



Republic of Namibia  
**Annotated Statutes**

**REGULATIONS**

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REGULATIONS SURVIVING IN TERMS OF

**Public Service Act 13 of 1995**  
section 37(1)

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**General Regulations**

Government Notice AG 28 of 1981

(OG 4429)

came into force on date of publication: 1 April 1981

The General Regulations were originally made in terms of section 28 of the Government Service Act 2 of 1980, which was repealed by the Public Service Act 13 of 1995. Pursuant to section 37(1) of the Public Service Act 13 of 1995, the General Regulations are deemed to have been made under that Act.

as amended by

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**CHAPTER A**  
**GENERAL**

**Definitions**

**A1.** In these regulations, unless the context otherwise indicates, an expression defined in the Act bears the same meaning and -

“abroad” means a country or region outside the borders of South West Africa;

“accommodation” means lodging, bedding, meals, liquid refreshment, laundering, hotel board levy and service charge, general sales tax levied on any of the aforementioned items or any combination of these items, but excluding alcoholic liquor and dry-cleaning;

“adverse remark” means any written remark by a reporting officer or head of the office which, read in its full context, is adverse and also includes anything else in a report which the Commission may indicate as adverse;

“calendar month” means the period extending from a day in any month up to and including the day preceding the day corresponding numerically to the first-mentioned day in the following month;

“camp allowance” means payment designed to -

- (a) compensate an officer or employee in respect of reasonable expenses necessarily incurred by him on items which are included in accommodation and which are not part of the camping equipment provided by his employer while absent from his headquarters on official duty, over and above his normal living expenses at his headquarters; and
- (b) remunerate an officer or employee for the aggravating circumstances attached to camp life;

“cycle” means a period of three years reckoned from 1 January 1980, and each succeeding period of three years;

“day of rest” means -

- (a) a Sunday or a public holiday in the case of an officer or employee who normally does not work on such a day;
- (b) such other day as he is normally relieved from duty in lieu thereof in the case of an officer or employee who normally works on a Sunday or a public holiday; or
- (c) a Saturday in the case of an officer or employee who observes a full-scale five-day working week;

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“equipment officer” means the officer or employee in charge of equipment;

“expendable items” means fuses and fuse wire, dry cell batteries, electric light bulbs, tubes for fluorescent-lights, tap or valve washers, bath, sink and washbasin plugs and chains, oil and gas-lamp wicks, mantles and chimney glasses and such other glasses and such other items of a similar nature as may be approved on the recommendation of the Commission;

“family quarters” means those official quarters available to a head of department for assignment in terms of regulation H4 and designed for an officer or employee with a household of which one member or more resides with him.

“head of office” means the head of an office, branch, institution, division of or place of work in a department and includes head of department;

“headquarters” means the city, town or place where the principal duties of an officer or employee are or have to be performed or which may be indicated as his headquarters by the head of department;

“household” means -

- (a) the wife of an officer or employee; and/or
- (b) the husband of a married female officer or employee who is necessarily the only breadwinner of her family, on account of her spouse’s -
  - (i) *permanent* medical disablement preventing his remunerative employment; and
  - (ii) income, from any source, not exceeding the appropriate maximum basic social pension which may be paid to any member of his population group; and/or
- (c) a child (including a legally adopted child) who is permanently resident with and *necessarily* dependent on an officer or employee: Provided that if such a child studies at an institution for post-school education, whether extramurally or extramurally, he may be deemed to be a member of the household, but only -
  - (i) if he did not take up any *permanent full-time* employment (*including* any type of vocational training to which remuneration is attached) after leaving school, i.e. *excluding* compulsory military service which he had to undergo after -
    - (aa) leaving school and the inception of the academic year; or
    - (bb) leaving school and the inception of such military service; and/or
    - (cc) the completion of such military service and the inception of the academic year;

and had commenced his studies at such an institution at the inception of the academic year following the completion of his schooling or military service; and

- (ii) until -

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- (aa) he attains the *minimum* post-school qualification (or *minimum* combination of post-school qualifications) which will enable him to take up employment in the field of study for which he originally intended to qualify himself; or
- (bb) the normal duration of the course, as prescribed by the institution concerned, plus one academic year, expires, if it takes him longer than such prescribed period to attain the relevant qualification as a result of poor academic performance; or
- (cc) he discontinues the relevant course of study; or
- (dd) he changes his course of study;

whichever of the said four events occurs first;

“landlord department” means the Department of Civic Affairs and Manpower or any other department charged by the Administrator-General, on the recommendation of the Commission, with the duty of providing, maintaining and controlling the tenancy of official quarters;

“Month” means a period from the first day of any month of a year up to and including the last day of that month;

“night” means the hours between 20h00 and 06h00;

“official quarters” means those premises, inclusive of buildings, outbuildings, grounds, fixtures, fittings, plant and equipment, but exclusive of furniture, which, being under the control of a department, are available to a head of department for assignment in terms of regulation H4;

“overtime duty” means official duty performed by an officer or employee -

- (a) (i) on a Sunday or on a public holiday in the case of an officer or employee who does not normally work on such a day; or
- (ii) who normally works on a Sunday or on a public holiday and in lieu thereof is relieved from duty on another day, on such other day;
- (b) over and above the working week prescribed for him in or in terms of these regulations, on days on which he normally works;

“pay” means the salary or wage normally payable to an officer or employee when on duty and includes allowances which do not form part of salary or wage, due regard being had to regulations pertaining to and directives in connection with such allowances issued by the Commission;

“personal effects” means the movable property of an officer or employee and of his household which is normally applied to personal use, including vehicles, but excluding livestock, domestic animals and pets;

“reporting officer” means any person who as first party, completes a report in respect of an officer or employee;

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“school year” means a period commencing on the first day of school in any year up to and including the last day of school in that year according to a school calendar approved by a competent person;

“school quarter” means a period determined as such in a school calendar approved by a competent person;

“school holiday” means a period between two consecutive school quarters;

“service” means any continuous government service in any capacity;

“single quarters” means those official quarters available to a head of department for assignment in terms of regulation H4 and designed for an officer or employee who is not married and has not members of a household who normally reside with him;

“subsistence allowance” means payment designed to recompense an officer or employee in respect of reasonable expenses necessarily incurred by him on accommodation, whilst absent from his headquarters on official duty, over and above his normal living expenses at his home;

“Sunday” means -

- (a) also a public holiday mentioned in the Second Schedule to the Public Holidays Act, 1952 (Act 5 of 1952), in the case of an officer or employee who does not normally work on such a day; or
- (b) such other day as he is normally relieved from duty in lieu thereof, in the case of an officer or employee who normally works on a Sunday or on a first-mentioned public holiday;

“tenant” means the officer or employee to whom official quarters are assigned in terms of regulation H4;

“the Act” means the Government Service Act, 1980 (Act 2 of 1980);

“working week” means the official period of service which an officer or employee is required to complete in respect of a period which extends from midnight between a Saturday and Sunday to midnight between the following Saturday and Sunday;

“written communication” means a report, other than a report in the form prescribed by the Commission which is submitted in respect of a particular officer or employee or a report or remark in regard to a particular event or incident in which an officer or employee was involved.

### **Interpretation of the Regulations**

**A2.** If doubt arises regarding the interpretation of the provisions of these regulations, the matter shall be referred to the Commission for decision.

### **Departures in Time of War or National Emergency**

**A3.** If a state of war or national emergency arises the Commission may recommend a departure from the provisions of these regulations, either in general or in respect of a particular officer, employee or person or classes of officers, employees or persons; but subject to the provisions of section 7(3) of the Act.



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### **Duties of Heads of Departments and Heads of Offices**

**A4. 1** In addition to any functions or duties lawfully assigned to or imposed upon him, the head of department shall be responsible for the efficient management and administration of his department, including the proper training and utilisation of staff, the maintenance of discipline and the proper use and care of property under the control of his department.

**A4. 2** The head of the office is responsible to the officer or employee who exercises authority over him for the efficient management and administration of his office, branch, institution, division or place of work, including the proper training and utilisation of staff, the maintenance of discipline and the proper use and care of property under his control.

### **Delegation of the Powers of a Head of Department**

**A5. 1** If he deems it expedient for the efficient administration of his department, a head of department may delegate any power conferred upon him in terms of the provisions of these regulations to the holder of any post constituting part of the fixed establishment on such conditions as he may determine.

**A5. 2** A head of department may at any time revoke a delegation made in terms of this regulation.

### **Official Channels of Communication**

**A6. 1** A request or communication from an officer or employee who is not a head of department, in connection with any matter falling within the scope of the Commission's powers, functions or duties, shall be addressed to the head of department through the medium of the head of the office: Provided that an officer or employee may demand that such request or communication be submitted to the Commission, subject to the provisions of subregulation 2.

**A6. 2** A request or communication to the Commission, whether written or otherwise, from a department or a head of department in connection with any matter falling within the scope of the Commission's powers, functions or duties, or which is to be submitted to the Commission in terms of the proviso to subregulation 1 shall be addressed to the Director of the Central Personnel Institution by or on behalf of the head of department. Such request or communication shall not be addressed direct to the Commission or a member of the Commission.

**A6. 3** If circumstances arise which justify a departure from the provisions of this regulation, the Administrator-General may, on the recommendation of the Commission, approve that the head of a division, branch, institution or office be regarded as a head of department for the purposes of subregulations 1 and 2.

### **Obedience**

**A7. 1** Subject to the provisions of subregulation 2 an officer or employee shall obey unconditionally a lawful instruction given to him by a person who is competent to do so.

**A7. 2** An officer or employee may, after having carried it out, demand that an instruction referred to subregulation 1 be repeated in writing and he may submit for decision

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any complaint he may have in connection therewith, but subject to the provisions of regulation A6.

### **Residential Addresses and Telephone Numbers**

**A8.** An officer or employee shall notify the head of the office of his residential and postal address and of his telephone number at home, if he has a telephone, and any change thereof, and the head of the office shall make a record thereof in a register which shall be kept for this purpose.

### **Private Financial Transactions**

**A9. 1** An officer or employee shall not become a party to any form of promissory note for compromising purposes: Provided that the head of department may give his written consent to a departure from the provisions of this subregulation if he has satisfied himself by investigation that the proposed transaction is being entered into for acceptable reasons not connected with speculation, gambling or any other improper dealing which may lead to the pecuniary embarrassment of the officer or employee concerned: Provided further that such consent shall not be given in respect of a transaction between two officers, an officer and an employee or two employees.

**A9. 2** An officer or employee shall under no circumstances borrow money from a subordinate serving in the same department.

**A9. 3** If it is evident that an officer or employee is in debt to an unreasonable extent, if he becomes insolvent or assigns his estate for the benefit of his creditors or if a judgment for debt or a decree of civil imprisonment has been obtained against him in a court of law, he shall, if the head of department so requires, furnish the head of department with a detailed and complete statement of his liabilities together with an explanation as to how the liabilities were incurred and how he proposes to liquidate them.

### **Legal Proceedings for Dept**

**A10.** The issue of a process for debt, judgment or insolvency proceedings in which an officer employee is the defendant, shall forthwith and together with full particulars be reported to the head of the department of the officer or employee concerned by - (a) the registrar or master of the Supreme Court or magistrate, as the case may be; and

### **Acceptance of Gifts, Commission, Money or Reward**

**A11. 1** An officer or employee shall not accept, without the permission of the head of department, or, in the case of the head of department, without the permission of the Administrator-General, a 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 government service.

**A11. 2** An employee shall not, without the permission of the head of department, accept or demand in respect of the carrying out of or the failure to carry out his duties, any commission, fee or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties) and shall not fail to report to the head of department the offer of such commission, fee or reward.

### **Replying to Questions**

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**A12.** An officer or employee shall reply explicitly to a lawful question put to him by a person who is competent to put such question to him: Provided that an officer or employee is not compelled to furnish to a question a reply which may incriminate him.

**Acceptance of Nomination for the National Assembly, a representative authority or other legislative body**

**A13. 1** If an officer or employee -

(a) accepts a nomination or requisition as candidate for election as a member of -

(i) the National Assembly or a representative authority; or

(ii) a city council, municipal council, village management board, health committee, management or consultative committee, local authority, local board or school board;

he shall, subject to the provisions of subregulation 2 be deemed to have voluntarily retired from the government service with effect from the date on which he accepted such nomination or requisition or on which he is so nominated, designated or appointed.

**A13. 2** Notwithstanding the provisions of subregulation 1, an officer or employee -

(a) who, immediately prior to the date of the coming into operation of this regulation, was a member of a council, committee, board or authority mentioned in subregulation 1(a)(ii) may remain a member of such council, committee, board or authority for the unexpired portion of the period for which he has been elected;

(b) may, with the permission of the Administrator-General, accept an appointment, nomination or requisition as candidate for election as a member of a council, committee, board or authority mentioned in subregulation 1(a)(ii) if the Administrator-General concerned is satisfied that there will be no interference with the officer's or employee's official duties;

**A13. 3** In the event of a question arising between his employer and a council, committee, board or authority mentioned in subregulation 2, an officer or employee who is a member of such council, committee, board or authority shall not take part in the discussion or give any vote on that question.

**Giving Notice of Marriage, Female Officers or Employees**

**A14.** A female officer or employee shall within 30 days after her marriage, give the head of department notice, in writing, of the date of her marriage.

**Secondment of an Officer or Employee from One Department to Another**

**A15.** A head of department may, subject to the provisions of section 13 of the Act and on the recommendation of the Commission and on such conditions as may be recommended by it transfer an officer or employee temporarily to another department either for a particular service or for a period of time.

**Confidential Nature of Documents Concerning Officers and Employees**

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**A16.** All documents, files and correspondence concerning anything which may be done in terms of the Act and these regulations and which are under the control of a department are of a confidential nature and officers and employees, or their legal representatives at any enquiry directed by the Commission in terms of the Act, shall not have the right of access thereto or inspection thereof: Provided that officers and employees may be permitted to have such access to and inspection of the documents, files and correspondence mentioned as may be necessary for the performance of their official duties: Provided further that, in the case where the Commission directs an enquiry into the grievance of an officer in terms of section 5(3) of the Act, the provisions of section 15(4)(a) of the Act, shall apply *mutatis mutandis*.

### **Reports on Staff and Adverse Remarks**

**A17. 1** A report, on a form prescribed by the Commission, shall, as frequently as the exigencies of the government service so demand, be completed and submitted by the reporting officer in respect of any officer or employee.

**A17. 2** Subject to the provisions of subregulation 3, an officer or employee in respect of whom a report has been completed in terms of subregulation 1, shall not have the right of access thereto.

