective instruction, in particular or in general;
- (d) recognition of the church authority, missionary body, or other persons responsible for the establishment or maintenance of the school;

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- (e) the nomination of a person by a governing body of a school as manager of such school;
- (f)
 - (i) the recognition, by the Secretary, of a person nominated by the church authority, missionary body or other persons responsible for the establishment or maintenance of the school, as manager of such school; or
 - (ii) the appointment, by the Secretary, of any person to perform the functions of the manager of the school for any period during which there is no such recognised manager for the school;
- (g) the performance of the functions of a school committee by such nominated manager of the school in terms of regulation D1(5), to the satisfaction of the regional representative;
- (h) compliance with the decision of the Secretary concerning -
 - (i) the enrolment of boys or girls or both boys and girls; or
 - (ii) the curriculum, as well as the standard of instruction in the various standards;
- (i) the withdrawal of such grant-in-aid if -
 - (i) the educational needs of the locality no longer justify the continuance of such school; or
 - (ii) the average attendance of at least 10 pupils, as required in regulation O2(b), has not been maintained for each of two consecutive calendar quarters.

Payment of Grants-in-aid

O3. If the Minister, under section 4(2) of the Act, has awarded a grant-in-aid in respect of a State-aided school on the basis that it includes -

- (a) the full salaries and allowances of teachers whose appointments have been approved by the Minister, as well as approved expenditure on water, sanitation, cleaning, caretaking and other approved services and the cost of approved furniture and equipment;
- (b) a grant for rent on the basis and subject to the conditions determined by the Minister from time to time in consultation with the Minister of Finance, in respect of approved buildings which are not State property and which the Secretary considers necessary in connection with any such school and which are utilised exclusively for approved purposes; the Secretary shall pay the governing body of the State-aided school the amount of such salaries, expenditure, costs and rent.

CHAPTER P

ADMINISTRATION AND CONTROL OF SCHOOL FUNDS

Control by Trust Committee

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P1. School funds of every State school or State-aided school shall be controlled by a trust committee.

Establishment of Trust Committee

P2. A school committee, established in terms of Chapter D, shall act as the trust committee of the particular school for which it has been established: Provided that where a State school has no school committee, the Secretary may appoint a trust committee, consisting of the principal or the vice-principal of the school (as secretary) and three members (one of whom is designated as chairman by the nominated members at the first meeting): Provided further that where a State-aided school has no school committee, the trust committee of such school shall consist of the manager or his deputy (as chairman), the principal or vice-principal of such school (as secretary), and two members nominated by the Secretary on the recommendation of the inspector of education.

Term of Office and Membership of Trust Committee

P3. The term of office of a trust committee shall be calculated for a period of three years with effect from the date of establishment, or until the date of establishment of a school committee at the school concerned.

P4. Subject to the provisions of these regulations a member of the trust committee shall hold office for a period not exceeding three years with effect from the date of his appointment, at the expiration of which he may be reappointed.

P5. The Secretary may at any time terminate the membership of a member of a trust committee or disestablish a trust committee if he is satisfied that such member of the trust committee or committee is exercising his powers in an unsatisfactory manner and may appoint a person to administer the relevant school fund pending the constitution of a new trust committee.

P6. A member of a trust committee ceases to be a member thereof if -

- (a) he has been absent from three consecutive meetings of the committee, without the prior permission of the committee;
- (b) he resigns in writing; or
- (c) his spouse is appointed a teacher at the school concerned.

P7. A trust committee for a State-aided school, established in terms of the second proviso contained in regulation P2, shall be dissolved by the Secretary if the management and control of the school is being transferred to the Department under section 5(1) of the Act, or the school is closed down.

Filling of Vacancies

P8. In each case where a vacancy occurs on a trust committee, such vacancy shall be filled by the election or nomination of a person, depending on whether a school committee acts as a trust committee or whether a trust committee is constituted in accordance with the first or second proviso to regulation P2.

Chairman, Secretary and Auditor

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P9. (a) The designation of a chairman, vice-chairman and secretary of a school committee shall be in accordance with the directions applicable to such committees, whereas in the case of a trust committee, established in terms of the first proviso to regulation P2, one of the members shall be appointed chairman and the principal, appointed secretary, with the vice-principal as alternate, and in the case of a trust committee established in terms of the second proviso to regulation P2, the school manager or his deputy and the principal or his alternate shall act as chairman and secretary, respectively, whilst, in both instances, a vice-chairman shall be elected from the members present by a majority of votes.

(b) The Secretary, on the recommendation of the trust committee, shall appoint a person whom he deems fit to audit the books and accounts of the committee at the end of each financial year: Provided that a member of the trust committee concerned or any teacher in the employ of the Department shall not be appointed in such capacity.

