

BUITENGEWONE

OFFISIELLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY



OF SOUTH WEST AFRICA

UITGawe OP GESAG

PUBLISHED BY AUTHORITY

20c Maandag 13 November 1978 WINDHOEK Monday 13 November 1978 No. 3859

INHOUD:

Bladsy

PROKLAMASIE:

No. AG. 76 Proklamasie op Opleiding vir Geestelik Vertraagde Kleurling-, Baster- en Namakinders, 1978

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PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE GE-
BIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 1 November 1978)

No. AG. 76 1978

OPLEIDING VAN GEESTELIK VERTRAAGDE KLEURLING-, BASTER- EN NAMAKINDERS

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

M. T. STEYN

Administrator-generaal

Windhoek, 6 November 1978

BYLAE

Woordomskrywing

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, beteken —

- (i) "beampte" iemand wat ingevolge hierdie Proklamasie vir diens op 'n vaste grondslag by 'n opleidingsentrum of 'n staatsondersteunde opleidingsentrum deur of met die goedkeuring van die Administrateur-generaal of die Minister aangestel is, al is hy aangeset —

PROCLAMATION

by the

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 1 November 1978)

No. AG. 76

1978

TRAINING OF MENTALLY RETARDED COLOURED, BASTER AND NAMA CHILDREN

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

M. T. STEYN

Administrator-General

Windhoek, 6 November 1978

SCHEDULE

Definitions

1. In this Proclamation, unless the context indicates otherwise —

- (i) "child" means a Coloured, Baster or Nama who has attained the age of six years, but not yet the age of eighteen years; (vi)
- (ii) "Commission" means the Public Service Commission established by section 4(1) of the

- (a) op proef;
- (b) in 'n pos bedoel vir iemand met 'n hoër of laer rang as sy eie rang; of
- (c) in 'n pos wat bykomend is by die diensstaat van die opleidingsentrum of staatsondersteunde opleidingsentrum; (x)
- (ii) "bestuursliggaam" 'n bestuursliggaam bedoel in artikel 15; (vii)
- (iii) "Departement" die Departement van Kleurling-, Rehoboth- en Namabetrekkinge; (iv)
- (iv) "geestelik vertraagde kind" 'n kind wat op grond van onopvoedbaarheid van skoolplig vrygestel is, maar wat na die oordeel van die Sekretaris opleibaar is en sal baat by 'n opleidingsprogram bedoel in artikel 24; (viii)
- (v) "hierdie Proklamasie" ook die regulasies; (xviii)
- (vi) "kind" 'n Kleurling, Baster of Nama wat die ouderdom van ses jaar, maar nog nie die ouderdom van agtien jaar nie, bereik het; (i)
- (vii) "Kommissie" die Staatsdienskommissie ingestel deur artikel 4(1) van die Staatsdienswet, 1957 (Wet 54 van 1957); (ii)
- (viii) "Minister" die Minister van Kleurlingbetrekkinge; (ix)
- (ix) "opleiding" opleiding wat by die behoeftes van geestelik vertraagde kinders pas en ook —
 - (a) die versorging van sodanige kinders; en
 - (b) in verband daarmee, die beskikbaarstelling van geboue, koshuise en toerusting, die indiensneming van personeel, die verskaffing van vervoer en enige ander diens wat die Administrateur-generaal nodig ag; (xix)
- (x) "opleidingsentrum" 'n opleidingsentrum bedoel in artikel 2; (xx)
- (xi) "ouer" die vader of die moeder van 'n kind gebore uit of gewettig deur 'n huwelik of, in die geval van 'n buite-egtelike kind, die moeder van die kind, en ook 'n aannemende ouer, 'n testamentêre, genomineerde of geassumeerde voog, en iemand aan wie 'n voogdylbrief of brief van kuratele ingevolge 'n wet op die bereddering van boedels uitgereik is; (xi)
- Public Service Act, 1957 (Act 54 of 1957); (vii)
- (iii) "council" means a council of a training centre referred to in section 3; (xii)
- (iv) "Department" means the Department of Coloured, Rehoboth and Nama Relations; (iii)
- (v) "employee" means a person employed in a temporary capacity or under a kind of contract different from that usually entered into with officers, at a training centre or a state-aided training centre in 'n post included in or additional to the establishment of such centre; (xxi)
- (vi) "Government" means the Government of the Republic of South Africa and includes the Administrator-General; (xiii)
- (vii) "governing body" means a governing body referred to in section 15; (ii)
- (viii) "mentally retarded child" means a child who has been exempted from compulsory education on account of uneducability, but who in the opinion of the Secretary is trainable and will derive benefit from a training programme referred to in section 24; (iv)
- (ix) "Minister" means the Minister of Coloured Relations; (viii)
- (x) "officer" means a person appointed permanently in terms of this Proclamation for service at a training centre or state-aided training centre by or with the approval of the Administrator-General or the Minister, although he may have been appointed —
 - (a) on probation;
 - (b) to a post intended for a person of a rank higher or lower than his own rank; or
 - (c) to a post additional to the establishment of such training centre or state-aided training centre; (i)
- (xi) "parent" means the father or the mother of a child born out of or legitimated by a marriage or, in the case of an illegitimate child, the mother of such child, and includes an adoptive parent or a testamentary, nominated or assumed guardian, and a person to whom letters of tutorship or curatorship have been issued in terms of any law relating to the administration of estates; (xi)

- (xii) "raad" 'n raad vir 'n opleidingsentrum bedoel in artikel 3; (iii)
- (xiii) "Regering" die Regering van die Republiek van Suid-Afrika en ook die Administrateur-generaal; (vi)
- (xiv) "regulasie" 'n regulasie kragtens hierdie Proklamasie uitgevaardig; (xiv)
- (xv) "Sekretaris" die Sekretaris van Kleurling-, Rehoboth- en Namabetrekkinge of 'n beampete in die Departement wat kragtens sy magting optree; (xv)
- (xvi) "staatsdiens" die staatsdiens bedoel in artikel 3 van die Staatsdienswet, 1957 (Wet 54 van 1957); (xiii)
- (xvii) "Staat" ook die Administrateur-generaal; (xvi)
- (xviii) "staatsondersteunde opleidingsentrum" 'n inrigting of deel van 'n inrigting wat kragtens artikel 13 tot 'n staatsondersteunde opleidingsentrum verklaar is; (xvii)
- (xix) "Tesourie" die Administrateur-generaal of iemand in die Departement van Finansies wat deur die Administrateur-generaal gemagtig is om die werksaamhede wat hierdie Proklamasie aan die Tesourie opdra, te verrig; (xxi)
- (xx) "voorgeskryf" by regulasie voorgeskryf; (xii)
- (xxi) "werknemer" iemand wat in 'n tydelike hoedanigheid of kragtens 'n ander soort kontrak as dié wat gewoonlik met beampetes aangegaan word, in diens is by 'n opleidingsentrum of 'n staatsondersteunde opleidingsentrum in 'n pos wat inbegrepe of bykomend is by die diensstaat van daardie sentrum. (v)
- (xii) "prescribed" means prescribed by regulation;
- (xx)
- (xiii) "public service" means the public service referred to in section 3 of the Public Service Act, 1957 (Act 54 of 1957); (xvi)
- (xiv) "regulation" means a regulation made under this Proclamation; (xiv)
- (xv) "Secretary" means the Secretary for Coloured, Rehoboth and Nama Relations or any officer in the Department acting under his authority; (xv)
- (xvi) "State" includes the Administrator-General;
- (xvii)
- (xviii) "state-aided training centre" means an institution or part of an institution declared to be a state-aided training centre under section 13; (xviii)
- (xix) "this Proclamation" includes the regulations;
- (v)
- (x) "training" means training which suits the needs of mentally retarded children and includes —
 - (a) the care of such children; and
 - (b) in connection therewith, the making available of buildings, hostels and equipment, the employment of staff, the provision of transport and any other service the Administrator-General considers necessary; (ix)
- (xx) "training centre" means a training centre referred to in section 2; (x)
- (xxi) "Treasury" means the Administrator-General or any person in the Department of Finance authorized by the Administrator-General to perform the functions assigned to the Treasury by this Proclamation. (xix)

Instelling en intrekking van instelling van opleidingsentrum deur Administrateur-generaal

2. (1) Die Administrateur-generaal kan uit geld wat hy vir die doel bewillig het, by 'n inrigting vir swaksiniges wat deur die Departement van Gesondheid in stand gehou, bestuur en beheer word, 'n opleidingsentrum instel, oprig, in stand hou en bestuur om opleiding aan geestelik vertraagde kinders te verskaf.

(2) Die Administrateur-generaal kan die instelling van 'n opleidingsentrum intrek, maar indien 'n raad ingevolge artikel 3 vir die opleidingsentrum ingestel is, slegs na oorlegpleging met dié raad.

Establishment and disestablishment of training centres by Administrator-General

2. (1) The Administrator-General may at an institution for the mentally deficient, maintained, managed and controlled by the Department of Health, establish, erect, maintain and manage a training centre out of moneys appropriated by him for the purpose in order to provide training for mentally retarded children.

(2) The Administrator-General may disestablish a training centre but, if a council has been established for such training centre in terms of section 3, only after consultation with such council.

Rade vir opleidingsentrum

3. (1) Die Administrateur-generaal kan 'n raad vir 'n opleidingsentrum instel om die Administrateur-generaal en die Sekretaris van advies te dien aangaande die aangeleenthede bedoel in artikel 4.

(2) 'n Raad bestaan uit minstens vyf lede wat deur die Administrateur-generaal aangestel word.

(3) 'n Lid van 'n raad word aangestel vir die tydperk, maar hoogstens drie jaar, wat deur die Administrateur-generaal ten tyde van die aanstelling bepaal word en kan, wanneer sy ampstermyn verstryk het, weer aangestel word.

(4) 'n Lid van 'n raad ontruim sy amp indien —

- (a) hy, deur 'n bedankingsbrief deur hom onderteken en aan die voorsitter van die betrokke raad gerig en afgelewer, uit sy amp as lid bedank;
- (b) hy sonder verlof van die voorsitter van die betrokke raad van drie agtereenvolgende vergaderings afwesig is;
- (c) sy aanstelling deur die Administrateur-generaal ingetrek word; of
- (d) hy 'n betrekking aan 'n opleidingsentrum aanvaar.

(5) 'n Toevallige vakature in 'n raad wat deur die dood of die ampsontruiming van 'n lid ontstaan, word, met inagneming van die bepalings van subartikel (2), gevul vir die onverstreke gedeelte van die ampstermyn van die lid wat oorlede is of sy amp ontruim het, na gelang van die geval.

(6) (a) 'n Raad kies by sy eerste vergadering en daarna wanneer dit nodig word een van sy lede as voorsitter en 'n ander sodanige lid as ondervoorsitter van die raad.

(b) Wanneer die voorsitter van 'n raad afwesig is of nie in staat is om sy werkzaamhede as voorsitter te verrig nie, neem die ondervoorsitter as voorsitter waar.

(c) Indien sowel die voorsitter as die ondervoorsitter van 'n vergadering van 'n raad afwesig is, kies die aanwesige lede 'n voorsitter uit hul geledere om op daardie vergadering as voorsteller waar te neem.

(7) (a) 'n Vergadering van 'n raad word minstens twee maal per jaar gehou op die tyd en plek wat die voorsitter bepaal: Met dien verstande dat 'n spesiale vergadering, indien die Administrateur-generaal dit gelas of op skrifte-

Councils for training centres

3. (1) The Administrator-General may establish a council for a training centre to advise the Administrator-General and the Secretary in regard to the matters referred to in section 4.

(2) A council shall consist of at least five members to be appointed by the Administrator-General.

(3) A member of a council shall be appointed for the period, but not exceeding three years, determined by the Administrator-General at the time of appointment, and shall, when his period of office has expired, be eligible for reappointment.

(4) A member of a council shall vacate his office if —

- (a) he, by writing under his hand addressed and delivered to the chairman of the council in question, resigns from his office as a member;
- (b) he has absented himself from three consecutive meetings without the leave of the chairman of the council in question;
- (c) his appointment is withdrawn by the Administrator-General; or
- (d) he accepts a post at a training centre.

(5) Any casual vacancy on any council caused by the death or the vacation of office, of any member, shall, with due regard to the provisions of subsection (2), be filled for the unexpired portion of the period of office of the member who has died or vacated his office, as the case may be.

(6) (a) A council shall at its first meeting, and thereafter when necessary, elect one of its members as chairman and another such member as vice-chairman of such council.

(b) When the chairman of a council is absent or unable to perform his functions as chairman, the vice-chairman shall act as chairman.

(c) If both the chairman and the vice-chairman are absent from any meeting of a council, the members present shall elect a chairman from among them to act as chairman at that meeting.

(7) (a) A meeting of a council shall be held at least twice per annum at a time and place to be determined by the chairman: Provided that a special meeting shall be convened by the chairman if the Administrator-General so directs or

like en gemotiveerde versoek van minstens twee lede van daardie raad, deur die voorsitter belê moet word.