**A17. 3** Any adverse remark contained in a report in respect of an officer or employee shall, by the reporting officer be brought to the notice of the officer or employee reported upon in writing and in its full context who must sign the written communication and return it, together with any representations, in writing, which he desires to submit, to the reporting officer: Provided that the foregoing provisions also apply to adverse remarks made in respect of an officer or employee in a written communication, except that such remarks shall be brought to the notice of the officer or employee by the head of the office: Provided further that an adverse remark contained in the minutes of a meeting of a merit committee shall not be brought to the notice of an officer or employee reported upon.

**A17. 4** Notwithstanding the provisions of subregulation 3, the head of department or the holder of any post constituting part of the fixed establishment authorised thereto by him, may approve that adverse remarks be not brought to the notice of an officer or employee if he is of opinion that it is not in the interest of the government service or the officer or employee concerned: Provided that the Commission may direct that any adverse remarks be brought to the notice of an officer or employee, either in writing or verbally: Provided further that the Commission may determine that the provisions of subregulation 3 will not apply in respect of a class or classes of employees.

**A17. 5** If it is found by a person or body who has to countersign or consider a report in respect of an officer or employee, that no justification exists for an adverse remark appearing therein, the adverse remark shall be expunged there from and the officer or employee concerned be advised in writing of the expunction if the adverse remark has already been brought to his notice after which such advice of expunction shall then form part of the report.

**A17. 6** After a reporting officer has completed a report or after the comments of a person referred to in section 8(7) of the Act or a chairman of a regional or central merit committee have been recorded thereon, as the case may be, it shall be submitted to the head of the department who shall send it to the Commission together with any comments or remarks he wishes to furnish: Provided that these provisions must also be complied with by a head of department in respect of adverse remarks contained in a written communication.

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- A18. 1** (a) A head of department may direct that an officer or employee or the officers or employees of a departmental branch or office be subjected to a medical examination to determine whether any contamination with a contagious or communicable disease has occurred or that an officer or employee and, on such conditions on the recommendation of the Commission, a member of his household be immunised against a contagious or communicable disease to -
- (i) prevent an epidemic;
  - (ii) comply with international regulations; or
  - (iii) protect him against contamination with contagious or communicable diseases during a visit to or residence in a country or territory where the danger of such infection exists -

Provided that the services rendered by the Department of National Health and Welfare or a representative authority or a local authority be made use of as far as possible and that an officer or employee who does not make use of medical services on grounds of religious or conscientious objections may, on application, be exempted from such examination or immunisation.

- (b) The expenditure connected with such an examination or immunisation shall be met from revenue.
- A18. 2** (a) The Commission or a head of department may at any time require that an officer or employee submit himself to an examination by a registered medical practitioner or a medical board indicated or constituted by the Secretary for National Health and Welfare the holder of any post constituting part of the fixed establishment authorized thereto by him, and the expenditure connected with the examination shall be met from revenue: Provided that the officer or employee who is to be examined, may, if he so desires, arrange at his own expense for this private medical practitioner to be present at the meeting of the medical board.
- (b) The Commission may prescribe the form on which the report of the medical board is to be submitted.
  - (c) If there is reasonable suspicion that an officer or employee is under the influence of intoxicating liquor or stupefying drugs during his official hours of attendance, the head of the office may require such officer or employee to submit himself to an examination by a registered medical practitioner or to any other test which may lawfully be performed by any other person in order to determine whether he is so under the influence of intoxicating liquor or stupefying drugs.

### **Exceptional Cases**

**A19.** If circumstances for which no provision is made in these regulations arise which justify a departure from the provisions of the regulations contained in this chapter, the Commission may recommend such a departure.

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**Approval of Expenditure**

**A20.** Any recommendation made by the Commission in accordance with the provisions of these regulations, and which does not relate to any particular person shall, if it involves expenditure from revenue, not be carried out unless prior approval for such expenditure has been obtained.

**CHAPTER B**  
**CONDITIONS CONCERNING THE FILLING OF POSTS**

**General**

**B1. 1** A person who desires to be considered for an appointment in the government service, shall -

- (a) apply therefor on a form prescribed by the Commission and sign a declaration on the said form that the information furnished by him is correct; and
- (b) sit for an examination which may be prescribed by the Commission as a qualification for appointment to the post applied for.

**B1. 2** A person mentioned in subregulation 1 shall, if he is required to do so, submit himself to a medical examination.

**B1. 3** The district surgeon or other medical officer who undertakes the medical examination of a person mentioned in subregulation 2, shall, after the examination, draw up a report thereon on a form prescribed by the Commission.

**Minimum Age on Appointment**

**B2.** No one who has not reached the age of 15 years shall be appointed in the government service unless he is in possession of the matriculation certificate of the Joint Matriculation Board or a certificate which, in the opinion of the Commission, is of a standard equivalent to, or higher than, the said certificate.

**CHAPTER C**  
**LEAVE OF ABSENCE**

**Applicability of Leave Regulations**

**C1. 1** The regulations of this chapter shall, subject to the provisions of subregulations 2, apply to all persons who are members of the government service as defined in section 2(1) of the Act.

**C1. 2** The regulations of this chapter shall not apply to part-time employees whose salaries are not determined on or approximately on five-eighths of the salary of an equivalent full time employee.

**C1. 3** A reference in this chapter -

- (a) to school year, school holiday or school quarter applies only to an officer or employee mentioned in regulation C14. 1(a)(i) and (iv); and

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- (b) to the Administrator-General, shall, in relation to a person in the employ of a representative authority be construed as a reference to the head of the executive body of that authority.

**Leave of Absence of Privilege**

**C2. 1** Leave of the absence provided for in these regulations is a privilege and is granted only with due regard to the exigencies of the government service.

**C2. 2** Leave cannot be claimed as of right, and when an officer or employee leaves the government service, for any reason whatsoever, he cannot claim payment in respect of the cash value of leave standing to his credit.

**C2. 3** The provisions of this regulation shall not preclude the payment of leave gratuities on conditions recommended by the Commission.

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

**C3. 1 (a)** Application for leave other than leave in terms of subregulation C14.1(b) shall be made in writing on a form approved by the Commission.

(b) The form of the certificate of indisposition, which is to serve in support of an application for sick leave, shall also be approved by the Commission.

**C3. 2 (a)** The granting of all leave of absence shall be subject to approval by the head of department in which the officer or employee concerned is serving at the time he applies for leave: Provided that the granting of leave of absence to a head of a department shall be subject to such approval as the Administrator-General may determine.

(b) leave already granted, may at any time be withdrawn by the head of department or, in the case of a head of a department, by the Administrator-General.

**C3. 3** Except in the case where an officer is suspended from duty or where an officer or employee is prevented by his sudden illness, or by other circumstances which are acceptable to the head of department, 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 by the head of his office that the leave application has been approved.

**C3. 4 (a)** Except as provided for in regulation C31.1(c), all unauthorised absence from duty shall, apart from any disciplinary action which may be taken against an officer or employee, be regarded as vacation leave without pay, unless the Commission recommends otherwise.

(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.

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

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**C4.** An officer or employee is in the following instances not regarded as being absent from duty when he -

- (a) must appear as a witness -
  - (i) in a criminal court case;
  - (ii) in a civil court case (including a divorce case);
  - (iii) in a military court case;
  - (vi) in a misconduct case in terms of some law or other;
  - (v) before an official commission or committee of inquiry appointed by a competent authority;
  - (vi) at an inquest;
  - (vii) at a rent board inquiry, except when he is the person who took the initiative in a rent board inquiry, in which case his absence from duty must be covered by the granting of vacation leave with or without pay, as the case may be; or
- (b) must appear as the respondent or co-respondent in a civil court case which arises out of his official duties and in which his employer has a direct interest;
- (c) attends a course, lecture or other educational presentation, or undertakes undergraduate or post-graduate studies in respect of which approval that attendance thereof, or that the studies may take place in official time (with retention of salary) has been given on the recommendation of the Commission;
- (d) attends a course presented by his own or some other department and in respect of which he has been granted permission by his head of department to attend the course in official time;
- (e) attends a course of instruction under a national survival plan presented by the official organization responsible for civil defence;
- (f) performs practical work or undertakes practical teaching in circumstances approved on the recommendation of the Commission; and
- (g) serves on a military selection board and is absent from duty in connection with the activities of such selection board.

**School holidays not part of leave: conditions of payment in cases of leave on reduced payment or without pay**

**C5.** 1 Leave that may be granted in terms of regulation C14. 1(b), is not regarded as leave for the purpose of regulation C3. 1(a).

**C5.** 2 When an officer or employee referred to in regulation C14. 1(a)(i) -



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- (a) is absent on leave up to and including the last day of a school quarter and goes on leave with effect from the first day of the following school quarter, the intervening school holiday shall not be regarded as leave;
- (b) is granted sick or vacation leave without pay or with reduced pay up to and including the last day of a school quarter and again with effect from the first day of the following school quarter, payment of his salary during the intervening school holiday shall be discontinued or shall be paid at the commensurate reduced rate, in accordance with the conditions of payment of the leave which had been granted to him until the end of the first-mentioned school quarter;
- (c) is ordered by the head of the department to report for duty during a school holiday or a portion thereof and fails to do so, the provisions of regulation C3. 4 shall apply *mutatis mutandis*.

### **Days of Rest**

**C6. 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 leave falling under the same heading, according to the classification in regulation C13. 1 as the leave which precedes and succeeds such day or days of rest;
- (b) falling between a period of authorised vacation or non-accumulative leave and a period of sick leave (or *vice versa*) shall be regarded as vacation leave, unless the officer or employee 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, non-accumulative or special leave and a period of unauthorised vacation leave (or *vice versa*), shall be regarded as vacation leave with full pay, if available, or else vacation leave without pay; and
- (d) Falling between a period of sick leave and a period of unauthorised vacation leave (or *vice versa*) shall be regarded as vacation leave with full pay, if available, or else vacation leave without pay, unless the officer or employee 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.

**C6. 2** If an officer or employee who is called upon by the head of department 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 reporting for duty by circumstances which are acceptable to the head of department.

**C6. 3** An officer or employee shall not be paid salary or wage in respect of a day of rest unless he is entitled to such payment for the day in terms of his conditions of service.

### **Payment of Allowances, etc., during Leave**

**C7.** The continuance or cessation of the payment to an officer or employee of allowances or remuneration other than salary or wage and the liability of an officer or employee for payments due to his employer in respect of goods supplied or services rendered by his employer during periods of leave shall be subject to the provisions of the regulations applicable

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thereto and directions issued on the recommendation of the Commission, in connection therewith.

**Leave which Counts for Leave Purposes**

**C8. 1** All leave with full or part pay shall count for the purpose of leave accrual.

**C8. 2** Whenever leave without pay of 16 days or more is granted in any month -

- (a) the month in which such excess occurs shall not be regarded as service for the purposes of regulation C15. 1; and
- (b) the provision in respect of sick leave with full pay and sick leave with half pay which applies to an officer or employee in terms of regulation C14. 1(c) shall be reduced by one thirty-sixth in respect of each 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 available sick leave for the relative cycle has already been used, from the provision of the next succeeding cycle.

**C8. 3** Vacation leave which, in terms of subregulation 1, accrues during a period of vacation leave without pay or sick leave without pay or leave during a school holiday without pay shall not be granted to an officer or employee until he has resumed his duties after his absence on vacation or sick leave without pay or a school holiday without pay and then only in respect of absences after such resumption of duty.

**C8. 4** Vacation leave without pay and sick leave without pay shall count as service for the purpose of determining an officer's or employee's leave group under regulation C14. 1(a)

**Leave Counts for the Purpose of Salary Increments**

**C9.** All leave, of whatever nature, whether with or without pay and school holidays shall count for the purpose of salary increments, unless the Commission directs otherwise.

**Lapse of Granted Leave on Termination of Service**

**C10. 1** Immediately an officer or employee gives notice of resignation, any leave with pay which at that time may already have been granted for a period or periods as from or after the date of such notice, or, if the notice is undated, as from or after the date the notification is received by the head of the office, shall lapse and any absences from duty on or after the date referred to shall be regarded as vacation leave without pay: Provided that the provisions of this subregulation shall -

- (a) apply only in respect of absences during an officer's or employee's last 30 days of service excluding school holidays; and
- (b) not apply to -
  - (i) sick leave;
  - (ii) special leave granted in terms of regulation 31.1(b), (c) or (d);
  - (iii) vacation leave granted in terms of regulation C25. 1; and

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- (iv) an employee whose contract of service or letter 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 resignation.

- C10. 2**
- (a) If an officer's or employee's services terminate for any reason other than that mentioned in subregulation 1, any leave of absence which at that time may already have been granted to him for a period or periods after the date of termination of his services, shall lapse.
  - (b) The period of service of an officer or employee may not be extended in order to enable him to utilise leave which may have been granted to him.

**Lapse of Accumulated Leave on Termination of Service**

**C11. 1** If -

- (a) an officer retires from a post or relinquishes a permanent appointment or if his permanent appointment is terminated for any reason whatsoever; or
- (b) an employee relinquishes a temporary appointment or if his temporary appointment is terminated for any reason whatsoever, excluding an employee appointed in a permanent capacity without a break in service,

any accumulated leave standing to his credit on the date on which his service terminate, shall lapse, subject to the provisions of regulation C2. 3.

**C11. 2** If a person referred to in -

- (a) subregulation 1(a) is reappointed, with or without a break in service, in a permanent or temporary capacity; or
- (b) subregulation 1(b) -
  - (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, his previous service shall not count as service for leave purposes, and accumulated leave which has lapsed in terms of subregulation 1, shall not be placed to his credit again.

**C11. 3** If an officer's appointment, transfer or promotion on probation is terminated as a result of his inability to comply with the requirements of the post and he is appointed as an employee, without a break in service, he shall, notwithstanding the provisions of subregulation 1 and 2, be credited with any vacation leave with full pay to his credit on his last day of probationary service.

**Leave Registers**

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**C12. 1** A department shall keep a leave register in respect of each officer and employee in the form prescribed by the Commission in which all absences from duty shall be recorded in accordance with the classification contained in regulation C13. 1

**C12. 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 Commission may determine.

**Classification of Leave of Absence**

**C13. 1** All absences from duty on leave are classified under one or more of the following heads -

- (a) Vacation leave (accumulative) with full pay.
- (b) Non-accumulative leave with full pay.
- (c) Vacation leave without pay.
- (d) Sick leave with full pay.
- (e) Sick leave with half pay.
- (f) Sick leave without pay.
- (g) Special sick leave with full pay.
- (h) Special sick leave with half pay.
- (i) Special sick leave without pay.
- (j) Special leave with full pay.
- (k) Special leave with conditions of pay as recommended by the Commission.