Meetings

P10. (a) A trust committee shall meet at least once per school term.

(b) At every meeting the committee shall determine the date, time and venue of its next meeting.

(c) The chairman of the committee may convene a special meeting if circumstances necessitate such meeting.

Quorum and Procedure at Meetings

P11. (a) A bare majority of the number of members of a committee shall form a quorum at meetings.

(b) Motions or matters put to the vote shall be decided by a majority of votes of members present: Provided that the Secretary shall not be entitled to vote, and in the event of an equality of votes the chairman shall, in addition to his deliberative vote, have a casting vote.

Minutes of Meetings

P12. (a) The minutes of every meeting of a committee shall be kept by the Secretary.

(b) The minutes of committee meetings shall be kept in a bound book with fixed pages.

(c) The minutes of every meeting shall be submitted to the committee for confirmation at its next meeting.

Control over Fixed Invest merits and the Handing over of Trust Moneys, School Funds and Securities to the Secretary

P13. (1) The fixed investment of moneys for a period of one year or longer and the conditions of such investment are subject to the approval of the Secretary.

P13. (2) The Secretary may at any time direct that the school funds of any school and trust moneys, being moneys bequeathed or donated to the school, and referred to below as "trust moneys" shall be transferred to him, wholly or in part, and he shall, as circumstances may

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require, either invest such moneys with the Public Debt Commissioners or deposit them in a suspense account until such time as they can be used in accordance with the conditions of the trust, donation or bequest or for the purpose for which they were collected, or until they can be handed over to the trust committee.

P13. (3) Particulars of all securities relating to investments of trust moneys, referred to in subsection (2), shall be reported to the Secretary and shall be placed in a strong-room or other safe place, unless the Secretary directs that such documents be handed over to him for safe-keeping.

Collection of and Contributions to School Funds

P14. (1) Money may be collected for a school fund by means of -

- (a) bazaars, concerts, film shows, functions, sports meetings, the utilisation of profits on tuck-shop sales, any other sales, with the exception of agricultural products produced in the course of agricultural training at a school from stores supplied by the Department;
- (b) acceptance of donations;
- (c) regular contributions by or on behalf of pupils or teachers of a school: Provided that such contributions shall be voluntary and that no pupil or teacher shall be subject to any form of discrimination or humiliation because of any inability or failure to make a contribution.

P14. (2) The collection of contributions and donations on behalf of recognised or deserving welfare organisations may be undertaken by a school with the approval of the Secretary and should be dealt with as determined by the Secretary.

P14. (3) In the case of a bequest to a school, the matter shall be referred to the Secretary to be dealt with as prescribed by the Secretary to the Treasury.

Books to be Kept

P15. (1) The secretary of a trust committee shall be responsible for the issue, in the manner prescribed by the Secretary, of all receipts for all moneys received, the keeping of books of account, the safe-keeping of such books, accounts, receipts, the carbon copies of receipts issued, as well as all other records or documents pertaining to the school fund, and, generally, for the effective control of all accounting matters and shall also comply with all departmental instructions in regard to such funds.

P15. (2) All payments out of school funds shall be verified by means of receipts or other recognised payment vouchers on which no amendments or erasures shall be made.

P15. (3) (a) Books of account, all pages of which shall be numbered, consisting of a cash book and a petty cash book with hard covers, receipt books and bank deposit books with carbon-copy pages, or a savings account book shall be kept.

(b) The books of account and other vouchers may be examined at any time by an inspector of education or any other official authorised thereto by the Secretary: Provided that a member of the trust committee appointed by such committee, who is not a member of the school staff, shall examine the books and other vouchers at least once per school term and shall

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report back to the trust committee, and the latter shall report any irregularities to the Secretary, who may direct that such steps be taken as he may deem necessary.

(c) If a governing body acts as a trust committee and also administers funds, other than school funds, with the approval of the Secretary, separate books of account shall be kept in respect of school funds as prescribed in regulation P15(1), (2) and (3)(a).

(d) Funds relating to the purchases and sales of agricultural products produced in the course of agricultural training at a school from stores supplied by the Department, as well as purchases and sales at a tuck-shop, shall be accounted for separately and not in the books of account for school funds.

P16. The books and accounts of a trust committee shall be closed at the end of each financial year and, unless the Secretary determines otherwise, be audited by an auditor appointed in accordance with regulation P9(b).

Deposit and Withdrawal of Funds

P17. (1) All funds received on behalf of the school fund, whether for a specific purpose or not, shall be deposited at the earliest opportunity, and, unless the Secretary has granted exemption, not later than 10 days after receipt thereof, in the name of the school in an account with the Post Office Savings Bank, building society, commercial bank or other suitable banking institution within the meaning of the Banking Act, 1965 (Act 23 of 1965).