- (b) Die meerderheid van die lede van 'n raad maak 'n kworum vir 'n vergadering van daardie raad uit.
- (c) Die besluit van 'n meerderheid van die lede van 'n raad wat op 'n vergadering van die raad aanwesig is, is die besluit van die raad : Met dien verstande dat by 'n staking van stemme die persoon wat op die vergadering voorsit 'n beslissende stem benewens sy beraadslagende stem het.
- (d) Die prosedure op 'n vergadering van 'n raad is soos voorgeskryf, of kan, indien nie aldus voorgeskryf nie, deur die raad bepaal word.

(8) Geen besoldiging word aan 'n lid van 'n raad betaal nie, maar aan so 'n lid kan ten opsigte van 'n tydperk waarin hy met die sake van die raad besig is, en ten opsigte van 'n reis onderneem vir die doeleindes van dié sake, die verblyf- en reistoelaes betaal word wat die Administrateur-generaal bepaal : Met dien verstande dat 'n lid wat op 'n voltydse grondslag in diens van die Staat is, toelaes ontvang ooreenkomsdig die wetsbepalings wat sy diensvoorraades reëel.

(9) Die persoon wat ingevolge hierdie Proklamasie as hoof van 'n opleidingsentrum aangestel is, of 'n beampete deur hom aangewys, is sekretaris van die betrokke raad, maar so 'n hoof is ten opsigte van al sy pligte slegs teenoor die Sekretaris verantwoordelik.

Werksaamhede van 'n raad

4. (1) Die werksaamhede van 'n raad is om die Administrateur-generaal en die Sekretaris van advies te dien aangaande —

- (a) die beplanning van 'n opleidingsprogram bedoel in artikel 24;
- (b) die beplanning, oprigting en gebruik van geboue;
- (c) 'n aangeleenthed wat die Administrateur-generaal of die Sekretaris na die betrokke raad verwys;
- (d) ander aangeleenthede met betrekking tot die opleiding en die welsyn van die kinders aan die betrokke opleidingsentrum.

(2) 'n Raad oorweeg die verslae van die hoof oor die betrokke opleidingsentrum en alle departementele inspeksieverslae wat aan hom voorgelê word en doen by die Sekretaris aanbevelings aangaande die aangeleenthede wat daaruit voortspruit.

on a reasoned request in writing by at least two members of that council.

- (b) The majority of the members of a council shall form a quorum for a meeting of that council.
- (c) The decision of a majority of the members of a council present at any meeting of such council, shall be the decision of the council : Provided that in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.
- (d) The procedure at any meeting of a council shall be prescribed, and may, if not so prescribed, be determined by the council.

(8) No remuneration shall be paid to a member of a council, but any such member may in respect of any period during which he was engaged upon the business of the council and in respect of any journey undertaken for the purposes of such business, be paid such subsistence and travelling allowances as the Administrator-General may determine : Provided that any member who is in the full-time service of the State shall receive allowances in accordance with the laws governing his conditions of employment.

(9) The person appointed in terms of this Proclamation as principal of a training centre, or an officer designated by him, shall be the secretary of the council in question, but any such principal shall in respect of all his duties be responsible to the Secretary only.

Functions of a council

4. (1) The functions of a council shall be to advise the Administrator-General and the Secretary in regard to —

- (a) the planning of a training programme referred to in section 24;
- (b) the planning, erection and use of buildings;
- (c) any matter referred to the council in question by the Administrator-General or the Secretary;
- (d) any other matters relating to the training and the welfare of the children at the training centre in question.

(2) A council shall consider the reports of the principal on the training centre in question and all departmental inspection reports submitted to it and shall make recommendations to the Secretary in regard to the matters arising therefrom.

(3) 'n Raad kan van tyd tot tyd 'n lid van die raad aanwys om die betrokke opleidingsentrum te besoek en oor enige aangeleentheid wat na sy oordeel die belang van die opleidingsentrum, die kinders of die personeel raak, skriftelik verslag te doen, en die verslag maak deel uit van die notule van die eersvolgende vergadering van die raad.

- (4) (a) 'n Raad kan een of meer komitees aanstel om hom van advies te dien en van sy werkzaamhede te verrig, en kan persone wat nie lede van die raad is nie, as lede van die komitees aanstel : Met dien verstande dat die voorsitters van die komitees uit die lede van die raad gekies word.
- (b) Die raad kan enige besluite van sodanige komitees wysig of intrek.

Diensstate van, en aanstelling, salarisskale, verlofvooregtele en ander diensvooraardes van persone in diens by, opleidingsentruums

5. (1) Die diensstaat by 'n opleidingsentrum bestaan uit —

- (a) die poste ingestel op 'n grondslag wat die Minister van tyd tot tyd op aanbeveling van die Kommissie en met die instemming van die Tesourie bepaal; en
- (b) die ander poste ten opsigte waarvan die Minister van oordeel is dat 'n grondslag nie bepaal kan word nie en wat hy van tyd tot tyd, op aanbeveling van die Kommissie en met die instemming van die Tesourie, instel.

(2) Die salarisskale verbonde aan die poste waaruit die diensstaat by 'n opleidingsentrum bestaan, word deur die Minister op aanbeveling van die Kommissie en met die instemming van die Tesourie bepaal.

(3) Die bevoegdheid om iemand by 'n opleidingsentrum aan te stel, te bevorder, oor te plaas of te ontslaan, berus, behoudens die bepalings van hierdie Proklamasie, by die Minister.

(4) Behoudens die bepalings van hierdie Proklamasie, word die verlofvooregtele, salaris, salarisskale, toelaes en diensvooraardes van persone wat by 'n opleidingsentrum in diens is, deur die Minister op aanbeveling van die Kommissie bepaal: Met dien verstande dat die diensvooraardes en verlofvooregtele wat ten opsigte van beampies en werknemers aldus bepaal is, voorgeskryf word: Met dien verstande voorts dat bedoelde verlofvooregtele, salaris, salarisskale, toelaes en diensvooraardes ten opsigte van verskillende persone verskillend kan wees.

(5) Die voorwaardes en omstandighede waaronder persone in diens by 'n opleidingsentrum verplig kan

(3) A council may from time to time designate a member of the council to visit the training centre in question and to report in writing on any matter which, in his opinion, affects the interests of such training centre, the children or the staff, and such report shall constitute part of the minutes of the next meeting of the council.

- (4) (a) A council may appoint one or more committees to advise it and to perform some of its functions and may appoint persons who are not members of the council as members of such committees : Provided that the chairmen of such committees shall be elected from among the members of the council.
- (b) A council may alter or withdraw any decisions of such committees.

Establishments, and appointment, salary scales, leave privileges and other conditions of service of persons in the employment of training centres

5. (1) The establishment at any training centre shall consist of —

- (a) the posts established on a basis determined by the Minister from time to time on the recommendation of the Commission and with the concurrence of the Treasury; and
- (b) the other posts in respect of which the Minister is of the opinion that no basis can be determined and which he, on the recommendation of the Commission and with the concurrence of the Treasury, may establish from time to time.

(2) The salary scales attaching to posts on the establishment at a training centre, shall be determined by the Minister on the recommendation of the Commission and with the concurrence of the Treasury.

(3) The power to appoint any person at a training centre, and to promote, transfer or discharge a person so appointed, shall, subject to the provisions of this Proclamation, be vested in the Minister.

(4) Subject to the provisions of this Proclamation, the leave privileges, salaries, salary scales, allowances and conditions of service of persons employed at a training centre, shall be determined by the Minister on the recommendation of the Commission : Provided that the conditions of service and leave privileges so determined in respect of officers and employees, shall be prescribed : Provided further that such leave privileges, salaries, salary scales, allowances and conditions of service may differ in respect of different persons.

(5) The conditions and circumstances under which persons employed at training centres can be compelled

word om lede te word en te bly van 'n mediese hulpfonds of mediese hulpvereniging wat deur die Kommissie kragtens die Staatsdienswet, 1957 (Wet 54 van 1957), erken word as 'n instelling waarvan beamptes en werknemers in die staatsdiens verplig is of kan word om lede te word en te bly, word voorgeskryf.

Indeling van poste by opleidingsentrum as staatsdiensposte

6. (1) Die Minister kan op aanbeveling van die Kommissie enige nie-doserende pos op die diensstaat by 'n opleidingsentrum aanwys as 'n pos wat kragtens die bepalings van artikel 3 van die Staatsdienswet, 1957 (Wet 54 van 1957), as 'n pos in een van die afdelings van die staatsdiens ingedeel moet word.

(2) Die diensvoorwaardes van iemand wat in 'n aldus ingedeelde pos aangestel word, word gereg deur die wetsbepalings op die staatsdiens.

Pensioen- en uitdienstredingsvoordele van beamptes en werknemers by opleidingsentrum

7. Ondanks andersluidende bepalings van die een of ander wet, word 'n beampte of werknemer wat in diens is by 'n opleidingsentrum ten opsigte van pensioen- en uitdienstredingsvoordele behandel asof hy —

- (a) indien hy 'n beampte is, in diens was in 'n pos wat ingedeel is in 'n afdeling van die staatsdiens vermeld in artikel 3(1)(a)(i) van die Staatsdienswet, 1957 (Wet 54 van 1957); of
- (b) indien hy 'n werknemer is, 'n werknemer van die Regering was.

Oorplasing en afstaan van beamptes en werknemers by opleidingsentrum

8. 'n Beampte of werknemer in diens by 'n opleidingsentrum kan, met die goedkeuring van die Minister, oorgeplaas word van die pos waarin hy diens doen na enige ander pos by dieselfde of 'n ander opleidingsentrum, of in enige ander inrigting onder beheer van die Departement, hetsy die inrigting kragtens hierdie Proklamasie of enige ander wet ingestel is, en hetsy so 'n oorplasing na 'n pos van 'n laergraad is al dan nie: Met dien verstande dat 'n oorplasing wat 'n vermindering in so iemand se pensioengewende verdienste meebring, nie sonder sy toestemming geskied nie, tensy die oorplasing geskied omdat die Minister sy rang verlaag het ingevolge artikel 10(25)(a) : Met dien verstande voorts dat 'n beampte wat na 'n pos met 'n laergraad sonder vermindering van sy pensioengewende verdienste oorgeplaas is, weer in 'n pos met 'n graad waarby sy salarisskaal pas, aangestel word sodra 'n geskikte vakature ontstaan.

to become and remain members of a medical aid fund or medical aid society recognized by the Commission under the Public Services Act, 1957 (Act 54 of 1957), as an institution of which officers and employees in the public service are or may be compelled to become and remain members, shall be prescribed.

Classification of posts at training centres as posts in the public service

6. (1) The Minister may on the recommendation of the Commission designate any non-teaching post on the establishment at a training centre as a post which shall be classified under the provisions of section 3 of the Public Service Act, 1957 (Act 54 of 1957), as a post in one of the divisions of the public service.

(2) The conditions of service of any person appointed to a post so classified, shall be governed by the laws regulating the public service.

Pension and retiring benefits of officers and employees at training centres

7. Notwithstanding anything to the contrary in any other law contained, any officer or employee who is employed at a training centre shall in respect of pension and retiring benefits be dealt with as if —

- (a) if he is an officer, he were employed in a post classified under a division of the public service mentioned in section 3(1)(a)(i) of the Public Service Act, 1957 (Act 54 of 1957); or
- (b) if he is an employee, he were an employee of the Government.

Transfer or seconding of officers and employees at training centres

8. Any officer or employee employed at a training centre may, with the approval of the Minister, be transferred from the post in which he is employed to any other post at the same or any other training centre, or at any other institution under the control of the Department, whether such institution is established under this Proclamation or any other law, and whether or not any such transfer is to a post of a lower grade : Provided that no transfer involving a reduction in such person's pensionable emoluments shall be made without his consent, unless the transfer is in consequence of a reduction of rank imposed by the Minister in terms of section 10(25)(a) : Provided further that an officer who has been transferred to a post of a lower grade without reduction of his pensionable emoluments, shall be reappointed to a post of a grade to which his salary scale is appropriate, as soon as a suitable vacancy occurs.