**C13. 2** The granting of leave under anyone 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.

**Grouping of Officers and Employees for Leave Purposes and Leave Provision**

**C14. 1** With due regard to the provisions of regulations C2.1, C16.1, and C25.2, officers and employees shall for the purpose of their being granted leave of absence, be classified in the undermentioned groups and may be granted leave accordingly: Provided that subparagraphs (a)(i)(ii), (iv) and (v) and (c)(i) and (ii), shall also apply to part-time employees whose salaries are determined on or approximately on five-eighths of the salary of an equivalent full-time employee -

- (a) *Accumulative Vacation Leave*

	(i)	(ii)	(iii)	(iv)	(v)
	Persons at Educational and	Nursing Staff who nurse full	Inspectors of Education	Incumbents of posts of general	All other staff

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	Training Institutions which close completely during periods when instruction is suspended (teaching and non-teaching staff — including school dentists)	time and staff who are continually exposed to irradiation	including subject advisors, School psychologists and school guidance officers but excluding subject advisors (youth guidance)	assistant grade VIII and lower grades	
Years of service completed	GROUP ACCRUAL	GROUP ACCRUAL	GROUP ACCRUAL	GROUP ACCRUAL	GROUP ACCRUAL
10 years of longer	I A 12	II A 52	III A 26	IV A 30	V A 36
Less than 10 years	I A 12	II B 46	III A 26	IV B 24	V A 30

(b) *Non-accumulative vacation leave -*

- (i) Officers and employees referred to in subparagraph (a)(i) may, during school holidays, be granted non-accumulative leave with full pay not exceeding, in the aggregate, 70 days in each year ending on 31 December, subject to the following conditions -
  - (aa) The leave shall accrue from the commencement and for the duration of the first school holiday after appointment and thereafter from the commencement and for the duration of each succeeding period of school holiday.
  - (bb) The head of a department may, at his discretion, require an officer or employee to remain on duty during any period of school holidays: Provided that, where an officer or employee is so required to remain on duty, he may be credited, in addition to the vacation leave mentioned in subparagraph (a)(i), with accumulative vacation leave equal to half the number of days for which he remained on duty during periods of school holiday: Provided further that an officer or employee shall not so be credited with more than 25 days' accumulative vacation leave in a year ending on 31 December.
  - (cc) A member of the teaching staff may, within 30 days of his having remained on duty in terms of subparagraph (bb), request that he be credited with the number of days referred to therein, or that in lieu thereof he receive a non-pensionable cash payment for that number of days at half the daily rate of his basic annual remuneration at the time of his performance of such duty, for a maximum period of 48 days' vacation duty in a year ending on 31 December.
- (ii) An officer or employee mentioned in subparagraph (a)(iii), may be granted non-accumulative vacation leave with full pay not exceeding the difference

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between 48 days and the total number of days in school holidays in a year ending on 31 December: Provided that the officer or employee concerned shall be on duty during school holidays for a minimum of 48 days during a year ending on 31 December.

(c) *Sick Leave -*

	Number of days sick leave per cycle	
	Full Pay	Half Pay
(i) Incumbents of posts of General Assistant Grade VIII and lower grades	60	60
(ii) Persons employed at educational and training institutions which close completely during periods when instruction is suspended	90	90
(iii) All other officers and employees	120	120

**Accrual of Vacation Leave**

**C15. 1** Subject to the provisions of regulation C8. 2, accumulative vacation leave, excluding accumulative vacation leave placed to a person's credit in terms of regulation C14. 1(b)(i)(bb), shall accrue in respect of each completed month of service at the rate of one twelfth of the provision applicable to any officer or employee under regulation C14. 1

**C15. 2** The accumulative vacation leave which an officer or employee has to his credit 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.

**Change in Classification due to transfer**

**C16. 1** If an officer or employee is transferred from one post to another and his transfer results in a change in his classification for leave purposes or if, for any reason other than his transfer, he passes from one vacation leave group to another -

- (a) he shall retain the accumulative vacation leave which accrued during his service in the previous group or groups; and
- (b) the accumulative vacation leave of the new group shall become applicable to him from the first day of the month during which such transfer or passing becomes effective;

unless the provisions of regulation C11. 2 apply to him.

**Leave by order and maxima**

**C17. 1** A head of department may at any time require an officer or employee, and the Administrator-General may at any time require a head of department to take the whole or a portion of the vacation and non-accumulative leave due to him: Provided that the maximum period of leave prescribed in subregulation 3(b) shall not be exceeded.

- C17. 2** (a) Except on the recommendation of the Commission, an officer or employee shall not be granted vacation and non-accumulative leave in

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excess of 184 days in the aggregate in any period of 18 months and any absence from duty for a longer period than this limit shall be covered by the granting of vacation leave without pay with due regard to the provisions of regulation 3(a): Provided that for the purposes of this subregulation no account shall be taken of vacation leave granted in terms of regulation C25. 1

- (b) Vacation leave with full pay 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 a teacher may be granted vacation leave by the head of department for urgent private affairs during a school quarter for a maximum period of 10 days in any year ending on 31 December.

- 17. 3** (a) If sound reasons exist, the head of department may, at his discretion, but subject to the limits imposed by regulation C26. 1 grant an officer or employee who has no vacation leave with pay to his credit, vacation leave without pay but not exceeding 184 days in the aggregate in any period of 18 months: Provided that in exceptional cases the limitation imposed by this regulation may be waived on the recommendation of the Commission.
- (b) Unless the provisions of regulation C3. 4, C8.2 or subregulation 3(a) are to be applied, all vacation leave with full pay standing to an officer's or employee's credit shall first be exhausted before vacation leave without pay may be granted to him.

#### **Over grant of Vacation Leave**

**C18.** If an officer or employee has been granted vacation leave with full pay in excess of that which stood to his credit at the time, such over grant may be deducted from vacation leave which subsequently accrues to him: Provided the head of department is satisfied that the over grant was made in good faith: Provided further that, if such officer or employee resigns or his services are terminated before sufficient vacation leave has accrued to him for the purpose of such deduction, that portion of the over grant which exceeds his vacation leave credit on his last day of service shall be regarded as an overpayment of salary which must be recovered or written off under competent authority.

#### **Transfer of leave and of previous periods of service**

**C19. 1** The promulgation of these regulations shall in no way affect the continuity of service for leave purposes of an officer or employee referred to in sections 32(1) and (2) of the Act, and accumulated vacation leave shall remain to the credit of such officer or employee, subject to the provisions of subregulations 4 to 6.

**C19. 2** Subject to the provisions of sub regulations 3 to 5, a person referred to in section 32(3) of the Act, who is appointed in the government service without a break in service, shall retain the accumulated vacation leave which stood to his credit on the day preceding his appointment, and his previous service in terms of which the leave credit is so retained, shall count as service for leave purposes.

**C19. 3** If a person or persons mentioned in subregulations 2 is appointed on a day other than the first day of a month, he shall retain the accumulated vacation leave which stood

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to his credit on the last day of the month preceding the month during which his appointment is effected, in which case these regulations shall become applicable to him on the first day of the month in which his appointment is affected.

**C19. 4** If the leave referred to in subregulation 2 would have become available for utilisation only after the completion of a specified period of service and such period of service is uncompleted on the date on which these regulations become applicable to the officer or employee, the credit may be calculated in proportion to the portion of the relative period of service which he has completed on the last-mentioned date, and the leave thus calculated may be granted forthwith.

**C19. 5** In the application of the provisions of subregulations 1 and 2 any portion of a day shall be regarded as one day when the accumulated vacation leave is placed to the credit of an officer or employee on the date on which these regulations become applicable to him.

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

**C20. 1** Notwithstanding anything to the contrary in these regulations but subject to the provisions of subregulation 2, a teacher who is appointed and who previously served as a temporary teacher, and who has broken his service because the post he occupied was filled permanently, 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.

**C20. 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 he could have been credited with under regulation C19.1: 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**

**C21.** A female officer or employee shall take vacation leave with or without pay, as the case may be, for her accouchement for the period determined by the head of department, but for not more than 184 days and not less than 30 days before the anticipated date thereof and for at least 30 days after such accouchement.

**Vacation Leave for Study Purposes**

**C22. 1** Notwithstanding anything to the contrary in these regulations, vacation leave may be granted to an officer or employee for purposes of approved study or training and for an approved period.

**C22. 2** The vacation leave referred to in subregulation 1 shall be granted on full pay to the extent to which the officer or employee has vacation leave standing to his credit, and without pay for a period approved by the head of department.



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**C22. 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 may be granted.

**C22. 4** The granting of special leave in terms of subregulation 3, shall be subject to such officer or employee entering into an undertaking with his employer on the conditions approved on the recommendation of the Commission.

**SICK LEAVE**

**Accrual of sick leave**

**C23. 1** Sick leave shall accrue to an officer or employee on the first day of a cycle and with effect from that day the full provision of the relative cycle may be granted to him if the other provisions of these regulations are complied with: Provided that no officer or employee shall be granted sick leave with full or half pay until he has completed 30 days' service reckoned from the date of his appointment and then only in respect of absences subsequent to the completion of such service.

**C23. 2** If an officer or employee, during a cycle and without a break in service -

- (a) passes to a group in which the sick leave provision is less favourable than that formerly applicable to him, he shall, for the duration of the relative cycle, retain the sick leave provision formerly applicable to him; or
- (b) passes to a group in which the sick leave provision is more favourable than previously, he shall immediately acquire the sick leave provision of the new group, less any paid sick leave already used by him during the relative cycle,

unless the provisions of regulation C11. 2 apply to him.

**C23. 3** Subject to the provisions of these regulations the full sick leave provision which may be granted during a particular cycle shall, accrue to an officer or employee who retains his vacation leave credit in terms of regulation C19 with effect from his date of appointment.

**Lapse of sick leave at end of cycle**

**C24.** 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.

**Utilising of vacation leave instead of sick leave**

**C25. 1** An officer or employee may, on application in writing, be granted any vacation leave which he may have to his credit, in lieu of sick leave with half pay or sick leave without pay: Provided that -

- (a) such application is submitted not later than 30 days after he has resumed duty;
- (b) the number of days' vacation leave so granted shall not exceed 365 days in the aggregate in any cycle;
- (c) the head of department shall be satisfied that the officer or employee concerned is not at the stage permanently unfit for the resumption of his normal duties, and

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- (d) notwithstanding the provisions of paragraph (c) the provisions of this regulation may also be applied in respect of the absence of an officer or employee owing to illness after steps have been taken to terminate his services on grounds of ill-health.

**C25. 2** Once the vacation leave referred to has been granted to an officer or employee and he has received payment in respect thereof, such leave shall not be reconverted into sick leave with half pay or without pay.

**C25. 3** If an officer or employee to whom vacation leave has been granted, becomes ill while on vacation leave, that portion of the vacation leave while he was ill, may, subject to the provisions of regulation C27. 3 and on his written request, be converted into sick leave.

**C25. 4** Vacation leave without pay shall not be converted into sick leave.

#### **Maximum Sick Leave per cycle**

- C26. 1** (a) If an officer or employee has used his paid sick leave provided for in these regulations, he may, notwithstanding the provisions of subregulation 25(1), be granted sick leave without pay not exceeding 365 days in the aggregate in any particular cycle.
- (b) If an officer or employee has been granted the sick leave without pay provided for in this subregulation, he shall not, during the particular cycle, be granted any further leave, of whatever nature, to cover his absence from duty owing to illness, except on the recommendation of the Commission.

#### **Granting of Sick Leave**

**C27. 1** Sick leave shall be granted only in respect of the absence from duty of an officer or employee owing to an illness, indisposition or injury not due to his misconduct or failure to take reasonable precautions.

**C27. 2** Sick leave may be granted in respect of nervous complaints, insomnia, debility and similar ill-defined illnesses or indispositions only if the head of department is satisfied that the applicant's state of health -

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

- C27. 3** (a) If an officer or employee is absent from duty for 11 continuous period of more than three days owing to illness, he may be granted sick leave only if he furnishes the head of department with a certificate by a registered medical practitioner or a registered dentist which -
- (i) clearly describes the nature of the illness,
- (ii) declares that he is not capable of performing his official duties, and
- (iii) indicates the period necessary for his recuperation.

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- (b) The head of department may require the submission of a certificate referred to in paragraph (a) in respect of periods of three days or less.
- (c) If an officer or employee is absent from work for a period of three days or less immediately prior to or after a day of rest or two or more consecutive days of rest and applies for sick leave for that period, he may be granted sick leave with pay only if he furnishes a certificate referred to in paragraph (a) or if the head of department approves that such leave be granted without the submission of such a certificate.
- (d) If an officer or employee was absent on leave due to illness and there are good reasons for the non-submission of a certificate of indisposition referred to in paragraph (a), the head of department may waive the submission of such certificate by the officer or employee in respect of sick leave for a continuous period not exceeding 14 days which exemption shall be endorsed on the leave application.
- (e) Sick leave, with or without pay, in respect of which a certificate referred to in paragraph (a) is not submitted, may be granted only for an aggregate of 10 days during any year ending on 31 December and any further absences shall be covered by the granting of vacation leave with full pay or, if the officer or employee has no vacation leave to his credit, of vacation leave without pay: Provided that the provisions of this paragraph shall not apply to periods of absence in respect of which exemption in terms of paragraph (d) has been granted

**C27. 4** Notwithstanding the submission of a certificate as defined in subregulation 3(a) the head of department may refuse to grant sick leave with 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 C3. 4 (a) shall apply.

**Medical Examination by order**

- C28. 1** (a) The head of department may at any time require an officer or employee to submit himself to an examination by one or more registered medical practitioners nominated by the head of department.
- (b) The expenses in connection with such examination shall be met from public funds.

**Sick leave with half pay after completion of 15 years' service**

**C29. 1** If an officer or employee who has completed 15 years' service and who has been granted the maximum sick leave provided for in these regulations, is not yet able, for health reasons, to resume his duties, the head of department -

- (a) on the submission to him of a satisfactory certificate referred to in regulation C27.3;
- (b) if he is satisfied that the officer or employee at that particular time is not permanently unfit to resume his normal duties; and

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- (c) if the officer or employee has no vacation leave to his credit;

may grant such officer or employee further sick leave with half pay an amount of days equal to the amount of days with full pay which he is entitled to in a particular cycle in terms of regulation C14.1(c), which grant may be made in respect of separate periods of absence and in respect of different kind of illnesses.

