

This is the Policy of the Legal Assistance Centre.
It may be used for reference purposes only.

Annexure "J"

VEHICLE CODE

1. In this Vehicle Code, unless the context otherwise requires:
 - (a) "Director" means the Director or any individual designated by him/her to act in his/her place;
 - (b) "Centre" or "LAC" means The Legal Assistance Centre;
 - (c) "LAC vehicle" means a vehicle that is owned or leased by LAC in connection with its business;
 - (d) "Staff Member" means any LAC employee or any other person, who is authorized by the Director or in his/her absence the applicable Coordinator to drive a LAC vehicle; and
 - (e) "User" means the Staff Member who has signed out for the use of the LAC vehicle or any other Staff Member who may be driving such LAC vehicle with the permission of the Staff Member who is responsible for the LAC vehicle.
2. LAC Vehicles shall not be used for personal use, subject to paragraph 3 below.
3. Without diluting the application of the general principle stated in paragraph 2, it is however accepted that LAC vehicles may be used for personal use only in the following exceptional circumstances:
 - (a) where an emergency arises (e.g. a Staff Member's child is injured and they have to go to the hospital);

- (b) where a Staff Member during working hours is forced to attend on a personal errand which is not capable of being attended on outside of working hours and the Staff Member's failure to attend would have serious personal consequences, provided that such Staff Member shall first obtain the consent of the Director or where such personal travel is less than 20 kms. from the relevant Coordinator; and
- (c) where a Staff Member requires a LAC vehicle to perform work-related duties outside of his/her normal place of work, then he/she may, within reasonable limits, make use of the LAC vehicle for personal use, but only within the town or locality where such Staff Member is then working.

In the event of personal use by a Staff Member of a LAC vehicle as permitted above, such Staff Member shall reimburse LAC at the predetermined rate.

4. The Director shall nominate a Staff Member to be the Vehicle Manager who shall be responsible for inspecting the fleet of LAC vehicles on a daily basis and ensuring that the fleet is properly maintained on a regular basis. Any unreported damage to the LAC vehicles shall be reported to the Director and to the relevant Coordinator. In addition the Vehicle Manager shall be responsible for allocating the LAC vehicles upon receipt of a properly authorized Reservation Request form. In his/her absence the Vehicle Manager shall designate a substitute Vehicle Manager.

5. No Staff Member shall use a LAC vehicle unless he/she first files a Reservation Request Form which has been authorized by the applicable Coordinator or the Director with the Vehicle Manager. The only exception to this rule is the LAC driver who is entitled to use a certain designated vehicle (e.g. the Corolla) for day to day deliveries and pick-ups in Windhoek. The Vehicle Manager shall allocate the LAC vehicles having regard to which department paid for the LAC vehicle in question and the length of time for the proposed trip.

6.. All keys are to be kept under control of the KeyKeeper (to be designated by the Director) who shall deliver the keys to the User upon production of a Reservation Request Form duly authorized and signed by the Vehicle Manager for a specific LAC vehicle. The Keykeeper shall collect the keys upon return of

the LAC vehicle to LAC. The Keykeeper is responsible to ensure that the Logbook is properly completed.

7. At the time of delivery of the keys the User must sign the Log Book (to be maintained by the Keykeeper) whereby the User accepts full responsibility for the LAC vehicle, acknowledges the current condition of the LAC vehicle and undertakes to abide by the terms of the Vehicle Code. As well the User must note in the Log Book the current mileage of the specific vehicle. The User is responsible for an examination of the LAC vehicle **PRIOR TO** taking delivery of the keys, to ensure that all damage is correctly reflected in the status of vehicle report maintained by the Vehicle Manager. Any additional damage is to be reported immediately to the Vehicle Manager **BEFORE USE** of the LAC vehicle.

8. All LAC vehicles are to be returned to LAC as soon as practical but no later than 18h00 unless such Staff Member has prior permission to use the LAC vehicle after hours. If the LAC vehicle is returned to LAC after hours, the User shall note the mileage and return the keys to the Keykeeper by no later than 08h30 the next morning. Where a Staff Member returns to the office after 18h00 from an out of town trip, he/she may with the permission of the Director or relevant Coordinator take such vehicle home, but must return such vehicle to LAC by no later than 08h30 the following day unless alternative arrangements have been made with the relevant Coordinator and Keykeeper. Upon return of the keys the mileage is again to be noted by the User in the Log Book.

9. From the time of delivery of the keys to the User until the return of the keys to the Keykeeper, **THE USER IS PERSONALLY RESPONSIBLE FOR ALL ACCIDENTS AND/OR DAMAGE TO THE LAC VEHICLE UNDER HIS/HER CONTROL**, if the accident and/or damage was caused by or resulted from the misuse, fault or negligence of the User as determined by the Director. No hitchhikers or non-LAC personnel are to be transported in a LAC vehicle, except co-attendees at workshops or other work-related meetings, except for children that need to be picked-up and a Staff Member is unable to do so with their own vehicle due to work related matters, provided that such Staff Member obtains the permission of his/her relevant Coordinator. In either exception the Staff Member assumes responsibility for such additional passenger(s).