Wangedrag deur beampies in diens by opleidingsentrums

9. 'n Beampte in diens by 'n opleidingsentrum is skuldig aan wangedrag en daar kan ooreenkomsdig die bepalings van artikel 10 met hom gehandel word, indien hy —

- (a) 'n bepaling van hierdie Proklamasie wat hy moet nakom, oortree of versuim om daaraan te voldoen;
- (b) 'n daad wat nadelig is vir die administrasie, discipline of doeltreffendheid van 'n opleidingsentrum, departement, kantoor of inrigting van die Regering verrig of laat verrig, of toelaat dat dit verrig word;
- (c) 'n wettige bevel wat aan hom gegee is, nie gehoorbaar nie of verontagaam, of opsetlik versuim om dit uit te voer of deur woord of gedrag hom aan insubordinasie skuldig maak;
- (d) nalatig of traag by die vervulling van sy pligte is;
- (e) sonder die toestemming van die Minister 'n private agentskap of private werk onderneem in verband met 'n aangeleenthed wat in verband staan met die verrigting van sy amptelike werksamehede of die uitvoering van sy ampspligte;
- (f) in die openbaar ongunstige kritiek uitoefen op die administrasie van 'n staatsdepartement (met inbegrip van die Administrasie van die gebied Suidwes-Afrika);
- (g) deur middel van iemand wat nie in diens van die Departement is nie, probeer om ingryping in verband met sy posisie en diensvoorraades te verkry, tensy dit geskied om herstel van 'n grief deur bemiddeling van die Administrateur-generaal te probeer verkry;
- (h) hom op 'n skandelike, onbehoorlike of onbetaamlike wyse gedra of, terwyl hy diens doen, hom aan growwe onbeleefdheid teenoor 'n ander persoon skuldig maak;
- (i) buitensporig gebruik maak van sterk drank of bedwelmende middels of, terwyl hy aan diens is of behoort te wees, onder die invloed van sterk drank of bedwelmende middels is in 'n mate wat tot nadeel strek van die Departement of van die doeltreffende verrigting van sy pligte, tensy daar bewys word dat dié gebruikmaking of toestand nie aan onbetaamlike gedrag of optrede van sy kant te wyte is nie;
- (j) insolvent word, of 'n akkoord met sy skuldeisers aangaan, tensy daar bewys word dat sy insolven-

Misconduct by officers employed at training centres

9. An officer employed at a training centre shall be guilty of misconduct and may be dealt with in accordance with the provisions of section 10, if he —

- (a) contravenes or fails to comply with any provision of this Proclamation, with which it is his duty to comply;
- (b) does, or causes or permits to be done, any act which is prejudicial to the administration, discipline or efficiency of a training centre, or a department, office or institution of the Government;
- (c) disobeys, disregards or makes wilful default in carrying out a lawful order given to him, or by word or conduct displays insubordination;
- (d) is negligent or indolent in the discharge of his duties;
- (e) undertakes, without the permission of the Minister, any private agency or private work in connection with any matter connected with the performance of his official functions or the discharge of his official duties;
- (f) publicly comments adversely upon the administration of any department of State (including the Administration of the territory of South West Africa);
- (g) attempts to secure intervention, through any person not in the employment of the Department in connection with his position and conditions of service, unless it is done in an endeavour to obtain redress of any grievance through the Administrator-General;
- (h) conducts himself in a disgraceful, improper or unbecoming manner, or, whilst on duty, is grossly discourteous to any other person;
- (i) uses intoxicants or stupefying drugs excessively, or, whilst he is or should be on duty, is under the influence of intoxicants or stupefying drugs to an extent which is prejudicial to the Department or to the efficient performance of his duties, unless it is proved that such use or condition is not due to any improper conduct or action on his part;
- (j) becomes insolvent or compromises with his creditors, unless it is shown that his insolvency or

- sie of die akkoord deur onvermydelike teenspoed veroorsaak is;
- (k) in geldelike moeilikheid raak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakkbare oorsaak nie, en nie nadelig is vir die getroue uitvoering van sy pligte nie;
- (l) sonder dat hy eers die toestemming van die Sekretaris verkry het, inligting wat hy ingewin of bekom het as gevolg van sy werk by 'n opleidingsentrum of in die Departement, openbaar maak anders as by die vervulling van sy ampspligte, of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy ampspligte, hetsy hy sodanige inligting openbaar maak of nie;
- (m) enige kommissie, geld of ander beloning wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie, aanneem of eis ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer, of as hy versuim om die Sekretaris van die aanbod van enige sodanige kommissie, geld of beloning te verwillig;
- (n) hom eiendom van die Staat wederregtelik toeëien of op onbehoorlike wyse daarvan gebruik maak, en sodanige toeëiening of gebruikmaking nie 'n misdryf uitmaak nie;
- (o) 'n misdryf pleeg;
- (p) sonder verlof van sy opleidingsentrum of diens wegby, tensy hy 'n geldige rede vir sy afwesigheid kan bewys;
- (q) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy ampelike posisie of sy pligte, of op die veroorsaking van enige nadeel of skade aan die Regering of 'n staatsdepartement of die staatsdiens of die onderwysdiens of 'n lid van so 'n diens, 'n valse of onjuiste verklaring aflê terwyl hy weet dat dit vals of onjuis is; of
- (r) 'n bepaling van die reëls van die konstitusie van 'n mediese hulpfonds of mediese hulpvereniging waarvan hy ingevolge hierdie Proklamasie verplig is om lid te wees, oortree of versuim om te voldoen aan 'n bepaling van bedoelde reëls waaraan hy uit hoofde van sy lidmaatskap van sodanige mediese hulpfonds of mediese hulpvereniging moet voldoen.
- such composition has been occasioned by unavoidable misfortune;
- (k) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause, and it is not prejudicial to the faithful performance of his duties;
- (l) without first having obtained the permission of the Secretary, discloses, otherwise than in the discharge of his official duties information gathered or obtained by him through his employment at a training centre or in the Department, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information;
- (m) accepts or demands in respect of the discharge of his duties or the failure to discharge his duties any commission, fee, or other reward, not being the emoluments payable to him in respect of his duties, or fails to report to the Secretary the offer of any such commission, fee or reward;
- (n) misappropriates or improperly uses any property of the State and such misappropriation or use does not constitute an offence;
- (o) commits an offence;
- (p) absents himself from his training centre or duty without leave, unless he can prove a valid cause for his absence;
- (q) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to the Government or a department of State or the public service or the educational service or a member of such service, makes a false or incorrect statement, knowing it to be false or incorrect; or
- (r) contravenes any provision of the rules of the constitution of a medical aid fund or medical aid society of which he is required to be a member in terms of this Proclamation or fails to comply with any provision of the said rules with which it is his duty to comply by virtue of his membership of such medical aid fund or medical aid society.

Procedure in geval van wangedrag deur beampies in diens by opleidingsentrums

10. (1) Indien 'n beampte wat by 'n opleidingsentrum in diens is, beskuldig word van wangedrag soos omskryf in artikel 9 kan die Sekretaris of iemand deur die Sekretaris daartoe gemagtig, hom skriftelik onder sy handtekening van daardie wangedrag aankla.

(2) Die persoon wat die aanklag onderteken het, moet dit aan die aangeklaagde beteken ooreenkomsdig die bepalings van artikel 12.

(3) Die aanklag moet 'n aanseggings bevat of met 'n aanseggings gepaard gaan, waarby die aangeklaagde aangesê word om binne 'n tydperk wat in die aanseggings vermeld word en redelik moet wees, 'n skriftelike erkenning of ontkenning van die aanklag en, indien hy dit verlang, 'n skriftelike verduideliking van die wangedrag waarvan hy aangekla word, aan iemand insgelyks vermeld, te stuur of te oorhandig.

(4) Die Minister of, indien daartoe deur die Minister in die algemeen of in 'n besondere geval gemagtig, die Sekretaris of 'n ander beampte in die Departement, kan iemand wat beskuldig word van wangedrag in sy diens skors, hetsy hy van wangedrag ooreenkomsdig hierdie artikel aangekla is al dan nie.

(5) Die Minister of die ander persoon wat iemand ingevolge subartikel (4) geskors het, kan die skorsing te eniger tyd intrek maar die intrekking van die skorsing raak geen verrigtings in verband met die beskuldiging van wangedrag nie.

(6) Iemand wat ingevolge subartikel (4) in sy diens geskorsk is, is nie op enige besoldiging ten opsigte van die tydperk van sy skorsing geregtig nie : Met dien verstande dat die Minister kan gelas dat aan so iemand sy volle besoldiging of 'n gedeelte daarvan betaal word.

(7) Indien geen aanklag kragtens hierdie artikel bestel word nie teen iemand wat aldus in sy diens geskorsk is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat, en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(8) (a) Indien die aangeklaagde die aanklag erken, word hy geag ingevolge hierdie artikel skuldig gevind te wees aan die wangedrag waarvan hy aangekla is.

(b) Indien die aangeklaagde die aanklag ontken of versuim om te voldoen aan die aanseggings vermeld in subartikel (3), stel die Sekretaris iemand aan om ondersoek na die aanklag in te stel.

(9) (a) Die persoon wat die ondersoek instel, moet na oorlegpleging met die persoon wat die

Procedure in case of misconduct by officers employed at training centres

10. (1) If an officer employed at a training centre is accused of misconduct as defined in section 9, the Secretary or any person authorized thereto by the Secretary may charge him in writing under his hand with that misconduct.

(2) The person who signed the charge shall serve it upon the person charged in accordance with the provisions of section 12.

(3) The charge shall contain or shall be accompanied by a direction calling upon the person charged to transmit or deliver, within a period which is specified in such direction and is to be reasonable, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charged.

(4) The Minister or, if authorized thereto by the Minister either generally or in a particular case, the Secretary or any other officer in the Department, may suspend from duty any person accused of misconduct, whether or not such person has been charged with misconduct in accordance with this section.

(5) The Minister or the other person who suspended any person in terms of subsection (4), may at any time cancel the suspension, but the cancellation of the suspension shall not affect any proceedings in connection with the charge of misconduct.

(6) Any person who has been suspended from duty in terms of subsection (4), shall not be entitled to any emoluments in respect of the period of his suspension : Provided that the Minister may order payment to such person of the whole or a portion of his emoluments.

(7) If no charge under this section is preferred against a person who has so been suspended from his duty, he shall be allowed to resume his duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(8) (a) If the person charged admits the charge, he shall be deemed to have been found guilty in terms of this section of the misconduct with which he has been charged.

(b) If the person charged denies the charge or fails to comply with the direction mentioned in subsection (3), the Secretary shall appoint a person to enquire into the charge.

(9) (a) The person who is to hold the enquiry shall after consultation with the person who signed

aanklag onderteken het, die tyd en plek van die ondersoek vasstel, en die persoon wat die aanklag onderteken het, moet die aangeklaagde redelike skriftelike kennis gee van die tyd en plek aldus vasgestel : Met dien verstande dat die Sekretaris die ondersoek kan uitstel indien goeie redes daarvoor bestaan.

- (b) Die reg met betrekking tot getuies en getuienis wat geld in verband met strafseake in 'n landdroshof, geld *mutatis mutandis* vir die doelein-des van en by so 'n ondersoek : Met dien verstande dat dagvaardings om die aanwesigheid van getuies daarby te verkry, uitgereik moet word deur die persoon wat ingevolge sub-artikel (8)(b) die ondersoek moet instel.

(10) Die persoon wat die aanklag onderteken het, kan iemand magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer, en om iemand wat as getuie vir die verweer opgeroep is, onder kruisverhoor te neem.

- (11) (a) By die ondersoek kan die aangeklaagde teenwoordig wees, het hy die reg om, persoonlik of deur 'n verteenwoordiger, aangehoor te word, iemand wat as getuie ter stawing van die aanklag opgeroep is, onder kruisverhoor te neem, stukke wat as getuienis voorgelê is, in te sien, ander persone as getuies op te roep, en kan hy self getuienis aflê.
- (b) Die versuim van die aangeklaagde om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees, maak nie die verrigtinge ongeldig nie.

- (c) Die persoon wat die ondersoek instel, moet notule hou van die verrigtinge by die ondersoek en van die getuienis wat daarby afgelê word.

(12) Indien die wangedrag waarvan iemand aangekla word, die pleeg van 'n misdryf behels en bewys word dat hy deur 'n gereghof daaraan skuldig bevind is, is 'n gesertificeerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof *prima facie*-bewys dat hy daardie misdryf gepleeg het.

(13) Die persoon wat die ondersoek instel, moet na afloop daarvan beslis of die aangeklaagde skuldig of onskuldig is aan die wangedrag daarvan hy aangekla is, en hom en die Sekretaris van sy beslissing verwittig.

(14) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde onskuldig is aan die

the charge fix the time and place of the enquiry, and the person who signed the charge, shall give the person charged reasonable written notice of the time and place so fixed : Provided that the Secretary shall have the power to postpone the enquiry on good cause shown.

- (b) The law relating to witnesses and evidence which applies in connection with criminal cases in a magistrate's court, shall apply *mutatis mutandis* for the purposes of and at any such enquiry : Provided that subpoenas to procure the attendance of witnesses thereat, shall be issued by the person who, in terms of subsection (8)(b), is to hold the enquiry.

(10) The person who signed the charge may authorize any person to be present at the enquiry and to adduce evidence and arguments in support of the charge, and to cross-examine any person called as a witness for the defence.

- (11) (a) At the enquiry the person charged may be present, shall have the right to be heard, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence and to call other persons as witnesses, either personally or by a representative, and may give evidence himself.

- (b) The failure of the person charged to be present at the enquiry, either personally or by a representative, shall not invalidate the proceedings.