**C29. 2** Notwithstanding the provisions of regulation 1(c) the provisions of this regulation may also be applied in respect of the absence of an officer or employee owing to illness after steps have been taken to terminate his service on grounds of ill-health.

### **Special Sick Leave**

**C30. 1** An officer or employee who is absent from duty owing to an injury sustained in an accident arising out of and in the course of his duties or owing to a disease contracted in the course of and as a result of his duties, may be granted special sick leave with full pay for the period he is incapacitated for his normal duties.

**C30. 2** Special sick leave with pay, in terms of this regulation shall not be granted where the accident was caused by a third party, unless the officer or employee either authorises his employer to bring a claim in his name against the third party for damages suffered by him or undertakes himself to bring a claim against the third party and to recompense his employer for the damages suffered by it, as a result of the accident, from any amount that may be recovered.

**C30. 3** Special sick leave in terms of this regulation shall not be granted if the head of department is of opinion that the accident is attributable to the serious and wilful misconduct of the officer or employee.

**C30. 4** The provisions of regulations C27.3 and C28.1 shall apply *mutatis mutandis* to the granting of special sick leave.

## **SPECIAL LEAVE**

### **Special Leave with Full Pay**

**C31. 1** Special leave with full pay may be granted to an officer or employee on the conditions approved on the recommendation of the Commission -

- (a) when he sits for any examination prescribed by the Act, an examination of a recognised university, and law examination of the government service and any other examination except a re-examination, which the Commission may indicate;
- (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 of and reason for segregation or isolation;
- (c) when he is arrested or has to appear before court on a criminal charge and he is subsequently acquitted or the charge withdrawn;

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- (d) when as a member of a staff association which has been officially recognised, he is permitted to attend meetings of departmental promotion committees as an observer, and as a result of such attendance he is absent from duty for one or more full working days;
- (e) 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 territory, whether as a competitor, coach or manager; or
  - (ii) represent South West Africa, and not merely a club, as a competitor, coach or manager at international sporting events within the territory; or
  - (iii) accompany a foreign national team visiting the territory, as a representative of the South West African sports association organising the tour; and
- (f) when, outside the normal course of his duties, he is in terms of legislation on Defence or Police called up, instructed or permitted to be absent from his normal duties.

### **Exceptional Cases**

**C32.** In the event of circumstances arising which justify a departure from the provisions of this chapter, the head of department may grant leave to an officer or employee or classes of officers or employees on such conditions as the Commission may recommend. The Commission may also, at its discretion, prescribe special leave privileges for an officer or employee or classes of officers or employees and also make recommendations in connection with leave matters which are not covered by these regulations or which result in a departure from the provisions of these regulations.

## **CHAPTER D**

### **SUBSISTENCE, CAMP AND RELATED ALLOWANCES**

#### **Rates of Allowances**

**D1. 1** Subject to the provisions of regulation D2 and save where other special provision is made in this chapter, the head of the department may pay to an officer or employee who is necessarily absent from his headquarters for a period of 24 hours or longer on official duty, including the travelling time, and who does not stay at his home during such absence, subsistence, camp or special allowances at a daily rate and in accordance with recommendations and directions given by the Commission.

**D1. 2** Different rates may be determined in terms of subregulation 1 in respect of different circumstances and different categories of officers and employees, provided that in particular prescribed circumstances not more than the actual reasonable expenses necessarily incurred on accommodation may be refunded.

**D1. 3** In respect of every full hour in excess of 24 hours, all in excess of multiple of 24 hours, the head of department may pay to an officer or employee the subsistence, camp or special allowances determined in terms of this chapter at the rate of one-twenty-fourth of the daily rate of such allowance.

#### **Absences of less than 24 hours**

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**D2.** Save where other special provision is made in this chapter or unless accommodation or subsistence allowance is otherwise provided or paid by his employer, the head of the department may reimburse an officer or employee who is absent from his normal place of work and his home for a period of less than 24 hours, on official duty, reasonable actual expenditure necessarily incurred by him on accommodation.

**Maximum Period in Respect of Which Allowances is Payable**

**D3. 1** Save where other special provision is made in this chapter, the allowances mentioned in regulation D1 may be paid to an officer or employee during periods of absence from his headquarters for a continuous period not exceeding six calendar months in the same town or place.

**D3. 2** The time occupied by an officer's or employee's journey to and from his destination shall be disregarded for the purpose of the calculation of the period of six calendar months mentioned in subregulation 1 and, for the purpose of this regulation, the continuity of any period of sojourn at the same town or place shall not be regarded as having been interrupted by an absence, for any reason whatsoever, of less than one calendar month.

**Inadequate Subsistence Allowance**

**D4.** If the subsistence or special allowance prescribed in terms of the provisions of this chapter, is inadequate to cover the expenses which an officer or employee incurs over and above his normal living expenses who he is absent from his headquarters on official duty, the head of the department may refund to the officer or employee the difference between the amount payable as subsistence or special allowance in respect of the whole continuous period of such officer's or employee's absence from his headquarters and the *reasonable* expenses actually and necessarily incurred by him on accommodation in respect of such period, on condition that -

- (a) the head of the department is satisfied that the accommodation of which the officer or employee availed himself, is commensurate with his status as a government servant;
- (b) the relative claim is supported by receipts or other vouchers, or where such evidence is not available, by a written statement;
- (c) items not covered by the definition of "accommodation" in regulation A1. 1, are excluded in calculating the amount which may be refunded;
- (d) amounts allowed in respect of the hire of bedding on a train are limited to the cost of a bedding ticket obtainable at ticker and reservation officers, but the cost of luxury bedding and special mattress shall not be allowed -

Provided that -

- (i) amounts which may be refunded in terms of the provisions of this regulation, to an officer or employee who visits more than one country abroad during one journey, may be calculated in respect of the period of his sojourn in each separate country instead of the whole period of his absence from his headquarters; and
- (ii) the provisions of this subregulation shall not apply to camp allowance or commuted subsistence allowance.

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### **Camping Equipment**

**D5.** An officer or employee who is required to camp on account of the nature of his duties or the circumstances under which his duties are performed, may be provided with the camping equipment as prescribed on the recommendation of the Commission.

### **Payment of Subsistence and Camp Allowance during Periods of Leave**

**D6. 1** Subject to the provisions of subregulation 2, the subsistence, camp or special allowance payable in terms of the provisions of this chapter, shall not be paid to an officer or employee during a period of leave, unless such payment is approved on the recommendation of the Commission.

**D6. 2** Notwithstanding the provisions of subregulation 1 -

- (a) the subsistence, camp or special allowance mentioned in subregulation 1 may be paid to an officer or employee in respect of a period of sick leave, including special sick leave granted in terms of regulation C30; Provided that -
  - (i) the officer or employee does not return to his headquarters and actually and necessarily incurs expenditure on accommodation for himself during the period of his illness; and
  - (ii) expenses in respect of hospitalisation shall not be regarded as expenditure on accommodation; and
- (b) the commuted subsistence allowance mentioned in regulation D8 may be paid in respect of leave not exceeding 12 days in the aggregate, excluding sick leave, during a year ending on 31 December.

### **Payment of Subsistence Allowance on Appointment**

**D7.** Subsistence allowance shall not be paid to a person on his first appointment in the government service in respect of his journey to the place where he is required to assume duty: Provided that the head of the department may pay subsistence allowance to a person living outside the territory and who is appointed in the territory, in respect of himself and his household on the basis applicable to a transferred officer or employee in terms of Chapter F, in respect of the period of his journey by train from the first place of entry into the territory to his destination.

### **Commuted Subsistence Allowance**

**D8.** Notwithstanding anything to the contrary contained in this chapter, the head of the department on the recommendation of the Commission pay a commuted subsistence allowance to an officer or employee.

### **Form for the Submission of Claims**

**D9.** Applications for the payment of the subsistence, camp or special allowance prescribed in or in terms of the provisions of this chapter, excluding commuted subsistence allowance, shall be made in a form approved by the Commission.

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### **Exceptional Cases**

**D10** If circumstances arise which justify a departure from the provisions of this chapter, the head of the department may pay to an officer or employee or classes of officers or employees such subsistence, camp or special allowance as the Commission recommends.

## **CHAPTER E** **OFFICIAL TRAVELLING AND TRANSPORT**

### **Economy and Control**

**E1. 1** All official journeys shall be approved by the head of department who shall ensure that they are necessary and in the interests of South West Africa.

**E1. 2** An officer or employee shall, subject to the provisions of regulation E3, undertake an official journey by the most economical means with due regard to available means of transport, routes, duration and all other items of expenditure applicable in the circumstances.

**E1. 3** The reason(s) for any non-observance of the provisions of regulation E1.2 shall be furnished by the officer or employee, in writing, and such explanation shall be attached to the form mentioned in regulation E10.

**E1. 4** If an officer or employee has travelled in a manner which results in greater transport expenditure or which involves a longer period of time than was necessary -

- (a) the head of department shall limit the amount payable to him in reimbursement of his travelling expenses to what it would have amounted to had he observed the provisions of regulation E1.2;
- (b) he shall refund the expenditure unnecessarily incurred if he has travelled on an official warrant or by means of official motor transport; and
- (c) each working day by which the normal travelling time has been exceeded, shall be covered by leave of absence in accordance with Chapter C.

### **Transport Expenses**

**E2.** Subject to the provisions of this chapter and other conditions determined on the recommendation of the Commission, the head of department may reimburse an officer or employee, who is required to travel on official duty, the costs of conveying himself and his necessary personal luggage, as well as reasonable expenditure incurred in connection with taxi hire (if official transport is not available), portorage, gratuities, landing or shipping fees and other incidental services.

### **Means of Transport to be Used**

**E3. 1** If an officer or employee has to travel on official duty, he shall use public transport and if public transport is not available or the use thereof is impractical, he shall use available official motor transport, or if such motor transport is also not available, he shall requisition on a designated official garage for such means of transport as may be necessary for the performance of the journey, or, if none of these means of transport is available, he shall make the best and most economical transport arrangements, including the use of private



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transport: Provided that the provision contained in regulation E3.1 shall apply *mutatis mutandis* in cases where private motor transport is used.

**E3. 2** Notwithstanding the provisions of regulation E3.1, a head of department may authorise an officer or employee to undertake an official journey or part thereof, by any means of transport irrespective of whether or not it is possible to undertake the journey by other means of transport, if the head of department is satisfied that it is necessary and unavoidable or if it is necessary in the interest of the officer's or employee's health or that of a member of his household who travels at the expense of his employer, in which case the head of department may, at his discretion, require the submission of a supporting medical certificate: Provided that in the case of frequent or regulate travelling by privately-owned motor transport the prior recommendation of the Secretary for Civic Affairs and Manpower shall be obtained; and

**E3. 3** Notwithstanding any provisions to the contrary in this chapter -

- (a) a head of department or any other officer or employee with a salary equal or higher than the salary pertaining to a post of Deputy Director (administrative) may, at his discretion, undertake an official journey by any means of transport if it is necessary and unavoidable.
- (b) any officer or employee, other than an officer or employee referred to in paragraph (a), may use privately-owned transport or travel by air or by boat to undertake an official journey subject to the conditions prescribed on the recommendation of the Commission and provided that -
  - (i) privately-owned transport shall be utilised at own risk in so far as it is not in conflict with the provisions of the Workmen's Compensation Act, 1941, as amended, or any other legal provision; and
  - (ii) such means of transport shall not be used on official duty instead of allocated official motor transport.

**E3. 4** Members of an officer's or employee's household who are conveyed at the expense of his employer may, if they accompany him, use the same means of transport and travel in the same class or grade as the officer or employee concerned and shall be regarded for this purpose as official passengers: Provided that when they do not accompany him the provisions of regulations E3.3 and E4.3 shall apply *mutatis mutandis* to such members in so far as the choice of means of transport and the classes and grades in which they may travel, are concerned.

**Class of Travel by Train, Boat or Air**

**E4. 1** An officer, having to undertake an official journey or voyage by train, boat or *aeroplane*, can travel in the following classes -

- (a) *By train* -
  - (i) In the territory - First class if available, otherwise second class;
  - (ii) Abroad;

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In the class considered by the head of department to be in keeping with the officer's status, with due regard to the class by which persons of a comparable status travel in the country or territory concerned.

- (b) *By boat* - First class: Provided that if that class is divided into various grades the officer or employee shall travel in the cheapest grade.
- (c) *By air* - (i) in the territory - Standard service or economy class.
  - (ii) to and from countries adjoining the territory: Economy class;
  - (iii) Between and in countries and territories outside the territory and adjoining territories: In the class which is considered by the head of department to be in keeping with the officer's or employee's status, with due regard to the class by which persons of a comparable status travel in and between the countries and territories concerned.

**E4. 2** Notwithstanding the provisions of regulation E4. 1 the head of department may, if he is satisfied that it is necessary and unavoidable, authorise an officer or employee to travel in a more expensive class or grade than that prescribed.

**E4. 3** Notwithstanding any provisions to the contrary in this chapter -

- (a) a head of department or any other officer or employee with a salary equal or higher than the salary pertaining to a post of Deputy Director (administrative) may, at his discretion, subject to the proviso of regulation E3. 3, travel in any class or grade if it is necessary and unavoidable; and
- (b) any officer or employee other than an officer or employee referred to in paragraph (a) may, at his discretion, travel in any class or grade provided that the expenditure that may be met from public funds is limited to what it would have amounted to had the officer or employee travelled in the prescribed class or grade.

### **Compulsory use of official motor transport**

**E5. 1** If ahead of department is satisfied that the interest of South West Africa will be best served thereby, he may, on the recommendation of the Secretary for Civic Affairs and Manpower and notwithstanding any provisions to the contrary in this chapter, require an officer or employee whose duties necessitate frequent or regular travelling on official duty to utilise such official motor transport as may be deemed necessary for the efficient performance of his duties.

**E5. 2** An officer or employee who is required in terms of the provisions of regulation E5.1 to utilize official motor transport shall not be entitled to be provided with a driver at the expense of his employer.

**E5. 3** If an officer or employee, who is required in terms of the provisions of regulation E5. 1 to use official owned motor transport, is not in possession of an appropriate driver's licence, the head of department may provide him with the necessary tuition at the expense of the department and may pay from departmental funds all examination or driver's licence fees, the cost of photographs which must be affixed to the licence and the fee for any medical examination required.