P17. (2) Withdrawals from the account referred to in subregulation 1 shall be made only under the hand of both The Secretary and the chairman of the trust committee or such other member of the committee designated as cosignatory by the committee.

P17. (3) No expenditure shall be incurred or funds expended without the prior approval of the trust committee: Provided that a purchase amounting to more than R100 shall be referred to the Secretary for his approval: Provided further that expenditure from the petty cash may be incurred as determined by the Secretary.

P17. (4) No hire purchase contract shall be concluded.

P17. (5) The Secretary shall not be held liable for any school funds or any transaction in connection therewith.

Record of Equipment Purchased from School Funds or Donated to a School

P18. The principal shall keep a proper register of all equipment purchased from school funds or donated to the school, including purchases on a rand for rand basis, and shall ensure that such equipment is properly maintained.

Purpose for which School Funds may be used

P19. With due regard to the conditions of any bequest or trust, school funds may be used for -

- (a) the purchase of athletic and sports equipment, including sports dress for team members;
- (b) payment of affiliation fees for membership of sports unions;

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- (c) transporting athletic and sports teams and also participants in concerts and other cultural activities;
- (d) prizes for outstanding class, school or sports performances;
- (e) educational excursions or tours, including accommodation expenses, refreshments (excluding liquor), and admission fees for pupils and escorting teachers;
- (f) holiday camps for pupils, as well as escorting teachers, transport, hire of premises, rooms or tents, purchase of foodstuffs and other essentials;
- (g) the hire, purchase or repair of educational aids which are not supplied by the Department, including radios, tape recorders and accessories, projectors and accessories, duplicators and typewriters, intercommunication systems, record players and records of educational value, books of reference, library books and periodicals;
- (h) hire of entertainment films;
- (i) the improvement of school sports grounds, including the erection of goal posts and fences, cultivating shrubs and lawns, providing benches, levelling and tarring grounds and purchasing paint, lawn-mowers, hoses, rollers and garden tools;
- (j) expenditure prior to fund-raising functions, including printing costs, purchase of materials, meat or baking requisites;
- (k) general expenditure, including insurance premiums in respect of school property, banking costs, loan to cover initial purchases for a tuck-shop of the school concerned, hire of loudspeakers, prefect badges;
- (l) any other purpose approved by the Secretary.

P20. (1) The financial year of each school fund account commences on 1 January of each year and ends on 31 December of the same year.

P20. (2) After the closing of the financial books in terms of regulation P16, a fully audited statement of revenue and expenditure reflecting clearly the position of each trust, donation, bequest and school funds in respect of the preceding financial year, certified correct by the chairman and secretary, shall be submitted to the Secretary on or before 15 February of each year, together with a return of equipment purchased or donated in terms of regulation P18.

P20. (3) The Secretary may, in addition to the statements and return referred to in subregulation 2, at any time call for a special report or such other particulars as he may consider necessary in connection with the administration of trust funds and school funds and also in connection with equipment purchased out of trust funds or school funds, including equipment donated to the school.

Administrative Expenditure

P21. (1) Expenditure in connection with the administration of school funds, such as the purchase of receipt and other books and stationery, as well as the remuneration of the auditor, may be met from such funds.

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P21. (2) No member of a trust committee or a teacher or any person assisting such committee, shall, in any way whatsoever, be compensated or remunerated for duties connected with the control and administration of school funds.

Legal Actions

P22. (1) All legal actions by or against a trust committee shall be instituted in the name of such committee and any legal costs incurred shall be a charge against the school fund: Provided that no legal action may be instituted or defended by the trust committee without the approval of the Secretary.

P22. (2) The trust committee is not liable for any act not previously authorised or any omission on the part of any member of the trust committee in respect of any school fund or transactions in connection therewith.

Disposal of School Funds and Equipment on Closing of School or Change of Principal or his Alternate

P23. (1) (a) Whenever a school is to be closed permanently, the principal of the school shall, before such school closes, hand over to the Secretary all available school funds and equipment purchased from school funds or donated to the school.

(b) With a view to the admission of pupils of such school to another school or schools, the trust committee concerned may make a recommendation to the Secretary regarding the school or schools to which the said funds and equipment should be transferred.

(c) The Secretary may employ such funds and equipment for the benefit of another school or schools or make these available for any other purpose he may consider desirable.

P23. (2) When the principal of a school or Ms alternate, appointed secretary of a trust committee in terms of regulation P9(a), resigns from his post or is discharged therefrom, he shall, before his departure, hand over all moneys, stores and financial books to the regional representative for safe-keeping and handing over to the successor of the said principal or secretary.