- (c) The person holding the enquiry shall keep a record of the proceedings at the enquiry and of the evidence given thereat.

(12) If the misconduct with which any person is charged, constitutes the commission of an offence and it is proved that he has been convicted thereof by a court of law, a certified copy of the record of his trial and conviction by that court shall be *prima facie* evidence of the commission by him of that offence.

(13) The person holding the enquiry shall after the conclusion thereof decide whether the person charged is guilty or not guilty of the misconduct with which he has been charged, and inform him and the Secretary of his decision.

(14) If the person holding the enquiry finds that the person charged is not guilty of the misconduct with

wangedrag waarvan hy aangekla is en die aangeklaagde ingevolge subartikel (4) in sy diens geskors is, word hy toegelaat om so spoedig doenlik sy diens te hervat en word sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal, vir sover dit nie reeds gedoen is nie.

(15) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, kan die aangeklaagde binne veertien dae na die datum waarop hy van die bevinding verwittig is, na die Minister appelleer deur aan die persoon wat die ondersoek ingestel het 'n skriftelike kennisgewing van appèl te oorhandig of te pos, waarin die gronde waarop die appèl gebaseer is, volledig uiteengesit word.

(16) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, moet hy —

(a) na verstryking van die tydperk bedoel in subartikel (15), aan die Sekretaris stuur —

(i) die notule van die verrigtinge by die ondersoek;

(ii) die dokumentêre bewyssstukke wat daarby toegelaat is;

(iii) 'n uiteensetting van sy bevinding en sy redes daarvoor;

(iv) enige opmerkings wat hy oor die saak wil maak; en

(v) indien teen sy bevinding ingevolge subartikel (15) geappelleer is, die kennisgewing van appèl; en

(b) indien daar aldus teen sy bevinding geappelleer is, aan die appellant 'n afskrif van sy redes vir die bevinding verstrek.

(17) Indien die appellant binne sewe dae na die datum waarop 'n afskrif van die redes vir die bevinding aan hom verstrek is, by die Sekretaris aansoek doen om 'n afskrif van die notule van die verrigtinge by die ondersoek en die dokumentêre bewyssstukke wat daarby toegelaat is, moet die Sekretaris dit aan hom verstrek.

(18) Die appellant kan, indien hy 'n aansoek ingevolge subartikel (17) gedoen het, binne veertien dae na die datum waarop die betrokke afskrif aan hom verstrek is of, indien hy nie aldus aansoek gedoen het nie, binne een-en-twintig dae na die datum waarop die afskrif van die redes vir die bevinding aan hom verstrek is, skriftelike vertoe ter stawing van sy appèl aan die Sekretaris voorlê, en die Sekretaris moet na ontvangs daarvan of, indien hy geen sodanige vertoe binne die

which he has been charged and the person charged was suspended from his duty in terms of subsection (4), he shall be allowed to resume his duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(15) If the person holding the enquiry finds that the person charged is guilty of the misconduct with which he is charged, the person charged may within fourteen days after the date on which he was informed of the finding, appeal to the Minister by delivering or posting to the person who held the enquiry a written notice of appeal setting forth fully the grounds on which the appeal is based.

(16) If the person holding the enquiry finds that the person charged is guilty of the misconduct with which he is charged, he shall —

(a) after expiry of the period referred to in subsection (15), forward to the Secretary —

(i) the record of the proceedings at the enquiry;

(ii) the documentary evidence admitted thereat;

(iii) a statement of his finding and his reasons therefor;

(iv) any observations which he may wish to make on the case; and

(v) if there is an appeal against his finding in terms of subsection (15), the notice of appeal; and

(b) if there is such an appeal against his finding, furnish the appellant with a copy of his reasons for the finding.

(17) If the appellant applies to the Secretary for a copy of the record of the proceedings at the enquiry and of the documentary evidence admitted thereat, within seven days after the date upon which he was furnished with a copy of the reasons for the finding, the Secretary shall furnish him with it.

(18) The appellant may, if he has made an application in terms of subsection (17), within fourteen days after the date upon which he was furnished with the copy in question or, if he did not make such an application, within twenty-one days after the date upon which he was furnished with the copy of the reasons for the finding, submit to the Secretary written representations in support of his appeal and the Secretary shall after receipt thereof or, if he did not receive such representa-

voorgeskrewe tydperk ontvang het nie, na verstryking van dié tydperk, die notule van die verrigtinge by die ondersoek, die ander stukke in sy besit wat op die ondersoek of appèl betrekking het, en sy aanbeveling omtrent die appèl, aan die Minister voorlê.

(19) Na oorweging van die betrokke notule en ander stukke kan die Minister die appèl geheel en al of ten dele toestaan en die bevinding ter syde stel of wysig, die appèl van die hand wys en die bevinding bekratig, of, voordat hy 'n finale beslissing oor die appèl neem, 'n aangeleentheid in verband met die ondersoek terugverwys na die persoon wat die ondersoek ingestel het, en hom gelas om verslag daaroor te doen of verdere ondersoek in te stel en 'n bevinding daaroor te doen.

(20) Indien die Minister gelas dat verdere ondersoek ingestel word, is die bepalings van subartikels (9), (10) en (11) *mutatis mutandis* ten opsigte daarvan van toepassing.

(21) Indien die Minister tot 'n finale beslissing oor die appèl gekom het, moet hy die beslissing skriftelik medeeel aan die appellant en die Sekretaris.

(22) Indien die Minister die appèl toestaan en die appellant ingevolge subartikel (4) in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(23) Indien die aangeklaagde die aanklag van wangedrag erken het soos in subartikel (3) beoog, of indien hy aan wangedrag skuldig bevind is ingevolge subartikel (13) en nie binne die voorgeskrewe tydperk teen die bevinding geappelleer het nie, of daarteen geappelleer het en die appèl geheel en al of ten dele van die hand gewys is ingevolge hierdie artikel, moet die Sekretaris behoudens die bepalings van subartikel (24), by die Minister aanbeveel dat —

- (a) die aangeklaagde gewaarsku of berispe word;
- (b) die aangeklaagde 'n boete van hoogstens tweehonderd rand opgelê word;
- (c) die aangeklaagde na 'n ander pos oorgeplaas word;
- (d) die aangeklaagde se besoldiging of rang of sowel sy besoldiging as sy rang verlaag word; of
- (e) die aangeklaagde uit die diens van sy werkgewer ontslaan word of aangesê word om daaruit te bedank.

(24) (a) Behalwe wanneer die Sekretaris 'n aanbeveling kragtens paragraaf (a) of (e) van subartikel

tions within the prescribed period, after the expiry of such period, submit to the Minister the record of the proceedings at the enquiry, the other documents in his possession which relate to the enquiry or appeal, and his recommendation concerning the appeal.

(19) After consideration of the record and other documents in question the Minister may allow the appeal in whole or in part and set aside or vary the finding, dismiss the appeal and confirm the finding, or, before taking a final decision on the appeal, remit any matter in connection with the enquiry to the person who held the enquiry and direct him to report thereon or to hold a further enquiry and to make a finding thereon.

(20) If the Minister has directed that a further enquiry be held, the provisions of subsections (9), (10) and (11) shall apply *mutatis mutandis* in respect thereof.

(21) If the Minister has arrived at a final decision on the appeal, he shall convey that decision in writing to the appellant and the Secretary.

(22) If the Minister allows the appeal and the appellant has been suspended from his duty in terms of subsection (4), he shall be allowed to resume his duty as soon as is practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(23) If the person charged has admitted the charge of misconduct as is contemplated in subsection (3), or if he has been found guilty of misconduct in terms of subsection (13) and has not appealed against the finding within the period prescribed, or has appealed against it and the appeal has been dismissed wholly or in part in terms of this section, the Secretary shall, subject to the provisions of subsection (24), recommend to the Minister that —

- (a) the person charged be cautioned or reprimanded;
- (b) a fine, not exceeding two hundred rand, be imposed upon the person charged;
- (c) the person charged be transferred to another post;
- (d) the emoluments or rank or both the emoluments and rank of the person charged be reduced; or
- (e) the person charged be discharged from the service of his employer or be called upon to resign therefrom.

(24) (a) Except where the Secretary makes a recommendation under paragraph (a) or (e) of

(23) doen, kan hy 'n aanbeveling kragtens meer as een van die ander paragrawe van daardie subartikel doen.

(b) Die Sekretaris kan die doen van 'n aanbeveling kragtens subartikel (23) vir 'n tydperk van hoogstens twaalf maande uitstel.

(25) (a) Die Minister kan volgens die aanbeveling van die Sekretaris bedoel in subartikel (23) handel, of enigets anders doen wat hy sou kon gedoen het indien die Sekretaris dit ingevolge daardie subartikel aanbeveel het.

(b) Indien iemand ingevolge hierdie subartikel 'n boete opgelê word, kan die boete verhaal word deur dit van sy besoldiging af te trek in die paaiemente wat die Minister bepaal.

(c) Indien die Minister iemand ingevolge hierdie subartikel ontslaan, tree die ontslag in werking op 'n datum wat die Minister bepaal.

(d) Indien die Minister ingevolge hierdie subartikel iemand aansê om uit die diens van sy werkgewer te bedank en so iemand versuim om aldus te bedank met ingang van 'n datum wat die Minister bepaal, word hy geag uit die diens ingevolge hierdie subartikel ontslaan te wees met ingang van daardie datum.

(26) Indien iemand ingevolge subartikel (4) in sy diens geskors is en die Minister met hom handel soos in paragraaf (a), (b), (c), of (d) van subartikel (23) beoog, of die Sekretaris ooreenkomstig subartikel (24)(b) die doen van 'n aanbeveling uitstel, moet so iemand so spoedig doenlik toegelaat word om diens in 'n gepaste pos te hervat, en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word vir sover dit nie reeds gedoen is nie : Met dien verstande dat indien so iemand se besoldiging of rang verlaag word soos beoog in subartikel (23)(d), sy besoldiging ten opsigte van die tydperk van sy skorsing bereken word op die grondslag van die verlaagde besoldiging of rang, na gelang van die geval : Met dien verstande voorts dat indien ten opsigte van die tydperk van sy skorsing reeds 'n hoër besoldiging aan hom ingevolge subartikel (6) betaal is as die besoldiging aldus bereken, hy nie verplig is om die verskil terug te betaal nie.

subsection (23), he may make a recommendation under more than one of the other paragraphs of that subsection.

(b) The Secretary may postpone for a period not exceeding twelve months the making of a recommendation under subsection (23).

(25) (a) The Minister may act in accordance with the recommendation of the Secretary contemplated in subsection (23), or take any other action which he could have taken if the Secretary had recommended it in terms of that subsection.

(b) If a fine is imposed upon any person in terms of this subsection, such fine may be recovered by deducting it from his emoluments in such instalments as the Minister may determine.

(c) If the Minister discharges any person in terms of this subsection, the discharge shall take effect on a date fixed by the Minister.

(d) If the Minister in terms of this subsection calls upon any person to resign from the service of his employer and such person fails so to resign with effect from a date fixed by the Minister, he shall be deemed to have been discharged in terms of this subsection from service with effect from that date.

(26) If any person has been suspended from his duty in terms of subsection (4) and the Minister deals with him in a manner contemplated in paragraph (a), (b), (c) or (d) of subsection (23), or the Secretary postpones a recommendation in terms of subsection (24)(b), such person shall be allowed to resume duty in an appropriate post as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already : Provided that if the emoluments or rank of such person is reduced as is contemplated in subsection (23)(d), his emoluments in respect of the period of his suspension shall be calculated on the basis of the reduced emoluments or rank, as the case may be : Provided further that if in respect of the period of his suspension emoluments in excess of the emoluments so calculated have already been paid to him in terms of subsection (6), he shall not be obliged to refund the excess.

(27) Indien iemand wat ingevolge hierdie artikel geskors of van wangedrag aangekla is, uit die diens van sy werkgewer bedank of ander werk aanvaar voordat die toepaslike aanklag van wangedrag kragtens hierdie artikel afgehandel is, word hy geag weens wangedrag uit die diens ontslaan te wees met ingang van 'n datum wat die Minister bepaal tensy, voordat sy kennisgewing van bedanking ontvang is of hy die ander werk aanvaar het, hy in kennis gestel is dat hy nie van wangedrag aangekla sal word nie of, na gelang van die geval, dat die aanklag van wangedrag teen hom teruggetrek is.

(28) Die feit dat iemand deur 'n gereghof skuldig of onskuldig aan die pleeg van 'n misdryf bevind is, belet nie dat stappe teen so iemand ingevolge hierdie artikel gedoen word nie.

Optrede in die geval van onbekwame beampies in diens by opleidingsentrum

11. (1) Indien beweer word dat 'n beampte in diens by 'n opleidingsentrum ongeskik is vir die pligte wat aan sy pos verbonde is, of nie in staat is om daardie pligte op bekwame wyse uit te voer nie weens oorsake wat buite sy beheer is en nie aan die uitvoering van sy pligte in die diens van die Departement of die betrokke opleidingsentrum toe te skryf is nie, kan die Sekretaris iemand aanstel om ondersoek na die bewering in te stel.