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**Amounts and Allowances Payable for the Voluntary Use of Privately-owned Motor Transport or Public Transport**

**E6.** The head of department may pay the following to an officer or employee who, in terms of the provisions of regulations E3.1, E3.2 or E3.3, uses privately-owned motor transport or a means of public transport instead of the proper means of transport for the undertaking of an official journey -

- (a) In the case of privately-owned motor transport which is used in terms of the provisions of regulations E3.1, E3.2 or E3.3(a): The appropriate allowances in respect of privately-owned motor transport, prescribed on the recommendation of the Commission for the use of such transport.
- (b) In the case of the privately-owned motor transport or a means of public transport which is used in terms of the provisions of regulation E3.3(b): An amount equal to what it would have cost, at official rate, where applicable, had the officer or employee and any official passenger(s) accompanying him travelled by the proper means of public transport (inclusive of the expenditure which would have been defrayed from departmental funds to convey him and the passenger(s) to and from the point of departure or arrival by means of public transport) in the absence of such means of public transport by any other means of transport in terms of the provisions of regulation E12: provided that -
  - (i) reimbursement for the use of privately owned motor transport instead of official motor transport shall not exceed the allowances mentioned in paragraph (a); and
  - (ii) expenditure incidental to journeys by means of public transport, such as portorage (at railway stations and airports), surcharges on coupes and baggage room fees, where applicable, shall be disregarded for the purposes of this paragraph.
- (c) In the case of other means of private transport: The amounts or allowances determined on the recommendation of the Commission.

**Commuted Transport Allowance**

**E7.** Notwithstanding any provisions to the contrary in this chapter, the head of department may, on the recommendation of the Commission, pay a transport allowance on a commuted basis to an officer or employee.

**Payment of Commuted Transport Allowance during Periods of Leave and while Duties are Performed which do not Necessitate the Use of Transport**

**E8.** The payment of a commuted transport allowance to an officer or employee in terms of the provisions of regulation E7, shall be continued during the periods indicated below, while he is on leave or is performing duties not necessitating the use of transport -

- (a) In the case of motor transport: Fourteen days in the aggregate during a year ending on 31 December.

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- (b) In the case of transport other than motor transport: Any period in respect of which the transport is placed at the disposal of his employer, whether or not it is used for official purposes.

### **Travelling Privileges on Selection, Appointment, Termination of Services and Death**

**E9. 1** The head of department may grant a person who is resident in the territory and who is a candidate for permanent appointment or promotion to a post in the government service, the travelling privileges at the expense of the department approved on the recommendation of the Commission, in order to enable him to report for an interview.

**E9. 2** In cases where the local recruitment of suitable candidates is not possible, the head of department may grant a person who is resident in the territory and who is appointed permanently to a post in the government service an officer or employee (including an employee on contract), travelling privileges at the expense of the department for himself and members of his household from the place where he is recruited or the place where he is resident, whichever is applicable, to the place where he is instructed to assume duty on the same conditions concerning means of transport and classes and grades of travel as those prescribed in this chapter for comparable officers and employees.

**E9. 3** The head of department may, at the expense of the department, grant a person who resides outside the territory and who is appointed permanently to a post in the government service or on contract for a fixed period of time, the travelling privileges approved on the recommendation of the Commission in respect of himself and members of his household.

**E9. 4** The head of department may grant an officer or employee who on termination of services qualifies for the retirement benefits prescribed in Chapter F, and household, travelling privileges at the expense of the department from his place of residence to a place in the territory where he and his household wishes to reside on the conditions concerning the means of transport and classes and grades of travel prescribed in this chapter.

### **Form for the Submission of Claims**

**E10.** Claims for the reimbursement of transport expenses which may be paid in terms of the provisions of this chapter, excluding a commuted transport allowance, shall be made in a form approved by the Commission.

### **Exceptional Cases**

**E11.** If circumstances arise which justify a departure from the provisions of this chapter or which are not covered thereby, official travelling by such manner or means of transport or payment of such compensation, expenses or allowances or the granting of such travelling privileges may be approved or prescribed as recommended by the Commission.

## **CHAPTER F**

### **TRANSFER EXPENDITURE AND TRANSPORT PRIVILEGES ON APPOINTMENT AND ON TERMINATION OF SERVICES AND DEATH**

#### **Transfer of Officers and Employees within the Territory**

- F1. 1** (a) Subject to the provisions of this chapter, an officer or employee who is transferred and his household and personal effects, if any, may be

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moved at the expense of his department, from one headquarters to another within the territory.

- (b) If an officer or employee is transferred at his own request no expenditure in connection therewith shall be met from departmental funds, and any absence from duty as a result of such transfer shall be covered by the granting of vacation leave in terms of Chapter C: Provided that the provisions of this paragraph shall not apply to an officer or employee if the head of department is satisfied that such transfer -
- (i) is in the interest of the department; or
  - (ii) is necessary in the interest of the officer's or employee's health or that of a member of his household in which case the head of department may, at his discretion, require the submission of a supporting medical certificate.

**F1. 2** If an officer or employee is transferred at the expense of his department, he shall be deemed to travel on official duty and he and his household may be -

- (a) granted the privileges prescribed in this Chapter and in Chapter E; and
- (b) paid subsistence allowance in terms of the provisions of Chapter D: Provided that the head of department may pay to the officer or employee subsistence allowance at the full rate applicable to himself, in respect of each member of his household who is 10 years old or older, and at half such rate in respect of each other member, for the period necessarily spent in travelling from one headquarters to another over the shortest route and with the proper means of transport.

**F1. 3** On the transfer of an officer or employee at the expense of his department, the following conditions shall be applicable to the transport from one headquarters to another of himself, his household and personal effects, provided that the officer or employee transfers his household and personal effects within two calendar months of the date on which his services at his old headquarters terminate, unless he obtains permission to defer the transfer of his household and personal effects, which permission may be granted by the head of department -

- (a) Excess luggage not exceeding 225 kg (gross) may be transported by passenger train.
- (b) Personal effects not exceeding 6350 kg (gross) may be transported by goods train or the road motor service of the Railways or other public conveyance or official transport, from one headquarters to another and from the dwelling to the railway station, and *vice versa* and to and from a warehouse if the personal effects have been or are to be stored: Provided that if conveyance by one of the said means of transport is impossible or impractical or is more expensive, the head of department may, at his discretion, approve the use of any other means of transport: Provided further that the prescribed mass shall include the mass of the vehicle or vehicles, caravan or trailer of an officer or employee and his household, but not the mass of an animal maintained for official purposes; such animal may be transported at the expense of the department over and above the provision made for personal effects

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- (c) The conveyance of the motor vehicle or vehicles, caravan or trailer of an officer or employee and his household at the expense of his department is subject to the condition that -
- (i) the department only accepts such liability for loss of or damage to a motor vehicle or motor vehicles, caravan or trailer during the loading, conveyance or unloading thereof as approved on recommendation of the Commission;
  - (ii) motor vehicles are transported by goods train at a tariff approved on the recommendation of the Commission;
  - (iii) if transport as referred to in subparagraph (ii) or other transport is impossible or impractical, the head of department may approve that the officer or employee undertakes the journey with his motor vehicle or vehicles and tow his caravan or trailer during such a journey; and
  - (iv) any officer and employee who uses his motor vehicle or vehicles in terms of subparagraph (iii) may be compensated at the distance allowances, plus 10 percent if he tows a caravan or trailer, in terms of regulation E6(a): Provided that such compensation shall be limited to the allowances payable over the shortest route or the amount which would have been paid had subparagraph (ii) been applicable, whichever is the lesser amount.
- (d) Written tenders must be obtained for the packing and unpacking and loading and unloading of personal effects, and where applicable, for the conveyance and storage thereof, and the lowest tender shall be accepted: Provided that the head of department may authorise the acceptance of a higher tender if he is satisfied that there are adequate reasons for the rejection of the lowest tender.
- (e) The cost of packing (including the cost of packing material) and unpacking of personal effects within the prescribed mass limit may be met from departmental funds: Provided that no expenses in respect of the special packing of antiques, works of art and musical instruments be met from public funds
- (f) In an exceptional case the head of department may approve that an officer's or employee's personal effects within the prescribed mass limit, be stored at the expense of his department for a period not exceeding six calendar months at either his old or his new headquarters: Provided that when an officer or employee has to occupy allocated furnished official quarters at his new headquarters, his personal effects or a portion thereof, including vehicles, may be stored on property of his employer or elsewhere at the expense of his department until such time as he has to vacate the said quarters.
- (g) The head of department may approve that an officer's or employee's personal effects may be insured at the expense of his department during transportation and storage thereof subject to the amounts and conditions approved on the recommendation of the Commission.

**F1. 4** The head of department may, subject to any further basis, limitations and conditions, approved on the recommendation of the Commission, pay or refund the following to an officer or employee who has been transferred at the expense of his department provided that the officer or employee transfers his household and personal effects within two calendar months of the date on which his services terminate at his old headquarters, unless he obtains permission

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to defer the transfer of his household and personal effects, which permission may be granted by the head of department -

- (a) The amount actually and necessarily expended on rent or board and lodging at the original headquarters and forfeited in consequence of notice of transfer of shorter than one month, provided expenditure on rent or board and lodging is concurrently incurred at the headquarters to which the officer or employee is transferred.
- (b) The amount actually and necessarily and necessarily expended on board and lodging or hotel accommodation at the original and new headquarters for a total period not exceeding fourteen days through the officer or employee and his household being compelled to reside at a boarding-house or hotel or to board privately while his personal effects are being packed or un packed or transported to his new headquarters or while he is in search of a house or flat at his new headquarters.
- (c) The difference between normal living expenses comprising rent, rates, water, lights, fuel for domestic use, food and the abnormal expenses actually and necessarily incurred by the officer or employee at his new headquarters through being compelled to -
  - (i) reside for a period longer than that referred to in paragraph (b) in an hotel, boarding-house, furnished house, furnished flat, furnished rooms or to board privately; or
  - (ii) occupy official quarters assigned to him, while his personal effects are being unpacked or transported from the old headquarters, or while he is in search of an unfurnished house or flat or if his household is divided owing to his children's schooling: Provided that abnormal living expenses may be paid for a period not exceeding two calendar months: Provided further that where such expenses are due to children's schooling, abnormal living expenses may be paid till the end of the school year in which the officer or employee concerned has been transferred.
- (d) Expenditure necessarily incurred as a result of the officer's or employee's transfer, in connection with the reregistration of privately-owned vehicles which are normally applied to personal use but excluding expenditure incurred on the fitting, adjustment or replacement of defective parts and accessories.
- (e) Expenditure necessarily incurred as a result of the officer's or employee's transfer, in connection with the replacement of number plates by *standard* number plates in respect of privately-owned vehicles which are normally applied to personal use.
- (f) Expenditure necessarily incurred as a result of the officer's or employee's transfer to headquarters at the coast in connection with the rustproofing of his privately-owned vehicles which are normally applied to personal use.
- (g) Telephone rental on a *pro rata* basis in respect of the period during which the officer or employee is unable to use the telephone as a result of his transfer: Provided that telephone rental which is recoverable from the postal services shall not be refunded.

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- (h) The cost of transferring or installing a telephone: Provided that such cost shall be payable only where an officer or employee had an official or private telephone at his previous headquarters.
- (i) Expenditure necessarily incurred as a result of the officer's or employee's transfer in connection with -
  - (i) the cost of repairs to or replacement of personal effects damaged in transit;
  - (ii) the cost of disconnecting and connecting and altering or replacing domestic appliances; and
  - (iii) the cost involved in purchasing essential school, books and school uniforms for a child or other dependent member of the officer's or employee's household.
- (j) The expenditure incurred in connection with the reconnection of water and electricity: Provided that reconnection fees which form part of deposits required by local authorities to cover water and electricity consumption by occupants of residences in their municipal areas and which are recoverable from such local authorities, shall not be refunded.
- (k) An amount not exceeding R100 in respect of expenditure necessarily and unavoidably incurred by and officer or employee in connection with the replacement of curtains in the circumstances referred to in regulation F1.5(a).

- F1. 5** (a) To an officer or employee who is transferred at the expense of his department and who moves his personal effects from -
- (i) a house or flat at or in the vicinity of his old headquarters, which house or flat was wholly or partly furnished by himself, to a house or flat at or in the vicinity of his new headquarters or to a warehouse; or
  - (ii) a warehouse to a house or flat for his own occupation at or in the vicinity of his new headquarters, or to another warehouse;

a head of department may pay an amount not exceeding R100 in respect of depreciation of personal effects and *to meet expenses* arising from his transfer, other than those for which provision is made elsewhere in these regulations.

- (b) To an officer or employee who is transferred at the expense of his department and whose transfer is not coupled with the conveyance of personal effects, a head of department may pay an amount not exceeding R20 *to meet expenses* arising from his transfer, other than those for which provision is made elsewhere in these regulations.

**F1. 6** A head of department may refund to an officer or employee who has under the circumstances determined by the Commission been transferred to new headquarters at the expense of his department or required to vacate official quarters permanently, all or part of the transfer costs incurred by him in connection with the purchase or building by him in connection



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with the purchase or building of a house for occupation by himself and his household, subject to the conditions, requirements and limitations determined by the Commission.

### **Transfer of Officers and Employees Abroad and Between the Territory and Abroad**

**F2. 1** The provisions of regulation F1, but with the exclusion of those contained in regulations F1.3(f) and F1.4(i)(i), shall apply *mutatis mutandis* to an officer or employee transferred from a headquarters in the territory to a headquarters abroad, or *vice versa* or from one headquarters abroad to another headquarters abroad: Provided that -

- (a) the provisions of regulation F1.4(b) shall apply only to the sojourn in the Territory of an officer or employee who is transferred from a headquarters in the territory to a headquarters abroad or *vice versa*; and
- (b) the provisions of regulation F1.4(c) shall apply only to an officer or employee who is transferred from a headquarters abroad to a headquarters in the territory, but shall not apply in such cases where abnormal living expenses are incurred solely owing to the schooling of children.

**F2. 2** When an officer or employee is transferred at the expense of his department, the following provisions shall apply to such officer or employee, his household and personal effects, in addition to the provisions applicable to him in terms of subregulation 1.

- (a) Subject to the provisions of Chapter D, subsistence allowance may be paid to an officer or employee who is transferred from a headquarters abroad, or *vice versa*, or from one headquarters abroad to another headquarters abroad, in respect of himself and each member of his household, who is entitled to travel at the expense of his department at the rate applicable to official journeys in the country in which they are travelling by officers or employees whose headquarters are in that country: Provided that in respect of journeys within the territory the appropriate rates which apply in the territory shall apply: Provided further that half rates shall apply in respect of any member of the household who is younger than 10 years.
- (b) An officer's or employee's personal effects not exceeding 9 1 00 kg (gross), may, at the discretion of the head of department, be transported and packed in terms of the provisions of regulations F1.3(b), (d) and (e).
- (c) Subject to such limitations and conditions as may be approved on the recommendation of the Commission, the personal effects of an officer or employee may be stored at the expense of his department.