10. LAC has in place a standard motor vehicle insurance policy for all LAC vehicles. However please note that the amount of insurance is limited for each

LAC vehicle and that there are basic excesses or deductibles, particulars of which are currently as follows:

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|-----------------------|----------------------------------|
| (i) basic excess- | 10% with a minimum of N\$2000.00 |
| (ii) windscreen- | 25% with a minimum of N\$ 350.00 |
| (iii) theft/hi-jack - | 10% with a minimum of N\$3000.00 |

PLEASE NOTE THAT ALL USERS ARE RESPONSIBLE TO PAY OR REIMBURSE LAC FOR ALL APPLICABLE DEDUCTIBLES OR EXCESSES IF THERE IS MISUSE, FAULT OR NEGLIGENCE, unless otherwise determined by the Director in his/her discretion.

11. The Log Book for each LAC vehicle shall be checked by the Finance Manager on the last day of each month, who shall then allocate the cost of the use of each such vehicle to the appropriate department.. Should any irregularities be evident, the Finance Manager shall immediately report such irregularities to the Director, the relevant Coordinator and to the Vehicle Manager.

12. Except in emergency circumstances where a LAC vehicle cannot be driven to a garage, a LAC vehicle shall only be repaired at garages recommended by the Director or the relevant Coordinator. No LAC vehicle shall be repaired or serviced unless three (3) written quotations have first been obtained and authorization to proceed with the repairs has subsequently been obtained from the Director or the relevant Coordinator. It shall be the responsibility of the User in coordination with the Vehicle Manager to ensure that the estimates and necessary repairs to the damaged LAC vehicle are done on a timely basis.

13. Notwithstanding paragraph 12, if a LAC vehicle needs to be repaired when outside of Windhoek (or the regional office as the case may be), the User shall use his/her best efforts to repair the vehicle at a reputable garage after obtaining the approval of the Director or the relevant Coordinator or the Vehicle Manager, if possible.

14. All credit cards or cash slips for petrol purchases shall be handed to the Finance Manager as soon as possible after purchase but no later than seven (7) days from date of returning to the office...

15. All regional offices shall ensure that copies of the previous months relevant Log Books as well as all credit slips in respect of petrol shall be

sent to the Finance Manager on a monthly basis, and not later than the second week after the end of the month in question. Each regional office shall appoint a person whose responsibility shall be to ensure that the regional office LAC vehicles at the office are properly maintained

16. All Staff Members making use of LAC vehicles should ensure that the vehicles are checked for oil, water tyre pressure, spares etc. and that the vehicles are returned to the LAC office with the petrol tank not less than three-quarters (3/4) full either by filling the tank and claiming reimbursement from LAC or by arranging for the tank to be filled by someone with a LAC petrol card.

17. No Staff Member shall drive any LAC vehicle, unless he/she is in possession of a valid driver's licence and a certified copy has been delivered to the Vehicle Manager. No User or other Staff Member shall grant permission to a non Staff Member to drive a LAC vehicle except in emergency circumstances and with prior permission of the Director.

18. Subject to paragraph 8 and except in the case of Keetmanshoop regional office, all LAC vehicles shall be parked at the applicable LAC office overnight. In the case of Keetmanshoop, a LAC vehicle shall, for security reasons, be parked at the home of a designated person. In such circumstances the LAC vehicle shall not be used for personal use.

19. Should a Staff Member be involved in an accident with a LAC vehicle, such Staff Member **MUST**

- (a) inform the police of the accident within twenty-four (24) hours of it occurring;
- (b) advise the Director, the relevant Coordinator and the Vehicle Manager within the same twenty-four (24) hour period;
- (c) prepare and file a written report with the Director, the relevant Coordinator and the Vehicle Manager within seven (7) days from the date of the accident; and
- (d) prepare and file with the Director a proof of claim in a format satisfactory to the Centre's insurers within fifteen (15) days from the date of the accident.

FAILURE TO TAKE THESE STEPS WITHIN THE PRESCRIBED TIME LIMITS MAY RENDER SUCH STAFF MEMBER LIABLE FOR ALL DAMAGES SUSTAINED BY LAC in the discretion of the Director.

20. No LAC vehicle shall be used during weekends and after 18h00 on weekdays without the prior authority of the Director or in exceptional cases from the relevant Coordinator if the Director is not available. This arrangement shall not apply when people are outside Windhoek on an authorized work related trip.

21. Staff members shall not use LAC vehicles to visit / consult clients at home or at their work places during office hours and/or after hours, unless there is a very good reason why the client cannot come to LAC's office and unless prior authority has been obtained from the Director or in his/her absence the relevant Coordinator. This arrangement shall not apply to Staff Members consulting clients or potential clients in police cells or prisons or hospitals.

22. IF ANY STAFF MEMBER FAILS TO COMPLY WITH THIS VEHICLE CODE, the Director is entitled to impose such reasonable sanctions as he/she deems appropriate, including termination of employment in accordance with LAC's Disciplinary Code and Procedures.

23. If a LAC vehicle is not available, a Staff Member may use his/her own vehicle with the prior permission of the Director or relevant Coordinator. In such circumstances the Staff Member will receive a per kilometer rate (which includes petrol) as prescribed by LAC. Furthermore such Staff Member assumes full responsibility for his/her vehicle and for all accidents and damages resulting therefrom.

24. All use of LAC vehicles shall be charged to the appropriate department at the prescribed rate to be determined by the Director. Such rate shall recognize the maintenance, repairs, depreciation, insurance and other applicable costs for such vehicles. Each department shall track the charges received from such payments together with all expenditures on vehicle maintenance and repair in a budget line earmarked for vehicle maintenance and repair.