(2) Die bepalings van subartikels (9), (10), (11), (13), (15), tot en met (21), en (23), en paragrawe (a) en (c) van subartikel (25) van artikel 10 is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek bedoel in subartikel (1) en die beampte ten opsigte van wie die bewering gedoen is : Met dien verstande dat by die toepassing van genoemde subartikel (23) die Sekretaris slegs kan aanbeveel dat die betrokke beampte uit die diens van die Departement of die betrokke opleidingsentrum ontslaan word of dat sy rang verlaag word en, indien sy besoldiging meer is as die maksimum vir die verlaagde rang, dat die besoldiging tot dié maksimum verminder word.

Wyse van betekening van sekere stukke

12. Waar ingevolge artikel 10 of 11 —

(a) enige kennisgewing, verklaring of ander stuk aan iemand gegee, verstrek of beteken moet word, of enige aangeleenthed skriftelik aan iemand meegedeel moet of kan word, kan die kennisgewing, verklaring of stuk per aangetekende pos aan hom gestuur word, of aan hom persoonlik oorhandig word, of gelaat word by die plek waar hy, sover bekend, laas gewoon het; of

(b) iemand van 'n beslissing of bevinding verwittig moet word, kan hy mondeling daarvan verwittig word, of deur middel van 'n geskrif wat per

(27) If any person who has been suspended or charged with misconduct in terms of this section, resigns from the service of his employer or assumes other employment before the appropriate charge of misconduct has been disposed under this section, he shall be deemed to have been discharged on account of misconduct from such service with effect from a date fixed by the Minister, unless, prior to the receipt of his notification of resignation or his assumption of other employment, he was notified that he would not be charged with misconduct or, as the case may be, that the charge of misconduct against him had been withdrawn.

(28) The fact that a person has been convicted or acquitted by a court of law of the commission of an offence, shall not preclude the taking of any steps in terms of this section against such person.

Action in case of inefficient persons employed at training centres

11. (1) If it is alleged that any officer employed at a training centre is unfit for, or is incapable of performing efficiently, the duties attaching to his post from causes not within his control and not attributable to the performance of his duties in the employment of the Department or the training centre in question, the Secretary may appoint a person to enquire into the allegation.

(2) The provisions of subsections (9), (10), (11), (13), (15) to (21) inclusive, and (23), and paragraphs (a) and (c) of subsection (25) of section 10 shall apply *mutatis mutandis* in respect of any enquiry referred to in subsection (1) and the officer in respect of whom the allegation was made : Provided that in the application of the said subsection (23) the Secretary shall only have the power to recommend that the officer concerned be discharged from the service of the Department or the training centre in question, or that his rank be reduced and, if his emoluments are more than the maximum for the reduced rank, such emoluments be reduced to that maximum.

Manner of service of certain documents

12. Where in terms of section 10 or 11 —

(a) any notice, statement or other document is to be given or furnished or served upon any person, or any matter is to be or may be conveyed to any person in writing, such notice, statement or document may be sent to him by registered post or be delivered personally to him or left at his last known place of residence; or

(b) any person is to be informed of any decision or finding, he may be informed thereof verbally, or by a document sent to him by registered post or

aangetekende pos aan hom gestuur word, of aan hom persoonlik oorhandig word, of gelaat word by die plek waar hy, sover bekend, laas gewoon het.

Verklaring van inrigtings tot staatsondersteunde opleidingsentrum en intrekking daarvan

13. (1) Die Administrateur-generaal kan 'n inrigting of 'n deel van 'n inrigting wat nie 'n opleidingsentrum is nie, en wat opleiding aan geestelik vertraagde kinders verskaf of wil verskaf, tot 'n staatsondersteunde opleidingsentrum verklaar, en hy kan, op die grondslag en onderworpe aan die voorwaardes wat hy bepaal, aan so 'n sentrum 'n subsidie betaal uit geld wat hy vir daardie doel bewillig het.

(2) Die Administrateur-generaal kan, indien 'n voorwaarde waarop 'n subsidie betaal is na sy oordeel nie nagekom is nie, te eniger tyd die verklaring van 'n inrigting of 'n deel van 'n inrigting tot 'n staatsondersteunde opleidingsentrum vanaf 'n datum deur hom bepaal, intrek: Met dien verstande dat die Administrateur-generaal, alvorens hy die verklaring aldus intrek, die bestuursliggaam van die betrokke sentrum 'n geleentheid moet gee om vertoe tot hom te rig in verband met die voorgenome intrekking.

Regpersoonlikheid, bevoegdhede en beperking op sekere beskikkings oor onroerende goed van staatsondersteunde opleidingsentrum

14. (1) 'n Staatsondersteunde opleidingsentrum is 'n regspersoon en kan, behoudens die bepalings van hierdie Proklamasie, in sy eie naam as eiser en verweerde in regte optree, roerende en onroerende goed koop of op 'n ander wyse verkry, besit, huur, verhuur, verruil, verkoop of op 'n ander wyse vervreem, 'n saaklike reg op sy goed aan iemand verleen, en geld belê, leen en uitleen.

(2) Die onroerende goed van 'n staatsondersteunde opleidingsentrum word slegs met die vooraf verkreeë goedkeuring van die Administrateur-generaal verhuur, verruil, verkoop of op 'n ander wyse vervreem, of met 'n saaklike reg beswaar.

Bestuursliggame van staatsondersteunde opleidingsentrum

15. (1) Behoudens die bepalings van hierdie Proklamasie, berus die bestuur en uitvoerende mag van 'n staatsondersteunde opleidingsentrum by sy bestuursliggaam wat bestaan uit die getal lede wat die Administrateur-generaal bepaal, van wie —

(a) 'n getal lede wat die Administrateur-generaal bepaal, maar hoogstens tien, genomineer word deur die geestesgesondheidsverenigings of ander liggame wat die versorging van geestelik vertraagde persone bevorder, onderneem, of hulle

delivered personally to him, or left at his last known place of residence.

Declaration of institutions to be state-aided training centres, and withdrawal thereof

13. (1) The Administrator-General may declare an institution or part of an institution not being a training centre, which provides or is desirous of providing training to mentally retarded children, to be a state-aided training centre, and he may out of moneys appropriated by him for that purpose pay to such a centre a subsidy on the basis and subject to the conditions he may determine.

(2) If it appears to the Administrator-General that a condition subject to which a subsidy is paid has not been complied with, the Administrator-General may at any time withdraw the declaration of an institution or part of an institution as a state-aided training centre as from a date determined by him : Provided that before the Administrator-General so withdraws such declaration, the governing body of the centre in question shall be given an opportunity by the Administrator-General of making representations to him in connection with the proposed withdrawal.

Juristic personality, powers and restriction on certain dispositions of immovable property of state-aided training centres

14. (1) A state-aided training centre shall be a body corporate (and, subject to the provisions of this Proclamation, capable in law of suing and being sued under its own name, of purchasing or otherwise acquiring, holding, hiring, letting, exchanging, selling or otherwise alienating any movable or immovable property, or granting to any person a real right in its property, and of investing, lending and borrowing money.

(2) The immovable property of a state-aided training centre shall only be leased, exchanged, sold or otherwise alienated, or encumbered with a real right, with the prior approval of the Administrator-General.

Governing bodies of state-aided training centres

15. (1) Subject to the provisions of this Proclamation, the management and executive authority of a state-aided training centre shall be vested in its governing body which shall consist of the number of members determined by the Administrator-General, of whom —

(a) a number of members determined by the Administrator-General, but not exceeding ten, shall be nominated by the mental health societies or other bodies which promote, undertake or are concerned with the care of mentally retarded per-

daarvoor beywer, wat die Administrateur-generaal aanwys, of waar daardie geestesgesondheidsverenigings of ander liggame in gebreke bly om die nominasies te doen, deur die Administrateur-generaal; en

- (b) die ander lede deur die Administrateur-generaal aangestel word : Met dien verstande dat die lede wat aldus aangestel word minder as die helfte van die totale ledetal is.

(2) 'n Lid van 'n bestuursliggaam beklee sy amp vir 'n tydperk van drie jaar, en kan, wanneer sy ampstermyn verstryk het weer benoem of aangestel word, na gelang van die geval.

(3) 'n Lid van 'n bestuursliggaam ontruim sy amp indien —

- (a) hy deur 'n bedankingsbrief deur hom onderteken en aan die voorsitter van die betrokke bestuursliggaam gerig en aangelewer, uit sy amp as lid bedank;
- (b) hy sonder verlof van die voorsitter van die betrokke bestuursliggaam van drie agtereenvolgende vergaderings afwesig is;
- (c) sy nominasie of aanstelling deur die verenigings of liggame bedoel in subartikel (1), of deur die Administrateur-generaal, na gelang van die geval, ingetrek word; of
- (d) hy 'n betrekking aan die betrokke staatsondersteunde opleidingsentrum aanvaar.

(4) Die bepalings van subartikels (5), (6) en (7) van artikel 3 is *mutatis mutandis* van toepassing met betrekking tot bestuursliggame van staatsondersteunde opleidingsentruums.

Lenings aan bestuursliggame deur Administrateur-generaal

16. (1) Behoudens die bepalings van hierdie Proklamasie, kan die Administrateur-generaal op die voorwaardes wat hy bepaal, uit geld deur die Administrateur-generaal vir dié doel bewillig, lenings aan 'n bestuursliggaam toestaan vir —

- (a) die oprigting van geboue en die verkryging van toerusting van 'n permanente aard;
- (b) die verkryging van grond (met inbegrip van grond waarop geboue opgerig is), of regte op of belang in grond, en die bestryding van onkoste in verband met opmeting en transport;
- (c) die bestryding van kapitaaluitgawes aan die omheining en verbetering van grond wat aan so 'n bestuursliggaam behoort;

sons, designated by the Administrator-General, or where those mental health societies or other bodies fail to make the nominations, by the Administrator-General; and

- (b) the other members shall be appointed by the Administrator-General : Provided that the members so appointed by the Administrator-General shall be less than half the total membership.

(2) A member of a governing body shall hold office for a period of three years, and shall, when his period of office has expired, be eligible for renomination or reappointment, as the case may be.

(3) A member of a governing body shall vacate his office if —

- (a) he, by writing under his hand addressed and delivered to the chairman of the governing body in question, resigns from his office as member;
- (b) he has absented himself from three consecutive meetings without the leave of the chairman of the governing body in question;
- (c) his nomination or appointment is cancelled by the societies or bodies referred to in subsection (1), or by the Administrator-General, as the case may be; or
- (d) he accepts a post at the state-aided training centre in question.

(4) The provisions of subsections (5), (6) and (7) of section 3 shall apply *mutatis mutandis* in relation to governing bodies of state-aided training centres.

Loans to governing bodies by Administrator-General

16. (1) Subject to the provisions of this Proclamation, the Administrator-General may, subject to the conditions determined by him, grant loans out of money appropriated by the Administrator-General for that purpose to a governing body for —

- (a) the erection of buildings and the acquisition of equipment of a permanent nature;
- (b) the acquisition of land (including land on which any buildings have been erected) or rights to or interests in land, and the payment of costs in connection with any survey and transfer;
- (c) the payment of the capital outlay on the fencing and improvement of any land vested in such governing body;

(d) die terugbetaling van 'n lening (behalwe 'n lening toegestaan uit gelde deur die Administrateur-generaal vir dié doel bewillig) deur so 'n bestuursliggaam wettiglik aangegaan vir 'n doel in paragraaf (a), (b) of (c) vermeld.

(2) 'n Aansoek deur 'n bestuursliggaam om die toestaan van 'n lening kragtens subartikel (1) word skriftelik aan die Sekretaris gerig, en moet die doel van die lening vermeld.

(3) By ontvangs van so 'n aansoek kan die Sekretaris die begrotings, planne, spesifikasies, verslae, opgawes en ander stukke of inligting aanvra, en die inspeksies laat uitvoer, wat hy nodig ag om te bepaal of die aansoek toegestaan behoort te word.

Terugbetaling van lenings deur bestuursliggame, en sekuriteit

17. (1) 'n Lening deur die Administrateur-generaal ingevolge artikel 16 aan 'n bestuursliggaam toegestaan, tesame met rente (teen 'n koers deur die Tesourie bepaal) daarop verskuldig, moet terugbetaal word binne die tydperk wat die Tesourie, voordat die lening toegestaan is, bepaal het : Met dien verstande dat die Tesourie so 'n tydperk van tyd tot tyd kan verleng.

(2) Die eerste terugbetaling van 'n paaiement van 'n lening bedoel in subartikel (1) geskied op 'n datum wat die Tesourie bepaal, wat nie later as drie jaar na die datum waarop die lening of die eerste gedeelte daarvan uitbetaal is, mag wees nie.