### **Transport Privileges on Appointment**

**F3. 1** In cases where the local recruitment of suitable candidates is not possible, a head of department may, subject to the provisions of subregulation 2, grant a person who is resident in the territory and who is appointed permanently to a post in the government service as an officer or employee (including an employee on contract) free transport for himself and his household in accordance with Chapter E and have his personal effects conveyed at the expense of his department on the basis laid down for a transferred officer or employee in regulations F1. 1(a) and F1. 3(a), (b), (c), (d) and (e).

**F3. 2** If a person who has been granted the transport privileges mentioned in subregulation 1, resigns or his services are, as a result of unsatisfactory service, terminated

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within twelve calendar months of the date of his assumption of duty, he shall refund the expenditure incurred in respect of his household and personal effects.

**F3.** 3 The head of department may grant a person who resides outside the territory and who is appointed on contract for a fixed period or in a post in the government service, the travelling privileges for himself and members of his household prescribed in Chapter E and such transport privileges for the conveyance of his personal effects as may be approved on the recommendation of the Commission.

#### **Transport Privileges on Termination of Services and Death**

**F4.** 1 The head of department may grant an officer or employee who is stationed in the territory and whose services terminates on grounds approved for the purpose of this regulation on the recommendation of the Commission, and who has completed or would have completed not less than ten years' continuous service on attainment of the age of 60 years, conveyance at the expense of his department of his personal effects (or those of his household in the event of his death), apart from the travelling privileges in respect of himself and his household provided for in regulation E9. 4, from his place of residence to a place where he or his household intends to reside in the territory subject to such limitations and conditions as may be determined on the recommendation of the Commission.

**F4.** 2 The head of department may grant an officer or employee (or his household in the event of his death) stationed abroad and whose services terminate on grounds approved for the purpose of this regulation on the recommendation of the Commission, the transfer privileges mentioned in regulation F2, from his place of residence to a place in the territory subject to such limitations and conditions as may be determined on the recommendation of the Commission.

#### **Conveyance of Personal Requirements to a Camp**

**F5.** The head of department may grant an officer or employee who, for the purpose of carrying out his personal duties, is required to live in a camp, free conveyance for his personal requirements, including provisions, between the nearest railway station or trading store and the camp, provided the most economical transport arrangements are made in accordance with Chapter E.

#### **Transport and Other Privileges of Officers or Employees who vacate or Move into Official Quarters Assigned to them at their Head-quarters**

**F6.** 1 If an officer or employee is obliged, as a result of departmental requirements

- (a) to permanently vacate official quarters assigned to him and to move into other official quarters or private quarters; or
- (b) to vacate private quarters because he has to occupy official quarters assigned to him,

at his headquarters, the provisions of this chapter shall apply *mutatis mutandis* to him and members of his household, subject to the approval of the head of department.

**F6.** 2 If an officer or employee is required, in terms of the provisions of regulation H9.1, temporarily to vacate official quarters assigned to him, the head of department may

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approve that his personal effects be conveyed and stored at the expense of his department for the duration of the evacuation as set out in regulations F1.3(b), and (d) to (g) and subject to the limitations contained therein.

**F6. 3** The head of department may grant an officer or employee who is required, in terms of regulation H9.2, temporarily to vacate official quarters assigned to him, the transport and storage privileges in respect of his personal effects prescribed in subregulation 2 and the head of department may refund to such an officer or employee from departmental funds the difference between his normal and abnormal living expenses for the period of evacuation in accordance with the provisions of regulation F1.4(c): Provided that the head of the landlord department may refund an amount less than the amount claimed for abnormal living expenses if he is of the opinion that the claim is excessive.

**F6. 4** The expenditure under subregulations 2 and 3 shall form a charge against the vote of the department which required the temporary evacuation of the official quarters.

### **Exceptional Cases**

**F7.** If circumstances arise which justify a departure from the provisions of this chapter, such conditions regarding transfer expenses and transport privileges on appointment, termination of services or death or other matters related thereto may be determined on the recommendation of the Commission.

## **CHAPTER G**

### **OFFICIAL HOURS OF ATTENDANCE, ATTENDANCE REGISTERS, WORKING WEEKS AND OVERTIME REMUNERATION**

#### **Official Hours of Attendance**

**G1. 1** Notwithstanding any provisions to the contrary contained in this chapter, the head of office may require an officer or employee to perform official duty on any day of the week or at any time during the day or night or to attend at his normal place of work or elsewhere for such duty.

**G1. 2** Subject to the provisions of subregulation 1 and of regulation G3, an officer or employee shall be present for duty at his place of work as follows -

- (a) *In Windhoek and other towns or cities designated by the Commission* - As recommended by the Commission from time to time.
- (b) *Elsewhere* - At the discretion of the head of department with due observance of local conditions and the public interest.

**G1. 3** The head of a department shall determine with due regard to the public interest, the times, within the official hours of attendance prescribed in terms of the provisions of this chapter, during which the public shall have access to the offices or places of work under his control for the purpose of official business.

**G1. 4** An officer or employee -

- (a) shall, during his official hours of attendance, give his full attention to the duties entrusted to him; and

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- (b) shall not without the consent of the head of office be absent from his office or place of work during his official hours of attendance.

### **Attendance Registers**

**G2. 1** The head of each office shall be responsible for the observance by the staff under his control of the prescribed hours of attendance.

**G2. 2** An attendance register shall be kept in which an officer or employee shall personally record the time of his arrival at and departure from his place of work: Provided that the provisions of this subregulation shall not be applicable to -

- (a) the classes of officers or employees exempted from the provisions by the Commission; and
- (b) an officer or employee who serves under circumstances which in the opinion of the head of a department, render the keeping of a record of his attendance impracticable or undesirable; in such event the head of a department shall make such other arrangements as he may consider adequate to ensure that the prescribed hours of attendance are observed.

**G2. 3** The attendance register shall be entrusted by the head of office to the personal custody of an officer or employee whose duty it shall be to -

- (a) ensure that the attendance register is accessible to members of the staff for the purpose mentioned in subregulation 2 and then only during such limited periods at the commencement and conclusion of the day's duties as may be indicated by the head of office;
- (b) ensure that only authentic recordings of arrival and departure are made by the officers and employees mentioned in subregulation 2;
- (c) examine the entries made in the attendance register and submit it daily for inspection by the head of office or by an officer delegated for that purpose;
- (d) report any irregularity to the officer whose duty it is to inspect the record of attendance in terms of paragraph (c); and
- (e) ensure that recorded absences are covered by leave.

### **Working Weeks**

**G3. 1** Subject to the provisions of regulation G1, the head of a department shall decide, with due regard to the public interest, which officers and employees, or classes or groups of officers or employees, sections, branches or offices shall observe a five-day working week or otherwise, and he may prescribe different working weeks for different classes or groups of officers and employees, or for individuals within such classes or groups, or for sections, branches or offices.

**G3. 2** Unless explicitly otherwise prescribed in or in terms of the provisions of this chapter, an officer or employee shall render the *minimum* hours of service recommended by the Commission and the Commission may recommend different minimums in respect of officers or employees holding different classes of posts.

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**G3. 3** The working week and minimum hours of attendance of a part-time employee shall be as recommended by the Commission from time to time.

**G3. 4** Where the official hours of attendance prescribed for an officer or employee in terms of regulation G1.2 fall wholly or partially during the night, the working week of such officer or employee shall, for the purposes of calculating overtime duty, be reduced by one-sixth of that portion of the said hours of attendance falling during the night: Provided that the provisions of this subregulation shall not apply to a member of the nursing staff of a hospital or institution or to an officer or employee falling in a class whose conditions of service require him to perform night duty.

- G3. 5**
- (a) If an officer or employee, during the official hours of attendance prescribed for him in or in terms of the provisions of this chapter, is absent from duty as a result of leave granted or as a result of other circumstances which are acceptable to the head of a department, he shall be regarded as having been on duty during such absence for the purpose of the completion of his working week.
  - (b) The official hours of attendance which have been prescribed for an officer or employee in respect of the provisions of this chapter and which -
    - (i) fall on a public holiday, in the case of an officer or employee who does not normally work on such day; or
    - (ii) in the case of an officer or employee who normally works on a public holiday, fall on such other day on which he may be relieved from duty in lieu thereof,

shall be reckoned for the purposes of the completion of the working week.

### **Overtime Duty and Overtime Remuneration**

**G4. 1** If the head of an officer's or employee's office requires him, in terms of regulation G1.1, to perform overtime duty which entails exceeding the officer's or employee's official hours of attendance prescribed in or in terms of the provisions of this chapter, no overtime remuneration shall of right be claimable in respect of such overtime duty: Provided that if the Commission so recommends, the head of a department may pay to officers or employees non-pensionable overtime remuneration in respect of overtime duty at the rates and on conditions recommended by the Commission.

**G4. 2** Notwithstanding the provisions of subregulation 1 the head of a department may pay non-pensionable overtime remuneration to officers and employees who perform unavoidable overtime duty in classes of posts indicated by the Commission at the rates and on the conditions recommended by the Commission.

**G4. 3** Overtime remuneration shall not be paid at a rate higher than the rate calculated on the maximum notch of the salary scale determined by the Commission.

**G4. 4** Subject to the other provisions of this chapter overtime remuneration shall not be paid to an officer or employee who progresses on a scale the maximum of which is higher than the maximum notch of the salary scale determined in subregulation 3.

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**G4. 5** In the calculation of the overtime duty performed by an officer or employee

- (a) a period of overtime duty of shorter duration than quarter of an hour, which is continuous with the official hours of attendance prescribed for the officer or employee concerned in terms of the provisions of this chapter, shall be ignored;
- (b) a period of overtime duty of shorter duration than an hour, which is not continuous with the official hours of attendance prescribed for the officer or employee concerned in terms of the provisions of this chapter, shall be reckoned as one hour;
- (c) one hour shall be added to the period of overtime duty in respect of each case where an officer or employee is -
  - (i) notified of overtime duty; or
  - (ii) informed that overtime duty of which he has been notified but for which he has not yet reported, has been cancelled,

later than 18h00 on the previous day or after the close of the period of service immediately preceding the period of overtime duty, whichever may be the later; and

- (d) the full period of overtime duty of which an officer or employee has been notified, to a maximum of two hours, shall be added to the extra duty in respect of overtime duty which has been cancelled but for which such officer or employee reported because he was not notified beforehand of the cancellation.

**G4. 6** In the calculation of the overtime duty performed by an officer or employee during a period covered by a working week, and subject to the provisions of paragraph (b) of sub regulation 5, portions of an hour in each total which is calculated at a separate tariff shall be

- (a) ignored if less than half an hour;
- (b) reckoned as one hour if half an hour or longer.

**G4. 7** Overtime remuneration in respect of overtime duty performed during the night shall be calculated at the rates which have been prescribed for overtime of regulations G4. 1 and G4. 2: Provided that the provisions of this subregulation shall not apply to a member of the nursing staff in a hospital or institution or to an officer or employee who holds a post in which night duty has to be performed as a condition of service.

**G4. 8** An officer or employee shall give his full attention to the duties entrusted to him during periods of overtime duty and shall not without the consent of his supervisor be absent from his office or place of work during such periods

**Commuted Overtime Allowance**

**G5.** In cases where the payment of overtime remuneration according to hourly rates is impractical or undesirable, the Commission may, notwithstanding anything to the contrary contained in this chapter, recommend the payment by the head of department of overtime

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remuneration on a commuted basis in respect of overtime duty to officers or employees who are eligible for overtime remuneration.

### **Exceptional Cases**

**G6.** If circumstances arise which justify a departure from the provisions of this chapter, the head of a department may require an officer or employee or classes of officers or employees to observe such official hours of attendance or working weeks as may be recommended by the Commission, or may pay overtime remuneration in respect of overtime duty to officers or employees or classes of officers or employees at a rate and on conditions recommended by the Commission. The Commission may also, at its discretion, recommend special conditions and exceptions in regard to the keeping of attendance registers and the recording of an officer's or employee's time of arrival at and departure from his place of work.

## **CHAPTER H** **OFFICIAL QUARTERS**

### **Applicability of Regulations and dates on which a tenant's obligations begins and ends**

**H1. 1** Subject to the provisions of regulation H5.1, all the regulations of this chapter shall apply to a tenant.

**H1. 2** The obligations devolving upon a tenant in terms of the regulations of this chapter shall -

- (a) commence on the date on which he assumes duty in a post to which official quarters are attached or on the date on which he moves into the quarters, whichever is the earlier;
- (b) cease from the date -
  - (i) on which his services in the post mentioned in paragraph (a) terminate or on which he actually vacates the official quarters, whichever is the later; or
  - (ii) on which the assignment of the official quarters to the holder of the post in question is withdrawn or on which he actually vacates the official quarters, whichever is the later;
- (c) be suspended for any period during which he is required to vacate the official quarters to permit of occupation by a *locum tenens* or of repairs or renovations being carried out, except when regulation H5.2 or H5.3 applies.

**H1. 3** Notwithstanding the provisions of subregulation 2, an officer or employee to whom official quarters have been assigned in terms of regulation H4 and to whom vacation leave has been granted immediately before his retirement on attaining the pensionable age, shall be exempted from the obligations devolving upon him by the regulation with effect from the date on which he vacates relative quarters: Provided that the period of such exemption shall not exceed a period of three months and shall not be less than one month.

### **Provision of Furniture**

**H2. 1** Furniture for family quarters shall not be provided unless the Commission so recommends after consultation with the landlord department.

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**H2.** 2 Furniture for single quarters may be provided by the landlord department.

**H2.** 3 When furniture is provided, the provisions of regulation H6 applies.

**Classification of Official Quarters**

**H3.** 1 Subject to the provisions of subregulation 2, official quarters shall be classified by the landlord department as -

- (a) family quarters; or
- (b) single quarters.

**H3.** 2 Official quarters assigned in terms of regulation H4 to an officer or employee with a household, shall be classified as family quarters notwithstanding that such official quarters may be designed for an officer or employee who is not married and who has no household.

**Assignment, withholding, withdrawal of assignment and exemption from occupying of official quarters**

**H4.** 1 Official quarters available to a head of department shall be assigned by him as residential accommodation to the officer or employee holding the particular post specified by the landlord department for this purpose: Provided that the head of department with the approval of the landlord department -

- (a) may assign, withhold or withdraw the whole or a portion of official quarters if the public interest so demands, and
- (b) may withhold or withdraw the assignment of -
  - (i) family quarters to an unmarried officer or employee without a household who holds a post to which family quarters is assigned; or
  - (ii) single quarters in the case of an unmarried officer or employee without a household who occupies such quarters and marries or who stays unmarried and becomes responsible for a household.

