

Effective from 1 February 2019

VEHICLE CODE POLICY

1. In this Vehicle Code, unless the context otherwise requires:

- (a) "Centre" or "LAC" means The Legal Assistance Centre;
- (b) "LAC vehicle" means a vehicle that is owned or leased by LAC in connection with its business;
- (c) "Staff Member" means any LAC employee or any other person, who is authorized by the Director/HR & Admin Manager or in their absence the applicable Coordinator to drive an LAC vehicle; and
- (d) "Authorized driver" 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 a 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/HR & Admin Manager or where such personal travel is less than 20 km, from one of the Coordinators; 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.

3(A) Subject to the provisions of this Vehicle Policy, as staff member may, in exceptional circumstances, be permitted to rent a vehicle from the Legal Assistance Centre on terms and conditions to be approved by the Director, in consultation with the relevant Coordinator.

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/HR & Admin Manager 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/HR & Admin Manager with the Vehicle Manager. The only exception to this rule is the LAC driver who is entitled to use a certain designated vehicle 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 Key-Keeper (to be designated by the Director) who shall deliver the keys to the Authorized driver upon production of a Reservation Request Form duly authorized and signed by the Vehicle Manager for a specific LAC vehicle. The Key-Keeper shall collect the keys upon return of the LAC vehicle to LAC. The Key -Keeper is responsible to ensure that the Logbook is properly completed.
7. At the time of delivery of the keys the Authorized driver must sign the Log Book (to be maintained by the Key-keeper) whereby the Authorized driver 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 Authorized driver must note in the Log Book the current mileage of the specific vehicle. The Authorized driver 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 Authorized driver shall note the mileage and return the keys to the Key-keeper 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/HR & Admin Manager 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 Key-keeper. Upon return of the keys the mileage is again to be noted by the Authorized driver in the Log Book.

9. From the time of delivery of the keys to the Authorized driver until the return of the keys to the Key-keeper, **THE AUTHORISED DRIVER 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 Authorized driver as determined by the Director. No hitchhikers or non-LAC personnel are to be transported in a LAC vehicle except for: 1) co-attendees at workshops or other work-related meetings and 2) children of Staff Members that need to be collected 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\$1 500.00 |
| (ii) windscreen- | 25% with a minimum of N\$ 350.00 |
| (iii) theft/hi-jack - | 10% with a minimum of N\$2 000.00 |

PLEASE NOTE THAT ALL AUTHORIZED DRIVERS 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.



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

11. The Log Book for each LAC vehicle shall be checked by the Accounts Department 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 or Accounts Clerk shall immediately report such irregularities to the Director/HR & Admin Manager, the relevant Coordinator and to the Vehicle Manager.
12. LAC vehicle shall only be repaired at garages recommended by the Director/HR & Admin Manager or the relevant Coordinator, except in emergency circumstances where a LAC vehicle cannot be driven to a garage. In order to proceed with the repairs, three (3) written quotations first have to be obtained for approval by the relevant Coordinator or Director/HR & Admin Manager. It shall be the responsibility of the Authorized driver in coordination with the Vehicle Manager to ensure that the repairs are done by the chosen service provider within the agreed cost estimate and time frame.
13. Notwithstanding paragraph 12, if a LAC vehicle needs to be repaired when outside of Windhoek, the Authorized driver shall use his/her best discretion to repair the vehicle at a reputable garage after obtaining the approval of the Director/HR & Admin Manager 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 accounts staff as soon as possible after purchase but no later than seven (7) days from date of returning to the office.
15. All Authorized drivers should always ensure that the LAC vehicles are checked at a filling station(s) for oil, water, tyre pressure, spares etc. Vehicles are to 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.
16. An Authorized driver must be in possession of a valid driver's licence and a certified copy of his/her licence shall be kept on record at the office of the Vehicle Manager. No Authorized driver or other Staff Member shall grant permission to non-staff to drive a LAC vehicle except in emergency circumstances and with prior permission of the Director.
17. Subject to paragraph 8, all LAC vehicles shall be parked at the LAC office overnight.



18. Should an Authorized driver 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 occurrence;
- (b) advise the Director/HR & Admin Manager, 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/HR & Admin Manager, 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/HR & Admin Manager 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.

19. LAC vehicles shall NOT be used during weekends and after 18h00 on weekdays without prior authorization from the Director or in exceptional cases from the relevant Coordinator in the absence of the Director. This arrangement shall not apply when people are outside Windhoek on an authorized work related trip.

20. 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 prior authority has been obtained from the Director/HR & Admin Manager or in their absence, the relevant Coordinator, and unless genuine reason why a client(s) cannot come to LAC's office exists.

This arrangement shall not apply to Staff Members consulting clients or potential clients in police cells or prisons or hospitals.



21. **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.

22. If a LAC vehicle is not available, a Staff Member may use his/her private vehicle with prior permission of the Director/HR & Admin Manager or relevant Coordinator and in doing so such Staff member exempts the LAC from any cost he/she may incur in the event of an accident or breakage, except for mileage/ per kilometer rate inclusive of petrol cost as prescribed by LAC.

23. 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 repairs against a budget line earmarked for vehicle maintenance and repairs.