(3) Gedurende die tydperk vanaf die uitbetaling van 'n lening bedoel in subartikel (1), of die eerste gedeelte daarvan, tot die datum van terugbetaling bedoel in subartikel (2), is rente teen 'n koers wat die Tesourie bepaal op die lening of eerste gedeelte daarvan betaalbaar.

(4) Die bestuursliggaam aan wie 'n lening toegestaan is, moet vanaf die datum van terugbetaling bedoel in subartikel (2) aan die Sekretaris op die eerste dag van Januarie en op die eerste dag van Julie van elke jaar verdere paaiemente terugbetaal, en die paaiemente bly betaalbaar totdat die kapitaalbedrag van die lening en die rente daarop verskuldig, terugbetaal is : Met dien verstande dat die Tesourie van tyd tot tyd in buitengewone omstandighede uitstel kan verleen ten opsigte van die terugbetaling van een of meer sodanige paaiemente.

(5) Die roerende en onroerende eiendom van 'n staatsondersteunde opleidingsentrum is vanaf die datum van uitbetaling van die lening of die eerste gedeelte daarvan aan die betrokke bestuursliggaam, behoudens die voorrang van 'n vroeëre las of verband, onderworpe aan 'n las ten gunste van die Administrateur-generaal as sekuriteit vir die terugbetaling van die bedrag wat ten opsigte van die lening, koste en rente verskuldig is : Met

(d) the repayment of any loan (other than a loan granted out of moneys appropriated by the Administrator-General for that purpose) lawfully raised by such governing body for any purpose mentioned in paragraph (a), (b) or (c).

(2) Any application by a governing body for the grant of a loan under subsection (1) shall be addressed in writing to the Secretary, and shall state the purpose of the loan.

(3) Upon receipt of any such application the Secretary may call for such estimates, plans, specifications, reports, returns and other documents or information, and cause such inspections to be made, as he may consider necessary for the purpose of determining whether the application should be granted.

Repayment of loans by governing bodies, and security

17. (1) A loan granted by the Administrator-General to a governing body under section 16, together with interest (at a rate determined by the Treasury) due thereon, shall be repaid within a period determined before the granting of the loan, by the Treasury : Provided that the Treasury may from time to time extend any such period.

(2) The first repayment of an instalment of a loan referred to in subsection (1) shall be made on such date as the Treasury may determine, not being later than three years after the date on which the loan or the first portion thereof was paid out.

(3) During the period between the date on which the loan referred to in subsection (1), or the first portion thereof, was paid out, and the date of repayment referred to in subsection (2), interest at a rate determined by the Treasury shall be payable on such loan or first portion thereof.

(4) The governing body to which a loan has been granted shall, as from the date of repayment referred to in subsection (2) repay to the Secretary on the first day of January and on the first day of July in every year further instalments, and the instalments shall continue to be payable until the capital amount of the loan together with interest due thereon, has been repaid : Provided that the Treasury may, in special circumstances, from time to time grant an extension of time in respect of the repayment of one or more of such instalments.

(5) The movable and immovable property of a state-aided training centre shall, with effect from the date on which a loan or the first portion thereof is paid out to the governing body in question, and subject to the preference of any prior charge or hypothecation, be subject to a charge in favour of the Administrator-General as security for the repayment of the amount payable in respect of the loan, costs and interest : Provided that the

dien verstande dat die Administrateur-generaal te eniger tyd skriftelik van die voorrang wat genoemde las kragtens hierdie subartikel verleen, met betrekking tot die geheel of 'n gedeelte van die beswaarde eiendom kan afstand doen ten gunste van 'n ander verband, hetsy regstreer al dan nie, indien hy oortuig is dat die waarde van die eiendom voldoende is om die bedrag wat ten opsigte van die lening, koste en rente verskuldig is, en die bedrag deur daardie verband versekureer, te dek.

Diensstate van, en aanstelling, salarisskale, verlofvoordekte en ander diensvoorwaardes van persone in diens by, staatsondersteunde opleidingsentrum

18. (1) Die diensstaat by 'n staatsondersteunde opleidingsentrum bestaan uit —

- (a) die poste ingestel op 'n grondslag wat die Administrateur-generaal van tyd tot tyd vasstel; en
- (b) die ander poste ten opsigte waarvan die Administrateur-generaal van oordeel is dat 'n grondslag nie vasgestel kan word nie en wat hy van tyd tot tyd instel.
- (2) Die salarisskale verbonde aan die poste waaruit die diensstaat by 'n sentrum in subartikel (1) bedoel, bestaan, word deur die Administrateur-generaal bepaal.
- (3) (a) Die bevoegdheid om iemand by 'n staatsondersteunde opleidingsentrum aan te stel, iemand aldus aangestel te bevorder, oor te plaas, te ontslaan of aan hom afwesigheidsverlof toe te staan, berus by die betrokke bestuursliggaam, onderworpe in elke geval aan die vooraf verkreeë goedkeuring van die Administrateur-generaal.
- (b) Indien 'n bestuursliggaam na die oordeel van die Administrateur-generaal versuim om binne 'n redelike tydperk 'n pos op die diensstaat by die betrokke sentrum op geskikte wyse te vul, en die versuim na die oordeel van die Administrateur-generaal tot nadeel strek van die sentrum, kan die Administrateur-generaal 'n persoon in so 'n pos aanstel, en sodanige aanstelling word geag ingevolge paragraaf (a) deur die betrokke bestuursliggaam gedoen te wees.
- (4) Die salaris, salarisskale en toelaes van persone wat in diens is by 'n staatsondersteunde opleidingsentrum word deur die Administrateur-generaal bepaal, en die verlofvoordekte en ander diensvoorwaardes van die persone word voorgeskryf.
- (5) Die voorwaardes en omstandighede waaronder persone in diens by 'n staatsondersteunde opleidingsentrum verplig kan word om lede te word en te bly van

Administrator-General may at any time in writing waive the preference which such charge gives under this subsection in relation to the whole or a portion of the property burdened, in favour of any other bond, whether registered or not, if he is satisfied that the value of the property is sufficient to cover the amount payable in respect of the loan, costs and interest, and the amount secured by such bond.

Establishments of, and appointment, salary scales, leave privileges and other conditions of service of persons employed at, state-aided training centres

18. (1) The establishment of any state-aided training centre shall consist of —

- (a) the posts established on a basis determined by the Administrator-General from time to time; and
- (b) the other posts in respect of which the Administrator-General is of the opinion that no basis can be determined and which he may establish from time to time.
- (2) The salary scales attaching to the posts on the establishment at a centre referred to in subsection (1), shall be determined by the Administrator-General.
- (3) (a) The power to appoint any person at a state-aided training centre, to promote, transfer and to discharge any person so appointed, or to grant leave of absence to him, shall be vested in the governing body in question subject in each case to the prior approval of the Administrator-General.
- (b) If in the opinion of the Administrator-General a governing body fails to fill suitably within a reasonable period a post on the establishment at the centre in question, and such failure, in the opinion of the Administrator-General, is prejudicial to such centre, the Administrator-General may appoint a person to such post, and such appointment shall be deemed to have been made by the governing body in question in terms of paragraph (a).
- (4) The salaries, salary scales and allowances of persons employed at a state-aided training centre shall be determined by the Administrator-General, and the leave privileges and other conditions of service of such persons shall be prescribed.
- (5) The conditions and circumstances under which persons employed at a state-aided training centre can be compelled to become and remain members of a medical

'n mediese hulpfonds of mediese hulpvereniging wat deur die Kommissie kragtens die Staatsdienswet, 1957 (Wet 54 van 1957), erken word as 'n instelling waarvan beampies en werknemers in die staatsdiens verplig is of kan word om lede te word en te bly, word voorgeskryf.

Toepassing van artikel 7 onder sekere omstandighede op beampies en werknemers by staatsondersteunde opleidingsentrum

19. Die bepalings van artikel 7 is *mutatis mutandis* van toepassing op 'n beampte of werknemer in diens by 'n staatsondersteunde opleidingsentrum indien die Administrateur-generaal 'n subsidie ten opsigte van die hele salaris van so 'n beampte of werknemer ingevolge artikel 13(1) betaal.

Verrigting van ander werk deur beampies en werknemers

20. (1) Tensy in sy diensvoorwaardes anders bepaal word —

- (a) moet 'n beampte of werknemer al sy tyd ter beschikking stel van die opleidingsentrum of staatsondersteunde opleidingsentrum waar hy in diens is;
- (b) mag 'n beampte of werknemer nie sonder die toestemming, in die geval van 'n opleidingsentrum, van die Sekretaris, of, in die geval van 'n staatsondersteunde opleidingsentrum, van die bestuursliggaam van die betrokke sentrum, na gelang van die geval, besoldigde werk buite sy werk in die diens van so 'n sentrum verrig of hom verbind om dit te verrig nie; en
- (c) kan geen beampte of werknemer regtens aanspraak maak op bykomende betaling ten opsigte van enige amptelike diens of werk wat hy deur 'n bevoegde owerheid aangesê word om te verrig nie.

(2) Die Sekretaris, die hoof van 'n opleidingsentrum of 'n bestuursliggaam kan 'n beampte of werknemer onder sy beheer aansê om tydelik ander pligte te verrig as die wat gewoonlik aan so 'n beampte of werknemer opgedra word, of wat by die graad, benaming of indeling van sy pos pas.

(3) Besoldiging of 'n toelae wat 'n beampte of werknemer ontvang anders as ooreenkomsdig die bepalings van hierdie Proklamasie of die een of ander wet, of 'n goedkeuring, in die geval van 'n opleidingsentrum, van die Sekretaris, of, in die geval van 'n staatsondersteunde opleidingsentrum, van die bestuursliggaam van die betrokke sentrum, na gelang van die geval, om die geheel of 'n gedeelte daarvan te behou, moet deur so 'n beampte of werknemer in die Suidwes-Afrikarekening van die Staatsinkomstefonds gestort word, en as hy versium om dit te doen, word dit deur die

aid fund or medical aid society recognized by the Commission under the Public Service Act, 1957 (Act 54 of 1957), as an institution of which officers and employees in the public service are or may be compelled to become and remain members, shall be prescribed.

Application of section 7 in certain circumstances to officers and employees at state-aided training centres

19. The provisions of section 7 shall apply *mutatis mutandis* to an officer or employee who is employed at a state-aided training centre, if the Administrator-General pays a subsidy in respect of the whole of the salary of such person in terms of section 13(1).

Performance of other work by officers and employees

20. (1) Unless it is otherwise provided in his conditions of service —

- (a) an officer or employee shall place the whole of his time at the disposal of the training centre or state-aided training centre at which he is employed;
- (b) no officer or employee shall perform or engage himself to perform remunerative work outside his employment at such centre without the permission, in the case of a training centre, of the Secretary, or, in the case of a state-aided training centre, of the governing body of the centre in question, as the case may be;
- (c) no officer or employee may claim as of right additional remuneration in respect of any official duty or work which he is required by competent authority to perform.

(2) The Secretary, the principal of a training centre, or a governing body may require any officer or employee under his or its control temporarily to perform duties other than those ordinarily assigned to such officer or employee, or appropriate to the grade, designation or classification of his post.

(3) Any remuneration or allowance received by an officer or employee otherwise than in accordance with the provisions of this Proclamation, or any other law, or an approval, in the case of a training centre, of the Secretary, or, in the case of a state-aided training centre, of the governing body of the centre in question, as the case may be, for the retention of the whole or a portion thereof, shall be paid by such officer or employee into the South West Africa Account of the State Revenue Fund, and if he fails to do so, it shall be recovered from him by the Treasury by legal proceedings or in such

Tesourie deur middel van geregtelike stappe of op die ander wyse wat die Tesourie goedvind, op hom verhaal en in daardie fonds gestort.

Ontslag van beampies

21. (1) 'n Beampte kan, in die geval van 'n opleidingsentrum deur die Minister, of, in die geval van 'n staatsondersteunde opleidingsentrum, deur die bestuursliggaam, na gelang van die geval, ontslaan word —

- (a) weens voortdurende swak gesondheid;
- (b) weens die afskaffing van sy pos of vermindering of reorganisasie of herreeëling van die personeel van 'n opleidingsentrum of staatsondersteunde opleidingsentrum;
- (c) indien, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag doeltreffendheid of besparing in die opleidingsentrum of staatsondersteunde opleidingsentrum waar hy in diens is, sal bevorder;
- (d) weens wangedrag;
- (e) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;
- (f) indien, in die geval van 'n beampte wat op proef aangestel is, sy aanstelling nie bekratig word nie; en
- (g) in die geval van 'n vroulike beampte, weens haar huwelik.