**[The word “an” in the phrase “who stays unmarried and becomes responsible” should have been changed to the word “and”.]**

**H4.** 2 If the officer or employee who occupies the particular post to which official quarters is assigned is for reasons acceptable to the head of department not prepared to or is unable to occupy the official quarters, the head of department may grant him exemption from occupying the quarters concerned, subject to the provisions of regulation H1.2(b).

**H4.** 3 If assigned official quarters unoccupied due to the particular post being vacant or because subregulation 1 or 2 applies, the head of department shall notify the landlord department within 30 days of the vacating thereof and the landlord department may at its discretion -

- (a) make the quarters available to another department as assigned official quarters, or



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- (b) let them temporarily to an officer or employee or person subject to the provisions of these regulations and at the payment of such rent as recommended by the Commission.

### **Liability for Rent**

**H5. 1** A tenant is liable to pay rent for official quarters unless he is -

- (a) in terms of his appointment, entitled to free quarters; or
- (b) in terms of arrangements recommended by the Commission, provided with both board and lodging either free of charge or at an inclusive charge.

**H5. 2** A tenant shall pay rent in respect of the whole period during which he is subject to the obligations of tenancy in terms of regulation H1.2 and with due regard to regulation H1.3, except that when he is transferred from one headquarters to another, at both of which official quarters are assigned to him, he shall pay rent in respect of the official quarters at the old headquarters only up to and including the date on which his services in the post to which official quarters is assigned ends or the date on which he actually vacates the quarters concerned, whichever is the latest date.

**H5. 3** In the case of a tenant who is absent on military service, liability for rent will cease only if and with effect from the date on which his household vacates the quarters, in which case the provisions of regulation H8 is applicable.

### **Assessment of Rent for Official Quarters, Furniture and Garages**

**H6.** Rent shall be paid by a tenant of family quarters, inclusive of garage or outbuildings or both, as well as furniture, where applicable, or by a tenant of single quarters, inclusive of furniture and a garage, where applicable at the rates and on the basis and conditions recommended by the Commission.

### **Collection of Rent and Other Amounts Due**

**H7.** The head of department shall deduct from the salary of a tenant the rent payable and, at the request of the landlord department, such other amounts, levies and impositions as may, in terms of directions given by the Commission, be payable by or recoverable from a tenant.

### **Occupation of Official Quarters by a Tenant who has been suspended or by the Household of a Tenant who is Rendering Military Service or Deceased Tenant**

**H8. 1** The head of department may permit a tenant who is suspended from duty to remain in occupation of the official quarters for the duration of his suspension and during such occupation the conditions shall be as set out in the regulations in this chapter and in directions given by the Commission and the rent payable shall be the same as that for which the tenant would have been liable had he not been suspended.

**H8. 2** If the household of a tenant who is absent on military duty remains in occupation of the official quarters, the tenant shall remain liable for the payment of the rent as stipulated in regulation H5. 3 as well as for all other obligations imposed upon him in terms of this chapter and directions given by the Commission.

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- H8. 3** In the case of the death of a tenant of family quarters -
- (a) his household shall vacate the quarters not later than the last day of the month following the month in which he dies and, subject to the provisions of paragraph (b), no rent shall be collected for the period during which his household occupies the quarters after his death, but his household shall pay for all domestic services rendered after his death and such occupation of the quarters by his household shall be subject to and in compliance with the provisions of this chapter and directions given by the Commission;
  - (b) the head of department may grant the household of the deceased tenant permission to remain in occupation for a longer period than provided for in paragraph (a) on condition that -
    - (i) the quarters are not required for any other officer or employee;
    - (ii) the monthly rent for the extended period remains the same as that paid by the deceased tenant immediately prior to his death;
    - (iii) the conditions of occupation (including payment for domestic services) for any extended period shall be as prescribed in this chapter and in directions given by the Commission; and
    - (iv) if the permission is not granted for a specified period, the quarters shall be vacated upon written notice of at least one month by either of the parties.

#### **Temporary Vacating of Official Quarters**

**H9. 1** A tenant to whom official quarters have been assigned in terms of regulation H4 and who is absent from his normal place of duty for any reason, shall, on reasonable notice from the head of department, temporarily vacate such quarters for the period it is required for occupation by a *locum tenens*, and he shall remove all his personal effects unless he comes to some arrangement with the *locum tenens* for his personal effects to remain on the premises.

**H9. 2** A tenant to whom official quarters have been assigned in terms of regulation H4, shall, on reasonable notice from the landlord department, temporarily vacate his official quarters for such period as vacant possession is required by that department for the purpose of effecting repairs, renovations or to exterminate vermin, and he shall, if so required, remove his personal effects therefrom.

**H9. 3** A tenant who has to vacate his assigned official quarters in terms of subregulation 1 or 2 may be granted the transport and other privileges prescribed explicitly for cases of this nature in Chapter F of these regulations.

#### **Occupation of Official Quarters by Locum Tenens**

**H10.** When official quarters are occupied by a *locum tenens* he shall be responsible for all obligations devolving upon a tenant in terms of this chapter and in directions given by the Commission and shall pay the prescribed rent thus applicable to him.

#### **Temporary Sub-letting of Official Quarters**

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**H11. 1** If through absence on leave or official duty for a continuous period exceeding 30 days a tenant is unable to occupy his official quarters and it is not required for a *locum tenens*, he may be permitted by the head of department to sub-let it for a period and to a person approved by the head of department, subject to the tenant remaining in all respects liable for his obligations under these regulations including the payment of rent prescribed in terms of this chapter and if the rent paid by the subtenant exceeds the rent payable by the tenant, the head of department shall decide what portion of such excess shall be paid into revenue and what portion retained by the tenant as compensation for the use of personal effects belonging to him and utilised by the sub-tenant.

**H11. 2** In exceptional circumstances, other than the circumstances mentioned in subregulation 1, the landlord department, may, in consultation with the head of the tenant's department if the tenant is not employed in the landlord department, permit the tenant to sub-let the official quarters subject to such terms and conditions as may be determined by the landlord Department: Provided that if such official quarters are sub-let at a higher rental than that payable by the tenant, such excess shall be paid into revenue,

### **Conditions of Tenancy**

**H12. 1** The tenant shall be liable and responsible for -

- (a) keeping the buildings in a clean and tidy condition;
- (b) keeping the buildings free of vermin subject to the conditions of subregulation 4(g).
- (c) repairs and maintenance of the buildings and the furniture, fittings, fixtures, plant and equipment, other than repairs required to be made as a result of fair wear and tear, structural defects and *vis major*, and for the cost of rectifying defects, dilapidations and deficiencies occasioned by his default;
- (d) the maintenance and keeping clean and in order of the grounds, playing courts and gardens, pruning of trees, shrubs and hedges, spraying of fruit trees and the cutting and trimming of lawns and grass: Provided that where grounds are extensive or from part of the lay-out of a state institution the landlord department may, at its discretion, reimburse the tenant a portion of the cost incurred in keeping clean and maintaining uncultivated portions thereof;
- (e) all glass, except where replacement is necessitated by fair wear and tear, structural defects and *vis major*;
- (f) all keys received by him;
- (g) the cost of operating, maintaining and repairing (other than repairs necessitated by fair wear and tear, mechanical defects or *vis major*), of all lighting and pumping equipment installed for his use: Provided that the landlord department may undertake such maintenance if, in its opinion, it is desirable that it should be undertaken departmentally, in which case a reasonable monthly charge, to be determined by the landlord department, shall be recovered from the tenant;
- (h) the replacement of expendable items;

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- (i) maintaining an equipment register, in a prescribed form, of all fixtures, fittings, furniture, plant and equipment provided in the official quarters; and;
- (j) reporting immediately any defects, dilapidations or deficiency and the cause thereof to the head of department who shall transmit the report to the landlord department.

**H12. 2** (a) The tenant shall be liable for the payment of -

- (i) any levy, charge or deposit for the connection, reconnect ion or disconnection of water, gas and electricity supply;
  - (ii) in the case of occupation of separate family quarters other than a flat, the cost of water, gas and electricity consumption;
  - (iii) in the case of occupation of separate single quarters or family quarters which is a flat, the cost of gas and electricity consumption.
- (b) The tenant shall pay the amounts due to the supplier for the consumption of water, gas and electricity, on or before the due dates and if required to do so, supply the landlord department with proof of payment thereof: Provided that the landlord department has the right to pay the amounts to the supplier for which the tenant is liable directly and to recover the whole or a portion thereof from the tenant in the manner prescribed in regulation H7.
- (c) If water, gas or electricity is supplied to two or more official quarters jointly and the supplier levies a single charge for the joint consumption thereof by the tenants, each tenant shall pay such proportion of the joint levy as is determined by the landlord department, having due regard to the provisions of subparagraphs (a)(ii) and (iii);
- (d) The landlord department shall be liable for the payment of any taxes, levy or charges which a competent authority may raise on the property, in connection with the rendering of sanitary services, sewage and household rubbish removal, and for the supply of water, gas and electric current: Provided that if the service benefits the tenant directly, the landlord department may raise upon such tenant in the manner prescribed in regulation H7, such levy as the Commission recommends -

**H12. 3** The tenant shall not -

- (a) effect any additions or alterations to the official quarters or to equipment and installations;
- (b) effect any material alterations to the layout of the grounds, except with the prior written consent of the landlord department and on such conditions as that department may stipulate: Provided that the tenant may, prior to the date of termination of his tenancy, remove any additions or improvements so effected and

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not taken over by the landlord department, on condition that such removal will not result in any damage to the official quarters;

- (c) cut down or remove any trees, shrubs or plants of a perennial variety without the prior consent of the landlord department;
- (d) utilise the official quarters in any way as a source of income or sub-let it except as provided for in this chapter; or
- (e) effect any replacement or repairs to Official quarters except replacement of glass and expendable items and such further items as the landlord department may approve.

**H12. 4** The landlord department shall be responsible for -

- (a) the maintenance, internally and externally, of all buildings, fixtures, fittings, furniture, plant, equipment and fences provided by it and for the rectification of defects and dilapidations, where such maintenance or rectifications is necessitated by fair wear and tear, structural defects or *vis major*;
- (b) the provision and maintenance, at its discretion, of water, gas, electricity and sewerage connections;
- (c) the provision of rubbish bins for external use, where necessary;
- (d) the provision and replacement of sanitary buckets, where necessary;
- (e) the initial and basic layout of grounds which it deems necessary, including the erection of fences, the provision of gates, and the construction of terraces, paths and driveways, and may, at its discretion, reimburse the tenant a portion of the cost of water consumed in the initial layout of grounds; and
- (f) determining what services are necessary for the communal benefit of the occupants, and the time and manner of rendering such services, where there are two or more official quarters in a building.
- (g) the extermination of -
  - (i) termites, woodborers and other insects or animals which cause damage to structural woodwork;
  - (ii) any other vermin where such responsibility is expressly imposed on the owner of the premises by legislation, or where it is necessary to uncover or remove portion of the structure of the buildings; and
  - (iii) any vermin in quarters at hospitals, schools and similar institutions and the landlord department is liable for the cost of such extermination and the repair of any damage caused by vermin on condition that should a tenant claim compensation for damage done to his furniture by woodborers, the onus will be upon him to prove that the articles damaged was not infested before being placed in the quarters and that the borers are of the type that attack both structural woodwork and furniture: Provided that the landlord department, in its discretion, may undertake the extermination of vermin

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other than that mentioned in paragraph (i) and in other circumstances than referred to in paragraph (ii) and (iii) and recover the cost from the tenant if he holds the tenant responsible for such infestation or may accept liability if the responsibility for the infestation cannot be determined.

**H12. 5** No department shall be responsible for any loss of or damage to a tenant's personal effects in the official quarters.

- H12. 6**
- (a) When official quarters are vacated, the outgoing tenant shall hand over to the incoming tenant or, in the absence of the incoming tenant, to a responsible officer or employee, or in the case of single quarters, to the equipment officer or head of office, the official quarters and the furniture provided by the landlord department and shall at the same time bring to notice in writing on a handing-over certificate, in a form approved by the landlord department, any defects, dilapidations and deficiencies.
  - (b) The incoming tenant, equipment officer, head of officer or responsible officer or employee, as the case may be, shall inspect the condition of the official quarters and all items reflected in the equipment register, complete the handing-over certificate, indicating there on the condition in which he received the official quarters, and hand one copy to the outgoing tenant;
  - (c) When the official quarters are taken over by the incoming tenant in the absence of the outgoing tenant, the former shall, in the company of a responsible officer or employee, or in the case of single quarters, the equipment officer or head of office, inspect the official quarters and furniture and indicate in writing on the handing over certificate the condition in which he has received them;
  - (d) The incoming tenant shall be deemed to have received the official quarters and furniture in good order and condition unless he reports in writing within seven days of the date of commencement of the obligations imposed by this chapter, any defects, dilapidations or deficiencies.

**H12. 7** Staff of the landlord department must be allowed access to official quarters at any reasonable time for inspection purposes.

### **Settlement of Disputes**

**H13.** A dispute between a department and the landlord department arising from the application of the provisions of this chapter, shall be referred to the Commission for decision.

### **Exceptional Cases**

**H14.** If circumstances arise which justify a departure from the provisions of this chapter or which is not provided for in these regulations, the utilisation of official quarters shall be on such terms and conditions as the Commission recommends.

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### **Constitution of the Government Service Joint Advisory Council**

**J1.** 1 The Government Service Joint Advisory Council, hereinafter referred to as the Council, shall consist of the members referred to in section 27 of the Act who are nominated in accordance with the provisions of the said section and, in the case of members mentioned in section 27(1)(c) of the Act, as provided in this regulation.

**J1.** 2 The staff associations which are recognised by the Commission in accordance with the rules prescribed in terms of regulation J6, may nominate four officers or employees to represent officers or employees in the government service: Provided that if the staff associations responsible for the nomination of these members fail to reach unanimity in regard to such nominations, they shall submit separate nominations to the Commission who shall appoint a member or members from the lists of nominations submitted.

**J1.** 3 Except as is provided in regulations J2. and 6, members shall hold office for a period of two years with effect from 1 October of the year in which they have been nominated.

**J1.** 4 No provision of this chapter shall preclude the denomination of a member whose term of office has expired by the effluxion of time.