(2) 'n Beampte wat, in die geval van 'n opleidingsentrum sonder toestemming van die Sekretaris of 'n ander persoon wat bevoeg is om afwesigheidsverlof toe te staan, of, in die geval van 'n staatsondersteunde opleidingsentrum, sonder die verlof van die bestuursliggaam, na gelang van die geval, vir 'n tydperk van meer as 'n maand van sy ampspligte wegblei, word geag weens wangedrag uit sy diens ontslaan te wees met ingang van die dag wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was : Met dien verstande dat indien so 'n beampte ander werk aanvaar, hy geag word ontslaan te wees soos voormeld, nie teenstaande dat bedoelde tydperk nog nie verstryk het nie : Met dien verstande voorts dat indien so 'n beampte hom te eniger tyd na die verstryking van bedoelde tydperk vir diens aanmeld, hy onderworpe aan die goedkeuring, in die geval van 'n staatsondersteunde opleidingsentrum, van die Administrateur-generaal, of, in die geval van 'n opleidingsentrum, van die Minister, na gelang van die geval, in sy vorige of 'n ander pos of betrekking in die diens van die Departement of die betrokke bestuursliggaam, na gelang van die geval, herstel kan word op die voorwaardes wat die Administrateur-generaal of die Minister, na gelang van

other manner as the Treasury may think fit, and be paid into that Account.

Discharge of officers

21. (1) Any officer may be discharged, in the case of a training centre, by the Minister, or, in the case of a state-aided training centre, by the governing body, as the case may be —

- (a) on account of continued ill-health;
- (b) owing to the abolition of his post or any reduction in or reorganization or readjustment of the staff of a training centre or state-aided training centre;
- (c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the training centre or state-aided training centre at which he is employed;
- (d) on account of misconduct;
- (e) on account of unfitness for his duties, or incapacity to carry them out efficiently;
- (f) if, in the case of an officer appointed on probation, his appointment is not confirmed; and
- (g) in the case of a female officer, on account of her marriage.

(2) An officer, who absents himself from his official duties for a period exceeding one month without the permission, in the case of a training centre, of the Secretary or any other person competent to grant leave of absence, or, in the case of a state-aided training centre, of the governing body, as the case may be, shall be deemed to have been discharged from his employment on account of misconduct with effect from the date immediately succeeding the last day on which he was in attendance at his place of duty : Provided that if such officer assumes other employment he shall be deemed to have been discharged as aforesaid notwithstanding the said period has not yet expired : Provided further that if such officer reports for duty at any time after the expiry of the said period, he may, subject to the approval, in the case of a state-aided training centre, of the Administrator-General, or, in the case of a training centre, of the Minister, as the case may be, be reinstated in his former or any other post or appointment in the service of the Department or the governing body in question, as the case may be, on such conditions as the Administrator-General, or the Minister, as the case may be, may determine, and in that event the period of his absence from his official duties shall be deemed to be

die geval, bepaal, en in so 'n geval word die tydperk van sy afwesigheid van sy amspeligte geag afwesigheid met vakansieverlof sonder betaling, of verlof op die ander voorwaardes wat die Administrateur-generaal of die Minister, na gelang van die geval, bepaal, te wees.

Toepassing van artikels 9, 10, 11 en 12 op beampies by staatsondersteunde opleidingsentrum

22. Die bepalings van artikels 9 tot en met 12 is *mutatis mutandis* van toepassing met betrekking tot 'n beampte in diens by 'n staatsondersteunde opleidingsentrum : Met dien verstande dat die bevoegdhede wat kragtens gemelde bepalings by die Minister en die Sekretaris berus, by sodanige toepassing onderskeidelik by die Administrateur-generaal en die betrokke bestuursliggaam berus en wat, in die geval van die bestuursliggaam, so 'n bevoegdheid deur middel van sy voorsitter uitoefen : Met dien verstande voorts dat die verwysing in artikel 9(b) na 'n daad wat nadelig is, en in artikel 9(q) na die afle van 'n verklaring met die oog op die veroorsaking van nadeel of skade, by sodanige toepassing geag word 'n verwysing te wees na 'n daad wat nadelig is of, na gelang van die geval, die aflegging van 'n verklaring wat nadeel of skade kan veroorsaak, slegs vir of aan die betrokke bestuursliggaam of sentrum.

Inspeksies

23. Die Sekretaris of iemand deur hom daartoe gemagtig, kan te eniger tyd 'n opleidingsentrum of staatsondersteunde opleidingsentrum inspekteer met betrekking tot enige aangeleenthed betreffende —

- (a) die administrasie en tug;
- (b) die toelating van geestelik vertraagde kinders en die opleiding wat verskaf word;
- (c) die behoefte aan personeel;
- (d) die uitrusting, voorrade en finansies,

en in die algemeen, met betrekking tot die ander aangeleenthede wat die Sekretaris nodig of dienstig ag.

Opleidingsprogramme

24. (1) Die Administrateur-generaal kan 'n opleidingsprogram vir die opleiding van geestelik vertraagde kinders by 'n opleidingsentrum of staatsondersteunde opleidingsentrum instel of afskaf.

- (2) (a) Die Administrateur-generaal bepaal die voorwaardes betreffende toelating tot 'n opleidingsprogram bedoel in subartikel (1), en die toets, by wyse van inspeksie of andersins, van die doelmanigheid van die opleiding wat volgens so 'n program verskaf word.

absence on leave without pay, or leave on such other conditions as the Administrator-General or the Minister, as the case may be, may determine.

Application of sections 9, 10, 11 and 12 to officers at state-aided training centres

22. The provisions of sections 9 to 12 inclusive shall apply *mutatis mutandis* to an officer employed at a state-aided training centre : Provided that the powers vested in the Minister and the Secretary under the said provisions shall in such application vest in the Administrator-General and the governing body in question, respectively, and such powers shall, in the case of the governing body, be exercised by it through its chairman : Provided further that the reference in section 9(b) to any act which is prejudicial, and in section 9(q) to the making of a statement with a view to causing prejudice or injury, shall in such application be deemed to be a reference to any act which is prejudicial, or, as the case may be, to the making of a statement which may cause prejudice or injury, only to the governing body or centre concerned.

Inspections

23. The Secretary or a person authorized thereto by him may at any time inspect a training centre or state-aided training centre in regard to any matter relating to —

- (a) the administration and discipline;
- (b) the admission of mentally retarded children and the training provided;
- (c) requirements as to staff;
- (d) equipment, stores and finances,

and generally in regard to such other matters as the Secretary may deem necessary or expedient.

Training programmes

24. (1) The Administrator-General may establish or disestablish a training programme for the training of mentally retarded children at a training centre or state-aided training centre.

- (2) (a) The Administrator-General shall determine the conditions relating to the admission to a training programme referred to in subsection (1), and the testing, by means of inspection or otherwise, of the efficacy of the training provided under such programme.

(b) Die voorwaardes bedoel in paragraaf (a) kan tot een of meer opleidingsprogramme beperk word, en die Administrateur-generaal kan verskillende voorwaardes vir verskillende opleidingsprogramme bepaal.

Toelating tot opleidingsentru ms en staatsondersteunde opleidingsentru ms, en intrekking daarvan

25. (1) Die Sekretaris bepaal van tyd tot tyd die voorwaardes van toelating van 'n geestelik vertraagde kind tot 'n opleidingsentrum of 'n staatsondersteunde opleidingsentrum, en verskillende voorwaardes kan aldus ten opsigte van verskillende sodanige sentrums bepaal word.

(2) Die Sekretaris kan die toelating van 'n geestelik vertraagde kind tot 'n opleidingsentrum of staatsondersteunde opleidingsentrum weier, of 'n toelating wat verleen is, intrek.

Bevoegdhede van Sekretaris met betrekking tot geestelik vertraagde kinders wat nie opleiding ondergaan nie

26. (1) Die Sekretaris kan 'n kind wat nie 'n opleidingsentrum, staatsondersteunde opleidingsentrum of 'n private opleidingsentrum wat ingevolge artikel 33 geregistreer is, bywoon nie en wat, na hy vermoed, 'n geestelik vertraagde kind is, laat ondersoek om te bepaal of hy 'n geestelik vertraagde kind is.

(2) Die Sekretaris kan die ouer van so 'n kind opdrag gee om die kind vir die doeleindes van so 'n ondersoek na 'n bepaalde plek te bring.

(3) Indien die Sekretaris na so 'n ondersoek bevind dat die kind 'n geestelik vertraagde kind is, stel hy die ouer in kennis —

(a) dat hy bevind dat die kind 'n geestelik vertraagde kind is en opleiding behoort te ontvang;

(b) dat die ouer binne dertig dae vanaf die datum van die kennisgewing teen die bevinding na die Administrateur-generaal kan appelleer, en dat die beslissing van die Administrateur-generaal by die appèl afdoende is.

(4) Die Sekretaris kan, tensy sy bevinding in subartikel (3) vermeld op appèl ter syde gestel is, of die betrokke ouer binne die tydperk wat die Sekretaris bepaal het, die stappe gedoen het wat die Sekretaris bepaal het om opleiding vir die betrokke kind te laat verskaf, na oorlegpleging met die ouer bepaal na watter opleidingsentrum of staatsondersteunde opleidingsentrum die kind gestuur moet word.

(5) Indien die Sekretaris 'n bepaling ingevolge subartikel (4) gedoen het, en die ouer versium om die kind na die betrokke opleidingsentrum of staatsondersteunde

(b) The conditions referred to in paragraph (a) may be limited to one or more training programmes, and the Administrator-General may determine different conditions for different training programmes.

Admission to training centres and state-aided training centres, and withdrawal thereof

25. (1) The conditions of admission of a mentally retarded child to a training centre or a state-aided training centre shall from time to time be determined by the Secretary, who may determine different conditions in respect of different centres.

(2) The Secretary may refuse the admission of a mentally retarded child to a training centre or state-aided training centre, or withdraw any admission which has been granted.

Powers of Secretary in relation to mentally retarded children who do not receive training

26. (1) The Secretary may cause a child who does not attend a training centre, a state-aided training centre or a private training centre registered in terms of section 33, and whom he suspects of being a mentally retarded child, to be examined in order to determine whether he is a mentally retarded child.

(2) The Secretary may instruct a parent of such child to bring the child for the purposes of such examination to a specified place.

(3) If the Secretary after such examination finds that the child is a mentally retarded child he shall notify the parent —

(a) that he has found that the child is a mentally retarded child and should receive training;

(b) that the parent may within thirty days of the date of the notification appeal to the Administrator-General against such finding, and the decision of the Administrator-General on such appeal is final.

(4) The Secretary may, unless his finding mentioned in subsection (3) is set aside on appeal or the parent concerned has, within the period determined by the Secretary, taken such steps as determined by the Secretary, to cause training to be provided to such child, determine, after consultation with the parent, to which training centre or state-aided training centre the child is to be sent.

(5) If the Secretary has made a determination in terms of subsection (4) and the parent fails to send the child to the training centre or state-aided training centre

opleidingsentrum te stuur binne die tydperk wat die Sekretaris bepaal, kan die Sekretaris die kind na die betrokke sentrum laat neem.

Vrywillige bywoning deur sekere kinders van opleidingsentrums of staatsondersteunde opleidingsentrums

27. (1) Die Sekretaris kan op versoek van 'n ouer of iemand anders in wie se sorg 'n kind is, goedkeur dat so 'n kind, indien hy na die oordeel van die Sekretaris 'n geestelik vertraagde kind is, vrywillig tot 'n opleidingsentrum of staatsondersteunde opleidingsentrum toegelaat word.

(2) Ondanks die bepalings van hierdie Proklamasie kan die Sekretaris op versoek van 'n ouer of iemand anders in wie se sorg 'n kind onder die ouderdom van ses jaar is, goedkeur dat die kind vrywillig tot 'n opleidingsentrum of staatsondersteunde opleidingsentrum toegelaat word, indien so 'n toelating na die oordeel van die Sekretaris geregtig is.

Vrystelling van bywoning en ontslag van sekere kinders deur Sekretaris

28. Indien die Sekretaris van oordeel is dat dit nie meer noodsaaklik of wenslik is dat 'n kind bedoel in artikel 26 of 27 wat 'n opleidingsentrum of staatsondersteunde opleidingsentrum bywoon, langer sodanige sentrum bywoon nie, kan hy daardie kind van bywoning van die betrokke sentrum vrystel, of uit die betrokke sentrum ontslaan.

Bevoegdhede van kinderhof en Sekretaris ten opsigte van sekere kinders

29. (1) 'n Kinderhof kan in die geval van 'n kind ten opsigte waarvan hy 'n bevel ingevolge artikel 31(1) van die Kinderwet, 1960 (Wet 33 van 1960), uitgereik het, gelas dat die geval na die Sekretaris verwys word om te bepaal of die kind 'n geestelik vertraagde kind is.

(2) Indien die Sekretaris bepaal dat die kind 'n geestelik vertraagde kind is, kan hy gelas dat die kind in 'n opleidingsentrum of staatsondersteunde opleidingsentrum opgeneem word vir die tydperke waarin opleiding daarin verskaf word.

Bywoning van opleidingsentrums of staatsondersteunde opleidingsentrums deur persone ouer as 18 jaar

30. Ondanks andersluidende bepalings van hierdie Proklamasie, mag 'n Kleurling, Baster of Nama wat na die oordeel van die Sekretaris 'n geestelik vertraagde persoon is, 'n opleidingsentrum of staatsondersteunde opleidingsentrum bywoon nadat hy die ouderdom van agtien jaar bereik het : Met dien verstande dat niemand sonder die goedkeuring van die Sekretaris sodanige sentrum mag bywoon na die einde van die kalenderjaar

in question within a period fixed by the Secretary, the Secretary may cause the child to be taken to such centre.

Voluntary attendance of training centres or state-aided training centres by certain children

27. (1) The Secretary may at the request of a parent or any other person in whose care the child is, approve of a child who, in his opinion, is a mentally retarded child, being admitted voluntarily to a training centre or state-aided training centre.

(2) Notwithstanding the provisions of this Proclamation, the Secretary may, at the request of a parent or any other person in whose care a child under the age of six years is, approve of the voluntary admission of such child to a training centre or state-aided training centre, if it is justified in his opinion.

Exemption from attendance and discharge of certain children by Secretary

28. If the Secretary is of the opinion that it is no longer necessary or desirable for a child referred to in section 26 or 27 who attends a training centre or state-aided training centre, further to attend such centre, he may exempt that child from attending the centre in question, or discharge such child from that centre.

Powers of children's court and Secretary in respect of certain children

29. (1) A children's court may in the case of a child in respect of whom it has made an order in terms of section 31(1) of the Children's Act, 1960 (Act 33 of 1960), order that the case be referred to the Secretary to determine whether the child is a mentally retarded child.

(2) If the Secretary determines that the child is a mentally retarded child he may direct that the child is admitted to a training centre or state-aided training centre for the periods during which training is provided thereat.

Attendance of training centres or state-aided training centres by persons over the age of 18 years

30. Notwithstanding anything to the contrary in this Proclamation contained, a Coloured, Baster or Nama who in the opinion of the Secretary is a mentally retarded person, may attend a training centre or state-aided training centre after having attained the age of eighteen years : Provided that no person shall without the approval of the Secretary attend such centre after the end

waarin hy die ouderdom van een-en-twintig jaar bereik het nie.

Oorplasing van een sentrum na 'n ander

31. Die Sekretaris kan na oorlegpleging met die betrokke ouer, 'n kind wat 'n opleidingsentrum of staatsondersteunde opleidingsentrum bywoon na 'n ander opleidingsentrum of staatsondersteunde opleidingsentrum oorplaas.

Ongevallewet, 1941, nie van toepassing op kinders wat opleiding ondergaan nie

32. Geen geestelik vertraagde kind aan 'n opleidingsentrum of 'n staatsondersteunde opleidingsentrum word by die toepassing van die bepalings van die Ongevallewet, 1941 (Wet 30 van 1941), geag 'n werksman of ander persoon wat op betaling van skadeloosstelling of 'n ander geldelike voordeel uit hoofde daarvan geregtig is, te wees nie.

Registrasie en inspeksie van private opleidingsentrums, en intrekking van registrasie

33. (1) Niemand mag, by 'n ander sentrum as 'n opleidingsentrum of 'n staatsondersteunde opleidingsentrum, opleiding aan geestelik vertraagde kinders verskaf nie tensy so 'n sentrum deur die Departement as 'n private opleidingsentrum geregistreer is.

(2) Die registrasie van 'n private opleidingsentrum geskied na goeddunke van die Administrateur-generaal en onderworpe aan die voorwaardes wat die Administrateur-generaal van tyd tot tyd bepaal : Met dien verstande dat by die bepaling van voorwaardes met betrekking tot bybelonderrig by so 'n sentrum, die geloofsoortuiging van die ouers en die kinders in aanmerking geneem moet word.

(3) Die Sekretaris kan te eniger tyd 'n geregistreerde private opleidingsentrum laat inspekteer deur iemand deur hom daartoe gemagtig.

(4) Die Administrateur-generaal kan te eniger tyd, indien, na dit hom voorkom die voorwaardes waarop 'n private opleidingsentrum geregistreer is, nie nagekom word nie, die registrasie van daardie sentrum intrek vanaf 'n datum deur hom bepaal.

Finansiële en ander hulp aan sekere geestelik vertraagde kinders

34. Die Administrateur-generaal kan uit geld wat hy vir die doel bewillig het, en op die grondslag en onderworpe aan die voorwaardes wat hy bepaal, finansiële of ander materiële hulp of finansiële sowel as materiële hulp verleen aan 'n geestelik vertraagde kind aan 'n opleidingsentrum, staatsondersteunde opleidingsentrum of private opleidingsentrum.

of the calender year in which he attains the age of twenty-one years.

Transfer from one centre to another

31. The Secretary may, after consultation with the parent concerned, transfer a child attending a training centre or state-aided training centre to any other training centre or state-aided training centre.

Non-application of Workmen's Compensation Act, 1941, to children receiving training

32. No mentally retarded child at a training centre or state-aided training centre shall, for the purposes of the provisions of the Workmen's Compensation Act, 1941 (Act 30 of 1941), be deemed to be a workman or other person entitled to payment of compensation or any other financial benefit thereunder.

Registration and inspection of private training centres, and cancellation of registration

3. (1) No person shall provide training to mentally retarded children at a centre other than a training centre or a state-aided training centre, unless such centre has been registered by the Department as a private training centre.

(2) The registration of a private training centre shall be in the discretion of the Administrator-General and subject to the conditions as the Administrator-General may from time to time determine : Provided that in imposing conditions relating to religious instruction at such a centre, the religious convictions of the parents and the children shall be taken into consideration.

(3) The Secretary may at any time cause a private training centre to be inspected by a person authorized thereto by him.

(4) If at any time it appears to the Administrator-General that the conditions subject to which a private training centre was registered are not being complied with, the Administrator-General may withdraw the registration of that centre from a date determined by him.

Financial and other assistance to certain mentally retarded children

34. The Administrator-General may out of moneys appropriated by him for the purpose and on such basis and subject to such conditions as he may determine, grant financial or other material assistance or both financial and other material assistance to a mentally retarded child at a training centre, state-aided training centre or private training centre.

Delegering van bevoegdhede van Administrateur-generaal en Minister

35. (1) Die bepalings van artikel 4 van die Proklamasie op die Oordrag van Uitvoerende Gesag (Algemene Bepalings), 1977 (Proklamasie AG. 7 van 1977), is *mutatis mutandis* van toepassing met betrekking tot die bevoegdhede wat kragtens hierdie Proklamasie aan die Administrateur-generaal verleen word.

- (2) (a) Die Minister kan 'n bevoegdheid wat kragtens hierdie Proklamasie aan hom verleen word, behalwe 'n bevoegdheid om regulasies uit te vaardig, aan die Sekretaris of 'n beampete in die Departement deleger.
- (b) Die Minister word nie ontdoen van 'n bevoegdheid wat hy deleer het nie, en kan 'n beslissing deur die Sekretaris of daardie beampete by die uitoefening van daardie bevoegdheid gegee, wysig of intrek.

Strafbepalings

36. (1) Iemand wat —

- (a) opleiding aan geestelik vertraagde kinders verskaf anders as by 'n opleidingsentrum, 'n staatsondersteunde opleidingsentrum, of 'n private opleidingsentrum geregistreer ingevolge artikel 33;
- (b) 'n persoon wat 'n private opleidingsentrum geregistreer ingevolge artikel 33, inspekteer, by die uitvoering van sy pligte belemmer of hinder,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

(2) Iemand wat 'n kind bedoel in artikel 26 of 27 wat nie ingevolge hierdie Proklamasie van bywoning van die betrokke opleidingsentrum of staatsondersteunde opleidingsentrum vrygestel of daaruit ontslaan is nie, uit so 'n sentrum verwyder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Regulasies

37. (1) Die Administrateur-generaal of, vir sover dit betrekking het op beampetes of werknemers in diens van die Departement of 'n opleidingsentrum, die Minister, kan regulasies uitvaardig betreffende —

- (a) die oprigting, instandhouding, bestuur, beheer, en intrekking van die instelling, van opleidingsentrum;

Delegation of powers of Administrator-General and Minister

35. (1) The provisions of section 4 of the Executive Powers (General Provisions) Transfer Proclamation, 1977 (Proclamation AG. 7 of 1977), shall apply *mutatis mutandis* in relation to the powers conferred upon the Administrator-General under this Proclamation.

- (2) (a) The Minister may delegate to the Secretary or any officer in the Department a power other than a power to make regulations, which is conferred upon him under this Proclamation.
- (b) The Minister shall not be deprived of a power delegated by him, and may alter or withdraw any decision given by the Secretary or that officer in the exercise of that power.

Penal provisions

36. (1) Any person who —

- (a) provides training to mentally retarded children otherwise than at a training centre, a state-aided training centre, or a private training centre registered in terms of section 33;
- (b) obstructs or hinders a person who inspects a private training centre registered in terms of section 33, in the execution of his duties,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months.

(2) Any person who removes from a training centre or state-aided training centre in question a child referred to in section 26 or 27 who has not in terms of this Proclamation been exempted from attending or been discharged from such centre, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months.

Regulations

37. (1) The Administrator-General or, in so far as it relates to officers and employees employed by the Department or a training centre, the Minister, may make regulations relating to —

- (a) the erection, maintenance, management, control, and disestablishment of training centres;

- (b) die werkzaamhede, bevoegdhede en pligte van bestuursliggame;
- (c) die aanstelling, oorplasing, ontslag, tug, gedrag, bevoegdhede, pligte, verlofvoordele en ander diensvooraardes (met inbegrip van voorwaardes betreffende die bewoning van amptelike kwartiere) van beampies en werknemers;
- (d) die beheer en tug van geestelik vertraagde kinders terwyl hulle opleiding ondergaan aan opleidingsentrum, staatsondersteunde opleidingsentrum en private opleidingsentrum;
- (e) die omstandighede waaronder geneeskundige ondersoeke by die toepassing van 'n bepaling van hierdie Proklamasie vereis word;
- (f) behoudens die bepalings van subartikel (3), die medium van onderrig en opleiding en bybelonderrig by opleidingsentrum, staatsondersteunde opleidingsentrum en private opleidingsentrum;
- (g) enige aangeleenthed wat kragtens hierdie Proklamasie voorgeskryf kan of moet word;
- (h) in die algemeen, alle aangeleenthede ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Proklamasie te verwesenlik.

(2) Verskillende regulasies kan ingevolge subartikel (1) ten opsigte van opleidingsentrum, staatsondersteunde opleidingsentrum en private opleidingsentrum uitgevaardig word.

(3) Die regulasies kragtens paragraaf (f) van subartikel (1) ontnem nie 'n ouer die reg om finaal te besluit oor die medium van onderrig van 'n kind van so 'n ouer waar daar twyfel oor die huistaal van so 'n kind bestaan nie.

(4) Die regulasies kan voorsiening maak vir strawwe ten aansien van 'n oortreding daarvan of versuim om daarvan te voldoen, wat 'n boete van vyftig rand of gevengenisstraf vir 'n tydperk van drie maande nie te boewe gaan nie.

Kort titel en inwerkingtreding

38. (1) Hierdie Proklamasie heet die Proklamasie op Opleiding vir Geestelik Vertraagde Kleurling-, Baster- en Namakinders, 1978, en tree in werking op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.

- (b) the functions, powers and duties of governing bodies;
- (c) the appointment, transfer, discharge, discipline, conduct, powers, duties, leave privileges and other conditions of service (including conditions relating to the occupation of official quarters) of officers and employees;
- (d) the control and discipline of mentally retarded children receiving training at training centres, state-aided training centres and private training centres;
- (e) the circumstances in which medical examinations are required for the purposes of any provision of this Proclamation;
- (f) subject to the provisions of subsection (3), the medium of instruction and training and religious instruction at training centres, state-aided training centres and private training centres;
- (g) any matter which under this Proclamation is required or permitted to be prescribed;
- (h) generally, all matters in respect of which he considers it necessary or expedient to make regulations in order that the objects of this Proclamation may be achieved.

(2) Different regulations may under subsection (1) be made in respect of training centres, state-aided training centres and private training centres.

(3) The regulations under paragraph (f) of subsection (1) shall not deprive any parent of the right of final decision regarding the medium of instruction of a child of such parent where any doubt exists as to the home language of such child.

(4) The regulations may provide for penalties in respect of any contravention thereof or failure to comply therewith, not exceeding a fine of fifty rand or imprisonment for a period not exceeding three months.

Short title and commencement

38. (1) This Proclamation shall be called the Mentally Retarded Coloured, Baster and Nama Children's Training Proclamation, 1978, and shall come into operation on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette*.

(2) Verskillende datums kan aldus bepaal word ten opsigte van verskillende bepalings van hierdie Proklamasie.

(2) Different dates may be so fixed in respect of different provisions of this Proclamation.