### **Nomination of Members**

**J2.** 1 (a) Nominations for the filling of vacancies occurring on the Council upon the expiry of the terms of office of members in accordance with the provisions of regulation J1.3 shall, in the case of the persons mentioned in regulation J1.2 and section 27(1)(b) of the Act, be submitted to the Commission respectively by the recognized staff associations and departments concerned, and in the case of the official members mentioned in section 27(1)(a) of the Act, be made by the Commission on or before, 1 August of the year in which the vacancies occur.

(b) An officer or employee nominated by a staff association in accordance with the provisions of regulation J1.2 read in conjunction with paragraph (a) need not necessarily be a member of the staff association concerned.

**J2.** 2 When a member is unable to attend a meeting of the Council, an accredited deputy may be nominated *pro hac vice* by the staff association or staff associations, or by the department or by the Commission, as the case may be.

**J2.** 3 (a) If a staff association or staff associations or department fails to nominate a member or members in terms of regulation J1.2 and J1.3 respectively, the Commission may arrange for the nomination of a member or members and an alternate or alternates by ballot by the members of such staff association or associations or by the officers or employees of the department concerned as the case may be.

**J2.** 4 (a) If the Commission withdraws its official recognition of a staff association the member nominated in accordance with the provisions of regulation J1. 2 by the staff association concerned shall not longer be entitled to a seat on the Council, in which event the Commission

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may arrange for the nomination by ballot by the members of the staff association concerned, of a member and an alternate, or, if some other staff association is recognised the Commission may request the latter staff association to nominate a member to fill the vacancy;

- (b) A member nominated in accordance with the provisions of paragraph (a) shall hold office for the unexpired portion of the period of office of the person in whose stead he has been nominated.

**J2.** 5 If a member nominated by ballot is unable to attend a meeting of the Council owing to unavoidable circumstances, the duly nominated alternate shall be entitled to attend the meeting.

**J2.** 6 (a) A member, or an alternate for a member, shall vacate his office if he -

- (i) gives notice, in writing, to the Chairman of the Council of his desire to resign his office and his resignation is accepted by the Commission;
- (ii) is an official member and -is promoted to a post of head of department or if the Commission is of the opinion that his continued membership is not in the interest of the government service and the Commission notifies the Chairman of the Council and the member concerned accordingly; or
- (iii) ceases to hold a post which is part of the fixed establishment;

(b) A vacancy caused by the death or by the vacation of office in terms of paragraph (a) of a member nominated in terms of subregulation 1 or 4, shall be filled by the nomination of some other person or officer or employee, as the case may be, for the unexpired portion of the period for which the member whose office has become vacant, had been nominated and such nomination shall be made by -

- (i) the staff association or department concerned if the vacancy was caused by the death or the vacation of office of a member nominated by a staff association or department; or
- (ii) the Commission if the vacancy was caused by the death or the vacation of office or an official member nominated by the Commission.

(c) A vacancy caused by the death or by the vacation of office in terms of paragraph (a) of a member nominated by ballot in terms of subregulation 3 or 4 or nominated in terms of this paragraph, shall be filled by the appointment by the Commission of the alternate for such member for the unexpired portion of the period for which tile member whose office has become vacant had been elected or appointed.

(d) When a vacancy is caused -

- (i) by the death or by the vacation of office in terms of paragraph (a) of an alternate elected by ballot; or



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- (ii) by the appointment of an alternate as a member in terms of paragraph (c)

the Commission may either arrange for the nomination by ballot by the members of the staff association concerned or by the officers or employees of the department concerned, of some other member as an alternate, or it may request the staff association or staff associations or department to nominate some other member to fill the vacancy, as the case may be.

**Purpose of the Council**

- J3.** When the Council advises the Commission its purpose shall be -
- (a) to secure the greatest measure of cooperation between the Government in its capacity as employer and the officers and employees in the government service;
  - (b) to promote the efficiency of the government service;
  - (c) to promote the well-being of the officers and employees; and
  - (d) to afford the Commission the benefit of the experience of and views of the various bodies in regard to conditions of service.

**Functions and Duties of the Council**

**J4.** 1 In addition to the functions and duties mentioned in section 27(2)(a) and (b) of the Act, the Council shall advise the Commission on -

- (a) the manner in which the ideas and experience of the staff can best be utilised;
- (b) the training of officers and employees; and
- (c) any other matter referred to the Council by the Commission.

**J4.** 2 The Council shall not consider the case of an individual officer or employee.

**Resolutions of the Council**

**J5.** 1 If requested by the Council, the Commission shall transmit any resolution which has been taken by the Council and which has not been accepted by the Commission, to the Administrator-General.

**J5.** 2 In its annual report to National assembly the Commission shall indicate -

- (a) the Council's resolutions which have been accepted; and
- (b) the Council's resolutions which have been rejected.

**The Commission may Prescribe Rules**

**J6.** The Commission may prescribe rules, not inconsistent with the regulations of this chapter, in respect of -

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- (a) the recognition of staff associations;
- (b) the conduct of ballots under regulation J2;
- (c) the conduct of the business of the Council; and
- (d) anything connected with the regulations of this chapter and in connection with which the Commission deems it advisable that rules should be made.

**Coming into operation of regulation**

**J7.** The regulations contained in this Chapter shall come into operation on a date to be fixed by the Administrator-General by notice in the *Official Gazette*.

**CHAPTER K**  
**MEDICAL AID SCHEME**

**Definitions**

**K1.** In this chapter, unless the context otherwise indicates -

“annuity” means annuity as defined in section 1 of the Pension Act;

“departmental head” -

- (a) in relation to any officer or employee in the service of any department established for a particular representative authority, means the head of such department; and
- (b) in relation to any pensioner or any other officer or employee, means the Secretary;

“dependant”, in relation to a member, means the spouse or any necessarily non-self-supporting child (including any step child or legally adopted child) of such member;

[Definition of “dependant” substituted by GN 1/1995]

“medical claim” means any medical claim referred to in regulation K7.3;

“member” means a member of the Scheme as contemplated in regulation K3;

“other medical assistance” means assistance to which a person is entitled in his or her own right, or as a widow or widower or dependant of such a person on account of his or her services with anybody or institution or on account of his or her compulsory membership of any fund or scheme which make provision for -

- (a) the rendering, free of charge, of medical, paramedical, nursing, surgical or dental services; or
- (b) the supply, free of charge, of medicine or of medical, surgical, dental or optical requirements of appliances or of accommodation in hospitals or nursing homes; or
- (c) the granting of assistance is defraying expenditure incurred in connection with the rendering of such services or the supply of such medicines, requirements, appliances or accommodation;

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but not such assistance to which he is entitled in terms of the Workmen’s Compensation Act, 1941 (Act 30 of 1941) or as member of the Scheme or such assistance arranged by him in his own right supplementary to the Scheme to defray costs not covered by the Scheme;

**[Definition of “other medical assistance” amended by GN 1/1995]**

“pensioner” means pensioner as defined in section 1 of the Pension Act;

“retirement” means retirement as defined in section 1 of the Pension Act;

“revenue fund”,

(a) in relation to any member who is a pensioner, means the Central Revenue Fund; and

(b) in relation to any other member, means revenue as defined in section 1 of the Act;

“the Fund” means the Statutory Institutions Pension Fund established by section 2 of the Pension Act;

“the Pension Act” means the Statutory Institutions Pensions Act, 1980 (Act 3 of 1980);

“the Scheme” means the Government Officials Medical Aid Scheme referred to in regulation K2;

“the Secretary” means the Secretary for Finance.

**Establishment of the Scheme**

**K2.** A medical aid scheme to be known as the Government Employees’ Medical Aid Scheme is hereby established with the object to make provision for the granting of assistance to members in defraying expenditure incurred by them in connection with -

(a) the rendering of medical, para-medical, nursing, surgical, optical or dental services;

(b) the supply of medicines and contraceptives or of medical surgical, orthopaedic, dental or optical requirements or appliances; and

(c) the transport by ambulance to and supply of accommodation in hospitals, maternity homes or nursing homes,

to them or their dependants

**Membership**

**K3. 1** (a) Any officer or employee other than a pensioner -

(i) who is a member of the Fund; and

(ii) applies for membership of the Scheme in the form determined by the Secretary,

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shall, subject to the provisions of this regulation, be a member of the Scheme and contribute thereto as from the date on which his application is received by the departmental head;

- (b) A in paragraph (a) contemplated application received by the departmental head of any officer or employee before 1 October 1980, shall, if such officer or employee in the contemplated application thus requests, be deemed received on the date on which he was appointed as officer or employee.

**K3. 2** Any pensioner -

- (i) who on the date of his retirement; or  
(ii) whose spouse on the date of his demise,

was a member of the Scheme shall be, as from the day immediately following on such date of retirement or demise, as the case may be, a member of the Scheme and contribute thereto, if such pensioner, submits an application to the Secretary in the form determined by the Secretary, within ninety days of such date.

**K3. 3** Notwithstanding the provisions of subregulation 1 and 2 a person shall not become a member of the Scheme -

- (a) if he is an officer or employee other than a pensioner and has already reached the age of sixty years;

**[The word "sixty" is misspelt in the Official Gazette]**

- (b) as long as he is entitled to other medical assistance;  
(c) as long as he is entitled to other medical assistance.

**K3. 4** Any member's membership shall terminate -

- (a) on the day on which his services as officer or employee terminates;  
(b) on the day immediately preceding the date on which he or she becomes a dependant of a member of the Scheme;

**[paragraph (b) substituted by GN 1/1995]**

- (c) on the day immediately preceding the date on which he becomes entitled of other medical assistance;  
(d) on the day immediately preceding the date on which he becomes a pensioner;  
(e) on the day of his demise.

**K3. 5** Subject to the provisions of subregulation 4 a member may not voluntarily terminate his membership or be deprived from membership.

**Dependants**

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**K4. 1** Any member shall, when he applies for membership, register all his dependants in the form determined by the Secretary.

**K4. 2** Any member shall, within sixty days after a change in the number of his dependant's occurred, notify the departmental head, in the form determined by the Secretary, of such change.

[regulation K4. 3 deleted by GN 1/1995]

### **Suspension of membership**

**K5. 1** Any member who -

- (a) is on leave at less than full pay for a period exceeding ninety days; or
- (b) is a pensioner and is residing outside the territory of South West Africa for any length of time,

may suspend his membership for the duration of such period by notifying the departmental head in the form determined by the Secretary.

**K5. 2** Notwithstanding the provisions of subregulation 1 a member's membership shall not be suspended prior to the date on which the contemplated notification is received by his departmental head.

### **Contributions**

**K6. 1** Any member shall contribute monthly to the Scheme, as from the month in which he became a member, up to and including the month in which his membership terminates, in accordance with the scales of contributions as the Secretary may from time to time, on recommendation of the Commission, determine in respect of officers or employees or classes of officers or employees.

[regulation K6.1 substituted by GN 90/1986]

**K6. 2** The said contributions shall be deducted from the member's salary or annuity, as the case may be, and paid into the revenue fund in such manner as the Secretary may determine.

**K6. 3** Notwithstanding the provisions of subregulation 1 a member shall not contribute towards the Scheme during a period during which his membership was suspended as contemplated in regulation K5.1.

**K6. 4** Any change in contributions due to a change in the number of dependants or suspension of membership shall occur as from the month following the month during which such change occurs or suspension begins or ends, as the case may be.

### **Benefits**

- K7. 1** (a) The departmental head shall, in the manner determined by the Secretary, within ninety days after receipt of a medical claim in respect of any service referred to in regulation K2 which has been

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rendered to any member or his dependant, pay to such member or to the supplier of such service from the revenue fund such percentage of the costs of such service, and subject to the conditions and limitations, as may be determined by the Secretary on recommendation of the Commission.

[paragraph (a) substituted by GN 14/1989]

- (b) Different conditions, limitations or percentages, which may also be nil percent or one hundred percent, may be determined in respect of different classes or categories of services or in respect of different classes or categories of cases.

**K7. 2** Notwithstanding the provisions of subregulation 1 the said amount shall not be paid -

- (a) if the medical claim is received by his departmental head more than 180 days after the service was rendered;
- (b) if the service was rendered before the start or after the termination of the member's period of membership;
- (c) if the service was rendered during a period during which any member's membership was suspended;
- (d) if the service was rendered during the first 120 days of membership of a member who did not become a member within ninety days since he qualified for membership;
- (e) if the medical claim is received more than 180 days after a member's membership terminated or any dependant of a member ceased to be a dependant; or

[paragraph (f) deleted by GN 90/1986]

**K7. 3** Any medical claim shall be submitted in such form and in such manner as the Secretary may determine and shall contain particulars and evidence to the satisfaction of the departmental head in respect of -

- (a) the name, address and identity number of the member;
- (b) the name and identity number, if applicable, of the patient, if he is not the member himself;
- (c) the date of each service;
- (d) the nature and extent of each service;
- (e) the cost of each service;
- (f) the name and address of the supplier of the service;
- (g) payment of the account or of arrangements reached with the supplier of the service for the payment thereof; and

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(h) compliance with the conditions contemplated in subregulation 1.

**K7. 4** Any medical claim in respect of which a member is entitled to any other medical assistance or did receive any other medical assistance shall not be submitted to the Scheme for payment.

**K7. 5** Any medical claim arising from an accident or event in respect of which a member or dependant has received or is likely to receive, compensation from any source whatsoever, shall be paid subject to the conditions, which the Secretary may, from time to time, determine.

**K7. 6** For the purposes of these regulations any service shall be deemed rendered -

- (a) in the case of hospitalisation, on the date of each discharge from a hospital, nursing or maternity home or the date of termination of membership, whichever date is the earlier; and
- (b) in all other cases, on the date of consultation, visit, treatment, operation, confinement or on the date of supplying of a requirement or appliance.

### Statistics

**K8.** The departmental head shall supply the Secretary on such times and in such manner as the Secretary may determine, of the particulars and statistics relating to medical aid scheme affairs as the Secretary may require.

### Delegation of powers

- K9. (a)** The Secretary may delegate any power conferred upon him by these regulations to the holder of any post constituting part of the fixed establishment and may authorize him to perform any function assigned to or carry out any duty imposed upon the Secretary by these regulations.
- (b)** The departmental head may delegate any power conferred upon him by these regulations to the holder of any post constituting part of the fixed establishment and may authorize him to perform any function assigned to or carry out any duty imposed upon the departmental head by these regulations.

### Exceptional cases

**K10.** If circumstances arise which justify a departure from the provisions of the regulations contained in this chapter the Commission may, after consultation with the Secretary, recommend such departure.

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